

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2019**

**Question**

Will H.M. Attorney General advise members what legal protections are granted to witnesses who give evidence to Scrutiny Panels or Review Panels; and will he also state where in legislation any such protections are enshrined and whether there are any limitations on those protections?

**Answer**

The relevant provisions falls within the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006.

The key provision is Regulation 8 which is entitled “Privileges and immunity of person appearing before or producing documents to a scrutiny panel or the PAC”

**“Regulation 8**

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

Accordingly, evidence given by a witness to a Scrutiny Panel is not admissible in evidence against them in any civil or criminal proceedings unless they give evidence which they know to be untrue.

The 2006 Regulations only apply to Scrutiny Panels, Sub Panels, PAC or PPC. They would not apply to a Review Panel which does not fall within that definition, for example a Review Panel set up by the Chairman’s Committee. But on the general principles of Parliamentary Privilege which the Assembly enjoys, there is a strong argument that the same principles would apply. To put the matter beyond doubt would require an amendment to the 2006 Regulations to ensure that they extend to Review Panels.

The Regulations are made under Article 49 of the States of Jersey Law 2005 which permits the States by regulation to 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.