



Jersey

## **STATES OF JERSEY (POWERS, PRIVILEGES AND IMMUNITIES) (COMMITTEES OF INQUIRY) (JERSEY) REGULATIONS 2007**

### **Arrangement**

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## **STATES OF JERSEY (POWERS, PRIVILEGES AND IMMUNITIES) (COMMITTEES OF INQUIRY) (JERSEY) REGULATIONS 2007**

*Made*

*16th July 2007*

*Coming into force*

*23rd July 2007*

**THE STATES**, in pursuance of Article 49 of the States of Jersey Law 2005<sup>1</sup>,  
have made the following Regulations –

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### **1 Interpretation**

Expressions defined in standing orders have the same meaning in these Regulations.

### **2 Power of committee of inquiry to issue summons**

- (1) Before issuing a summons requiring a person to appear before it and to give evidence and produce documents to it, a committee of inquiry must –
  - (a) request the person to so appear;
  - (b) accommodate any reasonable request by the person as to the day and time of the appearance; and
  - (c) where it would be appropriate to do so, having regard to the nature of the evidence or any document, undertake to receive the evidence or document in confidence.
- (2) If a person refuses to comply with a request made under paragraph (1) a committee of inquiry may summons the person to appear before it and to give evidence and produce any document to it if the committee is satisfied that the evidence or document is, or might reasonably be, relevant to the matter that it is inquiring into.

### **3 Procedure for issue of summons by a committee of inquiry**

- (1) A committee of inquiry shall inform the Greffier of its decision to issue a summons.

- (2) The Greffier shall prepare the summons and sign it.
- (3) The summons shall –
  - (a) state the day and time when and place where the person is required to appear;
  - (b) indicate, in general terms, the issues on which the committee of inquiry proposes to question the person;
  - (c) be accompanied by information regarding –
    - (i) how the summons may be challenged, and
    - (ii) the offences in Regulation 12.
- (4) The summons may require the person to produce –
  - (a) all documents;
  - (b) specified documents;
  - (c) documents described by reference to their subject matter or any other factor,  
  
which are or might reasonably be relevant to the matter that the committee of inquiry is inquiring into.
- (5) The day on which the person is to appear must be at least 10 working days after the day the summons is served on the person.
- (6) The Greffier shall cause the summons to be served on the person by personal service or by ordinary service.

#### **4 Challenging a summons issued by a committee of inquiry**

- (1) A person may challenge a summons issued by a committee of inquiry on any of the following grounds –
  - (a) that Regulation 2(1) was not complied with before the summons was issued;
  - (b) that the condition in Regulation 2(2) in respect of the evidence or a document has not been satisfied;
  - (c) that any requirement of Regulation 3 was not complied with in respect of the summons;
  - (d) that the evidence or a document is privileged;
  - (e) that the prejudice to the person that would ensue from appearing before the committee of inquiry and giving the evidence and, where required, producing a document so far outweighs the usefulness of the evidence or document to the committee of inquiry that it would be unreasonable to require the person to appear or produce the document;
  - (f) that it would be contrary to the public interest for the evidence to be given or a document produced.
- (2) The person must notify the Greffier, in writing, that he or she wishes to challenge the summons and of the grounds for his or her challenge.
- (3) Once the person has so notified the Greffier –

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- (a) the Greffier shall inform the PPC and the committee of inquiry of the challenge; and
  - (b) the person shall not be required to obey the summons unless, on review, it is upheld by the PPC.

**5 Review of challenge of summons issued by a committee of inquiry**

- (1) The PPC shall review the challenge as soon as is practicable.
- (2) A member of the PPC who is connected with or involved in the matter being inquired into by the committee of inquiry whose summons is being challenged, or who is a member of that committee, shall not take any part in the review.
- (3) The PPC shall undertake such investigations into the matter as it sees fit and may, as part of the investigations, request submissions, either in writing or in person, from –
  - (a) the chairman and any member of the committee of inquiry;
  - (b) the person who has challenged the summons;
  - (c) any other person whose submission is, in the opinion of the PPC, relevant to its review of the challenge.
- (4) Notwithstanding paragraph (3), any person requested to make a submission may elect to make it in person.
- (5) After it has concluded its investigations the PPC shall –
  - (a) uphold the summons as served;
  - (b) uphold the summons with such alterations as it considers appropriate; or
  - (c) direct that the person is not required to comply with the summons.
- (6) The PPC may reach its decision on the ground in Regulation 4(1)(f) or, as the case requires, Regulation 7(1)(d), notwithstanding that the challenge is not made on that ground.
- (7) Where the PPC upholds a summons it may also impose conditions on the giving of the evidence and the production of a document and their use.
- (8) The PPC shall inform the person who challenged the summons, and the committee of inquiry, of its decision and the reasons for it.

**6 Power to administer oath**

- (1) A committee of inquiry may require a person appearing before it to give evidence on oath.
- (2) The chairman of a committee of inquiry is authorized to administer the oath for this purpose.

**7 Challenge and review of question put by a committee of inquiry**

- (1) A person appearing before a committee of inquiry in answer to a summons may challenge a question put by the committee on the ground that –
  - (a) the question is not relevant or necessary to the matter that the committee is inquiring into;
  - (b) the evidence sought is privileged;
  - (c) the prejudice to the person that would ensue if he or she answered the question so far outweighs the usefulness of the answer to the committee of inquiry that it would be unreasonable to require the person to answer; or
  - (d) it would be contrary to the public interest for the question to be answered.
- (2) Once the person has made the challenge, he or she is not required to answer the question unless the PPC directs that it must be answered.
- (3) Paragraphs (1) to (4) and (6) of Regulation 5 shall apply to a review of a challenge to a question as they apply to a review of a challenge to a summons.
- (4) After it has concluded its investigations the PPC shall direct –
  - (a) that the question must be answered; or
  - (b) that the question need not be answered.
- (5) Where the PPC directs that a question must be answered, it may impose conditions on the giving and use of the answer.
- (6) The PPC shall inform the person who challenged the question and the committee of its decision and the reasons for it.

**8 Privileges and immunity of person appearing before or producing documents to a committee of inquiry**

- (1) A person asked or required to give evidence or produce documents before a committee of inquiry shall be entitled, in respect of such evidence and documents, to legal professional privilege and privilege against self-incrimination.
- (2) An answer given by a person to a question put to that person, or an oral or written statement made by that person, or a document produced by a person in the course of his or her appearance before a committee of inquiry shall not, except in the case of proceedings for the offence of perjury or for an offence under these Regulations, be admissible in evidence against that person in any civil or criminal proceedings.
- (3) Paragraph (2) shall not apply to evidence given or documents produced by that person which he or she knows to be untrue.

**9 Immunity of member of a committee of inquiry who is not a member of the States**

No civil or criminal proceedings may be instituted against a member of a committee of inquiry who is not also a member of the States for any words –

- (a) spoken or written before or within the committee of inquiry; or
- (b) reproduced or recorded in a report presented to the committee of inquiry or a report presented by the committee of inquiry to the States.

**10 Personal service**

- (1) For the purposes of these Regulations, personal service of a summons is effected by leaving it with the person to be served.
- (2) In the case of personal service on a body corporate, such service may be effected by leaving the summons with the president or chairman, or the secretary, treasurer or other similar officer of the body corporate or by leaving it at or delivering it to the registered office of the body corporate.

**11 Ordinary service**

- (1) For the purposes of these Regulations, ordinary service of a summons is effected –
  - (a) in the case of service on an individual –
    - (i) by leaving it at the last known address or last known place of business of the person to be served, or
    - (ii) by sending it by ordinary post to the last known address or last known place of business of the person to be served;
  - (b) in the case of service on a body corporate –
    - (i) by leaving it at or sending it by ordinary post to the registered or principal office of the body corporate, or
    - (ii) by leaving it at or sending it by ordinary post to the last known place of business of the body corporate.
- (2) Without prejudice to Article 7 of the Interpretation (Jersey) Law 1954<sup>2</sup> a document sent by post to an address in Jersey shall, unless the contrary is proved, be deemed to have been served on the 2nd day after the day on which it was posted, days on which there is no collection or delivery excepted.

**12 Offences**

- (1) A person shall be guilty of an offence if he or she, without reasonable excuse –
  - (a) disobeys any requirement of a summons issued under these Regulations; or
  - (b) when summoned under these Regulations refuses to comply with a requirement to be examined before, or to answer any lawful and

relevant question put by, the committee of inquiry which issued the summons.

- (2) A person guilty of an offence under this Regulation shall be liable to imprisonment for a term of 2 years and to a fine of level 4 on the standard scale.

### **13 Citation and commencement**

These Regulations may be cited as the States of Jersey (Powers, Privileges and Immunities) (Committees of Inquiry) (Jersey) Regulations 2007 and shall come into force 7 days after they are made.

**M.N. DE LA HAYE**

*Greffier of the States*



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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 15.360*