



Jersey

**INTERNATIONAL CO-OPERATION
(PROTECTION FROM LIABILITY)
(JERSEY) LAW 2018**

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued
under the authority of the Legislation (Jersey) Law 2021.

17.510

Showing the law from 18 June 2019 to Current



Jersey

INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) (JERSEY) LAW 2018

Contents

Article

1	Interpretation	5
2	Protection from liability for damages, costs and consequential loss	5
3	Regulations.....	6
4	6
5	Citation and commencement	6

SCHEDULE 1 **7**

ENACTMENTS UNDER WHICH A PUBLIC AUTHORITY IS PROTECTED FROM LIABILITY	7
---	---

SCHEDULE 2 **7**

ENDNOTES **8**

Table of Legislation History	8
Table of Endnote References	8



Jersey

INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) (JERSEY) LAW 2018

A LAW to make provision for protection from liability against claims for damages, costs and consequential loss in cases where a public authority provides assistance pursuant to a request made by a relevant authority of a country or territory outside Jersey, and for connected purposes.

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“assistance” includes –

- (a) assistance in respect of obtaining evidence or information, obtaining assets, conducting investigations and conducting searches; and
- (b) assistance in any legal proceedings, including proceedings to establish the lawfulness of a decision to give assistance;

“damages” includes loss or damage to property;

“Minister” means the Chief Minister;

“public authority” includes –

- (a) any person certain functions of whose are functions of a public nature; and
- (b) a person who is or has been, or is acting or has acted as, an officer or agent of a person referred to in paragraph (a),

but does not include a court or tribunal or an officer of a court or tribunal;

“relevant authority”, in relation to a country or territory outside Jersey, means an authority in that country or territory that requests assistance.

2 Protection from liability for damages, costs and consequential loss

- (1) Subject to paragraphs (2) and (3) but despite any other provision in any other enactment to the contrary, a public authority shall not be liable –
 - (a) in damages;
 - (b) for consequential loss; or

- (c) for costs in legal proceedings,
in respect of any act done in the discharge or purported discharge of the public authority's functions under any enactment specified in Schedule 1 or Regulations or an Order made under such enactment which entitles the public authority to give assistance to a relevant authority of any country or territory outside Jersey unless it is shown that the act was done in bad faith.
- (2) Paragraph (1) shall not apply so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).
- (3) A public authority may rely on the good faith of the relevant authority to which it gave the assistance referred to in paragraph (1) to prove that the public authority did not act in bad faith.
- (4) The Minister may by Order exclude any type of damages, costs or consequential loss in respect of assistance in any legal proceedings from the application of this Law.

3 Regulations

The States may by Regulations –

- (a) make such other provision as the States think fit for the purposes of carrying this Law into effect;
- (b) amend Schedule 1;
- (c) make such consequential, incidental, supplementary or transitional provisions as appear to the States to be necessary or expedient, including provisions making amendments to any other enactment as appear to the States to be expedient –
 - (i) for the general purposes, or any particular purpose, of this Law,
 - (ii) in consequence of any provision made by or under this Law, or
 - (iii) for giving full effect to this Law or any provision of it.

4 ¹

5 Citation and commencement

This Law may be cited as the International Co-operation (Protection from Liability) (Jersey) Law 2018 and shall come into force on such day or days as the States may by Act appoint.

SCHEDULE 1

(Article 2(1))

**ENACTMENTS UNDER WHICH A PUBLIC AUTHORITY IS PROTECTED FROM
LIABILITY**

1. [Bankers' Books Evidence \(Jersey\) Law 1986](#)
2. [Civil Asset Recovery \(International Co-operation\) \(Jersey\) Law 2007](#)
3. [Competition \(Jersey\) Law 2005](#)
4. [Criminal Justice \(International Co-operation\) \(Jersey\) Law 2001](#)
5. [Financial Services \(Jersey\) Law 1998](#)
6. [International Criminal Court \(Jersey\) Law 2014](#)
7. [Investigation of Fraud \(Jersey\) Law 1991](#)
8. [Proceeds of Crime \(Jersey\) Law 1999](#)
9. [Taxation \(Implementation\) \(Jersey\) Law 2004](#)

SCHEDULE 2²

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
International Co-operation (Protection from Liability) (Jersey) Law 2018	L.29/2018	18 June 2019 (R&O.48/2019)	P.54/2018

°Projets available at www.statesassembly.gov.je

Table of Endnote References

¹ Article 4 *spent, omitted*

² Schedule 2 *spent, omitted*