



Jersey

**EUROPEAN COMMUNITIES (JERSEY)
LAW 1973**

Revised Edition

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EUROPEAN COMMUNITIES (JERSEY) LAW 1973

Arrangement

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Jersey

EUROPEAN COMMUNITIES (JERSEY) LAW 1973

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

Commencement [[see endnotes](#)]

1 Interpretation¹

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

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

“Community institution” means any institution of any of the Communities or common to the Communities; and any reference to an institution of a particular Community shall include one common to the Communities when it acts for that Community, and similarly with references to a Committee, officer or servant of a particular Community;

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

“European Court” means the Court of Justice of the European Communities or any court attached thereto;²

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

“Treaties” or “Community 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;
- (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, and any other treaty entered into by any of the Communities, with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties by the United Kingdom.³
- (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 Community Treaties as defined in that Act, the Order shall be conclusive that it is to be regarded as one of the Community 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 Community Treaties as herein defined unless it is so specified.
- (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 “Community Treaties” in the corresponding enactment of the United Kingdom is changed, the States may by Regulations amend the definition of “Treaties” and “Community Treaties” set out in paragraph (1) of this Article to the extent necessary to give effect to that change.⁴
- (5) References in this Law to any enactment shall be construed as including references to that enactment as amended and as extended or applied by or under any other enactment and as including references to any enactment repealing and re-enacting that enactment with or without further amendment.
- (6) The Subordinate Legislation (Jersey) Law 1960,⁵ shall apply to Orders made under this Law.

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) Any instrument containing any matter referred to in paragraph (1) shall, as soon as practicable, be presented to the States and lodged au Greffe.

- (4) The provisions of Article 3 of the Official Publications (Jersey) Law 1960,⁶ shall apply to any such instrument.

3 Decisions on, and proof of, Treaties and Community instruments etc.

- (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 Community 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).
- (2) Judicial notice shall be taken of the Treaties, of the Official Journal of the Communities 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 any of the Communities or of any Community institution.
- (3) Evidence of any instrument issued by a Community institution, including any judgment or Order of the European Court, or of any document in the custody of a Community 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.
- (4) Evidence of any Community instrument may also be given in any legal proceedings by production of a copy purporting to be printed by the Queen's Printer.

4 Community offences

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 Communities (Jersey) Law 1973.

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
European Communities (Jersey) Law 1973	L.18/1973	1 September 1973
European Communities (Amendment) (Jersey) Law 1980	L.27/1980	1 January 1981
European Communities (Spanish and Portuguese Accession) (Jersey) Regulations 1985	R&O.7452	11 December 1985
European Communities (Amendment No. 2) (Jersey) Law 1987	L.22/1987	4 December 1987
Wills and Successions (Jersey) Law 1993	L.18/1993	1 September 1993 (R&O.8575)
European Communities (European Union and European Economic Area) (Jersey) Regulations 1994	R&O.8754	26 November 1994
European Communities Legislation (Implementation) (Jersey) Law 1996	L.2/1996	1 March 1996 (R&O.8911)
European Communities (Accessions) (Jersey) Regulations 1996	R&O.8930	2 May 1996
European Communities (Treaty of Amsterdam) (Jersey) Regulations 1999	R&O.9361	18 February 1999
Customs and Excise (Jersey) Law 1999	L.33/1999	1 November 2000 (R&O.92/2000)
European Communities (Treaty of Athens) (Jersey) Regulations 2004	R&O.15/2004	16 March 2004
European Communities (Accessions) (Jersey) Regulations 2006	R&O.144/2006	13 December 2006

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)

Original	Current
(4)	(5)
(5)	(6)
4	repealed by L.33/1999
5	repealed by L.33/1999
6(2)	repealed by L.18/1993
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

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- ¹ Article 1(1) *definition “Committee” substituted by L.2/1996 and impliedly repealed by L.33/1999; definition “Community customs duty” repealed by L.33/1999; definitions “Customs Law” and “prescribe” impliedly repealed by L.33/1999*
- ² Article 1(1) *definition “European Court” amended by L.22/1987*
- ³ Article 1(1) *definition “Treaties” or “Community Treaties” amended by, L.27/1980, R&O.7452, L.22/1987, R&O.8754, R&O.8930, R&O.9361, R&O.15/2004, R&O.144/2006*
- ⁴ Article 1(4) *inserted by L.27/1980*
- ⁵ *chapter 15.720*
- ⁶ *chapter 15.440*