



**LAW OFFICERS  
OF THE CROWN**

# **Law Officers of the Crown Annual Report 2020 – 2022**

## Contents

Introduction .....	3
Overview of the Law Officers of the Crown.....	4
Exceptional times.....	6
1. COVID-19 response .....	6
2. Brexit.....	10
3. Russian Sanctions.....	10
Summary of other services provided during 2020-2022 .....	11
1. Civil Litigation.....	11
2. Commercial Law.....	14
3. Legislative Drafting and Civil Advisory .....	17
4. Criminal Prosecution.....	20
5. Law Officers Functions and External Relations.....	26

## Introduction

We are pleased to introduce the 2020-2022 Annual Report for the Chambers of the Law Officers of the Crown (St James Chambers, or simply 'Chambers' in this report). We have made the report shorter compared to previous years, while trying to convey just as much (or more) information in a more user-friendly format.

Preparation of the report has been delayed due to the exceptional pressures faced over the last two years, which have included, but not been limited to, the impact of the Covid-19 pandemic; the ongoing discussions and negotiations arising from Brexit, and the war in Ukraine. Just these three external events have required extraordinary responses from lawyers in Chambers on top of heavy business as usual workloads.

We continue the process of transforming Chambers, and are currently working to restructure our organisation to increase efficiency by the creation of smaller teams or Units. Our aim and focus continues to be on the provision of a high quality and value for money legal service to all our clients across government and beyond. This is against a background of an ever-increasing demand on our services (reflected in the charts in this Report) and extraordinary pressure on public finances.

We are very conscious of the intense strain that managing these pressures can place on our staff, lawyers and non-lawyers alike. Towards the end of 2019 we were the first legal practice in the Bailiwick to sign up to LawCare<sup>1</sup> and there has been a growing focus on mental health in the period under review, including a presentation to staff by Guernsey Mind.

2022 saw Crown Advocate Chris Hookway step down from the post of Director of Legal Services after almost 20 years as holder of the post, with Crown Advocate Jon McLellan taking on the role. Over that time Chambers has grown significantly as the range and complexity of the work we undertake has expanded. Chris' contribution to Chambers has been immense, and we are exceedingly grateful to him.

We believe that this report demonstrates the extraordinary range of the services we provide and the work we undertake on behalf of the governments of the Islands of the Bailiwick, the Crown, and other public sector bodies. We hope you find it interesting and useful. If you have any questions or comments on it, we would welcome hearing from you - please email [law@gov.gg](mailto:law@gov.gg).

<b>M.M.E. Pullum K.C.</b>	<b>R.M. Titterington K.C.</b>
<i>H.M. Procureur</i>	<i>H.M. Comptroller</i>

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<sup>1</sup> A UK charity whose mission is to provide information and support to anyone in the legal community experiencing mental health and wellbeing issues.

## Overview of the Law Officers of the Crown

**H.M. Procureur (known externally as Attorney General) and H.M. Comptroller** (Solicitor General) perform the professional and constitutional duties of the Law Officers of the Crown, including advising Committees and individual Members of the States of Deliberation, the States of Alderney and the Chief Pleas of Sark, acting as non-voting members of States of Deliberation, attending their meetings and advising on constitutional, procedural and legal issues and acting as members of the States of Election under the Reform (Guernsey) Law, 1948 (when Jurats of the Royal Court are elected).

The Law Officers also perform certain coronial functions for the Bailiwick, e.g. in connection with sudden deaths, they authorise all cremations in the Bailiwick, direct the opening of inquests and authorise all post mortems. They also have certain customary law and ceremonial functions and perform statutory functions, e.g. in the fields of mental health, children in care and at risk, represent Guernsey internationally, and act as the central authority in the Bailiwick for International Cooperation & Mutual Legal Assistance.

H.M. Procureur and HM Comptroller also hold the posts of H.M. Receiver-General and deputy Receiver General respectively whose functions include the collection of Crown revenues within the Bailiwick and the administration of Crown property (including Jethou), the foreshores (in those places where the Crown possesses the fiefs contiguous with the coast), 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 or corporate structure.

### *Staff*

Year	Staff in post at year end
2020	54
2021	57
2022	57

H.M. Procureur and H.M. Comptroller are currently supported by six legal teams as detailed below and some administrative support in fulfilling their Crown functions.

**The Civil Litigation Team** provides assistance and representation on behalf of the Law Officers in contentious civil, childcare, public and administrative law matters (e.g. judicial review and statutory appeals) 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 Commercial Law Team** provides legal advice in respect of commercial law, contracts, major project management, procurement, property and related public law issues on behalf of the Law Officers. The team assist in maximising value for money for the States of Guernsey and in the maintenance or change of public services. 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, for HM Receiver General.

**The Legislative Drafting and Advisory Team and Civil Advisory and Legislation Team** draft legislation 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, and public law issues facing the States of Guernsey, States of Alderney, Chief Pleas of Sark and other public sector clients.

As well as drafting legislation and providing legal advice the Civil Advisory and Legislation Team also includes two specialist employment lawyers and two lawyers dedicated to Finance Sector Development, an entity established for the development of the finance sector and commercial legislation and policy.

**The Criminal Prosecution Team** is responsible for the prosecution of criminal cases in the Bailiwick on behalf of the Law Officers. 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.

**The Administration Team** provides important business support functions such as financial management, facilities management, information technology support, human resources, business continuity and records management to the Law Officers' Chambers. In addition, the team assists the Law Officers in the exercise of their H.M. Receiver General functions, and implements business improvement projects that improve productivity, modernise the practise and provide management data.

## Exceptional times

During the period under review, staff were under exceptional pressure as they provided legal services in response to a number of historic events, as detailed below, in addition to business as usual.

### 1. *COVID-19 response*

COVID-19 related work dominated a large part of 2020 and 2021 as illustrated by the fact that staff recorded approximately 7,000 hours against COVID-19 workstreams and the Law Officers and staff provided weekly advice to the Civil Contingencies Authority. As for so many others, the pandemic also forced us swiftly to embrace new ways of working with Chambers continuing to provide uninterrupted levels of service.

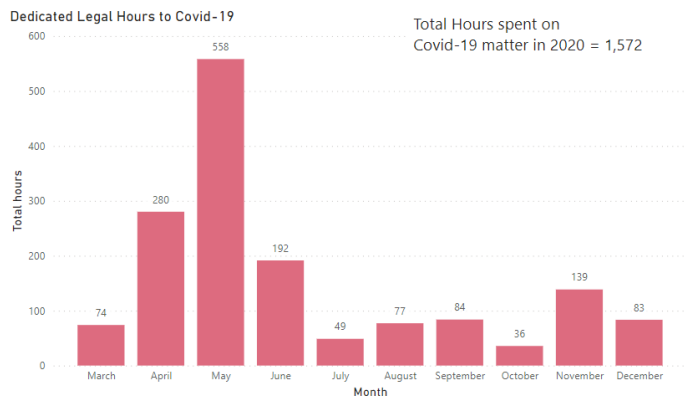
#### 1.1 *Civil Litigation*

The periods of lockdown caused the most significant consequences to the work of the team because court hearings, initially, could not take place and the cases that stacked up required maintenance and monitoring, particularly the cases that the team handled in relation to the protection of children. Aside from the problem with court hearings, some matters (notably child protection cases) could not be progressed due to the inability of experts (often psychologists) to come to the island to undertake formalised assessments.

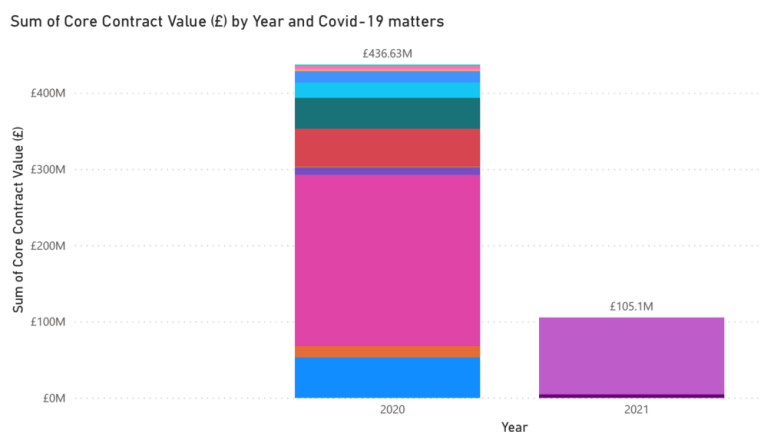
Another consequence of the pandemic was the significant increase in demand on the team for advice in urgent circumstances. Many requests were time sensitive and related to the regulations applying to travel and the need for self-isolation (and could make the difference between the need to self-isolate for one week rather than two, etc). Over 40 hours were spent in court on just three cases (appeals against the application of the Regulations on individuals). The added assistance to the Committee for Health & Social Care in relation to challenges that fell short of court proceedings occupied considerably more staff time.

#### 1.2 *Commercial Law*

During 2020, the Commercial Law Team provided critical and vital legal assistance on emergency measures instigated by the States of Guernsey in response to the COVID-19 pandemic. Legal assistance ranged from providing contractual advice on medical equipment, goods and services to arranging a £225 million Revolving Credit Facility to finance the delivery of the States of Guernsey's policy in light of the socio-economic threats caused by the pandemic. The chart on the following page illustrates the impact and increase in dedicated legal hours relating to COVID-19 matters during 2020.



The chart below identifies the value of key matters the Commercial Law Team supported the States of Guernsey in during the Bailiwick’s emergency response to the pandemic during the period 2020-2022. The name of the individual matters has been removed for confidentiality purposes. The nature of the work mainly related to various aspects of Island financing, Island critical services, and key aspects of medical services and supplies.

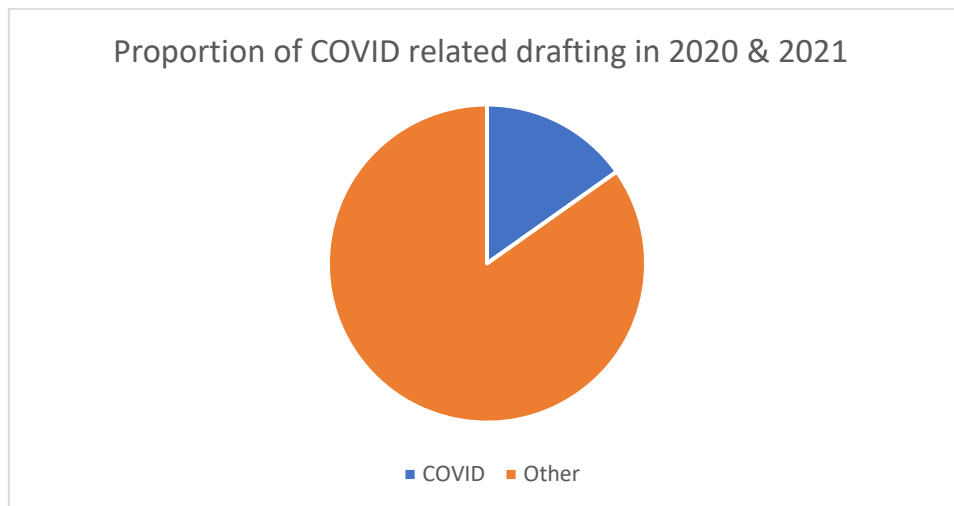


### 1.3 *Legislative Drafting & Civil Advisory*

The first emergency regulations ever made under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 were made on 18<sup>th</sup> March, 2020. In total, 31 sets of emergency regulations under the 2012 Law were made in 2020 and 44 in 2021, imposing extraordinary restrictions on the people of the Bailiwick in the interests of public health never before seen in peacetime. In addition to the huge amount of drafting required and in consultation with the Law Officers, , members of the team regularly attended meetings of the Civil Contingencies Authority, advised across a wide range of areas impacted by COVID-19, and gave advice on complex and sensitive human rights issues, often requiring a balance of competing rights and interests to be reached. The emergency regulations dealt with matters as diverse as: imposing restrictions on persons entering the Bailiwick; creating new powers of the Medical Officer of Health; imposing (and subsequently moving the Bailiwick out of) lockdowns, when there was evidence of community transmission of the virus within the Bailiwick; closing schools; modifying the application of the Population Management (Guernsey) Law, 2016; enabling remote meetings of the Bailiwick's legislatures to be held; and changes to the operation of the

Mental Health Tribunal. Other COVID-19 drafting related to vaccines, including in respect of limiting liability, amendments to medicines legislation and Planning Tribunal appeal procedures.

The chart below illustrates the proportion (in terms of numbers of instruments drafted) of legislative drafting work that was COVID-19 related in 2020 and 2021.



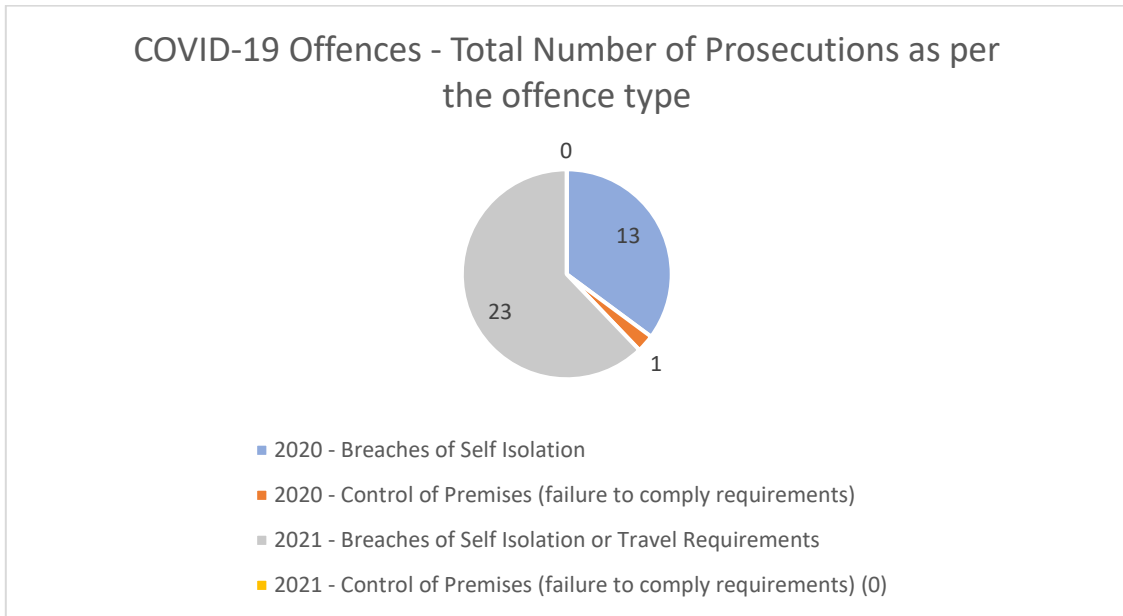
#### 1.4 *Criminal Prosecution*

The pandemic placed a considerable burden on the criminal prosecution team. When lockdown began, and to comply with the changes in the law, the majority of cases were postponed in the absence of the parties, and this caused an unavoidable delay in many cases. Once cases were able to resume many were dealt with online, including Magistrate’s Court hearings, Royal Court sentencing hearings and Court of Appeal cases. When it was possible to return in person to the court room the prosecution team worked closely with all interested parties and by the end of 2022 the prosecution were able to clear the backlog of cases caused by the pandemic, thereby avoiding the ongoing and lengthy delay in the listing of cases seen in other jurisdictions. The team also undertook a voluntary 'on call' service for Bailiwick Law Enforcement throughout the pandemic due to the need to limit cases that were placed into the court system.

In the regulations introduced at the start of lockdown a whole set of new offences was created to try to contain the pandemic. These offences were to allow the lockdown to be enforced with criminal sanction. The criminal prosecution team were consulted on the frequent revisions of the law as the lockdown requirements changed as the pandemic progressed. This process was often urgent, due to the need to amend the regulations at short notice. Further, the prosecution team provided general advice to Bailiwick Law Enforcement regarding how to enforce these new offences, provided advice on charge and prosecuted all such cases.



Given the statistics below it is considered that the effective enforcement of the COVID-19 regulations played an important part in the overall strategy adopted to control the pandemic in the Bailiwick of Guernsey. The chart below compares prosecutions for failing to comply with COVID-19 requirements in 2020 and 2021.



The regulations created varying penalties available to the court to impose in the event of conviction. In general terms the courts could impose fines up to £10,000 and/or 3 months imprisonment. The amount of fines imposed are shown below.



## *2. Brexit*

In consultation with the Law Officers, lawyers from Chambers provided advisory, drafting and policy support services throughout the Brexit negotiations and related work streams. This included: articulating the Bailiwick's negotiating position; reviewing, commenting on, and preparing position papers and draft treaty text; ensuring the constitutional position of the Bailiwick was understood and appropriately reflected; attending meetings with UK officials, including negotiators; attending meetings with officials and lawyers from the other Crown Dependencies; supporting domestic governance processes in the form of the Future Partnership Delivery Group and Trade Policy Advisory Panel, as well States' Updates, Policy Letters, Committee Updates, and engagement with Alderney & Sark; and drafting any necessary legislation. The extent of Chambers involvement is reflected in staff time which topped 3,500 hours in 2020 and 2021.

Outside the UK-EU and UK-RoW (Rest-of-World) negotiations, end-of-Transition-Period 'readiness' work continued. This principally concerned customs, goods and fisheries matters – being those areas resulting from or closely associated with the Bailiwick's former Protocol 3 relationship with the EU.

Significant and complex Brexit-related amendments to legislation including intellectual property (for the purpose of extending a considerable number of IP conventions), plant health and immigration were also made. In terms of plant health, the Plant Health (Implementation) (Guernsey) Ordinance, 2020 implemented the EU Plant Health Regulation and the Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020 made amendments to preserved EU law in this area. These were necessary to meet obligations under Protocol 3 during the transition period and to ensure continued access for Guernsey plants and plant products to the UK and EU markets.

Looking forward, many of the features of 2020 (with the exception of the end-of-Transition-Period readiness work) became business-as-usual – trade negotiations; domestic scrutiny; local implementation; UK-Bailiwick governance; international reporting; regulatory developments – both for lawyers in Chambers and officers in the wider States.

## *3. Russian Sanctions*

The UK's sanctions made against Russia in response to the war in Ukraine have automatic effect in the Bailiwick. The Policy & Resources Committee made new sanctions Regulations to ensure these sanctions were adapted, with very minor changes, for the Bailiwick's domestic context.

During the period February to December 2022, one staff member provided in excess of 560 hours of advice to the Policy & Resources Committee on matters involving the implementation of those sanctions: this equates to approximately 16 working weeks, on top of usual business.

## Summary of other services provided during 2020-2022

### 1. *Civil Litigation*

As a result of the closure of businesses and schools during COVID-19 related lockdowns there were noticeable drops in requests for advice from some committees including those collecting income tax and social security contributions as significant allowances were made to those struggling to keep up payments.

The time recorded in 2020 on miscellaneous requests for advice from the Committee for Health & Social Care represented an increase of 89% compared with 2019, reflecting the heavy demand for urgent advice across a number of disciplines including COVID-19 related matters and adult safeguarding. The increase continued into 2021 when the time recorded was three times that in 2019, reflecting both the ongoing need for advice on new miscellaneous and pressing matters as well as the decision by the team to handle, where possible, personal injury claims against the States of Guernsey. Only in 2022 did the figures return to pre-COVID levels.

#### 1.1 *Child Protection*

A significant workstream for the Team is in the field of child protection and associated matters (private law cases that call for some involvement of Children and Family Community Services, data protection and disclosure queries, specific issues regarding the welfare of children in the care of the States of Guernsey, etc). As alluded to above, the passage of many active court cases was impacted by COVID-19; yet those cases required no diminishment of input whilst their progress was unavoidably delayed. Virtual court hearings required greater forethought to ensure they ran smoothly, and urgent queries required prompt advice when crises occurred. The unique challenges presented by lockdown, and the knock-on effect of the pandemic generally, generated a significant increase in general queries for advice in the years after 2019 (2020: 741 hours, 2021: 1035 hours, 2022: 563 hours).

The table below details the number of childcare related cases handled by the team during the period under review.

Year	Cases	Number of children involved	Adoptions	Secure/ECPOs/ Recovery	Private Law	Emergency hours	Days in Court
2020	17	28	6	18	30	51.5	55
2021	16	27	6	16	34	76.5	23.5
2022	27	35	3	1	33	13	47

The team has devoted time and resources to strengthen our close working relationship with Children and Family Community Services building on the foundations provided by the

appointment of a Children Proceedings Case Manager within the Service. This has included contributing to the development and delivery of training on court room skills and a series of lunchtime seminars on a wide range of legal practice issues. The Team produces regular 'Briefing Notes' on important cases setting out learning points for practice and have undertaken a significant project to produce a suite of templates for social workers for reports and statements in children proceedings with the aim of improving the quality of cases presented to court and tribunal and reducing delay where possible.

## 1.2 *Adult safeguarding*

In 2020, one specific and very complex adult safeguarding matter proceeded to court and demanded the equivalent of 7 working weeks of staff time. The hours recorded for miscellaneous adult safeguarding queries is as follows (2019: 20 hours, 2020: 56 hours, 2021: 131 hours and 2022: 91 hours). In a jurisdiction with no Official Solicitor, there is increased pressure upon the Law Officers' Chambers to fill the void when there are no family members to assist when an individual loses capacity or becomes vulnerable and where there is no Lasting Power of Attorney in place.

## 1.3 *Debt recovery*

2020 was obviously an unusual year because of COVID-19 and its effect on local business. The Revenue Service took the step of not pursuing debts until businesses were able to recover so there were significantly fewer cases. There were a combination of social security and income tax matters totalling £492,742.56 in claims, of which £454,710.72 was recovered largely through instalments. These figures represent cases which closed during the year of which only 4 were actually issued in 2020.

Again, 2021 was a quieter year with business still recovering from the effects of COVID-19. Cases concluded during the year totalled 34 of which 20 were actions that had been issued in 2021. Of a total of £957,684.06 claimed, £901,209.50 was recovered, again by instalments.

2022 saw a significant upsurge in cases with 101 cases concluding during the year. Of these, 86 were new matters. A total of £4,188,659.42 in claims issued led to £2,547,742.09 being recovered through the instalment process and a further £474,739.55 through Royal Court judgments. It must be borne in mind however, that a number of actions were withdrawn after they were issued for a number of reasons e.g. good service could not be achieved because the Revenue Service had not been informed of a change of address or because, on provision of further information by the taxpayer, cases were reassessed.

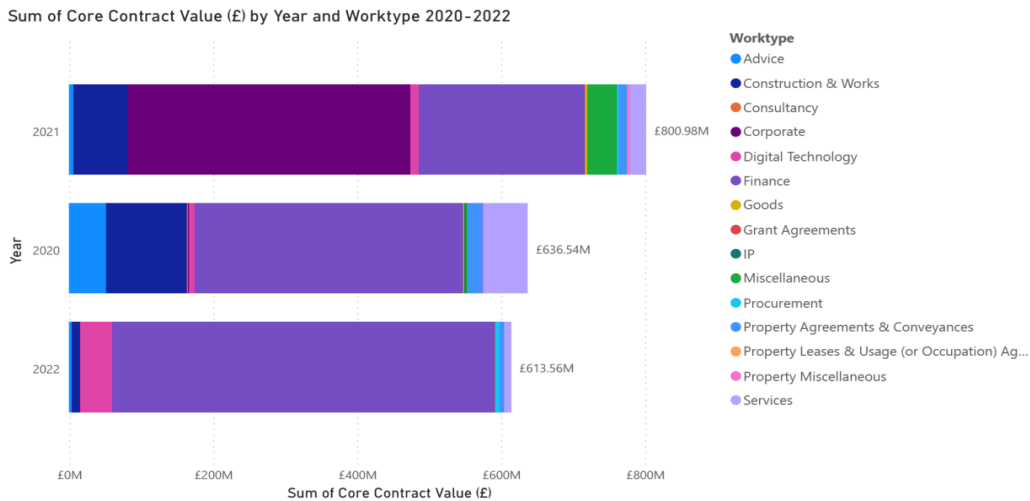
## 1.4 *Civil forfeiture*

On behalf of the Guernsey Economic & Financial Crime Bureau, the Civil Litigation team make regular applications to the Royal Court for the forfeiture of seized cash believed to be the proceeds of unlawful conduct. In 2020, nine Civil Forfeiture applications were concluded with £39,929.25 being forfeited. In 2021, there were a further nine applications resulting in the

confiscation of £32,458.18 and 2022 saw 11 cases conclude with a total of £30,800.88 being forfeited.

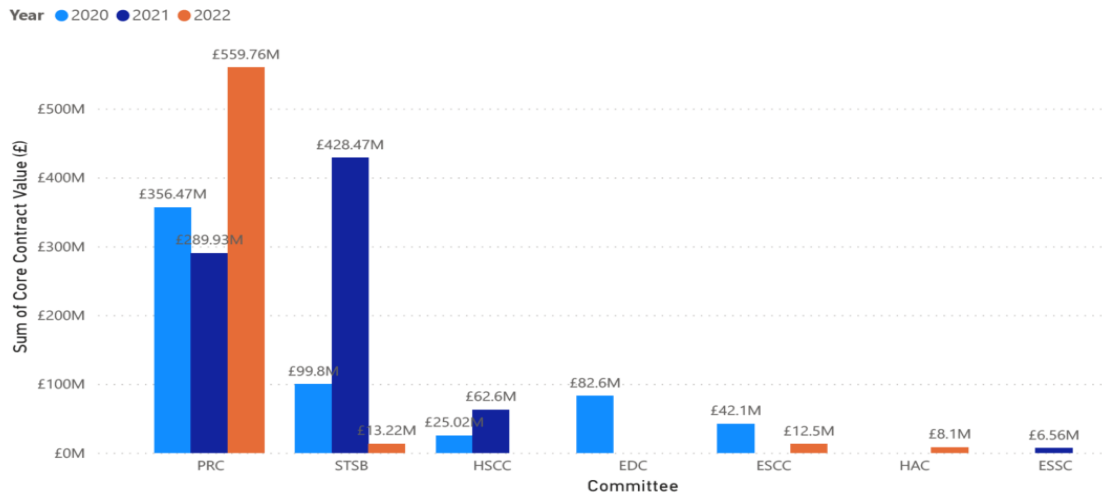
## 2. Commercial Law

Alongside COVID-19 related work, the Commercial Law Team continued to assist the States of Guernsey in maximising value for money - helping to keep costs down and in particular to manage risks in relation to Government spend with suppliers and other providers in support of providing public services and developing infrastructure. The team also assisted in the maintenance or change of public services 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 connected entities. This is integral to the 'maintain' aspect of government business and the importance of this was brought into focus during the first wave of the Covid-19 pandemic. The chart below illustrates all contracts which were opened and active during each year from 2020 to 2022. However please note these figures relate to the whole contract life value, and are estimated with reasonable accuracy at file opening. So for example for a ten year contract the value each year is captured for the whole ten year period. Some very large matters remain open post contract close due to the need for continued advice. The corollary of this is that given the public nature of some of the States of Guernsey's work, some contracts do not have a financial value and are therefore not caught in the graph below.



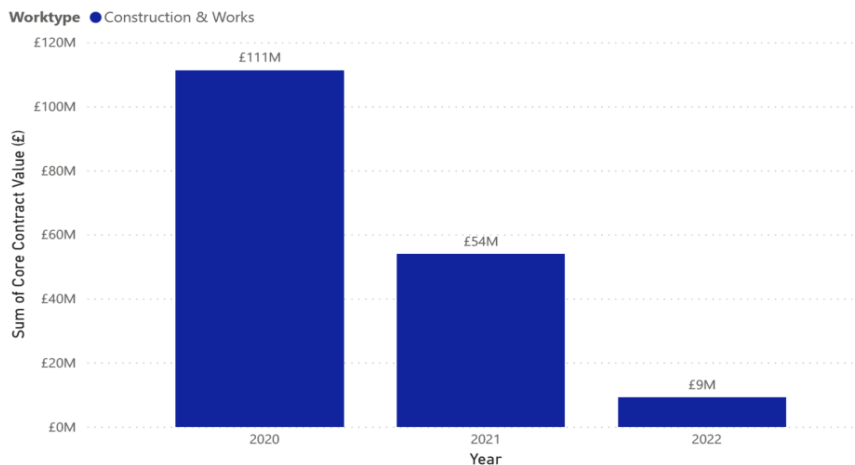
The following chart shows the relative value of contracts by States of Guernsey Committee for 2020 to 2022. These Committee weightings can change materially from year to year depending upon which large scale projects are active.

Sum of Core Contract Value (£) by Committee and Year 2020-2022



The chart below shows files opened which relate to capital projects and infrastructure by value during 2020-2022.

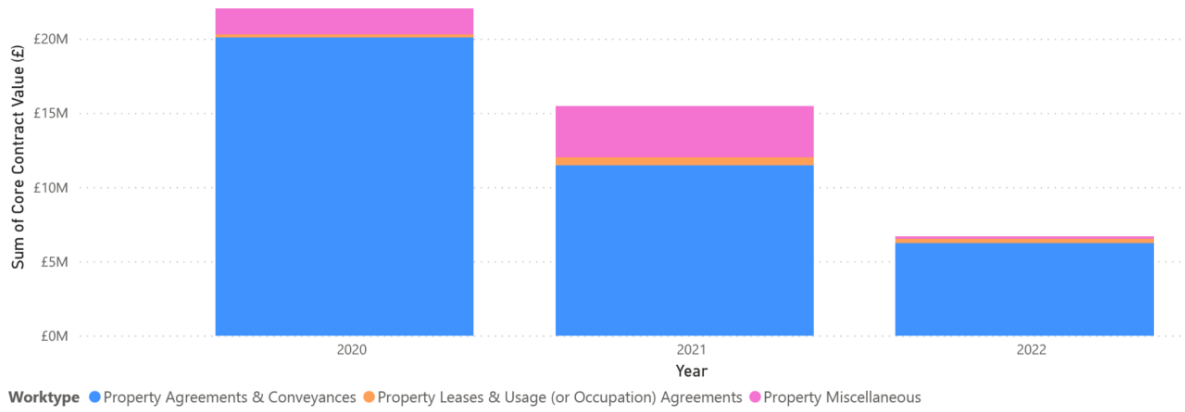
Capital Projects and Infrastructure by Value 2020-2022



The Commercial Law Team also provided advice to States Property Unit, Her Majesty's Receiver General and other Committees on all substantive land and property matters including Herm, Alderney & Sark and also assisted the States of Guernsey in a key element of Public Sector Reform focusing on optimising the extensive portfolio of States-owned properties.

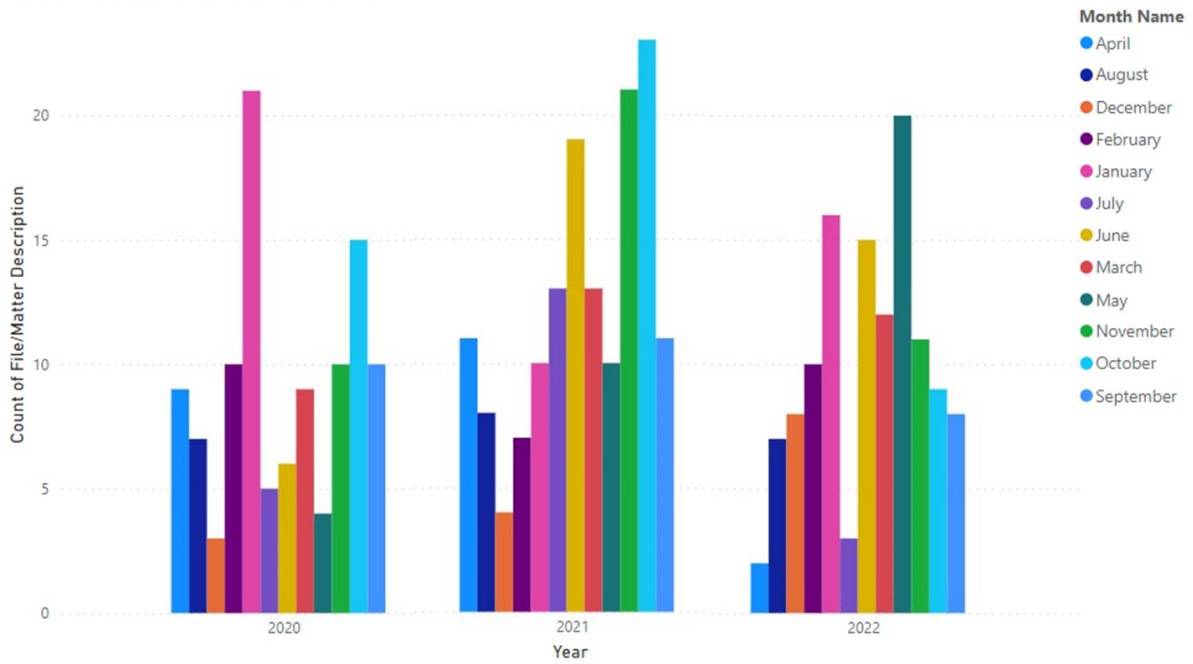
The value and breadth of advice on property matters during 2020 to 2022 is illustrated below in the chart which shows the value and variety of property matters the States of Guernsey has to deal with in its complex role as landlord of major parts of the Island, its natural environment, and Island infrastructure. Please note that the Worktype value 'Property Miscellaneous' captures work relating to forensic legal title research, relating to legal issues arising from historic title ambiguities, boundary ownership and disputes.

Value of Property Matters by Value and Worktype 2020-2022



The chart below shows the number of matters the Commercial Law Team were instructed on during 2020 to 2022.

Count of File/Matter by Year 2020-2022





### 3. *Legislative Drafting and Civil Advisory*

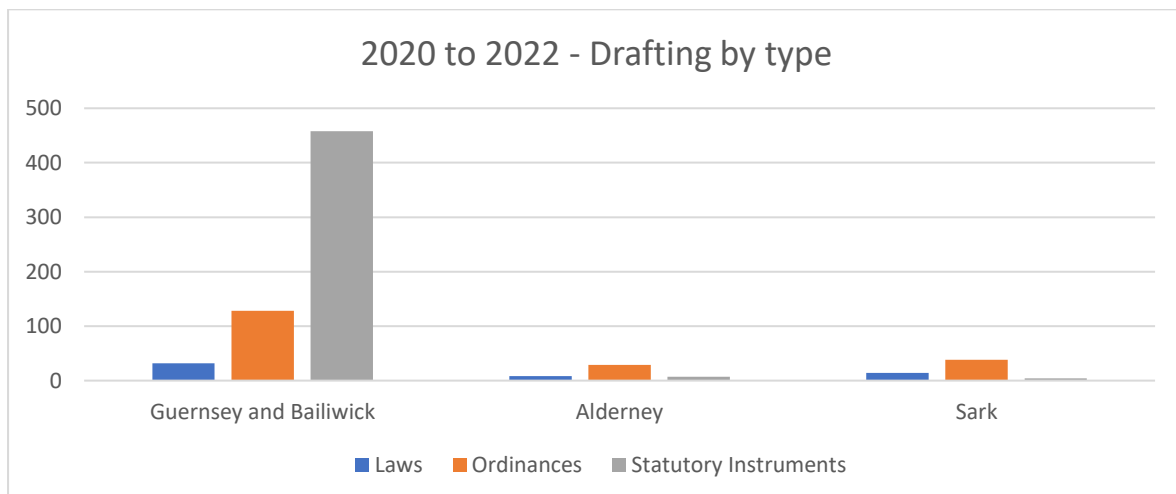
In addition to the ongoing pressures of Brexit and the unique challenge of the COVID-19 pandemic discussed above, this period also saw the finalisation of substantive pieces of legislation relating to: sexual offences; the registration of charities; lasting powers of attorney; secondary pensions; no fault divorce; water pollution; the discount rate in relation to personal injury claims; lending, credit and finance; the first Island-wide election; governmental scrutiny; and in the fields of land planning and discrimination. The Bailiwick's financial services regulatory Laws were consolidated with substantial revision and the resulting six items of legislation comprised some 1600 pages of text, and represents the biggest legislative project the Bailiwick has ever undertaken in terms of volume.

As regards Guernsey's system of government, several pieces of legislation were drafted and enacted to make further provision for the successful 2020 General Election, the first to be held with political parties and on an Island-wide basis, including amendments to the postal voting system and the Electoral Expenditure Ordinance, 2020.

The number of domestic legislative instruments – Projets, Ordinances and Statutory Instruments - produced in 2020 was 262. This represented a 25% increase on the same figure for 2019 (itself, with Brexit, a very busy year), and equates to one item for each working day of the year. That increase was maintained in 2021 with 258 legislative instruments produced. The increase is, in very large part, attributable to the legislative response to the pandemic and the huge personal effort of the teams. In other words, in drafting terms the teams managed the massive extra pressure of COVID-19 on top of the production of 2019-equivalent levels of drafting in other areas (including Brexit), without any additional drafting resource.

#### 3.1 *Legislative drafting*

The chart below analyses the drafting undertaken in terms of the different jurisdictions of the Bailiwick. 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. 'Guernsey & Bailiwick' refers to legislation which extends to Guernsey only and to the whole Bailiwick.



### 3.2 *Advice*

In addition to committees of the States of Guernsey, the States of Alderney and the Chief Pleas of Sark, the teams provide legal advice to other public services clients such as the GFSC and the Alderney Gambling Control Commission. Major areas of advice included: preparations for, and the holding of, the first election to be held on an Island-wide basis; implementation of the International Maritime Organisation III Code and preparations for audit; proposals for new discrimination legislation; the application of anti-money laundering legislation to the proceeds of foreign drug production; taxation and the response to OECD and EU international standards; implementation of various amendments to the Montreal Protocol on ozone depleting substances; land planning and building control (including planning covenants); data protection; aviation; immigration; and a complex Trusts matter.

### 3.3 *Employment law*

A full range of employment law advice and representation in both casework and policy and legislative development was provided during this period. There was a consistently high volume of work during this period not least in response to workforce and employment law aspects of the COVID-19 pandemic. In response to demand, an increasing amount of advice concerned data protection, from an employment law perspective.

### 3.4 *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). Their work included: advice to FSD, the States of Guernsey, and statutory authorities (including the Guernsey Competition and Regulatory Authority, the Guernsey Registry and the Office of the Financial Services Ombudsman) on a wide range of policy and legal issues relating to the finance sector, financial services and commercial legislation.

### 3.5 *Alderney*

Alderney generated a significant workstream following the revisiting of the 1948 agreement on the financial relationship between Guernsey and Alderney and the 2019 resolution of the States of Deliberation relating to the repatriation of fiscal powers from Guernsey to the northern isle. The Alderney Property Tax (Enabling Provisions) Law, 2020, and the Alderney Property Tax Ordinance, 2020 made under it, replaced the Alderney's occupier's rate with a new tax based on Guernsey's Tax on Real Property regime (that tax now being levied at a zero rate in Alderney). Parallel amendments to the Document Duty and Customs and Excise Laws also permitted Alderney to set their own insular rates of document duty and excise duty. Other significant legislative developments included limited partnership and partnership laws and a new Abortion Law.

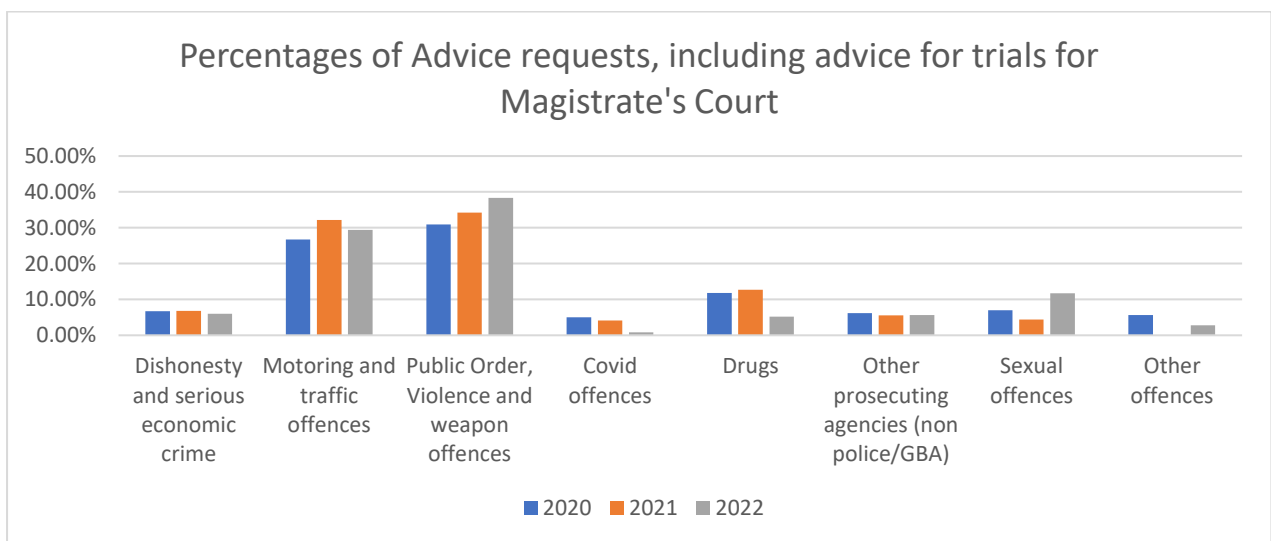
### 3.6 *Sark*

In Sark, significant legislative changes were made in several important areas, notably as regards child protection, the security of electricity production and distribution and land reform introducing provisions in relation to divisibility of land and charging of real property (including certain leaseholds).

## 4. Criminal Prosecution

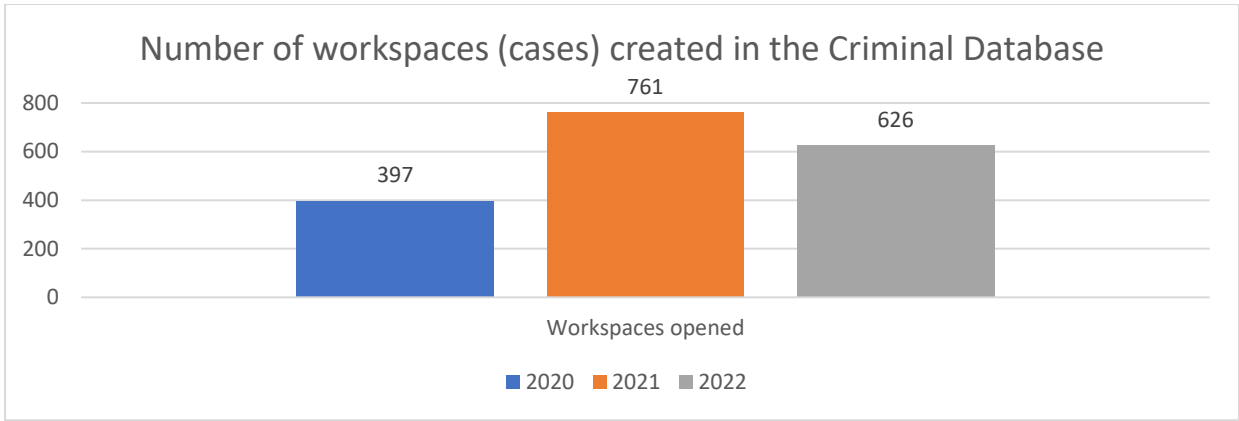
### 4.1 Magistrate's Court

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, usually more in 2021/2022 in order to clear the COVID backlog mentioned earlier. In addition, the prosecution team operate a voluntary on call system for Saturday morning and Bank Holiday breach of bail courts. 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 2020 to 2022 for formal advice and review, including not guilty pleas for Magistrate's Court trials, are set out in the graph below:



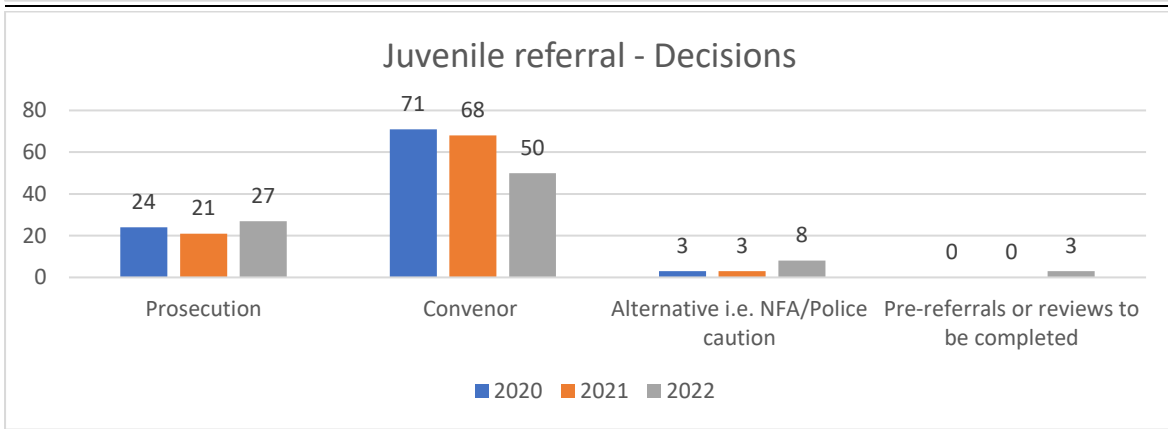
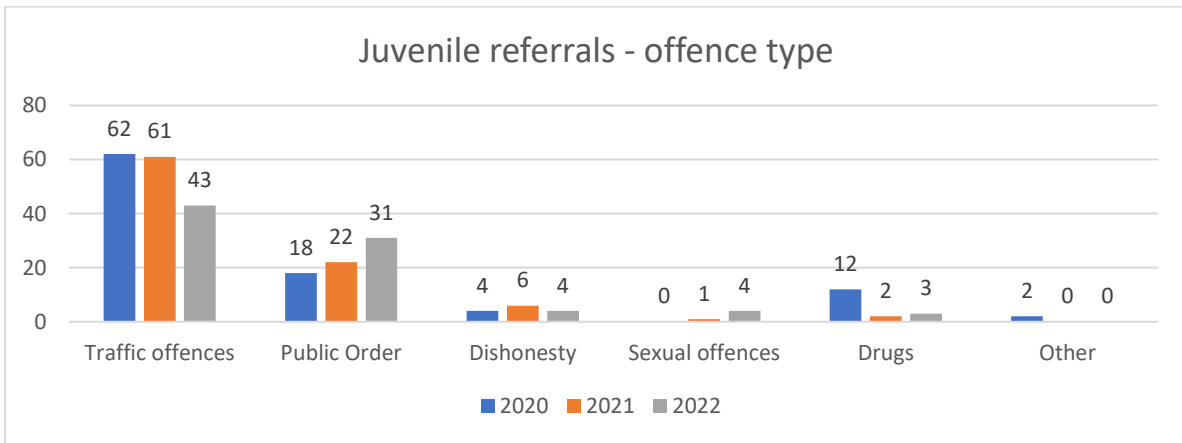
These percentages do not give a complete picture of the activity of the criminal team, as they do not include the majority of cases which are dealt with in the Magistrates Court upon first appearance, but they do provide a general illustration of the range of offences dealt with by the team. Further, it should be noted that the increase in sexual offences must be considered in the context that new legislation, the Sexual Offences (Bailiwick of Guernsey) Law 2020, came into force on the 1<sup>st</sup> March 2022. This legislation created a number of new sexual offences such as grooming and voyeurism, thereby increasing the number of sexual offences it is possible to commit.

The graph below shows the number of workspaces created in the Criminal Database over the years 2020 to 2022. This includes matters opened from the Mutual Legal Assistance and International Co-operation directorate. The number of workspaces represent the number of cases but does not represent the number of suspects or defendants, because a case can have multiple defendants. The increase in the number of workspaces being opened is not necessarily indicative of a corresponding increase in case work because the criteria for opening a workspace changed in 2021.



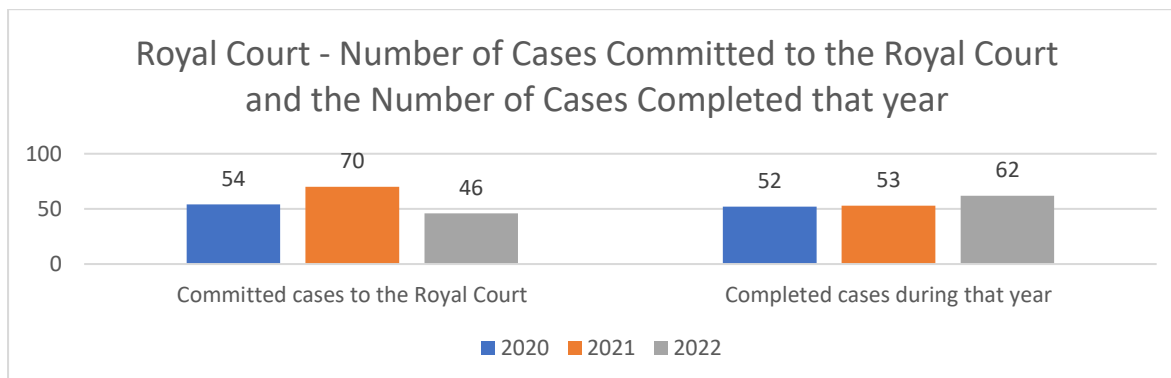
## 4.2 *Juvenile Court & Youth Justice*

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 graphs below show a comparison of juvenile referrals between the years of 2020 to 2022.



### 4.3 *Royal Court*

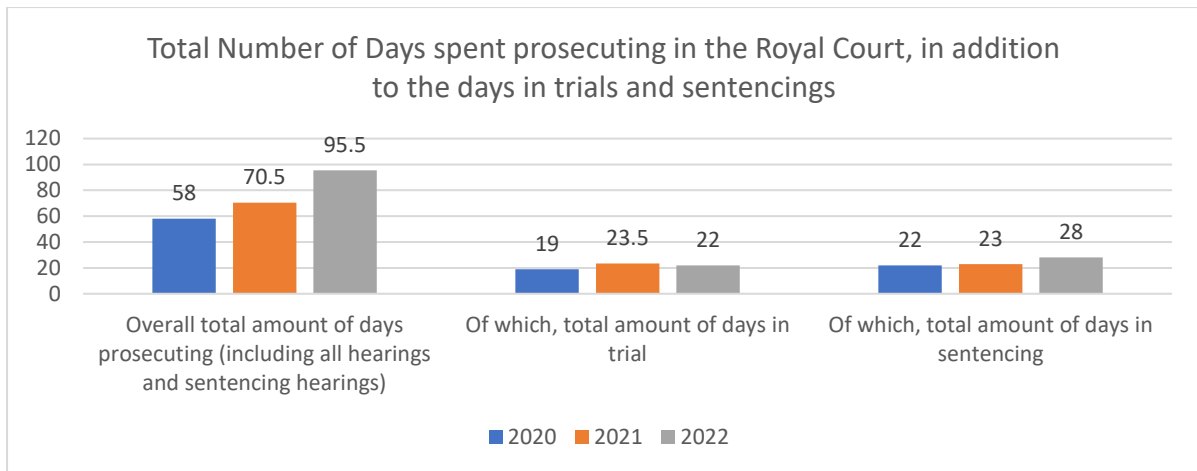
More serious cases are sent or committed for hearings in the Royal Court. The graphs below show the number of cases committed to the Royal Court and how many cases were completed during that particular year.



This data shows a continuing increase in the number of Royal Court cases since the previous report when it was reported that there were 48 cases committed to the Royal Court in 2019 and 38 in 2018. 2022 showed a reduction from 2021 in cases being committed to the Royal Court but this was offset by the increased number of cases from previous years being completed in 2022. Many of these cases were delayed by the pandemic. The number of cases that resulted in a defendant being convicted (meaning both by pleading guilty or being found guilty) of at least one offence are shown below:

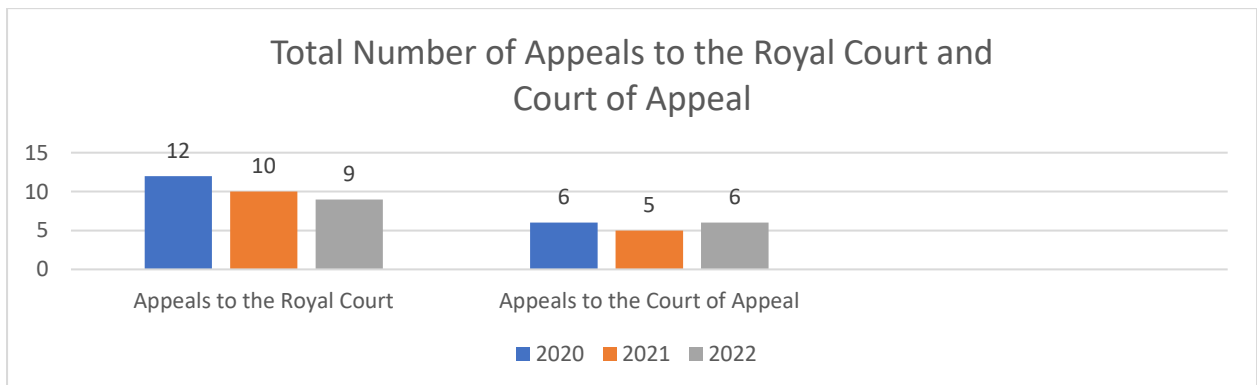
Overall conviction rate (Royal Court matters)		
2020	2021	2022
92%	96%	93%

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. 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. The graph below indicates the number of days spent prosecuting in the Royal Court.



It must be borne in mind that lockdown seriously impacted on the number of court hearings as cases had to be cancelled and adjourned in absence. Notwithstanding this data shows the prosecution were consistently busier than in previous years.

The graph below shows the total number of appeals to the Royal Court and Court of Appeal during 2020 to 2022.



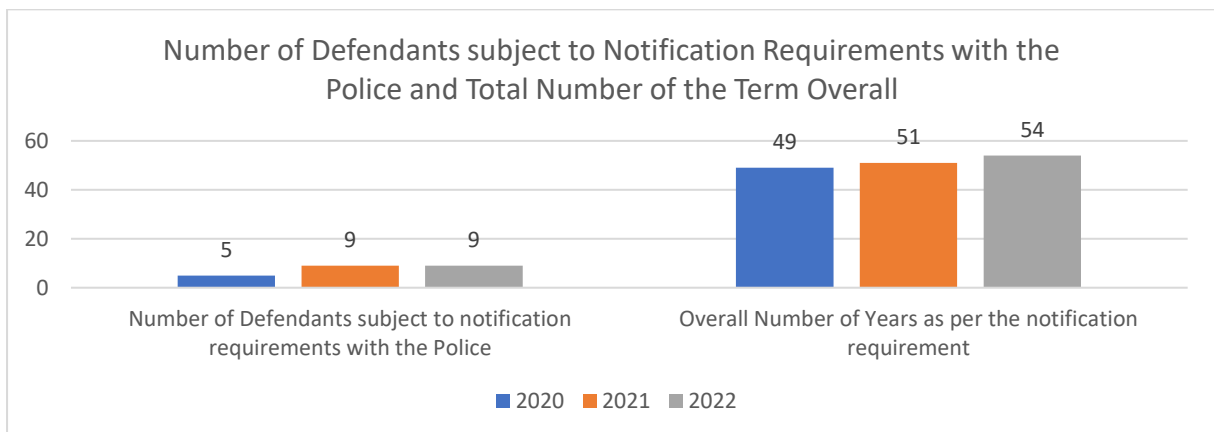
#### 4.4 All offence categories – Royal Court cases

The table below shows the number of the different offences and the number of defendants in the Royal Court during 2020 to 2022.

Category of Offence	Total Number of Cases (inc. acquittals / no evidence offered)			Total Number of Defendants		
	2020	2021	2022	2020	2021	2022
DRIVING	3	3	5	3	3	4
DRUGS	32	25	33	40	24	42
FRAUD, MONEY LAUNDERING & RELATED OFFENCES*	3	0	3	3	0	3
PROPERTY	2	4	0	1	5	0
SEXUAL OFFENCES	7	10	11	7	9	10
VIOLENCE	3	8	4	3	10	6
MISCELLANEOUS	2	3	6	2	3	6
<b>TOTAL</b>	<b>52</b>	<b>53</b>	<b>62</b>	<b>59</b>	<b>54</b>	<b>71</b>

#### 4.5 *Sexual offences*

The number of sexual offences referred to the criminal team which then proceeded to the Royal Court remains consistent, with 11 cases in 2022 and 10 cases in 2021, compared to 7 in 2020. The graph below compares the total number of persons made subject to notification requirements under the Criminal Justice (Sexual Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 in the years 2020 to 2022.

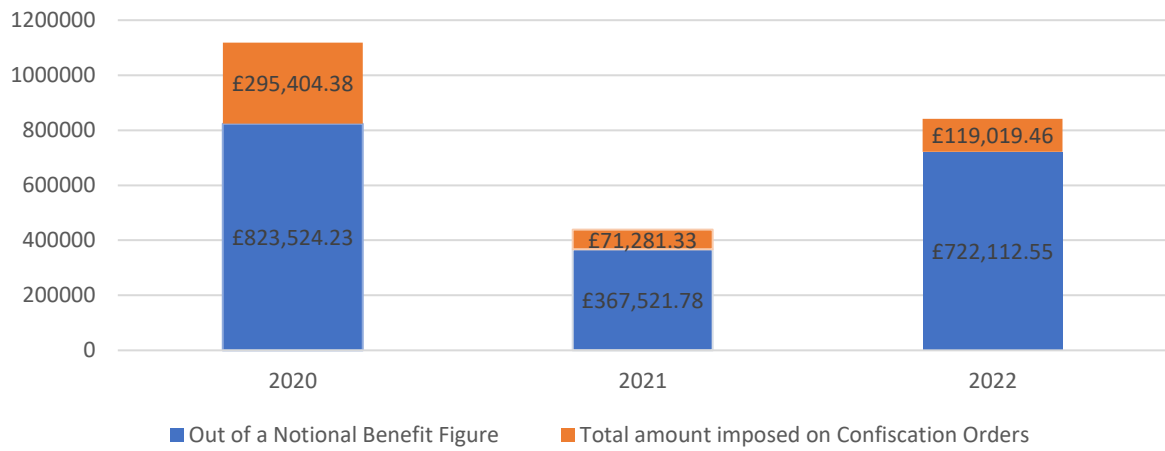


#### 4.6 *Confiscation orders*

The graph below shows the total amount imposed on confiscation orders in relation to the proceeds of crime, including drug trafficking offences. This includes the total amount on the confiscation orders, out of the notional benefit figure. The number of confiscation orders made in 2022 increased to 20 orders, compared to 6 in 2021.



Total Amount Imposed on Confiscation Orders, in relation to the Proceeds of Crime and Drug Trafficking Offences, out of a notional benefit figure



## 5. Law Officers Functions and External Relations

### 5.1 Mutual Legal Assistance

The Law Officers Chambers provide mutual legal assistance (MLA) to numerous overseas jurisdictions in the discharge of the functions of H.M. Procureur as central authority for MLA for the Bailiwick. A total of 70 Letters of Request were received and a total of 56 serious fraud notices and/or production orders were served on local persons/entities during 2020-2022.

<u>Description</u>		<u>2020</u>	<u>2021</u>	<u>2022</u>
a)	Requests received; including requests actioned under the International Co-operation Law including the service of overseas process of behalf of foreign jurisdictions or requests where informal assistance* was provided	25	26	19
b)	Serous Fraud Production Notices (Fraud Investigation Law)	10	22	17
c)	Production Orders (Proceeds of Crime Law)	1	2	2
d)	Production Orders (Civil Forfeiture Law – from MLA requests)	0	0	3
e)	Productions Orders (Drug Trafficking Law)	1	1	0
f)	Restraint Orders – Granted	0	2	0
g)	Active Restraint Orders – Varied	0	1	5 <i>(variations made across two active restraints)</i>
h)	Active Restraint Orders – Discharged	2	0	0
i)	Registration of Overseas Confiscation Orders (Proceeds of Crime Law)	1	0	0
j)	Registration and Subsequent Enforcement of Overseas Confiscation Orders (Proceeds of Crime Law)	2	0	0
k)	Registration and Subsequent Enforcement of Overseas Forfeiture Orders (Civil Forfeiture Law – from MLA requests)	0	1	0

**\*Informal assistance** – where assistance is rendered pursuant to a Letter of Request, without recourse to our legislation (and nor pursuant to the service of production notices/orders), for instance, where a witness is willing to provide a statement/documentary evidence on a voluntary basis.

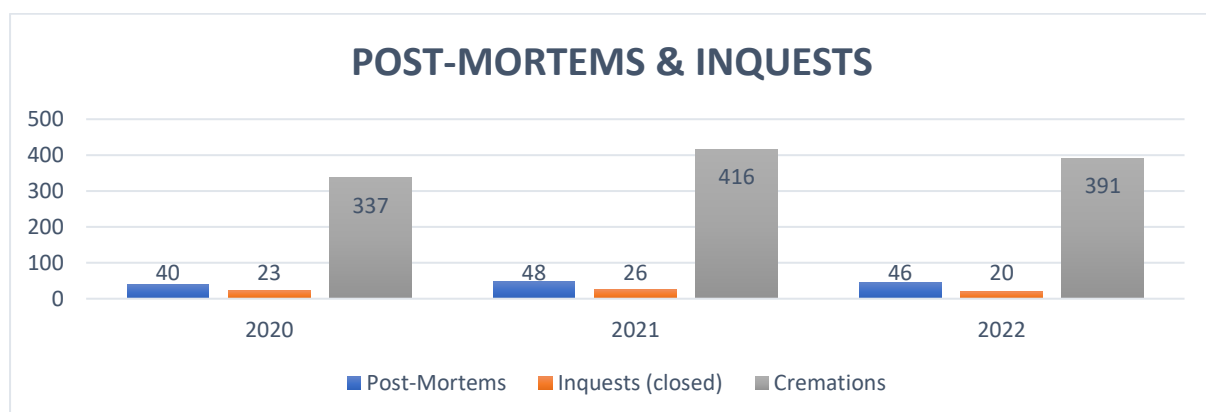
## 5.2 *International engagement*

A member of the Law Officers' Chambers continued to act as the Bailiwick's official representative at Moneyval. This involved representing the Bailiwick at Moneyval's plenary meetings (which were held online in 2020), collating and drafting material from the Bailiwick authorities to support the work of Moneyval, and acting as a legal assessor as part of the team evaluating another Moneyval member jurisdiction.

The same team member was closely involved in the Bailiwick's engagement with external parties on matters relating to financing crime. This included the assessment of the Bailiwick's compliance with the United Nations Convention against Corruption, the response to a questionnaire relating to asset recovery issued jointly by the World Bank and the United Nations Office on Drugs and Crime as part of their Stolen Asset Recovery Initiative, and providing information to the United Kingdom in respect of the implementation of beneficial ownership legislation.

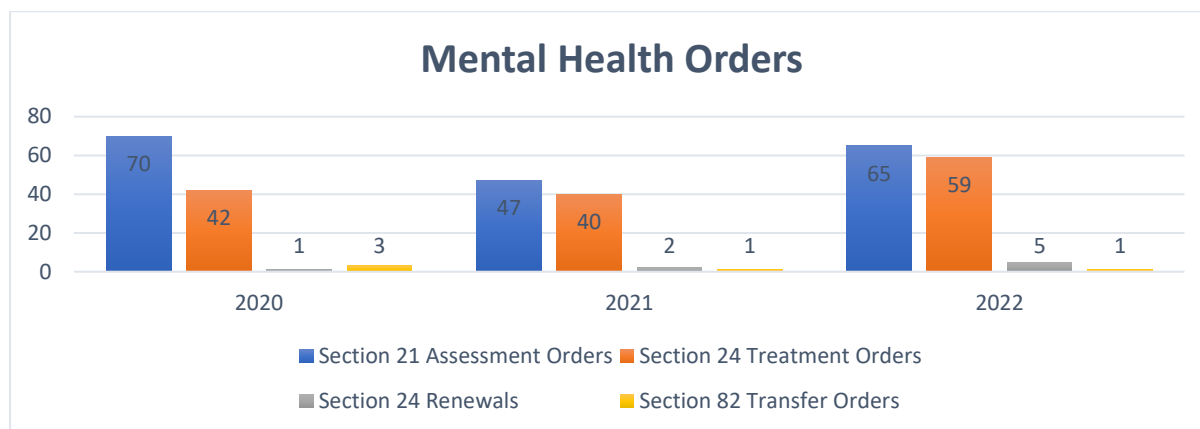
## 5.3 *Coronial functions for the Bailiwick (e.g., in connection with deaths, cremations, inquests and post mortems)*

During the period under review, the Law Officers were notified of over 300 sudden and unexplained deaths, many of which required further discussion and investigation. The number of post-mortems authorised and inquests directed by the Law Officers are shown in the graph below along with the number of cremations authorised by the Law Officers and, in their absence, the Contrôles Délégués.



## 5.4 Mental health

During the period under review, the Law Officers (and, in their absence, the Contrôles Délégués) were required to authorise the following Assessment Orders, Treatment Orders, Renewal Orders and Transfer Orders for residents of the Bailiwick:



- *Section 21* will either lapse after 28 days and the patient is discharged, or patient assessed for a Section 24.
- *Section 24* will either lapse after 6 months and the patient is discharged, or patient can be reassessed for a Section 24 (Renewal).
- *Section 82* is a patient transfer to another country or territory.

## 5.5 HM Receiver General

During the period under review significant changes were made to the operation of the Seized Assets Fund and there has been a general review of the HMRC functions and a focus on making the operation of HM Receiver General more transparent. Historically, criminal confiscations were the property of the Crown and for this reason confiscated assets were recognised as the property of the Crown when the Seized Assets Fund (SAF) was set up in 1995. However, in order to reflect evolving international obligations in this area, and to put the Fund on a more modern and transparent footing, HM Receiver General acting also in her capacity as HM Procureur recommended changing the governance and operation of the Fund so that decisions as to the ultimate use of the Fund could be moved to the Policy and Resources Committee. The States approved those recommendations (see further Billet d'Etat VIII, Article 12, of 24 March 2021).

## 5.6 Companies

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, and functions are also exercised in the capacity of His Majesty's Receiver General. As shown below, demand for company restoration and company migration services were significantly higher in 2020 and 2021.

