

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Scrutiny of States and Public Bodies (Guernsey)
Ordinance, 2020 (Commencement) Regulations, 2020**

Made

30th April, 2020

Coming into operation

4th May, 2020

THE SCRUTINY MANAGEMENT COMMITTEE, in exercise of the powers conferred on it by section 12 of the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020, and all other powers enabling them in that behalf, hereby orders:-

Commencement of the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.

1. The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 shall come into force on the 4th May, 2020.

Citation.

2. These Regulations may be cited as the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 (Commencement) Regulations, 2020.

Dated this 30th day of April, 2020



C. J. GREEN

President of the Scrutiny Management Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020

This Ordinance empowers the States Scrutiny Management Committee (the "SMC") to apply to the Court for an Order requiring a person to appear before and produce documents to that committee or a scrutiny panel appointed by it, and provides for privilege, confidentiality and immunity in respect of evidence given to the SMC or a scrutiny panel.

Section 1 requires the SMC to *ask* a person to produce documents or appear before it to give evidence before applying to the Court for an Order *requiring* that person to do so, and to accommodate certain requests if made by that person in response to such a request. It goes on to provide the grounds for an application to the Court by the SMC if a person refuses to comply with a request made by it, and to make further provision in respect of such applications. Section 2 makes provision in relation to Orders made pursuant to an application under section 1, including provision as to the service of such Orders.

Section 3 amends Article 20E of the Reform (Guernsey) Law, 1948, and provides that a person appearing before the SMC or a scrutiny panel ("a witness") may refuse to answer a question on the grounds of a privilege conferred by that Article. Section 4 provides grounds on which a witness may challenge a question put to him or her by the SMC or a scrutiny panel, and for such a challenge to be considered in closed session. Section 5 confers a right for a witness to request the SMC or scrutiny panel to go into closed session for part of his or her evidence on specified grounds. Section 6 confers immunity from proceedings on witnesses and excludes answers given by witnesses from use in other proceedings, but allows the person chairing the meeting to withdraw that immunity and/or exclusion from further questions, having given a warning to that effect, if of opinion that the witness may be abusing such protection. The section does not preclude the institution of criminal proceedings under section 8.

Sections 7 to 9 create criminal offences. Section 7 makes it an offence without reasonable excuse to disobey a Court order requiring a person to appear before the SMC or a scrutiny panel or to refuse to comply with a requirement to be examined before or answer any lawful and relevant question put by the SMC or scrutiny panel. It makes clear that exercising a right conferred under sections 3 to 5 – for example, to challenge a question under section 4 – is a reasonable excuse for these purposes. Section 8 creates an offence (in standard terms) of making false statements and producing false or misleading information and documents, and section 9 makes it an offence to interfere with witnesses appearing before or producing documents to the

SMC or a scrutiny panel. Sections 10, 11 and 12 deal with interpretation, citation and commencement.

Link to the Policy Letter: <https://www.gov.gg/CHttpHandler.ashx?id=99878&p=0>

Link to the resolution: <https://www.gov.gg/CHttpHandler.ashx?id=100770&p=0>

These Regulations bring into force on the 4th May, 2020 The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.