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by the Legislation Committee**



STATES OF JERSEY

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Report

If adopted, this draft Act will bring into force the States of Jersey (Amendment No. 7) Law 2000, which was adopted by the States on 12th October 1999 and sanctioned by Order of Her Majesty in Council on 8th February 2000.

This amendment to the States of Jersey Law 1966 was promoted by the Legislation Committee, as previously constituted, in response to a proposition of the then Senator J.S. Rothwell (P.132/93) which was adopted by the States on 28th September 1993 and was in the following terms -

“requested the Legislation Committee to prepare an amendment to the States of Jersey Law 1966 to enable formal inquiries to be conducted by one or more persons, appointed by the States, but not necessarily members of the States, with all the powers and protections provided by Articles 41 to 46 and 49 of the Law.”

This proposition arose following advice to the then Bailiff from the then Solicitor General that the States could not appoint persons who were not States members on to a Committee of Inquiry.

The Legislation Committee, in pursuance of the States decision, took advice from the Attorney General and subsequently from leading London Counsel on how best to achieve the objectives set by the States.

The Committee decided that it would proceed on the basis of the advice it had received and in particular that -

- (a) it would be possible for a Committee of Inquiry to be made up of persons who were members of the States and persons who were not, or wholly of persons in either category;
- (b) the power to appoint a Committee of Inquiry would, as now, be exercised by the States;
- (c) the grounds for appointing a Committee of Inquiry (i.e. to investigate “any definite matter of public importance”) (Article 30 of the 1966 Law) would remain;
- (d) new-style Committees of Inquiry would have power to compel attendance of witnesses, and production of documents, etc.;
- (e) Committees of Inquiry would generally sit in public, though with a power to sit in private where the public interest so required;
- (f) a Committee of Inquiry would have the right to be assisted by a lawyer or other suitable person, and that interested parties would, with the Committee’s consent, be allowed legal representation;
- (g) all members of a Committee of Inquiry would be given immunity from civil or criminal proceedings in respect of the inquiry and all of them should take an oath on appointment.

The States of Jersey (Amendment No. 7) (Jersey) Law 2000 made provision for all the above matters. The scheme of the Law is that all provisions dealing with Committees of Inquiry were placed in a new and separate Part IIIA of the 1966 Law.

It should be noted that a Committee of Inquiry may consist of between one and five members.

In addition to the provisions relating to Committees of Inquiry the opportunity was taken in the Law to relate the penalties for offences in the principal Law to the standard scale of fines as set out in the Criminal Justice (Standard Scales of Fines) (Jersey) Law 1993.

If this draft Appointed Day Act is adopted by the States, the new Law will come into effect on 15th November 2000 and will apply to Committees of Inquiry appointed after that date.

Explanatory Note

The purpose of this Act is to appoint 15th November 2000 as the day on which the States of Jersey (Amendment No. 7) Law 2000 shall come into force. The Law was adopted by the States on 12th October 1999 (P.114 of 1999).

States of Jersey (Amendment No. 7) Law 2000

STATES OF JERSEY (AMENDMENT No. 7) LAW 2000
(APPOINTED DAY) ACT 2000

(Promulgated on the day of 2000)

STATES OF JERSEY

The day of 2000

THE STATES, in pursuance of Article 11 of the States of Jersey (Amendment No. 7) Law 2000, [\[1\]](#) have made the following Act -

1. The States of Jersey (Amendment No. 7) Law 2000 shall come into force on the fifteenth day of November 2000.
2. This Act may be cited as the States of Jersey (Amendment No. 7) Law 2000 (Appointed Day) Act 2000.

[\[1\]](#) Recueil des Lois, Volume 2000, page 27.