

Judicial Greffe & Viscount's Department

2016

Jersey Court Service Annual Report



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PURPOSE & ORIGIN OF THE DEPARTMENTS

Judicial Greffe

The Judicial Greffe is a Department of the Judiciary responsible for the provision of secretarial, administrative and interlocutory support to the Island's Courts and Tribunals. Associated services are provided to the legal profession and the general public. The Department in its present form was established in 1931 by the "Loi (1931) constituant Le Département du Greffe Judiciaire".

Viscount's Department

The Viscount's Department is the executive arm of the Island's Courts and of the States Assembly. The Department is therefore principally required to execute orders of the Courts. In addition, the Department fulfils the duties of Coroner, administers *Désastre* (bankruptcy) and similar insolvency proceedings, serves legal process and enforces fines and judgment debts (court enforcement duties). The Department in its present form was established in 1930 by the "Loi (1930) constituant Le Département du Vicomte". The Department principally functions through three operational sections (the Court Services, Enforcement and Insolvency teams), with support being provided by the Accounts team.

In this Report, the Judicial Greffe and Viscount's Department are described collectively as the Court Service.

OPERATIONAL & ADMINISTRATIVE ACTIVITY, 2016

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

Judicial Greffe

Samedi Team

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

Academic achievement

Alana Brunton passed the Jersey Bar exams and was sworn in as an advocate in February 2016. Jason Troy passed the Contract Law and Criminal Law modules of the Diploma in Law course.

Acts produced

The Section produced 1,802 Acts in 2016 of which 1,537 Acts were issued pursuant to an order of a Judge of the Royal Court, 95% were within service pledge, and of the 265 Acts issued in the name of the Judicial Greffier which were dealt with by the Greffiers Substitute, 95% were within service pledge.

Public Registry

The Public Registry is responsible for the management and protection of all land deeds and associated documents enrolled for the purpose of evidencing title to, or charges against, land.

Breakdown of Public Registry – Stamp Duty Received

	2013 (£)	2014 (£)	2015 (£)	2016 (£)
Contracts & Wills	11,456,000	18,930,000	22,182,000	21,735,000
Judicial Hypothecs	2,265,000	2,760,000	3,134,000	3,166,000
Total	13,721,000	21,690,000	25,316,000	24,901,000

Value of property transactions registered

The value of property transactions registered in the Public Registry during 2016 amounted to £924 million, compared to £845 million in 2015 and £833 million in 2014. However, these figures do not include the value of properties which were transferred by Deeds of Gift or bequeathed in Wills of Immovable Estate, for which stamp duty was also received.

Number of documents registered in the Public Registry

In 2016, there were 4,607 documents (compared with 4,340 in 2015) registered in relation to Contracts, Wills and Judicial Hypothecs.

Public Registry Online

The Public Registry computerised database, *Public Registry Online*, which became available for general use in 2007, continued to provide full access to Public Registry documents over the Internet at all times. Total downtime for the system during the year amounted to less than 8 hours, or an availability rate of 99.90% (99.89% in 2015).

New appointment

Simon Le Riche was appointed as Registry Proceedings Officer in November 2016.

Family Team

The Family Team is responsible for providing a comprehensive service to the Royal Court for Family proceedings. These include causes for the termination of marriage (including nullity), dissolution of civil partnership, judicial separation cases, ancillary matters, and applications relating to children. In 2016 there were 231 divorce and judicial separation petitions filed and 230 Decree Absolutes granted. In addition, there are children cases where the parties are not married, and in 2016, there were 55 free standing private children applications filed.

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

The Children and Adoption (Amendment) (Jersey) Law 2016 amended the provisions with regard to parental responsibility in the Children (Jersey) Law 2002 and the Adoption (Jersey) Law 1961.

The Registrars continue to attend relevant law conferences in and off island. The Registrars, along with the Family Proceedings Officer, have also attended appropriate training provided by the States of Jersey.

Interlocutory Services

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

Dates were fixed for 81 summonses to be heard in 2016. 99 were heard. The remainder were vacated, adjourned or settled.

The number of Acts (including consent orders) produced in 2016 was 355, with 4 relating to service out of the jurisdiction or substituted service.

30 written reasons were produced, 2 of which will be handed down and published in 2017, and 28 of which became judgments and were subsequently published. 6 case reports were produced in 2016.

A total of 98 cases were referred to mediation and 71 mediations were heard. 56 were resolved at mediation or shortly thereafter, representing a success rate of 79%.

Of the 33 actions heard by the Master in 2016, 10 settled or discontinued.

Interlocutory Services	2014	2015	2016
Summonses fixed	94	97	81
Applications Heard	116	121	99
Acts issued (including Consent Order)	320	380	355
Case reports produced	7	6	6
Judgments	29	31	30

Probate Registry

The Probate Registry is responsible for examining, validating and granting to lawyers, trust corporations and members of the public the right to recover or receive any part of a Jersey estate. During 2016, applications for Grants of Probate and Letters of Administration involved persons who died domiciled both in Jersey and in 74 other jurisdictions worldwide.

1,817 grants were made in the year (1,798 in 2015), representing a total estate value of £287,041,499 (£300,853,296 in 2015).

The Probate Registry is also responsible for overseeing the administration of Curatorships. 64 new Curatorships were formed in 2016.

New appointment

Jackie Woodworth was appointed as Registrar of Probate in January 2016.

Appellate Team

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

The Assistant Judicial Greffier (Appellate and Samedi) and the Proceedings Officer for the Court of Appeal act as clerk to the judges, attends all sittings as Greffier, drafts the Acts of Court and provides procedural advice to the Judges of Appeal, members of the legal profession and litigants in person.

The Court of Appeal has 6 scheduled sittings each year. The Appellate Team will arrange any additional special sittings that are necessary, or applications to be heard before a Single Judge of Appeal, and is responsible for any appeals to the Superior Number of the Royal Court against sentences passed by the Inferior Number.

Prison Board of Visitors

The Appellate Team provides a secretarial service to the Prison Board of Visitors. Meetings are attended by the Home Affairs Minister, Assistant Minister and Chief Officer of the Community and Constitutional Affairs Department. Responsibility for the Prison Board of Visitors will be transferred to an independent body in 2017.

Intellectual Property Registry

The Judicial Greffe is responsible for maintaining the Registers of Trade Marks, Patents and Designs. The Registry houses the three registers, and provides advice and associated services to industry specialists and members of the public. These are in the course of being transferred to the Jersey Financial Services Commission.

Tribunals Service

The Tribunals Service is responsible for the administration of the Jersey Employment and Discrimination Tribunal, the Social Security Income Support Tribunal, the Social Security Medical Tribunal, the Long Term Incapacity Tribunal, the Mental Health Appeals Tribunal, the Health and Safety Tribunal, and Planning Appeals. The Jersey Employment and Discrimination Tribunal publishes an annual report which can be accessed at www.jerseyemploymenttribunal.org. General statistics relating to the number of sittings of the other Tribunals described above are set out in Appendix B.

In March 2015, the revised system for Planning Appeals came into force. In 2016, the Tribunal Service received 51 Planning Appeals.

The Health and Safety Tribunal did not sit in 2016.

Magistrate's, Youth and Petty Debts Courts

The Magistrate's, Petty Debts and Youth Courts workload, discounting the parking court, reduced within all 3 jurisdictions compared to 2015. The Criminal Court saw a decrease of 11% in cases whilst there was a significant decrease of 32% within the Youth Court, taking the number of cases back to the position in 2013. The Petty Debts Court saw a small decrease of 4% in new actions compared to 2015. The only area of growth was the number of cases in the parking court, with a significant increase of 40% of cases completed and a 6% increase in arrest orders.

The Magistrate's jurisdiction was doubled to £10,000 in September, along with a repositioning of the standard scale of fines. The new standard scale of fines reduced the number of levels to three; level 1 - £200, level 2 - £1,000 and Level 3 - £10,000. This required a significant rewrite of the Magistrate's guidelines to take into account the new levels and to readjust the common law guidelines.

There were also changes to the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 which extended powers to make restraining orders for offences outside this particular law, as long as certain criteria were met.

The DAISy Court Management system rewrite continued successfully with an anticipated completion date in April 2017.

Promotions and new appointments

There were a number of staff movements within the Magistrate's Court Greffe in 2016 with Allison Le Couteur being promoted to the position of Proceedings and Admin Officer. Her replacement as Office Manager was completed in June with the appointment of Rowan Heaney.

Taxation of costs

In 2016, the Magistrate's Court Greffe taxed 44 criminal bills of costs and two large civil taxations.

Court usage

The Magistrate's Court building is in constant daily use with a mixture of Adult Remand Courts, Youth Courts, criminal trials, civil trials and Petty Debts Courts all being catered for.

The Magistrate's Court Greffe also provides a weekly mediation session for claims that fall within the Petty Debts Court jurisdiction and ad-hoc sessions for other mediation requirements. Mediation sessions are scheduled for Tuesday afternoons and Friday mornings and each one lasts approximately an hour. In 2016, a total of 71 mediation sessions were conducted before the Master of the Royal Court sitting as a Relief Magistrate. A total of 98 cases were sent direct to Mediation of which 71 were heard and 56 were settled, representing a 79% success rate.

Receiving Evidence in Chambers

The volume of work in 2016 (5 hours) was lower than in 2015 (72 hours). The Judicial Greffier carried out one hearing, the Deputy Viscount carried out four hearings, and the Viscount carried out five hearings. Time spent in hearings was less than in 2015, mainly due to evidence being adduced by affidavit where possible.

Viscount's Department

Court Enforcement Functions

In addition to the usual operational demands during 2016, the Viscount's Department has enforced and continues to enforce a number of high profile, high value and complex cases of Proceeds of Crime and Drug Trafficking, as well as Civil Asset recovery. The principal methods of enforcement in these cases are the Saisies Judiciaire (freezing/seizure orders) and subsequent Confiscation Orders. In total, the Department currently holds assets in excess of £293 million pursuant to these types of court order. This work stream continues to grow.

The requirement for increased accountability and reporting to other multi-jurisdictional agencies, in relation to Saisies Judiciaires for Proceeds of Crime and Drug Trafficking enforcement, continued in 2016 and significantly increased operational demands on the Department.

The Enforcement Team continues to enforce fines to an extremely high standard (97% by number and 98% by value), along with its exceptionally high success rate for civil judgment enforcement (1,417 judgments totalling £3,545,765 in value). During the year, the Viscount, Deputy Viscount and Principal Enforcement Officer continued to be involved in very demanding and complex enforcement cases.

Training, development and recruitment

Training to cross-skill the Enforcement Officers continued in 2016, particularly in relation to Royal Court duties and assize trial jury custodianship. This training was conducted primarily by the Senior Court Officer and gives the Department greater resilience at a time when the number of assize trials continues to grow. Towards the end of 2016, an Enforcement Officer moved to another States of Jersey department. A new Enforcement Officer was recruited and will commence in early 2017.

Assize Jury Functions

The computerised jury selection system was called upon 25 times in 2016, although only 10 trials were completed, taking up 43 days. This entailed the warning of 1,093 jurors and 165 witnesses. There were 413 exemptions granted from assize jury service.

Coroner's Functions

The principal legislation, the Inquests and Post-Mortem Examinations (Jersey) Law 1995, continued to work effectively, although there is now plenty of scope to update and improve it following the implementation of the Coroners and Justice Act 2009 in England and Wales. Areas of potential legislative change include: the ability to open a coroner's investigation and release a body for cremation without the need for an inquest to be opened; the provision of an interim certificate of the fact of death for burials; and statutory powers to require evidence to be given or produced within a certain timescale. Delay in the timely provision of reports and witness availability and attendance at inquest were notable issues in several cases during the year.

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

Coronial duties were borne predominantly by the Deputy Viscount, who acts as *de facto* Coroner, assisted by two Relief Coroners and the Viscount. All attended coroner training organised by the Judicial College in England during the year. The Deputy Viscount and Relief Coroner Advocate Whelan attended the Annual Conference and AGM of the Coroners' Society of England and Wales in Durham. The Deputy Viscount attended the Chief Coroner's Conference for Senior Coroners in February 2016 and completed a Management of the Dead course provided by the Academy of Forensic Medical Sciences. Training was provided to Police recruits and a lecture given to the Law Society of Jersey on the role of the Coroner.

22% of registered deaths in Jersey during 2016 were officially reported to the Deputy Viscount, with a further 9% of registered deaths in Jersey (unreported cases) resulting in approvals for doctors to issue medical certificates of fact and cause of death.

This was again a busy year with a 9% increase in the number of sudden deaths reported. While there were fewer inquests completed in 2016 compared to 2015, the nature of some of the inquest cases has been more complex or high profile. During the year, 39 inquests were concluded: the Viscount conducted 2, the Deputy Viscount conducted 21, Advocate Whelan conducted 5 and Mr El-Gazzar conducted 11 inquests. The categories of findings reached (sometimes erroneously referred to as "verdicts") are shown in the statistical digest at Appendix C. The finding of an inquest in Jersey is given in a narrative form. However, for statistical purposes for the Annual Report, these findings are re-classified into the short-form conclusions used in England and Wales. The list of available short-form conclusions in England and Wales were revised by the coming into force of the Coroners (Inquest) Rules 2013 and the statistical digest has been revised accordingly.

In terms of time spent, most of the Coroner's work relates to cases that do not reach inquest. A stand-by arrangement is in place with the Police and the General Hospital for the Coroner to be available outside of working hours to give directions in difficult cases, including organ transplant cases. There is a standing arrangement with the St Saviour Honorary Police for the reporting of deaths in mental health establishments.

The Coroner team has the benefit of the assistance of a dedicated civilian police officer, Mr Tony Forder, who acts as the police/coroner liaison officer for sudden and unexpected deaths. This year Mr Forder has been assisted on a part time basis by Police Constable Glenn Cleave. The Deputy Viscount and Mr Forder drafted various sections of the Jersey version of the guidance booklet for those affected by suicide, "Help is at Hand".

During 2016, from an inquests and coroner perspective, the Viscount, Deputy Viscount and other members of the Department were actively involved in the finalisation of the new Mental Health Law and Capacity and Self-Determination Law. The Coroner team was also actively involved in mass fatality elements of emergency planning and training.

Insolvency Functions

Désastre

The Insolvency Team carries out a number of functions in addition to their core activity of administering the property of persons who have been declared "*en désastre*". *Désastre* administrations provide their own challenges, with innovative solutions being applied in different areas. For example, through successful collaboration with creditors, it was possible to repay in full all proven creditors in one case.

In another *désastre*, the successful realisation of assets was made by private sale, which produced a much more favourable return compared to selling by auction and early vacation of premises. The assets administered in 2016 have ranged from bathrooms and heavy haulage to multi-million pound properties.

Five new bankruptcies were declared in 2016, which is an increase of 150% on 2015. Some of these cases are complex and likely to be very challenging.

At the start of the year, a new process was introduced for the “*désastre* check” service provided by the Insolvency Team. This enables requests to be made by email. Following feedback received from law firms, a premium “same day” service is now available. The new process has been welcomed by users and has also produced efficiencies for the Department.

Appointment as receiver

During 2016, the Viscount continued her appointment as Receiver of the business assets of a professional practitioner’s office which included applications to court to pay funds to client creditors. The Receivership, which is reaching a conclusion, was novel and complex, falling outside the framework of any Jersey statutory insolvency process.

Cross-border insolvency – requests by foreign courts to the Royal Court of Jersey

If requested, the Royal Court may provide assistance to foreign courts in insolvency matters under Article 49 of the Bankruptcy (*Désastre*) (Jersey) Law 1990, or by applying the principles of Comity. It is the role of the Insolvency Team to review the appropriateness of applications on behalf of the Royal Court.

Requests by the Royal Court to seek assistance of a foreign court

The Insolvency Team also reviews the suitability of applications submitted from Jersey applicants, requesting the Royal Court to seek assistance of foreign courts in insolvency matters. This may include requests for Jersey companies to be placed into administration in other jurisdictions. The Insolvency Team expressed reservations in relation to one such application presented to the Royal Court in September. The Royal Court rejected the application on the ground that it would be more appropriate for there to be a *désastre*. The *désastre* was subsequently declared in November. This is a complex administration with international dimensions, which will necessitate the Viscount making application to the Royal Court to seek assistance of foreign courts to progress the *désastre*.

Remise de Biens

Remise de Biens is an older form of insolvency procedure, which continues to be available to debtors facing hardship and has seen an increase in use in recent years. For an application to be successful, the debtor must own immovable property in Jersey and the sale value of the property must be likely to be sufficient to repay all secured creditors in full and leave a surplus to pay a dividend to unsecured creditors.

If the application for *Remise* is granted by the Court, two *Jurats* are appointed to administer the proceedings, with the assistance of the Viscount’s Department, which they will aim to complete within six months.

One existing *Remise* was finalised in 2016. Although only one new application was made in 2016, the application process was protracted and involved several hearings before the Royal Court.

International liaison

The Department is committed to the provision of a first class insolvency service and is fully conversant with cross-border issues and practice. Jersey was one of the six founder members of the International Association of Insolvency Regulators (IAIR), which now has global membership. The Department continues to contribute to the work of IAIR. The Viscount attended IAIR's annual conference and gave a presentation on Jersey's alternatives to bankruptcy.

UK regional group of IAIR

Jersey is also a member of the UK regional group of IAIR, which comprises members from Scotland, England, Wales, Northern Ireland, Ireland and Guernsey. The Group meets annually to discuss insolvency matters of common interest and the Viscount attended the 2016 meeting in May.

Bank insolvency

The Viscount has been a participant for some years in a working group with the Jersey Financial Services Commission, the Board of the Jersey Bank Depositors' Compensation Scheme and the Chief Minister's Department, which aims to establish and maintain contingency plans to minimise the effects of a financial crisis affecting a bank or financial institution in Jersey. The end of 2016 saw the production of the final draft of the Bank (Recovery and Resolution) (Jersey) Law 201-.

Other Functions of the Viscount

Attend sittings of the States

The Viscount and Deputy Viscount attended over 29 sittings of the States during 2016 with the Deputy Viscount bearing the mace at 27 sittings and the Principal Enforcement Officer at two sittings.

Bear the Royal Mace of the Bailiff of Jersey and the Seal of the Bailiwick of Jersey

During 2016, in addition to the sittings of the States, the Bailiff's Mace was borne on 11 other occasions by the Deputy Viscount, including the Queen's 90th Birthday celebrations, Liberation Day, Remembrance Sunday, the Assize D'Héritage and various swearings-in at the Royal Court.

Convene sittings of the Royal Court and other bodies

Convening Notices were issued on 15 occasions in 2016. Most notices are now sent electronically.

Act as Curator for Interdicts of limited means

At the end of 2016, the Viscount had been appointed as curator for 22 individuals, 6 new appointments having been made over the course of the year. One particular case has provided a number of complications, which are currently being addressed.

The Department continues to be involved in discussions relating to the introduction of the Mental Health (Jersey) Law 2016, which will supersede the Mental Health (Jersey) Law 1969. The 2016 Law recognises current standards for diagnosing and treating people with mental health problems. The Department has also provided input regarding the new Capacity and Self-Determination (Jersey) Law 2016, which may have a significant impact on the Department's role in assisting people with limited capacity and introduce new functions. Both Laws were registered in the Royal Court on 23 December 2016.

Grant exemptions from payment of Judicial Fees

During 2016, 335 exemptions from payment of court stamps and fees were granted.

Court Services

The Court Services team (formerly the Corporate Services Section) organises juries for assize trials, organises and deal with coroners' inquests and related duties, deals with requests for exemptions from court stamps and fees, and provides administrative support to the Department as and when required.

Retirement and new appointment

September 2016 saw the retirement of Sheila Pierce, Corporate Services Officer and Coroners' Assistant, after many years of sterling service to the Department. She has been succeeded by Nicki Hirst.

Accounts Team

Reception duties

The Accounts Team provides reception duties for the Viscount's Department, including receipt of fines, judgments, bail receipts and payments, and curatorship cash advances. In 2015, receipt of debit card payments over the telephone was introduced, improving customer access to services and contributing to a more cost effective process of recovering outstanding fine and debt balances.

Payment of invoices and budget management

Payment of all invoices, and receipt of all income for the Court Service (Viscount's Department, Judicial Greffe, Magistrate's Court, Jersey Tribunal Service and Court and Case costs) is undertaken on a daily basis, along with management of the Court Service budgets allocated by the States of Jersey as part of the Medium Term Financial Plan 2015-2019.

Supply Jersey

In 2016 Supply Jersey was introduced to the Viscount's Department as part of the States of Jersey roll-out of the system. The Judicial Greffe will transfer to Supply Jersey in 2017.

Third party assets

All transactional duties relating to Viscount's Department third party assets (curatorship funds, maintenance, insolvency, compensation, criminal injuries compensation, proceeds of crime and drug trafficking offences) are undertaken by the Accounts Team.

Human Resources

With effect from 1 July 2016, the Finance Manager took on responsibility for the Human Resource support function across the Court Service, and the title of this position was changed from Finance Manager to Operations Manager. During 2016 the Operations Manager attended the AAT Annual Conference in Birmingham, and also completed the CMI Level 5 Diploma in Leadership and Management.

LAW REFORM

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

- Draft Mental Health Law and draft Capacity and Self-Determination Law.
- Debt Remission (Individuals) (Jersey) Law 2016.
- Draft Children's Property and Tuteurs (Jersey) Law 201-.
- Dormant Bank Accounts Law Consultation.
- Access to Justice: Royal Court Rules Review Consultation.
- Draft Bank (Recovery and Resolution) (Jersey) Law 201-.
- Proposed amendments to the Loi (1864) réglant La Procédure Criminelle.
- Practice Direction to implement procedure for *Remise de Biens* applications.

STRATEGIC ISSUES

Investors in People

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



**INVESTORS
IN PEOPLE** | Gold



**INVESTORS
IN PEOPLE** | Champion

Public Sector Reform

The Court Service continues to maximise efficiency and minimise costs, having regard to the States' strategic objectives and the need to provide for an integrated Court Service. During 2016, the Court Service participated in various associated initiatives, including meetings with the Chief Minister's Department, attending employee workshops and Lean training.

International Dimensions

The Court Service has always represented the Island in a number of international fora (through participation in and hosting of conferences, attendance at regional meetings, and through secretariat membership) and continued to do so in 2016. These included:

- International Association of Insolvency Regulators.
- Free Access to Law Movement.
- Coroners' Society of England and Wales.
- Commonwealth Magistrates' and Judges' Association.
- Criminal Assets Management and Enforcement Regulators Association.
- United Nations Office on Drugs and Crime.

Family Mediation Jersey

The Court Service continued a funding arrangement with the recently re-vitalised Family Mediation Jersey to provide ongoing funding of the service from the Court and Case costs vote (with the approval of the Treasurer of the States). In 2016, the contribution to Family Mediation Jersey was £60,000.

Training

The Court Service continues to have a specific training evaluation process. All managers receive complete reports on all courses attended and these are discussed at the monthly Team Meetings. All training is evaluated to ensure that objectives are met, and that events attended meet the Departments' and individuals' needs. In general, it has become possible to cross-reference training benefits with service level improvements, as measured by performance data, principally Service Pledges (which were reviewed in 2016).

Sick Leave, Flexi-time and Overtime Monitoring

Sick leave, flexi-time and overtime continued to be monitored and analysed in the Court Service throughout 2016. Sick leave reports are produced monthly for both Departments, broken down by section and analysed by application of the Bradford Factor formula. There was a significant increase in absenteeism in 2016, mainly as a result of long term sickness for a member of staff who was medically retired in January 2017.

Court Service Data	2015	2016
Combined absence figure ¹	2.91%	4.30%
Average number of days of absence per staff member	7.32	10.85

¹ Average percentage of working time lost per full-time employee.

FINANCE & RESOURCES

As indicated elsewhere, the Court Service is responsible for levying a variety of fees, which are generally collectable in the form of stamp duty. The majority of this income arises from fees levied for the purchase of property, the creation of mortgages and leases, and registering wills of immovable property; as such, these duties are effectively a form of taxation, and the income is attributed directly to the States' Treasury (not to the Departments). This income is principally derived from activities in the Public Registry and Probate Section.

Stamp duty levied in 2016 totalled £26,821,000 of which £24,901,000 was attributable to Public Registry activity and £1,920,000 was attributable to Probate levies. Total stamp duty levied for the year compares with figures of £27.2 million in 2015 and £24.4 million in 2014.

Departmental Income and Expenditure

Departmental income and expenditure for 2016 (as financed through the annual budget of the States and exclusive of Court and Case costs) was as below. Income in the Viscount's Department has increased largely due to the increase in fees charged for *désastre* checks and higher commissions on Saisies Judiciaire. Court and Case costs expenditure amounted to £2,915,064 in the Judicial Greffe, leaving sufficient underspend to transfer budget amounting to over £500,000 to the Office of the Lieutenant Governor and the Home Affairs Department to assist in smoothing their areas of overspend. The Viscount's Department Court and Case costs expenditure amounted to £100,295 in 2016.

Judicial Greffe

	2015 (£)	2016 (£)
Manpower costs	2,581,499	2,605,847
Supplies & services	101,827	90,698
Administrative costs	254,334	295,850
Premises & Maintenance	551,067	534,701
Grants & Subsidies	30,000	30,000
Depreciation	0	0
Total	3,518,727	3,557,096
Less attributable income	1,010,725	1,011,527
Net expenditure	2,508,002	2,545,569

Viscount's Department

	2015 (£)	2016 (£)
Manpower costs	1,224,899	1,312,861
Supplies & services	113,642	98,013
Administrative costs	58,064	45,566
Premises & Maintenance	275,703	273,030
Grants & Subsidies	0	0
Depreciation	40,429	21,249
Total	1,712,737	1,750,719
Less attributable income	602,345	805,450
Net expenditure	1,110,392	945,269

Departmental Savings

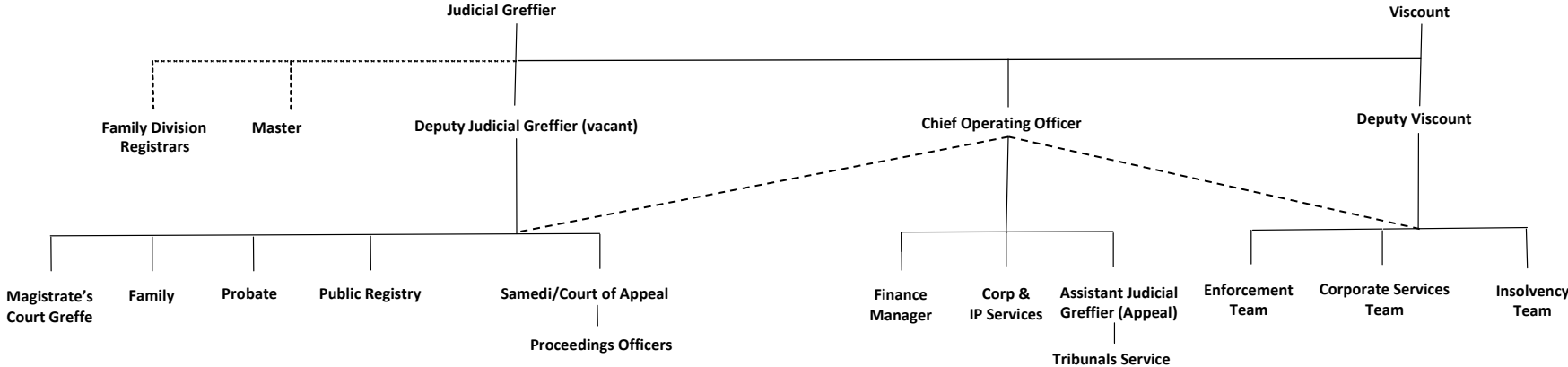
Premises and maintenance expenses in both the Judicial Greffe and the Viscount's Department decreased due to outsourcing of the cleaning services of the properties. Administrative costs in the Judicial Greffe are higher in 2016, resulting from the fact that, when the Court Service took on responsibility for the Planning Appeals service, there were insufficient resources to support the infrastructure; this has resulted in an overspend in this area. In the Viscount's Department, there has been an increase in income as mentioned above. Manpower expenditure has increased in 2016 due to the recruitment of staff in the Enforcement and Court Services teams. Depreciation has reduced in the Viscount's Department, as the bespoke software used has exceeded its life expectancy and is being replaced in 2017.

CORPORATE SOCIAL RESPONSIBILITY

In 2016, the Court Service continued to maintain its Corporate Social Responsibility policy. The Court Service contributed to a number of charities throughout the year by various fund raising efforts, including dress-down days, sponsored walks, and collections. Organisations that have benefited include Breakthrough Breast Cancer, Jersey Hospice, Headway, Comic Relief and Cancer Relief.

APPENDIX A - ORGANISATION CHART

Court Service Functional Organisation



APPENDIX B - JUDICIAL GREFFE STATISTICAL DIGEST

Judicial Greffe	2015	2016	Percentage Change 2015 to 2016
Samedi Section			
Actions before the Royal Court			
New Actions	410	361	-12%
Placed on the Pending List	70	47	-33%
Acts of Court issued	2,002	1,802	-10%
Number of Court sittings	947	692	-27%
Orders in Council registered	22	34	55%
Trials completed	9	10	11%
Dégrévement hearings	4	1	-75%
Applications for Remise de Biens	3	2	-33%
Actions before the Greffier Substitute			
Registration of professionals	28	29	4%
Registration of Deeds poll	73	78	7%
Registration of Court of Protection Orders	65	49	-25%
Company reinstatements	68	72	6%
Inquests	55	39	-29%
Guardianships	4	0	-100%
Consent Orders	171	119	-30%
Magistrate's Court Appeals			
Lodged	12	10	-17%
Heard	3	5	67%
Liquor Licences			
Licences granted	51	65	27%
Managers registered	91	83	-9%
Taxation of Costs			
Civil bills of costs	32	27	-16%
Criminal bills of costs	28	22	-21%
Legal Aid Disbursements			
Occasions granted (invoices paid)	833	1,043	25%
Legally aided litigants	197	229	16%
Expenditure	£1,373,900	£1,661,351	21%
Public Registry			
Documents Registered/Cancelled			
Contracts	2,103	2,252	7%
Procurations	1,478	1,609	9%
Obligations	2,238	2,355	5%
Cancellations	2,320	2,499	8%

Judicial Greffe	2015	2016	Percentage Change 2015 to 2016
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Public Registry

Total Stamp Duty received	£25,316,000	£24,901,000	-2%
Stamp Duty on Contracts & Wills	£22,182,000	£21,735,000	-2%
Stamp Duty on Judicial Hypothecs	£3,134,000	£3,166,000	1%
Documents registered in the Public Registry	4,340	4,607	6%
Value of property transactions registered *	£845,000,000	£924,000,000	9%

* Excluding value of properties transferred by Deeds of Gift or bequeathed in Wills of Immovable Estate

Probate Section

Number of Grants issued	1,798	1,817	1%
Total estates value	£300,853,296	£287,041,499	-5%
Number of Curatorships formed	77	64	-17%
Stamp Duty received	£1,880,200	£1,932,350	3%

Family Section

Free standing private children applications filed	55	55	-
Preliminary directions hearing	204	170	-17%
Case review hearing	180	190	6%
Summonses heard (half day or more)	20	19	-5%
Family/children Acts issued	245	232	-5%
Adoptions (2 Orders per child)	4	9	125%
Nisi Acts issued	197	269	37%
Matrimonial Acts issued *	419	437	4%
Reciprocal Orders	6	11	83%
Parental Responsibility Agreements	63	60	-5%
Decrees Absolute filed	183	230	26%
Petitions filed	225	231	3%
Hearings vacated/settled	-	291	-

* Corrected figure for 2015

Interlocutory Services

Summonses fixed	97	81	-16%
Applications heard	121	99	-18%
Judgments	31	30	-3%
Acts issued (including Consent Order)	380	356	-6%
Service Out Applications	20	4	-80%
Case reports produced	6	6	-

Appellate Section

Appeals lodged with Court of Appeal	18	17	-6%
Superior Number Appeals	2	0	-100%
Court of Appeal sittings (days)	23	20	-13%
Number of Unreported Judgments (published)	315	337	7%
Number of file and party Judgments (unpublished)	50	24	-52%
Transcripts of evidence - transcripts produced	44	43	-2%
CDs of hearings produced *	37	0	-100%

* CDs will not be produced unless there are exceptional circumstances

Judicial Greffe	2015	2016	Percentage Change 2015 to 2016
Intellectual Property Registry			
Trade Marks Registrations	34	61	79%
Patents (Registrations & Updates)	28	44	57%
Designs (Registrations & Updates)	0	0	-
Trade Marks Updates	470	637	36%
Tribunals' Service			
JEDT Applications: Employment	166	170	2%
JEDT Applications: Discrimination	12	35	192%
Case management meetings	162	93	-43%
Interim hearings	19	18	-5%
Full hearings	38	43	13%
Pending at year end	35	74	111%
Social Security Tribunal applications	34	28	-18%
Social Security Tribunal applications pending at yr end	8	11	38%
Income Support Tribunal hearings	11	1	-91%
Full hearings	9	2	-78%
Short Term Incapacity Tribunal hearings	15	5	-67%
Medical Tribunal hearings	8	9	13%
Mental Health Appeals Tribunal hearings	53	28	-47%
Full hearings	25	12	-52%
Health and Safety Tribunal hearing	0	0	-
Planning Appeals	41	51	24%
Total completed cases	636	580	-9%
Magistrate's, Youth and Petty Debts Courts			
Magistrate's Court			
Non parking cases completed	1,089	966	-11%
Cases committed to Royal Court	181	129	-29%
Parking cases completed	944	1,328	41%
Total completed cases	2,214	2,423	9%
Non parking persons	908	809	-11%
Persons committed to Royal Court	148	120	-19%
Parking persons	448	635	42%
Total persons	1,504	1,564	4%
Non parking arrest	117	88	-25%
Parking arrest	1,051	1,117	6%
Total arrests	1,168	1,205	3%
Total remands	2,370	1,709	-28%
Total volume of case work	5,752	5,318	-8%

Judicial Greffe	2015	2016	Percentage Change 2015 to 2016
Youth Court			
Total cases	90	61	-32%
Total youths	72	51	-29%
Royal Court committals	7	0	-100%
Remands	84	112	33%
Arrests	1	1	-
Petty Debts Court			
Actions	4,407	4,029	-9%
New actions	2,788	2,665	-4%
Judgments	1,990	1,966	-1%
Taxation of Costs			
Criminal Bills of Costs	37	44	19%
Mediation Sessions			
Sessions conducted before the Master	110	71	-35%
Contested cases			
Direct to mediation	110	98	-11%
Direct to pleadings	12	1	-92%
Cases settled	74	56	-24%
Trials	7	2	-71%
Tenancy	15	16	7%
Family	5	5	-
Total Value	£7,327,255	£7,083,284	-3%
Stamp Duty	£118,856	£114,565	-4%

APPENDIX C - VISCOUNT'S DEPARTMENT STATISTICAL DIGEST

Viscount's Department	2015	2016	Percentage Change 2015 to 2016
Enforcement			
Fines imposed and amounts collected			
Number imposed	1,017	1,141	12%
Amount collected	£404,599	£441,345	9%
Success rate - by number	99%	97%	-2%
Success rate - by value	99%	98%	-1%
Receipt of bail moneys			
Persons bailed	221	272	23%
Money received	£74,128	£84,198	14%
Arrest Orders			
Number of Arrest Orders	5,534	5,384	-3%
Service of Process			
Service of Process	1,723	2,068	20%
Value of fees collected	£31,550	£34,320	9%
Costs			
Number imposed	5	24	380%
Value imposed	£18,200	£37,200	104%
Success rate - by number	100%	96%	-4%
Success rate - by value	100%	99%	-1%
Compensation Orders			
Number imposed	118	93	-21%
Value imposed	£62,619	£37,449	-40%
Judgments received and processed			
Number received	1,354	1,417	5%
Number processed	1,354	1,417	5%
Amount collected	£714,569	£835,991	17%
Evictions			
Number of evictions carried out	2	3	50%
Maintenance Orders under enforcement			
Number of Maintenance Orders under enforcement	29	27	-7%
Reciprocal enforcements for other jurisdictions			
Number of enforcements for other jurisdictions	20	17	-15%
Non-Saisie Confiscation Orders			
Local	12	15	25%
External	0	0	-
Total	12	15	25%
Approximate value of assets arrested	£8,403	£31,293	272%

Viscount's Department	2015	2016	Percentage Change 2015 to 2016
Proceeds of Crime - Saisies judiciaires			
New cases (including Drug Trafficking)			
Local	3	3	-
External	3	3	-
Total	6	6	-
Approximate value of assets arrested	£5,950,526	£8,726,825	47%
Confiscations (concluded cases): Proceeds of Crime			
Number	6	6	-
Value (net)	£143,084	£9,086,399	6250%
Value (net)	€ 0	€ 218,432	-
Value (net)	\$457,972	\$1,242,381	171%
Cases discharged	1	1	0%
Cases carried forward into following year			
Local	8	10	25%
External	24	22	-8%
Total	32	32	-
Approximate asset value	£41,601,106.00	£35,808,318.00	-14%
Civil Asset Recovery			
New cases			
Local	0	0	-
External	0	0	-
Total	0	0	-
Approximate value of assets arrested	£0	£0	-
Confiscations (concluded cases): Civil Asset Recovery			
Number	0	0	-
Value (net)	£0	£0	-
Cases discharged	0	0	-
Cases carried forward into following year			
Local	0	0	-
External	1	1	-
Total	1	1	-
Approximate asset value	£214,276,617	£257,386,240	20%
Assizes			
Trial process started	15	25	67%
Trial process not completed	14	18	29%
Trials completed	9	10	11%
Days	44.5	43	-3%
Juror exemptions	354	413	17%
Jury summonses	885	1,093	24%
Witnesses	72	165	129%
Jurors given financial assistance	1	0	-100%


































Viscount's Department	2015	2016	Percentage Change 2015 to 2016
Coroner			
Deaths reported			
Inquest cases	53	56	6%
Cleared after autopsy	55	54	-2%
Cleared by doctor's cert etc	48	60	25%
	<u>156</u>	<u>170</u>	9%
Deaths reported as % of all registered deaths	20%	22%	10%
Approvals for doctor to issue cert (unreported)	66	70	6%
Permits for import/export of bodies	44	38	-14%
Exhumation	-	1	-
Inquests concluded			
Accident/misadventure	23	5	-78%
Drugs/alcohol	-	7	-
Industrial disease	1	0	-100%
Lawful/Unlawful killing	1	1	-
Natural causes	12	7	-42%
Open	5	7	40%
Road traffic collision	-	1	-
Stillbirth	0	0	-
Suicide	11	11	-
Total number of inquests held	53	39	-26%
Inquest cases carried forward to following year	18	32	78%
<i>* The finding of an inquest in Jersey is given in a narrative form. However, for statistical purposes for the Annual Report, these findings are re-classified into the short-form conclusions used in England and Wales. The table above has been modified for this in the 2016 Annual Report to include all of the short-form conclusions in England and Wales which were revised by the coming into force of the Coroners (Inquest) Rules 2013.</i>			
Désastre			
Management of cash-flow, liquidity & related issues	61	46	-25%
Declared	2	5	150%
Discharges of personal bankrupts			
Granted	4	4	-
Deferred	0	0	-
Sales of immovable property			
Number of properties	3	2	-33%
Value	£365,000	£1,405,000	285%
Debt Remission Orders (from April 2016)			
Number of applications received	-	1	-
Order granted	-	0	-
Désastre checks			
Checks conducted	14,398	13,685	-5%
Charges invoiced	£93,370	£216,970	132%
Remise de Biens applications			
Applications received	3	1	-67%
Applications granted	2	0	-100%

Viscount's Department	2015	2016	Percentage Change 2015 to 2016
Curatorships			
Appointments	0	7	-
Under administration at year end	16	22	38%
Court sittings attended			
Royal Court and Court of Appeal	110	113	3%
Magistrate's Court	322	353	10%
Youth Court	46	45	-2%
Total	<u>478</u>	<u>511</u>	7%
Convening notices issued	27	0	-100%

APPENDIX D - COURT SERVICE BALANCED SCORECARD

FOR PERIOD 1 JAN 16 TO 31 DEC 16

Previous reporting period figures shown in brackets

CUSTOMER		STRATEGY	
	Number of complaints received: 8 (3)		Investor in People standard maintained (Gold Award)
	Number of compliments received: 24 (18)		Maintenance of interface with the executive arm of government
	Number of page views (per quarter) on JLIB website: 415,893 (397,886)		Maintenance of strategic and business plans, and annual report
	100% user group, other meetings, & public consultations, held as scheduled (100%)		50% progress against Law Reform action plan (65%)
	100% suppliers' accounts paid within service pledge (100%)		Progress against JLIB projects
	100% Legal Aid disbursements paid within service pledge (100%)		Procedures manuals in place
PERFORMANCE			
	96% Acts of Court issued within service pledge (95%)		100% Royal and Petty Debts Court judgments for debt processed within service pledge (100%)
	100% Decrees issued within service pledge (100%)		97% fines paid in full or imprisonment imposed in lieu within service pledge (99%)
	100% Judicial Hypothecs and Contracts registered within service pledge (100%)		100% inventories of valuables/disposal of perishables completed within service pledge (100%)
	100% arrest orders issued within service pledge (100%)		100% Désastre circulars sent to banks and identified UK creditors within service pledge (100%)
	100% Petty Debts Court Acts issued within service pledge (100%)		100% police reports of sudden death reviewed within service pledge (100%)
	100% Grants of Probate issued within service pledge (100%)		100% registers of death signed within service pledge (100%)
STAFF		MONEY	
	3% employee turnover rate (5%)		£738,500 (£612,500), 17.4% (14.4%) underspent on profile
	Average days sickness lost per member of staff: 9.8 (7.3)		£686,700 (£456,100), 18.6% (10.4%) underspent on projected year end position (Court & Case costs)
	100% of employees who received an appraisal (100%)		£1,945,000 (£4,863,000), 7.8% (21.8%) Stamp Duty over achieved on projected year end position
	0.8 (0.6) FTEs of overtime costing £38,108 (£29,367)		No Internal Audits took place
	Average training days per member of staff: 1.9 (1.5)		

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