



**Judicial Greffe & Viscount's Department**

**2007**

# **Jersey Court Service Annual Report**



*Our Purpose:  
Supporting the delivery of justice*



INVESTOR IN PEOPLE

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## ***FOREWORD***

This is the fifth Annual Report for the Judicial Greffe and the Viscount's Department to be produced in combination and is for the year 2007. 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 42 established posts in the Judicial Greffe and 25 established posts in the Viscount's Department), as at 31 December 2007, is as shown in the organisation charts at Appendix A.

### ***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 2007, 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 Corporate Board***

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



*Viscount's Department Corporate Board (left to right: Lynda Allo, James Lambert, Nigel Truscott, Michael Wilkins, Carolyn Le Sueur, Peter De Gruchy)*

## ***Viscount's Department***

As at 31 December, 2007, the Viscount's Department 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 81 functions fulfilled by the Court Service***

### ***Judicial Greffe (47 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 *Dégrévements* (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 (*Reconnaisances*)
- 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

## ***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, 2007***

*(See Statistical Digest at Appendix C & 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.

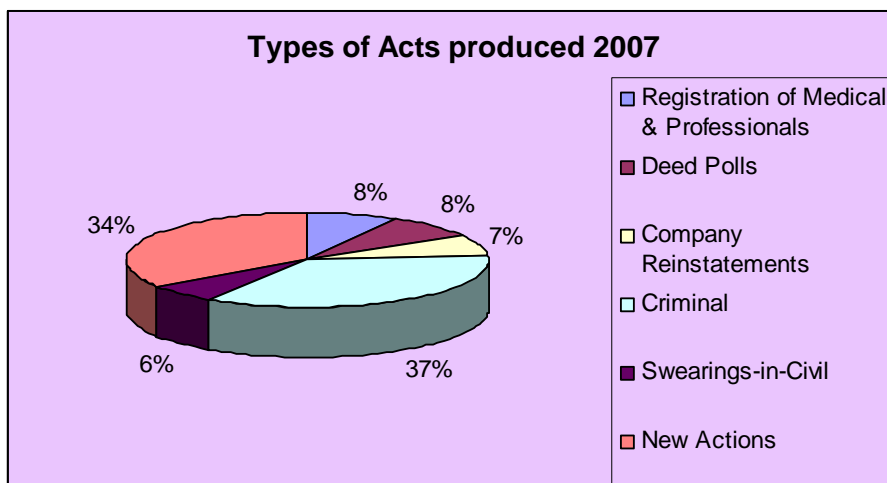


*Samedi Section staff (left to right: Julie Das, Heather Woodside, Jason Troy, Alison Le Brocq, Tracy Fitzgerald)*

#### ***Acts Produced***

The Section produced 1,953 Acts in 2007 (2,149 in 2006) of which 123 related to the Registration of Medical and associated professionals, 100 related to deeds poll, 89 to company reinstatements, 77 to Swearings in, and 440 to Criminal, Evidence or Inquest matters. Of the 1,585 Acts which were issued pursuant to an order of a Judge of the Royal Court, 98.5% were within Service Pledge, and of the 368 Acts which were dealt with by a Greffier Substitute, 99.7% were within Service Pledge. There were 424 new actions brought before the Court, and 41 Orders in Council were registered.





## ***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***

	2004 (£)	2005 (£)	2006 (£)	2007 (£)
Contracts & Wills	10,509,000	13,571,000	16,911,000	21,877,000
Judicial Hypothecs	3,006,000	3,389,000	3,878,000	5,059,000
<b>Total</b>	<b>13,515,000</b>	<b>16,960,000</b>	<b>20,789,000</b>	<b>26,936,000</b>

### ***Value of property transactions registered***

The value of property transactions registered in the Public Registry during 2007 amounted to some £1,005 million, compared with £888 million in 2006 and £711 million in 2005. 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 2007, there were 6,142 (compared with 5,843 in 2006) documents registered in relation to Contracts, Wills and Judicial Hypothecs. Using the Public Registry computerised database (PRIDE), 169,727 searches were conducted (compared with 141,392 in 2006), and 1,373,891 images were downloaded (compared with 820,548 in 2006). The figures for 2007 are taken from the new Public Registry Online system whilst those for 2006 are taken from PRIDE.

### ***Public Registry Online***

The next phase in the development of the Public Registry computerised database, Public Registry Online (launched in December 2006), became available for general use in 2007, providing full access to Public Registry documents over the Internet at all times. Total downtime for the system during the year amounted to less than 5 hours, or an availability rate of 99.95%

## ***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 liaising 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 rewritten 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.

274 decrees absolute of divorce were granted in 2007, compared with 255 in 2006. 289 petitions were filed in 2007, compared with 280 in 2006.

<i>Breakdown of types of petition filed in 2007</i>	
1 year Separation (by consent)	132
2 year Separation	89
Judicial Separation/Nullity	4
Adultery	32
Desertion	1
Cruelty	0
Unreasonable behaviour	31
<i>Free standing children applications filed in 2007</i>	
CH cases	64

<i>Summonses heard and orders made in 2007</i>	
Preliminary directions hearing	259
Case review hearing	243
Summonses heard (half day or more)	88
Family/CH Acts issued	129
Adoptions (2 Orders per child)	8
Nisi Acts issued	253
Matrimonial Acts issued	956
Reciprocal Orders	8
Parental Responsibility Agreements	51

### ***Interlocutory Services***

In 2007, 146 dates were fixed for summonses; 69 came before the Master, and 77 were vacated, adjourned or settled (there were 162 date fixes in 2006). In 2007, 67.5 summonses of half a day or less were heard, compared with 62 in 2006. No written judgments were delivered and written reasons were given for 7 decisions (compared with one written judgment and 7 written reasons for decisions in 2006). The number of Acts (including consent orders) produced in 2007 was 297, with 15 relating to service out of the jurisdiction or substituted service (compared with 294 Acts for 2006, of which 39 related to service out of the jurisdiction or substituted service). The number of case reports which were produced in 2007 was 23, compared with 11 in 2006.

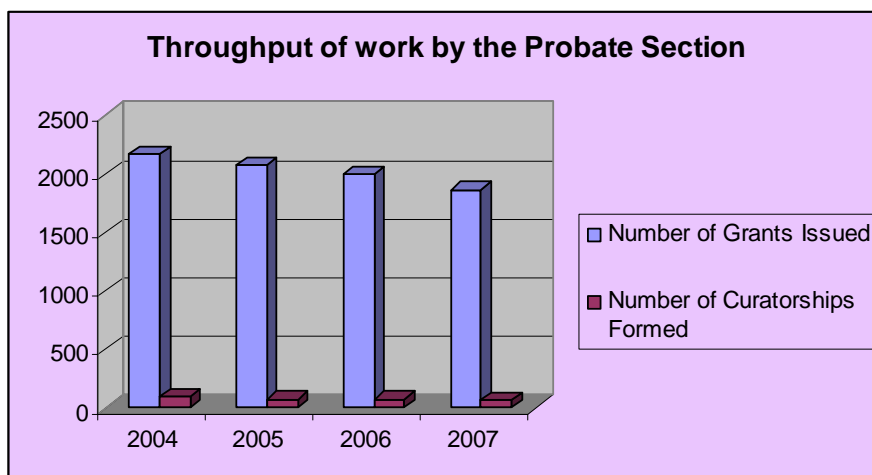
The breakdown of types of summonses in relation to which hearings took place (measured in half days or part thereof) is shown below.

<i>Type of Summons heard</i>	<b>2006</b>	<b>2007</b>
Enforcement Orders	0	1
Striking out applications	4	3
Taxation	1	2
Amendment of Pleadings	4	6
Directions	21	64
Particulars	3	4
Summary Judgment	0	7
Security for costs	4	6
Assessment of damages	2	0
Discovery and inspection	1	2
Assessment for costs	2	2
Extension of time	0	1
Stayed	34	38
Royal Court Mediation	12	6
Change of date/adjournment	2	8
Joining additional parties	1	5
Discontinuance	2	91
Referral to Petty Debts	0	15
Planning Appeals	0	12
Others	17	24

During 2007, the guidance notes for the planning appeals procedure were updated and published on the Judicial Greffe website.

### ***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 2007, applications for Grants of Probate and Letters of Administration involved persons who died domiciled both in Jersey and in 68 other jurisdictions worldwide. 1,867 Grants were made in the year (2,004 in 2006), representing a total estates value of £258,371,348.00. The Section is also responsible for overseeing the administration of Curatorships, 62 new Curatorships being formed in 2007.



### ***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 2007, the full Court sat a total of 7 times, and heard 9 civil appeals and 12 criminal appeals. In addition, a single judge sat on 6 occasions and the Superior Number sat in its Appellate role on 5 occasions.

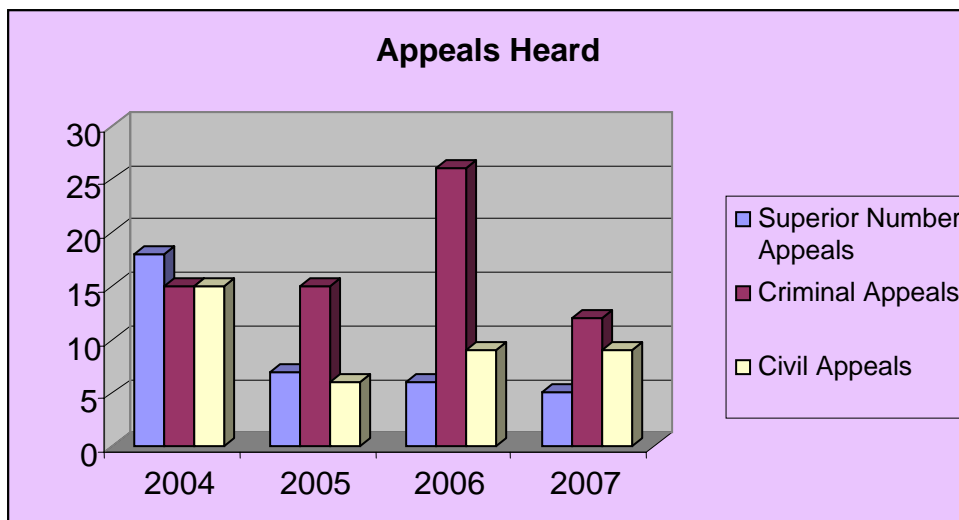
Kenneth Rokison QC and Sir Charles Mantell PC retired from the bench in 2007. Three new judges have been appointed to the Court of Appeal: John Martin QC, Nigel Fleming QC and Clare Montgomery QC.

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 when necessary.

### ***Prison Board of Visitors***

The Appellate Section provides a secretarial service to the Prison Board of Visitors. The Senior Proceedings Officer for the Royal Court has been appointed as Relief Secretary to assist the Secretary and provide cover during absences. There were 12 ordinary meetings of the Board at the Prison in 2007 and 4 meetings with the Home Affairs Minister.

### ***Appeals Heard***



### ***Intellectual Property Registry***

The Judicial Greffe houses, and 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 2007, 78 new trade marks were registered and 863 certificates were produced for updating registered marks. 38 patents were registered or updated and there was one update application for a design.

In March 2007, the Intellectual Property Manager and the Deputy Judicial Greffier visited the UK Intellectual Property Registry in Newport, Wales.

### ***Magistrate's, Youth and Petty Debts Courts***

In 2007, the Magistrate, Mr Ian Le Marquand, announced his retirement with effect from 30 June 2008. Mr Le Marquand has been the Island's Magistrate for over 8 years, having been appointed in November 1999. With Mr Ian Christmas being appointed in October 2001 as the Assistant Magistrate, the Magistrate's, Youth and Petty Debts Courts have enjoyed six years of stability which has been of great benefit to all users of the courts. During this period, a number of initiatives have been put into place, such as time limits for cases within the Magistrate's and Youth Court, pre-trial reviews, and mediation for the Petty Debts Court, all of which have improved case management across the board. The Assistant Magistrate has been appointed as Mr Le Marquand's successor, with Mrs Bridget Shaw, currently a Police Legal Adviser, being appointed as the new Assistant Magistrate.

The new accommodation has been in its second year of operation and continues to meet the expectations of the Magistrates, staff, and all other users. The Royal Court has also enjoyed usage of the building with a 5 week family matter being heard in No 2 Court during September and October. The fully secure No 1 Court is also available for use by the Royal Court, as and when circumstances require.

A review of usage of the accommodation also allowed the Court Service to extend an invitation to the Victim Support Service to co-locate within the building. The Witness Support Service is also due to be launched in February 2008.

The decreasing trend in number of cases within the Magistrate's Court continued in 2007. As a consequence, non-parking cases have decreased by approximately 25% in comparison with the figure for 2003. The number of cases committed to the Royal Court decreased by approximately 3%, but this decrease has been distorted as a result of the Attorney General using powers under Article 5 of the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949 to institute proceedings directly in the Royal Court in a number of cases.

In relation to civil matters, there has been an increase in the number of actions of approximately 12%. This has led to a corresponding increase in judgments of 16%. The greatest improvement within the Petty Debts Court has been the slight change in procedure, in that contested cases are first sent to mediation. This has led to a significant decrease in civil trials in the Petty Debts Court.

### ***Magistrate's Court***

The Magistrate's Court dealt with a total of 1,714 non parking cases, or a decrease of 4% by comparison with 2006. This continues the steady trend of decreasing cases being completed within the Magistrate's Court. However, the number of cases being committed to the Royal Court is fairly static, if the cases indicted directly by the Attorney General are taken into account (although the number of committals is at the same level as prior to the increase in the Magistrate's jurisdiction in October 2000). Whilst the parking cases show a dramatic decrease of 30%, this can be attributed more to the administrative problems within the relative enforcement agencies than to any decrease in actual infractions.

<b><i>Magistrate's Court</i></b>				
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Non parking cases completed	2080	2191	1782	1714
Cases committed to Royal Court	178	168	218	212
Parking cases completed	824	813	1033	714
<b>Total completed cases</b>	<b>3082</b>	<b>3172</b>	<b>3033</b>	<b>2640</b>
Non parking persons	1914	1884	1515	1446
Persons committed to Royal Court	143	126	169	141
Parking persons	471	482	561	383
<b>Total persons</b>	<b>2528</b>	<b>2492</b>	<b>2245</b>	<b>1970</b>
Non parking arrest	341	332	352	320
Parking arrest	1383	1289	1360	1065
<b>Total arrests</b>	<b>1724</b>	<b>1621</b>	<b>1712</b>	<b>1385</b>
<b>Total remands</b>	<b>2292</b>	<b>2967</b>	<b>2529</b>	<b>2754</b>
<b>Total volume of case work</b>	<b>7808</b>	<b>7760</b>	<b>7274</b>	<b>6779</b>

There was a decrease of approximately 20% in the number of Arrest Orders issued, but this is mainly due to the decreased number of parking offences being presented to the Court by the relevant authorities.

The overall workload in the Magistrate's Court reduced slightly with 6,779 cases, committals and Arrest Orders being handled this year compared with 7,274 in 2006 (a decrease of 7%), but this was mainly due to the decrease in the number of parking cases presented.

### ***Youth Court***

The Youth Court experienced a slight rise in cases with an increase of just over 4% of cases being completed or committed to the Royal Court, with a corresponding increase of 5% in the number of young offenders being presented before the Panel. This compares favourably with last year, for

<b><i>Youth Court</i></b>				
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Total cases	488	460	313	321
Total youths	286	275	205	215
Royal Court committals	14	4	6	12
Arrests	67	35	24	25
Remands	710	507	437	484

which the efforts of the Youth Action Team must be acknowledged. There was a doubling in the number of cases being committed to the Royal Court, though as these figures are relatively low, this is not significant (the increase can be put down to one single event involving 3 youths).

### **Petty Debts Court**

The Petty Debts Court is subdivided into 3 divisions: the Civil Claims Division, the Tenancy Division and the Family Division. In 2007 there was a marked increase in new actions brought before the Civil Claims Division with 5,674 new actions compared with 5,058 in 2006 (an increase of over 12%). In the Family Division, there were no Jersey separation/maintenance actions but 4 foreign/UK maintenance actions in 2007, as opposed to 3 in 2006. In the Tenancy Division, there was a marked decrease in actions brought before it, with 14 actions listed compared to 23 in 2006. Overall, the total number of actions brought before the Petty Debts Court rose this year by 12%, with 5,692 new cases lodged compared with 5,086 in 2006. The value of claims lodged within the Petty Debts Court in 2007 remained in line with the figure for 2006.

<b>Petty Debts Court</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Civil Claims</b>				
Actions	8645	9129	7808	8258
Adjournments	2678	3356	2722	2584
New Actions	5666	5773	5086	5674
Judgments	4185	4058	3546	4101
<b>Contested Cases</b>				
Direct to Mediation	-	28	56	119
Direct to Pleadings	-	105	27	2
<b>Mediation</b>				
Settled	-	20	35	88
Pending	-	0	0	16
Withdrawn/transferred	-	4	8	7
Judgment/struck out	-	4	13	8
<b>Trials</b>	11	19	18	7
<b>Tenancy</b>	23	27	23	14
<b>Family</b>	16	8	5	4
<b>Total Value</b>	£7,800,578	£12,749,371	£8,677,598	£8,578,799
<b>Stamp Duty</b>	£77,688	£92,982	£89,461	£103,732

The biggest impact on the Petty Debts Court has been the change in procedure regarding defended cases. Previously, defended cases were sent to pleadings prior to a decision as to whether or not to send to mediation; the procedure has been changed so that defended cases are now sent directly to mediation. This has resulted in a drop in the number of trials from 18 in 2006 to 7 in 2007. Of the 121 contested cases in 2007, 119 were sent direct to mediation, and of these 88 were settled, representing an impressive 74% success rate. There was a 16% increase in stamp duty received; this is a direct reflection of the increased number of cases that were lodged in the Petty Debts Court.

### **Taxation of Costs**

In 2007, the Magistrate's Court Greffe received 102 Bills of Costs (2 civil and 100 criminal) compared with 69 in 2006 (5 civil and 64 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 facility during 2007 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% for 2007, compared with 34% for 2006.





*Magistrate's Court Ushers (left to right: Terry Lakeman, Vas Anderson, Alan Want, John Colwill)*

### ***Receiving Evidence in Chambers***

The volume of work in 2007 was slightly higher than in 2006. This, however, is not reflected in the figures; sittings lasted for a total of 5.5 hours compared with 13.5 hours in 2006. In order to reduce the number and length of formal hearings in court, a decision was taken that, wherever possible, proof of evidence would be taken from a witness by the Deputy Judicial Greffier and the evidence encapsulated in a sworn affidavit. The foregoing figures only record those cases where a formal hearing took place.

### ***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 98% by number, and 95% 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 1,512 fines were imposed by the courts and a total of £432,302 was collected.

##### ***Receipt of Bail Moneys***

181 people were bailed in 2007, the sum held totalling £35,754.

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

Arrest orders for 1,380 people who failed to appear in Court were issued in 2007.

##### ***Service of Legal Process***

In 2007, 2,140 items of legal process were served, of which 589 related to criminal assizes.

##### ***Collect (and Pay) Costs and Compensation***

The Courts awarded costs following prosecution in 77 cases during 2007, involving the sum of £20,763. The enforcement rate for the year by number of cases was 95% and by financial value 99%.

There were 201 orders for compensation imposed by the courts during the year involving the sum of £86,872. As reported previously, because of the extended period over which many compensation orders are paid, a single year's analysis of success rates is potentially misleading. Over the three years 2005 to 2007, the success rates were 99% by number and 96% by value.

### ***Execute and Enforce Civil Judgments***

The Department received 2,935 judgments for enforcement during 2007, collecting £106,868 on behalf of creditors.

### ***Carry out Evictions***

In 2007, four 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 35 new drug trafficking *saisies judiciaires* and Confiscation Orders in 2007, involving £64,497. Proceeds of crime *saisies judiciaires* involved £49,487,879 in five cases.

### ***Enforce Maintenance Orders, collecting and paying 'Alimony'***

20 maintenance orders were under enforcement at the year end. Of these, 15 involved reciprocal enforcements for other jurisdictions.

### ***Assize Jury Functions***

The computerised jury selection system was called upon 12 times in 2007, although only five trials were completed, taking up 15.5 days. This entailed the warning of 511 jurors and 78 witnesses.

### ***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.

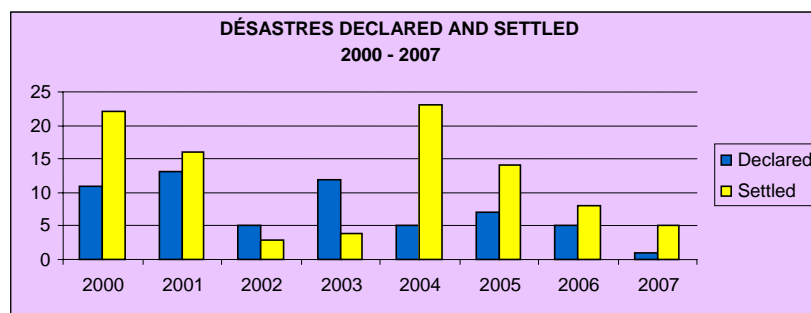
### ***Deputy Viscount's Input***

These duties continued to be almost entirely borne by the Deputy Viscount, who acts as *de facto* Coroner, assisted by Relief Coroners Jurats Mrs B Myles OBE and Jurat D Georgelin. 17% of all deaths were reported to the Deputy Viscount. There were 42 inquests during the year; exceptionally, the Viscount personally conducted two; Jurat Georgelin conducted one. The categories of verdicts reached is 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. In April 2007, Mrs Caroline Beasley-Murray, HM Coroner for Essex, accepted the invitation of the Deputy Viscount to sit with him (as a guest) on an inquest case which had to be heard both in Jersey and in England. Both Coroners and the bereaved family concerned found this to be helpful and worthwhile.

### ***Insolvency Functions***

#### ***Cases Declared and Settled***

There was just one personal *désastre* declared in 2007 and 5 cases were brought to closure during the year. However, the annual declaration rate since 1990 is approximately 20. A caseload of 6 cases remained outstanding at the end of the year, of which 4 were declared prior to 2004 (relating to legal complexities). Save in exceptional circumstances, completion of *désastre* cases is achieved within 2 years of declaration. Additionally, at the end of 2007, 11 personal cases were under review awaiting discharge applications.



### ***Assets Realised***

£166,854 (against liabilities of £555,045) was realised for creditors in the year. An average of 30 pence in the pound was recovered for the benefit of creditors in settled cases.

### ***Discharges***

During 2007, 6 discharges from personal bankruptcy were granted.

### ***Désastre Checks***

A total of 9,964 *désastre* checks (confirming whether declarations *en désastre* have in fact been made) were carried out during the year, compared with 10,068 in 2006. A charge continues to be levied for this service (income generated in 2007 was £53,255 compared with £41,910.00 in 2006), other than where users access such information via the Department's website.

### ***General Enquiries***

During 2007, a total of 36 enquires were received from individuals, directors or creditors considering making an application for a declaration *en désastre* to the court, compared with 52 in 2006. A total of 32 hours was recorded in dealing with these enquiries, compared with 60.5 hours in 2006.

### ***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 acts in the capacity of facilitator). 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, and 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)

Principally in association with Advocate Anthony Dessain, during the year the Viscount co-authored various articles on international insolvency law and related issues. These included the Jersey Chapters in *The Law of International Insolvencies and Debt Restructuring and Insolvency and Restructuring 2007*. Their joint book, *Jersey Insolvency and Asset Tracking* (previously: *Jersey Insolvency Law in Practice*), issued a third edition in 2006, which presented new material. The third edition particularly broadens the part of the work relating to the recovery of assets, before and outside formal insolvency, hence the change of name. The book continues to be used by practitioners and the Royal Court as a reference source.

### ***Other Functions***

#### ***Administer the Collective Investment Funds Compensation Scheme***

The Scheme not having been invoked up to the end of 2007, 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 408 of the Magistrate's Court sittings, 117 Royal Court and Court of Appeal sittings, and 66 of the Youth Court sittings during 2007.

#### ***Attend Sitzings of the States***

The Viscount attended 7 sittings of the States during 2007, the Deputy Viscount attended 26 sittings, and the Principal Enforcement Officer attended 12.

#### ***Bear the Royal Mace of the Bailiff of Jersey***

During 2007, in addition to the sittings of the States, the Bailiff's Mace was borne on various occasions, principally by the Deputy Viscount.



*Bearing the Bailiff's Mace on Liberation Day, 9 May 2007*

### ***Convene Sittings of the Royal Court and other Bodies***

Convening Notices were issued on 11 occasions in 2007.

### ***Act as Curator for Impecunious Interdicts***

During the year, the Deputy Viscount was appointed Curator on 2 occasions. There were 45 cases under administration at the year end, a net decrease of 2 over the year. Steps have had to be taken to restrict the number of cases under administration and HM Solicitor General is in correspondence with other States' agencies as to the long-term allocation of such cases. In this regard, the Principal Administrator, Désastres, is a member of a working group deliberating on the prospect of creating an official Curatorship service.

### ***Grant Exemptions from the Payment of Judicial Fees***

197 exemptions from the payment of judicial fees were granted.

### ***Act as Trustee for Criminal Injuries Compensation Awards to Minors***

There were two new cases in 2007.

### ***Conduct Vues de Vicomte (Boundary Demarcations)***

There were no *Vues de Vicomte* in 2007.

## ***Corporate Services***

The 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. Maternity leave during the year 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 2007</i>
<b>LAWS:</b>		
Adoption (Jersey) Law 1961	Comment on amendment of existing Law	Ongoing
Court of Appeal (Jersey) Law 200-	Complete formulation of new Law	Draft Law with Court of Appeal for comment
Inquests & Post-mortem Examinations (Jersey) Law 1995	Progress amendment to permit arrest of inquest witnesses who fail to appear	Awaiting parallel amendments to Criminal Justice Law re arrest of witnesses failing to appear
Legitimacy (Amendment) (Jersey) Law 200-	Comment on new Law as required	Ongoing
Mental Health (Jersey) Law 200-	Participate in official Curatorship working group	Ongoing
Patents (Jersey) Law 200-	Comment as required	EDD now responsible
Loi (1864) Régulant la Procédure Criminelle	Draw LOD's attention to anomaly	Position of potential jurors with history of Community Service Orders
Registered Designs (Jersey) Law 200-	Comment as required	EDD now responsible
Tutelles (Jersey) Law 200-	Comment as required	With LOD
<b>RULES &amp; REGULATIONS:</b>		
Adoption Rules 1962	Comment on amendments to Rules	Ongoing
Burials & Exhumations Rules 200-	Continue to contribute to working party	Ongoing
Court of Appeal Rules 200-	Assist in formulation of Rules under new Law	Ongoing (following on from new Law)
Inquests & Post-mortem Examinations Rules 1995	Adjust fees by rate of inflation	Last updated 2006
Mental Health Rules 200-	Participate in official Curatorship working group	Ongoing
Patents Rules 200-	Draft and implement Rules under revised Law	If requested by EDD
Registered Designs Rules 200-	Draft and implement Rules under revised Law	If requested by EDD
Royal Court Rules 2004	Amendments to Rules	Amendments 5, 6 and 7 completed
<b>PRACTICE DIRECTIONS:</b>		
RC07/01	Production and Content of Bundles	Issued
RC07/02	Handing down of Judgments	Issued
RC07/03	Taxation of costs – Factor 'A' Rates per hour	Issued
RC07/04	Ordres Provisoire – Procedure for lifting arrests	Issued
FD07/01	Advocates or Jersey qualified Solicitors to attend Preliminary Directions Hearings in Contested Cases	Issued

## ***STRATEGIC ISSUES***

### ***Investors in People***

Accreditation against the Investors in People standard was reviewed in July 2007, and both Departments emerged from the process with flying colours (it was even suggested that the Court Service would make a



good case study for other organisations in the Island). Work is currently in hand 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 fourth time in 2007, 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 2007 is therefore the fifth 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). Responsibility for the day to day operation of the Board's activities is devolved to an Executive Group, of which the Judicial Greffier/Viscount, Director of Services and JLIB Programme Director are members. Further details of the Board's work may be obtained from the JLIB website at [www.jerseylaw.je](http://www.jerseylaw.je).

### ***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 2007, 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. 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 2007, 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 2007, staff attended 228 training days, averaging 3.3 per member of staff. These courses were largely sponsored by the States and were as follows:

- Modern Manager Programme
- Project Management
- Managing Recruitment and Selection
- Manager as Coach and Developer
- Lunch and Learn coaching sessions
- European Computer Driving Licence (ECDL) and other IT courses
- Dealing with Stress
- Data Protection Updates
- Getting the best out of your people
- Dealing with bullying and harassment
- Matrimonial procedures including Children's Law
- Tactics in ancillaries (basic)
- Familiarisation with Employment Law
- Human Rights
- French
- Company Directors and the Law
- Confidentiality, Discovery and Privilege

### ***Team Development Day***

A training day was held in June 2007 for all Court Service staff. Team building and communication were again the central themes of the day.



*Solving a problem as a team, during the Team Development Day*

### ***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 is evaluated to ensure that objectives are met, and that courses attended meet the Departments' needs.

Prior to the training event, the objectives are set down by both the Line Manager and the individual on a Training Evaluation Form. Following the event, the form is completed in order to ascertain how beneficial the training was for the individual and the Department. Three months later, a follow-up review is undertaken to evaluate what lasting benefits have been derived. This allows an assessment to be made of the impact of development activities on:

- Skills base
- Application and competences of staff
- Objectives and priorities for the Court Service
- Cost benefits
- Improvements implemented as a result of training and evaluation
- Further training requirements

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). Benefits are also observable in a more subjective way; for example, there is a clear link between ongoing IT training and the development of electronic archiving of court records. A framework to facilitate a strategic review of the impact of learning and development has been prepared, as below. The outcomes from this process, as referred to above, are fed back to all managers, in order to inform them and encourage further involvement in the evaluation process.

Evaluation forms are also completed for Conferences that are attended either locally or out of the Island, to ensure that they are value for money and relevant to the Court Service.

### ***Managers' Training***

Managers are now given the opportunity to attend the Modern Manager Programme, which takes up to 18 months to complete.

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.

<i>Course</i>	<i>Feedback Summary</i>	<i>Specific Comments</i>
Managing PRA	Managers achieved a better understanding of the appraisal system	“An excellent course defining all the aspects required to carry out PRA, perfectly tailored to requirements.”
Excel Advanced	Managers felt that by attending this course, staff were able rapidly to improve their basic skills	“An excellent course, recommended for all Excel users.”

### ***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.

<i>Course</i>	<i>Feedback Summary</i>	<i>Specific Comments</i>
European Computer Driving Licence	All staff who have attended this course have found it very worthwhile	“I now feel confident in the use of all the applications studied.”

### ***French***

For the third year, several staff have attended French lessons with *Alliance Française*, to assist them to become more fluent in the language and to enable them to understand legal documents written in French. Overall the feedback has indicated that staff have more confidence in being able to converse in another language, when the opportunity arises. At the end of each set of lessons, staff are assessed and results forwarded to the Departments.

<i>Course</i>	<i>Feedback Summary</i>	<i>Specific Comments</i>
French	All staff who have attended these classes have found them very beneficial	“It is so useful for the Court Service to have several members of staff who are proficient in both written and oral French.” “This is a very interactive and enjoyable course.”

### ***Examination Success***

Miss M Laurent (Registrar of Probate) – Level 5 Diploma in Management with Chartered Management Institute.

Miss M Laurent (Registrar of Probate) – Society of Trust and Estate Practitioners, membership.

Mrs J Lidster (Assistant Registrar of Probate) – Society of Trust and Estate Practitioners, membership.

Mrs S Mahé (Probate Officer) – accredited with Society of Trust and Estate Practitioners Estate Administration Certificate.

### ***Succession Planning***

The Court Service has been addressing succession planning and career management for one key post. The post concerned is that of Judicial Greffier (Mr M Wilkins currently being on extended secondment to the Judicial Greffe).

### ***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:

- Chartered Institute of Personnel and Development – HRD Conference
- Skills Summit Seminar
- 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
- Her Majesty's Court Service Annual Conference
- Private Children Law Conference
- Jersey Family Law Association Seminar
- Regional Judicial Symposium

### ***Visit to other Jurisdictions***

In May, two members of staff from the Judicial Greffe visited the Civil Courts (Voluntary Jurisdiction Section) and the Public Registry in Malta. They met a number of senior court and judicial officials including Mr Justice Joseph Azzopardi, Mr Paul Miruzzi (Director and Registrar), and Dr Carmelo Galea, an eminent Maltese lawyer and judge.

The Deputy Family Division Registrar attended the Family Law Conference in London, the Association for Lawyers for Children Conference in Manchester, and a Domestic Violence Conference in Guernsey.

### ***Sick Leave, Flexi-time and Overtime Monitoring***

Sick leave, flexi-time and overtime continued to be monitored and analysed in the Court Service throughout 2007. 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 manpower return for 2007 showed a combined absence figure of 3.06% (average percentage of working time lost per full-time employee).

### ***Jersey Employers' Network on Disability (JEND)***

During 2007, the Court Service continued to be recognised as an equal opportunities employer and maintained its membership of JEND. The Judicial Greffe has employed two people 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 2007. Mr M Wilkins achieved 40 years of service as a Public Servant in 2007.



*Maltese Courts of Justice, Valletta*

# ***INFORMATION SYSTEMS***

In relation to Information Systems, in 2007 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 Samedi records.
- Further developed the electronic database of regularly used e-mail addresses.
- Developed and enhanced the Probate database.

## ***Information Systems Groups***

During 2007, the Court Service was represented on the following Information Systems groups:

- Legal Services Departments' IT User Group (Chair).
- States of Jersey Intranet Working Party.
- States of Jersey Security Policy Group (Chair).
- Jersey Legal Information Board.

# ***COMMUNICATIONS & PUBLIC RELATIONS***

## ***Communications***

During 2007, 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; maintaining annual Team Development days; and developing the use of video-conferencing.

In November, HM Sheriff, Guernsey, visited on a fact finding mission to look at the process associated with enforcement of judgments. It is hoped that this will be the start of continued liaison.

Also in November, an interactive workshop took place to look at matters associated with the administration of proceeds of crime. This workshop brought together 25 representatives from the Law Officers' Department, the Viscount's Department, and their respective legal and financial advisers. The purpose of the workshop was to discuss improvements in the current framework for the application, administration, protection, and (where confiscation follows) realisation of assets pursuant to *saisies judiciaires* obtained under proceeds of crime, drug trafficking and prevention of terrorism legislation. Following the workshop, a steering group was formed to carry the discussions forward, and its first meeting is planned for early 2008.

## ***Team Meetings***

Departmental team meetings continued to be open to all staff in both Departments during 2007. In addition, minutes of all meetings, including the Corporate Board minutes, were circulated electronically and made available to all staff.

## ***Departmental Newsletter***

During 2007, the Court Service continued to issue its occasional newsletter, *Court Crier*, to users and members of staff.



*Visit of HM Sheriff, Guernsey. Left to right: Trevor Coles (Senior Enforcement Officer), Stewart Ewing (Deputy Sheriff), Richard De La Mare (Sheriff)*

### ***Public Relations***

A number of initiatives were developed during 2007 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).

During the Heritage Open Day in September, both the Royal Court and the Magistrate's Court were open to members of the public; there were 257 visitors to the Royal Court and 133 visitors to the Magistrate's Court.

## ***HEALTH & SAFETY***

The Court Service's Health and Safety Policies, which were issued in 1998, continued to be enhanced in 2007. Display screen equipment assessments were carried out as required to ensure a healthy and safe working environment. Defibrillators were acquired during 2007 and placed in the Magistrate's Court, Royal Court and Morier House. Volunteer staff at each location have been trained in the use of this equipment.

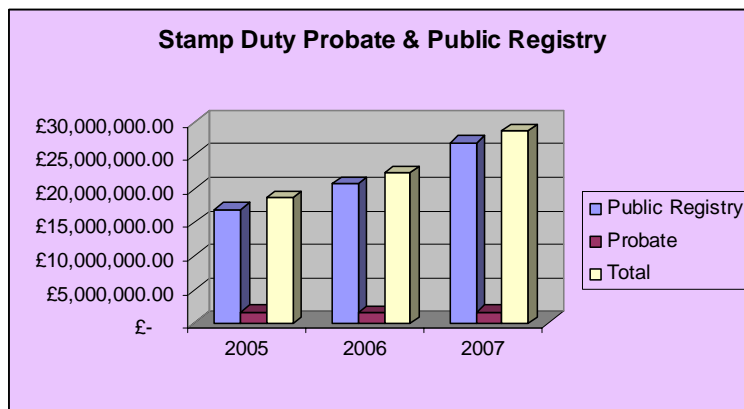
## ***FINANCE & RESOURCES***

### ***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 2007 totalled £28,673,500 of which £26,936,000 was attributable to Public Registry activity and £1,737,500 was attributable to Probate levies. Total fees levied for the year compare with figures of £22.4 million in 2006 and £18.7 million in 2005.





### *Departmental Expenditure*

Departmental expenditure for 2007 (as financed through the annual budget of the States and exclusive of Court and Case costs) was as below. For the Court Service overall, net expenditure for 2007 decreased by 7% in comparison with 2006.

### *Judicial Greffe*

	2006 (£)	2007 (£)	+/- %
Manpower costs	2,077,158	2,275,723	+9.5
Premises & maintenance	375,973	331,137	} -20.2
Supplies & services	79,123	6,898	
Administrative costs	120,030	121,109	
<b>Total</b>	<b>2,652,284</b>	<b>2,734,867</b>	<b>+3.1</b>
Less attributable income	900,640	755,295	-16.1
<b>Net expenditure</b>	<b>1,751,644</b>	<b>1,979,572</b>	<b>+13.0</b>

### *Viscount's Department*

	2006 (£)	2007 (£)	+/- %
Manpower costs	998,757	1,012,131	+1.3
General	141,545	299,896	} +18.6
Premises & maintenance	251,548	171,860	
Transport	19,099	16,960	
Inquest	26,999	32,364	
<b>Total</b>	<b>1,437,948</b>	<b>1,533,211</b>	<b>+6.6</b>
Less attributable income	659,486	1,148,284	+74.1
<b>Net expenditure</b>	<b>778,462</b>	<b>384,927</b>	<b>-50.5</b>

## *MISCELLANEOUS*

### *Judicial Training Programme*

During 2007, the Judicial Training Programme continued to develop under the aegis of the Court Service's Corporate and Judicial Resources Manager. Highlights of the programme in 2007 included the annual dinner which is now combined with the Commonwealth Magistrates' and Judges' Association AGM. Two training days were also held under the chairmanship of the Deputy Bailiff, and e-mail facilities for the Jurats of the Royal Court were maintained.

### *Advocacy Training*

In May 2007, the sixth training course took place, involving two senior Silks from Gray's Inn. In England, it is mandatory for all newly qualified lawyers to attend this course before they can appear in court. It is hoped that this requirement will be introduced in Jersey in the future. Several senior members of the Royal

Court are trained to teach and assisted with the new practitioner training. The course, over two days, was essentially for new practitioners.

### ***Charity***

The Court Service has contributed to various charities throughout 2007 by various fund raising efforts, including dress-down days, sponsored marathon running and walks, participating in the Christmas Pudding race, and collecting money for various other Christmas charities. Organisations which have benefited include Breakthrough Breast Cancer, Jersey Hospice, Variety, Headway, Shopmobility, and Cancer Relief.

### ***Retirement***

Mrs D de la Haye – Office Manager

### ***Promotion***

Mr T Lakeman was promoted from Court Usher to Court Information Officer, following interview.

### ***Leavers***

Mr D Le Brun – Court Information Officer  
Miss C Doherty – Family Proceedings Officer  
Mr D Fraser – Court Usher  
Mrs S Williams – Court Usher

### ***New Staff***

Mrs V Anderson – Court Usher  
Mr N Clively – Office Manager  
Mr J Colwill – Court Usher  
Miss S Maynard – Family Proceedings Officer  
Mrs C Le Sueur – Finance Manager

The annual employee turnover rate for the Departments of the Court Service was 7.8%.

### ***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 2007 is the Court Service's fifth 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.

As shown above, the Court Service was able to reduce the overall cost of its operations in 2007 by a significant 7%, when compared with 2006. At the same time, the Court Service's workload is of course increasing, not decreasing. The combination of these factors demonstrates the eagerness of the Court Service to deliver increasingly efficient services, utilising the latest in information technology to drive down costs, whilst maintaining the quality of service delivery that has become the hallmark of the Court Service.

On behalf of the Management Teams, 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.

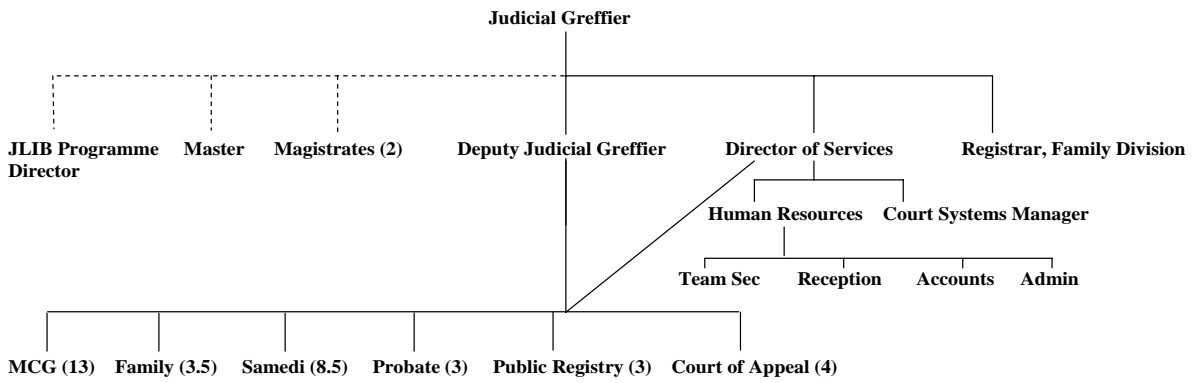
On behalf of the Management Teams

James Lambert, Director of Services

# APPENDIX A

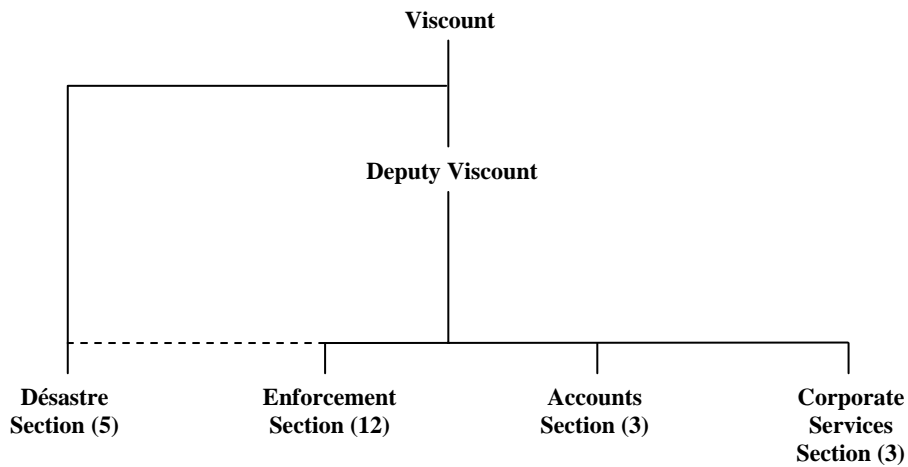
## ORGANISATION CHARTS

### Judicial Greffe – Functional Organisation



**TOTAL 42 ESTABLISHED POSTS**

### Viscount's Department – Functional Organisation



**TOTAL 25 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%	93%
Convening Acts	Next working day	95%	99%
Company Acts	5 working days	95%	100%
Standard-form Acts	5 working days	95%	99%
Non-standard-form Acts	10 working days	95%	100%
• Issue of Liquor & Gambling Licences:	Within 10 working days of grant	95%	99%
• 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%	92%
• Petty Debts Court:	3 working days	98%	100%
• Probate:			
Acts of Probate Division	5 working days	95%	100%
Curatorship (Acts of Appointment)	4 working days	95%	100%
Curatorship (Acts of Jurats' Appointment)	4 working days	95%	100%
Grants of Probate & Letters of Administration	7 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%	99%

#### 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%	100%
• Filing of claims:	Logged & acknowledged within 3 working days, production of substantive response within 10 working days	90%	100%
• 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 24 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%	91%
• Final accounts:	Within 30 days of cessation of the curatorship	90%	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%
• 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%	98%
• 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%	100%
• 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"> <li>• Holding of bail moneys of £1,000 or more on interest-bearing deposit account:</li> </ul>	<p>Sums of £1,000 or more to be held on interest-bearing deposit accounts</p> <p>Instructions issued to bank to place bail of £1,000 or more on deposit within 5 working days of receipt of bail</p> <p>Bail sums deposited on interest-bearing accounts will be paid out within 5 working days after maturity, following request from bailor</p>	<p>100%</p> <p>98%</p> <p>98%</p>	<p>100%</p> <p>80%</p> <p>92%</p>
<ul style="list-style-type: none"> <li>• Processing of suppliers' accounts for Désastre &amp; Curatorship matters:</li> </ul>	<p>Accounts will be settled by the end of the first week of the month following receipt of the invoice</p>	<p>90%</p>	<p>100%</p>
<ul style="list-style-type: none"> <li>• Processing of suppliers' accounts:</li> </ul>	<p>Within 10 working days of receipt (for forwarding to Treasury)</p>	<p>98%</p>	<p>98%</p>
<ul style="list-style-type: none"> <li>• Opening hours:</li> </ul>	<p>Departments will be staffed between 8.45am &amp; 5.15pm (Mon-Thurs), 8.45am &amp; 4.45pm (Fri); reception open lunchtime for delivery/collection</p>	<p>100%</p>	<p>100%</p>

## STATISTICAL DIGEST

### APPENDIX C

Judicial Greffe	2005	2006	2007	Percentage Change 2006 to 2007
<b>Samedi Section</b>				
<b>Actions before the Royal Court</b>				
New Actions	488	404	424	5%
Placed on the Pending List	165	46	116	152%
Acts of Court issued	2,182	2,149	1,953	-9%
Number of Court Sittings	719	669	850	27%
Orders in Council registered	42	22	38	73%
<b>Magistrate's Court Appeals</b>				
Lodged	8	8	5	-38%
Heard	7	8	1	-88%
Taxation of Costs	100	71	64	-10%
<b>Legal Aid Disbursements</b>				
Occasions granted (invoices paid)	272	373	458	23%
Legally aided litigants	161	173	143	-17%
Public Expenditure	£424,417	£1,007,798	£2,618,533	160%
<b>Liquor Licences</b>				
Licenses Granted	91	74	93	26%
Managers Registered	130	129	120	-7%
<b>Public Registry</b>				
<b>Documents Registered/Cancelled</b>				
Contracts	2,499	2,814	2,793	-1%
Procurations	1,837	2,173	2,091	-4%
Obligations	2,766	3,028	3,341	10%
Cancellations	1,968	2,412	2,466	2%
Stamp Duty received	£16,969,444	£20,788,702	26,936,571	30%
<b>Probate Section</b>				
Number of Grants issued	2,081	2,004	1,867	-7%
Number of Curatorships formed	69	71	62	-13%
Stamp Duty received	£1,737,710	£1,616,025	£1,737,500	8%
<b>Family Section</b>				
Decrees Absolute filed	174	255	274	7%
Petitions filed	257	280	289	3%
<b>Interlocutory Services</b>				
Summonses fixed	234	162	146	-10%
Summonses heard (half days)	100	62	67.5	9%
Acts issued	369	345	297	-14%
Written Judgments delivered	1	1	0	-100%
Case reports produced	38	11	23	109%

## Appellate Section

Appeals lodged with Court of Appeal	43	34	23	-32%
Superior Number Appeals	13	8	5	-38%
Court of Appeal sittings (days)	23	31	26	-16%
Number of Unreported Judgments	205	196	265	35%
Pages transcribed in Unreported Judgments	2,729	1,277	3,961	210%
Transcripts of evidence - transcripts produced	28	52	59	13%

## Trade Marks, Patents and Design Registries

<b>Intellectual Property Registrations</b>				
Trade Marks Registrations	106	68	78	15%
Patents (Registrations & Updates)	13	29	38	31%
Designs (Registrations & Updates)	0	0	1	100%
Trade Marks Updates	766	898	863	-4%

## Magistrate's, Youth and Petty Debts Courts

<b>Magistrate's Court</b>				
Cases	3,172	3,033	2,640	-13%
Persons	2,492	2,245	1,970	-12%
Remands	2,967	2,529	2,754	9%
Arrests	1,621	1,712	1,385	-19%

<b>Youth Court</b>				
Cases	460	313	321	3%
Youths	275	205	215	5%
Remands	507	437	484	11%
Arrests	35	24	25	4%

<b>Petty Debts Court</b>				
Actions listed	9,129	7,808	8,258	6%
Judgments	4,058	3,546	4,101	16%
Adjournments	3,356	2,722	2,584	-5%
New Actions	5,773	5,086	5,674	12%

## STATISTICAL DIGEST

### APPENDIX D

Viscount's Department	2005	2006	2007	Percentage Change 2006 to 2007
<b>Fines imposed and amounts collected</b>				
Number imposed	1,772	1,601	1,512	-6%
Amount collected	£569,840	£302,831	£432,302	43%
Success rate - by number	99%	98%	100%	2%
Success rate - by value	98%	95%	100%	5%
<b>Receipt of bail moneys</b>				
Persons bailed	202	213	181	-15%
Money received	£92,025	£80,190	£35,736	-55%
<b>Arrest Orders</b>	1,626	1,665	1,380	-17%
<b>Service of Process</b>	2,636	2,074	2,140	3%
<b>Costs</b>				
Number imposed	92	124	77	-38%
Value imposed	£56,565	£38,744	£20,786	-46%
Success rate - by number	91%	97%	95%	-2%
Success rate - by value	99%	100%	99%	-1%
<b>Compensation Orders</b>				
Number imposed	195	207	201	-3%
Value imposed	£96,071	£94,580	£86,872	-8%
Rolling 3-year success rate - by number	96%	98%	99%	1%
Rolling 3-year success rate - by value	92%	95%	96%	1%
<b>Judgments received and processed</b>				
Number received	2,383	2,373	2,935	24%
Number processed	2,427	2,382	2,870	20%
Amount collected	£441,036	£458,533	£106,868	-77%
<b>Evictions carried out</b>	8	9	4	-56%
<b>Saisies</b>	0	0	0	
<b>Maintenance Orders under enforcement</b>	15	17	20	18%
<b>Drug Trafficking - Saisies judiciaires and confiscations</b>				
New cases:-				
Local	28	17	35	106%
External	2	1	0	-100%
Total	30	18	35	94%
Approximate value of assets arrested	£413,120	£41,294	£64,497	56%
Confiscations (concluded cases):-				
Number	32	20	40	100%
Value (net)	£342,634	£1,100,739	£676,658.00	-39%
Cases discharged	2	3	1	-67%
Cases carried forward into following year:-				
Local	11	7	3	-57%
External	7	6	4	-33%
Total	18	13	7	-46%
Approximate asset value	£9,332,814	£2,919,072	£2,048,322	-30%

### Proceeds of Crime - *Saisies judiciaires*

New cases:-	Local	1	1	0	-100%
	External	1	5	5	0%
	Total	2	6	5	-17%
Approximate value of assets arrested		£45,861	£14,958,756	£49,487,879	231%
Confiscations (concluded cases):-	Number	2	1	3	200%
	Value (net)	£45,861	£12,193	£918,364.00	7432%
Cases discharged		2	1	6	500%
Cases carried forward into following year:-	Local	2	3	2	-33%
	External	12	15	12	-20%
	Total	14	18	14	-22%
	Approximate asset value	£27,399,848	£41,602,728	£88,154,634	112%

### Assizes

Trial process started	14	10	12	20%
Trials completed	8	5	5	0%
Days	35	20	15.5	-23%
Juror exemptions	215	130	231	78%
Jury summonses	599	413	511	24%
Witnesses	171	63	78	24%
Jurors given financial assistance	6	2	0	-100%

### Coroner

Deaths reported:-	Inquest cases	33	39	46	18%
	Cleared after autopsy	67	81	59	-27%
	Cleared by doctor's cert etc	42	45	53	18%
		142	165	158	-4%
Deaths reported as % of all deaths	19%	22%	23%	5%	
Approvals for doctor to issue cert (unreported)	95	92	65	-29%	
Permits for import/export of bodies	55	46	55	20%	
Inquests concluded:-	Suicide	7	10	14	40%
	Accident	24	21	22	5%
	Open	0	2	1	-50%
	Natural causes	6	3	5	67%
	Industrial disease	0	0	0	
	Unlawful killing	2	0	0	
Total number of inquests held	39	36	42	17%	
Inquest cases c/f to following year	10	13	17	31%	

### Désastres

Declared	7	5	1	-80%	
Settled	14	8	5	-38%	
Total liabilities	£4,576,949	£3,312,541	£555,045	-83%	
Assets realised	£1,789,227	£1,089,519	£166,854	-85%	
Average dividend paid (pence in the £)	39p/£	33p/£	30p/£		
Discharges of personal bankrupts:-	Granted	5	1	6	500%
	Deferred	0	0	0	
Disclaimers of onerous property	1	0	0		
Sales of realty:-	Number	2	0	1	
	Value	£204,000	£0	£187,500	
Letters produced by the Section	3,222	1,718	1,094	-36%	
Checks made:-	Number	8,010	10,068	9,964	-1%
	Charges invoiced	£34,190	£41,910	£53,255	27%



**Court sittings attended**

Royal Court and Court of Appeal	144	119	117	-2%
Magistrate's Court	356	349	408	17%
Youth Court	68	53	66	25%
<b>Total</b>	<b>568</b>	<b>521</b>	<b>591</b>	<b>13%</b>

**States' sittings attended**

Viscount	5	9	7	-22%
Deputy Viscount	38	17	26	53%
Principal Enforcement Officer	5	12	12	0%
<b>Total</b>	<b>48</b>	<b>38</b>	<b>45</b>	<b>18%</b>

**Convening notices issued**

17	22	11	-50%
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**Exemptions from the payment of judicial fees**

168	274	197	-28%
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**Curatorships**

Appointments	7	7	2	-71%
Under administration at year end	50	47	45	-4%

**Evidence in writing**

Frequency per year	1	0	0
Hours spent hearing evidence	0.3	0	0

**Corporate Services Section workload**

Summonses	1,243	689	759	10%
Sundry	896	2,923	2,445	-16%
Letters	2,369	1,994	2,155	8%
Notices	862	2,121	606	-71%
<b>Totals</b>	<b>5,370</b>	<b>7,727</b>	<b>5,965</b>	<b>-23%</b>