

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 17th DAY OF JANUARY, 2019**

**The States resolved as follows concerning Billet d'État No II
dated 8th January, 2020**

**THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY**

POLICY & RESOURCES COMMITTEE

THE WITHDRAWAL AGREEMENT BETWEEN THE UNITED KINGDOM AND EUROPEAN UNION –
IMPLICATIONS FOR THE BAILIWICK OF GUERNSEY
P.2020/1

- I. After consideration of the Policy Letter entitled “The Withdrawal Agreement between the United Kingdom and European Union – Implications for the Bailiwick of Guernsey”, dated 7 January 2020:-
 1. To acknowledge the Withdrawal Agreement which will, if ratified, effect the orderly withdrawal of the UK from the EU;
 2. To acknowledge that, should the UK and the EU both ratify the Withdrawal Agreement –
 - a) the territorial extent of the Withdrawal Agreement includes the Bailiwick of Guernsey and the Withdrawal Agreement will apply to the Bailiwick insofar as Protocol 3 to the UK’s Act of Accession to the European Community (1972) currently applies;
 - b) the UK will cease to be a member of the EU on the coming into force of the Withdrawal Agreement and the UK and EU will enter into a transition period;
 - c) during the transition period, which will end on 31 December 2020 (subject to any extension of up to two years), the same rights and obligations will apply to the UK as if it were still a member of the EU;
 - d) the same rights and obligations will apply to the Bailiwick during the transition period as if Protocol 3 still applied in respect of the UK’s membership of the EU;
 3. To acknowledge the Political Declaration as a statement of the UK and EU’s intentions in regard to their future relationship;

4. To direct the Policy & Resources Committee to maintain efforts to ensure that –
 - a) the Bailiwick’s interests continue to be represented to the UK during any negotiations in relation to the UK-EU future relationship; and
 - b) any future agreement or protocol should meet the Bailiwick’s needs, while respecting the constitutional relationship with the Crown and the Bailiwick’s domestic autonomy.
5. To agree, in particular, that any agreement or protocol in respect of the Bailiwick should be underpinned by the principles of relevance, proportionality and practicality taking into account the island nature of the Bailiwick, its size and population and unique needs arising out of the same;
6. To note, for the purposes of Article 72A of the Reform (Guernsey) Law, 1948 as amended, that pursuant to clause 42 of the European Union (Withdrawal Agreement) Bill –
 - a) clause 1 of that Bill would extend to Guernsey, in order to give effect to the saving for those provisions of the European Communities Act 1972 referred to in that clause;
 - b) the power in section 36 of the Immigration Act 1971 or (as the case may be) the UK Borders Act 2007 Act may be exercised, following consultation with the Policy & Resources Committee and the Committee *for* Home Affairs, so as to extend (with or without modifications) to Guernsey the modifications made to that Act by clause 10 of that Bill; and
 - c) paragraphs 1 and 2 of Schedule 5 to that Bill would extend to Guernsey, so far as they relate to the modification of any provision in subordinate legislation which extends to Guernsey;

and to signify their approval to the same for those purposes as necessary.

7. To agree that such other provisions of the European Union (Withdrawal Agreement) Bill and of any other Act of Parliament, as the Policy & Resources Committee believes to be necessary or expedient for the purpose of protecting or promoting the interests of Guernsey during the transition period, may extend or be extended to Guernsey.
8. To direct the preparation of such legislation as may be necessary to give domestic effect to the Withdrawal Agreement.

S.M.D. ROSS
HER MAJESTY’S DEPUTY GREFFIER