

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 1ST NOVEMBER 2016**

Question

Who is the employer of Crown Advocates and Police Legal Advisers and who is responsible for their actions, and, in respect of civil actions against such individuals, who is liable for their actions and on whom should summonses be served?

Answer

Each Crown Advocate and Police Legal Adviser is a States' employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and thus subject to codes of practice under that Law concerning, among other things, the procedures for disciplining, suspending and terminating the employment of States' employees. They are also subject to the Law Officers' Department Code of conduct for lawyers, the general purpose of which is to provide the requirements for working as a lawyer in the Law Officers' Department and the rules and standards applicable to such lawyers which are appropriate in the interests of justice and in relation to the performance of all their duties as public officers. The Code is published

(<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/LD%20Code%20of%20Conduct%20for%20lawyers%2020160805%20ALS.pdf>) and applies to all lawyers in the Department (including Crown Advocates and Police Legal Advisers) and any breach of the Code will be treated as a matter of discipline.

In relation to civil actions against any such individual, much will depend upon what, precisely, is alleged. If the facts alleged were such that the remedy sought was against that individual, a summons in any proceedings would have to be served on that individual. If the facts alleged were such that a remedy was sought against that individual's employer (on the basis of the employer's vicarious liability), then service would have to be effected on the employer, namely, the States' Employment Board under the said Law. Again the facts alleged might result in a remedy being sought against the Attorney General in which case service would have to be effected on the Attorney General.