

STATES OF JERSEY



Jersey

DRAFT TREATIES (JERSEY) LAW 202-

Lodged au Greffe on 24th December 2025
by the Chief Minister
Earliest date for debate: 24th February 2026

STATES GREFFE



Jersey

DRAFT TREATIES (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Assistant Chief Minister has made the following statement –

In the view of the Assistant Chief Minister, the provisions of the Draft Treaties (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter**
Assistant Chief Minister

Dated: 23rd December 2025

REPORT

Background and purpose

The Draft Treaties (Jersey) Law (the “Draft Law”) is intended to provide for international treaties that are to be entered into by, or applied or extended to Jersey, to be referred to the States Assembly.

On the 1st March 2023, the States Assembly voted in favour of the following request under [P.6/2023](#) as amended:

“to request the Legislation Advisory Panel, in consultation with the Privileges and Procedures Committee, to bring forward legislation by which all Treaties and International Agreements signed by a Minister under entrustment from the United Kingdom Government or to be extended to Jersey under the United Kingdom Government’s ratification process, are subject to ratification by the States Assembly before they come into force.”

The Draft Law represents the conclusion of work done in the intervening period since March 2023 to bring forward legislation which puts in place a legal requirement for the referral to the States Assembly of international treaties. The Draft Law addresses the various treaty types under consideration and sets out how their application or extension to Jersey will be dealt with by the Assembly.

The Draft Law

The Draft Law provides a natural next step in supporting Jersey’s separate international identity from that of the UK. The Draft Law recognises expressly that there is an increasing need for Jersey to participate in international affairs and that, in accordance with the Foreign Office Circular No 0118 (the Bevin Despatch) from 1951, Jersey should not be bound by treaties to which it has not been consulted nor wish to have extended or applied to it. For a mature democracy, legislation which sets out the conditions under which treaty obligations may extend or apply offers protective and clarificatory benefits.

Further to the decision of the States Assembly under P.6./2023 (as amended) to require that legislation is brought forward dealing with international treaty approvals, the Draft Law provides a carefully tailored approach by addressing four treaty “types.” These treaty types have been construed as categories of treaty which, by their natures, require particularised approaches. The wording in the draft Interpretation Article sets out a number of key definitions. Included is provision allowing for the word “state” to be read as including Jersey for the purposes of the Law but not in the context of the term “Sovereign State”.

The first treaty type is covered in substance at draft Article 2 and provides that reference must be made to the Assembly where a treaty has been negotiated or signed under a Letter of Entrustment. A Letter of Entrustment is an instrument which is signed by the Lord Chancellor permitting Jersey to negotiate and sign a bilateral treaty. To date, the Government of Jersey has progressed and concluded, *inter alia*, bilateral tax agreements and bilateral investment treaties using Letters of Entrustment. Draft Article 2 requires that where such a treaty has been negotiated or signed, the relevant Minister (defined as the Minister with responsibility for the treaty in Jersey) must lodge the treaty text so that the Assembly may decide whether or not to approve it. An explanatory memorandum must be included as well as the Minister’s view on why the treaty should be approved. A further requirement on the Minister is that they must not notify the treaty partner that the domestic procedures in Jersey required to give legal effect to the treaty have been complied with unless approval is granted. The requirements at draft Article 2 do not include where a later

amendment which may be made to the treaty text is not considered to be a material change to Jersey's international obligations in the opinion of the relevant Minister.

Draft Article 3 covers the treatment of the next treaty type which are those treaties to be extended to Jersey following ratification by the UK. Such treaties can be any treaty where there is an extension mechanism which allows the UK to extend the application of the treaty to include Jersey or indeed the other Crown Dependencies and Overseas Territories. In this case, where the relevant Minister wishes the treaty to extend to Jersey, they must lodge the text of the treaty so that the Assembly may decide whether or not to approve the Minister making the extension request .. They must include with the text an explanatory memorandum to summarise the treaty's provisions, alongside the Minister's view on why it should be so extended, and the requirement on the Minister not to request that the treaty is extended unless the Assembly have given their approval. The requirements at draft Article 3 do not include where a later amendment is made to the extended treaty text which is not considered to be a material change to Jersey's international obligations in the opinion of the relevant Minister.

Draft Article 4 provides for the third treaty type covered by the Draft Law which are free trade agreements ("FTA"). Since the UK's departure from the EU, the UK has been pursuing its own trade agenda by negotiating agreements particular to the facilitation of trade or to reduce or eliminate barriers to trade. The confidential nature of these texts until their completion and their express references or not to the application of the treaty texts to the Crown Dependencies or Overseas Territories mean that they require a particular approach to treaty process. Therefore, draft Article 4 reflects that position by requiring that where the relevant Minister has informed the UK that the Minister wishes an FTA to apply to Jersey, the Minister must lay a copy of the treaty text before the States Assembly for information within 28 days of the treaty being ratified by the UK. As similar to Articles 2 and 3 above, included must be an explanatory memorandum summarising the provisions of the treaty.

Draft Article 5 provides for the final treaty type. This category requires that any treaty that has been signed by the Attorney General in exercise of law enforcement functions must be laid before the States Assembly for information within 28 days of being signed, together with an explanatory memorandum summarising the treaty's provisions. This approach to law enforcement treaties is given on account of the sensitivities and requirements of treaties concerned with matters of criminal justice.

With respect to commencement, it is provided that the Draft Law will come into force 7 days after it is registered.

Consultation

The Privileges and Procedures Committee has been consulted on the Draft Law.

Financial and staffing implications

No additional staffing or budget will be required because of this proposition. Any additional work involved will be limited and relate to lodging and presenting information for any matters falling within the Law, and this will be done using established processes and within existing resources. The legislation will also formalise a clear and orderly process for treaty extension and approval, which has overall organisational benefits.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment screener has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the Draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not, be taken as legal advice.

APPENDIX TO REPORT**Human Rights Notes on the draft Treaties (Jersey) Law 202-**

These Notes have been prepared in respect of the draft Treaties (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department.

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law gives rise to no human rights concerns. It provides for international treaties to be referred to the States Assembly.

EXPLANATORY NOTE

This Law, if passed, will provide for international treaties that are to be entered into by, or applied or extended to Jersey, to be referred to the States Assembly.

Article 1 contains the definitions used in the Law.

Article 2 sets out the procedure in the case of treaties (other than treaties described in other provisions of the Law) negotiated or signed under a Letter of Entrustment (authority given by the Government of the UK on behalf of the Crown in right of Jersey for the relevant Minister to negotiate and enter into the treaty on behalf of Jersey). In that case the relevant Minister must lodge the treaty text for the States to decide whether or not to approve it. The proposition must also include an explanatory memorandum summarising the treaty's provisions and the Minister's view on why it should be approved. The Minister must not notify any other party that the domestic procedures giving legal effect to the treaty have been complied with unless the States have given approval. The procedure does not apply to an amendment to a treaty that has been approved by the States Assembly if the amendment does not, in the opinion of the relevant Minister, involve a material change to Jersey's international obligations.

Article 3 makes similar provision in respect of treaties (other than treaties described in other provisions of the Law) that the relevant Minister wishes to be extended to Jersey following ratification by the UK. The procedure does not apply to an amendment to a treaty extended to Jersey with the States' approval that does not, in the opinion of the relevant Minister, involve a material change to Jersey's international obligations.

Article 4 applies if the relevant Minister has informed the UK that the Minister wishes a free trade agreement that is to be negotiated by the UK to apply to Jersey. In that case the Minister must, within 28 days of the UK ratifying the treaty, lay a copy of it before the States for information, together with an explanatory memorandum summarising its provisions.

Article 5 provides that a treaty that has been signed by the Attorney General in the exercise of law enforcement functions must be laid before the States for information within 28 days of that signature, together with an explanatory memorandum summarising its provisions.

Article 6 provides for how the Law is to be cited and for it to come into force 7 days after registration.



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Jersey

DRAFT TREATIES (JERSEY) LAW 202-

A **LAW** to provide for the States Assembly to approve treaties.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

RECOGNISING that Jersey has an international identity separate from that of the United Kingdom and may develop further that international identity;

AND FURTHER RECOGNISING that Jersey has autonomous capacity in domestic affairs and that international obligations that are binding on Jersey may require the enactment of domestic legislation or otherwise have an impact on domestic affairs;

AND FURTHER RECOGNISING that Jersey has an ever-growing need to participate in international affairs and should not be bound by treaties on which Jersey has not been consulted or that it does not wish to have applied to the Island –

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law –

“lodge” means lodge *au Greffe* in accordance with the Standing Orders of the States of Jersey;

“ratification” in relation to a treaty, means an act establishing as a matter of international law a state’s or an international organisation’s consent to be bound by the treaty, the act consisting of the deposit or delivery of –

- (a) an instrument of ratification, accession, approval or acceptance; or
- (b) a notification of completion of domestic procedures;

“relevant Minister” means the Minister with responsibility for the treaty in Jersey;

“state”, for the purposes of this Law, includes Jersey;

“treaty” –

- (a) means a written agreement –

- (i) between states or between states and international organisations; and
 - (ii) binding under international law; but
- (b) does not mean a regulation, rule, measure, decision or similar instrument made under a treaty that does not wholly or partially amend or replace the treaty.

2 Reference to States Assembly of treaties negotiated or signed in accordance with Letter of Entrustment

- (1) If a treaty has been negotiated or signed under a Letter of Entrustment, the relevant Minister –
- (a) must lodge the text of the treaty so that the States Assembly may decide whether or not to approve that text;
 - (b) must include with the text an explanatory memorandum summarising the provisions of the treaty and the Minister’s view on why it should be approved; and
 - (c) must not notify any other party that the domestic procedures required to give legal effect to the treaty have been complied with unless that approval has been given.
- (2) Paragraph (1) does not apply to an amendment to a treaty that has been approved by the States Assembly if the amendment does not, in the opinion of the relevant Minister, involve a material change to Jersey’s international obligations.
- (3) This Article does not apply to a treaty mentioned in Article 3, 4 or 5.
- (4) In this Article, “Letter of Entrustment”, in relation to a treaty, means authority given by the Government of the United Kingdom on behalf of the Crown in right of Jersey for the relevant Minister to negotiate and enter into the treaty on behalf of Jersey.

3 Reference to States Assembly of treaties to be extended to Jersey following ratification by United Kingdom

- (1) If a treaty has been ratified by the United Kingdom but does not apply to Jersey and the relevant Minister wishes it to extend to Jersey, the Minister –
- (a) must lodge the text of the treaty so that the States Assembly may decide whether or not the Minister should request that the Government of the United Kingdom extend the treaty to Jersey;
 - (b) must include with the text an explanatory memorandum summarising the provisions of the treaty and the Minister’s view on why it should be so extended; and
 - (c) must not request that the treaty be extended to Jersey unless the States Assembly have approved the Minister making that request.
- (2) Paragraph (1) does not apply to an amendment to a treaty that has been extended to Jersey with the approval of the States Assembly if the amendment does not, in the opinion of the relevant Minister, involve a material change to Jersey’s international obligations.
- (3) This Article does not apply to a treaty mentioned in Article 2, 4 or 5.

4 Reference to States Assembly for information of free trade agreements to be applied to Jersey

- (1) This Article applies if the relevant Minister has informed the United Kingdom that the Minister wishes a free trade agreement that is to be negotiated by the United Kingdom to apply to Jersey.
- (2) The relevant Minister must, within 28 days of the treaty being ratified by the United Kingdom, lay a copy before the States Assembly for information together with an explanatory memorandum summarising the provisions of the treaty.
- (3) In this Article, “free trade agreement” means a treaty that is intended to facilitate trade or to reduce or eliminate barriers to trade.

5 Reference to States Assembly for information of law enforcement treaties

A treaty that has been signed by the Attorney General in the exercise of law enforcement functions must be laid before the States Assembly for information within 28 days of that signature, together with an explanatory memorandum summarising the provisions of the treaty.

6 Citation and commencement

This Law may be cited as the Treaties (Jersey) Law 202- and comes into force 7 days after it is registered.