

ORDER IN COUNCIL

XIII

1971

REFERRING

to a Petition to Her Majesty in Council supported by
14,758 Inhabitants of the Bailiwick of Guernsey.

(Registered on the Records of the Island of Guernsey
on the 23rd day of November, 1971.)



1971.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of November, 1971, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of November, 1971, referring to a Petition to Her Majesty in Council supported by 14,758 inhabitants of the Bailiwick of Guernsey, the Court, after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace.

The 12th day of November 1971

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD DRUMALBYN

MR. SECRETARY CARR

MR. CHATAWAY

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 8th day of November 1971, as set forth in the Schedule to this Order:

NOW THEREFORE Her Majesty, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve thereof.

AND HER MAJESTY doth hereby direct that this Order be entered upon the Register of the Island of Guernsey and be published in the Bailiwick.

W. G. Agnew

SCHEDULE

Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 8th day of November 1971.

“Your Majesty having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of Your Majesty’s most loyal and devoted subjects the inhabitants of the Bailiwick of Guernsey, setting forth:—

‘THAT the Islands of Guernsey, Alderney, Sark, Herm and Jethou, which together form the Bailiwick of Guernsey have, from time immemorial, formed part of the Duchy of Normandy. They have never been part of England or of the United Kingdom.

‘THAT in 1066 William, 7th Duke of Normandy, became King of England and between then and 1204, except for a brief period, England and the Duchy of Normandy were united in the person of the occupant of the Throne of England who was the Sovereign of England and the Duke of Normandy.

‘THAT with the loss by England of continental Normandy in 1204 some alternative administration for the Islands had to be framed by the Crown of England to replace that of the Dukes of Normandy. The basis of this administration is known as the “Constitutions of King John” and was inspired by a care to satisfy the inhabitants of the Islands that their ancient customs and rights would be observed and to preserve, as far as possible, the order of things that existed before the loss of continental Normandy.

‘THAT Your Majesty’s Royal Progenitors from King Henry III to King Charles II, by the granting of a number of Royal Charters, confirmed the privileges, immunities and exemptions of the inhabitants of these Islands and their right to be governed in accordance with their own customs and laws as they had been for time beyond the memory of man.

‘THAT neither Your Majesty nor Your Majesty’s Royal Progenitors has sought to impose legislation on these Islands relating to the internal affairs of the Bailiwick, save in very exceptional circumstances, nor has taxation ever been raised for any purpose other than the public needs of the community within the Bailiwick.

‘THAT the inhabitants of these Islands are not, never have been and have no desire to be, represented in Parliament at Westminster.

‘THAT Your Majesty’s Government in the United Kingdom are now seeking the approval of Parliament for a Treaty of Accession to the Treaty of Rome and have informed the Insular Authorities that in the event of the United Kingdom becoming a member of the European Economic Community that membership would automatically include the Bailiwick of Guernsey, subject only to whatever modifications to the Treaty of Rome Your Majesty’s Government may negotiate with the existing members of the European Economic Community on behalf of the inhabitants of the Bailiwick.

‘THAT in the event of the United Kingdom accession to the Treaty of Rome Your Majesty’s

Government will be bound by the terms of the Treaty of Rome to enact legislation affecting taxation and other matters required to conform to European Economic Community laws and regulations and they would be further bound to extend this legislation to the Bailiwick of Guernsey in all matters save where specific exceptions have been negotiated.

‘THAT such action on the part of Your Majesty’s Government would constitute a unilateral abrogation of the constitutional rights, privileges, immunities and exemptions enjoyed by the inhabitants of the Bailiwick of Guernsey since time immemorial and would be wholly inconsistent with the principles accepted by the United Kingdom when they subscribed to the United Nations Universal Declaration of Human Rights which enshrined the principle of “No Legislation Without Representation”.

‘THAT if Your Majesty’s Government legislates for the Bailiwick of Guernsey in any taxation matter or in any other matter which has long been accepted as the responsibility and concern of the Insular Authorities such legislation will be an infringement of the United Nations General Assembly Resolution 1514 (XV) of 14th December, 1960.

‘THAT the inhabitants of the Bailiwick of Guernsey stand in fear that their political status and economic, social and cultural developments are in danger of being severely damaged by the action of Your Majesty’s Government in the United Kingdom seeking to include the Bailiwick within their application for membership of the European Economic Community.

'AND most humbly praying that Your Majesty might be graciously pleased to take such measures as Your Majesty might be pleased to consider appropriate to ensure that no legislation is passed by Your Majesty's Government in the United Kingdom which would in any way alter or modify the constitutional relationship that exists between the Crown of England and the inhabitants of the Bailiwick of Guernsey or the rights, privileges, immunities and exemptions that Your Majesty's loyal and devoted subjects have enjoyed under the patronage of Your Majesty, Your Majesty's Royal Progenitors the Kings and Queens of England since 1204 and before them the Dukes of Normandy since time immemorial.'

"The Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have taken the said Petition into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that while it may not be advisable for Your Majesty to comply with the prayer of the said Petition in so far as it would have the effect of binding the Crown in perpetuity and not only in the context of its preamble, an assurance can be given that Your Majesty's Government has no present intention of seeking in any way to impose upon the Bailiwick a change in its constitutional relationship with the Crown or unilaterally to abrogate any of the rights and privileges enjoyed by its inhabitants.

"The Lords of the Committee appreciate that the prayer has been submitted in the context of the application by Your Majesty's Government for membership of the European Economic Community and it would be appropriate, in their

opinion, for an assurance to be given that the concern of the inhabitants of the Bailiwick over the proposed accession of Your Majesty's Government to the Treaty of Rome is one of which Your Majesty's Government is keenly aware and that its endeavours in the negotiations with the European Economic Community on behalf of the Channel Islands and the Isle of Man have been directed throughout towards protecting the rights and interests of the Islands and meeting the wishes of their representatives. The Lords of the Committee have been informed that Your Majesty's Government has, furthermore, given an assurance that the terms negotiated with the Community will be presented to the Island legislatures for consideration and that, if any Island legislature finds those terms unacceptable, Your Majesty's Government will not seek to impose accession to the Community on it."

R. H. VIDELO,

Her Majesty's Greffier.