

STATES OF JERSEY LAW 2005

Official Consolidated Version

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Jersey

STATES OF JERSEY LAW 2005

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Jersey

STATES OF JERSEY LAW 2005

A LAW regarding the constitution and proceedings of the States, to declare and define the powers, privileges and immunities of the States, and to establish a ministerial system of government.

Commencement [see endnotes]

WHEREAS it is recognized that Jersey has autonomous capacity in domestic affairs;

AND WHEREAS it is further recognized that there is an increasing need for Jersey to participate in matters of international affairs;

AND WHEREAS Jersey wishes to enhance and promote democratic, accountable and responsive governance in the island and implement fair, effective and efficient policies, in accordance with the international principles of human rights –

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTRODUCTORY

1 Interpretation

(1) In this Law, unless the context otherwise requires –

"Assistant Minister" means a person appointed as such under Article 25;

"Chief Minister" means the person appointed as such under Article 19;

"Council of Ministers" shall be construed in accordance with Article 18(1);

"document" includes accounts, deeds, papers, records, writings and information recorded in any form and, in relation to information recorded otherwise than in

legible form, references to its provision or production include references to providing or producing a copy of the information in legible form;

"elected member" means a Connétable, Senator or Deputy;

"lodge" means lodge au Greffe in accordance with standing orders;

"member of the States" shall be construed in accordance with Article 2(1);

"Minister" means a person appointed as such under Article 19 or 23;

"officer of the States" means the Greffier of the States, the Deputy Greffier of the States, an Acting Greffier of the States or the Viscount;

"precincts of the States" means –

(a) the States' Chamber;

(b) any rooms whilst provided for the exclusive use or accommodation of members of the States;

(c) the galleries and places provided for the use or accommodation of strangers, members of the public and representatives of the press,

and, while the States are meeting, includes those parts of the building giving direct access to the States' Chamber;

"standing orders" means the Standing Orders of the States of Jersey;

"stranger" means any person other than the Deputy Bailiff, a member of the States or an officer of the States.[1]

(1A) In this Law "States' proceedings" means all words spoken or written and acts done in the course of, or for the purposes of or necessarily incidental to, transacting the business of the States or any committee or panel established under standing orders including (without limiting this definition) –

(a) the giving of evidence before the States or a committee, panel or officer authorised to receive that evidence;

(b) the presentation or submission of a document to the States, or a committee, panel or officer authorised to receive it, once that document is accepted by the States or by that committee, panel or officer;

(c) the preparation of a document for the purposes of transacting the business of the States, a committee or panel;

(d) the formulation, making or publication of a document by the States, a committee or panel;

(e) any evidence, document or submission made for the purposes of carrying on any business of the States, a committee or panel.[2]

(1B) However, "States' proceedings" does not include anything done by the States or any such committee or panel when exercising any executive or administrative powers conferred by or under any enactment other than this Law.[3]

(2) A reference to an administration of the States includes any committee or panel established by standing orders, other than a committee of inquiry.

(3) The States may by Regulations amend the definition "precincts of the States" in paragraph (1).

PART 2

CONSTITUTION OF STATES

2 Constitution of the States

(1) The States of Jersey are constituted as follows –

the Bailiff;

the Lieutenant-Governor;

9 Senators, elected as provided by this Law;

the Connétables of the 12 Parishes of Jersey, who are members of the States by virtue of their office;

28 Deputies, elected as provided by this Law;

the Dean of Jersey;

the Attorney General;

the Solicitor General.[4]

(2) All members of the States shall have the right to speak in the Assembly.

(3) Only elected members shall have the right to vote in the Assembly.

3 Presidency of the States

(1) The Bailiff shall be President of the States.

(2) If both the Bailiff and Deputy Bailiff are unable to preside at a meeting of the States, the Bailiff shall choose an elected member, the Greffier of the States or the Deputy Greffier of the States to preside at the meeting.

(3) Subject to standing orders, the person chosen to preside at a meeting of the States under paragraph (2) shall, while presiding at the meeting, have the same powers as the Bailiff when presiding at such a meeting.

(4) An elected member presiding at a meeting of the States shall not have the right to vote.

PART 2A[5]

SENATORS AND DEPUTIES

DIVISION 1 – CONSTITUENCIES AND ORDINARY ELECTIONS[6]

3A Constituency: Senators[7]

For the purpose of the election of Senators, the 12 parishes of Jersey together are a single constituency.

3B Constituencies: Deputies[8]

(1) For the purpose of the election of Deputies –

(a) Jersey is divided into the constituencies specified in column 1 of the table in Schedule 1; and

(b) the number of Deputies to be returned for each constituency is specified in the entry corresponding to that constituency in column 2 of the table in Schedule 1.

(2) The States may by Regulations amend Schedule 1 to –

(a) alter the constituencies specified (including by combining, splitting or renaming the constituencies);

(b) alter the number of Deputies specified in relation to a constituency (but the total number of Deputies must remain 28).

3C Transitional provision for Deputies' constituencies[9]

(1) This Article applies in relation to a person who, immediately before this Article comes into force, holds office as a Deputy for a constituency.

(2) The substitution of Schedule 1 to this Law by Article 21 of the Elections (Senators) (Jersey) Amendment Law 2025 (and in particular the reduction of the number of Deputies to be returned for each constituency) does not affect the person's term of office.

(3) This Article is deleted at the end of 31 December 2026.

4 [10]

4A [11]

5 [12]

5A [13]

6 Ordinary elections for Deputies: 2022 and 2026[14]

(1) An ordinary election for Deputies is to be held on 22nd June 2022.

(2) A subsequent ordinary election for Deputies is to be held in the fourth calendar year (an "election year") following that in which the previous ordinary election was held.

(3) The States may by Act appoint the date in an election year on which the ordinary election is to be held.

(4) This Article is deleted at the end of 31 December 2026.[15]

6A [16]

6B Ordinary election for Senators: 2026[17]

(1) An ordinary election for Senators is to be held on 7 June 2026.

(2) This Article is deleted at the end of 31 December 2026.

6C Ordinary elections for Senators and Deputies: 2030 onwards[18]

(1) An ordinary election for Senators and Deputies is to be held in 2030.

(2) After 2030, a subsequent ordinary election for Senators and Deputies is to be held in the fourth calendar year (an "election year") following that in which the previous ordinary election was held.

(3) The States may by Act appoint the date in 2030, and in each subsequent election year, on which the ordinary election is to be held.

DIVISION 2 – HOLDING OFFICE AS SENATOR OR DEPUTY[19]

6D Oath of office[20]

The oath of office of Senators and Deputies, to be taken in accordance with Article 17(2)(c) or Article 54(2) of the Elections (Jersey) Law 2002, is in the form specified in Schedule 2, Part 1.

6E Term of office[21]

(1) The term of office of a Senator –

(a) begins with the day on which the person elected as Senator takes the oath of that office; and

(b) ends with the earlier of –

(i) the first day on which a Senator elected at the next ordinary election takes the oath of that office; or

(ii) the resignation of the Senator taking effect in accordance with Article 6F(3).

(2) The term of office of a Deputy for a constituency –

(a) begins with the day on which the person elected as Deputy takes the oath of that office; and

(b) ends with the earlier of –

(i) the first day on which a Deputy elected for that constituency at the next ordinary election takes the oath of that office; or

(ii) the resignation of the Deputy taking effect in accordance with Article 6F(3).

(3) Article 8 makes provision about disqualification from office.

6F Resignation of Senator or Deputy[22]

(1) A Senator or Deputy may, at any time, resign by giving written notice to the Bailiff.

(2) The Bailiff must notify the States of the resignation at their next meeting.

(3) The resignation takes effect on the Bailiff giving notification under paragraph (2).

6G Casual vacancy in office of Senator or Deputy[23]

(1) This Article applies if –

(a) a vacancy occurs in the office of Senator, otherwise than as a result of a Senator's term of office ending under Article 6E(1)(b)(i); or

(b) a vacancy occurs in the office of Deputy, otherwise than as a result of a Deputy's term of office ending under Article 6E(2)(b)(i).

(2) The Bailiff must notify the Attorney General of the vacancy.

(3) The Attorney General must, as soon as reasonably practicable after receiving notification under paragraph (2), notify the Royal Court of the vacancy.

(4) Unless paragraph (5) applies, the Royal Court must make an order under Article 17 of the Elections (Jersey) Law 2002 for an election to fill the vacancy to be held as soon as reasonably practicable.

(5) If the vacancy occurs less than 9 months before an ordinary election is due to be held, the Royal Court must not order an election to fill the vacancy under this Article (and the vacancy may be filled at the next ordinary election).

(6) The States may by Regulations amend the period specified in paragraph (5).

DIVISION 3 – QUALIFICATION FOR HOLDING OFFICE ETC.[24]

7 Qualification for election as Senator or Deputy[25]

(1) A person shall, unless disqualified by paragraph (2) or Article 8(1) or any other enactment, be qualified for election as a Senator or Deputy if he or she –

(a) is of full age; and

(b) is a British citizen who has been –

(i) ordinarily resident in Jersey for a period of at least 2 years up to and including the day of the election, or

(ii) ordinarily resident in Jersey for a period of 6 months up to and including the day of the election, as well as having been ordinarily resident in Jersey at any time for an additional period of, or for additional periods that total, at least 5 years.[26]

(2) A person shall be disqualified for election as a Senator or Deputy, if he or she is a paid officer in the service of the States or any administration of the States, unless he or she is permitted, by or under the Employment of States of Jersey Employees (Jersey) Law 2005, to stand for election as a Senator or Deputy.[27]

(3) A retiring Senator or Deputy who is not disqualified by this Law or any other enactment shall be eligible for re-election.[28]

8 Disqualification for office as Senator or Deputy [29]

(1) A disqualified person may not be elected as, or take the oath of the office of, Senator or Deputy.[30]

(2) A person who is an elected Senator or Deputy ceases to hold office upon –

(a) becoming a disqualified person;

(b) ceasing to be a British citizen;

(c) the expiry of a period of 6 months during which the person has not been resident in Jersey,

(and accordingly the office becomes vacant for the purposes of Article 13).[31]

(3) A "disqualified person" is a person who –

(a) holds any paid office or other place of profit under the Crown;

(b) is a member of the States of Jersey Police Force;

(c) is detained in an approved establishment or is subject to guardianship under the Mental Health (Jersey) Law 2016;

(d) is a person in respect of whom a delegate has been appointed under Part 4 of the Capacity and Self-Determination (Jersey) Law 2016;

(e) has an attorney without whom he or she may not act in matters movable or immovable;

(f) has become bankrupt or made a composition or arrangement with his or her creditors (subject to paragraphs (4) and (5));

(g) has been convicted of an offence under the Corruption (Jersey) Law 2006 by virtue of being, within the meaning of that Law, a public official or a member, officer or employee of a public body; or

(h) has been convicted, whether in Jersey or elsewhere, of any offence and ordered to be imprisoned for a period of not less than 3 months, without the option of a fine (subject to paragraph (7)).

(4) A person who has become bankrupt ceases to be a "disqualified person" by reason of paragraph (3)(f) –

(a) if the person pays his or her debts in full on or before the day on which the bankruptcy proceedings conclude, on the day the proceedings are concluded; or

(b) in any other case, on the expiry of the period of 5 years beginning with the day on which the bankruptcy proceedings are concluded.

(5) A person who has made a composition or arrangement with his or her creditors ceases to be a "disqualified person" by reason of paragraph (3)(f) –

(a) if the person pays his or her debts in full, on the day on which the final payment is made;

(b) in any other case, on the expiry of the period of 5 years beginning with the day on which the terms of the composition or arrangement are fulfilled.

(6) Paragraph (7) applies to a person who has been convicted of an offence by reference to which paragraph (3)(h) applies (the "disqualification offence").

(7) The person ceases to be a "disqualified person" by reason of paragraph (3)(h) on the expiry of the period of 7 years beginning with the day of the person's conviction for the disqualification offence.

(8) Article 18(2) of the Public Elections (Expenditure and Donations) (Jersey) Law 2014 makes further provision about disqualification following conviction for an offence under that Law.

9 Declaration to be made when nominated

(1) Subject to paragraph (1A), a person seeking election as a Senator or Deputy shall, at the time of his or her nomination (see Article 17D of the Elections (Jersey) Law 2002), be required to make a declaration, in writing –

(a) that he or she is qualified for being elected by virtue of this Law or any other enactment;

(b) of his or her convictions, whether in Jersey or elsewhere, which are not spent convictions;

(c) notwithstanding the Rehabilitation of Offenders (Jersey) Law 2001, of his or her spent convictions, whether in Jersey or elsewhere, for any of the following offences –

(i) treason,

(ii) murder,

(iii) manslaughter,

(iv) any offence that is a relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010,

(v)

(vi)

(vii) any offence committed when the person seeking election was of full age, against another person who was not, at the time of the offence, of full age,

(viii) fraud or any like offence,

(ix) obtaining property by false pretences,

(x) theft,

(xi) perjury,

(xii) perverting the course of justice,

(xiii) an offence mentioned in the definition "drug trafficking" in Article 1(1) of the Misuse of Drugs (Jersey) Law 1978,

(xiv) an offence of attempt to commit any of the offences in clauses (i) to (xiii),

(xv) an offence of conspiracy or incitement to commit any of the offences in clauses (i) to (xiii),

(xvi) an offence of aiding, abetting, counselling or procuring any of the offences in clauses (i) to (xv).[32]

(1A) A person is not required to make a declaration of a conviction for an act which would not, by reference to Article 12 of the Sexual Offences (Jersey) Law 2007, result in a conviction if it had been committed in Jersey on or after 12th January 2007.[33]

(2) [34]

(3) A person who knowingly makes a false declaration under paragraph (1) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.[35]

(4) The States may by Regulations amend paragraph (1)(c) so as to vary, add or omit any description of offence for which a spent conviction must be disclosed.

(5) [36]

(6) In this Article, "spent conviction" has the same meaning as in the Rehabilitation of Offenders (Jersey) Law 2001.

10 Disqualification of elected member for holding certain offices or employments

(1) A person who becomes an elected member, on taking oath of the office to which he or she is elected, shall cease to hold any paid office or employment in the service of the States or any administration of the States or in the service of any parochial authority.

(2) An elected member shall be disqualified for appointment to any paid office or employment in the service of the States or any administration of the States or in the service of any parochial authority.

11 [37]

12 [38]

13 [39]

14 [40]

PART 3

PROCEEDINGS OF THE STATES

15 Quorum

The States shall be lawfully constituted and may conduct any business which it is in their power to conduct if there are present no less than one half of the elected members.[41]

16 Decisions

(1) Subject to this Law and any other enactment, whenever passed, all matters coming or arising before the States shall be done and decided by a majority of the members present and voting on them.

(2) If, on any matter before the States, the votes are equally divided, the matter shall be determined in the negative.

17 Validity of acts and proceedings

(1) The acts and proceedings of any person elected to the States and acting as a member of the States shall, notwithstanding that person's want of qualification or disqualification, be valid and effectual as if that person had been qualified.

(2) The proceedings of the States shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member of the States.

PART 4

MINISTERS

18 Council of Ministers

(1) There shall be a Council of Ministers whose members shall be the Chief Minister and at least 7 Ministers.[42]

(2) The functions of the Council of Ministers shall be –

(a) co-ordinating the policies and administration for which they are responsible as Ministers;

(b) discussing and agreeing policy which affects 2 or more of them;

(c) discussing and agreeing their common policy regarding external relations;

(d) prioritizing executive and legislative proposals;

(e) agreeing and lodging for referral to one or more Scrutiny Panels established under standing orders and approval by the States, a statement of their common strategic policy;

(ea) discussing and agreeing, on a regular basis and at least annually, their common policy on population; and

(f) such other matters as the Chief Minister or the Council of Ministers may determine.[43]

(2A) The Council of Ministers must lodge the statement of their common strategic policy under paragraph (2)(e) –

(a) no later than the day on which the first government plan is lodged; and

(b) within 4 months of their appointment under Article 19(7).[44]

(2B) In paragraph (2A), "first government plan" means the first government plan (as defined in the Public Finances (Jersey) Law 2019) prepared by the Council of Ministers after their appointment under Article 19(7).[45]

(3) The functions of the Chief Minister shall include –

(a) co-ordinating, through the Council of Ministers, the discharge of the common functions described in paragraph (2);

(b) conducting external relations, concurrently with the Minister for External Relations, in accordance with the common policy agreed by the Council of Ministers.[46]

(3A) The Chief Minister and Ministers shall –

(a) for the purpose of reaching policy decisions, provide policy direction to officers, having given fair consideration and due weight to informed and impartial advice from such officers; and

(b) agree and, within 3 months of being appointed to office under Article 19(7), present to the States a code of conduct and a code of practice for Ministers and Assistant Ministers.[47]

(3B) The Council of Ministers may, after consultation with a Minister, give the Minister directions concerning a policy for which the Minister is responsible, where the policy –

(a) falls within the functions of the Council of Ministers, described in paragraph (2); and

(b) appears to the Council of Ministers to affect the public interest.[48]

(3C) Directions may not be given as to the exercise of any function conferred by an enactment, or so as to influence the exercise of such a function.[49]

(3D) A Minister shall comply with directions given to him or her under paragraph (3B).[50]

(4) The minutes of the proceedings of a meeting of the Council of Ministers shall be –

(a) drawn up and entered, by an officer provided by the Greffier of the States, in a book kept for that purpose by the Greffier of the States; and

(b) signed at the same or an ensuing meeting of the Council by the person presiding at the meeting.

(5) The minutes so drawn up and entered in the book shall be complete and accurate in all material particulars.

(6) The States may by Regulations amend the minimum number of Ministers in paragraph (1).[51]

19 Selection and appointment of Council of Ministers

(1) The States shall, in accordance with standing orders and following any of the events described in paragraph (2), select an elected member for appointment as Chief Minister.[52]

(2) The events are –

(a) each ordinary election, for Senators or Deputies under this Law or for Connétables under Article 2 of the Connétables (Jersey) Law 2008;

(b) the Chief Minister ceasing to be an elected member;

(c) the resignation from office of the Chief Minister;

(d) the death of the Chief Minister;

(e) the Chief Minister being incapacitated, by reason of any illness or injury, so as to be unable to discharge the functions of his or her office, for a period exceeding 8 weeks;

(f) a decision that the States have no confidence in the Chief Minister or in the Council of Ministers;

(g) a person ceasing to be Chief Minister designate (otherwise than upon his or her appointment as Chief Minister).[53]

(3) The Chief Minister designate shall, in accordance with standing orders –

(a) nominate elected members for appointment as Ministers; and

(b) propose the Ministerial office to which each nominee would be assigned.[54]

(4) An elected member –

(a) may, in accordance with standing orders, nominate one or more elected members for appointment as Ministers; and

(b) shall, when making such a nomination, propose the Ministerial office to which the nominee would be assigned.[55]

(5) The States shall then, in accordance with standing orders, select, for each Ministerial office, from the persons nominated and proposed for assignment to that office, an elected member for appointment as a Minister and assignment to that office.[56]

(6) The Chief Minister designate may, at any time before his or her appointment to office under paragraph (7), inform the States of his or her wish to step down and, upon doing so, shall cease to be Chief Minister designate.[57]

(7) Upon the States making the last selection under paragraph (5) required to complete the constitution of the Council of Ministers, the Chief Minister designate and the persons selected are appointed to office.[58]

(8) Where one of the events described in paragraph (2)(b) to (f) occurs within the period of 8 weeks preceding an ordinary election for Senators, Deputies or Connétables, the States may decide not to make any selection and appointment following the event.[59]

(9) In this Article, "Chief Minister designate" means a person selected under paragraph (1) but not yet appointed as Chief Minister.

(10) The States may by Regulations amend the period mentioned in paragraph (8).

20 Chief Minister ineligible for other ministerial office[60]

The Chief Minister shall be ineligible for appointment as a Minister or Assistant Minister.

21 Term of office and dismissal of Ministers

(1) Subject to this Article –

(a) the Chief Minister shall continue in office until a further appointment takes effect under Article 19(7);

(b) an elected member shall continue in a Ministerial office until –

(i) he or she is appointed to another Ministerial office under Article 23,

(ii) the Ministerial office is abolished, or

(iii) a further appointment takes effect under Article 19(7).[61]

(2) A person ceases to hold office as Chief Minister if they cease to hold office as a Senator, Deputy or Connétable under –

(a) Article 8(2) (disqualification for office as Senator or Deputy); or

(b) Article 4C(2) of the Connétables (Jersey) Law 2008 (disqualification).[62]

(3) Any other Minister shall cease to hold office upon –

(aa) his or her resignation under Article 22;

(a) his or her dismissal under paragraph (4);

(b) his or her ceasing to be an elected member; or

(c) the States voting that they have no confidence in the Minister.[63]

(4) Only the Chief Minister may dismiss a Minister.[64]

(5) The Chief Minister shall take steps, as soon as possible, to inform the following persons of the dismissal of a Minister –

(a) the Minister dismissed;

(b) other States members; and

(c) States employees working in any administration of the States for which the dismissed Minister was assigned responsibility.[65]

(6)[66]

(7)[67]

21A [68]

21B [69]

22 Resignation of Minister

(1) The Chief Minister may resign from his or her office by notice in writing, signed by the Chief Minister and delivered to the Bailiff.

(2) The Bailiff shall inform the States of the resignation of the Chief Minister at the next meeting of the Assembly.

(3) Any other Minister may resign from his or her office by notice in writing signed by that Minister and delivered to the Chief Minister.

(4) The Chief Minister shall inform the States of the resignation of a Minister at the next meeting of the Assembly.

23 Subsequent appointment of Minister

(1) Where a Minister resigns or a vacancy arises in the office of Minister the Chief Minister shall, in accordance with standing orders, nominate an elected member for appointment as Minister, proposing also the Ministerial office to which that person would be assigned.[70]

(2) The Chief Minister shall not be required to make a nomination under paragraph (1) where, in accordance with standing orders, and following the resignation or vacancy, the States are required to make a selection under Article 19(1).[71]

(3) Where a nomination has been made under paragraph (1), an elected member may, in accordance with standing orders, nominate an elected member for appointment as Minister for assignment to the Ministerial office proposed under paragraph (1).[72]

(4) The States shall then, in accordance with standing orders, select, from the persons nominated, an elected member for appointment as a Minister and assignment to the Ministerial office proposed and, upon the selection being made, the person selected is appointed to office.[73]

24 Appointment, dismissal and resignation of Deputy Chief Minister[74]

(1) The Chief Minister –

(a) must appoint one of the Ministers to be Deputy Chief Minister; and

(b) may dismiss the person appointed.

(2) The Deputy Chief Minister may resign from office by notice in writing, signed by the Deputy Chief Minister and delivered to the Chief Minister.

(3) The Chief Minister must inform the States of the appointment, dismissal or resignation of the Deputy Chief Minister.

25 Appointment, dismissal and resignation of Assistant Ministers[75]

(1) The Chief Minister and Ministers may each –

(a) appoint one or more elected members as his or her Assistant Ministers; and

(b) dismiss any of his or her Assistant Ministers.[76]

(2) A Minister may only appoint or dismiss an Assistant Minister with the prior consent of the Chief Minister.

(3) [77]

(4) An Assistant Minister may resign from his or her office by notice in writing signed by that Assistant Minister and delivered to the Minister that he or she assists.

(5) An Assistant Minister shall cease to hold office upon the Minister whom he or she assists ceasing, for any reason, to hold office.[78]

(6) [79]

25A Limit on number of Ministers and Assistant Ministers[80]

(1) The aggregate of the Chief Minister, Ministers and Assistant Ministers shall not exceed the limit set out in standing orders.[81]

(2) An appointment of a Minister or Assistant Minister that would cause the limit set out in standing orders to be exceeded shall be of no effect.[82]

26 Status of Minister

(1) Each Minister shall be a corporation sole having –

(a) subject to Article 29A, perpetual succession;

(b) an official seal, which shall be authenticated by the signature of the Minister or of any person authorized by the Minister to act in that behalf;

(c) the power to –

(i) enter into agreements for any purpose of his or her office,

(ii) acquire, hold and dispose of movable property,

(iii) do any other thing which the Minister can do by virtue of his or her office, and

(iv) do anything reasonably necessary or expedient for or incidental to any of the matters referred to in the foregoing clauses.

(2) A Minister may, in the name of his or her office –

(a) sue and be sued in any civil proceedings; and

(b) be charged with an offence and defend criminal proceedings.

(3) The official seal of a Minister shall be judicially noticed.

(4) Every document purporting to be an instrument made or issued by a Minister and to be sealed with the Minister's official seal, authenticated in accordance with paragraph (1)(b), shall be –

(a) received in evidence; and

(b) deemed to be so made or issued without further proof, unless the contrary is shown.

(5) A certificate signed by the Minister that any instrument purporting to be made or issued by the Minister was so made or issued shall be conclusive evidence of that fact.

(6) The senior officer in any administration of the States for which a Minister is assigned responsibility shall be accountable to that Minister in respect of policy direction.

(7) In this Article –

"Minister" includes the Chief Minister;

"officer" means a States' employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005.[83]

27 Power for Minister to act in the absence of another Minister

(1) The Deputy Chief Minister shall discharge the functions of the Chief Minister during –

(a) the temporary absence or incapacity of the Chief Minister; or

(b) a vacancy in the office of Chief Minister.

(1A) If it appears to the Chief Minister that both he or she and the Deputy Chief Minister will or might be temporarily absent or incapacitated at the same time, the Chief Minister may designate another Minister to discharge the functions of the Chief Minister during the period of the Chief Minister's and Deputy Chief Minister's absence or incapacity.[84]

(1B) If –

(a) the Chief Minister is temporarily absent or incapacitated;

(b) it appears to the Deputy Chief Minister that he or she will or might be temporarily absent or incapacitated at the same time; and

(c) the Chief Minister has not, under paragraph (1A), designated another Minister to discharge the functions of the Chief Minister in that event,

the Deputy Chief Minister may designate another Minister to discharge the functions of the Chief Minister during the period of the Chief Minister's and Deputy Chief Minister's absence or incapacity.[85]

(1C) If the Chief Minister is temporarily absent or incapacitated and, at the same time, the Deputy Chief Minister is temporarily absent or incapacitated, but a designation has not been made by either of them under paragraph (1A) or (1B), the functions of the Chief Minister shall, during the absence or incapacity of both of them, be discharged by the Minister described in paragraph (1E).[86]

(1D) If the office of Chief Minister is vacant, and the person appointed as Deputy Chief Minister is temporarily absent or incapacitated or ceases to hold office as a Minister, the functions of the Chief Minister shall be discharged by the Minister described in paragraph (1E) during the absence or incapacity of the Deputy Chief Minister or, as the case requires, until the next Chief Minister takes office.[87]

(1E) The Minister is –

(a) the Minister who has held office as a Minister for the longest period of time;

(b) if 2 or more Ministers have held office as a Minister for the same period of time and, disregarding the other or others of them, that period would be the longest period of time – whichever of them has held office as an elected member for the longest period of time; or

(c) if 2 or more Ministers –

(i) have held office as a Minister for the same period of time and, disregarding the other or others of them, that period would be the longest period of time, and

(ii) have held office as an elected member for the same period of time and, disregarding the other or others of them, that period would be the longest period of time,

whichever of them would be called first in the roll of elected members, in accordance with standing orders.[88]

(1F) For the purposes of paragraph (1E) –

(a) a Minister's period of office as a Minister includes such office held in a previous Council of Ministers; and

(b) a Minister's period of office as an elected member includes such office held in a previously constituted States.[89]

(2) The Chief Minister may, during the temporary absence or incapacity of a Minister or a vacancy in the office of Minister –

(a) personally discharge the functions of that Minister; or

(b) designate another Minister to discharge the functions of that Minister.

(3) The functions that a Minister may discharge under this Article shall include the power to make enactments.

(4) The temporary discharge by one Minister of the functions of another Minister does not affect a delegation made by that other Minister under Article 28 or 28A.[90]

28 Power of Chief Minister to delegate functions[91]

(1) The Chief Minister may delegate, wholly or partly, functions conferred upon or vested in the Chief Minister by or under this Law, any other enactment, or any enactment of the United Kingdom having effect in Jersey –

(a) to the Deputy Chief Minister;

(b) to one of the Chief Minister's Assistant Ministers;

(c) to an officer.

(2) The Chief Minister must not delegate a function to the Deputy Chief Minister or to an Assistant Minister if the delegation of that function is wholly prohibited by an enactment.

(3) Article 26(4) and (5) applies to an enactment made by the Deputy Chief Minister or an Assistant Minister, in exercise of a delegated power, in the same way as those provisions would apply if the Chief Minister made the enactment.

(4) The Chief Minister must not delegate to an officer –

(a) any power to make an enactment;

(b) any power to decide an appeal under an enactment;

(c) any function that an enactment –

(i) wholly prohibits from being delegated, or

(ii) prohibits from being delegated to an officer.

(5) The delegation of functions under this Article by the Chief Minister does not prevent the Chief Minister from exercising those functions personally.

(6) No criminal proceedings arise in respect of an act by a person if –

(a) the person acted in good faith and in accordance with the terms of a licence, permit or authorisation granted in the purported exercise of functions delegated under paragraph (1); and

(b) it later transpires that the functions had not been delegated or that any requirement attached to the delegation had not been complied with.

(7) In this Article and in Article 28A, "officer" means a States' employee as defined by Article 2 of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 2021.

(8) The States may by Regulations amend the definition "officer" in paragraph (7).

28A Power of Minister to delegate functions[92]

(1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law, any other enactment, or any enactment of the United Kingdom having effect in Jersey –

(a) to one of the Minister's Assistant Ministers;

(b) to an officer.

(2) A Minister must not delegate a function to an Assistant Minister if the delegation of that function is wholly prohibited by an enactment.

(3) Article 26(4) and (5) applies to an enactment made by an Assistant Minister in exercise of a delegated power in the same way as those provisions would apply if the Minister who delegated the power made the enactment.

(4) A Minister must not delegate to an officer –

(a) any power to make an enactment;

(b) any power to decide an appeal under an enactment;

(c) any function that an enactment –

(i) wholly prohibits from being delegated, or

(ii) prohibits from being delegated to an officer.

(5) The delegation of functions under this Article by a Minister does not prevent the Minister exercising those functions personally.

(6) No criminal proceedings arise in respect of an act by a person if –

(a) the person acted in good faith and in accordance with the terms of a licence, permit or authorisation granted in the purported exercise of functions delegated under paragraph (1); and

(b) it later transpires that the functions had not been delegated or that any requirement attached to the delegation had not been complied with.

29 Powers to move Ministers[93]

The Chief Minister may, after giving not less than 2 weeks' notice to the States, move a Minister from one Ministerial office to another, provided that, before the date of such notice, not less than 6 months have elapsed after the date Ministers are appointed to office under Article 19(7).

29A Powers relating to changes to Ministerial offices[94]

(1) The Chief Minister may by Order do any of the following –

(a) establish and abolish Ministers;

(b) determine the name by which an existing Minister is described;

(c) make provision relating to a Minister's functions (including their transfer from one Minister to another).[95]

(2) An Order made under paragraph (1) may include such supplemental, incidental, consequential, transitional and savings provisions as he or she considers necessary or expedient for the purpose of giving full effect to that Order, including provisions –

(a) relating to property, resources (including funding) and liabilities;

(b) amending any enactment (including this one);

(c) construing any legislation made outside Jersey which has effect in Jersey; and

(d) construing and adapting any contract, instrument or other document.

(3) An Order under paragraph (1) may not be made unless –

(a) the Chief Minister has presented to the States a report describing the provision to be made by the Order; and

(b) the period of 14 days, beginning with the day on which that report is presented, has expired.[96]

(4) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the functions transferred by an Order under paragraph (1) are transferred to the receiving Minister and become the rights and liabilities of that Minister.[97]

(5) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer is, to the extent that it applies to a right or liability transferred by paragraph (4), of no effect.[98]

(6) The operation of paragraph (4) is not regarded –

(a) as a breach of contract or confidence or otherwise as a civil wrong;

(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or

(c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.[99]

(7) The transfer effected by or under this Article does not prejudice the operation of any appointment, approval, authorisation, consent, delegation, determination, direction, instruction, requirement or other thing that is, before the Order comes into force, made, given or done by the transferring Minister in relation to the functions, rights and liabilities so transferred, but such matter, if then in force, continues in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Minister.[100]

(8) Anything commenced before the commencement of the Order by or under the authority of the transferring Minister may, so far as it relates to any of the

functions, rights and liabilities transferred by or under this Article, be carried on and completed by or under the authority of the receiving Minister.[101]

(9) Where, on commencement of the Order, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the functions, rights and liabilities transferred by or under this Article, the receiving Minister is substituted in the proceeding for the transferring Minister and the proceeding does not abate by reason of the substitution.[102]

(10) Paragraphs (4) to (9) are subject to any contrary provision being made in any Order made under paragraph (1).[103]

(11) [104]

(12) [105]

(13) [106]

(14) In this Article –

"receiving Minister" means the Minister to whom functions are transferred by an Order made under paragraph (1);

"transferring Minister" means the Minister from whom functions are transferred by an Order made under paragraph (1).[107]

30 Ministerial delegations to be presented to States[108]

(1) A Minister who delegates functions under Article 28 or 28A must present to the States a report specifying the functions delegated and to whom.[109]

(2) A Minister is not required to present a report under paragraph (1) if the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.[110]

30A List of delegations to be published[111]

(1) The Chief Minister must cause to be established, maintained and published a consolidated list of –

(a) the functions for the time being discharged by the Chief Minister and by each Minister;

(b) the functions for the time being delegated by the Chief Minister under Article 28 and each Minister under Article 28A, and to whom.[112]

(2) The list must also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).[113]

(3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister's functions are being discharged by another is so immediate and of such brief duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.

(4) It is sufficient if the list is published on a website.[114]

31 Duty to refer certain matters to the States

(1) Where it is proposed –

(a) that any provision of a draft Act of the Parliament of the United Kingdom should apply directly to Jersey; or

(b) that an Order in Council should be made extending to Jersey –

(i) any provision of an Act of the Parliament of the United Kingdom, or

(ii) any Measure, pursuant to the Channel Islands (Church Legislation) Measures 1931 and 1957,

the Chief Minister shall lodge the proposal in order that the States may signify their views on it.

(2) Where, upon transmission of an Act of the Parliament of the United Kingdom containing a provision described in paragraph (1)(a) or of an Order in Council described in paragraph (1)(b) to the Royal Court for registration, it appears to the Royal Court that the States have not signified their agreement to the substance of the provision or Order in Council –

(a) the Royal Court shall refer the provision or Order in Council to the Chief Minister; and

(b) the Chief Minister shall, in accordance with paragraph (1), refer it to the States.

32 Construction of enactments

In any enactment passed or made before or after this Law, unless the context otherwise requires –

"Chief Minister" shall be construed in accordance with this Law;

"Council of Ministers" shall be construed in accordance with this Law;

"a Minister" and "any Minister" shall mean any Minister appointed under this Law, including the Chief Minister;

"the Minister", without further description, shall mean the Minister for the time being assigned responsibility for the functions of the Minister in the enactment in which the expression appears.

PART 5

POWERS, PRIVILEGES AND IMMUNITIES

33 Entry to States

(1) Subject to paragraph (3), no stranger shall be entitled, as of right, to enter or to remain in the precincts of the States.

(2) Subject to paragraph (3), the Bailiff may at any time order any stranger to withdraw from the precincts of the States.

(3) Paragraphs (1) and (2) shall not apply to a Jurat or an officer of the Bailiff's Department, States Greffe or Judicial Greffe passing through those parts of the building giving direct access to the States' chamber.[115]

(4) A person who –

(a) fails to withdraw from the precincts of the States when ordered to do so by the Bailiff; or

(b) contravenes any provision of standing orders regulating the entry of strangers to or requiring the withdrawal of strangers from the precincts of the States,

shall be guilty of an offence and liable to imprisonment for a term of 3 months and a fine of level 2 on the standard scale.

34 Privilege of States' proceedings[116]

(1) No civil or criminal proceedings may be instituted against any person for anything that constitutes States' proceedings.

(2) In any civil or criminal proceedings no evidence may be received, questions asked, or statements, submissions or comments made, concerning any States' proceedings by way of, or for the purpose of –

(a) challenging or relying on the truth, motive, intention or good faith of any part of those proceedings;

(b) otherwise challenging or establishing the credibility, motive, intention or good faith of any person; or

(c) drawing, or inviting the drawing of, inferences or conclusions wholly or partly from any part of the proceedings.

(3) However, paragraphs (1) and (2) do not limit the use of any States' proceedings in civil or criminal proceedings if no issue is raised as to whether anything that constitutes States' proceedings is untrue, misleading or otherwise inspired by improper motives and does not give rise to any issue of legal liability on the part of any person.

34A Correspondence etc. between members and the public protected by qualified privilege for defamation purposes[117]

(1) For the purposes of the law relating to defamation, any correspondence or other communication passing between an elected member and a member of the public is privileged, unless it is shown to be made with malice.

(2) Paragraph (1) does not apply unless the elected member concerned is acting in the capacity of an elected member.

(3) Nothing in paragraph (1) is to be construed as limiting any privilege that may apply other than under that paragraph.

35 States' proceedings in evidence[118]

If any document constituting a record of States' proceedings is admissible in evidence in any court proceedings, that document may be received in evidence as a true record of those proceedings without further proof if it is so certified by the Greffier of the States.

36 Evidence of proceedings not to be given without leave

(1) Subject to this Part and standing orders, no member of the States or officer of the States and no person employed to take minutes before the States or any committee or panel established under standing orders shall give evidence elsewhere –

(a) in respect of the contents of such minutes or the contents of any document laid before any of those bodies; or

(b) in respect of any proceedings or examinations held before any of those bodies,

without the prior consent of the body concerned.

(2) During any period of the year when the States are not in session, the consent of the States may be given by the Greffier of the States.

37 Offence of publishing false documents[119]

(1) It shall be an offence for a person –

(a) to publish or cause to be published a copy of any document as purporting to have been published by order or under the authority of the States or of a committee or panel established under standing orders and the same is not so published;

(b) to tender in evidence any such copy as purporting to be so published, knowing that the same was not so published.[120]

(2) A person guilty of an offence under paragraph (1) shall be liable to imprisonment for a term of 3 years and to a fine.

38 Protection of persons responsible for States and other publications

(1) This Article applies to civil or criminal proceedings instituted for or on account or in respect of the publication by the defendant or the defendant's servant of any document by order or under the authority of the States or of a committee or panel established under standing orders.[121]

(2) The defendant may, on giving to the plaintiff or the person presenting the case or prosecutor, as the case may be, not less than 24 hours written notice of his or her intention, bring before the court in which such proceedings are taken a certificate conforming to paragraph (3) and an affidavit conforming to paragraph (4).

(3) The certificate shall be signed by the Greffier of the States and shall state that the document to which the proceedings relate was published by the defendant or the defendant's servant by order or under the authority of the States or the committee or panel, as the case may be.[122]

(4) The affidavit shall verify the certificate.

(5) Upon the defendant bringing the certificate and affidavit before the court –

(a) the court shall stay the proceedings; and

(b) the proceedings shall be deemed to be finally determined.

39 Protection in civil proceedings for publication without malice

(1) This Article applies to civil proceedings instituted for publishing any account or summary of or any extract from or abstract of any document published by order or under the authority of the States or of a committee or panel established under standing orders or any proceedings of any such body.

(2) The court shall enter judgment for the defendant if satisfied that such account, summary, extract or abstract was published *bona fide* and without malice.

40 Exercise of jurisdiction by courts

No person shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in that person by or under this Part.

PART 6

OFFICERS OF THE STATES

41 Greffier of the States

(1) There shall be a Greffier of the States, who is the clerk of the States.

(2) There shall be a Deputy Greffier of the States, who is the clerk-assistant of the States.

(3) The Greffier of the States shall be appointed by the Bailiff with the consent of the States.

(4) The Deputy Greffier of the States shall be appointed by the Greffier of the States with the consent of the Bailiff.

(5) The Greffier of the States and the Deputy Greffier of the States shall be appointed on such terms and conditions as to salary, allowances, pensions or gratuities, if any, as are determined by the States Employment Board after negotiation with the Greffier of the States and the Deputy Greffier of the States respectively.[123]

(6) A sufficient number of officers, who shall be persons who are States' employees within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005, shall be appointed to ensure the service of the Greffier of the States and Deputy Greffier of the States.[124]

(7) An officer shall not be appointed under paragraph (6) except with the consent of the Greffier of the States.[125]

(8) An officer who is appointed under paragraph (6) –

(a) shall not have that appointment suspended or terminated; and

(b) while so appointed shall not have his or her employment by the States Employment Board suspended or terminated,

except with the consent of the Greffier of the States.[126]

(9) An officer who is appointed under paragraph (6) –

(a) shall discharge his or her duties under that appointment under the direction and general supervision of the Greffier of the States; and

(b) shall not be directed or supervised in the discharge of those duties by the Chief Executive Officer, the States Employment Board, a Minister or a person acting on behalf of such a person.[127]

(10) The Greffier of the States, Deputy Greffier of the States and officers appointed under paragraph (6) shall be known as the States Greffe.

(11) The Greffier of the States –

(a) may be suspended from office by the Bailiff, who shall refer the matter to the States at their next meeting; and

(b) may be dismissed by the States.

(12) Any discussion by the States with regard to the appointment, suspension or dismissal of the Greffier of the States shall take place in camera.

(13) The Deputy Greffier of the States may be suspended or dismissed by the Greffier of the States with the consent of the Bailiff.

(14) In the event of the absence or incapacity of the Greffier of the States the functions of that office shall be discharged by the Deputy Greffier of the States.

(15) In the event of the absence or incapacity of the Greffier of the States and Deputy Greffier of the States the functions of those offices shall be discharged by an officer of the States Greffe appointed by the Bailiff as Acting Greffier of the States.

(16) The Greffier of the States and Deputy Greffier of the States shall, on assuming office, take oath before the States in the form set out in Part 2 of Schedule 2.

(17) An Acting Greffier of the States shall, on assuming office, take oath before the Bailiff in the form set out in Part 2 of Schedule 2.

(18) Notwithstanding anything in any enactment the Deputy Greffier of the States, on the authority of the Greffier of the States, may discharge any function appertaining to the office of Greffier of the States.

42 Viscount

(1) The Viscount is the executive officer of the States.

(2) The Viscount shall, for the purposes of the enforcement of this Law and standing orders have all the powers and enjoy all the privileges of a Centenier.

(3) The Viscount shall not be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in that person by this Law.

PART 7

SUPPLEMENTARY

43 Powers and Committees abolished

(1) There shall be abolished any power of the Bailiff to dissent to a resolution of the States.

(2) There shall be abolished any power of the Lieutenant-Governor to veto a resolution of the States.

(3) Subject to any transitional provisions and savings made under Article 50(1)(c), there shall be abolished any Committee of the States in existence immediately before this Law comes into force.

44 Remuneration of elected members[128]

(A1) The amount of remuneration and allowances payable to elected members is the amount specified in, or determined in accordance with, the remuneration review report most recently presented to the States under Article 44A(8).[129]

(A2) The amount of remuneration and allowances payable to elected members cannot be determined otherwise than as set out under Article 44A and cannot be amended.[130]

(1) No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the consolidated fund shall provide for different elected members to be entitled to receive different amounts of remuneration or allowance.

(2) In paragraph (1), but not in paragraphs (A1) and (A2), "remuneration" does not include payments out of the consolidated fund –

(a) into a superannuation fund or pension scheme, for the benefit of an elected member;

(b) to an elected member, as an allowance in respect of his or her contributions to a superannuation fund or pension scheme for his or her benefit.[131]

44A Remuneration review process[132]

(1) PPC must, within the period of 15 months beginning with the date of an ordinary election under Article 6 –

(a) establish a panel for the purpose of appointing a person (the "reviewer") to carry out a review of the amount of remuneration and allowances payable to an elected member;

(b) direct the reviewer to carry out the review and provide a report (a "remuneration review report") to PPC.

(2) The panel must consist of –

(a) the Greffier of the States; and

(b) at least 2, but not more than 4, individuals appointed by PPC.

(3) The following persons may not be appointed to the panel under paragraph (2)(b) –

(a) a member of the States;

(b) a States' employee (as defined in the Employment of States of Jersey Employees (Jersey) Law 2005).

(4) The panel must not appoint the reviewer until at least 14 days after PPC have given notice to the States of the identity of the panel's proposed reviewer.

(5) When the panel has appointed the reviewer, PPC must give the direction in paragraph (1)(b), which direction must require the reviewer –

(a) before providing a remuneration review report, to consult –

(i) the Minister for Treasury and Resources, and

(ii) each other elected member;

(b) to provide a remuneration review report within the period of 12 months beginning with the day on which notice of the panel's appointment is given under paragraph (4)(b).

(6) A remuneration review report must –

(a) specify the amount of remuneration payable to elected members;

(b) specify the date on which sub-paragraph (a) is to take effect;

(c) explain why the amount specified, and the date specified, are appropriate;

(d) determine such other matters relating to remuneration and allowances of elected members as PPC may require.

(7) A remuneration review may –

(a) provide for allowances to be payable to elected members;

(b) give a formula for altering, over time, the amount of remuneration by reference to an index produced by the Office of the Chief Statistician constituted under Article 5(1) of the Statistics and Census (Jersey) Law 2018;

(c) determine other matters relating to remuneration and allowances of elected members.[133]

(8) PPC must present each remuneration review report to the States at the first meeting falling after the remuneration review report is completed.

(9) The date specified under paragraph (6)(b) may be before the date that the remuneration review report is presented in the case of an increase in remuneration, but not in the case of a decrease, but may not be before the date of the last ordinary election.

(10) Article 44(A1) applies to a remuneration review report regardless of whether the reviewer has complied with paragraph (5)(b).

(11) In this Article –

"consult" means to provide information to a person and give a reasonable opportunity for that person to respond with their opinion;

"PPC" means the Privileges and Procedures Committee established by standing orders.

44B [134]

45 [135]

46 [136]

47 Offence of contempt[137]

(1) A person who intentionally and without reasonable excuse engages in conduct (including the use of words) that the person knows or suspects will substantially interfere with the carrying out of any function of the States, or any committee or a panel established under standing orders, commits an offence and is liable to imprisonment for a term of 5 years and to a fine.

(2) If the Privileges and Procedures Committee established under standing orders considers that an offence under this Article is likely to have been committed it may refer the matter to the Attorney General to decide whether or not to prosecute the person for the offence.

48 Standing orders[138]

(1) Standing orders are not an enactment within the meaning of Article 1(1) of the Interpretation (Jersey) Law 1954.

(2) The jurisdiction of the Royal Court or Magistrate's Court does not extend to any proceedings, business or other matter arising under standing orders except as otherwise provided under this Law.

(3) Nothing in this Article affects the Standing Orders of the States of Jersey made or amended under this Article before it was substituted by the States of Jersey (Amendment No. 9) Law 2021.

49 Regulations about powers of committees and panels[139]

The States may by Regulations –

(a)

(b) disapply Article 36(1) to evidence given before a committee or panel established by or in accordance with standing orders;

(c) confer powers on any committee or panel established by or in accordance with standing orders to require any person to –

(i) appear before it, and

(ii) give evidence and produce documents to it;

(d) make it an offence liable to imprisonment for a term of up to 2 years and to a fine of up to level 3 on the standard scale for any person to –

(i) disobey any lawful order made by a committee or panel established by or in accordance with standing orders for attendance or for production of documents, or

(ii) refuse to be examined before, or to answer any lawful and relevant question put by a committee or panel established by or in accordance with standing orders;

(e)

(f)

50 Regulations: transition and implementation

(1) The States may by Regulations –

(a) provide for the transfer, on the coming into force of Article 43(3), of functions vested in Committees of the States to Ministers and, where appropriate, to the Privileges and Procedures Committee and Public Accounts Committee established by standing orders;

(b) amend enactments, and provide for the construction of enactments of the United Kingdom having effect in Jersey, for the purpose of implementing the repeal of the States of Jersey Law 1966 and its replacement with this Law, in particular, the abolition of Committees of the States and the establishment of a ministerial system of government by this Law and of a Privileges and Procedures Committee and Public Accounts Committee by standing orders; and

(c) make such transitional provisions and savings as may be required upon the repeal the States of Jersey Law 1966 and the coming into force of this Law.

(2) Regulations made under paragraph (1)(a) may include provisions –

(a) for the transfer of any movable property held, any rights enjoyed and any liabilities (whether civil or criminal) incurred by a Committee of the States in connection with any function transferred, including any such rights and liabilities in respect of which, at the time of transfer, no claim has been made or no proceedings have been commenced;

(b) for the carrying on and completion by or under the authority of the Minister or Committee to whom functions are transferred of anything commenced, before the Regulations have effect, by or under authority of the Committee of the States from whom the functions are transferred;

(c) without prejudice to the generality of paragraph (1)(b), for the amendment of enactments relating to any functions;

(d) without prejudice to the generality of paragraph (1)(b), for the construction of enactments of the United Kingdom having effect in Jersey relating to any functions transferred;

(e) for the construction and adaptation of any instrument, contract or legal proceedings (whether civil or criminal) made or commenced before the Regulations have effect.

(3) Without prejudice to the generality of paragraph (1)(c), the States may by Regulations modify Article 19 in its application to the first selection and appointment of a Chief Minister and Ministers which takes place after this Law comes into force.

(4) Regulations made under any of paragraphs (1) to (3) may include such ancillary, consequential and supplementary provision as the States think fit.[140]

(5) The States may by Regulations –

(a) make provision that is consequential on, or incidental or supplementary to, any provision of –

(i) the Elections (Senators) (Jersey) Amendment Law 2025; or

(ii) any Act made under Article 6(3);

(b) make transitional or saving provision in connection with the coming into force of that Law or that Act.[141]

(6) The power to make Regulations under paragraph (5) –

(a) must not be exercised after the end of 31 December 2026;

(b) includes the power to –

(i) amend this Law or any other enactment; and

(ii) modify the application of this Law or any other enactment.[142]

51 Authority for prosecutions[143]

No prosecutions for an offence under this Law shall be instituted except by or with the consent of the Attorney General.

51A Service of documents on Ministers[144]

(1) The Chief Minister shall by Order specify –

(a) the proper address for the Chief Minister; and

(b) in relation to each other Minister, the proper address for that Minister.

(2) An address specified by Order under paragraph (1) in relation to the Chief Minister or a Minister is, for all purposes (including any enactment, whenever passed or made) the proper address for service of documents on the Chief Minister or that Minister.

52 Amendments

Schedule 3 shall have effect to amend Orders in Council applicable to Jersey.

53 Citation

This Law may be cited as the States of Jersey Law 2005.

SCHEDULE 1[145]

(Article 3B(1))

DEPUTIES' CONSTITUENCIES

Constituency	Number of Deputies to be returned
St. Helier South Canton de Bas de la Vingtaine de la Ville, St. Helier Canton de Haut de la Vingtaine de la Ville, St. Helier	3
St. Helier Central Vingtaine du Rouge Bouillon, St. Helier Canton de Bas de la Vingtaine du Mont au Prêtre, St. Helier	4
St. Helier North Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l'Abbé, St. Helier Canton de Haut de la Vingtaine du Mont au Prêtre, St. Helier	3
St. Saviour Parish of St. Saviour	4
St. Clement Parish of St. Clement	3
St. Brelade Parish of St. Brelade	3
St. Mary, St. Ouen and St. Peter Parish of St. Mary Parish of St. Ouen Parish of St. Peter	3
St. John, St. Lawrence and Trinity Parish of St. John Parish of St. Lawrence Parish of Trinity	3
Grouville and St. Martin Parish of Grouville Parish of St. Martin	2

SCHEDULE 2[146]

(Articles 6D and 41)

OATHS

PART 1

(Article 6D)

FORM OF OATH TO BE TAKEN BY SENATORS AND DEPUTIES

You swear and promise before God that you will well and faithfully discharge the duties of (Senator)(Deputy); that you will be faithful and bear true allegiance to His Majesty King Charles the Third, his heirs and successors, according to Law; that you will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomsoever may wish to infringe the same; that you will attend the meetings of the States whenever you are called upon to do so; and generally that you will fulfil all the duties imposed upon you by virtue of the said office. All of which you promise to do on your conscience.

PART 2

(Article 41(16) and (17))

OATH OF OFFICE OF THE GREFFIER, DEPUTY GREFFIER OR ACTING GREFFIER OF THE STATES

You swear and promise before God that you will well and faithfully exercise the office of Greffier (Deputy Greffier or Acting Greffier) of the States of Jersey; that you will be faithful and bear true allegiance to His Majesty King Charles the Third, his heirs and successors, according to law; and that you will uphold and maintain the laws and usages of Jersey.

SCHEDULE 3

(Article 52)

ORDERS IN COUNCIL APPLICABLE TO JERSEY AMENDED

1 Order in Council dated 28th March 1771

In the Order in Council dated 28th March 1771 the words beginning "And His Majesty doth further order, That when any thing is proposed to the Assembly of the States" and ending "whether he chuses to make use of the Negative Vote which he hath" shall be repealed.

2 Order in Council dated 2nd June 1786

In the first Order in Council dated 2nd June 1786 the words beginning "But in regard it is necessary that those Subjects" and ending "and in the meantime and `till that is obtained, shall have not effect" shall be repealed.

3 Order in Council dated 23rd May 1816

In the Order in Council dated 23rd May 1816 the words beginning "And His Royal Highness is further pleased to order that the Greffier of the States of the said Island" and ending "had not been or could not be complied with" shall be repealed.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
States of Jersey Law 2005	L.8/2005	11 March 2005 – Articles 1, 47, 48, 49 and 53 26 July 2005 – Article 6, Article 52(1) (to the extent that it gives effect to paragraph 4 of Part 1 of Schedule 3), paragraph 4 of Part 1 of Schedule 3 (for the purposes only of the commencement of Article 6), Part 2 of Schedule 3 (to the extent that it repeals Article 12 of the States of Jersey Law 1966) (R&O.72/2005) 24 November 2005 – Articles 18, 19 and 19A (R&O.158/2005) 9 December 2005 – remainder of Law, except Article 51 (R&O.158/2005)	P.124/2004 (re-issue)
States of Jersey (Period for Ordinary Election) (Jersey) Regulations 2005	R&O.71/2005	26 July 2005	P.131/2005
States of Jersey (Amendment) Law 2005	L.22/2005	12 August 2005 – Articles 1 and 5 24 November – Articles 2 and 3 9 December 2005 – Article 4	P.83/2005 (re-issue)
Employment of States of Jersey Employees (Jersey) Law 2005	L.26/2005	9 December 2005 (R&O.156/2005)	P.99/2005

Legislation	Year and No	Commencement	◦Projet No (where applicable)
States of Jersey (Amendment No. 2) Law 2006	L.2/2006	20 January 2006	P.98/2005
Corruption (Jersey) Law 2006	L.12/2006	6 March 2007 (R&O.38/2007)	P.198/2005
States of Jersey (Amendment No. 3) Law 2008	L.21/2008	4 April 2008	P.60/2007
States of Jersey (Amendment No. 4) (Jersey) Law 2008, as amended by the States of Jersey (Amendment No. 4) (Amendment) (Jersey) Law 2008 (L.23/2008)	L.22/2008	19 April 2008	P.107/2007
States of Jersey (Amendment No. 5) Law 2009	L.13/2009	3 April 2009	P.122/2008
States of Jersey (Period for Election) (Jersey) Regulations 2010	R&O.60/2010	30 June 2010	P.56/2010
States of Jersey (Miscellaneous Provisions) Law 2011	L.13/2011	5 August 2011 – Articles 1, 2, 7 and 8 14 November 2011 – Article 3 3 November 2014 – Article 4	P.176/2010
States of Jersey (Minister for External Relations) (Jersey) Regulations 2013	R&O.125/2013	10 September 2013	P.67/2013
States of Jersey (Amendment No. 6) Law 2013	L.13/2013	19 October 2013	P.34/2013
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014	L.7/2014	4 August 2014 (R&O.102/2014)	P.163/2013
States of Jersey (Amendment No. 7) Law 2014	L.19/2014	15 October 2014 (R&O.145/2014)	P.33/2014
States of Jersey (Amendment No. 8) Law 2014	L.20/2014	26 July 2014	P.31/2014
Planning and Building (Amendment No. 6) (Jersey) Law 2014	L.34/2014	10 March 2015 (R&O.20/2015)	P.94/2014
Planning and Building (Amendment No. 7) (Jersey) Law 2016	L.10/2016	20 May 2016	P.142/2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Public Elections (Amendment No. 8) (Jersey) Law 2017	L.8/2017	28 April 2017	P.125/2016
Connétables (Amendment No. 2) (Jersey) Law 2018	L.9/2018	30 March 2018	P.112/2017
Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018	L.18/2018	8 June 2018 (except Part 4)	P.1/2018
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Sexual Offences (Consequential Amendments) (Jersey) Regulations 2018	R&O.110/2018	20 November 2018	P.106/2018
States of Jersey (Amendment No. 9) Law 2021	L.9/2021	30 July 2021	P.3/2021
Constitution of the States and Public Elections (Jersey) Law 2021	L.11/2021	30 July 2021 (except the provisions listed below) 22 December 2021 – Article 1(1) and (3), Schedule 1 and Schedule 2, Part 2, paragraphs 6 and 8 22 June 2022 – Article 1(2), Schedule 2, Part 2, paragraphs 2 to 4, paragraph 7, paragraphs 9 to 11 and paragraphs 13 and 14	P.17/2021
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)	P.26/2021
States of Jersey (Amendment No. 10) Law 2021	L.17/2021	18 December 2021	P.77/2021
Elections (Miscellaneous Amendments) (Jersey) Law 2021	L.19/2021	20 January 2022	P.56/2021
States of Jersey (Amendment – Remuneration of Elected Members) (Jersey) Law 2022	L.32/2022	12 August 2022	P.40/2022
States of Jersey (Transfer of Financial Services Functions – External Relations to Chief Minister) Order 2023	R&O.28/2023	12 April 2023	
States of Jersey (Deputy Chief Minister) Amendment Law 2024	L.7/2024	18 October 2024	P.33/2024

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Statistics and Census (Jersey) Amendment Law 2025	L.3/2025	21 February 2025	P.29/2024
Elections (Senators) (Jersey) Amendment Law 2025	L.22/2025	1 February 2026 – Articles 1, 2, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 17, 18, 20 and 21 7 June 2026 – Articles 3, 7, 11, 16 and 22	P.56/2025

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

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51	Repealed by L.2/2006
52(1)	52
52(2) and (3)	Omitted, spent, incorporated in revised edition
53(1)	53
53(2) and (3)	Omitted, spent
Schedule 3 Part 1	Omitted, spent, incorporated in revised edition
Schedule 3 Part 2	Omitted, spent, incorporated in revised edition
Schedule 3 Part 3	Schedule 3

Table of Endnote References

[1] *Article 1(1)* — *amended by L.9/2021, L.11/2021, L.7/2024, L.22/2025*
[2] *Article 1(1A)* — *inserted by L.9/2021*
[3] *Article 1(1B)* — *inserted by L.9/2021*
[4] *Article 2(1)* — *amended by L.13/2011, L.11/2021, L.22/2025*
[5] *Part 2A* — *part heading and sub-heading inserted by L.11/2021, sub-heading substituted by L.22/2025*
[6] *Division 1 heading* — *inserted by L.22/2025*
[7] *Article 3A* — *inserted by L.22/2025*
[8] *Article 3B* — *inserted by L.22/2025*
[9] *Article 3C* — *inserted by L.22/2025*
[10] *Article 4* — *deleted by L.22/2025*
[11] *Article 4A* — *deleted by L.9/2018*
[12] *Article 5* — *substituted by L.13/2011, L.11/2021, deleted by L.22/2025*
[13] *Article 5A* — *inserted by L.11/2021, deleted by L.7/2024*
[14] *Article 6* — *substituted by L.13/2011, L.11/2021, heading substituted by L.22/2025*
[15] *Article 6(4)* — *inserted by L.22/2025*
[16] *Article 6A* — *inserted by L.13/2011, deleted by L.11/2021*
[17] *Article 6B* — *inserted by L.22/2025*
[18] *Article 6C* — *inserted by L.22/2025*

[19] *Division 2 heading*	*inserted by L.22/2025*
[20] *Article 6D*	*inserted by L.22/2025*
[21] *Article 6E*	*inserted by L.22/2025*
[22] *Article 6F*	*inserted by L.22/2025*
[23] *Article 6G*	*inserted by L.22/2025*
[24] *Division 3 heading*	*inserted by L.22/2025*
[25] *Article 7*	*heading amended by L.11/2021, L.22/2025*
[26] *Article 7(1)*	*amended by L.11/2021, L.22/2025*
[27] *Article 7(2)*	*substituted by L.22/2008, amended by L.11/2021, L.22/2025*
[28] *Article 7(3)*	*amended by L.11/2021, L.22/2025*
[29] *Article 8*	*substituted by L.19/2021, heading amended by L.22/2025*
[30] *Article 8(1)*	*amended by L.22/2025*
[31] *Article 8(2)*	*amended by L.22/2025*
[32] *Article 9(1)*	*amended by L.7/2014, L.8/2017, R&O.110/2018, L.11/2021, L.19/2021, L.22/2025*
[33] *Article 9(1A)*	*inserted by L.8/2017, amended by R&O.110/2018, substituted by L.19/2021*
[34] *Article 9(2)*	*deleted by L.19/2021*
[35] *Article 9(3)*	*amended by L.1/2016*
[36] *Article 9(5)*	*amended by L.9/2021, deleted by L.19/2021*
[37] *Article 11*	*amended by L.11/2021, deleted by L.22/2025*
[38] *Article 12*	*heading amended by L.11/2021, deleted by L.22/2025*
[39] *Article 13*	*heading amended by L.11/2021, deleted by L.22/2025*
[40] *Article 14*	*amended by L.13/2011, deleted by L.11/2021*
[41] *Article 15*	*amended by L.13/2011*
[42] *Article 18(1)*	*substituted by L.19/2014*
[43] *Article 18(2)*	*amended by L.19/2014, L.11/2021, L.17/2021*
[44] *Article 18(2A)*	*inserted by L.11/2021*
[45] *Article 18(2B)*	*inserted by L.11/2021*
[46] *Article 18(3)*	*amended by R&O.28/2023*
[47] *Article 18(3A)*	*inserted by L.19/2014, amended by L.18/2018*
[48] *Article 18(3B)*	*inserted by L.19/2014*
[49] *Article 18(3C)*	*inserted by L.19/2014*
[50] *Article 18(3D)*	*inserted by L.19/2014*
[51] *Article 18(6)*	*added by L.19/2014*
[52] *Article 19(1)*	*amended by L.9/2021*
[53] *Article 19(2)*	*amended by L.22/2025*
[54] *Article 19(3)*	*substituted by L.22/2005, amended by L.9/2021*
[55] *Article 19(4)*	*substituted by L.22/2005, amended by L.9/2021*
[56] *Article 19(5)*	*substituted by L.22/2005, amended by L.9/2021*
[57] *Article 19(6)*	*substituted by L.22/2005*
[58] *Article 19(7)*	*substituted by L.22/2005; Article 19 modified by R&O.151/2005 in its application to the selection and appointment of a Chief Minister following the ordinary elections in 2005 so as to substitute for paragraph (7) the following paragraph -* *"(7) The Chief Minister designate and persons selected are appointed to office on the day following the day on which the States make the last selection under paragraph (5) required to complete the constitution of the Council of Ministers".*
[59] *Article 19(8)*	*amended by L.22/2025*
[60] *Article 20*	*inserted by L.22/2005*

[61] *Article 21(1)* *amended by L.19/2014*
[62] *Article 21(2)* *amended by L.11/2021, substituted by L.22/2025*
[63] *Article 21(3)* *amended by L.19/2014*
[64] *Article 21(4)* *substituted by L.19/2014*
[65] *Article 21(5)* *substituted by L.19/2014*
[66] *Article 21(6)* *repealed by L.19/2014*
[67] *Article 21(7)* *repealed by L.19/2014*
[68] *Article 21A* *repealed by L.19/2014*
[69] *Article 21B* *inserted by L.11/2021, deleted by L.7/2024*
[70] *Article 23(1)* *amended by L.9/2021*
[71] *Article 23(2)* *amended by L.9/2021*
[72] *Article 23(3)* *substituted by L.22/2005, amended by L.9/2021*
[73] *Article 23(4)* *inserted by L.22/2005, amended by L.9/2021*
[74] *Article 24* *substituted by L.7/2024*
[75] *Article 25* *heading amended by L.7/2024*
[76] *Article 25(1)* *amended by L.19/2014*
[77] *Article 25(3)* *repealed by L.19/2014*
[78] *Article 25(5)* *added by L.19/2014 (former paragraph (5) repealed by L.19/2014)*
[79] *Article 25(6)* *repealed by L.18/2018*
[80] *Article 25A* *inserted by L.19/2014*
[81] *Article 25A(1)* *amended by L.9/2021*
[82] *Article 25A(2)* *amended by L.9/2021*
[83] *Article 26(7)* *amended by L.26/2005*
[84] *Article 27(1A)* *inserted by L.13/2013*
[85] *Article 27(1B)* *inserted by L.13/2013*
[86] *Article 27(1C)* *inserted by L.13/2013*
[87] *Article 27(1D)* *inserted by L.13/2013*
[88] *Article 27(1E)* *inserted by L.13/2013*
[89] *Article 27(1F)* *inserted by L.13/2013*
[90] *Article 27(4)* *amended by L.7/2024*
[91] *Article 28* *substituted by L.7/2024*
[92] *Article 28A* *inserted by L.7/2024*
[93] *Article 29* *substituted by L.18/2018*
[94] *Article 29A* *inserted by L.18/2018*
[95] *Article 29A(1)* *amended by L.8/2021*
[96] *Article 29A(3)* *substituted by L.8/2021*
[97] *Article 29A(4)* *inserted by L.8/2021*
[98] *Article 29A(5)* *inserted by L.8/2021*
[99] *Article 29A(6)* *inserted by L.8/2021*
[100] *Article 29A(7)* *inserted by L.8/2021*
[101] *Article 29A(8)* *inserted by L.8/2021*
[102] *Article 29A(9)* *inserted by L.8/2021*
[103] *Article 29A(10)* *inserted by L.8/2021*
[104] *Article 29A(11)* *inserted by L.8/2021, expired on 28 September 2022*
[105] *Article 29A(12)* *inserted by L.8/2021, expired on 28 September 2022*
[106] *Article 29A(13)* *inserted by L.8/2021, expired on 28 September 2022*
[107] *Article 29A(14)* *inserted by L.8/2021*
[108] *Article 30* *substituted by L.13/2009*
[109] *Article 30(1)* *amended by L.7/2024*
[110] *Article 30(2)* *amended by L.7/2024*
[111] *Article 30A* *inserted by L.13/2009*

[112] *Article 30A(1)*	*amended by L.7/2024*
[113] *Article 30A(2)*	*amended by L.7/2024*
[114] *Article 30A(4)*	*amended by L.7/2024*
[115] *Article 33(3)*	*amended by L.19/2021*
[116] *Article 34*	*substituted by L.9/2021*
[117] *Article 34A*	*inserted by L.9/2021*
[118] *Article 35*	*substituted by L.9/2021*
[119] *Article 37*	*heading amended by L.9/2021*
[120] *Article 37(1)*	*amended by L.9/2021, L.8/2021*
[121] *Article 38(1)*	*amended by L.8/2021*
[122] *Article 38(3)*	*amended by L.8/2021*
[123] *Article 41(5)*	*inserted by L.26/2005*
[124] *Article 41(6)*	*amended by L.26/2005*
[125] *Article 41(7)*	*inserted by L.26/2005*
[126] *Article 41(8)*	*inserted by L.26/2005*
[127] *Article 41(9)*	*inserted by L.26/2005*
[128] *Article 44*	*substituted by L.13/2009*
[129] *Article 44(A1)*	*inserted by L.32/2022*
[130] *Article 44(A2)*	*inserted by L.32/2022*
[131] *Article 44(2)*	*amended by L.32/2022*
[132] *Article 44A*	*inserted by L.32/2022*
[133] *Article 44A(7)*	*amended by L.3/2025*
[134] *Article 44B*	*inserted by L.32/2022, deleted by L.7/2024*
[135] *Article 45*	*repealed by L.12/2006*
[136] *Article 46*	*repealed by L.12/2006*
[137] *Article 47*	*substituted by L.9/2021*
[138] *Article 48*	*substituted by L.9/2021*
[139] *Article 49*	*amended by L.21/2008, L.19/2014, L.1/2016, L.9/2021*
[140] *Article 50(4)*	*amended by L.22/2025*
[141] *Article 50(5)*	*inserted by L.22/2025*
[142] *Article 50(6)*	*inserted by L.22/2025*
[143] *Article 51*	*amended by L.9/2021*
[144] *Article 51A*	*inserted by L.20/2014*
[145] *Schedule 1*	*substituted by L.11/2021, L.22/2025*
[146] *Schedule 2*	*amended by L.11/2021, revised on 11 January 2024 by Law Revision Board item 2023/1, amended by L.22/2025*