

General Registry
Isle of Man Courts and Tribunals Service



Annual Report

2020 and 2021

FOREWORD

Welcome to the second Annual Report from the General Registry. This Report is a 'double issue', combining information from both 2020 and 2021 as well as updating the projections for 2019 contained in that year's Annual Report.

As with the previous edition, this Report seeks to give court users, partners and the wider public an introduction to the General Registry. The Report provides readers with information about who we are, the risks we face, and statistics about many of our main activities and in so doing gives a flavour of both the breadth and depth of what we do. Presenting information over a number of years allows for trends to be identified and for information to be placed into a wider context.

When we wrote the Foreword to the 2019 Annual Report published towards the end of that year, the events of the next two years were unimaginable. The impact of the COVID-19 pandemic on the work of the courts and tribunals has been significant and is clear in many of the tables which follow. However, what is also clear is that the work of the General Registry – and the courts and tribunals which it supports – carried on as far as safely possible during the lockdowns. It is testimony to the hard work and resilience of our people that the administration of justice continued during this challenging period and we would like to place on record our thanks to the front line key workers in the General Registry whose commitment allowed this to happen.

As well as delaying the production of this Report, the pandemic had other consequences for the General Registry. The modernisation project which was originally planned for commencement in 2020/21 was delayed for a year. This Report provides an update on the current situation and it is pleasing to note that at the time of writing we are very close to signing a contract with an external supplier for a new electronic case management system. There are exciting times ahead and as an organisation we feel much more ready to meet the challenges of digital modernisation than we were before the pandemic. The past eighteen months has presented a number of opportunities for new ways of working to be introduced and for the better use of technology to be embraced.

We hope that you find this Report interesting and we intend to build upon its contents in the coming years. As ever, we would warmly welcome any feedback that you may have.

Dr Stuart Quayle
Chief Registrar

His Honour Andrew Corlett
First Deemster and Clerk of the Rolls

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WHO WE ARE

Established by statute in 1965, the **General Registry** amalgamated the functions of the Rolls Office, the Deeds Registry and the office of the Registrar General and became the repository for deeds and other documents of a public nature. In recent years, as its main registry functions have been transferred elsewhere within Government, the General Registry has become increasingly focussed on the administration of courts and tribunals and supporting the judiciary.

The **Chief Registrar** is the Accountable Officer. Statutorily under the Direction of the First Deemster, the Chief Registrar is in overall administrative charge of the organisation and has a key role in liaising with judicial and legal officers in line with the responsibilities of the role and a number of statutory provisions and obligations.

The **Director of Courts** is the Deputy Accountable Officer, reporting to the Chief Registrar. The post combines responsibility for the operation and day-to-day administration of the organisation with spearheading the modernisation of the General Registry over the coming years.

The organisation's two **Legal Officers** are responsible, in turn, for internal legal research and procedural and legal advice to the lay magistracy. These officers report to the Chief Registrar. 2021 witnessed the retirement of the long serving Legal Officer (Research) and the promotion to the position of Deputy High Bailiff of the Legal Officer (Courts) leading to the recruitment of able successors for both positions.

The day to day running of the organisation is managed by 5 Section Managers who report to the Director. These roles are supported by 12 **Senior Court** and **Tribunal Clerks** and their teams.

The General Registry is predominantly a front line service delivery organisation and our people take great pride in their work. We are an organisation which promotes flexible working; a quarter of our people are employed part-time for a range of hours.



Court 3 – Isle of Man Courts of Justice

WHAT WE STAND FOR

Our **vision** is to improve access to justice through a courts and tribunal administration which works better for everyone.

Our **mission** is to provide seamless and effective support to the administration of justice and the rule of law in the Isle of Man, for the benefit of the Island's residents, economy and international reputation.

Our services are underpinned by a set of core **values** that support the climate within which we work. The Isle of Man Public Service values are simple: value, trust and respect each other – listen to people and have open communication – and encourage creativity and innovation. In 2022 we intend to undertake a parcel of work to update our values and make them even more relevant to our evolving organisation.

We are proud to play our part in ensuring that there is an effective, independent (both in practice and in perception) courts and tribunals service.



Court 1 – Isle of Man Courts of Justice

WHAT WE DO

The General Registry is responsible for the administration of criminal, civil and family courts and tribunals. We provide support to a wide range of permanent and temporary judicial officers, including the Deemsters, the Judge of Appeal, the High Bailiff and the Deputy High Bailiff as well as magistrates and tribunal chairs and members. This support is provided across the following five teams:-

Civil and Family Team – Supports:

- All civil proceedings (including Small Claims, Summary, Chancery and Ordinary)
- A wide range of Family proceedings (including Children, Divorce and Adoption)
- Appeal proceedings and the work of the Judge of Appeal
- Judicial secretarial support

Criminal and Summary Courts Team – Supports:

- All criminal proceedings (including Juvenile proceedings) in the summary courts and Courts of General Gaol Delivery
- Public Law care proceedings
- Licensing courts
- Inquest courts and support for the Coroner of Inquests
- Certain Family proceedings
- Judicial secretarial support
- Mental Health Receiverships and Enduring Powers of Attorney

Legal Costs, Customer Service and Corporate Team – Supports:

- The assessment of legal costs across a range of circumstances, including the assessment of costs payable in relation to legal aid work
- The provision of public counter facilities at the Courts of Justice
- The provision of corporate support services within the General Registry
- The administration of the bi-annual Manx Bar Examinations
- The processing and distribution of the Electoral Roll
- The processing of Apostilles and applications from other jurisdictions under the Hague Service Convention

Finance and Compliance Team – Supports:

- The provision of finance, compliance and court support services relevant to court and tribunal proceedings (including Fines and Maintenance payments and their enforcement and the financial aspects of Mental Health Receiverships)
- Information Management
- The statutory Judgments Officer in respect of Coroners

The Probate and Tribunals Team – Supports:

- High Court Non-Contentious Probate proceedings
- A wide range of tribunal proceedings, their chairs and members, including in relation to Employment and Equality, Advocates' Disciplinary, Social Security and Mental Health. For a full list of tribunals see <https://www.courts.im/court-procedures/tribunals-service/tribunals/>
- Secretarial functions for the Appointments Commission (a statutorily independent body which is not part of the General Registry)

CHANGE AND MODERNISATION

The period covered by this Report witnessed further changes within the judiciary as well as within the organisation's senior management. For the judiciary, the new Third Deemster was appointed in January 2020 with responsibility for particularly serious criminal cases in the Court of General Gaol Delivery. Also, a second Deputy High Bailiff was appointed in August 2021 to bolster the resilience in the Summary Courts. In addition, there were a number of other staff changes, the catalyst for some being opportunities presented elsewhere within Government to assist with the wider COVID-19 pandemic response.

The 2019 Annual Report outlined our ambitious 3 year digital modernisation plan which was due to commence in 2020. With agreement from the Treasury, the General Registry's capital bid for this modernisation was postponed for a year during the first lockdown to allow the organisation to respond properly to the pandemic.

The 3 year capital programme was re-launched in April 2021 and since then a successful tender exercise has been undertaken and a contract will be signed shortly with an external supplier to agree the implementation of a new case management system for the Courts of Summary Jurisdiction. Alongside the procurement of a case management system, as the current legacy system includes payment aspects (facilitating, for example, the payment of Department of Infrastructure and Police Fixed Penalty Notices as well as Court imposed fines and Maintenance Payments), the procurement of a new payments system is also required as part of our modernisation efforts. Discussions continue in this regard and both systems will be introduced together and fully integrated with each other to ensure a smooth transition from the existing legacy system.

Whilst the main transformation programme was put on hold, we were still able to progress other modernisation initiatives. The case study below highlights developments in two of our business areas – Probate and Tribunals – which are significant for a number of reasons, primarily because of the number of customer interactions which will be improved as a result of the changes made over the past twelve months. From an organisational perspective, what is particularly satisfying is that these changes have been introduced using existing financial and human resources whilst business as usual has continued apace.

Case Study: A Quiet Revolution in Probate and Tribunals

Over the past 2 years the Probate and Tribunals team within the General Registry have been planning and implementing some significant changes to both customer experience and back-office processes and procedures. Both areas have embraced digital solutions to enable online interaction which will mean that data can be collected, stored securely, shared and processed more efficiently.

For example, probate customers will be able to utilise an intelligent online application form which will guide and assist both professional and lay users in the submission of applications in a traditionally complex area of court business.

Once further testing with stakeholders is completed in early 2022, it is hoped that customers will not only find improvements in using these services, but that the General Registry can also use the additional management data available to more easily monitor resources and improve the time taken to process applications.

The present commentary would be incomplete without highlighting the impact of the use of technology within the courts and tribunals during the pandemic, particularly during the periods of lockdown. The impact was most acutely felt within the Summary Criminal Courts, with many hearings conducted 'paperless' at the height of the pandemic restrictions.

Furthermore, following a change in the law in April 2020 to expand the legal basis upon which live link technology could be used in criminal proceedings, the use of this technology became prevalent during the lockdowns when in the interests of justice so to do both in the Summary Courts and the Courts of General Gaol Delivery. For example, in relation to the former, a temporary video link facility was established in the custody suite of the Isle of Man Constabulary's Headquarters which enabled defendants to appear from police custody rather than being produced in person to court.

Across civil and family jurisdictions, rules on the physical filing of bundles, for example, were temporarily relaxed. Telephone hearings were used more often and existing technological solutions were employed to allow for video hearings to be conducted remotely where appropriate. Similar methods were used by Tribunals to ensure that hearings could continue.

Whilst the pandemic undoubtedly impacted upon the volume of business that we were able to conduct and created a backlog of cases in certain areas, the imaginative embrace of technology and pragmatic approach which the courts and tribunals showed during this period ensured that disruption to the administration of justice was kept to an absolute minimum.

Although technology was used to meet the challenges presented by the Covid-19 pandemic, the judiciary remained mindful of its limitations within a courtroom setting particularly when compared to face to face interactions. As an organisation, we will continue to monitor the emerging evidence from other jurisdictions about the use of technology and its impact on the administration of justice.

It is worth putting on record the General Registry's appreciation of the assistance which we received from our justice partners in meeting the unique challenges presented during the period covered by this Report.

There is a strong appetite for modernisation within the General Registry with an understanding that change will have to be proportionate to our business need, be cost effective and bring real benefits to our customers, stakeholders and people.

THE WIDER ENVIRONMENT

The recent publication of *Our Island Plan* sets out the Government's vision and establishes a firm direction of travel for the next 5 years. The General Registry will play a full part, where appropriate, in the implementation of the Plan and this section highlights some of the cross Government initiatives that will impact upon us.

It is worth noting that as the organisation responsible for courts and tribunals administration, it is important that the General Registry has no responsibility for the development of Government policy or legislation. As either of these may be subject to challenge before a court, the courts and tribunals processes and administration needs to be independent from Government, both in reality and in perception.

During the period covered by the report, the General Registry contributed to a number of Government consultations on draft legislation which, where enacted, will now need to be implemented. As *Our Island Plan* notes, the Government will need to focus considerable effort and resource on drafting and delivering important pieces of secondary legislation that are required to give effect to recently passed primary legislation and the General Registry has a number of Acts which fall into this category (see below). We will continue to work closely with the lead Departments, the Attorney General's Chambers and others on the various aspects of implementation which require new Rules, procedures and practices over the coming years.

Acts of Tynwald which require Secondary Legislation ahead of implementation

- Administration of Justice and Other Amendments Act 2021
- Adoption Act 2021
- Divorce, Dissolution and Separation (Isle of Man) Act 2020
- Domestic Abuse Act 2020
- Liquor Licensing and Public Entertainments Act 2021
- Justice Reform Act 2021
- Sexual Offences and Obscene Publications Act 2021

Whilst the General Registry will progress implementation as efficiently as possible, there is no doubt that the volume of legislation – unprecedented in the recent past – will put a considerable strain on the resources of what is effectively a front line service delivery organisation at a time when it will also be undergoing significant digital transformation.

Elsewhere in the wider environment, our people, both judicial and administrative, participate in and support a wide range of user fora. There are regular court user groups across all jurisdictions which bring together our main partners to discuss matters of concern and mutual interest. Our cross-agency working intensified during the pandemic and on criminal justice matters the structures put in place have remained ensuring regular meetings of key officers including a representative from the Law Society.

The Chief Registrar attends meetings of the Council of Ministers Sub-Committee on Justice. The General Registry (and the judiciary) stand ready to contribute appropriately with one significant piece of work linked to that the Committee, the forthcoming independent review of Legal Services in the Isle of Man.

At the First Deemster's request, we have expanded our outreach programme with Year 12 pupils from across the Island visiting the Courts in July 2021 for a question and answer

session with the judiciary. It is hoped that this form of outreach will become more regular and extended to other sectors including the local media.

Finally, the creation of the post of Minister for Justice and Home Affairs in 2020 has provided a new focal point for justice matters in the Isle of Man. The General Registry retains its Memorandum of Understanding with the Cabinet Office but the relationship with the Minister continues to evolve and includes regular meetings with the First Deemster.

BUSINESS RISKS

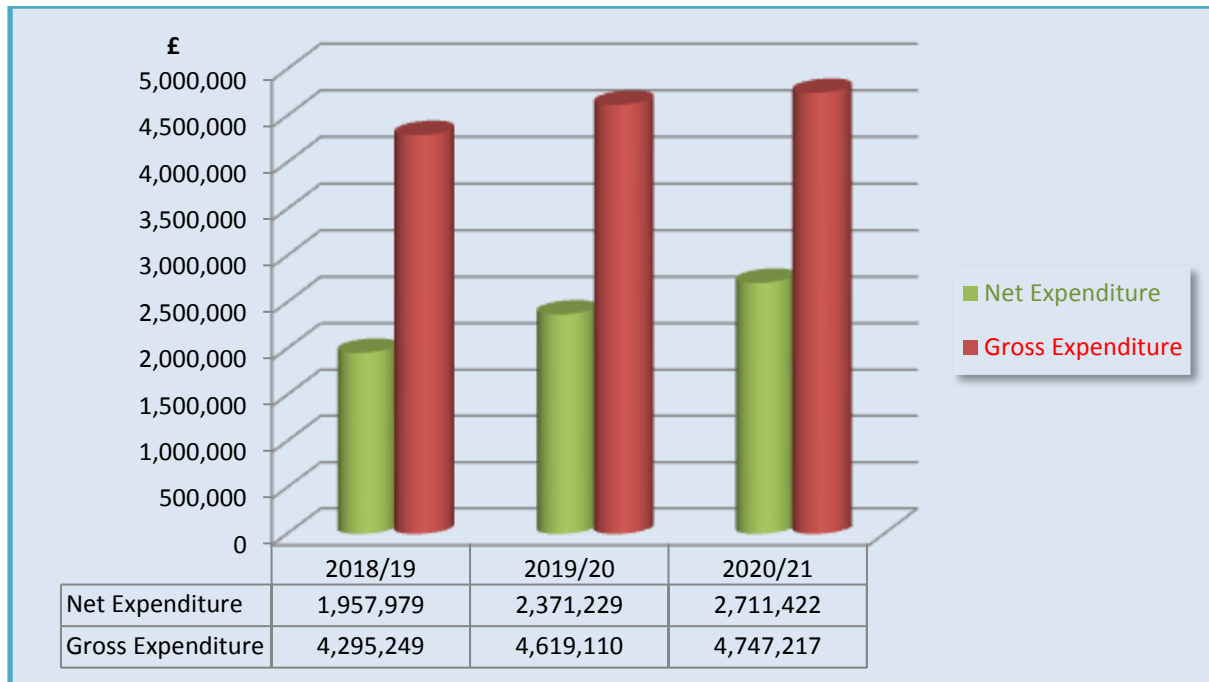
The General Registry faces a number of business risks which are mitigated as far as possible. The main risks our business faces include:

- The introduction of a new case management and finance system
- Increases in size and complexity of matters before the courts and tribunals
- Legislative amendment which will require changes to Rules, Practices and Procedures (and how to properly resource these changes)
- The increased responsibilities of the Employment and Equality Tribunal following the phased introduction of the Equality Act 2017
- Major case(s) impact over which we have no control
- Data security and information management requirements
- Recruitment and retention both judicially and administratively
- Potential threats to the independence of the functions which we perform

FINANCIAL AND BUSINESS INFORMATION ¹

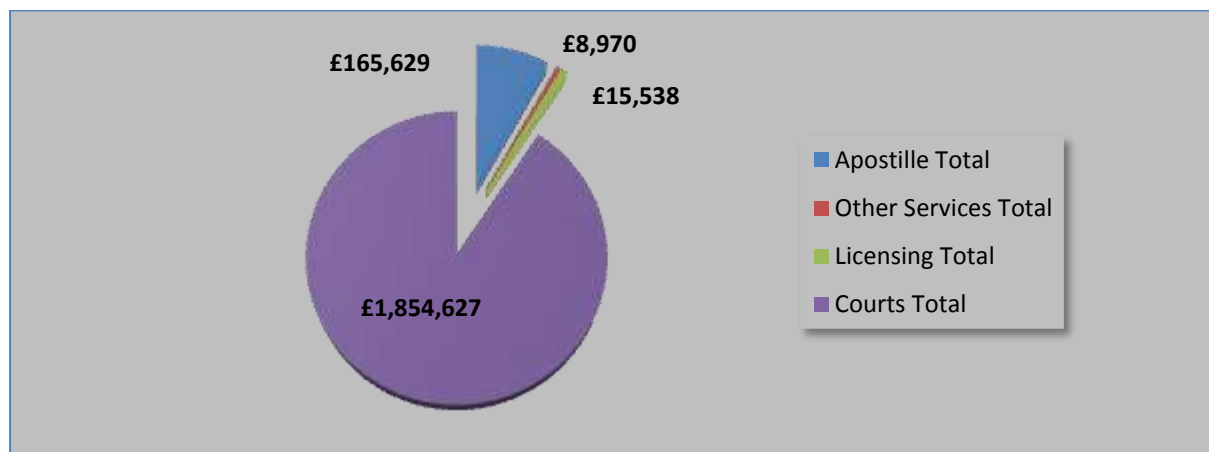
The General Registry financial position as published or forecast is set out in Figures 1 and 2 below. Further financial information is provided in Figures 3 and 4.

Figure 1: Financial Position of the General Registry 2018/19 - 2020/21



Note: The above figures will not correspond with those published in the Isle of Man Government Pink Book due to the method of accounting used in relation to, for example, failed prosecution costs.

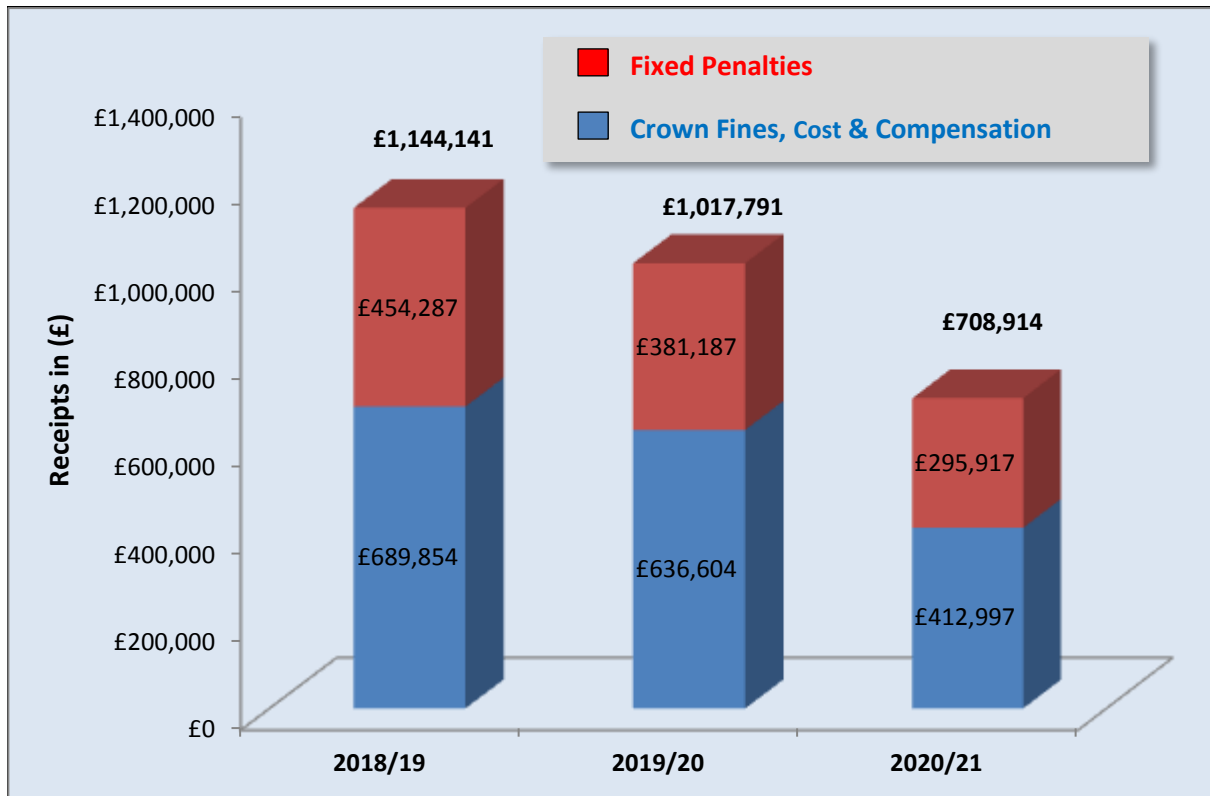
Figure 2: General Registry Income 2020/2021



Note: The planned triennial licensing was not carried out in 2019/20 or 2020/21 and has now subsequently been suspended until 2022/23.

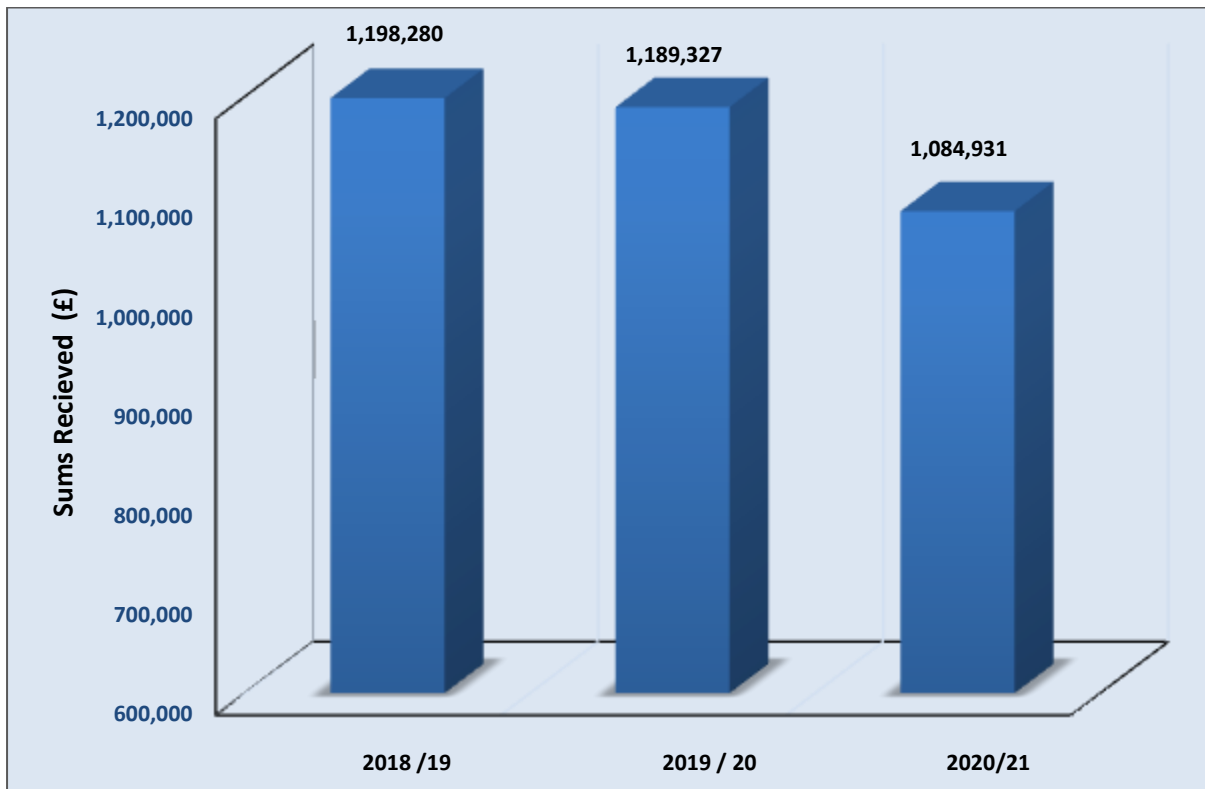
¹ The statistical information provided in this Report is taken from internal records, most of which have been manually interrogated for the purpose. In many cases it is used to inform operational decisions but the information does not constitute official statistics which are subject to more rigorous standards of analysis.

Figure 3: Income Collected from Fines, Fixed Penalties etc. 2018/19 - 2020/21



Note: The income above is collected, but not retained, by the General Registry and does not feature in its accounts.

Figure 4: Maintenance sums received and then paid to the relevant party 2018/19 – 2020/21 ²

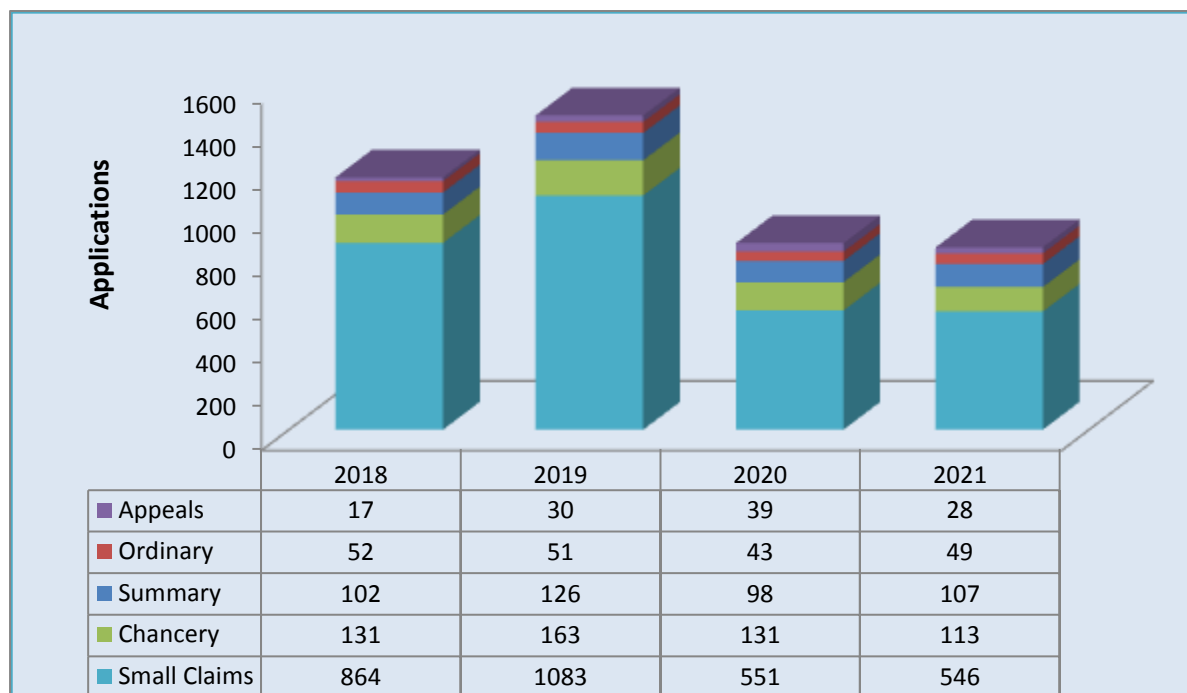


Note: Child maintenance is regular, reliable financial support that contributes towards a child's everyday living costs. The parent without the main day-to-day care of the child pays child maintenance to the other parent. These payments are generally made via the Chief Registrar.

The remaining figures, [Figures 5 to 19](#) provide statistical information and an explanatory note for many of our areas of business from 2018 onwards, where possible. In many cases, although the information presented provides overall numbers, it does not take account of the length, size or the complexity of the matter.

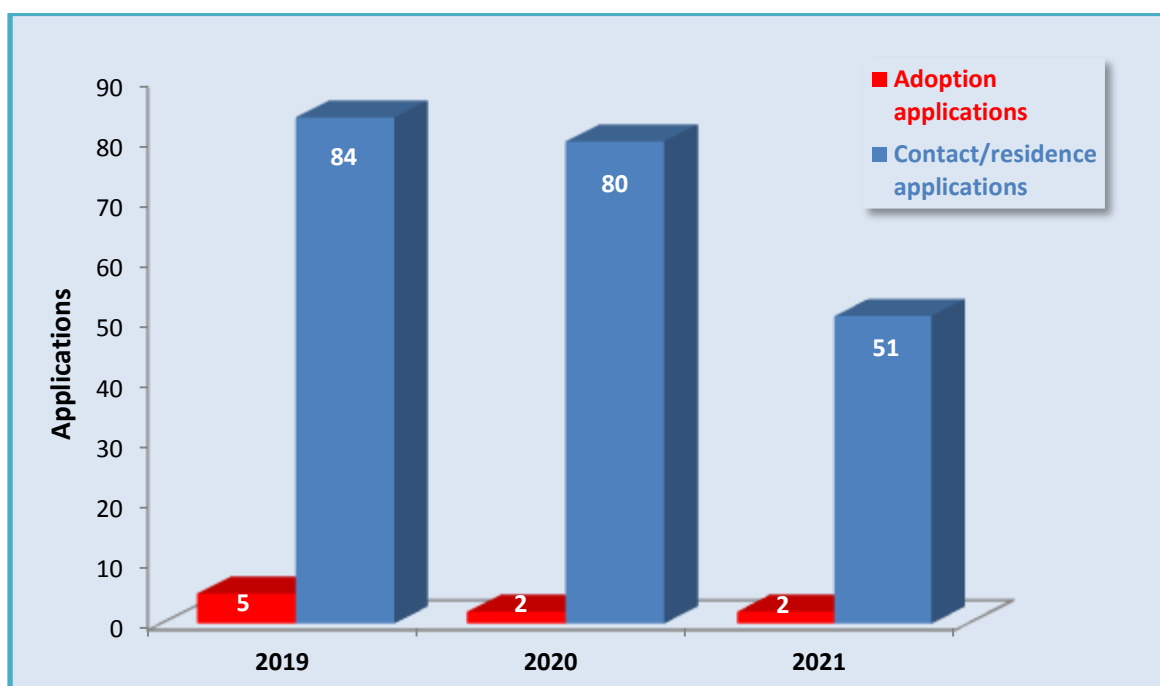
² 2018/19 figures were based on projections in the previous annual report. These have now been corrected to actual figures and are now reported in full.

Figure 5: High Court Civil and Appeal proceedings applications 2018-2021



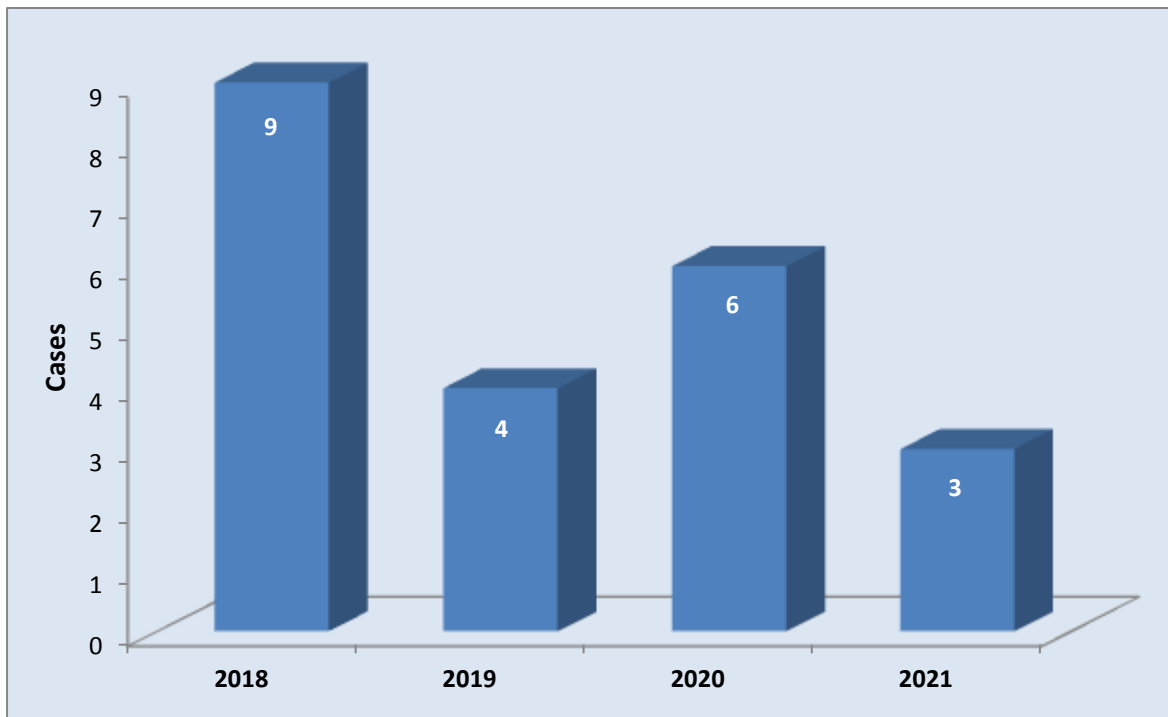
Note: The figure for Appeals refers to all appeals to the Staff of Government (Appeal) Division, not just in Civil matters.

Figure 6: Adoption applications made and Contact/Resident orders sought 2019-2021



Note: An adoption order gives full parental rights and all legal responsibilities to the adoptive parents as if the child concerned were born to them. An adoption order severs all legal ties with the birth family who will then cease to have any legal rights over the child. Contact orders require the person with whom a child lives to allow that child to visit, stay or have contact with a person named in the order. Residence orders decide where and with whom the child is to live.

Figure 7: New Public Law Care Proceedings Cases 2018-2021



Note: Care Proceedings (Public Law) are court proceedings brought by the relevant Government Department where an application is made generally for a “Care Order” or “Supervision Order” in respect of a child. If the relevant Department believes that a child is at risk, it can apply to court for permission to take action to protect them. The number of applications shown above does not take into account how many children an application may relate to or the nature of the application (of which there are a range of types).

Figure 8: Divorce Applications, Provisional and Final Orders 2018-2021

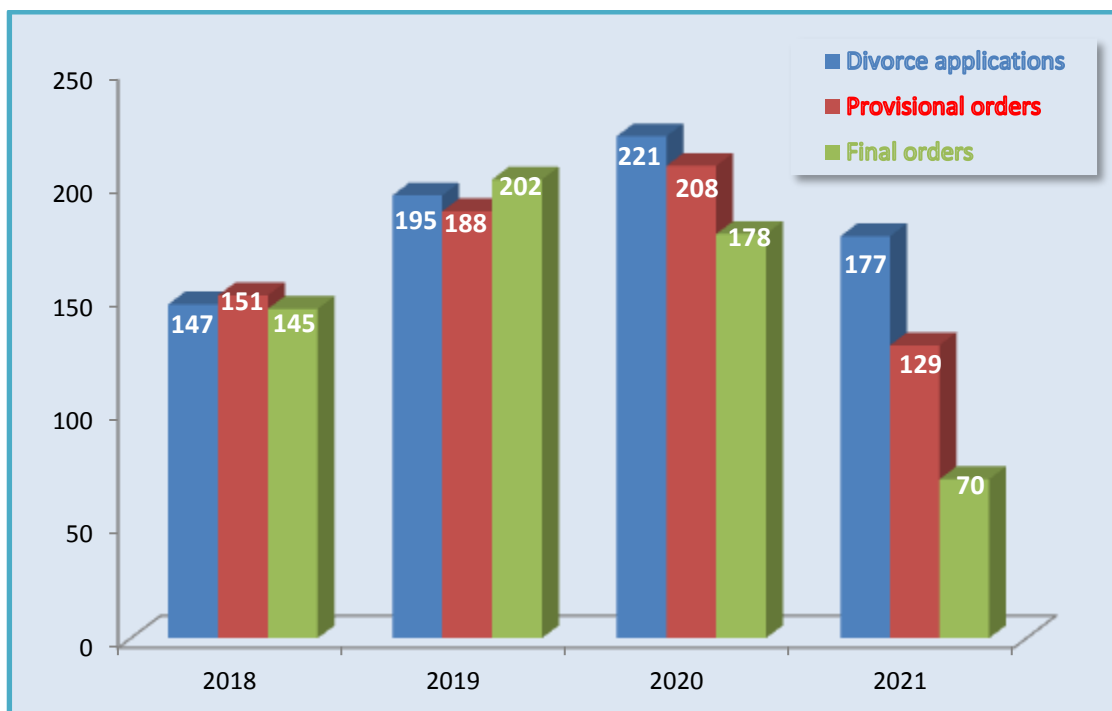
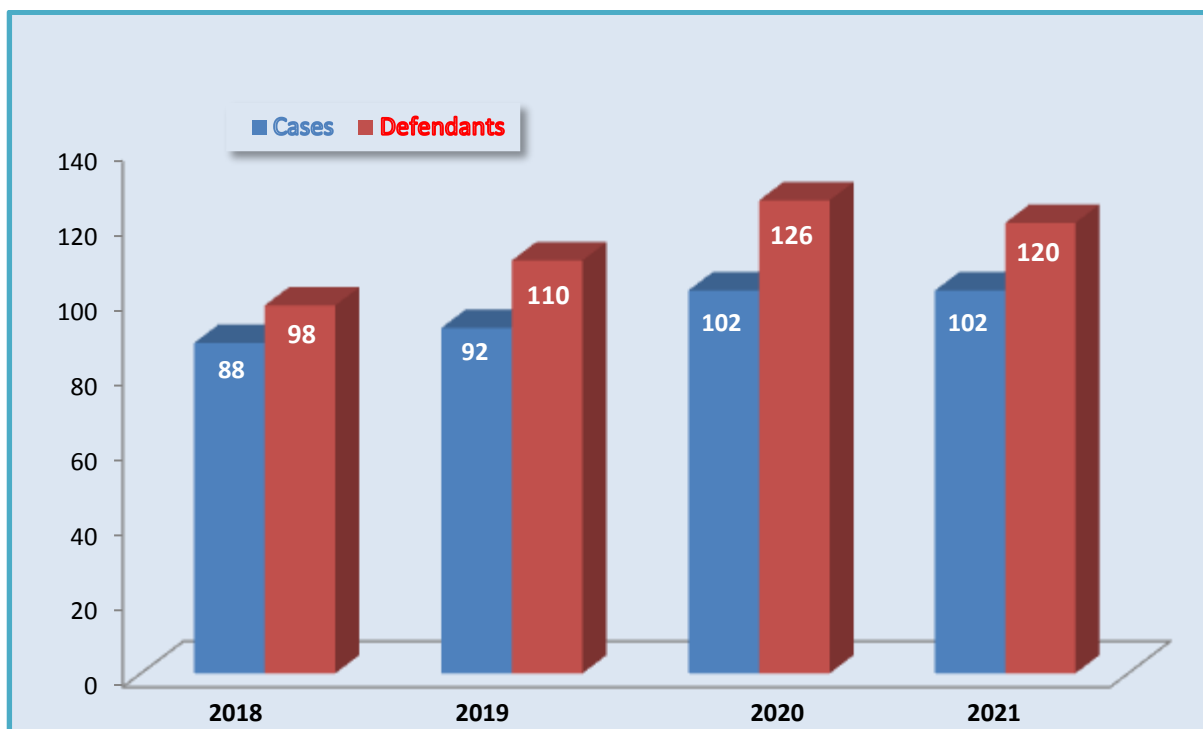
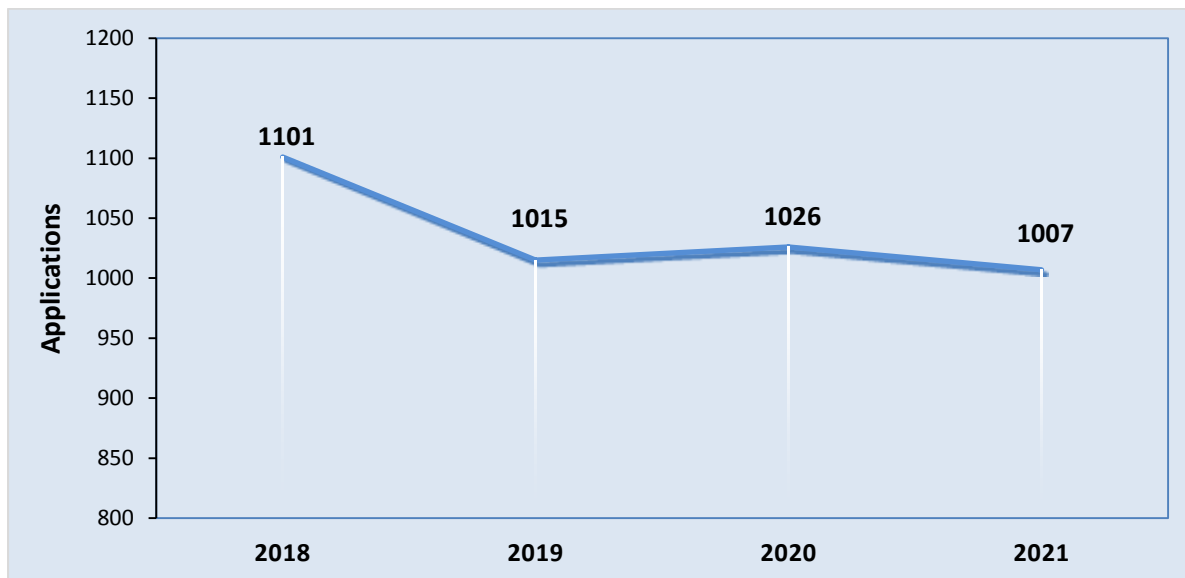


Figure 9: New Cases and Defendants before Courts of General Gaol Delivery 2018-2021



Note: Courts of General Gaol Delivery deal with matters of particularly serious crime.

Figure 10: High Court Non-Contentious Probate Applications 2018-2021



Note: The Probate Office forms part of the High Court. It deals with 'non-contentious' probate business, that is where there is no dispute about the validity of a will or entitlement to take a grant. For further context regarding the numbers of applications noted above, over the past three years the estate inventory declarations submitted to the court indicate that assets in the region of £766 million (held in the Isle of Man) were administered by estate representatives. It should be noted that assets declared as part of the probate process are declared on estate "brackets" rather than an exact amount. As a consequence, the figure above is based on a "mid" figure within these brackets. Removing outlier estate values (over £2 million), the average estate value over the past three years is approximately £249,000.

Figure 11: New Tribunals Applications 2018-2021

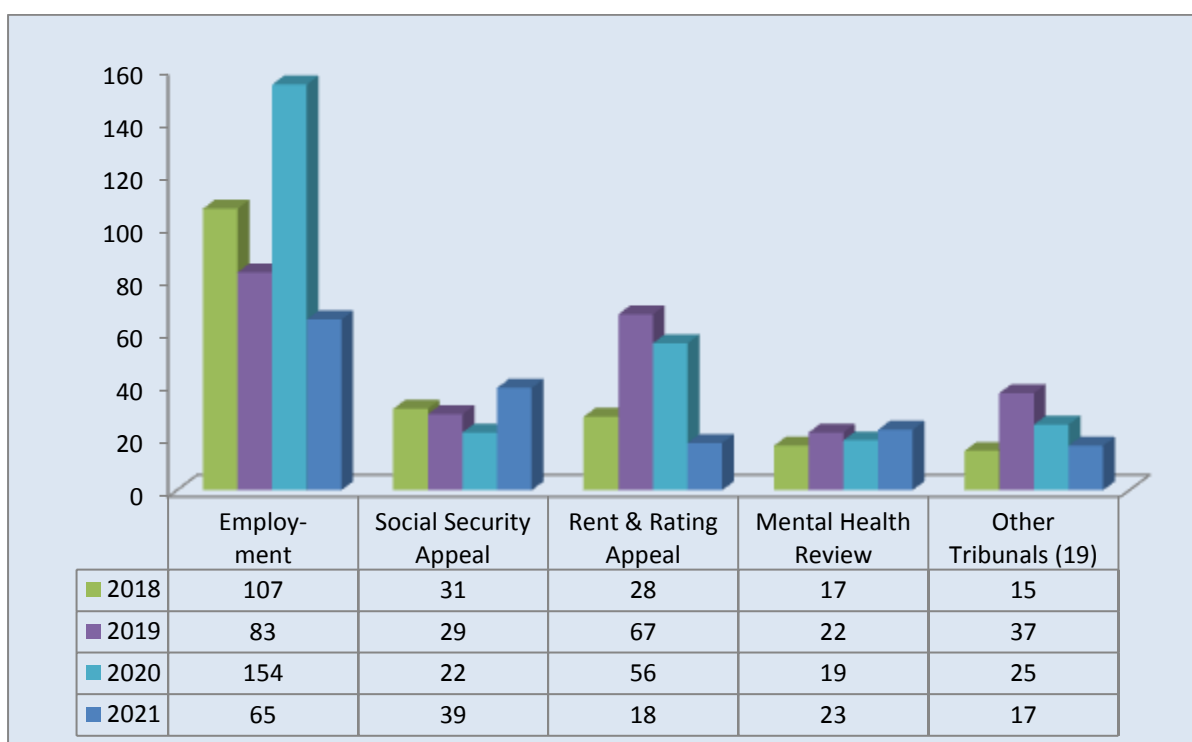
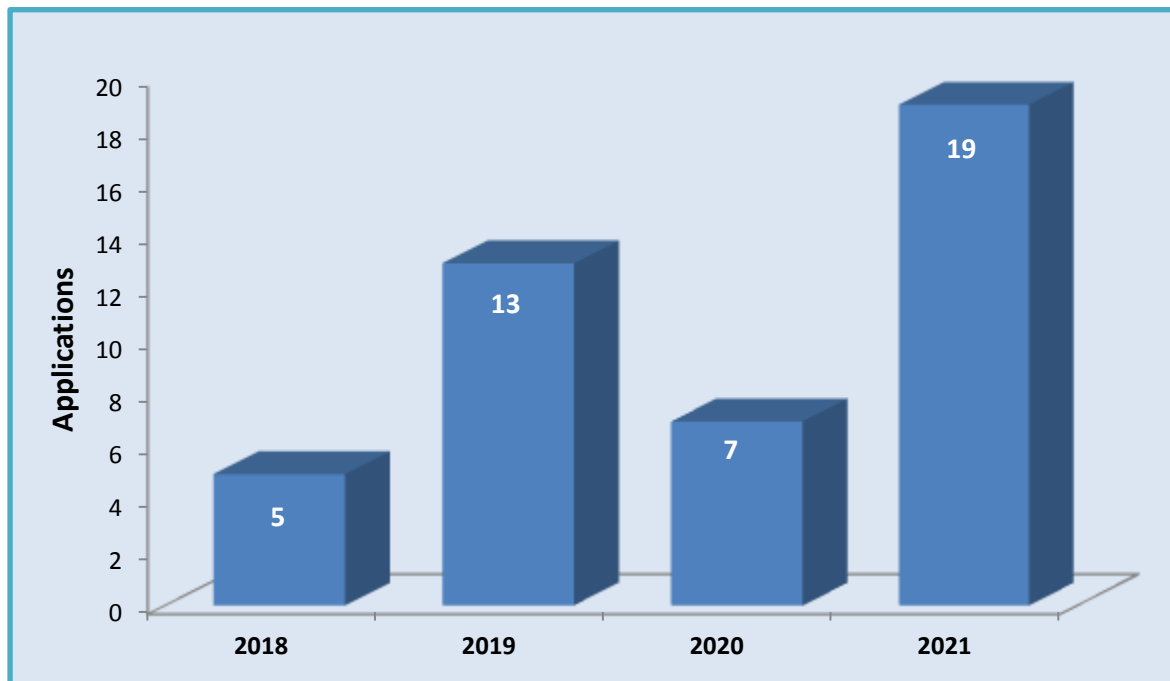
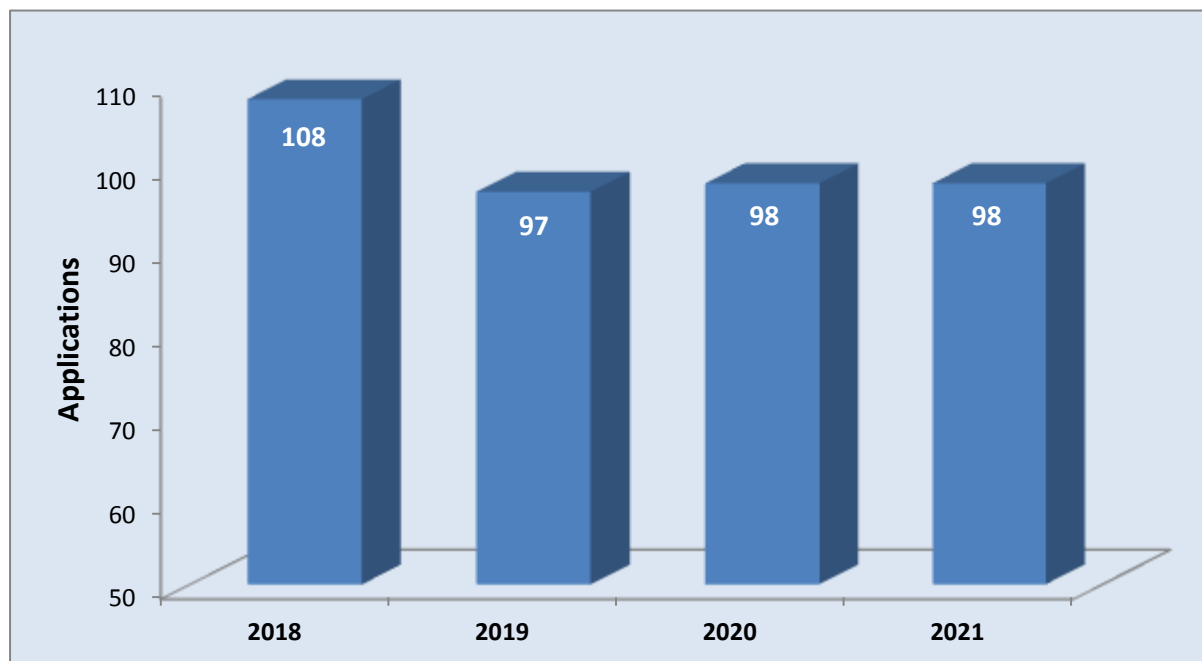


Figure 12: Applications for Licensing as a Temporary Manx Advocate 2018-2021



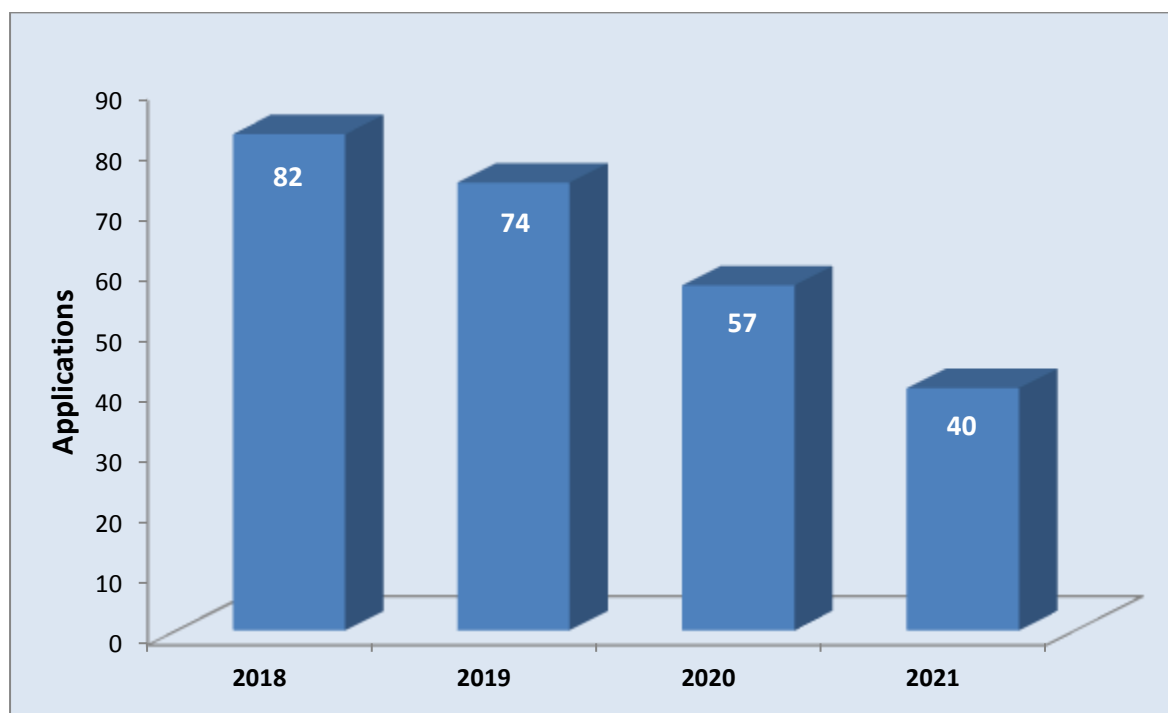
Note: A temporary Advocate's Licence may be issued to persons qualified in other jurisdictions in certain prescribed circumstances. The majority of such licences are issued in relation to complex commercial litigation matters.

Figure 13: Applications for Enduring Powers of Attorney 2018-2021



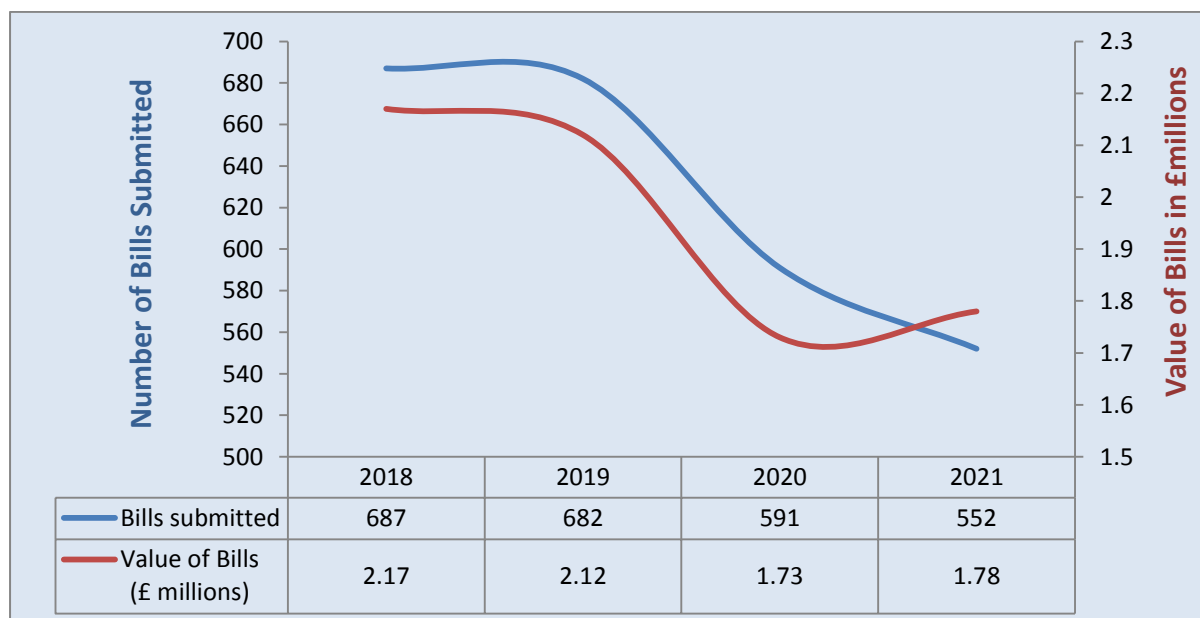
Note: An Enduring Power of Attorney is a legal document in which 'the donor' appoints someone else ('the attorney') to look after their affairs in the event that they lose mental capacity. An ordinary power of attorney loses its validity when the donor loses the mental capacity to manage his or her own affairs. However, if an enduring power of attorney has been drawn up then it should be registered at the Isle of Man Courts of Justice in order that the attorney may continue to act on the donor's behalf when the donor loses capacity.

Figure 14: Mental Health Receiverships 2018-2021



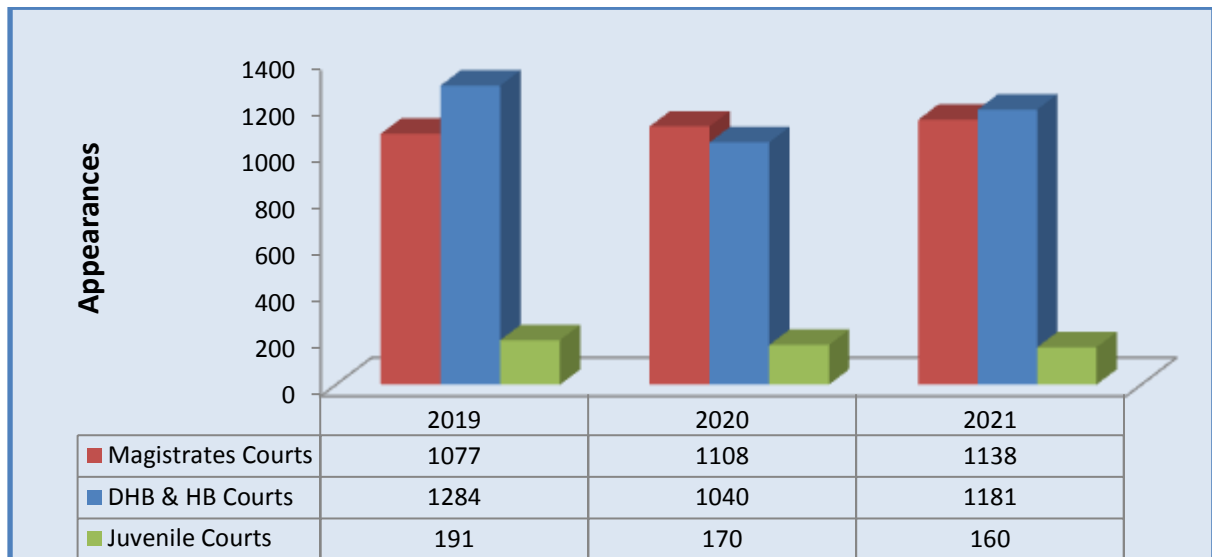
Note: Mental Health Receiverships are granted following an application to the court for the appointment of a Receiver where a person becomes incapable, by reason of mental disorder, of managing his or her property and affairs.

Figure 15: Number and value of Legal Aid Costs Assessments 2018-2021



Note: The assessment of legal costs payable is carried out independently by an officer of the court. The object in all cases should be to achieve a fair assessment of the costs due to the legal services provider. The need for an assessment arises out of a court order, a legal aid certificate and certain other circumstances.

Figure 16: Appearances at the Fixed (weekly) Summary Criminal Courts 2019-2021



Note on 2020 figures: As a consequence of the first lockdown restrictions in 2020, the Magistrates court was not able to sit which meant that these courts were presided over by the High Bailiff or Deputy High Bailiff. It should also be noted that people who were on bail during the lockdown periods did not actually attend the court but were administratively adjourned to a new date. They did however still appear on the court lists to be adjourned. Summonses that were already in the system were, however, not given a date until after lockdown finished. Further Covid summons/overflow courts were instigated to deal with summons matters that had accumulated and were not already going through the system given they could not be given a date until the lockdown was over. In addition to the figures above this amounted to a further 131 appearances during 2020.

Figure 17: Sudden Deaths Reported to and Inquests Held by the Coroner of Inquests 2019 - 2021

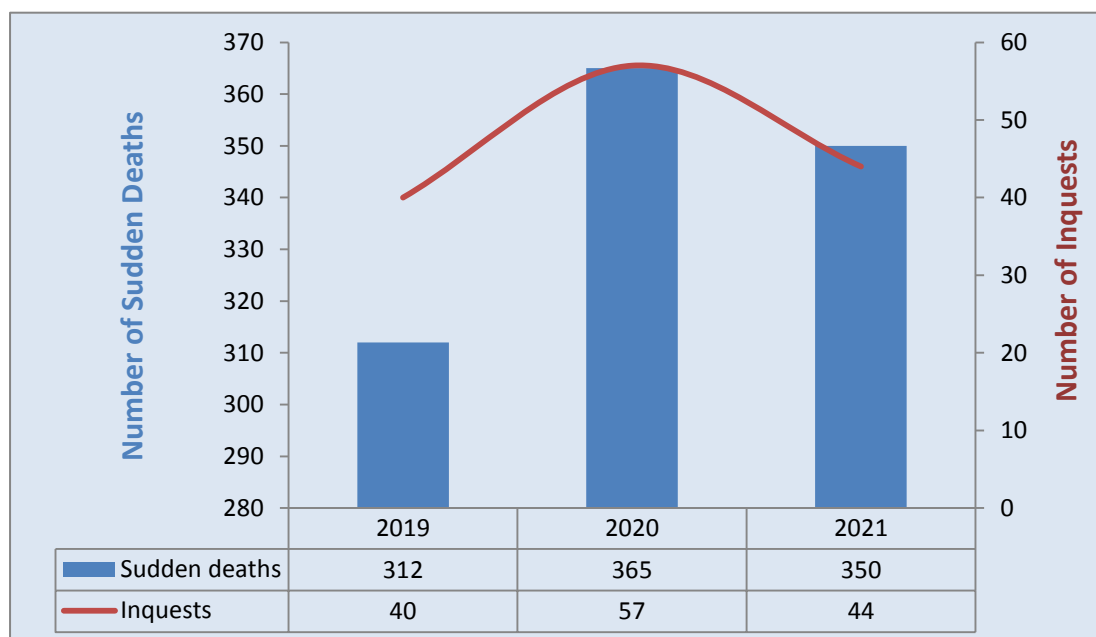
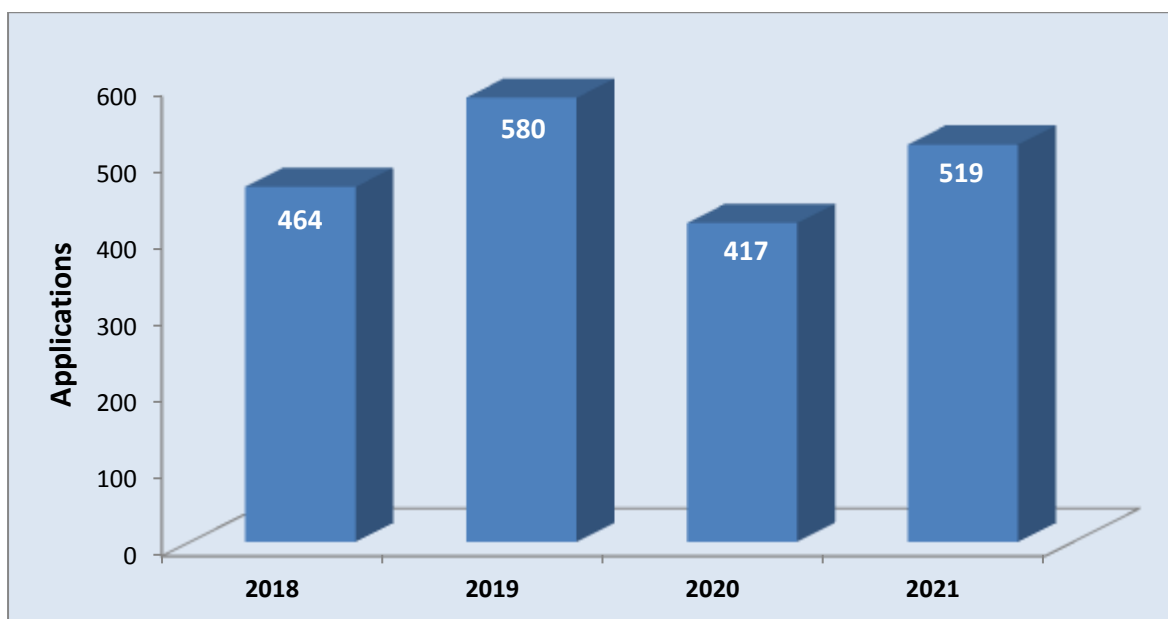
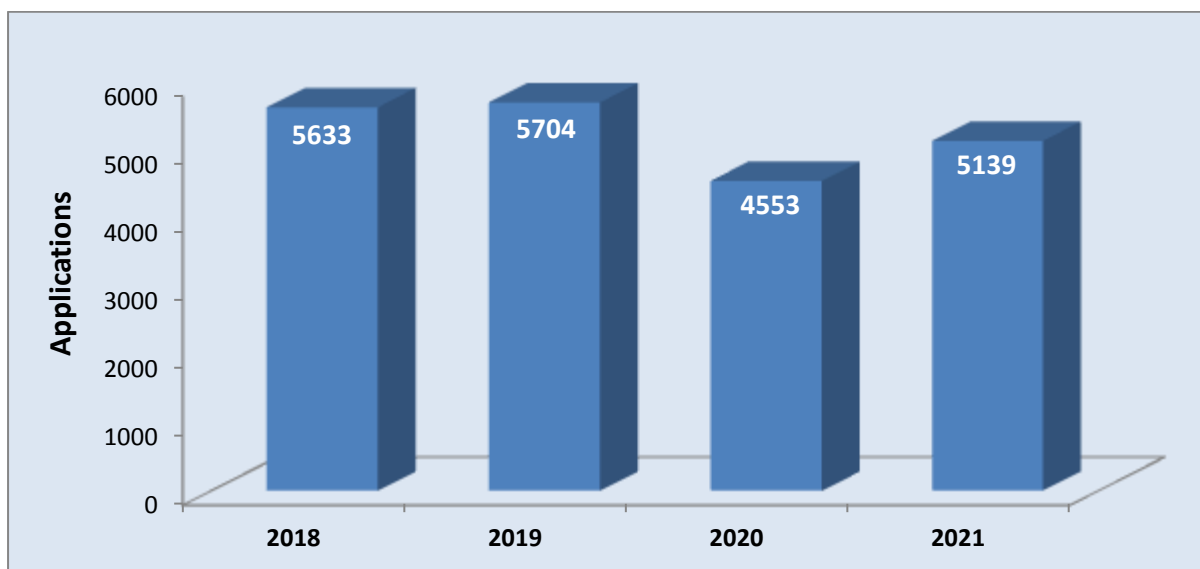


Figure 18: Applications made to the Licensing Court (Liquor/Music) 2018-2021



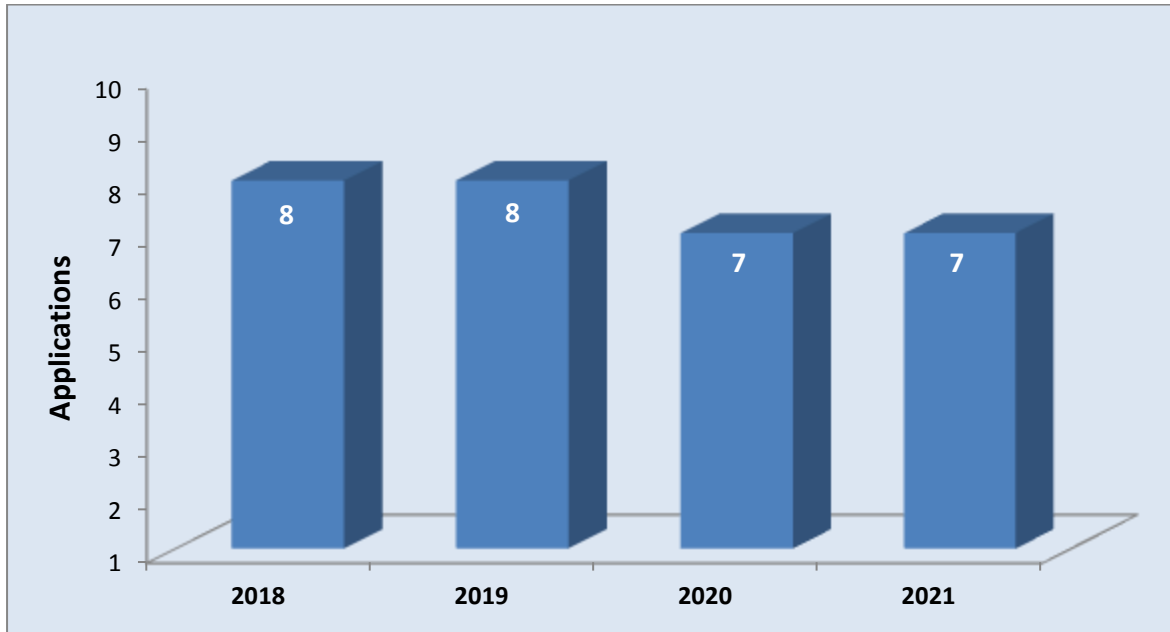
Note: These figures exclude triennial licences.

Figure 19: Applications for an Apostille Certificate 2018-2021



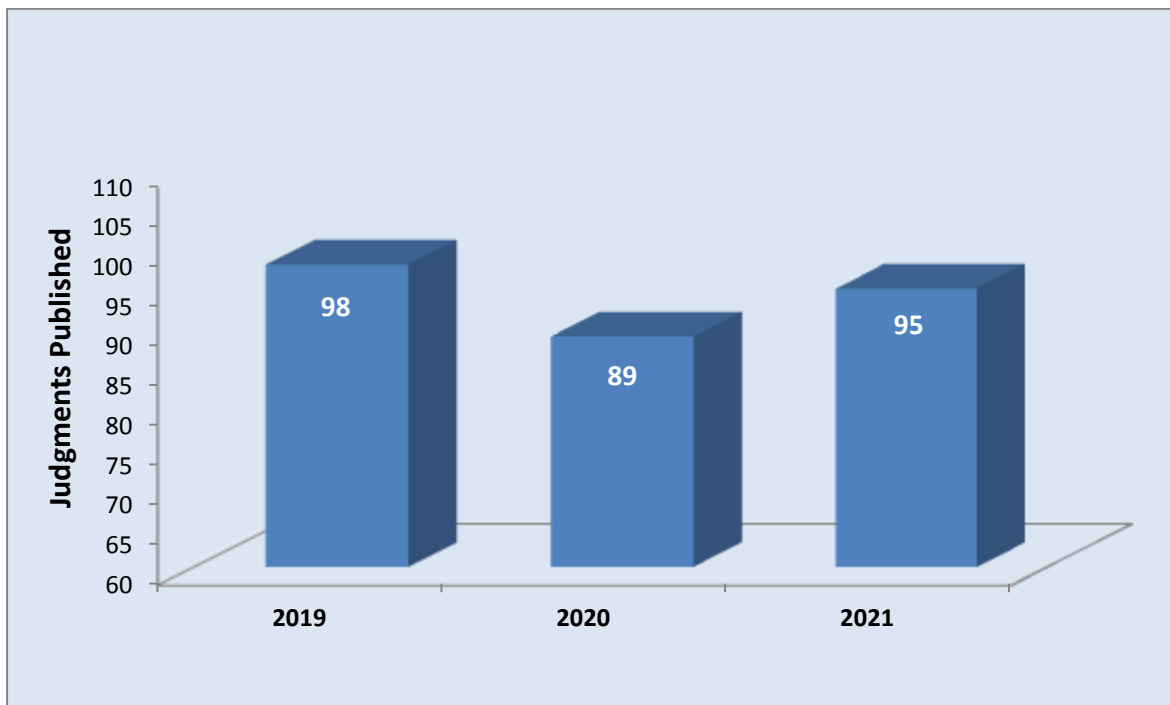
Note: An Apostille is an official Government issued certificate added to documents in order for them to be recognised as genuine when presented in another country. Once a document has had an Apostille Certificate attached confirming the authenticity of signatures and seals, it can be presented to any country that recognizes the Apostille. The authority receiving the document should then accept the seals or signatures as true and valid without requesting further evidence or proof.

Figure 20: Applications for a Non-Molestation and /or an Occupation Order 2018-2021



Note: A non-molestation order is typically sought by an applicant when they wish to prohibit an individual from using or threatening physical violence, intimidating, harassing, pestering or communicating with them. Occupation orders are made by the courts to enforce, declare or restrict rights to occupy the matrimonial home.

Figure 21: Published Written Judgments



A link to the published judgments can be found at - [Isle of Man Judgments Online](#)

