

**WRITTEN QUESTION TO THE MINISTER FOR EXTERNAL RELATIONS
BY THE DEPUTY OF ST. OUEN
ANSWER TO BE TABLED ON TUESDAY 14TH JUNE 2016**

Question

What are the potential implications for Jersey of the UK Government's proposals for a British Bill of Rights to replace the Human Rights Act 1998?

Answer

The Government of Jersey has noted and will monitor carefully the recent UK Government commitment contained in the 2016 Queen's Speech that "*proposals will be brought forward for a British Bill of Rights*"¹. Those proposals have yet to be published. The proposed document has been variously framed as a "British Bill of Rights" and as a "UK Bill of Rights" and I have asked that consideration be given to using the latter term. The former is a misnomer in that it gives the impression that the Bill of Rights would apply throughout the British Isles whereas its extent will be limited to the United Kingdom.

The European Convention on Human Rights has been extended to the Island and is incorporated into the law of Jersey by the Human Rights (Jersey) Law 2000. We consider that the right of citizens to appeal to the European Court of Human Rights, once all domestic remedies have been exhausted, is an important safeguard for the people of Jersey, and it is a safeguard that we wish to retain. We have engaged with UK government ministers and officials to ensure they are aware of our position.

It seems from statements by UK government ministers that there is no intention on the part of the UK Government to withdraw from the European Convention on Human Rights, but only to replace the Human Rights Act 1998 (which incorporates the Convention into UK law) with a Bill of Rights. In principle, this should not affect the ratification of the Convention on behalf of Jersey.

If, however, UK Government policy should change, and denunciation of the Convention is under consideration, then careful consideration would need to be given to the implications for Jersey. It would be possible for the UK to denounce the Convention for the metropolitan territory of the UK, but not for Jersey – there is precedent for such an action – but such a scenario is at present hypothetical. The situation is being carefully monitored.

¹ <https://www.gov.uk/government/speeches/queens-speech-2016>