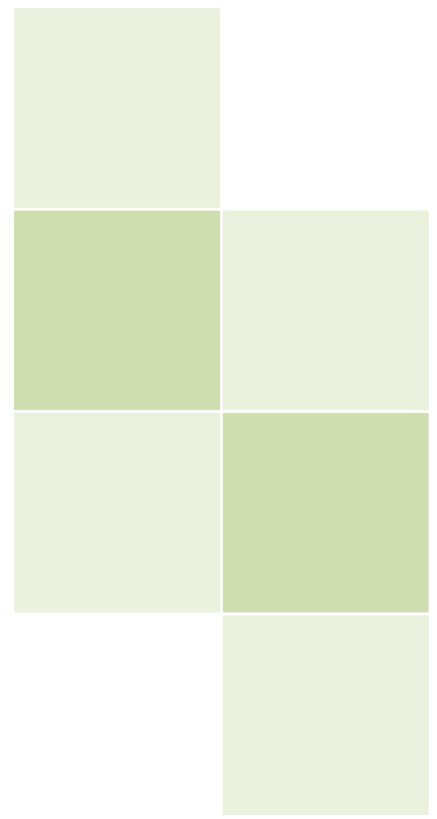




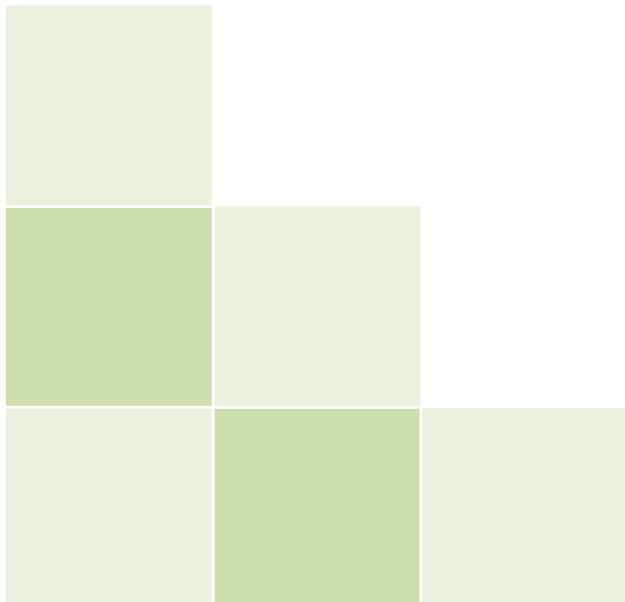
**LAW OFFICERS  
OF THE CROWN**



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**LAW OFFICERS OF THE CROWN  
ANNUAL REPORT 2016**

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## Introduction

We are pleased to introduce the Law Officers of the Crown 2016 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 continue to respond to the ever-changing demands of an increasingly complex workload.

Direct drivers of that change include political events (including of course Brexit), new 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. There continued to be an increase in child protection cases and the number of drugs and sexual offences referred for prosecution remained consistently high.

Also, in October 2016 H.M. Procureur Howard Roberts Q.C. retired from office and Megan Pullum Q.C. took up office in his stead, with Robert Titterington Q.C. replacing her as H.M. Comptroller.

We recognise the current financial constraints under which the States of Guernsey operate and believe that by careful recruitment and management and by making efforts to maximise staff retention we have been able to continue 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 third Annual Report, which we hope provides clarity about the work and duties members of the Law Officers' Chambers have performed over the course of 2016. We look forward to compiling reports for future years which we recognise are likely to be busy and challenging for all. We are grateful to all our staff who work tirelessly to provide legal and support services in accordance with our mission statement, often in demanding circumstances.

We commend our 2016 Annual Report and confirm our commitment to protecting and enhancing the interests of the Bailiwick and its people.

**M.M.E. Pullum Q.C.**  
*H.M. Procureur*

**R.M. Titterington Q.C.**  
*H.M. Comptroller*

**Crown Advocate C. Hookway**  
*Director of Legal Services*

*10<sup>th</sup> July, 2017*



## 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, the States of Alderney and the Chief Pleas of Sark 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".

The diagram describes the characteristics that underpin our mission statement:



In providing their services in 2016 the two Law Officers were supported by 29 legal staff and 16 support staff. 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 2016 follows.



## Summary of services provided during 2016

### Civil Litigation

The Civil Litigation Team provides assistance 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, the Chief Pleas of Sark and other public service clients.

The full gamut of litigation including public law (e.g. judicial review and statutory appeals), regulatory proceedings, child protection, civil litigation, dispute resolution etc. was represented in the team's output in 2016.

In the public law field, the team became involved in a number of cases where the administrative decisions of public bodies were challenged in Court. This included assistance given to H.M. Procureur in complex judicial review proceedings concerning a deportation matter, advising the Chief Pharmacist in relation to judicial review proceedings where procedural matters were raised in relation to seized materials and assisting the Development and Planning Authority regarding a matter in which judicial review proceedings had been issued, the advice resulting in the proceedings being withdrawn.

Ongoing support was provided in relation to decisions made under the planning and housing licence regimes with all housing cases being successfully resisted or resolved. The work throughout the year translated into substantial policy assistance in relation to the new population management legislation.

The team assisted and represented the Guernsey Border Agency and successfully resisted an appeal in the Court of Appeal on the process followed in relation to a production order. Advice, assistance and representation was given to the Guernsey Financial Services Commission across the range of matters that it handles including directors' disqualifications and the various stages of disciplinary proceedings.

On other matters of importance for Guernsey on the international stage, the team responded to a number of requests for international assistance including by way of Commission Rogatoire. Assistance was also given to the Director of Income Tax in relation to requests under Tax Information Exchange Agreements and challenges to formal decisions. One particular matter progressed to a contested hearing before the Court of Appeal and has now been remitted to the Royal Court for substantive hearings. The team also continued to handle enquiries in relation to local enforcement of maintenance orders made in other jurisdictions and assisted H.M. Procureur in proceedings conducted in the High Court in London in relation to unilateral changes made by the UK Government to its fisheries management agreement with Guernsey.

In the field of child protection, the team worked on 13 active sets of Community Parenting Order proceedings with regard to 20 children at risk. The complex nature of many child protection court cases, involving medical and psychological evidence, multiple parties, inter-jurisdictional considerations, statutory interpretation of the relatively new children legislation, multiple witnesses and the necessary priority that must be afforded to child



protection cases means that this work frequently exceeded the capacity of three full time posts to handle it. The work included advice and representation provided with regard to 7 adoption applications. Ongoing assistance was provided to the Committee for Health & Social Care ("CfHSC") on emergency applications including Secure Accommodation Orders in relation to 2 children and 2 Emergency Child Protection Orders. 24 hours a day and 7 days a week support was made available to the Committee for Health & Social Care under the rota scheme voluntarily supported by members of the Team and other lawyers (including the Law Officers) within St James Chambers and administered by the PA to the Civil Litigation Team. Multiple requests for urgent assistance were received in relation to Recovery Orders, Emergency Child Protection Orders and Secure Accommodation Orders. 6 Recovery Orders were sought and obtained in 2016.

Requests for advice were received in relation to cases proceeding through the Child, Youth and Community Tribunal, as well as queries with regard to private law cases where the Courts had sought the assistance of social workers from CfHSC.

Whilst the heaviest demand on the team came in relation to child protection cases, regular queries were also received in relation to vulnerable adults (in respect of which there is limited legislative provision) and guardianship.

The team was instructed in 57 Royal Court debt collection cases on behalf of States committees (mainly in relation to Income Tax debts but also in relation to Social Security & TRP debts. In total £775,569 pounds were recovered (via judgment and recovery through instalments). The involvement of the team, including the production of seven day letters, often resulted in matters being resolved without the need for proceedings being issued.

In addition to the larger or more time consuming cases in 2016, there was a significant amount of regular work including the swearing in of officials, support and advice given to Her Majesty's Sheriff/Sergeant, the Prevôt of Sark and the Greffier in Alderney. This included occasional support to client committees in relation to Petty Debt cases where important points of principle were involved or where the central issues were complex.

Advocates from the team continued to be drawn upon by the Court to appear as *amici curiae* (friends of the court) on behalf of the Law Officers.

## Commercial Law

The Commercial Team aims to ensure that:

1. Critical Island provision of infrastructure, services and goods are delivered to the States of Guernsey, the States of Alderney, the Chief Pleas of Sark, and through States owned or connected entities. This is integral to the "maintain" aspect of Government business,
2. Solutions are provided to legal technical problems and that the commercial advice provided allows the States of Guernsey and other organisations to move forward and implement new ways of working, and
3. Comprehensive commercial land and property advice can be given to the States of Guernsey, the States of Alderney and the Chief Pleas of Sark.



From year to year project value can vary very widely given the diversity of the Bailiwick's needs, ranging from the small and esoteric to the strategic and service critical. Frequently the number of open matters in the Commercial Team runs into the hundreds of millions of pounds in terms of direct contract value.

In common with other teams, the team seeks to ensure its advice is risk focused and practical. By drawing upon the team's considerable project expertise, this ensures the States of Guernsey and other organisations fulfil their objectives in a way that is safe, risk balanced and cost effective. This is integral to helping Government to make and maintain savings and to get best value.

Alongside other teams within Chambers, the Commercial Team prides itself on trying to be client focused and offering a genuine high quality in house consultancy which reduces the need for commissioning external legal advice, often at considerable expense. The team received very positive feedback following a recent external review of contract management across the States of Guernsey.

A list of key activities the Commercial Team have supported during the year can be found in *Appendix A*.

In addition, the Commercial Team provides comprehensive commercial land and property advice with the assistance of the States Conveyancer. The Team also advises H.M. Receiver General on all land and property issues that involve the Crown including the foreshore of the Island.

Examples of specialised areas of work in 2016 have included:

- The sale of Hermes House (former Castel Telephone Exchange) for a material amount of income,
- Purchase of land at Maison Maritaine for the long term provision of sheltered accommodation and social housing, and
- Development agreement and lease in respect of the former Slaughter House building, Castel Emplacement as part of seafront development.

Other land and property areas in which the Team advised included:

- Drafting/approving conveyances by way of exchange,
- Preparation of conveyances and leases for the Island of Sark,
- Drafting agreements for creation of rights for services,
- Advising H.M. Receiver General in regard to land and property and in relation to the Crown Estate,
- Researching property boundaries, rights and related ownership issues,
- Ongoing preparatory work in relation to the sales of States Properties,
- Variations of existing Commercial lease and assignments,
- Drafting short term occupation licences,
- Provision of smaller domestic leases, and
- General advice on all aspect of land and property matters.



The Commercial Team took an opportunity to make a 25% reduction of qualified staff at the end of 2016 as a contribution towards the States 3% savings target for 2017. See further under “Staff” below.

## 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 2016, 13 Bailiwick and Guernsey Projets de Loi and 45 Bailiwick and Guernsey Ordinances drafted by members of the two teams were approved by, or laid before, the States of Deliberation. Notable pieces of legislation prepared and approved included:

- the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law,
- the Designation of Officers (Bailiwick of Guernsey) Law,
- the Same-Sex Marriage (Guernsey) Law,
- the High Hedges (Guernsey) Law,
- the Population Management (Guernsey) Law,
- the Open Market Housing Register (Guernsey) Law,
- the Arbitration (Guernsey) Law,
- the Financial Services Commission (Bailiwick of Guernsey) (Amendment) Law,
- the Control of Trade in Endangered Species (Bailiwick of Guernsey) Ordinance,
- the European Communities (Food and Feed Controls) (Guernsey) Ordinance,
- the Single Euro Payments Area (Guernsey) Ordinance,
- the Maternity Leave and Adoption Leave (Guernsey) Ordinance, and
- the Income Tax (Guernsey) (Amendment) Ordinance.

In addition, 6 Projets de Loi were drafted on behalf of the Chief Pleas of Sark and 21 Ordinances were drafted on behalf of the States of Alderney and the Chief Pleas of Sark. Several important pieces of legislation were approved by the States of Alderney and the Chief Pleas of Sark, which included:

- 2 Building and Development Control Ordinances for Alderney,
- the Fire Services (Sark) Law,
- the Children (Sark) Law,
- the Control of Electricity (Sark) Law, and
- 4 Ordinances under the Reform (Sark) Law.

93 statutory instruments were made by States Departments and Committees in 2016 relating to the subjects set out in *Appendix B*. Almost all instruments were drafted, or advised upon





during the drafting process, by members of the two teams. Of particular note were regulations made under the Income Tax (Guernsey) Law, 1975 which implemented Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters in accordance with the information exchange procedure agreed under the Multilateral Competent Authority Agreement on the exchange of Country by Country Reports, and regulations establishing the fees and administrative financial penalties levied by the Financial Services Commission.

Projets approved by the 3 Bailiwick legislatures during the course of 2016 continued to proceed smoothly and speedily for Royal Sanction. As at the end of 2016, only one Projet which had been submitted to the Ministry of Justice still awaited the grant of Royal Sanction.<sup>1</sup>

A full list of resolutions of the States of Deliberation for which legislation, drafted by Chambers, was approved by the Legislation Select Committee (and latterly the Legislation Review Panel) in 2016 is listed in *Appendix C*.

### *Advice*

Members of the Legislative Drafting and Civil Advisory teams also continue to offer advice to the three Bailiwick legislatures specifically regarding issues which arise from 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, and provide detailed analyses of legislation submitted for Royal Sanction to assist UK government officials.

In 2016 advice was given (and, where appropriate, legislative drafting undertaken) by members of the Legislative Drafting and Civil Advisory teams in relation to the wide range of areas set out in *Appendix D*. The waste strategy (in relation to both non-contractual and commercial law aspects) and work of the States Review Committee in 2016 also generated a considerable volume of advisory work.

In addition, legal advice was given to the Development & Planning Authority, the Committee *for the* Environment and Infrastructure and other States Committees in relation to the new Island Development Plan on all aspects post the hearing stage of the Plan Inquiry until after adoption by the States in November, 2016; this included advice on aspects of the inspectors' report, the policy letter and accompanying report of the Development & Planning Authority, advice on amendments before the States and on work arising from resolutions approved at the States meeting.

Furthermore, advice was provided on a range of matters arising from a member of the team's role as the Bailiwick's official representative at Moneyval (see further below under Law Officers, *Mutual Legal Assistance and external relations*).

Finally, training sessions and legal briefings have been provided for groups including judges, tribunal members, departmental officers and legal practitioners in areas such as mental health and children law. Advocates have also been briefed to appear as *amici curiae*

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<sup>1</sup> This does not include two Projets submitted at the end of the year for consideration in 2017.



(friends of the court) in Royal Court proceedings and occasional case assistance has been rendered to the Civil Litigation team.

### *Employment law*

Two lawyers in the Civil Advisory team specialise in employment law. In 2016, they dealt with a consistently high volume of work despite temporary reduced capacity due to maternity absence. A full range of advisory and developmental work was provided in this area, including case management, detailed risk assessments, policy development and, in response to increasing demand, the provision of data protection advice.

2016 saw an increase in the number of Employment & Discrimination Tribunal claims brought against the States. A number of those cases were settled on a commercial basis and on favourable terms. One case was contested before the Tribunal.

The majority of employment related disputes were resolved at an early stage, by working directly with the States of Guernsey Human Resources staff, following initial risk analysis of potential claims, on a case by case basis. This meant that many disputes were resolved prior to the issue of claims before the Tribunal and in some the practical solutions recommended were beyond the jurisdiction of the Employment and Discrimination Tribunal e.g. redeployment of staff to another role.

The employment lawyers gave critical advice and support in relation to the 2016 machinery of government re-structuring. Additionally, they advised on a range of staff management issues and the drafting of service handbooks, as well as providing advice concerning press releases, advice on matters of professional regulatory compliance and general advice concerning policy development matters and statutory appointments.

Advice and assistance was also given across the States of Guernsey in relation to the drafting of bespoke contracts and other documents where appropriate; furthermore, legal support was provided on several restructuring projects across the States of Guernsey and its associated Services. A critical multi-union referral to the Industrial Disputes Officer was averted at a preliminary stage by working closely with States of Guernsey senior management.

The employment lawyers delivered staff training on a broad range of employment matters to several Committees. They also delivered regular employment clinics to States of Guernsey Human Resources staff.

### *Finance Sector Development*

The work of two lawyers in the Civil Advisory team is dedicated to Finance Sector Development ("FSD"), an entity established for the development of the finance sector and commercial legislation and policy that sits under the auspices of the Committee for Economic Development ("CfED"). They work closely with, and provide drafting instructions to, the Legislative Drafting and Civil Advisory teams. Their work in 2016 was as follows.

1. Advice to FSD and CfED (which took on the functions of the former Commerce and Employment Department under the new machinery of



government arrangements) on a wide range of policy and legal issues relating to the finance sector and financial services and commercial legislation; including operational legal advice, development of policy and legislative proposals, drafting policy letters, consultation exercises and liaison with the local finance sector and external stakeholders, other Crown Dependencies, the UK and the EU institutions. Issues of note included the Alternative Investment Fund Managers' Directive, Single Euro Payments Area, Insolvency Law Review, Deposit Compensation Scheme, Brexit, Financial Services Ombudsman, and Register of Beneficial Ownership.

2. Advice to the Guernsey Registry on a wide range of policy and operational matters, including the registration of companies and other entities, the exercise of statutory functions and the development and implementation of policy and legislative proposals. Issues of note include advice relating to specific company and entity registrations, the ongoing registration and oversight arrangements in respect of recognised auditors and statutory arrangements for the administration of the register of Limited Partnerships.
3. FSD sponsored legislation enacted in 2016 (some of these subjects are mentioned in the "legislation" section above):
  - The Arbitration (Guernsey) Law, 2016,
  - The Financial Services Commission (Bailiwick of Guernsey) (Amendment) Ordinance, 2016,
  - The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 (Amendment) Ordinance, 2016,
  - The Protection of Investors (Administration and Intervention) (Bailiwick of Guernsey) (Amendment) Ordinance, 2016,
  - The Single Euro Payments Area (Guernsey) Ordinance, 2016,
  - The Financial Services Ombudsman (Case Fees and Levies) (Bailiwick of Guernsey) (Amendment) Order, 2016,
  - The Companies (Recognition of Auditors) (Amendment) Regulations, 2016,
  - The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2016,
  - The Companies (Treasury Shares) (Amendment) Regulations, 2016,
  - The Limited Partnerships (Fees, Annual Validations and Miscellaneous Provisions) Regulations, 2016,
  - The Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2016,
  - The Protected Cell Companies and Incorporated Cell Companies (Fees payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2016,
  - The Financial Services Commission (Limited Liability Partnerships) (Fees) Regulations, 2016, and
  - The Guernsey Finance LBG (Levy) (Guernsey) (Amendment) Regulations, 2016.



## 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, including the Court of Alderney and the Court of the Seneschal in Sark.

All criminal prosecutions in Guernsey commence in the Magistrate's Court, which the criminal team has covered (or been available to cover) for at least 8 half day sessions per week.

In 2016, a total of 41 cases were committed from the Magistrate's Court to the Royal Court, as compared with 37 cases in 2015. In the Royal Court, the total number of cases completed was 34, less than in the previous year. However, 19 of the cases committed to the Royal Court in 2016 were not finalised during the year, six more than in 2015. The overall conviction rate was marginally higher compared with the previous year, at 94%. In total last year, the Royal Court sentenced convicted defendants to just over 136 years imprisonment.

A general breakdown of the type of offending behavior is set out in the table below, the figures for Royal Court cases in the previous year in brackets. The type of offending remains constant: drugs offences constitute the highest number of cases, followed by sexual offences and offences of violence.

<b>Category of Offence</b>	<b>Total Number of Cases including acquittals / no evidence offered 2016 / (2015)</b>	<b>Total Number of Defendants 2016 / (2015)</b>
DRUGS	13 (16)	17 (23)
PROPERTY	3 (3)	3 (3)
MONEY LAUNDERING & FRAUD	4 (4)	8 (8)
VIOLENCE	5 (4)	5(4)
SEXUAL OFFENCES	7 (9)	7 (9)
DRIVING	1 (1)	1(1)
MISCELLANEOUS	1 (6)	1(6)
<b>TOTAL</b>	<b>34 (43)</b>	<b>42 (54)</b>

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.

Although days spent in court can provide an approximate guide as to the preparation involved in a case, it can also give an indication as to the complexity of the issues involved in a prosecution. In 2016, in one case alone, there were 19 pre-trial hearings, 7 of which went for a full day, not including the 9 trial hearing days and the date for sentencing. Overall, the criminal team spent a total of 72 days prosecuting Royal Court cases, including 34 days of contested trials and 5 'court' days of appeals. Although there were fewer cases overall in 2016, a similar level of time was spent by prosecuting Advocates in the higher courts, compared to 2015.

Notable Royal Court cases completed last year included the prosecution of two defendants following the seizure of just under 50 kilograms of the Class B drug cannabis resin which, with a local street value of between £1 million to £1.5 million, is one of the largest drugs seizures in recent years. Also completed in 2016 was a case involving the production of methamphetamine, a Class A drug.

The number of sexual offences referred for prosecution remains consistently high, with the completion of a number of Royal Court prosecutions of individuals for offences of historic sexual abuse. The convicted defendants were also made subject to lengthy notification requirements under the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, in one case for a period of 20 years.

Other cases in 2016 included the first prosecution in the Bailiwick for an offence of corruption, together with 3 other serious fraud cases with indictments alleging fraud totaling over £1,755,650. Confiscation orders were made by the Royal Court in relation to the proceeds of crime were made for a total amount of £112,910.87, out of a notional benefit figure of £927,512.61.

## **Law Officer functions and external relations**

On 3 October 2016, Howard Roberts retired from the office of H.M. Procureur having served for over 17 years as a Law Officer of the Crown. Megan Pullum was appointed to the office of H.M. Procureur in place of Howard and Robert Titterington (formerly Director of Legislative Drafting) to the office of H.M. Comptroller as successor to Megan.

In 2016 the Law Officers of the Crown continued to discharge their customary professional and constitutional duties including the following.

### *The States of Deliberation and Election*

As non-voting members of the States of Deliberation the Law Officers attended 20 States meetings in 2016. The number of States meetings during the course of 2016 was higher than in previous years in part as a result of additional meetings needed to constitute the new States following the elections and re-organisation of the States. It should also be noted that



under new arrangements agreed by the States, meetings of the States were scheduled to be held almost every 3 weeks which also has contributed to an increase in the number of meetings attended by the Law Officers.

Over the course of the year the Law Officers advised the States on constitutional, procedural and legal issues, as well as on numerous States amendments, requêtes, and several dozen reports / policy letters published in Billets d'État.

### *Mutual Legal Assistance and external relations*

During the course of 2016, the Law Officers' Chambers continued to provide mutual legal assistance to numerous overseas jurisdictions. A total of 21 Letters of Request were received and a total of 18 serious fraud notices and/or production orders were served on local persons/entities. Inspectors were appointed and 2 Notices issued under the Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996, 5 requests were actioned under the International Co-operation Law including the service of overseas process on behalf of foreign jurisdictions and one active restraint order was varied.

Members of Chambers were heavily involved in work arising from the Bailiwick's membership of Moneyval throughout 2016. A member of Chambers continued to act as the Bailiwick's official Moneyval representative and attended the three Moneyval plenary meetings for the year. She also participated as one of 5 members of an expert Moneyval working group on the effect on the Financial Action Task Force ("FATF") standards of a particular decision of the European Court of Human Rights.

Chambers have also been responsible for organising and providing input into the jurisdiction's response to frequent requests for information that have been made by Moneyval throughout the year. This work has included working alongside the (then) Policy Council to devise and implement a bespoke methodology for producing an interim assessment of the Bailiwick's terrorist financing risks, in order to enable the Bailiwick to respond to a global information-gathering initiative by the FATF. In addition, Chambers has worked alongside the Policy & Resources Committee to coordinate an ongoing formal assessment of the Bailiwick's money laundering and terrorist financing risks which is being done in order to meet the FATF standards, using a methodology devised by the International Monetary Fund.

The Law Officers and colleagues in Chambers have continued to be actively involved in the development of Guernsey's international identity and in advising the Policy Council, and latterly the Policy & Resources Committee, in connection with relations with international organisations. The Law Officers have also engaged directly with Attorneys General and, where appropriate, Justice Ministers of the Overseas Territories and other Commonwealth Jurisdictions.

### *Brexit*

Following the UK's vote to leave the European Union in June 2016, H.M. Procureur established an internal Brexit committee to better understand and plan for the significant workload that, although as yet not fully scoped, will inevitably fall to Chambers when the UK withdraws from the Union and brings into force its Great Repeal Bill. The group comprises both Law Officers, the Director of Legal Services, the Director of Legislative Drafting and a senior Crown Advocate. Other lawyers and paralegals from the Legislative





Drafting, Civil Advisory and Civil Litigation teams attend on an ad hoc basis. A considerable amount of research has been undertaken to try to determine the EU legislation applicable to the Bailiwick by virtue of Protocol 3 both on accession and subsequently. This research has also involved close liaison with lawyers in the Isle of Man and Jersey, and with the International Relations and Constitutional Affairs policy group, as well as policy and legal colleagues in the UK government.

Preparations for the drafting of the Bailiwick's version of the Great Repeal Bill (which will both repeal the European Communities (Bailiwick of Guernsey) Law, 1973 and preserve the relevant portions of the Protocol 3 *acquis*) were also undertaken by this team.

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

In 2016 the number of sudden/suspicious death cases reported to the Law Officers remained largely the same as in 2015. The figures are as follows: 133 sudden death reports (compared to 134 in 2015) which required the authorisation of post mortems in 49 cases (compared to 41 in 2015) and the Law Officers directed the opening of 16 inquests (compared to 16 in 2015). The Law Officers (and, in their absence, the *Contrôles Délégués*) were required to authorise the holding of 380 cremations in 2016 (2015: 355).

The Law Officers also attended and provided 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 C/HSC senior staff. The Law Officers also arranged a high level seminar in relation to the coronial process and relevant UK updates, principally for those undertaking coronial functions within the Bailiwick, but also for the benefit of relevant medical professionals.

### *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, in their absence, the *Contrôles Délégués*) to provide 24 hour cover.

In relation to mental health, in 2016, the Law Officers (and, in their absence, the *Contrôles Délégués*) were required to authorise 16 Treatment Orders, 28 Assessment Orders and 5 Transfer Orders for residents of the Bailiwick.

The Law Officers (and other members of Chambers appointed as examiners or lecturers) contributed to the 2016 Guernsey Bar Examination syllabus, including the drafting and marking of local exam papers and preparation of specialist lectures.

The Law Officers were required to attend certain ceremonial occasions in H.M. Procureur's capacity as head of the Guernsey Bar (for example representing the Guernsey Bar at the Liberation Day parade and Church Service), also to welcome new aspirants to the Bar before the Royal Court, and where appropriate, to liaise with the Bâtonnier and Royal Court. They also attended (with other Advocates from Chambers) the AGM of the Guernsey Bar.

The Law Officers in the exercise of their diplomatic liaison role met (and discussed elements



of Bailiwick law as appropriate) with several foreign diplomats and officials who visited the Bailiwick during the course of the year. In 2016 those meetings included the visit of the Ambassadors of France and the Netherlands.

The Law Officers are also required to register Laws, UK Statutory Instruments and Orders in Council before the Royal Court – 25 such items were registered in 2016.

The Law Officers liaise with and advise the Lieutenant Governor and Bailiff's Chambers where appropriate. In 2016 H.M. Procureur represented the Lieutenant Governor in a Judicial Review action. 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 2016.

The office of H.M. Receiver-General ("HMRG") is held by H.M. Procureur. In case of illness or absence from Guernsey, H.M. Comptroller has authority to deputise for H.M. Procureur as HMRG. The functions of HMRG 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.

The Law Officers have certain duties conferred on them under the Companies (Guernsey) Law, 2008 relating to Guernsey companies. In 2016 45 issues arose under the 2008 Law which required the attention of the Law Officers, of which 25 related to proposed company migrations and 19 to proposed company restorations. There was 1 re-affirmation of migration from 2015.

H.M. Procureur and H.M. Comptroller (and Advocates at the Law Officers' Chambers) attended the session of the Court of Chief Pleas held on 3<sup>rd</sup> October 2016, which sat to mark the start of the legal year. Both Law Officers were sworn in to their respective offices on the day. The Court session was followed by the customary Service at the Town Church and the Chief Pleas dinner hosted by H.M. Receiver-General for Members and officers of the Royal Court, Senior Constables, Seigneurs and members of the Bar. At dinner the Law Officers' Pro Bono Legal Award for 2016 was presented to Advocate Green of Collas Crill Advocates. Advocate Green had given generously of his time to assist a number of very worthwhile causes in the Bailiwick for many years and won this award (which was set up by the Law Officers in 2015) in recognition of the service he had provided to the local community.

## Administration

In 2016 the administration team were heavily involved in providing support during the transition to the new document management system. The system went live in July and the team provided front line support to all users from this point. It was a challenging year for the team as they not only had to adapt to the new way of working, but were also required to provide a support role to all Chambers staff in respect of the new system.

During the latter part of the year the team began the process of back scanning archive files on to the document management system. This is a long term project which will continue into future years as the Law Officers' Chambers have a significant amount of archived files,





including matters of historic and constitutional significance. The intention is to back scan archived files on to the system so that staff have electronic access to historic matters and as a result this will start to ease the pressure on the States archive.

In addition the 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.

## Operating Income

Operating Income decreased by 12% to £197,000 in comparison to £222,000 in 2015. 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 2016 was £4.61m (2015: £4.71m) which represents a 2% decrease compared to the previous year. This is primarily as result of savings made with pay costs. The Law Officers underspent its Authorised Budget by 2.6%.

## Staff

The Full Time Equivalent figures for 2016 remain in line with the previous year. The figures below do not include two members of staff who are seconded to the Committee for Economic Development and one member of staff seconded to the Policy and Resources Committee.

Pay Group	2016	2015
Established Staff	39.6	40.1
Public Sector Employees	0.0	0.1
Crown Officers	2.0	2.0
Other Pay Groups	0.4	0.0
<b>Total (Full Time Equivalent)</b>	<b>42.0<sup>2</sup></b>	<b>42.2</b>

One new member of staff joined in 2016, a Criminal Prosecuting Lawyer, who filled an existing vacancy. One member of staff commenced a two year sabbatical and there were two retirements, Martin Thornton, Director of Commercial Law and Howard Roberts, H.M. Procureur.

The Commercial and Legislative Drafting teams, taking advantage of the retirement and

<sup>2</sup> The figures in the table are based on FTE (Full Time Equivalents) and take account of part time hours and unpaid absences (for example, Maternity Leave). This is the figure quoted in the States accounts, and is not equivalent to the head count.



sabbatical referred to above, saw an opportunity to make a reduction of qualified staff at the end of 2016 as a contribution towards the States' 3% savings target for 2017. The reduction in each of those teams of one full time member of staff will inevitably affect the level of client service and will increase pressures on the remaining members of the teams, but the teams are looking forward positively to 2017/18 and considering ways to restructure and reprioritise their respective services so as to minimise the impact upon clients and ensure that prioritised work is completed, our mission statement and objectives continue to be met, and our reputation for quality of product and client support is maintained.

## **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 join the meetings on a quarterly basis (but contribute to monthly meetings where necessary).

There were two changes in personnel within the SMT during the year, Jon McLellan joined as the new Director of Legislative Drafting, and Yousof Khan as the new Director of Commercial Law. In addition two existing members changed roles, Megan Pullum was appointed to the role of H.M. Procureur and Robert Titterington was appointed to the role of H.M. Comptroller.

Professional 'catch up' meetings between the Law Officers and Directors on a monthly basis continued throughout 2016. This has improved communication at senior leadership level and aided in understanding the increasingly specialised nature of each team'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 teams).

## **Legal Resources website (see also under Key Projects)**

The Guernsey Legal Resources website continued to attract a growing user base in 2016, with site usage continuing to increase. In 2016, 49,097 unique visitors came to the site a total of 108,836 times, which was an increase of 10% on the number of unique visitors in 2015 (44,753), who between them visited the site a total of 98,676 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, Switzerland, India, Netherlands, France, Germany and Ireland.

## **Key Projects and Business Improvement / Transformation**

### **Document Management system**

During 2016 the project to roll out an electronic document management system (iManage) to the Law Officers' Chambers moved into the technical implementation phase, the system was piloted during the months of May and June and it officially went live on 20<sup>th</sup> July 2016. All staff successfully transferred over to the new system from this date and the supplier who



partnered on the project remarked the changeover to the new way of working had been one of the smoothest they had experienced. The remaining months of the year were used to resolve any technical snagging issues to ensure the system was operating at its optimum level.

During the first six months of operation, circa 1,600 electronic files have been created, and 30,000 documents and 109,000 emails have been saved to the system.

A number of benefits have been realised since the system has been introduced, and below is a list of benefits achieved to the end of 2016:

- Improved information security,
- Improved business continuity,
- All information relating to a specific legal matter is held in one electronic repository,
- Improved compliance with professional standards,
- Improved conflict management,
- Operational efficiencies:
  - retrieval of information is quicker,
  - efficient email management,
- Reduced reliance on paper files and paper, and
- Keeping pace with industry standards.

## **Voice Recognition Software**

As part of the Law Officers' Chambers business improvement and transformation initiatives, in 2016 the Senior Management Team gave approval for voice recognition software to be trialled in several teams so that they could establish whether this product will deliver efficiencies within the legal teams. It is expected results of the trial will be available in the first half of 2017.

## **Time Recording System**

In the 2015 annual report, reference was made to time recording being trialled by a small number of teams in the Law Officers' Chambers, and this continued into 2016. The trial has been very successful not only in demonstrating our value for money service but also in enabling us to determine the single most important element of management information – namely, how much time is devoted to particular tasks and particular clients. However, the manual keeping of individual time sheets is administratively intensive, particularly when it comes to collating the figures and therefore the Senior Management Team agreed that an automated time capture system should be implemented across Chambers. This will enable the Senior Management Team and the legal teams to establish precisely where Chambers resources are being used, the time spent on matters, the time being absorbed by our various clients, and provide ongoing management information and evidence that we are offering a value for money service and also fulfilling our various commitments for which we receive funding (e.g. to Chief Pleas of Sark and FSD). It will also assist the legal teams in cost recovery / billing processes.

The intention is to procure a system which integrates with our iManage document



management system, and provides an automated facility for the end user, removing manual intervention as much as possible. In the latter part of 2016 we conducted extensive market engagement and identified two “off the shelf” solutions that will meet our needs. It is anticipated the project to procure and implement the system will commence in the second half of 2017.

### **Legal Resources Website enhancement**

The aim of this project is to improve the website through the provision of more content and enhancements 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; the income generated will be used to continually develop and enhance the website content to keep pace with other jurisdictions.

In 2016 the project team continued work on the design phase with the appointed supplier. A number of technical hurdles were encountered during the period which had slowed progress; in addition an absence of technical personnel on the supplier side for a period of time and the loss of a key member of the project team on the States side compounded the delay. Little progress was achieved with the project in the latter part of the year mainly due to the uncertainties surrounding the development of the States corporate web platform, on which the Legal Resources site resides. The project board will give consideration to the key issues facing the project team in the early part of 2017.

### **Charitable Work**

The Law Officers' Chambers supported a number of charitable events during the year. Notably, one of the administration team hand knitted a large number of woollen poppies, which raised £630 for the poppy appeal. Also worthy of note, Chambers fielded a team for the annual Swimathon and their efforts raised £500, which was sufficient to secure the event's “legal eagle” trophy (“the Bar Bathers Legal Challenge Trophy”). In addition to these annual events, and a number of other events supported by individuals, Chambers staff ‘dressed down’ each Friday to raise funds for various charities throughout the year.



## Appendix A

A number of key activities / projects the Commercial Team have supported during 2016 include:

- Developing and negotiating the Medical Specialist Group contract on behalf of C/HSC,
- Purchase of complex but critical medical equipment for the Princess Elizabeth Hospital,
- Advising States of Alderney and Alderney Commission for Renewable Energy on the Alderney tidal energy project,
- Advising Education on the proposed restructuring of the College of Further Education (on going),
- Advising States Trading and Supervisory Board on shareholder issues for States Trading Company, including Guernsey Electricity and Guernsey Post,
- Advising P&R on the Civil Servants Pension Scheme,
- Advising P&R on the Milk Distributors Compensation Scheme,
- Acquisition of Primary Care Company Ltd and subsequent transferal of the Service in house,
- Drug and Alcohol Strategy tendering exercise,
- Claim in relation to the Mental Health and Wellbeing Block (Phase 6b),
- Restructuring of the Guernsey Training Agency and restructuring of Guernsey Finance,
- Providing assistance to the Guernsey Tax Tribunal,
- Support to the Island Games 2021,
- Replacement Bus Fleet (SCIP),
- Government Economic Modelling Services – innovative cloud based solution from local provider Dorey Financial Services,
- Population Management – new IT system from local provider,
- Aviation & Maritime Security Services Outsourcing,
- Electronic Document Management System (EDMS) – part of business transformation for Income Tax – SCIP – ongoing,
- Digimap – Licensing agreements with Ordnance Survey,
- Digital Greenhouse – property and business process,
- Advice on establishment of the Bureau des Îles Anglo-Normandes, a collaboration between Guernsey and Jersey for a funded representative office in France (analogous to Channel Island Brussels Office),
- Advice on various Cyber Security projects,
- Advice on the creation of a broad spectrum multi-disciplinary Professional Services Framework to facilitate progression of numerous public service reform and other major projects & programmes,
- Extension & variation of Wide Area Network contract,
- Contribution & Tax System (CATS) – SCIP Programme,



- Advice on Vale Commons Golf and Recreation arrangements including settling States long term Grant,
- Advice on commercial contract aspects of the Channel Islands Lottery,
- Numerous bespoke consultancy & review related agreements,
- Advice on Possible ISO 3166 registration & Country Code Top Level Domain for Sark,
- Advising Sark on Loans to Sark Shipping Company,
- IT projects for Guernsey Electricity Ltd,
- Providing legal support to those reviewing States Capital Projects – the Portfolio Team,
- A significant level of support to the Residual Waste Programme of Projects which comprises a number of key contracts totaling £298m over 20yrs,
- Dealing with contract disputes regarding construction defaults upon the schools estate,
- Support to the States hydrocarbons project,
- La Mare de Carteret school build project,
- Guernsey ferry service and Condor Ferries,
- Development of planning covenants for social housing,
- New joined up service with St John's Ambulance,
- Community use of St Andrews school,
- Contract disputes and defects regarding berths 4, 5 & 6.



## Appendix B

Statutory instruments were made for various bodies relating to a long list of topics which included:

- fees in respect of protected cell companies, incorporated cell companies and the amalgamation and migration of companies,
- fees for Boarding Permits, Salle Publique licences and liquor licences,
- road traffic,
- criminal justice,
- minimum wage regulation,
- health service benefit,
- social insurance,
- intellectual property,
- companies,
- data protection, and
- immigration.



## Appendix C

### Resolutions of the States of Deliberation for which legislation was approved by the Legislation Select Committee in 2016.

	<b>Billet &amp; art. no.</b>	<b>Resolution date</b>	<b>Department/ Committee</b>	<b>Subject matter &amp; comments</b>
1.	II/04 (art. VIII)	25.02.04	Committee for Economic Development	<b>Arbitration Law:</b> new Law based on Arbitration Act 1995
2.	IX/2005 (art. XI)	29.06.05	Policy & Resources Committee	<b>Interpretation Law:</b> To replace the Law of 1948
3.	VIII/2011 (art.VI)	26.05.11	Committee for Health & Social Care	<b>Food legislation - consolidation and updating:</b> food hygiene, food safety & official controls
4.	I/2012 (art.I)	26.01.12	Committee for Home Affairs	<b>Housing control of occupation:</b> replacement of housing and right to work laws with population management regime based on residence and employment permits
5.	XI/2013	28.06.13	Committee for Home Affairs	<b>Population control:</b> residence permits; right to return; qualified residency; employment permits; continuation of open market; continuation of housing control of occupation laws until 31.12.18
6.	X/2014 (art. IX)	28.05.14	Policy & Resources Committee	<b>Access to neighbouring land:</b> legislation based on UK Act 1992 conferring rights of entry to carry out essential works
7.	XVI/2014 (Vol. 1, art.VI)	29.07.14	Committee for Home Affairs	<b>Population control and long term residency:</b> qualified and permanent residents - birth and periods of residence
8.	XVI/2014 (Vol. 2, art. XV)	01.08.14	Housing Department	<b>Housing register - Royal Terrace:</b> Ordinance to authorise inscription on Register
9.	XI/2015 (art. IV)	24.06.15	Committee for Home Affairs	<b>Population control:</b> establish office of Administrator of Population Management
10.	XIV/2015 (Vol. 1, art. VI)	29.07.15	Committee for Home Affairs	<b>Population management regime:</b> Transitional arrangements and other matters including provisions relating to properties inscribed in Part A of Housing Register
11.	XIV/2015 (Vol. 1, art. VII)	29.07.15	Committee for Environment & Infrastructure	<b>Open Market Housing Register:</b> Repeal Part IV (Housing Register) of Housing (Control of Occupation) (Guernsey) Law, 1994
12.	XIV/2015 (Vol. 2,	31.07.15	Committee for Home Affairs	<b>Gambling legislation:</b> removal of certain restrictions on Crown and



	art. XVII)			Anchor
13.	XIV/2015 (Vol. 2, art. XVII)	31.07.15	Committee for Home Affairs	<b>Gambling legislation:</b> Sunday opening for bookmakers
14.	XIV/2015 (Vol. 2, art. XXI)	31.07.15	Committee for Environment & Infrastructure	<b>High Hedges Law:</b> controls on high hedges/trees having adverse effect on neighbouring property
15.	XVI/2015 (art. XIX)	01.10.15	Committee for Home Affairs	<b>Prison (Guernsey) Ordinance, 2013:</b> Remove the restriction on States' employees serving on the Independent Monitoring Panel and enable the Department to make appointments to the Independent Monitoring Panel in the first instance with reappointment by the States as soon as possible thereafter.
16.	XX/2015 (art. VIII)	27.11.15	Policy & Resources Committee	<b>Financial Services Commission:</b> amendments to GFSC Law 1987 - number of members; term of office
17.	XX/2015 (art. XIV)	10.12.15	Policy & Resources Committee	<b>Income tax:</b> miscellaneous amendments to Income Tax (Guernsey) Law, 1975
18.	XXIII/2015 (art. VII)	10.12.15	Committee for Employment & Social Security	<b>Marriage - same-sex couples:</b> introduce legislation to permit
19.	XXIII/2015 (art. VIII)	10.12.15	Committee for Employment & Social Security	<b>Marriage - same-sex couples - inheritance rights:</b> consequential amendment to Inheritance [Guernsey] Law, 2011
20.	XXIII/2015 (art. X)	11.12.15	Committee for Economic Development	<b>Air navigation and aviation registry:</b> permit Guernsey registered aircraft to undertake commercial operations; extension of Montreal convention
21.	I/2016 (art. XIV)	26.01.16	Committee for Home Affairs	<b>Fixed penalties:</b> amend fixed penalty offences under 2009 Law by including parking on hospital grounds
22.	III/2016 Vol. III (art. XVIII)	16.02.16	Committee for Employment & Social Security	<b>Parental benefits - social security:</b> replace maternity allowance; create adoption grant and a parental allowance
23.	IV/2016 (art. I)	16.02.16	Committee for Home Affairs	<b>Law enforcement agencies - dual appointment of police and customs/immigration officers:</b> Law on lines of Crime and Courts Act 2013 to enable Chief Officer of Police and Chief Revenue Officer to designate police, customs and immigration officers respectively to those other roles



24.	V/2016 (art. X)	26.01.16	Policy & Resources Committee	<b>GFSC - discretionary financial penalties:</b> amend GFSC Law 1987 to increase maximum penalty to £4,000,000
25.	XXVI/2016 (Budget prop. 14)	02.11.16	Policy & Resources Committee	<b>Health Service:</b> Annual Grant
26.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Social insurance rates:</b> annual uprating and changes in upper and lower limits
27.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Family Allowances Ordinance</b> Reduction in Family allowance
28.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Long-term care:</b> annual uprating
29.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Severe disability benefit and carer's allowance:</b> annual uprating
30.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Health service benefit:</b> prescription charges annual uprating
31.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Supplementary benefit:</b> Amendment of implementation Law, 1971
32.	XXVII/2016 (art. IV)	03.11.16	Committee for Employment & Social Security	<b>Supplementary benefit:</b> Residence Conditions



## Appendix D

Legal advice was given (and, where appropriate, legislative drafting undertaken) in relation to a wide range of areas of law including:

- ADR (including arbitration),
- Alderney (including general constitutional issues, amendments to the Land Use Plan and advice concerning the France-Alderney-Britain cable link along with related planning and environmental issues),
- Anti-money laundering and countering terrorism financing (including advising in relation to the introduction of a framework for the registration of beneficial owners of legal persons and changes to the existing registration framework for non-profit organisations),
- Aviation (including air operator certificates, air navigation and the rules of the air, air transport licensing policies and air taxi regulations and registry/registration matters),
- Children (including issues concerning the granting of recovery orders),
- Companies,
- Courts and tribunals (including enforcement procedures such as *désastre* and *saisie* and the disclosure of sensitive information tribunals),
- Criminal justice (including contempt, public protection measures in relation to sex offenders, rehabilitation of offenders, pardons in relation to historic sexual offences, parole, extradition and probation orders),
- Customs (including GBA/HMRC information sharing issues),
- Death; registration, certification and the coronial process
- Digital and technology (including electronic transactions, communications and wireless telegraphy),
- Ecclesiastical (including clergy discipline),
- Education (including university fees and school committees),
- Energy (including renewable energy),
- Environment (including air pollution, the transfrontier shipment of waste and waste disposal),
- EU law (including Brexit, consideration of the future legislative changes required and more general issues),
- Fair trading (including consumer protection and trading standards),
- Financial services (including the revision of the regulatory Laws, wire transfers, proceeds of crime, scope of the Financial Services Ombudsman, GFSC funding and prospective changes to the 1987 Law and fees),
- Fishing (including fishing vessel licensing and judicial review proceedings against DEFRA, territorial waters and the EEZ),
- Gambling (including advising the Alderney Gambling Control Commission),
- Government (including Administrative Review Board matters),
- Health and social care (including guardianship, capacity, issues surrounding medical treatment and mental health issues regarding the transfer of patients),
- Housing and population management,
- Human rights,
- Income tax (including the OECD common reporting standard, Double Tax Agreements and Tax Information Exchange Agreements and the automatic multilateral exchange of information and entrustments),



- Intellectual property (including advising in relation to the extension of several international conventions),
- Legal aid,
- Maritime (including merchant shipping),
- Miscellaneous (including the implementation of UN/EU sanctions, treaties and other international agreements, the OECD Global Forum and related tax information gathering powers , and States insurance policy issues),
- Parishes (including variation of parochial rates and matters relating to the report of the Parochial Ecclesiastical Rates Review Committee),
- Planning (including building control and planning covenants),
- Privacy (including consideration of the General Data Protection Regulation and data protection generally),
- Property (including access to neighbouring land and compulsory purchase matters),
- Road traffic (including road haulage, first registration duty on carbon dioxide emissions and driving licence categories),
- 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 Team, advising the working group),
- Social security,
- Statutory interpretation,
- Tax on real property (including appeals and the constitution of the appeals panel), and
- Trusts (in relation to the Public Trustee).



## **Appendix E**

### **Glossary**

ADR – Alternative Dispute Resolution

CfED – Committee for Economic Development

DEFRA – Department for Environment, Food and Rural Affairs

EEZ – Exclusive Economic Zone

EU – European Union

FATF – Financial Action Task Force

FSD – Finance Sector Development

GBA – Guernsey Border Agency

GFSC – Guernsey Financial Services Commission

GP – General Practitioner

HMRC – Her Majesty’s Revenue and Customs

HMRG – Her Majesty’s Receiver General

OECD – Organisation for Economic Co-operation and Development

PA – Personal Assistant

SCIP – States Capital Investment Programme

SMT – Senior Management Team

UK – United Kingdom

UN – United Nations

