

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 24th FEBRUARY 2015**

**Question**

Will the Minister advise members of -

- (a) the number of enforcement actions brought in the Magistrate's and Royal Courts by the Department over the last five years without reference to the Law Officers' Department or to the Law Officers' Department's legal advisers before charges were laid in these courts;
- (b) who determined the public interest in these actions;
- (c) how many of the people charged with enforcement infractions pleaded guilty, not guilty and, if the latter, were convicted; and
- (d) in those cases in which the defendant pleaded not guilty, the number of cases that were then taken over by the Department's legal advisers?

**Answer**

The answer has been supplied in four parts as set out in the question, as follows:

- (a) *the number of enforcement actions brought in the Magistrate's and Royal Courts by the Department over the last five years without reference to the Law Officers' Department or to the Law Officers' Department's legal advisers before charges were laid in these courts;*

My department is responsible for progressing enforcement actions in relation to several different laws and a small proportion of these are brought to the Magistrate's or Royal Courts. Depending on the law which has allegedly been breached and the particular circumstances of the case, my department will refer some cases to the States of Jersey Law Officers' Department or to the appropriate Parish Centenier before a case is brought to the Magistrate's or Royal Courts.

I have asked my department to confirm the number of actions brought to the Magistrate's or Royal Courts in the last five years without reference to the States of Jersey Law Officers' Department and this information will be made available to the Deputy as soon as possible.

- (b) *who determined the public interest in these actions;*

The public interest test in deciding whether to bring a prosecution to the Courts is made by the Attorney General's Office or appropriate Parish Centenier. Officers from my department may submit a report to the Attorney General's Officer or Parish Centenier outlining an alleged breach of the Law, but it rests with the Attorney General's Office or Centenier to decide if to proceed with a prosecution.

- (c) *how many of the people charged with enforcement infractions pleaded guilty, not guilty and, if the latter, were convicted; and*

Specific details of all enforcement actions brought to the Magistrate's or Royal Courts are held by the Judicial Greffe and I would ask the Deputy to approach the Greffe directly for the information he requires.

*(d) in those cases in which the defendant pleaded not guilty, the number of cases that were then taken over by the Department's legal advisers?*

My department follows the same general process when dealing with enforcement matters as briefly described earlier in my answer, regardless of the defendant's plea.

If the Deputy would like clarification on any specific enforcement process we follow or has an individual case he would like me to investigate I would be happy to provide more information.