



Jersey

STATES OF JERSEY LAW 1966

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STATES OF JERSEY LAW 1966

Arrangement

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Jersey

STATES OF JERSEY LAW 1966

A **LAW** to codify, with sundry amendments, the Law regarding the constitution, procedure and Committees of the States of Jersey, to declare and define the powers, privileges and immunities of the States, and to make provision in relation to certain ancillary matters

Commencement [[see endnotes](#)]

PART I

CONSTITUTION OF THE STATES

1 Constitution of the States

- (1) The States of Jersey are constituted as follows –
 - the Bailiff, who is the President;
 - the Lieutenant-Governor;
 - 12 Senators, elected in manner provided by this Law;
 - the Connétables of the 12 Parishes of Jersey, who are members of the States by virtue of their office;
 - 29 Deputies, elected in manner provided by this Law;¹
 - the Dean of Jersey, the Attorney General and the Solicitor General.
- (2) All members of the States have the right to speak in the Assembly but, subject to Article 21(2), only the Senators, Connétables and Deputies (in this Law referred to as the “elected members of the States”) have the right to vote.

2 Officers of the States

The officers of the States are the Greffier of the States who is the clerk of the States, the Deputy Greffier of the States who is the clerk-assistant of the States, and the Viscount who is the executive officer of the States.

3 Presidency in absence of Bailiff and Deputy Bailiff

If both the Bailiff and the Deputy Bailiff are unable to preside at a meeting of the States, such elected member or officer of the States as the Bailiff shall choose, shall preside at the meeting and, subject to any standing orders, anything authorized or required to be done by the Bailiff while presiding at a meeting of the States may or shall be done by the person so chosen while presiding at the meeting in question.

4 Constituencies

- (1) For the purpose of the election of Senators, Jersey shall be a single constituency.
- (2) For the purpose of the election of Deputies, Jersey shall be divided into the constituencies mentioned in the first column of the First Schedule and each such constituency shall return the number of Deputies mentioned in relation thereto in the second column of the First Schedule.

5 Term of office

- (1) Senators shall be elected for a term of 6 years and, in every third year, 6 Senators shall retire on their places being filled by an ordinary election.
- (2) Deputies shall be elected for a term of 3 years and shall retire on their places being filled by an ordinary election.

6 Qualifications for office

A person shall, unless disqualified by virtue of this Law or any other enactment, be qualified to be elected and to be a Senator or a Deputy if he or she is of full age and a British subject who –

- (a) was born in Jersey; or
- (b) has, during the 2 years preceding the day of election, been ordinarily resident in Jersey.

7 Oath of office

The oath of office of Senators and Deputies shall be in the form set out in the Second Schedule.

8 Disqualification for office

- (1) Subject to the provisions of this paragraph, a person shall be disqualified for being elected or for being a Senator or a Deputy if –
- (a) he or she holds any paid office or other place of profit under the Crown;
 - (b) he or she is a paid officer, other than an industrial or manual worker in the full-time service of the States or any administration of the States;
 - (c) he or she is a paid officer in the full-time service of any parochial authority;
 - (d) he or she is under 21 years of age;
 - (e) he or she is a patient subject to an application for admission under Part 2 of the Mental Health (Jersey) Law 1969;²
 - (f) he or she has a curator of his or her person or property;
 - (g) he or she has an attorney without whom he or she may not act in matters real or personal;
 - (h) he or she has become bankrupt or made a composition or arrangement with his or her creditors;
 - (j) he or she has been convicted of an offence under Article 50;
 - (k) he or she has, within the 7 years immediately preceding the date of his or her election, or since his or her election, 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:

Provided that –

- (i) the disqualification attaching to a person by reason of his or her having become bankrupt shall cease on the date of the conclusion of the proceedings or, if on the conclusion of the proceedings he or she has not paid his or her debts in full, on the expiration of 5 years from the date of the conclusion of the proceedings,
 - (ii) the disqualification attaching to a person by reason of his or her having made a composition or arrangement with his or her creditors shall cease, if he or she pays his or her debts in full, on the date on which the payment is completed, or, in any other case, on the expiration of 5 years from the date on which the terms of the composition or arrangement are fulfilled.³
- (2) A person seeking election as a Senator or Deputy shall, at the time of his or her nomination, 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 2001,⁴ of his or her spent convictions, whether in Jersey or elsewhere, for any of the following offences –
- (i) treason,
 - (ii) murder,
 - (iii) manslaughter,
 - (iv) rape,
 - (v) incest,
 - (vi) sodomy,
 - (vii) any offence against a person not of full age,
 - (viii) fraud,
 - (ix) obtaining property by deception,
 - (x) theft,
 - (xi) perjury,
 - (xii) perverting the course of justice,
 - (xiii) an offence mentioned in the definition “drug trafficking offence” in Article 1(1) of the Drug Trafficking Offences (Jersey) Law 1988,⁵
 - (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).⁶
- (3) A person who knowingly makes a false declaration pursuant to paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁷
- (4) The States may by Regulations amend paragraph (2)(c) so as to vary, add or omit any description of offence for which a spent conviction must be disclosed.⁸
- (5) The Privileges and Procedures Committee may by Order prescribe the form and content of the declaration required by paragraph (2).⁹
- (6) In this Article, “spent conviction” has the same meaning as in the Rehabilitation of Offenders (Jersey) Law 2001.¹⁰

9 Disqualification on elected members for holding office in the service of the states¹¹

A paid officer in the part-time service of the States, or an industrial or manual worker in the service of the States or any administration of the States, who becomes an elected member of the States shall cease to hold such office on taking oath of the office to which he or she is elected, and an elected member of the States shall be disqualified for appointment to any paid office in the service of the States or any administration of the States.

10 Validity of acts done by unqualified persons

The acts and proceedings of any person elected to the States and acting as a member of the States shall, notwithstanding his or her disqualification or want of qualification, be as valid and effectual as if he or she had been qualified.

11 Re-election

A person holding the office of Senator or Deputy shall, unless he or she is not qualified or is disqualified, be eligible for re-election.

12 Elections

An ordinary election for Senators shall be held in the third week of the month of October in every third year and an ordinary election for Deputies shall be held in the last week of the month of November in every third year.¹²

13 Resignation

A Senator or a Deputy may at any time resign his or her office by notice in writing signed by the Senator or a Deputy and delivered to the Bailiff, who shall inform the States of such resignation at the next sitting of the Assembly, whereupon the resignation shall take effect.

14 Filling of casual vacancies

(1) On a casual vacancy occurring in the office of Senator or Deputy, whether by death, resignation or otherwise, information of the fact shall be given by the Bailiff to the Attorney General, who shall forthwith bring the matter to the notice of the Royal Court in order that the Court may declare the office to be vacant.

(2) Where the Royal Court has declared the office of Senator or Deputy to be vacant, otherwise than by effluxion of time, an order shall be made in pursuance of the Public Elections (Jersey) Law 2002¹³ for an election to fill the vacancy to be held within 6 weeks from the date of the declaration:

Provided that where the vacancy occurs after the 31st March immediately preceding the ordinary day of retirement from the office in which the vacancy occurs, an election shall not be held to fill the vacancy, but the vacancy shall be filled at the next ordinary election.¹⁴

(3) Where more than one casual vacancy in the office of Senator is filled at the same election, the person elected by the smallest number of votes shall be deemed elected in place of the Senator who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed elected in place of the Senator who would regularly have next retired, and so with respect to others; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.

- (4) Where an election to fill one or more casual vacancies in the office of Senator is combined with an ordinary election of Senators, the following provisions shall apply –
- (a) where the election is contested –
 - (i) the persons who are elected by the smallest number of votes shall be deemed elected to fill the casual vacancies,
 - (ii) in the case of an equality of votes between the persons who are elected by the smallest number of votes, the persons who shall be deemed elected to fill the casual vacancies shall be determined by lot,
 - (iii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes, or, if the votes are equal, such person as is determined by lot, shall be deemed elected to hold office for the shorter period;
 - (b) where the election is not contested, the persons who shall be deemed elected to fill the casual vacancies shall be determined by lot.
- (5) Where under this Article any question is required to be determined by lot, the lots shall be drawn at the sitting of the Royal Court convened for the taking of oath of office by the persons elected in the election.¹⁵

15 Term of office of persons filling casual vacancies

A person elected to fill a casual vacancy in the office of Senator or Deputy shall hold office until the date on which the person in whose place he or she is elected would regularly have retired, and he or she shall then retire.

PART II

PROCEDURE IN THE STATES

16 Meetings of the States

- (1) Ordinary sessions of the States shall be held during such periods of the year and on such number of days in each period as the States shall by standing order determine.
- (2) Meetings of the States in extraordinary session may be convened by the Bailiff whenever he or she considers that the public business so requires and shall be convened by him or her on the requisition of 7 or more elected members of the States.
- (3) Meetings of the States, either in ordinary session or extraordinary session, shall be held on such days as the Bailiff may in his or her discretion determine, and meetings of the States in extraordinary session may be held during periods of the year allocated for the holding of ordinary sessions.

- (4) Meetings of the States shall be convened by the Bailiff in such manner as the States shall by standing order determine.

17 *repealed*¹⁶

18 **Quorum**

The States shall be lawfully constituted and may conduct any business which it is in their power to conduct if there are not less than 24 elected members present.

19 **Penalty for failure to attend meetings of the States**

- (1) Where, by reason of an insufficiency in the number of elected members present at a meeting of the States, the States are unable to conduct their business, the elected members failing to attend the meeting shall each be liable to a fine of £1, which shall be levied by the Viscount, unless at that meeting or the meeting next following, an excuse for their failure to attend is offered to and accepted by the States.
- (2) Absence from Jersey or illness shall be a sufficient excuse for failure to attend a meeting of the States.
- (3) Fines levied under this Article shall be paid into the General Revenues of the States.

20 **Names of members present to be recorded**

The names of members present at a meeting of the States shall be recorded.

21 **Decisions on questions**

- (1) Subject to the provisions of any enactment (including this Law), whether passed before or after the commencement of this Law, all Acts of the States, and all matters coming or arising before the States, shall be done and decided by a majority of the members present and voting thereon.
- (2) The Bailiff or Deputy Bailiff while presiding at a meeting of the States shall not vote unless on any question the votes are equally divided, in which case he or she shall have and shall exercise a casting vote.
- (3) Notwithstanding the provisions of Article 3, an elected member or officer of the States appointed under that Article to preside at a meeting of the States shall have neither an original nor a casting vote and if, on any matter before the States when such person is presiding, the votes are equally divided, the question shall be determined in the negative.

22 Bailiff's power of dissent

The Bailiff has power to enter his or her dissent to any resolution of the States susceptible of implementation if he or she is of the opinion that the States are not competent to pass the resolution and, where the Bailiff exercises this power, the resolution shall immediately be transmitted to Her Majesty and, in the meantime and unless the consent of Her Majesty is obtained thereto, the resolution shall be of no effect.

23 Lieutenant-Governor's power of veto

- (1) The Lieutenant-Governor has a power of veto in any resolution of the States susceptible of implementation but only in respect of such matters as may concern the special interest of Her Majesty.
- (2) Effect shall not be given to any resolution of the States passed when the Lieutenant-Governor is not present, unless application has first been made to him or her to know whether he or she chooses to exercise the power of veto.
- (3) In this Article, references to resolutions of the States exclude references to Acts requiring for their validity the sanction of Her Majesty in Council.

24 Provisions regarding the lodging of propositions au Greffe

- (1) The following propositions are required to be lodged au Greffe, namely –
 - (a) propositions for the passing of Acts which require for their validity the sanction of Her Majesty in Council;
 - (b) propositions for the passing of Regulations which, by virtue of an Order of Her Majesty in Council or of an Act sanctioned by Her Majesty in Council, do not require for their validity the sanction of Her Majesty in Council;
 - (c) propositions to which this Article is by any enactment expressed to apply.
- (2) A proposition shall also be required to be lodged au Greffe on the request of a member of the States made on the submission of the proposition to the States.
- (3) No proposition required under paragraph (1) to be lodged au Greffe shall be debated before it is lodged:

Provided that this paragraph shall not apply to any proposition to which, by virtue of any enactment, immediate effect may be given.
- (4) No proposition which has been lodged au Greffe shall be debated or passed by the States unless it has been so lodged for at least 14 days, except in the case of an emergency in which the safety of Jersey may happen to be immediately concerned.
- (5) Where any proposition required under paragraph (1) to be lodged au Greffe is amended and the amendment has not been lodged for the time required by paragraph (4), the provisions of paragraph (4) shall apply in relation to the proposition as amended:

Provided that this paragraph shall not apply where, in the opinion of the Bailiff, the amendment does not involve any change in the substance of the proposition.

- (6) Where any Act is submitted for the sanction of Her Majesty in Council, the Greffier of the States shall certify thereon that the proposition for the passing of the Act has been lodged au Greffe for the time required by this Article or that, for special reasons to be stated in the certificate, this Article has not been or could not be complied with.

25 Minutes

Minutes of the proceedings of a meeting of the States shall be drawn up and entered in a book kept for that purpose by the Greffier of the States.

26 Vacancy etc. not to invalidate proceedings

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.

27 Standing orders

- (1) Subject to the provisions of this Law, the States may make standing orders for any purpose for which standing orders may be made under this Law and shall make standing orders for the regulation of their proceedings and business.
- (2) The provisions of Article 3 of the Official Publications (Jersey) Law 1960¹⁷ in so far as they require the Greffier of the States to publish in the Jersey Gazette a notice relating to the passing of enactments, shall not apply to standing orders.

PART III

COMMITTEES OF THE STATES

28 Constitution of Committees

- (1) Committees shall be appointed by the States and shall each consist of a President and other members of the States.
- (2) The term of office and number of members of a Committee shall be such as the States may determine either –
- (a) generally by standing order as respects Committees mentioned in that order; or
- (b) notwithstanding the provisions of any such order, at the time of the appointment of the Committee or at any time thereafter.

- (3) Notwithstanding the provisions of paragraph (2) of this Article and of Article 35, in the event of a vacancy in the office of President of a Committee, the Bailiff shall give notice thereof to the States as soon as may be thereafter and the vacancy shall be filled not later than the Meeting of the States next following the giving of such notice.

29 Power to transfer functions etc.

- (1) The States may by Act provide for the transfer to any Committee of any functions theretofore exercisable by another Committee or for the amalgamation of Committees, and for determining the name by which any Committee shall be described.
- (2) An Act of the States under this Article may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Act, including provisions –
 - (a) for the transfer of any rights and liabilities enjoyed or incurred by any Committee in connection with any functions transferred;
 - (b) for the carrying on and completion by or under the authority of the Committee to which any functions are transferred of anything commenced by or under the authority of a Committee before the date on which the Act takes effect;
 - (c) for such adaptations as may be necessary, for the purposes of the Act, of the enactments relating to any Committee which is renamed or to any functions transferred, or of any instrument, contract or legal proceedings made or commenced before the date on which the Act takes effect.
- (3) In paragraph (2)(c) “enactments” includes enactments of the United Kingdom as extended to Jersey.¹⁸

30 *repealed*¹⁹

31 Vice-President

- (1) Each Committee shall appoint one of its members to be Vice-President of the Committee.
- (2) In the event of the absence of the President of a Committee or in the event of a vacancy in the office of President of a Committee, the functions of the President shall be exercised by the Vice-President of the Committee during such absence or until the vacancy is filled.

32 Power of Committees to appoint members to Sub-Committees

- (1) Any Committee may appoint as members of a Sub-Committee of the Committee any persons, whether members of the States or not, and any person so appointed may exercise all the powers of a member of the Sub-

Committee other than a power which involves the expenditure of public monies.

- (2) The term of office of persons appointed under this Article shall be such as the Committee may determine and the Committee may revoke any such appointment at any time.

33 Names of members present to be recorded

The names of the members present at a meeting of a Committee shall be recorded.

34 Minutes

- (1) The minutes of the proceedings of a meeting of a Committee shall be drawn up and entered in a book kept for that purpose by the Greffier of the States, and shall be signed at the same or an ensuing meeting of the Committee by the person presiding at the meeting.
- (2) Until the contrary is proved, a meeting of a Committee in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and the members present at the meeting shall be deemed to have been duly qualified, and the Committee shall be deemed to have been duly constituted and to have had power to deal with matters referred to in the minutes.

35 Vacancy etc. not to invalidate proceedings

The proceedings of a Committee shall not be invalidated by any vacancy among its number or by any defect in the election or qualification of any member.

36 Procedure of Committees

- (1) The quorum of a Committee shall be one half of the total number of members of the Committee as determined by the States, any resulting fraction of one being regarded as one.
- (2) In the event of the absence of the President and the Vice-President from any meeting of a Committee, the members present shall appoint one of their number to preside at the meeting.
- (3) On any matter under consideration by a Committee, each member thereof, including the person presiding, shall have one vote and where the votes are equally divided the person presiding shall have a second or casting vote.
- (4) Save as provided by the foregoing provisions of this Article, the States may make standing orders for the regulation of the procedure of Committees but subject thereto a Committee may regulate its own procedure.

36A Power of Committee to delegate functions²⁰

- (1) Subject to the provisions of this Article, where by or under any Law, or any enactment of the United Kingdom as extended to Jersey, any functions are conferred upon or vested in a Committee, it shall be lawful for the Committee to delegate such functions, either wholly or partly, to –
 - (a) its President;
 - (b) a Sub-Committee of its members; or
 - (c) an officer.²¹
- (2) Any such delegation shall be specified by Act of the Committee, may in like manner be amended, varied or revoked and shall be subject to such conditions, exceptions or qualifications as may in like manner be specified at any time.
- (3) Nothing in this Article shall authorize a Committee to delegate –
 - (a) any power to pass an enactment;
 - (b) any power to decide an appeal under an enactment;
 - (c) any function the delegation of which is expressly prohibited by law.
- (4) The delegation of any functions by a Committee under this Article does not prevent the exercise of those functions by the Committee itself.
- (5) Where any licence, permit or authorization is granted in purported exercise of functions delegated by or under any Law, no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (6) In this Article, “officer” means an employee of the States or of any administration of the States whose duties are wholly or mainly administrative, professional, technical or clerical and includes a member of the States of Jersey Police Force, an immigration officer and an aliens officer.²²
- (7) The States may, by Regulations, amend the definition of “officer” for the purposes of this Article.

PART IIIA**COMMITTEES OF INQUIRY****36B Committee of Inquiry²³**

- (1) Where the States are of opinion that inquiry should be made into any definite matter of public importance, they may appoint a Committee of Inquiry to inquire into that matter in accordance with this Part and Articles 52 and 53 shall have effect in relation to that Committee.

- (2) A Committee of Inquiry shall consist of not more than 5 persons, who may or may not be members of the States, and the States may direct which of those persons, if more than one, shall be the President, who shall preside in the absence of the President and the number of persons who shall form a quorum thereof but where a Committee of Inquiry consists of only one person that person shall be the President and the quorum.
- (3) A person appointed to a Committee of Inquiry shall take an oath before the Bailiff in the form contained in a standing order.

36C Power of Committee of Inquiry to order attendance of witnesses²⁴

A Committee of Inquiry may, subject to the provisions of Article 36H, order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

36D Attendance to be notified by summons²⁵

- (1) Any order to attend to give evidence or to produce documents before a Committee of Inquiry shall be notified to the person required to attend or to produce the documents by a summons under the hand of the Greffier of the States issued by the direction of the President of the Committee.
- (2) In every summons under paragraph (1) there shall be stated the time and place at which the person summoned is required to attend and the particular documents which he or she is required to produce; and the summons shall be served by the Viscount on the person mentioned therein either by delivering to him or her a copy thereof or by leaving a copy thereof at his or her usual or last known place of abode.

36E Power to issue warrant to compel attendance²⁶

- (1) If a person to whom a summons under Article 36D is directed does not attend before a Committee of Inquiry at the time and place mentioned therein, the President of the Committee shall report the fact to the Bailiff who may, on being satisfied that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, issue a warrant to apprehend him or her and bring him or her before the Committee at a time and place to be stated in the warrant.
- (2) A warrant issued under this Article shall be executed by the Viscount.

36F Witnesses may be examined on oath²⁷

A Committee of Inquiry may require that any facts, matters and things relating to the subject of inquiry before it be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined on oath, which the President of the Committee is hereby authorized to administer.

36G Objection to answer question or to produce papers²⁸

Subject to the provisions of Article 36F, where any person ordered to attend to give evidence or to produce any paper, book, record or document before a Committee of Inquiry refuses to answer any question that may be put to him or her or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the President of the Committee may report such refusal to the Bailiff with the reasons therefor, and the Bailiff shall thereupon either excuse the answering of such question or the production of such paper, book, record or document, or order the answering or production thereof.

36H Privileges of witnesses²⁹

- (1) Every person summoned to attend to give evidence or to produce any paper, book, record or document before a Committee of Inquiry shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law.
- (2) Except with the consent of the Lieutenant-Governor, no person summoned as aforesaid shall give evidence, or produce any paper, book, record or document relating to any naval, military or air force matter.
- (3) An answer by a person to a question put to him or her, or an oral or written statement made by him or her, in the course of a Committee of Inquiry shall not, except in the case of a prosecution for perjury or an offence against Part IV, be admissible in evidence against him or her in any civil or criminal proceedings.

36I Conduct of proceedings³⁰

- (1) A Committee of Inquiry may regulate its own procedure for the conduct and management of the proceedings including, but not limited to, venue and adjournments.
- (2) Proceedings before a Committee of Inquiry shall be held in public unless the Committee, in the interests of justice or the public interest, decides that all or any part of the proceedings shall be in private.
- (3) Where proceedings are held in private only persons who, in the opinion of the Committee of Inquiry, are necessary to the conduct of those proceedings may remain.
- (4) Where proceedings are held in public the Committee of Inquiry may exclude any person or class of persons from those proceedings if it is satisfied that it is desirable to do so for the preservation of order, for the proper conduct of the proceedings or for the protection of the person, property or reputation of any witness in or any person referred to in the proceedings.
- (5) The Greffier of the States may appoint a secretary to the Committee of Inquiry to perform such duties connected with the inquiry as the President of the Committee may direct.

36J Legal representation³¹

- (1) The Greffier of the States may appoint a person, who may be an advocate or solicitor, to assist the Committee of Inquiry.
- (2) The Attorney General or any person on the Attorney General's behalf may at any time appear before the Committee of Inquiry on any matter which, to the Attorney General, appears to be relevant to the inquiry.
- (3) The Committee of Inquiry may, if it considers it desirable, give leave to any person appearing before it to be represented by an advocate or solicitor.

36K Expenses³²

The Finance and Economics Committee may direct to what extent a person appointed to a Committee of Inquiry may be remunerated and those expenses together with any others which the Finance and Economics Committee may direct may be incurred by a Committee of Inquiry shall be paid out of the general revenue of the States.

36L Immunity from legal proceedings³³

No civil or criminal proceedings may be instituted against any member of a Committee of Inquiry for any act done or words spoken before or written in a report to or by a Committee of Inquiry by that person.

PART IV

POWERS, PRIVILEGES, IMMUNITIES AND OFFENCES

37 Immunity from legal proceedings

No civil or criminal proceedings may be instituted against any member of the States for words spoken before, or written in a report to, the States or a Committee, or by reason of any matter or thing brought by him or her therein by petition, bill, proposition or otherwise.

38 Entry to States

No stranger shall be entitled, as of right, to enter or to remain within the precincts of the States.

39 Regulation of admission to States

- (1) The Bailiff may issue such orders as he or she may in his or her discretion deem necessary for the regulation of the admittance of strangers to the precincts of the States.

- (2) Copies of orders made under this Article shall be duly authenticated by the Greffier of the States and exhibited in a conspicuous position in the precincts of the States; and such copies when so authenticated, and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

40 Power of Bailiff to order withdrawal from States

The Bailiff may at any time order any stranger to withdraw from the precincts of the States.

41–46 *repealed*³⁴

47 Evidence of proceedings in the States or any Committee not to be given without leave

- (1) Save as provided in this Part of this Law, no member or officer of the States, and no person employed to take minutes before the States or any Committee, shall give evidence elsewhere, except before a Committee of Inquiry, in respect of the contents of such minutes or of the contents of any document laid before the States or such Committee, as the case may be, or in respect of any proceedings or examination held before the States or such Committee, as the case may be, without the prior consent of the States or the Committee concerned, as the case may be.³⁵
- (2) The consent of the States referred to in paragraph (1) may be given during periods of the year when the States are not in session, by the Bailiff or, in the absence or other incapacity of the Bailiff and the Deputy Bailiff, by the Greffier of the States.

48 Offences relating to admittance to the States

Any person who being a stranger –

- (a) enters or attempts to enter the precincts of the States in contravention of any order of the Bailiff;
- (b) fails or refuses to withdraw from the precincts of the States when ordered to withdraw therefrom by the Bailiff; or
- (c) contravenes any order made under this Part of this Law by the Bailiff regulating the admittance of strangers to the precincts of the States or any rule made by the Bailiff under standing orders,

shall be guilty of an offence and shall be liable to a fine not exceeding level 2 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment.³⁶

49 Other offences

Any person who –

- (a) disobeys any order made by a Committee of Inquiry for attendance or for production of papers, books, records or documents, unless such attendance or production be excused as hereinbefore provided;
- (b) refuses to be examined before, or to answer any lawful and relevant question put by, a Committee of Inquiry unless such refusal be excused as hereinbefore provided;
- (c) offers to any member or officer of the States or a Committee of Inquiry any bribe, fee, compensation, gift or reward in order to influence him or her in his or her conduct as such member or officer, or for or in respect of the promotion of or opposition to any petition, bill, proposition, matter or other thing submitted to or intended to be submitted to the States, a Committee or a Committee of Inquiry;
- (d) assaults, obstructs, molests or insults any member of the States or any member of a Committee of Inquiry not being a member of the States coming to, being within, or going from, the precincts of the States, or endeavours to compel any such member by force or menace to declare himself or herself in favour of or against any matter pending or expected to be brought before the States, any Committee or any Committee of Inquiry;
- (e) assaults, interferes with, molests, resists or obstructs any officer or servant of the States while in the execution of his or her duty or while proceeding to or from the States;
- (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the States, any Committee or any Committee of Inquiry while the States, any Committee or any Committee of Inquiry are sitting;
- (g) presents to the States, a Committee or a Committee of Inquiry any false, untrue, fabricated or falsified document with intent to deceive the States, a Committee or a Committee of Inquiry; or
- (h) publishes any false or scandalous libel on the States, a Committee or a Committee of Inquiry,

shall be guilty of an offence and shall be liable to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.³⁷

50 Acceptance of bribes by members of the States

Any member of the States or any member of a Committee of Inquiry not being a member of the States who accepts or agrees to accept or obtains or attempts to obtain for the member or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting or on account of his or her having so spoken, voted or acted or having so refrained shall be guilty of an offence and shall be liable to a fine or to imprisonment for a term not exceeding 5 years, or to both such fine and such imprisonment.³⁸

51 Minutes of the States and Committees to be evidence

A copy of any minutes of the States or a Committee signed by the Greffier of the States, shall be received in evidence without further proof.

52 Penalty for printing false copy of enactments or other States' documents

Any person who prints or causes to be printed a copy of any enactment or other document as purporting to have been printed by Order or under the authority of the States, and the same is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that the same was not so printed, shall be guilty of an offence and shall be liable to a fine or imprisonment for a term not exceeding 3 years, or to both such fine and such imprisonment.³⁹

53 Protection of persons responsible for publications authorized by the States

Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his or her servant, by Order or under the authority of the States, of any enactment or other document, may, on giving to the plaintiff or prosecutor, as the case may be, 24 hours written notice of his or her intention, bring before the court in which such proceedings are being taken a certificate under the hand of the Bailiff stating that the enactment or document in respect whereof such proceedings have been instituted was published by such person or by his or her servant by Order or under the authority of the States, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings, and the same and every process issued therein shall be deemed to be finally determined.

54 Publication of proceedings without malice

In any 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 any proceedings of the States, if the court is satisfied that such account, summary, extract or abstract was published *bona fide* and without malice, judgment shall be entered for the defendant.

55 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 him or her by or under this Part.

56 Powers of Viscount

The Viscount shall, for the purposes of the enforcement of this Part of this Law and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a Centenier.

57 Authority for prosecutions

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

PART V
GENERAL**58 Interpretation⁴⁰**

In this Law, unless the context otherwise requires –

“Committee” means a committee of the States;

“Committee of Inquiry” means a committee appointed under Article 36B, which committee shall not be a committee of the States;⁴¹

“document” includes accounts, deeds, 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;⁴²

“elected members of the States” has the meaning assigned thereto by Article 1(2);

“functions” includes powers and duties;

“precincts of the States” means the States’ Chamber and any rooms provided for the use or accommodation of members of the States, and the galleries and places provided for the use or accommodation of strangers, members of the public and representatives of the press, and includes, while the States are meeting, those parts of the building giving direct access to the States’ Chamber;

“standing order” means a standing order made by the States under this Law;

“stranger” means any person other than the Deputy Bailiff or member or officer of the States.

59 Saving of powers

Save as otherwise provided by this Law, nothing in this Law shall prejudice or affect the prerogatives, rights and privileges attaching to the office of Lieutenant-Governor, Bailiff, Deputy Bailiff, Dean, Attorney General, Solicitor General and Rector of a parish in existence immediately before the coming into force of this Law.

60 Citation

This Law may be cited as the States of Jersey Law 1966.

FIRST SCHEDULE⁴³

(Article 4)

DEPUTIES' CONSTITUENCIES

| Constituency | Number of Deputies to be returned |
|--|--|
| St. Helier – | |
| Cantons de Haut et de Bas de la Vingtaine de la Ville | 3 |
| Cantons de Bas et de Haut de la Vingtaine du Mont-au-Prêtre | 3 |
| Vingtaines du Rouge Bouillon, du Mont- à-l'Abbé et du Mont Cochon | 4 |
| St. Saviour – | |
| Vingtaine de la Petite Longueville | 2 |
| Vingtaine de Sous l'Eglise | 2 |
| Vingtaines de Maufant, de Sous la Hougue, des Pigneaux et de la Grande Longueville | 1 |
| St. Brelade – | |
| Vingtaines de Noirmont et du Coin | 1 |
| Vingtaines des Quennevais et de la Moye | 2 |
| St. Clement | 2 |
| St. Lawrence | 2 |
| Grouville | 1 |
| St. Martin | 1 |
| Trinity | 1 |
| St. John | 1 |
| St. Mary | 1 |
| St. Peter | 1 |
| St. Ouen | 1. |

SECOND SCHEDULE

(Article 7)

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 Her Majesty Queen Elizabeth the Second, her 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.

ENDNOTES**Table of Legislation History**

| Legislation | Year and No | Commencement |
|--|--------------------|--|
| States of Jersey Law 1966 | L.2/1966 | 20 December 1966 |
| States of Jersey (Amendment) Law 1974 | L.14/1974 | 23 August 1974 ⁴⁴ |
| States of Jersey (Amendment No. 2) Law 1975 | L.15/1975 | 28 November 1975 |
| States of Jersey (Amendment No. 3) Law 1975 | L.2/1976 | 16 January 1976 |
| States of Jersey (Amendment No. 4) Law 1986 | L.32/1986 | 12 December 1986 ⁴⁵ |
| States of Jersey (Amendment No. 5) Law 1996 | L.4/1996 | 10 October 1996 (R&O.8985) |
| States of Jersey (Amendment No. 6) Law 1997 | L.41/1997 | 29 August 1997 |
| States of Jersey (Definition of Officer) Regulations 1997 | R&O.9176 | 20 November 1997 |
| States of Jersey (Amendment No. 7) Law 2000 | L.4/2000 | 15 November 2000 (R&O.109/2000) |
| Public Elections (Jersey) Law 2002 | L.12/2002 | 5 June 2002 (R&O.42/2002) except Articles 6(6), 7(1)-(3) and (5), 12(2)(b) and 20(5)-(7) |
| States of Jersey (Amendment No. 8) Law 2002 | L.29/2002 | 2 August 2002 |

Table of Renumbered Provisions

| Original | Current |
|-----------------|---|
| 12(1) | 12 |
| (2) | spent, omitted from this revised edition |
| 17 | repealed by L.14/1974 |
| 30 | repealed by L.4/2000 |
| 41 | repealed by L.4/2000 |
| 42 | repealed by L.4/2000 |
| 43 | repealed by L.4/2000 |
| 44 | repealed by L.4/2000 |
| 45 | repealed by L.4/2000 |
| 46 | repealed by L.4/2000 |
| 60 | spent, omitted from this revised edition |

Table of Endnote References

| | |
|------------------------------|--|
| ¹ Article 1(1) | <i>impliedly amended by L.14/1974</i> |
| ² | <i>chapter 20.650</i> |
| ³ Article 8(1) | <i>amended by L.2/1976, L.29/2002</i> |
| ⁴ | <i>chapter 08.840</i> |
| ⁵ | <i>chapter 08.580</i> |
| ⁶ Article 8(2) | <i>substituted by L.29/2002; former paragraph amended by L.4/2000</i> |
| ⁷ Article 8(3) | <i>inserted by L.29/2002</i> |
| ⁸ Article 8(4) | <i>inserted by L.29/2002</i> |
| ⁹ Article 8(5) | <i>inserted by L.29/2002</i> |
| ¹⁰ | <i>chapter 08.840</i> |
| Article 8(6) | <i>inserted by L.29/2002</i> |
| ¹¹ Article 9 | <i>substituted by L.2/1976</i> |
| ¹² Article 12(1) | <i>amended by L.32/1986</i> |
| ¹³ | <i>chapter 16.600</i> |
| ¹⁴ Article 14(2) | <i>amended by L.15/1975, L.12/2002</i> |
| ¹⁵ Article 14(5) | <i>amended by L.12/2002</i> |
| ¹⁶ Article 17 | <i>repealed by L.4/2000</i> |
| ¹⁷ | <i>chapter 15.440</i> |
| ¹⁸ Article 29(3) | <i>inserted by L.41/1997</i> |
| ¹⁹ Article 30 | <i>repealed by L.4/2000</i> |
| ²⁰ Article 36A | <i>inserted by L.4/1996</i> |
| ²¹ Article 36A(1) | <i>amended by L.41/1997</i> |
| ²² Article 36A(6) | <i>amended by R&O.9176</i> |
| ²³ Article 36B | <i>inserted by L.4/2000</i> |
| ²⁴ Article 36C | <i>inserted by L.4/2000</i> |
| ²⁵ Article 36D | <i>inserted by L.4/2000</i> |
| ²⁶ Article 36E | <i>inserted by L.4/2000</i> |
| ²⁷ Article 36F | <i>inserted by L.4/2000</i> |
| ²⁸ Article 36G | <i>inserted by L.4/2000</i> |
| ²⁹ Article 36H | <i>inserted by L.4/2000</i> |
| ³⁰ Article 36I | <i>inserted by L.4/2000</i> |
| ³¹ Article 36J | <i>inserted by L.4/2000</i> |
| ³² Article 36K | <i>inserted by L.4/2000</i> |
| ³³ Article 36L | <i>inserted by L.4/2000</i> |
| ³⁴ Articles 41-46 | <i>repealed by L.4/2000</i> |
| ³⁵ Article 47(1) | <i>amended by L.4/2000</i> |
| ³⁶ Article 48 | <i>amended by L.4/2000</i> |
| ³⁷ Article 49 | <i>amended by L.4/2000</i> |
| ³⁸ Article 50 | <i>amended by L.4/2000</i> |
| ³⁹ Article 52 | <i>amended by L.4/2000</i> |
| ⁴⁰ Article 58 | <i>definition “appointed day” spent, omitted from this revised edition, formerly amended by L.12/2002</i> |
| | <i>definition “Public Election Law” deleted by L.12/2002</i> |
| ⁴¹ Article 58 | <i>definition “Committee of Inquiry” amended by L.4/2000</i> |
| ⁴² Article 58 | <i>definition “document” inserted by L.4/2000</i> |
| ⁴³ First Schedule | <i>substituted by L.14/1974</i> |
| ⁴⁴ | <i>L.14/1974 came into force 4 September 1975 for the purposes of holding ordinary elections in 1987</i> |
| ⁴⁵ | <i>This is the date of registration of L.32/1986, Article 2(2) of which provides – “This Law shall come into force for the purpose of holding ordinary elections in the year 1987”</i> |