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**WRITTEN QUESTIONS TO THE PRESIDENT OF THE FINANCE AND ECONOMICS COMMITTEE
BY THE DEPUTY OF ST. JOHN**

ANSWERS TO BE TABLED ON TUESDAY 9th NOVEMBER 2004

Question 1

In the Court and Case Cost Final Report dated December 2003 the deficit against budget totalled £3.97 million with a total expenditure of £6.9 million for 2002. Will the President explain what measures exist so as to approve a realistically set budget within this area, and if none exists, give reasons why?

Answer

The Court and Case Costs base budget has already been supplemented by an additional £2 million following the outcome of the 2004 Fundamental Spending Review process, which recognised that this area had historically suffered from under funding. The Deputy will be aware from reading the Report arising from the 'Review of the Financial Framework for Court and Case Costs' that setting a realistic budget is extremely difficult due to the unpredictable nature of a small number of high cost cases. Despite this, expenditure to date indicates that costs in 2004 will remain within the increased budget.

Clearly there will be years when unexpected costs will cause this budget to be exceeded; the Committee continues to seek alternative sources of funding to meet the exceptional expenditure incurred in such years and has already identified the Criminal Offences Confiscation Fund as one such option.

In addition, the other recommendations contained in the Report continue to be implemented and the Committee is confident that this will provide a framework for accurate budgeting and financial control.

Question 2

A working party/steering group has been established relating to expenditure incurred by the States of Jersey on Court and Case costs. Would the President advise members whether any of the members who make up this group are party in any way to law firms or accountancy practices which have carried out works for the Courts over this period. If so, could members be told who these members are, which practice they represent and how much the particular practice received?

Answer

The steering group no longer exists, having been disbanded on publication of the report in December 2003. The function of the steering group was to give a sense of direction and assistance to the Audit and Risk Management Division, which undertook the review. Only two members of the steering group were not public servants: Jura Peter Blampied OBE, retired Jurat of the Royal Court, who was invited to assist the group as a consequence of earlier reports he had produced on related topics; and Advocate Alan Binnington (of Mourants), who was invited to join the group acting in his capacity as President of the Law Society. As already notified, Mourants received fees of £1.5 million for advising the States on the Les Pas Holdings issue. That firm has been separately re engaged, (not Advocate Binnington specifically), by the Viscount in an ongoing financial services related désastre, (following an earlier, related appointment of that firm by the Financial Services Commission). It is premature to estimate the overall fees payable to Mourants out of Court and Case Costs in this latter regard, since complicated legal processes are ongoing. Other payments to Mourants relating to general legal aid case amounted to £35,750 in 2002 and £37,900 in 2003. In addition, payments have been made to Mourants, acting on behalf of the Crown in prosecution matters which totalled £270,382 in 2002 and £34,467 in 2003.