

# **Background briefing on the Crown Dependencies: Jersey, Guernsey and the Isle of Man**

The Department for Constitutional Affairs  
Crown Division, Crown Dependencies Branch

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# **Background briefing on the Crown Dependencies (Jersey, Guernsey and the Isle of Man)**

## **Contents**

1. Introduction
2. Who are the Crown Dependencies?
3. Government in the Crown Dependencies
4. Crown representation in the Crown Dependencies
5. Crown appointments in the Crown Dependencies
6. History
7. Relationship with the United Kingdom
8. Relationship to the European Union
9. Treaties and international agreements
10. Contact us

## **1. Introduction**

Government officials should consult the Department for Constitutional Affairs' Crown Dependencies Branch before:

- briefing Ministers to make statements or answer Parliamentary Questions about the Islands
- proposing or drafting any Bill which may be relevant to the Islands
- including any provision relating to the Islands in a published Bill
- arranging a visit to the Islands by officials or Ministers
- preparing proposals for international agreements that might apply to the Islands, for example, Community Treaties

Government officials must never state or imply that the Islands are part of the United Kingdom, or Great Britain, or England, or act on that assumption.

## **2. Who are the Crown Dependencies?**

The Crown Dependencies are the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. The Bailiwick of Guernsey includes the separate jurisdictions of Alderney and Sark and is responsible for the administration of the islands of Herm, Jethou and Lihou. The island of Brecqhou is part of Sark.

Jersey, Guernsey and the Isle of Man 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 and UK legislation does not extend to them.

The Crown Dependencies have never been colonies of England or the UK. Nor are they Overseas Territories, like Gibraltar, which have a different relationship with the UK.

## **3. Government in the Crown Dependencies**

Jersey, Guernsey and the Isle of Man have ministerial systems of government with a directly elected legislature. There are no political parties in the Islands and the Head of Government on each Island is the Chief Minister.

The legislatures are known as:

- States of Jersey (Jersey)
- The States of Deliberation (Guernsey)
- The States of Alderney (Alderney)
- Chief Pleas (Sark)
- The Court of Tynwald (Isle of Man)

The Islands' legislatures make their own domestic legislation. UK legislation does not normally extend to the Crown Dependencies and must never be extended to them without their consent. Jersey, Guernsey or the Isle of Man may, however, occasionally request that UK legislation is extended to them, which can then be done by an Order in Council.<sup>1</sup>

Jersey and Guernsey pass primary legislation, which requires Royal Assent from The Privy Council. The Lieutenant Governor in the Isle of Man, has delegated responsibility to grant Royal Assent to non-reserved legislation relating to domestic matters. Any reserved legislation in the Isle of Man requires Royal Assent from The Privy Council, in the same way as legislation from Jersey and Guernsey.

The Department for Constitutional Affairs examines legislation from Jersey, Guernsey and the Isle of Man so that the Lord Chancellor may advise the Privy Council whether Her Majesty in Council can be advised to make an Assenting Order and thereby grant Royal Assent. The Lord Chancellor is the Privy Counsellor primarily concerned with the affairs of the Crown Dependencies

#### 4. Crown representation in the Crown Dependencies

The Queen is the Head of State of each Island and the Lieutenant Governor on each Island is Her Majesty's personal representative. The Crown is ultimately responsible for the good government of each Island and exercises its responsibilities for the Islands through the Privy Council. The Crown also makes appointments to the judiciary in each Island.

#### 5. Crown appointments in the Crown Dependencies

Office	Jersey	Guernsey	Isle of Man
Queen's personal representative	Lieutenant Governor	Lieutenant Governor	Lieutenant Governor
Head of Judiciary	Bailiff	Bailiff	First Deemster
Judges	<ul style="list-style-type: none"> <li>• Deputy Bailiff</li> <li>• Lieutenant Bailiff</li> <li>• Stipendiary Magistrates</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Bailiff</li> <li>• Lieutenant Bailiff</li> <li>• Stipendiary Magistrates</li> </ul>	<ul style="list-style-type: none"> <li>• Second Deemster</li> <li>• Deputy Deemster</li> <li>• High Bailiff (Stipendiary Magistrate)</li> </ul>
Law Officers (legal adviser to Crown and Island's government)	Attorney General and Solicitor General	Procureur (Attorney General) and Comptroller (Solicitor General)	Attorney General

In Jersey and Guernsey, the Bailiffs are also the Presiding Officer of their respective legislatures, the First Citizen and the civil head of each Island.

<sup>1</sup> An enabling provision for an Order in Council, known as a "permissive extent clause" in a Bill could take the following form: "Her Majesty may, by Order in Council, direct that any provision of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands or the Isle of Man".

## **6. History**

Guernsey and Jersey were part of the Duchy of Normandy when Duke William, following his conquest of England in 1066, became King William I of England. They have since been subject to the English Crown as successor to the Dukes of Normandy. They did not, however, become part of England administratively or legally.

The Isle of Man first came under the English Crown in the fourteenth century following periods under the suzerainty of the Kings of Norway and Scotland. In 1405 the Island, with its regalities, was granted to Sir John Stanley and his heirs. From then up to 1765 it was ruled by the Earls of Derby, and later the Dukes of Atholl, as Kings or Lords of Man. By Acts of Parliament passed in 1765 and in 1825, the rights of the Lords of Man reverted to the Crown, and for a time the Island was very largely governed from London. Since this time, the Isle of Man's constitution has evolved to become a parliamentary democracy.

## **7. Relationship with the United Kingdom**

The constitutional relationship between the Islands and the UK is the outcome of historical processes and accepted practice. The most recent statement of the relationship between the UK and the Islands is found in Part XI of Volume 1 of the Report of the Royal Commission on the Constitution, published in 1973 and known as the Kilbrandon Report. It acknowledged that there were areas of uncertainty in the existing relationship and that the relationship was complex. It did not try to draw up a fully authoritative statement.

The UK Government is constitutionally responsible for defence and international representation of the Crown Dependencies. Jersey, Guernsey and the Isle of Man raise their own public revenue and do not receive subsidies from or pay contributions to the UK. They do, however, make annual voluntary contributions towards the costs of their defence and international representation by the UK. The government in Jersey funds a Territorial Army Royal Engineers Squadron on the Island. In Guernsey, the government remits to HM Treasury the income from passport fees and meets the maintenance costs of the Alderney breakwater. The Isle of Man government makes an annual cash payment calculated according to an agreement signed in 1994.

## **8. Relationship to the European Union**

Jersey, Guernsey and the Isle of Man are not members of the European Union but have a special relationship with the EU, provided by Protocol 3 of the UK's Treaty of Accession to the European Community. Under Protocol 3, the Islands are part of the customs territory of the Community. The common customs tariff, levies and agricultural import measures apply to trade between the Islands and non-member countries. There is free movement of goods and trade between the Islands and the Member countries. Other Community Rules do not generally apply. Implementation of the provisions for 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. Third pillar justice and home affairs initiatives also do not apply to the Islands.

## **9. Treaties and international agreements**

When the UK ratifies a treaty it does 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. It is not always possible to include Crown Dependencies or overseas territories in the instrument of ratification, so the scope of ratification can be extended later to include them. This practice has been agreed by other Member States and is regarded by the UN Secretary General as establishing a different intention for the purposes of Article 29 of the Vienna Convention on the Law of Treaties. Article 29 relates to the territorial scope of treaties. It 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”. Treaties and international agreements made before 1951 applied to Jersey, Guernsey and the Isle of Man by convention without any specific reference to the Islands.

## **10. Contact us**

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