



Ministry of Justice

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, please see 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 maintained 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 government.

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 and is supported by a Ministry of Justice Minister who is responsible for the conduct of Crown Dependency business within Whitehall.

The Ministry of Justice is responsible for managing the UK's constitutional relationship with the Crown Dependencies, which involves a variety of different responsibilities including involvement in key Crown Appointments, processing their legislation for Royal Assent and issuing Letters of Entrustment authorising Crown Dependency Governments to negotiate and conclude international agreements.

All UK Government departments have a responsibility to engage directly with the Crown Dependencies on their policy areas. The Government Response to the 2014 Justice Select Committee Report on the Crown Dependencies and the Ministry of Justice 'How To Notes' 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.

The UK, Jersey, Guernsey, the Isle of Man and the Republic of Ireland 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 in Jersey, Guernsey, Alderney and Sark requires Royal Assent or sanction by The Queen in Council. In the Isle of Man, the Lieutenant-Governor has a delegated authority to signify Assent on behalf of The Queen to the island's principal legislation where it relates to domestic matters. Principal legislation in the Isle of Man which may affect the role and responsibilities of the Lieutenant Governor, defence and aspects of the Royal Prerogative are reserved for Royal Assent or sanction by The Queen-in-Council in the same way as legislation from Jersey, Guernsey, Alderney and Sark. The Ministry of Justice examines such legislation to ensure that there is no conflict with international obligations (including European Convention on Human Rights 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 authority to signify 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 the Crown Dependencies' 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.

UK Government departments must consult the Crown Dependencies at the earliest opportunity where extension of UK provisions is under consideration. Furthermore, a PEC should not be included in a Bill without their prior agreement, save in exceptional circumstances (such as where a Bill engages the UK's constitutional responsibilities for the defence and international relations of the Crown Dependencies) and then only after consultation with the Crown Dependencies and the Ministry of Justice Crown Dependencies Team.

More detailed information on how departments should engage with the Crown Dependencies on UK legislation that may affect them is included in the Ministry of Justice How To Note on the extension of UK legislation to the Crown Dependencies (see link below).

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, and can sign specific international agreements if they have been entrusted to do so by the UK (as they have been in the case of Tax Information Exchange Agreements, Double Taxation Agreements and other agreements relating to taxation that provide for the exchange of information on tax matters with third countries).

However, the Crown Dependencies are developing their international identities and in 2007-2008, 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, 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.

5. Relationship to the European Union

Under the Withdrawal Agreement setting out the terms of the UK’s withdrawal from the EU on 31 January 2020, the Islands’ relationship with the EU as provided for under Protocol 3 to the Treaty of Accession 1972 will continue until the end of the Transition Period on 31 December 2020.

Under Protocol 3, the Islands are part of the customs territory of the EU. Therefore, EU 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 EU. 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 EU 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.

Customs arrangements have been signed so that after the Transition Period, the Crown Dependencies will continue to be in a customs union with the UK. The UK Government will work closely with the Crown Dependencies and seek to represent their interests as we negotiate a future relationship with the EU that works for the entire British family.

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. Following the UK's withdrawal from the EU, the UK Government will be negotiating Free Trade Agreements with other countries, on behalf of the whole British family. In keeping with its constitutional obligations, the UK Government will consult the Crown Dependencies and seek to represent their interests during these negotiations.

More detailed information on how to engage with the Crown Dependencies on International Treaties and Agreements that may affect them is included in the Ministry of Justice How To Notes on the extension of international instruments to the Crown Dependencies (see links below).

7. Useful links

- **Government Response to the Justice Select Committee Report on the Crown Dependencies (March 2014):**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/293235/government-response-justice-select-committees-report-crown-dependencies-developments-2010.pdf
- **Justice Select Committee Report on the Crown Dependencies (January 2014):**
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/726/726.pdf>
- **How To Note on the extension of UK primary legislation to the Crown Dependencies:**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361538/extension-uk-legislation-crown-dependencies.pdf
- **How To Note on the extension of International Instruments to the Crown Dependencies:**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185881/international-instruments-crown-dependencies.pdf
- **How To Note on dealing with requests from the Crown Dependencies to extend the UK's ratification of International Instruments:**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185882/request-extend-international-instrument.pdf
- **The Isle of Man:**
 - Isle of Man Government: www.gov.im
- **Bailiwick of Jersey:**
 - The States of Jersey: www.gov.je
- **Bailiwick of Guernsey:**
 - The States of Guernsey: www.gov.gg
 - The States of Alderney: www.alderney.gov.gg
 - Sark Chief Pleas: www.gov.sark.gg

For more information please contact us:

Crown Dependencies Team | International and Rights Directorate
Ministry of Justice, 102 Petty France, London SW1H 9AJ
crown.dependencies@justice.gov.uk