

PROJET DE LOI

ENTITLED

The European Economic Area (Bailiwick of Guernsey) Law, 1996 *

[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.

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* No. I of 1996 (Ordres en Conseil Vol. XXXVI, p. 458); as amended by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (No. V of 2018); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Law has been repealed by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (No. I of 2019).

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THE STATES, in pursuance of their Resolution of 28th July 1994^a, 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.

Consistent application of law to whole of E.E.A.

1. (1) Where –

- (a) the operation of any enactment in force at the commencement of this Law is limited (expressly or by implication) by reference to the Communities or by reference to some connection with the Communities, and
- (b) the enactment relates to a matter to which the Agreement (as it has effect on the date on which it comes into force) relates,

then, unless the context otherwise requires, the enactment shall have effect in relation to that matter on and after the commencement of this Law with the substitution of a corresponding limitation relating to the European Economic Area (or, where appropriate, to both the Communities and the European Economic Area).

^a On Article 8 of Billet d'État No. XVI of 1994.

- (2) Subsection (1) of this section
- (a) is subject to the exceptions and modifications set out and referred to in the Schedule to this Law,
- (b) is not to be regarded as prejudicing, or as having an effect which is inconsistent with, the operation, by virtue of the Agreement, of section 2 of the 1973 Law.

General implementation of the Agreement.

2. Where by virtue of the Agreement it is necessary for the purpose of implementing a Community obligation that any enactment in force at the commencement of this Law should have effect with modifications which can be ascertained from the Agreement, then on and after the commencement of this Law that enactment shall have effect with those modifications.

Judicial notice and evidence.

3. ...

NOTE

Section 3 was repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(c), with effect from 1st October, 2018.

Interpretation.

4. (1) In this Law –

"**the Agreement**" means the Agreement on the European Economic Area signed at Oporto on 2nd May, 1992 as adjusted by the Protocol signed at Brussels on 17th March, 1993,

"the 1973 Law" means the European Communities (Bailiwick of Guernsey) Law, 1973^b, as amended^c.

(2) This Law is to be construed as one with the 1973 Law.

(3) The reference in section 1(1)(b) of this Law to the date on which the Agreement comes into force is a reference to the date on which (in accordance with the Protocol signed at Brussels on 17th March, 1993) it comes into force otherwise than as regards Liechtenstein.

Citation.

5. This Law may be cited as the European Economic Area (Bailiwick of Guernsey) Law, 1996.

NOTE

The Law received Royal Sanction on 13th March, 1996 and was registered on the Records of the Island of Guernsey and came into force on 15th April, 1996.

Collective title.

6. This Law and the European Communities (Bailiwick of Guernsey) Laws, 1973 to 1986 may be cited together as the European Communities and Economic Area (Bailiwick of Guernsey) Laws, 1973 to 1996.

^b Ordres en Conseil Vol. XXIV, p. 87.

^c Ordres en Conseil Vol. XXVII, p.242; Vol. XXIX, pp. 127 and 419.

SCHEDULE

Section 1(2)(a)

EXCEPTIONS AND MODIFICATIONS TO SECTION 1(1)

1. Section 1(1) of this Law does not apply to an enactment by reason only that it refers to, or to a provision of, one of the Treaties or a Community instrument.

2. In the case of an enactment the operation of which is limited by reference to a Community institution, section 1(1) of this Law does not require the substitution of a limitation relating to the EFTA Surveillance Authority or the EFTA Court.

3. Section 1(1) of this Law applies subject to such exceptions and modifications as may be prescribed by regulations made under this paragraph by the States of Guernsey [Policy & Resources Committee].

NOTES

In the Schedule, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

REPEALED