

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2nd NOVEMBER 2010**

Question

Further to the answer given on 19th October 2010, can H.M. Attorney General state why a competitive tendering process is only now being explored, and will he specify the amount that is currently paid per hour to Crown Advocates and how this differs to the hourly rate (if any payment is made) paid to lawyers acting for children after the decision in Re B [2010] JRC 150?

Answer

There was insufficient time to undertake a competitive tendering exercise prior to allocating this work to external lawyers as stated in the answer given on the 19th October 2010. Those cases in which external lawyers were instructed needed urgent attention to safeguard the interests of vulnerable children.

A letter was sent out to all Jersey Advocates on the 15th October 2010 inviting them to participate in a procurement exercise with a view to setting up a panel of advocates who may from time to time be asked to advise and represent the Minister for Health and Social Services in connection with applications under the Children (Jersey) Law 2002.

Those external lawyers acting for the Minister are currently paid at the Crown advocate rates which applied at the time they were appointed to those cases. Those rates are:

Crown advocates £267 per hour

Qualified assistants £177 per hour

Unqualified assistants £149 per hour

The Judicial Greffe is responsible for the payment of lawyers acting for children. The following information has been obtained from the Judicial Greffe.

Prior to the decision of In Re B, the hourly rate paid for a salaried advocate, barrister or solicitor was £265 or more and the hourly rate for an advocate who was a partner was £336. In addition, a deduction of 10% of the time claimed was made prior to payment of the fee note.

Since In Re B, the following rates apply to lawyers acting for children-

Partner	£179
Salaried advocate barrister or solicitor	£145
Unqualified assistants	£120