

**WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 18th MARCH 2014**

**Question**

Will the Minister set out for members full details of the monies allocated and expended for court and case costs in Jersey each year between 2003 and 2013?

Will the Minister outline what steps, if any, have been taken since the publication of the 'Comprehensive Spending Review Steering Group Report into the Court and Case Costs and Criminal Justice Process' to -

- (a) establish a Justice System Board to maintain oversight of the system;
- (b) reduce costs, with the Minister identifying savings which have been made;
- (c) deal with the procurement issues relating to professional services and identify the savings that have been made and how they were achieved;
- (d) streamline the criminal justice system in order to save costs, identifying where the system has been streamlined and what savings have been achieved?

**Answer**

The work undertaken by the Law Officers in a number of cases upholds and strengthens the Island's standing in the international community. These international obligations are taken seriously. In some cases court and case costs are recovered.

The level of court and case costs incurred is dependent on type and number of cases and will vary significantly between financial years. In 2011, the arrangements for managing this variability in court and case costs changed with the introduction of a smoothing reserve.

<b>Financial Year</b>	<b>Budget £000</b>	<b>Actual £000</b>
2003	5,788	5,788
2004	4,605	3,372
2005	5,281	4,071
2006	3,103	3,188
2007	5,033	8,412
2008	8,518	8,614
2009	9,413	12,220
2010	12,735	12,682
2011	9,459	8,826
2012	9,443	7,898
2013	9,541	7,520

- (a) A Criminal Justice System Board was established in 2012 to set the strategic direction for the delivery of justice services in Jersey. The Board meets twice yearly to oversee strategy, direction, governance and finance and monitor progress against objectives. The delivery of objectives set by the Board is supported by a Criminal Justice Working Group which has met quarterly since it was established in 2012. The Working Group provides a layer of governance below the Board and

considers activities in such areas as legislation and procedure review, integrated offender management, victims and witnesses, and innovation, efficiency and effectiveness.

- (b) Since the publication of the 'CSR Steering Group Report into Court and Case Costs and Criminal Justice Process' in 2010, base budget savings totalling £734,000 have been achieved across all Departments which incur Court and Case Costs. Savings have been made from a range of measures including a review of guardians in children's cases, an improved approach to legal aid and a reduction in the use of external legal advice.

In 2011, the Treasury established a quarterly Court & Case Cost Forecasting Group, comprising of representatives from all departments incurring court and case costs, with the aim of controlling and monitoring court and case costs. The Law Officers' Department has recruited additional Crown Advocates to reduce the need to use external advocates. Since these arrangements were put in place there has been a reduction in the level of court and case costs although ultimately, by its nature, this area of expenditure is reactive, unpredictable and volatile.

- (c) A range of procurement initiatives with the aim of improving procurement systems and controlling costs have been implemented. A procurement review of external UK counsel advice delivered a capped fee for work requiring UK counsel. The preferential fee rates negotiated are less than the commercial rates that would otherwise have applied. A review of external advocate advice for children's cases has resulted in this advice now being commissioned on a fixed fee basis after a tender process. In 2010, the hourly rate paid to external Crown Advocates was reduced by 10% and these rates have been fixed since that date with no increase for inflation. The level of financial savings from such initiatives is dependent on the level of activity which can vary significantly between years.
- (d) The Justice Board has agreed a project for a complete review of the 1864 Criminal Procedure Law (Loi (1864) Reglant La Procedure Criminelle) Loi on criminal procedure with a view to conducting a complete review of Jersey's criminal procedure, one of the aims of which will be to create a more streamlined and modern system. Funding has been approved for the staff to conduct the review and the lawyer responsible for the project is to start later this month.