

STATES OF JERSEY

Access to Justice Review Advisory Panel

MONDAY, 21st MARCH 2016

Panel:

Senator P.F. Routier (Chairman)

Deputy J.A. Hilton of St. Helier

Deputy M. Tadier of St. Brelade

Connétable D.W. Mezbourian of St. Lawrence

Connétable J. Gallichan of St. Mary

In Attendance:

Mr. T. Walker (Chief Officer, Community and Constitutional Affairs)

Mr. A. Metcalfe (Director of Constitutional Affairs and Justice Policy)

Mr. D. Le Marquand (Policy Officer, Constitutional Affairs and Justice)

Witnesses:

Chair, Jersey Consumer Council

Executive Officer, Jersey Consumer Council

[15:01]

Senator P.F. Routier (Chairman):

Welcome.

Chair, Jersey Consumer Council:

Thank you.

Senator P.F. Routier:

Thank you very, very much for coming along. I will just do a few introductions so as we all know who we all are. I am Senator Paul Routier, Assistant Chief Minister, who is leading the Access to Justice Review, and I am ably assisted by...

Connétable D.W. Mezbourian of St. Lawrence:

Constable Deirdre Mezbourian.

Deputy J.A. Hilton of St. Helier:

Deputy Jacqui Hilton.

Connétable J. Gallichan of St. Mary:

Juliette Gallichan, Constable of St. Mary.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier.

Senator P.F. Routier:

Officer-wise we have...

Mr. A. Metcalfe:

Andrew Metcalfe, Director of Constitutional Affairs and Justice Policy in the Department for Community and Constitutional Affairs.

Chair, Jersey Consumer Council:

Very grand. [Laughter]

Mr. D. Le Marquand:

David Le Marquand, Policy Officer, Constitutional Affairs and Justice Policy.

Mr. T. Walker:

Tom Walker, Chief Officer for Community and Constitutional Affairs.

Senator P.F. Routier:

And yourselves, Rose, just for the record because we are recording this as well?

Chair, Jersey Consumer Council:

Sure. I am Advocate Rose Colley and I am chair of the Consumer Council.

Executive Officer, Jersey Consumer Council:

I am Anne King and I am the Executive Officer of Jersey Consumer Council.

Senator P.F. Routier:

You are very, very welcome. Just for clarity, we are recording this and it is a public meeting, so that we are all aware, and there will be a transcript made, which will go on to our website. So, we had a consultation document and you have made a submission, which we were very pleased to receive. There are a few questions which we have all had. We will work our way around. We all have questions we would like to ask you.

Chair, Jersey Consumer Council:

Sure.

Senator P.F. Routier:

So if you are happy to respond to those questions, we look forward to those responses. There was one concern which was raised that was about when people are allocated somebody to represent them. You had some concerns about that, so perhaps would you like to expand on what your concerns are?

Chair, Jersey Consumer Council:

Sure, yes. If I can deal with that, obviously because I am a lawyer and obviously do a fair amount of legal aid work, I am going to try very hard to be the consumer as opposed to the lawyer. Having said that, being a lawyer is actually quite useful in terms of often you can see how clients, consumers, react to the legal system. So I guess from that point of view some of the things I say will hopefully be quite useful. On that particular point, apart from in a few specialist cases, public law children cases now being one of them, you are simply allocated a lawyer on the legal aid tour de rôle, as people probably know. Now, that means that you get absolutely no choice of lawyer. Now, at the time I practised in England when there was proper legal aid in England - which, of course, there is not now - obviously you could choose your lawyer. So, because legal aid obviously at that time was paid for by the Government, people did have the ability to choose whichever lawyer they went to, which meant that they could choose a specialist. I think one of my real concerns, looking at this from a Consumer Council point of view, is that the tour de rôle means that you are allocated a lawyer. As we know, most lawyers within this jurisdiction are corporate commercial lawyers. So that is the first difficulty. They will have no expertise in, let us say, criminal law, family law, which are the two main areas of legal aid. I think the other disadvantage to our system is that almost certainly apart from in a few cases you as the client will never meet the lawyer that you are allocated to because what tends to happen, particularly in the large firms, is that you go into the legal aid system. You are then allocated usually a legal assistant. Many

legal assistants in this jurisdiction are not legally qualified. It may well mean that that work is not particularly well supervised and you may not meet a lawyer unless and until you go to court. So you may meet your lawyer, who probably is not the person whose name is on your legal aid certificate, very often until you come through the door of the court or immediately beforehand. Now, that is so alien to certainly the way in England legal aid used to work whereby, because it was a paid system you would always meet your lawyer, you could choose your lawyer, and that lawyer had the specialisation hopefully that you were seeking. Anne made a point earlier which I think again is quite telling about the legal aid system if I were a legal aid client, and that is that there are some firms - and I can think certainly of 2 - where if you are a legal aid client you go through a different door. You do not even go into their main reception.

Deputy M. Tadier:

Why would that be?

Chair, Jersey Consumer Council:

Clearly, they want to, I assume ... it is almost like some form of segregation. That is how it struck Anne.

Executive Officer, Jersey Consumer Council:

It was very clear. I had not really picked up on it until I was involved with the Access to Justice review that as you are walking past certain lawyers, companies within town, you notice there is the lovely glossy entrance and then there is a side entrance that says: "Legal aid enter this way." Immediately, as the consumer, as the person with an issue that you want resolved, you are kind of put on the back foot instantly, are you not, that you are separated from the traditional fee-paying client? It had not really dawned on me quite what that meant until you stand back and think about it.

Chair, Jersey Consumer Council:

And how it would make you feel as a client.

Executive Officer, Jersey Consumer Council:

So you are immediately earmarked as almost second class.

Chair, Jersey Consumer Council:

It is not all firms but it is a few firms.

Executive Officer, Jersey Consumer Council:

But it is very apparent where it does exist. I think it is very sad that that is the case.

Senator P.F. Routier:

That sounds not quite right.

Executive Officer, Jersey Consumer Council:

It just lacks that transparency which is very important from our point of view, that people fully understand what is happening and the process they are going through.

Deputy J.A. Hilton:

In the U.K. (United Kingdom), I think you have just alluded to the system has changed quite dramatically?

Chair, Jersey Consumer Council:

It has because, of course, legal aid in England and Wales is virtually now non-existent. So, for example, for a family case even if you qualify financially, and their financial limits are very low, around £14,000-£15,000 in income per year, gross income per year, you can only get legal aid for a family case, excluding again children being taken into care - what I call public law children cases - if there has been domestic violence involved. One of the things that has happened from reading the legal press in England is that people have almost been ... not pushed to ... I would say pushed to making domestic violence a part of their case when it may have been part of their case but not so important. So I think in terms of the way that ... and it has been a progressive change. One of the reasons that I initially came to Jersey was because the legal aid system in England - this was back in the 1990s - was beginning to change. Over a period of time it has completely changed, but in England if you are lucky enough to get legal aid you can choose your lawyer.

Deputy J.A. Hilton:

But it is on the basis of the £14,000 to £15,000 per annum income?

Chair, Jersey Consumer Council:

Unless it a ... because criminal legal aid is obviously dealt with differently. So in England, criminal legal aid you can choose your lawyer. In Jersey, criminal legal aid you cannot choose your lawyer.

Deputy J.A. Hilton:

So with criminal legal aid you are not barred by income then?

Chair, Jersey Consumer Council:

Not in the same way, no, which is why there is often a lot of controversy about fraud cases in particular where people who are really quite wealthy are getting legal aid in England and Wales.

The Connétable of St. Lawrence:

Can I ask you, Advocate, you referred to the U.K. having had a proper legal aid system and I am assuming that you mean before the changes or ...?

Chair, Jersey Consumer Council:

Yes, this would have been when I first practised in inner London in the early to mid-1980s.

The Connétable of St. Lawrence:

Yes, so what is your definition of a proper legal aid system?

Chair, Jersey Consumer Council:

I think probably 2 things in particular. One, where enough people are caught by legal aid so it is not just people on the lowest incomes, but people who genuinely cannot afford to pay their own legal fees. So those people at that time would have been within the legal aid system. Secondly, lawyers were paid at that point in time so much per hour at a legal aid rate by what was then the Legal Aid Board, which of course was publicly funded.

The Connétable of St. Lawrence:

I think I read somewhere in your submission about public funding. Would you care to expand on that and how it can apply to Jersey in your view?

Chair, Jersey Consumer Council:

Well, I think the costs of it would be prohibitive so I am not necessarily suggesting that anyone who needs legal advice should be publicly funded at all. I do think there is an argument for a properly funded criminal legal aid system because my understanding - I do not do any criminal work - is that if there were some funding from Government for criminal work it would allow far more specialisation to take place. So in terms of criminal work, you get some very experienced people who still do criminal work, but a lot of the work, for example, in the Magistrate's Court is done by newly qualified, really quite junior people. They do not necessarily stay within that area or specialise within that area, and certainly I can see that the number of more senior criminal lawyers is possibly becoming less than it was when I first came to the Island. I think it is all part of the product of there are certain criminal cases where some funding does come from ... I have never quite worked out which budget it comes from, but it comes from a States budget. So, for example, recently I am aware that the Italian gentleman who went to that long trial, that fraud trial, the lawyers who acted in that case have been able to put their bids in for funding but, of course, they were successful and everyone was found not guilty. The system says that if you are found not guilty, then as the lawyer you can put in a bid for public funding. Obviously, if you are found guilty,

then you do not get public funding in the same way, so it is all a bit odd and random and I think all the product of how these things have just built up over a period of time without anyone, as hopefully this review will do, trying to pull everything together.

Senator P.F. Routier:

You spoke at the outset about the allocation of lawyers to various clients. Have you got any examples of where perhaps they would have been allocated a lawyer and they have not been represented properly?

Chair, Jersey Consumer Council:

Wearing my Consumer Council hat, no. Wearing other hats, then yes. So I do not know if you want me to use an example.

Senator P.F. Routier:

Well, perhaps it would be useful.

[15:15]

The reason that I asked the question was because we raised this issue with the magistrates about how they felt people were represented and they gave us their view. I just was interested in your view.

Chair, Jersey Consumer Council:

Obviously, I mainly work within the Family Court system or the family justice system. I can think of a number of examples where clients who have been represented by what I would call non-specialist family lawyers, one, you end up in court because often there is this inability, when it is being dealt with by someone who is not legally qualified, to take the right steps perhaps to mediate a settlement, but then when you do end up at court often what you will find is that it has been quite clear that the advice that that person has been given just has not been satisfactory. Often it is left to the family registrars to try and put the case back on track. The magistrates may have said similar things, but I think it is all a product of the tour de rôle system, which does not allow really people on the whole to specialise, particularly doing the legal aid work.

Deputy M. Tadier:

Can I ask a follow-up from Constable Mezbourian's question about a funded legal aid system? Because I know in your comments you are fairly robust in the ... you say there are strong arguments for a funded system and I know you have mentioned criminal cases already, but it seems to me that the sympathy and perhaps the urgency that we are hearing from the public is not

so much to do with criminal cases but to do with civil or family matters where costs can quite easily snowball.

Chair, Jersey Consumer Council:

Spiral, yes.

Deputy M. Tadier:

Is there any ideas that you have?

Chair, Jersey Consumer Council:

Spiral out of control. Well, I think this partly ... I think this in a way moves away from the public funding issue to some of the other issues we mention in terms of how justice is administered within the jurisdiction. So, for example - and it was not a legal aid case - I have taken on a case where the client's main concern was the level of costs that was built up during a family case and those costs ran into hundreds of thousands of pounds.

So it ran into hundreds of thousands of pounds, completely disproportionate to what was necessary, and what you had, looking at this, was a combination of one of the parties was legally aided but was represented by a lawyer where no eye was kept on costs at all because one of the ... one of the difficulties with a legal aid system can be that unless you have very good controls put in place in terms of legal aid can only continue if you continue to take reasonable legal advice, often a client's eye is not on how much is this all costing because often they do not know, even if they are privately paying let alone if they are legally aided, but what happened in this case was that you had a lawyer on one side who was acting under a legal aid certificate where clearly his client had no idea of the potential costs involved, which under our legal aid system that client would have been paying because at the end of it that client received a lump sum from the other party in the matrimonial settlement, and a lawyer on the other side where the client was privately paying but in the main it was being dealt with by someone again with no particular specialisation. What happened was that this case completely snowballed to the extent that there were days and days before the Royal Court, the Bailiff made comments about the actual costs involved, and you just sort of feel, even just reading the judgments, that you just want to grab everyone and say: "Why on earth did you not try and sit round a table in a sensible way and try and either arbitrate or mediate?" Because in a family case, unlike in the criminal case, it is all coming from whatever pot there is, so everyone loses potentially in terms of the clients.

Deputy M. Tadier:

Was it necessary in that case for the Bailiff to intervene in terms of costs and effectively tax them?

Chair, Jersey Consumer Council:

My personal view is that if the court had intervened in a far more case-managed way earlier, then I think heads would have been knocked together far earlier. As it was, it is a public judgment that everyone can read, but even during the final hearing the Bailiff was having to say to one party's lawyers: "Go out and put together a reasonable offer of settlement," so even within the final hearing. This sort of touches on procedure and, again, I do not want to keep harping on about what happens in England, but in England the system in terms of family cases is very much front-loaded, whereas here it is back-loaded. In England, you would get far more judicial management at the early stage. You have things called preliminary case reviews and that sort of thing, whereas here often it is the poor Royal Court that has to deal with these most difficult cases when the costs may already run into £60,000 to £200,000, that sort of figure.

Senator P.F. Routier:

In your submission, you mentioned about the charging system is too loose. You have touched upon it a little bit. Do you have any ideas of how that can be resolved?

Chair, Jersey Consumer Council:

Any examples? Well, I hope this is something the Law Society itself will tackle because it is all to do with the legal aid guidelines but it is not helpful and, again, it all comes back to I guess the way that the tour de rôle operates. So if your 2 clients, one goes to lawyer A, one goes to lawyer B, and you are on exactly the same income, it is up to the law firm whether they apply the charging within the guidelines. So the charging might be that you have to pay 25 per cent of what is called the factor A, which is the court rate, so it is far less than a private client rate. Law firm A may not charge their client anything. Law firm B applies the guideline. What that means is that there becomes imbalance between the 2 and people can get very angry if they think they are having to pay legal fees and let us say in a family case or in a civil case the other party is not having to pay anything. That can often mean that the case will just go on because this person is not paying anything at all and knows that he or she will never have to pay anything at all, whereas this person is paying, I do not know, let us say £50 a month that they might be paying for the next 3 years or more under their legal aid certificate, and then it creates tension. It also means very often that client A here will not sit down round a table, will not mediate, because they say: "What the hell, I can do what I want."

Senator P.F. Routier:

Yes, I can see that.

Chair, Jersey Consumer Council:

"Because it is not costing me a penny."

The Connétable of St. Lawrence:

Would that not be the role of the Bâtonnier to ensure that it is fairly applied?

Chair, Jersey Consumer Council:

No, because at the moment it is entirely up to the law firm whether they charge or not. So the guidelines say clients within this income bracket pay 25 per cent, 50 per cent, 75 per cent, 100 per cent, and in fact what tends to happen is that it is the other client, who is paying something, who tends to complain and then what happens is that the lawyer then gets a letter from the acting Bâtonnier saying: "Please review this." Again, the lawyer then feels a sense of injustice because they have applied the guideline and the difficulty has only occurred very often because the other party has not had to pay anything.

The Connétable of St. Lawrence:

Have you made a submission to the Law Society who are undertaking the review of legal aid?

Chair, Jersey Consumer Council:

I have, wearing a different hat. Yes, because it is all very complicated because, of course, I am also the secretary of the Law Society, so it is all very incestuous. **[Laughter]**

Senator P.F. Routier:

In your submission, you were quite strong about that there possibly should be a Government-funded system, but from your opening comments I am not sure whether you are still in that position.

Chair, Jersey Consumer Council:

Well, again, I can see there is an ideal and the ideal would be a Government-funded legal aid system that did not operate on the *tour de rôle*, that allowed specialisms to develop, but I can also see that in the current economic climate that would be incredibly expensive. Therefore, in a way I think the ideal is for there to be some Government funding of some parts of legal aid. So, again, to give a very recent example, Government as you now know funds public law children cases, not just for children but also for parents. They come from a specialist panel, all of whom were properly trained. Again, the Judicial Greffe paid for the training from their budget. Now, that has made a huge difference in terms of how public law cases - which, of course, are some of the most difficult cases because you are talking potentially about children being in care, adopted, whatever - are now dealt with. There is, I think, a similar argument to say because under the Human Rights Law and under the European Convention criminal ... in terms of criminal law, people have to be represented, so I think there is quite a strong argument to say the States should fund something

towards criminal work, as I think I said at the beginning. In terms of civil and family cases, I think I have come to the view that because the economic climate is not going to allow all of that work to be funded by the States, then the Law Society itself has to really sort the rest out. But it will have the disadvantage to the client of still almost certainly operating under the tour de rôle because you cannot have an area of law which the lawyers are effectively ... or the equity partners of the law firms are effectively funding where some have to do it and some do not. That is the difficulty.

Senator P.F. Routier:

Yes.

Deputy M. Tadier:

There has been talk of a levy system in the past in some quarters as a funding solution. Is that something that you are ...

Chair, Jersey Consumer Council:

What, a levy on lawyers?

Deputy M. Tadier:

Yes. The way you could look at it is that it falls on lawyers now because the Government does not get involved. It is a partnership between clients and the lawyers themselves and if there was perhaps a more equitable way for the law firms to contribute a levy, which could then be put into a pot?

Chair, Jersey Consumer Council:

Yes, that is obviously a whole different issue that obviously is not really a Consumer Council issue to do with should lawyers fund access to justice, I guess, but I can see that there is an argument for that. Whether that will happen I do not know. That may or may not be better for the client, but I think in order for there to be real access to justice, it is not just about what you have to pay for it, it is also all to do with some of the other issues, I think, that we try and address in the submission to do with being able to understand the system, being able to feel comfortable within the system, to be able to have little things like a room that you can go to to take instructions, to sit down round the table with the other party.

[15:30]

All of those things within this building are completely lacking and they, I think, are things, yes, it would take some capital expenditure but I think they are things that could be perhaps more easily dealt with and for the consumer make it far, far easier, I think, to cope with ... I mean, I will give

another example because it really struck me last week. Last week I was involved in a one-week childcare hearing where there were 4 ordinary people, all of whom said that they would care for this particular child, and there was the child's mum. The hearing was in the Royal Court itself for a week. I know from speaking to ... because I was acting for the child, I know from speaking to the people who were happy to take care of this child that it was incredibly intimidating. You have all been in the Royal Court; you know. There is nowhere to take instructions. You go out of one door and there are police officers there because they also have people in the cell because the Court of Appeal was sitting in the next room, in the Old Library, and obviously a lot of those cases were criminal cases. Everyone wears ... I mean, in England in family cases lawyers and judges have not worn robes for years, and the Jersey Family Law Association tried to persuade the then Bailiff to follow that example and it just ... and it is things like that. It is just such easy things.

Deputy M. Tadier:

Why do you think there is a reluctance?

Chair, Jersey Consumer Council:

Because it is all to do - this is only my personal view - with tradition. There is this real reluctance to change things and I think it would actually be quite easy.

Senator P.F. Routier:

I think we will ... do you want to ask the next question?

The Connétable of St. Lawrence:

Yes, I have another question for you because, Advocate, you have responded to us as chair of the Consumer Council: how often do you have people coming in to speak to you specifically about legal aid issues? So, 2 questions actually: how often do they come to you and what are their main concerns?

Chair, Jersey Consumer Council:

Right. Well, obviously, you can probably deal with the first question part because we do not operate ... well, you deal with it because you are there all the time.

Executive Officer, Jersey Consumer Council:

Being the officer, I am the one that people would come to, but I must admit they would tend to gravitate towards Citizens Advice on the whole area of legal aid. It is not something people would come to us per se. Our whole sort of ... part of our reason for being is making sure that there is ease of access to services and transparency for consumers, so obviously the whole legal profession or legal services is one area that confuses people per se. I think even being on the

whole review process and understanding and listening, you begin to realise this is incredibly complicated from an ordinary person's point of view to understand the process, to understand where you would access it, what you would do, who you would come into contact with, how you would go about it. So, although people have not come to us banging the door complaining about it, I think it is in conversation when you are out and about talking to people ... what we do is make sure we go out and talk to consumers. It is an area of concern that remains that people feel daunted, overwhelmed and probably do not feel that they have any recourse about it. I think that was one of the messages that came through in other evidence when the consultation went out as well, which reinforced our view. I will hand over.

Chair, Jersey Consumer Council:

Because obviously we do not operate as an advice service per se. We tend more to ... individuals will bring concerns and what we tend to do is to try and widen it out into a bigger concern. So, a couple of years ago when lots of people were complaining about doctors' charges, we were then able to widen that out in the survey that we did, but we tend to feed more into ... but often people who do contact us individually is often to do with not perhaps an issue to do with legal aid or the law per se, but one they need pointing in the right direction and very often a little bit of legal advice. So, for example, that ongoing case you had where the lady was supposedly missold ... was it mortgage or ...?

Executive Officer, Jersey Consumer Council:

Oh, yes, yes.

Chair, Jersey Consumer Council:

I mean, she needed legal advice.

Executive Officer, Jersey Consumer Council:

Very much so, but she kept falling outside of certain barriers and where to go and time had lapsed and then she was told she did not qualify, then she did qualify.

Chair, Jersey Consumer Council:

For legal aid?

Executive Officer, Jersey Consumer Council:

Yes, and then ...

Chair, Jersey Consumer Council:

Yes, so occasionally we are doing ...

Executive Officer, Jersey Consumer Council:

Just really, really difficult for her and I think that is where people feel that they cannot find remedies and if they have a problem what do they do. I think that is where we will hear what people are saying and it is that utter frustration where we will signpost as best we can and try and find help for people. But it is a hugely complex area for an ordinary member of the public, the whole legal process, even through down to petty debt. Hopefully we can talk about that a bit later.

The Connétable of St. Lawrence:

Okay. Referring back to something, Advocate, you said earlier about the change in the U.K. to the legal aid system, in your submission you referred to changes in procedure in England and Wales regarding civil and family law matters.

Chair, Jersey Consumer Council:

Yes.

The Connétable of St. Lawrence:

Which you say have not been followed in Jersey.

Chair, Jersey Consumer Council:

No.

The Connétable of St. Lawrence:

In fact, what you said was that because they have not been followed it makes our court process outmoded but also more expensive for consumers.

Chair, Jersey Consumer Council:

Yes.

The Connétable of St. Lawrence:

It is not consumer focused. Can you just outline for us the changes that took place over there which have not been reflected here?

Chair, Jersey Consumer Council:

Okay. They have happened in England and Wales over probably the last 15 years I would say, both in civil cases and family cases, which is obviously where most consumers get involved. Partly it is to do with language. So, for example, if you are getting divorced in England now and you want to sort out your finances, then it is called financial relief. Here it is still called ancillary

relief, which I am sure if you stop people in the street most people would not have a clue what that meant. So it is partly to do with the language and I think language can help to make access to law or to make law far more accessible. But it is also to do with the example I gave earlier where you try and case manage cases so they are much more front-loaded so that the court can intervene to try and find solutions at a far earlier stage. Then if they do have to progress, then obviously that first judge has to fall away for another judge then to deal with it because that judge at the beginning, particularly in a family case, has tried to reach solutions with the 2 sides and their lawyers at the case management meeting stage. But obviously on the civil side you had what were called the Woolf reforms and the Jackson reforms in England and Wales and they have attempted to streamline the process. Now, I do not want this to sound as if everything in England and Wales is wonderful because it is clearly not because there are huge delays within the court system. In England now the feeling from lawyers in England is that a lot of that has been to do with closing courts, for example. The Government recently announced that they were closing a lot of local courts all over England and Wales. What I do think, I think if there was a real attempt within Jersey to simplify the process and to change some of the language, again it is something that we should be able to do relatively easily and I think it would mean, as you rightly say, that cases could be dealt with at an earlier stage, far more encouragement of alternative dispute resolution by the court, because if you have a judge who is saying: "You really ought to try and mediate or arbitrate or try and sort this out" that is much more powerful than the other side's lawyer saying that.

The Connétable of St. Lawrence:

Because it is a direction to them they must do that?

Chair, Jersey Consumer Council:

Because it is a direction and they think: "Oh, god, if the judge is saying this I really ought to try and sort it out."

The Connétable of St. Lawrence:

So from the Woolf and Jackson reforms which you have referred to, if they could be introduced here, what specifics would you like to see here in order to reduce the cost to consumers?

Chair, Jersey Consumer Council:

Well, I think a lot of it is to do with ... and it is quite difficult to describe. A lot of it is to do with having a process that is far easier to follow in terms of A to Z but a process that also means that if you are at the beginning then you know what you have to provide to the court, you know that if you do not produce it in time then there could potentially be sanctions if you do not, and that there will be some intervention by the court to say: "You must sit down and mediate or talk about this in

more detail with the other side.” Or what happens now in England is that at an early stage at this first hearing before the court, the court will say: “Well, I think you are right on this, wrong on this,” and it is much more directed, which is why if it then proceeds in the court system that judge cannot carry on. So, for example, in the Family Court where there are 2 registrars, you may well find that the resources are not sufficient to do that. Petty debts, I guess because they are all the sort of relief magistrates, you probably could. I think the Royal Court ethos would have to change very much in civil or family cases for that to happen.

The Connétable of St. Lawrence:

Who would be responsible for changing that ethos?

Chair, Jersey Consumer Council:

I think it has to come from the Government itself. The Law Society can play its part, but obviously the Law Society has no control over people within the Law Officers’ Department, for example. At the moment, they are not even members of the Law Society.

The Connétable of St. Lawrence:

So you think that it would be a role played by Government rather than the judiciary?

Chair, Jersey Consumer Council:

Well, when I say Government, I know the judiciary are not strictly part of Government but, of course ...

The Connétable of St. Lawrence:

But there is a clear delineation.

Chair, Jersey Consumer Council:

Yes, absolutely, and clearly the judges are paid for out of the public purse.

The Connétable of St. Lawrence:

Sorry, I mean you do not mean States Members, Council of Ministers?

Chair, Jersey Consumer Council:

No, no, no, sorry, no, no, no. I mean ... I think it is through things like this review that this review can be saying: “You, Royal Court, for example, in relation to civil procedures, have to modernise and we will give you so long to make sure you do that and come back with recommendations.” What tends to happen at the moment is that all these sort of subpanels are set up by the Bailiff or

the Deputy Bailiff ... and even, with respect, the Access to Justice Panel, certainly the bit that Anne sits on is mainly lawyers.

Executive Officer, Jersey Consumer Council:

Certainly legal professionals.

Chair, Jersey Consumer Council:

Yes.

The Connétable of St. Lawrence:

Of course, we are the political oversight group of the Access to Justice review.

Chair, Jersey Consumer Council:

Yes.

The Connétable of St. Lawrence:

I would just like to go back to the court language which you wrote to us about specifically. We have heard about ancillary relief. You touched on that in your submission and you have mentioned it today. Do you have other examples?

Chair, Jersey Consumer Council:

Oh, I am sure there are lots and lots of examples. In civil law here, we still have things called Mareva injunctions, Anton Piller orders, all of which in England ... I mean, I cannot remember what they now call Anton Piller, but certainly Marevas are freezing orders. So you know exactly what it is. You do not have to know that the word "Mareva" came from an English case going way back, which is where the name came from.

The Connétable of St. Lawrence:

So, clearly, change could be made to make it easier?

Chair, Jersey Consumer Council:

Yes, very easily.

The Connétable of St. Lawrence:

The Jersey Legal Information Board has undertaken a review on language. Do you have any comments on the work that they have done?

[15:45]

Chair, Jersey Consumer Council:

I think any work that they do is obviously welcomed and I think the J.L.I.B. (Jersey Legal Information Board) website in particular has done huge amounts in terms of making a lot of legal information accessible to people. But I think it does need to go hand in hand with ... what I know as a lawyer is that the search facility on J.L.I.B., although I think they are upgrading it, is awful to use. So if, for example, you thought you wanted to search “freezing order” and you did not know the right terminology, at the moment either nothing would come up or every case where the word “freezing” had been used would come up probably about 100,000 times. But yes, I think Jersey should be proud of J.L.I.B. and I think it is ... I mean, I have seen how over a period of time it has developed, but obviously it continues to need resources, I guess.

Deputy M. Tadier:

Can I ask a question? I do not want it to be taken tongue in cheek, although it might come out as though it is. You could simplify the system arguably to make it more accessible, user friendly and plain language that you would not need lawyers in many cases to represent you in court. Is that maybe one way round saving money for the consumer, strictly from a consumer point of view?

Chair, Jersey Consumer Council:

For you to act as a litigant in person?

Deputy M. Tadier:

You can do already, of course, but the issue is that you cannot necessarily get somebody who is perhaps articulate and intelligent to act for you without them being qualified.

Chair, Jersey Consumer Council:

I mean, interestingly in England - and you can read a lot of this in not necessarily the legal press but the press generally - one of the huge difficulties now in the English court since legal aid was cut is the difficulties that litigants in person get into even within a legal system where the jargon has been simplified, where the processes have been simplified. One of the big arguments I know going on in England at the moment is whether people - you have probably heard of them - called McKenzie friends, whether paying them should be outlawed because they themselves, apparently ... these non-qualified, and I think even in some cases people who have been struck off the roll as solicitors, are now being paid to represent the litigant in person and that has just been a complete disaster. So I hear what you say and I think in some circumstances people can be litigants in person, but I think even in the ... you are never going to get away from the complexities of a lot of the law, even if you simplify it.

Deputy M. Tadier:

So I guess thinking about what you said before about when some people might be on legal aid and then effectively their cases are being managed by legal assistants without being qualified, are there certain cases or situations which you could see or envisage being dealt with perhaps at a lower level without need to go to a qualified advocate or perhaps not to be represented by a qualified advocate?

Chair, Jersey Consumer Council:

You mean in court?

Deputy M. Tadier:

Yes. Are there certain processes which perhaps do not even merit being in court?

Chair, Jersey Consumer Council:

Yes. I mean, I think this is this whole area of alternative dispute resolution. So, for example, the tribunal service is an example of where you do not need to be a qualified lawyer to represent someone, and I think that is fine if you have the skills and the capabilities to do that.

Deputy M. Tadier:

What about things like buying property?

Chair, Jersey Consumer Council:

Buying property, well, we were talking about this earlier. It just has always struck me that to have to go to court to buy a property is just ... I am not sure you have to do it anywhere else in the world, though you probably do. Again, it adds to the cost. I mean, we are not here to talk about conveyancing but it does add to the cost.

Senator P.F. Routier:

That will no doubt come out in the deliberations from the Law Society who will keep those things in mind.

Deputy M. Tadier:

Okay.

Chair, Jersey Consumer Council:

Yes.

Senator P.F. Routier:

You had some questions about the court facilities?

Deputy M. Tadier:

Yes.

Senator P.F. Routier:

I am just conscious of the time. Are you all right until 4.30?

Chair, Jersey Consumer Council:

Yes, I am fine. Are you?

Executive Officer, Jersey Consumer Council:

Yes.

Senator P.F. Routier:

Are you sure?

Executive Officer, Jersey Consumer Council:

Yes, absolutely.

Senator P.F. Routier:

Okay. Whether we will get to 4.30 is a different matter.

Executive Officer, Jersey Consumer Council:

I am fine. No, I am fine.

Senator P.F. Routier:

But we have 4.30 in our mind anyhow.

Executive Officer, Jersey Consumer Council:

That is fine.

Deputy M. Tadier:

I think a lot of your points here tie in anyway in terms of perhaps modernisation, but in particular could you talk to us about some of the improvements that could be made from a consumer point of view in terms of the court facilities?

Chair, Jersey Consumer Council:

Right, yes. So, if we look at the Magistrate's Court first, which is obviously a modern, purpose-built court, if you need a breakout room, if you are in court all day and you need to ... let us say the judge retires, you and your client can go off and have coffee, tea. All of those facilities are in the Magistrate's Court. But, of course, in the Magistrate's Court, the only cases primarily, apart from the Petty Debts Court, that go on there are criminal cases so ... and I am sure it is the same all over the world that the best courts seem to be reserved for criminal cases, which I always think is a bit strange, but there we are. Once you come to this building, so looking at the Family Court, which as you know is at the far end of the building ... far end, that way, because we are the other side, are we not?

Senator P.F. Routier:

Yes. [Laughter]

Chair, Jersey Consumer Council:

That end of the building, you go in. When the Royal Court was first refurbished and the Family Court was put in that area, we even had to ask to get 4 chairs put there in the waiting area. If you need to have a breakout room, they simply do not exist so there is nowhere private to sit with your client. So at the beginning of the case when the lawyers and the clients come into the Family Court, you are all there congregating in that little area, in the area where you walk through up to the steps of the Royal Court. Often these are people who in a family case may not have seen each other for months. They probably do not want to see each other and it is at probably the most stressful time because they are just about to go into court. If you want to take instructions or if you want to meet with the other side, there are absolutely no rooms available. So if you are very, very lucky one of the ... sorry, wrong direction, one of the rooms like the Fauvelle Room might be empty, but only if you are lucky. I think I once was lucky enough to be told that the only place that we could go to have a private conversation with the client was in one of the cells. I mean, this is ridiculous. You can be in the Family Court all day for a hearing and there is nowhere to get any refreshments either for the lawyers or the clients and it is all just so unnecessarily difficult. Once you go into the Royal Court, it all becomes magnified because of the potential grandeur of it all. I already gave the example of the case last week where people did, I think, just feel completely overwhelmed by it. One lady in particular, who was wanting to care for this child who had come over from England, so was not even from Jersey, clearly just found it completely overwhelming. Again, there are no rooms to go and talk to your client. It is just ... and I know it is an old building and I know there is only a certain amount of space, and if one could rewrite history probably one would have had a purpose-built court for all legal matters, but there we are. We only have what we have.

Deputy M. Tadier:

Yes. I think in many ways we have received a lot of information about the inadequacies of some of the facilities, so we probably do not need to dwell on that, but it would be helpful even in the future if you want to contact us perhaps with suggestions about what could be done perhaps easily to facilitate arrangements, if not now, yes.

Senator P.F. Routier:

Thank you.

The Connétable of St. Mary:

Can I just ask one more question on that, though? You talked about the reluctance to take away the robing in the Family Court being due to tradition. Would you ideally like to see all levels of the court come ...?

Chair, Jersey Consumer Council:

Not criminal. I think in criminal courts ... again, I have never done any criminal work but I can see in a criminal court there is potentially the need to send out a message in terms of you are here potentially because you have broken the law. Therefore, I can see far more reason for that and in England criminal courts still have gowns, wigs, all the rest of it. But in civil cases I do not see why everyone needs to wear robes and in family cases absolutely not. In a family case, nobody has done anything wrong and in the spirit of just trying to put people at ease, which means that they are more likely to try and come up with solutions themselves, I just think you can take away lawyers wearing gowns. The court obviously sits there in its red gowns, all of which you will have seen.

The Connétable of St. Mary:

So just picking up what you said there, one step beyond just being intimidating, it can actually get in the way of a less formal solution.

Chair, Jersey Consumer Council:

I think they can do. I think they can because ... yes, because I think it almost marks off lawyers from clients in a way, as well as the court itself, in a way that is not necessary. So, in the Family Court, so first instance cases in the Family Court, there are no gowns and I think everyone feels far more comfortable within that atmosphere if they are talking about contact with their children or how to distribute the matrimonial funds, for example. I do not really see why it is fine for the family registrars not to wear gowns and for lawyers in the Family Court not to wear gowns but if it goes up to the High Court then it is suddenly all so much more grand.

Deputy M. Tadier:

Okay, thanks. I am happy with that part so ...

Senator P.F. Routier:

Okay. Did you want to ...?

The Connétable of St. Lawrence:

No.

Senator P.F. Routier:

Okay. All right, Connétable.

The Connétable of St. Mary:

Yes. In your submission, I was really pleased to see that the Council recognises the role of the ... the importance of the role of the Parish Hall and the Honorary Police. Obviously, when we looked at your request for perhaps greater clarity, we were not quite sure that it actually fell within our terms of reference.

Chair, Jersey Consumer Council:

No.

The Connétable of St. Mary:

But we felt that it was an interesting aspect of justice anyway so we would be wrong not to explore it at this level. Can you give me some more information about how the lack of clarity shows itself, manifests itself?

Executive Officer, Jersey Consumer Council:

Obviously, the whole Honorary Police system and the Parish Halls are quite an integral part of the way that we deal with misdemeanours or whatever, but we do not think of it as part of the legal system but it clearly plays quite a significant role in day to day events. But I do not think all consumers are particularly aware of the powers bestowed upon the Honorary Police, the decisions they can make, the punishments, the penalties, and the way Parish Hall ... I cannot think of the terminology, like the Parish Hall tribunals or whatever where the punishments are administered or cases are listened to. That is a fundamental part of our system but quite often we do not actually know what goes on.

Chair, Jersey Consumer Council:

I think there is a little bit of confusion in terms of what goes to a Parish Hall inquiry and what does not.

Executive Officer, Jersey Consumer Council:

Yes.

The Connétable of St. Mary:

Who decides as well.

Chair, Jersey Consumer Council:

Who decides and is there always consistency.

Executive Officer, Jersey Consumer Council:

Yes, that is a good point. Because talking to the Attorney General's Office, it would appear that the honoraries can make some quite big decisions, quite often reasonably laypeople in making some decisions, albeit honorary people. But I just think sometimes that certainly it would warrant a review as part of considering the whole access to justice because that does impact on us as Islanders where justice is administered, sometimes in an inconsistent and not particularly methodical way.

The Connétable of St. Lawrence:

Do you have examples of inconsistency?

Executive Officer, Jersey Consumer Council:

Only in terms of where you will have an inquiry ... and it came to light possibly through a personal reason, but when I looked into it one parish said they would not have done that and another parish said they would, which led me to go and talk to the Attorney General and say: "How does this work?"

[16:00]

Even they were a little bit taken aback that certain decisions had been made that way and could not be revisited because that decision had been made, but they said they would look into it.

The Connétable of St. Lawrence:

So you spoke to the Attorney General?

Executive Officer, Jersey Consumer Council:

One of the officers, yes.

The Connétable of St. Lawrence:

Did they tell you that any decision made at a Parish Hall inquiry can be overturned by the Attorney General if he felt it was necessary? Because that is my understanding of what happens at Parish Hall inquiries.

Executive Officer, Jersey Consumer Council:

No, I do not believe he said that at all.

The Connétable of St. Lawrence:

I hope that gives you some comfort because ...

Executive Officer, Jersey Consumer Council:

I think on the contrary he made it very clear that was not the case.

The Connétable of St. Lawrence:

Maybe we will look at that, although it is not clearly within our remit.

Senator P.F. Routier:

The point being clarity about the roles of the parish.

Chair, Jersey Consumer Council:

I think that is again transparency.

Deputy M. Tadier:

Can I ask a question? Because it is obviously not immediately something you would equate with a consumer issue but I suppose it is from the point of view of constituents and users of the service. For example, if someone was to come to you, do you think your average person in Jersey would know that they do not have to attend a Parish Hall inquiry, that it is optional or that, for example, the Parish Hall can only deal with it if they put in a guilty plea and that the Parish Hall cannot deal with it otherwise?

Chair, Jersey Consumer Council:

I do not think people would know that. I am not even sure lots of lawyers would know that.

The Connétable of St. Lawrence:

I am not even sure that Deputy Tadier has that right.

Chair, Jersey Consumer Council:

No.

The Connétable of St. Lawrence:

You attend upon the Parish Hall inquiry, that is optional, but if you choose to not go to the Parish Hall inquiry I think you are likely to be referred directly to the Magistrate's Court.

Chair, Jersey Consumer Council:

The Magistrate's Court, that is my understanding.

Deputy M. Tadier:

You may, yes, obviously, depending on evidence.

The Connétable of St. Lawrence:

It is diversionary because potentially by attending at an inquiry - and Deputy Hilton will know far more about this than I do, having acted as a Centenier - by attending upon a Parish Hall inquiry you may well not end up going to the Magistrate's Court because by chatting to the Centenier they can say to you: "I will give you a verbal warning." There are sanctions ...

Deputy M. Tadier:

They can only do that if you plead guilty, is my point. I am saying a lot of people may go to a Parish Hall inquiry and plead guilty for something they have not done. It is not a court of law. I think that is the point I was making.

The Connétable of St. Lawrence:

They may say: "I did this" or there were mitigating circumstances. It is a point that is well made but not everybody knows ...

Chair, Jersey Consumer Council:

People just need to understand the law.

Executive Officer, Jersey Consumer Council:

What can be dealt with at Parish Hall level and what is not, and whether inquiries at a Parish Hall level are public. There is still a degree of confusion around that and that is why I was keen to put it in because it obviously is a fundamental part of our legal process.

The Connétable of St. Lawrence:

It is. Everything, of course, is based upon directives from the Attorney General, who at the moment has written to the Connétables and the Comité des Chefs to tell us that he is reviewing all

directives that have been issued over the past 30 years. So they are all being reviewed and potentially updated.

Chair, Jersey Consumer Council:

Hopefully put into one far easier document.

The Connétable of St. Lawrence:

Yes, because I am sure there are many that have come down over the years that ...

Chair, Jersey Consumer Council:

They would have been amended, yes.

The Connétable of St. Lawrence:

That is something that every Centenier would have for reference. They are their guidelines.

Deputy M. Tadier:

Are there sufficient guidelines, do you think, about who can attend at a Parish Hall inquiry with a client? Or perhaps from a lawyer's point of view - because I think advocates are allowed to attend but not necessarily to speak on behalf of the client - is that perhaps slightly strange?

The Connétable of St. Lawrence:

No, that is not correct.

Deputy M. Tadier:

Well, if that is not correct then perhaps ...

Chair, Jersey Consumer Council:

I think it is disappointing and the question is that we lack clarity between us all sitting in the room, so maybe it is something that we could work towards trying to make clearer to the consumer.

Senator P.F. Routier:

Yes, we look forward to the Attorney General's review and the explanation.

Chair, Jersey Consumer Council:

Personally, I think from the consumer point of view the parish inquiry is an important part of the way that we deal with justice, and it can be a very useful part of how we deal with justice. But all the rules surrounding it are fairly mysterious, as clearly has been shown.

Executive Officer, Jersey Consumer Council:

Yes.

The Connétable of St. Lawrence:

Well, if you have not been involved then potentially it is like anything, you would have no reason really to know how something is managed if you have not had cause to be part of it.

Chair, Jersey Consumer Council:

No, no.

The Connétable of St. Lawrence:

But that does not mean that people should not know what happens at a Parish Hall inquiry.

Executive Officer, Jersey Consumer Council:

I think it is making sure people are not excluded from a part of law by not knowing it exists and that is my concern.

Chair, Jersey Consumer Council:

Or it being far more in their mind before they go there, not really knowing if they can speak and what to expect.

The Connétable of St. Lawrence:

What to expect, exactly.

Chair, Jersey Consumer Council:

It all becomes much more stressful than perhaps needs to be the case.

Deputy J.A. Hilton:

We have publicised it in various ways on the internet. Obviously, we can hear from what you are saying today that we need to revisit that. Certainly, I know that when people attend a Parish Hall inquiry - especially in St. Mary - we take care to put them at their ease and to explain everything. But I completely understand to know before you go ...

Chair, Jersey Consumer Council:

Yes, the only - and again it was a personal example - the only time I have ever seen a Parish Hall inquiry in operation was when my eldest son did something very silly, this was several years ago, and even I did not have a clue what to expect. But in fact the Centenier at the time dealt with him incredibly well and made him realise that he was being silly. But that Centenier I think had

particular skills in dealing with a 16 year-old, as he was at the time, whereas I can imagine if that person did not have the skills then my son probably would have not reacted in the best way and probably would have gotten into even more trouble.

Deputy J.A. Hilton:

I completely understand what you mean by that. Right, so we will take that on board I think.

Senator P.F. Routier:

Yes. Do you have anything else that you would like to add to ...?

Chair, Jersey Consumer Council:

No, did you have something?

Executive Officer, Jersey Consumer Council:

Only that obviously again the petty debts is quite an important part of our process as well and I think from research and understanding more about the petty debts process it is anything far from petty. People do not understand that it is still a court process. You are obviously directed towards mediation in the first place, which is fine if you are happy to mediate, but by default that means that you will not walk away with 100 per cent of your claim if you are the one trying to reclaim money you are owed or whatever. So that means that you either mediate or you do not and if you do not it then goes to court in quite a formal, traditional, public manner and will undoubtedly involve lawyers.

Chair, Jersey Consumer Council:

It becomes part of civil procedure.

Executive Officer, Jersey Consumer Council:

I think a lot of people do not quite understand that petty debts is not just about claiming back a few hundred pounds, that it can get quite big time costs and formalities, and obviously then it becomes public. It is trying to, again, fit it in this whole chain of events to make sure it has a meaningful place, that consumers can clearly understand where it fits, what they can take there, and what the implications of it are. Because having talked to the Petty Debts Court people it is very clear that you need to be incredibly organised to go to petty debts, it is not something you just sort of rock up one day, fill in a form and go back another day.

Chair, Jersey Consumer Council:

Because there are all these time limits.

Executive Officer, Jersey Consumer Council:

Yes, and that you need to be methodical, have all your evidence, and depending on who you are doing battle with they will come with lawyers.

Chair, Jersey Consumer Council:

If you miss one of these dates then the lawyer will apply to have your claim struck out and you might be struck out and you did not realise.

Executive Officer, Jersey Consumer Council:

I know the petty debts team are very good at providing information for the consumer, but nonetheless, it is quite a rigorous process. It is not just a touchy feely, going to claim money back, it is quite ...

Senator P.F. Routier:

Is it over rigorous or ...

Chair, Jersey Consumer Council:

I think it is at the stage beyond mediation. I have been to some Petty Debts Court mediations, not as a lawyer but I have done a few in the purely voluntary capacity, and they seem to work quite well. But once you either say you do not want to mediate because you think you are entitled to 100 per cent of your claim, or mediation is not successful, it then becomes part of the normal civil procedures so there is no difference to it being dealt with by the Royal Court in terms of the rules. That is where I think people can then make mistakes.

Deputy M. Tadier:

Chairman, do you mind if I ask a couple of general questions?

Senator P.F. Routier:

If they relate to access to justice that would be great.

Deputy M. Tadier:

Yes, they do. The questions I had relate to structural changes that may need to be made, or certainly structural differences. It seems to me you have referred to the U.K. quite a lot when you have been speaking, which I think has been useful. But there are clearly certain differences in that we do not have a Crown Prosecution Service in Jersey, which England and Wales does, and also the position of Bâtonnier is perhaps something which is peculiar to Jersey.

Chair, Jersey Consumer Council:

I think it is.

Deputy M. Tadier:

I cannot speak for Guernsey, I am afraid, and you would not necessarily expect me to. First, could you comment on either of those 2, and is it possible that Jersey could benefit from a legal ombudsman either to complement the role of Bâtonnier or as an alternative to it?

Chair, Jersey Consumer Council:

Well, the Bâtonnier does not really nowadays act in any way, I do not think, as an ombudsman.

Deputy M. Tadier:

No.

Chair, Jersey Consumer Council:

So you do have - and this is me being critical of my fellow professionals - you have the ludicrous situation in Jersey that if, for example, you are unhappy about your legal bill and you are privately paying, the only way anyone can arbitrate or adjudicate on those fees is if the law firm agrees. So once the law firm says: "No, thanks" that is it. You can refuse to pay the fees and see if the Royal Court will deal with it, but then obviously you are into the whole court process. So I do not really think the Bâtonnier has a role in terms of sorting out disputes. The person who does try to do that is the Chief Executive of the Law Society rather than the Bâtonnier. Personally, I think there is a real role for a legal services ombudsman. Whether it would be a full-time role, I do not know. Whether it could be something that is done as with the financial services ombudsman in conjunction with Guernsey, I think that would make it far more financially viable. But, yes, we do need something because complaints in terms of legal services are growing, from what I can see, not decreasing. In terms of the Crown Prosecution Service - and again it is not my area of expertise - but I think there is this debate that has been going on over a number of years in England and Wales as to whether or not it was the right way to go, but I guess it does make the decision as to whether to prosecute or not somewhat more independent than if the police themselves were making that decision. Certainly, I am aware of a couple of cases where the police have made a decision not to prosecute where I cannot really understand why those decisions were made and I think a Crown Prosecution Service might look at it far more objectively, would not just perhaps be looking at it from the angle of: "This is either historic or it is going to be much too difficult to delve into and, therefore, very expensive and there is this eye on budgets." Perhaps that is not there quite in the same way but I guess if you had a legal services ombudsman then that is potentially something that they could also consider because I can certainly think of 2 cases that I have come across as a family lawyer where I have thought: "Why did the police not do anything?" You cannot then get the reasons for that decision.

Deputy M. Tadier:

Just to clarify for the record, although it is a policeman who decides on prosecution it is a Centenier and it could be he or she is doing it under the remit of the Attorney General and, if so, it could be said to be independent of police.

Chair, Jersey Consumer Council:

Not in all cases, is it?

Deputy M. Tadier:

Does a Centenier not decide on prosecution?

Deputy J.A. Hilton:

The Centenier ultimately is the challenging, so if a Centenier attended at police headquarters he is given the evidence statement or whatever and he might be advised by the duty sergeant, but ultimately it is the Centenier who makes the decision whether there is going to be a charge.

The Connétable of St. Lawrence:

That decision is accountable to the Attorney General.

Deputy M. Tadier:

Thank you for that.

Senator P.F. Routier:

Okay. Well, thank you very, very much.

Chair, Jersey Consumer Council:

Well, I hope that has been useful and interesting.

Senator P.F. Routier:

No, it has been very, very useful. We have sort of ...

Chair, Jersey Consumer Council:

I am sorry it took me so long to find a slot that I could make.

Senator P.F. Routier:

Thank you very much.

Chair, Jersey Consumer Council:

Thanks for your time.

Senator P.F. Routier:

No, it was a pleasure, and hopefully we will come forward with some recommendations at some stage. That is due in July. Thank you very much indeed.

[16:14]