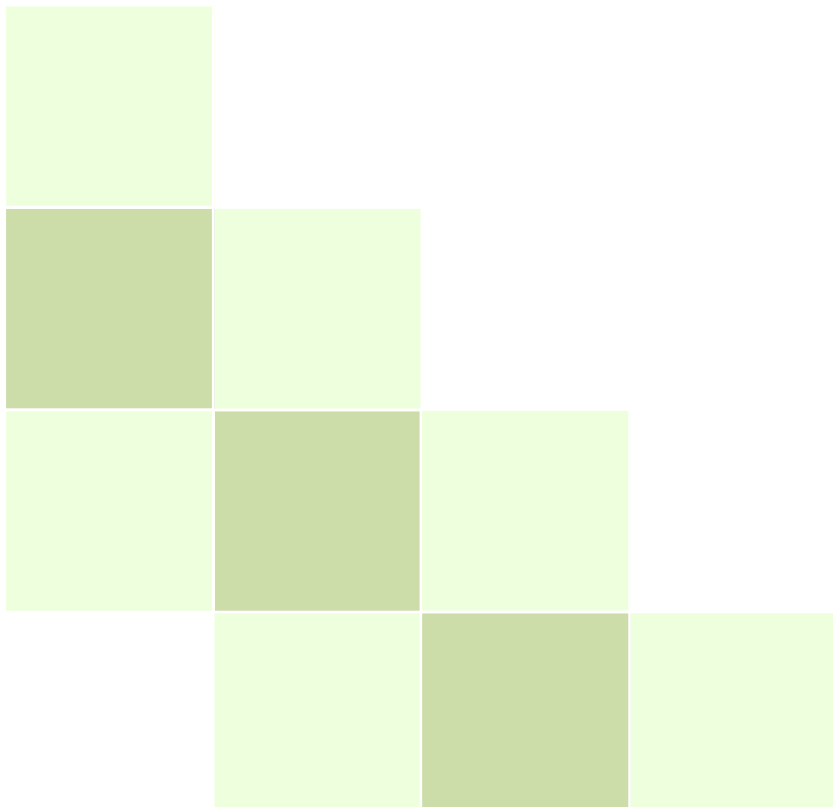


**LAW OFFICERS OF THE CROWN
ANNUAL REPORT
2015**



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Introduction

We are pleased to introduce the Guernsey Law Officers of the Crown 2015 Annual Report. This annual report represents our commitment to demonstrating the service we provide on behalf of the Crown and our clients and our support of government in all its facets.

The Law Officers are not in control of the volume, nature and complexity of work requiring attention. Nonetheless we need to be able to respond to ever-changing demands. Direct drivers include new political and policy initiatives, appeals against administrative decisions, other litigation threatened or instituted against government, the number and complexity of crimes committed, requests for international legal assistance received, responses to international initiatives and pressures, States meetings, etc, and of course the abundant daily flow of requests from clients for legal advice and for the preparation of legislation, contracts and other documentation.

Whilst the Law Officers recognise the current financial constraints under which the States of Guernsey operate, we believe that by careful recruitment and making efforts to maximise staff retention we have been able to provide a high quality legal service to users. This is essential for the administration of justice and good government, as well as supporting the best interests of the Crown, our clients, business, the community and the public finances.

This is our second Annual Report, which we hope provides clarity about the work and duties members of the Law Officers Chambers have performed over the course of 2015. We look forward to compiling Reports for future years which we recognise are likely to be busy and challenging for all.

We commend our 2015 Annual Report and confirm our commitment to protecting and enhancing the interests of the Bailiwick and its people.

H.E. Roberts Q.C.
H.M. Procureur

M.M.E. Pullum Q.C.
H.M. Comptroller

Crown Advocate C. Hookway
Director of Legal Services



Executive Summary

The Law Officers Chambers provide a wide range of legal services primarily to :

- the Crown,
- the States of Guernsey,
- the States of Alderney,
- the Chief Pleas of Sark, and
- other public service clients (including a small number of fee paying clients).

Our mission statement is to -

"respond to the needs of the Crown, the States of Guernsey and all others we serve by delivering independent, high quality and pragmatic legal advice, comprehensive legislative drafting, prosecution, litigation and commercial law services and robust representation with efficiency, integrity and professionalism, with the objective of protecting and enhancing the interests of the Bailiwick and its people".

In providing their services in 2015 the two Law Officers were supported by 30 full time legal staff, one legal consultant and 15 support staff (including 4 paralegals). The majority of those members of staff provide services on behalf of the Law Officers of the Crown through 5 specialist teams each of which is headed by a Director. A summary of the services provided and activities undertaken by the teams during 2015 follows.

Summary of services provided during 2015

Civil Litigation

The Civil Litigation Team provides advice and representation on behalf of the Law Officers in contentious civil, childcare, public and administrative law matters and proceedings brought by or against the States of Guernsey, the States of Alderney and the Chief Pleas of Sark and other public service clients.

2015 saw a heavy demand for advice and representation in civil proceedings involving the States of Guernsey and external clients. The team successfully resisted an over-inflated claim for damages arising from a major infrastructure project. The damages awarded almost exactly reflected an offer that was originally made by the States of Guernsey and this was recognised by a favourable costs award made in favour of the States of Guernsey.

There was an increase in need for advice and representation in connection with statutory appeals and potential applications for judicial review of decisions made by the States of Guernsey under statutory powers. A series of challenges was also made in respect of the Bailiwick's fishing vessel licensing regime, and in one case a 'first instance' decision in the Royal Court in which an appeal against a licensing decision was successfully resisted was subsequently overturned by the Court of Appeal. This highlights the difficulties which statutory decision takers have in identifying the yardstick by which the decision making processes are judged.

Advice and representation was provided in a number of cases to the Guernsey Financial Services Commission which were of commercial and reputational importance to the island. In the field of child protection, the team handled 12 sets of Community Parenting Order



applications dealing with the different needs of 19 children at risk. Additionally, advice and representation were provided to the Health & Social Services Department in 6 adoption applications. There continued to be a demonstrable need for the provision of advice and representation in emergency applications particularly out of hours during the night and weekends (a 24 hour childcare rota is provided by the members of the team with the additional assistance of other colleagues within Chambers). Support continued to be provided in relation to matters proceeding through the Child Youth and Community Tribunal and in connection with private law children cases where involvement of Health & Social Services Department personnel was sought by the courts.

The team was instructed in 49 Royal Court debt collection cases on behalf of States' Departments (predominantly income tax cases but also social security, legal aid and TRP debts). In total, £590,416.57 was recovered. As is usually the case, 'seven day letters' often resulted in payment or the debtor making contact with the relevant department in order to resolve matters.

Advocates were asked to appear as amici curiae (friends of the court) in Royal Court proceedings and advice was given to officials in Alderney and Sark in respect of various matters.

Commercial Law

The Commercial Law Department seeks to provide comprehensive commercial law support to the States of Guernsey, Alderney, Chief Pleas of Sark, States owned companies and other clients in the public sector. This includes specialist project work, drafting and advising on contracts, conveyancing, leasing and property work, mediation and support on disputes. The Department is also responsible for work on the Civil Service Pension Scheme.

The team advises their clients on most if not all of their most significant commercial work. During 2015 this has involved extensive work on the Waste project, the proposed Ferry (Condor) Agreement, the Arqiva TV Mast relocation, the first proposed planning covenant under new legislative provisions for Route des Blanchés, and the hydrocarbons project.

Berths 4, 5 and 6 reached completion with significant input into contract management issues. A new heat and power unit was procured at Beau Sejour, a framework agreement for consultants was established together with continuation of the Guernsey tidal energy investigation and research appointments.

Members of the team also provide significant assistance to the new SCIP Portfolio. The old Telephone Museum was finally sold and a new development agreement for the Old Slaughterhouse which is hoped to provide new facilities at that end of the Harbour.

Two members of the team continue to advise on commercial and financial services policy and legislation. This encompasses a range of policy proposals, legislation, policy reviews and consultations at different stages of development. The team also provide operational legal advice to the Guernsey Registry. There is a close working relationship with the drafting teams and in particular on the following matters:

- Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2015 and secondary



legislation. Advised C&E on the finalisation and enactment of the last in a series of significant amendments to the Companies Law and implementation by the Registry.

- Office of the Financial Services Ombudsman (OFSO). Advised C&E on the opening of OFSO in November 2015, including the commencement of primary legislation, preparation and enactment of secondary legislation, appointments to the Board, a Memorandum of Understanding with Jersey and other operational matters.
- Single Euro Payments Area (SEPA) – developed policy proposal for Guernsey to participate in SEPA. Prepared an application and legal opinion on compliance with the third country participation criteria. Advised C&E on a policy letter and draft legislation.
- Arbitration Law. The team advised C&E on finalisation of a draft Law, a public consultation and a supplemental policy letter.
- Regulatory legislation. The team advised C&E on policy proposals for major amendments to regulatory legislation including the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 and the main regulatory laws.

Other team members advised on key projects such as the digital greenhouse, phase 2 of the multi-jurisdictional passports project where Guernsey continues to provide a lead, significant hospital contract and policy work and the refinancing of Aurigny, Guernsey Housing Association and similar.

The team's objective is to continue to provide high quality commercial advice for the efficient delivery of projects and new areas of regulation, cost effective resolution of disputes, and to ensure that the States receives good value for money in the procurement of goods and services, whilst bringing those contracts and budgets on time and under budget.

Legislative Drafting and Civil Advisory

The Legislative Drafting and Civil Advisory teams, on behalf of the Law Officers, draft legislation (primary, secondary and some tertiary) for the Bailiwick and its Islands, and provide legal advice concerning domestic, constitutional, international, public and employment law issues facing the States of Guernsey, the States of Alderney and the Chief Pleas of Sark and other public service clients. Their work was as follows.

Legislation

During the course of 2015, 6 Guernsey *Projets de Loi* and 53 Guernsey and Bailiwick Ordinances drafted by members of the two teams were approved by, or laid before, the States of Deliberation. Almost 900 pages of Laws and Ordinances were prepared (compared to 550 pages in 2014). Notable pieces of legislation prepared and approved included the Parochial Church Property (Guernsey) Law, the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, two Companies (Guernsey) Law, 2008 (Amendment) Ordinances, the Parochial Collection of Waste (Guernsey) Law, the Renewable Energy (Guernsey) Ordinance, the States Reform (Guernsey) Law, 2015, ordinances relating to income tax (12 in total) and ordinances dealing with international sanctions (five).



Several important pieces of legislation were also prepared for, and approved by, the States of Alderney and the Chief Pleas of Sark, including the *Retrait Lignager (Abolition) (Alderney) Law*, the *Inheritance (Alderney) Law*, the *Alderney eGambling (Amendment) Ordinance* and the *Sale and Supply of Tobacco Products (Sark) Ordinance*.

124 statutory instruments were made by States Departments in 2015 compared to 104 in 2014. The number of statutory instruments approved was the highest ever recorded in any one calendar year. Almost all instruments were drafted, or advised upon during the drafting process, by members of the two teams. Statutory instruments were made relating to court fees, traffic, export control, criminal justice, minimum wage regulation, aviation security, health service benefit, social insurance, intellectual property, companies, data protection, implementation of tax exchange agreements with the UK and USA ("FATCA") and of the Common Reporting Standard for multilateral automatic tax exchange, bovine semen, the Financial Services Ombudsman, accounting derogations under the Insurance Business Law and in relation to a long list of other topics and bodies. Of particular note were regulations made under the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 which enabled the Office of the Financial Services Ombudsman fully to carry out its functions in the Bailiwick and a suite of regulations relating to trade marks, registered plant breeder' rights and registered patent attorneys which further enhanced Guernsey's intellectual property regime.

Projets approved by the 3 Bailiwick legislatures during the course of 2015 continued to proceed smoothly and speedily for Royal Sanction. As at the end of 2015, only one Projet which had been submitted for Royal Sanction during the course of the year still awaited the grant of Sanction.

A full list of resolutions of the States of Deliberation for which legislation, drafted by Chambers, was approved by the Legislation Select Committee in 2015 is listed in Appendix A.

Members of the Legislative Drafting and Civil Advisory teams also continue to offer advice to the three Bailiwick legislatures specifically in relation to issues which arise in relation to proposed or extant legislation and notably in relation to potential international and human rights issues which may arise at the drafting and implementation stage. In the latter regard they also regularly liaise with officials from the Ministry of Justice and other UK government Departments, where relevant.

Civil advice

In 2015 advice was given (and, where appropriate, legislative drafting undertaken) by members of the Legislative Drafting and Civil Advisory teams in relation to a wide range of areas including, in particular: access to neighbouring land and the prospective implementing legislation, Administrative Review Board matters, Alderney (including general constitutional issues and advice concerning the France-Alderney-Britain cable link), anti-money laundering and countering terrorism financing (including advising in relation to MONEYVAL assessments), arbitration (and the desired direction of the draft arbitration Law), aviation issues (including air operator certificates, APD, air navigation and the rules of the air, links with Alderney, air transport licensing policies and the Public Service Obligation, air taxi regulations and registry/registration matters), children law (including



issues concerning the granting of recovery orders), communications and wireless telegraphy, company law, court enforcement procedures (such as *désastre* and *saisie* and the disclosure of sensitive information), compulsory purchase matters, criminal justice (including public protection measures in relation to sex offenders, court sentencing options and probation orders), data protection and privacy, ecclesiastical matters (including clergy discipline), education (including university fees and school committees), electronic transactions, EU law, financial services (including the revision of the regulatory Laws and associated policy report, wire transfers, proceeds of crime and fees), guardianship and capacity (including issues surrounding medical treatment), GFSC funding and prospective changes to the 1987 Law, GFSC regulatory fees and the implementation of the Financial Services Ombudsman legislation on a pan-island basis, fisheries (including fishing vessel licensing and prospective judicial review proceedings against DEFRA, territorial waters and the EEZ), gambling (including advising the Alderney Gambling Control Commission), general statutory interpretation, HMRC/GBA information sharing issues, human rights, income tax (including retention tax and the EU savings directive, the OECD common reporting standard, Double Tax Agreements and Tax Information Exchange Agreements, the automatic multilateral exchange of information and entrustments), intellectual property (including advising in relation to the extension of several international conventions), legal aid, liaison with GIIA/GSCCA as to accounting derogations for GFSC licensees, mental health (including issues regarding the treatment and transfer of patients), merchant shipping, miscellaneous matters (including the prospective commercialisation of utilities, the implementation of UN/EU sanctions, the OECD Global Forum and related tax information gathering powers), parochial matters (including variation of parochial rates and matters relating to the report of the Parochial Ecclesiastical Rates Review Committee), planning and building control, the Public Trustee, renewable energy, road traffic (including road haulage, first registration duty on carbon dioxide emissions and driving licence categories), safeguarding of vulnerable groups and criminality information (including the rehabilitation of offenders), Sark (including general constitutional issues, reform of the law relating to children, property, the independent review and control of electricity prices and tax transparency), the Single Euro Payments Area (including, with members of the Commercial Law team, advising the working group), social security law, States insurance policy issues, statutory interpretation, tax on real property (including appeals and the constitution of the appeals panel), treaties and other international agreements and tribunals (including general and case-specific advice). Waste disposal, and the waste strategy and advising the States Review Committee during the course of the Committee's work in 2015 also generated a considerable volume of advisory work.

In addition, training sessions and legal briefings have been provided for groups including judges, tribunal members, departmental officers and legal practitioners in areas of law such as mental health, children law and Sunday trading. Advocates have also been briefed to appear as *amici curiae* (friends of the court) in Royal Court proceedings and occasional case assistance has been rendered to the Civil Litigation team.

Finally, members of the teams were engaged in the Moneyval evaluation and assisted in the CARIN Annual General Meeting (see further below under Law Officers, *Mutual Legal Assistance and external relations*).



Employment law

The two lawyers in the Civil Advisory team specialising in employment law continued to deal with a high volume of work. They carried out all aspects of advisory and developmental work in this area, including claim management, risk assessment and detailed risk assessment reviews, policy development, data protection advice, as well as detailed case by case advice.

The number of Employment & Discrimination Tribunal claims brought against the States has continued to decline since 2012/13, when a second lawyer joined this newly formed specialist employment team at the request of HR (Policy Council), with only two claims being lodged against the States in 2015 and no claims lodged at the Royal Court. Again, the employment lawyers have concluded cases without the need to progress to contested court and tribunal hearings. One claim concluded by securing a favourable settlement and another by persuading the applicant to withdraw their claim. The decline in cases being brought against the States may be attributable to the significant degree of success in defending claims over recent years.

Following risk analysis of potential claims prior to litigation or the threat of it, they have negotiated a number of settlements in accordance with their instructions.

By giving detailed, quality advice on several complex matters (including risk analysis of potential claims), and working with staff managers and senior civil servants from an early stage, the employment lawyers have significantly reduced the risk of employment related claims generally, thereby reducing the States' exposure to these claims. Further the client is now experiencing the benefits of dealing with staff who are employed on the 'new style' contracts which the team developed for the Established Staff and Teachers (completed in 2015). This has already resulted in reduced contractual exposure to claims (especially with respect to fixed term contracts) and there is evidence that in one case alone, the new style contract has saved the States of Guernsey at least £140,000 in potential damages claims.

Apart from general advice on employment matters, a significant amount of advice was given to departments in respect of sensitive and complex severance and disciplinary matters, as well as departmental reorganisation, staff management, service handbooks and press releases relating to employees. Advice and drafting assistance has also been provided across departments to draft bespoke contracts, where appropriate. Such contract work was inclusive of work with the commercial team to design a bespoke Framework Agreement and Agency Contract for HSSD which it understood will deliver large scale and repeated savings of well over half a million pounds per annum in relation to agency nurse and medical staff recruitment from the UK. In addition, the employment lawyers have worked very closely with HSSD in relation to the LSA and NMC midwifery extra-ordinary review inclusive of providing detailed advice and policy advice in relation to data protection issues. Legal support has been provided on several restructuring projects across the departments and States of Guernsey Services, inclusive of employment related aspects of the States re-organisation to the Committee structure.

The employment lawyers have been invited by several departments and organisations to deliver staff training on a range of employment matters. They also delivered regular clinics to States HR staff, and advised at political level in relation to particular cases and policy



development. Throughout the year they have engaged in numerous high-level meetings with external organisations including union representatives, leading professionals and industry specialists from Guernsey and other jurisdictions.

Criminal Prosecution

The Criminal Prosecution team is responsible for the prosecution of criminal cases in the Bailiwick on behalf of the Law Officers. The team carries out an independent, timely and objective review of cases, and presents those cases that are taken to court in a fair, robust and professional manner.

In undertaking this role, the Criminal Prosecution team works closely with the Bailiwick law enforcement agencies and other States Departments during their investigations into criminal offences, advises which cases should be prosecuted according to the Prosecutors' Code of Guidance, determines the appropriate charges, and prepares and conducts the prosecution of criminal cases throughout all of the Bailiwick courts.

As in previous years, the Team continues to handle criminal cases which all commence in the Magistrate's Court, and has covered (or been available to cover) at least 8 half day sessions per week.

In 2015, there were a total of 37 cases committed from the Magistrates Court to the Royal Court, as compared with 52 cases in 2014. In the Royal Court, the total number of cases completed was 43, a similar figure to the previous year. The overall conviction rate was identical, at 91%. A general breakdown of the type of offending behavior is set out in the table below, the figures for the previous year in brackets. It can be seen that drugs offences remain the highest number of cases, followed by sexual offences. For the first time this year, money laundering and fraud offences are separately recorded.

Category of Offence	Total Number of Cases including acquittals / no evidence offered 2015 / (2014)	Total Number of Defendants 2015 / (2014)
DRUGS	16 (17)	23 (20)
PROPERTY	3 (4)	3 (4)
MONEY LAUNDERING & FRAUD *	4	8
VIOLENCE	4 (8)	4 (11)
SEXUAL OFFENCES	9 (11)	9 (11)
DRIVING	1 (2)	1(2)
MISCELLANEOUS	6 (3)	6(3)
TOTAL	43 (45)	54 (51)

**Money laundering and fraud offences recorded separately for the first time in 2015*



The bare figures do not always tell the full story, because the complexity and amount of work involved in each case can be highly variable. The subject matter of the charges, the number of defendants involved, and the legal issues arising in a case can all have a bearing on how much time it takes and how much work is needed to successfully conclude the matter. Even where a defendant is convicted in the Royal Court, a case may be appealed further to a higher court.

Another measure which gives a different dimension as to how much work goes into a prosecution is how many court days it takes before the case is resolved. Although days spent in court can be an inexact indicator of how much preparation is involved in a case, in 2015, the criminal team spent a total of 70 days prosecuting Royal Court cases, including 4 ½ days in the Court of Appeal and 38 days of contested trials. These figures compare with 49 court days in 2014, 2 days of which were in the Court of Appeal, and 20 ½ days of contested trials.

Notable Royal Court cases finalised in 2015 include two cases of historic sexual abuse of children, dating back in one instance to the 1960's; a prosecution under the Trade Marks (Bailiwick of Guernsey) Ordinance in relation to the possession of counterfeit computer software for onward sale; and the prosecution of a residential care home manager for a health and safety at work offence after an accident and the subsequent death of a resident. 2015 saw the first prosecution for a breach of the new Sex Offender notification requirements.

Fraud and money laundering cases included what was described by the sentencing judge as the longest criminal trial he could ever recall in Guernsey, lasting a total of four weeks in total, together with the prosecution of a former professional carer, who dishonestly obtained just under £50,000 from a vulnerable dementia sufferer patient.

Amongst the drugs prosecutions was the largest importation to date of the Class A drug cocaine at 971.19 grams, together with just under 5 kilos of cannabis resin imported by the same defendant in the same case. Other drugs prosecutions included importations of significant amounts of heroin, ecstasy (MDMA) and cannabis, by various means and by a variety of offenders, including a 71 year old former airline pilot with 53.2grams of herbal cannabis found concealed within a Buddha statue in his suitcase upon arrival.

Significant success was also achieved in 2015 in relation to confiscation of the proceeds of crime: confiscation orders were made for a total sum of £370,073.30, out of a total benefit figure of around £1,692,915.

Law Officer functions and external relations

In 2015, the professional and constitutional duties of the Law Officers of the Crown included the following.

The States of Deliberation and Election

As non-voting members of the States of Deliberation the Law Officers attended 12 States meetings in 2015 and advised on constitutional, procedural and legal issues, as well as on numerous States amendments, several requêtes, and several dozen reports / policy letters



published in Billets d'État.

The Law Officers also attended the two meetings of the States of Election in 2015.

Mutual Legal Assistance and external relations

During the course of 2015, the Law Officers Chambers continued to provide mutual legal assistance to numerous overseas jurisdictions. A total of 34 Letters of Request were received and a total of 23 serious fraud notices and/or production orders were served on local persons/entities, 3 court hearings were conducted under the International Co-operation law, to take evidence on behalf of foreign jurisdictions, and 3 requests for the service of overseas process were completed, one restraint order was made, one active restraint order was discharged; and one order was made to register an overseas forfeiture order.

In January 2015, following approval by the United States Justice, Treasury and State Departments, and of Guernsey Policy Council's External Relations Group, HM Procureur and US Deputy Assistant Attorney General Ken Blanco signed Guernsey's first Agreement regarding the sharing of confiscated or forfeited assets or their equivalent funds, entered into under entrustment. The Agreement subsequently bore fruit when America remitted to Guernsey a seven figure sum in forfeited assets.

During 2015 HM Procureur held the Presidency of Camden Asset Recovery Interagency Network ("CARIN") together with the Head of Law Enforcement. The Presidency was funded from the Seized Asset Fund. During the year, the Presidency hosted four steering group meetings and the Annual General Meeting. A number of recommendations were made at the Annual General Meeting and these have now been disseminated by CARIN. The Presidency ensured that CARIN was represented at the Annual General Meetings held by the other regional Asset Recovery Inter Agency Networks in 2015. In addition the Presidency has funded the publication of a practitioner guide on Non Conviction Based Confiscation and the 5th edition of the CARIN manual. Chambers was also involved, on behalf of CARIN, in an initiative to set up a regional network in the Caribbean.

Chambers was heavily involved in the Moneyval evaluation of the Bailiwick's systems for dealing with money laundering and terrorist financing, which resulted in the approval of an outstanding report at Moneyval's plenary meeting in September 2015. This was the culmination of approximately 2 years of work, in which various members of Chambers played a key role that included working alongside the Policy Council in the overall coordination of the Bailiwick's approach and its written responses to Moneyval, drafting legislative amendments and policy documents, providing statistics and related analysis, and participating both in meetings with the evaluators when they visited Guernsey in 2014 and in the presentation of the Bailiwick's case at the 2015 plenary. This work involved several hundred hours of out of hours work over successive evenings and weekends in the lead up to the 2015 plenary meeting.

More broadly, the Law Officers and colleagues in Chambers have continued to be actively involved in the development of Guernsey's international personality and in advising the Policy Council in connection with relations with international organisations. Much of this work was undertaken with, or as advisers to, States Committees and public sector organisations; but they have also engaged directly where appropriate with Law Officers and Justice Ministers of other Commonwealth jurisdictions.



Coronial functions for the Bailiwick, eg, in connection with deaths, cremations, inquests and post mortems

In 2015, there was an increase of death cases reported to the Law Officers to 134 in 2015 (2014: 99 sudden death cases) which required the authorisation of post mortems in 41 cases (2014: 34 post mortems) and directing the opening of 16 inquests (2014: 16 inquests) by the Law Officers. The Law Officers personally presented 2 particularly complex inquests before the Magistrates' Court in 2015. The Law Officers (and, in their absence, the *Contrôles Délégués*) were required to authorise the holding of 355 cremations in 2015 (2014: 353).

The Law Officers revised and updated their guidance to medical professionals on reporting deaths in the Bailiwick (a document they first prepared in 2014) and also attended and input into bespoke training events concerning the death certification process which had been arranged for GPs and medical specialists at the Princess Elizabeth Hospital by HSSD senior staff.

Other functions

Statutory functions include the fields of mental health, children in care and at risk, and investigatory powers. These and other functions noted above require both Law Officers (and, when sick or absent, the Comptroller's 4 Senior Crown Advocate *délégués*) to provide 24 hour cover.

In relation to mental health, in 2015, the Law Officers (and, in their absence, the *Contrôles Délégués*) were required to authorise 30 Treatment Orders, 35 Assessment Orders, 15 Transfer Orders and 2 Renewal of Treatment Orders for residents of the Bailiwick.

The Law Officers (and other members of Chambers appointed as examiners or lecturers) contributed to the 2015 Guernsey Bar Examination syllabus, including the drafting and marking of local exam papers and preparation of specialist lectures. The Law Officers are also required to attend certain ceremonial occasions in their capacity as Leader of the Guernsey Bar (for example representing the Guernsey Bar at the Liberation Day parade and Church Service), to welcome new aspirants to the Bar before the Royal Court and, where appropriate, to liaise with the Batonnier and Royal Court. 8 aspirants were called to the Guernsey Bar in 2015. They also attend (with other Advocates from Chambers) meetings of the Guernsey Bar.

In 2015, following consultation with the Bailiff's Chambers and representatives of the Guernsey Bar, the Law Officers also developed a new initiative, a community legal award entitled the Law Officers' Pro Bono Legal Award. The award was set up because the Law Officers recognised (given HM Procureur's role as Leader of the Bar) that many members of the Guernsey Bar regularly volunteered their time and expertise to help the local community and the Law Officers wished to encourage further involvement in that regard, as well as to recognise these valuable contributions. Pro bono services are becoming increasingly important in Guernsey, not least in assisting in making access to justice more readily available to members of the public.

The Law Officers were delighted to receive a number of nominations, both for individual Advocates and firms, from relevant Guernsey charities and other individuals. The 2015



winner was Advocate Alison Ozanne of AO Hall (now Walkers (Guernsey) LLP), who had supported a number of worthy causes in recent years, notably Les Bourgs Hospice and the Sisters of Mercy. The Law Officers presented the award at the annual Chief Pleas dinner (see further below).

The Law Officers have a diplomatic liaison role and meet with (and discuss elements of Bailiwick law as appropriate) foreign diplomats or officials who may be visiting the Bailiwick during the course of the year. In 2015 those meetings included the visit of the South African High Commissioner, representatives of the French Gendarmerie National and the Ambassadors of the Latvian Republic, France and Germany.

The Law Officers are also required to register Laws, UK Statutory Instruments and Orders of the Royal Court before the Royal Court – 32 such items were registered in 2015.

The Law Officers liaise with and advise the Lieutenant Governor and Bailiff's Chambers where appropriate. They also liaise with the Ministry of Justice, where requested and in relation to the progress of legislation and other constitutional matters. Such advice was requested on a variety of issues in 2015.

The Law Officers also carry out the work of HM Receiver-General, a post held by the Procureur, whose functions include the collection within the Bailiwick of Crown revenues and the administration of Crown property (including Jethou), the foreshores, the seabed (out to the limit of the territorial seas) and those immovable and moveable assets and interests that have escheated to the Crown or devolved as bona vacantia e.g. assets undistributed on the dissolution of a company. As regards companies, there were 59 company issues in 2015, of which 39 related to proposed company migrations and 19 to proposed company restorations. There was 1 re-affirmation of restoration from 2014.

HM Procureur (and Advocates at the Law Officers' Chambers) attended the Court of Chief Pleas on 5th October 2015, which sits to make the start of the legal year. The Court is followed by a Service at the Town Church and the Chief Pleas dinner hosted by HM Receiver-General for Members and officers of the Royal Court, Senior Constables, Seigneurs and members of the Bar. 2015 was the first year the Law Officers' Pro Bono Legal Award (see above) was presented.

Administration

During 2015 the administration team continued to provide business support in terms of administration, finance (including independent HMRG accounts), facilities management, information technology, human resources and records management to St James Chambers in order to enable the Law Officers and their staff to perform their duties and meet their respective objectives.

Two members of the team were seconded to one of the Law Officers Chambers key projects, the implementation of a Document Management System.

Due to changes with the Royal Court reception service in 2015, visitors to St James Chambers are now asked to use the main door at the Smith Street end of the building and the administrative staff are consequently undertaking more telephone and reception duties,



amongst their other functions. Staff are also generally taking more direct line telephone calls, where appropriate, to assist in covering this phased out service (thereby achieving certain efficiencies although the overall impact of this is still being monitored).

Operating Income

Operating Income decreased by 15% to £222,000 in comparison to £255,000 in 2014. This can be attributed to a decrease in demand for legal services provided to one of the Law Officers fee paying clients (N.B. the demand for legal services provided to a small number of fee paying clients fluctuates year on year).

Operating Expenditure

The net revenue expenditure of the Chambers of the Law Officers of the Crown for 2015 was £4.71m (2014: £4.76m) which was 1% lower than in 2014. This is primarily as result of savings made under the non-pay cost heading. The Law Officers underspent its Authorised Budget by 2.5%.

Staff

The Full Time Equivalent figures for 2015 remain in line with the previous year. The figures below do not include two members of staff who are seconded to the Commerce and Employment Department (now the Committee for Economic Development) and one member of staff seconded to the Treasury and Resources Department (now the Policy and Resources Committee).

Pay Group	2015	2014
Established Staff	40.1	39.7
Public Sector Employees	0.1	0.4
Crown Officers	2.0	2.0
Total (Full Time Equivalent)	42.2¹	42.1

One member of staff was called to the Guernsey Bar in 2015.

Two new members of staff joined in 2015, a Civil Litigation Lawyer and a Paralegal, both of whom were filling existing vacancies.

Senior Management Team

The Law Officers Chambers Senior Management Team comprises the Director of Legal Services, the Directors of the Legislative Drafting, Criminal Prosecution, Civil Litigation, Civil Advisory and Commercial Law teams, the Development and Administration Manager as well as the two Law Officers. The SMT meets on a monthly basis and the Law Officers

¹ The figures in the table are based on FTE (Full Time Equivalents) and take account of part time hours, seconded staff (paid by a States department) and unpaid absences (for example, Maternity Leave). This is the figure quoted in the States accounts, and is not equivalent to the head count.



join the meetings on a quarterly basis (but can input on monthly meetings where required).

Professional 'catch up' meetings between the Law Officers and Directors on a monthly basis continued through 2015. This has improved communication at senior leadership level and aided in understanding the increasingly specialised nature of each Directorate's work (which, given the myriad of issues faced in an increasingly litigious jurisdiction, can often have a knock on effect upon the work of other Directorates).

Legal Resources website (see also under Key Projects)

The Guernsey Legal Resources website continued to attract a growing user base in 2015, with site usage continuing to increase. In 2015, 44,753 unique visitors came to the site a total of 98,676 times, which was an increase of 11% on the number of unique visitors in 2014 (40,172), who between them visited the site a total of 85,004 times. Site content has increased through the addition of newly approved legislation and pre-1950 Laws and Ordinances. 86% of visitors to the website are based in Guernsey, Jersey or the U.K. with other visitors coming primarily from the United States, Australia, Switzerland and France.

Key Projects and Business Improvement

Document Management system

This project is principally about risk mitigation and ensuring that the ability of Law Officers Chambers to deliver quality advice is not jeopardised by the absence of a legal document and knowledge management capability. Information security has been identified as a key corporate risk and the deployment of a Document Management System will improve the Law Officers Chambers ability to reduce information security risk and ultimately provide effective protection and security of Government data. In 2013 the Law Officers Chambers received funding approval for the procurement and implementation of an industry standard legal Document Management System – HP Autonomy.

In addition, the introduction of a Document Management System will standardise and improve working practices across the Law Officers Chambers, improve communication and aid collaborative working.

During 2015 the contractual arrangements with the appointed supplier were completed and the project moved into the design & scoping phase, the project team worked with the supplier during the year to scope out a design for the system and this phase of the project was completed in the latter part of the year.

Legal Resources Website enhancement

The Guernsey Legal Resources Website was launched in March 2009 as a joint initiative between the Law Officers of the Crown and the Royal Court. The main purpose of the website is to provide easy access to a comprehensive range of legal resources including Bailiwick legislation and case reports.

The website has a growing number of users ranging from members of the Guernsey Bar,



finance houses, States Departments and statutory bodies, such as the Guernsey Financial Services Commission. It is also accessed by members of the public and organisations outside the Bailiwick. It was originally set up without incorporation of any charging system and without specific thought of incorporation of any charging facility.

The aim of the enhancement project is to improve the website through the provision of more content, and improvements to the structure and capabilities of the site, so that it is more closely aligned to equivalent websites in comparable jurisdictions (e.g. Jersey). In addition to this it will be necessary to recover a significant percentage of the associated costs of operating the website in order to provide the improved facility and the income generated will be used to continually develop and enhance the website content to keep pace with other jurisdictions.

In 2015 the project team received funding approval for the project and commenced work on the design phase with the appointed supplier.

Service Guernsey

Service Guernsey is an operational transformation initiative launched in 2014 and being led by the States Chief Executive. It is being adopted by the States of Guernsey, including the Law Officers Chambers. The focus of Service Guernsey is on delivering high quality customer service and value for money and the Law Officers Chambers are committed to this initiative. As part of this initiative, in 2015 the Senior Management Team recommended that time recording be trialled in several teams so that the Law Officers' Chambers might more readily be able to demonstrate that they are a value for money service. The objective is that all lawyers will routinely record their time (as appropriate within their teams) within the next 1-2 years, whilst balancing the extra administrative demands this can make upon their work.



Appendix A

Resolutions of the States of Deliberation for which legislation was approved by the Legislation Select Committee in 2015

	Billet & art. no.	Resolution date	Department	Subject matter & comments
1.	XXIII/02 (art.XVIII)	27.11.02	Health and Social Services Department	Mental health legislation: implementing Ordinance under 2010 Law
2.	XXIII/02 (art.XIX)	27.11.02 [A1]	Commerce and Employment	Plant varieties and seeds and plant breeders' rights: Ordinance for Bailiwick
3.	VIII/06 (art.X)	27.04.06 [1]	Commerce and Employment	Trade in endangered species: implementation of CITES; enabling provisions Law [and see resolution of 26.02.14]
4.	XVIII/2006 (art.X)	29.11.06 [2]	Home Department	Firearms: Amend Law of 1998; cross bows and spear guns
5.	XVI/2009 (art.IX)	24.06.09	Treasury and Resources Department	Compulsory purchase of land: Amend compulsory acquisition Law of 1949
6.	XVI/2009 (art.X)	25.06.09	Commerce and Employment	Renewable energy: licensing and regulation of tidal electricity generation, etc - implementing ordinance
7.	IV/2012 (art.VI)	21.02.12	Policy Council	CEDAW - statutory maternity leave: confer by legislation
8.	XXI/2012 (art.V)	01.11.12	Commerce and Employment	Aviation - aircraft registry: Law to give effect to proposals [Two Projets approved by LSC on 08.10.12; one on 22.04.13; Ordinance enacted by LSC on 23.01.14; and Ordinances approved by LSC on 24.11.14 and 23.02.15]
9.	XXIII/2012 (art.VII)	28.11.12	Commerce and Employment	Companies Law: miscellaneous amendments to Law of 2008 - remaining changes
10.	XVIII/2013 (Vol. 1, art.VI)	26.09.13	Commerce and Employment	Electricity Law 2001: amend to include special agreements for supply; and defraying of costs of research/investigation
11.	XXIV/2013 (art.VIII)	11.12.13	Policy Council	Succession to the Crown: enact Projet to mirror Crown Succession Act 2013
12.	XXIV/2013 (art.XIII)	11.12.13	Health and Social Services Department	Child protection: amend 1972 Law and require registration of child minders, etc, under Children Law 2008

13.	II/2014	12.02.14	Public Services Department	Solid waste strategy: implementation - licensing private waste facilities; functions of WDA; amend parochial waste disposal legislation; new charging system for households; WDA fee-charging powers; duties on householders re parochial collections; civil fixed penalties; consequential changes to Environment Pollution & Parochial collection legis [resolution 11(a)(iii) rescinded by resolution of 10.12.14]
14.	III/2014 (art.V)	26.02.14	Commerce and Employment	CITES - trade in endangered species: additional proposals for ordinance under enabling provisions Law [and see resolution of 27.04.06]
15.	XII/2014 (art.IV)	25.06.14	Health and Social Services Department	Responsible officers to recommend GMC revalidation of doctors practising locally: amend 1987 ordinance relating to registration of medical practitioners
16.	XX/2014 (Vol. 1, art.VI)	24.09.14	Policy Council	Guernsey Financial Services Commission - funding mechanism: transfer power to make fees regulations under regulatory, Companies and LLP Laws from GFSC to Policy Council and Commerce and Employment Department
17.	XX/2014 (Vol. 1, art.IX)	24.09.14	Commerce and Employment	Milk - review of dairy industry: repeal and replace Milk Control Ordinance 1958 [and see resolutions 01.12.11 and 29.09.15]
18.	XX/2014 (Vol. 2, art.XV)	26.09.14	Home Department	Noise abatement ordinance, 1962: transfer functions from Chief Officer of Police to Director of Environmental Health
19.	XXI/2014 (art.V)	29.10.14	Social Security Department	Social insurance rates: annual uprating and changes in upper and lower limits
20.	XXII/2014 [proposition 1]	31.10.14	Treasury and Resources Department	Income tax [budget]: extend zero 10 company intermediate rate to POI administration services
21.	XXIV/2014 (art.XVI)	26.11.14	Home Department	Reform Law: establish new Electoral Roll and close existing Roll on 29.02.16
22.	XXVI/2014 (art.VIII)	10.12.14	Policy Council	Dog licences: Repeal s. 6(2) of the 1969 Law
23.	XXVI/2014 (art.X)	10.12.14	Public Services Department	Waste strategy: Law to repeal and replace Parochial Collection of Refuse (Guernsey) Law, 2001 to enable new Parish Waste Rate to be introduced; Ordinance to be made under that Law to provide for administrative arrangements; and amendment to the Competition Ordinance to provide exemption



				for WDA marked bags. [and see resolution of 12.02.14]
24.	XXVI/2014 (art.XIV)	11.12.14	Public Services Department	Pilotage Ordinance: miscellaneous amendments to the 1967 Ordinance inc. conditions for the issue of general and special pilotage licences; transfer of functions under the Boats, Vessels Ordinance, 1970
25.	I/2015 (art.VII)	28.01.15	Commerce and Employment	Merchant shipping - Marine Labour Convention: enact Ordinance for Sark corresponding to Seafarer Recruitment and Placement (Guernsey and Alderney) Ordinance, 2013
26.	I/2015 (art.IX)	28.01.15	Home Department	Prison Ordinance, 2013: amend to remove cap on number of Independent Panel Members
27.	IV/2015 [proposition 13]	24.03.15	Treasury and Resources Department	Tax, pensions and benefits review: OAP age to rise to 70 in stages between 2020 and 2049
28.	XI/2015 (art.VII)	24.06.15	Commerce and Employment	Single Euro Payments Area: Ordinance to enact Payments Services Directive 2007 on the SEPA
29.	XI/2015 (art.X)	25.06.15	SACC	General election 2016: to be held 27.04.16; term of office extended to 20.06.20; maximum expenditure fixed at £2,300; close roll; miscellaneous changes to Reform Law, 1948
30.	XII/2015	07.07.15	States Review Committee	Machinery of Government: organisation of States affairs; structure, constitution and operation of States committees; scrutiny; number of States members; and amendment of Reform, Public Functions and States Committees Laws
31.	XIV/2015 (Vol. 1, art. VIII)	29.07.15	Policy Council	Maternity leave, maternity support leave and adoption leave: Introduce statutory leave provisions before introduction of changes to parental benefits (due in 2017) and consequential and supplemental provisions relating to maternity and adoption leave [and see resolution of 21.02.12]
32.	XIV/2015 (Vol. 1, art. XI)	30.07.15	Health and Social Services Department	Regulation of Health Professions - medical practitioners: miscellaneous amendments to 2015 ordinance
33.	XIV/2015 (Vol. 1, art. XII)	30.07.15	Health and Social Services Department	General practitioner access to HSSD pathology and radiology services: Amendment of Health Service (Benefit) (Guernsey) Law, 1990 to limit access to GP's approved by HSSD by annotation in Register;

				removal of numeric cap
34.	XIV/2015 (Vol. 1, art. XIII)	30.07.15	Environment Department	Transport Strategy: First registration duty
35.	XIV/2015 (Vol. 2, art. XXII)	31.07.15	Home Department	Housing register – La Salerie Apartments: Ordinance to authorise inscription on Part A of Register
36.	XVI/2015 (Vol. 1, art. XIII)	29.09.15	Treasury and Resources Department	Income tax - international pension business: facilitate pension flexibility; inward transfers of pension funds and tax relief thereon
37.	XVI/2015 (Vol. 1, art. XVI)	01.10.15	Commerce and Employment	Sunday trading: Removal of restrictions
38.	XVI/2015 (Vol. 2, art. XX)	02.10.15	Commerce and Employment	Milk distribution: Repeal of 1958 Ordinance and new Ordinance under Milk and Milk Products (Guernsey) Law, 1955 along lines set out in paras 3.114 -3.118 of 2014 States Report [and see resolutions 01.12.11 and 24.09.14]
39.	XVII/2015	29.09.15	Home Department	St Peter Port North By-election: By-Election Ordinance and Electoral Roll Ordinance
40.	XVIII/2015 (art. VIII)	28.10.15	Social Security Department	Social insurance rates: annual uprating and changes in upper and lower limits
41.	XVIII/2015 (art. VIII)	28.10.15	Social Security Department	Attendance & invalid care allowances [now severe disability benefit and carer's allowance]: annual uprating
42.	XVIII/2015 (art. VIII)	28.10.15	Social Security Department	Health service benefit: prescription charge annual uprating
43.	XVIII/2015 (art. VIII)	28.10.15	Social Security Department	Supplementary benefit: annual uprating
44.	XVIII/2015 (art. VIII)	28.10.15	Social Security Department	Long-term care: annual uprating
45.	XIX/2015 (budget proposition 1)	27.10.15	Treasury and Resources Department	Income tax [budget] - Zero 10 company intermediate rate: extend 10% rate to custody services under Protection of Investors Law 1987
46.	XIX/2015 (budget proposition s 2 & 3)	27.10.15	Treasury and Resources Department	Income tax [budget] - Zero 10 company higher rate: extend 20% rate to large retail business and hydrocarbon/oil business
47.	XIX/2015 (budget proposition	27.10.15	Treasury and Resources Department	Income tax [budget]: amend Income Tax (Tax Relief on Interest Payments) (Guernsey) Ordinance, 2007 to phase



	5)			out tax relief on mortgage payments by 2025
48.	XIX/2015 (budget proposition 6)	27.10.15	Treasury and Resources Department	Income tax [budget]: amend Income Tax (Guernsey) Law, 1975 to introduce equality of tax treatment for married persons of same sex and civil partnerships; and amendments consequential upon removal of married persons allowance
49.	XX/2015 (art. XIII)	09.12.15	Treasury and Resources Department	Compulsory purchase of land: amendments to compulsory acquisition Law 1949 - rentes, arbitrator/umpire fees and technical clarification
50.	XXI/2015 (art. I)	27.11.15	States Review Committee	States Review Committee - machinery of government: organisation of States affairs - third policy letter; amend Compulsory Acquisition of Land (Guernsey) Law, 1949
51.	VI/2016 (art. XVI)	02.03.16	Health and Social Services Department	Children Law: amend 2008 Law to ensure recovery orders can be of extended duration and to provide additional police recovery powers without court order for children already subject to care



Appendix B

Glossary

APD – Air Passenger Duty

C&E – Commerce and Employment Department

CARIN – Camden Assets Recovery Interagency Network

DEFRA – Department for Environment, Food and Rural Affairs

EEZ – Exclusive Economic Zone

EU – European Union

FATCA – Foreign Account Tax Compliance Act

GBA – Guernsey Border Agency

GFSC – Guernsey Financial Services Commission

GIIA – Guernsey International Insurance Association

GP – General Practitioner

GSCCA – Guernsey Society of Chartered and Certified Accountants

HMRC – HM Revenue and Customs

HR – Human Resources

HSSD – Health and Social Services Department

LSA – Local Supervisory Authority

NMC – Nursing and Midwifery Council

OECD – Organisation for Economic Co-operation and Development

SCIP – States Capital Investment Programme

SMT – Senior Management Team

UK – United Kingdom

UN – United Nations

USA – United States of America

