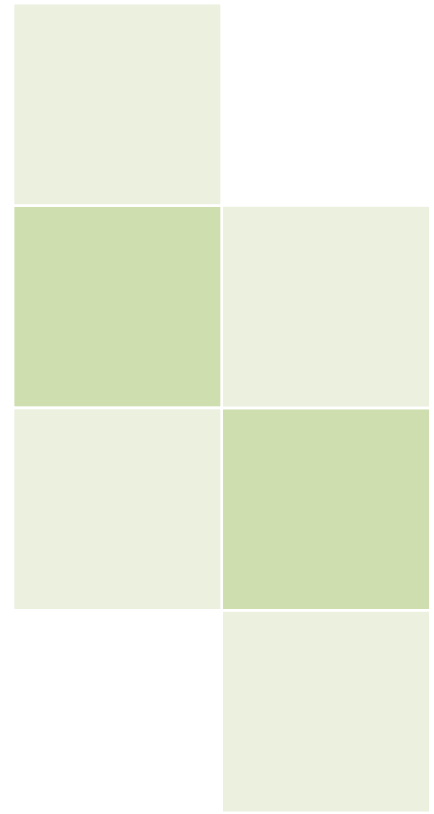
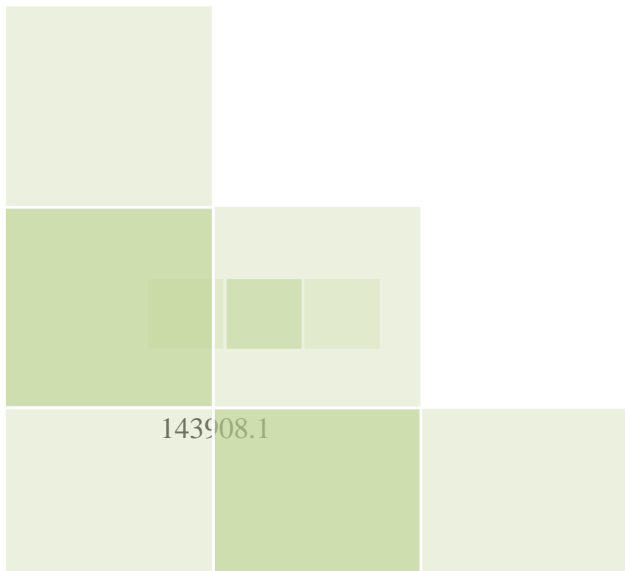




**LAW OFFICERS
OF THE CROWN**



LAW OFFICERS OF THE CROWN ANNUAL REPORT 2018 & 2019



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Introduction

We are pleased to introduce the 2018-2019 Annual Report for the Chambers of the Law Officers of the Crown (St James Chambers, or simply “Chambers”, in this report).

This report, has been delayed due to the exceptional pressures faced over the last two years, ranging from Brexit and Data Protection to the impact of the Covid-19 pandemic, in addition of course to business as usual. This report therefore covers the last two years and is larger than usual in consequence. It also, for the first time, contains new data as part of our commitment to transparency, ongoing transformation and reform of the way in which our services are delivered.

The years preceding the period of the report had seen a significant increase in our already considerable workload. That workload led to the submission of a business case in 2018, reiterated in 2019, which is dealt with in this report. In making that case, which was successful, we were acutely aware of the financial constraints under which the States of Guernsey operate but believe that by careful recruitment and management and by making efforts to maximise staff retention we can continue to provide a high quality and value for money legal service to users.

Our budget remains modest given the broad range of legal services we provide and functions we discharge across the Bailiwick and we endeavour to minimise the costs of legal advice for Committees and other public sector bodies in the Bailiwick. A Memorandum of Understanding between Chambers and the States of Guernsey was published in 2019 (see Appendix B to this Report) and encourages the States to ensure that no external legal advice is commissioned without our input. This helps to provide both (i) that there is a clear and co-ordinated process for the commissioning of legal advice within the public sector, and (ii) that the right legal advice is taken. This is essential for the administration of justice and good government, as well as for supporting the best interests of the Crown, our clients, business, the community and the public finances.

This report demonstrates the service we provide on behalf of the Crown and our clients and our support of government in all its facets. It confirms our commitment to enhancing the interests of the Bailiwick and to protecting the rights and privileges of 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



Overview of the Law Officers of the Crown

St James 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:

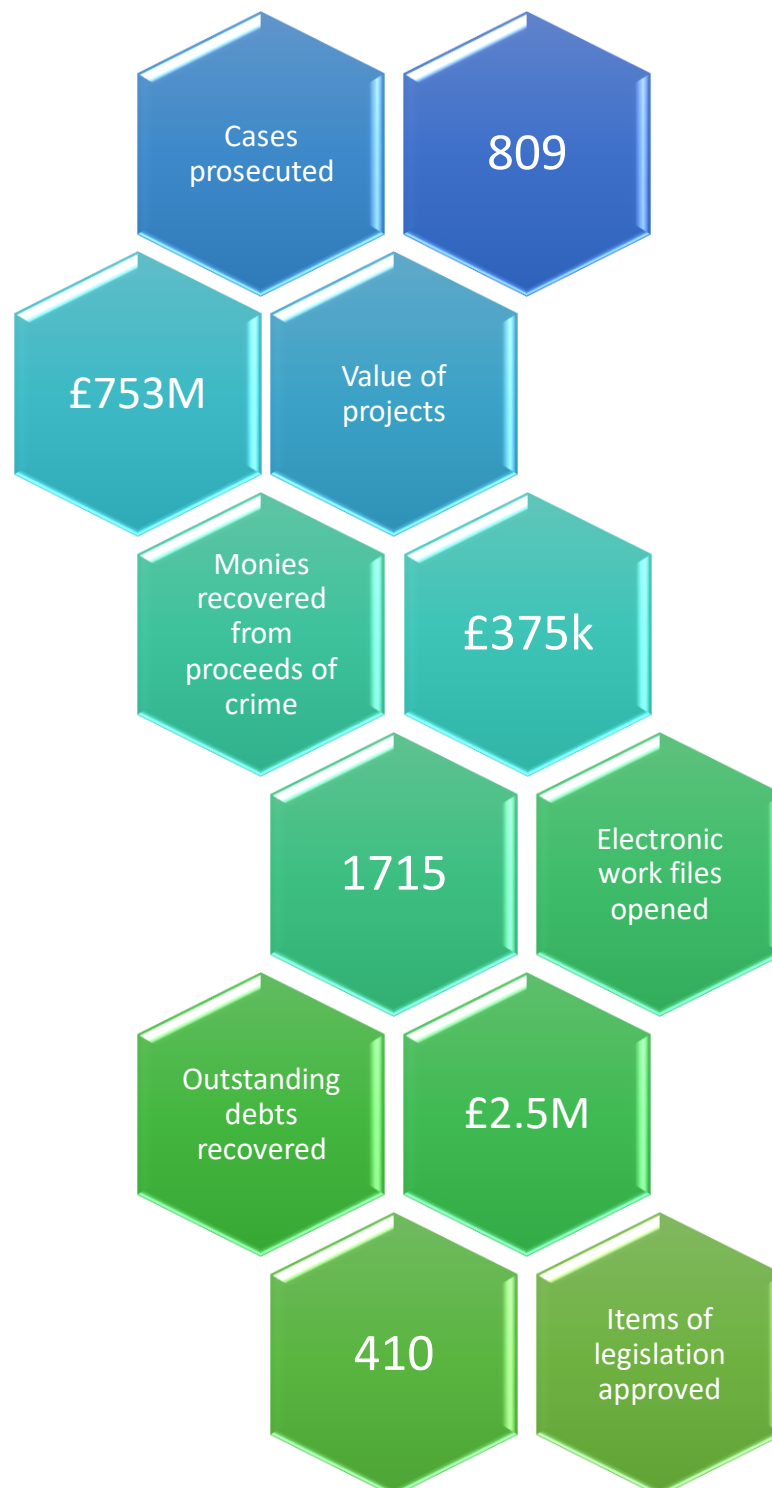


In providing their services in 2018 and 2019 the two Law Officers were supported by a complement of staff of 46 at the end of 2017 increasing to 53 at the end of 2019. The majority of staff provide services through 5 specialist legal teams each of which is headed by a Director.

The Law Officers of the Crown and their staff are committed to acting professionally, ethically, fairly and with integrity in all our business dealings and relationships. We are bound by our professional codes of conduct and follow the policies set out in the Decision to Prosecute and the Model Litigant Policy. Our staff are also bound by the Civil Service Code of Conduct. Further information can be found on the Law Officers' Department's web pages at <http://www.guernseylawofficers.gg/> and for the rules and standards applicable to lawyers which are appropriate having respect to the interests of justice and their duties as public officers, see the Guernsey Bar website pages [here](#).



Figure 1 - Some key figures from 2018 and 2019



Summary of services provided during 2018 and 2019

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 range of species 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 2018 and 2019.

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.

Ongoing support was provided in relation to decisions made under the planning and housing licence (now Population Management) regimes with only one matter under the new Population Management regime being successfully challenged in Court albeit that this case now provides useful guidance to Government on the application of certain aspects of the nascent regime.

The team assisted and represented 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 continued to be given to the Director of Income Tax (now Director of the Revenue Service) in relation to requests under Tax Information Exchange Agreements and challenges to formal decisions. One particular matter, which had progressed to a contested hearing before the Court of Appeal was 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.

Child protection

In the field of child protection, the team faced a consistent number of child protection cases in each year (13 in 2018 relating to 23 children at risk and 14 in 2019 relating to 24 children at risk). The complex nature of many child protection court cases, involving an increased dependence upon medical and psychological evidence as well as multiple parties, interjurisdictional 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 the allocated full time posts to handle it. The work included advice and representation provided with regard to 4 sets of adoption applications in 2018 relating to 5 children and 7 in 2019 relating to 10

children. Ongoing assistance was provided to the Committee for Health & Social Care ("CfHSC") on emergency applications including Secure Accommodation Orders and Emergency Child Protection Orders.

24 hours a day and 7 days a week support was made available to the CfHSC 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. 8 emergency matters were handled in 2018 and 13 in 2019. The total lawyer-hours recorded on emergency matters in 2019 was 99 hours.

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/adult safeguarding (in respect of which there is limited legislative provision) and guardianship.

Debt Recovery

During 2018 & 2019, the team was instructed in 62 and 57 Royal Court debt collection cases, respectively on behalf of States Committees. Of the combined total, the majority, 93, were from Income Tax, and there were 26 claims for unpaid social insurance. The total claimed was £3,117,729, of which £2,462,174 was recovered. £708,772 of this recovered amount was via Royal Court judgments and £1,753,402 was via instalments or reassessment over an average case length of 28 & 23 weeks, respectively. The involvement of the team, including the issuing of seven day warning 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 2018/2019, 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. There was also 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 and advices given in relation to the closure of a small fragment of a public road which became the subject of an unsuccessful attempt by a member of the public to "raise the clameur".

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 Law Team provides legal advice in respect of commercial law, contract, project, procurement and property matters on behalf of the Law Officers for the following main purposes:

- So that critical Island infrastructure, services and goods are provided to (and by) the States of Guernsey, States of Alderney, Chief Pleas of Sark, and States owned or connected entities. This is integral to the 'maintain' aspect of government business,
- Providing solutions to legal technical problems and providing commercial advice which allows government to deliver and modernise public services and to move forward and implement new ways of working.

The Commercial Law Team also provides a comprehensive commercial land and property advice service to the States of Guernsey, States of Alderney, Chief Pleas of Sark and, in respect of Crown land, HM Receiver General.

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. Analysis in early 2018 and October 2019 indicated the team was handling matters with a conservative value in excess of £350m and £403m respectively.

In common with other teams, the team seeks to ensure its advice is risk focused and practical aiding government to fulfil its objectives. From the commercial perspective, this is integral to helping government, in the provision of public services, to make and maintain savings and get best value. 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 risk balanced and cost effective. This is essential in helping Government to make and maintain savings through negotiation, mitigating risk and engaging with suppliers on a sound basis that enables the States of Guernsey's policies to be realised.

The commercial expertise of the team also reduces the need for commissioning external legal advice, often avoiding considerable expense given the high private sector costs of commercial legal advice. Commercially the Bailiwick has most of the needs of a nation state but upon a much smaller scale. The legal expertise of the team is therefore unusually broad but also has depth of experience which is important as some matters are valued in excess of £100m.

As part of the Law Officers Transformation Programme, the Commercial Team are currently working on four projects, including a system for the automatic collection of data and another utilising contract automation technology to optimise the team's resources and the long-term manner in which the team provides services. The Chambers transformation initiatives are discussed below under Business Case and Key Projects.



Examples of the top high value specialised areas of work of the Commercial team during 2018-2019 have included:

Time period (2018-2019)	Brief description of matter	Value (£)
2017-2019	<u>Future Digital Services – ICT Outsourcing</u> - since 2017, the commercial team have been providing legal assistance and advice during the two-year procurement process and ongoing contract negotiations with Agilisys Ltd to modernise the States' IT systems and improve service delivery of public services through the adoption of digital technology to improve access and operational efficiency.	£200 million
2018- ongoing	<u>Health & Social Care Committee</u> The team continues to advise HSC on a wide range of new procurements and in-life contract management matters relating to a diverse and complex high value supply chain vital to the provision of public health and social care provision for the Bailiwick.	£170 million
2018-ongoing	<u>Channel Islands Lottery</u> The team, with colleagues in other specialist teams in St James Chambers, continues to support the Channel Islands Lottery Principal Officer and team with all their commercial contract and related public law advisory requirements for this major pan-island lottery during a period of its restructuring and transformation, also working closely with our counterparts in Jersey, including their Law Officers Department.	£100 million
2018-2019	<u>Aurigny – Loan Guarantee</u> In accordance with the States' published budget to put in place an overdraft guarantee for Aurigny.	£25 million
2018-ongoing	<u>Treasury</u> The team has advised Treasury on a wide range of high value finance and corporate matters over the period.	£50 million



2018-ongoing	<u>Public Servants Pension Scheme</u> General advice.	£50 million
2018-ongoing	<u>High school extensions</u> Drafting construction contracts and ancillary construction documentation.	£48 million
2018-ongoing	<u>PEH re-profiling</u> Initial advice regarding the structuring of the procurement.	£45 million

Substantive property matters which the Team have advised Property Services and other Committees on include:

- Purchases of premises to facilitate school development – Delisle Church
- Income generating sales of States land and property - Fort Richmond
- Drafting associated property related documentation including boundary exchanges and wayleave agreements
- Advice to HM Receiver General on the Cobo Bay carpark
- Various commercial leases, assignments and variations
- Detailed historic legal title research
- Various agreements for the creation of rights for services, access etc.

Legislative Drafting and Civil Advisory

The Legislative Drafting and Advisory Team and Civil Advisory and Legislation Team both draft legislation (primary, secondary and some tertiary) on behalf of the Law Officers for the Bailiwick and its Islands, including Projets de Loi, Ordinances, more complex statutory instruments, Orders in Council and Rules of Court; and provide legal advice concerning domestic, constitutional, international, public and employment law issues facing the States of Guernsey, States of Alderney, Chief Pleas of Sark and other public sector clients.

2018 and 2019 were once again very busy years for those teams. Brexit was a significant additional pressure, both in terms of drafting and advising, but as usual work was undertaken in a very wide range of areas. Areas of work which have taken up a particular amount of time, or that are thought to be especially important or interesting, are highlighted below. The



number of pieces of legislation (Projets, Ordinances, and SIs) approved in this period (410) approaches one for each working day.

A significant trend during the period of this report (2018-19) has been the increasing amount of time lawyers in the LDA and CAL teams have devoted to assisting in the development of policy as opposed to core legal activities such as giving legal advice and drafting legislation. It is recognised that this is inevitable in a small jurisdiction with a small public service but nevertheless it is a trend that is having an inevitable effect on the production of legal work.

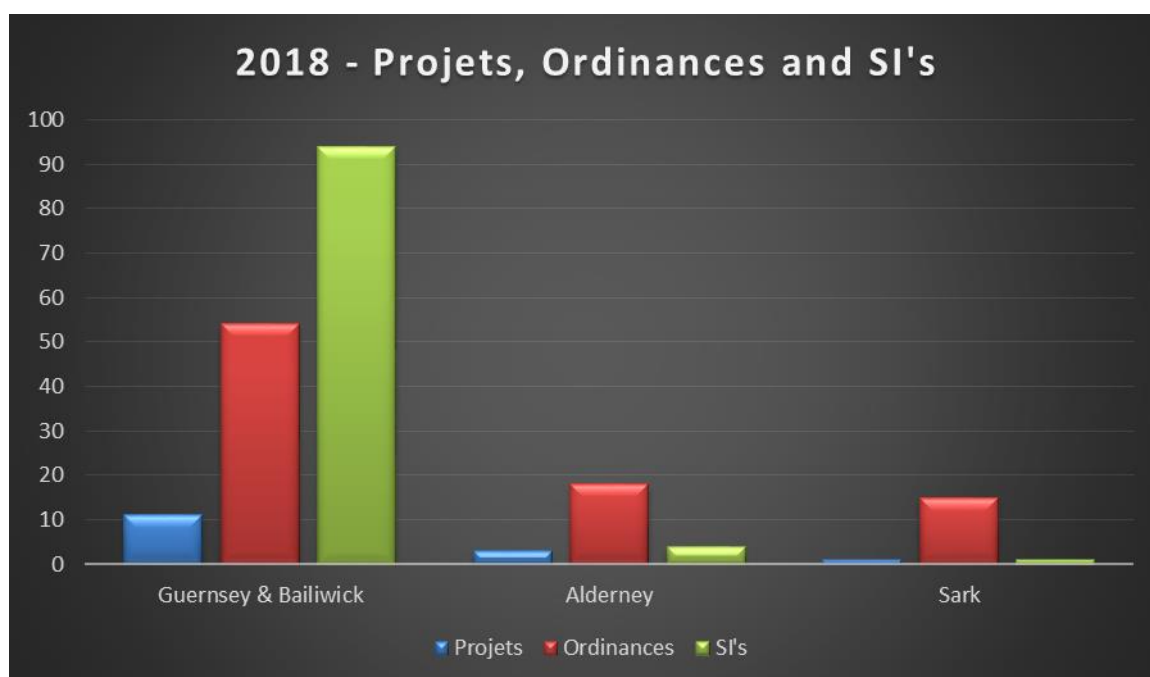
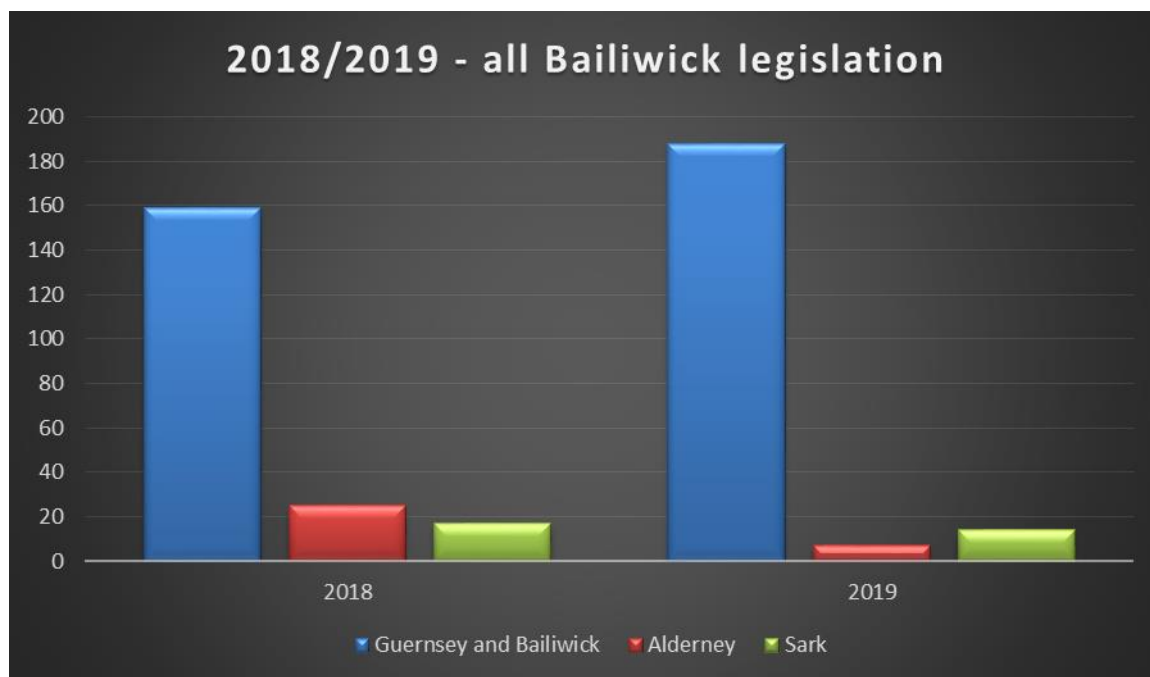
Another trend has been an increasing amount of resources being devoted to dealing with the consultation process for legislation and policy. Some items of commercial legislation in particular have been subject to detailed and repeated scrutiny. This is by no means a criticism, and the time generously given by industry and the legal and accounting professions, which is greatly appreciated, has without doubt resulted in a refined and better legislative product. But, again, it does have an inevitable effect on the rate of output which can in turn manifest itself in criticism from other quarters of the time taken to legislate.

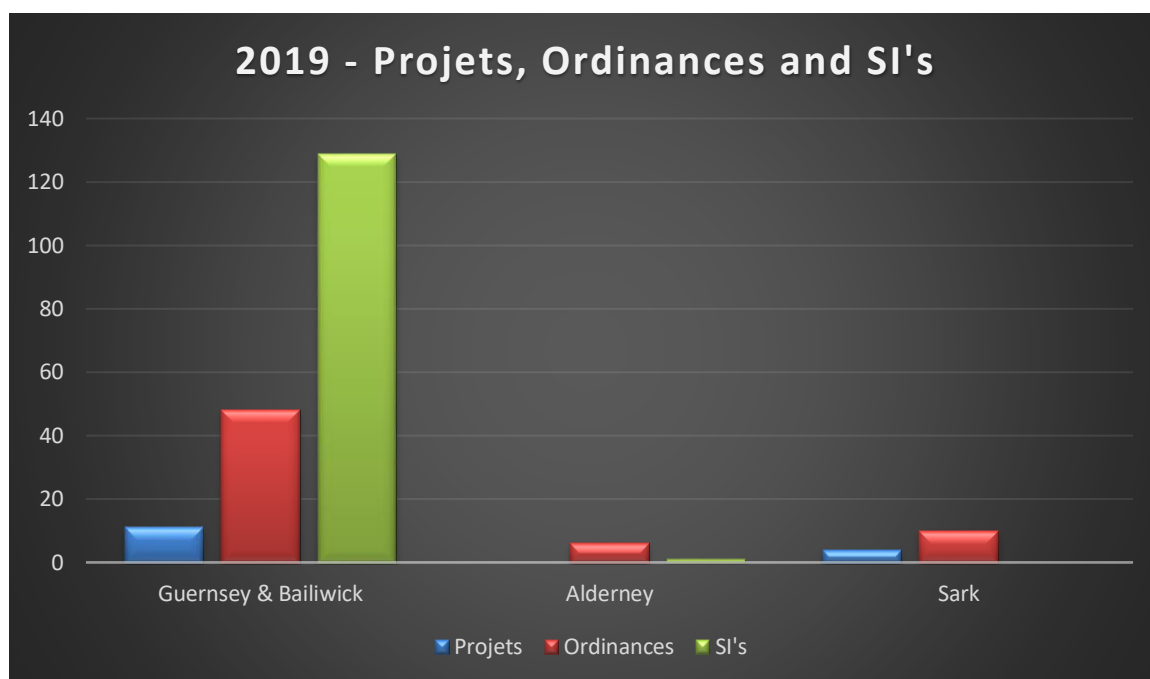
It will hopefully be possible in future reports to demonstrate these trends statistically by reference to electronic time recording data.

Legislation

The tables below analyse the drafting undertaken in terms of the different jurisdictions of the Bailiwick, and the different types of legislative instrument. It is worth bearing in mind that the tables do not necessarily reflect the amount of time spent by drafters; the preparation of one complex instrument might well take more time than the preparation of ten simpler instruments, and equally an SI will not necessarily be quicker to draft than a Projet or Ordinance. "Guernsey and Bailiwick" refers to legislation which extends to Guernsey only and to the whole Bailiwick.



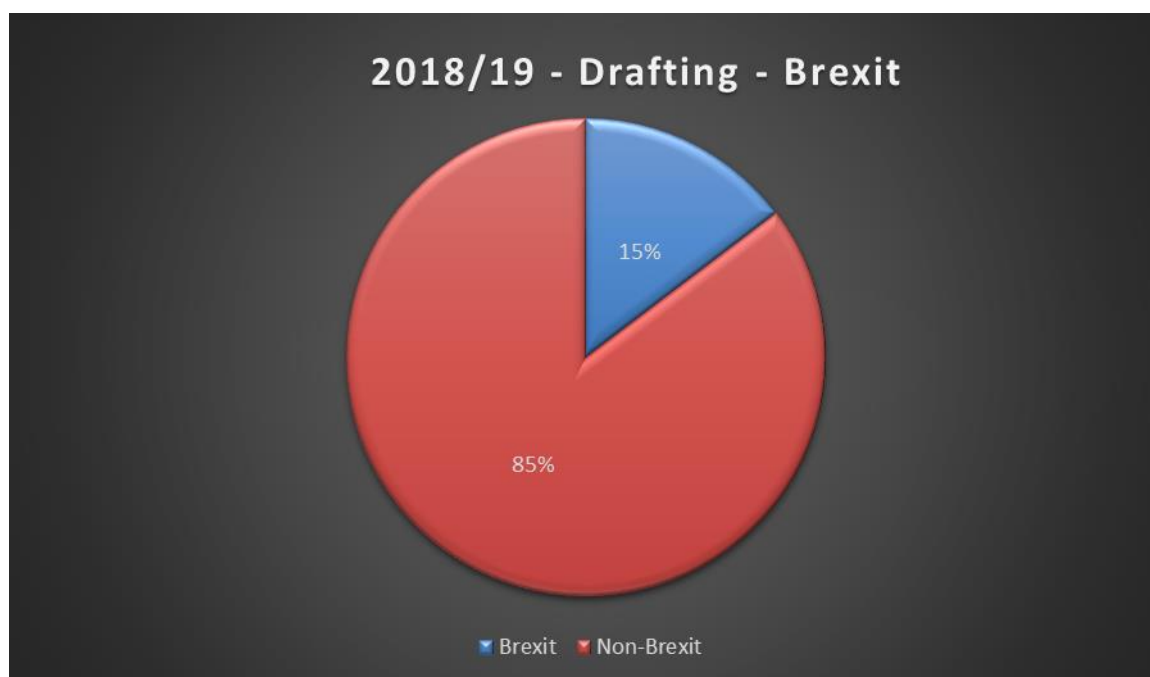




Brexit occupied a significant amount of drafting time. Significant pieces of Brexit-related legislation drafted and approved in this period include the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 and the European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018, both of which were constitutionally significant and innovative pieces of legislation that enable the vital interests of the Bailiwick to be protected during and after the Brexit process. The Sanctions (Bailiwick of Guernsey) Law, 2018 was also linked to Brexit; it allows the Policy & Resources Committee to enact regulations which correspond to sanctions made by the UK under its post-Brexit sanctions regime and addresses UK designations under temporary restrictions and designations under existing UN financial sanctions regimes. Other legislative impacts of Brexit were felt in areas as diverse as plant health and road traffic (in relation to the implementation of the Vienna Convention on Road Traffic).

The chart below is intended to give a sense of how much of the team's drafting work in this period was Brexit-related. There can of course be no definitive categorisation of every piece of legislation as "Brexit-related" or not, and this chart should be read as a minimum. The 15% attributed to Brexit work was of course in addition to the business as usual workload.





Other important pieces of legislation as regards Guernsey's system of government include the Referendums (Enabling Provisions) (Guernsey) Law, 2018, to enable the holding of referendums; the Electoral System Referendum (Guernsey) Law, 2018, which made specific provision in respect of a referendum on Guernsey's system for electing People's Deputies; and the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, which primarily made the changes necessary to implement the results of that referendum and to allow island-wide voting to take place in the Guernsey 2020 general election.

In the sphere of criminal justice, the Probation (Bailiwick of Guernsey) Law, 2018 put the States of Guernsey's Probation Service on a modern statutory footing, and multiple amendments were made to legislation dealing with terrorism and the proceeds of crime. The Extradition (Bailiwick of Guernsey) Law, 2019 implemented a new extradition regime in the Bailiwick.

Multiple significant amendments were made to income tax legislation, including in relation to substance requirements, the creation of the Revenue Service, double taxation, pensions and the usual rounds of budgetary changes; and the Electronic Transactions (Electronic Agents) (Guernsey) Ordinance, 2019, made under the Electronic Transactions (Guernsey) Law, 2000 made innovative provision for the legal effect of actions carried out by means of an electronic agent in the context of the making, formation, creation, delivery, execution, performance and termination of contracts. Significant work was also undertaken (working closely with colleagues in the Guernsey Financial Services Commission ("GFSC")), and the substantive drafting concluded, on the major Revision of Laws project in respect of overhauling the Bailiwick's financial regulatory legislation. A number of amendments were also made to Alderney's eGambling legislation.

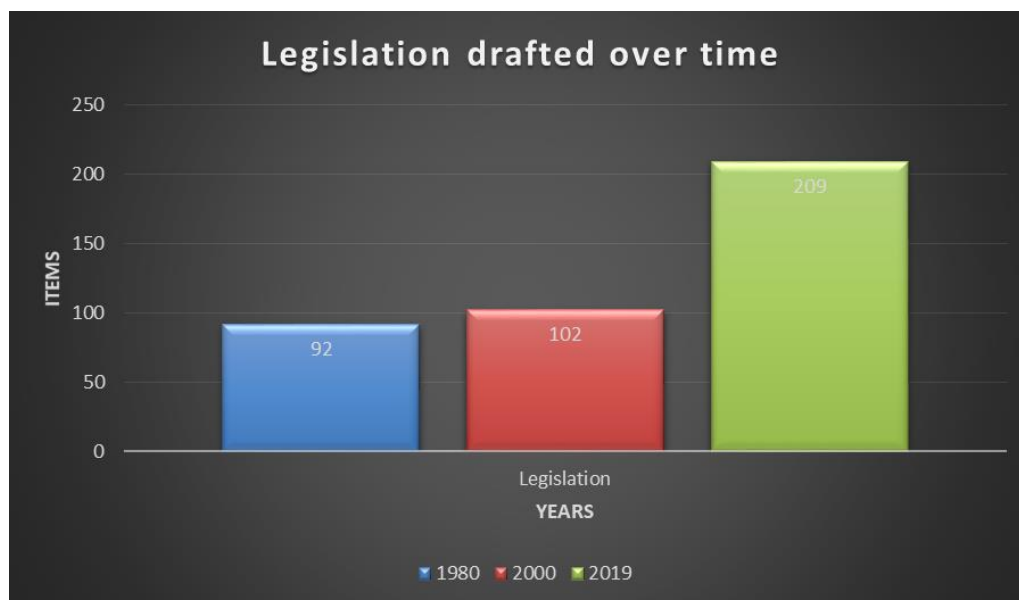


In the area of environmental law, the Environmental Pollution (Air Pollution) Ordinance, 2019, together with the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019, represent a step change in environmental regulation in Guernsey.

In Sark, major and complex land reform was enacted through the Land Reform (Sark) Law, 2019 and the Leasehold Reform (Miscellaneous Provisions) (Sark) Law, 2019; both were subject to petitions to the Crown. In addition, the Retrait Lignager (Abolition) (Sark) Law, 2018 made a significant change to the customary law of the Bailiwick. It abolished, in the last jurisdiction of the Bailiwick where it still had effect, the customary law right of blood descendants of the seller of real property to buy that property back from the seller in certain circumstances.

It may surprise some to learn that not all the legislative drafting work undertaken in Chambers is in respect of domestic Bailiwick legislation (and so is not captured in the statistics at the top of this summary). When Orders in Council are made extending Acts of Parliament to the Bailiwick or making other legislative or statutory provision affecting the Bailiwick, drafters from Chambers are normally involved and indeed tend to undertake the bulk of the drafting. The most important Order in Council made in this period falling within this category was the Territorial Sea Act 1987 (Guernsey) Order 2019, which primarily extended the territorial seas adjacent to the Bailiwick from 3 to 12 nautical miles. Another, unusual Order in Council drafted by the team effected the substitution of the statutes governing Elizabeth College (dating from 1852) with more modern provisions.

The table below gives an indication of how the amount of legislative drafting – Projects, Ordinances and SIs - has increased over the last 40 years, and especially over the last 20 years (by over 100%). As in other jurisdictions, the increase has mostly been in secondary legislation.



Appendix A below lists Resolutions of the States of Deliberation for which Laws and Ordinances were approved by the States in 2018 & 2019 (the list does not include Statutory Instruments).



Advice

In addition to committees of the States of Guernsey, the States of Alderney and the Chief Pleas of Sark, the teams advise other public services clients such as the GFSC and the Alderney Gambling Control Commission. Advice given to our clients often has a policy and not just legal aspect – for example, advising on the wording of, or assisting with the drafting of, Policy Letters and propositions. We can also get involved in advising States members in respect of the drafting of amendments and requetes.

Brexit was a significant focus of additional legal advice throughout the period. Advice was given to multiple Committees in all three jurisdictions in respect of major strategic issues (including through membership of the Brexit Strategic Co-ordinating Group), more operational areas (such as Customs and road traffic), and in respect of several Policy Letters.

Also throughout this period, significant policy and legal advice was given to the Committee for Employment & Social Security in respect of the development of its proposals for equalities legislation. Advice was provided throughout the period to the States' Assembly and Constitution Committee regarding the proposals in respect of a referendum on Guernsey's electoral system and the subsequent changes necessary to introduce island-wide voting. A team member was also heavily involved in the preparation of the Bailiwick's National Risk Assessment in respect of money laundering and financing of terrorism risks, and advising and assisting in relation to several related international evaluations of the Bailiwick, including by the Organisation for Economic Co-operation and Development ("OECD").

Other significant areas of legal and policy advice include advice in respect of –

- reform of the Marriage Law and Matrimonial Causes Law
- Sark land reform
- immigration (especially, but not limited to, in relation to Brexit)
- Guernsey's solid waste and inert waste strategy
- data protection
- Guernsey prison
- medicines and drugs
- the security of electricity production and distribution on Sark
- implementation of the Vienna Convention on road traffic
- land planning and building control (including planning covenants)
- planning issues relating to the Fablink project in Alderney
- the Alderney land-use plan
- proposals for legislation to implement Guernsey's biodiversity policy



- the implementation of amendments to the Montreal Protocol in relation to ozone depleting substances
- a range of issues for the Civil Contingencies Authority
- population management,
- aviation,
- trusts,
- companies, commercial law and the development of the finance sector (see the specific entry below),
- taxation and the response to OECD and EU international standards,
- proposals for the introduction of secondary pensions in Guernsey.

Brexit

As noted above, the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, (“Brexit Law”) passed through the Islands’ legislatures and was registered early in 2019. This Law is the Bailiwick’s equivalent of the UK’s European Union (Withdrawal) Act 2018, which repeals legislation underpinning membership of the EU, ends the supremacy of EU Law, and preserves certain EU laws as a species of domestic law. The Brexit Law is complemented by new Laws concerning customs, sanctions and international agreements. In addition, the European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018, prepares for life after Brexit by giving the three assemblies power to make Ordinances in relation to EU-related subject areas. The flexibility afforded by the Bailiwick’s legal regime has been particularly beneficial given the political uncertainty both in the UK and as to the future UK-EU relationship during the period of this Report.

Lawyers from St James Chambers have been providing advisory and legislative drafting services across a range of subject areas – agriculture and fishing, road transport, financial services, trade and treaties, and immigration, to name but a few – whilst taking into account the three different scenarios: i) obligations flowing from continuing membership; ii) a negotiated exit coupled with an anticipated future treaty; and iii) a ‘no deal’ exit. All of this has been done through the lens of the Bailiwick’s constitutional relation with the UK through the Crown, our rights and privileges, and our autonomy. Lawyers have been engaged with policy officers from across the States of Guernsey, Alderney & Sark, and colleagues in the other Crown Dependencies and wider UK. In particular, as part of Brexit preparations, a new Customs Arrangement has been agreed with the UK and work has been completed to enable extension of the UK’s WTO membership.

As at the end of 2019, the Withdrawal Agreement concluded by Prime Minister May was partially renegotiated by the subsequent Johnson administration. The UK General Election in December 2019 returned a Conservative majority, making it likely that the Withdrawal Agreement would be ratified in January 2020. Indeed, the UK exited the EU and entered the



Transition Period from 1 February 2020 under the Withdrawal Agreement. These arrangements were also given effect in the Bailiwick.

Lawyers from St James Chambers will continue to support policy clients throughout and beyond 2020 in relation to 'future relationship' negotiations with the EU, preparations for the end of the Transition Period, and trade negotiations with other countries. All of these may require new legal, regulatory or administrative regimes to be put in place and, in due course, a legislative revision project may be required to replace the patchwork arrangements that will result from the 'domestication' of (formerly) EU law.

Employment law

Two lawyers in the Civil Advisory Team specialise in employment law and during the period 2018/2019 they provided a full range of employment law advice and developmental work, including case management, detailed risk assessments and policy development. There was a consistently high volume of work during this period, a significant proportion of which was complex, high risk and specialised and required strong case management and risk analysis.

The period of 2018/2019 saw a decrease in the number of Employment & Discrimination Tribunal claims brought against the States. This trend reflected the benefit of giving effective and pragmatic advice at an early case management stage which helped shape the way in which cases were handled and to avoid contentious outcomes. To help achieve this the employment lawyers worked closely with the States of Guernsey Human Resources staff which resulted in many disputes being resolved prior to the lodging of claims.

The employment lawyers:-

- Provided critical advice and continuing support in relation to ongoing restructuring of the civil service and the proposed harmonisation of terms and conditions;
- Advised on a range of staff management and organisational design projects (and several restructuring projects across the States during this period), including the FDS project which involved the outsourcing of 70+ staff into a new organisation;
- Provided critical advice and ongoing support to the States in relation to the drive to introduce new discrimination and equality legislation;
- Delivered a highly successful staff training programme developing investigation practice for managers and HR professionals. Training was delivered to a large number of staff across the States of Guernsey and consistently secured very high feedback scores;
- Provided advice to the States in relation to SMC reviews and formal requests for information from committee members;
- More generally, provided advice concerning press releases, matters of professional regulatory compliance and statutory appointments and related ancillary matters such judicial review and police complaints;



- Provided advice and assistance across the States of Guernsey in relation to the drafting of bespoke employment contracts and other documentation where appropriate; and
- Provided advice in respect of employee retention, dismissal and the effective and correct application of employee related policies and processes.

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 included:

- Advice to FSD, CfED, the States of Guernsey, and statutory authorities on a wide range of policy and legal issues relating to the finance sector, 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 EU institutions. Issues of note included Electronic Agents, Single Euro Payments Area, Insolvency Law Review, Preferred Creditors, Deposit Compensation Scheme, Dormant Accounts, Brexit, Economic Substance Requirements, Financial Services Ombudsman, Beneficial Ownership and the Channel Islands Competition Regulatory Authority.
- 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 company and entity registrations, registration and oversight arrangements in respect of recognised auditors, and the Register of Beneficial Ownership.
- Working with the Channel Islands Brussels Office, on EU financial services strategy and policy, and Guernsey Finance, on the development of strategy, policy and legislation supporting the objectives of the Finance Sector Policy Framework.

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 bodies during their investigations into criminal

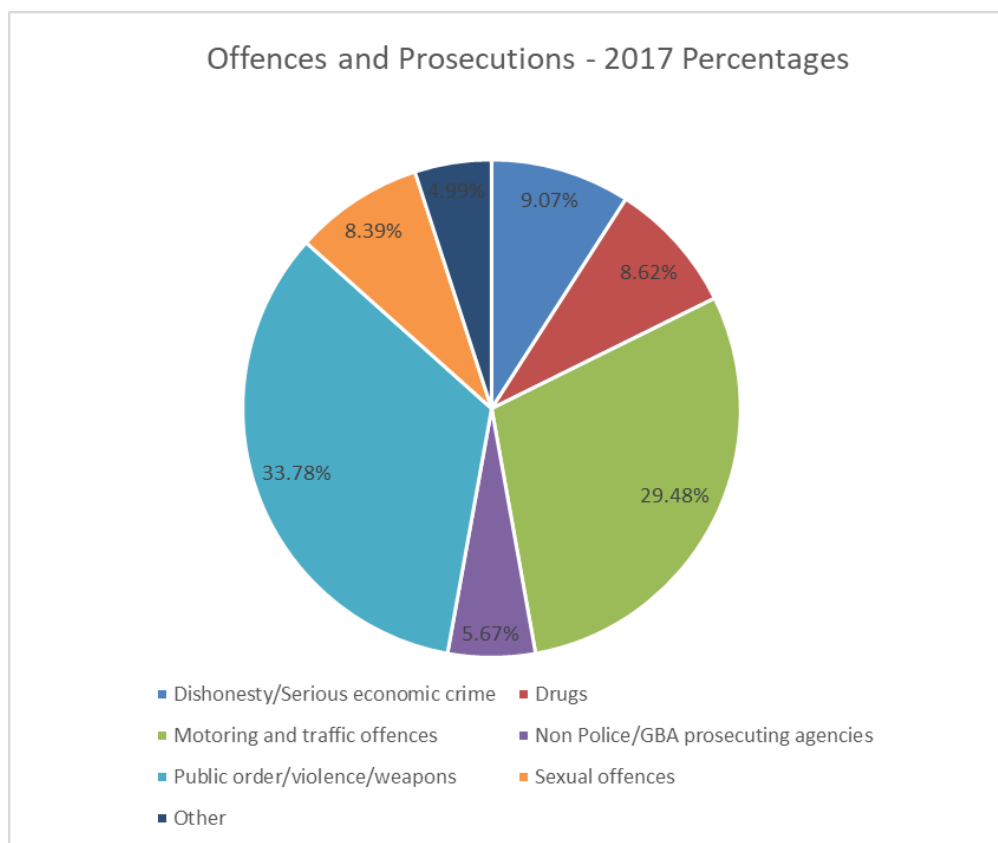


offences, advises which cases should be prosecuted according to the Prosecutors' Code of Guidance, determines the appropriate charges, and prepares and conducts the prosecution of criminal cases throughout all of the Bailiwick courts, including the Court of Alderney and the Court of the Seneschal in Sark.

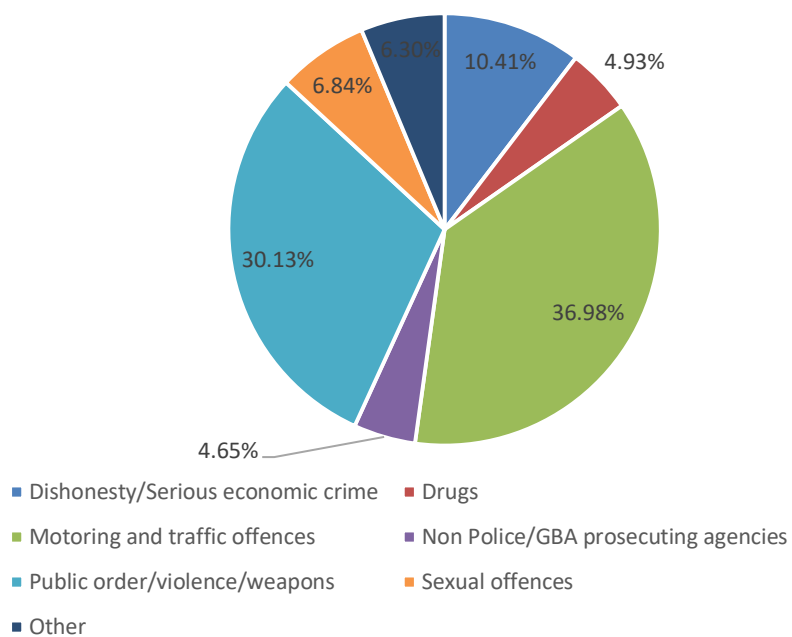
Magistrate's Court

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. The team also provides pre-charge advice and delivers training to law enforcement officers and other professionals involved in the criminal prosecution process.

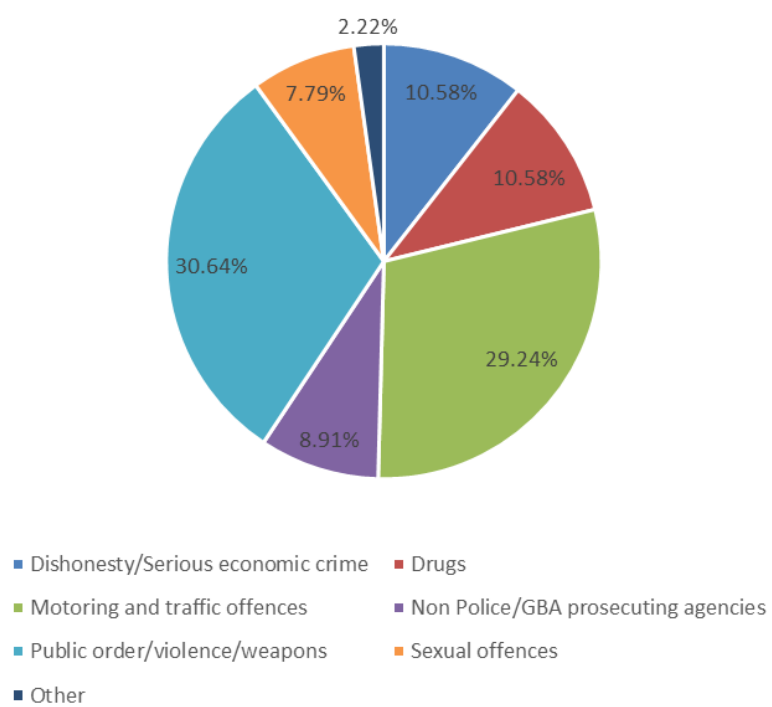
A breakdown of the overall number and general nature of new criminal matters received in 2017, 2018 and 2019 for formal advice and review, including not guilty Magistrate's Court trials, are set out in the charts below:



Offences and Prosecutions - 2018 Percentages



Offences and Prosecutions - 2019 Percentages



These percentages do not give a complete picture of the activity of the criminal team, as they do not include the majority of cases which are dealt with in the Magistrates Court upon first appearance, but they do provide a general illustration of the range of offences dealt with by the team. Prosecutions for public order offences and offences of violence (closely followed by motoring and traffic) remains the largest in terms of overall figures, and the percentage is consistent across all three years.

Juvenile Court & Youth Justice

Under the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008, the Criminal Prosecution Team receives reports of criminal offences committed by children and young persons under the age of 18, which are considered for prosecution applying the Code of Guidance and in the light of all the available information, including representations from the Children's Convenor. The number of jointly referred matters has remained relatively steady since the introduction of the legislation in 2010, although it can be seen that in 2019, there appears to be a significant reduction across most offence types.

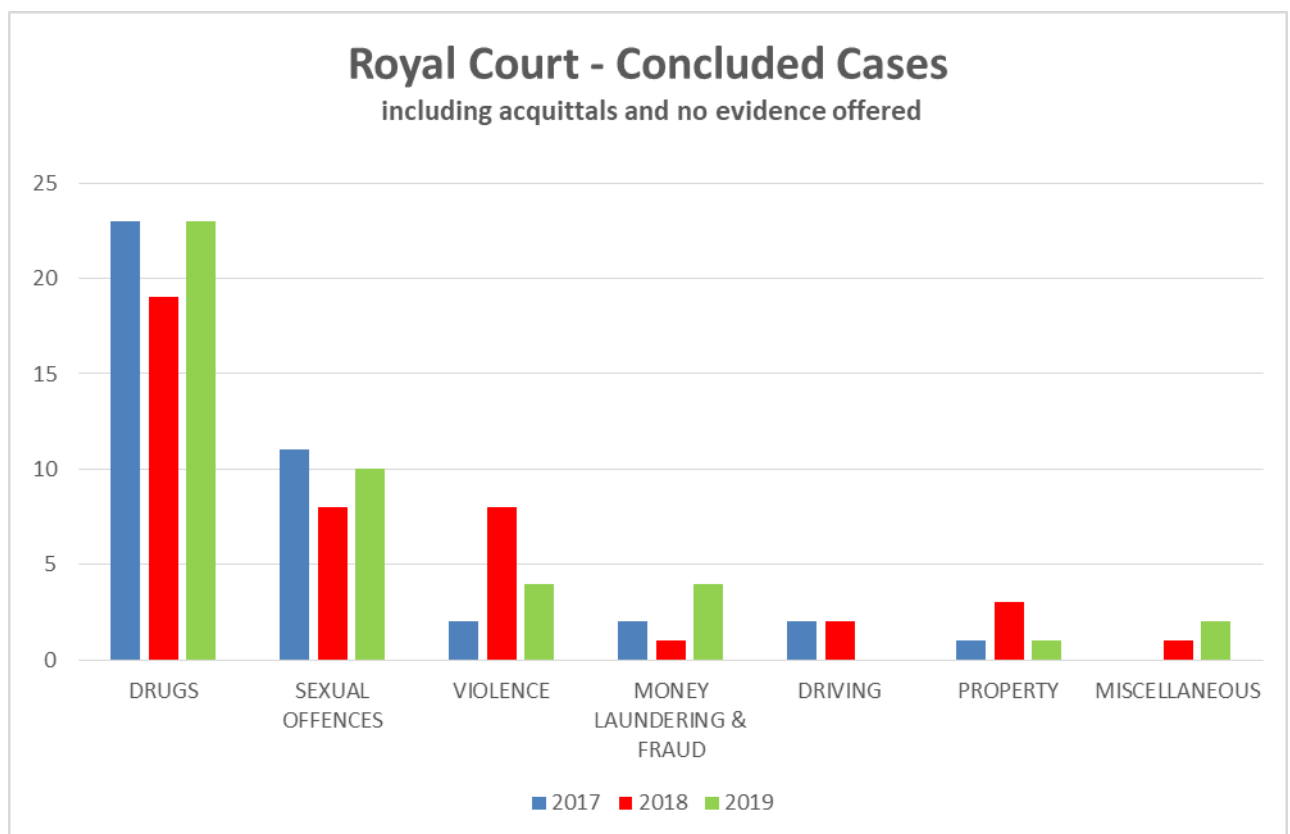
	2017	2018	2019
Traffic offences	80	85	68
Public Order	47	51	25
Dishonesty	21	25	24
Sexual offences	10	4	5
Drugs	16	8	12
Other	1	4	2
Total Joint Referrals	175	177	136
Prosecution	52	55	43
Convenor	96	91	64
Alternative i.e. NFA/Police caution	26	24	24
Pre-referrals or reviews to be completed	1	7	5
Total	175	177	136



Royal Court

More serious cases are sent or committed for hearing in the Royal Court. In 2019, a total of 48 cases were committed from the Magistrate's Court to the Royal Court, compared with 38 cases in 2018. The total number of cases completed in the Royal Court during the year was 44, two more than in 2018, leaving 23 of the 48 cases committed during the year unfinalised. The number of cases that resulted in a defendant being convicted of at least one offence in 2019 was marginally lower than the previous year, at 93% in 2019 compared to 97% in 2018. In total in 2019, the Royal Court sentenced convicted defendants in aggregate to just over 107 years' imprisonment and 1590 hours of community service. In 2018, these totals were just under 108 years' imprisonment, and 760 hours of community service.

A general analysis of the type of offending behavior is set out in the tables below, which cover all cases concluded in the Royal Court for the years 2019, 2018 and 2017. The type of offending remains consistent: drugs offences constitute the highest number of cases, followed by sexual offences. 2018 saw a significant rise in violent offences, with 8 in total, whereas 2019 saw an increase in finalised fraud/money laundering cases.



Category of Offence	Total Number of Cases including acquittals / no evidence offered			Total Number of Defendants		
	2017	2018	2019	2017	2018	2019
DRUGS	23	19	23	25	21	25
SEXUAL OFFENCES	11	8	10	11	8	10
VIOLENCE	2	8	4	3	7	5
MONEY LAUNDERING & FRAUD	2	1	4	2	1	5
DRIVING	2	2	0	2	2	0
PROPERTY	1	3	1	1	4	1
MISCELLANEOUS	0	1	2	0	1	2
TOTAL	41	42	44	44	44	48

As with the overall figures, the bare numbers do not always tell the full story, because the complexity and amount of work involved in each case is 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.

Days spent in court can provide an approximate guide as to the preparation involved in a case, and may also give an indication as to the complexity of the issues involved in a prosecution. Overall, Advocates in the criminal team spent a total of 84 days prosecuting Royal Court cases in 2019, including over 51 days of contested trials, which included one trial before the Royal Court of 20 days in length. There were fewer appeals lodged in the Royal Court from convictions or sentences made in the Magistrate's Court, 8 in 2019 compared to 11 in 2018. Four appeals were lodged in the Court of Appeal from decisions made in the Royal Court in 2019, the same number as in 2018.

Drugs prosecutions in Guernsey remains a significant category of offence. Amongst the drugs prosecutions in 2018 was a large importation of just over 3.8 kilos of the Class B drug Cannabis resin by a commercial fishing vessel into the Fish Quay at the Castle Emplacement in St Peter Port, with a local street value of between £76,082 and £114,123. Another case, the first of its

kind in Guernsey, involved a prosecution for the importation by post of a liquid cannabinol derivative, which is classified as a Class A controlled drug.

During this year, other drugs prosecutions included a case involving a defendant who had been originally arrested in 1998, who subsequently left the island, and who was finally apprehended when he returned to the island in August 2017. He was sentenced in 2018, twenty years after his original arrest, for offences of being concerned in the supply of a Class A controlled drug, and three separate drugs possession charges.

In 2019, one case concerned an importation of 19.78 kilograms of the Class B drug Cannabis resin, which was found in a vehicle disembarking from Condor Ferries. The individual responsible was sentenced to 7 years imprisonment.

The number of sexual offences referred to the criminal team for consideration for prosecution remains consistently high. In 2018 one of those cases which proceeded to the Royal Court resulted in the conviction of a man who came to the attention of Guernsey Police following discussions of an indecent character made in an online chat room. A similar case involving a different individual was concluded in 2019.

Another case in the Royal Court in 2019 involved the prosecution of a man in relation to 10 sexual offences which he had committed over a period of around 40 years, involving 4 victims, all of whom were children when the offences had been committed. Upon his conviction, this individual was sentenced to 14 years' imprisonment and made subject to notification requirements under the Criminal Justice (Sexual Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 for a period of 18 years.

In both 2018 and 2019, a total of seven persons convicted in the Royal Court of sexual offences in each year were made subject to similar notification requirements

Three offences against property were concluded in 2018, including a robbery at Boots the Chemist in St Peter Port by two defendants, and in another rare case, a Defendant was convicted of two counts of burglary at private residences in the island of Sark.

The figures for prosecutions and advice on offences of fraud and dishonesty have risen overall, although the number of court proceedings commenced for offences of serious economic crime has fallen. However, advice and preliminary work in relation to such cases frequently involves significant amounts of out of court and preparatory work with investigating agencies before a prosecution can be contemplated.

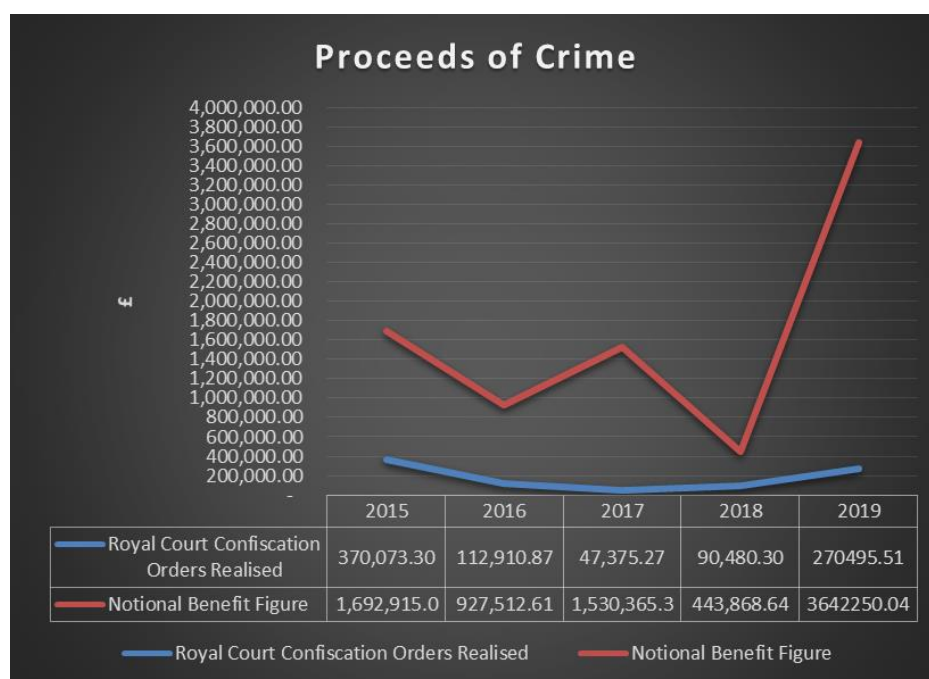
One Royal Court fraud case concluding in 2018 involved an offender who, over a 6 month period, acquired a total of £42,360.00 from the complainant's life savings by fraudulently representing that large sums of money were required to provide cancer treatments and to enable a fresh start in Guernsey. The defendant was apprehended before a further transfer of £10,000.00 took place because of concerns raised by the complainant's bank to the Guernsey Police. The court made a compensation order for the entire sum obtained in favour of the Complainant.



In 2018, the Royal Court made confiscation orders in relation to the proceeds of crime, including drug trafficking offences, for a total amount of £90,480.30, out of a notional benefit figure of £443,868.64.

2019 saw one of the longest Royal Court trials taking place in recent years, lasting for 20 consecutive days. Also in 2019, there was a successful prosecution of two individuals for money laundering, with the court assessing the benefit figure for one defendant at £2.2 million. A further money laundering case resulted in the conviction of an unemployed man who was stopped at the ferry terminal with a bag containing over £153,000, which the prosecution alleged was the proceeds of crime.

In 2019, confiscation orders made by the Royal Court in relation to the proceeds of crime, totalled £270,495.51, out of a notional benefit figure of £3,642,250.04.



Law Officer functions and external relations

During 2018 and 2019 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 31 States meetings in 2018-2019.



Over the course of the period the Law Officers advised the States on constitutional, procedural and legal issues. They advised on and, in many instances, assisted with the preparation of numerous States amendments proposed by States Members and assistance was also provided, where sought by the Members involved, in connection with a number of requêtes.

With assistance from colleagues in Chambers, the Law Officers reviewed all Propositions put to the States, in conformity with the requirements of the Rules of Procedure of the States of Deliberation. In addition, drafts of the several dozen reports / policy letters published in the Billets d'État for the period were reviewed and, in many instances, revised by or with the assistance of the Law Officers or their colleagues.

Mutual Legal Assistance

During the course of 2018 and 2019, St James Chambers continued to provide mutual legal assistance (MLA) to numerous overseas jurisdictions in the discharge of the functions of HM Procureur as central authority for MLA for the Bailiwick. A total of 46 Letters of Request were received and a total of 52 serious fraud notices and/or production orders were served on local persons/entities. Inspectors were appointed and two Notices issued under the Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996, a number of 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.

Description		2018	2019
a)	Requests received including requests actioned under the International Co-operation Law including the service of overseas process on behalf of foreign jurisdictions	18	28
b)	Serious Fraud Notices	35	17
c)	Production Orders (Proceeds of Crime Law)	9	3
d)	Warrant issued (Proceeds of Crime Law)	1	1
e)	Production Orders (Civil Forfeiture Law – MLA request)	1	1
f)	Production Orders (Drug Trafficking Law 2000)	0	1
g)	Notices issued regarding Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996	1	1
h)	Active restraint orders granted	1	2



Description		2018	2019
i)	Active restraint orders discharged		1

During the course of 2019 the terms of a Memorandum of Understanding (MoU) relating to the handling of requests for MLA and other aspects of international co-operation were developed between Chambers and Bailiwick Law Enforcement. The development of such an MoU was an initiative flowing from a recommendation of the 2017 Inspection Report of HMICFRS into the capability and capacity of Guernsey Police and Guernsey Border Agency. The MoU provides for and documents the understanding between Chambers and Bailiwick Law Enforcement as to the respective operational functions that underpin a successful and efficient MLA/International co-operation regime. For example, the MoU sets out the procedures and time scales that the parties are expected to follow and adhere to for the purposes of investigations prompted by incoming requests for MLA. The MoU was signed by HM Procureur on behalf of the Law Officers and by the Head of Law Enforcement on behalf of the Economic Crime Division of Bailiwick Law Enforcement in September 2019.

Members of Chambers remain heavily involved in work arising from the Bailiwick's membership of Moneyval. A member of Chambers continues to act as the Bailiwick's official Moneyval representative. In that capacity she has attended Moneyval's biannual plenary meetings and has been responsible for organising and providing input into the jurisdiction's response to frequent requests for information that have been made by Moneyval. 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 international standards, using a methodology devised by the International Monetary Fund.

During the course of the period covered by the Report a number of regular meetings intended to improve and build upon existing MLA and economic crime prosecution practices and procedures within Chambers were put in place. These included a regular meeting to review past and current requests for MLA for the purposes of identifying or providing evidence of money laundering within the Bailiwick. The meetings were mentioned during the course of the 2019 review carried out by Sir David Green (referred to below) and were the subject of a recommendation set out in that review. Quarterly internal meetings of those members of Chambers involved in MLA, international co-operation, the prosecution of economic crime and the provision of advice in connection with the activities of ICART were also held. These meetings, chaired by a Law Officer, enable information and experiences relating to MLA, economic crime and related matters to be shared between members of Chambers and contribute to the awareness, effectiveness and training of relevant staff within Chambers.



International Co-operation and Asset Recovery Team (ICART) and new Economic Crime Unit

Chambers provided support for and worked closely with members of ICART throughout 2018/2019. ICART is a joint initiative between Chambers and the Bailiwick's law enforcement authority. It was set up with funding of £2 million from the Seized Assets Fund and commenced activities in July 2017. Members of ICART are tasked primarily with civil asset recovery based on foreign criminality and have in practice also assisted with MLA and the investigation of economic crime. A Law Officer chairs the Oversight Board that supervises the activities of ICART. A group of lawyers working within Chambers (known as ICARM) provide legal expertise and representation for ICART as and when it is needed in connection with the civil asset recovery matters that it deals with. Many of the matters are complex and require methodical and detailed investigation and legal research.

Following the November 2018 HMICFRS Report into an inspection of the capability and capacity of Guernsey Police and Guernsey Border Agency, the Law Officers' Chambers instructed external Counsel in the Spring of 2019 to explore the internal and external challenges faced by the Guernsey Law Enforcement and Prosecuting agencies in investigating and prosecuting serious economic crime and to determine what improvements could be made to assist the Law Officers in their efforts. The results of that review helped to inform the Law Officers and their staff in the participation of the wider review carried out by the Policy & Resources Committee by Sir David Green entitled 'Increasing the effectiveness of Guernsey's stance against financial crime', completed in July 2019. Members of the Law Officers' Chambers, and both Law Officers, contributed heavily to both review processes during the Spring and Summer of 2019 and the Law Officers were instrumental in engaging external Counsel, together with law enforcement, to assist with the recommended review of SARs & MLATs proposed by Sir David Green, during the remaining months of that year.

A significant recommendation of the review carried out by Sir David Green was the establishment of a new stand-alone structure (described in the review as the Guernsey Economic Crime Directorate (GECD)) focused on economic crime with investigative and prosecutorial functions and headed by a Director General. Following consideration of that and other recommendations set out in the review, Chambers proposed the establishment of a Project Board, comprising full-time and ad hoc members representing Chambers, Bailiwick Law Enforcement, the Policy & Resources Committee and Committee for Home Affairs, to consider and identify measures enabling establishment of the GECD proposed in the review. Following a meeting with the Policy & Resources Committee and the Committee for Home Affairs at the end of 2019, membership of the Project Board was agreed with reports from the Board to be submitted to an Oversight Board consisting of the 2 States committees. Work on the establishment of the GECD, more likely to be known as the Economic Crime and Money Laundering Agency, continues into 2020 with significant input from those members of Chambers with responsibility for advising on economic crime investigations and the prosecution of economic crime.



External relations

The Law Officers and colleagues in Chambers have continued to be actively involved in Brexit issues, the development of Guernsey's international identity and in advising the Policy & Resources Committee in connection with relations with international organisations. This has included playing an active part in preparations for evaluations carried out by the United Nations and by the Organisation for Economic Co-operation and Development. The Law Officers' Chambers was a key contributor to a successful OECD review in 2018 which recognised Guernsey's commitment to tackling financial crime. The outcome of the review was reported by We Are Guernsey (see further Law Officers' website). The Law Officers have also engaged directly with Attorneys General and, where appropriate, Justice Ministers of the Overseas Territories and other Commonwealth Jurisdictions.

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

In 2018 & 2019 the Law Officers were notified of over 200 sudden deaths, many of which required further discussion and investigation. In 2018, the Law Officers directed the opening of 18 inquests; and they (and, in their absence, the Contrôles Délégués) authorised the holding of 382 cremations. In 2019, the Law Officers directed the opening of 23 inquests; and they (and, in their absence, the Contrôles Délégués) authorised the holding of 373 cremations.

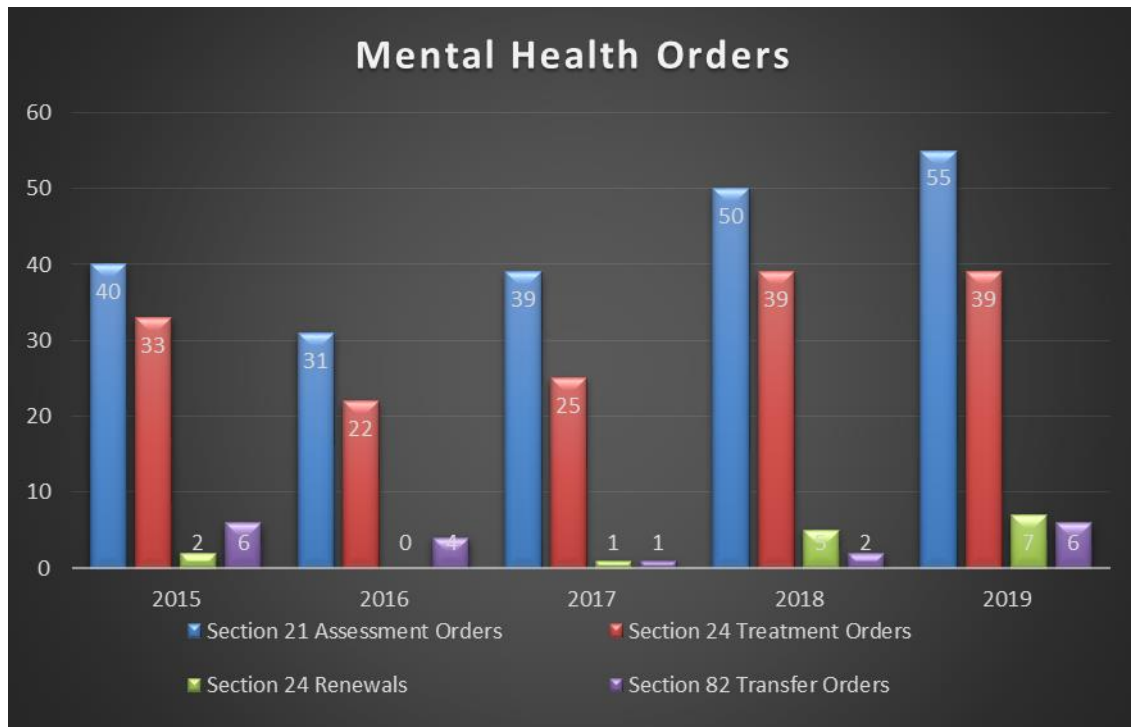
In addition, HM Procureur attended coronial and mass fatality training organised by the UK Chief Coroner under the auspices of the Judicial College (which trains all judges). The Law Officers organised and provided training on death certification to medical professionals at the Princess Elizabeth Hospital as well as in-house seminar to other colleagues including the Contrôles Délégués, with the assistance of UK senior coroner Chris Dorries OBE.

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 2018/2019, the Law Officers (and, in their absence, the Contrôles Délégués) were required to authorise the following Treatment Orders, Assessment Orders, Renewal Orders and Transfer Orders for residents of the Bailiwick. The chart shows the upward march in the number of assessment orders and treatment orders and renewals thereof.





The Law Officers (and other members of Chambers appointed as examiners or lecturers) contributed substantively to the new 2018/2019 Guernsey Bar Examination syllabus, including the drafting and marking of local exam papers and preparation of specialist lectures. Significant time was also spent in the analysis and revision of the source materials to be used in the 2019 Bar Examination process (the materials and lecture programmes having been radically formalised for the 2019 cohort of aspirants and the study guides having been rewritten and standardised, for the first time, for all Bar examinees).

The Law Officers also attended the AGM of the Guernsey Bar.

The Law Officers were required to attend several ceremonial occasions in HM 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. The Law Officers were also required to register various Laws, UK Statutory Instruments and Orders in Council before the Royal Court. 23 items were registered during 2018 and 25 during the course of 2019.

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 2018/2019. This included meetings with the Ambassador of Latvia (to mark the occasion in 2018 of the centenary of the founding of the Republic of Latvia), the Indian High Commissioner, the Portuguese Ambassador, the Czech Ambassador and the Costa Rican Ambassador.



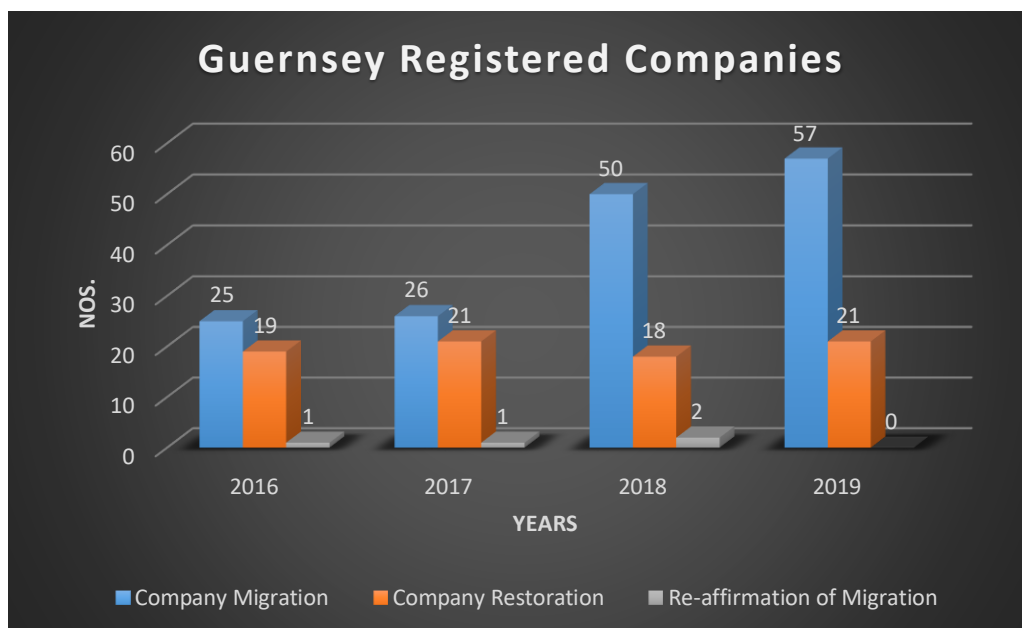
The Law Officers regularly liaise with and advise the Lieutenant Governor and Bailiff's Chambers and Court where appropriate. In 2018 HM Procureur, as *partie publique*, assisted the Royal Court, together with the Batonnier, in appointing a Commissioner to intervene into the practice of a Guernsey Advocate, an urgent and novel application raising complex legal and policy issues, not least for the Guernsey Bar. In 2019 HM Procureur assisted the court as *amicus curiae* in an important case concerning the rights of audience of Guernsey Advocates. The Law Officers and colleagues also liaised with the Ministry of Justice, particularly in relation to the progress of legislation and other constitutional matters.

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

HMRG acts for the Crown to administer the estates of people who die intestate (ie, without a Will) and without known kin (entitled blood relatives). In the case of a potentially *bona vacantia* estate, the Law Officers' Chambers will make enquiries to trace eligible relatives, including placing an advert in the Guernsey Press and arranging the funeral of the deceased. All receipts are held by HMRG on behalf of the Crown. As part of the Law Officers ongoing commitment to transparency and transformation, the policies and processes of the office of HMRG are being reviewed and in 2019 HMRG formally met with her counterpart in Jersey to discuss the Bailiwick's comparable customary law functions and policies.

The Law Officers have certain duties conferred on them under the Companies (Guernsey) Law, 2008 relating to Guernsey companies, including matters relating to proposed company migrations and proposed company restorations. As shown below, demand for company restoration services has been steady, but company migration services increased significantly in 2018 and 2019.





HM Procureur and HM Comptroller (and other Advocates from Chambers) attended the session of the Court of Chief Pleas held on 1st October 2018 and 30th September 2019, respectively, which sat to mark the start of the legal year. A copy of HM Procureur’s speeches are available on the Law Officers’ website. The Court session was followed by the customary 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.

At the 2018 dinner the Law Officers' Pro Bono Legal Award for 2018 was presented to Advocate Sarah Brehaut of Walkers (Guernsey) LLP. This award (which was set up by the Law Officers in 2015) was in recognition of the service she had provided to the local community. No award was made in 2019; instead HM Receiver General invited the head of the UK charity LawCare to make a presentation on mental health and welfare in the workplace for all those involved in the justice system.

The Law Officers launched a mental health and well being strategy for staff in 2019 and as part of that strategy signed up to LawCare, a UK charity whose mission is to provide information and support to anyone in the legal community experiencing mental health and wellbeing issues.

Business case

In view of the incessant increase in demand for our legal services and increasing complexity of the work involved, Chambers submitted a Business Justification Case and Transformation Brief to the Policy and Resources Committee in August 2018 which made a case for an uplift in baseline revenue to cope with pressures in the service. The paper also included a



Transformation Brief which outlined the internal drive for transformation in the delivery of legal services and included a proposed suite of projects that were at various degrees of progression.

The preparation of the business case took up a substantial amount of time for the Law Officers, Director of Legal Services and Directors of the individual teams. The business case, and transformation brief, represented part of our long term plan to reform and transform the way we deliver legal services, and our overall vision for a data-driven and digitalised Target Operating Model. This followed the recognition from the review of Chambers conducted by the Harwood Panel in 2017 (referenced below under “MOU with States of Guernsey”) that the responsibilities of the Law Officers are “often under estimated “and it is “vital” that they have the capacity to undertake their roles and duties.

The business case requested thirteen new posts. The funding was granted in two approximately equal tranches in 2018 and (in the course of the annual budget debate) in 2019. The recruitment exercise will be completed in 2020.

We are grateful to members of the Policy and Resources Committee and the States of Deliberation for supporting our case, particularly in financially constrained times.

MOU with States of Guernsey

In 2016 a review of the relationship between the States of Guernsey and St James Chambers was commissioned by the Policy and Resources Committee. The review was conducted by a Panel of lawyers and States members led by Advocate Peter Harwood. The Panel, which conducted a detailed examination of our practices and the services we provide, reported in 2017.

Whilst the Panel found that there was no strong or clear case for significant change to the structure of the way that Chambers worked with the States of Guernsey, they did recommend that an effective memorandum of understanding be put in place by the two parties. Work towards an MOU had in fact been done previously and indeed a draft prepared, but work had slowed due to pressures of work on both parties. The Panel’s recommendation gave impetus to the project and an MOU was finally agreed and put in place in 2019. A copy of the MOU is attached at Appendix B below.

Administration

The administration team is led by the Head of Operations and Transformation who reports to the Director of Legal Services. The team provides business support functions such as financial management, facilities management, information technology support, human resources, business continuity and records management to St James Chambers.

2018 and 2019 were notable for the development of a business case that examined the capacity for St James Chambers to meet the increased demand for legal services (see below). After



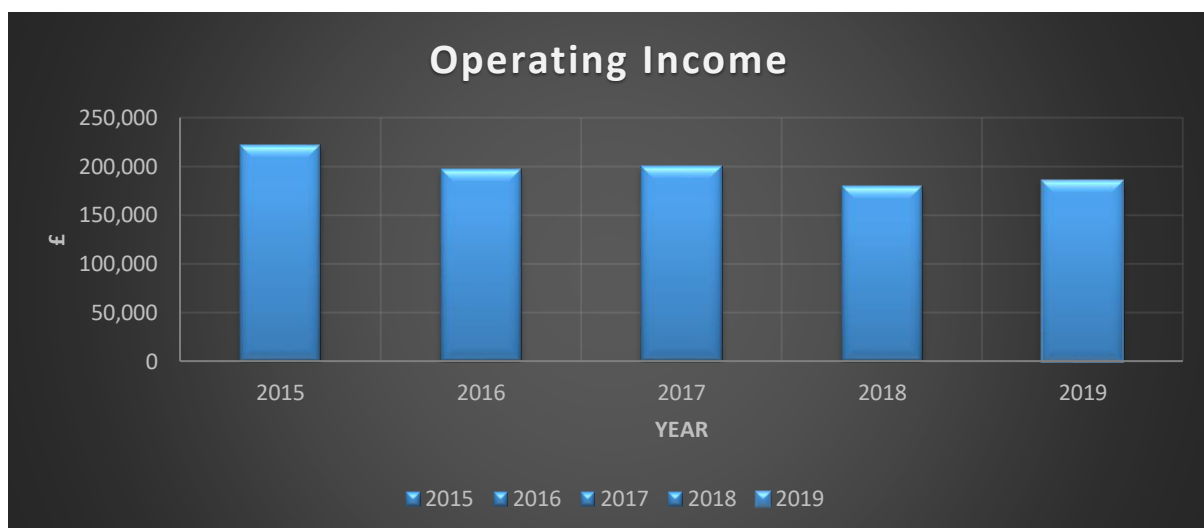
consideration by Policy & Resources, approval was given for additional staff and various projects.

The administration team have a key role in implementing the recommendations of the business case in respect of the following areas:

- the recruitment of additional staff (there are 13 new posts; a number have been filled by internal applicants resulting in additional recruitments to fill the posts vacated),
- the implementation by Chambers of the Key Projects and Business Improvement / Transformation projects listed below that will improve productivity, modernise the practice and provide management data.

Operating Income

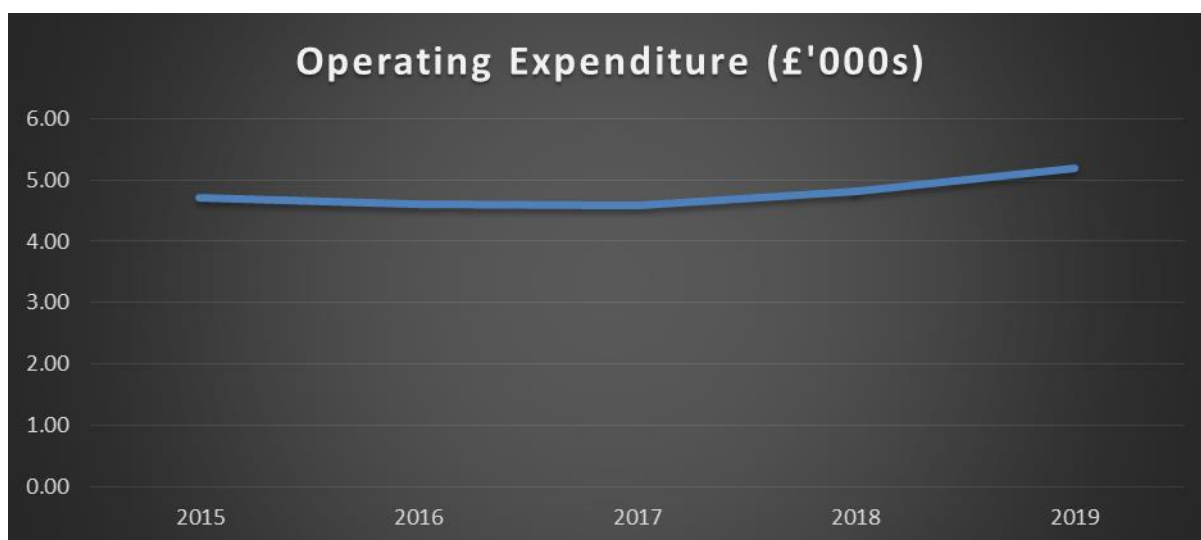
Income from cost recoveries was lower in 2018 and 2019 than preceding years, but this was partially offset by greater income from company migrations.



Operating Expenditure

Expenditure of St James Chambers for 2018 and 2019 was £4.82m and £5.19m. This reflects the budget increase that was awarded following approval of the business case. As part of the ongoing transformation programme, the budget for facilities, training and travel has been reduced to a minimum and new posts have been capped at lower grades wherever possible, in an effort to reduce costs and to keep budget increases necessitated by increased demand for services at a modest and sustainable level.





Staff

As noted above, staff numbers have increased following the approval of a business case which highlighted the increased demand for our services.

Year	Staff in post at year end	Total no. of posts at year end
2016	48	49
2017	46	48
2018	48	51
2019	53	55

Charitable Work

St James Chambers supported and continues to support a number of charitable events during 2018/2019. 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. During that time we donated to a total of 17 charities.



Key Projects and Business Improvement / Transformation

Document Management System (DMS)

Adoption of the DMS was completed and is now central to the way information is handled. Work has commenced to scan archive files into the system so their security, retrieval and disposal can be managed effectively. Significant areas of the practice are now paper free.

Voice Recognition Software

Automated dictation software is available to staff as an alternative to manual typing or dictation.

Time Recording System

A time recording system was implemented in April 2019. The data which is generated over the coming years will inform management and practice decisions and assist us in measuring performance, work completed and the activity undertaken for particular clients, demand for our services, trends of increasing or decreasing volumes, and load balancing across and within teams.

Agile Working

Replacement of aging IT hardware with laptops has overcome reliability problems and enabled a more flexible approach to working, including desk sharing and out of office working, such that additional staff can be accommodated within our existing office. The move to laptops has also improved our business continuity resilience.

Automated software projects

This includes automatically formatted electronic templates for those engaged in the drafting of legislation (trials were being conducted in 2019) and contract automation software for the commercial Law team which will accelerate the production of contract documentation.

Pilot Data Dashboard Project

This involves the creation of a performance data dashboard measuring and showing in graphic form risk, value and time of a legal matter. The project is being piloted by the Commercial Law team.



Legal Resources Website enhancement

St James Chambers' staff provide content and support to the Guernsey Legal Resources website. This continues to attract a growing user base as noted below. Between 2018 and 2019 there was an increase of 4% in the number of unique visitors to the site. These visitors accessed the website a total of 133,820 times and 161,008 times, respectively. This is an increase of 21% between 2018 and 2019. Furthermore, the site content has increased through the addition of newly approved legislation.



Visitors to the website are mainly based in Guernsey, whilst other jurisdictions include the U.K. and Jersey. Other users were primarily from the United States, France, India, Switzerland, the Netherlands, Canada and Australia.

We are working with our colleagues at the Royal Court on an enhancement project to improve the website so that it is more closely aligned to websites in comparable jurisdictions (e.g. Jersey). 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 the content to keep pace with other jurisdictions.



Appendix A

Resolutions of the States of Deliberation for which Laws and Ordinances were approved by the States' in 2018 & 2019 (the list does not include Statutory Instruments)

2018

	Committee	Billet & Article number	Resolution date	Subject matter & comments
1	Committee for the Environment & Infrastructure	XXVI/2014 (art.XI)	10.12.14	Register of driving instructors: Legislation to provide for a register of driving instructors and subsequent amendments to the Driving Licences (Guernsey) Ordinance, 1995.
2	Committee for Employment & Social Security	XVII/2001 (art.VI)	25.07.01	Legal Aid Civil & Criminal Schemes Ordinance Detailed provisions to be enacted under the Legal Aid (Bailiwick of Guernsey) Law, 2003.
3	Committee for Employment & Social Security	VII/2016 (art. IX), VIII/2018 (art. V)	08.03.16 28.02.18	Social welfare reforms: Implementation of Income Support.
4	Committee for Employment & Social Security	XXIII/2018	25.10.18	Social Insurance rates Annual uprating and changes in upper and lower limits.
5	Committee for Employment & Social Security	XXIII/2018	25.10.18	Health Service Benefit Prescription charges annual uprating.
6	Committee for Employment & Social Security	XXIII/2018	25.10.18	Long-Term care Annual uprating.
7	Committee for Employment & Social Security	XXIII/2018	25.10.18	Severe disability benefit and carer's allowance Annual uprating.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
8	Committee <i>for</i> Employment & Social Security	XXIII/2018	25.10.18	Family Allowance Uprating of family allowance.
9	Committee <i>for</i> Employment & Social Security	XXIII/2018	25.10.18	Income support Amendment of Income Support (Implementation) Law, 1971.
10	Committee <i>for</i> Employment & Social Security	XV/2017	06.09.17	Employment and Discrimination Tribunal Removal of retirement age of Panel members.
11	Committee <i>for</i> Home Affairs	XI/2015 (art.VIII)	24.06.15	Probation Repeal the Loi relative à la Probation de Délinquants, 1929 and replace it with a new Probation Law.
12	Committee <i>for</i> Home Affairs	V/2018 (art. XI)	08.02.18	Amendments to Terrorism and Crime legislation in respect of money laundering and terrorist financing.
13	Committee <i>for</i> Home Affairs	V/2018 (art. XI)	08.02.18	Amendments to Disclosure legislation in respect of money laundering and terrorist financing.
14	Committee <i>for</i> Home Affairs	V/2018 (art. XI)	08.02.18	Amendments to terrorist asset freezing legislation in respect of money laundering and terrorist financing.
15	Committee <i>for</i> Home Affairs	XIX/2018 (art. IV)	18.07.18	Customs Duties and Associated Powers Required in respect of Brexit Bailiwick-wide legislative framework to facilitate the imposition of customs duties on imported and exported goods and associated requirements.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
16	Committee <i>for</i> Home Affairs	VIII/2017 (art. VI)	26.04.17	Data Protection: EU General Data Protection Regulation Ordinances under the new Bailiwick wide legislation.
17	Committee <i>for the</i> Environment & Infrastructure	XVIII/2013 (art. IX)	25.09.13	Transfrontier Shipment of Waste Transfer functions; permit export of waste to Jersey; implement 2006 EU regulation.
18	Committee <i>for</i> Home Affairs	XIX/2002	01.08.02	Referendums Legislation to introduce.
19	Policy & Resources Committee	XI/2017 (art. IV)	07.06.17	Implementation of International Sanctions Measures Bailiwick-wide law for the implementation of sanctions measures and Bailiwick-wide regulation making powers for P&RC.
20	Policy & Resources Committee	XX/2018 (art. VI)	26.09.18	Revisions to the Proceeds of Crime Framework Amend the Criminal Justice (Proceeds of Crime) Law, 1999 to update the anti-money laundering and combatting terrorist financing framework.
21	Policy & Resources Committee	XXIV/2018	09.11.18	Company Intermediate Rate Extend the company intermediate income tax rate.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
22	Policy & Resources Committee	XXIV/2018	09.11.18	Triviality Payments from Pension Schemes Amend the Income Tax (Guernsey) Law, 1975 to amend the conditions for triviality payments from pension schemes.
23	Policy & Resources Committee	XXIV/2018	09.11.18	Miscellaneous amendments to the Income Tax Law.
24	Policy & Resources Committee	XXIV/2018	09.11.18	Amendment of Disclosure Law To enable the disclosure of information by the Guernsey Financial Services Commission to the Director of the Revenue Service where this would assist the Director in undertaking her duties.
25	Policy & Resources Committee	XXI/2017 (art. III)	08.11.17	Protecting the interests of the Bailiwick as the UK leave the EU Bailiwick-wide Withdrawal Law.
26	Policy & Resources Committee	XXI/2017 (art. III)	08.11.17	Protecting the interests of the Bailiwick as the UK leave the EU Enabling law regarding implementation of international agreements relating to trade.
27	Policy & Resources Committee	XI/2018 (art. III)	18.04.18	Transformation of Income Tax and Contributions Services To develop a single service for the collection of Income Tax and Social Security Contributions.
28	Policy & Resources Committee	XXI/2017 (art. III)	08.11.17	Protecting the interests of the Bailiwick as the UK leave the EU Enabling law regarding implementation of international agreements relating to trade.

	Committee	Billet & Article number	Resolution date	Subject matter & comments
29	Policy & Resources Committee	XXIV/2018	09.11.18	Income Tax (Substance Requirements) Ordinance.
30	Policy & Resources Committee	XX/2017 (Prop. 12)	07.11.17	Amendment of section 65 of the Income Tax Law Regarding liability on distributions from a company or other entity held under the control of trustees.
31	Policy & Resources Committee	XVIII/2013	29.09.15	Armed Forces Act 2006: Legislation regarding application of local criminal law and jurisdiction of local courts.
32	Policy & Resources Committee	XIX/2017	18.10.17	Liquor Licensing: Permitted Hours Amend licensing hours in respect of Christmas Day and Good Friday.
33	States Assembly & Constitution Committee	XIV/2017 (art. IX)	22.06.17	Referendum on Guernsey's Voting System.
34	States Trading Supervisory Board	II/2014 XXVI/2014 XXIV/2017	12.02.14 10.12.14 14.12.17	Parochial Collection of Waste Assessment and levying of the Parish waste rate.
35	States Trading Supervisory Board	II/2014 XXVI/2014 XXIV/2017	12.02.14 10.12.14 14.12.17 19.04.18	Waste Management Services Assessment and levying of charges for certain waste management services.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
1	Committee <i>for</i> Economic Development	XV/2019	19.07.19	Public Holidays in May 2020 Ordinance to provide that the 8 May 2020 shall be a public holiday and the first Monday in May 2020 shall not be public holiday.
2	Committee <i>for</i> Economic Development	XXIII/2018 (art. XII)	25.10.18	Electronic Agents Ordinance under the Electronic Transactions (Guernsey) Law, 2000 to provide enhanced certainty regarding the legal effect of actions carried out by means of an electronic agent.
3	Committee <i>for</i> Economic Development	XVIII/2019	26.09.19	Financial Services Ombudsman Amendment of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 to allow the finances of the Office of the Financial Services Ombudsman to be united with the Jersey equivalent.
4	Committee <i>for</i> Economic Development	XX/2013	27.11.13	Financial Services Ombudsman Permits the Office of the Financial Services Ombudsman to provide statistical summaries of information about complaints.
5	Committee <i>for</i> Employment & Social Security	XX/2019	16.10.19	Social Insurance rates Annual uprating and changes in upper and lower limits.
6	Committee <i>for</i> Employment & Social Security	XX/2019	16.10.19	Health Service Benefit Prescription charges annual uprating.
7	Committee <i>for</i> Employment & Social Security	XX/2019	16.10.19	Long-Term care Annual uprating.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
8	Committee <i>for</i> Employment & Social Security	XXI/2019	16.10.19	Severe disability benefit and carer's allowance Annual uprating.
9	Committee <i>for</i> Employment & Social Security	XXI/2019	16.10.19	Income support Amendment of Income Support (Implementation) Law, 1971.
10	Committee <i>for</i> Home Affairs	XXII/2019	27.11.19	Amendments to drug trafficking legislation in respect of money laundering and terrorist financing.
11	Committee <i>for</i> Home Affairs	XXII/2019	27.11.19	Amendments to disclosure legislation in respect of money laundering and terrorist financing.
12	Committee <i>for</i> Home Affairs	XXII/2019	27.11.19	Amendments to terrorism and crime legislation in respect of money laundering and terrorist financing.
13	Committee <i>for</i> Home Affairs	XXII/2019	27.11.19	Amendments to proceeds of crime legislation in respect of money laundering and terrorist financing.
14	Committee <i>for</i> Home Affairs	XXII/2019	27.11.19	Amendments to criminal justice international co-operation legislation in respect of money laundering and terrorist financing.
15	Committee <i>for</i> Home Affairs	XXI/2017	30.11.17	Amendments to Population Management Law Amend provisions relating to Part B and Part C Open Market Employment Permits and Short Term Employment Permits.

	Committee	Billet & Article number	Resolution date	Subject matter & comments
16	Committee <i>for the</i> Environment & Infrastructure	III/2017	01.02.17 27.11.19	Environmental Pollution - air pollution Ordinance to establish air quality standards
17	Committee <i>for the</i> Environment & Infrastructure	III/2017	01.02.17 27.11.19	Environmental Pollution - air pollution Provisions relating to enforcement and appeals.
18	Committee <i>for the</i> Environment & Infrastructure	I/2017 (art. III)	11.01.17	Extension of Wreck Removal Convention to the Bailiwick Ordinance(s) under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 to give effect to the Nairobi Convention on the Removal of Wrecks, 2007 and any corresponding repeals or amendments.
19	Committee <i>for</i> Employment & Social Security	XX/2018 (art. VIII)	26.09.18	Amendments to Social Security legislation Amend Social Insurance (Guernsey) Law, 1978 to provide for death grant to be paid in respect of a still-born child.
20	Committee <i>for</i> Employment & Social Security	XIV/2015 (art. XX)	31.07.15	Eligibility for Industrial Injuries Benefits Amendment of the Social Insurance (Guernsey) Law, 1978 to prescribe additional categories of persons to be treated as employed persons for the purposes of industrial injuries benefits.
21	Committee <i>for</i> Home Affairs	I/2019	01.02.19	Extending the Bailiwick of Guernsey's Territorial Seas Legislation to give effect to the extension of the territorial sea and any consequential amendments to extant Bailiwick legislation.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
22	Committee <i>for</i> Home Affairs	XXVII/2014	14.12.18	Road transport and driving licence implications for driving in Europe post-Brexit and other related matters The adoption of legislative and regulatory measures to demonstrate compliance with the requirements of the Vienna Convention.
23	Development & Planning Authority	XI/2017 (art. VIII)	08.06.17	Certificates of lawful use Ordinance under the Land Planning and Development (Guernsey) Law, 2005 to make provision for certificates of lawful use.
24	Policy & Resources Committee	XXI/2019	05.11.19	Income Tax Miscellaneous amendments to the Income Tax (Guernsey) Law, 1975.
25	Policy & Resources Committee	X/2019	12.06.19	Future Digital Services Ordinance made under the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001.
26	Policy & Resources Committee	XXVII/2018	14.12.19	Revision of Double Taxation Agreements Amendment of the Income Tax (Guernsey) Law, 1975 regarding Double Taxation Agreements.
27	Policy & Resources Committee	III/2019	16.02.16	Central register of contact details Establish a register of core data and contact details for individuals and organisations.
28	Policy & Resources Committee	III/2019	28.02.19	Asian infrastructure bank Specifies the Asian Infrastructure Bank as an international organisation under the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
29	Policy & Resources Committee	XVIII/2019	30.01.09 26.09.19	Matrimonial causes Amend the Matrimonial Causes (Guernsey) Law, 1939 to extend powers to divide assets and transfer property.
30	Policy & Resources Committee	XVII/2015	30.10.15	Guernsey gross domestic product Enact Guernsey & Alderney law equivalent to the UK Statistics of Trade Act 1947.
31	Policy & Resources Committee	VI/2016 (art. XIII)	02.03.16	Administrative Decisions Review Law, 1986 Amendment of Law to transfer functions of Chief Executive and HM Greffier to an independent Complaints Panel.
32	Policy & Resources Committee	IX /2016	08.03.16	Reform Law Amend the Reform (Guernsey) Law, 1948 Law to require candidates for People's Deputy to declare unspent convictions under Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002.
33	Policy & Resources Committee	XXVII/2014	14.12.18	Amendments to Population Management Law Amendments in relation to Resident Permits, Resident Certificates and occupation by Short Term Employment Permit.
34	Policy & Resources Committee	XXIII/2016	21.09.16	Extradition Law Projet to put in place an extradition regime.



	Committee	Billet & Article number	Resolution date	Subject matter & comments
35	Policy & Resources Committee		24.09.13	International Criminal Court Legislation to implement Rome Statute establishing the International Criminal Court.
36	Policy & Resources Committee	VI/2019 (art. I)	28.03.19	Referral of UK Acts of Parliament and Orders in Council to the States of Deliberation.
37	States Trading Supervisory Board	V/2018 (art. VII)	08.02.18	Merchant Shipping Introduction of a new small commercial vessels code and consequent legislative amendments.



Appendix B

MEMORANDUM OF UNDERSTANDING

RELATIONSHIP BETWEEN THE STATES OF GUERNSEY AND THE CHAMBERS OF THE LAW OFFICERS OF THE CROWN ("GOVERNMENT LEGAL ADVISERS")

This Memorandum of Understanding clarifies and builds upon the relationship between the States of Guernsey and the Chambers of the Law Officers of the Crown when acting as the government legal advisers.

In this context, the States of Guernsey includes the Committees, the services areas that provide support to the Committees, and individual members of the States of Deliberation, and may be collectively described as the government in Guernsey.

The Chambers of the Law Officers of the Crown are referred to as the government legal advisers in this Memorandum of Understanding which relates to the work that Chambers undertake on behalf of the States of Guernsey.

The Memorandum of Understanding takes account of the findings and recommendations of the review into the relationship between the States of Guernsey and St James Chambers commissioned by the Policy & Resources Committee and concluded in July 2017; and having been agreed by the parties in March 2018 was reviewed and reaffirmed in March 2019.

The Memorandum of Understanding is to be reviewed annually and, where agreed by both parties, updated and revised.

The Memorandum of Understanding is based on a series of agreed principles to support good governance and the rule of law, to ensure mutually beneficial working practices, and to achieve value-for-money:

- Clear overall responsibilities in the working relationship
- Clear and co-ordinated process for the commissioning and provision of legal advice from the government legal advisers by the Principal Committees and Boards
- Clear and co-ordinated process for the commissioning and provision of legal advice from other providers
- Clear relationship between the government legal advisers and individual members of the States of Deliberation
- Ensuring value for money
- Clear roles and stronger working relationships
- Professional responsibilities
- Enhanced and shared skills



- Continuing to enhance transparency
- Co-managing litigation effectively
- Monitoring capacity and capability
- Managing conflicts of interest
- Information management

1. Clear overall responsibilities in the working relationship

1.1 The government legal advisers will provide legal services in the following principal areas: Law Officers functions (statutory, customary and constitutional); delivery of an independent prosecution service; civil litigation; legislative drafting for the Bailiwick; civil advisory services; commercial law services; mutual legal assistance; international representation in relation to the fields of criminal justice, taxation, financial regulation and others areas of law; and provide such services to all islands of the Bailiwick and, where relevant, other public service clients.

1.2 The States of Guernsey will provide and manage accommodation and facilities in accordance with the needs set out by and agreed with the government legal advisers, and consider long-term requirements as part of the wider estates management plan. It will also provide budget and financial management support including a finance business partner, continue to provide human resources support, and continue to provide IT and records management support including through an IT business partner.

2. Clear and co-ordinated process for the commissioning and provision of legal advice from the government legal advisers by Committees and Boards

2.1 Where possible, requests for legal advice on behalf of Committees will be made by the Committee Secretaries (or equivalents) to those Committees in writing, and where possible the Committee Secretaries (or equivalents) will seek pre-emptive advice.

2.2 Legal advice from the government legal advisers will be provided in full to Committees as an appendix to any Committee papers for decisions. Where possible legal advice will be provided in writing, subject to agreement to the contrary.

2.3 Representatives of the government legal advisers are to be invited when necessary or appropriate to Committee meetings to answer any questions on their advice during relevant discussions, and a copy of any paper to Committees referring to legal advice provided by the government legal advisers is to be shared with those advisers.

2.4 The government legal advisers are to be informed if the advice that they have given is likely to be shared or published in full or in part beyond the relevant Committee and (in accordance with established practice) their agreement is to be obtained before any such publication is made. The government legal advisers are to advise the States of Guernsey on

whether it may or may not claim legal privilege; and to explain why in a format that can be published if necessary and agreed.

2.5 The Committee Secretary may agree a different process with the government legal advisers for any particular item or type of advice, and this process should not prevent the routine requesting of advice by committee officers.

3. Clear and co-ordinated process for the commissioning of legal advice by the States of Guernsey and provision of legal advice from other providers

3.1 Discussion will be undertaken between the Law Officers or Director of Legal Services and members and/or officers of the relevant Committee on any issues where it is felt more appropriate to commission legal advice from outside the government legal advisers, for example in those cases where the government legal advisers cannot meet specific client requirements (see also section 11 below).

3.2 A process is to be formalised and communicated to Committees on the decision-making and process relevant for the commissioning of legal advice from other/non-government legal adviser providers.

3.3 Where the government legal advisers commission legal advice on behalf of the States of Guernsey, the full legal advice is to be shared with the relevant Committee unless it relates to a prosecution or other confidential matter (such as child care proceedings); the opportunity is to be afforded for the States of Guernsey representatives to meet the providers of the legal advice; and all incurred and potential future costs are to be set out to the best of the government legal advisers' knowledge.

3.4 Where appropriate the Law Officers or Director of Legal Services will assist in providing a brief to potential providers and support in the commissioning of the legal advice. The brief and support will normally include advice and comment relating to the cost of the legal advice and the application of that legal advice.

3.5 The government legal advisers cannot underwrite the advice or other services provided by external providers, and the Committees and/or their officers must put the necessary arrangements into place for liaison with, instructions to and payment of external lawyers.

4. Clear relationship between the government legal advisers and individual members of the States of Deliberation

4.1 The government legal advisers will issue a guidance note or other communication to members of the States of Deliberation setting out the roles and responsibilities of the Law Officers and the government legal advisers as a whole in relation to requests for advice from individual members of the States of Deliberation, taking into account the functions of the new Parliamentary Clerk.



5. Ensuring value for money

5.1 The States Treasurer will allocate a finance business partner to work with the Director of Legal Services to provide robust financial performance data and analysis, and to provide support in the development of any business cases for service developments or capital investment. This will support the government legal advisers in managing its resources within the cash limit allocated annually by the States following discussion with the government legal advisers, and where necessary to notify Treasury as soon as practicable of any material cost pressures or any exceptional costs which may require funding from the Budget Reserve.

5.2 Officers will advise on any cost ceiling at the beginning of any legal work if known, and the government legal advisers will advise of any issue or risk that may result in any cost ceiling set out being exceeded.

5.3 A framework will be established for potential providers of legal advice outside of the government legal advisers, led by the Director of Procurement and the Director of Legal Services.

5.4 The government legal advisers will include in their annual report so far as practicable the financial value of legal advice provided to each Committee and/or service area in accordance with the notional tariff and fee rates published by the government legal advisers; and provide updates to the Chief Executive Officer annually or at other agreed intervals or occasions.

6. Clear roles and stronger working relationships

6.1 The States of Guernsey will invite the Law Officers or Director of Legal Services to the meetings of the Senior Leadership Team and to the meetings of the Portfolio Board when legal advice or other legal input is required, or when matters of mutual interest are being discussed. The government legal advisers will present reports when required to the Chief Executive Officer of the States of Guernsey on achievement of agreed corporate objectives, so far as relevant and feasible.

6.2 The Policy & Resources Committee and the government legal advisers will keep each other informed of matters being considered that are of mutual interest, and the government legal advisers will be invited to meetings of the Policy & Resources Committee on such occasions as may be agreed, on at least a quarterly basis, to provide legal and constitutional advice and to discuss matters of mutual interest and concern.

7. Professional responsibilities

7.1 States of Guernsey officers will abide by the Civil Service Code in all dealings with the government legal advisers, and will adhere to the Litigation Directive.



7.2 Members of the States will abide by the Code of Conduct for States Members of the States of Deliberation in all dealings with the government legal advisers.

7.3 The government legal advisers will continue to adhere to professional codes of conduct, including professional and ethical duties to the Royal Court, and to follow the Prosecutors' Code of Guidance, Model Litigant Policy and Litigation Directive. They will also ensure that where a conflict of interest arises which cannot be dealt with internally by a 'Chinese wall' within Chambers, the Law Officers or Director of Legal Services will advise the Chief Executive Officer; and seek to reach agreement on how that conflict is to be managed.

8. Enhanced and shared skills

8.1 Both parties will work together to develop a programme of induction and other training for senior civil servants and graduate officers to include better understanding of legislative processes; how to provide instructions for drafting laws, ordinances and subsidiary legislation; legal and financial risk management in line with the Litigation Directive; and the necessity to seek legal advice at the earliest opportunity to minimise risk. The training will be delivered by the States of Guernsey with appropriate input from the Law Officers or Director of Legal Services.

8.2 Both parties will also consider together with the States Assembly and Constitution Committee providing corresponding training to new Members of the States with a view to them understanding their role and potential conflicts (as individual Deputy for their district, Committee member or in quasi-judicial capacity as decision-maker).

9. Continuing to enhance transparency

9.1 The States of Guernsey will support the government legal advisers in the secure hosting of a bespoke website.

9.2 The monitoring and reporting of performance and financial data in relation to the operations at the government legal advisers will be supported through the work of a finance business partner, enabling the government legal service to publish so far as practicable performance measures and financial data in their annual report.

9.3 The government legal advisers will issue, when necessary, clarification to States Members, Committees and officers of the roles and responsibilities of the Law Officers as heads of profession and quality assurance; and of the Director of Legal Services as head of service.

10. Co-managing litigation effectively

10.1 Both parties will continue to adhere to the Litigation Directive. They will also arrange for the Law Officers or Director of Legal Services to join appropriate project boards as legal adviser and attend when necessary; and if feasible the government legal advisers will set out

the financial value of legal advice provided to the project board in accordance with the notional tariff and fee rates published by the Law Officers.

11. Monitoring capacity and capability

11.1 At quarterly or at other agreed intervals or occasions, there will be meetings of the following to monitor and resolve resourcing, capability and capacity issues, and to ensure alignment with the States of Guernsey's legislative priorities agreed with the government legal advisers: HM Procureur and/or HM Comptroller; Director of Legal Services; Director of Legislative Drafting (or other Director if appropriate); Chief Executive Officer; the Strategic Lead for Supporting Government; and the States Treasurer..

11.2 In the event of a significant likely cost arising in respect of a prosecution or mutual legal assistance or asset recovery matter, the Law Officers will raise this issue with the States Treasurer at the earliest possible opportunity, so that the States Treasurer can identify an appropriate source of funding.

11.3 The government legal advisers will advise the appropriate Committee Secretary or equivalent, or raise directly with the Chief Executive Officer, where the government legal advisers do not believe, taking into account all relevant factors including the responsibilities referred to in section 7 above, they have the capacity and/or capability to meet specific requirements of the States of Guernsey as a client; or where the government legal advisers are concerned that the States does not have the capacity and/or capability to correctly interpret or apply legal advice provided.

12. Managing conflicts of interest

12.1 The States of Guernsey will advise the government legal advisers clearly if there are conflicts of interest within the States of Guernsey or between the States and the government legal advisers.

12.2 The government legal advisers will continue to adhere to its Conflicts of Interest in Chambers policy.

13. Information management

13.1 The government legal advisers will implement firstly the States of Guernsey data retention policies so far as appropriate and not in conflict with, for example, professional rules of conduct, best legal practice and relevant legislation; and secondly the government legal advisers' internal data retention policies.



To be reviewed and to be revised as appropriate on annual basis

27th June, 2019:

*Chief Executive Officer
States of Guernsey*

HM Procureur

*President
Policy & Resources Committee*

HM Comptroller

*Director of Legal Services,
St James's Chambers*

