

THE ISLAND OF SARK.

**The Court of the
Seneschal Review
2016**

By

Roger Venne QC

1st August 2016

1. INTRODUCTION AND TERMS OF REFERENCE

1.1 On 23rd March 2016 I was appointed by the Seneschal, Mr C. Jeremy La Trobe-Bateman, to conduct a review of the make-up and operation of the Court of the Seneschal in Sark.

1.2 This review has been sanctioned by the Chief Pleas of Sark and the late Seigneur and has the support of the Bailiff of Guernsey, Sir Richard Collas, and the Royal Court.

1.3 The primary purpose of the review is to assess whether the Court, as presently constituted and in its current operations, serves the island as intended and provides accessible justice to the inhabitants of Sark.

1.4 The remit of the review is to be wide ranging but I am instructed to have regard, in particular, to the following matters;

- (a) The constitution of the Court
- (b) The competence of its personnel.
- (c) Its procedures, before, during and after Court hearings.
- (d) The availability of outside support, whether by way of assistance from Guernsey Law Officers, or the availability of suitable judicial training courses.
- (e) The Court building.
- (f) The cost of the Court to Sark's exchequer and the question of its value for money.
- (g) The remuneration of the Seneschal, his Deputy and the officers of the Court, namely the Greffier and the Prévôt.

I am then invited to make recommendations.

1.5 In undertaking this review I wish to record that I have been struck most forcefully by the abilities, commitment and energy of the present Seneschal, and by the support he receives from his Deputy. It seems to me, as an outside observer, that the Island is fortunate in having such committed lay judges.

1.6 In making this report I mention a number of matters which may require further investigation or more detailed work. It has seemed to me to be more sensible to touch on such matters, even where I have been unable to offer a concluded view, than to avoid doing so for want of one.

1.7 In undertaking this review I visited Sark on three occasions for a total of some 6 days, and Guernsey, again for the purposes of this review, on two occasions. At appendix A I list those with whom I have discussed some or all aspects of this project. The views expressed in this report are of course mine and not, necessarily, theirs.

1.8 In this report I refer to The Reform (Sark) Law 2008, as amended, as the Reform Law. My warm thanks go to Lucy Belfield of the Government of Sark Committee Office who typed this report, in all its drafts.

1.9 Finally I would like to add that I am firmly of the view that any recommendations I make should reflect, support and respect the unique judicial history and traditions of Sark, as they have developed for some five hundred years.

2. THE HISTORY OF THE COURT

2.1 To set this review in context I think it would be helpful to describe briefly the history of the Court. This account derives largely from the *Island of Sark* by J. L. V. Cachemaille, edited by Laura E. Hale, 1928, *The Fief of Sark* by A. H. Ewen and Allan R. De Carteret, 1969 and, for more recent events, the Reform Law.

2.2 The assize rolls for 1309 give a picture of justice administered by a Prévôt and six Jurats chosen from the inhabitants of the island. On the occasion of a visit by Justices twelve jurors of the Crown were sworn for the purposes of their visit.

2.3 Following the settlement of 1565 Helier de Carteret, in 1577, appointed Jean de Carteret as his Seneschal to preside over the Sark Fief Court during his absence from the Island. However in 1579 a meeting of the Tenants and other inhabitants, supported by the Seigneur, decided to take matters into their own hands by establishing an Island Court on the Jersey model, consisting of a Bailiff and twelve Jurats. This Court appears to have functioned unimpeded for a time but in 1581 the Royal Court of Guernsey objected to its establishment and in the result, two years later, the Privy Council required that there be established in its place a new Sark Court consisting of five Jurats supported by a Clerk, a Prévôt, a Constable and a Vingtenier. In the event however the Court was not appointed until 1594. Its jurisdiction was limited to civil matters, all criminal cases being remitted to Guernsey. One account of the workings of this Court reads, in part, as follows;

“...we have a Court of Judicature held every Tuesday where an honest fisherman we call the Judge, another, (at present his son) that is intituled Monsieur le Provost, a person that has the gift of writing, and justices, or some of them meet, and without any tedious formalities, intricate demurrers, special verdicts, wire drawn arguments, chargeable injunctions, multiplied motions or endless writs of error, briskly determine all causes....according to their mother wit...”

2.4 This Court continued until 1675 when an Order in Council required the Royal Court to abolish the Court in that form and to institute a new Court of Sark consisting only of a Seneschal, a Greffier and a Prévôt to be appointed by the Seigneur without any consultation with the Tenants. On 15 July 1675 the new Court was installed.

2.5 That arrangement has of course subsisted into recent times until the Court was re-established and reformed in 2008 by Part 2 of the Reform Law. Section 5 provides that the Court of the Seneschal shall be the sole court of justice in Sark and shall be constituted by the Seneschal sitting alone. In 2010, and following litigation in the UK, a new section 5A was inserted to make provision for an appointments committee. A new section 6 was substituted dealing with the Seneschal's age of retirement. Section 7 makes provision for the appointment of a Deputy Seneschal and section 8 for the appointment of Lieutenant Seneschals who shall have been in practice as Advocates of the Royal Court of Guernsey, members of the English Bar or Solicitors, or have held judicial office in the United Kingdom, Guernsey, Jersey or the Isle of Man.

2.6 The jurisdiction of the Court is governed by Sections 10 to 13 of the Reform Law. The effect of section 10 is to confirm that the Court has unlimited jurisdiction in civil matters. In criminal cases the Court (again consisting of the Seneschal or his Deputy sitting alone) retains jurisdiction in all such criminal matters as the Court had jurisdiction to deal with before the commencement of section 10. It may impose a fine not exceeding level 4 on the Sark uniform scale (£5,000) and a term of imprisonment not exceeding one month, provided the aggregate of the sentences for more than one offence shall not exceed twice that level of fine, or a period of two months imprisonment. Finally provision is made for allegations of more serious criminal offences, and their punishment, to be transferred to the Royal Court in Guernsey, sitting as an Ordinary Court.

2.7 In 2015 the Court of the Seneschal, in both its civil and criminal jurisdictions, sat on 58 occasions.

3. THE CONSTITUTION OF THE COURT

3.1 To the newcomer the Court's most remarkable feature is that a single lay judge, unassisted by any regular legal advice, has unlimited civil jurisdiction and sits alone in criminal matters albeit with very limited powers of punishment.

3.2 While there is no doubt that the Court is indeed a properly constituted court of law, and one which appears to have worked satisfactorily from 1675 until more recent times, I take leave to doubt whether this arrangement can continue without attracting substantial criticism in modern conditions. Its disadvantages may perhaps be summarised as follows;

(a) The civil jurisdiction of the Court attracts cases involving difficult legal issues well above those found in most small communities. Sark has an interesting, indeed unique, system of land tenure which can and does give rise to protracted legal disputes. The fact that Sark enjoys an offshore tax regime attracts substantial funds and consequently substantial litigation. This issue has now been addressed in part by the appointment of Lieutenant Seneschals, but necessarily to the detriment of the Court's own judicial practice.

(b) A first instance judge sitting alone does not have the advantage of being able to hear and discuss the views of fellow judges, in relation to matters of both evidence and law.

(c) A judge sitting alone, however discerning and well respected he may be cannot necessarily reflect the wider view of the Island community as a whole.

(d) A judge sitting alone cannot reflect the gender balance of the community, which most jurisdictions would now regard as at least being a relevant consideration, particularly in a lay court.

(e) Given the nature of a small island community there is bound to be a higher rate of recusal (or at least applications for such) where a single judge sits alone.

3.3 In the light of these limitations I recommend that the Reform Law should be amended to provide for a Seneschal's Court constituted and operating as follows:

1. The Seneschal should continue to preside over the Court.
2. There should continue to be a Deputy Seneschal.
3. The Court should be augmented by the appointment of three Jurats, chosen from the inhabitants of the Island by the appointments committee provided for by section 5A of the Reform Law or by some form of electoral college, so as to provide for a Court of five lay judges, each member of the Court having an equal vote.

4. There should be a reasonable expectation that the Court should be comprised of both men and women.
5. In contested civil matters and in all criminal matters the Court should normally sit as a bench of three, always presided over by the Seneschal or his Deputy, but could sit as a bench of five in cases of great weight or on formal or ceremonial occasions.
6. There should be an expectation that future Seneschals and Deputy Seneschals will be chosen from the ranks of experienced Jurats. There should not be an expectation that the Deputy Seneschal should succeed the Seneschal as of right.
7. The Seneschal, or his Deputy, should continue to sit alone in uncontested minor matters, such as those having an almost administrative character.
8. The existing arrangements for the appointment of Lieutenant Seneschals for the hearing of cases concerning weightier legal issues should be maintained, although the need for their services may be somewhat reduced if my proposals are adopted. Any of the members of the Court should be enabled to sit as wing members with a Lieutenant Seneschal, where that might be thought helpful or desirable in any particular case.
9. In relation to its criminal jurisdiction the strengthening of the Court in this way would justify an increase in its sentencing powers to say 6 months imprisonment for one offence and 12 months imprisonment for two or more offences, (subject to the provision of proper legal advice) and so serve to retain more criminal proceedings in Sark.

3.4 This reform would, in effect, return the Court to the position which obtained between 1594 and 1675 but adapted to modern conditions. It would also, I suggest, secure the Court's long term future as an independent and sustainable court.

4. THE FUNCTIONS AND COMPETENCE OF THE COURT'S PERSONNEL

4.1 The Seneschal

In my introduction I have already touched on my view of Jeremy La Trobe-Bateman's competence, commitment, judgement and approachability. In my view he serves as a model to those who, in time will follow him.

4.2 The Deputy Seneschal

I have seen less of Ewan de Carteret, the Deputy Seneschal who unhappily has recently suffered from ill health, but I have no reason to doubt that he will continue to make a valuable contribution to the work of the Court once his health is fully restored.

4.3 The Greffier

It is clear from my discussions with Mr Trevor Hamon, the present Greffier, that his many diverse roles require a good deal of time and commitment. He undertakes this work in addition to exercising his skilled and important role as farrier and blacksmith. He is;

- (a) The clerk of the Seneschal's Court
- (b) Secretary to the Chief Pleas and as such responsible for producing the record of its deliberations and decisions.
- (c) The registrar for the sale of land
- (d) The electoral returning officer
- (e) The Deputy Registrar (to the Guernsey Registrar) for births, marriages and deaths
- (f) Custodian of Sark's most important records.

Mr Hamon is a Greffier of very great experience having served as Deputy Greffier or Greffier for over thirty five years. His father served in the same Office before him for some twenty seven years and Mr Hamon's son now in turn serves as his Deputy.

4.4 With regard to the Court the Greffier fixes the list in consultation with the Seneschal, the parties and any Advocates who may be instructed. When the Court sits in Guernsey he also makes the travel arrangements. He is also of course responsible for recording the Court's decisions and orders although I note that often this task appears to fall to the Seneschal himself. He will also advise litigants in person about the procedures of the Court, but not of course as to the merits, or otherwise, of their cases. My clear sense however is that the Greffier is reactive rather than

proactive in his service to the Court. He did not for example seek to intervene with advice in a case where a grant of bail was made without any requirements of conditions. Indeed he seemed surprised that I might suggest that he had such a role. He offers no advice in relation to the parameters of sentencing or the requirements of procedure. In my view the role of the Greffier vis a vis the Court is a matter which requires close attention. A Greffier must be in a position to play a fully proactive part, appropriate to an adviser to a court.

4.5 In relation to the Office of Greffier I make the following recommendations;

- (a) The Greffier should be instructed to compile a manual, for the approval of the Seneschal, setting out the precise steps he is required to take in respect of each of his duties, in order to identify his duties with clarity, and for the benefit of his successors.
- (b) I think it probably unrealistic to hope or expect that a future Greffier should be legally qualified in the sense of being an Advocate of the Royal Court or indeed otherwise. Nevertheless I suggest that at the very least when the next appointment falls to be made careful consideration should be given to the educational qualifications of the candidates and a willingness to seek to obtain a law degree or other legal qualification might be considered highly desirable.
- (c) He should be provided as a matter of urgency with a fire proof safe in which to store the Court's extensive records. At present they are kept in steel filing cupboards and would appear to be at severe risk in the event of fire or flood.

4.6 It is to my mind clear that the Court lacks legal advice and that this is a major and very serious failing of the Court's present arrangements. It must also be borne in mind that in its criminal jurisdiction the Court deals with the liberty of the subject. Article 6 of the European Convention on Human Rights provides for the right to a fair trial. This will include for example the proper application of legal rules of evidence. How can the Court be expected to judge such matters where it has no legal advice and where, for example, the defendant is unrepresented and the prosecution is conducted by a police officer? I therefore recommend that the role of the Greffier, absent a legal qualification, should be reduced to that of an administrative Greffier and that HM Greffier in Guernsey should be invited to provide a panel of legally qualified or experienced Greffiers for those days on which the Seneschal's Court sits to hear substantive or contested matters.

4.7 The Prévôt

I was impressed by the commitment of Kevin Adams the present Prévôt to his duties and his very understandable desire to establish the true extent of his powers and obligations. I deal with this important issue in Chapter 5.

5. THE COURT'S PROCEDURES

5.1 There are here, I suggest, two matters to be examined. First, the arrangements for identifying Sark's substantive law and reforming it where necessary and, secondly, the need to identify and reform the Court's procedural rules.

5.2 The Substantive Law.

I am bound to say that I detected a perhaps surprising degree of uncertainty as to the law which was being applied. For example in relation to an application for child maintenance it was unclear, in the Court's mind, as to whether this was an application to vary an existing order or an application for a new order and in any event on what legal basis the Court was acting. That the Court sought an equitable outcome I do not doubt for one moment but a court of law can only act on an established and ascertainable legal basis. Similarly in relation to sentencing there was uncertainty as to what the range or type of sentence might be appropriate. I believe that my suggestion for assistance from the staff of the Guernsey Greff will help in this regard and should lead to at least an outline of a compendium of Sark law in terms of custom, statutory law, ordinances and procedure.

5.3 From my discussions in Sark, not least with the Reform Law (Good Governance) Policy Development Team (PDT), I am aware that much thought has been given by Chief Pleas to law reform; thus the Projet de Loi entitled the Children (Sark Law) 2016 is about to come into effect soon and that consideration is now being given to the more demanding and difficult question of the possible reform of property law. The new committee structures for Chief Pleas will I am sure give a sharper focus to law reform and the need to prioritise which topics require the most urgent consideration. In this regard I consider that a more formal mechanism should be established for consultation with the Seneschal and his deputy. They are in my view best placed to identify lacunae in the law or particular areas of difficulty in relation to the workings of the Court itself. Thus by way of minor example the Seneschal is conscious of shortcomings in the present licensing law. His views need to be fed more systematically into the considerations of Chief Pleas.

5.4 The Court's Civil Procedure Rules.

It would appear that at present the only rules impacting on the civil procedure of the Court are the very recent Court of the Seneschal (Costs and Fees) Rules 2015. Otherwise there are no established rules governing the work of the Court, a Court which, I remind myself, has unlimited civil jurisdiction. That position is to be contrasted with that which obtains both in England and Wales and in Guernsey.

In the case of the former the Civil Procedure Rules (the CPR) govern every aspect of civil litigation in what some might regard as an excessively proscriptive and detailed manner. In the Royal Court of Guernsey civil proceedings are governed by the Royal Court Civil Rules 2007. These rules are based on the CPR and adopt much of the same language. They are however simpler in form and, in my view at least, all the better for that.

5.5 I recommend that the Seneschal's Court, in the exercise of the powers conferred on it by S 18 of the Reform Law, should enact its own, yet further simplified version of the Guernsey Rules. Litigants before the Court are entitled to know the procedures to be followed and the Court itself needs to be given the powers to conduct its own proceedings in an effective and efficient manner. Clearly further detailed work needs to be done on this subject but the following is an outline of what would probably need to be included. The rule numbers refer to the Guernsey rules.

5.6 Part 1 Rule 1. Statement and application of the overriding objective in the conduct of litigation. This sets the ground rules and speaks of the need for proportionality in terms of the sums involved, the importance and complexity of the case and the need to have regard to the Court's own resources. Most importantly it also imposes an obligation on all the parties to the proceedings to help the Court in furthering that overriding objective.

Part 11, Rules 2 to 9. Service of Documents. The Prévôt has represented to me that he would welcome similar powers to those enjoyed by the Guernsey Sergeant. At present the Prévôt is rightly concerned that his powers are unclear and uncertain and particularly in relation to the enforcement of the Court's orders this seems to me to be wholly unacceptable. I am aware that the Reform Law (Good Governance) PDT is working with the Prévôt to produce a document dealing with the Prévôt's roles and responsibilities including the debt recovery process. This is clearly important work which will need to find ultimate expression in the rules.

Part 11, Rules 10 to 17. Commencement of Proceedings, Cause to be Tabled. The Seneschal's Court requires a form of cause list to be established containing those cases which have been properly set down before the Court, in effect a Sark reflection of Guernsey's Role des Causes a Plaidier, and moreover a power in the Court to give judgment in default of defence.

Part 1V, Rules 18 to 24. Power to give Summary Judgment.

Part V, Rules 25 to 29. Interpleader Relief.

Part V1, Rules 30 and 31. Counterclaims and Consolidations of Actions.

Part V11, Rules 32 to 37. Parties to Proceedings.

Part V111, Rules 38 to 49. Case Management by the Court. These are particularly important provisions to enable the Court to control the proceedings and where necessary the parties before the Court, particularly where they are unrepresented by Advocates. It is clear from some of the recent litigation that I have considered that the Court itself feels the want of such coercive case management powers.

Part 1X, Rules 50 to 62. Conduct of Proceedings, General Powers of Court.

Part X, Rules 63 to 79. Disclosure and Inspection of Documents.

Part X1, Rule 80. Requetes Civiles (a procedure to challenge a judgment). This probably has no application in the context of Sark given the existing rights of appeal to the Royal Court.

Part X11, Rules 81 to 94. General Provisions including Interpretation.

I am not of course suggesting that the Seneschal's Court requires all the provisions of the Guernsey rules (if that were so they could be imported in their entirety with only minor modifications) but rather the adaptation and adoption for Sark of the necessary minimum and I would be willing to help further in that regard.

6. SUPPORT FOR THE COURT

6.1 Under this heading I consider two matters,

(a) the support offered to the Court by HM Procureur and HM Comptroller (the Law Officers), by the staff of the Royal Court in Guernsey and by the Guernsey Bar and

(b) such judicial training as may be available to the Seneschal and his Deputy.

6.2 The Seneschal has expressed his gratitude for the very willing and generous support he receives from the Law Officers whenever he seeks their advice or other help, often at very short notice. From my discussions with them I know that they act in the spirit of ministers of justice but their position may not always be an easy one given that they may be responsible for the proceedings instituted before the Court or, on the other hand, be the respondent to them. It may be that there is greater scope for the Law Officers to instruct an Advocate as an Amicus Curiae in particularly difficult or sensitive cases. However I also consider that the secondment of legally qualified or experienced staff from the office of the Guernsey Greffier, as I propose at paragraph 4.6, will somewhat reduce the present need for supportive input from the Law Officers.

6.3 On the other hand I must record, with regret, my clear impression that the Court does not always receive the disinterested help it is entitled to expect from the professional Advocates who appear before it. This may well be due, in part, to the fact that young, newly called Advocates are sometimes instructed in Sark cases. However the fact remains that an Advocate has an obligation to assist the Court, and most critically when he or she appears before a lay judge.

6.4 The need for judicial training is, I think, now acknowledged in all common law jurisdictions. No such training ever appears to have been offered to the present Seneschal. He however, very sensibly, has taken matters into his own hands and of his own initiative has attended courses designed and run for English lay magistrates in Nottingham with particular reference to family proceedings. For my part I have approached a District Judge (Magistrates' Court) who sits in both criminal and family jurisdictions in Southampton who would be very happy to receive visits from both the Seneschal and his Deputy. This, I suggest, would be a welcome first step in moving towards a more systematic approach to judicial training for Sark. Moreover if my recommendation, in paragraph 3.3 for the appointment of three Jurats is accepted there should in my view then be a careful examination of judicial training needs of all the members of the Court covering such topics as court room skills, elements of substantive law and court procedure.

7. THE COURT BUILDING

7.1 The Seneschal's Court sits in the well refurbished old school house, a building which doubles as the chamber of the Chief Pleas. It seem perfectly suited to its purpose having a large bench and the appropriate space for litigants, Advocates and the public. There is however one feature of the Court's arrangements which requires comment. At present the Seneschal sits alone but is flanked on the bench by the Greffier on his left and the Prévôt on his right. To this observer these arrangements created an unhelpful illusion of a three person court and might lead to a suspicion that the Greffier and Prévôt play a role in the Court's judicial decision making, rather than simply in the recording and execution of the Court's judgments and orders.

7.2 If my recommendation for the appointment of three Jurats is accepted the Court would in future sit frequently as a three judge court and sometimes, if rarely, as a five judge court. It is therefore proposed that the existing bench be moved back some few feet to provide for the Greffiers and the Prévôt to sit in front of and below the bench and so create a bench to be occupied by the Seneschal, his Deputy and the Jurats, alone.

8. THE COST OF THE COURT

8.1 Under this heading I deal with the remuneration of the Seneschal, the Greffier, and the Prévôt, their respective deputies and the fees paid to the Lieutenant Seneschals and, as I am instructed to do, offer a view as to whether, and in which respects the present arrangements provide good value for money. It should of course be borne in mind that I am not familiar with the cost of living in Sark. Nevertheless I hope my thoughts may be of some use in determining the relative position of each office. In considering the various rates of remuneration I would only add this; I am sure that in relation to all the holders of these offices there is a very strong element of invaluable and disinterested public service to the unquestioned benefit of Sark. Nevertheless each office holder devotes a considerable amount of time to their official duties often, I suspect, to the detriment of their paid daily work, and their remuneration should amount to more than an honorarium.

8.2 The present rates of remuneration per annum are as follows:

The Seneschal	£15,900
The Deputy Seneschal	£2,650
The Greffier	£14,509, plus £315 as Deputy Registrar
The Deputy Greffier	£1,451
The Prévôt	£7,290
The Deputy Prévôt	£729
Lieutenant Seneschals	A daily sitting fee of £940

8.3 The most striking feature of these arrangements is that Deputies are paid only some 10% or 15% of the remuneration of their principals. I am told that traditionally these percentages were thought to reflect the true balance of work between the respective posts. I am not sure that this position is now sustainable, particularly in relation to the Deputy Seneschal. In Sark the not infrequent need for the Seneschal to recuse himself is clear and his duties then fall to his Deputy. In any event the present Deputy appears to take a close interest in the work of the Court. In his case I

would consider a quarter or a third of the Seneschal's remuneration to be more appropriate. Similar considerations apply, if perhaps to a lesser extent, to the other deputies.

8.4 The Seneschal. His is plainly the most responsible and onerous office and in addition he serves as Coroner. He devotes a good deal of his time to this work. I suggest that he should enjoy a greater disparity with those who serve him. While still recognising the element of disinterested public service a figure of say £18, 000 might be thought more appropriate.

8.5 The Greffier. His position is difficult to assess because his roles are many and diverse and in several respects unconnected with the work of the Seneschal's Court. In one week in April 2016 he spent 22 hours on his combined duties although he considers that in a more typical week he would be so occupied for 14 hours. However as I have attempted to describe his role vis a vis the Court is somewhat limited and essentially reactive and I cannot therefore see any good reason to adjust his remuneration as Greffier of the Court.

8.6 The Prévôt. His position is of particular importance as the means by which the Court's judgments and orders are enforced and executed. His work is of course made yet more difficult by the present uncertainty surrounding his precise powers and obligations. His work requires intelligence, tact and persistence. I consider that his remuneration fails to reflect the importance and difficulty of his role and suggest that a figure of the order of £10,000 might be more appropriate.

8.7 The Lieutenant Seneschals. This office is clearly an important innovation which should, in my view be regarded as an essential and permanent feature of the work of the Court. I consider however that they are paid at too high a daily rate. The figure of £940 a day reflects that paid for the sitting of a retired High Court judge in England and Wales. The work of the Lieutenant Seneschals equates in my view more closely to that of a Circuit Judge in England and Wales and should attract a similar fee, of the order of £600 a day.

8.8 I do not envisage that the sittings of Jurats should attract remuneration or a fee but that no doubt would be a matter for further consideration if and when my recommendations are accepted.

9. CONCLUSION

9.1 The Court of the Seneschal is probably unique among the smaller Crown Dependencies in the scope of its work. In many ways it is already a model of what can evolve and be achieved in a small island community. However the spirit of law reform is now happily very much alive in Sark. Most law reform produces an initial new crop of litigation, no matter how thoughtfully the new laws may be crafted and drafted. I think it reasonable to assume that the reform of property law in Sark would, in particular, be no exception.

9.2 All litigants in civil proceedings are entitled to expect reasonably ascertainable laws and rules when embarking on what is often an uncertain, lengthy and costly process. On the criminal side there is clearly scope for retaining more cases in Sark, provided the Court has appropriate professional legal support.

9.3 The proposals contained in this review, if implemented, would I suggest provide for a stronger more confident Court, reflective of the community, which would be able to retain more judicial work to itself. It would receive the professional legal support it so clearly requires and be governed by appropriate rules and procedures. In addition its members would in time receive the judicial training appropriate to their task. Finally they would serve to acknowledge and enhance the existing valuable traditions, and manifest virtues, of the Seneschal's Court.

Roger Venne QC

Sometime; Queen's Coroner and Attorney, Master of the Crown Office, Registrar of Criminal Appeals, Registrar of the Court Martial Appeal Court and a Master of the Queen's Bench Division.

1st August 2016

APPENDIX A

In preparing this report I have consulted the following

In Guernsey.

Sir Richard Collas, Bailiff

Richard McMahon, Deputy Bailiff

Howard E Roberts QC, HM Procureur

Megan Pullum QC, HM Comptroller

Advocate Mark Dunster, Battonnier of the Guernsey Bar

In Sark.

Michael Beaumont OBE, the late Seigneur

C J La Trobe Bateman, Seneschal

Ewan de Carteret, Deputy Seneschal

Lt Colonel R J Guille MBE, President of the Chief Pleas

Trevor Hamon, Greffier

Kevin Adams, Prévôt

Conseillers Arthur Rolfe, Richard Dewe, Hazel Fry,

Jane Norwich and Anthony Ventress

being the members of the Reform Law (Good Governance) Policy Development Team

Charles Maitland, Chairman of the Policy and Performance Committee

His Honour David Brunning

Kath Jones, Senior Administrator