

ORDER IN COUNCIL

I
1996

ratifying a Projet de Loi

ENTITLED

The European Economic Area (Bailiwick of Guernsey) Law, 1996

(Registered on the Records of the Island of Guernsey
on the 15th April, 1996.)



1996

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of April, 1996 before de Vic Graham Carey, Esquire; Deputy Bailiff; present:—Stanley Walter John Jehan, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page and Stephen Edward Francis Le Poidevin, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 13th March, 1996, approving and ratifying a Projet de Loi entitled “The European Economic Area (Bailiwick of Guernsey) Law, 1996”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney and to the SÉNÉSCHAL of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 13th day of March, 1996

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS, there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 29th day of February 1996 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 28th day of July 1994, the States of Deliberation at a meeting held on the 28th day of September 1994 approved a Bill or “Projet de Loi” entitled “The European Economic Area (Bailiwick of Guernsey) Law, 1996”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 7th day of December 1994, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 4th day of October 1995, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The European Economic Area (Bailiwick of Guernsey) Law 1996”, and to order that the same shall have force of law in the Bailiwick of Guernsey.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

(No.I - 1996)

PROJET DE LOI
ENTITLED

**The European Economic Area (Bailiwick of Guernsey)
Law, 1996**

THE STATES, in pursuance of their Resolution of 28th July 1994(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Consistent application of law to whole of E.E.A.

1. (1) Where -

- (a) the operation of any enactment in force at the commencement of this Law is limited (expressly or by implication) by reference to the Communities or by reference to some connection with the Communities, and
- (b) the enactment relates to a matter to which the Agreement (as it has effect on the date on which it comes into force) relates,

then, unless the context otherwise requires, the enactment shall have effect in relation to that matter on and after the commencement of this Law with the substitution of a corresponding limitation relating to the European Economic Area (or, where appropriate, to both the Communities and the European Economic Area).

(2) Subsection (1) of this section

- (a) is subject to the exceptions and modifications set out and referred to in the Schedule to this Law,
- (b) is not to be regarded as prejudicing, or as having an effect which is inconsistent with, the operation, by virtue of the Agreement, of section 2 of the 1973 Law.

(a) On Article 8 of Billet d'État No. XVI of 1994.

General implementation of the Agreement

2. Where by virtue of the Agreement it is necessary for the purpose of implementing a Community obligation that any enactment in force at the commencement of this Law should have effect with modifications which can be ascertained from the Agreement, then on and after the commencement of this Law that enactment shall have effect with those modifications.

Judicial notice and evidence

3. Subsections (2) to (4) of section 3 of the 1973 Law shall have effect -
- (a) in relation to the EFTA Court (established under Article 108 of the Agreement) as they have effect in relation to the European Court, and
 - (b) in relation to the EFTA Surveillance Authority (also established under that Article) as they have effect in relation to a Community institution other than the European Court.

Interpretation

- 4.(1) In this Law -

"the Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

"the 1973 Law" means the European Communities (Bailiwick of Guernsey) Law, 1973(b), as amended(c).

- (2) This Law is to be construed as one with the 1973 Law.

(b) Ordres en Conseil Vol. XXIV, p.87.

(c) Ordres en Conseil Vol. XXVII, p.242; Vol. XXIX, pp. 127 and 419.

(3) The reference in section 1(1)(b) of this Law to the date on which the Agreement comes into force is a reference to the date on which (in accordance with the Protocol signed at Brussels on 17th March 1993) it comes into force otherwise than as regards Liechtenstein.

Citation

5. This Law may be cited as the European Economic Area (Bailiwick of Guernsey) Law, 1996.

Collective title

6. This Law and the European Communities (Bailiwick of Guernsey) Laws, 1973 to 1986 may be cited together as the European Communities and Economic Area (Bailiwick of Guernsey) Laws, 1973 to 1996.

SCHEDULE

Section 1(2)(a)

Exceptions and modifications to section 1(1)

1. Section 1(1) of this Law does not apply to an enactment by reason only that it refers to, or to a provision of, one of the Treaties or a Community instrument.
2. In the case of an enactment the operation of which is limited by reference to a Community institution, section 1(1) of this Law does not require the substitution of a limitation relating to the EFTA Surveillance Authority or the EFTA Court.
3. Section 1(1) of this Law applies subject to such exceptions and modifications as may be prescribed by regulations made under this paragraph by the States of Guernsey Advisory and Finance Committee.