



Jersey

# **EUROPEAN UNION (JERSEY) LAW 1973<sup>1</sup>**

## **Official Consolidated Version**

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Showing the law from 13 March 2019 to 31 December 2020



Jersey

## EUROPEAN UNION (JERSEY) LAW 1973

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Jersey

## EUROPEAN UNION (JERSEY) LAW 1973<sup>2</sup>

A **LAW** to make new provision for the implementation of the arrangements for Jersey in connection with the European Communities

Commencement [[see endnotes](#)]

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### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“Communities” means the European Atomic Energy Community, the former European Economic Community, the former European Community and the former European Coal and Steel Community;

“EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty), and includes, if and in so far as the context permits or requires, the European Atomic Energy Community;

“EU institution” means any institution of the EU;

“EU instrument” means any instrument issued by a EU institution;

“European Court” means the Court of Justice of the European Union;

“member”, in the expression “member State”, refers to membership of the EU;

“Treaties” or “EU Treaties” means, subject to the provisions of paragraph (2) of this Article, the pre-accession treaties, that is to say, those described in the Schedule to this Law, 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 22nd January 1972;
- (b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community;
- (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 28th May 1979;

- (d) the decision, of 24th May 1979, of the Council relating to the accession of the Hellenic Republic to the European Coal and Steel Community;
- (e) 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 Madrid and Lisbon on 12th June 1985;
- (f) the decision, of 11th 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;
- (g) the following provisions of the Single European Act signed at Luxembourg on 17th 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 institutions, the preamble and Titles I (common provisions) and IV (general and final provisions);
- (h) Titles II, III and IV of the Treaty on European Union signed at Maastricht on 7th 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;
- (i) the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;
- (j) 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 24th June 1994;
- (k) the following provisions of the Treaty signed at Amsterdam on 2nd 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 these Articles, and the Protocols adopted on that occasion other than the Protocol on Article J.7 of the Treaty on European Union;
- (ka) the following provisions of the Treaty signed at Nice on 26th 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;
- (l) the treaty signed at Athens on 16th April 2003 concerning the accession to the European Union 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;

- (m) the treaty concerning the accession of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005;
- (n) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th 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;
- (o) 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 23rd June 2010;
- (p) the treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9th December 2011;
- (q) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, adopted at Brussels on 16th May 2012,

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.<sup>3</sup>

- (2) Where Her Majesty by Order in Council made in accordance with the provisions of section 1(3) of the European Communities Act 1972 of the United Kingdom 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 22nd January 1972, other than a pre-accession Treaty to which the United Kingdom accedes 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.<sup>4</sup>
- (3) For the purposes of paragraphs (1) and (2), the expression “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (4) Where the meaning of “Treaties” and “EU Treaties” in the corresponding enactment of the United Kingdom is changed, the States may by Regulations amend the definition of “Treaties” and “EU Treaties” set out in paragraph (1) of this Article to the extent necessary to give effect to that change.<sup>5</sup>
- (4A) The Minister may by Order –
  - (a) amend any enactment (including this Law) to reflect changes in terminology or numbering arising out of –
    - (i) the Treaty of Lisbon, described in sub-paragraph (n) in the definition “Treaties” in paragraph (1), or
    - (ii) any other treaty becoming, at any time after the signing of the Treaty of Lisbon, one of the Treaties as defined in paragraph (1); and
  - (b) to make any provision incidental or consequential on such an amendment.<sup>6</sup>
- (4B) For the purposes of this Law a reference to the arrangements for the Channel Islands set out in the Treaties is to be taken to include a reference to –

- (a) the arrangements provided for in Protocol No 3 (OJ No L 73, 27.3.72, p. 164) of the Act annexed to the treaty described in sub-paragraph (a) of the definition “Treaties” in paragraph (1);
  - (b) the arrangements provided for in Regulation (EEC) No 706/73 of 12 March 1973 (OJ L 68, 15.3.1973, p. 1) concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products;
  - (c) the arrangements provided for in Council Regulation (EEC) No 1174/86 of 21 April 1986 (OJ L 107, 24.4.86, p. 1) amending Regulation (EEC) No 706/73 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products; and
  - (d) if a withdrawal agreement is concluded under Article 50 of the Treaty on European Union between the United Kingdom and the European Union, the arrangements provided for in that withdrawal agreement for the continued effect in Jersey of the arrangements described in sub-paragraphs (a) to (c).<sup>7</sup>
- (5) The reference in paragraph (2) to section 1(3) of the European Communities Act 1972 of the United Kingdom shall be construed as a reference to that section as amended from time to time.<sup>8</sup>
- (6) <sup>9</sup>

## 2 General implementation of Treaty arrangements

- (1) For the purpose of implementing in Jersey the arrangements for the Channel Islands set out in the Treaties, all rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under those arrangements, and all such remedies and procedures from time to time provided for by or under those arrangements, as in accordance therewith are without further enactment to be given legal effect or used in the Channel Islands shall, in Jersey, be recognized and available in law, and be enforced, allowed and followed accordingly.
- (2) Any enactment passed or to be passed shall be construed and have effect subject to the provisions of paragraph (1).
- (3) <sup>10</sup>
- (4) <sup>11</sup>

## 3 Decisions on, and proof of, Treaties and EU instruments etc.<sup>12</sup>

- (1) For the purposes of all legal proceedings any question as to the meaning or effect of any of the provisions of the Treaties having effect in Jersey by virtue of the arrangements for the Channel Islands contained therein, or as to the validity, meaning or effect of any EU instrument having like effect, shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by, and any relevant decision of, the European Court).<sup>13</sup>
- (2) Judicial notice shall be taken of the Treaties, of the Official Journal of the EU and of any decision of, or expression of opinion by, the European Court on any such question as aforesaid; and the Official Journal shall be admissible as evidence of

any instrument or other act thereby communicated of the EU or of any EU institution.<sup>14</sup>

- (3) Evidence of any instrument issued by an EU institution, including any judgment or Order of the European Court, or of any document in the custody of an EU institution, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.<sup>15</sup>
- (4) Evidence of any EU instrument may also be given in any legal proceedings by production of a copy purporting to be printed by the Queen's Printer.<sup>16</sup>

#### **4 EU offences<sup>17</sup>**

For the purpose of implementing in Jersey the arrangements for the Channel Islands set out in the Treaties, a person who, in sworn evidence before the European Court, makes any statement which the person knows to be false or does not believe to be true shall, whether the person is a British subject or not, be guilty of an offence and may be proceeded against and punished in Jersey as for the offence of perjury.

#### **5 Citation**

This Law may be cited as the European Union (Jersey) Law 1973.<sup>18</sup>

## SCHEDULE

### DEFINITIONS RELATING TO COMMUNITIES

#### THE PRE-ACCESSION TREATIES

- 1** The “E.C.S.C. Treaty”, that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th April, 1951.
- 2** The “E.E.C. Treaty”, that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th March, 1957.
- 3** The “Euratom Treaty”, that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th March, 1957.
- 4** The Convention on certain Institutions common to the European Communities, signed at Rome on the 25th March, 1957.
- 5** The Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th April, 1965.
- 6** 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 22nd April, 1970.
- 7** Any treaty entered into before the 22nd 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).



## ENDNOTES

### Table of Legislation History

Legislation	Year and Number	Commencement	◦Projet No (where applicable)
European Communities (Jersey) Law 1973	<a href="#">L.18/1973</a>	1 September 1973	
European Communities (Amendment) (Jersey) Law 1980	<a href="#">L.27/1980</a>	1 January 1981	
European Communities (Spanish and Portuguese Accession) (Jersey) Regulations 1985	<a href="#">R&amp;O.7452</a>	11 December 1985	
European Communities (Amendment No. 2) (Jersey) Law 1987	<a href="#">L.22/1987</a>	4 December 1987	
<a href="#">Wills and Successions (Jersey) Law 1993</a>	<a href="#">L.18/1993</a>	1 September 1993 ( <a href="#">R&amp;O.8575</a> )	
European Communities (European Union and European Economic Area) (Jersey) Regulations 1994	<a href="#">R&amp;O.8754</a>	26 November 1994	
European Communities Legislation (Implementation) (Jersey) Law 1996	<a href="#">L.2/1996</a>	1 March 1996 ( <a href="#">R&amp;O.8911</a> )	
European Communities (Accessions) (Jersey) Regulations 1996	<a href="#">R&amp;O.8930</a>	2 May 1996	
European Communities (Treaty of Amsterdam) (Jersey) Regulations 1999	<a href="#">R&amp;O.9361</a>	18 February 1999	
<a href="#">Customs and Excise (Jersey) Law 1999</a>	<a href="#">L.33/1999</a>	1 November 2000 ( <a href="#">R&amp;O.92/2000</a> )	
European Communities (Treaty of Athens) (Jersey) Regulations 2004	<a href="#">R&amp;O.15/2004</a>	16 March 2004	
European Communities (Accessions) (Jersey) Regulations 2006	<a href="#">R&amp;O.144/2006</a>	13 December 2006	
<a href="#">European Union Legislation (Implementation) (Jersey) Law 2014</a>	<a href="#">L.28/2014</a>	31 October 2014	

Legislation	Year and Number	Commencement	◦Projet No (where applicable)
European Union (Amendment – Withdrawal Agreement) (Jersey) Regulations 2019	<a href="#">R&amp;O.20/2019</a>	13 March 2019	<a href="#">P.10/2019</a>

◦Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
1 (1) def “Treaties” or “Community Treaties” paragraph (j)	1 (1) def “Treaties” or “Community Treaties” paragraph (i)
paragraph (k)	paragraph (j)
paragraph (l)	paragraph (k)
paragraph (m)	paragraph (l)
(3A)	(4)
(4)	(5)
(5)	(6)
4	repealed by <a href="#">L.33/1999</a>
5	repealed by <a href="#">L.33/1999</a>
6(2)	repealed by <a href="#">L.18/1993</a>
6 (1) and (3)	spent, omitted from this revised edition
7	4
8	spent, omitted from this revised edition
9	5
FIRST SCHEDULE	SCHEDULE
SECOND SCHEDULE	spent, omitted from this revised edition

### Table of Endnote References

<sup>1</sup> This Law was repealed by the European Union (Repeal and Amendment) (Jersey) Law 2018 at 11 p.m. on 31 December 2020

<sup>2</sup> renamed by L.28/2014

<sup>3</sup> Article 1(1) amended by L.27/1980, R&O.7452, L.22/1987, R&O.8754, L.2/1996, R&O.8930, R&O.9361, L.33/1999, R&O.15/2004, R&O.144/2006, L.28/2014

<sup>4</sup> Article 1(2) amended by L.28/2014

<sup>5</sup> Article 1(4) inserted by L.27/1980, amended by L.28/2014

<sup>6</sup> Article 1(4A) inserted by L.28/2014

<sup>7</sup> Article 1(4B) inserted by R&O.20/2019

<sup>8</sup> Article 1(5) substituted by L.28/2014

<sup>9</sup> Article 1(6) deleted by L.28/2014

<sup>10</sup> Article 2(3) deleted by L.28/2014

<sup>11</sup> Article 2(4) deleted by L.28/2014

<sup>12</sup> Article 3 heading amended by L.28/2014

<sup>13</sup> Article 3(1) amended by L.28/2014

<sup>14</sup> Article 3(2) amended by L.28/2014

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- <sup>15</sup> *Article 3(3)*                      *amended by L.28/2014*  
<sup>16</sup> *Article 3(4)*                      *amended by L.28/2014*  
<sup>17</sup> *Article 4*                            *heading amended by L.28/2014*  
<sup>18</sup> *Article 5*                            *amended by L.28/2014*