



Jersey

## STATES OF JERSEY (AMENDMENT No. 9) LAW 2021

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Jersey

## STATES OF JERSEY (AMENDMENT No. 9) LAW 2021

A LAW to amend further the [States of Jersey Law 2005](#) to make provision for parliamentary privilege and connected purposes.

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<i>Adopted by the States</i>	<i>23rd March 2021</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>21st July 2021</i>
<i>Registered by the Royal Court</i>	<i>23rd July 2021</i>
<i>Coming into force</i>	<i>30th July 2021</i>

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

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### 1 Interpretation

In this Law, “principal Law” means the [States of Jersey Law 2005](#).

### 2 Article 1 (interpretation) amended

After Article 1(1) of the principal Law there is inserted –

“(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.

(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 Article 34 substituted

For Article 34 of the principal Law there is substituted –

#### **“34 Privilege of States’ proceedings**

- (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.”.

### 4 Article 34A inserted

After Article 34 of the principal Law there is inserted –

#### **“34A Correspondence etc. between members and the public protected by qualified privilege for defamation purposes**

- (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.”.

**5 Article 35 substituted**

For Article 35 of the principal Law there is substituted –

**“35 States’ proceedings in evidence**

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.”.

**6 Article 37 (offence of printing false documents) amended**

In Article 37 of the principal Law –

- (a) in the heading for “printing” there is substituted “publishing”;
- (b) in paragraph (1)(a) for “print” there is substituted “publish”;
- (c) in paragraph (1) for “printed” in each place it appears there is substituted “published”.

**7 Article 47 substituted**

For Article 47 of the principal Law there is substituted –

**“47 Offence of contempt**

- (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.”.

**8 Article 48 substituted**

For Article 48 of the principal Law there is substituted –

**“48 Standing orders**

- (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.”.

## 9 Article 49 amended

In Article 49 of the principal Law –

- (a) for the heading there is substituted –

### **“49 Regulations about powers of committees and panels”;**

- (b) sub-paragraphs (a), (e) and (f) are deleted.

## 10 Consequential amendments – principal Law

- (1) The principal Law is amended in accordance with this Article.
- (2) In Article 1(1) –
  - (a) the definition “prescribed” is deleted;
  - (b) in the definition “standing orders” for “made” there is substituted “prepared and adopted”.
- (3) In Articles 9(5) and 13(4) for “prescribed” there is substituted “provided for in standing orders”.
- (4) In Article 19 –
  - (a) in paragraph (1) for “in accordance with the prescribed procedures and within the prescribed period” there is substituted “in accordance with standing orders and”;
  - (b) in paragraphs (3) and (4)(a) for “within the prescribed period and in accordance with the prescribed procedures” there is substituted “in accordance with standing orders”;
  - (c) in paragraph (5) for “the prescribed procedures” there is substituted “standing orders”.
- (5) In Article 23 –
  - (a) in paragraphs (1) and (3) for “within the prescribed period” there is substituted “in accordance with standing orders”;
  - (b) in paragraph (2) for “within the prescribed period” there is substituted “in accordance with standing orders, and”;
  - (c) in paragraph (4) for “the prescribed procedures” there is substituted “standing orders”.
- (6) In Article 25A(1) and (2) for “the prescribed number of individuals” there is substituted “the limit set out in standing orders”.
- (7) In Article 51 there is deleted “or standing orders”.

## 11 Consequential amendments – Regulations

- (1) In the [States of Jersey \(Powers, Privileges and Immunities\) \(Scrutiny panels, PAC and PPC\) \(Jersey\) Regulations 2006](#) –
  - (a) for Regulation 2 there is substituted –

## “2 Application to members of the States

These Regulations do not confer any power to issue a summons requiring the appearance of, or the production of documents by, a member of the States.”;

- (b) Regulations 8, 8A, 9, 10(c), 17, 18 and 19(c) are deleted;
  - (c) in Regulation 23 (citation) for “[States of Jersey \(Powers, Privileges and Immunities\) \(Scrutiny panels, PAC and PPC\) \(Jersey\) Regulations 2006](#)” there is substituted “States of Jersey (Powers of Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006”.
- (2) In the [States of Jersey \(Powers, Privileges and Immunities\) \(Committees of Inquiry\) \(Jersey\) Regulations 2007](#) –
    - (a) Regulations 8 and 9 are deleted;
    - (b) in Regulation 13 (citation) for “[States of Jersey \(Powers, Privileges and Immunities\) \(Committees of Inquiry\) \(Jersey\) Regulations 2007](#)” there is substituted “States of Jersey (Powers of Committees of Inquiry) (Jersey) Regulations 2007”.

## 12 Citation and commencement

This Law may be cited as the States of Jersey (Amendment No. 9) Law 2021 and comes into force 7 days after the day on which it is registered.