



Judicial Greffe & Viscount's Department

2009

Jersey Court Service Annual Report



*Our Purpose:
Supporting the delivery of justice*



INVESTOR IN PEOPLE

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FOREWORD

This is the seventh Annual Report for the Judicial Greffe and the Viscount's Department to be produced in combination and is for the year 2009. It records the level of core operational and administrative activity within the Departments and also comments upon Strategic, Management, Human Resources, Information Systems and associated issues. This Report also reviews matters of Performance Management, a tool which is being enhanced across the Departments' activities.

PURPOSE & ORIGIN OF THE DEPARTMENTS

Judicial Greffe

The Judicial Greffe is a Department of the Judiciary responsible for the provision of secretarial, administrative and interlocutory support to the Island's Courts and Tribunals. Associated services are provided to the legal profession and the general public. The Department in its present form was established in 1931 by the "Loi (1931) constituant Le Département du Greffe Judiciaire".

Viscount's Department

The Viscount's Department is the executive arm of the Island's Courts and of the States. The Department is therefore principally required to execute orders of the Courts. In addition, the Department fulfils the duties of Coroner, administers *Désastre* and similar proceedings (insolvency administration and investigation), serves legal process and enforces fines and judgment debts (court enforcement duties). The Department in its present form was established in 1930 by the "Loi (1930) constituant Le Département du Vicomte". The Department principally functions through two operational sections (the Enforcement and *Désastre* Sections), administrative support being provided by the Corporate Services and Accounts Sections. Within the Enforcement Section a rotating shift system is worked covering the hours 7.00 am to 7.30 pm: this shift system is supplemented by a Duty Officer service which provides cover 24 hours per day, 365 days per year.

In this Report, the Judicial Greffe and Viscount's Department are described collectively as the Court Service.

ORGANISATION OF THE COURT SERVICE

The organisation of the Court Service (comprising 48.04 FTE in the Judicial Greffe and 23.85 FTE in the Viscount's Department), as at 31 December 2009, is as shown in the organisation charts at Appendix A. The increase in FTE has been due to the transfer of the post of Registrar of Appeals and Tribunals, which was previously housed at Social Security.

MANAGERIAL STRUCTURE OF THE COURT SERVICE

Judicial Greffe Corporate Board

Mr M Wilkins	Judicial Greffier
Advocate P Matthews	Deputy Judicial Greffier
Mr J Lambert	Director of Services
Mr D Le Heuzé	Magistrate's Court Greffier
Mrs S Auckland	Corporate & Judicial Resources Manager

Judicial Greffe

As at 31 December 2009, the Judicial Greffe's Management Team comprised the following:

Mr M Wilkins	Judicial Greffier
Advocate P Matthews	Deputy Judicial Greffier
Advocate V Obbard	Registrar, Family Division
Mr J Lambert	Director of Services

Mr D Le Heuzé	Magistrate's Court Greffier
Mrs S Auckland	Corporate and Judicial Resources Manager
Mrs C Coleman	Assistant Judicial Greffier (Appellate Section)
Mr C Thérin	Assistant Judicial Greffier (Royal Court)
Mr A Le Bihan	Registrar of Deeds
Miss M Laurent	Registrar of Probate

Viscount's Department

As at 31 December, 2009, the Viscount's Department Corporate Board and Management Team comprised the following:

Mr M Wilkins	Viscount
Mr P de Gruchy	Deputy Viscount
Mr J Lambert	Director of Services
Mr N Truscott	Principal Enforcement Officer
Mrs L Allo	Principal Administrator, Désastre Section
Mrs C Le Sueur	Finance Manager
Mrs L Cave	Corporate Services Officer

SERVICES PROVIDED

The 82 functions fulfilled by the Court Service

Judicial Greffe (48 services)

Samedi Section

- Managing actions pending before the Royal Court
- Taxing of Costs
- Administering the Legal Aid Disbursements Fund
- Processing appeals from the Magistrate's, Youth and Petty Debts Courts
- Registering Doctors and other professional persons
- Registering Deeds Poll
- Registering Foreign Judgments
- Registering Foreign Maintenance Orders
- Conducting *Dégrèvements* (Discumbersments of Immovable Property)
- Managing the Electoral College List
- Acting as Postal and Pre-Poll Voting Officer at Public Elections
- Acting as *Greffier Arbitre* (Official Assessor or Arbitrator)
- Drafting Rules of Court
- Holding and investing monies paid into Court
- Processing Liquor Licences (issued by the Licensing Assembly)
- Processing Gambling Licences (issued by the Gambling Licensing Authority)
- Preparing Petitions of the Superior Number of the Royal Court to Her Majesty in Council

Public Registry

- Maintaining the Public Registry of Contracts
- Providing certified extracts from the books of the Public Registry
- Registering and lodging of Wills of Immovable (Real) Property
- Registering Immovable (Real) Property and associated Contracts (*Contrats*)
- Registering and cancelling Judicial Hypothecs (*Reconnaissances*)
- Registering Powers of Attorney

Probate Section

- Granting Probate and Letters of Administration
- Overseeing the Curatorship system

Family Section

- Filing petitions and administration of applications for divorce
- Pronouncing decrees of divorce
- Hearing applications for the care of children, maintenance, transfer of property and lump sums in matrimonial cases
- Hearing applications for maintenance and care of children in other family cases
- Preparing applications and administration of adoption hearings

Interlocutory Services

- Hearing Summonses and making orders in interlocutory (civil) matters
- Making Orders for service of legal process out of the jurisdiction and for substituted service

Appellate Section

- Processing cases on appeal to the Court of Appeal
- Recording and indexing appeals to the Privy Council
- Transcribing Judgments
- Recording and transcribing evidence
- Maintaining the Unreported Judgments Series
- Forwarding Judgments to the Editor of the Jersey Law Reports
- Registration and indexing of Orders in Council
- Acting as Secretary to the Prison Board of Visitors

Magistrate's, Youth and Petty Debts Courts

- Providing for the operation of the Magistrate's, Youth and Petty Debts Courts

Intellectual Property Registry

- Maintaining the Trade Marks, Patents and Designs Registries

Other Services

The following additional services were provided by the Department:

- Attending sittings of all Courts and Tribunals as Clerk
- Issuing and enrolling Acts of the Court
- Advising on procedural law
- Promoting law reform in the context of the Department's service areas
- Receiving evidence in Chambers for Jersey and foreign Courts
- Acting as *Autorisé* at public elections

Viscount's Department (34 services)

Court Enforcement Functions

- Collect and enforce fines
- Receipt and payment of Bail moneys
- Arrest and presentation for non-appearance in Court (FTAs)
- Service of legal process
- Collect (and pay) costs and compensation
- Execute and enforce civil Judgments
- Carry out evictions
- Enforce maintenance orders, collecting and paying 'Alimony'
- Enforce Criminal Seizure and Confiscation Orders

Assize Jury Functions

- Prepare the *Tableau Général* (Jury List), and maintain and operate the computerised jury selection system
- Grant exemptions from jury service
- Grant financial assistance to jury members suffering financial hardship as a result of Assize jury service
- Act as jury *surveillant* (custodian)

Coroner's Functions

- Conduct inquests
- Deal with all ancillary matters relating to sudden or unexpected death

Insolvency Functions

- Administer *en Désastre* proceedings

Other Services

- Act as *Autorisé* (Returning Officer) at Public Elections
- Administer oaths
- Administer the Collective Investment Funds Compensation Scheme
- Administer the estates of deceased persons
- Attend sittings of the Courts
- Attend sittings of the States
- Bear the Royal Mace of the Bailiff of Jersey
- Conduct *Vues de Vicomte*
- Convene sittings of the Royal Court and other bodies
- Grant exemptions from payment of Judicial Fees
- Act as Curator for impecunious Interdicts
- Act as *Tuteur* of last resort
- Act as trustee for Criminal Injuries Compensation Awards to Minors
- Promoting law reform in the context of the Department's service areas
- Deal with net proceeds of sale of properties sold by the Housing Committee after defaults on States Loans
- Perform various ceremonial duties
- Receive evidence in Chambers for Jersey Courts
- Act as Usher for children giving evidence via CCTV

OPERATIONAL & ADMINISTRATIVE ACTIVITY, 2009

(See Statistical Digest at Appendix C & Appendix D for fuller statistical information)

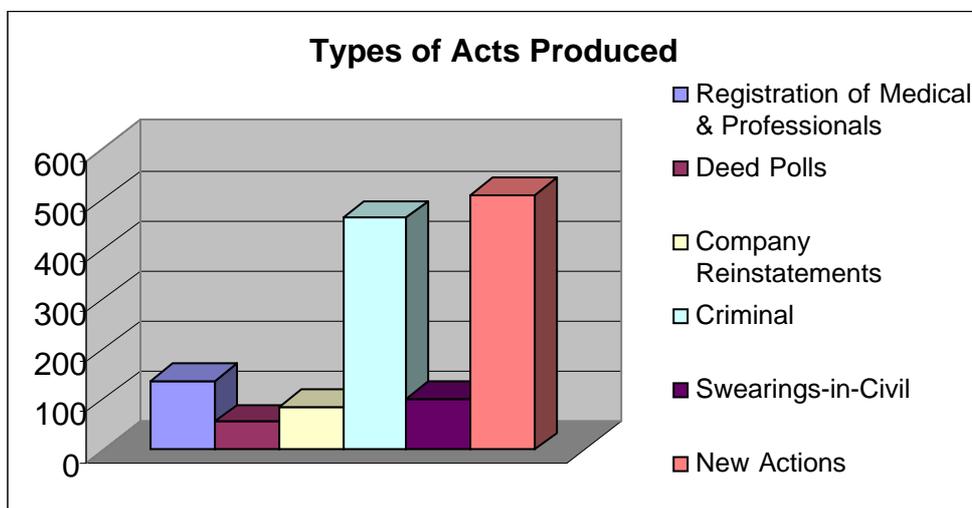
Judicial Greffe

Samedi Section

The Samedi Section is responsible for providing a full support service to the Royal Court and other Tribunals, including: attending sittings as Clerk, issuing and enrolling Acts of the Court and providing advice on Court procedure. Other responsibilities undertaken include: taxing of costs; considering applications for disbursements in support of legally aided litigants; registering and indexing Orders in Council; and supporting the Gambling and Licensing Assemblies.

Acts Produced

The section produced 2,147 Acts in 2009 (2,027 in 2008) of which 138 related to the registration of medical and associated professionals, 58 related to deeds poll, 87 to company reinstatements, 103 to Swearings in, 46 to inquests, 92 to managers of liquor licences, 465 to criminal or evidence matters and 1,158 to other civil matters. Of the 1,708 Acts which were issued pursuant to an order of a judge of the Royal Court, 98.2% were within service pledge and of the 439 acts which were dealt with by a Greffier Substitute, 98.9% were within service pledge. There were 509 new actions brought before the Court and 31 Orders in Council were registered. The Licensing Assembly sat 8 times, and heard 89 applications. 76 licences were granted, 9 withdrawn and 2 were refused. There were 12 Assize trials in 2009 sitting for duration of between 2 and 20 days. Finally, 23 public elections were ordered in respect of Senators, Deputies, Constables, Centeniers and Procureurs du Bien Public.



Taxation of Costs

In 2009, 68 bills of costs were submitted for taxation by the Judicial Greffe (35 civil and 33 criminal). All of these bills were dealt with by the Assistant Judicial Greffier (Royal Court) as Taxing Officer.

Legal Aid Vote

In 2009, there were 175 new applications for the payment of disbursements from the Legal Aid Vote (137 civil and 38 criminal).

Prison Board of Visitors

This service reverted to the Appellate Section (page 10).

Public Registry

The Public Registry is responsible for the management and protection of all land deeds and associated documents enrolled for the purpose of evidencing title to, or charges against, land.

Breakdown of Public Registry – Stamp Duty Received

	2006 (£)	2007 (£)	2008 (£)	2009 (£)
Contracts & Wills	16,911,000	21,877,000	16,823,000	15,800,000
Judicial Hypothecs	3,878,000	5,059,000	4,463,000	2,487,000
Total	20,789,000	26,936,000	21,286,000	18,287,000

Value of property transactions registered

The value of property transactions registered in the Public Registry during 2009 amounted to some £735 million, compared with £782 million in 2008 and £1,005 million in 2007. However, these figures do not include the value of properties which were transferred by Deeds of Gift or bequeathed in Wills of Immovable Estate, for which stamp duty was also received.

Number of documents registered and searches made in the Public Registry

In 2009, there were 4,736 (compared with 5,285 in 2008) documents registered in relation to Contracts, Wills and Judicial Hypothecs. Using the Public Registry computerised database (*Public Registry Online*), 159,269 searches were conducted (183,213 in 2008), and 1,503,587 images were downloaded (compared with 1,604,388 in 2008).

Public Registry Online

The new Public Registry computerised database, *Public Registry Online* (launched in December 2006), which became available for general use in 2007, continued to provide full access to Public Registry documents over the Internet at all times. Total downtime for the system during the year amounted to less than 12 hours, or an availability rate 99.86% (99.92% in 2008).

Family Section

The Family Section is responsible for providing a comprehensive service to the Royal Court for Family proceedings. These include causes for the termination of marriage (including nullity), judicial separation cases, ancillary matters, and applications relating to children. In addition there are children cases where the parties are not married. The Family Division also deal with applications relating to the legitimacy of children, adoption proceedings and care orders. Reciprocal Enforcement cases are also dealt with by the Family Section, involving liaison with foreign Courts.

The Children (Jersey) Law 2002 and accompanying Rules came into force on 1 August 2005, as did Amendment 11 of the Matrimonial Causes (Jersey) Law 1949. The Matrimonial Causes Rules were re-written and came into force on 1 August 2005. The Child Custody (Jurisdiction) (Jersey) Law 2005 came into force on 1 January 2006, together with accompanying Rules.

<i>Breakdown of types of petition filed in 2009</i>	
1 year Separation (by consent)	104
2 year Separation	72
Judicial Separation/Nullity	5
Adultery	23
Desertion	0
Cruelty	0
Unreasonable behaviour	41
<i>Free standing children applications filed in 2009</i>	
CH cases	49
<i>Summonses heard and orders made in 2009</i>	
Preliminary directions hearing	241
Case review hearing	247
Summonses heard (half day or more)	91
Family/CH Acts issued	70
Adoptions (2 Orders per child)	7
Nisi Acts issued	221
Matrimonial Acts issued	833
Reciprocal Orders	9
Parental Responsibility Agreements	25

217 decrees absolute of divorce were granted in 2009 (281 in 2008). 245 petitions were filed in 2009 (256 in 2008).

Children Law Conference

The Family Division organised a successful joint Jersey and Guernsey Public Children Law training conference in October. The Bailiff opened the conference, and stated that public law proceedings are likely to have a profound effect on children and that therefore it is important that those representing them have the appropriate knowledge and experience.

Over 100 people attended the Conference. The main speaker was Pamela Scriven QC, who has sat as a Commissioner in Jersey and sits as a Deputy High Court Judge in the Family Division in England and Wales.



Pamela Scriven QC

Interlocutory Services

In 2009, 131 dates were fixed for summonses; 60 came before the Master, and 71 were vacated, adjourned or settled (there were 141 date fixes in 2008). In 2009, 44 summonses of half a day or less were heard (43 in 2008). No written judgments were delivered but written reasons were given for 13 decisions (compared with no judgments delivered and 9 written reasons for decisions in 2008). The number of Acts (including consent orders) produced in 2009 was 266, with 18 relating to service out of the jurisdiction or substituted service (there were 305 Acts for 2008, including consent orders, 13 related to service out the jurisdiction or substituted service). The number of case reports which were produced in 2009 was 8 (21 in 2008). In relation to Planning Appeals the Master decided in 10 cases whether appeals would be dealt with under the ordinary or modified procedure and adjudicated on 3 appeals 'on the papers'. 2 Appeals were withdrawn. The breakdown of types of summonses in relation to which hearings took place (measured in half days or part thereof) is shown in the table.

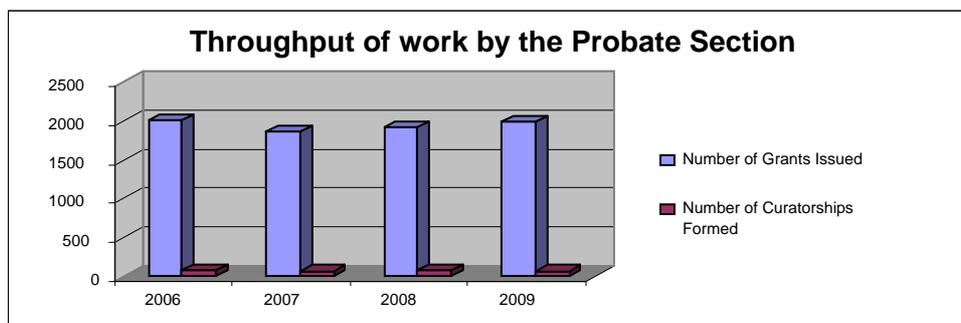
<i>Types of Summons heard in 2009</i>	
Striking out applications	3
Amendment of Pleadings	5
Directions	9
Further & Better Particulars	1
Summary Judgment	4
Assessment of Damages	1
Security for Costs	3
Extension of time	2
Stayed (other than for mediation)	2
Stayed for Mediation	5
Adjournment or Change Date	2
Additional parties	1
Preliminary Issue/Split Trial	1
Discontinuance	1
Vue de Vicomte	1
Unless Orders	3
Total	44

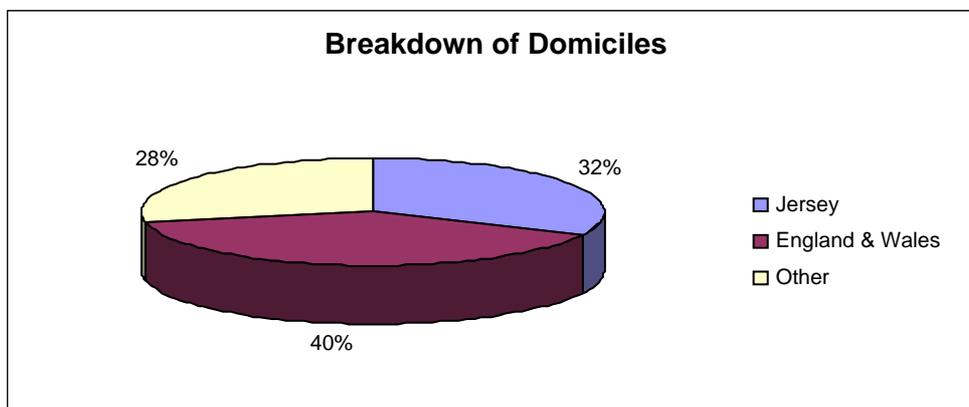


John Wheeler, Master of the Royal Court and Katherine Harries, Judicial Assistant

Probate Section

The Probate Section is responsible for examining, validating and granting the right to lawyers, trust corporations and members of the public to recover or receive any part of a Jersey estate. During 2009, applications for Grants of Probate and Letters of Administration involved persons who died domiciled both in Jersey and in 73 other jurisdictions worldwide. 1,986 Grants were made in the year (1,920 in 2008), representing a total estates value of £678,883,387. The Section is also responsible for overseeing the administration of Curatorships, 66 new Curatorships being formed in 2009.



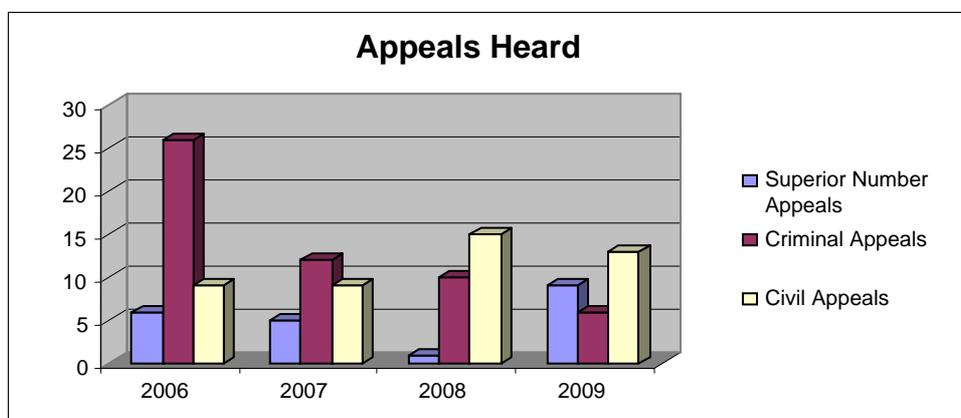


Appellate Section

The Appellate Section is responsible for all administrative arrangements for the Court of Appeal and the Court of Appeal Judges, including arranging the annual schedule for the Court and the rota of judges, filing of all appeals, and the preparation of all the paperwork for each sitting. The Assistant Judicial Greffier for the Court of Appeal acts as clerk to the judges, attends all the sittings as Greffier, drafts the Acts of Court, and provides procedural advice to members of the legal profession and litigants in person. In addition to the scheduled sittings, the Appellate Section is also responsible for any appeals to the Superior Number against sentences passed by the Inferior Number, and will arrange special sittings of the full Court when necessary. In 2009, the full Court sat a total of 9 times, and heard 13 civil appeals and 6 criminal appeals; a single judge sat on 3 occasions and the Superior Number sat twice in its Appellate role.

During 2009 Geoffrey Vos QC was appointed to the High Court of England and Wales and was therefore no longer eligible to sit as a judge of the Jersey Court of Appeal, and Peter Smith QC retired from the bench having sat as a Court of Appeal Judge in Jersey since October 1996.

In addition to the administration of the Court of Appeal, the Appellate Section is also responsible for the publishing of all unreported judgments on the Jersey Legal Information Board website and the verbatim transcribing of Court proceedings.



Prison Board of Visitors

The Appellate Section provides a secretarial service to the Prison Board of Visitors. The Judicial Assistant to the Court of Appeal acts as Secretary. There were 12 ordinary meetings of the Board at the Prison in 2009 and 4 meetings with the Home Affairs Minister.

Intellectual Property Registry

The Judicial Greffe is responsible for maintaining the Registers of Trade Marks, Patents and Designs. The Registry houses the three registers, and provides advice and associated services to industry specialists and members of the public. During 2009, 74 new trade marks were registered and 898 certificates were produced for updating registered marks. 23 patents were registered or updated and there was 1 update application for a design.

Magistrate's, Youth and Petty Debts Courts

Advocate Richard Falle continued his appointment as the Acting Magistrate, principally supported by Mrs Bridget Shaw, completing her first full year as Assistant Magistrate, and Advocate Peter Harris as Relief Magistrate.

During 2009, the Royal Court booked court space for June and July which was reflected in court usage of over 75% during these months. The first contested extradition case also took place, resulting in a great deal of court time. The links established with the City of Westminster Magistrate's Court proved invaluable as this court deals with UK linked extradition matters. The Magistrate's Court Greffe also prepared to change over to the DAISy Court Management System (Data Analysis and Information System).

The trend of decreasing cases within the Magistrate's Court stopped in 2009, with a large increase of 13% in the overall number of cases presented.

In relation to civil actions, the court has seen an increase in actions tabled of 7.4%. However, the value of cases tabled increased by 29.6% to £11,080,285 compared to £8,547,689 last year, reflecting the economic climate in 2009. The number of trials increased to 8 compared to 2008, but as the numbers are so low, this is not indicative of any particular trend.

Magistrate's Court

The Magistrate's Court dealt with a total of 1,992 non parking cases or an increase of 13% by comparison with 2008, with a corresponding increase of 9% in the number of individuals being presented before the Magistrate's Court. As can be seen from the table, this represents a significant increase in the number of cases presented compared to the last 3 years. There has been an increase in the number of cases committed to the Royal Court of just over 12% with a corresponding increase of 9% in the number of individuals being presented before the Magistrates.

<i>Magistrate's Court</i>				
	2006	2007	2008	2009
Non parking cases completed	1,782	1,714	1,767	1,992
Cases committed to Royal Court	218	212	185	208
Parking cases completed	1033	714	486	493
Total completed cases	3,033	2,640	2,438	2,693
Non parking persons	1,515	1,446	1,466	1,600
Persons committed to Royal Court	169	141	160	175
Parking persons	561	383	303	245
Total persons	2,245	1,970	1,929	2,020
Non parking arrest	352	320	289	264
Parking arrest	1,360	1,065	943	955
Total arrests	1,712	1,385	1,181	1,219
Total remands	2,529	2,754	2,755	2,509
Total volume of case work	7,274	6,779	6,374	6,421

Youth Court

In response to two published reports (Howard League for Penal Reform and the Williamson Report), the Acting Magistrate, with the agreement of the Judicial Strategy Group, invited District Judges David Simpson and Jeremy Coleman

<i>Youth Court</i>				
	2006	2007	2008	2009
Total cases	313	321	327	344
Total youths	205	215	218	219
Royal Court committals	6	12	13	28
Arrests	24	25	20	10
Remands	437	484	372	291

to review procedures and processes within the Youth Court. The Judges are the only specialist youth court judges in England and Wales, and as such, are uniquely placed to comment on best practice in youth courts. This review was completed in April 2009, with a comprehensive report and recommendations received in May 2009. The Youth Court welcomed the recommendations and took forward those that can be completed. In addition, the Acting Bâtonnier agreed to provide a dedicated Duty Advocate for the Youth Court with wider criteria for providing advice. The court itself initiated a review of cases prior to court sittings which enabled an informal review of all cases for the day. These approaches have produced an impressive 22% decrease in cases that have been remanded off. Overall the workload in the Youth Court has remained fairly static in comparison to last year, with a very slight rise in cases of just 5% of cases being completed but only a 0.5% increase in defendants. This is almost certainly down to a small group of youths committing a

disproportionate number of offences. What is a matter of concern is the increase in the number of necessary committals to the Royal Court.

Petty Debts Court

The Petty Debts Court is subdivided into 3 divisions: the Civil Claims Division, the Tenancy Division and the Family Division. In 2009 there was an increase of 7.4% in the number of actions tabled. The biggest change is the value of actions tabled, increasing from £8,547,689 to £11,080,285 or 29.6%, a dramatic rise compared to the last 3 years. There was a corresponding increase of 8.2% in the value of stamp duties being paid, with £108,665 being received compared to £100,394 last year. There were increases in the number of trials from 5 to 8 but, as this increase is statistically insignificant, no inference can be made. The Tenancy Division saw a decrease of 30% in cases, reducing from 30 to 29 actions. The Family Division saw 3 cases dealing with foreign and UK maintenance enforcement actions. Of the 151 contested cases sent direct to mediation, 92 were settled, 34 are pending, 9 were transferred or withdrawn and 16 were struck out. The mediation service offered by the court continues to be a success, although there is an increasing burden with additional mediation sessions being held to deal with the increased workload.

Petty Debts Court				
	2006	2007	2008	2009
Civil Claims				
Actions	7,808	8,258	7,802	8,406
Adjournments	2,722	2,584	2,207	2,816
New actions	5,086	5,674	5,595	5,590
Judgments	3,546	4,101	4,111	4,048
Contested cases				
Direct to mediation	56	119	151	151
Direct to pleadings	27	2	4	9
Mediation				
Settled	35	88	68	92
Pending	0	16	51	34
Withdrawn/transferred	8	7	12	9
Judgment/struck out	13	8	20	16
Trials	18	7	5	8
Tenancy	23	14	30	21
Family	5	4	0	3
Total Value (£)	8,677,598	8,578,799	8,547,689	11,080,285
Stamp Duty (£)	89,461	103,731	100,394	108,665



Magistrate's Court Ushers (left to right: Keith Cockayne, Andy Dingle, Terry Lakeman (Head Usher), Luigi Boletta)

Taxation of Costs

In 2009 the Magistrate's Court Greffe received 53 Bills of Costs (3 civil and 50 criminal) compared with 64 in 2008 (5 civil and 59 criminal).

Court Usage

The Magistrate's Court building is in constant daily use with a mixture of Adult Remand Courts, Youth Courts, criminal trials, civil trials and Petty Debts Courts all being catered for. The Magistrate's Court Greffe also provides a weekly mediation session for claims that fall within the Petty Debts Court jurisdiction and ad-hoc sessions for other mediation requirements. In addition, the Royal Court used the premises during 2009 on a number of occasions, dealing with both criminal and civil matters. The court utilisation factor (the ratio of the number of used court sessions compared with available sessions) was 46%, including mediation sessions, compared with 35% for 2008.

Receiving Evidence in Chambers

The volume of work in 2009 (4 hours) was significantly lower than in 2008 (47.5 hours). All of the hearings took place before the Deputy Judicial Greffier.

Public Elections

There were only two contested public elections in 2009: an election for Procureur du Bien Public in St Martin and an election for Centenier in St Lawrence.

Viscount's Department

Court Enforcement Functions

Collect and Enforce Fines

The rate of enforcement in this area continues to be high. The success rates of 99% by number, and 86% by value of fines for which time to pay was granted, reflect the close monitoring that is carried out, greatly enhanced by the computer processing system devised for this field of work. During the year, a total of 1,341 fines were imposed by the courts and a total of £417,586 was collected.

Receipt of Bail Moneys

There were 109 active bails as at 31 December 2009, the sum held totalling £209,174.

Arrest and Presentation for Non-appearance in Court (FTAs)

Arrest orders for 1,327 people who failed to appear in Court were issued in 2009.

Service of Legal Process

In 2009, 3,308 items of legal process were served, of which 2,115 related to criminal assizes.

Collect (and Pay) Costs and Compensation

The Courts awarded costs following prosecution in 113 cases during 2009, involving the sum of £28,623.

There were 154 orders for compensation imposed by the courts during the year involving the sum of £85,574.

Execute and Enforce Civil Judgments

The Department received 2,644 judgments for enforcement during 2009, collecting £1,706,815 on behalf of creditors.

Carry out Evictions

In 2009, 5 eviction orders were dealt with. As in previous years, this difficult and sensitive area of work was completed without incident or publicity.

Enforce Criminal Seizure and Confiscation Orders

There were 22 drug trafficking Confiscation Orders in 2009, involving £35,049. Proceeds of crime *saisies judiciaires* involved £1,769,850 in three cases. In addition, there was a single confiscation of £9,353,685. In March 2009, agencies with responsibility for the efficient and effective freezing, protection and confiscation of the proceeds of crime formed the Criminal Assets Management and Enforcement Regulators Association (CAMERA). Jersey was a founder member of CAMERA along with agencies from Australia, Canada, New Zealand and the United Kingdom.

Enforce Maintenance Orders, collecting and paying 'Alimony'

22 maintenance orders were under enforcement at the year end. Of these, 17 involved reciprocal enforcements for other jurisdictions.

Assize Jury Functions

The computerised jury selection system was called upon 20 times in 2009, although only 12 trials were completed, taking up 61 days. This entailed the warning of 1,839 jurors and 276 witnesses. The apparently disproportionate numbers signal a number of high profile trials, including one very exceptional case involving security and media issues.

Coroner's Functions

The Inquests and Post-Mortem Examinations (Jersey) Law 1995 continued to work effectively. Good liaison continued with the UK and other Coroners. The Department continued to be responsible for certain

organ transplant cases, authorising reburials, inter-jurisdictional transfer of bodies and certain cremation documentation.

Deputy Viscount's Input

These duties continued to be almost entirely borne by the Deputy Viscount, who acts as *de facto* Coroner, assisted by Relief Coroners Jurat Mrs Barbara Myles OBE and Dr Margaret Bayes. 21% of all deaths were reported to the Deputy Viscount. In what was another very busy year, there were 50 inquests; the Deputy Viscount conducted 40, Dr Bayes conducted 9 and the Viscount one. The categories of verdicts reached are shown in the statistical digest at Appendix D. In terms of time spent, most of the work relates to cases that do not reach inquest. A stand-by arrangement is in place with the Police and the General Hospital for the Coroner to be available outside of working hours to give directions in difficult cases, including organ transplant cases.

Suicide Study

The Deputy Viscount continued to co-operate with a "States of Jersey Suicide Prevention Strategy Study", an enquiry whereby external anthropological and psychiatric experts examined suicide cases in recent years using a national audit tool. This was extended for an additional year, still funded by a States of Jersey Research Fellowship channelled through the Wessex Medical Research charitable trust. Only anonymised data are returned to Jersey to guide the Public Health Department in putting suicide prevention measures into place. The incidence of suicide continued to rise in 2009, and the Deputy Viscount will continue to co-operate with the Medical Officer of Health in efforts to counter this sad trend.

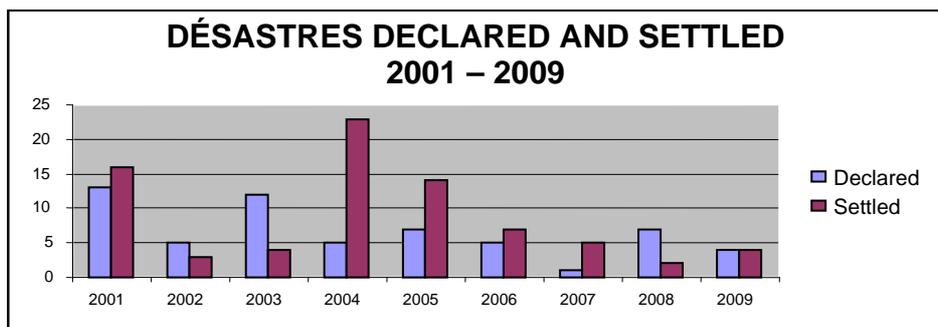
Archaeological Finds

After the Deputy Viscount identified a lacuna in the recording of finds of old human remains, which are most often bones from long-disused and unmarked burial grounds, an arrangement has been put into place with the Planning Department, the States' archaeologist and the police Forensic Services Manager for all such finds to be centrally recorded and cross-checked with known previous finds and other historical information, with a view to the protection of such sites as being of special archaeological significance.

Insolvency Functions

Cases Declared and Settled

There were 4 *désastres* declared in 2009, and 4 cases were brought to closure during the year. A caseload of 11 cases remained outstanding at the end of the year, of which 3 were declared prior to 2004 (all entailing legal complexities). Save in exceptional circumstances, the Section targets completion of *désastre* cases within 2 years of declaration.



Additionally, at the end of 2009, 9 personal cases were under review awaiting discharge applications.

Assets Realised

£52,768 (against liabilities of £314,461) were realised for creditors in the year. An average of 17 pence in the pound was recovered for the benefit of creditors in settled cases.

Discharges

During 2009, 4 discharges from personal bankruptcy were granted.

Désastre Checks

A total of 6,532 *désastre* checks (confirming whether declarations *en désastre* have in fact been made) were carried out during the year, compared with 6,849 in 2008. A charge continues to be levied for this service

(income generated in 2009 was £40,795 compared with £40,685 in 2008), other than where users access such information via the Department's website.

General Enquiries

During 2009, a total of 101 enquires were received from individuals, directors or creditors considering making an application for a declaration *en désastre* to the court. A total of 50.25 hours was recorded in dealing with these enquiries.

Delegation of Case-work

As in previous years, delegation of *désastre* case work to forensic accountants was maintained on a selective basis, and legal advice was obtained from local and London lawyers where necessary.

International Dimensions

The Royal Court rendered assistance to foreign courts in insolvency matters on a number of occasions during the year, principally pursuant to the enabling provision provided by Article 49 of the 1990 Law (in such circumstances the Désastre Section generally acts in the capacity of facilitator). Of particular note in this respect is the case of Woolworths plc in administration. An issue as to whether the proceeds of the sale of Jersey assets should be available to the administrators to remit to the UK for the benefit of secured creditors there, or should be available to unsecured creditors of the solvent Jersey based business, is still to be determined. The Royal Court requires that applications for assistance to foreign courts in insolvency matters should first be referred to the Department for consideration. Advice sought principally relates to the appropriateness of applying for such an order and its breadth.

In furtherance of the promotion and protection of the Island's external image as an international finance centre, committed to the provision of a first class insolvency service, fully conversant with cross-border issues and practice, during the year the Section's staff:

- Contributed to the work of the International Association of Insolvency Regulators (IAIR)
- Contributed to the work of INSOL Europe (formerly the European Insolvency Practitioners Association)

The text book "Jersey Insolvency and Asset Tracking", co-authored by Advocate Anthony Dessain and the Viscount, continued to be used by practitioners and the Royal Court as a reference source during the year. A Supplement published in August 2009 updates this work to 31 March, 2009.

Disclaimer

The first contract lease disclaimer was served under the provisions of Article 15 of the 1990 Law in respect of onerous property, as the lease in question could not be assigned or surrendered.

Other Functions

Administer the Collective Investment Funds Compensation Scheme

The Scheme not having been invoked up to the end of 2009, the Department has not yet been called upon to fulfill any functions under the relevant legislation, but remains at readiness to do so.

Attend Sitzings of the Court

Officers from the Department, principally the two Court Officers, serviced 365 of the Magistrate's Court sittings, 145 Royal Court and Court of Appeal sittings, and 68 of the Youth Court sittings during 2009.

Attend Sitzings of the States

The Viscount attended 8 sittings of the States during 2009, the Deputy Viscount attended 32 sittings, and the Principal Enforcement Officer attended 20.

Bear the Royal Mace of the Bailiff of Jersey

During 2009, in addition to the sittings of the States, the Bailiff's Mace was borne on various occasions, principally by the Deputy Viscount.

Convene Sitzings of the Royal Court and other Bodies

Convening Notices were issued on 20 occasions in 2009.

Act as Curator for Impecunious Interdicts

During the year, the Deputy Viscount was appointed Curator on one occasion. There were 37 cases under administration at the year end, a net decrease of 4 over the year. Steps continue to be taken, in liaison with the Law Officers' Department, to restrict the number of cases under administration and to provide for the long-term allocation of such cases. In this regard, the Principal Administrator, Désastre Section, continues to be a member of a working group deliberating on the prospect of creating an official Curatorship service.

Grant Exemptions from the Payment of Judicial Fees

160 exemptions from the payment of judicial fees were granted in 2009.

Act as Trustee for Criminal Injuries Compensation Awards to Minors

There were two new cases in 2009.

Conduct Vues de Vicomte (Boundary Demarcations)

There were no *Vues de Vicomte* in 2009.

Corporate Services

The Corporate Services Section provides specialist secretarial, administrative and IT Services for the entire Department.

In addition to document production, the Section provides, in particular, administrative support for assize juries, human resources and Coroner's functions.

All members of the Section continue to be capable of covering all duties and work is allocated to reflect individual workloads, with care being taken to ensure that skills are up to date. For the second year running, maternity leave was successfully covered by a temporary member of staff. Flexibility in working hours continued and remains under active review.

LAW REFORM

During the year, the Court Service made the following additional contributions to law reform:

<i>Title</i>	<i>Concerning</i>	<i>Input in 2009</i>
LAWS:		
Adoption (Jersey) Law 1961	Comment on amendment of existing Law	Ongoing
Court of Appeal (Jersey) Law 2009	Complete the formulation of new Law	Law came into effect on 3 August 2009
Employment (Jersey) Law 2003	Inclusion of statutory redundancy payments scheme	Ongoing
Foundations (Jersey) Law 2009	Introduce the concept of Foundations in Jersey	Came into force on 17 July 2009
Freedom of Information Law White Paper	Contribute to development	Ongoing
Gender Recognition (Jersey) Law 201-	Contribute to development	Ongoing
Income Tax (Amendment No 32) (Jersey) Law 2009	Outstanding GST and amounts due by an employer under the Income Tax Instalment System now rank as priority claims under Article 32 of the Bankruptcy (Désastre) (Jersey) Law 1990, as amended	Came into force on 4 December 2009
Inheritance (Legitimacy & Provision for Family & Dependents) (Jersey) Law 201-	Consultation to follow in due course	Ongoing

Inquests & Post-mortem Examinations (Jersey) Law 1995	Progress amendment to ensure attendance of inquest witnesses	Awaiting parallel amendments to Criminal Justice Law re arrest of witnesses failing to appear
Mental Health (Jersey) Law 201-	Participate in official Curatorship working group	Ongoing
Patents (Jersey) Law	Comment on legislative proposals	Ongoing
Tutelles (Jersey) Law 201-	Comment as required	With LOD
Securities Interests (Jersey) Law 201-	Expanding the securitisation regime	Ongoing
RULES & REGULATIONS:		
Adoption Rules 1962	Comment on amendments to Rules	Ongoing
Banking Business (Depositors Compensation) (Jersey) Regulations 2009	Establish of a depositors compensation scheme	Came into force on 6 November 2009
Burials & Exhumations Rules 201-	Continue to contribute to working party	Ongoing
Court of Appeal Rules 2009	Assist in formulation of Rules under new Law	Came into force on 3 August 2009
Gender Recognition (Disclosure of Information) (Jersey) Order 201-	Contribute to development	Ongoing
Patent Rules 201-	Comment on legislative proposals	Ongoing
Registered Designs Rules 201-	Comment on legislative proposals	Ongoing
Royal Court Rules (Amendment No 8) 2009	i) Extend circumstances in which Royal Court can order substituted service; ii) Allow for taxation of costs by summary assessment on interlocutory summonses; and iii) Amend provisions regarding registration of powers of attorney by Judicial Greffier	Came into force on 1 February 2009
PRACTICE DIRECTIONS:		
CA09/01	Use of Information Technology in hearings before the Court of Appeal	Issued
RC09/01	Taxation of Costs Awarded on the Standard Basis in Civil Proceedings	Issued
RC09/02	Taxation of Costs Awarded on the Indemnity Basis of Civil Proceedings	Issued
RC09/03	Taxation of Costs in Civil Proceedings by Summary Assessment in Interlocutory Proceedings	Issued
RC09/04	Taxation of Costs – Factor ‘A’ Rates Per Hour	Issued

STRATEGIC ISSUES

Investors in People

Accreditation against the Investors in People standard was reviewed in July 2007 and the Court Service Departments are working towards the further review in 2010. At the same time, work is continuing to align the Departments with the Investors in People work-life balance model.

Business Plan

The Judicial Greffe and Viscount's Department have both issued annual Business Plans for a number of years. Within those plans all activities interface with the strategic objectives of the States, and success in achieving Business Plan objectives is monitored and acted upon across the Court Service. For the sixth time in 2009, the Judicial Greffe and Viscount's Department issued a joint, Court Service Business Plan.

Annual Report

The Annual Report for 2003 was the first combined report for the Court Service; this report for 2009 is therefore the seventh of such reports covering both the Judicial Greffe and Viscount's Department.

Jersey Legal Information Board

During the year, the Court Service continued to support the work undertaken by the Jersey Legal Information Board (JLIB).

Integrating the Court Service

During the year, the Court Service developed various initiatives in conjunction with other related Departments, designed to provide for improved integration of generic services. A formal officer level Integration Group, comprising the Court Service, Bailiff's Chambers and Law Officers' Department, meets periodically.

CORPORATE MANAGEMENT OBJECTIVES

The principal values adopted in pursuit of the Court Service's objectives are to:

- Ensure that traditional standards of integrity and honesty are preserved.
- Maximise efficiency at minimum cost having regard to, and interfacing effectively with, the States' strategic objectives and the need to provide for an integrated Court Service.
- Ensure that the Court Service and its staff function in a businesslike and professional manner.
- Complete all work quickly and efficiently.
- Foster co-operative and flexible attitudes amongst staff.
- Encourage staff to think corporately and with awareness of what functions the Court Service exists to provide.
- Provide for the training and development of members of staff, having regard to the personal needs of every individual and the needs of the Court Service and the States as a whole.
- Selectively exploit technology.
- Promote high morale amongst staff; ensuring that their conditions of employment, remuneration, and working environment are as good as can be achieved within parameters set centrally.
- Provide for the ready and supportive interaction of the Court Service with other States' departments.
- Promote public relations and have pride in the Public Service.
- Provide for the continuation of structured Corporate Management, Management, Section and staff meetings.
- Maintain the Departments' Business Continuity and Risk Management Policies.

In addition, during 2009, the Court Service continued to develop and enhance a series of managerial initiatives and documents. These included the following:

- Pursuant to the Public Finances (Jersey) Law 2005, implemented the recommendations made by Jurat PG Blampied OBE on financial and corporate governance compliance.
- Development and enhancement of Procedures Manuals.
- Maintenance of an Archives Policy.
- Development of the use of document imaging technology.
- Development of Working Groups with other related departments.
- Enhancement of cost centres and the improvement of financial information and reporting.
- Improvement of asset management, allowing for equipment replacement on a rolling basis.
- Development of internal service standards across the Court Service.

- Attendance at Court User Group meetings.
- Enhancement of Business Continuity and Risk Management Policies.

HUMAN RESOURCES

Performance Review and Appraisal

The Court Service continues to have a strong and effective performance review and appraisal system in place which is fully compliant with States Policy. To ensure consistency, the system is monitored closely and regularly discussed at the biannual Managers' Workshop. The system facilitates the measurement of individual performance, and discussion of career development, whilst also ensuring competency for all aspects of each job.

During 2009, 98% of staff underwent a formal performance review and appraisal, including a full appraisal in May and a 6 monthly review in November.

Training and Development

During 2009, staff attended 134.5 training days, averaging 1.9 per member of staff. These courses were largely sponsored by the States and were as follows:

- Project Management
- Maximising Personal Impact
- Dealing with Bullying and Harassment
- Customer Service – Putting the Customer First
- Lunch and Learn coaching sessions
- European Computer Driving Licence (ECDL) and other IT courses
- Dealing with Stress
- Unfair Dismissal
- Matrimonial procedures including Children's Law
- Developing, Influencing and Negotiating Skills
- Familiarisation with Employment Law
- Introduction to Leadership
- Managing Problems in the Workplace
- French
- The Emotionally Intelligent Manager

Team Development Day

This year the department forwent its annual training day because of the distressed financial climate. Various in-house workshops were held instead, including the bi-annual Managers' Workshops.

Training Evaluation

The Court Service continues to have a specific training evaluation process. All managers receive complete reports on all courses attended and these are discussed at the monthly Team Meetings. All training (including, for example, attendance at conferences) is evaluated to ensure that objectives are met, and that events attended meet the Departments' and individuals' needs.

In general, it has become possible to cross reference training benefits with service level improvements, as measured by performance data, principally Service Pledges (see Appendix B).

All new employees receive a Court Service Induction Programme, which is reviewed annually. In addition to ensuring that new staff have the necessary information to hand to understand fully the workings of the Court Service, the Programme includes an individual Personal Development Plan which is reviewed and updated every 3 months.

Managers' Training

Managers are now given the opportunity to attend the Modern Manager Programme, which takes up to 18 months to complete. To date, one member of the Viscount's Department has completed this programme successfully, after a prolonged period of commitment and hard work.

Managers are also encouraged to attend the various individual courses provided by the States, which relate specifically to management training. This engages all managers in managing their own learning and development in a structured and systematic way. The feedback from these courses indicates that they enhance existing good practice and help to hone current skills.

Examination Success

Mrs Lynda Allo (Principal Administrator, Désastre Section) successfully passed Level 5 BTEC Professional Certificate in Management Studies and is now a member of the Chartered Management Institute.

ECDL

All staff who have gained the ECDL qualification have increased their competence in the use of the relevant software packages, which therefore increases organisational effectiveness and efficiency. To date, there has been a 100% pass rate for this course. All new staff are offered this training if required.

French

For the fifth year, staff who have identified the requirement to have a second language to be able to carry out their role have attended French lessons with *Alliance Français*. The feedback has indicated that staff have found this opportunity very beneficial to themselves and the Department. At the end of each set of lessons, staff are assessed and results forwarded to Departments.

Other Human Resource Issues

Conferences

Members of staff attended conferences throughout the year. Maintaining and expanding involvement in appropriate international bodies has proved to be invaluable for the individual and for the development of Jersey's international personality. Conferences attended were:

- JSB – Continuation Course for Magistrates
- Serious Sexual Offenders Conference
- Youth Justice Convention
- Chartered Institute of Personnel and Development – HRD Conference
- Domestic Abuse
- Jordan's Conference on Wills, Trusts and Probate
- Promoting Partnership: safeguarding children – a shared responsibility
- Women's Refuge Strategic Review
- Collaborative Family Law Conference
- Family Mediation
- Vulnerable and Intimidated Victim and Witness Conference
- Coroners Conference
- Annual Meeting of International Association of Insolvency Regulators
- Private Children Law Conference
- Jersey Family Law Association Seminar
- 1st Annual Domestic Violence Symposium
- Chartered Institute of Arbitrators Mediation Conference

Sick Leave, Flexi-time and Overtime Monitoring

Sick leave, flexi-time and overtime continued to be monitored and analysed in the Court Service throughout 2009. Sick leave reports are produced monthly for both Departments, broken down by section and analysed by application of the Bradford Factor formula. The Court Service data for 2009 produced a combined absence figure of 2.1% (average percentage of working time lost per full-time employee), compared with 6.9% in 2008. The average number of days of absence per staff member was 5.2.

Jersey Employers' Network on Disability (JEND)

During 2009, the Court Service continued to be recognised as an equal opportunities employer and maintained its membership of JEND. The Judicial Greffe is continuing to employ somebody under the Workwise scheme to assist with a scanning project.

Chief Officer

As previously reported, the Viscount was seconded to the post of Judicial Greffier in 1997. This secondment continued during 2009.

INFORMATION SYSTEMS

In relation to Information Systems, in 2009 the Court Service:

- Continued to use digital audio recording in all of the courts.
- Enhanced Intranet and Internet websites including use of electronic forms.
- Maintained development of the use of document imaging facilities.
- Developed the availability of the Electronic Court.
- Continued to develop opportunities to share electronic information with sister departments.
- Promoted further use of portable computer equipment.
- Extended the use of video-conferencing facilities.
- Continued to monitor the development of voice recognition technology.
- Supported the early implementation of EDMS (Electronic Document Management System) and continued the electronic archiving of Samedis records.
- Further developed the electronic database of regularly used e-mail addresses.
- Developed and enhanced the Probate database.

Information Systems Groups

During 2009, the Court Service was represented on the following Information Systems groups:

- Legal Services Departments' IT User Group (Chair).
- States of Jersey Internet Content Managers Group.
- States of Jersey Security Policy Group (Chair).
- Jersey Legal Information Board.

COMMUNICATIONS & PUBLIC RELATIONS

Communications

During 2009, the Court Service continued to improve communications in-house by exploiting electronic mail (both internally and externally); developing staff, section and management meetings; maintaining the series of in-house presentations; and developing the use of video-conferencing.

Team Meetings

Departmental team meetings continued to be open to all staff in both Departments during 2009. Bi-annual joint meetings are also held to help with integration. In addition, minutes of all meetings, including the Corporate Board minutes, were circulated electronically and made available to all staff.

Departmental Newsletter

During 2009, the Court Service continued to issue its occasional newsletter, *Court Crier*, to users and members of staff.

Public Relations

A number of initiatives were developed during 2009 to foster an increasingly professional, positive, working relationship with users and members of the public. These initiatives included the maintenance of lunchtime opening and promotion of the Court Service Client Charter (including the Court Service code of corporate governance).

HEALTH & SAFETY

The Court Service's Health and Safety Policies, which were issued in 1998, continued to be enhanced in 2009. During 2009, 6 incidents were entered into the Departments' "Record of Accidents and Dangerous Occurrences" books. In the Viscount's Department, 2 incidents occurred outside the Department but First Aid was administered within the Department. In the Judicial Greffe, 4 incidents occurred: 3 of these occurred within the Department and First Aid was administered. In 2009, a Stress Policy was produced,

containing guidelines and standards. Display screen equipment assessments continued to be carried out, especially for new staff, to ensure a healthy and safe work-station environment. Defibrillators were acquired during 2007 and placed in the Magistrate's Court, Royal Court and Morier House; annual refresher courses take place for all fully trained staff across the Court Service.

FINANCE & RESOURCES

Stamp Duty

As indicated elsewhere, the Court Service is responsible for levying a variety of fees, which are generally collectable in the form of Stamp Duty. The majority of this income arises from fees levied for the purchase of property, the creation of mortgages and leases, and registering wills of immovable property; as such, these duties are effectively a form of taxation, and the income is attributed directly to the States' Treasury (not to the Departments). This income is principally derived from activities in the Public Registry and Probate Section.

Fees levied in 2009 totalled £23,145,176 of which £18,287,126 was attributable to Public Registry activity and £4,858,050 stamp duty was attributable to Probate levies. Total fees levied for the year compare with figures of £23.5 million in 2008 and £28.7 million in 2007.

Income from sale of Stamps by the Treasury amounted to £23,578,165 in 2009. The difference between this amount and the figure reported above for fees levied (£432,989) is accounted for by the fact that there is a time delay between purchase of Stamps from the Treasury cashiers, and the point at which they are accounted for by the Court Service (on delivery of the chargeable document).

Departmental Expenditure

Departmental expenditure for 2009 (as financed through the annual budget of the States and exclusive of Court and Case costs) was as below.

Judicial Greffe

	2008 (£)	2009 (£)	+/- %
Manpower costs	2,385,325	2,351,091	
Supplies & services	-9,473	36,175	
Administrative costs	106,046	176,667	
Premises & Maintenance	411,165	413,335	
Grants and Subsidies	-	100,000	
Depreciation	-	10,404	
Total	2,893,063	3,087,672	+6.7
Less attributable income	783,824	888,146	+13.3
Net expenditure	2,109,239	2,199,526	+4.3

Viscount's Department

	2008 (£)	2009 (£)	+/- %
Manpower costs	1,052,976	1,129,514	
Supplies & services	361,922	260,209	
Administrative costs	43,648	41,452	
Premises & Maintenance	232,248	242,985	
Grants and Subsidies	150,000	100,000	
Depreciation	-	18,660	
Total	1,840,793	1,792,820	-2.6
Less attributable income	784,264	684,444	-12.7
Net expenditure	1,056,529	1,108,376	+4.9

Viscount's Department Accounts Section

On 24 April 2009, Phase II of the Phoenix upgrade (Viscount's Department bespoke software system) was successfully installed, together with a new accounting engine, Omicron Sigma. This replaced Lazarus and secured the Department's full compliance with the Public Finances (Jersey) Law 2005, in accordance with the Blampied Report written in 2006.

MISCELLANEOUS

Retirement of the Bailiff of Jersey

During 2009, Sir Philip Bailhache retired from the post of Bailiff, after many years of distinguished public service.



Judicial Training Programme

During 2009, the Judicial Training Programme continued to develop under the aegis of the Court Service's Corporate and Judicial Resources Manager (CJRM). One training day was held under the chairmanship of the Deputy Bailiff, and e-mail facilities for the Jurats of the Royal Court were maintained. The CJRM continues to develop and maintain the annual Judicial Training Programme and training needs analysis in association with the Bailiff and Deputy Bailiff. The CJRM also engages with the Judicial Studies Board in England regarding relevant seminars and conferences.

Advocacy Training

During 2009, the many changes in the judiciary led to Advocacy Training being held in abeyance for a year. It is envisaged that the training will be resumed in 2010 and that some of the senior Silks from Gray's Inn will be in attendance.

Charities

The Court Service has contributed to a number of charities throughout 2009 by various fund raising efforts, including dress-down days, sponsored marathon running and walks, and collections. Organisations which have benefited include Breakthrough Breast Cancer, Jersey Hospice, Variety, Headway, and Cancer Relief.

Promotions

Miss J Smale was promoted from Proceedings & Admin Officer to Assistant Greffier (Criminal). Mrs V Anderson was promoted from Court Usher to Court Officer.

Leavers

Mrs G Edmonds – Assistant Greffier (Criminal)
Miss B Train – Administrator, Désastre
Mr A Want – Court Usher

New Staff

Mr L Boletta – Court Usher
Mr A Dingle – Court Usher
Mrs G Edmonds – Assistant Greffier (Criminal)
Mr M Hefford – Proceedings & Admin Officer
Miss B Train – Secretary

The annual employee turnover rate for the Departments of the Court Service was 2.8%.

Length of Service

The Departments of the Court Service have 14 staff who have completed over 25 years of public service. They include: Paul Matthews, Sandra Auckland, Jill Keogh, Keith Cockayne, Claude Cornic, Jenny Jones, David Mallet, Terry Lakeman, Lynda Allo, Trevor Coles, Peter de Gruchy, Jenny Le Cocq, Nigel Truscott and Lynne Vautier.



Pictured: Keith Cockayne, Lynne Vautier, Jenny Le Cocq, Nigel Truscott, David Mallet, Peter de Gruchy, Jenny Jones, Terry Lakeman, Lynda Allo, Paul Matthews, Jill Keogh, Sandra Auckland

Data Protection

The Judicial Greffe and Viscount's Department are fully compliant with all data protection legislation and principles. The Deputy Judicial Greffier is the in-house adviser on data protection for the Court Service.

CONCLUSION

The Annual Report for 2009 is the Court Service's seventh combined report. This was another busy year with heavy operational activity in every Section. The Departments' shared business objectives, culture, and values drive a continuing pursuit of service excellence across the organisation, and contribute to maintaining the Investors in People standard. Benchmarking the organisation against this standard, as well as the performance standards of similar organisations in other jurisdictions, continues to play an important part in our programme of self-assessment and self-evaluation.

The organisation's performance management system is critical to its success, and its results are summarised in the appendices to this report. The balanced score card has also been included at Appendix E; this has become a key tool for monitoring strategic and functional focus, and for driving performance management.

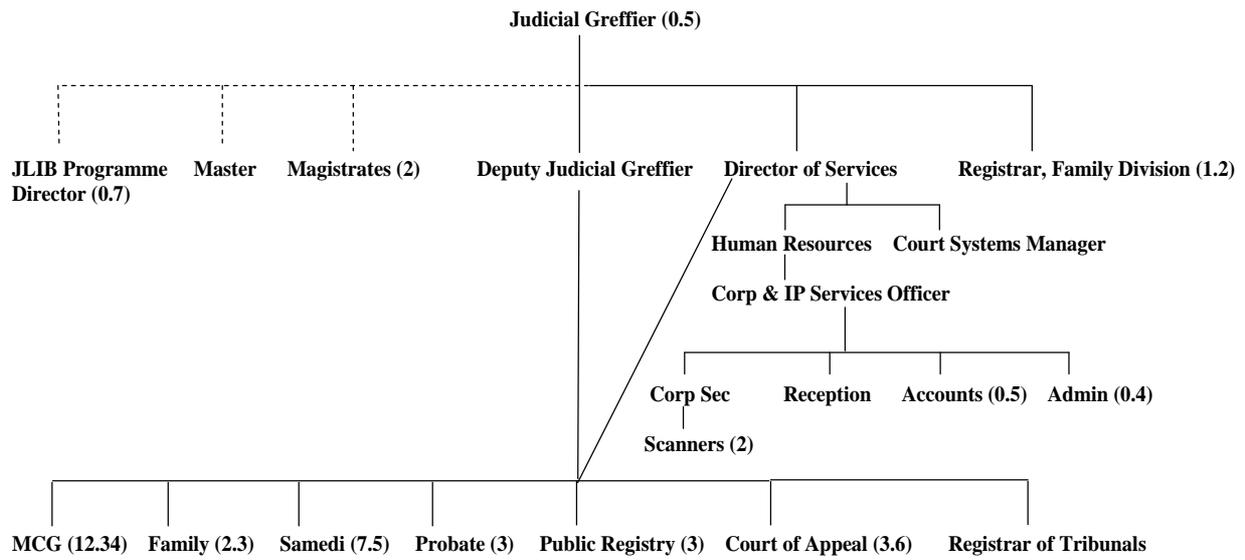
I would like to congratulate all staff on the dedication and enormous amount of work that they have put in to meet our targets – an achievement of which we can be justly proud.

On behalf of the Management Teams,

James Lambert, Director of Services
18 March, 2010

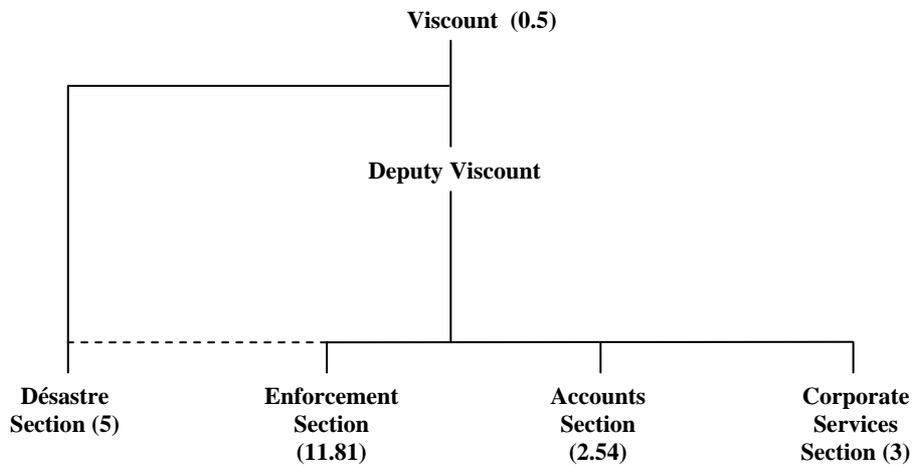
ORGANISATION CHARTS

Judicial Greffe – Functional Organisation



TOTAL 48.04 ESTABLISHED POSTS

Viscount’s Department – Functional Organisation



TOTAL 23.85 ESTABLISHED POSTS

APPENDIX B

SERVICE PLEDGES, TARGETS & RESULTS

Acts of the Court

Acts of the Court will be issued following the making of any Order by a Court, as follows:

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Samedi & General:			
Act ordering Public Election	Next working day	95%	100%
Convening Acts	Next working day	95%	97%
Company Acts	5 working days	95%	95%
Standard-form Acts	5 working days	95%	98%
• Issue of Liquor & Gambling Licences:	Within 10 working days of grant	95%	100%
• Court of Appeal:	Next working day	95%	100%
• Family Matters:			
Date fix directions	5 working days	95%	100%
Other Acts	5 working days	95%	100%
Decrees nisi	10 working days	98%	100%
Decrees absolute	5 working days	98%	100%
• Interlocutory Matters:	3 working days	95%	99%
• Magistrate's Court:			
Arrest Orders	2 working days	98%	100%
Acts of Committal	2 working days	98%	100%
Acts of Court completed	1 working day	98%	100%
• Orders in Council:	Next working day	98%	100%
• Petty Debts Court:	3 working days	98%	100%
• Probate:			
Acts of Probate Division	5 working days	95%	99%
Curatorship (Acts of Appointment)	5 working days	95%	100%
Curatorship (Acts of Jurats' Appointment)	5 working days	95%	100%
Grants of Probate & Letters of Administration	5 working days	98%	100%
• Public Registry:			
Judicial Hypothecs	5 working days	95%	100%
Wills of Immovables	12 working days	98%	100%
Public Service & Water Notices	12 working days	98%	100%
Powers of Attorney	12 working days	98%	100%
• Intellectual Property Registry:			
Intellectual Property Certificates	3 working days	93%	97%

Court Enforcement

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Enforcement of Royal Court & Petty Debts Court Judgments for Debt:	Enforcement procedure instigated within 2 working days of Act being lodged & registered	90%	100%
• Service of Process:	Priority action ensuring that service is effected within the relevant statutory time period allowable (as below) prior to the first available court date	90%	100%
Order of Justice	Personal service allowing 4 clear working days to court date	90%	100%

Court Enforcement (continued)

Order of Justice (Héritage Division)	Personal service allowing 15 clear days to court date	90%	100%
Family Division (petition for divorce or judicial separation)	Personal service prior to closing date of setting down of current list	90%	100%
Separation & Maintenance (summons for local order)	Personal service allowing 4 clear working days to court date	90%	100%
Expulsion summons to Petty Debts Court	Personal service allowing 4 clear working days to court date	90%	100%
Witnesses to a Royal Court action	Service allowing 2 clear working days to court date	90%	100%
Witnesses to a Petty Debts Court action	Service allowing 2 clear working days to court date	90%	100%
All other Service of Process	Within relevant statutory time period applicable to the specific process (document/s)	90%	100%
• Enforcement of Fines:	Payment completed in full or imprisonment imposed in lieu	95%	99%

Assize Jury

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Service of summons to respective jurors:	Respond to queries regarding the duties of a juror within 24 hours Respond to requests for exemption from jury service within 24 hours	95%	100%
• Jury <i>surveillant</i> duties:	Provide support & guidance to jury members for the duration of the trial	100%	100%

Insolvency

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Secure premises:	Within 1 working day	100%	100%
• Arrange for inventory of valuables & disposal of perishables:	Within 2 working days	95%	100%
• Notice of Désastre declaration in Jersey Gazette:	Publication in Gazette Section within 3 working days of the declaration	98%	100%
• Questionnaires to directors or personal bankrupts:	Sent within 3 working days of declaration & chased up after 7 days to arrange an appointment to discuss	95%	100%
• Circulars to banks & identified UK creditors:	Notice of declaration sent within 7 days of declaration, follow up letter sent to banks after 21 days	95%	100%
• Construct debtors' spreadsheet & proceed to recover funds owing:	Within 21 days of declaration – if no response, follow up letter after 14 days – disputed accounts to be copied to directors for comments	90%	95%
• Filing of claims:	Logged & acknowledged within 3 working days, production of substantive response within 10 working days	90%	95%
• Désastre search enquiries (e-mail to viscount@gov.je, or free access to website at www.viscount.gov.je):	By telephone: Immediate response By post: Response within 3 working days By e-mail: Response within 1 working day	98%	100%
• Completion of first level Désastre (social & non-complex cases)	Within 18 months of declaration	90%	100%

Curatorship

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Notification of appointment of Curator to identified parties:	Within 2 weeks of receipt of Act of Court	90%	100%
• Compilation of inventory of both real & personal property:	Within 90 days of the date of appointment	100%	100%
• Production of annual accounts:	Within 30 days of the expiration of the period of 12 months from the date of appointment & upon each successive period of 12 months thereafter	100%	97%
• Final accounts:	Within 30 days of cessation of the curatorship	100%	100%
• Payment of accounts:	Pass to Accounts Section for payment prior to month end	100%	100%
• Periodic contact with carers of interdicts:	Minimum quarterly or more frequently if the needs of the interdict require it	90%	100%
• Enquiries:	By telephone: Immediate response By post: Response within 3 working days By e-mail: Response within 1 working day	90%	100%

Coroner

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Review Police reports of sudden death, giving instructions for any necessary further enquiries:	Working days: Same day Other days: Within 12 hours	100% 100%	100% 100%
• Be available to give guidance to Police:	Every day: Same day	100%	100%
• Order post-mortem examination or make other arrangements for clearance of the case after receipt of final Police report:	Every day: Post-mortem cases - in time for next post-mortem examination session at the General Hospital Other cases - attempt contact with relevant doctor(s) on same day (NB Post-mortem examinations are normally only carried out on working days)	100%	100%
• Determine next step after post-mortem examination:	Cases requiring basic post-mortem examination only - be available to speak to Consultant Pathologist after completion of examination: Working days: Same day Other days: Immediately	100%	100%
	Cases requiring forensic, histological, toxicological or other additional examination - consider results of such examination: Working days: Same day Other days: Immediately	100%	100%
• Clear non-inquest cases after oral report from Consultant Pathologist, releasing the body:	Every day: Notify mortuary & funeral directors within half a day	100%	100%
• Be available to discuss borderline or difficult cases with Medical Officer of Health, GPs & hospital doctors:	Every day: Within half a day	100%	100%
• Issue body importation & exportation permits:	Working days: To meet reasonable needs of funeral directors Every day: Emergency cases only - to meet reasonable time limits on same day	100%	100%

Coroner (continued)

• Consider requests for organ donation:	Every day:	Within 2 hours	100%	100%
• Release bodies in inquest cases:	Every day:	Release within half a day of meeting of all legal requirements	100%	100%
	Working days:	Actively review & pursue every case every day when a body has not been released		
	Unlawful killing cases:	Meet local (Bailiff's Chambers) & national (MoJ) target for release of body within 1 month		
• Set dates for inquest openings:	Working days:	Same day as need is identified & required preconditions met, set date to ensure no delay in cremation or application for grant of probate	100%	100%
• Set dates for full/concluding inquest hearings:	Working days:	Subject to families' wishes & legal requirements, within 3 weeks of receipt of all reports set date for earliest date all witnesses are available	90%	100%
• Issue post-inquest documentation:	Working days:	Within 2 days (sooner if cremation authorisation is urgently required)	100%	100%
• Sign Registers of Death:	Working days:	Within 2 days of request by Registrar	100%	100%

Service Requests

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Processing applications for Legal Aid disbursements & payments by Judicial Greffe:	Within 5 working days of application (for forwarding to Treasury)	95%	100%
• Issuing certificates of exemption from payment of judicial fees:	Actioned within 1 working day	95%	100%

Appointments

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Interlocutory Services:			
Appointment to fix date for a hearing before Greffier Substitute	Within 3 working days of request	98%	100%
• Public Registry:			
General	Open access	100%	100%
Cancellation of Acts	Within 4 working days of request	98%	100%

Administrative Services

<i>Function</i>	<i>Service Pledge</i>	<i>Target</i>	<i>Result</i>
• Cheque payments for suppliers, lawyers & compensation beneficiaries:	Cheques available for collection or posted within 48 hours of scheduled payment date	90%	97%
• Payment to lawyers & litigants in person following enforcement of Royal Court & Petty Debts Court judgments:	Payment will be made within 15 days of clearance of funds	90%	100%

Administrative Services (continued)

<ul style="list-style-type: none"> • Holding of bail moneys of £1,000 or more on interest-bearing deposit account: 	Sums of £1,000 or more to be held on interest-bearing deposit accounts	100%	100%
	Instructions issued to bank to place bail of £1,000 or more on deposit within 5 working days of receipt of bail	98%	100%
	Bail sums deposited on interest-bearing accounts will be paid out within 5 working days after maturity, following request from bailor	98%	100%
<ul style="list-style-type: none"> • Processing of suppliers' accounts for Désastre & Curatorship matters: 	Accounts will be settled by the end of the first week of the month following receipt of the invoice	90%	100%
<ul style="list-style-type: none"> • Processing of suppliers' accounts: 	Within 10 working days of receipt (for forwarding to Treasury)	98%	100%
<ul style="list-style-type: none"> • Opening hours: 	Departments will be staffed between 8.45am & 5.15pm (Mon-Thurs), 8.45am & 4.45pm (Fri); reception open lunchtime for delivery/collection	100%	100%

STATISTICAL DIGEST

APPENDIX C

Judicial Greffe	2007	2008	2009	Percentage Change 2008 to 2009
Samedi Section				
Actions before the Royal Court				
New Actions	424	436	509	17%
Placed on the Pending List	116	120	73	-39%
Acts of Court issued	1,953	2,027	2,147	6%
Number of Court Sittings	850	876	1,121	28%
Orders in Council registered	38	41	31	-24%
Magistrate's Court Appeals				
Lodged	5	6	5	-17%
Heard	1	5	4	-20%
Taxation of Costs	64	56	67	20%
Legal Aid Disbursements				
Occasions granted (invoices paid)	458	481	491	2%
Legally aided litigants	143	156	175	12%
Public Expenditure	£2,618,533	£1,868,393	£1,971,719	6%
Liquor Licences				
Licenses Granted	93	71	76	7%
Managers Registered	120	119	92	-23%
Public Registry				
Documents Registered/Cancelled				
Contracts	2,793	2,371	2,191	-8%
Procurations	2,091	1,704	1,554	-9%
Obligations	3,341	2,915	2,543	-13%
Cancellations	2,466	2,328	2,174	-7%
Stamp Duty received	£26,936,571	£21,285,640	£18,287,126	-14%
Probate Section				
Number of Grants issued	1,867	1,920	1,986	3%
Number of Curatorships formed	62	73	66	-10%
Stamp Duty received	£1,737,500	£2,175,100	£4,858,050	123%
Family Section				
Decrees Absolute filed	274	281	217	-23%
Petitions filed	289	256	245	-4%
Interlocutory Services				
Summonses fixed	146	141	131	-7%
Summonses heard (half days)	68	43	44	2%
Acts issued	297	305	266	-13%
Case reports produced	23	21	8	-62%

Appellate Section

Appeals lodged with Court of Appeal	23	25	37	48%
Superior Number Appeals	5	1	2	100%
Court of Appeal sittings (days)	26	9	9	0%
Number of Unreported Judgments	265	230	278	21%
Pages transcribed in Unreported Judgments	3,961	4,095	5,170	26%
Transcripts of evidence - transcripts produced	59	88	88	0%

Trade Marks, Patents and Design Registries

Intellectual Property Registrations				
Trade Marks Registrations	78	90	74	-18%
Patents (Registrations & Updates)	38	44	23	-48%
Designs (Registrations & Updates)	1	1	1	0%
Trade Marks Updates	863	1,079	898	-17%

Magistrate's, Youth and Petty Debts Courts

Magistrate's Court				
Cases	2,640	2,438	2,693	10%
Persons	1,970	1,929	2,020	5%
Remands	2,754	2,755	2,509	-9%
Arrests	1,385	1,181	1,219	3%

Youth Court				
Cases	321	327	344	5%
Youths	215	218	219	0%
Remands	484	327	291	-11%
Arrests	25	20	10	-50%

Petty Debts Court				
Actions listed	8,258	7,802	8,406	8%
Judgments	4,101	4,111	4,048	-2%
Adjournments	2,584	2,207	2,816	28%
New Actions	5,674	5,595	5,590	0%

STATISTICAL DIGEST

APPENDIX D

Viscount's Department	2007	2008	2009	Percentage Change 2008 to 2009	
Fines imposed and amounts collected					
Number imposed	1,512	1,182	1,341	13%	
Amount collected	£432,302	£345,315	£417,586	21%	
Success rate - by number	100%	99%	99%	0%	
Success rate - by value	100%	97%	86%	-11%	
Receipt of bail moneys					
Persons bailed	181	191	109	-43%	
Money received	£68,900	£198,180	£209,173	6%	
Arrest Orders	1,380	980	1,327	35%	
Service of Process	2,140	2,258	3,308	47%	
Costs					
Number imposed	77	55	154	180%	
Value imposed	£20,786	£7,953	£85,574	976%	
Success rate - by number	95%	93%	100%	8%	
Success rate - by value	99%	100%	100%	0%	
Compensation Orders					
Number imposed	201	258	123	-52%	
Value imposed	£86,872	£108,725	£76,693	-29%	
Rolling 3-year success rate - by number	99%	92%	97%	5%	
Rolling 3-year success rate - by value	96%	97%	100%	3%	
Judgments received and processed					
Number received	2,935	2,948	2,644	-10%	
Number processed	2,868	2,944	2,645	-10%	
Amount collected	£106,868	£578,173	£1,706,815	195%	
Evictions carried out	4	11	5	-55%	
Maintenance Orders under enforcement	20	20	22	10%	
Drug Trafficking - Saisies judiciaires and confiscations					
New cases:-	Local	35	39	19	-51%
	External	0	1	0	-100%
	Total	35	40	19	-53%
Approximate value of assets arrested	£64,497	£164,336	£19,421	-88%	
Confiscations (concluded cases):-					
Number	40	34	22	-35%	
Value (net)	£676,658	£105,412	£35,049	-67%	
Cases discharged	1	2	0	-100%	
Cases carried forward into following year:-					
Local	3	7	6	-14%	
External	4	4	2	-50%	
Total	7	11	8	-27%	
Approximate asset value	£2,048,322	£2,490,305	£2,375,396	-5%	

Proceeds of Crime - *Saisies judiciaires*

New cases:-	Local	0	0	0	
	External	5	2	3	50%
	Total	5	2	3	50%
Approximate value of assets arrested		£49,487,879	£3,697,899	£1,769,849	-52%
Confiscations (concluded cases):-					
	Number	3	0	1	
	Value (net)	£918,364	£0	£9,353,684	
Cases discharged		6	0	1	
Cases carried forward into following year:-					
	Local	2	2	1	-50%
	External	12	14	16	14%
	Total	14	16	17	6%
Approximate asset value		£88,154,634	£103,698,362	£25,059,593	-76%

Assizes

Trial process started		12	16	20	25%
Trials completed		5	9	12	33%
Days		16	35	61	74%
Juror exemptions		231	263	1,013	285%
Jury summonses		511	661	1,839	178%
Witnesses		78	189	276	46%
Jurors given financial assistance		0	0	10	

Coroner

Deaths reported:-					
	Inquest cases	47	49	57	16%
	Cleared after autopsy	58	58	66	14%
	Cleared by doctor's cert etc	53	62	37	-40%
		158	169	160	-5%
Deaths reported as % of all deaths		23%	23%	21%	-7%
Approvals for doctor to issue cert (unreported)		65	82	90	10%
Permits for import/export of bodies		55	48	50	4%
Inquests concluded:-					
	Suicide	14	18	19	6%
	Accident	22	14	17	21%
	Open	1	2	8	300%
	Natural causes	5	16	6	-63%
	Industrial disease	0	1	0	-100%
	Unlawful killing	0	0	0	
Total number of inquests held		42	51	50	-2%
Inquest cases c/f to following year		17	16	23	44%

Désastres

Declared		1	7	4	-43%
Settled		5	2	4	100%
Total liabilities		£555,045	£274,393	£314,461	15%
Assets realised		£166,854	£77,699	£52,768	-32%
Average dividend paid (pence in the £)		30p/£	28p/£	17p/£	-39%
Discharges of personal bankrupts:-					
	Granted	6	1	4	300%
	Deferred	0	0	0	
Disclaimers of onerous property		0	0	0	
Sales of realty:-					
	Number	1	0	0	
	Value	£187,500	£0	£0	
Letters produced by the Section		1,094	1,459	1,403	-4%
Checks made:-					
	Number	9,964	6,849	6,532	-5%
	Charges invoiced	£53,255	£40,685	£40,795	0%

Court sittings attended

Royal Court and Court of Appeal	117	111	145	31%
Magistrate's Court	408	352	365	4%
Youth Court	66	55	68	24%
Total	<u>591</u>	<u>518</u>	<u>578</u>	12%

States' sittings attended

Viscount	7	7	8	14%
Deputy Viscount	26	31	32	3%
Principal Enforcement Officer	12	12	20	67%
Total	<u>45</u>	<u>50</u>	<u>60</u>	20%

Convening notices issued

	11	14	20	43%
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Exemptions from the payment of judicial fees

	197	176	160	-9%
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Curatorships

Appointments	2	1	1	0%
Under administration at year end	45	41	37	-9%

Evidence in writing

Frequency per year	0	0	0	
Hours spent hearing evidence	0	0	0	

Corporate Services Section workload

Summonses	759	741	665	-10%
Sundry	2,445	2,746	4,722	72%
Letters	2,155	2,957	3,651	23%
Notices	606	1,086	4,539	318%
Totals	<u>5,965</u>	<u>7,530</u>	<u>13,577</u>	80%

APPENDIX E

COURT SERVICE BALANCED SCORECARD FOR PERIOD 1 JAN 09 TO 31 DEC 09

Previous reporting period figures shown in brackets

CUSTOMER		STRATEGY	
	Number of complaints received: 0 (0)		Investor in People standard maintained
	Number of compliments received: 16 (27)		Maintenance of interface with the executive arm of government
	Number of page views (per quarter) on JLIB website: 397,447 (432,172)		Maintenance of strategic and business plans, and annual report
	100% user group, other meetings, & public consultations, held as scheduled (100%)		80% progress against Law Reform action plan (78%)
	100% suppliers' accounts paid within service pledge (100%)		Progress against JLIB projects
	100% Legal Aid disbursements paid within service pledge (96%)		Procedures manuals in place
PERFORMANCE			
	98% Acts of Court issued within service pledge (98%)		100% Royal and Petty Debts Court judgments for debt processed within service pledge (100%)
	100% Decrees issued within service pledge (100%)		99% fines paid in full or imprisonment imposed in lieu within service pledge (99%)
	100% Judicial Hypothecs and Contracts registered within service pledge (100%)		100% inventories of valuables/disposal of perishables completed within service pledge (100%)
	100% arrest orders issued within service pledge (100%)		100% Désastre circulars sent to banks and identified UK creditors within service pledge (100%)
	100% Petty Debts Court Acts issued within service pledge (100%)		100% police reports of sudden death reviewed within service pledge (100%)
	100% Grants of Probate issued within service pledge (100%)		100% registers of death signed within service pledge (100%)
STAFF		MONEY	
	3% employee turnover rate (10%)		£40,282 (£72,342), 1% (2%) underspent on profile
	Average days sickness lost per member of staff: 5.2 (6.4)		£40,282 (£72,342), 1% (2%) underspent on projected year end position
	98% of employees who received an appraisal (98%)		-£3,446,227 (-£1,494,619), -167% (-73%) overspent on projected year end position (Court & Case costs)
	0.90 (0.96) FTEs of overtime costing £14,238 (£27,599)		-£7,854,824 (-£2,539,260), -25% (-10%) Stamp Duty under achieved on projected year end position
	Average training days per member of staff: 1.9 (2.7)		100% (100%) of Internal Audits assessed at 3 or above



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