



# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

*Vol. CXI*

*31st January 2002*

*No. 1*

## Appointments

Daniel Desloges, Maintenance Technician, Public Works Department, 6.12.02

Clare Cockwell, Settlement Teacher, Fox Bay School, Education Department, 1.1.02.

Jennifer Lea Judd, Primary Teacher, Education Department, 1.1.02.

Helen Lorna Mackay, Travelling Teacher, Education Department, 1.1.02.

Linda Ann Such, Travelling Teacher, Education Department, 1.1.02.

Paul Alan Joshua, Serviceman/Painter, Plant & Vehicle Section, Public Works Department, 2.1.02.

Jacqueline Esther Allen, Biomedical Scientist, Health Services Department, 7.1.02.

Alan Patrick Francis, Plant Operator/Handyman, Property and Municipal Section, Public Works Department, 15.1.02.

Caroline Jane Cotter, Clerk, Public Service, 16.1.02.

Antony Nicholas Lancaster, Environmental Planning Officer, Secretariat, 23.1.02.

## Promotions

Peter William Johnston, from Pasture Agronomist to Director of Agriculture, Department of Agriculture, 1.1.02.

Lillian Rose Kidd, from Senior Gardener, Government House, to Head Gardener, Government House, 1.1.02.

Alan Purvis, from Teacher, Falkland Islands Community School, Education Department, to Head Teacher, Falkland Islands Community School, Education Department, 1.1.02.

## Transfers

Imogen Fiona Didlick, from Clerk, Public Service, to Licensing Clerk, Royal Falkland Islands Police, 7.1.02.

Tanya Lee, from Leisure Attendant, Falkland Islands Community School, to Clerk, Public Service, 23.1.02.

## Completion of Contracts

Stephen Tyldsley, Medical Engineering Manager, Health Services Department, 4.12.01.

Karen Armstrong, Settlement Teacher, Camp Education, Education Department, 6.12.01.

Michael Richard Barton, Spanish Teacher, Falkland Islands Community School, Education Department, 6.12.01.

Steve Dent, P.E. Teacher, Falkland Islands Community School, Education Department, 6.12.01.

John Farrow, Head Teacher, Infant & Junior School, Education Department, 6.12.01.

Helen Forbes, Home Economics Teacher, Falkland Islands Community School, Education Department, 6.12.01.

John Hazel, Travelling Teacher, Education Department, 6.12.01.

Alison Liddle, Teacher, Infant & Junior School, Education Department, 6.12.01.

Wendy Mackney-Mills, Geography Teacher, Falkland Islands Community School, Education Department, 6.12.01.

Heather Norman, Travelling Teacher, Education Department, 6.12.01.

Anne Louise Taylor, Science Teacher, Falkland Islands Community School, Education Department, 6.12.01.

Andrew Heathcock, Assistant Design Engineer, Public Works Department, 31.12.01.

Stephen William Pointing, Senior Veterinary Officer, Department of Agriculture, 31.12.01.

Leslie Barber, Clerk of Works, Public Works Department, 31.1.02.

#### Reappointments

Stephen Tyldsley, Medical Engineering Manager, Health Services Department, 1.1.02.

Karen Armstrong, Settlement Teacher, Camp Education, Education Department, 1.1.02.

Michael Richard Barton, Spanish Teacher, Falkland Islands Community School, Education Department, 1.1.02.

Steve Dent, P.E. Teacher, Falkland Islands Community School, Education Department, 1.1.02.

John Farrow, Head Teacher, Infant & Junior School, Education Department, 1.1.02.

Helen Forbes, Home Economics Teacher, Education Department, 1.1.02.

Andrew Heathcock, Assistant Design Engineer, Public Works Department, 1.1.02.

Alison Liddle, Teacher, Infant & Junior School, Education Department, 1.1.02.

Wendy Mackney-Mills, Geography Teacher, Falkland Islands Community School, Education Department, 1.1.02.

Heather Norman, Travelling Teacher, Education Department, 1.1.02.

Anne Louise Taylor, Science Teacher, Falkland Islands Community School, Education Department, 1.1.02.

Stephen William Pointing, Senior Veterinary Officer, Department of Agriculture, 1.1.02.

#### Resignations

Michael Luxton, Chief Accountant, Treasury, 14.12.01.

Marilyn Joyce Hall, Staff Nurse, Health Services Department, 30.11.01.

Sheila Chaloner, Auxiliary Nurse, Health Services Department, 7.1.02.

Gina Ruth Smith, Cook, Health Services Department, 31.1.02.

#### Retirements

William Roderick Halliday Morrison, Foreman, Public Works Department, 31.12.01.

Gerald Winston Cheek, Director of Civil Aviation, Civil Aviation Department, 31.1.02.

Charles Alexander Albert McKenzie, Handyman, Education Department, 31.1.02.

#### NOTICES

No. 1 21st December 2001

#### A & E SUPPLIES LIMITED

Company Number: 11555

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 21st day of December 2001.

G.J. CRIPPS,  
*Acting Registrar of Companies.*

No. 2 21st December 2001

#### SUPREME COURT OF THE FALKLAND ISLANDS

#### Notice under the Administration of Estates Ordinance (Cap. 1)

**TAKE NOTICE THAT Trevor Morrison** deceased of Stanley, Falkland Islands died on the 6th day of December 2001 intestate.

**WHEREAS Valerie Anne Morrison** has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

**NOTICE IS HEREBY GIVEN** pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Colony who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

D.M. KILMARTIN,  
*Acting Registrar,  
Supreme Court.*

Stanley  
Falkland Islands  
21 December 2001

Ref: PRO/13/01

No. 3

2nd January 2002

**BLUESEA LIMITED**  
Company Number: 11643

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 2nd day of January 2002.

Dated this 2nd day of January 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 4

2nd January 2002

**EDDYSTONE LIMITED**  
Company Number: 11529

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 2nd day of January 2002.

Dated this 2nd day of January 2002.

J.C. ROWLAND,  
*Registrar of Companies*

No. 5

31st January 2002

**REGISTER OF MEMBERS' INTERESTS**

The information contained in this Register is provided by every member of the Legislative Council and the Attorney General in accordance with Rule 18 and 18A of the Falkland Islands Legislative Council Standing Rules and Orders.

The information is current to 31 December 2001.

**INFORMATION TO BE PROVIDED**

Every member of the Legislative Council and the Attorney General is required to notify the Clerk of Councils of the following registrable interests.

1. Remunerated directorships and whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group.
2. Remunerated employment, office or profession
3. Clients in respect of whom the member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the Legislative Council might have been or might be influenced by the client's interests

4. Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or advantage whether to the Member or any other person with whom the Member is closely connected
5. Gifts, benefits and hospitality
6. Overseas visits relating to or arising out of membership of the Legislative Council where the cost of any such visit has not been borne wholly by the Member or out of the Falkland Islands public funds
7. Any gifts or material benefits or advantages received by the Member or the Member's spouse from or on behalf of overseas Governments, organisations or persons
8. Land or property of a substantial value or from which a substantial income is gained
9. The names of companies or other bodies in which the Member has, to his knowledge either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholding of a nominal value greater than one percent of the issued share capital or less than one percent or more than £25000.00
10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a Member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council OR which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit

**NOTIFICATION OF REGISTRABLE INTERESTS**

Every Member of the Legislative Council and the Attorney General notified the following interests.

**John Birmingham**

1. Nil
2. Self-employed Contractor
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil

**Janet Lynda Cheek**

1. Fortuna Ltd - Director and Co-Owner  
Consolidated Fisheries Ltd – Director  
Jason Fishing Co. Ltd – Unremunerated  
Beagle Fishing Co. Ltd – Unremunerated  
Capricorn Ltd – Unremunerated  
Fortuna Holdings Ltd – Unremunerated  
Petrel Fishing Co. Ltd – Unremunerated  
Petrel Trawling Ltd – Unremunerated  
Venturer Fishing Co Ltd – Unremunerated  
All above companies are registered in the Falkland Islands
2. Legislative Councillor's allowance
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 25 Ross Road west House and Land (Home)  
Through Fortuna Ltd and interest in:  
Waverley House and associated land and buildings  
Globe Tavern  
Globe Offices  
Building leased to Falklands Brasserie Ltd  
56 John Street Land and Buildings
9. In addition to any financial interest in the Fortuna Group:  
Kelper Stores Ltd (shares purchased within the last year)  
Falkland Islands Holdings (shares held by Fortuna Ltd)
10. Hebe Ltd – Director/Co-Owner  
Falkland Brasserie – Director (Unremunerated)  
Falkland Conservation – Director (Unremunerated)  
Fortuna Ltd – All hold shares in Consolidated Fisheries Ltd  
Fortuna Holdings - All hold shares in Consolidated Fisheries Ltd  
Hebe Ltd - All hold shares in Consolidated Fisheries Ltd  
Jason Fishing Co Ltd - All hold shares in Consolidated Fisheries Ltd  
I hold a small share of Petrel Fishing Co Ltd in addition to my half of Fortuna's share of that company.

**John Richard Cockwell**

1. Warrah Design – Director
2. Sale of Paintings
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil

8. Nil
9. Nil
10. Nil

**Norma Edwards**

1. Nil
2. Lake Sullivan Farm – Co-Owner
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Lake Sullivan Farm - Co-Owner
9. Nil
10. Meredith Fishing Co and its Joint Ventures  
Consolidated Fisheries  
  
(Husband Director of both Companies and Shareholder in both Companies)

**Roger Anthony Edwards**

1. Meredith Fishing Co. Ltd – Director  
Pardelhas Fishing Co Ltd – Director  
Murtoza Fishing Co Ltd – Director  
Sao Pafaos fishing Co Ltd – Director
2. Lake Sullivan Farm, Fox Bay West – Co-Owner
3. Fugro Geos (Global Environmental & Ocean Scientist Ltd) – Agent
4. Nil
5. Nil
6. Nil
7. Nil
8. Lake Sullivan Farm, Fox Bay West – Co-Owner
9. Nil
10. Nil

**Stephen Charles Luxton**

1. Chartres Sheep Farming Co Ltd  
Chartres River Properties Ltd
2. Automotive Manager, Falkland Islands Co. Ltd



3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. House including plot of land at & Narrows View, Stanley, Falkland Islands
9. Chartres Sheep Farming Co Ltd – Sheep Farming (Over 1%)  
Chartres River Properties Ltd – Sheep Farming (Over 1%)
10. Falkland Islands Holdings PLC – Minor Shareholdings  
Consolidated Fisheries Ltd – Shareholding held by Chartres River Properties Ltd

**Philip Charles Miller**

1. Nil
2. Nil
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Cape Dolphin Farm – Co-Owned by Philip Miller and Sheena Miller  
A.G. Contracting Business Incorporating Grassland Work (Subsidised by FIG Pasture Improvement Scheme)
9. Nil
10. Nil

**Michael Victor Summers**

1. Quark Fishing Ltd  
Prion Ltd  
Pioneer Seafoods Ltd  
Falkland Islands Airways Ltd (Not Trading)  
Port Howard Farm Ltd (Non-Remunerated)  
Stanley Services Ltd – (FIG Nominee – Non Remunerated)
2. Quark/Prion/Pioneer  
Freiwin Ltd
3. Nil
4. Nil
5. Nil
6. Occasional UK Visit for and on behalf of Stanley Services Ltd, paid for by the Company in my role as FIG nominated Chairman.

7. Nil
8. 11 Pioneer Row, Stanley  
14 Pioneer Row, Stanley
9. Quark Fishing Ltd  
Prion Ltd  
Pioneer Seafoods Ltd  
Falkland Islands Airways Ltd  
Freiwin Ltd
10. Falkland Islands YMCA – Trustee  
Stanley Golf Club – Member  
Falkland Islands Chamber of Commerce – Member  
Falkland Club – Member  
Falkland Islands Vessel Owners Association – Member

**Michael Blanche**

1. No remunerated Directorship. A non remunerated Directorship is held with Stanley Services Limited
2. Chief Executive, FIG
3. Nil
4. Nil
5. Nil
6. Visits to UK, trip can be charged to Stanley Services Ltd on company business
7. Nil
8. Nil
9. Nil
10. Nil

**Derek Frank Howatt**

1. Nil
2. Financial Secretary, FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 4 Racecourse Road, Stanley
9. Nil
10. Nil

**David Geoffrey Lang**

- 1 Nil
- 2 Attorney General, FIG
- 3 Nil
- 4 Nil
- 5 Nil
- 6 Nil
- 7 Nil
- 8 28 Goss Road, Stanley
- 9 Nil
- 10 Nil

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**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943.

**I hereby appoint:**

**CPL MARK WAKEFIELD - P8251919**

to be a temporary Customs Officer from 6th December 2001 to 6th April 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL MAXINE FRECKELTON - E8234298**

to be a temporary Customs Officer from 22nd December 2001 to 25th April 2002.

R.J. KING,  
*Collector of Customs.*

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**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943.

**I hereby appoint:**

**CPL STEPHEN DAVID BISHOP - T8289347**

to be a temporary Customs Officer from 28th December 2001 to 1st May 2002.

R.J. KING,  
*Collector of Customs.*





**THE  
FALKLAND ISLANDS GAZETTE  
Extraordinary**

**PUBLISHED BY AUTHORITY**

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*Vol. CXI*

*7th February 2002*

*No. 2*

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No. 6

7th February 2002.

**THE COMPANIES AND PARTNERSHIPS ORDINANCE (CAP. 13)**

**THE COMPANIES ACT 1948**

**EXTRAORDINARY RESOLUTION OF LMW (BM) LIMITED  
(Company No. 8969)**

At an Extraordinary General Meeting of the members of LMW (BM) Limited duly convened on 21 December 2001 the following resolution was duly passed as an extraordinary resolution of the company

"That the company be wound up voluntarily and that the Falkland Islands Government appoint an independent liquidator."

Peter Richard Copp of 44 John Street, Stanley, Falkland Islands has now been appointed by the Falkland Islands Government for the purposes of such winding up.

**TREVOR MORRIS,**  
*Chairman.*



# THE FALKLAND ISLANDS GAZETTE

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Vol. CXI

28th February 2002

No. 2<sup>3</sup>

## Appointments

Oliver Yates, Fisheries Observer, Fisheries Department, 28.1.02.

Mara O'Bey, Auxiliary Nurse, Health Services Department, 1.2.02.

Ronnie Snyder, Fisheries Observer, Fisheries Department, 1.2.02.

Erin Elizabeth Arnold, Fisheries Observer, Fisheries Department, 2.2.02.

Robert Thomas McCrea, Handyman, Property & Municipal Section, Public Works Department, 4.2.02.

Bower Harold Tristram, Clerk of Works, Public Works Department, 11.2.02.

## Transfer

Peter Julian Basil Biggs, from Taxation Officer to Officer Commanding, Falkland Islands Defence Force, 1.2.02.

## Completion of Contracts

Thomas David Tierney, Fisheries Observer, Fisheries Department, 30.1.02.

David Smith, Fisheries Observer, Fisheries Department, 15.2.02.

Janna Chtcherbich, Fisheries Scientist, Fisheries Department, 28.2.02.

## Resignation

Ann Reid, Housekeeper, Government House, 17.1.02.

## Determination of Appointment

Kenneth Duvall, Handyman, Public Works Department, 22.1.02.

## NOTICES

No. 7

28th January 2002

### INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 31 December 2001 has now been completed.

A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
31.03.01	106.52	2.158	(0.281)
30.06.01	106.60	2.117	0.075
30.09.01	107.05	0.848	0.422
31.12.01	107.11	0.271	0.056

L. Lyse,  
*for Financial Secretary.*

No. 8

1st February 2002

### APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Susan Jean Wilks has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D.HOY,  
*Immigration Officer.*

No. 9

1st February 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Bruce Allan Wilks has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 10

5th February 2002

**TAXES ORDINANCE 1997****Section 57B(2)****Addition to approved list of charities**

**NOTICE IS HEREBY GIVEN** that the following charity has been approved by the Governor by way of addition to the approved list of charities for tax deduction purposes:

South Atlantic Medal Association (82) (Falkland Islands)

Dated this 5th day of February 2002.

D.G. LANG QC,  
*Attorney General.*

Note: Section 57A of the Taxes Ordinance provides for deductions from income for tax purposes of donations of £50 or more made to registered charities in any calendar year provided written evidence from the charity of the total amount of donations made to the charity in the calendar year are provided to the Commissioner of Taxes. Approved charities are bodies which are registered as a charity under the Charities Act 1960 as it applies to the Falkland Islands and any body of persons or trust the name of which appears on the approved list of charities. The bodies "on the approved list" are charities established overseas which are not registered under the Charities Act 1960 in the Falkland Islands. They have been approved for tax deduction purposes.

No. 11

8th February 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Tara Jane Francis has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 12

8th February 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Nicholas Stuart Francis has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 13

13th February 2002

**IMPORT PROHIBITION (FOOT AND MOUTH DISEASE) PROCLAMATION**

The following countries are no longer notified for the purposes of the Import Prohibition (Foot and Mouth Disease) Proclamation 2001:

All European countries which are not in the European Economic Area;

Argentina;

France;

Republic of Ireland;

The Netherlands;

United Kingdom; and

Uruguay

Date this 13th day of February 2002.

P. JOHNSTON,  
*Director of Agriculture.*

No. 14

14th February 2002

**ROCKHOPPERS DAY NURSERY LIMITED**

Company Number: 11356

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 19th day of January 2002.

Dated this 14th day of February 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 15

18th February 2002

**IN THE SUPREME COURT OF THE FALKLAND ISLANDS**

SC/CIV/4/2002

IN THE MATTER OF ARGOS MARUHA LIMITED  
and

IN THE MATTER OF THE COMPANIES ACT 1948

**NOTICE IS HEREBY GIVEN** that the capital of Argos Maruha Limited was, by virtue of a special resolution and with the sanction of an order of the Supreme Court of the Falkland Islands dated 13th day of February 2002 reduced from £550,000 divided into 550,000 ordinary shares of £1 each to £100,000 divided into 100,000 ordinary shares of £1 each. At the day of the registration of this minute all the said shares have been issued and are deemed to be fully paid up.

Dated this 18th day of February 2002.

K. KILMARTIN,  
*John Street Chambers,  
Stanley, Falkland Islands  
Legal Practitioner of the above named company.*



# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

*Vol. CXI*

*28th March 2002*

*No. 4*

## Appointments

Ian Wallace, Clerk, Public Service, 2.1.02.

Lee Felton Hazel, Junior News Editor, Falkland Islands Broadcasting Station, 1.3.02.

Ian James McLeod, Firefighter, Civil Aviation Department, 1.3.02.

Harwood John Charles Peck, Operator, Power & Electrical Section, Public Works Department, 1.3.02.

Sarah Jayne Carey, Sports Attendant, Leisure Centre, Education Department, 5.3.02.

Kerri-Anne Ross, Sports Attendant, Leisure Centre, Education Department, 5.3.02.

David John Tyler, Internal Auditor, Treasury Department, 8.3.02.

Susana Caroline Faria, Clerk, Public Service, 11.3.02.

Elaine Elizabeth Barnes, Housekeeper, Government House, 18.3.02.

Arlette Sharon Marsh, Observer, Falkland Islands Government Air Service, 18.3.02.

James Hanson Marlowe Robison, Building Adviser, Environmental Planning Office, 20.3.02.

Ian Gleadell, Cleaner, Leisure Centre, Education Department, 22.3.02.

Elaine Elizabeth Barnes, Deputy Warden, Social Work Section, Health Services Department, 27.3.02.

## Transfer

Robert Keith Legg, from Sports Attendant, to Plant Operator/Handyman, Property & Municipal Section, Public Works Department, 4.3.02.

## Completion of Contracts

Phillip John Boswell, Quantity Surveyor, Public Works Department, 27.3.02.

Celia Jane Hill, Teacher, Education Department, 29.3.02.

## Resignations

Sarah Jane Clement, Senior Attendant, Leisure Centre, Education Department, 14.3.02.

Joanne Hazel Rose Goodwin, Cleaner, Leisure Centre, Education Department, 15.3.02.

**NOTICES**

No. 16

14th March 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Grant William Budd has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 17

14th March 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Kathleen Ivy Johnson has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 18

14th March 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Melvyn George Johnson has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**WO2 JOHN GRIEVE - 244498582**

to be a temporary Customs Officer from 28th January 2002 to 28th July 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL. D.W. ROBERTSON - Q8220233**

to be a temporary Customs Officer from 6th March 2002 to 6th July 2002.

R.J. KING,  
*Collector of Customs.*

**CORRIGENDUM**

Please note an error made in the number sequence of the Falkland Islands Gazette. The Gazette published on 28th February 2002 was incorrectly shown as No. 2 of 2002.

Therefore the correct order to date is as follows:

No. 1	January 31st	January Gazette
No. 2	February 7th	Extraordinary Gazette - Extraordinary Resolution of LMW (BM) Ltd.
No. 3	February 28th	February Gazette





**THE  
FALKLAND ISLANDS GAZETTE  
Extraordinary**

**PUBLISHED BY AUTHORITY**

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*Vol. CXI*

*12th April 2002*

*No. 5*

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The following is published in this Gazette-

**Register of Electors - Preliminary List.**

15 March 2002

### REGISTER OF ELECTORS - PRELIMINARY LIST

The Registration Officer has prepared the preliminary list of all persons who, on the qualifying date (15 March 2002), appear to be entitled to be registered as electors for the purposes of the Electoral Ordinance 1988. In accordance with Section 12 of the Ordinance, the Registration Officer has caused the preliminary list to be published in this edition of the Gazette.

Any person who claims that the name of a person entitled to be registered as a voter in the Falkland Islands, has been omitted from the preliminary list, should notify the Registration Officer (Registry, Town Hall, Stanley) of such claim in writing within 28 days of publication. Additionally, any person who wishes to object to the inclusion of a person whose name appears in the preliminary list should notify the Registration Officer within 28 days of publication. The Registration Officer shall, upon receipt of any such claim or objection, subsequently determine the same in accordance with the provisions of the Electoral Ordinance 1988.

The preliminary list has been prepared from last years Electoral Register. The following is a summary of the deletions from and additions and alterations to last years list: -

Deceased Electors - Camp

Deceased Electors - Stanley

Molly Stella Barnes  
Frank Brian Claxton  
William Duncan  
Grace Elizabeth Goss  
Leonard John Grant  
John Arthur Leslie Halliday  
Mary Ann Hirtle  
Jane Elizabeth McKay  
Trevor Morrison  
Beatrice Annie Jane Perry  
Robert Juan Carlos Perry  
Donald Robert Gordon Short  
Adeline Jane Smith  
Emma Jane Steen

Electors who have changed Constituency - Camp to Stanley

Sophie Marina Clausen  
Marvyn Neil Ford  
Robert Charles Maddocks  
Patrick Andrew Minto

Electors who have changed Constituency - Stanley to Camp

Carol Margaret Hobman

Electors who are no longer resident - Camp

Melvyn John Lloyd  
 Valerie Ann Lloyd  
 Marlaine Rose Smith  
 Trudi Eileen Felton

Electors who are no longer resident - Stanley

Dawn Higgins

Electors who have changed name by deed poll or by marriage - Camp

Diana Mary Aldridge  
 Penelope Rose McKay  
 Joan May McLeod

Electors who have changed name by deed poll or by marriage - Stanley

Odette Ellen May Bonner  
 Sarah Jane Clement  
 Michelle Crowie  
 Yona Davis  
 Cara Jane Jordon  
 Miranda McKee  
 Cherry Rose Robson

Electors entitled to vote for the first time - Camp

Alicia Michelle Gill  
 Martyn Raymond MacBeth  
 Samantha Ann Marsh  
 Tanya Elaine Marsh  
 Christopher John Taylor

Electors entitled to vote for the first time - Stanley

Christopher David Biggs  
 Daniel Craig Biggs  
 Marian June Biggs  
 Richard John Biggs  
 Stacey John Bragger  
 Eva Lynn Clarke

Felicity Marie Clarke  
Caroline Jane Cotter  
Roxanne Crowie  
Imogen Fiona Didlick  
Michelle Paula Evans  
Sian Ferguson  
Tanya Louise Ford  
Stephen Paul James Freer  
Joanne Hazel Rose Goodwin  
Kim Elizabeth Hardcastle  
Tara Heathman  
Sara Marie Hewitt  
Mark Malcolm Jackson  
Tanzi Jacobsen  
Dionne Michelle Jones  
Tamara Colette Lang  
Victoria Jane Lee  
Jay Moffatt  
Joanne Elizabeth Morrison  
Geoffrey Pring  
Michelle Pring  
Pamela Ruth Reid-De Davino  
Elizabeth Rodriguez Reid  
Nabil George Short  
Akira Ali Smallwood  
Valerie Ann Stevens  
Pequita Lynn Nicola Stewart  
Dennis James Ward  
Gary Colin Webb

Electors and potential electors are advised that providing a person satisfies the residential requirements of the Electoral Ordinance 1988 he or she is entitled to appear on the Electoral Register if they are a Commonwealth Citizen who has attained the age of 18 years and either: -

- (a) enjoys Falkland Islands Status; or
- (b) his/her name appeared on the register of electors for a constituency in force on 1st September 1997

A resident is defined within section 3 of the Electoral Ordinance 1988 and resident for the qualifying period is defined in section 4 (1) of the Electoral Ordinance 1988.

The Registrar General is available to give guidance of the effect of these provisions of the law.

1	Adams	John Harvey	21 Ross Rd. East
2	Adams	Marjorie Rose	21 Ross Rd. East
3	Adeoye	Anneliese Rose	Flat 8 6 Jersey Road
4	Alazia	Andrew	66 Davis St.
5	Alazia	Anita Jayne	Government House
6	Alazia	Colleen	11 Fitzroy Rd. East
7	Alazia	Freda	22 Fitzroy Rd.
8	Alazia	Freda Evelyn	17 Jersey Road
9	Alazia	James Andrew	22 Fitzroy Rd.
10	Alazia	Keith	4 James St.
11	Alazia	Maggie Ann	6 John St.
12	Alazia	Sandra Marie	66 Davis St.
13	Alazia	Stuart John	31 Fitzroy Rd.
14	Alazia	Yvonne	Flat 4, 1A Moody St.
15	Aldridge	Caroline Mary	2 H Jones Rd.
16	Aldridge	Kenneth John	2 H Jones Rd.
17	Aldridge	Stephen John	2 H Jones Road
18	Allan	John	39 Ross Road
19	Allan	Joyce Bna	39 Ross Road
20	Allan	Michael Charles	3 Philomel Place
21	Allan	Sarah Louise	3 Philomel Place
22	Almonacid	Orlando	1 Villiers St.
23	Anderson	Carol Anne	22 Endurance Ave.
24	Anderson	Claudette	1 Goss Rd
25	Anderson	Eddie	22 Endurance Ave.
26	Anderson	Elizabeth Nellie	42 Davis St.
27	Anderson	Helen	88 Davis St.
28	Anderson	Jamie Falkland	18 Murray Heights
29	Anderson	Margaret Kathleen	21 John St.
30	Anderson	Mildred Nessie	8 St. Marys Walk
31	Anderson	Paul James	9 Fieldhouse Close
32	Anderson	Reginald Stanford	18 Murray Heights
33	Anderson	Richard Louis	88 Davis St.
34	Anderson	Stephen Robert	6 Jersey Rd
35	Anthony	Enid Elizabeth	6 Dairy Paddock Rd
36	Anthony	Geraldine Sylvia	Flat 6, 6 Jersey Rd.
37	Anthony	Malcolm James	9 Biggs Road
38	Barnes	Marlene Estela	2 Watson Way
39	Barnes	Paul	2 Watson Way
40	Barton	Alison Mary	6 Villiers St.
41	Barton	Arthur John	6 Villiers St.
42	Bates	Barbara	8 Watson Way
43	Battersby	Jon Alan	16 Fieldhouse Close
44	Battersby	Margaret Mary	16 Fieldhouse Close
45	Beckett	Vivien Delia	Jersey Road Flats
46	Bedford	Arlette Louise	68 Davis Street
47	Bedford	Carole Anne	68 Davis St
48	Bedford	Kita Muriel	68 Davis Street
49	Berntsen	Cecilia Del Rosario	14 St Marys Walk
50	Berntsen	Christian Olaf Alexander	15a James Street
51	Berntsen	Falkland	10 Fitzroy Rd
52	Berntsen	Gene Stanley	Flat 6 6 Jersey Road
53	Berntsen	Iain Kenneth	2 Dean Street
54	Berntsen	John Alexander	Felton Stream
55	Berntsen	Kathleen Gladys	1 St Marys Walk

56	Berntsen	Kenneth Frederick	20 Ross Road West
57	Berntsen	Matthew John	39 Davis St.
58	Berntsen	Olaf Christian Alexander	35 Bliza Cres.
59	Berntsen	Rachel Ena	15a James Street
60	Berntsen	Valdamar Lars	14 St. Marys Walk
61	Berntsen	Valorie Marcela	14 St. Marys Walk
62	Bertrand	Catherine Gladys	11 Ross Rd. East
63	Besley-Clark	Barbara June	53 Callaghan Rd.
64	Besley-Clark	Craig Norman Leigh	53 Callaghan Rd.
65	Besley-Clark	Douglas James	53 Callaghan Rd.
66	Besley-Clark	Norman	53 Callaghan Rd.
67	Betts	Arlette	Lafone House, Ross Rd. East
68	Betts	Donald William	7 Jeremy Moore Ave.
69	Betts	Ellen Alma	21 Fitzroy Rd.
70	Betts	George Winston Charles	35 Ross Rd. West
71	Betts	Ian	1 Villiers St.
72	Betts	Karen Margaret	1 Watson Way.
73	Betts	Lucia Elizabeth	35 Ross Rd. West
74	Betts	Owen	82 Davis Street
75	Betts	Peter James	Racecourse Road Flats
76	Betts	Priscilla Violet Morrison	14 Fieldhouse Close
77	Betts	Severine	1 Watson Way
78	Betts	Shirley Rose	7 Jeremy Moore Ave.
79	Betts	Simon Keith	Reflections Flat Dean Street.
80	Betts	Stephen	7 Jeremy Moore Ave
81	Biggs	Ailie Christine	16 Endurance Avenue
82	Biggs	Alastair Gordon	Trehayle, 50 John St.
83	Biggs	Althea Maria	3 Dairy Paddock Rd.
84	Biggs	Betty Josephine	9 Moody St.
85	Biggs	Christopher David	Stanley
86	Biggs	Daniel Craig	Endurance Avenue
87	Biggs	Edith Joan	Trehayle, 50 John St.
88	Biggs	Frances	16 Endurance Ave.
89	Biggs	Frederick James	KBMH
90	Biggs	Irene Mary	Harbour View, 4 Ross Rd. East
91	Biggs	Leslie Frederick	3 Dairy Paddock Rd.
92	Biggs	Marian June	16 Jersey Road
93	Biggs	Michael Elfed	21 Fitzroy Rd.
94	Biggs	Peter Julian Basil	16 Endurance Ave.
95	Biggs	Richard John	16 Jersey Road
96	Binnie	Juliet Ann	33 Bliza Cres.
97	Binnie	Linda Rose	6 Fieldhouse Close
98	Binnie	Ronald Eric	6 Fieldhouse Close
99	Binnie	Susan	3 Brandon Rd.
100	Birmingham	John	4 Drury St.
101	Blackley	Candy Joy	4 Barrack St.
102	Blackley	Hilda	11 Thatcher Drive
103	Blackley	Maurice	The Lodge, Market Garden
104	Blackley	Shane David	4 Barrack St.
105	Blades	Helen Jean	10 John St.
106	Blake	Alexander Charles	1 Ross Rd
107	Blake	Lionel Geoffrey	1 Ross Rd
108	Blake	Sally Gwynfa	1 Ross Rd
109	Blake	Thomas Patrick	90 Davis St.
110	Blizard	Malvina Mary	51 Fitzroy Rd.

111	Blyth	Agnes Ruth	2 Brandon Rd.
112	Blyth	Paz Neri	5 St Marys Walk
113	Bonner	Alan Paul	5 John Street
114	Bonner	Angela Jane	5a Ross Road East
115	Bonner	Avril Margaret Rose	14 Jersey Road
116	Bonner	Cheryl Anne	4a Ross Road West
117	Bonner	Donald William	Chaffeurs Cottage
118	Bonner	Hayley Trina	41 Ross Rd. West
119	Bonner	Keith James	14 Jersey Road
120	Bonner	Linda Jane	4A Ross Rd. West
121	Bonner	Lindsay Jane	12 Scoresby Close
122	Bonner	Nicholas	4A Ross Rd. West
123	Bonner	Odette Ellen May	Madecosis 15 Jersey Estate
124	Bonner	Paul Roderick	5 John St.
125	Bonner	Stevie Coppell	Dolphin Cottage
126	Bonner	Terence Leslie	Madecosis 15 Jersey Estate
127	Bonner	Timothy	41 Ross Rd. West
128	Bonner	Vera Ann	5 John St.
129	Bonner	Vera Joan	Chaffeurs Cottage
130	Bonner	Violet	40 Ross Rd.
131	Booth	Jessie	Racecourse Cottage
132	Booth	Joseph Bories	7 Philomel St.
133	Booth	Myriam Margaret Lucia	7 Philomel St.
134	Booth	Stuart Alfred	Racecourse Cottage
135	Bound	Joan	Barrack St.
136	Bowles	Norma Evangeline	1A Villiers St.
137	Bowles	William Edward	1A Villiers St.
138	Bowles	William George Troyd	9 Drury Street
139	Bragger	Edward Laurence	14 Jeremy Moore Ave.
140	Bragger	Stacey John	14 Jeremy Moore Avenue
141	Brock	Juanita Lois	Flat5, 1 Jeremy Moore Ave East
142	Brooks	Cheryl Rose	25 Callaghan Rd.
143	Brooks	Peter William	25 Callaghan Rd.
144	Browning	Amanda Marie	3 Dairy Paddock Rd
145	Browning	Colin George	1 Moody St.
146	Browning	Edwina	Davis St.
147	Browning	Gavin	Lookout Lodge
148	Browning	Joan Lucy Ann	Rose Hotel Drury St
149	Browning	Nathan David	3 Dairy Paddock Road
150	Browning	Rex	35 Davis St.
151	Browning	Richard William	33 Davis St
152	Browning	Trevor Osneith	Rose Hotel Drury St
153	Brownlee	Andrew Samuel	19 Ross Rd East
154	Brownlee	Lynn Frances	19 Ross Rd East
155	Buckett	Ronald Peter	49 Fitzroy Rd.
156	Buckett	Roy Peter	Jersey Road
157	Buckett	Susan Vera	49 Fitzroy Rd.
158	Buckland	Colin Michael	Lookout Lodge
159	Buckland	Darlene Joanna	5 James Street
160	Buckland	Peter John	9 Callaghan Rd.
161	Budd	Dennis Raymond	5 Ian Campbell Drive
162	Budd	Pamela Joan	5 Ian Campbell Drive
163	Bundes	Robert John Christian	17 Fitzroy Rd.
164	Burns	Mary Anne	34 Davis St.
165	Burston	Catherine	91 Davis St

166	Burston	Stephen Leslie	91 Davis St
167	Bury	Ian Thomas	63 Davis St.
168	Butcher	Michael George	3A Dairy Paddock Rd.
169	Butcher	Trudi	3A Dairy Paddock Rd.
170	Butler	Elsie Maud	10 Thatcher Drive
171	Butler	Frederick Lowther Edward	10 Thatcher Drive
172	Butler	George Joseph	1A Moody St.
173	Butler	Jonathan Jeffers	3 Jeremy Moore Ave
174	Butler	Laurence Jonathan	2 Davis St East
175	Butler	Margaret Orlanda	5 Short Street.
176	Butler	Orlanda Betty	2 Davis St. East
177	Buxton	Nicole Gabrielle	19 Jeremy Moore Ave
178	Cameron	Jane Diana Mary Keith	Old Bakery, Fitzroy Rd.
179	Cant	Carol Rosine	37 Callaghan Rd
180	Cant	Martin Ronald	37 Callaghan Rd
181	Cantlie	Derek William	27 Callaghan Rd
182	Card	Patricia Collette	7 Ian Campbell Drive
183	Carey	Anthony Michael	19 Ross Rd. West
184	Carey	Gladys	19 Ross Rd. West
185	Carey	Martin Rex	21 Eliza Cove Cres.
186	Carey	Mary Ann Margaret	18 Ross Rd. West
187	Carey	Terence James	18 Ross Rd. West
188	Cartwright	Stephen	39 Ross Road West
189	Castle	David Peter	26 John St.
190	Castle	Isobel	26 John St.
191	Ceballos	Bulogio Gabriel	28 Endurance Ave.
192	Chaloner	Sheila Catherine	2 Racecourse Rd
193	Chandler	Ann Beatrice	6 Biggs Road
194	Chandler	Edward	6 Biggs Road
195	Chapman	Helen	6 Fitzroy Rd. East
196	Chapman	Paul	6 Fitzroy Rd. East
197	Chater	Thomas Frederick	33 Fitzroy Rd.
198	Chater	William John	7 Biggs Road
199	Cheek	Gerald Winston	10 Ross Rd.
200	Cheek	Janet Lynda	25 Ross Rd. West
201	Cheek	Marie	10 Ross Rd.
202	Cheek	Rosalind Catriona	22 Murray Heights
203	Clapp	Kevin Christopher	1 Murray Heights
204	Clark	Hector	27 Eliza Cres.
205	Clark	Jonathan Andrew	Flat 10, Jersey Rd
206	Clark	Joyce Kathleen	27 Eliza Cres.
207	Clarke	Amelia	1 Callaghan Rd.
208	Clarke	Angela Sindy	Stanley
209	Clarke	Anika Doreen	17 Jeremy Moore Avenue
210	Clarke	Camilla Marie	8 Drury St.
211	Clarke	Christopher	5 Discovery Close
212	Clarke	David James	17 Ross Rd. West
213	Clarke	Derek Simon	23 Jeremy Moore Ave.
214	Clarke	Doreen	17 Ross Rd. West
215	Clarke	Eva Lynn	19 Jersey Road
216	Clarke	Felicity Marie	Stanley
217	Clarke	Fiona Alison	Racecourse Road Flats
218	Clarke	Gwynne Edwina	17 Jeremy Moore Ave.
219	Clarke	Isabel Joan	12 Fieldhouse Close
220	Clarke	James Martin	3 McKay Close.



221	Clarke	Jan Michael	11 Fieldhouse Close
222	Clarke	Jeremy Ian Thomas	7 Fitzroy Road
223	Clarke	Joan Patricia Marion	50 Davis St
224	Clarke	Jonathan Terence	17 Jeremy Moore Ave.
225	Clarke	Julie Ann	Globe Tavern
226	Clarke	Margaret Ann	3 H Jones Rd.
227	Clarke	Marvin Thomas	7 Fitzroy Rd.
228	Clarke	Paul Ian	Stanley
229	Clarke	Ronald John	17 Ross Rd. West
230	Clarke	Rudy Thomas	8 Drury St.
231	Clarke	Shane Adrian	1 Callaghan Rd.
232	Clarke	Terence John	17 Jeremy Moore Ave.
233	Clarke	Tracey Clare	23 Jeremy Moore Ave.
234	Clarke	Trudi Ann	7 Fitzroy Rd.
235	Clasen	Wayne Ian Summers James	17 Davis Street
236	Clausen	Andrea Patricia	3 St. Marys Walk
237	Clausen	Denzil George Gustavius	3 St. Marys Walk
238	Clausen	Melanie	24 Murray Heights
239	Clausen	Sophie Marina	37 Davis Street
240	Claxton	Margaret	28 Ross Rd. East
241	Clayton	Brian	Dorada
242	Clayton	Susan	16 St. Marys Walk
243	Clement	Gary	9 Snake Street.
244	Clement	Jane	9 Snake Street.
245	Clement	Lee	9 Snake Street.
246	Clement	Sara Jane	10 Snake Hill
247	Clement	Wayne	Snake Street.
248	Cletheroe	Kenneth Stanley	45 Fitzroy Rd.
249	Clifton	Charles	3 Ross Rd. West
250	Clifton	Darwin Lewis	53 Davis St.
251	Clifton	Doreen	3 Ross Rd. West
252	Clifton	Marie	6 Discovery Close
253	Clifton	Melvyn	12 Callaghan Road
254	Clifton	Neil	20 Davis St.
255	Clifton	Stephen Peter	61 Fitzroy Rd.
256	Clifton	Terence Charles	3 Ross Rd. West
257	Clifton	Teresa Ann	12 Callaghan Rd.
258	Clifton	Valerie Ann	61 Fitzroy Rd.
259	Cockwell	Jennifer Marie	90 Davis St
260	Cockwell	John Richard	14 Ross Road West
261	Cockwell	Maurice Adam	90 Davis St.
262	Cofre	Anya Evelyn	1 Brandon Rd West
263	Cofre	Elvio Miguel	1 Brandon Rd West
264	Collins	Shiralee	Flat 9, 6 Jersey Rd.
265	Connolly	Kevin Barry	1 King St.
266	Coombe	Robert Dean	12 Ross Road West.
267	Cotter	Caroline Jane	9 Jeremy Moore Avenue
268	Cotter	Mary Jane	9 Jeremy Moore Ave.
269	Cotter	Timothy Stewart	9 Jeremy Moore Ave.
270	Courtney	Anthony Clive	30 Goss Road.
271	Courtney	Julie	30 Goss Road
272	Coutts	Charles	12 Endurance Ave.
273	Coutts	Charles Lindsay	33 Ross Rd.
274	Coutts	Elspeth Alice	12 Endurance Avenue
275	Coutts	John	36 Ross Rd. West

276	Coutts	Olga	33 Ross Rd.
277	Coutts	Peter	13 Campbell Drive
278	Crabb	Elizabeth Ann	34a Davis Street
279	Crowie	Alan John	72 Davis Street.
280	Crowie	Ana Bonita	72 Davis Street.
281	Crowie	Breda Marie	35 Callaghan Rd.
282	Crowie	Clare Frances	35 Callaghan Rd
283	Crowie	David Sean	51 Callaghan Rd
284	Crowie	Michelle	1 Discovery Close
285	Crowie	Nicola Jane	35 Callaghan Rd.
286	Crowie	Peter James	35 Callaghan Road.
287	Crowie	Robert John	35 Callaghan Rd.
288	Crowie	Roxanne	72 Davis Street
289	Curtis	Alfred William Hamilton	6 Brandon Rd. West
290	Curtis	Barbara Annette Hamilton	37 Ross Road East
291	Curtis	Barbara Joan	6 Brandon Rd. West
292	Curtis	Bonnie Elizabeth Hamilton	6 Brandon Road West
293	Curtis	James William Hamilton	6 Ross Rd.
294	Davies	Anthony Warren	7 Callaghan Rd.
295	Davies	Christine Susan	8 Fitzroy Rd. East
296	Davies	Colin George	15 Ross Rd. West
297	Davies	Eileen Wynne	15 Ross Rd. West
298	Davies	Jacqueline Nancy	7 Callaghan Rd.
299	Davies	Sian Karen	7 Callaghan Road.
300	Davies	William	8 Fitzroy Rd. East
301	Davis	Ellen Rose	39 Davis St.
302	Davis	Maurice	39 Davis St.
303	Davis	Nicholas	15 James St.
304	Davis	Roy George Victor	6 Narrows View
305	Davis	Sharon Sandra Evelyn	6 Narrows View
306	Davis	Yona	37 Davis St.
307	Davy	Patrick Alex Field	Flat3, 3 Jeremy Moore Ave East
308	Dent	Janice Vanessa	16 Scoresby Close
309	Dent	Stephen John	3c Jersey Est
310	Desborough	Gladys Malvina	14 Allardyce Street
311	Dickson	Caroline Christine Bird	108 Davis St.
312	Didlick	Christopher Graham	13 Jeremy Moore Ave
313	Didlick	Fiona Margaret	13 Jeremy Moore Ave
314	Didlick	Graham John	13 Jeremy Moore Ave
315	Didlick	Imogen Fiona	13 Jeremy Moore Avenue
316	Didlick-Smith	Rhiannon Elinore	13 Jeremy Moore Ave
317	Diggle	Katherine Elizabeth	12 Jersey Rd.
318	Diggle	Roger John	12 Jersey Rd.
319	Dobbyns	Kathleen Gay	60 Davis St.
320	Dodd	Alison	1 Pioneer Row
321	Dodd	Nigel Keith	1 Pioneer Row
322	Donnelly	Derek	38 Ross Road East
323	Duncan	Delsha Vanessa Jane	Flat 3, 30 Jersey Road
324	Duncan	Doreen	Tenacres
325	Duvall	Kenneth William	51 Callaghan Rd
326	Earnshaw	Jacqueline Elizabeth	37 Ross Rd. West
327	East	Justin Clive Richard	1 Fieldhouse Close
328	East	Michelle Jane	1 Fieldhouse Close
329	Eccles	Bernard Leslie	18 Jeremy Moore Ave.
330	Eccles	Moir Cameron	18 Jeremy Moore Ave.

331	Edwards	Emma Jane	41 Ross Road East.
332	Elliot	Elizabeth Rose	15 Callaghan Rd
333	Elliot	Henry James	15 Callaghan Rd.
334	Ellis	Cyril	24 Ross Rd. East
335	Ellis	Lucy	11 James St
336	Ellis	Valerie	24 Ross Rd. East
337	Elsby	Barry	Moody Brook House.
338	Evans	Donna Newell	Whiteways James Street
339	Evans	Gladys Alberta	6 Barrack St.
340	Evans	Michael David	Whiteways James Street
341	Evans	Michelle Paula	Murray Heights
342	Evans	Russell	45 Ross Rd East
343	Evans	Susan Maureen	45 Ross Rd East
344	Ewing	Gordon	4 Jeremy Moore Ave
345	Ewing	Irene	4 Jeremy Moore Ave
346	Eynon	Carol	8 Villiers St.
347	Eynon	Christopher Huntlee	8 Villiers St.
348	Eynon	David John	8 Villiers St.
349	Faria	Mary Ann	6A Jeremy Moore Ave
350	Faria	Paul	14 Brandon Road
351	Faria	Susanna Caroline Berntsen	14 Brandon Road
352	Felton	Violet Regina Margaret	German Camp, Callaghan Rd.
353	Ferguson	Ellen Rose	51 Callaghan Rd.
354	Ferguson	Pinlay James	51 Callaghan Road
355	Ferguson	John William	47 Ross Rd East
356	Ferguson	Marie Anne	2 Davis St
357	Ferguson	Robert John	4 Capricorn Rd.
358	Ferguson	Rose	Plat7, 1 Jeremy Moore Ave East
359	Ferguson	Stephanie Janet	47 Ross Rd East
360	Ferguson	Thelma	4 Capricorn Rd.
361	Fiddes	Douglas Graham	Moody Brook
362	Fiddes	Gardner Walker	3 Watson Way
363	Fiddes	Julia Bertrand	Moody Brook
364	Fiddes	Mary McKinnon Livingstone	4 Moody St.
365	Fiddes	Melody Christine	3 Watson Way
366	Fiddes	Robert	4 Moody St.
367	Finlayson	Iris Dwenda Margaret	29 Goss Road
368	Finlayson	Marc Ian	Y.M.C.A
369	Finlayson	Peter	6 Brandon Rd.
370	Finlayson	Phyllis	6 Brandon Rd.
371	Finn	Natalie Anne	9 Eliza Crescent
372	Fisher-Smith	Julie Anne	8 Fieldhouse Close
373	Fleming	Richard Ian	7 Ian Campbell Drive
374	Floyd	Amanda Susan	Globe Hotel
375	Floyd	Michael	7 Pitaluga Place
376	Floyd	Michael Anthony	7 Pitaluga Place
377	Floyd	Steven Paul	7 Pitaluga Place
378	Fogerty	Richard Edwin John	Stone Cottage
379	Ford	Alison Jane Marie	5 Jersey Rd.
380	Ford	Arthur Henry	6 Drury St.
381	Ford	Christopher James	12 Davis Street
382	Ford	Colin Stewart	15 Kent Rd.
383	Ford	Colleen Mary	Lady Hunt House John St.
384	Ford	Darrel	1 James Street.
385	Ford	David	1 Davis St.

386	Ford	Frederick James	Lady Hunt House John St.
387	Ford	Gerard Allan	Flat 1, 3 Jeremy Moore Ave
388	Ford	Jonathan	3 Pitaluga Place.
389	Ford	Julie Ann	3 Pitaluga Place.
390	Ford	Leann Caroline	15 Kent Rd.
391	Ford	Leonard	5 Jersey Rd.
392	Ford	Marilyn Christine	24 James St.
393	Ford	Marvyn Neil	Lookout Lodge
394	Ford	Michael	82 Davis Street
395	Ford	Paul Edward	2 Philomel Place
396	Ford	Robert	1 Davis St.
397	Ford	Simon	1 James St.
398	Ford	Tanya Louise	24 James Street, Stanley
399	Forrest	Jennifer Carol	16 Kent Rd.
400	Forrest	Michael John	16 Kent Rd
401	Forster	Amanda	9 Fieldhouse Close
402	Forster	Lynne	5 Discovery Close
403	Forster	Sarah	17 Davis Street
404	Fowler	Daniel Martin	2 Glasgow Rd
405	Fowler	John Andrew Thomas	2 Glasgow Road
406	Fowler	Rachael Jane	2 Glasgow Rd
407	Fowler	Veronica May	2 Glasgow Road
408	France	Graham Brian	7 Snake St
409	France	Ian Peter	7 Snake St
410	France	Jane Aileen Marie	7 Snake St
411	Freeman	Carl Francis	10 James St.
412	Freeman	Dianne May	10 James St.
413	Freeman	Rachael	10 James Street
414	Freeman	Tracy	10 James St
415	Freer	Stephen Paul James	56 John Street Stanley
416	Fullerton	Mary Ellen	Government House
417	Gilbert	Christopher Paul	22 Jeremy Moore Ave.
418	Gilbert	Judith Elizabeth	22 Jeremy Moore Ave.
419	Gilbert	Mark Ian	22 Jeremy Moore Ave
420	Gilbert	Neil Robert	22 Jeremy Moore Ave
421	Gilbert	Robert Ernest	22 Jeremy Moore Ave.
422	Gilson-Clarke	Dustin James	Flat 3 6 Jersey Road
423	Gilson-Clarke	Martyn Ian	Globe Tavern.
424	Gisby	Annie	33 Fitzroy Rd.
425	Goodwin	Angela Jane	11 Jersey Road.
426	Goodwin	Bonita Colleen	Flat 1 30 Jersey Road.
427	Goodwin	Colin Valentine	86 Davis St.
428	Goodwin	Derek Samuel	Flat 1 30 Jersey Road.
429	Goodwin	Emily Rose	7 Brisbane Rd.
430	Goodwin	Gareth Kevin	86 Davis St.
431	Goodwin	Hazel Rose	3 Police Cottages, 7 Ross Rd.
432	Goodwin	Joanne Hazel Rose	Pioneer Row
433	Goodwin	June Elizabeth	86 Davis St.
434	Goodwin	Kathleen Edith Marguerite	6 Thatcher Drive
435	Goodwin	Mandy Hazel	Callaghan Road
436	Goodwin	Robin Christopher	27 Callaghan Rd.
437	Goodwin	Simon James	Lookout Lodge
438	Goodwin	Una	27 Callaghan Rd.
439	Goodwin	William John Maurice	7 Brisbane Rd.
440	Goss	Annagret	16 Jeremy Moore Ave.

441	Goss	Corina Rose	20 Murray Heights
442	Goss	Dorothy Ellen	4 Discovery Close
443	Goss	Eric Miller	2 Fitzroy Rd East
444	Goss	Ian Ernest Barle	98 Davis Street
445	Goss	Morgan Edmund	16 Jeremy Moore Ave.
446	Goss	Roderick Jacob	Fitzroy Rd.
447	Goss	Roger Simon	15 Callaghan Rd
448	Goss	Roy Shepherd	4 Discovery Close
449	Goss	Sandra Kathleen	11 Kent Rd.
450	Goss	Shirley Ann	2 Fitzroy Rd East
451	Goss	Simon Peter Miller	11 Kent Rd.
452	Goss	Susan Diann	98 Davis Street
453	Goss	William Henry (jnr)	7 Brandon Rd.
454	Goss	William Henry (snr)	5 Ross Rd. East
455	Gough	Ivan	John Street
456	Gough	Phyllis Candy	John Street
457	Gould	Arthur William	Moody St.
458	Grant	Milly	3 Moody St.
459	Gray	David Edward	22 Ross Rd West
460	Gray	Patricia May	22 Ross Rd West
461	Green	David William	Lois Cottage John Street
462	Greenland	James Andrew William	9 Beaver Rd
463	Greenough	Geoffrey	50 Davis Street
464	Greenough	Wanda Rose	50 Davis Street.
465	Grimmer	Keith	15 Pioneer Row
466	Grimmer	Marilyn	15 Pioneer Row
467	Hadden	Alexander Burnett	27 Fitzroy Rd.
468	Hadden	Sheila Peggy	27 Fitzroy Rd.
469	Halford	Rodney John	Tenacres
470	Halford	Sara Jayne	Tenacres
471	Halford	Sharon	Tenacres
472	Hall	Marilyn Joyce	56 Davis St.
473	Halliday	Cathy Anne	5 Drury Street
474	Halliday	Gerald	Flat 1, 6 Racecourse Rd.
475	Halliday	Jeffrey James	8 Murray Heights
476	Halliday	Priscilla Alison	12a Brandon Road
477	Halliday	Raynor	9 Brisbane Rd.
478	Hancox	Rachel Mary	9 Ross Rd. West
479	Hancox	Robert James	9 Ross Rd. West
480	Hansen	Douglas John	6 Fitzroy Rd.
481	Hansen	Keva Elizabeth	1 Dairy Paddock Rd.
482	Hansen	Terence Joseph	1 Dairy Paddock Rd.
483	Hardcastle	Kim Elizabeth	5 Pioneer Row
484	Hardcastle	Simon Brook	5 Pioneer Row
485	Harris	Christopher James	8 Pioneer Row
486	Harris	Heather	3 Ross Rd. East
487	Harris	Jill Yolanda Miller	19 Fitzroy Rd.
488	Harris	Karl Henry	5a Ross Road East
489	Harris	Leeann Watson	10 Dairy Paddock Rd.
490	Harris	Leslie Sidney	19 Fitzroy Rd.
491	Harris	Michael Ronald	3 Ross Rd. East
492	Harris	Nicola Jane	3 Ross Rd East
493	Harris	Ralph Aaron	10 Dairy Paddock Rd.
494	Harris	Roslyn	19 Fitzroy Rd.
495	Harvey	Muriel Elizabeth Elsie	2 King St.

496	Harvey	Sheila	6 Ross Road
497	Harvey	William	21 Fitzroy Rd.
498	Hawksworth	Mary Catherine	5 A Brisbane Rd.
499	Hawksworth	Pauline May	29 Fitzroy Rd.
500	Hawksworth	Terence	5A Brisbane Rd.
501	Hayward	Marjorie	30 Eliza Rd.
502	Hayward	Neville	Cemetery Cottage
503	Hayward	Peter Dennis	30 Eliza Rd.
504	Hazell	Lee Pelton	3 Drury Street
505	Heathman	Malcolm Keith	15 Eliza Cove Rd.
506	Heathman	Mandy Gail	15 Eliza Cove Rd.
507	Heathman	Tara	9 Snake Hill
508	Henricksen	Winifred Mary Elizabeth	8 Thatcher Drive
509	Henry	Alan Richard	8 Beaver Rd.
510	Henry	Patricia Denise	8 Beaver Rd.
511	Hernandez Mantero	Miguel Angel	3 Murray Heights
512	Hernandez Trevell	Maria Elena	3 Murray Heights
513	Hewitt	Clare Ann	1c Capricorn Rd.
514	Hewitt	Frances Agnes	Flat 3 1 Moody Street.
515	Hewitt	Gary George	3 Hebe Place
516	Hewitt	Margaret Ann	3 Hebe Place
517	Hewitt	Neil George	1C Capricorn Rd
518	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk
519	Hewitt	Robert John David	3 Thatcher Drive
520	Hewitt	Sara Marie	Stanley
521	Hills	Heather Margaret	5 Davis St.
522	Hills	Richard William	5 Davis St.
523	Hirtle	Christine	5 Capricorn Rd.
524	Hirtle	Debbie Ann	2b Capricorn Road
525	Hirtle	Leonard John	20 Jeremy Moore Ave
526	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
527	Hirtle	Michael Barry	20 Jeremy Moore Ave.
528	Hirtle	Rose Ann Shirley	4 Villiers St.
529	Hirtle	Shirley	2 Ian Campbell Drive
530	Hirtle	Zane Eric	Eliza Cove Rd.
531	Hobman	Anilda Marilu	34 Ross Rd. West Flat
532	Hobman	David Gonsalo	34 Ross Rd. West Flat
533	Hobman	Luis Alfonso	34 Ross Rd. West Flat
534	Hoggarth	Agnes Christina	2 James St.
535	Howatt	Derek Frank	4 Racecourse Rd.
536	Howatt	Suzanna Margaret	4 Racecourse Rd.
537	Howe	Alison Delia	36 Davis St.
538	Howe	Paul Anthony	36 Davis St.
539	Howells	Anne Stephanie	112 Davis St.
540	Howells	Lorna Marie	112 Davis St.
541	Howells	Martin Edward Derek	112 Davis St
542	Howells	Melissa Louise	112 Davis St.
543	Howells	Roger	112 Davis St.
544	Hoy	Dawn	2 Dean Street
545	Humphreys	Dennis James	7 Dean St.
546	Humphreys	Hannah Elaine	7 Dean Street.
547	Humphreys	Margaret Anne	Endurance Avenue
548	Hutton	Elizabeth Isabella	3 John St.
549	Hutton	Philip	3 John St.
550	Igao	Alejandro Neri	13 Scoresby Close

551	Igao	Noel Neri	10 Goss Road.
552	Igao	Pauline Lynx	10 Goss Road.
553	Inglis	Alison Anne MacKenzie	9 Short Street.
554	Jackson	Kathleen	23 Fitzroy Road
555	Jackson	Malcolm	23 Fitzroy Road
556	Jackson	Mark Malcolm	5 Drury Street
557	Jacobsen	Alistair	1A Philomel St.
558	Jacobsen	Catherine Joan	1A Philomel St.
559	Jaffray	Derek Charles	2 Arch Green.
560	Jaffray	Blaine Michele	8 Discovery Close
561	Jaffray	Estelle Anita	Snake Street.
562	Jaffray	Frank Alexander	8 Discovery Close.
563	Jaffray	Gerard Alan	5 Hebe St.
564	Jaffray	Helen Rose	84 Davis St.
565	Jaffray	Jacqueline Ann	17 Watson Way
566	Jaffray	Janet	3 Fitzroy Road East
567	Jaffray	John	40 Eliza Cres.
568	Jaffray	John Summers	84A Davis St.
569	Jaffray	John Willie	21 Watson Way.
570	Jaffray	June Elizabeth	17 Ross Rd. East
571	Jaffray	Kenneth Ian	5 Hebe Street
572	Jaffray	Lisa Jane	3 Biggs Road.
573	Jaffray	Phyllis	21 Watson Way.
574	Jaffray	Stephen James	11 James St.
575	Jaffray	Tanya Fiona	5 Hebe Street
576	Jaffray	Terence Roy	Flat 3, 1 Jeremy Moore Ave
577	Jaffray	Terri-Ann	24 Endurance Ave.
578	Jaffray	Tony	84 Davis St.
579	Jaffray	Wayne Neil	5 Hebe St.
580	Jennings	Neil	8 Moody Street
581	Jennings	Stephen	5 Fitzroy Rd.
582	Johnson	Jacqueline	5 Kent Rd.
583	Johnson	Lily Ann	5 Hebe St
584	Johnson	Michael Neil	5 Kent Rd.
585	Jones	Alan Smith	26 Ross Rd. West
586	Jones	David Richard	6 Allardyce Street
587	Jones	Dionne Michelle	35 Ross Road East
588	Jones	Doreen Evelyn Margaret	6 Allardyce Street
589	Jones	Jennifer	26 Ross Rd. West
590	Jones	John Hugh	35 Ross Road East.
591	Jones	Kevin Richard	2 Discovery Close
592	Jones	Michelle	35 Ross Road East.
593	Jones	Yvonne Malvina	3 Discovery Close
594	Jonson	Amy Elizabeth	The Rose Hotel Brisbane Rd
595	Jordan	Cara Jane	12 Goss Road.
596	Jordan	Ian	12 Goss Road.
597	Keane	Alva Rose Marie	18 Davis St.
598	Keane	Olaf James	18 Davis St.
599	Keane	Thomas James	18 Davis St.
600	Keenleyside	Charles Desmond	3 Pioneer Row
601	Keenleyside	Dorothy Maud	3 Pioneer Row
602	Keenleyside	Manfred Michael Ian	2 Snake Street.
603	Keenleyside	Nanette Barbara	2 Snake Street.
604	Kenny	Erling	20 James St.
605	Kidd	Lillian Rose Orissa	1 Hebe Street

606	Kiddle	Robert Karl	Flat 3. 6 Racecourse Rd.
607	King	Anna Constance Eve	Villiers Street
608	King	Desmond George Buckley	38 Davis St.
609	King	Glynis Margaret	13 Ross Road East.
610	King	Michelle Beverley	4 Biggs Rd
611	King	Peter Thomas	10 Jeremy Moore Ave.
612	King	Robert John	22/24 Davis Street
613	King	Rosemarie	10 Jeremy Moore Ave
614	King	Vernon Thomas	39 Fitzroy Rd.
615	Kirkham	Campbell Joseph	5 Capricorn Rd.
616	Kultschar	John William	4 Davis St. East
617	Kultschar	Richard Paul	4 Davis St. East
618	Kultschar	Yvonne Rosina	4 Davis St. East
619	Laffi	Atilio Segundo	3 Brisbane Rd.
620	Laffi	Kathleen Mary	3 Brisbane Rd.
621	Lang	David Geoffrey	28 Goss Rd
622	Lang	James Patrick	Flat2, 3 Jeremy Moore Ave East
623	Lang	Marie-Bernard Therese	28 Goss Rd
624	Lang	Phillippa Josephine	28 Goss Road.
625	Lang	Sandra Shirleen	2 Allardyce St.
626	Lang	Tamara Colette	4 Barrack Street
627	Lang	Theresa Margaret	28 Goss Rd
628	Lang	William Frank	3 James St.
629	Larsen	Ellen	74 Davis St.
630	Larsen	Josephine Mary	Brandon Road
631	Lazo	Joanna Rose	80 Davis Street
632	Lee	Alfred Leslie	11 Drury St.
633	Lee	Angela Audrey	8 Jersey Rd.
634	Lee	Anthony John	8 Jersey Rd.
635	Lee	Beverley Christina	5 Villiers St.
636	Lee	Derek William	2 Davis St.
637	Lee	Gladys	11 Drury St.
638	Lee	Leslie James	10 Allardyce St.
639	Lee	Mandy John	15 James St.
640	Lee	Mervyn Richard	10 Allardyce Street
641	Lee	Owen Henry	4 Pioneer Row
642	Lee	Tanya	15 Campbell Drive
643	Lee	Trudi Dale	10 Allardyce St.
644	Lee	Victoria Jane	Y.M.C.A
645	Lennie	Gordon Carnie	9 Narrows View
646	Lewis	David James	3 Campbell Drive
647	Lewis	James	2 St. Marys Walk
648	Lewis	Jason	9 Short St
649	Lewis	Jean	2 St. Marys Walk
650	Lewis	Pamela Irene	3 Campbell Drive
651	Lewis	Sharon	11 Campbell Drive
652	Leyland	Frank	10 Brandon Rd.
653	Leyland	Vera	10 Brandon Rd.
654	Livermore	Anton	33 Callaghan Rd.
655	Livermore	Darren	5 Philomel Place
656	Loveridge	Daniel Nolan	1 Ross Road West.
657	Loveridge	Marie Pearl	1 Ross Rd West
658	Lowe	Anthony Trevor	54 Davis St.
659	Luxton	Anna	1A Pioneer Row.
660	Luxton	Michael	1A Pioneer Row



661	Luxton	Nicola	1A Pioneer Row
662	Luxton	Robin	1 Jersey Rd
663	Luxton	Stephen Charles	7 Narrows View
664	Luxton	Sybil Grace	38 John St.
665	Luxton	Wendy Jennifer	1 Jersey Road.
666	Luxton	Winifred Ellen	15 Fitzroy Rd.
667	Luxton	Zoe	1A Pioneer Row
668	Lyse	Ethel Malvina	65 Fitzroy Rd.
669	Lyse	George Walter	8 Moody St.
670	Lyse	Linda Margaret	65 Fitzroy Rd.
671	Macaskill	Angus Lindsay	8 Jeremy Moore Ave.
672	Macaskill	Jeanette May	8 Jeremy Moore Ave.
673	Macaskill	John	34 Ross Rd. West
674	MacBeth	Phyllis Elizabeth Grace	17 Brandon Rd.
675	MacDonald	Colin George	26 Endurance Ave.
676	MacDonald	Derek George	26 Endurance Ave.
677	MacDonald	Irene	26 Endurance Ave.
678	MacDonald	Kathleen Rose	26 Endurance Ave
679	Maciello	Susan Ovedia Franz De	12 Watson Way.
680	Maddocks	Robert Charles	11 Murray Heights
681	Malcolm	Velma	7 Allardyce St.
682	May	Brian Roy	21 Jeremy Moore Ave.
683	May	Bruce Raymond	Wardens House, KBMH
684	May	Christopher Raymond	9 Callaghan Rd
685	May	Connie	Wardens House, KBMH
686	May	Donna Monica	YMCA
687	May	Heather	1 Glasgow Rd.
688	May	Jonathan Roy	33 Davis St
689	May	Lindsey Olga	9 Callaghan Rd
690	May	Lucinda Vikki	33 Davis St.
691	May	Monica	21 Jeremy Moore Ave.
692	May	Roger	11 Jersey Road.
693	May	William Albert	1 Glasgow Rd.
694	McCallum	Bettina Kay	14 Drury St.
695	McCallum	Christopher John	8A Jeremy Moore Ave.
696	McCallum	Timothy Andrew	14A Drury St.
697	McCormick	Dale Ronald	29 Callaghan Rd.
698	McCormick	Pauline Margaret Ruth	29 Callaghan Rd.
699	McCormick	Richard Paul	29 Callaghan Rd.
700	McCormick	Wayne Stanley James	2 Hebe Place
701	McEachern	Gloria Jane	2 H Jones Rd.
702	McEachern	James	2 H Jones Rd.
703	McGill	Coral Elizabeth	Flat 6 Jersey Estate
704	McGill	Darrel Ian	2 Campbell Drive
705	McGill	David William	17 James St.
706	McGill	Derek Gary	12 Scoresby Close
707	McGill	Diane Beverley	2 James St.
708	McGill	Doris Mary	32 Davis St.
709	McGill	Gary	15 Brandon Road
710	McGill	Glenda	1c Capricorn Road
711	McGill	Ian Peter	1c Capricorn Road
712	McGill	Len Stanford	2 James St.
713	McGill	Lorraine Iris	10 Ross Rd. East
714	McGill	Teresa Rose	9 Drury St.
715	McGinness	Janice	10 Beaver Rd.

716	McKay	Clara Mary	20 Ross Rd. West
717	McKay	Georgina Rose	Gables-Davis Street
718	McKay	Heather Valerie	16 Eliza Cres.
719	McKay	Jeannie Paullina	64 Davis St.
720	McKay	Jennifer Coral	29 Callaghan Rd
721	McKay	Kevin Derek Charles	51 Callaghan Rd
722	McKay	Mandy Rose	51 Callaghan Rd
723	McKay	Melvyn Andrew	5 James Street.
724	McKay	Michael John	64 Davis St.
725	McKay	Neil	62 Davis St.
726	McKay	Paul Anthony	3 Nutt Cartmel Drive
727	McKay	Peter John	21 Ross Rd. West
728	McKay	Rex	16 Eliza Cres.
729	McKay	Shelley Jane	7 Villiers St.
730	McKay	Trudi Ann	3 Nutt Cartmel Drive
731	McKay	Wayne Lawrence Kenneth	Discovery Close
732	McKay	William Robert	20 Ross Rd. West
733	McKee	Miranda	25 Ross Road West
734	McKenzie	Alice Maude	Moody Brook Homestead
735	McKenzie	Charles Alexander Albert John	Moody Brook Homestead
736	McKinley	Melissa Jane	Flat 3,2 Bliza Place
737	McLaren	Caroline Mary	12 Allardyce St.
738	McLaren	Tony Eugene Terence	12 Allardyce St.
739	McLeod	David	49 Callaghan Rd.
740	McLeod	Dawn	33 Ross Road West
741	McLeod	Henry Donald Alexander	36 Eliza Cres.
742	McLeod	Ian	9 Fitzroy Rd.
743	McLeod	Ian James	YMCA
744	McLeod	Jane Elizabeth Diana	36 Bliza Cres.
745	McLeod	Janet Wensley	75 Davis St.
746	McLeod	Janice	2 Ross Rd. West
747	McLeod	John (1)	1 Campbell Drive
748	McLeod	John (2)	23 Murray Heights
749	McLeod	Kenneth Benjamin John	33 Ross Road West
750	McLeod	Louise	1 Campbell Drive
751	McLeod	Madeline Jean	1 Campbell Drive
752	McLeod	Mally	9 Fitzroy Rd.
753	McLeod	Margaret Ann	Fitzroy Rd. East
754	McLeod	Michael William	5 Short Street.
755	McLeod	Pearl Mary Ann	3 Brisbane Rd.
756	McLeod	Robert	75 Davis St.
757	McLeod	Robert John	2 Ross Rd. West
758	McMullen	June	8 Brandon Road
759	McMullen	Lucille Anne	8 Brandon Rd.
760	McMullen	Mathew John	8 Brandon Rd
761	McMullen	Tony	8 Brandon Road
762	McNally	Patricia Jayne	18 Ross Rd. East
763	McPhee	Denise	4 Brandon Rd. West
764	McPhee	Iris Blanche	31 Ross Road East
765	McPhee	Justin Owen	4 Brandon Rd. West
766	McPhee	Marjorie May	14 John St.
767	McPhee	Owen Horace	14 John St.
768	McPhee	Patrick	31 Ross Road East
769	McPhee	Sara	1 Hebe Place
770	McRae	Elvis Richard	Stanley

771	McRae	Mandy	James Street
772	McRae	Michael	8 Goss Road Stanley
773	McRae	Richard Winston	Flat 2, 6 Racecourse Rd.
774	Merrey	Angeline Gloria	Jersey Estate
775	Middleton	Brian	13 McKay Close
776	Middleton	Caroline Ann	7 James St.
777	Middleton	Dennis Michael	Dolphin Cottage
778	Middleton	Graham Cyril	50 Davis St.
779	Middleton	Joan Eliza	8 James St.
780	Middleton	Kerry Ann	Dolphin Cottage
781	Middleton	Leonard	67 Fitzroy Rd.
782	Middleton	Phillip John	5 St. Marys Walk
783	Middleton	Sharon Elizabeth	Dolphin Cottage
784	Middleton	Stephanie Anne	13 McKay Close
785	Middleton	Yvonne Allison	50 Davis Street
786	Miller	Andrew Nigel	2 Fieldhouse Close
787	Miller	Betty Lois	6 St. Marys Walk
788	Miller	Bruce Graham	10 Pioneer Row
789	Miller	Carol	Moody Brook
790	Miller	Florence Roberta	5 Moody St.
791	Miller	Gail Marie	2 Police Cottages, 8 Ross Rd.
792	Miller	Janet Mary	Market Gdn, Airport Rd.
793	Miller	Jayne Elizabeth	27 Davis Street
794	Miller	Jeanette	10 Pioneer Row
795	Miller	Simon Roy	Moody Brook
796	Miller	Steven Geoffrey	Lookout Lodge
797	Miller	Timothy John Durose	Market Gdn Airport Rd.
798	Mills	Terence Kenneth	43 Callaghan Rd.
799	Minnell	Adrian James	24 Murray Heights
800	Minnell	Michelle Rose	41 Bliza Crescent
801	Minto	Alistair Daen	3 Goss Road
802	Minto	Dilys Rose	18 Endurance Ave
803	Minto	Graham Stewart	12 Brisbane Rd.
804	Minto	Isabel	12 Brisbane Road
805	Minto	May Doreen	Flat 5, 6 Racecourse Rd.
806	Minto	Patrick Andrew	3b Jersey Road
807	Minto	Timothy Ian	18 Enurance Ave
808	Miranda	Augusto	31 Davis St.
809	Miranda	Carmen	Globe Tavern
810	Miranda	Ramon	3 Drury Street
811	Miranda	Winifred Dorothy	3 Drury St.
812	Mitchell	Cherilyn Julie	32 Ross Rd East
813	Mitchell	Lee Robertson	32 Ross Rd East
814	Mitchell	Leon John	6 Discovery Close.
815	Moffatt	Angela	20 Ross Rd East
816	Moffatt	James	20 Ross Rd East
817	Moffatt	Jay	20 Ross Road East
818	Moffatt	Kelly	20 Ross Rd East
819	Molkenbuhr	Jill Edith	19 Sullivan Street
820	Molkenbuhr	Lee Charles	19 Sullivan Street
821	Morris	Alana Marie	4 Callaghan Rd.
822	Morris	David	4 Callaghan Rd.
823	Morris	Jason Paul	59 Fitzroy Road
824	Morris	Michelle Jane	6 McKay Close
825	Morris	Trevor Alan	6 McKay Close

826	Morrison	Basil	4 Philomel St
827	Morrison	Catherine Rose	4 Philomel St
828	Morrison	Doreen	82 Davis St.
829	Morrison	Edgar Ewen	13 Jersey Road.
830	Morrison	Fayan	54 John St.
831	Morrison	Graham Stewart	34a Davis Street
832	Morrison	Joan Margaret	Flat 6, 1 Jeremy Moore Ave.
833	Morrison	Joanne Elizabeth	3 Racecourse Road
834	Morrison	Lewis Ronald	12 Callaghan Road
835	Morrison	Marcus Lewis	82 Davis Street.
836	Morrison	Michael John	10 Fitzroy Rd East
837	Morrison	Muriel Eliza Ivy	40 Eliza Cres.
838	Morrison	Nanette Rose	46 Davis St.
839	Morrison	Nigel Peter	7 James St.
840	Morrison	Patrick	1 Brandon Road West
841	Morrison	Paul Roderick	3 Racecourse Rd East
842	Morrison	Ronald Terence	5 Racecourse Rd.
843	Morrison	Russell John Allan	6A Jeremy Moore Ave
844	Morrison	Stewart	46 Davis St.
845	Morrison	Susan Margaret	10 Fitzroy Rd East
846	Morrison	Tamara	Stanley
847	Morrison	Timothy	YMCA
848	Morrison	Valerie Anne	39 Ross Road
849	Morrison	Violet Sarah	5 Racecourse Rd.
850	Morrison	William Roderick Halliday	54 John St.
851	Munro	Grant Mackintosh	69 Fitzroy Rd
852	Murphy	Ann Susan	2 King St.
853	Murphy	Bessie	68 Davis St.
854	Neilson	Barry Marwood	23 Ross Rd.
855	Neilson	Harold Ian	23 Ross Road
856	Neilson	Margaret	23 Ross Rd.
857	Newell	Joseph Orr	3 Villiers St.
858	Newell	Paula Michelle	11 Brandon Road
859	Newell	Trudi Malvina	3 Villiers St.
860	Newman	Andrew Raymond	4 Biggs Road
861	Newman	Glynis Karen	4 James St.
862	Newman	Ingrid Helen	5 Brandon Road.
863	Newman	Lisa Jeraine	Flat 5, 6 Jersey Rd.
864	Newman	Marlene	11 Jeremy Moore Ave.
865	Newman	Raymond Winston	11 Jeremy Moore Ave.
866	Newman	Tansy Fiona	Jersey Rd.
867	Newman	Terence	24 Endurance Ave.
868	Nutter	Arthur Albert	9 Brandon Rd.
869	Nutter	Josephine Lesley	9 Brandon Rd.
870	O'Dean	Barry Charles	1 Goss Road
871	Olmedo	Alex	6 Watson Way
872	Ormond	Christina Helen	6 Goss Rd
873	Ormond	Kevin Micheal Patrick Joseph	6 Goss Rd
874	Parrin	Norman George	108 Davis St.
875	Patterson-Smith	Ian Colin	15 Watson Way.
876	Pauloni	Hilary Maud	63 Fitzroy Rd.
877	Pauloni	Romolo Vittorio	63 Fitzroy Rd.
878	Paver	Bernadette Marguerite	Moody Brook House.
879	Payne	Dilys Agnes	2 Racecourse Road East
880	Payne	Joanne Francis	2 Racecourse Road East

881	Payne	Samantha Jane	2 Racecourse Road East
882	Payne	St. John Peter	2 Racecourse Road East
883	Peake	Arthur	19 James St.
884	Peck	Burnerd Brian	22 James St.
885	Peck	Carol Margaret	2 Discovery Close
886	Peck	Christine	21 Jersey Road
887	Peck	David John	15 Villiers St
888	Peck	David Patrick	78 Davis St.
889	Peck	Eleanor Margaret	26 Shackleton Drive
890	Peck	Evelyn Elizabeth	22 James St.
891	Peck	Gordon Pedro James	34 Eliza Crescent
892	Peck	Harwood John Charles	C/o Tamar
893	Peck	James	Barrack Street
894	Peck	Maureen Heather	78 Davis St.
895	Peck	Patrick William	78 Davis St.
896	Peck	Shirley	2 Barrack St.
897	Peck	Terence John	26 Shackleton Drive
898	PBD		6 Beaver Rd.
899	Perkins	Vivienne Esther Mary	33 John St.
900	Perry	Hilda Blanche	6 St Marys Walk
901	Perry	Thora Virginia	17 Fitzroy Rd.
902	Pettersson	Derek Richard	21 Eliza Cres.
903	Pettersson	Tony	30 Davis St.
904	Pettersson	Trudi Ann	21 Eliza Cres.
905	Phillips	Albert James	16 Brandon Rd.
906	Phillips	David Dawson	35 Fitzroy Rd.
907	Phillips	Gillian Carol	Flat 4,1 Jeremy Moore Ave
908	Phillips	Linda	16 Brandon Rd.
909	Phillips	Paul David	11 Fieldhouse Close
910	Phillips	Shula Louise	11 Fieldhouse Close
911	Platt	Claire	Rose Hotel Drury St
912	Pole-Evans	Amy Rose	4 Harbour View
913	Pole-Evans	Ian	Dorada
914	Pole-Evans	John	16 Ross Road East
915	Pole-Evans	Martin	YMCA
916	Pole-Evans	Michael Anthony	4 Harbour View
917	Pole-Evans	Paula	5 Biggs Road
918	Pollard	Andrew Keith	4 Hebe Place
919	Pollard	Elizabeth Eve	23 Ross Rd. East
920	Pollard	John	23 Ross Rd. East
921	Pollard	Mark John	23 Ross Road East
922	Pompert	Joost Herman Willem	11 Ross Rd. West
923	Poole	Andrea Joan	52 John St
924	Poole	Christopher William	John Street
925	Poole	Evelyn May	31 Fitzroy Rd.
926	Poole	Nancy Margaret	52 John St.
927	Poole	Raymond John	52 John St.
928	Poole	Ross William	52 John Street.
929	Poole	William John	31 Fitzroy Rd.
930	Porter	Charles	11 Fitzroy Rd.
931	Porter	Elizabeth	5 Thatcher Drive
932	Porter	Jean Lavinia	11 Fitzroy Rd.
933	Porter	Tracy	5 Jeremy Moore Ave.
934	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
935	Pring	Geoffrey Alan	57 Fitzroy Road

936	Pring	Michelle	Scoresby Close
937	Purvis	Alan	3 Narrows View
938	Purvis	Marion Louise	3 Narrows View
939	Reddick	Keith John	By-Pass Rd.
940	Reeves	Carolyn Wendy	2 Moody St
941	Reeves	Michael	2 Moody St.
942	Reid	Ann	Lois Cottage John Street
943	Reid	Beverley Rose	9 Fitzroy Road East
944	Reid	Colleen Rose	9 Fitzroy Rd. East
945	Reid	Emily Margaret	14 Endurance Ave
946	Reid	John Alexander	Fitzroy Road
947	Reid	Reynold Gus	9 Fitzroy Rd. East
948	Reid De Davino	Pamela Ruth	7 John Street
949	Reive	Roma Endora Mary	St Marys Walk
950	Rendell	Michael	8 Ross Rd. West
951	Rendell	Nicholas Simon Oliver	8 Ross Rd West
952	Rendell	Phyllis Mary	8 Ross Rd. West
953	Richards	Shirley	8 James St
954	Richards	Walter George	8 James Street
955	Riddell	Lisa Marie	9 Discovery Close
956	Roberts	Cheryl Ann Spencer	49 Ross Road East.
957	Roberts	David Anthony	7 Jersey Rd
958	Roberts	Diana Christine	7 Kent Rd.
959	Roberts	Jill Christine	10 Watson Way.
960	Roberts	Laura May	7 Kent Rd.
961	Roberts	Peter James	49 Ross Road East.
962	Roberts	Simon Theodore Nathaniel	10 Watson Way.
963	Robertson	Kim Rita Anne	Stanley House
964	Robertson	Sally Jean	43 John Street
965	Robertson Pompert	Janet	11 Ross Rd. West
966	Robson	Alison Emily	15 Villiers St.
967	Robson	Cherry Rose	1 James St.
968	Robson	Debbi Louisa	6 Brisbane Road.
969	Robson	Gerard Michael	1 Philomel Place
970	Robson	Gladys Mary	5 Philomel St.
971	Robson	Miranda Gay	6 Brisbane Rd.
972	Robson	Phyllis Ann	1 Philomel Place
973	Robson	Raymond Nigel	6 Brisbane Rd.
974	Robson	William Charles	18 Ross Rd. East
975	Rodriguez Reid	Blizabeth Jayne	Fitzroy Road
976	Ross	Andrea Joanna Ampuero	Cemetery Cottage
977	Ross	Cara Jane	21 John Street.
978	Ross	Crystal Rose	Flat 1, 30 Jersey Road
979	Ross	Glenn Stephen	22 Shackleton Drive
980	Ross	Janet	22 Shackleton Drive
981	Ross	Kevin John	21 John St
982	Ross	Lachlan Neil	7 Discovery Close
983	Ross	Marie	47 Callaghan Road
984	Ross	Roy	47 Callaghan Road
985	Ross	Sheena Margaret	12 Jeremy Moore Ave.
986	Rowland	Charlene Rose	5A Ross Rd. West
987	Rowland	John Christopher	5A Ross Rd. West
988	Rowland	Sarah Anne	5a Ross Road West
989	Rowlands	Catherine Annie	3 Hebe St.
990	Rowlands	Daisy Malvina	39 John Street

991	Rowlands	Dorinda Roberta	3a Hebe Street
992	Rowlands	Harold Theodore	8 Ross Rd. East
993	Rowlands	Neil	3A Hebe St.
994	Rowlands	Robert John	13 Callaghan Rd.
995	Rozee	Betty Ellen	16 Davis St.
996	Rozee	Bryn	Davis Street
997	Rozee	Derek Robert Thomas	16 Davis St.
998	Rozee	Shona Mary	5 Pitaluga Place.
999	Rozee	Tamara Colette	16 Davis Street.
1000	Sackett	Albert John	25 Ross Rd. East
1001	Sackett	Michael John Carlos	30 Bliza Rd
1002	Sackett	Pauline	25 Ross Rd East
1003	Sawle	Judith Margaret	Seaview Cottage, Ross Rd.
1004	Sawle	Richard	Seaview Cottage, Ross Rd.
1005	Seron	Jose Segundo	M/V Tamar, C/o Bryon Marine
1006	Shepherd	Ramsey	Discovery Close
1007	Short	Brenda	Barrack St.
1008	Short	Celia Soledad	1 Racecourse Rd.
1009	Short	Christina Ethel	12 Brandon Rd.
1010	Short	Derek Patrick	Gardeners Cottage
1011	Short	Dilys Margaret Ann	6A Pioneer Row.
1012	Short	Emily Christina	1 Fitzroy Rd. East
1013	Short	Gavin Phillip	Rose Hotel
1014	Short	Isobel Rose	2 Brisbane Road
1015	Short	Marc Peter	1 Racecourse Rd.
1016	Short	Marlene Cindy	9 Pitaluga Place
1017	Short	Matias Ricardo	4 Dairy Paddock Rd
1018	Short	Montana Tyrone	4 Dairy Paddock Rd.
1019	Short	Nabil George	Stanley
1020	Short	Patrick Warburton	2 Brisbane Road
1021	Short	Peter Robert	1 Fitzroy Rd East
1022	Short	Richard Edward	9 Pitaluga Place
1023	Short	Riley Bthroe	Barrack St.
1024	Short	Robert Charles	12A Brandon Rd.
1025	Short	Vilma Alicia	4 Dairy Paddock Rd.
1026	Simpson	Bertha Veronica	6 Police Cottages, 4 Ross Rd.
1027	Simpson	James Alexander Bruce	7 Racecourse Rd.
1028	Simpson	James Garry	7 Racecourse Rd.
1029	Simpson	John Frederick	43 Callaghan Road
1030	Simpson	Mirabel Hermione	7 Racecourse Rd.
1031	Sinclair	Serena Samantha	14 Allardyce Street
1032	Sinclair	Veronica Joyce	21 Ross Rd. West
1033	Skene	Greta Winnora Miller	22 Ross Rd. East
1034	Smallwood	Akira Ali	105 Davis Street
1035	Smallwood	Margo Ameer	105 Davis St.
1036	Smallwood	Michael Anthony	105 Davis St.
1037	Smith	Anthony David	10 Fieldhouse Close.
1038	Smith	Caroline	5 Brandon Road
1039	Smith	Colin David	6 James St.
1040	Smith	Derek	8 Bliza Cres.
1041	Smith	Blenore Olive	3 Brisbane Rd.
1042	Smith	Eric	Flat 1 1 Moody Street
1043	Smith	Gerard Alexander	8 Barrack St.
1044	Smith	Gina Ruth Mary	28 Jersey Road
1045	Smith	Heather	19 Watson Way

1046	Smith	Ian Lars	5 Brandon Road
1047	Smith	Ileen Rose	28 Ross Rd. West
1048	Smith	James Terence	3 Fitzroy Rd. West
1049	Smith	Jennifer Ethel	6 Watson Way
1050	Smith	John	28 Ross Rd. West
1051	Smith	Julia Trinidad	8 Eliza Cres.
1052	Smith	Lisa Margaret	Flat 8 2 Bliza Place.
1053	Smith	Martyn James	6A Ross Rd West
1054	Smith	Natalie Marianne	6 James St.
1055	Smith	Nora Kathleen	5 Fitzroy Rd. East
1056	Smith	Osmund Raymond	3 Brisbane Rd.
1057	Smith	Owen Archibald	3 Fitzroy Rd.
1058	Smith	Paul	2 Ross Rd West
1059	Smith	Paulette Rose	KEMH
1060	Smith	Rhona	8 Fitzroy Rd.
1061	Smith	Robin Charles	19 Watson Way
1062	Smith	Roy Alan	37 Ross Road East
1063	Smith	Russell James	8 Fieldhouse Close
1064	Smith	Tyssen John Richard	28 Jersey Road
1065	Sollis	Sarah Emma Maude	20 Drury St.
1066	Spall	Christopher Richard	German Camp West, Callaghan Rd
1067	Spink	Roger Kenneth	4 Hebe St.
1068	Spinks	Malvina Ellen	Flat6, 7Jeremy Moore Ave East
1069	Spruce	Helena Joan	29 Ross Rd. West
1070	Spruce	Mark Felton	29 Ross Road West
1071	Spruce	Terence George	29 Ross Rd. West
1072	Steen	Barbara Ingrid	39 Ross Rd. West
1073	Steen	Gail	7 St. Marys Walk
1074	Steen	Karen Lucetta	32 Fitzroy Road
1075	Steen	Vernon Robert	21 St Marys Walk
1076	Steen MacDonald	Vanda Joan	38 Ross Rd.
1077	Stenning	Anna Russalka	5B Ross Rd. West
1078	Stenning	Timothy Charles	5B Ross Road West
1079	Stephenson	James	Moody Valley
1080	Stephenson	Joan Margaret	Moody Valley
1081	Stephenson	Katrina	4 Davis St.
1082	Stephenson	Zachary	4 Davis St.
1083	Stevens	Paul Theodore	6 Dairy Paddock Road
1084	Stevens	Valerie Ann	6 Dairy Paddock Road
1085	Stewart	Aarron Stephen	6 Pioneer Row
1086	Stewart	Celia Joyce	12 St. Marys Walk
1087	Stewart	David William	55 Davis St.
1088	Stewart	Hulda Fraser	24 Ross Rd. West
1089	Stewart	Ian Bremner	34 Ross Road East.
1090	Stewart	Irene Anne	Racecourse Rd.
1091	Stewart	Kenneth Barry	3 Discovery Close
1092	Stewart	Pam Ellen	18 Endurance Ave.
1093	Stewart	Pequita Lynn Nicola	Stanley
1094	Stewart	Robert	12 St. Marys Walk
1095	Stewart	Robert William	Flats,Racecourse Rd.
1096	Stewart	Sheila Olga	34 Ross Road East.
1097	Stewart	Sylvia Rose	7 Ross Rd. West
1098	Stewart-Reid	Carol Ellen Eva	41 Fitzroy Road
1099	Strange	Georgina	The Dolphins Snake St
1100	Strange	Maria Marta	The Dolphins, Snake St.



1101	Strange	Shona Marguerite	6b Ross Road West
1102	Summers	Alastair Peter	1 Ross Rd. East
1103	Summers	Brian	1 Ross Rd. East
1104	Summers	Deborah	14 Pioneer Row
1105	Summers	Dennis David	18 Endurance Ave.
1106	Summers	Donna	8 Racecourse Road
1107	Summers	Dorothy Constance	42 Bliza Cres
1108	Summers	Edith Catherine	5 Dean St.
1109	Summers	Irvin Gerard	Sir Rex Hunt House.
1110	Summers	Jacqueline	11 Pioneer Row
1111	Summers	Jonathan Derek	5 Allardyce St.
1112	Summers	Judith Orissa	1 Ross Rd East
1113	Summers	Lynn Jane	2 Campbell Drive
1114	Summers	Michael Kenneth	6A Brisbane Rd.
1115	Summers	Michael Victor	11 Pioneer Row
1116	Summers	Naomi Christine	9 Bliza Crescent
1117	Summers	Nichola Jane	13 Jersey Road.
1118	Summers	Owen William	5 Brandon Rd.
1119	Summers	Rowena Elsie	5 Allardyce St.
1120	Summers	Roy	9 Murray Heights
1121	Summers	Sheila	Sir Rex Hunt House, John St.
1122	Summers	Sybella Catherine Ann	1 Ross Rd. West
1123	Summers	Sylvia Jean	8 Racecourse Rd.
1124	Summers	Terence	1 Ross Rd. West.
1125	Summers	Tony	8 Racecourse Rd.
1126	Summers	Veronica	5 Brandon Rd.
1127	Sutherland	Elizabeth Margaret	13/14 Bliza Cove Rd.
1128	Sutherland	James David	Reflections Flat, Dean St.
1129	Sutherland	John Gall	3B Jersey Est.
1130	Sutherland	William John Munro	13/14 Bliza Cove Rd.
1131	Teale	Colin Edwin	8 Brisbane Rd.
1132	Teale	Jeannette	8 Brisbane Rd.
1133	Tellez	Jose Hector	2 Hodson Villa West
1134	Thain	John	8 Davis St.
1135	Thain	Stephanie Ann	8 Davis St.
1136	Thom	David Anderson	47 Fitzroy Rd.
1137	Thom	Dorothy Irene	47 Fitzroy Rd.
1138	Thom	John Currie	25 Ross Rd East
1139	Thom	Norma Ann	92 Davis St.
1140	Thompson	William John	Flat 2, 1 Moody St.
1141	Tomlinson	Anita Helen	Stanley
1142	Triggs	David William	3 Fieldhouse Close
1143	Triggs	Diane	3 Fieldhouse Close
1144	Triggs	Michael David	3 Fieldhouse Close
1145	Tuckwood	John Rodney	1 Drury St.
1146	Tuckwood	Phyllis Majorie	1 Drury St.
1147	Turner	Diana Jane	Murray Heights
1148	Turner	Melvyn George	36 John St.
1149	Turner	Ronald	KEMH
1150	Tyrrell	Garry Bernard	1 Beaver Rd.
1151	Tyrrell	Gina Michelle	1 Beaver Rd.
1152	Valler	Glyndwr Huw	Flat 4 8 Jersey Rd
1153	Valler	Robert Hugh	9 Philomel St.
1154	Vidal	Bileen Nora	12 Jeremy Moore Ave.
1155	Vidal Roberts	Leona Lucila	7 Jersey Rd

1156	Villalon	Elizabeth Alice	7 McKay Close
1157	Villalon	Hector Ricardo	7 McKay Close
1158	Villegas	Caroline	7 Fieldhouse Close
1159	Vincent	Janette Mary	10 Endurance Avenue
1160	Vincent	Stephen Lawrence	10 Endurance Ave.
1161	Wade	Donald Harold	17 Murray Heights
1162	Wade	June Rose Elizabeth	17 Murray Heights
1163	Wallace	Fiona Alice	38 Ross Rd. West
1164	Wallace	Fraser Barrett	10 John St.
1165	Wallace	James Barrett	38 Ross Rd West
1166	Wallace	Maria Lilian	38 Ross Rd. West
1167	Wallace	Michael Ian	23 Callaghan Rd.
1168	Wallace	Stuart Barrett	38 Ross Rd. West
1169	Wallace	Una	23 Callaghan Rd.
1170	Ward	Alison Denise	19 Scoresby Close
1171	Ward	Dennis James	19 Scoresby Close
1172	Watson	Ben	7 Moody St.
1173	Watson	Paul	20 Endurance Ave.
1174	Watson	Ruth Jane	20 Endurance Ave.
1175	Watt	Stephen Robert	11 Narrows View
1176	Watt	Sylvia Ann	11 Narrows View
1177	Watts	Amara Theresa	25 Fitzroy Road
1178	Watts	Patrick James	13 Brisbane Rd.
1179	Webb	Gary Colin	58 Davis Street
1180	Webb	Loretta Isobel	58 Davis Street
1181	White	Judy Marie	11 Callaghan Road.
1182	White	Kathleen Elizabeth	9 Thatcher Drive
1183	Whitney	Frederick William	1 Police Cottages, 9 Ross Rd.
1184	Whitney	Henry Leslie	3 St. Marys Walk
1185	Whitney	Jason	15 Ross Rd. East
1186	Whitney	Kurt Ian	2 Pioneer Row
1187	Whitney	Lana Rose	22 Eliza Cres.
1188	Whitney	Robert Michael	Stanley
1189	Whitney	Susan Joan	1 Police Cottages, 9 Ross Rd.
1190	Wilkinson	Alistair Graham	6 Murray Heights.
1191	Wilkinson	Johan	6 Murray Heights.
1192	Wilkinson	Robert John	2a Brisbane Road
1193	Williams	Gene	23 Ross Rd. West
1194	Williams	Glen	33 Ross Rd East
1195	Williams	Margaret Elizabeth	33 Ross Rd East
1196	Williams	Marlene Rose	23 Ross Rd. West
1197	Winter	Teresa Irene	4A Jeremy Moore Ave. East
1198	Wylie	Julian Richard	1 McKay Close
1199	Zuvic-Bulic	Kuzma Mario	Holdfast Road
1200	Zuvic-Bulic	Sharon Marie	Holdfast Road

1	Alazia	George Robert	Hope Cottage, East Falkland
2	Alazia	Jason Neville	Goose Green, East Falkland
3	Alazia	Mandy Gwyneth	Port Edgar Farm, West Falkland
4	Alazia	Michael Robert	Port Edgar Farm, West Falkland
5	Alazia	Thora Lilian	North Arm, East Falkland
6	Aldridge	Brian George	Walker Creek East Falkland
7	Aldridge	Diana Mary	Walker Creek East Falkland
8	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
9	Aldridge	Terence William	Hill Cove, West Falkland
10	Anderson	Jenny	Port San Carlos, East Falkland
11	Anderson	Lynda June	New House East Falkland
12	Anderson	Tony James	Port San Carlos, East Falkland
13	Anderson	William John Stanley	New House East Falkland
14	Ashworth	Glennis	Beckside Farm, East Falkland
15	Ashworth	Iain	Beckside Farm, East Falkland
16	Ashworth	Malcolm	Beckside Farm, East Falkland
17	Bagley	Darren Clive	Riverview Farm East Falkland
18	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
19	Barnes	Dierdre	Dunbar Farm, West Falkland
20	Barnes	Marshall	Dunbar Farm, West Falkland
21	Barrientos	Jose Sixto Ruiz	Walker Creek East Falkland
22	Beattie	Ian Robert Ewen	North Arm, East Falkland
23	Benjamin	Raymond John	Turners, MPA, East Falkland
24	Benjamin	Walter George	Turners, MPA, East Falkland
25	Berntsen	Arina Janis	Pebble Island, West Falkland
26	Berntsen	Benjamin John	Elephant Beach East Falkland
27	Berntsen	Leon	Albermarle Stn. West Falkland
28	Berntsen	Pamela Margaret	Albermarle Stn. West Falkland
29	Berntsen	Patrick	Port San Carlos East Falkland
30	Betts	Bernard Keith	Boundary Farm, West Falkland
31	Betts	Diane Joan	Boundary Farm, West Falkland
32	Betts	Irene Marion	Boundary Farm, West Falkland
33	Binnie	Horace James	Fox Bay Village, West Falkland
34	Blake	Anthony Thomas	Little Chartres, West Falkland
35	Blake	Lyndsay Rae	Little Chartres, West Falkland
36	Bober	John	Turners, MPA, East Falkland
37	Bonner	Simon	Port Howard, West Falkland
38	Bonner	Susan Anne	Port Howard, West Falkland
39	Butler	James Donald	Goose Green East Falkland
40	Chater	Anthony Richard	New Island, West Falkland
41	Cheeseman	Kaye Melanie	North Arm East Falkland
42	Cheeseman	Stanley John	North Arm East Falkland
43	Clark	Frederick Thomas	Hawkbit, Fitzroy East Falkland
44	Clarke	Alan Neil	Port Howard West Falkland
45	Clarke	Ian	Swan Inlet East Falkland
46	Clarke	Jeanette	Kings Ridge, East Falkland
47	Clarke	Michael Jan	Kings Ridge Farm Douglas.
48	Clarke	Violet Rose	Elephant Beach East Falkland
49	Clausen	Denzil	Weddell Island West Falkland
50	Clausen	Henry Edward	Port Louis, East Falkland
51	Clifton	Leonard	North Arm, East Falkland
52	Clifton	Thora Janeene	North Arm, East Falkland
53	Cockwell	Benjamin William	Fox Bay Village, West Falkland
54	Cockwell	Clare Marie	Fox Bay East, West Falkland
55	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland

56	Collins	Bernard	Turners, MPA. East Falkland
57	Davis	Aase	Evelyn Station, East Falkland
58	Davis	Doreen Susan	Goose Green East Falkland
59	Davis	Ian John	Evelyn Station, East Falkland
60	Davis	Reginald John	Evelyn Station, East Falkland
61	Davis	William James	Goose Green, East Falkland
62	Decroliere	Carrie Madeline Helen	Fox Bay West Falkland
63	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
64	Dickson	Charles George	Brookfield, East Falkland
65	Dickson	Doreen	Wreck Point, East Falkland
66	Dickson	Gerald William	Wreck Point, East Falkland
67	Dickson	Iris	Bleaker Island East Falklands
68	Dickson	Ronald Edward	Bleaker Island East Falklands
69	Dickson	Steven Charles	Goose Green, East Falkland
70	Doherty	Ian	Mullet Creek, East Falkland
71	Donnelly	Daniel	Crooked Inlet, West Falkland
72	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
73	Duncan	Peter Ree Howard	Hill Cove, West Falkland
74	Dunford	David Philip	The Saddle, West Falkland
75	Edwards	Norma	Lake Sullivan, West Falkland
76	Edwards	Rebecca Elizabeth	Lake Sullivan, West Falkland
77	Edwards	Roger Anthony	Lake Sullivan, West Falkland
78	Evans	Raymond	Pebble Island, West Falkland
79	Evans	Richard Gregory	Fitzroy, East Falkland
80	Fairley	John	Port Stephens, West Falkland
81	Faria	Basil Harry	Fitzroy Farm East Falkland
82	Faria	Maria Anne	Fitzroy Farm East Falkland
83	Felton	Anthony Terence	North Arm, East Falkland
84	Felton	Sonia Ellen	Fitzroy East Falkland
85	Felton	Walter Arthur	North Arm, East Falkland
86	Findlay	Andrew John	Fox Bay Village, West Falkland
87	Finlayson	Barry Donald	North Arm, East Falkland
88	Finlayson	Iris Heather	North Arm, East Falkland
89	Finlayson	Neil Roderick	North Arm, East Falkland
90	Ford	Neil Fraser	Mossvale, West Falkland
91	Forster	Gwyneth May	Bold Cove, West Falkland
92	Forster	James	Bold Cove, West Falkland
93	Gilding	Melanie Carol	Port Louis, East Falkland
94	Gilding	Peter Bernard	Port Louis, East Falkland
95	Giles	Gilbert	Walker Creek, East Falkland
96	Giles	Theresa Kathleen	Walker Creek, East Falkland
97	Gill	Alicia Michelle	Fitzroy Farm East Falkland
98	Gleadell	Ian Keith	East Bay, West Falkland
99	Gleadell	Marklin John	East Bay, West Falkland
100	Goodwin	Christopher Sturdee	Swan Inlet, East Falkland
101	Goodwin	Margo Jane	Chartres West Falkland.
102	Goodwin	Neil Alexander William	Chartres West Falkland.
103	Goss	Margaret Rose	Horseshoe Bay, East Falkland
104	Goss	Peter	Horseshoe Bay, East Falkland
105	Greenland	Bonita Doreen	Darwin House East Falkland
106	Greenland	Kenneth David	Darwin House East Falkland
107	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
108	Halliday	Kenneth William	Fox Bay Village, West Falkland
109	Hansen	Ian	Main Point, West Falkland
110	Hansen	Lionel Raymond	Hill Cove, West Falkland

111	Hansen	Rose Idina	Hill Cove, West Falkland
112	Hansen	Susan Ann	Main Point, West Falkland
113	Hardcastle	Brook	Darwin, East Falkland
114	Hardcastle	Bileen Beryl	Darwin, East Falkland
115	Harvey	Jen	Hill Cove, West Falkland
116	Harvey	Valerie Ann	Hill Cove, West Falkland
117	Hawksworth	David	Plot 8 MPA Road East Falkland
118	Heathman	Ailsa	Estancia, East Falkland
119	Heathman	Ewart Tony	Estancia, East Falkland
120	Heathman	Nyree	Estancia, East Falkland
121	Hewitt	Brian David	Goose Green, East Falkland
122	Hill	Jennifer Bileen	Port North West Falkland
123	Hirtle	Anthony	The Peaks Farm, West Falkland
124	Hirtle	Doris Linda	Port Howard, West Falkland
125	Hirtle	Odetta Susan	Port Howard, West Falkland
126	Hirtle	Samantha	Peaks Farm, Hill Cive
127	Hirtle	Susan Mary	The Peaks Farm, West Falkland
128	Hobman	Carol Margaret	Teal Inlet East Falkland
129	Hobman	John Malcolm	Saladero East Falkland
130	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
131	Hobman	Vivien	Saladero, East Falkland
132	Hooper	Peter Bernard	Mount Alice, West Falkland
133	Howatt	Bileen Rose	Port Edgar, West Falkland
134	Jaffray	Alexander	Lively Island, East Falkland
135	Jaffray	Brian	Walker Creek, East Falkland
136	Jaffray	Bileen	North Arm East Falkland
137	Jaffray	Elliott Jessie	Lively Island, East Falkland
138	Jaffray	Ian	North Arm East Falkland
139	Jennings	Jacqueline	West Point Island
140	Jones	Mark Henry	Head Of Bay East Falkland
141	Jones	Michael David	Head Of Bay East Falkland
142	Jones	Sheila Janice	Head Of Bay East Falkland
143	Jonson	Carl	Bombilla, East Falkland
144	Jonson	Rita Elizabeth	Bombilla, East Falkland
145	Keeley	John Gabriel	Turners, MPA. East Falkland
146	Kidd	John Nathan	Goose Green East Falkland.
147	Kilmartin	Dinah May	Bluff Cove, East Falkland
148	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
149	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
150	Knight	Keith Andrew	Port Howard, West Falkland
151	Knight	Nigel Arthur	Coast Ridge, West Falkland
152	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
153	Lakin	Bernard	Turners, MPA. East Falkland
154	Lang	Patrick Andrew	North Arm, East Falkland
155	Lang	Velma Emily	North Arm, East Falkland
156	Larsen	Ronald Ivan	Speedwell Island, East Falkland
157	Larsen	Yvonne	Speedwell Island, East Falkland
158	Lee	Carole	Port Howard, West Falkland
159	Lee	Christopher	Hill Cove West Falkland
160	Lee	Elizabeth	Goose Green, East Falkland
161	Lee	John Alfred	Goose Green, East Falkland
162	Lee	Myles	Port Howard, West Falkland
163	Lee	Nicola	Port Howard West Falkland
164	Lee	Rodney William	Port Howard, West Falkland
165	Leo	Brenda May	NAAFI, MPA. East Falkland

166	Lloyd	Roanna Bileen	Swan Inlet, East Falkland
167	Lowe	Adrian Stewart	Murrel, East Falkland
168	Lowe	Lisa Helen	Murrel, East Falkland
169	Luxton	Jennifer Mary	Sealion Island
170	Luxton	William Robert	Chartres, West Falkland
171	MacBeth	Martyn Raymond	Narrows Farm East Falkland
172	MacBeth	Raymond John	Narrows Farm, West Falkland
173	Marsh	Alastair Roy	Shallow Harbour, West Falkland
174	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
175	Marsh	Arlette Sharon	Rincon Ridge, West Falkland
176	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland
177	Marsh	James Justin	Philomel Farm, Fox Bay East
178	Marsh	Jodie Kim	Lakelands, West Falkland
179	Marsh	June Helen	Rincon Ridge, West Falkland
180	Marsh	Karen Diana	Fox Bay Village West Falkland
181	Marsh	Kevin Roy	Shallow Harbour West Falkland
182	Marsh	Leon Peter	Rincon Ridge, West Falkland
183	Marsh	Marlane Rose	Shallow Harbour, West Falkland
184	Marsh	Patricia Ann	Lakelands, West Falkland
185	Marsh	Robin Frank	Lakelands, West Falkland
186	Marsh	Samantha Ann	Rincon Ridge Farm W Falkland
187	Marsh	Tanya Elaine	Shallow Harbour Farm West FI
188	McBain	Arthur	Douglas Station East Falkland
189	McBain	Rhoda Margaret	Douglas Station East Falkland
190	McGhie	James	Port North West Falkland
191	McGhie	Roy	Port North, West Falkland
192	McGhie	Thomas Forsyth	Saunders Island, West Falkland
193	McGill	Robin Perry	Carcass Island, West Falkland
194	McKay	Christine	Teal River, West Falkland
195	McKay	Frazer Roderick	Teal River, West Falkland
196	Mckay	Gerard	Goose Green East Falkland
197	McKay	Isabella Alice	Westley, West Falkland
198	McKay	Josephine Ann	Sheffield Farm West Falkland
199	McKay	Kenneth Andrew	Sheffield Farm West Falkland
200	McKay	Penelope Rose	Mossvale, West Falkland
201	McLeod	Albert John	Goose Green, East Falkland
202	McLeod	Isabella Frances Diana	Fitzroy East Falkland
203	McLeod	Joan May	Goose Green, East Falkland
204	McLeod	Sarah Rose	Goose Green, East Falkland
205	McPhee	June Iris	Brookfield, East Falkland
206	McPhee	Kenneth John	Brookfield, East Falkland
207	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
208	McPhee	Terence Owen	Kingsford Valley, East Falkland
209	McPhee	Trudi Lynette	Brookfield, East Falkland
210	McRae	David Michael	South Harbour, West Falkland
211	McRae	Gloria Linda	South Harbour, West Falkland
212	Miller	Betty	Walker Creek, East Falkland
213	Miller	James Albert	Fox Bay Village, West Falkland
214	Miller	Phillip Charles	Cape Dolphin, East Falkland
215	Miller	Sheena Melanie	Cape Dolphin, East Falkland
216	Minnell	Benjamin James	San Carlos East Falkland
217	Minnell	Donna Marie	Moss Side, East Falkland
218	Minnell	Hazel Bileen	San Carlos East Falkland
219	Minnell	Michael Robert	Moss Side, East Falkland
220	Morrison	Eric George	Goose Green, East Falkland

221	Morrison	Gerald	Goose Green, East Falkland
222	Morrison	Jacqueline Denise Anita	Port Howard, West Falkland
223	Morrison	John	Port Howard, West Falkland
224	Morrison	Kathleen Iris	Goose Green, East Falkland
225	Morrison	Kenneth	Port Howard, West Falkland
226	Morrison	Lena	Port Howard, West Falkland
227	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
228	Murphy	Roy David	Port Howard, West Falkland
229	Napier	Lily	West Point, West Falkland
230	Napier	Roderick Bertrand	West Point, West Falkland
231	Nightingale	Charlene	West Lagoons, West Falkland
232	Nightingale	Peter Richard	West Lagoons, West Falkland
233	Parkinson	Allen	Turners, MPA. East Falkland
234	Peck	Davina Margaret	Shallow Bay, West Falkland
235	Peck	Paul	Shallow Bay, West Falkland
236	Phillips	Carol Joan	Hope Cottage, East Falkland
237	Phillips	Terence	Hope Cottage, East Falkland
238	Pitaluga	Antoinette Margaretha Mary B.	Salvador East Falkland
239	Pitaluga	Jene Ellen	Salvador, East Falkland
240	Pitaluga	Nicholas Alexander R.	Salvador, East Falkland
241	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
242	Pitt	Myra May	Goose Green, East Falkland
243	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
244	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
245	Pole-Evans	Lisa	Port Howard, West Falkland
246	Pole-Evans	Shirley Helen	Manybranch, West Falkland
247	Pole-Evans	Suzan	Saunders Island, West Falkland
248	Pole-Evans	William Reginald	Manybranch, West Falkland
249	Poncet	Dion Michael	Beaver Island, West Falkland
250	Poncet	Jerome Pierre	Beaver Island, West Falkland
251	Poncet	Leiv	Beaver Island West Falkland
252	Poncet	Sally Elizabeth	Beaver Island, West Falkland
253	Poole	Ella Josephine	Port San Carlos, East Falkland
254	Poole	Steven Charles	Port San Carlos, East Falkland
255	Porter	Joan	Shallow Harbour, West Falkland
256	Porter	William Kenneth	Fox Bay Village, West Falkland
257	Pratlett	Patricia Carol Ann	Port San Carlos East Falkland
258	Reeves	Ronald James	Port Howard, West Falkland
259	Robertson	Ann	Port Stephens, West Falkland
260	Robertson	Paul Jonathan	Port Stephens, West Falkland
261	Robertson	Peter Charles	Port Stephens, West Falkland
262	Ross	William Henry	Rincon Grande, East Falkland
263	Rozee	Fiona	Spring Point, West Falkland
264	Rozee	Ronald David	Spring Point, West Falkland
265	Saunders	Felicity Joan Carlie	Hawkbit, Fitzroy East Falkland
266	Short	George Godfrey Ivan	Great Britain Hotel E.P.I
267	Short	Lindsay Marie	Wineglass Stn, East Falkland
268	Short	Robert George	Wineglass Stn, East Falkland
269	Sinclair	Simon Keith	Goose Green, East Falkland
270	Smith	Andrew John	Port San Carlos, East Falkland
271	Smith	George Patterson	Johnsons Harbour, East Falkland
272	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
273	Smith	Jenny Lorraine	Johnsons Harbour, East Falkland
274	Smith	Michael Edmund	Johnsons Harbour, East Falkland
275	Smith	Robert William	North Arm, East Falkland

276	Smith	Susan	Blue Beach East Falkland
277	Smith	Terence George	North Arm, East Falkland
278	Stevens	Richard James	Port Sussex, East Falkland
279	Stevens	Toni Donna	Port Sussex, East Falkland
280	Strange	Ian John	New Island South West Falkland
281	Taylor	Christopher John	Goose Green East Falkland
282	Tellez	Arturo	North Arm, East Falkland
283	Tellez	Charlotte Melize	North Arm, East Falkland
284	Tellez	Rodolfo	Goose Green, East Falkland
285	Thorsen	David Moller	Teal Inlet, East Falkland
286	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
287	Towersey	Diane	Port Stephens, West Falkland
288	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
289	Turner	Elaine Ellen	Rincon Grande, East Falkland
290	Tuson	Olwyn Carol	Saunders Island, West Falkland
291	Velasquez	Arleen	North Arm, East Falkland
292	Velasquez	Oscar Hernan	North Arm, East Falkland
293	Watson	Glenda Joyce	Long Island, East Falkland
294	Watson	Neil	Long Island, East Falkland
295	Whitney	Daneila Grace	Mount Kent, East Falkland
296	Whitney	Dennis	Fitzroy, East Falkland
297	Whitney	Keith	Home Farm, East Falkland
298	Whitney	Leona Ann	Home Farm, East Falkland
299	Whitney	Patrick George	Mount Kent, East Falkland
300	Whitney	Tyrone	Home Farm, East Falkland
301	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
302	Wilkinson	Rosemary	Dunnose Head, West Falkland
303	Yon	Gillian Rose	KIS. MPA. East Falkland
304	Youde	Maxin Arthur	Turners, MPA. East Falkland





# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

*Vol. CXI*

*30th April 2002*

*No. 6*

### Appointments

Elaine Elizabeth Barnes, Deputy Warden, Health Services Department, 27.3.02.

John McNeil Beith, Contracts Engineer, Public Works Department, 30.3.02.

John David Cole, Materials Technician, Quarry Section, Public Works Department, 1.4.02.

Anne Patricia Halmshaw, Teacher, Falkland Islands Community School, Education Department, 6.4.02.

Andrew David Black, Scientific Fisheries Observer, Fisheries Department, 8.4.02.

Mandy Rose McKay, Receptionist, Leisure Centre, Education Department, 15.4.02.

Graham John Wilson, Police Constable, Royal Falkland Islands Police, 16.4.02.

Chanmaine Marie Williams, Support Worker, Young Person's Unit, Health Services Department, 23.4.02.

James Ross, Fisheries Observer, Fisheries Department, 26.4.02.

Valerie Mary Tristram, Clerk, Public Service, 29.4.02.

### Promotions

Fraser Barret Wallace, from Assistant Secretary (B), Secretariat, to General Manager, Falkland Islands Government Air Service, 1.4.02.

Tracey Freeman, from Sports Attendant to Senior Sports Attendant, Leisure Centre, Education Department, 18.4.02.

### Transfer

Caroline Jane Cotter, from Clerk, Public Service, to Administrative Officer, Customs and Immigration Department, 1.4.02.

### Completion of Contracts

Paul Brickle, Fisheries Scientist (Mullet Monitoring), Fisheries Department, 8.4.02.

Graham Brian France, Building Adviser, Environmental Planning Office, 16.4.02.

Mark Waite, Contracts Engineer, Public Works Department, 26.4.02.

### Resignations

Simon Mawdsley, Police Constable, Royal Falkland Islands Police, 18.4.02.

Nigel Jon Leach, Materials Technician, Quarry Section, Public Works Department, 30.4.02.

### Retirement

John Smith, Curator, Secretariat (on secondment to Museum and National Trust), 22.4.02.

### Re-Appointment

Paul Brickle, Fisheries Scientist (Mullet Monitoring), Fisheries Department, 9.4.02.

**NOTICES**

No. 19 21st March 2002

**A & ESUPPLIES LIMITED  
Company Number: 11555**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 21st day of March 2002.

Dated this 21st day of March 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 20 5th April 2002

**FALKLAND ISLANDS TOURISM LIMITED  
Company Number: 8118**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 5th day of April 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 21 8th April 2002

**AGRICULTURAL LOANS ORDINANCE  
Section 6(7)****APPROVAL OF AUTHORISED LENDER**

**IN EXERCISE** of my powers under section 6(7) of the Agricultural Loans Ordinance and of all other powers enabling me, I approve Standard Chartered Bank as an authorised lender for the purposes of the Agricultural Loans Ordinance.

Dated this 8th day of April 2002.

D.A. LAMONT,  
*Governor.*

No. 22 12th April 2002

**SUPREME COURT OF THE FALKLAND ISLANDS****Notice under the Administration of  
Estates Ordinance (Cap. 1)**

**TAKE NOTICE THAT Donald Robert Gordon Short** deceased of Stanley, Falkland Islands died on the 10th day of August 2001 intestate.

**WHEREAS Richard Edwin John Fogerty** has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

**NOTICE IS HEREBY GIVEN** pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Colony who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

D.M. KILMARTIN,  
*Acting Registrar, Supreme Court.*

Stanley  
Falkland Islands  
12 April 2002

Ref: PRO/4/02

No. 23 12th April 2002

**JCB & FOIL MARINE SERVICES LIMITED  
Company Number: 9698**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 12th day of April 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 24 12th April 2002

**APPLICATION FOR NATURALISATION**

Notice is hereby given that Natalia Sytchova is applying to his Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 25 15th April 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Nigel Ian Bishop has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 26

18th April 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Karin Pamela Sanchez Ladron de Guevara has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 27

18th April 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Elaine Elizabeth Green has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 28

18th April 2002

**FALKLAND ISLANDS STATUS APPLICATION**

Notice is hereby given that Lynn Roberts has applied through the Principal Immigration Officer for Falkland Islands status to be granted to her by the Governor. Any person who desires to object to the granting of such status may do so in writing to the Immigration Officer, Stanley, within twenty-one days of the date of publication of this notice.

D. HOY,  
*Immigration Officer.*

No. 29

23rd April 2002

**INDEX OF RETAIL PRICES**

The calculation of the Index for the quarter ended 31 March 2002 has now been completed.

A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase/ (Decrease)	Quarter % Increase/ (Decrease)
30.06.01	106.60	2.117	0.075
30.09.01	107.05	0.848	0.422
31.12.01	107.11	0.271	0.056
31.03.02	106.27	(0.235)	(0.784)

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

I hereby appoint:

**CPL A.P. OLIVER - R8216825**

to be a temporary Customs Officer from 25th March 2002 to 25th July 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

I hereby appoint:

**SGT. J.M. COWELL - T8252059**

to be a temporary Customs Officer from 12th April 2002 to 12th August 2002.

R.J. KING,  
*Collector of Customs.*

*[The main body of the page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]*



**THE  
FALKLAND ISLANDS GAZETTE  
Extraordinary**

**PUBLISHED BY AUTHORITY**

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*Vol. CXI*

*27th May 2002*

*No. 7*

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No. 30

24th May 2002.

**ANIMAL HEALTH**

**Waste Food Order 2002  
Article 1**

**NOTICE OF COMMENCEMENT**

**IN EXERCISE** of my Powers under Article 1 of the Waste Food Order 2002 (a) I hereby notify that the Order shall come into force on the day set out below.

Dated this 24th day of May 2002.

**D.A. LAMONT,**  
*Governor.*

(a) S.R. & O. No. 5 of 2002



# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

*Vol. CXI*

*31st May 2002*

*No. 8*

## Appointments

Ross Brent James, Fisheries Observer, Fisheries Department, 26.4.02.

Gina Ruth Mary Smith, Assistant Librarian, Falkland Islands Community School, Education Department, 27.4.02.

Valerie Mary Tristram, Clerk, Public Service, 29.4.02.

Carlos Rodriguez, Cleaner, Infant & Junior School, Education Department, 30.4.02.

Lynn Roberts, Support Worker, Young Person's Unit, Health Services Department, 13.5.02.

Wanda Rose Greenough, Auxiliary Nurse, Health Services Department, 16.5.02.

## Promotion

Lucille Anne McMullen, from Clerk, Public Service to Personal Assistant/Chief Clerk, Education Department, 1.5.02.

## Completion of Contracts

Julie Catherine Stevenson, Senior Staff Nurse, Health Services Department, 13.5.02.

Christopher Burt, Senior Staff Nurse, Health Services Department, 24.5.02.

## Renewal of Contract

Julie Catherine Stevenson, Senior Staff Nurse, Health Services Department, 14.5.02.

## Retirement

Vernon Steen, General Manager, Falkland Islands Government Air Service, 31.5.02.

## NOTICES

No. 31

3rd May 2002

### APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Stephen John Wilson has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 32

6th May 2002

**MAGISTRATES COURT OF THE  
FALKLAND ISLANDS**

**Notice under Section 52 Police Ordinance 2000**

**TAKE NOTICE** that the following items have been found by members of the public and are in the possession of the Royal Falkland Islands Police Force:-

<i>Date Found</i>	<i>Description of Property</i>
18.10.00	35mm Camera
11.11.00	2M Radio
16.11.00	Paper Knife
26.11.00	Sports Watch
07.01.01	Waterproof Bear Jacket
07.01.01	Dayglow Yellow Jacket
27.05.01	Silver Coloured Band Ring
27.08.01	Ladies Watch
08.09.01	Personal Organiser

Any person who may have a claim to this property is to lodge a claim in writing to the Courts Administrator at the Town Hall, Stanley within six months from the date of the publication hereof.

The finder of any of the above named property should lodge a claim for the return of the property, or the proceeds of sale of the property, with the Chief Police Officer, in writing, at any time after three months but before six months from the date of publication of this notice.

C.J. MITCHELL,  
*Courts Administrator.*

No. 33

7th May 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Helene Virginia Williams has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 34

7th May 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Brian John Williams has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 35

17th May 2002

**DARWIN LODGE HOLDING  
COMPANY LIMITED**

**Company Number: 11511**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 17th day of May 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 36

20th May 2002

**LICENSING (AMENDMENT) ORDINANCE 2002**

**NOTICE OF COMMENCEMENT**

**IN EXERCISE** of my Powers under Section 1 of the Licensing (Amendment) Ordinance 2002 I notify 3rd June as the date on which the Ordinance shall come into force.

Dated 20th May 2002.

D.A. LAMONT,  
*Governor.*



**THE  
FALKLAND ISLANDS GAZETTE  
Extraordinary**

**PUBLISHED BY AUTHORITY**

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*Vol. CXI*

*13th June 2002*

*No. 9*

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The following is published in this Gazette-

**Register of Electors.**



1	Adams	John Harvey	21 Ross Road East
2	Adams	Marjorie Rose	21 Ross Road East
3	Adeoye	Anneliese Rose	Flat 8 6 Jersey Road
4	Alazia	Andrew	66 Davis Street
5	Alazia	Anita Jayne	Government House
6	Alazia	Colleen	11 Fitzroy Road East
7	Alazia	Freda	22 Fitzroy Road
8	Alazia	Freda Evelyn	17 Jersey Road
9	Alazia	James Andrew	22 Fitzroy Road
10	Alazia	Keith	4 James Street
11	Alazia	Maggie Ann	6 John Street
12	Alazia	Sandra Marie	66 Davis Street
13	Alazia	Stuart John	31 Fitzroy Road
14	Alazia	Yvonne	Flat4 1A Woody Sreet
15	Aldridge	Caroline Mary	2 H Jones Road
16	Aldridge	Kenneth John	2 H Jones Road
17	Aldridge	Stephen John	2 H Jones Road
18	Allan	John	39 Ross Road
19	Allan	Joyce Ena	39 Ross Road
20	Allan	Michael Charles	3 Philomel Place
21	Allan	Sarah Louise	3 Philomel Place
22	Almonacid	Orlando	1 Villiers Sreet
23	Anderson	Carol Anne	22 Endurance Avenue
24	Anderson	Claudette	1 Goss Road
25	Anderson	Eddie	22 Endurance Avenue
26	Anderson	Elizabeth Nellie	42 Davis Street
27	Anderson	Helen	88 Davis Street
28	Anderson	Jamie Falkland	18 Murray Heights
29	Anderson	Margaret Kathleen	21 John Street
30	Anderson	Mildred Nessie	8 St Marys Walk
31	Anderson	Paul James	9 Fieldhouse Close
32	Anderson	Reginald Stanford	18 Murray Heights
33	Anderson	Richard Louis	88 Davis Street
34	Anderson	Stephen Robert	6 Jersey Road
35	Anthony	Enid Elizabeth	6 Dairy Paddock Road
36	Anthony	Geraldine Sylvia	Flat6 6 Jersey Road
37	Anthony	Malcolm James	9 Biggs Road
38	Barnes	Marlene Estela	2 Watson Way
39	Barnes	Paul	2 Watson Way
40	Barton	Alison Mary	6 Villiers Street
41	Barton	Arthur John	6 Villiers Street
42	Bates	Barbara	8 Watson Way
43	Battersby	Jon Alan	16 Fieldhouse Close
44	Battersby	Margaret Mary	16 Fieldhouse Close
45	Beckett	Vivien Delia	Jersey Road Flats
46	Bedford	Arlette Louise	68 Davis Street
47	Bedford	Carole Anne	68 Davis Street
48	Bedford	Kita Muriel	68 Davis Street
49	Berntsen	Cecilia Del Rosario	14 St Marys Walk
50	Berntsen	Christian Olaf Alexander	15a James Street
51	Berntsen	Falkland	10 Fitzroy Road
52	Berntsen	Gene Stanley	Flat6 6 Jersey Road
53	Berntsen	Iain Kenneth	2 Dean Street
54	Berntsen	John Alexander	Felton Stream
55	Berntsen	Kathleen Gladys	1 St Marys Walk

56	Berntsen	Kenneth Frederick	20 Ross Road West
57	Berntsen	Matthew John	39 Davis Street
58	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
59	Berntsen	Rachel Ena	15a James Street
60	Berntsen	Valdamar Lars	14 St. Marys Walk
61	Berntsen	Valorie Marcela	30 Endurance Avenue
62	Bertrand	Catherine Gladys	11 Ross Road East
63	Besley-Clark	Barbara June	53 Callaghan Road
64	Besley-Clark	Craig Norman Leigh	53 Callaghan Road
65	Besley-Clark	Douglas James	53 Callaghan Road
66	Besley-Clark	Norman	53 Callaghan Road
67	Betts	Arlette	Lafone House Ross Road East
68	Betts	Donald William	7 Jeremy Moore Avenue
69	Betts	Ellen Alma	21 Fitzroy Road
70	Betts	George Winston Charles	35 Ross Road West
71	Betts	Ian	1 Villiers Street
72	Betts	Karen Margaret	1 Watson Way
73	Betts	Lucia Elizabeth	35 Ross Road West
74	Betts	Owen	14 Fieldhouse Close
75	Betts	Peter James	Racecourse Road Flats
76	Betts	Priscilla Violet Morrison	14 Fieldhouse Close
77	Betts	Severine	1 Watson Way
78	Betts	Shirley Rose	7 Jeremy Moore Avenue
79	Betts	Simon Keith	Reflections Flat Dean Street
80	Betts	Stephen	7 Jeremy Moore Avenue
81	Biggs	Ailie Christine	16 Endurance Avenue
82	Biggs	Alastair Gordon	Trehayle 50 John Street
83	Biggs	Althea Maria	3 Dairy Paddock Road
84	Biggs	Betty Josephine	9 Moody Street
85	Biggs	Christopher David	5 James Street
86	Biggs	Daniel Craig	Endurance Avenue
87	Biggs	Edith Joan	Trehayle 50 John Street
88	Biggs	Frances	16 Endurance Avenue
89	Biggs	Frederick James	KBMH
90	Biggs	Irene Mary	Harbour View 4 Ross Road East
91	Biggs	Leslie Frederick	3 Dairy Paddock Road
92	Biggs	Marian June	16 Jersey Road
93	Biggs	Michael Elfed	21 Fitzroy Road
94	Biggs	Peter Julian Basil	16 Endurance Avenue
95	Biggs	Richard John	16 Jersey Road
96	Binnie	Juliet Ann	33 Eliza Crescent
97	Binnie	Linda Rose	6 Fieldhouse Close
98	Binnie	Ronald Eric	6 Fieldhouse Close
99	Binnie	Susan	3 Brandon Road
100	Birmingham	John	4 Drury Street
101	Blackley	Candy Joy	4 Barrack Street
102	Blackley	Hilda	11 Thatcher Drive
103	Blackley	Maurice	The Lodge Market Garden
104	Blackley	Shane David	4 Barrack Street
105	Blades	Helen Jean	10 John Street
106	Blake	Alexander Charles	1 Ross Road
107	Blake	Lionel Geoffrey	1 Ross Road
108	Blake	Sally Gwynfa	1 Ross Road
109	Blake	Thomas Patrick	90 Davis Street
110	Blizard	Malvina Mary	51 Fitzroy Road

111	Blyth	Agnes Ruth	2 Brandon Road
112	Blyth	Paz Neri	5 St Marys Walk
113	Bonner	Alan Paul	5 John Street
114	Bonner	Angela Jane	5a Ross Road East
115	Bonner	Avril Margaret Rose	14 Jersey Road
116	Bonner	Cheryl Anne	4a Ross Road West
117	Bonner	Hayley Trina	41 Ross Road West
118	Bonner	Keith James	14 Jersey Road
119	Bonner	Linda Jane	4A Ross Road West
120	Bonner	Lindsay Jane	12 Scoresby Close
121	Bonner	Nicholas	4A Ross Road West
122	Bonner	Odette Ellen May	Madecosie 15 Jersey Estate
123	Bonner	Paul Roderick	5 John Street
124	Bonner	Stevie Coppell	Dolphin Cottage
125	Bonner	Terence Leslie	Madecosie 15 Jersey Estate
126	Bonner	Timothy	41 Ross Road West
127	Bonner	Vera Ann	5 John Street
128	Bonner	Vera Joan	Chaffeurs Cottage
129	Bonner	Violet	40 Ross Road
130	Booth	Jessie	Racecourse Cottage
131	Booth	Joseph Bories	7 Philomel Street
132	Booth	Myriam Margaret Lucia	7 Philomel Street
133	Booth	Stuart Alfred	Racecourse Cottage
134	Bound	Joan	Barrack Street
135	Bowles	Norma Evangeline	1A Villiers Street
136	Bowles	William Edward	1A Villiers Street
137	Bowles	William George Troyd	9 Drury Street
138	Bragger	Edward Laurence	14 Jeremy Moore Avenue
139	Bragger	Stacey John	14 Jeremy Moore Avenue
140	Brock	Juanita Lois	Flat5 1 Jeremy Moore Ave East
141	Brooks	Cheryl Rose	25 Callaghan Road
142	Brooks	Peter William	25 Callaghan Road
143	Browning	Amanda Marie	3 Dairy Paddock Road
144	Browning	Colin George	1 Moody Street
145	Browning	Edwina	Davis Street
146	Browning	Gavin	Lookout Lodge
147	Browning	Joan Lucy Ann	Rose Hotel Drury Street
148	Browning	Nathan David	3 Dairy Paddock Road
149	Browning	Rex	35 Davis Street
150	Browning	Richard William	33 Davis Street
151	Browning	Trevor Osneth	Rose Hotel Drury Street
152	Brownlee	Andrew Samuel	19 Ross Road East
153	Brownlee	Lynn Frances	19 Ross Road East
154	Buckett	Ronald Peter	49 Fitzroy Road
155	Buckett	Roy Peter	Jersey Road
156	Buckett	Susan Vera	49 Fitzroy Road
157	Buckland	Colin Michael	Lookout Lodge
158	Buckland	Darlene Joanna	5 James Street
159	Buckland	Peter John	9 Callaghan Road
160	Buckley-Whitney	Helena Jane	2 Pioneer Row
161	Budd	Dennis Raymond	5 Ian Campbell Drive
162	Budd	Pamela Joan	5 Ian Campbell Drive
163	Bundes	Robert John Christian	17 Fitzroy Road
164	Burns	Mary Anne	34 Davis Street
165	Burston	Catherine	91 Davis Street

166	Burston	Stephen Leslie	91 Davis Street
167	Bury	Ian Thomas	63 Davis Street
168	Butcher	Michael George	3A Dairy Paddock Road
169	Butcher	Trudi	3A Dairy Paddock Road
170	Butler	Elsie Maud	10 Thatcher Drive
171	Butler	Frederick Lowther Edward	10 Thatcher Drive
172	Butler	George Joseph	1A Moody Street
173	Butler	Jonathan Jeffers	3 Jeremy Moore Avenue
174	Butler	Laurence Jonathan	2 Davis Street East
175	Butler	Margaret Orlanda	5 Short Street
176	Butler	Orlanda Betty	2 Davis Street East
177	Buxton	Nicole Gabrielle	19 Jeremy Moore Avenue
178	Cameron	Jane Diana Mary Keith	Old Bakery Fitzroy Road
179	Cant	Carol Rosine	37 Callaghan Road
180	Cant	Martin Ronald	37 Callaghan Road
181	Cantlie	Derek William	27 Callaghan Road
182	Card	Patricia Collette	7 Ian Campbell Drive
183	Carey	Anthony Michael	19 Ross Road West
184	Carey	Gladys	19 Ross Road West
185	Carey	Martin Rex	21 Eliza Cove Crescent
186	Carey	Mary Ann Margaret	18 Ross Road West
187	Carey	Terence James	18 Ross Road West
188	Cartwright	Stephen	39 Ross Road West
189	Castle	David Peter	26 John Street
190	Castle	Isobel	26 John Street
191	Ceballos	Alastair Jaime	1 Goss Road
192	Ceballos	Bulogio Gabriel	28 Endurance Avenue
193	Chaloner	Sheila Catherine	2 Racecourse Road
194	Chandler	Ann Beatrice	6 Biggs Road
195	Chandler	Edward	6 Biggs Road
196	Chapman	Helen	6 Fitzroy Road East
197	Chapman	Paul	6 Fitzroy Road East
198	Chater	Thomas Frederick	33 Fitzroy Road
199	Chater	William John	7 Biggs Road
200	Cheek	Gerald Winston	10 Ross Road
201	Cheek	Janet Lynda	25 Ross Road West
202	Cheek	Marie	10 Ross Road
203	Cheek	Rosalind Catriona	22 Murray Heights
204	Clapp	Kevin Christopher	1 Murray Heights
205	Clark	Hector	27 Eliza Crescent
206	Clark	Jonathan Andrew	Flat 10 Jersey Road
207	Clark	Joyce Kathleen	27 Eliza Crescent
208	Clarke	Amelia	1 Callaghan Road
209	Clarke	Angela Sindy	1 Jeremy Moore Avenue Flats
210	Clarke	Angeline Gloria	17 Scoresby Close
211	Clarke	Anika Doreen	17 Jeremy Moore Avenue
212	Clarke	Camilla Marie	8 Drury Street
213	Clarke	Christopher	5 Discovery Close
214	Clarke	David James	17 Ross Road West
215	Clarke	Derek Simon	23 Jeremy Moore Avenue
216	Clarke	Doreen	17 Ross Road West
217	Clarke	Eva Lynn	19 Jersey Road
218	Clarke	Pelicity Marie	7 Fitzroy Road
219	Clarke	Fiona Alison	Racecourse Road Flats
220	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue

221	Clarke	Isabel Joan	12 Fieldhouse Close
222	Clarke	James Martin	3 McKay Close
223	Clarke	Jeremy Ian Thomas	7 Fitzroy Road
224	Clarke	Joan Patricia Marion	50 Davis Street
225	Clarke	Jonathan Terence	17 Jeremy Moore Avenue
226	Clarke	Julie Ann	Globe Tavern
227	Clarke	Margaret Ann	3 H Jones Road
228	Clarke	Marvin Thomas	7 Fitzroy Road
229	Clarke	Paul Ian	6A Jeremy Moore Avenue
230	Clarke	Ronald John	17 Ross Road West
231	Clarke	Rudy Thomas	8 Drury Street
232	Clarke	Shane Adrian	1 Callaghan Road
233	Clarke	Terence John	17 Jeremy Moore Avenue
234	Clarke	Tracey Clare	23 Jeremy Moore Avenue
235	Clarke	Trudi Ann	7 Fitzroy Road
236	Clasen	Wayne Ian Summers James	17 Davis Street
237	Clausen	Andrea Patricia	3 St Marys Walk
238	Clausen	Denzil George Gustavius	3 St Marys Walk
239	Clausen	Melanie	24 Murray Heights
240	Clausen	Sophie Marina	37 Davis Street
241	Claxton	Margaret	28 Ross Road East
242	Clayton	Brian	Dorada
243	Clayton	Susan	16 St. Marys Walk
244	Clement	Gary	9 Snake Street
245	Clement	Jane	9 Snake Street
246	Clement	Lee	9 Snake Street
247	Clement	Sara Jane	10 Snake Street
248	Clement	Wayne	10 Snake Street
249	Cletheroe	Kenneth Stanley	45 Fitzroy Road
250	Clifton	Charles	3 Ross Road West
251	Clifton	Darwin Lewis	53 Davis Street
252	Clifton	Doreen	3 Ross Road West
253	Clifton	Marie	6 Discovery Close
254	Clifton	Melvyn	12 Callaghan Road
255	Clifton	Neil	20 Davis Street
256	Clifton	Stephen Peter	61 Fitzroy Road
257	Clifton	Terence Charles	3 Ross Road West
258	Clifton	Teresa Ann	12 Callaghan Road
259	Clifton	Valerie Ann	61 Fitzroy Road
260	Cockwell	Jennifer Marie	90 Davis Street
261	Cockwell	John Richard	14 Ross Road West
262	Cockwell	Maurice Adam	90 Davis Street
263	Cofre	Anya Evelyn	1 Brandon Road West
264	Cofre	Elvio Miguel	1 Brandon Road West
265	Collins	Shiralee	Flat 9 6 Jersey Road
266	Connolly	Kevin Barry	1 King Street
267	Coombe	Robert Dean	12 Ross Road West.
268	Cotter	Caroline Jane	9 Jeremy Moore Avenue
269	Cotter	Mary Jane	9 Jeremy Moore Avenue
270	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
271	Courtney	Anthony Clive	30 Goss Road
272	Courtney	Julie	30 Goss Road
273	Coutts	Charles	12 Endurance Avenue
274	Coutts	Charles Lindsay	33 Ross Road
275	Coutts	Elsbeth Alice	12 Endurance Avenue

276	Coutts	John	36 Ross Road West
277	Coutts	Olga	33 Ross Road
278	Coutts	Peter	13 Campbell Drive
279	Crabb	Elizabeth Ann	34a Davis Street
280	Crowie	Alan John	72 Davis Street
281	Crowie	Ana Bonita	72 Davis Street
282	Crowie	Breda Marie	35 Callaghan Road
283	Crowie	Clare Frances	35 Callaghan Road
284	Crowie	David Sean	51 Callaghan Road
285	Crowie	Michelle	1 Discovery Close
286	Crowie	Nicola Jane	35 Callaghan Road
287	Crowie	Peter James	35 Callaghan Road
288	Crowie	Robert John	35 Callaghan Road
289	Crowie	Roxanne	72 Davis Street
290	Curtis	Alfred William Hamilton	6 Brandon Road West
291	Curtis	Barbara Annette Hamilton	37 Ross Road East
292	Curtis	Barbara Joan	6 Brandon Road West
293	Curtis	Bonnie Elizabeth Hamilton	6 Brandon Road West
294	Curtis	James William Hamilton	6 Ross Road
295	Davies	Anthony Warren	7 Callaghan Road
296	Davies	Christine Susan	8 Fitzroy Road East
297	Davies	Colin George	15 Ross Road West
298	Davies	Eileen Wynne	15 Ross Road West
299	Davies	Jacqueline Nancy	7 Callaghan Road
300	Davies	Sian Karen	7 Callaghan Road
301	Davies	William	8 Fitzroy Road East
302	Davis	Ellen Rose	39 Davis Street
303	Davis	Maurice	39 Davis Street
304	Davis	Nicholas	15 James Street
305	Davis	Roy George Victor	6 Narrows View
306	Davis	Sharon Sandra Evelyn	6 Narrows View
307	Davis	Yona	37 Davis Street
308	Davy	Patrick Alex Field	Flat 3 3 Jeremy Moore Ave East
309	Dent	Janice Vanessa	16 Scoresby Close
310	Dent	Stephen John	16 Scoresby Close
311	Desborough	Gladys Malvina	14 Allardyce Street
312	Dickson	Caroline Christine Bird	108 Davis Street
313	Dickson	Michael Keith	C/o James Clark Ross
314	Dickson	Steven Charles	14 Endurance Avenue
315	Didlick	Christopher Graham	13 Jeremy Moore Avenue
316	Didlick	Fiona Margaret	13 Jeremy Moore Avenue
317	Didlick	Graham John	13 Jeremy Moore Avenue
318	Didlick	Imogen Fiona	13 Jeremy Moore Avenue
319	Didlick-Smith	Rhiannon Blinore	13 Jeremy Moore Avenue
320	Diggle	Jean Katherine	12 Jersey Road
321	Diggle	Roger John	12 Jersey Road
322	Dobbys	Kathleen Gay	60 Davis Street
323	Dodd	Alison	1 Pioneer Row
324	Dodd	Nigel Keith	1 Pioneer Row
325	Donnelly	Derek	38 Ross Road East
326	Duncan	Delsha Vanessa Jane	Flat 3 30 Jersey Road
327	Duncan	Doreen	Tenacres
328	Duvall	Kenneth William	51 Callaghan Road
329	Barnshaw	Jacqueline Elizabeth	37 Ross Road West
330	Bast	Justin Clive Richard	1 Fieldhouse Close

331	East	Michelle Jane	1 Fieldhouse Close
332	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
333	Eccles	Moiria Cameron	18 Jeremy Moore Avenue
334	Edwards	Emma Jane	41 Ross Road East.
335	Elliot	Elizabeth Rose	15 Callaghan Road
336	Elliot	Henry James	15 Callaghan Road
337	Ellis	Cyril	24 Ross Road East
338	Ellis	Lucy	11 James Street
339	Ellis	Valerie	24 Ross Road East
340	Elsby	Barry	Moody Brook House
341	Evans	Donna Newell	Whiteways James Street
342	Evans	Gladys Alberta	6 Barrack Street
343	Evans	Michael David	Whiteways James Street
344	Evans	Michelle Paula	Murray Heights
345	Evans	Russell	45 Ross Road East
346	Evans	Susan Maureen	45 Ross Road East
347	Ewing	Gordon	4 Jeremy Moore Avenue
348	Ewing	Irene	4 Jeremy Moore Avenue
349	Eynon	Carol	8 Villiers Street
350	Eynon	Christopher Huntlee	8 Villiers Street
351	Eynon	David John	8 Villiers Street
352	Faria	Mary Ann	6A Jeremy Moore Avenue
353	Faria	Paul	14 Brandon Road
354	Faria	Susanna Caroline Berntsen	14 Brandon Road
355	Felton	Violet Regina Margaret	German Camp Callaghan Road
356	Ferguson	Ellen Rose	51 Callaghan Road
357	Ferguson	Finlay James	51 Callaghan Road
358	Ferguson	John William	47 Ross Road East
359	Ferguson	Marie Anne	2 Davis Street
360	Ferguson	Robert John	4 Capricorn Road
361	Ferguson	Rose	Flat 7 1 Jeremy Moore Ave East
362	Ferguson	Sian	47 Ross Road East
363	Ferguson	Stephanie Janet	47 Ross Road East
364	Ferguson	Thelma	4 Capricorn Road
365	Fiddes	Douglas Graham	Moody Brook
366	Fiddes	Gardner Walker	3 Watson Way
367	Fiddes	Julia Bertrand	Moody Brook
368	Fiddes	Mary McKinnon Livingstone	4 Moody Street
369	Fiddes	Melody Christine	3 Watson Way
370	Fiddes	Robert	4 Moody Street
371	Finlayson	Barry Donald	3 Capricorn Road
372	Finlayson	Iris Dwenda Margaret	29 Goss Road
373	Finlayson	Iris Heather	3 Capricorn Road
374	Finlayson	Marc Ian	Y.M.C.A
375	Finlayson	Peter	6 Brandon Road
376	Finlayson	Phyllis	6 Brandon Road
377	Finn	Natalie Anne	9 Eliza Crescent
378	Fisher-Smith	Julie Anne	8 Fieldhouse Close
379	Fleming	Richard Ian	7 Ian Campbell Drive
380	Floyd	Amanda Susan	Globe Hotel
381	Floyd	Michael	7 Pitaluga Place
382	Floyd	Michael Anthony	7 Pitaluga Place
383	Floyd	Steven Paul	7 Pitaluga Place
384	Fogerty	Richard Edwin John	Stone Cottage
385	Ford	Alison Jane Marie	5 Jersey Road

386	Ford	Arthur Henry	6 Drury Street
387	Ford	Christopher James	12 Davis Street
388	Ford	Colin Stewart	15 Kent Road
389	Ford	Colleen Mary	Lady Hunt House John Street
390	Ford	David	1 Davis Street
391	Ford	Frederick James	Lady Hunt House John Street
392	Ford	Gerard Allan	Flat 1 3 Jeremy Moore Avenue
393	Ford	Jonathan	3 Pitaluga Place.
394	Ford	Julie Ann	3 Pitaluga Place.
395	Ford	Leann Caroline	15 Kent Road
396	Ford	Leonard	5 Jersey Road
397	Ford	Marilyn Christine	24 James Street
398	Ford	Marvyn Neil	Lookout Lodge
399	Ford	Michael	82 Davis Street
400	Ford	Paul Edward	2 Philomel Place
401	Ford	Robert	1 Davis Street
402	Ford	Simon	1 James Street
403	Ford	Tanya Louise	24 James Street
404	Forrest	Jennifer Carol	16 Kent Road
405	Forrest	Michael John	16 Kent Road
406	Forster	Amanda	9 Fieldhouse Close
407	Forster	Lynne	5 Discovery Close
408	Forster	Sarah	17 Davis Street
409	Fowler	Daniel Martin	2 Glasgow Road
410	Fowler	John Andrew Thomas	2 Glasgow Road
411	Fowler	Rachael Jane	2 Glasgow Road
412	Fowler	Veronica May	2 Glasgow Road
413	France	Graham Brian	7 Snake Street
414	France	Ian Peter	7 Snake Street
415	France	Jane Aileen Marie	7 Snake Street
416	Freeman	Carl Francis	10 James Street
417	Freeman	Dianne May	10 James Street
418	Freeman	Rachael	10 James Street
419	Freeman	Tracy	10 James Street
420	Freer	Pamela Jane	56 John Street
421	Freer	Stephen Paul James	56 John Street
422	Fullerton	Mary Ellen	Government House
423	Geach	Alan John	Stanley
424	Gilbert	Christopher Paul	11 Campbell Drive
425	Gilbert	Judith Elizabeth	22 Jeremy Moore Avenue
426	Gilbert	Mark Ian	22 Jeremy Moore Avenue
427	Gilbert	Neil Robert	22 Jeremy Moore Avenue
428	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
429	Gilson-Clarke	Dustin James	Flat 3 6 Jersey Road
430	Gilson-Clarke	Martyn Ian	Globe Tavern.
431	Gisby	Annie	33 Fitzroy Road
432	Goodwin	Angela Jane	11 Jersey Road
433	Goodwin	Bonita Colleen	Flat 1 30 Jersey Road
434	Goodwin	Christopher Sturdee	Lookout Lodge
435	Goodwin	Colin Valentine	86 Davis Street
436	Goodwin	Derek Samuel	Flat 1 30 Jersey Road
437	Goodwin	Emily Rose	7 Brisbane Road
438	Goodwin	Gareth Kevin	86 Davis Street
439	Goodwin	Hazel Rose	3 Police Cottages 7 Ross Road
440	Goodwin	Joanne Hazel Rose	Pioneer Row



441	Goodwin	June Elizabeth	86 Davis Street
442	Goodwin	Kathleen Edith Marguerite	6 Thatcher Drive
443	Goodwin	Mandy Hazel	45 Callaghan Road
444	Goodwin	Robin	45 Callaghan Road
445	Goodwin	Robin Christopher	27 Callaghan Road
446	Goodwin	Simon James	Lookout Lodge
447	Goodwin	Una	27 Callaghan Road
448	Goodwin	William John Maurice	7 Brisbane Road
449	Goss	Annagret	16 Jeremy Moore Avenue
450	Goss	Corina Rose	20 Murray Heights
451	Goss	Dorothy Ellen	4 Discovery Close
452	Goss	Eric Miller	2 Fitzroy Road East
453	Goss	Ian Ernest Barle	98 Davis Street
454	Goss	Morgan Edmund	16 Jeremy Moore Avenue
455	Goss	Roger Simon	15 Callaghan Road
456	Goss	Roy Shepherd	4 Discovery Close
457	Goss	Sandra Kathleen	11 Kent Road
458	Goss	Shirley Ann	2 Fitzroy Road East
459	Goss	Simon Peter Miller	11 Kent Road
460	Goss	Susan Diann	98 Davis Street
461	Goss	William Henry (jnr)	7 Brandon Road
462	Goss	William Henry (snr)	5 Ross Road East
463	Gough	Ivan	John Street
464	Gough	Phyllis Candy	John Street
465	Gould	Arthur William	Moody Street
466	Grant	Milly	3 Moody Street
467	Gray	David Edward	22 Ross Road West
468	Gray	Patricia May	22 Ross Road West
469	Green	David William	Lois Cottage John Street
470	Greenland	James Andrew William	9 Beaver Road
471	Greenough	Geoffrey	50 Davis Street
472	Greenough	Wanda Rose	50 Davis Street
473	Grimmer	Edward	15 Pioneer Row
474	Grimmer	Keith	15 Pioneer Row
475	Grimmer	Marilyn	15 Pioneer Row
476	Hadden	Alexander Burnett	27 Fitzroy Road
477	Hadden	Sheila Peggy	27 Fitzroy Road
478	Halford	Rodney John	Tenacres
479	Halford	Sara Jayne	Tenacres
480	Halford	Sharon	Tenacres
481	Hall	Marilyn Joyce	56 Davis Street
482	Halliday	Cathy Anne	5 Drury Street
483	Halliday	Gerald	Flat 1 6 Racecourse Road
484	Halliday	Jeffrey James	8 Murray Heights
485	Halliday	Priscilla Alison	12a Brandon Road
486	Halliday	Raynor	9 Brisbane Road
487	Hancox	Rachel Mary	9 Ross Road West
488	Hancox	Robert James	9 Ross Road West
489	Hansen	Douglas John	6 Fitzroy Road
490	Hansen	Keva Elizabeth	1 Dairy Paddock Road
491	Hansen	Terence Joseph	1 Dairy Paddock Road
492	Hardcastle	Kim Elizabeth	5 Pioneer Row
493	Hardcastle	Simon Brook	5 Pioneer Row
494	Harris	Christopher James	8 Pioneer Row
495	Harris	Heather	3 Ross Road East

496	Harris	Jill Yolanda Miller	19 Fitzroy Road
497	Harris	Karl Henry	5a Ross Road East
498	Harris	Leeann Watson	10 Dairy Paddock Road
499	Harris	Leslie Sidney	19 Fitzroy Road
500	Harris	Michael Ronald	3 Ross Road East
501	Harris	Ralph Aaron	10 Dairy Paddock Road
502	Harris	Roslyn	19 Fitzroy Road
503	Harvey	Muriel Elizabeth Elsie	2 King Street
504	Harvey	Sheila	6 Ross Road
505	Harvey	William	21 Fitzroy Road
506	Hawksworth	Mary Catherine	5A Brisbane Road
507	Hawksworth	Pauline May	29 Fitzroy Road
508	Hawksworth	Terence	5A Brisbane Road
509	Hayward	Marjorie	30 Eliza Cove Road
510	Hayward	Neville	4 Rowlands Rise
511	Hayward	Peter Dennis	30 Eliza Cove Road
512	Hazell	Lee Felton	3 Drury Street
513	Heathman	Malcolm Keith	15 Eliza Cove Road
514	Heathman	Mandy Gail	15 Eliza Cove Road
515	Heathman	Nyree	12 Scoresby Close
516	Heathman	Tara	9 Snake Hill
517	Henricksen	Winifred Mary Elizabeth	8 Thatcher Drive
518	Henry	Alan Richard	8 Beaver Road
519	Henry	Patricia Denise	8 Beaver Road
520	Hernandez Mantero	Miguel Angel	3 Murray Heights
521	Hernandez Trevell	Maria Elena	3 Murray Heights
522	Hewitt	Clare Ann	1c Capricorn Road
523	Hewitt	Frances Agnes	Flat 3 1 Moody Street
524	Hewitt	Gary George	3 Hebe Place
525	Hewitt	Margaret Ann	3 Hebe Place
526	Hewitt	Neil George	1C Capricorn Road
527	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk
528	Hewitt	Robert John David	3 Thatcher Drive
529	Hewitt	Sara Marie	Stanley
530	Hills	Heather Margaret	5 Davis Street
531	Hills	Richard William	5 Davis Street
532	Hirtle	Christine	5 Capricorn Road
533	Hirtle	Debbie Ann	2b Capricorn Road
534	Hirtle	Leonard John	20 Jeremy Moore Avenue
535	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
536	Hirtle	Michael Barry	20 Jeremy Moore Avenue
537	Hirtle	Rose Ann Shirley	4 Villiers Street
538	Hirtle	Shirley	2 Ian Campbell Drive
539	Hirtle	Zane Bric	Eliza Cove Road
540	Hobman	Anilda Marilu	34 Ross Road West
541	Hobman	David Gonsalo	34 Ross Road West
542	Hobman	Luis Alfonso	34 Ross Road West
543	Hoggarth	Agnes Christina	2 James Street
544	Howatt	Derek Frank	4 Racecourse Road
545	Howatt	Suzanna Margaret	4 Racecourse Road
546	Howe	Alison Delia	36 Davis Street
547	Howe	Paul Anthony	36 Davis Street
548	Howells	Anne Stephanie	112 Davis Street
549	Howells	Lorna Marie	112 Davis Street
550	Howells	Martin Edward Derek	112 Davis St

551	Howells	Melissa Louise	112 Davis Street
552	Howells	Roger	112 Davis Street
553	Hoy	Dawn	2 Dean Street
554	Humphreys	Dennis James	7 Dean Street
555	Humphreys	Hannah Blaine	7 Dean Street
556	Humphreys	Margaret Anne	Endurance Avenue
557	Hutton	Elizabeth Isabella	3 John Street
558	Hutton	Philip	3 John Street
559	Igao	Alejandro Neri	13 Scoresby Close
560	Igao	Noel Neri	10 Goss Road
561	Igao	Pauline Lynx	10 Goss Road
562	Inglis	Alison Anne MacKenzie	9 Short Street
563	Jackson	Kathleen	23 Fitzroy Road
564	Jackson	Malcolm	23 Fitzroy Road
565	Jackson	Mark Malcolm	5 Drury Street
566	Jacobsen	Alistair	1A Philomel Street
567	Jacobsen	Catherine Joan	1A Philomel Street
568	Jacobsen	Tanzi	1a Philomel Street
569	Jaffray	Derek Charles	2 Arch Green.
570	Jaffray	Blaine Michele	8 Discovery Close
571	Jaffray	Bstelle Anita	Snake Street
572	Jaffray	Frank Alexander	8 Discovery Close
573	Jaffray	Gerard Alan	5 Hebe Street
574	Jaffray	Helen Rose	84 Davis Street
575	Jaffray	Jacqueline Ann	17 Watson Way
576	Jaffray	Janet	3 Fitzroy Road East
577	Jaffray	John	40 Eliza Crescent
578	Jaffray	John Summers	84A Davis Street
579	Jaffray	John Willie	21 Watson Way
580	Jaffray	June Elizabeth	17 Ross Road East
581	Jaffray	Kenneth Ian	5 Hebe Street
582	Jaffray	Lisa Jane	3 Biggs Road
583	Jaffray	Phyllis	21 Watson Way
584	Jaffray	Stephen James	11 James Street
585	Jaffray	Tanya Fiona	5 Hebe Street
586	Jaffray	Terence Roy	Flat3 1 Jeremy Moore Avenue
587	Jaffray	Terri-Ann	24 Endurance Avenue
588	Jaffray	Tony	84 Davis Street
589	Jaffray	Wayne Neil	5 Hebe Street
590	Jennings	Neil	8 Moody Street
591	Jennings	Stephen	5 Fitzroy Road
592	Johnson	Jacqueline	5 Kent Road
593	Johnson	Lily Ann	5 Hebe Street
594	Johnson	Michael Neil	5 Kent Road
595	Jones	Alan Smith	26 Ross Road West
596	Jones	David Richard	6 Allardyce Street
597	Jones	Dionne Michelle	35 Ross Road East
598	Jones	Doreen Evelyn Margaret	6 Allardyce Street
599	Jones	Jennifer	26 Ross Road West
600	Jones	John Hugh	35 Ross Road East
601	Jones	Kevin Richard	2 Discovery Close
602	Jones	Michelle	35 Ross Road East
603	Jones	Yvonne Malvina	3 Discovery Close
604	Jonson	Amy Elizabeth	Rose Hotel Brisbane Road
605	Jordan	Cara Jane	12 Goss Road

606	Jordan	Ian	12 Goss Road
607	Keane	Alva Rose Marie	18 Davis Street
608	Keane	Olaf James	18 Davis Street
609	Keane	Thomas James	18 Davis Street
610	Keenleyside	Charles Desmond	3 Pioneer Row
611	Keenleyside	Dorothy Maud	3 Pioneer Row
612	Keenleyside	Manfred Michael Ian	2 Snake Street
613	Keenleyside	Nanette Barbara	2 Snake Street
614	Kenny	Brling	20 James Street
615	Kidd	John Nathan	1 Hebe Street
616	Kidd	Lillian Rose Orissa	1 Hebe Street
617	Kiddle	Robert Karl	Flat3 6 Racecourse Road
618	King	Anna Constance Eve	Villiers Street
619	King	Desmond George Buckley	38 Davis Street
620	King	Glynis Margaret	13 Ross Road East
621	King	Michelle Beverley	4 Biggs Road
622	King	Peter Thomas	10 Jeremy Moore Avenue
623	King	Robert John	22/24 Davis Street
624	King	Rosemarie	10 Jeremy Moore Avenue
625	King	Vernon Thomas	39 Fitzroy Road
626	Kirkham	Campbell Joseph	5 Capricorn Road
627	Kultschar	John William	4 Davis Street East
628	Kultschar	Richard Paul	4 Davis Street East
629	Kultschar	Yvonne Rosina	4 Davis Street East
630	Laffi	Atilio Segundo	3 Brisbane Road
631	Laffi	Kathleen Mary	3 Brisbane Road
632	Lang	David Geoffrey	28 Goss Road
633	Lang	James Patrick	Flat2 3 Jeremy Moore Ave East
634	Lang	Marie-Bernard Therese	28 Goss Road
635	Lang	Patrick Andrew	8a Moody Street
636	Lang	Phillippa Josephine	28 Goss Road
637	Lang	Sandra Shirleen	2 Allardyce Street
638	Lang	Tamara Colette	4 Barrack Street
639	Lang	Theresa Margaret	28 Goss Road
640	Lang	Velma Emily	8a Moody Street
641	Lang	William Frank	3 James Street
642	Larsen	Ellen	74 Davis Street
643	Larsen	Josephine Mary	Brandon Road
644	Lazo	Javier Waldemar Sanchez	80 Davis Street
645	Lazo	Joanna Rose	80 Davis Street
646	Lee	Alfred Leslie	11 Drury Street
647	Lee	Angela Audrey	8 Jersey Road
648	Lee	Anthony John	8 Jersey Road
649	Lee	Beverley Christina	5 Villiers Street
650	Lee	Derek William	2 Davis Street
651	Lee	Gladys	11 Drury Street
652	Lee	Leslie James	10 Allardyce Street
653	Lee	Mandy John	15 James Street
654	Lee	Mervyn Richard	10 Allardyce Street
655	Lee	Nicola	3 Davis Street East
656	Lee	Owen Henry	4 Pioneer Row
657	Lee	Tanya	15 Campbell Drive
658	Lee	Trudi Dale	10 Allardyce Street
659	Lee	Victoria Jane	Y.M.C.A
660	Lennie	Gordon Carnie	9 Narrows View

661	Lewis	David James	3 Campbell Drive
662	Lewis	James	2 St. Marys Walk
663	Lewis	Jason	9 Short Street
664	Lewis	Jean	2 St. Marys Walk
665	Lewis	Pamela Irene	3 Campbell Drive
666	Lewis	Sharon	11 Campbell Drive
667	Leyland	Frank	10 Brandon Road
668	Leyland	Vera	10 Brandon Road
669	Livermore	Anton	33 Callaghan Road
670	Livermore	Darren	5 Philomel Place
671	Lloyd	Roanna Bileen	7 Murray Heights
672	Loveridge	Daniel Nolan	1 Ross Road West
673	Loveridge	Marie Pearl	1 Ross Road West
674	Lowe	Anthony Trevor	54 Davis Street
675	Lowe	Sara Jane	Flat5 6 Jersey Road
676	Luxton	Anna	1A Pioneer Row
677	Luxton	Michael	1A Pioneer Row
678	Luxton	Nicola	1A Pioneer Row
679	Luxton	Robin	1 Jersey Road
680	Luxton	Stephen Charles	7 Narrows View
681	Luxton	Sybil Grace	38 John Street
682	Luxton	Wendy Jennifer	1 Jersey Road
683	Luxton	Winifred Ellen	15 Fitzroy Road
684	Luxton	Zoe	1A Pioneer Row
685	Lyse	Bthel Malvina	65 Fitzroy Road
686	Lyse	George Walter	8 Moody Street
687	Lyse	Linda Margaret	65 Fitzroy Road
688	Macaskill	Angus Lindsay	8 Jeremy Moore Avenue
689	Macaskill	Jeanette May	8 Jeremy Moore Avenue
690	Macaskill	John	34 Ross Road West
691	MacBeth	Phyllis Elizabeth Grace	17 Brandon Road
692	MacDonald	Colin George	26 Endurance Avenue
693	MacDonald	Derek George	26 Endurance Avenue
694	MacDonald	Irene	26 Endurance Avenue
695	MacDonald	Kathleen Rose	26 Endurance Avenue
696	Maciello	Susan Ovedia Franz De	12 Watson Way
697	Maddocks	Robert Charles	11 Murray Heights
698	Malcolm	Velma	7 Allardyce Street
699	Marsh	Arlette Sharon	1 McKay Close
700	May	Brian Roy	21 Jeremy Moore Avenue
701	May	Bruce Raymond	Wardens House KBMH
702	May	Christopher Raymond	9 Callaghan Road
703	May	Connie	Wardens House KBMH
704	May	Donna Monica	YMCA
705	May	Heather	1 Glasgow Road
706	May	Jonathan Roy	33 Davis Street
707	May	Lindsey Olga	9 Callaghan Road
708	May	Lucinda Vikki	33 Davis Street
709	May	Monica	21 Jeremy Moore Avenue
710	May	Roger	11 Jersey Road
711	May	William Albert	1 Glasgow Road
712	McCallum	Bettina Kay	14 Drury Street
713	McCallum	Christopher John	8A Jeremy Moore Avenue
714	McCallum	Timothy Andrew	14A Drury Street
715	McCormick	Dale Ronald	29 Callaghan Road

716	McCormick	Pauline Margaret Ruth	29 Callaghan Road
717	McCormick	Wayne Stanley James	2 Hebe Place
718	McGill	Coral Elizabeth	Flat 6 Jersey Estate
719	McGill	Darrel Ian	2 Campbell Drive
720	McGill	David William	17 James Street
721	McGill	Derek Gary	12 Scoresby Close
722	McGill	Diane Beverley	2 James Street
723	McGill	Doris Mary	32 Davis Street
724	McGill	Gary	15 Brandon Road
725	McGill	Glenda	1c Capricorn Road
726	McGill	Ian Peter	1c Capricorn Road
727	McGill	Len Stanford	2 James Street
728	McGill	Lorraine Iris	10 Ross Road East
729	McGill	Teresa Rose	26 Ross Road East
730	McGinness	Janice	10 Beaver Road
731	McKay	Clara Mary	20 Ross Road West
732	McKay	Georgina Rose	Gables Davis Street
733	McKay	Heather Valerie	16 Eliza Crescent
734	McKay	Jeannie Paullina	64 Davis Street
735	McKay	Jennifer Coral	29 Callaghan Road
736	McKay	Kevin Derek Charles	51 Callaghan Road
737	McKay	Mandy Rose	51 Callaghan Road
738	McKay	Melvyn Andrew	5 James Street
739	McKay	Michael John	64 Davis Street
740	McKay	Neil	62 Davis Street
741	McKay	Paul Anthony	3 Nutt Cartmel Drive
742	McKay	Peter John	21 Ross Road West
743	McKay	Rex	16 Eliza Crescent
744	McKay	Shelley Jane	7 Villiers Street
745	McKay	Trudi Ann	3 Nutt Cartmel Drive
746	McKay	Wayne Lawrence Kenneth	Discovery Close
747	McKay	William Robert	20 Ross Road West
748	McKee	Miranda	25 Ross Road West
749	McKenzie	Alice Maude	Moody Brook Homestead
750	McKenzie	Charles Alexander Albert John	Moody Brook Homestead
751	McLaren	Caroline Mary	12 Allardyce Street
752	McLaren	Tony Eugene Terence	12 Allardyce Street
753	McLeod	David	49 Callaghan Road
754	McLeod	Dawn	33 Ross Road West
755	McLeod	Henry Donald Alexander	36 Eliza Crescent
756	McLeod	Ian	9 Fitzroy Road
757	McLeod	Ian James	30 Endurance Avenue
758	McLeod	Jane Elizabeth Diana	36 Eliza Crescent
759	McLeod	Janet Wensley	75 Davis Street
760	McLeod	Janice	2 Ross Road West
761	McLeod	John (1)	1 Campbell Drive
762	McLeod	John (2)	23 Murray Heights
763	McLeod	Kenneth Benjamin John	33 Ross Road West
764	McLeod	Louise	1 Campbell Drive
765	McLeod	Madeline Jean	1 Campbell Drive
766	McLeod	Mally	9 Fitzroy Road
767	McLeod	Margaret Ann	Fitzroy Road East
768	McLeod	Michael William	5 Short Street
769	McLeod	Pearl Mary Ann	3 Brisbane Road
770	McLeod	Robert	75 Davis Street

771	McLeod	Robert John	2 Ross Road West
772	McMullen	June	8 Brandon Road
773	McMullen	Lucille Anne	8 Brandon Road
774	McMullen	Mathew John	8 Brandon Road
775	McMullen	Tony	8 Brandon Road
776	McNally	Patricia Jayne	18 Ross Road East
777	McPhee	Denise	4 Brandon Road West
778	McPhee	Iris Blanche	31 Ross Road East
779	McPhee	Justin Owen	4 Brandon Road West
780	McPhee	Marjorie May	14 John Street
781	McPhee	Owen Horace	14 John Street
782	McPhee	Patrick	31 Ross Road East
783	McPhee	Sara	1 Hebe Place
784	McRae	David Michael	2 H Jones Road
785	McRae	Elvis Richard	Stanley
786	McRae	Gloria Linda	2 H Jones Road
787	McRae	Mandy	James Street
788	McRae	Michael	8 Goss Road
789	McRae	Richard Winston	Flat2 6 Racecourse Road
790	Middleton	Brian	13 McKay Close
791	Middleton	Caroline Ann	7 James Street
792	Middleton	Dennis Michael	Dolphin Cottage
793	Middleton	Graham Cyril	50 Davis Street
794	Middleton	Joan Bliza	8 James Street
795	Middleton	Kerry Ann	Dolphin Cottage
796	Middleton	Leonard	67 Fitzroy Road
797	Middleton	Phillip John	5 St Marys Walk
798	Middleton	Sharon Elizabeth	Dolphin Cottage
799	Middleton	Stephanie Anne	13 McKay Close
800	Middleton	Yvonne Allison	50 Davis Street
801	Miller	Andrew Nigel	10 James Street
802	Miller	Betty Lois	6 St Marys Walk
803	Miller	Bruce Graham	10 Pioneer Row
804	Miller	Carol	Moody Brook
805	Miller	Florence Roberta	5 Moody Street
806	Miller	Gail Marie	2 Police Cottages 8 Ross Road
807	Miller	Janet Mary	Market Garden Airport Road
808	Miller	Jayne Elizabeth	27 Davis Street
809	Miller	Jeanette	10 Pioneer Row
810	Miller	Simon Roy	Moody Brook
811	Miller	Steven Geoffrey	Lookout Lodge
812	Miller	Timothy John Durose	Market Garden Airport Road
813	Mills	Terence Kenneth	43 Callaghan Road
814	Minnell	Michelle Rose	41 Bliza Crescent
815	Minto	Alistair Daen	Lookout Lodge
816	Minto	Dilys Rose	18 Endurance Avenue
817	Minto	Graham Stewart	12 Brisbane Road
818	Minto	Isabel	12 Brisbane Road
819	Minto	May Doreen	3 Goss Road
820	Minto	Patrick Andrew	3b Jersey Road
821	Minto	Timothy Ian	18 Enurance Avenue
822	Miranda	Augusto	31 Davis Street
823	Miranda	Carmen	Globe Tavern
824	Miranda	Ramon	3 Drury Street
825	Miranda	Winifred Dorothy	3 Drury Street

826	Mitchell	Cherilyn Julie	32 Ross Road East
827	Mitchell	Lee Robertson	32 Ross Road East
828	Mitchell	Leon John	6 Discovery Close
829	Moffatt	Angela	20 Ross Road East
830	Moffatt	James	20 Ross Road East
831	Moffatt	Jay	20 Ross Road East
832	Moffatt	Kelly	20 Ross Road East
833	Molkenbuhr	Jill Edith	19 Sullivan Street
834	Molkenbuhr	Lee Charles	19 Sullivan Street
835	Morris	Alana Marie	4 Callaghan Road
836	Morris	David	4 Callaghan Road
837	Morris	Jason Paul	59 Fitzroy Road
838	Morris	Michelle Jane	6 McKay Close
839	Morris	Trevor Alan	6 McKay Close
840	Morrison	Basil	4 Philomel Street
841	Morrison	Catherine Rose	4 Philomel Street
842	Morrison	Doreen	82 Davis Street
843	Morrison	Edgar Ewen	13 Jersey Road
844	Morrison	Bric George	5 Fieldhouse Close
845	Morrison	Fayan	54 John Street
846	Morrison	Graham Stewart	34a Davis Street
847	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
848	Morrison	Joan Margaret	Flat6 1 Jeremy Moore Avenue
849	Morrison	Joanne Elizabeth	3 Racecourse Road East
850	Morrison	Kenneth	13 Ian Campbell Drive
851	Morrison	Lewis Ronald	12 Callaghan Road
852	Morrison	Marcus Lewis	82 Davis Street
853	Morrison	Michael John	10 Fitzroy Road East
854	Morrison	Muriel Eliza Ivy	40 Bliza Crescent
855	Morrison	Nanette Rose	46 Davis Street
856	Morrison	Nigel Peter	7 James Street
857	Morrison	Patrick	1 Brandon Road West
858	Morrison	Paul Roderick	3 Racecourse Road East
859	Morrison	Ronald Terence	5 Racecourse Road
860	Morrison	Russell John Allan	6A Jeremy Moore Avenue
861	Morrison	Stewart	46 Davis Street
862	Morrison	Susan Margaret	10 Fitzroy Road East
863	Morrison	Tamara	Stanley
864	Morrison	Timothy	YMCA
865	Morrison	Valerie Anne	39 Ross Road
866	Morrison	Violet Sarah	5 Racecourse Road
867	Morrison	William Roderick Halliday	54 John Street
868	Munro	Grant Mackintosh	69 Fitzroy Road
869	Murphy	Ann Susan	2 King Street
870	Murphy	Bessie	68 Davis Street
871	Neilson	Barry Marwood	23 Ross Road
872	Neilson	Harold Ian	66 Davis Street
873	Neilson	Margaret	23 Ross Road
874	Newell	Joseph Orr	3 Villiers Street
875	Newell	Paula Michelle	11 Brandon Road
876	Newell	Trudi Malvina	3 Villiers Street
877	Newman	Andrew Raymond	4 Biggs Road
878	Newman	Glynis Karen	4 James Street
879	Newman	Ingrid Helen	5 Brandon Road
880	Newman	Lisa Jeraine	Flat5 6 Jersey Road



881	Newman	Marlene	11 Jeremy Moore Avenue
882	Newman	Raymond Winston	11 Jeremy Moore Avenue
883	Newman	Tansy Fiona	5 Jersey Road
884	Newman	Terence	24 Endurance Avenue
885	Nutter	Arthur Albert	9 Brandon Road
886	Nutter	Josephine Lesley	9 Brandon Road
887	O'Dean	Barry Charles	1 Goss Road
888	Olmedo	Alex	6 Watson Way
889	Ormond	Christina Helen	6 Goss Road
890	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
891	Parrin	Norman George	108 Davis Street
892	Patterson-Smith	Ian Colin	15 Watson Way
893	Pauloni	Hilary Maud	63 Fitzroy Road
894	Pauloni	Romolo Vittorio	63 Fitzroy Road
895	Paver	Bernadette Marguerite	Moody Brook House
896	Payne	Dilys Agnes	2 Racecourse Road East
897	Payne	Joanne Francis	2 Racecourse Road East
898	Payne	Samantha Jane	2 Racecourse Road East
899	Payne	St. John Peter	2 Racecourse Road East
900	Peake	Arthur	19 James Street
901	Peck	Burnerd Brian	22 James Street
902	Peck	Carol Margaret	2 Discovery Close
903	Peck	Christine	21 Jersey Road
904	Peck	David John	15 Villiers Street
905	Peck	Eleanor Margaret	10 Davis Street
906	Peck	Gordon Pedro James	34 Eliza Crescent
907	Peck	Harwood John Charles	26 Eliza Crescent
908	Peck	James	Barrack Street
909	Peck	Maureen Heather	78 Davis Street
910	Peck	Patrick William	78 Davis Street
911	Peck	Shirley	2 Barrack Street
912	Peck	Terence John	10 Davis Street
913	PED		6 Beaver Road
914	Perkins	Vivienne Esther Mary	33 John Street
915	Perry	Hilda Blanche	6 St Marys Walk
916	Perry	Thora Virginia	17 Fitzroy Road
917	Pettersson	Derek Richard	21 Eliza Crescent
918	Pettersson	Tony	30 Davis Street
919	Pettersson	Trudi Ann	21 Eliza Crescent
920	Phillips	Albert James	16 Brandon Road
921	Phillips	David Dawson	35 Fitzroy Road
922	Phillips	Gillian Carol	Flat4 1 Jeremy Moore Avenue
923	Phillips	Linda	16 Brandon Road
924	Phillips	Paul David	11 Fieldhouse Close
925	Phillips	Shula Louise	11 Fieldhouse Close
926	Platt	Claire	Rose Hotel Drury Street
927	Pole-Evans	Amy Rose	4 Harbour View
928	Pole-Evans	Ian	Dorada
929	Pole-Evans	John	16 Ross Road East
930	Pole-Evans	Lisa	66 Davis Street
931	Pole-Evans	Martin	YMCA
932	Pole-Evans	Michael Anthony	4 Harbour View
933	Pole-Evans	Paula	5 Biggs Road
934	Pollard	Andrew Keith	4 Hebe Place
935	Pollard	Elizabeth Eve	23 Ross Road East

936	Pollard	John	23 Ross Road East
937	Pollard	Mark John	23 Ross Road East
938	Pompert	Joost Herman Willem	11 Ross Road West
939	Poole	Andrea Joan	52 John Street
940	Poole	Christopher William	John Street
941	Poole	Evelyn May	31 Fitzroy Road
942	Poole	Nancy Margaret	52 John Street
943	Poole	Raymond John	52 John Street
944	Poole	Ross William	52 John Street
945	Poole	William John	31 Fitzroy Road
946	Porter	Charles	11 Fitzroy Road
947	Porter	Elizabeth	5 Thatcher Drive
948	Porter	Jean Lavinia	11 Fitzroy Road
949	Porter	Tracy	5 Jeremy Moore Avenue
950	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
951	Pring	Geoffrey Alan	10a James Street
952	Pring	Michelle	Scoresby Close
953	Purvis	Alan	3 Narrows View
954	Purvis	Marion Louise	3 Narrows View
955	Reddick	Keith John	By-Pass Road
956	Reeves	Carolyn Wendy	2 Moody Street
957	Reeves	Michael	2 Moody Street
958	Reid	Ann	Lois Cottage John Street
959	Reid	Beverley Rose	9 Fitzroy Road East
960	Reid	Colleen Rose	9 Fitzroy Road East
961	Reid	Emily Margaret	14 Endurance Avenue
962	Reid	John Alexander	41 Fitzroy Road
963	Reid	Reynold Gus	9 Fitzroy Road East
964	Reid De Davino	Pamela Ruth	7 John Street
965	Reive	Roma Endora Mary	St Marys Walk
966	Rendell	Michael	8 Ross Road West
967	Rendell	Nicholas Simon Oliver	8 Ross Road West
968	Rendell	Phyllis Mary	8 Ross Road West
969	Richards	Shirley	8 James Street
970	Richards	Walter George	8 James Street
971	Riddell	Lisa Marie	9 Discovery Close
972	Roberts	Cheryl Ann Spencer	49 Ross Road East
973	Roberts	David Anthony	7 Jersey Road
974	Roberts	Diana Christine	7 Kent Road
975	Roberts	Jill Christine	Narrows Bar
976	Roberts	Laura May	7 Kent Road
977	Roberts	Peter James	49 Ross Road East
978	Roberts	Simon Theodore Nathaniel	Narrows Bar
979	Robertson	Kim Rita Anne	Stanley House
980	Robertson	Sally Jean	43 John Street
981	Robertson Pompert	Janet	11 Ross Road West
982	Robson	Alison Emily	15 Villiers Street
983	Robson	Cherry Rose	1 James Street
984	Robson	Debbi Louisa	6 Brisbane Road
985	Robson	Gerard Michael	1 Philomel Place
986	Robson	Gladys Mary	5 Philomel Street
987	Robson	Miranda Gay	6 Brisbane Road
988	Robson	Phyllis Ann	1 Philomel Place
989	Robson	Raymond Nigel	6 Brisbane Road
990	Robson	William Charles	18 Ross Road East

991	Rodriguez Reid	Elizabeth Jayne	Fitzroy Road
992	Ross	Andrea Joanna Ampuero	4 Rowlands Rise
993	Ross	Cara Jane	21 John Street
994	Ross	Crystal Rose	Flat 1 30 Jersey Road
995	Ross	Glenn Stephen	23 Watson's Way
996	Ross	Janet	23 Watson's Way
997	Ross	Kevin John	21 John Street
998	Ross	Lachlan Neil	7 Discovery Close
999	Ross	Marie	47 Callaghan Road
1000	Ross	Roy	47 Callaghan Road
1001	Ross	Sheena Margaret	12 Jeremy Moore Avenue
1002	Rowland	Charlene Rose	5A Ross Road West
1003	Rowland	John Christopher	5A Ross Road West
1004	Rowland	Sarah Anne	5a Ross Road West
1005	Rowlands	Catherine Annie	3 Hebe Street
1006	Rowlands	Daisy Malvina	39 John Street
1007	Rowlands	Dorinda Roberta	3a Hebe Street
1008	Rowlands	Harold Theodore	8 Ross Road East
1009	Rowlands	Neil	3A Hebe Street
1010	Rowlands	Robert John	13 Callaghan Road
1011	Rozee	Betty Ellen	16 Davis Street
1012	Rozee	Bryn	Davis Street
1013	Rozee	Derek Robert Thomas	16 Davis Street
1014	Rozee	Shona Mary	5 Pitaluga Place
1015	Sackett	Albert John	25 Ross Road East
1016	Sackett	Michael John Carlos	30 Eliza Cove Road
1017	Sackett	Pauline	25 Ross Road East
1018	Sawle	Judith Margaret	Seaview Cottage Ross Road
1019	Sawle	Richard	Seaview Cottage Ross Road
1020	Seron	Jose Segundo	M/V Tamar C/o Byron Marine
1021	Shepherd	Ramsey	Discovery Close
1022	Short	Brenda	Barrack Street
1023	Short	Celia Soledad	1 Racecourse Road
1024	Short	Christina Ethel	12 Brandon Road
1025	Short	Derek Patrick	Gardeners Cottage
1026	Short	Dilys Margaret Ann	6A Pioneer Row
1027	Short	Emily Christina	1 Fitzroy Road East
1028	Short	Gavin Phillip	Rose Hotel
1029	Short	Isobel Rose	2 Brisbane Road
1030	Short	Marc Peter	1 Racecourse Road
1031	Short	Marlene Cindy	9 Pitaluga Place
1032	Short	Matias Ricardo	4 Dairy Paddock Road
1033	Short	Montana Tyrone	4 Dairy Paddock Road
1034	Short	Nabil George	Stanley
1035	Short	Patrick Warburton	2 Brisbane Road
1036	Short	Peter Robert	1 Fitzroy Road East
1037	Short	Richard Edward	9 Pitaluga Place
1038	Short	Riley Ethroe	Barrack Street
1039	Short	Robert Charles	12A Brandon Road
1040	Short	Vilma Alicia	4 Dairy Paddock Road
1041	Simpson	Bertha Veronica	6 Police Cottages 4 Ross Road
1042	Simpson	James Alexander Bruce	7 Racecourse Road
1043	Simpson	James Garry	7 Racecourse Road
1044	Simpson	John Frederick	43 Callaghan Road
1045	Simpson	Mirabel Hermione	7 Racecourse Road

1046	Sinclair	Serena Samantha	14 Allardyce Street
1047	Sinclair	Veronica Joyce	21 Ross Road West
1048	Skene	Greta Winnora Miller	22 Ross Road East
1049	Smallwood	Akira Ali	105 Davis Street
1050	Smallwood	Margo Ameer	105 Davis Street
1051	Smallwood	Michael Anthony	105 Davis Street
1052	Smith	Anthony David	10 Fieldhouse Close
1053	Smith	Caroline	5 Brandon Road
1054	Smith	Colin David	6 James Street
1055	Smith	Derek	8 Eliza Crescent
1056	Smith	Elenore Olive	3 Brisbane Road
1057	Smith	Bric	Flat 1 1 Moody Street
1058	Smith	Gerard Alexander	8 Barrack Street
1059	Smith	Gina Ruth Mary	28 Jersey Road
1060	Smith	Heather	19 Watson Way
1061	Smith	Ian Lars	5 Brandon Road
1062	Smith	Ileen Rose	28 Ross Road West
1063	Smith	James Terence	3 Fitzroy Road West
1064	Smith	Jennifer Ethel	6 Watson Way
1065	Smith	John	28 Ross Road West
1066	Smith	Julia Trinidad	8 Eliza Crescent
1067	Smith	Lisa Margaret	Flat 8 2 Eliza Place
1068	Smith	Martyn James	6A Ross Road West
1069	Smith	Natalie Marianne	6 James Street
1070	Smith	Nora Kathleen	5 Fitzroy Road East
1071	Smith	Osmund Raymond	3 Brisbane Road
1072	Smith	Paul	2 Ross Road West
1073	Smith	Paulette Rose	KEMH
1074	Smith	Rhona	8 Fitzroy Road
1075	Smith	Robin Charles	19 Watson Way
1076	Smith	Roy Alan	37 Ross Road East
1077	Smith	Russell James	8 Fieldhouse Close
1078	Smith	Tyssen John Richard	28 Jersey Road
1079	Sollis	Sarah Emma Maude	20 Drury Street
1080	Spall	Christopher Richard	German Camp Callaghan Road
1081	Spink	Roger Kenneth	43 Ross Road East
1082	Spinks	Malvina Ellen	Flat 6 7 Jeremy Moore Ave East
1083	Spruce	Helena Joan	29 Ross Road West
1084	Spruce	Mark Felton	29 Ross Road West
1085	Spruce	Terence George	29 Ross Road West
1086	Steen	Barbara Ingrid	39 Ross Road West
1087	Steen	Gail	21 St Marys Walk
1088	Steen	Karen Lucetta	32 Fitzroy Road
1089	Steen	Vernon Robert	21 St Marys Walk
1090	Steen MacDonald	Vanda Joan	38 Ross Road
1091	Stenning	Anna Russalka	5B Ross Road West
1092	Stenning	Timothy Charles	5B Ross Road West
1093	Stephenson	James	Moody Valley
1094	Stephenson	Joan Margaret	Moody Valley
1095	Stephenson	Katrina	4 Davis Street
1096	Stephenson	Zachary	4 Davis Street
1097	Stevens	Paul Theodore	6 Dairy Paddock Road
1098	Stevens	Valerie Ann	6 Dairy Paddock Road
1099	Stewart	Aarron Stephen	6 Pioneer Row
1100	Stewart	Celia Joyce	12 St Marys Walk

1101	Stewart	David William	55 Davis Street
1102	Stewart	Hulda Fraser	24 Ross Road West
1103	Stewart	Ian Bremner	34 Ross Road East
1104	Stewart	Irene Anne	Racecourse Road
1105	Stewart	Kenneth Barry	3 Discovery Close
1106	Stewart	Pam Ellen	18 Endurance Avenue
1107	Stewart	Robert	12 St Marys Walk
1108	Stewart	Robert William	Flats Racecourse Road
1109	Stewart	Sheila Olga	34 Ross Road East
1110	Stewart	Sylvia Rose	7 Ross Road West
1111	Stewart-Reid	Carol Ellen Eva	41 Fitzroy Road
1112	Strange	Georgina	The Dolphins Snake Street
1113	Strange	Maria Marta	The Dolphins Snake Street
1114	Strange	Shona Marguerite	6b Ross Road West
1115	Summers	Alastair Peter	1 Ross Road East
1116	Summers	Brian	1 Ross Road East
1117	Summers	Deborah	14 Pioneer Row
1118	Summers	Dennis David	18 Endurance Avenue
1119	Summers	Donna	8 Racecourse Road
1120	Summers	Dorothy Constance	42 Eliza Crescent
1121	Summers	Edith Catherine	5 Dean Street
1122	Summers	Irvin Gerard	Sir Rex Hunt House
1123	Summers	Jacqueline	11 Pioneer Row
1124	Summers	Jonathan Derek	5 Allardyce Street
1125	Summers	Judith Orissa	1 Ross Road East
1126	Summers	Lynn Jane	2 Campbell Drive
1127	Summers	Michael Kenneth	6A Brisbane Road
1128	Summers	Michael Victor	11 Pioneer Row
1129	Summers	Naomi Christine	9 Eliza Crescent
1130	Summers	Nichola Jane	13 Jersey Road
1131	Summers	Owen William	5 Brandon Road
1132	Summers	Rowena Elsie	5 Allardyce Street
1133	Summers	Roy	9 Murray Heights
1134	Summers	Sheila	Sir Rex Hunt House
1135	Summers	Sybella Catherine Ann	1 Ross Road West
1136	Summers	Sylvia Jean	8 Racecourse Road
1137	Summers	Terence	1 Ross Road West
1138	Summers	Tony	8 Racecourse Road
1139	Summers	Veronica	5 Brandon Road
1140	Sutherland	Elizabeth Margaret	13/14 Eliza Cove Road
1141	Sutherland	James David	Reflections Flat Dean Street
1142	Sutherland	John Gall	3B Jersey Bstate
1143	Sutherland	William John Munro	13/14 Eliza Cove Road
1144	Teale	Colin Edwin	8 Brisbane Road
1145	Teale	Jeannette	8 Brisbane Road
1146	Tellez	Jose Hector	2 Hodson Villa West
1147	Thain	John	8 Davis Street
1148	Thain	Stephanie Ann	8 Davis Street
1149	Thom	David Anderson	47 Fitzroy Road
1150	Thom	Dorothy Irene	47 Fitzroy Road
1151	Thom	John Currie	25 Ross Road East
1152	Thom	Norma Ann	92 Davis Street
1153	Thompson	William John	Flat2 1 Moody Street
1154	Tomlinson	Anita Helen	6 Police Cottages
1155	Triggs	David William	3 Fieldhouse Close

1156	Triggs	Diane	3 Fieldhouse Close
1157	Triggs	Michael David	3 Fieldhouse Close
1158	Tuckwood	John Rodney	1 Drury Street
1159	Tuckwood	Phyllis Majorie	1 Drury Street
1160	Turner	Diana Jane	Murray Heights
1161	Turner	Melvyn George	36 John Street
1162	Turner	Ronald	KBMH
1163	Tyrrell	Garry Bernard	1 Beaver Road
1164	Tyrrell	Gina Michelle	1 Beaver Road
1165	Valler	Glyndwr Huw	Flat4 8 Jersey Road
1166	Valler	Robert Hugh	9 Philomel Street
1167	Vidal	Eileen Nora	12 Jeremy Moore Avenue
1168	Vidal Roberts	Leona Lucila	7 Jersey Road
1169	Villalon	Elizabeth Alice	7 McKay Close
1170	Villalon	Hector Ricardo	7 McKay Close
1171	Villegas	Caroline	7 Fieldhouse Close
1172	Vincent	Janette Mary	10 Endurance Avenue
1173	Vincent	Stephen Lawrence	10 Endurance Avenue
1174	Wade	Donald Harold	17 Murray Heights
1175	Wade	June Rose Blizabeth	17 Murray Heights
1176	Wallace	Fiona Alice	38 Ross Road West
1177	Wallace	Fraser Barrett	10 John Street
1178	Wallace	James Barrett	38 Ross Road West
1179	Wallace	Maria Lilian	38 Ross Road West
1180	Wallace	Michael Ian	23 Callaghan Road
1181	Wallace	Stuart Barrett	38 Ross Road West
1182	Wallace	Una	23 Callaghan Road
1183	Ward	Alison Denise	19 Scoresby Close
1184	Ward	Dennis James	19 Scoresby Close
1185	Watson	Ben	7 Moody Street
1186	Watson	Paul	20 Endurance Avenue
1187	Watson	Ruth Jane	20 Endurance Avenue
1188	Watt	Stephen Robert	11 Narrows View
1189	Watt	Sylvia Ann	11 Narrows View
1190	Watts	Amara Theresa	25 Fitzroy Road
1191	Watts	Patrick James	13 Brisbane Road
1192	Webb	Gary Colin	58 Davis Street
1193	Webb	Loretta Isobel	58 Davis Street
1194	White	Judy Marie	11 Callaghan Road
1195	White	Kathleen Elizabeth	9 Thatcher Drive
1196	Whitney	Frederick William	1 Police Cottages 9 Ross Road
1197	Whitney	Henry Leslie	3 St Marys Walk
1198	Whitney	Jason	15 Ross Road East
1199	Whitney	Kurt Ian	2 Pioneer Row
1200	Whitney	Lana Rose	22 Eliza Crescent
1201	Whitney	Susan Joan	1 Police Cottages 9 Ross Road
1202	Wilkinson	Alistair Graham	6 Murray Heights
1203	Wilkinson	Johan	6 Murray Heights
1204	Wilkinson	Robert John	2a Brisbane Road
1205	Williams	Gene	23 Ross Road West
1206	Williams	Glen	33 Ross Road East
1207	Williams	Margaret Elizabeth	33 Ross Road East
1208	Williams	Marlene Rose	23 Ross Road West
1209	Winter	Teresa Irene	4A Jeremy Moore Avenue East
1210	Wylie	Julian Richard	1 McKay Close

1211	Zuvic-Bulic	Kuzma Mario	Holdfast Road
1212	Zuvic-Bulic	Sharon Marie	Holdfast Road

1	Alazia	George Robert	Hope Cottage, East Falkland
2	Alazia	Jason Neville	Goose Green, East Falkland
3	Alazia	Mandy Gwyneth	Port Edgar Farm, West Falkland
4	Alazia	Michael Robert	Port Edgar Farm, West Falkland
5	Alazia	Thora Lilian	North Arm, East Falkland
6	Aldridge	Brian George	Walker Creek, East Falkland
7	Aldridge	Diana Mary	Walker Creek, East Falkland
8	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
9	Aldridge	Terence William	Hill Cove, West Falkland
10	Anderson	Jenny	Port San Carlos, East Falkland
11	Anderson	Lynda June	New House, East Falkland
12	Anderson	Tony James	Port San Carlos, East Falkland
13	Anderson	William John Stanley	New House, East Falkland
14	Armstrong Ford	Karen Jane	North Arm, East Falkland
15	Ashworth	Glennis	Beckside Farm, East Falkland
16	Ashworth	Iain	Beckside Farm, East Falkland
17	Ashworth	Malcolm	Beckside Farm, East Falkland
18	Bagley	Darren Clive	Riverview Farm, East Falkland
19	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
20	Barnes	Dierdre	Dunbar Farm, West Falkland
21	Barnes	Marshall	Dunbar Farm, West Falkland
22	Barrientos	Jose Sixto Ruiz	Walker Creek, East Falkland
23	Beattie	Ian Robert Ewen	North Arm, East Falkland
24	Benjamin	Raymond John	Turners, MPA, East Falkland
25	Benjamin	Walter George	Turners, MPA, East Falkland
26	Berntsen	Arina Janis	Pebble Island, West Falkland
27	Berntsen	Benjamin John	Elephant Beach, East Falkland
28	Berntsen	Leon	Albermarle Stn, West Falkland
29	Berntsen	Pamela Margaret	Albermarle Stn, West Falkland
30	Berntsen	Patrick	Port San Carlos, East Falkland
31	Betts	Bernard Keith	Boundary Farm, West Falkland
32	Betts	Diane Joan	Boundary Farm, West Falkland
33	Betts	Irene Marion	Boundary Farm, West Falkland
34	Binnie	Horace James	Fox Bay Village, West Falkland
35	Blake	Anthony Thomas	Little Chartres, West Falkland
36	Blake	Lyndsay Rae	Little Chartres, West Falkland
37	Bober	John	Turners, MPA, East Falkland
38	Bonner	Donald William	Sound House, North Arm
39	Bonner	Simon	Port Howard, West Falkland
40	Bonner	Susan Anne	Port Howard, West Falkland
41	Butler	James Donald	Goose Green, East Falkland
42	Chater	Anthony Richard	New Island, West Falkland
43	Cheeseman	Kaye Melanie	North Arm, East Falkland
44	Cheeseman	Stanley John	North Arm, East Falkland
45	Clark	Frederick Thomas	Hawkbit, Fitzroy East Falkland
46	Clarke	Alan Neil	Port Howard, West Falkland
47	Clarke	Ian	Swan Inlet, East Falkland
48	Clarke	Jan Michael	Kings Ridge Farm, East Falkland
49	Clarke	Jeanette	Kings Ridge, East Falkland
50	Clarke	Michael Jan	Kings Ridge Farm, East Falkland
51	Clarke	Violet Rose	Elephant Beach, East Falkland
52	Clausen	Denzil	Johnsons Harbour East Falkland
53	Clausen	Henry Edward	Port Louis, East Falkland
54	Clifton	Leonard	North Arm, East Falkland
55	Clifton	Thora Janeene	North Arm, East Falkland



56	Cockwell	Benjamin William	Fox Bay Village, West Falkland
57	Cockwell	Clare Marie	Fox Bay Village, West Falkland
58	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland
59	Collins	Bernard	Turners, MPA, East Falkland
60	Davis	Aase	Evelyn Station, East Falkland
61	Davis	Doreen Susan	Goose Green, East Falkland
62	Davis	Ian John	Evelyn Station, East Falkland
63	Davis	Reginald John	Evelyn Station, East Falkland
64	Davis	William James	Goose Green, East Falkland
65	Decroliere	Carrie Madeline Helen	Fox Bay Village, West Falkland
66	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
67	Dickson	Charles George	Brookfield, East Falkland
68	Dickson	Doreen	Wreck Point, East Falkland
69	Dickson	Gerald William	Wreck Point, East Falkland
70	Dickson	Iris	Bleaker Island, East Falkland
71	Dickson	Ronald Edward	Bleaker Island, East Falkland
72	Doherty	Ian	Mullet Creek, East Falkland
73	Donnelly	Daniel	Crooked Inlet, West Falkland
74	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
75	Duncan	Peter Ree Howard	Hill Cove, West Falkland
76	Dunford	David Philip	The Saddle, West Falkland
77	Edwards	Norma	Lake Sullivan, West Falkland
78	Edwards	Rebecca Elizabeth	Lake Sullivan, West Falkland
79	Edwards	Roger Anthony	Lake Sullivan, West Falkland
80	Evans	Raymond	Pebble Island, West Falkland
81	Evans	Richard Gregory	Coach House, MPA Road
82	Fairley	John	Port Stephens, West Falkland
83	Faria	Basil Harry	Fitzroy Farm, East Falkland
84	Faria	Maria Anne	Fitzroy Farm, East Falkland
85	Felton	Sonia Ellen	Fitzroy Farm, East Falkland
86	Felton	Walter Arthur	North Arm, East Falkland
87	Findlay	Andrew John	Fox Bay Village, West Falkland
88	Finlayson	Neil Roderick	North Arm, East Falkland
89	Ford	Neil Fraser	Fox Bay West, West Falkland
90	Forster	Gwyneth May	Bold Cove, West Falkland
91	Forster	James	Bold Cove, West Falkland
92	Gilding	Melanie Carol	Port Louis, East Falkland
93	Gilding	Peter Bernard	Port Louis, East Falkland
94	Giles	Gilbert	Walker Creek, East Falkland
95	Giles	Theresa Kathleen	Walker Creek, East Falkland
96	Gill	Alicia Michelle	Fitzroy Farm, East Falkland
97	Gleadell	Ian Keith	East Bay, West Falkland
98	Gleadell	Marklin John	East Bay, West Falkland
99	Goodwin	Margo Jane	Goose Green, East Falkland
100	Goodwin	Neil Alexander William	Goose Green, East Falkland
101	Goss	Margaret Rose	Horseshoe Bay, East Falkland
102	Goss	Peter	Horseshoe Bay, East Falkland
103	Greenland	Bonita Doreen	Darwin House, East Falkland
104	Greenland	Kenneth David	Darwin House, East Falkland
105	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
106	Halliday	Kenneth William	Fox Bay Village, West Falkland
107	Hansen	Ian	Main Point, West Falkland
108	Hansen	Lionel Raymond	Hill Cove, West Falkland
109	Hansen	Rose Idina	Hill Cove, West Falkland
110	Hansen	Susan Ann	Main Point, West Falkland

111	Hardcastle	Brook	Darwin, East Falkland
112	Hardcastle	Eileen Beryl	Darwin, East Falkland
113	Harvey	Jen	Hill Cove, West Falkland
114	Harvey	Valerie Ann	Hill Cove, West Falkland
115	Hawksworth	David	Plot 8 MPA Road East Falkland
116	Heathman	Ailsa	Estancia, East Falkland
117	Heathman	Ewart Tony	Estancia, East Falkland
118	Hewitt	Brian David	Goose Green, East Falkland
119	Hill	Jennifer Eileen	Stoney Ridge, West Falkland
120	Hirtle	Anthony	Peaks Farm, West Falkland
121	Hirtle	Doris Linda	Port Howard, West Falkland
122	Hirtle	Odetta Susan	Port Howard, West Falkland
123	Hirtle	Samantha	Peaks Farm, West Falkland
124	Hirtle	Susan Mary	Peaks Farm, West Falkland
125	Hobman	John Malcolm	Saladero, East Falkland
126	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
127	Hobman	Vivien	Saladero, East Falkland
128	Hooper	Peter Bernard	Mount Alice, West Falkland
129	Howatt	Eileen Rose	Port Edgar, West Falkland
130	Jaffray	Alexander	Lively Island, East Falkland
131	Jaffray	Eileen	North Arm, East Falkland
132	Jaffray	Elliott Jessie	Lively Island, East Falkland
133	Jaffray	Ian	North Arm, East Falkland
134	Jennings	Jacqueline	West Point Island
135	Jones	Mark Henry	Head Of Bay, East Falkland
136	Jones	Michael David	Head Of Bay, East Falkland
137	Jones	Sheila Janice	Head Of Bay, East Falkland
138	Jonson	Carl	Bombilla, East Falkland
139	Jonson	Rita Elizabeth	Bombilla, East Falkland
140	Keeley	John Gabriel	Turners, MPA, East Falkland
141	Kilmartin	Dinah May	Bluff Cove, East Falkland
142	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
143	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
144	Knight	Keith Andrew	Port Howard, West Falkland
145	Knight	Nigel Arthur	Coast Ridge, West Falkland
146	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
147	Lakin	Bernard	Turners, MPA, East Falkland
148	Larsen	Ronald Ivan	Speedwell Island, East Falkland
149	Larsen	Yvonne	Speedwell Island, East Falkland
150	Lee	Carole	Port Howard, West Falkland
151	Lee	Christopher	Hill Cove, West Falkland
152	Lee	Elizabeth	Goose Green, East Falkland
153	Lee	John Alfred	Goose Green, East Falkland
154	Lee	Myles	Port Howard, West Falkland
155	Lee	Rodney William	Port Howard, West Falkland
156	Leo	Brenda May	NAAFI, MPA, East Falkland
157	Lowe	Adrian Stewart	Murrel Farm, East Falkland
158	Lowe	Lisa Helen	Murrel Farm, East Falkland
159	Luxton	Jennifer Mary	Sealion Island
160	Luxton	William Robert	Chartres, West Falkland
161	MacBeth	Martyn Raymond	Narrows Farm, East Falkland
162	MacBeth	Raymond John	Narrows Farm, West Falkland
163	Marsh	Alastair Roy	Shallow Harbour, West Falkland
164	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
165	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland

166	Marsh	James Justin	Philomel Farm, Fox Bay East
167	Marsh	Jodie Kim	Lakelands, West Falkland
168	Marsh	June Helen	Rincon Ridge, West Falkland
169	Marsh	Karen Diana	Fox Bay Village, West Falkland
170	Marsh	Kevin Roy	Shallow Harbour, West Falkland
171	Marsh	Leon Peter	Rincon Ridge, West Falkland
172	Marsh	Marlane Rose	Shallow Harbour, West Falkland
173	Marsh	Patricia Ann	Lakelands, West Falkland
174	Marsh	Robin Frank	Lakelands, West Falkland
175	Marsh	Samantha Ann	Rincon Ridge Farm West FI
176	Marsh	Tanya Elaine	Shallow Harbour Farm, West FI
177	McBain	Arthur	Douglas Station, East Falkland
178	McBain	Rhoda Margaret	Douglas Station, East Falkland
179	McGhie	James	Stoney Ridge, West Falkland
180	McGhie	Roy	Port North, West Falkland
181	McGhie	Thomas Forsyth	Saunders Island, West Falkland
182	McGill	Robin Perry	Carcass Island, West Falkland
183	McKay	Christine	Fox Bay West, West Falkland
184	McKay	Frazer Roderick	Teal River, West Falkland
185	McKay	Isabella Alice	Westley, West Falkland
186	McKay	Josephine Ann	Sheffield Farm, West Falkland
187	McKay	Kenneth Andrew	Sheffield Farm, West Falkland
188	McKay	Penelope Rose	Mossvale, West Falkland
189	McLeod	Albert John	Goose Green, East Falkland
190	McLeod	Isabella Frances Diana	Fitzroy, East Falkland
191	McLeod	Joan May	Goose Green, East Falkland
192	McLeod	Sarah Rose	Goose Green, East Falkland
193	McPhee	June Iris	Brookfield, East Falkland
194	McPhee	Kenneth John	Brookfield, East Falkland
195	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
196	McPhee	Terence Owen	Kingsford Valley, East Falkland
197	McPhee	Trudi Lynette	Brookfield, East Falkland
198	Miller	Betty	Walker Creek, East Falkland
199	Miller	Catherine McLeod	Fox Bay Village, West FI
200	Miller	James Albert	Fox Bay Village, West Falkland
201	Miller	Phillip Charles	Cape Dolphin, East Falkland
202	Miller	Sheena Melanie	Cape Dolphin, East Falkland
203	Minnell	Benjamin James	San Carlos, East Falkland
204	Minnell	Donna Marie	Moss Side, East Falkland
205	Minnell	Hazel Bileen	San Carlos, East Falkland
206	Minnell	Michael Robert	Moss Side, East Falkland
207	Morrison	Gerald	Goose Green, East Falkland
208	Morrison	John	Port Howard, West Falkland
209	Morrison	Kathleen Iris	Goose Green, East Falkland
210	Morrison	Lena	Port Howard, West Falkland
211	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
212	Murphy	Roy David	Port Howard, West Falkland
213	Napier	Lily	West Point, West Falkland
214	Napier	Roderick Bertrand	West Point, West Falkland
215	Nightingale	Charlene	West Lagoons, West Falkland
216	Nightingale	Peter Richard	West Lagoons, West Falkland
217	Parkinson	Allen	Turners, MPA, East Falkland
218	Peck	Davina Margaret	Shallow Bay, West Falkland
219	Peck	Paul	Shallow Bay, West Falkland
220	Phillips	Carol Joan	Hope Cottage, East Falkland

221	Phillips	Terence	Hope Cottage, East Falkland
222	Pitaluga	Antoinette Margaretha Mary B.	Salvador, East Falkland
223	Pitaluga	Jene Ellen	Salvador, East Falkland
224	Pitaluga	Nicholas Alexander R.	Salvador, East Falkland
225	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
226	Pitt	Myra May	Goose Green, East Falkland
227	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
228	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
229	Pole-Evans	Shirley Helen	Manybranch, West Falkland
230	Pole-Evans	Suzan	Saunders Island, West Falkland
231	Pole-Evans	William Reginald	Manybranch, West Falkland
232	Poncet	Dion Michael	Beaver Island, West Falkland
233	Poncet	Jerome Pierre	Beaver Island, West Falkland
234	Poncet	Leiv	Beaver Island, West Falkland
235	Poncet	Sally Elizabeth	Beaver Island, West Falkland
236	Poole	Ella Josephine	Port San Carlos, East Falkland
237	Poole	Steven Charles	Port San Carlos, East Falkland
238	Porter	Joan	Shallow Harbour, West Falkland
239	Porter	William Kenneth	Fox Bay Village, West Falkland
240	Pratlett	Patricia Carol Ann	Port San Carlos, East Falkland
241	Reeves	Ronald James	Port Howard, West Falkland
242	Robertson	Ann	Port Stephens, West Falkland
243	Robertson	Paul Jonathan	Port Stephens, West Falkland
244	Robertson	Peter Charles	Port Stephens, West Falkland
245	Ross	William Henry	Rincon Grande, East Falkland
246	Rozee	Fiona	Spring Point, West Falkland
247	Rozee	Ronald David	Spring Point, West Falkland
248	Saunders	Felicity Joan Carlie	Hawkbit, Fitzroy East Falkland
249	Short	George Godfrey Ivan	Great Britain Hotel B.F.I
250	Short	Lindsay Marie	Wineglass Stn, East Falkland
251	Short	Robert George	Wineglass Stn, East Falkland
252	Sinclair	Simon Keith	Goose Green, East Falkland
253	Smith	Andrew John	Port San Carlos, East Falkland
254	Smith	George Patterson	Johnsons Harbour, East Falkland
255	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
256	Smith	Jenny Lorraine	Johnsons Harbour, East Falkland
257	Smith	Michael Edmund	Johnsons Harbour, East Falkland
258	Smith	Robert William	North Arm, East Falkland
259	Smith	Susan	Blue Beach, East Falkland
260	Smith	Terence George	North Arm, East Falkland
261	Stevens	Richard James	Port Sussex, East Falkland
262	Stevens	Toni Donna	Port Sussex, East Falkland
263	Strange	Ian John	New Island South West Falkland
264	Taylor	Christopher John	Goose Green East Falkland
265	Tellez	Arturo	North Arm, East Falkland
266	Tellez	Charlotte Melize	North Arm, East Falkland
267	Tellez	Rodolfo	Goose Green, East Falkland
268	Thorsen	Carol Margaret	Teal Inlet, East Falkland
269	Thorsen	David Moller	Teal Inlet, East Falkland
270	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
271	Towersey	Diane	Port Stephens, West Falkland
272	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
273	Turner	Blaine Ellen	Rincon Grande, East Falkland
274	Tuson	Olwyn Carol	Saunders Island, West Falkland
275	Velasquez	Arleen	North Arm, East Falkland

276	Velasquez	Oscar Hernan	North Arm, East Falkland
277	Watson	Glenda Joyce	Long Island, East Falkland
278	Watson	Neil	Long Island, East Falkland
279	Whitney	Daneila Grace	Mount Kent, East Falkland
280	Whitney	Dennis	Fitzroy, East Falkland
281	Whitney	Keith	Home Farm, East Falkland
282	Whitney	Leona Ann	Home Farm, East Falkland
283	Whitney	Patrick George	Mount Kent, East Falkland
284	Whitney	Tyrone	Home Farm, East Falkland
285	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
286	Wilkinson	Rosemary	Dunnose Head, West Falkland
287	Yon	Gillian Rose	KIS, MPA, East Falkland
288	Youde	Maxin Arthur	Turners, MPA, East Falkland





# THE FALKLAND ISLANDS GAZETTE

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*Vol. CXI*

*28th June 2002*

*No. 10*

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## Appointments

Mark Adrian Stroud, Mechanic, Plant & Vehicle Section, Public Works Department, 3.6.02.

James Andrew Wilson, Chief Accountant, Treasury, 16.6.02.

Paula Michele Newell, Receptionist, Leisure Centre, Education Department, 12.6.02.

## Completion of Contracts

Erin Elizabeth Arnold, Fisheries Observer, Fisheries Department, 7.6.02.

Viatcheslav Alexandrovich Bizikov, Fisheries Observer, Fisheries Department, 7.6.02.

Derek Clelland, Laboratory Technician, Department of Agriculture, 21.6.02.

## Resignations

Pauline Kerr, Clinical Development Officer, Health Services Department, 24.5.02.

Alan Crowie, Fitter, Falkland Islands Government Air Service, 31.5.02.

Robert Wilkinson, Plumber, Water Section, Public Works Department, 5.6.02.

Gary Clement, Foreman, Highways Section, Public Works Department, 12.6.02.

Marilyn Grimmer, Assistant Teacher, Education Department, 28.6.02.

## Retirement

Anthony John Lee, Design Engineer, Design & Contracts Section, Public Works Department, 3.6.02.

**NOTICES**

No. 37 23rd May 2002

**LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS****Customs Ordinance (Cap. 16)  
(section 5)****CUSTOMS RESOLUTION OF THE LEGISLATIVE COUNCIL**

No. 1 of 2002

RESOLVED (a) by the Legislative Council, under section 5 of the Customs Ordinance (b) on the 23rd day of May 2002, as follows -

"That from midnight tonight, customs duties payable on tobacco products under the provisions of the Customs Ordinance are increased as follows:

- On cigars from £137.31 per kilo to £151.04 per kilo
- On cigarettes from £99.32 per kilo to £109.25 per kilo
- On tobacco from £90.25 per kilo to £99.27 per kilo

C. ANDERSON,  
*Clerk of Councils*

Ref: CUS/10/2

**EXPLANATORY NOTE***(not forming part of the Resolution)*

This Resolution has the effect of amending Item 6 of paragraph 2 of the Customs Order (number 6 of 1948) such that customs duties on tobacco products are increased in accordance with the terms of the Resolution with effect on and from 23rd May 2002.

- (a) Motion No. 4/02 by the Honourable Financial Secretary
- (b) Title 26

No. 38 24th May 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Larry Arthur Joshua has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 39 29th May 2002

**THE BANKING ORDINANCE (TITLE 10.1)****THE BANKING (AMENDMENT) ORDINANCE 1996**

**NOTICE IS HEREBY GIVEN** pursuant to Section 19(1) of the Banking Ordinance (Title 10.1), as amended, that the audited accounts of Standard Chartered Bank for the year ended 31st December 2001 are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Manager.

K R. BILES, BSc., ACIB  
*Manager,*  
*Standard Chartered Bank*  
*P. O. Box 597,*  
*Stanley, Falkland Islands.*

No. 40 3rd June 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that Peter John Bagley has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 41 3rd June 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that John Stuart Henry has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 42 5th June 2002

**APPLICATION FOR PERMANENT RESIDENCE**

Notice is hereby given that James Gregory Woodward has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*



No. 43

6th June 2002

**FALKLAND ISLANDS DRILLING  
CONSULTANCY LIMITED**

**Company Number: 11256**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 6th day of June 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 44

7th June 2002

**PRISONS ORDINANCE**  
(Title 60.1)

**Section 7(2): Appointment of Prison Visitor**

**IN EXERCISE** of my Powers under Section 7(2) of the Prisons Ordinance (as amended by the Prisons (Amendment)

Ordinance 1995) and of all other powers enabling me in that behalf I **APPOINT KENNETH NEWTON** to be a Member of the Board of Visitors for a period of three years or until he shall cease to hold office as such pursuant to section 7 of the Ordinance.

Dated 7th June 2002.

D.A. LAMONT,  
*Governor.*

No. 45

21st June 2002

**FALKLAND ISLANDS AIRWAYS LIMITED**

**Company Number: 11147**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 21st day of June 2002.

J.C. ROWLAND,  
*Registrar of Companies.*





# THE FALKLAND ISLANDS GAZETTE

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*31st July 2002*

*No. 11*

## Appointments

Margaret Battersby, Training Co-ordinator, Secretariat, 1.7.02.

Lisa Jane Jaffray, Clerk, Public Service, 1.7.02.

Gloria Linda McRae, Learning Support Assistant, Falkland Islands Community School, Education Department, 15.7.02.

Vladimir Laptikhovsky, Fisheries Observer, Fisheries Department, 29.7.02.

## Acting Appointment

Leona Lucilla Vidal-Roberts, Acting Head Printer, Printing Office, 30.5.02-5.7.02.

## Promotions

Delsha Vanessa Jane Duncan, from Trainee Printer, Printing Office, to Machine Operator, Printing Office, 1.7.02.

Terrence Newman, from Plant Operator/Handyman, Highways Section, Public Works Department, to Assistant Foreman, Highways Section, Public Works Department, 1.7.02.

Suzanna Clarke, from Sports Attendant, Leisure Centre, Education Department, to Police Constable, Royal Falkland Islands Police, 29.7.02.

## Completion of Contracts

Sandra May Herbert, Staff Nurse, Health Services Department, 5.7.02.

Jacqueline Dominguez, theatre Sister, Health Services Department, 12.7.02.

## Renewal of Contract

Steven Waugh, Fisheries Protection Officer, Fisheries Department, 1.7.02.

Ronnie Snijder, Fisheries Observer, Fisheries Department, 29.7.02.

## Resignations

Leona Lucilla Vidal-Roberts, Assistant Printer, Printing Office, 15.7.02.

Joan May McLeod, Cleaner, Education Department, 24.7.02.

Graham John Wilson, Police Constable, Royal Falkland Islands Police, 28.7.02.

**NOTICES**

No. 46 3rd July 2002

**DOUGLAS STATION LIMITED**

Company Number: 1614

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 29th day of August 2001

Dated this 3rd day of July 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 47 4th July 2002

**FALKLAND ISLANDS STATUS APPLICATION**

Notice is hereby given that Jacqueline Ann Cotter has applied through the Principal Immigration Officer for Falkland Islands status to be granted to her by the Governor. Any person who desires to object to the granting of such status may do so in writing to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 48 4th July 2002

**APPLICATION FOR NATURALISATION**

Notice is hereby given that Glenda Otadoy McLeod is applying to his Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

D. HOY,  
*Immigration Officer.*

No. 49 5th July 2002

**FALKLAND ISLANDS TOURISM LIMITED**

Company Number: 8118

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 5th day of July 2002

Dated this 5th day of July 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 50

5th July 2002

**PROCLAMATION****CUSTOMS**

Importation of Food and Animal Products from  
South America (Amendment) Proclamation 2002

(Proclamation No. 1 of 2002)

**IN EXERCISE** of my powers under section 35 of the Customs Ordinance (Title 26.1) I make the following Proclamation-

**Citation and commencement**

1. This Proclamation may be cited as the Importation of Food and Animal Products from South America (Amendment) Proclamation 2002 and comes into force immediately.

**Amendment of Importation of Food and Animal Products from South America Proclamation 2001**

2. The Importation of Food and Animal Products from South America Proclamation 2001 shall be amended as follows-

- (1) Article 4(3)(c)(i) is omitted
- (2) Article 4(3)(d) is omitted

Made this 5th day of July 2002

D.A. LAMONT,  
*Governor.*

**EXPLANATORY NOTE***(not forming part of the above Proclamation)*

This Proclamation amends the Importation of Food and Animal Products from South America Proclamation 2001 by removing Chilean eggs and poultry meat from the list of items which are excepted from the general prohibition of importation of food and animal products from South America. The importation of poultry meat and eggs from Chile is prohibited at this time as a result of notification of a highly pathogenic outbreak of avian influenza in Chile.

No. 51

12th July 2002

**JCB & F OIL & MARINE SERVICES LIMITED**

Company Number: 9698

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 12th day of July 2002

Dated this 12th day of July 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the  
Customs Ordinance 1943,

**I hereby appoint:**

**CPL F.H. BOOKER - S8252058**

to be a temporary Customs Officer from 4th July 2002 to 4th  
November 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the  
Customs Ordinance 1943,

**I hereby appoint:**

**CPL J. WALTERS - K8244228**

to be a temporary Customs Officer from 5th July 2002 to 7th  
November 2002.

R.J. KING,  
*Collector of Customs.*

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# THE FALKLAND ISLANDS GAZETTE

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*30th August 2002*

*No. 12*

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## Appointments

Sam Clarke, Fisheries Observer, Fisheries Department, 29.7.02.

Robin Christopher Goodwin, Aircraft Fitter, Falkland Islands Government Air Service, 1.8.02.

Suzanne Halfacre, Senior Laboratory Technician, Agriculture Department, 12.8.02.

Caroline Jane Cotter, Police Constable, Royal Falkland Islands Police, 19.8.02.

Nicholas Charles Ellick, Cemetery Caretaker/Handyman, Public Works Department, 19.8.02.

Joanne Mary Ellick, Clerk, Public Service, 19.8.02.

Barbara Annette Hamilton Curtis, Auxiliary Nurse, Health Services Department, 22.8.02.

Kristiane Annagret Helena Thorsen, Staff Nurse, Health Services Department, 26.8.02.

Mandy McKay, Sports Attendant, Education Department, 30.8.02.

## Promotions

Douglas Graham Fiddes, from Technical Assistant, Design Section, Public Works Department, to C.A.D. Operator, Design Section, Public Works Department, 1.7.02.

Gardner Walker Fiddes, from Sub Officer, Fire & Rescue Service, to Chief Fire Officer, Fire & Rescue Service, 1.8.02.

## Resignations

Ian Wallace, Clerk, Public Service, 6.8.02.

Colin George Browning, Labourer, Public Works Department, 23.8.02.

Kerri-Anne Ross, Sports Attendant, Education Department, 23.8.02.

Derek Charles Jaffray, Plant Operator/Handyman, Highways Section, Public Works Department, 29.8.02.

**NOTICES**

No. 52 31st July 2002

**APPOINTMENT OF NOTARY PUBLIC**

In accordance with section 43 of the Administration of Justice Ordinance, His Excellency, **DONALD ALEXANDER LAMONT**, Governor of the Falkland Islands

**Hereby Appoints-****ROSALIND CATRIONA CHEEK****to be a Notary Public**

Given under my hand the 31st day of July 2002

D.A. LAMONT,  
*Governor.*

No. 53 31st July 2002

**APPOINTMENT OF NOTARY PUBLIC**

In accordance with section 43 of the Administration of Justice Ordinance, His Excellency, **DONALD ALEXANDER LAMONT**, Governor of the Falkland Islands

**Hereby Appoints-****ALISON ANNE MACKENZIE INGLIS****to be a Notary Public**

Given under my hand the 31st day of July 2002

D.A. LAMONT,  
*Governor.*

No. 54 31st July 2002

**APPOINTMENT OF ACTING CORONER**

I **DONALD ALEXANDER LAMONT** Governor of the Falkland Islands **HEREBY** authorise **ROSALIND CATRIONA CHEEK** to discharge the functions and duties of the post of Coroner whenever the persons for the time being holding the post of Senior Magistrate and acting in the post of Attorney General are both unavailable to discharge the functions power and authority of Coroner through absence from the Falkland Islands or inability to perform the functions and duties of the post

Given under my hand and the Public Seal at Stanley, on this 31st day of July 2002.

D.A. LAMONT,  
*Governor.*

No. 55 1st August 2002

**BY THESE LETTERS PATENT** made this 1st day of August in the year of Our Lord two thousand and two and the fifty first year of the Reign of Her Majesty **ELIZABETH THE SECOND** by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith

I **DONALD ALEXANDER LAMONT** Governor of the Falkland Islands, in pursuance of instructions given by Her

said Majesty through Her Secretary of State for Foreign and Commonwealth affairs,

**DO HEREBY APPOINT****BRIAN JOHN APPLEBY** Esquire

to be the President of the Court of Appeal of the Falkland Islands.

**AS WITNESS** my hand and the Public seal of the Falkland Islands the day and year first above written

D.A. LAMONT,  
*Governor.*

No. 56 5th August 2002

**MALVINA HOUSE HOTEL LIMITED**  
Company Number: 11111

**TAKE NOTICE** that in accordance with the provision of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 5th day of August 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 57 9th August 2002

**GLOBAL SEAS LIMITED**  
Company Number: 11220

**TAKE NOTICE** that in accordance with the provision of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 9th day of August 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 58 11th August 2002

**GENESTA FISHING COMPANY LIMITED**  
Company Number: 11496

**TAKE NOTICE** that in accordance with the provision of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 11th day of August 2002.

J.C. ROWLAND,  
*Registrar of Companies.*



No. 59

13th August 2002

**LONG ISLAND DEVELOPMENT  
COMPANY LIMITED  
Company Number: 11118**

**TAKE NOTICE** that in accordance with the provision of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 13th day of August 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 60

17th August 2002

**DARWIN LODGE HOLDING  
COMPANY LIMITED  
Company Number: 11511**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 17th day of August 2001

Dated this 17th day of August 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL S.S. EVANS  
Q8407807**

to be a temporary Customs Officer from 18th July 2002 to 20th November 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**WO2 J.W. BIGGS  
24604303**

to be a temporary Customs Officer from 25th July 2002 to 25th January 2003.

R.J. KING,  
*Collector of Customs.*





# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

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*Vol. CXI*

*30th September 2002*

*No. 13*

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## Appointments

Brenda Joyce Bone, Police Constable, Royal Falkland Islands Police, 9.9.02.

Jenny Lorraine Smith, Clerk, Public Service, 23.9.02.

## Promotions

Tyssen John Richard Smith, from Assistant Foreman, Highways Section, Public Works Department, to Foreman, Highways Section, Public Works Department, 1.9.02.

Zachary Stephenson, from Fireman, Fire & Rescue Service, to Sub Officer, Fire & Rescue Service, 1.9.02.

Kim Anthony Bone, from Police Constable, Royal Falkland Islands Police, to Leading Police Constable, Royal Falkland Islands Police, 9.9.02.

Tanya Lee, from Clerk, Taxation Department, to Assistant Taxation Office, Taxation Department, 9.9.02.

## Transfer

Pauline Sackett, from Criminal Records & Intelligence Officer, Royal Falkland Islands Police, to Assistant Printer, Printing Office, 9.9.02.

## Resignations

Paul Jonathan Robertson, Pilot, Falkland Islands Government Air Service, 31.8.02.

Dennis James Humphreys, Teacher, Education Department, 1.9.02.

Alison Dodd, Assistant Taxation Officer, Taxation Department, 20.9.02.

Emma Ann Reid, Legal Secretary, Attorney General's Chambers, 23.9.02.

Graham John Didlick, Sergeant, Royal Falkland Islands Police, 30.9.02.

**NOTICES**

No. 61 3rd September 2002

**STANLEY BUSINESS CENTRE  
LIMITED****Company Number: 8695**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 3rd day of September 2002.

**J.C. ROWLAND,**  
*Registrar of Companies.*

No. 62 3rd September 2002

**JBG LIMITED**  
**Company Number: 11110**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falklands Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 3rd day of September 2002.

**J.C. ROWLAND,**  
*Registrar of Companies.*

No. 63 3rd September 2002

**CURRENCY NOTE RULES**

In exercise of the powers conferred by Rule 3 of the Currency Note Rules, His Excellency The Governor has been pleased to approve the appointment of the following persons as Currency Officers with effect from 2 September 2002-

**PADGETT, Keith**  
**WILSON, James Andrew**  
**McPHEE, Sara**  
**FARIA, Susana Caroline Berntsen**

The appointment of the following officers is hereby cancelled-

**BIGGS, Peter Julian Basil**  
**LUXTON, Michael**  
**MORRISON, Valerie Ann**  
**PARKER, John Robinson**  
**ROBSON, Alison Emily**

The following is a full list of Currency Officers-

**CHEEK, Marie**  
**DODD, Nigel Keith**  
**FARIA, Susana Caroline Berntsen**  
**HAWKSWORTH, Terence**  
**HOWATT, Derek Frank**  
**LYSE, Linda Margaret**  
**McPHEE, Sara**  
**PADGETT, Keith**  
**WILSON, James Andrew**

*Commissioners of Currency*

No. 64 6th September 2002

**APPLICATION FOR PERMANENT  
RESIDENCE**

Notice is hereby given that Alexander Ivanovich Arkhipkin has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of publication of this notice.

**D. HOY,**  
*Immigration Officer.*

No. 65 6th September 2002

**APPLICATION FOR PERMANENT  
RESIDENCE**

Notice is hereby given that Janna Nikolaevna Chtcherbitch has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of publication of this notice.

**D. HOY,**  
*Immigration Officer.*

No. 66 6th September 2002

**FALKLAND ISLANDS STATUS  
APPLICATION**

Notice is hereby given that Michael Charles Bingham has applied through the Principal Immigration Officer for Falkland Islands status to be granted to him by the Governor. Any person who desires to object to the granting of such status may do so in writing to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of publication of this notice.

**D. HOY,**  
*Immigration Officer.*

No. 67

17th September 2000

## SUPREME COURT OF THE FALKLAND ISLANDS

Notice under the Administration of  
Estates Ordinance (Cap. 1)

TAKE NOTICE THAT **Brian Jaffray** deceased of Stanley, Falkland Islands died on the 9th day of June 2002 intestate.

WHEREAS **Johnwillie Jaffray** has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

NOTICE IS HEREBY GIVEN pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Colony who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

C. J. MITCHELL,  
*Registrar, Supreme Court.*

Stanley  
Falkland Islands  
17 September 2002

Ref: PRO/7/02

No. 68

23rd September 2002

## APPOINTMENT OF PERSON TO ASSIST OVS

**Fresh Meat (Hygiene and Inspection) Regulations 1995 as they apply to the Falkland Islands by virtue of article 2 of the Designated Abattoirs (Application of Legislation) Order 1998 (Regulation 8)**

IN EXERCISE of my powers under regulations 8(2) and (3) of the Fresh Meat (Hygiene and Inspection) Regulations 1995 as they apply to the Falkland Islands by virtue of article 2 of the Designated Abattoirs (Application of Legislation) Order 1998 and all other powers enabling me I **Donald Alexander Lamont** Governor of the Falkland Islands hereby confirm that the Certificate in Meat Inspection (numbered 185262) issued in May 1999 by the Royal Society of Health to **Matthew Kelly** is adequate for the purposes of his appointment as a person to assist an OVS and hereby appoint **Matthew Kelly** as a person to assist an OVS.

Given under my hand this twenty-third day of September 2002

D. A. LAMONT,  
*Governor.*

No. 69

26th September 2002

DRAFTING OF 5TH PERIODIC REPORT OF  
THE UNITED NATIONS CONVENTION  
ON THE ELIMINATION OF ALL  
FORMS OF DISCRIMINATION  
AGAINST WOMEN

The Attorney General's Chambers are commencing work on a draft 5th Periodic Report in relation to the UN Convention on the Elimination of All Forms of Discrimination Against Women. Copies of the convention, the 4th periodic report of the Falkland Islands to the Committee on the Elimination of Discrimination Against Women and the concluding observations of the Committee on the Elimination of Discrimination Against Women are available for any interested person to consult at the Public Library. Any person who wishes to make representation in relation to the 5th Periodic Report are invited to forward their comments to the Attorney General's Chambers, PO Box 587, Cable Cottage, Stanley, by 30th November 2002.

Dated this 26th day of September 2002.

Appointment of Temporary Customs Officer  
Customs Ordinance 1943

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

I hereby appoint:

SGT J. P. RICHARDSON  
G8219672

to be a temporary Customs Officer from 7th August 2002 to 7th December 2002.

R.J. KING,  
*Collector of Customs.*

Appointment of Temporary Customs Officer  
Customs Ordinance 1943

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

I hereby appoint:

CPL S. LONSDALE  
E8255459

to be a temporary Customs Officer from 16th August 2002 to 16th December 2002.

R.J. KING,  
*Collector of Customs.*





# THE FALKLAND ISLANDS GAZETTE

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*Vol. CXI*

*31st October 2002*

*No. 14*

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## Appointments

Nicholas Charles Dray, Dental Technician, Health Services Department, 1.10.02.

Matthew Pearce, Fisheries Observer, Fisheries Department, 2.10.02.

Amara Theresa Watts, Record Librarian/Receptionist, Falkland Islands Broadcasting Station, 2.10.02.

Frank Epe, Contracts Engineer, Public Works Department, 5.10.02.

Neil Williams, Theatre Charge Nurse, Health Services Department, 12.10.02.

Rajkumar Gurung, Police Constable, Royal Falkland Islands Police, 14.10.02

Melanie Clausen, Clerk, Public Service, 14.10.02.

Janette Vincent, Clinical Development Officer, Health Services Department, 15.10.02.

John Summers Jaffray, Firefighter, Fire & Rescue Service, 28.10.02.

Geoffrey Loftus, Sports Attendant, Leisure Centre, Education Department, 28.10.02

Bryn Thomas Rozee, Firefighter, Fire & Rescue Service, 28.10.02.

Karen Michella Rozec, Sports Attendant, Leisure Centre, Education Department, 28.10.02.

## Promotions

Lee Felton Hazel, from Junior News Editor, Falkland Islands Broadcasting Station, to Assistant News Editor, Falkland Islands Broadcasting Station, 1.10.02.

Anthony Thomas, from Police Constable, Royal Falkland Islands Police, to Leading Police Constable, Royal Falkland Islands Police, 14.10.02

Joanne Ellick, from Clerk, Public Service, to Legal Secretary, Attorney Generals Chambers, 15.10.02.

#### Completion of Contracts

Emma Dilnutt, Health Promotion Counsellor, Health Services Department, 8.10.02.

Lisa Mae Thomas, Leisure Centre Attendant, Education Department, 31.10.02.

#### Resignations

Robert Ernest Gilbert, Assistant Power Station Manager, Public Works Department, 31.10.02.

Cherry Rose Robson, Clerk, Public Service, 31.10.02.

#### NOTICES

No. 70 30th June 2002

#### INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 30 June 2002 has now been completed. A summary of the Index for the last four quarters is shown below-

Date	Index	Annual % Increase	Quarter % Increase
30.09.01	107.05	0.848	0.422
31.12.01	107.11	0.271	0.056
31.03.02	106.27	(0.235)	(0.784)
30.06.02	108.01	1.323	1.637

L. Lyse,  
*for Financial Secretary.*

No. 71 8th October 2002

#### SUPREME COURT OF THE FALKLAND ISLANDS

##### Notice under the Administration of Estates Ordinance (Cap. 1)

**TAKE NOTICE THAT Donald Robert Gordon Short**, deceased of Stanley, Falkland Islands died on the 10th day of August 2001 intestate.

**WHEREAS Violet Felton** has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

**NOTICE IS HEREBY GIVEN** pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Colony who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

C. J. MITCHELL,  
*Registrar, Supreme Court.*

Stanley  
Falkland Islands  
8th October 2002  
Ref: PRO/4/02

No. 72

9th October 2002

#### MAGISTRATES COURT OF THE FALKLAND ISLANDS

##### Notice under Section 52 Police Ordinance 2000

**TAKE NOTICE** that the following items have been found by members of the public and are in the possession of the Royal Falkland Islands Police Force-

Date Found	Description of Property
26.10.01	Ladies Seiko Watch
29.10.01	Olympus trip MD3 Camera
30.11.01	Blue Umbro Fleece
23.12.01	Silver Coloured Bracelet
07.01.02	Yellow Coloured Ring
08.01.02	Yellow and White Coloured Ring
14.01.02	Silver Coloured Ring
29.01.02	Yellow and Silver Coloured Ring
11.02.02	Yellow Coloured Necklace and Purple and Yellow Coloured Bracelet
22.02.02	Pair of Designer Sunglasses
22.02.02	Next Mans Watch

Any person who may have a claim to this property is to lodge a claim in writing to the Courts Administrator at the Town Hall, Stanley within six months from the date of publication hereof.

The finder of any of the above named property should lodge a claim for the return of the property, or the proceeds of sale of the property, with the Chief Police Officer, in writing, at any time after three months but before six months from the date of publication of this notice.

C. J. MITCHELL,  
*Courts Administrator.*

No. 73

29th October 2002

#### INDEX OF RETAIL PRICES

The calculation of the Index for the quarter ended 30 September 2002 has now been completed. A summary of the Index for the last four quarters is shown below-

Date	Index	Annual % Increase	Quarter % Increase
31.12.01	107.11	0.271	0.056
31.03.02	106.27	(0.235)	(0.784)
30.06.02	108.01	1.323	1.637
30.09.02	108.41	1.270	0.370

L. Lyse,  
*for Financial Secretary.*





# THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

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*Vol. CXI*

*29th November 2002*

*No. 15*

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#### **Appointment**

Debbie Robson, Senior Sports Attendant, Leisure Centre, Education Department, 1.11.02.

#### **Acting Appointment**

James Robison, Acting Environmental Planning Officer, from 18.11.02, to 20.12.02.

#### **Promotion**

Jeremy Selwyn Lloyd Henry, from Plant Operator/Handyman, Property and Municipal Section, Public Works Department, to Assistant Foreman, Property and Municipal Section, Public Works Department, 1.11.02.

#### **Transfer**

Tracy Freeman, from Senior Sports Attendant, Leisure Centre, Education Department, to Tax Data Clerk, Tax Office, 4.11.02.

#### **Completion of Contract**

Alan Cruickshank, Plant and Vehicle Manager, Public Works Department, 30.11.02.

#### **Resignations**

Clare Ann Hewitt, Support Worker, Health Services Department, 8.11.02.

Rajkumar Gurung, Police Constable, Royal Falkland Islands Police, 18.11.02.

#### **NOTICES**

No. 74

5th November 2002

#### **MALVINA HOUSE HOTEL LIMITED**

**Company Number: 11111**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 5th day of November 2002

Dated this 5th day of November 2002.

**J.C. ROWLAND,**  
*Registrar of Companies.*

No. 75 7th November 2002

**REVISED EDITION OF THE LAWS ORDINANCE  
1991**

**LAW REVISION ORDER NO.1 OF 2000**

**ARTICLE 1 (1)**

**COMMENCEMENT NOTICE**

**IN EXERCISE** of my powers under article 1(1) of the Law Revision Order No. 1 of 2000 I hereby notify that the Order shall come into force on 1 December 2002.

Dated this seventh day of November 2002.

D A Lamont  
*Governor*

No. 76 7th November 2002

**REVISED EDITION OF THE LAWS ORDINANCE  
1991**

**LAW REVISION ORDER NO.1 OF 2001**

**ARTICLE 1 (1)**

**COMMENCEMENT NOTICE**

**IN EXERCISE** of my powers under article 1(1) of the Law Revision Order No. 1 of 2001 I hereby notify that the Order shall come into force on 1 December 2002.

Dated this seventh day of November 2002.

D A Lamont  
*Governor*

No. 77 11th November 2002

**GENESTA FISHING COMPANY LIMITED**

**Company Number: 11496**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 11th day of November 2002

Dated this 11th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 78 18th November 2002

**FALKLAND ISLANDS AIRWAYS LIMITED**

**Company Number: 11147**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 18th day of November 2002

Dated this 18th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 79 18th November 2002

**FALKLAND ISLANDS DRILLING  
CONSULTANCY LIMITED**

**Company Number: 11256**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 18th day of November 2002

Dated this 18th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 80 18th November 2002

**GLOBAL SEAS LIMITED**

**Company Number: 11220**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 18th day of November 2002

Dated this 18th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 81 18th November 2002

**LONG ISLAND DEVELOPMENT COMPANY  
LIMITED**

**Company Number: 11118**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 18th day of November 2002

Dated this 18th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 82 19th November 2002

**BLUE BEACH HOLDING COMPANY LIMITED**

**Company Number: 11512**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 19th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 83 26th November 2002

**SUPREME COURT OF THE FALKLAND ISLANDS**

**Notice under the Administration of Estates Ordinance (Cap. 1)**

**TAKE NOTICE THAT Winifred Mary Elizabeth Henricksen** deceased of Stanley, Falkland Islands died on the 29th day of September 2002 intestate.

**WHEREAS Arlette Betts** has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

**NOTICE IS HEREBY GIVEN** pursuant to Section 4 of the Administration of Estates Ordinance to all persons resident in the Colony who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

C. J. MITCHELL,  
*Registrar, Supreme Court.*

Stanley  
Falkland Islands  
26th November 2002  
Ref. PRO/10/02

No. 84 27th November 2002

**FALKLAND ISLANDS FAMILY HISTORY LIMITED**

**Company Number: 11302**

**TAKE NOTICE** that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 27th day of November 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 85 27th November 2002

**ADMINISTRATION OF JUSTICE  
(MISCELLANEOUS PROVISIONS) ORDINANCE  
1996**

**SECTION 1  
COMMENCEMENT NOTICE**

**IN EXERCISE** of my powers under section 1 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996 I hereby notify that the Ordinance shall come into force upon publication of this notice in the Gazette.

Dated this 27th day of November 2002.

Russell Thomas Jarvis,  
*Acting Governor.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL P. R. DYKES - A8400418**

to be a temporary Customs Officer from 30th October 2002 to 1st March 2003.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL R. S. KEIR - E8407557**

to be a temporary Customs Officer from 13th November 2002 to 13th March 2003.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**CPL V. L. LYONS - B8238658**

to be a temporary Customs Officer from 25th November 2002 to 19th December 2002.

R.J. KING,  
*Collector of Customs.*

**Appointment of Temporary Customs Officer  
Customs Ordinance 1943**

In exercise of the powers conferred by Section 4 of the Customs Ordinance 1943,

**I hereby appoint:**

**SGT J. A. HARRISON - D8205222**

to be a temporary Customs Officer from 5th November 2002 to 31st March 2003.

R.J. KING,  
*Collector of Customs.*





# THE FALKLAND ISLANDS GAZETTE

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*Vol. CXI*

*24th December 2002*

*No. 16*

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#### **Appointments**

Brenda Bone, Police Constable, Royal Falkland Islands Police, 1.12.02.

Claire Leo, Support Worker, Young Persons Unit, Health Services Department, 2.12.02.

Alun Davies, Police Constable, Royal Falkland Islands Police, 10.12.02.

#### **Completion of Contract**

Ryszard Grzebielec, Data Analyst, Fisheries Department, 5.12.02.

#### **Re-appointments**

Alan Cruickshank, Plant and Vehicle Manager, Public Works Department, 1.12.02.

Ryszard Grzebielec, Data Analyst, Fisheries Department, 6.12.02

#### **Resignation**

Sharon Lewis, Senior Assistant Taxation Officer, Taxation Office, 6.12.02.

#### **NOTICES**

No. 86

3rd December 2002

#### **STANLEY BUSINESS CENTRE LIMITED**

**Company Number: 8695**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 3rd day of December 2002

Dated this 3rd day of December 2002.

**J.C. ROWLAND,**  
*Registrar of Companies.*

No. 87

3rd December 2002

**JBG LIMITED**  
**Company Number: 11110**

**NOTICE IS HEREBY GIVEN** that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 3rd day of December 2002

Dated this 3rd day of December 2002.

J.C. ROWLAND,  
*Registrar of Companies.*

No. 88

16th December 2002

**SMITH BROTHERS - JOHNSON'S HARBOUR**

Notice is hereby given that the Smith Brothers Partnership carrying on business as farmers at Johnson's Harbour,

otherwise known as Berkeley Sound Station, will be dissolved by mutual consent on 31st December 2002

Dated this 16th day of December 2002

Signed: Osmund Smith, George Smith and Michael Smith

No. 89

17th December 2002

**FALKLAND ISLANDS STATUS APPLICATION**

Notice is hereby given that Dennis John Bolt has applied through the Principal Immigration Officer for Falkland Islands Status to be granted to him by the Governor.

Any person who knows of any reason why such status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs & Immigration Department, Stanley by 14th January 2003.

D. HOY,  
*Immigration Officer.*



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*11th February 2002*

*No. 1*

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The following are published in this Supplement -

**Nuclear Safeguard Ordinance (Commencement) Order 2002, (S.R. & O. No. 1 of 2002);**

**Designated Abattoirs (Application of Legislation) Order 1998, Article 1,  
Commencement Notice;**

**Agricultural Loans (Amendment) Bill 2002;**

**Co-operative Societies (Amendment) Bill 2002;**

**Education (Amendment) Bill 2002;**

**Interpretation and General Clauses (Amendment) Bill 2002;**

**Retirement Pensions (Amendment) Bill 2002;**

**Statute Law Revision Bill 2002.**

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**SUBSIDIARY LEGISLATION**

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**NUCLEAR SAFEGUARDS ORDINANCE**

**Nuclear Safeguard Ordinance (Commencement) Order 2002**

S. R. & O. No. 1 of 2002

*Made: ..... 15 January 2002*

*Published: ..... 11 February 2002*

*Coming into force: on publication*

IN EXERCISE of my powers under section 1 of the Nuclear Safeguards Ordinance 1993(a) I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Nuclear Safeguards (Commencement) Order 2002.

**Commencement of Ordinance**

2. The Nuclear Safeguards Ordinance 1993 shall come into force on 1<sup>st</sup> February 2002.

Made this fifteenth day of January 2002

D A Lamont  
*Governor*



**DESIGNATED ABATTOIRS (APPLICATION OF LEGISLATION) ORDER 1998**

**ARTICLE 1**

**COMMENCEMENT NOTICE**

IN EXERCISE of my powers under article 1 of the Designated Abattoirs (Application of Legislation) Order 1998(a), I hereby notify that the Order shall be deemed to have come into force on 8 April 1999.

Dated this twenty-fourth day of January 2002

D A Lamont  
*Governor*

(a) SR&O No 65 of 1998

**Agricultural Loans (Amendment) Bill 2002**

(No:            of 2001)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Authorised Lender
4. Registration of Agricultural Charges

**AGRICULTURAL LOANS (AMENDMENT) BILL 2002**

(No:            of 2002)

*(assented to: 2002)*

*(commencement: 2002)*

*(published: 2002)*

A BILL

for

AN ORDINANCE

To make retrospective amendment to the Agricultural Loans Ordinance

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. This Ordinance may be cited as the Agricultural Loans (Amendment) Ordinance 2002 and shall come into force on 1 May 2002 or such later date as it is first published in the Gazette.

**Interpretation**

2. In this Ordinance —

“the principal Ordinance” means the Agricultural Loans Ordinance;

**Authorised Lender**

3.—(1) The definition of “authorised lender” in section 2(7) of the principal Ordinance is replaced by the following paragraph —

“authorised lender” means the Government of the Falkland Islands, the Falkland Islands Development Corporation, or any firm, incorporated company, or society approved by the Governor”.

(2) This section shall be deemed to have had effect from 14 June 1984.

**Registration of Agricultural Charges**

4. Section 7 of the Ordinance shall be deemed to come into force on 1 January 2001.

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**OBJECTS AND REASONS**

This Ordinance brings those force with effect from 1 January 2001 those provisions of the Agricultural Loans Ordinance which are concerned with the registration of an agricultural charge in the Register of Agricultural Charges, and makes retrospective provision for the inclusion of the Falkland Islands Development Corporation as an authorised lender.

**Co-operative Societies (Amendment) Bill 2002**

(No:            of 2002)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of Co-operative Societies Ordinance

**CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 2002**

(No:            of 2002)

A BILL

for

AN ORDINANCE

To amend the Co-operative Societies Ordinance (Title 21.1)

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Co-operative Societies (Amendment) Ordinance 2002.

**Amendment of Co-operative Societies Ordinance**

2. The Co-operative Societies Ordinance is amended —

(a) in section 34(1) by deleting the words “, as ascertained by the audit prescribed by section 35,”;

(b) by repealing section 35(1) and (2);

(c) in section 35(3) by replacing the words “The Registrar and every other person” with the words “Every person”;

(d) in section 51(2)(q) by inserting after the word “fund” the words “and the Governor may by rules made under this paragraph enable a Society, subject to conditions and other provisions of such rules, to dispense with the audit of its accounts”.

**Education (Amendment) Bill 2002**

(No:            of 2002)

**ARRANGEMENT OF PROVISIONS**

Clause

1. Short title
2. Repeal and replacement of section 66 of the Education Ordinance

**EDUCATION (AMENDMENT) BILL 2002**

(No:            of 2002)

*(assented to: 2002)*

*(commencement: 2002)*

*(published: 2002)*

A BILL

for

AN ORDINANCE

To amend the Education Ordinance (Title 29.1)

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Education (Amendment) Ordinance 2002.

**Repeal and replacement of section 66 of the Education Ordinance**

2. Section 66 of the Education Ordinance is repealed and replaced by the following section —

**“Prohibition of corporal punishment**

**66.** It is unlawful for corporal punishment of any pupil at any school in the Falkland Islands to be imposed or carried out by a member of the staff of that school in consequence of any act or omission of the pupil at the school or elsewhere.”

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## OBJECTS AND REASONS

In the light of modern developments in the international law of human rights it is regarded as being in contravention of those rights and of international conventions which have been applied to the Falkland Islands for any pupil at any school in the Falkland Islands to be corporally punished by a member of the staff of that school as a result of an act or omission of the pupil whether at that school or elsewhere. The provisions of section 66 of the Education Ordinance replaced by the Bill allow, subject to conditions, the corporal punishment at school of a boy over the age of eleven years.

**Interpretation and General Clauses (Amendment) Bill 2002**

(No:            of 2002)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of section 72 of the Interpretation and General Clauses Ordinance

**INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 2002**

(No:            of 2002)

*(assented to: 2002)*

*(commencement: 2002)*

*(published: 2002)*

A BILL

for

AN ORDINANCE

To amend the Interpretation and General Clauses Ordinance (Title 67.2)

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) Ordinance 2002.

**Amendment of section 72 of the Interpretation and General Clauses Ordinance**

2. Section 72(1) of the Interpretation and General Clauses Ordinance is replaced by the following subsection —

“(1) Good Friday and the first Monday in October and, where they do not fall on a Saturday or Sunday, 1<sup>st</sup> January, 21<sup>st</sup> April, 14<sup>th</sup> June, 8<sup>th</sup> December, 25<sup>th</sup> December and 26<sup>th</sup> December are public holidays.”

---

**OBJECTS AND REASONS**

This Bill is necessary to implement the decision that 14<sup>th</sup> August shall no longer be a public holiday and be replaced by the first Monday in October. In effect, this would restore the situation in this respect to what it was before 1992.

**Retirement Pensions (Amendment) Bill 2002**

(No:            of 2002)

ARRANGEMENT OF PROVISIONS

Clause

1.     Short title
2.     Amendment to the Retirement Pensions Ordinance 1996

Schedule

**RETIREMENT PENSIONS (AMENDMENT) BILL 2002**

(No:            of 2002)

*(assented to:            2002)*

*(commencement: on publication)*

*(published:            2002)*

A BILL

for

AN ORDINANCE

To amend the Retirement Pensions Ordinance 1996

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Retirement Pensions (Amendment) Ordinance 2002.

**Amendment of Retirement Pensions Ordinance 1996**

2. The Retirement Pensions Ordinance 1996(a) is amended in the manner specified in the Schedule to this Ordinance.



**SCHEDULE**  
**Amendments to the Retirement Pensions Ordinance 1996**

1. In this Schedule “the Ordinance” means the Retirement Pensions Ordinance 1996.
2. The Ordinance is amended by the insertion of the following section 4A —

**“Women undergoing course of education before appointed day**

**4A.—(1)** A woman who shows to the satisfaction of the Board —

(a) that in respect of a period or periods before the appointed day and while she was ordinarily resident in the Falkland Islands she was following a course of education or training outside the Falkland Islands;

(b) that that period or periods of a course of education or training, but for the fact that it or they fell before the appointed day, would for the purposes of section 13(4) have been a prescribed course of education or training; and

(c) that she is entitled to a retirement pension or a widow’s pension under section 4(1) or 4(2), as the case may be; and

(d) that that pension would be greater if the credit of contributions provided for by this subsection is made.

shall, on making a claim in such form as may be prescribed be entitled to be credited with contributions under the 1952 Ordinance in respect of every week that she was attending at such course or absent from the Falkland Islands in connection with it.

(2) A claim for credit of contributions under subsection (1) cannot be made until such time as the woman is entitled to claim a pension under section 4(1) or 4(2) as the case may be.”

3. Section 10(4) of the Ordinance is amended by replacing the words “earnings do” with the words “income does”.
4. Section 13(1) of the Ordinance is amended by inserting at the beginning of the subsection the words “Subject to subsection (8),”.
5. Section 13 of the Ordinance is further amended by inserting the following new subsection (8)—

“(8) No contribution shall be made by the Government under subsection (1) in respect of a person whose income from all sources during the period of 12 months immediately preceding the date on which the payment would otherwise fall to be made exceeded such sum as is prescribed by Regulations under section 26 of this Ordinance.”

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**OBJECTS AND REASONS**

The existing law is sexually discriminatory in that it allows for credit of contributions, in respect of periods before the commencement of the Ordinance, for males on a course of education or training overseas, but not for females on such a course. The proposed new section 4A seeks to right this, but would postpone the credit of the contributions on a “wait and see basis”, so as to

avoid unnecessary expenditure by the Government. The credit of the contributions would not be made if —

- (a) based on her spouse's contribution record she would receive a greater benefit; or
- (b) her own contribution record entitles her to a maximum retirement pension.

The amendment to section 10(4) and the proposed new section 13(8) is intended to prevent persons with a substantial income (but low or no earnings) obtaining contributions credits paid by the Government.

**Statute Law Revision Bill 2002**

(No:            of 2002)

**ARRANGEMENT OF PROVISIONS**

Clause

1.     Short title
2.     Provisions no longer to apply

**STATUTE LAW REVISION BILL 2002**

(No:            of 2002)

*(assented to:    2002)*

*(commencement: 2002)*

*(published:      2002)*

A BILL

for

AN ORDINANCE

To revise the statute law of the Falkland Islands by disapplying a number of English statutory provisions.

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Statute Law Revision Ordinance 2002.

**Provisions no longer to apply**

- 2.—(1) The English statutes and provisions of English statutes specified in the Table to this subsection cease on the commencement of this Ordinance to apply in the Falkland Islands and Schedule 1 to the Crimes Ordinance (Title 23.1) is amended accordingly.

**TABLE**

Piracy Acts 1698 and 1721  
sections 8 and 17 of the Conspiracy and Protection of Property Act 1875  
War Charities Act 1940

(2) Part X of the Interpretation and General Clauses Ordinance (Title 67.2) shall be deemed never to have had effect to apply the Charities Act 1993 or any provision of it to the Falkland Islands and shall not have such effect.

(3) Section 4(1) of the Criminal Law (Amendment) Ordinance 1997 (which purports to apply section 1(6), (7) and (8) of the Protection of Children Act 1978) is repealed.





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*22nd February 2002*

*No.2*

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The following is published in this Supplement -

**Embarkation Tax (Amendment) Regulations 2002, (S.R. & O. No. 2 of 2002).**

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## SUBSIDIARY LEGISLATION

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### EMBARKATION TAX

#### Embarkation Tax (Amendment) Regulations 2002

S. R. & O. No: 2 of 2002

*Made: ..... 18 February 2002*

*Published: ..... 22 February 2002*

*Coming into force: 1 March 2002*

IN EXERCISE of my powers under section 3(3) of the Embarkation Tax Ordinance 1999(a) and of all other powers enabling me in that behalf, I make the following Regulations —

#### **Citation and commencement**

1. These Regulations may be cited as the Embarkation Tax (Amendment) Regulations 2002 and shall come into force on 1 March 2002.

#### **Amendment of Embarkation Tax Regulations 1999**

2. The Embarkation Tax Regulations 1999(b) are amended by replacing regulation 3 with the following regulation —

#### **“Imposition of Tax**

3.—(1) Subject to these Regulations, every passenger leaving the Falkland Islands by air shall pay an embarkation tax of £20.

(2) Subject to these Regulations, every passenger leaving the Falkland Islands by air who purchased his passage before 1 March 2002 shall pay an embarkation tax of £10.”

Made this eighteenth day of February 2002

D A Lamont  
*Governor*

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#### EXPLANATORY NOTE

*(not forming part of the above Regulations)*

These Regulations increase the Embarkation Tax from £10 to £20 in respect of passages purchased on and after 1 March 2002.

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(a) No 6 of 1999

(b) SR&O No 34 of 1999



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*13th March 2002*

*No. 3*

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The following are published in this Supplement -

- Payments on Account of Tax (Correction of Error) Regulations 2002, (S.R. & O. No. 3 of 2002);**
- Commemorative Coins (Amendment) Order 2002, (S.R. & O. No. 4 of 2002);**
- Supplementary Appropriation (2001-2002) Ordinance 2002;**
- Agricultural Loans (Amendment) Ordinance 2002;**
- Co-operative Societies (Amendment) Ordinance 2002;**
- Education (Amendment) Ordinance 2002;**
- Interpretation and General Clauses (Amendment) Ordinance 2002;**
- Retirement Pensions (Amendment) Ordinance 2002;**
- Statute Law Revision Ordinance 2002.**



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## SUBSIDIARY LEGISLATION

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### TAXES

#### Payments on Account of Tax (Correction of Error) Regulations 2002

S. R. & O. No: 3 of 2002

*Made:* ..... 27 February 2002

*Published:* ..... 13 March 2002

*Coming into force: in accordance with regulation 1*

IN EXERCISE of my powers under section 91 of the Taxes Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following Regulations —

#### **Citation and commencement**

1. These Regulations may be cited as the Payment on Account of Tax (Correction of Error) Regulations 2002, and shall apply in relation to deductions required to be made, or deemed to have been made, under Part IV of the Taxes Ordinance on or after 1<sup>st</sup> January 1998.

#### **Correction of error**

2. Regulation 13(5) of the Payment on Account of Tax (Employees Deductions) Regulations 1997(b) is corrected by replacing the words “paragraph (1) or (3)” with the words “paragraph (1) or (4)”.

Made this twenty-seventh day of February 2002

D A Lamont  
Governor

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#### EXPLANATORY NOTE

*(not forming part of the above Regulations)*

These Regulations correct an obvious error in regulation 13(5) of the 1997 Regulations. Regulation 13(5) purports to create an offence of non-compliance with regulation 13(3). It is impossible to fail to comply with that paragraph since it creates exceptions to compliance with regulation 13(1). It is obvious that the draftsman intended to refer to regulation 13(4) because only paragraphs (1) and (4) of regulation 13 create obligations.

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(a) No 14 of 1997

(b) SR&O No 23 of 1997

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**SUBSIDIARY LEGISLATION**

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**CURRENCY**

**Commemorative Coins (Amendment) Order 2002**

S. R. & O. No. 4 of 2002

*Made: ..... 28 February 2002*

*Published: ..... 13 March 2002*

*Coming into force: upon publication*

IN EXERCISE of my powers under section 22 of the Currency Ordinance 1987(a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Commemorative Coins (Amendment) Order 2002 and this Order shall come into force upon publication.

**Amendment to Commemorative Coins Order 2001**

2. The Commemorative Coins Order 2001(b) is amended as follows —

(a) in Schedule 3 in “Obverse Design” by replacing the year “2001” with the year “2002”;  
and

(b) by replacing Schedule 4 with the revised Schedule 4 appearing in the Schedule to this Order.

Made this twenty-eighth day of February 2002

D A Lamont  
*Governor*

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(a) Title 25.1 (No. 14 of 1987)  
(b) SR&O No 20 of 2001

**The Schedule**

**“SCHEDULE 4**

**Specifications of Falkland Islands coins to commemorate the Golden Jubilee of Her Majesty the Queen  
(The Golden Jubilee Collection)**

<b>Type</b>	<b>(a) Cupro-Nickel (non colour version)</b>	<b>(b) Cupro-Nickel (colour version)</b>	<b>(c) Silver Proof (colour and non colour versions)</b>	<b>(d) Silver Piedfort (colour version)</b>	<b>(e) Gold (colour version)</b>	<b>(f) Silver/Gold Plate (colour version)</b>
Denomination	50 Pence	50 Pence	50 Pence	50 Pence	50 Pence	10 pounds
Weight (grams)	28.28	28.28	28.28	56.56	39.94	155.55
Diameter (millimetres)	38.61	38.61	38.61	38.61	38.61	65
Fineness	75% Copper 25% Nickel	75% Copper 25% Nickel	.925 Sterling Silver	.925 Sterling Silver	.916 Gold	.925 Sterling Silver Plated with .999 Gold
Quality	Brilliant Uncirculated	Brilliant Uncirculated	Proof	Proof	Proof	Proof
Shape	Round	Round	Round	Round	Round	Round
Edge	Milled	Milled	Milled	Milled	Milled	Milled
Edition Limit	Unlimited	Unlimited	As show under reverse designs per coin 220,000 in total	500 per coin 6,000 total	50 per coin: (1), (3), (5), (6), (7) & (8) 150 per coin: (2), (4), (9), (10), (11), & (12) 1,200 in total	950
Mint	Valcambi sa					
Obverse Design for types (a), (b), (c), (d) & (e)	The uncouped portrait of Her Majesty the Queen by Raphael Maklouf with the circumferential inscription “QUEEN ELIZABETH II · 2002 · FALKLAND ISLANDS · 50 PENCE”					
Obverse Design for type (f)	The uncouped portrait of Her Majesty the Queen by Raphael Maklouf with the circumferential inscription “QUEEN ELIZABETH II · 2002 · FALKLAND ISLANDS · 10 POUNDS”					

Twelve Reverse  
Designs  
under three themes as  
follows for type (a):

First Theme: Accession through to the Coronation

- (1) A portrait of Princess Elizabeth facing left and in the background the Treetops Hotel in Kenya.
- (2) In the centre, the crowned seated figure of Her Majesty Queen Elizabeth II dressed in the Coronation robes and holding the orb and sceptre.
- (3) In the centre Princess Elizabeth making a radio broadcast.
- (4) In the centre Her Majesty Queen Elizabeth II in uniform on horseback.

Second Theme: Golden Jubilee Celebrations

- (5) In the centre Her Majesty Queen Elizabeth II on a walkabout, and in the background groups of people waving flags.
- (6) In the centre profile portraits of Her Majesty Queen Elizabeth II, His Royal Highness Prince Charles and His Royal Highness Prince William, facing left.
- (7) In the centre the seated figure of Her Majesty Queen Elizabeth II at the State Opening of Parliament.
- (8) In the centre the balcony scene at Buckingham Palace during the celebrations for the Silver Jubilee of the reign of Her Majesty Queen Elizabeth II.

Third Theme: Royal Regalia

- (9) In the centre the Coronation Coach.
- (9a) In the centre the Coronation Coach with a Privy Mark in the form of a small oval with the words "100 days" positioned in the space between the front wheels of the coach.
- (10) In the centre the Orb and Sceptre.
- (11) In the centre the Coronation chair with a decorative design in the background.
- (12) In the centre the St. Edward Crown.

Each design has the inscription "THE GOLDEN JUBILEE" at the bottom and a decorative arrangement of bunting at the top of the coins.

Twelve Reverse  
Designs under three  
themes as follows for  
types (b), (c), (d) and  
(e):

First Theme: Accession through to the Coronation (Silver Proof Edition Limit 25,000 per coin)

- (1) A portrait of Princess Elizabeth facing left and in the background the Treetops Hotel in Kenya.
- (2) In the centre, the crowned seated figure of Her Majesty Queen Elizabeth II dressed in the Coronation robes and holding the orb and sceptre.
- (3) In the centre Princess Elizabeth making a radio broadcast.
- (4) In the centre Her Majesty Queen Elizabeth II in uniform on horseback.

Second Theme: Golden Jubilee Celebrations (Silver Proof Edition Limit 15,000 per coin)

- (5) In the centre Her Majesty Queen Elizabeth II on a walkabout, and in the background groups of people waving flags.
- (6) In the centre profile portraits of Her Majesty Queen Elizabeth II, His Royal Highness Prince Charles and His Royal Highness Prince William, facing left.
- (7) In the centre the seated figure of Her Majesty Queen Elizabeth II at the State Opening of Parliament.
- (8) In the centre the balcony scene at Buckingham Palace during the celebrations for the Silver Jubilee of the reign of Her Majesty Queen Elizabeth II.

Third Theme: Royal Regalia (Silver Proof Edition Limit 15,000 per coin)

(9) In the centre the Coronation Coach.

(10) In the centre the Orb and Sceptre.

(11) In the centre the Coronation chair with a decorative design in the background.

(12) In the centre the St. Edward Crown.

Each design has the inscription "THE GOLDEN JUBILEE" at the bottom and a decorative arrangement of bunting in colour (other than type (c) non colour version) at the top of the coins.

Reverse Design for  
type (f)

In the centre profile portraits of Her Majesty Queen Elizabeth II, His Royal Highness Prince Charles and His Royal Highness Prince William, facing left with the inscription "THE GOLDEN JUBILEE" at the bottom and a decorative arrangement of bunting in colour at the top of each coin.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**SUPPLEMENTARY APPROPRIATION (2001-2002) ORDINANCE 2002**

(No: 1 of 2002)

**ARRANGEMENT OF PROVISIONS**

Section

1. Short title
2. Appropriation of further sum
3. Replenishment of Contingencies Fund

Schedule

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**SUPPLEMENTARY APPROPRIATION (2001-2002) ORDINANCE 2002**

(No: 1 of 2002)

AN ORDINANCE

*(assented to: 7 March 2002)*

*(commencement: upon publication)*

*(published: 13 March 2002)*

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £267,120 for the service of the financial year ending 30 June 2002.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Supplementary Appropriation (2001-2002) Ordinance 2002.

**Appropriation of further sum**

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2001 and ending on 30 June 2002 ("the financial year") the further sum of £267,120 in addition to sums already appropriated by Ordinance.

**Replenishment of Contingencies Fund**

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the

authority of Contingencies Warrant Numbers 4 & 5 of 2001-2002 (the authority of which lapses on the commencement of this Ordinance).

### SCHEDULE

#### PART I OPERATING EXPENDITURE

£

0200	Health and Social Services	75,000
0250	Education and Training	46,000
0451	Attorney General's Chambers	103,800
0452	Registry	1,570
0551	Police and Prisons	5,750
0600	Central Administration	30,000
0850	Falkland Islands Government Office – London	5,000
<b>TOTAL SUPPLEMENTARY</b>		<hr/> <b>267,120</b>

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*



ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Agricultural Loans (Amendment) Ordinance 2002**

(No: 2 of 2002)

ARRANGEMENT OF PROVISIONS

**Section**

1. Short title and commencement
2. Interpretation
3. Authorised Lender
4. Registration of Agricultural Charges

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**AGRICULTURAL LOANS (AMENDMENT) ORDINANCE 2002**

(No: 2 of 2002)

*(assented to: 7 March 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 13 March 2002)*

AN ORDINANCE

To make retrospective amendment to the Agricultural Loans Ordinance

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. This Ordinance may be cited as the Agricultural Loans (Amendment) Ordinance 2002 and shall come into force on 1 May 2002 or such later date as it is first published in the Gazette.

**Interpretation**

2. In this Ordinance —

“the principal Ordinance” means the Agricultural Loans Ordinance;

**Authorised Lender**

3.—(1) The definition of “authorised lender” in section 2(7) of the principal Ordinance is replaced by the following paragraph —

“authorised lender” means the Government of the Falkland Islands, the Falkland Islands Development Corporation, or any firm, incorporated company, or society approved by the Governor”.

(2) This section shall be deemed to have had effect from 14 June 1984.

**Registration of Agricultural Charges**

4. Section 7 of the Ordinance shall be deemed to come into force on 1 January 2001.

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Co-operative Societies (Amendment) Ordinance 2002**

(No: 3 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of Co-operative Societies Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE 2002**

(No: 3 of 2002)

*(assented to: 7 March 2002)*

*(commencement: on publication)*

*(published: 13 March 2002)*

AN ORDINANCE

To amend the Co-operative Societies Ordinance (Title 21.1).

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Co-operative Societies (Amendment) Ordinance 2002.

**Amendment of Co-operative Societies Ordinance**

2. The Co-operative Societies Ordinance is amended —

(a) in section 34(1) by deleting the words “, as ascertained by the audit prescribed by section 35,”;

(b) by repealing section 35(1) and (2);

(c) in section 35(3) by replacing the words “The Registrar and every other person” with the words “Every person”;

(d) in section 51(2)(q) by inserting after the word "fund" the words "and the Governor may by rules made under this paragraph enable a Society, subject to conditions and other provisions of such rules, to dispense with the audit of its accounts".

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Education (Amendment) Ordinance 2002**

(No: 4 of 2002)

ARRANGEMENT OF PROVISIONS

**Section**

1. Short title
2. Repeal and replacement of section 66 of the Education Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**EDUCATION (AMENDMENT) ORDINANCE 2002**

(No: 4 of 2002)

*(assented to: 7 March 2002)*

*(commencement: on publication)*

*(published: 13 March 2002)*

**AN ORDINANCE**

To amend the Education Ordinance (Title 29.1)

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Education (Amendment) Ordinance 2002.

**Repeal and replacement of section 66 of the Education Ordinance**

2. Section 66 of the Education Ordinance is repealed and replaced by the following section —

**“Prohibition of corporal punishment**

**66.** It is unlawful for corporal punishment of any pupil at any school in the Falkland Islands to be imposed or carried out by a member of the staff of that school in consequence of any act or omission of the pupil at the school or elsewhere.”



Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON.  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON.  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Interpretation and General Clauses (Amendment) Ordinance 2002**

(No: 5 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of section 72 of the Interpretation and General Clauses Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) ORDINANCE 2002**

(No: 5 of 2002)

*(assented to: 7 March 2002)*

*(commencement: on publication)*

*(published: 13 March 2002)*

**AN ORDINANCE**

To amend the Interpretation and General Clauses Ordinance (Title 67.2)

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) Ordinance 2002.

**Amendment of section 72 of the Interpretation and General Clauses Ordinance**

2. Section 72(1) of the Interpretation and General Clauses Ordinance is replaced by the following subsection —

“(1) Good Friday and the first Monday in October and, where they do not fall on a Saturday or Sunday, 1<sup>st</sup> January, 21<sup>st</sup> April, 14<sup>th</sup> June, 8<sup>th</sup> December, 25<sup>th</sup> December and 26<sup>th</sup> December are public holidays.”

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Retirement Pensions (Amendment) Ordinance 2002**

(No: 6 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment to the Retirement Pensions Ordinance 1996

Schedule

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**RETIREMENT PENSIONS (AMENDMENT) ORDINANCE 2002**

(No: 6 of 2002)

*(assented to: 7 March 2002)*  
*(commencement: on publication)*  
*(published: 13 March 2002)*

AN ORDINANCE

To amend the Retirement Pensions Ordinance 1996

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Retirement Pensions (Amendment) Ordinance 2002.

**Amendment of Retirement Pensions Ordinance 1996**

2. The Retirement Pensions Ordinance 1996(a) is amended in the manner specified in the Schedule to this Ordinance.

**SCHEDULE**

**Amendments to the Retirement Pensions Ordinance 1996**

1. In this Schedule “the Ordinance” means the Retirement Pensions Ordinance 1996.

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(a) No 20 of 1996

2. The Ordinance is amended by the insertion of the following section 4A —

**“Women undergoing course of education before appointed day**

**4A.—(1)** A woman who shows to the satisfaction of the Board —

(a) that in respect of a period or periods before the appointed day and while she was ordinarily resident in the Falkland Islands she was following a course of education or training outside the Falkland Islands;

(b) that that period or periods of a course of education or training, but for the fact that it or they fell before the appointed day, would for the purposes of section 13(4) have been a prescribed course of education or training; and

(c) that she is entitled to a retirement pension or a widow’s pension under section 4(1) or 4(2), as the case may be; and

(d) that that pension would be greater if the credit of contributions provided for by this subsection is made,

shall, on making a claim in such form as may be prescribed be entitled to be credited with contributions under the 1952 Ordinance in respect of every week that she was attending at such course or absent from the Falkland Islands in connection with it.

(2) A claim for credit of contributions under subsection (1) cannot be made until such time as the woman is entitled to claim a pension under section 4(1) or 4(2) as the case may be.”

3. Section 10(4) of the Ordinance is amended by replacing the words “earnings do” with the words “income does”.

4. Section 13(1) of the Ordinance is amended by inserting at the beginning of the subsection the words “Subject to subsection (8),”.

5. Section 13 of the Ordinance is further amended by inserting the following new subsection (8)—

“(8) No contribution shall be made by the Government under subsection (1) in respect of a person whose income from all sources during the period of 12 months immediately preceding the date on which the payment would otherwise fall to be made exceeded such sum as is prescribed by Regulations under section 26 of this Ordinance.”

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Statute Law Revision Ordinance 2002**

(No: 7 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Provisions no longer to apply



ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**STATUTE LAW REVISION ORDINANCE 2002**

(No: 7 of 2002)

*(assented to: 7 March 2002)*  
*(commencement: on publication)*  
*(published: 13 March 2002)*

AN ORDINANCE

To revise the statute law of the Falkland Islands by disapplying a number of English statutory provisions.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Statute Law Revision Ordinance 2002.

**Provisions no longer to apply**

2.—(1) The English statutes and provisions of English statutes specified in the Table to this subsection cease on the commencement of this Ordinance to apply in the Falkland Islands and Schedule 1 to the Crimes Ordinance (Title 23.1) is amended accordingly.

**TABLE**

Piracy Acts 1698 and 1721  
sections 8 and 17 of the Conspiracy and Protection of Property Act 1875  
War Charities Act 1940

(2) Part X of the Interpretation and General Clauses Ordinance (Title 67.2) shall be deemed never to have had effect to apply the Charities Act 1993 or any provision of it to the Falkland Islands and shall not have such effect.

(3) Section 4(1) of the Criminal Law (Amendment) Ordinance 1997 (which purports to apply section 1(6), (7) and (8) of the Protection of Children Act 1978) is repealed.

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> day of February 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

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The following are published in this Supplement -

**Waste Food Order 2002, (S.R. & O. No. 5 of 2002);**

**Fishing Licences (Applications and Fees) Regulations Order 2002, (S.R. & O. No. 6 of 2002);**

**Licensing (Amendment) Ordinance 2002;**

**Supplementary Appropriation (2001-2002) (No. 2) Ordinance 2002;**

**Falkland Islands Defence Force Club (Special Provisions) Bill 2002;**

**Public Funds (Amendment) Bill 2002;**

**Interest on Debts Bill 2002;**

**Fisheries (Conservation and Management) (Amendment) Bill 2002.**

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## SUBSIDIARY LEGISLATION

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### ANIMAL HEALTH

#### Waste Food Order 2002

(S. R. & O. No: 5 of 2002)

*Made: 8<sup>th</sup> April 2002*

*Published: 18<sup>th</sup> April 2002*

*Coming into force: in accordance with article 1*

IN EXERCISE of my powers under section 2(2) of the Animal Health Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation and Commencement**

1. This Order may be cited as the Waste Food Order 2002 and shall come into force on such date, not earlier than the first publication of this Order in the Gazette, as the Governor may notify by Notice so published.

#### **Interpretation**

2. In this Order, unless the context otherwise requires —

“the Act” means the Animal Health Act 1981 in its application to the Falkland Islands;

“waste food” means —

(a) any meat, bones, blood, offal or other part of the carcase of any livestock or of any poultry slaughtered other than in the Falkland Islands, or product derived therefrom; or

(b) hatchery waste or eggs or egg shells imported to the Falkland Islands; or

(c) any broken or waste foodstuffs (including table or kitchen refuse scraps or waste) which contain or have been in contact with any meat, bones, blood, offal or with any other part of the carcase of any livestock or of any poultry slaughtered other than in the Falkland Islands,

but does not include meal manufactured from protein originating from livestock or poultry.

#### **Prohibition on feeding waste food to animals**

3. No person shall —

(a) knowingly sell or supply for feeding to animals any feeding stuff into which he knows or has reason to suspect that any waste food has been incorporated;

(b) feed to an animal any feeding stuff into which he knows or has reason to suspect that any waste food has been incorporated.

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(a) No 9 of 1998

**Prohibition on collection of food**

4. No person shall, for the purpose of feeding to swine, collect any feeding stuff from premises where unwrapped waste food is handled.

**Powers of inspectors**

5. If an inspector has reasonable grounds for supposing that waste food is being incorporated into feeding stuff for feeding to animals on any premises he may —

- (a) enter onto any premises for the purposes of conducting an inspection,
- (b) examine any animal,
- (c) examine any feeding stuff being fed to, or apparently being fed to, any animal,
- (d) conduct such tests and take such samples from any animal or from feeding stuff as he may consider necessary for the purpose of diagnosis,
- (e) seize any feeding stuff that he considers to contain waste food.

**Offences**

6. Any person who, without lawful authority or excuse, proof of which shall lie on him —

- (a) contravenes or fails to comply with articles 3 or 4;
- (b) willfully obstructs or interferes with an inspector in the performance of his duties under article 5;

commits an offence against the Act.

**Defences**

7. In any proceedings for an offence under article 5 in relation to a contravention of article 3 it shall be a defence for any person charged to prove —

- (a) that he did not know or have reason to suspect that the feeding stuff contained waste food, and
- (b) that he had taken all reasonable steps to ensure that the feeding stuff did not contain waste food.

Made this

day of April 2002

D A Lamont  
*Governor*

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### **EXPLANATORY NOTE**

*(not forming part of the above Order)*

This Order prohibits the practice of incorporating certain imported meat products into feeding stuff for animals.

The Order provides that no person shall sell or supply for feeding to animals any feeding stuff which that person knows or has reason to suspect that any waste food has been incorporated, or to feed to an animal any feeding stuff in which waste food has been incorporated (article 3). Waste food is defined as any meat, bones, blood, offal or part or other part of a carcase of any livestock or of any poultry slaughtered other than in the Falkland Islands, hatchery waste or eggs or egg shells imported to the Falkland Islands, or any broken or waste food stuffs (including table or kitchen scraps) which contain or have been in contact with any meat, bones, blood, offal or with any other part of the carcase or any livestock or of any poultry slaughtered other than in the Falkland Islands (article 2)

The Order provides that an inspector having reasonable grounds for supposing waste food is being incorporated into feeding stuff may enter onto premises for the purpose of conducting an inspection, examining any animal, examining any feeding stuff, conducting tests and seizing any feeding stuff that he considers to contain waste food (article 4).

The Order creates criminal offences for persons who contravene the Order or wilfully obstruct or interfere with an inspector in the performance of his duties (article 5).

The Order provides a defence for any person to prove that he did not know or have reason to suspect that the feeding stuff contained waste food and that he had taken all reasonable steps to ensure that the feeding stuff did not contain waste food (article 6).

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## SUBSIDIARY LEGISLATION

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### FISHERIES

#### **Fishing Licences (Applications and Fees) Regulations Order 2002**

S.R.& O. No: 6 of 2002

*Made: 8<sup>th</sup> April 2002*

*Published: 18<sup>th</sup> April 2002*

*Coming into force: on publication*

IN EXERCISE of my powers under section 20 of the Fisheries (Conservation and Management) Ordinance 1986(a) I make the following Order —

#### **Commencement and citation**

1.—(1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations Order 2002 and shall come into operation on the date it is first published in the Gazette and cease to have effect on 31st December 2002.

(2) This Order is hereinafter called “these Regulations” and any paragraph of this Order may be cited as (and is hereafter described as) a regulation bearing the same number as that paragraph and every subparagraph of a paragraph of this Order may be cited as (and is hereafter described as) a paragraph of the same number of the regulation in which it appears.

#### **Application**

2. Nothing in these Regulations applies to licences for exploratory or scientific purposes or to fishing within the territorial sea or internal waters.

#### **Interpretation**

3. In these Regulations —

“exploratory or scientific purposes” means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the locations in which they or any species of fish or fish of any age, stage of maturity or size may be found;

“FICZ” means the interim conservation and management zone as defined in section 2 of the Fisheries (Conservation and Management) Ordinance 1986;

“FOCZ” means the outer conservation zone as defined in Proclamation 2 of 1990 as varied by Proclamation 1 of 1994;

“fishing licence” means a licence to catch or take fish within the fishing waters;



“the fishing season” means —

- (a) in relation to an “L” licence the period commencing on 1st July 2002 and ending 31st December 2002;
- (b) in relation to an “R” licence the period commencing on 1st July 2002 and ending on 31st December 2002;
- (c) in relation to an “S” licence the period commencing on 1st July 2002 and ending 31st December 2002;
- (d) in relation to an “X” licence the period commencing on 1st August 2002 and ending on 31st October 2002;
- (e) in relation to a “Y” licence the period commencing on 1st July 2002 and ending on 31st December 2002;
- (f) in relation to a “Z” licence the period commencing on 1st July 2002 and ending on 31st December 2002;

“the principal regulations” means the Fishing Regulations Order 1987.

#### **Relationship with principal Regulations**

4. For so long as these Regulations are in force such of the provisions of the principal Regulations as are inconsistent with these Regulations shall not be in force, but except as aforesaid the provisions of the principal Regulations remain in force and shall be complied with in addition to those of these Regulations.

#### **Types of Licence**

5.—(1) For the purpose of these Regulations there shall be the following categories of licence —

- (a) an ‘L’ licence;
- (b) an ‘R’ licence;
- (c) an ‘S’ licence;
- (d) an ‘X’ licence ;
- (e) a ‘Y’ licence; and
- (f) a ‘Z’ licence.

(2) An ‘L’ licence issued under these Regulations shall permit the catching of Toothfish (*Dissostichus eleginoides*).

(3) An ‘R’ licence issued under these Regulations shall permit the catching or taking of all species of the family Skate (*Rajidae*) and shall not permit the taking of other species of finfish or squid of any kind.

(4) An ‘S’ licence issued under these Regulations shall permit the catching or taking of Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).

(5) An ‘X’ licence issued under these Regulations shall authorise the catching or taking of squid of the species *Loligo gahi*.

(6) A ‘Y’ licence issued under these Regulations shall permit the catching or taking of any finfish, that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case include Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) or squid of any kind.

(7) A ‘Z’ licence issued under these Regulations shall permit the catching or taking of any finfish except Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including

Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*), Skate (*Rajidae*) or squid of any kind:

Provided that a “by-catch” which, in the reasonable opinion of the Director of Fisheries could not reasonably be avoided, shall not be deemed to have been caught or taken without the authority of a licence.

### **Applications for Licences**

6.—(1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, P.O. Box 598, Stanley, Falkland Islands.

(2) Any application to which paragraph (1) of this regulation relates shall be made so as to be received there by Monday 15<sup>th</sup> April 2002.

(3) The Director of Fisheries in his discretion may consider an application lodged after the date mentioned in paragraph (2) of this regulation but shall not be bound to do so.

### **The Schedule and its Tables**

7.—(1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type ‘L’ licences.

(2) Table 2 of the Schedule to these Regulations applies in respect of the fees payable for type ‘R’ licences.

(3) Table 3 of the Schedule to these Regulations applies in respect of the fees payable for type ‘S’ licences.

(4) Table 4 of the Schedule to these Regulations applies in respect of the fees payable for type ‘X’ licences.

(5) Table 5 of the Schedule to these Regulations applies in respect of the fees payable for type ‘Y’ licences.

(6) Table 6 of the Schedule to these Regulations applies in respect of the fees payable for type ‘Z’ licences.

(7) All fees payable under this regulation shall be paid in pounds Sterling and in accordance with the principal Regulations.

(8) The explanatory notes at the commencement of each Table in the Schedule to these Regulations are for guidance only and shall not have legislative effect.

(9) Transshipping Licences: all fishing vessels licences will be endorsed as valid for transshipment operations on Berkeley Sound, i.e vessels licensed to fish will also be permitted to tranship without further charge. Vessels not licensed to fish, including refrigerated cargo vessels, which wish to tranship (and vessels wishing to tranship before or after their allocated licence period) must obtain a Transshipment or Transport licence. Transshipment licences once issued will be strictly non-refundable even if the vessel requesting a licence does not arrive to use it. Where a fishing vessel is licenced to fish for 3 months or longer within the six-month season, the transshipment licence will be extended to apply to the full six months season. The fee for transshipment and export licences for the period 1<sup>st</sup> July 2002 to the 31<sup>st</sup> December 2002 shall be £150 per transshipment operation.

Made this

day of April 2002

D A Lamont,  
Governor.

**THE SCHEDULE**  
PROVISION AS TO FISHING LICENCES IN RESPECT OF THE FISHING SEASON

**TABLE 1**  
Toothfish - Type "L" Licences

(Explanatory notes:

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to longliners licensed to take Toothfish (*Dissostichus eleginoides*) only.
3. The season for this type of licence commences on 1st July 2002 and ends on 31st December 2002.
4. Fees set out in this table are payable in respect of the number of months for which the licence is valid.)

**Effective text (of legislative effect)**

A. A licence is not transferable.

**FEE**

Fee payable per licensed month is:

£24,244

**TABLE 2**  
Skate - Type "R" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take Skate (*Rajidae*) only.
3. The season for this type of licence commences on 1st July 2002 and ends on 31st December 2002 and will be subject to a closed area and provisions of the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.

4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.

**Effective text (of legislative effect)**

A. In the following Formula, "GT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules In respect of the vessel to be licensed;

B. A licence is not transferable.

**FORMULA**

Fee payable per licence month is the result of:

$$£(2.42 * GT) + 19554$$

**TABLE 3**

Finfish only -Species restricted - Type "S" Licence

(Explanatory notes:

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers equipped with Surimi factories, licensed to take Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).
3. The season for this type of licence commences on 1st July 2002 and ends on 31st December 2002 and will be subject to the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.

**Effective text (of legislative effect)**

A. In the following Formula, "GT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed;

B. A licence is not transferable.

**FORMULA**

Fee payable per licensed month is the result of:

$$£27.496 x GT$$

**TABLE 4**  
Squid - Type "X" Licences

(Explanatory notes:

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid of the species *Loligo gahi*.
3. The season for this type of licence commences on 1st August 2002 and ends on 31st October 2002 and is exempt from the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are for the full season.

**Effective text (of legislative effect)**

- A. In the following Formula, "GT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.
- B. A licence is not transferable.

**FORMULA**

Fee payable is the result of:

$$£(33.34 * GT) + 59088$$

**TABLE 5**  
Finish only - Type "Y" Licences

(Explanatory notes:

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the formula set in this Table apply to trawlers licensed to take finfish species with the exception of Toothfish (*Dissostichus eleginoides*), Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on the 1st July 2002 and ends on 31st December 2002 and will be subject to a closed area and the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this table are payable in respect of the number of months for which the licence is valid.

**Effective text (of legislative effect)**

- A. In the following Formula, "GT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International tonnage Measurement Rules in respect of the vessel to be licenced.
- B. A licence is not transferable.

**FORMULA**

The fee payable per licensed month of fishing is calculated by adding £5,000 to the relevant Finfish (Species Restricted) type "Z" licence fee, taking account of the GT of the vessel.

## TABLE 6

### Finfish Only - Species Restricted - Type "Z" Licences

(Explanatory notes:

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to Trawlers licensed to take all finfish species with the exception of Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on 1st July 2002 and ends on the 31st December 2002 and will be subject to a closed area and the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this table are payable in respect of the number of months for which the licence is valid.

#### Effective text (of legislative effect)

A. In the following Formula, "GT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licenced;

B. A licence is not transferable.

#### FORMULA

Fee payable per licensed month is the result of:

$$£(5.882 * GT) + 10333$$

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**LICENSING (AMENDMENT) ORDINANCE 2002**

(No: 8 of 2002)

*(assented to: 10<sup>th</sup> April 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 18<sup>th</sup> April 2002)*

**AN ORDINANCE**

To amend the Licensing Ordinance 1994 and disapply section 7 of the Children and Young Persons Act 1933 and the Children and Young Persons (Tobacco) Act 1991.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 2002 and shall come into force on such date as the Governor may appoint by notice published in the *Gazette*.

**Interpretation**

2. In this Ordinance “1994 Ordinance” means the Licensing Ordinance 1994.

**Wine bar licences**

3. The following subsection is added to section 3 of the 1994 Ordinance —

“(4) A wine bar licence may be granted in respect of the bar area of premises licensed under a restaurant licence and if so granted the permitted hours in respect of that area shall be those applicable to Part V licences by virtue of section 42(4), but section 53(1)(b) shall not extend to sales under such a wine bar licence.”

#### **Replacement of section 5 of the 1994 Ordinance**

4. Section 5 of the 1994 Ordinance is amended by the insertion of the following subsection (4)

“(4) The clerk of the Summary Court may, unless otherwise directed by the Summary Court, grant in the name of that court—

- (a) any renewal or transfer of a justices’ licence of which he is satisfied that notice has properly been given and to which no notice of objection has been made in accordance with section 9(4);
- (b) any protection order of which he is satisfied that notice has properly been given and to which the chief police officer has notified him he will not object.”

#### **Amendment of section 45 of the principal Ordinance**

5. Section 45 is amended —

- (a) in subsection (1)(b) by deleting the words “and substantial refreshment”; and
- (b) by inserting the following subsection after subsection (3) —

“(3A) Notwithstanding section 44(2) there shall be no extension of permitted hours by virtue of a special hours certificate upon any premises —

- (a) on any night unless not less than seven days before that night notice in writing has been given to the chief police officer of the intention to provide music and dancing or entertainment on that night;
- (b) on more than two occasions in addition to any public holiday and the morning following it falling within any continuous period of seven days.”

#### **New section 47A**

6. The following section is inserted after section 47 —

##### **“Admission of persons over 16 to premises licensed under a special hours certificate**

**47A.—**(1) Subject to this section, it shall be lawful for persons aged over the age of 16 years but under the age of 18 years to be upon premises in respect of which a special hours certificate is held if the licensee permits them to be present.

(2) Subsection (1) does not apply in respect of public houses or in respect of any premises in respect of which or a time of day in respect of which the licensing justices have under section 45(1) inserted in the special hours certificate a limitation to the contrary.

(3) Subsection (1) only applies during such time as music and dancing or entertainment are provided upon the premises and only applies to that part or those parts of the premises in which it is provided.

(4) Nothing in this section authorises the sale or supply of intoxicating liquor upon the premises to any person under the age of eighteen years.”

#### **Replacement of section 66 of the 1994 Ordinance**

7. Section 66 of the 1994 Ordinance is repealed and is replaced by the following section —

##### **“Children and young persons prohibited from bars**

**66.—**(1) Subject to this Ordinance —



- (a) the holder of a licence shall not allow a person under eighteen to be in the bar of licensed premises during the permitted hours;
  - (b) no person shall cause or procure, or attempt to cause or procure, any person under the age of eighteen years to be in the bar of licensed premises during the permitted hours;
  - (c) where it is shown that a person under eighteen was in the bar of any licensed premises, the holder of the licence commits an offence under this section unless he proves either —
    - (i) that he exercised all due diligence to prevent the person under eighteen from being admitted to the bar, or
    - (ii) that the person under eighteen had apparently attained that age.
- (2) No offence is committed under subsection (1) of this section if —
- (a) if the licensee or the person for the time being in charge of the bar of the premises is satisfied that the person under eighteen is in the company of one of his parents or of a person apparently of 25 years of age or more who is bona fide in charge of him for the time being;
  - (b) there is in force a certificate under section 66A of this Ordinance relating to the bar; and
  - (c) the certificate is operational or subsection (3) applies.
- (3) This subsection applies where —
- (a) the person under eighteen, or the person in whose company he is, is consuming a meal purchased before the certificate ceased to be operational, and
  - (b) not more than thirty minutes have elapsed since the certificate ceased to be operational.
- (4) No offence is committed under subsection (1)(b) of this section if the person causes or procures, or attempts to cause or procure, the person under eighteen to be in the bar in the circumstances mentioned in paragraphs (a) to (c) of subsection (2) of this section.
- (5) No offence is committed under this section if the person under eighteen —
- (a) is the licence-holder's child, or
  - (b) resides on the premises but is not employed there, or
  - (c) is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (6) A person who contravenes this section is liable on conviction to a fine not exceeding the maximum of level 1 on the standard scale.
- (7) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court to have been under that age, he shall be deemed for the purposes of the proceedings to have been then under that age, unless the contrary is shown.”

#### **New sections 66A and 66B of the 1994 Ordinance**

8. The following sections are inserted in the 1994 Ordinance after section 66 —

##### **“Children’s certificates**

**66A.—**(1) The holder of a licence for on-sales may apply to the Summary Court for the grant of a certificate in relation to any area of the premises for which the licence is in force which consists of or includes a bar.

(2) The Summary Court may grant an application for a certificate under subsection (1) of this section (“a children’s certificate”) if it appears to them to be appropriate to do so, but shall not do so unless they are satisfied —

(a) that the area to which the application relates constitutes an environment in which it is suitable for persons under eighteen to be present;

(b) that meals and beverages other than intoxicating liquor will be available for consumption in that area.

(3) Where a children’s certificate is in force, the holder of the licence for the licensed premises to which the certificate relates shall keep posted in some conspicuous place in the area to which the certificate relates a notice which —

(a) states that a children’s certificate is in force in relation to that area, and

(b) explains the effect of the certificate and of any conditions attached to it.

(4) A person who fails to perform the duty imposed on him by subsection (3) of this section commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 1 on the standard scale.

(5) In any proceedings for an offence under subsection (4) of this section, it is a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence, to avoid the commission of the offence.

(6) Schedule 7 to this Ordinance (supplementary provisions) shall have effect.

(7) Subsection (1) of this section shall apply to an applicant for a licence as it applies to the holder of a licence. and, in its application by virtue of this subsection, shall have effect as if the reference to premises for which the licence is in force were to the premises which are the subject of the application for a licence for on-sales.

#### **Admission of persons under 18 to private functions in a bar**

**66B.**—(1) Nothing in section 66 shall operate so as to prohibit the presence of persons under eighteen in the bar of licensed premises during permitted hours if the requirements of this section are satisfied.

(2) The requirements referred to in subsection (1) are that —

(a) the only persons who are permitted to be present in the bar at the time in question are the licensee, the licensee’s employees and persons invited to attend a private function being held in the room in which the bar is;

(b) at least 48 hours notice of the holding of the private function has been given by the licensee to the chief police officer and he has not signified any objection to the private function; and

(c) no intoxicating liquor is sold or supplied to persons under the age of 18, except as may be permitted by any other provision of this Ordinance; and

(d) that beverages other than intoxicating liquor are supplied or are available for sale at all times the private function is being held in the bar.”

#### **Amendment of section 67 of the 1994 Ordinance: special provisions in relation to persons aged 16 and over**

**9.** Section 67 of the 1994 Ordinance is amended —

(a) by replacing subsection (1) with the following —

“(1) In licensed premises and in a registered club, subject in the case of licensed premises to subsection (3A) —

(a) the holder of the licence (in the case of licensed premises);

(b) the committee of the club (in the case of a registered club); and

(c) any person engaged by the holder of the licence or by his employer (in the case of licensed premises) or by or on behalf of the club (in the case of a registered club); shall not sell or supply intoxicating liquor to a person under the age of eighteen or knowingly allow any person under the age of eighteen to consume intoxicating liquor in a bar or knowingly allow any other person to sell or supply intoxicating liquor to a person under the age of eighteen.”

(b) in subsections (2) and (3), by the insertion at the beginning of each of those subsections of the words “Subject to subsection (3A),”;

(c) by inserting the following subsections after subsection (3) —

“(3A) Subject to the conditions specified in subsection (3B) being complied with, subsections (1), (2) and (3) of this section do not prohibit the sale to or purchase by or for a person who has attained the age of sixteen of beer, porter, cider or perry for consumption as an ancillary to a meal taken by him.

(3B) The conditions referred to in subsection (3A) are —

(a) that the licensee or the person for the time being in charge of the bar of the premises is satisfied that the person under sixteen is in the company of one of his parents or of a person apparently of at least twenty-five years of age or more who is bona fide in charge of him for the time being;

(b) that the beer, porter, cider or perry is sold or supplied to the person under sixteen in an area of the premises to which a children’s certificate relates; and

(c) that the certificate is operational or section 66(3) applies.”

#### **Amendment of section 76 of the 1994 Ordinance**

10. Section 76 of the 1994 Ordinance is amended —

(a) by the insertion of the following words at the end of subsection (1) —

“The court shall at the time of conviction make an order under this subsection in respect of any person it convicts of an offence under subsection (7)(b)(i) (supply etc of intoxicating liquor to a person subject to a prohibition order).”; and

(b) by the insertion of the following words at the end of subsection (2) —

“An order under subsection (1) may be renewed or further renewed by the court on the application of any person, but the court shall not renew such an order other than on the application of the person concerned without first giving him an opportunity to be heard in opposition to the renewal of the order.”; and

(c) in subsection (3) by replacing the words “for a prohibition order” with the words “for or for the renewal of a prohibition order.”.

**New section 83A**

11. The following section is inserted after section 83 —

**“Special powers of Summary Court in relation to licences and certificates etc**

**83A.—**(1) On convicting a licensee or holder of any certificate granted under this Ordinance of any offence under this Ordinance, the court convicting him—

- (a) if it is not the Summary Court may, in addition to any fine or other penalty imposed upon the licensee or holder of any certificate granted under this Ordinance, remit to the Summary Court for its consideration the question as to whether the Summary Court should not exercise one or more of its powers under this section; and
- (b) if it is the Summary Court may, in addition to any fine or other penalty imposed upon the licensee or holder of any certificate granted under this Ordinance, forthwith proceed to consider whether it should exercise any of its powers under this section.

(2) The Summary Court may at any time, whether or not any other court has remitted the question for its consideration under subsection (1), give not less than seven days' notice to any licensee or holder of a certificate granted under this Ordinance that it intends on such day and at such time and place as is specified in the notice to consider the exercise of one or more of its powers under this section in respect of the licence or certificate. A notice served under this subsection shall specify the ground or grounds upon which the Summary Court intends to consider the exercise of one or more of its powers.

(3) A person upon whom a notice has been served pursuant to subsection (2) shall, if he so desires, be heard by the Summary Court on the day or time specified in the notice or any later day or time to which it may adjourn consideration of the matter.

(4) The powers referred to in subsections (1) and (2) are by order —

- (a) to revoke the licence or certificate with effect from such date as may be specified by the Summary Court or suspend it for such period and with effect from such date as may be specified by the Summary Court;
- (b) to require the licence or certificate to be transferred within 21 days or such greater period as may be specified by the Summary Court to a person to be approved by the Summary Court;
- (c) to vary the licence or certificate in such manner as may be specified by the Summary Court; and
- (d) to prohibit any person specified by the Summary Court from being employed or engaged in or about any licensed premises or registered club in the Falkland Islands in relation to the sale or supply of intoxicating liquor either indefinitely or during such period of time as may be specified by the Summary Court (but the Summary Court shall not exercise this power without first having given the person concerned a reasonable opportunity to be heard in relation to the matter).

(5) The Summary Court shall not vary any licence or certificate pursuant to subsection (4)(c) so as to impose any condition or limitation which it could not lawfully have imposed on the grant or renewal of the licence or certificate.

(6) If the Summary Court exercises its powers under subsection (4)(d) in relation to any person —

(a) any person knowing of the prohibition who employs the person concerned in contravention of that order commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 4 on the standard scale;

(b) that person commits an offence if he, whether in the course of employment or otherwise, is concerned in the sale or supply of intoxicating liquor in or about any licensed premises or registered club and he is liable upon conviction of that offence to imprisonment for a term not exceeding three months or to a fine not exceeding the maximum of level 4 on the standard scale.

(7) Any person aggrieved by a decision of the Summary Court under this section may appeal to the Magistrate's Court against the decision and the decision of the Magistrate's Court on such an appeal shall be final."

#### **Minor and consequential amendments of the Licensing Ordinance 1994**

12. Schedule 1 to this Ordinance shall have effect to make minor and consequential amendments to the 1994 Ordinance.

#### **Repeals of spent provisions of the Licensing Ordinance 1994**

13. Schedule 2 to this Ordinance shall have effect.

#### **Disapplication of English provisions**

14. Section 7 of the Children and Young Persons Act 1933 and the Children and Young Persons (Tobacco) Act 1991 shall no longer apply as part of the law of the Falkland Islands.

### **SCHEDULE 1 MINOR AND CONSEQUENTIAL AMENDMENTS**

#### *Introductory*

1. In the subsequent paragraphs of this Schedule a reference to a section or any subdivision of any description of a section is a reference to a section or such subdivision of a section of that description of the 1994 Ordinance.

2. Section 2 is amended by —

(a) inserting the following definition immediately after the definition of "canteen" —

" "children's certificate" means a certificate granted under section 66A;";

(b) by inserting the following definition after the definition of "intoxicating liquor" —

" "licence" has the meaning given by section 3(1);";

(c) by inserting the following after the definition of "secretary" —

" "special hours certificate" means a certificate granted under section 44;"; and

(d) by inserting the following definition after the definition of "wholesale licence" —

““winebar licence” is an on-licence which authorises the sale of wine only.”.

*Repeal of obsolete provisions etc*

3. In section 7 —

- (a) in subsection (1) the word “on” is inserted before the word “granting”;
- (b) subsection (4) is repealed and replaced by the following new subsection (3) (the existing subsection (3) being repealed by section 13 and Schedule 2 of this Ordinance) —

“(3) Except as provided by paragraph 6 of Schedule 2, the licensing justices shall not consider an application for a new licence or the provisional grant of a new licence until they are satisfied that the notices required by paragraph 3 of Schedule 3 have been given in conformity with the requirements of that paragraph.”

*Permitted hours*

4. Section 42(1) is amended —

- (a) by replacing paragraph (c) with —

“(c) on Sundays and Good Friday twelve noon to half past ten in the evening;”

- (b) by constituting the existing paragraph (d) as paragraph (e) and by inserting the following new paragraph (d) —

“(d) on Christmas Day twelve noon to half past ten in the evening;”

8. Section 44(1) is amended by replacing the words “half past twelve” in both places they appear with the words “one”.

9. Section 69 is amended by replacing the words “sections 66 and 68” with the words “sections 66, 66A, 66B and 68”.

*New Schedule 7*

10. The following new Schedule 7 is inserted —

**“SCHEDULE 7**

**CHILDREN’S CERTIFICATES: SUPPLEMENTARY PROVISIONS**

*Applications*

1.—(1) The Summary Court shall not entertain an application for a children’s certificate unless the applicant has, at least 21 days before the date on which the application is considered by the court, given to the clerk of the court and to the chief police officer notice of his intention to make the application.

(2) Notice under sub-paragraph (1) of this paragraph shall —

- (a) be in writing and be signed by the applicant or his authorised agent, and
- (b) state the situation of the premises where the area to which the application relates is to be found.

(3) If the premises mentioned in sub-paragraph (2)(b) of this paragraph include a bar which is not included in the area to which the application relates, the Summary Court may decline to

entertain the application until the applicant has lodged a plan of the premises indicating the area of the premises to which the application relates.

2.—(1) If the chief police officer intends to oppose an application for a children's certificate, he must give notice in writing of his intention to do so to the applicant and to the clerk of the court not less than 7 days before the meeting of the Summary Court at which the application is to be considered.

(2) Notice under sub-paragraph (1) of this paragraph shall be in writing and shall specify in general terms the grounds of the opposition.

#### *Hearing of application*

3.—(1) The applicant shall be entitled to attend at the hearing of his application and to present his application in person or by any other person he may engage to present his application on his behalf.

(2) If the Summary Court decides to refuse an application for a children's certificate, it shall announce its reasons in open court immediately following the announcement of its decision.

#### *Conditions*

4.—(1) It shall be a condition of the grant of a children's certificate that meals and beverages other than intoxicating liquor are available for sale for consumption in the area to which the certificate relates at all times when the certificate is operational.

(2) The Summary Court may impose such other conditions on the grant of a children's certificate as it thinks fit.

(3) Without prejudice to the generality of sub-paragraph (2) of this paragraph, conditions under that sub-paragraph may restrict the hours during which, or days on which, the certificate is operational.

#### *When operational*

5.—(1) Subject to any conditions attached by the Summary Court and to sub-paragraph (2) of this paragraph, a children's certificate shall be operational at any time up to nine in the evening.

(2) The Summary Court may, in relation to a children's certificate, approve a later time than nine in the evening as the time when the children's certificate ceases to be operational, and may do so either generally or for particular days or periods.

(3) The Summary Court may only act under sub-paragraph (2) of this paragraph on the application of the appropriate person, but an approval under that provision needs to correspond with the applicant's proposals.

(4) In sub-paragraph (2) of this paragraph, the reference to the appropriate person is —

(a) in the case of an application with respect to an existing children's certificate, to the holder of the licence for the licensed premises to which the certificate relates; and

(b) in the case of an application made in conjunction with an application for a children's certificate, to the applicant for the certificate.

#### *Duration*

6. Subject to the Summary Court's powers under section 83A, a children's certificate shall remain in force until revoked.

7.—(1) Without prejudice to the Summary Court powers under section 83A, that court may of its own motion or on application by the chief police officer, revoke a children's certificate if it is satisfied —

(a) that the area to which the certificate relates does not constitute an environment in which it is suitable for persons under eighteen to be present, or

(b) that there has been a serious or persistent failure to comply with one or more of the conditions attached to the certificate.

(2) The Summary Court may only revoke a certificate in exercise of its powers under, and in accordance with the procedure provided for by, section 83A, but the matters mentioned in (a) and (b) of the preceding sub-paragraph of this Schedule shall constitute grounds on which the Summary Court may exercise those powers.

8. If the holder of the licence for the licensed premises to which a children's certificate relates gives —

(a) to the clerk to the court; and

(b) to the chief police officer,

at least 14 days notice in writing of a day on which he wishes the certificate to cease to be in force, it shall be treated as revoked on that day.

9. A children's certificate shall be treated as revoked on the day on which the area to which it relates ceases to be comprised in premises for which a licence is in force.

#### *Appeals*

10.—(1) An applicant for a children's certificate who is aggrieved by a decision of the Summary Court —

(a) to refuse to grant a certificate; or

(b) as to the conditions attached to the grant of a certificate;

may appeal to the Magistrate's Court against the decision.

(2) Any applicant for an extension of the time when a children's certificate is operational who is aggrieved by a decision of the Summary Court with respect to his application may appeal to the Magistrate's Court against the decision.

(3) Any holder of a licence who is aggrieved by a decision of the Summary Court under this Schedule revoking a children's certificate relating to the licensed premises may appeal to the Magistrate's Court against the decision.

(4) The judgment of the Magistrate's Court on any appeal under this paragraph shall be final."

## **SCHEDULE 2**

### **REPEAL OF SPENT PROVISIONS**

Sections 4, 5, and 7(3), and Schedule 1 to, the 1994 Ordinance are repealed.



ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**SUPPLEMENTARY APPROPRIATION (2001-2002) (No 2) ORDINANCE 2002**

(No: 9 of 2002)

*(assented to: 10<sup>th</sup> April 2002)*  
*(commencement: on publication)*  
*(published: 18<sup>th</sup> April 2002)*

**AN ORDINANCE**

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £214,750 for the service of the financial year ending 30 June 2002.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short Title**

1. This Ordinance may be cited as the Supplementary Appropriation (2001-2002) (No 2) Ordinance 2002.

**Appropriation of further sum**

2. The Financial Secretary may for the purposes specified in the Schedules cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2001 and ending on 30 June 2002 (“the financial year”) the further sum of £214,750 in addition to sums already appropriated by Ordinance.

### Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Number 6 of 2001-2002 (the authority of which lapses on the commencement of this Ordinance).

#### SCHEDULE

PART I OPERATING EXPENDITURE		£
0320	Fisheries	63,000
0350	Public Works Department	109,000
0600	Central Administration	4,750
0850	Falkland Islands Government Office – London	24,000
	<b>TOTAL OPERATING EXPENDITURE</b>	<u>200,750</u>
0950	Capital	14,000
	<b>TOTAL SUPPLEMENTARY EXPENDITURE</b>	<u>214,750</u>

# FALKLAND ISLANDS DEFENCE FORCE CLUB (SPECIAL PROVISIONS) BILL 2002

(No:                    of 2002)

*(assented to:        2002)*

*(commencement: 2002)*

*(published:         2002)*

A BILL

for

AN ORDINANCE

To make special provision in relation to the sale of alcohol in the premises of the Falkland Islands Defence Force Club on occasions on which the Club premises are let for use by the public or a section of the public

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

## Short title

1. This Ordinance may be cited as the Falkland Islands Defence Force (Special Provisions) Ordinance 2002.

## Special Provisions

2.—(1) This section shall have effect notwithstanding —

(a) any rules of the Falkland Islands Defence Force Club in force under section 59(5) of the Falkland Islands Defence Force Ordinance(a); and

(b) any provision of or under the Licensing Ordinance 1994(b) or any other enactment to the contrary including any provision of any club registration certificate for the time being in force in respect of the Club.

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(a) Title 7.1

(b) No 18 of 1994

(2) At any time (hereinafter described as “that time”) when the Club premises are —

(a) being used by the Government in or in connection with any public event at the Falkland Islands Defence Force Drill Hall or in the Club premises;

(b) let to any person or organisation in connection with an event of any kind to which the public or a section of the public are admitted (and whether or not associated with a letting of the Drill Hall); or

(c) let for the purposes of a private party,

any club registration certificate held in respect of the premises shall be of no effect and a justice’s on-licence shall be deemed to be held in respect of the Club premises (instead of any such club registration certificate) and so that, in particular during that time —

(i) alcohol may be sold or supplied to any person in the Club premises if it might lawfully be sold or supplied in such premises to that person;

- (ii) all the provisions of the Licensing Ordinance 1994 relating to premises licensed under a justice's on-licence shall apply to those premises.
- (3) An extension of permitted hours may be granted under section 48 of the Licensing Ordinance 1994 in respect of any time, outside permitted hours, in which the club premises are to be used as mentioned in subsection (2)(a), (b) or (c) and, for this purpose, every occasion on which the premises are to be so used shall be deemed to be a special occasion.
- (4) In this section —
- (a) "club registration certificate";
  - (b) "extension of permitted hours"; and
  - (c) "justice's on-licence",
- all have the same meaning as they have under the Licensing Ordinance 1994.

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OBJECTS AND REASONS



# INTEREST ON DEBTS BILL 2002

(No:                    of 2002)

*(assented to:        2002)*

*(commencement: 2002)*

*(published:         2002)*

A BILL

for

AN ORDINANCE

To make provision with respect to interest on the late payment of certain debts; and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

## PART I INTRODUCTORY

### **Short title and commencement**

1. This Ordinance may be cited as the Interest on Debts Ordinance 2002 and shall come into operation on the first day of the month next following its first publication in the Gazette.

### **Interpretation**

2.—(1) In this Ordinance —

“contract for the supply of goods or services” has the meaning given by section 4(3);

“contract price” means the price in a contract of sale of goods or the money consideration referred to in section 4(3)(b) in any other contract for the supply of goods or services;

“purchaser” means (subject to section 15(2)) the buyer in a contract of sale or the person who contracts with the supplier in any other contract for the supply of goods or services;

“qualifying debt” means a debt falling within section 3(2) or 5(1);

“statutory interest” means interest carried by virtue of the term implied by section 3(1) or, in respect of a debt due to the Crown, interest carried by virtue of section 3(2); and

“supplier” means (subject to section 15(2)) the seller in a contract of sale of goods or the person who does one or more of the things mentioned in section 4(3) in any other contract for the supply of goods or services.

(2) In this Ordinance any reference (however worded) to an agreement or to contract terms includes a reference to both express and implied terms (including terms established by a course of dealing or by such usage as binds the parties).

PART II  
STATUTORY INTEREST ON QUALIFYING DEBTS

**Statutory Interest**

- 3.—(1) It is an implied term in a contract to which this Ordinance applies that any qualifying debt created by the contract carries simple interest subject to and in accordance with this Part.
- (2) Where a person is indebted to the Crown in respect of any duty, charge or licence fee payable by virtue of any statute or subsidiary legislation that debt is a qualifying debt and carries simple interest subject to and in accordance with this Part.
- (3) Interest carried under the implied term mentioned in subsection (1) or payable by virtue of subsection (2) (in this Ordinance referred to as “statutory interest”) shall be treated, for the purposes of any rule of law or enactment (other than this Ordinance) relating to interest on debts, in the same way as interest carried under an express contract term.
- (4) This Part has effect subject to Part III (which in certain circumstances permits contract terms to oust or vary the right to statutory interest that would otherwise be conferred by virtue of the term implied by subsection (1)).

**Contracts to which Ordinance applies**

- 4.—(1) This Ordinance applies —
- (a) a contract for the supply of goods or services, other than an excepted contract;
  - (b) a debt, arising otherwise than by way of contract, to the Crown in respect of any duty, charge, licence or other fee payable under or by virtue of any written law of the Falkland Islands.
- (2) For the purposes of this Ordinance any charge made by the Health and Medical Services Department of the Falkland Islands Government in respect of medical, dental, ophthalmic, pharmaceutical or other services (whether or not of a like kind) supplied by that Department shall be deemed to be due under a contract for the supply of goods or services.
- (3) In this Ordinance “contract for the supply of goods or services” means —
- (a) a contract of sale of goods; or
  - (b) a contract (other than the contract of sale of goods) by which a person does any, or any combination, of the things mentioned in subsection (4) for a consideration that is (or includes) a money consideration.
- (4) Those things are —
- (a) transferring or agreeing to transfer to another the property in goods;
  - (b) bailing or agreeing to bail goods to another by way of hire; and
  - (c) agreeing to carry out a service.
- (5) For the avoidance of doubt a contract of service or apprenticeship is not a contract for the supply of goods or services.
- (6) The following are excepted contracts —
- (a) a contract which, if it were made in England, would be a consumer credit agreement;
  - (b) a contract intended to operate by way of mortgage, pledge, charge or other security;
  - (c) a contract of a description specified in an Order made by the Governor.
- (7) An Order under subsection (6)(c) may specify a description of contract by reference to any feature of the contract (including the parties).
- (8) In this section —

“business” includes a profession and the activities of any Government Department or public authority;

“consumer credit agreement” has the same meaning as in the Consumer Credit Act 1974;

“contract of sale of goods” and “goods” have the same meaning as in the Sale of Goods Act 1979 in its application to the Falkland Islands;

“property in goods” means the general property in them and not merely a special property.

### **Qualifying debts**

5.—(1)(a) A debt created by virtue of an obligation under a contract to which this Ordinance applies to pay the whole or any part of the contract price; and

(b) a debt to which section 4(2) applies,

are each a “qualifying debt” for the purposes of this Ordinance, unless (when created) the whole of the debt is prevented from carrying statutory interest by this section.

(2) A debt does not carry statutory interest if or to the extent that it consists of a sum to which a right to interest or to charge interest applies by virtue of any enactment (other than section 3 of this Ordinance).

This subsection does not prevent a sum from carrying statutory interest by reason of the fact that a court or arbitrator would, apart from this Ordinance, have power to award interest on it.

(3) A debt does not carry (and shall be treated as never having carried) statutory interest if or to the extent that a right to demand interest on it, which exists by virtue of any rule of law, is exercised.

(4) A debt does not carry statutory interest if or to the extent that it is of a description specified in an Order made by the Governor under this subsection.

(5) Such an Order may specify a description of debt by reference to any feature of the debt (including the parties or any other feature of the contract by which it is created).

### **Period for which statutory interest runs**

6.—(1) Statutory interest runs in relation to a qualifying debt in accordance with this section (unless section 8 applies).

(2) Statutory interest starts to run on the day after the relevant day for the debt, at the rate prevailing under section 7 at the end of the relevant day.

(3) Where the parties agree a date for payment of the debt (for example, the day on which the debt is to be created by the contract), that is the relevant day unless the debt relates to an obligation under a contract to make an advance payment.

A date so agreed may be a fixed one or may depend on the happening of an event or the failure of an event to happen.

(4) Where the debt relates to an obligation to make an advance payment, the relevant day is the day on which the debt is treated by section 13 as having been created.

(5) In any other case, the relevant day is the last day of the period of 30 days beginning with —

(a) in the case of a debt owed other than to the Crown —

(i) the day on which the obligation of the supplier to which the debt relates is performed; or

(ii) the day on which the purchaser has notice of the amount of the debt or (where that amount is unascertained) the sum which the supplier claims is the amount of the debt,

whichever is the later, and



- (b) in the case of a debt owed to the Crown —
  - (i) in respect of any duty, fee, charge or licence fee payable by virtue of any written law of the Falkland Islands, the date on which the liability to pay the duty, fee, charge or licence fee arose;
  - (ii) in respect sale or supply by the Crown of goods or services, the date on which the invoice is issued.
- (6) Where the debt is created by virtue of an obligation to pay a sum due in respect of a period of hire of goods, subsection (5)(a) has effect as if it referred to the last day of that period.
- (7) Statutory interest ceases to run when the interest would cease to run if it were carried under an express contract term.
- (8) In this section “advance payment” has the same meaning as in section 11.

#### **Rate of statutory interest**

- 7.—(1) The Governor shall by Order prescribe the rate of statutory interest or a formula for calculating the rate of statutory interest.
- (2) Before making such an Order the Governor shall consider the extent to which it may be desirable to set the rate so as to —
  - (a) protect suppliers whose financial position makes them particularly vulnerable if their qualifying debts are paid late; and
  - (b) deter generally the late payment of qualifying debts.

#### **Remission of statutory interest**

- 8.—(1) This section applies where, by reason of any conduct of the supplier, the interests of justice require that statutory interest should be remitted in whole or part in respect of a period for which it would otherwise run in relation to a qualifying debt.
- (2) If the interests of justice require that the supplier should receive no statutory interest for a period, statutory interest shall not run for that period.
- (3) If the interests of justice require that the supplier should receive statutory interest at a reduced rate for a period, statutory interest shall run at such rate as meets the justice of the case for that period.
- (4) Remission of statutory interest under this section may be required —
  - (a) by reason of conduct at any time (whether before or after the time at which the debt is created); and
  - (b) for the whole period for which statutory interest would otherwise run or for one of more parts of that period.
- (5) In this section “conduct” includes any act or omission.

### **PART III**

#### **CONTRACT TERMS RELATING TO LATE PAYMENT OF QUALIFYING DEBTS**

##### **Purpose of Part III**

- 9.—(1) This Part deals with the extent to which the parties to a contract to which this Ordinance applies may by reference to contract terms oust or vary the right to statutory interest that would otherwise apply when a qualifying debt created by the contract (in this Part referred to as “the debt”) is not paid.

- (2) This Part applies to contract terms agreed before the debt is created; after that time the parties are free to agree terms dealing with the debt.
- (3) This Part has effect without prejudice to any other ground which may affect the validity of a contract term.

### **Circumstances where statutory interest may be ousted or varied**

10.—(1) Any contract terms are void to the extent that they purport to exclude the right to statutory interest in relation to the debt, unless there is a substantial contractual remedy for late payment of the debt.

(2) Where the parties agree a contractual remedy for late payment of the debt that is a substantial remedy, statutory interest is not carried by the debt (unless the parties otherwise agree).

(3) The parties may not agree to vary the right of statutory interest in relation to the debt unless either the right to statutory interest as varied or the overall remedy for late payment of the debt is a substantial remedy.

(4) Any contract terms are void to the extent that they purport —

(a) to confer a contractual right to interest that is not a substantial remedy for late payment of the debt, or

(b) to vary the right to statutory interest so as to provide for a right to statutory interest that is not a substantial remedy for late payment of the debt,

unless the overall remedy for late payment of the debt is a substantial remedy.

(5) Subject to this section, the parties are free to agree contract terms which deal with the consequences of late payment of the debt.

### **Meaning of “substantial remedy”**

11.—(1) A remedy for the late payment of the debt shall be regarded as a substantial remedy unless —

(a) the remedy is insufficient either for the purpose of compensating the supplier for late payment or for deterring late payment; and

(b) it would not be fair or reasonable to allow the remedy to be relied on to oust or (as the case may be) to vary the right to statutory interest that would otherwise apply in relation to the debt.

(2) In determining whether a remedy is not a substantial remedy, regard shall be had to all the relevant circumstances at the time the terms in question are agreed.

(3) In determining whether subsection (1)(b) applies, regard shall be had (without prejudice to the generality of subsection (2)) to the following matters —

(a) the benefits of commercial certainties;

(b) the strength of the bargaining positions of the parties relative to each other;

(c) whether the term was imposed by one party to the detriment of the other (whether by the use of standard terms or otherwise); and

(d) whether the supplier received an inducement to agree to the term.

### **Interpretation of Part III**

12.—(1) In this Part —

“contract term” means a term of the contract creating the debt or any other contract term binding the parties (or either of them);

“contractual remedy” means a contractual right to interest or any contractual remedy other than interest;

“contractual right to interest” includes a reference to a contractual right to charge interest;

“overall remedy”, in relation to the late payment of the debt, means any combination of a contractual right to interest, a varied right to statutory interest or a contractual remedy other than interest;

“substantial remedy” shall be construed in accordance with section 11.

(2) In this Part a reference (however worded) to contract terms which vary the right to statutory interest is a reference to terms altering in any way the effect of Part II in relation to the debt (for example by postponing the time at which interest starts to run or by imposing conditions on the right to interest).

(3) In this Part a reference to late payment of the debt is a reference to late payment of the sum due when the debt is created (excluding any part of that sum which is prevented from carrying statutory interest by section 5).

#### PART IV GENERAL AND SUPPLEMENTARY

##### **Treatment of advance payments of the contract price**

13.—(1) A qualifying debt created by virtue of an obligation to make an advance payment shall be treated for the purposes of this Ordinance as if it was created on the day mentioned in subsection (3), (4) or (5) (as the case may be).

(2) In this section “advance payment” means a payment falling due before the obligation of the supplier to which the whole contract price relates (“the supplier’s obligation”) is performed, other than the payment of a part of the contract price that is due in respect of any part performance of that obligation and payable on or after the day on which that part performance is completed.

(3) Where the advance payment is the whole contract price, the debt shall be treated as created on the day on which the supplier’s obligation is performed.

(4) Where the advance payment is part of the contract price, but the sum is not due in respect of any part performance of the supplier’s obligation, the debt shall be treated as created on the day on which the supplier’s obligation is performed.

(5) Where the advance payment is a part of the contract price due in respect of any part performance of the supplier’s obligation, but is payable before that part performance is completed, the debt shall be treated as created on the day on which the relevant part performance is completed.

(6) Where the debt is created by virtue of an obligation to pay a sum due in respect of a period of hire of goods, this section has effect as if—

(a) references to the day on which the supplier’s obligation is performed were references to the last day of that period; and

(b) references to part performance of that obligation were references to part of that period.

(7) For the purposes of this section an obligation to pay the whole outstanding balance of the contract price shall be regarded as an obligation to pay the whole contract price and not as an obligation to pay a part of the contract price.

### **Conflict of laws**

14.—(1) This Ordinance has effect in relation to a contract governed by a foreign law by choice of the parties if—

- (a) but for that choice, the applicable law would be the law of the Falkland Islands; and
- (b) there is no significant connection between the contract and any country other than the Falkland Islands.

(2) In this section—

“contract” means a contract falling within section 4(1); and

“foreign law” means the law of a country other than the Falkland Islands.

### **Assignments, etc.**

15.—(1) The operation of this Ordinance in relation to a qualifying debt is not affected by—

- (a) any change in the identity of the parties to the contract creating the debt; or
- (b) the passing of the right to be paid the debt, or the duty to pay it (in whole or in part) to a person other than the person who is the original creditor or the original debtor when the debt is created.

(2) Any reference in this Ordinance to the supplier or creditor or the purchaser or debtor is a reference to the person who is for the time being the supplier or creditor or the purchaser or debtor or, in relation to a time after the debt in question has been created, the person who is for the time being the creditor or the debtor, as the case may be.

(3) Where the right to be paid part of the debt passes to a person other than the person who is the original creditor when the debt is created, any reference in this Ordinance to a debt shall be construed as (or, if the context so requires, as including) a reference to part of a debt.

(4) A reference in this section to the identity of the parties to a contract changing, or to a right or duty passing, is a reference to a changing or passing by assignment by operation of law or otherwise.

### **Contract terms relating to the date for payment of the contract price**

16.—(1) This section applies to any contract term which purports to have the effect of postponing the time at which a qualifying debt would otherwise be created by a contract to which this Ordinance applies.

(2) Sections 3(2)(b) and 17(1)(b) of the Unfair Contract Terms Act 1977 in their application to the Falkland Islands (no reliance to be placed on certain contract terms) shall apply in cases where such a contract term is not contained in written standard terms of the purchaser as well as in cases where the term is contained in such standard terms.

(3) In this section “contract term” has the same meaning as in section 12(1).

### **Ordinance to bind the Crown**

17. This Ordinance binds the Crown.

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### **OBJECTS AND REASONS**

This Ordinance makes interest statutorily payable on certain contract debts relating to the sale or supply of goods or services and provides for interest to be payable on overdue debts to the Crown.

FISHERIES (CONSERVATION AND MANAGEMENT)  
(AMENDMENT) BILL 2002

(No. of 2002)

A BILL

for

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance 1986

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Fisheries (Conservation and Management) (Amendment) Ordinance 2002.

**Amendment of Fisheries (Conservation and Management) Ordinance 1986**

2.—(1) The Fisheries (Conservation and Management Ordinance) 1986 is amended by inserting the following section after section 4 —

**“Assurances as to issue of future licences**

4A—(1) The Director may, with the consent of the Governor, issue to any applicant an assurance in writing that subject to —

- (a) the performance and observance by the applicant of the conditions of the type of licence to which the assurance relates; and
- (b) proper considerations as to the conservation of the species of fish to which the licence relates permitting;
- (c) the applicant in each succeeding season to which the assurance relates applying for a licence of the type to which it relates, and diligently fishing under that licence during that season;
- (d) any other conditions specified or referred to in such assurance,

the Director will in each season during the period to which the assurance relates issue such a licence to the applicant subject to —

- (i) the applicant applying for a licence of the type specified in the assurance in respect of that fishing season; and
- (ii) the applicant paying all fees associated with the issue of such a licence.

(2) An assurance under subsection (1) shall relate to a named vessel while in a specified ownership and is not, without the consent of the Governor, transferable to another vessel or to a new owner of the named vessel.

(3) The grantee of an assurance under subsection (1) shall have no legitimate expectation that it will be renewed on its expiry.”

(2) The section inserted by subsection (1) shall be deemed to have appeared in the Ordinance as originally enacted.





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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The following is published in this Supplement -

**Licensing (Amendment) Ordinance 2002 (Correction) Order 2002,  
(S.R. & O. No. 7 of 2002).**



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**SUBSIDIARY LEGISLATION**

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**LICENSING**

**Licensing (Amendment) Ordinance 2002 (Correction) Order 2002**

S. R. & O. No: 7 of 2002

*Made: 29 April 2002*

*Published: 1 May 2002*

*Coming into force: upon publication*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (a), I make the following Order —

**Citation**

1. This Order may be cited as the Licensing (Amendment) Ordinance 2002 (Correction) Order 2002.

**Correction**

2. Section 9 of the Licensing (Amendment) Ordinance 2002 is corrected in the second line of paragraph (a) of the new subsection (3B) of section 67 of the Licensing Ordinance 1994 (which is inserted by paragraph (c) of the said section 9) by replacing the words “under sixteen” with the words “sixteen or over”.

Made this twenty ninth day of April 2002

D G Lang  
*Attorney General*

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(a) Title 67.2



**THE  
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The following is published in this Supplement -

**Animals and Food (Miscellaneous Provisions) Bill 2002.**

# **Animals and Food (Miscellaneous Provisions) Bill 2002**

(No:            of 2002)

## **ARRANGEMENT OF PROVISIONS**

### Clause

1. Short title
2. Interpretation
3. Independence of Senior Veterinary Officer etc
4. Amendment of Abattoirs Ordinance 1997
5. Application of Food Safety Act 1990
6. Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995
7. Certificates required in relation to the exportation of fresh meat to a Member State of the European Economic Community
8. Requirements in relation to transport of fresh meat
9. Amendment of Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997
10. Administration of pharmacologically active substances to animals

Schedule 1 - Amendment of Abattoirs Ordinance 1997

Schedule 2 - Form in which sections 37(3), (5) and (6) and section 38 of the Food Safety Act 1990 shall apply to the Falkland Islands

Schedule 3 - Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995

Schedule 4 - Form of Health Certificate

Schedule 5 - Amendment of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997

Schedule 6 - Modifications and exceptions to provisions of Feeding Stuffs (Zootechnical Products) Regulations 1999 applied by section 11(1)

## ANIMALS AND FOOD (MISCELLANEOUS PROVISIONS) BILL 2002

(No:            of 2002)

*(assented to:            2002)*

*(commencement:        2002)*

*(published:             2002)*

A BILL

for

AN ORDINANCE

To make provision enabling the Falkland Islands to meet the requirements of European Community Council Directive 72/462 EEC and other European Community legislation relating to the importation of fresh meat and fish into the Community in so far as they do not already do so and to amend various laws for that purpose and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

### Short title

1. This Ordinance may be cited as the Animals and Food (Miscellaneous Provisions) Ordinance 2002.

### Interpretation

2. In this Ordinance —

“Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997” means those Regulations in the form in which they apply to the Falkland Islands by virtue of article 7 of the Designated Abattoirs (Application of Legislation) Order 1998(a);

“Fresh Meat (Hygiene and Inspection) Regulations 1995” mean those Regulations in the form in which they apply to the Falkland Islands by virtue of article 2 of the Designated Abattoirs (Application of Legislation) Order 1998;

### Independence of Senior Veterinary Officer etc

3.—(1) In the exercise of his functions under the Abattoirs Ordinance 1997(b), the Animal Health Ordinance 1998(c), the Livestock Ordinance(d) (including any subsidiary legislation made under any of those Ordinances) and any other Ordinance or subsidiary legislation specified by an Order made under subsection (3), the Senior Veterinary Officer shall not be subject to the direction or control of any person or authority.

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(a) SR&O No 65 of 1998

(b) No 7 of 1997

(c) No 9 of 1998

(d) Title 5.3

(2) Subsection (1) applies to any Government Veterinary Officer exercising functions under those Ordinances (save that he may be lawfully directed or controlled by the Senior Veterinary Officer) and to any OVS or authorised OVS within the meaning of article 1A of the Designated Abattoirs (Application of Legislation) Order 1998 in the exercise of any function conferred under any legislation applied by that Order or by any regulations made under section 6 of the Abattoirs Ordinance 1997.

(3) The Governor may by Order extend the application of subsection (1) to any legislation specified by that Order.

#### **Amendment of the Abattoirs Ordinance 1997**

4. The Abattoirs Ordinance 1997 is amended in the manner specified in Schedule 1 to this Ordinance.

#### **Application of Food Safety Act 1990**

5.—(1) Section 37(3), (5) and (6) and section 38 of the Food Safety Act 1990 shall apply to the Falkland Islands in the form set out in Schedule 2 to this Ordinance.

(2) The Governor may by Order apply to the Falkland Islands such further provisions of the Food Safety Act 1990 as he considers necessary or desirable to give further or better effect to the Designated Abattoirs (Application of Legislation) Order 1995 or any of the Regulations applied to the Falkland Islands by Articles 2 to 7 of that Order.

#### **Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995**

6. The Fresh Meat (Hygiene and Inspection) Regulations 1995 are amended in the manner specified in Schedule 3 to this Ordinance.

#### **Certificates required in relation to the exportation of fresh meat to a Member State of the European Economic Community**

7.—(1) Fresh meat exported from the Falkland Islands to a Member State of the European Economic Community may only be exported if an animal health certificate and public health certificate in respect of that fresh meat has been drawn up and issued by an OVS.

(2) Any such certificate shall be drawn up in one at least of the official languages of the Member State of destination and in one at least of the languages of the country in which the import inspections provided for in Articles 23 and 24 of Council Directive 72/462/EEC are carried out and must —

- (a) accompany the fresh meat in the original;
- (b) consist of a single sheet of paper; and
- (c) be made out for a single recipient.

(3) The animal health certificate referred to in subsection (1) must certify that the fresh meat complies with the animal health requirements laid down in Council Directive 72/462/EEC and with those laid down pursuant to that Directive with respect to the importing of fresh meat from non-member countries and must be in conformity with a specimen drawn up in accordance with the procedure laid down in Article 29 of that Directive.

(4) The public health certificate must correspond, in presentation and content, with the specimen set out in Schedule 4 to this Ordinance and be issued on the day on which the fresh meat is loaded with a view to consignment to the country of destination.

(5) In this section —

“fresh meat” has the same meaning as it has by virtue of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995; and

“OVS” has the same meaning as that phrase has under Article 1A of that Order.

### **Requirements in relation to transport of fresh meat**

8.—(1) Any vehicle used for transportation of fresh meat must be so designed and equipped that—

(a) carcasses and cuts are kept at a constant temperature of not more than plus 7 degrees C; and

(b) offal is kept at a constant temperature of not more than plus 3 degrees C; and

(c) the identity of the meat is maintained throughout the transportation.

(2) Vehicles or containers used for transporting fresh meat shall conform with the following requirements —

(a) their inside surfaces or any other part which may come into contact with fresh meat must be of non-corrodible material which cannot affect the organoleptic character of fresh meat or render it harmful to human health and these surfaces must be smooth and easy to cleanse and disinfect;

(b) they must be provided with efficient devices for protecting fresh meat against insects and dust and be water tight to prevent drainage of liquids; and

(c) if used for transporting carcasses, half carcasses or quarters, they must be equipped with non-corrodible fittings for hanging fresh meat fixed at such a height that the meat cannot touch the floor (but this provision does not apply to frozen meat in hygienic packing).

(3) Vehicles or containers intended for transporting fresh meat shall not be used for transporting live animals or any product likely to affect or contaminate fresh meat.

(4) No other product may be transported at the same time as fresh meat in the same vehicle or container. Animal stomachs may not be transported unless scalded and heads and feet may not be transported unless they have been skinned or scalded and depilated.

(5) Fresh meat may not be transported in a vehicle or container that is unclean or has not been disinfected.

(6) Carcasses, half carcasses and quarters, excluding frozen meat packed in accordance with hygiene requirements, must always be hung up for transportation. Other cuts and offal must be hung or placed on supports if not packed or contained in non-corrodible containers. Such supports, packagings or containers must meet hygiene requirements and those of Council Directive 72/462/EEC viscera must always be transported in strong waterproof and greaseproof packaging which may only be re-used after cleansing and disinfection.

(7) The OVS must ensure before consignment that transport vehicles or containers and loading conditions meet the hygiene requirement of Chapter XI of Council Directive 72/462/EEC.

(8) Nothing in this subsection shall have effect so as to impose any requirements in respect of the transportation of fresh meat not originating in a designated abattoir and not intended for exportation.

**Amendment of Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997**

9. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 are amended in the manner specified in Schedule 5 to this Ordinance.

**Administration of pharmacologically active substances to animals**

10.—(1) The administration to any food-producing animal in the Falkland Islands of any substance listed in Annex IV to European Economic Community Council Regulation 2377/90 is prohibited.

(2) Annex I of that Council Regulation shall have effect to identify the pharmacologically active substances used in veterinary medical products in respect of which maximum residue limits have been established.

(3) Annex II of that Council Regulation shall have effect to identify the pharmacologically active substances used in veterinary medicinal products where it is not necessary for the protect of public health to establish a maximum residue limit.

(4) Annex III of that Council Regulation shall have effect so as to identify the pharmacologically active substances used in veterinary medicinal products in respect of which provisional maximum residue limits have been established.

(5) In this section, the European Economic Community Council Regulation 2377/90 means that Regulation as amended from time to time.

**Supplementary to section 10**

11.—(1) The provisions of Parts I, IV, VI, VII, VIII, IX and Schedules 1, 2, Part III of Schedule 3 and Schedules 4 and 5 of the Feeding Stuffs (Zootechnical Products) Regulations 1999, with the exceptions thereto and modifications thereof specified in Schedule 6 to this Ordinance shall apply in the Falkland Islands for the purpose of giving further and better effect to section 10.

(2) Any European Economic Community Directive mentioned in any provision of those Regulations applying by virtue of subsection (1) in the Falkland Islands shall for the purpose of giving effect to those provisions be deemed to have effect in the Falkland Islands.

(3) The Feeding Stuffs (Sampling and Analysis) Regulations 1999, except regulation 10 shall apply to the Falkland Islands. In addition such of the provisions of the Agriculture Act 1970 as relate or are capable of relating to the taking of samples under the said Regulations shall apply in the Falkland Islands.

(4) Subsection (2) shall apply in relation to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 as it applies in relation to the Feeding Stuffs (Zootechnical Products) Regulations 1999 but with the substitution of the words “subsection (3)” for “subsection (1)”.

**SCHEDULE 1**  
**AMENDMENT OF ABATTOIRS ORDINANCE 1997**

1. In this Schedule "the Ordinance" means the Abattoirs Ordinance 1997.
2. Section 2 of the Ordinance is amended by inserting immediately after the definition of "designated abattoir", the following definition —

"“Council Directive 72/462/EEC” means that European Economic Community Directive 74/462 as amended from time to time and whether before or after the enactment of this Ordinance;”

3. The Ordinance is further amended by the addition of the following section —

**“Power by regulations to give effect to requirements of European Community Council Directive 72/462/EEC**

6.—(1) The Governor may by Regulations make such provision as appears to him to be necessary to enable the Falkland Islands to comply with Council Directive 72/462/EEC so far as it relates or is capable of relating to the exportation of fresh meat from the Falkland Islands to a Member State of the European Community.

(2) So far as they are capable of so doing, and subject to any exception made thereby or exemption granted thereunder, any regulations made under subsection (1) shall also have effect in relation to the exportation from the Falkland Islands of fresh meat to any other country.

(3) For the purposes of this section "fresh meat" means all meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere.”

**SCHEDULE 2**  
**FORM IN WHICH SECTIONS 37(3), (5) AND (6) AND SECTION 38 OF THE FOOD SAFETY ACT 1990 SHALL APPLY TO THE FALKLAND ISLANDS**

Section 37(3), (5) and (6) and section 38 shall apply to the Falkland Islands in the following form—

“(3) The procedure on an appeal to the Magistrate’s Court shall be by way of complaint for an Order, and the Magistrate’s Courts Act 1990 in its application to the Falkland Islands shall apply to the proceedings.

(4) Omitted.

(5) The period within which such an appeal as is mentioned in subsection (3) may be brought shall be one month from the date on which notice of the decision was served on the person desiring to appeal and the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.



(6) In any case where such an appeal as is mentioned in subsection (3) above lies, the document notifying the decision to the person concerned shall state —

- (a) the right of appeal to the Magistrate's Court; and
- (b) the period within which such an appeal may be brought.

### **Appeals to the Supreme Court**

38. A person who is aggrieved by any dismissal by the Magistrate's Court of such an appeal as is mentioned in section 37(3) may appeal to the Supreme Court."

## **SCHEDULE 3**

### **AMENDMENT OF THE FRESH MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995**

1. The Fresh Meat (Hygiene and Inspection) Regulations 1995 are amended as specified in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies in the Falkland Islands by virtue of article 2 and Schedule 1 to the Designated Abattoirs (Application of Legislation) Order 1998.
2. Regulation 2(1) is amended —
  - (a) by inserting the following definition after the definition of "animals" —  
" "assistant" means a person appointed in accordance with regulation 8(2);" and
  - (b) by deleting the definition of "inspector".
3. Regulation 8 is amended —
  - (a) in paragraph (1)(e) by deleting the figures "13";
  - (b) in paragraph (2) by replacing the words "act as inspectors" with the words "assist an OVS";
  - (c) in paragraph (3) —
    - (i) by replacing the words in the first line "be an inspector" with the words "assist an OVS";
    - (ii) in the last line thereof by replacing the words "an inspector" with the words "a person to assist an OVS";
  - (d) in paragraph (4) —
    - (i) by replacing the words "An inspector" in the first line thereof with the words "A person approved under paragraph (2)"; and
    - (ii) by adding the following sentences at the end of the paragraph —  
"He shall not have any power of decision concerning the final result. The post-mortem inspection of slaughtered animals referred to in paragraph (1)(b) shall be carried out by an OVS.";
  - (e) by adding the following paragraph (5) —  
"(5) A person shall not be appointed under paragraph (2) if he is an employee of or in any way concerned in the management of the slaughterhouse or has any interest in the profits or losses of its operation.";

4. Subsequent regulations are amended by replacing the word “inspector” wherever it appears by the word “assistant”.
5. Regulation 10 is amended —
  - (a) in paragraph (11) by replacing the words “a magistrates’ court or, in Scotland, to the Sheriff” with the words “the Magistrate’s Court”; and
  - (b) in paragraph (12) by inserting after the words “the Act” the words “in its application to the Falkland Islands” and by omitting everything appearing therein after the words “this regulation”.
6. Regulation 11 is amended by replacing the words “Director of Agriculture” in paragraph (1) with the words “Senior Veterinary Officer”.
7. Regulation 12 is amended —
  - (a) by replacing the words “Director of Agriculture” in paragraphs (1), (2) and (3) with the words “Senior Veterinary Officer”; and
  - (b) by deleting paragraphs (5), (6) and (7).
8. Regulation 19(1) and (2) and regulation 20(1)(d) are amended by the replacement of the words “Director of Agriculture” wherever they appear in those provisions by the words “Senior Veterinary Officer”.
9. Regulation 19(1) is further amended by the insertion after the words “Council Directive 91/497/EEC” of the words “and Council Directive 72/462/EEC”.
10. Paragraph 2(b)(iii) of Schedule 1 is amended by deleting all words appearing after the words “less than two metres”.
11. Paragraph 1 of Schedule 2 to the Regulations is amended —
  - (a) in subparagraph (h)(ii) by inserting after the word “sufficient” the words “air and water-tight and non-corrodible”;
  - (b) in subparagraph (r) by replacing the words “an OVS room” with the words “an adequately equipped lockable room for the exclusive use of the OVS”; and
  - (c) by adding the following subparagraphs —
    - “(v) an adequate supply, under pressure, of drinking water only; however non-drinking water may be used in exceptional cases for steam production, provided that the pipes installed for this purpose do not permit this water to be used for other purposes; in addition the use of non-drinking water may be authorised in exceptional cases for cooling refrigeration equipment. Non-drinking water pipes must be clearly differentiated from those carrying drinking water and must not pass through rooms containing fresh meat;
    - (w) in each work room adequate equipment must be provided for cleansing and disinfecting hands and tools and in relation to such equipment the following requirements apply —

- (i) taps must not be hand operable;
- (ii) the facilities must have hot and cold running water, be equipped with cleaning and disinfecting products and disposable hand towels; and
- (iii) the equipment provided for cleaning instruments must be provided with hot water the temperature of which is not less than 82 Degrees C;
- (x) equipment such that, after stunning, dressing can be carried out as far as possible on the suspended animal, where flaying is carried out on metal cradles, these must be of non-corrodible materials and high enough for the carcass not to touch the floor;
- (y) an overhead system of rails for the later handling of the meat;
- (z) proper equipment for protection against pests such as insects and rodents;
- (aa) instruments and working equipment in particular paunch tanks must be of non-corrodible material and easy to cleanse and disinfect;"

12. Schedule 3 to the Regulations is amended in paragraph 1 —

- (a) in subparagraph (f) by replacing the words "an OVS room" with the words "an adequately equipped lockable room for the exclusive use of the OVS";
- (b) by inserting after subparagraph (f), the following new subparagraph —

"(fa) if the trichinoscopic test is carried out in the cutting plant, a room suitably equipped for the purpose;"

13. Schedule 4 to the Regulations is amended in paragraph 1 —

- (a) by adding, after the words "frozen fresh meat" in subparagraph (b) a fullstop and the words "Refrigeration equipment installed in the ceiling must include a drainage system, well insulated and linked directly to the waste water pipes;"
- (b) replacing the words "OVS facilities" in paragraph (d) with the words "an adequately equipped lockable room for the exclusive use of the OVS";
- (c) by adding the following new subparagraph after subparagraph (e) —

"(f) a special lockable room for the storage of fresh meat seized or in consignment."

14. Schedule 7 is amended by adding the following paragraphs —

5. The use of detergents, disinfectants and pesticides must not affect the health of the fresh meat.

6. Drinking water must be used for all purposes; however, non-drinking water may be used in exceptional cases for steam production provided that the pipes installed for this purpose preclude the use of this water for other purposes. In addition, non-drinking water may be used in exceptional cases for cooling refrigeration equipment.

7. Cutting shall be carried out in such a way as to avoid any contamination of fresh meat.

8. Splinters of bone and clots of blood shall be removed. Fresh meat obtained from cutting and not intended for human consumption shall be collected up in special air and

water tight non-corrodible containers with lids and fasteners to prevent unauthorised persons from removing things from them as soon as it is cut.”

15. Paragraph 1 of Schedule 8 is amended by replacing subparagraphs (a) and (b) with —  
“(a) on the day of their arrival at the slaughterhouse; and  
(b) immediately before slaughter if the animal has been in the lairage for more than 24 hours; and”.

16. Schedule 9 is amended —

(a) by adding a new subparagraph to paragraph 1 —

“(u) cleansing of meat by wiping with a cloth, and inflation of any organ, are prohibited.”

(b) by replacing subparagraph (2) of paragraph 1 with —

“(2) carcasses of solipeds, pigs more than four weeks old and bovine animals more than three months old must be submitted for inspection split lengthwise into half carcasses down the spinal column. In the case of pigs and solipeds, the head shall also be split lengthwise. If the inspection so necessitates the OVS may require any carcass to be split lengthwise. Cutting up the carcass or removal or treatment of any part of the slaughtered animal before the inspection has been completed is prohibited. Detained or seized meat, stomachs, intestines, hides, skins, horns, hooves and pig bristles must be removed as soon as possible to special premises.”

17. Schedule 10 is amended —

(a) by adding after the words “considers necessary” in subparagraph (d) of paragraph 2 in Part 1 of the Schedule of the words “including investigation of anomalies in consistency, colour, smell and, where appropriate, taste and, where necessary, laboratory tests involving in particular research as to the presence of residues of oestrogenous or thyrostatic substances, antibiotics, antimony, arsenic, pesticides or other circumstances which are harmful or likely to make the consumption of fresh meat dangerous or harmful to human health insofar as these residues are in excess of the permitted level fixed for the time being by the Council of the European Economic Community, the treatment of the animal with any product likely to alter the organoleptic composition or nature of the fresh meat.”

(b) by adding a new subparagraph to paragraph 1 of Part 2 of the Schedule —

“(l) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”

(d) by adding a new subparagraph to paragraph 1 in Part 3 of the Schedule —

“(k) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”;

(e) by the addition in paragraph 1 of Part 5 of the Schedule of a new subparagraph to paragraph 1 —

“(m) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”;

(f) in Part 6 of the Schedule by the addition of a new subparagraph to paragraph 1 —

“(n) an investigation for glanders by means of careful examination of mucous membranes from the trachea, larynx, nasal cavities, sinuses and their ramifications, after splitting the head in the median plane and excision of the nasal septum.”

(g) in paragraphs 13 and 14 the words “Director of Agriculture” are replaced by the words “Senior Veterinary Officer”.

18. Schedule 11 of the Regulations is amended as follows —

(a) in paragraph 2 —

(i) the words “plus 12 Degrees C” at the end of subparagraph (e) are replaced by the words “plus 10 Degs C”;

(ii) by the addition of the following subparagraphs —

“(l) at the time of cutting, the pH of the meat must not exceed 6.1 and the testing of the pH must be made on the large dorsal muscle at the thirteenth rib.”

(b) in the first line of paragraph 3 and before the word “Notwithstanding” the words “In relation to meat intended to be consumed within the Falkland Islands and no other.”.

19. The following new Schedule 11A is inserted immediately after Schedule 11 —

#### “SCHEDULE 11A HEALTH CONTROL OF FRESH CUT MEAT

1. All cutting plants shall be supervised by an OVS who must be given good and sufficient notice before any operation involving the cutting of fresh meat takes place.

2. Supervision by an OVS of a cutting plant shall include the following —

(a) supervision of the entry register for fresh meat and the exit register for cut meat;

(b) health inspection in accordance with these Regulations of fresh meat held in the cutting plant, prior to cutting and when it leaves the cutting plant;

(c) supervision of the cleanliness of the buildings, facilities and instruments provided for in these Regulations and of staff hygiene;

(d) all sampling necessary for laboratory tests to detect, for example, the presence of harmful germs, additives or other unauthorised chemical substances;

(e) ensuring that the results of such tests are properly recorded in a register;

(f) any other supervision which the OVS considers necessary for ensuring observance of the provisions of Council Directive 72/462/EEC.”

20. Schedule 12 is amended —

- (a) in paragraphs 1(a) and 2(a) by replacing the words “the letters “FI”” with the words “the words “Falkland Islands” or such letters as may be approved by the Council of the European Community for use in relation to exports to a Member State of the European Community”;
- (b) in paragraph 6 by deleting the words appearing after the words “fresh meat” and replacing them by the words “except methyl violet or such other colouring as may have been approved by the Council of the European Communities pursuant to Article 29 of Council Directive 72/462/EEC.”

21. Schedule 14 is amended in paragraph 2(d) by omitting all words appearing after the words “meat products”.

22. The Regulations are amended by the addition thereto of the following Schedule 23 —

“SCHEDULE 23  
PACKAGING

1. Packaging (for example packing cases or paperboard boxes) shall fulfil all rules of hygiene. In particular —

- (a) it must not alter the organoleptic nature of fresh meat;
- (b) it must not be capable of transmitting substances harmful to health to fresh meat; and
- (c) it must be sufficiently solid to ensure effective protection of fresh meat during transportation and handling.

2. Packaging must not be reused for fresh meat unless it is made of non-corrodible materials, which are easy to clean and have been previously cleaned and disinfected.

3. When fresh meat or offal is wrapped in packaging (for example sheet plastic) which comes into direct contact with it this wrapping must be carried out immediately after cutting and in accordance with hygiene requirements. With the exception of cuts of solid outer pig fat and belly, fresh cut meat must in all cases be provided with a protective packaging unless it is transported hanging up. Such packaging must be transparent and colourless and must meet the requirements of paragraph 1 and must not be used again for wrapping fresh meat.

4. The packaging referred to in paragraphs 1 and 2 may contain only fresh cut meat belonging to the same animal species.

5. Packaging must have a clearly visible label on which there is a clearly legible mark reproducing the health mark required by the preceding provisions of these Regulations.”

**SCHEDULE 4**  
**FORM OF HEALTH CERTIFICATE**

**“PUBLIC HEALTH CERTIFICATE**

For fresh meat<sup>1</sup> intended for ..... (Name of EEC Member State)

No<sup>2</sup> .....

Exporting country .....

Ministry .....

Department .....

Ref .....

(Optional)

**I. Identification of meat**

Meat of .....

(Species)

Nature of cuts .....

Nature of packaging .....

Number of cuts or packages .....

Month(s) and year(s) when frozen .....

Net weight .....

**II. Origin of meat**

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) .....

Address(es) and veterinary approval number(s) of the approved cold store(s) .....

**III. Destination of meat**

The meat will be sent from: .....

(Place of loading)

to: .....

(Country and place of destination)

By the following means of transport<sup>3</sup> .....

Name and address of consignor .....

Name and address of consignee .....

<sup>1</sup> Fresh meat within the meaning of Article 2(b) Directive 64/433/EEC

<sup>2</sup> Optional

<sup>3</sup> For railway wagons or goods vehicles the registration number should be given, for aircraft the flight number and for ships the name

**IV. Health attestation**

I, the undersigned, official veterinarian, certify that

- a) - the meat described above<sup>4</sup>.  
- the label affixed to the packages of meat described above<sup>4</sup> .  
bear(s)<sup>4</sup> a mark to the effect that the meat comes wholly from animals slaughtered in slaughterhouses approved for exporting to the country of destination:
- b) the meat was obtained under the conditions governing production and control laid down in Directive 72/462/EEC and that it is therefore, considered as such to be fit for human consumption;
- c) the meat has been cut in an approved cutting plant<sup>4</sup>;
- d) the meat has/has not been subject to an examination for trichinosis or, where Article 3 of Directive 77/95/EEC applies, has undergone cold treatment;
- e) the means of transport and the loading conditions of meat of this consignment meet the hygiene requirements laid down in respect of export to the country of destination.

Done at ..... on .....

.....  
(Signature of the official veterinarian)

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<sup>4</sup> Delete as appropriate



## **SCHEDULE 5**

### **AMENDMENT OF THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1997**

1. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 are amended as specified in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies in the Falkland Islands by virtue of article 7 and Schedule 6 to the Designated Abattoirs (Application of Legislation) Order 1998.

2. Regulation 2 is amended —

(a) in paragraph (1) by inserting after the words “Council Regulation” in the definition of “Annex IV Substance” the words “as amended or replaced from time to time”;

(b) by adding the following paragraph —

“(4) In this regulation, any reference to a Council Directive is a reference to that Directive as amended or replaced from time to time.”

3. Regulation 3 is amended by the addition of the following paragraph (4) —

“(4) No person, other than an OVS, shall be in possession of chloramphenicol, nitrofurans for the purpose of the administration of that substance to an animal.”

## **SCHEDULE 6**

### **MODIFICATIONS AND EXCEPTIONS TO PROVISIONS OF FEEDING STUFFS (ZOOTECNICAL PRODUCTS) REGULATIONS 1999 APPLIED BY SECTION 11(1)**

1. The Feeding Stuffs (Zootechnical Products) Regulations 1999 so far as they are applied by section 11(1) of this Ordinance are so applied subject to the exceptions and modifications set out in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies by virtue of section 11(1) of this Ordinance.

2. Every provision of the Regulations which relates only to Northern Ireland or Scotland and every reference in any provision of the Regulations which only so relates are omitted.

3. The words “enforcement authority” in regulations 18, 19, 20, 21, 22, 23 and 24 are replaced by the words “Senior Veterinary Officer”.

4. The words “the Minister” in regulation 24, in both places where they appear, are replaced by the words “the Governor”.

5. In regulation 33 the words “except on a UK approved or permitted Chapter I.1 establishment” are replaced by the words “without the consent of the Senior Veterinary Officer”.

6. The words “on a UK approved Chapter I.1 establishment” in regulation 34 are omitted.

7. In regulation 37 the words “unless he is a UK approved or permitted Chapter I.1 intermediary” are replaced by the words “without the consent of the Senior Veterinary Officer and in accordance with any conditions attached to such consent”.
8. In regulation 38 the words “a UK approved Chapter I.1” at the beginning of the regulation are replaced by the word “an”.
9. Regulation 40 is modified by replacing the words “a UK approved Chapter I.1” at the beginning of the regulation with the words “an”.
10. Regulation 41 is replaced by the following —

“41. No person shall supply an unauthorised zootechnical additive without the consent of the Senior Veterinary Officer and in compliance with any conditions attached to such consent.”
11. The words “subject to paragraph (2)” at the beginning of regulation 42(1) and the whole of paragraph (2) of that regulation are omitted.
12. Regulation 43 is modified so as to read “No person shall incorporate an unauthorised zootechnical additive into a feeding stuff except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
13. Regulation 44 is modified so as to read “No person shall mix a zootechnical additive with an additive which is not a zootechnical additive in a premixture or feeding stuff except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
14. Regulation 45 is modified so as to read “No person shall import into the Falkland Islands a zootechnical additive manufactured other than in a Member State of the European Community, unless it was manufactured on a UK approved or permitted third country Chapter I.1 establishment, or an EC approved or permitted third country Chapter I.1 establishment.”.
15. The words “enforcement authority” in regulation 47 are replaced by the words “Senior Veterinary Officer”.
16. Regulation 49 is modified by the replacement of the words “on a UK approved or permitted Chapter I.2 establishment” with the words “with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
17. Regulation 53 is modified by the replacement of the words “unless he is a UK approved or permitted Chapter I.2 intermediary” with the words “except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent”.
18. Regulation 54 is amended by the replacement of the words “A UK approved Chapter I.2” with the word “An”.

19. Regulation 55 is modified so as to read "No person shall put a zootechnical premixture into circulation except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent".

20. Regulation 56 is modified by the replacement of the words "A UK approved Chapter I.2" with the word "An".

21. Regulation 57 is modified so as to read "No person shall supply a zootechnical premixture except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent."

22. Regulations 58 and 59 are modified so as to read —

"58. No person shall use a zootechnical premixture for the purpose of animal feeding unless the premixture is incorporated in a compound feeding stuff and was incorporated in the feeding stuff in accordance with regulation 59 or he does so with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.

59. Except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent, no person shall incorporate a zootechnical premixture into a compound feeding stuff."

23. The following new regulation is added to the Regulations as regulation 94 —

"94. It shall be the duty of the Senior Veterinary Officer in the exercise of his functions under these Regulations in relation to the granting of consent for any matter or thing to ensure that he does not grant his consent to any matter or thing unless he is satisfied that all relevant provisions of all relevant Council Directives have been complied with or will be complied with if any conditions imposed on the granting of any consent by the Senior Veterinary Officer are complied with."





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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The following is published in this Supplement -

**The Overseas Territories (Zimbabwe) (Restrictive Measures) Order 2002.**

2002 No. 1077

**OVERSEAS TERRITORIES**

**The Overseas Territories (Zimbabwe) (Restrictive Measures) Order 2002**

<i>Made</i> - - - - -	<i>17th April 2002</i>
<i>Laid before Parliament</i>	<i>18th April 2002</i>
<i>Coming into force</i> - -	<i>19th April 2002</i>

At the Court at Windsor Castle, the 17th day of April 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 112 of the Saint Helena Act 1833(a), the British Settlements Acts 1887 and 1945(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**INTRODUCTORY**

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the Overseas Territories (Zimbabwe) (Restrictive Measures) Order 2002 and shall come into force on 19th April 2002.

(2) (a) This Order shall extend to the territories listed in Schedule 1.

(b) Article 19 of this Order shall apply to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2.

(c) In the application of this Order to any of the said territories the expression “the Territory” in this Order means that territory.

(3) Articles 7, 8 and 9 of this Order shall apply to any person within the Territory and to any person elsewhere:

(a) who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person and ordinarily resident in the Territory; or

(b) who is a body incorporated or constituted under the law of any part of the Territory.

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(a) 1833 c. 85.

(b) 1887 c. 54 and 1945 c. 7.

## Interpretation

2.—(1) In this Order, the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say—

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“export” includes shipment as stores;

“exportation” in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Territory of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

“funds, financial assets or economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers’ cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

“Governor” means the Governor or other officer administering the government of the Territory;

“master”, in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“operator” in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“owner”, in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

“relevant institution” means—

- (a) the person or body responsible for carrying out in the Territory the functions of a monetary authority;
- (b) any person who may lawfully accept deposits in or from within the Territory by way of business; and
- (c) any society established lawfully in the Territory whose principal purpose is the making of loans secured on residential property where such loans are funded substantially by its members;

“restricted goods” means the goods specified in Part III of Schedule 1 to the Export of Goods (Control) Order 1994<sup>(a)</sup> made under the Import, Export and Customs Powers (Defence) Act 1939<sup>(b)</sup> and equipment that might be used for internal repression as listed in Schedule 3 to this Order;

“ship” includes every description of vessel used in navigation;

“shipment” includes loading into an aircraft;

“stores” means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a vessel or aircraft as merchandise for sale by retail to persons carried therein;

“Supreme Court” means the Court of the Territory having unlimited jurisdiction in civil proceedings;

“vehicle” means land transport vehicle.

(2) For the purpose of the definition of “relevant institution” in paragraph (1) of this article—

- (a) the activity of accepting deposits has the meaning given in any relevant order made under section 22 of the Financial Services and Markets Act 2000<sup>(c)</sup>; and
- (b) a person is not regarded as accepting deposits by way of business if—
  - (i) he does not hold himself out as accepting deposits on a day to day basis, and

(a) S.I. 1994/1191 as amended by S.I.s 1996/2663, 1997/1008, 1997/2758, 1999/63, 1999/1777, 2000/1239, 2000/2140, 2000/2264 and 2001/729.

(b) 1939 c. 69.

(c) 2000 c. 8.

- (ii) any deposits which he accepts are accepted only on particular occasions, whether or not involving the issue of any securities.

(3) In determining for the purposes of paragraph 2(b)(ii) of this article whether deposits are accepted only on particular occasions, regard is to be had to the frequency of those occasions and to any characteristics distinguishing them from each other.

## **RESTRICTED GOODS, TECHNICAL ASSISTANCE AND TRAINING**

### **Supply of restricted goods**

3.—(1) Any person who, except under the authority of a licence granted by the Governor under this article or article 4,

- (a) supplies or delivers,
- (b) agrees to supply or deliver, or
- (c) does any act calculated to promote the supply or delivery of,

restricted goods to any person or place in Zimbabwe from the Territory shall be guilty of an offence under this Order unless he proves that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to a person or place in Zimbabwe.

(2) Any British citizen, British overseas territories citizen, British Overseas citizen, British subject, British National (Overseas), British protected person, or body incorporated or constituted under the law of any part of the Territory who in any place outside the Territory, except under the authority of a licence granted by the Governor under this article or article 4,

- (a) supplies or delivers,
- (b) agrees to supply or deliver, or
- (c) does any act calculated to promote the supply or delivery of,

restricted goods to any person or place in Zimbabwe shall be guilty of an offence under this Order unless he proves that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to a person or place in Zimbabwe.

### **Exportation of restricted goods to Zimbabwe**

4. Except under the authority of a licence granted by the Governor under this article, restricted goods are prohibited to be exported from the Territory to any person or place in Zimbabwe or to any person or place for the purpose of delivery, directly or indirectly, to or to the order of any person or place in Zimbabwe.

### **Provision of certain technical assistance or training**

5.—(1) Any person, except under the authority of a licence granted by the Governor under this article, who from the Territory directly or indirectly provides to a person or place in Zimbabwe any technical assistance or training related to the provision, manufacture, maintenance or use of any restricted goods shall be guilty of an offence under this Order.

(2) Any British citizen, British overseas territories citizen, British Overseas citizen, British subject, British National (Overseas), British protected person, or body incorporated or constituted under the law of any part of the Territory who in any place outside the Territory directly or indirectly provides to a person or place in Zimbabwe any technical assistance or training related to the provision, manufacture, maintenance or use of any restricted goods shall be guilty of an offence under this Order.

### **Use of ships, aircraft and vehicles: restricted goods, technical assistance and training**

6.—(1) Without prejudice to the generality of articles 3 and 4, no ship or aircraft to which this article applies, and no vehicle within the Territory, shall be used for the carriage of restricted goods if the carriage is, or forms part of, carriage of those goods to a person listed in Schedule 4 to this Order.



- (2) This article applies to ships registered in the Territory, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is—
- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person and is ordinarily resident in the Territory; or
  - (b) a body incorporated or constituted under the law of any part of the Territory.
- (3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) of this article then—
- (a) in the case of a ship registered in the Territory or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
  - (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is such a person as is referred to in sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of this article, the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
  - (c) in the case of a vehicle, the operator of the vehicle,
- shall be guilty of an offence under this Order, unless he proves that he did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage to a person or place in Zimbabwe.
- (4) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

## FUNDS, FINANCIAL ASSETS OR ECONOMIC RESOURCES

### **Making funds, financial assets or economic resources available to any person listed in Schedule 4**

7. Any person who, except under the authority of a licence granted by the Governor under this article, makes any funds, financial assets or economic resources available to or for the benefit of any person listed in Schedule 4 to this Order shall be guilty of an offence under this Order.

### **Freezing of funds, financial assets or economic resources**

8.—(1) Where the Governor has reasonable grounds for suspecting that the person by, for or on behalf of whom any funds, financial assets or economic resources are held is or may be a person listed in Schedule 4 to this Order, the Governor may by notice direct that those funds, financial assets or economic resources are not to be made available to any person, except under the authority of a licence granted by the Governor under article 7.

- (2) A direction given under paragraph (1) shall specify either—
  - (a) the period for which it is to have effect; or
  - (b) that the direction is to have effect until it is revoked by notice under paragraph (3).

(3) The Governor may by notice revoke a direction given under paragraph (1) at any time.

(4) The expiry or revocation of a direction shall not affect the application of article 7 in respect of the funds, financial assets or economic resources in question.

(5) A notice under paragraph (1) or (3) shall be given in writing to the person holding the funds, financial assets or economic resources in question (“the recipient”), and shall require the recipient to send a copy of the notice without delay to the person whose funds, financial assets or economic resources they are, or on whose behalf they are, held (“the owner”).

(6) A recipient shall be treated as complying with that requirement if, without delay, he sends a copy of the notice to the owner at his last-known address or, if he does not have an address for the owner, he makes arrangements for a copy of the notice to be supplied to the owner at the first available opportunity.

(7) Where a direction has been given under paragraph (1), any person by, for or on behalf of whom those funds, financial assets or economic resources are held may apply to the Supreme Court for the direction to be set aside; and on such application the court may set aside the direction.

(8) A person who makes an application under paragraph (7) shall give a copy of the application and any witness statement or affidavit in support to the Governor (and to any other person by, for or on behalf of whom those funds, financial assets or economic resources are held), not later than seven days before the date fixed for the hearing of the application.

(9) Any person who contravenes a direction under paragraph (1) is guilty of an offence under this Order.

(10) A recipient who fails to comply with such a requirement as is mentioned in paragraph (5) is guilty of an offence under this Order.

#### **Facilitation of activities prohibited under article 7 or 8(9)**

9. Any person who knowingly and intentionally engages in any activities the object or effect of which is to enable or facilitate the commission (by that person or another) of an offence under article 7 or 8(9) is guilty of an offence under this Order.

#### **Failure to disclose knowledge or suspicion of measures**

10.—(1) A relevant institution is guilty of an offence if:

- (a) it knows or suspects that a person who is, or has been at any time since the coming into force of this Order, a customer of the institution, or is a person with whom the institution has had dealings in the course of its business since that time:
  - (i) is a person listed in Schedule 4 to this Order; or
  - (ii) has committed an offence under article 7, 8(9) or 12(2); and
- (b) it does not disclose to the Governor the information or other matter on which the knowledge or suspicion is based as soon as is reasonably practicable after that information or other matter comes to its attention.

(2) Where a relevant institution discloses to the Governor:

- (a) its knowledge or suspicion that a person is a person listed in Schedule 4 to this Order or a person who has committed an offence under article 7, 8(9) or 12(2), or
  - (b) any information or other matter on which that knowledge or suspicion is based,
- the disclosure shall not be treated as a breach of any restriction imposed by statute or otherwise.

### **GENERAL**

#### **Customs powers to demand evidence of destination which goods reach**

11. Any exporter or any shipper of goods which have been exported from the Territory shall, if so required by the Governor, furnish within such time as the Governor may allow proof to the Governor's satisfaction that the goods have reached a destination to which their exportation was not prohibited by this Order, and, if he fails to do so, he shall be guilty of an offence under this Order unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

#### **Offences in connection with applications for licences, conditions attaching to licences, etc.**

12.—(1) If for the purposes of obtaining any licence under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular, or recklessly makes any statement or furnishes any document or information which is false in a material particular, he shall be guilty of an offence under this Order, and any licence granted in connection with the application for which the false statement was made or the false document or information was furnished shall be void as from the time it was granted.

(2) Any person who has done any act under the authority of a licence granted by the Governor under this Order and who fails to comply with any conditions attaching to that licence shall be guilty of an offence under this Order:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Governor after the doing of the act authorised by the licence.

### **Declaration as to goods: powers of search**

13.—(1) Any person who is about to leave the Territory shall, if he is required to do so by any authorised person:

- (a) declare whether or not he has with him any restricted goods which are destined for a person or place in Zimbabwe or for delivery, directly or indirectly, to or to the order of any person or place in Zimbabwe; and
- (b) produce any such goods as aforesaid which he has with him.

Any authorised person, and any person acting under his direction, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid, provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, or fails to produce any goods or refuses to allow himself to be searched in accordance with the foregoing provisions of this article, shall be guilty of an offence under this Order.

(3) Any person who under the provisions of this article makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence under this Order.

(4) In this article, “authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

### **Investigation, etc. of suspected ships**

14.—(1) Where any authorised officer has reason to suspect that any ship to which article 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that article:

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and
- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 6, any authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b) above), with a view to preventing the commission (or the continued commission) of any such contravention, or in order that enquiries into the matter may be pursued, may take the further action specified in paragraph (2) below.

(2) The further action referred to in paragraph (1)(c) of this article is either:

- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship’s cargo that is so specified; or
- (b) to request the master of the ship to take any one or more of the following steps:
  - (i) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by an authorised officer that the ship may so proceed;
  - (ii) if the ship is then in port in the Territory, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
  - (iii) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (ii) above; and
  - (iv) to take her to any other destination that may be specified by the officer in agreement with the master.

(3) Without prejudice to the provisions of article 17(3), where:

- (a) a master refuses or fails to comply with a request made under paragraph (2)(b) of this article, or

(b) an authorised officer otherwise has reason to suspect that a request that has been so made may not be complied with,

any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(4) In this article “authorised officer” means:

(a) any commissioned naval or military officer;

(b) any British consular officer;

(c) any person authorised by the Governor for the purpose of this article either generally or in a particular case.

#### **Investigation, etc. of suspected aircraft**

**15.—(1)** Where any authorised person has reason to suspect that any aircraft to which article 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that article:

(a) he may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify;

(b) he may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and

(c) if the aircraft is then in the Territory any authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (a) above) further request the charterer, operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the Territory until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provisions of article 17(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) of this article may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose:

(a) enter, or authorise entry, upon any land and upon that aircraft;

(b) detain, or authorise the detention of, that aircraft and any of its cargo; and

(c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article, “authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

#### **Investigation, etc. of suspected vehicles**

**16.—(1)** Where any authorised person has reason to suspect that any vehicle in the Territory has been or is being or is about to be used in contravention of article 6:

(a) he may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify;

(b) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and

(c) any authorised person may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (a) above) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the Territory until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 17(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) of this article may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose:

- (a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;
- (b) detain, or authorise the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article, "authorised person" means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

#### **Provisions supplementary to articles 14 to 16**

17.—(1) No information furnished or document produced by any person in pursuance of a request made under article 14, 15 or 16 shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced, provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or the possession of that document in his own right;
- (b) to any person who would have been empowered under article 14, 15 or 16 to request that it be furnished or produced to any person holding or acting in any office under or in the service of:
  - (i) the Crown in respect of the Government of the United Kingdom;
  - (ii) the Government of the Isle of Man;
  - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
  - (iv) the States of Jersey; or
  - (v) the Government of any territory to which this Order extends; or
- (c) with a view to the institution of, or otherwise for the purposes of, any proceedings:
  - (i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs; or
  - (ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any territory to which this Order extends.

(2) Any power conferred by article 14, 15 or 16 to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(3) Each of the following persons shall be guilty of an offence under this Order, that is to say:

- (a) a master of a ship who disobeys any direction given under article 14(2)(a);
- (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who:
  - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under article 14, 15 or 16 by any person empowered to make it, or
  - (ii) furnishes any document or information which to his knowledge is false in a material particular or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request;
- (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any person (or any person acting under the authority of any such person) in the exercise of his powers under article 14, 15 or 16.

(4) Nothing in articles 14 to 17 shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

#### **Obtaining of evidence and information**

18. The provisions of Schedule 5 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor:

- (a) of evidence or information for the purpose of securing compliance with or detecting evasion of:
  - (i) this Order in the Territory; or
  - (ii) any law making provision with respect to the matters regulated by this Order that is in force in the United Kingdom, any of the Channel Islands or the Isle of Man or any territory to which this Order extends; and
- (b) of evidence of the commission of—
  - (i) in the Territory, an offence under this Order or, with respect to any of the matters regulated by this Order, an offence relating to customs; or
  - (ii) with respect to any of those matters, an offence under the law of the United Kingdom, any of the Channel Islands or the Isle of Man or any territory to which this Order extends.

#### **Penalties and Proceedings**

19.—(1) Any person guilty of an offence under article 3, 5, 6(3), 7, 8(9), 9, 17(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 5 to this Order shall be liable:

- (a) on conviction on indictment or information to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000 or its equivalent or to both.

(2) Any person guilty of an offence under article 12(1) or (2) or article 13(3) shall be liable:

- (a) on conviction on indictment or information to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to a fine not exceeding £5,000 or its equivalent.

(4) Any person guilty of an offence under article 8(10), 10, 17(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 5 shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Any person guilty of an offence under article 11 or 13(2) shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(6) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings for an offence under this Order, being an offence alleged to have been committed outside the Territory, may be instituted at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.

(8) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(9) No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

### **Exercise of powers of the Governor**

20.—(1) The Governor may to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order to any person, or class or description of persons, approved by him, and references in this Order to the Governor shall be construed accordingly.

(2) Any licences granted under this Order shall be in writing and may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

### **Miscellaneous**

21.—(1) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence granted by the Governor shall not have effect in relation to any such thing done anywhere other than the Territory provided that it is duly authorised.

(2) A thing is duly authorised for the purpose of paragraph (1) of this article if it is done under the authority of a licence granted in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Order) by the authority competent in that behalf under that law.

*A. K. Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 1(2)(a)

### TERRITORIES TO WHICH THIS ORDER EXTENDS

Anguilla  
British Antarctic Territory  
British Indian Ocean Territory  
Cayman Islands  
Falkland Islands  
Montserrat  
Pitcairn, Henderson, Ducie and Oeno Islands  
St. Helena  
St. Helena Dependencies  
South Georgia and the South Sandwich Islands  
Turks and Caicos Islands  
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus  
Virgin Islands

## SCHEDULE 2

Article 1(2)(b)

### APPLICATION OF ARTICLE 19 TO THE SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA IN THE ISLAND OF CYPRUS

- 1.—(1) Any person who commits an offence under article 3, 5, 6(3), 7, 8(9) or 9, or paragraph 5(b) or (d) of Schedule 5, shall be liable on conviction:
- (a) if tried on information before the Senior Judge's Court, to imprisonment for a term not exceeding two years, or to a fine, or to both;
  - (b) if tried before the Judge's Court, to imprisonment for a term not exceeding three months, or to a fine not exceeding £5,000 or its equivalent, or to both.
2. Any person who commits an offence under article 12(1) or (2), 13(3), or 17(3)(b)(ii) is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding two years, or to a fine, or to both.
3. Any person who commits an offence under article 17(3)(a), (b)(i) or (c), or paragraph (5)(a) or (c) of Schedule 5, is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £5,000 or its equivalent, or to both.
4. Any person who commits an offence under article 8(10) or 10 is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £5,000 or its equivalent, or both.
5. Any person who commits an offence under article 11 or 13(2) is guilty of a misdemeanour and shall be liable on conviction to a fine not exceeding £5,000 or its equivalent.
6. Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
7. Proceedings for a misdemeanour under this Order, being an offence alleged to have been committed outside the Territory, may be instituted at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.
8. Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.
9. No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:
- Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.



**EQUIPMENT THAT MIGHT BE USED FOR INTERNAL REPRESSION**

Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.

Specially designed fingerprint equipment.

Power controlled searchlights.

Construction equipment provided with ballistic protection.

Hunting knives.

Specially designed production equipment to make shotguns.

Ammunition hand-loading equipment.

Communications intercept devices.

Solid-state optical detectors.

Image-intensifier tubes.

Telescopic weapon sights.

Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor; except:

1. signal pistols;
2. air- and cartridge-powered guns designed as industrial tools or humane animal stunners.

Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.

Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.

Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.

All-wheel-drive utility vehicles capable of off-road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.

Water cannon and specially designed or modified components therefor.

Vehicles equipped with a water cannon.

Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.

Leg-irons, gang-chains, shackles and electric-shock belts, specially designed for restraining human beings; except:

- handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric-shock, (including electric-shock batons, electric-shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.

Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except:

- TV or X-ray inspection equipment.

Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except:

- those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflaters, electric-surge arresters of fire sprinkler actuators).

Equipment and devices designed for explosive ordnance disposal; except:

1. bomb blankets;
2. containers designed for folding objects known to be, or suspected of being improvised explosive devices.

Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.

Software specially designed and technology required for all listed items.

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12,5% nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN)
- picryl chloride,
- tinitorphenylmethylnitramine (tetryl),
- 2,4,6-trinitrotoluene (TNT)

Software specially designed and technology required for all listed items.

## SCHEDULE 4

Articles 6, 7, 8 and 10

### LIST OF PERSONS REFERRED TO IN ARTICLES 6, 7, 8 and 10

1. MUGABE Robert Gabriel	President, born 21.2.1924, Kutama
2. UTETE Charles	Cabinet Secretary, born 30.10.1938
3. MNANGAGWA Emmerson	Parliamentary Speaker, born 15.9.1946
4. NKOMO John	Home Affairs Minister, born 22.8.1934
5. GOCHE Nicholas	Security Minister, born 1.8.1946
6. MANYIKA Elliot	Youth Minister, born 30.7.1955
7. MOYO Jonathan	Information Minister, born 12.1.1957
8. CHARAMBA George	Information Minister's Permanent Secretary and Spokesman
9. CHINAMASA Patrick	Justice Minister, born 25.1.1947
10. MADE Joseph	Agricultural Minister, born 21.11.1954
11. CHOMBO Ignatius	Local Govt Minister, born 1.8.1952
12. MUDENGE Stan	Foreign Minister, born 17.12.1941, Zimutu Reserve
13. CHIWEWE Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
14. ZVINAVASHE Vitalis	General (CDS), born 1943
15. CHIWENGA Constantine	Lt Gen (Army), born 25.8.1956
16. SHIRI Perence	Air Marshal (Air Force), born 1.11.1955
17. CHIHURI Augustine	Commissioner (Police), born 10.3.1953
18. MUZONZINI Elisha	Brig. (Intelligence), born 24.6.1957
19. ZIMONTE Paradzi	Prisons Chief
20. SEKERAMAYI Sidney	Defence Minister, born 30.3.1944

## SCHEDULE 5

Article 18

### EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor may request any person in or resident in the Territory to furnish to him any information in his possession or control, or to produce to him any document in his possession or control, which he may require for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his possession in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

(5) The furnishing of any information or the production of any document under this paragraph shall not be treated as a breach of any restriction imposed by statute or otherwise.

2.—(1) If any justice of the peace or magistrate is satisfied by information on oath given by any police officer, constable or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case:

- (a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs, has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified, or
- (b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorising any police officer or constable, together with any other persons named in the warrant and any other police officers or constables, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or as the case may be, the vehicle, ship or aircraft.

(2) Any authorised person who has entered any premises or any vehicle, ship or aircraft in accordance with sub-paragraph (1) above may do any or all of the following things:

- (a) inspect and search those premises or the vehicle, ship or aircraft for any material which he has reasonable grounds to believe may be evidence in relation to an offence referred to in this paragraph;
- (b) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in this paragraph;
- (c) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1 of this Schedule; or
- (d) seize anything that is necessary to be seized in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) above which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer or constable lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) above may—

- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in this paragraph; and
- (b) seize anything he finds in a search referred to in paragraph (a) above, if he has reasonable grounds for believing that it is evidence of an offence referred to in this paragraph:

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

(5) Where, by virtue of this paragraph a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy of an extract made of any document produced) by a person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) above shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized: provided that a person who has obtained information or is in the possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;
  - (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced, or to any person holding or acting in any office under or in the service of—
    - (i) the Crown in respect of the Government of the United Kingdom,
    - (ii) the Government of the Isle of Man,
    - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark,
    - (iv) the States of Jersey, or
    - (v) the Government of any territory to which this Order extends; or
  - (c) with a view to the institution of, or otherwise for the purposes of, any proceedings—
    - (i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs, or
    - (ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any territory to which this Order extends.
5. Any person who—
- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or
  - (b) furnishes any information or produces any document which to his knowledge is false in a material particular or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request; or
  - (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
  - (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,
- shall be guilty of an offence under this Order.

#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order applies to each of the British overseas territories listed in Schedule 1. It imposes restrictive measures in respect of Zimbabwe and those who bear a wide responsibility for the serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in that country. These measures include the prohibition of the delivery or supply of arms and related matériel and equipment that might be used for internal repression to Zimbabwe, and the prohibition of making available funds, financial assets or economic resources to persons listed in Schedule 4 and the freezing of their funds, financial assets or economic resources.



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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The following is published in this Supplement -

**Co-operative Societies Rules (Amendment) Order 2002, (S.R. & O. No. 8 of 2002).**

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**SUBSIDIARY LEGISLATION**

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**CO-OPERATIVE SOCIETIES**

**Co-operative Societies Rules (Amendment) Order 2002**

S. R. & O. No: 8 of 2002

*Made: .....20<sup>th</sup> May. 2002*

*Published: .....24<sup>th</sup> May. 2002*

*Coming into force:..on publication.*

IN EXERCISE of my powers under section 51 of the Co-operative Societies Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation**

1. This Order may be cited as the Co-operative Societies Rules (Amendment) Order 2002.

**Amendment of Co-operative Societies Rules Order**

2. The Co-operative Societies Rules Order(b) is amended —

(a) by replacing rules 24(b) and (c) with the following —

“(b) to consider the reports of the committee and any report on any audit of the accounts of the registered society for the previous year.

(c) to approve any accounts of the registered society laid before the meeting or, if the accounts are not approved to cause the Secretary to notify the Governor, with a view to the Governor giving a direction under rule 67C;”

(b) in rule 67 by the insertion at the beginning of that rule the words “Subject to rule 67A”;  
and

(c) by inserting the following rules 67A, 67B and 67C —

“67A.—(1) Notwithstanding rule 67, it shall not be necessary for the accounts of a registered society to be audited in any year in respect of which all of the conditions specified in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are —

(a) a resolution complying with the requirements of paragraph (3) has been passed and remains in force;

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(a) Title 21.1

(b) Title 21.1.1

- (b) a copy of that resolution certified by two members of the Committee has been lodged with the Registrar;
  - (c) no notice complying with rule 67B has been served as required by that rule; and
  - (d) no requirement for an audit has been made by the Governor under rule 67C.
- (3) The requirements in respect of a resolution of a kind mentioned in subparagraph (a) of paragraph (2) are —
- (a) it is passed at a General Meeting of the society and at least 21 days notice in writing of the intention to propose that resolution has been given to all members of the society;
  - (b) at least 90 per cent of the members attending such meeting and entitled to vote in respect of the proposed resolution voted in favour of it; and
  - (c) it is a resolution to the effect that the society dispenses with an audit of the accounts of the society (including all years in respect of which audited accounts have not been presented at an annual general meeting or circulated to members).
- (4) Nothing in any of the preceding provisions of this rule excuses a society from any obligation under rule 24 or otherwise to present accounts to the members of the society (and the preceding provisions of this rule operate only to excuse, subject to their provisions, a society from the obligation under rule 67 to have its accounts audited).
- (5) It is the duty of the members of the Committee of every society and of the members of the society if there is no committee to ensure that every voucher, bank statement, cash book or other book of account of the society for expenditure or income of the society, is preserved so as to be available for inspection for the longer of a period of six years after the end of the year it was brought into existence (and in the case of a cash book or other book of account of the society) six years after the end of the year in which the last entry therein was made.
- (6) The duty imposed by paragraph (5) is a joint and several duty.

- 67B.**—(1) Ten per cent or more of the members of the society may at any time by notice in writing signed by each of them revoke the resolution of the society.
- (2) Any notice under paragraph (1) shall be served upon the Registrar and every member of the society.
- (3) When any such notice is served it shall have effect —
- (a) so as to revive the operation of rule 67 in relation to the society for the greater of—
    - (i) three years; and
    - (ii) the period elapsing until a fresh resolution complying with rule 67A(3) is passed.
  - (b) so as to require an audit of the accounts of the society to be undertaken in respect of the last complete trading year of the society and all future trading years until the notice ceases to have effect to revive the operation of rule 67 in respect of the society.

**67C.**—(1) The Governor may at any time by written direction signed by him and addressed and delivered to the committee of the society require the society to have its accounts for any trading year of the society audited by an auditor approved by the

Governor for the purpose and the Governor may give such consequential or ancillary direction as he sees fit.

(2) A direction under paragraph (1) of this rule has effect notwithstanding any resolution of a kind mentioned in rule 67A.

(3) The committee of the society shall comply with a direction under paragraph (1) and any consequential or ancillary directions given by the Governor under that paragraph.

(4) The Governor shall not give a direction under paragraph (1) in respect of a trading year of the society ended more than six years previously.

(5) Unless the Governor otherwise directs, the society shall be responsible for all fees costs and expenses of and associated with an audit directed under paragraph (1).”

Made this twentieth day of May 2002

D A Lamont  
*Governor*

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EXPLANATORY NOTE  
*(not forming part of the above Order)*

This Order enables a co-operative society subject to the Rules by resolution of its members to dispense with audit of its accounts and provides for ten per cent or more of the members, where such a resolution has been passed, to restore the obligation for audit of the society's accounts. The Order also enables the Governor to direct audit of a society's accounts.





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**Animals and Food (Miscellaneous Provisions) Ordinance 2002.6**

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Animals and Food (Miscellaneous Provisions) Ordinance 2002**

(No: 10 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Independence of Senior Veterinary Officer etc
4. Amendment of Abattoirs Ordinance 1997
5. Application of Food Safety Act 1990
6. Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995
7. Certificates required in relation to the exportation of fresh meat to a Member State of the European Economic Community
8. Requirements in relation to transport of fresh meat
9. Amendment of Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997
10. Administration of pharmacologically active substances to animals

Schedule 1 - Amendment of Abattoirs Ordinance 1997

Schedule 2 - Form in which sections 37(3), (5) and (6) and section 38 of the Food Safety Act 1990 shall apply to the Falkland Islands

Schedule 3 - Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995

Schedule 4 - Form of Health Certificate

Schedule 5 - Amendment of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997

Schedule 6 - Modifications and exceptions to provisions of Feeding Stuffs (Zootechnical Products) Regulations 1999 applied by section 11(1)

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**ANIMALS AND FOOD (MISCELLANEOUS PROVISIONS) ORDINANCE 2002**

(No: 10 of 2002)

*(assented to: 24<sup>th</sup> May 2002)*  
*(commencement: on publication)*  
*(published: 27<sup>th</sup> May 2002)*

AN ORDINANCE

To make provision enabling the Falkland Islands to meet the requirements of European Community Council Directive 72/462 EEC and other European Community legislation relating to the importation of fresh meat and fish into the Community in so far as they do not already do so and to amend various laws for that purpose and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Animals and Food (Miscellaneous Provisions) Ordinance 2002.

**Interpretation**

2. In this Ordinance —

“Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997” means those Regulations in the form in which they apply to the Falkland

Islands by virtue of article 7 of the Designated Abattoirs (Application of Legislation) Order 1998(a);

“Fresh Meat (Hygiene and Inspection) Regulations 1995” mean those Regulations in the form in which they apply to the Falkland Islands by virtue of article 2 of the Designated Abattoirs (Application of Legislation) Order 1998;

### **Independence of Senior Veterinary Officer etc**

3.—(1) In the exercise of his functions under the Abattoirs Ordinance 1997(b), the Animal Health Ordinance 1998(c), the Livestock Ordinance(d) (including any subsidiary legislation made under any of those Ordinances) and any other Ordinance or subsidiary legislation specified by an Order made under subsection (3), the Senior Veterinary Officer shall not be subject to the direction or control of any person or authority.

(2) Subsection (1) applies to any Government Veterinary Officer exercising functions under those Ordinances (save that he may be lawfully directed or controlled by the Senior Veterinary Officer) and to any OVS or authorised OVS within the meaning of article 1A of the Designated Abattoirs (Application of Legislation) Order 1998 in the exercise of any function conferred under any legislation applied by that Order or by any regulations made under section 6 of the Abattoirs Ordinance 1997.

(3) The Governor may by Order extend the application of subsection (1) to any legislation specified by that Order.

### **Amendment of the Abattoirs Ordinance 1997**

4. The Abattoirs Ordinance 1997 is amended in the manner specified in Schedule 1 to this Ordinance.

### **Application of Food Safety Act 1990**

5.—(1) Section 37(3), (5) and (6) and section 38 of the Food Safety Act 1990 shall apply to the Falkland Islands in the form set out in Schedule 2 to this Ordinance.

(2) The Governor may by Order apply to the Falkland Islands such further provisions of the Food Safety Act 1990 as he considers necessary or desirable to give further or better effect to the Designated Abattoirs (Application of Legislation) Order 1995 or any of the Regulations applied to the Falkland Islands by Articles 2 to 7 of that Order.

### **Amendment of Fresh Meat (Hygiene and Inspection) Regulations 1995**

6. The Fresh Meat (Hygiene and Inspection) Regulations 1995 are amended in the manner specified in Schedule 3 to this Ordinance.

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(a) SR&O No 65 of 1998

(b) No 7 of 1997

(c) No 9 of 1998

(d) Title 5.3

### **Certificates required in relation to the exportation of fresh meat to a Member State of the European Economic Community**

7.—(1) Fresh meat exported from the Falkland Islands to a Member State of the European Economic Community may only be exported if an animal health certificate and public health certificate in respect of that fresh meat has been drawn up and issued by an OVS.

(2) Any such certificate shall be drawn up in one at least of the official languages of the Member State of destination and in one at least of the languages of the country in which the import inspections provided for in Articles 23 and 24 of Council Directive 72/462/EEC are carried out and must —

- (a) accompany the fresh meat in the original;
- (b) consist of a single sheet of paper; and
- (c) be made out for a single recipient.

(3) The animal health certificate referred to in subsection (1) must certify that the fresh meat complies with the animal health requirements laid down in Council Directive 72/462/EEC and with those laid down pursuant to that Directive with respect to the importing of fresh meat from non-member countries and must be in conformity with a specimen drawn up in accordance with the procedure laid down in Article 29 of that Directive.

(4) The public health certificate must correspond, in presentation and content, with the specimen set out in Schedule 4 to this Ordinance and be issued on the day on which the fresh meat is loaded with a view to consignment to the country of destination.

(5) In this section —

“fresh meat” has the same meaning as it has by virtue of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995; and

“OVS” has the same meaning as that phrase has under Article 1A of that Order.

### **Requirements in relation to transport of fresh meat**

8.—(1) Any vehicle used for transportation of fresh meat must be so designed and equipped that—

- (a) carcasses and cuts are kept at a constant temperature of not more than plus 7 degrees C; and
- (b) offal is kept at a constant temperature of not more than plus 3 degrees C; and
- (c) the identity of the meat is maintained throughout the transportation.

(2) Vehicles or containers used for transporting fresh meat shall conform with the following requirements —

- (a) their inside surfaces or any other part which may come into contact with fresh meat must be of non-corrodible material which cannot affect the organoleptic character of fresh meat or render it harmful to human health and these surfaces must be smooth and easy to cleanse and disinfect;
- (b) they must be provided with efficient devices for protecting fresh meat against insects and dust and be water tight to prevent drainage of liquids; and
- (c) if used for transporting carcasses, half carcasses or quarters, they must be equipped with non-corrodible fittings for hanging fresh meat fixed at such a height that the meat cannot touch the floor (but this provision does not apply to frozen meat in hygienic packing).

(3) Vehicles or containers intended for transporting fresh meat shall not be used for transporting live animals or any product likely to affect or contaminate fresh meat.

- (4) No other product may be transported at the same time as fresh meat in the same vehicle or container. Animal stomachs may not be transported unless scalded and heads and feet may not be transported unless they have been skinned or scalded and depilated.
- (5) Fresh meat may not be transported in a vehicle or container that is unclean or has not been disinfected.
- (6) Carcasses, half carcasses and quarters, excluding frozen meat packed in accordance with hygiene requirements, must always be hung up for transportation. Other cuts and offal must be hung or placed on supports if not packed or contained in non-corrodible containers. Such supports, packagings or containers must meet hygiene requirements and those of Council Directive 72/462/EEC. Viscera must always be transported in strong waterproof and greaseproof packaging which may only be re-used after cleansing and disinfection.
- (7) The OVS must ensure before consignment that transport vehicles or containers and loading conditions meet the hygiene requirement of Chapter XI of Council Directive 72/462/EEC.
- (8) Nothing in this section shall have effect so as to impose any requirements in respect of the transportation of fresh meat not originating in a designated abattoir and not intended for exportation.

#### **Amendment of Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997**

9. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 are amended in the manner specified in Schedule 5 to this Ordinance.

#### **Administration of pharmacologically active substances to animals**

- 10.—(1) The administration to any food-producing animal in the Falkland Islands of any substance listed in Annex IV to European Economic Community Council Regulation 2377/90 is prohibited.
- (2) Annex I of that Council Regulation shall have effect to identify the pharmacologically active substances used in veterinary medical products in respect of which maximum residue limits have been established.
  - (3) Annex II of that Council Regulation shall have effect to identify the pharmacologically active substances used in veterinary medicinal products where it is not necessary for the protect of public health to establish a maximum residue limit.
  - (4) Annex III of that Council Regulation shall have effect so as to identify the pharmacologically active substances used in veterinary medicinal products in respect of which provisional maximum residue limits have been established.
  - (5) In this section, European Economic Community Council Regulation 2377/90 means that Regulation as amended from time to time.

#### **Supplementary to section 10**

11.—(1) The provisions of Parts I, IV, VI, VII, VIII, IX and Schedules 1, 2, Part III of Schedule 3 and Schedules 4 and 5 of the Feeding Stuffs (Zootechnical Products) Regulations 1999, with the exceptions thereto and modifications thereof specified in Schedule 6 to this Ordinance shall apply in the Falkland Islands but only for the purpose of giving further and better effect to section 10.

(2) Any European Economic Community Directive mentioned in any provision of those Regulations applying by virtue of subsection (1) in the Falkland Islands shall for the purpose of giving effect to those provisions be deemed to have effect in the Falkland Islands.

(3) The Feeding Stuffs (Sampling and Analysis) Regulations 1999, except regulation 10 shall apply to the Falkland Islands. In addition such of the provisions of the Agriculture Act 1970 as relate or are capable of relating to the taking of samples under the said Regulations shall apply in the Falkland Islands.

(4) Subsection (2) shall apply in relation to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 as it applies in relation to the Feeding Stuffs (Zootechnical Products) Regulations 1999 but with the substitution of the words "subsection (3)" for "subsection (1)".



**SCHEDULE 1**  
AMENDMENT OF ABATTOIRS ORDINANCE 1997

1. In this Schedule "the Ordinance" means the Abattoirs Ordinance 1997.
2. Section 2 of the Ordinance is amended by inserting immediately after the definition of "designated abattoir", the following definition —

"Council Directive 72/462/EEC" means that European Economic Community Directive as amended from time to time and whether before or after the enactment of this Ordinance;"

3. The Ordinance is further amended by the addition of the following section —

**"Power by regulations to give effect to requirements of European Community Council Directive 72/462/EEC**

6.—(1) The Governor may by Regulations make such provision as appears to him to be necessary to enable the Falkland Islands to comply with Council Directive 72/462/EEC so far as it relates or is capable of relating to the exportation of fresh meat from the Falkland Islands to a Member State of the European Community.

(2) So far as they are capable of so doing, and subject to any exception made thereby or exemption granted thereunder, any regulations made under subsection (1) shall also have effect in relation to the exportation from the Falkland Islands of fresh meat to any other country.

(3) For the purposes of this section "fresh meat" means all meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere."

**SCHEDULE 2**  
FORM IN WHICH SECTIONS 37(3), (5) AND (6) AND SECTION 38 OF THE FOOD  
SAFETY ACT 1990 SHALL APPLY TO THE FALKLAND ISLANDS

Section 37(3), (5) and (6) and section 38 shall apply to the Falkland Islands in the following form—

"(3) The procedure on an appeal to the Magistrates' Court shall be by way of complaint for an Order, and the Magistrate's Courts Act 1990 in its application to the Falkland Islands shall apply to the proceedings.

(4) Omitted.

(5) The period within which such an appeal as is mentioned in subsection (3) may be brought shall be one month from the date on which notice of the decision was served on the person

desiring to appeal and the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.

(6) In any case where such an appeal as is mentioned in subsection (3) above lies, the document notifying the decision to the person concerned shall state —

- (a) the right of appeal to the Magistrate's Court; and
- (b) the period within which such an appeal may be brought.

### **Appeals to the Supreme Court**

38. A person who is aggrieved by any dismissal by the Magistrate's Court of such an appeal as is mentioned in section 37(3) may appeal to the Supreme Court."

## **SCHEDULE 3**

### **AMENDMENT OF THE FRESH MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995**

1. The Fresh Meat (Hygiene and Inspection) Regulations 1995 are amended as specified in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies in the Falkland Islands by virtue of article 2 and Schedule 1 to the Designated Abattoirs (Application of Legislation) Order 1998.
2. Regulation 2(1) is amended —
  - (a) by inserting the following definition after the definition of "animals" —  
" "assistant" means a person appointed in accordance with regulation 8(2);" and
  - (b) by deleting the definition of "inspector".
3. Regulation 8 is amended —
  - (a) in paragraph (1)(e) by deleting the figures "13";
  - (b) in paragraph (2) by replacing the words "act as inspectors" with the words "assist an OVS";
  - (c) in paragraph (3) —
    - (i) by replacing the words in the first line "be an inspector" with the words "assist an OVS";
    - (ii) in the last line thereof by replacing the words "an inspector" with the words "a person to assist an OVS";
  - (d) in paragraph (4) —
    - (i) by replacing the words "An inspector" in the first line thereof with the words "A person approved under paragraph (2)"; and
    - (ii) by adding the following sentences at the end of the paragraph —  
"He shall not have any power of decision concerning the final result. The post-mortem inspection of slaughtered animals referred to in paragraph (1)(b) shall be carried out by an OVS.";
  - (e) by adding the following paragraph (5) —

- “(5) A person shall not be appointed under paragraph (2) if he is an employee of or in any way concerned in the management of the slaughterhouse or has any interest in the profits or losses of its operation.”;
4. Subsequent regulations are amended by replacing the word “inspector” wherever it appears by the word “assistant”.
  5. Regulation 10 is amended —
    - (a) in paragraph (11) by replacing the words “a magistrates’ court or, in Scotland, to the Sheriff” with the words “the Magistrate’s Court”; and
    - (b) in paragraph (12) by inserting after the words “the Act” the words “in its application to the Falkland Islands” and by omitting everything appearing therein after the words “this regulation”.
  6. Regulation 11 is amended by replacing the words “Director of Agriculture” in paragraph (1) with the words “Senior Veterinary Officer”.
  7. Regulation 12 is amended —
    - (a) by replacing the words “Director of Agriculture” in paragraphs (1), (2) and (3) with the words “Senior Veterinary Officer”; and
    - (b) by deleting paragraphs (5), (6) and (7).
  8. Regulation 19(1) and (2) and regulation 20(1)(d) are amended by the replacement of the words “Director of Agriculture” wherever they appear in those provisions by the words “Senior Veterinary Officer”.
  9. Regulation 19(1) is further amended by the insertion after the words “Council Directive 91/497/EEC” of the words “and Council Directive 72/462/EEC”.
  10. Paragraph 2(b)(iii) of Schedule 1 is amended by deleting all words appearing after the words “less than two metres”.
  11. Paragraph 1 of Schedule 2 to the Regulations is amended —
    - (a) in subparagraph (h)(ii) by inserting after the word “sufficient” the words “air and water-tight and non-corrodible”;
    - (b) in subparagraph (r) by replacing the words “an OVS room” with the words “an adequately equipped lockable room for the exclusive use of the OVS”; and
    - (c) by adding the following subparagraphs —
      - “(v) an adequate supply, under pressure, of drinking water only; however non-drinking water may be used in exceptional cases for steam production, provided that the pipes installed for this purpose do not permit this water to be used for other purposes; in addition the use of non-drinking water may be authorised in exceptional cases for cooling refrigeration equipment. Non-drinking water pipes must be clearly differentiated from those carrying drinking water and must not pass through rooms containing fresh meat;

(w) in each work room adequate equipment must be provided for cleansing and disinfecting hands and tools and in relation to such equipment the following requirements apply —

- (i) taps must not be hand operable;
- (ii) the facilities must have hot and cold running water, be equipped with cleaning and disinfecting products and disposable hand towels; and
- (iii) the equipment provided for cleaning instruments must be provided with hot water the temperature of which is not less than 82 Degrees C;
- (x) equipment such that, after stunning, dressing can be carried out as far as possible on the suspended animal, where flaying is carried out on metal cradles, these must be of non-corrodible materials and high enough for the carcass not to touch the floor;
- (y) an overhead system of rails for the later handling of the meat;
- (z) proper equipment for protection against pests such as insects and rodents;
- (aa) instruments and working equipment in particular paunch tanks must be of non-corrodible material and easy to cleanse and disinfect;”

12. Schedule 3 to the Regulations is amended in paragraph 1 —

- (a) in subparagraph (f) by replacing the words “an OVS room” with the words “an adequately equipped lockable room for the exclusive use of the OVS”;
- (b) by inserting after subparagraph (f), the following new subparagraph —

“(fa) if the trichinoscopic test is carried out in the cutting plant, a room suitably equipped for the purpose;”

13. Schedule 4 to the Regulations is amended in paragraph 1 —

- (a) by adding, after the words “frozen fresh meat” in subparagraph (b) a fullstop and the words “Refrigeration equipment installed in the ceiling must include a drainage system, well insulated and linked directly to the waste water pipes;”
- (b) replacing the words “OVS facilities” in paragraph (d) with the words “an adequately equipped lockable room for the exclusive use of the OVS”;
- (c) by adding the following new subparagraph after subparagraph (e) —

“(f) a special lockable room for the storage of fresh meat seized or in consignment.”

14. Schedule 7 is amended by adding the following paragraphs —

“5. The use of detergents, disinfectants and pesticides must not affect the health of the fresh meat.

6. Drinking water must be used for all purposes; however, non-drinking water may be used in exceptional cases for steam production provided that the pipes installed for this purpose preclude the use of this water for other purposes. In addition, non-drinking water may be used in exceptional cases for cooling refrigeration equipment.

7. Cutting shall be carried out in such a way as to avoid any contamination of fresh meat.
8. Splinters of bone and clots of blood shall be removed. Fresh meat obtained from cutting and not intended for human consumption shall be collected up in special air and water tight non-corrodible containers with lids and fasteners to prevent unauthorised persons from removing things from them as soon as it is cut."
15. Paragraph 1 of Schedule 8 is amended by replacing subparagraphs (a) and (b) with —  
“(a) on the day of their arrival at the slaughterhouse; and  
(b) immediately before slaughter if the animal has been in the lairage for more than 24 hours; and”.
16. Schedule 9 is amended —  
(a) by adding a new subparagraph to paragraph 1 —  
“(u) cleansing of meat by wiping with a cloth, and inflation of any organ, are prohibited.”  
(b) by replacing subparagraph (2) of paragraph 1 with —  
“(2) carcasses of solipeds, pigs more than four weeks old and bovine animals more than three months old must be submitted for inspection split lengthwise into half carcasses down the spinal column. In the case of pigs and solipeds, the head shall also be split lengthwise. If the inspection so necessitates the OVS may require any carcass to be split lengthwise. Cutting up the carcass or removal or treatment of any part of the slaughtered animal before the inspection has been completed is prohibited. Detained or seized meat, stomachs, intestines, hides, skins, horns, hooves and pig bristles must be removed as soon as possible to special premises.”
17. Schedule 10 is amended —  
(a) by adding after the words “considers necessary” in subparagraph (d) of paragraph 2 in Part 1 of the Schedule of the words “including investigation of anomalies in consistency, colour, smell and, where appropriate, taste and, where necessary, laboratory tests involving in particular research as to the presence of residues of oestrogenous or thyrostatic substances, antibiotics, antimony, arsenic, pesticides or other circumstances which are harmful or likely to make the consumption of fresh meat dangerous or harmful to human health insofar as these residues are in excess of the permitted level fixed for the time being by the Council of the European Economic Community and, the treatment of the animal with any product likely to alter the organoleptic composition or nature of the fresh meat.”  
(b) by adding a new subparagraph to paragraph 1 of Part 2 of the Schedule —  
“(l) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”  
(d) by adding a new subparagraph to paragraph 1 in Part 3 of the Schedule —

“(k) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”;

(e) by the addition in paragraph 1 of Part 5 of the Schedule of a new subparagraph to paragraph 1 —

“(m) an investigation for distomatosis by means of incisions on the gastric surface of the liver to examine the bile ducts and by means of a deep incision at the base of the Spiegel lobe.”;

(f) in Part 6 of the Schedule by the addition of a new subparagraph to paragraph 1 —

“(n) an investigation for glanders by means of careful examination of mucous membranes from the trachea, larynx, nasal cavities, sinuses and their ramifications, after splitting the head in the median plane and excision of the nasal septum.”

(g) in paragraphs 13 and 14 the words “Director of Agriculture” are replaced by the words “Senior Veterinary Officer”.

18. Schedule 11 of the Regulations is amended as follows —

(a) in paragraph 2 —

(i) the words “plus 12 Degrees C” at the end of subparagraph (e) are replaced by the words “plus 10 Degs C”;

(ii) by the addition of the following subparagraphs —

“(l) at the time of cutting, the pH of the meat must not exceed 6.1 and the testing of the pH must be made on the large dorsal muscle at the thirteenth rib.”

(b) in the first line of paragraph 3 and before the word “Notwithstanding” the words “In relation to meat intended to be consumed within the Falkland Islands and no other,”.

19. The following new Schedule 11A is inserted immediately after Schedule 11 —

#### “SCHEDULE 11A HEALTH CONTROL OF FRESH CUT MEAT

1. All cutting plants shall be supervised by an OVS who must be given good and sufficient notice before any operation involving the cutting of fresh meat takes place.

2. Supervision by an OVS of a cutting plant shall include the following —

(a) supervision of the entry register for fresh meat and the exit register for cut meat;

(b) health inspection in accordance with these Regulations of fresh meat held in the cutting plant, prior to cutting and when it leaves the cutting plant;

(c) supervision of the cleanliness of the buildings, facilities and instruments provided for in these Regulations and of staff hygiene;

- (d) all sampling necessary for laboratory tests to detect, for example, the presence of harmful germs, additives or other unauthorised chemical substances;
- (e) ensuring that the results of such tests are properly recorded in a register;
- (f) any other supervision which the OVS considers necessary for ensuring observance of the provisions of Council Directive 72/462/EEC.”

20. Schedule 12 is amended —

- (a) in paragraphs 1(a) and 2(a) by replacing the words “the letters “FI”” with the words “the words “Falkland Islands” or such letters as may be approved by the Council of the European Community for use in relation to exports to a Member State of the European Community”;
- (b) in paragraph 6 by deleting the words appearing after the words “fresh meat” and replacing them by the words “except methyl violet or such other colouring as may have been approved by the Council of the European Communities pursuant to Article 29 of Council Directive 72/462/EEC.”

21. Schedule 14 is amended in paragraph 2(d) by omitting all words appearing after the words “meat products”.

22. The Regulations are amended by the addition thereto of the following Schedule 23 —

“SCHEDULE 23  
PACKAGING

1. Packaging (for example packing cases or paperboard boxes) shall fulfil all rules of hygiene. In particular —

- (a) it must not alter the organoleptic nature of fresh meat;
- (b) it must not be capable of transmitting substances harmful to health to fresh meat; and
- (c) it must be sufficiently solid to ensure effective protection of fresh meat during transportation and handling.

2. Packaging must not be reused for fresh meat unless it is made of non-corrodible materials, which are easy to clean and have been previously cleaned and disinfected.

3. When fresh meat or offal is wrapped in packaging (for example sheet plastic) which comes into direct contact with it this wrapping must be carried out immediately after cutting and in accordance with hygiene requirements. With the exception of cuts of solid outer pig fat and belly, fresh cut meat must in all cases be provided with a protective packaging unless it is transported hanging up. Such packaging must be transparent and colourless and must meet the requirements of paragraph 1 and must not be used again for wrapping fresh meat.

4. The packaging referred to in paragraphs 1 and 2 may contain only fresh cut meat belonging to the same animal species.

5. Packaging must have a clearly visible label on which there is a clearly legible mark reproducing the health mark required by the preceding provisions of these Regulations.”

**SCHEDULE 4**  
**FORM OF HEALTH CERTIFICATE**

**“PUBLIC HEALTH CERTIFICATE**

For fresh meat<sup>1</sup> intended for ..... (Name of EEC Member State)

No<sup>2</sup> .....

Exporting country .....

Ministry .....

Department .....

Ref .....

(Optional)

**I. Identification of meat**

Meat of .....

(Species)

Nature of cuts .....

Nature of packaging .....

Number of cuts or packages .....

Month(s) and year(s) when frozen .....

Net weight .....

**II. Origin of meat**

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) .....

Address(es) and veterinary approval number(s) of the approved cold store(s) .....

**III. Destination of meat**

The meat will be sent from: .....

(Place of loading)

to: .....

(Country and place of destination)

By the following means of transport<sup>3</sup> .....

Name and address of consignor .....

<sup>1</sup> Fresh meat within the meaning of Article 2(b) Directive 609/EEC

<sup>2</sup> Optional

<sup>3</sup> For railway, wagons or goods vehicles the registration number should be given, for aircraft the flight number and for ships the name



Name and address of consignee .....

**IV. Health attestation**

I, the undersigned, official veterinarian, certify that

- a) - the meat described above<sup>4</sup>.  
- the label affixed to the packages of meat described above<sup>4</sup> .  
bear(s)<sup>4</sup> a mark to the effect that the meat comes wholly from animals slaughtered in slaughterhouses approved for exporting to the country of destination:
- b) the meat was obtained under the conditions governing production and control laid down in Directive 72/462/EEC and that it is therefore, considered as such to be fit for human consumption;
- c) the meat has been cut in an approved cutting plant<sup>4</sup>;
- d) the meat has/has not been subject to an examination for trichinosis or, where Article 3 of Directive 77/95/EEC applies, has undergone cold treatment;
- e) the means of transport and the loading conditions of meat of this consignment meet the hygiene requirements laid down in respect of export to the country of destination.

Done at ..... on .....

.....  
(Signature of the official veterinarian)

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<sup>4</sup> Delete as appropriate

## SCHEDULE 5

### AMENDMENT OF THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1997

1. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 are amended as specified in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies in the Falkland Islands by virtue of article 7 and Schedule 6 to the Designated Abattoirs (Application of Legislation) Order 1998.

2. Regulation 2 is amended —

(a) in paragraph (1) by inserting after the words “Council Regulation” in the definition of “Annex IV Substance” the words “as amended or replaced from time to time”;

(b) by adding the following paragraph —

“(4) In this regulation, any reference to a Council Directive is a reference to that Directive as amended or replaced from time to time.”

3. Regulation 3 is amended by the addition of the following paragraph (4) —

“(4) No person, other than an OVS, shall be in possession of chloramphenicol, nitrofurans for the purpose of the administration of that substance to an animal.”

## SCHEDULE 6

### MODIFICATIONS AND EXCEPTIONS TO PROVISIONS OF FEEDING STUFFS (ZOOTECNICAL PRODUCTS) REGULATIONS 1999 APPLIED BY SECTION 11(1)

1. The Feeding Stuffs (Zootecnical Products) Regulations 1999 so far as they are applied by section 11(1) of this Ordinance are so applied subject to the exceptions and modifications set out in subsequent paragraphs of this Schedule in which a reference to a regulation of a particular number is a reference to the regulation of that number as it applies by virtue of section 11(1) of this Ordinance.

2. Every provision of the Regulations which relates only to Northern Ireland or Scotland and every reference in any provision of the Regulations which only so relates are omitted.

3. The words “enforcement authority” in regulations 18, 19, 20, 21, 22, 23 and 24 are replaced by the words “Senior Veterinary Officer”.

4. The words “the Minister” in regulation 24, in both places where they appear, are replaced by the words “the Governor”.

5. In regulation 33 the words “except on a UK approved or permitted Chapter I.1 establishment” are replaced by the words “without the consent of the Senior Veterinary Officer”.

6. The words “on a UK approved Chapter I.1 establishment” in regulation 34 are omitted.
7. In regulation 37 the words “unless he is a UK approved or permitted Chapter I.1 intermediary” are replaced by the words “without the consent of the Senior Veterinary Officer and in accordance with any conditions attached to such consent”.
8. In regulation 38 the words “a UK approved Chapter I.1” at the beginning of the regulation are replaced by the word “an”.
9. Regulation 40 is modified by replacing the words “a UK approved Chapter I.1” at the beginning of the regulation with the words “an”.
10. Regulation 41 is replaced by the following —

“41. No person shall supply an unauthorised zootechnical additive without the consent of the Senior Veterinary Officer and in compliance with any conditions attached to such consent.”
11. The words “subject to paragraph (2)” at the beginning of regulation 42(1) and the whole of paragraph (2) of that regulation are omitted.
12. Regulation 43 is modified so as to read “No person shall incorporate an unauthorised zootechnical additive into a feeding stuff except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
13. Regulation 44 is modified so as to read “No person shall mix a zootechnical additive with an additive which is not a zootechnical additive in a premixture or feeding stuff except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
14. Regulation 45 is modified so as to read “No person shall import into the Falkland Islands a zootechnical additive manufactured other than in a Member State of the European Community, unless it was manufactured on a UK approved or permitted third country Chapter I.1 establishment, or an EC approved or permitted third country Chapter I.1 establishment.”.
15. The words “enforcement authority” in regulation 47 are replaced by the words “Senior Veterinary Officer”.
16. Regulation 49 is modified by the replacement of the words “on a UK approved or permitted Chapter I.2 establishment” with the words “with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.”.
17. Regulation 53 is modified by the replacement of the words “unless he is a UK approved or permitted Chapter I.2 intermediary” with the words “except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent”.

18. Regulation 54 is amended by the replacement of the words "A UK approved Chapter I.2" with the word "An".

19. Regulation 55 is modified so as to read "No person shall put a zootechnical premixture into circulation except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent".

20. Regulation 56 is modified by the replacement of the words "A UK approved Chapter I.2" with the word "An".

21. Regulation 57 is modified so as to read "No person shall supply a zootechnical premixture except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent."

22. Regulations 58 and 59 are modified so as to read —

"58. No person shall use a zootechnical premixture for the purpose of animal feeding unless the premixture is incorporated in a compound feeding stuff and was incorporated in the feeding stuff in accordance with regulation 59 or he does so with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent.

59. Except with the consent of the Senior Veterinary Officer and in accordance with any conditions attached to that consent, no person shall incorporate a zootechnical premixture into a compound feeding stuff."

23. The following new regulation is added to the Regulations as regulation 94 —

"94. It shall be the duty of the Senior Veterinary Officer in the exercise of his functions under these Regulations in relation to the granting of consent for any matter or thing to ensure that he does not grant his consent to any matter or thing unless he is satisfied that all relevant provisions of all relevant Council Directives have been complied with or will be complied with if any conditions imposed on the granting of any consent by the Senior Veterinary Officer are complied with."

Passed by the Legislature of the Falkland Islands this 23rd day of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-fourth day of May 2002.

D. A. LAMONT,  
*Governor.*





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*3rd June 2002*

*No.10*

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The following are published in this Supplement -

**Licensing (Amendment) Ordinance 2002 (Correction) (No. 2) Order 2002,  
(S.R. & O. No. 13 of 2002);**

**Finance Ordinance (Correction) Order 2002, (S.R. & O. No. 14 of 2002).**

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**SUBSIDIARY LEGISLATION**

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**LICENSING**

**Licensing (Amendment) Ordinance 2002 (Correction) (No.2) Order 2002**

S. R. & O. No: 13 of 2002

*Made: 3 June 2002*

*Published: 3<sup>rd</sup> June 2002*

*Coming into force: 3<sup>rd</sup> June 2002*

IN EXERCISE of my powers under section 93(1) of the Interpretation and General Clauses Ordinance (Title 67.2), I make the following Order —

**Citation**

1. This Order may be cited as the Licensing (Amendment) Ordinance 2002 (Correction)(No.2) Order 2002.

**Correction**

2. Schedule 2 of the Licensing (Amendment) Ordinance 2002 is amended by deleting the figure "5".

Made this third of June 2002

D G Lang  
*Attorney General*



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**SUBSIDIARY LEGISLATION**

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**FINANCE**

**Finance Ordinance (Correction) Order 2002**

S. R. & O. No:14 of 2002

*Made: 3<sup>rd</sup> June 2002*

*Published: 3<sup>rd</sup> June 2002*

*Coming into force: 1<sup>st</sup> July 2002*

IN EXERCISE of my powers under section 93(1) of the Interpretation and General Clauses Ordinance (Title 67.2), I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Finance Ordinance Correction Order 2002 and comes into force on 1<sup>st</sup> July 2002.

**Correction**

2. Section 1(2) of the Finance Ordinance 2002 (a) is corrected —

(a) in paragraph (b) by replacing “6” with “5”; and

(b) in paragraph (c) by replacing “4,5. 7 and 8” with “4,6 and 7”.

Made this third day of June 2002

D G Lang  
*Attorney General*





**THE  
FALKLAND ISLANDS GAZETTE  
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The following are published in this Supplement -

- Public Funds (Amendment) Ordinance;**
- Falkland Islands Defence Force Club (Special Provisions) Ordinance 2002;**
- Interest on Debts Ordinance 2002;**
- Finance Ordinance 2002;**
- The Appropriation Ordinance 2002;**
- The Supplementary Appropriation (2001-2002) (No. 3) Ordinance 2002;**
- The Post Office Order 2002, (S.R. & O. No. 9 of 2002);**
- Animal Health (Additional Notifiable Diseases) Order 2002, (S.R. & O. No. 10 of 2002);**
- TSE Prevention, Control and Eradication Order 2002, (S.R. & O. No. 11 of 2002).**

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Public Funds (Amendment) Ordinance 2002**

(No: 11 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Investment of the Insurance Fund

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**PUBLIC FUNDS (AMENDMENT) ORDINANCE 2002**

(No: 11 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 6<sup>th</sup> June 2002)*

AN ORDINANCE

To amend the Public Funds Ordinance (Title 42.1)

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. This Ordinance may be cited as the Public Funds (Amendment) Ordinance 2002 and shall be deemed to have come into force on 30 June 2001.

**Investment of the Insurance Fund**

2. Section 5 of the Public Funds Ordinance 1990 is amended by replacing the words “£15 million” in subsections (1) and (2) in each case with the words “£25 million”.

Passed by the Legislature of the Falkland Islands this 23rd day of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Falkland Islands Defence Force Club (Special Provisions) Ordinance 2002**

(No: 12 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Special provisions

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**FALKLAND ISLANDS DEFENCE FORCE CLUB (SPECIAL PROVISIONS)  
ORDINANCE 2002**

(No: 12 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: on publication)*  
*(published: 6<sup>th</sup> June 2002)*

AN ORDINANCE

To make special provision in relation to the sale of alcohol in the premises of the Falkland Islands Defence Force Club on occasions on which the Club premises are let for use by the public or a section of the public

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

**1.** This Ordinance may be cited as the Falkland Islands Defence Force (Special Provisions) Ordinance 2002.



### **Special Provisions**

2.—(1) This section shall have effect notwithstanding —

(a) any rules of the Falkland Islands Defence Force Club in force under section 59(5) of the Falkland Islands Defence Force Ordinance(a); and

(b) any provision of or under the Licensing Ordinance 1994(b) or any other enactment to the contrary including any provision of any club registration certificate for the time being in force in respect of the Club.

(2) At any time (hereinafter described as “that time”) when the Club premises are —

(a) being used by the Government in or in connection with any public event at the Falkland Islands Defence Force Drill Hall or in the Club premises;

(b) let to any person or organisation in connection with an event of any kind to which the public or a section of the public are admitted (and whether or not associated with a letting of the Drill Hall); or

(c) let for the purposes of a private party,

any club registration certificate held in respect of the premises shall be of no effect and a justice’s on-licence shall be deemed to be held in respect of the Club premises (instead of any such club registration certificate) and so that, in particular during that time —

(i) alcohol may be sold or supplied to any person in the Club premises if it might lawfully be sold or supplied in such premises to that person;

(ii) all the provisions of the Licensing Ordinance 1994 relating to premises licensed under a justice’s on-licence shall apply to those premises.

(3) An extension of permitted hours may be granted under section 48 of the Licensing Ordinance 1994 in respect of any time, outside permitted hours, in which the club premises are to be used as mentioned in subsection (2)(a), (b) or (c) and, for this purpose, every occasion on which the premises are to be so used shall be deemed to be a special occasion.

(4) In this section —

(a) “club registration certificate”;

(b) “extension of permitted hours”; and

(c) “justice’s on-licence”;

all have the same meaning as they have under the Licensing Ordinance 1994.

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(a) Title 7.1

(b) No 18 of 1994

Passed by the Legislature of the Falkland Islands this 23rd day of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Interest on Debts Ordinance 2002**

(No: 13 of 2002)

ARRANGEMENT OF PROVISIONS

Section

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2. Interpretation

PART II  
STATUTORY INTEREST ON QUALIFYING DEBTS

3. Statutory interest
4. Contracts to which Ordinance applies
5. Qualifying debts
6. Period for which statutory interest runs
7. Rate of statutory interest
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ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

## INTEREST ON DEBTS ORDINANCE 2002

(No: 13 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: see section 1)*  
*(published: 6<sup>th</sup> June 2002)*

### AN ORDINANCE

To make provision with respect to interest on the late payment of certain debts; and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

#### PART I INTRODUCTORY

##### **Short title and commencement**

1. This Ordinance may be cited as the Interest on Debts Ordinance 2002 and shall come into operation on the first day of the month next following its first publication in the Gazette.

##### **Interpretation**

2.—(1) In this Ordinance —

“contract for the supply of goods or services” has the meaning given by section 4(3);

“contract price” means the price in a contract of sale of goods or the money consideration referred to in section 4(3)(b) in any other contract for the supply of goods or services;

“purchaser” means (subject to section 15(2)) the buyer in a contract of sale or the person who contracts with the supplier in any other contract for the supply of goods or services;

“qualifying debt” means a debt falling within section 3(2) or 5(1);

“statutory interest” means interest carried by virtue of the term implied by section 3(1) or, in respect of a debt due to the Crown, interest carried by virtue of section 3(2); and

“supplier” means (subject to section 15(2)) the seller in a contract of sale of goods or the person who does one or more of the things mentioned in section 4(3) in any other contract for the supply of goods or services.

(2) In this Ordinance any reference (however worded) to an agreement or to contract terms includes a reference to both express and implied terms (including terms established by a course of dealing or by such usage as binds the parties).

## PART II

### STATUTORY INTEREST ON QUALIFYING DEBTS

#### **Statutory Interest**

3.—(1) It is an implied term in a contract to which this Ordinance applies that any qualifying debt created by the contract carries simple interest subject to and in accordance with this Part.

(2) Where a person is indebted to the Crown in respect of any duty, charge or licence fee payable by virtue of any statute or subsidiary legislation that debt is a qualifying debt and carries simple interest subject to and in accordance with this Part.

(3) Interest carried under the implied term mentioned in subsection (1) or payable by virtue of subsection (2) (in this Ordinance referred to as “statutory interest”) shall be treated, for the purposes of any rule of law or enactment (other than this Ordinance) relating to interest on debts, in the same way as interest carried under an express contract term.

(4) This Part has effect subject to Part III (which in certain circumstances permits contract terms to oust or vary the right to statutory interest that would otherwise be conferred by virtue of the term implied by subsection (1)).

#### **Contracts to which Ordinance applies**

4.—(1) This Ordinance applies —

(a) a contract for the supply of goods or services, other than an excepted contract;

(b) a debt, arising otherwise than by way of contract, to the Crown in respect of any duty, charge, licence or other fee payable under or by virtue of any written law of the Falkland Islands.

(2) For the purposes of this Ordinance any charge made by the Health and Medical Services Department of the Falkland Islands Government in respect of medical, dental, ophthalmic, pharmaceutical or other services (whether or not of a like kind) supplied by that Department shall be deemed to be due under a contract for the supply of goods or services.

(3) In this Ordinance “contract for the supply of goods or services” means —

(a) a contract of sale of goods; or

(b) a contract (other than the contract of sale of goods) by which a person does any, or any combination, of the things mentioned in subsection (4) for a consideration that is (or includes) a money consideration.

- (4) Those things are —
- (a) transferring or agreeing to transfer to another the property in goods;
  - (b) bailing or agreeing to bail goods to another by way of hire; and
  - (c) agreeing to carry out a service.
- (5) For the avoidance of doubt a contract of service or apprenticeship is not a contract for the supply of goods or services.
- (6) The following are excepted contracts —
- (a) a contract which, if it were made in England, would be a consumer credit agreement;
  - (b) a contract intended to operate by way of mortgage, pledge, charge or other security;
  - (c) a contract of a description specified in an Order made by the Governor.
- (7) An Order under subsection (6)(c) may specify a description of contract by reference to any feature of the contract (including the parties).
- (8) In this section —
- “business” includes a profession and the activities of any Government Department or public authority;
- “consumer credit agreement” has the same meaning as in the Consumer Credit Act 1974;
- “contract of sale of goods” and “goods” have the same meaning as in the Sale of Goods Act 1979 in its application to the Falkland Islands;
- “property in goods” means the general property in them and not merely a special property.

#### **Qualifying debts**

- 5.—(1)(a) A debt created by virtue of an obligation under a contract to which this Ordinance applies to pay the whole or any part of the contract price; and
- (b) a debt to which section 4(2) applies,
- are each a “qualifying debt” for the purposes of this Ordinance, unless (when created) the whole of the debt is prevented from carrying statutory interest by this section.
- (2) A debt does not carry statutory interest if or to the extent that it consists of a sum to which a right to interest or to charge interest applies by virtue of any enactment (other than section 3 of this Ordinance).
- This subsection does not prevent a sum from carrying statutory interest by reason of the fact that a court or arbitrator would, apart from this Ordinance, have power to award interest on it.
- (3) A debt does not carry (and shall be treated as never having carried) statutory interest if or to the extent that a right to demand interest on it, which exists by virtue of any rule of law, is exercised.
- (4) A debt does not carry statutory interest if or to the extent that it is of a description specified in an Order made by the Governor under this subsection.
- (5) Such an Order may specify a description of debt by reference to any feature of the debt (including the parties or any other feature of the contract by which it is created).

#### **Period for which statutory interest runs**

- 6.—(1) Statutory interest runs in relation to a qualifying debt in accordance with this section (unless section 8 applies).
- (2) Statutory interest starts to run on the day after the relevant day for the debt, at the rate prevailing under section 7 at the end of the relevant day.

(3) Where the parties agree a date for payment of the debt (for example, the day on which the debt is to be created by the contract), that is the relevant day unless the debt relates to an obligation under a contract to make an advance payment.

A date so agreed may be a fixed one or may depend on the happening of an event or the failure of an event to happen.

(4) Where the debt relates to an obligation to make an advance payment, the relevant day is the day on which the debt is treated by section 13 as having been created.

(5) In any other case, the relevant day is the last day of the period of 30 days beginning with —

(a) in the case of a debt owed other than to the Crown —

(i) the day on which the obligation of the supplier to which the debt relates is performed;  
or

(ii) the day on which the purchaser has notice of the amount of the debt or (where that amount is unascertained) the sum which the supplier claims is the amount of the debt,

whichever is the later, and

(b) in the case of a debt owed to the Crown —

(i) in respect of any duty, fee, charge or licence fee payable by virtue of any written law of the Falkland Islands, the date on which the liability to pay the duty, fee, charge or licence fee arose;

(ii) in respect sale or supply by the Crown of goods or services, the date on which the invoice is issued.

(6) Where the debt is created by virtue of an obligation to pay a sum due in respect of a period of hire of goods, subsection (5)(a) has effect as if it referred to the last day of that period.

(7) Statutory interest ceases to run when the interest would cease to run if it were carried under an express contract term.

(8) In this section “advance payment” has the same meaning as in section 11.

### **Rate of statutory interest**

7.—(1) The Governor shall by Order prescribe the rate of statutory interest or a formula for calculating the rate of statutory interest.

(2) Before making such an Order the Governor shall consider the extent to which it may be desirable to set the rate so as to —

(a) protect suppliers whose financial position makes them particularly vulnerable if their qualifying debts are paid late; and

(b) deter generally the late payment of qualifying debts.

### **Remission of statutory interest**

8.—(1) This section applies where, by reason of any conduct of the supplier, the interests of justice require that statutory interest should be remitted in whole or part in respect of a period for which it would otherwise run in relation to a qualifying debt.

(2) If the interests of justice require that the supplier should receive no statutory interest for a period, statutory interest shall not run for that period.

(3) If the interests of justice require that the supplier should receive statutory interest at a reduced rate for a period, statutory interest shall run at such rate as meets the justice of the case for that period.

(4) Remission of statutory interest under this section may be required —



- (a) by reason of conduct at any time (whether before or after the time at which the debt is created); and
  - (b) for the whole period for which statutory interest would otherwise run or for one of more parts of that period.
- (5) In this section “conduct” includes any act or omission.

### PART III

#### CONTRACT TERMS RELATING TO LATE PAYMENT OF QUALIFYING DEBTS

##### **Purpose of Part III**

- 9.—(1) This Part deals with the extent to which the parties to a contract to which this Ordinance applies may by reference to contract terms oust or vary the right to statutory interest that would otherwise apply when a qualifying debt created by the contract (in this Part referred to as “the debt”) is not paid.
- (2) This Part applies to contract terms agreed before the debt is created; after that time the parties are free to agree terms dealing with the debt.
- (3) This Part has effect without prejudice to any other ground which may affect the validity of a contract term.

##### **Circumstances where statutory interest may be ousted or varied**

- 10.—(1) Any contract terms are void to the extent that they purport to exclude the right to statutory interest in relation to the debt, unless there is a substantial contractual remedy for late payment of the debt.
- (2) Where the parties agree a contractual remedy for late payment of the debt that is a substantial remedy, statutory interest is not carried by the debt (unless the parties otherwise agree).
- (3) The parties may not agree to vary the right of statutory interest in relation to the debt unless either the right to statutory interest as varied or the overall remedy for late payment of the debt is a substantial remedy.
- (4) Any contract terms are void to the extent that they purport —
- (a) to confer a contractual right to interest that is not a substantial remedy for late payment of the debt, or
  - (b) to vary the right to statutory interest so as to provide for a right to statutory interest that is not a substantial remedy for late payment of the debt,
- unless the overall remedy for late payment of the debt is a substantial remedy.
- (5) Subject to this section, the parties are free to agree contract terms which deal with the consequences of late payment of the debt.

##### **Meaning of “substantial remedy”**

- 11.—(1) A remedy for the late payment of the debt shall be regarded as a substantial remedy unless —
- (a) the remedy is insufficient either for the purpose of compensating the supplier for late payment or for deterring late payment; and
  - (b) it would not be fair or reasonable to allow the remedy to be relied on to oust or (as the case may be) to vary the right to statutory interest that would otherwise apply in relation to the debt.

(2) In determining whether a remedy is not a substantial remedy, regard shall be had to all the relevant circumstances at the time the terms in question are agreed.

(3) In determining whether subsection (1)(b) applies, regard shall be had (without prejudice to the generality of subsection (2)) to the following matters —

- (a) the benefits of commercial certainties;
- (b) the strength of the bargaining positions of the parties relative to each other;
- (c) whether the term was imposed by one party to the detriment of the other (whether by the use of standard terms or otherwise); and
- (d) whether the supplier received an inducement to agree to the term.

### **Interpretation of Part III**

**12.—**(1) In this Part —

“contract term” means a term of the contract creating the debt or any other contract term binding the parties (or either of them);

“contractual remedy” means a contractual right to interest or any contractual remedy other than interest;

“contractual right to interest” includes a reference to a contractual right to charge interest;

“overall remedy”, in relation to the late payment of the debt, means any combination of a contractual right to interest, a varied right to statutory interest or a contractual remedy other than interest;

“substantial remedy” shall be construed in accordance with section 11.

(2) In this Part a reference (however worded) to contract terms which vary the right to statutory interest is a reference to terms altering in any way the effect of Part II in relation to the debt (for example by postponing the time at which interest starts to run or by imposing conditions on the right to interest).

(3) In this Part a reference to late payment of the debt is a reference to late payment of the sum due when the debt is created (excluding any part of that sum which is prevented from carrying statutory interest by section 5).

## **PART IV GENERAL AND SUPPLEMENTARY**

### **Treatment of advance payments of the contract price**

**13.—**(1) A qualifying debt created by virtue of an obligation to make an advance payment shall be treated for the purposes of this Ordinance as if it was created on the day mentioned in subsection (3), (4) or (5) (as the case may be).

(2) In this section “advance payment” means a payment falling due before the obligation of the supplier to which the whole contract price relates (“the supplier’s obligation”) is performed, other than the payment of a part of the contract price that is due in respect of any part performance of that obligation and payable on or after the day on which that part performance is completed.

(3) Where the advance payment is the whole contract price, the debt shall be treated as created on the day on which the supplier’s obligation is performed.

(4) Where the advance payment is part of the contract price, but the sum is not due in respect of any part performance of the supplier’s obligation, the debt shall be treated as created on the day on which the supplier’s obligation is performed.

- (5) Where the advance payment is a part of the contract price due in respect of any part performance of the supplier's obligation, but is payable before that part performance is completed, the debt shall be treated as created on the day on which the relevant part performance is completed.
- (6) Where the debt is created by virtue of an obligation to pay a sum due in respect of a period of hire of goods, this section has effect as if —
- (a) references to the day on which the supplier's obligation is performed were references to the last day of that period; and
  - (b) references to part performance of that obligation were references to part of that period.
- (7) For the purposes of this section an obligation to pay the whole outstanding balance of the contract price shall be regarded as an obligation to pay the whole contract price and not as an obligation to pay a part of the contract price.

### **Conflict of laws**

- 14.—(1) This Ordinance has effect in relation to a contract governed by a foreign law by choice of the parties if —
- (a) but for that choice, the applicable law would be the law of the Falkland Islands; and
  - (b) there is no significant connection between the contract and any country other than the Falkland Islands.
- (2) In this section —
- “contract” means a contract falling within section 4(1); and
- “foreign law” means the law of a country other than the Falkland Islands.

### **Assignments, etc.**

- 15.—(1) The operation of this Ordinance in relation to a qualifying debt is not affected by —
- (a) any change in the identity of the parties to the contract creating the debt; or
  - (b) the passing of the right to be paid the debt, or the duty to pay it (in whole or in part) to a person other than the person who is the original creditor or the original debtor when the debt is created.
- (2) Any reference in this Ordinance to the supplier or creditor or the purchaser or debtor is a reference to the person who is for the time being the supplier or creditor or the purchaser or debtor or, in relation to a time after the debt in question has been created, the person who is for the time being the creditor or the debtor, as the case may be.
- (3) Where the right to be paid part of the debt passes to a person other than the person who is the original creditor when the debt is created, any reference in this Ordinance to a debt shall be construed as (or, if the context so requires, as including) a reference to part of a debt.
- (4) A reference in this section to the identity of the parties to a contract changing, or to a right or duty passing, is a reference to a changing or passing by assignment by operation of law or otherwise.

### **Contract terms relating to the date for payment of the contract price**

- 16.—(1) This section applies to any contract term which purports to have the effect of postponing the time at which a qualifying debt would otherwise be created by a contract to which this Ordinance applies.

(2) Sections 3(2)(b) and 17(1)(b) of the Unfair Contract Terms Act 1977 in their application to the Falkland Islands (no reliance to be placed on certain contract terms) shall apply in cases where such a contract term is not contained in written standard terms of the purchaser as well as in cases where the term is contained in such standard terms.

(3) In this section “contract term” has the same meaning as in section 12(1).

**Ordinance to bind the Crown**

17. This Ordinance binds the Crown.

Passed by the Legislature of the Falkland Islands this 23rd day of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Finance Ordinance 2002**

(No: 14 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Amendment of vehicle licence fees
3. Increase in Customs Services Fees
4. Increase in Retirement Pensions
5. Fees for Immigration Permits etc
6. Increase in Harbour Dues
7. Increase in Child Allowance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**FINANCE ORDINANCE 2002**

(No: 14 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: see section 1(2))*  
*(published: on publication 2002)*

AN ORDINANCE

To amend various laws so as to increase fees, charges, contributions and benefits.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. (1) This Ordinance may be cited as the Finance Ordinance 2002.

(2) This Ordinance shall come into force as follows —

- (a) this section shall come into force on publication of this Ordinance in the *Gazette*;
- (b) sections 2, 3 and 6 shall come into force on 1<sup>st</sup> July 2002, and
- (c) sections 4, 5, 7 and 8 shall come into force on 1 January 2003.

### **Amendment of vehicle licence fees**

2. Section 4(1) of the Road Traffic Ordinance (Title 63) is amended —

- (a) in paragraph (a), by replacing the sum “£30” with the sum “£33”;
- (b) in paragraph (b), by replacing the sum “£70” with the sum “£77”;
- (c) in paragraph (c), by replacing the sum “£110” with the sum “£121”; and
- (d) in paragraph (d) by replacing the sum “£25” with the sum “£27.50”.

### **Increase in Customs Services Fees**

3. (1) The Customs (Fees) Regulations 1999 are amended —

- (a) in regulation 3(a)(i), by replacing the sum “£56.50” with the sum “£58.60”;
- (b) in regulation 3(a)(ii), by replacing the sum “£28.25” with the sum “£29.30”;
- (c) in regulation 3(b)(ii), by replacing the sum “£84.76” with the sum “£87.90”;
- (d) in regulation 3(c)(i), by replacing the sum “£84.76” with the sum “£87.90”;
- (e) in regulation 3(c)(ii), by replacing the sum “£42.38” with the sum “£43.95”;
- (f) in regulation 4(1), by replacing the sum “£30” with the sum “£33”; and the sum “£150” with the sum “£165”; and
- (g) in regulation 4(2), by replacing the sum “£15” with the sum “£16.50”; and the sum “£75” with the sum “£82.50”.

### **Increase in Retirement Pensions**

4. Regulation 3 of the (Prescribed Rates) Regulations 1996 is amended —

- (a) in paragraph (a) by replacing the sum “£95” with the sum “£100”; and
- (b) in paragraph (b) by replacing the sum “£53” with the sum “£56”.

### **Fees for Immigration Permits etc**

5. (1) The following fees shall subject to subsection (2) be payable upon application for permits under the Immigration Ordinance 1999 —

- (a) a work permit and any renewal or extension of a work permit, £15;
- (b) a residence permit and any renewal or extension of a residence permit (including and

member of the family of a contract officer of Government who is not a dependent child or spouse of the officers), £15;

- (c) a Permanent Residence Permit, £155,
- (d) a visa £20.

(2) A contract officer of Government recruited overseas is exempt, in respect of his first contract period, from the fee mentioned in paragraph (a) of subsection (1).

(3) There shall be payable an application for Falkland Islands status a fee of £155.

#### **Increase in Harbour Dues**

6. The table of dues in paragraph (1) of Schedule 3 of the Harbour Regulations (Title 57.3.1) is replaced by the following —

Yachts		£50
Vessels	under 15 tons	£55
	over 15 tons and under 30 tons	£95
	over 30 tons and under 50 tons	£180
	over 50 tons and under 800 tons	£270
	over 800 tons and under 1,000 tons	£350
	over 1,000 tons and under 1,500 tons	£400
	over 1,500 tons and under 2,000 tons	£485
	over 2,000 tons and under 5,000 tons	£590
	over 5,000 tons and under 7,000 tons	£720
	over 7,000 tons and under 10,000 tons	£1,060
	over 10,000 tons and under 15,000 tons	£1,330
	over 15,000 tons and under 20,000 tons	£1,545
	Vessels of 20,000 tons and more	£1,800

#### **Increase in Child Allowance**

7. Section 3(2) of the Family Allowances Ordinance (Title 65.1) is amended by replacing the sum “£52” with the sum “£53.50”.

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*



ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**The Appropriation Ordinance 2002**

**(No: 15 of 2002)**

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Appropriation of £42,170,130 for the service of the year 2002/03.

SCHEDULE

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**APPROPRIATION ORDINANCE 2002**

(No. 15 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: on publication)*  
*(published: 6<sup>th</sup> June 2002)*

AN ORDINANCE

to provide for the service of the Financial Year commencing on 1 July 2002 and ending on 30 June 2003.

ENACTED by the Legislature of the Falkland Islands as follows—

**Short title**

1. This Ordinance may be cited as the Appropriation Ordinance 2002.

**Appropriation of £42,170,130 for the service of the year 2002/2003**

2. The Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the year commencing on 1 July 2002 and ending on 30 June 2003 ("the financial year"), sums not exceeding in aggregate the sum of **FORTY TWO MILLION, ONE HUNDRED AND SEVENTY THOUSAND, ONE HUNDRED AND THIRTY POUNDS (£42,170,130)** which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto and which will come in course of payment during the financial year.

NUMBER	HEAD OF SERVICE	Total Operating Budget	Less Internal Charges	Less Capital Charges	Net Operating Budget
		£	£	£	£
<b>OPERATING BUDGET</b>					
100	Aviation	2,017,550	31,950	301,350	1,684,250
150	Posts and Telecommunications	380,880	14,200	1,680	365,000
200	Health and Social Services	4,896,250	149,400	355,100	4,391,750
250	Education and Training	4,170,400	125,830	344,260	3,700,310
300	Customs and Immigration	250,260	1,140	2,550	246,570
320	Fisheries	6,385,820	574,830	197,490	5,613,500
350	Public Works Department	8,228,420	269,880	1,669,120	6,289,420
390	Fox Bay Village	142,590	600	14,890	127,100
400	Agriculture	1,088,500	21,800	106,850	959,850
451	AG's Chambers	483,440	1,300	2,320	479,820
452	Registry	52,460	1,300	310	50,850
453	Court Services	176,410	500	750	175,160
500	Falkland Islands Defence Force	407,200	7,700	43,000	356,500
551	Police & Prisons	557,400	10,800	6,300	540,300
552	Fire & Rescue Service	424,580	23,900	65,380	335,300
600	Central Administration & Current Reserves	4,382,320	64,800	122,080	4,195,440
603	Investment Income & Public Debt	250,200	0	0	250,200
609	Taxation	586,210	2,500	2,780	580,930
610	Falkland Islands Training & Enterprise Committee	486,520	670	0	485,850
620	Department of Mineral Resources	391,020	3,200	3,020	384,800
750	The Governor	167,920	3,010	5,800	159,110
800	Legislature	290,250	3,800	1,500	284,950
850	Falkland Islands Government Office - London	565,450	0	30,060	535,390
<b>TOTAL OPERATING BUDGET</b>		<b>36,782,050</b>	<b>1,313,110</b>	<b>3,276,590</b>	<b>32,192,350</b>
<b>CAPITAL BUDGET</b>					
950	Programmed Expenditure for 2002/03	5,233,700			5,233,700
<b>TRANSFERS</b>					
950	Programmed Expenditure for 2002/03	4,744,080			4,744,080
<b>TOTAL EXPENDITURE</b>					<b>42,170,130</b>

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**The Supplementary Appropriation (2001 - 2002)(No 3) Ordinance 2002**

(No: 16 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title.
2. Appropriation of further sum.
3. Replenishment of Contingencies Fund.

Schedule

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**THE SUPPLEMENTARY APPROPRIATION (2001-2002) (No 3) ORDINANCE 2002**

(No: 16 of 2002)

*(assented to: 30<sup>th</sup> May 2002)*  
*(commencement: 6<sup>th</sup> June 2002)*  
*(published: 6<sup>th</sup> June 2002)*

**AN ORDINANCE**

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £258,100 for the service of the financial year ending 30 June 2002.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Supplementary Appropriation (2001 - 2002) (No 3) Ordinance 2002.

**Appropriation of further sum**

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2001 and ending on 30 June 2002 (“the financial year”) the further sum of £258,100 in addition to sums already appropriated by Ordinance.

**Replenishment of Contingencies Fund**

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Numbers 7 and 8 of 2001 - 2002 (the authority of which lapses on the commencement of this Ordinance).

**SCHEDULE**

<b>PART 1 OPERATING EXPENDITURE</b>	<b>£</b>
0200 Health and Social Services	84,000
0250 Education and Training	54,100
0609 Taxation	<u>120,000</u>
<b>TOTAL OPERATING EXPENDITURE</b>	<b>258,100</b>
<b>TOTAL SUPPLEMENTARY EXPENDITURE</b>	<u><b>258,100</b></u>

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of May 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

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## SUBSIDIARY LEGISLATION

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### POST OFFICE

#### Post Office Order 2002

S. R. & O. No: 9 of 2002

*Made: 27<sup>th</sup> May 2002*

*Published: 6<sup>th</sup> June 2002*

*Commencing: 1<sup>st</sup> July 2002*

IN EXERCISE of my powers under sections 3 and 4 of the Post Office Ordinance (Title 58.1), I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Post Office Order 2002 and shall come into force on 1 July 2002.

#### **Interpretation**

2. In this Order —

“Aerogramme” means a letter written on a form consisting of a single sheet of paper suitably folded and gummed on all sides and sold by the post office for the purpose of being used to send messages by airmail;

“Inland” means the Falkland Islands, the British Antarctic Territory and South Georgia and the South Sandwich Islands;

“Newspaper” means any paper containing public news intelligence of occurrences or any remarks or observations printed in it for sale, and published in the Falkland Islands or elsewhere periodically, or in parts or numbers at intervals not exceeding 26 days between the publication of any two such papers, parts or numbers; and also any printed paper printed in order to be dispersed, and made public weekly or more often, or at intervals not exceeding 26 days, containing only or principally advertisements, provided that the said paper be in any case registered as a newspaper with the Registrar General pursuant to section 1 of the Newspaper Libel and Registration Act 1881 in its application to the Falkland Islands; and

“Printed Paper” means a newspaper or a document which is a reproduction on paper, cardboard or other materials commonly used in printing, not less than six copies of which, identical in all respects, are intended to be mailed ;

#### **Postage Rates**

3. The rates of postage on the various categories of postal matter shall be as shown in the First, Second and Third Schedules to this Order.

#### **Weight Limitations**

4. The maximum weight for the following postal articles, for any destination, shall be —

(a) letters ..... 2 kg



- (b) printed papers ..... 2 kg
- (c) small packets ..... 2 kg
- (d) literature for the blind ..... 7 kg
- (e) postal parcels ..... 30 kg

### **Aerogrammes**

5. — (1) An aerogramme shall not be accepted for transmission by airmail —

- (a) if it has any enclosure; or
- (b) if it is not sufficiently stamped for transmission as an aerogramme by airmail.

(2) Where an aerogramme is not by virtue of paragraph (1) to be accepted for transmission by airmail it may, at the discretion of the Postmaster, be accepted for transmission by surface mail if it is sufficiently stamped for such transmission.

### **Small Packets**

6. — (1) A class of postal packets called “small packets” is authorised with the object of affording facilities, in the international service, for the transmission of small articles of merchandise in the letter mails. The small packets service is limited to those countries which have agreed to participate in it.

(2) The same prohibitions applicable to letter post also apply to the small packet service. In addition, the following are excluded from transmission in small packets —

- (a) letters, notes or documents having the character of actual and personal correspondence including tapes, discs or wires bearing recordings of current and personal messages;
- (b) coins, bank notes and currency notes;
- (c) negotiable instruments payable to bearer;
- (d) platinum, gold or silver, manufactured or not;
- (e) precious stones, jewels and other valuable articles; and
- (f) postage stamps whether obliterated or not.

(3) Small packets addressed to a destination outside the Falkland Islands shall —

- (a) have securely affixed to them an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the Postmaster) which shall have been fully and properly completed by the sender; and
- (b) be marked with the words “small packet” in the top left-hand corner of the obverse of the packet.

A small packet which does not comply with this paragraph shall not be accepted for transmission by mail.

(4) Small packets may be registered, but may not be insured.

#### **Exemptions from Postage**

7. (1) The following postal articles may be accepted for transmission by mail without the pre payment of postage —

(a) postal articles originating in a department of the Government posted in the Falkland Islands and bearing —

(i) the words "On Her Majesty's Service" conspicuously marked at the top of the obverse of the item; and

(ii) in the lower left-hand or right-hand corner of the obverse of the item, the official departmental stamp; and

(b) postal articles sent on postal business by the postal authorities.

(2) Postage shall ordinarily be pre-paid by affixing adhesive postage stamps obtained from the postal authorities but, by arrangement between the sender and the Postmaster, may be pre-paid by use of a franking machine approved by him and subject to compliance with such conditions as he may specify.

#### **Unpaid or Underpaid Postage**

8. —(1) Where the postage payable on any postal packet has not been pre-paid or has not been fully pre-paid, the following surcharge is payable —

(a) in the case of an overseas postal packet, the surcharge calculated according to the Detailed Regulations of the Universal Postal Union; and

(b) in the case of an inland postal packet, double the postage or double the deficiency as the case may be.

(2) An airmail packet on which no part, or part only, of the postage payable thereon has been paid may be dealt with as if it were not an airmail packet.

#### **Undelivered Parcels**

9. Any parcel not collected within three months from the posting of a notification of arrival may be returned to the sender or otherwise disposed of as the Postmaster thinks fit.

#### **Registration**

10. — (1) The fees for registration are —

(a) Inland                      50p; and

(b) Overseas                    £1.00

(2) The maximum limit of compensation for the loss of a registered postal packet is £20 where the overseas fee has been paid and £10 otherwise.

### **Cash on Delivery Parcels**

11. For cash on delivery parcels a fee equivalent to the rates of poundage for the time being charged by the United Kingdom Post Office on British Postal Orders and calculated by reference to the trade charge in respect of the parcel or the sum of £300, whichever is the lower.

### **Postal Orders**

12. — (1) The rates of poundage on British Postal Orders shall be those for the time being in force under the legislation relating to the United Kingdom Post Office with such additional charge by way of poundage as the Postmaster may determine.

(2) The value of a postal order may be increased by affixing such number of postage stamps of such type and to such aggregate value as is for the time being permitted by the United Kingdom Post Office.

### **Insurance**

13. — (1) Insurance shall be available only in relation to letters and parcels addressed to an addressee in the United Kingdom and any country for the time being notified by the Postmaster.

(2) The insurance charge shall be £3 with a maximum insured value of £300.

### **Customs Declarations: Overseas Parcels**

14. Parcels addressed to a destination outside the Falkland Islands shall have securely affixed to them an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the Postmaster) which shall have been fully and properly completed by the sender.

### **Inland Small Packets**

15. —(1) Inland small packets shall be marked with the words "small packet" in the top left-hand corner of the obverse of the packet.

(2) Where an inland small packet is not marked as required by subparagraph (1) or exceeds 1 kg in weight it shall if it does not exceed 2kg in weight attract postage at the rate applicable to letters and otherwise shall be treated as a parcel and be charged for and transmitted accordingly.

### **Weight Limitation**

16. No item shall be accepted for transmission —

- (a) as an overseas airmail letter or as an overseas small packet if it exceeds 2 kg in weight;
- (b) as an overseas airmail parcel if it exceeds 2kg in weight;
- (c) as an overseas surface mail letter, printed paper or small packet if it exceeds 2 kg in weight;
- (d) as an overseas surface mail parcel if it exceeds 30 kg in weight;
- (e) as an inland letter, printed paper or small packet, if it exceeds 2 kg weight; or
- (f) as an inland parcel if it exceeds 10 kg in weight.

### Postage Rates etc

17. The First, Second and Third Schedules shall have effect so as to set rates of postage for the various matters referred to therein.

### Revocation

18. The Post Office Order 1981 and all Orders amending that Order are revoked.

## FIRST SCHEDULE Airmail Rates to all Countries

### AIRMAIL RATES

Letters	First 20gm	45p
	each additional 10gm	25p
Small Packets & Printed Papers	First 60gm	95p
	each additional 10gm	15p
Printed Papers (Registered with Post Office)	First 60gm	92p
	each additional 10gm	15p
Postcard		40p
Aerogramme		40p
“ (illustrated)		52p

## SECOND SCHEDULE Surface Mail Rates

### SURFACE RATES

Postcards		26p
LETTERS	First 20gm	36p
	up to 100gm	81p
	each additional 50gm	35p
Small packets & Printed Papers	First 100gm	70p
	each additional 50 gm	25p
Parcels to United Kingdom	First kg	£8
	each additional kg	£4
	Maximum weight 30 kg	

*(Rates to other countries, as  
notified from time to time)*

THIRD SCHEDULE  
Inland Rates

INLAND RATES

Letters	First 20gm each additional 50gm	22p 15p
Small Packets & Printed Papers	First 70gm each additional 50gm	19p 7p
Postcard		16p

Literature for the blind shall not attract postage.

PARCELS - AIRMAIL (INTERNAL)

*FIGAS freight rates and conditions will be applied. Minimum charge £1.*

Made this twenty-seventh day of May 2002

D A Lamont  
Governor

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**EXPLANATORY NOTE**

This Order consolidates, with amendments, the Post Office Order 1981, as amended. It does not amend the effect of the law, except as to a number of postal rates and the definitions of "Newspaper", "Printed Paper" and one of the prohibitions in relation to Small Packets.

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**SUBSIDIARY LEGISLATION**

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**ANIMAL HEALTH**

**Animal Health (Additional Notifiable Diseases) Order 2002**

S. R. & O. No: 10 of 2002

*Made: 30<sup>th</sup> May 2002*

*Published: 6<sup>th</sup> June 2002*

*Coming into force: Upon publication.*

IN EXERCISE of my powers under section 88(2) of the Animal Health Act 1981 (a) in the form it applies to the Falkland Islands (b), I make the following Order —

**Citation**

1. This Order may be cited as the Animal Health (Additional Notifiable Diseases) Order 2002.

**Amendment of the Animal Health Act 1981**

2. Section 81(1) of the Animal Health Act 1981 (which contains the definition for the purposes of that Act of the meaning of the word “disease”) is amended in relation to its application to the Falkland Islands (c) by inserting the following diseases in their respectively correct alphabetical positions in the list of diseases contained in that provision —

Aujesky’s disease

Cysticercus bovis

Maedi-visna

Made this thirtieth day of May 2002

D A Lamont  
*Governor*

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**EXPLANATORY NOTE**

*(not forming part of the above Order)*

This Order adds to the list of diseases in respect of which notification must be given in accordance with the Animal Health Act 1981 in its application to the Falkland Islands.

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(a) 1981 c 22

(b) by virtue of s.2(1) and the Schedule, Animal Health Ordinance 1998 (No: 9 of 1998)

(c) by virtue of s.2(1) and para. 19 of the Schedule, Animal Health Ordinance 1998

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## SUBSIDIARY LEGISLATION

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### ANIMALS TSE Prevention, Control and Eradication Order 2002

S. R. & O. No: 11 of 2002

*Made: 31<sup>st</sup> May 2002*

*Published: 6<sup>th</sup> June. 2002*

*Coming into force: on publication*

IN EXERCISE of my powers under sections 1, 8(1)(b), 11, 28 and 35 of the Animal Health Act 1981 in its application to the Falklands Islands (a) and sections 5 and 6 of the Abattoirs Ordinance 1997 (b) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the TSE Prevention, Control and Eradication Order 2002.

#### **Interpretation**

2. In this Order “The Regulation” means European Community Regulation No 999/2001 as amended from time to time, and in particular as amended by European Community Regulations 1248/2001 and 1326/2001.

#### **Application of Regulation**

3. (1) Subject to this Article, The Regulation shall apply to the Falkland Islands, so far as it is capable, by virtue of its terms (and with such modifications as are required by section 76 of the Interpretation and General Clauses Ordinance (Title 67.2)), of applying to the Falkland Islands.

(2) Until the entry into force of a decision pursuant to Article 5 of The Regulation as to the BSE status of the Falkland Islands, Articles 9, 15(1), 16(2), (3), (4) and (6), 17, 18, Annex VIII, Chapter A(II), Annex VIII, Chapter C and Annex IX, Chapters A, B, C, D, F and G of and to The Regulation shall not apply to the Falkland Islands and Annex XI section D of The Regulation (inserted by Article 3 paragraph 3 of the European Community Regulation 1326/2001) shall instead apply.

(3) Nothing in The Regulation shall have effect so as to require the removal of specified risk material (as defined in the Regulation) from meat which is not intended to be placed on the market for sale to a third party in the European Economic Community.

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(a) Under section 2(1) of the Animal Health Ordinance 1998 (No 9. of 1998)

(b) No. 7 of 1997

(4) However, when specified risk material is removed at the slaughterhouse from meat referred to in paragraph (3) paragraphs 9 and 10 of Annex XI section A to the Regulation as to its disposal shall be complied with, even if the meat is not to be placed on the market for sale to a third party in the European Economic Community.

Made this thirty-first day of May 2002

D A Lamont  
*Governor*

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EXPLANATORY NOTE  
*(not forming part of the above Order)*

EC Regulation 999/2001 lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSE's) and was amended by EC Regulation 1248/2001 and 1326/2001.

There has only been one case of BSE recorded in the Falkland Islands (in a dairy calf imported in the late 1980's) and no cases of "scrapie" (a similar disease found in sheep).

Because no continuing survey has been undertaken by examination of brains and other parts of slaughtered or casualty death cattle and sheep, the Falkland Islands (although believing themselves to be TSE free) cannot prove that they are TSE free.

The EC have advised, in connection with the Falkland Islands application to be allowed to export sheep meat to Europe, that legislation be introduced implementing controls along the same lines as apply in the EC. This Order does so.

"specified risk material" (in relation to sheep, the skull, brain and eyes, tonsils, spinal cord and spleen of sheep over 12 months in age) must be removed at slaughtering from sheep intended for export to the EC.







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The following is published in this Supplement -

**Stanley (Various Crown Buildings) Designation Order 2002, (S.R. & O. No. 16 of 2002).**

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**SUBSIDIARY LEGISLATION**

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**PLANNING AND BUILDING**

**Stanley (Various Crown Buildings) Designation Order 2002**

S. R. & O. No: 16 of 2002

*Made:* 7 June 2002  
*Published:* 12 June 2002  
*Coming into force:* On Publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance (Title 55.3) (a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation**

1. This Order may be cited as the Stanley (Various Crown Buildings) Designation Order 2002.

**Designation**

2. The buildings specified in the Schedule to this Order are designated as buildings of special architectural or historic interest.

## SCHEDULE

1. Cape Pembroke Lighthouse, Cape Pembroke.
2. Cemetery Cottage, Stanley.
3. Old Central Store (previously known as No.1 Store and The Large Storehouse), The Dockyard, Stanley.
4. Gilbert House, The Dockyard, Stanley.
5. The Old Gaol, The Dockyard, Stanley.
6. The Blacksmith's Shop, The Dockyard, Stanley.
7. The Boat House, The Dockyard, Stanley.
8. The Workshop, The Dockyard, Stanley (bearing on the south-east wall the words "T.N. Braxton 1943")
9. Lois Cottage, John Street, Stanley.
10. The Old Radiotelegraphy Station, Stanley.
11. The Old Stables, Racecourse Road, Stanley.
12. Police Cottages, Ross Road, Stanley.
13. The Powder Magazine, Stanley.
14. Stanley Cottage (including Education Department Offices), Stanley.
15. The Lion's Head water hydrants.
16. The Whalebone Arch, Arch Green, Stanley.

Made this

day of

2002

D A Lamont  
*Governor*

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### EXPLANATORY NOTE

*(not forming part of the above Order)*

This Order designates the 16 buildings specified in the Schedule to the Order, all of which belong to the Crown, as "buildings" (defined so as to include erections: eg the water hydrants, designated under item 15 in the Schedule to the Order) as buildings of special architectural or historic interest. Planning permission is thus required for their demolition, alteration or extension.





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The following are published in this Supplement -

**Employment (Variation of Limits) Order 2002, (S.R. & O. No. 12 of 2002);**

**Food Stuffs (Maximum Levels of Certain Metals) Order 2002,  
(S.R. & O. No. 15 of 2002).**

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## SUBSIDIARY LEGISLATION

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### EMPLOYMENT

#### Employment (Variation of Limits) Order 2002

S. R. & O. No: 12 of 2002

*Laid before Legislative Council and  
approved: 23<sup>rd</sup> May 2002*

*Made: 4 June 2002*

*Published: 13 June 2002*

*Coming into force: in accordance with article 1*

IN EXERCISE of my powers under section 109(3) and (4) of the Employment Protection Ordinance (Title 32.3) and with the approval of the Legislative Council under section 109(4) of the said Ordinance, I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Employment (Variation of Limits) Order 2002 and shall come into force on the fourteenth day following its first publication in the Gazette.

#### **Variation of limits**

2. The limits of payments referred to in section 109(1) of the Employment Protection Ordinance (Title 32.3) are varied as follows —

(a) that referred to in section 18(1) (limit on amount of guarantee payment) from £15 a day to £23.10 a day;

(b) that referred to in section 100(5) (limit of debts recoverable by employee on insolvency of employer where debt is referable to a period of time) from £152 per week to £234.08 per week; and

(c) those referred to in subparagraphs (a), (b) and (c) of paragraph 8(1) of Schedule 6 (limit of week's pay for additional awards of compensation under section 69(2)(b) (additional compensation in certain circumstances for unfair dismissal)), section 70 (basic award of compensation for unfair dismissal, compensatory awards and special awards), from £180 in each case to £277.20.

Made this

day of

2002

D A Lamont  
*Governor*

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EXPLANATORY NOTE  
*(not forming part of the above Order)*

This Order revises the limits referred to in accordance with inflation from the enactment of the Ordinance until 30 September 2001.



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**SUBSIDIARY LEGISLATION**

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**ABATTOIR**

**Food Stuffs (Maximum Levels of Certain Metals) Order 2002**

S. R. & O. No: 15 of 2002

*Made: 6 June 2002*

*Published: 13 June 2002*

*Coming into force on publication.*

IN EXERCISE of my powers under sections 5 and 6 of the Abattoirs Ordinance (a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation**

1. This Order may be cited as the Food Stuffs (Maximum Levels of Certain Metals) Order 2002.

**Interpretation**

2. In this Order “the Regulation” means European Economic Community Commission Regulation No: 466/2001 as amended from time to time.

**Application of the Regulation**

3 The Regulation (and in particular Articles 1,2 and 6 and Section 3 of Annex 1) shall apply to the Falkland Islands—

(a) so far as it is capable, by virtue of its terms (and with such modifications as are required by section 76 of the Interpretation and General Clauses Ordinance (Title 67.2)), of applying to the Falkland Islands; but

(b) only so far as it relates to and prohibits the presence of heavy metals in meat intended for export to the European Community.

Made this

day of

2002

D A Lamont  
Governor

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EXPLANATORY NOTE  
*(not forming part of the above Order)*

EC Regulation 466/2001 lays down rules for the regulation of maximum levels of certain contaminants in foodstuffs. This Order applies the provisions of the Regulation which relate to heavy metal contaminants to the Falkland Islands only in relation to meat intended for export.





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The following is published in this Supplement -

**Education (Academic Year) Bill 2002.**

## **Education (Academic Year) Bill 2002**

(No: of 2002)

### ARRANGEMENT OF PROVISIONS

#### Clause

1. Short title and commencement
2. The principal Ordinance
3. New Definition of academic year
4. Repeal of sections 2 and 5 of Education (Academic Year) Ordinance 1997
5. Amendment of section 17 of the principal Ordinance
6. Amendment of section 57 of the principal Ordinance

**EDUCATION (ACADEMIC YEAR) BILL 2002**

(No: of 2002)

*(assented to: .....2002)*

*(commencement: See Clause 1)*

*(published: .....2002)*

A BILL

for

AN ORDINANCE

To amend the Education Ordinance (Title 29.1) and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and Commencement**

1. This Ordinance may be cited as the Education (Academic Year) Ordinance 2002 and shall come into force on the day following the last day of the second term of the academic year commencing on 1 January 2003.

**The Principal Ordinance**

2. In this Ordinance, “the principal Ordinance” means the Education Ordinance (Title 29.1)

**New Definition of academic year**

3. The definition of “academic year” appearing in section 2 of the principal Ordinance is replaced by the following definition -

“ “academic year” means the period of twelve months commencing on 1st September in every calendar year”;

**Repeal of sections 2 and 5 of Education (Academic Year) Ordinance 1997**

4. Sections 2 and 5 of the Education (Academic Year) Ordinance 1997 are repealed.

**Amendment of section 17 of the principal Ordinance**

5. (1) Section 17(1) of the principal Ordinance is replaced by the following -

“ (1) For the purposes of this Part, a child is of compulsory education age if -

(a) he has attained the age of five years or will do so during the academic year for the time being current, and

(b) the earlier of the following events has not occurred -

(i) the end of the third term of the academic year in which the child attains the age of sixteen years;

(ii) the end of the term in which the child attains the age of sixteen years after having completed year 11 of compulsory education,

provided that a child who attains the age of sixteen years before the beginning of an academic year is not of compulsory education age during that academic year or any following academic year.

(2) Section 17(4) is repealed.

**Amendment of section 57 of the principal Ordinance**

6. Section 57 of the principal Ordinance is amended -

(a) in subsection (3) by replacing the words "first and second terms" by the words "second and third terms" and by replacing the words "third term" by the words "first term"; and

(b) by replacing subsection (4) with the following -

"(4) There shall be a vacation of not less than thirty-eight days in length between the end of the first term of the academic year and the beginning of the second term of the academic year. there shall be a vacation of not less than fourteen days in length between the end of the second term of the academic year and the beginning of the third term and there shall be a vacation of not less than twenty-one days in length between the end of that term and the beginning of the first term of the next following academic year. Public holidays falling within a vacation shall be counted as forming part of that vacation".



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The following are published in this Supplement -

**Falkland Islands Development Corporation (Amendment) Bill 2002;**

**Falkland Landholdings Corporation (Amendment) Bill 2002;**

**Commencement and Approval of Volume 7 Order 2002, (S.R. & O. No. 17 of 2002);**

**Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002,  
(S.R. & O. No. 18 of 2002);**

**Defence Contractors' Employees Tax Exemption Order 2002, (S.R. & O. No. 19  
of 2002).**



**FALKLAND ISLANDS DEVELOPMENT CORPORATION (AMENDMENT) BILL 2002**

(No:            of 2002)

**ARRANGEMENT OF PROVISIONS**

Clause

1. Short title and Commencement
2. Amendment of the principal Ordinance

**FALKLAND ISLANDS DEVELOPMENT CORPORATION (AMENDMENT) BILL 2002**

(No:            of 2002)

*(assented to: 2002)*

*(commencement: 2002)*

*(published: 2002)*

A BILL

for

AN ORDINANCE

To amend the Falkland Islands Development Corporation Ordinance (Title 28.1)

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and Commencement**

1. This Ordinance may be cited as the Falkland Islands Development Corporation (Amendment) Ordinance 2002 and comes into operation one month after its first publication in the *Gazette*.

**Amendment of the principal Ordinance**

2. Section 7 (1) of the Falkland Islands Development Corporation Ordinance (Title 28.1) as replaced by the Falkland Islands Development Corporation Ordinance 2000 (No. 20 of 2000) is amended by replacing paragraphs (a) and (b) of the subsection with the following —

“(a) an elected member of the Legislative Council who shall be the Chairman of the Corporation nominated by the elected members of the Legislative Council and appointed by the Governor (and who shall be one of the two persons appointed to be members of the Board under paragraph (i) of this subsection).

(b) the Chief Executive who shall be the Executive Vice Chairman of the Corporation.”

(2) Section 7(2) of the principal Ordinance is amended by deleting “(a),” and section 7(3) is amended by inserting “(a) or” before “(i),”.

---

#### OBJECTS AND REASONS

This Bill provides for an elected member of the Legislative Council to be the Chairman of the Falkland Islands Development Corporation and for the Chief Executive of the Falkland Islands Government to be the Executive Vice Chairman of the Corporation.

## Falkland Landholdings Corporation (Amendment) Bill 2002

(No:            of 2002)

### ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Amendment of principal Ordinance

## FALKLAND LANDHOLDINGS CORPORATION (AMENDMENT) BILL 2002

(No:            of 2002)

*(assented to: 2002)*

*(commencement: 2002)*

*(published: 2002)*

A BILL

for

AN ORDINANCE

To amend the Falkland Landholdings Corporation Ordinance 2000

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

#### **Short title and commencement**

1. This Ordinance may be cited as the Falkland Landholdings Corporation (Amendment) Ordinance 2002 and comes into effect one month after its first publication in the *Gazette*.

#### **Amendment of the principal Ordinance**

2. The Falkland Landholdings Corporation Ordinance 2000 (No. 21 of 2000) (“the principal Ordinance”) is amended in section 4(1) as follows —

(1) by replacing paragraph (a) with the following —

“(a) a Chairman of the Corporation who shall be an elected member of the Legislative Council selected by the elected members of the Legislative Council and appointed by the Governor who shall be the Chairman of the Corporation (and who shall be one of the two persons appointed to be members of the Board under paragraph (h) of this subsection);

(b) by replacing the words “if he is not the Executive Chairman” in paragraph (b) with the words “who shall be the Executive Vice Chairman of the Corporation;”

(2) Section 4(2) of the principal Ordinance is amended by deleting “(a)” and section 4(3) of the principal Ordinance is amended by replacing the words “paragraph (h)” with the words “paragraphs (a) or (h)”.

(3) The principal Ordinance is amended by the insertion of the following section immediately after section 9 —

**“Policies and Procedures Manual**

**9A.** Without prejudice to sections 8 and 9, there shall be a Policies and Procedures Manual in relation to the Corporation and such Manual shall be approved, and any amendments to such Manual shall be approved, by the Governor on the advice of the Executive Council.”

---

OBJECTS AND REASONS

The objects of this Bill are to provide for an elected member of the Legislative Council to be the Chairman of the Corporation in place of the Chief Executive and for the Chief Executive of the Falkland Islands Government to be the Executive Vice Chairman of the Corporation and to insert the provision requiring the Corporation to have a Policies and Procedures Manual, approved by the Governor on the advice of Executive Council.

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**SUBSIDIARY LEGISLATION**

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**REVISED EDITION OF THE LAWS**

**Commencement and Approval of Volume 7 Order 2002**

S. R. & O. No:17 of 2002

*Made: 28<sup>th</sup> June. 2002*

*Published: 4<sup>th</sup> July 2002*

*Coming into force: in accordance with article 1.*

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Commencement and Approval of Volume 7 Order 2002 and shall come into force on publication.

**Coming into operation of Volume 7**

2. Volume 7 of the Revised Edition of the Laws of the Falkland Islands is approved and comes into operation seven days after the publication of this Order in the *Gazette*.

Made this twenty-eighth day of June 2002

D A Lamont  
*Governor*

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(a) No 17 of 1991 (as amended by No 2 of 1998)

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**SUBSIDIARY LEGISLATION**

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**PLANNING AND BUILDING**  
**Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002**

S. R. & O. No: 18 of 2002

*Made: 28<sup>th</sup> June 2002*

*Published: 4<sup>th</sup> July 2002*

*Coming into force: On Publication*

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance (Title 55.3) (a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation**

1. This Order may be cited as the Buildings (Stanley) (Sullivan House and Stanley House) Designation Order 2002.

**Designation**

2. The buildings specified in the Schedule to this Order are designated as buildings of special architectural or historic interest.

**SCHEDULE**

1. Sullivan House (including the contemporary outbuildings).
2. Stanley House (including the contemporary outbuildings).

Made this twenty-eighth day of June 2002

D A Lamont  
Governor

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**EXPLANATORY NOTE**

*(not forming part of the above Order)*

This Order designates Sullivan House (including the contemporary outbuildings) and Stanley House (including the contemporary outbuildings), which belong to the Crown, as buildings of special architectural or historic interest. Planning permission is thus required for their demolition, alteration or extension.

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**SUBSIDIARY LEGISLATION**

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**TAXATION**

**Defence Contractors' Employees Tax Exemption Order 2002**

S. R. & O. No:19 of 2002

*Made: 28<sup>th</sup> June 2002*

*Published: 4<sup>th</sup> July 2002*

*Coming into force: on publication.*

IN EXERCISE of my powers under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987(a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Defence Contractors' Employees Tax Exemption Order 2002.

**Application and duration**

2. — Subject to paragraph (2), this Order shall have effect so as to exempt qualifying employees from liability (whether arising before or after the coming into force of this Order) under any law of the Falkland Islands to pay income tax in respect of earnings in relevant employment by a designated employer and from liability under any such law to pay old age pensions contributions by reason of such employment.

(2) Nothing in this Order shall have effect so as to confer any exemption from liability to pay income tax in relation to earnings after 31<sup>st</sup> December 2002 in relevant employment or to confer any exemption from liability to pay old age pensions contributions by reasons of such employment after that date.

**Interpretation**

3. For the purposes of this Order —

(a) a person is a qualifying employee in relation to any period of employment in which —

- (i) the conditions specified in paragraphs (a) and (b) of section 9A(2) of the Ordinance are satisfied in relation to him; and

- (ii) he is in the employment of a designated employer;
- (b) "relevant employment" has the same meaning as it has for the purposes of section 9A of the Ordinance;
- (c) a person is employed by a designated employer if he is employed by an employer specified in the Schedule to this Order;
- (d) "old age pensions contributions" means contributions which an employee is required to pay under the provisions of the Retirement Pensions Ordinance 1996 (b);
- (e) "earnings" has the same meaning as "relevant income" has for the purposes of section 9A of the Ordinance;
- (f) "the Ordinance" means the Taxes and Duties (Special Exemptions) Ordinance 1987.

#### SCHEDULE

(Article 3(c))

#### Designated Employers

INTERSERVE  
Turner GCMS (TGCMS)  
Turner Power Generation  
SODEXHO Defence Services  
NAAFI  
British International Helicopter  
MARCONI Communications Ltd  
Services Sound and Vision Corporation  
British Forces Broadcasting Service  
MPI Aviation  
Royce Communications

Made this twenty-eighth day of June 2002

D A Lamont  
*Governor*







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*No. 16*

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The following is published in this Supplement -

**The Anti-terrorism (Financial and Other Measures) (Overseas Territories)  
Order 2002.**

2002 No. 1822

**OVERSEAS TERRITORIES**

The Anti-terrorism (Financial and Other Measures) (Overseas Territories) Order 2002

*Made* 16th July 2002

*Laid before Parliament* 26th July 2002

*Coming into force* 1st August 2002

At the Court at Buckingham Palace, the 16th day of July 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 112 of the Saint Helena Act 1833[1], the British Settlements Acts 1887 and 1945[2] and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

PART I

INTRODUCTORY

**Citation and commencement**

1. This Order may cited as the Anti-terrorism (Financial and Other Measures) (Overseas Territories) Order 2002 and shall come into force on 1st August 2002.

**Extent**

2. - (1) This Order extends to the following territories -

Anguilla

Falkland Islands

Montserrat

St Helena and Dependencies

Turks and Caicos Islands

Virgin Islands.

(2) In the application of this Order to any of the said territories the expression "the Territory" means that territory.

**Interpretation: general**

3. - (1) In this Order, unless the contrary intention appears -

"act" and "action" include omission,

"article" includes substance and any other thing,

"Attorney General" means the Attorney General of the Territory and

includes any person for the time being lawfully performing the functions of the Attorney General,

"constable" includes an officer of the police force of the Territory, and, in the application to Anguilla of the provisions of this Order relating to the disclosure of information, also includes the Reporting Authority constituted under the Money Laundering Reporting Authority Act of that territory,

"customs officer" means an officer who, under the law of the Territory relating to the control of exports or imports, is authorised to enforce such controls,

"Director of Public Prosecutions" means the person (if any) other than the Attorney General in whom the law of the Territory for the time being vests (subject to such powers of control, supervision or direction as may be reserved to the Attorney General) the general power to initiate, conduct, take over and discontinue criminal proceedings for any offence against the law of the Territory,

"Governor" means the person for the time being lawfully administering the government of the Territory,

"immigration officer" means a person who, under the law of the Territory relating to the control of entry into the Territory, is authorised to enforce such control,

"premises" includes any place and in particular includes a vehicle and a tent or moveable structure,

"property" includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

"Supreme Court" means the court of the Territory, however styled, which possesses unlimited original jurisdiction in civil and criminal matters (but does not include a court which has appellate jurisdiction from such a court),

"terrorist investigation" means an investigation of -

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) an act which appears to have been done for the purposes of terrorism,  
or
- (c) the commission, preparation or instigation of an offence under this Order, and

"vehicle" includes an aircraft, hovercraft, train or vessel.

(2) In this Order -

- (a) references to conviction on indictment are references to conviction after trial before the Supreme Court,
- (b) references to summary conviction are references to conviction after trial by a magistrates' court,
- (c) references to a magistrates' court are references to a court of the Territory (however styled and however composed) which is subordinate to the Supreme Court and which is authorised by the law of the Territory to exercise general jurisdiction in criminal matters (but do not include references to a court exercising jurisdiction under a law governing a disciplined force or a penal establishment), and
- (d) "the statutory maximum" means the fine prescribed by the law of the Territory, as for the time being in force, as the upper limit of the fines that a magistrates' court may impose on offenders in respect of any single criminal offence (disregarding any special provision authorising a greater fine to be imposed in respect of any particular offence) or, if the law of the Territory, as so in force, prescribes no such limit, means a fine of such amount (not being excessive in the circumstances of the case) as the court thinks fit.

(3) Where any provision of this Order confers any function on the Governor, it is to be construed as conferring that function on him to be exercised by him acting in his discretion.

#### **Terrorism: Interpretation**

4. - (1) In this Order "terrorism" means the use or threat of action where -

- (a) the action falls within paragraph (2),
- (b) the use or threat is designed to influence the government or intimidate the public or a section of the public, and
- (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this paragraph if it -

- (a) involves serious violence against a person,
- (b) involves serious damage to property,
- (c) endangers a person's life, other than that of the person committing the action,
- (d) creates a serious risk to the health or safety of the public or a section of the public, or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use or threat of action falling within paragraph (2) which involves the use of firearms or explosives is terrorism whether or not paragraph (1)(b) is satisfied.

(4) In this article -

- (a) "action" includes action outside the Territory,
- (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,
- (c) a reference to the public includes a reference to the public of a country other than the Territory,
- (d) "explosive" means -
  - (i) an article or substance manufactured for the purpose of producing a practical effect by explosion,
  - (ii) materials for making an article or substance within sub-paragraph (i),
  - (iii) anything used or intended to be used for causing or assisting in causing an explosion, and
  - (iv) a part of anything within sub-paragraph (i) or (iii),
- (e) "firearm" includes an air gun or air pistol, and
- (f) "the government" means the government of the Territory or of a country (or a part of a country) other than the Territory.

## PART II

### TERRORIST PROPERTY

#### *Interpretation*

#### **Terrorist property**

5. - (1) In this Order "terrorist property" means -

- (a) money or other property which is likely to be used for the purposes of terrorism,
- (b) proceeds of the commission of acts of terrorism, and
- (c) proceeds of acts carried out for the purposes of terrorism.

(2) In paragraph (1) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission).

#### *Offences*

#### **Fund-raising**

6. - (1) A person commits an offence if he -

- (a) invites another to provide money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(2) A person commits an offence if he -

- (a) receives money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(3) A person commits an offence if he -

- (a) provides money or other property, and
- (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

(4) In this article a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

### **Use and possession**

7. - (1) A person commits an offence if he uses money or other property for the purposes of terrorism.

(2) A person commits an offence if he -

(a) possesses money or other property, and

(b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

### **Funding arrangements**

8. A person commits an offence if -

(a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and

(b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

### **Money laundering**

9. - (1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property -

(a) by concealment,

(b) by removal from the jurisdiction,

(c) by transfer to nominees, or

(d) in any other way.

(2) It is a defence for a person charged with an offence under paragraph (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

### **Disclosure of information: duty**

10. - (1) This article applies where a person -

(a) believes or suspects that another person has committed an offence under any of articles 6 to 9, and

(b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment.

(2) But this article does not apply if the information came to the person in the course of a business in the regulated sector (as defined in paragraph 1(12) of Schedule 1 for the purposes of that paragraph).



(3) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable -

- (a) his belief or suspicion, and
- (b) the information on which it is based.

(4) It is a defence for a person charged with an offence under paragraph (3) to prove that he had a reasonable excuse for not making the disclosure.

(5) Where -

- (a) a person is in employment,
- (b) his employer has established a procedure for the making of disclosures of the matters specified in paragraph (3), and
- (c) he is charged with an offence under that paragraph,

it is a defence for him to prove that he disclosed the matters specified in that paragraph in accordance with the procedure.

(6) Paragraph (3) does not require disclosure by a professional legal adviser of -

- (a) information which he obtains in privileged circumstances, or
- (b) a belief or suspicion based on information which he obtains in privileged circumstances.

(7) For the purposes of paragraph (6) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose -

- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
- (b) from a person seeking legal advice from the adviser, or from the person's representative, or
- (c) from any person, for the purpose of actual or contemplated legal proceedings.

(8) For the purposes of paragraph (1)(a) a person shall be treated as having committed an offence under one of articles 6 to 9 if -

- (a) he has taken an action or been in possession of a thing, and
- (b) he would have committed an offence under one of those articles if he had been in the Territory at the time when he took the action or was in possession of the thing.

(9) A person guilty of an offence under this article shall be liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both,

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**Disclosure of information: permission**

11. - (1) A person may disclose to a constable -

(a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;

(b) any matter on which the suspicion or belief is based.

(2) A person may make a disclosure to a constable in the circumstances mentioned in article 10(1) and (3).

(3) Paragraphs (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(4) Where -

(a) a person is in employment, and

(b) his employer has established a procedure for the making of disclosures of the kinds mentioned in paragraph (1) and article 10(3),

paragraphs (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

**Disclosure of information: regulated and public sectors**

12. Schedule 1, which makes special provision for the disclosure of information by persons in the regulated and public sectors, shall have effect.

**Cooperation with police**

13. - (1) A person does not commit an offence under any of articles 6 to 9 if he is acting with the express consent of a constable.

(2) Subject to paragraphs (3) and (4), a person does not commit an offence under any of articles 6 to 9 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable -

(a) his suspicion or belief that the money or other property is terrorist property, and

(b) the information on which his suspicion or belief is based.

(3) Paragraph (2) applies only where a person makes a disclosure -

(a) after he becomes involved in the transaction or arrangement concerned,

(b) on his own initiative, and

(c) as soon as is reasonably practicable.

(4) Paragraph (2) does not apply to a person if -

(a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and

(b) he continues his involvement.

(5) It is a defence for a person charged with an offence under any of articles 6 (2) and (3) and 7 to 9 to prove that -

(a) he intended to make a disclosure of the kind mentioned in paragraphs (2) and (3), and

(b) there is reasonable excuse for his failure to do so.

(6) Where -

(a) a person is in employment, and

(b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under paragraph (2),

this article shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

(7) A reference in this article to a transaction or arrangement relating to money or other property includes a reference to use or possession.

### **Penalties**

14. A person guilty of an offence under any of articles 6 to 9 shall be liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

### **Forfeitures**

15. - (1) The court by or before which a person is convicted of an offence

under any of articles 6 to 9 may make a forfeiture order in accordance with the provisions of this article.

(2) Where a person is convicted of an offence under article 6(1) or (2) or 7, the court may order the forfeiture of any money or other property -

(a) which, at the time of the offence, he had in his possession or under his control, and

(b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.

(3) Where a person is convicted of an offence under article 6(3) the court may order the forfeiture of any money or other property -

(a) which, at the time of the offence, he had in his possession or under his control, and

(b) which, at that time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(4) Where a person is convicted of an offence under article 8 the court may order the forfeiture of the money or other property -

(a) to which the arrangement in question related, and

(b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(5) Where a person is convicted of an offence under article 9 the court may order the forfeiture of the money or other property to which the arrangement in question related.

(6) Where a person is convicted of an offence under any of articles 6 to 9, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

(7) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this article, the court shall give him an opportunity to be heard before making an order.

(8) Schedule 2 (which makes further provision in relation to forfeiture orders under this article) shall have effect.

#### **Forfeiture of terrorist cash**

16. - (1) Schedule 3 (which makes provision for enabling cash which -

(a) is intended to be used for the purposes of terrorism, or  
(b) is, or represents, property obtained through terrorism,  
to be forfeited in civil proceedings before a magistrate's court) shall have effect.

(2) The powers conferred by Schedule 3 are exercisable in relation to any cash whether or not proceedings have been brought for an offence in connection with the cash.

(3) Expressions used in this article have the same meanings as in Schedule 3.

### PART III

#### ACCOUNT MONITORING ORDERS

##### **Account monitoring orders**

17. Schedule 4 (account monitoring orders) shall have effect.

### PART IV

#### TERRORIST FINANCE OFFENCES: JURISDICTION

##### **Terrorist finance: things done outside the Territory**

18. - (1) If -

(a) a person does anything outside the Territory, and

(b) his action would have constituted the commission of an offence under any of articles 6 to 9 if it had been done in the Territory,

he shall be guilty of the offence.

(2) For the purposes of paragraph (1)(b), article 9(1)(b) shall be read as if for "the jurisdiction" there were substituted "a jurisdiction".

### PART V

#### GENERAL

##### **Police powers**

19. - (1) A power conferred by virtue of this Order on a constable -

(a) is additional to powers which he has at common law or by virtue of any other law in force in the Territory, and

(b) shall not be taken to affect those powers.

(2) A constable may if necessary use reasonable force for the purposes of exercising a power conferred on him by virtue of this Order.

(3) Where anything is seized by a constable under a power conferred by virtue of this Order, it may (unless the contrary intention appears) be retained for so long as is necessary in all the circumstances.

### **Consent to prosecution**

20. Proceedings for an offence under this Order shall not be instituted without the consent of the Attorney General.

### **Crown servants, regulators etc.**

21. - (1) The Governor may by order provide for any of articles 6 to 14 to apply to persons serving in a civil capacity in offices under the Crown in respect of the government of the Territory.

(2) The Governor may by order provide for article 10 not to apply to persons who are in his opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.

(3) An order made under this article -

(a) may make different provision for different purposes,

(b) may make provision which is to apply only in specified circumstances, and

(c) may make provision which applies only to particular persons or persons of a particular description.

### **Evidence**

22. - (1) A document which purports to be -

(a) an order made by the Governor for the purposes of paragraph 19 of Schedule 2 or paragraph 19 of Schedule 3, and

(b) signed by him or on his behalf,

shall be received in evidence and shall, until the contrary is proved, be deemed to have been made by the Governor.

(2) A document bearing a certificate which -

(a) purports to be signed by or on behalf of the Governor, and

(b) states that the document is a true copy of an order made by the Governor for the purposes of a provision mentioned in paragraph (1)(a),

shall be evidence of the document in legal proceedings.

(3) Any order made by the Governor for the purposes of any provision of this Order other than a provision mentioned in paragraph (1)(a) shall be published in the Official Gazette of the Territory, and a copy of the issue of the Official Gazette in which there is published what purports to be the text of that order shall be evidence of the fact that it was made in the terms stated in the Official Gazette and was published therein on the date on which that issue purports to have been published.

(4) No person shall be guilty of an offence, or be liable to any penalty, by reason of an order made by the Governor such as is mentioned in paragraph (3) in respect of anything done or omitted before the publication of that order in the Official Gazette.

### **Orders and directions**

23. An order made or a direction given under this Order may be varied or revoked by a further such order or direction, as the case may be.

*A.K. Galloway*

Clerk of the Privy Council

## SCHEDULES

### SCHEDULE 1

Article 12

## DISCLOSURE OF INFORMATION: REGULATED AND PUBLIC SECTORS

### PART 1

Regulated Sector

### **Failure to disclose**

1. - (1) A person commits an offence if each of the following conditions is satisfied.

(2) The first condition is that he -

(a) knows or suspects, or

(b) has reasonable grounds for knowing or suspecting,

that another person has committed an offence under any of articles 6 to 9.

(3) The second condition is that the information or other matter -

(a) on which his knowledge or suspicion is based, or

(b) which gives reasonable grounds for such knowledge or suspicion,

came to him in the course of a business in the regulated sector.

(4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is reasonably practicable after it comes to him.

(5) But a person does not commit an offence under this paragraph if -

(a) he has a reasonable excuse for not disclosing the information or other matter, or

(b) he is a professional legal adviser and the information or other matter came to him in privileged circumstances.

(6) In deciding whether a person committed an offence under this paragraph the court must consider whether he followed any relevant guidance which was at the time concerned -

(a) issued by a supervisory authority or any other appropriate authority,

(b) approved by the Governor, and

(c) published in a manner approved by the Governor as appropriate in his opinion to bring the guidance to the attention of persons likely to be affected by it.

(7) A certificate signed by or behalf of the Governor (or a true copy of such a certificate) that a matter was, or was not, approved by the Governor at any material time for the purposes of sub-paragraph (6) shall be conclusive evidence of that fact in any legal proceedings, and a document which purports to be such a certificate (or to be a true copy of such a certificate) shall be received in evidence in any legal proceedings and shall, until the contrary is proved, be



deemed to be such a certificate (or such a copy).

(8) A disclosure to a nominated officer is a disclosure which -

(a) is made to a person nominated by the alleged offender's employer to receive disclosures under this paragraph, and

(b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose.

(9) Information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to him -

(a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,

(b) by (or by a representative of) a person seeking legal advice from the adviser, or

(c) by a person in connection with legal proceedings or contemplated legal proceedings.

(10) But sub-paragraph (9) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.

(11) For the purposes of sub-paragraph (2) a person is taken to have committed an offence there mentioned if -

(a) he has taken an action or been in possession of a thing, and

(b) he would have committed an offence if he had been in the Territory at the time when he took the action or was in possession of the thing.

(12) For the purposes of this paragraph a business is in the regulated sector if it is for the time being specified as being in the regulated sector, or if it belongs to a class of businesses that is for the time being specified as being in the regulated sector, by order made by the Governor.

(13) For the purposes of this paragraph a supervisory authority, in relation to a business or a class of businesses within the regulated sector, is any authority that is for the time being specified in that behalf by order made by the Governor, and any such order may specify an authority as a supervisory authority in relation to a particular business within that sector or in relation to a particular class or particular classes of businesses within that sector or in relation to businesses within that sector in general.

(14) For the purposes of this paragraph an appropriate body is any body which regulates or is representative of any trade, profession, business or

employment carried on by the alleged offender.

(15) A person guilty of an offence under this paragraph is liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

### **Protected disclosures**

2. - (1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).

(2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of a business in the regulated sector.

(3) The second condition is that the information or other matter -

(a) causes the discloser to know or suspect, or

(b) gives him reasonable grounds for knowing or suspecting,

that another person has committed an offence under any of articles 6 to 9.

(4) The third condition is that the disclosure is made to a constable or nominated officer as soon as is practicable after the information or other matter comes to the discloser.

(5) A disclosure to a nominated officer is a disclosure which -

(a) is made to a person nominated by the discloser's employer to receive disclosures under this paragraph, and

(b) is made in the course of the discloser's employment and in accordance with the procedure established by the employer for that purpose.

(6) A business is within the regulated sector for the purposes of this paragraph if it is such a business, in accordance with sub-paragraph (12) of paragraph 1, for the purposes of that paragraph.

## **PART 2**

### **Public Sector**

### **Authorised or required disclosures**

3. - (1) Notwithstanding any restriction otherwise imposed by any law for the time being in force in the Territory on the disclosure by a specified public officer or a specified public authority of information obtained in an official capacity by that officer or authority, that officer or authority may, and shall if so directed by the Governor under this paragraph, disclose such information for any of the purposes to which this paragraph applies.

(2) A direction given by the Governor under this paragraph may specify the information to be disclosed, the person or authority to whom it is to be disclosed and the manner in which, and any conditions subject to which, it is to be disclosed.

(3) The information that may, or may be directed to be, disclosed under this paragraph includes information obtained before the commencement of this paragraph.

(4) It is an offence to fail to comply with a direction given by the Governor under this paragraph, and any person guilty of such an offence shall be liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

(b) on summary conviction, to imprisonment to a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(5) The purposes to which this paragraph applies are -

(a) the purposes of any terrorist finance criminal investigation which is being or may be carried out, whether in the Territory or elsewhere;

(b) the purposes of any terrorist finance criminal proceedings which have been or may be initiated, whether in the Territory or elsewhere;

(c) the purposes of the initiation or bringing to an end of any such investigation or proceedings;

(d) the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.

(6) Nothing in this paragraph shall be taken to prejudice any power to disclose information which exists apart from this paragraph.

(7) In this paragraph -

"conduct" includes acts, omissions and statements;

"information" includes documents;

"specified public authority" means authority that is for the time being specified for the purposes of this paragraph by an order made by the Governor;

"specified public officer" means any person holding or acting in any office that is for the time being specified for the purposes of this paragraph by an order made by the Governor;

"terrorist finance criminal investigation" means an investigation of any conduct which -

(a) constitutes one or more terrorist finance offences; or

(b) is, or corresponds to, conduct which, if it all took place in the Territory, would constitute such an offence or such offences;

and includes an investigation of any alleged or suspected such conduct and an investigation of whether any such conduct has taken place;

"terrorist finance criminal proceedings" means proceedings for a terrorist finance offence or for terrorist finance offences or, if they are proceedings outside the Territory, for an offence or offences substantially corresponding to a terrorist finance offence or to terrorist finance offences; and

"terrorist finance offence" means an offence under any of articles 6 to 9.

#### **Restriction on disclosure of information for overseas purposes**

4. - (1) The Governor may give a direction which -

(a) specifies any overseas proceedings or overseas investigation or any description of such proceedings or investigations, and

(b) prohibits, either absolutely or in such cases, or subject to such conditions as to consent or otherwise, as may be specified in the direction, the making of any relevant disclosures for the purposes of those proceedings or that investigation or, as the case may be, proceedings or investigations of that description.

(2) In sub-paragraph (1) the reference, in relation to a direction, to a relevant disclosure is a reference to a disclosure which -

(a) is authorised by paragraph 3 or by or under any other law for the time being in force in the Territory, and

(b) is a disclosure of such information as is described in the direction.

(3) A person who discloses any information in contravention of a direction

under this paragraph shall be guilty of an offence and shall be liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both;

(b) on summary conviction, to imprisonment for a term not exceeding three months, to a fine not exceeding the statutory maximum or to both.

(4) In this paragraph -

"information" includes documents;

"overseas investigation" means a terrorist finance criminal investigation (as defined in paragraph 3(7)) which is being, or will or may be, conducted by an authority of a country or territory outside the Territory;

"overseas proceedings" means terrorist finance criminal proceedings (as defined in paragraph 3(7)) which are taking place, or will or may take place, in a country or territory outside the Territory.

## SCHEDULE 2

Article 15

### FORFEITURE ORDERS

#### PART 1

##### Territory Orders

#### **Interpretation**

1. In this Schedule -

"forfeiture order" means an order made by a court under article 15, and

"forfeited property" means the money or other property to which a forfeiture order applies.

#### **Implementation of forfeiture orders**

2. - (1) Where a court makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may -

(a) require any of the forfeited property to be paid or handed over to the

proper officer or to a constable designated for the purpose by the chief officer of the police force of the Territory;

(b) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds (if any) to be paid to the proper officer;

(c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;

(d) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid by the proper officer to a specified person falling within article 15(7).

(2) A forfeiture order shall not come into force until there is no further possibility of it being varied or set aside on appeal (disregarding any power of a court to grant leave to appeal out of time).

(3) In sub-paragraph (1)(b) and (d) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation.

3. - (1) A receiver appointed under paragraph 2 shall be entitled to be paid his remuneration and expenses out of the proceeds of the property realised by the receiver and paid to the proper officer under paragraph 2(1)(c).

(2) If and so far as those proceeds are insufficient, the receiver shall be entitled to be paid his remuneration and expenses out of the funds of the government of the Territory.

(3) A receiver appointed under paragraph 2 shall not be liable to any person in respect of any loss or damage resulting from action -

(a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,

(b) which he would be entitled to take if the property were forfeited property, and

(c) which he reasonably believes that he is entitled to take because of his belief that the property is forfeited property.

(4) Sub-paragraph (3) does not apply in so far as the loss or damage is caused by the receiver's negligence.

4. - (1) In paragraphs 2 and 3 "the proper officer" means the person holding or acting in the office (however styled) of clerk to the court by which the

forfeiture order was made.

(2) The proper officer shall issue a certificate in respect of a forfeiture order if an application is made by -

- (a) the prosecutor in the proceedings in which the forfeiture order was made,
- (b) the defendant in those proceedings, or
- (c) a person whom the court heard under article 15(7) before making the order.

(3) The certificate shall state the extent (if any) to which, at the date of the certificate, effect has been given to the forfeiture order.

### **Restraint orders**

5. - (1) The Supreme Court may make a restraint order under this paragraph where -

- (a) proceedings have been instituted for an offence under any of articles 6 to 9,
- (b) the proceedings have not been concluded,
- (c) an application for a restraint order is made to the Supreme Court by the prosecutor, and
- (d) a forfeiture order has been made, or it appears to the Supreme Court that a forfeiture order may be made, in the proceedings for the offence.

(2) The Supreme Court may also make a restraint order under this paragraph where -

- (a) a criminal investigation has been started with regard to an offence under any of articles 6 to 9,
- (b) an application for a restraint order is made to the Supreme Court by a person who the Supreme Court is satisfied will have the conduct of any proceedings for the offence, and
- (c) it appears to the Supreme Court that a forfeiture order may be made in any proceedings for the offence.

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in any proceedings referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made ex parte to a judge in Chambers.

(5) In this paragraph a reference to dealing with property includes a reference to removing the property from the Territory.

(6) In this paragraph "criminal investigation" means an investigation which police officers or others have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

6. - (1) A restraint order shall provide for notice of it to be given to any person affected by the order.

(2) A restraint order may be discharged or varied by the Supreme Court on the application of a person affected by it.

(3) A restraint order made under paragraph 5(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(4) A restraint order made under paragraph 5(2) shall in particular be discharged on an application under sub-paragraph (2) -

(a) if no proceedings in respect of offences under any of articles 6 to 9 are instituted within such time as the Supreme Court considers reasonable, or

(b) if all proceedings in respect of offences under any of articles 6 to 9 have been concluded.

7. - (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from the Territory.

(2) Property seized under this paragraph shall be dealt with in accordance with the Supreme Court's directions.

8. - (1) Any provision of any law in force in the Territory with respect to land charges or land registration -

(a) shall apply in relation to restraint orders as they apply in relation to orders affecting land made by the court for the purpose of enforcing judgments or recognizances, and

(b) shall apply in relation to applications for restraint orders as they apply in relation to other pending land actions.

(2) Where a restraint order is made under paragraph 5(1) or an application for such an order is made, the prosecutor in the proceedings for the offence shall be treated for the purposes of any provision relating to inhibitions contained in any law in force in the Territory with respect to land registration as a person



interested in respect of any registered land to which the restraint order or the application for the restraint order relates.

(3) Where a restraint order is made under paragraph 5(2) or an application for such an order is made, the person who the Supreme Court is satisfied will have the conduct of any proceedings for an offence under any of articles 6 to 9 shall be treated for the purposes of any such provision as is referred to in subparagraph (2) as a person interested in respect of any registered land to which the restraint order or the application for a restraint order relates.

### **Compensation**

9. - (1) This paragraph applies where a restraint order is discharged under paragraph 6(4)(a).

(2) This paragraph also applies where a forfeiture order or a restraint order is made in or in relation to proceedings for an offence under any of articles 6 to 9 which -

(a) do not result in conviction for an offence under any of those articles,

(b) result in conviction for an offence under any of those articles in respect of which the person convicted is subsequently pardoned by Her Majesty, or

(c) result in conviction for an offence under any of those articles which is subsequently quashed.

(3) A person who has an interest in any property which was subject to the order may apply to the Supreme Court for compensation.

(4) The Supreme Court may order compensation to be paid to the applicant if satisfied -

(a) that there was a serious default on the part of a person concerned in the investigation or prosecution of the offence,

(b) that the person concerned was or was acting as a member of the police force of the Territory or was or was acting under the authority of the Attorney General or the Director of Public Prosecutions of the Territory,

(c) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(d) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(5) The Supreme Court shall not order compensation to be paid where it appears to it that proceedings for the offence would have been instituted even if

the serious default had not occurred.

(6) Compensation payable under this paragraph shall be paid out of the funds of the government of the Territory.

**Proceedings for an offence: timing**

10. - (1) For the purpose of this Part of this Schedule, proceedings for an offence are instituted -

(a) when a summons or warrant is issued, or a complaint is laid, in respect of the offence;

(b) when a person is charged with the offence after being taken into custody without a warrant; or

(c) when a bill of indictment charging a person with the offence is preferred.

(2) Where the application of sub-paragraph (1) would result in there being more than one time for the institution of proceedings they shall be taken to be instituted at the earliest of those times.

(3) For the purposes of this Part of this Schedule proceedings are concluded -

(a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the forfeited property, or

(b) when no forfeiture order has been made in those proceedings and there is no further possibility of one being made as a result of an appeal (disregarding any power of a court to grant leave to appeal out of time).

## PART 2

### External Orders

**Enforcement of orders made in designated countries**

11. - (1) The Governor may by order make provision for the purpose of enabling the enforcement in the Territory of external orders.

(2) An "external order" means an order -

(a) which is made in a country or territory (including any part of the United Kingdom or any territory to which this Order extends or any other British overseas territory) that is designated for the purposes of this paragraph by the order made by the Governor, and

(b) which makes relevant provision.

(3) "Relevant provision" means -

(a) provision for the forfeiture of terrorist property ("an external forfeiture order"), or

(b) provision prohibiting dealing with property which is subject to an external forfeiture order or in respect of which such an order could be made in proceedings which have been or are to be instituted in the designated country or territory ("an external restraint order").

(4) An order made by the Governor under this paragraph may, in particular, include provision -

(a) which, for the purpose of facilitating the enforcement of an external order that may be made, has effect at times before there is an external order to be enforced;

(b) which disapplies, or qualifies or modifies the application of, any of the provisions of sub-paragraphs (6)(b) and (7) to (14) of this paragraph to or in relation to any specified external order (or any specified class of such orders) made in a specified designated country or territory;

(c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the order made by the Governor.

(5) An order made by the Governor under this paragraph may also make provision with respect to anything falling to be done on behalf of the Territory in a designated country or territory in relation to proceedings in that country or territory for or in connection with the making of an external order.

(6) An external order shall be enforced in the Territory only in accordance with -

(a) the provisions of, or any provisions made under, this paragraph, and

(b) any provisions made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.

(7) On an application made to it in accordance with rules of court for registration of an external order made in a designated country or territory, the Supreme Court shall direct that the order shall, in accordance with such rules, be registered in that Court.

(8) Rules of court shall also make provision -

(a) for cancelling or varying the registration of an external forfeiture order when effect has been given to it, whether in the Territory or elsewhere, in

respect of all or, as the case may be, part of the money or other property to which the order applies; and

(b) for cancelling or varying the registration of an external restraint order which has been discharged or varied by the court by which it was made.

(9) If an external forfeiture order is registered under this paragraph, the Supreme Court shall have, in relation to that order, the same powers as a court has under paragraph 2(1) to give effect to a forfeiture order made by it, and -

(a) paragraphs 3 and 4 shall apply accordingly, and

(b) after making any payments required by virtue of paragraph 2(1)(d) or (3), the balance of any sums received by the proper officer (as defined by paragraph 4(1)) by virtue of an order made under this sub-paragraph shall be paid by him to the Governor.

(10) If an external restraint order is registered under this paragraph -

(a) paragraphs 7 and 8 shall apply as they apply to a restraint order under paragraph 5, and

(b) the Supreme Court shall have the like power, in relation to proceedings brought or likely to be brought for that order, to make an order for inspection of property or for related matters as it would have, under any law for the time being in force in the Territory, if those proceedings had been brought or were likely to be brought in the Supreme Court.

(11) In addition, if an external order is registered under this paragraph -

(a) the Supreme Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the Supreme Court,

(b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the Supreme Court, and

(c) proceedings for or with respect to contravention of such an order, whether before or after such registration, may be taken as if the order had originally been made in the Supreme Court.

(12) The Supreme Court may also make such orders or do otherwise as seems to it appropriate for the purpose of -

(a) assisting the achievement in the Territory of the purposes of an external order that has been registered under this paragraph, or

(b) assisting a receiver or other person directed by such an external order to sell or otherwise dispose of property.

(13) The following documents shall be received in evidence in the Territory without further proof -

(a) a document purporting to be a copy of an external order and to be certified as such by a proper officer of the court by which it was made, and

(b) a document purporting to be a certificate for purposes corresponding to those of paragraph 4(2) and (3) and to be certified by a proper officer of the court concerned.

(14) Where, under any of the provisions of this paragraph, a thing is to be done in accordance with rules of court, it may, if there are for the time being no rules of court in force in the Territory governing that matter, be done in accordance with such directions in that behalf as may be given by a judge of the Supreme Court on application made ex parte to him in Chambers.

(15) An order made by the Governor under this paragraph may make different provision for different cases.

### PART 3

#### **Insolvency**

##### **General**

12. In this Part of this Schedule -

"ancillary order" means an order made in connection with a forfeiture, other than the forfeiture order,

"forfeiture order" means an order made in the Territory under article 15 or an external forfeiture order which is enforceable in the Territory by virtue of an order made by the Governor under paragraph 11,

"forfeited property" means the money or other property to which a forfeiture order applies, and

"restraint order" means an order made under paragraph 5 or an external restraint order which is enforceable in the Territory by virtue of an order made by the Governor under paragraph 11.

##### **Protection of creditors against forfeiture**

13. - (1) During the period of six months beginning with the making of a forfeiture order, the following shall not be finally disposed of under this Schedule -

(a) the money to which the order applies, and

(b) the money which represents any property to which the order applies.

(2) For the purposes of this paragraph money is finally disposed of under this Schedule when -

(a) in the case of a forfeiture order made in the Territory, it is paid to the person or authority authorised by law to receive the proceeds of fines, or

(b) in the case of an external forfeiture order, it is paid to the Governor under paragraph 11(9)(b).

14. - (1) This paragraph applies where -

(a) before or after a forfeiture order is made, the commencement of an insolvency occurs in qualifying insolvency proceedings,

(b) an insolvency practitioner would, but for the forfeiture order, exercise a function in those proceedings in relation to property to which the forfeiture order applies, and

(c) he gives written notice to the relevant officer of the matters referred to in sub- paragraphs (a) and (b) before the end of the period of six months beginning with the making of the forfeiture order.

(2) Sub-paragraph (3) shall apply to -

(a) the property in relation to which the insolvency practitioner would, but for the forfeiture order, exercise a function as described in sub-paragraph (1)(b), and

(b) the proceeds of sale of that property.

(3) The property -

(a) shall cease to be subject to the forfeiture order and any ancillary order, and

(b) shall be dealt with in the insolvency proceedings as if the forfeiture order had never been made.

(4) But -

(a) the property to which sub-paragraph (3) applies is the balance remaining after the relevant officer has exercised his powers under paragraph 17(1), and

(b) sub-paragraph (3) shall not take effect in respect of property in

relation to which the relevant officer, or any person acting in pursuance of an ancillary order, has incurred obligations until those obligations have been discharged.

(5) In this paragraph "the commencement of an insolvency" means -

(a) the making of a bankruptcy order,

(b) in the case of the insolvent estate of a deceased person, the making of an insolvency administration order, or

(c) in the case of a company, the passing of a resolution for its winding up or, where no such resolution has been passed, the making of an order by a court for its winding up.

**15.** - (1) Where by virtue of paragraph 14(3) property falls to be dealt with in insolvency proceedings, the Governor shall be taken to be a creditor in those proceedings for a debt to the amount or value of the property.

(2) The Governor's debt -

(a) shall rank after the debts of all other creditors, and

(b) shall not be paid until they have been paid in full with interest under the relevant provision.

(3) In sub-paragraph (2)(b) the "relevant provision" means -

(a) in relation to the winding up of a company, the provision of the law for the time being in force in the Territory relating to such winding up on insolvency that provides for the payment, from any surplus remaining after the payment of debts proved on the winding up, of interest on those debts in respect of the periods during which they have been outstanding since the company went into liquidation, and

(b) in relation to a bankruptcy, the provision of the law for the time being in force in the Territory relating to bankruptcy that provides for the payment, from any surplus remaining after the payment of debts that are preferential or rank equally under such law, of interest on those debts in respect of the periods during which they have been outstanding since the commencement of the bankruptcy.

(4) Sub-paragraphs (2) and (3) apply notwithstanding any other law for the time being in force in the Territory.

**16.** - (1) This paragraph applies to any property which ceased to be subject to a forfeiture order by virtue of paragraph 14(3) in consequence of the making of a bankruptcy order.

(a) for such of his expenses as were incurred in connection with the insolvency proceedings in relation to which the seizure or disposal purported to take place, and

(b) for so much of his remuneration as may be reasonably assigned for his acting in connection with those proceedings.

(4) Sub-paragraphs (1) to (3) are without prejudice to the generality of any provision contained in any law relating to insolvency for the time being in force in the Territory.

(5) In this paragraph "insolvency practitioner" means a person acting as such and, for the purposes of this paragraph, the question whether any person is acting as such shall be determined in accordance with sub-paragraphs (6), (7) and (8) except that the expression shall also include an Official Receiver (however styled) acting as receiver or manager of property.

(6) For the purposes of this paragraph a person acts as an insolvency practitioner in relation to a company by acting -

(a) as its liquidator, provisional liquidator, administrator or administrative receiver, or

(b) as supervisor of a voluntary arrangement approved by it under the law for the time being in force in the Territory relating to the insolvency of companies.

(7) For the purposes of this paragraph a person acts as an insolvency practitioner in relation to an individual by acting -

(a) as his trustee in bankruptcy or interim receiver of his property, or

(b) as trustee under a deed which is a deed of arrangement made for the benefit of his creditors, or

(c) as supervisor of a voluntary arrangement proposed by him and approved under the law for the time being in force in the Territory relating to the insolvency of individuals, or

(d) in the case of a deceased individual to whose estate the provisions of the law for the time being in force in the Territory relating to the administration of the insolvent estates of deceased persons apply, as administrator of that estate.

(8) References in sub-paragraph (7) to an individual include, except in so far as the context otherwise requires, references to a partnership.

**19.** - (1) The Governor may make an order under this paragraph to secure



(2) The property shall again become subject to the forfeiture order and, if applicable, any ancillary order if the bankruptcy order is annulled.

(3) Where the property is money or has been converted into money -

(a) the court which ordered the annulment of the bankruptcy shall make an order specifying property comprised in the estate of the bankrupt or debtor to the amount or value of the property, and

(b) the specified property shall become subject to the forfeiture order, and any applicable ancillary order, in place of the property.

17. - (1) Where money or other property falls to be dealt with in accordance with paragraph 14(3), the relevant officer may -

(a) deduct allowable forfeiture expenses from that money;

(b) retain so much of that property as he considers necessary for the purpose of realising it and deducting allowable forfeiture expenses from the proceeds of realisation.

(2) Where property is delivered up in pursuance of paragraph 14(3) and the relevant officer has not made provision under sub-paragraph (1) for all the allowable forfeiture expenses, then -

(a) a person who has incurred allowable forfeiture expenses for which provision has not been made shall have a claim to their value in the insolvency proceedings, and

(b) the expenses in question shall be treated for the purposes of the insolvency proceedings as if they were expenses of those proceedings.

#### **Protection of insolvency practitioners**

18. - (1) This paragraph applies where an insolvency practitioner seizes or disposes of property which is subject to a forfeiture order or a restraint order and -

(a) he reasonably believes that he is entitled to do so in the exercise of his functions, and

(b) he would be so entitled if the property were not subject to a forfeiture order or a restraint order.

(2) The insolvency practitioner shall not be liable to any person in respect of any loss or damage resulting from the seizure or disposal except in so far as the loss or damage is caused by his negligence.

(3) The insolvency practitioner shall have a lien on the property seized or the proceeds of its sale -

that an external insolvency practitioner has the same rights under this Part of this Schedule in relation to property situated in the Territory as he would have if he were an insolvency practitioner in the Territory.

(2) An order made this paragraph may, in particular, include -

- (a) provision which modifies the rights under this Part of this Schedule which are to be conferred under the order;
- (b) provision as to the manner in which the rights conferred under the order are to be exercised;
- (c) provision as to the conditions subject to which those rights are to be exercised, including the obtaining of leave from a court;
- (d) provision empowering a court granting such leave to impose such conditions as it thinks fit.

(3) An order under this paragraph may make different provision for different purposes.

(4) In this paragraph -

- (a) "external insolvency practitioner" means a person exercising under the insolvency law of a designated country or territory (that is to say, a country or territory designated as mentioned in paragraph 11) functions corresponding to those exercised by insolvency practitioners under the insolvency law of the Territory,
- (b) "the insolvency law of the Territory" means the provisions of the law for the time being in force in the Territory relating to insolvency and includes any provisions of the law for the time being in force in the Territory relating to companies which regulate the disqualification of company directors, and
- (c) "the insolvency law of a designated country or territory" means so much of the law for the time being in force in that country or territory as corresponds to provisions falling within sub-paragraph (b).

### **Interpretation**

**20.** - (1) In this Part of this Schedule (other than in paragraph 18) "insolvency practitioner" means a person acting in any qualifying insolvency proceedings in the Territory as -

- (a) a liquidator of a company or partnership,
- (b) a trustee in bankruptcy,
- (c) an administrator of the insolvent estate of a deceased person, or

(d) a receiver or manager of any property.

(2) In this Part of this Schedule "qualifying insolvency proceedings" means -

(a) any proceedings, under any law for the time being in force in the Territory relating to insolvency, for the winding up of a company or an unregistered company and includes any voluntary winding up of a company under any such law,

(b) any proceedings, under any such law, for the winding up of an insolvent partnership,

(c) any proceedings in bankruptcy, or

(d) any proceedings, under any such law, in relation to the insolvent estate of a deceased person.

(3) In this Part of this Schedule "the relevant officer" means the proper officer within the meaning given in paragraph 4.

(4) In this Part of this Schedule references to the proceeds of sale or realisation of property are references to the proceeds after deduction of the costs of sale or realisation.

### SCHEDULE 3

#### Article 16

### FORFEITURE OF TERRORIST CASH

#### PART 1

##### Introductory

#### **Terrorist cash**

1. - (1) This Schedule applies to cash ("terrorist cash") which -

(a) is within article 16(1)(a), or

(b) is property earmarked as terrorist property.

(2) "Cash" means -

- (a) coins and notes in any currency,
- (b) postal orders,
- (c) cheques of any kind, including travellers' cheques,
- (d) bankers' drafts,
- (e) bearer bonds and bearer shares, found at any place in the Territory.

(3) Cash also includes any kind of monetary instrument found at any place in the Territory if the instrument is specified by the Governor by order.

## PART 2

### Seizure and Detention

#### **Seizure of cash**

2. - (1) An authorised officer may seize any cash if he has reasonable grounds for suspecting that it is terrorist cash.

(2) An authorised officer may also seize cash part of which he has reasonable grounds for suspecting to be terrorist cash if it is not reasonably practicable to seize only that part.

#### **Detention of seized cash**

3. - (1) While the authorised officer continues to have reasonable grounds for his suspicion, cash seized under this Schedule may be detained initially for a period of 48 hours.

(2) The period for which the cash or any part of it may be detained may be extended by an order made by a magistrates' court; but the order may not authorise the detention of any of the cash -

(a) beyond the end of the period of three months beginning with the date of the order, and

(b) in the case of any further order under this paragraph, beyond the end of the period of two years beginning with the date of the first order.

(3) A justice of the peace or magistrate may also exercise the power of a magistrates' court to make the first order under sub-paragraph (2) extending the period.

(4) An order under sub-paragraph (2) must provide for notice to be given to persons affected by it.

(5) An application for an order under sub-paragraph (2) may be made by an authorised officer, and the court or justice or magistrate may make the order if satisfied, in relation to any cash to be further detained, that one of the following conditions is met.

(6) The first condition is that there are reasonable grounds for suspecting that the cash is intended to be used for the purposes of terrorism and that either -

(a) its continued detention is justified while its intended use is further investigated or consideration is given to bringing (in the Territory or elsewhere) proceedings against a person for an offence with which the cash is connected, or

(b) proceedings against any person for an offence with which the cash is connected have been started (in the Territory or elsewhere) and have not been concluded.

(7) The second condition is that there are reasonable grounds for suspecting that the cash is property earmarked as terrorist property and that either -

(a) its continued detention is justified while its derivation is further investigated or consideration is given to bringing (in the Territory or elsewhere) proceedings against any person for an offence with which the cash is connected, or

(b) proceedings against any person for an offence with which the cash is connected have been started (in the Territory or elsewhere) and have not been concluded.

#### **Payment of detained cash into an account**

4. - (1) If cash is detained under this Schedule for more than 48 hours, it is to be held in an interest-bearing account and the interest accruing on it is to be added to it on its forfeiture or release.

(2) In the case of cash seized under paragraph 2(2), the authorised officer must, on paying it into the account, release so much of it as is not attributable to terrorist cash.

(3) Sub-paragraph (1) does not apply if the cash is required as evidence of an offence or evidence in proceedings under this Schedule.

#### **Release of detained cash**

5. - (1) This paragraph applies while any cash is detained under this Schedule.

(2) A magistrates' court may direct the release of the whole or any part of the cash if satisfied, on an application by the person from whom it was seized, that the conditions in paragraph 3 for the detention of cash are no longer met in relation to the cash to be released.

(3) An authorised officer may, after notifying the magistrates' court or justice or magistrate under whose order cash is being detained, release the whole or any part of it if satisfied that the detention of the cash to be released is no longer justified.

(4) But cash is not to be released -

(a) if an application for its forfeiture under paragraph 6, or for its release under paragraph 9, is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded,

(b) if (in the Territory or elsewhere) proceedings are started against any person for an offence with which the cash is connected, until the proceedings are concluded.

### PART 3

#### Forfeiture

#### **Forfeiture**

6. - (1) While cash is detained under this Schedule, an application for the forfeiture of the whole or any part of it may be made to a magistrates' court by an authorised officer.

(2) The court may order the forfeiture of the cash or any part of it if satisfied that the cash or part is terrorist cash.

(3) In the case of property earmarked as terrorist property which belongs to joint tenants one of whom is an excepted joint owner, the order may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.

(4) An excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him) be earmarked; and references to his share of the earmarked property are references to so much of the property as would have been his if the joint tenancy had been severed.

#### **Appeal against forfeiture**

7. - (1) Any party to proceedings in which an order is made under paragraph 6 ("a forfeiture order") who is aggrieved by the order may appeal to the Supreme Court.

(2) An appeal under sub-paragraph (1) must be made within the period of 30 days beginning with the date on which the order is made.

(3) The appeal is to be by way of a rehearing.

(4) The court hearing the appeal may make any order it thinks appropriate.

(5) If the court upholds the appeal, it may order the release of the cash.

**Application of forfeited cash**

8. - (1) Cash forfeited under this Schedule, and any accrued interest on it, is to be paid into the funds of the government of the Territory.

(2) But it is not to be paid in -

(a) before the end of the period within which an appeal under paragraph 7 may be made, or

(b) if a person appeals under that paragraph, before the appeal is determined or otherwise disposed of.

PART 4

Miscellaneous

**Victims**

9. - (1) A person who claims that any cash detained under this Schedule, or any part of it, belongs to him may apply to a magistrates' court for the cash or part to be released to him under this paragraph.

(2) The application may be made in the course of proceedings under paragraph 3 or 6 or at any other time.

(3) If it appears to the court concerned that -

(a) the applicant was deprived of the cash claimed, or of property which it represents, by criminal conduct,

(b) the property he was deprived of was not, immediately before he was deprived of it, property obtained by or in return for criminal conduct and nor did it then represent such property, and

(c) the cash claimed belongs to him,

the court may order the cash to be released to the applicant.

**Compensation**

10. - (1) If no forfeiture order is made in respect of any cash detained under this Schedule, the person to whom the cash belongs or from whom it was seized may make an application to the magistrates' court for compensation.

(2) If, for any period after the initial detention of the cash for 48 hours, the cash was not held in an interest-bearing account while detained, the court may order an amount of compensation to be paid to the applicant.

(3) The amount of compensation to be paid under sub-paragraph (2) is the amount the court thinks would have been earned in interest in the period in question if the cash had been held in an interest-bearing account.

(4) If the court is satisfied that, taking account of any interest to be paid under this Schedule or any amount to be paid under sub-paragraph (2), the applicant has suffered loss as a result of the detention of the cash and that the circumstances are exceptional, the court may order compensation (or additional compensation) to be paid to him.

(5) The amount of compensation to be paid under sub-paragraph (4) is the amount the court thinks reasonable, having regard to the loss suffered and any other relevant circumstances.

(6) Any compensation ordered to be paid under this paragraph is to be paid out of the funds of the government of the Territory.

(7) If a forfeiture order is made in respect only of a part of any cash detained under this Schedule, this paragraph has effect in relation to the other part.

(8) This paragraph does not apply if the court makes an order under paragraph 9.

## PART 5

### Property Earmarked as Terrorist Property

#### **Property obtained through terrorism**

**11.** - (1) A person obtains property through terrorism if he obtains property by or in return for acts of terrorism, or acts carried out for the purposes of terrorism.

(2) In deciding whether any property was obtained through terrorism -

(a) it is immaterial whether or not any money, goods or services were provided in order to put the person in question in a position to carry out the acts, and

(b) it is not necessary to show that the acts were of a particular kind if it is shown that the property was obtained through acts of one of a number of kinds, each of which would have been an act of terrorism, or an act carried out for the purposes of terrorism.



### **Properly earmarked as terrorist property**

12. - (1) Property obtained through terrorism is earmarked as terrorist property.

(2) But if property obtained through terrorism has been disposed of (since it was so obtained), it is earmarked as terrorist property only if it is held by a person into whose hands it may be followed.

(3) Property may be followed into the hands of a person obtaining it on a disposal by -

(a) the person who obtained the property through terrorism, or

(b) a person into whose hands it may (by virtue of this sub-paragraph) be followed.

### **Tracing property**

13. - (1) Where property obtained through terrorism ("the original property") is or has been earmarked as terrorist property, property which represents the original property is also earmarked.

(2) If a person enters into a transaction by which -

(a) he disposes of the original property or of property which (by virtue of this Part) represents the original property, and

(b) he obtains other property in place of it,

the other property represents the original property.

(3) If a person disposes of property which represents the original property, the property may be followed into the hands of a person who obtains it (and it continues to represent the original property).

### **Mixing property**

14. - (1) Sub-paragraph (2) applies if a person's property which is earmarked as terrorist property is mixed with other property (whether his property or another's).

(2) The portion of the mixed property which is attributable to the property earmarked as terrorist property represents the property obtained through terrorism.

(3) Property earmarked as terrorist property is mixed with other property if (for example) it is used -

(a) to increase funds held in a bank account,

(b) in part payment for the acquisition of an asset,

(c) for the restoration or improvement of land,

(d) by a person holding a leasehold interest in the property to acquire the freehold.

### **Accruing profits**

**15.** - (1) This paragraph applies where a person who has property earmarked as terrorist property obtains further property consisting of profits accruing in respect of the earmarked property.

(2) The further property is to be treated as representing the property obtained through terrorism.

### **General exceptions**

**16.** - (1) If -

(a) a person disposes of property earmarked as terrorist property, and

(b) the person who obtains it on the disposal does so in good faith, for value and without notice that it was earmarked.

the property may not be followed into that person's hands and, accordingly, it ceases to be earmarked.

(2) If -

(a) in pursuance of a judgment in civil proceedings (whether in the Territory or elsewhere), the defendant makes a payment to the plaintiff or the plaintiff otherwise obtains property from the defendant,

(b) the plaintiff's claim is based on the defendant's criminal conduct, and

(c) apart from this sub-paragraph, the sum received, or the property obtained, by the plaintiff would be earmarked as terrorist property,

the property ceases to be earmarked.

(3) If -

(a) under any law in force in the Territory, a payment is made to any person, or a person otherwise obtains property, in pursuance of a compensation order or a restitution order made in respect of loss or injury suffered in consequence of criminal conduct or other misconduct, and

(b) apart from this sub-paragraph, the sum received, or the property obtained, would be earmarked as terrorist property,

the property ceases to be earmarked.

(4) Where -

(a) a person enters into a transaction to which paragraph 13(2) applies,  
and

(b) the disposal is one to which sub-paragraph (1) applies,

this paragraph does not affect the question whether (by virtue of paragraph 13 (2)) any property obtained on the transaction in place of the property disposed of is earmarked.

## PART 6

### Exercise of Officers' Powers

#### **General**

17. An authorised officer may enter any premises for the purposes of exercising any of the functions conferred on him by virtue of this Schedule.

18. An authorised officer may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Schedule.

#### **Information**

19. Information acquired by an authorised officer may be supplied -

(a) to a customs officer;

(b) to a constable;

(c) to a person specified by order of the Governor for use of a kind specified in the order.

## PART 7

### Interpretation

#### **Property**

20. - (1) Property is all property wherever situated and includes -

(a) money,

(b) all forms of property, real or personal, heritable or moveable,

(c) things in action and other intangible or incorporeal property.

(2) Any reference to a person's property (whether expressed as a reference to the property he holds or otherwise) is to be read as follows.

(3) In relation to land, it is a reference to any interest which he holds in the land.

(4) In relation to property other than land, it is a reference -

(a) to the property (if it belongs to him), or

(b) to any other interest which he holds in the property.

### **Obtaining and disposing of property**

**21.** - (1) References to a person disposing of his property include a reference -

(a) to his disposing of a part of it, or

(b) to his granting an interest in it,

(or to both); and references to the property disposed of are references to any property obtained on the disposal.

(2) If a person grants an interest in property of his which is earmarked as terrorist property, the question whether the interest is also earmarked is to be determined in the same manner as it is on any other disposal of earmarked property.

(3) A person who makes a payment to another is to be treated as making a disposal of his property to the other, whatever form the payment takes.

(4) Where a person's property passes to another under a will or intestacy or by operation of law, it is to be treated as disposed of by him to the other.

(5) A person is only to be treated as having obtained his property for value in a case where he gave unexecuted consideration if the consideration has become executed consideration.

### **General interpretation**

**22.** - (1) In this Schedule -

"authorised officer" means a constable, a customs officer or an immigration officer,

"cash" has the meaning given by paragraph 1,

"criminal conduct" means conduct which constitutes an offence in the Territory, or would constitute an offence in the Territory if it occurred there,

"forfeiture order" has the meaning given by paragraph 7,

"interest" means -

(a) in relation to land, any legal estate and any equitable interest or power, and

(b) in relation to property other than land, includes any right (including a right to possession of the property),

"part", in relation to property, includes a portion,

"property earmarked as terrorist property" is to be read in accordance with Part 5,

"property obtained through terrorism" has the meaning given by paragraph 11,

"terrorist cash" has the meaning given by paragraph 1,

"value" means market value.

(2) Paragraphs 20 and 21 and the following provisions apply for the purposes of this Schedule.

(3) For the purpose of deciding whether or not property was earmarked as terrorist property at any time (including times before the commencement of this Order), it is to be assumed that this Schedule was in force at that and any other relevant time.

(4) Proceedings against any person for an offence are concluded when -

(a) the person is convicted or acquitted,

(b) the prosecution is discontinued, or

(c) the jury is discharged without a finding.

#### SCHEDULE 4

Article 17

#### ACCOUNT MONITORING ORDERS

## **Interpretation**

1. - (1) In this Schedule, "financial institution" means -

(a) a person who carries on a business of taking deposits for which he is authorised under a law of the Territory relating to banking,

(b) a building society authorised to operate as such under any law of the Territory in that behalf,

(c) a credit union authorised to operate as such under any law of the Territory in that behalf,

(d) a person who carries on an investment business for which he is authorised under any law of the Territory relating to the conduct of such businesses,

(e) a Savings Bank or a Development Bank established by or under any law of the Territory, and

(f) a person who carries on an insurance or reinsurance business under any law of the Territory relating to the conduct of such businesses.

(2) The Governor may by order provide for a class of person -

(a) to be a financial institution for the purposes of this Schedule, or

(b) to cease to be a financial institution for the purposes of this Schedule.

(3) An institution which ceases to be a financial institution for the purposes of this Schedule (whether by virtue of sub-paragraph (2)(b) or otherwise) shall continue to be treated as a financial institution for the purposes of any requirement under this Schedule to provide information which relates to a time when the institution was a financial institution.

(4) In this Schedule "the court" means the Supreme Court and "judge" means a judge of that Court.

## **Account monitoring orders**

2. - (1) A judge may, on application made to him by a constable, make an account monitoring order if he is satisfied that -

(a) the order is sought for the purposes of a terrorist investigation,

(b) the tracing of terrorist property is desirable for the purposes of the investigation,

and

(c) the order will enhance the effectiveness of the investigation.

(2) The application for an account monitoring order must state that the order is sought against the financial institution specified in the application in relation to information which -

- (a) relates to an account or accounts held at the institution by the person specified in the application (whether solely or jointly with another), and
- (b) is of the description so specified.

(3) The application for an account monitoring order may specify information relating to -

- (a) all accounts held by the person specified in the application for the order at the financial institution so specified,
- (b) a particular description, or particular descriptions, of accounts so held, or
- (c) a particular account, or particular accounts, so held.

(4) An account monitoring order is an order that the financial institution specified in the application for the order must -

- (a) for the period specified in the order,
- (b) in the manner so specified,
- (c) at or by the time or times so specified, and
- (d) at the place or places so specified,

provide information of the description specified in the application to a constable.

(5) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

### **Applications**

3. - (1) An application for an account monitoring order may be made ex parte to a judge in Chambers.

(2) The description of information specified in an application for an account monitoring order may be varied by the constable who made the application or by any other constable.

### **Discharge or variation**

4. - (1) An application to discharge or vary an account monitoring order may be made to the court by -

- (a) the constable who applied for the order or any other constable;
- (b) any person affected by the order.

(2) The court -

- (a) may discharge the order;
- (b) may vary the order.

### **Rules of court**

5. Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to account monitoring orders.

### **Effect of orders**

6. - (1) An account monitoring order has effect as if it were an order of the court.

(2) An account monitoring order has effect in spite of any restriction on the disclosure of information (however imposed).

### **Statements**

7. - (1) A statement made by a financial institution in response to an account monitoring order may not be used in evidence against it in criminal proceedings.

(2) But sub-paragraph (1) does not apply -

- (a) in the case of proceedings for contempt of court;
- (b) in the case of proceedings under article 15 where the financial institution has been convicted of an offence under any of articles 6 to 9;
- (c) on a prosecution for an offence where, in giving evidence, the financial institution makes a statement inconsistent with the statement mentioned in sub-paragraph (1).

(3) A statement may not be used by virtue of sub-paragraph (2)(c) against a financial institution unless -

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of the financial institution in the proceedings arising out of the prosecution.



## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision, for certain British overseas territories, corresponding to various provisions of the Terrorism Act 2000 and the Anti-terrorism, Crime and Security Act 2001 which deal with the financing of terrorism and related matters. The Order extends to Anguilla, the Falkland Islands, Montserrat, St Helena and Dependencies, the Turks and Caicos Islands, and the Virgin Islands.

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*Notes:*

[1] 1833 c. 85.[back](#)

[2] 1887 c. 54 and 1945 c. 7 (9 & 10 Geo 6).[back](#)

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**THE  
FALKLAND ISLANDS GAZETTE  
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The following are published in this Supplement -

**Importation of Food and Animal Products from South America (Amendment)  
(No.2) Proclamation 2002;**

**The Supplementary Appropriation (2002-20003) Ordinance 2002;**

**The Education (Academic Year) Ordinance 2002;**

**Falkland Islands Development Corporation (Amendment) Ordinance 2002;**

**The Falkland Landholdings Corporation (Amendment) Ordinance 2002.**

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## PROCLAMATION

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### CUSTOMS

Importation of Food and Animal Products from South America (Amendment) (No.2)  
Proclamation 2002.

(Proclamation No. 2 of 2002)

**IN EXERCISE** of my powers under section 35 of the Customs Ordinance (Title 26.1) I make the following Proclamation –

#### **Citation and Commencement**

1. This Proclamation may be cited as the Importation of Food and Animal Products from South America (Amendment) (No.2) Proclamation 2002 and comes into force on 1<sup>st</sup> September 2002.

#### **Amendment of Importation of Food and Animal Products from South America Proclamation 2001**

2. The importation of Food and Animal Products from South America Proclamation 2001 shall be amended as follows –

The following Article 4(3)(d) is inserted after Article 4(3)(c):-

- “(d) Eggs intended for human consumption of any bird which are imported and originate from the Magallanes region of Chile without transit through any other region of Chile or through a third country other than a European member state;”

Made this 30<sup>th</sup> day of August 2002

D A Lamont  
Governor

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#### EXPLANATORY NOTE

*(not forming part of the above Proclamation)*

This Proclamation amends the Importation of Food and Animal Products from South America Proclamation 2001 by permitting the importation of eggs from the Magallanes region of Chile in accordance with Article 4 which gives the Director of Agriculture a discretion to grant a licence for importation in accordance with conditions set out in any such licence.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**The Supplementary Appropriation (2002-2003) Ordinance 2002**

(No. 17 of 2002)

ARRANGEMENTS OF PROVISIONS

Section

1. Short title.
2. Appropriation of further sum.
3. Replenishment of Contingencies Fund.

Schedule 1

Schedule 2

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**THE SUPPLEMENTARY APPROPRIATION (2002-2003) ORDINANCE 2002**

(No. 17 of 2002)

An Ordinance

*(assented to: 30<sup>th</sup> August 2002)*  
*(commencement: on publication)*  
*(published: 5<sup>th</sup> September 2002)*

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £2,881,180 for the service of the financial year ending 30 June 2003.

ENACTED by the Legislature of the Falkland Islands as follows-

**Short Title**

1. This Ordinance may be cited as the Supplementary Appropriation (2002-2003) Ordinance 2003.

**Appropriation of further sum**

2. The Financial Secretary may for the purposes specified in the Schedules cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2002 and ending on 30 June 2003 ("the financial year") the further sum of £2,881,180 in addition to sums already appropriated by Ordinance.

**Replenishment of Contingencies Fund**

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule 1, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Numbers 1 and 2 of 2002-2003 (the authority of which lapses on the commencement of this Ordinance).

## SCHEDULE 1

<b>PART I OPERATING EXPENDITURE</b>		£
0200	Health & Social Services	44,240
0320	Fisheries	250,000
<b>TOTAL OPERATING EXPENDITURE</b>		<u>294,240</u>
<b>TOTAL SUPPLEMENTARY EXPENDITURE</b>		<u>294,240</u>

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## SCHEDULE 2

<b>PART I OPERATING EXPENDITURE</b>		£
0100	Aviation	3,000
0250	Education & Training	9,000
0451	Attorney General's Chambers	20,000
0600	Central Administration	184,860
0610	Falkland Islands Training & Enterprise Committee	64,825
0750	The Governor	10,000
0800	Legislature	41,765
<b>TOTAL OPERATING EXPENDITURE</b>		<u>333,450</u>
<b>PART II CAPITAL EXPENDITURE</b>		
0950	Capital	2,253,490
<b>TOTAL SUPPLEMENTARY EXPENDITURE</b>		<u>2,586,940</u>

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of August 2002.

M. STRANGE.  
*Acting Clerk of Councils*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

M. STRANGE.  
*Acting Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**The Education (Academic Year) Ordinance 2002**

(No: 18 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. The principal Ordinance
3. New Definition of academic year
4. Repeal of sections 2 and 5 of Education (Academic Year) Ordinance 1997
5. Amendment of section 17 of the principal Ordinance
6. Amendment of section 57 of the principal Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**THE EDUCATION (ACADEMIC YEAR) ORDINANCE 2002**

(No: 18 of 2002)

*(assented to: 30<sup>th</sup> August 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 5<sup>th</sup> September 2002)*

An Ordinance

To amend the Education Ordinance (Title 29.1) and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and Commencement**

1. This Ordinance may be cited as the Education (Academic Year) Ordinance 2002 and shall come into force on the day following the last day of the second term of the academic year commencing on 1 January 2003.

**The Principal Ordinance**

2. In this Ordinance, “the principal Ordinance” means the Education Ordinance (Title 29.1)

**New Definition of academic year**

3. The definition of “academic year” appearing in section 2 of the principal Ordinance is replaced by the following definition -

“ “academic year” means the period of twelve months commencing on 1st September in every calendar year”;



**Repeal of sections 2 and 5 of Education (Academic Year) Ordinance 1997**

4. Sections 2 and 5 of the Education (Academic Year) Ordinance 1997 are repealed.

**Amendment of section 17 of the principal Ordinance**

5. (1) Section 17(1) of the principal Ordinance is replaced by the following -

“(1) Subject to subsection (2) below, for the purposes of this Part, a child is of compulsory education age if -

(a) he has attained the age of five years or will do so during the academic year for the time being current, and

(b) the earlier of the following events has not occurred -

(i) the end of the third term of the academic year in which the child attains the age of sixteen years;

(ii) the end of the first term of year 12 of compulsory education,

provided that a child who attains the age of sixteen years before the beginning of a term in year 12 is not of compulsory education age during that term or any following term.”

(2) The following section 17(2) is inserted into the principal Ordinance -

“(2) The Governor may, on the advice of the Director, order that a child remains of compulsory education age until the end of the academic year in which the child attains the age of sixteen”

(3) Section 17(4) is repealed.

**Amendment of section 57 of the principal Ordinance**

6. Section 57 of the principal Ordinance is amended -

(a) in subsection (2) by replacing the words “first and second terms” by the words “second and third terms” and by replacing the words “third term” by the words “first term”; and

(b) by replacing subsection (4) with the following -

“(4) There shall be a vacation of not less than thirty-eight days in length between the end of the first term of the academic year and the beginning of the second term of the academic year, there shall be a vacation of not less than fourteen days in length between the end of the second term of the academic year and the beginning of the third term and there shall be a vacation of not less than twenty-one days in length between the end of that term and the beginning of the first term of the next following academic year. Public holidays falling within a vacation shall be counted as forming part of that vacation”.

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of August 2002.

M. STRANGE.  
*Acting Clerk of Councils*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

M. STRANGE.  
*Acting Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**Falkland Islands Development Corporation (Amendment) Ordinance 2002**

(No: 19 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and Commencement
2. Amendment of the principal Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor*

**FALKLAND ISLANDS DEVELOPMENT CORPORATION  
(AMENDMENT) ORDINANCE 2002**

(No: 19 of 2002)

*(assented to: 30<sup>th</sup> August 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 5<sup>th</sup> September 2002)*

An Ordinance

To amend the Falkland Islands Development Corporation Ordinance (Title 28.1)

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and Commencement**

1. This Ordinance may be cited as the Falkland Islands Development Corporation (Amendment) Ordinance 2002 and comes into operation one month after its first publication in the *Gazette*.

**Amendment of the principal Ordinance**

2. Section 7 (1) of the Falkland Islands Development Corporation Ordinance (Title 28.1) as replaced by the Falkland Islands Development Corporation Ordinance 2000 (No. 20 of 2000) is amended by replacing paragraphs (a) and (b) of the subsection with the following —

“(a) an elected member of the Legislative Council who shall be the Chairman of the Corporation nominated by the elected members of the Legislative Council and appointed by the Governor (and who shall be one of the two persons appointed to be members of the Board under paragraph (i) of this subsection).

(b) the Chief Executive who shall be the Executive Vice Chairman of the Corporation.”

(2) Section 7(2) of the principal Ordinance is amended by deleting “(a),” and section 7(3) is amended by inserting “(a) or” before “(i),”.

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of August 2002.

M. STRANGE.  
*Acting Clerk of Councils*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

M. STRANGE.  
*Acting Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
Governor.

**The Falkland Landholdings Corporation (Amendment) Ordinance 2002**

(No: 20 of 2002)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of principal Ordinance

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,  
*Governor.*

**THE FALKLAND LANDHOLDINGS CORPORATION (AMENDMENT) ORDINANCE  
2002**

(No: 20 of 2002)

*(assented to: 30<sup>th</sup> August 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 5<sup>th</sup> September 2002)*

An Ordinance

To amend the Falkland Landholdings Corporation Ordinance 2000

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title and commencement**

1. This Ordinance may be cited as the Falkland Landholdings Corporation (Amendment) Ordinance 2002 and comes into effect one month after its first publication in the *Gazette*.

**Amendment of the principal Ordinance**

2. The Falkland Landholdings Corporation Ordinance 2000 (No. 21 of 2000) (“the principal Ordinance”) is amended in section 4(1) as follows —

(1) by replacing paragraph (a) with the following —

“(a) a Chairman of the Corporation who shall be an elected member of the Legislative Council selected by the elected members of the Legislative Council and appointed by the

Governor who shall be the Chairman of the Corporation (and who shall be one of the two persons appointed to be members of the Board under paragraph (h) of this subsection);

(b) by replacing the words "if he is not the Executive Chairman" in paragraph (b) with the words "who shall be the Executive Vice Chairman of the Corporation;"

(2) Section 4(2) of the principal Ordinance is amended by deleting "(a)" and section 4(3) of the principal Ordinance is amended by replacing the words "paragraph (h)" with the words "paragraphs (a) or (h)".

(3) The principal Ordinance is amended by the insertion of the following section immediately after section 9 —

**"Policies and Procedures Manual**

**9A.** Without prejudice to sections 8 and 9, there shall be a Policies and Procedures Manual in relation to the Corporation and such Manual shall be approved, and any amendments to such Manual shall be approved, by the Governor on the advice of the Executive Council."

Passed by the Legislature of the Falkland Islands this 23<sup>rd</sup> of August 2002.

M. STRANGE.  
*Acting Clerk of Councils*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

M. STRANGE.  
*Acting Clerk of Councils.*







**THE  
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The following are published in this Supplement -

**Buildings (4 Pioneer Row) Designation Order 2002, (S.R. & O. No. 20 of 2002);**

**Buildings (Barren Island) Designation Order 2002, (S.R. & O. No. 21 of 2002).**

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## SUBSIDIARY LEGISLATION

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### PLANNING AND BUILDING

#### **Buildings (4 Pioneer Row) Designation Order 2002**

(S. R. & O. No. 20 of 2002)

*Made: 5<sup>th</sup> September 2002*  
*Published: 12<sup>th</sup> September 2002*  
*Coming into force: on publication*

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation**

1. This Order may be cited as the Buildings (4 Pioneer Row) Designation Order 2002.

#### **Designation of buildings**

2. The buildings and structures in the Schedule to this Ordinance are designated as buildings and structures of special architectural or historic interest.

#### SCHEDULE

3. The buildings known as 4 Pioneer Row together with associated contemporary fences and out buildings, Stanley, East Falkland.

Made this fifth day of September 2002

D A Lamont  
*Governor*

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#### **EXPLANATORY NOTE**

*(not forming part of the above Order)*

The effect of this Order is to require permission pursuant to section 66(4), 68(2) or 68(4) of the Planning Ordinance 1991 for any works or operations for the demolition of any of the buildings or structures the subject of this Order and any alterations or extensions which might effect their character as buildings or structures of special architectural or historic interest. Contravention of the provisions mentioned constitutes a criminal offence under section 68(6) of the Planning Ordinance 1991.

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## SUBSIDIARY LEGISLATION

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### PLANNING AND BUILDING

#### **Buildings (Barren Island) Designation Order 2002**

(S. R. & O. No. 21 of 2002)

*Made: 6<sup>th</sup> September 2002*

*Published: 12<sup>th</sup> September 2002*

*Coming into force: on publication*

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation**

1. This Order may be cited as the Buildings (Barren Island) Designation Order 2002.

#### **Designation of buildings**

2. The buildings in the Schedule to this Ordinance are designated as buildings of special architectural or historic interest.

#### SCHEDULE

3. The buildings known as the Old House and adjacent Wool Shed on Barren Island, East Falkland.

Made this sixth day of September 2002

D A Lamont  
Governor

---

#### **EXPLANATORY NOTE**

*(not forming part of the above Order)*

The effect of this Order is to require permission pursuant to section 66(4), 68(2) or 68(4) of the Planning Ordinance 1991 for any works or operations for the demolition of any of the buildings the subject of this Order and any alterations or extensions which might effect their character as buildings of special architectural or historic interest. Contravention of the provisions mentioned constitutes a criminal offence under section 68(6) of the Planning Ordinance 1991.





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The following is published in this Supplement -

**Fishing Licences (Application and Fees) (No 2) Order 2002 (S.R. & O. No: 22 of 2002)**

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## SUBSIDIARY LEGISLATION

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### FISHERIES

#### **Fishing Licences (Applications and Fees) (No 2) Order 2002**

(S. R. & O. No: 22 of 2002)

*Made: 19<sup>th</sup> September 2002*  
*Published: 23<sup>rd</sup> September 2002*  
*Coming into force: upon publication*

IN EXERCISE of my powers under section 20 of the Fisheries (Conservation and Management) Ordinance 1986(a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Commencement and citation**

1. This Order may be cited as the Fishing Licences (Applications and Fees) (No.2) Order 2002 and shall come into operation on the date it is first published in the Gazette and cease to have effect on 30th June 2003.

#### **Application**

2. Nothing in this Order applies to licences for exploratory or scientific purposes or to fishing within the territorial sea or internal waters.

#### **Interpretation**

3. In this Order —

“combination vessel” means a fishing boat which is equipped so as to be able to catch or take fish both by jigging machines and by trawl or trawls;

“exploratory or scientific purposes” means purposes related to the assessment of the commercial or practical viability of fishing for fish generally or for a particular species of fish or to the assessment or quantification of stocks of any species of fish or fish of any age, stage of maturity or size of a species of fish or the locations in which they or any species of fish or fish of any age, stage of maturity or size may be found;

“FICZ” means the interim conservation and management zone as defined in section 2 of the Fisheries (Conservation and Management) Ordinance 1986;

“fishing licence” means a licence to catch or take fish within the fishing waters;

“FOCZ” means the outer conservation zone as defined in Proclamation 2 of 1990 as varied by Proclamation 1 of 1994;

“jigger” means a fishing boat which is equipped so as to be able to catch or take fish by means of jigging machines;

“northern area” means those areas of the FICZ which lie to the north of latitude 51°15' south and to the east of longitude 60° west and north of latitude 52° south and to the west of longitude 60° west;

“southern area” means those areas of the FICZ which lie to the south of latitude 51°15’ south and to the east of longitude 60° west and south of latitude 52° south and to the west of longitude 60° west;

“the fishing season” means —

- (a) in relation to an “A” licence the period commencing on 1st January 2003 and ending on 30th June 2003;
- (b) in relation to a “B” licence the period commencing on 15th February 2003 and ending on 15th June 2003;
- (c) in relation to a “C” licence the period commencing on 1st February 2003 and ending on 31st May 2003;
- (d) in relation to an “F” licence the period commencing on 1st January 2003 and ending on 30th June 2003;
- (e) in relation to a “G” licence the period commencing on 1st March 2003 and ending on 31st May 2003;
- (f) in relation to a “S” licence the period commencing on 1st January 2003 and ending on 30th June 2003;
- (g) in relation to a “W” licence the period commencing on 1st January 2003 and ending on 30th June 2003.
- (h) in relation to an “L” licence the period commencing on 1st January 2003 and ending on 30<sup>th</sup> June 2003.

“the principal Regulations” means the Fishing Regulations Order 1987;

“trawler” means a fishing boat which is equipped so as to be able catch or take fish by means of a trawl or trawls.

### **The principal Regulations**

4. For so long as this Order is in force such of the provisions of the principal Regulations as are inconsistent with this Order shall not be in force, but except as aforesaid the provisions of the principal Regulations remain in force and shall be complied with in addition to those of this Order.

### **Types of Licence**

5.—(1) For the purpose of this Order there shall be the following categories of licence —

- (a) an “A” licence;
- (b) a “B” licence;
- (c) a “C” licence;
- (d) an “F” licence;
- (e) a “G” licence;
- (f) an “L” licence;
- (g) an “S” licence;
- (h) a “W” licence.

(2) An “A” licence authorises the catching or taking of any Finfish, that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Skate (*Rajidae*) or Toothfish (*Dissostichus eleginoides*) or squid of any kind.

(3) A “B” licence authorises the catching or taking within the northern area and the FOCZ of *Illex argentinus* and *Martialia hyadesi* only.

(4) A “C” licence authorises the catching or taking within the southern area of squid of the species *Loligo gahi*.

(5) An “F” licence authorises the catching or taking of all species of the family Skate (*Rajidae*) and shall not permit the taking of other species of finfish or squid of any kind.



(6) A "G" licence authorises the catching or taking of *Illex argentinus* and *Martialia hyadesi* and any finfish except Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*).

(7) An "L" licence issued under these regulations authorises the catching of Toothfish (*Dissostichus eleginoides*)

(8) An "S" licence authorises the catching or taking of Blue Whiting (*Micromesistus australis*) and Hoki (*Macruronus magellanicus*).

(9) A "W" licence authorises the catching or taking of any finfish (that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin) except Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*).

### **Applications for Licences**

6.—(1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, PO Box 598, Stanley, Falkland Islands.

(2) Any application to which paragraph (1) of this article relates shall be made so as to be received there by Tuesday 1<sup>st</sup> October 2002.

(3) The Director of Fisheries in his discretion may consider an application lodged after the date mentioned in paragraph (2) of this article but is not bound to do so.

### **The Schedule and its Tables**

7.—(1) Table 1 of the Schedule to this Order applies in respect of the fees payable for type "A" licences.

(2) Table 2 of the Schedule to this Order applies in respect of the fees payable for type "B" licences granted to any jigger.

(3) Table 3 of the Schedule to this Order applies in respect of the fees payable for type "B" licences granted to any trawler or combination vessel.

(4) Table 4 of the Schedule to this Order applies in respect of the fees payable for type "C" licences.

(5) Table 5 of the Schedule to this Order applies in respect of the fees payable for type "F" licences.

(6) Table 6 of the Schedule to this Order applies in respect of the fees payable for type "G" licences.

(7) Table 7 of the Schedule to this Order applies in respect of the fees payable for type "S" licences.

(8) Table 8 of the Schedule to this Order applies in respect of the fees payable for type "W" licences.

(9) Table 9 of the schedule to this order applies in respect of fees payable for type "L" licences.

(10) All fees payable under this article shall be paid in pounds Sterling and in accordance with the principal Regulations.

(11) The explanatory notes at the commencement of each Table in the Schedule to this Order are for guidance only and shall not have legislative effect.

(12) This article and the Schedule has effect subject to article 8(3).

### **Licence in rotation**

8.—(1) The Director of Fisheries may, if he thinks fit, grant a licence in respect of one or more vessels in rotation for one another.

(2) Where a licence is granted under paragraph (1) the Director of Fisheries may impose such conditions in the licence as he considers necessary or expedient and, in particular, to ensure —

(a) that only one vessel is permitted to fish within the fishing waters at any one time;

- (b) that proper and adequate notice is given to him of the intention to substitute one vessel for another and that any vessel previously permitted to fish in the fishing waters has ceased to do so before another vessel is permitted to commence fishing;
- (c) that all and any other conditions specially necessary to promote the proper conservation and management of fish within the fishing waters appear therein.
- (3) The Director of Fisheries may require —
- (a) that, where appropriate so as to take into consideration the overall fishing capacity of vessels as they are rotating for one another, a special licence fee calculated by reference to a formula approved by the Governor and prescribed by a further Order shall be paid in respect of a rotating licence; and
- (b) that, an administration fee of such amounts as he may fix in the circumstances of the case shall be paid before one vessel is substituted for another under a rotating licence.
- (4) A rotating licence is not transferable except as expressly permitted thereby.

#### **Special provisions in relation to type “B” licences**

- 9.—(1) The Director of Fisheries may, if he thinks fit, grant a type “B” licence for such period within the fishing season as he thinks fit.
- (2) Where a licence is granted under paragraph (1) a special fee, calculated by reference to a formula prescribed by a further Order, must be paid.

#### **Transshipment fees**

10. The fee for transshipment or transshipment and export licences for the period 1st January 2003 to 30th June 2003 is £1,500 per transshipment operation. Where a fishing licence or combination of fishing licences are granted to a fishing vessel for a period of three or more months, a transshipment licence for the period 1<sup>st</sup> January to the 30<sup>th</sup> June 2003 will be issued.

## **THE SCHEDULE**

Provision as to fishing licences in respect of the fishing season

**TABLE 1**  
**Finfish only - Type “A” Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish except Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*).
3. The season for this type of licence commences on 1st January 2003 and ends on 30th June 2003 and will be subject to a closed area and provisions of the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees set out in this Table are payable in respect of the number of months for which the licence is valid.)

**Effective text (of legislative effect)**

- A. In the following formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fee payable is the result of:

$$\pounds(5.882 * \text{GRT}) + 15333$$

**TABLE 2**  
**Jiggers - Squid North - Type "B" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to jiggers licensed to take squid in the FICZ northern area and FOCZ and not to trawlers or combination vessels.
3. The season for this type of licence commences on 15th February 2003 and ends on 15th June 2003.
4. Fees calculated by the Formula set out in this Table are for the full season.

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed; 'D' means the number of double jigging machines located upon the jigger to which the licence relates and 'S' means the number of single jigging machines located upon the jigger to which the licence relates.
- B. A licence is not transferable.

**Formula**

Where the following is applicable —

- I. Where the vessel held and utilised a comparable licence in respect of the first season 2002.

Fee payable is the result of:

$$\pounds(0.383 * (\text{GRT} * (\text{S} + 1.5\text{D}))) + 102102$$

**Less 1% for each year licenced between 1993 and 2001**

- II In any case where Formula I does not apply —

Fee payable is the result of:

$$\pounds(0.425 * (\text{GRT} * \text{S} + 1.5\text{D})) + 113447$$

**TABLE 3**  
**Trawlers - Squid North - Type "B" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers and combination vessels licensed to take squid in the northern area and FOCZ and not to jiggers.
3. The season for this type of licence commences on 15 February 2003 and ends on 15th June 2003. (Note: Vessels fishing under a Type "B" licence using a bottom or demersal trawl are subject to the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990, but vessels fishing under such a licence using any other kind of trawl have until 15th June 2003 been exempted by the Director of Fisheries from the provisions of that Order).
4. Fees calculated by the Formula set out in this Table are for the full season.)

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fee payable is the result of:

$$\pounds(3.687 * \text{GRT}) + 105796$$

**TABLE 4**  
**Trawlers - Squid South - Type "C" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid species *Loligo Gahi* within the shaded (valid) area.
3. The season for this type of licence commences on 1st February 2003 and ends on 31st May 2003 and is exempt from the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990, within the shaded (valid) area.
4. Fees calculated by the Formula set out in this Table are for the full season.)

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fee payable is the result of:

$$\pounds(92.92 * \text{GRT}) + 106306$$

**TABLE 5**  
**Skate Only - Type "F" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take Skate (*Rajidae*) only.
3. The season for this type of licence commences on 1st January 2003 and ends on 30th June 2003 and will be subject to a closed area and the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fees payable per licensed month of fishing is the result of:

$$\pounds(2.42 * \text{GRT}) + 19554$$

**TABLE 6**  
**Squid and Finfish (Species Restricted) - Type "G" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take *Illex argentinus* and *Martialia hyadesi* and any finfish except Hake (*Merluccius spp*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*).
3. The season for this type of licence commences on 1st March 2003 and ends on 31st May 2003 and will be subject to a closed area and the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990. Applications for this licence type must be in respect of vessels which will engage in fishing using bottom or demersal trawls.
4. Fees calculated by the Formula set out in this Table are payable in respect of the Season.)

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fee payable is the result of:

$$\pounds(35.79 * \text{GRT}) + 25465$$

**TABLE 7**

**Finfish only - Species Restricted - Type "S" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this table apply to trawlers equipped with Surimi factories, licensed to take Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).
3. The season for this type of licence commences on 1st January 2003 and ends on 30th June 2003 and will be subject to the Fishing (Nets and supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid).

**Effective text (of legislative effect)**

- A. In the following Formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

**Formula**

Fee payable per licensed month is the result of:

$$\pounds(18.189 * \text{GRT}) + 48416$$

**TABLE 8**

**Finfish Only - Species Restricted - Type "W" Licences**

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on the 1st January 2003 and ends on the 30th June 2003 and will be subject to closed areas and the provisions of the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this table are payable in respect of the number of months for which the licence is valid.)

**Effective text (of legislative effect)**

A. In the following Formula, "GRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

**Formula**

Fees payable per licensed month is the result of :

$$\pounds(5.882 * \text{GRT}) + 10333$$

Made this nineteenth day of September 2002

D A Lamont  
*Governor*







**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

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The following are published in this Supplement -

**The Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules (Amendment) Order 2002, (S. R. & O. No. 23 of 2002);**

**Post Office (Amendment) Order 2002 (S. R. & O. No. 24 of 2002);**

**Criminal Justice (Increase of Fine) (Control of Drinking by Juveniles Ordinance) Order 2002, (S. R. & O. No. 25 of 2002).**

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**SUBSIDIARY LEGISLATION**

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**ADMINISTRATION OF JUSTICE**

**The Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules (Amendment)  
Order 2002**

(S. R. & O. No. 23 of 2002)

*Made: 16<sup>th</sup> September 2002*

*Published: 27<sup>th</sup> September 2002*

*Coming into force: On publication*

IN EXERCISE of my powers under section 69 of the Administration of Justice Ordinance<sup>(a)</sup> in its application to the Falkland Islands I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules (Amendment) Order 2002 and shall come into force on publication in the Gazette.

**Amendment of the Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules 1994**

2. The Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules 1994 are amended as follows:

- (1) At Rule 3(b)(i) the word "necessary" is replaced with the word "appropriate".
- (2) Rules 4 and 5 are omitted and replaced with the following Rules 4 and 5:

"4. Where the Court receives a notification in writing purporting to be given by the accused or a legal practitioner on his behalf that the accused desires to plead guilty without appearing before the Court, the Court shall retain the same and if at the time appointed for trial or adjourned trial of the information the accused does not appear and it is proved to the satisfaction of the Court that the notice and statement of facts referred to in Rule 3 above have been served on the accused with the summons, then —

- (a) Subject to section 11(3) and (4) of the Act of 1980, the Court may proceed to hear and dispose of the case in the absence of the accused in the like manner as if the accused had appeared and had pleaded guilty; or

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<sup>(a)</sup> No. 1 of 1949

- (b) If the Court decided not to proceed aforesaid, the Court shall adjourn or further adjourn the trial for the purposes of dealing with the information as if the notification aforesaid had not been given.
5. If at any time before the hearing the Court receives an indication in writing purporting to be given by or on behalf of the accused that he wishes to withdraw the notification aforesaid, the Court shall deal with the information as if no notification under Rule 4 had been given.”
- (3) At Rule 9 the word “prosecutor” is omitted and replaced with the word “Court”.
- (4) The Schedule to the Rules is omitted and replaced with the following schedule.

## SCHEDULE

Form 27

### MAGISTRATE'S COURT FALKLAND ISLANDS

#### **Pleading guilty in your absence**

To:  
Address:

#### **PLEASE READ THIS NOTICE CAREFULLY**

If you admit the offence(s) referred to in the summons which has been served on you and you do not wish to appear before the Court, it may be possible for you to inform the Court in writing that you wish to plead guilty to the charge(s) without appearing.

If you would like to do this, you should write to the Courts Administrator in time for her to receive your reply before the date fixed for the hearing (as shown on the summons). When you write to the Courts Administrator you should mention any mitigating circumstances (that is any facts which you think might explain why you committed the offence, or anything which you think the Court should take into account when looking at the appropriate sentence). You might want to use the enclosed form (Form 27A) for your reply. The address is shown in the notes at the end of this notice.

Please note that it is your responsibility to ensure that the Court receives your letter. *If you do not attend, and the Court has not received your letter, the Court may issue a warrant for your arrest.*

If you send in a written plea of guilty, the Statement of Facts and your statement in mitigation will be read out in open Court before the Court decides whether to accept your plea. Even if the Court accepts your plea, you might still be required to attend in order for you to be sentenced (for example, if the Court is considering disqualifying you from driving).

If you send in a written plea of guilty but the Court decides not to accept your plea, the hearing will be adjourned and you will be informed of the time and place of the adjourned hearing. The case would then be heard as if you had not sent in a written plea of guilty.

If you send in a written plea of guilty you may, if you wish, withdraw it at any time before the hearing by informing the Courts Administrator.

Neither this notice, nor any reply you may send, restricts your right to appear before the Court at the time fixed for the hearing, either in person or by Legal Practitioner. If you attend, you can plead guilty or not guilty. If, after sending in a written plea of guilty, you come to Court, or if you inform the Courts Administrator before the hearing that you withdraw your written plea, the case will be heard as if you had not sent it in.

After the case is dealt with, you will be sent a notice advising you of the finding and sentence of the Court. This will show the amount of any fine, and tell you when it has to be paid by. Please note that if you fail to pay when ordered, you may be brought back to Court and may be sent to prison in default of payment. If you have not received a notice within 7 days of the hearing, please contact the Courts Administrator to discuss the matter. This is your responsibility.

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**NOTES:**

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1. If you want any more information you may get in touch with the Courts Administrator. Her phone number is 27272, and the fax number is 27270. Office hours are 8 a.m. to 12 noon and 1 p.m. to 4:30 p.m. Monday to Friday.
2. If you intend to consult a Legal Practitioner you should do so before taking any action in response to this notice. Please note that you will be responsible for any fees that they may charge for advising you. The two legal practitioners in the Falkland Islands are:

Ledingham Chalmers  
56 John Street  
Stanley

Kevin Kilmartin  
John Street Chambers  
Stanley

Tel: 22690  
Fax: 22689

Tel: 22765  
Fax: 22766

3. Please address any letter to:

Courts Administrator  
Magistrate's Court  
Town Hall  
Stanley

**Always quote the case number shown on the summons.**

4. Whilst you are under no obligation to do so, you are encouraged to use the enclosed reply form. If you elect not to use the form then you should supply all of the information required by it. You must sign the form, and any letter sent by you.
5. You must send in you driving licence. If you do not, the Court will not be able to deal with your case.
6. In the event of your making a written plea of guilty to the summons, the prosecution will ask the Court to order you to pay a contribution towards prosecution costs. The amount requested should be shown on the enclosed Statement of Facts. It is for the Court to decide whether to make an order for costs at all and the amount that it orders. If you believe an order for costs should not be made, you should tell the Court when you reply.

PLEA OF GUILTY BY POST

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**IMPORTANT**

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If, after reading the enclosed notice, you would like to plead guilty by post without attending Court, please tell the Court by signing and returning this form as soon as possible. You do not have to do this – please read the attached notice which explains your options fully.

If you intend to consult a Legal Practitioner, you should consult him or her before completing this form.

If you wish to plead guilty by post, please complete the following:

1. Case Number (as shown on the summons): MC/CRIM/ ..... /02
2. I confirm that I have received the following:
  - (a) the Summons
  - (b) the Notice called 'Pleading guilty in your absence'(Form 27);  
and
  - (c) the Statement of Facts and Claim for Costs.
3. I have read the Statement of Facts which relates to the charge(s) against me. I would like to plead **guilty** to all the charge(s) shown on the summons. I would like the Court to deal with the case in my absence, and to take the following circumstances into account:
4. My date of birth is .....
5. I enclose my driving licence. (Please note that if the licence is not enclosed you will be required to attend Court).
6. Mitigating Circumstances (i.e. matters that I would like the Court to take into account)(continue on a separate sheet if necessary)
  - (i) About the offence:

**Please continue on the next page and remember to sign this form.**

(ii) About my financial circumstances (please complete and return the enclosed means form so that the court can assess your ability to pay any fine)

7. Please confirm that you will be in the Falkland Islands for at least 28 days after the date of the hearing.

Yes, I will be present for at least 28 days after the hearing.

No, I am leaving the Falkland Islands on ..... *[insert date of departure]*

**Now please sign the form.** Please note that it is a criminal offence, punishable by a fine or imprisonment, to put anything in this form which is false or which you do not believe to be true.

<b>Signature</b>
<b>Name</b>
<b>Address</b>
<b>Date</b>

**Have you enclosed your driving licence and the statement of means form?**

Made this sixteenth day of September 2002

D A Lamont  
*Governor*

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**EXPLANATORY NOTE**

*(not forming part of the above Order)*

This Order amends the Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules 1994 by providing that notification to be given by the accused or legal practitioner that the accused wishes to plead guilty without appearing shall be given to the Court, not the Prosecutor.

The Order also replaces the form to be completed upon a plea of guilty by post and guidance notes thereto.



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## SUBSIDIARY LEGISLATION

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### TITLE

#### Post Office (Amendment) Order 2002

S. R. & O. No: 24 of 2002

*Made: 23<sup>rd</sup> September 2002*

*Published: 27<sup>th</sup> September 2002*

*Coming into force: 1<sup>st</sup> October 2002*

IN EXERCISE of my powers under sections 3 and 4 of the Post Office Ordinance (Title 58.1) I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Post Office (Amendment) Order 2002 and shall come into force on 1 October 2002.

#### **Interpretation**

2. (1) In this Order —

“the 2002 Order” means the Post Office Order 2002 (a); and

“the Schedule” means the schedule to this Order.

(2) In the Schedule, a reference to an article or schedule of a particular number is a reference to the article or schedule of that number of the Post Office Order 2002.

#### **Amendment of the 2002 Order**

3. The 2002 Order is amended in the manner set out in the Schedule.

## SCHEDULE

Article 3

### Amendments to the 2002 Order

1. In article 2, immediately after the definition of "aerogramme" insert –

““Christmas card” means a postal packet consisting solely of an envelope and a Christmas or Christmas seasonal greetings card –

- (a) which together, do not exceed 40 grammes in weight;
- (b) upon which any written personal message does not exceed 20 words; and
- (c) which is posted at any time during the period 1 October to 31 December inclusive in each year;”.

2. Immediately after the entry in the First Schedule to the 2002 Order, relating to the aerogramme (illustrated) rate, insert

“Christmas card 40 p. ”.

3. Immediately after the entry in the Second Schedule to the 2002 Order relating to the small packets and printed papers rate, insert

“Christmas card 30 p. ”.

4. Immediately after the entry in the Third Schedule to the 2002 Order relating to the post card rate, insert

“Christmas card 16 p. ”.

Made this twenty-third day of September 2002

D A Lamont  
*Governor*

---

### EXPLANATORY NOTE *(not forming part of the above Order)*

This Order amends the Post Office Order 2002 by providing for special rates of postage applicable in respect of Christmas or seasonal greetings cards sent by post during the period 1 October to 31 December in any year.

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**SUBSIDIARY LEGISLATION**

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**CRIMINAL JUSTICE**

**Criminal Justice (Increase of Fine) (Control of Drinking by Juveniles Ordinance) Order  
2002**

S. R. & O. No: 25 of 2002

*Made: 24<sup>th</sup> September 2002*  
*Published: 27<sup>th</sup> September 2002*  
*Coming into force: 1<sup>st</sup> October 2002*

IN EXERCISE of my powers under section 5(1) of the Criminal Justice Ordinance (Title 24.1) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Criminal Justice (Increase of Fine) (Control of Drinking by Juveniles Ordinance) Order 2002 and shall come into force on 1 October 2002.

**Increase in fine**

2. Section 7(1) of the Control of Drinking by Juveniles Ordinance (Title 48.1) is amended by replacing the symbol and figures “£250” with the words “level 3 on the standard scale”.

Made this twenty-fourth day of September 2002

D A Lamont  
*Governor*

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**EXPLANATORY NOTE**  
*(not forming part of the above Order)*

This Order revises the level of fine for offences under section 7 of the Control of Drinking by Juveniles Ordinance 1993.

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**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*15th October 2002*

*No. 21*

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The following is published in this Supplement -

**Grass Fires Bill 2002.**

## **Grass Fires Bill 2002**

(No:            of 2002)

### **ARRANGEMENT OF PROVISIONS**

Clause

1. Short title
2. Interpretation
3. Prohibition on setting fire to vegetation
4. Permission to burn vegetation
5. Exemptions
6. Offences
7. Damage caused to land
8. Repeal

## GRASS FIRES BILL 2002

(No:                    of 2002)

*(assented to:        2002)*

*(commencement: upon publication)*

*(published:         2002)*

A BILL

for

AN ORDINANCE

To revoke the Grass Fires Ordinance 1955 (Title 4.3) and to make fresh provision regulating the intentional burning of vegetation outside Stanley

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

### **Short title**

1. This Ordinance may be cited as the Grass Fires Ordinance 2002.

### **Interpretation**

2. In this Ordinance —

“a permission” means a permission granted by the Director of Agriculture under section 4 of this Ordinance;

“open season” means the period from and including 1 April to 15 September in each year or such date subsequent to 15 September in any year, as the Director of Agriculture may determine by way of written notice published in the Gazette; and

“vegetation” means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.

### **Prohibition on setting fire to vegetation**

3. Subject to section 5, no person shall intentionally set fire to any vegetation outside the boundaries of Stanley except under, in accordance with and subject to the terms and conditions of a permission.

### **Permission to burn vegetation**

4. (1) The Director of Agriculture may from time to time grant a permission authorising the burning of vegetation.

(2) A permission shall be in writing and may be granted —

(a) to persons generally;

(b) in respect of vegetation in such area as may be specified in the permission or in respect of all vegetation outside the boundaries of Stanley generally;

(c) in respect of such type or types of vegetation as may be specified in the permission;

- (d) authorising the burning of vegetation during such period as may be specified in the permission; and
  - (e) subject to such terms and conditions as the Director of Agriculture may think fit.
- (3) A permission and its terms and conditions may at any time be varied, revoked or suspended by notice in writing given by the Director of Agriculture.
- (4) A permission and any variation or revocation thereof or of any of its terms and conditions may be granted or given effect by way of a notice published in the Gazette.

### **Exemptions**

5. Nothing in this Ordinance shall prohibit or make it unlawful for a person intentionally to set fire to vegetation –
- (a) during the open season; or
  - (b) at any time, for either of the following purposes –
    - (i) the disposal by burning of garden rubbish; or
    - (ii) the provision of heating for any property,
- provided that the person takes appropriate measures to reduce the possibility of the uncontrolled spread of fire.

### **Offences**

6. (1) A person who contravenes section 3 commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding six months.
- (2) A person who intentionally sets fire to vegetation contrary to any term or condition of a permission commits an offence and shall be liable on conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

### **Damage caused to land**

7. For the avoidance of any doubt, nothing contained in this Ordinance shall affect the right of any person aggrieved to obtain damages or any other form of relief for any loss sustained by him as a result of damage caused by fire or any anticipated such loss.

### **Repeal**

8. The Grass Fires Ordinance 1955 (Title 4.3) is repealed.

---

## OBJECTS AND REASONS

This Ordinance has as its objects the repeal of the Grass Fires Ordinance 1955 and its replacement with fresh legislative provision making unlawful the intentional setting fire to vegetation outside the boundaries of Stanley, except during the “open season” (1 April to 15 September in each year) or with a permission granted by the Director of Agriculture.





**THE  
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*No. 22*

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The following is published in this Supplement -

**Licensing (Amendment) Ordinance 2002 (Correction) (No. 3) Order 2002  
(S.R. & O. No. 26 of 2002).**

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## SUBSIDIARY LEGISLATION

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### LICENSING

#### Licensing (Amendment) Ordinance 2002 (Correction) (No. 3) Order 2002

S. R. & O. No: 26 of 2002

*Made: 4<sup>th</sup> October 2002*

*Published: 15<sup>th</sup> October 2002*

*Coming into force: upon publication*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (a), I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Licensing (Amendment) Ordinance 2002 (Correction) (No. 3) Order 2002.

#### **Correction**

2. Section 9 of the Licensing (Amendment) Ordinance 2002 is corrected in the first line of paragraph (b) of the new subsection (3B) of section 67 of the Licensing Ordinance 1994 (which is inserted by paragraph (c) of the said section 9) by replacing the words “under sixteen” with the words “sixteen or over”.

Made this fourth day of October 2002.

D G Lang  
*Attorney General*

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(a) Title 67.2



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*25th October 2002*

*No. 23*

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The following is published in this Supplement -

**Criminal Justice (Evidence) Ordinance 2000 (Commencement) Order 2002  
(S.R. & O. No. 27 of 2002).**

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## SUBSIDIARY LEGISLATION

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### CRIMINAL PROCEDURE

#### **Criminal Justice (Evidence) Ordinance 2000 (Commencement) Order 2002**

S. R. & O. No:27 of 2002

*Made: 24<sup>th</sup> October 2002*

*Published: 25<sup>th</sup> October 2002*

*Coming into force: in accordance with section 1*

IN EXERCISE of my powers under section 1 of the Criminal Justice (Evidence) Ordinance 2000 (a) and with the approval of the Legislative Council I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Criminal Justice (Evidence) Ordinance 2000 (Commencement) Order 2002 and shall come into force upon publication in the Gazette.
  
2. The following provisions of the Criminal Justice (Evidence) Ordinance 2002 shall, in so far as they are not already in force, come into force on the commencement of this Order:
  - (a) sections 4 – 8 (special measures and directions in cases of vulnerable and intimidated witnesses);
  - (b) sections 11 – 15 and 18 (special measures in cases of vulnerable and intimidated witnesses);
  - (c) sections 24 – 25 (protection of witnesses from cross-examination by accused in person);
  - (d) sections 28 – 30 (protection of complainants in proceedings for sexual offences).

Made this twenty-fourth day of October 2002

D A Lamont  
*Governor*

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(a) No 17 of 2000.



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

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*Vol. 13*

*31st October 2002*

*No. 24*

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The following are published in this Supplement -

**Importation of Food and Animal Products from South America (Amendment) (No. 3)  
Proclamation 2002;**

**Law Revision Order No. 1 of 2000, (S.R. & O. No. 28 of 2002);**

**Law Revision Order No. 1 of 2001, (S.R. & O. No. 29 of 2002);**

**Disapplication of Enactments No. 1 Order 2002, (S.R. & O. No. 30 of 2002).**

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## PROCLAMATION

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### CUSTOMS

#### Importation of Food and Animal Products from South America (Amendment) (No.3) Proclamation 2002

(Proclamation No. 3 of 2002)

**IN EXERCISE** of my powers under section 35 of the Customs Ordinance (Title 26.1) I make the following Proclamation —

#### **Citation and Commencement**

1. This Proclamation may be cited as the Import of Food and Animal Products from South America (Amendment) (No.3) Proclamation 2002 and comes into force on 1<sup>st</sup> November 2002.

#### **Amendment of Importation of food and Animal Products from South America Proclamation 2001**

2.(1) Article 4(3)(c) of the Importation of Food and Animal Products from South America Proclamation 2001 (a) is amended by the insertion of the following new subparagraph (i) immediately before subparagraph (ii) –

“(i) Chile, other than Region V of Chile,”

(2) Article 4(3)(d) of the said Proclamation (which was inserted by Article 2 of the Importation of Food and Animal Products from South America (Amendment) (No.2) Proclamation 2002(b) is replaced by the following new paragraph (d)

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(a) Proclamation 3 of 2001

(b) Proclamation 2 of 2002

“(d) Eggs intended for human consumption of any bird which are imported and originate from any Region of Chile except Region V and which are imported without transit through a third country other than a European member state;”

and the Importation of Food and Animals Products from South America (Amendment) (No.2) Proclamation 2002 accordingly ceases to have effect.

Made this 31<sup>st</sup> day of October 2002

D A Lamont  
*Governor*

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#### EXPLANATORY NOTE

This Proclamation amends the 2001 Proclamation so as to permit under a licence granted by the Director of Agriculture eggs and poultry meat from any Region of Chile except Region V (instead of only from the Magellanes Region (Region XII)).

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## SUBSIDIARY LEGISLATION

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### REVISED EDITION OF THE LAWS

#### Law Revision Order No. 1 of 2000

(S. R. & O. No. 28 of 2002)

*Made: 28<sup>th</sup> October 2002*

*Published: 31<sup>st</sup> October 2002*

*Coming into force in accordance with article 1*

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance (a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation and commencement**

1. —(1) This Order may be cited as Law Revision Order No. 1 of 2000 and shall come into force on such date, not earlier than the first publication of the Order in the Gazette, as the Governor may, subject to paragraph (2), notify by notice so published.

(2) The Governor shall not notify a date pursuant to paragraph (1) unless he is satisfied that copies of Volume 7 are available in the Falkland Islands.

#### **Interpretation**

2. In this Order —

“the Ordinance” means the Revised Edition of the Laws Ordinance 1991;

“the Revised Laws of the Falkland Islands” means the work under that title published or intended to be published in seven volumes on the authority of the Government of the Falkland Islands by Law Reports International, Oxford, which is ISBN 1 870584 69 4;

“the relevant revision date” means the 1<sup>st</sup> January 1993;

“Volume 7 of the Revised Laws of the Falkland Islands” and “Volume 7” means the seventh volume of the Revised Laws of the Falkland Islands which, as a separate volume is ISBN 1 870584 76 7.

#### **Approval of Volume 7 of the Revised Laws of the Falkland Islands**

3. Volume 7 of the Revised Laws of the Falkland Islands is approved as at the relevant revision date.



**Pages included in Volume 7**

4. The pages included in Volume 7 are those specified in the Schedule to this Order.

Made this twentieth-eighth day of October 2002

D A Lamont  
*Governor*

**SCHEDULE**

*Pages Contained in Volume 7*

Preliminary Pages: pages i to iv;

Index: pages 1 to 431;

Tables:       Chronological Table of Ordinances: pages 1 to 20;  
                  Chronological Table of Ordinances Omitted: pages 1 to 2;  
                  Falkland Islands Principal Legislation: pages 1 to 4;  
                  Falkland Islands Subsidiary Legislation: pages 1 to 5;  
                  Imperial Principal Legislation: pages 1 to 22;  
                  Imperial Subsidiary Legislation: pages 1 to 9;  
                  Imperial Orders in Council and Proclamations: pages 1 to 7;  
                  Imperial Enactments Disapplied: pages 1 to 36;

Law Reports: Preliminary Pages: i to xxi;

Pages: 1- 139

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## SUBSIDIARY LEGISLATION

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### REVISED EDITION OF THE LAWS

#### Law Revision Order No. 1 of 2001

(S. R. & O. No. 29 of 2002)

*Made: 28<sup>th</sup> October 2002*

*Published: 31<sup>st</sup> October 2002*

*Coming into force in accordance with article 1*

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation and commencement**

1. —(1) This Order may be cited as the Law Revision Order No. 1 of 2001 and shall come into force on such date, not earlier than the first publication of the Order in the Gazette, as the Governor may, subject to paragraph (2), notify by notice so published.

(2) The Governor shall not notify a date pursuant to paragraph (1) unless he is satisfied that copies of the pages specified in the Schedule to this Order are available in the Falkland Islands.

#### **Interpretation**

2. In this Order —

“the relevant revision date” means:

11 October 2001 in respect of all pages comprised within Volume 4 Title 48 (Liquor & Licensing);

1 January 2001 in respect of all pages comprised within Volume 1 Title 1 (The Constitution), Volume 6 Title 67 (Statutes);

1 January 1995 in respect of all pages comprised within Volume 1 Title 11 (Bankruptcy & Insolvency);

1 January 1994 in respect of all pages comprised within Volume 1 Title 5 (Animals) and Title 10 (Banking), Volume 2 Title 19 (Constitutional and Administrative Law), Volume 3 Title 26 (Customs & Excise) and Title 37 (Extradition), Volume 4 Title 44 (International Relations) and Title 45 (Land Law), Volume 5 Title 57 (Ports & Harbours) and Title 58 (Post Office), and Volume 6 Title 62 (Registration & Census), Title 63 (Road Traffic) and Title 65 (Social Security);

“the Schedule” means the schedule to the Order;

“Title” means the title of the section of the Revised Edition bearing the number and heading indicated;

“Volume 1” has the same meaning as that expression has in Law Revision Order No. 1 of 1997(b);

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(a) Title 67.3

(b) S. R & O No. 27 of 1998

“Volume 2” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(c);  
“Volume 3” has the same meaning as that expression has in Law Revision Order No. 1 of 1998(d);  
“Volume 4” has the same meaning as that expression has in Law Revision Order No. 1 of 1999(e);  
“Volume 5” has the same meaning as that expression has in Law Revision Order No. 1 of 1999(f);  
“Volume 6” has the same meaning as that expression has in Law Revision Order No. 2 of 1999(g);  
“Volume 7” has the same meaning as that expression has in Law Revision Order No. 1 of 2000(h);

### **Replacement of pages in Volumes 1, 2, 3, 4, 5, 6 and 7**

3. The pages specified in the Schedule and published in the Falkland Islands replace the pages of the same number previously published and/or add to the pages previously published under the authority of Law Revision Orders as follows –

Volume 1: LRO 1997/1; LRO 1998/1; LRO 1998/3;  
Volume 2: LRO 1998/1; LRO 1998/3;  
Volume 3: LRO 1998/2;  
Volume 4: LRO 1998/3;  
Volume 5: LRO 1999/1;  
Volume 6: LRO 1999/2;  
Volume 7: LRO 2000/1.

### **Approval of Pages in Volumes 1, 2, 3, 4, 5, 6 and 7**

4. The pages specified in the Schedule are approved as at the relevant revision date in replacement of the pages of the same number previously published and/or in addition to the pages previously published and the titles within which they are comprised are also approved as at the relevant revision date.

Made this twenty-eighth day of October 2002

D A Lamont  
*Governor*

---

(c) S. R & O No. 51 of 1998  
(d) S. R & O No. 60 of 1998  
(e) S. R & O No. 6 of 1999  
(f) S. R & O No. 38 of 1999  
(g) S. R & O No. 4 of 2000  
(h) S. R & O No. 1 of 2002

## SCHEDULE

### *Replacement and additional pages in Volume 1*

**Preliminary Pages:**

Remove preliminary pages iii-iv and insert new Preliminary pages iii-iv;

**Title 1 (The Constitution)**

Remove pages	1/1	and insert new pages	1/1
	1 Imp/ 1-2		1 Imp/1-2
	1 Imp/27-36		1 Imp/27-36a
	1 Imp/39-40		1 Imp/39-40a
	1 Imp/45-46		1 Imp/45-46a
	1 Imp/ 69-72		1 Imp/69-72a

**Title 5 (Animals):**

Remove pages	5/1-2	and insert new pages	5/1-2
	5/99		5/99-102
	5 Disapplied/1-2		5 Disapplied/1-2

**Title 10 (Banking):**

Remove pages	10/1-2	and insert new pages	10/1-2
	10/23-24		10/23-24

**Title 11 (Bankruptcy & Insolvency):**

Remove pages	11/1-2	and insert new pages	11/1-2
	11 Imp/3-6		11 Imp/3-6
	11 Disapplied/1		11 Disapplied/1

**Checklist:**

Remove Checklist pages i-v and insert new Checklist pages i-v.

### *Replacement and additional pages in Volume 2*

**Preliminary Pages:**

Remove Preliminary pages iii-iv and insert new Preliminary pages iii-iv

**Title 19 (Constitutional & Administrative Law):**

Remove pages	19/1-2	and insert pages	19/1-2
	19/7-12		19/7-12a
	19/13-14		19/13-14
	19/25-26		19/25-26
	19/51-52		19/51-52
	19/57-58		19/57-58
	19/71-72		19/71-74
	19 Imp/1-2		19 Imp/1-2a
	19 Imp/3-4		19 Imp/3-4

**Checklist:**

Remove Checklist pages i-ii and insert new Checklist pages i-ii

*Replacement and additional pages in Volume 3*

**Preliminary Pages:**

Remove pages iii-iv and insert new Preliminary pages iii-iv

**Title 26 (Customs & Excise):**

Remove pages	26/1-2	and insert new pages	26/1-2
	26/7-12		26/7-12a
	26/21-22		26/21-22a
	26/25-28		26/25-28a
	26/53-54		26/53-54
	26/57-58		26/57-58
	26/67-70		26/67-70
	26/105-110		26/105-110a
	26 Disapplied/1-2		26 Disapplied/1-2

**Title 37 (Extradition):**

Remove pages	37/1	and insert new pages	37/1
	37 Imp/27-28		37 Imp/27-28
	37 Imp/31-32		37 Imp/31-32

**Checklist:**

Remove pages i-iv and insert new Checklist pages i-iv.

*Replacement and additional pages in Volume 4*

**Preliminary Pages:**

Remove preliminary pages iii-iv and insert new Preliminary pages iii-iv

**Title 44 (International Relations):**

Remove pages	44/1-2	and insert new pages	44/1-2
	44/53		44/53-61
	44 Imp/1-2		44 Imp/1-2

**Title 45 (Land Law):**

Remove pages	45/1-2	and insert new pages	45/1-2
	45/7-10		45/7-10
	45/15-16		45/15-16c
	45/25-28		45/25-28
	45 Imp/9-10		45 Imp/9-10
	45 Disapplied/1-2		45 Disapplied/1-2

**Title 48 (Liquor & Licensing):**

Remove pages	48/1	and insert new pages	48/1-102
	48 Disapplied/1		48 Disapplied/1

**Checklist**

Remove Checklist pages i-iii and insert new Checklist pages i-iv

*Replacement and additional pages in Volume 5*

**Preliminary pages:**

Remove preliminary pages: iii-iv                      and insert new Preliminary pages    iii-iv

**Title 57 (Ports & Harbours):**

Remove pages	57/1-2	and insert new pages	57/1-2
	57/33-34		57/33-34
	57/41-44		57/41-44
	57 Disapplied/1		57 Disapplied/1

**Title 58 (Post Office):**

Remove pages	58/1-2	and insert new pages	58/1-2
	58/7-8		58/7-8

**Checklist:**

Remove checklist pages i-iii                      and insert new Checklist pages i-iii.

*Replacement and additional pages in Volume 6*

**Preliminary pages:**

Remove preliminary pages: iii-iv                      and insert new preliminary pages    iii-iv

**Title 62 (Restriction & Census):**

Remove pages	62/1-2	and insert new pages	62/1-2
	62/11-14		62/11-14
	62 Imp/1-3		62 Imp/1-3
	62 Disapplied/1		62 Disapplied/1

**Title 63 (Road Traffic):**

Remove pages	63/1-4	and insert new pages	63/1-4
	63/9-10		63/9-10
	63/57-60		63/57-60a
	63/91-95		63/91-96
	63 Disapplied/1-2		63 Disapplied/1-2

**Title 65 (Social Security):**

Remove pages	65/1-2	and insert new pages	65/1-2
	65/33-34		65/33-34
	65/41-48		65/41-48a
	65 Disapplied/1		65 Disapplied/1

**Title 67 (Statutes):**

Remove pages	<b>67/1-8</b>	and insert new pages	<b>67/1-8</b>
	<b>67/23-24</b>		<b>67/23-24a</b>
	<b>67/55-56</b>		<b>67/55-56</b>
	<b>67/59-60</b>		<b>67/59-60</b>
	<b>67/69-74</b>		<b>67/69-74a</b>
	<b>67 Imp/1-11</b>		<b>67 Imp/1-10</b>
	<b>67 Disapplied/1</b>		<b>67 Disapplied/1</b>

**Checklist:**

Remove checklist pages i-iv and insert new Checklist pages i-iv

*Replacement and additional pages in Volume 7*

**Chronological Table of Ordinances:**

Remove pages 19-20 and insert new pages 19-21

**Checklist:**

Remove Checklist pages i-ii and insert new Checklist pages i-ii.

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**SUBSIDIARY LEGISLATION**

---

**LAW REVISION**

**Disapplication of Enactments No. 1 Order 2002**

(S. R. & O. No. 30 of 2002)

*Made: 28<sup>th</sup> October 2002*

*Published: 31<sup>st</sup> October 2002*

*Coming into force in accordance with article 1*

IN EXERCISE of my powers under section 79(2) of the Interpretation and General Clauses Ordinance (a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Disapplication of Enactments No.1 Order 2002 and shall be deemed to have come into force on 1<sup>st</sup> January 1993.

**Disapplication of Enactments**

2. So far as concerns the Falkland Islands the indirectly adopted imperial enactments specified in Schedule 1 to the Order shall be deemed never to have been enacted.

Made this twenty eighth day of October 2002

D A Lamont  
Governor



## **SCHEDULE**

**Note (of no statutory effect):** The headings which follow are the numbered Volumes and Titles of the Revised Edition in which the enactments disapplied by section 2 of this Order are referred to.

### **VOLUME 1**

#### **ANIMALS (TITLE 5)**

Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Welfare of Animals at Slaughter Act 1991  
Agricultural and Forestry (Financial Provisions) Act 1991

#### **BANKRUPTCY & INSOLVENCY (TITLE 11)**

Insolvency Act 1994  
Insolvency Act (No. 2) 1994

### **VOLUME 3**

#### **CUSTOMS & EXCISE (TITLE 26)**

Finance Act 1993, ss. 9 to 14 (inclusive), ss.17 to 23 (inclusive), 213, 214, Schedule 23, Part 1

### **VOLUME 4**

#### **LIQUOR & LICENSING (TITLE 48)**

Licensing (Amendment) Act 1985  
Licensing (Retail Sales) Act 1988  
Licensing (Low Alcoholic Drinks) Act 1990  
Sporting Events (Control of Alcohol etc) (Amendment) Act 1992  
Licensing (Sunday Hours) Act 1995  
Licensing (Young Persons) Act 2000

### **VOLUME 6**

#### **ROAD TRAFFIC (TITLE 63)**

Road Traffic (Driving Instruction by Disabled Persons) Act 1993  
Railways Act 1993

**SOCIAL SECURITY (TITLE 65)**

**Social Security Act 1993**

**Disability (Grants) Act 1993**

**Pension Schemes Act 1993**

**STATUTES**

**Statutory Instruments (Production and Sale) Act 1996**

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**THE  
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*Vol. 13*

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*No. 25*

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The following are published in this Supplement -

**The Administration of Estates (Amendment) Rules 2002 (S. R. & O. No. 31 of 2002);**

**Grass Fires Bill 2002.**

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**SUBSIDIARY LEGISLATION**

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**SUCCESSION**

**The Administration of Estates (Amendment) Rules 2002**

S. R. & O. No: 31 of 2002

*Made: 31<sup>st</sup> October 2002*

*Published: 5<sup>th</sup> November 2002*

*Coming into force: upon publication*

IN EXERCISE of my powers under section 22 of the Administration of Estates Ordinance (a) and of all other powers enabling me in that behalf, I make the following Rules —

**Citation and commencement**

1. These Rules may be cited as the Administration of Estates (Amendment) Rules 2002 and shall come into force upon publication in the *Gazette*.

**Amendment of Administration of Estates Rules**

2. Part 1 of the Second Schedule of the Administration of Estates Rules is amended by inserting the words “or letters of administration” immediately after the word “probate” in the second line.

Made this thirty-first day of October 2002

D A Lamont  
*Governor*

---

**EXPLANATORY NOTE**

*(not forming part of the above Order/Regulations)*

These Rules provide for a fee to be charged for resealing letters of administration.

*(Revised Version)*

**Grass Fires Bill 2002**

(No:            of 2002)

**ARRANGEMENT OF PROVISIONS**

**Clause**

1. Short title
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4. Permission to burn vegetation
5. Exemptions
6. Standard conditions
7. Offences
8. Damage caused to land
9. Repeal

*(Revised Version)*

**GRASS FIRES BILL 2002**

(No:            of 2002)

*(assented to:    2002)*

*(commencement: upon publication)*

*(published:      2002)*

A BILL

for

AN ORDINANCE

To revoke the Grass Fires Ordinance 1955 (Title 4.3) and to make fresh provision regulating the intentional burning of vegetation outside Stanley

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Grass Fires Ordinance 2002.

**Interpretation**

2. In this Ordinance —

“a permission” means a permission granted by the Director of Agriculture under section 4 of this Ordinance;

“open season” means the period from and including 1 April to 15 September in each year or such date subsequent to 15 September in any year, as the Director of Agriculture may determine by way of written notice published in the Gazette; and

“vegetation” means growing or standing vegetation and includes peat, brushwood, bushes, crops, grass, stubble, trees and undergrowth, does not include tussac, but does include dead vegetation and vegetable refuse resulting from any agricultural operation.

**Prohibition on setting fire to vegetation and tussac**

3.(1) No person shall intentionally set fire to any vegetation outside the boundaries of Stanley except under, in accordance with and subject to the terms and conditions of a permission granted under section 4 or in accordance with section 5.

(2) No person shall intentionally set fire to tussac.

**Permission to burn vegetation**

4. (1) The Director of Agriculture may from time to time grant a permission authorising the burning of vegetation.

(2) A permission shall be in writing and may be granted —

(a) to persons generally;

- (b) in respect of vegetation in such area as may be specified in the permission or in respect of all vegetation outside the boundaries of Stanley generally;
  - (c) in respect of such type or types of vegetation as may be specified in the permission;
  - (d) authorising the burning of vegetation during such period as may be specified in the permission; and
  - (e) subject to such terms and conditions as the Director of Agriculture may think fit.
- (3) A permission and its terms and conditions may at any time be varied, revoked or suspended by notice in writing given by the Director of Agriculture.
- (4) A permission and any variation or revocation thereof or of any of its terms and conditions may be granted or given effect by way of a notice published in the Gazette.

### **Exemptions**

5. Nothing in this Ordinance shall prohibit or make it unlawful for the owner or occupier of any land or for any other person with the permission of the owner or occupier of that land intentionally to set fire to vegetation –
- (a) during the open season; or
  - (b) at any time, for either of the following purposes –
    - (i) the disposal by burning of garden rubbish; or
    - (ii) the provision of heating or cooking facilities for any property,
- provided that in any case falling within paragraph (a) he complies with the conditions mentioned in section 6.

### **Standard conditions**

- 6.(1) There shall be deemed to be inserted as conditions of a permission under section 4 the following conditions –
- (a) the permittee shall before setting fire to the vegetation notify the chief police officer of his intention to do so; and
  - (b) the permittee shall notify each of the owners and occupiers of any farm lying within two miles of any place at which he intends to light a fire.

### **Offences**

7. (1) A person who contravenes section 3 commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding six months.
- (2) A person who intentionally sets fire to vegetation contrary to any term or condition of a permission or contravenes the proviso to section 5 commits an offence and shall be liable on conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

### **Damage caused to land**

8. For the avoidance of any doubt, nothing contained in this Ordinance shall affect the right of any person aggrieved to obtain damages or any other form of relief for any loss sustained by him as a result of damage caused by fire or any anticipated such loss, or in any way affect the application of the law relating to criminal damage by arson.



**Repeal**

9. The Grass Fires Ordinance 1955 (Title 4.3) is repealed.

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**OBJECTS AND REASONS**

This Ordinance has as its objects the repeal of the Grass Fires Ordinance 1955 and its replacement with fresh legislative provision making unlawful the intentional setting fire to vegetation outside the boundaries of Stanley, except during the "open season" (1 April to 15 September in each year) or with a permission granted by the Director of Agriculture.

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Supplement**

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The following are published in this Supplement -

**Taxes (Amendment) Bill 2002, Explanatory Memorandum;**

**Taxes (Amendment) Bill 2002;**

**Retirement Pensions (Amendment) (No. 2) Bill 2002.**

TAXES (AMENDMENT) BILL 2002

TAXES (AMENDMENT) BILL 2002

EXPLANATORY MEMORANDUM

This Bill makes various amendments to the Taxes Ordinance 1997 following certain recommendations of the Tax Review Committee.

Generally the amendments will apply for the charge to tax for the year 2003 and later years. This means that for income tax, income earned during the year 2002 will be affected as that is the income charged to tax for the year 2003. The allowances affected are those for 2003 and later years.

Clauses 3 and 7 have later commencement dates to avoid any question of retrospective taxation.

For corporation tax the income affected will be that earned on and after 1<sup>st</sup> January 2003.

*Clause 1*

This clause gives the Bill its title, and provides for the commencement and interpretation of the provisions in the Bill. Most of the provisions come into force on 1<sup>st</sup> January 2003.

Clause 3 which brings into the charge to tax non-cash emoluments will apply as from that date but only in relation to the receipt of emoluments. It will not apply for the charge to tax for the tax year 2003 as, if it did, it would apply to non-cash emoluments received in 2002.

Clause 7 which introduces independent taxation for married women will apply for the charge to income tax for tax years after 2003. This means that it will apply to income accruing on or after 1<sup>st</sup> January 2003.

*Clause 2*

This clause amends section 2 of the 1997 Ordinance.

The first amendment provides that any reference to income in the Ordinance, subject to any provision to the contrary shall be construed in accordance with section 8. This is to make it clear that section 8 is the determining definition factor in deciding what income is within the charge to income tax.

## TAXES (AMENDMENT) BILL 2002

The second amendment redefines "business" so that it includes the letting for residential use of any building situated in the Falkland Islands but the letting for residential use of any building situated outside the Falkland Islands shall be deemed not to be the carrying on of a trade, profession or vocation or any other business.

The effect will be to include as a business certain lettings in the Islands which are not under the present law businesses. That will bring the income from those lettings into the charge to tax as business income under section 8(1)(a) instead of under section 8(1)(g). The provisions of the Ordinance relating to deductions for businesses etc will apply to this income. In particular the depreciation allowances will be available for new buildings and extensions.

The contrary provision is made for lettings outside the Islands. Such lettings may constitute a business under the present law but will no longer do so when this new provision comes into force.

### *Clause 3*

This clause brings the charge to tax in the Falkland Islands in line with most other countries by ending the anomaly whereby non-cash emoluments were outside the charge to tax. This meant that certain benefits were not charged to tax and brought about an inequity in treatment between those who are paid wholly in money and those who are paid wholly or partly in goods.

The change will only apply to non-cash emoluments received after 2002.

It is to be noted that this change in the tax law will only affect goods given to the worker. The taxation of the use of goods which the worker does not own is not affected. These are generally known as "benefits in kind" and are within section 8(1)(d) of the Ordinance.

### *Clause 4*

This clause introduces clarity to the question when is earned income is to be treated as received and paid. A similar provision is contained in section 94 of the Ordinance but that only applies to income within POAT. This new clause will apply to all income from employment. For most employees within POAT there will be no change. The new provision is expected to affect the more senior employees who are able to determine when their own earnings are paid. The new provision will ensure that there is no loss to the Revenue from delaying the date of receipt of earnings and that there is equality of treatment for all employees.

### *Clause 5*

This clause only applies to income tax. It rationalises the time limits for making returns and paying tax, and also for objecting to assessments. The new limit for paying tax will be 30 days from the notice of assessment. The limit for objecting to

## TAXES (AMENDMENT) BILL 2002

an assessment will also be 30 days from the notice of assessment. At present s 183 allows 30 days for asking for postponement of tax, and this is maintained in the new s 183; see clause 22.

There is provision for extending the time for filing tax returns: at present this is 60 days after notice to make the return is given. The new provision allows the Commissioner to extend the period at his discretion.

The date for paying tax is put back a month to 1<sup>st</sup> September so that income tax payers will have the same length of time from the year end to paying tax as corporation tax payers have.

### *Clause 6*

This clause deals with income from sources outside the Falkland Islands. At present section 13(3) allows persons who are either not domiciled or not ordinarily resident in the Falkland Islands to have their income paid outside the Falkland Islands and escape tax on that income. This is plainly not an equitable position for the Islands having regard in particular to the number of residents who are not domiciled here and the number of workers who are not ordinarily resident here. The clause puts an end to this anomaly.

### *Clause 7*

This clause brings to an end to the situation where a wife's income is deemed for tax purposes to be her husband's income. It will come into force for the tax year 2004 which means that it will apply in relation to income accruing in the year 2003 and later years. This reform will make wives independent persons for tax purposes. Their income will be dealt with separately from that of their husband's, they will have their own allowances and will be entitled to complete confidentiality in their tax affairs.

In consequence the references to the wife in section 15(3)(d) are no longer necessary as the wife will be able to claim her own deductions in respect of her own pension contributions.

Amendments are made to section 17. The wife's earned income relief claimed by the husband under subsection (2) is terminated and instead provision is made allowing the husband and wife to elect to share the married man's allowance between in such shares as they wish. If they cannot come to an agreement, the wife may ask the Commissioner to apportion part the allowance to her. In that case the Commissioner will make the decision as to how to apportion the allowance.

Section 18 is amended by the deletion of subsection (1) which brings to an end the married man's age allowance. A consequential amendment is made to subsection (2).

## TAXES (AMENDMENT) BILL 2002

Section 19 is amended so that the married man's invalid wife allowance becomes an allowance for either spouse, so that if a wife has an invalid husband she will be able to claim this allowance in the future.

### *Clause 8*

This clause inserts a new section 22A in the Taxes Ordinance. This provision will close a loophole in the agency worker provision in section 22. At present only remuneration is affected by section 22 which prevents a worker who is effectively an employee of one person, A, from being treated as the employees of another, B, who is in direct contractual relationship with A. In this situation B, which is usually a company owned by the employee, can take the profits and make deductions against them to lower the tax charge in a way that an employee would not be able to do. Or the company may be a foreign company and difficult for the tax authorities to deal with. Section 22 is designed to bring the tax charge back to the worker and tax the worker directly on his or her earnings.

The loophole is that if B does not pay the worker remuneration but other rewards, for example dividends, section 22 will not apply. Section 22A is therefore being introduced to plug this gap.

### *Clause 9*

This clause will allow any company to keep its accounting records and make up its accounts in a currency other than sterling. At present the law requires all companies other than oil companies to use sterling as its accounting currency. Oil companies have long been recognised as carrying on a dollar trade and have been allowed to account in US dollars.

It is now recognised that where a company other than an oil company has foreign trading interests all its records will be in a foreign currency and it there is little to be gained by making up accounts in sterling. It is now considered preferable to allow the company to make up its accounts in sterling and to translate the figures needed for the tax return at the rate specified in the clause.

The new provision operates by way of an election which the commissioner is empowered to nullify, as with the existing oil company elections under section 31. This will prevent any abuse of the new provision.

Existing companies will be given 9 months to make their election. New companies will have 9 months from the start of trading to make the election.

### *Clause 10*

Clause 10 brings to an end the anomalous situation where a company by postponing payment of tax on an appeal can put off the date when interest on that tax begins to run. Once this clause is in operation interest will be charged on all tax as from its due

date but where payment of any tax is postponed payment of the interest on that tax will not be due until the end of the appeal process, assuming the assessment is upheld. If not, then of course no interest will be payable.

*Clause 11*

Clause 11 introduces a withholding tax on payments of interest to companies which are not resident in the Falkland Islands nor carrying on business in the Falkland Islands. In addition the recipient company must be resident in a low tax country, generally known as tax havens.

The new provisions do not apply unless the company paying the interest is resident in the Falkland Islands.

Residence is defined as the place where the company is, by reason of domicile, residence or place of management, within the charge to tax in that territory, or if not resident by virtue of those criteria, where the company is incorporated.

When the criteria are satisfied, the paying company will have to deduct 10% of the gross payment and account to the Taxes Office for that within 30 days after the end of the month in which the interest is paid or credited. All the administrative provisions of returns, assessment and appeals are applied.

Provision is made in subsection (7) for advance clearance to be given by the Commissioner so that a company may know before making the payment whether it will be subject to the withholding tax.

*Clause 12*

This clause introduces Schedule 1 which lists the low tax countries relevant to clause 11.

*Clause 13*

Clause 13 cures a loophole in the law on deductions for employees. At present an employee can set against his earnings any expense incurred wholly and exclusively for the purposes of his employment. But this means that the expenditure does not have to be necessary for the purposes of the employment. This allows employees to incur tax-deductible expenditure on items which the employee does not need but merely wants to have. Expenditure of this nature is by way of being an unjustifiable tax perk and this new provision will prevent it being tax deductible in the future. From next year only expenditure wholly, *necessarily* and exclusively incurred for the employment will be deductible.



*Clause 14*

This clause prohibits the deducting of any amount payment of which would constitute an offence under the Prevention of Corruption Acts. These Acts of the Westminster Parliament are in force in the Falkland Islands.

The payments in question are corrupt payments to public officials and to agents by way of inducement or reward. At present there is nothing to stop anyone carrying on business in the course of which such a payment is made from deducting the payment from the taxable income of the business. Where this happens the tax authority may be seen to condone corruption. This new provision will bring the Falkland Islands more into line with current international practice.

*Clause 15*

This clause corrects errors in section 81(2). This subsection prevents a personal pension scheme from being approved for the purposes of Part III of the Ordinance unless the scheme requires excess contributions to be repaid to the contributor. The contributor may be the member or his employer.

At present section 81(2) refers to the employee but in relation to a personal pension scheme the contributors are referred to as members since there may be no contributions by an employer. Indeed the member need not be an employee. The first amendment substitutes the correct terminology. And the second amendment inserts a reference to the member in section 81(2)(b).

*Clause 16*

This clause will bring to an end the discrepancy between companies and unincorporated businesses in the treatment of capital allowances. At present an individual carrying on an unincorporated business can set the allowances against general income, that is to say, income other than the income from the business. Companies on the other hand have to set the allowances against trading income.

The new provision will apply to both companies and unincorporated businesses. For the future an allowance given in respect of expenditure incurred in the course of carrying on a business will have to be taken as an expense of that business, irrespective of the ownership of the business.

*Clause 17*

This clause states what is meant by the references to the open market in the depreciation allowances provisions. The concept is employed for example in the definition of "market value" which is the value which would be obtained in the open market. This new provision clarifies what is meant by that expression. It brings certainty to an important valuation provision in the depreciation allowances code. It is not considered to change the law but to make it more transparent.

*Clause 18*

Clause 18 makes technical amendments to section 119 of the Ordinance which provides for balancing charges and allowances where allowances have been made under section 116.

The first and last amendments extend the section so that it applies to first year allowances as well as writing-down allowances.

The second replaces subsection (2) with a simpler provision which will cover all possible cases where a balancing allowance or charge should arise. The present wording is not thought to cover all possibilities. The amendment applies section 113 which means that the disposal value will be calculated in the same way for all purposes of the depreciation allowances code.

*Clause 19*

Clause 19 amends section 120 by reducing the time during which an election can be made under section 120. This section allows an individual on transferring a business to a company to elect that depreciation allowances and charges shall continue to be made as if no transfer had taken place but to and on the new owner. This is of benefit to the parties and they should not need the 6 years at present allowed to them to make up their minds whether or not to make the election. This new provision therefore reduces the time to 1 year from the end of the year in which the transfer takes place.

*Clause 20*

This clause introduces Schedule 2 which deals with transfer pricing. Notes on that Schedule are set out below.

*Clause 21*

This clause requires banks to inform the Commissioner about interest paid or payable to persons who have deposited money with the bank and who are entitled to receive interest on their money.

This is in line with current international law and practice for dealing with international serious crime such as drug trafficking and the laundering of the proceeds of that and other serious crimes.

The obligation will only arise where the Commissioner serves a notice on the bank concerned. Where such a notice is served the bank will have to notify the Taxes Office of the names and addresses of the depositors and the amounts of interest paid. The obligation will only apply where the money is deposited in the Falkland Islands but will apply wherever the interest is payable.

The notice cannot require the bank to give information covering a period in excess of 3 years before the notice is given.

## TAXES (AMENDMENT) BILL 2002

The Taxes Office will have power to examine the bank's books where that is necessary.

### *Clause 22*

This clause substitutes a new section 183 in the Taxes Ordinance which permits the postponement of tax where an appeal is lodged subject to certain conditions. The existing section 183 contains some technical defects which are remedied in the new provision.

The new section applies to objections as well as to appeals. It is clear that postponement of tax should be available at the objection stage otherwise all the tax will have been paid before an appeal is lodged.

### *Clause 23*

This clause amends section 184 which provides for the collection of tax and interest on tax. The section however fails to deal with the case where the tax is paid but interest due in respect of that tax is not paid. This new provision will allow the Commissioner to demand payment of the interest and enforce collection under the Ordinance if it is not paid.

### *Clause 24*

This clause amends section 200(1) which defines what is meant by resident in relation to an individual by deleting the word "permanent" in paragraph (b). At present a person is resident in the Falkland Islands in the year of arrival if he or she is in the Falkland Islands in that year for at least 183 days, or arrives with the intention of making his or her permanent residence.

Many individuals come to the Falkland Islands without the intention of making it their permanent residence even though they are to live there for some years. If they cannot be taxed in the year of arrival unless they are there for the 6 month qualifying period there is a loss to the revenue which cannot be justified. This gap in taxation remedies that situation.

Individuals will not be worse off than at present since any risk of double taxation from the country they have come from can be obviated by double taxation relief which is provided for in Part VIII of the Ordinance or in the country of origin.

### *Clause 25*

Under this clause the Governor will be able to make rules for the submission of forms, returns etc to the Taxes Office by electronic means.

*Schedule 1*

This Schedule lists the countries which are low tax countries for the purposes of section 34A of the Ordinance, inserted by clause 11 of the Bill. The list is derived from the Controlled Foreign Companies (Excluded Countries) Regulations 1998 (SI 1998/3081).

*Schedule 2*

This Schedule contains the new regime for transfer pricing. These provisions will apply where, broadly speaking associated persons enter into business arrangements with each other for the transfer of goods or services in cases where the terms of the arrangement are not what would have been agreed if the arrangement had been made between persons who are not associated with each other, what may be called "open market terms".

The new provisions will apply broadly where one person controls the other, or if two persons each have a 40% controlling interest in the other. See paragraph 4 of Schedule 2.

The purpose of the new provisions is to avoid the situation where a tax payer in the Falkland Islands pays less tax than would have been the case if the terms of the arrangement had been the same as the open market terms. The method of achieving this will be to require companies to make up their accounts on open market terms. This means that they must enter in their accounts the figures which would have arisen had the arrangement been on open market terms, not the figures which actually arose where those are different.

This approach is closely modelled on the United Kingdom legislation which itself follows the OECD approach and is consistent with current international law and practice. Following the UK will ensure that the Falkland Islands approach will be consistent with international law and practice. The legislation is to be interpreted so far as possible to be consistent with the OECD guidance on this subject. This will ensure that the companies affected by the new rules, which may be expected to be international in character, will find the Falkland Islands provisions consistent with other similar legislation with which they will be familiar. This in turn may be expected to lead to a reasonably good level of compliance as the companies will already be familiar with the requirements and be compliant in other jurisdictions.

Generally speaking, the new code will not apply where all the parties to the arrangement are within the charge to tax in the Falkland Islands. See paragraph 5(2) of Schedule 2.

## **ARRANGEMENT OF CLAUSES**

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### **SCHEDULES—**

**SCHEDULE 1 – LOW TAX TERRITORIES**

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□

**TAXES (AMENDMENT) BILL 2002**

(No.            of 2002)

*(assented to:    2002)*

*(commencement: 2002)*

*(published:    2002)*

**A BILL**

For

**AN ORDINANCE**

To amend the Taxes Ordinance 1997

BE IT ENACTED by the Legislature of the Falkland Islands as follows—

**1. SHORT TITLE, COMMENCEMENT AND INTERPRETATION.**

- (1) This Ordinance may be cited as the Taxes (Amendment) Ordinance 2002.
- (2) This Ordinance, except sections 3 and 7, shall come into force on 1st January 2003 and, subject to any provision to the contrary, shall have effect in relation to the charge to tax for corporation tax years and years of assessment beginning on or after that date.
- (3) Section 3 shall apply in relation to emoluments which are received on or after 1<sup>st</sup> January 2003.
- (3) Section 7 shall have effect in relation to the charge to tax years of assessment beginning on or after 1<sup>st</sup> January 2004.
- (4) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997 and any reference to a section, without more, is a reference to a section of that Ordinance.

**2. AMENDMENTS TO SECTION 2**

- (1) In section 2(1) (interpretation) the following definitions shall be inserted in the appropriate place—

“income” shall be construed in accordance with section 8;

□

- (2) In the definition of “business” after “vocation” in that subsection, there shall be inserted “subject to subsection (9)”, and after subsection (8) there shall be inserted—

“(9) For the purposes of this Ordinance—

- (a) the letting for residential use of any building situated in the Falkland Islands shall be deemed to be the carrying on of a business in the Falkland Islands;
- (b) the letting for residential use of any building situated outside the Falkland Islands shall be deemed not to be the carrying on of a trade, profession or vocation or any other business.

(10) In subsection (9) “letting”, in relation to any building, includes any arrangement or agreement, whether or not a lease, under which a person is allowed to occupy the building.”

### **3. NON-CASH INCOME FROM EMPLOYMENT**

In section 8(1)(b) (income from employment not to include non-cash emoluments) the words “received in money” shall cease to have effect.

### **4. TIME WHEN INCOME FROM EMPLOYMENT IS RECEIVED AND PAID**

(1) In section 9 (charge to income tax) after subsection (1) insert—

“(1A) For the purposes of this Ordinance, income falling within section 8(1)(b) shall be treated as being received and paid at the time found in accordance with the following rules (taking the earlier or earliest time in a case where more than one rule applies)—

- (a) the time when payment of or on account of the income is actually made;
- (b) the time when a person becomes entitled to the income;
- (c) in a case where the income is income from an employment with a company, the holder of the employment is a director of the company and sums on account of the income are credited in the company's accounts or records, the time when sums on account of the income are so credited;
- (d) in a case where the income is income from an employment with a company, the holder of the employment is a director

□

of the company and the amount of the income for a period is determined before the period ends, the time when the period ends;

(e) in a case where the income is income from an employment with a company, the holder of the employment is a director of the company and the amount of the income for a period is not known until the amount is determined after the period has ended, the time when the amount is determined.

(1B) Subsection (1A)(c), (d) or (e) above applies whether or not the employment concerned is that of director.

(1C) Paragraph (c), (d) or (e) of subsection (1A) above applies if the holder of the employment is a director of the company at any time in the year of assessment in which the time mentioned in the paragraph concerned falls.

(1D) For the purposes of the rule in subsection (1A)(c) above, any restriction on the right to draw the sums is to be disregarded.

(2) Section 94 of this Ordinance, which is replaced by subsection (1), is hereby repealed.”

**5. INCOME TAX: DATES FOR RETURNS, PAYMENT OF TAX, INTEREST ON UNPAID TAX AND OBJECTIONS TO ASSESSMENTS**

(1) In section 11(1) [time for payment of income tax] —

(a) in paragraph (a) for “90 days” there shall be substituted “30 days”;  
and

(b) in paragraph (b) for “1<sup>st</sup> August” there shall be substituted “1<sup>st</sup> September”.

(2) For subsection (2) of section 11 [Interest on income tax] there shall be substituted—

“(2) Interest shall be due on income tax which remains unpaid after the date on which it is payable under subsection (1) above.

(3) Interest due under subsection (2) above shall be due at the rate of 3 per cent. per annum over base lending rate.

(4) Interest due under subsection (2) above shall run from the date when the unpaid tax was payable under subsection (1) above, whether or not

□



payment of the tax has been postponed under section 183, but where payment of any tax has been postponed, interest on that tax shall not be payable until the tax becomes payable.”

- (3) In section 12(1) [income tax returns to be made within 60 days of notice requiring return] after “of the notice” there shall be inserted “or such longer period as the Commissioner may specify in the notice”.
- (4) In section 175(4) [time when objection to assessment must be made] for “two months” and “2 months” there shall be substituted “30 days”.

#### **6. INCOME FROM SOURCES OUTSIDE THE FALKLAND ISLANDS**

In section 13 subsection (3) shall cease to have effect.

#### **7. INDEPENDENT TAXATION OF MARRIED WOMEN**

- (1) Section 14 (married women) shall cease to have effect.
- (2) In section 15(3)(d) (deduction of contributions by husband for his wife under the Retirement Pensions Ordinance 1996) the words “or his wife”, in both places, shall cease to have effect.
- (3) In section 17 for subsections (2) to (4) there shall be substituted—
  - “(2) Where a man is entitled to an allowance under subsection (1), he and his wife may jointly elect to transfer the whole or part of the allowance to the wife, and where only part is to be transferred the election must identify how much is to be given to the wife.
  - (3) Where a joint election is not made under subsection (2) the Commissioner may on an application made by the wife transfer the allowance from the husband to the wife or apportion it between them on such basis as he may consider just, or the Commissioner may refuse the application.
  - (4) An election or application under this section for the transfer or apportioning of an allowance for a year of assessment must be made to the Commissioner before the expiry of the period of 12 months from the end of that year of assessment, and shall have effect, unless refused under subsection (3), for that year of assessment and future years.
  - (5) An election or an apportionment shall remain in effect unless it is withdrawn by notice to the Commissioner under this subsection, and the notice shall have effect on the 1<sup>st</sup> January next following the date on which it is made.

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- (6) A new election or application may be made under subsection (2) or (3) when notice of withdrawal of an existing election or application has been made.
- (7) An election under this section must be in writing, contain such information as the Commissioner may require and be signed by both the husband and the wife.
- (8) An application under subsection (3) must be in writing and signed by the wife, and a copy of the application must be given to the husband not later than 7 days after the date it is made to the Commissioner.
- (9) A notice under subsection (5) withdrawing an election shall be signed by both the husband and wife.
- (10) A notice under subsection (5) withdrawing the apportionment of an allowance between a husband and wife under subsection (3) shall be signed by the wife, and in that case a copy of the notice of termination must be given to the husband by the wife within 7 days of the date the notice is given to the Commissioner."

(4) In section 18 (age allowance)—

- (a) subsection (1) shall cease to have effect, and
- (b) in subsection (2) the words "who is not entitled to a deduction under subsection (1) in making that computation and" shall cease to have effect."

(5) In section 19(1)(b) (children's allowance where wife incapacitated), for "man" and "wife" there shall be substituted "individual" and "spouse" respectively.

## **8. WORKERS SUPPLIED BY INTERMEDIARIES**

(1) The following section shall be inserted in the 1997 Ordinance after section 22—

### **"WORKERS SUPPLIED BY INTERMEDIARIES**

22A.—(1) This section applies, subject to any prescribed exceptions, where—

- (a) an individual ("the worker") renders or is under an obligation to render personal services to another person ("the client") for the purposes of a business carried on by the client in pursuance of arrangements involving a intermediary ("the intermediary"), and

□

- (b) the worker is not an employee of the client but the circumstances are such that if, the services were provided by the worker directly under a contract between the worker and the client, the worker would be regarded as an employee of the client for the purposes of this Ordinance.

(2) If—

- (a) the worker receives, or has rights entitling him to receive (whether immediately or at a specified time or in specified circumstances), a payment or other benefit directly or indirectly from the intermediary that is not chargeable to income tax as earned income (whether or not he also receives any amounts which are so chargeable), and
- (b) the client makes a payment (in cash or in kind) (“the quasi-remuneration”) to the intermediary in respect of the services provided by the worker,

then, for all purposes on this Ordinance, the quasi-remuneration shall be deemed to be a payment of remuneration made by the client to the worker, and, for the purposes of Part IV of this Ordinance and any regulations made under that Part, the client shall be deemed to be the employer of the worker and the worker shall be deemed to be the employee of the client.

- (3) The cases where subsection (1) applies include (subject to any prescribed exceptions) cases—
  - (a) where the intermediary is a partnership or an unincorporated body of which the worker is a member, and
  - (b) where the worker holds an office with the client.
- (4) For the purposes of this section “business” includes any activity carried on by the government or by any public or local authority or by any body corporate or unincorporated body or partnership.
- (5) The circumstances referred to in subsection (1) include the terms on which the services are provided having regard to the terms of the contract forming part of the arrangements under which the services are provided.
- (6) Subject to any prescribed exceptions, section (1) shall apply whether or not the worker renders or is under an obligation to render the services in question as a partner in a firm or a member of an unincorporated body;

□

and where, in any case in which that subsection applies, the worker is a partner in a firm or a member of such a body, remuneration receivable under or in consequence of the relevant contract shall be treated for all the purposes of this Ordinance as income of the worker and not as income of the firm or body.

(7) Subsection (1) above shall not apply—

- (a) if the services in question are services as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model; or
- (b) if the services in question are rendered wholly in the worker's own home or at other premises which are neither under the control or management of the client nor premises at which the worker is required, by reason of the nature of the services, to render them.

## **9. ACCOUNTING IN US DOLLARS**

(1) After section 31 [Accounts and payment of tax in US dollars] there is inserted—

### **“31A. ACCOUNTS IN OTHER CURRENCIES FOR NON-RING FENCE TRADERS**

- (1) A company which is within the charge to tax in respect of any business but is not a ring fence trader may elect to keep its accounting records, and to compute the profits and losses of the business for its accounting period in a currency other than sterling.
- (2) Where an election is in force under this section the profits and losses so computed shall be converted into sterling for the purposes of the company's accounts submitted in accordance with section 30 at the London closing rate for the last day of the accounting period for which the computation is made or such other rate as the Commissioner may by rules prescribe.
- (3) Paragraphs (a), (b) and (e) of section 31(5) shall apply in relation to an election under this section and such an election—
  - (a) shall be made before end of the period of 9 months beginning with the relevant day; and
  - (b) shall have effect from that day.

In this subsection “the relevant day” means day on which the company begins to be within the charge to tax in the Falkland Islands, or, if later, the day on which this section comes into force.”

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**10. INTEREST ON UNPAID CORPORATION TAX**

9. After subsection (1) of section 33 [Interest on corporation tax] there shall be inserted—

“(1A) Interest due under subsection (1) above shall run from the date when the unpaid tax was due under section 27, whether or not payment of the tax has been postponed under section 183, but where payment of any tax has been postponed, interest on that tax shall not be payable until the tax becomes payable.”

**11. PAYMENTS OF INTEREST TO TAX HAVEN COMPANIES**

(1) The following section shall be inserted in the 1997 Ordinance after section 34—

**“34A. DEDUCTION OF TAX**

(1) This section applies to payments of interest which are paid or credited in any corporation tax year by a company which is resident in the Falkland Islands to, or to the order of, a company ("the payee company") which in that year does not carry on business in the Falkland Islands.

(2) Subsection (1) does not apply if the payee company is resident in the Falkland Islands.

(3) Subsection (1) does not apply if the payee company is resident in a territory specified in paragraph 1 of Schedule A1 (countries which are not low tax territories).

(4) Subsection (1) does not apply if the payee company is resident in a territory specified in column 1 of the Table set out in paragraph 2 of that Schedule (countries which are or may be low tax territories) unless it falls within a category of company specified in column 2 of that Table in relation to that territory.

(5) For the purposes of this section a company is resident in a territory if—

(a) by reason of the law of that territory relating to domicile, residence or place of management, the company is within the charge to tax in that territory, or

(b) if there is either no such law or such law does not apply to the company, the company is incorporated in that territory.

□

(6) Subject to subsection (7), payments to which this section applies shall be charged to tax under this section at the rate of 10 per cent of the amount of interest paid or credited as mentioned in subsection (1).

(7) Subsection (6) shall not apply in relation to any payment of interest as respects which the Commissioner has given notice to the person making the payment that tax under this section shall not be charged on that payment.

(8) Tax charged under this section in respect of any payment of interest—

(a) shall be deducted from the gross payment subject to tax by the person making the payment, and

(b) shall be credited by and recoverable from that person, and

(c) shall be due and payable to the Commissioner by that person within 30 days after the end of the month in which the interest is paid or credited.

(9) The person liable to make a deduction of tax under this section in respect of any payment shall submit to the Commissioner, together with the amount of the deduction, a return, certified as correct by that person, specifying—

(a) the gross amount of the payment;

(b) the date when the payment is credited;

(c) the identity of the recipient of the payment and the address or account to which it was sent;

(d) the amount of the tax;

and shall send a copy of the return to the recipient of the payment within one month of the date specified under paragraph (b).

(10) The provisions of Part IX of this Ordinance shall apply in relation to any person making a payment of interest to which this section applies with any necessary modifications and accordingly, in particular—

(a) assessments to tax may be made on that person under sections 172, 173 and 174;

(b) that person may object under section 175 to any such assessment;

□

- (c) notices may be served under section 176(1) on that person;
- (d) that person may appeal to the Tax Committee under section 181 against an assessment made by virtue of this section; and
- (e) references to a return on income in that Part include references to a return under this section.

(11) The person entitled to any payment of interest charged to tax under this section shall not be entitled to recover any tax paid under this section from any person.”

## **12. LIST OF LOW TAX TERRITORIES**

Schedule 1 to this Ordinance, which inserts Schedule A1 in the 1997 Ordinance, shall have effect.

## **13. DEDUCTIONS FOR EMPLOYEES**

In section 58 (expenditure incurred wholly and exclusively in production of income an allowable deduction) after subsection (2) insert—

“(3) A deduction shall not be allowed under this section from income from an employment except in respect of outgoings or expenses wholly, necessarily and exclusively incurred in the production of that income.”

## **14. CORRUPT PAYMENTS**

The following section shall be inserted after section 59 —

### **“CORRUPT PAYMENTS**

59A.—(1) In computing the chargeable income of any person under this Ordinance, no deduction shall be made for any expenditure incurred in making a payment the making or receipt of which constitutes the commission of an offence under the Prevention of Corruption Acts 1889 to 1916 (as those Acts apply in the Falkland Islands) or of the offence of corruption at common law.

(2) Subsection (1) has effect notwithstanding any other provision of this Ordinance or of any other Ordinance or Act of Parliament.”

## **15. PERSONAL PENSION SCHEMES: REPAYMENTS OF EXCESS CONTRIBUTIONS**

In section 81(2) [repayments of excess contributions]—

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- (a) in paragraph (a) for “employee” in both places substitute “member”, and
- (b) in paragraph (b) after “excess” insert “is repaid to the member to the extent of his contributions and otherwise”.

**16. MANNER OF GIVING DEPRECIATION ALLOWANCES**

For section 105(3)(b) (manner of giving allowances) there shall be substituted—

“(b) to an allowance claimed for any chargeable period in respect of expenditure incurred on or after 1<sup>st</sup> January 2003 by a person carrying on a business, as an expense of that business arising in that basis period for that chargeable period;”

**17. NON-OPEN MARKET SALES**

In section 106(4) [definitions] after “that time” in the definition of “market value” there shall be inserted “and for the purposes of this Chapter any reference to expenditure incurred in the open market is a reference to expenditure which would have been incurred if the transaction in question had taken place between willing parties acting at arms’ length, in particular disregarding any limitation on the market, or any relationship between the parties, which may actually exist;”

**18. BALANCING ALLOWANCES AND CHARGES**

In section 119 [Assets within s 116: balancing allowances and charges]—

(a) in subsection (1) for “a writing-down allowance” there shall be substituted “an allowance”;

(b) for subsections (2) and (3) there shall be substituted—

“(2) Where subsection (1) above applies—

(a) if the written down value of the asset exceeds the disposal value, there shall be allowed in computing the owner’s chargeable income for the relevant period a deduction equal to that excess;  
or

(b) if the disposal value exceeds the written down value of the asset, a balancing charge shall be made of an amount equal to that excess.

(3) Section 113 shall apply for the purposes of subsection (2) as it applies for the purposes of section 111.”; and

□



- (c) in subsection (4) for “the writing-down allowance” there shall be substituted “the allowance”.

**19. TIME LIMIT FOR ELECTIONS UNDER S 120**

In section 120 [transfer of business from individual to company not to be a relevant event for purposes of Chapter II] for subsection (4) there shall be substituted—

- “(4) An election under subsection (1) shall be made before the end of the year immediately following the year in which the transfer took place or, if later, 31<sup>st</sup> December 2003.”

**20. TRANSFER PRICING**

22.—(1) For sections 156 to 159 substitute—

**“TRANSFER PRICING**

156. Schedule 2A to this Ordinance shall have effect.”

- (2) Schedule 2 to this Ordinance, which inserts the new Schedule 2A in the 1997 Ordinance, shall have effect.

**21. INFORMATION ABOUT INTEREST CREDITED OR RECEIVED IN THE FALKLAND ISLANDS**

(1) The following section shall be inserted in the 1997 Ordinance after section 178—

**“Information about interest credited or received in the Falkland Islands**

178A.—(1) The Commissioner may by notice require any bank which, in the ordinary course of that business, receives or retains money in such circumstances that interest becomes payable on that money, to make and deliver to the Commissioner, within the time specified in the notice, a return of all interest paid or credited in respect of such money by the bank during such period as may be specified in the notice.

(2) A return under subsection (1) shall give—

- (a) the names and addresses of the persons to whom the interest was paid or credited and stating, in each case, the amount of the interest actually paid or credited, and
- (b) such other information as may be prescribed, which may include the name and address of the person beneficially entitled to the interest paid or credited.

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- (3) A notice under subsection (1)—
- (a) shall, without prejudice to section 213, be effective if served in the Falkland Islands on a manager of the bank;
  - (b) shall not specify a period which ended more than 3 years before the date of the service of the notice;
  - (c) may require the return to be made in such form and by such means as may be specified in the notice.
- (4) This section applies only to money received or retained in the Falkland Islands.
- (5) Rules may prescribe cases in which a notice under this section may not require information to be provided.
- (6) In such cases as may be prescribed any bank served with a notice under subsection (1) shall allow an officer authorised for the purposes of this section to inspect any books, documents and other records of the bank, and rules made for the purposes of this subsection—
- (a) may make different provision in relation to different cases or descriptions of case, and
  - (b) may include such supplementary, incidental, consequential or transitional provisions as appear to the Governor to be necessary or expedient.

## **22. POSTPONEMENT OF PAYMENT OF TAX**

For section 183 there shall be substituted the following section—

### **“POSTPONEMENT OF TAX ON OBJECTION AND APPEAL.**

- 183.—(1) This section applies where a person (“the tax-payer”) has given notice to the Commissioner under section 175 objecting to an assessment to income tax or corporation tax.
- (2) Except as otherwise provided by the following provisions of this section, the tax charged by the assessment shall be due and payable as if a notice of objection had not been given.
- (3) If the tax-payer has grounds for believing that he is overcharged to tax by the assessment, he may, by notice given to the Commissioner within 30 days after the date of the issue of the notice of assessment, apply to the

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Commissioner for a determination of the amount of tax the payment of which should be postponed pending the determination of the objection.

A notice of application under this subsection shall state the amount by which the tax-payer believes that he is overcharged to tax and his grounds for that belief.

- (4) An application under subsection (3) above may be made more than 30 days after the date of the issue of the notice of assessment if there is a change in the circumstances of the case as a result of which the tax-payer has grounds for believing that he is overcharged to tax by the assessment.
- (5) If, after any determination of the amount of tax the payment of which should be so postponed, there is a change in the circumstances of the case as a result of which the tax-payer or the Commissioner has grounds for believing that the amount so determined has become excessive or, as the case may be, insufficient, then before the determination of the objection—
  - (a) the tax-payer may, by notice given to the Commissioner stating what the amount to be postponed should be and the reasons for the change, apply to the Commissioner for a further determination of the amount, or
  - (b) the Commissioner may make a new determination, and give notice to the tax-payer stating the amount newly determined and the reasons for the new determination.
- (6) An application under subsection (3) or (5) above shall be heard and determined in the same way as the notice of objection, and the Commissioner shall not be precluded from determining the objection or any application or further application under subsection (5) above by reason of his having heard and determined any earlier application in the case under this section.
- (7) The amount of tax the payment of which shall be postponed pending the determination of the objection shall be the amount (if any) in which it appears to the Commissioner, having regard to the representations made and any lawful evidence adduced, that there are reasonable grounds for believing that the tax-payer is overcharged to tax.
- (8) In the case of a determination made on an application under subsection (3) or (5) above, any tax the payment of which is not postponed or which ceases to be postponed shall be payable—

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(a) where the tax concerned is income tax for any year of assessment—

(i) 30 days after the date of the determination, or

(ii) 90 days after the date of the assessment, or

(iii) 1st September in that year,

whichever is the later;

(b) where the tax concerned is corporation tax, 30 days after the date of the determination.

(9) In the case of a determination under subsection (5), any tax overpaid shall be repaid.

(10) If the tax-payer and the Commissioner come to an agreement, whether in writing or otherwise, as to the amount of tax the payment of which should be postponed pending the determination of the objection, the like consequences shall ensue under subsections (8) and (9) above as would have ensued if the Commissioner had made a determination to that effect under subsection (7) above on the date when the agreement was come to, but without prejudice to the making of a further agreement or of a further determination under that subsection.

(11) Where an agreement is not in writing—

(a) subsection (10) above shall not apply unless the fact that an agreement was come to, and the terms agreed, are confirmed by notice given by the Commissioner to the tax-payer or by the tax-payer to the Commissioner, and

(b) the reference in that subsection to the time when the agreement was come to shall be construed as a reference to the time of the giving of the notice of confirmation.

(12) Subject to subsection (13), on the determination of an objection to an assessment, the date on which any tax payable in accordance with that determination is payable shall, so far as it is tax the payment of which had been postponed, or which would not have been charged by the assessment if there had been no objection, be—

(a) where the tax concerned is income tax—

□

- (i) 30 days after the date on which the Commissioner issues to the tax-payer a notice of the total amount payable in accordance with of that determination, or
  - (ii) 90 days after the date of the assessment,
- whichever is the later;
- (b) where the tax concerned is corporation tax, 30 days after the date of issue of the notice referred to in paragraph (a)(i).
- (13) On the determination of an objection to an assessment any tax overpaid shall be repaid.
- (14) No proceedings shall be instituted for the recovery of any tax due and payable in accordance subsection (12), or of any interest due on such tax, until 21 days after the date on which the Commissioner's determination of the objection has been notified to the tax-payer, and if an appeal is lodged by the tax-payer against that determination, the references in the preceding provisions of this section to the objection shall thereafter have effect as references to the appeal.
- If any tax has been recovered by the Commissioner before the appeal is lodged, then, so far as concerns that tax, the reference above to the preceding provisions of this section shall not include subsection (12).
- (15) Interest shall be due on any corporation tax repaid in accordance with this section at the rate of 2 per cent. per annum under base lending rate."

### **23. COLLECTION OF INTEREST ON UNPAID TAX**

In section 184 [Collection of interest] after subsection (5) there shall be inserted the following subsection—

“(5A) Where interest is due on tax which has been paid (without an assessment) after the date on which it was due or after postponement under section 183 and the interest or any part of it remains unpaid, then—

- (a) the Commissioner or any collector appointed under this Ordinance may serve a demand note on the person who was liable to pay the tax for the amount of interest remaining unpaid, and
- (b) if payment is not made within 30 days from the date of service of the demand note, the collector may proceed to

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enforce payment in accordance with Schedules 4 and 5 to this Ordinance.”

**24. RESIDENCE OF INDIVIDUALS**

In section 200(2)(b) the word “permanent” shall cease to have effect.

**25. ELECTRONIC COMMUNICATIONS**

(1) In section 204 [Rules made by Governor] after subsection (1) there shall be inserted—

“(1A) The Governor may make rules allowing any notice, form, return or other document to be delivered to and by the Commissioner by electronic means, and rules under this subsection may make different provision for different cases.”

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**SCHEDULES**

**SCHEDULE 1**

**LOW TAX TERRITORIES**

The following Schedule shall be inserted in the 1997 Ordinance immediately before Schedule 1—

**“SCHEDULE A1**

**LOW TAX TERRITORIES**

1. The territories referred to in section 34A(1)(a) are the following—

Australia	Austria	Bangladesh
Bolivia	Botswana	Brazil
Bulgaria	Canada	Colombia
Czech Republic	Denmark	Dominican Republic
Fiji	Finland	France
Gambia	Germany	Ghana
Honduras	Iceland	India
Indonesia	Ivory Coast	Japan
Korea, Republic of	Lesotho	Malawi
Mexico	New Zealand	Nigeria
Norway	Papua New Guinea	Poland
Romania	Senegal	Sierra Leone
Slovak Republic	Solomon Islands	South Africa
Swaziland	Sweden	Trinidad and Tobago
Turkey	United Kingdom	Zambia
Zimbabwe		

(2) The table referred to in section 34A(1)(b) is the following—

<b>Argentina</b>	Companies obtaining exemption from tax on income from transactions, activities or operations carried on in, or from goods located in, tax free areas in accordance with Law 19640 of 16th May 1972.
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*Taxes (Amendment) Bill 2002*

- Belgium—** 1 Companies which are regarded as Foreign Sales Corporations in section 922(a) of the United States Internal Revenue Code 1954 and which accordingly qualify for reduced Belgian taxation.
- 2 Companies approved under Royal Decree No 187 of 30th December 1982 as Co-ordination Centres.
- Brunei** Companies qualifying as "pioneer companies" under the Investment Incentives Enactment 1975.
- Chile** Companies obtaining exemption from tax under Law 16,441 of 1st March 1966 on income from property located in the Department of Isla da Pascua or from activities developed in that Department.
- China—** 1 Companies deriving income in or from the Hong Kong Special Administrative Region and submitting tax returns to the authorities of that Region.
- 2 Companies deriving income in or from the Macao Special Administrative Region and submitting tax returns to the authorities of that Region.
- Egypt** Companies which do not fall within the scope of Article 111, Book 2 of Law 157 of 1981 because they do not operate in Egypt.
- Faroe Islands** Companies deriving interest from Faroese financial institutions from which tax is deducted at source under Law 4 of 26<sup>th</sup> March 1953.
- Greece—** 1 Companies whose profits are exempt from tax under Article 6(2)(c) of Law 3843/1958 (profits from the operation of ships under the Greek flag).
- 2 Companies having profits exempt from company income tax by virtue of Article 25 of Law 25/1975 or by virtue of Law 89/1967 (profits from shipping and associated activities)
- Hungary** Companies benefiting from the reduced rate of tax for extra-territorial companies under section 19(2) of Act LXXXI of 1996 on Corporate Tax and Dividend Tax.
- Ireland—** 1 Companies obtaining relief or exemption from tax under Chapters 1 and 2 of Part 14 of the Taxes Consolidation Act 1997.
- 2 Holding companies having income exempted from tax under section 44 in Chapter 3 of Part 3 of the Taxes Consolidation Act 1997.
- Italy** Companies benefiting from paragraphs 12 to 14 of Article 11 of Law 413 of 30th December 1991 (Trieste Free Zone Financial and Insurance Centre).
- Kenya** Companies having income exempted from tax under paragraph 11 of Schedule 1 to the Income Tax Act 1973.
- Luxembourg** 1 Companies obtaining any special tax benefit under the Law of 31st July 1929, the decree of 17th December 1938 or the Grand Ducal

□



*Taxes (Amendment) Bill 2002*

- Regulation of 29th July 1977 (holding companies).
- 2 Any reinsurance company established in Luxembourg requiring authorisation under Article 92 of the law of 6th December 1991.
- Malaysia—**
- 1 Companies exempt from tax in accordance with section 54A of the Income Tax Act 1967 (shipping).
- 2 Companies subject to tax at 5 per cent in accordance with sections 60A and 60B of the Income Tax Act 1967 (inward reinsurance and offshore insurance).
- 3 Companies deriving dividends from a company or companies deriving income from one or more of the activities referred to in paragraphs 1 and 2 above.
- 4 Companies obtaining a tax benefit under the Offshore Companies Act (Island of Labuan) 1990.
- Malta—**
- 1 Companies entitled to exemption or relief from tax at the discretion of the Minister responsible for finance under section 12(2) of the Income Tax Act 1948.
- 2 Companies obtaining exemption from tax under section 86 of the Merchant Shipping Act 1973.
- 3 Companies obtaining exemption or relief from tax under section 30 of the Malta International Business Activities Act 1988 or section 30 of the Malta Financial Services Centre Act 1988.
- 4 Companies obtaining exemption or relief from tax under section 18 of the Malta Freeports Act 1989.
- Morocco** Companies receiving a tax benefit under Law 58-90 of 1992 (offshore financial centres).
- Netherlands** Companies which are regarded as Foreign Sales Corporations under section 922(a) of the United States Internal Revenue Code 1954.
- Pakistan** Companies deriving royalties, commissions or fees which are exempt from tax under paragraph 139 in Part I of the second Schedule to the Income Tax Ordinance 1979.
- Philippines**
- 1 Companies authorised under Presidential Decree 1034 of 30th September 1976, or under Presidential Decree 1035 of 30th September 1976, to operate an offshore Banking Unit or a Foreign Currency Deposit Unit as defined in those Decrees.
- 2 Companies receiving interest on deposits with a Foreign Currency Deposit Unit, or other interest subject to the reduced rates of tax under section 27(D) of the National Internal Revenue Code 1997.
- Portugal** Companies obtaining tax benefits under Decree Law 502/85 of 30th December 1985, Articles 41 and 51(g) of the Tax Benefits statute (EBF) approved by Decree Law 215/90 of 31st August 1989 (free zone in Madeira), or Decree Law 501/85 of 28th December 1985 as

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- implemented by Decree Law 63/87 of 5th February 1987 (free zone in the Azores)
- Puerto Rico—**
- 1 Companies obtaining a tax benefit under section 2(o) of the Industrial Incentive Act 1978 (designated service industries).
  - 2 Companies obtaining a tax benefit under section 25 of the International Banking Centre Regulatory Act 1989 (International Banking Entities).
- Singapore**
- 1 Any company obtaining tax concessions under Ministry of Finance Regulations pursuant to section 43A, and sections 43C to 43K, of the Income Tax Act.
  - 2 Companies obtaining exemption from tax on the income of a shipping enterprise in accordance with section 13A of the Income Tax Act.
  - 3 Companies obtaining relief from tax in accordance with sections 45 to 55 (international trade incentives), and sections 75 to 84 (warehouse and service incentives), of the Economic Expansion Incentives (Relief from Income Tax) Act.
  - 4 Companies deriving dividends from a company or companies deriving income from one or more of the activities falling within paragraphs 1 to 3 above.
- Spain—**
- 1 Companies which are registered in the official register of the Canary Islands Special Zone (Zona Especial Canaria) established under Law 19/1994 and which benefit from the special low tax rate applied to such companies.
  - 2 Companies benefiting from the alternative taxation regime for co-ordination centres established by the provincial governments of the Basque Country under laws pursuant to Norma Foral 3/1996 of 26th June 1996, Norma Foral 7/1996 of 4th July 1996, and Norma Foral 24/1996 of 5th July 1996.
- Sri Lanka**
- Companies obtaining relief or exemption from income tax under any of the following provisions of the Inland Revenue Act 1979—
- (a) Section 8(c)(iv)(foreign currency banking units);
  - (b) Sections 10(d) and 15(b)(income derived from approved bank accounts);
  - (c) Section 10(e)(interest of newly resident companies);
  - (d) section 15(cc)(services rendered outside Sri Lanka);
  - (e) section 15(p)(re-export of approved products).
- Tanzania**
- Companies relieved or exempted from income tax under section 15(1) or (1A) of the Income Tax Act 1973.

□

*Taxes (Amendment) Bill 2002*

<b>Thailand</b>	Companies obtaining a tax benefit under Royal Decree 280 of 22nd September 1992 (offshore banking units).
<b>Tunisia</b>	Companies obtaining exemption from, or reduction of, tax under Law 76-63 of 12th July 1976 (financial and banking institutions dealing with non-residents).
<b>United States</b>	Domestic International Sales Corporations as defined in section 992(a) of the Internal Revenue Code 1954"

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**SCHEDULE 2**

**TRANSFER PRICING PROVISIONS**

1. The following provisions shall be inserted in the 1997 Ordinance immediately after Schedule 2--

**SCHEDULE 2A**

**PROVISION NOT AT ARM'S LENGTH**

*Basic rule on transfer pricing etc*

1—(1) This Schedule applies where—

(a) provision (“the actual provision”) has been made or imposed on or after 1<sup>st</sup> January 2003 as between any two persons (“the affected persons”) by means of a transaction or series of transactions, and

(b) at the time of the making or imposition of the actual provision—

(i) one of the affected persons was directly or indirectly participating in the management, control or capital of the other; or

(ii) the same person or persons was or were directly or indirectly participating in the management, control or capital of each of the affected persons.

(2) Subject to paragraphs 9 and 12 below, if the actual provision—

(a) differs from the provision (“the arm’s length provision”) which would have been made as between independent enterprises, and

(b) confers a potential advantage in relation to Falkland Islands taxation on one of the affected persons, or (whether or not the same advantage) on each of them,

the profits and losses of the potentially advantaged person or, as the case may be, of each of the potentially advantaged persons shall be computed for tax purposes as if the arm’s length provision had been made or imposed instead of the actual provision.

(3) For the purposes of this Schedule the cases in which provision made or imposed as between any two persons is to be taken to differ from the provision that would have been made as between independent enterprises shall include the case in

□

which provision is made or imposed as between any two persons but no provision would have been made as between independent enterprises; and references in this Schedule to the arm's length provision shall be construed accordingly.

*Principles for construing rules in accordance with OECD principles*

2—(1) This Schedule shall be construed (subject to paragraphs 9 and 10 below) in such manner as best secures consistency between—

- (a) the effect given to paragraph 1 above; and
- (b) the effect which, in accordance with the transfer pricing guidelines, is to be given, in cases where double taxation arrangements incorporate the whole or any part of the OECD model, to so much of the arrangements as does so.

(2) In this paragraph “the OECD model” means—

- (a) the rules which on 1<sup>st</sup> January 2003 were contained in Article 9 of the Model Tax Convention on Income and on Capital published by the Organisation for Economic Co-operation and Development; or
- (b) any rules in the same or equivalent terms.

(3) In this paragraph “the transfer pricing guidelines” means—

- (a) all the documents published by the Organisation for Economic Co-operation and Development, at any time before 1st May 1998, as part of their Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations; and
- (b) such documents published by that Organisation on or after that date as may for the purposes of this Schedule be designated, by an order made by the Governor, as comprised in the transfer pricing guidelines.

*Meaning of “transaction” and “series of transactions”*

3—(1) In this Schedule “transaction” includes arrangements, understandings and mutual practices (whether or not they are, or are intended to be, legally enforceable).

(2) References in this Schedule to a series of transactions include references to a number of transactions each entered into (whether or not one after the other) in pursuance of, or in relation to, the same arrangement.

□

(3) A series of transactions shall not be prevented by reason only of one or more of the matters mentioned in sub-paragraph (4) below from being regarded for the purposes of this Schedule as a series of transactions by means of which provision has been made or imposed as between any two persons.

(4) Those matters are—

(a) that there is no transaction in the series to which both those persons are parties;

(b) that the parties to any arrangement in pursuance of which the transactions in the series are entered into do not include one or both of those persons; and

(c) that there is one or more transactions in the series to which neither of those persons is a party.

(5) In this paragraph, “arrangement” means any scheme or arrangement of any kind (whether or not it is, or is intended to be, legally enforceable).

***Participation in the management, control or capital of a person***

4—(1) For the purposes of this Schedule a person is directly participating in the management, control or capital of another person at a particular time if, and only if, that other person is at that time—

(a) a body corporate or a partnership; and

(b) controlled by the first person.

(2) For the purposes of this Schedule a person (“the potential participant”) is indirectly participating in the management, control or capital of another person at a particular time if, and only if—

(a) he would be taken to be directly so participating at that time if the rights and powers attributed to him included all the rights and powers mentioned in sub-paragraph (3) below that are not already attributed to him for the purposes of sub-paragraph (1) above; or

(b) he is, at that time, one of a number of major participants in that other person’s enterprise.

(3) The rights and powers referred to in sub-paragraph (2)(a) above are—

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- (a) rights and powers which the potential participant is entitled to acquire at a future date or which he will, at a future date, become entitled to acquire;
  - (b) rights and powers of persons other than the potential participant to the extent that they are rights or powers falling within sub-paragraph (4) below;
  - (c) rights and powers of any person with whom the potential participant is connected; and
  - (d) rights and powers which for the purposes of sub-paragraph (2)(a) above would be attributed to a person with whom the potential participant is connected if that connected person were himself the potential participant.
- (4) Rights and powers fall within this sub-paragraph to the extent that they—
- (a) are required, or may be required, to be exercised in any one or more of the following ways, that is to say—
    - (i) on behalf of the potential participant;
    - (ii) under the direction of the potential participant; or
    - (iii) for the benefit of the potential participant;
- and
- (b) are not confined, in a case where a loan has been made by one person to another, to rights and powers conferred in relation to property of the borrower by the terms of any security relating to the loan.
- (5) In sub-paragraphs (3)(b) to (d) and (4) above, the references to a person's rights and powers include references to any rights or powers which he either—
- (a) is entitled to acquire at a future date, or
  - (b) will, at a future date, become entitled to acquire.
- (6) In paragraph (d) of sub-paragraph (3) above, the reference to rights and powers which would be attributed to a connected person if he were the potential participant includes a reference to rights and powers which, by applying that paragraph wherever one person is connected with another,

□

would be so attributed to him through a number of persons each of whom is connected with at least one of the others.

(7) For the purposes of this paragraph a person (“the potential major participant”) is a major participant in another person’s enterprise at a particular time if at that time—

(a) that other person (“the subordinate”) is a body corporate or partnership; and

(b) the 40 per cent test is satisfied in the case of each of two persons who, taken together, control the subordinate and of whom one is the potential major participant.

(8) For the purposes of this paragraph the 40 per cent test is satisfied in the case of each of two persons wherever each of them has interests, rights and powers representing at least 40 per cent of the holdings, rights and powers in respect of which the pair of them fall to be taken as controlling the subordinate.

(9) For the purposes of this paragraph—

(a) the question whether a person is controlled by any two or more persons taken together, and

(b) any question whether the 40 per cent test is satisfied in the case of a person who is one of two persons,

shall be determined after attributing to each of the persons all the rights and powers attributed to a potential participant for the purposes of sub-paragraph (2)(a) above.

(10) References in this paragraph—

(a) to rights and powers of a person, or

(b) to rights and powers which a person is or will become entitled to acquire,

include references to rights or powers which are exercisable by that person, or (when acquired by that person) will be exercisable, only jointly with one or more other persons.

(11) For the purposes of this paragraph two persons are connected with each other if—

□



(a) one of them is an individual and the other is his spouse, a relative of his or of his spouse, or the spouse of such a relative; or

(b) one of them is a trustee of a settlement and the other is—

(i) a person who in relation to that settlement is a settlor; or

(ii) a person who is connected with a person falling within sub-paragraph (i) above.

(12) In sub-paragraph (11) above—

“relative” means brother, sister, ancestor or lineal descendant; and

“settlement” and “settlor” have the same meanings as in section 208.

*Advantage in relation to Falkland Islands taxation*

5—(1) For the purposes of this Schedule (but subject to sub-paragraph (2) below) the actual provision confers a potential advantage on a person in relation to Falklands Islands taxation wherever, disregarding this Schedule, the effect of making or imposing the actual provision, instead of the arm’s length provision, would be one or both of the following, that is to say—

(a) that a smaller amount (which may be nil) would be taken for tax purposes to be the amount of that person’s profits for any chargeable period; or

(b) that a larger amount (or, if there would not otherwise have been losses, any amount of more than nil) would be taken for tax purposes to be the amount for any chargeable period of any losses of that person.

(2) Subject to paragraph 11(2) below, the actual provision shall not be taken for the purposes of this Schedule to confer a potential advantage in relation to Falklands Islands taxation on either of the persons as between whom it is made or imposed if the two conditions set out in sub-paragraphs (3) and (4) below are both satisfied in the case of each of those two persons.

(3) The first condition is satisfied in the case of any person if—

(a) that person is within the charge to income tax or corporation tax in respect of profits arising from the relevant activities;

(b) that person is not entitled to any exemption from income tax or corporation tax in respect of, or of a part of, the income or profits

□

arising from the relevant activities in respect of which he is within that charge; and

- (c) where that person is within the charge to income tax in respect of profits arising from those activities, he is resident in the Falklands Islands in the chargeable periods in which he is so within that charge.

(4) The second condition is satisfied in the case of any person if he is neither—

- (a) a person with an entitlement, in pursuance of any double taxation arrangements or under section 169, to be given credit in any chargeable period for any foreign tax on or in respect of profits arising from the relevant activities; nor
- (b) a person who would have such an entitlement in any such period if there were any such profits or if they exceeded a certain amount.

***Elimination of double counting***

6—(1) This paragraph applies where—

- (a) only one of the affected persons (“the advantaged person”) is a person on whom a potential advantage in relation to Falklands Islands taxation is conferred by the actual provision; but
- (b) the other affected person (“the disadvantaged person”) is a person in relation to whom the condition set out in sub-paragraph (3) of paragraph 5 above either--
  - (i) is satisfied, or
  - (ii) were any such exemption as is mentioned in paragraph (b) of that sub-paragraph to be disregarded, would be satisfied.

(2) Subject to sub-paragraphs (3) to (6) and paragraph 7 below, on the making of a claim by the disadvantaged person for the purposes of this paragraph—

- (a) the disadvantaged person shall be entitled to have his profits and losses computed for tax purposes as if the arm’s length provision had been made or imposed instead of the actual provision; and
- (b) notwithstanding any limit in this Ordinance on the time within which any adjustment may be made, all such adjustments shall be made in his case as may be required to give effect to the assumption that the

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arm's length provision was made or imposed instead of the actual provision.

(3) A claim made by the disadvantaged person for the purposes of this paragraph—

(a) shall not be made unless a computation has been made in the case of the advantaged person on the basis that the arm's length provision was made or imposed instead of the actual provision; and

(b) must be consistent with the computation made on that basis in the case of the advantaged person.

(4) For the purposes of sub-paragraph (3) above a computation shall be taken to have been made in the case of the advantaged person on the basis that the arm's length provision was made or imposed instead of the actual provision if, and only if—

(a) the computations made for the purposes of any return by the advantaged person have been made on that basis by virtue of this Schedule; or

(b) a relevant notice given to the advantaged person takes account of a determination in pursuance of this Schedule of an amount falling to be brought into account for tax purposes on that basis.

(5) A claim for the purposes of this paragraph shall not be made except within one of the following periods—

(a) in a case where a return has been made by the advantaged person on the basis mentioned in sub-paragraph (3)(a) above, the period of two years beginning with the day of the making of the return; and

(b) in any case where a relevant notice taking account of such a determination as is mentioned in sub-paragraph (4)(b) above has been given to the advantaged person, the period of two years beginning with the day on which that notice was given.

(6) Where—

(a) a claim for the purposes of this paragraph is made by the disadvantaged person in relation to a return made on the basis mentioned in sub-paragraph (3)(a) above, and

□

- (b) a relevant notice taking account of such a determination as is mentioned in sub-paragraph (4)(b) above is subsequently given to the advantaged person,

the disadvantaged person shall be entitled, within the period mentioned in sub-paragraph (5)(b) above, to make any such amendment of the claim as may be appropriate in consequence of the determination contained in that notice.

(7) In this paragraph—

“relevant notice” means a notice of an assessment under Part IX of this Ordinance;

“return” means any return required to be made under this Ordinance for income tax or corporation tax purposes.

***Adjustment of disadvantaged person’s double taxation relief***

7—(1) Where—

- (a) a claim is made for the purposes of paragraph 6 above, and
- (b) the disadvantaged person is entitled, on that claim, to make a computation, or to have an adjustment made in his case, on the basis that the arm’s length provision was made or imposed instead of the actual provision,

the assumptions specified in sub-paragraph (2) below shall apply, in the disadvantaged person’s case, as respects any credit for foreign tax which the disadvantaged person has been or may be given in pursuance of any double taxation arrangements or under section 169.

(2) Those assumptions are—

- (a) that the foreign tax paid or payable by the disadvantaged person does not include any amount of foreign tax which would not be or have become payable were it to be assumed for the purposes of that tax that the arm’s length provision had been made or imposed instead of the actual provision; and
- (b) that the amount of the relevant profits of the disadvantaged person in respect of which he is given credit for foreign tax does not include the amount (if any) by which his relevant profits are treated as reduced in accordance with paragraph 6 above.

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- (3) Where, in a case in which a claim has been made for the purposes of paragraph 6 above, any adjustment is required to be made for the purpose of giving effect to any of the preceding provisions of this paragraph—
- (a) it may be made in any case by setting the amount of the adjustment against any relief or repayment to which the disadvantaged person is entitled in pursuance of that claim; and
  - (b) nothing in this Ordinance limiting the time within which any assessment is to be or may be made or amended shall prevent that adjustment from being so made.
- (4) References in this paragraph to relevant profits of the disadvantaged person are references to profits arising to the disadvantaged person from the carrying on of the relevant activities.

*Special rules for sales etc of oil*

8—(1) Subject to paragraph 9 below, this paragraph applies to provision made or imposed by or in relation to the terms of a sale of oil if—

- (a) the oil sold is oil which has been, or is to be, extracted under rights exercisable by a company (“the producer”) which (although it may be the seller) is not the buyer; and
  - (b) at the time of the sale not less than 20 per cent of the producer’s ordinary share capital is owned directly or indirectly by one or more of the following, that is to say, the buyer and the companies (if any) that are linked to the buyer.
- (2) Where this paragraph applies to provision made or imposed by or in relation to the terms of a sale of oil, this Schedule shall have effect as respects that provision as if the buyer, the seller and (if it is not the seller) the producer were all controlled by the same person at the time of the making or imposition of that provision.
- (3) For the purposes of this paragraph two companies are linked if—
- (a) one is under the control of the other; or
  - (b) both are under the control of the same person or persons.
- (4) For the purposes of this paragraph—

□

- (a) any question whether ordinary share capital is owned directly or indirectly by a company shall be determined as for section 207;
  - (b) rights to extract oil shall be taken to be exercisable by a company even if they are exercisable by that company only jointly with one or more other companies; and
  - (c) a sale of oil shall be deemed to take place at the time of the completion of the sale or when possession of the oil passes, whichever is the earlier.
- (5) In this paragraph "oil" includes any mineral oil or relative hydrocarbon, as well as natural gas.

***Transactions and deemed transactions involving oil***

- 9 This Schedule does not apply in relation to provision made or imposed by means of any transaction or deemed transaction in the case of which the price or consideration is determined in accordance with section 151 (transactions and deemed transactions involving oil treated as made at market value).

***Special provision for companies carrying on ring fence trades***

- 10—(1) This paragraph applies where any person ("the taxpayer") carries on a ring fence trade
- (2) Subject to paragraph 9 above and sub-paragraph (4) below, where provision made or imposed as between the taxpayer and another person by means of a transaction or series of transactions—
- (a) falls, in relation to the taxpayer, to be regarded as made or imposed in the course of, or with respect to, the ring fence trade; but
  - (b) falls, in relation to the other person, to be regarded as made or imposed in the course of, or with respect to, activities of that other person which do not fall within section 150(1)(a), (b) or (c),

this Schedule shall have effect in relation to that provision with the omission of paragraph 5(2) above.

- (3) Subject to paragraph 9 above and sub-paragraph (4) below, this Schedule shall have effect as respects any provision made or imposed by the taxpayer as between the ring fence trade and any other activities carried on by him as if—

□

- (a) that trade and those activities were carried on by two different persons;
  - (b) that provision were made or imposed as between those two persons by means of a transaction;
  - (c) a potential advantage in relation to Falklands Islands taxation were conferred by that provision on each of those two persons;
  - (d) those two persons were both controlled by the same person at the time of the making or imposition of that provision; and
  - (e) paragraphs 5 to 7 above were omitted.
- (4) This Schedule shall apply in accordance with this paragraph in relation to any provision mentioned in sub-paragraph (2) or (3) above only where the effect of its application in relation to that provision is either—
- (a) that a larger amount (including, if there would not otherwise have been profits, an amount of more than nil) is taken for tax purposes to be the amount of the profits of the ring fence trade for any chargeable period; or
  - (b) that a smaller amount (including nil) is taken for tax purposes to be the amount for any chargeable period of any losses of that trade.

*Saving for the provisions relating to capital allowances and capital gains*

13 Nothing in this Schedule shall be construed as affecting—

- (a) the computation of the amount of any capital allowance or balancing charge made under Chapter II of Part V of this Ordinance; or
- (b) the computation in accordance with Chapter II of Part VI of this Ordinance of the amount of any chargeable gain or allowable loss;

and nothing in this Schedule shall require the profits or losses of any person to be computed for tax purposes as if, in his case, instead of income or losses falling to be brought into account in connection with the taxation of income, there were gains or losses falling to be brought into account in accordance with Chapter II of Part VI.

*General interpretation etc*

14—(1) In this Schedule—

□

“the actual provision” and “the affected persons” shall be construed in accordance with paragraph 1(1) above;

“the arm’s length provision” shall be construed in accordance with paragraph 1(2) and (3) above;

“double taxation arrangements” means arrangements having effect by virtue of section 165;

“foreign tax” means any tax under the law of a territory outside the Falklands Islands or any amount which falls for the purposes of any double taxation arrangements to be treated as if it were such tax;

“profits” includes income;

“the relevant activities”, in relation to a person who is one of the persons as between whom any provision is made or imposed, means such of his activities as—

(i) comprise the activities in the course of which, or with respect to which, that provision is made or imposed; and

(ii) are not activities carried on either separately from those activities or for the purposes of a different part of that person’s business;

“transaction” and “series of transactions” shall be construed in accordance with paragraph 3 above.

(2) Without prejudice to paragraphs 8(2) and 10(3) above, references in this Schedule to a person controlling a body corporate or a partnership shall be construed in accordance with section 209.

(3) In determining for the purposes of this Schedule whether a person has an entitlement, in pursuance of any double taxation arrangements or under section 169, to be given credit for foreign tax, any requirement that a claim is made before such a credit is given shall be disregarded.

(4) Any adjustments required to be made by virtue of this Schedule may be made by way of discharge or repayment of tax, by the modification of any assessment or otherwise.

(5) This Schedule shall have effect as if—

(a) a unit trust scheme were a company that is a body corporate;

□



- (b) the rights of the unit holders under such a scheme were shares in the company that the scheme is deemed to be;
- (c) rights and powers of a person in the capacity of a person entitled to act for the purposes of the scheme were rights and powers of the scheme; and
- (d) provision made or imposed as between any person in such a capacity and another person were made or imposed as between the scheme and that other person.

**Retirement Pensions (Amendment) (No.2) Bill 2002**

(No:            of 2002)

**ARRANGEMENT OF PROVISIONS**

Clause

1.     Short title
2.     Amendment of Retirement Pensions Ordinance 1996

**RETIREMENT PENSIONS (AMENDMENT) (No.2) BILL 2002**

(No:            of 2002)

*(assented to:    2002)*

*(commencement: 2002)*

*(published:     2002)*

**A BILL**

for

**AN ORDINANCE**

To amend the Retirement Pensions Ordinance 1996

BE IT ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Retirement Pensions (Amendment)(No.2) Ordinance 2002.

**Amendment of the Retirement Pensions Ordinance 1996**

2. Section 13 of the Retirement Pensions Ordinance 1996 (a) is amended —
  - (a) by deleting the word “or” at the end of paragraph (a);
  - (b) by replacing the full stop at the end of paragraph (b) with a semicolon and the word “or”;
  - and
  - (c) by inserting the following new paragraph —

“(c) in respect of any whole week commencing more than five years before the claim was made.”

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(a) No 20 of 1996

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**OBJECTS AND REASONS**

To insert in the Retirement Pensions Ordinance 1996 a time limit within which a claim for assisted contributions must be made.



**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*4th December 2002*

*No. 27*

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The following are published in this Supplement -

**The Supplementary Appropriation (2002-2003) (No 2) Ordinance 2002;**

**Retirement Pensions (Amendment) (No. 2) Ordinance 2002;**

**The Taxes (Amendment) Ordinance 2002;**

**The Grass Fires Ordinance 2002;**

**The Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2002,  
(S. R. & O. No: 32 of 2002).**

ELIZABETH II



Colony of the Falkland Islands

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**THE SUPPLEMENTARY APPROPRIATION (2002-2003)  
(No 2) ORDINANCE 2002**

(No.21 of 2002)

**ARRANGEMENTS OF PROVISIONS**

**Section**

1. Short title.
2. Appropriation of further sum.

**Schedule 1**

ELIZABETH II



Colony of the Falkland Islands

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**THE SUPPLEMENTARY APPROPRIATION (2002-2003)  
(NO 2) ORDINANCE 2002**

(No.21 of 2002)

*(assented to: 26<sup>th</sup> November 2002)*  
*(commencement: on publication)*  
*(published: 4<sup>th</sup> December)*

**AN ORDINANCE**

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £1,029,840 for the service of the financial year ending 30 June 2003.

ENACTED by the Legislature of the Falkland Islands as follows-

**Short Title**

1. This Ordinance may be cited as the Supplementary Appropriation (2002-2003) (No 2) Ordinance 2003.

**Appropriation of further sum**

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 2002 and ending on 30 June 2003 ("the financial year") the further sum of £1,029,840 in addition to sums already appropriated by Ordinance.

## SCHEDULE

### PART I OPERATING EXPENDITURE

£

0600	Central Administration	9,840
0800	Legislature	20,000
	<b>TOTAL OPERATING EXPENDITURE</b>	<b>29,840</b>

### PART II CAPITAL EXPENDITURE

0950	Capital	1,000,000
	<b>TOTAL SUPPLEMENTARY EXPENDITURE</b>	<b>1,029,840</b>

Passed by the Legislature of the Falkland Islands this 22nd of November 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**The Retirement Pensions (Amendment) (No.2) Ordinance 2002**

(No: 22 of 2002)

**ARRANGEMENT OF PROVISIONS**

Section

1. Short title
2. Amendment of Retirement Pensions Ordinance 1996

ELIZABETH II



Colony of the Falkland Islands

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**THE RETIREMENT PENSIONS (AMENDMENT) (NO.2) ORDINANCE 2002**

(No: 22 of 2002)

*(assented to: 26<sup>th</sup> November 2002)*

*(commencement: on publication)*

*(published: 4<sup>th</sup> December 2002)*

AN ORDINANCE

To amend the Retirement Pensions Ordinance 1996

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Retirement Pensions (Amendment)(No.2) Ordinance 2002.

**Amendment of the Retirement Pensions Ordinance 1996**

2. Section 13 of the Retirement Pensions Ordinance 1996 (a) is amended —

(a) by deleting the word “or” at the end of paragraph (a);

(b) by replacing the full stop at the end of paragraph (b) with a semicolon and the word “or”;  
and

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(a) No 20 of 1996



(c) by inserting the following new paragraph –

“(c) in respect of any whole week commencing more than five years before the claim was made.”

Passed by the Legislature of the Falkland Islands this 22nd of November 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



Colony of the Falkland Islands

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RUSSELL THOMAS JARVIS,

*Acting Governor.*

**THE TAXES (AMENDMENT) ORDINANCE 2002**  
(No.23 of 2002)

ARRANGEMENT OF PROVISIONS

**SECTION**

1. Short title, commencement and interpretation
2. Amendments to Section 2
3. Non-cash income from employment
4. Time when income from employment is received and paid
5. Income Tax: dates for returns, payment of tax, interest on unpaid tax and objections to assessments
6. Income from sources outside the Falkland Islands
7. Independent taxation of married women
8. Workers supplied by intermediaries
9. Accounting in US Dollars
10. Interest on unpaid corporation tax
11. Payments of interest to tax haven companies
12. List of low tax territories
13. Deductions for employees
14. Corrupt payments
15. Personal pension schemes: repayments of excess contributions
16. Manner of giving depreciation allowances
17. Non-open market sales
18. Balancing allowances and charges
19. Time limit for elections under s.120
20. Transfer pricing
21. Information about interest credited or received in the Falkland Islands
22. Postponement of payment of tax
23. Collection of interest on unpaid tax
24. Residence of individuals
25. Electronic communications

**SCHEDULES**

- Schedule 1 – Low tax territories  
Schedule 2 – Transfer pricing provisions

ELIZABETH II



Colony of the Falkland Islands

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RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**THE TAXES (AMENDMENT) ORDINANCE 2002**

(No. 23 of 2002)

*(assented to: 26<sup>th</sup> November 2002)*  
*(commencement: in accordance with section 1)*  
*(published: 4<sup>th</sup> December 2002)*

**AN ORDINANCE**

To amend the Taxes Ordinance 1997

ENACTED by the Legislature of the Falkland Islands as follows—

**1. SHORT TITLE, COMMENCEMENT AND INTERPRETATION**

- (1) This Ordinance may be cited as the Taxes (Amendment) Ordinance 2002.
- (2) This Ordinance, except sections 3 and 7, shall come into force on 1st January 2003 and, subject to any provision to the contrary, shall have effect in relation to the charge to tax for corporation tax years and years of assessment beginning on or after that date.

- (3) Section 3 shall apply in relation to emoluments which are received on or after 1<sup>st</sup> January 2003.
- (4) Section 7 shall have effect in relation to the charge to tax years of assessment beginning on or after 1<sup>st</sup> January 2004.
- (5) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997 and any reference to a section, without more, is a reference to a section of that Ordinance.

## **2. AMENDMENTS TO SECTION 2**

- (1) In section 2(1) (interpretation) the following definitions shall be inserted in the appropriate place—

“income” shall be construed in accordance with section 8;

- (2) In the definition of “business” after “vocation” in that subsection, there shall be inserted “subject to subsection (9)”, and after subsection (8) there shall be inserted—

“(9) For the purposes of this Ordinance—

(a) the letting for residential use of any building situated in the Falkland Islands shall be deemed to be the carrying on of a business in the Falkland Islands;

(b) the letting for residential use of any building situated outside the Falkland Islands shall be deemed not to be the carrying on of a trade, profession or vocation or any other business.

(10) In subsection (9) “letting”, in relation to any building, includes any arrangement or agreement, whether or not a lease, under which a person is allowed to occupy the building.”

## **3. NON-CASH INCOME FROM EMPLOYMENT**

In section 8(1)(b) (income from employment not to include non-cash emoluments) the words “received in money” shall cease to have effect.

## **4. TIME WHEN INCOME FROM EMPLOYMENT IS RECEIVED AND PAID**

- (1) In section 9 (charge to income tax) after subsection (1) insert—

“(1A) For the purposes of this Ordinance, income falling within section 8(1)(b) shall be treated as being received and paid at the time found in accordance with the following rules (taking the earlier or earliest time in a case where more than one rule applies)—

- (a) the time when payment of or on account of the income is actually made;
- (b) the time when a person becomes entitled to the income;
- (c) in a case where the income is income from an employment with a company, the holder of the employment is a director of the company and sums on account of the income are credited in the company's accounts or records, the time when sums on account of the income are so credited;
- (d) in a case where the income is income from an employment with a company, the holder of the employment is a director of the company and the amount of the income for a period is determined before the period ends, the time when the period ends;
- (e) in a case where the income is income from an employment with a company, the holder of the employment is a director of the company and the amount of the income for a period is not known until the amount is determined after the period has ended, the time when the amount is determined.

(1B) Subsection (1A)(c), (d) or (e) above applies whether or not the employment concerned is that of director.

(1C) Paragraph (c), (d) or (e) of subsection (1A) above applies if the holder of the employment is a director of the company at any time in the year of assessment in which the time mentioned in the paragraph concerned falls.

(1D) For the purposes of the rule in subsection (1A)(c) above, any restriction on the right to draw the sums is to be disregarded.

(2) Section 94 of this Ordinance, which is replaced by subsection (1), is hereby repealed."

**5. INCOME TAX: DATES FOR RETURNS, PAYMENT OF TAX, INTEREST ON UNPAID TAX AND OBJECTIONS TO ASSESSMENTS**

(1) In section 11(1) [time for payment of income tax] —

(a) in paragraph (a) for "90 days" there shall be substituted "30 days";  
and

(b) in paragraph (b) for "1<sup>st</sup> August" there shall be substituted "1<sup>st</sup> September".

(2) For subsection (2) of section 11 [Interest on income tax] there shall be substituted—

“(2) Interest shall be due on income tax which remains unpaid after the date on which it is payable under subsection (1) above.

(3) Interest due under subsection (2) above shall be due at the rate of 3 per cent. per annum over base lending rate.

(4) Interest due under subsection (2) above shall run from the date when the unpaid tax was payable under subsection (1) above, whether or not payment of the tax has been postponed under section 183, but where payment of any tax has been postponed, interest on that tax shall not be payable until the tax becomes payable.”

(3) In section 12(1) [income tax returns to be made within 60 days of notice requiring return] after “of the notice” there shall be inserted “or such longer period as the Commissioner may specify in the notice”.

(4) In section 175(4) [time when objection to assessment must be made] for “two months” and “2 months” there shall be substituted “30 days”.

## **6. INCOME FROM SOURCES OUTSIDE THE FALKLAND ISLANDS**

In section 13 subsection (3) shall cease to have effect.

## **7. INDEPENDENT TAXATION OF MARRIED WOMEN**

(1) Section 14 (married women) shall cease to have effect.

(2) In section 15(3)(d) (deduction of contributions by husband for his wife under the Retirement Pensions Ordinance 1996) the words “or his wife”, in both places, shall cease to have effect.

(3) In section 17 for subsections (2) to (4) there shall be substituted—

“(2) Where a man is entitled to an allowance under subsection (1), he and his wife may jointly elect to transfer the whole or part of the allowance to the wife, and where only part is to be transferred the election must identify how much is to be given to the wife.

(3) Where a joint election is not made under subsection (2) the Commissioner may on an application made by the wife transfer the allowance from the husband to the wife or apportion it between them on such basis as he may consider just, or the Commissioner may refuse the application.

(4) An election or application under this section for the transfer or apportioning of an allowance for a year of assessment must be made to the Commissioner before the expiry of the period of 12 months from the end of that year of assessment, and shall have effect, unless refused under subsection (3), for that year of assessment and future years.

- (5) An election or an apportionment shall remain in effect unless it is withdrawn by notice to the Commissioner under this subsection, and the notice shall have effect on the 1<sup>st</sup> January next following the date on which it is made.
- (6) A new election or application may be made under subsection (2) or (3) when notice of withdrawal of an existing election or application has been made.
- (7) An election under this section must be in writing, contain such information as the Commissioner may require and be signed by both the husband and the wife.
- (8) An application under subsection (3) must be in writing and signed by the wife, and a copy of the application must be given to the husband not later than 7 days after the date it is made to the Commissioner.
- (9) A notice under subsection (5) withdrawing an election shall be signed by both the husband and wife.
- (10) A notice under subsection (5) withdrawing the apportionment of an allowance between a husband and wife under subsection (3) shall be signed by the wife, and in that case a copy of the notice of termination must be given to the husband by the wife within 7 days of the date the notice is given to the Commissioner.”

(4) In section 18 (age allowance)—

(a) subsection (1) shall cease to have effect, and

(b) in subsection (2) the words “who is not entitled to a deduction under subsection (1) in making that computation and” shall cease to have effect.”

(5) In section 19(1)(b) (children’s allowance where wife incapacitated), for “man” and “wife” there shall be substituted “individual” and “spouse” respectively.

## **8. WORKERS SUPPLIED BY INTERMEDIARIES**

(1) The following section shall be inserted in the 1997 Ordinance after section 22—

### **“WORKERS SUPPLIED BY INTERMEDIARIES**

22A.—(1) This section applies, subject to any prescribed exceptions, where—

- (a) an individual (“the worker”) renders or is under an obligation to render personal services to another person (“the client”) for the purposes of a business carried on by the client in pursuance of arrangements involving a intermediary (“the intermediary”), and

(b) the worker is not an employee of the client but the circumstances are such that if, the services were provided by the worker directly under a contract between the worker and the client, the worker would be regarded as an employee of the client for the purposes of this Ordinance.

(2) If—

(a) the worker receives, or has rights entitling him to receive (whether immediately or at a specified time or in specified circumstances), a payment or other benefit directly or indirectly from the intermediary that is not chargeable to income tax as earned income (whether or not he also receives any amounts which are so chargeable), and

(b) the client makes a payment (in cash or in kind) (“the quasi-remuneration”) to the intermediary in respect of the services provided by the worker,

then, for all purposes on this Ordinance, the quasi-remuneration shall be deemed to be a payment of remuneration made by the client to the worker, and, for the purposes of Part IV of this Ordinance and any regulations made under that Part, the client shall be deemed to be the employer of the worker and the worker shall be deemed to be the employee of the client.

(3) The cases where subsection (1) applies include (subject to any prescribed exceptions) cases—

(a) where the intermediary is a partnership or an unincorporated body of which the worker is a member, and

(b) where the worker holds an office with the client.

(4) For the purposes of this section “business” includes any activity carried on by the government or by any public or local authority or by any body corporate or unincorporated body or partnership.

(5) The circumstances referred to in subsection (1) include the terms on which the services are provided having regard to the terms of the contract forming part of the arrangements under which the services are provided.

(6) Subject to any prescribed exceptions, section (1) shall apply whether or not the worker renders or is under an obligation to render the services in question as a partner in a firm or a member of an unincorporated body; and where, in any case in which that subsection applies, the worker is a partner in a firm or a member of such a body, remuneration receivable under or in consequence of the relevant contract shall be treated for all the purposes of this Ordinance as income of the worker and not as income of the firm or body.



(7) Subsection (1) above shall not apply—

- (a) if the services in question are services as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model; or
- (b) if the services in question are rendered wholly in the worker's own home or at other premises which are neither under the control or management of the client nor premises at which the worker is required, by reason of the nature of the services, to render them.

## 9. ACCOUNTING IN US DOLLARS

(1) After section 31 [Accounts and payment of tax in US dollars] there is inserted—

### “31A. ACCOUNTS IN OTHER CURRENCIES FOR NON-RING FENCE TRADERS

- (1) A company which is within the charge to tax in respect of any business but is not a ring fence trader may elect to keep its accounting records, and to compute the profits and losses of the business for its accounting period in a currency other than sterling.
- (2) Where an election is in force under this section the profits and losses so computed shall be converted into sterling for the purposes of the company's accounts submitted in accordance with section 30 at the London closing rate for the last day of the accounting period for which the computation is made or such other rate as the Commissioner may by rules prescribe.
- (3) Paragraphs (a), (b) and (e) of section 31(5) shall apply in relation to an election under this section and such an election—
  - (a) shall be made before end of the period of 9 months beginning with the relevant day; and
  - (b) shall have effect from that day.

In this subsection “the relevant day” means day on which the company begins to be within the charge to tax in the Falkland Islands, or, if later, the day on which this section comes into force.”

## 10. INTEREST ON UNPAID CORPORATION TAX

9. After subsection (1) of section 33 [Interest on corporation tax] there shall be inserted—

“(1A) Interest due under subsection (1) above shall run from the date when the unpaid tax was due under section 27, whether or not payment of the tax has been postponed under section 183, but where payment of any tax has been postponed, interest on that tax shall not be payable until the tax becomes payable.”

## 11. PAYMENTS OF INTEREST TO TAX HAVEN COMPANIES

- (1) The following section shall be inserted in the 1997 Ordinance after section 34—

### “34A. DEDUCTION OF TAX

- (1) This section applies to payments of interest which are paid or credited in any corporation tax year by a company which is resident in the Falkland Islands to, or to the order of, a company ("the payee company") which in that year does not carry on business in the Falkland Islands.
- (2) Subsection (1) does not apply if the payee company is resident in the Falkland Islands.
- (3) Subsection (1) does not apply if the payee company is resident in a territory specified in paragraph 1 of Schedule A1 (countries which are not low tax territories).
- (4) Subsection (1) does not apply if the payee company is resident in a territory specified in column 1 of the Table set out in paragraph 2 of that Schedule (countries which are or may be low tax territories) unless it falls within a category of company specified in column 2 of that Table in relation to that territory.
- (5) For the purposes of this section a company is resident in a territory if—
- (a) by reason of the law of that territory relating to domicile, residence or place of management, the company is within the charge to tax in that territory, or
  - (b) if there is either no such law or such law does not apply to the company, the company is incorporated in that territory.
- (6) Subject to subsection (7), payments to which this section applies shall be charged to tax under this section at the rate of 10 per cent of the amount of interest paid or credited as mentioned in subsection (1).
- (7) Subsection (6) shall not apply in relation to any payment of interest as respects which the Commissioner has given notice to the person making the payment that tax under this section shall not be charged on that payment.
- (8) Tax charged under this section in respect of any payment of interest—
- (a) shall be deducted from the gross payment subject to tax by the person making the payment, and
  - (b) shall be credited by and recoverable from that person, and

(c) shall be due and payable to the Commissioner by that person within 30 days after the end of the month in which the interest is paid or credited.

(9) The person liable to make a deduction of tax under this section in respect of any payment shall submit to the Commissioner, together with the amount of the deduction, a return, certified as correct by that person, specifying—

- (a) the gross amount of the payment;
- (b) the date when the payment is credited;
- (c) the identity of the recipient of the payment and the address or account to which it was sent;
- (d) the amount of the tax;

and shall send a copy of the return to the recipient of the payment within one month of the date specified under paragraph (b).

(10) The provisions of Part IX of this Ordinance shall apply in relation to any person making a payment of interest to which this section applies with any necessary modifications and accordingly, in particular—

- (a) assessments to tax may be made on that person under sections 172, 173 and 174;
- (b) that person may object under section 175 to any such assessment;
- (c) notices may be served under section 176(1) on that person;
- (d) that person may appeal to the Tax Committee under section 181 against an assessment made by virtue of this section; and
- (e) references to a return on income in that Part include references to a return under this section.

(11) The person entitled to any payment of interest charged to tax under this section shall not be entitled to recover any tax paid under this section from any person.”

## **12. LIST OF LOW TAX TERRITORIES**

Schedule 1 to this Ordinance, which inserts Schedule A1 in the 1997 Ordinance, shall have effect.

### **13. DEDUCTIONS FOR EMPLOYEES**

In section 58 (expenditure incurred wholly and exclusively in production of income an allowable deduction) after subsection (2) insert—

“(3) A deduction shall not be allowed under this section from income from an employment except in respect of outgoings or expenses wholly, necessarily and exclusively incurred in the production of that income.”

### **14. CORRUPT PAYMENTS**

The following section shall be inserted after section 59 —

#### **“CORRUPT PAYMENTS**

59A.—(1) In computing the chargeable income of any person under this Ordinance, no deduction shall be made for any expenditure incurred in making a payment the making or receipt of which constitutes the commission of an offence under the Prevention of Corruption Acts 1889 to 1916 (as those Acts apply in the Falkland Islands) or of the offence of corruption at common law.

(2) Subsection (1) has effect notwithstanding any other provision of this Ordinance or of any other Ordinance or Act of Parliament.”

### **15. PERSONAL PENSION SCHEMES: REPAYMENTS OF EXCESS CONTRIBUTIONS**

In section 81(2) [repayments of excess contributions]—

(a) in paragraph (a) for “employee” in both places substitute “member”, and

(b) in paragraph (b) after “excess” insert “is repaid to the member to the extent of his contributions and otherwise”.

### **16. MANNER OF GIVING DEPRECIATION ALLOWANCES**

For section 105(3)(b) (manner of giving allowances) there shall be substituted—

“(b) to an allowance claimed for any chargeable period in respect of expenditure incurred on or after 1<sup>st</sup> January 2003 by a person carrying on a business, as an expense of that business arising in that basis period for that chargeable period;”

### **17. NON-OPEN MARKET SALES**

In section 106(4) [definitions] after “that time” in the definition of “market value” there shall be inserted “and for the purposes of this Chapter any reference to expenditure incurred in the open market is a reference to expenditure which would have been incurred if the transaction in question had taken place between willing parties acting at arms’ length, in particular disregarding any limitation on the market, or any relationship between the parties, which may actually exist;”

## **18. BALANCING ALLOWANCES AND CHARGES**

In section 119 [Assets within s 116: balancing allowances and charges]—

(a) in subsection (1) for “a writing-down allowance” there shall be substituted “an allowance”;

(b) for subsections (2) and (3) there shall be substituted—

“(2) Where subsection (1) above applies—

(a) if the written down value of the asset exceeds the disposal value, there shall be allowed in computing the owner’s chargeable income for the relevant period a deduction equal to that excess; or

(b) if the disposal value exceeds the written down value of the asset, a balancing charge shall be made of an amount equal to that excess.

(3) Section 113 shall apply for the purposes of subsection (2) as it applies for the purposes of section 111.”; and

(c) in subsection (4) for “the writing-down allowance” there shall be substituted “the allowance”.

## **19. TIME LIMIT FOR ELECTIONS UNDER S 120**

In section 120 [transfer of business from individual to company not to be a relevant event for purposes of Chapter II] for subsection (4) there shall be substituted—

“(4) An election under subsection (1) shall be made before the end of the year immediately following the year in which the transfer took place or, if later, 31<sup>st</sup> December 2003.”

## **20. TRANSFER PRICING**

(1) For sections 156 to 159 substitute—

### **“TRANSFER PRICING**

156. Schedule 2A to this Ordinance shall have effect.”

(2) Schedule 2 to this Ordinance, which inserts the new Schedule 2A in the 1997 Ordinance, shall have effect.

## **21. INFORMATION ABOUT INTEREST CREDITED OR RECEIVED IN THE FALKLAND ISLANDS**

(1) The following section shall be inserted in the 1997 Ordinance after section 178—

## **"Information about interest credited or received in the Falkland Islands**

178A.—(1) The Commissioner may by notice require any bank which, in the ordinary course of that business, receives or retains money in such circumstances that interest becomes payable on that money, to make and deliver to the Commissioner, within the time specified in the notice, a return of all interest paid or credited in respect of such money by the bank during such period as may be specified in the notice.

(2) A return under subsection (1) shall give—

- (a) the names and addresses of the persons to whom the interest was paid or credited and stating, in each case, the amount of the interest actually paid or credited, and
- (b) such other information as may be prescribed, which may include the name and address of the person beneficially entitled to the interest paid or credited.

(3) A notice under subsection (1)—

- (a) shall, without prejudice to section 213, be effective if served in the Falkland Islands on a manager of the bank;
- (b) shall not specify a period which ended more than 3 years before the date of the service of the notice;
- (c) may require the return to be made in such form and by such means as may be specified in the notice.

(4) This section applies only to money received or retained in the Falkland Islands.

(5) Rules may prescribe cases in which a notice under this section may not require information to be provided.

(6) In such cases as may be prescribed any bank served with a notice under subsection (1) shall allow an officer authorised for the purposes of this section to inspect any books, documents and other records of the bank, and rules made for the purposes of this subsection—

- (a) may make different provision in relation to different cases or descriptions of case, and
- (b) may include such supplementary, incidental, consequential or transitional provisions as appear to the Governor to be necessary or expedient.

## **22. POSTPONEMENT OF PAYMENT OF TAX**

For section 183 there shall be substituted the following section—

**"POSTPONEMENT OF TAX ON OBJECTION AND APPEAL.**

- 183.—(1) This section applies where a person ("the tax-payer") has given notice to the Commissioner under section 175 objecting to an assessment to income tax or corporation tax.
- (2) Except as otherwise provided by the following provisions of this section, the tax charged by the assessment shall be due and payable as if a notice of objection had not been given.
- (3) If the tax-payer has grounds for believing that he is overcharged to tax by the assessment, he may, by notice given to the Commissioner within 30 days after the date of the issue of the notice of assessment, apply to the Commissioner for a determination of the amount of tax the payment of which should be postponed pending the determination of the objection.

A notice of application under this subsection shall state the amount by which the tax-payer believes that he is overcharged to tax and his grounds for that belief.

- (4) An application under subsection (3) above may be made more than 30 days after the date of the issue of the notice of assessment if there is a change in the circumstances of the case as a result of which the tax-payer has grounds for believing that he is overcharged to tax by the assessment.
- (5) If, after any determination of the amount of tax the payment of which should be so postponed, there is a change in the circumstances of the case as a result of which the tax-payer or the Commissioner has grounds for believing that the amount so determined has become excessive or, as the case may be, insufficient, then before the determination of the objection—
- (a) the tax-payer may, by notice given to the Commissioner stating what the amount to be postponed should be and the reasons for the change, apply to the Commissioner for a further determination of the amount, or
  - (b) the Commissioner may make a new determination, and give notice to the tax-payer stating the amount newly determined and the reasons for the new determination.
- (6) An application under subsection (3) or (5) above shall be heard and determined in the same way as the notice of objection, and the Commissioner shall not be precluded from determining the objection or any application or further application under subsection (5) above by reason of his having heard and determined any earlier application in the case under this section.
- (7) The amount of tax the payment of which shall be postponed pending the determination of the objection shall be the amount (if any) in which it appears to the Commissioner, having regard to the

representations made and any lawful evidence adduced, that there are reasonable grounds for believing that the tax-payer is overcharged to tax.

(8) In the case of a determination made on an application under subsection (3) or (5) above, any tax the payment of which is not postponed or which ceases to be postponed shall be payable—

(a) where the tax concerned is income tax for any year of assessment—

(i) 30 days after the date of the determination, or

(ii) 90 days after the date of the assessment, or

(iii) 1st September in that year,

whichever is the later;

(b) where the tax concerned is corporation tax, 30 days after the date of the determination.

(9) In the case of a determination under subsection (5), any tax overpaid shall be repaid.

(10) If the tax-payer and the Commissioner come to an agreement, whether in writing or otherwise, as to the amount of tax the payment of which should be postponed pending the determination of the objection, the like consequences shall ensue under subsections (8) and (9) above as would have ensued if the Commissioner had made a determination to that effect under subsection (7) above on the date when the agreement was come to, but without prejudice to the making of a further agreement or of a further determination under that subsection.

(11) Where an agreement is not in writing—

(a) subsection (10) above shall not apply unless the fact that an agreement was come to, and the terms agreed, are confirmed by notice given by the Commissioner to the tax-payer or by the tax-payer to the Commissioner, and

(b) the reference in that subsection to the time when the agreement was come to shall be construed as a reference to the time of the giving of the notice of confirmation.

(12) Subject to subsection (13), on the determination of an objection to an assessment, the date on which any tax payable in accordance with that determination is payable shall, so far as it is tax the payment of which had been postponed, or which would not have been charged by the assessment if there had been no objection, be—



(a) where the tax concerned is income tax—

(i) 30 days after the date on which the Commissioner issues to the tax-payer a notice of the total amount payable in accordance with that determination, or

(ii) 90 days after the date of the assessment,

whichever is the later;

(b) where the tax concerned is corporation tax, 30 days after the date of issue of the notice referred to in paragraph (a)(i).

(13) On the determination of an objection to an assessment any tax overpaid shall be repaid.

(14) No proceedings shall be instituted for the recovery of any tax due and payable in accordance subsection (12), or of any interest due on such tax, until 21 days after the date on which the Commissioner's determination of the objection has been notified to the tax-payer, and if an appeal is lodged by the tax-payer against that determination, the references in the preceding provisions of this section to the objection shall thereafter have effect as references to the appeal.

If any tax has been recovered by the Commissioner before the appeal is lodged, then, so far as concerns that tax, the reference above to the preceding provisions of this section shall not include subsection (12).

(15) Interest shall be due on any corporation tax repaid in accordance with this section at the rate of 2 per cent. per annum under base lending rate."

### **23. COLLECTION OF INTEREST ON UNPAID TAX**

In section 184 [Collection of interest] after subsection (5) there shall be inserted the following subsection—

"(5A) Where interest is due on tax which has been paid (without an assessment) after the date on which it was due or after postponement under section 183 and the interest or any part of it remains unpaid, then—

(a) the Commissioner or any collector appointed under this Ordinance may serve a demand note on the person who was liable to pay the tax for the amount of interest remaining unpaid, and

(b) if payment is not made within 30 days from the date of service of the demand note, the collector may proceed to enforce payment in accordance with Schedules 4 and 5 to this Ordinance."

**24. RESIDENCE OF INDIVIDUALS**

In section 200(2)(b) the word "permanent" shall cease to have effect.

**25. ELECTRONIC COMMUNICATIONS**

In section 204 [Rules made by Governor] after subsection (1) there shall be inserted—

“(1A) The Governor may make rules allowing any notice, form, return or other document to be delivered to and by the Commissioner by electronic means, and rules under this subsection may make different provision for different cases.”

## SCHEDULES

### SCHEDULE 1

#### LOW TAX TERRITORIES

The following Schedule shall be inserted in the 1997 Ordinance immediately before Schedule 1—

#### “SCHEDULE A1

##### LOW TAX TERRITORIES

1. The territories referred to in section 34A(3) are the following—

Australia	Austria	Bangladesh
Bolivia	Botswana	Brazil
Bulgaria	Canada	Colombia
Czech Republic	Denmark	Dominican Republic
Fiji	Finland	France
Gambia	Germany	Ghana
Honduras	Iceland	India
Indonesia	Ivory Coast	Japan
Korea, Republic of	Lesotho	Malawi
Mexico	New Zealand	Nigeria
Norway	Papua New Guinea	Poland
Romania	Senegal	Sierra Leone
Slovak Republic	Solomon Islands	South Africa
Swaziland	Sweden	Trinidad and Tobago
Turkey	United Kingdom	Zambia
Zimbabwe		

(2) The table referred to in section 34A(4) is the following—

<b>Argentina</b>	Companies obtaining exemption from tax on income from transactions, activities or operations carried on in, or from goods located in, tax free areas in accordance with Law 19640 of 16th May 1972.
<b>Belgium—</b>	<ol style="list-style-type: none"><li>1 Companies which are regarded as Foreign Sales Corporations in section 922(a) of the United States Internal Revenue Code 1954 and which accordingly qualify for reduced Belgian taxation.</li><li>2 Companies approved under Royal Decree No 187 of 30th December 1982 as Co-ordination Centres.</li></ol>

<b>Brunei</b>	Companies qualifying as "pioneer companies" under the Investment Incentives Enactment 1975.
<b>Chile</b>	Companies obtaining exemption from tax under Law 16,441 of 1st March 1966 on income from property located in the Department of Isla da Pascua or from activities developed in that Department.
<b>China—</b>	<ol style="list-style-type: none"> <li>1 Companies deriving income in or from the Hong Kong Special Administrative Region and submitting tax returns to the authorities of that Region.</li> <li>2 Companies deriving income in or from the Macao Special Administrative Region and submitting tax returns to the authorities of that Region.</li> </ol>
<b>Egypt</b>	Companies which do not fall within the scope of Article 111, Book 2 of Law 157 of 1981 because they do not operate in Egypt.
<b>Faroe Islands</b>	Companies deriving interest from Faroese financial institutions from which tax is deducted at source under Law 4 of 26 <sup>th</sup> March 1953.
<b>Greece—</b>	<ol style="list-style-type: none"> <li>1 Companies whose profits are exempt from tax under Article 6(2)(c) of Law 3843/1958 (profits from the operation of ships under the Greek flag).</li> <li>2 Companies having profits exempt from company income tax by virtue of Article 25 of Law 25/1975 or by virtue of Law 89/1967 (profits from shipping and associated activities)</li> </ol>
<b>Hungary</b>	Companies benefiting from the reduced rate of tax for extra-territorial companies under section 19(2) of Act LXXXI of 1996 on Corporate Tax and Dividend Tax.
<b>Ireland—</b>	<ol style="list-style-type: none"> <li>1 Companies obtaining relief or exemption from tax under Chapters 1 and 2 of Part 14 of the Taxes Consolidation Act 1997.</li> <li>2 Holding companies having income exempted from tax under section 44 in Chapter 3 of Part 3 of the Taxes Consolidation Act 1997.</li> </ol>
<b>Italy</b>	Companies benefiting from paragraphs 12 to 14 of Article 11 of Law 413 of 30th December 1991 (Trieste Free Zone Financial and Insurance Centre).
<b>Kenya</b>	Companies having income exempted from tax under paragraph 11 of Schedule 1 to the Income Tax Act 1973.
<b>Luxembourg</b>	<ol style="list-style-type: none"> <li>1 Companies obtaining any special tax benefit under the Law of 31st July 1929, the decree of 17th December 1938 or the Grand Ducal Regulation of 29th July 1977 (holding companies).</li> <li>2 Any reinsurance company established in Luxembourg requiring authorisation under Article 92 of the law of 6th December 1991.</li> </ol>
<b>Malaysia—</b>	<ol style="list-style-type: none"> <li>1 Companies exempt from tax in accordance with section 54A of the Income Tax Act 1967 (shipping).</li> <li>2 Companies subject to tax at 5 per cent in accordance with sections 60A and 60B of the Income Tax Act 1967 (inward reinsurance and offshore insurance).</li> <li>3 Companies deriving dividends from a company or companies deriving income from one or more of the activities referred to in paragraphs 1</li> </ol>

- and 2 above.
- 4** Companies obtaining a tax benefit under the Offshore Companies Act (Island of Labuan) 1990.
- Malta—**
- 1** Companies entitled to exemption or relief from tax at the discretion of the Minister responsible for finance under section 12(2) of the Income Tax Act 1948.
- 2** Companies obtaining exemption from tax under section 86 of the Merchant Shipping Act 1973.
- 3** Companies obtaining exemption or relief from tax under section 30 of the Malta International Business Activities Act 1988 or section 30 of the Malta Financial Services Centre Act 1988.
- 4** Companies obtaining exemption or relief from tax under section 18 of the Malta Freeports Act 1989.
- Morocco** Companies receiving a tax benefit under Law 58-90 of 1992 (offshore financial centres).
- Netherlands** Companies which are regarded as Foreign Sales Corporations under section 922(a) of the United States Internal Revenue Code 1954.
- Pakistan** Companies deriving royalties, commissions or fees which are exempt from tax under paragraph 139 in Part I of the second Schedule to the Income Tax Ordinance 1979.
- Philippines**
- 1** Companies authorised under Presidential Decree 1034 of 30th September 1976, or under Presidential Decree 1035 of 30th September 1976, to operate an offshore Banking Unit or a Foreign Currency Deposit Unit as defined in those Decrees.
- 2** Companies receiving interest on deposits with a Foreign Currency Deposit Unit, or other interest subject to the reduced rates of tax under section 27(D) of the National Internal Revenue Code 1997.
- Portugal** Companies obtaining tax benefits under Decree Law 502/85 of 30th December 1985, Articles 41 and 51(g) of the Tax Benefits statute (EBF) approved by Decree Law 215/90 of 31st August 1989 (free zone in Madeira), or Decree Law 501/85 of 28th December 1985 as implemented by Decree Law 63/87 of 5th February 1987 (free zone in the Azores)
- Puerto Rico—**
- 1** Companies obtaining a tax benefit under section 2(o) of the Industrial Incentive Act 1978 (designated service industries).
- 2** Companies obtaining a tax benefit under section 25 of the International Banking Centre Regulatory Act 1989 (International Banking Entities).
- Singapore—**
- 1** Any company obtaining tax concessions under Ministry of Finance Regulations pursuant to section 43A, and sections 43C to 43K, of the Income Tax Act.

- 2 Companies obtaining exemption from tax on the income of a shipping enterprise in accordance with section 13A of the Income Tax Act.
- 3 Companies obtaining relief from tax in accordance with sections 45 to 55 (international trade incentives), and sections 75 to 84 (warehouse and service incentives), of the Economic Expansion Incentives (Relief from Income Tax) Act.
- 4 Companies deriving dividends from a company or companies deriving income from one or more of the activities falling within paragraphs 1 to 3 above.
- Spain—**
- 1 Companies which are registered in the official register of the Canary Islands Special Zone (Zona Especial Canaria) established under Law 19/1994 and which benefit from the special low tax rate applied to such companies.
- 2 Companies benefiting from the alternative taxation regime for co-ordination centres established by the provincial governments of the Basque Country under laws pursuant to Norma Foral 3/1996 of 26th June 1996, Norma Foral 7/1996 of 4th July 1996, and Norma Foral 24/1996 of 5th July 1996.
- Sri Lanka** Companies obtaining relief or exemption from income tax under any of the following provisions of the Inland Revenue Act 1979—
- (a) Section 8(c)(iv)(foreign currency banking units);
- (b) Sections 10(d) and 15(b)(income derived from approved bank accounts);
- (c) Section 10(e)(interest of newly resident companies);
- (d) section 15(cc)(services rendered outside Sri Lanka);
- (e) section 15(p)(re-export of approved products).
- Tanzania** Companies relieved or exempted from income tax under section 15(1) or (1A) of the Income Tax Act 1973.
- Thailand** Companies obtaining a tax benefit under Royal Decree 280 of 22nd September 1992 (offshore banking units).
- Tunisia** Companies obtaining exemption from, or reduction of, tax under Law 76-63 of 12th July 1976 (financial and banking institutions dealing with non-residents).
- United States** Domestic International Sales Corporations as defined in section 992(a) of the Internal Revenue Code 1954"

## **SCHEDULE 2**

### **TRANSFER PRICING PROVISIONS**

1. The following provisions shall be inserted in the 1997 Ordinance immediately after Schedule 2--

#### **SCHEDULE 2A**

##### **PROVISION NOT AT ARM'S LENGTH**

###### *Basic rule on transfer pricing etc*

1—(1) This Schedule applies where—

(a) provision (“the actual provision”) has been made or imposed on or after 1<sup>st</sup> January 2003 as between any two persons (“the affected persons”) by means of a transaction or series of transactions, and

(b) at the time of the making or imposition of the actual provision—

(i) one of the affected persons was directly or indirectly participating in the management, control or capital of the other; or

(ii) the same person or persons was or were directly or indirectly participating in the management, control or capital of each of the affected persons.

(2) Subject to paragraphs 9 and 12 below, if the actual provision—

(a) differs from the provision (“the arm’s length provision”) which would have been made as between independent enterprises, and

(b) confers a potential advantage in relation to Falkland Islands taxation on one of the affected persons, or (whether or not the same advantage) on each of them,

the profits and losses of the potentially advantaged person or, as the case may be, of each of the potentially advantaged persons shall be computed for tax purposes as if the arm’s length provision had been made or imposed instead of the actual provision.

- (3) For the purposes of this Schedule the cases in which provision made or imposed as between any two persons is to be taken to differ from the provision that would have been made as between independent enterprises shall include the case in which provision is made or imposed as between any two persons but no provision would have been made as between independent enterprises; and references in this Schedule to the arm’s length provision shall be construed accordingly.

*Principles for construing rules in accordance with OECD principles*

2—(1) This Schedule shall be construed (subject to paragraphs 9 and 10 below) in such manner as best secures consistency between—

- (a) the effect given to paragraph 1 above; and
- (b) the effect which, in accordance with the transfer pricing guidelines, is to be given, in cases where double taxation arrangements incorporate the whole or any part of the OECD model, to so much of the arrangements as does so.

(2) In this paragraph “the OECD model” means—

- (a) the rules which on 1<sup>st</sup> January 2003 were contained in Article 9 of the Model Tax Convention on Income and on Capital published by the Organisation for Economic Co-operation and Development; or
- (b) any rules in the same or equivalent terms.

(3) In this paragraph “the transfer pricing guidelines” means—

- (a) all the documents published by the Organisation for Economic Co-operation and Development, at any time before 1st May 1998, as part of their Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations; and
- (b) such documents published by that Organisation on or after that date as may for the purposes of this Schedule be designated, by an order made by the Governor, as comprised in the transfer pricing guidelines.

*Meaning of “transaction” and “series of transactions”*

3—(1) In this Schedule “transaction” includes arrangements, understandings and mutual practices (whether or not they are, or are intended to be, legally enforceable).

(2) References in this Schedule to a series of transactions include references to a number of transactions each entered into (whether or not one after the other) in pursuance of, or in relation to, the same arrangement.

(3) A series of transactions shall not be prevented by reason only of one or more of the matters mentioned in sub-paragraph (4) below from being regarded for the purposes of this Schedule as a series of transactions by means of which provision has been made or imposed as between any two persons.

(4) Those matters are—

- (a) that there is no transaction in the series to which both those persons are parties;



- (b) that the parties to any arrangement in pursuance of which the transactions in the series are entered into do not include one or both of those persons; and
  - (c) that there is one or more transactions in the series to which neither of those persons is a party.
- (5) In this paragraph, "arrangement" means any scheme or arrangement of any kind (whether or not it is, or is intended to be, legally enforceable).

***Participation in the management, control or capital of a person***

- 4—(1) For the purposes of this Schedule a person is directly participating in the management, control or capital of another person at a particular time if, and only if, that other person is at that time—
- (a) a body corporate or a partnership; and
  - (b) controlled by the first person.
- (2) For the purposes of this Schedule a person ("the potential participant") is indirectly participating in the management, control or capital of another person at a particular time if, and only if—
- (a) he would be taken to be directly so participating at that time if the rights and powers attributed to him included all the rights and powers mentioned in sub-paragraph (3) below that are not already attributed to him for the purposes of sub-paragraph (1) above; or
  - (b) he is, at that time, one of a number of major participants in that other person's enterprise.
- (3) The rights and powers referred to in sub-paragraph (2)(a) above are—
- (a) rights and powers which the potential participant is entitled to acquire at a future date or which he will, at a future date, become entitled to acquire;
  - (b) rights and powers of persons other than the potential participant to the extent that they are rights or powers falling within sub-paragraph (4) below;
  - (c) rights and powers of any person with whom the potential participant is connected; and
  - (d) rights and powers which for the purposes of sub-paragraph (2)(a) above would be attributed to a person with whom the potential participant is connected if that connected person were himself the potential participant.
- (4) Rights and powers fall within this sub-paragraph to the extent that they—

(a) are required, or may be required, to be exercised in any one or more of the following ways, that is to say—

(i) on behalf of the potential participant;

(ii) under the direction of the potential participant; or

(iii) for the benefit of the potential participant;

and

(b) are not confined, in a case where a loan has been made by one person to another, to rights and powers conferred in relation to property of the borrower by the terms of any security relating to the loan.

(5) In sub-paragraphs (3)(b) to (d) and (4) above, the references to a person's rights and powers include references to any rights or powers which he either—

(a) is entitled to acquire at a future date, or

(b) will, at a future date, become entitled to acquire.

(6) In paragraph (d) of sub-paragraph (3) above, the reference to rights and powers which would be attributed to a connected person if he were the potential participant includes a reference to rights and powers which, by applying that paragraph wherever one person is connected with another, would be so attributed to him through a number of persons each of whom is connected with at least one of the others.

(7) For the purposes of this paragraph a person ("the potential major participant") is a major participant in another person's enterprise at a particular time if at that time—

(a) that other person ("the subordinate") is a body corporate or partnership; and

(b) the 40 per cent test is satisfied in the case of each of two persons who, taken together, control the subordinate and of whom one is the potential major participant.

(8) For the purposes of this paragraph the 40 per cent test is satisfied in the case of each of two persons wherever each of them has interests, rights and powers representing at least 40 per cent of the holdings, rights and powers in respect of which the pair of them fall to be taken as controlling the subordinate.

(9) For the purposes of this paragraph—

- (a) the question whether a person is controlled by any two or more persons taken together, and
- (b) any question whether the 40 per cent test is satisfied in the case of a person who is one of two persons,

shall be determined after attributing to each of the persons all the rights and powers attributed to a potential participant for the purposes of sub-paragraph (2)(a) above.

(10) References in this paragraph—

- (a) to rights and powers of a person, or
- (b) to rights and powers which a person is or will become entitled to acquire,

include references to rights or powers which are exercisable by that person, or (when acquired by that person) will be exercisable, only jointly with one or more other persons.

(11) For the purposes of this paragraph two persons are connected with each other if—

- (a) one of them is an individual and the other is his spouse, a relative of his or of his spouse, or the spouse of such a relative; or
- (b) one of them is a trustee of a settlement and the other is—
  - (i) a person who in relation to that settlement is a settlor; or
  - (ii) a person who is connected with a person falling within sub-paragraph (i) above.

(12) In sub-paragraph (11) above—

“relative” means brother, sister, ancestor or lineal descendant; and

“settlement” and “settlor” have the same meanings as in section 208.

#### *Advantage in relation to Falkland Islands taxation*

5—(1) For the purposes of this Schedule (but subject to sub-paragraph (2) below) the actual provision confers a potential advantage on a person in relation to Falklands Islands taxation wherever, disregarding this Schedule, the effect of making or imposing the actual provision, instead of the arm's length provision, would be one or both of the following, that is to say—

- (a) that a smaller amount (which may be nil) would be taken for tax purposes to be the amount of that person's profits for any chargeable period; or

- (b) that a larger amount (or, if there would not otherwise have been losses, any amount of more than nil) would be taken for tax purposes to be the amount for any chargeable period of any losses of that person.
- (2) Subject to paragraph 11(2) below, the actual provision shall not be taken for the purposes of this Schedule to confer a potential advantage in relation to Falklands Islands taxation on either of the persons as between whom it is made or imposed if the two conditions set out in sub-paragraphs (3) and (4) below are both satisfied in the case of each of those two persons.
- (3) The first condition is satisfied in the case of any person if—
  - (a) that person is within the charge to income tax or corporation tax in respect of profits arising from the relevant activities;
  - (b) that person is not entitled to any exemption from income tax or corporation tax in respect of, or of a part of, the income or profits arising from the relevant activities in respect of which he is within that charge; and
  - (c) where that person is within the charge to income tax in respect of profits arising from those activities, he is resident in the Falklands Islands in the chargeable periods in which he is so within that charge.
- (4) The second condition is satisfied in the case of any person if he is neither—
  - (a) a person with an entitlement, in pursuance of any double taxation arrangements or under section 169, to be given credit in any chargeable period for any foreign tax on or in respect of profits arising from the relevant activities; nor
  - (b) a person who would have such an entitlement in any such period if there were any such profits or if they exceeded a certain amount.

*Elimination of double counting*

- 6—(1) This paragraph applies where—
- (a) only one of the affected persons (“the advantaged person”) is a person on whom a potential advantage in relation to Falklands Islands taxation is conferred by the actual provision; but
  - (b) the other affected person (“the disadvantaged person”) is a person in relation to whom the condition set out in sub-paragraph (3) of paragraph 5 above either—
    - (i) is satisfied, or

- (ii) were any such exemption as is mentioned in paragraph (b) of that sub-paragraph to be disregarded, would be satisfied.
- (2) Subject to sub-paragraphs (3) to (6) and paragraph 7 below, on the making of a claim by the disadvantaged person for the purposes of this paragraph—
  - (a) the disadvantaged person shall be entitled to have his profits and losses computed for tax purposes as if the arm's length provision had been made or imposed instead of the actual provision; and
  - (b) notwithstanding any limit in this Ordinance on the time within which any adjustment may be made, all such adjustments shall be made in his case as may be required to give effect to the assumption that the arm's length provision was made or imposed instead of the actual provision.
- (3) A claim made by the disadvantaged person for the purposes of this paragraph—
  - (a) shall not be made unless a computation has been made in the case of the advantaged person on the basis that the arm's length provision was made or imposed instead of the actual provision; and
  - (b) must be consistent with the computation made on that basis in the case of the advantaged person.
- (4) For the purposes of sub-paragraph (3) above a computation shall be taken to have been made in the case of the advantaged person on the basis that the arm's length provision was made or imposed instead of the actual provision if, and only if—
  - (a) the computations made for the purposes of any return by the advantaged person have been made on that basis by virtue of this Schedule; or
  - (b) a relevant notice given to the advantaged person takes account of a determination in pursuance of this Schedule of an amount falling to be brought into account for tax purposes on that basis.
- (5) A claim for the purposes of this paragraph shall not be made except within one of the following periods—
  - (a) in a case where a return has been made by the advantaged person on the basis mentioned in sub-paragraph (3)(a) above, the period of two years beginning with the day of the making of the return; and
  - (b) in any case where a relevant notice taking account of such a determination as is mentioned in sub-paragraph (4)(b) above has

been given to the advantaged person, the period of two years beginning with the day on which that notice was given.

(6) Where—

(a) a claim for the purposes of this paragraph is made by the disadvantaged person in relation to a return made on the basis mentioned in sub-paragraph (3)(a) above, and

(b) a relevant notice taking account of such a determination as is mentioned in sub-paragraph (4)(b) above is subsequently given to the advantaged person,

the disadvantaged person shall be entitled, within the period mentioned in sub-paragraph (5)(b) above, to make any such amendment of the claim as may be appropriate in consequence of the determination contained in that notice.

(7) In this paragraph—

“relevant notice” means a notice of an assessment under Part IX of this Ordinance;

“return” means any return required to be made under this Ordinance for income tax or corporation tax purposes.

***Adjustment of disadvantaged person's double taxation relief***

7—(1) Where—

(a) a claim is made for the purposes of paragraph 6 above, and

(b) the disadvantaged person is entitled, on that claim, to make a computation, or to have an adjustment made in his case, on the basis that the arm's length provision was made or imposed instead of the actual provision,

the assumptions specified in sub-paragraph (2) below shall apply, in the disadvantaged person's case, as respects any credit for foreign tax which the disadvantaged person has been or may be given in pursuance of any double taxation arrangements or under section 169.

(2) Those assumptions are—

(a) that the foreign tax paid or payable by the disadvantaged person does not include any amount of foreign tax which would not be or have become payable were it to be assumed for the purposes of that tax that the arm's length provision had been made or imposed instead of the actual provision; and

(b) that the amount of the relevant profits of the disadvantaged person in respect of which he is given credit for foreign tax does not include the

amount (if any) by which his relevant profits are treated as reduced in accordance with paragraph 6 above.

- (3) Where, in a case in which a claim has been made for the purposes of paragraph 6 above, any adjustment is required to be made for the purpose of giving effect to any of the preceding provisions of this paragraph—
- (a) it may be made in any case by setting the amount of the adjustment against any relief or repayment to which the disadvantaged person is entitled in pursuance of that claim; and
  - (b) nothing in this Ordinance limiting the time within which any assessment is to be or may be made or amended shall prevent that adjustment from being so made.
- (4) References in this paragraph to relevant profits of the disadvantaged person are references to profits arising to the disadvantaged person from the carrying on of the relevant activities.

#### *Special rules for sales etc of oil*

8—(1) Subject to paragraph 9 below, this paragraph applies to provision made or imposed by or in relation to the terms of a sale of oil if—

- (a) the oil sold is oil which has been, or is to be, extracted under rights exercisable by a company (“the producer”) which (although it may be the seller) is not the buyer; and
  - (b) at the time of the sale not less than 20 per cent of the producer’s ordinary share capital is owned directly or indirectly by one or more of the following, that is to say, the buyer and the companies (if any) that are linked to the buyer.
- (2) Where this paragraph applies to provision made or imposed by or in relation to the terms of a sale of oil, this Schedule shall have effect as respects that provision as if the buyer, the seller and (if it is not the seller) the producer were all controlled by the same person at the time of the making or imposition of that provision.
- (3) For the purposes of this paragraph two companies are linked if—
- (a) one is under the control of the other; or
  - (b) both are under the control of the same person or persons.
- (4) For the purposes of this paragraph—
- (a) any question whether ordinary share capital is owned directly or indirectly by a company shall be determined as for section 207;

(b) rights to extract oil shall be taken to be exercisable by a company even if they are exercisable by that company only jointly with one or more other companies; and

(c) a sale of oil shall be deemed to take place at the time of the completion of the sale or when possession of the oil passes, whichever is the earlier.

(5) In this paragraph "oil" includes any mineral oil or relative hydrocarbon, as well as natural gas.

*Transactions and deemed transactions involving oil*

9 This Schedule does not apply in relation to provision made or imposed by means of any transaction or deemed transaction in the case of which the price or consideration is determined in accordance with section 151 (transactions and deemed transactions involving oil treated as made at market value).

*Special provision for companies carrying on ring fence trades*

10—(1) This paragraph applies where any person ("the taxpayer") carries on a ring fence trade

(2) Subject to paragraph 9 above and sub-paragraph (4) below, where provision made or imposed as between the taxpayer and another person by means of a transaction or series of transactions—

(a) falls, in relation to the taxpayer, to be regarded as made or imposed in the course of, or with respect to, the ring fence trade; but

(b) falls, in relation to the other person, to be regarded as made or imposed in the course of, or with respect to, activities of that other person which do not fall within section 150(1)(a), (b) or (c),

this Schedule shall have effect in relation to that provision with the omission of paragraph 5(2) above.

(3) Subject to paragraph 9 above and sub-paragraph (4) below, this Schedule shall have effect as respects any provision made or imposed by the taxpayer as between the ring fence trade and any other activities carried on by him as if—

(a) that trade and those activities were carried on by two different persons;

(b) that provision were made or imposed as between those two persons by means of a transaction;

(c) a potential advantage in relation to Falklands Islands taxation were conferred by that provision on each of those two persons;



(d) those two persons were both controlled by the same person at the time of the making or imposition of that provision; and

(e) paragraphs 5 to 7 above were omitted.

(4) This Schedule shall apply in accordance with this paragraph in relation to any provision mentioned in sub-paragraph (2) or (3) above only where the effect of its application in relation to that provision is either—

(a) that a larger amount (including, if there would not otherwise have been profits, an amount of more than nil) is taken for tax purposes to be the amount of the profits of the ring fence trade for any chargeable period; or

(b) that a smaller amount (including nil) is taken for tax purposes to be the amount for any chargeable period of any losses of that trade.

*Saving for the provisions relating to capital allowances and capital gains*

11 Nothing in this Schedule shall be construed as affecting—

(a) the computation of the amount of any capital allowance or balancing charge made under Chapter II of Part V of this Ordinance; or

(b) the computation in accordance with Chapter II of Part VI of this Ordinance of the amount of any chargeable gain or allowable loss;

and nothing in this Schedule shall require the profits or losses of any person to be computed for tax purposes as if, in his case, instead of income or losses falling to be brought into account in connection with the taxation of income, there were gains or losses falling to be brought into account in accordance with Chapter II of Part VI.

*General interpretation etc*

12—(1) In this Schedule—

“the actual provision” and “the affected persons” shall be construed in accordance with paragraph 1(1) above;

“the arm’s length provision” shall be construed in accordance with paragraph 1(2) and (3) above;

“double taxation arrangements” means arrangements having effect by virtue of section 165;

“foreign tax” means any tax under the law of a territory outside the Falklands Islands or any amount which falls for the purposes of any double taxation arrangements to be treated as if it were such tax;

“profits” includes income;

“the relevant activities”, in relation to a person who is one of the persons as between whom any provision is made or imposed, means such of his activities as—

- (i) comprise the activities in the course of which, or with respect to which, that provision is made or imposed; and
- (ii) are not activities carried on either separately from those activities or for the purposes of a different part of that person’s business;

“transaction” and “series of transactions” shall be construed in accordance with paragraph 3 above.

- (2) Without prejudice to paragraphs 8(2) and 10(3) above, references in this Schedule to a person controlling a body corporate or a partnership shall be construed in accordance with section 209.
- (3) In determining for the purposes of this Schedule whether a person has an entitlement, in pursuance of any double taxation arrangements or under section 169, to be given credit for foreign tax, any requirement that a claim is made before such a credit is given shall be disregarded.
- (4) Any adjustments required to be made by virtue of this Schedule may be made by way of discharge or repayment of tax, by the modification of any assessment or otherwise.
- (5) This Schedule shall have effect as if—
  - (a) a unit trust scheme were a company that is a body corporate;
  - (b) the rights of the unit holders under such a scheme were shares in the company that the scheme is deemed to be;
  - (c) rights and powers of a person in the capacity of a person entitled to act for the purposes of the scheme were rights and powers of the scheme; and

(d) provision made or imposed as between any person in such a capacity and another person were made or imposed as between the scheme and that other person.

Passed by the Legislature of the Falkland Islands this 22nd of November 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

ELIZABETH II



**Colony of the Falkland Islands**

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**The Grass Fires Ordinance 2002**

(No: 24 of 2002)

**ARRANGEMENT OF PROVISIONS**

**Section**

1. Short title
2. Interpretation
3. Prohibition on setting fire to vegetation
4. Permission to burn vegetation
5. Exemptions
6. Standard conditions
7. Offences
8. Damage caused to land
9. Repeal

ELIZABETH II



Colony of the Falkland Islands

RUSSELL THOMAS JARVIS,  
*Acting Governor.*

**THE GRASS FIRES ORDINANCE 2002**

(No: 24 of 2002)

*(assented to: 26<sup>th</sup> November 2002)*

*(commencement: upon publication)*

*(published: 4<sup>th</sup> December 2002)*

AN ORDINANCE

To repeal the Grass Fires Ordinance 1955 (Title 4.3) and to make fresh provision regulating the intentional burning of vegetation outside Stanley

ENACTED by the Legislature of the Falkland Islands as follows —

**Short title**

1. This Ordinance may be cited as the Grass Fires Ordinance 2002.

**Interpretation**

2. In this Ordinance —

“a permission” means a permission granted by the Director of Agriculture under section 4 of this Ordinance;

“open season” means the period from and including 1 April to 15 September in each year or such date subsequent to 15 September in any year, as the Director of Agriculture may determine by way of written notice published in the Gazette; and

“vegetation” means growing or standing vegetation and includes peat, brushwood, bushes, crops, grass, stubble, trees and undergrowth, does not include tussac, but does include dead vegetation and vegetable refuse resulting from any agricultural operation.

#### **Prohibition on setting fire to vegetation and tussac**

3.(1) No person shall intentionally set fire to any vegetation outside the boundaries of Stanley except under, in accordance with and subject to the terms and conditions of a permission granted under section 4 or in accordance with section 5.

(2) No person shall intentionally set fire to tussac.

#### **Permission to burn vegetation**

4. (1) The Director of Agriculture may from time to time grant a permission authorising the burning of vegetation.

(2) A permission shall be in writing and may be granted –

(a) to persons generally;

(b) in respect of vegetation in such area as may be specified in the permission or in respect of all vegetation outside the boundaries of Stanley generally;

(c) in respect of such type or types of vegetation as may be specified in the permission;

(d) authorising the burning of vegetation during such period as may be specified in the permission; and

(e) subject to such terms and conditions as the Director of Agriculture may think fit.

(3) A permission and its terms and conditions may at any time be varied, revoked or suspended by notice in writing given by the Director of Agriculture.

(4) A permission and any variation or revocation thereof or of any of its terms and conditions may be granted or given effect by way of a notice published in the Gazette.

#### **Exemptions**

5. Nothing in this Ordinance shall prohibit or make it unlawful for the owner or occupier of any land or for any other person with the permission of the owner or occupier of that land intentionally to set fire to vegetation –

(a) during the open season; or

(b) at any time, for either of the following purposes –

(i) the disposal by burning of garden rubbish; or

(ii) the provision of heating or cooking facilities for any property,

provided that in any case falling within paragraph (a) he complies with the conditions mentioned in section 6.

#### **Standard conditions**

6.(1) There shall be deemed to be inserted as conditions of a permission under section 4 the following conditions –

(a) the permittee shall before setting fire to the vegetation notify the chief police officer of his intention to do so; and

(b) the permittee shall notify each of the owners and occupiers of any farm lying within two miles of any place at which he intends to light a fire.

### **Offences**

7. (1) A person who contravenes section 3 commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding six months.

(2) A person who intentionally sets fire to vegetation contrary to any term or condition of a permission or contravenes the proviso to section 5 commits an offence and shall be liable on conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

### **Damage caused to land**

8. For the avoidance of any doubt, nothing contained in this Ordinance shall affect the right of any person aggrieved to obtain damages or any other form of relief for any loss sustained by him as a result of damage caused by fire or any anticipated such loss, or in any way affect the application of the law relating to criminal damage by arson.

### **Repeal**

9. The Grass Fires Ordinance 1955 (Title 4.3) is repealed.

Passed by the Legislature of the Falkland Islands this 22<sup>nd</sup> of November 2002.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*

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## SUBSIDIARY LEGISLATION

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### PENSIONS

#### **The Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2002**

S. R. & O. No: 32 of 2002

*Made: 22<sup>nd</sup> November 2002*

*Published: 4<sup>th</sup> Decemberr 2002*

*Coming into force: 1<sup>st</sup> January 2003*

IN EXERCISE of my powers under sections 10(1) and 13(1) of the Retirement Pensions Ordinance 1996(a) and of all other powers enabling me in that behalf, and with the approval of the Legislative Council, I make the following Regulations —

#### **Citation and commencement**

1. These Regulations may be cited as the Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2002 and shall come into force on 1st January 2003.

#### **Replacement of Regulation 5 of the Retirement Pensions (Prescribed Rates) Regulations 1996**

2. Regulation 5 of the Retirement Pensions (Prescribed Rates) Regulations 1996(b) is replaced by the following Regulation —

#### **“Rates of Contributions**

5. (1) For the purposes of the Pensions Ordinance the weekly rate of contribution —

- (a) for an employee under section 10(3)(a) is £8.50;
- (b) for a self-employed or retired person under section 10(3)(b) or (c), is £17.00.

(2) For the purposes of the Pensions Ordinance the weekly rate of contributions by employers is £8.50.

(3) For the purposes of the Pensions Ordinance the weekly rate of voluntary contributions by contributors under section 12 —

- (a) in respect of any week during the whole or any part of which they are ordinarily resident in the Falkland Islands is £17.00;

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(a) No 20 of 1996

(b) SR&O No 39 Of 1996



(b) in respect of any week during the whole of which they are not ordinarily resident in the Falkland Islands, is £21.40.

(4) For the purposes of the Pensions Ordinance the weekly rate of assisted contributions payable by the Government under section 13 is £17.00.”

Made this twenty-second day of November 2002

D A Lamont  
Governor

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EXPLANATORY NOTE

*(not forming part of the above Regulations)*

These Regulations replace regulation 5 of the Retirement Pensions (Prescribed Rates) Regulations 1996 with a new regulation 5. That regulation prescribes the weekly rate of contributions by employees, self-employed or retired persons and employers under the provisions of the Retirement Pensions Ordinance 1996. It also prescribes the weekly rate of voluntary contributions by Resident and non voluntary contributors and the weekly rate of assisted contributions payable by the Government under section 13 of the Ordinance.

The Regulation will come into force on 1<sup>st</sup> January 2003.





**THE  
FALKLAND ISLANDS GAZETTE  
Supplement**

**PUBLISHED BY AUTHORITY**

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*Vol. 13*

*19th December 2002*

*No. 28*

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The following are published in this Supplement -

**Defence Contractors' Employees Tax Exemption (No. 2) Order 2002,  
(S. R. & O. No. 33 of 2002);**

**Animal Health (Livestock Movement and Identification) (Provisional) Order 2002,  
(S. R. & O. No. 34 of 2002).**

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**SUBSIDIARY LEGISLATION**

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**TAXATION**

**Defence Contractors' Employees Tax Exemption (No. 2) Order 2002**

S. R. & O. No: 33 of 2002

*Made:.....13 December 2002*

*Published:.....19 December 2002*

*Coming into force: on publication*

IN EXERCISE of my powers under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987(a) and of all other powers enabling me in that behalf, I make the following Order —

**Citation and commencement**

1. This Order may be cited as the Defence Contractors' Employees Tax Exemption (No. 2) Order 2002.

**Application and duration**

2. This Order shall have effect so as to exempt qualifying employees from liability whether arising before or after the coming into force of this Order but before 1 January 2004 under any law of the Falkland Islands to pay income tax in respect of earnings in relevant employment by a designated employer and from liability under any such law to pay old age pensions contributions by reason of such employment.

**Interpretation**

3. For the purposes of this Order —

(a) a person is a qualifying employee in relation to any period of employment in which —

(i) the conditions specified in paragraphs (a) and (b) of section 9A(2) of the Ordinance are satisfied in relation to him; and

- (ii) he is in the employment of a designated employer;
- (b) "relevant employment" has the same meaning as it has for the purposes of section 9A of the Ordinance;
- (c) a person is employed by a designated employer if he is employed by an employer specified in the Schedule to this Order;
- (d) "old age pensions contributions" means contributions which an employee is required to pay under the provisions of the Retirement Pensions Ordinance 1996 **(b)**;
- (e) "earnings" has the same meaning as "relevant income" has for the purposes of section 9A of the Ordinance;
- (f) "the Ordinance" means the Taxes and Duties (Special Exemptions) Ordinance 1987.

#### SCHEDULE

(Article 3(c))

#### Designated Employers

INTERSERVE  
Turner GCMS (TGCMS) Ltd  
Turner Power Generation Ltd  
SODEXHO Defence Services  
NAAFI  
British International Helicopter Ltd  
MARCONI Communications Ltd  
Services Sound and Vision Corporation  
British Forces Broadcasting Service  
MPI Aviation  
Royce Communications Ltd  
EADS Defence Systems and Electronics (UK) Ltd  
Trant Construction Ltd

Made this 13th day of December 2002

H J S Pearce  
*Governor*

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**(b)** No 20 of 1996

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## SUBSIDIARY LEGISLATION

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### ANIMAL HEALTH

#### **Animal Health (Livestock Movement and Identification)(Provisional) Order 2002**

S. R. & O. No: 34 of 2002

*Made:.....17 December 2002*

*Published: .....19 December 2002*

*Coming into force: upon publication*

IN EXERCISE of my powers under sections 1 and 8(1) of the Animal Health Act 1981(a) in the form it applies in the Falkland Islands and of all other powers enabling me in that behalf, I make the following Order —

#### **Citation and commencement**

1. This Order may be cited as the Animal Health (Livestock Movement and Identification) (Provisional) Order 2002 and shall come into force upon publication.

#### **Purpose of Order**

2. The provisions of this Order are intended to assist with the implementation in the Falkland Islands of the provisions of Council Directive 92/102/EEC relating to the identification of livestock animals.

#### **Interpretation**

3.—(1) In this Order —

“abattoir” means the abattoir near Sand Bay in East Falkland and designated under the Sand Bay Abattoir (Designation) Order 2001(b);

“the Act” means the Animal Health Act 1981 in the form it applies in the Falkland Islands;

“carrier” means a keeper having care and control of a livestock animal during the course of a movement of that animal;

“consignee” means the person to whom a livestock animal is consigned for delivery under a waybill;

“home holding” means —

(a) in respect of a livestock animal which has not been subject to a movement and which is living at the commencement of this Order or born thereafter, the holding at which it is kept or born; and

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(a) The Act applies in the Falkland Islands by virtue of section 2(1) of the Animal Health Ordinance 1998 (No. 9 of 1998)

(b) S.R. & O. No 27 of 2001

- (b) in respect of a livestock animal which has been subject to a movement, the holding to which it has most recently been moved in accordance with the provisions of this Order;
- “holding” means any establishment, construction or, in the case of an open air farm, any place in which animals are held, kept or handled;
- “approved movement tag” means the identification ear tag applied to any livestock animal in accordance with this Order;
- “inspector” has the meaning given to that expression in section 89 of the Act;
- “keeper” means any natural or legal person having care and control of a livestock animal, even on a temporary basis;
- “livestock animal” means a sheep;
- “movement” has the meaning given to that expression in paragraph (3);
- “receiving holding” means the holding to which a livestock animal is consigned for delivery under a waybill;
- “the Schedule” means the schedule to this Order;
- “a waybill” means a document of a type described in article 8; and
- “a waybill book” means a waybill book supplied by the Director of Agriculture under article 8.
- (2) Any reference in this Order to a Community instrument is a reference to that instrument as amended at the time of the coming into force of this Order.
- (3) For the purposes of this Order —
- (a) “a movement” means a movement after the commencement of this Order of a livestock animal from its home holding to its receiving holding for the purposes of, pursuant to any arrangement concerning or otherwise in connection with the —
- (i) sale;
- (ii) keeping outside its home holding for a period in excess of 14 days; or
- (iii) slaughter,
- of that livestock animal;
- (b) a movement commences when the livestock animal concerned moves or is moved across the boundary of its home holding;
- (c) a movement is completed when the livestock animal concerned moves or is moved across the boundary of its receiving holding; and
- (d) “a movement” includes the importation of a livestock animal and in the case of importation of a livestock animal a movement commences when a livestock animal moves or is moved from the sea or air port in which it arrives in the Falkland Islands.

#### **Movement of livestock**

- 4.—(1) No person shall cause or permit a livestock animal to be subject to a movement unless —
- (a) it has an approved movement tag attached in accordance with articles 5 and 7 upon leaving its home holding for the purposes of the movement therefrom;
- (b) the owner of the animal immediately prior to the commencement of the movement, has completed and issued a waybill in respect of the movement in accordance with the provisions of article 8;
- (c) the keeper of the animal during the course of the movement and the consignee of the animal have signed the waybill issued in respect of the movement in accordance with the provisions of article 8; and
- (d) all other requirements of this Order are complied with.

(2) For the avoidance of doubt, unless otherwise determined by the Director of Agriculture, the requirements under this article shall arise in respect of each separate movement to which a livestock animal is subject.

#### **Duties of keepers in respect of approved movement tags during and after movement**

**5.—**(1) Where a livestock animal is subject to a movement, it is the duty of the keeper of that animal to ensure that —

(a) at the commencement of the movement an approved movement tag is attached to the right hand ear of the animal; and

(b) for the duration of the movement —

(i) any approved movement tag attached pursuant to subparagraph (a); and

(ii) any approved movement tag attached as a result of a prior movement,

remains so attached for the duration of the course of the movement.

(2) Upon the completion of a movement of a livestock animal and subject to paragraph (3), it is the duty of the keeper of the animal to ensure that any approved movement tag attached to the animal remains at all times legible and attached to the right hand ear of the animal until —

(a) its death; or

(b) a subsequent movement in respect of the animal has commenced.

(3) Where an approved movement tag which has been attached to a livestock animal in accordance with the provisions of this Order becomes illegible or is lost, any duty under paragraph (2) shall be deemed to have been performed provided that the keeper —

(a) notifies the Director of Agriculture within 7 days of discovery of the illegibility or loss of the approved movement tag;

(b) replaces the approved movement tag in accordance with the directions of the Director of Agriculture; and

(c) takes such other steps relating to identification of the animal within such reasonable period as the Director of Agriculture may direct.

(4) Where the keeper of a livestock animal fails to perform any duty required of him under paragraphs (1) or (2), then, without prejudice to any proceedings for a criminal offence arising out of that failure, an inspector may perform the duty and the Crown may recover the costs and expenses reasonably incurred in the performance of that duty from the keeper or (where the keeper is not also the owner) the owner of the animal concerned, as if those costs and expenses were a civil debt owed by the person concerned to the Crown.

(5) For the purposes of the performance of any duty under paragraph (4), an inspector, upon production if so required of his authorisation, may at any time during the hours of daylight enter upon any holding and perform the duty concerned, provided that he has first given to the keeper who has failed to perform the duty and (where the keeper is not also the owner) the owner of the holding at least 24 hours' notice in writing specifying —

(a) the duty to be performed;

(b) the likely amount of the costs and expenses associated with the performance of the duty;

(c) that the specified costs may be recovered from the keeper who has failed to perform the duty or the owner of the animal concerned; and

(d) his intention to perform the duty.



### **Obligations of keepers and others in respect of waybills and waybill books before, during and after movement**

- 6.—(1) Prior to the commencement of a movement of a livestock animal, the owner of that animal shall issue a waybill relating to that movement by —
- (a) completing, in triplicate, a waybill from a waybill book; and
  - (b) where he is not himself the carrier, handing the original and one copy of the waybill to the carrier of the animal.
- (2) A carrier of a livestock animal, shall —
- (a) when handed the original and copy waybill issued under paragraph (1), sign each waybill;
  - (b) during the course of a movement of that animal —
    - (i) hold the original and copy waybill issued under paragraph (1) so that it accompanies the animal;
    - (ii) produce the same upon request to an inspector; and
  - (c) upon completion of the movement, where he is not himself the consignee, hand the original and copy waybill issued under paragraph (1) to the consignee.
- (3) A consignee of a livestock animal, shall —
- (a) when handed the original and copy waybill issued under paragraph (1), sign each waybill;
  - (b) within 5 working days of the completion of the movement to which the waybill relates, send the copy waybill to the Director of Agriculture; and
  - (c) retain the original waybill in accordance with paragraph (4).
- (4) The consignee of a livestock animal and, in the event of his death, his legal personal representatives, shall for a period of 9 years from the date of its issue —
- (a) retain in a safe place any original waybill issued under paragraph (1) and coming into his possession in accordance with this article; and
  - (b) produce the same upon request to the Director of Agriculture or an inspector.

### **Identification mark**

- 7.—(1) The approved movement tag required under this Order is an identification device in the form of an approved movement tag bearing a code or serial number which —
- (a) is supplied or approved for the purposes by the Director of Agriculture;
  - (b) makes it possible to identify individually each livestock animal which is or has been subject to movement;
  - (c) is tamper proof and easy to read for the duration of the animal's life;
  - (d) is incapable of re-use; and
  - (e) is such as to remain on the animal without interfering with its well-being.
- (2) The Director of Agriculture shall maintain such stock of approved movement tags in the Falkland Islands as is sufficient to meet the foreseeable demand for the supply of the same from time to time under paragraph (3).
- (3) An approved movement tag shall be supplied by the Director of Agriculture to any person who —
- (a) is or is likely to be a person under a duty of a type referred to in articles 5(2) or (3); and
  - (b) gives at least 5 days notice in writing to the Director of Agriculture specifying —
    - (i) the number of approved movement tags required;
    - (ii) when the movement, in connection with which the requirement to use the approved movement tag arises, is due to commence; and

(iii) such other details as the Director of Agriculture may reasonably require in connection with the movement.

(4) Any approved movement tags supplied under this Order and which are not used in connection with a movement in respect of which they have been supplied, shall be returned to the Director of Agriculture as soon as reasonably possible after completion of that movement by the person to whom they have been supplied under paragraph (3).

### **Waybills**

8.—(1) The Director of Agriculture will, upon demand, supply the owner or keeper of a livestock animal with a waybill book comprising triplicate waybills in the form set out in the Schedule and upon which the details referred to in the waybill shall be recorded in respect of the movement of a livestock animal.

(2) The person to whom a waybill book is supplied under paragraph (1) and, in the event of his death, his legal personal representatives, shall retain that book in a safe place and shall retain in the book for a period of at least 9 years from the date of its issue, a copy of a waybill issued from the waybill book.

(3) Any person in possession of any waybill or waybill book shall, upon request, produce that waybill or book, as the case may be, to the Director of Agriculture or an inspector.

(4) The Director of Agriculture shall create and maintain a register of copy waybills sent to him under the provisions of this Order and shall retain each copy waybill sent to him in that register for a period of at least 9 years from the date of its issue.

### **Removal, replacement etc. of approved movement tags**

9.—(1) Except under the authority of an inspector, no person shall —

(a) remove an approved movement tag which has been attached in accordance with this Order, unless the approved movement tag has become illegible or has to be removed for welfare purposes; or

(b) replace such an approved movement tag unless it has become illegible or is lost and is replaced in accordance with article 5(3).

(2) No person shall attach to a livestock animal any approved movement tag except in accordance with the provisions of this Order.

(3) No person shall alter, obliterate or deface the information or identification marks on an approved movement tag attached in accordance with the provisions of this Order.

### **Alteration, destruction etc. of a waybill**

10. No person shall within the period of 9 years from the date of its issue, maliciously or fraudulently alter, destroy or deface a waybill which has been issued in accordance with the provisions of article 6(1).

### **Approved movement tags missing at abattoir**

11. The operator of the abattoir shall not slaughter any livestock animal —

(a) the carcass or any part of the carcass of which is intended for export; and

(b) which does not have an approved movement tag attached in accordance with the provisions of this Order.

SCHEDULE  
Waybill



Falkland Islands Government  
Department of Agriculture  
Animal Health (Livestock Movement and  
Identification) Order 2002

# Waybill

Please complete in BLOCK LETTERS

1. Full name and address of the actual owner of stock being travelled.	..... ..... .....	5. Full name and address of the person or company taking delivery of the stock.	..... ..... .....
2. Full address of the place of origin of the stock.	..... ..... .....	6. Full address of the destination for the stock.	..... ..... .....
3. Date movement commenced.	...../...../..... Day Month Year	7. Date movement ceased.	...../...../..... Day Month Year
4. Description of the route stock have travelled.	..... ..... .....		

8. Particulars of stock. (Full and accurate details of the stock being travelled must be supplied below.)

Number of stock	Breed	Description / sex	Movement tag numbers	Earmark

9. Name and signature of the owner or occupier of the farm of origin of the stock.	Name:..... Signature:.....	...../...../..... Day Month Year
10. Name and signature of person in charge of the stock being travelled.	Name:..... Signature:.....	...../...../..... Day Month Year
11. Name and signature of the person taking delivery of the stock.	Name:..... Signature:.....	...../...../..... Day Month Year

Original copy (White): Travels with the stock and is retained by the person taking delivery.  
 First copy (Pink): Travels with the stock and is sent to the Department of Agriculture by the person taking delivery.  
 Second copy (Yellow): Remains with the owner in the waybill book.

Made this 17th day of December 2002

H J S Pearce  
Governor

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### EXPLANATORY NOTE

*(not forming part of the above Order)*

This Order makes provision intended to assist with the implementation in the Falkland Islands of the provisions of Council Directive 92/102/EEC relating to the identification of sheep. The provisions of the Order will require keepers to attach approved movement tags to livestock animals (which are defined as sheep) which are moved off farms or other holdings for the purposes of sale to another farm or holding, keeping off the farm or holding for a period in excess of 14 days or slaughter (see definition of movement in article 3(3)). The attachment of approved movement tags is designed to enable all sheep which are slaughtered to be identified and their origin traced back to farm of birth or country of import. This is an important issue for the purposes of tracing the source of any disease or abnormality in livestock which are slaughtered for human consumption.

Article 4 creates a prohibition upon the movement of sheep except where the sheep have an approved movement tag attached, a waybill has been completed in respect of the movement and the other requirements of the Order are complied with.

Articles 5 and 6 prescribe the duties and obligations of animal keepers and others concerned in the movement of sheep. In particular, the articles make provision for the attachment of approved movement tags and completion of waybills relating to each movement. Where a keeper of sheep fails to perform his duty under article 5, an inspector (for example a Government veterinary officer) may enter upon the holding where the animals concerned are kept and take such steps as may be necessary to perform that duty. Costs and expenses incurred by the Crown in connection with the performance of the duty may be recovered from the keeper or (where the keeper is not also the owner) the owner of the animals as a civil debt.

Articles 7 and 8 contain provisions relating to identification marks and waybills respectively. These set out certain detailed matters concerning approved movement tags and waybills and how they are to be supplied. For example, the Director of Agriculture is required under these articles to maintain a stock of approved movement tags and to supply them to persons wishing to use them upon 5 days written notice.

Article 9 prohibits the removal or replacement of an approved movement tag except in certain prescribed circumstances.

Article 10 prohibits, within 9 years of its issue, the malicious or fraudulent alteration, destruction or defacement of a waybill.

Article 11 forbids the operator of the Sand Bay abattoir from slaughtering any animal which does not have an approved movement tag and the carcase of which is intended for export.

The Order is titled "Provisional" as it is anticipated that it will be necessary to extend its provisions to all livestock animals in due course either by amending the Order or revoking and replacing the Order.

