

# Attorney General's Chambers



## Annual Operating Report for the year ended 31 March 2021

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# Foreword

This Report provides a summary of the work undertaken by my Chambers ("AGC") during the year to 31 March 2021. The preparation and publication of this report, like many areas of AGC work, was delayed due to the pandemic, which began to affect our community during March 2020. Sadly Covid-19 has continued during this year to affect our community and it has understandably remained a primary focus of my office's attention for this reporting period. My thoughts and those of all our team here at AGC remain with those in our community who have been personally affected by the loss of a loved one, ill health or faced other difficulties because of the pandemic.

When I reflect on this reporting period, which included three periods of effective lockdown due to the pandemic, I know that we adapted well; that our essential business continued and now that disrupted business has resumed. The year evidenced a seemingly ever increasing scope and amount of our legal work in direct support of government.

The focus I have aimed to instill in our team at AGC has despite the pandemic and its consequences remained the same for several years now; to deliver my statutory duties and functions and provide legal assistance to public sector bodies, supporting their broader ambitions for reform, in a timely manner and to the best of our ability.

This reporting period saw the continuation of increased parliamentary scrutiny of AGC itself and also scrutiny of the role of the Attorney General, which I welcome. I have consistently stated that I aim to operate as HMAG in a manner which is as transparent as my responsibilities permit me to be. The Constitutional and Legal Affairs and Justice Committee, established by Tynwald in October 2017, called me to provide evidence in a number of areas covered by its remit and I am sure it will continue to do so. The work of the Justice Committee has a broad scope and is set to continue to focus on the role of H M Attorney General and the shared legal services AGC offers in addition to the structure, accessibility and availability of Legal Services in the Island as a whole. Whilst I fully support the Committee's work, it is not for me as HMAG to be seen to determine or influence policy, but I am conscious of my primary role in protecting the rule of law and promoting the public interest. A report, "Third Report 2020-21 – Role of the Attorney General" has been published recently and was debated in Tynwald at the July 2021 sitting. The acceptance of the Report's recommendations will potentially change the shape of the AG's role and that of AGC. So I await the appointment of an independent reviewer to consider the Report's recommendations and I hope my annual reports will prove informative for Members of Tynwald, the reviewer and the community.

AGC's role in developing a centralized legislation service for Departments has during the year seen some progress, albeit slower than I had hoped for. Despite the pandemic, during the reporting period negotiations continued with a further three Departments to transfer legislative resource into AGC. Work must now continue to bring more Department teams into AGC and, once established, a centralised shared Legislation Service which is my aim will improve resilience for legislation required by all Departments and improve quality in

secondary legislation drafting and instructions provided to the drafters in respect of primary legislative changes.

During the reporting period Departments experienced some further challenges of the post-Brexit international relationships which made further demands of my teams' and my own attention.

AGC continues in the work to meet its obligations in the continuing fight against economic crime and money laundering. The International Cooperation and Asset Recovery Team ("ICART") is now a separate division in AGC led by a Senior Prosecution Lawyer and which is resourced by professional staff to meet the increasing work pressures and the essential collaboration with off-Island law enforcement agencies. I have previously reported that it has had notable success in disrupting financial crime both in the Island and internationally and therefore depriving criminals of assets and that work continues. An important aspect of that work is assisting other jurisdictions and the team has enjoyed considerable success in this regard.

I was also asked during the reporting period to host and supervise the Legal Aid review project. Consultation with and engagement with the legal profession and other stakeholders helped to shape some suggestions and recommendations, which I shall put forward to the Legal Aid Committee for its consideration in due course.

The Emergency response to the pandemic tested AGC in the extreme and brought a change in culture of AGC, giving us a new sense of urgency and a stronger delivery focus, which is something upon which I now intend to capitalize. I am not complacent and recognize that whilst we have made great improvements there is still room to improve and that will be the focus of a new Business Plan which I intend to publish later this year.

I have previously reported on the actual structure within AGC and I remain convinced that the relatively recent structural changes reported previously helped us through the pandemic. The changes are now starting to pay dividends, in both our service to others and in our internal reforms and efficiencies.

As I reported last December, I could not be more proud of the way the team reacted to the pandemic; it was swift, calm and professional, showing a level of dedication, flexibility, ingenuity and commitment to colleagues and the community, often going well beyond what could reasonably be asked or expected of them. I sincerely and genuinely thank everyone for the part they played and for their swift and smooth return to the office.

**John Quinn QC MLC**  
**Her Majesty's Attorney General**

8 October 2021

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# Part 1 – Progress against Business Plan

## 1.1 Priority Strategic Aims

The Business Plan was published as a revised version in February 2020 and continued to form the foundation for prioritisation of AGC work throughout this reporting period. The Business Plan lists our six priority strategic aims and, within each aim, there are further more detailed objectives which support service delivery and continuous improvement.

A report detailing progress against the full aims and objectives of our Business Plan is at Appendix 1 on page 29. The following table lists our Priority Strategic Aims:-

Priority Strategic Aim 1	Keeping our community safe from serious crime and financially motivated crime
Priority Strategic Aim 2	Providing support to our Stakeholders in delivering their objectives
Priority Strategic Aim 3	Implementing the Criminal Justice Strategy
Priority Strategic Aim 4	Improving our culture and managing ourselves more efficiently
Priority Strategic Aim 5	Improving the quality of advice, trust in our service and our reputation
Priority Strategic Aim 6	Improving our relationship with our clients and building our relationships within the community

The Business Plan for 2020 to 2022 with full details of the above aims and related objectives is available on our website.

## Part 2 – Divisional Reports

### 2.1 Crown Division

#### 2.1.1 Introduction

The Crown Officers (Her Majesty’s Attorney General “HMAG” and Her Majesty’s Solicitor General “HMSG”) have a broad range of statutory and non-statutory duties. In practice, each of the Crown Officers deals with separate legal duties, but ensure that they are both aware of major developments in order to provide effective cover for each other in their busy roles.

The Crown Officers are supported by the Crown Team, which delivers the Crown Officers’ private office functions and all aspects of the AGC non-legal practice compliance and development, contributing to wider reforms and strategic planning, oversight of the design and implementation of improvement projects and the delivery of operational services as required.

The Crown Officers are further supported by the Executive Director of Legal Services (“EDLS”) in relation to the delivery of all legal services provided by each of the Law Officers across AGC. In supporting the Crown Officers, the EDLS provides professional legal oversight of AGC. The EDLS also supports the Crown Officers undertaking specific project work across Government which requires legal advice and assistance.

Her Majesty’s Attorney General (“HMAG”) continues to:

- Provide advice to His Excellency the Lieutenant Governor, as required
- Attend to Parliamentary duties, which are made up of regular meetings of the Legislative Council and the monthly sittings of Tynwald during the Parliamentary year
- Attend routine weekly and any Extraordinary Meetings of the Council of Ministers as its primary source of legal advice
- Work with Council of Ministers and its sub-committees, including supporting the Government’s delivery of:
  - The Legislative Programme
  - National Strategy
  - International Relations

- Provide legal superintendence to the AGC Directors and Legal Officers in relation to the delivery of my many Statutory functions, such as Charities Oversight and Receiverships under the Mental Health Legislation
- Chair the Financial Intelligence Board, which Board provides statutory oversight of the Financial Intelligence Unit

Her Majesty's Solicitor General ("HMSG") continues to:

- Deputise for HMAG when required in respect of all his duties above
- Provide oversight and strategic level support for the Government's International Engagement Programme, including attendance at Moneyval Plenary and other meetings, and ensuring work is undertaken which is aligned to the Financial Action Task Force Standards, OECD Global Standards and other entities
- Provide legal supervision to the International Cooperation and Asset Recovery work within AGC
- Personally provides support to the regulatory authorities with regard to enforcement actions

### 2.1.2 Work undertaken during the reporting year

The following table lists HMAG's formal committee attendance and roles during the year from 1 April 2020 to 31 March 2021:

Meeting	Role	Frequency
Council of Ministers	Legal Adviser	Weekly
Council of Ministers Legislation Sub Committee	Legal Adviser	As Called
European Union Listing Group	Committee Member	As called
Financial Crime Prosecutions Forum	Chair	As Called
Financial Crime Strategic Board	Committee Member	As Called
Financial Intelligence Unit Board	Chair	As Called
His Excellency The Lieutenant Governor	Legal Adviser	Monthly & As Called
International Relations Coordinating Group	Committee Member	As Called
Legislative Council	Non-voting Member	Weekly (Oct to Jul)



<b>Meeting</b>	<b>Role</b>	<b>Frequency</b>
National Strategy Group Extraordinary Meeting	Legal Adviser	As Called
National Strategy Group	Legal Adviser	As Called
Tynwald	Non-voting Member	Monthly (Oct to Jul)

### **2.1.3 Management of Chambers**

The AGC Senior Leadership Team ("SLT") meets weekly and is made up of the Crown Officers, the Chief Operating Officer ("COO") and the Executive Director of Legal Services ("EDLS").

The AGC Extended Leadership Team ("ELT") meets fortnightly and is made up of the COO, the EDLS, the Interim Director of Drafting Performance, the Director of Prosecutions, Director of International Cooperation and Asset Recovery, Director of Commercial Law and Director of Civil Litigation, the Lead Legal Practitioner – Advisory and Legislation Support and the Head of Crown Team.

### **2.1.4 Statutory Functions of HMAG**

HMAG has many statutory functions and where those functions are not linked to criminal law they are carried out by law officers within the Crown Division, the delivery of which is supported by a dedicated administration team.

During the Reporting Year the Functions of the HMAG in the four subsequent paragraphs were fully embedded within the Crown Team, which has resulted in more efficient and resilient support for the Crown Officers in their statutory functions. AGC's Crown support team now includes personnel dealing with Mental Health casework (attending to the financial affairs of persons who lack capacity where there is no family member willing or able to undertake this role and there are insufficient monies to permit the engagement of a third party professional to undertake the role).

The Charities Registry, following a significant preparatory project, also officially moved from the Department of Enterprise to the AGC with effect from 1 April 2020 (see 2.1.7 below).

### **2.1.5 Child Abduction**

1 Hague Convention child abduction request for the Isle of Man to provide assistance in another country was made to AGC during the year.

### 2.1.6 Mental Health Matters

HMAG has a statutory duty to attend to the financial affairs of persons who lack capacity where there is no family member willing or able to undertake this role and where there are insufficient monies to permit the engagement of a third party professional to undertake this role.

If appropriate, HMAG may also appoint a family member and/or friend where there are insufficient assets to justify an application to the High Court for Receivership.

During the reporting year, 48 referrals were received of which:

- 16 were taken under direct management; and
- 14 appointments were made.

At the end of the reporting year, Chambers were managing the finances of 57 individuals.

These figures are reported in the table below for ease of comparison with previous years.

Year	Referrals	Taken over by AGC	Family/friend appointed	No of cases managed by AGC at year end
2020/2021	48	16	14	57
2019/2020	50	21	19	55
2018/2019	39	17	12	40

The complexity of the individual cases continued to increase, with more instances where court application are required.

### 2.1.7 Charities

This reporting year has seen the first year of new requirements for accounting and reporting in AGC on regulation of charities in the Isle of Man. This follows the enactment of the new charities legislation in the Charities Registration and Regulation Act 2019. The transfer of the Charities Register to HMAG, which transfer became effective on 1 April 2020 and both prior to and since that date, Chambers has spent significant time on guidance and advice to existing and new charities. This included conducting information sessions for trustees and other third sector organisations in relation to trustees' duties and responsibilities and in reporting and accounts requirements. A Charities Bulletin is now produced and updates are included on a Government webpage and a centralized inbox where members of the public, including new and existing trustees can contact the Charities Administration Team: [charities@gov.im](mailto:charities@gov.im).

Guidance is continually reviewed and updated, and a counter service remains available at AGC for trustees to seek guidance, with prior approval processes, and various policies in place to provide for ease of administration for charities and the Charities Administration Team.

During the reporting year:

- 23 applications for registration were received, of which 16 were successful
- 35 charities were removed from the register, of which
  - 24 had ceased to operate;
  - 6 were considered as no longer being a charity;
  - 4 were considered as no longer having a substantial and genuine connection with the Island;

### **2.1.8 Bona Vacantia**

Chambers continues to act on behalf of Treasury in relation to a range of bona vacantia matters.

## 2.2 Commercial Division

**2.2.1** The Commercial Division opened 881 new files during the reporting period. The number of new files is not a completely accurate measure of the amount of work undertaken as the Division has a policy whereby a new file is only opened if no prior record exists and only if the amount of work anticipated exceeds 1 hour. Notwithstanding this, the numbers of files opened is a useful indicator of the volume of work undertaken by the Division and can identify trends when compared to previous years. The trend for this year has been for the team to deal with a larger number of more complex and time consuming matters than previously.

The Commercial Division deals with all commercial matters on behalf of Government and includes the centralised procurement function provided by Procurement Services. The Commercial Division also advises on a broad range of contractual and procurement issues and negotiations including the drafting and negotiation of contracts and the review of suppliers terms and conditions. It also advises and assists in supporting significant Isle of Man Government commercial programs and projects which have included support regarding COVID -19 Disruption/Working Capital Arrangements, negotiation and completion of multimillion pound banking Facility Agreements and assistance regarding various financial assistance Schemes such as the Enterprise Development Scheme and the Douglas Promenade Works (No2) Scheme . The Division also provided assistance to both Cabinet Office and the Department of Health and Social Care concerning the health care review and towards the introduction of Manx Care.

The numbers of new instructions received by the Division (excluding property) this year reduced to 498 compared to 664 in the previous year. The decrease in workload can be attributed to:

- (i) the number of Quick Quote procurements being undertaken, by Departments, Boards and Offices without the assistance of AGC;
- (ii) the Quick Quote limit for certain construction matters being substantially increased;
- (iii) the Covid-19 pandemic.

The following table sets out the nature and type of work which was undertaken by the Commercial Division (excluding the work carried by the Property Team) during 2020-2021:

<b>Commercial Division Files (excluding Property)</b>	
<b>Work Type</b>	<b>Number</b>
Advices	80
Contract (including procurement matters)	400
Contract Disputes	2
Drafting	4
Finance	1
General Advice	11
<b>Grand Total</b>	<b>498</b>

### 2.2.2 Property Work

The Property team in the Division continued to deal with a large range of property work from very high value sales and purchases, leases, licenses and Government Financial Assistance/loans/SEPA to assist house purchasers. The figures in the following table demonstrate a slight decrease in the number of property matters opened in this year (from 477 last year to 370 in this reporting period). This reflects the effect of Covid-19 lockdowns on conveyancing matters.

The following table below sets out the nature and type of property matters dealt with in 2020-2021.

<b>Property Team Files</b>	
<b>Work Type</b>	<b>Number</b>
Advice	88
Assignment	9
Bona Vacantia	4
Easement or Wayleave	6
General Property	2
Gov. Financial Assistance/Loans (not SEPA)	2
Land Registration	2
Leases	73
Licence - Grazing	3
Licences	23
Memorials of Arrest	16
Miscellaneous	9
Purchase	5
Receipts to Cancel	65
Release or Surrender	3
Research	13
Sale	6
Searches / Deeds	7
Section 13 - (Development) Agreement	6
*SEPA - Loans	18
*SEPA - Sale	6
Variation	4
<b>Grand Total</b>	<b>370</b>

\*SEPA is Shared Equity Purchase Assistance- an IOM Government Scheme

## 2.3 Civil Litigation Division

The Civil Litigation Division was separated from Civil Commercial during the previous year and, whilst Advisory initially stayed with the Commercial team, further restructuring was undertaken to move Advisory to the Civil Litigation Division during the reporting period. In late 2020, a specialist employment lawyer was recruited to the Civil Litigation Division to add dedicated expertise and to deal with this important work stream undertaken in supporting the employment of public servants across Government.

The work the Division undertakes is now broadly divided as follows:-

**Litigation** – including general litigation and advocates specialising in (1) clinical negligence and inquest work; and (2) employment work;

**Children and Families** – providing advice and representation in relation to care proceedings including emergency orders, adoption, and other private proceedings for the protection of children.

**Advisory** – including general advisory work which spans all of the public service, and more specialist areas such as data protection, doleance, equality, immigration and other areas of public law, in all cases working alongside colleagues in the Crown Division, Legislative Support and Legislative Drafting Division.

The figures for new files opened during the year within the Division continues to show a year on year increase. The total number of new instructions was 296 for 2020-21 comprised as follows:-

80	advisory
48	children and families
45	employment
18	clinical negligence / inquest files
105	other litigation files

Previous total figures were as follows:-

2019-20	247
2018-19	205

As in 2019-2020, the Division has advised on a number of non-contentious employment instructions, with increased demands for advice in relation to the Equality Act, Data protection legislation, Freedom of information requests and the work of Tynwald Committees.

### **2.3.1 Debt**

The Civil Litigation Division oversees the administration of Court proceedings to recover debts due to Government which are referred to AGC by Treasury's shared service team. In 2020/21 we received 102 instructions relating to debts recovery totalling £210,713.66, (which figure may be reflective of a less stringent approach to debt recovery post-pandemic).

As a result of the pandemic the project to better support Treasury finance shared services and/or Department/Boards in taking control of the debt recovery process has not been progressed as planned, but remains an objective.

### **2.3.2 Court & Tribunal Work**

The Division represents all of Government before the Island's Courts and Tribunals. We continue to deal with a number of doleance (administrative review) claims, particularly relating to planning and act in numerous employment cases. The latter continue to require significant input but improvements provided by AGC to training and processes to Departments have begun since early 2021.

### **2.3.3 Clinical Negligence**

AGC now act on every new clinical negligence matter instructed by the Department of Health and Social Care, with only a small residue of continuing complex cases being serviced by private practice advocates. 12 new clinical negligence cases were opened for the Department over the year (8 cases closed), together with 6 new inquest cases (4 cases closed).

### **2.3.4 Children & Families Services**

AGC act in cases where there is a perceived risk to children. The number of new case files opened for 2020-21 was 48, of which 9 were private proceedings cases. File opening totals in previous years were as follows:-

2019-20	68
2018-19	53
2017-18	71

Despite a reduction in new files opened, the number of ongoing cases and workload for the team has remained at a high level. Factors for this include the number of cases involving litigants in person, complex cases and increased demands being placed on the team in relation to management of documents and evidence required for cases to proceed to hearing.



### **2.3.5 Information Governance, Freedom of Information & Data Protection**

AGC has continued to assist Government in fulfilling its obligations following the implementation of the GDPR and related data protection legislation. We have seen an increase in work in relation to the Law Enforcement Directive, along with compliance issues mainly related to changing data sharing requirements or practices which involve the management of the pandemic, and specifically public health protection. The work involves a mixture of legal compliance and risk advice, data privacy management and drafting of notices, policies and agreements, and advice to the Office of Cyber Security and Information Assurance, together with support, advice and training for the Information Governance Forum. We also advise public authorities as regards their obligations and responsibilities under the Freedom of Information Act including application of exemptions or provision of assistance in responding to requests. We similarly provide legal support in respect of complaints or challenges made to the Information Commissioner, and also represent the Information Commissioner in relation to challenge or complaint against that office.

### **2.3.6 Advisory Work**

AGC continues to advise on a number of non-contentious employment instructions and have an increased demand for Equality Act, data protection and freedom of information related advice. We continue to assist Departments in relation to a wide range of advisory issues, including pre-action matters for claims relating to land ownership, planning, doleance education, and territorial seas. The protection of public health has risen to the forefront of much of the advice being provided to many Departments which include threat of challenge to emergency legislation or public health legislation, drafting guidance, notices or forms for border control and local lockdown provisions, and provision of advice and guidance to those Departments in the changing landscape of those regulations, predominantly advising the Council of Ministers and Cabinet Office. Impacts upon various areas of public service such as postponement of elections, cancellation or interruption to health care and nursing care, and changes to provision of education during the pandemic have given rise to a notable increase in advisory queries and requests for advice. 56 distinct advisory files were opened during the period of this report, which is in addition to an increased number of miscellaneous advice matters, predominantly in the area of public health, and data protection which accounts for approximately 80% of one full time officer's time. We are continuing to develop support and training for debt and housing officers.

## 2.4 Legislative Drafting Division

The core objective of the Legislative Drafting Division ("LDD") is to produce draft primary legislation for introduction in Tynwald which embodies Government policy as articulated by Departments, Statutory Boards or other governmental bodies. The LDD also drafts some Orders in Council relating to the Island and some secondary legislation to be made in exercise of powers delegated by Tynwald. More commonly, the LDD reviews such draft secondary legislation as prepared by the body to which Tynwald has delegated the power to make that legislation. Additionally, the LDD provides a confidential drafting service to Members of Tynwald who obtain leave to introduce Private Member's Bills in accordance with Standing Orders of the Council and Keys, or who wish to move amendments to Bills which are passing through the Branches.

### 2.4.1 Drafting Work Undertaken During the Reporting Year:

#### Primary Legislation

The primary legislation passed during the year from 1 April 2020 to 31 March 2021 analysed by type and size is as below (as compared with the previous years):-

Year	Type	Total (all excluding Schedules)	Small (less than 20 sections)	Medium (20-50 sections)	Large (51-100 sections)	Very Large (100-300 sections)
2018/19	Substantive	6	2	4	0	0
	Amending	5	4	1	0	0
2019/20	Substantive	2	0	1	1	0
	Amending	6	6	0	0	0
2020/21	Substantive	8	2	4	0	2
	Amending	10	10	0	0	0

#### Secondary Legislation

The secondary legislation website, (<http://www.tynwald.org.im/links/tls/SD/Pages/default.aspx>) lists statutory documents which have been submitted to and, where necessary, approved (or not annulled) by Tynwald. It does not include other quasi-legislative instruments which may have been reviewed by the LDD. The number of statutory documents which were added to the secondary legislation website in each calendar year is as below:

2018	338
2019	512
2020	555
2021 (up to 9 September 2021)	191

The figures for 2021 were obtained from the secondary legislation website and were correct at the time at which they were obtained. Tynwald library publishes statutory documents as and when they are supplied to it by the originating Department etc. Most secondary legislation is now delivered from within Chambers Legislation Support Team ("LST") which sits within the LDD.

#### 2.4.2 Advice

The LDD provides advice pertaining to the delivery of legislation to all Departments, Boards and Offices of the Isle of Man Government and on occasion to MHKs and MLCs (in relation to Bill amendments and Private Members Bills). The advice provided by the LDD can relate to a Bill or proposed Bill, or may be of a more general nature to assist with the interpretation and application of current legislation.

#### 2.4.3 Legislation Website

The legislation website had over 51,000 unique visitors in the year and figures show that the position continues at over 4,200 unique visitors on average, per month.

The target that the legislation website should be up to date to the beginning of the previous month has been consistently achieved and exceeded. In order to meet that target, numerous changes have been made to the primary legislation on the website during the period 1 April 2020 to 31 March 2021, including:-

- 93 Acts amended (comprising 135 amendments made by 67 amending enactments)
- minor corrections to 15 Acts
- 18 new Acts prepared and uploaded to website
- 18 administrative changes made to website
- 24 new Bills uploaded to website
- 15 new ADOs for current Acts uploaded to website
- 2 Synod Measures prepared and uploaded to website.
- 10 Isle of Man Legislation Newsletters uploaded to website

<b>For Comparison by year:</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Acts amended	48	95	93
Amending provisions	199	132	135
Acts with minor corrections	49	35	15

<b>For Comparison by year:</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
New Acts	12	8	18
Acts amending Acts	10	14	21
Statutory Documents amending Acts	18	30	25
Resolutions amending Acts	1	1	0
Administrative changes	16	8	18

Since April 2020, as part of an ongoing project, consolidated secondary legislation has been published on the legislation website.

Between 1 April 2020 and 31 March 2021 the following were published -

- 490 current Statutory Documents
- 185 amended Statutory Documents (comprising 495 amendments made by 264 amending enactments)

There were 260 changes made to the legislation website to regulations made in connection with the COVID-19 pandemic.

#### **2.4.4 International Matters**

The Legal Officer (International) sits within the LDD and provides advice to Government in relation to all aspects of international law affecting the Island.

One of the areas of responsibility of the Legal Officer (International) is the provision of advice and assistance in relation to Exchange of Information Requests ("EOIs") received by the Isle of Man. This includes requests made under Tax Information Exchange Agreements ("TIEA") with various jurisdictions and also under the multilateral Convention on Mutual Administrative Assistance in Tax Matters.

There has been a marked increase in negotiation of trade agreements following Brexit.

#### **2.4.5 Immigration Matters**

Throughout the reporting period the Legal Officer (Immigration) was part of the LDD and provides advice to the Passport, Immigration and Nationality Office of the Cabinet Office and the Lieutenant Governor in respect of passport, immigration and nationality matters. The role also involves advice on legislative issues which affect the movement of people within the Common Travel Area. As required by the role, the Legal Officer (Immigration) also advised on legislative issues which affected the movement of people within the Common Travel Area.

#### **2.4.6 General - Legislation & Research Matters**

The Legislation and Research Officer is responsible for the administration of the legislation website (<https://legislation.gov.im/cms>) and also undertakes legal research for Legal Officers across Chambers.

#### **2.4.7 Training & Guidance**

The LDD offers, and regularly provides, courses to Government employees and politicians. The majority of courses are offered via the Government's Learning, Education and Development Division. The LDD aims to provide at least 3 courses in every calendar year, subject to demand. This past year has meant that courses planned have been scaled back to issuing electronic guidance and papers upon request, and a plan for future training was developed in late 2020. Given the move of the Legislation Support Team to Chambers, this training programme recognises the need for internal training to be provided to officers now working within Chambers, whilst acknowledging the need for additional support to officers working across Government in terms of instructions to be provided to the LDD (and particularly to the LST), and in planning for the new administration. Training is due to commence in late September to include opportunities for new Members of Tynwald to attend.

## **2.5 Prosecutions Division**

**2.5.1** The Prosecution Division provides advice to the Isle of Man Constabulary and other public authorities on potential criminal charges and the Prosecutors make decisions on behalf of HMAG in relation to criminal prosecutions. The division provides out of hours cover for charging decisions on a rota scheme which operates 365 days a year. The prosecutors also cover weekend and occasional courts (bank and statutory holidays) throughout the year when required.

The start of the reporting period began in lockdown which lasted until June 2020. During this period, due to the drive in introducing digital devices to the Division Prosecutions were able to continue their key functions whilst working from home. Although regular Courts were not running, we were able to deal with overnight and charge cases, including producing digital files to Court and Defence Advocates, court resulting, and providing advice.

In this reporting period, the Prosecutions Division faced significant challenge in assisting the police in the enforcement of Coronavirus regulations and the expedited move towards digital prosecution. The division continued to implement significant operational change in terms of process and policy during the pandemic to assist in the enforcement process, operating a pre-charge advice and court service remotely. The division has also implemented a pre charge advice scheme based in Police Headquarters to provide advice at the conclusion of an investigation to reduce the time between investigation and charge. It is hoped that as we leave the pandemic period behind us, the continuing benefits of the dynamic change brought about will continue to provide the basis for a streamlined and transparent process in the criminal justice system, maximising resources whilst providing a high quality service for efficient, speedy delivery of justice.

The division has all but cleared the backlog of trials adjourned during the pandemic and restriction periods and we continue to monitor cracked and ineffective trials to better understand how to engage more effectively with stakeholders to minimise the number of hearings required before a case is resolved.

We are continuing our work with our Criminal Justice partners to seek improvement in the way that victims and witnesses are dealt with and look forward to making progress in relation to special measures to assist witnesses in giving evidence in court.

The Prosecutions Division works to standardised time limits, within which prosecution advices must be completed and peer reviewed. Advice files received from all

Government Departments, including predominantly the Constabulary, increased by some 20% to 193, from 160 the previous year 1 April 2019 to 31 March 2020.

The prosecution team deals with:

- Cases before the Summary Courts
- Cases before the Court of General Gaol Delivery
- Cases appealed to the Staff of Government Division

### 2.5.2 Summary Court Cases

During the period 1 April 2020 to 31 March 2021, Prosecutions received a total number of 964 new Summary matters, a decrease of 11% from the previous year, when for the period 1 April 2019 to 31 March 2020, there were a total of 1,077 cases. An analysis of the source of instructions for the 964 cases is detailed below:-

	<b>1 Apr 2019 – 31 Mar 2020</b>	<b>1 Apr 2020 – 31 Mar 2021</b>
Department of Infrastructure	0	0
Department of Enterprise	0	0
Cabinet Office	0	0
Department of Environment, Food & Agriculture	2	4
Information Commissioner	0	0
Treasury	15	8
Constabulary	1,060	952
<b>TOTAL</b>	<b>1,077</b>	<b>964</b>

### 2.5.3 COVID-19 Prosecution Statistics

There were 83 cases of Covid-19 Breaches, involving 110 defendants.

2 of the 83 cases are still pending outcome.

Out of the 110 defendants, 90 were convicted.

Out of the defendants convicted, 60 received custodial sentences.

Whilst the division remained operational during the pandemic period, some types of criminal activity reduced by virtue of the restrictions. As anticipated, demand for advice and prosecution increased as restrictions were lifted.

## 2.5.4 Summary Cases by Referring Organisation

As expected, the clear majority of the cases still come from the Constabulary, with the remaining 1.25% from Treasury (benefit fraud cases) and the Department of Environment, Food and Agriculture.

## 2.5.5 Tax Court (AG's List)

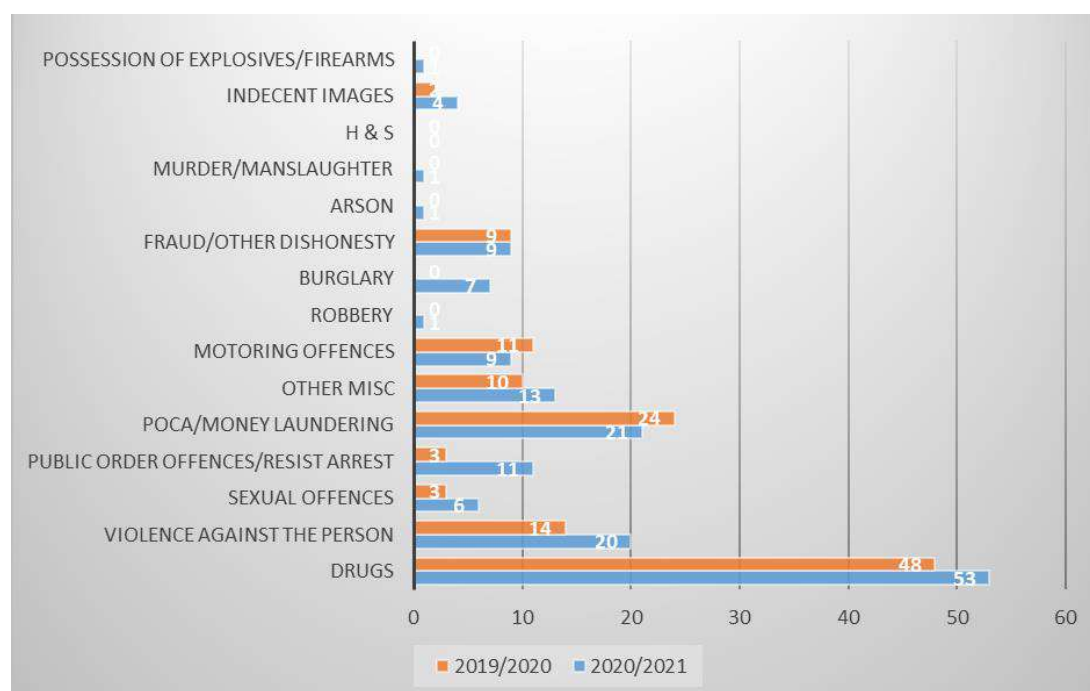
There is a separate monthly Court prosecuting Income Tax and National Insurance cases for the Assessor of Income Tax. From April 2020 to March 2021, only 4 of the scheduled 13 courts went ahead due to Covid-19. The total number was only 241 cases, in comparison to the 921 cases (an average of 70 cases a month) dealt with in the 13 Tax Courts that took place in the year April 2019 – March 2020.

The administration function of preparing files to list at this court has now been moved to the Income Tax Prosecutions Team. This will allow the Prosecutions Team to focus the resources previously deployed to other core business and provide operationally robust support to stakeholders.

## 2.5.6 General Gaol Cases

During the period 1st April 2020 to 31st March 2021 there were a total number of 105 matters committed to the Court of General Gaol Delivery, involving 129 Defendants and a total of 157 offences. This was a slight increase (5%) from 100 cases in the period 1st April 2020 to 31st March 2021.

An analysis and comparison of the nature of the offences charged in respect of these cases shows as follows:





### **2.5.7 General Gaol Cases by Offence**

Drug related offences still make up the highest percentage of the crimes committed to the Court of General Goal Delivery.

As per the recommendations from the Moneyval Mutual Evaluation report on the Isle of Man in December 2016, the focus on financial crime has resulted in a similar number of Proceeds of Crime Act/Money Laundering cases as the previous year, with a total of 21 such cases during this period and a total of 24 cases during the period from 1 April 2019 to 31 March 2020. The Prosecutions Division continues to work proactively with the International Cooperation and Asset Recovery Team (ICART) to ensure that these types of cases are detected earlier on in the Prosecutions process.

The biggest category of the 'Other Miscellaneous' category are breach of Covid-19 Regulations. Other offences include Possession of an Offence Weapon, Kidnap, Conspiracy to Commit GBH, Threats to Kill, Child Neglect, Breach of Supervision Order, Act against Public Justice.

A total of 7 General Gaol trials took place, compared to 9 in the previous year.

### **2.5.8 Appeals to the Staff of Government Division**

For the period 1 April 2020 to 31 March 2021, the number of Criminal Appeals held in the Staff of Government Division was 22, compared to 14 the previous year. Where HMAG believes that a sentence is unduly lenient, he may seek a review of sentence. There were 2 appeals under this category for this period, both were successful and resulted in the increase of the period of the Defendant's sentence.

16 of the appeal cases lodged by the Defence were against sentence, 4 cases were against conviction.

## **2.6 International Cooperation and Asset Recovery Division**

**2.6.1** The International Cooperation and Asset Recovery Team (ICART) remains an integral part of the Island's response to the Mutual Evaluation process carried out by Moneyval. It has continued to work according to the "zero tolerance" approach set out in the Island's Financial Crime Strategy 2017-2020. This year has again seen significant disruption of the activities of criminals, as well as use of a number of previously untested methods of depriving criminals of their ill-gotten gains and disrupting multi-national organised crime.

The ICART has enhanced its international reputation for providing swift, effective mutual legal assistance, and maintained the number of requests to other jurisdictions for assistance from them for investigations being carried out by law enforcement agencies on the Island.

It has continued to forge and improve relationships with international counterparts, embracing new ways of working necessitated by the global pandemic.

### **2.6.2 Outcomes**

Jurisprudence in ICART work continues to expand. Our expertise in Chambers equally grows.

In terms of international co-operation, ICART has continued to respond to foreign central authorities, receiving and acting upon International Letters of Request in a timely and efficient manner, notwithstanding the various lockdown periods, and certainly within a proposed time limit which is still being mooted in the international community.

As a result of assistance the ICART gave to a foreign jurisdiction during 2019-2020 and continuing into this reporting year, we saw our largest ever enforcement of a confiscation order of c. £18 million from a foreign criminal gang, resulting in an asset sharing agreement which netted the Isle of Man seized assets fund £7.16 million in July 2020.

The number of outgoing letters of request issued by the Attorney General from the Isle of Man to central authorities in other jurisdictions has remained steady, with assistance being sought for the benefit of investigations being carried out here by the Isle of Man Constabulary, predominantly the Economic Crime Unit. The turnaround time for foreign jurisdictions providing mutual legal assistance to the Isle of Man is sometimes still a frustration. ICART has sought to mitigate this (and the added effect of COVID on the MLA process) by holding a virtual liaison with counterparts in England and Wales, the main recipient of our outgoing MLA requests.

### **2.6.3 Confiscation**

From 1 April 2020 to 31 March 2021, the total confiscated domestically is £151,814.17 from 40 defendants.

We have enforced confiscation orders on behalf of foreign jurisdictions, totalling £17,904,384.08. In addition, confiscation orders totalling £318,305.83, and in respect of other investment policies (the valuation of which is currently in dispute and the subject of litigation in the originating jurisdiction) have been registered. These are now being challenged by the subjects, and ICART is strenuously defending the orders with a view to enforcement in due course.

### **2.6.4 Civil Recovery Orders**

September 2020 saw our first full and final recovery order made as a result of a domestic investigation carried out by ICART, in the High Court of the Isle of Man. This is a non-conviction based method of recovering assets which have been unlawfully obtained.

### **2.6.5 Cash Seizures**

From 1 April 2020 to 31 March 2021, the total forfeited under the civil cash seizure regime is £20,500 from 3 matters.

### **2.6.6 Restraint Orders**

From 1 April 2020 to 31 March 2021, the ICART achieved 1 new restraint order. During this year, some restraint orders have been discharged, either on our application (because the investigation concluded without a prosecution or because the case finished, resulting in a confiscation order being made) or on the application of the subject of the restraint order.

1 order was discharged at the Court of General Gaol Delivery and we appealed this decision to the Staff of Government Division, where the decision of the Court below was upheld, and useful caselaw created.

During the same period, 6 restraint orders have been obtained in response to requests for international cooperation.

### **2.6.7 Property Freezing Orders**

During the reporting period we achieved 3 further property freezing orders under the Proceeds of Crime Act 2008.

## **2.6.8 International Letters of Request and Assistance**

Number of incoming International Letters of Request received – 45

Number of outgoing International Letters of Request issued - 7

## **2.6.9 Local and international profile**

AGC has continued to enhance our working relationships with others both locally and worldwide in the fight against international financial crime.

We remain represented at CARIN, and appeared on behalf of the Isle of Man at its conference focussing on crypto-currencies and luxury goods, held virtually this year in November 2020.

Fortnightly meetings take place between the ICART and the Constabulary's Economic Crime Unit and the FIU under formal Terms of Reference.

We are also active members of the Financial Crime Law Enforcement Effectiveness Group and the Joint Tasking Group, whose members come from across the criminal justice service, and of the AML/CFT technical group which includes participants from industry, and AML/CFT Technical Group, which is an inter-agency working group.

In addition, the ICART plays an active role the continuous assessment of the Isle of Man by MoneyVal, working closely with the AML/CFT Policy Office within the Government Cabinet Office. This year, such work has included workshops considering the updating of the Proceeds of Crime Act 2008, and work on the revised National Risk Assessment issued in 2020.

Our out-reach work this year, raising awareness regarding our work, has included active participation in a telephone conference with the UK Home Office's Joint Anti-Corruption Unit.

AGC is part of the FATF Asset Recovery Phase 2 project which is ongoing, attending a working group in Paris in February 2019, which project swiftly adapted to become a virtual group. Several drafts of the report were prepared and our director delivered part of the draft report to a global audience of FATF delegates online in December 2020 and answered questions from the worldwide expert panel.

During all 3 lockdowns we were part of the Justice Contingency Working Group, meeting remotely to play our part in ensuring that the wider criminal justice system, including our part in it, continued during the emergency. Consequently, we were able to appear at Court by telephone and by live link, thereby minimising any disruption to the delivery of our services.

## **Part 3 – Operation of Chambers**

### **3.1 Financial Overview**

AGC operates within an annual budget set by Treasury and approved by Tynwald. The budget set in February 2020 was £5,747,681 for 2020/2021.

The employee cost budget, covering all costs associated with the position of HMAG, HMSG, the legally qualified staff and the support staff, was £5,207,270. This includes salaries, Law Society fees, training and recruitment costs.

The remainder of the annual budget is allocated to non-employee related expenditure which covers such items as the electronic software licenses, legal library subscriptions, printing and stationery etc. The main revenue expenditure paid from this remainder sum was £192,920, which sum was used to meet the costs of HMAG's statutory duty to provide representation to children in respect of Family Court proceedings. This expenditure is a non-discretionary obligation which is currently met by paying independent external advocates and guardians to support children who are the subject of Family Court proceedings.

Any unexpected expenditure, such as any adverse court cost awards, is generally met from the Legal Costs Reserve with appropriate Treasury permissions being sought in advance wherever possible.

Annual expenditure for the year was within budget, except for some unbudgeted expenditure which Treasury had previously agreed as re-claimable from internal funds.

### **3.2 Income**

HMAG also collects fees and expenses and had an income target of £66,312 (estimated on a prior year's basis). The end of year position for income collected against services provided was £39,955, which fell short of the target, however the activity which leads to increases or decreases in this third party income is beyond AGC's control.

Disbursement costs totalled £3,254 with £3,283 recovered within the period.

### **3.3 Recharging Of Costs**

HMAG does not currently re-charge the operational costs of AGC to any other areas of Government for the provision of legal services to them, but there is an increasing need for Departments to understand the value of the support which is provided free of charge. Departments are meeting the costs of introducing some additional specialised legal officer positions. It can help to know the indirect costs of legal support on contracts and procurement when out-sourcing services or quantifying costs of legal advice when preparing certain business cases, so time is recorded against case work by instructing department, board or office.

### **3.4 Time Recording**

As AGC expenditure is primarily made up of salaries, it is imperative that there are effective controls in place in AGC on how time is spent and whether that expenditure represents best value. Since 1 April 2016, all staff in AGC (legal officers and support staff) have recorded their attendance with details of how their time is spent during each working day. This now allows improved reporting to support a better understanding of how AGC divides its time and how it uses its legal officers to support its clients' needs across government. As the records begin to build up through each successive financial year, reflecting on trends identified will allow HMAG to identify how best to seek to reduce operating costs and be even more efficient.

AGC is seeking to continually improve its performance and the methodology used to record time. Time is recorded daily and a record is kept against each separate legal matter or Court sitting. There was some disruption to the record keeping due to the need to work remotely during this period and the focus being on the pandemic.

AGC had an average staffing complement equivalent to 68.7 full time equivalent people (excluding the two Crown Officers). All time, including absence, is recorded.

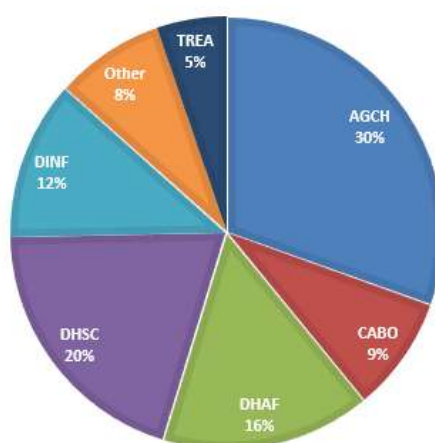
The time available to be recorded within the period was 128,451 hours, of which 91,966 hours were recorded to "chargeable" and 36,485 hours were recorded to "non-chargeable". (In this context "chargeable" codes are used to record all support provided to client departments, boards offices and public office holders and to perform duties related to HMAG's statutory functions; "non-chargeable" in this context includes time spent on training and CPD, internally focused duties for AGC such as finance, planning, reporting, management functions such as appraisal, health and safety and to record all absence.)

### **3.5 Detailed Time Recording by Client Department**

The chart and table on the next page show time recorded as expended to support our clients as a percentage of overall support provided. It does not include time not attributed to any particular client.

Areas of Government which have been provided with less than 3% of the overall support have been grouped as 'Other' in the following chart and table.

# 2020/21 TIME ALLOCATION % BY CLIENT



Department:	2020/21 Time in hours	2019/20 Time in hours
AGCH - Attorney General's Chambers (including HM AG's statutory duties)	28,011	23,039
CABO - Cabinet Office	7,908	4,278
DHAF - Department of Home Affairs	14,413	14,724
DHSC - Department of Health & Social Care	18,344	11,884
DINF - Department of Infrastructure	10,954	11,853
TREA- Treasury	4,782	4,256
Other	7,554	8,021*
<b>Total</b>	<b>91,966</b>	<b>78,055</b>

\* Support to DENT – Department for Enterprise fell slightly during the year, such that it is now included in 'Other'. The relevant figure for 2019/20 for DENT, which

was reported last year was 5,078 and the table value has been updated accordingly for the prior year.

Time recording records are particularly relevant when considering the support provided to each of the areas of Government and the relative value of such legal advice and representation. It also aids an understanding of how much it costs to undertake HMAG's statutory functions, civil litigation (for various areas of Government) and criminal prosecutions (primarily referred from the Constabulary which is shown under the Department of Home Affairs).

HMAG's statutory responsibilities are broad and administrative support for his parliamentary duties, which duties include attendance at Legislative Council and Tynwald and other related duties are shown as 'AGCH'. This category includes services such as charities oversight and acting as guardian for those persons who lack capacity to manage their own affairs. Not surprisingly, the majority of our resources utilized outside of AGC were given to supporting DHSC during the pandemic and there was a significant increase in support to the Cabinet Office in the preparatory work for setting up Manx Care and other Emergency related work.

The relatively broad scope of certain departments and level of contract management and public interaction explains the high level of support provided to the Departments of Infrastructure and Health and Social Care. The support to the Department of Home Affairs remains at a constant level and includes liaison with the Police and defence advocates.

### **3.6 AGC Website**

AGC's Business Plan and Annual Operating Reports are now routinely published, as are any new Policy Statements or Guidance Notes in respect of each team's public services.

During the year the Attorney General's Chambers pages on the Government website received 21,777 page views (16,303 unique page views) with an average of 2.25 minutes on each page.



## Part 4 - Feedback/Contact Us

This report is the fifth published Annual Operating Report produced by the AGC and we welcome feedback on information that you would find helpful to include in future reports. We will endeavor continuously to improve the amount of information that is routinely published by AGC.

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Click [here](#) to email us

## APPENDIX 1 – Detailed Report on Business Plan Aims and Objectives

<b>Priority Strategic Aim 1</b> Keeping our community safe from serious crime & financially motivated crime			
<b>Objective</b>	<b>Division</b>	<b>Progress</b>	<b>Comment</b>
1.1 Provide timely and effective international co-operation services.	Prosecutions	Achieved and ongoing	All International Letters of Request are responded to in a timely fashion. There were 45 requests received during 2020/21.
1.2 Assist local and international law enforcement agencies by enforcing forfeiture and asset recovery in the Isle of Man on their behalf and where appropriate, make requests of other countries to support domestic investigations in suspected criminal cases and in civil recovery investigations.	ICART	Achieved and ongoing	International Cooperation and Asset Recovery Team ("ICART") was established in 2016 to process incoming and outgoing requests for mutual legal assistance in criminal cases. 7 requests were made to other jurisdictions during 2020/21.
1.3 Assist all domestic law enforcement agencies to seize, freeze, restrain, forfeit, recover and confiscate assets	ICART	Achieved and ongoing	Work continues as described within the annual operating report.
1.4 Pursue, through all available statutory powers including civil procedures, the assets of all who profit from crime wherever committed, when it is proper to do so.	Prosecutions	Achieved and ongoing	ICART adopts a zero-tolerance approach to identify and seize the proceeds of crime at the earliest stage by utilising the provisions of the Proceeds of Crime Act 2008 and similar legislation.
1.5 Support the Financial Intelligence Unit ("FIU") to ensure it is appropriately resourced and supervised to deliver its strategic and operational objectives in the fight against financially motivated crime.	Crown	Achieved and ongoing	HMAG has continued to chair the FIU Board which provides strategic oversight for the FIU. The Crown Officers and team members in AGC continue to support the FIU by providing the secretariat and governance for the Board. A lead legal officer provides dedicated part time legal support and advice to the FIU.
1.6 Ensure that wherever appropriate offences of money laundering are put before the courts.	Prosecutions	Ongoing	The Policy & Guidance for sanctions for money laundering is published on the website.
1.7 Prioritise identification, restraint and recovery of assets resulting from serious and organised crime, with a particular focus on economic crime both in the Isle of Man and overseas.	Prosecutions	Ongoing	In conjunction with the FIU, Isle of Man Constabulary and other agencies in the Island and elsewhere using sharing protocols to pursue through all available statutory powers, investigative and legal measures to deter and disrupt economic crime and seize assets of all who profit from crime wherever committed.

1.8 Improve the enforcement of domestic and international confiscation orders.	Prosecutions	Ongoing	ICART Legal Officers allocated to manage and process all domestic and international confiscation orders to meet external international standards in anti-money laundering and combatting the financing of terrorism.
1.9 Maintain our regime for dealing with the management of seized assets other than money, including the instrumentalities of crime.	ICART	Achieved and ongoing	ICART, established in December 2016, continues to deal with retention and disposal of assets including management of restraint order variation requests.
1.10 Support the local law enforcement agencies by providing them with constructive and timely advice in relation to criminal investigation, prosecutions and their disposal.	Prosecutions	Achieved and ongoing	Prosecutors continue to provide timely advice and operate an out of hours on-call rota to support the Constabulary.
1.11 Ensure the good governance of the FIU Board's activities and decision making, including the management of the Seized Assets Fund and the application of its fund to deter, prevent, detect and prosecute crime.	Crown	Achieved and ongoing	HMAG continues to chair the Board of the FIU and the Terms of Reference for the Seized Assets Fund has been further developed during the reporting period.

## Priority Strategic Aim 2

Providing support to our Stakeholders in delivering their objectives

Objective	Division	Progress	Comment
2.1 Provide prioritised support to emerging national level policy reforms, for example Manx Care and Climate Change.	Crown	Ongoing	AGC prioritised the work required to manage the pandemic, supporting DHSC, the Cabinet Office and Public Health, as well as supporting the creation of Manx Care and a number of other high level policy reforms.
2.2 Seek to ensure that the Government Legislative Programme is progressed in a timely and effective manner through effective liaison with instructing Departments, Boards and Offices, and that we have regular contact with the Legislation Sub-committee of the Council of Ministers to ensure that work is allocated in accordance with Government priorities.	Drafting	Ongoing	In addition to liaising with Departments and Boards, HMAG and the Interim Director of Drafting Performance both attended the regular meetings of the Council of Ministers' Legislation sub-committee, which controls the throughput of legislation in accordance with the Government's published legislative programme.
2.3 Give priority to advisory and other work that supports the Programme for Government or other subsequent priorities identified by the Government.	Civil	Ongoing	Advisory lawyers receive requests for advice and assistance from all parts of Government. The team endeavours to respond to all requests without delay but at times of high demand, the requests are prioritised based upon the priorities identified in the Programme for Government. The Civil Division was been restructured and was made into two Directorates, Commercial, and Litigation and Advisory, in July 2019. Advisory has since separated from Litigation to manage the introduction of the legislation support team. It is continuing to develop new processes for acceptance and allocation of new instructions, in order for it to allocate in terms of priority set out in the Programme for Government.
2.4 Work with the Cabinet Office to support the continuing preparations for Brexit and provide or secure appropriate legal advice and representation as required (including in relation to future post Brexit relationships). In particular, ensure that the Island has a functioning statute book post Brexit and post any transition.	Drafting	Achieved and ongoing	The Drafting Division continues to support the Cabinet Office and Departments in relation to the ongoing need for reform of Secondary Legislation.

2.5 Help support the Chief Minister, Council of Ministers and its Committees in collective decision making and working closely with all relevant Departments, Boards and Offices.	Crown	Achieved and ongoing	HMAG attends the weekly Council of Minister's meeting and any sub-committees as required. Much of the work of AGC supports officers who service the executive committees with policy development project work. AGC provides legal advice upon request.
2.6 Support Departments, Boards and Offices in relation to their delivery of the Government's domestic objectives including providing accurate, constructive and timely risk based legal advice and promoting awareness and understanding of legal and constitutional issues and their impact.	All Divisions	Achieved and ongoing	As above, the work which culminates at the Council of Ministers usually begins at department level.
2.7 Continue to seek to identify ways for Departments, Boards and Offices to reduce expenditure by making better or more use of the shared legal service provided by Chambers.	All Divisions	Ongoing	All Departments, Boards and Offices are encouraged to seek legal advice at an early stage in project work and all Directors liaise with senior officers where appropriate to ensure that best use is made of legal resources.
2.8 Continue to develop a commercial service offering legal commercial and procurement advice	Commercial	Achieved and ongoing	During the period the Treasury has commissioned a further review to ensure an appropriate service is provided to departments, Boards and Offices. AGC will work with Treasury to implement any change required.
2.9 Work with Treasury to support improvements to debt management procedures.	Crown	Ongoing	Due to the pandemic, certain Treasury procedures were changed to accommodate the changing economic landscape and the effect on income levels. Work will now resume to improve the management of debt with Treasury.

**Priority Strategic Aim 3**  
Implementing The Criminal Justice Strategy

<b>Objective</b>	<b>Division</b>	<b>Progress</b>	<b>Comment</b>
3.1 Put complainants at the centre of our considerations and aim to ensure they are fully informed on case progress and made aware of the procedure and of likely outcomes.	Prosecutions	Ongoing	In line with our published Sexual Offences Protocol and Domestic Abuse Protocol, victims are always spoken to by the appropriate authority and kept updated on case progression.
3.2 Launch a new initiative to modernise the charging process to ensure that the time taken from charge to case disposal is reduced and that trials are more effective (and the number of 'cracked' trials is reduced) in order to reduce the impact on victims and to reduce costs. To bring cases before the court which are robust and which satisfy the prosecutor's code test.	Prosecutions	Ongoing	Time limits are complied with through the procedure to ensure that delays are minimized. Casework is reviewed on a regular basis to ensure compliance with targets.
3.3 Support initiatives to reduce reoffending and ensure that we fully support our partners within the Criminal Justice System ("CJS") with an effective prosecution function.	Prosecutions	Ongoing	The Diversion Procedure to take individuals out of the CJS, as promoted by the Constabulary, is supported by the Prosecutions Division. There are regular meetings between the Prosecution Division and the Constabulary to consider the Diversion Procedure and how best it can be implemented.
3.4 Support the Department of Home Affairs in the modernisation of criminal justice legislation.	Prosecutions and Drafting	Ongoing	Progress has now been made in updating important legislation and the project continues to ensure a smooth implementation is achieved.
3.5 Continue to work constructively with our partners to deliver the reform needed to move to a digital system of case management and digital Courts.	Prosecutions	Ongoing	We are working with our partners so as to deliver the digital strategy of the Criminal Justice Board and Government.
3.6 Support our partners in delivering services for families and children, which ensures the safety and wellbeing of the child is of paramount importance.	Civil	Ongoing	The Litigation team continue to work closely with the Children and Families Division of the Department of Health and Social Care in the making of public law applications in connection with children.
3.7 Work with the Legal Aid Committee on proposals to develop a more efficient effective and equitable legal aid provision for the future	Crown	Ongoing	An extensive consultation process was undertaken during the period. HMAG's report will be provided to the Legal Aid Committee in due course.

**Priority Strategic Aim 3**  
Implementing The Criminal Justice Strategy

<b>Objective</b>	<b>Division</b>	<b>Progress</b>	<b>Comment</b>
3.8 Work proactively with stakeholders in the development of procedures and policies to assist in identifying antisocial/criminal behaviour and their disposal.	Prosecutions	Ongoing	Work continues with other Criminal Justice partners to ensure antisocial and criminal behavior is continuously monitored for emerging trends.

**Priority Strategic Aim 4**  
Improving Our Culture & Managing Ourselves More Efficiently

<b>Objective</b>	<b>Division</b>	<b>Progress</b>	<b>Comment</b>
4.1 Continue to improve our management information and develop our performance framework to ensure that our service provides value for money.	All Divisions	Ongoing	Work has continued to improve our management structure, time recording and availability of management information.
4.2 Ensure that our practice management system is further developed and tailored to support more effective and efficient working.	Crown	Ongoing	Management reports are now available to all Directors and work continues to further develop reporting capability.
4.3 Improve our change management process and our internal communication to ensure our employees are engaged and well informed.	All Divisions	Ongoing	The more regular Divisional meetings and team briefings have continued throughout the period, albeit during lockdowns the meetings were virtual.
4.4 With the aim of further raising standards, undertake a review of the availability and suitability of external legal accreditation systems for our practice.	All Divisions	Ongoing	This review has not progressed due to the pandemic and the need to focus on the emergency.
4.5 Provide effective and strategic leadership of Chambers through the Extended Leadership Team.	All Divisions	Achieved and ongoing	The Extended Leadership Team was established in 2019 and continues to be the conduit for turning strategy into operational delivery and providing leadership to the AGC.
4.6 Ensure effective governance, including the financial planning and management of Chambers' budget in accordance with Government accounting rules and best practice and other statutory compliance requirements.	Crown	Achieved and ongoing	The AGC's financial report demonstrates that sound financial management is applied to the revenue budget. Officers made all relevant returns within the appropriate timescale.
4.7 Continue to identify ways to reduce expenditure by Government Departments, Boards and Offices on external legal advice and representation.	All Divisions	Ongoing	All requests for the use of external legal advice and representation must be referred to HMAG for approval.
4.8 Provide a safe and secure working environment that protects Chambers' information and assets and supports all areas of business.	Crown	Ongoing	Improvements have continued to made to improve physical and digital security.
4.9 Improve our Public Records management by increasing our use of digital working to reduce our storage requirements	All Divisions	Ongoing	Some progress has been made towards transferring records for permanent preservation to the Public Records Office. Further work on archive data is required and will continue.



**Priority Strategic Aim 4**  
Improving Our Culture & Managing Ourselves More Efficiently

Objective	Division	Progress	Comment
4.10 Attract and develop talented people and support staff engagement through a people plan developed using insights from the Have Your Say Survey and other appropriate sources. Investing in recruitment, induction and development of staff to create an office with clear leadership, and delivery through a diverse and inclusive workforce.	All Divisions	Ongoing	AGC participates in staff surveys and a small representative group meet to suggest solutions to improvements that are required. Communication has improved through the introduction of routine circulation of office wide management updates.
4.11 Ensure our stationed employees are appropriately supported and encouraged in respect of their own and their colleagues' wellbeing.	All Divisions	Ongoing	During the period the team at AGC was under significant pressure to deliver important changes affecting our community. They are resilient but not immune to the effects of the pandemic on wellbeing. Two persons qualified as Mental Health First Aiders and the centrally provided support of the welfare team at HR have helped and AGC will continue to support improvements in general wellbeing.

**Priority Strategic Aim 5**  
Improving The Quality Of Advice, Trust In Our Service & Our Reputation

Objective	Division	Progress	Comment
5.1 Ensure work is undertaken at the right experience level to ensure quality and to re-build a high level of trust in our services.	All Divisions	Ongoing	All Directors are now responsible to ensure that work is undertaken at the correct level and supervised appropriately.
5.2 Develop our people to ensure that we have adequate skilled cover and a good system of succession planning in place.	All Divisions	Ongoing	Managers are now expected to ensure a wider spread of skills to ensure business continuity.
5.3 Improve ongoing training and development to ensure it meets the needs of our people and is informed by likely future demands on our services.	All Divisions	Ongoing	Directors actively monitor the future demands through liaison with client departments and identify any areas of specialist training required.
5.4 Provide an annual report on performance and publish the document.	Crown	Achieved	As evidenced by this document.

<p style="text-align: center;"><b>Priority Strategic Aim 6</b> Improving Our Relationship With Our Clients &amp; Building Our Relationships Within The Community</p>			
<b>Objective</b>	<b>Division</b>	<b>Progress</b>	<b>Comment</b>
6.1 In consultation with law enforcement agencies, develop, review and publish prosecution policies so that people are made aware of the manner in which criminal offences on the Island will be dealt with and how we will try to bring about attitudinal change.	Prosecutions	Achieved and ongoing	All Policies, Procedures and Protocols are signed-off by HMAG and are published on the Chambers website which become published documents.
6.2 Improve the information available to our stakeholders about Chambers services.	All Divisions	Ongoing	The Drafting Division provides regular training courses through LEaD in relation to instructing the drafter and drafting secondary legislation. The publication of the AGC Business Plan and Annual Reporting also assist with communication of our services.
6.3 Ensure that we use the resources available within Chambers appropriately and assist our clients in developing the skills that will enable them to deal with appropriate work themselves.	All Divisions	Ongoing	All AGC officers are encouraged to take every opportunity to support other public servants in developing their knowledge of working in public service and, in particular, how to distinguish between general support requests (which ought to be managed in the relevant functional area) and legal support requests (which AGC can provide).
6.4 Ensure that we deliver what is required under the statutory responsibilities of HMAG.	All Divisions	Ongoing	All Divisions have identified HMAG's statutory responsibilities and continue to provide support for the delivery of those functions.
6.4 Ensure the resilience of the legislation website and increase the amount of information publically accessible in respect of the legislation of the Isle of Man.	Drafting	Ongoing	The Drafting Division continues to make various improvements on its Legislation Website and it has begun to publish consolidated Secondary Legislation on the website. It continues to publish a legislation newsletter (which is to be the forerunner of a formal Gazette).
6.5 Maintain a swift, comprehensive complaints handling process.	Crown	Ongoing	All complaints are managed by the Complaints Officer and reviewed or investigated by an appropriate Law Officer.

# **Code of Conduct**

## **Our Approach to Quality**

### **Principles**

We will:

- Deliver services professionally and to the highest standard;
- Seek to improve quality of service
- Observe all legal requirements and relevant rules and regulations;
- Show initiative
- Be conscientious
- Focus on results

### **Standards**

We will:

- Secure best value for money
- Observe high standards of probity and safety
- Measure and evaluate performance on a regular basis

## **Our Approach to People Outside AGC's**

### **Principles**

We will seek to understand and be sensitive to the needs of the people we deal with, even if we are not able to assist

### **Standards**

We will:

- Seek to meet the needs of persons we are in a position to assist
- Communicate in a form that can be understood
- Give advice appropriate to the situation
- Treat everyone with courtesy, dignity and respect
- Respond to enquiries on a time basis

We will not:

- Take a hostile and aggressive attitude, even if the individual takes this approach
- Provide any confidential information that we are not entitled to
- Make promises that we cannot keep

# Our Approach to Colleagues Within AGC's

## Principles

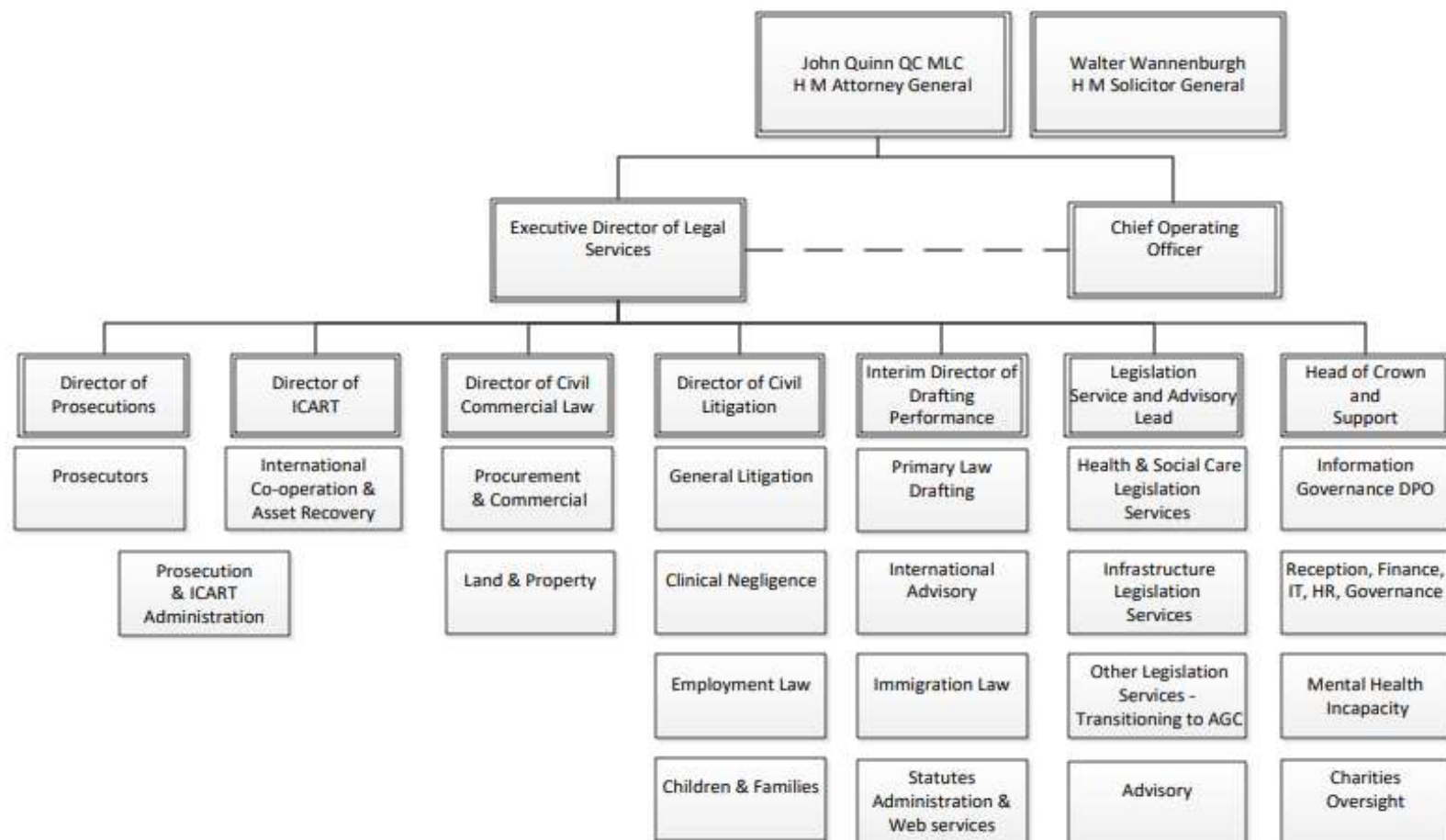
We will:

- Encourage a cooperative and harmonious team environment
- Assist and support colleagues across Chambers whenever possible
- Seek to learn and realize our personal potential

## Standards

We will:

- Treat colleagues with courtesy and respect at all times, avoiding a hostile or aggressive attitude
- Share information on matters of mutual interest
- Comply with legitimate instructions and requests on a timely basis
- Seek to resolve difficulties by mutual agreement
- Inform managers or problems as they arise



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