

ATTORNEY GENERAL'S REVIEW



2003

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SECTION 1

INTRODUCTION BY H.M. ATTORNEY GENERAL



I am pleased to introduce the Attorney General's Review of 2003. As I indicated last year, the breadth of the work done in the Department is extensive and, as this Review shows, the demands made on the Department continue to grow. Those demands are met willingly and with skill by the members of my team to whom I have pleasure in paying a public tribute.

It is apparent from this Review that in every Group in the Department, the demands are up on those in 2002 and in many cases are at their highest ever level. We had more trials, more requests for advice from States departments, more notices issued under the Investigation of Fraud and International Co-operation Laws, more new matters raised by the Children's Department, more requests for advice from the Legal Adviser to the Police and more cases presented by the Legal Advisers in that court, in each case than since these statistics were kept. Other statistics are also higher than in previous years even if not at their highest recorded level.

It is not just higher numbers that are of consequence. Very often it seems, legal matters are less straightforward than they used to be. It is not just that there appears to be less willingness to accept executive decisions taken; that there is a different kind of political scrutiny which tends to result in more legal advice being necessary; the wider implications of the European Convention on Human Rights; and the relationship which Jersey has with the outside world in its developing international personality.

When one adds to that the huge process of reform involved in the implementation of those Clothier recommendations the States has adopted, the increased number and length of sittings and the complex and important constitutional issues arising out of some of the Island's business, the overall pressure under which this Department is working is such that additional staffing is likely to be appropriate.

William J Bailhache Q.C.
H. M. Attorney General

SECTION 2

OBJECTIVES OF THE LAW OFFICERS' DEPARTMENT

1. To provide objective strategic advice to the States of Jersey directly or through the Policy and Resources Committee having regard to constitutional and legal developments.
2. To provide objective legal advice of a high quality within reasonable timescales to the Crown, the States of Jersey and all others it serves.
3. To provide and oversee a high quality prosecution service working in the interests of justice and contributing to a reduction in the level of crime in the Island.
4. To ensure that the interests of the Crown and the States of Jersey are protected by acting on their behalf in civil proceedings brought by or against the Crown or the States.
5. To ensure that the functions and duties of the Attorney General arising from custom or statute are performed to a high standard and in a timely manner.
6. To offer effective assistance within reasonable timescales to overseas judicial and law enforcement agencies in criminal matters.
7. To provide an efficient conveyancing service in relation to property matters affecting the Crown and the States of Jersey.

SECTION 3

STATISTICAL REVIEW OF THE WORK OF THE DEPARTMENT IN 2003

This section sets out the work carried out by the Department during 2003 and is organised along the lines of the different groups into which the Department itself is organised. This is the second year in which the information is provided in this format.

The Department is divided into five groups. These are:

- General Group;
- Serious Crime Group;
- Constitution, Human Rights, European and Legislation (“CHEL”) Group;
- Legal Adviser to the Police and
- Conveyancing Group

The work of each group during 2003 will be described in turn.

Serious Crime Group



Crown Advocate Cyril Whelan
Head of Serious Crime Group

The Group consists of a Principal Legal Adviser, two Senior Legal Advisers, two Assistant Legal Advisers and a full time secretary. The Serious Crime group is responsible for the prosecution of serious crime in the Island with particular emphasis on the investigation and prosecution of financial crime, including money laundering. Additionally, it is responsible for co-operation with overseas authorities in the investigation of financial crime in particular.

Domestic Investigations

2003 saw the successful prosecution of a large money laundering trial in the Royal Court. The O'Brien case involved the deposit of £1.5 million of drug money into Jersey bank accounts, which was thereafter filtered through banks in Andorra. Serious Crime Group lawyers worked closely with Jersey Customs and police officers to secure the convictions of the leading defendants. Substantial prison sentences and a £2.5 million confiscation order were the result.

The case of Coke-Wallis represented the first successful prosecution of finance industry professionals for breaching JFSC directions made under the Business Finance Law. The Defendants, a husband and wife team running a trust company, were convicted after trial of removing business records from Jersey in breach of a Commission prohibition. Sizeable fines were imposed, and the convictions were upheld by the Jersey Court of Appeal.

International Co-operation

A number of long running investigations into serious financial crime continue. These investigations are frequently at the cutting edge of the fight against financial crime and involve complex issues not only of criminal law but also of international law. A number of international arrest warrants were issued during the year for persons suspected of significant dishonesty and breach of trust.

2003 saw Jersey's long running investigation into Nigerian corruption approach its climax. Working closely with the present Nigerian authorities, the US authorities and countries across Western Europe, Serious Crime Group lawyers played a direct and crucial role in the repatriation of some

US\$160 million of money embezzled from the people of Nigeria and channelled through Jersey by the late Nigerian dictator Sani Abacha, and his henchmen. Further repatriations of stolen funds are expected to follow in the months ahead.

The Abacha case is a clear example of the benefit of international co-operation to which the Island is committed. Given the nature of business in Jersey, the investigation of serious financial crime inevitably involves liaison with other jurisdictions, both to provide assistance to other countries, and to obtain assistance from them. The Serious Crime Group continues to assist other countries in fighting crime and uses its close links with other nations to obtain evidence to combat crime in the Island.

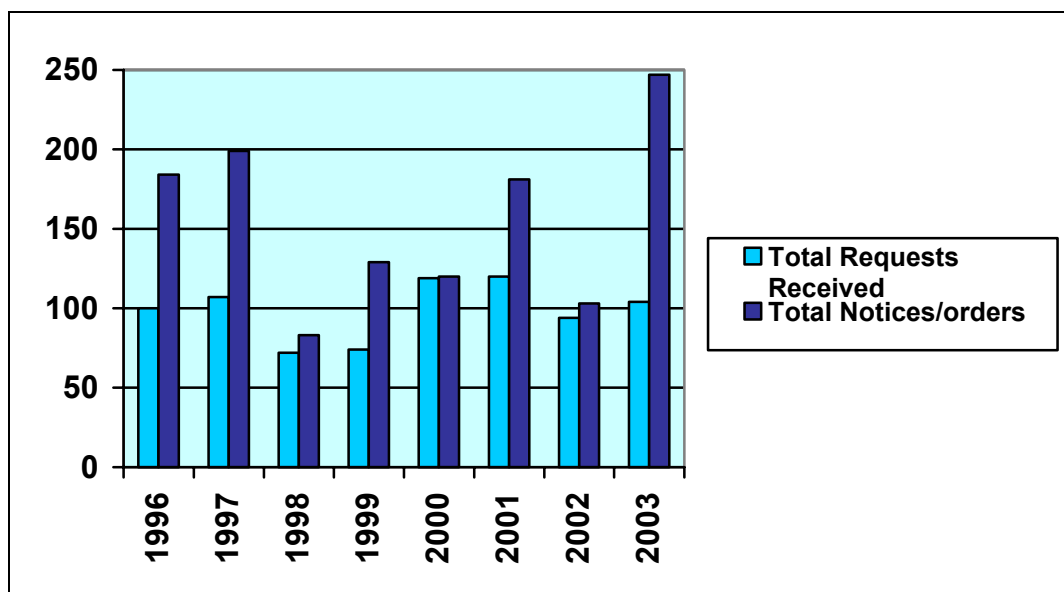
In the past year letters of request for such assistance have been sent by Jersey to the USA, France, Austria, Germany, Switzerland, the United Kingdom and many other countries. Jersey has acted upon a significant number of such requests from abroad as well, demonstrating a real and practical commitment by the Island to its obligations in the fight against international crime.

The Laws most frequently used to render assistance are the Investigation of Fraud (Jersey) Law 1991 and the Criminal Justice (international Co-operation) (Jersey) Law 2001. The total number of new Requests received from overseas jurisdictions (and the Notices/Order served as a result) for the period 1995 to 2003 is set out on the following table:

	1996	1997	1998	1999	2000	2001	2002	2003
Total Requests received	100	107	72	74	119	120	94	104
Total notices/orders	184	199	83	129	120	181	103	247¹

This information is shown graphically below.

¹ Includes those issued in respect of on-going investigations begun in previous years.



Requests for Assistance and Notices/Orders Issued

Of the 104 new requests received during 2003, five were requests received from the States of Jersey police which were dealt with by way of a number of different laws. A further eleven requests from 2002 were dealt with during the year. The requests were dealt with as follows:

Assistance given	79
Under consideration	18
Waiting for additional information	9
Unable to give assistance	3
Local police providing assistance	1
Request discontinued	5
Total	115

Only three requests were refused - one because the alleged offences predated the introduction of the relevant legislation, one because the request related to a civil matter and one because there was insufficient evidence of a criminal investigation taking place.

The Attorney General made 17 requests to other jurisdictions in connection with serious fraud investigations commenced by him under the Investigation of Fraud (Jersey) Law 1991.

Constitution, Human Rights, European and Legislation (“CHEL”) Group



Richard Whitehead
Head of 'CHEL' Group

The group consists of a Principal Legal Adviser, a Senior Legal Adviser, a Legal Adviser and three Assistant Legal Advisers, one of whom has mainly been employed during 2003 assisting the Attorney General and members of the General Group. There is one secretary, shared by the Legal Advisers, other secretarial and administrative support is provided from the general administrative staff in the Department.

As its title suggests, CHEL, usually working to, or in support of, the Attorney General deals with matters concerning the constitutional relationship between the Island and the UK, as well as the Island's international obligations, human rights advice, applicability of EC law and Jersey legislation. This latter subject includes advice to Committees on proposals for new legislation (including advice on human rights compatibility), preparation of legal reports for the Privy Council, giving drafting instructions for some major new legislation including the preparation of Orders in Council extending Acts of Parliament to the Island, and advice as to whether such extensions are necessary or desirable. The Group also has responsibility for drafting Rules of Court and providing advice and support to the Legislation Committee.

The CHEL Group covers a very wide range of work, some areas of which overlap with the work of the General Group. Two areas where this is particularly so are those of commercial and other contracts and data protection. Work on contracts in fact saves considerable amounts of money for the States, which they might otherwise have to spend on buying in expensive legal advice from private sector lawyers. States expenditure on translations to and from French is also reduced by using CHEL members to do in-house translations.

2003 was a very busy year. The Group members had substantially more work to do than previous years and, regrettably, some response times unavoidably suffered.

Among the many significant tasks completed by CHEL members during 2003 were work on the extension to Jersey of the Office of Communications Act 2002, the Communications Act 2003 and the Broadcasting Act 1996, drafting instructions for a new Extradition (Jersey) Law, advice to the Data Protection Registrar, work on drafting instructions for a new Law on “Tutelles”, work on the drafting of new Rules of Court in Family and Matrimonial causes, work on preparation for implementation of the Human Rights (Jersey) Law 2000, work on the contract for the bus

service in the Island and advice to matters arising out of the loss, due to financial problems, of one of the ferry service operators to France.

Orders in Council and Privy Council Reports

2003 was also a busy year for the States, with 41 new laws being registered in the Royal Court. All were presented at the next available sitting of the Samedi Court after return from the Lord Chancellor's Department following Royal assent. This conforms to the Department's performance target for this area of work.

The Attorney General has a duty to report to the Privy Council following the adoption of legislation by the States and to draw to the attention of the Privy Council any features of that legislation which might affect the interests of the Crown. A total of 28 reports for the Privy Council were prepared in 2003 (52 in 2002). These reports are sent in the first instance to the Lieutenant Governor. The Department aims to forward reports to His Excellency the Lieutenant Governor within 4 weeks of States approval. The 28 reports in 2003 were transmitted within the following timescales:-

	1999	2000	2001	2002	2003
Less than 10 days	18	10	11	39	20
Between 11 and 20 days	7	18	5	10	6
Between 21 and 30 days	6	7	7	1	1
Between 31 and 40 days	0	1	0	2	1
Between 41 and 50 days	0	1	4	0	0
TOTAL	31	37	27	52	28

All reports but one were therefore transmitted within one month. The average time for transmission was 8.9 days (performance indicator 28 days).

In addition to the Orders in Council relating to laws passed by the States of Jersey a total of 7 Statutory Instruments and Orders in Council extending UK legislation to the Island were registered in the Royal Court. (7 in 2002)

Two Group members have also continued with work on the machinery of government reform process, in connection with the Legislation Implementation Working Group and providing advice and assistance to the Privileges and Procedures Committee. The Committees work in developing proposals for the new States of Jersey Law reached an advanced stage, with a draft Law being made ready by the end of the year, for distribution to States Members for comment. For 2004 it is anticipated that work on government reform will increase and as the process gathers pace. The advent of so-called "Shadow Scrutiny Committees" is likely to increase the

burden of work on the Group during 2004. There will be further work on new legislation including a new Regulation of Investigatory Powers (Jersey) Law (“RIPL”) amongst other projects.

Slow progress on the RIPL draft in 2003 meant that the Human Rights (Jersey) Law 2000 was not brought into force. It is hoped that this important Law will, however, be brought into force in 2004. Work on European Communities matters is also likely to be extensive next year, with a number of new, or proposed EC measures requiring consideration. Requests for advice on human rights issues and on the extension of ratification of international treaties and Conventions to the Island are also likely to be a major element of the Group’s work next year, as indeed has been the case in 2003.

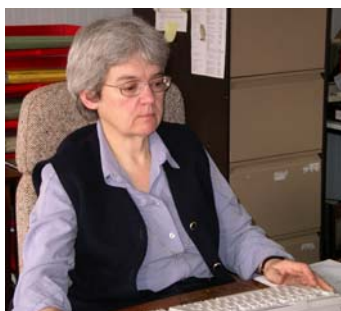
Hague Convention – Service of Documents

Dealing as it does with some international matters, the Group is also responsible for the administration of requests from overseas authorities for the service of judicial documents under the 1965 Hague Convention on the Service of Documents. In 2003, 54 sets of documents were received (88 sets in 2002) and processed by the Department.

Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations

The CHEL Group also oversees applications to the Royal Court for the incorporation of associations under the Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations. The constitutions of 3 new associations were approved by the Department in 2003 (2002 total – 12 constitutions) and Acts of Incorporation granted by the Royal Court. There were no applications for the dissolution of a fidéicommiss.

General Group



Stéphanie Nicolle Q.C.
H.M. Solicitor General

The General Group deals with advice to States Committees and Departments in areas not covered by other Groups of the Department, less serious criminal prosecutions, curatorships, various childcare and family matters and a wide variety of other legal work. The Group is headed by H.M. Solicitor General and in addition to the Solicitor General consists of a Senior Legal Adviser, a Legal

Adviser, a Senior Assistant Legal Adviser, an Assistant Legal Adviser and two full time secretaries. This complement of staff is not adequate to tackle the demands made on the Group and, during the year, the Group has relied on the services of supernumerary staff to cover, for example, the absence of a member of staff on study leave and to provide additional resource.

Advice to States Committees and Departments

The Department continued to advise Committees and Departments on a wide range of legal issues. Advice on many matters referred in previous years continued and the total number of new formal requests for advice during the year (excluding Conveyancing enquiries) was as follows:-

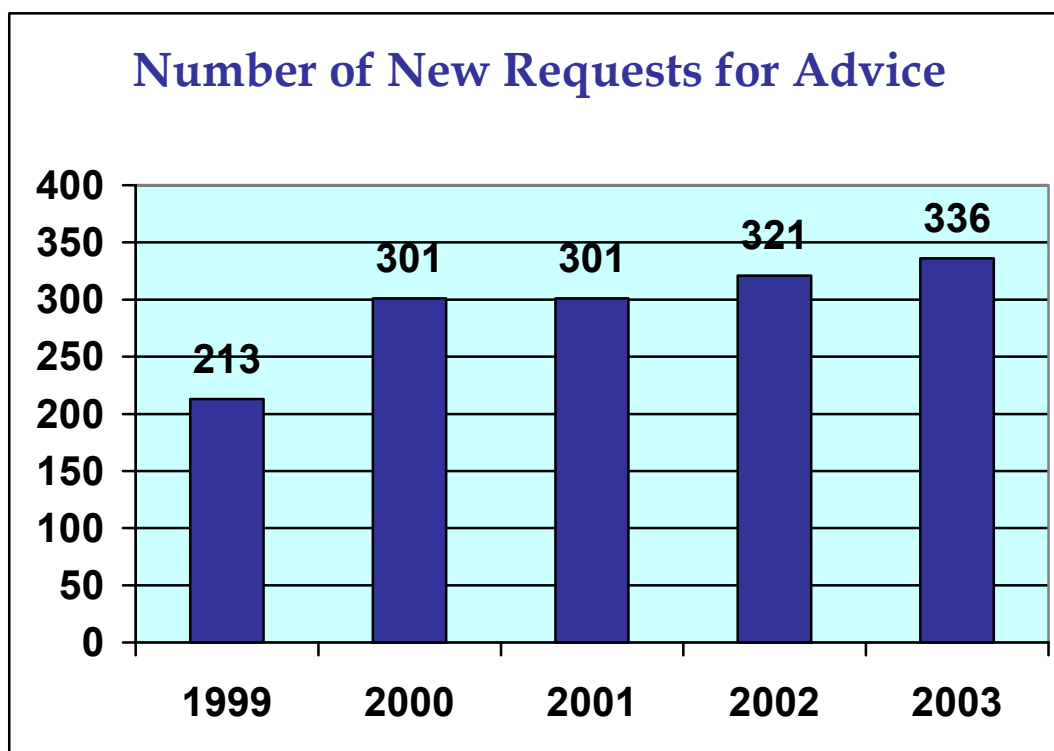
	1999	2000	2001	2002	2003
Agriculture & Fisheries*	19	22	15	22	-
Economic Development					20
Constables	19	22	23	28	49
Data Protection Registrar	2	9	2	3	2
Education*	4	9	11	10	-
Education, Sport and Culture					8
Employment & Social Security	4	14	9	17	6
Finance & Economics	32	20	25	14	13
Gambling Control*	1	6	3	2	-
Harbours & Airport	18	21	21	17	15
Health & Social Services	8	31	23	24	24
Home Affairs Committee	9	20	20	16	26
Housing	10	16	20	19	25
Immigration & Nationality	0	7	1	1	2
Income Tax	26	8	3	4	4
Industries Committee	0	5	7	13	2
Jersey Telecoms	1	6	5	5	4
Licensing	4	26	29	34	30

Planning*	23	30	31	25	-
Environment and Public Services					32
Postal Administration	2	7	4	10	4
Prison Board	6	7	8	6	11
Public Services*	15	21	21	26	-
Sport, Leisure & Recreation*	4	1	0	0	-
States Human Resources*	6	6	17	5	-
Policy and Resources					9
Superintendent Registrar	0	0	3	15	20
Tourism	0	6	0	5	2
Total new requests	213	301	301	321	336

*These committees/departments were subsumed into new organisations in preparation for the proposed changes to ministerial government.

(N.B. Not all of these new requests were dealt with by the General Group.)

This information is shown graphically below:

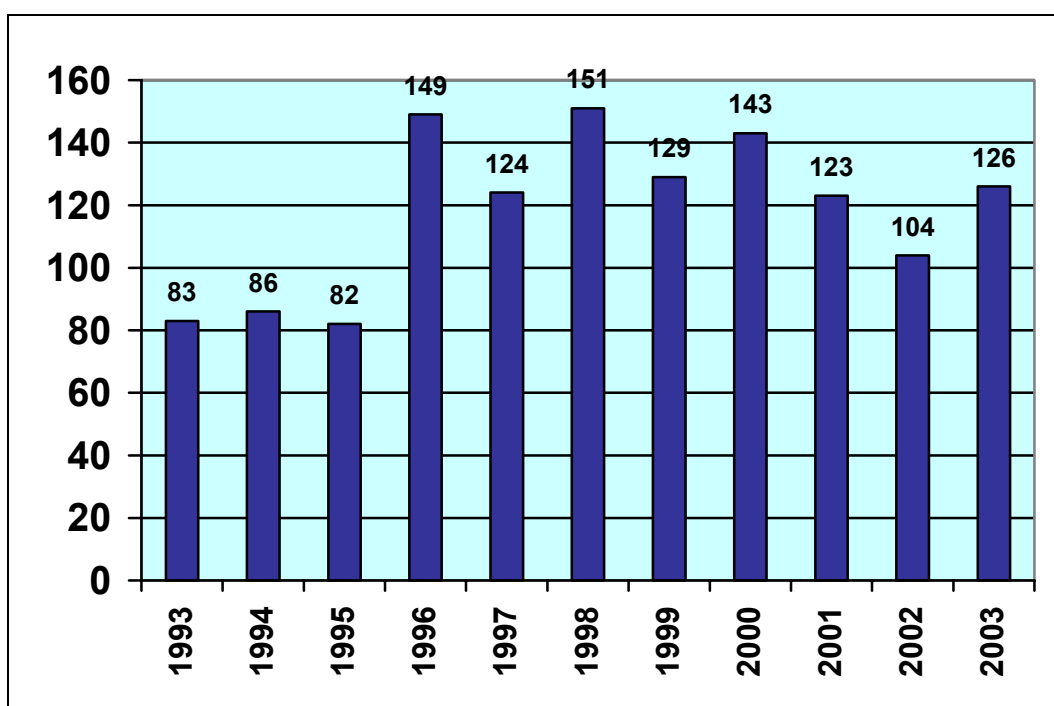


In addition the Department continued to provide advice to Committees where new issues arose out of existing matters and to H.M. Receiver General in relation to legal matters. Advice on Human Rights matters (part of the remit of the CHEL Group) is included in the above figures and will continue to form an increasing part of the Department's work, particularly

in the consideration of new legislation which will require a statement of compatibility before being presented to the States Assembly for debate.

Criminal Matters

During 2003 a total of 126 new criminal prosecutions were instituted in the Royal Court. This is a similar number to previous years and considerably higher than in 2002.



Royal Court - New Criminal Cases 1993 to 2003

In 2003 the principal offence for the 126 cases was as follows: (The 1999 to 2002 figures are given as a comparison)

	1999	2000	2001	2002	2003
Drugs offences	39	52	41	45	49
Violence against the person	22	21	34	23	29
Murder/manslaughter	0	2	1	1	1
Breaking & Entry/Illegal Entry	18	16	12	12	9
Larceny and receiving stolen property	0	0	2	1	1
Sexual offences	4	7	3	4	12

Fraud and other offences of dishonesty	24	13	8	5	3
Motoring offences	4	2	1	1	2
Public order offences/resisting arrest	2	1	2	0	1
Arson/maliciously setting fire	0	0	3	1	0
Income Tax infractions	0	2	0	1	0
Health & Safety infractions	1	7	6	2	4
Housing infractions	6	8	1	5	1
Planning infractions	1	2	2	0	3
Social Security infractions ²	5	1	1	1	0
Possession of explosives/firearms	0	1	1	1	0
Proceeds of crime	0	0	1	0	0
Other miscellaneous criminal offences ³	0	6	1	0	5
Other miscellaneous infractions ⁴	3	2	3	1	5
TOTAL NEW CASES	129	143	123	104	126

The proportion of cases relating to drug offences decreased from 43% in 2002 to 38% in 2003.

The 126 new cases were dealt with in the following manner:-

Sentenced by Inferior Number following guilty plea	61
Sentenced by Superior Number following guilty plea	38
Not guilty plea – remanded for trial	25
Other (E.g. failed to appear - arrest ordered, case abandoned, etc)	2

During 2003, 37 trials were due to take place in the Royal Court, of which some were ordered during 2002 and others during 2003. Some ordered in 2003 will take place in the 2004. The tables below show the outcome of these trials:

² The Department also referred a number of infractions to the Legal Adviser to the Police for prosecution in the Magistrate's Court

³ Includes such offences as perverting the course of justice, child cruelty, demanding money with menaces etc

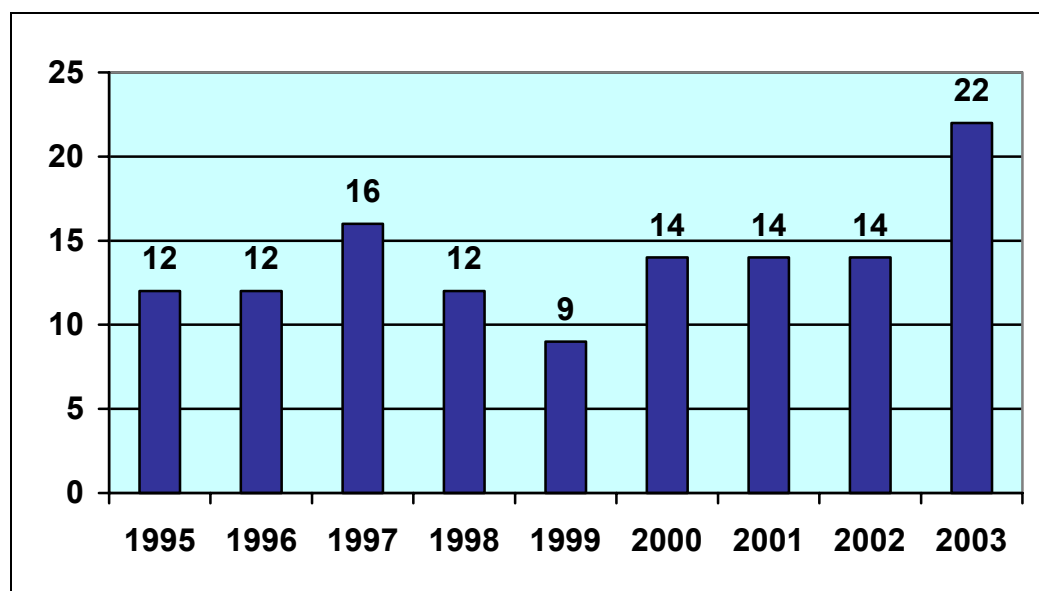
⁴ Includes, for example, infractions under the Licensing, Food Hygiene, Sea Fisheries, Data Protection, Residential Homes, Water Pollution and Fire Safety Laws.

Tried before Criminal Assizes	15
Tried before Inferior Number	7
Change of plea to guilty before trial date	10
Other (e.g. Prosecution abandoned before trial, defendant failed to appear etc)	5
TOTAL	37

During the year there were a total of 15 Criminal Assize trials and 7 trials before the Inferior Number.

	1995	1996	1997	1998	1999	2000	2001	2002	2003
Criminal Assizes	6	5	12	8	7	8	10	12	15
Inferior No. Trials	6	7	4	4	2	6	4	2	7
Total Trials	12	12	16	12	9	14	14	14	22

These figures are shown graphically below:



Royal Court Trials Held 1995 – 2003

In the twenty two trials, there were a total of twenty seven accused. Of these, sixteen were found guilty and eleven acquitted.

The Department introduced in July 2000, on a pilot basis initially, a new monitoring system for the progress of criminal cases. The table below shows the results for the full years 2001, 2002 and 2003 for those processes over which the Department has control. The performance indicators are set out in more detail in the Department's Business Plans.

Performance Indicator	2001	2002	2003
Receipt by Chief Clerk of case file from Legal Adviser to the Police within 14 days of committal	PI Achieved 94.9% Longest 29 days	PI Achieved 93.3% Longest 32 days	PI Achieved 89.3% Longest 50 days
Allocation of case to Crown Advocate within 5 days of receipt of papers	PI Achieved 94.9% Longest 19 days	PI Achieved 93.4% Longest 21 days	PI Achieved 94.2% Longest 15 days
Indictment within 35 days of receipt of papers	PI Achieved 92.7% Longest 43 days	PI Achieved 87.9% Longest 45 days	PI Achieved 92.2% Longest 45 days

The Department will continue to monitor and report the progress of cases through the Royal Court and seek to improve processes where bottlenecks occur. As can be seen from the table above, the latter two performance indicators were achieved in over 90% of all cases in 2003. Given the increasing pressure on court time, it is sometimes impossible to present indictments in the Royal Court within the target period.

Fines and costs awarded to the Crown by the Royal Court during the year amounted to £86,200. Previous years' figures are shown below:

	1999	2000	2001	2002	2003
Total fines and costs awarded	£52,570	£124,175	£92,975	£66,100	£86,200

(N.B. Default terms of imprisonment are often ordered by the Court which may result in a lower level of fines being collected than appears here. No adjustment has been made for any reduction in fines ordered by the Court of Appeal.)

Court of Appeal – Criminal Appeals

In 2003, there were 27 criminal appeals to the Court of Appeal or to the Superior Number exercising appellate jurisdiction. (2002 – 24 appeals) The results of these appeals were as follows:

	Leave to appeal refused	12
Appeals against conviction	Appeal allowed – conviction quashed and/or re-trial ordered	4
	Appeal dismissed or abandoned	0
Appeals against sentence	Appeal allowed – sentence reduced	8
	Appeal dismissed	3

Magistrate’s Court Appeals

There were eight appeals from the Magistrate’s Court notified to the Department in 2003. Of these, four were abandoned before reaching the Royal Court and one was set down to be heard in 2004. The result of the remainder of those appeals is as follows:

		1999	2000	2001	2002	2003
Appeals against conviction	Appeal allowed – conviction quashed	3	5	2	0	0
	Appeal dismissed	5	3	3	1	1
Appeals against sentence	Appeal dismissed	1	0	2	6	1
	Appeal allowed – sentence reduced	6	3	7	3	1
	Appeal allowed – remitted to Magistrate	0	0	1	0	0

Bail Applications

Four applications for bail were made in the Royal Court in 2003 (excluding applications made on indictment). (2002 – 3 applications). The outcomes of those applications are as follows:

	1999	2000	2001	2002	2003
Review of Magistrate's decision – bail refused	2	0	0	0	0
Review of Magistrate's decision – bail granted	0	0	0	0	0
Original applications – bail refused	18	9	4	2	2
Original applications – bail granted	8	2	4	1	2
Remitted to the Magistrate	1	2	0	0	0

Review of Royal Court Probation Orders

There were 10 reviews of probation orders by the Royal Court during 2003. (2002 total – 16) This does not include any cases where an offender breached an order by re-offending.

Administrative Appeals

As in previous years, members of the Department have represented States committees and other States bodies during the year.

Debts

The work of the Department's Finance and Court Proceedings Officer resulted in:-

Petty Debts Court

	1999	2000	2001	2002	2003
Summonses sent	2000	1643	1224	963	899
Total for summonses issued	£1,654,150	£1,568,666	£1,127,228	£854,674	£777,600
No. of cases to court	1379	1311	942	659	593
Total for cases to court	£1,209,848	£1,333,771	£956,999	£655,712	£545,098

Royal Court

	1999	2000	2001	2002	2003
Summonses sent	627	563	440	451	684
Total for summonses issued	£3,987,919	£3,858,930	£4,005,951	£3,092,872	£3,956,465
No. of cases to court	454	455	320	391	510
Total for cases to court	£2,089,867	£2,464,528	£1,855,939	£2,564,949	£2,888,673

A total of £1,300,294 was recovered before the court date and £19,808 was recovered via the Viscount's Department. (Monies paid direct to individual departments after an Act of Court has been obtained and wage arrests are not included in the above figures.)

The problems reported last year at the Income Tax and Social Security Departments have now been resolved as can be seen from the number of summonses sent which are now back to the levels reported in previous years.

Claims against Committees

The Department dealt with new civil claims against Committees where proceedings were issued or threatened. Where appropriate, all were referred to the States' insurers within the time specified by the performance indicator in the Business Plan. The claims were as follows:

	1999	2000	2001	2002	2003
Agriculture and Fisheries*	1	0	0	0	-
Economic Development					0
Education*	0	1	0	1	-
Education, Sport and Culture					0
Harbours and Airport	0	1	0	3	0
Health and Social Services	3	11	6	8	7
Housing	0	0	0	2	2
Home Affairs	1	2	0	1	0
Public Services*	2	2	4	3	-
Environment and Public Services					1
States of Jersey Police	0	1	0	1	0
Other	0	4	3	2	0
Total	7	22	13	21	10

*These committees/departments were subsumed into new organisations in preparation for the proposed changes to ministerial government.

Licensing Assembly

There were 10 sittings of the Assembly in 2003 (4 ordinary and 6 extraordinary sittings). 94 applications and 15 ex-parte applications were considered by the Assembly (2002 – 72 applications).

All documentation for the Licensing Assemblies was prepared for the Attorney General and submitted to the members of the Assembly within the timescales set out in the Department's Business Plan. The Department dealt with five applications to the Gambling Licensing Authority during the year.

The States have agreed that in future the presence of a Law Officer is no longer required at meetings of the Licensing Assembly and that any legal advice which the Assembly requires will henceforth be provided by the Judicial Greffier. The Attorney General will still have the right to refer matters of concern to the Licensing Assembly where appropriate but applications that are administratively routine in nature will no longer be considered by the Attorney General. This will reduce the workload of the Department considerably. It is hoped that the same arrangement can be made for meetings of the Gambling Licensing Authority. This, therefore, is the last time the above statistic will be included in the Attorney General's Review.

Legitimacy Petitions

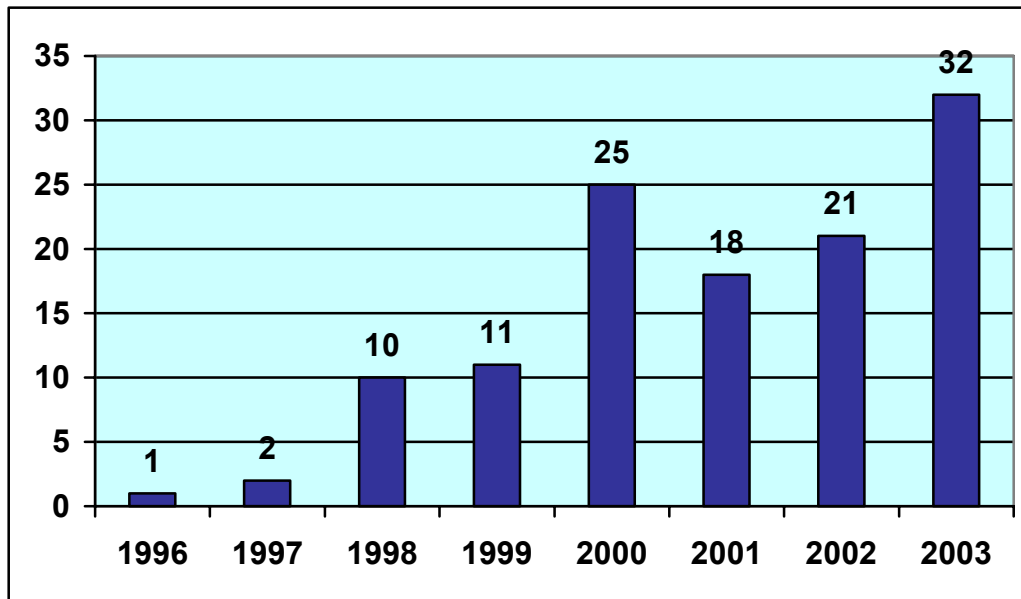
Seven petitions were reviewed by the Department during the year (2002 total – 6). The performance indicator for this area of work is that an initial response should be given within three weeks of receipt of the initial letter. A response was given in the following times for the six new cases:

	1999	2000	2001	2002	2003
1 to 7 days	10	9	3	3	2
8 to 14 days	2	5	6	2	1
15 to 21 days	1	0	1	0	2
22 to 28 days	0	1	0	0	0
28 to 30 days	0	0	2	1	2

The average time was 16 days and all but two were processed within the target time.

Children's Matters

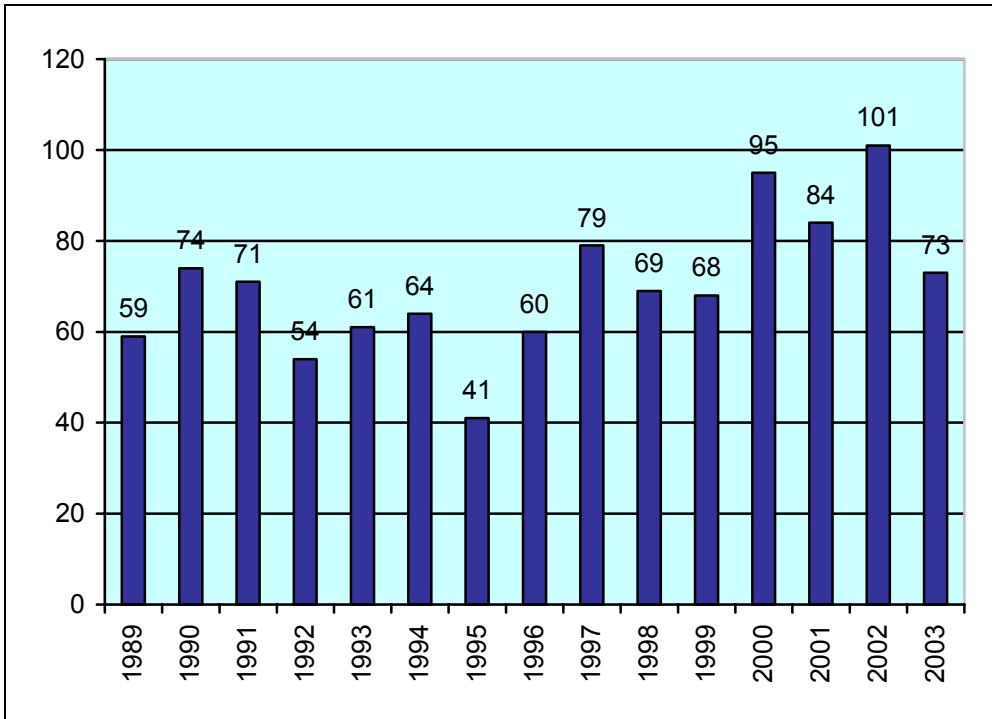
The Department acts for the Children's Department in care order proceedings, adoptions and various other matters. These matters can be extremely urgent and time consuming and represent a significant work load for those members of the Department who deal with them. In 2003, the Department dealt with 32 new matters of this sort and as can be seen from the following figure, the number of new matters referred to the Department continues to grow each year.



New Children's Matters Referred to the Department

Curatorships

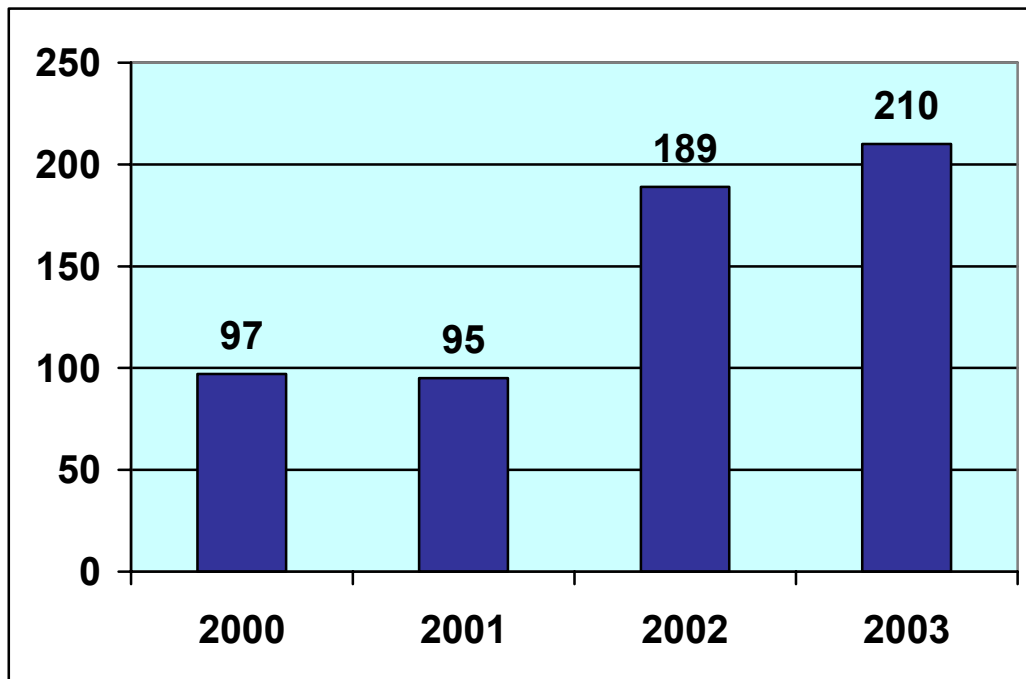
The General Group carries out the administrative work associated with the establishment of curatorships where a curator is appointed by the court to look after the financial affairs of a person deemed incapable of doing so themselves through mental incapacity. In 2003, the Department dealt with 73 new curatorships for new interdicts but this figure does not include the work done on existing curatorships such as for changes of curators or for curatorships not proceeded with. This represents a continuing increased work load as can be seen from the graph below:-



Curatorships - 1989 - 2003

Office of the Legal Adviser to the Police

During 2003, the Legal Adviser to the Police's team dealt with 210 prosecutions in the Magistrate's Court (2002 total – 189). This represents a further increase in the numbers dealt with in earlier years. This is shown graphically below:-

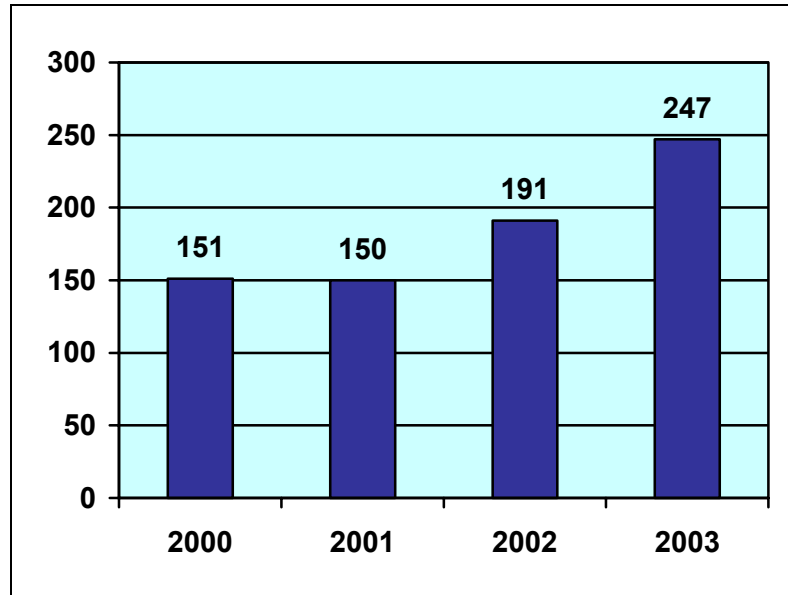


Magistrate's Court Prosecutions

The principal offences for the cases dealt with in the Magistrate's Court by members of the Legal Adviser's Office for the last four years were as follows:-

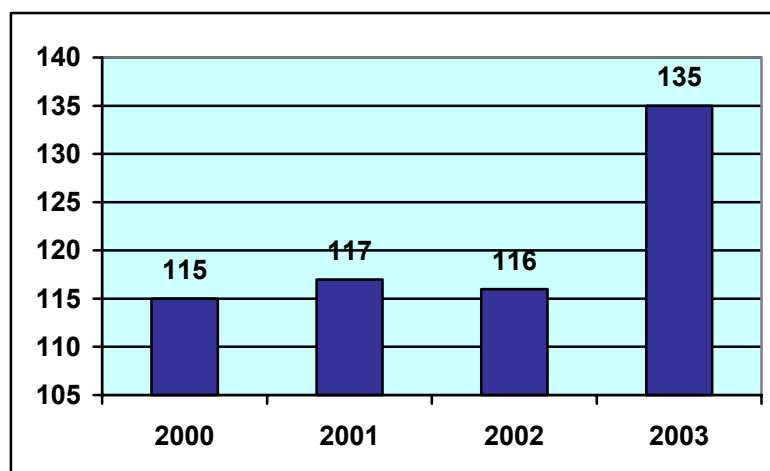
	2000	2001	2002	2003
Drugs offences	2	3	18	21
Violence against the person	37	24	57	55
Breaking and entry / Illegal entry	7	4	20	24
Larceny and receiving stolen property	0	0	3	5
Sexual offences	1	6	1	12
Fraud and other offences of dishonesty	5	6	12	11
Motoring offences	6	9	13	25
Public order offences / Resisting arrest	8	4	21	16
Infractions	2	3	10	3
DIC	13	26	29	19
Miscellaneous	16	10	4	14
Malicious damage	0	0	1	5
TOTAL	97	95	189	210

The Legal Adviser answered 247 requests for advice from various agencies in the criminal justice system (2002 total – 191). This represents an increase of almost 65% in two years, a considerably increased work load. Again this is shown graphically below:-



Requests for Advice Answered

135 files were prepared for the Royal Court during the year (2002 total – 116) although not all of these were indicted before the Royal Court during 2003.



Royal Court Files Prepared

Conveyancing Group

There can be no doubt whatsoever that 2003 proved to be the most demanding and critical year faced so far by the Conveyancing Section.

The requests for assistance and advice on conveyancing matters concerning the States and the Crown continued to flow in to the Section unabated. The following significant transactions completed during the year are worthy of brief comment, namely:-

The Social Rented and First Time Buyer Apartments at The Waterfront.

Building works in relation to the above development were completed at the end of 2002 and, therefore, there was enormous pressure on the Conveyancing Section to prepare all relevant sale documentation as quickly as possible. The social rented housing units on the site were to be sold to "The Jersey Homes Trust", with the remaining units being sold direct to first time buyers on an individual basis. As the sales were to be effected by way of flying freehold, it was necessary to produce a most complicated and lengthy "Declaration of Co-Ownership" document which had to be registered in the Royal Court before the sales could proceed. The task was both challenging and complex and effectively resulted in the Senior Conveyancing Clerk having to deal with this particular matter to the exclusion of all others. In practical terms, this meant that for the first six months of 2003, the Senior Conveyancing Clerk was not able to deal with any other areas of the Section's work, with a resulting strain being placed upon the other members of the Conveyancing Section.

Commercial Leases at The Waterfront to WEB Limited

Three leases concerning the above were completed in 2003, relating to "The Marina Services Site", "The Proposed Hotel Site" and "The Island Site and The Island Site Annexe". There were enormous political and commercial pressures involved in these matters and the required drafting of the leases placed an almost intolerable burden on the Conveyancing Section. There are still some leases and sales to WEB Limited yet to be completed and these outstanding matters will continue to place a huge demand upon the limited resources of the Conveyancing Section.

Les Pas Holdings Limited - Purported Claim to the Foreshore

This extremely sensitive matter, both politically and legally, was finally resolved last year, with the States agreeing to the transfer, for a nominal sum, of a site at the Waterfront to "Les Pas Holdings Limited" and the latter company agreeing to formally abandon relevant legal action. The

agreement provided for the contract relating to the site to be transferred to be completed by a particular date. Therefore, the drafting matters had to be afforded absolute priority above all other existing work matters.

In addition to the work pressures faced by the Section, staffing matters were also very much to the fore in 2003.

The Department was able to appoint a new trainee conveyancing clerk, a position which had been vacant since the end of 2002. The individual concerned commenced work with the Section at the beginning of September, and continues to make good progress. Be that as it may, the continuation of the individual's training must be viewed as being of paramount importance to the future of the Section.

Notwithstanding this appointment, both the Head of the Section and an experienced conveyancer also gave formal notice in 2003 of their respective intentions to cease their employment with the Law Officer's Department. The experienced conveyancer concerned has now departed and the Head of the Section is due to depart at the end of February, 2004.

The loss of both individuals concerned will have a major impact on the ability of the Conveyancing Section to continue to fulfil all the functions currently required of it. The replacement of both members of staff concerned has been afforded high priority but, and until and/or unless they are replaced, there will be significant implications for the work load of the Section, with potentially lengthy delays in dealing with work matters of a general nature appearing to be inevitable in 2004.

The Conveyancing Group of the Department undertook the following transactions before the Royal Court during 2003:-

	1999	2000	2001	2002	2003
Property sales	13	14	20	73	72
Property purchases	27	26	24	27	30
Deeds of arrangements and parties to contract	55	37	28	32	56

Contracts with Jersey Electricity Company	3	5	5	13	7
Other contract leases	5	2	4	3	6
Mortgages secured by simple conventional hypothec	10	9	5	5	0
New Agricultural loans and other loans served by judicial hypothec	18	7	3	2	2
Existing agricultural loans re-registered	9	11	11	8	3

The values of the transactions for which the Conveyancing Group were responsible during the year were as follows:-

	1999	2000	2001	2002	2003
Gross value of sales completed on behalf of the Public and the Crown	£1,952,790	£2,354,747	£1,542,552	£12,468,772	£25,765,183
Gross value of purchases completed on behalf of the Public and the Crown	£1,1504,225	£8,090,820	£5,820,578	£6,103,893	£8,951,397
Gross value of all new loans registered	£2,400,821	£1,306,070	£972,048	£674,705	£68,995
Gross value of all existing loans re-registered	£374,994	£58,2822	£53,3143	£256,914	£80,398
Gross amount of legal fees recovered from third parties	£22,215	£30,295	£16,710	£13,800	£36,920

2003 BUSINESS PLAN DEVELOPMENT ACTIVITIES REPORT ON PROGRESS

The 2003 Business Plan for the Law Officers' Department listed a number of development activities to be undertaken during the year. That list is reproduced here with an indication of the progress made in achieving the objectives set out.

Activities that have been achieved are shown in green.

Activities that are only partially complete or on-going are shown in blue.

Activities that have not yet been undertaken are shown in red.

2003 Development Activities

1.1	Gain experience of using the new time recording system to enable improved reporting of performance indicators.	Experience is being gained of the new system, but it has not been possible to develop the system to produce improved performance indicators automatically due to lack of staff time. It is hoped that time will be available to carry out this work during 2004.
1.2	Continued monitoring of agreed performance targets.	Performance targets continue to be monitored.

2003 Key Activities Relating to Organisation and Management of the Department

2.1	Implement new filing system and internal procedures to ensure best use is made of the time recording system.	A new file referencing system has been developed and agreed. It has been partially implemented for existing files and fully implemented for new files. It is anticipated that the remainder of those existing files which are still in use will be transferred to the new system by the middle of 2004 but this work can only be carried out when temporary clerical assistants are available.
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2.2	Agree and implement recommendations made by Audit Section in review of Court and Case Costs expenditure.	The Department has implemented the recommendations of the Review which effect it alone and is working with the States Treasury to implement those recommendations which effect both Departments jointly.
2.3	Introduce charges for Conveyancing work carried out in relation to Assisted House Purchase Scheme and States Loans, if required by F & E Committee as part of Fundamental Spending Review.	These charges were not introduced as the Housing Department changed the regulations of the AHP scheme.
2.4	Develop archiving/document destruction policy in conjunction with the Archive Service.	This work is continuing.
2.5	Appoint new Legal Adviser to post currently held vacant as a result of budget restrictions.	A new member of staff was appointed during the year.
2.6	Appoint new Conveyancing Clerk to replace member of staff moving to Judicial Greffe.	A trainee Clerk was appointed in September 2004.
2.7	Move Serious Crime Section to fourth floor of Morier House following departure of Judicial Greffe.	The Judicial Greffe vacated the fourth floor of Morier House in January and, following quite extensive alterations to the layout of the accommodation, the Serious Crime Group moved to the fourth floor in the second quarter of the year.
2.8	Recruit Costs Draftsman if approved by F & E Committee and P & R Committee	The Department is still awaiting approval for the establishment of this post.

2.9	Implement training scheme for Department lawyers wishing to qualify as Jersey advocates.	H.M. Solicitor General negotiated access to the training materials and seminars provided by a private sector law firm and joint training sessions have been held during the year.
2.10	Produce 2004 Business Plan to agreed corporate standards.	The Department's Business Plan for 2004 was published during January 2004.
2.11	Produce 2003 Annual Review.	The Attorney General's Annual Review for 2003 was published in March 2004.

Law Officers' Department - Organisation March 2004

