

**WRITTEN QUESTION TO THE MINISTER FOR EXTERNAL RELATIONS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th JANUARY 2016**

Question

With regard to the United Kingdom's (UK) in-out Referendum on membership of the European Union would the Minister advise members:

- (a) there have been any discussions with Her Majesty's Government as to whether Jersey residents would be entitled to vote in the Referendum, and if not, will he seek to ascertain from the UK authorities whether Jersey residents will be allowed to vote; and,
- (b) in the event that Jersey residents are not allowed to take part in the Referendum, whether he would support a separate Island Referendum being held on the same question to ascertain the views of Islanders?

Answer

a) As the Chief Minister made clear in answers given to Connetable Taylor and Deputy Mezec during oral questions on June 2nd 2015, there is no legal or constitutional mechanism by which Jersey might take part in the UK Referendum on EU membership. Jersey is a Crown Dependency with a separate legal status from the UK metropolitan territory

It is for the UK government to determine eligibility to vote in the referendum. The European Referendum Act 2015, which gained Royal Assent on 17 December 2015, stipulates that the franchise should be based on the franchise for UK Parliamentary elections. Accordingly, residents of the Crown Dependencies and Overseas Territories will only be qualified to vote if they would be entitled to do so as electors at a UK parliamentary election in any constituency (for example, as overseas voters). This is consistent with past practice, in particular the 1975 UK referendum on EU membership.

b) The UK is the EU Member State and Jersey's limited relationship with the EU as a Crown Dependency exists by virtue of Protocol 3 to the UK's Act of Accession. The decision on whether or not to remain as an EU Member State is a question for the people of the UK rather than Jersey.

Although it is true that Jersey would be affected by a decision to leave the EU, it would be ineffectual and therefore inappropriate, to have a referendum in Jersey on whether or not the UK should remain a Member State of the EU.