

Fact sheet on the UK's relationship with the Crown Dependencies

This fact sheet is aimed at providing an introductory overview of the UK's relationship with the Crown Dependencies and the Islands' international personalities. For more detailed information on the Crown Dependencies, please see the Annexes to this document and the links to further reading at the end of this document.

1. Constitutional relationship

The Crown Dependencies are the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. Within the Bailiwick of Guernsey there are three separate jurisdictions: Guernsey (which includes the islands of Herm and Jethou); Alderney; and Sark (which includes the island of Brecqhou).

The Crown Dependencies are not part of the UK but are self-governing dependencies of the Crown. This means they have their own directly elected legislative assemblies, administrative, fiscal and legal systems and their own courts of law. The Crown Dependencies are not represented in the UK Parliament.

The Crown Dependencies have never been colonies of the UK. Nor are they Overseas Territories, like Gibraltar, which have a different relationship with the UK. The constitutional relationship of the Islands with the UK is through the Crown and is not enshrined in a formal constitutional document. HM Government is responsible for the defence and international relations of the Islands. The Crown, acting through the Privy Council, is ultimately responsible for ensuring their good governance.

The Queen is the Head of State of each Island and the Lieutenant-Governor for each Crown Dependency is Her Majesty's personal representative. The Lord Chancellor and Secretary of State for Justice is the Privy Counsellor with special responsibility for Island Affairs. At present, Lord Faulks is the Minister responsible for the conduct of Islands' business within Whitehall.

The Ministry of Justice is responsible for managing the constitutional relationship with the Crown Dependencies, which involves a variety of different responsibilities including involvement in key Crown Appointments; working with the Palace on assessing Crown Dependencies' Coins and Stamps; and processing their legislation for Royal Assent.

However, as per the Justice Select Committee Report 2010, all UK Government Department have a responsibility to engage directly with the Crown Dependencies on their policy areas. The Annexes to this document contain information on how Government Departments should consult Crown Dependencies on relevant issues.

2. Nationality and Immigration

The British Nationality Act 1981 confers British Citizenship on all those with close connections with the UK, the Channel Islands and Isle of Man. The Islands have adopted the common format passport and the Lieutenant Governor remains the passport-issuing authority in the Islands.

Jersey, Guernsey, the Isle of Man and the Republic of Ireland, together with the UK, comprise the Common Travel Area. There is no immigration control between the UK and the Islands or between the Islands themselves. Rather, the Islands form part of the border for the British Isles as a whole.

3. Island Legislation

The Islands' legislatures make their own domestic legislation.

Principal legislation made by the Islands' legislatures requires Royal Assent or sanction. The Ministry of Justice examines such legislation to ensure that there is no conflict with international obligations (including ECHR compliance) or any fundamental constitutional principles. This enables the Lord Chancellor to advise the Privy Council whether Her Majesty in Council can be advised to make an Assenting Order, and thereby grant Royal Assent. For non-reserved Isle of Man legislation the Ministry of Justice will directly inform the Lieutenant Governor when the Lord Chancellor is content that the delegated responsibility to grant Royal Assent may be exercised.

UK legislation rarely extends to the Crown Dependencies and should not be extended without first consulting the Islands' Authorities and obtaining their consent. In instances where it does extend, it may do so either by virtue of the Act itself or by Order in Council made with their agreement under an enabling provision contained in the Act which provides for it to be extended to the Crown Dependencies. An enabling provision for an Order in Council, known as a 'permissive extent clause' (PEC), in a Bill could take the following form: "Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man". For an Act to extend otherwise than by an Order in Council is now very unusual. Departments must consult the Crown Dependencies at the earliest opportunity in the event that extension is under consideration and a PEC should not be included in a Bill without the prior agreement of the Islands.

More detailed information on how to engage with the Crown Dependencies on UK legislation that may affect them is included in **Annex A – How to note on the extension of UK primary legislation to the Crown Dependencies.**

4. International Personality

The Crown Dependencies are not recognised internationally as sovereign States in their own right but as "territories for which the United Kingdom is responsible". As such they cannot sign up to international agreements under their own aegis but can have the UK's ratification of such instruments extended to them, unless they have been entrusted to do so, as they have been in the case of Tax Information Exchange Agreements, and other agreements relating to taxation that provide for exchange of information on tax matters, with EU Member States, including the UK, the Organisation for Economic Co-operation and Development and the G20 member countries.

However, the Crown Dependencies are developing their international identities and in 2007, the then-Secretary of State for Constitutional Affairs signed an agreement with the Chief Ministers of each of the Crown Dependencies stating that the UK would not act internationally on their behalf without prior consultation and recognising that in international matters, particularly in relation to the EU, UK and Crown Dependency interests may differ. The agreements also set out a framework for the further development of the international identities of the Crown Dependencies. Copies of the framework agreements with each Crown Dependency are available on the Crown Dependencies Governments' websites (links in section 7 below).

5. Relationship to the European Union

The Islands have a special relationship with the European Union provided under Protocol 3 to the UK's Treaty of Accession to the European Community. This relationship cannot be changed without the unanimous agreement of all the Member States of the Union. Under Protocol 3, the Islands are part of the customs territory of the Union and therefore Union customs matters, the common customs tariff, levies, quantitative restrictions and any measures having equivalent effect apply. There is free movement of agricultural goods and derived products between the Islands and the Union. Also included are measures relating to the trade in agricultural goods and derived products with third countries.

However, other EU Rules do not apply to the Crown Dependencies. Implementation of the provisions on the free movement of persons, services and capital is therefore not required, and the Islands are not eligible for assistance from the structural funds or under the support measures for agricultural markets. EU tax instruments do not apply, nor do the developing justice and home affairs initiatives or the Schengen acquis, although the Islands support improved judicial co-operation within Europe and have also voluntarily applied for recognised equivalent status in a number of key law and policy areas.

6. Treaties and international agreements

Article 29 of the Vienna Convention on the Law of Treaties provides that "unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory". The long-standing practice of the UK when it ratifies, accedes to, or accepts a treaty, convention or agreement is to do so on behalf of the United Kingdom of Great Britain and Northern Ireland and any of the Crown Dependencies or Overseas Territories that wish the treaty to apply to them. The UK's ratification, accession or acceptance can also be extended at a later date.

This means that, when the UK is planning to ratify a particular convention or treaty, it should consult the Crown Dependencies about whether they wish to have it extended to them.

More detailed information on how to engage with the Crown Dependencies on International Treaties and Agreements that may affect them is included in **Annex B – How to Note on the extension of International Instruments to the Crown Dependencies** and **Annex C – How to Note on dealing with requests from the Crown Dependencies to extend the UK's ratification of international Instruments**.

7. Useful links

- **Justice Select Committee Report on the Crown Dependencies (2010):** www.publications.parliament.uk/pa/cm200910/cmselect/cmjust/56/56i.pdf
- **The Isle of Man Government:** www.gov.im
- **The States of Guernsey:** www.gov.gg
- **The States of Jersey:** www.gov.je

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