



Jersey

# **CORRUPTION (JERSEY) LAW 2006**

**Revised Edition**

08.090

Showing the law as at 1 January 2008

This is a revised edition of the law





Jersey

## CORRUPTION (JERSEY) LAW 2006

### Arrangement

---

#### Article

1	Interpretation.....	5
2	Meaning of “agent”.....	6
3	Meaning of “public body” .....	7
4	Meaning of “public official” .....	8
5	Corruption concerning public body .....	9
6	Corrupt transactions with agents.....	9
7	Corruption by public official .....	9
8	Extended jurisdiction for offences .....	10
9	Customary law offence of bribery abolished .....	10
10	Offences by bodies corporate, etc.....	10
11	Aiders and abettors .....	10
12	Restriction on prosecution .....	11
13	Citation.....	11

### Supporting Documents

---

<b>ENDNOTES</b>	<b>12</b>
Table of Legislation History.....	12
Table of Renumbered Provisions .....	12
Table of Endnote References .....	12





Jersey

## **CORRUPTION (JERSEY) LAW 2006**

**A LAW** to create new offences of corruption, to abolish the customary law offence of bribery and for connected purposes, enabling the extension to Jersey of the ratification, acceptance or approval of the Criminal Law Convention on Corruption of the Council of Europe done at Strasbourg on 27 January 1999 and the Convention on Combating Bribery of Foreign Public Officials in International Transactions of the Organisation for Economic Co-operation and Development adopted by the Negotiating Conference on 21 November 1997

Commencement [[see endnotes](#)]

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –
- “advantage” means –
- (a) any gift;
  - (b) any office, employment or contract;
  - (c) any dignity;
  - (d) any deferral, payment, release or discharge of any loan, obligation or other liability, whether in whole or in part;
  - (e) the exercise, or forbearance from the exercise, of any right, power or duty;
  - (f) any other service or favour, including –
    - (i) any aid, vote, consent, or influence, or pretended aid, vote, consent or influence,
    - (ii) any protection from any penalty or disability, whether incurred or apprehended,
    - (iii) any protection from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;

- (g) any offer, undertaking or promise, whether conditional or unconditional, or the holding out of any other expectation of, any advantage described in sub-paragraphs (a) to (f);

“agent” has the meaning given in Article 2;

“gift” means any gift, loan, fee or reward consisting of money or any valuable security or of any other property or interest in property of any description;

“Jersey company” means a body incorporated under the laws of Jersey;

“limited liability partnership” has the same meaning as in the Limited Liability Partnerships (Jersey) Law 1997<sup>1</sup>;

“principal” includes an employer and a person on whose behalf another person is employed;

“public body” has the meaning given in Article 3;

“public office” means any office or employment of a person as a member, officer or servant of a public body;

“public official” has the meaning given in Article 4.

- (2) For the purposes of this Law a national of the United Kingdom is an individual who is –
- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas Citizen;
  - (b) a person who under the British Nationality Act 1981 of the United Kingdom Parliament is a British subject; or
  - (c) a British protected person within the meaning of that Act.

## **2 Meaning of “agent”**

- (1) In this Law, unless the context otherwise requires, “agent” includes –
- (a) a person employed by or on behalf of another person;
  - (b) a public official;
  - (c) an auditor;
  - (d) a juror;
  - (e) a person of any of the following descriptions –
    - (i) a member of the government of any other country or territory,
    - (ii) a member of a parliament, whether regional or national, of any other country or territory,
    - (iii) a member of the European Parliament,
    - (iv) a member of the Court of Auditors of the European Communities,
    - (v) a member of the Commission of the European Communities,
    - (vi) a public prosecutor in any other country or territory,
    - (vii) a judge of a court or tribunal in any other country or territory,

- (viii) a judge of a court or tribunal established under an international agreement,
- (ix) a member of, or any other person employed by or acting for or on behalf of, any body established under an international agreement,
- (x) a person employed by or acting for or on behalf of the public administration of any other country or territory,
- (xi) a person appointed or elected to hold an administrative office, whether regional or national, in any other country or territory,
- (xii) a person exercising a public function, whether regional or national, for another country or territory or for any public agency or public enterprise belonging to another country or territory,
- (xiii) an official or agent of a public international organization.<sup>2</sup>

- (2) The States may by Regulations amend the definition “agent” in paragraph (1).

### **3 Meaning of “public body”**

- (1) In this Law, “public body” means –
- (a) the States of Jersey;
  - (b) the Chief Minister and any other Minister or Assistant Minister;
  - (ba) any committee or panel established by standing orders of the States of Jersey;
  - (bb) the States Employment Board established by the Employment of States of Jersey Employees (Jersey) Law 2005<sup>3</sup>;
  - (c) any board, commission, committee or other body, whether paid or unpaid, appointed by the States or by any committee or panel established by standing orders of the States of Jersey;
  - (d) any board, commission, committee or other body, whether paid or unpaid –
    - (i) having power to act under and for the purposes of any enactment relating to the raising of a rate in or the administration of a parish, or
    - (ii) administering or supervising the provision of welfare or any other service in a parish,and any other body whose membership consists of officers of a parish or persons elected by a parish assembly;
  - (e) the Jersey Financial Services Commission established under the Financial Services Commission (Jersey) Law 1998<sup>4</sup>;
  - (f) the Jersey Competition Regulatory Authority established under the Competition Regulatory Authority (Jersey) Law 2001<sup>5</sup>;

- (g) any company in which the States of Jersey are the principal shareholder, and any subsidiary of such a company, and includes any such body which exists in a country or territory outside Jersey and is equivalent to any body described above.<sup>6</sup>
- (2) The States may by Regulations amend the definition “public body” in paragraph (1).

#### **4 Meaning of “public official”**

- (1) In this Law, unless the context otherwise requires, “public official” means –
  - (a) a member of a public body;
  - (b) an officer or employee of a public body;
  - (c) the Bailiff, Deputy Bailiff and any Lieutenant Bailiff;
  - (d) a judge of the Royal Court;
  - (e) a judge of the Court of Appeal;
  - (f) the Magistrate;
  - (g) a jurat;
  - (h) a member of the Youth Court panel;
  - (i) the Attorney General and Solicitor General;
  - (j) a Crown Advocate;
  - (k) the Greffier of the States, the Deputy Greffier of the States and any Acting Greffier of the States;
  - (l) the Judicial Greffier, the Deputy Judicial Greffier and any Greffier Substitute;
  - (m) the Viscount, the Deputy Viscount and any Viscount Substitute;
  - (n) the Master of the Royal Court;
  - (o) the Receiver General;
  - (p) an employee of the Crown;
  - (q) a member of the Honorary Police or an officer of the States of Jersey Police Force;
  - (r) the Comptroller and Auditor General appointed under Article 41 of the Public Finances (Jersey) Law 2005<sup>7</sup>;
  - (s) the Data Protection Commissioner appointed under Article 6 of the Data Protection (Jersey) Law 2005<sup>8</sup>;
  - (t) any other person exercising a public function for Jersey or for any public agency or public enterprise belonging to Jersey.<sup>9</sup>
- (2) The States may by Regulations amend the definition “public official” in paragraph (1).



**5 Corruption concerning public body**

- (1) It shall be an offence for a person, whether alone or in conjunction with another person, corruptly to –
  - (a) solicit or receive or agree to receive, whether for his or her own benefit or for the benefit of any other person; or
  - (b) give, promise or offer to any person, whether for the benefit of that person or any other person,  
  
any advantage as an inducement to or reward for, or otherwise on account of, any member, officer or employee of a public body doing, or not doing, anything in respect of any matter or transaction whatsoever, whether actual or proposed, in which that public body is concerned.
- (2) A person shall not be exempt from punishment for an offence under this Article by reason of the invalidity of the appointment or election of a person to public office.
- (3) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 10 years and to a fine.

**6 Corrupt transactions with agents**

- (1) It shall be an offence –
  - (a) for an agent corruptly to accept or obtain, or agree to accept or attempt to obtain, from any person, whether for his or her own benefit or for the benefit of any other person; or
  - (b) for any person corruptly to give or agree to give or offer to an agent, whether for the benefit of the agent or for the benefit of any other person,  
  
any advantage as an inducement to or reward for doing, or not doing, or for having done or not done, any act in relation to the affairs or business of the agent's principal or for showing, or not showing, favour or disfavour to any person in relation to the affairs or business of the agent's principal.
- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 10 years and to a fine.
- (3) For the purposes of this Article, it is immaterial if –
  - (a) the principal's affairs or business have no connection with Jersey and are conducted in a country or territory outside Jersey; or
  - (b) the agent's functions have no connection with Jersey and are carried out in a country or territory outside Jersey.

**7 Corruption by public official**

- (1) It shall be an offence for a public official to do or not do any act in relation to the official's position, office or employment, for the purpose of corruptly obtaining any advantage, whether for his or her own benefit or for the benefit of any other person.

- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 10 years and to a fine.

## **8 Extended jurisdiction for offences**

- (1) A person may be tried in Jersey for an offence under this Law if any of the acts alleged to constitute the offence was committed in Jersey, notwithstanding that other acts constituting the offence were committed outside Jersey.
- (2) Where –
- (a) a national of the United Kingdom resident in Jersey, a Jersey company or a limited liability partnership does anything in a country or territory outside Jersey; and
  - (b) the act would, if done in Jersey, constitute an offence under this Law,
- the act shall constitute the offence under this Law and proceedings for it may be taken in Jersey.

## **9 Customary law offence of bribery abolished**

- (1) The customary law offence of bribery is abolished.
- (2) Paragraph (1) shall not affect any investigation or criminal proceedings in respect of an act committed before paragraph (1) comes into force, and any such investigation or criminal proceedings may be instituted, continued or enforced as if paragraph (1) had not come into force.

## **10 Offences by bodies corporate, etc.**

- (1) Where an offence under this Law committed by a body corporate or by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
- (a) a person who is a director, manager, secretary or other similar officer of the body corporate, or a partner of the partnership; or
  - (b) a person purporting to act in any such capacity,
- the person shall also be guilty of the offence and liable in the same manner as the body corporate or the partnership to the penalty provided for the offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

## **11 Aiders and abettors**

A person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

**12 Restriction on prosecution**

A prosecution for an offence under this Law shall not be instituted except by or with the consent of the Attorney General.

**13 Citation**

This Law may be cited as the Corruption (Jersey) Law 2006.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Corruption (Jersey) Law 2006	L.12/2006	6 March 2007 (R&O.38/2007)
Corruption (Amendment of Definitions) (Jersey) Regulations 2007	R&O.148/2007	14 November 2007

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
13	Spent, omitted
14	Spent, omitted
15	Obsolete, omitted (Law amended already repealed)
16	Spent, omitted
17	13

**Table of Endnote References**


---

<sup>1</sup>	<i>chapter 13.475</i>
<sup>2</sup> Article 2(1)	<i>amended by R&amp;O.148/2007</i>
<sup>3</sup>	<i>chapter 16.325</i>
<sup>4</sup>	<i>chapter 13.250</i>
<sup>5</sup>	<i>chapter 05.075</i>
<sup>6</sup> Article 3(1)	<i>amended by Article 13 of this Law (as enacted), R&amp;O.148/2007</i>
<sup>7</sup>	<i>chapter 24.900</i>
<sup>8</sup>	<i>chapter 15.240</i>
<sup>9</sup> Article 4(1)	<i>amended by R&amp;O.148/2007</i>