

Research Briefing

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By Philip Loft

Representing the Overseas Territories in the UK Parliament and Government



Summary

- 1 Division of responsibility within the UK Government
- 2 Select committee scrutiny
- 3 Engagement with the UK Parliament
- 4 Debates on representation in the UK
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Summary

There are 14 UK Overseas Territories (OTs), with a [population of around 270,000 people](#). Ten are inhabited, and their populations range from over 60,000 in the case of Bermuda and the Cayman Islands, to 40 in Pitcairn.

Most Territory inhabitants are British citizens. They form part of the same undivided realm with the UK where the King is sovereign, and the UK Parliament and Privy Council have unlimited power to legislate for them. However, in practice elected Territory governments have substantial autonomy in domestic affairs and UK legislation relating to them is rare and often controversial with Territory governments.

The Library briefing [The OTs: an introduction and relations with the UK](#), provides an overview of the Territories and the UK's responsibility for them.

This briefing sets out UK ministerial responsibility for the OTs, debates on their representation in the UK Parliament, challenges raised, and proposals to strengthen OT scrutiny on legislation relating to the Territories in the UK.

How are the inhabited Territories governed?

Each Territory [has its own constitution and system of government](#). For the larger Territories, their constitutions are based on the Westminster system with a ministerial system of government, elected parliaments or assemblies, a cabinet, and chief minister/premier. The Falkland Islands has a committee-system of government, and Pitcairn an Island Council.

All the Territories [have a UK-appointed governor](#), who generally holds responsibility for managing the Territory's external affairs, defence and internal security like the police, and often the power to make or veto laws.

Aside from St Helena, Tristan da Cunha, Montserrat, and Pitcairn, the Territories are largely ineligible for UK aid and are instead economically self-sufficient. Being separate governments, the UK [does not bear liability for their debts and taxation is a Territory matter](#). International treaties the UK signs [are not usually extended to the Territories without consultation](#).

UK Government responsibility

The Foreign, Commonwealth and Development Office (FCDO) is the lead department for the Overseas Territories. Current UK Government policy on the OTs is set out in a [2012 White Paper](#), and the government holds an [annual ministerial council with the Territories](#). Other departments, such as the Ministry of Defence, have also [published engagement strategies](#). In 2023, UK

and OT governments [announced that a new strategy](#) would be developed, as well as partnership compacts with each government who requests them.

In 2019, the Foreign Affairs Committee and some OT governments called on the UK Government [to consider a separate department for the OTs or moving responsibility to the Cabinet Office](#). In 2023, each department designated a minister with [responsibility for its relations](#) with the Territories.

The UK Parliament and the Territories

As a matter of constitutional law, the UK Parliament has unlimited power to legislate for the Territories. However, passing legislation for the Territories is rare. The most recent example was that in 2018 when the [requirement to maintain registers of beneficial ownership was extended to the Territories](#). The UK Government acknowledged the “ill-feeling” created over what many OTs felt was an “overreach” by the UK Parliament. Many Territories [called for strengthened protections from such moves in the future](#).

The Foreign Affairs Committee is primarily responsible for scrutinising UK Governors and the Government’s work with the OTs—its [most recent report was published in 2019](#). The [Committee is also sent draft Territory constitutions](#) before they come into force to enable parliamentary scrutiny.

In 2023, the Committee [launched an OT subcommittee](#), aiming to hold sessions on the Territories and issues affecting them every two months.

In 2022, the Commons Speaker, Sir Lindsay Hoyle, [instigated the first Commons and OTs speakers conference](#). These are held annually and discuss topics relating to Territories and their legislatures.

Direct representation at Westminster

Many OT Governments and successive UK Governments have opposed representation in the UK Parliament. While the issue of representation [was considered in the 2000s by several committees](#), and other European parliaments [do have mechanisms for the representation of their OTs](#), there are no current UK proposals.

Past objections include the [challenges of equal representation for the Territories](#) (even the largest is smaller than the average UK parliamentary constituency), the potential for dominance by larger Caribbean OTs in the case an MP is shared, whether it would undermine Territory autonomy, and reduce access to wider parliamentarians. [Proponents argue it would strengthen ties and enable Territories to have a voice on issues that impact them](#), such as international affairs. Supporters have also stressed representation [should not come at the cost of Territory self-government](#).

1 Division of responsibility within the UK Government

1.1 Responsibility of the foreign office

In recent decades, responsibility for the Overseas Territories (OTs) has been held by the Foreign, Commonwealth and Development Office (FCDO) and its predecessors. This is despite their transition from colonies and dependent territories to overseas territories, and the achievement of a large measure of self-government for those which are inhabited.¹

In 2019, the Commons Foreign Affairs Committee [argued it was “now time to reconsider” this division of responsibility.](#)²

It quoted submissions from several Overseas Territory (OT) officials and politicians, including in the British Virgin Islands, Montserrat, and Anguilla, who argued that because neither the Territories nor their citizens are foreign, a foreign department is not the correct place. Alternatives such as the Cabinet Office or a distinct Overseas Territories office were suggested.³

However, other witnesses, including the Falkland Islands Government, argued that because the Foreign Office has a “global base” it was the logical place for the Territories.⁴ In 1998 evidence to the Committee, the Falkland Islands Legislative Council also expressed concerns a dedicated department would be dominated by the larger and more numerous Caribbean OTs.⁵

The Committee also noted that for the three Territories eligible for UK aid, the Department for International Development (DFID) was a potentially more important relationship for them. However, this has now changed following the merger of the Foreign & Commonwealth Office and DFID in 2020.

In response to the Committee, in 2019 the [UK Government said the Foreign & Commonwealth Office had “served its purpose well in most respects”](#) and emphasised the cross-government nature of engagement with the Territories.

¹ For the historical development of the Territories, see [Europa World Plus](#) profiles for each (accessible via a Commons-Library login) and for their present constitutions see the Commons Library briefing [The separation of powers in the UK’s OTs](#). Sources all accessed January 2023 and July 2024.

² Foreign Affairs Committee (FAC), [Global Britain and the British OTs](#), HC1684, February 2019, sect 1.

³ As above, paras 9-14, 18-20

⁴ As above, para 11

⁵ FAC, [Dependent Territories: Interim report](#), HC 1192, 1998, para 56

It was open to ideas on advancing this relationship, however.⁶ No further statements have been issued.

Role of other departments

In 2019, the then-Foreign and Commonwealth Office described its role as acting as “lead coordinator” of the UK Government support.⁷

In its [2012 white paper on the OTs](#), the UK Government set out intentions to “strengthen interaction between the Territories and UK Government Departments and local government,” and for appropriate UK departments to assume responsibility for supporting the Territories.⁸

Arguably, the two most important departments in addition to the FCDO are:

- **Ministry of Defence:** Has responsibility for defence and supporting the response to natural disasters such as hurricanes. The Sovereign Base Areas of Cyprus are the only Territory to be administered by the Ministry of Defence (the remainder lie with the FCDO).⁹
- **The Department for the Environment, Food & Rural Affairs (DEFRA)** supports many environmental programmes in the Territories, including Darwin Plus, to support their biodiversity.¹⁰

In 2023, the government announced that each department would nominate a lead minister responsible for the OTs in their department. The FCDO minister with lead for the OTs will convene a regular meeting of the group to ensure that the UK meets its constitutional responsibilities.¹¹

UK Departmental strategies on the OTs

To coincide with the publication of the White Paper in 2012, UK Government departments published strategies on their engagement with the Territories:

- Ministry of Defence, [OTs: The Ministry of Defence’s contribution](#), 2012
- HM Treasury, [Support for the OTs](#), 2012
- Department for Transport, [Partnership with the OTs](#), 2012

⁶ [UK Government response to the FAC report Global Britain and the British OTs](#), 29 April 2019, para 1

⁷ As above

⁸ UK Government, [The Overseas Territories](#), Cm 8374, June 2012, p16

⁹ FCO, [The OTs](#), Cm8374, 2012, pp17

¹⁰ Commons Library, [The UK OTs: Climate change and biodiversity](#), p9, section 3.5

¹¹ HC Deb, [11 May 2023](#), c528

- Department for Culture, Media and Sport (DCMS), [The DCMS and the OTs](#), 2012
- DEFRA, [The environment in the UK's OTs: UK Government and civil society support](#), 2012
- Department for Energy & Climate Change (DECC), [DECC support for the OTs](#), 2012
- Department for Education (DfE), [British OTs: DfE services](#), 2012
- Department for Health, [Health and healthcare in the British OTs: Regional and UK Government support](#), June 2010 and [An update of the 2010 paper](#), 2012
- Ministry of Justice, [A new approach to the British OTs—Justice governance engagement plan](#), 2012
- Ministry of Housing, Communities and Local Government, [Working with the OTs](#), 2013
- Department Work and Pensions (DWP), [DWP and the OTs](#), 2012

The Liberal Democrat-Conservative Coalition Government also published a summary paper as [2010 to 2015 government policy: The OTs](#), May 2015.

In May 2023, the then Chair of the Foreign Affairs Committee, Alicia Kearns, called on the government to update these strategies, they all being at least ten years old.¹² The government did not commit to do so, but said it would publish a new strategy on the Territories. This was still in development at the time of the July 2024 general election and was not been published.¹³

1.2

Ministerial-level meetings

Since 1999, the elected leaders of the Territories and UK Ministers have met in an annual consultative council.¹⁴

This became the Joint Ministerial Council (JMC) in 2012. The JMC provides a forum for the exchange of views, agreement of priorities, and implementing the 2012 [White Paper on the Overseas Territories](#). Each meeting ends with a published communiqué.

¹² HC Deb, [11 May 2023](#), c501

¹³ HC Deb, [11 May 2023](#), c529

¹⁴ UK Government, [The Overseas Territories](#), Cm 8374, June 2012, p16

The most recent meeting occurred in December 2023. It resulted in a joint declaration on closer collaboration between the UK and the Territories.¹⁵ Its commitments relating to the UK parliament are summarised in section 3.3.

The FCDO also arranges visits to the Territories outside of the JMC: six visits were made by UK Ministers in 2022.¹⁶

1.3 The Privy Council and the Territories

The [Privy Council of the United Kingdom](#) is an advisory body to the monarch and its members are known as Privy Counsellors. While many Commonwealth Realms (independent countries where the monarch is head of state) are represented on the Council, there is no direct representation for the OTs.¹⁷

Legislates for Territory constitutions

While the UK Parliament could legislate for Territory constitutions, it has instead provided this role for the Crown and Privy Council through legislation (except in the cases of Gibraltar and the British Indian Ocean Territory, where the Crown acts through the prerogative).¹⁸

Constitutions for each OT are contained in an Order in Council. [Orders in Council are legal instruments that have the force of law](#), and are made by the Crown through the Privy Council.¹⁹ Orders can also be made to introduce other laws for the Territories, such as for implementing UK sanctions.²⁰

For more on introducing and amending Territory constitutions, see section 2.1 of the Commons Library briefing [The UK OTs: An introduction](#).

Judicial appeals from the Territories

For all OTs, the Judicial Committee of the UK Privy Council is their final point of legal appeal, after exhausting local legal processes. Its judgements are binding.

The Committee's judges are usually Justices of the UK Supreme Court.

The Library briefing, [The separation of powers in the UK's OTs](#), section 4.4, provides more on judicial structures and appeals in the Territories.

¹⁵ FCDO, [Joint declaration of the governments of the UK and British OTs](#), 14 December 2023

¹⁶ [Foreign Secretary to Chair of Foreign Affairs Select Committee](#) (PDF), 9 December 2022

¹⁷ Paul F. Scott, "[The Privy Council and the constitutional legacies of empire](#)", *Northern Ireland Legal Quarterly*, Volume 71, 2020, p261-83, at p268

¹⁸ I. Hendry and S. Dickson, [British OT law](#) (PDF), 2018, pp15-20

¹⁹ Privy Council Office, [Orders in Council](#)

²⁰ Commons Library, [The UK's OTs and sanctions against Russia](#), March 2022

2 Select committee scrutiny

2.1 UK Parliament committee powers

While the FCDO is primarily responsible for UK-OT relations, each UK Government department is also accountable to their respective parliamentary committee (as the FCDO is to the Foreign Affairs Committee).

Territory governors are appointed by the Crown and are primarily accountable via the Foreign Secretary.²¹ In 1998, the Commons Foreign Affairs Committee cited complaints from witnesses that there was a “democratic deficit” in the representation of the OTs, including in the accountability of Territory governors:

The deficit exists both for the Dependent Territories [now Overseas Territories] elected representatives, who have no direct constitutional mechanism for making representations to Parliament, and Members of Parliament, who have no formal way of assessing the performance of the Governor or the local Administration. Despite a notional chain of accountability to Parliament, from the Governor through the Foreign Secretary, there is, in our view, insufficient access for Members of this House to examine the conduct and stewardship of either the Governor or the local Administration.²²

The Foreign and Commonwealth Office (FCO) rejected this criticism, and said it was open to Committees to inquire into the Territories:

The FCO do not agree with the assertion that there is a serious democratic deficit in relation to Parliamentary oversight of the affairs of the Overseas Territories.

It is open to Members of Parliament to ask Parliamentary questions about the performance of Governors or local administrations and to Select Committees to summon key officials, including Governors, to Select Committee hearings.

It is also open to Select Committees to visit the Overseas Territories to form their own views on the situation in Overseas Territories which might be a topical concern [...].²³

²¹ PQ 77662 [OTs], 22 June 2006

²² FAC, [Dependent Territories: Interim report](#), HC 1192, 1998, para 61

²³ [Foreign and Commonwealth Office response to the Dependent Territories report](#), May 1998, para 19

Recommendation for a formal mechanism

In 2019, the Commons Foreign Affairs Committee [acknowledged that many in the OTs did not feel they received the attention they deserved in the UK Parliament](#), and that the Committee itself had not carried out a major inquiry into the Territories since 2008.²⁴

It argued select committees should collectively be able to examine UK Government policies and spending towards the territories:

We believe the time is right to give serious consideration to establishing a formal mechanism by which members of the Foreign Affairs, Justice, International Development, EFRA [Environment, Food and Rural Affairs] and other relevant Committees are able collectively to scrutinise the UK Government's administration of, spending on and policies towards the OTs.²⁵

The UK Government said it would work with any changes to parliamentary scrutiny that were suggested by Parliament.²⁶

No published updates on progress were issued, but in 2023 the Foreign Affairs Committee established its own a subcommittee on the OTs—see below.

2.2

Launch of Overseas Territories subcommittee

In November 2023, the Foreign Affairs Committee launched an [Overseas Territories subcommittee](#). It said it would hold evidence sessions, roughly every two months, focusing on a specific Territory or a cross-cutting theme.²⁷

As a subcommittee of the Foreign Affairs Committee, its members are the same.²⁸ The subcommittee launched three inquiries in the 2019-24 parliament:

1. British Indian Ocean Territory, from December 2023.²⁹ It held one oral evidence session, received 30 pieces of written evidence, and published two letters to the government.³⁰

²⁴ FAC, [Global Britain and the UK OTs: Resetting the relationship](#), 21 February 2019, para 38

²⁵ As above, para 38

²⁶ [Government response to the FAC report, Global Britain, and its OTs](#), 29 April 2019

²⁷ FAC, [Launches sub-committee on the OTs](#), 15 November 2023

²⁸ [Erskine May: subcommittees](#), para 38.42

²⁹ FAC, [Sub-committee on OTs issues call for evidence on British Indian Ocean Territory \(BIOT\)](#), 19 December 2023

³⁰ FAC, The UK Government's engagement on the BIOT: [Oral evidence](#), 28 February 2024; [Written evidence](#), 28 February to 14 March 2024; [Correspondence](#), 12 March and 19 April 2024

2. Education, from March 2024.³¹ Held one oral evidence session. Ten items of written evidence were published. The subcommittee wrote one letter.³²
3. Security in the Caribbean. Launched on 9 May 2024. No oral evidence sessions were held or written evidence published before dissolution.³³

Scrutiny of overseas territory policy in Denmark

Denmark has two populated overseas territories: The Faroe Islands and Greenland, both of which have substantial domestic autonomy, and both of whom send representatives to the Danish parliament, the Folketing. It has two standing committees relating to the territories.

Faroe Islands Committee

- Addresses any topic associated with Faroe-Denmark relations, such as commerce, the environment, and social affairs.
- Focuses on legislation that affects the constitutional relationship between the two, or on legislative issues that have not been devolved to the Faroe Islands.
- Also examines state block grants to the Faroe Islands.³⁴

Greenland Committee

- Addresses issues reserved to Denmark, including foreign policy, national security, currency, and financial policy.
- Handles relevant legislation that is of significance to Greenland, or on related issues not devolved.
- Scrutinises the administration of policy in Greenland for which the Danish authorities are responsible.³⁵

Other parliaments

There are no standing committees in the US Congress (for its unincorporated Territories) or in France (overseas territories and departments).³⁶

³¹ FAC, [Sub-committee on Overseas Territories issues call for evidence on education](#), 1 March 2024

³² FAC, The UK Government's support of education for OT students: [Oral evidence](#), 20 May 2024; [Written evidence](#), 20 to 22 May 2024; FAC, [Letter to the Foreign and Education Secretaries relating to support for students in the Overseas Territories](#), 23 May 2024

³³ FAC, [The UK Government's support of security in the Caribbean Overseas Territories](#) and [Call for evidence: Security in the Caribbean](#), 9 May 2024

³⁴ Folketing, [The Faroe Islands Committee](#)

³⁵ Folketing, [The Greenland Committee](#)

³⁶ Congress.Gov, [Committees](#) and National Assembly, [Standing committees](#)

Australia's Parliament has a National Capital and External Territories committee, which can consider issues relating to Australia's overseas territories, including the populated Christmas Island.³⁷

2.3 Scrutinising Territory constitutions

Ian Hendry and Susan Dickson's British Overseas Territories law (2018) states that the UK Parliament has limited powers to scrutinise the constitutions of the OTs. While those constitutions made under Acts of Parliament must be laid before Parliament, they do not require [affirmative resolution](#) (active approval) in either House.

For some Territories, including St Helena, Ascension and Tristan da Cunha, Anguilla, the Cyprus Sovereign Base Areas of Akrotiri and Dhekelia, Gibraltar and the British Indian Ocean Territory, the Orders in Council granting constitutions do not have to be laid at all.³⁸

However, since 2002 arrangements have been in place for most constitution orders to be seen in draft by the Commons Foreign Affairs Committee at least 28 sitting days before they are submitted to His Majesty in Council.³⁹

2.4 Other committee inquiries, 2019 to 2024

During the 2019 to 2024 parliament, two other parliamentary committees launched inquiries covering the Overseas Territories. Neither were concluded before the general election of July 2024:

Public Administration and Constitutional Affairs Committee

In April 2023, the committee launched an inquiry on [the status of the UK's OTs in the 21st century](#). It considered both the internal governance of the Territories and their relationship with the UK.

The Committee held no oral evidence sessions but received 80 pieces of written evidence. No report was published.⁴⁰

³⁷ Parliament of Australia, [National Capital and External Territories Committee](#), updated July 2022

³⁸ I. Hendry and S. Dickson, British OT law, 2018, p20

³⁹ Foreign Affairs Committee, [Overseas Territories](#), HC 147, 18 June 2008, para 29

⁴⁰ Public Administration and Constitutional Affairs Committee, [The status of the UK's OTs in the 21st century: Oral and written evidence and other publications](#), last updated 24 May 2024

Procedure Committee

In July 2023, the committee reopened its inquiry into the [territorial constitution](#) to examine OT representation in the UK Parliament. This followed a request from the Commons Speaker to consider Territory representation within Commons committees and in proceedings more generally.⁴¹

The Committee held two oral evidence sessions, including witnesses from Territory governments, and received 27 pieces of written evidence. No report was published.⁴²

Past Foreign Affairs Committee inquiries

Since 1998, the Foreign Affairs Committee has conducted four main inquiries:

- [Dependent Territories: Interim report](#), HC 1192, 1998 and [Government response](#)
- [Overseas Territories](#), HC 147, 2008, and [Government response](#)
- [The UK's response to hurricanes in the OTs](#) (PDF), HC 722, 2018 and [Government response](#) (PDF)
- [Global Britain and the UK OTs: Resetting the relationship](#), 2019, and [Government response](#)

⁴¹ Procedure Committee, [Committee reopens territorial constitution inquiry](#), 6 July 2023

⁴² Procedure Committee, [The procedure of the Commons and the territorial constitution: written and oral evidence](#), last updated 30 January 2024

3 Engagement with the UK Parliament

3.1 Legislative actions of the UK Parliament

As the Territories form an undivided realm with the UK, the UK Parliament may legislate for the Territories. As the UK Government's 2012 White Paper, [The Overseas Territories](#), notes: "As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories."⁴³

The Cabinet Office guidance, [Guide to making legislation](#), states that if a department wishes to introduce legislation it should consult the FCDO and inform Governors and relevant OT representatives in London:

In the first instance, Governors should be made aware by email or letter via email. The Governor/s will then normally consult the territory governments. A separate email should subsequently be sent to the relevant Overseas Territory Representative/s to London for awareness. This should take place as early as possible and in any case, before any mention of the Overseas Territories is made in a published bill.⁴⁴

It also says all departments should take OT interests into account when considering new policies or legislation. It emphasises that although the UK can legislate unconditionally, "normally" it seeks the agreement of locally elected governments:

While there is no rule of law that requires the consent of an Overseas Territory, or even prior consultation with it, before Parliament legislates for it, the UK Government does not normally legislate for the Overseas Territories except with the agreement of the locally-elected governments.⁴⁵

Examples of this power being used are rare. The UK [Human Rights Act 1998](#), for example, does not apply to the Territories and aside from Gibraltar [none were ever members of the European Union](#).⁴⁶ Recent examples include extending the requirement for Territories to maintain registers of beneficial ownership (discussed in section 2.1 of the Library's [UK OTs: An introduction](#)).

For more historic examples of tensions in UK-Caribbean OT relationships, see academic Peter Clegg's article, [Extended statehood in the Caribbean](#), 2005.

⁴³ FCO, [The OTs](#), Cm 8374, 28 June 2012, p14

⁴⁴ Cabinet Office, [Guide to legislating](#), 2022, p151

⁴⁵ As above, p151

⁴⁶ Commons Library, [Brexit and the UK OTs](#), p9

OT concern at UK “overreach” on legislation

Many OT Governments raised concerns at UK “overreach” in the extension of beneficial ownership registers to the Territories and at suggestions the UK Government act to legislate for same-sex marriage in some OTs (four currently allow [neither same-sex marriage nor civil partnership](#)).⁴⁷

The UK Government has said it will respect policy on marriage as a devolved issue for the Territories, though would encourage them to recognise and protect same sex marriage.⁴⁸

The UK Government has also [“acknowledge\[d\] the ill-feeling created” in many OTs](#) over what they felt was UK Parliament “interference” with the requirement to establish the registers under [The Sanctions and Anti-Money Laundering Act 2018](#). It said it was open to considering constitutional reforms suggested by the Territories to address this.⁴⁹

The Commons Foreign Affairs committee endorsed the extension of the registers to the Territories, arguing it was a matter of national security, and said that the OTs must be transparent in who owns companies and assets. It said that Territories could not wait until registers are a “global norm” before acting, as some OT Governments had suggested.⁵⁰

Anguilla: Call for safeguards from the UK, 2018

In oral evidence to the Commons Foreign Affairs Committee in 2018, the then Chief Minister of Anguilla, Victor Banks, said there must be safeguards for the OTs’ own democratic process and from “undue influence from elsewhere.”⁵¹

Bermuda: New review of self-government, 2022

In 2018, Bermuda’s Premier, David Burt, spoke of his frustration of the extension of beneficial ownership registers to the Territory, arguing it ignored the convention of self-government:

The constitutional position is founded in entrenched conventions that any legislative power sought to be exercised by the UK Parliament over Bermuda can only be done with the consent of the Bermuda Legislature.⁵²

⁴⁷ Commons Library, [Same-sex marriage in the UK’s OTs](#), 4 April 2022

⁴⁸ PQ 74499 [[Bermuda and Cayman Islands: Marriage](#)], 9 November 2022

⁴⁹ [Written evidence from the Foreign and Commonwealth Office, OTS0103](#), September 2018, paras 25, 26

⁵⁰ Foreign Affairs Committee, [Global Britain and the UK OTs: Resetting the relationship](#), 21 February 2019, para 31-33

⁵¹ Foreign Affairs Committee, [Oral evidence: Global Britain and the UK OTs: Resetting the relationship](#), 21 February 2019, Q162

⁵² Government of Bermuda, [The British Government vs. The Bermuda Constitution](#), May 2018

Bermuda's Government published a [review of self-government in December 2022](#), which in part is an assessment of its relationship with the UK. Its Cabinet is considering the paper.⁵³

British Virgin Islands: Critical of extension of registers, 2018

In 2018, both the Premier and Leader of the Opposition criticised beneficial ownership legislation as “constitutional overreach” by the UK.⁵⁴

Territory politicians were also critical of the UK potentially imposing direct rule on the Territory following an inquiry into corruption in 2022.⁵⁵

Cayman Islands: New requirement for the UK to inform the Territory, 2020

The Cayman Islands Government have been critical of the extension of beneficial registers and potentially same-sex marriage to the Territory. In 2018, its Premier said the UK Parliament's actions on registers amounted to “constitutional overreach,” and ignoring the wishes of elected parliaments.⁵⁶

In evidence to the Foreign Affairs Committee in 2018, its government recommended additional safeguards to protect the UK OTs from “future constitutional overreach” and improvements to ministerial engagement.⁵⁷

In 2019, the Cayman Islands Parliament voted in favour of constitutional amendment. This requires notifying the Cayman Premier and Cabinet of a draft Order in Council or Act of Parliament that will apply to the Territory, in order that they may first express a view. These changes were agreed by the UK Privy Council and introduced in 2020. The amendment states:

126.— (1) Where it is proposed that—

(a) any provision of a draft Act of the Parliament of the United Kingdom should apply directly to the Cayman Islands, or

(b) an Order in Council should be made extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom, the proposal shall normally be brought by a Secretary of State to the attention of the Premier so that the Cayman Islands Cabinet may signify its view on it.

(2) This section does not affect the power of the Parliament of the United Kingdom to make laws for the Cayman Islands or the power of Her Majesty to make an Order in Council extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom.”⁵⁸

⁵³ Government of Bermuda, [Tabling of report: Assessment of self-governance \[...\]](#), 2 December 2022

⁵⁴ Government of the Virgin Islands, [Premier and Leader of the Opposition to make case for the BVI](#), May 2018

⁵⁵ Commons Library, [The potential for direct rule in the British Virgin Islands](#), August 2022

⁵⁶ Cayman Islands News Service, [Premier calls UK move on BOTs “colonial despotism.”](#) 1 May 2018

⁵⁷ [Written evidence from the Government of the Cayman Islands, OTS0109](#), October 2018

⁵⁸ [Cayman Islands Constitution \(Amendment\) Order 2020](#), section 14

Falkland Islands: Concern at “imposition,” 2018

In 2018, the Falkland Islands Government said that there was a “growing concern” amongst “many” Territories, including the Falklands, of the imposition of changes from the UK:

The manner with which some legislation is imposed on us from Westminster, how programmes are extended to include Overseas Territories against their will, and by some recent decisions taken by the Foreign and Commonwealth Office. Examples of this include the recent decision by MPs to force Overseas Territories to publish registers of beneficial ownership and the decision to include Ascension Island within a Marine Protected Area against the wishes of the Island Council.⁵⁹

The UK Government subsequently announced funding to help maintain Ascension’s Marine Protected Area.⁶⁰

Gibraltar: Use of orders in council “unacceptable”

Gibraltar, as a member of the European Union alongside the UK and required to make changes to its beneficial ownership register under EU directives, did not take issue with the policy.⁶¹

More broadly, however, in 2023 the Gibraltar Government said using orders in council was “unacceptable,” and was in favour of the UK’s right to legislate for the “peace, order and good government” of Gibraltar being removed from the Territory’s constitution and the primacy of the Gibraltar Parliament.⁶²

Montserrat: Critical of legislation extended without consultation, 2018

Speaking in 2018, the then Premier of Montserrat, Donaldson Romeo, noted that although beneficial ownership of registers impacted less on the Territory, in general “legislation without consultation is not right.”⁶³

Turks and Caicos Islands: Fears of growing UK involvement, 2018

In 2018, then Premier Sharlene Cartwright Robinson similarly criticised the extension of beneficial ownership registers to the Territory and raised concerns that it would be followed by UK action on further issues.⁶⁴

Others did not make representations on the registers, 2018

Three Territories—Gibraltar, Pitcairn and St Helena, Tristan da Cunha, and Ascension—did not raise concerns against the extension of beneficial

⁵⁹ [Written evidence from the Falkland Islands Government, OTS106](#), September 2018

⁶⁰ [Government response to the Foreign Affairs Committee report on Global Britain](#), April 2019, para 7

⁶¹ [Oral evidence: Procedure of the House of Commons and the territorial constitution](#), 29 January 2024, Q144

⁶² [Written evidence from HM Government of Gibraltar, TTC 22](#), 2023

⁶³ FAC, [Oral evidence: Future of the UK OTs](#), HC 1464, December 2018, Q180

⁶⁴ As above, Q174

ownership registers before the Commons Foreign Affairs Committee in 2018 or 2023/24.⁶⁵

3.2 Petitioning the UK Parliament

The UK Parliament e-petitions website allows members of the public to create and sign petitions for consideration by the UK Parliament.

Petitions must be on a topic that the UK Government or Parliament are directly responsible for and be signed by British citizens and UK residents.⁶⁶

Under the [British Overseas Territories Act 2002](#), individuals in UK OTs automatically became a British citizen if their parent was British or was a British Overseas Territory citizen living in a qualifying Territory (the exception is the Sovereign Base Areas on Cyprus).⁶⁷

From March 2020 to May 2024, e-petitions received 10,426 signatures from individuals in UK OTs. The largest number of signatures was from Gibraltar (7,148 signatures, 69% of the total).⁶⁸

Citizens of Overseas Territories have also signed paper petitions to the UK Parliament on issues that the UK is responsible for (the examples below are from the post-war period only), which have been presented by Peers/MPs:

- Bermuda, 1968. For new writs for elections (the Territory was in a [state of emergency](#) when its election was called) (submitted to the Lords).⁶⁹
- Gibraltar, 1998. 16,200 citizens seeking enfranchisement in the European Union parliamentary elections (to the Lords).⁷⁰
- Gibraltar, 2019. 14,000 citizens, including 11,200 from Gibraltar, calling for representation in the House of Commons (to the Commons).⁷¹

Citizens of Overseas Territories have also petitioned the Crown: in 1966, around 7,500 Gibraltar women signed a petition to Queen Elizabeth II in support of British sovereignty over Gibraltar.⁷²

⁶⁵ FAC, [Global Britain and the UK OTs](#), HC 1464, 21 February 2019, paras 26-38

⁶⁶ Petition Parliament, [How petitions work](#), accessed 16 July 2024

⁶⁷ Gov.UK, [Types of British nationality](#) and [British Overseas Territories Act 2002](#), section 3

⁶⁸ Data supplied from the Commons Petitions Committee, August 2024. This total number includes where people have signed multiple petitions

⁶⁹ HL Deb, [Bermuda petition](#), 9 May 1968, c1664; Parliamentary Archives, [HL/PO/JO/10/11/1423/956_9 May 1968](#)

⁷⁰ Parliamentary Archives, [HL/PO/JO/10/11/3094AU_24 June 1998](#)

⁷¹ HC Deb, [27 February 2019](#), c460

⁷² British Pathé, [News from the Rock: New cable car railway and women petition the Queen \(1966\)](#) (from 1:02). I am grateful for Dr Henry Miller for this and the three other references above (based on [research project AH/T003847/1](#)).

3.3

2023 commitments

In December 2023, UK and Territory governments published a joint declaration, entitled [A modern partnership for a strong British family](#). The declaration included a commitment to consult with Territory government when UK legislation will directly impact a Territory:

The UK will ensure there is, at a minimum, an effective mechanism to consult British Overseas Territory governments in the exceptional cases when proposed new UK primary legislation would, when enacted, extend to their Territories. This does not affect any established practice in individual British Overseas Territories on the mechanism for the extension or application of UK primary legislation to that Territory.⁷³

No further updates on implementation have been made.

⁷³ FCDO, [Joint declaration of governments of the UK and OTs](#), December 2023, section III, para viii

4 Debates on representation in the UK

4.1 UK Parliament consideration of direct representation

The issue of direct representation for one or all Overseas Territories has been raised intermittently in the House of Commons, either through committee consideration or Private Members' Bills. However, these have not been taken forward and views among Territory Governments have been mixed.

1998 and 1999 Foreign Affairs committee

While the Foreign Affairs Committee did not take substantial evidence on the question of representation in the UK Parliament in its report on the Overseas Territories in 1998, it argued there was a “democratic deficit.” It argued this was in terms of accountability and ensuring the interests of the Territories were being represented when matters impacting on them were discussed.⁷⁴

The UK [Government did not agree with the suggestion of a democratic deficit](#), and said representation would bring many challenges, including:

- Inequalities in enabling each Territory its own representative,
- Alternatively, achieving consensus among the Territories on how to share representatives.⁷⁵

In a separate report on Gibraltar in 1999, the same Committee heard from some witnesses about the integration of Gibraltar with the UK. It asked the Commission on Lords reform to consider the issue (see below).⁷⁶

2000 Royal Commission on House of Lords reform

The [Royal Commission on House of Lords reform](#) said individuals from the Territories could be offered membership on a personal basis in any reformed chamber. However, it did not suggest formal OT representation as it said none are part of the UK (in that they have their own governments and laws).⁷⁷

⁷⁴ FAC, [Dependent Territories: Interim report](#), HC 1192, 1998, para 61

⁷⁵ [Foreign & Commonwealth Office response to the Dependent Territories report](#), May 1998, para 19

⁷⁶ FAC, [Fourth report: Gibraltar](#), June 1999, para 99-103

⁷⁷ Cabinet Office, [A House for the future: Royal Commission on the reform of the House of Lords](#), January 2000, paras 6.28-6.30

2008 Committee recommendation for House Leadership to consider representation

In 2008, the Foreign Affairs Committee said in a further report on the Territories that the Foreign Secretary, the Leader of the House, and representatives of opposition parties should consider whether improvements could be made to improve the representation of OT voices at Westminster.

In evidence from Territory witnesses, the Committee noted OT opinion was mixed on direct representation in the UK Parliament:

- Some highlighted the role of All-Party Parliamentary Groups on the Territories as effective voices.
- Others argued it would cause the Territories to become involved in debates that did not primarily concern them.
- Some argued it would potentially restrict their access to all parliamentarians to only their own representatives.
- Other witnesses argued representation was effective in France and the Netherlands (see below, section 4.4).
- Others feared it would undermine the separate jurisdictions and governance of the Territories.⁷⁸

The UK Government said it did not support direct representation, and that the small size of the OTs made their own parliaments the best place for their voices to be heard.⁷⁹

Private Members' Bills on representation

In 2018, Craig Mackinlay MP [presented a Ten-Minute Rule Bill to provide for representation of Gibraltar](#) by an MP in the Commons. He argued that the UK's exit from the European Union offered a new opportunity to strengthen relations with the Territory. The Bill did not proceed further.⁸⁰

In 2006, [The British Overseas Territories Bill](#) would have allowed for the appointment of Peers as representatives of the Overseas Territories. The Bill did not proceed. The lead Member was Daniel Kawczynski MP.⁸¹

⁷⁸ FAC, [Overseas territories](#), 2008, para 122, 126

⁷⁹ Foreign and Commonwealth Office, [Response to the FAC report on the OTs](#) (PDF), September 2008, paras 50-1

⁸⁰ HC Deb, [19 June 2018](#), cc205-7

⁸¹ [British Overseas Territories Bill 2005-6](#)

Earlier bills in 2001 and 1997 also proposed representation of Gibraltar in the UK Parliament.⁸²

A Bill presented in 2000 would have allowed for the representation of Gibraltar (for one MP) and “delegates” for other Territories. The representatives would not be allowed to vote and were restricted to issues relating to the Territory or foreign affairs and defence.⁸³

4.2 UK Government position

The issue of representation on a model like that of France and Denmark was considered prior to the 2012 White Paper on the Territories, in which the Government concluded that the current relationship was the right one.⁸⁴

In response to a 2022 parliamentary question from John Penrose MP on any assessment the FCDO [had made of parliamentary representation for the Territories and the Crown Dependencies](#), the then-Overseas Territories Minister, Amanda Milling, said the issue had not been raised by OT Governments:

In my dealings with the Overseas Territory, none have raised the idea of formal representation in the UK Parliament. We believe the fundamental basis of the relationship with each Overseas Territory is right, striking a balance which allows each to maintain strong links with the UK, but to also build their own democratic systems with local accountability, which reflect their own constitutional traditions.⁸⁵

4.3 Position of the Territory Governments

There are mixed views among Territory Governments. The below is primarily taken from evidence to the Foreign Affairs Committee on the issue in 2018. It is a snapshot of OT Government opinion at specific times and may not reflect other local or current opinion.

⁸² [Representation of Gibraltar at Westminster and European Union Bill, 2000-2001](#) and [Representation of Gibraltar at Westminster and European Union Bill, 1997-98](#)

⁸³ [Representation of Overseas Territories Bill, 1999-2000](#)

⁸⁴ PQ 11663 [[British OTs: Politics and government](#)], 20 October 2015

⁸⁵ PQ 905238 [[British OTs and Crown Dependencies: Politics and government](#)], 26 January 2022

Spoken in favour of representation

Anguilla

In 2018, former Chief Minister Victor Banks said a “voice in the House of Commons” by a person or persons was needed to put forward the Territory’s interests.⁸⁶

British Virgin Islands (2018—see 2023 below in next section)

Reflecting on public meeting held in 2018, the Territory’s Government suggested representation or a veto for the Territories on relevant legislation were potential ways forward for the Territories:

A modern relationship requires each OT with a representative government to have direct representation in a body that, until independence is obtained, can make any law it pleases. There was great support for the Overseas Territories legislatures to have a veto power over laws passed by the British Parliament affecting them directly in the same way that English MPs have a veto power over laws passed affecting England only, as a result of the 2013 McKay Commission Report on the Consequences of Devolution for the House of Commons. It is grossly unfair, undemocratic and inhumane to adopt such a principle within England but refuse to grant a similar power to the Overseas Territories who are far more removed and with less power and ability to be heard in London than any other group in the British Parliament who all went through a system of devolution.⁸⁷

Gibraltar

Gibraltar’s position has developed over time.

In 2008, the then-Chief Minister told the Commons Foreign Affairs Committee he would like to see representation in the UK Parliament but it would have to be done in such a way as to allow Gibraltar to be economically and jurisdictionally separate to the UK.⁸⁸

In 2016, the then-Gibraltar Government said it opposed suggestions of an MP in the UK Parliament.⁸⁹ In response to the Private Members’ Bill in 2018 (page 22, above), its government said the Territory was self-governing in many areas, and that the question of representation was a matter for wider discussion.⁹⁰

In 2019, Andrew Rosindell MP submitted a petition to the House of Commons, signed by 11,200 Gibraltarian citizens and supported by the Chief Minister of

⁸⁶ FAC, [Oral evidence: Future of the UK OTs](#), HC1464, 5 December 2018, Q189

⁸⁷ [Written evidence from Virgin Islands public meetings](#), OTS20047, September 2018

⁸⁸ FAC, [Minutes of evidence](#), March 2008, Q239

⁸⁹ Gibraltar Chronicle, [MPs caution on Westminster proposal](#), 21 April 2016 and

⁹⁰ Gibraltar Chronicle, [Brexit calls for Gibraltar to elect its own Commons MP](#), 11 May 2018

Gibraltar, Fabian Picardo, and the Deputy Chief Minister, Joseph Garcia, calling for the Territory to have its own MP.⁹¹

In 2023, the Gibraltar Government said it would seek amendments to its constitution to allow for the representation of Gibraltar in either the Commons or Lords, in such a manner as to not affect local self-government.⁹²

Montserrat

In 2018, the Government of Montserrat said it was a “commonly held view” in the Territory for some direct representation for the Territories, either collectively or individually.⁹³

Against representation

British Virgin Islands Government, 2023

In 2023 the Territory’s government said that successive governments have said they do not wish to be represented in the UK Parliament.⁹⁴

Falkland Islands

In 2023 the Falklands Government said the Territory prefers to appeal to 650 MPs rather than one, and such representation would risk greater involvement in the domestic business of the Falklands.⁹⁵

St Helena, Ascension, and Tristan da Cunha

Chief Islander of Tristan da Cunha, Ian Lavarello, told the Foreign Affairs Committee in 2018 the Island did not seek representation in the UK Parliament. He said it was better for multiple MPs to take an interest in the Territory, rather than a single shared member.⁹⁶

Councillor Derek Thomas from St Helena instead suggested a committee, constituted of existing MPs, to represent the OTs as a possible way forward.⁹⁷

The Foreign Affairs Committee noted that leaders and representatives of Anguilla, the Falkland Islands, Montserrat, and the Turks and Caicos agreed that such a committee might offer the best way forward.⁹⁸

⁹¹ HC Deb, [27 February 2019](#), c460

⁹² [Written evidence of HM Government of Gibraltar, SOT06](#), May 2023, para 7

⁹³ [Written evidence from the Office of the Premier, Government of Montserrat](#), 2018, para 27

⁹⁴ [Written evidence from the Government of the Virgin Islands](#), SOT64, September 2023

⁹⁵ [Written evidence from the Falkland Islands Government](#), SOT71, September 2023

⁹⁶ [Written evidence from the Chief Islander of Tristan da Cunha](#), OST0026 (PDF), 2018, p3

⁹⁷ FAC, [Oral evidence: Future of the UK OTs](#), HC1464, 5 December 2018, Q215

⁹⁸ FAC, [Global Britain and the British OTs](#), HC1464, February 2019, paras 37

Turks and Caicos Islands

In 2018, former Premier Sharlene Cartwright Robinson said, “there is no appetite in Turks and Caicos for it [representation]”.⁹⁹

4.4

How are overseas territories represented in other parliaments?

The overseas territories of several European states have representation in national parliaments. In contrast to the UK, however, the smaller number of overseas territories and their higher populations, or the national-list systems used for elections, means there are less divergence between territory and other representation in terms of size of constituency.

Denmark

In Denmark’s case, Greenland and the Faroe Islands each send two members to the 179-seat parliament, the Folketing. They have equal rights on participation and voting as other members.¹⁰⁰

Proportionally, the four MPs represent around 27,500 people each, compared to the 175 other Members who represent 33,700.¹⁰¹

The Faroes and Greenland have substantial self-government, aside from foreign, defence and security policy, the constitution, citizenship, and currency.

In the context of coalition and minority Governments under Denmark’s proportional electoral system, these four Members can play an important role. Typically, one Member from each is a member of the respective parliamentary committees for the Territories (see above, section 2.2), and have more recently regularly participated in the foreign affairs committee.¹⁰²

The participation in close votes has sometimes drawn the Territories into controversy, and increased tensions between some Danish politicians and the Territories.¹⁰³

⁹⁹ FAC, [Oral evidence: Future of the UK OTs](#), HC1464, 5 December 2018, Q192

¹⁰⁰ Danish Parliament, [Parliament’s composition](#)

¹⁰¹ Faroe has a total population of 54,000, Greenland 56,000 and Denmark 5.9 million: Faroe Statistics, [Population](#); Statistics Greenland, [Annual birth count](#) and Statistics Denmark, [Population Figures](#)

¹⁰² P. Clegg et al, [Parliamentary representation of OTs in the metropolis: A comparative analysis](#), Commonwealth & Comparative Politics, Vol 60, 2022

¹⁰³ Local Denmark, [How two Greenland seats ensured last-minute Danish red majority](#), 2 November 2022

Finland

Åland is an autonomous Swedish-speaking region of Finland. Its 30,000 population has one representative in the Finnish Parliament, the eduskunta. The MP has the same speaking and voting rights as the other 199 Members, who represent 5.5 million Finns (an average of 27,600 people).¹⁰⁴

As Åland has only a single member, individuals generally disassociate themselves from local political parties. In recent years, the MP has generally voted for, or supported, the Finnish Government. Their participation in committees is dependent on the interests of the member but have focused on constitutional and foreign issues (to help maintain its autonomy and provide a voice on foreign and treaty issues, which are reserved to Finland).¹⁰⁵

Netherlands

The Netherlands has six overseas territories: Aruba (with a population of 112,000), Curaçao (142,000), St Maarten (40,000), Bonaire (20,000), Saba (2,000) and St. Eustatius (3,000).¹⁰⁶

The degree of autonomy the territories have varies:

- **Aruba, Curaçao and St Maarten:** These, alongside the Netherlands, are considered the four countries of the Kingdom of the Netherlands. Each country has its own government and share responsibilities for foreign affairs and defence (though there is only a single foreign minister).¹⁰⁷
- **Bonaire, Saba and St Eustatius:** These are considered “public bodies” — a status akin to municipalities in the Netherlands. They are governed by an executive council with their own elected islands council.¹⁰⁸ The Dutch Government can also decide which laws can be implemented on the territories.¹⁰⁹

Since the 2010 reforms of the Dutch overseas territories, which implemented the present division, Dutch residents of Bonaire, St. Eustatius and Saba have been able to vote in elections to the Dutch House of Representatives (the lower chamber of parliament). The Netherlands operates a national party-list system, meaning seats are allocated on a proportional basis. This means the role of the Caribbean territories in selecting members is small.¹¹⁰

¹⁰⁴ Ministry of Foreign Affairs Finland, [The special status of the Åland Islands](#), Statistics Finland, [Population structure](#)

¹⁰⁵ P. Clegg et al, [Parliamentary representation of OTs in the metropolis: A comparative analysis](#), Commonwealth & Comparative Politics, Vol 60, 2022

¹⁰⁶ European Union External Action, [Overseas countries and territories](#)

¹⁰⁷ Government of the Netherlands, [Governance of Aruba, Curaçao and St Maarten](#) and [Responsibility of the Netherlands, Aruba, Curaçao and St Maarten](#)

¹⁰⁸ Government of the Netherlands, [Governance of Bonaire, St Eustatius and Saba](#)

¹⁰⁹ W.P. Veenendaal, [The Dutch Caribbean municipalities in comparative perspective](#), Island Studies Journal, volume 10, 2015, p15-30, at p22

¹¹⁰ House of Representatives, [Elections](#) and Saba-News, [Election day](#), 12 September 2012

Since 2019, Bonaire, Saba and St. Eustatius have also been able to participate in elections to the Dutch Senate (its upper chamber of parliament).

Members of the Senate are selected by provincial councils. For the Caribbean territories, voting is through the election of an electoral college, who then vote in Senate elections.

The three territories elect seats equal to the number of members of their island council (nine in Bonaire, five in the others).¹¹¹ Their impact on the selection of Senate members is small, however, due to the relative size of their populations, as the Dutch Ministry of Interior explains:

The voting value of the members of the electoral college is determined by the number of residents of the public entity, divided by the hundred-fold number of members. This means that the voting value, and with it the influence, is slightly higher on Bonaire than on St. Eustatius and Saba. Respectively 0.09 seats, 0.01 seats and 0.01 seats. The influence of the Caribbean Netherlands as a whole on the composition of the First Chamber [Senate] amounts to 0.11 Chamber seats.¹¹²

Citizens of Aruba, Curaçao and St Maarten, as self-governing constituent countries, do not participate in Kingdom of Netherlands elections (with some exceptions). Instead, their parliaments have the right to send non-voting special delegates to the House of Representatives.¹¹³

France

French overseas territories have a population of around 2.6 million people, and consists of four main categories of territory:

- **Overseas departments-regions:** Guadeloupe, Martinique, French Guiana, La Réunion and Mayotte. These are fully part of France and subject to French laws.
- **Overseas communities:** French Polynesia, Wallis and Futuna, Saint-Pierre and Miquelon, Saint-Barthélemy, Saint-Martin. These are more autonomous in domestic affairs, but issues of foreign policy and defence are responsibilities of the French Government.
- **2 special-status territories:** These are French Southern and Antarctic Lands, an uninhabited Territory, and New Caledonia, an inhabited Territory.¹¹⁴ New Caledonia's relationship is governed by the 1998 Noumea Accord with France, which set out planned independence

¹¹¹ Kiesraad, [Electoral colleges for the Senate](#)

¹¹² Ministry of Interior and Kingdom Relations, [Electoral college 2023](#)

¹¹³ House of Representatives, [Rules of procedure](#) (PDF), June 2022, section 51; ETHOS, [Right to vote: national report, Netherlands](#) (PDF), March 2019, pp8-9, 22

¹¹⁴ European Parliament, [Economic, social and territorial situation of France](#) (PDF), 2018, p1

referenda for the Territory and autonomy in some areas of foreign affairs.¹¹⁵

The ten Territories sent 27 deputies to the 577-lower house of parliament in 2022. The largest delegation was La Reunion (seven) and three sent one (Wallis and Futuna, Saint-Pierre and Miquelon, Saint-Barthélemy, Saint-Martin).¹¹⁶ By law, the variance of population between constituencies cannot exceed 20%.¹¹⁷

For the upper house, ten members from the territories are sent to the 348-seat Senate. Senators are chosen by an electoral college, with the number of delegates determined by population.¹¹⁸

United States

In addition to the 435 members of the House of Representatives, allotted between the 50 states of the Union, delegates representing territories that have not achieved statehood have been present in the House of Representatives since the late 1700s.

This role has also expanded to include representation for some territories where statehood is not expected but are places where the US exercises some control.

There are currently five delegates representing District of Columbia, the US Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and a resident commissioner representing Puerto Rico (which has the same status as a delegate).¹¹⁹

Currently, delegates can perform many of the roles as a representative, aside from voting on the floor of the house. This includes the right to speak, introduce bills and resolutions, offer amendments, and vote in House committees.¹²⁰

¹¹⁵ Australian Government Department of Foreign Affairs and Trade, [New Caledonia country brief](#) and [France scraps 2023 referendum on New Caledonia's legal status](#), RFI [online] 12 September 2022

¹¹⁶ French National Assembly, [MPs](#)

¹¹⁷ Venice Commission, [Comparative table on the allocation of seats to constituencies](#) (PDF), July 2017, p21

¹¹⁸ French Senate, [The senatorial elections](#)

¹¹⁹ Congressional Research Service, [Delegates to the US Congress: History and current status](#), 2022 summary

¹²⁰ Congressional Research Service, [Delegates to the US Congress: History and current status](#), 2022, p6

4.5

Issues to consider in the UK case

In addition to the mixed attitudes of the UK OTs towards representation in the UK Parliament (see above, section 3.4) the below provides a summary of other issues put forward in UK debate.

Strengthening UK-OT ties

Proponents of representation have argued allowing representation in the UK Parliament will increase ties between the UK and the Territories and be a sign of the UK's commitment to those Territories that other countries dispute UK sovereignty over (for example, Spain and Gibraltar).¹²¹

Proponents also argue representation would demonstrate a commitment for the UK to reorientate towards “Global Britain” following the UK's departure from the EU.¹²²

Ensuring equal representation

Most UK Parliament constituencies are planned to be in the region of 73,000 voters following expected boundary changes.¹²³ No Territory population or electorate will equal this, with the largest Territory population being Cayman (68,000) and smallest inhabited Territory Pitcairn, with 40.¹²⁴

While sharing representatives between multiple Territories may provide a corrective, Territories may be hesitant to see a larger neighbour or electorate dominate the Territory's representation at the UK Parliament. Reaching a consensus over sharing a representative, as the Foreign & Commonwealth Office has previously advised (see above, section 4.2) would be expected to be difficult.¹²⁵

Giving the Territories a voice

While the Territories have a substantial degree of domestic autonomy, in international affairs the Territories are largely dependent on the actions of the UK. There has been recent concern in some Territories regarding the impact of the UK's departure from the European Union on their trade and markets (only Gibraltar was a member, and whose population was entitled in vote in the 2016 referendum).¹²⁶

¹²¹ Craig Mackinlay MP, [An MP for Gibraltar would signal a lasting bond of shared interest](#), The House [online], 10 May 2018

¹²² John Penrose MP, [Why not give the Falkland's a seat in the UK Parliament?](#), The Telegraph [online], 23 December 2021

¹²³ Commons Library, [Constituency boundary reviews and the number of MPs](#)

¹²⁴ UN Population Division, [World population data](#)

¹²⁵ [Foreign & Commonwealth Office response to the Dependent Territories report](#), May 1998, para 19

¹²⁶ See Commons Library, [Brexit and the UK's OTs](#)

In addition, the UK Government, through Orders in Council, and UK Parliament, through Acts of Parliament, may also legislate for the Territories. While this is rare, it has been used on issues of controversy, including the extension of registers of beneficial ownership to the Territories in 2018 (see above, section 3.1) and legalisation of same-sex sexual relationships in 2000.¹²⁷

A loss in OT autonomy?

However, a related issue is how far arranging representation at Westminster would see the voices of the ten inhabited Territories subsumed within the UK Parliament and UK policy framework, and potentially increase the willingness of Parliament to legislate for the Territories.

Speaking in 2012, then Minister for the Overseas Territories, Mark Simmonds, reported that several Territories had expressed fears that UK representation would result in an extension of UK tax rates, that their policies would be subsumed within UK frameworks, and additional legislative structures would be introduced.¹²⁸

If realised, this would undermine the principle of Territory internal self-government. However, some proponents of representation have suggested that the Territories negotiate a devolution settlement similar to Scotland, Wales and Northern Ireland, to protect local autonomy.¹²⁹

The previously anomalous position of Gibraltar

Gibraltar was the only OT to be part of the European Union.

For the purposes of representation in the European Parliament when the UK was a member of the European Union, Gibraltar was linked with the Southwest electoral region in England to elect MEPs from 2003.¹³⁰

The Territory's population was judged too small to have its own MEP. The UK Electoral Commission judged that historic and maritime links with the region and the diverse nature of the communities in Southwest England, made it the preferred region. There was broad support among Gibraltar's leaders and local MEPs for the link.¹³¹

Gibraltar also participated in the referendum on EU Membership in 2016.¹³²

¹²⁷ Commons Library, [Same-sex marriage and the UK OTs](#), April 2022

¹²⁸ FAC, [OTs: Oral and written evidence: Mark Simmonds MP](#), December 2012 (PDF), Evs.3, 6

¹²⁹ [John Penrose: Invite the OTs to join the UK post-Brexit](#), The House [online], 15 January 2020

¹³⁰ [European Parliament \(Representation\) Act 2003](#), Explanatory notes, paras 8-11

¹³¹ Gib.Net, [Gibraltar should join South West for elections to European Parliament](#), August 2003

¹³² Gov.UK, [EU referendum](#)

Further reading on the representation of OTs

- John Penrose MP, [Why not give the Falklands a seat in the UK Parliament?](#), The Telegraph, 23 December 2021
- Craig MacKinlay MP, [An MP for Gibraltar would signal a lasting bond of shared interest](#), The House, 10 May 2018
- Ged Martin, [Opinion—MPs from OTs at Westminster: why not](#), Commonwealth Round Table, 31 March 2022
- P. Clegg, M. Stæhr Harder, E. Nauclér and R. Alomar, [Parliamentary representation of overseas territories in the metropolis: A comparative analysis](#), Commonwealth & Comparative Politics, Volume 60, 2022, page 229-53. Discussion of the situation in Denmark, Finland, Puerto Rico (United States) and UK Parliament.
- Congressional Research Service, [Delegates to the US Congress: History and current status](#) (PDF), updated March 2022
- Parliament of Australia, [Representation of Commonwealth territories in the Senate. Christmas Island, the Cocos \(Keeling\) Islands and Norfolk Island](#) vote in Federal elections.

4.6

Other representative tools

The UK Overseas Territory Association (UKOTA)

The [UKOTA](#) was established in 1994 by the Territory Governments with a permanent population. It allows OT Governments a collective voice in the UK when communicating with the FCDO and other departments and enhances the access of smaller Territories to Westminster. The Association's chair rotates annually. The Turks and Caicos is the current Chair. The Falklands will chair in 2023.¹³³

The [UKOTA's Position statements](#) provide more on policy positions.

Territory Offices in the UK

Many OTs retain offices in the UK, through which they can contact UK parliamentarians and Government officials:

- [Anguillan Government Office](#) (now archived)
- [Government of Bermuda London Office](#)

¹³³ UKOTA, [Who we are](#)

- [British Virgin Islands London Office](#)
- [Cayman Islands Government Office UK](#)
- [Falkland Islands Government London Office](#)
- [Government of Gibraltar London Office](#)
- [Montserrat Government UK Office](#)
- [St Helena Government Office London](#)
- [Turks and Caicos London Office](#) (link opens PDF)

All Party Parliamentary Groups (APPGs)

APPGs are informal cross-party groups run by, and for, Members of both the Commons and Lords. They have no official status in Parliament. Nonetheless, they can play an important role in raising issues and some publish their own reports. As of [January 2023](#), there are the below related-APPGs.

- [British Overseas Territories](#)
- [British Virgin Islands](#)
- [Chagos \(British Indian Ocean Territory\)](#)
- [Falkland Islands](#)
- [Gibraltar](#)
- [Montserrat](#)
- [Pitcairn Islands](#)
- [St Helena](#)
- [Turks and Caicos Islands.](#)¹³⁴

¹³⁴ UK Parliament, [Registers published in 2023: APPGs](#)

5

Speaker-led conferences, from 2022

From 2022, the Speakers of the Overseas Territories and Commons have met to discuss issues affecting the Territories and their legislatures.

2022 London conference

In May 2022 Speakers from six Overseas Territories (Anguilla, Bermuda, The Cayman Islands, Montserrat, St Helena, and The Turks and Caicos Islands), the UK House of Commons and a representative from Gibraltar gathered at Westminster to discuss a range of issues, including supporting the voice of the Territories in the UK Parliament.¹³⁵

The [resulting conference communiqué](#) included the below:

- That the UK House of Commons would explore opportunities for direct scrutiny by Territories within the committee mechanism on issues relating to them.
- A call for the UK Government to provide an impact assessment of any Bill laid before the UK Parliament that will affect the OTs.
- The UK House of Commons would explore providing facilities to facilitate the parliamentary representation of the Territories in the UK Parliament.
- Committing to a partnership to strengthen parliamentary democracy.¹³⁶

2023 Anguilla conference

A further conference of Territory Speakers was held in Anguilla, in April 2023. Its communiqué included the below commitments:

- Each Territory to have an established and active cross-party corporate body/commission to lead its Parliament, chaired by a Speaker, by 2030
- To examine how the role of the Governor could be better defined
- For each Territory to be given representation on the Privy Council.¹³⁷

¹³⁵ UK Parliament, [Commons and OT Speakers' Conference 2022 communiqué](#), 6 May 2022

¹³⁶ As above

¹³⁷ [Commons and OT Speaker's conference communiqué](#), 6 April 2023

2024 Turks and Caicos conference

Held in April 2024, conference conclusions included:

- Working together to support parliamentary physical and digital security,
- Engaging with the public to support participation in democracy,
- Ensuring confidence in parliaments are not undermined by the development of artificial intelligence.¹³⁸

2025 London conference

The next conference will be held in London.

¹³⁸ [Commons and OT speakers' conference: 2024 communiqué](#)

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