



Jersey

**STATES OF JERSEY LAW 2005**

**UNOFFICIAL CONSOLIDATION UP TO AND INCLUDING**

**L.34/2014**

**(Planning and Building (Amendment No. 6) (Jersey) Law 2014)  
in force 10th March 2015**





Jersey

## STATES OF JERSEY LAW 2005

### Arrangement

---

#### Article

<b>PART 1</b>	<b>7</b>
<hr/>	
INTRODUCTORY	7
1 Interpretation .....	7
<b>PART 2</b>	<b>8</b>
<hr/>	
CONSTITUTION OF STATES	8
2 Constitution of the States .....	8
3 Presidency of the States .....	9
4 Constituencies .....	9
4A Disqualification for election as Connétable .....	9
5 Term of office of Senators and Deputies .....	9
6 Ordinary elections for Senators and Deputies .....	10
6A Transitional arrangements for ordinary elections in 2011 and 2014 .....	10
7 Qualification for election as Senator or Deputy .....	10
8 Disqualification for office as Senator or Deputy .....	11
9 Declaration to be made when nominated .....	12
10 Disqualification of elected member for holding certain offices or employments .....	13
13 11 Oath of office .....	13
12 Resignation of Senator or Deputy .....	13

---

13	Casual vacancy in office of Senator or Deputy .....	13
14	Term of office of person filling casual vacancy .....	14

**PART 3** **14**

---

	PROCEEDINGS OF THE STATES .....	14
15	Quorum .....	14
16	Decisions .....	15
17	Validity of acts and proceedings .....	15

*Unofficial Consolidation to 10th March 2015*

Arrangement	States of Jersey Law 2005
-------------	---------------------------

---

**PART 4** **15**

---

	MINISTERS .....	15
18	Council of Ministers .....	15
19	Selection and appointment of Council of Ministers .....	16
20	Chief Minister ineligible for other ministerial office .....	17
21	Term of office and dismissal of Ministers .....	17
21A	.....	18 22
	Resignation of Minister.....	18
23	Subsequent appointment of Minister .....	18
24	Appointment and dismissal of Deputy Chief Minister .....	19
25	Appointment and dismissal of Assistant Ministers .....	19
25A	Limit on number of Ministers and Assistant Ministers .....	19
26	Status of Minister .....	19
27	Power for Minister to act in the absence of another Minister .....	20
28	Power of Minister to delegate functions .....	22
29	Powers to move Ministers and to change Ministerial offices .....	23
30	Ministerial delegations to be presented to States .....	24
30A	List of delegations to be published .....	24
31	Duty to refer certain matters to the States .....	24
32	Construction of enactments .....	25

**PART 5** **25**

---

	POWERS, PRIVILEGES AND IMMUNITIES .....	25
33	Entry to States .....	25

34	Immunity from legal proceedings .....	25
35	Minutes of States etc. to be evidence .....	26
36	Evidence of proceedings not to be given without leave .....	26
37	Offence of printing false documents .....	26
38	Protection of persons responsible for States and other publications .....	26
39	Protection in civil proceedings for publication without malice .....	27
40	Exercise of jurisdiction by courts .....	27

**PART 6** **27**

---

OFFICERS OF THE STATES 27

41	Greffier of the States .....	27
42	Viscount .....	29

**PART 7** **29**

---

SUPPLEMENTARY 29

43	Powers and Committees abolished .....	29
44	Remuneration of elected members .....	29
45	.....	29
46	.....	29
47	Offence of blackmail, menace or compulsion .....	29
48	Standing orders .....	30
49	Regulations: powers, privileges and immunities .....	31
50	Regulations: transition and implementation .....	32



51	Authority for prosecutions .....	33
	51A Service of documents on Ministers .....	33 52
	Amendments .....	33
	53 Citation .....	33

**SCHEDULE 1** **34**

---

DEPUTIES' CONSTITUENCIES 34

**SCHEDULE 2** **35**

---



OATHS	35
PART 1	35
FORM OF OATH TO BE TAKEN BY SENATORS AND DEPUTIES	35
PART 2	35
OATH OF OFFICE OF THE GREFFIER, DEPUTY GREFFIER OR ACTING GREFFIER OF THE STATES	35
<b>SCHEDULE 3</b>	<b>36</b>
<hr/>	
ORDERS IN COUNCIL APPLICABLE TO JERSEY AMENDED	36
1 Order in Council dated 28th March 1771 .....	36
2 Order in Council dated 2nd June 1786 .....	36
3 Order in Council dated 23rd May 1816.....	36

## Supporting Documents

---

<b>ENDNOTES</b>	<b>37</b>
<hr/>	
Table of Legislation History .....	37
Table of Renumbered Provisions .....	38
Table of Endnote References .....	39

*Unofficial Consolidation to 10th March 2015*





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);

### Article 2

“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 Senator, Connétable 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;

“prescribed” means prescribed in standing orders;

“standing orders” means standing orders made under Article 48;

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

- (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;  
8 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;  
29 Deputies, elected as provided by this Law;

Article 3

the Dean of Jersey;  
the Attorney General;  
the Solicitor General.<sup>1</sup>

- (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.

**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 –
  - (a) Jersey shall be divided into the constituencies mentioned in column 1 of Schedule 1; and

- (b) each such constituency shall return the number of Deputies specified in column 2 of Schedule 1 in relation to that constituency.
- (3) The States may by Regulations amend Schedule 1 so as to alter, combine, split and rename the constituencies there mentioned and, subject to paragraph (4), amend the number of Deputies there specified in relation to a constituency.
- (4) The total number of Deputies specified shall remain 29.

#### **4A Disqualification for election as Connétable<sup>2</sup>**

A person shall be disqualified for election as a Connétable 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<sup>3</sup>, to stand for election as a Connétable.

#### **5 Term of office of Senators and Deputies<sup>4</sup>**

- (1) Senators and Deputies shall be elected for a term of 4 years.

#### **Article 6**

- (2) Notwithstanding the term of office stated in paragraph (1), a Senator or Deputy shall retire on his or her place being filled by an ordinary election.
- (3) The places of Senators and Deputies are filled upon the persons elected at the ordinary elections taking the oath of their office.
- (4) This Article is subject to Article 6A.

#### **6 Ordinary elections for Senators and Deputies<sup>5</sup>**

- (1) An ordinary election for Senators shall be held in the period of 7 days beginning on 16th May in every 4th year, commencing in May 2018.
- (2) An ordinary election for Deputies shall be held in the period of 7 days beginning on 16th May in every 4th year, commencing in May 2018.
- (3) The States may by Regulations amend paragraphs (1) and (2) so as to alter the periods, in every 4th year, within which ordinary elections must be held, both as to their duration and the day they begin.
- (4) This Article is subject to Article 6A.

#### **6A Transitional arrangements for ordinary elections in 2011 and 2014<sup>6</sup>**

- (1) There shall be held, in the period of 7 days beginning on 15th October 2011 –

- (a) an ordinary election to elect 4 Senators, for a term expiring upon the persons elected as Senators at the ordinary election in October 2014 taking the oath of their office;
  - (b) an ordinary election to elect Deputies, for a term expiring upon the persons elected as Deputies at the ordinary election in October 2014 taking the oath of their office.
- (2) There shall be held, in the period of 7 days beginning on 15th October 2014, an ordinary election to elect 8 Senators, for a term expiring upon the persons elected as Senators at the ordinary election in May 2018 taking the oath of their office.
  - (3) There shall be held, in the period of 7 days beginning on 15th October 2014, an ordinary election to elect Deputies, for a term expiring upon the persons elected as Deputies at the ordinary election in May 2018 taking the oath of their office.
  - (4) Article 17(1) of the Public Elections (Jersey) Law 2002<sup>7</sup> shall apply to an election required under this Article as it applies to an election required under Article 6.

#### **7 Qualification for election as Senator or Deputy**

- (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 a Deputy if he or she –
    - (a) is of full age; and
- Article 8
- (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.
  - (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.<sup>8</sup>
  - (3) A retiring Senator or Deputy who is not disqualified by this Law or any other enactment shall be eligible for re-election.

**8 Disqualification for office as Senator or Deputy**

- (1) A person shall be disqualified for election as or for being a Senator or Deputy if that person –
  - (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 compulsorily detained or subject to a guardianship order under the Mental Health (Jersey) Law 1969<sup>9</sup>;
  - (d) has a curator of his or her person or property;
  - (e) has an attorney without whom he or she may not act in matters movable or immovable;
  - (f) subject to paragraphs (3) and (4), has become bankrupt or made a composition or arrangement with his or her creditors;
  - (g) has been convicted of an offence under the Corruption (Jersey) Law 2006<sup>10</sup> by virtue of that person being, within the meaning of that Law, a public official or a member, officer or employee of a public body; or
  - (h) within the 7 years immediately preceding the date of his or her election, or since his or her election, 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.<sup>11</sup>
- (2) A person shall be disqualified for being a Senator or Deputy upon –
  - (a) ceasing to be a British citizen; or
  - (b) not being resident in Jersey for a period of more than 6 months.
- (3) The disqualification attaching to a person by reason of his or her having become bankrupt shall cease –
  - (a) if the person pays his or her debts in full on or before the conclusion of the bankruptcy proceedings, on the day the proceedings are concluded;

Article 9

- (b) in any other case, on the expiry of 5 years from the day the proceedings are concluded.
- (4) 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 –
  - (a) if the person pays his or her debts in full, on the day on which the payment is completed;
  - (b) in any other case, on the expiry of 5 years from the day on which the terms of the composition or arrangement are fulfilled.

### **9 Declaration to be made when nominated**

- (1) 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<sup>12</sup>, 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 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<sup>13</sup>,
    - (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).<sup>14</sup>
- (2) The person presiding at a nomination meeting convened under Article 20 of the Public Elections (Jersey) Law 2002<sup>15</sup> shall read out to the meeting the declaration made under paragraph (1) by a person proposed as a candidate.

Article 10
- (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 4 on the standard scale.

- (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) The form and content of the declaration required by paragraph (1) may be prescribed.
- (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 Oath of office**

The oath of office of Senators and Deputies shall be in the form set out in Part 1 of Schedule 2.

**12 Resignation of Senator or Deputy**

- (1) A Senator or Deputy may, at any time, resign his or her office by notice in writing signed by him or her and delivered to the Bailiff.
- (2) The Bailiff shall inform the States of such a resignation at their next meeting.
- (3) A resignation shall take effect when the States are informed of it under paragraph (2).

**13 Casual vacancy in office of Senator or Deputy**

- (1) This Article applies where a casual vacancy occurs in the office of Senator or Deputy, being a vacancy occurring otherwise than upon retirement of the officeholder under Article 5.
- (2) The Bailiff shall forthwith inform the Attorney General of the vacancy.
- (3) The Attorney General, on being informed of the vacancy, shall forthwith notify the Royal Court.

- (4) The Royal Court, on being informed of the vacancy, shall subject to paragraph (5), make an order under the Public Elections (Jersey) Article 14

Law 2002<sup>16</sup> for an election to fill the vacancy to be held as soon as is convenient and, in any case, no later than the expiry of such period following the occurrence of the vacancy as may be prescribed.

- (5) Where the vacancy occurs less than 6 months before the ordinary election at which the Senator or Deputy would otherwise have retired under Article 5 –

- (a) the Royal Court shall not order an election to fill the vacancy; and  
(b) the vacancy shall be filled at the next ordinary election.<sup>17</sup>

- (6) Where, under paragraph (5)(b), an election to fill one or more casual vacancies in the office of Senator is combined with an ordinary election of Senators –

- (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.

- (7) 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.

- (8) The States may by Regulations amend the period in paragraph (5).<sup>18</sup>

#### **14 Term of office of person filling casual vacancy**

A person elected to fill a casual vacancy in the office of Senator or Deputy shall hold office until the day on which the person in whose place he or she is elected would have retired under Article 5 or 6A, and shall then retire.<sup>19</sup>

**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.<sup>20</sup>

Article 16

**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.<sup>21</sup>
- (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, within 4 months of their appointment under Article 19(7), 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; and
  - (f) such other matters as the Chief Minister or the Council of Ministers may determine.<sup>22</sup>
- (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 in accordance with the common policy agreed by the Council of Ministers.
- (3A) The Chief Minister and Ministers shall –
- (a) adhere to the principle of collective responsibility; and

Article 19

- (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.<sup>23</sup>
- (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.<sup>24</sup>
- (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.<sup>25</sup>
- (3D) A Minister shall comply with directions given to him or her under paragraph (3B).<sup>26</sup>
- (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).<sup>27</sup>

### 19 Selection and appointment of Council of Ministers

- (1) The States shall, in accordance with the prescribed procedures and within the prescribed period following any of the events described in paragraph (2), select an elected member for appointment as Chief Minister.
- (2) The events are –
  - (a) each ordinary election for Deputies;
  - (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).
- (3) The Chief Minister designate shall, within the prescribed period and in accordance with the prescribed procedures –

### Article 20

- (a) nominate elected members for appointment as Ministers; and
  - (b) propose the Ministerial office to which each nominee would be assigned.<sup>28</sup>
- (4) An elected member –
  - (a) may, within the prescribed period and in accordance with the prescribed procedures, 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.<sup>29</sup>
- (5) The States shall then, in accordance with the prescribed procedures, 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.<sup>30</sup>
- (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.<sup>31</sup>

- (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.<sup>32</sup>
- (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 Deputies, the States may decide not to make any selection and appointment following the event.
- (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<sup>33</sup>**

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).<sup>34</sup>

### Article 21A

- (2) The Chief Minister shall cease to hold office upon his or her ceasing to be a Senator or Deputy by reason of disqualification for office.
- (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.<sup>35</sup>
- (4) Only the Chief Minister may dismiss a Minister.<sup>36</sup>
- (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.<sup>37</sup>
- (6) <sup>38</sup>
- (7) <sup>39</sup>

**21A** <sup>40</sup>

**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, within the prescribed period, nominate an elected member for appointment as Minister, proposing also the Ministerial office to which that person would be assigned.
- (2) The Chief Minister shall not be required to make a nomination under paragraph (1) where, within the prescribed period following the resignation or vacancy, the States are required to make a selection under Article 19(1).
- (3) Where a nomination has been made under paragraph (1), an elected member may, within the prescribed period, nominate an elected member for appointment as Minister for assignment to the Ministerial office proposed under paragraph (1).<sup>41</sup>

Article 24

- (4) The States shall then, in accordance with the prescribed procedures, 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.<sup>42</sup>



**24 Appointment and dismissal of Deputy Chief Minister**

- (1) The Chief Minister –
  - (a) shall appoint one of the Ministers to be Deputy Chief Minister; and (b) may dismiss the person so appointed.
- (2) The Chief Minister shall inform the States of any such appointment or dismissal.

**25 Appointment and dismissal of Assistant Ministers**

- (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.<sup>43</sup>
- (2) A Minister may only appoint or dismiss an Assistant Minister with the prior consent of the Chief Minister.
- (3) <sup>44</sup>
- (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.<sup>45</sup>
- (6) An Assistant Minister shall adhere to the principle of collective responsibility, as it applies to the assistance to be given by an Assistant Minister to the Minister by whom he or she was appointed.<sup>46</sup>

**25A Limit on number of Ministers and Assistant Ministers<sup>47</sup>**

- (1) The aggregate of the Chief Minister, Ministers and Assistant Ministers shall not exceed the prescribed number of individuals.
- (2) An appointment of a Minister or Assistant Minister that would cause the prescribed number of individuals to be exceeded shall be of no effect.

**26 Status of Minister**

- (1) Each Minister shall be a corporation sole having – (a) subject to Article 29(2), 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;

Article 27



- (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<sup>48, 49</sup>

## **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.<sup>50</sup>

(1B) If –

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

Article 27

(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.<sup>51</sup>

(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).<sup>52</sup>

(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.<sup>53</sup>

(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.<sup>54</sup>

(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.<sup>55</sup>
- (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 Article 28

- (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 shall not affect any delegation made by that other Minister under Article 28.

#### **28 Power of Minister to delegate functions**

- (1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey, to – (a) one of his or her Assistant Ministers; (b) an officer.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.<sup>56</sup>
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.<sup>57</sup>
- (2) A Minister shall 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 the delegation of which is prohibited wholly, or to an officer, by an enactment.<sup>58</sup>
- (3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), 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.

- (5) 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<sup>59</sup> 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 1993<sup>60, 61</sup>

Article 29

- (6) The States may by Regulations amend the definition “officer” in paragraph (5).

## **29 Powers to move Ministers and to change Ministerial offices**

- (1) The Chief Minister may, subject to the approval of the States, move a Minister from one Ministerial office to another.
- (2) The States may by Regulations – (a) establish and abolish Ministers;
- (b) determine the name by which any Minister shall be described;
- (c) confer functions upon a Minister;
- (d) transfer all or any of the functions exercisable by one Minister to another Minister; and
- (e) direct that the functions exercisable by any Minister shall be or shall cease to be exercisable concurrently with another Minister.
- (3) Regulations made under paragraph (2) may contain such incidental, consequential, supplemental and transitional provisions as may be necessary or expedient for the purpose of giving full effect to the Regulations, including provisions –
- (a) for the transfer of any movable property held, any rights enjoyed and any liabilities (whether civil or criminal) incurred by the Minister 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 to whom functions are transferred of anything commenced,

- before the Regulations have effect, by or under authority of the Minister from whom the functions are transferred;
- (c) for the amendment of enactments relating to any functions transferred or to any Minister who is established, abolished or renamed;
  - (d) for the construction of enactments of the United Kingdom having effect in Jersey relating to any functions transferred or to any Minister who is established, abolished or renamed;
  - (e) for the construction and adaptation of any instrument, contract or legal proceedings made or commenced before the Regulations have effect;
  - (f) where such Regulations establish or abolish Ministers, for the amendment of Article 18(1) so as to increase or decrease the number of Ministers there mentioned; and
  - (g) where such Regulations establish or abolish Ministers or determine the name by which any Minister shall be described, for the consequential amendment of standing orders.
- (4) Only the Chief Minister may lodge draft Regulations to be made under paragraph (2).

#### Article 30

- (5) In this Article, “Minister” includes the Chief Minister.

#### **30 Ministerial delegations to be presented to States<sup>62</sup>**

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

#### **30A List of delegations to be published<sup>63</sup>**

- (1) The Chief Minister shall 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 and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).

- (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 shall be sufficient if the list is published on a website.

### **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<sup>64</sup>,

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 –

Article 32

- (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 or Judicial Greffe passing through those parts of the building giving direct access to the States’ chamber.
- (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 Immunity from legal proceedings**

No civil or criminal proceedings may be instituted against any member of the States –

- (a) for any words spoken before or written in a report to the States or a committee or panel established under standing orders; or

#### Article 35

- (b) by reason of any other matter or thing brought by the member before or within the States or any such committee or panel by petition, proposition or otherwise.

### **35 Minutes of States etc. to be evidence**

A copy of any minutes of the States or of any committee or panel established under standing orders signed by the Greffier of the States or as otherwise provided by standing orders, shall be received in evidence without further proof.

### **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 printing false documents**

- (1) It shall be an offence for a person –
  - (a) to print or cause 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 or of a committee or panel established under standing orders and the same is not so printed;
  - (b) to tender in evidence any such copy as purporting to be so printed, knowing that the same was not so printed.
- (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 enactment or other document by order or under the authority of the States or of a committee or panel established under standing orders.
- (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).

Article 39

- (3) The certificate shall be signed by the Greffier of the States and shall state that the enactment or 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.
- (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.<sup>65</sup>

Article 41

- (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<sup>66</sup>, shall be appointed to ensure the service of the Greffier of the States and Deputy Greffier of the States.<sup>67</sup>
- (7) An officer shall not be appointed under paragraph (6) except with the consent of the Greffier of the States.<sup>68</sup>
- (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.<sup>69</sup>
- (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.<sup>70</sup>
- (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.

Article 42

#### **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<sup>71</sup>**

- (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), “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.

**45** <sup>72</sup>

**46** <sup>73</sup>

**47 Offence of blackmail, menace or compulsion**

A person who blackmails or attempts to blackmail or who offers any threat, assault, obstruction or molestation or attempt to compel by force or menace any Article 48

member of the States, member of a committee of inquiry established under standing orders or officer of the States 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 of opposition to any matter, proposition, question, bill, petition or other thing submitted or intended to be submitted to the States, the Council of Ministers, the Chief Minister, any other Minister, an Assistant Minister or any committee or panel established under standing orders, or who is a party to such an offence, shall be guilty of an offence and liable to imprisonment for a term of 5 years and a fine.

**48 Standing orders**

- (1) The States shall make standing orders to give effect to this Law and to regulate their proceedings and business and the conduct of elected members.
- (2) Standing orders made under paragraph (1) shall –
  - (a) establish a Privileges and Procedures Committee;
  - (b) require the States to appoint an elected member, who is neither a Minister or Assistant Minister, to be its chairman;
  - (c) require the States to appoint to be members of such Committee –
    - (i) 4 elected members who are not Ministers or Assistant Ministers, and
    - (ii) 2 elected members who are Ministers or Assistant Ministers;
  - (d) state the terms of reference of such Committee.

- (3) Standing orders made under paragraph (1) shall –
- (a) establish a Public Accounts Committee;
  - (b) require the States to appoint an elected member who is not a Minister or an Assistant Minister to be chairman of such committee;
  - (c) require the States to appoint at least 4 persons to be members of such Committee of whom –
    - (i) 50% shall be elected members, who are not Ministers or Assistant Ministers, and
    - (ii) 50% shall be persons who are not members of the States; (d) state the terms of reference of such Committee.
- (3A) Standing orders made under paragraph (1) shall – (a) establish a Planning Applications Committee;
- (b) require the States to appoint an elected member, who is not a Minister, to be its chairman; and
  - (c) require the States to appoint to be members of that Panel at least 3 and no more than 9 elected members who are not Ministers.<sup>74</sup>
- (4) Standing orders made under paragraph (1) shall make provision for scrutiny, which shall include provision for the agreement of a code of practice for engagement, for the purposes of scrutiny, between elected members conducting scrutiny and Ministers and Assistant Ministers.<sup>75</sup>

Article 49

- (5) Standing orders made under paragraph (1) –
- (a) shall include provision requiring minutes of decisions of the States to be taken and kept; and
  - (b) shall include provision requiring written transcripts of proceedings of the States to be prepared and kept.
- (6) Standing orders made under paragraph (1) may establish committees of inquiry, whose members may or may not be members of the States.
- (7) Standing orders made under paragraph (1) may, but not by way of limitation –
- (a) prescribe anything that shall or may be prescribed under this Law;
  - (b) establish committees in addition to the committees described in the foregoing paragraphs;
  - (c) establish the procedure for any appointment or dismissal under this Law or standing orders;
  - (d) restrict the eligibility of an elected member for any appointment under this Law or standing orders;

- (e) regulate the entry of strangers to and require the withdrawal of strangers from the precincts of the States.
- (8) Notwithstanding Article 3(1) of the Official Publications (Jersey) Law 1960<sup>76</sup>, the Greffier of the States shall not be required to publish in the Jersey Gazette a notice relating to the passing of standing orders.
- (9) In this Article “Minister” includes the Chief Minister.

#### **49 Regulations: powers, privileges and immunities**

The States may by Regulations –

- (a) confer on members of committees established by or in accordance with standing orders who are not members of the States immunity from civil and criminal proceedings in their capacity as members of such committees;
- (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 2 years and to a fine of level 4 on the standard scale for any person to –
  - (i) disobey any lawful order made by a committee or 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;

#### Article 50

- (e) confer on persons appearing before any committee or panel established by or in accordance with standing orders immunity from civil and criminal proceedings for words spoken before or in a written report to the committee or panel;
- (f) confer on persons appointed by any committee or panel established by or in accordance with standing orders to advise the committee or panel on any technical matter, immunity from civil and criminal proceedings when questioning persons appearing before the committee or panel.<sup>77</sup>

#### **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<sup>78</sup> 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.

Article 51

- (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 this Article may include such ancillary, consequential and supplementary provision as the States think fit.

**51 Authority for prosecutions**

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

**51A Service of documents on Ministers<sup>79</sup>**

- (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

**SCHEDULE 1**

(Article 4(2))

**DEPUTIES' CONSTITUENCIES**

<i>Constituencies</i>	<i>Number of Deputies to be returned</i>
Saint 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
Saint Saviour –	
Vingtaine de la Petite Longueville	2
Vingtaine de Sous l’Eglise	2
Vingtaine de Maufant, de Sous la Hougue, des Pigneaux et de la Grande Longueville	1
Saint Brelade –	
Vingtaine de Noirmont et du Coin	1
Vingtaines des Quennevais et de la Moye	2
Saint Clement	2
Saint Lawrence	2
Grouville	1
Saint Martin	1
Trinity	1
Saint John	1
Saint Mary	1
Saint Peter	1
Saint Ouen	1

SCHEDULE 2

**SCHEDULE 2**

(Articles 11 and 41)

**OATHS**

**PART 1**

(Article 11)

**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.

## **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 Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of Jersey.

### **SCHEDULE 3**

### **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**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
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)
States of Jersey (Period for Ordinary Election) (Jersey) Regulations 2005	R&O.71/2005	26 July 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
Employment of States of Jersey Employees (Jersey) Law 2005	L.26/2005	9 December 2005 (R&O.156/2005)
States of Jersey (Amendment No. 2) Law 2006	L.2/2006	20 January 2006
Corruption (Jersey) Law 2006	L.12/2006	6 March 2007 (R&O.38/2007)
States of Jersey (Amendment No. 3) Law 2008	L.21/2008	4 April 2008
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

States of Jersey (Amendment No. 5) Law 2009	L.13/2009	3 April 2009
---------------------------------------------	-----------	--------------

Endnotes

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
States of Jersey (Period for Election) (Jersey) Regulations 2010	R&O.60/2010	30 June 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; Article 4 – 3 November 2014
States of Jersey (Minister for External Relations) (Jersey) Regulations 2013	R&O.125/2013	10 September 2013
States of Jersey (Amendment No. 6) Law 2013	L.13/2013	19 October 2013
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014	L.7/2014	4 August 2014 (R&O.102/2014)
States of Jersey (Amendment No. 7) Law 2014	L.19/2014	15 October 2014 (R&O.145/2014)
States of Jersey (Amendment No. 8) Law 2014	L.20/2014	26 July 2014
Planning and Building (Amendment No. 6) (Jersey) Law 2014	L.34/2014	10th March 2015 (R&O.20/2015)

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
19A	20
20	21
21	22
22	23
23	24
24	25
25	26
26	27
27	28
28	29
29	30



30	31
31	32
32	33
33	34
34	35
35	36
36	37
37	38
38	39
39	40
40	41
40(4A)	41(5)
40(5)	41(6)
<b>Original</b>	<b>Current</b>
40(5A)	41(7)
40(5B)	41(8)
40(5C)	41(9)
40(6)	41(10)
40(7)	41(11)
40(8)	41(12)
40(9)	41(13)
40(10)	41(14)
40(11)	41(15)
40(12)	41(16)
40(13)	41(17)
40(14)	41(18)
41	42
42	43
43	44
44	45
45	46
46	47
47	48
48	49
49	50
50	51
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

- <sup>1</sup> Article 2(1)      amended by L.13/2011  
<sup>2</sup> Article 4A      inserted by L.22/2008  
<sup>3</sup>                      chapter 16.325  
<sup>4</sup> Article 5        substituted by L.13/2011  
<sup>5</sup> Article 6        substituted by L.13/2011  
<sup>6</sup> Article 6A      inserted by L.13/2011  
<sup>7</sup>                      chapter 16.600  
<sup>8</sup> Article 7(2)    substituted by L.22/2008  
<sup>9</sup>                      chapter 20.650  
<sup>10</sup>                     chapter 08.090

### Endnotes

- <sup>11</sup>                     Article 8(1)    amended by L.12/2006  
<sup>12</sup>                     chapter 08.840  
<sup>13</sup>                     chapter 08.680  
<sup>14</sup>                     Article 9(1)    amended by L.7/2014  
<sup>15</sup>                     chapter 16.600  
<sup>16</sup>                     chapter 16.600  
<sup>17</sup>                     Article 13(5)   amended by L.13/2011  
<sup>18</sup>                     Article 13(8)   amended by L.13/2011  
<sup>19</sup>                     Article 14      amended by L.13/2011  
<sup>20</sup>                     Article 15      amended by L.13/2011  
<sup>21</sup>                     Article 18(1)   substituted by L.19/2014  
<sup>22</sup>                     Article 18(2)   amended by L.19/2014  
<sup>23</sup>                     Article 18(3A)   inserted by L.19/2014  
<sup>24</sup>                     Article 18(3B)   inserted by L.19/2014  
<sup>25</sup>                     Article 18(3C)   inserted by L.19/2014  
<sup>26</sup>                     Article 18(3D)   inserted by L.19/2014



- 27 *Article 18(6) added by L.19/2014*
- 28 *Article 19(3) substituted by L.22/2005*
- 29 *Article 19(4) substituted by L.22/2005*
- 30 *Article 19(5) substituted by L.22/2005*
- 31 *Article 19(6) substituted by L.22/2005*
- 32 *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”.<sup>33</sup> Article 20 inserted by L.22/2005*
- 34 *Article 21(1) amended by L.19/2014*
- 35 *Article 21(3) amended by L.19/2014*
- 36 *Article 21(4) substituted by L.19/2014*
- 37 *Article 21(5) substituted by L.19/2014*
- 38 *Article 21(6) repealed by L.19/2014*
- 39 *Article 21(7) repealed by L.19/2014*
- 40 *Article 21A repealed by L.19/2014*
- 41 *Article 23(3) substituted by L.22/2005*
- 42 *Article 23(4) added by L.22/2005*
- 43 *Article 25(1) amended by L.19/2014*
- 44 *Article 25(3) repealed by L.19/2014*
- 45 *Article 25(5) added by L.19/2014 (former paragraph (5) repealed by L.19/2014)*
- 46 *Article 25(6) added by L.19/2014*
- 47 *Article 25A inserted by L.19/2014*
- 48 *chapter 16.325*
- 49 *Article 26(7) amended by L.26/2005*
- 50 *Article 27(1A) inserted by L.13/2013*
- 51 *Article 27(1B) inserted by L.13/2013*
- 52 *Article 27(1C) inserted by L.13/2013*
- 53 *Article 27(1D) inserted by L.13/2013*
- 54 *Article 27(1E) inserted by L.13/2013*
- 55 *Article 27(1F) inserted by L.13/2013*
- 56 *Article 28(1A) inserted by L.19/2014*
- 57 *Article 28(1B) inserted by L.19/2014*
- 58 *Article 28(2) amended by L.19/2014*
- 59 *chapter 16.325*
- 60 *chapter 21.700*
- 61 *Article 28(5) amended by L.26/2005*
- 62 *Article 30 substituted by L.13/2009*
- 63 *Article 30A inserted by L.13/2009*
- 64 *chapters 09.090 and 09.135*
- 65 *Article 41(5) inserted by L.26/2005*
- 66 *chapter 16.325*
- 67 *Article 41(6) amended by L.26/2005*
- 68 *Article 41(7) inserted by L.26/2005*
- 69 *Article 41(8) inserted by L.26/2005*

- <sup>70</sup> Article 41(9)      *inserted by L.26/2005*  
<sup>71</sup> Article 44        *substituted by L.13/2009*  
<sup>72</sup> Article 45        *repealed by L.12/2006*  
<sup>73</sup> Article 46        *repealed by L.12/2006*  
<sup>74</sup> Article 48(3A)   *inserted by L.34/2014*  
<sup>75</sup> Article 48(4)     *substituted by L.19/2014*  
<sup>76</sup>                      *chapter 15.440*  
<sup>77</sup> Article 49        *amended by L.21/2008, L.19/2014*  
<sup>78</sup>                      *chapter 16.800 (revised edition 31 August 2004)*  
<sup>79</sup> Article 51A       *inserted by L.20/2014*

