



# STATES OF ALDERNEY

States Office, PO Box 1001, Alderney, Channel Islands, GY9 3AA

From the President's Office

Tuesday 21<sup>st</sup> March 2017

## REPORT ON MY RECENT REPRESENTATIONS OF THE STATES OF ALDERNEY ON BREXIT

### Introduction

- 1 No-one currently knows where Brexit will take the UK or what its consequences will be. And it could take several years for this to become apparent. What *is* clear, however, is that Protocol 3 of the UK's Act of Accession, which sets out the Crown Dependencies' (CDs) relationship with the EU, and specifically puts the Crown Dependencies within the EU's customs union and gives them free movement of goods, will fall. It is also clear that unpicking the UK's relationship with the EU is a massive task of unprecedented complexity with an infinite number of ramifications. Alderney needs to ensure it is not adversely affected by the Brexit process, whether by design or by accident.

### Representation meetings in London

- 2 At the end of last month I was invited to London for two meetings to talk about Alderney and Brexit. The first was with the Minister of State at the Ministry of Justice (MoJ), Sir Oliver Heald, who has constitutional responsibility in Whitehall for the Crown Dependencies. The second was with the chair of the powerful House of Commons Justice Select Committee (JSC), Bob Neill MP, to inform the committee's Inquiry into the implications of Brexit for the Crown Dependencies. In keeping with the JSC's remit the focus of this meeting was on the potential risks and opportunities of Brexit for us, and on how effectively the Ministry of Justice is communicating with Alderney.
- 3 In brief, the messages I gave both to Sir Oliver and to Bob Neill were broadly as follows:
  - (ii) Alderney is a self-governing jurisdiction, a point the UK needs to bear in mind as Brexit proceeds
  - (iii) We want not only to be consulted but also to be properly engaged during the Brexit process as and when appropriate – and particularly as the pace increases and decisions are being taken. We fully accept that on

many matters it is proper for Guernsey to represent us, but on some issues we need to put our own case

- (iii) Relationships with the MoJ have improved recently, and we welcome the setting up of regular meetings. Guernsey too has been very helpful in keeping us informed
  - (iv) We fully support the priority areas set out by all of the Crown Dependencies some months ago: the maintenance of our relationship with the UK and continuation of free trade in goods and services, the free movement of capital and the free movement of people between us; the importance of grandfathering rights; and our wish to be involved in identifying new opportunities in future
  - (v) Some specific concerns for Alderney are:
    - a. to maintain the status of our e-gaming industry
    - b. to ensure there is no damage to our fishing industry (and to note our interest in expanding our territorial waters:
    - c. any UK proposals on immigration that would hinder Alderney in attracting more residents
    - d. the consequences of the EU potentially blacklisting low/no tax jurisdictions
  - (vi) It seems anomalous that Guernsey, Jersey and the Isle of Man each agreed a formal Framework for developing their international identity with the UK, but not Alderney; and I am minded to pursue a Framework that would similarly clarify Alderney's relationship with the UK
  - (vii) Guernsey and Jersey are considering membership of the World Trade Organisation: I believe we should consider this too
- 4 I have invited both Sir Oliver Heald and Bob Neill to visit. The former is hoping to visit all of the Channel Islands in April 2017.
- 5 Sir Oliver was very keen to emphasise that the Ministry of Justice's door was always open; and Bob Neill fully appreciated all of the points I raised with him.

## **Strategy going forward**

### **Legislative matters**

- 6 It is only proper to note formally here that the UK intends very shortly to invoke Article 50 and thus start the formal process for leaving the European Union. Following a decision by the UK Supreme Court, invoking Article 50 requires UK Parliamentary approval and a Bill is currently being considered to enable this to happen. The UK then intends to introduce a Great Repeal Bill. In brief, this is expected: to repeal the European Communities Act 1972, which provides legal authority for EU law to have effect as national law in the UK; (wherever appropriate) to transfer EU laws currently in force onto the UK statute book; and to contain powers for these laws to be amended in future.

- 7 The Crown Dependencies' relationship to the EU was enshrined in legislation passed in the Bailiwick when the UK joined the EU. This followed discussion and agreement by the States of Alderney, the Pleas of Sark and the States of Deliberation of Guernsey. Since EU legislation has been reflected in some of our own Guernsey is currently considered what legislative action needs to be taken.

### **Appropriate and proportionate activity**

- 8 Following from the above meetings I believe we must ensure that we are properly informed about the issues on which we shall need to make our voice heard and be ready to represent ourselves as a self-governing jurisdiction when necessary. We must do so in a way that is proportionate to our interests and mindful of the need to use our resources judiciously. Guernsey (and Jersey) have significantly increased the time and resources they devote to Brexit. We cannot match them on this, nor would it be appropriate to attempt to do so, but we must do what is necessary in order to look after our own interests.
- 9 I will see:
- a) that regular, ongoing contact with officials in MoJ and in Guernsey continue, and that appropriate contacts should be established with other UK Government Departments
  - b) that we keep in close touch with Guernsey and with the UK about the legislative process we as the States of Alderney need to follow, and take advice if appropriate;
  - c) that steps are taken to identify in more detail how our key businesses and other interested parties see Brexit risks and opportunities
  - d) that officials determine in more detail those areas on which we are content for Guernsey to represent us; those where we have no direct interest and those issues where we ourselves must ensure Alderney's voice is heard as Brexit progresses
  - e) that officials explore a Framework for International Identity and keep in touch with Guernsey about discussions on World Trade Organisation membership.

**STUART TROUGHT**  
President