

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY SENATOR S.C. FERGUSON
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2013**

Question

Following the agreement of Protocol 3 of the Treaty of Accession to the European Economic Community (EEC), how much of the associated subsequently legislation brought to the Assembly was required under EU Directives, what was required as a result of our relationship with the UK and what was independent of both the EU and the UK?

Furthermore, how much of the EU derived legislation enacted in Jersey originated from the United Nations?

Answer

Jersey is not a member of the European Union ('EU') but some legislation will apply to the Island insofar that it is binding under Protocol 3 to the United Kingdom Treaty of Accession to the European Economic Community. Broadly, Protocol 3 relates to the free movement of goods by virtue of Jersey and the other Crown Dependencies being part of the customs territory of the EU. The common customs tariff, levies and agricultural import measures thus apply to trade between the Islands and non-EU third countries. However, in short, other EU legislation which does not concern free trade in goods, customs measures and quantitative restrictions (or equivalent measure thereto) does not generally apply.

The European Communities (Jersey) Law 1973 ('the 1973 Law') gives effect in Jersey to European instruments that are, by virtue of Protocol 3, of direct application. A list of instruments noted as amending the 1973 Law are included at annex A. A summary of legislation where European Communities Directives and Regulations are noted as having been enacted is provided at annex B.

The European Communities (Implementation) (Jersey) Law 1996 ('the 1996 Law') provides the enabling power to create offences that make enforcement of that legislation possible. A list of instruments which are noted as having been implemented under the 1996 Law is included at annex C.

For all those purposes where Jersey is considered outside of the EU, however, the Island may choose to voluntarily adopt EU legislation or implement domestic legislation that is similar or equivalent in order to facilitate economic relations and meet relevant EU standards as a means of good practice and international recognition. The 1996 Law also enables the States to give effect by Regulation to such legislation.

A list of United Kingdom Acts extended to Jersey by Order in Council is also included at annex D.

In respect of EU legislation enacted in Jersey which originates from the United Nations ('UN'), it should be noted that most EU 'Restrictive Measures' are made for the purpose of implementing UN sanction measures.

Annex A: Legislation noted as amending the European Communities (Jersey) Law 1973

European Communities (Amendment) (Jersey) Law 1980
European Communities (Spanish and Portuguese Accession) (Jersey) Regulations 1985
European Communities (Amendment No. 2) (Jersey) Law 1987
European Communities (European Union and European Economic Area) (Jersey) Regulations 1994
European Communities (Accessions) (Jersey) Regulations 1996
European Communities (Treaty of Amsterdam) (Jersey) Regulations 1999
Customs and Excise (Jersey) Law 1999
European Communities (Treaty of Athens) (Jersey) Regulations 2004
European Communities (Accessions) (Jersey) Regulations 2006

Annex B: Legislation noted as implementing instruments of the European Communities

Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008
Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000
Community Customs (Wine and Spirits) (Amendment No. 2) (Jersey) Order 2003
Community Customs (Wine and Spirits) (Jersey) Order 2000
Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004
Companies (Takeovers and Mergers Panel) (Jersey) Law 2009
Consumer Protection (Safety of Cosmetic Products) (Jersey) Order 1991
European Communities Legislation (Implementation) (Bovine Semen) (Jersey) Regulations 2008
European Communities (Wine) (Jersey) Regulations 1995
European Communities (Wine) (Jersey) Regulations 1989
European Communities (Wine) (Jersey) Regulations 1986
European Communities (Wine) (Jersey) Regulations 1983
European Communities (Wine) (Jersey) Regulations 1980
European Communities (Wine) (Jersey) Regulations 1977
European Communities (Wine) (Jersey) Regulations 1975
Data Protection (Jersey) Law 2005
Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012
Diseases of Animals (Bees) (Jersey) Order 2013
Diseases of Animals (Bees) (Jersey) Order 2003
Diseases of Animals (Foot and Mouth – Restrictions No. 8) (Jersey) Order 2007
Diseases of Animals (Welfare in Transit) (Jersey) Order 2001
Financial Services (Amendment of Schedule 2 to Law) (No. 3) (Jersey) Order 2009
Food Safety (Labeling) (Jersey) Order 2005
Medicines (Advertising) (Jersey) Order 2000
Medicines (Applications for Licences for Products for Human Use) (Jersey) Order 1997
Medicines (Applications for Manufacturer's and Wholesale Dealer's Licenses) (Jersey) Order 1997
Medicines (Standard Provisions for Licenses and Certificates) (Jersey) Order 1997
Money Laundering (Jersey) Order 1999

Motor Traffic (Public Service Vehicles (Conditions of Fitness)) (Jersey) Order 2003
Motor Vehicle Registration (General Provisions) (Jersey) Order 1993
Motor Vehicle Registration (General Provisions) (Amendment No. 9) (Jersey) Order 2001
Motor Vehicles (Construction and Use) (Amendment No. 16) (Jersey) Order 1985
Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006
Petroleum Substances (Jersey) Regulations 2012
Public Service Vehicles (Conditions of Fitness)(Amendment No. 2) (Jersey) Order 1992
Restriction on Smoking (Warning Notices) (Jersey) Regulations 2011
Road Traffic (Disabled Persons) (Parking) (Jersey) Order 2002
Road Traffic (Lighting) (Jersey) Order 1998
Shipping (Employment of Young People) Order 2007
Shipping (Survey and Certification) (NO. 2) (Jersey) Order 2005
Shipping (Survey and Certification) (Jersey) Order 2005
Shipping (Training, Certification and Manning) (Jersey) Order 2004
Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005
Trade Marks (Jersey) Law 2000
Waste Management (Jersey) Law 2005
Wireless Telegraphy (Control of Interference from Household Appliances, Portable Tools etc.) (Amendment) Regulations 1985
Wireless Telegraphy (Control of Interference from Fluorescent Lighting Apparatus) (Amendment) Regulations 1985
Wireless Telegraphy (Control of Interference from Fluorescent Lighting Apparatus) (Amendment) Regulations 1978

Annex C: Legislation noted as being enacted under the European Communities Legislation (Implementation) (Jersey) Law 1996

Community Provisions (Animal Feeding) (Jersey) Regulations 2005
Community Provisions (Restrictive Measures – Belarus) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Burma/Myanmar) (Jersey) Order 2008
Community Provisions (Restrictive Measures – Côte d’Ivoire) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Egypt) (Jersey) Order 2011
Community Provisions (Maintaining a Freeze of Funds in Relation to Mr Milosevic and Associated Persons) (Jersey) Order 2000
Community Provisions (Mortality in Oysters) (Jersey) Regulations 2010
Pet Travel Scheme (Jersey) Regulations 2011
Community Provisions (Prohibiting the Sale and Supply of Petroleum and Certain Petroleum Products to the Federal Republic of Yugoslavia) (Jersey) Regulations 1999
Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012
Community Provisions (Restrictive Measures – Tunisia) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Somalia) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Guinea-Bissau) (Jersey) Order 2012
Community Provisions (Restrictive Measures – Eritrea) (Jersey) Order 2012
Community Provisions (Provisions Relating to the Introduction of the Euro) (Jersey) Regulations 1998
Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Guinea) (Jersey) Order 2010
Community Provisions (Restrictive Measures – Sudan and South Sudan) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2012

Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011
Community Provisions (Restrictive Measures – Lebanon) (Jersey) Order 2007
Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007
Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004
Community Provisions (Restrictive Measures – Zimbabwe) (No.6) (Jersey) Order 2007
Community Provisions (Wire Transfers) (Jersey) Regulations 2007
Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002
Fish Health (Jersey) Regulations 1999
Community Provisions Dual-Use Items (Export Control) (Jersey) Regulations 2002
European Communities Legislation (Bluetongue) (Jersey) Regulations 2008
Community Provisions (Bovine Embryos) (Jersey) Regulations 2010
Community Provisions (Bovine Embryos) (Fees) (Jersey) Order 2011
European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002

Annex D: UK Acts extended to Jersey by Order in Council

Aviation
Air Navigation (Jersey) Order 2008
Air Navigation (General) (Jersey) Regulations 1972
Airports Act 1986 (Jersey) Order 2000 Aviation Security (Jersey) Order 1993
Airports Act 1986 (Jersey) Order 2000 Aviation Security (Jersey) Order 1993
Aviation Security (Jersey) Order 1993
Carriage By Air (Jersey) Order 1967
Carriage By Air (Sterling Equivalents) Order 1999
Carriage By Air Acts (Application of Provisions) (Jersey) Order 1967
Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000
Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961
Civil Aviation (Licensing) Regulations 1964
Civil Aviation (Supplementary Provisions) (Jersey) Law 1955
Civil Aviation Act 1980 (Jersey) Order 1984
Civil Aviation Act 1982 (Jersey) Order 1990
Civil Aviation Act 1982 (Jersey) (Amendment) Order 1998
Civil Aviation Authority Regulations 1972

Civil Law
Evidence (Proceedings in Other Jurisdictions) (Jersey) Order 1983

Commerce and Employment
Protection of Trading Interests Act 1980 (Jersey) Order 1983
Weights and Measures (Jersey) Order 1969

Communications and Broadcasting
Broadcasting Act 1990 (Jersey) Order 1991
Broadcasting Act 1990 (Jersey) (No.2) Order 1991
Broadcasting (Interests in Licensed Services) (Jersey) Order 1992
Broadcasting (Jersey) Order 1999

Broadcasting Act 1981 (Channel Islands) Order 1987
Broadcasting Act 1996 (British Broadcasting Corporation-Transmission Network) (Jersey) Order 1997
Broadcasting (Jersey) Order 2003
Broadcasting and Communications (Jersey) Order 2004
Communications (Television Licensing) (Amendment) Regulations 2010
Telecommunication Services (Jersey) Order 1972
Post Office (Banking Services) Act 1976
Premium Savings Bonds Regulations 1972
Savings Certificates Regulations 1972
Telephone (Channel Islands) Order 1952
Telephone (Channel Islands) Regulations 1968
Wireless Telegraphy (Jersey) Order 2003
Wireless Telegraphy (Jersey) Order 2006
Wireless Telegraphy (Licence Charges) Regulations 2011
Wireless Telegraphy (Mobile Communication Services on Board Ships) (Exemption) Regulations 2011

Courts and Legal Services
Appels à sa Majesté en conseil 1835
Criminal Justice Act 1987 (Jersey) Order 1989

Ecclesiastical
Channel Islands (Church Legislation) Measure 1931
Channel Islands (Church Legislation) Measure 1931 (Amendment) Measure 1957
Clergy Pensions (Channel Islands) Order 1963
Clergy Pensions (Channel Islands) Order 1968
Clergy Pensions (Channel Islands) Order 1978
Districts Ecclésiastique de "All Saints"
Districts Ecclésiastique de "All Saints" et de St. André : Modifications Order
Districts Ecclésiastique de Gouray
Districts Ecclésiastique de St. André
Ecclesiastical Offices (Age Limit) (Channel Islands) Order 2000
Methodist Church Act 1976 (Jersey) Order 1986
Nouveaux Districts Ecclésiastique de "All Saints" et de "Saint Andrew"
Synodical Government (Channel Islands) Order 1970
United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998
Women Priests (Channel Islands) Order 1999

Family
Children and Young Persons (Designation of Jersey Order) Order 1972

Financial Services
Arbitration (International Investment Disputes) (Jersey) Order 1979
Friendly and Industrial and Provident Societies (Channel Islands) Order 1968
Friendly Societies (Channel Islands) Order 1975
Friendly Societies Act 1984 (Jersey) Order 1987
Industrial and Provident Societies (Channel Islands) Order 1965
Industrial and Provident Societies Act 1975

Trustee Savings Banks Act 1981 (Channel Islands) Order 1983
Trustee Savings Banks Act 1985 (Channel Islands) Order 1985
Trusts (Jersey) Law 1984

Fishing
Foreign Fishing Boats (Stowage of Gear) Order 1970
Mackerel Licensing (Manx and Channel Islands Boats) Order 1978
Mackerel Licensing (Manx and Channel Islands Boats) (Variation) Order 1982
Pêcheries: Bateaux-Pêcheurs Français Order in Council 1869
Sea Fish (Conservation) (Channel Islands Boats) Order 1978
Sea Fish (Conservation) (Channel Islands) Order 1981
Sea Fish (Conservation) (Channel Islands) (Amendment) Order 2001
Sea Fisheries Act 1868 Order in Council 1869
Sea Fisheries (Channel Islands) Order 1973
Sea Fisheries (Channel Islands Boats) Order 1973

General Law
<i>Territorial Sea Act 1987 (Jersey) Order 1997</i>
<i>Territorial Sea Act 1987 (Jersey) (Amendment) Order 2002</i>
Transfer of Functions (Miscellaneous) Order 2001

Government
Règlements Provisoires
Amendes en vertu des règlements triennaux

International
Antarctic (Jersey) Regulations 1997
Antarctic Act 1994 (Jersey) Order 1995
Arms Control and Disarmament (Inspections) Act 1991 (Jersey) Order 1991
Biological Weapons Act 1974 (Jersey) Order 1974
Chemical Weapons Act 1996 (Jersey) Order 1998
Deep Sea Mining (Temporary Provisions) Act 1981 (Jersey) Order 1997
Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003
Extradition (Genocide) Order 1970
Geneva Conventions Act (Jersey) Order 1966
Geneva Conventions Act (Jersey) Order 1999
Geneva Conventions Act (Jersey) Order 2012
Genocide (Jersey) Law 1969
Genocide Act 1969 (Isle of Man and Jersey) Order 1974
Intelligence Services Act 1994 (Channel Islands) Order 1994
Internationally Protected Persons Act 1978 (Jersey) Order 1979
Iraq (United Nations Sanctions) (Channel Islands) Order 2003
Landmines Act 1998 (Jersey) Order 2001
Nuclear Installations (Jersey) Order 1980
Nuclear Installations (Jersey) (Variation) Order 1987
Nuclear Material (Offences) Act 1983 (Jersey) Order 1991
Nuclear Safeguards (Jersey) Order 2004
Outer Space Act 1986 (Jersey) Order 1990
Suppression of Terrorism Act 1978 (Jersey) Order 1978

Taking of Hostages (Jersey) Order 1982
United Nations Act 1946
Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002
Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2005
Iraq (United Nations Sanctions) (Channel Islands) Order 2000
Iraq (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004
Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006
Liberia (United Nations Sanctions) (Channel Islands) Order 2004
Liberia (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004
Libya (United Nations Prohibition of Flights) Order 1992
Somalia (United Nations Sanctions) (Channel Islands) Order 2002
Sudan (United Nations Measures) (Channel Islands) Order 2005
Terrorism (United Nations Measures) (Channel Islands) Order 2001
United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996
United Nations (Personnel) (Jersey) Order 1998

Marine
Jersey (Navigator Hyperbolic System) Order 1987
Marine &C., Broadcasting (Offences) (Jersey) Order 1967
Maritime Security (Jersey) Order 1996
Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003
Merchant Shipping (Oil Pollution Compensation Limits) Order 2003
Merchant Shipping (Oil Pollution) (Jersey) Order 1997
Merchant Shipping Act 1937 Order in Council 1939

Medical and Health
Food and Environment Protection Act 1985 (Jersey) (Amendment) Order 1997
Food and Environment Protection Act 1985 (Jersey) Order 1987

Nationality
Asylum and Immigration Act 1996 (Jersey) Order 1998
Immigration (Jersey) Order 1993
Immigration and Asylum Act 1999 (Jersey) Order 2003
The Immigration (Jersey) Order 2012
The Immigration and Asylum (Jersey) Order 2012

Policing and Public Protection
The Police Act 1997 (Criminal Records) (Jersey) Order 2010
The Police Act 1997 (Criminal Records and Registration) (Jersey) Regulations 2010
The Police Act 1997 (Criminal Records and Registration) (Jersey) (Amendment) Regulations 2012
The Police Act 1997(Criminal Records) (Jersey) (Amendment) Order 2012
Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1998

Water and Fuel
Fuel and Electricity (Control) Act 1973 (Jersey) Order 1973