

# Positive changes made to the approval process for the Bailiwick's primary legislation

UPDATE

Update prepared by Helen Wyatt (Guernsey)

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Changes have been made to the way in which the Bailiwick of Guernsey's (the **Bailiwick**) primary legislation may be formally approved making it a swifter and more time-efficient process in many cases

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The first Bailiwick primary legislation (known as *Projet de Loi* (**Projet**)) to be approved by the Lieutenant-Governor will commence on 1 November 2024.

With effect from **29 February 2024**, a new and additional procedure for obtaining formal approval to a *Projet* applies, which allows approval by the Lieutenant-Governor, as the Crown's personal representative in the Bailiwick, on behalf of the Privy Council.

This new procedure is intended to offer a swifter and more time-efficient process for the formal approval of the Bailiwick's primary legislation, by avoiding delays which can impact time-critical legislation when the approval is dependent on formal sittings of the Privy Council in the UK.

## The new procedure

The new procedure may be used where a *Projet* is deemed to be 'wholly relating to the internal affairs' of the Bailiwick. It may not be used where either the Lieutenant-Governor considers, or where the Lord Chancellor directs, that the *Projet* should be reserved for consideration by the Lord Chancellor, in which case the historic process of obtaining Privy Council approval of the *Projet* by way of Royal Assent through an Order in Council must be followed.

The Lieutenant-Governor must consult the Lord Chancellor about any *Projet* which in the opinion of the Lieutenant Governor, either:

- (a) deals, wholly or partly, with any of the following:
  - (i) defence
  - (ii) international relations
  - (iii) nationality and citizenship
  - (iv) the powers and remuneration of the Lieutenant-Governor, or
  - (v) the constitutional relationship between the United Kingdom and Northern Ireland, and the Bailiwick, or
- (b) affects the Royal Prerogative or the rights of the King in his private capacity, eg where the Bailiwick wishes to ratify an international treaty agreement or wishes to issue its own passports.

Where, after consulting with the Lord Chancellor, no direction to reserve the matter is given, the Lieutenant-Governor may himself give approval. He does so by signing a document called the *Signification of Royal Assent* and directing that the *Projet* be registered by the Royal Court in Guernsey.

## Contacts

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