



2018

Jersey Court Service Annual Report



*Supporting the Delivery of Justice
through Professional
Excellence*



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PURPOSE AND 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. The Department in its present form was established in 1930 by the "Loi (1930) constituant Le Département du Vicomte".

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

2018 OPERATIONAL AND ADMINISTRATIVE ACTIVITY

Judicial Greffe

Samedi Team



The Samedi Team is responsible for providing a full support service to the Royal Court, including attending sittings as a Clerk, issuing and enrolling the Acts of Court in relation to proceedings and providing advice on Court procedure. The Team is also responsible for the registration of professionals, deeds poll, company reinstatements, court of protection orders, guardianships, reciprocal enforcement of judgements, the taxation of costs, considering applications for disbursements in support of legally aided litigants, registering and indexing orders in council, fidéicomis applications and supporting the Liquor Licensing Assembly.

Highlights for 2018

Acts of Court produced: 1,855	Criminal cases indicted: 76	Assize trials: 5 (lasting 21 days)
Liquor Licences granted: 72	Public Law children cases: 139	Longest Inferior Number trials: criminal 19 days civil 23 days

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.

Highlights for 2018

Stamp Duty received: £29,508,000	Value of property transactions registered: £1,007 million	Number of documents registered: 4,058
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Availability rate for Public Registry Online (over full year): **99.90%**



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

Highlights for 2018

Divorce and judicial separation petitions filed: 200	Decrees Absolute granted: 195	Free standing private children applications filed: 45
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Matrimonial Acts issued: 431	Preliminary directions hearings: 202	Case review hearings: 211
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2 new Family Division Registrars appointed



Interlocutory Services

The Master of the Royal Court deals with all disputed claims that are not criminal prosecutions and 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



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.

Highlights for 2018

Number of Trade Mark registrations: 95	Number of Patents (registrations and updates): 27
Number of Trade Mark updates: 485	Number of Designs (registrations and updates): 1

Tribunal Service



The Tribunal 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, Planning Appeals and the Charity Tribunal. The Jersey Employment and Discrimination Tribunal publishes an annual report available at www.tribunal.je.

Highlights for 2018

Applications to Employment Tribunal: 154	Applications to Discrimination Tribunal: 43	Mental Health Appeals: 58
Planning Appeals: 32	Applications to Social Security: 12	Total number of cases received: 299
New website launched at www.tribunal.je		Charity Tribunal established

Magistrate's, Youth and Petty Debts Courts



The Magistrate's, Youth and Petty Debts Courts service a constant daily throughput of Adult Remand Courts, Youth Courts, criminal trials, civil trials and Petty Debts Court hearings. 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.

Highlights for 2018

Number of cases dealt with by Magistrate's Court: **4,518** Number of cases dealt with by Youth Court: **131** New actions before Petty Debts Court: **3,175**

Value of claims in Petty Debts Court: **£7,528,452** Business case approved to convert Number 1 Court to dual purpose for assize trials

Viscount's Department

Enforcement Functions



The Enforcement Section carries out enforcement functions, including judgment and fine enforcement, maintenance enforcement, arrest of persons for non-attendance in Court, service of judicial documents, holding and administration of bail money, and enforcement of Court Orders under Proceeds of Crime and Drug Trafficking Laws. The Section also enforces civil matters including civil Injunctions and, if granted, has the power of arrest in order to fulfil this duty. In addition, the Section manages juror selection and juror custodian duties for Assize Trials in the Royal Court.

Coroner's Functions



The function of Coroner is allocated to the Viscount although in most circumstances the Deputy Viscount actually functions as such. Relief Coroners also act from time to time. Coroners investigate sudden, unexpected and unnatural deaths which are reported to them via the Police. If someone dies when in a psychiatric nursing home, mental health establishment or children's home, the death must be reported to the Police, even if the death was expected by a doctor. If someone dies while held in custody by the Police or in prison, immediate notification must be made to the Coroner. The Coroner will authorise post-mortem examinations and hold inquests as needs be. Coroners also deal with enquiries from doctors in cases where the Coroner's authorisation is required for the doctor to issue a Medical Certificate of Fact and Cause of Death. Other duties include issuing permits for the removal of bodies from and into the Island, as well as exhumations.

Highlights for 2018

Cases at start of year: **24** Cases closed: **6** New cases: **4** Cases at end of year: **22**

Regulatory

The Capacity and Self-Determination (Jersey) Law 2016 and associated legislation also gave the Viscount powers to supervise delegates and to investigate and deal with complaints made about the conduct of delegates. Although no complaints were received between the introduction of the law and the end of 2018, the Regulatory Team has established procedures to deal with complaints if any arise.



Court Services Team

The Court Services Team organises and manages juries for assize (jury) trials, deals with applications for exemption from court fees and stamp duty, issues convening notices for sittings of the Royal Court and other bodies and provides administrative support for the Coroner function and the Department as a whole.

Highlights for 2018

Assize trial process started: 19	Assize trials completed: 5 (lasting a total of 21 days)	Jury summonses: 867
Witness summonses: 108	Certificates of exemption from court fees: 113	Convening notices: 11 (total distribution of 2,060)



Accounts Team

The Accounts Team provides reception duties for the Viscount's Department, including receipt of fines, judgments, bail receipts and payments, and curatorship/delegate cash payments. All transactional duties relating to Viscount's Department third party assets (curatorship/delegate funds, maintenance, insolvency, compensation, criminal injuries compensation, proceeds of crime and drug trafficking offences) are also undertaken by the Accounts Team. Payment of all invoices and receipt of all income, for the Court Service as a whole, is undertaken on a daily basis, along with management of budgets.

Highlights for 2018

Total Stamp Duty collected: £32,049,000	Court and Case costs expenditure: £4,023,700	Underspend of Court and Case costs, transferred to other departments: £87,800
Grant to Family Mediation Jersey: £72,300	Continued development of Plainsail software system for replacement of Phoenix	

STRATEGIC ISSUES

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.

- Mental Health (Jersey) Law 2016 (came into force on 1 October 2018).
- Capacity and Self-Determination (Jersey) Law 2016 (came into force on 1 October 2018).
- Criminal Procedure (Bail) (Jersey) Law 2017.
- Criminal Procedure (Jersey) Law 2018.
- Petty Debts Court Rules 2018.
- Jersey Law Commission: "Improving Administrative Redress in Jersey".

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 2018. 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.

Sick Leave, Flexi-time and Overtime Monitoring

Sick leave, flexi-time and overtime continued to be monitored and analysed in the Court Service throughout 2018. Sick leave reports are produced monthly for both Departments, broken down by section and analysed by application of the Bradford Factor formula.

Court Service Data	2017	2018
Combined absence figure	3.51%	3.17%
Average number of days of absence per staff member	8.83	7.96

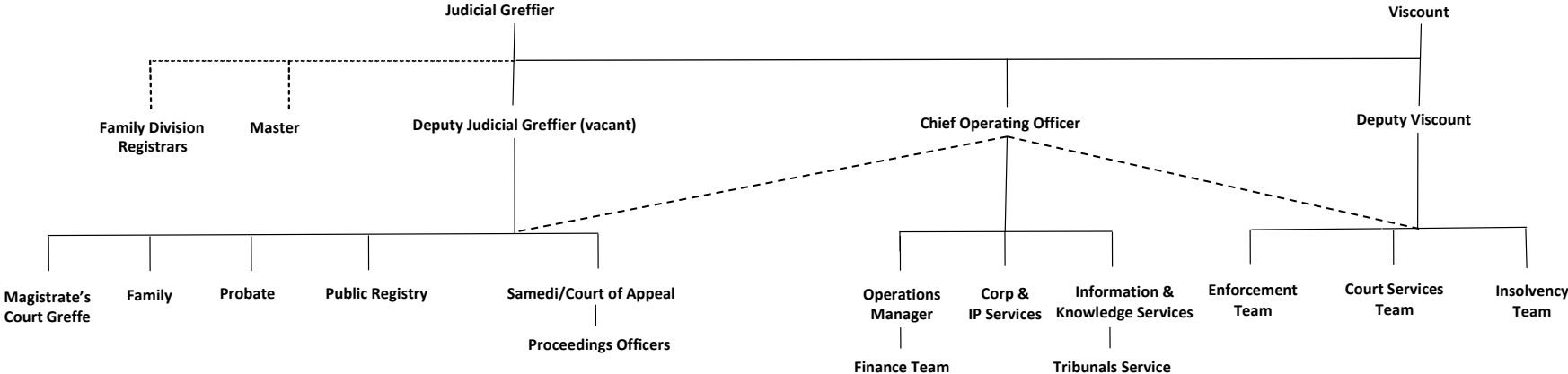
Corporate Social Responsibility

In 2018, 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, a “bake-off” and cake sale, sponsored walks, and collections. Organisations that have benefited include Breakthrough Breast Cancer, Jersey Hospice, Headway, Comic Relief and Cancer Relief.

Complaints and Compliments

During the year, the Court Service continued to maintain a register of complaints and compliments. In 2018, the Court Service received 5 formal complaints (2017: 7) and 15 formal compliments (2017: 13).

APPENDIX A – COURT SERVICE FUNCTIONAL ORGANISATION



APPENDIX B – JUDICIAL GREFFE STATISTICAL DIGEST

	2017	2018	% change 2017 to 2018
Samedi Section			
Actions before the Royal Court			
New Actions	365	340	-7%
Placed on the Pending List	66	75	14%
Acts of Court issued	1,965	1,855	-6%
Number of Court Sittings	778	823	6%
Orders in Council registered	33	31	-6%
Assize trials completed	16	5	-69%
Dégrévement Hearings	3	0	-100%
Applications for Remise de Biens	2	0	-100%
Actions before the Greffier Substitute			
Registration of professionals	49	31	-37%
Registration of Deeds poll	62	76	23%
Registration of Court of Protection Orders	72	40	-44%
Company reinstatements	56	70	25%
Inquests	47	46	-2%
Guardianships	2	1	-50%
Consent Orders	96	94	-2%
Magistrate's Court Appeals			
Lodged	7	11	57%
Heard	3	8	167%
Liquor Licences			
Licences Granted	77	76	-1%
Managers Registered	123	65	-47%
Taxation of Costs			
Civil bills of costs	16	27	69%
Criminal bills of costs	25	27	8%
Legal Aid Disbursements			
Occasions granted (invoices paid)	1,104	825	-25%
Legally aided litigants	245	203	-17%
Expenditure	£2,537,575	£1,694,053	-33%
Public Registry			
Documents Registered/Cancelled			
Contracts	2,175	1,988	-9%
Procurations	1,508	1,642	9%
Obligations	2,482	1,899	-23%
Cancellations	2,946	2,045	-31%
Stamp Duty received	£27,719,000	£29,508,000	6%
Contracts & Wills	£24,591,000	£25,767,000	5%
Judicial Hypothecs	£3,128,000	£3,741,000	20%
Documents registered in the Public Registry	4,657	4,058	-13%

	2017	2018	% change 2017 to 2018
Value of property transactions registered *	£934,000,000	£1,007,000,000	8%

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

Probate Section

Number of Grants issued	1,893	1,735	-8%
Total estates value	£499,160,900	£702,209,100	41%
Number of Curatorships formed	71	77	8%
Number of Delegates formed	-	11	-
Stamp Duty received	£2,973,300	£2,540,400	-15%

Family Section

Free standing private children applications filed	61	45	-26%
Preliminary directions hearing	197	202	3%
Case review hearing	198	211	7%
Summonses heard (half day or more)	13	32	146%
Family/children Acts issued	285	262	-8%
Adoptions (2 Orders per child)	8	10	25%
Nisi Acts issued	205	200	-2%
Matrimonial Acts issued	416	431	4%
Reciprocal Orders	7	5	-29%
Parental Responsibility Agreements	60	38	-37%
Decrees Absolute filed	208	195	-6%
Petitions filed	219	200	-9%
Hearings vacated/settled	381	289	-24%

Interlocutory Services

Summonses issued	81	132	63%
Applications heard	85	169	99%
Judgments	31	28	-10%
Acts issued (including Consent Order)	323	433	34%
Cases heard at mediation	72	100	39%
Case reports produced	5	3	-40%

Appellate Section

Appeals lodged with Court of Appeal	17	14	-18%
Superior Number Appeals	2	3	50%
Court of Appeal sittings (days)	11	19	73%
Number of Unreported Judgments (published)	277	281	1%
Number of File and party Judgments (unpublished)	93	143	54%
Transcripts of evidence - transcripts produced	55	58	5%

Intellectual Property Registry

Trade Marks Registrations	79	95	20%
Patents (Registrations & Updates)	64	27	-58%
Designs (Registrations & Updates)	1	1	0%
Trade Marks Updates	581	485	-17%

Tribunal Service

JEDT Applications: Employment	236	154	-35%
JEDT Applications: Discrimination	55	43	-22%
Case management meetings	127	117	-8%

	2017	2018	% change 2017 to 2018
Interim hearings	18	11	-39%
Full hearings	46	44	-4%
Pending at year end	72	51	-29%
Social Security Tribunal applications	23	12	-48%
Social Security Tribunal applications pending at yr end	2	4	100%
Income Support Medical Appeal Hearings	1	1	0%
Social Security Medical Appeal Hearings	6	1	-83%
Social Security Appeal Hearings	3	0	-100%
Mental Health Appeal Applications	58	58	0%
Mental Health Appeal Hearings	22	34	55%
Health and Safety Tribunal Hearings	0	0	-
Planning Appeals	37	32	-14%
Total number of cases received	409	299	-27%
Magistrate's Court			
Non parking cases completed	1,119	1,015	-9%
Cases committed to Royal Court	96	84	-13%
Parking cases completed	1,013	919	-9%
Total completed cases	2,228	2,018	-9%
Non parking persons	918	866	-6%
Persons committed to Royal Court	92	78	-15%
Parking persons	592	432	-27%
Total persons	1,602	1,376	-14%
Non parking arrest	104	141	36%
Parking arrest	1,089	1,010	-7%
Total arrests	1,193	1,151	-4%
Total remands	1,734	1,557	-10%
Total volume of case work	4,791	4,518	-6%
Youth Court			
Total cases	103	58	-44%
Total Youths	62	42	-32%
Royal Court committals	2	2	0%
Remands	107	84	-21%
Arrests	1	3	200%
Petty Debts Court			
Actions	3,724	3,175	-15%
New actions	2,420	2,139	-12%
Judgments	1,730	1,435	-17%

	2017	2018	% change 2017 to 2018
Taxation of Costs			
Criminal Bills of Costs	31	31	0%
Mediation Sessions			
Sessions conducted before the Master	72	100	39%
Contested cases			
Direct to mediation	80	114	43%
Direct to pleadings	5	0	-100%
Cases settled	60	84	40%
Trials	1	3	200%
Tenancy	33	25	-24%
Family	14	1	-93%
Total Value	£6,731,528	£7,528,452	12%
Stamp Duty	£114,190	£110,549	-3%

APPENDIX C – VISCOUNT’S DEPARTMENT STATISTICAL DIGEST

	2017	2018	% change 2017 to 2018
Enforcement			
Fines imposed and amounts collected			
Number imposed	1,148	1,622	41%
Value of fines imposed	-	£1,501,792	-
Amount collected	£652,895	£478,888	-27%
Receipt of bail moneys			
Persons bailed	276	459	66%
Money received	£76,463	£17,475	-77%
Arrest Orders			
Number of Arrest Orders	5,692	5,732	1%
Service of Process			
Service of Process	1,339	899	-33%
Value of fees collected	£35,560	£41,420	16%
Costs			
Number imposed	14	11	-21%
Value imposed	£31,500	£16,200	-49%
Compensation Orders			
Number imposed	93	46	-51%
Value imposed	£117,635	£34,823	-70%

	2017	2018	% change 2017 to 2018
Judgments received and processed			
Number lodged	1,742	3,582	106%
Amount collected	£785,029	£266,060	-66%
Evictions			
Number of evictions carried out	3	4	33%
Maintenance Orders under enforcement			
Number of Maintenance Orders under enforcement	35	63	80%
Proceeds of Crime			
Non-Saisie Confiscation Orders			
Local	19	12	-37%
External	0	0	-
Total	19	12	-37%
Approximate value of assets arrested	£121,394	£185,051	52%
Proceeds of Crime - Saisies Judiciaires			
New cases (including Drug Trafficking)			
Local	2	6	200%
External	2	0	-100%
Total	4	6	50%
Approximate value of assets arrested	£23,274,122	£1,809,577	-92%
Confiscations (concluded cases): Proceeds of Crime			
Number	5	7	40%
Value (net)	£193,391	£466,798	141%
Value (net)	\$0	\$7,500,000	-
Cases discharged	0	2	-
Cases carried forward into following year			
Local	14	9	-36%
External	23	11	-52%
Total	37	20	-46%
Approximate asset value	£59,558,422	£38,855,717	-35%
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	-

	2017	2018	% change 2017 to 2018
External	1	1	0%
Total	1	1	0%
Approximate asset value	£241,920,405	£257,946,623	7%
Civil Proceedings Forfeiture of Assets			
New cases			
Local	0	1	-
External	0	0	-
Total	0	1	-
Approximate value of assets arrested	£0	£90,797	-
Assizes			
Trial process started	30	19	-37%
Trials abandoned	18	13	-28%
Trials completed	16	5	-69%
Days	63	21	-67%
Juror exemptions	649	389	-40%
Jury summonses	1,703	867	-49%
Witnesses	181	108	-40%
Jurors given financial assistance	0	1	-
Coroner			
Reported Deaths			
Inquest cases	43	54	26%
Cleared after autopsy	52	59	13%
Cleared by doctor's cert etc	71	47	-34%
	166	160	-4%
Deaths reported as % of all registered deaths*	20%	19%	-5%
Approvals for doctor to issue cert (unreported)	86	122	42%
Permits for import/export of bodies	40	38	-5%
Exhumation	0	0	-
Inquests Concluded**			
Accident/misadventure	22	15	-32%
Drugs/alcohol	4	5	25%
Industrial disease	0	0	-
Lawful/unlawful killing	0	1	-
Natural causes	4	11	175%
Open	5	7	40%
Road traffic collision	2	2	0%
Stillbirth	0	0	-
Suicide	9	5	-44%
Total number of inquests held	46	46	0%
Inquest cases carried forward to following year	36	39	8%

* Based on a total of 831 deaths registered in Jersey in 2018. Source: "Births, Deaths, Stillbirths, Marriages and Civil Partnerships registered in the 12 parishes of the Island of Jersey for the year 2018". <https://statesassembly.gov.je/assemblyreports/2019/r.21-2019.pdf>

** 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 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.

	2017	2018	% change 2017 to 2018
Désastre			
Declared	4	3	-25%
Discharges of personal bankrupts			
Granted	1	2	100%
Deferred	0	0	-
Sales of immovable property			
Number of properties	1	0	-100%
Value	£1,807,500	£0	-100%
Debt Remission Orders			
Number of applications received	0	0	-
Orders granted	0	0	-
Désastre Checks			
Checks conducted	14,006	13,778	-2%
Charges invoiced	£236,755	£247,615	5%
Remise de Biens applications			
Applications received	3	0	-100%
Applications granted	1	0	-100%
Article 49/Comity application			
Applications granted	1	2	100%
Applications pending	0	1	-
Request for assistance out of Jersey Court			
Applications granted	2	0	-100%
Curatorships			
Appointments	6	4	-33%
Under administration at year end	24	22	-8%
Other Functions of the Viscount			
Attend sittings of the States	33	29	-12%
Bear Royal Mace and Seal on official occasions	11	9	-18%



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