



Judicial Greffe & Viscount's Department

2015

# Jersey Court Service Annual Report



## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>1</b>
<b>PURPOSE &amp; ORIGIN OF THE DEPARTMENTS</b> .....	<b>2</b>
Judicial Greffe .....	2
Viscount's Department.....	2
<b>OPERATIONAL &amp; ADMINISTRATIVE ACTIVITY, 2015</b> .....	<b>2</b>
Judicial Greffe .....	2
Samedi Team .....	2
Public Registry .....	3
Family Team .....	3
Interlocutory Services .....	4
Probate Registry .....	4
Appellate Team.....	4
Intellectual Property Registry .....	5
The Tribunals' Service .....	5
Magistrate's, Youth and Petty Debts Courts.....	5
Receiving Evidence in Chambers.....	6
Viscount's Department.....	6
Court Enforcement Functions .....	6
Assize Jury Functions.....	7
Coroner's Functions .....	7
Insolvency Functions .....	8
Other Functions of the Viscount .....	9
Corporate Services .....	10
Accounts Team .....	11
<b>LAW REFORM</b> .....	<b>11</b>
<b>STRATEGIC ISSUES</b> .....	<b>11</b>
Investors in People.....	11
Public Sector Reform.....	12
Family Mediation Jersey.....	12
Training .....	12
Sick Leave, Flexi-time and Overtime Monitoring .....	12
<b>FINANCE &amp; RESOURCES</b> .....	<b>12</b>
Departmental Income and Expenditure .....	13
Departmental Savings .....	13
<b>CORPORATE SOCIAL RESPONSIBILITY</b> .....	<b>13</b>
<b>APPENDIX A - ORGANISATION CHART</b> .....	<b>14</b>
<b>APPENDIX B - JUDICIAL GREFFE STATISTICAL DIGEST</b> .....	<b>15</b>
<b>APPENDIX C - VISCOUNT'S DEPARTMENT STATISTICAL DIGEST</b> .....	<b>19</b>
<b>APPENDIX D - COURT SERVICE BALANCED SCORECARD</b> .....	<b>23</b>

## **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 Insolvency Teams), administrative support (including for the administration of Assize Juries) being provided by the Corporate Services and Finance 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.

## **OPERATIONAL & ADMINISTRATIVE ACTIVITY, 2015**

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

### ***Judicial Greffe***

#### ***Samedi Team***

The Samedi Section is responsible for providing a full support service to the Royal Court and other Tribunals, including attending sittings as a Clerk, issuing and enrolling the Acts of Court in relation to those proceedings and providing advice on Court procedures. The Section is also responsible for the registration of professionals, deed polls, company reinstatements, court of protection orders, guardianships, reciprocal enforcements, the taxation of costs, considering applications for disbursements in support of legally aided litigants, registering and indexing orders in council, fideicommiss and supporting the Licensing Assembly.

#### ***Academic Achievement***

Proceedings Officer, Jason Troy, passed the Common Law Reasoning and Institutions and Public Law modules of his Diploma in Law.

#### ***New Appointment***

Sandra Paiva has been appointed as a Proceedings Officer.

### ***Acts Produced***

The Section produced 2,002 Acts in 2015 of which 1,723 Acts were issued pursuant to an order of a Judge of the Royal Court of which 95% were within service pledge. Of the 279 Acts which were dealt with by the Greffier Substitutes, 85% were within service pledge.

### ***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.

### ***Value of Property Transactions Registered***

The value of property transactions registered in the Public Registry during 2015 amounted to £845 million, compared to £833 million in 2014 and £595 million in 2013. 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.

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

The Public Registry computerised database, Public Registry Online, 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 10 hours, or an availability rate 99.89% (99.81% in 2014).

### ***Academic Achievement***

The Registrar of Deeds, Alan Le Bihan, has been accepted as an Associate Member of the Institute of Leadership & Management.

### ***Family Team***

The Family Team is responsible for providing a comprehensive service to the Royal Court for Family proceedings. These include causes for the termination of marriage (including nullity), dissolution of civil partnership, judicial separation cases, ancillary matters, and applications relating to children. In 2015 there were 225 divorce and judicial separation petitions filed and 183 Decree Absolutes granted. In addition there are children cases where the parties are not married, and in 2015, there were 55 free standing private children applications filed.

The Family Team also deals with applications relating to the legitimacy of children, adoption proceedings, care orders and child abduction. Reciprocal enforcement of maintenance cases are also dealt with by the Family Team, involving liaising with foreign Courts. In addition the Family Team deals with applications for the recognition and enforcement of Children Orders made in the UK.

The Adoption (Jersey) Law 1961 and Adoption Rules 1962 were amended in October 2015.

The Registrars continue to attend relevant law conferences in and off Island. The Registrars, along with the Family Proceedings Officer, have also attended appropriate training provided by the civil service.

### ***Interlocutory Services***

The Master of the Royal Court deals with all disputed claims that are not criminal prosecutions and/or do not involve family or children matters. He is Jersey's civil procedural Judge and his function is to ensure that parties to a civil dispute take all necessary steps to ensure their cases are ready for trial before the Royal Court. He also deals with claims or defences that have no merit. Finally, he is the mediator for disputed civil claims in the Petty Debts Court.

The Master took conduct of mediations at the Magistrate's Court Greffe with effect from April 2014. A total of 84 mediations took place. 69 were resolved at mediation or shortly thereafter, a success rate of 82%.

Of the 75 actions heard by the Master in 2015, 29 settled or discontinued.

### ***Probate Registry***

The Probate Registry 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 2015, applications for Grants of Probate and Letters of Administration involved persons who died domiciled both in Jersey and in 69 other jurisdictions worldwide.

1,798 Grants were made in the year (1,827 in 2014), representing a total estates value of £300,853,296.

The Public Registry is also responsible for overseeing the administration of Curatorships, 77 new Curatorships were formed in 2015.

### ***Appellate Team***

The Appellate Team is responsible for all the administrative arrangements for the Court of Appeal and the Court of Appeal Judges; this includes arranging the annual sitting rota, the listing of all appeals received and the preparation of documentation for each sitting.

The Assistant Judicial Greffier for the Court of Appeal acts as clerk to the judges, attends all sittings as Greffier, drafts the Acts of Court and provides procedural advice to the Judges of Appeal, members of the legal profession and litigants in person.

The Court of Appeal has 6 scheduled sittings each year; the Appellate Team will arrange any additional special sittings that are necessary and is responsible for any appeals to the Superior Number of the Royal Court against sentences passed by the Inferior Number.

From 1 January 2016, the Court of Appeal will be administered by the Samedi Team; the work involved in publishing and maintaining the Unreported Judgments Series and the verbatim records of court proceedings will be looked after by a dedicated Transcription Team.

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

The Appellate Team provides a secretarial service to the Prison Board of Visitors. Meetings are attended by the Home Affairs Minister, Assistant Minister and Chief Officer of Home Affairs.

## ***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. These are in the course of being transferred to JFSC.

## ***The Tribunals' Service***

The Tribunals Service within the Judicial Greffe is responsible for the administration of the Jersey Employment and Discrimination Tribunal, the Social Security Income Support Tribunal, the Social Security Medical Tribunal, the Long Term Incapacity Tribunal, the Mental Health Appeals Tribunal and the Health and Safety Tribunal. The JEDT publishes an annual report which can be accessed through [www.jerseyemploymenttribunal.org](http://www.jerseyemploymenttribunal.org).

General statistics relating to the number of sittings of the other Tribunals described above are set out in the annexe to this report. Compared with the figures for 2014 there was a 66% increase in the number of Mental Health Tribunal sittings (32 to 53) and a 178% increase in the number of full hearings (9 to 25) in 2015. The main reason for the increase is the result of efforts to follow latest best practice which has led to an increase in the number of references made by Her Majesty's Attorney General as well as by the independent patient advocacy service. It is anticipated that the number of applications before the Tribunal will increase further in 2016. It is anticipated that a new Mental Health Law will take effect in 2018 and that further applications as well as reviews will be made to the Tribunal.

The Health and Safety Tribunal did not sit in 2015.

In March 2015 the revised system for Planning Appeals came into force. Inspectors were appointed in June/July 2015. In 2015 42 planning appeals were received. A detailed report covering the operation of the new Planning appeals system for the period March 2015 to December 2016 will be produced in 2017.

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

The Magistrate's, Youth and Petty Debts Courts workload remained fairly static compared to 2014 with only minor statistical percentage movements. The Magistrates completed the rewrite of the Road Traffic Offences guidelines and these were issued during the middle of the year. As a consequence of new legislation coming into force on 24 November 2015, a number of these guidelines had to be amended and the Magistrates are working on guidelines for the new offences created by this legislation.

The DAISy Court Management System rewrite continues apace with the tendering process completed and a supplier selected. The Assistant Judicial Greffier (Samedi) joined the pan-island Consortium Board which oversees the development of the DAISy system.

## ***Promotions and New Appointments***

There has been a number of staff movements within the Magistrate's Court Greffe over the last year with Angela Lucas being promoted to the position of Proceedings and Administration Officer. Her replacement as Office Manager was completed in November with the appointment of Allison Le Couteur. During 2015, Lynne Cummins was confirmed as a full time Usher and Nigel Hammond was confirmed as a part-time Usher.

### ***Taxation of Costs***

In 2015, the Magistrate's Court Greffe taxed 36 criminal Bills of Costs.

### ***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. Mediation sessions are scheduled for Tuesday afternoons and Friday mornings and each one lasts approximately an hour. In 2015, 76 sessions were conducted before the Master of the Royal Court sitting as a Relief Magistrate. 110 cases were sent direct to Mediation of which 74 were settled, representing a 67% success rate.

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

The volume of work in 2015 (72 hours) was higher than in 2014 (33 hours). The Deputy Judicial Greffier carried out 8 hearings, the Deputy Viscount carried out 4 hearings and the Viscount one hearing.

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

On 30 April 2015, Michael Wilkins MBE retired as Viscount having held that role since 1981.

Advocate Elaine Millar was sworn in as Viscount on 10 July 2015. Advocate Millar is the first woman to fulfil the role of Viscount.

### ***Court Enforcement Functions***

In addition to the usual operational demands, during 2015 the Viscount's Department Enforcement Team has enforced a number of high value and complex cases in relation to Proceeds of Crime and Drug Trafficking, as well as Civil Asset recovery. This was achieved principally through the mechanism of Saisies Judiciaire (freezing orders) and subsequent Confiscation Orders. In total, the Department currently holds assets in excess of £250 million pursuant to these types of court order.

The Department's impeccable record for enforcement of fines has been maintained (99% by number and 99% by value) along with its exceptionally high success rate for civil judgment enforcement (1,354 judgments totalling £714,569). During the year, the Viscount, the Deputy Viscount and the Principal Enforcement Officer were actively involved in submissions to the inspectors from the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

With growing workloads and other demands imposed on the Enforcement Team, the need to work smarter has been ever present. The Team has worked hard over the past year to cross-skill its Enforcement Officers. This has been a great success with Enforcement Officers now including court duties in their daily workload. This has made the Team more resilient and enabled it to continue to provide the exceptional enforcement service required by the Island's courts and the general public alike. This will be developed further in 2016, when the demands on the Enforcement Team are expected to grow.

### ***Promotions and New Appointments***

Due to the retirement of one long serving officer and the promotion of Terry De Gruchy to the post of Senior Enforcement Officer, two new Enforcement Officers were recruited during 2015: Simon Clark and Kelsey De Freitas. Increased activity and complexity, along with the requirement for increased accountability and reporting to other multi-jurisdictional agencies, resulted in Julie Widdowson being appointed to the post of Saisie Officer.

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

The computerised jury selection system was called upon 15 times in 2015, although only 9 trials were completed, taking up 44.5 days. This entailed 620 jurors and 72 witnesses being summonsed to appear.

### ***Coroner's Functions***

The principal legislation, the Inquests and Post-Mortem Examinations (Jersey) Law 1995, continued to work effectively although, following the implementation of the Coroners and Justice Act 2009 in England and Wales in 2013, there is scope in the future to revise the Jersey legislation to maintain best practice in relation to sudden and unexpected deaths. There is a planned review of the Coroners and Justice Act 2009 in 2015/2016, which will no doubt be informative.

Good liaison was maintained with Coroners in the UK, other jurisdictions and with the Foreign and Commonwealth Office in respect of deaths of British citizens abroad.

Coronial duties were borne predominantly by the Deputy Viscount, who acts as de facto Coroner, assisted by the Relief Coroners. Dr Margaret Bayes MBE retired as Relief Coroner in January 2015. During 2015, the Deputy Viscount and the Relief Coroners, Advocate Cyril Whelan and Mr Osman El-Gazzar, attended coroner training in England which was organised by the Judicial College. Mr El-Gazzar also attended the Annual Conference and AGM of the Coroners' Society of England and Wales in Reading. The Deputy Viscount attended the Chief Coroner's Conference for Senior Coroners in February 2015.

20% of registered deaths in Jersey during 2015 were officially reported to the Deputy Viscount, with a further 8% of deaths in Jersey (unreported cases) resulting in approvals for doctors to issue medical certificates of fact and cause of death.

2015 was a busy year with 53 inquests concluded; the Viscount (Michael Wilkins) conducted one, the Deputy Viscount conducted 31, Dr Bayes conducted one, Advocate Whelan conducted 10 and Mr El-Gazzar conducted 10. The categories of verdicts reached are shown in the statistical digest at Appendix C. 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. There is a standing arrangement with the St Saviour Honorary Police for the reporting of deaths in mental health establishments.

The Coroner Team now has the benefit of the assistance of a dedicated civilian police officer, Tony Forder, who acts as the Police/Coroner liaison officer for sudden and unexpected deaths.



During 2015, the Deputy Viscount and other members of the Department were actively involved in the consultation process for the new Mental Health Law and Capacity and Self-Determination Law, from an inquests and coroner perspective. The Coroner Team were also actively involved in Mass Fatality planning and training.

## ***Insolvency Functions***

### ***Désastre***

In addition to the Insolvency Team's core function of administering the property of persons who have been declared *en désastre*, the team perform a wide range of insolvency related functions, which involved a significant amount of work in 2015.

### ***Appointment as receiver***

On 18 December 2014, the Viscount was appointed as Receiver of the business assets of a professional practitioner's office. Responsibilities extended to, with the assistance of external professionals, managing the business and assisting the transfer of clients to new service providers. There was also a requirement to reconcile the business and client accounts which necessitated the appointment of forensic accountants. The Receivership remains current. This has been a novel and challenging matter for the Department, which involved a significant amount of work, and on which no local precedent was available to provide guidance.

### ***Cross-border Insolvency – Requests by Foreign Courts to the Royal Court of Jersey***

The Royal Court continues to render assistance to foreign Courts in insolvency matters principally pursuant to the enabling provision provided by Article 49 of the Bankruptcy (*Désastre*) (Jersey) Law 1990 or by applying the principles of Comity. In such circumstances, the Insolvency Team reviews the appropriateness of applications on behalf of the Court. The Department also reviews applications from Jersey insolvency practitioners requesting the Royal Court to seek assistance of foreign courts in insolvency matters, including requests for Jersey companies to be subject to administration procedures in other jurisdictions.

### ***Court Winding-up***

The Royal Court has power under the Companies Law to wind up a company on just and equitable grounds or, where the application is brought by the Minister for Economic Development or the Jersey Financial Services Commission, if it considers that it is expedient in the public interest to do so.

Where such a winding-up is proposed, the Insolvency Team reviews the appropriateness of applications on behalf of the Royal Court in advance of their being presented to the Court.

### ***Remise de Biens***

*Remise de Biens* is an older form of insolvency procedure, which continues to be available to debtors facing hardship and has seen an increase in use in recent years. The criteria for *Remise* is that the debtor must own immovable property in Jersey and the value of the property on realisation is likely to be sufficient to repay all secured creditors in full and leave a sum to pay a dividend to the unsecured creditors.

If the application for *Remise* is accepted by the Court, two Jurats are appointed to administer the proceedings, which they will aim to complete within six months.

The Insolvency Team reviews the initial application on behalf of the Court and then assists the Jurats in the administration of the proceedings. In 2015, two applications were successful with one administration being completed during the year. The second successful application remains active. A third application was not granted.

### ***International Liaison***

The Department is committed to the provision of a first class insolvency service and is fully conversant with cross-border issues and practice, Jersey being one of the six founder members of the International Association of Insolvency Regulators (IAIR). The Department continues to contribute to the work of IAIR and INSOL Europe (formerly the European Insolvency Practitioners Association).

### ***UK Regional Group of IAIR***

Jersey is a member of the UK regional group of IAIR, which comprises members from Scotland, England, Wales, Northern Ireland, Ireland and Guernsey. The Group meets annually to discuss insolvency matters of common interest.

### ***Bank Insolvency***

The Viscount has been a participant, for some years, in a working group with the Jersey Financial Services Commission (JFSC), the Board of the Jersey Bank Depositors' Compensation Scheme (DCS) and the Chief Minister's Department, which aims to establish and maintain contingency plans to minimise the effects of a financial crisis affecting a bank or financial institution in Jersey. Further work has taken place this year in relation to the introduction of a Jersey Law on Bank Recovery and Resolution.

## ***Other Functions of the Viscount***

### ***Attend Sittings of the Court***

During 2015, Officers from the Department, principally the two Court Officers, serviced 322 of the Magistrate's Court sittings (2014: 341), 110 Royal Court and Court of Appeal sittings (2014: 113), and 46 of the Youth Court sittings (2014: 49).

### ***Attend Sittings of the States***

The Viscount and Deputy Viscount attended over 30 sittings of the States during 2015 with the Deputy Viscount bearing the mace at 27 of those sittings (also borne once by the Principal Enforcement Officer). On 30 April 2015, the Bailiff gave a speech in the States to mark the retirement of Michael Wilkins MBE as Viscount.

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

During 2015, in addition to the sittings of the States, the Bailiff's Mace was borne on 20 other occasions (19 times by the Deputy Viscount and once by the Principal Enforcement Officer), including Remembrance Sunday, the Assize D'Héritage and various swearings-in at the Royal Court.

Special Liberation Day celebrations were held to mark the 70th Anniversary of the Liberation, which included a Royal Visit by the Countess of Wessex and a ceremony in the People's Park at which the Deputy Viscount carried the Seal of the Bailiwick of Jersey and the Principal Enforcement Officer carried the mace.

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

Convening Notices were issued on 27 occasions in 2015. Most notices are now sent electronically.

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

At year end there were 16 cases under administration, a decrease of three over the year, with an additional complex case taken on in January.

The Department has been involved with input regarding the new Mental Health Law which will supersede the 1969 Mental Health Law, which no longer reflects current standards for diagnosing and treating people with mental health problems and conditions. The Department has also been involved with input regarding a new Capacity and Self-Determination Law to be introduced in Jersey. A draft copy was published for consultation in September 2015.

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

During 2015, 179 Exemptions from the payment of judicial fees were granted (2014: 201).

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

There were no new cases during 2015.

### ***Conduct Vues de Vicomte***

The *Vue de Vicomte* is a process which can be used when there is a dispute in relation to the boundary between two adjoining properties which are therefore in need of delimitation. For present purposes, the Viscount therefore becomes engaged in contested proceedings by virtue of an Act of the Royal Court. The Viscount presides; the parties produce their deeds and evidence (notwithstanding any difficulties, such as interpreting contracts, the *Vue* is obliged to effect the demarcation); a panel of six experts (conveyancing professionals drawn from unconnected law firms) makes the demarcation assisted by an *arpenteur publique* (public surveyor); a record of demarcation is drawn up and registered in the rolls of the Royal Court; and the costs of the procedure are allocated.

## ***Corporate Services***

The Corporate Services Team provides an administrative service for the entire Viscount's Department as and when required.

The Corporate Services Team is particularly responsible for:

- Supporting the Viscount, Deputy Viscount and Relief Coroners in their duties.
- Organising assize juries.
- Overseeing human resources matters which include overseeing the secondment, retirement and recruitment of staff.
- Providing other specialist secretarial, administrative and IT services.

### ***Retirement and New Appointment***

December 2015 saw the retirement of Melanie Everitt, Departmental Secretary, after many years of sterling service to the Department. Caroline Mitchell has been recruited into this post.

## ***Accounts Team***

The Accounts Team consists of a clerical assistant, two accounts assistants and the Finance Manager.

The Accounts Team is responsible for:

- All reception duties for the Viscount's Department, including receipt of fines, judgments, bail receipts and payments, and curatorship cash advances.
- Payment of all invoices, and receipt of all income for the Court Service (Viscount's Department, Judicial Greffe, Magistrate's Court and Court and Case costs).
- All transactional duties relating to Viscount's Department third party assets (curatorship funds, maintenance, insolvency, compensation, proceeds of crime and drug trafficking offences).
- Management of the Court Service budgets, which form part of the Non-Ministerial departmental budgets allocated by the States of Jersey as part of the Medium Term Financial Plan 2015-2019.

## ***LAW REFORM***

During the year, the Court Service identified and/or commented upon changes required in primary and subordinate legislation affecting the operation of the Courts or the core services provided by the Court Service. In particular, work on or review of the following items of legislation or consultation was undertaken.

- Draft Mental Health Law and draft Capacity and Self-Determination Law.
- Aircraft Registration (Births, Deaths and Missing Persons) (Jersey) Regulations 2015.
- Shipping (Jersey) Law 2002.
- Draft Debt Remission (Individuals) (Jersey) Law.
- Draft Children's Property and Tuteurs (Jersey) Law 201-.
- Dormant Bank Accounts Law Consultation.
- Access to Justice: Royal Court Rules Review Consultation.
- Regulation of Virtual Currency Consultation.
- Draft Bank Recovery and Resolution (Jersey) Law 201-.
- Proposed amendments to the Loi (1864) réglant La Procédure Criminelle.

## ***STRATEGIC ISSUES***

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

Accreditation against the Investors in People standard was maintained in 2015. The Court Service holds the Gold Award (the highest level achievable under the standard), and continues to be recognised as an Investors in People Champion, acknowledging the commitment of the organisation to promoting and supporting Investors in People through best practice activities. The Court Service will be due for its triennial accreditation review in 2016.



## ***Public Sector Reform***

In line with the Council of Ministers, the Court Service continues to maximise efficiency and minimise costs, having regard to the States' strategic objectives and the need to provide for an integrated Court Service. During 2015, the Court Service participated in various associated initiatives, including meetings with the Chief Minister's Department, attending employee workshops and Lean training.

## ***Family Mediation Jersey***

The Court Service continued a funding arrangement with the recently re-vitalised Family Mediation Jersey to provide ongoing funding of the service from the Court and Case costs vote (with the approval of the Treasurer of the States). In 2015, the contribution to Family Mediation Jersey was £60,000.

## ***Training***

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 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 (which are currently under review).

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

Sick leave, flexi-time and overtime continued to be monitored and analysed in the Court Service throughout 2015. Sick leave reports are produced monthly for both Departments, broken down by section and analysed by application of the Bradford Factor formula.

<b>Court Service Data</b>	<b>2014</b>	<b>2015</b>
Combined absence figure <sup>1</sup>	4.71%	2.91%
Average number of days of absence per staff member	11.87	7.32

<sup>1</sup> Average percentage of working time lost per full-time employee.

## ***FINANCE & RESOURCES***

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 2015 totalled £27,197,000 of which £25,317,000 was attributable to Public Registry activity and £1,880,000 was attributable to Probate levies. Total fees levied for the year compare with figures of £24.4 million in 2014 and £16.2 million in 2013.

## ***Departmental Income and Expenditure***

Departmental income and expenditure for 2015 (as financed through the annual budget of the States and exclusive of Court and Case costs) was as below. The reduction in attributable income in the Viscount's Department arose from reductions in fine income and commissions on Saisies Judiciaire. Court and Case costs expenditure amounted to £4,065,504 in the Judicial Greffe; the Viscount's Department benefitted from recovered costs from an insolvency case, which allowed a positive contribution of £125,494 to be made to the Court and Case costs budget.

### ***Judicial Greffe***

	2014 (£)	2015 (£)
Manpower costs	2,648,065	2,581,499
Supplies & services	142,025	101,827
Administrative costs	310,818	254,334
Premises & Maintenance	496,723	551,017
Grants and Subsidies	100,000	30,000
Depreciation	19,404	0
Total	3,717,035	3,518,727
Less attributable income	1,036,259	1,010,725
Net expenditure	2,680,776	2,508,002

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

	2014 (£)	2015 (£)
Manpower costs	1,218,888	1,224,899
Supplies & services	91,782	113,342
Administrative costs	50,216	58,064
Premises & Maintenance	271,420	275,703
Grants and Subsidies	30,000	0
Depreciation	40,729	40,429
Total	1,703,035	1,712,737
Less attributable income	743,948	602,345
Net expenditure	959,087	1,110,392

### ***Departmental Savings***

Administrative costs in the Judicial Greffe decreased in 2015 due to the cessation of costs relating to the Programme Director for the Jersey Legal Information Board (JLIB), which are now funded directly by JLIB. In addition, as a result of a recommendation from an audit that took place in 2015, the annual grant of £100,000 was not paid to JLIB. In the Viscount's Department, an administrator post in the Insolvency Team and an assistant Enforcement officer post were conceded as part of the MTFP 2015-19 savings plan.

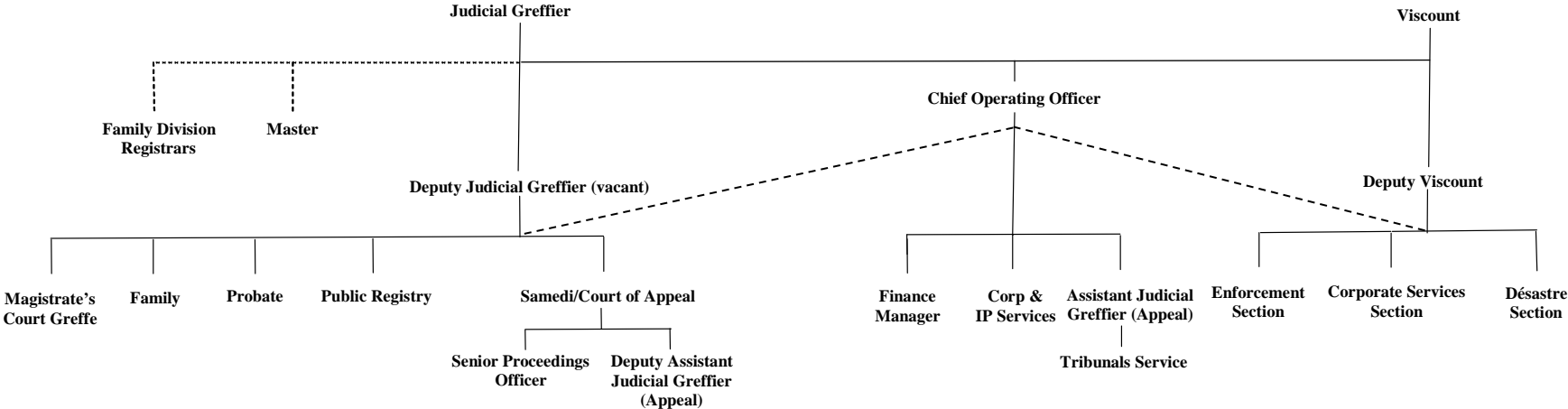
## ***CORPORATE SOCIAL RESPONSIBILITY***

In 2015, the Court Service continued to maintain its Corporate Social Responsibility policy.

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

**APPENDIX A - ORGANISATION CHART**

**Court Service Functional Organisation**



## APPENDIX B - JUDICIAL GREFFE STATISTICAL DIGEST

Judicial Greffe	2014	2015	Percentage Change 2014 to 2015
<b>Samedi Section</b>			
<b>Actions before the Royal Court</b>			
New Actions	373	410	10%
Placed on the Pending List	44	70	59%
Acts of Court issued	2,184	2,002	-8%
Number of Court Sitzings	928	947	2%
Orders in Council registered	57	22	-61%
Trials completed	9	9	0%
Dégrévement Hearings	6	4	-33%
Applications for Remise de Biens	-	3	-
<b>Actions before the Greffier Substitute</b>			
Registration of professionals	158	28	-82%
Registration of Deeds poll	79	73	-8%
Registration of Court of Protection Orders	60	65	8%
Company reinstatements	64	68	6%
Inquests	38	55	45%
Guardianships	2	4	100%
Consent Orders	-	171	-
<b>Magistrate's Court Appeals</b>			
Lodged	7	12	71%
Heard	5	3	-40%
<b>Liquor Licences</b>			
Licences Granted	42	51	21%
Managers Registered	74	91	23%
<b>Taxation of Costs</b>			
Civil bills of costs	47	32	-32%
Criminal bills of costs	26	28	8%
<b>Legal Aid Disbursements</b>			
Occasions granted (invoices paid)	784	833	6%
Legally aided litigants	172	197	15%
Expenditure	£1,140,112	£1,373,900	21%
<b>Public Registry</b>			
<b>Documents Registered/Cancelled</b>			
Contracts	2,105	2,103	0%
Procurations	1,424	1,478	4%
Obligations	2,227	2,238	0%
Cancellations	2,640	2,320	-12%



Judicial Greffe	2014	2015	Percentage Change 2014 to 2015
<b>Public Registry</b>			
<b>Documents Registered/Cancelled</b>			
Stamp Duty received	£21,690,000	£25,316,000	17%
Contracts & Wills	£18,930,000	£22,182,000	17%
Judicial Hypothecs	£2,760,000	£3,134,000	14%
Documents registered in the Public Registry	4,332	4,340	0%
Value of property transactions registered *	£833,000,000	£845,000,000	1%
<i>* Excluding value of properties transferred by Deeds of Gift or bequeathed in Wills of Immovable Estate</i>			
<b>Probate Section</b>			
Number of Grants issued	1,827	1,798	-2%
Total estates value	£594,778,936	£300,853,296	-49%
Number of Curatorships formed	59	77	31%
Stamp Duty received	£2,732,025	£1,880,200	-31%
<b>Family Section</b>			
Free standing private children applications filed	64	55	-14%
Preliminary directions hearing	217	204	-6%
Case review hearing	269	180	-33%
Summonses heard (half day or more)	39	20	-49%
Family/children Acts issued	347	245	-29%
Adoptions (2 Orders per child)	8	4	-50%
Nisi Acts issued	170	197	16%
Matrimonial Acts issued	599	602	1%
Reciprocal Orders	7	6	-14%
Parental Responsibility Agreements	48	63	31%
Decrees Absolute filed	183	183	0%
Petitions filed	212	225	6%
<b>Interlocutory Services</b>			
Summonses fixed	94	97	3%
Summonses heard (half days)	116	121	4%
Adjournment/Date Change	0	4	-
Written reasons	29	31	7%
Acts issued	320	380	19%
Service out of the jurisdiction or substituted service	23	20	-13%
Planning Appeals	11	6	-45%
Appeals adjudicated 'on the papers'	3	1	-67%
Appeal withdrawn	1	0	-100%
Case reports produced	7	6	-14%
<b>Appellate Section</b>			
Appeals lodged with Court of Appeal	23	18	-22%
Superior Number Appeals	0	2	-
Court of Appeal sittings (days)	27	23	-15%
Number of Unreported Judgments	323	315	-2%
Transcripts of evidence - transcripts produced	106	44	-58%
CDs of hearings produced	87	37	-57%

<b>Judicial Greffe</b>	<b>2014</b>	<b>2015</b>	<b>Percentage Change 2014 to 2015</b>
<b>Intellectual Property Registry</b>			
Trade Marks Registrations	42	34	-19%
Patents (Registrations & Updates)	29	28	-3%
Designs (Registrations & Updates)	2	0	-100%
Trade Marks Updates	323	470	46%
<b>The Tribunals' Service</b>			
JEDT Applications: Employment	173	166	-4%
JEDT Applications: Discrimination	-	12	-
Case management meetings	138	162	17%
Interim hearings	16	19	19%
Full hearings	66	38	-42%
Pending at year end	-	35	-
Social Security Tribunal applications	33	34	3%
Social Security Tribunals applications pending at year end	11	8	-27%
Income Support Tribunal hearings	4	11	175%
Full hearings	11	9	-18%
Short Term Incapacity Tribunal hearings	4	15	275%
Medical Tribunal hearings	3	8	167%
Mental Health Appeals Tribunal hearings	32	53	66%
Full hearings	9	25	178%
Health and Safety Tribunal hearing	1	0	-100%
<b>Magistrate's, Youth and Petty Debts Courts</b>			
<b>Magistrate's Court</b>			
Non parking cases completed	1,152	1,089	-5%
Cases committed to Royal Court	131	181	38%
Parking cases completed	1,150	944	-18%
Total completed cases	2,433	2,214	-9%
Non parking persons	963	908	-6%
Persons committed to Royal Court	111	148	33%
Parking persons	493	448	-9%
Total persons	1,567	1,504	-4%
Non parking arrest	175	117	-33%
Parking arrest	1,215	1,051	-13%
Total arrests	1,390	1,168	-16%
Total remands	2,370	2,370	0%
Total volume of case work	6,193	5,752	-7%

<b>Judicial Greffe</b>	<b>2014</b>	<b>2015</b>	<b>Percentage Change 2014 to 2015</b>
<b>Youth Court</b>			
Total cases	108	90	-17%
Total Youths	71	72	1%
Royal Court committals	0	7	-
Remands	111	84	-24%
Arrests	2	1	-50%
<b>Petty Debts Court</b>			
Actions	4,473	4,407	-1%
New actions	2,860	2,788	-3%
Judgments	2,081	1,990	-4%
<b>Taxation of Costs</b>			
Criminal Bills of Costs	60	37	-38%
<b>Mediation Sessions</b>			
Sessions conducted before the Master	111	110	-1%
<b>Contested cases</b>			
Direct to mediation	111	110	-1%
Direct to pleadings	12	12	0%
Cases settled	75	74	-1%
Trials	16	7	-56%
Tenancy	20	15	-25%
Family	3	5	67%
Total Value	£6,747,977	£7,327,255	9%
Stamp Duty	£106,928	£118,856	11%

## APPENDIX C - VISCOUNT'S DEPARTMENT STATISTICAL DIGEST

Viscount's Department	2014	2015	Percentage Change 2014 to 2015
<b>Enforcement</b>			
<b>Fines imposed and amounts collected</b>			
Number imposed	1,167	1,017	-13%
Amount collected	428,977	404,599	-6%
Success rate - by number	99%	99%	0%
Success rate - by value	90%	99%	10%
<b>Receipt of bail moneys</b>			
Persons bailed	182	221	21%
Money received	£127,453	£74,128	-42%
<b>Arrest Orders</b>	5,415	5,534	2%
<b>Service of Process</b>	1,447	1,723	19%
<b>Costs</b>			
Number imposed	15	5	-67%
Value imposed	£48,198	£18,200	-62%
Success rate - by number	93%	100%	8%
Success rate - by value	99%	100%	1%
<b>Compensation Orders</b>			
Number imposed	110	118	7%
Value imposed	£88,060	£62,619	-29%
<b>Judgments received and processed</b>			
Number received	1,389	1,354	-3%
Number processed	1,389	1,354	-3%
Amount collected	£769,845	£714,569	-7%
<b>Evictions carried out</b>	8	2	-75%
<b>Maintenance Orders under enforcement</b>	21	29	38%
<b>Reciprocal enforcements for other jurisdictions</b>	19	20	5%
<b>Drug Trafficking</b>			
<b>All Drug Trafficking Figures are now included in Proceeds of Crime Figures</b>			
<b>Non-Saisie Confiscation Orders</b>			
Local	19	12	-37%
External	0	0	-
Total	19	12	-37%
<b>Approximate value of assets arrested</b>	£15,586	£8,403	-46%

Viscount's Department	2014	2015	Percentage Change 2014 to 2015
<b>Proceeds of Crime - <i>Saisies judiciaires</i></b>			
<b>New cases (including Drug Trafficking)</b>			
Local	4	3	-25%
External	4	3	-25%
Total	8	6	-25%
Approximate value of assets arrested	£1,608,691	£5,950,526	270%
<b>Confiscations (concluded cases): Proceeds of Crime</b>			
Number	23	6	-74%
Value (net)	£7,631,262	£143,084	-98%
Value (net)		\$457,972	-
Cases discharged	3	1	-67%
<b>Cases carried forward into following year</b>			
Local	8	8	0%
External	21	24	14%
Total	29	32	10%
Approximate asset value	£34,358,228	£41,601,106.00	21%
<b>Civil Asset Recovery</b>			
<b>New cases</b>			
Local	0	0	-
External	1	0	-100%
Total	1	0	-100%
Approximate value of assets arrested		£0	-
<b>Confiscations (concluded cases): Civil Asset Recovery</b>			
Number	0	0	-
Value (net)	£0	£0	-
Cases discharged	0	0	-
<b>Cases carried forward into following year</b>			
Local	0	0	
External	1	1	0%
Total	1	1	0%
Approximate asset value	£173,685,404	£214,276,617	
<b>Assizes</b>			
Use of computerised jury selection system	14	15	7%
Trial process started	5	1	-80%
Trials abandoned	10	14	40%
Trials completed	9	9	0%
Days	32.5	44.5	37%
Juror exemptions	273	354	30%
Jury summonses	721	885	23%
Witnesses	122	72	-41%
Jurors given financial assistance	0	1	-


































Viscount's Department	2014	2015	Percentage Change 2014 to 2015
<b>Coroner</b>			
<b>Deaths reported</b>			
Inquest cases	36	53	47%
Cleared after autopsy	40	55	38%
Cleared by doctor's cert etc	46	48	4%
	<u>122</u>	<u>156</u>	<b>28%</b>
Deaths reported as % of all registered deaths	18%	20%	11%
Approvals for doctor to issue cert (unreported)	101	66	-35%
Permits for import/export of bodies	43	44	2%
<b>Inquests concluded</b>			
Suicide	7	11	57%
Accident	13	23	77%
Open	5	5	0%
Natural causes	11	12	9%
Industrial disease	1	1	0%
Unlawful killing	1	1	0%
Total number of inquests held	38	53	39%
Inquest cases carried forward to following year	23	18	-22%
<b>Désastres</b>			
Management of cash-flow, liquidity and related issues	71	61	-14%
Declared	3	2	-33%
Settled	8	1	-88%
Total liabilities	£785,930	£107,376	-86%
Assets realised	£8,585	£16,411	91%
Average dividend paid (pence in the £)	1p/£	15p/£	
Disclaimers served ( <i>onerous movable property</i> )	0	1	-
<b>Discharges of personal bankrupts</b>			
Granted	0	4	-
Deferred	0	0	-
Disclaimers of onerous property	0	1	-
<b>Sales of realty</b>			
Number	2	3	50%
Value	£878,000	£365,000	-58%

<b>Viscount's Department</b>	<b>2014</b>	<b>2015</b>	<b>Percentage Change 2014 to 2015</b>
<b>Désastre Checks</b>			
Checks conducted	11,794	14,398	<b>22%</b>
Charges invoiced	£60,095	£93,370	<b>55%</b>
Assist the Jurats with Remise de Biens	0	3	-
Conduct <i>Vues de Vicomte</i>	2	0	<b>-100%</b>
<b>Curatorships</b>			
Appointments	0	0	-
Under administration at year end	18	16	<b>-11%</b>
<b>Court sittings attended</b>			
Royal Court and Court of Appeal	113	110	<b>-3%</b>
Magistrate's Court	341	322	<b>-6%</b>
Youth Court	49	46	<b>-6%</b>
Total	<u>503</u>	<u>478</u>	<b>-5%</b>
Convening notices issued	18	27	<b>50%</b>

# APPENDIX D - COURT SERVICE BALANCED SCORECARD

FOR PERIOD 1 JAN 15 TO 31 DEC 15

Previous reporting period figures shown in brackets

CUSTOMER		STRATEGY	
	Number of complaints received: 3 (2)		Investor in People standard maintained (Gold Award)
	Number of compliments received: 18 (33)		Maintenance of interface with the executive arm of government
	Number of page views (per quarter) on JLIB website: 397,886 (368,046)		Maintenance of strategic and business plans, and annual report
	100% user group, other meetings, & public consultations, held as scheduled (100%)		65% progress against Law Reform action plan (75%)
	100% suppliers' accounts paid within service pledge (100%)		Progress against JLIB projects
	100% Legal Aid disbursements paid within service pledge (100%)		Procedures manuals in place
PERFORMANCE			
	95% 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	
	5% employee turnover rate (3%)		£612,500 (£244,100), 14.4% (6.5%) underspent on profile
	Average days sickness lost per member of staff: 7.3 (11.9)		£456,100 (£1,034,900), 10.4% (23.6%) underspent on projected year end position (Court & Case costs)
	100% of employees who received an appraisal (100%)		£4,863,000 (-£1,205,000), 21.8% (-4.7%) Stamp Duty over achieved on projected year end position
	0.6 (1.15) FTEs of overtime costing £29,367 (£52,960)		100% (100%) of Internal Audits assessed at 2 or above
	Average training days per member of staff: 1.5 (2.1)		





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[www.jersecourts.je](http://www.jersecourts.je)