

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER CENTRAL  
QUESTION SUBMITTED ON MONDAY 23rd JANUARY 2023  
ANSWER TO BE TABLED ON MONDAY 30th JANUARY 2023**

**Question**

“Further to the response to [Written Question 258/2022](#), what approach does the Chief Minister propose to take in relation to the [Retained EU Law \(Revocation and Reform\) Bill](#), pursuant to which the U.K. Government intends to cease participating in 4,000 E.U. laws by the end of year 2023, and furthermore –

- (a) what actions does she propose in respect of any changes to Jersey legislation to better align with, or diverge from, current standards;
- (b) will she bring any variations to the Assembly for agreement or will any changes be made by Ministerial Decision; and
- (c) what resources does she have to deliver such adjustments?”

**Answer**

As reflected in my answer to Written Question 258/2022, the UK Retained EU Law (Revocation and Reform) Bill, if passed, will not directly affect Jersey laws.

Jersey’s approach to preparing legislatively for its new relationship with the EU after Brexit was very different from the UK’s. In particular, the European Union (Repeal and Amendment) (Jersey) Law 2018 (the “2018 Law”), which paved the way to implement changes to Jersey legislation that were required due to Brexit did not create a wide-ranging class of retained EU Law like that currently applicable in the UK, something the Bill seeks to change. The 2018 Law instead amended the EU Legislation (Implementation) (Jersey) Law 2014 to provide the States Assembly with additional Regulation making powers to allow it to address deficiencies in Jersey law that arose from Brexit, including by incorporating provisions in the EU Treaties or in EU legislation into Jersey law to ensure there were no gaps in Jersey legislation after Brexit.

This approach reflected the differences between Jersey and the UK in respect of their pre-Brexit relationships with the EU. In Jersey, prior to Brexit, EU Law was only directly applicable in those areas covered by Protocol 3 to the UK’s Act of Accession to the EU (i.e. primarily in relation to customs and trade in agricultural goods). There was, therefore, much less directly applicable legislation in Jersey than in the UK, and Jersey could take a more prescriptive approach to deciding what to preserve than the UK.

If the UK’s Bill is passed, then that will allow the UK to develop standards that diverge from EU-based standards in several areas. Without knowing the detail of how UK standards might diverge from EU-based standards and in which fields, it is impossible to fully assess the impact on Jersey. However, as many of the requirements set in the UK’s body of retained EU Law were requirements that Jersey was never required to align with the EU on, their impact in many areas may be very limited. Nonetheless, there may be instances where future changes in UK regulatory standards will be relevant to Jersey’s close trading relationship with the UK. It is too early to say how any adjustments to Jersey legislation that may be required in those instances should be made. However, the Government continues to have good on-going engagement with colleagues in Whitehall, including through the Government of Jersey London Office, and will be monitoring developments to see how they may affect Jersey in future.