



17th June 2019

BAILIFF'S CHAMBERS

MEDIA RELEASE

EMBARGOED until 10:00, Tuesday 18th June 2019

Appointment of Mr Robert MacRae QC to the office of Deputy Bailiff of Jersey

The Queen, on the recommendation of the Lord Chancellor and Secretary of State for Justice, has been pleased to approve the appointment of Mr Robert MacRae QC to the office of Deputy Bailiff of Jersey in succession to the current Deputy Bailiff, Mr Timothy Le Cocq.

Mr. MacRae, who was educated in Jersey at La Moye School, Victoria College prep and Victoria College, attended the University of Exeter before being called to the English Bar (Middle Temple) in 1990. He practised as a barrister on the Western Circuit, principally defending and prosecuting criminal cases in the Crown Court. He returned to the Island in 2001 and passed the Jersey Bar exams in 2002. He joined Carey Olsen as a partner in 2005, specialising in trust litigation. Mr MacRae was appointed a Crown Advocate in 2008 and Attorney General in May 2015.

Mr. MacRae has commented –

‘It is an honour to have the opportunity to serve the Island as Deputy Bailiff. Jersey has been well served over a long period by a strong, independent judiciary and I will endeavour to uphold the high standards set by my predecessors.

Jersey’s criminal justice system is soon to undergo significant changes as a consequence of reforms to criminal procedure enacted by the States last year, and I look forward to contributing to the implementation of these changes.’

– **Ends** –

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Notes to the editor :

1. The Selection Panel comprised Timothy Le Cocq the present Deputy Bailiff, Mr James McNeill QC senior judge of the Court of Appeal, the then Lieutenant Bailiff Jurat Paul Nicolle, former Chief Minister Mr Terry Le Sueur OBE and Dame Janet Paraskeva of the Jersey Appointments Commission;

2. The post of Deputy Bailiff was advertised in the Jersey Evening Post and the vacancy was drawn to the attention of all practising Jersey lawyers, any of whom could apply. There were four applicants, of whom two were shortlisted.

3. The selection process included:

a. A consultation with the following bodies and individuals:

i. The Jurats

ii. The Bâtonnier, the President of the Jersey Law Society and the President of the Chambre des Ecrivains or their nominees.

iii. The Bailiff's Consultative Panel, which includes senior States Members.

iv. The Chief Minister.

v. The Bailiff.

vi. The Solicitor General.

vii. The two local Commissioners currently serving as judges of the Royal Court.

b. New to the selection process, the shortlisted candidates underwent psychometric testing with a Professor of occupational psychology, and were also asked to complete two desktop exercises, one under time pressure.

c. A candidate interview - the Selection Panel assessed the candidate against the qualities and abilities outlined in the job description, having had the benefit of the different views expressed during the consultation process.

4. In the event, after the consultation process and before the interviews the other shortlisted candidate withdrew for personal reasons. However Mr MacRae completed the desktop exercise and underwent a thorough and rigorous interview before the Panel resolved to recommend him for appointment.

5. Mr MacRae practised as a barrister at Walnut House, Chambers of Francis Gilbert QC, Exeter from October 1991 until January 2001. During this time he worked in a highly regarded set of common law Chambers, specialising in Crown court jury trials, including rape, robbery, murder and other serious cases. He also retained a civil practice throughout

including acting for plaintiffs in personal injury cases and advising and appearing in contract, employment, landlord and tenant and chancery cases.

6. After passing the Jersey bar exams, Mr MacRae specialised in trust cases including many applications to rectify and vary trusts, and the first successful applications to set aside Jersey trusts on the ground of mistake. He was also involved in several contentious trust cases including the Alhamrani trail in 2008 and 2009, which lasted 103 days and arose out of a dispute between members of a Saudi family and two Jersey trustees. Mr MacRae acted for one of the two trustee defendants. This was one of the largest pieces of trust litigation to have come before the Jersey courts. He also prosecuted criminal cases for the Attorney General during this period, securing convictions after trials in cases of attempted rape, larceny and indecent assault.

7. Whilst in office as Attorney General, Mr MacRae has played a significant role in a programme of substantial law reform, including the Criminal Procedure (Jersey) Law 2018; the Sexual Offences (Jersey) Law 2018, the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018 and the International Co-operation (Protection from Liability) (Jersey) Law 2018.

8. As Chief Prosecutor for the Island he issued an updated Code on the Decision to prosecute in 2016, having reviewed the Codes in all relevant similar jurisdictions, and issued new supplemental guidance on Domestic Abuse in December 2016. The Code included new provisions promoting consultation with victims of crime.

In 2016 he issued directions providing for increased contact between prosecuting counsel and witnesses prior to trial, designed to help witnesses, particularly vulnerable ones, to give evidence.

Financial crime has been a priority and Mr MacRae has overseen a number of successful prosecutions which have including more convictions for money-laundering and the launching of the new Economic Crime and Confiscation Unit in late 2017.

In 2016 he invited the Royal Court to increase substantially the sentences to be imposed on offenders for indecent assaults upon children. The application was successful

9. As titular Head of the Honorary Police, Mr MacRae has introduced new, and overhauled existing, directions to Centeniers, including in respect of the following:

- Parish Hall cautions for possession of drugs for first offenders (June 2015); designed to substantially reduce the number of persons, particularly children, prosecuted for minor drugs offences.
- Children at Parish Hall Enquiries (September 2016); designed to ensure that children under 14 are diverted from the criminal justice system and do not become participants in it.
- Allegations of sexual offences (February 2016); to ensure consistency of treatment of suspects across the Island.
- Honorary Police – Powers and Duties outside their home Parish (March 2017).
- Vehicles offences involving mobile phones (April 2017); significantly increased fines and ensured that repeat offenders are prosecuted in Court.
- Code of Conduct for Centeniers acting in their prosecutorial capacity (April 2018); published a Code of conduct and complaints procedure for members of the public

concerned about conduct on the part of Centeniers when acting in a prosecutorial capacity at the parish hall.

10. Mr MacRae intervened in the Routier appeal to the UK Supreme Court, which ruled in favour of Jersey's arguments in April 2019 when, in a landmark constitutional decision for Jersey, it accepted the arguments of the Attorney General that the European Union right of free movement of capital applied to movements between the UK and Jersey, Jersey being a "third country" and not part of the UK for the purposes of the relevant EU Treaty.