



The Law Officers' Department

Annual Review 2015 - 2016

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Introduction by HM Attorney General Robert MacRae QC

This Review covers an exceptionally busy two years for the Law Officers' Department. Future Reviews will cover a single year only.

The Review summarises the work done by the Department in a way which, I hope, is clear and informative.

Some of the major cases and policy changes which took place during 2016 are set out in the annual overview on pages 7 and 8.

There are several themes which emerge from the Review.

Firstly, the Department is focussing greater resource on combatting financial crime. This can be seen from the significant prosecutions which concluded in February 2016 and August 2016 and from the fact that money laundering prosecutions in the Royal Court increased from 0 in 2014 to 5 in 2015 and 10 in 2016.

Secondly, a surge in new matters dealt with by the Safeguarding Team has been experienced as shown by the table on page 34. Dealing with cases involving the welfare of children is at the heart of what the Department does.

Thirdly, in order to ensure that children do not unnecessarily become participants in the criminal justice system and are diverted from the Courts wherever possible, I issued a Direction on 5 November 2015 (updated on 30 September 2016) which is designed, with the assistance of the Honorary Police, the States of Jersey Police and the Probation Service, to minimise the circumstances in which very young offenders are brought before the Courts. Prosecution should be the last resort. The reduction in the prosecution of young offenders is illustrated by the chart on page 16.

Finally, the Department is continuing to prosecute more offences involving sexual assaults, including indecent assaults and rape, and offences involving indecent images of children, than ever before. Sexual offences now make up a substantial proportion of the cases that come before the Royal Court and perhaps the majority of trials.

In December 2015 Richard Whitehead retired as Director of the Civil Division after a long and successful career. He was replaced in January 2016 by Advocate Sylvia Roberts, our new Director.

My grateful thanks to the lawyers and staff of the Law Officers' Department who continue to work with dedication and skill in order to secure the objectives of the Law Officers' Department, which are set out at page 6 of this Review.

Robert MacRae QC
Attorney General



Her Majesty's Attorney General
Robert MacRae QC
sworn in 5 May 2015



Her Majesty's Solicitor General
Mark Temple QC
sworn in 17 August 2015

About the Law Officers' Department

What we do

Give legal advice to the Government, the States Assembly, States Departments and the Crown

Provide an independent public prosecution service for the Island

Protect the interests of the Crown and States in civil proceedings

Advise and represent the Children's Service to help safeguard children at risk

Assist overseas law enforcement agencies

Carry out conveyancing work for the Crown and States of Jersey

Organisation

The **Attorney General** has overall responsibility for the Department.

The **Solicitor General** deputises for the Attorney General and gives advice on his own account.

The Law Officers' Department consists of the Criminal Division and the Civil Division supported by a small Administration team.

A Director manages each division. The **Criminal Division** is divided into three teams; the team at Police Headquarters, Mutual Legal Assistance and Crown Advocates.

The team based at **Police Headquarters** prosecutes cases before the Magistrate's Court and gives advice to the States of Jersey Police and the Honorary Police and consists of eight lawyers and support staff. The **Mutual Legal Assistance** team deals with international requests and consists of three lawyers and support staff, and a police officer who is on secondment from the States of Jersey Police Joint Financial Crimes Unit. The **Crown Advocates** team prosecutes the majority of Royal Court cases and also advises the Police. It consists of twelve lawyers and support staff.

The **Civil Division** is divided into four teams; Advice; Commercial and Contentious; Safeguarding; and Property.

The **Advice** team has eight lawyers and support staff providing advice regarding the following: international treaties, European Law, sanctions, statutory interpretation, extension of UK legislation to Jersey, drafting of Orders in Council and Rules of Court, legislation projects, human rights, penalty review of draft legislation, drafting of Royal Assent memoranda, and public law advice.

The **Commercial and Contentious** team consists of eight lawyers and support staff who provide advice in respect of contracts and contractual disputes, employment and discrimination claims, data protection and freedom of information, planning, general civil litigation and applications for judicial review.

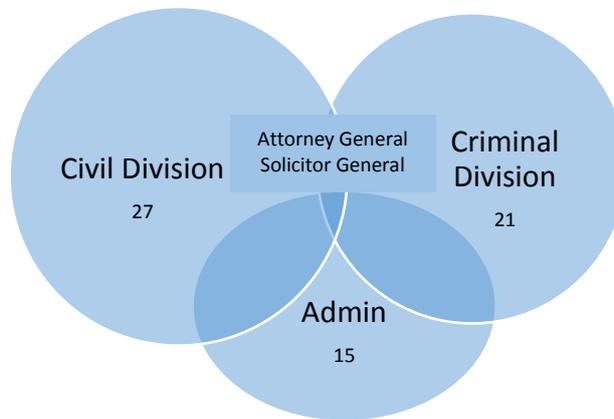
The eight lawyers and support staff of the **Safeguarding** team provide advice to the Children's Service about the care and protection of children in the Island, and deal with applications for public law orders in relation to children.

The **Property** team consists of four members of staff who advise on all property related matters and who deal with conveyancing work on behalf of the Public of the Island and the Crown.

The **Administration** team supports the Law Officers and legal staff, in order that the functions of the Law Officers can be carried out efficiently and effectively and in line with Financial Directions and Codes of Practice.

See the Organisation Chart at Appendix 1.

Law Officers' Department Headcount by Division



Our Code

All staff at the Law Officers' Department adhere to the Code of Conduct issued by the States of Jersey Human Resources Department. Furthermore, lawyers at the Law Officers' Department are also bound by the Departmental Code of Conduct for lawyers. This is found on the Law Officers' Department's web pages at www.gov.je/lawofficers and sets out the rules and standards applicable to lawyers which are appropriate having respect to the interests of justice and their duties as public officers.

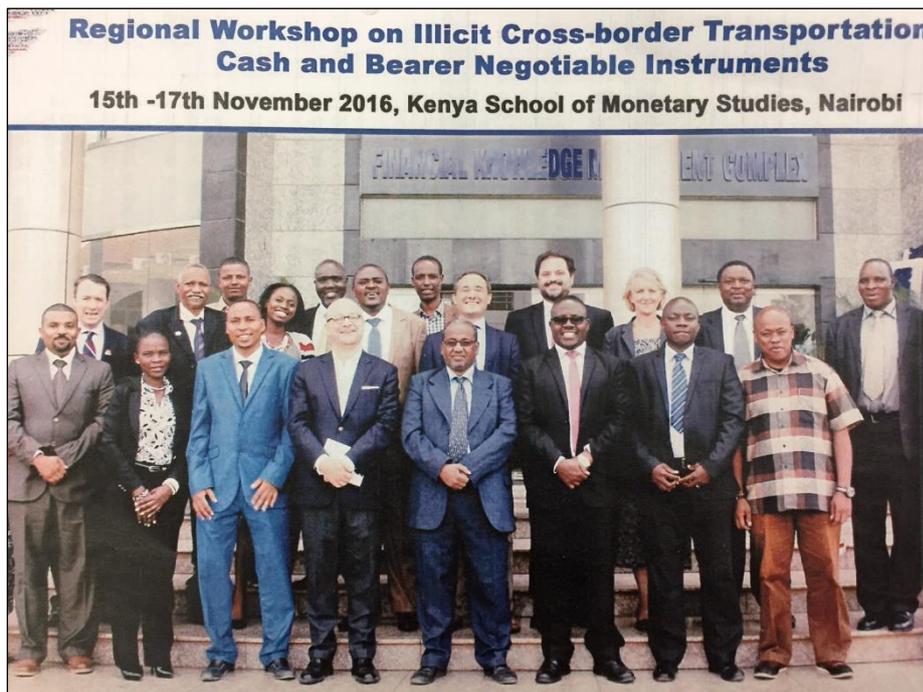
Objectives of the Law Officers' Department

- 1) To provide objective legal advice to Government, Scrutiny, Members of the States and Departments of the States of Jersey.
- 2) To provide a high quality prosecution service working in the interests of justice.
- 3) To ensure that the interests of the States of Jersey and the Crown are protected by acting for them in civil proceedings.
- 4) 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.
- 5) To offer effective assistance within reasonable timescales to overseas judicial and law enforcement agencies in criminal matters.
- 6) To provide an efficient conveyancing service in relation to property matters affecting the Crown and the States of Jersey.

Overview 2016



Attorney General Robert MacRae QC and Director of the Serious Fraud Office, David Green CB QC, sign an interim Asset Sharing Agreement, November 2016.



The Law Officers' Department delivered anti-money laundering training in Nairobi, Kenya in November 2016 at the request of the Financial Services Volunteer Corps (FSVC). The FSVC is a not-for-profit private-public partnership based in New York that aims to build sound financial systems in transition and emerging market countries. The FSVC funded the workshop, with no costs to the Law Officers' Department other than staff time. Delegates included customs officers and lawyers from Kenya, Somalia, Sudan, Tanzania and Uganda.

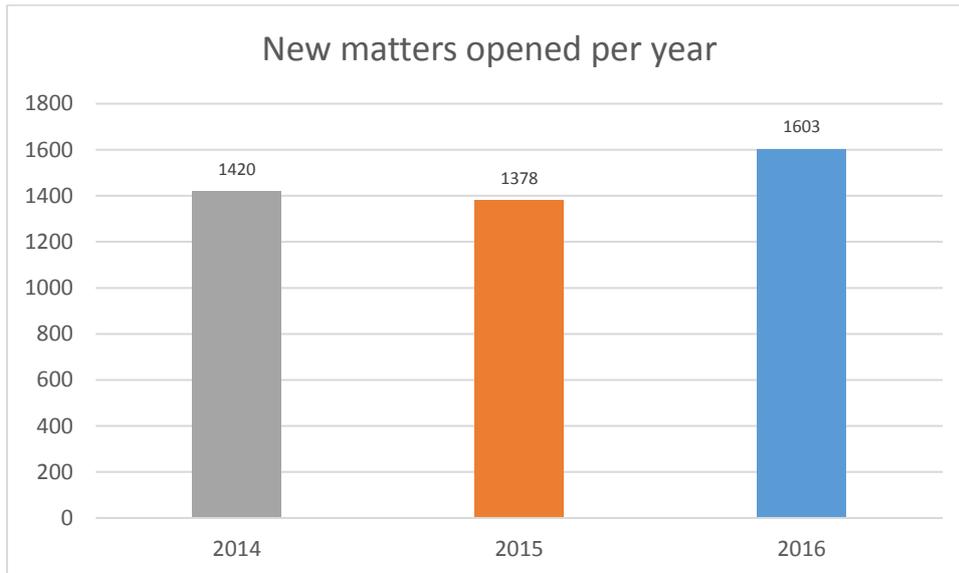
2016

<p>January AG v T: Judgement published following indecent assault sentence in December, giving reasons for sentencing the defendant for six years' imprisonment for two counts of indecent assault. Court accepted prosecution submission that some indecent assaults should be regarded as in the same category as rape.</p>	<p>February Attorney General's Direction to Centeniers issued regarding allegations of sexual offences. AG v Windward Trading: £3.6 million confiscation for money-laundering offences after nine year investigation.</p>
<p>March Attorney General's Code on the Decision to Prosecute updated and re-issued. New duties to consult victims.</p>	<p>April Attorney General's Code on the Decision to Prosecute: supplementary guidance published in relation to shoplifting.</p>
<p>May Attorney General and Solicitor General spoke at events for States members and the finance industry following publication of the Moneyval report. LOD participation at the CARIN conference in Rotterdam on confiscating the proceeds of crime.</p>	<p>June Attorney General's Direction issued regarding the contact with prosecution witnesses before trial. Significant improvement to process for victims and witnesses prior to trial. Guidance launched at annual Victim Support Conference.</p>
<p>July Bhojwani v United Kingdom: European Court of Human Rights refused Mr Bhojwani's complaint that he was not given a fair trial in the Royal Court. Proceedings had led to £26.5 million Confiscation Order.</p>	<p>August Doraville Properties Corporation v AG: Royal Court dismissed a challenge to the legality of the restraint order on funds in excess of US\$300 million. AG v Goodwin: defendant sentenced to six year's imprisonment and fines for money laundering, tax evasion and attempting to pervert the course of justice.</p>
<p>September Attorney General's amended Direction issued regarding the prosecution of offenders under the age of fourteen years.</p>	<p>October Application to register and enforce a Confiscation Order against Mr Adeel Mirza granted, resulting in confiscation of over £4 million. Assets to be shared between UK and Jersey.</p>
<p>November AG v Bacon: Bacon found guilty at Assize trial of eight counts relating to historic sexual abuse. Later sentenced to five and a half years' imprisonment. K v AG: Jersey Court of Appeal upheld a ten year sentence for serious indecent assaults on a child, holding that Royal Court correct to equate the offences with rape. Attorney General and Director of Serious Fraud Office signed an interim Asset Sharing Agreement after successful enforcement of UK Confiscation Order in Jersey (see photo). The Department delivered training at the <i>Regional Workshop to Detect and Prevent Illicit Cross-border Transportation of Cash and Bearer Negotiable Instruments</i>, in Nairobi, Kenya (see photo).</p>	<p>December Attorney General's Code on the Decision to Prosecute: new guidance published in relation to domestic abuse. The new Mental Health and Capacity and Self-Determination Laws received Royal Assent, following a legislation project conducted in partnership between the Law Officers' Department and Health and Social Services Department.</p>

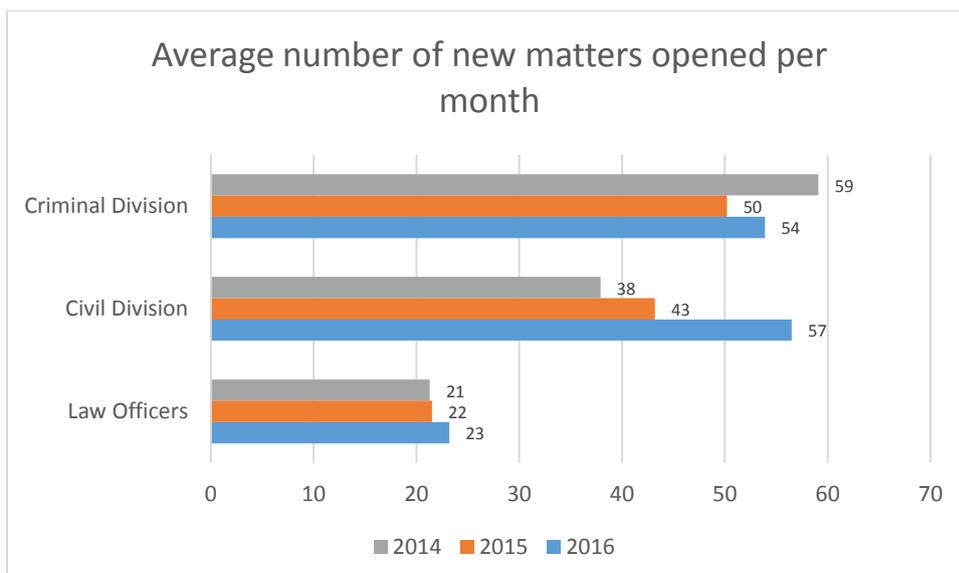
The work we do

New Matters

While the number of new matters opened during a year does not provide a full picture of the activity of the Department, as new matters can take from a few hours to many hundreds of hours to complete, the number of matters opened is a useful indicator of the volume of work undertaken by the Department in terms of the number of requests for legal advice and prosecution files opened. In 2016 over 1,600 new advice and prosecution files were opened at the Law Officers' Department:



Broken down by files opened per month in the two divisions and directly by the Law Officers:

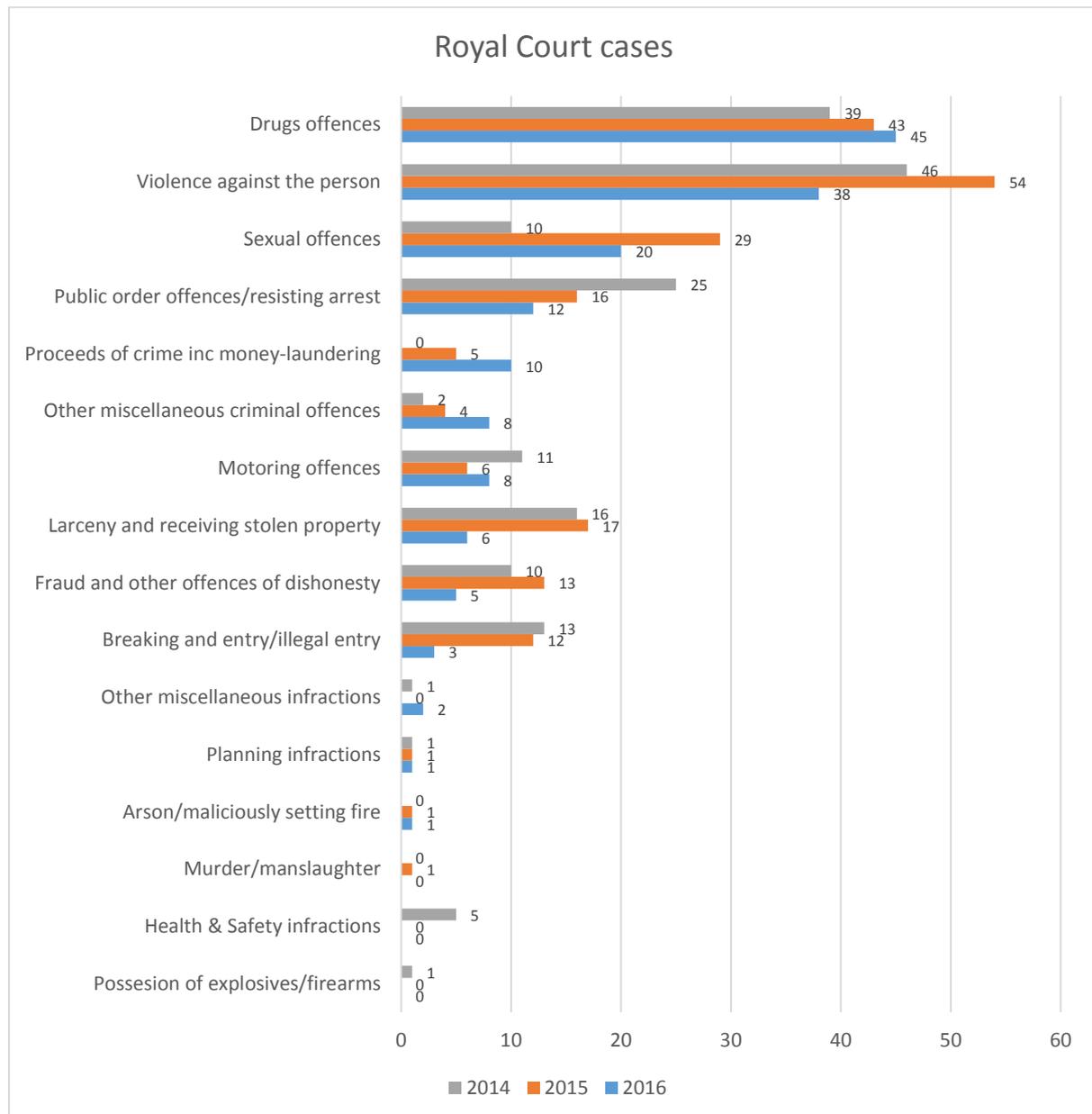


Criminal Division

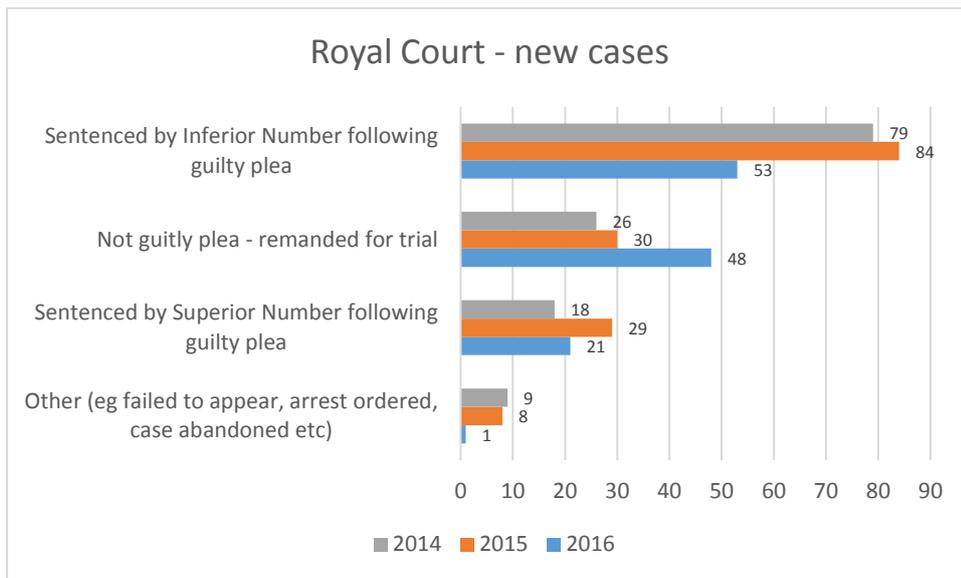
Crown Advocates; the Royal Court

During 2016 a total of 159 new criminal prosecutions were committed from the Magistrate's Court to the Royal Court or indicted directly to the Royal Court. This represents a reduction of nearly 20% on 2015 figures.

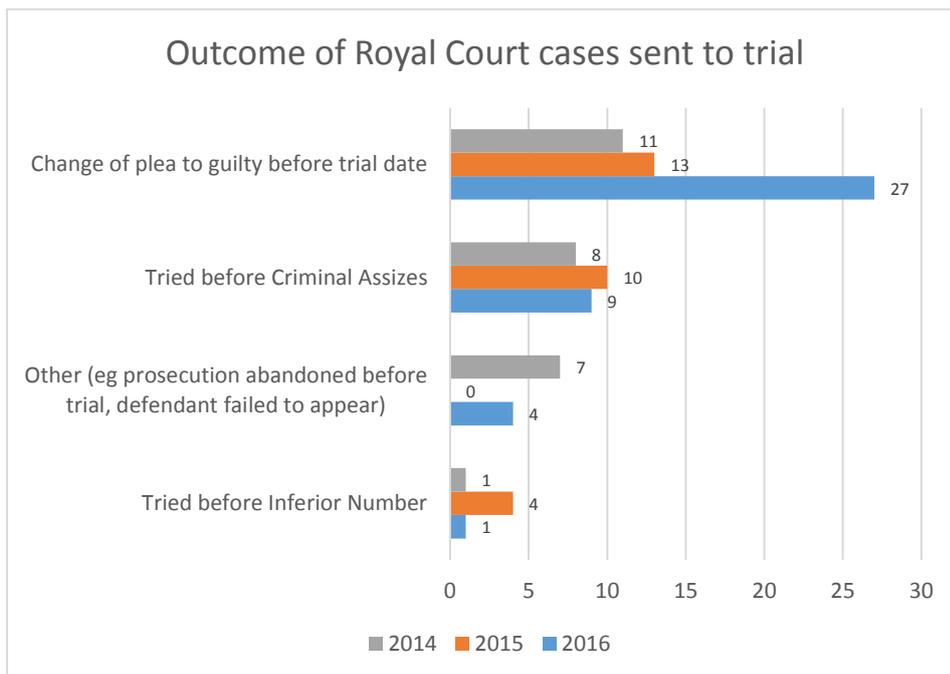
One particular focus has been to increase the number of prosecutions for money-laundering offences under the Proceeds of Crime (Jersey) Law 1999. Prosecutions have increased from none in 2014 to five in 2015 and to ten in 2016.



New cases at the Royal Court were dealt with in the following manner:



The outcome of the cases sent to trial each year were as follows:

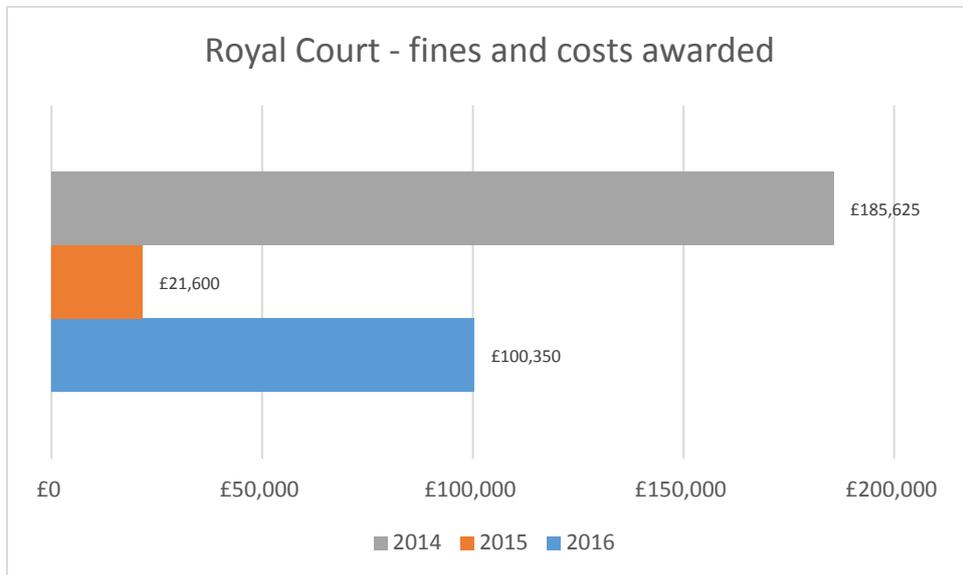


In the nine trials in 2014, seven defendants were found guilty, two defendants were acquitted.

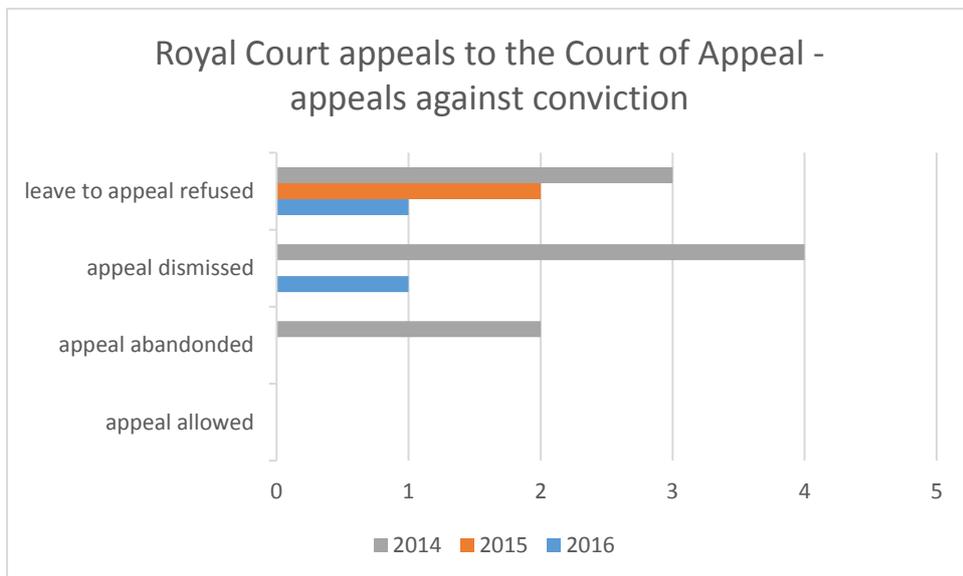
In the eleven trials in 2015 (one trial involved two defendants, one trial involved three defendants and nine trials involved single defendants), five defendants were found guilty, nine defendants were acquitted.

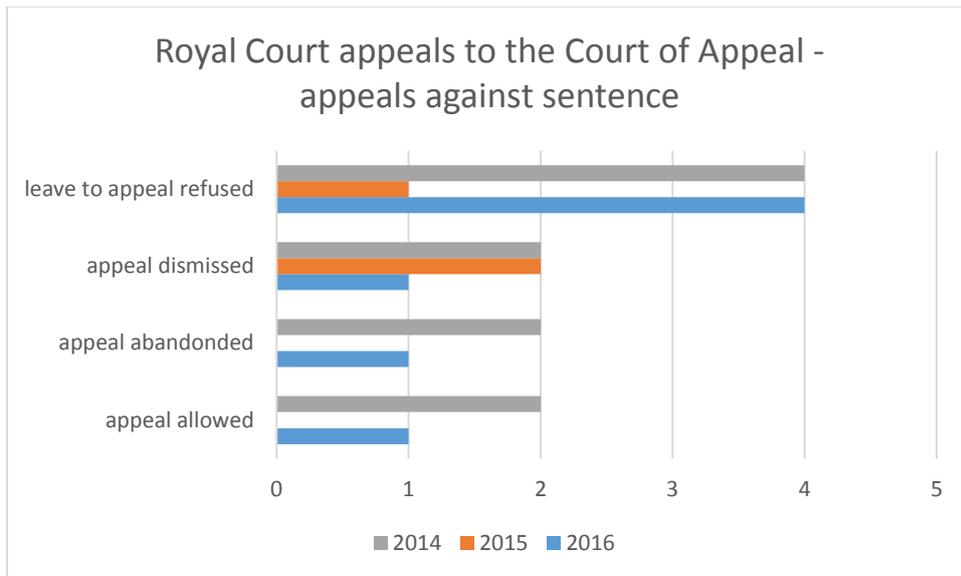
In the ten trials in 2016, five defendants were found guilty, five were acquitted.

The amount of fines and costs awarded in the Royal Court each year varies according to the number of companies and individuals prosecuted during the year for offences which tend to attract fines, such as Health and Safety prosecutions, rather than custodial or other types of sentence.



The results of appeals against conviction and/or sentence in criminal appeals from the Royal Court to the Court of Appeal are shown below:





Police Headquarters

The Criminal Division team based at Police Headquarters advises the States of Jersey Police, the Honorary Police and prosecutes all trials before the Magistrate’s Court and many other cases, including those cases that start in the Magistrate’s Court before moving to the Royal Court.

The team at Police Headquarters also provides an out of hours call service and delivers training sessions to Centeniers, Police Officers and other professionals within the legal system.

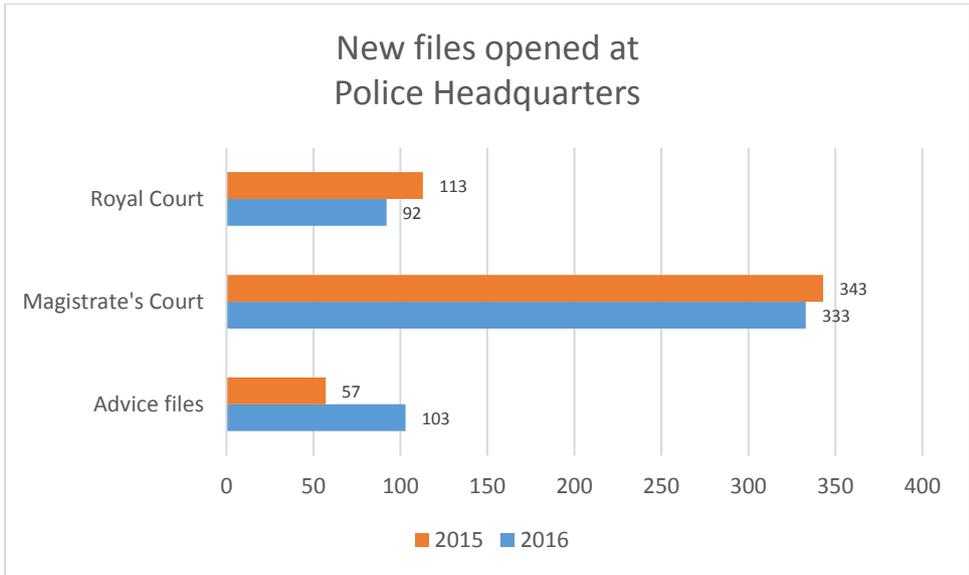
The breakdown of types of new cases handled by the legal adviser team at Police Headquarters is shown in the chart on the following page.

Notes for the chart:

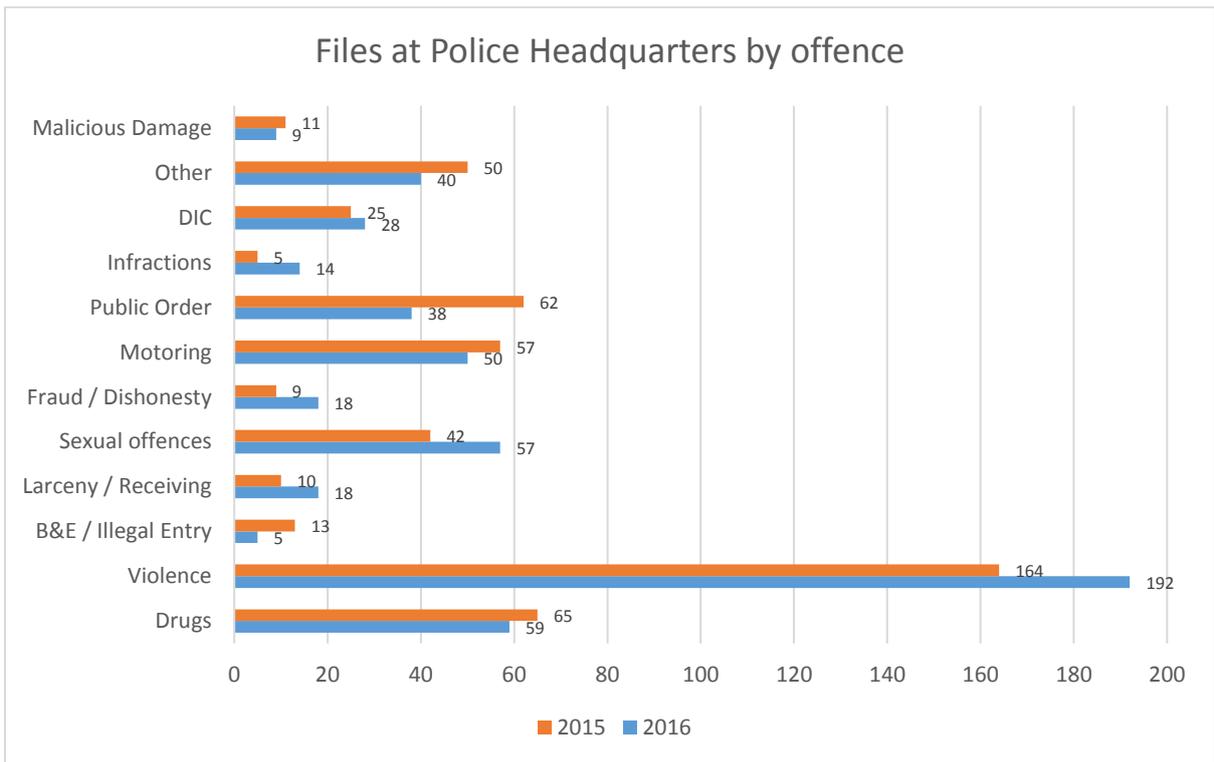
Royal Court files are cases that were committed from the Magistrate’s Court to the Royal Court;

Magistrate’s Court files are cases that were completed in the Magistrate’s Court;

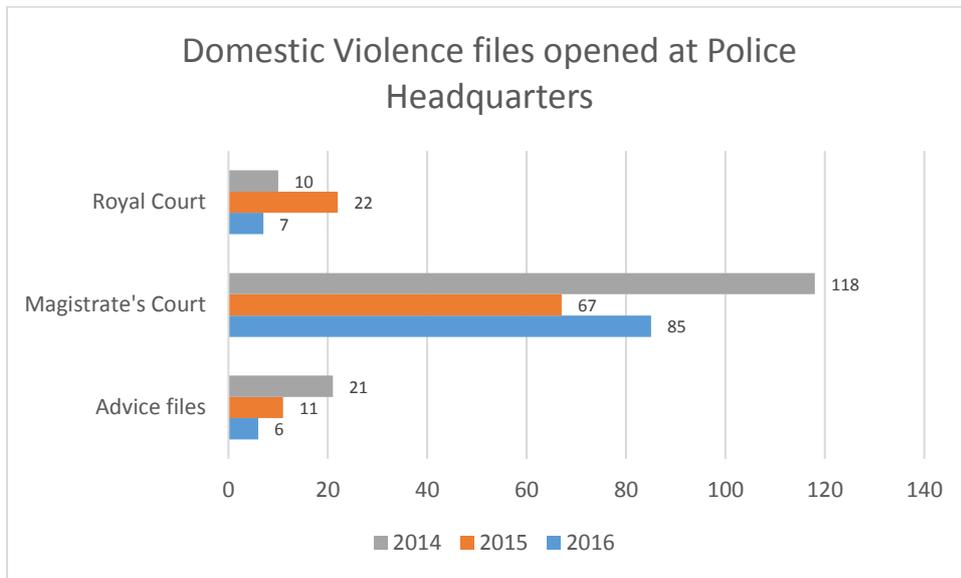
Advice files are matters that have come in for a charging decision to be made by a Legal Adviser. Where advice is given to charge, the case may be dealt with by the Legal Adviser or, alternatively, the Department’s matter is closed and the case is taken on by the Centenier.



The breakdown of the files by offence:

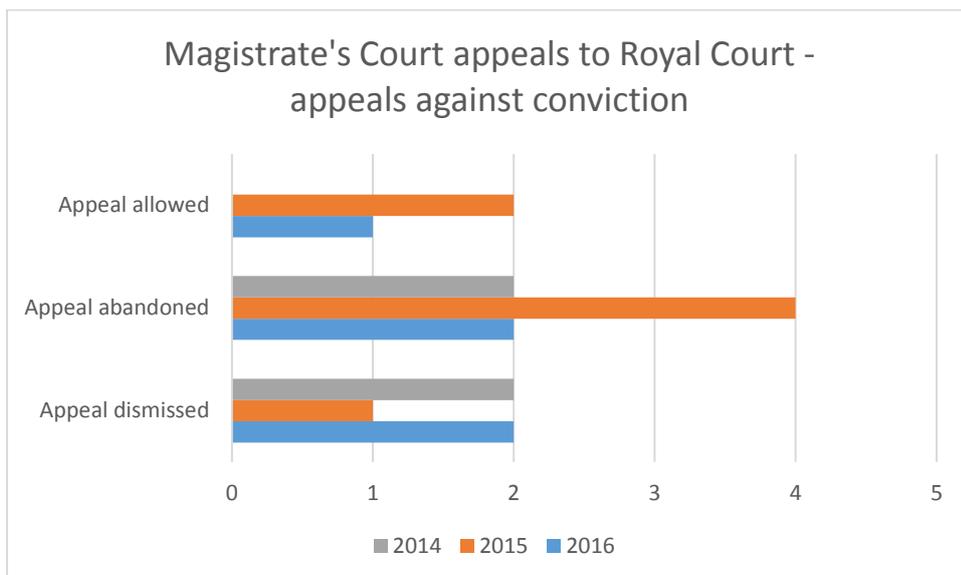


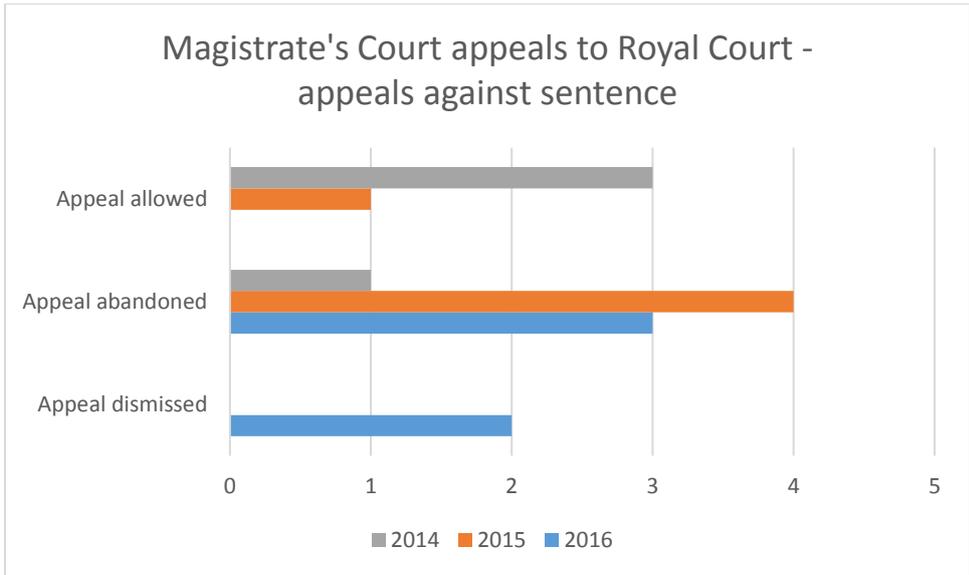
Domestic Violence files opened by the Legal Advisers' team at Police Headquarters:



While the number of cases is still significant, the decrease from the peak number of cases in 2014 is due to: 1) the success of the ADAPT (Adapt Domestic Abuse Prevention Training) programme in significantly reducing repeat offenders; 2) the success of the IDVA (Independent Domestic Violence Advisor) service in high risk cases which has reduced the number of victims who resume relationships with Domestic Violence perpetrators, and 3) the use of restraining orders when sentencing Domestic Violence cases.

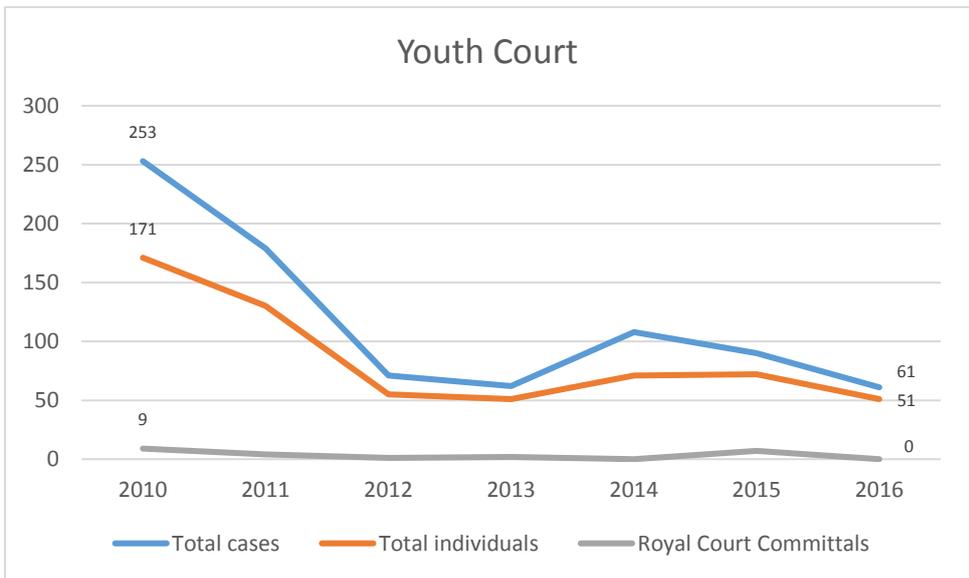
A small number of appeals against conviction or sentence are made each year from the Magistrate's Court to the Royal Court. The results of the appeals are shown below:



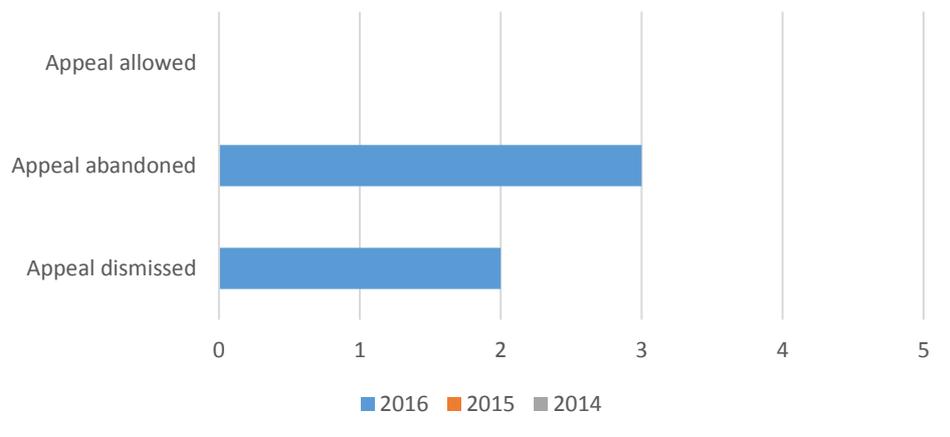


Youth Court

Following the trend since 2010, the number of cases and individuals in the Youth Court has continued to decline in 2016, as shown in the following chart:



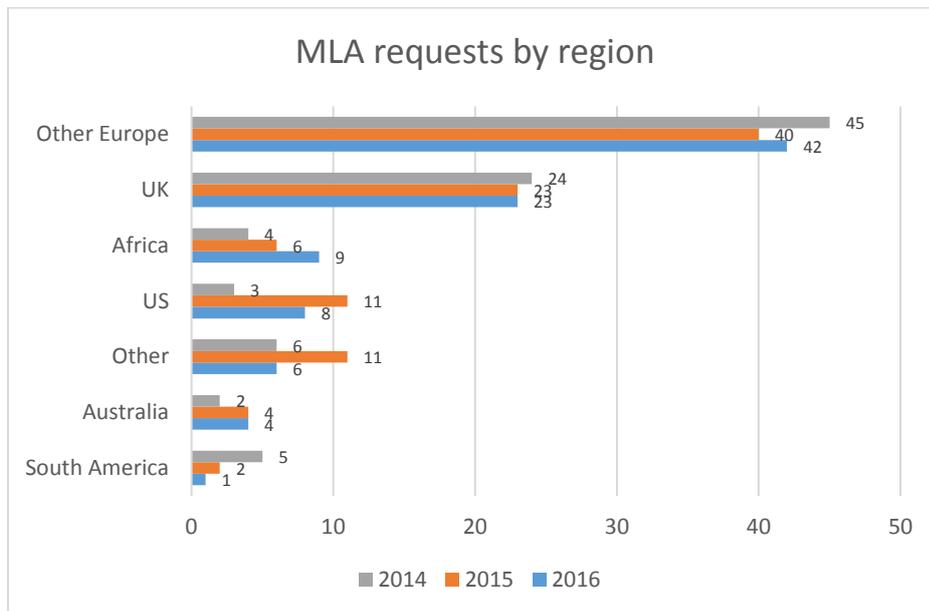
Youth Court appeals to the Royal Court - appeals against conviction



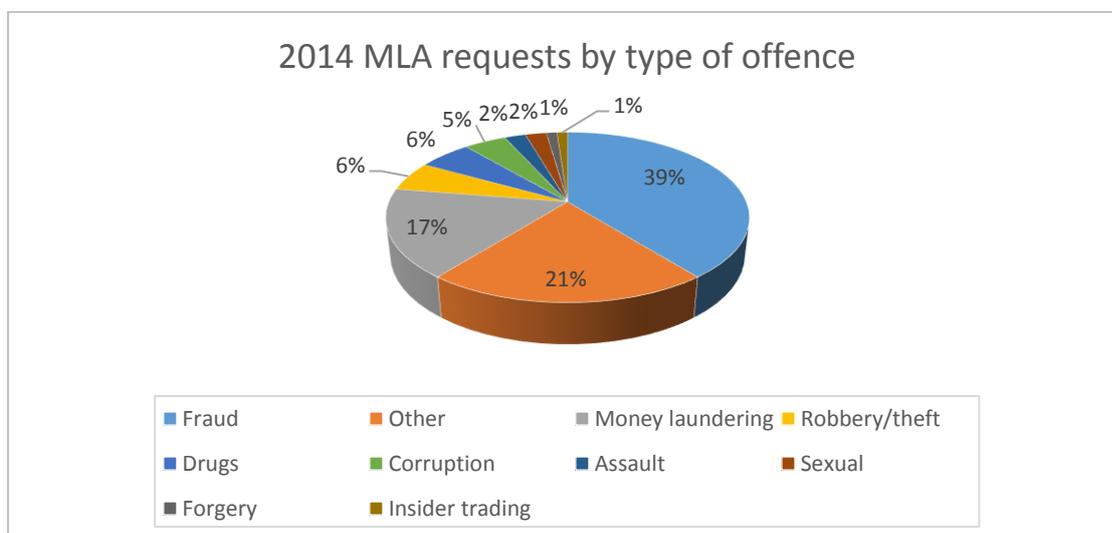
Mutual Legal Assistance

Interaction with foreign jurisdictions

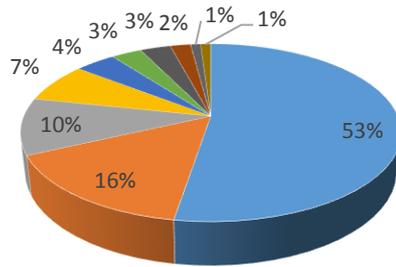
The Criminal Division deals with Mutual Legal Assistance on behalf of the Attorney General. Details of how to apply for assistance appear on the Law Officers' Department's web pages in English, French and Arabic at www.gov.ie/LawOfficers. The work involved in this area includes gathering written and oral evidence for use in overseas criminal or civil asset recovery investigations and proceedings, as well as freezing and confiscating the proceeds of crime and drug trafficking. Confidentiality precludes us from reporting the details of individual requests for assistance but it is possible to confirm that 89 requests were handled in 2014, 97 in 2015 and 93 in 2016 from the following regions:



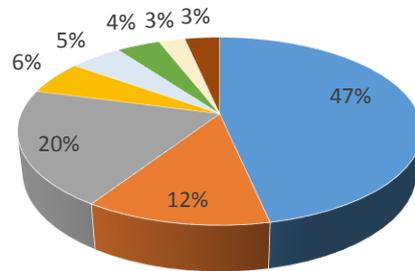
The following charts show a breakdown by alleged offence for the requests for assistance handled from 2014 to 2016:



2015 MLA requests by type of offence

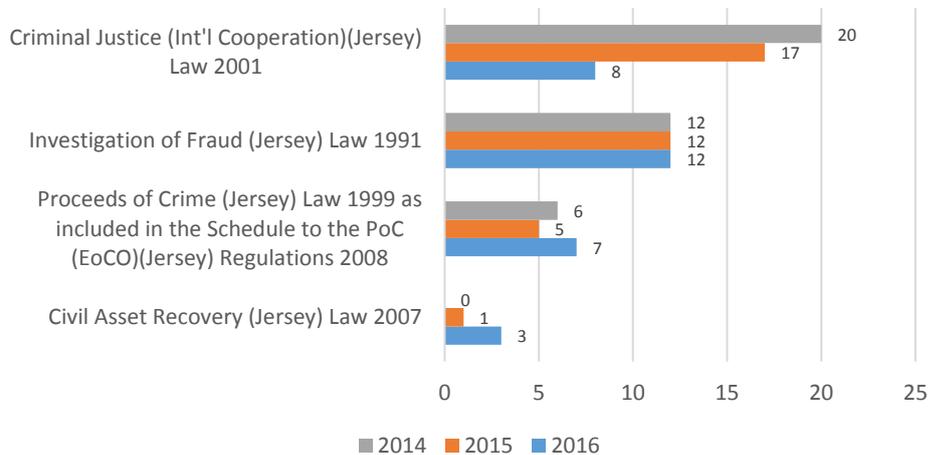


2016 MLA requests by type of offence



How assistance was provided

Legislation used to provide assistance



Requests for assistance dealt with 2014 - 2016

Notes for the chart on page 20:

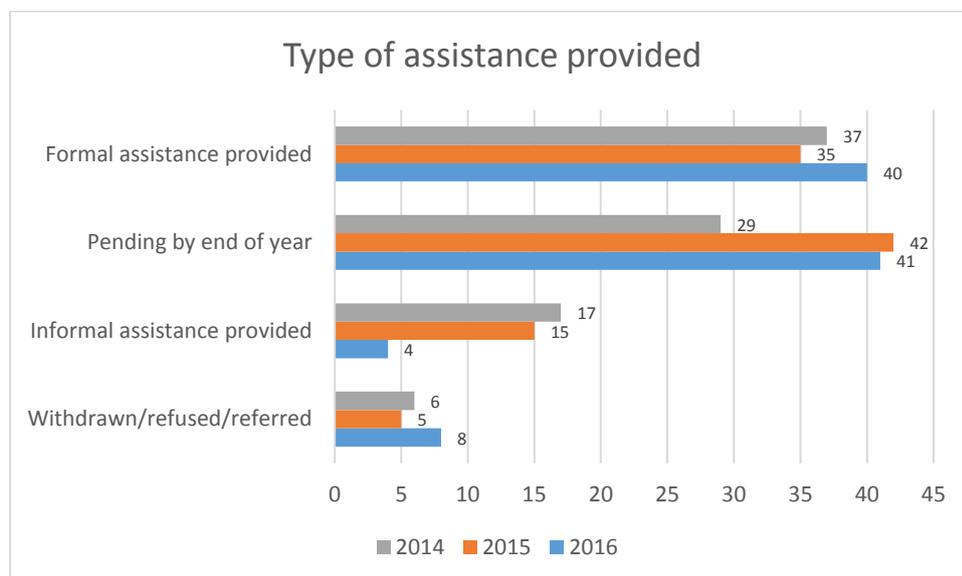
Formal assistance – where assistance is rendered to a Requesting Authority, pursuant to a Letter of Request, using the legislation referred to in the table on page 19.

Informal assistance – where assistance is rendered pursuant to a Letter of Request, without recourse to our legislation for instance, where a witness is willing to provide a statement on a voluntary basis.

Requests are occasionally **withdrawn** by the Requesting Authority in cases where our assistance is no longer required, for instance, where the defendant is acquitted.

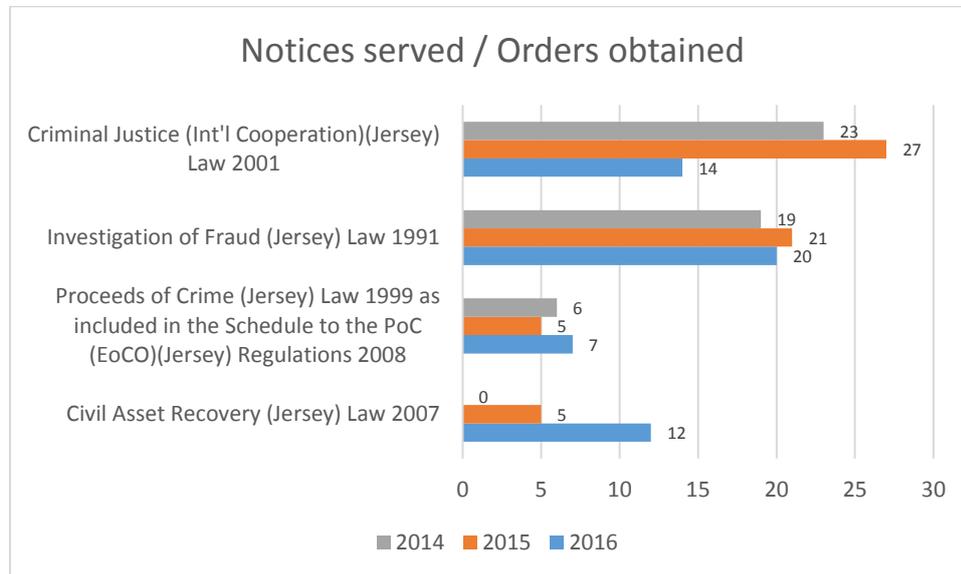
Requests may be **referred** to another jurisdiction when it becomes clear the relevant evidence/witness is located there – for example UK bank credit card records are typically located in the United Kingdom (even where the cardholder has a Jersey bank account). Where a request is received for UK credit card records we would inform the Requesting Authority and offer to re-direct the Request as necessary.

Requests are rarely **refused**. In some cases however it becomes impossible to assist. For example, in 2016 the Attorney General was unable assist a foreign jurisdiction to serve papers upon a defendant at a Jersey address as the person had been deported and was no longer present in the Island. In another case the Attorney General requested further information from the Requesting Authority which was not received. The matter was closed but may be re-opened if the Requesting Authority provides the information.



Notices / Orders issued

The following table shows the number of Notices served/Orders obtained as a result of assistance provided (Orders being either *Saisies judiciaires* or those registering External Confiscation Orders).



Notices are routinely issued under the Criminal Justice (International Co-operation)(Jersey) Law 2001 Law for the production of documentary evidence to assist overseas authorities in criminal investigations and prosecutions. Documentary evidence is also obtained pursuant to Notices issued under the Investigation of Fraud (Jersey) Law 1991 in cases concerning serious and complex fraud, wherever committed.

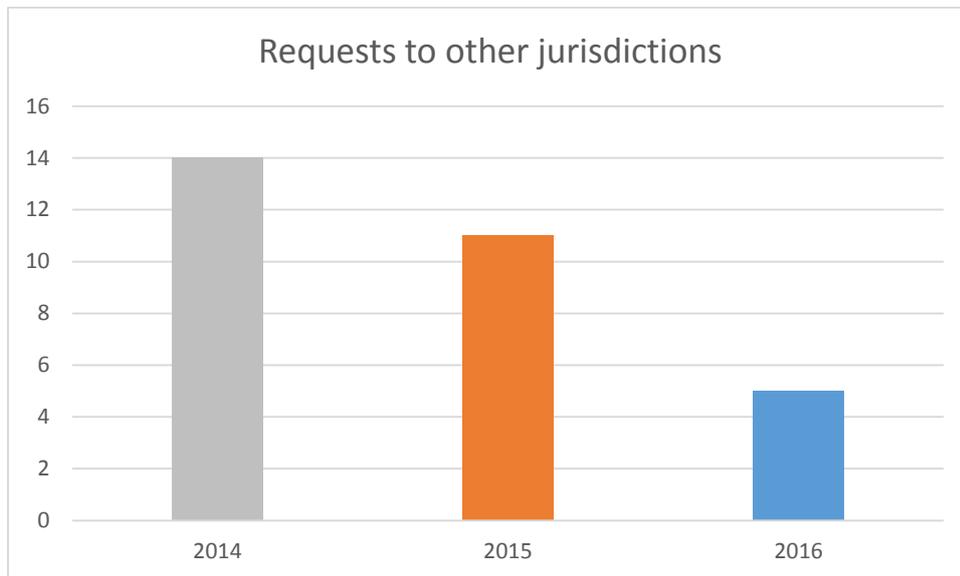
During 2016 several hearings arranged pursuant to the Criminal Justice (International Co-operation)(Jersey) Law 2001 were held before the Viscount at the request of overseas authorities. The Viscount receives oral evidence of local witnesses given on oath.

During 2016 the Attorney General assisted an overseas authority in a case that involved both a criminal and a civil assets recovery investigation. This resulted in an increase in the number of Notices issued pursuant to the Civil Asset Recovery (Jersey) Law 2007 in comparison to prior years.

Requests are also received from overseas jurisdictions to restrain assets and to register and enforce External Confiscation Orders. Where a *Saisie judiciaire* is granted the assets become vested in the Viscount until such time as either an External Confiscation Order is registered and enforced, or the *Saisie judiciaire* is varied or discharged.

Requests to other jurisdictions

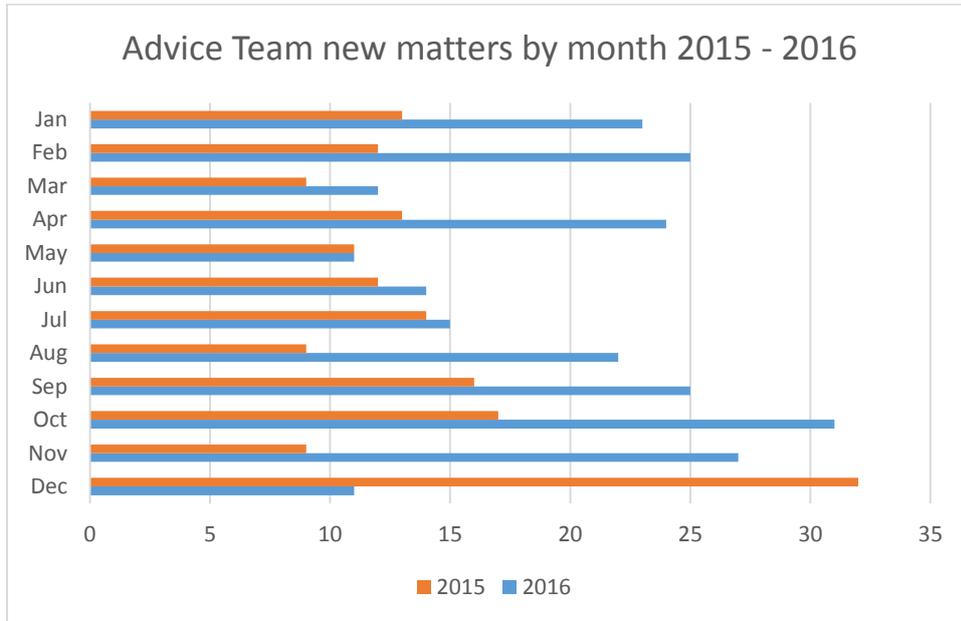
The majority of Requests to other jurisdictions are made for the purpose of obtaining evidence from overseas authorities for use in local criminal investigations and criminal prosecutions. However, the Attorney General might also request asset restraint and registration of Jersey Confiscation Orders.



Civil Division

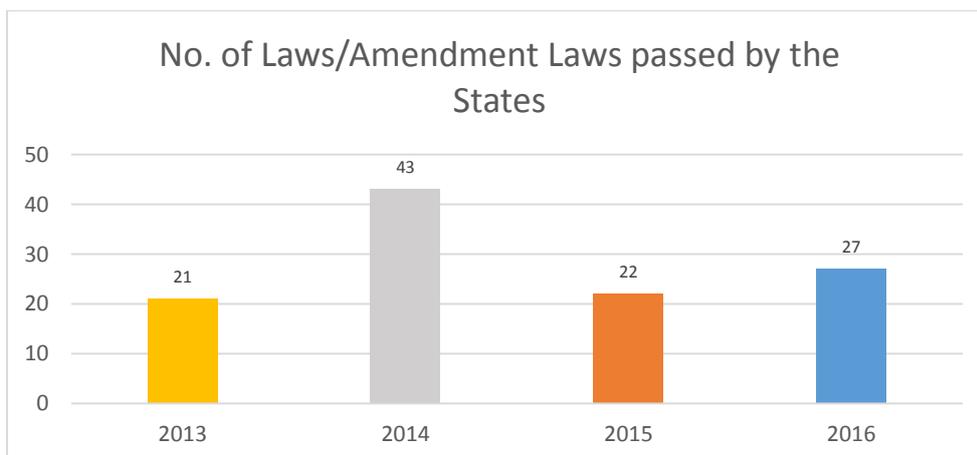
Advice Team

In 2016 the Advice Team opened an average of 20 new matters a month, compared with 14 matters per month in 2015. The monthly breakdown of new matters is shown in the table below:



Laws

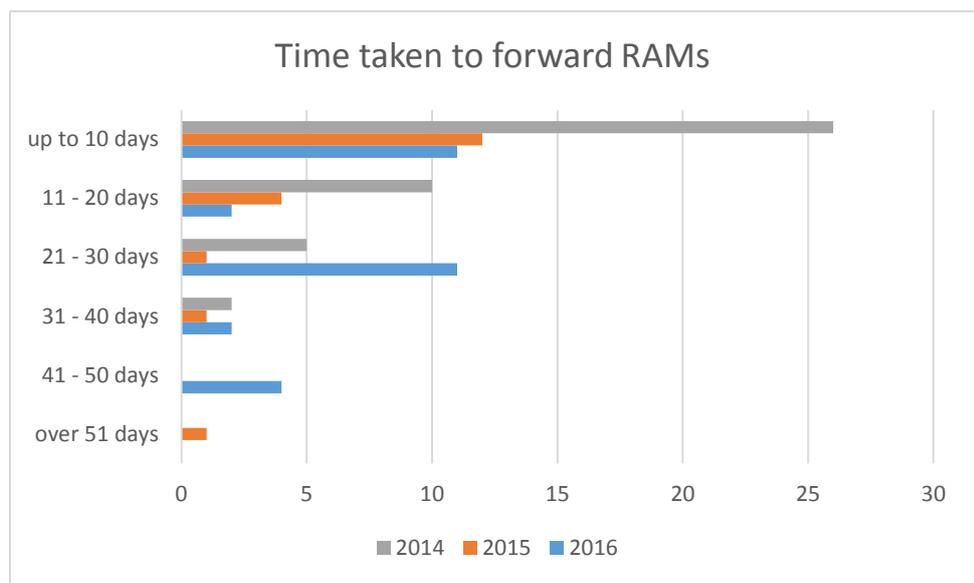
The years 2013, 2014, 2015 and 2016 were busy years for the adoption of primary legislation. The average in 2013, 2015 and 2016 was 23, but this was almost doubled in 2014.



The process for legislation attaining Royal Assent continues to operate efficiently, illustrated by the high numbers of Laws passed by the States each year and the gradual increase of

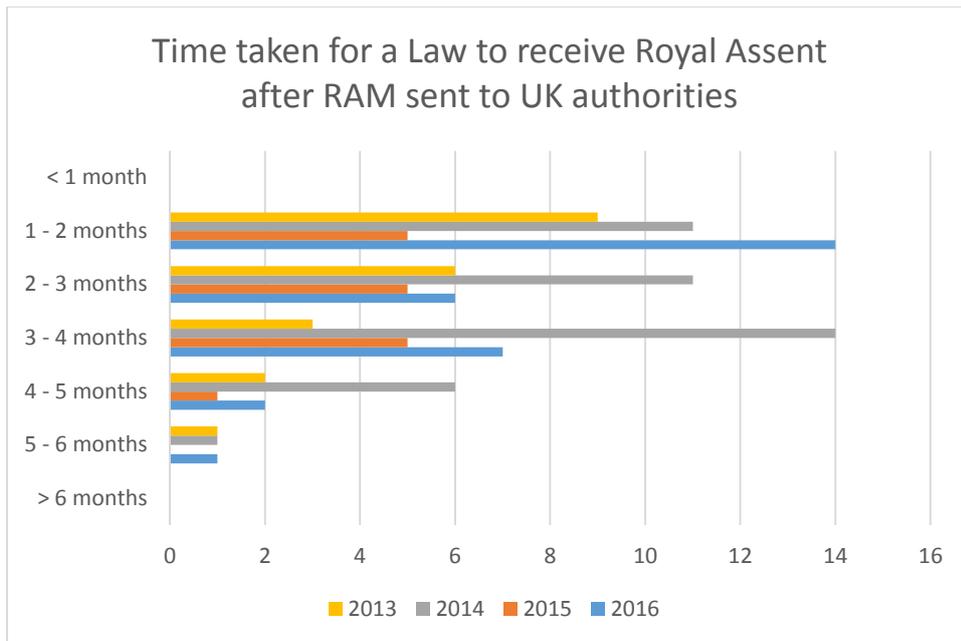
these numbers since 2013. The reason for these levels of productivity can be attributed to the system of Royal Assent Memoranda (“RAMs”), good working relationships with officials in the Crown Dependencies Team at the Ministry of Justice (MoJ) and the ongoing work of lawyers at the Law Officers’ Department dedicated to developing legislation for consideration by the States. The team, formerly known as the Legislation Project Team has now been brought within a wider team, known as the Advice Team, but which still has the processing of legislation as one of its principal functions.

The Attorney General has a duty to report to the Privy Council following the adoption of primary legislation by the States so that Royal Assent may be sought and to draw to the attention of the Privy Council any features of that legislation which might affect the interests of the Crown. This is carried out by way of RAMs which are transmitted to the Ministry of Justice via His Excellency the Lieutenant Governor. RAMs are completed by the Law Officers’ Department expeditiously, with the aim to complete the RAMs and send them to the States Greffe within 10 days of adoption. In the previous four years, 49 RAMs (out of 113) were forwarded to the Privy Council via the States Greffe more than ten days after the adoption of the Law by the States. Of these 49 RAMs, 22 were sent more than 20 days after adoption and nine were sent more than 30 days after adoption.



Whereas in previous years it was not uncommon to have to wait between six months and a year for a Law to receive Royal Assent, the average is now around three months.

The following table demonstrates the time taken for a Law to receive Royal Assent following the transmission of the Royal Assent Memorandum to the UK authorities.



It is very rare for Royal Assent to be given to a Law less than one month after adoption. This is because Privy Council timetabling requires papers to be submitted to Ministers around four weeks prior to a sitting so even if the MoJ consider a Law expeditiously, it will usually have to wait until the following month's Privy Council sitting.

The Privy Council does not sit in January, July or August and other events such as the General Election in 2015 have led to fewer Privy Council sittings or extended breaks in between them. This therefore affects the averages represented above. All laws adopted in 2016 received Royal Assent by the second quarter of 2017.

Orders in Council

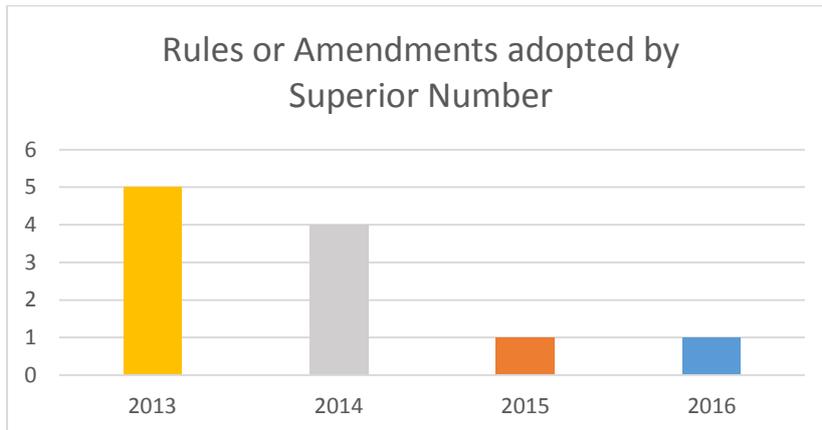
Between 2013 and 2016, eight Orders in Council extending UK Acts of Parliament (with modifications) were registered by the Royal Court.¹ The Law Officers' Department is responsible for drafting the text of such Orders in Council with legal advisers in the relevant UK lead department and in the MoJ; and assists in the process for remitting the Orders through the official channel for registration.

Rules of Court

Rules of Court are made by the Superior Number of the Royal Court under powers contained in the Royal Court (Jersey) Law 1948 or powers conferred on it by other legislation. The drafting function belongs to the Judicial Greffe, but the Law Officers' Department assists with the discharge of that function. Throughout 2015 and 2016, a working party chaired by the Bailiff has undertaken an extensive review of the Royal Court Rules 2004, and a Law Officers' Senior Legal Adviser has assisted that working party.

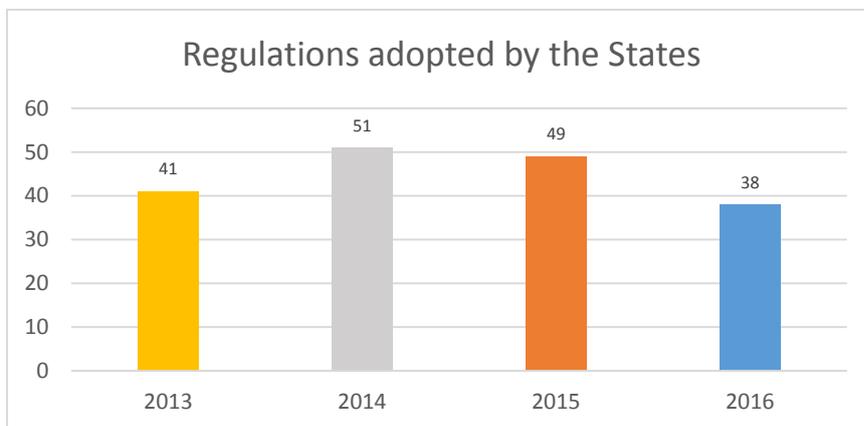
¹ Subject to the requirements of Article 31 of the States of Jersey Law 2005

Between 2013 and 2016 the number of Rules or Amendments to Rules adopted by the Superior Number was as follows:



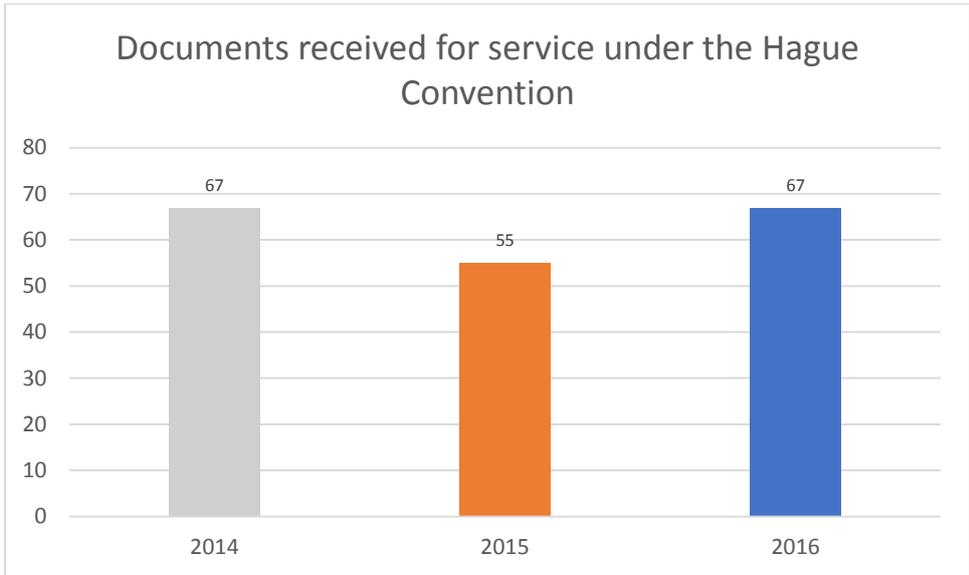
Regulations

Regulations (triennial or permanent) are made by the States pursuant to a delegated power (in a Law or Order in Council). These instruments do not require Royal Assent and either provide for the more detailed aspects of a scheme provided for by a Law, or they amend the Law. The Law Officers' Department is regularly asked to provide advice on the European Court of Human Rights compatibility and functionality of Regulations prior to lodging, and the Attorney General is asked whether proposed criminal penalties may be recommended. Between 2013 and 2016 the number of Regulations adopted by the States was as follows:



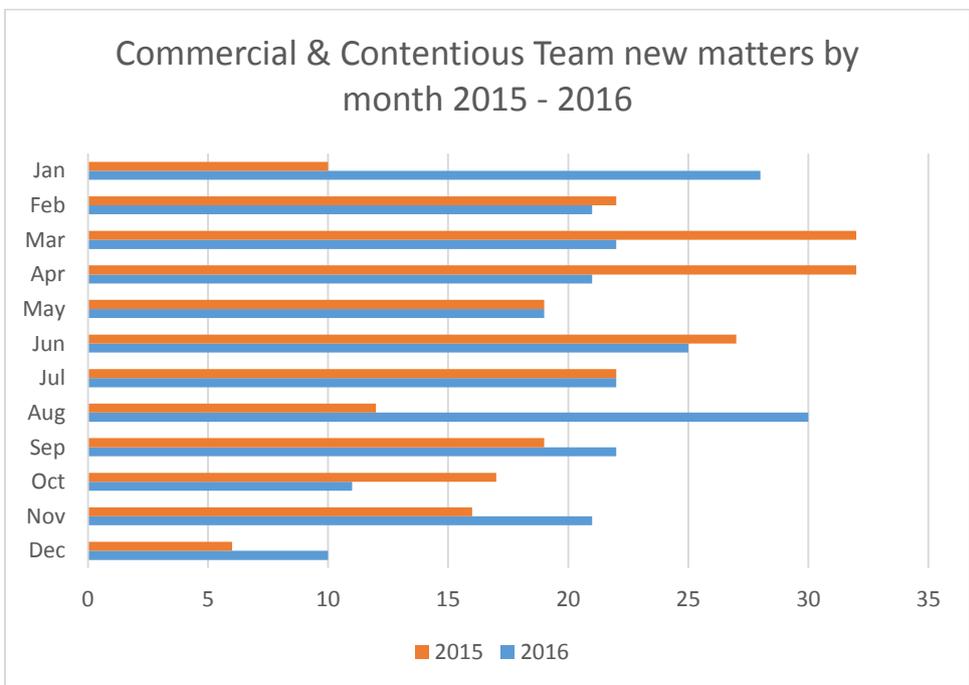
Hague Convention – service of documents

The Advice Team 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. The number of documents received for service is shown in the table below:



Commercial and Contentious Team

In 2016 the Commercial and Contentious Team opened an average of 21 new matters a month, compared with 19 matters per month in 2015. The monthly breakdown of new matters is shown in the table below:



Commercial / Projects

During the 2015/16 period, the Commercial and Contentious team has advised in respect of numerous high profile commercial matters. The team advises on a diverse range of work, including:

- a) contractual/procurement issues and negotiations;
- b) legal advice supporting significant States of Jersey programmes/projects;
- c) advice on investment documentation;
- d) *vires*/legal powers advice with respect to the Public Finances (Jersey) Law 2005; and
- e) the formation of planning obligation agreements (circa 20+ per annum).

General and Planning matters

The Commercial and Contentious team has conduct of all civil litigation matters (excluding safeguarding cases) for the Department.

The Commercial and Contentious team members are therefore responsible for a wide variety of contentious work involving the States, Ministers and their Departments, including administrative appeals, judicial reviews, and various other claims brought against or by public authorities.

In the review period, members of the team have been involved in several significant pieces of contentious work, including for example:

- a) judicial reviews of decisions by the Competent Authority for Jersey to issue notices to persons compelling them to provide information for the purposes of complying with international tax information exchange obligations;
- b) several administrative appeals under the Motor Traffic (Jersey) Law 1935;
- c) an application for the revocation of a deportation order;
- d) litigation regarding the legal status of the “public of the Island” of Jersey;
- e) the first declaration by the Royal Court under the Control of Housing and Work (Jersey) Law 2012, of deeming a person to not be ordinarily resident as a result of occupying Qualified property in contravention of that Law;
- f) a case involving the requirement for a certificate by the owner for planning applications;
- g) a case concerning a decision to grant planning permission immediately prior to elections and the relevance of *purdah*;
- h) a case focusing on the relevance of a breach of development control as a material consideration;
- i) a case involving a declaration as to the meaning of certain provisions contained in a hereditary contract.

Employment and Discrimination

Members of the Commercial and Contentious team act for the States Employment Board (SEB) – the largest employer in Jersey – at the Jersey Employment and Discrimination Tribunal.

The team has provided advocacy at case management meetings, interim and full hearings.

The team made in excess of 30 appearances at Tribunal in 2015 and 13 appearances in 2016, with the majority of decisions in favour of the Respondent.

Clinical Negligence

Since 2016, the team has taken on clinical negligence work. A dedicated Legal Adviser in the team is permanently based at the offices of the Health and Social Services Department.

Information and Data Protection

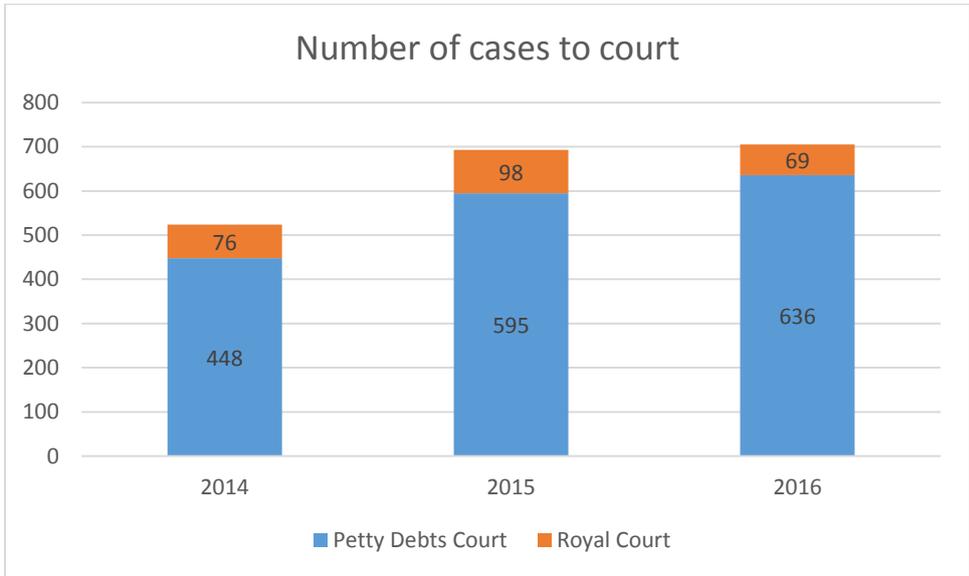
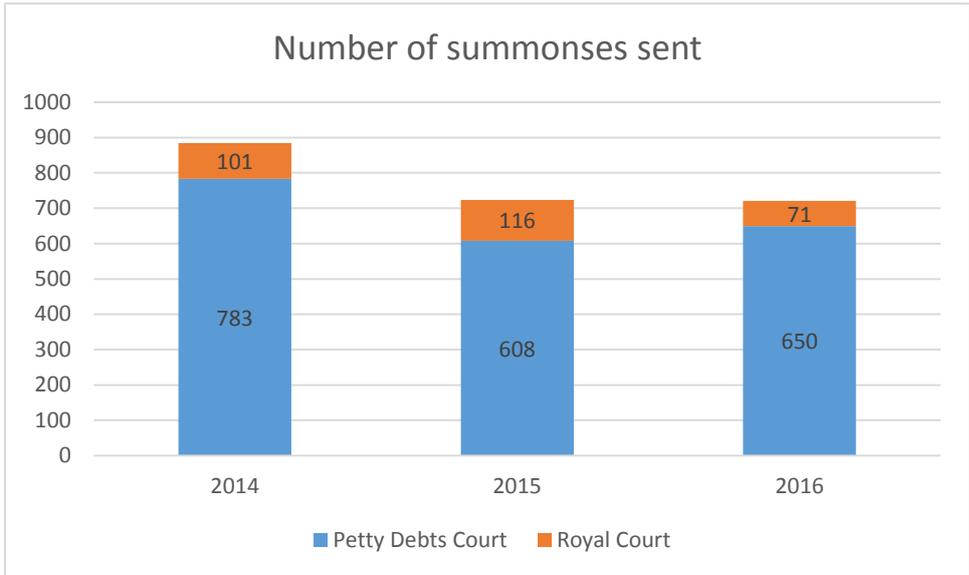
The Commercial and Contentious team provides legal support to the States Central Freedom of Information Unit. 2016 was a busy year as the States received 736 FOI requests. The first two FOI appeals also went to the Information Commissioner. The introduction of the FOI Law in January 2015 has resulted in an increase for advice in respect of subject access requests under the Data Protection (Jersey) Law 2005 as the public become more aware of their information law rights.

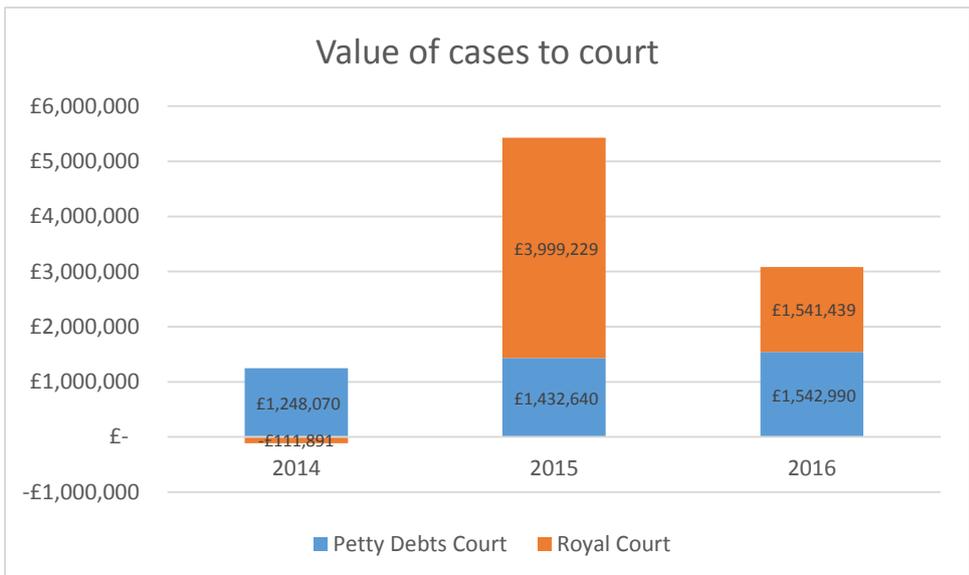
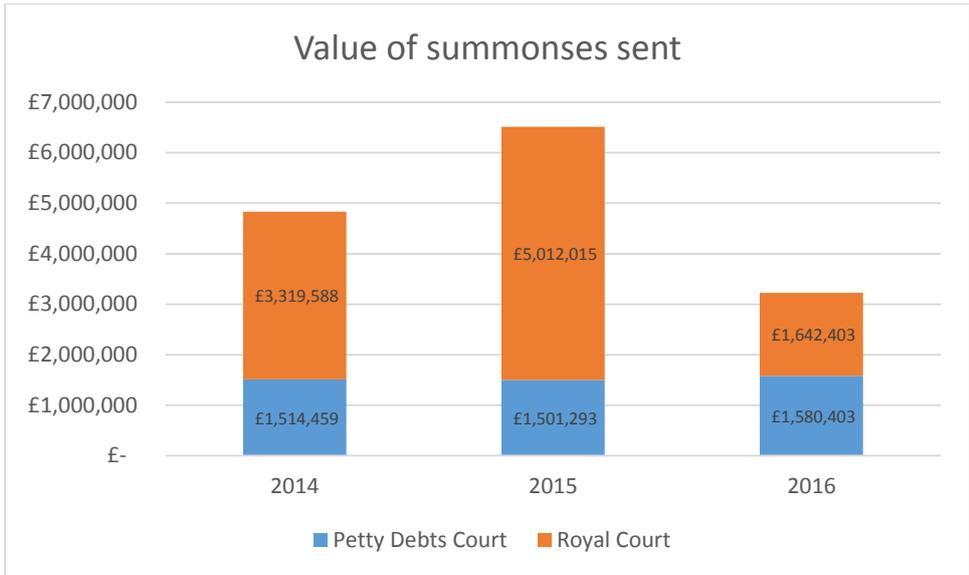
Debts

The Department also has the responsibility to process debt collection through the courts on behalf of States Departments. This work represents significant income for the States as a whole, with over £3 million being claimed in 2016. A significant cost saving has been achieved by bringing the Petty Debts Court work in house since January 2015. Members of the Commercial and Contentious Team, as well as advocates from elsewhere in the division operate a rota system of appearing in the Petty Debts Court. Members of the team are responsible for regularly liaising with the Debts Service regarding issues and answering any legal or procedural queries that Service may have.

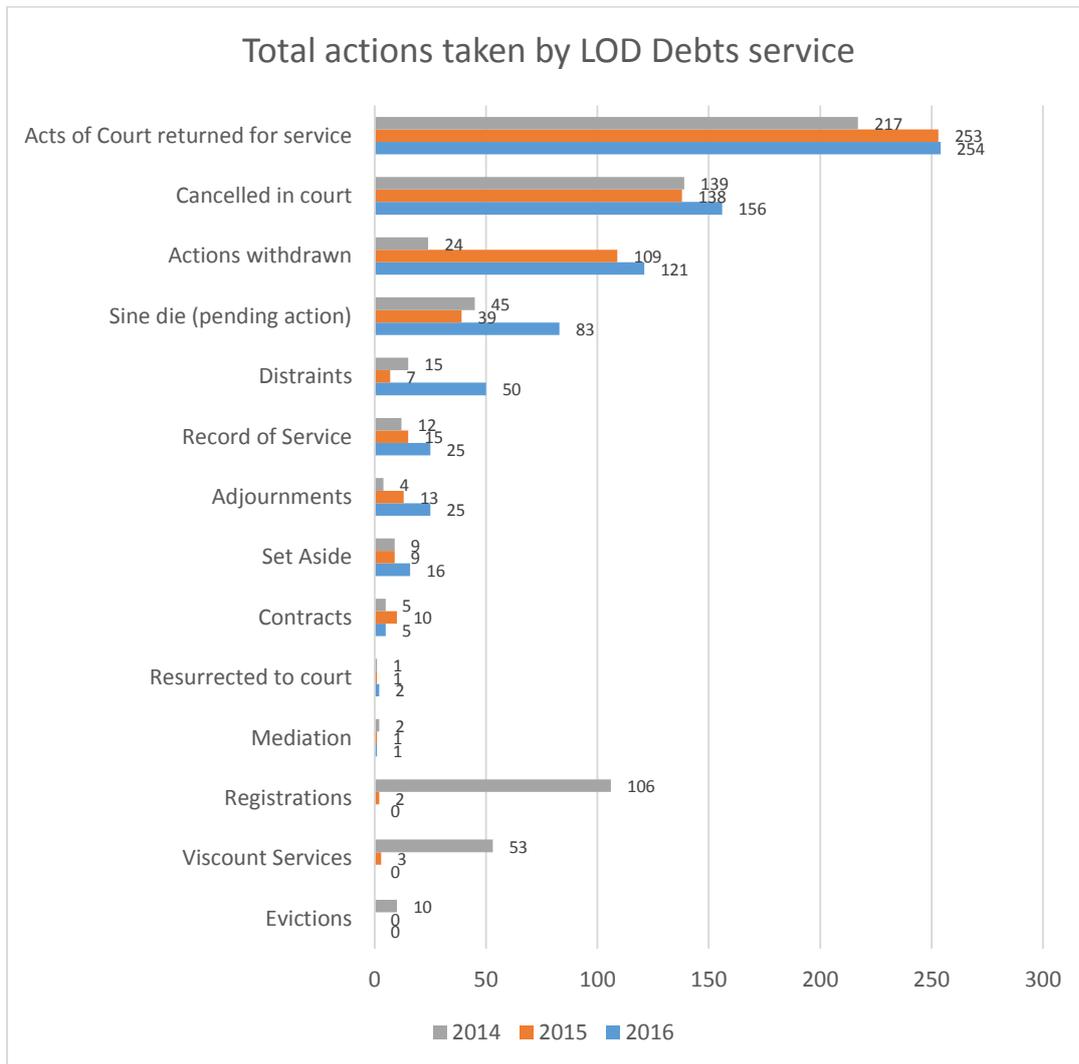
The number of summonses sent out decreased in 2015 following the incorporation of Andium Homes in 2014 and Ports of Jersey in 2015 but, as can be seen in the following tables, the number of cases that progressed to court increased in 2015 and 2016.

Planned increases in the jurisdiction of the Petty Debts Court will increase the amount of cases which are dealt with by that Court.

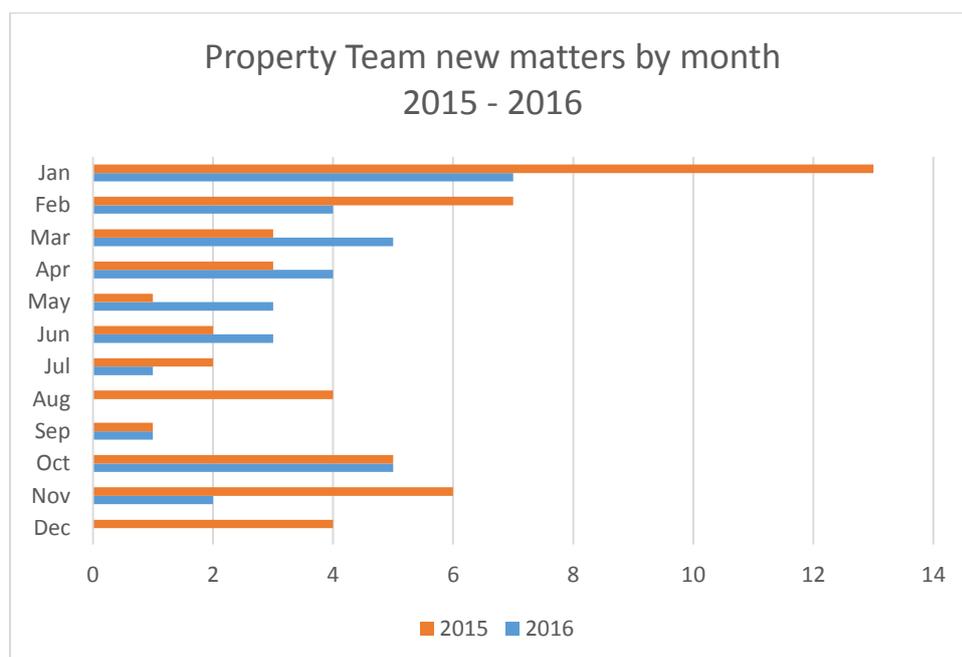




Actions taken by the Debts service 2014 - 2016:



Property Team



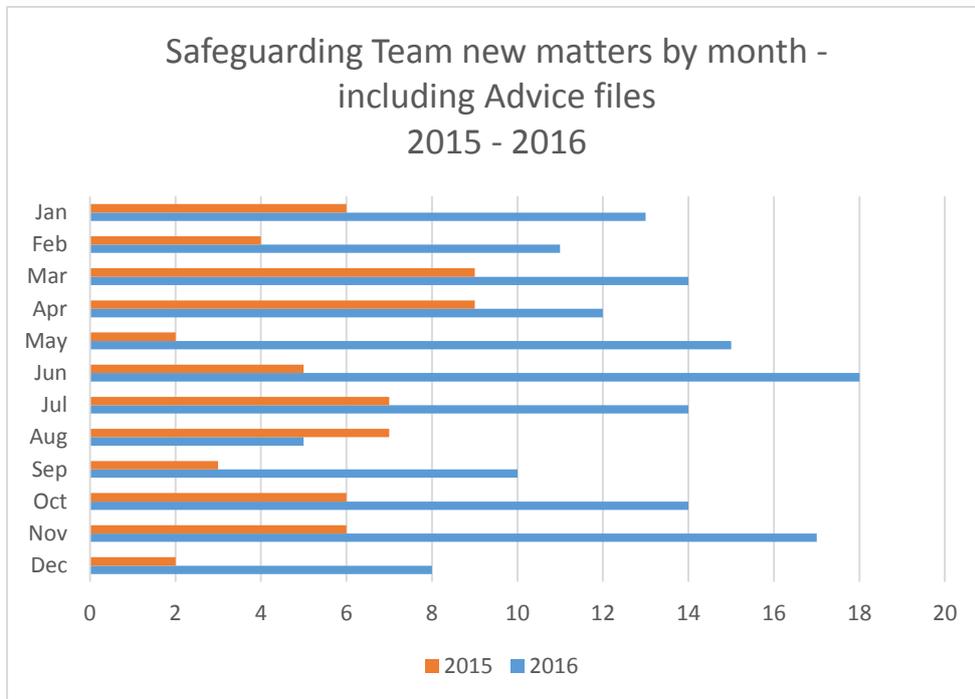
The Property Team completed the following transactions before the Royal Court:

Transactions	2014	2015	2016
Property sales (inc sale of rights)	36	42	33
Property purchases	1	1	3
Deeds of arrangement	6	7	5
Party to contracts	12	15	4
JEC contract leases	3	2	1
Other contract leases	4	2	3
Gift, cession and transfers	11	7	8
Exchange and counter-exchange	1	2	0
Mortgages secured by simple conventional hypothec	0	13	0
Mortgages registered as judicial hypothecs	11	0	11
Cancellation of agricultural loans	4	0	0
Rembours	18	22	24
Gross Values			
Sales completed on behalf of the Public or the Crown	£10,149,508	£8,964,138	£8,355,460
Purchases completed on behalf of the Public or the Crown	£495,000	£577,500	£641,500
New loans registered – judicial hypothec	£969,682	£1,105,051	£691,500
Legal fees recovered	£24,000	£36,450	£61,735
JEC leases annual receipts	£2,096	£1,980	£990
Crown leases annual receipts	0	£5,000	£99
Public leases annual receipts	£2,024	£150	£443,753
Considerations on deeds of arrangements	0	£500	£4,500
Fees paid to lawyers	£15,868	£9,682	£7,000

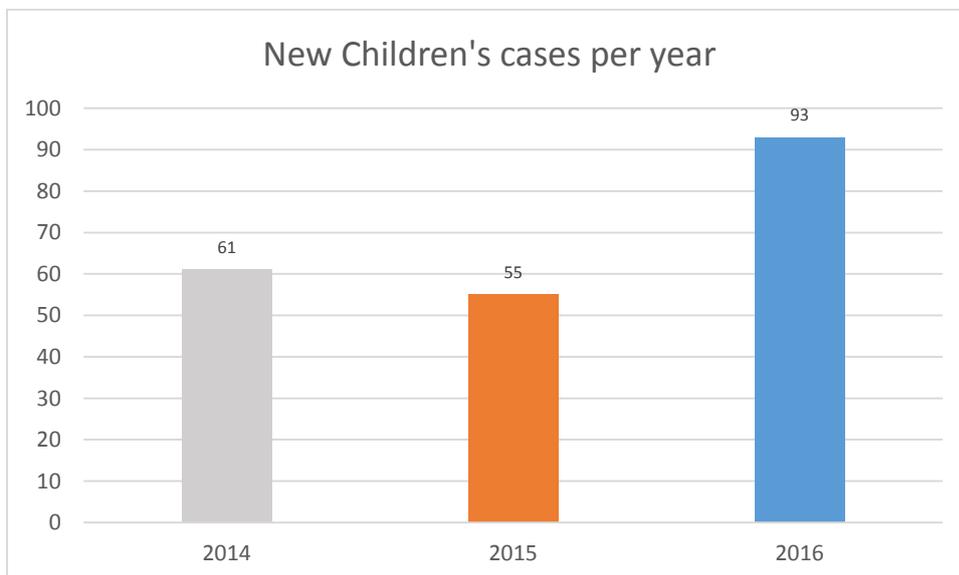
NB: Seabed not included in these figures

Safeguarding Team

The Department acts for the Children’s Service in applications for various public law children’s orders. These matters can be extremely urgent and time consuming and often involve lengthy court hearings. Given that these cases concern vulnerable children, they are of vital importance.

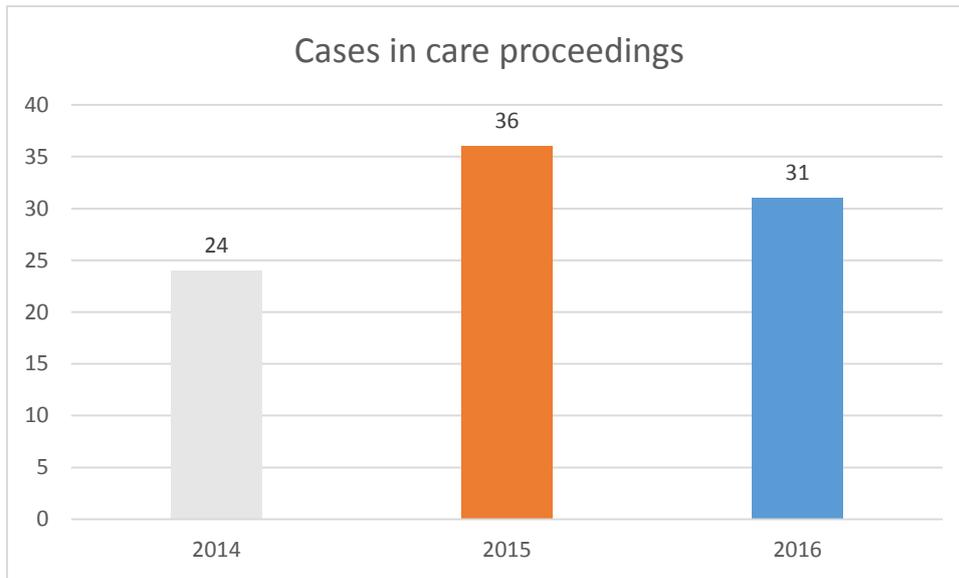


The number of cases relating to specific families grew significantly in 2016:

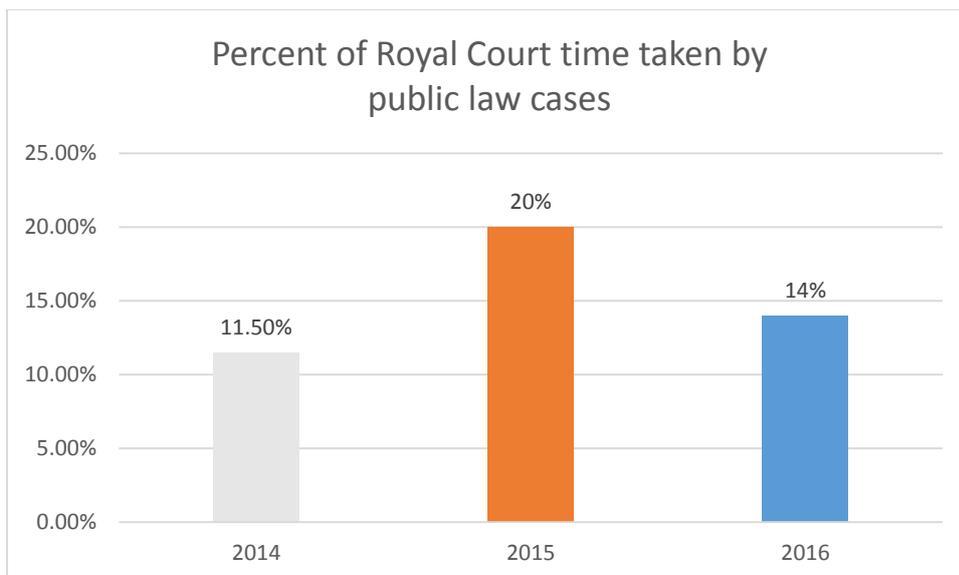


During 2016 the Children’s Service formally adopted a pre-proceedings process, designed to avoid court proceedings. During the year there were 12 cases in pre-proceedings, of which four have now entered into proceedings, the remainder have either concluded satisfactorily or are continuing.

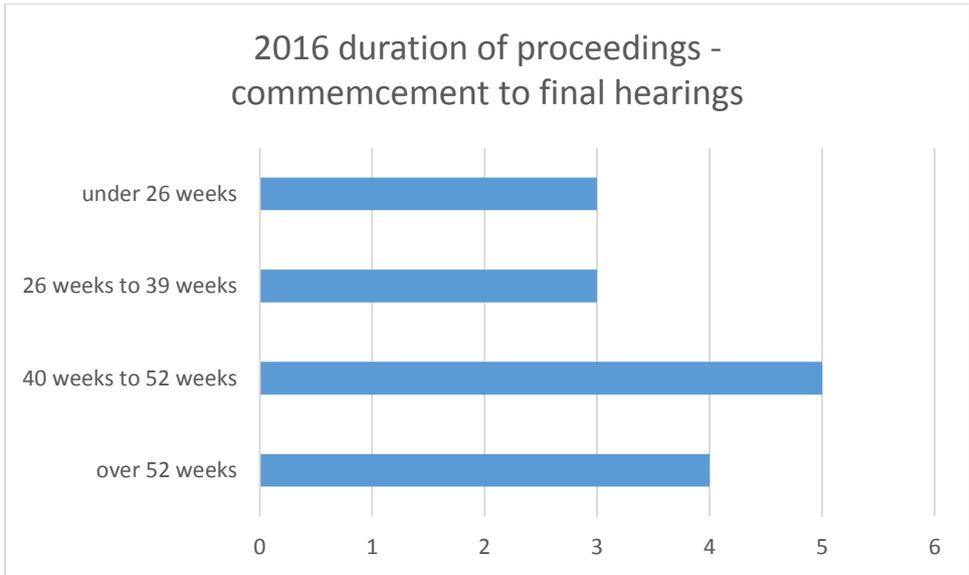
The following table shows the number of cases in care proceedings each year for the last three years:



Children’s public law cases take a significant amount of court time. The following table shows the percentage of Royal Court time taken by public law cases in the last three years:

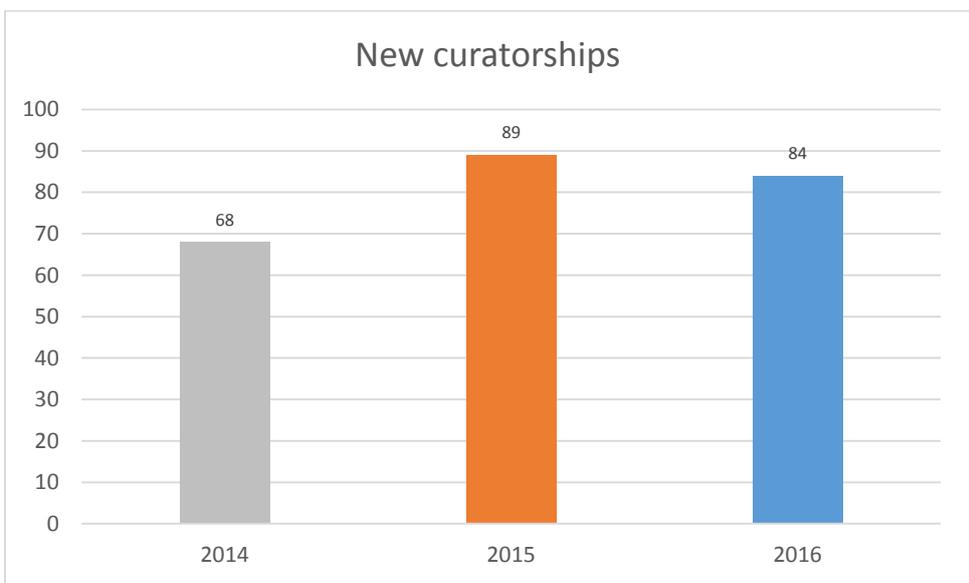


There were 70 hearings in 2016. Of the fifteen final hearings, the shortest period in proceedings (ie from the date of the application to the last day of the last hearing) was four weeks and the longest was 78 weeks. The average period in proceedings was 42.7 weeks (41 weeks in 2015). Sometimes the time taken to assess parents and other family members for their suitability as caregivers takes a significant period of time. The following table shows the duration of the fifteen proceedings which led to final hearings in 2016:



Curatorships

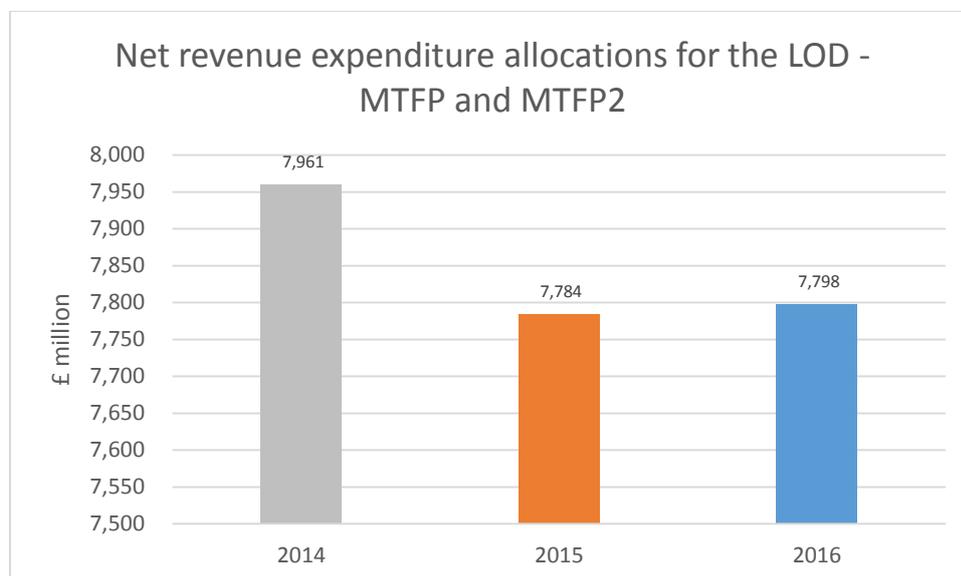
The Civil Division carries out the administrative work associated with the establishment of curatorships where a person is appointed by the court to look after the financial affairs of another (the interdict) deemed incapable of doing so themselves through mental incapacity. The Solicitor General leads this area of work. The figures in the chart below refer to new curatorships for 2014, 2015 and 2016. These figures do not include the work carried out on existing curatorships such as for changes of curator or for interdicts requesting reinstatement. Additional work is also generated by contested curatorships, non-resident curators and curators who fail to carry out their duties satisfactorily.



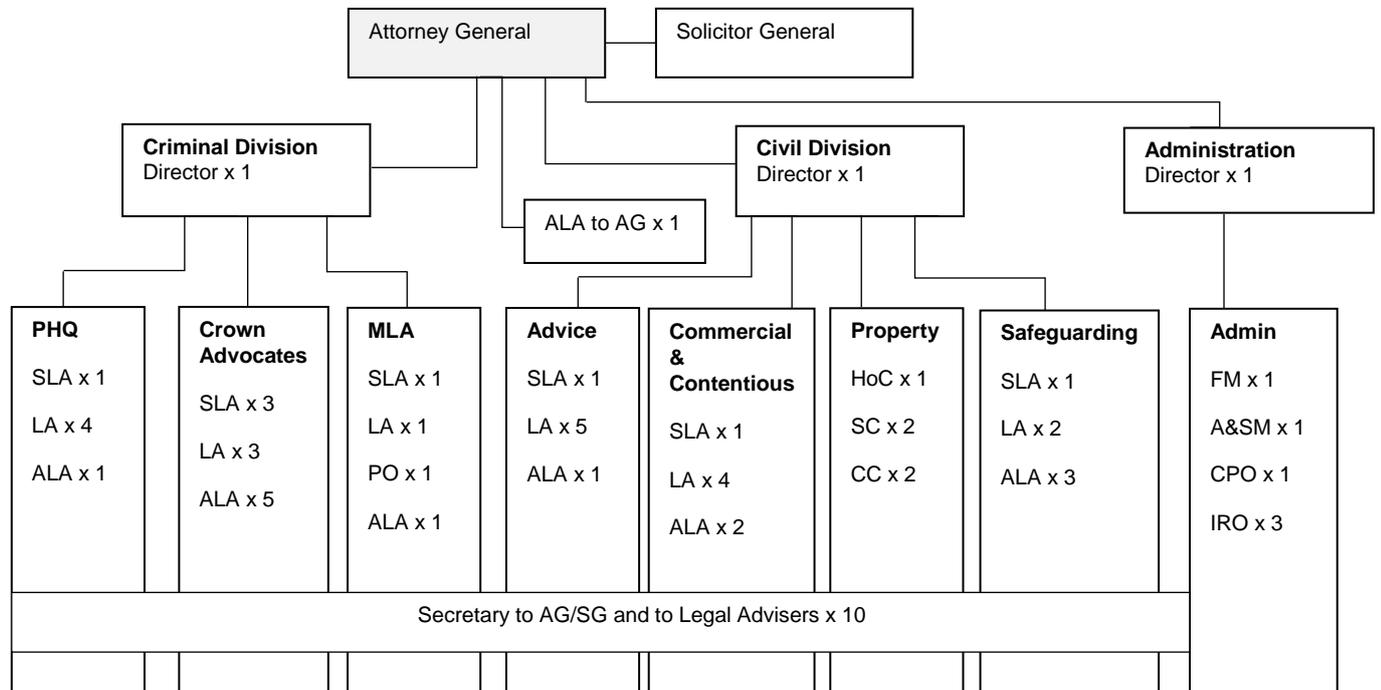
Finances

As a non-ministerial department, the Law Officers' Department receives funding from the States of Jersey and adheres to the Financial Directions as set out by the Treasurer of the States under the Public Finances (Jersey) Law 2005.

In accordance with the Medium Term Financial Plan (MTFP) savings requirements the Department received a £204,000 reduction in budget in 2015 and a further £248,000 reduction in 2016. These savings were partly offset by growth bids for the Department, resulting in the net revenue expenditure allocations set out in the chart below. It has been a significant challenge to have carried out the work presented in this review for 2015 and 2016 on reduced base budgets and this challenge will intensify with the further year on year saving requirements in the remainder of MTFP2.



Appendix 1 – Law Officers’ Department Organisation Chart 2016



Notes

Headcount in this chart is by individual, not by 'Full Time Equivalent' (FTE)

SLA: Senior Legal Adviser

LA: Legal Adviser

ALA: Assistant Legal Adviser

PO: Police Officer Serious Crime Section

HoC: Head of Conveyancing

SC: Senior Conveyancer

CC: Conveyancing Clerk

FM: Finance Manager

A&SM: Administration & Systems Manager

CPO: Court Proceedings Officer

IRO: Information and Records Officer