

# PROJET DE LOI

ENTITLED

## **The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

© States of Guernsey

---

\* No. I of 2019; as amended by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 (G.S.I. No. 6 of 2020); the European Union (General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 (G.S.I. No. 153 of 2020).

# PROJET DE LOI

ENTITLED

## **The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018**

### ARRANGEMENT OF SECTIONS

1. Repeal of the European Communities Law, 1973.
- 1A. Repeal of the European Economic Area Law, 1996.
2. Saving for EU provisions on exit day.
3. Preserved EU law.
4. Status of Implementation Law and other enactments implementing EU provisions.
5. Power to disapply, amend etc. Preserved EU law and other provisions.
6. Interpretation of Preserved EU law, etc.
7. Challenges to validity of Preserved EU law.
8. Status of Preserved EU law.
9. Provision in respect of the withdrawal agreement.
10. Provision in respect of the EU Charter of Fundamental Rights.
11. General provisions as to Ordinances and regulations.
12. Interpretation.
13. Amendments to enactments and other consequential, transitional etc. provision.
14. Citation.
15. Commencement.

SCHEDULE 1 Consequential, transitional and saving provision.

SCHEDULE 2: Meaning of "the EU Treaties".

## **The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018**

**THE STATES**, in pursuance of their Resolution of the 8<sup>th</sup> day of November, 2017<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### **Repeal of the European Communities Law, 1973.**

1. (1) The European Communities (Bailiwick of Guernsey) Law, 1973<sup>b</sup> ("**the 1973 Law**") is repealed on exit day.

(2) For the avoidance of doubt, regulations under section 5 may be made in respect of the 1973 Law before exit day.

### **[Repeal of the European Economic Area Law, 1996.]**

1A. (1) The European Economic Area (Bailiwick of Guernsey), 1996, ("**the 1996 Law**") is repealed on exit day.

(2) For the avoidance of doubt, regulations under section 5 may be made in respect of the 1996 Law before exit day.]

---

#### **NOTE**

*Section 1A was inserted by the European Union (Withdrawal Agreement)*

---

<sup>a</sup> Article III of Billet d'État No. XXI of 2017.

<sup>b</sup> Ordres en Conseil Vol. XXIV, p. 87; amended by Vol. XXVII, p. 242; Vol. XXIX, pp. 127 and 419; Vol. XXXI, p. 278; Order in Council No. XXV of 2002; Recueil d'Ordonnances Tome XXVI, p. 316; Tome XXVIII, p. 79; Ordinance No. XLVII of 2001; No. XVIII of 2003; No. XXXIII of 2003; No. II of 2007; No. XIX of 2014; No. IX of 2016.

*(Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 1, with effect from 11 p.m. on 31st December, 2020.*

---

**Saving for EU provisions on exit day.**

2. Notwithstanding the repeal of the 1973 Law [and the 1996 Law], any EU provision that was directly applicable or otherwise had effect in, or was binding upon, the Bailiwick or any part thereof immediately before exit day continues so to have effect in the same way as immediately before exit day –

- (a) unless and until disapplied by regulations under section 5,
- (b) subject to such exceptions, adaptations and modifications as may be prescribed by regulations under section 5, and
- (c) subject to the provisions of any enactment coming into force on or after exit day.

---

**NOTE**

*In section 2, the words in square brackets were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 3(a), with effect from 11 p.m. on 31st December, 2020.*

---

**Preserved EU law.**

3. (1) In this Law, "**Preserved EU law**" means –
- (a) EU provisions which continue to have effect in the Bailiwick or any part thereof under section 2, and

- (b) EU provisions which have effect in the Bailiwick or any part thereof by virtue of an Ordinance made under section 9 [and are specified as such by such an Ordinance].

(2) The Policy & Resources Committee may from time to time, and after consultation with Her Majesty's Procureur, publish information (in such form as the Policy & Resources Committee thinks fit) relating to Preserved EU law, including (but not limited to) examples of Preserved EU law.

---

**NOTE**

*In section 3, the words in square brackets in paragraph (b) were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 3(b), with effect from 11 p.m. on 31st December, 2020.*

---

**Status of Implementation Law and other enactments implementing EU provisions.**

4. (1) Notwithstanding the repeal of the 1973 Law by section 1 [and the repeal of the 1996 Law by section 1A], and for the avoidance of doubt, the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994<sup>c</sup> ("**the Implementation Law**") continues to have effect.

(2) Accordingly –

- (a) sections 1 and 4 of the Implementation Law (implementation of EU provisions and general provisions as to Ordinances) continue to have effect, and

---

<sup>c</sup> Ordres en Conseil Vol. XXXV(1), p. 65.

- (b) any Ordinance made under those sections and in force immediately before exit day, continues to have effect in the same way as immediately before exit day –
  - (i) unless and until amended or repealed by –
    - (A) a further Ordinance under that Law,
    - (B) regulations under section 5, or
    - (C) an Ordinance under the European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018<sup>d</sup>,
  - (ii) subject to such exceptions, adaptations and modifications as may be prescribed by regulations under section 5, and
  - (iii) subject to the provisions of any enactment coming into force on or after exit day.

(3) Notwithstanding the repeal of the 1973 Law by section 1[and the repeal of the 1996 Law by section 1A], and for the avoidance of doubt, any enactment other than the Implementation Law in force immediately before exit day which implemented any EU provision in the Bailiwick, or any part thereof, continues to have effect, in the same way as immediately before exit day –

- (a) unless and until amended or repealed by regulations

---

<sup>d</sup> Order in Council No. \* of 2018.

under section 5,

- (b) subject to such exceptions, adaptations and modifications as may be prescribed by regulations under section 5, and
- (c) subject to the provisions of any enactment coming into force on or after exit day.

---

**NOTE**

*In section 4, the words in square brackets in subsection (1) and subsection (3) were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 3(c), with effect from 11 p.m. on 31st December, 2020.*

---

**Power to disapply, amend etc. Preserved EU law and other provisions.**

5. (1) For the purpose set out in subsection (2), and subject to subsection (3), the relevant Committee may by regulation –

- (a) provide for the disapplication of any Preserved EU law,
- (b) provide that any Preserved EU law shall have effect subject to such exceptions, adaptations and modifications as may be prescribed by the regulations,
- (c) amend or repeal any enactment (including this Law),  
[...]
- (d) provide that any enactment shall have effect subject to such exceptions, adaptations and modifications as may be prescribed by the regulations [or

- (e) make such provision as it considers to be necessary or expedient for the purposes of –
  - (i) the implementation of the Brexit Agreements or any obligations under them,
  - (ii) supplementing the effect of section 5A of the 1973 Law or section 9 of this Law in relation to the Brexit Agreements, or
  - (iii) otherwise dealing with matters arising out of, or related to, the Brexit Agreements (including matters arising by virtue of section 5A of the 1973 Law or section 9 of this Law and those Agreements).]

(2) The purpose is to make provision which is necessary or expedient in consequence of the repeal of the 1973 Law [and the 1996 Law] or otherwise in consequence of the withdrawal of the United Kingdom from the EU.

(3) The relevant Committee has no power to make regulations under this section unless Her Majesty's Procureur has certified that –

- (a) their enactment satisfies the purpose set out in subsection (2), and is necessary or expedient in the public interest, and
- (b) they are compatible with Convention rights, and do not otherwise contravene any international obligation of the United Kingdom binding on the Bailiwick (or any part



thereof).

(4) The "**relevant Committee**" means, in relation to –

- (a) Preserved EU law, or
- (b) an enactment,

applying –

- (i) in Alderney only, the Alderney Committee,
- (ii) in Sark only, the Sark Committee, and
- (iii) in any other case, the Policy & Resources Committee.

---

## NOTES

*In section 5, first, the words in square brackets in subsection (2) were inserted, second, the word omitted in square brackets at the end of paragraph (c) of subsection (1) was repealed and, third, paragraph (e) and the word at the end of paragraph (d) thereof were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, respectively paragraph 3(d), paragraph 4(a) and paragraph 4(b), with effect from 28th January, 2020.*

*The following Regulations have been made under section 5:*

*Animal Health (Brexit) (Amendment) (Guernsey) Regulations, 2019;  
Bees (Importation and Prevention of Disease) (Brexit) (Amendment) (Guernsey) Regulations, 2019;  
Cash Controls (Specified Amount) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;  
Communications, Broadcasting and Wireless Telegraphy (Brexit) (Bailiwick of Guernsey) Regulations, 2019;  
Companies (Panel on Takeovers and Mergers) (Brexit) (Guernsey) Regulations, 2019;*

*Companies (Regulation of Auditors) (Brexit) (Guernsey) Regulations, 2019;*  
*European Communities (Food and Feed Controls) (Brexit) (Guernsey) Regulations, 2019;*  
*Export Control (Brexit) (Bailiwick of Guernsey) Regulations, 2019;*  
*Medicines (Human and Veterinary) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;*  
*Motor Vehicles (International Circulation) (Alderney) (Brexit) Regulations, 2019;*  
*Motor Vehicles (International Circulation) (Guernsey and Alderney) (Brexit) Regulations, 2019;*  
*Road Traffic (Construction and Use of Motor Vehicles) (Guernsey) (Brexit) Regulations, 2019;*  
*Terrorist Asset Freezing (Designations) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;*  
*Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020;*  
*Customs and Excise (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2020;*  
*Customs and Excise (Brexit) (Amendment) (No. 2) (Bailiwick of Guernsey) Regulations, 2020;*  
*Employment Permits (Brexit) (Alderney) Regulations, 2020;*  
*European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (Patent Co-operation Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (Performers Rights) (WPPT) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (Registered Designs) (Hague Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*Import Duties (Tariff) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2020;*  
*International Trade Agreements (General Implementation) (Bailiwick of Guernsey) (Amendment Regulations, 2020;*  
*Official Controls (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2020;*  
*Organic Products (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*  
*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020;*  
*Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020;*  
*Employment Permits (Brexit) (Sark) Regulations, 2021;*  
*European Union (Competition) (Brexit) (Guernsey) Regulations, 2021;*

*European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021;*  
*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021;*  
*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021;*  
*Official Controls (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021;*  
*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2021;*  
*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2022;*  
*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022.*

---

**Interpretation of Preserved EU law, etc.**

6. (1) On and after the designated day, the principle of the supremacy of EU law shall not apply to any Preserved EU law, enactment or rule of law including, for the avoidance of doubt, any enactment or rule of law approved or made before the designated day.

(2) On or after the designated day, a court, tribunal or other public authority may take account of –

- (a) principles laid down or decisions made by the European Court, and
- (b) general principles of EU law,

which are relevant to the proper interpretation of Preserved EU law, but is not bound by those principles or decisions.

(3) Without prejudice to subsection (2) –

- (a) no right of action accrues in domestic law on or after the designated day based on a failure to comply with any of the general principles of EU law,

- (b) no liability to damages based on the decision of the European Court in *Francovich v. Italy*<sup>e</sup> (or any other decision of the European Court specified for this purpose in regulations made by the Policy & Resources Committee) shall be incurred by the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, or by any of their respective committees, members, officers or servants, for any loss or damage arising or suffered on or after the designated day, and
- (c) no court or tribunal or other public authority may, on or after the designated day –
  - (i) disapply or quash any enactment or other rule of law, or,
  - (ii) quash any conduct or otherwise decide that it is unlawful,

on the ground that it is incompatible with any of the general principles of EU law.

**Challenges to validity of Preserved EU law.**

7. (1) Subject to subsection (2), there is no right on or after the designated day to challenge any Preserved EU law on the basis that, immediately before the designated day, the corresponding EU provision was invalid.

---

<sup>e</sup> *Francovich and Bonifaci v Republic of Italy* (Cases C-6/90 and C-9/90) [1991] ECR I-05357.

- (2) Subsection (1) does not apply so far as –
- (a) the European Court has decided that the provision was invalid, or
  - (b) the challenge is of a kind provided for in regulations made by the Policy & Resources Committee.

**Status of Preserved EU law.**

8. (1) An item of Preserved EU law is deemed to be primary legislation for the purposes of sections 3, 4 and 6 of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>f</sup>.

(2) An item of Preserved EU law is deemed to be an enactment for the purposes of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016<sup>g</sup>.

**Provision in respect of the withdrawal agreement.**

9. [ (A1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the EU Withdrawal Treaty, and all such remedies and procedures from time to time provided for, by or under the EU Withdrawal Treaty, as in accordance with the EU Withdrawal Treaty are without further enactment to be given legal effect or used in the Channel Islands shall, in the Bailiwick, be recognised and available in law, and be enforced, allowed and followed accordingly, but only to the extent that the same arise in consequence of the application of the EU Withdrawal Treaty to the Bailiwick by virtue of the application

---

<sup>f</sup> Order in Council No. XIV of 2000; amended by Order in Council No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; and G.S.I. No. 27 of 2006.

<sup>g</sup> Order in Council No. \* of 2018.

of the EU Treaties to the Bailiwick under and to the extent provided for by the Protocol immediately before TP Commencement Day.

(B1) Subsection (A1) does not apply to Part 4 of the EU Withdrawal Treaty so far as sections 2 and 5A of the 1973 Law apply in relation to that Part.

(C1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the EEA EFTA separation agreement, and all such remedies and procedures from time to time provided for, by or under that agreement, shall, in the Bailiwick, be recognised and available in law, and be enforced, allowed and followed accordingly, as if –

- (a) Article 4(1) of the EU Withdrawal Treaty applied in relation to that agreement,
- (b) that agreement were part of EU law, and
- (c) the relevant EEA states were member States,

but only to the extent that the same arise in consequence of the application of that agreement to the Bailiwick by virtue of the application of the EU Treaties (including the EEA Agreement) to the Bailiwick under and to the extent provided for by the Protocol immediately before TP Commencement Day.

(D1) In any case where there is a conflict between the terms of the EEA EFTA separation agreement on the one hand and the EU Withdrawal Treaty on the other, as that agreement and that treaty apply and have effect in the Bailiwick or any part thereof, the terms of the EU Withdrawal Treaty shall prevail, and this section shall be construed accordingly.

(E1) Every enactment passed or to be passed in the Bailiwick

(including this Law) shall be construed and have effect subject to the foregoing provisions of this section.

(F1) For the avoidance of doubt, on and after exit day –

- (a) Union citizens (within the meaning of Article 2 of the EU Withdrawal Treaty) and family members (within the meaning of Article 9 of the EU Withdrawal Treaty) falling within Article 10 of the EU Withdrawal Treaty, and
- (b) EEA EFTA nationals (within the meaning of Article 2 of the EEA EFTA separation agreement) and family members (within the meaning of Article 8 of the EEA EFTA separation agreement) falling within Article 9 of the EEA EFTA separation agreement,

enjoy the right to equal treatment and freedom from discrimination on the grounds of nationality in accordance with the Brexit Agreements, but only to the extent that the same arise in consequence of the application of the Brexit Agreements to the Bailiwick by virtue of the application of the EU Treaties (including the EEA Agreement) to the Bailiwick under and to the extent provided for by the Protocol immediately before TP Commencement Day.]

(1) The States of Deliberation may by Ordinance make such [further] provision as they see fit in connection with the withdrawal agreement including, without limitation, any provision corresponding to that made in the 1973 Law [or the 1996 Law].

(2) For the avoidance of doubt, an Ordinance made under subsection (1) may provide that EU provisions coming into force in the EU after exit

day, which are directly applicable or otherwise have effect in or are binding upon the Bailiwick, or any part thereof, in consequence of the withdrawal agreement, are also Preserved EU law for the purposes of this Law.

---

**NOTE**

*In section 9, first, subsection (A1), subsection (B1), subsection (C1), subsection (D1), subsection (E1) and subsection (F1) were inserted, second, the words in the first and, third, second pairs of square brackets in subsection (1) were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, respectively paragraph 2, paragraph 3(e)(i) and paragraph 3(e)(ii), with effect from 28th January, 2020.*

---

**Provision in respect of the EU Charter of Fundamental Rights.**

**10.** Without prejudice to section 2, the EU Charter of Fundamental Rights shall be deemed to be an EU provision, and section 1 of the Implementation Law applies to it accordingly.

**General provisions as to Ordinances and regulations.**

- 11.** (1) An Ordinance or regulations under this Law –
- (a) may be amended or repealed by a subsequent Ordinance or regulations hereunder (as the case may be),
  - (b) may contain such consequential, incidental, supplementary, transitional, savings and other ancillary provisions as may appear to be necessary or expedient, including (without limitation) –
    - (i) provision as to the creation and punishment of offences in respect of contraventions of the



Ordinance or regulation and as to the creation of new duties, obligations, liabilities, remedies, penalties, sanctions and other consequences (but subject to the provisions of subsection (2)),

- (ii) provision amending, or applying exceptions, adaptations and modifications to, any of the provisions of this Law or any other enactment,
- (iii) provision repealing, replacing, amending, extending, adapting, modifying or disapplying any rule of customary or common law.

(2) The power conferred by subsections (1)(b)(i) and (4)(g) and by any other provision of this Law to make provision as to the creation and punishment of offences does not include power –

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008<sup>h</sup>, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years.

---

<sup>h</sup> Order in Council No. XVIII of 2009; amended by Ordinance No. XXII of 2009; No. IX of 2016.

(3) Any power conferred by this Law to make an Ordinance or regulations may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(4) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance or regulations under this Law –

(a) may empower any committee of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, and any other body (including, without limitation, the Royal Court and any other court of the Bailiwick), to make or

issue orders, rules, regulations, codes or guidance, for the purposes of this Law or any Ordinance or regulations made under it,

- (b) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance or regulations unless the thing is done or omitted to be done in bad faith (but may not prevent an award of damages in respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000),
- (c) may make provision for the purpose of dealing with matters arising out of or related to any EU provision or Preserved EU law,
- (d) may direct that any EU provision or any enactment shall extend to or otherwise have effect in the part of the Bailiwick to which the Ordinance or regulations apply with such exceptions, adaptations and modifications as may be specified in the Ordinance or regulations,
- (e) without prejudice to the provisions of paragraph (d), may make provision by reference to, and may adopt or incorporate (by reference, annexation or otherwise), any provision or enactment described in paragraph (d), which provision shall (subject to any exceptions, adaptations and modifications specified in the

Ordinance or regulations) thereupon have the same force and effect as an Ordinance or regulations under this Law,

- (f) may make provision under the powers conferred by this Law notwithstanding the provisions of any enactment for the time being in force,
- [(fa) may restate, for the purposes of making the law clearer or more accessible, anything that forms part of domestic law by or under –
  - (i) the EU Treaties or the Brexit Agreements,
  - (ii) the 1973 Law or the 1996 Law,
  - (iii) this Law, or
  - (iv) the Implementation Law,]
- (g) may in the case of an Ordinance of the States of Deliberation or regulations of the Policy & Resources Committee specify penalties, in relation to offences tried before the Court of Alderney or the Court of the Seneschal, exceeding the limits of jurisdiction for the time being imposed on those courts by section 13 of the Government of Alderney Law, 2004<sup>i</sup> or (as the case

---

<sup>i</sup> Order in Council No. III of 2005; amended by No. XXII of 2010; No. XI of 2012; No. V of 2014; Alderney Ordinance No. IX of 2016.

may be) section 11 of the Reform (Sark) Law, 2008<sup>j</sup>,

- (h) where it is an Ordinance of the States of Alderney or the Chief Pleas of Sark, may not specify a penalty in respect of an offence triable summarily or on indictment which exceeds the maximum penalty specified by Ordinance of the States of Deliberation in respect of that offence when tried summarily or, as the case may be, on indictment, or the limits of jurisdiction for the time being imposed upon the Court of Alderney by section 13 of the Government of Alderney Law, 2004 or (as the case may be) the Court of the Seneschal by section 11 of the Reform (Sark) Law, 2008, whichever is greater, and
- (i) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi other than any provision which imposes or increases taxation or which takes effect from a date earlier than that of the making of the Ordinance or regulations.

(5) For the purposes of paragraphs (d) and (e) of subsection (4) only, "**enactment**" includes an Act of Parliament and an Order in Council.

(6) Where the Policy & Resources Committee proposes to make regulations under section 5 applying in Alderney or Sark, it shall consult –

---

<sup>j</sup> Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. II of 2018; Sark Ordinance Nos. II and VI of 2015; No. XI of 2017.

- (a) the Alderney Committee, or
- (b) the Sark Committee,

as the case may be; but, subject to subsection (7), a failure to comply with this subsection shall not invalidate any regulations made under this section.

(7) Regulations made under section 5 by the Policy & Resources Committee applying in Alderney or Sark cease to have effect –

- (a) in Alderney if, within the period of four months immediately following the approval date, the States of Alderney resolve to disapprove their application to Alderney, and
- (b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the approval date, the Chief Pleas resolve to disapprove their application to Sark.

(8) If the States of Alderney or the Chief Pleas of Sark resolve to disapprove the application of regulations in accordance with subsection (7), the regulations cease to have effect in Alderney or (as the case may be) Sark, but without prejudice to –

- (a) anything done under the regulations in Alderney or (as the case may be) Sark, or
- (b) the making of new regulations having effect in Alderney or (as the case may be) Sark.

(9) In subsection (7), "**approval date**", in relation to regulations,

means the date of their enactment by the Policy & Resources Committee.

(10) Regulations of the relevant Committee under section 5 shall be laid before a meeting of –

- (a) the States of Deliberation, where the regulations are made by the Policy & Resources Committee,
- (b) the States of Alderney, where the regulations are made by the Alderney Committee, or
- (c) the Chief Pleas of Sark, where the regulations are made by the Sark Committee,

as soon as possible after being made; and if at that or the next meeting the States of Deliberation, the States of Alderney or (as the case may be) the Chief Pleas of Sark resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

---

## NOTES

*In section 11, paragraph (fa) of subsection (4) was inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 5, with effect from 28th January, 2020.*

*The following Ordinance has been made under section 11:*

*European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019.*

*The following Regulations have been made under section 11:*

*Animal Health (Brexit) (Amendment) (Guernsey) Regulations, 2019;  
Bees (Importation and Prevention of Disease) (Brexit) (Amendment) (Guernsey) Regulations, 2019;  
Cash Controls (Specified Amount) (Brexit) (Bailiwick of Guernsey)*

*Regulations, 2019;*  
    *Communications, Broadcasting and Wireless Telegraphy (Brexit)*  
*(Bailiwick of Guernsey) Regulations, 2019;*  
    *Companies (Panel on Takeovers and Mergers) (Brexit) (Guernsey)*  
*Regulations, 2019;*  
    *Companies (Regulation of Auditors) (Brexit) (Guernsey)*  
*Regulations, 2019;*  
    *European Communities (Food and Feed Controls) (Brexit)*  
*(Guernsey) Regulations, 2019;*  
    *Export Control (Brexit) (Bailiwick of Guernsey) Regulations, 2019;*  
    *Medicines (Human and Veterinary) (Brexit) (Bailiwick of Guernsey)*  
*Regulations, 2019;*  
    *Motor Vehicles (International Circulation) (Alderney) (Brexit)*  
*Regulations, 2019;*  
    *Motor Vehicles (International Circulation) (Guernsey and Alderney)*  
*(Brexit) Regulations, 2019;*  
    *Road Traffic (Construction and Use of Motor Vehicles) (Guernsey)*  
*(Brexit) Regulations, 2019;*  
    *Terrorist Asset Freezing (Designations) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2019;*  
    *Acquisition of Immovable Property by Aliens (Brexit) (Repeal)*  
*(Alderney) Regulations, 2020;*  
    *Customs and Excise (Brexit) (Amendment) (Bailiwick of Guernsey)*  
*Regulations, 2020;*  
    *Customs and Excise (Brexit) (Amendment) (No. 2) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *Employment Permits (Brexit) (Alderney) Regulations, 2020;*  
    *European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick*  
*of Guernsey) Regulations, 2020;*  
    *European Union (Exit Day and Designated Day) (Brexit) (Bailiwick*  
*of Guernsey) Regulations, 2020;*  
    *European Union (General Provisions) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *European Union (Patent Co-operation Treaty) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *European Union (Performers Rights) (WPPT) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *European Union (Registered Designs) (Hague Agreement) (Brexit)*  
*(Bailiwick of Guernsey) Regulations, 2020;*  
    *European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *European Union (TP Commencement Day) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *European Union (Withdrawal Agreement) (Brexit) (Bailiwick of*  
*Guernsey) Regulations, 2020;*  
    *Import Duties (Tariff) (Brexit) (Amendment) (Bailiwick of Guernsey)*  
*Regulations, 2020;*  
    *International Trade Agreements (General Implementation)*  
*(Bailiwick of Guernsey) (Amendment Regulations, 2020;*  
    *Official Controls (Brexit) (Amendment) (Bailiwick of Guernsey)*



*Regulations, 2020;*

*Organic Products (Brexit) (Bailiwick of Guernsey) Regulations, 2020;*

*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020;*

*Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020;*

*Employment Permits (Brexit) (Sark) Regulations, 2021;*

*European Union (Competition) (Brexit) (Guernsey) Regulations, 2021;*

*European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021;*

*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021;*

*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021;*

*Official Controls (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021;*

*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2021;*

*Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2022;*

*European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022.*

---

### **Interpretation.**

**12.** (1) In this Law, unless the contrary intention appears –

**"the 1973 Law"**: see section 1(1),

[ **"the 1996 Law"**: see section 1A(1),]

**"the Alderney Committee"** means the Policy and Finance Committee of the States of Alderney or such other Committee as the States of Alderney may appoint by Ordinance for the purposes of this Law,

**"the Bailiwick"** means the Bailiwick of Guernsey,

[ **"Brexit Agreements"** means either one or both of the EU Withdrawal Treaty and the EEA EFTA separation agreement,]

**"committee"** of the States of Guernsey, States of Alderney or Chief Pleas of Sark means any committee, council, department, authority, board or like body thereof, however called,

**"Convention rights"** has the meaning given in section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000,

**"the designated day"** means such day and time as the Policy & Resources Committee may by regulations appoint,

**"enactment"** includes any Law, Ordinance and any subordinate legislation,

**"the EEA"** means the European Economic Area,

[ **"EEA Agreement"** has the meaning given in Article 2(a) of the EEA EFTA separation agreement,]

[ **"EEA EFTA separation agreement"** means the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom's membership of the EU (as that Agreement is modified from time to time),]

**"the EU"** means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7<sup>th</sup> February 1992 (as amended by any later Treaty),

**"the EU Charter of Fundamental Rights"** means the Charter of

Fundamental Rights of the European Union of 7<sup>th</sup> December 2000, as adapted at Strasbourg on 12<sup>th</sup> December 2007,

**"EU instrument"** means any instrument issued by the EU or by an institution of the EU,

**"EU provision"** means –

- (a) any provision contained in or arising under the EU Treaties or any EU instrument, and
- (b) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under the EU Treaties,

and is deemed to include the EU Charter of Fundamental Rights,

**"the EU Treaties"** has the meaning given in Schedule 2 to this Law,

**"Euratom"** means the European Atomic Energy Community, being the Community established by the Treaty establishing the European Atomic Energy Community signed at Rome on 25<sup>th</sup> March 1957 (as amended by any later Treaty),

**"the European Court"** means the Court of Justice of the European Union,

[ **"EU Withdrawal Treaty"** means the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community under Article 50(2) of the Treaty on European Union which sets out the arrangements for

the United Kingdom's withdrawal from the EU (as that Agreement is modified from time to time),]

**"exit day"** means 11 pm on 29<sup>th</sup> March, 2019, or such other day and time as the Policy & Resources Committee may by regulations appoint,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"implementation"**, in relation to an EU provision, includes the enforcement or enactment of the provision, and the securing of the administration, execution, recognition, exercise or enjoyment of the provision, in or under domestic law, and **"implement"** and related expressions shall be construed accordingly,

**"the Implementation Law"**: see section 4(1),

**"the Policy & Resources Committee"** means the Policy & Resources Committee of the States of Guernsey or such other Committee as the States of Deliberation may appoint by Ordinance for the purposes of this Law,

**"Preserved EU law"**: see section 3,

[ **"the Protocol"** means Protocol No. 3 to the Treaty of Accession,]

**"public authority"** has the meaning given in section 6 of the Human Rights (Bailiwick of Guernsey) Law, 2000,

**"relevant Committee"**: see section 5(4),

[ **"the relevant EEA states"** means Norway, Iceland, and Liechtenstein,]

**"the Sark Committee"** means the Policy and Performance Committee of the Chief Pleas of Sark or such other Committee as the Chief Pleas of Sark may appoint by Ordinance for the purposes of this Law,

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance, and

[ **"TP Commencement Day"** means such day and time as the Policy & Resources Committee may by regulations appoint,]

[ **"Transition Period"** means the transition or implementation period provided for by Part 4 of the EU Withdrawal Treaty and beginning on TP Commencement Day and ending on exit day,]

[ **"the Treaty of Accession"** means the treaty referred to in paragraph 1(a) of Schedule 2,]

**"the withdrawal agreement"** means –

- (a) an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union<sup>k</sup> which sets out the arrangements for the United Kingdom's withdrawal from the EU,

---

<sup>k</sup> The Treaty on European Union signed at Maastricht on 7th February 1992, as amended by the Treaty signed at Amsterdam on 2nd October 1997, the Treaty signed at Nice on 26th February 2001 and the Treaty signed at Lisbon on 13th December 2007.

- (b) an agreement (whether or not ratified) between the United Kingdom and the EU in respect of the withdrawal of the United Kingdom from the European Atomic Energy Community,
- (c) any other arrangements that may be agreed in respect of the withdrawal of the United Kingdom from the EU or the European Atomic Energy Community (including without limitation any arrangements having effect during, or giving effect to, any transitional or implementation period of that withdrawal)

[and (for the avoidance of doubt) includes the Brexit Agreements].

- (2) Any reference in this Law to an enactment –
  - (a) is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied, and
  - (b) includes a provision or portion of that enactment.

(3) References in this Law to the Alderney Committee and to the Sark Committee are references to the committees for the time being exercising the functions conferred by or under this Law on the Alderney Committee or (as the case may be) on the Sark Committee.

---

**NOTES**

*In section 12, first, the definitions of the expressions "the 1996 Law", "Brexit*

Agreements", "EEA Agreement", "EEA EFTA separation agreement", "EU Withdrawal Treaty", "the Protocol", "the relevant EEA states", "TP Commencement Day", "Transition Period" and "the Treaty of Accession" and, second, the words in square brackets in the definition of the expression "the withdrawal agreement" in subsection (1) were inserted by the European Union (Withdrawal Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, respectively paragraph 6(1) and paragraph 6(2), with effect from 28th January, 2020.<sup>1</sup>

The following Regulations have been made under section 12:

European Union (Exit Day and Designated Day) (Brexit) (Bailiwick of Guernsey) Regulations, 2020;

European Union (TP Commencement Day) (Brexit) (Bailiwick of Guernsey) Regulations, 2020.

In accordance with the provisions of the European Union (Exit Day and Designated Day) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 1, with effect from 28th January, 2020 and for the purposes of this Law, 11 p.m. on 31st December, 2020 is appointed as (a) exit day, and (b) the designated day; and, in accordance with the provisions of the European Union (TP Commencement Day) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 1, with effect from 28th January, 2020, 11 p.m. on 31st January, 2020 is appointed as TP Commencement Day.

---

### **Amendments to enactments and other consequential, transitional etc. provision.**

13. Schedule 1 (Consequential, transitional and saving provision), including the amendments set out there to the 1973 Law and the Implementation Law, and Schedule 2 (Meaning of "the EU Treaties"), have effect.

### **Citation.**

14. This Law may be cited as the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

### **Commencement.**

15. This Law shall come into force on the day appointed by Ordinance of the States of Deliberation; and different days may be appointed for different provisions of this Law or for different purposes.

---

## NOTES

*The following provisions of the Law were brought into force on 19th February, 2019:*

*section 5; section 9; section 11; section 12; section 13, Schedule 1 and Schedule 2 (but only to the extent necessary to bring into effect paragraph 3, paragraph 4(1), insofar as it relates to paragraph 4(3), and paragraph 4(3) of Schedule 1); section 14; and section 15.*

*by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019, section 1(1), respectively paragraph (a); paragraph (b); paragraph (c); paragraph (d); paragraph (e) (paragraph (e)(i), paragraph (e)(ii), and paragraph (e)(iii)); paragraph (f) and paragraph (g).*

*The remaining provisions of the Law will come into force, in accordance with the provisions of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019, section 1(2), on exit day, for which purpose "exit day" has the meaning given by section 12(1) of this Law.*

---



SCHEDULE 1

Section 13

CONSEQUENTIAL, TRANSITIONAL AND SAVING PROVISION

*General consequential provision*

**[Existing ambulatory references.]**

1. (1) Subparagraphs (2) and (3) are subject to sections 2 and 4, any other provision in or under this Law, and any other enactment.

(2) On and after exit day, any reference in Preserved EU law to any EU provision (as it has effect from time to time) is –

- (a) in the case of a reference to an EU provision forming part of Preserved EU law, to be read as a reference to the EU provision as it forms part of Preserved EU law on exit day and, unless the contrary intention appears, as modified or amended from time to time by an enactment or an item of Preserved EU law, or
- (b) in the case of a reference to an EU provision not forming part of Preserved EU law, to be read as –
  - (i) a reference to the EU provision as it had effect immediately before exit day and,
  - (ii) unless the contrary intention appears, in the case of a reference to an EU provision implemented by an Ordinance made under the Implementation Law or otherwise given effect by an enactment as a reference to that EU provision as it has effect in the Bailiwick or any

part thereof from time to time.

(3) On and after exit day, any reference in any other enactment having effect in the Bailiwick (or any part thereof) immediately before exit day to any EU provision (as it has effect from time to time) is –

- (a) in the case of a reference to an EU provision forming part of Preserved EU law, to be read as a reference to the EU provision as it forms part of Preserved EU law on exit day and, unless the contrary intention appears, as modified or amended from time to time by an enactment or an item of Preserved EU law, or
- (b) in the case of a reference to an EU provision not forming part of Preserved EU law, to be read as –
  - (i) a reference to the EU provision as it has effect from time to time, and
  - (ii) unless the contrary intention appears, in the case of a reference to an EU provision implemented by an Ordinance made under the Implementation Law or otherwise given effect by an enactment a reference to that EU provision as it has effect in the Bailiwick or any part thereof from time to time.]

**Powers to make subordinate legislation.**

2. (1) Any power to make or approve subordinate legislation which was conferred before exit day is to be read, on or after exit day, and so far as the context permits or requires, as being capable of being exercised to amend (or, as the

case may be, result in the amendment of) any Preserved EU law.

(2) Any power to make or approve subordinate legislation which, immediately before exit day, is subject to an implied restriction that it is exercisable only compatibly with EU law is to be read on and after exit day without that restriction or any corresponding restriction in relation to compatibility with Preserved EU law.

(3) Any power to make or approve subordinate legislation which is conferred on or after exit day may, so far as the context permits or requires, be exercised so as to amend any Preserved EU law.

(4) Subparagraphs (1) to (3) are subject to any other provision made by or under this Law or any other enactment.

*Specific consequential provision*

**The 1973 Law.**

3. (1) The 1973 Law is amended as follows.

(2) In section 1(1), in the definition of ""the Treaties" or "the Community Treaties"", for paragraph (a) to the end substitute subparagraphs (a) to (u) of paragraph 1 of Schedule 2.

**The Implementation Law.**

4. (1) The Implementation Law is amended as follows.

(2) In the heading of section 1, for "Community provisions" substitute "EU provisions", and in section 1 for "Community provision" substitute "EU provision".

(3) Section 2 (Power to amend European Communities Law) is repealed.

(4) In section 3(1), for the definition of "Community provision", substitute –

""**EU provision**" has the meaning given in the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, and includes an item of Preserved EU law within the meaning of that Law,"

and in the definition of "implementation", for "Community provision" substitute "EU provision".

*Transitional and saving provision*

**Continuation of existing acts, etc.**

5. (1) Anything done –

(a) in connection with anything which continues to be, or forms part of, domestic law by virtue of –

(i) section 2 or an Ordinance made under section 9 (Preserved EU law), or

(ii) section 4,

(b) for the purpose mentioned in section 1 of the Implementation Law, or

(c) for a purpose otherwise related to the EU, the EEA or Euratom,

if in force or effective immediately before exit day, continues to be in force or effective on or after exit day in the same way as immediately before exit day.

(2) Anything in the process of being lawfully done immediately before exit day in connection with anything mentioned in subparagraph (1)(a), or for the purposes mentioned in subparagraph (1) (b) and (c), may continue to be done on or after exit day in the same way as immediately before exit day.

(3) Subparagraphs (1) and (2) are subject to any other provision made by or under this Law or any other enactment.

(4) References in this paragraph to things being done include references to anything omitted to be done.

**Existing EU Law.**

6. (1) Sections 6(3) and 7 do not apply in relation to –

(a) any proceedings begun, but not finally decided, before a court or tribunal in the Bailiwick before the designated day, and

(b) any conduct which occurred before the designated day which gives rise to any criminal liability.

(2) Section 6(3)(b) does not apply in relation to any decision of a court or tribunal, or other public authority, on or after the designated day which is a necessary consequence of any decision of a court or tribunal made before the designated day.

**NOTE**

*In Schedule 1, paragraph 1 was substituted by the European Union (General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 10, with effect from 11 p.m. on 31st December, 2020.*

---

SCHEDULE 2

Section 13

MEANING OF "THE EU TREATIES"

1. In this Law, "**the EU Treaties**" means, subject to paragraph 2, the pre-accession treaties described in paragraph 4, taken with –

- (a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22<sup>nd</sup> January 1972, and
- (b) the decision, of the same date, of the Council of the European Communities ("**the Council**") relating to the accession of the United Kingdom to the European Coal and Steel Community, and
- (c) the treaty relating to the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community, signed at Athens on 28<sup>th</sup> May 1979, and
- (d) the decision, of 24<sup>th</sup> May 1979, of the Council relating to the accession of the Hellenic Republic to the European Coal and Steel Community, and
- (e) the decisions of the Council of 7 May 1985, 24<sup>th</sup> June 1988, 31<sup>st</sup> October 1994, 29<sup>th</sup> September 2000 and 7<sup>th</sup> June 2007 on the Communities' system of own resources, and the decision of the Council of 26<sup>th</sup> May 2014 on the EU's system of own resources, and

- (f) the treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community, signed at Lisbon and Madrid on 12<sup>th</sup> June 1985, and
- (g) the decision, of 11<sup>th</sup> June 1985, of the Council relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community, and
- (h) the following provisions of the Single European Act signed at Luxembourg and The Hague on 17<sup>th</sup> and 28<sup>th</sup> February 1986, namely Title II (amendment of the treaties establishing the Communities) and, so far as they relate to any of the Communities or any Community institution, the preamble and Titles I (common provisions) and IV (general and final provisions), and
- (i) Titles II, III and IV of the Treaty on European Union signed at Maastricht on 7<sup>th</sup> February 1992, together with the other provisions of the Treaty so far as they relate to those Titles, and the Protocols adopted at Maastricht on that date and annexed to the Treaty establishing the European Community with the exception of the Protocol on Social Policy on page 117 of Cm 1934, and
- (j) the decision, of 1<sup>st</sup> February 1993, of the Council amending the Act concerning the election of the



representatives of the European Parliament by direct universal suffrage annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20<sup>th</sup> September 1976, and

- (k) the Agreement on the European Economic Area signed at Oporto on 2<sup>nd</sup> May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17<sup>th</sup> March 1993, and
- (l) the treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24<sup>th</sup> June 1994, and
- (m) the following provisions of the Treaty signed at Amsterdam on 2<sup>nd</sup> October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts –
  - (i) Articles 2 to 9,
  - (ii) Article 12, and
  - (iii) the other provisions of the Treaty so far as they relate to those Articles,

and the Protocols adopted on that occasion other than the Protocol on Article J.7 of the Treaty on European Union, and

- (n) the following provisions of the Treaty signed at Nice on 26<sup>th</sup> February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts –

- (i) Articles 2 to 10, and

- (ii) the other provisions of the Treaty so far as they relate to those Articles,

and the Protocols adopted on that occasion; and any other treaty entered into by the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy), with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom, and

- (o) the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16<sup>th</sup> April 2003, and

- (p) the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25<sup>th</sup> April 2005, and

- (q) the Treaty of Lisbon Amending the Treaty on European

Union and the Treaty Establishing the European Community signed at Lisbon on 13<sup>th</sup> December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy, and

- (r) the Protocol amending the Protocol (No 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, signed at Brussels on 23<sup>rd</sup> June 2010, and
- (s) the treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9<sup>th</sup> December 2011,
- (t) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, adopted at Brussels on 16<sup>th</sup> May 2012, and
- (u) any other treaty specified by Ordinance of the States of Deliberation.

2. If Her Majesty by Order in Council made in accordance with the provisions of section 1(3) of the European Communities Act 1972 declares that a treaty specified in the Order is to be regarded as one of the EU Treaties as defined in that Act, the Order shall be conclusive that it is to be regarded as one of the EU Treaties as herein defined; but a treaty entered into by the United Kingdom after the 22<sup>nd</sup> January 1972, other than a pre-accession treaty to which the United Kingdom

acceded on terms settled on or before that date, shall not be regarded as one of the EU Treaties as herein defined unless it is so specified.

3. For the purposes of paragraphs 1 and 2, "**treaty**" includes any international agreement, and any protocol or annex to a treaty or international agreement.

4. The pre-accession treaties are –

- (a) the "E.C.S.C. Treaty", that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18<sup>th</sup> April 1951,
- (b) the "E.E.C. Treaty", that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25<sup>th</sup> March 1957,
- (c) the "Euratom Treaty", that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25<sup>th</sup> March 1957,
- (d) the Convention on certain Institutions common to the European Communities, signed at Rome on the 25<sup>th</sup> March 1957,
- (e) the Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8<sup>th</sup> April 1965,
- (f) the Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities

and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22<sup>nd</sup> April 1970,

- (g) any treaty entered into before the 22<sup>nd</sup> January 1972 by any of the Communities (with or without any of the member States) or, as a treaty ancillary to any treaty included in this Part of this Schedule, by the member States (with or without any other country).

---

**1** In accordance with the provisions of the European Union (Withdrawal Agreement) (Brexite) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, Schedule 2, paragraph 1, which inserts section 1A into this Law with effect from exit day, the European Economic Area (Bailiwick of Guernsey) Law, 1996 ("the 1996 Law") will be repealed by that section.