



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 126

31 January 2017

No. 1

Appointment

Claire Louise Ralph, Head of Taxation, Treasury, 05.12.16.

Muchazondida Frank Hochi, General Handyperson, Property and Municipal Section, Public Works Department, 14.12.16.

Morgen Mapepa, Plant Operator/Handyperson, Highways Section, Public Works Department, 22.12.16.

Hannes De Bruin, Service Development Manager, Health and Social Services, 03.01.17.

Peter McPhee, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 09.01.17.

Kenneth Barry Stewart, Plant Operator/Handyperson, Materials Section, Public Works Department, 09.01.17.

Gemma Mary-Lou Finn, Technical Assistant, Civil Aviation, Law and Regulation Department, 12.01.17.

Mary Elizabeth Winwood, Staff Nurse, Health and Social Services Department, 12.01.17.

Mark Frederick Dalgarno, Gardener, Government House, Central Services Department, 16.01.17.

Matthew Wehl, Pharmacist, Health and Social Services Department, 17.01.17.

Kevin Michael Buck, Learning Support Assistant, Infant and Junior School, Education Department, 23.01.17.

Bronwen Rebecca Ford, Learning Support Assistant, Infant and Junior School, Education Department, 23.01.17.

Cian Peter Derbyshire, Fisheries Observer, Natural Resources Department, 24.01.17.

Oliver Thomas, Fisheries Observer, Natural Resources Department, 24.01.17.

David Thomas Ross, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 30.01.17.

Lesley Anne Wilson, Staff Nurse, Health and Social Services Department, 31.01.17.

Completion of contract

Judith Carolyn Westerman, School Nurse, Health and Social Services Department, 31.12.16.

Ashley Grimmer, Fisheries Observer, Natural Resources Department, 02.01.17.

Daniel Robert Heath, Management Accountant, Treasury, 13.01.17.

Ronald Lawrence Rothwell, Hospital Estates Manager, Health and Social Services Department, 14.01.17.

Maria Veronica Iriarte Denis, Fisheries Observer, Natural Resources Department, 15.01.17.

Amanda Kuepher, Seabirds Fisheries Observer, Natural Resources Department, 22.01.17.

Kirsty Anne Bradley, Fisheries Observer, Natural Resources Department, 23.01.17.

Brais Sanchez, Fisheries Observer, Natural Resources Department, 24.01.17.

Nicholas Martin Guy Arculus, Crown Counsel, Government Legal Services, Law and Regulation Department, 25.01.17.

Rebecca Emily Dickens, Senior Staff Nurse, Health and Social Services Department, 27.01.17.

Hugh Joseph Carville, Pharmacist, Health and Social Services Department, 27.01.17.

Ian Charles Keith Bainbridge, Director, Health and Social Services Department, 28.01.17.

Renewal of contract

Judith Carolyn Westerman, School Nurse, Health and Social Services Department, 01.01.17.

Ronald Lawrence Rothwell, Hospital Estates Manager, Health and Social Services Department, 15.01.17.

Maria Veronica Iriarte Denis, Fisheries Observer, Natural Resources Department, 16.01.17.

Amanda Kuepher, Seabirds Fisheries Observer, Natural Resources Department, 23.01.17.

Kirsty Anne Bradley, Fisheries Observer, Natural Resources Department, 24.01.17.

Promotion

Dino Bruna, from Labourer to Plant Operator/Handyperson, Materials Section, Public Works Department, 01.01.17.

Rodrigo Cordeiro Garcia, from Senior Projects Officer to Head of Environmental Safety Policy, Mineral Resources Department, 01.01.17.

Tara Marie Hewitt, from Learning Support Assistant to Higher Learning Support Assistant, Infant and Junior School, Education Department, 23.01.17.

Resignation

Glen Williams, Works Manager, Property and Municipal Section, Public Works Department, 09.01.17.

Shona Marguerite Strange, Senior Constable, Royal Falkland Islands Police, Emergency Services Department, 31.01.17.

Jane Mary Lorimer, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 31.01.17.

Karen Lorimer, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 31.01.17.

Transfer

Nicholas Francis, from Building Maintenance Co-ordinator to Works Manager, Property and Municipal Section, Public Works Department, 01.01.17.

Michaela Clifford, from Childcare Apprentice, Training Centre to Learning Support Assistant, Infant and Junior School, Education Department, 23.01.17.

NOTICES

No. 1 21 December 2016

Falkland Islands Constitution Order 2008 *section 81*

Appointment of Temporary Member to the Public Accounts Committee

1. Section 81(8) of the Falkland Islands Constitution Order 2008 provides for the Governor to appoint temporary members to the Public Accounts Committee to replace members who are considered to have conflict of interests, after consultation with the elected members of the Legislative Assembly.

2. In exercise of my powers under section 81(8), following consultation with the elected members of the Legislative Assembly, I appoint to the Public Accounts Committee Nadia Louise Smith as a member (temporarily replacing Stephen John Dent) for the purpose of dealing with the inquiry into Stanley Leisure Centre.

3. This appointment has effect from 21 December 2016 until the inquiry into Stanley Leisure Centre is concluded, unless terminated sooner.

Dated 21 December 2016

C. ROBERTS,
Governor.

No. 2

21 December 2016

Education Ordinance (Title 29.1) *section 57*

Academic Year 2017 – 2018 **Term Dates**

Term One

Tuesday 5 September – Friday 15 December 2017

Half Term

Monday 23 October – Friday 27 October 2017 (inclusive)

Term Two

Monday 22 January – Friday 13 April 2018

Half Term

Monday 26 February – Friday 2 March 2018 (inclusive)

Term Three

Monday 30 April – Thursday 9 August 2018

Half Term

Monday 11 June – Friday 15 June 2018 (inclusive)

Public Holidays (schools closed)

Monday 2 October 2017 Peat Cutting Monday

Friday 8 December 2017 Battle Day

Friday 30 March 2018 Good Friday

Professional Development Days for Teaching and Non-Teaching Staff

Friday 1 September 2017

Monday 4 September 2017

The equivalent of three Professional Development days to be organised at the discretion of the Head Teachers.

Camp Schools

Term dates for Camp Schools may be modified to suit the convenience of farms provided that children receive 190 days schooling and the dates are agreed with the Head Teacher of Infant Junior School/Camp Education in advance.

Dated 21 December 2016

T. HILL,
Director of Education.

Police Ordinance (Title 56)
section 52

Notice of unclaimed property

Take notice that the following items are in the charge of the Royal Falkland Island Police:

Date found	Description of item
10.03.16	FI £5 note
17.03.16	Metal crowbar
21.03.16	VISA debit card Santander 4567359621539284 K Norton
12.04.16	Flask green
19.04.16	Green woollen glove
01.05.16	1 x Black and Gray wallet containing various cards and £21.80 cash
09.05.16	Black gloves
09.05.16	Brown small jacket
09.05.16	Super Dry jacket
09.05.16	Blue jacket
09.05.16	Scarf multi coloured
09.05.16	Grey light fleece
09.05.16	4 x £20 = £80 cash
29.05.16	Rimmel pink double ended lip gloss
20.06.16	Sunglasses
24.06.16	Twenty pound note
27.08.16	House key (yellow metal) on ring with green clothed rubber figure Fob
01.07.16	Inhalers x 2
05.07.16	1 x pair of black fabric gloves
09.07.16	Next watch
09.07.16	Blue and White Raleigh child's bike
28.07.16	1 x key set
23.08.16	1 x brass key with Fob
26.08.16	Zipped jackets x 2
26.08.16	Zipped jacket x 1; hooded grey top x 1
06.09.16	Silver coloured necklace with silver coloured ring and small green stone
30.09.16	2 x £10 notes
02.10.16	Motorbike helmet black and pink
04.11.16	Trailer towing pin
19.12.16	Pink and white LG mobile phone
22.12.16	1 HD key

Any person who may have a claim to such property may lodge a claim in writing to the Magistrate's Court within six months of the publication of this list in the Gazette.

Dated 3 January 2017

J. BROOKS,
Clerk, Magistrates Court.

Medical Practitioners, Midwives and Dentists Ordinance
section 4

Registered Medical Practitioners, Midwives and Dentists

In accordance with section 4 of the Medical Practitioners, Midwives and Dentists Ordinance the names and qualifications of registered medical practitioners, midwives and dentists are published:-

Doctors

Mr Ahmad Cheema MBBS FRCS

Dr Rebecca Edwards MBBS DRCOG DFSRH
 Dr Mukhtar Uqaili MBBS MRCGP(Int) MCPS DPH
 Dr Arthur Allison BSc MBChB FRCA
 Dr Sherwood Elcock GP MBChB FRCGP
 Dr Donald MacLeod MBChB FFARCSI
 Mr Norman Binnie BSc (Med Sci) MBChB MD FRCSEd
 Mr Peter Richard Sill MBChB FRCOG
 Dr Oscar Varas MD
 Dr Mandy Fry MBBS Mphil DGH DFFP FRCGP
 Dr Dipankar Bandyopadhyay MBBS FRCPsych
 Ms Venessa Lawton MBChB MRCOG MD
 Dr David Edwards-Moss MBBS DTM&H
 Dr Bernadette M Paver MBBS MRCGP DPD DOccMed
 Mr Mike Rogers MBBS MBA FRCS
 Dr Alstynn Pillay MBBS
 Dr Andrew Jeffery MD BSc
 Dr Stephenie Foot MBChB FRCA
 Mr Daniel Archer MBBS LRCP MRRS FDSRCS Max Face
 Dr Hilary Napier MBBS DRCOG MRCGP BSc
 Dr Mary Whittle MB Bch BAO MRCPsych Dip Criminology
 Dip Forensic Psy
 Dr Timothy Roche BHSc MD
 Dr Gerard Bulger BSc MBBS FRCGP FRACGP
 Dr Paul Dhillon BA MBChB BAO LRCPsI DRCCOP CCFP
 DTM
 Dr Domonkos Lendvai MD Consultant Anaesthetist
 Dr Claire Littler Bmed Sci BM BS FRCPath
 Dr Maciej Stronczak MD
 Dr Alvaro Pemartin MD
 Dr Grant Rogers MD
 Dr Brett Lockyer BSc BM FRCPath
 Dr Jeff Martin BSc MSc MD
 Mr Duncan McLean FRCSEd (Urology)
 Mr Paul Franks MBChB FRCOG
 Mr Paul Rosen FRCS FRCO
 Mr A Mageed MB BS FRCS
 Mr Henry Allerman MD
 Mr Alan Brooks BSc MBBS MD DCH FRCOG
 Dr Ryan Jackson MBBS MRCGP AvMed
 Dr Katrina Hope BMBS BMedSci MSC FRCA
 Dr Reid Barker MD BSc
 Dr Colin Berry MB BS FRCA
 Dr Belle Song MD BSc
 Dr Rodrigo Ibanez MD
 Dr Rodrigo Montagna MD
 Dr Christopher Johnson BSc MBChB FRCPath

Dentists

Dr Mary Ashdown BDS MSc DPHRCS DPDS
 Dr Sally Owen BChD
 Dr David Fyfe BDS (UK)

Midwives

Mrs Mandy Heathman SRN SCM
 Mrs Claire Neves RM
 Ms Vimbainashe Doherty BSc RGN MSc Hons Midwifery
 Mrs Gail Johnson RM
 Miss Sarah Keegan RM
 Cecelia Aboyeji RM RN

Dated 3 January 2017

R. E. EDWARDS,
Chief Medical Officer.

No. 5

4 January 2017

Supreme Court of the Falkland Islands

**Notice under the Administration of Estates Ordinance
(Title 68.1)**

Take notice that **Malcolm John MacFarlane** latterly of Inglewood, New Zealand died on or about 11 April 2016 without leaving a will.

Whereas **Falklands Legal** (the Petitioner) has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands 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.

Dated 4 January 2017

J. BROOKS,
Registrar, Supreme Court

No. 6

11 January 2017

**Falkland Islands Tourist Board Ordinance
(section 8(a) and (b))**

Appointment of Chairperson and Vice Chairperson

1. Section 8 of the Falkland Islands Tourist Board Ordinance (No 10 of 2014) provides that the Chairperson and Vice Chairperson of the Falkland Islands Tourist Board Governing Body will be appointed by the Governor.

2. In exercise of my powers under section 8, and in accordance with the advice of Executive Council, I appoint:-

Michael Rendell to be Chairperson for 24 months, and Sally Jean Ellis to be Vice Chairperson for 30 months,

of the Falkland Islands Tourist Board Governing Body.

3. These appointments have effect from 1 January 2017 and continue in effect as indicated above, unless terminated sooner.

Dated 11 January 2017

C. ROBERTS,
Governor.

No. 7

12 January 2017

Application for Naturalisation

Notice is hereby given that:-

Martin Eduardo Peirega

is applying to His Excellency the Governor for naturalisation as a British Overseas Territories Citizen.

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 and Immigration Department, Stanley to reach that office no later than 22 February 2017.

Dated 12 January 2017

J. E. SMITH,
Immigration Officer.

No. 8

13 January 2017

**Chartres River Properties Limited
Company Number: 7853**

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 31 December 2016.

Dated 13 January 2017

E. J. DENT,
Registrar of Companies.

No. 9

13 January 2017

**Offshore Environmental Limited
Company Number: 15258**

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 31 December 2016.

Dated 13 January 2017

E. J. DENT,
Registrar of Companies.

No. 10

27 January 2017

**Media Trust Ordinance
section 4**

Appointment of Trustee and Chair

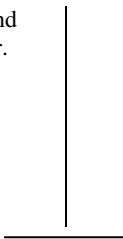
1. Section 4 of the Media Trust Ordinance (Title 59.1) provides that trustees of the Media Trust shall be appointed by the Governor acting in his discretion.

2. In exercise of my powers under section 4, I appoint Stacy John Bragger to be a trustee and Chair of the Media Trust.

3. This appointment has effect from the date given below and will continue in effect for four years, unless terminated sooner.

Dated 27 January 2017

C. ROBERTS,
Governor.





FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

10 February 2017

No. 1

The following are published in this Supplement –

**Law Revision and Publication Bill 2017; and
Immigration (Amendment) Bill 2017.**

Law Revision and Publication Bill 2017

(No: of 2017)

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Clause

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LAW REVISION AND PUBLICATION BILL 2017

(No: of 2017)

(*assented to:* 2017)
(*commencement: in accordance with section 2*)
(*published:* 2017)

A BILL

for

AN ORDINANCE

To make provision in connection with the revision and publication of the law of the Falkland Islands.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1

INTRODUCTION

1. Title

This Ordinance is the Law Revision and Publication Ordinance 2017.

2. Commencement

(1) This Ordinance will come into force in accordance with provision made by the Governor by order.

(2) An order under subsection (1) may include consequential and transitional provision.

3. Repeals and revocations

(1) The Revised Edition of the Laws Ordinance 1991 is repealed.

(2) The Law Revision (Paving) Ordinance 2015 is repealed.

(3) Part X of the Interpretation and General Clauses Ordinance 1977 (Imperial Enactments) is repealed.

(4) The Ordinances listed in column 1 of Schedule 3 are repealed and the instruments listed in column 2 of Schedule 3 are revoked.

PART 2

STATUTE LAW COMMISSIONER

4. Appointment

- (1) The Governor must appoint a person as the Statute Law Commissioner.
- (2) The Commissioner holds and vacates office in accordance with terms specified by the Governor on making the appointment.
- (3) The Commissioner's appointment must be notified in the Gazette.
- (4) Appointment as Commissioner may be held separately or together with another appointment.
- (5) Except as provided in subsection (6), the terms of appointment may (but need not) require the Commissioner to report to, and comply with directions of or comply with guidance issued by, the Attorney General or another specified official.
- (6) When discharging the functions of this Ordinance, the Commissioner is required to offer independent advice to the Legislative Assembly and is not subject to the direction of any other person in the formulation of that advice.

5. General functions

The Statute Law Commissioner is responsible for the revision and publication of the laws of the Falkland Islands.

6. Statute law database

Part 3 of this Ordinance provides for the Statute Law Commissioner to be responsible for the publication and maintenance of the official statute law database of the Falkland Islands.

7. Revision of the law

- (1) The Statute Law Commissioner must undertake a continual programme of revision of the laws of the Falkland Islands.
- (2) The revision programme must include preparation of the lists of United Kingdom enactments required by Part 3.
- (3) The revision programme may include —
 - (a) preparation of consolidations of Ordinances and instruments;
 - (b) preparation of Bills for the repeal and revocation of Ordinances and instruments which are no longer of practical utility;
 - (c) preparation of Bills and instruments to replace, through substantive statutory provision, the selective application of United Kingdom enactments under section 21(1).

8. Annual report

(1) The Statute Law Commissioner must lay before the Legislative Assembly an annual report about the performance of the Commissioner's functions under this Ordinance.

(2) The report must, in particular, address the following matters —

(a) usage statistics for the Statute Law Database (including details of search-activity, download activity, service faults and reliability, and any improvements to the functions supported by the operating software, and details so far as available of use made of facilities for access to hard-copy extracts or archives);

(b) statistics in respect of the Commissioner's revision programme under this Part during the year to which the report relates;

(c) specific proposals for priorities and objectives in respect of the Commissioner's revision programme under this Part for the following year;

(d) a long-term plan for priorities and objectives in respect of the Commissioner's revision programme under this Part for the following 5 years;

(e) submissions made to the Commissioner about the performance of functions under this Ordinance in the year to which the report relates, together with the Commissioner's response to those submissions.

(3) If the Legislative Assembly debates an annual report under this section and makes recommendations, the Commissioner must give effect to those recommendations.

9. Money

The following moneys will be defrayed out of moneys provided by the Legislative Assembly —

(a) remuneration of the Statute Law Commissioner; and

(b) the cost of any resources reasonably required to enable the Commissioner to discharge their duties under this Ordinance.

PART 3

STATUTE LAW DATABASE

10. Requirement to provide the database

(1) The Statute Law Commissioner is responsible for the publication and maintenance of a Statute Law Database of the Falkland Islands.

(2) The Commissioner's primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs and preferences of others who may wish to access the database.

11. Content of the database

(1) The Statute Law Database must contain —

(a) the complete and up to date text of all Ordinances of the Falkland Islands in force;

(b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force;

(c) a list of United Kingdom enactments having force in the Falkland Islands (by automatic extent or application described in section 20(1), and by selective application in accordance with sections 21(1) and 23); and

(d) a list of the enactments of other jurisdictions (if any) having force in the Falkland Islands, having been applied in the Falkland Islands by or by virtue of Ordinance of the Falkland Islands.

(2) For the purposes of subsection (1) —

(a) the Statute Law Commissioner may take as the authoritative text of an Ordinance or of any subsidiary legislation a version produced in accordance with the Revised Edition of the Laws Ordinance 1991 that appears to the Commissioner to be accurate;

(b) the consolidated text of an Ordinance or of any subsidiary legislation which incorporates every amendment made to it represents the complete and up to date text of the relevant statute, and the Statute Law Database is not required to also include the separate text of any amending Ordinance or instrument which is reflected in the Statute Law Database as part of a consolidation;

(c) an Ordinance or subsidiary legislation in force does not include an Ordinance or instrument, or a provision of an Ordinance or instrument, which has effect only to repeal or revoke another Ordinance or instrument, or to repeal or revoke a provision of another Ordinance or instrument;

(d) a list of enactments contained in the Statute Law Database in accordance with subsection (1)(c) or (1)(d) is not required to include any enactment which has force in the Falkland Islands only by virtue of its amendment of another enactment having force in the Falkland Islands.

(3) The Statute Law Database must also contain any other information specified by the Governor by order.

(4) The Statute Law Database may also contain any other information which the Statute Law Commissioner considers appropriate; and for this purpose the Statute Law Commissioner must—

(a) have regard to any guidance issued by the Attorney General;

- (b) comply with any directions given by the Speaker of the Legislative Assembly;
- (c) have regard to any guidance given by a member of the judiciary of the Falkland Islands, and
- (d) have regard to any requests made by persons appearing to represent business, consumer or other interests in the Falkland Islands.

12. Maintenance of the database

- (1) The Statute Law Commissioner must aim to keep the Statute Law Database up to date at all times.
- (2) The Commissioner must have regard to the desirability, subject to the availability of resources, of including in the Statute Law Database a facility for accessing historical texts of Ordinances as they had effect at or in relation to particular times.

13. Access to the database

- (1) The Statute Law Commissioner must aim to ensure that the Statute Law Database is as accessible to all residents of the Falkland Islands as is reasonably practicable.
- (2) In complying with subsection (1) the Commissioner —
 - (a) must treat the internet as the primary means of access to the database, but
 - (b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.

14. Authority

- (1) The Statute Law Database is, by virtue of this section, the authoritative statement of the legislation applying to or in relation to the Falkland Islands by or by virtue of Ordinance.
- (2) The following may be received in evidence by a court or tribunal —
 - (a) an electronic extract or download from the database;
 - (b) a document purporting to be a printout of part of the database.
- (3) An electronic document purporting to be an extract or download from the database —
 - (a) must be treated as genuine unless the contrary is proved, and
 - (b) must be treated as an accurate statement of the law at the time to which it relates unless the contrary is proved.
- (4) A hard-copy document purporting to be a printout of part of the database —

(a) must be treated as genuine unless the contrary is proved, and

(b) must be treated as an accurate statement of the law at the time to which it relates unless the contrary is proved.

(5) An electronic or hard-copy certificate of the Statute Law Commissioner that an electronic or hard-copy document is an accurate extract of the database must be treated as conclusive for all purposes (subject only to the possibility of the certificate being challenged by way of judicial review).

15. Rectification of defects

(1) This section applies where the Attorney General (as a result of a reference from a court or otherwise) thinks that the text of a provision included in the database is inaccurate as a result of an error in —

(a) anything done by the Commissioner in pursuance of the functions under section 7, or

(b) the processes applied in the incorporation of new Ordinances, or the reflection of revised Ordinances, or the listing of applied UK or other enactments, in the compilation or maintenance of the database.

(2) The Attorney General must lay a report before the Legislative Assembly which —

(a) identifies the error,

(b) sets out a proposal for its rectification, and

(c) if the Attorney General thinks it necessary or desirable to rectify the error by legislation, is accompanied by a draft of an order for that purpose.

(3) A report laid before the Legislative Assembly under subsection (2) must include the views of the Statute Law Commissioner on the matters contained in the report.

(4) If the Legislative Assembly approves a report laid under subsection (2), the Governor may by order make provision in the form of any draft accompanying the report under subsection (2)(c).

(5) An order under subsection (4) may include incidental or transitional provision, including provision for the order or any provision of it to be treated as always having had effect, or as having had effect from a specified time.

16. Costs of maintaining the database

(1) The annual costs of maintaining the Statute Law Database will be defrayed out of moneys provided by the Legislative Assembly.

(2) The annual maintenance costs may include the reasonable costs of making improvements to the Database to ensure continued compliance with this Ordinance.

17. Charges

(1) No charge may be made by or on behalf of the Statute Law Commissioner for access to the electronic version of the Statute Law Database by residents of the Falkland Islands.

(2) Where the Commissioner, in accordance with section 13(2)(b), makes arrangements for the provision of hard-copy extracts of the Statute Law Database, the Governor may, by order, permit the Commissioner to charge, or permit the provider to charge, for provision of the extracts; but—

(a) charges must be set at a level designed to ensure that, taking one year with another, no profit is made;

(b) the Statute Law Commissioner must aim, subject to the allocation of resources, to provide or arrange for the provision of a subsidy to enable the provision of extracts without charge, or at a reduced charge, in cases of hardship;

(c) the Statute Law Commissioner must consider the feasibility of providing free access within the Falkland Islands to a print version of all or part of the Statute Law Database.

(3) In subsection (1) “charge” does not include costs of internet access levied by a service provider other than the Falkland Islands Government.

(4) Subject to subsections (1) to (3), the Statute Law Commissioner may charge, or permit the imposition of a charge, for electronic or hard-copy access to the Statute Law Database (and any receipts, or an amount equivalent to them, must be applied to the costs of maintenance of the Database).

18. Delegation

(1) Arrangements made by the Statute Law Commissioner for the design, creation, publication and maintenance of the Statute Law Database may involve the delegation of the day-to-day operation and management of the Statute Law Database.

(2) But the Statute Law Commissioner may not enter into arrangements as a result of which the Commissioner is unable to monitor the accuracy of the database, for which the Commissioner remains personally responsible and accountable to —

(a) the Governor,

(b) the Attorney General (if not also the Commissioner), and

(c) the Legislative Assembly.

PART 4

APPLICATION OF UNITED KINGDOM LAW

19. Amendment of the Interpretation and General Clauses Ordinance

(1) The Interpretation and General Clauses Ordinance is amended as follows.

(2) In section 4 —

(a) for the definition of “enactment” substitute the following —

““enactment” means —

(a) an Ordinance;

(b) subsidiary legislation made under an Ordinance;

(c) an Act of Parliament which extends to or applies in the Falkland Islands;

(d) subordinate legislation, made under an Act of Parliament, which extends to or applies in the Falkland Islands; and

(e) a provision of anything within paragraphs (a) to (d);”

(b) omit the definition of “imperial enactment”;

(c) for the definition of “law” substitute the following —

““law” means any law which for the time being has effect in the Falkland Islands (including a law which has effect in the Falkland Islands by virtue of the Law Revision and Publication Ordinance 2017);”

(d) after the definition of “United Kingdom” insert the following —

““UK Act” means an Act of Parliament;

“UK enactment” means a UK Act or instrument;

“UK instrument” means subordinate legislation under an Act of Parliament;”.

(3) Part X (Imperial Enactments) ceases to have effect.

20. Automatic extension or application of UK Legislation

(1) This section applies to any UK enactment (or any provision of a UK enactment) which extends to or applies in the Falkland Islands by virtue of —

- (a) express or implied provision of the enactment, or
- (b) provision of another UK enactment.

(2) An enactment to which this section applies is to be construed and applied in accordance with any provision that applies to the enactment in its application to England and Wales (including, in particular, the Interpretation Act 1978, but subject to any express modifications or contrary indications).

(3) Subsection (2) is subject to section 22.

21. Selective application of UK legislation

(1) The UK enactments listed in Schedule 1 apply in the Falkland Islands (by virtue of this section).

(2) The list in Schedule 1 may be amended by order under section 25(8) (or by Ordinance).

(3) A UK enactment which is not listed in Schedule 1 does not apply in the Falkland Islands; but this subsection is subject to any automatic extent or application described in section 20.

22. Modification of applicable UK Legislation

(1) This section applies to UK enactments which apply in the Falkland Islands in accordance with sections 21 or 23.

(2) This section also applies to a UK enactment (UK Law 1) which extends to or applies in the Falkland Islands by automatic extent or application (as described in section 20), if the UK enactment by virtue of which UK Law 1 extends to or applies in the Falkland Islands provides for the extent or application of UK Law 1 with any necessary modifications (or words to that effect).

(3) Where this section applies, in the application of the UK enactment to the Falkland Islands the modifications set out in Schedule 2 to this Act have effect.

(4) The Governor may by order amend Schedule 2.

23. UK secondary legislation

A statutory instrument made under a UK enactment which applies in the Falkland Islands in accordance with section 21 also applies in the Falkland Islands, subject to any exclusion specified in Column 3 of Part 1 of Schedule 1 in relation to the UK enactment.

24. Amendments of UK Legislation

(1) A UK enactment that applies in the Falkland Islands in accordance with section 21 or 23 has effect as it applies in relation to England and Wales, including any amendments, repeals or other modifications that have effect at or in relation to the time of its application to the Falkland Islands in accordance with section 21 or 23.

(2) Where a UK enactment (“the amending enactment”) subsequently amends or modifies a UK enactment that applies in the Falkland Islands in accordance with section 21 or 23, the amending enactment also applies in the Falkland Islands (but section 11(1)(c) does not require the amending enactment to be listed on the Statute Law Database).

(3) This section is subject to any exclusions or modifications specified in Column 3 of Part 1 of Schedule 1 in relation to the UK enactment.

(4) In respect of a UK enactment that applies differently in relation to England and in relation to Wales, its application in the Falkland Islands by virtue of subsection (1) or (2) is by reference to the enactment’s application in England only.

25. Monthly review of UK enactments

(1) The Statute Law Commissioner must lay before the Legislative Assembly regular reports about the application of UK enactments, which will ordinarily be laid every calendar month in respect of the previous calendar month.

(2) Reports may cover a maximum period of 90 days, and must be laid as soon as is reasonably practicable after the end of the period to which the report relates.

(3) A report must list —

(a) each UK Act passed since the previous report which provides expressly, or by necessary implication, for the Act’s extension to or application in the Falkland Islands;

(b) each UK Act passed since the previous report which provides for the Act’s extension to or application in, the Falkland Islands by Order in Council;

(c) each UK Act passed since the previous report which amends the extension to or application in the Falkland Islands of an Act described in paragraphs (a) or (b);

(d) any Order in Council made since the previous report providing for a UK enactment to extend to or apply in the Falkland Islands; and

(e) any statutory instrument made since the previous report under a UK Act which amends a provision which extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, where the amendment also extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication;

(f) any other statutory instrument which has been made since the previous report under a UK Act and which extends to or applies the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication.

(4) A report must also list separately —

- (a) every UK Act passed since the previous report not listed under subsection (3);
 - (b) each UK enactment passed or made since the previous monthly report which amends or modifies a UK enactment which applies in the Falkland Islands by virtue of section 21 or 23;
 - (c) any UK statutory instrument made since the previous quarterly report under a UK enactment which applies in the Falkland Islands by virtue of section 23;
 - (d) any UK statutory instrument made since the previous quarterly report in respect of which the Statute Law Commissioner wants to make a recommendation to the Legislative Assembly.
- (5) In respect of each UK enactment listed in a report in accordance with subsection (4) the Statute Law Commissioner must —
- (a) make a recommendation as to whether an amendment should be made to Schedule 1 in respect of the UK enactment (whether to provide for application to the Falkland Islands, for exclusion from application, for modification, or otherwise); and
 - (b) provide a draft amendment of Schedule 1 (if relevant).
- (6) The Legislative Assembly must consider a report laid under this section as soon as is reasonably practicable and at any rate not later than the end of the period of 30 days beginning with the date of laying.
- (7) On consideration of a report laid under this section the Legislative Assembly may —
- (a) approve it entirely,
 - (b) approve it in part, or
 - (c) reject it entirely.
- (8) In respect of any recommendation approved by the Legislative Assembly under subsection (7) —
- (a) the Attorney General must submit a draft order to the Governor giving effect to the recommendation, and
 - (b) the Governor may make an order amending Schedule 1 accordingly.
- (9) In respect of any recommendation not approved by the Legislative Assembly, the Statute Law Commissioner must make a new recommendation (which may be in the same terms as the rejected recommendation) in the following report.

(10) An order of the Governor under subsection (8) may include incidental, consequential, transitional or saving provision; and an order may, in particular —

- (a) make consequential amendment of an Ordinance or of an instrument made under an Ordinance;
- (b) make consequential amendment of Schedule 1;
- (c) make provision having retrospective effect.

26. Application of English common law and equity

(1) The common law and the rules and doctrines of equity for the time being applicable in England and Wales apply in the Falkland Islands except insofar as they are inconsistent with —

- (a) any UK legislation applying to the Falkland Islands in accordance with this Part;
- (b) any UK legislation automatically extended to or applied in the Falkland Islands as described in section 20(1); or
- (c) an Ordinance or subsidiary legislation made under an Ordinance.

(2) Where the common law conflicts with the rules and doctrines of equity or either of them, equity prevails.

SCHEDULES

SCHEDULE 1

UK ENACTMENTS WHICH APPLY TO FALKLAND ISLANDS

**PART 1
PRIMARY LEGISLATION**

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Accommodation Agencies Act	1953	Whole Act	The Act is subject to the modifications specified in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Administration of Estates Act	1925	Whole Act	<ol style="list-style-type: none"> 1. The Act is subject to section 5 of the Family Law Reform Ordinance 1994. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Administration of Justice (Miscellaneous Provisions) Act	1933	Sections 7, 9, and 10	<p>Nothing in the Act may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Administration of Justice Act	1925	Sections 22(2) to (6), 23, and 29	<ol style="list-style-type: none"> 1. Section 22 of the Act continues in force as if the Deregulation Act 2015 had never been made. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1970	Sections 11, 28(1), 36, 39, 54, and Schedules 4 and 8	<ol style="list-style-type: none"> 1. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1982	Sections 1, 2, 5, 17 to 25, 27, 28, 73, 76, 78 and Schedule 2	<p>1. Nothing in the Act may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1985	Sections 48, 49, and 50	The Act is subject to the modifications specified in section 7 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996.
Adoption Act	1976	Whole Act except sections 1 to 5, 8 to 11, 14(2)(b), 14(3), 15(2)(b), 15(4), 16(3), 17, 22(4), 26, 27(4), 27(5), 28(8), 28(9), 40, 47(3) to (5), 51A, 52(3), 54, 57(6) to (10), 57A, 58A, 59, 62(4), 65A, 67, 70, 74(2), 74(3), Schedule 1, paragraphs 2 and 4(5), and Schedules 3 and 4	1. The Act continues in force as if the Adoption and Children Act 2002 had never been made. 2. In section 15(1), the words from “subject” to “cases” are omitted.
Agriculture Act	1970	Sections 66 to 87, except sections 73 and 73A	The provisions of the Act are applicable only insofar as they are capable of relating to the taking of samples under the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (SI 1999/1663).
Anatomy Act	1984	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Animal Health Act	1981	Whole Act except sections 2, 3(1), 3(4), 5, 10(6), 12, 13(2) to (4), 14, 15(6), 21(3),	1. The Act is subject to the modifications specified in Schedule 1 to the Animal Health Ordinance 1998. 2. Section 23 of the Law Revision and Publication Ordinance 2017 does not

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		21(10), 22(7), 33, 34(6), 36A to 36M, 38(2), 40 to 59, 60(1), 63(8), 74, 75(2), 76, 79(4), 80 to 82, 85, 86, 90 to 96, 97(2), 97(3), and Schedules 1 and 4 to 6	have effect to apply secondary legislation made under the Act.
Animal Health Act	2002	Whole Act	
Animals (Scientific Procedures) Act	1986	Whole Act except sections 2(6), 2(9), 6 to 8, 10(5), 10(6), 12(5), 18 to 21, 25(2), 26(2) to (5), 27 to 29, 30(3), and Schedules 2A, 3, and 4	The Act is subject to the modifications specified in Part 2 of the Schedule to the Animals (Scientific Procedures) Ordinance 1998.
Apportionment Act	1870	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration Act	1996	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration Act	1950	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Attachment of Earnings Act	1971	Whole Act	

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Auctioneers Act	1845	Section 7	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Aviation and Maritime Security Act	1990	Sections 18, 19, 21, 38, and 40 to 46, 50, and Schedule 2	The Act is subject to the modifications specified in the Schedule to the Aviation and Maritime Security Act 1990 (Application of Provisions) Ordinance 2004.
Bankers' Books Evidence Act	1879	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bankruptcy Act	1914	Whole Act except sections 12, 33(1)(d) and (e), 70,71, 75, 89(1), 89(6), 90, 91, 96(2) to (5), 97, 99, 100, 102, 103, 107(1) to (3), 108(2) and (3), 121, 122, 123(1), 136 (second paragraph), 144, 153(2), 163, 165, and Schedules III and V	1. The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1994. 2. The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bankruptcy and Deeds of Arrangement Act	1913	Section 15	1. The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1994. 2. The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bills of Exchange Act	1882	Whole Act except sections 53(2), 57(2),	The Act is subject to the modifications specified in the Schedule to the Bills of

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		72(4), 75A, 74B, 74C, 75A, 82, 96, 98, and 100	Exchange (Adopted Legislation) Ordinance 1991.
Bills of Sale Act	1878	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bills of Sale Act	1890	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Births and Deaths Registration Act	1953	Whole Act except sections 1, 2, 6, 15 to 21, and 35 to 38	The Act applies subject to section 4 of the Registration Ordinance 1949
Bodies Corporate (Joint Tenancy) Act	1899	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Burial Act	1857	Section 25	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Calendar (New Style) Act	1750	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Calendar Act	1751	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Carriage of Goods By Sea Act	1992	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Carriers Act	1830	Whole Act except sections 10 and 11	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cestui Que Vie Act	1666	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cestui Que Vie Act	1707	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charging Orders Act	1979	Whole Act	
Charitable Trustees Incorporation Act	1872	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charities Act	1960	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made. 2. Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charities Act	1985	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cheques Act	1957	Whole Act except sections 6(3), and 7	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Civil Evidence Act	1995	Whole Act	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Evidence Act	1972	Whole Act	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Evidence Act	1968	The Whole Act except Part I, sections 11(5), 15, 17, 19, and 20(2) and (3)	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Liability (Contribution) Act	1978	Whole Act	The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1954.
Common Law Procedure Act	1852	Sections 210, 212, 214, and 218	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Common Law Procedure Act	1854	Sections 87 and 106	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Companies Act	1948	The Whole Act except sections 32, 54, 58, 124 to 129, 147 to 158, 162(1) and (3), 163 (the proviso), 196, 197, and Schedules 2, 6, 7, 8, and 9	1. Subject to any contrary modifications referred to in paragraph 2 below, the Act applies as it stood in England on 24 July 1950. 2. The Act applies subject to the modifications and exclusions specified in: (a) the Companies (Auditors) Ordinance 2003; and (b) the Companies (Amendment) Ordinance 2006.
Companies Act	1985	Sections 36, 36A, 143, 144, 145(2 and (3)), 151 to 162, 163 to 167, 168 to 179, 181, 221 to 228, 229 to 242A, 244 to 246, 247, to 249B, 249E to 253, 256 to 262A, 363 to 365, 366A, 379A, 652A to 652F, 699(1) and (2), 699AA, 730 and 731(1), and Schedules 2, 4 to 10A and 21D	1. The Act applies as it was in force in England on 1 September 2006. 2. The Act is subject to the modifications specified in Schedule 2 to the Companies (Amendment) Ordinance 2006. 3. Section 242A(3) applies as amended by the Finance Ordinance 2015.
Companies Act	1989	Section 26	1. The Act applies in the form specified in the Schedule to the Companies (Auditors) Ordinance 2003. 2. The Act continues in force as if the Companies Act 2006 had never been made.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Conveyancing Act	1881	Sections 2 and 43	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Coroners Act	1988	Whole Act except sections 1 to 7, 8(3)(c) and (d), 11(8), 14, 22(6), 24 to 29, and 31 to 34	1. The Act continues in force as if the Coroners and Justice Act 2009 had never been made. 2. The Act is subject to the modifications specified in Schedule 2 to the Administration of Justice Ordinance 1949.
County Courts Act	1984	1. Sections 63(1), 70 to 72, 83, 84, 85 to 88 (except 86(2)), 92, 99, 101, 104, 107 to 111, 113 to 115, 117 to 119, 121, 125, 129, 133, and 135 to 138. 2. The rest of the Act, subject to the qualification set out in paragraph 4 of column 3.	1. Section 63(1) applies for the purposes of, and is subject to, section 47(5) of the Sex Discrimination Ordinance 1998. 2. Section 113(a) is subject to section 11(5) of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996. 3. The sections of the Act listed in paragraph 1 of column 2 are subject to the modifications set out in Part II of Schedule 3 of the Administration of Justice Ordinance 1949. 4. The remainder of the Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 5. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Crown Proceedings Act	1947	Whole Act except sections 10, 12, 17(1), 19, 23(3)(b) to (f), 24(4), 30, 34, 36, 39, and 41 to 53	The Act applies as modified by section 2 of the Application of Enactments Ordinance 1954.
Courts and Legal Services	1990	Whole Act	1. Nothing in sections 56, 57, or 66(4) may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Act			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence. 2. The remainder of the Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 3. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Courts Act	2003	Whole Act	1. The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 2. The Act applies as if the Civil Procedure Act 1997 had never been made.
Damages Act	1996	Whole Act except sections 1(5), 3(7), 4, 5, 6, 8(2) and (3)	The Act is subject to the modifications specified in the Schedule to the Damages Ordinance 1997.
Debtors Act	1869	Sections 1, 3 to 6, and 8 to 10	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Debtors Act	1878	Sections 1 and 2	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Deeds of Arrangement Act	1914	Whole Act except sections 4, 6(c), 10, 18, 26(2), 27, 28, 31, and 32(2)	1. The Act applies as if the Deregulation Act 2015 had never been made. 2. The Act is subject to the modifications specified in the Application of Enactments Ordinance 1954.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Defamation Act	1952	Whole Act except sections 1, 4, 7, 8, 9(2) and (3), 15, 16(2) and (3), and the Schedule	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Deserted Tenements Act	1817	Whole Act	<ol style="list-style-type: none"> 1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Distress for Rent Act	1689	Whole Act	<ol style="list-style-type: none"> 1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Distress for Rent Act	1737	Whole Act	<ol style="list-style-type: none"> 1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Domestic and Appellate Proceedings (Restriction of Publicity) Act	1968	Whole Act	
Employers' Liability (Compulsory Insurance) Act	1969	Whole Act except sections 3(1)(a) &(b),	1. The Act is subject to the modifications specified in the Schedule to the Employers' Liability (Compulsory Insurance) Ordinance 1996

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		3(2), and 7(2) and (3)	2. The Act is subject to extended application under the Offshore Minerals (Application of Employers' Liability)(Compulsory Insurance Act 1969) Regulations 1998
Enduring Powers of Attorney Act	1985	Whole Act	The Act continues in force as if the Mental Capacity Act 2005 had never been made.
Evidence Act	1845	Whole Act except section 4	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Evidence Act	1851	Whole Act except section 15	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Evidence Amendment Act	1853	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Execution Act	1844	Section 67	1. The Act continues to apply as if the Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Factors Act	1889	Whole Act	The Act is subject to the modifications specified in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Fairs Act	1873	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Family Law Reform Act	1969	Sections 3, 19, and 28	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Family Law Reform Act	1987	Sections 17 and 34	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fatal Accidents Act	1976	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fines and Recoveries Act	1833	Sections 1, 15, 18 to 23, 25 to 28, 33 to 40, 42 to 45, 47 to 49, 56 to 58, 60 to 65, 67, 69, 71, 72, and 92	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fires Prevention (Metropolis) Act	1774	Sections 83 and 86	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Food Safety Act	1990	Sections 37(3), 37(5), 37(6), and 38	The Act applies in the form set out in Schedule 2 to the Animals and Food (Miscellaneous Provisions) Ordinance 2002.
Foreign Limitation Periods	1984	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Act			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Forged Transfers Act	1891	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Forged Transfers Act	1892	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1710	Section 1	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1738	Sections 4 and 11	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1835	Section 1	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1892	Whole Act	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1868	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1950	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1978	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1679	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1803	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Habeas Corpus Act	1804	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1816	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Health and Safety at Work etc. Act	1974	(a) Sections 1 to 54, 80 to 82 for the purposes of the Offshore Health and Safety Order 1988; and (b) Sections 1 to 59 and 80 to 82 for the purposes of the Health and Safety at Work etc. Act 1974 (Application Outside the Falkland Islands) Order 2008; except sections 5, and 29 to 32	1. Section 23 of the Law Revision and Publication Ordinance 2017 has no effect to apply secondary legislation made under the Act. 2. Application of the Act is limited as set out in (a) section 2 of the Offshore Health and Safety Order 1988; and (b) section 4 of the Health and Safety at Work etc. Act 1974 (Application Outside the Falkland Islands) Order 2008. 3. Application of relevant sections under the Offshore Health and Safety Order 1988 is subject to the modifications specified in Schedule 2 to that Order.
Highways Act	1980	Whole Act except sections 129A to 129G, 131, 137, 156 to 160, 181 to 183, 186 to 202, 259, 269, 313	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Hotel Proprietors Act	1956	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Inheritance (Provision for Family and Dependants) Act	1975	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Inheritance Act	1833	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Innkeepers Act	1878	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Insolvency Act	1976	Whole Act except sections 3, 5(3), 5(4), 9, 10, 12, 13, 14(5), and 14(6)	The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Insolvency Act	1986	Sections 183, 184, and 346	The Act is subject to the modifications specified in Schedule 3 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996.
International Organisations Act	1968	Whole Act	
International Organisations Act	2005	Whole Act	
Intestates Estates Act	1884	Whole Act	1. The Act only continues in force in respect of deaths occurring before

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			<p>1.1.1926.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Intestates' Estates Act	1890	Whole Act	<p>1. The Act only continues in force in respect of deaths occurring before 1.1.1926.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Intestates' Estates Act	1952	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Judgments Act	1838	Sections 12, 17, and 18	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Justices of the Peace Act	1361	Whole Act	
Land Transfer Act	1897	Sections 1 to 5	<p>1. The Act continues in force only in relation to deaths occurring before 1.1.1926.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Landlord and Tenant Act	1851	Section 2	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Landlord and Tenant Act	1709	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Landlord and Tenant Act	1730	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Latent Damage Act	1986	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Distress Amendment Act	1895	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Law of Distress Amendment Act	1888	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Distress Amendment Act	1908	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Libel Amendment Act	1888	Sections 1, 5, 9, and 11	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Law of Property (Amendment) Act	1924	Section 9 and Schedule 9	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Property (Amendment) Act	1929	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Property Act	1922	Section 145, 190, and Schedule 15	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Law of Property Act	1925	Sections 3, 5, 9(1)(a), (b), (d), (e), 9(2), 9(3), 12 to 15, 20 to 22, 24, 27, 31, 33, 34, 36 to 38, 39(2) to 39(6), 42, 44 to 51, 53, 57, 59, 60, 62 to 72, 75, 78 to 83, 95(1) to (3), 95(5), 96, 98 to 104, 106 to 111, 113, 114(1), 114(2), 114(4), 114(5), 121, 122, 125(2), 125(3), 130 to 132, 134 to 136, 138 to 161, 172 to 175, 179 to 182, 184 to 190, 196, 201 to 205, 207 to 209, and Schedule 1	<p>1. The Act continues in force as if the Insolvency Act 1985 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law of Property Act	1969	Section 23	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law Reform (Contributory Negligence) Act	1945	Whole Act except sections 2, 5, and 6	The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1954.
Law Reform (Husband and Wife) Act	1962	Sections 1, 3(1), 3(3), and (4)	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Law Reform (Married Women and Tortfeasors) Act	1935	Sections 1, 2(1), 3, 4, 5(1), 8(1), and 8(3)	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law Reform (Miscellaneous Provisions) Act	1934	Sections 1 and 4(1)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law Reform (Personal Injuries) Act	1948	Sections 3, 4, and 6(1)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Leasehold Property (Repairs) Act	1938	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Legitimacy Act	1976	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Libel Act	1843	Sections 1, 2, 7, and 9	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Libel Act	1845	Section 2	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Life Assurance Act	1774	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Life Assurance Companies (Payment into Court) Act	1896	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limitation (Enemies and War Prisoners) Act	1945	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limitation Act	1980	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limited Partnerships Act	1907	Whole Act except sections 2, 11, 12, 15 and 17	The Act is subject to the modifications specified in the Schedule to the Limited Partnerships Ordinance 1990.
Litigants in Person (Costs and Expenses) Act	1975	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Magistrates' Courts (Appeals from Binding Over Orders) Act	1956	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Magistrates' Courts Act	1980	Whole Act except Part I, sections 52, 59A, 67, 68, 70, 89 to 91, 94A, 97A, 102 to 106, 108 to 121, 125A to 133, 137 to 139, 141, 143, 146 to 149, 151 and Schedules	1. The Act continues in force as if the Crime and Courts Act 2013 had never been made. 2. The Act applies subject to sections 24 and 29 of the Administration of Justice Ordinance 1949, and to the modifications specified in Schedule 1 of that Ordinance.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		1, 2, 4, 5, 6, 6A and 8	<p>3. The Act does not apply in relation to criminal proceedings.</p> <p>4. Any modification of the Act made under Schedule 1 to the Administration of Justice Ordinance 1949 concerning the repealed Children Ordinance 1994 is to be applied as a modification by reference to any equivalent or similar provision in the Children Ordinance 2014.</p> <p>5. In section 59(2) “the Guardianship of Minors Acts 1971 and 1973” is replaced by “(or having effect as if made under) Schedule 1 to the Children Ordinance 2014”.</p>
Magna Carta	1297	Whole Charter	<p>Nothing in the Charter may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Maintenance Orders Act	1958	Part III, except sections 16, 18, 19, 21(5), 21(6), 22, 23(2) and 23(3)	The Act is subject to the modifications specified in the Schedule to the Maintenance Orders Ordinance 1964.
Marine Insurance (Gambling Policies) Act	1909	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Marine Insurance Act	1906	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Marriage Act	1949	Sections 53 to 67	The Act is subject to section 4 of the Registration Ordinance 1949.
Marriages Validity (Provisional Orders) Act	1924	Whole Act	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Married Women (Restraint upon Anticipation) Act	1949	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1882	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1893	Sections 3 and 5	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1907	Sections 3, 4(1), and 4(4)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1964	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Matrimonial Causes (Property and Maintenance) Act	1958	Sections 7,8, and 9(1) and (2)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Matrimonial Proceedings and Property Act	1970	Sections 37, 39, 43(1), and (3)	Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Mental Health Act	1983	Section 1, 93 to 113, 134, 139, and 143	<p>1. The Act continues in force as if the Mental Capacity Act 2005 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Merchant Shipping Act	1995	Sections 1 to 23, 85, 86, 108(7), 118, 121 to 127, 185 to 190, 191, 230(1), (2), (7), & (8), 259 to 266, 271(4), 272, 273, 304(1)(a), 306, 313(1) and Schedule 7	<p>1. Sections 1 to 23, 259, 266 and 313(1) apply in the form set out in the Merchant Shipping Ordinance 2001.</p> <p>2. The remaining sections of the Act (except sections 191 and 230) are subject to the modifications specified in Parts 1 and 2 of Schedule 1 to the Merchant Shipping (Adoption of Legislation) Ordinance 1992.</p> <p>3. Section 23 of the Law Revision and Publication Ordinance 2017 does not have effect to apply any secondary legislation made under the Act.</p>
Minors' Contracts Act	1987	Whole Act except sections 1 and 4	<p>Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Mobile Telephones (Re-programming) Act	2002	Whole Act	The Act is subject to the modifications specified in Schedule 2 of the Telecommunications Ordinance 1988.
Navy and Marines (Wills) Act	1865	Whole Act	<p>1. The Act remains in force only in respect of wills made before 14.8.1953.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Navy and Marines (Wills) Act	1930	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills) Act	1939	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills) Act	1953	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
New Roads and Street Works Act	1991	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Newspaper Libel and Registration Act	1881	Whole Act	The Act is subject to modifications specified in the Defamation Ordinance 1988.
Newspapers, Printers and Reading Rooms Repeal Act	1869	Sections 1 and 2, and Schedule 2	The Act is subject to modifications specified in the Defamation Ordinance 1988.
Oaths Act	1775	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Oaths Act	1978	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Offshore Safety Act	1992	Whole Act	The Act is subject to the modifications specified in Schedule 1 to the Offshore Health and Safety Order 1998.
Pedlars Act	1871	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Pedlars Act	1881	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Perpetuities and Accumulations Act	2009	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Places of Worship (Enfranchisement) Act	1920	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Places of Worship Sites Act	1873	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Policies of Assurance Act	1867	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Powers of Attorney Act	1971	Sections 1, 3, 4, 5, and 7	The Act is subject to the modifications set out in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Prescription Act	1832	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Printer's Imprint Act	1961	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Promissory Oaths Act	1868	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Provisional Order (Marriages) Act	1905	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Notaries Act	1843	Section 7	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Trustee (Fees) Act	1957	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Public Trustee (General Deposit Fund) Act	1939	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Public Trustee Act	1906	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Public Trustee and Administration of Funds Act	1986	Section 3	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Radioactive Substances Act	1993	Whole Act	Application of the Act is limited under section 4 of the Civil Jurisdiction (Offshore Activities) Order 1998
Railway and Transport Safety Act	2003	Sections 78 to 91, and 112	The Act is subject to the modifications specified in Parts 1 and 2 of Schedule 1 to the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Rentcharges Act	1977	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Revenue Act	1884	Section 11	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Review of Justices' Decisions Act	1872	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Sale of Farming Stock Act	1816	Whole Act	1. The Act continues in force as if the Tribunals Courts and Enforcement act 2007 had never been made. 2. Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Sale of Goods Act	1979	Whole Act except sections, 11(1), 11(5), 25(2)(b), 40, 48A to 48F, 49(3), 52(4), 53(5), 58, 61(2), and Schedules 2 and 3	1. The Act continues in force as if the Consumer Rights Act 2015 had never been made. 2. The Act is subject to the modifications specified in Schedule 3 to the Law of Contract Ordinance 1988.
Sale of Land by Auction Act	1867	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Senior Courts Act	1981	1. Sections 29 (except 29(3)), 30, 31, 32, 32A, 33 to 35, 35A, 37 to 40 (except 40(6)), 40A, 41, 42, 43A, 49 to 51, 67, and 72. 2. Sections 19, 25, 27, 28A, 29 to 42, 43A, 49 to 51, 53, 54, 56 58, 60, 61 to 72, 132, 135, 137, and 151 to 153.	1. The sections of the Act listed in paragraph 1 of column 2 are subject to the modifications specified in Schedule 1 to the Administration of Justice (Miscellaneous Provisions) Ordinance 1996. 2. The sections of the Act listed in paragraph 2 of column 2 apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 3. The Act does not apply in relation to criminal proceedings. 5. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Settled Land and Trustee Acts (Court's General Powers) Act	1943	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Statement of Rates Act	1919	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Distribution	1670	Whole Statute	The Statute continues in force in respect of deaths which occurred before 1 January 1926.
Statute of Marlborough	1267	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Monopolies	1623	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Westminster	1285	Chapter 1	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Westminster the Third (Quia Emptores)	1289-90	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statutes of the Exchequer	1322	Whole Statutes	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Stock Transfer Act	1982	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Stock Transfer Act	1963	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Supply of Goods and Services Act	1982	Whole Act except sections 11M to 11S, 12(5), 17, 19, 20(2), 20(3), 20(6), and the Schedule	1. The Act continues in force as if the Consumer Rights Act 2015 had never been made. 2. The Act is subject to the modifications specified in Schedule 4 to the Law of Contract Ordinance 1988.
Tenures Abolition Act	1660	Section 4	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Theatres Act	1968	Sections 1, 12, 14, and Schedule 1	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Trade Marks Act	1994	Sections 14 to 19, 21, 28, 31, 92, 95, 97, 99, and 100	The Act is subject to the modifications specified in section 3 of the Trade Marks Ordinance 1996.
Trustee Act	1925	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Trustee Delegation Act	1999	Whole Act	The Act continues in force as if the Mental Capacity Act 2005 had never been made.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Trusts of Land and Appointment of Trustees Act	1996	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Uniform Laws on International Sales Act	1967	Whole Act	The Act is subject to the modifications specified in Schedule 5 of the Law of Contract Ordinance 1988.
Variation of Trusts Act	1958	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures Act	1985	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills (Soldiers and Sailors) Act	1918	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1837	Whole Act	1. In section 1 “and also to a disposition by will and testament or devise of the custody and tuition of any child” is replaced with “and also to an appointment by will of a guardian of a child”. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1963	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1968	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wireless Telegraphy Act	2006	Whole Act	Application of the Act is limited under section 4 of the Civil Jurisdiction (Offshore Activities) Order 1998.
Witnesses Act	1806	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

PART 2
SECONDARY LEGISLATION

<i>Column 1</i> <i>Instrument</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Abortion Regulations (SI 1991/499)	1991	Whole Regulations	
Adopted Persons (Birth Records) Regulations (SI 1991/1981)	1981	Whole Regulations	The Regulations continue in force as if the Adoption and Children Act 2002 had never been made.
Adoption (Bringing Children into the United Kingdom) Regulations (SI 2003/1173)	2003	Whole Regulations	The Regulations continue in force as if the Adoption and Children Act 2002 had never been made.
Adoption Rules (SI 1984/265)	1984	Whole Rules	The Rules continue in force as if the Adoption and Children Act 2002 had never been made.
Anatomy Regulations (SI 1988/44)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Animals (Scientific Procedures)(Procedure for Representations) Rules (SI 1986/1911)	1986	Whole Rules	
Arbitration (Foreign Awards) Order (SI 1984/1168)	1984	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration (Foreign Awards)	1989	Whole Order	Nothing in the Order may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Order (SI 1989/1348)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bankruptcy Fees Order (SI 1984/880)	1984	Whole Order	The Order continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bankruptcy Rules (SI 1952/2113)	1952	Whole Rules	The Rules continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Beer (Amendment) Regulations (SI 2011/1795)	2011	Whole Regulations	The Regulations only have effect for the purposes of prescribing the means to be used for ascertaining for the strength, weight or volume of liquor for the purposes of Part X of the Customs Ordinance 2003.
Beer and Cider and Perry (Amendment) Regulations (SI 2000/3213)	2000	Whole Regulations	The Regulations only have effect for the purposes of prescribing the means to be used for ascertaining for the strength, weight or volume of liquor for the purposes of Part X of the Customs Ordinance 2003.
Beer, Cider and Perry, Spirits and Wine and Made-wine (Amendment) Regulations (SI 2006/1058)	2006	Whole Regulations	The Regulations only have effect for the purposes of prescribing the means to be used for ascertaining for the strength, weight or volume of liquor for the purposes of Part X of the Customs Ordinance 2003.
Bills of Sale (Local Registration) Rules (SI 1960/2326)	1960	Whole Rules	Nothing in the Rules may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bridges Order (Procedure) Regulations (SI 1965/869)	1965	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Builders' Skips (Markings)	1984	Whole Regulations	Nothing in the Regulations may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Regulations (SI 1984/1933)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Companies (Unregistered Companies) Regulations (SI 1948/1398)	1948	Whole Regulations	The Regulations apply as they stood in England on 24 July 1950.
Companies (Unregistered Companies) Regulations (SI 1949/1137)	1949	Whole Regulations	The Regulations apply as they stood in England on 24 July 1950.
Companies (Winding- up) Rules (SI 1949/330)	1949	Whole Rules	The Rules apply as they stood in England on 24 July 1950.
County Court (Forms) Rules (SI 1982/586)	1982	Whole Rules	The Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court (Interest on Judgment Debts) Order (SI 1991/1184)	1991	Whole Order	The Order apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court (Records of Proceedings) Regulations (SI 1967/1194)	1967	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court Remedies Regulations (SI 2014/982)	2014	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court Rules (SI 1981/1687)	1981	Whole Rules	1. The Rules continue in force as if the Civil Procedure Rules 1998 (SI 1998/3132) had never been made.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			2. The Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Court of Protection (Enduring Powers of Attorney) Rules (SI 2001/825)	2001	Whole Rules	The Rules continue in force as if the Mental Capacity Act 2005 had never been made.
Court of Protection Rules (SI 2001/824)	2001	Whole Rules	The Rules continue in force as if the Mental Capacity Act 2005 had never been made.
Criminal Procedure Rules (SI 2015/1490)	2015	1. Parts 10 and 15. 2. The rest of the Rules, subject to the modification set out in column 3.	The Rules, except parts 10 and 15, apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Crown Court (Advance Notice of Expert Evidence) Rules (SI 1987/716)	1987	The Whole Rules	
Crown Court Rules (SI 1982/1109)	1982	The Whole Rules	The Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Cubic Measures (Ballast and Agricultural Materials) (Amendment) Regulations (SI 1988/765)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Damages (Personal Injury) Order (SI 2001/2301)	2001	Whole Order	

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Damages (Variation of Periodical Payments) Order (SI 2005/841)	2005	Whole Order	
Damages for Bereavement (Variation of Sum)(England and Wales) Order (SI 2013/510)	2013	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Dedicated Highways (Registers under Section 31A of the Highways Act 1980)(England) Regulations (SI 2007/2334)	2007	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Deeds of Arrangement Fees Order (SI 1984/887)	1984	Whole Order	The Order applies as if the Deregulation Act 2015 had never been made.
Deeds of Arrangement Rules (SR&O No 795 of 1925)	1925	Whole Rules	The Rules apply as if the Deregulation Act 2015 had never been made.
Distress for Rent Rules (SI 1988/2050)	1988	Whole Rules	The Rules apply as if the Tribunals, Courts and Enforcement Act 2007 had never been made.
Diving at Work Regulations (SI 1997/2776)	1997	Whole Regulations except regulations 3(1), 17(2) and (3), and 19, and paragraphs 1 to 4, 6, and 7 of Schedule 2	1. Application of the Regulations is limited by section 3 of the Diving at Work Order 1998. 2. The Regulations are subject to the modifications specified in the Schedule to the Diving at Work Order 1998.
Enduring Powers of Attorney (Prescribed Forms) Regulations (SI 1990/1376)	1990	Whole Regulations	The Regulations continue in force as if the Mental Capacity Act 2005 had never been made.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Family Procedure Rules (SI 2010/2995)	2010	Whole Rules	
Feeding Stuffs (Sampling and Analysis) Regulations (SI 1999/1663)	1999	Whole Regulations except regulation 10	The Regulations continue to apply as if the Feed (Sampling and Analysis) and Specified Undesirable Substances(England) Regulations 2010 (SI 2010/2280) had never been made.
Feedingstuffs (Zootechnical Products) Regulations (SI 1999/1871)	1999	Parts I, IV, VI, VII, VIII, IX, Schedules 1 and 2, Part III of Schedule 3, and Schedules 4 and 5	1. The Regulations apply only for the purposes of giving further and better effect to section 10 of the Animals and Food (Miscellaneous Provisions) Ordinance. 2. The Regulations continue in force as if the Veterinary Medicines Regulations 2005 (SI 2005/2745) had never been made.
Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations (SI 1984/1115)	1984	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Fishing Vessels (Life-Saving Appliances) Regulations (SI 1988/38)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992
Fishing Vessels (Safety Provisions) Rules (SI 1975/330)	1975	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Fishing Vessels (Safety Training) Regulations (SI 1989/126)	1989	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Form of Adoption Entry Regulations (SI 1975/1959)	1975	Whole Regulations	The Regulations continue in force as if the Children and Adoption Contact Registers Regulations 2005 (SI 2005/924) had never been made.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Highways (Road Humps) Regulations (SI 1990/703)	1990	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Highways (Traffic Calming) Regulations (SI 1999/1026)	1999	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations (SI 2003/1479)	2003	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Indictments (Procedure) Rules (SI 1971/2084)	1971	Whole Rules	
Intestate Succession (Interest and Capitalisation) Order (SI 1977/1491)	1977	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limited Partnerships (Forms) Rules (SI 2009/2160)	2009	Whole Rules	
Magistrates' Court Adoption Rules (SI 1984/611)	1984	Whole Rules	The Rules continue in force as if the Adoption and Children Act 2002 had never been made.
Magistrates' Courts (Attachment of Earnings) Rules (SI 1971/809)	1971	Whole Rules	

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Magistrates' Courts (Children and Young Persons) Rules (SI 1992/2071)	1992	Whole Rules	
Magistrates' Courts (Costs Against Legal Representatives in Civil Proceedings) Rules (SI 1991/2096)	1991	Whole Rules	
Magistrates' Courts (Domestic Violence Protection Order Proceedings) Rules (SI 2011/1434)	2011	Whole Rules	
Magistrates' Courts (Forms) Rules (SI 1981/553)	1981	Whole Rules	
Magistrates' Courts (Hearsay Evidence in Civil Proceedings) Rules (SI 1999/681)	1999	Whole Rules	
Magistrates' Courts Rules (SI 1981/552)	1981	Whole Rules	
Management of Health and Safety at Work Regulations (SI 1992/2051)	1992	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Management of Health and Safety at Work Order 1998.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Measuring Equipment (Capacity Measures and Testing Equipment) Regulations (SI 1995/735)	1995	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Cold-water Meters) Regulations (SI 1988/997)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Liquid Fuel and Lubricants) Regulations (SI 1995/1014)	1995	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Measures of Length) Regulations (SI 1986/1682)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Catchweighers) Regulations (SI 2006/1257)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Discontinuous Totalisers) Regulations (SI 2006/1255)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Gravimetric Filling Instruments)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Instrument</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Regulations (SI 2006/1258)			(b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Beltweighers) Regulations (2006/1259)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Capacity Serving Measures) Regulations (SI 2006/1264)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Cold-water Meters) Regulations (SI 2006/1268)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Liquid Fuel and Lubricants) Regulations (SI 2006/1266)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations (SI 2006/1269)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Material Measures of Length) Regulations (SI 2006/1267)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments Regulations (SI 2016/1153)	2016	Whole Regulations	Nothing in the Regulations may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Merchant Shipping (Accident Reporting and Investigation) Regulations (SI 2012/1743)	2012	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Cargo Ship Construction) Regulations (SI 1997/1509)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations (SI 1999/1869)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Accommodation) Regulations (SI 1997/1508)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Accommodation)(Fishing Vessels) Regulations (SI 1975/2220)	1975	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen)(Fishing Vessels) Regulations (SI 1972/919)	1972	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Dangerous Goods and	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Marine Pollutants) Regulations (SI 1997/2367)			
Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations (SI 1996/75)	1996	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Diving Safety) Regulations (SI 2002/1587)	2002	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Emergency Information for Passengers) Regulations (SI 1990/660)	1990	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Entry Into Dangerous Spaces) Regulations (SI 1988/1638)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fees) Regulations (SI 2006/2055)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fees) Regulations (SI 2015/315)	2015	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fire Protection) Regulations (SI 2003/2950)	2003	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fishing Vessels - Tonnage)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Regulations (SI 1988/1909)			
Merchant Shipping (Formal Investigations) Rules (SI 1985/1001)	1985	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Gas Carriers) Regulations (SI 1994 2464)	1994	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Increased Penalties) Regulations (SI 1979/1519)	1979	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Liability of Shipowners and Others)(Calculation of Tonnage) Order (SI 1986/1040)	1986	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Life-Saving Appliances for Ships of Classes III to VI(A)) Regulations (1999/2723)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Life-Saving Appliances for Ships Other than Ships of Classes III to VI(A)) Regulations (SI 1999/2721)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Load Line) Regulations (SI	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
1998/2241)			
Merchant Shipping (Maritime Labour Convention)(Medical Certification) Regulations (SI 2010/737)	2010	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Musters and Training and Decision Support Systems) Regulations (SI 1999/2722)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Official Log Books) Regulations (SI 1981/569)	1981	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Official Log Books)(Fishing Vessels) Regulations (SI 1981/570)	1981	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Passenger Ship Construction: Ships of classes I, II, II(A)) Regulations (SI 1998/2514)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention and Control of Pollution) Order (SI 1987/470)	1987	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention and Control of Pollution) Order (SI	1990	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
1990/2595)			
Merchant Shipping (Prevention of Oil Pollution) Order (SI 1983/1106)	1983	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Oil Pollution) Regulations (SI 1996/2154)	1996	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Pollution by Garbage) Regulations (SI 1998/1377)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order (SI 2006/2950)	2006	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Provisions and Water) Regulations (SI 1989/102)	1989	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio Installations) Regulations (SI 1998/2070)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio)(Fishing Vessels) Regulations (SI 1999/3210)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio)(Fishing Vessels)	1974	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Rules (SI 1974/ 1919)			Merchant Shipping (Adoption of Legislation) Ordinance 1992
Merchant Shipping (Repatriation) Regulations (SI 1979/97)	1979	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations (SI 1995/2498)	1995	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Safety at Work Regulations)(Non-UK Ships) Regulations (SI 1988/2274)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Safety of Navigation) Regulations (SI 2002/1473)	2002	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992
Merchant Shipping (Seamen's Wages and Accounts)(Fishing Vessels) Regulations (SI 1972/1701)	1972	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Small Workboats and Pilot Boats) Regulations (SI 1998/1609)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Tonnage) Regulations (SI 1997/1510)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations (SI 1997/2962)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations (SI 2006/2184)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Personal Protective Equipment Regulations (SI 1999/2205)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations (SI 2006/2183)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Misuse of Drugs (Licence Fees) Regulations (SI 2010/2497)	2010	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.
Misuse of Drugs (Safe Custody) Regulations (SI 1973/798)	1973	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Misuse of Drugs (Supply to Addicts) Regulations (SI 1997/1001)	1997	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.
Non-automatic Weighing Instruments Regulations (SI 2016/1152)	2016	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations (SI 1995/428)	1995	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1995 (SI 1995/743)	1995	Whole Order	<ol style="list-style-type: none"> 1. The Order has limited application deriving from the Offshore Minerals Ordinance 1994 under which it is made. 2. The Order applies in the form set out in the Schedule to the Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1998.
Offshore Installations (Safety Case) Regulations (SI 2005/3117)	2005	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore Installations (Safety Case) Order 2008.
Offshore Installations and Pipeline Works (Management and Administration)	1995	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Regulations (SI 1995/738)			Installations and Pipeline Works (Management and Administration) Order 1998.
Offshore Installations and Wells (Design and Construction) Regulations (SI 1996/913)	1996	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore Installation (Design and Construction etc) Order 1998.
Order as to Fees Under Section 43 of the Bankruptcy Act 1914 (SR&O No 1830 of 1914)	1914	Whole Order	The Order applies as if the Insolvency Acts 1985 and 1986 had never been made.
Personal Protective Equipment at Work Regulations (SI 1992/2966)	1992	Whole Regulations except regulations 3(2)(d), 3(3), 13, 14, and Schedules 2 and 3	<ol style="list-style-type: none"> 1. The Regulations have the limited application set out in regulation 3 of the Personal Protective Equipment at Work Order 1998. 2. The Regulations are subject to the modifications specified in the Schedule to the Offshore Installations (Personal Protective Equipment at Work) Order 1998.
Provision and Use of Work Equipment Regulations (SI 1998/2306)	1998	Whole Regulations except regulations 1(2) and (3), 4(2)(c), 10(3), 12(5), 25 to 27, and Schedule 2	<ol style="list-style-type: none"> 1. The Regulations have the limited application set out in regulation 3 of the Provision and Use of Work Equipment Order 2008. 2. The Regulations are subject to the modifications specified in the Schedule to the Provision and Use of Work Equipment Order 2008.
Public Health (Aircraft) Regulations (SI 1979/1434)	1979	Whole Regulations	
Public Path Orders Regulations (SI 1993/11)	1993	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Trustee Rules (SI	1912	Whole Rules	

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
1912/348)			
Register of Judgments, Orders and Fines Regulations (SI 2005/3595)	2005	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Registration of Births and Deaths Regulations (SI 1987/2088)	1987	Whole Regulations	The Regulations are subject to section 4 of the Registration Ordinance 1949.
Registration of Foreign Adoptions Regulations (SI 2003/1255)	2003	Whole Regulations	The Regulations apply as if the Adopted Children and Adoption Contact Registers Regulations 2005 (SI 2005/924) had never been made.
Registration of Marriages Regulations (2015/207)	2015	Whole Regulations	The Regulations are subject to section 4 of the Registration Ordinance 1949.
Reimbursement of Costs (Monetary Limit) Order (SI 1988/1342)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Removal of Obstructions from Highways (Notices etc)(England) Regulations (SI 2004/370)	2004	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Renewable Leaseholds Regulations (SR&O No 857 of 1925)	1925	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Rentcharges Regulations (SI 1978/16)	1978	Whole Regulations	Nothing in the Regulations may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Reporting of Injuries, Disease and Dangerous Occurrences Regulations (SI 1995/3163)	1995	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply as if Reporting of Injuries Diseases and Dangerous Occurrences Regulations (SI 2013/1471) had never been made. 2. The Regulations have the limited application set out in regulation 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Order 1998. 3. The Regulations apply in the form set out in the Schedule to the Reporting of Injuries, Diseases and Dangerous Occurrences Order 1998.
Rules of the Supreme Court (Revision) (SI 1965/1776)	1965	Whole Rules	<ol style="list-style-type: none"> 1. The Rules continue in force as if the Civil Procedure Rules 1998 (SI 1998/3132) had never been made. 2. Order 15, Rule 13A of the Rules applies subject to section 6 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996. 3. The remainder of the Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Spirits Regulations (SI 1991/2564)	1991	Whole Regulations	The Regulations apply only for the purposes set out in section 123(2) of the Customs Ordinance 2003.
Stopping up of Access to Premises (Procedure) Regulations (SI 1971/1707)	1971	Whole Regulations	Nothing in the Regulations may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Inspection Fees)(England) Regulations (SI 2002/2092)	2002	Whole Regulations	Nothing in the Regulations may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Street Works (Maintenance) Regulations (SI 1992/1691)	1992	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Notices) Order (SI 1992/3053)	1992	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Qualifications of Supervisors and Operatives) Regulations (SI 1992/1687)	1992	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Records)(England) Regulations (SI 2002/3217)	2002	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Recovery of Costs)(England) Regulations (SI 2002/2091)	2002	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Registers, Notices, Directions and Designations)(England) Regulations (SI 2007/1951)	2007	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Reinstatement) Regulations (SI 1992/1689)	1992	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Street Works (Sharing of Costs of Works)(England) Regulations (SI 2000/3314)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Supply of Services (Exclusion of Implied Terms) Order (SI 1982/1771)	1982	Whole Order	
Supply of Services (Exclusion of Implied Terms) Order (SI 1983/902)	1983	Whole Order	
Supply of Services (Exclusion of Implied Terms) Order (SI 1985/1)	1985	Whole Order	
Traffic Signs Regulations and General Directions (SI 1981/859)	1981	Part I of the Regulations and General Directions	1. The Regulations and General Directions continue in force as if the Traffic Signs Regulations and General Directions 1994 (SI 1994/1519) had never been made. 2. The Regulations and General Directions apply in the form set out in the Schedules to the Traffic Signs Regulations 1999.
Unfair Arbitration Agreements (Specified Amount) Order (SI 1999/2167)	1999	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Uniform Laws on International Sales Order (SI 1972/973)	1972	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Walkways Regulations (SI 1973/686)	1973	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Automatic Catchweighing Instruments) Regulations (SI 2003/2761)	2003	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (SI 2000/388)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Beltweighers) Regulations (SI 2001/1208)	2001	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (SI 1986/1320)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Non-automatic Weighing Machines) Regulations (SI 2000/932)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures	1994	Whole Order	Nothing in the Order may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
(Cosmetic Products) Order (SI 1994/1884)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Intoxicating Liquor) Order (SI 1988/2039)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations (SI 1990/2626)	1990	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Linear Measures) Regulations (SI 1986/1684)		Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Weights and Testing Equipment) (Amendment) Regulations (SI 1991/1775)	1991	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Miscellaneous Foods) (Amendment) Order (SI 2005/3057)	2005	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Miscellaneous Foods) Order (SI 1988/2040)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Packaged Goods) Regulations (SI 2006/659)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations (SI 1987/1538)	1987	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order (SI 2011/2331)	2011	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights Regulations (SI 1986/1683)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Zoonoses Order (SI 1988/2264)	1988	Articles 2 and 3	The Order is subject to the modifications specified in the Zoonoses Order 2003.

SCHEDULE 2

MODIFICATIONS OF UK ENACTMENTS

PART 1 - Table of modifications

<i>Concept in UK enactment</i>	<i>Modification in application to Falkland Islands</i>
Attorney General	Attorney General of the Falkland Islands
Byelaws	Regulations
Commissioners of Inland Revenue	Commissioner of Taxation
Constable	Officer of the Royal Falkland Islands Police
County Court	Magistrate's Court
The Crown	The Crown in virtue of its Government in the Falkland Islands
Crown Court	Magistrate's Court
Director of Public Prosecutions	Attorney General of the Falkland Islands
England	Falkland Islands
England and Wales	Falkland Islands
Great Britain	Falkland Islands
Her Majesty's Stationery Office	Government Printer
High Court	Supreme Court
HMRC	Customs
Isle of Man, Guernsey, Jersey, Northern Ireland, Scotland	All provisions applicable exclusively to these jurisdictions are omitted
Local Authority	The Crown in virtue of its Government in the Falkland Islands
Lord Chancellor	Governor
Magistrates' Court	Magistrate's Court
Minister of the Crown	Governor
Officer of Revenue and Customs	Customs Officer
Parliament	Legislative Assembly
Any office of the Senior Courts	Registry of the Supreme Court
Qualified Medical Practitioner	Government Medical Officer
Secretary of State	Governor
Solicitor General	Attorney General of the Falkland Islands
Treasury	Financial Secretary
Treasury Solicitor	Attorney General of the Falkland Islands
United Kingdom (but not in relation to nationality or immigration)	Falkland Islands

PART 2 - Other modifications

1. If a UK enactment which is applicable by virtue of sections 21 or 23 conflicts with an Ordinance or subsidiary legislation made under an Ordinance, the Ordinance, or subsidiary legislation if relevant, prevails.
2. Paragraph 3 applies to a UK enactment which is applicable to the Falkland Islands by virtue of sections 21 or 23.
3. Any reference in an applicable UK enactment to a UK enactment which does not extend to or apply in the Falkland Islands is to be read, to the extent possible, as a reference to any equivalent or similar provision found in an Ordinance or in subsidiary legislation made under an Ordinance.

SCHEDULE 3

REPEALS AND REVOCATIONS

The following Ordinances are repealed—	The following statutory instruments are revoked—
1. Cinematographic Exhibitions Ordinance 1952	1. Cinematograph Exhibitions Regulations 1952
2. Gas Ordinance 1979	2. Defence Force (Hair) Regulations Order 1985
3. Telegraphy Ordinance 1939	
4. Trade Disputes (Arbitration) Ordinance 1942	

OBJECTS AND REASONS

The Bill makes new provision for the revision and publication of the law of the Falkland Islands.

The Bill gives effect to a two year long project to implement the Government's ambition, reflected in the Islands Plan, to produce and maintain an authoritative statement of Falkland Islands legislation which will be freely and publicly accessible.

The Bill provides for the appointment of a Statute Law Commissioner who will be responsible for the publication of the law through a statute law database. The Gazette would continue to be the record of enactment of statutes, as required by the section 53 of the Constitution, and the database would be the statutorily authorised method of promulgation of the law.

The Bill provides that the database should be as accessible to all residents as reasonably practicable, and that the principal means of dissemination of the statute law database would be through on-line publication. The database would include the full text of locally made statutes, and lists of applicable United Kingdom statutes. The Statute Law Commissioner would be required to keep the database up to date at all times.

The Bill also provides for the Statute Law Commissioner to undertake a continual programme of revision of the laws of the Falkland Islands. At a minimum, this would consist of regular reports to the Legislative Assembly to enable the Assembly to monitor and update the adoption of United Kingdom statutes in the Falkland Islands. But the law revision programme may also include other matters, including proposals for consolidation of legislation, repeal of obsolete legislation, and for the replacement of adopted United Kingdom statutes with substantive locally made law. The Bill therefore provides a mechanism to enable the continual review and improvement of the Falkland Islands statute book.

The clauses of the Bill which would give effect to these matters are described in detail as follows.

Part 1 - Introduction

Clause 2 provides that commencement will be by order. The commencement order will also address transitional issues and consequential amendments.

Clause 3 provides for the repeal of the Revised Edition of the Laws Ordinance 1991, which previously provided for publication of the revised laws of the Falkland Islands; to reflect the transfer of authoritative publication of the laws to the statute law database.

Part X of the Interpretation and General Clauses Ordinance 1977 (IGCO) would also be repealed. That part of the Ordinance makes general provision in relation to the adoption and updating of UK law. This would be entirely replaced by Part 4 of the Bill.

Clause 3(5) provides for *Schedule 3* to repeal and revoke those statutes which have been identified for repeal/revocation on the basis of their obsolescence.

Part 2 - Statute Law Commissioner

Clause 4 makes provision for appointment of the Commissioner, providing flexibility for decision making about how the post should be filled. The provision allows for the Commissioner to be subject to the supervision of the Attorney General, but also seeks to ensure that the Commissioner's role is sufficiently independent in terms of the advice given by the Commissioner to the Assembly.

Clause 5 provides in broad terms that the Commissioner is responsible for the revision and publication of the laws of the Falkland Islands; laying the framework for subsequent detail about what that should involve in practice.

Clause 6 provides that the Commissioner is responsible for publication and maintenance of the official statute law database of the Falkland Islands. The effect of this is later set out in Part 3 of the Bill.

Clause 7 would require the Commissioner to undertake a continual programme of revision of the laws of the Falkland Islands. However, the only element of the revision programme which is mandatory is the preparation of up-to-date lists of UK laws for publication on the database in accordance with *Part 3* of the Bill. The clause then sets out other matters which could also make up a revision programme; ie ordinary consolidation, repeal/revocation, and the “localisation” process of consolidating and replacing adopted UK laws. The clause is not intended to be exhaustive in terms of limiting what may be included in a programme for revision. The Bill goes on to allow the Assembly to consider any proposals for a programme of revision.

Clause 8 would require the Commissioner to lay an annual report before the Assembly which will; (a) report on the functionality of the database over the previous year; (b) report on any revision carried out in the previous year; (c) make proposals for further revision over the coming year and in respect of a five year plan; and (d) report on any complaints or feedback which the Commissioner has received about these functions. The Commissioner would be required to give effect to any Legislative Assembly recommendations arising from its consideration of the report. This provision is intended to ensure that the Assembly has oversight over the effectiveness of the database, as well as being in control of any programme of revision.

Clause 9 would provide for the Statute Law Commissioner’s remuneration, together with any resources reasonably required by the Commissioner to discharge the duties of the post.

Part 3 - Statute Law Database

Clause 10 provides that the Commissioner would be responsible for the publication and maintenance of the database; and sets out the Commissioner’s objectives in that task. This is set out in terms of a primary objective (serving the needs of Falkland Islands residents), and a secondary requirement to have regard to the needs and preferences of others who may wish to use the database. For the purposes of the primary objective, residence is not defined (and is intended to be given a broad and liberal interpretation).

Clause 11 sets out what the database must contain. *Clauses 11(1)(a)* and *(b)* provide for database to contain the complete and up to date text of all Ordinances and subsidiary legislation in force in the Falkland Islands. Some clarification is then provided in *clause 11(2)(c)* about this requirement.

Clause 11(c) requires the database to include a list of UK laws having force in the Falkland Islands. In practice, it is intended that, where possible, each entry to a listed UK law will be supplemented by an annotation setting out the extent and nature of application of that law, and will also include a link to a copy of that legislation (ie a link to the most appropriate version of it available on legislation.gov.uk).

Clause 11(d) makes provision for the database to include a list of enactments of other jurisdictions which are in force in the Falkland Islands.

Clause 11(2) provides some clarification about what must be included in the database, reflecting the following principles:

(a) in compiling the database, the Commissioner is permitted to assume that a version of a law produced in accordance with the Revised Edition of the Laws Ordinance 1991 is authoritative, ie the Commissioner may use the text of the hard copy revised laws as a starting point, and is not bound to look behind that text unless there is an indication of likely inaccuracy;

(b) the database need not also include the original “as made” versions of any amending, repealing or revoking text; provided amendments are incorporated in a consolidation (although, in practice it is intended that “as made” versions will also be available going forward from first publication and, potentially, historical versions may be added);

(c) in relation to the list of UK laws, the list need not include amending only statutes (the reason for this is the impracticality of identifying and updating every relevant amendment to applicable UK legislation, although as accessibility of UK laws improves through the availability of consolidated versions on legislation.gov.uk, that information would be made available through appropriate links or incorporated into the FI database; as technology allows).

Clauses 11(3) and (4) incorporate flexibility for the potential to include additional information on the database, and set out a framework for the Commissioner to have regard to the guidance and directions of appropriate stakeholders in taking steps to include any additional information.

Clause 12 would impose an obligation on the Law Commissioner to keep the database up to date at all times. This clause also obliges the Commissioner to have regard to the desirability of including historical legislative data on the database.

Clause 13 would impose obligations to ensure accessibility of the database to Falkland Islands residents; treating the internet as the primary means of access, but also having regard to those who do not have internet access, and to other forms of access.

Clause 14 provides that the database would be an authoritative statement of the legislation applying to or in relation to the Falkland Islands by or by virtue of Ordinance. The clause goes on to make provision for the database to be received as evidence. This provision is fundamental to the concept of the database consisting of an accessible and durable repository of the laws of the Falkland Islands.

Clause 15 would provide a mechanism for the rectification of defects, ie what is to happen where the new legislative statement can be shown later to have been based on a misunderstanding as to the state of the existing law. Whilst, strictly speaking, this is not a question which needs to be considered at all as a matter of law (reference clause 14 above), it must be recognised that errors

of research and understanding might have occurred during the compiling or updating of the database, and must be capable of remedy in a reasonably timely and efficient way. The mechanism is intended to provide an appropriate balance of flexibility (through the use of secondary legislation) and safeguard (by way of informed scrutiny by the Legislative Assembly).

For the avoidance of doubt, the Attorney General will retain the ability, through IGCO, to make correction orders in relation to typographical errors of legislation as published in the Gazette (and such orders will be reflected in the database).

Clause 16 makes provision about the costs of maintaining and improving the database.

Clause 17 reflects the principle that access to the electronic version of the database for Falkland Islands residents must be free. The clause then provides some flexibility by allowing charges to be made for hard copy extracts if authorised by order, subject to certain safeguards.

Clause 18 would deal with the practical arrangements which the Commissioner may make for discharge of day to day operation of the database, whilst making clear that the Commissioner remains directly accountable for the accuracy of the database.

Part 4 - Application of United Kingdom Law

Clause 19 would amend IGCO to reflect the repeal of Part X of that Ordinance and to replace references to “Imperial Enactments” with references to UK enactments.

Clause 20 would replace the first part of section 76 of IGCO; by confirming the principles for interpretation of UK enactments which are applied to the Falkland Islands by UK authorities (ie they are subject to the Interpretation Act 1978 etc).

Clause 21 would simplify and clarify the way in which UK enactments are adopted in the Falkland Islands - providing for a Schedule to the Bill to consist of an authoritative list of adopted enactments. The content of *Schedule 1* reflects proposals to update UK laws which are currently adopted.

Clause 22 would provide for the automatic modification of both adopted UK legislation and, where appropriate, the modification of UK enactments which are applied to the Falkland Islands by UK authorities. The list of proposed general modifications is set out in *Schedule 2*.

It has been deliberately determined not to include a general modification along the lines of that currently contained in section 76 of IGCO:

“...every adopted imperial enactment shall in so far as the context permits be read with the modifications ...specified in the Schedule to this Ordinance and, in so far as not specified, otherwise as may be necessary to render the same applicable to the circumstances of the Falkland Islands”.

It is considered that such generalised amendment, whilst superficially attractive, creates unacceptable uncertainties about the application of adopted United Kingdom law in terms of how such provision might be interpreted.

Clause 23 provides that secondary legislation made under an adopted UK Act would ordinarily also apply in the Falkland Islands. This replaces and clarifies similar existing provision under IGCO.

Clause 24 replaces the provisions of IGCO which provided for the “automatic updating” of adopted UK legislation.

Clause 24(1) provides that when a UK enactment is adopted through *clause 21*, it is adopted with its existing amendments, repeals or modifications. *Clause 24(2)* provides that any subsequent enactment that amends the adopted UK enactment also applies in the Falkland Islands.

Clause 24(3) would allow exceptions to those general presumptions. This means that UK enactments could be adopted as a particular historical version, or could be adopted without the application of future amendments (eg providing for an affirmative resolution process for the adoption of such amendments).

Clause 24(4) clarifies that where there is a difference in the application of adopted UK enactments to England and Wales, it is the English version which applies in the Falkland Islands.

Clause 25 would require the Commissioner to report regularly (ordinarily monthly) to the Assembly; providing sufficient information about each aspect of changing UK legislation to enable the Assembly to make informed decisions to control the updating of adopted UK legislation (ie accepting, rejecting or disapplying changes to UK legislation as appropriate to the Falkland Islands). Recommendations approved by the Assembly would be given effect to by secondary legislation. A mechanism is included so that matters could be brought back to the Assembly at a future date if the Assembly did not wish to accept the recommendations of the Commissioner.

Clause 26 provides for the application of English common law and equity (replacing similar provision in section 84 of IGCO).

Schedule 1

As indicated above, *Schedule 1* contains the list of UK laws which it is proposed be adopted from the date of on-line publication of the statute law database. The list is based on those UK laws which are already adopted but which were largely “frozen” in their application to FI as they stood in 2004. The content of the Schedule reflects proposals made to bring the adoption of those UK laws up to date.

This means that the majority of those laws will reflect the form in which they currently apply in UK (including the application of replacement laws where a particular law has been repealed and replaced). Under the Bill those laws will be adopted by the Falkland Islands as they apply at any

particular time in UK (ie lifting the “freeze” and providing for that adoption to keep pace with UK law as it changes).

However, where appropriate, exceptions have been put in place for the adopted law to continue in force as a historic version. There is also the option of modifying the future application of an adopted UK law so that any change to it requires the approval of the Assembly (eg through the affirmative process) before it may take effect.

A further modification to adopted law is widely applied to ensure the application of that law does not encroach on the criminal code reflected in the Crimes Ordinance 2014. This duplicates a modification previously in place under the Crimes Ordinance (section 7 of the Crimes Ordinance 1989). The modification applied in respect of any law which was adopted as part of a general body of English law (which was derived from “1900 English law”) under the provisions of IGCO, rather than adoption under a specific Ordinance. It was stipulated that the adoption of any such law could not have effect to create a criminal offence (or prescribe the punishment or mode of trial of any offence). This modification would continue in place under the current Bill in respect of any of those laws. This means that criminal offences would apply under adopted UK laws only if that adoption is based on a bespoke Ordinance reflecting a proactive policy decision to adopt the relevant specific criminal law.

Schedule 2

Schedule 2 contains modifications which would be made to UK enactments. The modifications largely relate to adopted UK statutes applicable under *clauses 21 and 23*, but also, to the extent set out in *clause 22(2)*, to UK statutes applied or extended to the Falkland Islands by UK authorities. The first part of the Schedule consists of a table reflecting a similar class of modifications. The second part contains a number of further modifications.

Schedule 3

The final Schedule contains the proposed repeals and modifications described in connection with *clause 3* above.

Immigration (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Immigration Ordinance
4. Section 6 amended — Administration and control
5. Schedule 2 amended — Administrative provisions as to control on entry, etc.

(4) A person or operator offering travel services into, from or within the Falkland Islands shall, unless exempted in writing by the Principal Immigration Officer, furnish an immigration officer with the information requested under sub-paragraph (3).”

(b) in paragraph 26 by deleting sub-paragraph (2) and replacing it with the following —

“(2) The captain of any ship or aircraft arriving at any port in the Falkland Islands from any place outside the Falkland Islands shall, unless exempted in writing by the Principal Immigration Officer, furnish to an immigration officer on or at any time before arrival at the port —

(a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft; and

(b) particulars of members of the crew of the ship or aircraft.”

OBJECTS AND REASONS

This Bill amends the Immigration Ordinance (No. 15 of 1999) to allow immigration officers to request information from persons or operators offering travel services from, within and into the Falkland Islands.

Clause 1 and 2 provide for the title and commencement of the Ordinance;

Clause 4 provides for the amendment of section 6, which is the substantive section which confers different powers on immigration officers and it is amended to add the power for immigration officers to be able to request for information from travel agencies and tour operators;

Clause 5 amends Schedule 2 to —

(a) add new sub-paragraphs under paragraph 1 to provide:

(i) for immigration officers to make requests for disclosures from persons or operators offering travel services into, within or from the Falkland Islands; and

(ii) for the requirement on persons or operators offering travel services into, within or from the Falkland Islands to furnish immigration officers with information as requested by immigration officers;

(b) to amend paragraph 26 to clarify that the immigration officer may request for particulars of passengers or passenger lists at any time before arrival of the ship or aircraft in the Falkland Islands.

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FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 126

28 February 2017

No. 2

Appointment

Glen Robert Smith, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 26.01.17.

June Vincent Albuero, Storeperson/Handyperson, Property and Municipal Section, Public Works Department, 30.01.17.

Matthew Philip Ware, UK Public Relations and Communications Manager, Policy Department, 13.02.17.

Ivan Sinclair Poritt, Roads Engineer, Highways Section, Public Works Department, 14.02.17.

Jody May Aldridge, Financial Accountant (Designate), Treasury, 20.02.17.

Elaine Pattison, Management Accountant, Treasury, 21.02.17.

Renewal of contract

Alison McAndie, Senior Staff Nurse, Health and Social Services Department, 21.02.17.

Determination of appointment

Josefina Ximena Labarca Montes, Learning Support Assistant, Infant and Junior School, Education Department, 31.01.17.

Resignation

Angela Jane May, Administrative Assistant, Legislature Department, 21.01.17.

Owen Henry Lee, Plant Operator/Handyperson, Materials Section, Public Works Department, 03.02.17.

Nicole Dawn Jaffray, Clerk, Administration Section, Public Works Department, 17.02.17.

Donna Henry, Financial Accountant (Designate), Treasury, 21.02.17.

Lee Robert Ferriby, Trainee Carpenter, Property and Municipal Section, Public Works Department, 28.02.17.

Elisa Phillips, Cleaner, Stanley House, Education Department, 28.02.17.

NOTICES

No. 11

8 February 2017

Police Ordinance 2000 section 10(2)

Appointment of Member of Police Committee

1. Section 10(2) of the Police Ordinance 2000 provides that the Governor shall appoint as members of the Police Committee two justices of the peace elected by justices of the peace from among their number.

2. Anton Livermore JP has been elected to be a member of the Police Committee by the justices of the peace from among their number.

3. In exercise of my powers under section 10(2), I appoint Anton Livermore JP to be a member of the Police Committee.

4. This appointment is deemed to have taken effect on 1 February 2017 for a period of 3 years, unless terminated sooner.

Dated 8 February 2017

C. ROBERTS C.V.O.,
Governor.

PROCLAMATION**Importation of Food and Animal Products from South America (Amendment) Proclamation 2017**

(Proclamation No: 1 of 2017)

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

1. Citation

This Proclamation may be cited as the Importation of Food and Animal Products from South America (Amendment) Proclamation 2017.

2. Commencement

This Proclamation comes into force on publication in the *Gazette*.

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

Article 4 of the Importation of Food and Animal Products from South America Proclamation 2001 (No. 3 of 2001) is amended as follows —

(a) in sub-article (3)(a) by —

(i) adding the following new paragraph —

“(iii) Brazil.”; and

(ii) deleting “or” which appears at the end of paragraph (i);

(b) in sub-article (3)(b) by inserting immediately before Uruguay “Brazil, Chile or”;

(c) in sub-article (3)(c) by adding the following new paragraph —

“(iii) Brazil;” and

(d) in sub-article (3)(d) by inserting immediately after Chile “Brazil or Uruguay”; and

(e) in sub-article (3)(e) by inserting immediately after Chile “Brazil or Uruguay”.

Made 13 February 2017

C. ROBERTS C.V.O.,
Governor.

EXPLANATORY NOTE

(not forming part of the proclamation)

This Proclamation amends the Importation of Food and Animal Products from South America Proclamation 2001 (No. 3 of 2001) by amending article 4 to allow for the importation of —

- fresh meat of domestic cattle, sheep and pigs from Brazil (in addition to imports already permitted for fresh meat from Chile and Uruguay)
- meat products which originate from Chile and Brazil (in addition to imports already permitted for meat products from Uruguay)
- poultry meat from Brazil (in addition to imports that are already permitted for poultry meat from Chile and Uruguay)
- eggs intended for human consumption from Brazil and Uruguay (in addition to imports that are already permitted for eggs from Chile)

Constitution (SI 2008/2846)

(section 84(4))

Police Ordinance (Title 56.1)

(section 4)

Prison Ordinance (Title 60.1)

(section 3)

Appointment of Acting Chief Police Officer

1. Section 84 of the Constitution provides that the power to make appointment to the office of Chief of Police is vested in, and shall be exercised by the Governor, in his discretion.

2. Section 4(2) of the Police Ordinance provides that the Governor, acting in discretion, may appoint a person to act as the chief police officer when the chief police officer is for any reason incapable of carrying out his duties or unavailable to carry out his duties.

3. Section 3 of the Prison Ordinance provides that the Governor may appoint an Officer in Charge of the prison, but unless another person holds appointment, the Chief Police Officer shall be deemed to have been appointed to be Officer in Charge of the prison.

4. In exercise of my powers under the Constitution and Police Ordinance, I appoint David Street to be the Acting Chief Police Officer.

5. In accordance with my powers under section 4(3) I direct that during his appointment as Acting Chief Police Officer, David Street will hold the temporary rank of Superintendent.

6. I confirm that it is intended that David Street will hold the position of Officer in Charge of the Prison in accordance with section 3 of the Prison Ordinance.

7. The appointment of Acting Chief Police Officer will take effect from 15 February 2017 and continues in effect until terminated.

Dated 15 February 2017

C. ROBERTS C.V.O.,
Governor.

No. 14

21 February 2017

Graypen Falklands Limited
Company number: 15232

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 21 February 2017

E. J. DENT,
Registrar of Companies.

No. 15

22 February 2017

United Kingdom Statutory Instruments

Notice is hereby given that the following United Kingdom Statutory Instruments have been published in the United Kingdom by The Stationery Office Limited and are available to view at: <http://www.legislation.gov.uk>

2017 No 181 – The Emergency Powers (Overseas Territories) Order 2017

<http://www.legislation.gov.uk/ukxi/2017/181/contents/made>

Dated 22 February 2017

B. I. STEEN,
for Attorney General.

No. 16

27 February 2017

Livestock and Meat Products Ordinance 2010
section 3(3)

Designation of Sand Bay Abattoir

1. In exercise of my powers under section 3(3) of the Livestock and Meat Products Ordinance 2010 (No. 14 of 2010), I designate the Sand Bay Abattoir as a designated abattoir for purposes of slaughtering, processing, storing and selling meat of ovine, caprine, bovine and porcine origin for human consumption.

2. This designation has effect from 31 August 2016.

Dated 27 February 2017

C. ROBERTS C.V.O.,
Governor.

No. 17

27 February 2017

Application for Naturalisation

Notice is hereby given that:-

Yesenia Fernandez Acosta; and
Violeta Ester McKay (nee Castro Estefo)

are applying to His Excellency the Governor for naturalisation as British Overseas Territories Citizens.

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 and Immigration Department, Stanley to reach that office no later than 22 March 2017.

Dated 27 February 2017

J. E. SMITH,
Immigration Officer.

No. 18

27 February 2017

Application for Falkland Islands Status

Notice is hereby given that:

Kim Anthony Bone
Cynthia June Williams; and
Alison Anne McKenzie Inglis

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency 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 and Immigration Department, Stanley by 22 March 2017.

Dated 27 February 2017

J. E. SMITH,
Immigration Officer.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

28 February 2017

No. 2

The following are published in this Supplement –

Smoking (Designation of Vehicles) Order 2017 (SR&O No 1 of 2017);

Mental Health (Approved Practitioners) Order 2017 (SR&O No 2 of 2017);

Prisons Bill 2017;

Criminal Procedure and Evidence (Amendment) Bill 2017;

Crimes (Amendment) Bill 2017;

Marriage (Amendment) Bill 2017;

**Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2017
(SR&O No 3 of 2017);**

**Road Traffic (Mount Pleasant Terminal Parking Control) Order 2017 (SR&O No 4 of
2017; and**

Immigration (Amendment) Ordinance 2017 (No 1 of 2017).

SUBSIDIARY LEGISLATION

PUBLIC HEALTH

Smoking (Designation of Vehicles) Order 2017

S.R. & O. No. 1 of 2017

Made: 1 February 2017
Published: 28 February 2017
Coming into force: on publication

I make this Order under sections 6 and 7 of the Smoking (Prohibition) Ordinance (No. 12 of 2010) on the advice of Executive Council.

1. Title

This Order is the Smoking (Designation of Vehicles) Order 2017.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“child” means any person under the age of 18 (*as defined under the Children Ordinance*).

4. Designation of vehicles

Vehicles (other than public vehicles) carrying children are designated as vehicles to which the smoking ban applies.

5. Conditions

This designation applies indefinitely unless revoked.

Made 1 February 2017

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE
(not part of the Order)

This Order is made under section 6 of the Smoking (Prohibition) Ordinance (No. 12 of 2010) which provides that the Governor may designate vehicles to which the smoking ban applies. Section 7 provides that the designation may be for an indefinite or a specified time and further that it may be conditional on the specific circumstances or conditions being satisfied. This Order designates vehicles other than public vehicles carrying children as vehicles to which the smoking ban applies. It further provides under paragraph 4 that the designation applies at all times (indefinitely). Public vehicles are already provided for the Ordinance.

The Ordinance creates the offence and provides for the penalty under section 22. A person who smokes in breach of the smoking ban is guilty of an offence and on conviction is liable to a fine up to level 1 on the standard scale. Section 23 of the Ordinance further provides for the offence for failure to comply with the duty to prevent others from smoking. This section also includes defences.

SUBSIDIARY LEGISLATION

MENTAL HEALTH

Mental Health (Approved Practitioners) Order 2017

S. R. & O. No. 2 of 2017

Made: 27 February 2017
Published: 28 February 2017
Coming into force: on publication

I make this order under section 91 of the Mental Health Ordinance (No 7 of 2010) —

(a) after consulting the Chief Medical Officer on the appropriate qualifications, training and experience required by different classes of professionals for initial inclusion on the list of approved practitioners, as required by section 91(4); and

(b) without consulting Executive Council because, in my judgement, the matter is too unimportant to require consultation with Executive Council.

PART 1 INTRODUCTION

1. Title

This order is the Mental Health (Approved Practitioners) Order 2017.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Approved doctors

Each person named in Schedule 1 is a medical practitioner who is an approved doctor for the purposes of the Ordinance.

4. Approved professionals

Each person named in Schedule 2 is a nurse, social worker or other professional who is an approved professional for the purposes of the Ordinance.

5. Revocation of Orders

The Mental Health (Approved Practitioners) Order 2016 (S. R. & O. No. 1 of 2016) is revoked.

**SCHEDULE 1
APPROVED DOCTORS**

Dr Rebecca Edwards
Dr Mukhtar Ahmad Uqaili
Mr Ahmed Cheema
Dr Arthur Allison
Dr Alstynn Pillay
Dr David Edwards Moss
Dr Mary Whittle

**SCHEDULE 2
APPROVED PROFESSIONALS**

Janice Vanessa Dent
Mandy Gail Heathman
Phillip Kelly
Karen Rimicans
Janette Mary Vincent
Miranda McKee
Yvette Sherriff
Rebecca Dickens
Alex Moreton
Althea Maria Biggs
Jennifer Reece
Nikki Murphy
Allison Webb
Julie Scott
Carol Coombs
Julie Chapman
Judy Westerman
Rachel Mary Williamson

Made 27th February 2017

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE
(not forming part of the order)

Section 91(1) of the Mental Health Ordinance (No. 7 of 2010) provides that the Governor may, by Order, approve doctors as medical practitioner for the purposes of the Ordinance. Schedule 1 contains a list of medical practitioners approved as doctors. Under section 3 of the Ordinance, they are also approved practitioners.

Section 91(2) provides that the Governor may, by Order, approve a nurse, social worker or other professional as an approved professional for the purposes of the Ordinance. Schedule 2 contains a list of nurses, social workers and other professionals approved by the Governor as approved professionals. Again under section 3 of the Ordinance, they too are also approved practitioners.

As required by section 91(4), before making the list of approved doctors and approved professionals, the Governor consulted the Chief Medical Officer on the appropriate qualifications, training and experience required by different classes of professionals for initial inclusion on the list.

Article 5 revokes the 2016 order replaced by this new updated list.

Prisons Bill 2017

(No. of 2017)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Declaration of prisons
4. General principles
5. Engagement with post release support agencies

PART 2 – PRISON STAFF

6. Designation of Director of Prisons and appointment of prison staff
7. Duties of the Officer in Charge
8. General duties of prison staff
9. Search of prison staff
10. Transaction with prisoners
11. Qualifications and training of prison officers and prison staff
12. Training programmes for prison staff

PART 3 – PRISON MONITORING BOARD

13. Prison Monitoring Board
14. Members of Board
15. Record of visits by Board
16. Annual report of Board

PART 4 – ADMISSION, SEARCH AND ACCOMMODATION OF PRISONERS; CONDUCT AND WORK

17. Admission of prisoners
18. Records of prisoners' particulars
19. Confiscation and safeguarding of prisoners' property
20. Information to be given to prisoners on admission
21. Cells and prison accommodation
22. Classification or categorisation of prisoners
23. Separation of prisoners
24. Work by prisoners and remuneration
25. Behavioural requirements and discipline of prisoners
26. Legal representation

27. Unauthorised articles
28. Powers to search prisoners
29. Samples and testing of prisoners for drugs and alcohol
30. Privileges and incentives
31. Powers to punish prisoners and additional days
32. Special Accommodation
33. Communication

PART 5 – PRISONERS’ WELFARE

34. Nutrition
35. Clothing
36. Exercise and recreation
37. Education
38. Health care
39. Register of religious affiliation
40. Visiting ministers of religion
41. Religious services
42. Visits
43. Female prisoner with child

PART 6 – ROLE OF MEDICAL OFFICER

44. Functions of medical officer
45. Removal of prisoner to hospital
46. Death of prisoner

PART 7 – RELEASE AND TEMPORARY REMOVAL OF PRISONER

47. Release of prisoner under licence
48. Temporary release of prisoner
49. Special removal of prisoners

PART 8 - MISCELLANEOUS

50. Appellants and pardon
51. Monitoring and security
52. Offences: aiding escape
53. Subsidiary legislation
54. Savings and transitional provisions
55. Repeal

Schedule (section 13(1))

PRISONS BILL 2017

(No: _____ of 2017)

(assented to: _____ 2017)
(commencement: in accordance with section 1)
(published: _____ 2017)

A BILL

for

AN ORDINANCE

To provide for the custody of prisoners and the regulation of prisons; to provide for the staffing and operation of prisons; to incorporate best practice principles of relevant international human rights conventions and to repeal the Prison Ordinance (No. 5 of 1966) and to provide for connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Prisons Ordinance 2017.

(2) This Ordinance comes into operation on a day appointed by the Governor by notice published in the *Gazette*.

2. Interpretation

In this Ordinance, unless otherwise stated or the context otherwise requires —

“Board” means the Prison Monitoring Board established under section 13;

“civil prisoner” means any prisoner other than a convicted prisoner or a remand prisoner;

“communication” includes communication by means of a letter, telecommunications, computer system or any other media;

“convicted prisoner” means any person convicted of a crime or offence or ordered to pay a fine or penalty or other penal sum or to enter into a recognizance, who is committed to prison;

“detainee” means a person detained —

(a) by the police under Part 5 of the Criminal Procedure and Evidence Ordinance 2014; or

(b) under the Immigration Ordinance 1999 and is awaiting deportation;

“drug” means a controlled drug for purposes of the Misuse of Drugs Ordinance 1987;

“hospital” means the King Edward VII Memorial Hospital in Stanley or any other hospital approved by the Governor by order for the purposes of this Ordinance;

“illicit enclosure” includes an unauthorised article or information that would compromise security and safety that is contained within any communication to or from a prisoner;

“independent adjudicator” means the Senior Magistrate or a justice of the peace;

“intimate search” means a search which involves a physical examination which is more than a visual examination of a person’s body orifices;

“justice of the peace” means a justice of the peace appointed under the Administration of Justice Ordinance 1949;

“medical officer” means the Chief Medical Officer and any other Government medical officer assigned to perform the duties of the medical officer under section 44;

“misconduct” means conduct by a prisoner which amounts to a breach of prescribed prison instructions or offences against discipline;

“Officer in Charge” means the person appointed or deemed to have been appointed by the Governor under section 6(1) to be in charge of a prison;

“pardon” means a pardon granted by the Governor in terms of section 71 of the Constitution;

“police officer” means a member of the Royal Falkland Islands Police appointed under the Police Ordinance 2000;

“prescribed” means prescribed in regulations or by order;

“prison” means a place which the Governor declares under section 3 as —

(a) a prison or young offender detention centre; or

(b) a part of a prison or a part of a young offender detention centre;

“prisoner” means a civil prisoner, convicted prisoner or a remand prisoner confined or detained in a prison and excludes a detainee;

“prison instructions” means instructions issued under section 7(4);

“prison staff” means the Officer in Charge, prison officers and other prison staff appointed under section 6;

“privilege” means a privilege earned by a prisoner for good behaviour in prison;

“regulations” means regulations made in terms of this Ordinance;

“remand prisoner” means an accused person who is committed to prison on remand or to await trial;

“strip search” means a search which is not an intimate search but which involves the systematic removal of all clothing on a person;

“suitably qualified person” means a medical officer or a person who is specified as suitably qualified under section 28(9);

“unauthorised articles” means —

(a) intoxicating liquor of any kind, tobacco, any drug and any other thing of any kind which a prisoner is not authorised in the prison instructions or by the Officer in Charge to have in the prisoner’s possession or, as the case may be, for the prisoner to have in his or her possession in a particular part of a prison; or

(b) any other article that may be prescribed;

“young offender” means an adult under the age of 21 who is convicted of an offence and sentenced to prison under Part 33 of the Criminal Procedure and Evidence Ordinance 2014;

“young person” means a person who has attained the age of 14 years and is under the age of 18 years; and

“young offender detention centre” means an institution which the Governor declares as a young offender detention centre under section 3.

3. Declaration of prisons

(1) The Governor may by order published in the Gazette declare a place to be —

(a) a prison or part of a prison; or

(b) a young offender detention centre or part of a young offender detention centre,

for the purposes of this Ordinance.

(2) The prison adjoining the police station on Ross Road in Stanley continues to be a prison and rooms that are occasionally used as a young offender institution will be regarded as a young offender detention centre, for purposes of subsection (1).

(3) A prison must be known as Her Majesty’s Prison or Her Majesty’s young offender detention centre.

4. General principles

(1) Prison staff must hold prisoners safely and securely in line with a prisoner's warrant of committal or warrant of detention by —

(a) ensuring the safety of the public and in terms of the order of the court, by keeping prisoners in custody and preventing their escape; and

(b) ensuring compliance with the prison security and searching strategy in order to provide a safe and secure custodial environment.

(2) Prison staff must aim to reduce the risk of re-offending by a prisoner and must treat prisoners in such a way as to —

(a) influence them through their own good example and leadership;

(b) enlist their willing co-operation; and

(c) build their self-respect and a sense of personal responsibility.

(3) Prison staff must —

(a) look after prisoners in a humane manner and with respect for the dignity of the human person;

(b) treat all prisoners equally and without distinction of any kind on the basis of —

(i) race, colour, or language;

(ii) subject to subsection (4), gender, sexual orientation, age, health status or physical or mental impairment;

(iii) religion or religious belief;

(iv) political or other opinion;

(v) national, ethnic or social origin or association with a national minority;

(vi) birth or other status; or

(vii) ownership or other interest in or association with property (or lack of the ownership, interest or association);

(c) obey the lawful orders of the Officer in Charge, aimed to protect and promote the rights of all persons deprived of their liberty to be treated with humanity and with respect for the dignity of the person, in compliance with section 7 of the Constitution;

(d) help prisoners to lead law-abiding and useful lives in custody; and

(e) help prepare prisoners to lead law-abiding and useful lives after release.

(4) The Officer in Charge may put in place measures designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and young offenders, or other vulnerable groups referred to in subsection (5) and those measures must not be considered to be discriminatory, but the measures must be subject to constant review by the Officer in Charge.

(5) Vulnerable groups include a prisoner with special and particular needs on account of age, a prisoner who has a physical disability or mental condition as to require special care or any other vulnerable groups as may be prescribed.

(6) A prisoner must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment as provided in section 3 of the Constitution.

(7) The Officer in Charge, in managing a prison and the prison staff, must have regard to the different needs of the following categories or classes of prisoners —

(a) civil prisoners, convicted prisoners and remand prisoners;

(b) male and female prisoners; and

(c) adult, or young persons.

(8) A prisoner may not be engaged in a disciplinary position in relation to another prisoner.

(9) A female prison officer must supervise and attend to female prisoners when on duty but when a male officer is supervising the female prisoners alone, the Officer in Charge must take all reasonable steps to ensure that there is, at the same time a permanent recording of the male officer's actions.

5. Engagement with post release support agencies

The Officer in Charge must ensure that at all times there are arrangements for collaboration with agencies that provide support to prisoners who are soon to be released and at the point of release.

PART 2 – PRISON STAFF

6. Designation of Director of Prisons and appointment of prison staff

(1) The Governor, acting in his or her discretion, may designate a public officer as a Director of Prisons who is responsible for —

(a) the oversight of all prisons;

(b) ensuring that prisons operate in line with Government policy; and

(c) preparation of an annual report for the Governor,

and the position of Director may be held together with an appointment in another position in the public service.

(2) The Governor, acting in his or her discretion, must appoint a suitably qualified person as an Officer in Charge of a prison to control and manage the prison.

(3) Subject to section 11, the Governor, acting in his or her discretion, must appoint prison officers and other prison staff as are necessary for the proper running of a prison.

(4) The Officers in Charge and prison officers, while performing their duties have all the powers and immunities of a police officer which are necessary for them to effectively perform their functions under this Ordinance and sections 54, 55 and 58 of the Police Ordinance 2000 applies to prison staff with the necessary changes.

7. Duties of the Officer in Charge

(1) Subject to the orders and directions of the Governor, the Officer in Charge must —

(a) exercise control and superintendence over a prison;

(b) supervise the prison staff in the performance of their duties;

(c) comply with lawful directions given by the Director of Prisons; and

(d) prepare a report for submission to the Director of Prisons to form part of the Director's annual report.

(2) The Officer in Charge may delegate to a member of the prison staff duties as appropriate for the effective and efficient management of a prison.

(3) The Officer in Charge is the legal custodian of all prisoners and a prisoner is in legal custody while —

(a) confined in, being taken to or from a prison;

(b) outside a prison under the control of a prison officer or police officer;

(c) released under licence in terms of section 47 or on temporary release under section 48.

(4) The Director of Prisons may, with the approval of the Governor acting in his or her discretion, issue prison instructions, not incompatible with this Ordinance or any regulations —

(a) to assist prison staff in the discharge of their duties; and

(b) to be observed by prisoners.

8. General duties of prison staff

(1) Prison staff must —

(a) comply with and implement this Ordinance, regulations and any prison instructions issued by the Officer in Charge;

(b) assist and support the Officer in Charge; and

(c) obey the lawful instructions given by the Governor and Officer in Charge.

(2) Prison staff must immediately inform the Officer in Charge of any abuse or impropriety in prison which comes to their knowledge.

(3) Prison staff may not receive a fee, gratuity or other consideration in connection with their office (apart from salary, allowances and pension).

(4) A prison officer may not make a communication to the press or to any other person concerning matters which have become known to the prison officer in the course of duty (except if done in the course of the officer's functions or under a court order).

(5) A prison officer may not publish a matter or make a public pronouncement relating to the administration of a prison or a prisoner.

9. Search of prison staff

(1) The Officer in Charge may direct that prison staff be searched in a prison.

(2) A search must be conducted in accordance with section 28.

10. Transaction with prisoners

(1) Prison staff may not take part in business or financial transactions with or on behalf of prisoners without the permission of the Governor.

(2) Prison staff may not, without the authority of the Officer in Charge —

(a) bring or attempt to bring an article into a prison;

(b) take or attempt to take an article out of a prison;

(c) knowingly allow an article to be brought into a prison or taken out of a prison for a prisoner; or

(d) deposit an article in any place intending it to come into the possession of a prisoner.

11. Qualifications and training of prison officers and prison staff

(1) Subject to subsection (2), prison officers must be appointed specifically to work in a prison and must undergo mandatory training before or after appointment as determined by the Officer in Charge in respect of —

(a) prison officer education and orientation;

(b) the use of force, control and restraining techniques; and

(c) dealing appropriately with the category or class of prisoners with whom it is intended that they will work.

(2) Prison staff other than prison officers may undergo training referred to in subsection (1) as may be determined by the Officer in Charge before or after appointment.

(3) The Governor may by order, for a specified period, authorise a number of police officers to perform the functions ordinarily performed by prison officers and the performance by police officers of these functions may be either —

(a) in conjunction with prison officers ; or

(b) by themselves, only in the most exceptional circumstances and only when so expressly stated by the Governor in the order.

12. Training programmes for prison staff

(1) The Officer in Charge must specify a list of training programmes and courses required to enable the prison staff to work with the categories of prisoners that exist in the Falkland Islands and submit it to the Governor for information.

(2) The Officer in Charge must annually review the training programmes and courses and advise the Governor of any amendments to the list that are required given the change or expected change in the demographics of the prison population in the Falkland Islands.

PART 3 – PRISON MONITORING BOARD

13. Prison Monitoring Board

(1) The Governor acting in his or her discretion must —

(a) establish a Prison Monitoring Board for each prison declared under section 3; and

(b) appoint members of the Board.

(2) The specific provisions relating to the appointment of members of the Board and proceedings and procedures of the Board are set out in the Schedule.

(3) The functions of the Board are to —

(a) assess prison premises, the accommodation and the treatment of prisoners so as to satisfy itself as to the state of the premises and the accommodation and the treatment of prisoners;

(b) hear any complaint or request that a prisoner wishes to make to it or to any member of the Board;

(c) monitor the handling of appeals lodged by prisoners under this Ordinance;

(d) inspect or arrange for the food of prisoners to be inspected at frequent intervals and this inspection may be done by any member of the Board;

(e) inquire into and report upon any matter which the Governor acting in his or her discretion asks and report to the Governor on that matter or on any other matter the Board considers appropriate to report;

(f) direct the attention of the Officer in Charge to any matter it considers requires the attention of the Officer in Charge;

(g) inquire into any report made to it that a prisoner's mental or physical health is likely to be negatively affected by conditions of imprisonment;

(h) monitor prisoners removed from association under section 31(2) and prisoners subject to use of force; and

(i) inform the Governor immediately of any abuse or neglect of prisoners which comes to its knowledge.

(4) The Board may, in a case of neglect by prison staff of their functions or abuse of a prisoner—

(a) recommend to the Officer in Charge for the prison staff's immediate suspension by the Director of Emergency Services; and

(b) refer the matter for disciplinary proceedings.

(5) Before exercising a power under this section the Board or a member of the Board must consult the Officer in Charge in respect of any matter which may affect discipline.

(6) No action lies against a member of the Board or the secretary to the Board in respect of an act or omission done in good faith in the execution of the member or the secretary's duty.

14. Members of Board

(1) Members of the Board must visit a prison frequently and may visit either during a meeting or in between meetings and the Board must arrange a rota whereby at least one member visits the prison in between meetings of the Board.

(2) Members of the Board must have access at any time, as long as it is safe, to every part of a prison and to every prisoner, and may interview a prisoner out of the sight and hearing of prison staff.

(3) Members of the Board must have access to the records of a prison.

15. Record of visits by Board

(1) The Board may examine the condition of a prison and the prisoners and may inspect the prison records and record any remarks which a member has regarding the condition of the prison or the prisoners.

(2) The record made by a member of the Board who visits a prison alone must be available for perusal by all other members of the Board at the next meeting of the Board following that visit.

16. Annual report of Board

The Board must, at the request of the Governor and annually, submit a written report to the Governor on the state of a prison and its administration, and may include in the report any advice and suggestions it considers appropriate.

PART 4 – ADMISSION, SEARCH AND ACCOMMODATION OF PRISONERS; CONDUCT AND WORK

17. Admission of prisoners

(1) A person may only be admitted in prison on the basis of a warrant of committal or other lawful detention order issued by a person or authority having the power in law to issue the detention order.

(2) Every prisoner must be searched by a prison officer or a police officer on admission into prison and when taken into custody by a prison officer.

(3) A search under subsection (2) must comply with section 28 and any unauthorised articles found on a prisoner must be dealt with as provided in section 19.

(4) The Officer in Charge must adopt an electronic or manual file management system in respect of each prisoner on admission and record into each prisoner's file information as may be prescribed.

(5) The Officer in Charge must ensure that accurate information is recorded in respect of a prisoner on admission.

(6) A medical officer must examine every prisoner as soon as reasonably practicable after admission and at any time as may be necessary after admission, for such purposes as may be prescribed.

(7) The medical officer must record the results of an examination carried out under subsection (6).

18. Records of prisoners' particulars

(1) Records of a prisoner kept under section 17(4) or other provision of this Ordinance are confidential and may only be made available to a person whose professional responsibilities require access to those records.

(2) A prisoner may be photographed on admission or during confinement and this forms part of a record of a prisoner.

(3) Prison staff must keep the records and information providing identification of a prisoner as directed by the Officer in Charge.

19. Confiscation and safeguarding of prisoners' property

(1) Unauthorised articles that are found on a prisoner at the time of admission into a prison must be confiscated by prison staff.

(2) Property confiscated under subsection (1) which a prisoner can lawfully possess is considered to be in the possession of the Officer in Charge and, subject to subsection (4), the Officer in Charge must take measures as prescribed to ensure that —

(a) an accurate record of all property confiscated from each prisoner is kept and maintained; and

(b) the property which a prisoner can lawfully possess is safeguarded so as to be returned to the prisoner on release in substantially the same condition as it was when it was confiscated.

(3) A prisoner may possess a reasonable amount of personal property while in custody subject to limits set by the Officer in Charge or set in regulations or prison instructions.

(4) The Officer in Charge —

(a) must dispose of unauthorised articles which cannot lawfully be possessed by a prisoner and perishable property confiscated from a prisoner, and regarding perishable property, must take into account the reasonable wishes of a prisoner; and

(b) will not be held to account for natural deterioration of confiscated property which a prisoner can lawfully possess where the deterioration is to be expected from property of that type.

20. Information to be given to prisoners on admission

Upon admission, the Officer in Charge must provide a prisoner —

(a) with a summary of this Ordinance, regulations and prison instructions;

(b) on request, access to a copy of the full text of the Ordinance, regulations and prison instructions;

(c) with information on the prisoner's rights, and methods of seeking information, access to legal advice and procedures for making requests or complaints;

(d) a prisoner's obligations, including applicable disciplinary offences and sanctions; and

(e) any other information necessary to enable a prisoner to adapt to prison life.

21. Cells and prison accommodation

(1) The Officer in Charge must make every attempt to provide a separate cell for each prisoner and where a cell is designed for occupation by more than one prisoner, it must comply with the requirements of subsection (3).

(2) A cell or prison accommodation must meet such standards as may be prescribed.

(3) Before a cell is used, it must —

(a) be certified as suitable by the Director of Public Works in relation to air cubic capacity, sleeping space, ventilation, natural light and artificial light and heating and generally meeting the prescribed standard;

(b) have clean and adequate sanitary installations which are decent and easily accessible to a prisoner; and

(c) be fitted with a means of enabling a prisoner at any time to call for the attendance of prison staff.

(4) The certification referred to in subsection (3) must be —

(a) in such form as may be prescribed; and

(b) submitted to the Governor, who must, in writing authorise the Officer in Charge to accommodate prisoners in the cell so certified.

(5) Certification of a cell must be renewed after 12 months or sooner if concerns as to the condition of the cell are raised by a member of the Board or the Officer in Charge.

22. Classification or categorisation of prisoners

(1) The Governor must prescribe the categories of prisoners according to sex, age, health and the security risk they pose, and the categories must be reviewed annually.

(2) Regulations may provide for the classification or categorisation of prisoners and how they must be accommodated.

23. Separation of prisoners

(1) The following classes of prisoners of each sex must, as reasonably practicable, be separated from one another —

- (a) young persons aged seventeen years and under from prisoners over that age;
- (b) convicted and remand prisoners from civil prisoners; and
- (c) remand prisoners from convicted prisoners.

(2) Subsection (1)(c) does not prevent a remand prisoner from having contact, or sharing a cell, with a convicted prisoner if the remand prisoner wishes or consents.

(3) Male prisoners must be accommodated separately from female prisoners and may only interact with each other for rehabilitative purposes mentioned in subsection (5) or for any other purpose as may be prescribed.

(4) The Officer in Charge must make all reasonable adjustments to ensure that prisoners with physical, mental or other vulnerability have effective access to prison life on an equitable basis.

(5) The Officer in Charge may permit specific educational and rehabilitative activities and supervised association between male and female prisoners.

24. Work by prisoners and remuneration

(1) Subject to this section, a prisoner is required to do work that is reasonably necessary for hygiene or the maintenance of the prison unless the prisoner is certified by the medical officer to be unfit for the work.

(2) Subject to a declaration made by a prisoner under section 39, the prisoner must not work on a day or during a part of a day if it would be contrary to the prisoner's religion, or any denomination of that religion.

(3) Subject to subsection (5), the Officer in Charge may allow a prisoner to perform work other than that mentioned in subsection (1) and the Officer in Charge may permit a prisoner to perform work outside the walls of a prison.

(4) Prisoners may be remunerated for work done and the remuneration must be at a rate as approved by the Governor by order and the remuneration may be dealt with as prescribed.

(5) Work done by a prisoner may include necessary services of a prison but must not include any personal services for prison staff.

25. Behavioural requirements and discipline of prisoners

(1) A prisoner who commits an act of misconduct must go through a disciplinary process as may be prescribed.

(2) The regulations and prison instructions must provide for —

- (a) conduct constituting acts of misconduct;

(b) types and duration of punishment that may be imposed; and

(c) the authority competent to impose the punishment.

(3) A prisoner who is prosecuted for a criminal offence under section 31(4) is entitled to a fair hearing within a reasonable time by an independent and impartial court established by law and must also have unimpeded access to a legal practitioner.

(4) The Officer in Charge must maintain discipline and order with no more restriction than is necessary to ensure safe custody and the operation of a well ordered prison community.

(5) The Officer in Charge must put in place a strategy for the management of prisoners who are difficult or disruptive, to ensure an acceptable level of behaviour.

26. Legal representation

(1) A prisoner is entitled to be visited and to communicate with a legal practitioner of their own choice.

(2) The legal practitioner in any legal proceedings to which a prisoner is a party, must be afforded reasonable facilities for interview in connection with those proceedings.

(3) A prisoner's legal practitioner may, subject to any directions given by the Officer in Charge, interview the prisoner in connection with any other legal problem.

(4) An interview must take place out of hearing, but not out of sight, of prison staff.

(5) Correspondence between a prisoner and legal practitioner must not be intercepted, opened or read, except with permission of the Officer in Charge on the basis of information that the communication might contain an illicit enclosure.

27. Unauthorised articles

A person, including prison staff who, without lawful excuse introduces into a prison or delivers to a prisoner any unauthorised article, to be sold or used in a prison, commits an offence and is liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the maximum of level 5 on the standard scale or to both.

28. Powers to search prisoners

(1) Subject to this section, only a prison officer or police officer may search a prisoner as authorised by the Officer in Charge to ascertain whether the prisoner has any unauthorised property on their person.

(2) Subject to subsection (4), the prison officer may require a prisoner to submit to the following searches of his or her person —

(a) rub-down;

- (b) pat-down;
- (c) strip; or
- (d) intimate; and,

prison instructions may make further provision on how the search must be done.

(3) The searching of a prisoner must be done in a manner that is proportionate and consistent with the need to discover a concealed article and a strip search must only be carried out by a prison officer of the same sex as the prisoner.

(4) If a prisoner is required to submit to an intimate search, the search must be carried out by a suitably qualified person.

(5) A prison officer must not strip search a prisoner in the sight or presence of another prisoner.

(6) A person who searches a prisoner without authority under this Ordinance commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

(7) A prison officer searching a prisoner under this section may use reasonable force where necessary and may seize unauthorised articles found on the prisoner's person in the course of the search.

(8) Any unauthorised article found on a prisoner as a result of a search must be dealt with in accordance with section 19.

(9) The Governor may, by notice in the Gazette specify suitably qualified persons for purposes of carrying out an intimate search under subsection (4).

29. Samples and testing of prisoners for drugs and alcohol

(1) The Officer in Charge may require a prisoner to provide a sample of urine for the purpose of ascertaining whether the prisoner has any drugs in his or her body.

(2) The Officer in Charge may, also require a sample of urine or breath in order to determine whether there is alcohol in the prisoner's body or any other sample excluding an intimate sample.

(3) The Governor may prescribe the procedure for obtaining an intimate sample for any purpose from a prisoner.

(4) In this section —

“intimate sample” means a sample of blood, semen or any other tissue, fluid, pubic hair or a swab taken from a person's orifice.

30. Privileges and incentives

(1) The Officer in Charge must set out in prison instructions a system of privileges under which, as a result of or in return for continuous periods of satisfactory behaviour, prisoners can earn or maintain privileges.

(2) The Governor may prescribe the procedure for earning the privileges and incentives under subsection (1).

(3) The Officer in Charge must ensure that —

(a) all prisoners are kept informed of the system of privileges and of any changes made to it;

(b) the system of privileges is fairly and consistently applied in respect to all prisoners; and

(c) prisoners are given reasons for privileges that they are either afforded or denied and a prisoner must get a fair opportunity to make representations on their behalf.

31. Powers to punish prisoners and additional days

(1) The Governor may, in regulations empower the Officer in Charge to punish prisoners for acts of misconduct.

(2) Punishment referred to in subsection (1) may include imposition of additional days, withdrawal of privileges, removal from association, and confinement in a cell, or any other form of punishment as may be included in those regulations.

(3) Restraints may not be used as a form of punishment.

(4) Where a prisoner is alleged to have committed a criminal offence the Officer in Charge may refer the matter to the police for investigation.

(5) Additional days may only be awarded by an independent adjudicator.

(6) Regulations made under this section must provide further for the procedures for imposition of additional days.

(7) A prisoner who is subject to the possible imposition of additional days must be afforded access to legal representation.

32. Special Accommodation

The Officer in Charge may provide separate cells —

(a) as Special Accommodation for the temporary confinement of a prisoner who is a risk to themselves or others, is uncooperative or is violent; or

(b) for solitary confinement of a prisoner undergoing punishment.

33. Communication

(1) Prisoners must be allowed to communicate with persons outside a prison as may be prescribed and regulations made under this subsection may impose limitations to communication.

(2) Subject to subsection (3), and section 26(5), the Officer in Charge may intercept communication between a prisoner and any other person.

(3) The Governor may make regulations to provide for the carrying out of interception of communications.

(4) A person who, without the permission of the Officer in Charge, communicates or attempts to communicate with a prisoner, commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 4 on the standard scale.

PART 5 – PRISONERS' WELFARE

34. Nutrition

(1) Prisoners must have three meals per day, served in such a manner as may be prescribed and the meals must be of a nutritional value required to maintain a prisoner's health.

(2) Intervals at which meals are served and the nutritional requirements of meal menus must be determined with the input of the Chief Medical Officer and other health professionals as appropriate.

(3) The Chief Medical Officer may instruct that a prisoner be provided with a specific diet, and the Officer in Charge must ensure that there is compliance with that instruction.

35. Clothing

(1) Prisoners who are not allowed their own clothing must be provided with clothing of such quantity and standard as is appropriate to the climate and the reasonable needs of the prisoner.

(2) The Governor may make regulations to provide for details of the clothing and factors to be considered as required under subsection (1).

36. Exercise and recreation

(1) Subject to subsection (2), a prisoner must have time for exercise as may be prescribed.

(2) Prison staff must encourage all prisoners to exercise and exercise time must not be less than 2 hours per week for each prisoner.

(3) The Officer in Charge must afford prisoners time for recreation as may be prescribed.

37. Education

(1) The Officer in Charge must ensure that opportunities as are prescribed are made available to prisoners to further their education through self-study or organised instruction.

(2) Education of prisoners under the age of 16 years is mandatory and must be consistent with the curriculum approved for children of that prisoner's age who are enrolled in secondary education.

(3) The Officer in Charge must make arrangements as are reasonably possible for the educational assessment of each prisoner to ensure that there is an opportunity for each prisoner's educational needs to be met.

38. Health care

(1) The Officer in Charge must ensure that prisoners are seen by a medical practitioner and a dentist at prescribed regular intervals and on such unscheduled occasions as the circumstances of each prisoner may require.

(2) The Officer in Charge must take seriously a request by a prisoner to be seen by a medical practitioner or dentist and, unless there reasonable grounds to think that the request is motivated by mischief, must grant the prisoner's request within a reasonable time.

39. Register of religious affiliation

(1) The Officer in Charge must keep in the records information about the religion to which a prisoner declares himself or herself to belong, and must, on the request of any minister of religion who is authorised to visit prisoners, supply the minister with a list of the prisoners who have declared themselves to belong to the religion of that minister.

(2) A prisoner must be treated as being of a religion or specific religious denomination stated in the prisoner's record under subsection (1).

(3) Following a request by a prisoner who changes religion, the Officer in Charge may, after due enquiry, direct the prisoner's record to be amended.

40. Visiting ministers of religion

Subject to this Ordinance and to any other conditions which may be prescribed, the Officer in Charge may authorise a minister of religion to visit any prisoner belonging to the same religion who consents to the visit, and to celebrate religious services in the presence of that prisoner.

41. Religious services

(1) A minister of any religion may, with the consent of the Officer in Charge, which must not be unreasonably withheld, hold religious services within a prison, at which a prisoner who wishes may attend, on such days and at such times as the Officer in Charge of the prison may approve.

(2) The Officer in Charge may permit a prisoner of good behaviour to attend a religious service at a church or other place of worship in Stanley, subject to conditions as may be imposed by the Officer in Charge.

42. Visits

(1) A prisoner is entitled to receive visits as may be prescribed.

(2) Regulations made under subsection (1) may provide for the number of visits for every prisoner, the duration of the visit, deferment of a visit and other matters necessary to regulate visitors.

(3) A visitor to a prisoner may be searched on entry to a prison and the search must comply with section 28 and a visitor who refuses to be searched must be denied entry.

(4) The Officer in Charge may prohibit visits by a person to a prison or to a prisoner for periods considered necessary to secure discipline, good order and to prevent commission of an offence or in the public interest.

(5) Subsection (4) does not apply to a visit by a class of persons as may be prescribed.

(6) The Officer in Charge may require a visit, or class of visits, to be held in facilities which include special features restricting or preventing physical contact between a prisoner and a visitor.

(7) The Officer in Charge may remove or cause to be removed from a prison any visitor to the prison whose conduct is improper.

(8) The Governor may make regulations prescribing the proper conduct of visitors.

43. Female prisoners with child

(1) Subject to subsection (2), the child of a female prisoner may be admitted into a prison with its mother if the court which committed the female prisoner has authorised the admission, and the child must not be taken from its mother unless the court so orders, based on recommendations from a medical officer and social services, on the basis of what is in the best interests of the child.

(2) A child retained in prison under subsections (1) must, if necessary, be supported at public expense.

(3) The medical officer may make recommendations for the diet of a child retained in prison.

PART 6 – ROLE OF MEDICAL OFFICER

44. Functions of medical officer

(1) The Chief Medical Officer is responsible for the proper performance of the functions that a medical officer is assigned under this Ordinance but may assign the performance of the whole or any part of those functions to any other medical officer.

(2) A medical officer assigned to perform any functions under this Ordinance has the general care of the physical and mental health of prisoners, and must make known to the Officer in Charge any circumstances connected with the prison or the treatment of a prisoner which require consideration on medical grounds.

45. Removal of prisoner to hospital

- (1) The medical officer or, in urgent cases, the Officer in Charge, may direct that a prisoner be removed to a hospital and while proceeding to and from a hospital a prisoner will be considered for all purposes to be in prison custody.
- (2) The Officer in Charge will determine whether a prison officer is required to remain with a prisoner for any period that a prisoner is within a hospital.
- (3) A prisoner must be returned to prison when the medical officer certifies that the prisoner is fit.
- (4) The Governor may prescribe further provisions regarding the procedures for medical attention of prisoners and reporting responsibilities of the medical officer.

46. Death of prisoner

Where a prisoner dies, the Officer in Charge must give immediate notice of the death to the Governor, the Board and to the Coroner.

PART 7 – RELEASE AND TEMPORARY REMOVAL OF PRISONER

47. Release of prisoner under licence

- (1) Subject to this section and section 31, a prisoner sentenced to a period of imprisonment may, in such manner as may be prescribed, and subject to good conduct, be released on licence after expiry of not less than two-thirds of the time which they are sentenced to spend in prison.
- (2) Reduction in sentence under subsection (1) cannot under any circumstances reduce the time spent in prison to less than thirty-one days.
- (3) A prisoner who is a subject of deportation procedures under the Immigration Ordinance may, on the authority of the Director of Prisons, be released not more than 14 days earlier than his or her release date in order to facilitate removal from the Falkland Islands.
- (4) The Officer in Charge may specify in the release licence conditions about behaviour, residence, and regularity of reporting to a specified authority subject to reasonable and proportionate consideration by the Officer in Charge of public protection and post release support.
- (5) Conditions may be imposed under subsection (4) —
 - (a) in accordance with decisions made during the period in custody;
 - (b) on the Officer in Charge's own risk assessment; and
 - (c) must be informed by specialist advice and reports as the Officer in Charge considers necessary.

(6) Regulations may provide for the consequences of breach of conditions imposed by the Officer in Charge under this section.

(7) A condition may be imposed only if the Officer in Charge thinks it necessary, reasonable, proportionate or desirable for the purpose of —

(a) protecting the public;

(b) preventing re-offending; or

(c) securing the successful re-integration of a prisoner into the community.

(8) Prison instructions must include a policy to direct the Officer in Charge in making a risk assessment and procedures to be followed when imposing conditions for release on licence.

(9) A condition imposed by the Officer in Charge may be appealed by the prisoner to the independent adjudicator and the independent adjudicator may remove, add to or substitute the conditions provided the conditions imposed by the Officer in Charge remain in place until removed, added to or substituted.

48. Temporary release of prisoner

(1) A convicted prisoner may be released under this section, as prescribed or stated in prison instructions —

(a) on compassionate grounds;

(b) for the purpose of receiving medical treatment or any therapy;

(c) to engage in employment or voluntary work;

(d) to receive instruction or training which cannot reasonably be provided in prison;

(e) to enable participation in proceedings before a court, tribunal or inquiry;

(f) to consult with a legal practitioner where it is not possible, in the opinion of the Officer in Charge, for the consultation to take place in a prison; or

(g) to maintain family ties or to facilitate transition from prison life to freedom.

(2) The Officer in Charge may authorise the release of a prisoner under this section for one or more specified periods, subject to specified conditions.

(3) Prison instructions must include directions to the Officer in Charge regarding procedures to be followed when approving and facilitating temporary release.

49. Special removal of prisoners

(1) Subject to subsection (2), every prisoner confined in a prison is considered to be in the legal custody of the Officer in Charge and must not be removed from a prison before he or she becomes lawfully entitled to release under section 47, under the regulations or in the following cases —

- (a) in pursuance of an order of a court;
- (b) in case of fire or sudden or urgent necessity;
- (c) for the purpose of work or recreation; or
- (d) in a case in which a prisoner is removed to hospital under section 45(1);
- (e) in pursuance of approved temporary release authorisation.

(2) The Governor may order the removal of a prisoner to such other place of confinement as may be specified in the order —

- (a) for the purpose of enabling a prison to be altered, enlarged, repaired or rebuilt;
- (b) in the case of a contagious or infectious disease breaking out in a prison;
- (c) for a prisoner to appear before a court of examination, trial or as a witness; or
- (d) for any other reasonable cause,

and may at any time order that the prisoner be returned to the prison.

(3) A prisoner who has been removed from a prison under this section is considered to be confined within a prison, despite such removal.

PART 8 – MISCELLANEOUS

50. Appellants and pardon

(1) The Officer in Charge must ensure that a convicted prisoner who has a right of appeal against conviction or against sentence is, on admission informed of that right and of conditions governing the exercise of the right.

(2) A prisoner who notifies the Officer in Charge of his or her intention to appeal must be given all necessary facilities for pursuing the appeal.

(3) The Officer in Charge must also make a prisoner aware of the Governor's power to pardon prisoners under section 71 of the Constitution and the procedures for accessing a pardon.

51. Monitoring and security

The Officer in Charge may employ any technology in any media such as closed circuit television, video or audio surveillance systems, both covert and overt, metal detector scanners, mobile phone detecting and blocking systems to ensure security, safety and the detection of crime and breaches of discipline in prison.

52. Offences: aiding escape

(1) It is an offence for a person, without the authority of the Officer in Charge —

- (a) to take or throw an article into a prison;
- (b) to take or throw an article out of a prison;
- (c) to provide an article to a prisoner; or
- (d) to deposit an article in any place,

with the intention that it comes into the possession of a prisoner.

(2) In this section article includes money, food, clothing, drink, tobacco, letters, paper, books, tools, drugs, firearms, explosives, weapons and any other article.

(3) A person who commits an offence under subsection (1) is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine of the maximum of level 6 on the standard scale; or to both.

(4) The Officer in Charge may confiscate an article which is in a prison as a result of an offence under subsection (1).

(5) It is an offence to aid a prisoner to escape from a prison or, facilitating an escape or to take or send anything (by post or otherwise) into a prison or to a prisoner or to place anywhere outside a prison intending it to come into the possession of a prisoner for purposes of aiding escape.

(6) A person who commits an offence under subsection (5) is liable to a term of imprisonment not exceeding 10 years.

53. Subsidiary legislation

(1) The Governor may, subject to subsection (2) make regulations or orders generally for giving effect to the provisions of this Ordinance, and in particular regulations for —

- (a) the administration, management and discipline;
- (b) visits to and communications with prisoners;
- (c) the working of prisoners outside the prison walls;

- (d) the acts or omissions which constitute acts of misconduct and disciplinary procedures;
- (e) appointment of independent adjudicator and procedures to be followed in appointment;
- (f) appeal procedures for prisoners under this Ordinance;
- (g) the powers, duties and conduct of prison officers;
- (h) the admission and discharge of prisoners;
- (i) the classification, clothing, maintenance, employment, discipline, instruction and rehabilitation of prisoners;
- (j) early release of prisoners and the manner in which and conditions under which such release is done;
- (k) the application of money in the possession of a prisoner committed for non-payment of a fine towards the fine adjudged to be paid;
- (l) the remuneration of prisoners for work done and the manner in which and conditions under which the remuneration is to be paid;
- (m) the supply of money, food or clothing to prisoners, and the means of travel to be afforded to them, on their discharge;
- (n) the conditions under which visitors are to be allowed in prison; or
- (o) the medical inspection of prisons and prisoners and the prevention of contagious diseases in prisons.

(2) Nothing in this section permits the making of regulations or orders which authorise the corporal punishment of a prisoner.

54. Savings and transitional provisions

(1) Subject to their instrument of appointment, the prison officers appointed under section 3 of the repealed Ordinance who are in office immediately before the date of commencement of this Ordinance will continue in office as if they have been appointed under section 6 of this Ordinance.

(2) The Prison Visitors Board established and appointed under section 7 of the repealed Ordinance will continue to operate as if established and appointed under section 13 and will be known as the Prison Monitoring Board.

(3) In this section, “repealed Ordinance” means the Prison Ordinance repealed under section 55.

55. Repeal

The Prison Ordinance (Title 60.1) is repealed.

SCHEDULE

section 13(1)

Appointment and Proceedings of a Prison Monitoring Board

1. Appointment of the Board

(1) On appointing members to the Prison Monitoring Board, the Governor must appoint one of the members as chairperson of the Board.

(2) The chairperson is responsible for the proper functioning of the Board in the execution of its duties and the Board may delegate to the chairperson its functions when the Board is not meeting.

(3) The Governor, in his or her own discretion must appoint at least two and not more than four other persons to be members of the board each of whom must, unless the member's appointment is earlier revoked or comes to an end under subparagraph (4), hold office for such period, not exceeding three years, as is specified in the instrument appointing the member.

(4) Every appointment under this section, as well as the period for which the appointment is to have effect, must be notified in the Gazette.

(5) A member of the Legislative Assembly, Judiciary, a police officer, a prison officer, the Attorney General, any person authorised to prosecute on behalf of the Attorney General and any person who is or who is concerned in a contract for supplies to a prison is not eligible for appointment under subparagraph (3).

(6) A person appointed as a member of the Board under subparagraph (3) ceases to hold office as such on —

(a) tendering his or her resignation in writing to the Governor;

(b) taking his or her seat as a member of the Legislative Assembly;

(c) being sentenced by any court of the Falkland Islands to a period of imprisonment; or

(d) occupying or becoming employed in any position referred to in subparagraph (5) or being concerned in any contract for supplies to a prison.

(7) Members of the Board must undertake such training as may be required by the Governor.

(8) The Governor may terminate the appointment of a member if satisfied that —

- (a) the member has failed to satisfactorily perform the duties of the office;
- (b) the member has failed to undertake required training;
- (c) the member is by reason of physical or mental illness, or for any other reason, incapable of carrying out the duties of the office;
- (d) the member should not remain in office, by reason of a conviction or other conduct; or
- (e) there is, or appears to be or could appear to be, any conflict of interest between the member's duties and any of the member's interests, whether personal, financial or otherwise.

(9) The Governor may suspend a member pending a decision on whether or not subparagraph (8) applies.

(10) The Governor must —

- (a) upon the constitution of the Board for the first time, appoint a chairperson to hold office for a period not exceeding twelve months;
- (b) thereafter appoint, before the date of the first meeting of the Board in any year of office of the Board, a chairman for that year, having first consulted the Board; and
- (c) promptly fill, after first having consulted the Board, any casual vacancy in the office of chairperson.

(11) The Board must visit any prison at intervals not greater than 3 months, but otherwise on such dates and at such times as the Board decides and on the occasion of each visit by the board, prisoners or other persons detained in a prison may be interviewed by a member of the Board.

(12) After each visit the chairperson of the Board must make or cause to be made a report in writing to the Governor, of any areas of concern raised during the visit.

2. Proceedings of Board

(1) The Board must endeavour to meet once a month but —

- (a) may meet no less than four times in any calendar year; and
- (b) may only meet less frequently than once per month if they resolve for reasons specified in the resolution that less frequent meetings are sufficient.

(2) The Board may determine procedures and a quorum for meetings.

(3) The Board must keep a record of its proceedings.

(4) The proceedings of the Board are not invalidated by a vacancy in membership or a defect in the appointment of a member.

(5) The Board may determine rules and procedures for bringing matters before it by prisoners or any other person.

(6) The Governor must appoint a public officer to be Secretary to the Board and the Secretary must attend meetings of the Board to take and prepare minutes of its proceedings and to have custody of the Board's papers.

(7) A copy of the minutes of every meeting of the Board must be forwarded as soon as practicable after the meeting to the Governor.

3. Disqualification of Board as to contracts

(1) A member of the Board must immediately tender his or her resignation in writing to the Governor if —

(a) the member becomes a contractor or bids to become a supplier, for supplies to a prison; or

(b) to his or her knowledge the member becomes concerned in a contract for supplies to a prison.

(2) A person who wilfully contravenes subparagraph (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

OBJECTS AND REASONS

Background

The Executive Council considered and approved proposals for new legislation for prison reform in Exco Paper No. 160/15.

This Bill provides for a new Prisons Ordinance which will update and repeal the current Prison Ordinance. The current Ordinance was enacted in 1966 and is now out of date regarding human rights issues and forms of punishment for acts of misconduct in prison. Prison officers will undergo training to ensure that they perform their functions professionally. The Bill also shifts the focus from punishment to rehabilitation of offenders. Engagement of support agencies is included to ensure that prisoners are properly reintegrated into society.

Clauses of the Bill

Clause 1 provides for the title and commencement of the Ordinance. *Clause 2* defines a number of words and phrases used in the Bill. The Governor is given power to declare prisons and young offender's detention centres in *clause 3*. The change from young offender's institution to young offender's detention centre has been necessitated by changes that have been introduced by the Criminal Procedure and Evidence Ordinance 2014. The name of a prison must include Her Majesty's Prison or Her Majesty's Young Offender Institution. *Clause 4* contains general

principles of human rights which should guide the treatment of prisoners. The rights are derived from international instruments and the Constitution. *Clause 5* allows for collaboration with agencies that provide support to prisoners.

Clause 6 gives power to the Governor to appoint prison staff. The Governor must also designate a public officer as a Director of Prisons and the position may be held together with another appointment in the public service. The Director of Prisons is responsible for the oversight of all prisons. Prison staff for each prison includes an Officer in Charge, prison officers and other staff. The Officer in Charge and prison officers will have the same powers as police officers so that they are able to conduct searches and take samples for conducting tests. *Clauses 7 and 8* provide for the duties of the Officer in Charge and prison staff. *Clause 7* further empowers the Officer in Charge to make prison instructions. Instructions will guide the day to day management of a prison.

Prison staff may be searched in prison under *clause 10* and they are prohibited from doing business or having financial transactions with prisoners.

Clauses 11 and 12 provide for training programmes for prison staff. The training is intended to equip the prison staff with skills on how to control prisoners of different categories. The Officer in Charge determines the training programmes and courses that are specific to the various needs of prison staff.

Clause 13 allows the Governor to establish and appoint a Prison Monitoring Board which is currently known as the Board of Prison Visitors. The functions of the Board are to monitor compliance with the Ordinance and ensure that prisoners are not ill-treated. The Board is empowered to hear any complaints or requests that prisoners may have. It is not an appellate body. Details of the appointments and procedures of meetings of the Board are contained in the Schedule. *Clause 16* requires the Board to produce an annual report and submit it to the Governor.

Clauses 17 to 20 provide for procedures for the admission of a prisoner into prison, and the search of prisoners. *Clause 17* prohibits the admission of a person into prison without a committal warrant. A prisoner must be searched by a prison officer and examined by a medical officer on admission, a photograph is taken and his or her particulars must be compiled in terms of *clause 18*. Unauthorised articles, as defined, which are found on a prisoner must be confiscated and dealt with in terms of *clause 19*. *Clause 20* provides for information that must be given to a prisoner on admission which includes a summary of the Ordinance, regulations and prison instructions. Prisoners must be informed of their rights and obligations in prison.

The accommodation of prisoners is provided for in *clauses 21 to 23*. Prison cells must meet a standard which is prescribed in regulations. A cell must have adequate sanitary facilities and a prisoner must have a facility to call for the attention of prison staff at any time. Prisoners are classified and categorised in terms of *clause 22* according to the risk they pose and their temperament. *Clause 23* requires that different classes of prisoners be accommodated separately.

Clause 24 provides for the requirement for prisoners to work. Prisoners may not however perform personal services for prison staff. Prisoners are remunerated for work done at a rate determined by the Governor.

Prisoners are subject to a disciplinary code while in prison and any breach results in charges for misconduct (*clause 25*). *Clause 26* permits legal practitioners of the prisoner's choice to have access to the prisoner. Communication between a prisoner and his or her legal representative may not be opened unless there is information that the communication may contain an illicit enclosure as defined.

Clause 28 allows prison officers to search prisoners at any time as allowed by the Officer in Charge and provides for the procedures for a search. An intimate search may only be conducted by a suitably qualified person. A suitably qualified person is specified by the Governor by notice in the Gazette. *Clause 29* authorises the taking of samples from prisoners and also testing them for drugs and alcohol.

The Officer in Charge is required to institute a system of privileges in terms of *clause 30*. Privileges work as an incentive for good behaviour in prison and are earned or lost depending on the prisoner's conduct. Failure to behave properly can result in withdrawal of privileges or imposition of additional days. Further provision on additional days will be made in regulations (*clause 31*). Special Accommodation may be provided for purposes of solitary confinement or for prisoners who are in danger of hurting themselves.

Clause 33 allows prisoners to communicate with persons outside of the prison as a privilege and as a way of starting the rehabilitation process. Communication may be intercepted where the Officer in Charge, based on information received, considers that the communication may contain an illicit enclosure. Further provision on interception of communication is made in regulations.

Prisoners' welfare is provided for in Part 5, *clauses 34 to 43*. These clauses deal with matters like food for prisoners, their clothing, need for exercise, education, recreation and health care. Religious requirements of prisoners are provided for in *clauses 39 to 41*.

Clause 42 allows prisoners to receive visitors and the visitors must be searched on entering the prison.

The child of a female prisoner who is admitted with its mother must be kept at public expense. The baby will be released after a court order obtained after recommendations from a medical officer and social services based on what is in the best interests of the child (*clause 43*).

Clauses 44 to 46 deal with the role of the medical officer. The Chief Medical Officer is responsible for the physical and mental health of prisoners. A prisoner may be removed to hospital on the direction of the medical officer (*clause 45*). The death of a prisoner must be notified to the Governor, the Board and the Coroner (*clause 46*).

Clause 47 provides for the release of a prisoner on licence. A prisoner must be released after serving two thirds of their sentence on licence unless additional days are imposed on account of

bad behaviour. The Officer in Charge may impose conditions on release which the prisoner must comply with and the conditions must be informed by advice from specialists. Conditions are mostly inspired by the need to protect the public and securing a successful re-integration of a prisoner. Clause 47(3) allows early release of a prisoner who is the subject of deportation procedures to facilitate removal from the Falkland Islands. A prisoner may also be released temporarily on various grounds including compassionate grounds (*clause 48*). *Clause 49* provides for a special release of prisoners in the event of a sudden or urgent necessity.

Miscellaneous matters are provided for in *clauses 50 to 55*. Prisoners who wish to appeal against their sentence or conviction must be given facilities to assist with that. Prisoners must also be informed of the power of the Governor to pardon prisoners in terms of section 71 of the Constitution. Aiding a prisoner to escape is an offence under *clause 52* punishable by a term of up to 10 years imprisonment. The Governor is given power to make regulations in terms of *clause 53*. Regulations provide the details to the Bill. Savings and transitional provisions are in *clause 54* and these are necessitated by the repeal of the Prison Ordinance 1966 under *clause 55*. Existing prison officers are allowed to continue with their functions and the Board will also continue to exist until a new Board is appointed.

Criminal Procedure and Evidence (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Criminal Procedure and Evidence Ordinance
4. Section 150 repealed – Variation of bail: Supplementary
5. Section 458 amended – Restrictions on reporting alleged offences involving youths
6. Section 580 amended – Advisory committee’s functions in relation to release of prisoners on licence
7. Section 581 repealed – Release on licence of persons serving determinate sentences
8. Section 582 amended – Release on licence of persons sentenced to imprisonment for life, etc
9. Section 583 amended – Revocation of licences and recall of prisoners on licence
10. Section 584 amended – Provisions supplementary to sections 580 to 583
11. Section 789 amended – Repeal, disapplication and savings
12. Schedule 14 Part ‘B’ amended – Disapplied Imperial Enactments

CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) BILL 2017

(assented to: 2017)
(commencement: in accordance with section 2)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Criminal Procedure and Evidence Ordinance 2014.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance may be cited as the Criminal Procedure and Evidence (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

3. Amendment of Criminal Procedure and Evidence Ordinance

This Ordinance amends the Criminal Procedure and Evidence Ordinance 2014.

4. Section 150 repealed — Variation of bail: Supplementary

Section 150 of the Criminal Procedure and Evidence Ordinance 2014 (hereinafter called the principal Ordinance) is repealed.

5. Section 458 amended — Restrictions on reporting alleged offences involving youths

Section 458 of the principal Ordinance is amended by the insertion after subsection (4) of the following subsection —

“(4A) Subsection (4)(b) applies to a publication —

(a) where it is a relevant programme, if it is transmitted; or

(b) in the case of any other publication, if it is published.”.

6. Section 580 amended — Advisory Committee’s functions in relation to release of prisoners on licence

Section 580 of the principal Ordinance is amended —

(a) in subsections (1)(a) and (4)(a), by the deletion of “581 or”;

(b) in subsection (1)(c), by substitution of “581” with “582”.

7. Section 581 repealed — Release on licence of persons serving determinate sentences

Section 581 of the principal Ordinance is repealed.

8. Section 582 amended — Release on licence of persons sentenced to imprisonment for life, etc

Section 582 of the principal Ordinance is amended —

(a) by the substitution for subsection (3) with the following —

“(3) A person subject to a licence granted under this section must comply with any conditions specified in the licence.”;

(b) by the insertion after subsection (3) of the following subsections —

“(3A) The Governor —

(a) must consult the Advisory Committee before including on the release of a person, or subsequently inserting, a condition in a licence relating to that person, or varying or cancelling any such condition;

(b) is deemed to have consulted the Advisory Committee on a proposal to include, insert, vary or cancel a condition in any case if the Governor has consulted that Committee on the implementation of proposals of that description generally or in that class of case.

(3B) A licence granted to any person under this section, unless previously revoked under section 583, remains in force until a date specified in the licence.”.

9. Section 583 amended — Revocation of licences and recall of prisoners on licence

Section 583 of the principal Ordinance is amended —

(a) in subsection (3), be the deletion of “under section 582”;

(b) in subsection (4), by the deletion of “581 or” wherever it occurs;

(c) by the deletion of subsection (7).

10. Section 584 amended — Provisions supplementary to sections 580 to 583

Section 584 of the principal Ordinance is amended in subsection (2) by the deletion of —

(a) “581 or”; and

(b) “,but does not count towards remission of the sentence under section 29 of the Prison Ordinance”.

11. Section 789 amended — Repeal, disapplication and savings

Section 789 of the principal Ordinance is amended in subsection (2), by the deletion of “by their own force or”.

12. Schedule 14 Part ‘B’ amended — Disapplied Imperial Enactments

Schedule 14 of the principal Ordinance is amended in Part ‘B’ by the deletion of the following items —

(a) Criminal Jurisdiction Act 1802; and

(b) Courts (Colonial) Jurisdiction Act 1874 to the extent that it applies to criminal proceedings.

OBJECTS AND REASONS

This Ordinance amends the Criminal Procedure and Evidence Ordinance 2014 to repeal section 150 and to amend section 458 by inserting a new subsection (4A).

Section 150 enables a defendant to apply for a variation of bail even if there is no new information available. There is a need to limit the applications to vary bail to circumstances where there is new information to the court and this is covered in section 149 of the Ordinance.

Section 581 is repealed (clause 7). The provisions of a new law on prisons are considered to be adequate to deal with the release of prisoners on licence. The repeal of section 581 gives rise to consequential amendments to sections 580, 582, 583 and 584 (clauses 6, 8, 9 and 10).

Clauses 11 and 12 amend section 789 and Schedule 14 to delete Imperial Enactments which apply to the Falkland Islands by their own force and were wrongly included in the list of disapplied Imperial Enactments.

Crimes (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Crimes Ordinance
4. Section 58 amended — Administering drugs or using instruments to procure abortion
5. Section 70A inserted — Reasonable punishment
6. Section 107 amended — Breach of a DVPO
7. Section 107A inserted — Offence of breaching non-molestation order
8. Section 154 amended — Offence of improper use of public electronic communications network
9. Section 187 amended — Offences relating to minefields
10. Section 383 amended — Prohibition on interception
11. Section 383A inserted — Re-programming mobile telephone etc.
12. Section 383B inserted — Possession or supply of anything for re-programming purposes
13. Section 434 amended — Auction bidding offences
14. Section 559A inserted — Meaning of “displaced residential occupier”
15. Section 559B inserted — Meaning of “intending residential occupier”
16. Section 581 amended — Repeal and disapplication of laws — Schedule 5

CRIMES (AMENDMENT) BILL 2017

(assented to: 2017)
(commencement: in accordance with section 2)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Crimes Ordinance 2014.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance may be cited as the Crimes (Amendment) Ordinance 2017.

2. Commencement

(1) Subject to subsection (2) this Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

(2) The Governor may make provision for different sections to commence on different dates.

3. Amendment of Crimes Ordinance

This Ordinance amends the Crimes Ordinance 2014.

4. Section 58 amended — Administering drugs or using instruments to procure abortion

Section 58(1) is amended by omitting “or unlawfully uses any other means with that intent,” and replacing it with “or unlawfully uses any instrument or other means with that intent,”.

5. Section 70A inserted — Reasonable punishment

The following new section is inserted immediately after section 70 —

“70A. Reasonable punishment

(1) In relation to any offence specified in subsection (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.

(2) The offences referred to in subsection (1) are —

(a) an offence under section 64 or 65 of this Ordinance (wounding and causing grievous bodily harm);

(b) an offence under section 71 of this Ordinance (assault occasioning actual bodily harm);

(c) an offence under section 82 of this Ordinance (cruelty to persons under 16).

(3) Battery of a child causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.

(4) For the purposes of subsection (3) “actual bodily harm” has the same meaning as it has for the purposes of section 71 of this Ordinance.

(5) Battery of a child can only be justified on the ground that it constituted reasonable punishment if the battery is administered by a person who holds parental responsibility for the child.

[UK Children Act 2004 s.48, adapted]”

6. Section 107 amended — Breach of a DVPO

Section 107(1) is amended in the penalty as follows —

(a) by omitting “3 months” and replacing it with “5 years”;

(b) by omitting “at level 5 on the standard scale”;

7. Section 107A — Offence of breaching non-molestation order

The following new section is inserted immediately after section 107 —

“107A. Offence of breaching non-molestation order

(1) A person who without reasonable excuse does anything that he is prohibited from doing by a non-molestation order commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) For the purposes of subsection (1) a “non-molestation order” means an order containing either or both of the following provisions —

(a) provision prohibiting a person from molesting another person;

(b) provision prohibiting the person from molesting a child.

(3) In the case of a non-molestation order that was made ex parte a person can be guilty of an offence under this section only in respect of conduct engaged in at a time when he was aware of the existence of the order.

(4) Where a person is convicted of an offence under this section in respect of any conduct, that conduct is not punishable as a contempt of court.

(5) A person cannot be convicted of an offence under this section in respect of any conduct which has been punished as a contempt of court.

[Family Law Act 1996 Section 92A]”

8. Section 154 amended — Offence of improper use of public electronic communications network

Section 154(2) is amended by inserting immediately at the end of that subsection the following—

“Penalty: Imprisonment for 6 months or a fine at level 5 on the standard scale, or both.”

9. Section 187 amended — Offences relating to minefields

Section 187(2) is amended by omitting for “Commander British Forces” and replacing it with “Chief Executive or the person discharging the role of Chief Executive”.

10. Section 383 amended — Prohibition on interception

Section 383(2) is amended by omitting paragraph (c) and replacing it as follows —

“(c) the communication was intercepted with lawful authority.”

11. Section 383A inserted — Re-programming mobile telephone etc.

The following new section is inserted immediately after section 383 —

“383A. Re-programming mobile telephone etc.

(1) A person commits an offence if —

(a) he or she changes a unique device identifier;

(b) he or she interferes with the operation of a unique device identifier;

(c) he or she offers or agrees to change, or interfere with the operation of, a unique device identifier; or

(d) he or she offers or agrees to arrange for another person to change, or interfere with the operation of, a unique device identifier.

(2) A unique device identifier is an electronic equipment identifier which is unique to a mobile wireless communications device.

(3) But a person does not commit an offence under this section if —

(a) he or she is the manufacturer of the device, or

(b) he or she does the act mentioned in subsection (1) with the written consent of the manufacturer of the device.

Penalty: Imprisonment for 5 years or a fine, or both.”

12. Section 383B inserted — Possession or supply of anything for re-programming purposes

The following new section is inserted immediately after section 383A —

“383B. Possession or supply of anything for re-programming purposes

(1) A person commits an offence if —

(a) he or she has in his or her custody or under his or her control anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she intends to use the thing unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(2) A person commits an offence if —

(a) he or she supplies anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she knows or believes that the person to whom the thing is supplied intends to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(3) A person commits an offence if —

(a) he or she offers to supply anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she knows or believes that the person to whom the thing is offered intends if it is supplied to him or her to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(4) A unique device identifier is an electronic equipment identifier which is unique to a mobile wireless communications device.

(5) A thing is used by a person unlawfully for a purpose if in using it for that purpose he commits an offence under section 1.

Penalty: Imprisonment for 5 years or a fine, or both.”

13. Section 434 amended — Auction bidding offences

Section 434(4) is amended by inserting “his or her business attends sales by auction for the purpose of purchasing goods with a view to” immediately after “course of”.

14. Section 559A inserted — Meaning of “displaced residential occupier”

The following new section is inserted immediately after section 559 —

“559A. Meaning of “displaced residential occupier”

(1) Subject to subsection (2), a person (‘A’) who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the

premises for the purposes of this Part so long as A continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser.

(2) A person who was occupying the premises in question as a trespasser immediately before being excluded from occupation is not by virtue of subsection (1) a displaced residential occupier of the premises for the purposes of this Part.

(3) A person who by virtue of subsection (1) is a displaced residential occupier of any premises is to be regarded for the purposes of this Part as a displaced residential occupier also of any access to those premises.

(4) Anyone who enters or is on or in occupation of any premises by virtue of —

(a) any title derived from a trespasser; or

(b) any licence or consent given by a trespasser or by a person deriving title from a trespasser;

(c) is to be treated as a trespasser for the purposes of this Part; and references in this Part to a person entering or being on or occupying any premises as a trespasser are to be construed accordingly.

(5) A person who is on any premises as a trespasser does not cease to be a trespasser for the purposes of this Part by virtue of being allowed time to leave the premises, nor does a person cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser.

[UK Criminal Law Act 1977 s.12 (part)]”

15. Section 559B inserted - Meaning of “intending residential occupier”

The following new section is inserted immediately after section 559A —

“559B. Meaning of “intending residential occupier”

(1) For the purposes of this Part, an individual is an intending residential occupier of premises if —

(a) he or she has in those premises a freehold interest or a leasehold interest;

(b) he or she requires the premises for his or her own occupation as a residence or for occupation by a proposed tenant as a residence;

(c) he or she or the proposed tenant is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser.

(2) An individual is also an intending residential occupier of premises if he or she —

(a) has a tenancy of those premises or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest in them;

(b) requires the premises for his or her own occupation as a residence; or

(c) is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser.

(3) A person who is an intending residential occupier of any premises is to be regarded for the purposes of this Part as an intending residential occupier also of any access to those premises.

[UK Criminal Law Act 1977 s.12A and Schedule added by Criminal Justice & Public Order Act 1994 s.74 modified]

16. Section 581 amended — Repeal and disapplication of laws — Schedule 5

Section 581(4) is amended by deleting the words “by their own force or”.

OBJECTS AND REASONS

This Ordinance amends the Crimes Ordinance 2014 to make amendments to several sections and to add new provisions.

Clauses 1 and 2 provide for the title of the Bill and its commencements;

Clause 4 amends section 58 to insert new wording so that the provision is consistent with the UK Act from which it is derived;

Clause 5 inserts a new section 70A which provides for the offence of reasonable punishment of children;

Clause 6 amends section 107 to correct the terms of imprisonment;

Clause 7 inserts a new section 107A which provides for the offence of breaching a non-molestation order;

Clause 8 amends section 154 to insert a penalty under subsection (2);

Clause 9 amends section 187 to replace the Commander British Forces with the Chief Executive;

Clause 10 amends section 383 to provide for a new subsection (2)(c);

Clause 11 inserts a new section 383A which provides for the offence of re-programming a mobile telephone, etc.;

Clause 12 inserts a new section 383B which provides for the offence of possession or supply of anything for re-programming purposes;

Clause 13 amends section 434 to insert new wording;

Clause 14 inserts a new section 559A to provide for the definition of “displaced residential occupier”

Clause 15 inserts a new section 559B to provide for the definition of “intending residential occupier”; and

Clause 16 amends section 581 to correct the wording.

Marriage (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Marriage Ordinance

3. Amendment of Marriage Ordinance
4. Section 3A inserted — Marriage of same sex couples
5. Section 3B inserted — Same sex marriages to be treated as other marriages
6. Part IVA inserted — Civil Partnerships
7. Section 17 amended — Solemnisation of marriage
8. Section 27 amended — Minister of religion's right to refuse to solemnise a marriage

Part 3 — Amendment of Interpretation and General Clauses Ordinance

9. Amendment of Interpretation and General Clauses Ordinance
10. Section 4 amended — Interpretation of words and expressions

Part 4 — Amendment of Matrimonial Causes Ordinance

11. Amendment of Matrimonial Causes Ordinance
12. Section 2 amended — Interpretation
13. Section 4 amended — Divorce on breakdown of marriage
14. Section 6 amended — Restriction on petitions for divorce within three years of marriage
15. Section 14 amended — Grounds on which a marriage is void
16. Section 15 amended — Grounds on which a marriage is voidable
17. Miscellaneous amendments

Part 5 — Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

18. Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance
19. Section 2 amended — Interpretation

Part 6 — Amendment of Registration Regulations

20. Amendment of Registration Regulations
21. Schedule 1 amended — Forms

Part 7 — Amendment of Registration of Marriages Regulations

22. Amendment of Registration of Marriages Regulations
23. Form 7 amended — Form of instructions
24. Form 8 amended — Certificate of Marriage

MARRIAGE (AMENDMENT) BILL 2017

(assented to: 2017)
(commencement: in accordance with section 2)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Marriage Ordinance 1996 to provide for same sex marriages and civil partnerships, to amend the Matrimonial Causes Ordinance 1979 to reduce the time frames for instituting divorce proceedings and other matters; and to make consequential amendments to the Interpretation and General Clauses Ordinance 1977, the Matrimonial Proceedings (Summary Jurisdiction) Ordinance 1967, the Registration Regulations and the Registration of Marriages Regulations.

BE IT ENACTED by the Legislature of the Falkland Islands —

Part 1 — Introductory

1. Title

This Ordinance may be cited as the Marriage (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2 — Amendment of Marriage Ordinance

3. Amendment of Marriage Ordinance

This Part amends the Marriage Ordinance.

4. Section 3A inserted — Marriage of same sex couples

The Ordinance is amended by inserting the following new section immediately after section 3 —

“3A. Marriage of same sex couples

- (1) The marriage of same sex couples is lawful.
- (2) The marriage of a same sex couple must be solemnized in accordance with this Ordinance.
- (3) The requirements under this Ordinance in relation to marriages apply to marriages of same sex couples and in particular the following —
 - (a) Part II which provides for restrictions on marriage;

(b) Part III in relation to marriages under the Registrar General’s licence; and

(c) Part IV in relation to special licences and extraordinary licences.”

5. Section 3B inserted — Same sex marriages to be treated as other marriages

The Ordinance is amended by inserting the following new section immediately after section 3A—

“3B. Same sex marriages to be treated as other marriages

A same sex marriage solemnised under this Ordinance has and must be treated in the same manner and afforded the same status as a marriage between a man and a woman.”

6. Part IVA inserted — Civil Partnerships

The following new Part is added immediately after Part IV —

“Part IVA — Civil Partnerships

24A. Civil partnerships

(1) A civil partnership is a relationship between a man and a woman or two people of the same sex (“civil partners”) which is formed when they register as civil partners of each other in terms of section 24C.

(2) Subsection (1) is subject to section 24H under or by virtue of which a civil partnership is void.

(3) A civil partnership ends only on death, dissolution or annulment in terms of section 24H.

(4) The references in subsection (3) to dissolution and annulment are to dissolution and annulment having effect under or recognised in accordance with this Ordinance.

24B. Recognition of civil partnership registered outside the Falkland Islands

A civil partnership registered under the law of a country outside the Falkland Islands is recognised under the laws of the Falkland Islands.

24C. Formation of civil partnership by registration

(1) For the purposes of section 24A, two people are to be regarded as having registered as civil partners of each other once each of them has signed a civil partnership document —

(a) in the presence of a Registrar; and

(b) in the presence of each other and two witnesses.

(2) After the civil partnership document has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by —

(a) each of the two witnesses, and

(b) a Registrar.

(3) The Registrar General must maintain a register of civil partnerships and must ensure that the registration of a civil partnership and any other information as may be prescribed by regulations is recorded in the register as soon as is practicable.

(4) No religious service is to be used while the Registrar is officiating at the signing of a civil partnership document.

(5) “Civil partnership document” means a document prescribed under section 24D.

24D. Pre-registration process

(1) Before two people are entitled to register as civil partners of each other —

(a) a civil partnership notice in the prescribed form must be delivered to the Registrar; and

(b) the Registrar may then ask them for any information as may be required including a declaration from the person giving the notice that there is no impediment or lawful hindrance to the formation of the civil partnership.

(2) The Governor may make regulations prescribing —

(a) any pre-registration procedure;

(b) a civil partnership notice;

(c) a civil partnership document;

(d) the information required under subsection (1)(b) including the declaration to be given; and

(e) the keeping of records.

24E. Eligibility to register as civil partners

(1) Two people are not eligible to register as civil partners of each other if —

(a) either of them is already a civil partner or lawfully married;

(b) either of them is under 16; or

(c) they are within the prohibited degrees specified under or by virtue of section 5(1).

(2) The requirements under section 7 in relation to the marriage of persons under eighteen apply to the registration of civil partnerships for people under the age of eighteen.

24F. Proof of certain matters not necessary to validity of civil partnership

The requirements of section 18 in relation to validity of marriages apply to civil partnerships registered under this Ordinance as if in that section a reference to “marriage” is a reference to a “civil partnership”.

24G. Dissolution

(1) Subject to section 24I (*restriction on petitions for dissolutions*) a civil partnership may be dissolved on the ground that it has broken down irretrievably.

(2) The requirements of section 4 of the Matrimonial Causes Ordinance 1979 in relation to the breakdown of a marriage apply to the dissolution of civil partnerships registered under this Ordinance as if in that section a reference to a “marriage” is a reference to a “civil partnership”.

24H. Nullity, death and other proceedings

(1) The requirements under section 19 in relation to void marriages apply to civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “marriage” is a reference to a “civil partnership”.

(2) The requirements of sections 14 and 15 of the Matrimonial Causes Ordinance 1979 in relation to grounds on which a marriage is void apply to civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to a “marriage” is a reference to a “civil partnership”.

(3) The requirements of section 22 of the Matrimonial Causes Ordinance 1979 in relation to presumption of death and dissolution of marriage apply to the dissolution of civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “divorce” is a reference to “dissolution of a civil partnership”.

24I. Restriction on petitions for civil partnership dissolutions

The requirements of section 6 of the Matrimonial Causes Ordinance 1979 in relation to restrictions on presenting petitions for divorce apply to the dissolution of civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “divorce” is a reference to dissolution of a civil partnership”.

24J. Rights, responsibilities and financial relief for civil partners and children of family

(1) A child born to parties in a civil partnership has the same rights as a child born to parties in a marriage solemnised under this Ordinance.

(2) A parent in a civil partnership registered under this Ordinance has the same rights and responsibilities towards a child as a parent to a child in a marriage solemnised under this Ordinance.

(3) Notwithstanding the generality of sections (1) and (2) —

(a) Part III of the Matrimonial Causes Ordinance 1979 in relation to financial relief for parties in a marriage applies to the financial relief for parties in a civil partnership with necessary modifications;

(b) Part IV of the Matrimonial Causes Ordinance 1979 in relation to the protection, and custody of children to civil partnerships and children of the family applies to civil partnerships with necessary modifications;

24K. Offences

(1) A person commits an offence who —

(a) registers a civil partnership knowing he or she is not authorised to do;

(b) refuses or fails to comply with the provisions of this Part or any regulations made under it;

(c) provides any false information required to be provided to the Registrar under this Part; and

(d) makes false entries in the register.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

24L. Miscellaneous

(1) Part V of the Matrimonial Causes Ordinance 1979 in relation to the recognition of overseas divorces and legal separations apply to the recognition of civil partnerships with necessary modifications and in particular sections 48, 49, 50, 51, 53, 54 and 55.

(2) The Governor may make regulations or rules for the better carrying out of the purposes of this Ordinance and in particular, may —

(a) prescribe forms and other documents which by this Part are to be prescribed;

(b) prescribe the duties of the Registrar in relation to the registration of civil partnerships;

(c) provide for fees to be payable for the registration of civil partnerships;

(d) make rules for all matters of procedure as required by this Part; and

(e) prescribe anything which by this Part are to be prescribed.”

7. Section 17 amended — Solemnisation of marriage

Section 17(3) is amended by omitting “open” and replacing it with “unlocked”.

8. Section 27 amended — Minister of religion’s right to refuse to solemnise a marriage
Section 27(1) is amended by deleting “unless such conditions not contrary to this Ordinance are performed or observed in relation to the solemnisation of the marriage”.

Part 3 — Amendment of Interpretation and General Clauses Ordinance

9. Amendment of Interpretation and General Clauses Ordinance

This Part amends the Interpretation and General Clauses Ordinance.

10. Section 4 amended — Interpretation of words and expressions

Section 4 is amended as follows —

(a) by inserting “(1)” immediately before “In —”

(b) by inserting the following new definitions in their correct alphabetical order —

““husband”, when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;”

““husband and wife” includes parties in a same sex marriage regardless of gender;”

““marriage” includes a same sex marriage solemnised or recognised under the Marriage Ordinance 1996;”

““widow and widower” must be construed to refer to parties in a same sex marriage regardless of gender;”

““wife”, when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;”,

(c) by inserting the following new subsection —

“(2) Any reference in any written law of the Falkland Islands, including this Ordinance, to “father” or “mother” must be construed to include parties in a same sex marriage and in a civil partnership regardless of gender (and irrespective of whether the parents are two mothers or two fathers).”

Part 4 — Amendment of Matrimonial Causes Ordinance

11. Amendment of Matrimonial Causes Ordinance

This Part amends the Matrimonial Causes Ordinance.

12. Section 2 amended — Interpretation

Section 2 is amended by inserting the following new definitions in their correct alphabetical order —

““adultery” includes any act of infidelity and is not restricted to sexual intercourse;”; and

““marriage” means a marriage solemnised or recognised under the Marriage Ordinance 1996;”.

13. Section 4 amended — Divorce on breakdown of marriage

Section 4(2) is amended as follows —

(a) in paragraph (c) by omitting “two years” and replacing it with “one year”;

(b) in paragraph (d) by omitting “two years” in each place it appears and replacing it with “one year”; and

(c) in paragraph (e) by omitting “five years” in each place it appears and replacing it with “three years”.

14. Section 6 amended — Restriction on petitions for divorce within three years of marriage

Section 6(1) is amended by omitting “three years” and replacing it with “one year”.

15. Section 14 amended — Grounds on which a marriage is void

Section 14(c) is deleted.

16. Section 15 amended — Grounds on which a marriage is voidable

Section 15 is amended by deleting paragraphs (a) and (b).

17. Miscellaneous amendments

The Ordinance is amended as follows —

(a) omit any reference to “two years’ separation” in each place it appears and replace with “one year separation”; and

(b) omit any reference to “five years’ separation” in each place it appears and replace with “three years’ separation”.

Part 5 — Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

18. Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

This Part amends the Matrimonial Proceedings (Summary Jurisdiction) Ordinance.

19. Section 2 amended — Interpretation

Section 2 is amended by inserting the following new definitions in their correct alphabetical order —

““adultery” includes any act of infidelity and is not restricted to sexual intercourse;”;

““marriage” means a marriage solemnised or recognised under the Marriage Ordinance 1996;”;
and

““married man or married woman” must be construed to include a party in a same sex marriage regardless of gender.”

Part 6 — Amendment of Registration Regulations

20. Amendment of Registration Regulations

This Part amends the Registration Regulations.

21. Schedule 1 amended — Forms

(1) Form A is amended by deleting the following entries “Name and Surname of Father”, “Name and Maiden Name of Mother” and “Rank or Profession of Father” and replacing them with the following —

- (a) “Parent, Name, Surname at birth (Parent 1)”;
- (b) “Occupation Parent 1”;
- (c) “Parent, Name, Surname at birth (Parent 2)”;
- (d) “Occupation (Parent 2)”.

(2) Form B is amended by deleting the following entries “Name and Surname of Father”, “Name and Maiden Name of Mother” and “Rank or Profession of Father” and replacing them with the following —

- (a) “Parent, Name, Surname at birth (Parent 1)”;
- (b) “Occupation Parent 1”;
- (c) “Parent, Name, Surname at birth (Parent 2)”;
- (d) “Occupation (Parent 2)”.

Part 7 — Amendment of Registration of Marriages Regulations

22. Amendment of Registration of Marriages Regulations

This Part amends the Registration of Marriages Regulations.

23. Form 7 amended — Form of instructions

Form 7 is amended in paragraph (2) by omitting “open” and replacing it with “unlocked”.

24. Form 8 amended — Certificate of Marriage

Form 8 is amended in Part I by deleting columns 7 and 8 and replacing them as follows —

7 Parent's name, surname and occupation (Parent 1)	8 Parent's name, surname and occupation (Parent 2)

OBJECTS AND REASONS

This Ordinance amends the Marriage Ordinance 1996, the Matrimonial Causes Ordinance 1979, the Matrimonial Proceedings (Summary Jurisdiction) Ordinance 1967, the Interpretation and General Clauses Ordinance 1977, the Registration Regulations and the Registration of Marriages Regulations.

Part 1 provides for introductory matters.

Part 2 amends the Marriage Ordinance as follows —

- in clause 4 to provide for same sex marriages and for their solemnisation to be done in accordance with the provisions of the Ordinance subject to the restrictions already specified in the Ordinance in relation to marriages between a man and a woman;
- in clause 5 to provide for same sex marriages to be treated in the same manner as other marriages;
- in clause 6 to insert a new Part IVA which introduces the registration of civil partnerships in the Falkland Islands. This new Part provides for both same sex partners as well as male and female partners to be able to register as civil partners with the Registrar;
- the Part further provides for other matters relating to formation, eligibility, recognition, requirements for registration including pre-registration procedures, the dissolution of civil partnerships, when civil partnerships are void or voidable, null and when presumptions of death can be made. Most of these requirements are to be the same as those relating to marriages and therefore the provisions of both the Marriage Ordinance and the Matrimonial Causes Ordinance dealing with these matters are being applied to civil partnerships;
- in clause 7 section 17 is amended so that the requirement is to leave doors “unlocked” instead of “open” when a marriage is being solemnised;
- in clause 8 section 27 is amended to remove the restriction on ministers to refuse to solemnise a marriage so that they continue to have a wider opt-out that is not tied to the conditions in the Ordinance;

Part 3 amends the Interpretation and General Clauses Ordinance to add new definitions (husband, marriage, wife, husband and wife, widow and widower) relating to gender neutral

references to parties in a marriage as a consequence of the introduction of same sex marriages in the Falkland Islands;

Part 4 amends the Matrimonial Causes Ordinance to reduce the timeframes currently in place with respect to divorce and to also reduce the need for reliance upon a “fault” based divorce. These reduced timeframes will also apply to dissolution of civil partnerships.

- in clause 12 a new definition of “adultery” is introduced that expands the normal meaning to include other acts of infidelity other than sexual intercourse;
- in clause 13 section 4 is amended to reduce the period for desertion from 2 years to 1 year; to reduce the “two year separation” period where parties live apart from each other to 1 year and the “five year separation” period where parties live apart from each other to 3 years;
- in clause 14 section 6 is amended to reduce the period within which a petition for divorce can be brought before the courts from 3 years to one year;
- in clause 15 section 14 is amended to remove the ground of declaring a marriage void because the parties are not male and female;
- in clause 16 section 15 is amended to remove the ground of making a marriage voidable as a result of non-consummation (for reasons of incapacity and refusal);
- in clause 17 a global amendment is made to the Ordinance so any references to a “two year separation” or a “five year separation” reflect the new periods in the amended section 4;

Part 5 amends the Matrimonial Proceedings (Summary Jurisdiction) Ordinance 1967 to provide for new definitions (adultery, marriage, married man and married woman) as a result of same sex marriages and to reflect that equal treatment needs to be given to any party to a marriage.

Part 6 amends the Registration Regulations to reflect that parents to a child may be two mothers or two fathers and therefore make the forms gender neutral by using the word “parent”; amendments are made to Form A relating to Births and Form B relating to Still Births.

Part 7 amends the Registration of Marriages Regulations as follows:

- clause 23 amends Form 7 to provide for “unlocked” doors instead of “open” doors so that this is consistent with the amendment to section 17 of the Marriage Ordinance;
- clause 24 amends Form 8 which the Certificate of Marriage to make it gender neutral in relation to parents.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2017

S. R. & O. No: 3 of 2017

Made: 27 February 2017

Published: ... 28 February 2017

Coming into force: see article 1

I make this order under section 29 of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council —

1. Citation and commencement

This Order may be cited as the Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2017 and come into operation upon its publication in the *Gazette*.

2. Interpretation

(1) In this Order —

“Mare Harbour Road” means the road between the Guardroom Entrance to Mount Pleasant Airport and entrance gate to the Naval Port at Mare Harbour, to include Mare Harbour Road, Batt Road, North Road and Woodhead Road;

“Mount Pleasant Complex Ring Road” means the road of that name which circles the Mount Pleasant main accommodation complex;

“roads within Mount Pleasant Complex” means any street, thoroughfare, highway, lane, court, alley, passage, carpark or other open place, whether private or public, on which vehicles are or may be used and which is within the boundaries of the Mount Pleasant Airport Complex and which lies beyond the Guardroom Entrance to Mount Pleasant Airport when approaching from the south;

“roads within the Naval Port at Mare Harbour” means any street, thoroughfare, highway, lane, court, alley, passage, carpark or other open place, whether private or public, on which vehicles are or may be used and which is within the boundaries of the Naval Port at Mare Harbour and which lies beyond the entrance gate of the Naval Port at Mare Harbour when approaching from the North.

3. Application of Road Traffic Ordinance

(1) Subject to paragraph (2), the Mare Harbour Road, the roads within the Naval Port at Mare Harbour and the roads within the Mount Pleasant Complex are declared to be roads for the purposes of the Road Traffic Ordinance.

(2) Paragraph (1) does not apply to any area which is used for aircraft manoeuvring.

4. Speed limits

(1) Subject to subsections (2), (3) and (4), all roads within the Mount Pleasant Complex are restricted roads and shall be subject to a maximum speed limit of 30 miles per hour.

(2) The car park to the south of the air terminal at Mount Pleasant Airport shall be subject to a maximum speed limit of 15 miles per hour.

(3) All roads (including the access road, Ardent Close, Jones Avenue, Sheridan Rise, Sheffield Rise and Hamilton Rise and 120 Facility) within the Married Quarter Complex area shall be subject to a maximum speed limit of 20 miles per hour.

(4) The Mount Pleasant Complex Ring Road and the Mare Harbour Road shall be restricted roads subject to a maximum speed limit of 40 miles per hour.

(5) All roads within the Naval Port at Mare Harbour shall be restricted roads with a maximum speed limit of 30 miles per hour.

5. Revocation

The Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2004 is revoked.

Made 27th February 2017

C. Roberts C.V.O.,
Governor,

EXPLANATORY NOTE
(not forming part of the order)

The order revokes and replaces the Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 2004. A new speed limit of 20 miles per hour is being set for all roads in the Married Quarter Complex. The current speed limit is 30 miles per hour. Further the speed limit on the Mount Pleasant Ring Road will be aligned with that on Mare Harbour Road which is 40 miles per hour.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Mount Pleasant Terminal Parking Control) Order 2017

S. R. & O. No: 4 of 2017

Made: 27 February 2017

Published: .. 28 February 2017

Coming into force: see article 1

I make this order under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

This Order is the Road Traffic (Mount Pleasant Terminal Parking Control) Order 2017 and comes into operation on publication in the *Gazette*.

2. Application

This order applies to the Mount Pleasant Air Terminal (in this Order referred to as the air terminal) parking areas in and around the vicinity of Fulmar Road as shown on the map set out in the Schedule.

3. Interpretation

In this order —

“authorised motor vehicle” means a motor vehicle that is authorised by the Falkland Islands Government or Ministry of Defence to park in a designated area;

“designated areas” means the parking areas marked on the map set out in the Schedule as short stay car park, coaches only, minibuses only, authorised parking only and long stay car park;

“drop-off and pick-up zone” means the area between Fulmar Road and the air terminal as indicated on the map set out in the Schedule;

“parking”, in relation to a motor vehicle, includes stopping, standing or waiting —

(a) for any reason;

(b) for any period of time; and

(c) whether or not anyone is in or with the motor vehicle.

4. Restrictions on parking

(1) A public service motor vehicle, other than a hire car or a taxi, must park in a designated area for the parking of coaches or minibuses as shown on the map set out in the Schedule.

(2) Visitors to the air terminal in motor vehicles other than a coach, a minibus or an authorised motor vehicle must park in either the short stay or the long stay car park as shown on the map set out in the Schedule.

(3) The maximum length of time that a motor vehicle may be parked in the short stay car park is 24 hours.

(4) No motor vehicle may be parked and left unattended in the drop-off and pick-up zone.

5. Authorised parking

Only authorised motor vehicles may park in the area designated as “Authorised parking only” on the map set out in the Schedule.

6. Signs

The chief police officer may cause such signs and notices to be erected as may, in the chief police officer’s opinion, be convenient to draw attention to the effect of this Order or any provision thereof, but the absence of or removal of any such sign or notice shall not be a defence to an offence under article 7.

7. Offences

A person who contravenes any of the provisions of this order commits an offence and is liable on conviction to a fine of up to level 2 on the standard scale.

SCHEDULE Map



Made 27th February 2017

C. Roberts C.V.O.,
Governor

EXPLANATORY NOTE (not forming part of the Order)

This order is made under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1).

The Order provides for controlled parking at the Mount Pleasant Terminal to manage traffic parking areas which are designated in accordance with the type of motor vehicle. There are parking areas dedicated to minibuses, coaches, government motor vehicles, Ministry of Defence motor vehicles and for visitors. Parking for visitors is either short term or long term. A parking area is also reserved for Government and Ministry of Defence motor vehicles.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Immigration (Amendment) Ordinance 2017

(No: 1 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Immigration Ordinance
4. Section 6 amended — Administration and control
5. Schedule 2 amended — Administrative provisions as to control on entry, etc.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

IMMIGRATION (AMENDMENT) ORDINANCE 2017

(No: 1 of 2017)

(assented to: 27 February 2017)
(commencement in accordance with section 2)
(published: 28 February 2017)

AN ORDINANCE

To amend the Immigration Ordinance to allow immigration officers to request information from any person offering travel services.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Immigration (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Immigration Ordinance

This Ordinance amends the Immigration Ordinance.

4. Section 6 amended — Administration and control

Section 6 is amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) the exercise by immigration officers of their powers in relation to requests for disclosure of any information from any person or operator offering travel services into, from or within the Falkland Islands.”

5. Schedule 2 amended — Administrative provisions as to control on entry, etc.

Schedule 2 is amended as follows —

(a) by adding in paragraph 1 the following new sub-paragraphs immediately after sub-paragraph (2) —

“(3) An immigration officer may make a request in writing to any person or operator offering travel services into, from or within the Falkland Islands to disclose any information relating to a person travelling to or from the Falkland Islands.

(4) A person or operator offering travel services into, from or within the Falkland Islands shall, unless exempted in writing by the Principal Immigration Officer, furnish an immigration officer with the information requested under sub-paragraph (3).”

(b) in paragraph 26 by deleting sub-paragraph (2) and replacing it with the following —

“(2) The captain of any ship or aircraft arriving at any port in the Falkland Islands from any place outside the Falkland Islands shall, unless exempted in writing by the Principal Immigration Officer, furnish to an immigration officer on or at any time before arrival at the port —

(a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft; and

(b) particulars of members of the crew of the ship or aircraft.”

Passed by the Legislature of the Falkland Islands on 23 February 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Communications Ordinance 2017

(No: 2 of 2017)

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ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

COMMUNICATIONS ORDINANCE 2017

(No: 2 of 2017)

(assented to: 29 March 2017)
(commencement: in accordance with section 2)
(published: 30 March 2017)

AN ORDINANCE

To provide for the licensing of activities related to communication services; to provide for the establishment of a regulator responsible for the development, operation and regulation of communication services and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

**PART 1
PRELIMINARY**

1. Title

This Ordinance is the Communications Ordinance 2017.

2. Commencement

(1) This Ordinance comes into force on a day specified by the Governor by notice published in the Gazette.

(2) Different dates may be specified for different purposes.

3. Interpretation

In this Ordinance —

“apparatus” includes any equipment, machinery or device (including, in particular, wire and cable and the casing or coating of wire or cable);

“audio-visual media service” means a service for the communication of material to be displayed as a combination of sounds and pictures;

“broadcasting station” means an installation for making broadcasts;

“carriage service” means a service consisting wholly or partly of transmitting signals by means of a network and the expression —

(a) does not include a content service, and

(b) does include the provision of services ancillary to the conveyance of signals and conditional access or other services to enable customers to access a content service;

“class licence” means the licence referred to in section 39;

“content service” means a service either for the provision of material with a view to its being comprised in signals conveyed by means of a network or that is an audio-visual media service;

“domain name” has the meaning given by section 85(3);

“electronic communications objectives” means the objectives set out in section 4;

“electronic communications” means the conveyance of signals by the use of electrical, magnetic or electromagnetic energy;

“electronic communications data” means data relating to electronic communications;

“electronic communications equipment” means equipment designed or intended to be used in connection with electronic communications;

“electronic communications network” means a network of electronic communications services;

“electronic communications services” includes the provision of a carriage service or a content service, including both public and private, mobile and fixed (unless otherwise stated) voice telephony, data and internet services;

“individual licence” has the meaning given by section 35;

“interfere”, in relation to a communication, includes fail to deliver, delay delivery, intercept, divert, monitor, and make personal use of the communication;

“the licence requirement” has the meaning given by section 21(2);

“licensee” includes any subsidiary undertaking included within the scope of a licence in accordance with section 38(1);

“message” means any communication, whether oral, written, printed or displayed or conveyed by any means;

“network” means a system used or designed to be used to send signals of any kind, including anything (including data) required to make the system operate;

“numbering plan” means the plan made by the Regulator under section 84;

“programme” means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by an audio-visual media service provider and whose form and content is comparable to the form and content of television broadcasting;

“radio” means the transmission or reception over any distance without connecting wires of images and other visual matter and of sounds, signs or signals by electrical means;

“the Regulator” means the Communications Regulator appointed under section 6;

“the regulatory principles” means the principles specified in section 5;

“signal” includes —

(a) anything comprising speech, music, sounds, visual images or communications or data of any description; and

(b) signals serving for the communication of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus;

“radio spectrum licence” means a licence issued under the terms of section 55;

“spectrum plan” means the spectrum plan published pursuant to section 54;

“state assets” means any radio spectrum, national telephone numbers and domain names;

“television broadcast” means an audio-visual media service provided by an audio-visual media service provider for simultaneous viewing of programmes on the basis of a programme schedule;

“universal service” means those services specified pursuant to section 64; and

“wireless telegraphy” means the emission or receipt of signals over a path of electromagnetic energy of a frequency not exceeding 3000 gigahertz where that path —

(a) serves for the conveyance of messages, sound or visual images (whether or not the messages, sound or images are actually received by anyone), or for operating or controlling machinery or apparatus; or

(b) is used in connection with determining position, bearing or distance, or for gaining information as to the presence, absence, position or motion of an object or of a class of object; and

“with lawful authority” means in accordance with a provision of this Ordinance or any other enactment, in accordance with a provision of a licence issued under this Ordinance, in connection with or in the course of activities licensed under this Ordinance, in accordance with a warrant, notice or requirement issued under this Ordinance, or in accordance with an order of a court.

PART 2 OBJECTIVES AND PRINCIPLES

4. Electronic communications objectives

The electronic communications objectives for the purposes of this Ordinance are —

- (a) to promote the public interest generally in relation to electronic communications;
- (b) to facilitate effective communication in the Falkland Islands and between the people of the Falkland Islands and the rest of the world;
- (c) to ensure effective regulation of the supply and operation of electronic communications services;
- (d) to enhance the efficiency of the Falkland Islands’ commercial electronic communications sector;
- (e) to support the growth and development of the Falkland Islands’ economy;
- (f) to promote investment and innovation in electronic communications networks and services;
- (g) to promote optimal use of radio spectrum;
- (h) to provide affordable access to high quality networks and carriage services in all regions of the Falkland Islands so far as reasonably practicable;
- (i) to maintain public safety and security;
- (j) to contribute to the protection of personal privacy;
- (k) to avoid public nuisance through electronic communications so far as reasonably practicable;
- (l) to limit adverse impact of networks and carriage services on the environment so far as reasonably practicable;

- (m) to ensure access to all key electronic communications services;
- (n) to encourage infrastructure investment into the Falkland Islands;
- (o) to provide continued growth in international capacity to support increasing usage levels, so far as economically feasible;
- (p) to support the delivery of public sector services (including education and healthcare);
- (q) to strengthen the regulatory environment that supports development of the Falkland Islands' electronic communications sector; and
- (r) to promote innovative services to support the needs of the people of the Falkland Islands; and
- (s) to promote and support the use of up to date technologies in providing electronic telecommunication services.

5. Regulatory principles

The regulatory principles for the purposes of this Ordinance are —

- (a) that public policy in relation to electronic communications should aim to pursue the electronic communications objectives;
- (b) that the needs of the people of the Falkland Islands are the paramount consideration in operating the licensing regimes under this Ordinance;
- (c) that additional regulatory or administrative measures should be introduced only —
 - (i) where the Regulator is satisfied that the existing licensing regimes are insufficient for the efficient and effective pursuit of the electronic communications objectives;
 - (ii) having regard to the costs and impact of those measures on affected parties (including consumers, licensees and other undertakings);
 - (iii) if the Regulator is satisfied that the measures are proportionate, transparent, accountable, fair and non-discriminatory.

PART 3 THE COMMUNICATIONS REGULATOR

Nature and status

6. Appointment

- (1) The Governor must appoint a person as the Communications Regulator (“the Regulator”) to perform functions conferred by this Ordinance and any other enactment.

(2) In the event that —

(a) the office of the Regulator is vacant; or

(b) the Regulator is incapacitated;

the functions of the Regulator under this Ordinance will be performed by the Attorney General or another officer designated by the Governor.

7. Exercise of certain powers and annual report

(1) Except as provided in subsections (2) and (3), the Regulator, in the exercise of the powers conferred on it under this Ordinance must not be subject to the direction or control of any person or authority.

(2) The Regulator must have regard to the electronic communication objectives, the regulatory principles and any other policy objectives set by the Falkland Islands Government.

(3) The Governor may give policy directions to the Regulator in the exercise by the Regulator of the functions under section 10(b), (d) and (f).

(4) The Regulator must submit an annual written report to the Governor and to the Legislative Assembly about the exercise of the Regulator's functions during each calendar year.

(5) An annual report must be made as soon as reasonably practicable, and in any case not later than 3 months after the end of the calendar year to which it relates.

(6) The Regulator must include in the report information of any attempts by any person or authority to improperly direct or control the Regulator in the exercise of the powers specified in subsection (1).

8. Supplemental

The Governor may by regulations make provision for —

(a) the appointment of staff of the Regulator;

(b) remuneration and allowances; and

(c) the conduct of the Regulator's proceedings (which may include provision for delegation).

Functions

9. General duties

(1) In carrying out its functions the Regulator must —

(a) aim to pursue the electronic communications objectives,

(b) have regard to the regulatory principles; and

(c) have regard to any other principles which appear to the Regulator to represent best practice (having regard to all the circumstances of the Falkland Islands).

(2) Where two or more electronic communications objectives or other principles conflict in relation to a matter or class of matters, the Regulator must aim to strike an appropriate balance.

(3) In introducing or developing a regulatory or administrative measure the Regulator must publish a document —

(a) specifying the electronic communications objectives that are advanced by the measure; and

(b) demonstrating how the regulatory principles have been complied with.

10. Specific duties

The Regulator has the following functions —

(a) to regulate the electronic communications sector by exercising powers under this Ordinance (in particular, to issue licences and exemption determinations);

(b) to manage state assets in accordance with this Ordinance;

(c) to administer the licence fee system under this Ordinance;

(d) if requested by the Governor, to represent the Falkland Islands in relation to international organisations or obligations connected with electronic communications;

(e) to exercise functions conferred on it by this Ordinance or any other enactment; and

(f) to undertake other functions connected with electronic communications at the request of the Governor.

11. General powers

(1) The Regulator may do anything it considers necessary or desirable for the purpose of pursuing the electronic communications objectives in accordance with the regulatory principles.

(2) In particular, the Regulator may —

(a) exercise the powers given to it under this Ordinance;

(b) issue or approve codes of practice, directions, decisions, statements, instructions, notifications and technical rules and standards;

(c) publish and maintain registers or lists;

(d) institute civil proceedings;

(e) conduct inquiries, investigations under section 12 and hearings;

(f) conduct market investigations and reviews;

(g) require the provision of documents and information;

(h) publish the results of action taken under paragraph (e) or documents or information provided under paragraph (f); and

(i) make awards of compensation (in accordance with any relevant law) in respect of loss or damage suffered by consumers, and make provision for the enforcement of awards.

(3) Failure to have regard to or comply with codes of practice, directions, decisions, statements, instructions, notifications and technical rules and standards issued or approved by the Regulator does not of itself give rise to civil or criminal liability; but —

(a) a court or tribunal (including an arbitral tribunal) may have regard to any of those instruments issued or approved by the Regulator that appears to the court or tribunal to be relevant to a matter before it; and

(b) licences and other instruments under this Ordinance may require parties to have regard to, or comply with, a specified instrument or class of instrument issued or approved by the Regulator (which may include instruments issued or approved after the grant of the licence).

(4) The Governor may make regulations regarding the exercise of powers by the Regulator under this section.

Enforcement powers

12. Compliance investigations

(1) The Regulator may investigate an actual, alleged or suspected contravention of —

(a) a provision made by or by virtue of this Ordinance, or

(b) a licence issued under this Ordinance.

(2) For the purposes of an investigation the Regulator may —

(a) require the provision of information or documents; or

(b) enter premises and inspect, copy and retain documents, in accordance with a warrant issued under section 96.

(3) The Regulator may, with the approval of the Governor, appoint an agent —

(a) to conduct an investigation, and

(b) to exercise the Regulator's powers under this section in respect of that investigation.

(4) The Governor may not approve the appointment of an agent under subsection (3) unless satisfied that —

(a) the agent has appropriate qualifications, experience and competence, and

(b) all necessary safeguards and mechanisms for transparency and accountability are in place.

13. Enforcement orders, penalties and compensation awards

(1) This section applies where the Regulator considers that a person (whether a licensee or not) has failed to comply with —

(a) the provisions of this Ordinance;

(b) the provisions of a licence or other instrument issued under this Ordinance; or

(c) in the case of a licensee, fails to comply with the terms and conditions of the licence.

(2) The Regulator may by order in writing require the person to —

(a) take action specified in the order, or

(b) refrain from taking any action specified in the order.

(3) The Regulator may by order in writing require the person to pay a penalty or compensation awarded under the powers in section 11(2)(i).

(4) The Governor must make regulations for penalties or compensation awards under this section; and the regulations must, in particular, make provision —

(a) for notice to be given of intent to impose a penalty or compensation award;

(b) for an opportunity to make representations to be given before the imposition of a penalty or compensation award;

(c) for the form and content of orders;

(d) subject to subsections (5) and (6), setting a maximum penalty (or different maximums for different classes of cases);

(e) subject to subsections (5) and (6), for the calculation of the amount of penalty to be paid (which may include provision for the exercise of a discretion by reference to criteria specified in regulations, and may include provision for calculation by reference to a percentage of a business' turnover or in any other manner specified in the regulations);

(f) requiring notice of orders to be given to persons specified in the order;

(g) for the publication of orders.

(5) In the case of a licensee other than an exclusive licensee referred to in Part 7, the amount of the penalty may not exceed an amount equivalent to level 10 on the standard scale.

(6) In the case of an exclusive licensee, the amount of the penalty may not exceed level 12 on the standard scale or 10% of the licensee's annual turnover, whichever is the lower, and annual turnover is calculated as the licensee's annual turnover —

(a) for the year preceding that in which the penalty is imposed, and

(b) in respect of the licensee's business carried on in reliance on the licence.

(7) An order is enforceable as if it were an order of the Supreme Court.

(8) The Regulator must publish criteria to be applied in determining the amount of a penalty or compensation award.

(9) Failure to comply with an order under this section —

(a) is an offence; and

(b) may result in revocation of a licence in accordance with section 44.

(10) A penalty imposed under this section is enforceable as a debt due to the Regulator.

(11) A compensation award imposed under this section is a debt due to the person in whose favour it was made.

(12) A penalty and a compensation award carry interest at such rate as the Governor may specify by notice in the Gazette.

14. Determinations of licence and other obligations

(1) The Regulator may make a determination about —

(a) the nature and extent of an obligation imposed on a person by or by virtue of a provision of this Ordinance or of a licence or other instrument under this Ordinance;

(b) the effect of any other provision of or by virtue of this Ordinance or of a licence or other instrument under this Ordinance.

(2) A determination may be made —

(a) on an application by a person who appears to the Regulator to have a sufficient interest in the matter to be determined, or

(b) on the Regulator's own motion.

- (3) Before making a determination in respect of an obligation imposed on a person, the Regulator must consult that person and any other person who appears to the Regulator to have a legitimate interest.
- (4) Before making any other determination the Regulator must consult such persons as appear to the Regulator to have a legitimate interest.
- (5) The Regulator must issue a determination in writing giving its reasons.
- (6) The Regulator must publish a determination on its website (unless the Regulator is satisfied that public interest in publication is outweighed by commercial or other reasons for confidentiality).
- (7) Where the matter is urgent, the Regulator may issue an interim determination on such terms as it considers appropriate.
- (8) The Governor may make regulations about the procedure to be followed in relation to the making of determinations.
- (9) A determination shall be conclusive for all purposes as to the matters stated in it (subject to appeal under Part 14).

General procedure

15. Consultation

- (1) Before taking regulatory or administrative action under this Ordinance the Regulator must consult any person directly affected by the action and any other person who appears to the Regulator to have a legitimate interest.
- (2) This section is without prejudice to any specific procedures provided by or under a provision of this Ordinance.
- (3) This section —
 - (a) does not apply in relation to determinations under section 14; and
 - (b) is subject to section 17.

16. Publication

- (1) The Regulator must make arrangements for the publication of regulatory or other action taken under this Ordinance if the Regulator believes that —
 - (a) the action is of public significance, and
 - (b) publication is in accordance with the regulatory principles.
- (2) In particular, the Regulator must —

- (a) publish regulatory and other action on its website as soon as reasonably practicable;
 - (b) provide arrangements for persons to register through the website to receive notice of new action;
 - (c) maintain its website; and
 - (d) ensure that copies of documents are made available at its principal office for inspection by the public on request during normal business hours without charge.
- (3) The Regulator must also consider whether to publish notice of action taken or to be taken in a newspaper.
- (4) This section is subject to section 17.
- (5) Action is of public significance for the purposes of this section if it is likely —
- (a) to have a significant impact on the public;
 - (b) to have a significant impact on persons or activities in respect of which the Regulator exercises functions; or
 - (c) to result in a significant change in the Regulator’s activities.

17. Confidentiality and personal data security

- (1) A licensee must not produce any information that contains personal data to the Regulator or to any other person except —
- (a) in accordance with an order or warrant issued under this Ordinance;
 - (b) in accordance with any other order of court; or
 - (c) with the consent of the person to whom the data relates.
- (2) The Regulator must not publish or disclose information held under subsection (1) that identifies or could be used to identify the individual that it is about.
- (3) Subject to this section, the Regulator must not publish or disclose information acquired in the course of the exercise of the Regulator’s functions which it considers to be commercially confidential.
- (4) Subsection (3) does not apply to disclosure —
- (a) to, or in accordance with an order of, a court; or
 - (b) where the information is provided to a person or class of persons designated under subsection (5).

(5) The Governor, by notice in the Gazette, may designate persons or a class of persons whom he or she considers reasonably necessary to receive the information referred to in subsection (4)—

(a) for regulatory or other Government functions in connection with duties under this Ordinance; or

(b) to assist the Regulator or the Governor with the discharge of regulatory duties under this Ordinance.

(6) Before the Regulator provides information to a person designated under subsection (5) —

(a) the Regulator must be satisfied that the designated person requires the information for the proper performance of their functions or that they need the information to assist the Regulator in the proper performance of its functions under this Ordinance;

(b) the designated person signs a declaration that they will hold the information in accordance with the conditions imposed by the Regulator.

(7) The Governor may make regulations in relation to the confidentiality of information supplied to the Regulator, the security of data held by the Regulator, conditions for designation of a person under subsection (5) and the term of the designation.

18. Divulging information and use of information for gain

(1) A person who contravenes section 17 is guilty of an offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who uses for gain (whether by that person or another) information that is held by the Regulator but that is not available to the public is guilty of an offence and is liable on conviction to one or more of the following penalties —

(a) forfeiture of the amount gained;

(b) a fine not exceeding level 6 on the standard scale;

(c) imprisonment for up to 1 year.

19. Alternative Dispute Resolution

(1) The Regulator may —

(a) establish one or more alternative dispute resolution schemes (“ADR schemes”) for resolving disputes between licensees, and between licensees and consumers, or

(b) approve one or more ADR schemes proposed by licensees.

(2) Before establishing an ADR scheme the Regulator must consult licensees.

- (3) An ADR scheme may involve —
- (a) mediation (which may be conducted by the Regulator, a person appointed by the Regulator or a person appointed by the parties to a dispute or by a third party);
 - (b) arbitration of specified matters by an expert appointed by the Regulator, the parties or a third party;
 - (c) any other method of alternative dispute resolution which the Regulator is satisfied conforms to best practice in dispute resolution.
- (4) The Regulator may approve an ADR scheme proposed by licensees only if satisfied that it is—
- (a) fair (including non-discriminatory) and transparent;
 - (b) to be administered by persons who are independent of any licensee to which it will apply;
 - (c) to be administered in accordance with the electronic communications objectives; and
 - (d) designed to ensure that individuals exercising functions under the scheme have appropriate qualifications and experience.
- (5) Where the Regulator approves an ADR scheme —
- (a) the Regulator must require persons responsible for the management of the scheme to report to the Regulator at specified intervals (of not more than a year) about its operation; and
 - (b) if the Regulator is not satisfied that the scheme satisfies the conditions in subsection (4) it must withdraw its approval; and a withdrawal may include incidental and transitional provision.
- (6) An ADR scheme established or approved under this section —
- (a) may provide for decisions (including interim and ancillary decisions) to be binding on the parties; and
 - (b) must specify whether participation in the scheme prejudices rights under any other provision of this Ordinance or any other enactment or law.

20. Procedural regulations

- (1) The Governor may make regulations on the procedure to be followed by the Regulator in connection with the performance of its functions.
- (2) The regulations may, in particular, make provision for —
- (a) the preparation and promulgation of instruments under section 11(2)(b);

- (b) the preparation of lists under section 11(2)(c);
 - (c) the conduct of inquiries, investigations, hearings and reviews under section 11(2)(e) and (f);
 - (d) the calculation and payment of compensation under section 11(2)(i).
- (3) Before making regulations under this section the Governor must consult —
- (a) any licensee affected, and
 - (b) such other persons as the Governor thinks appropriate.

PART 4
ELECTRONIC COMMUNICATIONS LICENCES

Requirement for licence

21. Activities requiring licence

- (1) The following activities require a licence under this Part —
- (a) owning an electronic communications network;
 - (b) operating an electronic communications network;
 - (c) providing electronic communications services;
 - (d) importing electronic communications apparatus.
- (2) In this Ordinance “the licence requirement” means the requirement under subsection (1).

Exemptions

22. Exclusive licence

The licence requirement does not apply to anything —

- (a) done in reliance on and in accordance with an exclusive telecommunications licence granted under Part 7, or
- (b) exempted from a requirement for a licence under that Part.

23. Broadcasting

The licence requirement does not apply to anything —

- (a) done in reliance on and in accordance with a broadcasting station licence granted under Part 5, or

(b) exempted from a requirement for a licence under that Part.

24. Crown and Government

(1) The licence requirement does not apply to anything done by or on behalf of the Government.

(2) The licence requirement does not apply to anything done by or on behalf of —

(a) Her Majesty's Government;

(b) Her Majesty's armed forces for operational purposes;

(c) the providers of the British Forces Broadcasting Services;

(d) the Government of South Georgia and the South Sandwich Islands.

(3) An exemption under this section does not apply to the provision of electronic communications services to the public at a time when services of that kind are provided by a licensee.

25. Private facilities

(1) Private electronic communications facilities are excluded from the licence requirement (but not from a radio spectrum requirement by virtue of section 55(1)(a)).

(2) For the purposes of this section “private electronic communications facilities” means electronic communications services which —

(a) are provided by a person by means of local land-based network facilities or local transport-based network facilities;

(b) are accessible only on that person's property;

(c) are operated independently (in every sense) of electronic communications networks operated by any other person; and

(d) are not operated in the course of an electronic communications service business or otherwise for commercial gain (except as an indirect and incidental part of a person's business that does not involve the provision of electronic communications services).

(3) In subsection (2)(a) —

(a) “local land-based network facilities” means network facilities which are situated on, and operated in, a single area of land in the Falkland Islands occupied by the person who is providing the electronic communications services; and

(b) “local transport-based network facilities” means network facilities which are situated on and operated in one or more vehicles, vessels, aircraft or hovercraft.

26. Transmission stations

Networks are exempt from the licence requirement if they are used to receive sounds or visual images transmitted by wireless telegraphy —

- (a) from a transmitting station for general reception direct from that station, or
- (b) through the medium of a relay service licensed under this Ordinance.

27. Foreign transport

(1) Networks and carriage services are exempt from the licence requirement if they are operated on a foreign vessel or aircraft —

- (a) passing through Falkland Islands territorial waters or skies, or
- (b) berthing or landing in a Falkland Islands port or airport.

(2) Subsection (1) does not permit the making of a broadcast while in Falkland Islands territorial waters or skies or while at a Falkland Islands port or airport.

(3) In subsection (1) “foreign” means not registered in the Falkland Islands.

28. Emergency services

(1) The licence requirement does not apply to network facilities which are designed and used only for the provision of any of the following services in accordance with an enactment —

- (a) police services;
- (b) ambulance services;
- (c) fire and rescue services;
- (d) other emergency services;
- (e) helplines designated by the Governor by Order; and
- (f) emergency and other services provided by the Falkland Islands Defence Force.

(2) Before making an Order under subsection (1)(e) the Governor must consult —

- (a) any licensee affected, and
- (b) such other persons as the Governor thinks appropriate.

29. Radio spectrum use

(1) The licence requirement does not apply to anything —

- (a) done in reliance on and in accordance with Part 6, or

(b) exempted from a requirement for a licence under that Part.

(2) The use of radio spectrum is also exempt from the licence requirement if the Regulator notifies the user in writing that the Regulator is satisfied that —

(a) the equipment used does not, and is not likely to, cause significant interference to networks or carriage services operated or provided by a licensee;

(b) the risk of harm or inconvenience to other users is outweighed by the benefits to the public from permitting usage on an unlicensed basis; and

(c) the exemption is compatible with any relevant international recommendations and standards.

(3) A notice —

(a) must be published by the Regulator;

(b) must specify the period for which it applies;

(c) may be varied or revoked by the Regulator.

30. Maritime and aviation satellite systems

(1) The licence requirement does not apply to anything done in the territorial sea in accordance with the provisions of any international convention or agreement relating to maritime satellite communications.

(2) The licence requirement does not apply to anything done on an aircraft in accordance with an enactment of the State in which it is registered relating to aviation satellite communications.

31. Broadcasting licensees

The licence requirement does not apply to anything done —

(a) by a person licensed to provide services under the Wireless Telegraphy Ordinance 1994 or the Broadcasting Ordinance 2004, and

(b) in accordance with that licence.

32. Power to confer additional exemptions

(1) The Governor may by regulations confer exemptions from the licence requirement.

(2) Regulations may confer exemption —

(a) on a specified person or class of persons;

(b) in relation to specified activities or classes of activity;

(c) in relation to specified equipment or classes of equipment.

(3) Before conferring an exemption in accordance with this section the Governor must give the Regulator an opportunity to make representations.

(4) Before making representations the Regulator must consult as the Regulator thinks appropriate.

Grant of licences

33. Power to grant licences

(1) The Regulator may grant licences permitting persons to —

(a) own an electronic communications network;

(b) operate an electronic communications network;

(c) provide electronic communications services;

(d) import electronic communications apparatus.

(2) A licence issued by the Regulator may —

(a) apply in relation to all or any specified part of Falkland Islands territory;

(b) be non-exclusive; and

(c) be granted on terms and conditions.

(3) The Regulator may vary the conditions attached to a licence granted by the Regulator.

(4) In attaching or varying conditions the Regulator must have regard to the electronic communications objectives.

(5) A licence may be granted under this section only in so far as it is compatible with an exclusive licence granted under Part 7.

(6) An exclusive licence for any of the matters listed in subsection (1) other than the exclusive licence referred to under Part 7, may be granted by the Governor and the Governor shall have the powers of the Regulator under this section, with the necessary changes.

34. Individual and class licences

A licence issued under section 33 must state that it is either —

(a) an individual licence, or

(b) a class licence.

Individual licences

35. Nature of individual licence

- (1) An individual licence is issued to a specified licensee.
- (2) An individual licence comes into force in accordance with its terms.

36. Conditions

- (1) The Regulator may attach conditions to an individual licence.
- (2) The Regulator may add to, remove or vary conditions attached to an individual licence.
- (3) When attaching, adding, removing or varying a condition the Regulator must —
 - (a) have regard to the electronic communications objectives,
 - (b) have regard to the regulatory principles, and
 - (c) in particular, ensure that conditions do not unfairly discriminate between licensees in respect of the same or similar networks or services.
- (4) Before attaching, adding, removing or varying a condition the Regulator must —
 - (a) consult the licensee, and
 - (b) allow a period of at least 28 days for the licensee to respond to the consultation.

37. Licensee's installations

- (1) Each individual licence contains an implied provision requiring the licensee to permit any person authorised by the Regulator to enter any premises occupied or controlled by the licensee to inspect any apparatus used by the licensee in the carrying on of activities in reliance on the licence.
- (2) A person acquiring information in the course of an inspection under this section may not disclose the information without the consent of the licensee.
- (3) If the Regulator thinks that apparatus used by the licensee in the carrying on of activities in reliance on the licence is causing interference with any other apparatus, the Regulator may by notice require the licensee to take steps to prevent the interference.
- (4) Each individual licence includes implied provision requiring the licensee to comply with a requirement under subsection (3) as soon as is reasonably practicable.

38. Subsidiary undertakings

- (1) The licensee under an individual licence is —
 - (a) the person who applies for the licence (“the principal licensee”), and

- (b) any subsidiary undertaking of the applicant listed in the application.
- (2) The principal licensee may apply in writing to the Regulator —
 - (a) to add a subsidiary undertaking to the licence, or
 - (b) to remove a subsidiary undertaking from the licence.
- (3) The Regulator must as soon as is reasonably practicable —
 - (a) determine an application under subsection (2);
 - (b) notify the principal licensee of the Regulator’s determination; and
 - (c) take any action necessary as a result.
- (4) The Regulator may remove a subsidiary undertaking from an individual licence without an application under subsection (2) if the subsidiary undertaking applies for an individual licence.

Class licences

39. Nature of class licence

- (1) A class licence is issued by means of a determination of the Regulator.
- (2) The determination must specify —
 - (a) the terms and conditions of the licence, and
 - (b) any qualification criteria required to be satisfied by a person relying on the licence.
- (3) A class licence may be relied upon by any person who —
 - (a) satisfies the qualification criteria (if any), and
 - (b) complies with the specified terms and conditions.
- (4) A class licence comes into force with respect to a person at whichever is the later of —
 - (a) the time when the person registers in accordance with section 40 (if registration is required),
 - (b) the time when the person satisfies any terms or conditions specified as requiring to be satisfied before reliance on the licence, and
 - (c) any commencement time specified in the licence.

40. Registration

- (1) When issuing a class licence the Regulator must specify whether —
 - (a) it requires persons to register for it (a “registration licence”), or
 - (b) it does not require persons to register for it (a “non-registration licence”).
- (2) A person who satisfies the specified qualification criteria for a non-registration licence may rely on the licence to provide the services specified in it, in accordance with its specified terms and conditions.
- (3) The Regulator must publish —
 - (a) a standard registration form for registration licences, and
 - (b) guidance on registration and deregistration for registration licenses.
- (4) A person (“the registration applicant”) who satisfies the specified qualification criteria for a registration licence may send to the Regulator —
 - (a) a completed registration form, and
 - (b) any prescribed registration fee.
- (5) A registration applicant becomes a registered person in respect of the registration licence at the end of the period of 45 days beginning with the date on which the Regulator receives the registration form (subject to subsection (6)).
- (6) A registration applicant does not become a registered person if during the period specified in subsection (5) the Regulator notifies the registration applicant in writing that —
 - (a) the person does not satisfy relevant qualification criteria,
 - (b) the registration form is incomplete, incorrect or unsigned, or
 - (c) the prescribed fee has not been paid.
- (7) The Regulator may not restrict the number of persons that may register for a class licence.
- (8) A registered person remains registered for a registration licence unless and until the Regulator notifies the person in writing that —
 - (a) the person has ceased to satisfy the specified qualification criteria, or
 - (b) any prescribed requirements for annual or other fees have not been complied with.

Implied condition

41. Licensee's installations

- (1) A class licence is subject to an implied provision requiring each person relying on it ("the licensee") to permit any person authorised by the Regulator to enter any premises occupied or controlled by the licensee to inspect any apparatus used by the licensee in the carrying on of activities in reliance on the licence.
- (2) A person acquiring information in the course of an inspection under this section may not disclose the information without the consent of the licensee.
- (3) If the Regulator thinks that apparatus used by the licensee in the carrying on of activities in reliance on the licence is causing interference with any other apparatus, the Regulator may by notice require the licensee to take steps to prevent the interference.
- (4) A class licence includes implied provision requiring the licensee to comply with a requirement under subsection (3) as soon as is reasonably practicable.

Duration

42. Duration of licence

An individual or class licence may be expressed —

- (a) to continue in force unless and until the Regulator gives at least 1 years' written notice of its termination; or
- (b) to continue in force for a specified period of not more than 10 years.

Procedure

43. Licensing procedure

The Governor may by regulations —

- (a) prescribe procedures to be followed in relation to applications for individual licences;
- (b) prescribe information to be provided in connection with applications for individual licences;
- (c) prescribe procedures to be followed in relation to registration for class licences;
- (d) prescribe information to be provided in connection with registration for class licences;
- (e) specify factors to be considered in determining whether a person satisfies specified qualification criteria;
- (f) in particular, specify factors to be considered in determining whether a person is fit and proper where that is a specified qualification criterion; and

(g) prescribe periods within which the Regulator must aim to determine applications in connection with individual or class licences.

Remedies for non-compliance

44. Variation or revocation of licence

(1) This section applies where a licensee fails to comply with the terms and conditions of the licence.

(2) The Regulator may —

(a) vary the terms or conditions of the licence (which may include adding or removing a term or condition);

(b) suspend the licence for a specified period; or

(c) revoke the licence.

(3) Before taking action under this section the Regulator must —

(a) give the licensee written notice that the Regulator is considering taking action, and

(b) give the licensee an opportunity to make representations (including a period of at least 28 days for the making of written representations).

(4) Before taking action under this section the Regulator must give the licensee an opportunity to avoid action under this section by remedying the failure to comply with the terms and conditions of the licence (subject to subsection (5)).

(5) The Regulator may take action under this section without complying with subsection (4) if—

(a) the Regulator gave notice to the licensee of intention to take action under this section in respect of one or more previous failures to comply with the terms and conditions of the licence, and

(b) the Regulator is satisfied that the licensee should not be given an opportunity to avoid action under this section, having regard to the previous failure or failures.

(6) Action under this section must —

(a) be taken by giving notice in writing to the licensee (at the address specified in the licence, if any);

(b) specify the failure of compliance in respect of which it is imposed;

(c) specify the date on which the action takes effect (which the regulator shall set having regard to all the circumstances, including the seriousness and urgency of the results of the failure to comply with the terms and conditions of the licence);

(d) give the Regulator's reasons for imposing the requirement; and

(e) be published on the Regulator's website (unless the Regulator is satisfied that public interest in publication is outweighed by commercial or other reasons for confidentiality).

(7) The application of this section to an exclusive licence under Part 7 is subject to the provisions of section 73.

PART 5 BROADCASTING STATION LICENCES

Licences

45. Requirement for licence

It is unlawful to operate a broadcasting station except in accordance with a licence granted under—

(a) this Part;

(b) the Wireless Telegraphy Ordinance 1994; or

(c) the Broadcasting Ordinance 2004.

46. Grant of licence

(1) The Governor may grant a broadcasting station licence to a person.

(2) A licence may be granted on conditions.

(3) The provisions of Part 4 apply to broadcasting station licences as they apply to licences under that Part —

(a) subject to any provision of this Part, and

(b) with any necessary modifications.

Exemptions

47. Exemption of Crown and Government

The Crown and the Government are exempted from the requirements of the provisions of this Part.

48. Amateurs

(1) Section 45 does not apply to anything done by an amateur.

(2) In this section “amateur” means a person who is interested in radio techniques solely for a personal aim, without any commercial or financial interest or motive.

Implied condition

49. Licensee’s installations

(1) Each broadcasting station licence contains an implied provision requiring the licensee to permit any person authorised by the Regulator to enter any premises occupied or controlled by the licensee to inspect any apparatus used by the licensee in the carrying on of activities in reliance on the licence.

(2) A person acquiring information in the course of an inspection under this section may not disclose the information without the consent of the licensee.

(3) If the Regulator thinks that apparatus used by the licensee in the carrying on of activities in reliance on the licence is causing interference with any other apparatus, the Regulator may by notice require the licensee to take steps to prevent the interference.

(4) Each broadcasting station licence includes implied provision requiring the licensee to comply with a requirement under subsection (3) as soon as is reasonably practicable.

Enforcement

50. Offence

(1) It is an offence to carry on an activity which requires a licence in accordance with section 45 otherwise than in accordance with a licence.

(2) A person who is guilty of an offence under subsection (1) is liable on conviction to a fine not exceeding level 8 on the standard scale.

51. Forfeiture

(1) Where a person is convicted of an offence under section 50 the court may order the forfeiture of any equipment which appears to the court likely to have been used in connection with the commission of the offence.

(2) A forfeiture order may include provision about the treatment and disposal of the equipment forfeited.

52. Penalties for non-compliance with licence

Sections 13 and 44 apply in relation to a licence under this Part as they apply in relation to a licence under Part 4.

PART 6 RADIO SPECTRUM MANAGEMENT

53. Management of the radio spectrum

(1) The Regulator must —

(a) have general responsibility for the management of the radio spectrum in the Falkland Islands, and

(b) in particular, be responsible for allocation of frequencies in the radio spectrum in the Falkland Islands by way of licence under this Part.

(2) The Regulator must carry out functions under this section in accordance with any general or specific directions given to it by the Governor.

54. Spectrum plan

(1) The Regulator must publish a plan for the use of the radio spectrum within the Falkland Islands (“the spectrum plan”).

(2) The first spectrum plan must be published during the period of 2 years beginning with the date of the commencement of this section.

(3) In preparing and maintaining the spectrum plan the Regulator must aim —

(a) to ensure consistency with any applicable international obligations or standards (including those of the International Telecommunications Union), and

(b) to take into account any relevant international recommendations.

(4) The spectrum plan must —

(a) specify frequency bands that are premium spectrum bands; and

(b) specify the consequences, for licensees and others, of specification as a premium band.

(5) The Regulator must revise and re-publish the spectrum plan —

(a) before the end of the period of 3 years beginning with the date of publication of the initial plan; and

(b) before the end of the period of 3 years beginning with the date of each re-publication.

55. Radio spectrum licence

(1) The Regulator may —

(a) impose a requirement for a licence for the use of frequencies on the spectrum;

(b) assign a specified frequency to a person by granting a licence to that person to use that frequency.

(2) A licence may be granted on conditions.

(3) Conditions may relate, in particular, to authorisation of and standards or specifications for radio equipment.

(4) A licence must require a licensee to comply with directions given by the Regulator in relation to use of the frequency.

(5) A direction under subsection (4) may, in particular, be designed to avoid or reduce interference.

(6) The Regulator must have regard to the spectrum plan before determining an application for a licence under this section.

(7) The Governor may by regulations provide for the procedures to be followed in connection with licences and applications for licences.

56. Licensee's installations

(1) Each radio spectrum licence contains an implied provision requiring the licensee to permit any person authorised by the Regulator to enter any premises occupied or controlled by the licensee to inspect any apparatus used by the licensee in the carrying on of activities in reliance on the licence.

(2) A person acquiring information in the course of an inspection under this section may not disclose the information without the consent of the licensee.

(3) If the Regulator thinks that apparatus used by the licensee in the carrying on of activities in reliance on the licence is causing interference with any other apparatus, the Regulator may by notice require the licensee to take steps to prevent the interference.

(4) Each radio spectrum licence includes implied provision requiring the licensee to comply with a requirement under subsection (3) as soon as is reasonably practicable.

57. Exemptions

The Governor may by regulations provide for exemptions from the requirement for a licence under this Part.

58. Vacation of radio spectrum

(1) If the Regulator is satisfied that a radio spectrum that has been assigned by licence to a person under section 55 should be un-assigned, the Regulator may —

(a) declare the spectrum vacant;

(b) pay such compensation (if any) as it thinks should be paid to the previous licensee, or any other person who is affected by the declaration;

(c) make any other arrangements it thinks necessary or desirable.

(2) In taking action under subsection (1), or determining whether to take action, the Regulator must have regard to the electronic communications objectives.

(3) A declaration under subsection (1)(a) must specify that the Regulator believes the radio spectrum should no longer be assigned to the previous licensee either —

(a) because the previous licensee has made insufficient use of the radio spectrum, or

(b) for another specified reason.

59. Spectrum trading

(1) The Governor may make regulations for the transfer of radio spectrum rights by a licensee to another person.

(2) The regulations may make provision for permanent or temporary transfers (or both).

(3) Subject to regulations under this section, a licensee may not assign the use of the licensed radio spectrum to another person (and any purported assignment is of no effect).

60. Saving for existing licences

(1) In this section “pre-commencement licence” means a licence for the operation of radio spectrum issued before the commencement of this section by —

(a) the person discharging maritime regulatory responsibilities in the Falkland Islands, or

(b) the Civil Aviation Department.

(2) A pre-commencement licence continues to have effect until it —

(a) is cancelled by the authority that issued it, or

(b) lapses or expires in accordance with its terms.

(3) Nothing in this Ordinance renders unlawful activity that was carried on in reliance on and in accordance with a pre-commencement licence.

Enforcement

61. Penalties for non-compliance with licence

Sections 13 and 44 (penalty, variation and revocation) apply in relation to a licence under this Part as they apply in relation to a licence under Part 4.

PART 7
EXCLUSIVE TELECOMMUNICATIONS LICENCE

Nature of licence

62. Grant of exclusive licence

(1) The Governor may grant an exclusive licence to a telecommunications operator (“the exclusive licensee”) to —

- (a) operate an electronic communications network in the Falkland Islands,
- (b) provide electronic communications services in the Falkland Islands, and
- (c) do anything else for which a licence is required under section 21(1).

(2) The Governor may enter into an agreement in writing with the exclusive licensee providing obligations to be observed by it in connection with the provision of telecommunications services and the provisions of an agreement under this subsection (whenever concluded) shall be treated as terms of the exclusive licence.

(3) No more than one licence under this section may have effect at any time and a reference in this Part to the exclusive licence is to a licence granted under this section.

(4) Section 73 makes provision for revocation of the exclusive licence, and other remedies, for non-compliance.

(5) Before taking action under this section the Governor must have regard to the electronic communications objectives and the regulatory principles.

(6) A licence under this section —

- (a) may provide for specified activities to be capable of being licensed under other provisions of this Ordinance, subject to any conditions or modifications specified in the licence;
- (b) may be combined with one or more licences under this Ordinance (and provisions of this Ordinance referring to the exclusive licence do not refer to the non-exclusive components of the licence).

(7) A licence under this section may be issued for an initial fixed term of not more than 10 years and may continue after that until the Governor gives at least 2 years written notice of termination provided that the licence does not continue beyond 20 years from the date that it was issued.

63. Terms and conditions

(1) The exclusive licence must include terms and conditions —

- (a) requiring the submission of accounts in accordance with subsection (2);

- (b) subject to section 62(7), for the duration of the licence;
 - (c) providing for cost recovery by the exclusive licensee;
 - (d) imposing, or providing for the imposition of, price controls;
 - (e) imposing universal service obligations in accordance with section 64;
 - (f) for the transfer of data on termination of the licence.
- (2) The accounts specified in subsection (1)(a) are the following in respect of the licensed activities —
- (a) a profit and loss statement;
 - (b) a breakdown for principal lines of business (including, for domestic services, line access, fixed international, mobile, broadband, enterprise data and other matters);
 - (c) a balance sheet showing the book value of capital assets used in the delivery of the licensed activities and the level of depreciation applied.
- (3) The exclusive licence may include terms and conditions —
- (a) requiring or allowing the licensee to share infrastructure, facilities and networks for the provision of electronic communications services on specified terms or conditions;
 - (b) specifying criteria for technical compatibility of and access to conditional access networks used in the provision of content;
 - (c) dealing with any other matters that the Governor thinks necessary or desirable.
- (4) Before setting the terms and conditions of the exclusive licence the Governor must —
- (a) review the market in which the licensee operates or proposes to operate;
 - (b) consider the electronic communications objectives; and
 - (c) consider the regulatory principles.
- (5) In particular, the Governor —
- (a) must ensure that any cost recovery mechanism or pricing methodology imposed by way of terms or conditions is designed to promote efficiency and to maximise consumer benefits;
 - (b) must take account of the investment made by the licensee and aim to allow the licensee a reasonable rate of return on capital efficiently employed, having regard to the risks involved and to the desirability of sharing the benefits of efficiency;

(c) must ensure that, where implementation of a cost accounting system is required by terms or conditions in order to support price controls, a determination of the cost accounting system is published, showing at least the main categories under which costs are grouped and, where appropriate having regard to the scale of services provided, the rules used for the allocation of costs; and

(d) may take account of prices available in comparable markets where the Governor is satisfied, having consulted the prospective exclusive licensee, that comparison is relevant.

(6) The exclusive licence must include provision requiring the exclusive licensee —

(a) not to discriminate against any person or classes of person in the provision of or in connection with electronic communications services offered by the licensee;

(b) to provide technical specifications or other technical information on request by a person who reasonably requires the information for the purpose of the lawful provision of electronic communications and who cannot reasonably easily obtain the information from other sources; and

(c) to ensure that the technical specifications of any network operated by the licensee is not incompatible with networks operated by other persons licensed under, or operating in accordance with the provisions of, this Ordinance.

(7) The provisions of the exclusive licence relating to price control (whether by price cap or otherwise) —

(a) may include provision allowing the Regulator to direct the exclusive licensee to employ specific cost accounting methods, or to apply the Regulator's preferred cost accounting methods;

(b) must include provision allowing the Regulator to require the exclusive licensee to provide justification for its prices in accordance with criteria specified by the Regulator (but where the price control provisions take the form of a price cap, the justification for prices required in accordance with this paragraph is limited to demonstrating compliance with the cap);

(c) may include provision allowing the Regulator to direct a price adjustment for the purpose of compliance with the price control provisions of the licence, at such times and intervals as may be specified in the exclusive licence;

(d) may operate by imposing a ceiling on the average change in prices for regulated services over a specified period of time;

(e) may include provision for a review of the operation of any price cap from time to time, with the results of the review determining the continuing operation of the price control by reference to specified criteria; and

(f) may include provision limiting a weighted average of the changes in retail prices for services to which any price cap applies by reference to a specified controlling percentage.

(8) In determining the provisions of the exclusive licence about price control the Governor must aim (without prejudice to the generality of subsection (4)) —

(a) to protect consumers from monopoly excess;

(b) to encourage the exclusive licensee to invest in services that benefit consumers;

(c) to allow the exclusive licensee a reasonable rate of return on capital efficiently employed, having regard to the risks involved; and

(d) to share the benefits of innovation and efficiency.

Performance

64. Universal service obligation

(1) The exclusive licence must include provision requiring the exclusive licensee to comply with any obligations under regulations made by the Governor under this section (“Universal Service Regulations”).

(2) Universal Service Regulations must —

(a) specify services which are to be provided;

(b) specify the classes of user by whom the services must be accessible (and classes may be specified by reference to geographical area, possession of equipment, or otherwise).

(3) The Regulator must —

(a) publish on its website a description of services to be provided under Universal Service Regulations;

(b) monitor the provision of services in accordance with the Universal Service Regulations; and

(c) publish information on its website about the results of monitoring under paragraph (b).

(4) In making and amending Universal Service Regulations the Governor must have regard to—

(a) the electronic communications objectives;

(b) the regulatory principles;

(c) any representations made by a person who is, or may become, an exclusive licensee.

65. Obligations to subscribers

(1) The exclusive licence must include provision setting out the obligations of the licensee to persons who use or wish to use the services provided in accordance with the licence.

(2) In particular, the licence must —

(a) provide for applications for the provision of a service under the licence;

(b) permit the licensee to require the provision of information and undertakings in connection with the provision of a service under the licence;

(c) prohibit the licensee from refusing to provide a service except in specified circumstances or on specified grounds;

(d) provide for the payment of specified costs by persons applying for the provision of a service;

(e) impose obligations on the licensee in respect of service provision;

(f) impose obligations on the licensee in respect of the maintenance of equipment;

(g) provide for liability of the licensee to persons in respect of loss or damage incurred in connection with the provision of services under the licence or otherwise (which may include provision dealing with failures in service, and provision limiting liability or permitting the licensee to limit its liability);

(h) require the licensee to offer equipment for sale, hire or use;

(i) require the licensee to permit service-users to use specified classes of equipment provided by the service-users in specified circumstances or subject to specified conditions;

(j) allow the licensee to require service-users to provide power and other installations and facilities;

(k) allow the licensee to impose obligations on service users in respect of the protection or use of equipment or otherwise;

(l) allow the licensee to discontinue, or impose conditions on, the provision of services in specified circumstances;

(m) provide for notice periods for discontinuance of service at the option of the service-user;

(n) provide for assignment or transfer of service contracts;

(o) allow the licensee to require service-users to accept liability for use made irrespective of the identity of the user, or in other specified circumstances;

(p) allow the licensee to require or permit service-users to pay deposits, to pay charges in instalments, to make payments in advance or on account, and to accept the installation of metering or charging apparatus;

(q) provide for access to service-users' premises;

(r) provide for user directories; and

(s) exclude liability in cases of force majeure (as defined by the licence).

66. Key performance indicators

(1) The exclusive licence must require the exclusive licensee to monitor its performance in the provision of services in accordance with the licence against —

(a) any key performance indicators specified in the licence, and

(b) any key performance indicators specified by the Regulator.

(2) The exclusive licence must include provision requiring the exclusive licensee to comply with any request by the Regulator to —

(a) publish its performance against any of the key performance indicators referred to in subsection (1) in the manner required by the Regulator;

(b) provide details of its performance against those key performance indicators in the manner required by the Regulator.

67. Complaint handling and dispute resolution

(1) The exclusive licence must include provision requiring the licensee to —

(a) establish and maintain a Code of Practice about complaint handling and dispute resolution;

(b) obtain the Regulator's approval of the form and content of the Code (and if necessary vary the Code until the Regulator approves); and

(c) include in all contracts for the provision of services in accordance with the licence a provision requiring customers to follow any applicable procedures set out in the Code before taking legal proceedings.

(2) A court must enforce subsection (1)(c) by staying or dismissing proceedings, except if and in so far as the court thinks that the proceedings should not be stayed or dismissed having regard to special circumstances of the case.

68. Interception and data retention capability

(1) The exclusive licensee must maintain capability to retain subscriber details and call and data records (including records for mobile services and fixed line services, broadband user authentication records and mobile short message content).

(2) The Governor may by Order amend subsection (1) to require the exclusive licensee to maintain specified capability to intercept, retain or otherwise interfere with electronic communications data.

(3) Before making an Order under subsection (2) the Governor must consult the exclusive licensee.

(4) Anything done in reliance on capability maintained in accordance with subsection (1) is done with lawful authority for the purposes of this Ordinance.

(5) A requirement imposed under this Ordinance (by warrant, notice or otherwise) to do anything in reliance on the capability mentioned in subsection (1) is subject to agreement between the exclusive licensee and the Governor as to —

(a) costs, and

(b) timing.

(6) Any question arising in relation to the effect of subsections (1), (4) or (5) may be referred by the Governor or the exclusive licensee to the Magistrates' Court, whose decision shall be final; and the Regulator has no jurisdiction to determine a question to which this subsection applies.

(7) The exclusive licence must include provision requiring the licensee to take all reasonable steps to ensure that its staff are aware of the rules of secrecy relating to telecommunications set out in the International Convention of Nairobi 1982 and any later Convention amending or replacing the same to which the United Kingdom or the Falkland Islands is a party (including any General and Administrative Regulations from time to time in force under the Convention that extend to the Falkland Islands).

(8) Nothing done under Part 13 may (explicitly or impliedly) require the exclusive licensee to maintain a capability not required by this section.

Information and inspections

69. Regulator's requests for information

(1) The exclusive licence must include provision requiring the exclusive licensee to comply with any request of the Regulator for the provision of information or documents reasonably required by the Regulator in connection with the performance of its functions, subject to any exemptions or qualifications specified in the licence.

(2) A request under this section must specify —

- (a) the information or documents required;
 - (b) that the request is made in accordance with this section;
 - (c) the purpose for which the information or documents are required;
 - (d) the time by which the information or documents are to be provided;
 - (e) the consequences of failure to comply with the request.
- (3) If the exclusive licensee considers that the burden of complying with a request in accordance with this section would be disproportionate to the public benefit of compliance —
- (a) the licensee may, within 20 working days from the date of receipt of the request, send a notice to the Regulator explaining the reasons for, and extent of, the licensee's wish not to comply with the request;
 - (b) the Regulator must respond to the notice within 20 working days from the date of receipt of the licensee's request;
 - (c) the request is suspended until the Regulator responds;
 - (d) the Regulator must modify the request if and to the extent that the Regulator accepts the licensee's representations, in which case the Regulator must issue a new request under this section (and subsections (1) and (2) apply).

70. Failure to provide information

- (1) This section applies if an exclusive licensee fails without reasonable excuse to comply with the condition required by section 69.
- (2) The Regulator may —
- (a) require the licensee to pay a penalty not exceeding an amount equivalent to level 10 on the standard scale;
 - (b) revoke the exclusive licence in accordance with section 73; or
 - (c) take action under both paragraph (a) and paragraph (b).
- (3) Before taking action under subsection (2) the Regulator must —
- (a) serve a warning notice on the licensee; and
 - (b) give the licensee a reasonable opportunity to make representations.
- (4) A penalty under this section may be enforced as a debt due to the Regulator.

(5) The licensee may appeal to the Magistrates Court against a requirement imposed by the Regulator to pay a penalty under this section and the Magistrates Court may make any order it thinks appropriate (including increasing the amount of a penalty and making ancillary provision as to costs or otherwise).

71. Licensee's installations

(1) The exclusive licence must include provision requiring the exclusive licensee to permit any person authorised by the Regulator to enter any premises occupied or controlled by the licensee to inspect any apparatus used by the licensee in the provision of services in accordance with the licence.

(2) A person acquiring information in the course of an inspection under this section may not disclose the information without the consent of the licensee.

(3) If the Regulator thinks that apparatus used by the licensee in the provision of services in accordance with the licence is causing interference with any other apparatus, the Regulator may by notice require the licensee to take steps to prevent the interference.

(4) The exclusive licence must include provision requiring the exclusive licensee to comply with a requirement under subsection (3) as soon as is reasonably practicable.

Change of control of licensee

72. Approval for change of control

(1) The exclusive licence must include provision requiring the exclusive licensee to comply with the provisions of this section.

(2) A change of control may not be implemented without prior written approval of the Governor.

(3) The Governor may by regulations make provision about procedure in connection with applications for approval for change of control; and the regulations may include, in particular —

(a) information to be provided;

(b) timing;

(c) the conduct of an investigation into a proposed change of control.

(4) The Governor must be notified in writing before the end of the period of 7 days beginning with —

(a) the licensee's entering into an agreement that would result in a change of control, or

(b) the announcement of a public bid for control of the licensee.

(5) Any request made by the Governor for information about an event specified in subsection (3) or any other event likely to result in a change of control must be complied with —

(a) in the manner specified by the Governor, and

(b) in accordance with any requirements as to timing specified by the Governor.

(6) For the purposes of this section a reference to change in control includes a reference to any person —

(a) acquiring control over the affairs of the licensee;

(b) acquiring control of more than 30% of the voting shares in the licensee; or

(c) taking other action of a kind specified by the Governor by regulations.

Enforcement

73. Penalties for non-compliance with licence

(1) Sections 13 and 44 apply in relation to an exclusive licence under this Part as they apply in relation to a licence under Part 4 subject to subsection (2).

(2) An exclusive licence under this Part may not be revoked unless the Regulator has obtained the leave of the Supreme Court to revoke the licence.

(3) Before applying to the Supreme Court for permission the Regulator must give at least 6 weeks' notice of the intention to apply for permission.

(4) The decision of the Supreme Court on an application for permission is final.

PART 8 FEES

General fees

74. Fees Regulations

(1) The Governor may by regulations (“Fees Regulations”) —

(a) require the payment of fees in respect of —

(i) the application for, or the issue, renewal or maintenance of, or otherwise in connection with, a licence under this Ordinance;

(ii) the performance of a function under this Ordinance or under a licence issued under this Ordinance; and

(iii) the performance of any service offered by the Regulator, including the supply of information or of documents.

(2) Fees Regulations must, in particular, make provision —

(a) for fees to be charged for or in connection with licences under Parts 4 to 7;

(b) for fees to be charged in respect of the performance of the Governor's functions in relation to change of control of an exclusive licensee under Part 7.

(3) Fees Regulations may —

(a) make provision for exemptions, waivers and reductions;

(b) confer a discretion on the Governor, the Regulator or another specified person;

(c) make provision that applies generally or only for specified purposes;

(d) make different provision for different purposes.

(4) Fees to be charged by the Regulator in accordance with the Fees Regulations together with any criteria for determining their amounts and any rules as to timing of payment, must be published —

(a) on the Regulator's website, and

(b) in other ways that the Regulator considers appropriate.

Enforcement and administration

75. Collection and destination

Fees under this Part must —

(a) be collected and administered by the Regulator, and

(b) be paid into the Consolidated Fund.

76. Recovery

A fee under this Part which is due and unpaid is recoverable as a debt due to the Regulator.

77. Interest

(1) Interest accrues on overdue fees and is to be calculated by the Regulator on a daily basis.

(2) Interest is recoverable in the same manner as the principal.

(3) The rate of interest is the Bank of England base rate from time to time plus 2%.

78. Offences

- (1) It is an offence to do anything in respect of which a fee is payable under this Ordinance without paying the fee.
- (2) The offence in subsection (1) may be charged in addition to any other offence committed by the same activity.
- (3) A person who takes any action for the purpose of evading all or part of a fee under this Part, or who assists another for that purpose, commits an offence.
- (4) A person who is guilty of an offence under this section is liable on conviction —
 - (a) to imprisonment for a term not exceeding 6 months,
 - (b) to a fine not exceeding level 10 on the standard scale, or
 - (c) to both.

PART 9 CONSUMER STANDARDS AND PROTECTION

Consumer protection

79. Regulator to enforce consumer protection provisions

The Regulator must monitor compliance with any provision of a licence under this Ordinance —

- (a) which is described in the licence as a consumer protection provision, or
- (b) which in the Regulator's opinion is designed (wholly or partly) to protect interests of the users or potential users of electronic communications services.

80. Consumer Protection Regulations

- (1) The Governor may make regulations for the purposes of protecting users and potential users of electronic communications services ("Consumer Protection Regulations").
- (2) Consumer Protection Regulations may include provision about, in particular —
 - (a) standards of service;
 - (b) quality of service;
 - (c) safety;
 - (d) handling of complaints;
 - (e) the use of a network or service to make unsolicited communications;

(f) confidentiality of user information;

(g) telephone directories and similar publications (which may include provision requiring the publication of directories, and provision about the disclosure or use of information for the purpose of directories).

(3) A licence under this Ordinance may make provision by reference to Consumer Protection Regulations, including references to those Regulations as they may have effect from time to time.

(4) Consumer Protection Regulations may not, except in accordance with subsection (3) —

(a) impose obligations on licensees, or

(b) change the effect of a provision of a licence.

(5) Before making Consumer Protection Regulations the Governor must consult —

(a) all relevant licensees, and

(b) such other persons as the Governor thinks appropriate.

81. Programme content

(1) The Regulator may issue codes of practice about the content of media services under the control of licensees under this Ordinance.

(2) A code may, in particular, include provision designed —

(a) to protect young persons from exposure to harmful material;

(b) to protect users from offensive material;

(c) to promote accuracy and impartiality in news and current affairs material;

(d) to avoid misleading or alarming service users.

(3) Provision made in pursuance of subsection (2)(a) or (b) may, in particular, include provision about material which includes —

(a) physical or psychological violence;

(b) sexual activity or nudity;

(c) the use of alcohol, tobacco and drugs;

(d) anything likely to incite hatred or discrimination on grounds of race, religion, disability, age, gender or sexual orientation;

(e) offensive language;

(f) anything of an indecent, obscene, offensive or defamatory nature.

(4) A code may include provision about procedure to be followed in making, handling and determining complaints about matters in subsection (2) and (3).

(5) A code relating to broadcasting services may, in particular, include provision about —

(a) the amount of time devoted to advertising;

(b) the presentation of advertising material;

(c) sponsorship announcements;

(d) the use of captions and sub-titles;

(e) teletext and other ancillary services;

(f) party political broadcasts;

(g) broadcasting of sporting and national events;

(h) broadcasting in relation to national emergencies; and

(i) public service announcements.

(6) A licence under this Ordinance may make provision by reference to codes under this section, including references to those codes as they may have effect from time to time.

(7) A code of practice may not, except in accordance with subsection (6) —

(a) impose obligations on licensees, or

(b) change the effect of a provision of a licence.

(8) Nothing in this Ordinance or in a licence under this Ordinance obliges a licensee to accept for transmission material of a kind described in subsection (3)(d) to (f).

Equipment on service users' premises

82. Service users' premises

(1) A licence under this Ordinance must include provision that applies where the licensee has sited equipment on property belonging to a user or prospective user of the licensee's services.

(2) The licence must include provision requiring the licensee to maintain the equipment (subject to subsection (4)).

(3) The licence must (subject to subsection (4)) include provision allowing the licensee to authorise persons to enter the property for the purpose of monitoring or maintaining the equipment —

- (a) at reasonable times,
- (b) after giving reasonable notice, and
- (c) on presentation of appropriate identification.

(4) Subsections (2) and (3) may be varied by any specific provision of —

- (a) the licence;
- (b) any agreement between the licensee and the owner of the property.

(5) A licensee who is refused access under a provision specified in subsection (3) or (4)(a) or (b) may apply to a court for a warrant authorising access and the court may grant a warrant on such terms and conditions as it thinks appropriate.

(6) A licence under this Ordinance must include provision enabling the licensee, so far as reasonable, to make the provision of any service under the licence conditional on the provision of power, in such form and to such specifications as the licence may specify, by an actual or prospective user of the service.

83. Equipment standards

(1) The Regulator may publish —

- (a) standards for equipment to be used for the purposes of electronic communications;
- (b) conditions to be satisfied in using equipment for the purposes of electronic communications;
- (c) conditions or standards for the manufacture or import of equipment designed to be used for the purposes of electronic communications.

(2) The Regulator may require its approval to be obtained for equipment before it is used for the purposes of electronic communications; and —

- (a) a requirement must be published in a manner designed to ensure that it comes to the attention of persons using equipment for those purposes, and
- (b) a licence under this Ordinance may identify a class of equipment in respect of which a requirement under this subsection may or may not be imposed on or in respect of the licensee.

(3) The Regulator may set standards and conditions, and impose requirements, under this section only if satisfied that they are necessary or desirable for the purposes of —

(a) preventing or limiting damage to networks or services provided in accordance with this Ordinance;

(b) protecting public health and safety;

(c) protecting the environment.

(4) Conditions under this section may include provision as to testing of equipment.

(5) In setting standards or conditions under this section the Regulator may make provision by reference to standards or conditions having effect outside the Falkland Islands (including such standards and conditions as they may have effect from time to time).

(6) A licence under this Ordinance must include provision requiring the licensee to comply with any standards, conditions and requirements under this section.

(7) It is an offence to —

(a) use equipment which does not comply with any relevant standards under this section;

(b) use equipment without complying with any relevant conditions under this section;

(c) manufacture equipment which does not comply with any relevant standards or conditions under this section;

(d) import equipment which does not comply with any relevant standards or conditions under this section;

(e) use equipment without obtaining approval required under this section.

(8) A person who is guilty of an offence under subsection (7) is liable on conviction to a fine not exceeding level 7 on the standard scale.

(9) Before issuing standards or conditions under this section the Regulator must consult —

(a) any relevant licensee, and

(b) such other persons as the Regulator thinks appropriate.

Telephone numbers and domain names

84. Numbering plan

(1) The Regulator must publish a numbering plan for telephone numbers or other similar designations.

- (2) The numbering plan must set out rules for the —
 - (a) allocation of numbers or series of numbers to licensee;
 - (b) assignment of numbers to service users.
- (3) A licence under this Ordinance must include a requirement to comply with any relevant requirements of the numbering plan.
- (4) In preparing the numbering plan the Regulator shall aim —
 - (a) to comply with any relevant international standards;
 - (b) to ensure a sufficient supply of numbers for expected usage; and
 - (c) to promote the efficient use of numbering.
- (5) The numbering plan may require licensees to provide specified kinds of number for emergency purposes.

85. Domain names

- (1) It is the responsibility of the Regulator to manage, allocate and assign domain names.
- (2) A licence under this Ordinance must include provision requiring the licensee to comply with any rules or direction made or given by the Regulator in respect of the use of domain names.
- (3) In this Ordinance “domain name” —
 - (a) means a name allocated under the global name system assigned to the Falkland Islands according to the two-letter code in the International Standard ISO 3166-1 (Codes for Representation of Names of Countries and their Subdivision), and
 - (b) includes any second or subsequent level domain name.

Public bodies

86. Access by public bodies

Nothing in this Ordinance, Consumer Protection Regulations or a licence under this Ordinance affects any right of a public body to access information.

PART 10 PUBLIC CONTROL OF SERVICES

87. Interception

- (1) A licence under this Ordinance must include provision requiring the licensee to maintain the capability required by section 68 (to be used in accordance with an authorisation issued by the Governor under Part 13).

(2) The Governor may issue a written exemption from the requirements of subsection (1) to a specified licensee in respect of a specified network, subject to any specified terms and conditions.

(3) Before issuing an exemption the Governor must consult —

(a) the Attorney General, and

(b) the Chief Police Officer.

88. War and emergencies

(1) If the Governor acting in his or her discretion, considers it necessary in the interests of defence, public safety or public order, the Governor may —

(a) take any steps the Governor considers appropriate to assume control over any network or services provided under or in accordance with this Ordinance (by licence or otherwise);

(b) issue directions to a licensee or any other person who controls a network or services for the provision of electronic communications for the purposes of steps under paragraph (a);

(c) appoint staff to act for the purposes of paragraph (a).

(2) The Governor may pay compensation in respect of action taken under subsection (1).

89. Other public service acquisition of control

(1) This section applies where —

(a) an exclusive licence under Part 7 has been revoked and another exclusive licence for the same services has not yet been granted;

(b) an exclusive licensee ceases to operate or in the opinion of the Governor is about to cease to operate; or

(c) for any other reason the Governor considers that it is necessary in the public interest to acquire control of the provision of telecommunications services.

(2) The Governor may —

(a) take any steps the Governor considers appropriate to assume control over any network or services provided under or in accordance with this Ordinance (by licence or otherwise);

(b) by order provide for specified assets to vest in the Governor for the purposes of use in pursuance of paragraph (a);

(c) appoint staff to act for the purposes of paragraph (a).

(3) Compensation is payable in respect of assets to which an order under subsection (2)(b) applies and the Governor must make regulations about the determination of compensation under this subsection.

(4) Compensation due and payable under this section must be charged on the Consolidated Fund.

PART 11 OFFENCES

Specific offences

90. False statements

(1) A person who makes a statement or provides information or documents to the Regulator or any other public body in pursuance of a provision of this Ordinance commits an offence if —

(a) the person knows that the statement, information or documents are false in a material respect;

(b) is reckless as to whether the statement, information or documents are false in a material respect.

(2) A person who is guilty of an offence under this section is liable on conviction to a fine not exceeding level 12 on the standard scale.

91. Obstructing Regulator

(1) It is an offence to obstruct the Regulator or a person authorised by the Regulator in the exercise of a function under this Ordinance or under a licence issued under this Ordinance.

(2) A person who is guilty of an offence under this section is liable on conviction to a fine not exceeding level 7 on the standard scale.

92. Misleading messages

(1) It is an offence to use electronic communications to send or attempt to send a message which is false or misleading and is likely to threaten the efficiency or safety of any person, vehicle, vessel or aircraft (whether by issuing a false distress call or otherwise).

(2) A person who is guilty of an offence under this section is liable on conviction to a fine not exceeding level 10 on the standard scale.

93. Improperly obtaining and disclosing information and interfering with communications

(1) It is an offence to —

(a) do anything designed to obtain from the operator of a network information about the content, sender or addressee of an electronic communication, or

(b) disclose that information.

(2) It is an offence for the operator of a network, or a person employed by or otherwise working for the operator of a network, to —

(a) interfere with an electronic communication; or

(b) disclose the existence, nature or content (including sender or addressee) of an electronic communication.

(3) Subsections (1) and (2) do not apply to anything done —

(a) with the consent of the persons sending and receiving the communication; or

(b) with lawful authority.

(4) A person who is guilty of an offence under this section is liable on conviction to —

(a) imprisonment for a term not exceeding 2 years,

(b) a fine not exceeding level 12 on the standard scale, or

(c) both.

(5) Where the Falkland Islands is party to an international agreement relating to the provision of mutual assistance in relation to interference with electronic communications, a request for assistance may not be made by any person in or on behalf of the Falkland Islands except with the authority of the Attorney General or Governor acting in his or her discretion.

94. Deliberate interference

(1) A person who uses any apparatus for the purpose of interfering with electronic communications commits an offence.

(2) Subsection (1) does not apply to anything done —

(a) with the consent of the persons sending and receiving the communication; or

(b) with lawful authority.

(3) A person who is guilty of an offence under subsection (1) is liable on conviction to —

(a) imprisonment for a term not exceeding 3 months,

(b) a fine not exceeding level 3 on the standard scale, or

(c) both.

95. Damage to infrastructure

(1) A person who damages any part of the infrastructure of an electronic communications network must report the damage to a police officer as soon as is reasonably practicable.

(2) Failure to comply with subsection (1) is an offence.

(3) A person who is guilty of an offence under subsection (2) is liable on conviction to a fine not exceeding level 3 on the standard scale.

Enforcement powers

96. Power of entry

(1) If a court is satisfied that there are reasonable grounds to suspect that evidence of the commission of an offence under this Ordinance is to be found on premises, the court may issue a warrant authorising a person authorised by the Regulator —

(a) to enter the premises;

(b) to require the provision of a copy of any information or documents stored on the premises (including information stored electronically);

(c) to test equipment;

(d) to remove any article that may be or provide evidence of the commission of the offence.

(2) Subsection (1) applies to a vehicle, vessel or aircraft as it applies to premises.

(3) It is an offence —

(a) to obstruct a person exercising powers under a warrant under this section, or

(b) to fail to provide reasonable assistance on request to a person exercising powers under a warrant under this section.

(4) A person who is guilty of an offence under subsection (3) is liable on conviction to —

(a) imprisonment for a term not exceeding 3 months,

(b) a fine not exceeding level 3 on the standard scale, or

(c) both.

Supplementary

97. Jurisdiction

The Magistrates' Court has jurisdiction for the purposes of this Ordinance (subject to any provision to the contrary).

98. Maritime and Aviation

- (1) This section applies where an offence under this Part is committed —
- (a) by, using or in relation to equipment on board a ship or aircraft, or
 - (b) by anything done on a ship or aircraft.
- (2) The captain or other person for the time being in charge of the ship or aircraft is guilty of the offence (whether or not anyone else is also guilty of the offence).
- (3) Subsection (2) does not apply where the captain or other person in charge can show that the offence was committed only by reason of action —
- (a) which was taken by a passenger, and
 - (b) which the captain or other person in charge could not reasonably have been expected to take action to prevent.

PART 12 LAND

99. Compulsory acquisition of land

For the purposes of any law relating to compulsory acquisition of land for public purposes —

- (a) the functions of an exclusive licensee under the licence are public purposes; and
- (b) the licensee may request the Governor to exercise powers under that law for a purpose in connection with the performance of those functions.

100. Entering land for construction and operational purposes

- (1) A person authorised by an exclusive licensee may enter land for the purposes of constructing, installing, operating, monitoring or removing apparatus required in connection with functions under the licence.
- (2) The Governor must by regulations make provision —
- (a) prescribing procedure to be followed in the exercise of the power under subsection (1);
 - (b) specifying conditions to be satisfied in relation to the exercise of the power under subsection (1);
 - (c) imposing limitations on the exercise of the power under subsection (1).
- (3) The regulations may, in particular —
- (a) make different provision in respect of land owned and occupied by a public body and land owned or occupied by a private person;

- (b) require the service of notices;
 - (c) require consultation;
 - (d) make provision for the payment of compensation;
 - (e) require the approval of a specified public body in specified circumstances;
 - (f) confer a discretion on a specified person;
 - (g) make exercise of a power under subsection (1) dependent on obtaining a court order in specified circumstances;
 - (h) make provision for ancillary activities that may be carried out in the exercise of the power under subsection (1) (including, in particular, cutting down trees and similar activity);
 - (i) make provision for the laying of equipment underneath streets or other places;
 - (j) make provision for obtaining or creating a licence or easement in specified circumstances and for specified purposes in relation to maintenance of equipment or otherwise;
 - (k) make provision for varying or overriding a licence or easement in specified circumstances and for specified purposes;
 - (l) impose duties designed to protect the property or safety of persons, or to protect the environment;
 - (m) provide for a right of challenge or appeal to a court in specified circumstances.
- (4) The regulations must make separate provision in respect of works carried out on the shore or seabed.

PART 13 DATA

Interpretation

101. Public interest grounds

For the purposes of this Part the “public interest grounds” are —

- (a) the interests of national security;
- (b) prevention or detection of crime;
- (c) prevention of disorder;
- (d) national security in relation to economic well-being;

- (e) public safety;
- (f) public health;
- (g) collection or administration of taxes and other money payable to the Government;
- (h) preventing or reducing deaths or injuries as a result of a public emergency;
- (i) any other matter specified for the purposes of this section by the Governor by regulations.

Retention of data

102. Retention notices

(1) The Governor acting in his or her discretion may by notice (a “retention notice”) require the exclusive licensee under an exclusive licence issued under Part 7 to retain electronic communications data.

(2) The Governor acting in his or her discretion may give a retention notice if satisfied that —

- (a) it is necessary on public interest grounds, and
- (b) it is proportionate to the purpose for which it is required.

(3) A retention notice —

- (a) must specify the classes of data to be retained;
- (b) must specify the period for which data is to be retained;
- (c) may specify the form in which it is to be retained;
- (d) may include other provision as to the retention of the data;
- (e) may make provision for data whether or not in existence at the time when the notice is given;
- (f) may make provision which applies generally or only for specified purposes;
- (g) may make different provision for different purposes.

(4) The Governor may by regulations make further provision for the retention of electronic communications data and the regulations may, in particular, make provision for—

- (a) the process to be followed before giving a retention notice;
- (b) the maximum period for which data is to be retained under a retention notice;

(c) the content, giving, commencement, review, variation and revocation of a retention notice;

(d) the storage of data in accordance with a retention notice;

(e) access to and disclosure of data retained in accordance with a retention notice;

(f) destruction of data retained in accordance with a retention notice;

(g) monitoring and enforcement of compliance with a retention notice;

(h) payments by the Governor acting in his or her discretion in respect of expenses of complying with a retention notice.

(5) A retention notice may not require data to be retained for more than 24 months.

(6) The exclusive licensee may disclose data retained in accordance with a retention notice only—

(a) in accordance with regulations under this section,

(b) in accordance with a provision of this Ordinance, or

(c) pursuant to, or in accordance with an order of, a court.

(7) When an exclusive licence comes to an end (for whatever reason) —

(a) a retention notice issued to the licensee continues to have effect in accordance with its terms; but

(b) if provision is made for the transfer of data to a new exclusive licensee, the Governor acting in his or her discretion may vary or revoke the retention notice.

Disclosure

103. Disclosure requirements

(1) The Governor acting in his or her discretion or a court may grant an authorisation allowing a specified person or class of person to require the exclusive licensee to disclose electronic communications data.

(2) The Governor acting in his or her discretion or a court may require the exclusive licensee —

(a) to obtain electronic communications data;

(b) to disclose electronic communications data.

(3) The Governor acting in his or her discretion or a court may grant an authorisation under subsection (1) or impose a requirement under subsection (2) only if satisfied that —

- (a) it is necessary on public interest grounds, and
- (b) it is proportionate to the purpose for which it is required.

(4) The exclusive licensee must comply with a requirement imposed under or by virtue of this section.

(5) A requirement imposed under or by virtue of this section is enforceable as if it were an order of the Supreme Court.

(6) The Governor may make regulations for authorisations and requirements under this section and the regulations may, in particular, make provision for —

- (a) form;
- (b) content;
- (c) procedure;
- (d) conditions and limitations;
- (e) timing;
- (f) variation and revocation;
- (g) appeal; and
- (h) other ancillary matters.

Interception and surveillance

104. Interception warrants

(1) The Governor acting in his or her discretion or a court may issue a warrant authorising or requiring a person to take specified steps to —

- (a) intercept an electronic communication or class of communications;
- (b) disclose the intercepted material.

(2) The Governor acting in his or her discretion or a court may grant a warrant only if satisfied that —

- (a) it is necessary on public interest grounds, and

(b) it is proportionate to the purpose for which it is required.

(3) The Governor may make regulations for —

(a) the form and content of warrants;

(b) procedure for application for and issue of warrants;

(c) procedure to be followed in implementing a warrant;

(d) terms and conditions;

(e) duration, renewal, variation and revocation;

(f) a record to be kept specifying the information to be contained in the record in respect of the warrants granted or refused by the courts under this section and that this information be reported to an appropriate person or body every 6 months;

(g) any other ancillary matters.

(4) A warrant under this section is enforceable as if it were an order of the Supreme Court.

(5) It is an offence for a person to fail without reasonable excuse to comply with a provision of a warrant under this section.

(6) A person who is guilty of an offence under this section is liable on conviction to —

(a) imprisonment for a term not exceeding 2 years,

(b) a fine not exceeding level 12 on the standard scale, or

(c) both.

105. Directed surveillance

(1) In this section “directed surveillance” means electronic surveillance which —

(a) is covert and non-intrusive, and

(b) is intended to support an investigation by obtaining private information about a person (whether or not one specifically identified for the purposes of the investigation or operation).

(2) The Governor acting in his or her discretion or a court may grant a warrant for directed surveillance.

(3) The Governor acting in his or her discretion or a court may grant a warrant only if satisfied that —

- (a) it is necessary on public interest grounds, and
 - (b) it is proportionate to the purpose for which it is required.
- (4) The Governor may make regulations for —
- (a) the form and content of warrants;
 - (b) procedure for application for and issue of warrants;
 - (c) procedure to be followed in implementing a warrant;
 - (d) terms and conditions;
 - (e) duration, renewal, variation and revocation; and
 - (f) any other ancillary matters.
- (5) A warrant under this section is enforceable as if it were an order of the Supreme Court.
- (6) It is an offence for a person to fail without reasonable excuse to comply with a provision of a warrant under this section.
- (7) A person who is guilty of an offence under this section is liable on conviction to —
- (a) imprisonment for a term not exceeding 2 years,
 - (b) a fine not exceeding level 12 on the standard scale, or
 - (c) both.

106. Intrusive surveillance

- (1) For the purposes of this section “intrusive surveillance” means covert electronic surveillance of activity on residential premises or in a private vehicle (and does not include the use of devices to provide information only about the location of a vehicle).
- (2) The Governor acting in his or her discretion or a court may grant a warrant for intrusive surveillance.
- (3) The Governor acting in his or her discretion or a court may grant a warrant only if satisfied that —
- (a) it is necessary on public interest grounds, and
 - (b) it is proportionate to the purpose for which it is required.
- (4) The Governor may make regulations for —

- (a) the form and content of warrants;
- (b) procedure for application for and issue of warrants;
- (c) procedure to be followed in implementing a warrant;
- (d) terms and conditions;
- (e) duration, renewal, variation and revocation; and
- (f) any other ancillary matters.

(5) A warrant under this section is enforceable as if it were an order of the Supreme Court.

(6) It is an offence for a person to fail without reasonable excuse to comply with a provision of a warrant under this section.

(7) A person who is guilty of an offence under this section is liable on conviction to —

- (a) imprisonment for a term not exceeding 2 years,
- (b) a fine not exceeding level 12 on the standard scale, or
- (c) both.

(8) In this section a reference to a vehicle includes a reference to a vessel, hovercraft or aircraft.

Encrypted data

107. Requirement to disclose

(1) This section applies where data is encrypted or protected by a password or other secure means and the data has come into the possession of a public body —

- (a) in the exercise of a function under this Ordinance, or
- (b) in the exercise of a function under another enactment.

(2) A public body who believes that a person is likely to possess the key to the encryption (“key to the encryption” includes a password or other access code) may require that person to disclose the key to the public body.

(3) A requirement may be imposed only if the public body is satisfied that —

- (a) it is necessary on public interest grounds, and
- (b) it is proportionate to the purpose for which it is imposed.

- (4) The Governor may make regulations for —
 - (a) the form and content of requirements;
 - (b) procedure for application for and issue of requirements;
 - (c) terms and conditions; and
 - (d) any other ancillary matters.
- (5) A requirement under this section is enforceable as if it were an order of the Supreme Court.
- (6) A requirement under this section may not require the disclosure of a key which is designed to be used, and has been used, only for generating electronic signatures.
- (7) A requirement under this section may include a provision prohibiting any person from communicating the fact or nature of the requirement to any other person (except for the purposes of complying with the requirement).
- (8) It is an offence for a person to fail without reasonable excuse to comply with a requirement under this section.
- (9) A person who is guilty of an offence under this section is liable on conviction to —
 - (a) imprisonment for a term not exceeding 2 years,
 - (b) a fine not exceeding level 12 on the standard scale, or
 - (c) both.

108. General

- (1) Nothing in this Part, or done under this Part, requires the exclusive licensee under Part 7 or any other person to do anything that is not practicable for the licensee or other person, having regard to all the circumstances.
- (2) Where a person on whom a warrant, notice or requirement under this Part is served or proposed to be served is of the opinion that the warrant, notice or requirement requires the person to do something that is not practicable —
 - (a) the person may refer the question to the Magistrates' Court,
 - (b) the decision of the Magistrates' Court shall be final to determine the question, and
 - (c) the Magistrates' Court may make any ancillary order it thinks fit (including modifying or imposing a condition to or limitation on the warrant, notice or requirement).
- (3) In the case of a warrant, notice or requirement served on a person by the Governor —

(a) the person may not refer the question to the Magistrates' Court without giving the Governor such notice as is reasonably practicable, and

(b) the warrant, notice or requirement has no effect until the question has been determined by (or withdrawn from) the Magistrates' Court (and then has effect subject to the determination).

(4) Nothing in this Ordinance prohibits the doing of anything in accordance with lawful authority.

(5) Where a warrant, notice or requirement under this Part is served on a person —

(a) the person may comply with the warrant, notice or requirement wholly or partly by arranging for another person to take the required action; and

(b) the person may disclose the warrant, notice or requirement for that purpose.

PART 14

TELECOMMUNICATIONS APPEALS PANEL

109. The panel

(1) There must be a Telecommunications Appeals Panel ("the Panel").

(2) The Panel must consist of 3 members, appointed by the Governor.

(3) The Governor must appoint one member of the Panel as its Chair.

(4) In making appointments under this section the Governor must —

(a) have regard to the importance of members of the Panel having relevant experience and knowledge;

(b) have regard to the importance of members of the Panel being, and appearing to be, independent of the Government and of licensees;

(c) consult, in respect of the appointment criteria, persons appearing to the Governor to represent the interests of users of electronic communications services, persons appearing to represent the interests of licensees, and such other persons as the Governor thinks appropriate.

(5) Decisions of the Panel must be taken by a majority (subject to provision of regulations under section 110 allowing specified matters to be determined by one or two Panel-members).

110. Regulations

(1) The Governor must make regulations for the constitution and proceedings of the Panel.

(2) The Regulations may, in particular, include provision for —

- (a) the qualification and disqualification of members of the Panel;
 - (b) the tenure of members, and other terms and conditions of appointment;
 - (c) the removal or retirement of members of the Panel;
 - (d) conflicts of interest;
 - (e) the functions of the Chair;
 - (f) the provision of staff of the Panel;
 - (g) the payment of remuneration and allowances to members of the Panel or staff;
 - (h) the sittings of the Panel;
 - (i) the service of notice;
 - (j) setting time limits within which specified action (including commencement of appeals) must be taken;
 - (k) evidence;
 - (l) specific classes of proceedings to be dealt with wholly or partly without a hearing;
 - (m) allowing specific classes of proceedings to be dealt with wholly or partly by a single Panel-member sitting alone, or by two Panel-members;
 - (n) saving the validity of proceedings of the Panel in specified circumstances;
 - (o) conferring a discretion on a specified person.
- (3) Before making regulations under this section the Governor must consult —
- (a) persons appearing to represent the interests of users of electronic communications services,
 - (b) persons appearing to represent the interests of the electronic communications industry, and
 - (c) such other persons as the Governor thinks appropriate.

111. Functions

- (1) The Panel must determine appeals against decisions of the Regulator under this Ordinance.
- (2) The Panel may not determine an appeal against a decision of the Regulator to initiate civil proceedings or any decision to commence criminal proceedings.

112. Annual report

- (1) The Chair of the Panel must make a written report to the Governor about the exercise of the Panel's functions during each calendar year.
- (2) A report must be made as soon as reasonably practicable after the end of the year to which it relates.
- (3) The Governor must —
 - (a) lay a copy of each report before the Legislative Assembly; and
 - (b) publish each report.

PART 15

REPEAL, SAVINGS, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

113. Repeal of Telecommunications Ordinance

- (1) Subject to this Part, the Telecommunications Ordinance 1988 (in this Part referred to as the repealed Ordinance) is repealed.
- (2) Section 61 of the repealed Ordinance continues to apply until a date determined by the Governor by Order in the Gazette.
- (3) The Governor must provide for the disapplication in the Falkland Islands of the Marine, &c. Broadcasting (Offences) Act 1967 and the Mobile Telephones (Re-programming) Act 2002, in the Order under subsection (2).
- (4) The Regulator and the Telecommunications Appeal Panel referred to in the repealed Ordinance cease to exist with effect from the date of commencement of this Ordinance.

114. Saving of licence

A licence issued in terms of Part II of the repealed Ordinance continues to exist on the same terms and conditions as provided in the repealed Ordinance until the date of expiry of the licence or until a new licence is issued under this Ordinance.

115. Amendment of Wireless Telegraphy Ordinance

Section 3 of the Wireless Telegraph Ordinance 1994 is amended —

- (a) in subsection (1)(a) by replacing “Telecommunications Ordinance 1988” with “Communications Ordinance 2017”;
- (b) by replacing the heading with “Saving for Communications Ordinance 2017”.

Passed by the Legislature of the Falkland Islands on 26 January 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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FALKLAND ISLANDS GAZETTE

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31 March 2017

No. 3

Appointment

Mark McLeod, Apprentice Police Constable, Training Centre, Education Department, 27.02.17.

Rex Edward Eagle, Vocational Training Coordinator, Training Centre, Education Department, 03.03.17.

John William Ross, Contracts Engineer, Design Section, Public Works Department, 07.03.17.

Beverley Jane Bates, Deputy Manager, Stanley Leisure Centre, Central Services Department, 14.03.17.

Robyn Diane Culhane, Senior Staff Nurse, Health and Social Services Department, 15.03.17.

David Charles Brown, Attorney General, Law and Regulation Department, 23.03.17.

Tony Steven Burman, Senior Police Constable, Royal Falkland Islands Police, 30.03.17.

Completion of contract

Charles Peter Judge, Attorney General, Law and Regulation Department, 19.03.17.

Renewal of contract

Idah Lorato Motsamai, Legislative Drafter, Law and Regulation Department, 04.03.17.

Nichola Therese Murphy, Team Leader, Health and Social Services Department, 23.03.17.

Resignation

Tiegan Curtis, Clerk, Health and Social Services Department, 02.03.17.

Miriam Ann Newton, Accounts Assistant, Treasury, 10.03.17.

James Anderson Breckenridge, Clerk, Customs and Immigration, Emergency Services Department, 13.03.17.

Declan William Bonner, Apprentice Electrician, Training Centre, Education Department, 21.03.17.

Transfer

Cherie Yvonne Clifford, from Deputy Clerk/PA to the Legislative Assembly to Clerk of the Legislative Assembly and Executive Council (Designate), Legislature Department, 15.03.17.

NOTICES

No. 19

7 March 2017

Public Health Ordinance section 3

Appointment of Member of Health and Medical Services Committee

1. Section 3(2)(c) of the Public Health Ordinance (Title 61.1) provides for the Governor to appoint a member of the public to be a member of the Health and Medical Services Committee.

2. In exercise of my powers under section 3(2)(c), I appoint **Anton Livermore** to be a member of the Health and Medical Services Committee.

3. This appointment has effect from the date given below, and continues in effect for three years in accordance with section 3 of the Public Health Ordinance, unless terminated sooner.

Dated 7 March 2017

R. A. J. MITHAM,
Acting Governor.

No. 20

23 March 2017

Falkland Islands Constitution Order 2008
section 84(4)

Appointment of Attorney General

1. Section 84(4) of the Falkland Islands Constitution Order 2008 (Title 1) provides that the power to appoint to the office of Attorney General is vested in and shall be exercised by the Governor.

2. In exercise of my powers under section 84(4), I appoint **David Charles Brown** to be Attorney General.

3. This appointment has effect from 23 March 2017 and continues in effect until the completion of the said David Charles Brown's contract of employment with the Falkland Islands Government or as earlier determined.

4. Charles Peter Judge's appointment as Attorney General ended on 19 March 2017.

Made 23 March 2017

C. ROBERTS C.V.O.,
Governor.

No. 21

27 March 2017

Administration of Justice Ordinance
(paragraph 3(1) of Schedule 3)

Appointment of Bailiffs

1. Paragraph 3(1) of Schedule 3 to the Administration of Justice Ordinance (Title 22.1) provides for bailiffs to the Courts of the Falkland Islands to be appointed by the Governor following consultation with the Chief Justice or such other person as is nominated by the Chief Justice for the purpose.

2. Following such consultation and in exercise of my powers under paragraph 3(1) of Schedule 3 to the Administration of Justice Ordinance I appoint the following to be bailiffs to the Courts of the Falkland Islands:

Andrew James Scott Furniss; and
Anne Louise Taylor.

3. These appointments have effect from the date given below, and continue in effect until further order or revocation.

Dated 27 March 2017

C. ROBERTS C.V.O.,
Governor.

No. 22

27 March 2017

Application for Permanent Residence

Notice is hereby given that:-

Eugene Valentine Leo;
Vince Porquiado Otadoy;
Senclair Diaz Boybanting;
Maria Marisol Aguilar Paredes;
Meghan Alexandra Law;
Carlos Fernando Aguilera Aguilera; and
Katherine Angelica Chavez Zamorano

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 24 April 2017.

Dated 27 March 2017

J. E. SMITH,
Immigration Officer.

No. 23

27 March 2017

Application for Naturalisation

Notice is hereby given that **Kristina Vincent (nee Viciute)** is applying to His Excellency the Governor for naturalisation as a British Overseas Territories Citizen.

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 and Immigration Department, Stanley no later than 24 April 2017.

Dated 27 March 2017

J. E. SMITH,
Immigration Officer.

No. 24

29 March 2017

Communications Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Communications Ordinance 2017 provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into force on 31 March 2017.

Dated 29 March 2017

C. ROBERTS C.V.O.,
Governor.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

13 April 2017

No. 4

The following are published in this Supplement –

Criminal Procedure and Evidence Ordinance 2014 (Correction) Order 2017 (SR&O No 5 of 2017);

Crimes Ordinance 2014 (Correction) Order 2017 (SR&O No 6 of 2017);

Prisons Ordinance 2017 (No 3 of 2017);

Criminal Procedure and Evidence (Amendment) Ordinance 2017 (No 4 of 2017);

Crimes (Amendment) Ordinance 2017 (No 5 of 2017);

Marriage (Amendment) Ordinance 2017 (No 6 of 2017); and

Prisons Regulations 2017 (SR&O No 7 of 2017).

SUBSIDIARY LEGISLATION

CRIMINAL LAW

Criminal Procedure and Evidence Ordinance 2014 (Correction) Order 2017

S. R. & O. No: 5 of 2017

Made: 14 March 2017

Published: 13 April 2017

Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

1. Title

This Order may be cited as the Criminal Procedure and Evidence Ordinance (Correction) Order 2017.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Correction of Criminal Procedure and Evidence Ordinance 2014

This Order corrects the Criminal Procedure and Evidence Ordinance 2014.

4. Correction of Arrangement of Provisions

The Arrangement of Provisions is amended as follows —

- (a) for section 1, substitute “1. Title and Commencement”;
- (b) for section 153, substitute “153. Bail on an appeal”;
- (c) renumber the second section 153 to 156;
- (d) for section 323, substitute “323. Discretionary excusal”;
- (e) for section 346, substitute “346. Calling of the defendant”;
- (f) in section 404, for “where” substitute “if”;
- (g) for section 419, substitute “419. Evidence by live link by persons generally”;
- (h) for section 465 substitute “victims of sexual offences” with “victims of certain offences”

- (i) in section 475, after “variation” insert “of order”;
- (j) for section 494, substitute “494. Taking previous offences into account”;
- (k) for section 580, substitute “580. Advisory Committee’s functions in relation to release of prisoners on licence”;
- (l) for section 607, substitute “607. Compensation and awards in relation to arrests”;
- (m) for section 681, substitute “681. Further appeals”;
- (n) at the end of section 693, add “in the interests of justice”;
- (o) at the end of section 694, add “restrictions”;
- (p) in section 727 and 728, after “young offenders” insert “and youths”;
- (q) for section 754, substitute “754. Unsworn evidence of a child”;
- (r) in section 758, omit “of youth”;
- (s) in section 775, for “schedule 14” substitute “schedule 13”; and
- (t) in section 782, for “public” substitute “police”.

5. Correction of Headings and subheadings

The section headings and subheadings are amended as follows —

- (a) in the heading for section 84, for “person” substitute “persons”;
- (b) in Part 14, omit the subheading “Preliminary” at the beginning of the Part;
- (c) for the heading for section 230, substitute “Disclosure to Defendant”;
- (d) in the subheading before section 257, for “Institution” substitute “Commencement”;
- (e) in the heading for section 323, for “refusal” substitute “excusal”;
- (f) in the heading for section 536, before “order” insert “relevant”;
- (g) in the headings for section 727 and 728, after “offenders” add “and youths”;
- (h) in the heading for section 729, for “murder, etc.” substitute “certain serious offences”;
- (i) for the heading for section 754, substitute “Unsworn evidence of a child”; and
- (j) in the heading for section 777, at the end add “– Schedule 14”.

6. Correction of References to headings and Part headings

References to headings and Part headings are amended as follows —

- (a) in sections 177(5) and 178(8), for “Proceedings” substitute “Procedure”;
- (b) in sections 611(1), 619(4), 714(2), 717(7) and 773(1), for “Appeals to the Supreme Court” substitute “Appeals to and from the Supreme Court”;
- (c) in section 632(2), for the words in parentheses substitute “References to spent convictions and cautions in court proceedings”;
- (d) in section 720(3), for “murder convictions” substitute “Young offenders convicted of murder”;
- (e) in section 727(4), for “contempt of court” substitute “Sentences on young offenders for contempt, etc.”; and
- (f) in section 729(2)(c), after “child sex offences” insert “committed by youths”.

7. Miscellaneous corrections

The following miscellaneous amendments are made to the Ordinance —

- (a) in section 2(7)(c), omit “(Title 19.3)”;
- (b) in section 11(4)(d), for “that place” substitute “the place in which vehicles would be stopped if the road check were authorised”;
- (c) in section 33(1)(d), for “section 40(2)” substitute “section 40(1)”;
- (d) in section 61(7)(c), omit “or”;
- (e) in section 70(11), for “subsection (9)” substitute “subsection (10)”;
- (f) in section 82(1), in the definition of “health care professional”, after “qualifications in nursing” add “, midwifery or health visiting”;
- (g) in section 84(1)(b), for “section 59(7)” substitute “section 60(7)”;
- (h) subsection 89(5) is omitted;
- (i) in section 90 —
 - (i) in subsection (7), for “subsection (6)” substitute “subsection (8)”;
 - (ii) in subsection (9), for “subsection (7)”, substitute “subsection (8)”;
- (j) in section 91(15), omit “and the fact referred to in subsection (14)(b)”;

- (k) in section 94(20), for “section 112” substitute “section 111”;
- (l) in section 95(7), for “subsection (5)” substitute “subsection (6)”;
- (m) in section 104(2)(a), for “section 91(12)” substitute “section 91(11)”;
- (n) in section 126(1), for “For purposes” substitute “For the purposes”;
- (o) in section 128(1), omit “and (4)”;
- (p) in section 134(3)(b), for “section 46” substitute “section 67”;
- (q) in section 136(2)(b), after “3 months” insert “referred to in subsection (1)(b)”;
- (r) in section 143(5), for “subsection (1) or (2)” substitute “subsection (1), (2) or (3)”;
- (s) in section 154(2), for the second occurrence of “762” substitute “764”;
- (t) in section 169(4), for “subsection (1)(c)” substitute “subsection (2)(c)”;
- (u) in section 170(3), for “subsection (2)” substitute “subsection (1)”;
- (v) in section 171 —
 - (i) in subsection (1)(b), for “under that age” substitute “a youth”; and
 - (ii) in subsection (3), for “subsection (3)” substitute “subsection (2)”;
- (w) in section 176 —
 - (i) in subsection (3), for “483” substitute “section 480”; and
 - (ii) in subsection (4), after “Appeals to” insert “and from”;
- (x) in section 186(1)(b), for “any sentence has not been enforced or monetary judgment” substitute “any sentence or monetary judgment has not been enforced”;
- (y) in section 192(2), for “section 208(10)” substitute “section 309(10)”;
- (z) in section 200(6), for “section 202” substitute “section 201”;
- (aa) in section 202, for “sections 200 and 201” substitute “section 201”;
- (bb) in section 227 —
 - (i) for subsection (1), substitute “This section applies in the 2 cases set out in subsections (2) and (4).”;

- (ii) omit subsection (3); and
- (iii) in subsection (4), for “third” substitute “second”;
- (cc) in section 235(1)(a), for “225(2)” substitute “225(7)”;
- (dd) in section 239(1)(a), after “225(2)” insert “or (7)”;
- (ee) in section 252 —
 - (i) in subsections (1)(c) and (4), omit the words “of a kind referred to in subsection (1)(b)”;
 - (ii) in subsection (5), for “, as defined in section 249(4)” substitute “(as defined in section 249(4))”;
- (ff) in section 263(3), for “subsection (6)” substitute “subsection (5)”;
- (gg) in section 264(1), for “section 144” substitute “section 244”;
- (hh) in section 271 —
 - (i) in subsections (1)(a) and (3)(b)(ii), for “notification” substitute “notice”;
 - (ii) in subsection (8), before “court must endorse” insert “the”;
 - (iii) in subsection (10) —
 - (aa) for “266(4)” substitute “266(5)”;
 - (bb) for “266(2)” substitute “266(3)”;
- (ii) for section 272(4), substitute —

“(4) The further modification for the purposes of subsection (2) of this section is that section 271 applies as if any reference to the notification under subsection (1) of that section were a reference to the consent under subsection (2) of this section.”;
- (jj) in section 283(1) —
 - (i) omit “and” at the end of paragraph (b);
 - (ii) omit paragraph (c); and
 - (iii) before “the court may” insert “and the recognisance appears to the court to be forfeited,”;

(kk) in section 284, omit subsection (3);

(ll) in section 319(5), for “section 319” substitute “this section”;

(mm) in section 320 —

(i) in subsection (1), omit “the provisions of”; and

(ii) in subsection (2), omit “either” and “or (2)”;

(nn) in section 322(1)(a), at the end of the paragraph add “or”;

(oo) in section 323(1), omit “, and must do so if the reason shown is that the person is entitled to excusal under subsection (1)”;

(pp) in section 327(2), omit from “(unless” to “jurors)”;

(qq) in section 343(3), for “subsection (1)” substitute “this section”;

(rr) in section 355(2), before “compellable”, insert “, subject to subsection (4),”;

(ss) in section 360(4) —

(i) insert a comma after “convicted”;

(ii) delete the comma after “subsection (3)”;

(iii) insert a comma after “proved”;

(tt) in section 362(2), delete the comma after “to give in evidence”;

(uu) in section 403(4), for “section 394” substitute “section 395”;

(vv) in section 408(9), omit from “may be served...” to the end, and insert “will be served in accordance with section 784.”;

(ww) in section 422(b), for “section 418” substitute “section 419”;

(xx) in sections 423(2)(a) and (3), for “section 418 or 419” substitute “section “419 or 420”;

(yy) in section 430(3), for “sections 435(2) and (3)” substitute “sections 435(4) and (5)”;

(zz) in section 433 —

(i) in subsection (2), for “or 429” substitute “or 427”; and

(ii) in subsection (3) —

- (aa) after “give a special measures direction” insert “under section 429”; and
- (bb) at the end of the subsection omit “under section 429”;
- (aaa) in section 440 —
 - (i) in subsection (1), for “section 441” substitute “section 438”; and
 - (ii) in subsection (4), for “subsection (2)” substitute “subsection (3)”;
- (bbb) in section 446(1), for “section 448” substitute “section 445”;
- (ccc) in section 447(7)(a), omit “the jury, if any.”;
- (ddd) in section 452(5) omit “special measures”;
- (eee) in section 456(2), for “Section 454” substitute “Section 455”;
- (fff) in section 458(4) —
 - (i) for “section 468” substitute “section 465”; and
 - (ii) after “reporting of identity” insert “of victims of certain offences”;
- (ggg) in section 463(2)(b), (3)(b) and (4)(b), for “section 462(2)” substitute “section 458(2)”;
- (hhh) in sections 466(1), (6) and (8), and sections 467(2) and (6), for “section 468” substitute “section 465”;
- (iii) in section 466(4), for “subsection (2)” substitute “subsection (3)”;
- (jjj) in section 478(1), for “forseeably” substitute “foreseeably”;
- (kkk) in section 489, wherever “offender” or “an offender” appears substitute “person” or “a person”;
- (lll) in section 510(5), omit “(1)”;
- (mmm) in sections 510(1), 511(1), 512(1), 513(1), 514(1), 515(1), 516(1), 517(1), 518(1), 520(1), 523(1), 524(1), 526(1), and 527(1), for “Part” substitute “section”;
- (nnn) in section 516, omit subsection (5);
- (ooo) in section 521(1)(e), for “communicated to the probation officer” substitute “of any tests carried out under the order”;
- (ppp) in section 530(3), after “specified in the certificate” insert “(if that is the case)”;

(qqq) in section 534(2), omit paragraph (c);

(rrr) in section 539(1), for “section 535” substitute “section 537”;

(sss) in section 544(1), for “section 545” substitute “section 543”;

(ttt) in section 562(1), for “against” substitute “under”;

(uuu) in sections 567(8) and (10)(a), for “subsection (1)” substitute “section 566(1)”;

(vvv) in section 571(8)(a), for “section 568(3)” substitute “section 569(1) or (2)”;

(www) in section 578(2), omit from “, or in the making” to the end;

(xxx) in sections 580(1), 716(3), 717(1) and 718(8), omit “on the Prerogative of Mercy”;

(yyy) in sections 596(2)(a) and (4), for “debtor” substitute “defendant”;

(zzz) in section 598(3), for “section 603(3)” substitute “section 599(3)”;

(aaaa) in section 600(1), for “subsection (5)” substitute “subsection (3)”;

(bbbb) in section 610 —

- (i) in subsection (1), for “subsection (2)” substitute “subsections (2) and (3)”;
- (ii) omit subsection (4);

(cccc) in section 612(4), for “subsection (2)” substitute “subsection (3)”;

(dddd) in section 619(1), for “section 620(2)” substitute “section 620(1)”;

(eeee) in section 620(2), after “section 619(1)” insert “and (2)”;

(ffff) in section 623(3) —

- (i) in paragraph (a), for “section 623(4)” substitute “section 622(4)”;
- (ii) in paragraph (b), for “section 619” substitute “section 621”;

(gggg) in sections 627(1) and (2), for each instance of “individual” or “an individual”, substitute “person” or “a person” as the case may be;

(hhhh) in section 630(4), for “this section” substitute “Schedule 10”;

(iiii) in section 631(5), for “subsection (7)” substitute “subsection (6)”;

(jjjj) in section 633(3) —

(i) in paragraph (a), after the semi-colon insert “or”;

(ii) in paragraph (b)(iii) —

(aa) after “relates to a person” insert “(‘C’)”; and

(bb) at the end of the sub-paragraph, omit “and”;

(iii) omit the label “(c)”; and

(iv) before “the person to whom the question relates” insert “and”;

(kkkk) in section 633(5), for “Section 628(3)” substitute “Section 628(2)”;

(llll) in section 646 —

(i) omit the label “(1)”; and

(ii) in the definition of “witness”, after “the person gives evidence” omit “or is” and insert “and whether”;

(mmmm) in section 651(3), for “any other matter than costs” substitute “any matter other than costs”;

(nnnn) in sections 670(6)(b) and (7)(b), for “subsection (5)” substitute “subsection (4)”;

(oooo) in section 672(2), after “in respect” insert “of”;

(pppp) in section 679(1), before “suspended” omit “be”;

(qqqq) in section 680(5), for “subsection (1)(b)” substitute “subsection (2)(b)”;

(rrrr) in section 687(3)(a), for “as respects” substitute “in respect of”;

(ssss) in section 698(2)(a), for “section 697(2)” substitute “section 697(4)”;

(tttt) in section 699 —

(i) in subsection (3)(b), for “section 59(7)” substitute “section 60(7)”;

(ii) in subsection (5), after “which it appears to”, omit “that officer” and insert “the custody officer”;

(iii) in subsections (5)(a) and (b), before “officer” insert “custody”;

(iv) in subsection (6)(a)(i), for “the officer has before him” substitute “there is”;

(v) in subsection (6)(b), omit sub-paragraph (ii) and renumber the remainder as a single paragraph; and

(vi) in subsection (7) —

(aa) for “(6)” substitute “section 61(1) to (6)”; and

(bb) for “and (12)” substitute “and (14)”; and

(uuuu) in section 700 —

(i) in subsection (1), for “section 689(4)”, substitute “section 699(4)”; and

(ii) in subsection (1)(a), for “subsection (1)” substitute “subsection (2)”; and

(iii) in subsection (1)(b), for “section 61” substitute “section 65”; and

(iv) in subsection (6), for “section 689(1)” substitute “section 699(1)”; and

(vvvv) in section 705(6), after “Accordingly,” insert “and without limiting the generality of the fourth condition,”;

(www) in section 709(1), for “subsection (1)” substitute “section 708(1)”; and

(xxxx) in section 712(2), for “subsection (3)” substitute “subsection (1)”; and

(yyyy) in section 720(3)(b), for “out” substitute “out”;

(zzzz) in section 726 —

(i) in subsection (1), for “section 730(2) and (3)” substitute “section 730(1) and (2)”; and

(ii) in subsection (5), for “subsection (7)” substitute “subsection (6)”; and

(iii) in subsection (6), for “subsection (6)” substitute “subsection (5)”; and

(aaaa) in section 728 —

(i) in subsection (2), for “any” substitute “a”; and

(ii) in subsection (7), omit “under that Part”;

(bbbbb) in section 731(1), in “an order for fixing” omit “for”;

(cccc) in section 739(1), for “section 741” substitute “section 740”;

(ddddd) in section 741(8), after “reparation” insert “order”;

(eeee) in section 755(5), for “they” substitute “those proceedings”;

(ffff) in section 761(1), in the definition of “hospital treatment order” —

- (i) after “hospital treatment order”, insert “and hospital order”; and
- (ii) in each place where “has” appears, substitute “have”;

(ggggg) in section 768(3)(b), for “the” substitute “any”;

(hhhhh) in section 772(5), for “subsection (2)” substitute “subsection (1)”;

(iiii) in section 777(4)(c), for “section 778(5)” substitute “section 778(1)”;

(jjjjj) in section 784(2), for “Director” substitute “a director”; and

(kkkkk) in section 786(2), for “on order” substitute “in order”.

8. Correction of Schedule 13 – Criminal Justice Council and Sentencing Guidelines Committee

Schedule 13 is amended as follows —

- (a) in paragraph 19(1), for “section 776” substitute “section 776(2)”;
- (b) in paragraph 19(2), for “section 776(f)” substitute “section 776(2)(f)”;
- (c) in paragraph 30(d), for “paragraph 36” substitute “paragraph 38”;
- (d) in paragraph 33(b), for “paragraph 30” substitute “paragraph 32”;
- (e) in paragraph 34(b), for “paragraph 26” substitute “paragraph 32”;
- (f) in paragraph 36, for “paragraph 33(b)” substitute “paragraph 35(b)”;
- (g) in paragraph 37 —
 - (i) in sub-paragraph (a), for “paragraph 26” substitute “paragraph 32”;
 - (ii) in sub-paragraph (a)(i), for “paragraph 30” substitute “paragraph 35”;
 - (iii) in sub-paragraph (b), for “paragraph 30” substitute “paragraph 32”; and
 - (iv) in sub-paragraph (b)(i), for “paragraph 34” substitute “paragraph 35”.

9. Miscellaneous corrections to Schedules

The following miscellaneous amendments are made to the Schedules —

- (a) in Schedule 2, paragraph 7, for “section 94(9)” substitute “section 94(10)”;
- (b) in Schedule 3, Code ‘C’, paragraph C3.13(b), after “Children Ordinance” insert “2014”;
- (c) in Schedule 5, Form 1, under the subheading “Prosecution costs”, for “fees that they may change” substitute “fees that they may charge”;
- (d) in Schedule 6, Part 1, under the subheading “Group C”, omit both occurrences of the word “Force”;
- (e) in Schedule 7, Part A —
 - (i) in paragraph 6, after “stealing” insert “, etc.”; and
 - (ii) in paragraph 10, for “1 to 10” substitute “1 to 9”.
- (f) in Schedule 7, Part B —
 - (i) in paragraph 12, after “inducement”, omit “threat or deception” and insert “etc.”; and
 - (ii) in paragraph 15, for “1 to 15” substitute “1 to 14”; and
- (g) in the heading for Schedule 8, including in the Index to the Schedules, omit “for offences”.

11. Correction of References to Royal Falkland Island Police Force

References to Royal Falkland Island Police Force are amended as follows —

- (a) in each of the following sections, omit the word “Force” wherever it appears —
 - (i) section 2(1);
 - (ii) section 95(5)(a);
 - (iii) section 641(5); and
 - (iv) Schedule 6, Part 1; and
- (b) in Schedule 11, Part 2, paragraph 2, for “Falkland Islands Police Force” substitute “Royal Falkland Islands Police”.

12. Correction of References to United Kingdom Central Council for Nursing, Midwifery and Health Visiting

References to United Kingdom Central Council for Nursing, Midwifery and Health Visiting are amended in each of the following provisions, for “United Kingdom Central Council for Nursing, Midwifery and Health Visiting” substitute “Nursing and Midwifery Council” —

- (a) section 2(1), in the definition of “health care professional”;
- (b) section 82(1), in the definition of “health care professional”; and
- (c) Schedule 3, Code C, Note 9A.

Made 14 March 2017

C. P. Judge M.B.E.,
Attorney General

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

This order corrects typographical errors and wrong cross references. Due to the extensive changes that were made to the Ordinance during its passing in the Legislative Assembly, some typographical errors crept in when consolidating the text. Correction of errors in cross references is also done.

SUBSIDIARY LEGISLATION

CRIMINAL LAW

Crimes Ordinance 2014 (Correction) Order 2017

S. R. & O. No: 6 of 2017

Made: 14 March 2017

Published: 13 April 2017

Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

1. Title

This Order may be cited as the Crimes Ordinance 2014 (Correction) Order 2017.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Correction of Crimes Ordinance 2014

This Order corrects the Crimes Ordinance 2014.

4. Arrangement of provisions amended

The Arrangement of provisions is amended in the title for Part 11 by omitting “Sex” and replacing it with “Sexual”.

5. Section 2 amended – Interpretation

Section 2 is amended in the definition of “criminal procedure rules” as follows —

(a) by inserting “of the Criminal Procedure and Evidence Ordinance 2014” after “section 785”;

(b) omitting “2013” and replacing it with “2015”;

(c) after “Wales” insert “as amended or updated from time to time and”.

6. Miscellaneous amendments

The Crimes Ordinance 2014 is corrected as follows —

(a) in section 11(1)(a) omit the second “or”;

- (b) in section 14(5) omit “to charge” and replace with “to a charge”;
- (c) in section 14(6)(a) omit the second “or”;
- (d) in section 16(5)(c) omit “issues” and replace with “is issued”;
- (e) in section 24(5)(a) omit the second “or”;
- (f) in section 30(3)(c) omit “subsection (5)” and replace with “subsection (4)”;
- (g) in section 30(5) omit “ceases to be an offence” and replace with “is abolished”;
- (h) in section 32(9) —
 - (i) in subsection (a), omit “and”;
 - (ii) at the end of subsection (b), insert “and”;
 - (iii) after subsection (b), insert the following new paragraph —

“(c) in relation to an offence under section 31(4) – a reference to any of the offences mentioned in subsection (4).”;
- (i) in section 33 —
 - (i) in subsections (2)(b) and (3)(a), omit “section 31(2)” and replace with “section 31(3)”;
 - (ii) in subsection (4)(b), omit “section 31(3)” and replace with “section 31(4)”;
- (j) in section 35(4), omit “section 40” and replace with “section 36”;
- (k) in section 36(6), at the end of the subsection insert “and treated as a question of law”;
- (l) in section 37(4), omit “subsection (6)” and replace with “subsection (5)”;
- (m) in section 55(1)(a), omit “aiding and abetting” and replace with “assisting”;
- (n) in section 67 —
 - (i) subsection (b) omit “or attempts to apply or administer” and replace with “applied or administered”;
 - (ii) subsection (c) omit “cause to be administered to or taken by another person ‘B’” and replace with “do any of the things in subsections (a) and (b)”;
- (o) in section 72 —

(i) omit the penalty at the end of subsection (1), and replace with “Imprisonment for 1 month or a fine at level 3 on the standard scale, or both.”;

(ii) omit the penalty at the end of subsection (2), substitute “As provided in subsections (3) to (5).”;

(p) in section 77(1)(d)(i), at the end of the subparagraph, insert “or”;

(q) in section 78(5), for “section 722” substitute “section 724”;

(r) in section 90(6)(a), omit “A and B are both” and replace with “either A or B or both are”;

(s) in section 101(6) —

(i) omit “In particular” to the end become a new subsection, numbered (7);

(ii) omit “that statement”, and replace with “subsection (6)”;

(t) in section 102(3)(d), omit “subsection (8)” and replace with “subsection (7)”;

(u) in section 105(7), omit the words in brackets and replace with “Power of justice of the peace to summon witnesses”;

(v) in section 119, omit “Section 780” and replace with “Section 782”;

(w) in section 121, in the heading, insert “of Part” at the end;

(x) in section 141(5) —

(i) after “A person’s” insert “(‘A’)”;

(ii) after “another” insert (“B”);

(iii) omit “the person whose conduct it is” and replace with “A”;

(iv) omit each occurrence of “the other” and replace with “B”;

(y) in section 152 (1) omit “under this Ordinance” which appears immediately after “offence”.

(z) in section 165(1), omit “let on”;

(aa) in section 168 —

(i) subsection (1), omit “to which subsection (1) relates” and replace with “under any of sections 165 to 167”;

- (ii) after each occurrence of “the crossbow” insert “(or, as the case may be, the parts of a crossbow)”;
- (bb) in section 185(2), omit “section 184” and replace with “section 42”;
- (cc) in section 188, omit “ordinance” wherever it appears and replace with “ordnance”;
- (dd) in section 191 —
 - (i) omit “Acts” and replace with “Act”, and
 - (ii) omit “or 1923”;
- (ee) in section 194(1)(b), omit “fruit or foliage” and replace with “fruit, foliage”;
- (ff) in section 201(1), omit “that do so” and replace with “that to do so”;
- (gg) in section 233(1)(c), omit “the person” and replace with “A”.
- (hh) in section 247(2) —
 - (i) omit “purpose” and replace with “purposes”, and
 - (ii) omit “subsection (1)(b)” and replace with “subsection (1)”.
- (ii) in section 252(8), omit “subsection (6)” and replace with “subsection (7)”;
- (jj) in section 269(3), for “sections 264, 265 and 267” substitute “sections 267 and 268”;
- (kk) in section 290 —
 - (i) subsection (3), after “sent” insert “from”;
 - (ii) subsection (4), omit “as an offence”;
- (ll) in section 291(2)(a), omit “offences against children under 13” and replace with “rape etc. against children under 13”;
- (mm) in section 292(4), for “subsection (2)” substitute “subsection (3)”;
- (nn) in section 300(2)(a), omit “relevanmt” and replace with “relevant”;
- (oo) in sections 302(1) and (3), omit “299(1) or 300(1)” and replace with “299(1), 300(1) or 301(1)”.
- (pp) in section 303(1), in the table, for “section 336(1)(a) to (c)” substitute “section 336(1)(a) to (b)”;

(qq) in section 304(1), omit “section 304(1)” and replace with “section 303(1)”;

(rr) in section 305(2)(a), omit “section 298(1), 299(1) or 300(1) or a requirement imposed by or under section 301” and replace with “the relevant requirement”;

(ss) in section 306(2)(a)(i), omit “insanity” and replace with “mental disorder”;

(tt) in section 316(1), after “under 18,” insert “to”;

(uu) in section 316(2)(d), omit “cautioned” and replace with “dealt with in a way equivalent to the giving of a caution”;

(vv) in section 317(4), omit “299” and replace with “300”;

(ww) in section 322(4) —

(i) insert “(5)” at the beginning of the sentence “For this purpose” and omit “this purpose” appearing in that sentence and replace with “the purposes of subsection (4)”;

(ii) renumber the rest of the subsections immediately below the new subsection (5)

(xx) in section 325(3) —

(i) insert “(4)” at the beginning of the sentence “Any renewed or varied order” and omit “this purpose” appearing in that sentence and replace with “the purposes of subsection (3)”;

(ii) renumber the rest of the subsections immediately below the new subsection (4);

(yy) in section 328 —

(i) (1)(c) omit “on an application under section 321(4)” and replace with “by virtue of section 321(3)”;

(ii) (5) omit for “subsection (1)(c) or (2)” and replace with “subsection (1)(c), (2) or (3)(b)”;

(zz) in section 334 —

(i) subsection (2), insert “of” immediately after “on the application” appearing on the first line of that subsection;

(ii) insert “(4)” at the beginning of the sentence “Any renewed or varied order” and omit “this purpose” and replace with “the purposes of subsection (3)”;

(iii) renumber the rest of the subsections immediately below the new subsection (4);

(aaa) in section 343(2), omit paragraph (c);

(bbb) in section 346(2), omit “Sections 351(1) and 352(1)” and replace with “Sections 350(1), 351(1) and 352”;

(ccc) in section 354(3) omit “subsection (3)” and replace with “subsection (4)”;

(ddd) in section 355(2), reorder the definitions in alphabetical order;

(eee) in section 389(1)(a)(i), omit “the”;

(fff) in section 407(4), omit “subsection (1)” and replace with “subsection (5)”;

(ggg) in section 411(5)(a) is amended by inserting “deletion,” after “damage”.

(hhh) in section 415(4), omit “section 417” and replace with “section 418”;

(iii) in section 418(2), omit “section 416” and replace with “section 417”;

(jjj) in section 429 —

(i) omit “410” and replace with “409”; and

(ii) omit “415” and replace with “414”;

(kkk) in section 430 —

(i) omit “410” and replace with “409”; and

(ii) omit “413” and replace with “414”;

(lll) In section 440(2)(a), omit “or”;

(mmm) in section 442(4), omit “(c)” and replace with “(d)”;

(nnn) in section 452(4), omit “legal” and replace with “lawful”;

(ooo) in section 454(3)(b), omit “Part 4” and replace with “Part 3”;

(ppp) in section 460(1)(c), omit “387 and 388” and replace with “484 to 486”;

(qqq) in section 496(3)(b), omit “section 503” and replace with “section 501”;

(rrr) in section 502(5), omit “Act of 2006” and replace with “UK Armed Forces Act 2006”;

(sss) in section 508(1) insert “or threatening” immediately after “each of the persons using”

(ttt) in section 532(2), after “inclusion” insert “in a programme service”;

(uuu) in section 541(3), omit “section 548” and replace with “section 538”;

(vvv) in section 547(a), after “Wounding” insert “etc.”;

(www) in section 557(1) —

(i) in the definition of “displaced residential occupier” omit “section 573” and replace with “section 559A”;

(ii) in the definition of “intending residential occupier” omit “section 574” and replace with “section 559B”; and

(xxx) in section 569, in the heading, omit “distribution” and replace with “distribute”.

7. Amendments to Schedules

The Schedules to the Crimes Ordinance 2014 are corrected as follows —

(a) in Schedule 1, in the heading before paragraph 12, at the end, insert “or Summary Court”.

(b) in Schedule 2, Part A —

(i) in paragraph 1, omit “Offences outside” and replace with “Sexual offences outside”;

(ii) in paragraph 1(c), in the entry beginning “sections 231 to 234”, after “mental disorder” insert “impeding choice”;

(iii) in paragraph 1(c), omit “Offences by care workers” and replace with “Care workers for persons with a mental disorder”;

(iv) in paragraph 1(e), omit “section 279 or 280” and replace with “section 20, 279 or 281”.

(c) in Schedule 2, Part B —

(i) after “Encouraging” insert “, etc.”;

(ii) omit “227” and replace with “221”.

(d) in Schedule 3, under the heading “Offences under the Sexual Offences Act 2003 as applied to the Falkland Islands by the Schedule to the Sexual Offences Ordinance 2005”, in para.9, omit “sections 17 to 20” and replace with “sections 16 to 19”.

(e) in Schedule 3, under the heading “Offences under Part 10 of this Ordinance” —

(i) in paragraph 17, omit “section 258” and replace with “section 259”;

(ii) in paragraph 18, omit “section 262” and replace with “section 260 or 261”.

(f) in Schedule 4 —

(i) in the entry for section 88, omit “Female” and replace with “Offence of female”;

(ii) in the entry for section 90, omit “Forced” and replace with “Offence of forced”;

(iii) in the entry for sections 260 to 263, omit “Exploitation of prostitution” and replace with “Abuse of children through prostitution and pornography”;

(iv) in the entry for section 275, omit “Sex trafficking” and replace with “Trafficking people for sexual exploitation”;

(v) in the entry for section 347, omit “Theft” and replace with “Offence of theft”;

(vi) omit the entry reading “Outraging public decency at common law”;

(vii) omit “section 1 of the UK Terrorism Act 2005 (Hostage-taking)” and replace with “section 1 of the Taking of Hostages Act 1982”.

Made 14 March 2017

C. P. Judge M.B.E.,
Attorney General.

EXPLANATORY NOTE
(not forming part of the order)

This order corrects typographical errors and cross-references in the Crimes Ordinance 2014.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Prisons Ordinance 2017

(No. 3 of 2017)

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ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

PRISONS ORDINANCE 2017

(No: 3 of 2017)

(assented to: 6 April 2017)
(commencement: in accordance with section 1)
(published: 13 April 2017)

AN ORDINANCE

To provide for the custody of prisoners and the regulation of prisons; to provide for the staffing and operation of prisons; to incorporate best practice principles of relevant international human rights conventions and to repeal the Prison Ordinance (No. 5 of 1966) and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Prisons Ordinance 2017.

(2) This Ordinance comes into operation on a day appointed by the Governor by notice published in the *Gazette*.

2. Interpretation

In this Ordinance, unless otherwise stated or the context otherwise requires —

“Board” means the Prison Monitoring Board established under section 13;

“civil prisoner” means any prisoner other than a convicted prisoner or a remand prisoner;

“communication” includes communication by means of a letter, telecommunications, computer system or any other media;

“convicted prisoner” means any person convicted of a crime or offence or ordered to pay a fine or penalty or other penal sum or to enter into a recognizance, who is committed to prison;

“detainee” means a person detained —

(a) by the police under Part 5 of the Criminal Procedure and Evidence Ordinance 2014; or

(b) under the Immigration Ordinance 1999 and is awaiting deportation;

“drug” means a controlled drug for purposes of the Misuse of Drugs Ordinance 1987;

“hospital” means the King Edward VII Memorial Hospital in Stanley or any other hospital approved by the Governor by order for the purposes of this Ordinance;

“illicit enclosure” includes an unauthorised article or information that would compromise security and safety that is contained within any communication to or from a prisoner;

“independent adjudicator” means the Senior Magistrate or a justice of the peace;

“intimate search” means a search which involves a physical examination which is more than a visual examination of a person’s body orifices;

“justice of the peace” means a justice of the peace appointed under the Administration of Justice Ordinance 1949;

“medical officer” means the Chief Medical Officer and any other Government medical officer assigned to perform the duties of the medical officer under section 44;

“misconduct” means conduct by a prisoner which amounts to a breach of prescribed prison instructions or offences against discipline;

“Officer in Charge” means the person appointed or deemed to have been appointed by the Governor under section 6(1) to be in charge of a prison;

“pardon” means a pardon granted by the Governor in terms of section 71 of the Constitution;

“police officer” means a member of the Royal Falkland Islands Police appointed under the Police Ordinance 2000;

“prescribed” means prescribed in regulations or by order;

“prison” means a place which the Governor declares under section 3 as —

(a) a prison or young offender detention centre; or

(b) a part of a prison or a part of a young offender detention centre;

“prisoner” means a civil prisoner, convicted prisoner or a remand prisoner confined or detained in a prison and excludes a detainee;

“prison instructions” means instructions issued under section 7(4);

“prison staff” means the Officer in Charge, prison officers and other prison staff appointed under section 6;

“privilege” means a privilege earned by a prisoner for good behaviour in prison;

“regulations” means regulations made in terms of this Ordinance;

“remand prisoner” means an accused person who is committed to prison on remand or to await trial;

“strip search” means a search which is not an intimate search but which involves the systematic removal of all clothing on a person;

“suitably qualified person” means a medical officer or a person who is specified as suitably qualified under section 28(9);

“unauthorised articles” means —

(a) intoxicating liquor of any kind, tobacco, any drug and any other thing of any kind which a prisoner is not authorised in the prison instructions or by the Officer in Charge to have in the prisoner’s possession or, as the case may be, for the prisoner to have in his or her possession in a particular part of a prison; or

(b) any other article that may be prescribed;

“young offender” means an adult under the age of 21 who is convicted of an offence and sentenced to prison under Part 33 of the Criminal Procedure and Evidence Ordinance 2014;

“young person” means a person who has attained the age of 14 years and is under the age of 18 years; and

“young offender detention centre” means an institution which the Governor declares as a young offender detention centre under section 3.

3. Declaration of prisons

(1) The Governor may by order published in the Gazette declare a place to be —

(a) a prison or part of a prison; or

(b) a young offender detention centre or part of a young offender detention centre,

for the purposes of this Ordinance.

(2) The prison adjoining the police station on Ross Road in Stanley continues to be a prison and rooms that are occasionally used as a young offender institution will be regarded as a young offender detention centre, for purposes of subsection (1).

(3) A prison must be known as Her Majesty's Prison or Her Majesty's young offender detention centre.

4. General principles

(1) Prison staff must hold prisoners safely and securely in line with a prisoner's warrant of committal or warrant of detention by —

(a) ensuring the safety of the public and in terms of the order of the court, by keeping prisoners in custody and preventing their escape; and

(b) ensuring compliance with the prison security and searching strategy in order to provide a safe and secure custodial environment.

(2) Prison staff must aim to reduce the risk of re-offending by a prisoner and must treat prisoners in such a way as to —

(a) influence them through their own good example and leadership;

(b) enlist their willing co-operation; and

(c) build their self-respect and a sense of personal responsibility.

(3) Prison staff must —

(a) look after prisoners in a humane manner and with respect for the dignity of the human person;

(b) treat all prisoners equally and without distinction of any kind on the basis of —

(i) race, colour, or language;

(ii) subject to subsection (4), gender, sexual orientation, age, health status or physical or mental impairment;

(iii) religion or religious belief;

(iv) political or other opinion;

(v) national, ethnic or social origin or association with a national minority;

(vi) birth or other status; or

(vii) ownership or other interest in or association with property (or lack of the ownership, interest or association);

(c) obey the lawful orders of the Officer in Charge, aimed to protect and promote the rights of all persons deprived of their liberty to be treated with humanity and with respect for the dignity of the person, in compliance with section 7 of the Constitution;

(d) help prisoners to lead law-abiding and useful lives in custody; and

(e) help prepare prisoners to lead law-abiding and useful lives after release.

(4) The Officer in Charge may put in place measures designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and young offenders, or other vulnerable groups referred to in subsection (5) and those measures must not be considered to be discriminatory, but the measures must be subject to constant review by the Officer in Charge.

(5) Vulnerable groups include a prisoner with special and particular needs on account of age, a prisoner who has a physical disability or mental condition as to require special care or any other vulnerable groups as may be prescribed.

(6) A prisoner must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment as provided in section 3 of the Constitution.

(7) The Officer in Charge, in managing a prison and the prison staff, must have regard to the different needs of the following categories or classes of prisoners —

(a) civil prisoners, convicted prisoners and remand prisoners;

(b) male and female prisoners; and

(c) adult, or young persons.

(8) A prisoner may not be engaged in a disciplinary position in relation to another prisoner.

(9) A female prison officer must supervise and attend to female prisoners when on duty but when a male officer is supervising the female prisoners alone, the Officer in Charge must take all reasonable steps to ensure that there is, at the same time a permanent recording of the male officer's actions.

5. Engagement with post release support agencies

The Officer in Charge must ensure that at all times there are arrangements for collaboration with agencies that provide support to prisoners who are soon to be released and at the point of release.

PART 2 – PRISON STAFF

6. Designation of Director of Prisons and appointment of prison staff

(1) The Governor may designate a public officer as a Director of Prisons who is responsible for—

- (a) the oversight of all prisons;
- (b) ensuring that prisons operate in line with Government policy; and
- (c) preparation of an annual report for the Governor,

and the position of Director may be held together with an appointment in another position in the public service.

(2) The Governor must appoint a suitably qualified person as an Officer in Charge of a prison to control and manage the prison.

(3) Subject to section 11, the Governor must appoint prison officers and other prison staff as are necessary for the proper running of a prison.

(4) The Officers in Charge and prison officers, while performing their duties have all the powers and immunities of a police officer which are necessary for them to effectively perform their functions under this Ordinance and sections 54, 55 and 58 of the Police Ordinance 2000 applies to prison staff with the necessary changes.

7. Duties of the Officer in Charge

(1) Subject to the orders and directions of the Governor, the Officer in Charge must —

- (a) exercise control and superintendence over a prison;
- (b) supervise the prison staff in the performance of their duties;
- (c) comply with lawful directions given by the Director of Prisons; and
- (d) prepare a report for submission to the Director of Prisons to form part of the Director's annual report.

(2) The Officer in Charge may delegate to a member of the prison staff duties as appropriate for the effective and efficient management of a prison.

(3) The Officer in Charge is the legal custodian of all prisoners and a prisoner is in legal custody while —

- (a) confined in, being taken to or from a prison;
- (b) outside a prison under the control of a prison officer or police officer;

(c) released under licence in terms of section 47 or on temporary release under section 48.

(4) The Director of Prisons may, with the approval of the Governor acting in his or her discretion, issue prison instructions, not incompatible with this Ordinance or any regulations —

(a) to assist prison staff in the discharge of their duties; and

(b) to be observed by prisoners.

8. General duties of prison staff

(1) Prison staff must —

(a) comply with and implement this Ordinance, regulations and any prison instructions issued by the Officer in Charge;

(b) assist and support the Officer in Charge; and

(c) obey the lawful instructions given by the Governor and Officer in Charge.

(2) Prison staff must immediately inform the Officer in Charge of any abuse or impropriety in prison which comes to their knowledge.

(3) Prison staff may not receive a fee, gratuity or other consideration in connection with their office (apart from salary, allowances and pension).

(4) A prison officer may not make a communication to the press or to any other person concerning matters which have become known to the prison officer in the course of duty (except if done in the course of the officer's functions or under a court order).

(5) A prison officer may not publish a matter or make a public pronouncement relating to the administration of a prison or a prisoner.

9. Search of prison staff

(1) The Officer in Charge may direct that prison staff be searched in a prison.

(2) A search must be conducted in accordance with section 28.

10. Transaction with prisoners

(1) Prison staff may not take part in business or financial transactions with or on behalf of prisoners without the permission of the Governor.

(2) Prison staff may not, without the authority of the Officer in Charge —

(a) bring or attempt to bring an article into a prison;

(b) take or attempt to take an article out of a prison;

(c) knowingly allow an article to be brought into a prison or taken out of a prison for a prisoner; or

(d) deposit an article in any place intending it to come into the possession of a prisoner.

11. Qualifications and training of prison officers and prison staff

(1) Subject to subsection (2), prison officers must be appointed specifically to work in a prison and must undergo mandatory training before or after appointment as determined by the Officer in Charge in respect of —

(a) prison officer education and orientation;

(b) the use of force, control and restraining techniques; and

(c) dealing appropriately with the category or class of prisoners with whom it is intended that they will work.

(2) Prison staff other than prison officers may undergo training referred to in subsection (1) as may be determined by the Officer in Charge before or after appointment.

(3) The Governor may by order, for a specified period, authorise a number of police officers to perform the functions ordinarily performed by prison officers and the performance by police officers of these functions may be either —

(a) in conjunction with prison officers ; or

(b) by themselves, only in the most exceptional circumstances and only when so expressly stated by the Governor in the order.

12. Training programmes for prison staff

(1) The Officer in Charge must specify a list of training programmes and courses required to enable the prison staff to work with the categories of prisoners that exist in the Falkland Islands and submit it to the Governor for information.

(2) The Officer in Charge must annually review the training programmes and courses and advise the Governor of any amendments to the list that are required given the change or expected change in the demographics of the prison population in the Falkland Islands.

PART 3 – PRISON MONITORING BOARD

13. Prison Monitoring Board

(1) The Governor acting in his or her discretion must —

(a) establish a Prison Monitoring Board for each prison declared under section 3; and

(b) appoint members of the Board.

(2) The specific provisions relating to the appointment of members of the Board and proceedings and procedures of the Board are set out in the Schedule.

(3) The functions of the Board are to —

(a) assess prison premises, the accommodation and the treatment of prisoners so as to satisfy itself as to the state of the premises and the accommodation and the treatment of prisoners;

(b) hear any complaint or request that a prisoner wishes to make to it or to any member of the Board;

(c) monitor the handling of appeals lodged by prisoners under this Ordinance;

(d) inspect or arrange for the food of prisoners to be inspected at frequent intervals and this inspection may be done by any member of the Board;

(e) inquire into and report upon any matter which the Governor acting in his or her discretion asks and report to the Governor on that matter or on any other matter the Board considers appropriate to report;

(f) direct the attention of the Officer in Charge to any matter it considers requires the attention of the Officer in Charge;

(g) inquire into any report made to it that a prisoner's mental or physical health is likely to be negatively affected by conditions of imprisonment;

(h) monitor prisoners removed from association under section 31(2) and prisoners subject to use of force; and

(i) inform the Governor immediately of any abuse or neglect of prisoners which comes to its knowledge.

(4) The Board may, in a case of neglect by prison staff of their functions or abuse of a prisoner—

(a) recommend to the Officer in Charge for the prison staff's immediate suspension by the Director of Emergency Services; and

(b) refer the matter for disciplinary proceedings.

(5) Before exercising a power under this section the Board or a member of the Board must consult the Officer in Charge in respect of any matter which may affect discipline.

(6) No action lies against a member of the Board or the secretary to the Board in respect of an act or omission done in good faith in the execution of the member or the secretary's duty.

14. Members of Board

(1) Members of the Board must visit a prison frequently and may visit either during a meeting or in between meetings and the Board must arrange a rota whereby at least one member visits the prison in between meetings of the Board.

(2) Members of the Board must have access at any time, as long as it is safe, to every part of a prison and to every prisoner, and may interview a prisoner out of the sight and hearing of prison staff.

(3) Members of the Board must have access to the records of a prison.

15. Record of visits by Board

(1) The Board may examine the condition of a prison and the prisoners and may inspect the prison records and record any remarks which a member has regarding the condition of the prison or the prisoners.

(2) The record made by a member of the Board who visits a prison alone must be available for perusal by all other members of the Board at the next meeting of the Board following that visit.

16. Annual report of Board

The Board must, at the request of the Governor and annually, submit a written report to the Governor on the state of a prison and its administration, and may include in the report any advice and suggestions it considers appropriate.

PART 4 – ADMISSION, SEARCH AND ACCOMMODATION OF PRISONERS; CONDUCT AND WORK

17. Admission of prisoners

(1) A person may only be admitted in prison on the basis of a warrant of committal or other lawful detention order issued by a person or authority having the power in law to issue the detention order.

(2) Every prisoner must be searched by a prison officer or a police officer on admission into prison and when taken into custody by a prison officer.

(3) A search under subsection (2) must comply with section 28 and any unauthorised articles found on a prisoner must be dealt with as provided in section 19.

(4) The Officer in Charge must adopt an electronic or manual file management system in respect of each prisoner on admission and record into each prisoner's file information as may be prescribed.

(5) The Officer in Charge must ensure that accurate information is recorded in respect of a prisoner on admission.

(6) A medical officer must examine every prisoner as soon as reasonably practicable after admission and at any time as may be necessary after admission, for such purposes as may be prescribed.

(7) The medical officer must record the results of an examination carried out under subsection (6).

18. Records of prisoners' particulars

(1) Records of a prisoner kept under section 17(4) or other provision of this Ordinance are confidential and may only be made available to a person whose professional responsibilities require access to those records.

(2) A prisoner may be photographed on admission or during confinement and this forms part of a record of a prisoner.

(3) Prison staff must keep the records and information providing identification of a prisoner as directed by the Officer in Charge.

19. Confiscation and safeguarding of prisoners' property

(1) Unauthorised articles that are found on a prisoner at the time of admission into a prison must be confiscated by prison staff.

(2) Property confiscated under subsection (1) which a prisoner can lawfully possess is considered to be in the possession of the Officer in Charge and, subject to subsection (4), the Officer in Charge must take measures as prescribed to ensure that —

(a) an accurate record of all property confiscated from each prisoner is kept and maintained; and

(b) the property which a prisoner can lawfully possess is safeguarded so as to be returned to the prisoner on release in substantially the same condition as it was when it was confiscated.

(3) A prisoner may possess a reasonable amount of personal property while in custody subject to limits set by the Officer in Charge or set in regulations or prison instructions.

(4) The Officer in Charge —

(a) must dispose of unauthorised articles which cannot lawfully be possessed by a prisoner and perishable property confiscated from a prisoner, and regarding perishable property, must take into account the reasonable wishes of a prisoner; and

(b) will not be held to account for natural deterioration of confiscated property which a prisoner can lawfully possess where the deterioration is to be expected from property of that type.

20. Information to be given to prisoners on admission

Upon admission, the Officer in Charge must provide a prisoner —

- (a) with a summary of this Ordinance, regulations and prison instructions;
- (b) on request, access to a copy of the full text of the Ordinance, regulations and prison instructions;
- (c) with information on the prisoner's rights, and methods of seeking information, access to legal advice and procedures for making requests or complaints;
- (d) a prisoner's obligations, including applicable disciplinary offences and sanctions; and
- (e) any other information necessary to enable a prisoner to adapt to prison life.

21. Cells and prison accommodation

- (1) The Officer in Charge must make every attempt to provide a separate cell for each prisoner and where a cell is designed for occupation by more than one prisoner, it must comply with the requirements of subsection (3).
- (2) A cell or prison accommodation must meet such standards as may be prescribed.
- (3) Before a cell is used, it must —
 - (a) be certified as suitable by the Director of Public Works in relation to air cubic capacity, sleeping space, ventilation, natural light and artificial light and heating and generally meeting the prescribed standard;
 - (b) have clean and adequate sanitary installations which are decent and easily accessible to a prisoner; and
 - (c) be fitted with a means of enabling a prisoner at any time to call for the attendance of prison staff.
- (4) The certification referred to in subsection (3) must be —
 - (a) in such form as may be prescribed; and
 - (b) submitted to the Governor, who must, in writing authorise the Officer in Charge to accommodate prisoners in the cell so certified.
- (5) Certification of a cell must be renewed after 12 months or sooner if concerns as to the condition of the cell are raised by a member of the Board or the Officer in Charge.

22. Classification or categorisation of prisoners

- (1) The Governor must prescribe the categories of prisoners according to sex, age, health and the security risk they pose, and the categories must be reviewed annually.
- (2) Regulations may provide for the classification or categorisation of prisoners and how they must be accommodated.

23. Separation of prisoners

(1) The following classes of prisoners of each sex must, as reasonably practicable, be separated from one another —

(a) young persons aged seventeen years and under from prisoners over that age;

(b) convicted and remand prisoners from civil prisoners; and

(c) remand prisoners from convicted prisoners.

(2) Subsection (1)(c) does not prevent a remand prisoner from having contact, or sharing a cell, with a convicted prisoner if the remand prisoner wishes or consents.

(3) Male prisoners must be accommodated separately from female prisoners and may only interact with each other for rehabilitative purposes mentioned in subsection (5) or for any other purpose as may be prescribed.

(4) The Officer in Charge must make all reasonable adjustments to ensure that prisoners with physical, mental or other vulnerability have effective access to prison life on an equitable basis.

(5) The Officer in Charge may permit specific educational and rehabilitative activities and supervised association between male and female prisoners.

24. Work by prisoners and remuneration

(1) Subject to this section, a prisoner is required to do work that is reasonably necessary for hygiene or the maintenance of the prison unless the prisoner is certified by the medical officer to be unfit for the work.

(2) Subject to a declaration made by a prisoner under section 39, the prisoner must not work on a day or during a part of a day if it would be contrary to the prisoner's religion, or any denomination of that religion.

(3) Subject to subsection (5), the Officer in Charge may allow a prisoner to perform work other than that mentioned in subsection (1) and the Officer in Charge may permit a prisoner to perform work outside the walls of a prison.

(4) Prisoners may be remunerated for work done and the remuneration must be at a rate as approved by the Governor by order and the remuneration may be dealt with as prescribed.

(5) Work done by a prisoner may include necessary services of a prison but must not include any personal services for prison staff.

25. Behavioural requirements and discipline of prisoners

(1) A prisoner who commits an act of misconduct must go through a disciplinary process as may be prescribed.

(2) The regulations and prison instructions must provide for —

- (a) conduct constituting acts of misconduct;
- (b) types and duration of punishment that may be imposed; and
- (c) the authority competent to impose the punishment.

(3) A prisoner who is prosecuted for a criminal offence under section 31(4) is entitled to a fair hearing within a reasonable time by an independent and impartial court established by law and must also have unimpeded access to a legal practitioner.

(4) The Officer in Charge must maintain discipline and order with no more restriction than is necessary to ensure safe custody and the operation of a well ordered prison community.

(5) The Officer in Charge must put in place a strategy for the management of prisoners who are difficult or disruptive, to ensure an acceptable level of behaviour.

26. Legal representation

(1) A prisoner is entitled to be visited and to communicate with a legal practitioner of their own choice.

(2) The legal practitioner in any legal proceedings to which a prisoner is a party, must be afforded reasonable facilities for interview in connection with those proceedings.

(3) A prisoner's legal practitioner may, subject to any directions given by the Officer in Charge, interview the prisoner in connection with any other legal problem.

(4) An interview must take place out of hearing, but not out of sight, of prison staff.

(5) Correspondence between a prisoner and legal practitioner must not be intercepted, opened or read, except with permission of the Officer in Charge on the basis of information that the communication might contain an illicit enclosure.

27. Unauthorised articles

A person, including prison staff who, without lawful excuse introduces into a prison or delivers to a prisoner any unauthorised article, to be sold or used in a prison, commits an offence and is liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the maximum of level 5 on the standard scale or to both.

28. Powers to search prisoners

(1) Subject to this section, only a prison officer or police officer may search a prisoner as authorised by the Officer in Charge to ascertain whether the prisoner has any unauthorised property on their person.

(2) Subject to subsection (4), the prison officer may require a prisoner to submit to the following searches of his or her person —

- (a) rub-down;

- (b) pat-down;
- (c) strip; or
- (d) intimate; and,

prison instructions may make further provision on how the search must be done.

(3) The searching of a prisoner must be done in a manner that is proportionate and consistent with the need to discover a concealed article and a strip search must only be carried out by a prison officer of the same sex as the prisoner.

(4) If a prisoner is required to submit to an intimate search, the search must be carried out by a suitably qualified person.

(5) A prison officer must not strip search a prisoner in the sight or presence of another prisoner.

(6) A person who searches a prisoner without authority under this Ordinance commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

(7) A prison officer searching a prisoner under this section may use reasonable force where necessary and may seize unauthorised articles found on the prisoner's person in the course of the search.

(8) Any unauthorised article found on a prisoner as a result of a search must be dealt with in accordance with section 19.

(9) The Governor may, by notice in the Gazette specify suitably qualified persons for purposes of carrying out an intimate search under subsection (4).

29. Samples and testing of prisoners for drugs and alcohol

(1) The Officer in Charge may require a prisoner to provide a sample of urine for the purpose of ascertaining whether the prisoner has any drugs in his or her body.

(2) The Officer in Charge may, also require a sample of urine or breath in order to determine whether there is alcohol in the prisoner's body or any other sample excluding an intimate sample.

(3) The Governor may prescribe the procedure for obtaining an intimate sample for any purpose from a prisoner.

(4) In this section —

“intimate sample” means a sample of blood, semen or any other tissue, fluid, pubic hair or a swab taken from a person's orifice.

30. Privileges and incentives

- (1) The Officer in Charge must set out in prison instructions a system of privileges under which, as a result of or in return for continuous periods of satisfactory behaviour, prisoners can earn or maintain privileges.
- (2) The Governor may prescribe the procedure for earning the privileges and incentives under subsection (1).
- (3) The Officer in Charge must ensure that —
 - (a) all prisoners are kept informed of the system of privileges and of any changes made to it;
 - (b) the system of privileges is fairly and consistently applied in respect to all prisoners; and
 - (c) prisoners are given reasons for privileges that they are either afforded or denied and a prisoner must get a fair opportunity to make representations on their behalf.

31. Powers to punish prisoners and additional days

- (1) The Governor may, in regulations empower the Officer in Charge to punish prisoners for acts of misconduct.
- (2) Punishment referred to in subsection (1) may include imposition of additional days, withdrawal of privileges, removal from association, and confinement in a cell, or any other form of punishment as may be included in those regulations.
- (3) Restraints may not be used as a form of punishment.
- (4) Where a prisoner is alleged to have committed a criminal offence the Officer in Charge may refer the matter to the police for investigation.
- (5) Additional days may only be awarded by an independent adjudicator.
- (6) Regulations made under this section must provide further for the procedures for imposition of additional days.
- (7) A prisoner who is subject to the possible imposition of additional days must be afforded access to legal representation.

32. Special Accommodation

The Officer in Charge may provide separate cells —

- (a) as Special Accommodation for the temporary confinement of a prisoner who is a risk to themselves or others, is uncooperative or is violent; or
- (b) for solitary confinement of a prisoner undergoing punishment.

33. Communication

- (1) Prisoners must be allowed to communicate with persons outside a prison as may be prescribed and regulations made under this subsection may impose limitations to communication.
- (2) Subject to subsection (3), and section 26(5), the Officer in Charge may intercept communication between a prisoner and any other person.
- (3) The Governor may make regulations to provide for the carrying out of interception of communications.
- (4) A person who, without the permission of the Officer in Charge, communicates or attempts to communicate with a prisoner, commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 4 on the standard scale.

PART 5 – PRISONERS' WELFARE

34. Nutrition

- (1) Prisoners must have three meals per day, served in such a manner as may be prescribed and the meals must be of a nutritional value required to maintain a prisoner's health.
- (2) Intervals at which meals are served and the nutritional requirements of meal menus must be determined with the input of the Chief Medical Officer and other health professionals as appropriate.
- (3) The Chief Medical Officer may instruct that a prisoner be provided with a specific diet, and the Officer in Charge must ensure that there is compliance with that instruction.

35. Clothing

- (1) Prisoners who are not allowed their own clothing must be provided with clothing of such quantity and standard as is appropriate to the climate and the reasonable needs of the prisoner.
- (2) The Governor may make regulations to provide for details of the clothing and factors to be considered as required under subsection (1).

36. Exercise and recreation

- (1) Subject to subsection (2), a prisoner must have time for exercise as may be prescribed.
- (2) Prison staff must encourage all prisoners to exercise and exercise time must not be less than 2 hours per week for each prisoner.
- (3) The Officer in Charge must afford prisoners time for recreation as may be prescribed.

37. Education

- (1) The Officer in Charge must ensure that opportunities as are prescribed are made available to prisoners to further their education through self-study or organised instruction.

(2) Education of prisoners under the age of 16 years is mandatory and must be consistent with the curriculum approved for children of that prisoner's age who are enrolled in secondary education.

(3) The Officer in Charge must make arrangements as are reasonably possible for the educational assessment of each prisoner to ensure that there is an opportunity for each prisoner's educational needs to be met.

38. Health care

(1) The Officer in Charge must ensure that prisoners are seen by a medical practitioner and a dentist at prescribed regular intervals and on such unscheduled occasions as the circumstances of each prisoner may require.

(2) The Officer in Charge must take seriously a request by a prisoner to be seen by a medical practitioner or dentist and, unless there reasonable grounds to think that the request is motivated by mischief, must grant the prisoner's request within a reasonable time.

39. Register of religious affiliation

(1) The Officer in Charge must keep in the records information about the religion to which a prisoner declares himself or herself to belong, and must, on the request of any minister of religion who is authorised to visit prisoners, supply the minister with a list of the prisoners who have declared themselves to belong to the religion of that minister.

(2) A prisoner must be treated as being of a religion or specific religious denomination stated in the prisoner's record under subsection (1).

(3) Following a request by a prisoner who changes religion, the Officer in Charge may, after due enquiry, direct the prisoner's record to be amended.

40. Visiting ministers of religion

Subject to this Ordinance and to any other conditions which may be prescribed, the Officer in Charge may authorise a minister of religion to visit any prisoner belonging to the same religion who consents to the visit, and to celebrate religious services in the presence of that prisoner.

41. Religious services

(1) A minister of any religion may, with the consent of the Officer in Charge, which must not be unreasonably withheld, hold religious services within a prison, at which a prisoner who wishes may attend, on such days and at such times as the Officer in Charge of the prison may approve.

(2) The Officer in Charge may permit a prisoner of good behaviour to attend a religious service at a church or other place of worship in Stanley, subject to conditions as may be imposed by the Officer in Charge.

42. Visits

(1) A prisoner is entitled to receive visits as may be prescribed.

(2) Regulations made under subsection (1) may provide for the number of visits for every prisoner, the duration of the visit, deferment of a visit and other matters necessary to regulate visitors.

(3) A visitor to a prisoner may be searched on entry to a prison and the search must comply with section 28 and a visitor who refuses to be searched must be denied entry.

(4) The Officer in Charge may prohibit visits by a person to a prison or to a prisoner for periods considered necessary to secure discipline, good order and to prevent commission of an offence or in the public interest.

(5) Subsection (4) does not apply to a visit by a class of persons as may be prescribed.

(6) The Officer in Charge may require a visit, or class of visits, to be held in facilities which include special features restricting or preventing physical contact between a prisoner and a visitor.

(7) The Officer in Charge may remove or cause to be removed from a prison any visitor to the prison whose conduct is improper.

(8) The Governor may make regulations prescribing the proper conduct of visitors.

43. Female prisoners with child

(1) Subject to subsection (2), the child of a female prisoner may be admitted into a prison with its mother if the court which committed the female prisoner has authorised the admission, and the child must not be taken from its mother unless the court so orders, based on recommendations from a medical officer and social services, on the basis of what is in the best interests of the child.

(2) A child retained in prison under subsections (1) must, if necessary, be supported at public expense.

(3) The medical officer may make recommendations for the diet of a child retained in prison.

PART 6 – ROLE OF MEDICAL OFFICER

44. Functions of medical officer

(1) The Chief Medical Officer is responsible for the proper performance of the functions that a medical officer is assigned under this Ordinance but may assign the performance of the whole or any part of those functions to any other medical officer.

(2) A medical officer assigned to perform any functions under this Ordinance has the general care of the physical and mental health of prisoners, and must make known to the Officer in Charge any circumstances connected with the prison or the treatment of a prisoner which require consideration on medical grounds.

45. Removal of prisoner to hospital

(1) The medical officer or, in urgent cases, the Officer in Charge, may direct that a prisoner be removed to a hospital and while proceeding to and from a hospital a prisoner will be considered for all purposes to be in prison custody.

(2) The Officer in Charge will determine whether a prison officer is required to remain with a prisoner for any period that a prisoner is within a hospital.

(3) A prisoner must be returned to prison when the medical officer certifies that the prisoner is fit.

(4) The Governor may prescribe further provisions regarding the procedures for medical attention of prisoners and reporting responsibilities of the medical officer.

46. Death of prisoner

Where a prisoner dies, the Officer in Charge must give immediate notice of the death to the Governor, the Board and to the Coroner.

PART 7 – RELEASE AND TEMPORARY REMOVAL OF PRISONER

47. Release of prisoner under licence

(1) Subject to this section and section 31, a prisoner sentenced to a period of imprisonment may, in such manner as may be prescribed, and subject to good conduct, be released on licence after expiry of not less than two-thirds of the time which they are sentenced to spend in prison.

(2) Reduction in sentence under subsection (1) cannot under any circumstances reduce the time spent in prison to less than thirty-one days.

(3) A prisoner who is a subject of deportation procedures under the Immigration Ordinance may, on the authority of the Director of Prisons, be released not more than 14 days earlier than his or her release date in order to facilitate removal from the Falkland Islands.

(4) The Officer in Charge may specify in the release licence conditions about behaviour, residence, and regularity of reporting to a specified authority subject to reasonable and proportionate consideration by the Officer in Charge of public protection and post release support.

(5) Conditions may be imposed under subsection (4) —

(a) in accordance with decisions made during the period in custody;

(b) on the Officer in Charge's own risk assessment; and

(c) must be informed by specialist advice and reports as the Officer in Charge considers necessary.

(6) Regulations may provide for the consequences of breach of conditions imposed by the Officer in Charge under this section.

(7) A condition may be imposed only if the Officer in Charge thinks it necessary, reasonable, proportionate or desirable for the purpose of —

(a) protecting the public;

(b) preventing re-offending; or

(c) securing the successful re-integration of a prisoner into the community.

(8) Prison instructions must include a policy to direct the Officer in Charge in making a risk assessment and procedures to be followed when imposing conditions for release on licence.

(9) A condition imposed by the Officer in Charge may be appealed by the prisoner to the independent adjudicator and the independent adjudicator may remove, add to or substitute the conditions provided the conditions imposed by the Officer in Charge remain in place until removed, added to or substituted.

48. Temporary release of prisoner

(1) A convicted prisoner may be released under this section, as prescribed or stated in prison instructions —

(a) on compassionate grounds;

(b) for the purpose of receiving medical treatment or any therapy;

(c) to engage in employment or voluntary work;

(d) to receive instruction or training which cannot reasonably be provided in prison;

(e) to enable participation in proceedings before a court, tribunal or inquiry;

(f) to consult with a legal practitioner where it is not possible, in the opinion of the Officer in Charge, for the consultation to take place in a prison; or

(g) to maintain family ties or to facilitate transition from prison life to freedom.

(2) The Officer in Charge may authorise the release of a prisoner under this section for one or more specified periods, subject to specified conditions.

(3) Prison instructions must include directions to the Officer in Charge regarding procedures to be followed when approving and facilitating temporary release.

49. Special removal of prisoners

(1) Subject to subsection (2), every prisoner confined in a prison is considered to be in the legal custody of the Officer in Charge and must not be removed from a prison before he or she becomes lawfully entitled to release under section 47, under the regulations or in the following cases —

- (a) in pursuance of an order of a court;
- (b) in case of fire or sudden or urgent necessity;
- (c) for the purpose of work or recreation; or
- (d) in a case in which a prisoner is removed to hospital under section 45(1);
- (e) in pursuance of approved temporary release authorisation.

(2) The Governor may order the removal of a prisoner to such other place of confinement as may be specified in the order —

- (a) for the purpose of enabling a prison to be altered, enlarged, repaired or rebuilt;
- (b) in the case of a contagious or infectious disease breaking out in a prison;
- (c) for a prisoner to appear before a court of examination, trial or as a witness; or
- (d) for any other reasonable cause,

and may at any time order that the prisoner be returned to the prison.

(3) A prisoner who has been removed from a prison under this section is considered to be confined within a prison, despite such removal.

PART 8 – MISCELLANEOUS

50. Appellants and pardon

(1) The Officer in Charge must ensure that a convicted prisoner who has a right of appeal against conviction or against sentence is, on admission informed of that right and of conditions governing the exercise of the right.

(2) A prisoner who notifies the Officer in Charge of his or her intention to appeal must be given all necessary facilities for pursuing the appeal.

(3) The Officer in Charge must also make a prisoner aware of the Governor's power to pardon prisoners under section 71 of the Constitution and the procedures for accessing a pardon.

51. Monitoring and security

The Officer in Charge may employ any technology in any media such as closed circuit television, video or audio surveillance systems, both covert and overt, metal detector scanners, mobile phone detecting and blocking systems to ensure security, safety and the detection of crime and breaches of discipline in prison.

52. Offences: aiding escape

(1) It is an offence for a person, without the authority of the Officer in Charge —

- (a) to take or throw an article into a prison;
- (b) to take or throw an article out of a prison;
- (c) to provide an article to a prisoner; or
- (d) to deposit an article in any place,

with the intention that it comes into the possession of a prisoner.

(2) In this section article includes money, food, clothing, drink, tobacco, letters, paper, books, tools, drugs, firearms, explosives, weapons and any other article.

(3) A person who commits an offence under subsection (1) is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine of the maximum of level 6 on the standard scale; or to both.

(4) The Officer in Charge may confiscate an article which is in a prison as a result of an offence under subsection (1).

(5) It is an offence to aid a prisoner to escape from a prison or, facilitating an escape or to take or send anything (by post or otherwise) into a prison or to a prisoner or to place anywhere outside a prison intending it to come into the possession of a prisoner for purposes of aiding escape.

(6) A person who commits an offence under subsection (5) is liable to a term of imprisonment not exceeding 10 years.

53. Subsidiary legislation

(1) The Governor may, subject to subsection (2) make regulations or orders generally for giving effect to the provisions of this Ordinance, and in particular regulations for —

- (a) the administration, management and discipline;
- (b) visits to and communications with prisoners;
- (c) the working of prisoners outside the prison walls;

- (d) the acts or omissions which constitute acts of misconduct and disciplinary procedures;
- (e) appointment of independent adjudicator and procedures to be followed in appointment;
- (f) appeal procedures for prisoners under this Ordinance;
- (g) the powers, duties and conduct of prison officers;
- (h) the admission and discharge of prisoners;
- (i) the classification, clothing, maintenance, employment, discipline, instruction and rehabilitation of prisoners;
- (j) early release of prisoners and the manner in which and conditions under which such release is done;
- (k) the application of money in the possession of a prisoner committed for non-payment of a fine towards the fine adjudged to be paid;
- (l) the remuneration of prisoners for work done and the manner in which and conditions under which the remuneration is to be paid;
- (m) the supply of money, food or clothing to prisoners, and the means of travel to be afforded to them, on their discharge;
- (n) the conditions under which visitors are to be allowed in prison; or
- (o) the medical inspection of prisons and prisoners and the prevention of contagious diseases in prisons.

(2) Nothing in this section permits the making of regulations or orders which authorise the corporal punishment of a prisoner.

54. Savings and transitional provisions

(1) Subject to their instrument of appointment, the prison officers appointed under section 3 of the repealed Ordinance who are in office immediately before the date of commencement of this Ordinance will continue in office as if they have been appointed under section 6 of this Ordinance.

(2) The Prison Visitors Board established and appointed under section 7 of the repealed Ordinance will continue to operate as if established and appointed under section 13 and will be known as the Prison Monitoring Board.

(3) In this section, “repealed Ordinance” means the Prison Ordinance repealed under section 55.

55. Repeal

The Prison Ordinance (Title 60.1) is repealed.

SCHEDULE

section 13(1)

Appointment and Proceedings of a Prison Monitoring Board

1. Appointment of the Board

(1) On appointing members to the Prison Monitoring Board, the Governor must appoint one of the members as chairperson of the Board.

(2) The chairperson is responsible for the proper functioning of the Board in the execution of its duties and the Board may delegate to the chairperson its functions when the Board is not meeting.

(3) The Governor, in his or her own discretion must appoint at least two and not more than four other persons to be members of the board each of whom must, unless the member's appointment is earlier revoked or comes to an end under subparagraph (4), hold office for such period, not exceeding three years, as is specified in the instrument appointing the member.

(4) Every appointment under this section, as well as the period for which the appointment is to have effect, must be notified in the Gazette.

(5) A member of the Legislative Assembly, Judiciary, a police officer, a prison officer, the Attorney General, any person authorised to prosecute on behalf of the Attorney General and any person who is or who is concerned in a contract for supplies to a prison is not eligible for appointment under subparagraph (3).

(6) A person appointed as a member of the Board under subparagraph (3) ceases to hold office as such on —

(a) tendering his or her resignation in writing to the Governor;

(b) taking his or her seat as a member of the Legislative Assembly;

(c) being sentenced by any court of the Falkland Islands to a period of imprisonment; or

(d) occupying or becoming employed in any position referred to in subparagraph (5) or being concerned in any contract for supplies to a prison.

(7) Members of the Board must undertake such training as may be required by the Governor.

(8) The Governor may terminate the appointment of a member if satisfied that —

(a) the member has failed to satisfactorily perform the duties of the office;

(b) the member has failed to undertake required training;

(c) the member is by reason of physical or mental illness, or for any other reason, incapable of carrying out the duties of the office;

(d) the member should not remain in office, by reason of a conviction or other conduct; or

(e) there is, or appears to be or could appear to be, any conflict of interest between the member's duties and any of the member's interests, whether personal, financial or otherwise.

(9) The Governor may suspend a member pending a decision on whether or not subparagraph (8) applies.

(10) The Governor must —

(a) upon the constitution of the Board for the first time, appoint a chairperson to hold office for a period not exceeding twelve months;

(b) thereafter appoint, before the date of the first meeting of the Board in any year of office of the Board, a chairman for that year, having first consulted the Board; and

(c) promptly fill, after first having consulted the Board, any casual vacancy in the office of chairperson.

(11) The Board must visit any prison at intervals not greater than 3 months, but otherwise on such dates and at such times as the Board decides and on the occasion of each visit by the board, prisoners or other persons detained in a prison may be interviewed by a member of the Board.

(12) After each visit the chairperson of the Board must make or cause to be made a report in writing to the Governor, of any areas of concern raised during the visit.

2. Proceedings of Board

(1) The Board must endeavour to meet once a month but —

(a) may meet no less than four times in any calendar year; and

(b) may only meet less frequently than once per month if they resolve for reasons specified in the resolution that less frequent meetings are sufficient.

(2) The Board may determine procedures and a quorum for meetings.

(3) The Board must keep a record of its proceedings.

(4) The proceedings of the Board are not invalidated by a vacancy in membership or a defect in the appointment of a member.

(5) The Board may determine rules and procedures for bringing matters before it by prisoners or any other person.

(6) The Governor must appoint a public officer to be Secretary to the Board and the Secretary must attend meetings of the Board to take and prepare minutes of its proceedings and to have custody of the Board's papers.

(7) A copy of the minutes of every meeting of the Board must be forwarded as soon as practicable after the meeting to the Governor.

3. Disqualification of Board as to contracts

(1) A member of the Board must immediately tender his or her resignation in writing to the Governor if —

(a) the member becomes a contractor or bids to become a supplier, for supplies to a prison; or

(b) to his or her knowledge the member becomes concerned in a contract for supplies to a prison.

(2) A person who wilfully contravenes subparagraph (1) commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale.

Passed by the Legislature of the Falkland Islands on 30 March 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Criminal Procedure and Evidence (Amendment) Ordinance 2017

(No: 4 of 2017)

ARRANGEMENTS OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Criminal Procedure and Evidence Ordinance
4. Section 150 repealed – Variation of bail: Supplementary
5. Section 458 amended – Restrictions on reporting alleged offences involving youths
6. Section 580 amended – Advisory committee’s functions in relation to release of prisoners on licence
7. Section 581 repealed – Release on licence of persons serving determinate sentences
8. Section 582 amended – Release on licence of persons sentenced to imprisonment for life, etc
9. Section 583 amended – Revocation of licences and recall of prisoners on licence
10. Section 584 amended – Provisions supplementary to sections 580 to 583
11. Section 789 amended – Repeal, disapplication and savings
12. Schedule 14 Part ‘B’ amended – Disapplied Imperial Enactments

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ORDINANCE 2017

(No: 4 of 2017)

(assented to: 6 April 2017)
(commencement: in accordance with section 2)
(published: 13 April 2017)

AN ORDINANCE

To amend the Criminal Procedure and Evidence Ordinance 2014.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance may be cited as the Criminal Procedure and Evidence (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

3. Amendment of Criminal Procedure and Evidence Ordinance

This Ordinance amends the Criminal Procedure and Evidence Ordinance 2014.

4. Section 150 repealed — Variation of bail: Supplementary

Section 150 of the Criminal Procedure and Evidence Ordinance 2014 (hereinafter called the principal Ordinance) is repealed.

5. Section 458 amended — Restrictions on reporting alleged offences involving youths

Section 458 of the principal Ordinance is amended by the insertion after subsection (4) of the following subsection —

“(4A) Subsection (4)(b) applies to a publication —

(a) where it is a relevant programme, if it is transmitted; or

(b) in the case of any other publication, if it is published.”.

6. Section 580 amended — Advisory Committee’s functions in relation to release of prisoners on licence

Section 580 of the principal Ordinance is amended —

(a) in subsections (1)(a) and (4)(a), by the deletion of “581 or”;

(b) in subsection (1)(c), by substitution of “581” with “582”.

7. Section 581 repealed — Release on licence of persons serving determinate sentences

Section 581 of the principal Ordinance is repealed.

8. Section 582 amended — Release on licence of persons sentenced to imprisonment for life, etc

Section 582 of the principal Ordinance is amended —

(a) by the substitution for subsection (3) with the following —

“(3) A person subject to a licence granted under this section must comply with any conditions specified in the licence.”;

(b) by the insertion after subsection (3) of the following subsections —

“(3A) The Governor —

(a) must consult the Advisory Committee before including on the release of a person, or subsequently inserting, a condition in a licence relating to that person, or varying or cancelling any such condition;

(b) is deemed to have consulted the Advisory Committee on a proposal to include, insert, vary or cancel a condition in any case if the Governor has consulted that Committee on the implementation of proposals of that description generally or in that class of case.

(3B) A licence granted to any person under this section, unless previously revoked under section 583, remains in force until a date specified in the licence.”.

9. Section 583 amended — Revocation of licences and recall of prisoners on licence

Section 583 of the principal Ordinance is amended —

- (a) in subsection (3), be the deletion of “under section 582”;
- (b) in subsection (4), by the deletion of “581 or” wherever it occurs;
- (c) by the deletion of subsection (7).

10. Section 584 amended — Provisions supplementary to sections 580 to 583

Section 584 of the principal Ordinance is amended in subsection (2) by the deletion of —

- (a) “581 or”; and
- (b) “,but does not count towards remission of the sentence under section 29 of the Prison Ordinance”.

11. Section 789 amended — Repeal, disapplication and savings

Section 789 of the principal Ordinance is amended in subsection (2), by the deletion of “by their own force or”.

12. Schedule 14 Part ‘B’ amended — Disapplied Imperial Enactments

Schedule 14 of the principal Ordinance is amended in Part ‘B’ by the deletion of the following items —

- (a) Criminal Jurisdiction Act 1802; and
- (b) Courts (Colonial) Jurisdiction Act 1874 to the extent that it applies to criminal proceedings.

Passed by the Legislature of the Falkland Islands on 30 March 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Crimes (Amendment) Ordinance 2017

(No: 5 of 2017)

ARRANGEMENTS OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Crimes Ordinance
4. Section 58 amended — Administering drugs or using instruments to procure abortion
5. Section 70A inserted — Reasonable punishment
6. Section 107 amended — Breach of a DVPO
7. Section 107A inserted — Offence of breaching non-molestation order
8. Section 154 amended — Offence of improper use of public electronic communications network
9. Section 187 amended — Offences relating to minefields
10. Section 383 amended — Prohibition on interception
11. Section 383A inserted — Re-programming mobile telephone etc.
12. Section 383B inserted — Possession or supply of anything for re-programming purposes
13. Section 434 amended — Auction bidding offences
14. Section 559A inserted — Meaning of “displaced residential occupier”
15. Section 559B inserted — Meaning of “intending residential occupier”
16. Section 581 amended — Repeal and disapplication of laws — Schedule 5

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

CRIMES (AMENDMENT) ORDINANCE 2017

(No: 5 of 2017)

(assented to: 6 April 2017)
(commencement: in accordance with section 2)
(published: 13 April 2017)

AN ORDINANCE

To amend the Crimes Ordinance 2014.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance may be cited as the Crimes (Amendment) Ordinance 2017.

2. Commencement

(1) Subject to subsection (2) this Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

(2) The Governor may make provision for different sections to commence on different dates.

3. Amendment of Crimes Ordinance

This Ordinance amends the Crimes Ordinance 2014.

4. Section 58 amended — Administering drugs or using instruments to procure abortion

Section 58(1) is amended by omitting “or unlawfully uses any other means with that intent,” and replacing it with “or unlawfully uses any instrument or other means with that intent,”.

5. Section 70A inserted — Reasonable punishment

The following new section is inserted immediately after section 70 —

“70A. Reasonable punishment

(1) In relation to any offence specified in subsection (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.

(2) The offences referred to in subsection (1) are —

(a) an offence under section 64 or 65 of this Ordinance (wounding and causing grievous bodily harm);

(b) an offence under section 71 of this Ordinance (assault occasioning actual bodily harm);

(c) an offence under section 82 of this Ordinance (cruelty to persons under 16).

(3) Battery of a child causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.

(4) For the purposes of subsection (3) “actual bodily harm” has the same meaning as it has for the purposes of section 71 of this Ordinance.

(5) Battery of a child can only be justified on the ground that it constituted reasonable punishment if the battery is administered by a person who holds parental responsibility for the child.

[UK Children Act 2004 s.48, adapted]”

6. Section 107 amended — Breach of a DVPO

Section 107(1) is amended in the penalty as follows —

(a) by omitting “3 months” and replacing it with “5 years”;

(b) by omitting “at level 5 on the standard scale”;

7. Section 107A — Offence of breaching non-molestation order

The following new section is inserted immediately after section 107 —

“107A. Offence of breaching non-molestation order

(1) A person who without reasonable excuse does anything that he is prohibited from doing by a non-molestation order commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) For the purposes of subsection (1) a “non-molestation order” means an order containing either or both of the following provisions —

(a) provision prohibiting a person from molesting another person;

(b) provision prohibiting the person from molesting a child.

(3) In the case of a non-molestation order that was made ex parte a person can be guilty of an offence under this section only in respect of conduct engaged in at a time when he was aware of the existence of the order.

(4) Where a person is convicted of an offence under this section in respect of any conduct, that conduct is not punishable as a contempt of court.

(5) A person cannot be convicted of an offence under this section in respect of any conduct which has been punished as a contempt of court.

[Family Law Act 1996 Section 92A]”

8. Section 154 amended — Offence of improper use of public electronic communications network

Section 154(2) is amended by inserting immediately at the end of that subsection the following—

“Penalty: Imprisonment for 6 months or a fine at level 5 on the standard scale, or both.”

9. Section 187 amended — Offences relating to minefields

Section 187(2) is amended by omitting for “Commander British Forces” and replacing it with “Chief Executive or the person discharging the role of Chief Executive”.

10. Section 383 amended — Prohibition on interception

Section 383(2) is amended by omitting paragraph (c) and replacing it as follows —

“(c) the communication was intercepted with lawful authority.”

11. Section 383A inserted — Re-programming mobile telephone etc.

The following new section is inserted immediately after section 383 —

“383A. Re-programming mobile telephone etc.

(1) A person commits an offence if —

(a) he or she changes a unique device identifier;

(b) he or she interferes with the operation of a unique device identifier;

(c) he or she offers or agrees to change, or interfere with the operation of, a unique device identifier; or

(d) he or she offers or agrees to arrange for another person to change, or interfere with the operation of, a unique device identifier.

(2) A unique device identifier is an electronic equipment identifier which is unique to a mobile wireless communications device.

(3) But a person does not commit an offence under this section if —

(a) he or she is the manufacturer of the device, or

(b) he or she does the act mentioned in subsection (1) with the written consent of the manufacturer of the device.

Penalty: Imprisonment for 5 years or a fine, or both.”

12. Section 383B inserted — Possession or supply of anything for re-programming purposes

The following new section is inserted immediately after section 383A —

“383B. Possession or supply of anything for re-programming purposes

(1) A person commits an offence if —

(a) he or she has in his or her custody or under his or her control anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she intends to use the thing unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(2) A person commits an offence if —

(a) he or she supplies anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she knows or believes that the person to whom the thing is supplied intends to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(3) A person commits an offence if —

(a) he or she offers to supply anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and

(b) he or she knows or believes that the person to whom the thing is offered intends if it is supplied to him or her to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

(4) A unique device identifier is an electronic equipment identifier which is unique to a mobile wireless communications device.

(5) A thing is used by a person unlawfully for a purpose if in using it for that purpose he commits an offence under section 1.

Penalty: Imprisonment for 5 years or a fine, or both.”

13. Section 434 amended — Auction bidding offences

Section 434(4) is amended by inserting “his or her business attends sales by auction for the purpose of purchasing goods with a view to” immediately after “course of”.

14. Section 559A inserted — Meaning of “displaced residential occupier”

The following new section is inserted immediately after section 559 —

“559A. Meaning of “displaced residential occupier”

(1) Subject to subsection (2), a person (‘A’) who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the premises for the purposes of this Part so long as A continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser.

(2) A person who was occupying the premises in question as a trespasser immediately before being excluded from occupation is not by virtue of subsection (1) a displaced residential occupier of the premises for the purposes of this Part.

(3) A person who by virtue of subsection (1) is a displaced residential occupier of any premises is to be regarded for the purposes of this Part as a displaced residential occupier also of any access to those premises.

(4) Anyone who enters or is on or in occupation of any premises by virtue of —

(a) any title derived from a trespasser; or

(b) any licence or consent given by a trespasser or by a person deriving title from a trespasser;

(c) is to be treated as a trespasser for the purposes of this Part; and references in this Part to a person entering or being on or occupying any premises as a trespasser are to be construed accordingly.

(5) A person who is on any premises as a trespasser does not cease to be a trespasser for the purposes of this Part by virtue of being allowed time to leave the premises, nor does a person cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser.

[UK Criminal Law Act 1977 s.12 (part)]”

15. Section 559B inserted - Meaning of “intending residential occupier”

The following new section is inserted immediately after section 559A —

“559B. Meaning of “intending residential occupier”

(1) For the purposes of this Part, an individual is an intending residential occupier of premises if —

(a) he or she has in those premises a freehold interest or a leasehold interest;

(b) he or she requires the premises for his or her own occupation as a residence or for occupation by a proposed tenant as a residence;

(c) he or she or the proposed tenant is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser.

(2) An individual is also an intending residential occupier of premises if he or she —

(a) has a tenancy of those premises or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest in them;

(b) requires the premises for his or her own occupation as a residence; or

(c) is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser.

(3) A person who is an intending residential occupier of any premises is to be regarded for the purposes of this Part as an intending residential occupier also of any access to those premises.

[UK Criminal Law Act 1977 s.12A and Schedule added by Criminal Justice & Public Order Act 1994 s.74 modified]

16. Section 581 amended — Repeal and disapplication of laws — Schedule 5

Section 581(4) is amended by deleting the words “by their own force or”.

Passed by the Legislature of the Falkland Islands on 30 March 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

Marriage (Amendment) Ordinance 2017

(No: 6 of 2017)

ARRANGEMENTS OF PROVISIONS

Section

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Marriage Ordinance

3. Amendment of Marriage Ordinance
4. Section 3A inserted — Marriage of same sex couples
5. Section 3B inserted — Same sex marriages to be treated as other marriages
6. Part IVA inserted — Civil Partnerships
7. Section 17 amended — Solemnisation of marriage
8. Section 27 amended — Minister of religion's right to refuse to solemnise a marriage

Part 3 — Amendment of Interpretation and General Clauses Ordinance

9. Amendment of Interpretation and General Clauses Ordinance
10. Section 4 amended — Interpretation of words and expressions

Part 4 — Amendment of Matrimonial Causes Ordinance

11. Amendment of Matrimonial Causes Ordinance

12. Section 2 amended — Interpretation
13. Section 4 amended — Divorce on breakdown of marriage
14. Section 6 amended — Restriction on petitions for divorce within three years of marriage
15. Section 14 amended — Grounds on which a marriage is void
16. Section 15 amended — Grounds on which a marriage is voidable
17. Miscellaneous amendments

Part 5 — Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

18. Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance
19. Section 2 amended — Interpretation

Part 6 — Amendment of Registration Regulations

20. Amendment of Registration Regulations
21. Schedule 1 amended — Forms

Part 7 — Amendment of Registration of Marriages Regulations

22. Amendment of Registration of Marriages Regulations
23. Form 7 amended — Form of instructions
24. Form 8 amended — Certificate of Marriage

ELIZABETH II



FALKLAND ISLANDS

COLIN ROBERTS C.V.O.,
Governor.

MARRIAGE (AMENDMENT) ORDINANCE 2017

(No: 6 of 2017)

(assented to: 6 April 2017)
(commencement: in accordance with section 2)
(published: 13 April 2017)

AN ORDINANCE

To amend the Marriage Ordinance 1996 to provide for same sex marriages and civil partnerships, to amend the Matrimonial Causes Ordinance 1979 to reduce the time frames for instituting divorce proceedings and other matters; and to make consequential amendments to the Interpretation and General Clauses Ordinance 1977, the Matrimonial Proceedings (Summary Jurisdiction) Ordinance 1967, the Registration Regulations and the Registration of Marriages Regulations.

ENACTED by the Legislature of the Falkland Islands —

Part 1 — Introductory

1. Title

This Ordinance may be cited as the Marriage (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2— Amendment of Marriage Ordinance

3. Amendment of Marriage Ordinance

This Part amends the Marriage Ordinance.

4. Section 3A inserted — Marriage of same sex couples

The Ordinance is amended by inserting the following new section immediately after section 3 —

“3A. Marriage of same sex couples

- (1) The marriage of same sex couples is lawful.
- (2) The marriage of a same sex couple must be solemnized in accordance with this Ordinance.
- (3) The requirements under this Ordinance in relation to marriages apply to marriages of same sex couples and in particular the following —
 - (a) Part II which provides for restrictions on marriage and in that Part any reference to a “man” includes a “woman”; and any reference to a “woman” includes a “man”;
 - (b) Part III in relation to marriages under the Registrar General’s licence; and
 - (c) Part IV in relation to special licences and extraordinary licences.”

5. Section 3B inserted — Same sex marriages to be treated as other marriages

The Ordinance is amended by inserting the following new section immediately after section 3A—

“3B. Same sex marriages to be treated as other marriages

A same sex marriage solemnised under this Ordinance has and must be treated in the same manner and afforded the same status as a marriage between a man and a woman.”

6. Part IVA inserted — Civil Partnerships

The following new Part is added immediately after Part IV —

“Part IVA — Civil Partnerships

24A. Civil partnerships

- (1) A civil partnership is a relationship between a man and a woman or two people of the same sex (“civil partners”) which is formed when they register as civil partners of each other in terms of section 24C.
- (2) Subsection (1) is subject to section 24H under or by virtue of which a civil partnership is void.
- (3) A civil partnership ends only on death, dissolution or annulment in terms of section 24H.

(4) The references in subsection (3) to dissolution and annulment are to dissolution and annulment having effect under or recognised in accordance with this Ordinance.

24B. Recognition of civil partnership registered outside the Falkland Islands

A civil partnership registered under the law of a country outside the Falkland Islands is recognised under the laws of the Falkland Islands.

24C. Formation of civil partnership by registration

(1) For the purposes of section 24A, two people are to be regarded as having registered as civil partners of each other once each of them has signed a civil partnership document —

- (a) in the presence of a Registrar; and
- (b) in the presence of each other and two witnesses.

(2) After the civil partnership document has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by —

- (a) each of the two witnesses, and
- (b) a Registrar.

(3) The Registrar General must maintain a register of civil partnerships and must ensure that the registration of a civil partnership and any other information as may be prescribed by regulations is recorded in the register as soon as is practicable.

(4) No religious service is to be used while the Registrar is officiating at the signing of a civil partnership document.

(5) “Civil partnership document” means a document prescribed under section 24D.

24D. Pre-registration process

(1) Before two people are entitled to register as civil partners of each other —

- (a) a civil partnership notice in the prescribed form must be delivered to the Registrar; and
- (b) the Registrar may then ask them for any information as may be required including a declaration from the person giving the notice that there is no impediment or lawful hindrance to the formation of the civil partnership.

(2) The Governor may make regulations prescribing —

- (a) any pre-registration procedure;
- (b) a civil partnership notice;
- (c) a civil partnership document;

(d) the information required under subsection (1)(b) including the declaration to be given; and

(e) the keeping of records.

24E. Eligibility to register as civil partners

(1) Two people are not eligible to register as civil partners of each other if —

(a) either of them is already a civil partner or lawfully married;

(b) either of them is under 16; or

(c) they are within the prohibited degrees described under section 5 and specified in Schedule 1 and for purposes of this paragraph in section 5 any references to a “man” includes a “woman” and any reference to a “woman” includes a “man”.

(2) The requirements under section 7 in relation to the marriage of persons under eighteen apply to the registration of civil partnerships for people under the age of eighteen.

24F. Proof of certain matters not necessary to validity of civil partnership

The requirements of section 18 in relation to validity of marriages apply to civil partnerships registered under this Ordinance as if in that section a reference to “marriage” is a reference to a “civil partnership”.

24G. Dissolution

(1) Subject to section 24I (*restriction on petitions for dissolutions*) a civil partnership may be dissolved on the ground that it has broken down irretrievably.

(2) The requirements of section 4 of the Matrimonial Causes Ordinance 1979 in relation to the breakdown of a marriage apply to the dissolution of civil partnerships registered under this Ordinance as if in that section a reference to a “marriage” is a reference to a “civil partnership”.

24H. Nullity, death and other proceedings

(1) The requirements under section 19 in relation to void marriages apply to civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “marriage” is a reference to a “civil partnership”.

(2) The requirements of sections 14 and 15 of the Matrimonial Causes Ordinance 1979 in relation to grounds on which a marriage is void apply to civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to a “marriage” is a reference to a “civil partnership”.

(3) The requirements of section 22 of the Matrimonial Causes Ordinance 1979 in relation to presumption of death and dissolution of marriage apply to the dissolution of civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “divorce” is a reference to “dissolution of a civil partnership”.

24I. Restriction on petitions for civil partnership dissolutions

The requirements of section 6 of the Matrimonial Causes Ordinance 1979 in relation to restrictions on presenting petitions for divorce apply to the dissolution of civil partnerships registered under this Ordinance with necessary modifications and applies as if in that section a reference to “divorce” is a reference to dissolution of a civil partnership”.

24J. Rights, responsibilities and financial relief for civil partners and children of family

(1) A child born to parties in a civil partnership has the same rights as a child born to parties in a marriage solemnised under this Ordinance.

(2) A parent in a civil partnership registered under this Ordinance has the same rights and responsibilities towards a child as a parent to a child in a marriage solemnised under this Ordinance.

(3) Notwithstanding the generality of sections (1) and (2) —

(a) Part III of the Matrimonial Causes Ordinance 1979 in relation to financial relief for parties in a marriage applies to the financial relief for parties in a civil partnership with necessary modifications;

(b) Part IV of the Matrimonial Causes Ordinance 1979 in relation to the protection, and custody of children to civil partnerships and children of the family applies to civil partnerships with necessary modifications;

24K. Offences

(1) A person commits an offence who —

(a) registers a civil partnership knowing he or she is not authorised to do;

(b) refuses or fails to comply with the provisions of this Part or any regulations made under it;

(c) provides any false information required to be provided to the Registrar under this Part; and

(d) makes false entries in the register.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

24L. Miscellaneous

(1) Part V of the Matrimonial Causes Ordinance 1979 in relation to the recognition of overseas divorces and legal separations apply to the recognition of civil partnerships with necessary modifications and in particular sections 48, 49, 50, 51, 53, 54 and 55.

(2) The Governor may make regulations or rules for the better carrying out of the purposes of this Ordinance and in particular, may —

- (a) prescribe forms and other documents which by this Part are to be prescribed;
- (b) prescribe the duties of the Registrar in relation to the registration of civil partnerships;
- (c) provide for fees to be payable for the registration of civil partnerships;
- (d) make rules for all matters of procedure as required by this Part; and
- (e) prescribe anything which by this Part are to be prescribed.”

7. Section 17 amended — Solemnisation of marriage

Section 17(3) is amended by omitting “open” and replacing it with “unlocked”.

8. Section 27 amended — Minister of religion’s right to refuse to solemnise a marriage

Section 27(1) is amended by deleting “unless such conditions not contrary to this Ordinance are performed or observed in relation to the solemnisation of the marriage”.

Part 3 — Amendment of Interpretation and General Clauses Ordinance

9. Amendment of Interpretation and General Clauses Ordinance

This Part amends the Interpretation and General Clauses Ordinance.

10. Section 4 amended — Interpretation of words and expressions

Section 4 is amended as follows —

- (a) by inserting “(1)” immediately before “In —”
- (b) by inserting the following new definitions in their correct alphabetical order —
 - ““husband”, when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;”
 - ““husband and wife” includes parties in a same sex marriage regardless of gender;”
 - ““marriage” includes a same sex marriage solemnised or recognised under the Marriage Ordinance 1996;”
 - ““widow and widower” must be construed to refer to parties in a same sex marriage regardless of gender;”
 - ““wife”, when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;”,

- (c) by inserting the following new subsection —

“(2) Any reference in any written law of the Falkland Islands, including this Ordinance, to “father” or “mother” must be construed to include parties in a same sex marriage and in a civil partnership regardless of gender (and irrespective of whether the parents are two mothers or two fathers).”

Part 4 — Amendment of Matrimonial Causes Ordinance

11. Amendment of Matrimonial Causes Ordinance

This Part amends the Matrimonial Causes Ordinance.

12. Section 2 amended — Interpretation

Section 2 is amended by inserting the following new definitions in their correct alphabetical order —

““adultery” includes any act of infidelity and is not restricted to sexual intercourse;” and

““marriage” means a marriage solemnised or recognised under the Marriage Ordinance 1996;”.

13. Section 4 amended — Divorce on breakdown of marriage

Section 4(2) is amended as follows —

(a) in paragraph (c) by omitting “two years” and replacing it with “one year”;

(b) in paragraph (d) by omitting “two years” in each place it appears and replacing it with “one year”; and

(c) in paragraph (e) by omitting “five years” in each place it appears and replacing it with “three years”.

14. Section 6 amended — Restriction on petitions for divorce within three years of marriage

Section 6(1) is amended by omitting “three years” and replacing it with “one year”.

15. Section 14 amended — Grounds on which a marriage is void

Section 14(c) is deleted.

16. Section 15 amended — Grounds on which a marriage is voidable

Section 15 is amended by deleting paragraphs (a) and (b).

17. Miscellaneous amendments

The Ordinance is amended as follows —

(a) omit any reference to “two years’ separation” in each place it appears and replace with “one year separation”; and

(b) omit any reference to “five years’ separation” in each place it appears and replace with “three years’ separation”.

Part 5 — Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

18. Amendment of Matrimonial Proceedings (Summary Jurisdiction) Ordinance

This Part amends the Matrimonial Proceedings (Summary Jurisdiction) Ordinance.

19. Section 2 amended — Interpretation

Section 2 is amended by inserting the following new definitions in their correct alphabetical order —

““adultery” includes any act of infidelity and is not restricted to sexual intercourse;”;

““marriage” means a marriage solemnised or recognised under the Marriage Ordinance 1996;”;
and

““married man or married woman” must be construed to include a party in a same sex marriage regardless of gender.”

Part 6 — Amendment of Registration Regulations

20. Amendment of Registration Regulations

This Part amends the Registration Regulations.

21. Schedule 1 amended — Forms

(1) Form A is amended by deleting the following entries “Name and Surname of Father”, “Name and Maiden Name of Mother” and “Rank or Profession of Father” and replacing them with the following —

- (a) “Parent, Name, Surname at birth (Parent 1)”;
- (b) “Occupation Parent 1”;
- (c) “Parent, Name, Surname at birth (Parent 2)”;
- (d) “Occupation (Parent 2)”.

(2) Form B is amended by deleting the following entries “Name and Surname of Father”, “Name and Maiden Name of Mother” and “Rank or Profession of Father” and replacing them with the following —

- (a) “Parent, Name, Surname at birth (Parent 1)”;
- (b) “Occupation Parent 1”;
- (c) “Parent, Name, Surname at birth (Parent 2)”;

(d) “Occupation (Parent 2)”.

Part 7 — Amendment of Registration of Marriages Regulations

22. Amendment of Registration of Marriages Regulations

This Part amends the Registration of Marriages Regulations.

23. Form 7 amended — Form of instructions

Form 7 is amended in paragraph (2) by omitting “open” and replacing it with “unlocked”.

24. Form 8 amended — Certificate of Marriage

Form 8 is amended in Part I by deleting columns 7 and 8 and replacing them as follows —

7 Parent’s name, surname and occupation (Parent 1)	8 Parent’s name, surname and occupation (Parent 2)

Passed by the Legislature of the Falkland Islands on 30 March 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

PRISONS

Prisons Regulations 2017

S. R. & O. No. 7 of 2017

Arrangement of Provisions

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SUBSIDIARY LEGISLATION

PRISONS

Prisons Regulations 2017

S. R. & O. No. 7 of 2017

Made:6 April 2017

Published: 13 April 2017

Coming into force: see regulation 1

I make these regulations under section 53 of the Prisons Ordinance 2017 on the advice of the Executive Council.

1. Title and commencement

(1) These regulations are the Prisons Regulations 2017.

(2) These regulations come into force on a day appointed by the Governor by notice in the *Gazette*.

2. Admission into prison and induction

The Officer in Charge must ensure that each prisoner goes through an admission and induction process which includes the following —

- (a) opening a personal file for the prisoner;
- (b) recording the name, date of birth, nationality, religion, class or category of prisoner, length of sentence and inventory of personal property;
- (c) recording the height, weight and any other information that provides identification;
- (d) taking a photograph of the prisoner;
- (e) providing the prisoner with custodial sentence calculations and earliest release date information;
- (f) providing a sentence management plan to a prisoner serving over 6 months imprisonment; and
- (g) giving advice and guidance for resettlement on release to a prisoner serving less than 6 months imprisonment.

3. Sentence management and resettlement

(1) The Officer in Charge must prepare a prisoner for resettlement into the community in the following manner —

- (a) provide constructive regimes and purposeful activity in prison;
- (b) provide programmes that deal with offending behaviour, targeting specific risks that are identified;
- (c) provide access to education and activities that develop and support work ethics;
- (d) conduct risk assessments that include restorative practices;
- (e) attend to identified health needs; and
- (f) provide a pre-release plan.

(2) The Officer in Charge must include in prison instructions a strategy of rehabilitation and a policy for reducing reoffending and ensure that the programme is implemented.

(3) The Officer in Charge will consult and act in partnership with both Government and identified non-Government and voluntary agencies including probation, social services, healthcare, housing, employment and training, (multiagency public protection arrangements), and other specialist groups which provide assistance for young offenders, foreign nationals, ethnic minorities and women prisoners.

4. Information for prisoners

(1) A convicted prisoner with a right of appeal against conviction or sentence must be informed of the facilities that are available for lodging an appeal.

(2) As soon as practicably possible after admission into prison, and in any case within 24 hours, prison staff must provide each prisoner with information in writing about the Prisons Ordinance, Regulations, prison instructions and pardon under section 71 of the Constitution and bring to the attention of the prisoner his or her rights and obligations.

(3) A prisoner must be informed of —

- (a) the prison routine, earnings and facilities;
- (b) rules on acts of misconduct;
- (c) sentence management arrangements;
- (d) the role of the Prison Monitoring Board; and
- (e) request and complaint procedures.

(4) In the case of a young offender, or a prisoner who cannot read or appears to have difficulty in understanding information, the Officer in Charge must arrange to have it explained, or provide the information in the language that the prisoner understands.

(5) The Officer in Charge must keep adequate copies of the Prisons Ordinance, Regulations and prison instructions and make them available within a reasonable time to a prisoner who requests them.

5. Prison accommodation

(1) A place where a prisoner is required to live and work must —

(a) have windows large enough to enable the prisoner to read or work by natural light;

(b) allow fresh air whether or not there is artificial ventilation;

(c) allow sufficient artificial light for a prisoner to read or work;

(d) allow a prisoner to have a bath or shower, at a temperature suitable to the climate as often as necessary but at least once a week;

(e) have a built in toilet and sink and be supplied with running water for both the toilet and the sink;

(f) have heating;

(g) be properly maintained and kept clean at all times; and

(h) provide an auidial or visual means to call for the attendance of prison staff.

(2) The Officer in Charge must ensure that the condition of prisoner accommodation is checked regularly in order to identify inadequacies and any accommodation that fails to meet the set standard must be reported to the Director of Prisons as soon as is reasonably practicable.

(3) Accommodation that, in the opinion of the medical officer, presents a serious risk to health must be taken out of use immediately.

6. Sleeping accommodation

(1) No cell may be used as sleeping accommodation for a prisoner unless it has been certified in terms of section 21 of the Prisons Ordinance that its size, lighting, heating, ventilation and fittings are adequate and that it allows the prisoner to call for the attendance of prison staff at any time.

(2) A certificate under section 21 of the Prisons Ordinance must specify the maximum number of prisoners who may sleep or be confined at one time in the cell and the number specified may not be exceeded without the leave of the Director of Prisons.

(3) Separate accommodation may be provided for prisoners undergoing punishment for an act of misconduct.

(4) Each prisoner must be provided with a separate bed and with bedding that, in the opinion of the Officer in Charge, is adequate for warmth.

7. Outside contacts

Prison staff must —

(a) encourage a prisoner and their family to maintain relationships as in the opinion of the Officer in Charge are in the best interests of both; and

(b) encourage each prisoner to establish and maintain relations with persons and agencies outside the prison as may, in the opinion of the Officer in Charge, best promote the prisoner's social rehabilitation.

8. Requests and complaints procedure

(1) A prisoner must have the opportunity every day to make requests or complaints to the Officer in Charge or to an authorised prison staff member.

(2) A prisoner's request or complaint may be made orally or in writing and the Officer in Charge must ensure that every day a member of staff is available to hear requests and complaints.

(3) The Officer in Charge must make arrangements to ensure that requests are dealt with by prison staff quickly and informally in the first instance.

(4) A matter not resolved under subsection (3), and which a prisoner wishes to pursue, must be treated as a formal complaint.

(5) Formal complaints must be recorded in writing and must be responded to by prison staff within three days.

(6) Where a substantive reply cannot be given within three days, the Officer in Charge must give an interim reply and an indication of when a substantive reply will be provided.

(7) A prisoner may make a written complaint in confidence to the Officer in Charge, who may decide to delegate the function of responding to another member of prison staff.

(8) A response in respect of a complaint must be in writing, and the Officer in Charge must keep records of complaints and responses given.

(9) A prisoner may complain, in confidence to the Board, who must —

(a) investigate the complaint or cause an investigation to be done and provide a written response;

(b) keep a record of the complaints and responses given and submit a summary to the Governor; and

(c) report to the Governor any complaint that they consider to be serious.

(10) A prisoner who is not satisfied with a response from the prison staff may appeal to the Officer in Charge and if still not satisfied, he or she may appeal to the Governor.

(11) Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners must be dealt with immediately and the Board must cause a prompt investigation to be carried out.

9. Privileges

(1) Privileges and incentives to be included in prison instructions may include the following —

(a) time outside their cells and in association with one another, in excess of the minimum time otherwise allowed;

(b) spending money earned in prison;

(c) attending religious services;

(d) extra visits or extended time with visitors;

(e) keeping of additional articles and smoking;

(g) communication over and above the minimum prescribed;

(h) wearing personal clothing; and

(i) other privileges as the Officer in Charge may include in prison instructions.

(2) Privileges may be granted to prisoners only if they have met and continue to meet specified standards in their behaviour, their performance in work, involvement in sentence planning and other activities.

(3) A system of privileges must include procedures to be followed in determining how they are to be granted, or continue to be granted, to a prisoner.

(4) A prisoner must be given reasons for any adverse decision and must be allowed to appeal against the decision to the Officer in Charge.

(5) Prison instructions must provide for procedures for the appeal referred to in subsection (4).

(6) Prison staff must maintain records of any changes to the privilege levels of prisoners, the reasons for those changes and the timescales applicable to the changes.

(7) Nothing in this regulation entitles a prisoner to any privilege, or affects a provision in the Prisons Ordinance or these Regulations which provides for loss of a privilege.

10. Release under licence

(1) In calculating the two thirds of a sentence for purposes of release under section 47 of the Prisons Ordinance, the total time of the sentence will be commuted to days, inclusive of the day of sentencing and all days spent on remand will count towards the total of the sentence unless otherwise directed by the court.

(2) The total days will subsequently subtract one third and round down to nearest whole day in order to identify earliest release date.

(3) A prisoner must be released from prison no later than 4:00 pm on the day of release.

(4) In the case of a partially suspended sentence, the imposed sentence for purposes of subsection (1) is the custodial portion of the sentence.

(5) Additional days imposed under the Prisons Ordinance or these regulations must be taken into account when release dates are calculated.

11. Release and licence conditions

(1) This section applies where a prisoner is released at the two thirds point, or earliest release date under section 47 of the Prisons Ordinance and allows the imposition of licence conditions at the point of release from custody until the expiry date of the sentence.

(2) The Officer in Charge must specify an authority as the “supervising authority” responsible for monitoring compliance with licence conditions.

(3) If a condition is breached during the licence period, the supervising authority may refer the offender to the sentencing court; and the court must consider whether to —

(a) order the offender’s return to prison;

(b) alter the conditions of release; or

(c) make some other order.

(4) A prisoner who is released on licence and subsequently recalled to custody is not eligible for restoration of any additional days incurred before release.

(5) A prisoner who is recalled to prison will serve the remainder of their sentence and must be released at the point of the expiry of their sentence.

12. Temporary release

(1) The Officer in Charge must ensure that a multi-agency risk assessment is carried out before allowing temporary release in terms of section 48 of the Prisons Ordinance.

(2) A prisoner may only be released temporarily if the Officer in Charge is satisfied that there is no unacceptable risk that the prisoner will commit an offence while released, or fail to comply with a condition of release.

(3) The Officer in Charge must not release a prisoner serving a sentence of imprisonment if the Officer in Charge thinks the release would be likely to undermine public confidence in the administration of justice having regard to —

(a) the proportion of the sentence which the prisoner has served; and

(b) the frequency with which the prisoner has been granted temporary release.

(4) A prisoner released temporarily may be recalled to prison by the Officer in Charge at any time whether or not the conditions of release have been broken.

13. Regular visits by minister of religion

(1) The Officer in Charge may arrange for a minister to visit prisoners of the minister's religious denomination as regularly as is reasonably practicable.

(2) The minister, so far as is reasonably practicable, may make a visit to a prisoner of the minister's denomination who is sick, under restraint or is in confinement in a cell and who consents to the visit.

(3) A prisoner who belongs to a denomination for which no visiting minister is available may request the Officer in Charge to make reasonable arrangements for contact with a minister of that denomination.

14. Religious books

The Officer in Charge must ensure that, so far as reasonably practicable, there are available for the personal use of each prisoner religious books approved by the Officer in Charge, suitable for the prisoner's denomination.

15. Healthcare procedures

(1) The medical officer may consult other registered medical practitioners as necessary.

(2) The medical officer must arrange for the examination of every prisoner as soon as reasonably practicable after admission and immediately prior to discharge, and on other occasions and for such purposes as the medical officer thinks necessary.

(3) The medical officer must record the results of any examinations undertaken by him or her in the performance of his or her functions under the Prisons Ordinance or these Regulations.

(4) A request by a prisoner to see the medical officer must be recorded by the prison officer to whom it is made and promptly passed on to the medical officer.

(5) The Officer in Charge must comply with directions which the medical officer may give for preventing injury to health in prison.

(6) The Officer in Charge must decide upon the level of supervision by prison staff which is necessary for each prisoner who is at a hospital.

(7) If a civil or remand prisoner desires the attendance of a registered medical practitioner or dentist, for services not normally provided under these regulations, and undertakes to pay the expense incurred, the Officer in Charge, in consultation with the medical officer, may allow any reasonable request for the prisoner to be visited and treated by that medical practitioner or dentist.

(8) A registered medical practitioner selected by or on behalf of a prisoner who is a party to legal proceedings must be afforded reasonable facilities to examine the prisoner out of hearing, but not out of sight, of a prison staff member and where practicable, the attendant prison staff must be of the same sex as the prisoner.

16. Report of special illnesses and conditions

(1) The medical officer must report to the Officer in Charge a prisoner whose health is likely to be injuriously affected by prison conditions or by continued imprisonment.

(2) The Officer in Charge must immediately inform the Board of a report received under subsection (1), and advise of the action that the Officer in Charge proposes to take.

(3) The medical officer must pay special attention to a prisoner whose mental condition appears to require it, and must advise on any special arrangements which appear necessary for the prisoner's supervision or care.

(4) If a prisoner becomes seriously ill, sustains a severe injury or is removed to hospital on account of mental disorder, the Officer in Charge must immediately inform the Board, the prisoner's next of kin, nearest relative, close friend or other person with a connection to the prisoner, or a person who the prisoner may reasonably have asked to be informed.

17. Plans in event of apparent death of a prisoner

(1) The Officer in Charge must have in place contingency plans for action to be taken on discovery of a non-responsive prisoner or an apparent death of a prisoner.

(2) The plans must include the provision of emergency first aid, the summoning of clinical support and informing the Coroner, Governor and the Board.

18. Clothing

(1) Remand and civil prisoners may wear their own clothing if the Officer in Charge considers it to be suitable, tidy and clean.

(2) The Officer in Charge may arrange for the supply of clean clothing from outside prison to remand or civil prisoners.

(3) A convicted prisoner must be provided with clothing adequate for warmth and health in line with guidance approved by the Officer in Charge and the Officer in Charge must ensure that facilities are available to launder the clothing.

(4) Clothing provided under subsection (3) must include protective clothing for use at work where this is necessary in the opinion of the Officer in Charge.

(5) A convicted prisoner may not wear any clothing other than that provided under subsection (3) except on the directions of the Officer in Charge or as a privilege.

(6) The Officer in Charge may, where necessary, provide a prisoner on release with suitable and adequate clothing.

(7) A prisoner may be required by the Officer in Charge to wear items of clothing which are distinctive by virtue of being specially marked or coloured or both, if and for so long as there are reasonable grounds to believe that there is —

(a) a serious risk of the prisoner attempting to escape; or

(b) a risk that, if the prisoner escaped, the prisoner would be dangerous to the public or to the security of the Falkland Islands.

19. Food

(1) A prisoner may not consume or possess food unless it has been —

(a) provided by the prison;

(b) authorised by the medical officer;

(c) purchased as a privilege; or

(d) permitted in accordance with prison instructions.

(2) Food provided by the prison must be wholesome, nutritious, well-prepared and served reasonably varied and sufficient in quantity, in accordance with the nutritional guidelines set out in subsection (3).

(3) Food provided to prisoners must conform to the nutritional guidelines as determined by the Chief Medical Officer.

(4) Meals must be served within the following time periods —

(a) breakfast: not earlier than 7:00 a.m. and not later than 9:00 a.m.;

(b) lunch: not earlier than 12:00 p.m. and not later than 2:00 p.m.;

(c) dinner: not earlier than 4:30 p.m. and not later than 8:00 p.m.

(5) The medical officer or a person considered by the Officer in Charge to be competent, must from time to time inspect the food both before and after it is cooked and must report any deficiency or defect in the food to the Officer in Charge.

(6) Drinking water must be available to a prisoner whenever the prisoner needs it.

20. Alcohol and tobacco

(1) A prisoner is not allowed to have intoxicating liquor.

(2) No prisoner is allowed to smoke, or have tobacco, except as a privilege and in accordance with prison instructions.

21. Hygiene

(1) A prisoner must be provided with toiletries that are necessary for their health and cleanliness.

(2) Each prisoner must wash at proper times, and have a hot bath or shower on reception and at least once a week.

(3) A prisoner's hair may not be cut without the prisoner's consent, unless where for health reasons the medical officer authorises that the hair be cut.

22. Physical activity

(1) To the extent that circumstances permit —

(a) provision must be made for physical activity or physical recreation within the normal working week, as well as during evenings or weekends;

(b) the physical activities must be designed to promote healthy living and the prisoner's interests and skills and to promote good use of leisure time on release; and

(c) arrangements must be made for each prisoner to participate in physical activity for at least two hours per week on average.

(2) The Officer in Charge must provide appropriate facilities for a prisoner identified by the medical officer as having a need for alternative or remedial physical activity.

(3) The medical officer must decide upon the fitness of each prisoner for physical education and remedial physical activity and may excuse a prisoner from, or modify, any education or activity on medical grounds.

23. Time in the open air

(1) If the weather permits and subject to the need to maintain good order and discipline, a prisoner must be given the opportunity to spend time in the open air at least once every day.

(2) If a prisoner is not involved in outside work activity, the prisoner may spend time in open air for a minimum period of one hour per day.

24. Work and remuneration

(1) A convicted prisoner must be required to do useful work —

(a) for not more than 10 hours per day; and

(b) subject to a limit of 40 hours per week.

(2) The Officer in Charge may make arrangements to allow convicted prisoners to work, where possible, outside the cells and in association with one another.

(3) The medical officer may —

(a) excuse a prisoner from work on medical grounds;

(b) limit the class of work which a prisoner may carry out.

(4) No prisoner may work in the service of another prisoner or a prison officer, or for the private benefit of any person, without the authority of the Officer in Charge.

(5) A remand or civil prisoner may choose to participate in arrangements for work.

(6) Remuneration for prisoners must be paid to the Officer in Charge who keeps an account of the remuneration held on a prisoner's behalf and must provide each prisoner with a monthly statement.

25. Education

(1) A prisoner who can benefit from the educational facilities provided in, or accessible from, a prison must be encouraged to do so.

(2) Educational facilities must be arranged so far as is reasonably practicable.

(3) Reasonable facilities must be provided for prisoners who wish to further their education in their spare time by training, distance learning, private study or recreational classes.

(4) Special attention must be paid to the education and training of prisoners with basic educational needs and education providers will aim that prisoners gain at least basic core skills in reading and writing and if necessary the prisoners must be taught within the hours normally allotted to work.

(5) The Officer in Charge must make arrangements for a prisoner of compulsory school age to participate in education or training courses for at least 15 hours each normal working week.

26. Library

(1) Library facilities must be provided in each prison.

(2) Subject to any directions of the Officer in Charge, each prisoner must be allowed to borrow library books.

27. Restriction of communication

(1) The Officer in Charge may, with a view to securing discipline and good order or the prevention of crime or in the interests of any person, impose restrictions upon communication between a prisoner and other persons.

(2) Except as provided in the Prisons Ordinance or by these regulations, a prisoner may not communicate with a person outside the prison except with the leave of the Officer in Charge or as a privilege.

(3) A convicted prisoner may send and receive one letter or make one telephone call once a week during confinement as a minimum provision.

(4) A civil and remand prisoner may send and receive letters or make telephone calls, within such limits and subject to conditions considered reasonable by the Officer in Charge.

(5) Arrangements must be made for prisoners to make telephone calls, or to communicate by other means, with family and friends at the prisoners' own expense, at times and as frequently as considered reasonable by the Officer in Charge.

(6) A prisoner is allowed a free telephone call on admission into prison and a prisoner who is assessed to have no means to finance telephone calls may be allowed to make calls for free subject to limitations imposed in prison instructions.

(7) Except as provided by these regulations, every communication to or from a prisoner may be read, listened to, logged, recorded or examined by the Officer in Charge or by prison staff and the Officer in Charge may stop any communication on the ground that its contents are objectionable or that it is of inordinate length.

(8) The Officer in Charge may allow additional communication in relation to a prisoner or class of prisoners in particular circumstances, or as a privilege or where necessary for the welfare of a prisoner or a prisoner's family.

28. Interception of communication

(1) Communication, other than correspondence between a prisoner and his or her legal practitioner, may be opened read or stopped on the authority of the Officer in Charge as a matter of routine to ensure security in prison and for protection of the public.

(2) Where correspondence between a prisoner and the prisoner's legal practitioner is opened under section 26(5) of the Prisons Ordinance, the prisoner must be given the opportunity to be present and must be informed if the correspondence or any enclosure is to be read or stopped.

(3) A prisoner must be informed if for any reason his or her regular correspondence has been stopped in terms of subsection (1) and the action to be taken following the stopping of correspondence.

(4) A prisoner must on request be provided with materials for corresponding with the prisoner's legal practitioner or a court.

29. Visits

(1) All visitors must be searched upon entry to a prison and visitors refusing to be searched will be denied entry.

(2) A visit to a prisoner must take place within the sight and hearing of a prison officer, unless the Officer in Charge directs otherwise.

(3) A convicted prisoner is entitled to receive a visit twice in every period of four weeks and each visit may last at least one hour.

(4) A remand or civil prisoner may receive visits within limits and subject to conditions as are considered reasonable by the Officer in Charge.

(5) The Officer in Charge may provide in prison instructions directions, generally or in relation to a visit or class of visits, concerning the day and times when prisoners may be visited.

(6) A prisoner is not entitled under this regulation to receive a visit from —

(a) a person who is subject to a prohibition imposed by the Officer in Charge under the Prisons Ordinance; or

(b) a person other than a relative or friend, except with the permission of the Officer in Charge.

(7) The Officer in Charge may —

(a) allow a prisoner or class of prisoners an additional visit as a privilege or for the welfare of the prisoner or the prisoner's family;

(b) allow a prisoner entitled to a visit to send and receive a letter or other communication instead;

(c) defer a visit until after a period of confinement in a cell;

(d) deny or end a visit in the interest of good order and discipline.

(8) Subsection (7) does not apply in relation to visits by —

(a) a member of the Board;

(b) a representative of a human rights organisation which is recognised by the Governor; or

(c) the Overseas Territories Prison Advisor appointed by the Foreign and Commonwealth Office.

(9) A person who is detained in prison for failure to find a surety, or in default of payment of a sum of money, may communicate with and be visited at a reasonable time by a relative or friend to arrange for a surety or payment in order to secure his or her release from prison.

30. Police interviews

A police officer may, on production of an order issued by or on behalf of a chief of police, interview any prisoner with the prisoner's consent.

31. Custody and protection of prisoner outside prison

(1) A prisoner being taken to or from prison must be exposed as little as possible to public observation, and proper care must be taken to protect the prisoner from curiosity and insult.

(2) A prisoner who is required to be taken anywhere outside prison must be kept under the control of a prison officer or a police officer.

(3) A prisoner who is required to appear before a court must wear ordinary civilian clothing provided by the Officer in Charge or the prisoner's own clothing.

32. Prisoners' property and money

(1) The Officer in Charge must make arrangements to monitor and record prisoners' property and impose limitations and restrictions on prisoners' possessions as are reasonably necessary to maintain good order, discipline and security.

(2) All property of a prisoner, particularly religious books and artefacts, must be treated by prison staff with appropriate care and respect.

(3) Subject to restrictions imposed by the Officer in Charge, a remand or civil prisoner may acquire books, newspapers, writing materials and other means of occupying themselves.

(4) Money which a prisoner has on admission, or which is later handed in or sent in by post for the prisoner, must be paid into an account under the control of the Officer in Charge and credited to the prisoner.

(5) A prisoner committed to prison in default of payment of a sum of money must be informed of the receipt of money and, unless the prisoner objects, the money must be applied to the satisfaction of the amount due.

(6) If money is sent to a prisoner and the sender's name and address are not known, the money must be paid into the account under the control of the Officer in Charge and credited to the prisoner unless the money is the subject of an investigation in which case it must be handed over to the police and receipted.

(7) The Officer in Charge may make arrangements for property to be handed in to a prison for prisoners, at suitable times and subject to any restrictions imposed by the Officer in Charge.

(8) An article belonging to a prisoner which remains unclaimed for a period of more than 6 months after the prisoner leaves prison, may be sold or otherwise disposed of by the Officer in Charge.

33. Removal from association

(1) The Officer in Charge may arrange for a prisoner to be removed from association with other prisoners, generally or for particular purposes, either —

(a) for the maintenance of good order or discipline; or

(b) in the prisoner's own interests.

(2) The Officer in Charge must maintain a record of each occasion on which the power under subsection (1) is exercised, and the Board must be informed as soon as is practicable.

(3) A prisoner may not be removed from association under this section for a period of more than 3 days without informing and getting the approval of the Board.

(4) Subject to subsection (5), the Board may not give authority for a period exceeding one month at a time, and this may be renewed from month to month.

(5) In the case of a young offender, the authority given by the Board lasts for a period not exceeding 14 days, but may be renewed for a similar period.

(6) The Officer in Charge may arrange for a prisoner to resume association with other prisoners and must do so if the medical officer advises resumption of association on medical grounds.

34. Use of force

(1) A prison officer may not use force unnecessarily and may not use more than the minimum force necessary in dealing with a prisoner.

(2) When force is used on a prisoner, the Board must be notified as soon as practicable, and a record kept and the prisoner must be seen and examined by a medical officer following the use of force.

(3) Prison staff may not act in a manner which is calculated to provoke a prisoner.

35. Temporary solitary confinement

(1) The Officer in Charge may order that an uncooperative or violent prisoner or a prisoner who is at risk of harming themselves or others to be confined temporarily in Special Accommodation.

(2) The Officer in Charge must ensure that —

(a) the reasons for initial and continuing use of Special Accommodation are recorded and monitored;

(b) a prisoner does not spend longer than is necessary in solitary confinement;

(c) a prisoner is returned to normal accommodation within the prison as quickly as is reasonably possible; and

(d) a prisoner is not confined in Special Accommodation for a continuous period of longer than 24 hours up to a maximum of 36 hours before a review.

(3) Special Accommodation must be used only as a last resort for a prisoner when —

(a) the prisoner is such a risk to others or to themselves that no other suitable location is appropriate; and

(b) other options have been tried or are considered inappropriate or ineffective.

36. Use of restraints

(1) The Officer in Charge may order a prisoner to be put under restraint where necessary to prevent the prisoner from escaping, injuring himself, herself or others, damaging property or creating a disturbance.

(2) Notice of an order to place a refractory prisoner in restraints must be given promptly to the Board, and to the medical officer.

(3) The medical officer must inform the Officer in Charge whether there are medical reasons why a prisoner should not be put under restraint, in which case the prisoner must be released from restraint.

(4) A prisoner may not be kept under restraint longer than is necessary and whilst the restraints are applied the prisoner must not be left unattended.

(5) A prisoner may not be kept under restraint for a continuous period of longer than 24 hours up to a maximum of 36 hours in exceptional circumstances.

(6) Particulars of every case of restraint under this regulation must be recorded promptly.

(7) Except as provided by this section, no prisoner may be put under restraint otherwise than for safe custody during removal or on medical grounds by direction of the medical officer.

(8) Means of restraint must be of a type authorised by the Governor, and must be used in a manner and under conditions as the Officer in Charge may direct.

37. Procedure for taking samples from prisoners

(1) When requiring a prisoner to provide a sample, the Officer in Charge must inform the prisoner —

(a) that the prisoner is required to provide a sample in accordance with the Prisons Ordinance and Regulations; and

(b) that a refusal to provide a sample is an act of misconduct which may lead to disciplinary proceedings.

(2) A sample must be fresh and free from any adulteration and a prison officer must make arrangements as may be reasonably necessary in order to prevent or detect adulteration or falsification.

(3) A prisoner who is required to provide a sample —

(a) may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample;

(b) must be given a degree of privacy as is compatible with the need to prevent or detect any adulteration or falsification; and

(c) may not be required to provide the sample in the sight or presence of a person of the opposite sex.

38. Acts of misconduct and disciplinary procedures

(1) A prisoner commits an act of misconduct and becomes subject to a disciplinary proceeding if the prisoner —

(a) assaults another person;

(b) detains a person against the person's will;

(c) denies access to any part of the prison to a prison officer or any person who is working in prison;

(d) fights with another person;

(e) intentionally endangers the health or personal safety of others or, by conduct, is reckless whether that health or personal safety is endangered;

(f) intentionally obstructs a prison officer in the execution of the officer's duty, or a person who is working in prison;

(g) escapes or absconds from prison or from legal custody;

(h) fails to comply with a condition of temporary release;

(i) self-administers a controlled drug or fails without reasonable excuse to prevent the administration of a controlled drug to the prisoner by another, subject to section 39;

(j) is intoxicated as a consequence of knowingly consuming intoxicating liquor;

(k) knowingly consumes intoxicating liquor;

(l) has —

- (i) an unauthorised article; or
- (ii) a greater quantity of any article than is authorised;
- (m) sells or delivers an unauthorised article;
- (n) sells or, without permission, delivers to another person an article which is allowed only for the prisoner's personal use;
- (o) takes without permission an article belonging to another or to the prison;
- (p) intentionally or recklessly sets fire to the prison or to other property, whether or not it belongs to the prisoner;
- (q) destroys or damages the prison, or any property other than the prisoner's own;
- (r) is absent from a place where the prisoner is required to be or is present in a place where the prisoner is not authorised to be;
- (s) is disrespectful to a prison officer, or a person who is working at a prison;
- (t) uses threatening, abusive or insulting words or behaviour;
- (u) refuses to work, or intentionally fails to work properly;
- (v) disobeys a lawful order;
- (w) disobeys or fails to comply with a regulation or prison instruction;
- (x) receives a controlled drug, or, without the consent of prison staff, any other article, during the course of a visit (other than a visit for an interview by a legal practitioner);
- (y) any other act that the Officer in Charge considers to be contrary to or inconsistent with the discipline of the prison; or
- (z) in relation to an act of misconduct referred to in paragraphs (a) to (y) —
 - (i) attempts to commit the act;
 - (ii) incites another prisoner to commit the act; or
 - (iii) assists another prisoner to commit or attempt to commit the act.

39. Defences to section 38(1)(i)

It is a defence for a prisoner charged with an act of misconduct under section 38(1)(i) to show that the controlled drug —

(a) prior to its administration, was lawfully in the prisoner's possession for personal use or was administered to the prisoner in the course of a lawful supply of the drug to the prisoner by another person;

(b) was administered by or to the prisoner in circumstances in which the prisoner did not know and had no reason to suspect that the drug was being administered; or

(c) was administered by or to the prisoner under duress or without the prisoner's consent in circumstances where it was not reasonable to resist.

40. Disciplinary charges procedures

(1) The Officer in Charge must notify a prisoner of a charge as soon as reasonably possible and, except in exceptional circumstances, within 48 hours of the discovery of the act of misconduct.

(2) Every charge of misconduct must be inquired into by the Officer in Charge who must hear the evidence of the reporting prison staff.

(3) Except in exceptional circumstances, every charge, after notice has been given under subsection (1), must be first inquired into not later, than the next day, other than a Saturday, Sunday or public holiday.

(4) A prisoner may, if necessary be kept apart from other prisoners pending the Officer in Charge's first inquiry.

(5) At an inquiry into a charge, a prisoner must be given a full opportunity of hearing what is alleged and of presenting his or her case.

(6) Prison instructions may make further provision for disciplinary procedures and proceedings which may include hearings, giving of evidence, referral to the independent adjudicator and any other related matter.

41. Officer in Charge's punishments

(1) On finding a prisoner guilty of an act of misconduct, the Officer in Charge may, subject to subsection (2) and section 43, impose one or more of the following punishments —

(a) a caution;

(b) forfeiture for a period not exceeding 42 days of a privilege;

(c) exclusion from work in association with other prisoners for a period not exceeding 21 days;

(d) stoppage of or deduction from earnings for a period not exceeding 84 days and of an amount not exceeding 42 days' earnings;

(e) confinement in a cell for a period not exceeding 14 days;

(f) forfeiture for a specified period of the right under regulation 32(3); and

(g) withdrawal of any other privileges.

(2) A caution may not be combined with any other punishment.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, punishment may be ordered to run concurrently, but confinement in a cell may not exceed 14 days in total.

(4) The Governor may, by order, issue guidelines as to the level of punishment that should normally be imposed for a particular act of misconduct and the Officer in Charge must take those guidelines into account in imposing a punishment.

42. Additional days

(1) Where the Officer in Charge considers that the appropriate penalty for an act of misconduct may be to impose additional days, he or she must refer the matter to an independent adjudicator who was not part of the original sentencing of the prisoner.

(2) An independent adjudicator may impose not more than 42 additional days and if a prisoner is found guilty of more than one offence arising from a single incident, the independent adjudicator may impose consecutive punishments of additional days, but the total must not exceed 42 days.

(3) A punishment of additional days may not extend the prisoner's period in custody beyond the date of the expiry of the prisoner's sentence.

(4) If a punishment of additional days is suspended, only an independent adjudicator may activate it.

(5) A prisoner may apply to the Officer in Charge for remission of additional days following a period of improved behaviour six months after the date that an award of additional days was made and four months in the case of a young person.

43. Acts of misconduct by young persons

In the case of an act of misconduct committed by a prisoner who was under the age of 18 when the act was committed, section 41 has effect, but —

(a) the maximum period of forfeiture of privileges is 21 days;

(b) the maximum period of stoppage of or deduction from earnings is 42 days and the maximum amount is an amount not exceeding 21 days' earnings;

(c) the maximum period of confinement in a cell is 7 days; and

(d) the maximum period of additional days is 21.

44. Suspended punishments

(1) The power to impose punishment (other than a caution) includes power to suspend the punishment during a specified period (not being more than six months from the date of the punishment) on condition that the prisoner does not commit another act of misconduct during the suspension.

(2) Where a prisoner commits an act of misconduct during the period of suspension specified under subsection (1), the Officer in Charge may —

(a) direct that the suspended punishment takes effect;

(b) reduce the period or amount of the suspended punishment and direct that it takes effect as reduced;

(c) substitute the original direction with a period expiring not later than six months from the date of substitution; or

(d) give no direction with respect to the suspended sentence.

45. Prisoner's right of appeal against disciplinary punishment

(1) A prisoner may appeal to the Governor against any punishment imposed under these Regulations in accordance with procedures specified in prison instructions.

(2) An appeal must be heard as quickly as is reasonably practicable.

(3) The Governor has sole discretion on appeal matters referred to in subsection (1), and may quash any finding of guilt and may remit any punishment or mitigate it either by reducing it or by substituting a less severe punishment.

46. Emergencies

(1) The Officer in Charge must maintain contingency plans, covering the actions to be taken in the event of any emergency within a prison.

(2) Where a police officer or member of the armed forces of the Crown is employed by reason of any emergency to assist the Officer in Charge of a prison by performing duties ordinarily performed by an officer of a prison, a reference in these regulations to an officer (other than the Officer in Charge) includes a reference to those persons.

47. Control of persons visiting prison

(1) A person or vehicle entering or leaving a prison may be stopped, examined and searched.

(2) A search of a person must be carried out in accordance with section 28 of the Prisons Ordinance.

(3) The Officer in Charge may direct the removal from a prison of a person who does not leave on being required to do so.

48. Viewing of prisons

(1) No person may view a prison without the permission of the Officer in Charge, unless authorised by law.

(2) A person visiting a prison may not take a photograph, make a sketch or communicate with a prisoner unless authorised by law or the Officer in Charge.

49. Classification of prisoners (section 22 of Prisons Ordinance)

Classification or categorisation of prisoners for purposes of section 22 of the Prisons Ordinance is as contained in the Schedule.

50. Revocation of Prison Regulations

The Prison Regulations 1966 (Title 60.11.1) are revoked.

Schedule

(section 49)

Classification/Categorisation of prisoners

Category A: A prisoner who must be held in accommodation to the highest level of security available and whose escape would be a danger to the public or the security of the Falkland Islands.

Category B: A prisoner who need not be held in accommodation to the highest level of security available but whose escape must be made as difficult as possible.

Category C: A prisoner who does not have the resources or inclination to escape but who cannot be held in open accommodation.

Category D: A prisoner who is not considered to be a security risk and who could serve his sentence in open accommodation

Made 6 April 2017

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE *(not forming part of these Regulations)*

The regulations set out in more detail the matters that are contained in the Prisons Ordinance.

The regulations generally provide details of procedure and standards and remove or amend provisions that are no longer required. The revision is in line with the new Prisons Ordinance.

On admission, prisoners must undergo an induction process whereby their information is recorded and they are familiarised with their new environment. A calculation of their release dates must be done and a programme for resettlement into the community is instituted by the Officer in Charge.

The regulations attempt to strike a balance between management of a prison and maintaining discipline.

The Prison Monitoring Board monitors and ensures that prisoners are treated with respect and in line with human rights requirements. Procedures for the Board to consider requests and complaints are set out in the regulations. A member of staff must be available every day to listen to requests and complaints and these must be attended to within 3 days. Board members may talk to prisoners out of the hearing and out of sight of prison staff. The Board no longer has disciplinary powers except to monitor appeals. This is one of the changes from the current legislation.

Acts of misconduct are listed in section 38 and procedures for bringing charges are dealt with in section 40. The Officer in Charge is allowed to punish a prisoner who is found guilty of an act of misconduct. The punishment includes additional days for serious offences, loss of privileges and others listed in section 41. Additional days may only be imposed by an independent adjudicator. A prisoner may appeal to the Governor against any punishment. Restraint is not to be used as a form of punishment and excessive punishment is not allowed.

Prison staff will undergo training to ensure that they treat prisoners professionally. Meals will be served at regulated times and meal menus are checked for nutritional value.

A prisoner may be released after serving two thirds of their sentence. The prisoner is released on licence and subject to conditions. The Officer in Charge must include in prison instructions guidelines regarding the conditions that may be imposed. Support of the prisoner after release through outside agencies is encouraged to facilitate reintegration of the prisoner into society and to prevent reoffending.

A prisoner may also be released temporarily on several grounds including compassion and health. Conditions may be imposed and a prisoner may be recalled if they breach a licence condition. The Officer in Charge, before releasing a prisoner temporarily, must take care not to undermine public confidence in the administration of justice.

The welfare of a prisoner is paramount and many provisions have been included to ensure that. Prison accommodation must meet a standard prescribed in sections 5 and 6. A prisoner must get suitable clothing and toiletries necessary for their hygiene. Prisoners get time for physical education and time in open air. They also get time for religious services with their minister of religion. A prisoner's health, both physical and mental, is under the care of the medical officer.

The Prisons Ordinance provides that prisoners must be classified and this is done in the Schedule to the regulations.

Prison Regulations of 1966 are revoked.

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FALKLAND ISLANDS GAZETTE

Supplement

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Coins (Commemorative) Order 2017 (SR&O No 8 of 2017); and

Coins (Circulation) Order 2017 (SR&O No 9 of 2017).

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Commemorative) Order 2017

S. R. & O. No: 8 of 2017

Made: 15 April 2017

Published: 19 April 2017

Coming into force: on publication

I make this order under section 22 of the Currency Ordinance (Title 25.1).

1. Title

This order is the Coins (Commemorative) Order 2017.

2. Commencement

This order comes into force upon publication in the *Gazette*.

3. New coins

(1) The minting and issue of the coins described and specified in the schedules to this Order are authorised.

(2) The schedules specify —

(a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);

(b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and

(c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown and Noble coins and their value as legal tender

(1) For the purposes of the Ordinance —

(a) the cupro-nickel Crown coins, sterling silver Crown coins and sterling silver gold clad Crown coins authorised by this order are deemed to be of 25 pence denomination;

(b) the silver 5 Crown coins authorised by this order are deemed to be of £1.25 denomination;

(c) the gold 1 Crown coins authorised by this order are deemed to be of £5.00 denomination.

(2) For the purposes of the Ordinance —

(a) the cupro-nickel Noble coins authorised by this order are deemed to be of 25 pence denomination;

(b) the sterling silver Noble coins and sterling silver gold clad Noble coins authorised by this order are deemed to be of £2.00 pence denomination;

(c) the silver 5 Noble coins and gold 1 Noble coins authorised by this order are deemed to be of £10.00 denomination.

(3) The coins specified under paragraphs (1) and (2) are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 15th April 2017

R. A. J. Mitham,
Acting Governor.

SCHEDULE 1

Life of HM Queen Elizabeth II and HRH Prince Philip – Goodwood Races

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Special Effigy. Date 2017.				
<i>Reverse design</i>	The design features an image of Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip from the Goodwood Races in 1954. The wording 'H.M. QUEEN ELIZABETH II & H.R.H. PRINCE PHILIP' appears in the surround. The value is shown at the base of the design.				

SCHEDULE 2

Life of HM Queen Elizabeth II and HRH Prince Philip – Her Majesty’s 90th Birthday

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Special Effigy. Date 2017.				
<i>Reverse design</i>	The design features an image of Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip taken from a portrait celebrating Her Majesty’s 90 th birthday. The wording ‘H.M. QUEEN ELIZABETH II & H.R.H. PRINCE PHILIP’ appears in the surround. The value is shown at the base of the design.				

SCHEDULE 3

Britannia

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Effigy of Her Majesty Queen Elizabeth II. Date 2017.				
<i>Reverse design</i>	The design features an image of Britannia in the foreground holding a trident with the waves of the sea in the background. The wording 'BRITANNIA RULES THE WAVES' is shown along with the value on the coin and 'Ag. 999. 1 OUNCE'.				

SCHEDULE 4

HMS Desire

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Noble	1 Noble	1 Noble	5 Noble	1 Noble
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	10,000	2,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Effigy of Her Majesty Queen Elizabeth II. Date 2017.				
<i>Reverse design</i>	The design features an image of HMS Desire with the wording 'HMS DESIRE' in the style of coins of the era. The value is shown at the base of the design.				

SCHEDULE 5

Snow Crab

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Effigy of Her Majesty Queen Elizabeth II. Date 2017.				
<i>Reverse design</i>	The design features an image of a Snow Crab on the sea bed with the value at the top of the design.				

SCHEDULE 6

30th Anniversary of the Fishery – Patagonian Toothfish

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	10,000	2,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Effigy of HM Queen Elizabeth II.				
<i>Reverse design</i>	The design features an image of a Patagonian Toothfish in swirling water. The wording '30 YEARS OF FALKLANDS FISHERY – PATAGONIAN TOOTHFISH' appears in the surround. The value is shown at the base of the coin.				

SCHEDULE 7

Lest we forget

Type	Cupro-nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	999 silver	999 Silver	999 Silver	999 Gold
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.				
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.				
<i>Obverse design</i>	Pobjoy Mint Effigy of H.M. Queen Elizabeth II.				
<i>Reverse design</i>	The design features a remembrance poppy with a silhouette of a soldier standing by a cross. The wording 'LEST WE FORGET' appears within the design. The value is shown at the base of the coin.				

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Circulation) Order 2017

S. R. & O. No: 9 of 2017

Made: 15 April 2017

Published: 19 April 2017

Coming into force: on publication

I make this order under section 22 of the Currency Ordinance (Title 25.1) on the advice of Executive Council.

1. Title

This Order is the Coins (Circulation) Order 2017.

2. Commencement

This Order comes into force upon publication in the Gazette.

3. New coins

(1) The minting and issue of the circulation coins described and specified in the schedules to this Order are authorised.

(2) The schedules specify —

(a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);

(b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and

(c) the design of the obverse and reverse of the coins.

4. Deemed denomination of circulation coins and their value as legal tender

For the purposes of the Ordinance the circulation coins authorised by this Order will be of 50p denomination and will be legal tender in the Falkland Islands.

Made 15th April 2017

R. A. J. Mitham,
Acting Governor.

SCHEDULE 1

Legal tender 50p circulation coins of the Falkland Islands featuring Rockhopper Penguin

Type	Cupro Nickel	Sterling Silver
<i>Denomination</i>	50p	50p
<i>Weight (grams)</i>	8.00	8.00
<i>Diameter (millimetres)</i>	27.30	27.30
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling Silver
<i>Quality</i>	Circulation	Proof
<i>Shape</i>	Equilateral Curve Heptagon	Equilateral Curve Heptagon
<i>Edge</i>	Plain	Plain
<i>Edition</i>	Unlimited	2,000
<i>Mint</i>	Pobjoy Mint Ltd.	
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.	
<i>Obverse design</i>	Pobjoy Mint Couped Effigy of HM Queen Elizabeth II.	
<i>Reverse design</i>	The design depicts a Rockhopper Penguin. The wording "ROCKHOPPER PENGUIN" appears in the surround with the denomination of FIFTY PENCE at the base.	

SCHEDULE 2

Legal tender 50p circulation coins of the Falkland Islands featuring Gentoo Penguin

Type	Cupro Nickel	Sterling Silver
<i>Denomination</i>	50p	50p
<i>Weight (grams)</i>	8.00	8.00
<i>Diameter (millimetres)</i>	27.30	27.30
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling Silver
<i>Quality</i>	Circulation	Proof
<i>Shape</i>	Equilateral Curve Heptagon	Equilateral Curve Heptagon
<i>Edge</i>	Plain	Plain
<i>Edition</i>	Unlimited	2,000
<i>Mint</i>	Pobjoy Mint Ltd.	
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.	
<i>Obverse design</i>	Pobjoy Mint Couped Effigy of HM Queen Elizabeth II.	
<i>Reverse design</i>	The design depicts a Gentoo Penguin and two chicks. The wording "GENTOO PENGUIN" appears in the surround with the denomination of FIFTY PENCE at the base.	

SCHEDULE 3

Legal tender 50p circulation coins of the Falkland Islands featuring King Penguin

Type	Cupro Nickel	Sterling Silver
<i>Denomination</i>	50p	50p
<i>Weight (grams)</i>	8.00	8.00
<i>Diameter (millimetres)</i>	27.30	27.30
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling Silver
<i>Quality</i>	Circulation	Proof
<i>Shape</i>	Equilateral Curve Heptagon	Equilateral Curve Heptagon
<i>Edge</i>	Plain	Plain
<i>Edition</i>	Unlimited	2,000
<i>Mint</i>	Pobjoy Mint Ltd.	
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.	
<i>Obverse design</i>	Pobjoy Mint Couped Effigy of HM Majesty Queen Elizabeth II.	
<i>Reverse design</i>	The design depicts a male and female King Penguin. The wording “KING PENGUIN” appears in the surround with the denomination of FIFTY PENCE at the base.	

SCHEDULE 4

Legal tender 50p circulation coins of the Falkland Islands featuring Magellanic Penguin

Type	Cupro Nickel	Sterling Silver
<i>Denomination</i>	50p	50p
<i>Weight (grams)</i>	8.00	8.00
<i>Diameter (millimetres)</i>	27.30	27.30
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling Silver
<i>Quality</i>	Circulation	Proof
<i>Shape</i>	Equilateral Curve Heptagon	Equilateral Curve Heptagon
<i>Edge</i>	Plain	Plain
<i>Edition</i>	Unlimited	2,000
<i>Mint</i>	Pobjoy Mint Ltd.	
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.	
<i>Obverse design</i>	Pobjoy Mint Couped Effigy of HM Queen Elizabeth II.	
<i>Reverse design</i>	The design depicts a Magellanic Penguin swimming. The wording “MAGELLANIC PENGUIN” appears in the surround with the denomination of FIFTY PENCE at the base.	

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FALKLAND ISLANDS GAZETTE

Extraordinary

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Vol. 126

20 April 2017

No. 4

NOTICES

No. 25 18 April 2017

Criminal Procedure and Evidence Ordinance 2014
section 1(2)

Commencement Notice

1. Section 1(2) of the Criminal Procedure and Evidence Ordinance 2014 (No. 12 of 2014) provides that the Ordinance comes into operation on a day or days appointed by the Governor by notice published in the *Gazette*. Section 1(3) provides that different dates may be appointed for different provisions and for different purposes.

2. I give notice that the Ordinance will come into operation on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 26 18 April 2017

Crimes Ordinance 2014
section 1(2)

Commencement Notice

1. Section 1(2) of the Crimes Ordinance 2014 (No. 13 of 2014) provides that the Ordinance comes into operation on a day or days appointed by the Governor by notice published in the

Gazette. Section 1(3) provides that different dates may be appointed for different provisions and for different purposes.

2. I give notice that the Ordinance will come into operation on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 27 18 April 2017

Animals (Welfare and Protection) Ordinance 2016
section 1(2)

Commencement Notice

1. Section 1(2) of the Animals (Welfare and Protection) Ordinance 2016 (No. 11 of 2016) provides that the Ordinance comes into force on a day or days appointed by the Governor by notice published in the *Gazette*. Section 1(3) provides that different dates may be appointed for different provisions and for different purposes.

2. I give notice that the whole Ordinance will come into force on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 28 18 April 2017

Prisons Ordinance 2017
section 1

Commencement Notice

1. Section 1(2) of the Prisons Ordinance 2017 provides that the Ordinance comes into operation on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into operation on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 29 18 April 2017

Prisons Regulations 2017
regulation 1

Commencement Notice

1. Regulation 1(2) of the Prisons Regulations 2017 provides that the Regulations come into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Regulations will come into force on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 30 18 April 2017

Criminal Procedure and Evidence (Amendment) Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Criminal Procedure and Evidence (Amendment) Ordinance 2017 (No. 4 of 2017) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into force on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 31 18 April 2017

Crimes (Amendment) Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Crimes (Amendment) Ordinance 2017 (No. 5 of 2017) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette* and that the Governor may make provision for different sections to commence on different dates.

2. I give notice that the Ordinance, excepting section 9, will come into force on 21 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 32 18 April 2017

Marriage (Amendment) Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Marriage (Amendment) Ordinance 2017 (No. 6 of 2017) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into force on 29 April 2017.

Dated 18 April 2017

R. A. J. MITHAM,
Acting Governor.



FALKLAND ISLANDS GAZETTE

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30 April 2017

No. 5

Appointment

Kristy Buckland, Administrative Assistant, Legislature Department, 03.04.17.

Chester Colin Buckley, Aircraft Refueller/Handyperson, Falkland Islands Government Air Service, Central Services Department, 03.04.17.

Wade Leonard Ford, Skilled Handyperson, Property and Municipal Section, Public Works Department, 04.04.17.

Sarah Jayne Shepherd, Clerk, Customs and Immigration Department, 10.04.17.

Mandy Ford, Saladero Farm Manager, Natural Resources Department, 10.04.17.

Nicholas Cyril Carter Edwards, Warden, Health and Social Services Department, 11.04.17.

Murray Alexander Middleton, Auxiliary Nurse, Health and Social Services Department, 12.04.17.

Simon Ladron de Guevara, Carpenter, Property and Municipal Section, Public Works Department, 13.04.17.

Cara Jane Jordan, Operations Controller/Flight Information Service Officer, Falkland Islands Government Air Service, Central Services Department, 17.04.17.

Ana Bonita Crowie, Senior Accounting Assistant, Treasury, 17.04.17.

Completion of contract

Graham Sidney John Harris, Teacher, Education Department, 13.04.17.

Renewal of contract

Rebecca Roberts, Probation Officer, Health and Social Services Department, 21.04.17.

Promotion

Daniel Martin Fowler, from Pilot (under supervision) to Pilot, Falkland Islands Government Air Service, Central Services, 21.03.17.

Resignation

Teslyn Siobhan Barkman, Public Relations and Media Manager, Policy Department, 10.03.17.

Alan Keith Joshua, Plant Operator/Handyperson, Highways Section, Public Works Department, 07.04.17.

Angela Jane Craggs, Operations Controller/Flight Information Services Officer, Falkland Islands Government Air Service, Central Services Department, 07.04.17.

Sandi Jayne Mansell, Learning Support Assistant, Infant and Junior School, Education Department, 13.04.17.

Stephen Boyd Clarke, Carpenter, Property and Municipal Section, Public Works Department, 25.04.17.

Transfer

Matthew Jenkins, from Police Constable to Customs and Immigration Officer, Emergency Services Department, 01.04.17.

Rafael Mauricio Sotomayor Morales, from Sports Attendant to Duty Supervisor/Sports Development Officer, Leisure Centre, Central Services Department, 03.04.17.

NOTICES

No. 33

5 April 2017

Commissioners for Oaths Ordinance *section 2(2)*

Appointment of Commissioners for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 (Title 22.3) provides that the Governor may appoint commissioners for oaths.

2. In exercise of my powers under section 2(2), I appoint **Stuart Ian Hampson** and **Hilary Alison McFarland** to be commissioners for oaths.

3. The scope of this appointment is limited to the administration of the Falkland Islands Government Oath or Affirmation of Secrecy in support of the operation of the Human Resources Department of the Falkland Islands Government.

4. This appointment has effect from the date below, and continues in effect whilst the appointees continue to hold office in the Human Resources Department of the Falkland Islands Government, unless terminated sooner.

Dated 5 April 2017

C. ROBERTS C.V.O.,
Governor.

No. 34

5 April 2017

Commissioners for Oaths Ordinance *section 2(2)*

Appointment of Commissioner for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 (Title 22.3) provides that the Governor may appoint commissioners for oaths.

2. In exercise of my powers under section 2(2), I appoint **Emily Jane Price** to be a Commissioner for Oaths.

3. This appointment has effect from the date of signature, and continues in effect whilst Emily Jane Price holds office as Crown Counsel of the Falkland Islands Government, unless terminated sooner.

Made 5 April 2017

C. ROBERTS C.V.O.,
Governor.

No. 35

5 April 2017

Commissioners for Oaths Ordinance *section 2(2)*

Appointment of Commissioner for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 (Title 22.3) provides that the Governor may appoint commissioners for oaths.

2. In exercise of my powers under section 2(2), I appoint **Barbara Ingrid Steen** to be a Commissioner for Oaths.

3. This appointment has effect from the date of signature, and continues in effect until terminated.

Dated 5 April 2017

C. ROBERTS C.V.O.,
Governor.

No. 36

6 April 2017

Falklands Landholdings Corporation Ordinance *section 4(1)*

Appointment of Member of the Falklands Landholdings Corporation Board

1. Section 4(1)(f) of the Falklands Landholdings Corporation Ordinance (Title 45.8) provides for the Governor to appoint as members of the Falklands Landholdings Corporation Board two members of the public.

2. In exercise of my powers under section 4(1)(f) I appoint **Timothy John Durose Miller** to be a member of the Falklands Landholdings Corporation Board.

3. This appointment is deemed to have effect on signature, and continues in effect for two years, unless terminated sooner.

Dated 6 April 2017

C. ROBERTS C.V.O.,
Governor.

No. 37

7 April 2017

Prison Ordinance *section 7*

Appointment of Prison Visitors

1. In exercise of my powers under section 7(2) of the Prison Ordinance, I appoint the following persons to be members of the Board of Visitors:

Elizabeth Eve Pollard;
Joost Herman Willem Pompert; and
Elizabeth Jayne Dent

2. These appointments have effect from 1 April 2017 and continue in effect for one year expiring on 31 March 2018, unless terminated sooner.

Dated 7 April 2017

R. A. J. MITHAM,
Acting Governor.

No. 38

11 April 2017

Banking Ordinance (Title 10.1) **Banking (Amendment) Ordinance 1996**

Notice is hereby given pursuant to section 19B(1) of the Banking Ordinance (Title 10.1), as amended, that the audited

accounts of Standard Chartered Bank for the year ended 31 December 2016 are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Chief Executive Officer.

Dated 11 April 2017

S. HORSEWOOD,
Chief Executive Officer, Standard Chartered Bank.

No. 39

25 April 2017

Highways (Weight Limits) Ordinance 2004
section 6(4)

Prohibition Notice

IN EXERCISE of the powers provided under section 6(4) of the Highways (Weight Limits) Ordinance 2004, I hereby notify that the use of any motor vehicle, trailer or vehicle combination the authorised weight of which exceeds 15 metric tons is prohibited with effect from 1 May 2017 until 30 September 2017 inclusive on the following publicly maintainable highways:

(1) on East Falkland —

all roads beyond the Estancia junction as approached on the Port Louis Road from the direction of the Mount Kent turnout;

the Fitzroy Road from its junction with the Stanley to Darwin Road to its end at Fitzroy settlement;

the San Carlos Road from its junction with the Stanley to Darwin Road to its end at San Carlos settlement;

all roads beyond the North Arm/New Haven junction as approached from the North on the Stanley to North Arm Road, other than the spine road to New Haven;

the Saladero Road from its junction with the Darwin Road to New Haven Road to its end at Saladero settlement;

the Abattoir Road from its junction with the Stanley to Darwin Road to its end at the Abattoir, and

(2) on West Falkland —

all publicly maintainable highways.

Dated 25 April 2017

C. O. SUMMERS,
Director of Public Works.

No. 40

27 April 2017

Index of Retail Prices

The Index for the quarter ended 31 March 2017 has now been completed.

The Index has decreased during the quarter, to 100.022; this equates to a 0.5% decrease for the quarter, and a 0.1% decrease for the year as shown below:

<i>Date</i>	<i>Index</i>	<i>Annual Change</i>	<i>Quarterly change</i>
31.03.16*	100.144	-2.4%	-1.4%
30.06.16*	99.580	-2.1%	-0.6%
30.09.16*	100.130	-1.8%	0.6%
31.12.16	100.565	-1.0%	0.4%
31.03.17	100.022	-0.1%	-0.5%

*On 22 February 2017, Standing Finance Committee approved amendments to the Retail Price Index for quarters one to three of 2016, in respect of changes to data allowances in internet packages that had not been accounted for in previously published data.

Dated 27 April 2017

M. TETTENBORN,
for Head of Policy.



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1 May 2017

No. 6

The following are published in this Extraordinary Gazette —

Register of Electors for Camp Constituency; and

Register of Electors for Stanley Constituency.

Register of Electors for Camp Constituency at 1 May 2017

1	Alazia	Fayan Pamela Jane	Port Edgar Farm, W.F.I
2	Alazia	Hazel	Teal Inlet, E.F.I
3	Alazia	Keith	Goose Green, E.F.I
4	Alazia	Michael Robert	Port Edgar Farm, W.F.I
5	Anderson	Tony James	Port Howard Farm, W.F.I
6	Ashworth	Glennis	Fitzroy Ridge, E.F.I
7	Ashworth	Malcolm	Fitzroy Ridge, E.F.I
8	Barrientos	Jose Sixto Ruiz	North Arm, E.F.I
9	Battersby	Jon Alan	Hawkbit, Fitzroy, E.F.I
10	Battersby	Margaret Mary	Hawkbit, Fitzroy, E.F.I
11	Beattie	Ian Robert Ewen	North Arm, E.F.I
12	Bendyshe	Angela Geraldine Mary	Gibraltar Station, E.F.I
13	Bendyshe Pitaluga	Antoinette Margaretha Mary	Gibraltar Station, E.F.I
14	Berntsen	Benjamin John	Elephant Beach, E.F.I
15	Berntsen	Iain Kenneth	Sheffield Farm, W.F.I
16	Betts	Bernard Keith	Boundary Farm, W.F.I
17	Betts	Diane Joan	Fox Bay East, W.F.I
18	Bonner	Katie Jean	Port Howard, W.F.I
19	Bonner	Simon	Port Howard, W.F.I
20	Boyce	Sarah Jane	North Arm Farm, E.F.I
21	Castro Barrientos	Gilberto Enrique	Manager House, Fitzroy Farm, E.F.I
22	Clark	Alan Neil	Port Howard, W.F.I
23	Clarke	Angela Sindy	Elephant Beach Farm, E.F.I
24	Clarke	Jan Michael	Lorenzo Farm, E.F.I
25	Clarke	Jeanette	Kings Ridge Farm, E.F.I
26	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
27	Clarke	Suzanna	Manager House, Fitzroy Farm, E.F.I
28	Clarke	Tanya	Lorenzo Farm, E.F.I
29	Clausen Goodwin	Sophia Marina	Goose Green Farm, E.F.I
30	Clifton	Heidi Monica	Smylies Farm, Port San Carlos, E.F.I
31	Cockwell	Benjamin William	Fox Bay Village, W.F.I
32	Cockwell	Clare Marie	Fox Bay Village, W.F.I
33	Cockwell	Grizelda Susan	Chartres, W.F.I
34	Collins Finlay	Shiralee	18 Fox Bay Village, W.F.I
35	Coulter	Julian Anthony	Port Howard Farm, W.F.I
36	Crowie	Ana Bonita	Peale Cottage, Darwin, E.F.I
37	Davis	Aase	Evelyn Station, E.F.I
38	Davis	Ian John	Evelyn Station, E.F.I
39	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
40	Decroliere	Eric Ernest Albert	Fox Bay Village, W.F.I
41	Dickson	Charles George	Brookfield, E.F.I
42	Dickson	Doreen	Wreck Point, E.F.I
43	Dickson	Gerald William	Wreck Point, E.F.I

44	Dickson	Steven Charles	North Arm, E.F.I
45	Didlick	Fiona Margaret	C Cottage, Darwin, E.F.I
46	Didlick	Graham John	C Cottage, Darwin, E.F.I
47	Donnelly	Daniel	Crooked Inlet, W.F.I
48	Donnelly	Joyce Elizabeth	Crooked Inlet, W.F.I
49	Edwards	Norma	Lake Sullivan, W.F.I
50	Edwards	Rebecca Elizabeth	Port Howard Farm, W.F.I
51	Edwards	Roger Anthony	Lake Sullivan, W.F.I
52	Evans	Dale Clement	Spring Point Farm, W.F.I
53	Evans	Donna Newell	Spring Point Farm, W.F.I
54	Evans	Duane Richard	Doyle Farm, W.F.I
55	Evans	Michael David	Spring Point Farm, W.F.I
56	Evans	Richard Gregory	Pebble Island Lodge
57	Felton-Short	Scott Daniel	Philomel Farm, Fox Bay, W.F.I
58	Finlay	Andrew John	18 Fox Bay Village, W.F.I
59	Finlayson	Neil Roderick	North Arm, E.F.I
60	Ford	David	Port Louis, E.F.I
61	Ford	Tanya Louise	Albemarle Station, W.F.I
62	Gilding	Amy Heather	Port Louis, E.F.I
63	Gilding	Peter Bernard	Port Louis, E.F.I
64	Gleadell	Marklin John	Mosside Farm, E.F.I
65	Goodwin	Neil Alexander William	Goose Green Farm, E.F.I
66	Goss	Kimberley Rose	Horseshoe Bay, E.F.I
67	Goss	Margaret Rose	Horseshoe Bay, E.F.I
68	Goss	Michael Peter	Horseshoe Bay, E.F.I
69	Goss	Peter	Horseshoe Bay, E.F.I
70	Goss	Sherilee Christine	2 Goose Green, E.F.I
71	Gould	Alexander Philip	Pebble Island
72	Gould	Dorothy Ruth	Pebble Island
73	Green	Carol Ann	13 Fitzroy, E.F.I
74	Greenland	Bonita Doreen	Valkyrie House, Darwin, E.F.I
75	Greenland	Kenneth David	Valkyrie House, Darwin, E.F.I
76	Grierson	Hew McInnes	Blue Beach, San Carlos, E.F.I
77	Grimmer	Edward	Clear View, Fitzroy River, E.F.I
78	Grimmer	Keith	The Dunes, Fitzroy River, E.F.I
79	Grimmer	Marilyn	The Dunes, Fitzroy River, E.F.I
80	Halford	Rodney John	Casa Verde, San Carlos, E.F.I
81	Halford	Sara Jayne	Casa Verde, San Carlos, E.F.I
82	Halford	Sharon	Casa Verde, San Carlos, E.F.I
83	Hansen	Ian	Hill Cove, W.F.I
84	Hansen	Susan Ann	Main Point Farm, W.F.I
85	Harvey	Jen	Hill Cove, W.F.I
86	Harvey	Valerie Ann	Hill Cove, W.F.I
87	Harwood	Reuben Joseph	Rum Station, Port Stephens, W.F.I
88	Heathman	Ailsa	Estancia, E.F.I
89	Heathman	Ewart Tony	Estancia, E.F.I
90	Hirtle	Anthony	Peaks Farm, W.F.I
91	Hirtle	Susan Mary	Peaks Farm, W.F.I

92	Hobman	John Malcolm	Goose Green, E.F.I
93	Hobman	Juan Jose Eleuterio	Westley Farm, W.F.I
94	Hobman	Vivien	Goose Green, E.F.I
95	Hoy	Dawn	Sheffield Farm, W.F.I
96	Innes	Gordon	Hill Cove, W.F.I
97	Innes	Isabella Alice	Hill Cove, W.F.I
98	Jaffray	Tanya Fiona	Clear View, Fitzroy River, E.F.I
99	Jamieson	Brian Neil	South Harbour, W.F.I
100	Jamieson	Kerri Yeoman	South Harbour, W.F.I
101	Jennings	Jacqueline	West Point Island
102	Jones	John Hugh	Race Point Farm, E.F.I
103	Jones	Karen Diana	Bold Cove Farm, W.F.I
104	Jones	Michael David	Head Of Bay, E.F.I
105	Jones	Michelle	Race Point Farm, E.F.I
106	Jones	Sheila Janice	Head Of Bay, E.F.I
107	Kilmartin	Kevin Seaton	Bluff Cove Farm, E.F.I
108	Kilmartin	Nicola Ruth	Bluff Cove Farm, E.F.I
109	Knight	Justin Robert Campbell	Leicester Creek Farm, W.F.I
110	Knight	Keith Andrew	Coast Ridge, W.F.I
111	Knight	Nadia Louise	Leicester Creek Farm, W.F.I
112	Knight	Nigel Arthur	Coast Ridge, W.F.I
113	Larsen-Miller	Betty	North Arm, E.F.I
114	Lee	Christopher	Port Howard, W.F.I
115	Lee	Leslie James	Galley Café, Goose Green, E.F.I
116	Lee	Mervyn Richard	North Arm, E.F.I
117	Lee	Myles	Port Howard, W.F.I
118	Lee	Trudi Dale	Galley Café, Goose Green, E.F.I
119	Lehyt	Monica Del Rosario	Teal Inlet Farm, W.F.I
120	Livermore	Darren	Rat Castle, Fitzroy, E.F.I
121	Lloyd	Melvyn John	Point View, Goose Green, E.F.I
122	Lloyd	Valerie Ann	Point View, Goose Green, E.F.I
123	Lowe	Adrian Stewart	Murrell Farm, E.F.I
124	Lowe	Lisa Helen	Murrell Farm, E.F.I
125	Luxton	William Robert	Chartres, W.F.I
126	MacDonald	Alexander Colin	2 Goose Green, E.F.I
127	MacDonald	Derek George	3 Goose Green, E.F.I
128	MacDonald	Isla Karen	3 Goose Green, E.F.I
129	Marsh	Alastair Roy	Shallow Harbour, W.F.I
130	Marsh	Anna Deirdre	Fox Bay Village, W.F.I
131	Marsh	Gavin Nicholas	Fox Bay Village, W.F.I
132	Marsh	Helen Rose	Rincon Ridge, W.F.I
133	Marsh	Kevin Roy	Harps Farm, W.F.I
134	Marsh	Leon Peter	Rincon Ridge, W.F.I
135	Marsh	Marlane Rose	Shallow Harbour, W.F.I
136	Marsh	Patricia Ann	Lakelands Farm, Fox Bay, W.F.I
137	Marsh	Rachel Mandy	Philomel Farm, Fox Bay, W.F.I
138	Marsh	Robin Frank	Lakelands Farm, Fox Bay, W.F.I
139	Marsh	Samantha Ann	Rincon Ridge Farm, Fox Bay, W.F.I

140	Maskell-Bott	John Malcolm	Hill Cove, W.F.I
141	Maskell-Bott	Sarah	Hill Cove, W.F.I
142	May	Christopher Raymond	Speedwell Island
143	May	Lindsey Olga	Speedwell Island
144	May	Shaun Christopher	Albemarle Station, W.F.I
145	McGhie	James	Smylies Farm, Port San Carlos, E.F.I
146	McGhie	Jodie Kim	Port North, W.F.I
147	McGhie	Roy	Port North, W.F.I
148	McGill	Lorraine Iris	Carcass Island
149	McGill	Robin Perry	Carcass Island
150	McKay	Fraser Roderick	Teal River Farm, W.F.I
151	McKay	Josephine Ann	Greenhill Farm, Chartres, W.F.I
152	McKay	Kenneth Andrew	Greenhill Farm, Chartres, W.F.I
153	McKay	Penelope Rose	Westley Farm, W.F.I
154	McKay	Roy Derek	Greenhill Farm, Chartres, W.F.I
155	McLeod	Isabella Frances Diana	Ponderosa, Frying Pan, Mount Pleasant Road, E.F.I
156	McLeod	John	Dunvegan Cabin, E.F.I
157	McLeod	Madeline Jean	Dunvegan Cabin, E.F.I
158	McMullen	Matthew John	Kingsford Valley Farm, San Carlos, E.F.I
159	McPhee	Mark	Brookfield, E.F.I
160	McPhee	Sheila Margaret	Kingsford Creek, San Carlos, E.F.I
161	McPhee	Terence Owen	Kingsford Creek, San Carlos, E.F.I
162	McPhee	Trudi Lynette	Brookfield, E.F.I
163	McRae	David Michael	Carcass Island
164	Middleton	Kerry Ann	Goose Green, E.F.I
165	Miller	Catherine McLeod	Fox Bay Village, W.F.I
166	Miller	James Albert	Fox Bay Village, W.F.I
167	Minnell	Donna Marie	Moss Side, E.F.I
168	Minnell	Michael Robert	Moss Side, E.F.I
169	Mitchell	Leon John	Mount Kent Farm, E.F.I
170	Molkenbuhr	Lee Charles	Johnson's Harbour Farm, E.F.I
171	Newman	Glynnis Karen	Goose Green, E.F.I
172	Newman	Lisa Jeraine	Harps Farm, W.F.I
173	Nightingale	Charlene	West Lagoons, Hill Cove, W.F.I
174	Nightingale	Karl Richard	West Lagoons, Hill Cove, W.F.I
175	Nightingale	Peter	West Lagoons, Hill Cove, W.F.I
176	Nightingale	Sian Yvonne	West Lagoons, Hill Cove, W.F.I
177	Oliver	Cynthia Dawn	Fitzroy, E.F.I
178	Oliver	Paul	Fitzroy, E.F.I
179	Ovenden	Philip David	13 Fitzroy, E.F.I.
180	Peck	Davina Margaret	Shallow Bay Farm, W.F.I
181	Peck	Paul	Shallow Bay, W.F.I
182	Peck	Rebekah Roxanne	Shallow Bay, W.F.I
183	Phillips	Linda	North Arm, E.F.I
184	Phillips	Paul David	Hope Cottage, E.F.I
185	Phillips	Shula Louise	Hope Cottage, E.F.I

186	Pitaluga	Nicholas Alexander Robinson	Gibraltar Station, E.F.I
187	Pitaluga	Robin Andreas McIntosh	Gibraltar Station, E.F.I
188	Pole-Evans	Carole Suzan	Saunders Island
189	Pole-Evans	David Llewellyn	Saunders Island
190	Pole-Evans	Louise Suzan	Saunders Island
191	Pole-Evans	Shirley Helen	Manybranch, W.F.I
192	Pole-Evans	Suzan	Saunders Island
193	Pole-Evans	William Reginald	Manybranch, W.F.I
194	Porter	Joan	Shallow Harbour, W.F.I
195	Reeves	Ronald James	Port Howard, W.F.I
196	Reid	Emily Margaret	North Arm, E.F.I
197	Rendell	Michael	Bleaker Island
198	Rendell	Phyllis Mary	Bleaker Island
199	Robertson	Ann	Port Stephens, W.F.I
200	Robertson	Leigh Francesca	Doyle Farm, W.F.I
201	Robertson	Paul Jonathan	Port Stephens, W.F.I
202	Robertson	Peter Charles	Port Stephens, W.F.I
203	Ross	Marie	Port Louis, E.F.I
204	Rowland	Charlene Rose	New Island
205	Rowland	John Christopher	New Island
206	Rowlands	Neil	River House, Fitzroy River, E.F.I
207	Sackett	Pauline	22 Fitzroy Farm, E.F.I
208	Shepherd	Colin David	Goose Green, E.F.I
209	Short	Clint Andrez Robert	Walker Creek, E.F.I
210	Short	Elaine Elizabeth	Bleaker Island
211	Short	Lyndsay Marie	4 Walker Creek, E.F.I
212	Short	Robert Charles	Bleaker Island
213	Short	Robert George	4 Walker Creek, E.F.I
214	Sinclair	Simon Keith	Fitzroy Farm, E.F.I
215	Steen	Gail	Paragon House Lafonia, E.F.I
216	Steen	Vernon Robert	Paragon House Lafonia, E.F.I
217	Stevens	Richard James	Port Sussex, E.F.I
218	Stevens	Toni Donna	Port Sussex, E.F.I
219	Street	David Charles	Plot 13A Fitzroy Ridge, E.F.I
220	Street	Edith Mary	Plot 13A Fitzroy Ridge, E.F.I
221	Summers	Nichola Jane	Carcass Island
222	Taylor	Christopher John	19 Goose Green, E.F.I
223	Tellez	Rodolfo	Goose Green, E.F.I
224	Thom	John Currie	22 Fitzroy Farm, E.F.I
225	Towersey	Diane Katherine	Port Stephens, W.F.I
226	Turner	Elaine Ellen	Rincon Grande, E.F.I
227	Tuson	Michael Anthony	Saunders Island
228	Tuson	Olwen Carol	Saunders Island
229	Vatamanu	Paula May	Port Howard Farm, W.F.I
230	Velasquez	Arleen	North Arm, E.F.I
231	Velasquez	Evan Oscar Christopher	North Arm, E.F.I
232	Velasquez	Oscar Hernan	North Arm, E.F.I

233	Watson	Glenda Joyce	Long Island, E.F.I
234	Watson	Neil	Long Island, E.F.I
235	White	Allan Paul George	West Point Island
236	Whitney	Daniela Grace	Mount Kent Farm, E.F.I
237	Whitney	Dennis	Arkvilla MPA Plot, E.F.I
238	Whitney	Sara Marie	Home Farm, Douglas, E.F.I
239	Whitney	Tyrone	Home Farm, Douglas, E.F.I
240	Wilkinson	Rosemary	Dunnose Head, W.F.I
241	Woodward	James Gregory	Swan Inlet, E.F.I
242	Woodward	Lesley Ann	Swan Inlet, E.F.I

Register of Electors for Stanley Constituency at 1 May 2017

1	Adams	John Harvey	21 Ross Road East
2	Adams	Marjorie Rose	21 Ross Road East
3	Adams-Leach	Shirley	4 Moody Street
4	Adeoye	Anneliese Rose	39 Callaghan Road
5	Aguila Aguilar	Jeannette Del Carmen	94 Davis Street
6	Alazia	Andrew	36 Callaghan Road
7	Alazia	Freda Evelyn	K.E.M.H
8	Alazia	George Robert	9 Thatcher Drive
9	Alazia	Sandra Marie	36 Callaghan Road
10	Alazia	Shannon Christine	36 Callaghan Road
11	Alazia	Yvonne	5 Thatcher Drive
12	Aldridge	Brian George	17 James Street
13	Aldridge	Caroline Mary	2 McKay Close
14	Aldridge	Diana Mary	17 James Street
15	Aldridge	Jody May	13 Hansen Hill
16	Aldridge	Kenneth John	2 McKay Close
17	Aldridge	Nina Ann	2 Mountain View
18	Aldridge	Stephen John	13 Hansen Hill
19	Allan	Joyce Ena	39 Ross Road
20	Allan	Valerie Anne	6A Jeremy Moore Avenue
21	Almonacid	Orlando	1 Villiers Street
22	Almond	Adrian Arthur James	4 Allardyce Street
23	Anderson	Carol Anne	22 Endurance Avenue
24	Anderson	Chloe	22 Endurance Avenue
25	Anderson	Eddie	22 Endurance Avenue
26	Anderson	Jenny	8 Goss Road
27	Anderson	Kayleigh May	9 Fieldhouse Close
28	Anderson	Margaret Kathleen	18 Murray Heights
29	Anderson	Paul James	9 Fieldhouse Close
30	Anderson	Reginald Stanford	18 Murray Heights
31	Anderson	Richard Louis	7 Yates Place
32	Anderson	Rupert William	87A Davis Street
33	Anderson	Stephen Robert	25 Callaghan Road
34	Anderson	Tony James	8 Goss Road
35	Anderson-Smith	Georgina Carol	11 Fitzroy Road East
36	Appleby	Amelia	15 Fieldhouse Close
37	Armstrong-Ford	Karen Jane	2 Sullivan Street
38	Arthur-Almond	Daphne Margaret	4 Allardyce Street
39	Ashbridge	Corina Rose	116 Davis Street
40	Ashworth	Cara Michelle	5A Kent Road

41	Ashworth	Iain	5A Kent Road
42	Bagley	Corey Darren	9 Murray Heights
43	Bahamonde Salazar	Luis Alberto	21 Mink Park
44	Baigorri	Joanne Rose	7 Biggs Road
45	Baker	Alison Margaret	29 Fitzroy Road
46	Barker	Jane Elizabeth Diana	5 Pitaluga Place
47	Barker	Philip Craig	5 Pitaluga Place
48	Barkman	Teslyn Siobhan	23 Rex Hunt Road
49	Barlow	Andrea Joanna	Mullet Creek
50	Barlow	Martyn Liam	Mullet Creek
51	Barnes	Dierdre	8 Discovery Close
52	Barnes	Karen Rose	26 Ross Road West
53	Barnes	Marshall	8 Discovery Close
54	Barnes	Paul	26 Ross Road West
55	Barnes Acevedo	Melisa Beverley	14 Hansen Hill
56	Barton	Alison Mary	6 Villiers Street
57	Barton	Arthur John	6 Villiers Street
58	Barton	David Arthur	6 Villiers Street
59	Barton	John David	41 Fitzroy Road
60	Barton	Michael Richard	6A Jeremy Moore Avenue
61	Bates	Barbara	8 Watson Way
62	Bates	James William	8 Watson Way
63	Bedford	Kita Muriel	13 Jersey Road
64	Benjamin	Sheena Marie	18 Callaghan Road
65	Berntsen	Arina Janis	12 Rex Hunt Road
66	Berntsen	Brenda Diann Joanna	6 McKay Close
67	Berntsen	Christian Olaf Alexander	15A James Street
68	Berntsen	Erica	10 Fitzroy Road
69	Berntsen	Falkland	10 Fitzroy Road
70	Berntsen	Gene Stanley	8 Fieldhouse Close
71	Berntsen	John Alexander	Flat 1, 7 Jeremy Moore Avenue
72	Berntsen	Kenneth Frederick	1 Racecourse Road East
73	Berntsen	Lucas Delhi John	2 Rex Hunt Road
74	Berntsen	Matthew John	19 Rex Hunt Road
75	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
76	Berntsen	Rachel Ena	15A James Street
77	Berntsen	Robyn Chanelle	5 Sandy Woodward Road
78	Berntsen	Saphena Anya Jane	20 Teaberry Way
79	Berntsen	Trevor John	6 McKay Close
80	Berntsen	Valdamar Lars	9 Teaberry Way
81	Besley-Clark	Barbara June	16 Ross Road West
82	Besley-Clark	Norman	16 Ross Road West
83	Betts	Arlette	Lafone House, Ross Road

84	Betts	Dion James	4A Ross Road East
85	Betts	Donald William	7 Jeremy Moore Avenue
86	Betts	George Winston Charles	35 Ross Road West
87	Betts	Ian	1 Villiers Street
88	Betts	Lucia Elizabeth	35 Ross Road West
89	Betts	Michael George	16 Rex Hunt Road
90	Betts	Owen	19 Biggs Road
91	Betts	Peter James	50A Davis Street
92	Betts	Shirley Rose	7 Jeremy Moore Avenue
93	Betts	Trudi Ann	50A Davis Street
94	Betts-McKay	Cody Michael	50A Davis Street
95	Biggs	Althea Maria	3 Dairy Paddock Road
96	Biggs	Christopher David	Harbour View Knott
97	Biggs	Coleen Margot	9 Moody Street
98	Biggs	Daniel Craig	16 Endurance Avenue
99	Biggs	Edith Joan	K.E.M.H
100	Biggs	Frances	16 Endurance Avenue
101	Biggs	Kyle Alexander	36 Rex Hunt Road
102	Biggs	Michael Elfed	21 Fitzroy Road
103	Biggs	Peter Julian Basil	16 Endurance Avenue
104	Biggs	Terri-Sue	Harbour View Knott
105	Biles	Kathleen Anne	14 Kent Road
106	Biles	Keith Robert	14 Kent Road
107	Binnie	Linda Rose	6 Fieldhouse Close
108	Binnie	Ronald Eric	6 Fieldhouse Close
109	Binnie	Susana	3 Brandon Road
110	Birmingham	Alexandra Sally	5A Hansen Hill
111	Birmingham	John	4 Drury Street
112	Bishop	Nigel Ian	5 Jersey Road
113	Bishop	Tansy Fiona	5 Jersey Road
114	Blackley	Candy Joy	4 Barrack Street
115	Blackley	Maurice	10A German Camp, Callaghan Road
116	Blackley	Shane David	4 Barrack Street
117	Blake	Alexander Charles	38 Eliza Crescent
118	Blake	Anthony Thomas	14 Watson Way
119	Blake	Larissa Celly	12 Ross Road West
120	Blake	Lionel Geoffrey	1 Ross Road
121	Blake	Mariela	14 Watson Way
122	Blake	Sally Gwynfa	1 Ross Road
123	Blake	Thomas Patrick	12 Ross Road West
124	Bolt	Dennis John	4 Watson Way
125	Bonner	Alan Paul	8 Pioneer Row
126	Bonner	Avril Margaret Rose	4 Felton Court

127	Bonner	Cheryl Anne	10 Racecourse Road
128	Bonner	Declan William	Chauffeurs Cottage
129	Bonner	Elizabeth Eleanor	38 Fitzroy Road
130	Bonner	Ewen Shane	6 Mink Park
131	Bonner	Hayley Trina	10 Watson Way
132	Bonner	Linda Jane	4A Ross Road West
133	Bonner	Lindsay Jane	10 Rex Hunt Road
134	Bonner	Nicholas	4A Ross Road West
135	Bonner	Odette Ellen May	1A Capricorn Road
136	Bonner	Paul Roderick	5 John Street
137	Bonner	Richard James	4A Felton Court
138	Bonner	Susan Anne	43 Ross Road East
139	Bonner	Tansie Rebecca	9 Murray Heights
140	Bonner	Terence Leslie	1A Capricorn Road
141	Bonner	Timothy	Chauffeurs Cottage
142	Bonner	Vera Ann	5 John Street
143	Bonner	Vera Joan	Chauffeurs Cottage
144	Booth	Myriam Margaret Lucia	7 Philomel Street
145	Bowles	Norma Evangeline	1A Villiers Street
146	Bowles	Sarah	9 Drury Street
147	Bowles	William Edward	1A Villiers Street
148	Bowles	William George Troyd	9 Drury Street
149	Bradford-Smith	Lani Maria	10 Brandon Road
150	Bragger	Edward Laurence	14 Jeremy Moore Avenue
151	Bragger	Stacy John	7 Eliza Crescent
152	Brickle	Paul	32 Fitzroy Road
153	Briones Sepúlveda	Vivian Delia	4 Rowlands Rise
154	Brock	Juanita Lois	20 Drury Street
155	Brook	Emma Jane	41 Ross Road East
156	Brooks	Cheryl Rose	Flat 6, 7 Jeremy Moore Avenue
157	Browning	Anita Jayne	29 Brandon Road
158	Browning	Gavin	29 Brandon Road
159	Browning	Henry Stanbury	Flat 3, 7 Jeremy Moore Avenue
160	Browning	Joan Lucy Ann	5 Villiers Street
161	Browning	Nathan David	3 Dairy Paddock Road
162	Browning	Rex	1 Yates Place
163	Browning	Richard William	96 Davis Street
164	Browning	Trevor Osneith	5 Villiers Street
165	Brownlee	Andrew Samuel	19 Ross Road East
166	Brownlee	Lynn Frances	19 Ross Road East
167	Brownlee	Samantha Louise	19 Ross Road East
168	Buckett	Jake Steven	21 Jersey Road

169	Buckett	Ronald Peter	49 Fitzroy Road
170	Buckett	Roy Peter	22 James Street
171	Buckett	Ryan Peter	2 Hansen Hill
172	Buckland	Darlene Joanna	5 James Street
173	Buckland	Kristy Lesley Anne	1B Capricorn Road
174	Buckley-Whitney	Helena Jane	2 Pioneer Row
175	Budd	Dennis Raymond	5 Ian Campbell Drive
176	Budd	Grant William	1 Ian Campbell Drive
177	Budd	Pamela Joan	5 Ian Campbell Drive
178	Burston	Catherine	91 Davis Street
179	Burston	Stephen Leslie	91 Davis Street
180	Bury	Ian Thomas	63 Davis Street
181	Butcher	Michael George	3A Dairy Paddock Road
182	Butler	Charmain	5 Mountain Berry Road
183	Butler	George Joseph	1A Moody Street
184	Butler	Margaret Orlanda	5 Short Street
185	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
186	Cant	Daniel James	24 Goss Road
187	Carey	Anthony Michael	19 Ross Road West
188	Carey	Gladys	19 Ross Road West
189	Carey	Martin Rex	4 Hansen Hill
190	Cartwright	Stephen	39 Ross Road West
191	Castle	David Peter	26 John Street
192	Castle	Isobel	26 John Street
193	Castro Aguila	Jeanette Del Pilar	37 Davis Street
194	Ceballos	Eulogio Gabriel	28 Endurance Avenue
195	Ceballos	Isabel del Carmen	23 Ross Road West
196	Chaloner	Anthony Ross	8 Endurance Avenue
197	Chaloner	Karl Iain Roderick	7 Philomel Place
198	Chaloner	Sheila Catherine	7 Philomel Place
199	Chantada	Jose Luis	37 Fitzroy Road
200	Chantada	Pamela Margaret	37 Fitzroy Road
201	Chapman	Samantha Helen	71 Rex Hunt Road
202	Chater	Jane	3 Short Street
203	Chater	Thomas Frederick	3 Short Street
204	Chater	Victoria	33 Fitzroy Road
205	Chater	William John	33 Fitzroy Road
206	Cheek	Gerald Winston	9 Biggs Road
207	Cheek	Janet Lynda	35 Ross Road East
208	Cheek	Marie	9 Biggs Road
209	Cheek	Rosalind Catriona	32 Goss Road
210	Cheema	Ahmad Masood	17 Callaghan Road
211	Christie	Darren James	8 Jeremy Moore Avenue
212	Christie	Phillippa Josephine	8 Jeremy Moore Avenue

213	Clapp	Kevin Christopher	1 Murray Heights
214	Clark	Douglas James	39 Fitzroy Road
215	Clarke	Aaron Charles	4 Philomel Street
216	Clarke	Camilla Marie	8 Drury Street
217	Clarke	Christopher Nathaniel	9 Villiers Street
218	Clarke	David James	8 Diddle Dee Drive
219	Clarke	Derek Simon	23 Jeremy Moore Avenue
220	Clarke	Doreen	17 Ross Road West
221	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
222	Clarke	Ian	3A Ross Road West
223	Clarke	India Lauren	15 Rex Hunt Road
224	Clarke	Jeremy Ian Thomas	11 Fitzroy Road
225	Clarke	Jonathan Terence	27 Eliza Crescent
226	Clarke	Joseph Gwyn	15 Davis Street
227	Clarke	Julie Ann	2A Racecourse Road
228	Clarke	Leo	8 Diddle Dee Drive
229	Clarke	Louise Kathleen	Stanley House
230	Clarke	Mari-Ann Lucille	5 Mink Park
231	Clarke	Marvin Thomas	13 Davis Street
232	Clarke	Rudy Thomas	8 Drury Street
233	Clarke	Stephen Boyd	9 Villiers Street
234	Clarke	Terence John	17 Jeremy Moore Avenue
235	Clarke	Tracey Clare	23 Jeremy Moore Avenue
236	Clarke	Trudi Ann	13 Davis Street
237	Clarke	Violet Rose	23 Murray Heights
238	Clasen	Donna Monica	15 Davis Street
239	Clausen	Andrea Patricia	3 St Mary's Walk
240	Clausen	Denzil	24 Murray Heights
241	Clausen	Denzil George Gustavius	3 St Mary's Walk
242	Clement	Gary	9 Snake Street
243	Clement	Jacqueline Ann	84A Davis Street
244	Clement	Jane	Gift Shop Flat, Villiers St
245	Clement	Sarah Jane	10 Snake Hill
246	Clement	Wayne	10 Snake Hill
247	Clifford	Cherie Yvonne	3 Eliza Cove Road
248	Clifford	John Owen	3 Eliza Cove Road
249	Clifford	Michaela Sara Monica	12 Callaghan Road
250	Clifford	Rhys John David	3 Eliza Cove Road
251	Clifton	Darwin Lewis	53 Davis Street
252	Clifton	Leonard	2 Murray Heights
253	Clifton	Melvyn	12 Callaghan Road
254	Clifton	Neil	8 Anderson Drive
255	Clifton	Stephen Peter	61 Fitzroy Road
256	Clifton	Teresa Ann	20 Davis Street

257	Clifton	Thora Janeene	2 Murray Heights
258	Cockwell	Anna	18 Kent Road
259	Cockwell	Jennifer Marie	90 Davis Street
260	Cockwell	John Richard	14 Ross Road West
261	Cockwell	Maurice Adam	90 Davis Street
262	Cockwell	Samuel George	18 Kent Road
263	Cofre	Anya Evelyn	37 Eliza Crescent
264	Cofre	Elvio Miguel	3 Philomel Place
265	Cofre	Reuben Patrick	37 Eliza Crescent
266	Coleman	Nigel Eric	Stanley Growers
267	Collier	Hannah Jayne	8 Murray Heights
268	Collier	Victoria Louise	7 Mink Park
269	Collins	Brian Richard	41 Davis Street
270	Collins	Hazel	41 Davis Street
271	Collins	Steven Paul	Flat 4, 7 Jeremy Moore Avenue
272	Connolly	Kevin Barry	1 King Street
273	Cordeiro Garcia	Rodrigo	1 Mink Park, Moody Brook Road
274	Cotter	Jacqueline Ann	18 Mink Park
275	Cotter	Mary Jane	9 Jeremy Moore Avenue
276	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
277	Courtney	Anthony Clive	30 Goss Road
278	Courtney	Julie Doris	30 Goss Road
279	Courtney	Tonisha Louise	30 Goss Road
280	Coutts	John	36 Ross Road West
281	Coutts	Marie Anne	36 Ross Road West
282	Crabb	Elizabeth Ann	34A Davis Street
283	Crowie	Alan John	17 Ian Campbell Drive
284	Crowie	Clare Frances	8 Jersey Road
285	Crowie	Dave Mark	10 James Street
286	Crowie	David Martin	39 Callaghan Road
287	Crowie	Ella Josephine	17 Ian Campbell Drive
288	Crowie	Layla Alicia	19 James Street
289	Crowie	Nicola Jane	18 Sandy Woodward
290	Crowie	Rachael	10 James Street
291	Crowie	Robert John	18 Sandy Woodward
292	Crowie	Roxanne	25 Shackleton Drive
293	Cruickshank	Kirsty Nicole	6 Hansen Hill
294	Cruickshank	Stuart Eric	6 Hansen Hill
295	Curtis	Bonnie	22 Mink Park
296	Curtis	James William Hamilton	5A Brisbane Road
297	Curtis	Tanya	5A Brisbane Road
298	Daille	Antoine Rene	18 Mink Park

299	Davies	Anthony Warren	7 Callaghan Road
300	Davies	Colin George	15 Ross Road West
301	Davies	Eileen Wynne	15 Ross Road West
302	Davies	Jacqueline Nancy	7 Callaghan Road
303	Davies	Samantha	14 Rex Hunt Road
304	Davies	Sian Karen	7 Callaghan Road
305	D'Avino	Damaris Priscila	17 Rex Hunt Road
306	D'Avino	Juan Marcelo	17 Rex Hunt Road
307	D'Avino	Pamela Martha	17 Rex Hunt Road
308	Davis	Doreen Susan	11 Callaghan Road
309	Davis	Ellen Rose	55 Davis Street
310	Davis	Macauley John	37 Davis Street
311	Davis	Maurice	8 John Street
312	Davis	Roy George Victor	6 Narrows View
313	Davis	Samantha Jane	21 Kent Road
314	Davis	Yona	37 Davis Street
315	Davis-Berntsen	Tessa Linda	20 Teaberry Way
316	Dent	Dean Angus	19 Hansen Hill
317	Dent	Elizabeth Jayne	4 Fieldhouse Close
318	Dent	Janice Vanessa	19 Hansen Hill
319	Dent	Stephen John	4 Fieldhouse Close
320	Dickson	Iris	2 Dairy Paddock Road
321	Dickson	Michael Keith	12 Dairy Paddock Road
322	Dickson	Ronald Edward	2 Dairy Paddock Road
323	Didlick	Imogen Fiona	54 Rex Hunt Road
324	Didlick-Smith	Rhiannon Elenore	13 Ross Road East
325	Dobbys	Kathleen Gay	60 Davis Street
326	Dodd	Alison	10 Beaver Road
327	Dodd	Mark Thomas	8 Mink Park
328	Dodd	Nigel Keith	10 Beaver Road
329	Dodd	Samantha Jane	4 Sullivan Street
330	Drysdale	Karen Margaret	1 Watson Way
331	Duncan	Stuart Dave	2 Fieldhouse Close
332	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
333	East	Justin Clive Richard	1 Fieldhouse Close
334	Eccles	Ashton Laura	3 Jeremy Moore Avenue
335	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
336	Eccles	Matthew James	3 Jeremy Moore Avenue
337	Eccles	Mhairi-Anne	18 Jeremy Moore Avenue
338	Eccles	Moira Cameron	18 Jeremy Moore Avenue
339	Elbakidze	Zaza	10 Mink Park
340	Ellick	Joanne Marie	11 McKay Close
341	Elliot	Elizabeth Rose	15 Callaghan Road
342	Elliot	Henry James	15 Callaghan Road

343	Ellis	Cyril	24 Ross Road East
344	Ellis	Louise	8 Sandy Woodward Road
345	Ellis	Lucy	11 James Street
346	Ellis	Paul	43 John Street
347	Ellis	Sally Jean	43 John Street
348	Ellis	Valerie	24 Ross Road East
349	Elsby	Barry	Moody Brook House
350	Elsby	Thomas	15 Rex Hunt Road
351	Erikson	Fiona Alison	Flat 2, 6 Jersey Road
352	Evans	Michele Paula	Murray Heights
353	Evans	Raymond	12 Rex Hunt Road
354	Evans	Tracy	53 Sandy Woodward Road
355	Eynon	Carol	8 Villiers Street
356	Eynon	David John	8 Villiers Street
357	Faria	April Marie	3A Brisbane Road
358	Faria	Basil Harry	3A Brisbane Road
359	Faria	Maria Anne	3A Brisbane Road
360	Faria	Paul	22 Hansen Hill
361	Faria	Sarah Louise	22 Hansen Hill
362	Faria	Susana Caroline Berntsen	22 Hansen Hill
363	Felton	Faith Dilys	Flat 2, 30 Jersey Road
364	Felton	Trudi Eileen	13 Eliza Crescent
365	Ferguson	John William	47 Ross Road East
366	Ferguson	Robert John Andrew	1 Sullivan Street
367	Ferguson	Rose	6 Thatcher Drive
368	Ferguson	Stephanie Janet	47 Ross Road East
369	Ferguson	Thelma	4A St Mary's Walk
370	Ferriby	Debora Susana	56 Davis Street
371	Ferriby	Lee Robert	56 Davis Street
372	Fiddes	Douglas Graham	The Stables, Moody Brook
373	Fiddes	Gardner Walker	3 Watson Way
374	Fiddes	Julia Bertrand	2 Discovery Close
375	Fiddes	Keelan Shaun	The Stables, Moody Brook
376	Fiddes	Melody Christine	3 Watson Way
377	Findlay	Margo Jane	5C Hansen Hill
378	Finlayson	Kimberley Elizabeth	Whyteways, James Street
379	Finlayson	Marc Ian	19 James Street
380	Finlayson	Marilyn Christine	24 James Street
381	Finlayson	Peter	24 James Street
382	Finlayson	Phyllis	6 Brandon Road
383	Fisher-Smith	Julie Anne	8 Fieldhouse Close
384	Floyd	Michael	7 Pitaluga Place
385	Floyd	Stephen Paul	26 Hansen Hill
386	Floyd	Tracy	26 Hansen Hill

387	Fogerty	Richard Edwin John	Stone Cottage, Bypass Road
388	Ford	Alison Jane Marie	9 Jersey Road
389	Ford	Bronwen Rebecca	3 Pitaluga Place
390	Ford	Chloe Elizabeth	Flat 4, Moody Street
391	Ford	Christine	6 Drury Street
392	Ford	Christopher James	6 Felton Court
393	Ford	Colin Stewart	15 Kent Road
394	Ford	Colleen Mary	12 Davis Street
395	Ford	Daniel Timothy	2 Hebe Place
396	Ford	Darrel	29 Rex Hunt Road
397	Ford	Debbi Louisa	6 Felton Court
398	Ford	Donna Marie	19 Kent Road
399	Ford	Gerard Allan	12 Hansen Hill
400	Ford	Ieuan Colin	18 Ross Road West
401	Ford	Jack Christopher	6 Felton Court
402	Ford	Jill Edith	12 Hansen Hill
403	Ford	Jonathan	3 Pitaluga Place
404	Ford	Julie Ann	3 Pitaluga Place
405	Ford	Leann Caroline	15 Kent Road
406	Ford	Leonard	9 Jersey Road
407	Ford	Mandy	1 James Street
408	Ford	Melanie	29 Rex Hunt Road
409	Ford	Mikaela Jayne	89 Davis Street
410	Ford	Neil Frazer	6 Drury Street
411	Ford	Simon	1 James Street
412	Ford	Wade Leonard	9 Jersey Road
413	Forrest	Jennifer Carol	16 Kent Road
414	Forrest	Michael John	16 Kent Road
415	Forster	Amanda	9 Fieldhouse Close
416	Forster	Gwyneth May	10 Drury Street
417	Forster	James	10 Drury Street
418	Forster	Lynne	15 Rex Hunt Road
419	Fowler	Daniel Martin	2 Glasgow Road
420	Fowler	John Andrew Thomas	The Old Bakery, Fitzroy Road
421	Fowler	Zoë	2 Glasgow Road
422	France	Ian Peter	4 Sullivan Street
423	Francis	Carla Marie	2 Fieldhouse Close
424	Franz de Maciello	Susan Ovedia	Flat 3, 30 Jersey Road
425	Freeman	Carl Francis	Moody Brook Road
426	Freeman	Dianne May	Moody Brook Road
427	Freer	Edward Craig	7 Fitzroy Road East
428	Freer	Matthew Paul	7 Fitzroy Road East

429	Freer	Pamela Jane	7 Fitzroy Road East
430	Freer	Stephen Paul James	7 Fitzroy Road East
431	French	Robert Alan	12 Narrows View
432	Fyfe	David MacGregor	6 Capricorn Road
433	George	Kevin Charles	26 Ross Road East
434	Gilbert	Christopher Paul	11 Ian Campbell Drive
435	Gilbert	Mark Ian	13 Beaver Road
436	Gilbert	Neil Robert	17 Sullivan Street
437	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
438	Gilbert	Sharon	11 Ian Campbell Drive
439	Gilding	Leila Melanie	38 Ross Road
440	Gilding	Melanie Carol	38 Ross Road
441	Gilding	Petra Sophie	9 Marmont Row
442	Gisby	Annie	37 Ross Road East
443	Glanville	Adam James	12 James Street
444	Gleadell	Ian Keith	2 Yates Place
445	Gomez	Eduardo Danielo	41 Callaghan Road
446	Gomez	Rebecca Lily	41 Callaghan Road
447	Goodwin	Bonita Colleen	21 Eliza Crescent
448	Goodwin	Catherine Dawn	8 Hansen Hill
449	Goodwin	Colin Valentine	8 Beaver Road
450	Goodwin	Derek Samuel	21 Eliza Crescent
451	Goodwin	Emily Rose	7 Brisbane Road
452	Goodwin	Gareth Kevin	15 Hansen Hill
453	Goodwin	June Elizabeth	8 Beaver Road
454	Goodwin	Kenton John Douglas Benjamin	33 Ross Road West
455	Goodwin	Margaret Ann	3`H' Jones Road
456	Goodwin	Marie-Bernard Therese	15 Hansen Hill
457	Goodwin	Rachel Karen	31 Ross Road West
458	Goodwin	Robin	31 Ross Road West
459	Goodwin	Robin Christopher	27 Callaghan Road
460	Goodwin	Simon James	8 Hansen Hill
461	Goodwin	Tonisha Louisa	21 Eliza Crescent
462	Goodwin	Una	27 Callaghan Road
463	Goodwin	William John Maurice	7 Brisbane Road
464	Gordon	Martine Carole	6A Ross Road East
465	Gordon	Robert James Alexander	6A Ross Road East
466	Goss	Amber Morgyn	16 Jeremy Moore Avenue
467	Goss	Annagret	16 Jeremy Moore Avenue
468	Goss	Ariane Storm	16 Jeremy Moore Avenue
469	Goss	Eric Miller	2 Fitzroy Road East
470	Goss	Ian Ernest Earle	98 Davis Street
471	Goss	Jane Alexander	27 Eliza Crescent

472	Goss	Morgan Edmund	16 Jeremy Moore Avenue
473	Goss	Sandra Kathleen	11 Kent Road
474	Goss	Shirley Ann	2 Fitzroy Road East
475	Goss	Simon Peter Miller	11 Kent Road
476	Goss	Susan Diann	98 Davis Street
477	Goss	William Henry	7 Brandon Road
478	Gough	Phyllis Candy	8 John Street
479	Gough	Tanzev Jayne	3 Police Cottages
480	Greenland	James Andrew William	3 Biggs Road
481	Greenland	Kimberley Joanna	3 Biggs Road
482	Greenland-Elbakidze	Natasha Bonita	10 Mink Park
483	Greenough	Geoffrey	Cemetery Cottage
484	Greenough	Wanda Rose	Cemetery Cottage
485	Halliday	Cathy Anne	5 Drury Street
486	Halliday	Jeffrey James	9A Philomel Street
487	Halliday	Joyce Isabella Patience	5 Fieldhouse Close
488	Halliday	Julie Ann	9A Philomel Street
489	Halliday	Kenneth William	5 Fieldhouse Close
490	Halliday	Raynor	9 Brisbane Road
491	Hancox	Alice Fiona	41 Eliza Crescent
492	Hancox	Emily Clare	7 Racecourse Road
493	Hansen	Douglas John	6 Fitzroy Road
494	Hansen	Keva Elizabeth	1 Dairy Paddock Road
495	Hansen	Rose Idina	10 Thatcher Drive
496	Hardcastle	Eileen Beryl	7 Ross Road East
497	Hardcastle	Simon Brook	7 Ross Road East
498	Harris	Angela Jane	10 Haskard Rise
499	Harris	Christopher James	4A Ross Road East
500	Harris	Dennis Sefton	Racecourse Cottage
501	Harris	Heather	3 Ross Road East
502	Harris	Jill Yolanda Miller	19 Fitzroy Road
503	Harris	Karl Henry	10 Haskard Rise
504	Harris	Leeann Watson	11 Dairy Paddock Road
505	Harris	Leslie Sidney	19 Fitzroy Road
506	Harris	Michael Ronald	3 Ross Road East
507	Harris	Ralph Aaron	11 Dairy Paddock Road
508	Harris	Reece Lee	11 Dairy Paddock Road
509	Harris	Wendy Ann	Racecourse Cottage
510	Harte	Emma Louise	9A Philomel Street
511	Harte	Jessica Elise	9A Philomel Street
512	Hartley	Jeannette	21 Callaghan Road
513	Harvey	Sheila	8 Barrack Street
514	Harvey	William	Flat 3, 5 Jeremy Moore Avenue

515	Hawksworth	David	25 Eliza Crescent
516	Hawksworth	Ryan	2 Goss Road
517	Hay	Bryony	20 Davis Street
518	Hay	Graeme	30 Rex Hunt Road
519	Hay	Joanne Hazel Rose	30 Rex Hunt Road
520	Hayward	Marjorie	4B St Mary's Walk
521	Hayward	Matthew Oliver	Mullet Creek
522	Hayward	Neville	21 Hansen Hill
523	Hayward	Pauline May	21 Hansen Hill
524	Heathcock	Andrew James	7 Drury Street
525	Heathman	Abbie Louise	15 Eliza Cove Road
526	Heathman	Malcolm Keith	15 Eliza Cove Road
527	Heathman	Mandy Gail	15 Eliza Cove Road
528	Heathman	Nyree	7 Allardyce Street
529	Heathman	Sally Hermione	15 Eliza Cove Road
530	Hemming	Graeme John	10 Murray Heights
531	Henry	Adam Robert	28 Brandon Road
532	Henry	Alan Richard	13 Mink Park
533	Henry	Derek William	4A Davis Street
534	Henry	Donna Louise	3 Davis Street
535	Henry	John Stuart	15 Villiers Street
536	Henry	Lucianne Rebekah	13 Mink Park
537	Henry	Patricia Denise	86 Davis Street
538	Henry	Tracey Dawn	4A Davis Street
539	Hewitt	Bernice Marilyn Sarah	6 Rowlands Rise
540	Hewitt	Charles David James Munro	16 Sullivan Street
541	Hewitt	Christine Alison Elizabeth	16 Sullivan Street
542	Hewitt	Frances Agnes	K.E.M.H
543	Hewitt	Gary George	3 Hebe Place
544	Hewitt	Margaret Ann	3 Hebe Place
545	Hills	David John	33 Callaghan Road
546	Hirtle	Christine	5 Capricorn Road
547	Hirtle	Debbie Ann	2B Capricorn Road
548	Hirtle	Rose Ann Shirley	4 Villiers Street
549	Hirtle	Samantha Lee	2 Hebe Place
550	Hirtle	Zane Eric	12 Drury Street
551	Hobman	Anilda Marilu	5 Police Cottage
552	Hobman	Anola Zoey	Flat 8,6 Jersey Road
553	Hobman	Luis Alfonso	5 Police Cottages
554	Howe	Alexander Luke Desmond	36 Davis Street
555	Howe	Alison Delia	36 Davis Street
556	Howe	Paul Anthony	36 Davis Street
557	Hoyles	Benjamin Noel	10 Brandon Road
558	Humphreys	Dennis James	7 Dean Street

559	Hutton	Elizabeth Isabella	3 John Street
560	Hutton	Philip	3 John Street
561	Ibarra Espinosa	Gonzalo Patricio	18 Callaghan Road
562	Igao	Alejandro Neri	Flat 3, 6 Racecourse Road
563	Igao	Georgia Jane	10 Goss Road
564	Igao	Noel Neri	10 Goss Road
565	Igao	Pauline Lynx	10 Goss Road
566	Inglis	Alison Anne MacKenzie	9 Short Street
567	Irvine	Andrew Grant McKenzie	9 McKay Close
568	Jackson	Kathleen	7 Drury Street
569	Jackson	Malcolm	7 Drury Street
570	Jackson	Mark Malcolm	5 Drury Street
571	Jacobsen	Alastair	1A Philomel Street
572	Jacobsen	Catherine Joan	1A Philomel Street
573	Jacobsen	Tanzi	33 Callaghan Road
574	Jaffray	Alexander	8A Brisbane Road
575	Jaffray	Anika Doreen	4 Fitzroy Road
576	Jaffray	Arlette Sharon	7 Jersey Road
577	Jaffray	Dereck Charles	2 Arch Green
578	Jaffray	Dominic Summers	5 Racecourse Road East
579	Jaffray	Eileen	5 Hebe Street
580	Jaffray	Elliott Jessie	8A Brisbane Road
581	Jaffray	Estelle Anita	11 Snake Hill
582	Jaffray	Eva Lynn	47 Callaghan Road
583	Jaffray	Gerard Alan	47 Callaghan Road
584	Jaffray	Helen Rose	84 Davis Street
585	Jaffray	Ian	5 Hebe Street
586	Jaffray	Ingrid Joyce	9 Fitzroy Road
587	Jaffray	Janet	3 Ross Road West
588	Jaffray	John	3 Ross Road West
589	Jaffray	John Summers	3 Mountain Berry Road
590	Jaffray	John Willie	21 Watson Way
591	Jaffray	June Elizabeth	17 Ross Road East
592	Jaffray	Kalon David	47 Callaghan Road
593	Jaffray	Kenneth Ian	7 Jersey Road
594	Jaffray	Lisa Jane	7 Hebe Street
595	Jaffray	Phyllis	21 Watson Way
596	Jaffray	Shaun Melvyn	28 Davis Street
597	Jaffray	Stephen James	5 James Street
598	Jaffray	Terence Roy	5 Hebe Street
599	Jaffray	Tony	84 Davis Street
600	Jaffray	Tracy	3 Ross Road West
601	Jamieson	Malcolm William	1 Rex Hunt Road
602	Jamieson	Patricia Anne	1 Rex Hunt Road

603	Jennings	Hamish Warren	9A Davis Street
604	Jennings	Nancy Elizabeth	7 Philomel Street
605	Jennings	Stephen	5 Fitzroy Road
606	Johnson	Michael Neil	Flat 2, 30 Jersey Road
607	Jones	Deena Marie	6 Allardyce Street
608	Jones	Kevin Richard	3A Brandon Road
609	Jones	Yvonne Malvina	2 Thatcher Drive
610	Jonson	Nicole Frances	30 Endurance Avenue
611	Jordan	Cara Jane	12 Goss Road
612	Joshua	Josephine Mary	7 Gleadell Close
613	Joshua	Rosemond Patricia	3 Felton Stream
614	Keane	Alva Rose Marie	18 Davis Street
615	Keane	Olaf James	18 Davis Street
616	Keane	Thomas James	18 Davis Street
617	Kearney	Philip James	2 Brandon Road
618	Keenleyside	Charles Desmond	3 Pioneer Row
619	Keenleyside	Manfred Michael Ian	2 Snake Hill
620	Keenleyside	Nanette Barbara	2 Snake Hill
621	Kenny	Erling	20 James Street
622	Kidd	John Nathan	7 Ross Road West
623	Kidd	Lillian Rose Orissa	7 Ross Road West
624	King	Anna Constance Eve	34 Ross Road
625	King	Glynis Margaret	Stanley Arms Flat
626	King	Michelle Beverly	4 Biggs Road
627	King	Peter Thomas	10 Jeremy Moore Avenue
628	King	Robert John	22/24 Davis Street
629	King	Rosemarie	10 Jeremy Moore Avenue
630	King-Clark	Roxanne McCarthy	39 Fitzroy Road
631	Kirkham	Campbell Joseph	5 Capricorn Road
632	Knight	Margaret Anne	6 Yates Place
633	Knipe	Chedwin Norman	3 Davis Street West
634	Knipe	Susan Jane Helena	3 Davis Street West
635	Kultschar	John William	33C Davis Street
636	Kultschar	Richard Paul	5 Brisbane Road
637	Kultschar	Yvonne Rosina	33C Davis Street
638	Ladron De Guevara	Simon	6 Police Cottage
639	Ladron De Guevara Barnes	Jeremy Marshall	22/24 Davis Street
640	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
641	Laffi	Atilio Segundo	3 Brisbane Road
642	Laffi	Kathleen Mary	3 Brisbane Road
643	Lang	Colin David	2 Brisbane Road
644	Lang	David Geoffrey	K.E.M.H

645	Lang	James Patrick	2 Davis Street West
646	Lang	Leah Falalimpa	2 Davis Street West
647	Lang	Theresa Margaret	28 Goss Road
648	Lang	Valma Emily	8A Moody Street
649	Lang	Wendy Diane	2 Brisbane Road
650	Larsen	Ellen	6A Moody Street
651	Larsen	Ronald Ivan	2 Anderson Drive
652	Lazo	Javier Waldemar	80 Davis Street
653	Lazo	Matthew Derek	5 Allardyce Street
654	Leach	Nigel Jon	4 Moody Street
655	Lee	Gladys	11 Drury Street
656	Lee	Karen Jane	14 Davis Street
657	Lee	Owen Henry	4 Pioneer Row
658	Lee	Rodney William	15 Ian Campbell Drive
659	Lee	Victoria Jane	2 Rex Hunt Road
660	Legg	Robert Keith	21 Kent Road
661	Lennie	Gordon Carnie	9 Narrows View
662	Lewis	David James	3 Ian Campbell Drive
663	Lewis	Jason	9 Short Street
664	Lewis	Pamela Irene	3 Ian Campbell Drive
665	Limburn	Monica	2 Brandon Road
666	Livermore	Anton	82 Davis Street
667	Livermore	Doreen Emily	82 Davis Street
668	Lloyd	Christopher Sturdee	12 McKay Close
669	Lloyd	Natalie Anne	12 McKay Close
670	Lowe	Katrina Louise	33 Ross Road West
671	Luxton	Jennifer Mary	4 Hebe Place
672	Luxton	Michael	1A Pioneer Row
673	Luxton	Nicola	1A Pioneer Row
674	Luxton	Robin	1 Jersey Road
675	Luxton	Stephen Charles	1 Mullet Creek
676	Luxton	Susan Vera	1 Mullet Creek
677	Luxton	Wendy Jennifer	1 Jersey Road
678	Luxton	Winifred Ellen	15 Fitzroy Road
679	Lyse	Linda Margaret	65 Fitzroy Road
680	Macaskill	Angus Lindsay	11 Short Street
681	Macaskill	John	34 Ross Road West
682	Macaskill	Robert John	1A Brisbane Road
683	Macaskill	Tracey Jayne	1A Brisbane Road
684	MacDonald	Christopher Richard	9 Mink Park
685	MacDonald	Irene	Flat 2, Racecourse Road
686	Maciello	Jorge Diego	Flat 3, 30 Jersey Road
687	Maddocks	Robert Charles	11 Murray Heights
688	Martin	Lee Anthony	7 McKay Close

689	Martin	Lisa Maria	7 McKay Close
690	May	Angela Jane	11 Sullivan Street
691	May	Bruce Raymond	9 Kent Road
692	May	Bryan Roy	21 Jeremy Moore Avenue
693	May	Connie	9 Kent Road
694	May	Jonathan Roy	12 Jeremy Moore Avenue
695	May	Lucinda Vikki	12 Jeremy Moore Avenue
696	May	Monica	21 Jeremy Moore Avenue
697	May	Roger	11 Sullivan Street
698	May	Tiphonie	3 Diddle Dee Drive
699	May	William Albert	1 Glasgow Road
700	McBain	Arthur	29 Goss Road
701	McBain	Rhoda Margaret	29 Goss Road
702	McCallum	Bettina Kay	14 Drury Street
703	McCallum	Rampai	14A Drury Street
704	McCormick	Dale Ronald	24 Eliza Crescent
705	McCormick	Pauline Margaret Ruth	29 Callaghan Road
706	McCormick	Richard Paul	29B Callaghan Road
707	McCormick	Samantha Laura	18 Rex Hunt Road
708	McCormick	Tamara Ann	64 Sandy Woodward Road
709	McCormick	Wayne Stanley James	29 Callaghan Road
710	McCrea	Robert Thomas	7 Philomel Place
711	McDade	Priscilla Alison	3 Gleadell Close
712	McGill	Cara Jane	Flat 7, 6 Jersey Road
713	McGill	Daniel Stanford	2 James Street
714	McGill	Darrel Ian	31 Sandy Woodward Road
715	McGill	David William	Gardeners Cottage South
716	McGill	Diane Beverley	2 James Street
717	McGill	Gary	15 Brandon Road
718	McGill	Heather Margaret	Gardeners Cottage South
719	McGill	Ian Peter	1C Capricorn Road
720	McGill	Len Stanford	2 James Street
721	McGill	Sinead Zara	31 Sandy Woodward Road
722	McGill	Teresa Rose	26 Ross Road East
723	McGill	Travis Ian	1C Capricorn Road
724	McKay	Bono John	3 Brandon Road West
725	McKay	Clara Mary	20 Ross Road West
726	McKay	Heather Valerie	16 Eliza Crescent
727	McKay	Jeannie Paullina	2 Allardyce Street
728	McKay	Jennifer Coral	24 Eliza Crescent
729	McKay	Lauren Joyce	24 Rex Hunt Road
730	McKay	Michael John	64 Davis Street
731	McKay	Michelle Jane	64 Davis Street
732	McKay	Neil	10 Watson Way

733	McKay	Peter John	21 Ross Road West
734	McKay	Rex	16 Eliza Crescent
735	McKay	Stacey Jane	28 Rex Hunt Road
736	McKee	Miranda	12 Watson Way
737	McKee	Richard Buick	12 Watson Way
738	McKenzie	Alice Maud	2B St Mary's Walk
739	McKenzie	Charles Alexander Albert John	2B St Mary's Walk
740	McLaren	Caroline Mary	Flat 9, 6 Jersey Road
741	McLean	Stephen Thomas Turnbull	2 Mountain View
742	McLeod	David	49 Callaghan Road
743	McLeod	Glenda Otadoy	49 Callaghan Road
744	McLeod	Henry Donald Alexander	16 Fieldhouse Close
745	McLeod	Ian	17 Davis Street
746	McLeod	Janet Wensley	75 Davis Street
747	McLeod	Janice	2 Ross Road West
748	McLeod	Joan May	13 Murray Heights
749	McLeod	John	23 Hansen Hill
750	McLeod	Kirsty Jane	5 Pitaluga Place
751	McLeod	Mally	17 Davis Street
752	McLeod	Margaret Ann	13 Fitzroy Road East
753	McLeod	Marie	16 Fieldhouse Close
754	McLeod	Mark Travis	49 Callaghan Road
755	McLeod	Michael William	5 Short Street
756	McLeod	Pearl Mary Ann	18 Brandon Road
757	McLeod	Robert	75 Davis Street
758	McLeod	Robert John	2 Ross Road West
759	McLeod	Tasmin Margaret Butler	5 Short Street
760	McLeod	Valorie Marcela	7 Ian Campbell Drive
761	McMullen	June	8 Brandon Road
762	McMullen	Lucille Anne	6 John Street
763	McMullen	Tony	8 Brandon Road
764	McPhee	Denise	4 Brandon Road West
765	McPhee	Hannah	4 Brandon Road West
766	McPhee	Jessica	4 Brandon Road West
767	McPhee	Justin Owen	4 Brandon Road West
768	McRae	Gloria Linda	9 Snake Street
769	McRae	Kerry Jane	15 Sullivan Street
770	McRae	Michael	2A 'H' Jones Road
771	McRae	Tamara	2A' H' Jones Road
772	Middleton	Callum William	14 Mink Park
773	Middleton	Caren	15 Mink Park
774	Middleton	Charlotte Anne Mary	2 Police Cottages
775	Middleton	Chelsea Emma	13 McKay Close

776	Middleton	Dennis Michael	Dolphin Cottage
777	Middleton	Macauley Brian	13 McKay Close
778	Middleton	Megan Shirley Rebecca	79 Davis Street
779	Middleton	Murray Alexander	15 Mink Park
780	Middleton	Nevin Alexander	15 Mink Park
781	Middleton	Phillip John	5 St Marys Walk
782	Middleton	Sharon Elizabeth	Dolphin Cottage
783	Middleton	Stephanie Anne	13 McKay Close
784	Middleton	Yvonne Allison	50 Davis Street
785	Miller	Carol	Marine Cottage
786	Miller	Gail Marie	6A Brisbane Road
787	Miller	Janet Mary	Market Garden, Airport Rd
788	Miller	Jayne Elizabeth	27 Davis Street
789	Miller	Samuel Andrew	27 Davis Street
790	Miller	Simon Roy	Marine Cottage
791	Miller	Steven Geoffrey	4 Beaver Road
792	Miller	Timothy John Durose	Market Garden, Airport Rd
793	Minnell	Hazel Eileen	5 Yates Place
794	Minnell-Goodwin	Mandy Hazel	31 Ross Road West
795	Minto	Adam Daniel	18 Endurance Avenue
796	Minto	Bradley Stewart Andrew	18 Endurance Avenue
797	Minto	Christian Ian	18 Endurance Avenue
798	Minto	Dilys Rose	18 Endurance Avenue
799	Minto	Graham Stewart	12 Brisbane Road
800	Minto	Isabel Joan	12 Brisbane Road
801	Minto	Karen Joleen	23 Ross Road West
802	Minto	Laura Jayne	23 Ross Road West
803	Minto	Sean Daem	5 Sandy Woodward Road
804	Minto	Timothy Ian	18 Endurance Avenue
805	Miranda	Augusto	3 Thatcher Drive
806	Miranda	Carmen Ediht	8 Anderson Drive
807	Mitchell	Hayden Owen	16 Fieldhouse Close
808	Mitchell	Paige	16 Fieldhouse Close
809	Mitchell	Shane Leon	6A John Street
810	Moffatt	Angela	20 Ross Road East
811	Moffatt	James	20 Ross Road East
812	Moffatt	Sean	20 Ross Road East
813	Molkenbuhr-Smith	Sara Jayne	1 Callaghan Road
814	Montgomerie	Carolyn Anne	1 McKay Close
815	Montgomerie	Kerys Elizabeth Victoria	1 McKay Close
816	Montgomery	Delen Ann Nicola	1 McKay Close
817	Morris	Alana Marie	4 Callaghan Road
818	Morris	David	4 Callaghan Road
819	Morris	Jason Paul	Flat 4, 30 Jersey Road

820	Morris	Trevor Alan	1 Moody Street
821	Morris	Zoe Alana	1 Moody Street
822	Morrison	Carol Margaret	1A Barrack Street
823	Morrison	Edgar Ewen	5 Racecourse Road
824	Morrison	Fayan	54 John Street
825	Morrison	Gerald	1A Brandon Road
826	Morrison	Graham Stewart	34A Davis Street
827	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
828	Morrison	Joan Margaret	8 Brisbane Road
829	Morrison	John	9 Rowlands Rise
830	Morrison	Joleen Coleen	24 Kent Road
831	Morrison	Kathleen Iris	1A Brandon Road
832	Morrison	Keiran Kenneth	7 Mink Park
833	Morrison	Kenneth	13 Ian Campbell Drive
834	Morrison	Lena	108 Davis Street
835	Morrison	Leslie Theodore Norman	108 Davis Street
836	Morrison	Marcus Lewis	5 Mink Park
837	Morrison	Michael John	10 Fitzroy Road East
838	Morrison	Nanette Rose	46 Davis Street
839	Morrison	Nigel Peter	86 Davis Street
840	Morrison	Paul Roderick	3 Racecourse Road East
841	Morrison	Richard Lowry	1 Biggs Road
842	Morrison	Russell John Allan	16 Mink Park
843	Morrison	Susan Margaret	10 Fitzroy Road East
844	Morrison	William Roderick Halliday	54 John Street
845	Morrison-Sanchez	Angely Susanne	16 Mink Park
846	Munro	Grant Mackintosh	69 Fitzroy Road
847	Murphy	Andrew Paul	2 King Street
848	Murphy	Ann Susan	2 King Street
849	Napier	Lily	2 Racecourse Road
850	Napier	Roderick Bertrand	2 Racecourse Road
851	Neilson	Barry Marwood	6 Barrack Street
852	Neilson	Edward Sydney	12 Goss Road
853	Neilson	Harold Ian	74 Davis Street
854	Neilson	Margaret	6 Barrack Street
855	Newell	Joseph Orr	11 Davis Street
856	Newman	Andrew Raymond	51 Ross Road East
857	Newman	Marlene	11 Jeremy Moore Avenue
858	Newman	Terence	24 Endurance Avenue
859	Newman	Terri-Ann	24 Endurance Avenue
860	Newton	Josephine Ellen	22 Shackleton Drive
861	Norman	Heather Thelma	6A Pioneer Row
862	Olmedo	Alex	61 Sandy Woodward Road
863	Ormond	Christina Helen	6 Goss Road

864	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
865	Ormond	Krysteen Alison	6 Goss Road
866	Ormond	Terrienne Helen	2 Gleadell Close
867	Owen	Sally	1 Biggs Road
868	Paice	Corrinne	3 Racecourse Road
869	Paice	Craig Arthur	3 Racecourse Road
870	Parke	James Fred	25 Ross Road West
871	Parke	Janet Margaret	25 Ross Road West
872	Passfield	Kenneth Alexander	2A Brandon Road West
873	Paver	Bernadette Marguerite	Moody Brook House
874	Peck	Christine	21 Jersey Road
875	Peck	David Patrick	5 Sullivan Street
876	Peck	Eleanor Margaret	10 Davis Street
877	Peck	Farrah Louise	24 Kent Road
878	Peck	Gordon Pedro James	34 Eliza Crescent
879	Peck	Harwood John Charles	26 Eliza Crescent
880	Peck	James	Lafone House
881	Peck	Joshua Dolan	36 Rex Hunt Road
882	Peirega	Alexa Rachel	27 Rex Hunt Road
883	Peirega	Naomi Renee	27 Rex Hunt Road
884	Pennisi Minto	Barbara	8A Moody Street
885	Perry	Hilda Blanche	6A St Marys Walk
886	Pettersson	April Samantha	4 Beaver Road
887	Pettersson	Derek Richard	3 Anderson Drive
888	Pettersson	Trudi Ann	3 Anderson Drive
889	Phillips	Carol Joan	6 Rex Hunt Road
890	Phillips	David Dawson	35 Fitzroy Road
891	Phillips	Elisa	35 Fitzroy Road
892	Phillips	Jordan Liam	32 Davis Street
893	Phillips	Terence	6 Rex Hunt Road
894	Pitt	Myra May	6A Pioneer Row
895	Plato	Darren Richard	2 Jersey Road
896	Platt	Claire	8 Villiers Street
897	Pointing	Stephen William	4 Anderson Drive
898	Pole-Evans	Amy Rose	4 McKay Close
899	Pole-Evans	John	16 Ross Road East
900	Pole-Evans	Lisa	74 Davis Street
901	Pole-Evans	Marcus Samuel	12 Murray Heights
902	Pole-Evans	Martin	19 Kent Road
903	Pole-Evans	Michael Anthony	4 McKay Close
904	Pollard	Andrew Keith	4 Fitzroy Road East
905	Pollard	Cathy	2 Kent Road
906	Pollard	Elizabeth Eve	23 Ross Road East
907	Pollard	John	23 Ross Road East

908	Pollard	Mark John	2 Kent Road
909	Pompert	Joost Herman Willem	11 Ross Road West
910	Pompert Robertson	Sorrel Freya	11 Ross Road West
911	Pompert-Robertson	Sophie Thora	11 Ross Road West
912	Poncet	Jeremy Nigel	28 Rex Hunt Road
913	Poncet	Sally Elizabeth	2A Brandon Road West
914	Poole	Evelyn May	31 Fitzroy Road
915	Poole	Juliet Hazel	28 Davis Street
916	Poole	Michael James	19 Davis Street
917	Poole	Nancy Margaret	1 Racecourse Road
918	Poole	Raymond John	1 Racecourse Road
919	Poole	Ross William	52 John Street
920	Poole	Steven Charles	11 Hansen Hill
921	Poole	Toby Raymond	19 Davis Street
922	Poole	William John	31 Fitzroy Road
923	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
924	Pring	Bernadette Jane Spencer	5A Ross Road West
925	Pring	Geoffrey Alan	5A Ross Road West
926	Prior	Claudette	1 Goss Road
927	Prior	Malcolm	1 Goss Road
928	Ramirez Mardones	Vanessa Elisa	61 Sandy Woodward Road
929	Reddick	Keith John	By-Pass Road
930	Reeves	Michael	2 Drury Street
931	Reid	Ann	3A Hansen Hill
932	Reid	Beverley Rose	12 James Street
933	Reid	Colleen Rose	9 Fitzroy Road East
934	Reid	John Alexander	7 Fitzroy Road
935	Reid	Joseph Reynold Benjamin	26 Kent Road
936	Reid	Pamela Ruth	17 Rex Hunt Road
937	Reid	Paula	5 Biggs Road
938	Reid	Reynold Gus	5 Biggs Road
939	Reid	Simon Gus	41 Sandy Woodward Road
940	Rendell	Nicholas Simon Oliver	23 Rex Hunt Road
941	Richards	Shirley	8A James Street
942	Riddell	Jacob David	33 Davis Street
943	Roberts	Bradley Gerard	2 Hansen Hill
944	Roberts	Cheryl Ann Spencer	49 Ross Road East
945	Roberts	David Anthony	1 Mountain View
946	Roberts	Gethyn Edward	11 Short Street
947	Roberts	Kieran Angus	13 Rowlands Rise
948	Roberts	Laura May	4 Kent Road
949	Roberts	Peter James	49 Ross Road East
950	Roberts	Simon Theodore Nathaniel	5 Narrows View
951	Robertson	Dion Sebastian	5 Jeremy Moore Avenue

952	Robertson	Drew Alexander	14 Murray Heights
953	Robertson	Janet	11 Ross Road West
954	Robson	Alison Emily	15 Villiers Street
955	Robson	Cherry Rose	5 Philomel Street
956	Robson	Damien	18 Ross Road East
957	Robson	Jodie	1 Philomel Place
958	Robson	Miranda Gaye	10 Hansen Hill
959	Robson	Patricia Jayne	18 Ross Road East
960	Robson	Phyllis Ann	1 Philomel Place
961	Robson	Raymond Nigel	10 Hansen Hill
962	Robson	William Charles	18 Ross Road East
963	Rodriguez-Reid	Axel Reynaldo	4 Fieldhouse Close
964	Roose	Alison Elizabeth	7 Brandon Road
965	Ross	Allan John	1 Short Street
966	Ross	Christine Aislinn	6 Mink Park
967	Ross	Claudio Javier Ampuero	2 Mullet Creek
968	Ross	Gabrielle Leigh	25 Rex Hunt Road
969	Ross	Glenn Stephen	23 Watson Way
970	Ross	Janet	23 Watson Way
971	Ross	Kerri-Anne	8 Mink Park
972	Ross	Kevin John	12 Snake Hill
973	Ross	Lachlan Neil	14 Fieldhouse Close
974	Ross	Rebecca Jane	3 Beaver Road
975	Ross	Roy	19 Jersey Road
976	Ross	Sheena Margaret	25 Rex Hunt Road
977	Ross	Shirley Vyona	1 Short Street
978	Rowland	Sarah Anne	9 Hansen Hill
979	Rowlands	Daisy Malvina	39 John Street
980	Rowlands	Dorinda Roberta	3 Hebe Street
981	Rozee	Betty Ellen	16 Davis Street
982	Rozee	Derek Robert Thomas	16 Davis Street
983	Rozee	Karen Michella	6 Discovery Close
984	Sackett	Albert John	25A Ross Road East
985	Sackett	Jacqueline	25 Callaghan Road
986	Sanchez	Jennifer Helen	26 Endurance Avenue
987	Sanchez Ladron De Guevara	Karin Pamela	5 Brisbane Road
988	Sawle	Felicity Anne Hermione	7 Rex Hunt Road
989	Sawle	James Christopher	Seaview Cottage, Ross Road
990	Sawle	Judith Margaret	Seaview Cottage, Ross Road
991	Sawle	Richard	Seaview Cottage, Ross Road
992	Senociain Short	Kylie Deborah	36 Eliza Crescent

993	Shelbourne	Carolyn Wendy	39 Brandon Road
994	Shepherd	Ramsey	3 Yates Place
995	Shepherd	Roy	23 Mink Park
996	Shepherd	Sarah Jayne	23 Mink Park
997	Shillitoe	Helena De Fatima	The Brook, Moody Brook
998	Shillitoe	Roger William	The Brook, Moody Brook
999	Shillitoe	Ryan Lawrance	The Brook, Moody Brook Road
1000	Shillitoe	Stephen Bruce	4 Mink Park
1001	Short	Alison	1 Dairy Paddock Road
1002	Short	Andrez Peter	1 Dairy Paddock Road
1003	Short	Brenda	11 Barrack Street
1004	Short	Celia Soledad	7 Pitaluga Place
1005	Short	Christina Ethel	12 Brandon Road
1006	Short	Emily Christina	1 Fitzroy Road East
1007	Short	Gavin Phillip	36 Eliza Crescent
1008	Short	Isabel Rose	3 Brisbane Road
1009	Short	Jason Francis	3 Brisbane Road
1010	Short	Marc Peter	7 Anderson Drive
1011	Short	Marlene Cindy	9 Pitaluga Place
1012	Short	Montana Tyrone	4 Dairy Paddock Road
1013	Short	Patrick Warburton	3 Brisbane Road
1014	Short	Peter Robert	1 Fitzroy Road East
1015	Short	Richard Edward	9 Pitaluga Place
1016	Short	Vilma Alicia	4 Dairy Paddock Road
1017	Simpson	Bertha Veronica	8 Rowlands Rise
1018	Simpson	James Alexander Bruce	7 Racecourse Road
1019	Simpson	John Frederick	8 Rowlands Rise
1020	Sinclair	Serena Samantha	11 Rex Hunt Road
1021	Sinclair	Veronica Joyce	21 Ross Road West
1022	Skene	Greta Winnora Miller	22 Ross Road East
1023	Smallwood	Margo Ameer	105 Davis Street
1024	Smallwood	Michael Anthony	105 Davis Street
1025	Smith	Andrew John	11 Fitzroy Road East
1026	Smith	Antony David	33A Davis Street
1027	Smith	Anyia Deirdre	8 Eliza Crescent
1028	Smith	Colin David	6 James Street
1029	Smith	Felicity Marie	5 Brandon Road
1030	Smith	George Patterson	15 Watson Way
1031	Smith	Gerard Alexander	8 Barrack Street
1032	Smith	Heather	19 Watson Way
1033	Smith	Ian Lars	5 Brandon Road
1034	Smith	Ileen Rose	28 Ross Road West
1035	Smith	Jennifer Ethel	6 Watson Way

1036	Smith	Jenny Lorraine	15 Watson Way
1037	Smith	John	28 Ross Road West
1038	Smith	John Derek	8 Eliza Crescent
1039	Smith	Kane David	6 James Street
1040	Smith	Martyn James	6A Ross Road West
1041	Smith	Michael Edmund	39 Eliza Crescent
1042	Smith	Natalie Marianne	6 James Street
1043	Smith	Paul	1 Callaghan Road
1044	Smith	Robin Charles	19 Watson Way
1045	Smith	Roy Alan	11 Brandon Road
1046	Smith	Susan	17 Jersey Road
1047	Socodo	Phoebe Esther	6 Haskard Rise
1048	Spicer	Mark Anthony	16 St Mary's Walk
1049	Spicer	Susan	16 St Marys Walk
1050	Spink	Roger Kenneth	The Brook, Moody Brook
1051	Spinks	Malvina Ellen	8 Thatcher Place
1052	Spruce	Helena Joan	Milestone, 29 Ross Road West
1053	Spruce	Mark Felton	6 Anderson Drive
1054	Spruce	Terence George	Milestone, 29 Ross Road West
1055	Steen	Allan Graham	15 Sullivan Street
1056	Steen	Barbara Ingrid	39 Ross Road West
1057	Steen	Karen Lucetta	32 Fitzroy Road
1058	Stenning	Kate Alexandra	5B Ross Road West
1059	Stenning	Timothy Charles	5B Ross Road West
1060	Stephenson	Dylan	Moody Valley
1061	Stephenson	Jason	Moody Valley
1062	Stephenson	Katrina	4 Davis Street
1063	Stephenson	Zachary	4 Davis Street
1064	Stevens	Kelly-Marie	Whyteways, James Street
1065	Stevens	Lucy Mary Rose Ellen Doreen	6 Dairy Paddock Road
1066	Stevens	Paul Theodore	6 Dairy Paddock Road
1067	Stewart	Celia Joyce	14 Allardyce Street
1068	Stewart	Duane William	Flat 3, 6 Jersey Road
1069	Stewart	Hulda Fraser	24 Ross Road West
1070	Stewart	Ian Bremner	34 Ross Road East
1071	Stewart	Kenneth Barry	Flat 5, 6 Jersey Road
1072	Stewart	Ross Ian	34 Ross Road East
1073	Stewart	Ruth Jane	1 Sandy Woodward Road
1074	Stewart	Sheila Olga	34 Ross Road East
1075	Stewart-Reid	Byron Alexander	7 Fitzroy Road
1076	Stewart-Reid	Carol Ellen Eva	7 Fitzroy Road

1077	Stewart-Reid	Clodagh Erin Georgia	7 Fitzroy Road
1078	Strange	Ian John	The Dolphins, Snake Street
1079	Strange	Maria Marta	The Dolphins, Snake Street
1080	Stroud	Mark Adrian	10 Sullivan Street
1081	Summers	Brian	1 Ross Road East
1082	Summers	Colin Owen	58 Rex Hunt Road
1083	Summers	Dorothy Constance	42 Eliza Crescent
1084	Summers	Edith Catherine	5 Dean Street
1085	Summers	Irvin Gerard	1 Anderson Drive
1086	Summers	Jacqueline	12 Pioneer Row
1087	Summers	Joanne Elizabeth	58 Rex Hunt Road
1088	Summers	Jonathan Derek	33 Davis Street
1089	Summers	Judith Orissa	1 Ross Road East
1090	Summers	Lynn Jane	31 Sandy Woodward Road
1091	Summers	Michael Kenneth	6A Brisbane Road
1092	Summers	Michael Victor	12 Pioneer Row
1093	Summers	Rowena Elsie	5 Allardyce Street
1094	Summers	Roy	32 Eliza Crescent
1095	Summers	Sheila	1 Anderson Drive
1096	Summers	Sybella Catherine Ann	1 Ross Road West
1097	Summers	Sylvia Jean	8 Racecourse Road
1098	Summers	Terence	1 Ross Road West
1099	Summers	Tony	8 Racecourse Road
1100	Sutcliffe	Lynsey Claire	1 Moody Street
1101	Sutcliffe	Michael Ian	1A Pitaluga Place
1102	Sutherland	John Gall	3 Mountain View
1103	Taylor	Anne Louise	4 Drury Street
1104	Taylor	Graham	55 Fitzroy Road
1105	Taylor	Ruth Eleanor	55 Fitzroy Road
1106	Taylor	Zoe Leigh	6A John Street
1107	Tellez	Tylor Mathew James	9 Marmont Row
1108	Thain	Craig John	8 Davis Street
1109	Thain	John	8 Davis Street
1110	Thain	Scott Hayden	8 Davis Street
1111	Thain	Stephanie Ann	8 Davis Street
1112	Thom	Norma Ann	92 Davis Street
1113	Thomas	Andrew Neil	11 Jersey Road
1114	Thomas	Gary Stuart	4 Sandy Woodward Road
1115	Thomas	Jacqueline Joyce	3 Moody Street
1116	Thomas	Jane Lilian Louisa	11 Jersey Road
1117	Thomas	Justin Paul	3 Moody Street
1118	Thorsen	Carol Margaret	21 John Street
1119	Thorsen	David Moller	11 Callaghan Road
1120	Thorsen	Gloria Penelope	27A Fitzroy Road

1121	Thorsen	Kristiane Annergret Helena	27A Fitzroy Road
1122	Toolan	George Benjamin	13 Sullivan Street
1123	Toolan	Rose Mary	13 Sullivan Street
1124	Toolan	Samuel Robert	13 Sullivan Street
1125	Toolan	Stephen David John	13 Sullivan Street
1126	Trinidades Burucua	Dahiana	4 Rex Hunt Road
1127	Turner	Betty Ann	8 Fitzroy Road East
1128	Turner	Howard Guy	8 Fitzroy Road East
1129	Turner	Joanne Elizabeth	61 Fitzroy Road
1130	Turner	Ronald	K.E.M.H
1131	Tyrrell	Garry Bernard	1 Beaver Road
1132	Tyrrell	Gina Michelle	1 Beaver Road
1133	Tyrrell	Tasmin Andrea	1 Beaver Road
1134	Ubeda Hernandez	Julio Antonio	21 Jersey Road
1135	Vidal Roberts	Leona Lucila	1 Mountain View
1136	Villegas	Caroline	7 Fieldhouse Close
1137	Villegas	Pedro Francisco	7 Fieldhouse Close
1138	Vincent	Janette Mary	10 Endurance Avenue
1139	Vincent	Stephen Lawrence	10 Endurance Avenue
1140	Wade	Donald Harold	4A Jeremy Moore Avenue
1141	Wallace	Fiona Alice	Tigh Na Mara, Moody Brook Road
1142	Wallace	Fraser Barrett	10 John Street
1143	Wallace	Maria Lilian	38 Ross Road West
1144	Wallace	Stuart Barrett	38 Ross Road West
1145	Watson	Andrew James	9 James Street
1146	Watson	Dominic Robert	1 Sandy Woodward Road
1147	Watson	Joanne	2 Auster Place
1148	Watson	Lisa Marie	33 Davis Street
1149	Watson	Paul	20 Endurance Avenue
1150	Watson	Ryan Neil	20 Endurance Avenue
1151	Watt	Stephen Robert	7 Hebe Street
1152	Watt	Sylvia Ann	5 Racecourse Road
1153	Watts	Patrick James	13 Brisbane Road
1154	Webb	Gary Colin	58 Davis Street
1155	Webb	Loretta Isobel	58 Davis Street
1156	White	Chanelle Lawrence	5 Discovery Close
1157	White	Judy Marie	Flat 1, 3 Jeremy Moore Avenue
1158	Whitney	Frederick William	9 Ross Road
1159	Whitney	Jason	15 Ross Road East
1160	Whitney	Kurt Ian	2 Pioneer Row
1161	Whitney	Lana Rose	22 Eliza Crescent
1162	Whitney	Susan Joan	9 Ross Road

1163	Wilkinson	Carol Rosina	24 Goss Road
1164	Wilkinson	David Clive Walter	24 Goss Road
1165	Wilks	Bruce Allan	11 Fieldhouse Close
1166	Wilks	Susan Jean	11 Fieldhouse Close
1167	Williams	Christian Leonard Edward John	7 Eliza Crescent
1168	Williams	Glen	33 Ross Road East
1169	Williams	Kirsty Michelle	16 Jersey Road
1170	Williams	Lee Perry Adrain John	14 Hansen Hill
1171	Williams	Margaret Elizabeth	16 Goss Road
1172	Williamson	Kathleen Laura	5 McKay Close
1173	Williamson	Rachel Mary	5 McKay Close
1174	Wilson	Stephen John	9 Dairy Paddock Road
1175	Wilson	Tara	9 Dairy Paddock Road
1176	Wylie	Julian Richard	1 McKay Close
1177	Yon	Julian Lemarc Patrick	3 Davis Street West
1178	Zuvic-Bulic	Kuzma Mario	Holdfast House, Holdfast Rd
1179	Zuvic-Bulic	Sharon Marie	Holdfast House, Holdfast Rd
1180	Zuvic-Bulic	Zoran Mario	Holdfast House, Holdfast Rd

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Supplement

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The following are published in this Supplement –

**Registration of Marriages (Amendment) Regulations 2017 (SR&O No 10 of 2017); and
Registration of Civil Partnerships Regulations 2017 (SR&O No 11 of 2017).**

SUBSIDIARY LEGISLATION

FAMILY LAW

Registration of Marriages (Amendment) Regulations 2017

S. R. & O. No.: 10 of 2017

Made: 28 April 2017

Published: 3 May 2017

Coming into force: on publication

I make these regulations under section 30 of the Marriage Ordinance 1996 on the advice of Executive Council.

1. Title

These regulations are the Registration of Marriages (Amendment) Regulations 2017.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Form 3 replaced — Declaration for marriages of certain persons related by affinity

Form 3 of the Registration of Marriages Regulations is replaced with the following new form —

“FORM 3

Declaration for marriages of certain persons related by affinity

(section 10 Marriage Ordinance 1996)

To the Registrar General

MARRIAGE OF

..... AND

(first alphabetical name and surname)

(second alphabetical name and surname)

Date of birth

Date of birth

Address

Address

.....

.....

I, the above named, declare that I and the other person
(name and surname)

named above are related in that he/she is the

*

I further declare that the younger of us has not at any time before attaining the age of eighteen years been a child of the family in relation to the other.

Signed In the presence of
(signature)

Date

Official designation

.....

*Insert whichever of the following applies —

- Child of my former civil partner
- Child of my former spouse
- Former civil partner of my grandparent
- Former civil partner of my parent
- Former spouse of my grandparent
- Former spouse of my parent
- Grandchild of my former civil partner
- Grandchild of my former spouse"

Made 28th April 2017

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These regulations amend the Registration of Marriages Regulations.

Form 3 is amended to make the declaration for marriages of certain persons related by affinity gender-neutral to be able to cover same sex marriages.

SUBSIDIARY LEGISLATION

FAMILY LAW

Registration of Civil Partnerships Regulations 2017

S. R. & O. No.: 11 of 2017

Made:..... 28 April 2017

Published:..... 3 May 2017

Coming into force: on publication

I make these regulations under section 30 of the Marriage Ordinance 1996 on the advice of Executive Council.

Part I – Introductory

1. Title

These regulations are the Registration of Civil Partnerships Regulations 2017.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations unless the context otherwise requires —

“entry” means a record of the particulars relating to a civil partnership completed in the appropriate places in relation to Form 7CP;

“the Ordinance” means the Marriage Ordinance 1996;

“Registrar” includes the Registrar General; and

“Registry office” means the office of the Registrar General.

Part II – Preliminaries to a civil partnership

4. Pre-registration requirements

(1) Subject to these Regulations two people are not eligible to register a civil partnership unless—

(a) notice is given as required under section 24D(1)(a) and regulation 5;

(b) the Registrar has issued a licence for the registration of a civil partnership under regulation 7; and

(c) the relevant fee specified under regulation 19 is paid in relation to that notice.

(2) Subject to regulation 7(2) the Registrar General may grant a licence under these Regulations not earlier than twenty-one days, nor later than three months after, the receipt by him or her of notice of the civil partnership.

5. Form of notice of civil partnership

(1) Notice of an intended civil partnership as required under section 24D must be given in Form 1CP.

(2) When notice of a civil partnership has been given to the Registrar General and has been entered in the civil partnership notice book, the Registrar must suspend or affix in some conspicuous place in, or immediately outside, the Registrar's office for twenty-one successive days next after the date on which the notice was entered in the civil partnership book, the notice of an intended civil partnership, or an exact copy signed by the Registrar of the particulars as entered in the civil partnership notice book.

6. Declaration to accompany notice of civil partnership

(1) The notice of an intended civil partnership must be accompanied by a solemn declaration in Form 2CP, in the body or at the foot of the notice, made and signed at the time of the giving of the notice by the person by whom the notice is given and attested as follows —

(a) that the person believes that there is no impediment of kindred or alliance or other lawful hindrance to the civil partnership;

(b) that both of the parties have for the period of seven days immediately before the giving of the notice had their usual places of residence within the Falkland Islands;

(c) where one of the parties to the civil partnership is under the age of eighteen and is not a widower or widow, that the consent of the person or persons whose consent is required under section 7 of the Ordinance has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that the court has consented to the civil partnership under that section, or that there is no person whose consent to the civil partnership is so required.

(2) Any declaration must be signed by the person giving the notice of the intended civil partnership in the presence of the Registrar General, or an assistant of the Registrar General, or of a person whose name appears upon the electoral register, and the Registrar General, the assistant, or the person whose name appears on the electoral register, as the case may be, must attest the declaration by adding his or her name and description, and in the case of a person other than the Registrar General or an assistant of the Registrar General, that person's address.

7. Registrar's licence

(1) At the expiration of the period of twenty-one days referred to in regulation 5(2), the Registrar General must grant the licence in Form 3CP unless any lawful impediment to the issue of the licence has been shown to the satisfaction of the Registrar General.

(2) Except as may be authorised by a special licence or by an extraordinary licence, no civil partnership may be registered until after the expiration of twenty-one days after the date on which notice of the intended civil partnership was entered in the civil partnership notice book.

(3) The fee set out under regulation 19 must be paid to the Registrar General on the grant of a licence.

8. Registrar's extraordinary licence

(1) Subject to this regulation, the Registrar General may grant an extraordinary licence authorising the registration of a civil partnership between the persons named in that licence.

(2) The Registrar General may only grant an extraordinary licence if he or she is satisfied that one or both of the parties to the intended civil partnership to which the licence relates is in imminent danger of death.

(3) Subject to sub-regulation (4), sections 9 to 14, and 16 to 20 of the Ordinance apply in respect of civil partnerships or civil partnerships intended to be registered under authority of an extraordinary licence and in those sections a reference to marriage includes a reference to a "civil partnership" and "solemnisation" includes "registration of a civil partnership".

(4) A person applying for the grant of an extraordinary licence must give notice as required by section 24D(1)(a) of the Ordinance and regulation 5, incorporating the declaration required by regulation 6, but instead of giving notice of the intended time and place of the registration of the civil partnership may state that the civil partnership is desired to be authorised by an extraordinary licence.

(5) Where notice of the intended civil partnership has already been given under regulation 6, with the intention that it will be registered under the authority of a licence granted by the Registrar General under regulation 7, either of the parties to the intended civil partnership may request the Registrar General to grant an extraordinary licence under this regulation and subject to sub-regulation (6) the Registrar General if he or she is satisfied that one or both of the parties is in imminent danger of death may grant that licence.

(6) An extraordinary licence may not be granted under this regulation —

(a) if the Registrar General believes that there is any lawful impediment to the civil partnership; or

(b) if the civil partnership has been and continues to be forbidden pursuant to section 14 of the Ordinance (as it applies to civil partnerships).

(7) A civil partnership may not be registered under the authority of a licence granted under this regulation after the expiration of fourteen days from the date of the grant of the licence.

9. Extraordinary licence: form of application and form of licence

(1) Where it is desired that the civil partnership be authorised by extraordinary licence granted by the Registrar General under regulation 8, the application set out in Form 4CP must be used so as to state that the civil partnership is desired to be authorised by an extraordinary licence.

(2) The Registrar General must grant an extraordinary licence in Form 5CP on the payment of a fee specified under regulation 19.

10. Grant of special licences by the Governor

(1) Subject to the provisions of this regulation, the Governor may grant a special licence to the persons named in the special licence authorising the registration of a civil partnership between those persons.

(2) The Governor must not grant a special licence which, if granted, would have the effect of authorising the registration of a civil partnership —

(a) to which any provision of section 5 relates (prohibited degrees); or

(b) where either of the parties is under the age of eighteen.

(3) Any person of or over the age of eighteen years and who is free to register or enter into a civil partnership may apply for a special licence under this regulation.

(4) An application for a special licence —

(a) must be in writing, signed by the applicant;

(b) must be sent or delivered to the Registrar General;

(c) must be accompanied by —

(i) a statutory declaration, made before any person authorised under the law of the Falkland Islands or the place it is made to administer oaths, having the contents required by sub-regulation (5); and

(ii) the fee specified under regulation 19.

(5) The statutory declaration mentioned under sub-regulation (4)(c)(i) must contain the following —

(a) a statement of the full name of the applicant and of the other party to the intended civil partnership (“the other party”) and of any other name by which either of them has ever been known;

(b) the addresses at which the applicant and the other party respectively ordinarily reside (which need not be within the Falkland Islands) and if either of them has been resident at the address so stated in respect of him or her less than three months, any other address at which he or she has ordinarily resided within that period of three months;

(c) the date, place and country of birth of the applicant and of the other party;

(d) a statement either —

(i) that there is no affinal relationship (relationship by blood or by virtue of marriage or adoption) between the applicant and the other party; or

(ii) a statement of any such relationship that exists between the applicant and the other party;

(e) particulars of any previous marriage or civil partnership of either of the parties and the manner in which the previous marriage or civil partnership came to an end.

(6) The Registrar General may make such enquiries, consistent with dealing with the application with expedition, as the Registrar thinks advisable to make in the circumstances of the case, and subject to the findings of the enquiry, where the Registrar General has no reason to believe that the civil partnership to which the application relates would be void, the Registrar General must forward the application to the Governor with a recommendation that it be granted.

(7) Section 13 (*caveat against issue of licence*) of the Ordinance has effect in relation to the grant of a special licence for civil partnerships as it does in respect of a licence granted by the Registrar General in that section.

(8) Subject to the requirements of this regulation, the Governor acting in his or her discretion may grant or refuse an application for a special licence as the Governor sees fit.

11. Form of instructions issued by the Registrar General

(1) Where the civil partnership is to be conducted other than by the Registrar General the Registrar General must at the time of grant of the licence hand or send to the person to whom it is issued printed instructions in the prescribed form for the due registration of the civil partnership.

(2) The form of instructions to be issued under sub-regulation (1) must be in Form 6CP.

Part III — Registration of a civil partnership

12. Form of civil partnership document

The civil partnership document must be in Form 7CP.

13. Manner of completion of Form 7CP

(1) Before the parties to a civil partnership sign the civil partnership document the Registrar General must, subject to paragraph (4), enter the particulars required in each column of Form 7CP.

(2) In column 4 the Registrar General must enter the condition of the parties to the civil partnership in the following manner —

(a) if a party has not previously been married or been a party to a civil partnership, the Registrar General must enter the word “Single”;

(b) if a party’s previous marriage was terminated by death the Registrar General must enter the word “Widower” or, as the case may be, “Widow”;

(c) if a party’s previous civil partnership was terminated by death the Registrar General must enter the words “Surviving civil partner”;

(d) if a party’s previous marriage was annulled on the ground that the marriage was voidable, the Registrar General must enter the words “Previous marriage annulled”;

(e) if a party’s previous civil partnership was annulled on the ground that the civil partnership was voidable, the Registrar General must enter the words “Previous civil partnership annulled”;

(f) if a party’s previous marriage was terminated by divorce the Registrar General must enter the words “Previous marriage dissolved”;

(g) if a party’s previous civil partnership was dissolved the Registrar General must enter the words “Previous civil partnership dissolved”;

(h) if the civil partnership is between two parties who have previously been through a form of marriage with each other (not being a marriage which is known to have been null and void) and neither of them has since married or entered into a civil partnership with a third party, then (and notwithstanding subparagraphs (d) and (f) above) —

(i) if the marriage was terminated by divorce, the Registrar General must enter the words “Previously married at on Marriage dissolved on ”, inserting particulars of the place and date of the previous marriage and the date of its dissolution;

(ii) if the previous marriage was annulled, the Registrar General must enter the words “Previously married at on Marriage annulled on ”, inserting particulars of the place and date of the previous marriage and the date of its annulment; or

(iii) if the ceremony was performed for the avoidance of doubt as to the validity of a previous ceremony, the Registrar General must enter the words “Previously went through

a form of marriage at on ”, inserting the particulars of the place and date of the previous ceremony;

and no further entry must be made in column 4.

(i) if the civil partnership is between two parties who have previously been through a form of civil partnership with each other (not being a civil partnership which is known to have been null and void) and neither of them has since married or entered into a civil partnership with a third party, then (and notwithstanding subparagraphs (d) and (f) above) —

(i) if the civil partnership was dissolved, the Registrar General must enter the words “Previously entered into a civil partnership at on Civil partnership dissolved on ”, inserting particulars of the place and date of the previous civil partnership and the date of its dissolution;

(ii) if the previous civil partnership was annulled, the Registrar General must enter the words “Previously entered into a civil partnership at on Civil partnership annulled on ”, inserting particulars of the place and date of the previous civil partnership and the date of its annulment; or

(iii) if the ceremony was performed for the avoidance of doubt as to the validity of a previous ceremony, the Registrar General must enter the words “Previously went through a registration of a civil partnership at on ”, inserting the particulars of the place and date of the previous ceremony;

and no further entry must be made in column 4.

(3) In columns 7 or 8 if a parent of either party to the civil partnership is deceased, the Registrar General must enter the word “deceased” after the surname.

(4) Where it appears to the Registrar General that he or she cannot enter the particulars required in any column of Form 7CP the Registrar General must draw a line in ink through that column.

14. Signing the civil partnership document

(1) Immediately before the signing of a civil partnership document, the Registrar must call upon the parties to the civil partnership to verify the particulars inserted pursuant to regulation 13 in the entry of civil partnerships and, if it appears that any error has been made, in the presence of the parties make the necessary correction in the manner provided in regulation 16.

(2) When the required particulars have been verified in accordance with sub-regulation (1) the Registrar must call upon the parties to sign the civil partnership document in the spaces provided and after the parties have signed the document, the Registrar must call upon the witnesses to also sign the civil partnership document.

(3) Immediately after the parties and their witnesses have signed, the Registrar by or in the presence of whom the civil partnership was registered must sign the document in the space

provided and add his or her official designation or description and deliver or cause the civil partnership document to be delivered to the Registrar General.

(4) The Registrar General on entering the entry of civil partnership in the register must then sign the register book in the space provided.

(5) Where a person who is required under paragraph (2) or (3) to sign the entry of civil partnership makes a mark or signs in characters other than those used in the English language, the Registrar must write against the mark or signature the words “The mark (or signature) of, inserting the forenames and surname of the person.

PART IV – Correction of errors

15. Time when entry is complete

An entry of marriage made by the Registrar General in the register is, for the purposes of these Regulations, deemed to have been completed when the Registrar General has signed the entry.

16. Correction of errors before entry is complete

(1) Where under these regulations the Registrar General is required to correct an error in an entry for a civil partnership before the entry is complete the Registrar General must, subject to paragraph (2), make the corrections in the following manner —

(a) if a word is incorrect, the Registrar General must strike it out by a line drawn through it, so however that the word remains legible, and write the correct word above it and must in the margin of the entry write his or her initials;

(b) if in any group of figures one or more figures is incorrect the Registrar General must strike out all the figures in the group by a line drawn through them, so that however they remain legible, and write the correct figures above them and must in the margin of the entry write his or her initials;

(c) if a word has been omitted, the Registrar General must place a caret where the omission occurs and above the caret the Registrar General must write the omitted word, except that if there is sufficient space the Registrar General must write that word where the omission occurs and underline it and, in any case, he or she must in the margin of the entry write his or her initials;

(d) if the particulars required to be entered in any two columns have been inadvertently transposed, the Registrar General must, without any other correction, write in the margin of the entry a note of the error in the following form: “The particulars in column and column inadvertently transposed”, inserting the number of the columns and adding his or her initials;

(e) if the particulars required to be entered in respect of the parties to a marriage, or the parents of the parties, have been inadvertently transposed, the Registrar General must, without any other correction, write in the margin of the entry a note to that effect, specifying the particulars to which the note relates, and add his or her initials.

(2) If it appears that an error has been made in the signature of one of the parties or witnesses to a marriage the signatory and not the Registrar General must make the correction, and the party and the Registrar General must, in the margin of the entry write their initials.

17. Correction of errors in completed entry

(1) Where it appears or is represented to the Registrar General that there is a completed entry in the register which contains an error in form or substance, the Registrar General must inquire into the matter and, if after such inquiry he or she is satisfied as to the existence of the error the Registrar General must correct it in the manner provided by paragraphs (2) and (3).

(2) The error must be corrected —

(a) by the Registrar General in the presence of the parties to the civil partnership to which the entry relates; or

(b) in the case of the death or absence of either of those parties, by the Registrar General in the presence of two credible witnesses.

(3) The entry must be corrected by entry in the margin of the register, without any alteration of the original entry and the marginal entry —

(a) must be signed by the Registrar General;

(b) must be attested by the persons in whose presence the entry in the margin of the register is required by sub-regulation (2) to be made,

and the Registrar General must add the date on which the entry in the margin of the register is made.

PART V — Miscellaneous provisions

18. Searches of indexes kept by the Registrar General

(1) The Registrar General must keep indexes of all entries in the register of civil partnerships at his or her office.

(2) A person may, on payment of the fee specified at regulation 19, search the indexes at any time when the Registrar General's office is open for the purpose.

(3) A person may request to have a certified copy of any entry in the register of civil partnerships on payment of the fee specified at regulation 19.

(4) The Registrar General must cause all certified copies of entries in the civil partnership register given in the Registry office to be sealed or stamped with the official seal and any certified copy of an entry purporting to be sealed or stamped with the official seal must be received as evidence of the civil partnership to which it relates without any further or other proof of the entry, and a certified copy purporting to have been so given has no force or effect unless it is sealed or stamped as specified in this sub-regulation.

19. Fees

(1) The following fees are prescribed for the purposes of these Regulations and must respectively, in each case specified below, be paid to the Registrar General —

(a) on giving notice of an intended civil partnership	£60.00
(b) on grant of Registrar General's licence/extraordinary licence	£60.00
(c) for registration of a civil partnership by a Registrar	£30.50
(d) any absence exceeding one hour by a Registrar from the Registrar's usual address for either of the purposes mentioned at (c)	£101.50 plus the reasonable cost of travel and any necessary overnight accommodation
(e) on application for a special licence	£203.00

(2) The fees provided for by sub-regulation (1) must be paid to the Registrar General who must pay the same into the Consolidated Fund.

FORMS

FORM 1CP

NOTICE OF INTENDED CIVIL PARTNERSHIP

(section 24D(1)(a) and regulation 5(1))

PARTICULARS RELATING TO THE PERSONS INTENDING TO REGISTER A CIVIL PARTNERSHIP

Name and Surname	Date of Birth	Sex	Marital/Civil Partnership Status	Occupation	Period of Residence	Venue in which civil partnership is to be formed	Nationality and place of residence
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

To the Registrar General

I, the above-named
give you notice
 that I and (name and surname)
 the other person named above intend to enter into a civil partnership on
 the authority of [a licence granted by you within three months from the
 date of entry of this notice]] on the authority of an extraordinary licence
 granted by you] and I declare as follows—

1. I believe that there is no impediment of kindred or alliance or other
 lawful hindrance to the said civil partnership.

2. I and the other person named above have for the period of seven days
 immediately before the giving of this notice had our usual places of
 residence within the Falkland Islands

3. In respect of myself —

Either A* I am eighteen years of age or over

or B If under the age of eighteen years—
 (a) I will reach the age of eighteen years
 on..... (date)

or (b) I am a widower/widow;

or (c) The consent of..... whose consent
 (name(s)) is required by law has
 been obtained

and/or the necessity of obtaining the consent
 of..... (name(s)) has been dispensed with as
 provided by law;

and/or the.....Court has
 (name of court)
 consented to the civil partnership

or (d) There is no person whose consent to the civil
 partnership is required by law

4. In respect of the said.....
 (name and surname)

Either A * He/she is eighteen years of age or over.
 or B If under the age of eighteen years
 (a) He/she will reach the age of eighteen years
 on.....((dated)
 or (b) He/she is a widower/widow;

or (c) The consent of..... whose consent is
 required by law has been obtained; (names(s))

and/or the necessity of obtaining the consent of.....has
 been dispensed with as provided by law;
 and/or the.....Court has consented to the civil
 partnership (name of court)

or (d) There is no person whose consent to the civil partnership is required by law

5. I further declare that to the best of my knowledge and belief the declarations
 which I have made above and the particulars relating to the persons to enter into a
 civil partnership are true. I understand that if any of the declarations are false I
**MAY BE LIABLE TO PROSECUTION UNDER THE PERJURY ACT 1911 in its
 application to the Falkland Islands.**

6. I also understand that if there is in fact an impediment of kindred or alliance or
 other lawful hindrance to the intended civil partnership the civil partnership may
 be invalid or void and the contracting of the civil partnership may render one or
 both of the parties **GUILTY OF AN OFFENCE AND LIABLE TO THE
 PENALTIES OF BIGAMY OR SUCH OTHER OFFENCE AS MAY HAVE BEEN
 COMMITTED**

Signed.....Date.....

In the presence of.....
 (Signature of registration officer)

Official designation.....

*Delete whichever does not apply

NOTE: This Form is not to be used where the parties wish to apply for a special licence from the Governor. See instead requirements in regulation 10

FORM 2CP

**DECLARATION FOR CIVIL PARTNERSHIPS OF CERTAIN PERSONS RELATED
BY AFFINITY**

(section 24D(1)(b) and regulation 6(1))

To the Registrar General

CIVIL PARTNERSHIP OF

..... AND

(name and first alphabetical surname)

(name and second alphabetical surname)

Date of birth

Date of birth

Address

Address

.....

.....

I, the above named, declare that I and the other person named above are related in
(name and surname)

that he/she is the*.....

I further declare that the younger of us has not at any time before attaining the age of eighteen years been a child of the family in relation to the other.

Signed

In the presence of
(signature)

Date

Official designation

*Insert whichever of the following applies

- Child of my former civil partner
- Child of my former spouse
- Former civil partner of my grandparent
- Former civil partner of my parent
- Former spouse of my grandparent
- Former spouse of my parent
- Grandchild of my former civil partner
- Grandchild of my former spouse

FORM 3CP

REGISTRAR GENERAL'S LICENCE

(regulation 7(1))

NOTICE pursuant to regulation 7(1) of the Registration of Civil Partnership Regulations 2017 having on the day of 20..... been duly given and entered in the Civil Partnership Notice Book of the civil partnership intended to be registered between the parties below named and described and the issue of this Licence not having been forbidden by any person authorised to forbid its issue,

NOW I,, Registrar General, grant to the said parties licence to register and contract their intended civil partnership.

Name and surname	Age	Marital/Civil Partnership status	Occupation	Place of residence	Period of residence	Place where the civil partnership is to be registered	Mode of registration (Registrar or other person in presence of Registrar)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Date of issue..... Signature.....
Registrar General

NOTE

This Licence will be void if the civil partnership is not registered within three months from the date of entry of the notice given above

The civil partnership must be registered on or before.....

FORM 4CP

APPLICATION FOR AN EXTRAORDINARY LICENCE
(regulation 9(1))

To: The Registrar General

1. I, apply to you for the grant of an extraordinary licence enabling me to enter into a civil partnership with.....at

EITHER

2. [I am] [The said is] [Both I and the said are] in imminent danger of death.

[I attach a medical certificate as to [my state of health] [I attach a medical certificate as to the state of health of the said

.....]*

(This version of paragraph 2 should be completed if the state of health of one of the parties is the basis on which one or both of the parties is in imminent danger of death)

OR

2. [I am] [The said is] [Both I and the said are] in imminent danger of death

because

(State above the reasons for one or both of the parties being in imminent danger of death (e.g. because the applicant is about to leave on active service on armed operations during a time of war))

(This version of paragraph 2 should only be used if the state of health of one or both of the parties is not the basis on which one or both of the parties is in imminent danger of death)

NOTES

1. If the licence is granted, it will authorise the civil partnership to take place within fourteen days of the grant of the licence.
2. Notice of civil partnership in Form 1CP must also be given before an extraordinary licence can be granted.
3. If Notice in Form 1CP has already been given, with the intention that the civil partnership shall be registered under an ordinary licence granted by the Registrar General, if one or both of the parties to the intended civil partnership becomes or become in imminent danger of death application in Form 4CP may be made for the grant of an extraordinary licence.

FORM 5CP

REGISTRAR GENERAL'S EXTRAORDINARY LICENCE (regulation 9(2))

NOTICE pursuant to regulation 9(2) of the Registration of Civil Partnerships Regulations 2017 having on the day of 20 been duly given and entered in the Civil Partnership Notice Book of the civil partnership intended to be registered between the parties below named and described and the issue of this licence not having been forbidden by any person authorised to forbid its issue and an application for an extraordinary licence having been made to me,

NOW I,, Registrar General, grant to the said parties extraordinary licence to register and contract their intended civil partnership.

Name and surname	Age	Marital/Civil Partnership status	Occupation	Place of residence	Period of residence	Place where the civil partnership is to be registered	Mode of registration (Registrar or other person in presence of Registrar)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Date..... Signature.....

Registrar General

NOTE

This licence will be void if the civil partnership is not registered within fourteen days of the grant of this licence

The civil partnership must be registered on or before.....

FORM 6CP

FORM OF INSTRUCTIONS

(regulation 11(2))

Instructions for the registration of a civil partnership to be conducted other than by the Registrar General

1. This civil partnership must be registered in the building or at the place named in the Civil Partnership Licence, and nowhere else.
2. At least two witnesses must also be present, and the doors of any building in which the civil partnership is to take place must be unlocked. (The doors need not be actually open provided they are not so closed as to prevent persons from entering that part of the building in which the civil partnership is registered.)
3. Any licence issued or granted by the Registrar General must be delivered to the person in whose presence the civil partnership is to be registered (referred to in these instructions as the “authorised person”). Unless this document (or those documents) is in his or her possession the authorised person must on no account allow the civil partnership to take place.
4. It is absolutely essential to the validity of the civil partnership that the civil partnership document is signed by the parties to the civil partnership in the presence of the authorised person and of the witnesses to the civil partnership. *The parties to the civil partnership may make or exchange any statement, vow, or other form of words at the time of signing the document if they so wish but this is not a mandatory requirement and there are no prescribed form of words which must be said.*
5. Immediately after the civil partnership is registered the authorised person must ensure that three copies of the civil partnership document (Form 7CP) have been verified and signed by the parties to the civil partnership, by at least two witnesses and by the authorised person.
6. After the certificates have been verified and signed in accordance with instruction 5 the authorised person must deliver or cause to be delivered one certificate to the Registrar General at the Registry Office.

FORM 7CP

CIVIL PARTNERSHIP DOCUMENT
(regulation 12)

Particulars of civil partnership

Place of civil partnership registration

No	Date of civil partnership (1)	Name and surname (2)	Date of birth (3)	Marital/ Civil Partnership Status (4)	Occupation (5)	Residence at time of civil partnership registration (6)	Parent's name, surname and occupation (Parent 1) (7)	Parent's name, surname and occupation (Parent 2) (8)	Sex of party to civil partnership (9)

Civil partner's signature: _____

Civil partner's signature: _____

Name and surname of witnesses:

Registrar General's/Registrar's signature: _____ Name of Registrar: _____

Made 28th April 2017

C. Roberts C.V.O.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These regulations are made under section 24D(2) of the Marriage Ordinance 1999 as amended by the Marriage (Amendment) Ordinance 2017 to provide for the procedure of registering civil partnerships, the fees and forms to be used as well as other matters.

Part I provides for introductory matters which cover the title, the commencement and the definition of terms used in the Regulations.

Part II deals with preparatory steps to be followed before a civil partnership can be registered. It provides as follows —

Clause 4 provides for the important elements which must be taken before a civil partnership can be registered between 2 people, give a notice of their intention to register a civil partnership, obtain a licence authorising the registration of the civil partnership and payment of a fee. The fee is set out under regulation 19.

Clause 5 provides for the form of a notice which is specified in Form 1CP. There is a requirement on the Registrar General to publicise the notice in a conspicuous place and to enter the particulars of the notice in the civil partnership book. There is a requirement from section 24D(1)(B) for the notice to be accompanied by a declaration. Clause 6 provides for the particulars of the declaration.

It provides for the declaration to be signed by the person giving the notice in the presence of the Registrar General and a Form 2CP specifies the contents of a declaration.

Clause 7 provides for the licence to authorise the registration of a civil partnership. This can either be a normal Registrar General's licence which must be issued within 21 days after the notice has been given where no lawful impediment has been shown. The licence is specified under Form 3CP. However a party to the intended civil partnership has an option to apply for either an extraordinary licence from the Registrar General or a special licence from the Governor.

Clause 8 provides for the extraordinary licence and sets out the terms under which it can be granted. Clause 9 provides for Form 4CP which is the application form which must be submitted with a fee set out under regulation 19. It also specifies the form of the extraordinary licence in Form 5CP.

Clause 10 provides for special licences granted by the Governor and sets out the terms under which it can be granted. It provides for the application to be accompanied by a statutory declaration and a fee set out under regulation 19.

Clause 11 provides for instructions that the Registrar General must issue where he or she is not the one doing the registration of a civil partnership as an aid. The instructions are set out under Form 6CP.

Part III provides for the actual registration process.

Clause 12 provides for the civil partnership document which must be signed by parties to a civil partnership. This is set out under Form 7CP.

Clause 13 provides for the manner of completing Form 7CP.

Clause 14 provides for the Registrar to verify the particulars of the parties to a civil partnership with the parties before signing of the civil partnership document.

Part IV provides for correction of errors in any entry relating to the civil partnership. Clause 15 provides for the corrections of errors after an entry has been completed, clause 16 provides for correction of errors before entry is complete and clause 17 provides for correction of errors in a complete entry. All these clauses prescribe the manner of correcting the errors.

Part V provides for miscellaneous provisions.

Clause 18 provides for searches, requests for copies and requires that the Registrar General must certify the copies and append a seal or stamp the certified copies to reflect that they are true copies. The fee for copies is payable for this service.

Clause 19 provides for fees that are payable under the different clauses in the Regulations.

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FALKLAND ISLANDS GAZETTE

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No. 7

Appointment

Joanne Elizabeth Hooper, Advanced Childcare Practitioner, Health and Social Services Department, 28.04.17.

Maria Marisol Aguilar Paredes, Cleaner, Stanley House, Education Department, 01.05.17.

Senclair Boybanting, Auxiliary Nurse, Health and Social Services Department, 01.05.17.

Leslie Diane Knight, Examinations and Administrative Officer, Training Centre, Education Department, 01.05.17.

Nathan Lowe, Sports Attendant, Leisure Centre, Central Services Department, 01.05.17.

Ross Danely Ralph Milner, Veterinary Officer, Natural Resources Department, 01.05.17.

Rebecca Lee Thomson, Learning Support Assistant, Infant and Junior School, Education Department, 02.05.17.

Camila Ignacia Walton Alfaro, Auxiliary Nurse, Health and Social Services Department, 02.05.17.

Simone Ray Ross, Senior Accounting Assistant, Treasury, 08.05.17.

Peter James Crowie, Plant Operator/Handyperson, Property and Municipal Services, Public Works Department, 22.05.17.

Thomas Jean Farrugia, Fisheries Stock Assessment Scientist, Natural Resources Department, 22.05.17.

Completion of contract

Julie Anne Scott, Advanced Childcare Practitioner, Health and Social Services Department, 06.05.17.

Promotion

Andreas Gustav Winter, from Stock Assessment Scientist to Senior Stock Assessment Scientist, Natural Resources Department, 22.05.17.

Resignation

Samantha Helen Chapman, Primary Teacher, Infant and Junior School, Education Department, 25.04.17.

Celia Short, Finance Assistant, Treasury, 11.05.17.

Transfer

Mark Jackson, from Plant Operator/Handyperson to Plant Operator/Handyperson/Storeperson, Highways Section, Public Works Department, 08.05.17.

Jody May Aldridge, from Financial Accountant (Designate) to Deputy Head of Tax, Treasury, 22.05.17.

NOTICES

No. 41

2 May 2017

Byron McKay Port Services Limited **Company number: 13179**

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 2 May 2017

E. J. DENT,
Registrar of Companies.

No. 42

9 May 2017

Prisons Ordinance 2017 *(section 6)*

Designation of Director of Prisons

1. Section 6(1) of the Prisons Ordinance 2017 provides that the Governor may designate a public officer as Director of Prisons, responsible for the oversight of all prisons, for ensuring prisons operate in line with Government policy, and for annual reporting.

2. In exercise of my powers under section 6(1), I designate **Andrew Almond-Bell**, Director of Emergency Services and Island Security, to be the Director of Prisons.

3. This appointment has effect from 21 April 2017, and continues in effect whilst the appointee holds office as Director of Emergency Services and Island Security, unless terminated sooner.

Dated 9 May 2017

B. A. ROWLAND,
Acting Governor.

No. 43

9 May 2017

Prisons Ordinance 2017 *(section 6)*

Appointment of Officer in Charge of Prison

1. Section 6(2) of the Prisons Ordinance 2017 provides that the Governor must appoint a suitably qualified person as Officer in Charge of a prison to control and manage the prison.

2. In exercise of my powers under section 6(2), I appoint **Ian Sargent**, Prison Manager, to be the Officer in Charge of HM Prison Stanley.

3. This appointment has effect from 21 April 2017, and continues in effect whilst the appointee holds office as Prison Manager, unless terminated sooner.

Dated 9 May 2017

B. A. ROWLAND,
Acting Governor.

No. 44

9 May 2017

Marriage Ordinance 1996 *(section 25)*

Appointment of Registrar

I Barry Alan Rowland Acting Governor of the Falkland Islands in exercise of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling me hereby appoint **Sally Hermione Heathman** to be Registrar for the purpose of marriage of Alexander Colin MacDonald and Sherilee Christine Goss at the Town Hall, Ross Road, Stanley, Falkland Islands on Saturday 13 May 2017 at 2.30pm.

Dated 9 May 2017

B. A. ROWLAND,
Acting Governor.

No. 45

23 May 2017

Supreme Court of the Falkland Islands

Notice under the Administration of Estates Ordinance **(Title 68.1)**

Take notice that **Odette Susan McGill** of 15 Brandon Road, Stanley died on 30 November 2014.

Whereas **Gary McGill** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands 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.

Dated 23 May 2017

J. BROOKS,
Registrar, Supreme Court

No. 46

26 May 2017

Application for Falkland Islands Status

Notice is hereby given that:

Samantha Catherine Addison; and
Deborah Davidson

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency 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 and Immigration Department, Stanley by 22 June 2017.

Dated 26 May 2017

J. E. SMITH,
Immigration Officer.

No. 47

29 May 2017

Police Ordinance (Title 56)
section 52

Notice of unclaimed property

Take notice that the following items are in the charge of the Royal Falkland Island Police:

Date found	Description of item
17.01.17	white iPhone
12.02.17	2 x keys on green carabiner
10.03.17	2 x black handled keys
16.03.17	silver coloured bicycle
22.04.17	reading glasses – black arms
25.04.17	Co-Op bank card – name Mr Aaron D Dyer
03.05.17	£10 note serial number B020274
07.05.17	1 x Belilin black laptop bag, 1 x 100 pesos, 1 x 10 peso coin, 6 x CDs

Any person who may have a claim to such property may lodge a claim in writing to the Magistrate's Court within six months of the publication of this list in the Gazette.

Dated 29 May 2017

J. BROOKS,
Clerk, Magistrates Court.



FALKLAND ISLANDS GAZETTE

Supplement

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No. 7

The following are published in this Supplement –

Coins (Commemorative)(Amendment) Order 2017 (SR&O No 12 of 2017);

Communications (Change of Control) Regulations 2017 (SR&O No 13 of 2017);

Communications (Designated Helplines) Order 2017 (SR&O No 14 of 2017);

Communications (Enforcement Orders)(Compensation and Penalties) Regulations 2017 (SR&O No 15 of 2017);

Communications (Compensation) Regulations 2017 (SR&O No 16 of 2017);

Communications (Determination of Date) Order 2017 (SR&O No 17 of 2017); and

Coins (Commemorative)(No 2) Order 2017 (SR&O No 18 of 2017).

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Commemorative)(Amendment) Order 2017

S. R. & O. No: 12 of 2017

Made: 12 May 2017

Published: 1 June 2017

Coming into force: see article 2

I make this order under section 22 of the Currency Ordinance (Title 25.1).

1. Title

This order is the Coins (Commemorative)(Amendment) Order 2017.

2. Commencement

This order is deemed to have come into force on 19 April 2017.

3. Amendment to the Coins (Commemorative) Order 2017

(1) The Coins (Commemorative) Order 2017 (SR&O No 8 of 2017) is amended by —

(a) replacing article 4 with the following new article 4 —

“4. Deemed denomination of Crown, Noble and Sovereign coins and their value as legal tender

(1) For the purposes of the Ordinance —

(a) the cupro-nickel Crown coins, cupro-nickel gold clad Crown coins, sterling silver Crown coins and sterling silver gold clad Crown coins authorised by this order are deemed to be of 25 pence denomination;

(b) the silver 5 Crown coins authorised by this order are deemed to be of £1.25 denomination;

(c) the gold 1 Crown coins authorised by this order are deemed to be of £5.00 denomination.

(2) For the purposes of the Ordinance —

(a) the cupro-nickel Noble coins authorised by this order are deemed to be of 25 pence denomination;

(b) the sterling silver Noble coins and sterling silver gold clad Noble coins authorised by this order are deemed to be of £2.00 pence denomination;

(c) the silver 5 Noble coins and gold 1 Noble coins authorised by this order are deemed to be of £10.00 denomination.

(3) For the purposes of the Ordinance the gold 1 Sovereign coins authorised by this order are deemed to be of £10.00 denomination.

(4) The coins specified under paragraphs (1), (2) and (3) are legal tender in the Falkland Islands in the amount of their deemed denomination.”

(b) replacing Schedule 2 with the following new Schedule 2 —

“SCHEDULE 2

Life of HM Queen Elizabeth II and HRH Prince Philip – Her Majesty’s 90th Birthday

Type	Cupro nickel	Cupro Nickel Gold Clad	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown	1 Sovereign
<i>Weight (grams)</i>	28.28	28.28	31.103	31.103	155.52	31.103	7.776
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	38.60	65.00	32.70	22.00
<i>Fineness</i>	Cu 75% Ni 25%	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999.9 Gold	999.9 Gold
<i>Quality</i>	Brilliant Uncirculated	Brilliant Uncirculated	Proof	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	10,000	3,000	2,000	1,000	1,000	650
<i>Mint</i>	Pobjoy Mint Ltd.						
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.						

Obverse design Pobjoy Mint Special Effigy. Date 2017.

Reverse design The design features an image of Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip taken from a portrait celebrating Her Majesty's 90th birthday. The wording 'H.M. QUEEN ELIZABETH II & H.R.H. PRINCE PHILIP' appears in the surround. The value is shown at the base of the design."

Made 12 May 2017

B. A. Rowland,
Acting Governor.

SUBSIDIARY LEGISLATION

COMMUNICATIONS

Communications (Change of Control) Regulations 2017

S.R & O. No. 13 of 2017

Made: 18 May 2017

Published: 1 June 2017

Coming into force: on publication

I make these regulations under section 72(6)(c) of the Communications Ordinance 2017 on the advice of the Executive Council.

1. Title

These Regulations are the Communications (Change of Control) Regulations 2017.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Change of control

For the purposes of section 72(6)(c) of the Communications Ordinance 2017 (exclusive licence: action to be treated as change of control) a reference to change in control includes a reference to the acquisition of any shares or other form of control by an undertaking registered or located in, or by a State emanation of, a country —

- (a) in respect of which sanctions are in force in the United Kingdom by virtue of an enactment, or
- (b) the government of which disputes Her Majesty's sovereignty over the Falkland Islands.

Made 18 May 2017

B. A. Rowland,
Acting Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

The regulations are made in terms of section 72(6)(c) of the Ordinance. The section enables the Governor to make regulations providing for other action which amounts to change in control of a licence. These regulations provide that change of control includes acquisition of shares or other form of control by a country in respect of which sanctions are in force in the United Kingdom and a country which disputes Her Majesty's sovereignty over the Falkland Islands.

SUBSIDIARY LEGISLATION

COMMUNICATIONS

Communications (Designated Helplines) Order 2017

S.R & O. No. 14 of 2017

Made:..... 18 May 2017

Published: 1 June 2017

Coming into force: on publication

I make these regulations under section 28(1)(e) of the Communications Ordinance 2017 having consulted affected licensees and such other persons as I thought appropriate and on the advice of the Executive Council.

1. Title

This Order is the Communications (Designated Helplines) Order 2017.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Designated helplines

The following helplines are designated for the purposes of section 28(1)(e) of the Communications Ordinance 2017 (licence requirement: exceptions: emergency services) —

(a) the ChildLine service provided by the National Society for the Prevention of Cruelty to Children^(a); and

(b) the helpline provided by Samaritans^(b).

Made 18 May 2017

B. A. Rowland,
Acting Governor.

(a) Registered Charity (England and Wales) No. 216401.

(b) Registered Charity (England and Wales) No. 219432.

EXPLANATORY NOTE

(This Note does not form part of the Order)

This Order designates two helplines for the purposes of section 28(1)(e) of the Communications Ordinance 2017. The effect of designation is that the organisations will benefit from the emergency service exemption from the requirement for a licence under the Ordinance for telecommunications activity.

SUBSIDIARY LEGISLATION

COMMUNICATIONS

Communications (Enforcement Orders)(Compensation and Penalties) Regulations 2017

S. R. & O. No. 15 of 2017

Made: 18 May 2017

Published: 1 June 2017

Coming into force: see regulation 1

I make these regulations under section 13(4) as read with sections 11(2)(i) and 73 of the Communications Ordinance 2017 on the advice of the Executive Council.

1. Title

These regulations are the Communications (Enforcement Orders) (Compensation and Penalties) Regulations 2017.

2. Commencement

These regulations come into force on a day appointed by the Governor by notice in the *Gazette*.

3. Application of regulations

These regulations apply where the Regulator deals with a matter involving a contravention of the Ordinance or a failure to comply with the conditions of a licence and as a result of which the Regulator has to make an order under the Ordinance.

4. Seeking Regulator's orders for remedies by consumer

(1) A consumer who suffers a loss or damage arising from the services provided by a licensee may lodge a complaint with the Regulator seeking a remedy for an order for compensation for the loss or any other order that the Regulator in his or her discretion considers appropriate in the circumstances.

(2) A consumer may make a complaint to the Regulator against a licensee for the standard of services provided by the licensee and request for the Regulator to make an appropriate order to remedy the situation.

5. Initiation of other orders to remedy contraventions or failures

(1) The Regulator, in his or her own discretion, may conduct an enquiry with a view to assess whether or not there is a contravention of the law or of licence conditions and whether or not an order should be made including an order imposing a penalty.

(2) Subject to these regulations, if, the Regulator in the course of the performance of functions under the Ordinance, the Regulator considers that a contravention or failure has occurred, the Regulator may make an appropriate order.

6. Preliminary enquiry

(1) When seized with a matter in terms of regulation 4 or 5, the Regulator must conduct a preliminary enquiry which involves the assessment of the information which is in the possession of the Regulator in order to establish whether or not reasonable grounds exist upon which an appropriate order may be made.

(2) An order made under subsection (1) may include an order for compensation or to impose a penalty.

7. Regulator's first direction and determination

After the preliminary enquiry, if the Regulator concludes that there are reasonable grounds for a remedy, the Regulator may —

(a) direct a complainant to make use of the licensee's own complaint procedure or to use an alternative dispute resolution procedure if one exists;

(b) request further information from the licensee or other interested person;

(c) determine whether or not to make an order for a remedy for compensation or a penalty;
or

(d) make an interim order pending a final determination of the matter.

8. Notice of intention— initial determination to make an order

(1) Before the Regulator makes a final order for a compensation award, imposing a penalty or providing any other appropriate remedy, he or she must give notice to a licensee of the intention to make the order.

(2) The notice must specify —

(a) that the Regulator believes there is sufficient grounds to make an order in terms of the Ordinance;

(b) the reasons or grounds on which the order may be made;

(c) the relevant information and facts and circumstances as they are known to the Regulator;
or

(d) that the Regulator may proceed to make the order after the date specified in the notice without further notice.

9. Representations to Regulator

The notice issued under regulation 8 must invite the person or licensee against whom the order is to be made to make representations within a reasonable period specified in the notice which period must not be less than 7 days.

10. Opportunity to rectify contravention

(1) The Regulator must consider all the representations that are submitted and if necessary make further enquiries and may engage an expert to assist with a further investigation.

(2) Subject to sub-regulation (3), before making an order, the Regulator must give a licensee or person against whom the order is to be made an opportunity to remedy the contravention or failure giving rise to the order and thus an opportunity to mitigate or avoid the imposition of a compensation award, a penalty or any other order.

(3) The Regulator may impose an order without complying with sub-regulation (2) if —

(a) the Regulator gave notice to the licensee or person against whom the order is to be made, of the intention to make a compensation award, impose a penalty or make any other order in respect of one or more previous contraventions or failures to comply with the terms and conditions of a licence or with the Ordinance;

(b) the Regulator is satisfied that the licensee or person against whom the order is to be made should not be given an opportunity to remedy given previous contraventions or failures; or

(c) the damage or loss suffered by the consumer as a result of the licensee's non-compliance or contravention of the law is such that an award for compensation is the only reasonable remedy.

(4) The Regulator may make an interim order pending a determination to make a final order under regulation 11.

11. Final determination to make order

(1) Where a person against whom an order is to be made or a licensee made representations under regulation 9 and as a result the Regulator gives the licensee or that person an opportunity to remedy the contravention or failure, the Regulator must consider those representations and the steps taken to remedy the contravention or failure before making a final determination to make an order to award compensation, impose penalties or other appropriate remedy.

(2) Any dispute of fact that arises must be determined by the Regulator on the documents and on a balance of probabilities.

(3) If on a balance of probabilities there is a factual basis for determining that in all circumstances it is in the best interests of the public the Regulator may make an appropriate order in terms of the Ordinance which may be an award for compensation or an imposition of a penalty.

12. Order by the Regulator

(1) Any order by the Regulator must —

- (a) be imposed in writing;
- (b) specify the failure of compliance or contravention in respect of which it is made;
- (c) give the Regulator's reasons for the order;
- (d) give details of the criteria for the determination of the level of compensation or the penalty;
- (e) specify the date by which the order must be complied with and the rate of interest applicable to the compensation or penalty as determined by the Governor under section 13(12) of the Ordinance;
- (f) contain details of the appeal processes.

(2) The Regulator may make subsidiary or incidental orders as may be necessary including an order regarding costs related to the issuing of an order.

(3) An order must be published on the Regulator's website (unless the Regulator is satisfied that public interest in publication is outweighed by commercial or other reasons for confidentiality).

13. Factors when making an order

(1) The Regulator must have regard to the following when making an order, calculating the compensation award or the penalty —

- (a) the regulatory principles set out in section 5 of the Ordinance;
- (b) the seriousness and duration of the contravention or failure;
- (c) the degree of harm, whether actual or potential, caused by the contravention or failure, including any increased cost incurred by consumers;
- (d) any gain, financial or otherwise made by the licensee as a result of the contravention or failure;
- (e) whether the licensee took all appropriate steps to prevent the contravention or failure;
- (f) the extent to which the contravention or failure occurred deliberately or recklessly;
- (g) whether timely and effective steps were taken to end the contravention or failure once the licensee became aware of it;
- (h) the steps taken for remedying the consequences of the contravention or failure;

(i) whether the licensee has a history of contraventions or failures;

(j) the extent of cooperation by the licensee with the investigation;

(k) any other criteria published by the Regulator in terms of section 13(8) of the Ordinance.

(2) The Regulator must comply with the financial limits set out in section 13(5) and (6) of the Ordinance in imposing penalties for a licensee referred to in those subsections.

(3) The Regulator must have regard to any fair and reasonable contractual restrictions between the consumer and the licensee concerning the limitation of liability.

14. Special factor in calculating compensation award

(1) In the case of an order awarding compensation, the consumer must be compensated for actual loss that is meant to return the consumer to a position they were in previously and additionally may include compensation for inconvenience suffered.

(2) Where compensation is awarded for inconvenience suffered, the award must not exceed a sum equivalent to level 2 on the standard scale.

15. Reliance on previous decisions

When dealing with a matter, the Regulator may have regard to consistency with any relevant previous orders, but only to the extent to which the facts and context of each case are relevant and it would be just to do so.

16. Transparency

The Regulator must be guided by the need for transparency in applying these regulations and in its processes particularly in the weighting of the factors for determining the level of the compensation award or penalty.

Made 18 May 2017

B. A. Rowland,
Acting Governor.

EXPLANATORY NOTE

(not forming part of these Regulations)

These regulations are made in terms of section 13 as read with sections 11 and 12 of the Ordinance. Section 13 provides for the making of enforcement orders by the Regulator. Where a licensee or any person contravenes the provisions of the Ordinance or fails to comply with the provisions of a licence, the Regulator may make an order for payment of compensation or for imposing a penalty.

The regulations provide for the procedures which the Regulator must follow before making a compensation award or imposing a penalty or making any other order. Regulations 4 and 5 set out the process of seeking remedies from the Regulator. The Regulator's powers are invoked as a result of a complaint being lodged or at the instance of the Regulator in the course of performing functions under the Ordinance. The Regulator may come across information which necessitates the taking of action under section 13.

When a matter comes before the Regulator, he or she must conduct a preliminary enquiry to determine whether or not there is a case to invoke the section 13 powers. Before making an order, the Regulator gives notice to the person against whom the order is to be made. The person is given a chance to remedy or mitigate the contravention or failure. An opportunity to make representations is also given and the Regulator must take into account those representations before making a final determination.

The Regulator makes a decision to make a compensation award or impose a penalty based on the facts before him or her. An order must comply with the requirements set out in regulation 12. An order must be published on the Regulator's website unless there are commercial confidentiality matters to be protected.

Regulation 13 provides for matters that must be taken into account by the Regulator in making an order. Regarding a compensation award, the complainant must be compensated for actual loss and where inconvenience is suffered, the compensation for that must not exceed level 2 on the standard scale.

The Regulator may have regard to previous decisions only to the extent that the facts and context are relevant. The Regulator must be guided by transparency in the exercise of its functions under the regulations.

SUBSIDIARY LEGISLATION

COMMUNICATIONS

Communications (Compensation) Regulations 2017

S.R & O. No. 16 of 2017

Made: 18 May 2017

Published: 1 June 2017

Coming into force: on publication

I make these regulations under section 89 of the Communications Ordinance 2017 on the advice of the Executive Council.

Introductory

1. Title

These Regulations are the Communications (Compensation) Regulations 2017.

2. Commencement

These Regulations come into force on publication in the Gazette.

3. Interpretation

In these Regulations —

- (a) “the Ordinance” means the Communications Ordinance 2017;
- (b) a reference to a section is a reference to that section of the Ordinance;
- (c) a reference to the exclusive licensee is a reference to the person who is or was the exclusive licensee under an exclusive licence under Part 7 of the Ordinance;
- (d) a reference to the regulated accounts is a reference to the exclusive licensee’s accounts relating to its activities in accordance with the licence; and
- (e) other expressions have the same meaning as in the Ordinance.

Buy-out compensation

4. Determination of buy-out compensation

(1) This regulation applies where the Governor is determining the amount of compensation payable under section 89(3) (other public service acquisition of control).

(2) The Governor shall aim —

(a) to value land, buildings and fixed structures at a notional value reflecting an arm's length sale between a willing seller and buyer;

(b) to value vehicles, vessels, aircraft and any non-fixed structures at the lower of the open-market and book value (by reference to the regulated accounts);

(c) to value stock at its book value in accordance with the regulated accounts;

(d) to value equipment on the exclusive licensee's premises at its book value in accordance with the regulated accounts;

(e) to value wires, cables, telephones, switch gear and other items forming part of the operating communications network outside the exclusive licensee's premises at book value in accordance with the regulated accounts;

(f) except in the case of an acquisition under section 89(1)(c) (public interest), to take no account of —

(i) goodwill; or

(ii) intellectual property; and

(g) to apply generally accepted accounting practice for other purposes.

(3) The Governor may depart from the principles in paragraph (2) —

(a) if the Governor believes they would produce an unfair value in the particular circumstances;

(b) if and to the extent that the exclusive licence provides for different treatment in relation to assets or other resources committed or invested during a period of notice of possible non-renewal or within a specified period of time before expiry of the exclusive licence; or

(c) so as to reflect depreciation or other matters as shown in the regulated accounts.

Disapplication

5. Priority of licence and contract terms

The provisions of regulation 4 are subject to any express provision included —

(a) as a term of an exclusive licence under the Ordinance, or

(b) in a contract made (before or after the grant of the exclusive licence) between the Governor (or Government) and the exclusive licensee.

Dispute resolution

6. Arbitration

- (1) This regulation applies where a dispute arises —
 - (a) about the effect or application of a provision of these Regulations, or
 - (b) otherwise in relation to compensation under section 89 (including a dispute in respect of a provision referred to in regulation 4, but subject to any express provision about dispute resolution made by or in relation to that provision).
- (2) The Governor must seek to reach a negotiated settlement with the exclusive licensee.
- (3) If it becomes clear to the Governor that a negotiated settlement is unlikely to be reached within a reasonable time, the Governor must —
 - (a) propose to the exclusive licensee that the matter should be resolved by arbitration;
 - (b) make a detailed proposal for the terms of arbitration (including the nomination of one or more arbiters); and
 - (c) aim to agree binding terms of arbitration with the exclusive licensee.
- (4) If in the opinion of the Governor there is no prospect of agreement on terms of arbitration in accordance with paragraph (3)(c) within a reasonable time —
 - (a) the Governor must refer the dispute to the Supreme Court;
 - (b) the Supreme Court shall make such orders as it thinks appropriate for the handling of the case (which may include the appointment of arbitrators, assessors, expert witnesses or other forms of assistance);
 - (c) the Supreme Court may make any interim orders it thinks appropriate (which may include provision for interim payment);
 - (d) the Supreme Court may make any orders as to the determination of the dispute (including orders as to costs); and
 - (e) the determination of the Supreme Court shall be final and binding on the exclusive licensee and on the Governor (and the Government).

Made 18 May 2017

B. A. Rowland,
Acting Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

The regulations are made in terms of section 89(3) of the Ordinance. Section 89 applies where an exclusive licence is revoked, ceases to operate or for any other reasons the Government considers it necessary to acquire control of the provision of telecommunications. Compensation is payable in terms of section 89(3) for the assets. These regulations provide for the determination of the compensation that the Government must pay.

Regulation 5 provides for the determination of the buy-out compensation and the principles that must be applied. Regulation 6 provides for dispute resolution through arbitration.

SUBSIDIARY LEGISLATION

COMMUNICATIONS

Communications (Determination of Date) Order 2017

S. R. & O. No. 17 of 2017

Made: 18 May 2017

Published: 1 June 2017

Coming into force: see article 1

IN EXERCISE of my powers under section 113(2) and (3) of the Communications Ordinance (No. 2 of 2017) I make the following order —

1. Title and commencement

This order is the Communications (Determination of Date) Order 2017 and is deemed to have come into operation on 21 April 2017.

2. Determined date

21 April 2017 is determined as the date for purposes of section 113(2) of the Communications Ordinance 2017 (date of repeal of section 61 of Telecommunications Ordinance).

3. Disapplication of English law

The Marine, &c. Broadcasting (Offences) Act 1967 and the Mobile Telephones (Re-programming) Act 2002, are disappplied in the Falkland Islands with effect from 21 April 2017.

Made 18 May 2017

B. A. Rowland,
Acting Governor.

EXPLANATORY NOTE

(This note is not part of the Order)

This order is made under section 113(2) and (3) of the Communications Ordinance 2017 (No. 2 of 2017). 21 April 2017 is determined as the date on which section 61 of the repealed Telecommunications Ordinance becomes inoperative and the date on which the Marine, &c. Broadcasting (Offences) Act 1967 and the Mobile Telephones (Re-programming) Act 2002, are disappplied in the Falkland Islands.

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Commemorative)(No 2) Order 2017

S. R. & O. No: 18 of 2017

Made: 18 May 2017

Published: 1 June 2017

Coming into force: on publication

I make this order under section 22 of the Currency Ordinance (Title 25.1).

1. Title

This order is the Coins (Commemorative)(No 2) Order 2017.

2. Commencement

This order comes into force upon publication in the *Gazette*.

3. New coins

(1) The minting and issue of the coins described and specified in the schedule to this Order are authorised.

(2) The schedule specifies —

(a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);

(b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and

(c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

(1) For the purposes of the Ordinance —

(a) the cupro-nickel Crown coins, sterling silver Crown coins and sterling silver gold clad Crown coins authorised by this order are deemed to be of 25 pence denomination;

(b) the silver 5 Crown coins authorised by this order are deemed to be of £1.25 denomination;

(c) the gold 1 Crown coins authorised by this order are deemed to be of £5.00 denomination.

(2) The coins specified in paragraph (1) are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 18 May 2017

B. A. Rowland,
Acting Governor.

SCHEDULE

35th Anniversary of Liberation

Type	Cupro-nickel	Cupro-nickel Gold Clad	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown
<i>Weight (grams)</i>	28.28	28.28	28.28	28.28	155.52	31.103
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	38.60	65.00	32.70
<i>Fineness</i>	Cu 75% Ni 25%	Cu 75% Ni 25%	999 Silver	999 Silver	999 Silver	999.9 Gold
<i>Quality</i>	Brilliant Uncirculated	Brilliant Uncirculated	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	10,000	3,000	2,000	1,000	1,000
<i>Mint</i>	Pobjoy Mint Ltd.					
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.					
<i>Obverse design</i>	Pobjoy Mint Special Effigy of HM Queen Elizabeth II. Date 2017.					
<i>Reverse design</i>	The design features the Liberation War Memorial in Port Stanley featuring Britannia at the top. Soldiers can be seen at the corners of the memorial keeping vigil in memoriam. The wording ‘35 th ANNIVERSARY OF LIBERATION’ appears in the surround with the value shown at the base of the design.					

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FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

9 June 2017

No. 8

The following are published in this Supplement –

Court of Appeal (Amendment) Bill 2017;
Immigration (Amendment)(No 2) Bill 2017; and
Falkland Islands Status (Amendment) Bill 2017.

Court of Appeal (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Court of Appeal Ordinance
4. Part I amended — Constitution and composition of Court of Appeal

COURT OF APPEAL (AMENDMENT) BILL 2017

(No: of 2017)

(assented to: 2017)
(commencement: on publication)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Court of Appeal Ordinance to prescribe the number of Justices of Appeal in terms of section 87(2) of the Schedule to the Falkland Islands Constitution Order (SI 2008/2846).

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Court of Appeal (Amendment) Bill 2017.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Court of Appeal Ordinance

This Ordinance amends the Court of Appeal Ordinance.

4. Part I amended — Constitution of Court of Appeal

Part I of the Court of Appeal Ordinance is amended by inserting the following new sections after section 3 —

“Constitution and composition of Court of Appeal

3A. Constitution of Court of Appeal

(1) In addition to the President of the Court of Appeal and the two Justices of Appeal specified under section 87(2)(a) of the Constitution, the Court of Appeal also consists of not more than five additional Justices of Appeal.

(2) The appointment of the Justices of Appeal referred to under subsection (1) must be made by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State in terms of section 88(1) of the Constitution.

3B. Composition of Court of Appeal for determination of matters

Subject to section 87(4) of the Constitution, the President must select, from among the panel of Justices of Appeal, the required number of Justices of Appeal for purposes of constituting the Court of Appeal to hear and determine an appeal.”

OBJECTS AND REASONS

This Bill amends the Court of Appeal Ordinance (No. 21 of 1998) to provide for the prescribed number of Justices of Appeal as required by section 87(2) of the Constitution. Section 87(2) provides that the Court of Appeal consist of—

- a President of the Court of Appeal;
- 2 Justices of Appeal; and
- such greater number of Justices of Appeal as may be prescribed by Ordinance.

This Bill amends the Court of Appeal Ordinance to prescribe five Justices of Appeal as the greater number required by the Constitution which will create a panel with a total number of seven Justices of Appeal from which the President of the Court of Appeal can choose from.

The Bill also provides for the President of the Court of Appeal to select a number of Justices of Appeal in order to constitute the Court to hear and determine an appeal. This will provide the flexibility to appoint Justices with expertise in different areas of the law so it is easy to have a panel to select from in any specific appeal matter.

Section 87(4) of the Constitution further requires that a proper determination by the Court of Appeal must have an uneven number of justices sitting with the President of the Court of Appeal and two Justices of Appeal at a minimum and this amendment gives the flexibility for this to be achieved.

Like the President and the other two Justices of Appeal already provided for under section 87(2), the additional five prescribed in this amendment will be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State as required by section 88(1) of the Constitution.

Immigration (Amendment)(No 2) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Immigration Ordinance

3. Amendment of Immigration Ordinance
4. Section 2 amended — Interpretation
5. Section 11 amended — Visitor permits
6. Section 12 amended — Employment of holder of visitor's permits
7. Section 16 repealed — Residence permits
8. Section 17 amended — Work permits
9. Addition of new sections 17B, 17C and 17D
10. Addition of new sections 18B and 18C
11. Section 19 amended — Revocation of visitors' permits
12. Section 21 amended — Revocation of residence permits
13. Addition of new sections 21A and 21B
14. Section 22 amended — Revocation of work permits
15. Section 26 amended — Appeals in relation to residence permits
16. Addition of new sections 27A and 27B
17. Transitional provisions

Part 3 – Amendment of Immigration (Permanent Residence Permits) Regulations

18. Amendment of Immigration (Permanent Residence Permits) Regulations
19. Regulation 5 amended — Who may apply for a permanent resident permit as principal applicant
20. Regulation 24 amended — Points threshold
21. Schedule 1 amended — Points System

Part 4 – Amendment of Immigration (Fees) Regulations

22. Amendment of Immigration (Fees) Regulations
23. Regulation 3 amended — Fees

IMMIGRATION (AMENDMENT)(NO 2) BILL 2017

(assented to: 2017)
(commencement: 2017)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Immigration Ordinance 1999 to provide for a new system for visitors and the employment of visitors, to provide for a new scheme for work permits under which there are four different categories of work permits, to provide for a new system of permits for dependents of the different categories of immigrants and status holders within the Falkland Islands, to make consequential amendments to the Immigration (Permanent Residence Permits) Regulations and the Immigration (Fees) Regulations and other connected or incidental matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

Part 1 - Introductory

1. Title

This Ordinance may be cited as the Immigration (Amendment)(No 2) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2 – Amendment of Immigration Ordinance

3. Amendment of the Immigration Ordinance

This Part amends the Immigration Ordinance.

4. Section 2 amended — Interpretation

Section 2 is amended as follows —

(a) by deleting the definition of “residence permit”;

(b) by inserting the following new definitions in their correct alphabetical order —

““accompanying dependant” means —

(a) a partner of the work permit holder (whether or not the partner is financially dependent on the other);

(b) a child including a step-child who —

(i) is under the age of 18 years and is in full time education; or

(ii) is over 18 years of age and is financially dependent on the work permit holder; or

(c) vulnerable adult,

and in this definition “vulnerable adult” means an adult relative who is financially dependent on the work permit holder and forms part of the work permit holder’s household;”

““Registered Employer Sponsor Scheme” means the scheme to be set up by the Principal Immigration Officer under section 17B;”

““Skills Assessment Council” means a council for the time being set up by Executive Council to deal with recruitment of persons from outside the Falkland Islands and which is responsible for keeping and maintaining the Workforce Shortage List;”

““temporary work permit” means a permit issued under section 12;”

““valid medical insurance” means medical insurance at such limit as may be prescribed by the Governor by order;” and

““Workforce Shortage List” means a list of work to be kept and maintained by the Skills Assessment Council.”

5. Section 11 amended — Visitor’s permits

Section 11 is repealed and replaced with the following —

“11. Visitor’s permit

(1) A visitor’s permit may, subject to this section, be issued by an immigration officer and grants leave to the holder —

(a) to enter the Falkland Islands;

(b) to remain in the Falkland Islands during the period specified in the permit or such longer period as may be granted by the immigration officer in specified circumstances.

(2) A visitor’s permit may not be granted to a person if the purpose of the person’s visit is to engage in any activity mentioned in subsection (10) and is not permitted by section 12(1).

(3) A visitor’s permit ceases to be valid —

(a) on its being cancelled or revoked;

(b) on the expiry of the period for which the holder is authorised to remain in the Falkland Islands; or

(c) on the holder leaving the Falkland Islands,

whichever first occurs.

(4) Subject to subsection (6), an immigration officer may issue a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period not exceeding six months from the date of the person's entry into the Falkland Islands.

(5) Subject to subsection (6), an immigration officer if so authorised by the Principal Immigration Officer in the particular case may extend or further extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period expiring not later than nine months from the date of the person's entry into the Falkland Islands.

(6) An immigration officer must not without the consent of the Governor issue a visitor's permit or grant an extension of a visitor's permit —

(a) to a prohibited person;

(b) to a person to whom a deportation order relates;

(c) to a person who has had a permit revoked within the past five years;

(d) if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous visitor's permit granted to the person, for a period exceeding nine months in any consecutive period of twelve months;

(e) unless the immigration officer is satisfied that the holder —

(i) has or has available to him or her sufficient financial resources to maintain himself or herself, without taking employment or carrying on business, during his or her proposed stay in the Falkland Islands;

(ii) has or is likely to have accommodation available to him or her for the duration of his or her proposed stay;

(iii) has made (or has or will have, without taking employment or carrying on business, sufficient funds available to him or her to make) arrangements for his or her onward or return travel to a destination in a country or territory which will permit the person's entry ("his or her ultimate destination") and that the person will be permitted to enter any country or territory in transit to that destination or any necessary intermediate destination at or in which he may need to land en route to the person's ultimate destination; and

(iv) has valid medical insurance.

(7) Subject to subsections (1) and (6), an immigration officer may grant a visitor's permit —

(a) to a person who is outside the Falkland Islands;

(b) to a person who has disembarked or is about to disembark and is seeking leave to enter the Islands and who is not the holder of any other permit authorising the person to do so;

(c) to a person whose entry into the Falkland Islands was permitted under section 9 and who wishes to remain in the Falkland Islands after his or her presence in the Falkland Islands ceases to be permitted by that section;

(d) to a person who is the holder of a dependent permit, accompanying dependent permit or work permit and who wishes to remain in the Falkland Islands after his or her presence in the Falkland Islands ceases to be permitted by that permit; or

(e) to a person whose entry into the Falkland Islands was lawful by reason of section 14 (entry in emergency) and who wishes to remain in the Falkland Islands longer than he or she is permitted to do so by that section.

(8) A visitor's permit will not ordinarily be granted to a person who appears to be likely, because of the person's state of health, to impose a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect them to bear.

(9) The Governor may authorize an immigration officer to issue, extend or further extend a visitor's permit where by virtue of subsection (6)(c) or (d) the immigration officer would otherwise be prohibited from doing so.

(10) Except as permitted by section 12 or 13, the holder of a visitor's permit must not as an employee of any other person or on his or her own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(11) A person who remains in the Falkland Islands after a visitor's permit granted to him or her ceases to be valid is unlawfully present in the Falkland Islands unless his or her continued presence in the Falkland Islands is authorised under some other provision of this Ordinance.

(12) An immigration officer must if so requested by a person to whom any decision of his or hers under any provision of this section relates inform that person in writing of the reason for that decision.

(13) This section applies to applications for family visitor permits which the immigration officer may grant to a person —

(a) who meets the requirements set out above in relation to visitor permits for a period not exceeding twelve months after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous permit granted to the person;

(b) who has complied with other requirements as may be specified under regulations made under subsection (16).

(14) An immigration officer must not without the consent of the Governor, issue a family visitor permit or grant an extension of a family visitor permit if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous family visitor permit granted to the person, for a period exceeding twelve months in any consecutive period of twenty four months.

(15) The Governor may make regulations to provide for the following —

(a) the form and manner of making applications in relation to visitor’s permits and family visitor permits;

(b) the requirements under which a visitor or family visitor permit may be granted; and

(c) the conditions which apply to the employment of a visitor or family visitor permit.”

6. Section 12 amended — Employment of holder of visitor’s permits

Section 12 is repealed and replaced with the following —

“12. Temporary employment of holder of a visitor’s permit

(1) Subject to subsection (4), any person who holds a visitor’s permit may be granted a temporary work permit where the work applied for is on the Workforce Shortage List.

(2) The Governor may make regulations to provide for the temporary employment of a visitor.

(3) Regulations made under subsection (2) may provide for the following —

(a) the type of employment for which a temporary work permit is appropriate;

(b) the conditions under which that employment is to be carried out; and

(c) conditions which apply to temporary work permits.

(4) The Principal Immigration Officer must not grant temporary work permit —

(a) unless the Principal Immigration Officer is satisfied —

(i) that there is no person resident in the Falkland Islands who is suitable and available to do the work to which the temporary work permit relates;

(ii) that the person to whom the permission is granted is satisfactorily accommodated and will be satisfactorily accommodated throughout the duration of the permit; and

(iii) that the work is on the Workforce Shortage List.

(b) so as to be valid for a period of greater than three months from the date of its issue.

(5) Without prejudice to the generality of regulations made under subsection (3) the Principal Immigration Officer's powers on the grant of a temporary work permit to impose conditions may include —

(a) conditions to be complied with by the employer of the holder of the permit, including conditions as to the minimum remuneration and other terms of employment of the holder of the permit;

(b) the power to cancel, revoke or vary a temporary work permit.

(6) The Principal Immigration Officer must if so requested by a person to whom any decision of his or hers under any provision of this section or regulations made under this section relates, inform that person in writing of the reason for that decision.”

7. Section 16 amended — Residence permits

Section 16 is repealed and replaced with the following —

“16. Accompanying Dependent Permit

(1) Any person who accompanies the holder of a work permit as a dependent may apply to the Principal Immigration Officer for an accompanying dependent permit.

(2) An accompanying dependent permit issued by the Principal Immigration Officer under this Ordinance allows the holder of the permit, during the period of validity of the permit to—

(a) enter and depart from the Falkland Islands;

(b) reside in the Falkland Islands; and

(c) subject to subsection (6)(c), take any lawful employment or pursue any lawful business, trade, profession, or vocation in the Falkland Islands.

(3) An accompanying dependent permit will not be granted if it appears likely, that if the application were granted, an applicant would impose a relevant burden because of —

(a) the person's health;

(b) the person's educational needs.

(4) In this section “relevant burden” means a substantial financial or other burden on public resources which, in all the circumstances, is unreasonable to expect the Government to bear.

(5) The Principal Immigration Officer must not grant an accompanying dependent permit so as to be valid for a period that exceeds the period of validity of a work permit held by the person on whom the holder of the accompanying dependent permit is dependent.

(6) The Governor may make regulations to provide for accompanying dependent permits and this may include but is not limited to the following —

(a) the form and manner of making applications;

(b) the requirements under which an accompanying dependent permit may be granted; and

(c) the conditions which apply to the employment of a holder of an accompanying dependent permit.”

8. Section 17 amended — Work permits

Section 17 is repealed and replaced with the following —

“17. Work permits

(1) It is an offence for a person to take up employment in the Falkland Islands unless authorised to do so under this Ordinance.

(2) A person who wishes to enter and remain in the Falkland Islands to take up any employment must first obtain the relevant permit from the Principal Immigration Officer.

(3) A work permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to —

(a) grant leave to the holder to enter and depart from the Falkland Islands, to reside within the Falkland Islands during the period of validity of the permit and to take employment with the employer named in the work permit during the period of validity of the permit (or, instead of taking employment, if so stated in the permit, on his or her own account to engage in any trade, business, profession, or vocation stated in the permit);

(b) allow the dependants of the holder named in the permit to apply for an accompanying dependant permit under section 16.

(4) A work permit will not ordinarily be granted if it appears likely, that if the application were granted, an applicant would impose a relevant burden because of —

(a) the person’s health;

(b) the person’s educational needs.

(5) In this section “relevant burden” means a substantial financial or other burden on public resources which, in all the circumstances, is unreasonable to expect the Government to bear.

(6) The Principal Immigration Officer must not issue or renew a work permit for a period greater than 4 years from the date of its commencement.

(7) The Principal Immigration Officer must not issue or renew a work permit unless —

(a) the Principal Immigration Officer is satisfied that the holder will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit);

(b) it is intended to permit the holder to take employment with another person or to continue in employment with another person unless that other person or another person satisfactory to the Principal Immigration Officer has undertaken in writing in a form satisfactory to the Principal Immigration Officer (an “undertaking”) that the person will, if called upon by the Principal Immigration Officer so to do, pay or discharge the costs of repatriating the holder and any dependants of the holder of the work permit to the country specified in the undertaking.

(8) Subsection (7)(b) does not apply in relation to the issue or renewal of a work permit enabling the holder to take employment with the Crown in right of the Government of the Falkland Islands or to a person falling within a category of persons exempted by order made by the Governor under this subsection.

(9) A sum due under an undertaking is recoverable as a civil debt to the Crown.

(10) Unless otherwise directed by the Governor, the Principal Immigration Officer may require —

(a) any employment vacancy to be advertised in the Falkland Islands before considering any application for a work permit enabling a person who does not have a right of residence in the Falkland Islands to be engaged to fill that vacancy;

(b) the proposed employer to satisfy the Principal Immigration Officer that it is necessary to engage such a person rather than engage any person having a right of residence in the Falkland Islands who has applied as a result of that advertisement or otherwise to be engaged to fill that vacancy.

(11) The Principal Immigration Officer may, if so approved by the Governor either in the particular case or generally, require a proposed employer of an applicant for a work permit, or for a renewal of a work permit, to undertake to observe such conditions as to hours of work of the employee, provision to him and his dependants, if any, of accommodation and as to rate of remuneration as are specified in the undertaking.

(12) A work permit remains valid so as to allow the holder’s continued residence in the Falkland Islands, notwithstanding the termination of the holder’s employment —

(a) for a period of one month or a greater period as the Principal Immigration Officer may, in the particular circumstances allow;

(b) until the issue to the holder of a work permit or a different permit; or

(c) until the cancellation or revocation of the work permit or the date of expiry of the work permit, whichever is the earliest.

(13) The Governor may make regulations to provide for work permits and this may include but is not limited to the following —

(a) the conditions under which a work permit may be granted;

(b) the type and validity of the work permit depending on skills and other requirements;

(c) different conditions to apply to the different categories of work permits; and

(d) the process of making applications for work permits.”

9. Addition of new sections 17B, 17C and 17D

The following new sections are added immediately after section 17A —

“17B. Registered Employer Sponsor Scheme

(1) The Principal Immigration Officer must put in place a system (to be known as the “Registered Employer Sponsor Scheme”) to register all employers within the Falkland Islands who employ workers who are subject to immigration control.

(2) The Principal Immigration Officer must keep a register of all employers registered on the Scheme.

(3) The Governor may make regulations to provide for the Registered Employer Sponsor Scheme and in particular for —

(a) the details required from employers;

(b) control of information on the register; and

(c) any other matters as may be necessary.

17C. Volunteer permits

(1) Any person who wishes to take up employment in the Falkland Islands on a voluntary basis must make an application for a volunteer work permit from the Principal Immigration Officer.

(2) The Principal Immigration Officer must not grant a volunteer work permit —

(a) unless the Principal Immigration Officer is satisfied —

(i) that the sponsoring organisation can satisfactorily provide for the living costs of the holder;

- (ii) that the person to whom the permission is to be granted will be satisfactorily accommodated throughout the duration of the permission; and
 - (iii) that the work cannot be undertaken by any person who has a right of residence within the Falkland Islands.
- (b) so as to be valid for a period greater than 12 months in any 2 year period.
- (3) Living costs mentioned under subsection (2)(a)(i) include medical insurance, repatriation costs as well as other incidental expenses.
- (4) The Governor may make regulations to provide for volunteer permits and this may include but is not limited to the following matters —
- (a) the conditions under which a volunteer permit may be granted;
 - (b) the validity of the volunteer permit;
 - (c) the type of employment to which a volunteer permit may be granted; and
 - (d) any other matters as may be required to give effect to this section.

17D. Switching — work permits

- (1) A person may be allowed to switch from a temporary work permit to a work permit if —
- (a) the position to which the person is employed on a temporary work permit cannot be completed within the validity of that temporary work permit;
 - (b) the employer of the holder of a temporary work permit can demonstrate the need for that person to continue in that position; and
 - (c) the full time position is on the Workforce Shortage List.
- (2) The following apply in relation to switching between the different work permit categories —
- (a) the work which the person is to switch into must be on the Workforce Shortage List;
or
 - (b) where the work is not on the Workforce Shortage List, the application for a different work permit category must be accompanied by a statement from the prospective employer showing that —
 - (i) the position has been advertised and it is necessary to engage the applicant rather than engage any person having a right of residence in the Falkland Islands who has applied as a result of that advertisement or otherwise engaged to fill that vacancy;

- (ii) the position requires qualifications and skills which the applicant possesses.
- (3) The Governor may make regulations relating to switching between different work permits.”

10. Addition of new sections 18B and 18C

The following sections are added immediately after section 18A —

“18B. Dependent permits

(1) Any person who is a dependent of —

(a) a holder of a permanent residence permit issued under section 18, 18AA or section 18BB; or

(b) any person who has Falkland Islands status under section 22(5) of the Constitution,

may apply to the Principal Immigration Officer for a dependent permit.

(2) A dependent permit issued by the Principal Immigration Officer under this Ordinance —

(a) allows the holder of the permit, during the period of validity of the permit to —

(i) enter and depart from the Falkland Islands;

(ii) reside in the Falkland Islands; and

(iii) take any lawful employment or pursue any lawful business, trade, profession, or vocation in the Falkland Islands; and

(b) permits the dependants of the holder named in the permit to enter into and reside in the Falkland Islands.

(3) The Principal Immigration Officer must not grant a dependent permit so as to be valid for a period not exceeding 4 years from the date of its commencement.

(4) The Governor may make regulations to provide for dependent permits and this may include but is not limited to the following —

(a) the form and manner of making applications;

(b) the requirements under which a dependent permit may be granted; and

(c) any conditions which apply to dependent permits.

(5) In this section “dependent” means —

- (a) a child including a step-child who —
 - (i) is under the age of 18 years and is in full time education; or
 - (ii) is over 18 years of age and is financially dependent on the person described under subsection (1); or
- (b) a partner of the person described under subsection (1) (*including civil partners*);
- (c) a vulnerable adult, that is an adult relative who is financially dependent on the person described under subsection (1) and forms part of that person’s household.

18C. Switching to dependent permit

(1) A person who holds a visitor’s permit, an accompanying dependent permit or a work permit who becomes a dependent of —

- (a) a person who has Falkland Islands status; or
- (b) a holder of a permanent residence permit issued under section 18, 18AA or section 18BB,

may make an application to the Principal Immigration Officer for a dependent permit.

(2) An application under subsection (1) must be dealt with in the same manner as an application under section 18B.

(3) The Governor may make regulations to provide for the requirements to be met by applicants who wish to switch into dependent permits and this may include but is not limited to the following —

- (a) information establishing the applicant’s relationship with the person who has Falkland Islands status or is the holder of a permanent residence permit issued under section 18, 18AA or section 18BB;
- (b) any conditions which apply to switching to dependent permits.”

11. Section 19 amended — Revocation of visitor’s permits

Section 19 is repealed and replaced with the following —

“19. Revocation and cancellation of visitor’s permits

(1) A visitor’s permit —

- (a) is revoked by —
 - (i) the making of a deportation order in respect of the holder; or
 - (ii) any of the grounds set out under subsection (3);

(b) is cancelled by —

- (i) the grant of a work permit or a dependent permit to the holder;
- (ii) the departure of the holder from the Falkland Islands; or
- (iii) any of the grounds set out under subsection (4).

(2) No notice need be given to the holder of a visitor's permit of the revocation or cancellation of the person's permit by operation of subsection (1).

(3) A visitor's permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(4) A visitor's permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the holder is without adequate funds to maintain himself or herself in the Falkland Islands or the holder is otherwise likely to become a burden on public funds; or

(c) that the permit was, by relation to a reason stated in such notice, granted to the holder in error.

(5) A person whose visitor's permit is revoked under subsection (3) or cancelled under subsection (4) may appeal against such revocation or cancellation in accordance with this Ordinance, but is not entitled to remain in the Falkland Islands pending determination of the appeal.”

12. Section 21 amended — Revocation of residence permits

Section 21 is repealed and replaced with the following —

“21. Revocation and cancellation of accompanying dependent permits

(1) An accompanying dependent permit is —

(a) revoked —

(i) on the making of a deportation order in respect of the holder of the accompanying dependent permit; or

(ii) by any of the grounds set out under subsection (2);

(iii) by the revocation of the work permit of the person on whom the holder is dependent;

(b) cancelled by —

(i) the grant of a work permit, a dependent permit, a permanent residence permit to the holder, or the acquisition of Falkland Island status by the holder;

(ii) any of the grounds set out under subsection (3).

(iii) the cancellation of the work permit of the person on whom the holder is dependent.

(2) An accompanying dependent permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) An accompanying dependent permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) the work permit of the person on whom the holder is dependent is cancelled or has expired;

(b) the person is no longer a dependent of the work permit holder (*either in that the person no longer forms part of the work permit's household or is no longer a dependent of the work permit holder*);

(c) the person is granted a work permit (not being a temporary permit) and the person's employer has made an undertaking under section 17(7)(b) in relation to that person.

(d) the person is granted a permanent residence permit or acquires Falkland Island status.

(4) A person whose accompanying dependent permit is revoked under subsection (2) or cancelled under subsection (3) may appeal against such revocation or cancellation in accordance with this Ordinance.

(5) When a person's accompanying dependent permit is revoked under subsection (2) or cancelled under subsection (3), unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

13. Addition of new sections 21A and 21B

The following sections are added immediately after section 21 —

“21A. Revocation and cancellation of dependent permits

(1) A dependent permit is —

(a) revoked —

(i) on the making of a deportation order in respect of the holder of the dependent permit;

(ii) on any of the grounds set out under subsection (2);

(iii) by the revocation of the permanent residence permit or Falkland Islands status of the person on whom the holder is a dependent;

(b) cancelled by —

(i) the grant of a work permit, a dependent permit, a permanent residence permit to the holder or the acquisition of Falkland Island status by the holder; or

(ii) any of the grounds set out under subsection (3).

(2) A dependent permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(c) that the holder is a prohibited person.

(3) A dependent permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) the permanent residence permit of the person on whom the holder is a dependent is revoked;

(b) the Falkland Islands status of the person by whom the holder is a dependent of is revoked under section 5 of the Falkland Islands Status Ordinance 1998; or

(c) the person is no longer a dependent of the permanent residence permit or Falkland Islands status holder (*either in that the person no longer forms part of the household or is no longer a dependent of the work permit holder*).

(4) A person whose dependent permit is revoked or cancelled under this section may appeal against such revocation or cancellation in accordance with section 27A.

(5) When a person's dependent permit is revoked or cancelled, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.

21B. Revocation and cancellation of volunteer permits

(1) A volunteer permit —

(a) is revoked by —

- (i) the making of a deportation order in respect of the holder;
- (ii) any of the grounds set out under subsection (2);

(b) is cancelled by —

- (i) the grant of a work permit by the holder of the volunteer permit; or
- (iii) any of the grounds set out under subsection (3).

(2) A volunteer permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by the volunteer permit or by or under any provision of this Ordinance so to do, took paid employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) A volunteer permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the sponsoring organisation is without adequate funds to maintain or provide the necessary living costs for the volunteer permit holder and that the holder is likely to become or has become a burden on public funds;

(c) that the sponsoring organisation has terminated the contract of engagement of the holder (*but without prejudice to the grant to the holder of a work permit or a different volunteer permit by a different sponsor*);

(d) that the holder, or his or her sponsor, are in breach of a condition or undertaking subject to which the volunteer permit was granted; or

(e) that the volunteer permit was, by relation to a reason stated in such notice, granted to the holder in error.

(4) A person whose volunteer permit is revoked or cancelled under this section may appeal against such revocation or cancellation in accordance with section 27B.

(5) When a volunteer permit is revoked or cancelled under this section, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

14. Section 22 amended — Revocation of work permits

Section 22 is repealed and replaced with the following —

“22. Revocation and cancellation of work permits

(1) A work permit —

(a) is revoked by —

(i) the making of a deportation order in respect of the holder;

(ii) any of the grounds set out under subsection (2);

(b) is cancelled by —

(i) the grant to or acquisition of Falkland Islands status by the holder of the work permit;

(ii) the issue of a permanent residence permit to the holder of the work permit; or

(iii) any of the grounds set out under subsection (3).

(2) A work permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully or recklessly gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by the work permit or by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) A work permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the holder is without adequate funds to maintain himself or herself in the Falkland Islands or the holder or any of dependants is otherwise likely to become a burden on public funds;

(c) that the holder is no longer employed by the employer who has made an undertaking under section 17(7)(b) in relation to the holder and either a new employer has not made an undertaking or the person is no longer employed (*but without prejudice to the grant to the holder of another work permit permitting the holder to take or engage in different employment*);

(d) that the holder, or his or her employer, is in breach of a condition or undertaking subject to which the work permit was granted; or

(e) that the permit was, by relation to a reason stated in such notice, granted to the holder in error.

(4) A person whose work permit is revoked under subsection (2) or cancelled under subsection (3) may appeal against such revocation or cancellation in accordance with this Ordinance.

(5) When a person's work permit is revoked under subsection (2) or cancelled under subsection (3), unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

15. Section 26 amended — Appeals in relation to residence permits

Section 26 is repealed and replaced with the following —

“26. Appeals in relation to accompanying dependent permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of an immigration officer or the Principal Immigration Officer —

(a) to grant or refuse an accompanying dependent permit;

(b) to grant an accompanying dependent permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of an accompanying dependent permit under section 21 by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of an accompanying dependent permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant an accompanying dependent permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor’s decision, or subsequently, and any accompanying dependent permit so issued is deemed to have been issued pursuant to section 16.”

16. Addition of new sections 27A and 27B

The following sections are added immediately after section 27 —

“27A. Appeals in relation to dependent permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of the Principal Immigration Officer —

(a) to grant or refuse a dependent permit;

(b) to grant a dependent permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of a dependent permit under section 21A by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of a dependent permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant a dependent permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor's decision, or subsequently, and any dependent permit so issued is deemed to have been issued pursuant to section 18B.

27B. Appeals in relation to volunteer permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of the Principal Immigration Officer —

(a) to grant or refuse a volunteer permit;

(b) to grant a volunteer permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of a volunteer permit under section 21B by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of a volunteer permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant a volunteer permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor's decision, or subsequently, and any dependent permit so issued is deemed to have been issued pursuant to section 17C.”

17. Transitional provisions

- (1) Any person who is an accompanying dependent of a work permit holder and is named on that work permit does not need to apply for an accompanying dependent permit while that work permit remains valid.
- (2) Any residence permit issued before the commencement of this Ordinance continues to be valid until its expiry.

PART 3 – AMENDMENT OF IMMIGRATION (PERMANENT RESIDENCE PERMITS) REGULATIONS

18. Amendment of Immigration (Permanent Residence Permits) Regulations

This Part amends the Immigration (Permanent Residence Permits) Regulations.

19. Regulation 5 amended — Who may apply for a permanent residence permit as principal applicant

Regulation 5 is amended as follows —

- (a) under sub-regulation (6) by deleting “the first six months of”; and
- (b) under sub-regulation (7)(a)(iv) by deleting “which is based in the Falkland Islands”.

20. Regulation 24 amended — Points threshold

Regulation 24 is repealed and replaced with the following new regulation —

“24. Points threshold

(1) The following points thresholds apply —

- (a) 50 points in relation to an application which does not include a dependent partner;
- (b) any new or amended threshold as may be determined by the Governor and notified by publication in the *Gazette*.

(2) The thresholds set out in paragraph (1)(a) or determined under paragraph 1(b) will be reviewed by the Governor annually.

(3) A new or amended threshold determined under paragraph (1)(b) will ordinarily take effect on 1 September, but may be determined to take effect at any time.”

21. Schedule 1 amended — Points System

Schedule 1 is repealed and replaced with the following new Schedule.

“SCHEDULE 1

CRITERIA	POTENTIAL (POINTS)
EARNED INCOME	£10k - £25k (10) £25k+ (15)
CRITICAL SKILLS (WORKFORCE SKILLS SHORTAGE LIST)	(10)
EMPLOYMENT	Contract of employment; earning at least £12k (10)
CAMP BASED EMPLOYMENT	(5)
WORK EXPERIENCE RELEVANT TO PRINCIPAL EMPLOYMENT	Up to 5 years (5) 5 years + (10)
ELIGIBLE EDUCATIONAL OR PROFESSIONAL QUALIFICATION (equiv. Level 3 National Qualifications Framework)	(10)
ELIGIBLE EDUCATIONAL OR PROFESSIONAL QUALIFICATION RELEVANT TO PRINCIPAL EMPLOYMENT/IDENTIFIED NEED ON WORKFORCE SHORTAGE LIST	(5)
EDUCATIONAL OR PROFESSIONAL QUALIFICATIONS FUNDED FROM WITHIN THE FI WITHIN 20YRS OF DATE OF APPLICATION	(0)
PROPERTY ASSETS (jointly with dependents where included)	Falklands: NPV: £25k-£50k (10) £50k+ (20) Non-Falklands: NPV: £25k-£50k (5) £50k+ (10)
UNENCUMBERED CASH ASSETS (jointly with dependents where included)	Falklands: £5k - £15k (5) £15k+ (10) Non-Falklands: £5k - £15k (5) £15k+ (10)
AGE	- 18 - 35 (15) - 35 – 45 (10) - 45 – 55 (5) - 55+ (0)
LENGTH OF TIME RESIDENT IN FALKLAND ISLANDS	<72 months (10) 72+ months (5)
PENSION PLAN	Only for 55yrs+ (5)
COMMUNITY ENGAGEMENT	(5)
CLOSE FAMILY PERMANENTLY RESIDENT	(5)
SOUTH ATLANTIC MEDAL	(5)

PART 4 – AMENDMENT OF IMMIGRATION (FEES) REGULATIONS

22. Amendment of Immigration (Fees) Regulations

This Part amends the Immigration (Fees) Regulations.

23. Regulation 3 amended — Fees

Regulation 3(1) is amended as follows —

(a) paragraph (a) is deleted and replaced with the following new paragraph —

“(a) for a dependent permit under section 18B £46.00”

(b) by adding the following new paragraphs after paragraph (e) —

“(f) for an accompanying dependant permit under section 16 £46.00

(g) for a volunteer permit under section 17C £23.00”.

OBJECTS AND REASONS

This Ordinance amends the Immigration Ordinance 1999 to introduce a different system of permits. It provides for new requirements in relation to visitor permits, volunteer permits, dependents, accompanying dependents as well as switching to different permits. It further provides for a distinction between cancellation and revocation of permits as well as for other connected issues.

Part 1 deals with introductory matters and provides for the title and commencement of the Ordinance.

Part 2 amends the Immigration Ordinance as follows —

Clause 4 amends the Interpretation section (section 2) by providing for definitions for new terms;

Clause 5 amends section 11 which deals with visitor permits. It provides that a visitor permit can only be granted for a period of 9 months in any 12 months period which changes the current period of 12 months in any consecutive period of 24 months. It further provides for a requirement for visitors to have valid medical insurance which is defined under clause 4.

Clause 6 amends section 12 to deal with the temporary employment of visitors. Visitors will only be permitted to apply for jobs on the Workforce Shortage List and for jobs where there is no resident person who is able to take up that job. Another requirement is that the person must be adequately accommodated for the duration of that permit.

Clause 7 amends section 16 by repealing the current provisions relating to residence permits. It instead deals with accompanying dependent permits. These are issued to dependents (as defined under clause 4) of work permit holders. A person issued with an accompanying dependent permit is also restricted to jobs on the Workforce Shortage List. The current requirements in

relation to health and financial standing apply to applicants for accompanying dependent permits and therefore an applicant must satisfy the Principal Immigration Officer that he or she will not impose a relevant burden on public resources.

Clause 8 amends section 17 dealing with work permits. It introduces a new period of validity for work permits which is 4 years as compared to the current 2 years. The current requirements continue to apply in relation to accommodation and the requirement for an undertaking by the employer. The clause further provides for the Governor to make regulations for different categories of work permits (seasonal permits, general work permits and skilled work permits)

Clause 9 amends the Immigration Ordinance to add a new section dealing with the Registered Employer Scheme. This system will require all employers to register with the Immigration department and also provide details of all job opportunities available in the Islands which cannot be filled locally. These jobs are the ones which visitors or holders of accompanying dependent permits will be eligible for. Regulations will be made to provide for more requirements for administering the Scheme.

It also adds a new section 17C to provide for volunteer permits. It sets out the requirements which one must meet to be issued with a volunteer permit, that is there must be a sponsoring organisation which will meet all the costs of the volunteer and that the job to be undertaken by that volunteer is work which cannot be undertaken by any other person who is already resident in the Falkland Islands. The volunteer permit can only be issued up to 12 months in any 24 months period. The other requirements relating to the applicant satisfying the Principal Immigration Officer that he or she will not impose a relevant burden on public resources still apply as well as the requirement for the person to be satisfactorily accommodated.

Clause 9 further adds a new section 17D which deals with the requirements for a person to switch into a different permit. It deals with switching from being temporarily employed into a full time position which requires a work permit; it also deals with switching from one tier of work permit into a different one. The clause provides the Governor with the power to make regulations relating to switching.

Clause 10 adds a new section 18B to deal with dependent permits. These are issued to applicants who are dependents of people who have Falkland Islands status or permanent residence permits. Dependent is defined under subsection (4). The person must be able to demonstrate their relationship to the status or permanent residence permit holder and their dependency to that person. Regulations and guidance will be used to clarify how this can be assessed.

Clause 10 also adds a new section 18C to provide for the requirements to switch into a dependent permit. An applicant must satisfy the requirements under section 18C to be able to be issued with a dependent permit.

Clause 11 amends section 19 to expand it to include cancellation of visitor permits. It makes a distinction between revocation and cancellation of visitor permits. A visitor permit is revoked by the making of a deportation order in respect of the holder on any of the grounds listed under subsection (3). A visitor's permit is cancelled by the departure of the person from the Falkland Islands or by the grant of a different permit to the person.

Clause 12 amends section 21 to delete the current provision dealing with revocation of residence permits and instead deals with revocation and cancellation of accompanying dependents permits. Since an accompanying dependent permit's validity is tied to that of a work permit it is therefore cancelled by the lapse or cancellation of the work permit of the person the holder is a dependent of. It is also cancelled by the issuing to the person of another permit (work permit, PRP or FI status)

An accompanying dependent permit is revoked by the making of a deportation order in respect of the holder or any of the grounds listed under subsection (2). It may be cancelled where any of the grounds under subsection (3) exist. A person aggrieved with the decision to cancel or revoke his or her permit may appeal the decision under section 26.

Clause 13 amends the Immigration Ordinance by adding a new section 21A which deals with the revocation and cancellation of dependent permits. A dependent permit is revoked by the making of a deportation order in respect of the holder or any of the grounds listed under subsection (2). It may be cancelled where any of the grounds under subsection (3) exist. A person aggrieved with the decision to cancel or revoke his or her permit may appeal the decision under section 27A.

It also adds a new section 21B to provide for the revocation and cancellation of volunteer permits. A volunteer permit is revoked by the making of a deportation order in respect of the holder or any of the grounds listed under subsection (2). It may be cancelled where any of the grounds under subsection (3) exist. A person aggrieved with the decision to cancel or revoke his or her permit may appeal the decision under section 27B.

Clause 14 amends section 22 to make a distinction between revocation and cancellation of work permits. It provides for a work permit to be revoked by the making of a deportation order in respect of the holder or revocation on any of the grounds set out under subsection (2) and to be cancelled by the grant of a different permit to the person.

Clause 15 amends section 26 to delete the current section dealing with appeals in relation to residence permits so that it now provides for appeals in relation to accompanying dependent permits.

Clause 16 adds new sections dealing with appeals. It adds a new section 27A to deal with appeal in relation to dependent permits and another section 27B to deal with appeals against volunteer permits.

Clause 17 provides for transitional matters arising out of the abolition of residence permits and the requirement for accompanying dependents who are already in the Falkland Islands

Part 3 amends the Immigration (Permanent Residence Permits) Regulations to make consequential amendments in relation to periods of residence and to make new requirements for Points by replacing the current Schedule.

Part 4 amends the Immigration (Fees) Regulations to provide for new fees for the new categories of permits.

Falkland Islands Status (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Falkland Islands Status Ordinance
4. Section 2 amended — Interpretation
5. Section 3 amended — Applications for the grant of Falkland Islands status

5. Section 3 amended — Applications for the grant of Falkland Islands status

Section 3 is amended as follows —

(a) in subsection (2) by —

(i) deleting “Commonwealth citizen” in paragraph (b)(i) and replacing it with “British citizen, a British Overseas Territories citizen or a British Overseas citizen; or who was, at the material time, a citizen of the United Kingdom and Colonies, a British Dependent Territories citizen or a British subject”;

(ii) deleting paragraph (b)(ii) and replacing it as follows —

“(ii) that the applicant either —

(aa) had not been ordinarily resident in the Falkland Islands for at least 7 years immediately before the date of application;

(bb) had not been issued with a permanent residence permit; or

(cc) does not satisfy each of the criteria in paragraph (b)(ii) of the definition in section 2 of “qualified person”; and

(b) in subsection (3) by deleting paragraph (b) and replacing it as follows —

“(b) he has not been absent from the Falkland Islands for more than ninety days in aggregate in any one of those seven years”

OBJECTS AND REASONS

This Ordinance amends the Falkland Islands Status Ordinance 1998. The Falkland Islands Status Ordinance was made in 1998 based on the Falkland Islands Constitution Order 1985-1997. Section 17(5)(d)(ii) in the old Constitution provided that Falkland Islands status may be granted to *Commonwealth citizens* who have been ordinarily resident in the Falkland Islands for a period of at least 7 years under the provisions of an Ordinance providing for the grant of such status.

The Falkland Islands Constitution Order 2008 provides under section 22(5)(f) that Falkland Islands status may be granted to a *person* who has been ordinarily resident in the Falkland Islands for a period of at least 7 years, or such period not exceeding 7 years as the Ordinance providing for applications for FI status may prescribe.

Clause 4 amends the current definition of “qualified person” under section 2 to remove the requirement for a person who applies for FI status to be a Commonwealth citizen as was required under the old Constitution. It instead narrows this to persons who are British citizens, British Overseas Territories citizens or British Overseas citizens; or persons who were, at the material time, citizens of the United Kingdom and Colonies, British Dependent Territories citizens or British subjects.

Clause 4 further amends the requirements of “qualified person” to incorporate the new policy change that a person must have a permanent residence permit (PRP) before he or she can acquire FI status. Permanent residence permits are issued to qualifying people who have been ordinarily resident in the FI for 3 years and therefore 4 years or any time after being issued with a PRP a person will qualify to apply for FI status as long as they have 7 years in total.

The amendment also provides for those people who, at the date of commencement of the Ordinance, will have been ordinarily resident in the FI for 7 years and do not have PRP to be able to make an application for FI status. This will address any prejudice resulting from the new requirement for one to first have PRP before applying for FI status.

Clause 5 amends section 3 to address the consequential amendments relating from amending the definition of “qualified person”. It goes further to reduce the periods of absences from the Falkland Islands when calculating the 7 years of being ordinarily resident.

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Maritime Bill 2017.

Maritime Bill 2017

(No: of 2017)

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MARITIME BILL 2017

(No: of 2017)

(assented to: 2017)
(commencement:)
(published: 2017)

A BILL

for

AN ORDINANCE

To make comprehensive provision, to modernise and consolidate various enactments relating to merchant shipping, dumping and deposits at sea, Admiralty jurisdiction in the Falkland Islands, to incorporate different Orders in Council extending different provisions of UK legislation to the Falkland Islands as well as specifying international conventions which apply to Falkland Islands law, to repeal enactments rendered obsolete by the provisions of this Ordinance and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Title and commencement

This Ordinance is the Maritime Ordinance 2017 and comes into force on a date (being a date not earlier than the approval of this Ordinance by an Order in Council under the provisions of section 735 of the Merchant Shipping Act 1894) as the Governor may appoint by notice published in the *Gazette*.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires —

“Authority” means the Falkland Islands Maritime Authority established by the Governor under the Harbours and Ports Ordinance 2017;

“British citizen”, “British Dependent Territories citizen”, “British Overseas citizen” have the same meaning assigned to them under the British Nationality Act 1981 of the United Kingdom;

“British ship” has the meaning given in section 5,

“commissioned military officer” means a commissioned officer in Her Majesty’s land forces on full pay;

“commissioned naval officer” means a commissioned officer of Her Majesty’s Navy on full pay;

“Commonwealth citizen” has the same meaning as in the British Nationality Act 1981 of the United Kingdom;

“conservancy authority” includes all persons entrusted with the function of conserving, maintaining or improving the navigation of a tidal water;

“consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

“customs officer” has the same meaning given under the Customs Ordinance (Title 26.1);

“Department” means a Department of the Government of the Falkland Islands;

“Departmental inspector” and “Departmental officer” have the meanings given in section 238(9);

“Falkland Islands registered ship” has the meaning given in section 6;

“Falkland Island connection” has the meaning given in section 14(10);

“Falkland Islands waters” means the sea or other waters within the seaward limits of the territorial sea of the Falkland Islands; and

“fishing vessel” means any launch, vessel or floating craft of any description of whatever size, and in whatever way propelled, which is for the time being engaged in fishing or for the processing, storage or carriage of fish or of any operations (including trans-shipment of fish) ancillary thereto and includes a fish carrier;

“foreign ship” means a ship which is not —

(a) a Falkland Islands ship; or

(b) a British ship;

“Government ship” has the meaning given in section 304(4);

“harbour” has the meaning assigned to it under the Harbours and Ports Ordinance 2017;

“master” includes every person (except a pilot) having command or charge of a ship and, in relation to a fishing vessel, means the skipper;

“national maritime domain” means the following areas of the sea —

(a) internal waters;

(b) territorial sea;

- (c) contiguous zone;
- (d) exclusive economic zone;
- (e) continental shelf; and
- (f) possible outer limits of the continental shelf;

“national waters”, in relation to the Falkland Islands, means Falkland Islands waters landward of the baselines for measuring the breadth of its territorial sea;

“Organization” means the International Maritime Organization;

“port” includes place;

“proper officer” means a consular officer, who must be duly appointed as a public officer in the Falkland Islands and, in relation to a port in a country outside the Falkland Islands which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent;

“qualifying foreign ship” has the meaning given in section 3;

“register” means the register maintained under section 13;

“Registrar”, “Registrar General” and “Registrar General of Shipping” means the person appointed by the Governor as such and includes a person authorised by the Governor to act in that capacity;

“registration regulations” means regulations to be made under section 14;

“relevant British possession” means —

- (a) the Isle of Man;
- (b) any of the Channel Islands; and
- (c) any territory for which the United Kingdom is responsible, including the Falkland Islands;

“safety regulations” means regulations to be made under section 84(1);

“seafarer” includes every person (except masters and pilots) employed or engaged in any capacity on board any ship;

“ship” includes every description of vessel used in navigation;

“small ship” means a ship less than 24 metres in length (“length” having the same meaning as in the tonnage regulations);

“superintendent” means a mercantile marine superintendent appointed under section 293;

“surveyor of ships” has the meaning given in section 238(9);

“the Act” means the Merchant Shipping Act 1995 of the United Kingdom;

“the Registrar”, in relation to the registration of ships, has the meaning given in section 4(1);

“the tonnage regulations” means regulations to be made under section 19;

“treaty” includes an international convention; and

“wages” includes emoluments.

(2) In this Ordinance “right of innocent passage”, “right of transit passage” and “straits used for international navigation” must be construed in accordance with the United Nations Convention on the Law of the Sea 1982 as amended from time to time.

(3) A vessel for the time being used (or intended to be used) wholly for the purpose of conveying persons wishing to fish for pleasure is not a fishing vessel.

3. Meaning of “qualifying foreign ship”

(1) In this Ordinance, “qualifying foreign ship” means any ship other than —

(a) a British ship, or

(b) a ship which is not registered under Part 3 and which (although not by virtue of section 5(1)(e) a British ship) —

(i) is wholly owned by persons falling within subsection (2); and

(ii) is not registered under the law of a country outside the United Kingdom.

(2) The following persons fall within this subsection, namely —

(a) British citizens;

(b) British Dependent Territories citizens;

(c) British Overseas citizens;

(d) persons who, under the British Nationality Act 1981, are British subjects;

(e) British Nationals (Overseas) (within the meaning of the British Nationality Act 1981 Act);

(f) British protected persons (within the meaning of the British Nationality Act 1981 Act);
or

(g) bodies corporate incorporated in the United Kingdom, the Falkland Islands or in any relevant British possession and having their principal place of business in the United Kingdom, the Falkland Islands or in any relevant British possession.

4. Persons qualified to own British ships

Where, for the purposes of any enactment the question arises whether a ship is owned by persons qualified to own British ships, the question must be determined by reference to registration regulations made under section 15(2)(a).

PART 2 – REGISTRATION OF BRITISH SHIPS IN THE FALKLAND ISLANDS

5. British ships

(1) A ship is a British ship if —

(a) the ship is registered in the Falkland Islands under Part 3;

(b) the ship is registered in the United Kingdom under Part II of the Act;

(c) the ship is, as a Government ship, registered in the United Kingdom in pursuance of an Order in Council made under section 308 of the Act or under regulations made under section 15 of this Ordinance;

(d) the ship is registered under the law of a relevant British possession;

(e) the ship —

(i) is not registered under Part 3, but

(ii) is wholly owned by qualified owners, and

(iii) is not registered under the law of a country outside the Falkland Islands.

(2) For the purposes of subsection (1)(e), “qualified owners” means persons of such description qualified to own British ships as prescribed by regulations.

6. Falkland Islands ships

(1) A ship is a Falkland Islands ship for the purposes of this Ordinance if the ship is registered in the Falkland Islands in accordance with Part 3.

(2) A ship registered in the Falkland Islands in accordance with Part 3 is subject to all the responsibilities and, is entitled to all the rights and privileges afforded to British ships under section 1 of the Act.

[Merchant Shipping Act 1995 (UK), s. 1]

7. Falkland Islands registered ships - entitlement to fly the British flag

(1) As provided for under the Act, a ship registered in the Falkland Islands as a British ship under Part 3 is entitled to fly the red ensign (without any defacement or modification) and, subject to subsections (2) and (3), no other colours.

(2) Subsection (1) does not apply to Government ships.

(3) The following are also proper national colours for ships registered in the Falkland Islands, that is to say —

(a) any colours allowed to be worn in pursuance of a warrant from Her Majesty or the Secretary of State in relation to British ships registered in the Falkland Islands ; or

(b) the red ensign defaced with the arms of the Falkland Islands in accordance with article 2 of the Merchant Shipping (Falkland Islands Colours) Order 1998 (S.I. 1998/3147).

[Merchant Shipping Act 1995 (UK), s. 2]

8. Offences relating to British character of ship

(1) If the master or owner of a ship which is not a British ship registered in the Falkland Islands does anything or permits anything to be done, for the purpose of causing the ship to appear to be a British ship registered in the Falkland Islands then, except as provided by subsections (2) and (3), the ship is liable to forfeiture and the master, owner and any charterer each commits an offence.

(2) No liability arises under subsection (1) where the assumption of British nationality has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(3) Where the registration of any ship has been terminated by virtue of any provision of the termination regulations, any marks that were prescribed by registration regulations and displayed on the ship must be disregarded for the purpose of subsection (1) within a period of 14 days beginning with the date of termination of that registration.

(4) If the master or owner of a British ship registered in the Falkland Islands does anything, or permits anything to be done, for the purpose of concealing the nationality of the ship, the ship is liable to forfeiture and the master, owner and any charterer of the ship each commits an offence.

(5) Without prejudice to the generality of subsections (1) and (4), those subsections apply in particular to acts or deliberate omissions as respects —

(a) the flying of a national flag;

(b) the carrying or production of certificates of registration or other documents relating to the nationality of the ship; or

(c) the display of marks required by the law of any country.

(6) Any person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or a fine not exceeding the maximum of level 11 on the scale set out in Schedule 7, or both.

(7) Subsection (6) applies equally to things done outside the Falkland Islands as it does to things done within the Falkland Islands, by a ship registered in the Falkland Islands; and the courts of the Falkland Islands are equally entitled to prosecute offences related to things done outside as within the Falkland Islands.

(8) Notwithstanding subsections (6) and (7), the courts of the Falkland Islands will not have jurisdiction to try offences related to things done outside the Falkland Islands by British ships registered in the Falkland Islands if the ship, in its capacity as a British ship, has already been convicted or acquitted of an offence related to the thing done by a court in any relevant British possession or in the United Kingdom.

[Merchant Shipping Act 1995 (UK), s. 3]

9. Penalty for carrying improper colours

(1) If any of the following colours, namely —

(a) any distinctive national colours except —

(i) the red ensign or, in the case of a Falkland Islands ship, a red ensign defaced in accordance with the Merchant Shipping (Falkland Islands Colours) Order 1998 (S.I. 1998/3147).;

(ii) the Union flag (commonly known as the Union Jack) with a white border;

(iii) in the case of a ship registered in a relevant British possession, any colours authorised or confirmed under section 2(3)(b) of the Act in the form it has effect in the relevant British possession;

(b) any colours usually worn by Her Majesty's ships or resembling those of Her Majesty; or

(c) the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant,

are hoisted on board any British ship registered in the Falkland Islands without warrant from Her Majesty or from the Secretary of State, the master of the ship, or the owner of the ship (if on board) and every other person hoisting them commits an offence.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 7 on the scale set out in Schedule 7.

(3) If any colours are hoisted on board a ship in contravention of subsection (1), any of the following, namely —

- (a) any commissioned naval or military officer;
- (b) any customs officer;
- (c) any member of the Royal Falkland Islands Police Force; or
- (d) any proper officer,

may board the ship and seize and take away colours.

(4) Any colours seized under subsection (3) are forfeited to the Crown and must be dealt with in such manner as the Governor may by order direct.

(5) In this section, “colours” includes any pendant.

[Merchant Shipping Act 1995 (UK), s. 4]

10. Duty to show British flag or Falkland Islands colours

(1) Subject to subsection (2), a ship registered in the Falkland Islands as a British ship, other than a fishing vessel, must hoist the red ensign or the Falkland Islands colours —

- (a) on a signal being made to the ship by one of Her Majesty’s ships (including any ship under the command of a commissioned naval officer);
- (b) on entering and leaving any foreign port; and
- (c) in the case of ships of 50 or more tons gross tonnage, on entering or leaving any Falklands Islands port.

(2) Subsection (1)(c) does not apply to a small ship.

[Merchant Shipping Act 1995 (UK), s. 5]

11. Duty to declare national character of ship

(1) A customs officer must not grant clearance or transire for any ship until the master of the ship has declared to that officer the name of the nation to which the master claims that the ship belongs, after which that officer must enter that name on the clearance or transire.

(2) If a ship attempts to proceed to sea without a clearance or transire, the ship may be detained until the declaration is made.

[Merchant Shipping Act 1995 (UK), s. 6]

12. Proceedings on forfeiture of ship

(1) Where any ship has either wholly or as to any share in it becomes liable to forfeiture under this Part —

(a) any commissioned naval or military officer; or

(b) any person appointed by the Governor for the purposes of this section,

may seize and detain the ship and bring it for adjudication before the court.

(2) Where a ship is subject to adjudication under this section the court may —

(a) adjudge the ship and her equipment to be forfeited to the Crown; and

(b) make such order in the case as seems just.

(3) Any officer who brings proceedings under this section is not liable in damages in respect of the seizure or detention of the ship, notwithstanding that the ship has not been proceeded against or, if proceeded against, adjudicated not liable to forfeiture, if the court is satisfied that there were reasonable grounds for the seizure or detention.

(4) If the court is not satisfied it may award costs and damages to the party aggrieved and make such other order as the court thinks just.

(5) In this section, “court” means the Supreme Court of the Falkland Islands.
[Merchant Shipping Act 1995 (UK), s. 7]

PART 3 –REGISTRATION REQUIREMENTS

13. General - keeping of register

(1) There will continue to be a register of British ships at Stanley for all registrations of British ships in the Falkland Islands.

(2) Subject to subsection (3), the register must be maintained by the Registrar.

(3) The Governor may designate any person to discharge, on behalf of the Registrar, all or some of the Registrar’s functions as registrar of ships as the Governor may direct.

(4) The Governor may give the Registrar directions of a general nature as to the discharge of any of the Registrar’s functions.

(5) The register referred to under subsection (1) must be so constituted as to distinguish, in a separate part, registration of fishing vessels and may otherwise be divided into parts so as to distinguish between classes or descriptions of ships.

(6) The register must be maintained in accordance with —

- (a) the registration regulations;
- (b) the private law provisions for registered ships; and
- (c) any directions given by the Governor under subsection (4).

(7) The register must be available for public inspection.

(8) Any document purporting to be a copy of any information contained in an entry in the register and certified as a true copy by the Registrar is evidence of the matters stated in the document.

[Merchant Shipping Act 1995 (UK), s. 8]

14. Registration of ships in the Falkland Islands as British ships: basic provisions

(1) Subject to the provisions of this Part, a ship is entitled, upon an application for registration in respect of it being duly made, to be registered in the register of British ships at Stanley if —

- (a) it is owned, to the prescribed extent, by persons qualified to own British ships; and
- (b) such other conditions as are prescribed under subsection (2)(b) are satisfied.

(2) The Governor must by regulations (to be known as “registration regulations”) —

(a) determine —

(i) the persons who are qualified to be owners of British ships and prescribe the extent of the ownership required for compliance with subsection (1)(a);

(ii) British ships of any class or description which can be registered in the register of British ships at Stanley (that is to say, ships registered in the Falkland Islands as British ships); and

(b) prescribe other requirements designed to secure that, taken into account with the requisite ownership, only ships having a Falkland Islands connection are registered in that register.

(3) Notwithstanding subsection (2)(b), vessels owned by the British Atlantic Survey are deemed to have a Falkland Islands connection.

(4) Notwithstanding any provision of the registration regulations, the Registrar may, if the Governor so directs, refuse to register or terminate the registration of a ship.

(5) The Governor may give a direction under subsection (4) if he or she is satisfied that having regard to any requirements of this Ordinance or of any law of the Falkland Islands it would be appropriate for the ship to be or, as the case may be, to remain registered.

(6) Subject to subsection (7), where a ship becomes registered at a time when it is already registered in a country outside the Falkland Islands, the owner must take all reasonable steps to secure the termination of the ship's registration in the other country as provided for under the law of that country.

(7) Subsection (6) does not apply to a ship which becomes registered on a transfer of registration to the register from the United Kingdom or a relevant British possession.

(8) Any person who contravenes subsection (6) commits an offence and is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(9) In this section, "relevant requirement" in relation to this Ordinance and any other law of the Falkland Islands means —

(a) in relation to any ship —

(i) the requirements as to the condition of ships or their equipment so far as relevant to their safety or any risk of pollution; and

(ii) the requirements as to the safety, health and welfare of persons employed or engaged in the ships; and

(b) in relation to a fishing vessel, additionally, the requirements in relation to the possession of or compliance with the conditions of a licence in relation to any fishing operations carried on by the fishing vessel in respect of which a licence is required to be held and, compliance in respect of the vessel with any conservation measures imposed by or under any law of the Falkland Islands or required by any such law to be complied with.

(10) In this Part, references to a ship having a Falkland Islands connection are references to compliance with the conditions of entitlement imposed by subsection (1)(a) and (b) and "declaration of Falkland Islands connection" is to be construed accordingly.

[Merchant Shipping Act 1995 (UK), s. 10]

15. Registration regulations

(1) The Governor must by registration regulations make provision for and in connection with the registration of ships in the Falkland Islands as British ships as provided for under section 14.

(2) Without prejudice to the generality of subsection (1), registration regulations may, in particular, make provision with respect to any of the following matters —

(a) the person by whom and the manner in which applications in connection with registration are to be made;

(b) the information and evidence (including declarations of Falkland Islands connection) to be provided in connection with such applications and any supplementary information or evidence as may be required by the Authority;

(c) the shares in the property in, and the number of owners (including joint owners) of, a ship permitted for the purposes of registration and the persons required or permitted to be registered in respect of a ship or to be so registered in specified circumstances;

(d) the issue of certificates (including provisional certificates) of registration, their production and surrender;

(e) restricting and regulating the names of ships registered or to be registered;

(f) the marking of ships registered or to be registered, including marks for identifying Stanley as the port to which the ship is to be treated as belonging;

(g) the period for which registration is to remain effective without renewal;

(h) the production to the Registrar of declarations of Falkland Islands connection or other information relating to that, as respects registered ships, at specified intervals or at the Registrar's request;

(i) the survey and inspection of ships registered or to be registered and the recording of their tonnage as ascertained (or re-ascertained) under the tonnage regulations;

(j) the refusal, suspension and termination of registration in specified circumstances;

(k) matters arising out of the expiration, suspension or termination of registration (including the removal of marks and the cancellation of certificates);

(l) the charging of fees in connection with registration or registered ships;

(m) the transfer of the registration of ships to and from the register from and to registers or corresponding records in countries other than the Falkland Islands;

(n) inspection of the register; and

(o) any other matter which is authorised or required by this Part to be prescribed in registration regulations.

(3) Registration regulations —

(a) may make different provision for different classes or descriptions of ships and for different circumstances;

(b) may without prejudice to paragraph (a), make provision for the granting of exemptions or dispensations by the Governor from specified requirements of the regulations, subject to such conditions (if any) as the Governor thinks fit to impose;

(c) may make such transitional, incidental or supplementary provision as appears to the Governor to be necessary or expedient, including provision authorising investigations and conferring powers of inspection for verifying the Falkland Islands connection of a ship;

(d) may make provision for the registration of any class or description of ships to be such as to exclude the application of the private law provisions for registered ships and, if they do, may regulate the transfer, transmission or mortgaging of ships of the class or description so excluded;

(e) may make provision for any matter which is authorised or required by provisions made under paragraph (d) to be prescribed by registration regulations;

(f) must make provision precluding notice of any trust being entered in the register or being receivable by the Registrar except as respects specified classes or descriptions of ships or in specified circumstances;

(g) may create offences subject to the limitation that no offence so created is punishable by imprisonment for a term exceeding six months or by a fine exceeding level 7 on the scale set out in Schedule 7, or both;

(h) may provide for —

(i) the approval of forms by the Governor;

(ii) the discharge of specified functions by specified authorities or persons;

(i) may provide for any of their provisions to extend to places outside the Falkland Islands; or

(j) may provide that any reference in any other United Kingdom Act or Ordinance or in any instrument made under any United Kingdom Act or Ordinance to the port of registry or to the port to which the ship belongs must be construed as a reference to the port of registry identified by the marks required by the registration regulations.

[Merchant Shipping Act 1995 (UK), s. 10]

16. Status of certificate of registration

A certificate of registration for a ship registered in accordance with this Part and issued under the registration regulations made under section 15(2)(d) must only be used for the lawful navigation of the ship, and can not be the subject of detention to secure any private right or claim.

[Merchant Shipping Act 1995 (UK), s. 13]

Tonnage of ships

17. Requirement to ascertain tonnage of ships

(1) The tonnage of any ship to be registered under this Part must be ascertained in accordance with regulations made by the Governor (to be known as “tonnage regulations”).

(2) Tonnage regulations may —

(a) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;

(b) make any regulation dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;

(c) prohibit or restrict the carriage of goods stored in spaces not included in the registered tonnage and may provide for making the master and the owner each liable to a fine not exceeding level 3 on the scale set out in Schedule 7 where such prohibition or restriction is contravened.

[Merchant Shipping Act 1995 (UK), s. 19]

18. Tonnage ascertained for registration to be tonnage of ship

(1) When the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations that tonnage must be treated as the tonnage of the ship except so far as registration regulations provide, in specified circumstances, for the ship to be re-measured and the register amended accordingly.

[Merchant Shipping Act 1995 (UK), s. 11]

(2) Where an Order in Council has been made under section 12 of the Act in relation to ships of a foreign country, the Governor must make an order providing that the ships of that foreign country, without being re-measured in the Falkland Islands must be treated as being of the tonnage denoted by the ships' certificates of registration or other national papers, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registration of a Falkland Islands ship as being the tonnage of that ship.

(3) The Governor may amend an order made under subsection (2) whenever an Order in Council is made in relation to the ships of a foreign country as is authorised by section 12 of the Act.

19. Tonnage regulations

(1) Tonnage regulations may make provision —

(a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can be safely loaded;

(b) for indicating on the ship, by such mark as may be specified in the regulations, that such lower tonnage has been assigned to it; and

(c) where the lower tonnage has been assigned to it as an alternative, for indicating on the ship the depth to which the ship may be loaded for the lower tonnage to be applicable.

(2) Tonnage regulations may provide for the measurement and survey of ships to be undertaken, in such circumstances as may be prescribed in the regulations, by persons appointed by such organisations as may be authorised for the purpose by the Governor.

(3) Tonnage regulations may provide for the issue, by the Governor or by a person appointed by such organisations as may be authorised for the purpose by the Governor, of certificates of the registered tonnage of any ship or of the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the Falkland Islands, and for the cancellation and delivery up of such certificates in such circumstances as may be prescribed by the regulations.

(4) Regulations requiring the delivery up of any certificate may make failure to comply with the requirements an offence punishable with a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 19]

20. Offences in relation to a ship's British ownership and Falkland Islands connection

(1) Any person who, in relation to any matter relevant to the British ownership or Falkland Islands connection of a ship —

(a) makes to the Registrar a statement which the person knows to be false or recklessly makes a statement which is false; or

(b) furnishes to the Registrar information which is false,

commits an offence.

(2) If at any time there occurs, in relation to a registered ship, any change affecting the British ownership of the ship or any change affecting the Falkland Islands connection of the ship, the owner must, as soon as practicable after the change occurs, notify the registrar of that change, and if the owner fails to do so he or she commits an offence.

(3) Any person who intentionally alters, suppresses, conceals or destroys a document which contains information relating to the British ownership of the ship or the Falkland Islands connection of the ship and which the person has been required to produce to the Registrar in pursuance of registration regulations commits an offence.

(4) A person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or a fine not exceeding level 11 on the scale set out in Schedule 7, or both.

(5) This section applies to things done outside, as well as to things done within, the Falkland Islands.

[Merchant Shipping Act 1995 (UK), s. 14]

21. Supplementary provisions as respects fishing vessels

(1) The skipper, owner and charterer of a fishing vessel that is being or has been used in the course of fishing for profit in Falkland Islands waters each commits an offence if that fishing vessel —

(a) is entitled to be registered in the Falkland Islands;

(b) is wholly owned by persons who under this Ordinance are qualified to be owners of ships registered in the Falkland Islands in the part of the register relating to fishing vessels; and

(c) is not registered either under —

(i) this Ordinance in the part of the register relating to fishing vessels of the law of any country outside the Falkland Islands; or

(ii) the law of any country outside the Falkland Islands.

(2) Where an offence under subsection (1) is committed, the fishing vessel involved is liable to forfeiture.

(3) Subsections (1) and (2) do not apply to fishing vessels of such classes or descriptions in such circumstances as may be specified in regulations made by the Governor.

(4) If the skipper or owner of a fishing vessel which is not registered in the Falkland Islands does anything, or permits anything to be done, for the purpose of permitting the vessel to appear to be a vessel registered in the Falkland Islands, then, subject to subsection (5), the vessel is liable to forfeiture and the skipper, the owner and the charterer each commits an offence.

(5) Any marks prescribed by registration regulations to be displayed on a fishing vessel will cease to be valid and must be disregarded for purposes of subsection (3) within the period of 14 days from the date of termination of the registration of that fishing vessel.

(6) Any person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or to a fine not exceeding level 11 on the scale set out in Schedule 7, or both.

(7) This section applies to things done outside, as well as things done within, the Falkland Islands.

[Merchant Shipping Act 1995 (UK), s. 15]

22. Private law provisions for registered ships and liability of owner

(1) Schedule 1 (which makes provision relating to the title to, and the registration of mortgages over, ships) has effect.

(2) Schedule 1 does not apply in relation to ships which are excluded from its application by registration regulations under paragraphs (d) to (f) of section 9(3).

(3) Where any person is beneficially interested, otherwise than as a mortgagee, in any ship or in any share in a ship registered in the name of some other person as owner, the person so interested, as well as the registered owner, is liable to any penalties imposed by or under this or any other Ordinance, or any United Kingdom Act, on the owners of registered ships.

(4) Where the registration of any ship terminates by virtue of any provision of registration regulations, the termination of that registration must not affect any entry made in the register so far as relating to any undischarged registered mortgage of that ship or of any share in it.

(5) In this Part, “the private law provisions for registered ships” means the provisions of Schedule 1 and registration regulations made for the purposes of that Schedule or the provisions of registration regulations made under section 15(3)(d).

[Merchant Shipping Act 1995 (UK), s. 16]

Ships on bareboat charter

23. Ships bareboat chartered by British or Falkland Islands charterers

(1) This section applies to any ship which is —

(a) registered under the law of a country other than the Falkland Islands whose merchant shipping law is compatible with this Ordinance (“the country of original registration”);

(b) chartered on bareboat charter to a charterer who is a person qualified to own a British ship or register the ship in the Falkland Islands; and

(c) so chartered in circumstances where the conditions of entitlement to registration prescribed under section 14(2)(b), read with the requisite modifications, are satisfied in respect of the charterer and the ship.

(2) The “requisite modifications” of those conditions are the substitution for any requirement to be satisfied by or as respects the owner of a ship of a corresponding requirement to be satisfied by or as respects the charterer of the ship.

(3) A ship to which this section applies is entitled to be registered if an application for registration is duly made, but section 14(3) applies also in relation to registration by virtue of this section.

(4) The registration of a ship registered by virtue of this section remains in force (unless terminated earlier by virtue of registration regulations and subject to any suspension under the registration regulations) until the end of the charter period and terminates by virtue of this subsection.

(5) Section 14(5) does not apply in relation to a ship registered by virtue of this section but registration regulations must include provision for securing that the authority responsible for the registration of ships in the country of original registration is notified of the registration of the

ship and of the termination of its registration whether by virtue of subsection (4) or registration regulations.

(6) During the period for which the ship is registered by virtue of this section —

(a) the ship is, as a British ship, entitled to fly the British flag as specified in section 7;

(b) this Ordinance applies, subject to subsections (7) and (8), to the ship as a British ship or as a Falkland Islands registered ship as it applies to other British ships and to Falkland Islands registered ships; and

(c) any other enactment applicable to British ships or ships registered under this Ordinance apply, subject to subsection (8), to the ship as a British ship or as a Falkland Islands registered ship.

(7) The private law provisions for registered ships set out in Schedule 1 do not apply to a ship registered by virtue of this section and any matters or questions corresponding to those for which the private law provisions for registered ships make provision must be determined by reference to the law of the country of original registration.

(8) The Governor may, subject to subsection (9), by Order provide that any enactment falling within subsection (6)(b) or (c) must not have effect —

(a) in accordance with that subsection in relation to a ship registered by virtue of this section; or

(b) subject to such modifications (if any) as may be specified in the Order.

(9) Provision must not be made by an Order under subsection (8) which would have the effect of relaxing the relevant requirements of this Ordinance (as defined in section 8(8)) in their application to a ship to which this section applies.

(10) An Order under subsection (8) may make such transitional, incidental or supplementary provision as appears to the Governor to be necessary or expedient (including provision divesting or providing for the divestment or ownership in the ship).

(11) In this section —

“bareboat charter terms” in relation to a ship, means the hiring of the ship for a stipulated period on terms which give the charter possession and control of the ship, including the right to appoint the master and crew; and

“the charter period” means the period during which the ship is chartered on bareboat charter terms.

[Merchant Shipping Act 1995 (UK), s. 17]

24. Proceedings on the forfeiture of a ship

Section 16 applies in relation to ships or shares in ships which become liable to forfeiture under this Part as it applies in relation to ships or shares in ships which become liable to forfeiture under Part 2.

[Merchant Shipping Act 1995 (UK), s. 20]

25. Disclosure of information relating to registration

(1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) precludes any Falkland Islands government department or public officer from disclosing to —

(a) the Governor;

(b) the Registrar; or

(c) any public officer authorised by the Governor to request or receive the same,

information for the purpose of the performance of any functions of the Governor or of the Registrar under this Part.

(2) Information obtained by any person in pursuance of subsection (1) must not be disclosed by the person to any other person except where the disclosure is made —

(a) to a person to whom the information could have been disclosed in accordance with subsection (1); or

(b) for the purpose of any legal proceedings arising out of this Part.

[Merchant Shipping Act 1995 (UK), s. 21]

PART 4 – MASTERS AND SEAFARERS

Application of Part

26. Application of this Part

(1) With the exceptions specified in subsection (2), this Part applies only to ships which are sea-going ships and to masters and seafarers employed in sea-going ships.

(2) The exceptions referred to under subsection (1) are sections 46, 49 to 55, 57, 58, 61, and 64 to 71.

(3) This Part applies subject to the following —

(a) sections 32 and 34 do not apply to fishing vessels; and

(b) sections 115 and 117 apply to fishing vessels, subject to the modifications made in those sections.

[Merchant Shipping Act 1995 (UK), s. 24]

27. Interpretation

(1) In this Part —

“crew agreement” has the meaning given to it by section 28(2);

“relief and maintenance” includes the provision of surgical or medical treatment and such dental and optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency; and

“ship’s boat” includes a life-raft.

(2) References in this Part to going to sea include references to going to sea from any country outside the Falkland Islands.

(3) For the purposes of this Part, a seafarer is discharged from a ship when the seafarer’s employment in that ship is terminated.

(4) For the purposes of this Part a seafarer discharged from a ship in any country and left there is deemed to be left behind in that country despite that the ship also remains there.

(5) Any power conferred by this Part to provide for or grant an exemption includes power to provide for or grant the exemption subject to conditions.

[Merchant Shipping Act 1995 (UK), s. 84]

Engagement and discharge of crews

28. Crew agreements

(1) Except as provided under subsection (5), any person who employs a person to work as a seafarer in a ship registered in the Falkland Islands must enter into an agreement in writing with that person and the agreement must be signed by both parties.

(2) The agreements made under this section with the several persons employed in a ship as seafarers must be contained in one document (in this Part referred to as a crew agreement) except that, in such cases as the Governor may approve —

(a) the agreements to be made under this section with seafarers may be contained in more than one crew agreement; and

(b) one crew agreement may relate to more than one ship.

(3) The provisions and form of a crew agreement must be of a kind approved by the Governor; and different provisions and forms may be approved for different circumstances.

(4) Subject to subsections (5), (6) and (7), a crew agreement must be carried in the ship to which it relates whenever the ship goes to sea.

(5) The Governor may make regulations providing for exemptions from the requirements of this section —

(a) with respect to such descriptions of ship as may be specified or with respect to voyages in such areas or such description of voyages as may be so specified; or

(b) with respect to such descriptions of seafarers as may be specified, and the Governor may grant other exemptions from those requirements (whether with respect to particular seafarers or with respect to seafarers employed by a specified person or in a specified ship or in the ships of a specified person) in cases where the Governor is satisfied that the seafarers to be employed otherwise than under a crew agreement will be adequately protected.

(6) Any ship that is exempted by the Governor from carrying a crew agreement under this section must carry a document which shows that it has been exempted (in this Part referred to as an “exemption document”).

(7) Regulations made under this section may —

(a) enable ships required under this section to carry a crew agreement to comply with the requirement by carrying a copy of it, certified in such manner as may be provided by the regulations; and

(b) specify the form of the exemption document.

(8) If a ship goes to sea or attempts to go to sea in contravention of the requirements of this section the master or the person who employs the crew commits an offence and is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7 and the ship, if in the Falkland Islands, may be detained.

[Merchant Shipping Act 1995 (UK), s. 25]

29. Regulations relating to crew agreements

(1) The Governor may make regulations —

(a) requiring such notice as may be specified in the regulations to be given to a superintendent or proper officer, except in such circumstances as may be specified, before a crew agreement is made or an agreement with any person is added to those contained in a crew agreement;

(b) providing for the delivery to a superintendent, proper officer or the Registrar of crew agreements and agreements added to those contained in a crew agreement and of copies of crew agreements and of agreements so added;

(c) providing for the requirement to —

(i) post in ships copies of, or extracts from crew agreements;

(ii) supply to any crew member requesting such, copies of, or extracts from crew agreements;

(iii) present for inspection copies of or extracts from documents referred to in crew agreements to be made available, in such circumstances as may be specified in the regulations, for inspection by members of the crew; and

(iv) produce to a customs officer any documents carried in a ship in pursuance of this Ordinance.

(2) Regulations made under this section may provide that contravention of any provision of the regulations is an offence punishable, on conviction, by a fine not exceeding level 3 on the scale set out in Schedule 7 or such less amount as may be specified in the regulations.

[Merchant Shipping Act 1995 (UK), s. 26]

30. Discharge of seafarers

(1) The Governor may make regulations prescribing the procedure to be followed in connection with the discharge of seafarers from ships registered in the Falkland Islands.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision —

(a) requiring notice of such a discharge to be given, at such time as may be specified in the regulations, to the superintendent or proper officer at a place specified in or determined under the regulations;

(b) requiring such a discharge to be recorded, whether by entries in the crew agreement and discharge book or otherwise, and requiring copies of any such entry to be given to a superintendent or proper officer or the Registrar.

(3) Regulations under this section may provide that in such cases as may be specified in the regulations, or except in such cases as may be specified in or determined under the regulations, a seafarer must not be discharged outside the Falkland Islands from a ship registered in the Falkland Islands without the consent of the proper officer.

(4) Regulations made under this section may make a contravention of any provision of those regulations an offence punishable, on conviction, with a fine not exceeding level 3 on the scale set out in Schedule 7 or such less amount as may be specified in the regulations.

[Merchant Shipping Act 1995 (UK), s. 27]

31. Seafarers left behind abroad otherwise than on discharge

Regulations made under section 30 may apply any provision of that section, with such modifications as appear to the Governor to be appropriate, to cases where a seafarer employed in a Falkland Islands ship is left behind outside the Falkland Islands otherwise than on being discharged from the ship.

[Merchant Shipping Act 1995 (UK), s. 28]

32. Discharge of seafarers when ship ceases to be registered in the Falkland Islands

Where a ship registered in the Falkland Islands ceases to be so registered, any seafarer employed in the ship must be discharged from the ship unless the seafarer consents in writing to continue his or her employment in the ship; and sections 33 to 36 apply in relation to the seafarer's wages as if the ship had remained registered in the Falkland Islands.

[Merchant Shipping Act 1995 (UK), s. 29]

Wages etc.

33. Payment of seafarers' wages

(1) Where a seafarer employed under a crew agreement relating to a ship registered in the Falkland Islands leaves the ship on being discharged from it, then, except as provided by or under this Part or any other enactment, the wages due to the seafarer under the agreement must either —

(a) be paid to the seafarer in full at the time when the seafarer so leaves the ship (in this section and in section 34 referred to as the "time of discharge"); or

(b) be paid to the seafarer in accordance with subsections (4) and (5).

(2) If the amount shown in the account delivered to a seafarer under section 34(1) as being the amount payable to the seafarer under subsection (1)(a) is —

(a) replaced by an increased amount shown in a further account delivered to the seafarer under section 34(3), the balance must be paid to the seafarer within seven days of the time of discharge; and

(b) if the amount so shown in the account delivered to the seafarer under section 34(1) exceeds £50 and it is not practicable to pay the whole of it at the time of discharge, not less than £50 nor less than one-quarter of the amount so shown must be paid to the seafarer at that time and the balance within seven days of that time.

(3) If any amount which, under subsection (1)(a) or (2), is payable to a seafarer is not paid at the time at which it is payable, the seafarer is entitled to wages at the rate last payable under the crew agreement for every day on which it remains unpaid during the period of 56 days following the time of discharge; and if any such amount or any amount payable by virtue of this subsection remains unpaid after the end of that period it carries interest at the rate of 20 per cent per annum.

(4) Where the crew agreement referred to in subsection (1) provides for the seafarer's basic wages to be payable up-to-date at specified intervals not exceeding one month, and for any additional amounts of wages to be payable within the pay cycle following that to which they relate, any amount of wages due to the seafarer under the agreement must (subject to subsection (5)) be paid to the seafarer not later than the date on which the next payment of the seafarer's basic wages following the time of discharge would have fallen due if the seafarer's employment under the agreement had continued.

(5) If it is not practicable, in the case of any amount due to the seafarer by way of wages additional to the seafarer's basic wages, to pay that amount by the date mentioned in subsection (4), that amount must be paid to the seafarer not later than what would have been the last day of the pay cycle immediately following that date if the seafarer's employment under the crew agreement had continued.

(6) If any amount which, under subsection (4) or (5), is payable to a seafarer is not paid at the time at which it is so payable, it carries interest at the rate of 20 per cent per annum.

(7) The provisions of subsection (3) or (6) do not apply if the failure to pay was due to —

(a) a mistake;

(b) a reasonable dispute as to liability;

(c) the act or default of the seafarer; or

(d) any other cause, not being the wrongful act or default of the persons liable to pay the seafarer's wages or of their servants or agents,

and so much of those provisions as relates to interest on the amount due does not apply if a court in proceedings for its recovery so directs.

(8) Where a seafarer is employed under a crew agreement relating to more than one ship this section has effect, in relation to wages due to the seafarer under the agreement, as if for any reference to the time of discharge there were substituted a reference to the termination of the seafarer's employment under the crew agreement.

(9) Where a seafarer, by virtue of section 32, is discharged from a ship outside the Falkland Islands but returns to the Falkland Islands under arrangements made by the persons who employed the seafarer, this section has effect, in relation to the wages due to the seafarer under a crew agreement relating to the ship, as if for the references in subsections (1) to (4) to the time of discharge there were substituted references to the time of the seafarer's return to the Falkland Islands, and subsection (8) were omitted.

(10) For the purposes of this section any amount of wages must, if not paid to the seafarer in cash, be taken to have been paid to the seafarer —

(a) on the date when a cheque, or a money or postal order issued by the Post Office company (within the meaning of the Post Office Ordinance 1898, if that amount was despatched by the recorded delivery service to the seafarer's last known address; or

(b) on the date when any account kept by the seafarer with a bank or other institution was credited with that amount.

[Merchant Shipping Act 1995 (UK), s. 30]

34. Account of seafarers' wages

(1) Subject to subsections (4) and (5) and to regulations made under section 35 or 75, the master of every ship registered in the Falkland Islands must deliver to every seafarer employed in the ship under a crew agreement an account of the wages due to the seafarer under that crew agreement and of the deductions subject to which the wages are payable.

(2) The account must indicate whether the amounts stated are subject to any further adjustments that may be found necessary and must be delivered not later than 24 hours before the time of discharge or, if the seafarer is discharged without notice or at less than 24 hours' notice, at the time of discharge.

(3) If the amounts stated in the account require adjustment the employer (persons who employed the seafarer) must deliver to the seafarer a further account stating the adjusted amounts; and that account must be delivered not later than the time at which the balance of the seafarer's wages is payable to the seafarer.

(4) Where section 33(4) or (5) applies to the payment of any amount of wages due to a seafarer under a crew agreement —

(a) the employer (persons who employed the seafarer) must deliver to the seafarer an account of the wages payable to the seafarer under that subsection and of the deductions subject to which the wages are payable;

(b) any such account must be delivered at the time when the wages are paid to the seafarer; and

(c) subsections (1) to (3) do not apply,

and section 33(10) applies for the purposes of this subsection as it applies for the purposes of that section.

(5) Where a seafarer is employed under a crew agreement relating to more than one ship, any account which under this section would be required to be delivered to the seafarer by the master must, instead be delivered to the seafarer by the persons employing the seafarer and must, be delivered on or before the termination of the seafarer's employment under the crew agreement.

(6) If a person fails without reasonable excuse to comply with this section the person is liable, on conviction, to a fine not exceeding level 2 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 31]

35. Regulations relating to wages and accounts

The Governor may make regulations —

(a) authorising deductions to be made from the wages due to a seafarer under a crew agreement (in addition to any authorised by any provision of this Part or of any other enactment for the time being in force) in cases where a breach of the seafarer's obligations

under the agreement is proved against the seafarer and such conditions, if any, as may be specified in the regulations are complied with, or in such other cases as may be specified in the regulations;

(b) regulating the manner in which any amounts deducted under the regulations are to be dealt with;

(c) prescribing the manner in which wages due to a seafarer under a crew agreement are to be or may be paid;

(d) regulating the manner in which such wages are to be dealt with and accounted for in circumstances where a seafarer leaves the ship from which the seafarer is employed in the Falkland Islands otherwise than on being discharged from it; or

(e) prescribing the form and manner in which any account required to be delivered by section 34 is to be prepared and the particulars to be contained in the form (which may include estimated amounts).

[Merchant Shipping Act 1995 (UK), s. 32]

36. Power of superintendent or proper officer to decide disputes about wages

(1) Any dispute relating to the amount payable to a seafarer employed under a crew agreement may be submitted by the parties to a superintendent or proper officer for decision.

(2) The superintendent or proper officer is not bound to accept a dispute submitted to him or her under subsection (1) where he or she is of the opinion that the dispute, whether by reason of the amount involved or for any other reason, ought not to be decided by him or her.

(3) The decision of a superintendent or proper officer on a dispute submitted to him or her under this section is final.

[Merchant Shipping Act 1995 (UK) s. 33]

37. Restriction on assignment of and charge upon wages

(1) As respects the wages due or accruing to a seafarer employed in a ship registered in the Falkland Islands —

(a) the wages are not subject to attachment;

(b) an assignment of the wages before they have accrued does not bind the seafarer and the payment of the wages to the seafarer is valid notwithstanding any previous assignment or charge; and

(c) a power of attorney or authority for the receipt of the wages is not irrevocable.

(2) Nothing in this section affects the provisions of sections 39 and 40 with respect to allotment notes.

(3) Nothing in this section applies to any disposition relating to the application of wages —

(a) in the payment of contributions to a fund declared by regulations made by the Governor to be a fund to which this section applies; or

(b) in the payment of contributions in respect of the membership of a body declared by regulations made by the Governor to be a body to which this section applies; or

(c) to anything done or to be done for giving effect to such a disposition.

[Merchant Shipping Act 1995 (UK), s. 34]

38. Power of court to award interest on wages due otherwise than under crew agreement

In any proceedings by the master of a ship or a person employed in a ship otherwise than under a crew agreement for the recovery of any sum due to that person as wages the court, unless it appears to it that the delay in paying the sum was due to —

(a) a mistake;

(b) a reasonable dispute as to liability;

(c) the act or default of the person claiming the amount; or

(d) any other cause, not being the wrongful act or default of the persons liable to make the payment or their servants or agents,

may order them to pay, in addition to the sum due, interest on it at the rate of 20 per cent per annum or such lower rate as the court may specify, for the period beginning seven days after the sum became due and ending when the sum is paid.

[Merchant Shipping Act 1995 (UK), s. 35]

39. Allotment notes

(1) Subject to this section, a seafarer may, by means of an allotment note issued in accordance with regulations made by the Governor, allot to any person or persons part of the wages to which the person or persons will become entitled in the course of the seafarer's employment in a ship registered in the Falkland Islands.

(2) A seafarer's right to make an allotment under this section is subject to such limitations as may, by virtue of this section, be imposed by regulations made by the Governor.

(3) Regulations made by the Governor for the purposes of this section may prescribe the form of allotment notes and may —

(a) limit the circumstances in which allotments may be made;

(b) limit (whether by reference to an amount or by reference to a proportion) the part of the wages that may be allotted and the number of persons to whom the wages may be allotted to and may prescribe the method by which that part of the wages is to be calculated;

(c) limit the persons to whom allotments may be made by a seafarer to persons of such descriptions or persons standing to the seafarer in such relationships as may be prescribed by the regulations; or

(d) prescribe the times and the intervals at which payments under allotment notes are to be made.

(4) Regulations under this section may make different provision in relation to different descriptions of seafarers and different circumstances relating to the seafarers.

[Merchant Shipping Act 1995 (UK), s. 36]

40. Right of person named in allotment to sue in own name

(1) A person to whom any part of a seafarer's wages has been allotted by an allotment note issued in accordance with regulations made under section 39 has the right to recover that part in the person's own name and for that purpose has the same remedies as the seafarer has for the recovery of his or her wages.

(2) In any proceedings brought by a person named in such an allotment note as the person to whom any part of a seafarer's wages has been allotted it must be presumed, unless the contrary is shown, that the seafarer is entitled to the wages specified in the note and that the allotment has not been varied or cancelled.

[Merchant Shipping Act 1995 (UK), s. 37]

41. Right, or loss of right, to wages in certain circumstances

(1) Where a ship registered in the Falkland Islands is wrecked or lost and a seafarer whose employment in the ship is as a result terminated before the date contemplated in the agreement under which the seafarer is employed, the seafarer is, subject to subsection (3), entitled to wages at the rate payable under the agreement at the date of the wreck or loss for every day on which the seafarer is unemployed in the two months following that date.

(2) Where a ship registered in the Falkland Islands is sold while outside the Falkland Islands or ceases to be registered in the Falkland Islands and a seafarer's employment in the ship is as a result terminated before the date contemplated in the agreement under which the seafarer is employed, then, unless it is otherwise provided in the agreement, the seafarer is, subject to subsection (3), entitled to wages at the rate payable under the agreement at the date on which the seafarer's employment is terminated for every day on which the seafarer is unemployed in the two months following that date.

(3) A seafarer is not entitled to wages by virtue of subsection (1) or (2) for a day on which the seafarer was unemployed, if it is shown —

(a) that the unemployment was not due to the wreck or loss of the ship or, as the case may be, the termination of the seafarer's employment on the sale of the ship or its ceasing to be registered in the Falkland Islands; or

(b) that the seafarer was able to obtain suitable employment for that day but unreasonably refused or failed to take it.

(4) This section applies to a master as it does to a seafarer.

[Merchant Shipping Act 1995 (UK), s. 38]

42. Protection of certain rights and remedies

(1) A seafarer's lien, remedies for the recovery of wages, right to wages in case of the wreck or loss of a ship on which the seafarer is employed, and any right the seafarer may have or obtain in the nature of salvage is not capable of being renounced by any agreement.

(2) Subsection (1) does not affect the terms of any agreement made with the seafarer belonging to a ship which, in accordance with the agreement, is to be employed on salvage service, that provide for the remuneration to be paid to the seafarer for salvage services rendered by that ship.

[Merchant Shipping Act 1995 (UK), s. 39]

43. Claims against seafarer's wages for maintenance, etc. of dependants

(1) Where, during a seafarer's employment in a ship, expenses are incurred by a responsible authority for the benefit of any dependant of the seafarer and the expenses are of a kind specified in regulations under this section and such further conditions, if any, as may be so specified are satisfied, the authority may by notice in writing complying with the regulations require the persons employing the seafarer —

(a) to retain for a period specified in the notice such proportion of his net wages as may be so specified; and

(b) to give to the responsible authority, as soon as may be practicable, notice in writing of the seafarer's discharge from the ship;

and the persons employing the seafarer must comply with the notice (subject to subsection (3)) and give notice in writing of its contents to the seafarer.

(2) For the purposes of this section —

(a) the following persons, and no others, must be taken to be a seafarer's dependants, that is to say, the seafarer's spouse and any person under the age of 19 whom the seafarer is liable, for the purposes of any enactment in any part of the Falkland Islands, to maintain or in respect of whom the seafarer is liable under any such enactment to make contributions to the Authority; and

(b) expenses incurred for the benefit of any person include (in addition to any payments made to the seafarer or on the seafarer's behalf) expenses incurred for providing the seafarer with accommodation or care or for exercising supervision over the seafarer,

but no expenses are permitted to be specified in regulations made under this section unless they are such that the magistrate's court has power under any enactment in force in the Falkland Islands to order the making of payments in respect of those expenses.

(3) Not more than the following proportion of a seafarer's net wages is permitted to be retained under subsection (1) (whether in pursuance of one or more notices) —

(a) one-half, if the notice or notices relate to one dependant only; or

(b) two-thirds, if the notice or notices relate to two or more dependants.

(4) Where the Authority has served a notice under this section on the persons employing a seafarer, a magistrate's court may, on the application of the authority, make an order for the payment to the Authority of such sum, not exceeding the proportion of the seafarer's wages which those persons were required by virtue of this section to retain, as the court thinks fit, having regard to the expenses incurred by the Authority and the seafarer's means.

(5) Any sums paid out of a seafarer's wages in pursuance of an order under this section must be deemed to be paid to the seafarer in respect of the seafarer's wages; and the service, on the persons who employed the seafarer, of such an order or of an order dismissing an application for such an order terminates the period for which they were required to retain the wages.

(6) An application for an order under this section for the payment of any sum by the persons who employed a seafarer must be deemed, for the purposes of any proceedings, to be an application for an order against the seafarer; but the order, when served on those persons, must have effect as an order against them and may be enforced accordingly.

(7) The relevant provisions of the Maintenance Orders Act 1958 as it applies to the Falkland Islands have effect as if an order under this section were included among those referred to in the Act as it applies in the Falkland Islands; and any sum payable by any persons under an order made under this section in the Falkland Islands is recoverable from them as a debt due to the Authority on whose application the order was made.

(8) Any notice or order under this section may be served by registered post or recorded delivery service.

(9) The Governor may make regulations specifying —

(a) the expenses in respect of which a notice may be served by a responsible authority under subsection (1);

(b) any conditions that must be satisfied if such a notice is to be served;

(c) the period that may be specified in such a notice (being a period beginning with the service of the notice and ending a specified number of days after the seafarer's discharge from his or her ship);

(d) the form of the notice and the information to be contained in the notice; and

(e) the amounts to be deducted from a seafarer's wages in computing his or her net wages for the purposes of this section, including the amounts allotted by allotment notes issued under section 37.

(10) In this section "responsible authority" means the Governor or such other person or authority as the Governor may by order appoint under this section.

[Merchant Shipping Act 1995 (UK), s. 40]

44. Remedies of master for remuneration, disbursements and liabilities

The master of a ship has the same lien for his or her remuneration, and all disbursements or liabilities properly made or incurred by him or her on account of the ship, as a seafarer has for the seafarer's wages.

[Merchant Shipping Act 1995 (UK), s. 41]

Safety, health and welfare

45. Obligation of shipowners as to seaworthiness

(1) In every contract of employment between the owner of a ship registered in the Falkland Islands and the master of the ship, or any seafarer employed in the ship there must be implied an obligation on the owner of the ship that —

(a) the owner of the ship;

(b) the master of the ship; and

(c) every agent charged with —

(i) the loading of the ship;

(ii) the preparing of the ship for sea; or

(iii) the sending of the ship to sea,

must use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition for the voyage during the voyage.

(2) The obligation imposed by subsection (1) applies notwithstanding any agreement to the contrary.

(3) No liability on the owner of a ship arises under subsection (1) in respect of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

[Merchant Shipping Act 1995 (UK), s. 42]

46. Crew accommodation

(1) The Governor may make regulations with respect to the crew accommodation to be provided in ships registered in the Falkland Islands.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may, in particular —

(a) prescribe the minimum space per person which must be provided by way of sleeping accommodation for seafarers and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;

(b) regulate the position in the ship in which the crew accommodation or any part of that accommodation may be located and the standards to be observed in the construction, equipment and furnishing of any accommodation;

(c) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorise the surveyor to inspect any such works; and

(d) provide for the maintenance and repair of crew accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed.

(3) Regulations made under this section may make different provision with respect to different descriptions of ship or with respect to ships which were registered in the Falkland Islands at different dates or the construction of which was begun at different dates and with respect to crew accommodation provided for seafarers of different descriptions.

(4) Regulations made under this section may exempt ships of any description from any requirements of the regulations and the Governor may grant other exemptions from any such requirement with respect to any ship.

(5) Regulations under this section may require the master of a ship or any officer authorised by the master for the purpose to carry out inspections of the crew accommodation as may be prescribed by the regulations.

(6) If the provisions of any regulations under this section are contravened the owner or master is liable, on conviction, to a fine not exceeding level 5 on the scale set out in Schedule 7 and the ship, if in the Falkland Islands, may be detained.

(7) In this section —

“crew accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seafarers but does not include any accommodation which is also used by or provided for the use of passengers;

“surveyor of ships” means such person as the Governor may from time to time appoint to survey ships, and whose appointment may be on terms determined by the Governor.

[Merchant Shipping Act 1995 (UK), s. 43]

47. Complaints about provisions or water

(1) If three or more seafarers employed in a ship registered in the Falkland Islands consider that the provisions or water provided for the seafarers employed in that ship are not in accordance with safety regulations containing requirements as to the provisions and water to be provided on ships (whether because of bad quality, unfitness for use or deficiency in quantity) they may complain to the master, who must investigate the complaint.

(2) If the seafarers are dissatisfied with the action taken by the master as a result of the master’s investigation or by the master’s failure to take any action they may inform the master about —

(a) their dissatisfaction with the master’s decision; and

(b) their intention to complain to a superintendent or proper officer,

after which the master must make adequate arrangements to enable the seafarer to make the complaint as soon as the service of the ship permits.

(3) The superintendent or proper officer to whom a complaint has been made under this section must investigate the complaint and may examine the provisions or water or cause them to be examined.

(4) If the master fails without reasonable excuse to comply with the provisions of subsection (2), the master is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7 and if the master has been notified in writing by the person making an examination under subsection (3) that any provisions or water are found to be unfit for use or not of the quality required by the regulations, then —

(a) if they are not replaced within a reasonable time, the master or owner is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7 unless the master proves that the failure to replace them was not due to the master’s neglect or default; or

(b) if the master, without reasonable excuse after having been notified, permits them to be used the master is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 44]

48. Expenses of medical and other treatment during voyage

(1) If a person, while employed in a ship registered in the Falkland Islands, receives outside the Falkland Islands, any surgical or medical treatment or such dental or optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency, the reasonable expenses of that treatment must be borne by the person's employers.

(2) If a person dies while employed in a ship registered in the Falkland Islands and is buried or cremated outside the Falkland Islands, the expenses of the person's burial or cremation must also be borne by the person's employers.

(3) The reference in subsection (2) to dying in a ship includes a reference to dying in a ship's boat.

[Merchant Shipping Act 1995 (UK), s. 45]

Manning, qualifications, training and uniform

49. Application of sections 50 to 54

Sections 50 to 54 apply to every ship registered in the Falkland Islands and also to any ship registered outside the Falkland Islands which carries passengers —

(a) between places in the Falkland Islands; or

(b) on a voyage which begins and ends at the same place in the Falkland Islands and on which the ship calls at no place outside the Falkland Islands.

[Merchant Shipping Act 1995 (UK), s. 46]

50. Manning

(1) Subject to subsection (2), the Governor may make regulations —

(a) requiring ships to which this section applies to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seafarers or qualified seafarers of any description as may be specified in the regulations; or

(b) prescribing standards of competence to be attained and other conditions to be satisfied (subject to any exceptions allowed by or under the regulations) by officers and other seafarers of any description in order to be qualified for the purposes of this section.

(2) The Governor must not exercise his or her power to make regulations requiring ships to carry seafarers other than doctors and cooks except to the extent that it appears to him or her necessary or expedient in the interests of safety.

(3) Regulations made under this section may make different provision for different descriptions of ship or for ships of the same description in different circumstances.

(4) Without prejudice to the generality of subsection (1)(b), the conditions prescribed or specified under that paragraph may include conditions as to nationality, and regulations made for the purposes of that paragraph may make provision for —

- (a) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
- (b) the conduct of any examinations, the conditions for admission to the examinations and the appointment and remuneration of examiners; and
- (c) the issue, form and recording of certificates and other documents,

and different provisions may be so made or enabled to be made for different circumstances.

(5) If a person makes a statement which the person knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for that or another person a certificate or other document which may be issued under this section, the person is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 47]

51. Power to exempt from manning requirements

(1) The Governor may exempt any ship or description of ship from any of the requirements of regulations made under section 50.

(2) An exemption given under this section may be limited to a particular period or to one or more particular voyages.

[Merchant Shipping Act 1995 (UK), s. 48]

52. Prohibition of going to sea undermanned

(1) Subject to section 51, if a ship to which this section applies goes to sea or attempts to go to sea without carrying the officers and other seafarers as it is required to carry under section 50, the owner or master is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7; and the ship, if in the Falkland Islands, may be detained.

(2) This section, in its application to ships which are not sea-going ships, has effect as if for the words “goes to sea or attempts to go to sea” were substituted for the words “ goes on a voyage or excursion or attempts to do so” and the words “if in the Falkland Islands” were omitted.

[Merchant Shipping Act 1995 (UK), s. 49]

53. Production of certificates and other documents of qualification

(1) Any person serving or engaged to serve in any ship to which this section applies and holding any certificate or other document which is evidence that the person is qualified for the purposes of section 50 must on demand produce it to any superintendent, surveyor of ships or proper officer and (if the person so making the demand is not the master) to the master of the ship.

(2) If, without reasonable excuse, a person fails to comply with subsection (1) the person is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 50]

54. Crew's knowledge of English

(1) Where in the opinion of a superintendent or proper officer the crew of a ship to which this section applies consists of or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting the orders in a language of which they have sufficient knowledge, then —

(a) if the superintendent or proper officer has informed the master of that opinion, the ship must not go to sea; and

(b) if the ship is in the Falkland Islands, it may be detained.

(2) If a ship goes to sea or attempts to go to sea in contravention of this section the owner or master commits an offence and is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 51]

55. Unqualified persons going to sea as qualified officers or seafarers

(1) If a person goes to sea as a qualified officer or seafarer of any description without being such a qualified officer or seafarer the person is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(2) In this section “qualified” means qualified for the purposes of section 50.

[Merchant Shipping Act 1995 (UK), s. 52]

56. Medical treatment on board ship

Where a ship registered in the Falkland Islands does not carry a doctor among the seafarers employed in it the master must make arrangements for securing that any medical attention on board the ship is given either by the master or under his or her supervision by a person appointed by the master for that purpose.

[Merchant Shipping Act 1995 (UK), s. 53]

57. Special certificates of competence

(1) The Authority may issue and record documents certifying the attainment of any standard of competence relating to ships registered in the Falkland Islands or their operation, notwithstanding that the standard is not among those prescribed or specified under section 50(1)(b).

(2) If a person makes a statement which he or she knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or herself or another person a document which may be issued under this section the person is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 54]

58. Young persons

(1) Subject to subsection (2), a person under the school-leaving age must not be employed in any ship registered in the Falkland Islands except as permitted by regulations under this section.

(2) The Governor may make regulations —

(a) prescribing circumstances in which and conditions subject to which persons under school-leaving age who have attained such age as may be specified in the regulations may be employed in a ship which is not a sea-going ship registered in the Falkland Islands in such capacities as may be so specified;

(b) prescribing circumstances and capacities in which persons over school leaving-age but under the age of 18 or under such lower age as may be specified in the regulations must not be employed in a ship registered in the Falkland Islands which is not a sea-going ship or may be so employed only subject to such conditions as may be specified in the regulations;

(c) prescribing circumstances and capacities in which persons of at least the age of 16 but under the age of 18 or under such lower age as may be specified in the regulations must not be employed in a sea-going ship registered in the Falkland Islands or may be so employed only subject to such conditions as may be specified in the regulations.

(3) Regulations made for the purposes of this section may make different provision for different employments and different descriptions of ship and any other different circumstances.

(4) If any person is employed in a ship in contravention of this section or if any condition subject to which a person may be employed under regulations made for the purposes of this section is not complied with, the owner or master is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(5) For the purposes of this section a person employed in a ship is deemed —

(a) to be over the school-leaving age if the person has, attained the age which is the upper limit of compulsory school age —

(i) under the enactments for the time being in force relating to education in the Falkland Islands;

(ii) if the person entered into that agreement outside the Falkland Islands or is employed otherwise than under an agreement, under the enactments relating to education in the Falkland Islands,

and if the person is treated for the purposes of those enactments as not having attained that age the person must be so treated also for the purposes of this section; or

(b) under the school-leaving age if the person has not attained the age which is the upper limit of compulsory school age under the enactments referred to in paragraph (a), as may be applicable.

[Merchant Shipping Act 1995 (UK), s. 55]

59. Financial assistance for training

(1) The Governor may give any person or body of persons of any description determined by the Governor for the purposes of this section financial assistance out of the Consolidated Fund in respect of expenses incurred or to be incurred by any such person or body in connection with the training (whether in the Falkland Islands or elsewhere) of officers and ratings for service in merchant ships, including expenses incurred or to be incurred by any such person in connection with the person's undergoing any such training.

(2) Assistance under this section may be given by way of a grant or a loan or otherwise; and in giving any such assistance the Governor may impose such conditions as the Governor thinks fit, including conditions requiring a grant to be repaid in specified circumstances.

(3) This section is without prejudice to any other power of the Governor to give financial assistance in connection with any such training as is mentioned in subsection (1).

(4) In providing assistance in accordance with this section the Governor must have regard to the maintenance and development of the Falkland Islands' merchant fleet and marine related business and for that purpose must —

(a) keep under review all aspects of that fleet and business; and

(b) seek the advice of those who appear to the Governor to have experience of that fleet or business.

(5) In this section, "marine related business" means any trade, business or other activity concerned with the manufacture of, or the provision of goods and services for, or the operation or use of, ships; and includes maritime educational establishments, marine classification societies, marine equipment suppliers, marine surveyors, marine and naval architects, marine insurance companies, protection and indemnity clubs, providers of maritime financial or legal services, the operators of ports and harbours and shipbrokers.

[Merchant Shipping Act 1995 (UK), s. 56]

60. Uniform

(1) Subject to subsection (3), if any person, not being entitled to wear the merchant navy uniform, wears that uniform or any part thereof, or any dress having the appearance or bearing any of the distinctive marks of that uniform, the person commits an offence.

(2) On conviction of an offence under subsection (1), a person is liable —

(a) except in a case falling within paragraph (b), to a fine not exceeding level 1 on the scale set out in Schedule 7;

(b) if the person wears it in such a manner or under such circumstances as to be likely to bring contempt on the uniform, to a fine not exceeding level 1 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding one month.

(3) Subsection (1) does not prevent any person from wearing any uniform or dress in the course or for the purposes of a stage play or representation, or a music-hall or circus performance if the uniform is not worn in such a manner or under such circumstances as to bring it into contempt.

(4) If any person entitled to wear the merchant navy uniform when aboard a ship in port or on shore appears dressed partly in uniform and partly not in uniform under such circumstances as to be likely to bring contempt on the uniform, or, being entitled to wear the uniform appropriate to a particular rank or position, wears the uniform appropriate to some higher rank or position, the person is liable on conviction to a fine not exceeding level 1 on the scale set out in Schedule 7.
[Merchant Shipping Act 1995 (UK), s. 57]

Offences by seafarers, etc.

61. Conduct endangering ships, structures or individuals

(1) This section applies —

(a) to the master of, or any seafarer employed in, a ship registered in the Falkland Islands; and

(b) to the master of, or any seafarer employed in, a ship which —

(i) is registered in any country outside the Falkland Islands; and

(ii) is in a port in the Falkland Islands or within Falkland Islands waters while proceeding to or from that port.

(2) If a person to whom this section applies, while on board his or her ship or in its immediate vicinity —

(a) does any act which causes or is likely to cause —

(i) the loss or destruction of or serious damage to his ship or its machinery, navigational equipment or safety equipment;

(ii) the loss or destruction of or serious damage to any other ship or any structure;

(iii) the death of or serious injury to any person; or

(b) omits to do anything required —

(i) to preserve his or her ship or its machinery, navigational equipment or safety equipment from being lost, destroyed or seriously damaged;

(ii) to preserve any person on board his or her ship from death or serious injury; or

(iii) to prevent his or her ship from causing the loss or destruction of or serious damage to any other ship or any structure, or the death of or serious injury to any person not on board his ship,

and either of the conditions specified in subsection (3) is satisfied with respect to that act or omission, the person (subject to subsections (6) and (7)) commits an offence.

(3) Those conditions are that —

(a) the act or omission was deliberate or amounted to a breach or neglect of duty;

(b) the master or seafarer in question was under the influence of drink or a drug at the time of the act or omission.

(4) If a person to whom this section applies —

(a) discharges any of his duties, or performs any other function in relation to the operation of his ship or its machinery or equipment, in such a manner as to cause, or to be likely to cause, any such loss, destruction, death or injury as is mentioned in subsection (2)(a); or

(b) fails to discharge any of his or her duties, or to perform any such function, properly to such an extent as to cause, or to be likely to cause, any of those things,

the person (subject to subsections (6) and (7)) commits an offence.

(5) A person convicted of an offence under this section is liable on conviction, to a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years or a fine, or both.

(6) In proceedings for an offence under this section it is a defence to prove —

(a) in the case of an offence under subsection (2) where the act or omission alleged against the accused constituted a breach or neglect of duty, that the accused took all reasonable steps to discharge that duty;

(b) in the case of an offence under subsection (2), that at the time of the act or omission alleged against the accused, the accused was under the influence of a drug taken by the accused for medical purposes and either that the accused took it on medical advice and complied with any directions given as part of that advice or that the accused had no reason to believe that the drug might have the influence it had;

(c) in the case of an offence under subsection (4), that the accused took all reasonable precautions and exercised all due diligence to avoid committing the offence; or

(d) in the case of an offence under either of those subsections —

(i) that the accused could have avoided committing the offence only by disobeying a lawful command; or

(ii) that in all the circumstances the loss, destruction, damage, death or injury in question, or (as the case may be) the likelihood of its being caused, either could not reasonably have been foreseen by the accused or could not reasonably have been avoided by him or her.

(7) In the application of this section to any person falling within subsection (1)(b), subsections (2) and (4) have effect as if subsection (2)(a)(i) and (b)(i) were omitted; and no proceedings for any offence under this section can be instituted against any such person except by or with the consent of the Attorney General.

(8) In this section —

“breach or neglect of duty”, except in relation to a master, includes any disobedience to a lawful command;

“duty” —

(a) in relation to a master or seafarer, means any duty falling to be discharged by the seafarer in his or her capacity as such; and

(b) in relation to a master, includes his duty with respect to the good management of his ship and his duty with respect to the safety of operation of the master’s ship, its machinery and equipment; and

“structure” means any fixed or movable structure (of whatever description) other than a ship.

[Merchant Shipping Act 1995 (UK), s. 58]

62. Concerted disobedience and neglect of duty

(1) If a seafarer employed in a ship registered in the Falkland Islands combines with other seafarers employed in that ship —

(a) to disobey lawful commands which are required to be obeyed at a time while the ship is at sea;

(b) to neglect any duty which is required to be discharged at such a time; or

(c) to impede, at such a time, the progress of a voyage or the navigation of the ship, he or she is liable on conviction, to a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years or a fine or both.

(2) For the purposes of this section, a ship must be treated as being at sea at any time when it is not securely moored in a safe berth.

[Merchant Shipping Act 1995 (UK), s. 59]

Disciplinary offences – Prospective

63. Breaches by seafarers of codes of conduct

(1) The Governor may make regulations under the provisions of this section for the purpose of maintaining discipline on board ships registered in the Falkland Islands; and in this section “disciplinary body” means a body established or approved by the Governor under subsection (7).

(2) Regulations may provide for the hearing on shore in the Falkland Islands, by a disciplinary body, of a complaint by the master or owner of a ship registered in the Falkland Islands, other than a fishing vessel, against a seafarer alleging that during his or her employment on board the ship the seafarer contravened a provision of a code of conduct approved by the Governor for the purposes of this section.

(3) The alleged contravention may be one on or off the ship and in the Falkland Islands or elsewhere.

(4) Regulations may enable a disciplinary body —

(a) to dismiss the complaint if it finds the allegation not proved;

(b) if it finds the allegation proved —

(i) to warn the seafarer;

(ii) to reprimand the seafarer; or

(iii) to recommend to the Governor that the seafarer must, either for a period specified in the recommendation or permanently, cease to be entitled to a discharge book in pursuance of section 80 and is required to surrender any such book which has been issued to the seafarer.

(5) Regulations may —

(a) enable the seafarer to appeal against such a recommendation to another disciplinary body (an “appellate body”);

(b) enable an appellate body —

(i) to confirm the recommendation;

(ii) to cancel the recommendation; or

(iii) in the case of a recommendation that the seafarer ceases to be entitled to a discharge book permanently or for a particular period, to substitute for it a recommendation that the seafarer ceases to be so entitled, instead of permanently, for a period specified in the substituted recommendation or, instead of for the particular period, for a shorter period so specified.

(6) Regulations may make provision for securing that a recommendation that the seafarer permanently ceases to be entitled to a discharge book is not submitted to the Governor unless it has been confirmed, either on appeal or otherwise, by an appellate body.

(7) Regulations may make provision for the establishment or approval for the purposes of this section of such number of bodies as the Governor thinks fit and with respect to the composition, jurisdiction and procedure of any such body.

(8) Regulations may make provision for the payment out of the Consolidated Fund, of such remuneration and allowances as the Governor may determine to any member of such a body.

(9) Regulations may make different provision for different circumstances and may contain such incidental and supplemental provisions as the Governor considers appropriate.

(10) Without prejudice to the generality of the preceding provisions, regulations may include provision for any proceedings to take place notwithstanding the absence of the seafarer to whom they relate.

(11) Nothing in the regulations or done in pursuance of the regulations are to be construed as affecting any power to institute, prosecute, entertain or determine proceedings (including criminal proceedings) under any other enactment or at common law.

[Merchant Shipping Act 1995 (UK), s. 60]

64. Inquiry into fitness or conduct of officer

(1) If it appears to the Governor that an officer —

(a) is unfit to discharge his or her duties, whether by reason of incompetence or misconduct or for any other reason;

(b) has been seriously negligent in the discharge of his or her duties; or

(c) has failed to comply with the provisions of section 90,

the Governor may cause an inquiry to be held by one or more persons appointed by the Governor and, if the Governor does so, may, if the Governor thinks fit, suspend, pending the outcome of the inquiry, any certificate issued to the officer in pursuance of section 48 and require the officer to deliver it to the Governor.

(2) Where a certificate issued to an officer has been suspended under subsection (1) the suspension may, on the application of the officer, be terminated by the Supreme Court and the decision of the court on such an application is final.

(3) An inquiry under this section must be conducted in accordance with rules made under section 68(1) and those rules must require the persons holding the inquiry to hold it with the assistance of one or more assessors.

(4) The persons holding an inquiry under this section into the fitness or conduct of an officer —

(a) may, if satisfied of any of the matters mentioned in paragraphs (a) to (c) of subsection (1), cancel or suspend any certificate issued to the officer under section 50 or censure the officer;

(b) may make such order with regard to the costs of the inquiry as they think just; and

(c) must make a report on the case to the Governor,

and if the certificate is cancelled or suspended the officer (unless he or she has delivered it to the Governor in pursuance of subsection (1)) must deliver it forthwith to the persons holding the inquiry or to the Governor.

(5) Any costs which a person is ordered to pay under subsection (4)(b) may be recovered from him or her by the Governor.

[Merchant Shipping Act 1995 (UK), s. 61]

65. Disqualification of holder of certificate other than officer

(1) Where it appears to the Governor that a person who is the holder of a certificate to which this section applies is unfit to be the holder of such a certificate, whether by reason of incompetence or misconduct or for any other reason, the Governor may give the person notice in writing that the Governor is considering the suspension or cancellation of the certificate.

(2) The notice must state the reasons why it appears to the Governor that that person is unfit to be the holder of such a certificate and must state that within a period specified in the notice, or such longer period as the Governor may allow, the person may make written representations to the Governor or claim to make oral representations to the Governor.

(3) After considering any representations made in pursuance of subsection (2) the Governor must decide whether or not to suspend or cancel the certificate and must give the holder of it written notice of his decision.

(4) Where the decision is to suspend or cancel the certificate the notice must state the date from which the cancellation is to take effect, or the date from which and the period for which the suspension is to take effect, and must require the holder to deliver the certificate to the Governor not later than the date so specified unless before that date the holder has required the case to be dealt with by an inquiry under section 66.

(5) Where, before the date specified in the notice, the holder requires the case to be dealt with by such an inquiry, then, unless the holder withdraws the requirement, the suspension or cancellation will not take effect except as ordered in pursuance of the inquiry.

(6) The Governor may make regulations prescribing the procedure to be followed with respect to the making and consideration of representations in pursuance of this section, the form of any notice to be given under this section and the period to be specified in any such notice as the period within which any steps are to be taken.

(7) This section applies to every certificate issued under section 57 and to any certificate issued under section 50 other than one certifying that a person is qualified as an officer.

[Merchant Shipping Act 1995 (UK), s. 62]

66. Inquiry into fitness or conduct of seafarer other than officer

(1) Where a person has, before the date mentioned in section 63(4), required his or her case to be dealt with by an inquiry under this section the Governor must cause an inquiry to be held by one or more persons appointed by the Governor.

(2) An inquiry under this section must be conducted in accordance with rules made under section 68(1) and those rules must require the persons holding the inquiry to hold it with the assistance of one or more assessors.

(3) The persons holding an inquiry under this section —

(a) may confirm the decision of the Governor and cancel or suspend the certificate accordingly;

(b) may, where the decision was to cancel the certificate, suspend it instead;

(c) may, where the decision was to suspend the certificate, suspend it for a different period;

(d) may, instead of confirming the decision of the Governor, censure the holder of the certificate or take no further action;

(e) may make such order with regard to the costs of the inquiry as they think just; and

(f) must make a report on the case to the Governor,

and if the certificate is cancelled or suspended it must be delivered forthwith to the persons holding the inquiry or to the Governor.

(4) Any costs which a person is ordered to pay under subsection (3)(e) may be recovered from the person by the Governor.

[Merchant Shipping Act 1995 (UK), s. 63]

67. Re-hearing of and appeal from inquiries

(1) Where an inquiry has been held under section 64 or 66, the Governor may order the whole or part of the case to be reheard, and must do so —

(a) if new and important evidence which could not be produced at the inquiry has been discovered; or

(b) if there appear to the Governor to be other grounds for suspecting that a miscarriage of justice may have occurred.

(2) An order under subsection (1) may provide for the re-hearing to be as follows if the inquiry was held in the Falkland Islands, by the persons who held it, by a wreck commissioner or by the Supreme Court.

(3) Any re-hearing under this section which is not held by the Supreme Court must be conducted in accordance with rules made under section 68(1).

(4) Where the persons holding the inquiry have decided to cancel or suspend the certificate of any person or have found any person at fault, then, if no application for an order under subsection (1) has been made or such an application has been refused, that person or any other person who, having an interest in the inquiry, has appeared at the hearing and is affected by the decision or finding, may appeal to the Supreme Court.

[Merchant Shipping Act 1995 (UK), s. 64]

68. Rules as to inquiries and appeals

(1) The Governor may make rules for the conduct of inquiries under sections 64 and 66 and for the conduct of any re-hearing under section 67 which is not held by the Supreme Court.

(2) Without prejudice to the generality of subsection (1), rules under this section may provide for the appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notices to be given to persons affected.

(3) Rules of court made for the purpose of re-hearings under section 67 which are held by the Supreme Court, or of appeals to the Supreme Court, may require the court, subject to such exceptions, if any, as may be allowed by the rules, to hold such a re-hearing or hear such an appeal with the assistance of one or more assessors.

[Merchant Shipping Act 1995 (UK), s. 65]

69. Failure to deliver cancelled or suspended certificate

If a person fails to deliver a certificate as required under sections 64, 65 and 66 the person is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 66]

70. Power to restore certificate

Where a certificate has been cancelled or suspended under section 64, 65, 66, or 67, the Governor, if of the opinion that the justice of the case requires it, may re-issue the certificate or,

as the case may be, reduce the period of suspension and return the certificate, or may grant a new certificate of the same or a lower grade in place of the cancelled or suspended certificate.

[Merchant Shipping Act 1995 (UK), s. 67]

71. Power to summon witness to inquiry into fitness or conduct of officer or other seafarer

(1) The persons holding an inquiry under section 64 or 66 may —

(a) by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in the person's custody or under the person's control which relate to any matter in question at the inquiry; and

(b) take evidence on oath (and for that purpose administer oaths) or, instead of administering an oath, require the person examined to make a solemn affirmation.

(2) If on the failure of a person to attend such an inquiry in answer to a summons under this section —

(a) the persons holding the inquiry are satisfied by evidence on oath that —

(i) the person in question is likely to be able to give material evidence or produce any document which relates to any matter in question at the inquiry;

(ii) the person has been duly served with the summons;

(iii) a reasonable sum has been paid or tendered to the person for costs and expenses; and

(b) it appears to them that there is no just excuse for the failure,

they may issue a warrant to arrest and bring the person before the inquiry at a time and place specified in the warrant.

(3) If any person attending or brought before such an inquiry refuses without just excuse to be sworn or give evidence, or to produce any document, the persons holding the inquiry may commit the person to custody until the end of such period not exceeding one month as may be specified in the warrant or until the person gives evidence or produces the document (whichever occurs first); or impose on the person a fine not exceeding £1,000 or both.

(4) A fine imposed under subsection (3)(b) must be treated for the purposes of its collection, enforcement and remission as having been imposed by the magistrate's court for the area in which the inquiry in question was held, and the persons holding the inquiry must, as soon as practicable after imposing the fine, give particulars of it to the proper officer of that court.

(5) In subsection (1) "proper officer" means, in relation to a magistrate's court, the head of courts.

[Merchant Shipping Act 1995 (UK), s. 68]

Civil liability of seafarers for offences

72. Civil liability for absence without leave

(1) This section apply with respect to the liability of a seafarer employed in a ship registered in the Falkland Islands to damages for being absent from the ship at a time when the seafarer is required under the seafarer's contract of employment to be on board.

(2) If the seafarer proves that the seafarer's absence was due to an accident or mistake or some other cause beyond the seafarer's control and that the seafarer took all reasonable precautions to avoid being absent, the seafarer's absence must not be treated as a breach of contract.

(3) Where subsection (2) does not apply, then —

(a) if no special damages are claimed, the seafarer's liability is £10;

(b) if special damages are claimed, the seafarer's liability will not be more than £100.

[Merchant Shipping Act 1995 (UK), s. 70]

73. Civil liability for smuggling

If, in civil proceedings before a court in the Falkland Islands, a seafarer employed in a ship registered in the Falkland Islands is found to have committed an act of smuggling, whether within or outside the Falkland Islands, the seafarer is liable to make good any loss or expense that the act has caused to any other person.

[Merchant Shipping Act 1995 (UK), s. 71]

74. Civil liability for fines imposed under immigration laws

(1) The following provisions of this section apply where, at a time when a ship registered in the Falkland Islands is in the national or territorial waters of another country, a seafarer employed in the ship is absent without leave and present in that country in contravention of that country's laws.

(2) If, by reason of the contravention, a penalty is incurred under those laws by the persons employing the seafarer the penalty must be treated as being attributable to the seafarer's absence without leave and may, subject to the provisions of section 72, be recovered from the seafarer as special damages for breach of contract.

(3) If by reason of the contravention a penalty is incurred under those laws by any other person, the amount, or, if that amount exceeds £100, £100 may be recovered by that person from the seafarer.

[Merchant Shipping Act 1995 (UK), s. 72]

Relief and repatriation and relief costs

75. Relief and return of seafarer etc. left behind and shipwrecked

(1) Where —

(a) a person employed as a seafarer in a ship registered in the Falkland Islands is left behind in any country outside the Falkland Islands or is taken to such a country on being shipwrecked; or

(b) a person who became so employed under an agreement entered into outside the Falkland Islands is left behind in the Falkland Islands or is taken to the Falkland Islands on being shipwrecked,

the persons who last employed him or her as a seafarer must make such provision for the employee's return and for the employee's relief and maintenance until the employee's return and such other provisions as may be required by regulations made by the Governor.

(2) The provisions to be so made may include the repayment of expenses incurred in bringing a shipwrecked seafarer ashore and maintaining the shipwrecked seafarer until the shipwrecked seafarer is brought ashore and the payment of the expenses of the burial or cremation of a shipwrecked seafarer who dies before he or she can be returned.

(3) The Governor may also make regulations providing for the manner in which any wages due to any person left behind or taken to any country as mentioned in subsection (1), and any property of that person left on board ship, are to be dealt with.

(4) The Governor may make regulations requiring a superintendent or proper officer to make such provision as may be prescribed by the regulations with respect to any matter for which provision may be required to be made by regulations made under subsection (3).

(5) Without prejudice to the generality of the preceding provisions, regulations made under this section may make provision —

(a) for determining the place to which a person is to be returned;

(b) for requiring the master of any ship registered in the Falkland Islands to convey a person to a place determined in accordance with the regulations and for enabling a superintendent or proper officer to give the master directions for that purpose;

(c) for the making of payments in respect of the conveyance of a person in accordance with the regulations; and

(d) for the keeping of records and the rendering of accounts.

(6) Regulations under this section may make a contravention of any provision thereof an offence punishable on conviction with a fine not exceeding level 3 on the scale set out in Schedule 7 or such less amount as may be specified in the regulations.

(7) This section applies to a person left behind on being discharged in pursuance of section 30, whether or not at the time the person is left behind the ship is still registered in the Falkland Islands.

(8) This section applies to the master of a ship as it applies to a seafarer and sections 76 and 77 have effect accordingly.

[Merchant Shipping Act 1995 (UK), s. 73]

76. Limit of employer's liability under section 75

Where a person left behind in or taken to any country as mentioned in section 75(1) remains there after the end of a period of three months the persons who last employed him or her as a seafarer is not liable under that section to make provision for the person's return or for any matter arising after the end of that period, unless they have before the end of that period been under an obligation imposed on them by regulations under that section to make provision with respect to the person.

[Merchant Shipping Act 1995 (UK), s. 74]

77. Recovery of expenses incurred for relief and return, etc.

(1) Where any expenses are incurred in respect of any matter for which the employers of a seafarer are required to make provision under section 75, then —

(a) if the expenses are incurred by the Governor, or are incurred by the government of any country outside the Falkland Islands and repaid to them on behalf of the Crown, the Governor may recover them from the employers; or

(b) if the expenses are incurred by the seafarer, the seafarer may recover them from the employers unless they prove either that under the terms of the seafarer's employment they were to be borne by the seafarer or that the seafarer would not have been left behind but for the seafarer's own wrongful act or neglect.

(2) Where, in the case of any seafarer, expenses are incurred by the Governor or are incurred by the government of any country outside the Falkland Islands and repaid to them on behalf of the Crown —

(a) in respect of any matter for which, but for section 76, the seafarer's last employers would have been required to make provision under section 75; or

(b) in respect of any matter for which provision is required to be made under section 75(4)(b),

the Governor may recover them from the seafarer (or, if the seafarer has died, from the seafarer's personal representatives).

[Merchant Shipping Act 1995 (UK), s. 75]

78. Financial assistance in respect of crew relief costs

(1) The Governor may give financial assistance to —

(a) the owner of a ship registered in the Falkland Islands; or

(b) any manager of a ship so registered, being either an individual ordinarily resident in the Falkland Islands or a body corporate which is incorporated in the Falkland Islands and has its principal place of business there,

in respect of travel and other costs incurred by the owner or manager in connection with members of the ship's crew joining or leaving the ship outside the Falkland Islands or the South American mainland.

(2) If the Authority so determines, eligibility for assistance under this section must be conditional on the fulfilment of such conditions with respect to all or any of the following matters as are specified in the Authority's determination —

(a) the nationality of any person in relation to whom any such costs as are mentioned in subsection (1) are incurred;

(b) the ordinary residence of any such person;

(c) the place outside the Falkland Islands or the South American mainland where any such person joins or leaves the ship.

(3) Assistance under this section may be given by way of a grant or loan or otherwise; and in giving any such assistance the Governor may impose such conditions as the Governor thinks fit.

(4) For the purposes of this section, the crew of a ship is taken to include the master and other officers of the ship.

[Merchant Shipping Act 1995 (UK), s. 76]

Documentation

79. Official log books

(1) Except as provided by regulations under this section, an official log book in a form approved by the Governor must be kept in every ship registered in the Falkland Islands.

(2) The Governor may make regulations prescribing the particulars to be entered in official log books, the persons by whom such entries are to be made, signed or witnessed, and the procedure to be followed in the making of such entries and in their amendment or cancellation.

(3) The regulations may require the production or delivery of official log books to such persons, in such circumstances and within such times as may be specified in the logbooks.

(4) Regulations under this section may exempt ships of any description from any requirements of the regulations either generally or in such circumstances as may be specified in the regulations.

(5) Contravention of any provision of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 2 on the scale set out in Schedule 7.

(6) If a person intentionally destroys or mutilates or renders illegible any entry in an official log book, the person is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK) s. 77]

80. Lists of crew

(1) Except as provided by regulations made under this section, the master of every Falkland Islands ship must make and maintain a list of the crew containing such particulars as may be required by the regulations.

(2) The Governor may make regulations —

(a) specifying the particulars to be entered in a list of the crew;

(b) limiting the time for which a list of the crew may remain in force;

(c) providing for the maintenance by such persons and either in such place as may be specified in the regulations or, if it is so specified, in the ship, of a copy or copies of each list of a crew, and for the notification to such persons of any changes therein;

(d) for the production of a list of the crew to such persons, in such circumstances and within such time as may be specified in the regulations; and

(e) for the delivery to a superintendent or proper officer or the Registrar General of Shipping, in such circumstances as may be specified in the regulations, of a list of the crew or a copy of such a list maintained under the regulations and for the notification to any named person of any changes in such a list.

(3) Regulations under this section may enable a list of the crew to be contained in the same document as a crew agreement and may treat any particulars entered in the crew agreement as forming part of the particulars entered in the list.

(4) Regulations under this section may exempt from the requirements thereof such descriptions of ship as may be specified in the regulations and may make different provisions for different circumstances.

(5) Contravention of any provision of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 2 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 78]

81. Falkland Islands seafarers' cards

(1) The Governor may make regulations providing —

(a) for the issue of cards to Falkland Islands seafarers (in this section referred to as “Falkland Islander’s seafarers cards”) in such form and containing such particulars with respect to the

holders and any other particulars (if any) as may be prescribed by the regulations, and for requiring Falkland Islands seafarers to apply for such cards;

(b) for requiring the holders of Falkland Islands seafarers' cards to produce the cards to such persons and in such circumstances as may be prescribed by the regulations;

(c) for the surrender of Falkland Islands seafarers' cards in such circumstances as may be prescribed by the regulations;

(d) for any incidental or supplementary matters for which the Governor thinks it expedient for the purposes of the regulations to provide.

(2) Any provision of the regulations having effect by virtue of paragraph (a) of subsection (1) may be so framed as to apply to all Falkland Islands seafarers or any description of them and as to have effect subject to any exemptions for which provision may be made by the regulations.

(3) Contravention of any provision of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 2 on the scale set out in Schedule 7.

(4) If a person makes a statement which he or she knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining personally or for another person a Falkland Islands seafarers' card, the person is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK) s. 79]

82. Discharge books

(1) The Governor may make regulations providing for —

(a) the issue of discharge books to —

(i) persons who are or have been employed in ships registered in the Falkland Islands; or

(ii) to persons who are or have been employed in other ships but are not aliens within the meaning of the British Nationality Act 1981;

(b) requiring the persons mentioned in paragraph (a) to apply for discharge books;

(c) the form of discharge books and the particulars (if any) that they are to contain with respect to their holders;

(d) requiring the holders of discharge books to produce them to such persons and in such circumstances as may be prescribed by the regulations;

(e) the surrender of discharge books in such circumstances as may be prescribed by the regulations; or

(f) any incidental or supplementary matters for which the Falkland Islands thinks it expedient for the purposes of the regulations to provide,

and any provision of the regulations having effect by virtue of paragraph (a), (b) or (c) may be so framed as to apply to all such persons as are mentioned in that paragraph or any description of such persons and as to have effect subject to any exemptions for which provision may be made by the regulations.

(2) Regulations under this section may provide for —

(a) a person to cease to be entitled to a discharge book in consequence of a recommendation made by a disciplinary body by virtue of regulations made under section 61(3) or (4); and

(b) the re-issue of discharge books which have been surrendered in consequence of such a recommendation.

(3) Contravention of any provision of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 2 on the scale set out in Schedule 7.

(4) A person who, in the Falkland Islands or elsewhere —

(a) obtains employment as a seafarer on board a ship registered in the Falkland Islands and does so when he or she is disentitled to a discharge book by virtue of regulations made under subsection (2)(a); or

(b) employs as such a seafarer a person who he or she knows or has reason to suspect is disentitled as aforesaid,

is liable on conviction to a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years or a fine or both.

[Merchant Shipping Act 1995 (UK), s. 80]

83. Handing over of documents by master

(1) If a person ceases to be the master of a ship registered in the Falkland Islands during a voyage of the ship the person must deliver to his or her successor the documents relating to the ship or its crew which are in the person's custody.

(2) If, without reasonable excuse, the master of such a ship fails to comply with subsection (1), he or she is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 81]

PART 5 – SAFETY
Safety and health on ships

84. Safety and health on ships

(1) The Governor may by regulations (to be known as “safety regulations”) make such provision as the Governor considers appropriate for securing the safety of —

(a) ships registered in the Falkland Islands and persons on them, and for protecting the health of persons in the Falkland Islands; or

(b) other ships and persons on them while they are within Falkland Islands waters and for protecting the health of persons on ships other than ships registered in the Falkland Islands while they are within Falkland Islands waters.

(2) Except as provided by subsection (3), safety regulations do not apply in relation to —

(a) a qualifying foreign ship while it is exercising —

(i) the right of innocent passage; or

(ii) the right of transit passage through straits used for international navigation; or

(b) persons on a qualifying foreign ship while it is exercising any right specified under paragraph (a).

(3) Safety regulations apply in relation to a qualifying foreign ship, and persons on such a ship, even though the ship is exercising a right mentioned in subsection (2)(a), to the extent that the safety regulations give effect to any provisions of an international agreement extended to the Falkland Islands so far as it relates to the safety of ships or persons on them or to the protection of the health of persons on ships.

(4) In subsection (1) “ship registered in the Falkland Islands” includes a ship which is not registered in another country but is wholly owned by persons each of whom is —

(a) a person with Falkland Islands status; or

(b) a body corporate which is established under the law of the Falkland Islands and has its principal place of business in the Falkland Islands.

(5) Safety regulations may make provision with respect to any of the following matters, that is to say —

(a) the design, construction, maintenance, repair, alteration, inspection, surveying and marking of ships and their machinery and equipment;

- (b) the packaging, marking, loading, placing, moving, inspection, testing and measuring of cargo and anything on a ship which is not cargo, machinery or equipment;
- (c) the carrying out of any operation involving a ship;
- (d) the use of the machinery and equipment of a ship and of anything on a ship which is not cargo, machinery or equipment;
- (e) the manning of ships, including the employment on ships of persons qualified to attend to the health and safety of persons on the ships;
- (f) the arrangements for ensuring communication between persons in different parts of a ship and between persons in the ship and other persons;
- (g) the access to, presence in and egress from a ship, and different parts of it, of persons of any description;
- (h) the ventilation, temperature and lighting of different parts of a ship;
- (i) the steps to be taken to prevent or control noise, vibration and radiation in and from a ship and the emission in or from a ship of smoke, gas and dust;
- (j) the steps to be taken to prevent, detect and deal with outbreaks of fire on a ship;
- (k) the steps to be taken to prevent any collision involving a ship and in consequence of any collision involving a ship;
- (l) the steps to be taken, in a case where a ship is in distress or stranded or wrecked, for the purpose of saving the ship and its machinery, equipment and cargo and the lives of persons on or from the ship, including the steps to be taken by other persons for giving assistance in such a case;
- (m) the removal, by jettisoning or otherwise, of its equipment and of other things from a ship for the purpose of avoiding, removing or reducing danger to persons or property;
- (n) the steps to be taken, in a case where danger of any kind occurs or is suspected on a ship, for removing or reducing the danger and for warning persons who are not on the ship of the danger or suspected danger;
- (o) the making of records and the keeping of documents relating to ships and the keeping and use on a ship of information to facilitate the navigation of the ship;
- (p) the keeping of registers and the issue of certificates in cases for which registration or a certificate is required by virtue of the regulations; and
- (q) the furnishing of information,

but the mention of specific matters in this subsection must not be construed as restricting the generality of the power conferred by paragraph (a) or (b) of subsection (1).

(6) The power to make regulations conferred by subsection (1) extends also to the making of regulations for the prevention of collisions between seaplanes on the surface of water and between ships and seaplanes and subsection (3)(k) and (5) and to subsection (7) and section 85(1) has effect accordingly.

(7) Safety regulations —

(a) may make provision in terms of approvals given by the Governor or another person and in terms of any document which the Governor or another person considers relevant from time to time;

(b) may provide for the cancellation of an approval given in pursuance of the regulations and for the alteration of the terms of such an approval; and

(c) must provide for any approval in pursuance of the regulations to be given in writing and to specify the date on which it takes effect and the conditions (if any) on which it is given.

(8) Without prejudice to section 85(1)(b), safety regulations may provide for —

(a) the granting by the Governor, on such terms (if any) as the Governor may specify, of exemptions from specified provisions of the regulations for classes of cases or individual cases; and

(b) the alteration or cancellation of exemptions granted in pursuance of the regulations.

(9) Safety regulations may provide that —

(a) in such cases as are prescribed by the regulations a ship is liable to be detained and that section 271 has effect, with such modifications (if any) as may be prescribed by the regulations, in relation to the ship;

(b) a contravention of the regulations is an offence punishable on conviction by a fine not exceeding level 7 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years and a fine;

(c) in such cases as are prescribed by the regulations, such persons as are so prescribed commit an offence created by virtue of paragraph (b) or (c);

[Merchant Shipping Act 1995 (UK), s. 85]

85. Provisions supplementary to section 84: general

(1) Safety regulations may —

(a) make different provision for different circumstances and, in particular, make provision for an individual case;

(b) be made so as to apply only in such circumstances as are prescribed by the regulations;

(c) be made so as to extend outside the Falkland Islands;

(d) contain such incidental, supplemental and transitional provisions as the Governor considers appropriate;

(e) make provision for compensation to be paid, where a signal is used or displayed otherwise than in accordance with the regulations, for any expense or loss caused in consequence of the signal's being taken for a signal of distress,

and any compensation falling to be paid by virtue of regulations under paragraph (e) may, without prejudice to any other remedy, be recovered in the same manner as salvage.

(2) Nothing in section 84(3) to (6) or subsection (1) is to be construed as prejudicing the generality of section 84(1).

(3) Before the Governor makes safety regulations or gives an approval in pursuance of safety regulations, it is the duty of the Governor before giving effect to the proposal, to consult such persons in the Falkland Islands (if any) as the Governor considers will be affected by the proposal.

[Merchant Shipping Act 1995 (UK), s. 86]

86. Provisions supplementary to section 84: dangerous goods

(1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any ship, whether or not the ship is registered in the Falkland Islands —

(a) without being marked as required by safety regulations;

(b) without such notice having been given as is required by safety regulations;

(c) under a false description; or

(d) with a false description of their sender or carrier,

the Supreme court (by virtue of its having Admiralty jurisdiction under section 256) may declare the goods, and any package or receptacle in which they are contained, to be forfeited.

(2) On a declaration of forfeiture being made, the goods must be forfeited and they must be disposed of as the Supreme court directs.

(3) Subject to subsection (4), the powers conferred on the Supreme court by subsections (1) and (2) are exercisable notwithstanding that the owner of the goods —

- (a) has not committed any offence under safety regulations relating to dangerous goods;
- (b) is not before the court; and
- (c) has no notice of the proceedings,

and notwithstanding that there is no evidence to show to whom the goods belong.

(4) Nevertheless, the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

(5) In this section “dangerous goods” means goods designated as dangerous goods by safety regulations.

[Merchant Shipping Act 1995 (UK), s. 87]

87. Safety of submersible and supporting apparatus

(1) This section applies to any submersible or supporting apparatus —

- (a) operated within Falkland Islands waters; or
- (b) launched or operated from, or comprising, a ship registered in the Falkland Islands.

(2) The Governor may make regulations for —

- (a) the safety of submersible and supporting apparatus;
- (b) the prevention of accidents in or near submersible or supporting apparatus;
- (c) the safety, health and welfare of persons on or in submersible and supporting apparatus;
- (d) prohibiting or otherwise restricting the operation of any submersible apparatus except in accordance with the conditions of a licence granted under the regulations;
- (e) the registration of submersible apparatus;
- (f) all matters relevant to the maintenance of a register of submersible apparatus;
- (g) the issue of certificates of registration or exemption, and the custody, surrender, production or display of the certificates or copies of the certificates;
- (h) the period for which any registration exemption remains effective without renewal;
- (i) the alteration or cancellation in any prescribed circumstances of registration or exemption or of any conditions attached to the registration or exemption;

(j) the person by whom and the manner in which applications in connection with any registration or exemption are to be made, and information and evidence to be furnished in connection with the applications;

(k) the marking or other means of identification of any submersible apparatus; and

(l) matters arising out of the termination of any registration or exemption, or any conditions attached to the termination of any registration or exemption.

(3) Subject to sub-section (2), regulations made under this section may provide for —

(a) the creation of offences;

(b) in respect of any description of offence created by the regulations, such defence (if any) as may be prescribed; and

(c) the contravention of the regulations to be an offence which is punishable on conviction by a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years and a fine.

(4) The operation of any regulations made under this section may be excluded in whole or in part in relation to any class or description of submersible or supporting apparatus by regulations, or in relation to any particular apparatus by the direction of the Governor given in such manner as the Governor thinks appropriate.

(5) Any exemption or exclusion by regulations or by directions of the Governor under this paragraph may be made subject to the imposition of conditions specified by the regulation or direction.

(6) Where, in pursuance of this paragraph, a person is exempted or excluded from the requirements of the provisions of regulation made under this section but subject to a condition, and the condition is not observed, the exemption or exclusion will not have effect, and accordingly proceedings may be brought in respect of any offence created by the regulations.

(7) In this section —

“apparatus” includes any vessel, vehicle or hovercraft, any structure, any diving plant or equipment and any other form of equipment;

“specified” means specified in regulations made by the Governor for the purposes of this section;

“submersible apparatus” means any apparatus used, or designed for use, in supporting human life on or under the bed of any waters or elsewhere under the surface of any waters; and

“supporting apparatus” means any apparatus used, or designed for use, in connection with the operation of any submersible apparatus.

[Merchant Shipping Act 1995 (UK), s. 88]

Special provisions

88. Report of dangers to navigation

(1) Every person in charge of a controlled station for wireless telegraphy must, on receiving the signal prescribed under safety regulations relating to dangers to navigation, which indicates that a message is about to be sent under those regulations, —

(a) refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Governor; and

(b) transmit the message in such manner as may be required by the Governor.

(2) Compliance with subsection (1) is deemed to be a condition of every wireless telegraphy licence.

(3) In this section —

“controlled station for wireless telegraphy” means a station for wireless telegraphy as defined in the Wireless Telegraphy Ordinance 1994; and

“wireless telegraphy licence” has the same meaning as in the Wireless Telegraphy Ordinance 1994.

[Merchant Shipping Act 1995 (UK), s. 91]

Assistance at sea

89. Duty of ship to assist the other in case of collision

(1) In the case of a collision between two ships, it is the duty of the master of each ship, if and so far as the master can do so without danger to the ship under the master’s control, its crew and passengers (if any) —

(a) to render to the other ship, its master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other ship until the master has ascertained that it has no need of further assistance; and

(b) to give to the master of the other ship the name of the ship under his control and also the names of the ports from which it comes and to which it is bound.

(2) The duties imposed on the master of a ship by subsection (1) apply to the masters of ships registered in the Falkland Islands and to the masters of foreign ships when in Falkland Islands waters.

(3) The failure of the master of a ship to comply with the provisions of this section does not raise any presumption of law that the collision was caused by the master's wrongful act, neglect, or default.

(4) A master who fails without reasonable excuse to comply with —

(a) subsection (1)(a), is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7 or imprisonment for a term not exceeding six months, or both;

(b) subsection (1)(b), is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7,

and in either case if the master is a certified officer, an inquiry into his or her conduct may be held, and his or her certificate cancelled or suspended.

[Merchant Shipping Act 1995 (UK), s. 92]

90. Duty to assist aircraft in distress

(1) The master of a ship, on receiving at sea, a signal of distress from an aircraft or information from any source that an aircraft is in distress, must proceed with all speed to the assistance of the persons in distress (informing them if possible that he or she is doing so) unless the master is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless the master is released from this duty under subsection (4) or (5).

(2) The duties imposed on the master of a ship by subsection (1) apply to the masters of ships registered in the Falkland Islands and to the masters of foreign ships when in Falkland Islands waters.

(3) A master is released from the duty imposed by subsection (1) if the master is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(4) A master who fails to comply with this section is liable on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 7 on the scale set out in Schedule 7, or both.

(5) Compliance by the master of a ship with the provisions of this section does not affect the master's right, or the right of any other person, to salvage.

[Merchant Shipping Act 1995 (UK), s. 93]

Unsafe ships

91. Meaning of “dangerously unsafe ship”

(1) For the purposes of sections 92, 93, 94 and 95 a ship in port is “dangerously unsafe” if, having regard to the nature of the service for which it is intended, the ship is, by reason of the matters mentioned in subsection (2), unfit to go to sea without serious danger to human life.

(2) For the purposes of subsection (1) a ship at sea is “dangerously unsafe” if, having regard to the nature of the service for which it is being used or is intended, the ship is, by reason of the matters mentioned in subsection (3), either —

(a) unfit to remain at sea without serious danger to human life; or

(b) unfit to go on a voyage without serious danger to human life.

(3) Those matters are —

(a) the condition, or the unsuitability for its purpose, of —

(i) the ship or its machinery or equipment; or

(ii) any part of the ship or its machinery or equipment;

(b) undermanning;

(c) overloading or unsafe or improper loading;

(d) any other matter relevant to the safety of the ship,

and are referred to in the sections referred to in subsection (1), in relation to any ship, as “the matters relevant to its safety”.

(4) Any reference in the sections referred to in subsection (1) to “going to sea” must, in a case where the service for which the ship is intended consists of going on voyages or excursions that do not involve going to sea, be construed as a reference to going on such a voyage or excursion.

[Merchant Shipping Act 1995 (UK), s. 94]

92. Power to detain dangerously unsafe ship

(1) Where a ship which is —

(a) in a port in the Falkland Islands; or

(b) at sea in Falkland Islands waters,

appears to a relevant inspector to be a dangerously unsafe ship, the ship may be detained.

(2) Subject to subsection (3), the power of detention conferred by subsection (1) is exercisable in relation to foreign ships as well as ships registered in the Falkland Islands.

(3) The power of detention conferred by subsection (1)(b) is not exercisable in relation to a qualifying foreign ship while the ship is exercising —

(a) the right of innocent passage; or

(b) the right of transit passage through straits used for international navigation.

(4) The officer detaining the ship must serve on the master of the ship a detention notice which must —

(a) state that the relevant inspector is of the opinion that the ship is a dangerously unsafe ship;

(b) specify the matters which, in the relevant inspector's opinion, make the ship a dangerously unsafe ship; and

(c) require the ship to comply with the terms of the notice until it is released by a competent authority.

(5) In the case of a foreign ship (which is not a British ship) the officer detaining the ship must cause a copy of the detention notice to be sent as soon as practicable to the nearest consular officer for the country to which the ship belongs.

(6) In this section "relevant inspector" means any person mentioned in section 238.

[Merchant Shipping Act 1995 (UK), s. 95]

93. References of detention notices to arbitration

(1) Any question as to whether any of the matters specified in relation to a ship in a detention notice in pursuance of section 92(4)(b) in connection with any opinion formed by the relevant inspector constituted a valid basis for that opinion must, if the master or owner of the ship so requires, by a notice given to the relevant inspector within 21 days from the service of the detention notice, be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by the relevant inspector.

(2) Where a notice is given by the master or owner of the ship in accordance with subsection (1), the giving of the notice will not suspend the operation of the detention notice unless, on the application of the person requiring the reference, the arbitrator so directs.

(3) The arbitrator must have regard, in coming to a decision, to any other matters not specified in the detention notice which appear to him or her to be relevant to whether the ship was or was not a dangerously unsafe ship.

(4) Where on a reference under this section the arbitrator decides, as respects any matter to which the reference relates, that in all the circumstances the matter did not constitute a valid basis for the inspector's opinion, the arbitrator must either cancel the detention notice or affirm it with such modifications as the arbitrator in the circumstances thinks fit; and in any other case the arbitrator must affirm the notice in its original form.

(5) The arbitrator must include in his or her decision a finding whether there was or was not a valid basis for the detention of the ship as a dangerously unsafe ship.

(6) A person is not qualified for appointment as an arbitrator under this section unless the person—

(a) holds a certificate of competency as a master mariner or as a marine engineer officer class 1 (issued by the appropriate authority in, and in accordance with the relevant laws of the United Kingdom), or a person holding a certificate equivalent to any such certificate;

(b) is a naval architect in accordance with the relevant laws of the United Kingdom;

(c) falls within subsection (7); or

(d) has special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(7) For the purposes of subsection (6)(c) a person falls within this subsection if —

(a) the person has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); or

(b) the person is a legal practitioner (within the meaning of section 2 of the Legal Practitioners Ordinance 1988) with special experience of shipping matters, of the fishing industry, or of activities carried on in harbours and ports.

(8) In connection with his or her functions under this section an arbitrator has the powers conferred on an inspector by section 240.

(9) In this section —

“competent authority” means any officer mentioned in section 270(1); and

“relevant inspector” has the same meaning as in section 238.

[Merchant Shipping Act 1995 (UK), s. 96]

94. Compensation in connection with invalid detention of ship

(1) If on a reference under section 93 relating to a detention notice in relation to a ship —

(a) the arbitrator decides that any matter did not constitute a valid basis for the relevant inspector’s opinion; and

(b) it appears to the arbitrator that there were no reasonable grounds for the inspector to form that opinion,

the arbitrator may award the owner of the ship such compensation, as the arbitrator thinks fit, in respect of any loss suffered by the owner of the ship in consequence of the detention of the ship.

(2) Any compensation awarded under this section is payable out of the Consolidated Fund.

(3) In this section “relevant inspector” has the same meaning as in section 92.
[Merchant Shipping Act 1995 (UK), s. 97]

95. Owner and master liable in respect of dangerously unsafe ship

(1) If a ship which —

(a) is in a port in the Falkland Islands; or

(b) is registered in the Falkland Islands and is in any other port,

is dangerously unsafe, then, subject to subsections (4) and (5), the master and the owner of the ship each commits an offence.

(2) Where, at the time when a ship is dangerously unsafe, any responsibilities of the owner with respect to the matters relevant to its safety have been assumed (whether wholly or in part) by any person or persons other than the owner, and have been so assumed by that person or (as the case may be) by each of those persons either —

(a) directly, under the terms of a charter-party or management agreement made with the owner; or

(b) indirectly, under the terms of a series of charter-parties or management agreements, the reference to the owner in subsection (1) must be construed as a reference to that other person or (as the case may be) to each of those other persons.

(3) A person convicted of an offence under this section is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(4) It is a defence in proceedings for an offence under this section to prove that at the time of the alleged offence —

(a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters relevant to its safety which are specified in the charge; or

(b) it was reasonable for such arrangements not to have been made.

(5) It is also a defence in proceedings for an offence under this section to prove —

(a) that, under the terms of one or more charter-parties or management agreements entered into by the accused, the relevant responsibilities, namely —

(i) where the accused is the owner, his or her responsibilities with respect to the matters relevant to the ship’s safety; or

(ii) where the accused is liable to proceedings under this section by virtue of subsection (2), so much of those responsibilities as had been assumed by the accused as mentioned in that subsection,

had at the time of the alleged offence been wholly assumed by some other person or persons party to the charter or the agreement; and

(b) that in all the circumstances of the case the accused had taken such steps as it was reasonable for him or her to take, and exercised such diligence as it was reasonable for him or her to exercise, to secure the proper discharge of the relevant responsibilities during the period during which they had been assumed by some other person or persons as mentioned in paragraph (a),

and, in determining whether the accused had done so, regard must be had in particular to the matters mentioned in subsection (6).

(6) Those matters are —

(a) whether prior to the time of the alleged offence the accused was, or in all the circumstances ought reasonably to have been, aware of any deficiency in the discharge of the relevant responsibilities; and

(b) the extent to which the accused was or was not able, under the terms of any such charter-party or management agreement as is mentioned in subsection (5)(a) —

(i) to terminate it; or

(ii) to intervene in the management of the ship,

in the event of any such deficiency, and whether it was reasonable for the accused to place himself or herself in that position.

(7) In this section —

“management agreement”, in relation to a ship, means any agreement (other than a charter-party or a contract of employment) under which the ship is managed, either wholly or in part, by a person other than the owner (whether on behalf of the owner or on behalf of some other person); and

“relevant responsibilities” must be construed in accordance with subsection (5).

(8) References in this section to responsibilities being assumed by a person under the terms of a charter-party or management agreement are references to their being so assumed by the person whether or not the person has entered into a further charter-party or management agreement providing for them to be assumed by some other person.

[Merchant Shipping Act 1995 (UK), s. 98]

96. Use of unsafe lighters, etc.

(1) If any person uses or causes or permits to be used in navigation any lighter, barge or like vessel when, because of —

- (a) the defective condition of its hull or equipment;
- (b) overloading or improper loading; or
- (c) undermanning,

it is so unsafe that human life is endangered, the person is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(2) This section does not affect the liability of the owners of any lighter, barge or like vessel in respect of loss of life or personal injury caused to any person carried in the vessel.

[Merchant Shipping Act 1995 (UK), s. 99]

97. Owner liable for unsafe operation of ship

(1) It is the duty of the owner of a ship to which this section applies to take all reasonable steps to secure that the ship is operated in a safe manner.

(2) This section applies to any ship —

- (a) registered in the Falkland Islands; and
- (b) which —
 - (i) is registered under the law of any country outside the Falkland Islands; and
 - (ii) is within Falkland Islands waters while proceeding to or from a port in the Falkland Islands,

unless the ship is not able to proceed as a result of weather conditions or any other unavoidable circumstances.

(3) If the owner of a ship to which this section applies fails to discharge the duty imposed on him or her by subsection (1), he or she is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(4) Where any such ship —

- (a) is chartered by demise; or
- (b) is managed, either wholly or in part, by a person other than the owner under the terms of a management agreement within the meaning of section 95,

any reference to the owner of the ship in subsection (1) or (3) must be construed as including a reference —

- (i) to the charterer under the charter by demise;
- (ii) to any such manager as is referred to in paragraph (b); or
- (iii) to both the charterer and any such manager if the ship is both chartered and managed as mentioned,

and accordingly the reference in subsection (1) to the taking of all reasonable steps must, in relation to the owner, the charterer or any such manager, be construed as a reference to the taking of all such steps as it is reasonable for him or her to take in the circumstances of the case.

[Merchant Shipping Act 1995 (UK), s. 100]

Temporary exclusion zones

98. Power to establish temporary exclusion zones

(1) Subsection (2) applies where a ship, structure or other thing —

- (a) is in Falkland Islands waters or a part of the sea specified in an Order in Council made under section 129(2)(b) of the Act; and
- (b) is wrecked, damaged or in distress.

(2) If it appears to the Governor —

- (a) that significant harm will or may occur as a direct or indirect result of the relevant casualty being wrecked, damaged or in distress; and
- (b) that if access to an area around the relevant casualty were restricted in accordance with section 99, significant harm, or the risk of such harm, would be prevented or reduced,

the Governor may by order identify an area to which access is so restricted (“a temporary exclusion zone”).

(3) In this section —

- (a) “significant harm” means —
 - (i) significant pollution in the Falkland Islands, in Falkland Islands waters or in a part of the sea specified in an Order in Council made under section 129(2)(b) of the Act; or
 - (ii) significant damage to persons or property; and
- (b) in section 99 “the relevant casualty” means that ship, structure or other thing.

(4) A temporary exclusion zone may not include any area which is neither within Falkland Islands waters nor within a part of the sea specified in an Order in Council made under section 129(2)(b) of the Act.

(5) If it appears to the Governor at any time after a temporary exclusion zone is established that the zone is larger than is needed for the purpose of preventing or reducing significant harm, or the risk of such harm, the Governor must through an order vary the order establishing the zone accordingly.

(6) Subject to subsections (4) and (5), a temporary exclusion zone may be identified by reference to the position of the relevant casualty from time to time.

(7) If it appears to the Governor at any time after a temporary exclusion zone is established that the zone is not needed for the purpose of preventing or reducing significant harm, or the risk of such harm, the Governor must through another order revoke the order establishing the zone.

(8) Where the Governor makes an order under this section, the Governor must —

(a) as soon as practicable, publish it in such manner as he or she considers appropriate for bringing it to the attention of persons likely to be affected by it; and

(b) within the period of 24 hours from making the order, send a copy of it to the International Maritime Organization.

(9) This section applies alongside an order made under section 4 of the Protection of Wrecks Ordinance 1977 which designates an area around a vessel as a prohibited area.

[Merchant Shipping Act 1995 (UK), s. 100A]

99. Temporary exclusion zones: offences

(1) If an order establishing a temporary exclusion zone contains a statement of a description mentioned in subsection (2), then, subject to subsection (4), no ship is permitted to enter or remain in the zone.

(2) The statement referred to under subsection (1) is one to the effect that the direction is given for the purpose of preventing or reducing significant pollution, or the risk of significant pollution, in the Falkland Islands, in Falkland Islands waters or in a part of the sea specified by virtue of section 129(2)(b) of the Act.

(3) If an order establishing a temporary exclusion zone does not contain a statement of a description mentioned in subsection (2), then, subject to subsections (4) and (5) —

(a) no ship is permitted to enter or remain in any part of the zone that is in Falkland Islands waters; and

(b) no ship registered in the Falkland Islands is permitted to enter or remain in any part of the zone that is in a part of the sea specified by virtue of section 129(2)(b) of the Act.

(4) A ship may enter or remain in a temporary exclusion zone or a part of such a zone if it does so —

(a) in accordance with the order establishing the zone;

(b) with the consent of the Governor; or

(c) in accordance with regulations made by the Governor for the purposes of this section.

(5) A qualifying foreign ship may enter a temporary exclusion zone or a part of the zone if in doing so it is exercising the right of transit passage through straits used for international navigation.

(6) If a ship enters or remains in a temporary exclusion zone or a part of such a zone in contravention of subsection (1) or (3) then, subject to subsection (7), its owner and its master each commits an offence and is liable on conviction, to a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years or to a fine, or to both.

(7) It is a defence for a person charged with an offence under this section to prove that the existence or area of the temporary exclusion zone was not, and would not on reasonable enquiry have become, known to the master or the owner.

[Merchant Shipping Act 1995 (UK), s. 100B]

Power to require ships to be moved

100. Power to require ships to be moved

(1) The powers conferred by this section are exercisable where a ship in Falkland Islands waters—

(a) is not a qualifying foreign ship; or

(b) is a qualifying foreign ship but appears to the Governor to be exercising neither of the following rights —

(i) the right of innocent passage; and

(ii) the right of transit passage through straits used for international navigation.

(2) Subject to subsection (3), the Governor may, for any one or more of the purposes specified in subsection (4), give directions to any of the persons specified in subsection (5) requiring —

(a) that the ship is to be moved, or is to be removed from a specified area or locality or from Falkland Islands waters; or

(b) that the ship is not to be moved to a specified place or area within Falkland Islands waters, or over a specified route within Falkland Islands waters.

(3) The power of the Governor under subsection (2)(a) to require a ship to be removed from Falkland Islands waters is not exercisable in relation to a ship registered in the Falkland Islands.

(4) The purposes referred to in subsection (2) are —

(a) the purpose of securing the safety of the ship or of other ships, of persons on the ship or other ships, or of any other persons or property, or of preventing or reducing any risk to such safety; and

(b) the purpose of preventing or reducing pollution in the Falkland Islands, in Falkland Islands waters or in a part of the sea specified by virtue of section 129(2)(b) of the Act, or of preventing or reducing any risk of such pollution.

(5) The persons referred to in subsection (2) are —

(a) the owner of the ship or any person in possession of the ship; or

(b) the master of the ship.

(6) If in the opinion of the Governor the powers conferred by subsection (2) are, or have proved to be, inadequate for any of the purposes specified in subsection (4), the Governor may for that purpose take any such action as he or she has power to require to be taken by a direction under this section.

(7) The powers of the Governor under subsection (6) are also exercisable by such persons as may be authorised for the purpose by the Governor.

(8) Every person concerned with compliance with directions given, or with action taken, under this section must use his or her best endeavours to avoid any risk to human life.

(9) Any action taken as respects a ship which is under arrest or as respects the cargo of the ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (6) or (7) —

(a) does not constitute contempt of court; and

(b) does not in any circumstances make the Admiralty Marshal liable in any civil proceedings.

(10) In this section unless a contrary intention appears, “specified” in relation to a direction under this section, means specified by the direction.

[Merchant Shipping Act 1995 (UK), s. 100C]

101. Offences in relation to section 100

(1) If the person to whom a direction is given under section 101 contravenes, or fails to comply with, any requirement of the direction, he or she commits an offence.

(2) If a person intentionally obstructs any person who is —

(a) acting on behalf of the Governor in connection with the giving or service of a direction under section 101;

(b) acting in compliance with a direction under that section; or

(c) acting under section 101(6) or (7),

he or she commits an offence.

(3) In proceedings for an offence under subsection (1), it is a defence for the accused to prove that he or she has used all due diligence to ensure compliance with the direction, or that he or she had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person convicted of an offence under this section is liable on conviction, to a fine not exceeding £50,000;

[Merchant Shipping Act 1995 (UK), s. 100D]

102. Service of directions under section 100

(1) If the Governor is satisfied that a company or other body is not one to which section 437 of the Companies Act 1948 or section 5 of the Company Law and Partnership Ordinance applies so as to authorise the service of a direction on that body under either of those sections, the Governor may give a direction under section 100 to that body, as the owner of, or the person in possession of, a ship, by serving the direction on the master of the ship.

(2) For the purpose of giving or serving a direction under section 101 to or on any person on a ship, a person acting on behalf of the Governor has the right to go on board the ship.

[Merchant Shipping Act 1995 (UK), s. 100E]

103. Requirements to be met by ships in respect of which trans-shipment licences in force

(1) In this section and section 104 “trans-shipment licence” has the same meaning as in the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005).

(2) The Governor may, —

(a) for all or any of the purposes specified in subsection (3); and

(b) on being advised by the Director of Fisheries in exercise of that Director’s powers under section 46(4) of the Fisheries (Conservation and Management) Ordinance,

by regulations prescribe requirements to be met by ships in respect of which trans-shipment licences are in force.

(3) The purposes referred to under subsection (2) are —

- (a) securing the safety of ships in respect of which trans-shipment licences are in force and persons on them;
- (b) protecting the health of persons on such ships;
- (c) securing the safety of any other persons or property; and
- (d) preventing or reducing pollution.

(4) The matters with respect to which requirements may be prescribed under subsection (2) include, in particular, the construction and equipment of ships, the manning of ships, and operational matters.

(5) Without prejudice to the generality of subsection (2), regulations under that subsection may apply, in relation to a ship in respect of which a trans-shipment licence is in force, any requirements contained in —

- (a) safety regulations;
- (b) regulations under section 133; or
- (c) any international agreement,

whether or not those requirements would otherwise apply in relation to that ship.

[Merchant Shipping Act 1995 (UK), s. 100F]

104. Failure to comply with prescribed standards in respect of ship in respect of which trans-shipment licence is in force

(1) If it appears to the Governor that any requirement of regulations under section 103(2) or regulations under section 202 is being contravened in respect of a ship in respect of which a trans-shipment licence is in force, he or she may serve on the master a notice under subsection (2).

(2) A notice under this subsection must specify the contravention by reason of which it is given and must prohibit —

- (a) the receiving by the ship of fish trans-shipped from another ship;
- (b) the processing of fish on the ship; or
- (c) both such receiving and such processing.

(3) The Governor must revoke a notice under subsection (2) if the Governor is satisfied that the contravention specified in it has been remedied.

(4) If a trans-shipment licence ceases to be in force in respect of a ship to which a notice under subsection (2) relates, the notice is revoked by virtue of this subsection.

(5) If without reasonable excuse the master of a ship causes or permits any prohibition imposed by a notice under subsection (2) to be contravened in respect of the ship, he or she is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(6) The obligation imposed by regulations under section 103(2) is not enforceable except in accordance with this section, but this subsection does not limit the powers conferred by section 239.

[Merchant Shipping Act 1995 (UK), s. 100G]

Control of, and returns as to, persons on ships

105. Offences in connection with passenger ships

(1) A person commits an offence if, in relation to a ship to which this section applies, the person does any of the following things, that is to say, if —

(a) being drunk or disorderly, the person has been on that account refused admission to the ship by the owner or any person in his or her employment, and, after having the amount of his or her fare (if the person has paid it) returned or tendered to him or her, nevertheless persists in attempting to enter the ship;

(b) being drunk or disorderly on board the ship, the person is requested by the owner or any person in the owner's employment to leave the ship at any place in the Falkland Islands at which the person can conveniently do so, and, after having the amount of his or her fare (if the person has paid it) returned or tendered to him or her, does not comply with the request;

(c) on board the ship, after warning by the master or other officer in the ship, he or she molests or continues to molest any passenger;

(d) after having been refused admission to the ship by the owner or any person in his or her employment on account of the ship being full, and having had the amount of his or her fare (if the person has paid it) returned or tendered to him or her, the person nevertheless persists in attempting to enter the ship;

(e) having gone on board the ship at any place, and being requested, on account of the ship being full, by the owner or any person in his or her employment to leave the ship before it has left that place, and having had the amount of his or her fare (if the person has paid it) returned or tendered to him or her, the person does not comply with that request;

(f) on arriving in the ship at a point to which the person has paid his or her fare, the person knowingly and intentionally refuses or neglects to leave the ship; or

(g) on board the ship the person fails, when requested by the master or other officer in the ship, either to pay his or her fare or show such ticket or other receipt, if any, showing the payment of his or her fare, as is usually given to persons travelling by and paying their fare for the ship,

but the person's liability in respect of any such offence does not prejudice the recovery of any fare payable by him or her.

(2) A person commits an offence if, on board any ship to which this section applies he or she intentionally does or causes to be done anything in such a manner as to —

(a) obstruct or damage any part of the machinery or equipment of the ship, or

(b) obstruct, impede or molest the crew, or any of them, in the navigation or management of the ship, or otherwise in the execution of their duty on or about the ship.

(3) The master or other officer of any ship to which this section applies, and all persons called by the master or other officer to his or her assistance, may, without any warrant, detain any person who commits any offence against subsection (1) or (2) and whose name and address are unknown to the master or officer, and deliver that person to a constable.

(4) A person convicted of an offence against subsection (1) or (2) is liable, on conviction, to a fine not exceeding level 2 on the scale set out in Schedule 7.

(5) If any person commits an offence against subsection (1) or (2) and on the application of the master of the ship, or any other person in the employment of the owner of the ship, refuses to give his or her name and address, or gives a false name or address, that person is liable, on conviction, to a fine not exceeding level 2 on the scale set out in Schedule 7.

(6) This section applies to a ship for which there is in force a Passenger Ship Safety Certificate or Passenger Certificate, as the case may be, issued under or recognised by safety regulations.
[Merchant Shipping Act 1995 (UK), s. 101]

106. Power to exclude drunken passengers from certain passenger ships

(1) The master of any ship to which this section applies may refuse to receive on board any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself or herself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him or her on shore at any convenient place.

(2) A person so refused admittance or put on shore is not entitled to the return of any fare he or she has paid.

(3) This section applies to a ship (whether or not a ship registered in the Falkland Islands) carrying more than 12 passengers and employed in carrying passengers between places for the time being defined in regulations made under section 50 by the Governor.

[Merchant Shipping Act 1995 (UK), s. 102]

107. Stowaways

(1) If a person, without the consent of the master or of any other person authorised to give it, goes to sea or attempts to go to sea in a ship registered in the Falkland Islands, he or she is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(2) Nothing in section 267 is to be taken to limit the jurisdiction of any court in the Falkland Islands to deal with an offence under this section which has been committed in a country outside the Falkland Islands by a person who is not from the Falkland Islands.

[Merchant Shipping Act 1995 (UK), s. 103]

108. Unauthorised presence on board ship

Where a ship registered in the Falkland Islands or in any other country is in a port in the Falkland Islands and a person who is neither in Her Majesty's service nor authorised by law to do so —

(a) goes on board the ship without the consent of the master or of any other person authorised to give it; or

(b) remains on board the ship after being requested to leave by the master, a police officer, an officer authorised by the Governor or a customs officer,

he or she is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 104]

109. Master's power of arrest

The master of any ship registered in the Falkland Islands may cause any person on board the ship to be put under restraint if and for so long as it appears to the master necessary or expedient in the interest of safety or for the preservation of good order or discipline on board the ship.

[Merchant Shipping Act 1995 (UK), s. 105]

110. Unauthorised persons: offences relating to safety

(1) Where a person goes to sea in a ship without the consent of the master or of any other person authorised to give it or is conveyed in a ship in pursuance of section 75(5)(b), sections 61 and 62 apply as if the person were a seafarer employed in the ship.

(2) Subsection (1), in its application to section 61 so far as that section applies to ships which are not sea-going ships, has effect —

(a) with the omission of the words “goes to sea in a ship”; and

(b) with the insertion, after the words “to give it”, of the words “ is on board a ship while it is on a voyage or excursion ”.

(3) This section does not apply to fishing vessels.

[Merchant Shipping Act 1995 (UK), s. 106]

111. Return to be furnished by masters of ships as to passengers

(1) The master of every ship, whether or not the ship is registered in the Falkland Islands, which carries any passenger to a place in the Falkland Islands from any place out of the Falkland Islands, or from any place in the Falkland Islands to any place out of the Falkland Islands, must furnish to such person and in such manner as the Governor directs a return —

(a) giving the total number of any passengers so carried;

(b) distinguishing, if so directed by the Governor, the total number of any class of passengers so carried; and

(c) giving, if the Governor so directs, such particulars with respect to passengers as may be for the time being required by the Governor.

(2) A passenger must furnish the master of the ship with any information required by the master for the purpose of the return.

(3) If —

(a) the master of a ship fails to make a return as required by this section, or makes a false return; or

(b) any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section, or, for that purpose, gives to the master information which he or she knows to be false or recklessly gives to the master information which is false,

the master or (as the case may be) passenger is liable on conviction to a fine not exceeding level 2 on the scale set out in Schedule 7 in the case of a failure or refusal and level 3 on the scale set out in Schedule 7 in the case of a false return or false information.

[Merchant Shipping Act 1995 (UK), s. 107]

112. Returns of births and deaths in ships, etc.

(1) The Governor may make regulations under the following provisions of this section in relation to births and deaths in the circumstances specified in those provisions.

(2) Regulations under this section may require the master of any ship registered in the Falkland Islands to make a return to a superintendent or proper officer of —

(a) the birth or death of any person occurring in the ship; and

(b) the death of any person employed in the ship, wherever occurring outside the Falkland Islands,

and to notify any such death to such person (if any) as the deceased may have named to the superintendent or proper officer as the deceased's next of kin.

(3) Regulations under this section may require the master of any ship not registered in the Falkland Islands which calls at a port in the Falkland Islands in the course of or at the end of a voyage to make a return to a marine superintendent of any birth or death of a British citizen, a British Dependent Territories citizen or a British Overseas citizen which has occurred in the ship during the voyage.

(4) The returns referred to in subsections (2) and (3) must be transmitted to the Registrar General of Shipping.

(5) Regulations under this section may require the Registrar General of Shipping to record information as may be specified in the regulations about a death referred to in subsection (2) in a case where —

(a) it appears to the Registrar General of Shipping that the master of the ship cannot perform his or her duty under that subsection because the master has died or is incapacitated or missing; and

(b) any of the circumstances specified in subsection (6) exists.

(6) Those circumstances are that —

(a) the death in question has been the subject of —

(i) an inquest held by a coroner; or

(ii) an inquiry held in pursuance of section 253;

and the findings of the inquest or inquiry include a finding that the death occurred; or

(b) the deceased's body has been the subject of a post-mortem examination in the Falkland Islands and in consequence the coroner is satisfied that an inquest is unnecessary.

(7) Regulations under this section may require the Registrar General of Shipping to send a certified copy of any return or record to the Registrar General.

(8) The Registrar General, on receipt of certified copies referred to under subsection (7) —

(a) must record the information contained in the copies in the marine register; and

(b) may record in the marine register, any additional information as appears to him or her desirable for the purpose of ensuring the completeness and correctness of the register,

and the Registration Ordinance 1949 has effect as if the marine register is a register of births (other than stillbirths) or deaths or certified copies of entries in such a register has been transmitted to the Registrar General in accordance with the Registration Ordinance .

(9) Contravention of any provisions of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 2 on the scale set out in Schedule 7.

(10) Regulations under this section may contain provisions authorising the registration of the following births and deaths occurring outside the Falkland Islands in circumstances where no return is required to be made under subsections (1) to (9) of this section —

(a) any birth or death of a British citizen, a British Dependent Territories citizen or a British Overseas citizen which occurs in a ship not registered in the Falkland Islands;

(b) any death of any such citizen who has been employed in a ship not registered in the Falkland Islands which occurs elsewhere than in the ship; and

(c) any death of a person who has been employed in a ship registered in the Falkland Islands which occurs elsewhere than in the ship.

(11) References in this section to deaths occurring in a ship include references to deaths occurring in a ship's boat.

[Merchant Shipping Act 1995 (UK), s. 108]

PART 6 – FISHING VESSELS

Chapter I: Skipper and Seafarers

Engagement and discharge of crews

113. Regulations relating to crew agreements

(1) The Governor may make regulations —

(a) prescribing the procedure to be followed in connection with the making of crew agreements between persons employed in fishing vessels registered in the Falkland Islands and persons employing them; and

(b) prescribing the places where such crew agreements are to be made or where an agreement with any person may be added to those contained in such a crew agreement.

(2) Contravention of any provision of regulations made under this section is an offence punishable on conviction with a fine not exceeding level 3 on the scale set out in Schedule 7 or such less amount as may be specified in the regulations.

[Merchant Shipping Act 1995 [UK], s. 109]

Wages

114. Payments of seafarers' wages

Except as provided for under Part 4 or any other enactment, the wages due to a seafarer under a crew agreement relating to a fishing vessel registered in the Falkland Islands must be paid to the seafarer in full.

[Merchant Shipping Act 1995 (UK), s. 110]

115. Regulations relating to wages: deductions

The power to make regulations conferred by section 35 includes power to provide that the amount of a deduction of a description specified in the regulations from wages in respect of employment in a fishing vessel is to be determined by a body established or approved by the Governor in pursuance of regulations made under section 63.

[Merchant Shipping Act 1995 (UK), s. 111]

116. Accounts of wages and catch

(1) Subject to regulations made under section 35 or 83, the persons employing any seafarer under a crew agreement relating to a fishing vessel registered in the Falkland Islands must deliver to the seafarer at a time prescribed by regulations made under this section an account of the wages due to the seafarer under that crew agreement and of the deductions subject to which the wages are payable.

(2) Where the wages of any person employed in a fishing vessel registered in the Falkland Islands are in any manner related to the catch, the persons employing the seafarer must —

(a) deliver to the master an account (or, if the master is the person employing him or her, make out an account) showing how those wages (or any part of the wages related to the catch) are arrived at; and

(b) make the account available to the crew in such manner as may be prescribed by the regulations,

at a time prescribed by regulations made under this section.

(3) Where there is a partnership between the master and any members of the crew of a fishing vessel registered in the Falkland Islands the owner of the vessel must at a time prescribed by regulations made under this section make out an account showing the sums due to each partner in respect of his or her share and must make the account available to the partners.

(4) The Governor may make regulations prescribing the time at which any account required by this section is to be delivered or made out and the manner in which the account required by subsections (2) and (3) is to be made available.

(5) If a person fails without reasonable excuse to comply with this section, the person is liable on conviction to a fine not exceeding level 2 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 112]

117. Restriction on assignment of and charge upon wages

Nothing in section 37 affects the operation of any written law of the Falkland Islands providing for the attachment of earnings in relation to wages due to a person employed in a fishing vessel.

[Merchant Shipping Act 1995 (UK), s. 113]

118. Right, or loss of right, to wages in certain circumstances

Section 41 does not apply to so much of the wages of a seafarer employed in a fishing vessel as is in any manner related to the catch.

[Merchant Shipping Act 1995 (UK), s. 114]

Safety, health and welfare

119. Hours of work

(1) The Governor may make regulations prescribing maximum periods of duty and minimum periods of rest for seafarers employed in fishing vessels registered in the Falkland Islands, and the regulations may make different provision for different descriptions of fishing vessels or seafarers employed in them or for fishing vessels and seafarers of the same description in different circumstances.

(2) If any provision of regulations made under this section is contravened in the case of any seafarer employed in a fishing vessel the persons employing the seafarer and the master are each liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

(Merchant Shipping Act 1995 (UK), s. 115)

Manning and qualifications

120. Production of crew certificates and other documents of qualification

(1) Any person serving or engaged to serve in a fishing vessel registered in the Falkland Islands who holds any certificate or other document which is evidence that the person is qualified for the purposes of section 50 must on demand, produce it to a fishery officer.

(2) If the person fails without reasonable excuse to produce any certificate or other document required under subsection (1), he or she is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(3) In this section “fishery officer” has the same meaning as under sections 2 and 4 of the Fisheries (Conservation and Management) Ordinance (No. 14 of 2005).

[Merchant Shipping Act 1995 (UK), s. 116]

Offences by seafarers

121. Drunkenness on duty

(1) Subject to subsection (2) if the skipper of or a seafarer employed or engaged in a fishing vessel registered in the Falkland Islands is, while on board the vessel, under the influence of drink or a drug to such an extent that his or her capacity to fulfil his or her responsibility for the vessel or, as the case may be, carry out the duties of his or her employment or engagement is impaired, he or she is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(2) In proceedings for an offence under this section it is a defence to prove that at the time of the act or omission alleged against the accused he or she was under the influence of a drug taken by

the accused for medical purposes and either that the accused took it on medical advice and complied with any directions given as part of that advice or that the accused had no reason to believe that the drug might have the influence it had.

[Merchant Shipping Act 1995 (UK), s. 117]

122. Unauthorised liquor

(1) A person who, in the Falkland Islands or elsewhere —

- (a) takes any unauthorised liquor on board a fishing vessel registered in the Falkland Islands;
- (b) has any unauthorised liquor in his or her possession on board such a vessel;
- (c) permits another person to take on board such a vessel, or to have in his or her possession on board such a vessel, any unauthorised liquor; or
- (d) intentionally obstructs another person in the exercise of powers conferred on the other person by subsection (5),

commits an offence, subject to subsections (3) and (4).

(2) A person convicted of an offence under subsection (1) is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(3) It is a defence in proceedings for an offence under subsection (1)(a) or (b) to prove that the accused —

- (a) believed that the liquor in question was not unauthorised liquor in relation to the vessel in question and that he or she had reasonable grounds for the belief; or
- (b) did not know that the liquor in question was in his or her possession.

(4) It is a defence in proceedings for an offence under subsection (1)(c) to prove that the accused believed that the liquor in question was not unauthorised liquor in relation to the vessel in question and that he or she had reasonable grounds for the belief.

(5) If an authorised person has reason to believe that an offence under subsection (1)(a) or (b) has been committed by another person in connection with a fishing vessel, the authorised person—

- (a) may go on board the vessel and search it and any property on it and may, if the other person is on board the vessel, search him or her in an authorised manner; and
- (b) may take possession of any liquor which he or she finds on the vessel and has reason to believe is unauthorised liquor and may detain the liquor for the period needed to ensure that the liquor is available as evidence in proceedings for the offence.

(6) In this section —

“an authorised manner” means a manner authorised by regulations made by the Governor;

“authorised person”, in relation to a vessel, means —

- (a) a superintendent;
- (b) a proper officer;
- (c) a person appointed in pursuance of section 240(1)(c);
- (d) the master of the vessel in question;
- (e) the owner of the vessel in question; or
- (f) a person instructed by the master or owner to discharge the functions under subsection (5) and prevent the commission of offences under subsection (1) in relation to the vessel;

“liquor” means spirits, wine, beer, cider, perry and any other fermented, distilled or spirituous liquor; and

“unauthorised liquor” means, in relation to a vessel, liquor as to which permission to take it on board the vessel has not been given by the master, the owner of the vessel or by a person authorised by the owner of the vessel to give such permission.

(7) Any reference in subsection (6) to the owner of a vessel must be construed —

- (a) as excluding any member of the crew of the vessel; and
- (b) subject to that, as a reference to the person or all the persons who, in the certificate of registration of the vessel, is or are stated to be the registered owner or owners of the vessel.

[Merchant Shipping Act 1995 (UK), s. 118]

123. Disciplinary offences

(1) Section 62(1)(a) and (b) do not apply to fishing vessels and persons serving in them.

(2) The Governor may make regulations to provide for the hearing on shore in the Falkland Islands, by a disciplinary body, of a complaint by the master or owner of a fishing vessel against a seafarer alleging that during his or her employment in the vessel, the seafarer contravened a local industrial agreement relating to his or her employment on the vessel and for requiring the disciplinary body to have regard to the agreement in determining whether the allegation is proved.

(3) The alleged contravention referred to under subsection (3) may be one on or off the ship and in the Falkland Islands or elsewhere.

(4) Regulations under section 63 may include provision authorising persons to determine, for the purposes of that section in its application to fishing vessels registered in the Falkland Islands, what agreements are or were local industrial agreements and which local industrial agreement relates or related to a person's employment in a particular vessel.

[Merchant Shipping Act 1995 (UK), s. 119]

Exemptions

124. Power to grant exemptions from this Chapter

The Governor may grant exemptions from any requirements of Part 4 or this Chapter or of any regulations —

- (a) with respect to any fishing vessel or to a fishing vessel of any description; or
- (b) with respect to any person or a person of any description serving in a fishing vessel or in a fishing vessel of any description,

and nothing in any other provision of Part 4 or this Chapter conferring a power to provide for or grant exemptions must be taken to restrict the power conferred by this section.

[Merchant Shipping Act 1995 (UK), s. 120]

Chapter II – Safety

125. Fishing vessel construction rules

(1) The Governor may make rules (in this Chapter referred to as “fishing vessel construction rules”) prescribing requirements for the hull, equipment and machinery of fishing vessels registered in the Falkland Islands of any description (including any description framed by reference to the areas in which the vessels operate or the dates on which they were first registered in the Falkland Islands or on which their construction was begun).

(2) The Governor may exempt any fishing vessel or description of fishing vessel from any requirement of the fishing vessel construction rules.

(3) The Governor may make an exemption under subsection (2) generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may impose any specified conditions.

(4) A surveyor of ships may inspect any fishing vessel for the purpose of making sure that it complies with the fishing vessel construction rules.

(5) If —

- (a) the fishing vessel construction rules are contravened with respect to any vessel; or
- (b) a vessel is, under subsection (2), exempted from any requirement subject to a condition and the condition is not complied with;

the owner or master of the vessel is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 121]

126. Fishing vessel survey rules

(1) The Governor may make rules (in this Chapter referred to as “fishing vessel survey rules”) for the surveying and periodical inspection of fishing vessels registered in the Falkland Islands or any description of such fishing vessels, for the purpose of ensuring their compliance with the requirements of the fishing vessel construction and equipment provisions.

(2) In this Chapter “the fishing vessel construction and equipment provisions” means fishing vessel construction rules and rules or safety regulations relating to life-saving, radio and navigational equipment for fishing vessels.

[Merchant Shipping Act 1995 (UK), s. 122]

127. Fishing vessel certificates

(1) If the Governor or any person authorised by him or her for the purpose is satisfied, on receipt of a declaration of survey in respect of a fishing vessel surveyed under the fishing vessel survey rules, that the vessel complies with the requirements of the fishing vessel construction and equipment provisions as are or will be applicable to the vessel, then, subject to subsection (2), the Governor or person must, on the application of the owner, issue a certificate (in this and the following sections referred to as a “fishing vessel certificate”) showing that the vessel complies with those requirements; and for this purpose any requirement from which the vessel has been exempted under section 125(2) or any other provision of this Ordinance must be deemed not to be applicable to it.

(2) Fishing vessel survey rules may require that the Governor or person authorised by the Governor to issue a fishing vessel certificate must not issue the certificate unless the Governor or the person is satisfied that the vessel in respect of which it is to be issued is provided with the lights, shapes and means of making fog signals required by safety regulations for the prevention of collisions.

(3) The fishing vessel rules may —

(a) prescribe the form of the fishing vessel certificate; and

(b) make provision for —

(i) the duration, extension or cancellation of any certificate;

(ii) the endorsement on the certificate of information relating to the inspection of the vessel to which it relates and of any extension of the period for which the certificate was issued.

[Merchant Shipping Act 1995 (UK), s. 123]

128. Provisions supplementary to section 127

(1) The Governor may require a fishing vessel certificate which has expired or been cancelled, to be delivered up as the Governor directs.

(2) If the owner or skipper of the fishing vessel fails without reasonable excuse to comply with a requirement made under subsection (1), he or she is liable on conviction to a fine not exceeding level 2 on the scale set out in Schedule 7.

(3) The owner or skipper of a fishing vessel to whom a fishing vessel certificate is issued must immediately, on receipt of the certificate by him or her (or his or her agent), cause a copy of it to be put up in some conspicuous place on board the vessel, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force and the vessel is in use.

(4) If the owner or skipper of a fishing vessel fails without reasonable excuse to comply with subsection (3), he or she is liable, on conviction, to a fine not exceeding level 2 on the scale set out in Schedule 7.

(5) If any person intentionally makes, or assists in making, or procures to be made, a false or fraudulent fishing vessel certificate, he or she is liable on conviction, to a fine not exceeding level 3 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding six months or both;

(6) A fishing vessel certificate is admissible in evidence.

[Merchant Shipping Act 1995 (UK), s. 124]

129. Prohibition on going to sea without appropriate certificate

(1) No fishing vessel required to be surveyed under the fishing vessel survey rules is permitted to go to sea unless there are in force fishing vessel certificates showing that the vessel complies with the requirements of the fishing vessel construction and equipment provisions that are applicable to the vessel.

(2) If a fishing vessel goes to sea in contravention of subsection (1), the owner or skipper of the vessel is liable on conviction, to a fine not exceeding level 3 on the scale set out in Schedule 7.

(3) The skipper of any fishing vessel registered in the Falkland Islands must on demand produce to any customs officer any certificate required under this Chapter; and the fishing vessel, if in Falkland Islands waters, may be detained until the certificate is produced.

[Merchant Shipping Act 1995 (UK), s. 125]

130. Notice of alterations

(1) Where a fishing vessel certificate is in force in respect of a fishing vessel and —

(a) the certificate complies with requirements of the fishing vessel construction rules and an alteration is made in the vessel's hull, equipment or machinery which affects the efficiency or the seaworthiness of the vessel; or

(b) the certificate complies with requirements of the fishing vessel equipment provisions and an alteration is made affecting the efficiency or completeness of the appliances or equipment which the vessel is required to carry by the fishing vessel equipment provisions,

the owner or skipper must, as soon as possible after the alteration is made, give written notice containing full particulars of it to the Governor or, if the certificate was issued by another person, to that person.

(2) If the notice required by subsection (1) is not given as required by that subsection the owner or skipper is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(3) In this section —

“alteration” includes the renewal of any part of the thing to which it refers;

“the fishing vessel equipment provisions” means the provisions of the fishing vessel construction and equipment provisions other than the fishing vessel construction rules, which other provisions may be made by the Governor by order on the advice of the Authority.

[Merchant Shipping Act 1995 (UK), s. 126]

PART 7 – PREVENTION OF POLLUTION

Chapter I – Pollution Generally

131. Prevention of pollution from ships etc.

The provisions of an Order in Council made under section 128 of the Act (to give effect to any of the provisions of the international treaties and conventions mentioned in that section) that has been extended to the Falkland Islands under section 128(3)(e) of the Act must be read together with this Part.

[Merchant Shipping Act 1995 (UK), s. 128]

132. Further provision for prevention of pollution from ships

The provisions of an Order in Council made under section 129 of the Act (to give effect to any of the provisions of the United Nations Convention on the Law of the Sea) that specifies an area relating to the Falkland Islands under section 129(2)(b) of the Act as a marine environment that requires protection and preservation applies and must be read together with this Part.

[Merchant Shipping Act 1995 (UK), s. 129]

133. Regulation of transfers between ships in territorial waters

(1) The Governor may make regulations in relation to the transfer of cargo, stores, bunker fuel or ballast between ships while within Falkland Islands waters and the regulations may make provisions as the Governor considers appropriate for preventing pollution, danger to health or to navigation, or hazards to the environment or to natural resources.

(2) Regulations under this section may, in particular, do any of the following things —

(a) prohibit transfers of any specified description or prohibit transfers if, or unless, carried out in specified areas, circumstances or ways;

(b) make provision about —

(i) the design of, and standards to be met by, ships and equipment,

(ii) the manning of ships, including the qualifications and experience to be possessed by persons of any specified description employed on board; and

(iii) the qualifications and experience to be possessed by persons (whether masters or not) controlling the carrying out of transfers or operations ancillary to them;

(c) provide for proposed transfers to be notified to and approved by persons appointed by the Governor or another person, and for the supervision of transfers, and the inspection of ships and equipment, by persons so appointed;

(d) provide for —

(i) the procedure to be followed in relation to the approval of transfers to be such as may be prescribed by any document specified in the regulations, and

(ii) references in the regulations to any document so specified to operate as references to that document as revised or re-issued from time to time;

(e) provide for the making and keeping of records about ships and equipment, the issuing of certificates, and the furnishing of information;

(f) provide for the granting by the Governor or another person of exemptions from specified provisions of the regulations, on such terms (if any) as the Governor or that other person may specify, and for altering or cancelling exemptions; and

(g) limit any provision of the regulations to specified cases or kinds of case.

(3) Regulations under this section may provide that a contravention of the regulations is an offence punishable on conviction by a fine not exceeding level 11 on the scale set out in Schedule 7 or to imprisonment for a term not exceeding two years, or both;

(4) Regulations under this section may —

(a) make different provision for different classes or descriptions of ships and for different circumstances; and

(b) make such transitional, incidental or supplementary provision as appears to the Governor to be necessary or expedient.

[Merchant Shipping Act 1995 (UK), s. 130]

Chapter II – Waste reception facilities at harbours

134. Interpretation of Chapter II

In this Chapter —

“ship, passenger and goods dues” means, in relation to a harbour, charges of any of the following kinds —

- (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;
- (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and
- (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

“waste reception facilities” has the meaning given by section 135(1).

[Merchant Shipping Act 1995 (UK), s. 130E]

135. General

(1) The Governor may by regulations make such provision as he or she considers appropriate in relation to —

- (a) the provision at harbours in the Falkland Islands of facilities for the reception of waste from ships (in this Chapter referred to as “waste reception facilities”); and
- (b) the use of waste reception facilities provided at such harbours.

(2) In making the regulations, the Governor must take into account the need to give effect to provisions which —

- (a) are contained in any international agreement mentioned in section 128(1) of the Act which has been extended to the Falkland Islands; and
- (b) relate to waste reception facilities.

(3) Sections 136 to 138 make further provision with respect to the regulations that may be made under this section.

[Merchant Shipping Act 1995 (UK), s. 130A]

136. Waste management plans

(1) The regulations referred to under section 135 may require the Authority —

- (a) in such circumstances as may be prescribed, to prepare a plan with respect to the provision and use of waste reception facilities at the harbour; and
 - (b) to submit the plan to the Governor for approval.
- (2) The regulations may make provision requiring a person —
 - (a) if directed to do so by the Governor, to prepare a plan with respect to the provision and use of waste reception facilities at any terminals operated by the person within a harbour which is in the Falkland Islands and is specified in the direction; and
 - (b) to submit the plan to the Governor for approval.
- (3) For the purposes of this Chapter —
 - (a) “terminal” means any terminal, jetty, pier, floating structure or other works within a harbour at which ships can obtain shelter or ship and unship goods or passengers; and
 - (b) a person operates a terminal if activities at the terminal are under his or her control.
- (4) In this section, “waste management plan” means a plan of a description mentioned in subsection (1) or (2).
- (5) The regulations may make provision with respect to the form and content of waste management plans and may in particular require such plans to include —
 - (a) proposals as to the information to be provided about waste reception facilities to those who are expected to use them;
 - (b) proposals designed to ensure that adequate provision will be made for the disposal of waste deposited in waste reception facilities; and
 - (c) proposals about how costs incurred in establishing and running waste reception facilities will be recovered.
- (6) The regulations may require a person preparing a waste management plan to have regard to such matters as the Governor may prescribe or in a particular case direct.
- (7) The regulations may make provision as to the procedures to be followed in connection with waste management plans and may in particular —
 - (a) require a person preparing a waste management plan to consult such persons as the Governor may prescribe or in a particular case direct;
 - (b) enable the Governor to approve waste management plans with or without modification or to reject such plans;

(c) enable the Governor, if he or she is satisfied that a person who is required to prepare a waste management plan is not taking any steps necessary in connection with the preparation of the plan, to prepare such a plan;

(d) require the Authority and persons operating terminals to implement waste management plans once approved, or to take such steps as the Governor may in a particular case direct for the purpose of securing that approved plans are implemented; or

(e) enable waste management plans, in such circumstances as may be prescribed, to be withdrawn, altered or replaced.

[Merchant Shipping Act 1995 (UK), s. 130B]

137. Charges for and use of waste reception facilities

(1) The regulations referred to under section 135 may make provision to enable the Authority, on levying ship, passenger and goods dues, to impose charges for the purpose of recovering the whole or a part of the costs of the provision by or on behalf of the Authority of waste reception facilities at the harbour.

(2) The regulations may make provision requiring the master of a ship —

(a) if reasonably required to do so by an officer from the Authority; or

(b) in such other circumstances as may be prescribed,

to deposit any waste carried by the ship, or any prescribed description of such waste, in waste reception facilities provided at a harbour in the Falkland Islands.

(3) The regulations may make provision for —

(a) the reference to arbitration of questions as to whether requirements made under regulations made in pursuance of subsection (2)(a) were reasonable; and

(b) compensation to be payable where a requirement is found to have been unreasonable.

(4) The regulations may make —

(a) provision prohibiting the imposition by persons providing waste reception facilities at harbours in the Falkland Islands of charges for the depositing of waste, or any prescribed description of waste, in the facilities; or

(b) provision authorising the imposition by such persons of such charges subject to such restrictions as may be prescribed.

(5) The regulations may provide for charges to be imposed by virtue of subsection (4)(b) —

(a) even though the charges are for the depositing of waste in compliance with a requirement imposed by virtue of subsection (2); and

(b) even though charges are also imposed by virtue of subsection (1).

(6) Subsections (7) to (9) apply if the regulations make provision enabling the Authority to impose charges of a description mentioned in subsection (1).

(7) The regulations may require information about the charges to be published in a way that is designed to bring the charges to the notice of persons likely to be affected.

(8) The regulations may provide for the charges to be reduced at the instance of the Governor following the making of an objection by a person of a prescribed description.

(9) The regulations may make provision as to the recovery of any charges imposed by virtue of this section.

[Merchant Shipping Act 1995 (UK), s. 130C]

138. Supplementary

(1) Contravention of any provision of the regulations made under this Chapter is an offence and a person who contravenes the regulations is liable on conviction to a fine not exceeding level 11 on the scale set out in Schedule 7, or to imprisonment for a term not exceeding two years, or to both.

(2) The regulations may —

(a) provide for exemptions from any provision of the regulations;

(b) provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time;

(c) make different provision for different cases;

(d) include such incidental, supplemental and transitional provision as appears to the Governor to be expedient.

(3) Regulations under section 135 which contain any provision of a description mentioned in section 137 (whether or not they also contain other provision) must not be made unless a draft of the regulations has been laid before and approved by a resolution of the Legislative Assembly.

(4) Regulations made under section 135 to which subsection (3) does not apply (including regulations which revoke provision of a description mentioned in section 137 but do not contain any other provision made by virtue of section 137) are subject to annulment in pursuance of a resolution of the Legislative Assembly.

[Merchant Shipping Act 1995 (UK), s. 130D]

Chapter III – Oil Pollution
General provisions for preventing pollution

139. Interpretation

(1) In this Chapter —

“harbour” has the same meaning assigned to it under the Harbours and Ports Bill 2017;

“oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

“oil residues” means any waste consisting of, or arising from, oil or a mixture containing oil;

“place on land” has the meaning given in section 140;

“transfer”, in relation to oil, means transfer in bulk.

(2) For the purposes of the definition of “harbour in the Falkland Islands”, “charges in respect of navigational aids” means general light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons.

(3) Any reference in any provision of this Chapter to a mixture containing oil must be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(4) Any reference in this Chapter, other than in section 145, to the discharge of oil or a mixture containing oil, or to its being discharged, from a ship, place or thing, except where the reference is to its being discharged for a specific purpose, includes a reference to the escape of oil or mixture, or (as the case may be) to its escaping, from that ship, place or thing.

(5) For the purposes of any provision of this Chapter relating to the discharge of oil or a mixture containing oil from a ship, any floating craft (other than a ship) which is attached to a ship will be treated as part of the ship.

(6) Any power conferred by section 241 in its application to this Chapter to test any equipment on board a ship must be construed as including a power to require persons on board the ship to carry out such work as may be requisite for the purpose of testing the equipment; and any provision of that section as to submitting equipment for testing must be construed accordingly.

(7) Subject to sections 8 and 9 of the Crimes Ordinance nothing in this Chapter —

(a) affects any restriction imposed by or under any other written law of the Falkland Islands;
or

(b) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Chapter.

[Merchant Shipping Act 1995 (UK), s. 151]

140. Discharge of oil from ships into certain Falkland Islands waters

(1) If any oil or mixture containing oil is discharged as mentioned in the following paragraphs into Falkland Islands national waters which are navigable by sea-going ships, then, subject to the following provisions of this Chapter, the following commits an offence, that is to say —

(a) where the discharge is from a ship, the owner or master of the ship, unless he or she proves that the discharge took place and was caused as mentioned in paragraph (b);

(b) where the discharge is from a ship but takes place in the course of a transfer of oil to or from another ship or a place on land and is caused by the act or omission of any person in charge of any apparatus in that other ship or that place, the owner or master of that other ship or, as the case may be, the occupier of that place.

(2) Subsection (1) does not apply to any discharge which is —

(a) made into the sea; and

(b) of a kind or is made in circumstances for the time being prescribed by regulations made by the Governor.

(3) A person convicted of an offence under this section is liable on conviction, to a fine not exceeding level 10 on the scale set out in Schedule 7.

(4) In this section “sea” includes any estuary or arm of the sea.

(5) In this section “place on land” includes anything resting on the bed or shore of the sea, or of any other waters included in Falkland Islands national waters, and also includes anything afloat (other than a ship) if it is anchored or attached to the bed or shore of the sea or any such waters.

(6) In this section “occupier”, in relation to any such thing as is mentioned in subsection (5), if it has no occupier, means the owner of that thing .

[Merchant Shipping Act 1995 (UK). s. 131; Oil in Territorial Waters Ordinance 1960]

141. Defences of owner or master charged with offence under section 140

(1) Where a person is charged with an offence under section 140 as the owner or master of a ship, it is a defence to prove that the oil or mixture was discharged for the purpose of —

(a) securing the safety of any ship;

(b) preventing damage to any ship or cargo; or

(c) saving life,

unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(2) Where a person is charged with an offence under section 140 as the owner or master of a ship, it is also a defence to prove —

(a) that the oil or mixture escaped in consequence of damage to the ship, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture; or

(b) that the oil or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

[Merchant Shipping Act 1995 (UK), s. 132]

142. Defences of occupier charged with offence under section 140

Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 140 as the occupier of a place on land, it is a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

[Merchant Shipping Act 1995 (UK), s. 133]

143. Protection for acts done in exercise of certain powers of the Authority

(1) Where any oil, or mixture containing oil, is discharged in consequence of the exercise —

(a) of any power conferred by section 237; or

(b) for the purpose of preventing obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned ships which is exercisable by the Authority under the Protection of Wrecks Ordinance 1977,

and apart from this subsection the Authority, would have committed an offence under section 140 in respect of that discharge, the Authority or person must not be convicted unless it is shown that the authority or the person failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(2) Subsection (1) applies to the exercise of any power conferred by the Harbours and Ports Ordinance 2017 (section 24 removal of vessels within harbour, dock or pier) as it applies to the exercise of the powers under sections 237.

[Merchant Shipping Act 1995 (UK), s. 134]

144. Restrictions on transfer of oil at night

(1) No oil is permitted to be transferred between sunset and sunrise to or from a ship in any harbour in the Falkland Islands unless the requisite notice has been given in accordance with this section or the transfer is for the purposes of a fire brigade.

(2) A general notice may be given to the harbour master that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within such period, not ending

later than twelve months after the date on which the notice is given, as is specified in the notice; and if such a notice is given it must be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

(3) Subject to subsection (2), the requisite notice for the purposes of this section must be a notice given to the harbour master not less than three hours or more than 96 hours before the transfer of oil begins.

(4) If any oil is transferred to or from a ship in contravention of this section, the master of the ship, and, if the oil is transferred from or to a place on land, the occupier of that place, is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 135]

145. Duty to report discharge of oil into waters of harbours

(1) If any oil or mixture containing oil is —

(a) discharged from a ship into the waters of a harbour in the Falkland Islands; or

(b) found to be escaping or to have escaped from a ship into any such waters,

the owner or master of the ship must immediately report the occurrence to the Authority.

(2) A report made under subsection (1) must state whether the occurrence falls within subsection (1)(a) or (b).

(3) If a person fails to make a report as required by this section, he or she is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 136]

146. Discharges etc. authorised under other enactments

The provisions of sections 140(1) and 145(1) do not apply to any discharge which is made under, and the provisions of section 145(1) do not apply to any escape which is authorised by, or under any other enactment that provides for this.

[Merchant Shipping Act 1995 (UK), s. 136A]

Shipping casualties

147. Shipping casualties

(1) The powers conferred by this section are exercisable where —

(a) an accident has occurred to or in a ship;

(b) in the opinion of the Governor oil from the ship will or may cause significant pollution in the Falkland Islands, Falkland Islands waters or a part of the sea specified by virtue of section 129(2)(b) of the Act; and

(c) in the opinion of the Governor the use of the powers conferred by this section is urgently needed,

but those powers are subject to the limitations contained in subsections (6) and (7).

(2) For the purpose of preventing or reducing oil pollution, or the risk of oil pollution, the Governor may give directions as respects the ship or its cargo —

(a) to the owner of the ship, or to any person in possession of the ship;

(b) to the master of the ship;

(c) to any pilot of the ship;

(d) to any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation; or

(e) where the ship is in waters which are regulated or managed by the Authority —

(i) to the harbour master; or

(ii) to the Authority.

(3) Directions under subsection (2) may require the person to whom they are given to take, or refrain from taking, any action of any kind whatsoever, and without prejudice to the generality of subsection (2) the directions may require —

(a) that the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality;

(b) that the ship is not to be moved to a specified place or area, or over a specified route;

(c) that any oil or other cargo is to be, or is not to be, unloaded or discharged; or

(d) that specified salvage measures are to be, or are not to be, taken.

(4) If in the opinion of the Governor the powers conferred by subsection (2) are, or have proved to be, inadequate for the purpose, the Governor may, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without prejudice to the generality of subsection (2) the Governor may —

(a) take any such action as he or she has power to require to be taken by a direction under this section;

(b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom he or she can give directions; or

(c) undertake operations which involve the taking over of control of the ship.

(5) The powers of the Governor under subsection (4) are also exercisable by such persons as may be authorised for the purpose by the Governor.

(6) Every person concerned with compliance with directions given, or with action taken, under this section must use his or her best endeavours to avoid any risk to human life.

(7) For the avoidance of doubt any action taken as respects a ship which is under arrest or as respects the cargo of that ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (4) or (5) —

(a) does not constitute contempt of court; and

(b) does not in any circumstances make the Admiralty Marshal liable in any civil proceedings.

(8) In this section, unless the context otherwise requires —

“accident” means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

“owner”, in relation to the ship to or in which an accident has occurred, includes its owner at the time of the accident; and

“pilot” means any person (not belonging to a ship) who has the conduct of the ship;

“specified”, in relation to a direction under this section, means specified by the direction.

[Merchant Shipping Act 1995 (UK), s. 137]

148. Right to recover in respect of unreasonable loss or damage

(1) If any action duly taken by a person in pursuance of a direction given to the person under section 147, or any action taken under section 147(4) or (5) —

(a) was not reasonably necessary to prevent or reduce oil pollution, or risk of oil pollution; or

(b) was such that the good it did or was likely to do was disproportionately less than the expense incurred, or damage suffered, as a result of the action,

a person incurring expense or suffering damage as a result of, or personally taking, the action is entitled to recover compensation from the Governor.

(2) In considering whether subsection (1) applies, account must be taken of —

(a) the extent and risk of oil pollution if the action had not been taken;

(b) the likelihood of the action being effective; and

(c) the extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

[Merchant Shipping Act 1995 (UK), s. 138]

149. Application of sections 147 and 148 to pollution by substances other than oil

(1) In sections 147 and 148, any reference to oil pollution includes a reference to pollution by any other substance which —

(a) is prescribed by the Governor by order for the purposes of this section; or

(b) although not prescribed, is liable or likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

(2) Any reference in sections 147 and 148 to oil includes a reference to any substance falling within subsection (1)(a) or (b).

[Merchant Shipping Act 1995 (UK), s. 138A]

150. Offences in relation to section 147

(1) If the person to whom a direction is duly given under section 147 contravenes, or fails to comply with, any requirement of the direction, he or she commits an offence.

(2) If a person intentionally obstructs any person who is —

(a) acting on behalf of the Governor in connection with the giving or service of a direction under section 147;

(b) acting in compliance with a direction under that section; or

(c) acting under section 147(4) or (5),

he or she commits an offence.

(3) In proceedings for an offence under subsection (1), it is a defence for the accused to prove that he or she has used all due diligence to ensure compliance with the direction, or that the person had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person convicted of an offence under this section is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 139]

151. Service of directions under section 147

(1) If the Governor is satisfied that a company or other body is not one to whom section 437 of the Companies Act 1948 (in its application to the Falkland Islands) and section 5 of the Companies and Private Partnerships Ordinance applies so as to authorise the service of a direction on that body under either of those sections, the Governor may give a direction under section 147 of this Ordinance to that body —

(a) as the owner of, or the person in possession of, a ship, by serving the direction on the master of the ship; or

(b) as a salvor, by serving the direction on the person in charge of the salvage operations.

(2) For the purpose of giving or serving a direction under section 147 to or on any person on a ship, a person acting on behalf of the Governor has the right to go on board the ship.

[Merchant Shipping Act 1995 (UK), s. 140]

152. Application of sections 147 to 151 to certain foreign and other ships

Subject to an Order in Council made under section 141 of the Act relating to a foreign or other ship (as may be specified in that Order in Council) which is in the Falkland Islands or in any part of a zone (relating to the Falkland Islands) that is in a part of the sea specified by virtue of section 129(2)(b) of the Act sections 147 to 151 applies.

[Merchant Shipping Act 1995 (UK), s. 141]

Enforcement

153. Oil records

(1) The Governor may make regulations requiring oil record books to be carried in ships registered in the Falkland Islands and requiring the master of any such ship to record in the oil record book carried by it —

(a) the carrying out, on board or in connection with the ship, of any of the following operations as may be prescribed relating to —

(i) the loading of oil cargo;

(ii) the transfer of oil cargo during a voyage;

(iii) the discharge of oil cargo;

(iv) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks;

(v) the separation of oil from water, or from other substances, in any mixture containing oil;

(vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in (i) to (v); or

(vii) the disposal of any other oil residues;

(b) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo, or of saving life; and

(c) any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.

(2) The Governor may make regulations requiring the keeping of records relating to the transfer of oil to and from ships while they are within Falkland Islands waters; and the requirements of any regulations made under this subsection are in addition to the requirements of any regulations made under subsection (1).

(3) Any records required to be kept by regulations made under subsection (2) must, unless the ship is a barge, be kept by the master of the ship, and must, if the ship is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) Regulations under this section requiring the carrying of oil record books or the keeping of records may —

(a) prescribe the form of the oil record books or records and the nature of the entries to be made in them;

(b) require the person providing or keeping the books or records to retain them for a prescribed period;

(c) require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of the books or records after their transmission to such a place or person.

(5) Regulations under this section may —

(a) be made with respect to all or with respect to any one or more of the classes of ship or other matters to which this section relates;

(b) make different provision for different classes of ship or otherwise for different classes of case or different circumstances.

(6) If any ship fails to carry such an oil record book as it is required to carry under this section the owner or master is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

(7) If any person fails to comply with any requirements imposed on him or her by or under this section, the person is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

(8) If any person makes an entry in any oil record book carried or record kept under this section which is to his knowledge false or misleading in any material particular, the person is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7, or imprisonment for a term not exceeding six months, or to both.

(9) In any proceedings under this Chapter —

(a) any oil record book carried or record kept in pursuance of regulations made under this section is admissible as evidence of the facts stated in it;

(b) any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry is admissible as evidence of the facts stated in the entry;

(c) any document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in paragraph (b), is, unless the contrary is proved, presumed to be such a book, record or copy, as the case may be.

(10) In this section “barge” includes a lighter and any similar vessel.

[Merchant Shipping Act 1995 (UK), s. 142]

154. Prosecutions and enforcement of fines

(1) This subsection applies to the following offences —

(a) any offence under section 140 which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the Falkland Islands;

(b) any offence in relation to a harbour in the Falkland Islands under section 144 or 145; and

(c) any offence under section 153 relating to the keeping of records of the transfer of oil within such a harbour.

(2) Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under section 140 alleged to have been committed by the company as the owner of the ship must be treated as duly served on that company if the document is served on the master of the ship.

(3) In this subsection “foreign company” means a company or body which is not one to which section 437 of the Companies Act 1948 (in its application to the Falkland Islands) applies so as to authorise the service of the document in question under that provision.

(4) Any person authorised to serve any document for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Chapter has, for that purpose, the right to go on board the ship in question.

[Merchant Shipping Act 1995 (UK), s. 143]

155. Power to detain ships for section 140 offences

(1) Where a harbour master has reason to believe that the master or owner of a ship has committed an offence under section 140 by the discharge from the ship of oil, or a mixture containing oil, into the waters of the harbour, the harbour master may detain the ship.

(2) Section 270, in its application to the detention of a ship under this section, has effect with the omission of subsections (1), (6) and (7) and as if —

(a) in subsection (2), the reference to competent authority were a reference to the Authority; and

(b) in subsection (4), the persons in relation to whom that subsection applies were the harbour master or any person acting on his or her behalf.

(3) Where a harbour master detains a ship other than a ship registered in the Falkland Islands under this section he or she must immediately notify the Governor, who must then inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

(4) In this subsection “ship registered in the Falkland Islands” has the same meaning as in section 84.

(5) A harbour master who detains a ship under this section must immediately release the ship —

(a) if no proceedings for the offence are instituted within the period of seven days beginning with the day on which the ship is detained;

(b) if proceedings for the offence, having been instituted within that period, are concluded without the master or owner being convicted;

(c) if either —

(i) the sum of £255,000 is paid to the Authority by way of security; or

(ii) security which, in the opinion of the Authority, is satisfactory and is for an amount not less than £255,000 is given to the Authority,

by or on behalf of the master or owner; or

(d) where the master or owner is convicted of the offence, if any costs or expenses ordered to be paid by him or her, and any fine imposed on him or her, have been paid.

(6) The Authority must repay any sum paid in pursuance of subsection (5)(c) or release any security so given —

(a) if no proceedings for the offence are instituted within the period of seven days beginning with the day on which the sum is paid; or

(b) if proceedings for the offence, having been instituted within that period, are concluded without the master or owner being convicted.

(7) Where a sum has been paid, or security has been given, by any person in pursuance of subsection (5)(c) and the master or owner is convicted of the offence, the sum so paid or the amount made available under the security must be applied as follows —

(a) first in payment of any costs or expenses ordered by the court to be paid by the master or owner; and

(b) next in payment of any fine imposed by the court,

and any balance must be repaid to the first-mentioned person.

(8) This section does not apply in relation to a ship of Her Majesty's navy or any Government ship within the Falkland Islands or in any part of a zone (relating to the Falkland Islands) that is in a part of the sea specified by virtue of section 129(2)(b) of the Act.

[Merchant Shipping Act 1995 (UK), s. 144]

156. Interpretation of section 155

(1) This section has effect for the interpretation of the references in section 155 to the institution of proceedings or their conclusion without the master or owner of a ship being convicted of an offence under section 140.

(2) For the purposes of section 155 —

(a) proceedings for an offence under section 140 are instituted —

(i) when a justice of the peace issues a summons or warrant under the Administration of Justice Ordinance 1949 in respect of the offence;

(ii) when a person is charged with the offence after being taken into custody without a warrant;

(b) proceedings for the offence are concluded without the master or owner being convicted on the occurrence of one of the following events —

(i) the discontinuance of the proceedings;

(ii) the acquittal of the master or owner;

(iii) the quashing of the master's or owner's conviction of the offence;

(iv) the grant of Her Majesty's pardon in respect of the master's or owner's conviction of the offence.

(3) Where the application of subsection (2)(a) or (3)(a) would result in there being more than one time for the institution of proceedings, they must be taken to have been instituted at the earliest of those times.

[Merchant Shipping Act 1995 (UK), s. 145]

157. Enforcement and application of fines

(1) Where a fine imposed by a court in proceedings against the owner or master of a ship for an offence under this Chapter is not paid, or any costs or expenses ordered to be paid by the owner or master are not paid, at the time ordered by the court, the court, in addition to any other powers of enforcing payment, has power to direct the amount remaining unpaid to be levied by distress of the ship and its equipment.

(2) Where a person is convicted of an offence under section 140, and the court imposes a fine in respect of the offence, then, if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

[Merchant Shipping Act 1995 (UK), s. 146]

158. Enforcement of Conventions relating to oil pollution

(1) Any person or authority in the Falkland Islands designated under the provisions of an Order in Council made under section 147 of the Act to go on board any Convention ship while the ship is within a harbour in the Falkland Islands may go on board that ship to require the production of any oil record book required to be carried in accordance with the Convention.

(2) In this section —

“the Convention” means any Convention accepted by Her Majesty's Government in the United Kingdom in so far as it relates to the prevention of pollution of the sea by oil which has also been extended to the Falkland Islands; and

“Convention ship” means a ship registered in —

(a) a country the government of which has been declared by an Order in Council made under section 147(3) of the Act to have accepted the Convention, and has not been declared to have denounced it; or

(b) a territory to which it has been declared that the Convention extends by an Order in Council made under section 147(3) of the Act, not being a territory to which it has been declared that the Convention has ceased to extend.

[Merchant Shipping Act 1995 (UK), s. 147]

Miscellaneous and supplementary

159. Power of Governor to grant exemptions

(1) The Governor may exempt any ship or classes of ships from being subject to any of the provisions of this Chapter or of any regulations made under it, either absolutely or subject to such conditions as the Governor thinks fit.

(2) The Governor may exempt any discharge of, or of a mixture containing, oil from being subject to any of the provisions of this Chapter or of any regulations made under it, either absolutely or subject to such conditions as the Governor thinks fit.

[Merchant Shipping Act 1995 (UK), s. 148]

160. Application to Government ships

The provisions of this Chapter do not apply to ships of Her Majesty's navy, nor to Government ships in the service of the Secretary of State while employed for the purposes of Her Majesty's navy within the Falkland Islands or in any part of a zone (relating to the Falkland Islands) that is in a part of the sea specified by virtue of section 129(2)(b) of the Act. *[Merchant Shipping Act 1995 (UK), s. 149]*

161. Annual Report

(1) The Director of Natural Resources must, as soon as possible after the end of each calendar year, make a report to the Governor on the exercise and performance of —

(a) the Authority;

(b) the harbour master; and

(c) any officer of the Authority,

under this Chapter during that year.

(2) Every report made under subsection (1) must include such observations as the Director may think fit to make on the operation of the Authority during that year and of any Convention accepted by Her Majesty's Government in the United Kingdom and extended to the Falkland Islands in so far as it relates to the prevention of pollution of the sea by oil.

(3) The Governor must lay a copy of the report before the Legislative Assembly.

[Merchant Shipping Act 1995 (UK), s. 150]

Chapter IV – Liability for Oil Pollution
Preliminary

162. Interpretation

(1) In this Chapter —

“court” means the Supreme Court of the Falkland Islands;

“damage” includes loss;

“Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage 1992;

“Liability Convention country” means a country in respect of which the Liability Convention is in force, and includes the United Kingdom, the Falkland Islands and any relevant British possession to which the Liability Convention has been extended; and

“Liability Convention State” means a State which is a party to the Convention and any other State which has been declared by an Order in Council made under section 152(2) of the Act as such.

“oil” means persistent hydrocarbon mineral oil;

“owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered as the ship’s operator, it means the person registered as its operator;

“relevant threat of contamination” must be construed in accordance with section 163(2) or 164(2); and

“ship” (subject to section 164(5)) means any sea-going vessel or sea-borne craft of any type whatsoever.

(2) In relation to any damage or cost resulting from the discharge or escape of any oil from a ship, or from a relevant threat of contamination, references in this Chapter to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge or escape or (as the case may be) in the threat of contamination.

(3) References in this Chapter to the territory of any country include the territorial sea of that country and —

(a) in the case of the Falkland Islands, any area within the Falkland Islands Pollution Control Zone; and

(b) in the case of any other Liability Convention country, the exclusive economic zone of that country established in accordance with international law, or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured as may have been determined by that State in question in accordance with international law.

(4) In subsection (3), “Falkland Islands Pollution Control Zone” means an area co-extensive with the fishing waters of the Falkland Islands as defined in section 3 of the Fishing (Conservation and Management) Ordinance 1986 so far as those fishing waters lie beyond the territorial sea.

[Merchant Shipping Act 1995 (UK), s. 170; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Liability

163. Liability for oil pollution in case of tankers

(1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship to which this section applies, then (except as otherwise provided by this Chapter) the owner of the ship is liable —

(a) for any damage caused outside the ship in the territory of the Falkland Islands by contamination resulting from the discharge or escape;

(b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of the Falkland Islands by contamination resulting from the discharge or escape; and

(c) for any damage caused in the territory of the Falkland Islands by any measures so taken.

(2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship to which this section applies by the contamination that might result if there were a discharge or escape of oil from the ship, then (except as otherwise provided by this Chapter) the owner of the ship is liable —

(a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of the Falkland Islands; and

(b) for any damage caused outside the ship in the territory of the Falkland Islands by any measures so taken,

and in this Chapter any such threat is referred to as a relevant threat of contamination.

(3) Subject to subsection (4), this section applies to any ship constructed or adapted for carrying oil in bulk as cargo.

(4) Where any ship so constructed or adapted is capable of carrying other cargoes besides oil, this section applies to any such ship —

(a) while it is carrying oil in bulk as cargo; and

(b) unless it is proved that no residues from the carriage of any such oil remain in the ship, while it is on any voyage following the carriage of any such oil,

but not otherwise.

(5) Where a person incurs a liability under subsection (1) or (2) the person is also liable for any damage or cost for which he or she would be liable under that subsection if the references in it to the territory of the Falkland Islands included the territory of any other Liability Convention country.

(6) Where —

(a) as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but

(b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners is liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(7) For the purposes of this Chapter —

(a) references to a discharge or escape of oil from a ship are references to such a discharge or escape wherever it may occur, and whether it is of oil carried in a cargo tank or of oil carried in a bunker fuel tank;

(b) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they must be treated as one, but any measures taken after the first of them will be deemed to have been taken after the discharge or escape; and

(c) where a relevant threat of contamination results from a series of occurrences having the same origin, they must be treated as a single occurrence.

(8) The Law Reform (Contributory Negligence) Act 1945 (in its application to the Falkland Islands) applies in relation to any damage or cost for which a person is liable under this section, but which is not due to the person's fault, as if it were due to the person's fault.

[Merchant Shipping Act 1995 (UK), s. 153; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

164. Liability for oil pollution in case of other ships

(1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship other than a ship to which section 163 applies, then (except as otherwise provided by this Chapter) the owner of the ship is liable —

(a) for any damage caused outside the ship in the territory of the Falkland Islands by contamination resulting from the discharge or escape; and

(b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of the Falkland Islands by contamination resulting from the discharge or escape; and

(c) for any damage so caused in the territory of the Falkland Islands by any measures so taken.

(2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship other than a ship to which section 164 applies by the contamination which might result if there were a discharge or escape of oil from the ship, then (except as otherwise provided by this Chapter) the owner of the ship is liable —

(a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of the Falkland Islands; and

(b) for any damage caused outside the ship in the territory of the Falkland Islands by any measures so taken,

and in the subsequent provisions of this Chapter any such threat is referred to as a relevant threat of contamination.

(3) Where —

(a) as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships; but

(b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners is liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(4) The Law Reform (Contributory Negligence) Act 1945 (in its application to the Falkland Islands) applies in relation to any damage or cost for which a person is liable under this section, but which is not due to his or her fault, as if it were due to his or her fault.

(5) In this section “ship” includes a vessel which is not seagoing.

[Merchant Shipping Act 1995 (UK), s. 154; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

165. Exceptions from liability under sections 163 and 164

No liability will be incurred by the owner of a ship under section 163 or 164 by reason of any discharge or escape of oil from the ship, or by reason of any relevant threat of contamination, if the owner proves that the discharge or escape, or (as the case may be) the threat of contamination—

(a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or

(b) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage; or

(c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance or which it was responsible.

[Merchant Shipping Act 1995 (UK), s. 155; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

166. Restriction of liability for oil pollution

(1) Where, as a result of any occurrence —

(a) any oil discharged or escapes from a ship (whether one to which section 163 or one to which section 164 applies); or

(b) there arises a relevant threat of contamination.

then, whether or not the owner of the ship in question incurs a liability under section 163 or 164—

(i) the owner is not liable otherwise than under that section for any such damage or cost as is mentioned in it; and

(ii) no person to whom this paragraph applies is liable for any such damage or cost unless it resulted from anything done or omitted to be done by the person either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.

(2) Subsection (1)(ii) applies to —

(a) any servant or agent of the owner of the ship;

(b) any person not falling within paragraph (a) but employed or engaged in any capacity on board the ship or to perform any service for the ship;

(c) any charterer of the ship (however described and including a bareboat charterer), and any manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;

(e) any person taking any such measures as are mentioned in subsection (1)(b) or (2)(a) of section 163 or 164;

(f) any servant or agent of a person falling within paragraph (c), (d) or (e).

(3) The liability of the owner of a ship under section 163 or 164 for any impairment of the environment must be taken to be a liability only in respect of —

(a) any resulting loss of profits; and

(b) the cost of any reasonable measures of reinstatement actually taken or to be taken.
[Merchant Shipping Act 1995 (UK), s. 156; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Limitation of liability

167. Limitation of liability under section 163

(1) Where, as a result of any occurrence, the owner of a ship incurs liability under section 163 by reason of a discharge or escape or by reason of any relevant threat of contamination, then (subject to subsection (3)) —

(a) the owner may limit that liability in accordance with the provisions of this Chapter; and

(b) if the master does so, his or her liability (being the aggregate of his liabilities under section 163 resulting from the occurrence) will not exceed the relevant amount.

(2) In subsection (1), “the relevant amount” means —

(a) in relation to a ship not exceeding 5,000 tons, 4.51 million special drawing rights;

(b) in relation to a ship exceeding 5,000 tons, 4.51 million special drawing rights together with an additional 631 special drawing rights for each ton of its tonnage in excess of 5,000 tons up to a maximum amount of 89.77 million special drawing rights,

but the Governor may by order make such amendments of paragraphs (a) and (b) as appear to the Governor to be appropriate for the purpose of giving effect to the entry into force of any amendment of the limits of liability laid down in paragraph 1 of Article V of the Liability Convention.

(3) Subsection (1) does not apply in a case where it is proved that the discharge or escape, or (as the case may be) the relevant threat of contamination, resulted from anything done or omitted to be done by the owner either with intent to cause any such damage or cost as is mentioned in section 163 or recklessly and in the knowledge that any such damage or cost would probably result.

(4) For the purposes of this section a ship's tonnage is its gross tonnage calculated in such manner as may be prescribed by an order made by the Governor.

[Merchant Shipping Act 1995 (UK), s. 157; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule, Merchant Shipping (Oil Pollution Compensation Limits) Order 2003]

168. Limitation actions

(1) Where the owner of a ship has or is alleged to have incurred a liability under section 163 he or she may apply to the court for the limitation of that liability to an amount determined in accordance with section 167.

(2) If on such an application the court finds that the applicant has incurred that liability but has not found that he or she is not entitled to limit it, the court must, after determining the limit which would apply to the applicant's liability if he or she were entitled to limit it and directing payment into court of the amount of that limit —

(a) determine the amounts that would, apart from the limit, be due in respect of the liability to the several persons making claims in the proceedings; and

(b) direct the distribution of the amount paid into court (or, as the case may be, so much of it as does not exceed the liability) among those persons in proportion to their claims,

subject to the following provisions of this section.

(3) Where —

(a) a distribution is made under subsection (2)(b) without the court having found that the applicant is entitled to limit his or her liability; and

(b) the court subsequently finds that the applicant is not so entitled,

the making of the distribution is not to be regarded as affecting the applicant's liability in excess of the amount distributed.

(4) A payment into court of the amount of a limit determined in pursuance of this section must be made in sterling; and —

(a) for the purpose of converting such an amount from special drawing rights into sterling one special drawing right must be treated as equal to such a sum in sterling as the

International Monetary Fund have fixed as being the equivalent of one special drawing right for —

(i) the day on which the determination is made; or

(ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;

(b) a certificate given by or on behalf of the Financial Secretary stating —

(i) that a particular sum in sterling has been so fixed for the day on which the determination was made, or

(ii) that no sum has been so fixed for that day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the day on which the determination was made,

is conclusive evidence of those matters for the purposes of this Chapter;

(c) a document purporting to be such a certificate will, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

(5) No claim can be admitted in proceedings under this section unless it is made within such time as the court may direct or such further time as the court may allow.

(6) Where any sum has been paid in or towards satisfaction of any claim in respect of the damage or cost to which the liability extends —

(a) by the owner or the persons referred to in section 175 as “the insurer”; or

(b) by a person who has or is alleged to have incurred a liability, otherwise than under section 164, for the damage or cost and who is entitled to limit his or her liability in connection with the ship by virtue of section 198 or 199 (185 or 186 of the Act,

the person who paid the sum is, to the extent of that sum, in the same position with respect to any distribution made in proceedings under this section as the person to whom it was paid would have been.

(7) Where the person who incurred the liability has voluntarily made any reasonable sacrifice or taken any other reasonable measures to prevent or reduce damage to which the liability extends or might have extended, the person is in the same position with respect to any distribution made in proceedings under this section as if he or she had a claim in respect of the liability equal to the cost of the sacrifice or other measures.

(8) The court may, if it thinks fit, postpone the distribution of a part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court of any country outside the Falkland Islands.

(9) No lien or other right in respect of any ship or other property affects the proportions in which any amount is distributed in accordance with subsection (2)(b).

[Merchant Shipping Act 1995 (UK), s. 158; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule;]

169. Restriction on enforcement after establishment of limitation fund

(1) Where the court has found that a person who has incurred a liability under section 163 is entitled to limit that liability to any amount and he or she has paid into court a sum not less than that amount —

(a) the court must order the release of any ship or other property arrested in connection with a claim in respect of that liability or any security given to prevent or obtain release from such an arrest; and

(b) no judgment or decree for any such claim can be enforced, except so far as it is for costs,

if the sum paid into court, or such part thereof as corresponds to the claim, would be actually available to the claimant or would have been available to the claimant if the proper steps in the proceedings under section 168 had been taken.

[Merchant Shipping Act 1995 (UK), s. 159; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

170. Concurrent liabilities of owners and others

Where, as a result of any discharge or escape of oil from a ship or as a result of any relevant threat of contamination, the owner of the ship incurs a liability under section 163 and any other person incurs a liability, otherwise than under that section, for any such damage or cost as is mentioned in subsection (1) or (2) of that section then, if —

(a) the owner has been found, in proceedings under section 168 to be entitled to limit his or her liability to any amount and has paid into court a sum not less than that amount; and

(b) the other person is entitled to limit liability in connection with the ship by virtue of section 184 or 185,

no proceedings can be taken against the other person in respect of his or her liability, and if any such proceedings were commenced before the owner paid the sum into court, no further steps can be taken in the proceedings except in relation to costs.

[Merchant Shipping Act 1995 (UK), s. 160; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

171. Establishment of limitation fund outside Falkland Islands

Where the events resulting in the liability of any person under section 163 also resulted in a corresponding liability under the law of another Liability Convention country sections 169 and

170 apply as if the references to sections 163 and 168 included references to the corresponding provisions of that law and the references to sums paid into court included references to any sums secured under those provisions in respect of the liability.

[Merchant Shipping Act 1995 (UK), s. 161; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

172. Extinguishment of claims

No action to enforce a claim in respect of a liability incurred under section 163 or 164 will be entertained by any court in the Falkland Islands unless the action is commenced not later than three years after the claim arose nor later than six years after the occurrence or first of the occurrences resulting in the discharge or escape, or (as the case may be) in the relevant threat of contamination, by reason of which the liability was incurred.

[Merchant Shipping Act 1995 (UK), s. 162; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Compulsory insurance

173. Compulsory insurance against liability for pollution

(1) Subject to the provisions of this Chapter relating to Government ships, subsection (2) applies to any ship carrying in bulk a cargo of more than 2,000 tons of oil of a description specified in regulations made by the Governor.

(2) The ship must not enter or leave a port in the Falkland Islands or arrive at or leave a terminal in the territorial sea of the Falkland Islands or, if the ship is registered in the Falkland Islands, enter, arrive at or leave a port in any other country or a terminal in the territorial sea of any other country, unless there is in force a certificate complying with the provisions of subsection (3) and showing that there is in force in respect of the ship a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention (cover for owner's liability).

(3) The certificate must be —

(a) if the ship is registered in the Falkland Islands, a certificate issued by the Governor;

(b) if the ship is registered in a Liability Convention country other than the Falkland Islands, a certificate issued by or under the authority of the government of the other Liability Convention country; and

(c) if the ship is registered in a country which is not a Liability Convention country, a certificate issued by the Governor or by or under the authority of the government of any Liability Convention country other than the Falkland Islands.

(4) Any certificate required by this section to be in force in respect of a ship must be carried in the ship and must, on demand, be produced by the master to any customs officer and, if the ship is registered in the Falkland Islands, to any proper officer.

(5) If a ship enters or leaves, or attempts to enter or leave, a port or arrives at or leaves, or attempts to arrive at or leave, a terminal in contravention of subsection (2), the master or owner is liable on conviction to a fine not exceeding level 7 on the scale set out in Schedule 7.

(6) If a ship fails to carry, or the master of a ship fails to produce, a certificate as required by subsection (4), the master is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

(7) If a ship attempts to leave a port in the Falkland Islands in contravention of this section the ship may be detained.

[Merchant Shipping Act 1995 (UK), s. 163; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

174. Issue of certificate by Governor

(1) Subject to subsection (2), if the Governor is satisfied, on the application for such a certificate as is mentioned in section 173 in respect of a ship registered in the Falkland Islands or in any country which is not a Liability Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention, the Governor must issue such a certificate to the owner.

(2) If the Governor is of the opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his or her obligations, or whether the insurance or other security will cover the owner's liability under section 163 in all circumstances, the Governor may refuse the certificate.

(3) The Governor may make regulations providing for the cancellation and delivery up of a certificate under this section in such circumstances as may be prescribed by the regulations.

(4) If a person required by regulations under subsection (3) to deliver up a certificate fails to do so the person is liable on conviction to a fine not exceeding level 4 on the scale set out in Schedule 7.

(5) The Governor must send a copy of any certificate issued by him or her under this section in respect of a ship registered in the Falkland Islands to the Registrar and the Registrar must make the copy available for public inspection.

[Merchant Shipping Act 1995 (UK), s. 164; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

175. Rights of third parties against insurers

(1) Where it is alleged that the owner of a ship has incurred a liability under section 163 as a result of any discharge or escape of oil occurring, or as a result of any relevant threat of contamination arising, while there was in force a contract of insurance or other security to which a certificate mentioned in section 173 relates, proceedings to enforce a claim in respect of the liability may be brought against the person who provided the insurance or other security (in the following provisions of this section referred to as "the insurer").

(2) In any proceedings brought against the insurer by virtue of this section it is a defence (in addition to any defence affecting the owner's liability), to prove that the discharge or escape, or (as the case may be) the threat of contamination, was due to the wilful misconduct of the owner.

(3) The insurer may limit his or her liability in respect of claims made against him or her by virtue of this section in like manner and to the same extent as the owner may limit his or her liability but the insurer may do so whether or not the discharge or escape, or (as the case may be) the threat of contamination, resulted from anything done or omitted to be done by the owner as mentioned in section 167(3).

(4) Where the owner and the insurer each apply to the court for the limitation of liability any sum paid into court in pursuance of either application must be treated as paid also in pursuance of the other.

[Merchant Shipping Act 1995 (UK), s. 165; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Supplementary

176. Jurisdiction of Falkland Islands courts and registration of foreign judgments

(1) Where —

(a) any oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the territory of the Falkland Islands and no measures are reasonably taken to prevent or minimise such damage in that territory, or

(b) any relevant threat of contamination arises but no measures are reasonably taken to prevent or minimise such damage in the territory of the Falkland Islands,

no court in the Falkland Islands can entertain any action (whether in rem or in personam) to enforce a claim arising from any relevant damage or cost —

(i) against the owner of the ship, or

(ii) against any person to whom section 166(1)(ii) applies, unless any such damage or cost resulted from anything done or omitted to be done as mentioned in that provision.

(2) In subsection (1), “relevant damage or cost” means—

(a) in relation to any such discharge or escape as is mentioned in paragraph (a) of that subsection, any damage caused in the territory of another Liability Convention country by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country;

(b) in relation to any such threat of contamination as is mentioned in paragraph (b) of that subsection, any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country; or

(c) any damage caused by any measures taken as mentioned in paragraph (a) or (b),

and section 166(2)(e) has effect for the purposes of subsection (1)(ii) as if it referred to any person taking any such measures as are mentioned in paragraph (a) or (b).

(4) The Foreign Judgments (Reciprocal Enforcement) Ordinance 1959 applies, whether or not it would so apply apart from this section, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 163; and in its application to such a judgment that Ordinance has effect with the omission of subsections (2) and (3) of section 9.

[Merchant Shipping Act 1995 (UK), s. 166; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

177. Government ships

(1) Nothing in this Chapter applies in relation to any warship or any ship for the time being used by the government of any State for anything other than commercial purposes.

(2) In relation to a ship owned by a State and for the time being used for commercial purposes it is a sufficient compliance with section 173(2) if there is in force a certificate issued by the government of that State and showing that the ship is owned by that State and that any liability for pollution damage as defined in Article I of the Liability Convention will be met up to the limit prescribed by Article V of the Convention.

(3) Every Liability Convention State will, for the purposes of any proceedings brought in a court in the Falkland Islands to enforce a claim in respect of a liability incurred under section 153, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which such proceedings are to be commenced and carried on; but nothing in this subsection authorises the issue of execution against the property of any State.

[Merchant Shipping Act 1995 (UK), s. 167; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

178. Limitation of liability under section 164

For the purposes of section 179 any liability incurred under section 164 will be deemed to be a liability to damages in respect of such damage to property as is mentioned in paragraph 1(a) of Article 2 of the Convention on Limitation of Liability for Maritime Claims 1976, set out in Schedule 5.

[Merchant Shipping Act 1995 (UK), s. 168; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

179. Saving for recourse actions

Nothing in this Chapter prejudices any claim, or the enforcement of any claim a person incurring any liability under this Chapter may have against another person in respect of that liability.

[Merchant Shipping Act 1995 (UK), s. 169; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Chapter V – International Oil Pollution Compensation Fund
Preliminary

180. Interpretation

(1) In this Chapter, unless the context otherwise requires —

“damage” includes loss;

“discharge or escape”, in relation to pollution damage, means the discharge or escape of oil from the ship;

“guarantor” means any person providing insurance or other financial security to cover the owner’s liability of the kind described in section 173;

“incident” means any occurrence, or series of occurrences having the same origin, resulting in a discharge or escape of oil from a ship or in a relevant threat of contamination;

“oil”, except in sections 182 and 183, means persistent hydrocarbon mineral oil;

“owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered as the ship’s operator, it means the person registered as its operator;

“pollution damage” means —

- (a) damage caused outside a ship by contamination resulting from a discharge or escape of oil from the ship;
- (b) the cost of preventive measures; and
- (c) further damage caused by preventive measures,

but does not include any damage attributable to any impairment of the environment except to the extent that any such damage consists of —

- (i) any loss of profits; or
- (ii) the cost of any reasonable measures of reinstatement actually taken or to be taken;

“preventive measures” means any reasonable measures taken by any person to prevent or minimise pollution damage, being measures taken —

- (a) after an incident has occurred; or
- (b) in the case of an incident consisting of a series of occurrences, after the first of

those occurrences;

“relevant threat of contamination” means a grave and imminent threat of damage being caused outside a ship by contamination resulting from a discharge or escape of oil from the ship; and

“ship” means any ship (within the meaning of Chapter III of this Part) to which section 163 applies.

(2) For the purposes of this Chapter —

(a) references to a discharge or escape of oil from a ship are references to such a discharge or escape wherever it may occur, and whether it is of oil carried in a cargo tank or of oil carried in a bunker fuel tank; and

(b) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they must be treated as one.

(3) References in this Chapter to the territory of any country must be construed in accordance with section 169(4) reading the reference to a Liability Convention country as a reference to a Fund Convention country.

[Merchant Shipping Act 1995 (UK), s. 181; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

181. Meaning of the “Liability Convention”, “the Fund Convention” and related expressions

(1) In this Chapter—

“the Liability Convention” has the same meaning as in Chapter IV of this Part;

“the Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992;

“the Fund” means the International Fund established by the Fund Convention;

“Fund Convention country” means a country in respect of which the Fund Convention is in force, and includes the United Kingdom and any relevant British possession to which the Fund Convention has been extended.

(2) If Her Majesty by Order in Council made under section 172 of the Act declares that any State specified in the Order is a party to the Fund Convention in respect of any country so specified, the Order, while in force, is conclusive evidence that that State is a party to that Convention in respect of that country.

[Merchant Shipping Act 1995 (UK), s. 172; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Contributions to Fund

182. Contributions by importers of oil and others

(1) Contributions are payable to the Fund in respect of oil carried by sea to ports or terminal installations in the Falkland Islands otherwise than on a voyage only within waters landward of the baselines for measuring the breadth of the territorial sea of the Falkland Islands.

(2) Subsection (1) applies whether or not the oil is being imported, and applies even if contributions are payable in respect of carriage of the same oil on a previous voyage.

(3) Contributions are also payable to the Fund in respect of oil when first received in any installation in the Falkland Islands after having been carried by sea and discharged in a port or terminal installation in a country which is not a Fund Convention country.

(4) The person liable to pay contributions is —

(a) in the case of oil which is being imported into the Falkland Islands, the importer, and

(b) otherwise, the person by whom the oil is received.

(5) A person is not liable to make contributions in respect of the oil imported or received by the person in any year if the oil so imported or received in the year does not exceed 150,000 tonnes.

(6) For the purpose of subsection (5) —

(a) all the members of a group of companies be treated as a single person; and

(b) any two or more companies which have been amalgamated into a single company will be treated as the same person as that single company.

(7) The contributions payable by a person for any year will —

(a) be of such amount as may be determined by the Director of the Fund under Article 12 of the Fund Convention and notified to that person by the Fund;

(b) be payable in such instalments, becoming due at such times, as may be so notified to the person,

and if any amount due from the person remains unpaid after the date on which it became due, it will from then on bear interest, at a rate determined from time to time by the Assembly of the Fund, until it is paid.

(8) The Governor may by regulations impose on persons who are or may be likely to pay contributions under this section obligations to give security for payment to the Governor, or the Fund.

(9) Regulations under sub-subsection (8) —

(a) may contain such supplemental or incidental provisions as appear to the Governor expedient; or

(b) may impose penalties for contravention of the regulations punishable on conviction by a fine not exceeding level 5 on the scale set out in Schedule 7, or such lower limit as may be specified in the regulations.

(10) In this section and in section 183, unless the context otherwise requires —

“company” means a body incorporated under the law of the Falkland Islands, or of any other country;

“group” in relation to companies, means a holding company and its subsidiaries as defined by section 165 of the Companies Act 1948 (as it applies in the Falkland Islands) subject, in the case of a company incorporated outside the Falkland Islands, to any necessary modifications of those definitions;

“importer” means the person by whom or on whose behalf the oil in question is entered for customs or excise purposes on importation, and “import” will be construed accordingly;

“oil” means crude oil and fuel oil, and —

(a) “crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes —

(i) crude oils from which distillate fractions have been removed; and

(ii) crude oils to which distillate fractions have been added;

(b) “fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials’ Specification for Number Four Fuel Oil (Designation D396-69)”, or heavier,

“terminal installation” means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to any such site.

[Merchant Shipping Act 1995 (UK), s. 173; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

183. Power to obtain information

(1) For the purpose of transmitting to the Fund the names and addresses of the persons who under section 182 are liable to make contributions to the Fund for any year, and the quantity of oil in respect of which they are so liable, the Governor may by notice require any person engaged in producing, treating, distributing or transporting oil to furnish such information as may be specified in the notice.

(2) A notice under this section may require a company to give such information as may be required to ascertain whether its liability is affected by section 182(6).

(3) A notice under this section may specify the way in which, and the time within which, it is to be complied with.

(4) In proceedings by the Fund against any person to recover any amount due under section 182, particulars contained in any list transmitted by the Governor to the Fund are, so far as those particulars are based on information obtained under this section, admissible as evidence of the facts stated in the list; and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, those particulars must be presumed to be accurate until the contrary is proved.

(5) If a person discloses any information which has been furnished to or obtained by him or her under this section, or in connection with the execution of this section, then, unless the disclosure is made —

(a) with the consent of the person from whom the information was obtained;

(b) in connection with the execution of this section; or

(c) for the purposes of any legal proceedings arising out of this section or of any report of such proceedings,

the person is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

(6) A person who —

(a) refuses or wilfully neglects to comply with a notice under this section; or

(b) in furnishing any information in compliance with a notice under this section makes any statement which the person knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

is liable on conviction, to a fine not exceeding level 4 on the scale set out in Schedule 7 in the case of an offence under paragraph (a) and not exceeding level 7 on the scale set out in Schedule 7 in the case of an offence under paragraph (b);

[Merchant Shipping Act 1995 (UK), s. 174; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Compensation for persons suffering pollution damage

184. Liability of the Fund

(1) The Fund is liable for pollution damage in the territory of the Falkland Islands if the person suffering the damage has been unable to obtain full compensation under section 163 —

(a) because the discharge or escape, or the relevant threat of contamination, by reason of which the damage was caused —

(i) resulted from an exceptional, inevitable and irresistible phenomenon; or

(ii) was due wholly to anything done or omitted to be done by another person (not being a servant or agent of the owner) with intent to do damage; or

(iii) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible, (and because liability is accordingly wholly displaced by section 165); or

(b) because the owner or guarantor liable for the damage cannot meet his or her obligations in full; or

(c) because the damage exceeds the liability under section 163 as limited by section 167.

(2) Subsection (1) applies with the substitution for the words “Falkland Islands” of the words “a Fund Convention country” where the incident has caused pollution damage in the territory of the Falkland Islands and of another Fund Convention country, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country or in the Falkland Islands.

(3) Where the incident has caused pollution damage in the territory of the Falkland Islands and of another country in respect of which the Liability Convention is in force, references in this section to the provisions of Chapter IV of this Part includes references to the corresponding provisions of the law of any country giving effect to the Liability Convention.

(4) For the purposes of this section an owner or guarantor is to be treated as incapable of meeting his obligations if the obligations have not been met after all reasonable steps to pursue the legal remedies available have been taken.

(5) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise pollution damage must be treated as pollution damage for the purposes of this section, and accordingly the owner will be in the same position with respect to claims against the Fund under this section as if he had a claim in respect of liability under section 164.

(6) The Fund incurs no obligation under this section if —

(a) it proves that the pollution damage —

(i) resulted from an act of war, hostilities, civil war or insurrection, or

(ii) was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the occurrence, only on Government non-commercial service, or

(b) the claimant cannot prove that the damage resulted from an occurrence involving a ship identified by the claimant, or involving two or more ships one of which is identified by the claimant.

(7) If the Fund proves that the pollution damage resulted wholly or partly —

(a) from anything done or omitted to be done with intent to cause damage by the person who suffered the damage; or

(b) from the negligence of that person,

the Fund may (subject to subsection (9)) be exonerated wholly or partly from its obligations to pay compensation to that person.

(8) Where the liability under section 163 in respect of the pollution damage is limited to any extent by subsection (7) of that section, the Fund will (subject to subsection (9)) be exonerated to the same extent.

(9) Subsections (7) and (8) do not apply where the pollution damage consists of the costs of preventive measures or any damage caused by such measures.

[Merchant Shipping Act 1995 (UK), s. 175; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

185. Limitation of Fund's liability under section 184

(1) The Fund's liability under section 184 is subject to the limits imposed by paragraphs 4 and 5 of Article 4 of the Fund Convention (which impose an overall limit on the liabilities of the Fund and the text of which is set out in Schedule 2, and in those provisions references to the Liability Convention are references to the Liability Convention within the meaning of this Chapter.

(2) A certificate given by the Director of the Fund stating that subparagraph (c) of paragraph 4 of Article 4 of the Fund Convention is applicable to any claim under section 185 is conclusive evidence for the purposes of this Chapter that it is so applicable.

(3) For the purpose of giving effect to paragraphs 4 and 5 of Article 4 of the Fund Convention, a court giving judgment against the Fund in proceedings under section 185 must notify the Fund, and —

(a) no steps can be taken to enforce the judgment unless and until the court gives leave to enforce it;

(b) that leave cannot be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under those paragraphs, or that it is to be reduced to a specified amount; and

(c) in the latter case the judgment is enforceable only for the reduced amount.

(4) Any steps taken to obtain payment of an amount or a reduced amount in pursuance of such a judgment as is mentioned in subsection (3) must be steps to obtain payment in sterling; and —

(a) for the purpose of converting such an amount from special drawing rights into sterling one special drawing right must be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for —

(i) the relevant day, namely the day on which the Assembly of the Fund decide the date for the first payment of compensation in respect of the incident; or

(ii) if no sum has been so fixed for the relevant day, the last day before that day for which a sum has been so fixed; and

(b) a certificate given by or on behalf of the Financial Secretary stating —

(i) that a particular sum in sterling has been so fixed for the relevant day; or

(ii) that no sum has been so fixed for the relevant day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the relevant day,

is conclusive evidence of those matters for the purposes of this Chapter.

(5) Where the Secretary of State makes an order under section 176(5) of the Act, the Governor must by order make such amendments of this section and Part I of Schedule 2 for the purpose of giving effect to the order made by the Secretary of State.

(6) Any document purporting to be such a certificate as is mentioned in subsection (2) or (4)(b) will, in any legal proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

[Merchant Shipping Act 1995 (UK), s. 176; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

Supplemental

186. Jurisdiction and effect of judgments

(1) Where in accordance with rules of court made for the purposes of this subsection the Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under section 163, any judgment given in the proceedings will, after it has become final and enforceable, become binding upon the Fund in the sense that the facts and evidence in the

judgment may not be disputed by the Fund even if the Fund has not intervened in the proceedings.

(2) Where a person incurs a liability under the law of a Fund Convention country corresponding to Chapter III of this Part for damage which is partly in the territory of the Falkland Islands, subsection (1), for the purpose of proceedings under this Chapter, applies with any necessary modifications to a judgment in proceedings under that law of the said country.

(3) Subject to subsection (4), the Foreign Judgments (Reciprocal Enforcement) Ordinance 1959 applies, whether or not it would so apply apart from this subsection, to any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 184; and in its application to such a judgment the said Ordinance has effect with the omission of subsections (2) and (3) of section 6.

(4) No steps can be taken to enforce such a judgment unless and until the court in which it is registered under the 1959 Ordinance gives leave to enforce it and —

(a) that leave cannot be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under paragraph (d) of Article 4 of the Fund Convention (as set out in Schedule 2) or that it is to be reduced to a specified amount; and

(b) in the latter case, the judgment is enforceable only for the reduced amount.

[Merchant Shipping Act 1995 (UK), s. 177; Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997, Schedule]

187. Extinguishment of claims

(1) No action to enforce a claim against the Fund under this Chapter can be entertained by a court in the Falkland Islands unless —

(a) the action is commenced; or

(b) a third party notice of an action to enforce a claim against the owner or his guarantor in respect of the same damage is given to the Fund,

not later than three years after the claim against the Fund arose.

(2) In subsection (1), “third party notice” means a notice of the kind described in section 202(2) and (3).

(3) No action to enforce a claim against the Fund under this Chapter can be entertained by a court in the Falkland Islands unless the action is commenced not later than six years after the occurrence, or first of the occurrences, resulting in the discharge or escape or (as the case may be) in the relevant threat of contamination, by reason of which the claim against the Fund arose.

[Merchant Shipping Act 1995 (UK), s. 178]

188. Subrogation

(1) In respect of any sum paid by the Fund as compensation for pollution damage the Fund will acquire by subrogation any rights in respect of the damage which the recipient has (or but for the payment would have) against any other person.

(2) In respect of any sum paid by a public authority in the Falkland Islands as compensation for pollution damage, the authority will acquire by subrogation any rights which the recipient has against the Fund under this Chapter.

[Merchant Shipping Act 1995 (UK), s. 179]

189 Supplementary provisions as to proceedings involving the Fund

(1) Any proceedings by or against the Fund may either be instituted by or against the Fund in its own name or be instituted by or against the Director of the Fund as the Fund's representative.

(2) Evidence of any instrument issued by any organ of the Fund or of any document in the custody of the Fund, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of the Fund; and any document purporting to be such a copy must, in any such proceedings, be received in evidence without proof of the official position or handwriting of the person signing the certificate.

[Merchant Shipping Act 1995 (UK), s. 180]

Chapter VI – Carriage of hazardous and noxious substances

190. Introductory

(1) In this Chapter, unless the context otherwise requires, “the Convention” means the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996.

(2) The provisions and the text of the Convention, excluding the annexes, is set out in Schedule 3.

(3) In interpreting the definition of “hazardous and noxious substances” in Article 1, paragraph 5 of the Convention, any reference in that paragraph to a particular convention or code as amended must be taken to be a reference to that convention or code as amended from time to time (whether before or after the commencement of this Chapter).

[Merchant Shipping Act 1995 (UK), s. 182A]

191. Power to give effect to Convention

(1) Where an Order in Council made under section 182B of the Act extends the Convention to the Falkland Islands, the Governor must make an order giving effect to the Convention.

(2) The order under subsection (1) may —

(a) make different provision for different circumstances;

(b) make provision for references in the Order in Council to any specified document to operate as references to that document as revised or re-issued from time to time;

(c) provide for the delegation of functions exercisable by virtue of the Order in Council;

(d) include such incidental, supplemental and transitional provisions as may be expedient for the purposes of the Order in Council; and

(e) make amendments to this Chapter for the purposes of giving effect to the Order in Council.

[Merchant Shipping Act 1995 (UK), s. 182B]

192. Power of Governor to make order amending Convention in relation to article 48

(1) Where an Order in Council made under section 182B(1) of the Act extends the Convention to the Falkland Islands, the Governor may by order make such amendments to Schedule 3 as appear to the Governor to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 48 of the Convention.

(2) In subsection (1), “a relevant limit” means any of the limits for the time being specified in article 9, paragraph 1 and article 14, paragraph 5 of the Convention.

[Merchant Shipping Act 1995 (UK), s. 182C]

PART 8 – LIABILITY OF SHIPOWNERS AND OTHERS

Carriage of passengers and luggage by sea

193. Scheduled convention to have force of law

(1) The provisions of the Convention relating to the Carriage of Passengers and their Luggage by Sea as set out in Part I of Schedule 4 (in this section and in Part II of that Schedule referred to as “the Convention”) have the force of law in the Falkland Islands.

(2) The provisions of Part II of Schedule 4 have effect in connection with the Convention and subsection (1) has effect subject to the provisions of that Part.

(3) Where an Order in Council has been made under section 183 of the Act to address a conflict between the provisions of this section or of Part I or II of Schedule 4 and any provisions relating to the carriage of passengers or luggage for reward by land, sea or air in any enactment in the Falkland Islands giving effect to the Convention, the Governor may make such modifications of this section or of the Schedule or any such enactment as he or she considers appropriate for resolving the conflict.

[Merchant Shipping Act 1995 (UK), s. 183, Carriage of Passengers and their Luggage by Sea (Parties to Convention) Order 1987]

Limitation of liability of shipowners, etc. and salvors for maritime claims

194. Limitation of liability for maritime claims

(1) The provisions of the Convention on Limitation of Liability for Maritime Claims 1976 (as amended by the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims of 19 November 1976) as set out in Part I of Schedule 5 (in this section and

Part II of that Schedule referred to as “the Convention”) continues to have the force of law in the Falkland Islands.

[The Limitation of Liability for Maritime Claims (Parties to Convention) Order 1986]

(2) The provisions of Part II of that Schedule has effect in connection with the Convention, and subsection (1) has effect subject to the provisions of that Part.

(3) Where an Order in Council is made under —

(a) section 185(2A) of the Act modifying Parts I and II of the Convention in consequence of the revision of the Convention by the Protocol of 1996 amending the Convention, or

(b) section 185(2B) of the Act as a result of any further revisions to the Convention or to article 8 of the 1996 Protocol,

the Governor may make such revisions as he or she considers appropriate to the relevant parts of Schedule 5 to give effect to those modifications.

(4) The Governor may by order make such amendments of Parts I and II of Schedule 5 as appear to the Governor to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 8 of the 1996 Protocol.

(5) The provisions having the force of law under this section do not apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property of, a person who is on board the ship in question or employed in connection with that ship or with the salvage operations in question if —

(a) he or she is so on board or employed under a contract of service governed by the law of the Falkland Islands; and

(b) the liability arises from an occurrence which took place after the commencement of this Ordinance.

(6) In this section —

“relevant limit” means any of the limits for the time being specified in either of the following provisions of the Convention —

(a) article 6, paragraph 1, and

(b) article 7, paragraph 1.

“ship” and “salvage operations” have the same meaning as in the Convention.

[Merchant Shipping Act 1995 (UK), s. 185; Merchant Shipping Act 1995 (Adoption) (Limitation of Liability for Maritime Claims) Order 1996, Limitation of Liability for Maritime Claims (Parties to Convention) Order 1986]

195. Exclusion of liability

(1) Subject to subsection (3), the owner of a ship registered in the Falkland Islands is not liable for any loss or damage in the following cases, namely —

(a) where any property on board the ship is lost or damaged by reason of fire on board the ship; or

(b) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.

(2) Subject to subsection (3), where the loss or damage arises from anything done or omitted by any person in his or her capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as a servant of the owner of the ship, subsection (1) also excludes the liability of —

(a) the master, member of the crew or servant; and

(b) in a case where the master or member of the crew is the servant of a person whose liability would not be excluded by that subsection apart from this paragraph, the person whose servant he or she is.

(3) This section does not exclude the liability of any person for any loss or damage resulting from any such personal act or omission of the person as is mentioned in Article 4 of the Convention set out in Schedule 5.

(4) This section applies in relation to Her Majesty's ships while they are in Falkland Islands waters as it applies in relation to other ships.

(5) In this section "owner", in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

[Merchant Shipping Act 1995 (UK), s. 186; Merchant Shipping Act 1995 (Adoption) (Limitation of Liability for Maritime Claims) Order 1996]

Multiple fault: apportionment, liability and contribution

196. Damage or loss: apportionment of liability

(1) Where, by the fault of two or more ships, damage or loss is caused to one or more of those ships, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss is in proportion to the degree in which each ship was at fault.

(2) If, in any such case, having regard to all the circumstances, it is not possible to establish different degrees of fault, the liability is apportioned equally.

(3) This section applies to persons other than the owners of a ship who are responsible for the fault of the ships, as well as to the owners of a ship and where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the ship, this section applies to the charterers or other persons for the time being so responsible instead of the owners.

(4) Nothing in this section operates so as to render any ship liable for any loss or damage to which the fault of the ship has not contributed.

(5) Nothing in this section affects the liability of any person under a contract of carriage or any contract, or will be construed as imposing any liability upon any person from which he or she is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his or her liability in the manner provided by law.

(6) In this section “freight” includes passage money and hire.

(7) In this section references to damage or loss caused by the fault of a ship include references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

[Merchant Shipping Act 1995 (UK), s. 187]

197. Loss of life or personal injuries: joint and several liability

(1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships is joint and several.

(2) Subsection (3) of section 196 applies also to this section.

(3) Nothing in this section will be construed as depriving any person of any right of defence on which, apart from this section, he or she might have relied in an action brought against him or her by the person injured, or any person or persons entitled to sue in respect of such loss of life, or affects the right of any person to limit his liability in the manner provided by law.

(4) Subsection (7) of section 196 applies also for the interpretation of this section.

[Merchant Shipping Act 1995 (UK), s. 188]

198. Loss of life or personal injuries: right of contribution

(1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and any other ship or ships, and a proportion of the damages is recovered against the owners of one of the ships which exceeds the proportion in which the ship was in fault, they may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault.

(2) Subsection (3) of section 197 applies also to this section.

(3) Nothing in this section authorises the recovery of any amount which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue.

(4) In addition to any other remedy provided by law, the persons entitled to any contribution recoverable under this section have, for the purposes of recovering it, the same rights and powers as the persons entitled to sue for damages in the first instance.

[Merchant Shipping Act 1995 (UK), s. 189]

Time limit for proceedings against owners or ship

199. Time limit for proceedings against owners or ship

(1) This section applies to any proceedings to enforce any claim or lien against a ship or her owners —

(a) in respect of damage or loss caused by the fault of that ship to another ship, its cargo or freight or any property on board it; or

(b) for damages for loss of life or personal injury caused by the fault of that ship to any person on board another ship.

(2) The extent of the fault is immaterial for the purposes of this section.

(3) Subject to subsections (5) and (6), no proceedings to which this section applies can be brought after the period of two years from the date when —

(a) the damage or loss was caused; or

(b) the loss of life or injury was suffered.

(4) Subject to subsections (5) and (6), no proceedings under any of sections 196 to 198 to enforce any contribution in respect of any overpaid proportion of any damages for loss of life or personal injury can be brought after the period of one year from the date of payment.

(5) Any court having jurisdiction in such proceedings may, in accordance with rules of court, extend the period allowed for bringing proceedings to such extent and on such conditions as it thinks fit.

(6) Any such court, if satisfied that there has not been during any period allowed for bringing proceedings any reasonable opportunity of arresting the defendant ship within —

(a) the jurisdiction of the court; or

(b) the territorial sea of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his or her principal place of business,

must extend the period allowed for bringing proceedings to an extent sufficient to give a reasonable opportunity of so arresting the ship.

[Merchant Shipping Act 1995 (UK), s. 190]

Limitation of liability of the Authority

200. Limitation of liability: Authority

(1) The Authority's liability for any loss or damage caused to any ship, or to any goods, merchandise or other things whatsoever on board any ship is limited in accordance with subsection (4) by reference to the tonnage of the largest ship registered in the Falkland Islands which, at the time of the loss or damage is, or within the preceding five years has been, within the area over which the Authority or person discharges any functions.

(2) The limitation of liability under this section relates to the whole of any losses and damages which may arise on any one distinct occasion, although such losses and damages may be sustained by more than one person, and applies whether the liability arises at common law or under any general or local or private enactment, and notwithstanding anything contained in such an enactment.

(3) This section does not exclude the liability of the Authority for any loss or damage resulting from any such act or omission of the Authority as is mentioned in Article 4 of the Convention set out in Schedule 5.

(4) The limit of liability must be ascertained by applying to the ship by reference to which the liability is to be determined the method of calculation specified in paragraph 1(b) of Article 6 of the Convention set out in Schedule 5.

(5) For the purposes of subsection (1) a ship must not be treated as having been within the area over which the Authority discharges any functions by reason only that it has been built or fitted out within the area, or that it has taken shelter within or passed through the area on a voyage between two places both situated outside that area, or that it has loaded or unloaded mails or passengers within the area.

(6) Nothing in this section imposes any liability for any loss or damage where no liability exists apart from this section.

(7) In this section —

“dock” includes wet docks and basins, tidal docks and basins, locks, cuts, entrances, dry docks, graving docks, gridirons, slips, quays, wharves, piers, stages, landing places and jetties; and

“owners of any dock or canal” includes any authority or person having the control and management of any dock or canal, as the case may be.

[Merchant Shipping Act 1995 (UK), s. 191]

Application to Crown and its ships

201. Application to Crown and its ships

(1) Sections 194, 195, 196, 197 and 198 (except subsection (6)) apply in the case of Her Majesty's ships as they apply in relation to other ships and section 200 applies to the Crown in its capacity as an authority or person specified in this subsection.

(2) In this section "Her Majesty's ships" means —

(a) ships of which beneficial interest is vested in Her Majesty while they are within Falkland Islands waters;

(b) ships which are registered Government ships in the United Kingdom while they are within Falkland Islands waters;

(c) ships which are for the time being demised or sub-demised to or in the exclusive possession of the Crown,

where Her Majesty is interested in any such ship in right of Her Government in the Falkland Islands.

[Merchant Shipping Act 1995, s. 192]

Regulations requiring insurance or security

202. Compulsory insurance or security

(1) Subject to subsections (2) and (3), the Governor may make regulations requiring that, in such cases as may be prescribed by the regulations, while a ship is in Falkland Islands waters, there must be in force in respect of the ship —

(a) a contract of insurance insuring such person or persons as may be specified by the regulations against such liabilities as may be so specified and satisfying such other requirements as may be so specified; or

(b) such other security relating to those liabilities as satisfies requirements specified by or under the regulations.

(2) Regulations under this section do not apply in relation to —

(a) a qualifying foreign ship while it is exercising —

(i) the right of innocent passage; or

(ii) the right of transit passage through straits used for international navigation;

(b) any warship; or

(c) any ship for the time being used by the government of any State for other than commercial purposes.

(3) Regulations under this section may not require insurance or security to be maintained in respect of a ship in relation to any liability in any case where an obligation to maintain insurance or security in respect of that ship in relation to that liability is imposed by section 173 or by or under an Order in Council made under section 182B of the Act.

(4) Regulations under this section may require that, where a person is obliged to have in force in respect of a ship a contract of insurance or other security, such documentary evidence as may be specified by or under the regulations of the existence of the contract of insurance or other security must be carried in the ship and produced on demand, by such persons as may be specified in the regulations, to such persons as may be so specified.

(5) Regulations under this section may provide —

(a) that in such cases as are prescribed a ship which contravenes the regulations is liable to be detained and that section 270 has effect, with such modifications (if any) as are prescribed by the regulations, in relation to the ship;

(b) that a contravention of the regulations is an offence punishable on conviction by a fine of an amount not exceeding level 5 on the scale set out in Schedule 7, or such less amount as is prescribed by the regulations, and on conviction on indictment by a fine; and

(c) that any such contravention is an offence punishable only on conviction by a fine of an amount not exceeding level 5 on the scale set out in Schedule 7, or such less amount as is prescribed by the regulations.

(6) Regulations under this section may —

(a) make different provision for different cases;

(b) make provision in terms of any document which the Governor or any person considers relevant from time to time; and

(c) include such incidental, supplemental and transitional provision as appears to the Governor to be expedient for the purposes of the regulations.

[Merchant Shipping Act 1995 (UK), s. 192A]

Aids to navigation: charts and publications

203. Establishment and management of aids

(1) The Governor or any department as the Governor may appoint must establish within the coastal areas of the Falkland Islands such aids to navigation as may be necessary to facilitate safe navigation.

(2) If it is proposed to establish or discontinue an aid, or alter the lighting characteristics or any other distinguishing features of an aid, the Authority must be consulted before any such proposal is carried into effect.

(3) For the purposes of this section and sections 204 to 207 —

“aids to navigation” and “aids” means all lighthouses, buoys beacons, radio aids, or any other light, signal or mark established to aid marine navigation and includes all buildings, moorings and other works associated therewith; and

“coastal area” includes the coast of the Falkland Islands and all Falkland Islands waters.

(4) This section and sections 204 to 207 apply to the coastal areas of the Falkland Islands.
[*Merchant Shipping Act 2001 (British Virgin Islands), s. 165*]

204. Nautical publications, charts and other information

(1) The harbour master may cause the publication and updating of information on aids to navigation and declare such publications and any other publications, to be approved nautical publications.

(2) In any legal proceedings, the production of an approved nautical publication authenticated by the harbour master is *prima facie* evidence of the matters appearing therein.

(3) The Governor may make regulations specifying such charts, directions or information as appear to the Governor to be necessary or expedient for the safe operation of ships.

(4) Regulations made pursuant to this section may require ships registered in the Falkland Islands or such descriptions of ships as may be specified in the regulations to carry and use, either at all times or on such voyages as may be specified in the regulations, the charts, copies of directions or information so specified.

(5) If a ship goes to sea or attempts to go to sea without carrying the charts, copies of direction or information which it is required to carry according to the regulations made under this section, the master and owner each commits an offence and is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[*Merchant Shipping Act 2001 (British Virgin Islands), s. 166*]

205. Prosecution of offences relating to aids

Any person who —

(a) contravenes subsections (1) and (2) of section 203;

(b) wilfully or negligently damages, destroys or allows a ship to foul an aid;

(c) wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency;

(d) wilfully, negligently or without lawful authority does anything which interferes with an aid so as to hinder the effective use of the aid;

(e) trespasses on or without lawful excuse, is found in or on an aid, or on any land upon which an aid is situated,

commits an offence and, in addition to the expenses of making good any damage so occasioned, is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 2001 (British Virgin Islands), s. 167]

206. Detention of ships

Where a ship damages, destroys or fouls an aid, the Authority may detain the ship until the cost of repairing or replacing the aid or rendering the aid effective again is paid.

[Merchant Shipping Act 2001 (British Virgin Islands), s. 168]

207. Fire or lights detrimental to navigation

(1) A person must not show a light, including light from a fire, in such a place or manner as to mislead ships navigating in the coastal areas of the Falkland Islands.

(2) Any person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding level 6 on the scale set out in Schedule 7.

(3) The harbour master may cause to be extinguished any fire or light in respect of which notice is given under this section where the person to whom the notice has been given fails to comply within the time specified in the notice.

(4) For the purpose of extinguishing false or unauthorised lights, an officer authorised by the harbour master may enter the place where the light is situated and forthwith extinguish the same without causing unnecessary damage.

[Merchant Shipping Act 2001 (British Virgin Islands), s. 169]

PART 9 – WRECK AND SALVAGE

Interpretation

208. Interpretation

(1) In this Part —

“salvage” includes, subject to the Salvage Convention, all expenses properly incurred by the salvor in the performance of the salvage services;

“salvor” means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of the ship;

“vessel” includes any ship or boat, or any other description of vessel used in navigation; and

“wreck” includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

(2) Fishing boats or fishing gear lost or abandoned at sea and either —

(a) found or taken possession of within Falkland Islands waters; or

(b) found or taken possession of beyond those waters and brought within those waters,

must be treated as wreck for the purposes of this Part.

[*Merchant Shipping Act 1995 (UK), s. 255, Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997, Schedule 2 S.I. 1997/2586*]

Chapter I – Salvage

209. Salvage Convention 1989 to have force of law

(1) The provisions of the International Convention on Salvage, 1989 as set out in Part I of Schedule 6 (in this Chapter referred to as “the Salvage Convention”) continue to have the force of law in the Falkland Islands.

(2) The provisions of Part II of the Salvage Convention, and subsection (1) has effect subject to the provisions of the Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997.

(3) Nothing in subsection (1) or (2) affects any rights or liabilities arising out of any salvage operations started or other acts done before 30th November 1997.

[*Merchant Shipping Act 1995 (UK), s. 224; Merchant Shipping(Salvage Convention) (Overseas Territories) Order 1997, Schedule 2*]

210. Valuation of property by receiver

(1) Where any dispute as to salvage arises, the receiver may, on the application of either party, appoint a valuer to value the property.

(2) When the valuation has been made the receiver must give copies of it to both parties.

(3) A copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, is admissible as evidence in any subsequent proceedings.

(4) There must be paid in respect of the valuation by the person applying for it such fee as the Governor may direct.

[*Merchant Shipping Act 1995 (UK), s. 225*]

211. Detention of property liable for salvage by receiver

(1) Where salvage is due to any person under this Chapter, the receiver must —

(a) if the salvage is due in respect of services rendered —

(i) in assisting a vessel;

(ii) in saving life from a vessel; or

(iii) in saving the cargo and equipment of a vessel, detain the vessel and cargo or equipment; and

(b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Chapter, detain the wreck.

(2) Subject to subsection (3), the receiver must detain the vessel and the cargo and equipment, or the wreck, as the case may be, until payment is made for salvage, or process is issued for the arrest or detention of the property by the court.

(3) The receiver may release any property detained under subsection (2) if security is given —

(a) to his or her satisfaction; or

(b) where —

(i) the claim for salvage exceeds £5,000; and

(ii) any question is raised as to the sufficiency of the security,

to the satisfaction of the court.

(4) Any security given for salvage under this section to an amount exceeding £5,000 may be enforced by the court in the same manner as if bail had been given in that court.

[Merchant Shipping Act 1995 (UK), s. 226]

212. Sale of detained property by receiver

(1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases.

(2) Those cases are where the amount —

(a) is not disputed, and payment of the amount due is not made within twenty days after the amount is due;

(b) is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court; or

(c) is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for an appeal.

(3) The proceeds of sale of detained property must, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees and salvage and any excess must be paid to the owners of the property or any other persons entitled to it.

(4) In this section “detained property” means property detained by the receiver under section 211(2).

[Merchant Shipping Act 1995 (UK), s. 227]

213. Apportionment of salvage under £5,000 by the receiver

(1) Where —

(a) the aggregate amount of salvage payable in respect of salvage services rendered in Falkland Islands waters has been finally determined and does not exceed £5,000; but

(b) a dispute arises as to the apportionment of the amount among several claimants,

the person liable to pay the amount may apply to the receiver for leave to pay it to the receiver.

(2) The receiver must, if he thinks fit, receive the amount and, if the receiver does, he or she must give the person paying it a certificate stating the amount paid and the services in respect of which it is paid.

(3) A certificate under subsection (2) is a full discharge and indemnity to the person by whom it was paid, and to his vessel, cargo, equipment and effects against the claims of all persons in respect of the services mentioned in the certificate.

(4) The receiver must with all convenient speed distribute any amount received by him or her under this section among the persons entitled to it, on such evidence, and in such shares and proportions, as he or she thinks fit.

(5) Any decision by the receiver under subsection (4) must be made on the basis of the criteria contained in Article 13 of the Salvage Convention.

(6) The receiver may retain any money which appears to the receiver to be payable to any person who is absent.

(7) A distribution made by a receiver under this section is final and conclusive as against all persons claiming to be entitled to any part of the amount distributed.

[Merchant Shipping Act 1995 (UK), s. 228]

214. Apportionment of salvage by the court

(1) Where —

(a) the aggregate amount of salvage payable in respect of salvage services rendered in Falkland Islands waters has been finally determined and exceeds £5,000; or

(b) the aggregate amount of salvage payable in respect of salvage services rendered outside Falkland Islands waters (of whatever amount) has been finally determined; but

(c) in either case, any delay or dispute arises as to the apportionment of the amount,

the court may cause the amount of salvage to be apportioned among the persons entitled to it in such manner as it thinks just.

(2) Any decision of the court under this section must be made on the basis of the criteria contained in Article 13 of the Salvage Convention.

(3) For the purpose of making that apportionment, the court may —

(a) appoint any person to carry that apportionment into effect;

(b) compel any person in whose hands or under whose control the amount may be to distribute it or to pay it into court to be dealt with as the court directs; and

(c) issue such process as it thinks fit.

[Merchant Shipping Act 1995 (UK), s. 229]

215. Salvage claims against the Crown and Crown rights of salvage and regulation of salvage claims

(1) Subject to section 29 of the Crown Proceedings Act 1947 in its application to the Falkland Islands (exclusion of proceedings in rem against the Crown) (so far as consistent with the Salvage Convention), the law relating to civil salvage, whether of life or property, except sections 210, 211 and 212, applies in relation to salvage services in assisting any of Her Majesty's ships in Falkland Islands waters, or in saving life from Her Majesty's ships, or in saving any cargo or equipment belonging to Her Majesty in right of Her Government in the Falkland Islands, in the same manner as if the ship, cargo or equipment belonged to a private person.

(2) Where salvage services are rendered by or on behalf of Her Majesty in right of Her Government in the Falkland Islands, Her Majesty is entitled to claim salvage in respect of those services to the same extent as any other salvor, and has the same rights and remedies of those services as any other salvor.

(3) No claim for salvage services by the commander or crew, or part of the crew, of any of Her Majesty's ships can be finally adjudicated upon in the Falkland Islands without the consent of the Attorney General to the prosecution of the claim.

(4) Any document purporting to give the consent of and to be signed by the Attorney General for the purposes of subsection (3) is evidence of that consent.

(5) "Her Majesty's ships" has the same meaning in this section as in section 201(2).

[Merchant Shipping Act 1995 (UK), s.230]

Chapter II – Wreck *Vessels in distress*

216. Application of, and discharge of functions under, sections 217, 218, 219, and 220

(1) Sections 217, 218, 219 and 220 apply in circumstances where a vessel registered in the Falkland Islands or a foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Falkland Islands or any tidal water within Falkland Islands waters.

(2) Where any function is conferred on the receiver by any of those sections, that function may be discharged by any customs officer or any officer designated by the Governor to discharge that function.

(3) An officer discharging any functions of the receiver under this section must, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by any provision of this Chapter, be treated as the agent of the receiver.

(4) Notwithstanding subsection (3), an officer discharging such functions is not —

(a) entitled to any fees payable to receivers; or

(b) to be deprived of any right to salvage to which he or she would otherwise be entitled.

(5) In any of those sections “shipwrecked persons”, in relation to a vessel, means persons belonging to the vessel.

[Merchant Shipping Act 1995 (UK), s. 231]

217. Duty of receiver where vessel in distress

(1) In circumstances in which this section applies by virtue of section 216 in relation to any vessel the receiver must, on being informed of the circumstances, discharge the following functions.

(2) Subject to subsection (3), the receiver must —

(a) immediately proceed to the place where the vessel is;

(b) take command of all persons present; and

(c) assign such duties and give such directions to each person as he or she thinks fit for the preservation of the vessel and of the lives of the shipwrecked persons.

(3) The receiver must not interfere between the master and crew of the vessel in reference to the management of the vessel unless he or she is requested to do so by the master.

(4) Subject to subsection (3), if any person intentionally disobeys the direction of the receiver that person is liable, on conviction, to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 232]

218. Powers of receiver in case of vessel in distress

(1) In circumstances where this section applies by virtue of section 189 in relation to any vessel the receiver may, for the purpose of the preservation of shipwrecked persons or of the vessel, cargo and equipment —

(a) require such persons as the receiver thinks necessary to assist him or her;

(b) require the master, or other person having the charge, of any vessel near at hand to give such assistance with his or her crew, or vessel, as may be in his or her power; and

(c) require the use of any vehicle that may be near at hand.

(2) If any person refuses, without reasonable excuse, to comply with any requirement made under subsection (1) the person commits an offence and is liable, on conviction, to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 233]

219. Power to pass over adjoining land

(1) In circumstances where this section applies by virtue of section 216 in relation to any vessel, all persons may, subject to subsections (3) and (4), for the purpose of —

(a) rendering assistance to the vessel;

(b) saving the lives of shipwrecked persons; or

(c) saving the cargo or equipment of the vessel,

pass and repass over any adjoining land without being subject to interruption by the owner or occupier and deposit on the land any cargo or other article recovered from the vessel.

(2) The right of passage conferred by subsection (1) is a right of passage with or without vehicles.

(3) No right of passage is conferred by subsection (1) where there is some public road equally convenient.

(4) The rights conferred by subsection (1) must be so exercised as to do as little damage as possible.

(5) Any damage sustained by an owner or occupier of land in consequence of the exercise of the rights conferred by this section is a charge on the vessel, cargo or articles in respect of or by which the damage is caused.

(6) Any amount payable in respect of such damage must, in case of dispute, be determined and is, in default of payment, recoverable in the same manner as the amount of salvage is determined and recoverable under this Part.

(7) If the owner or occupier of any land —

(a) impedes or hinders any person in the exercise of the rights conferred by this section;

(b) impedes or hinders the deposit on the land of any cargo or other article recovered from the vessel; or

(c) prevents or attempts to prevent any cargo or other article recovered from the vessel from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,

he or she commits an offence and is liable, on conviction, to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 234]

220. Liability for damage in case of plundered vessel

(1) Where, in circumstances in which this section applies by virtue of section 216 in relation to any vessel, the vessel or any part of its cargo and equipment is plundered, damaged or destroyed by persons in circumstances in which those persons commit the offence of riot, compensation must be made to the owner of the vessel, cargo or equipment in accordance with regulations made under subsection (2).

(2) The Governor may make regulations setting out any provisions to govern the payment of compensation under this section.

[Merchant Shipping Act 1995 (UK), s. 235]

Dealing with wreck

221. Duties of finder etc. of wreck

(1) If any person finds or takes possession of any wreck in Falkland Islands waters or finds or takes possession of any wreck outside Falkland Islands waters and brings it within those waters, the person must —

(a) if the person is the owner of it, give notice to the receiver stating that he or she has found or taken possession of it and describing the marks by which it may be recognised; or

(b) if the person is not the owner of it, give notice to the receiver that he or she has found or taken possession of it and, as directed by the receiver, either hold it to the receiver's order or deliver it to the receiver.

(2) If any person fails, without reasonable excuse, to comply with subsection (1) that person commits an offence and is liable, on conviction, to a fine not exceeding level 4 on the scale set out in Schedule 7 and if the person is not the owner of the wreck he or she also —

(a) forfeits any claim to salvage; and

(b) is liable to pay twice the value of the wreck —

(i) if it is claimed, to the owner of it; or

(ii) if it is unclaimed, to the person entitled to the wreck.

(3) Any sum payable under subsection (2)(b) to the owner of the wreck or to the persons entitled to the wreck may be recovered summarily as a civil debt.

[Merchant Shipping Act 1995 (UK), s. 236]

222. Provisions as respects cargo, etc.

(1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Falkland Islands or any tidal water within Falkland Islands waters, any cargo or other articles belonging to or separated from the vessel which are washed on shore or otherwise lost or taken from the vessel must be delivered to the receiver.

(2) If any person (whether the owner or not) —

(a) conceals or keeps possession of any such cargo or article; or

(b) refuses to deliver any such cargo or article to the receiver or to any person authorised by the receiver to require delivery,

he or she commits an offence and is liable, on conviction, to a fine not exceeding level 4 on the scale set out in Schedule 7.

(3) The receiver or any person authorised by the receiver may take any such cargo or article (if necessary by force) from any person who refuses to deliver it.

[Merchant Shipping Act 1995 (UK), s. 237]

223. Receiver to give notice of wreck

(1) Where the receiver takes possession of any wreck he or she must, within 48 hours make a record describing the wreck and any marks by which it is distinguished.

(2) The record made by the receiver under subsection (1) must be kept by the receiver available for inspection by any person during reasonable hours without charge.

[Merchant Shipping Act 1995 (UK), s. 238]

224. Claims of owners to wreck

(1) The owner of any wreck in the possession of the receiver who establishes his or her claim to the wreck to the satisfaction of the receiver within one year from the time when the wreck came into the receiver's possession is, on paying the salvage, fees and expenses due, entitled to have the wreck delivered or the proceeds of sale paid to him or her.

(2) Where —

(a) a foreign ship has been wrecked on or near the coasts of the Falkland Islands; or

(b) any articles belonging to or forming part of, or of the cargo of, a foreign ship which has been wrecked on or near the coasts of the Falkland Islands are found on or near the coast or are brought into any port,

the appropriate consular officer must, in the absence of the owner and of the master or other agent of the owner, be treated as the agent of the owner for the purposes of the custody and disposal of the wreck and such articles.

(3) In subsection (2) “the appropriate consular officer”, in relation to a foreign ship, means the consul general of the country to which the ship or, as the case may be, the owners of the cargo may have belonged or any consular officer of that country authorised for the purpose by any treaty or arrangement with that country.

[Merchant Shipping Act 1995 (UK), s. 239]

225. Immediate sale of wreck in certain cases

(1) The receiver may at any time sell any wreck in his possession if, in the receiver's opinion —

(a) it is under the value of £5,000;

(b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept;
or

(c) it is not of sufficient value to pay for storage.

(2) The receiver may also sell any wreck in his or her possession before the end of the year referred to in section 224(1) if —

(a) in the receiver's opinion it is unlikely that any owner will establish a claim to the wreck within that year; and

(b) no statement has been given to the receiver under section 227(1) in relation to the place where the wreck was found.

(3) Subject to subsection (4), the proceeds of sale must, after defraying the expenses of the sale, be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

(4) Where the receiver sells any wreck in a case falling within subsection (2), he or she may make to the salvors an advance payment, of such amount as the receiver thinks fit and subject to such conditions as he or she thinks fit, on account of any salvage that may become payable to them in accordance with section 228(5).

[Merchant Shipping Act 1995 (UK) s. 240]

Unclaimed wreck

226. Right of Crown to unclaimed wreck

Her Majesty's Government in right of the Falkland Islands is entitled to all unclaimed wreck found in the Falkland Islands or in Falkland Islands waters except in places where said Government has granted the right to any other person.

[Merchant Shipping Act 1995 (UK), s. 241]

227. Notice of unclaimed wreck to be given to persons entitled

(1) Any person who is entitled to unclaimed wreck found at any place in the Falkland Islands or in Falkland Islands waters must give the receiver a statement containing the particulars of his or her entitlement and specifying an address to which notices may be sent.

(2) Where a statement has been given to the receiver under subsection (1) and the entitlement is proved to the satisfaction of the receiver, the receiver must, on taking possession of any wreck found at a place to which the statement refers, within 48 hours, send to the specified address a description of the wreck and of any marks distinguishing it.

[Merchant Shipping Act 1995 (UK), s. 242]

228. Disposal of unclaimed wreck

(1) Where, as respects any wreck found in the Falkland Islands or in Falkland Islands waters and in the possession of the receiver, no owner establishes a claim to it within one year after it came into the receiver's possession, the wreck must be dealt with in accordance with the provisions of this section.

(2) If the wreck is claimed by any person who has delivered the statement required by section 227 and has proved to the satisfaction of the receiver his or her entitlement to receive unclaimed wreck found at the place where the wreck was found, the wreck must, on payment of all expenses, costs, fees and salvage due in respect of it, be delivered to that person.

(3) If the wreck is not claimed by any person in accordance with section 227, the receiver must sell the wreck and pay the proceeds as directed by subsection (6), after making the deductions required by subsection (4) and paying to the salvors the amount of salvage determined under subsection (5).

(4) The amounts to be deducted by the receiver are —

(a) the expenses of the sale;

(b) any other expenses incurred by him or her; and

(c) the receiver's fees.

(5) The amount of salvage to be paid by the receiver to the salvors is such amount as the Governor directs generally or in the particular case.

(6) The proceeds of sale (after making those deductions and salvage payments) must be paid by the receiver into the Consolidated Fund.

[Merchant Shipping Act 1995 (UK), s. 243]

229. Effect of delivery of wreck etc. under this Part

(1) Delivery of wreck or payment of the proceeds of sale of wreck by the receiver under this Chapter discharges the receiver from all liability in respect of the delivery or payment.

(2) Delivery of wreck by the receiver under this Chapter does not, however, prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck or concerning the title to the soil of the place at which the wreck was found.

[Merchant Shipping Act 1995 (UK), s. 244]

Offences in respect of wreck

230. Taking wreck to foreign port

(1) A person commits an offence if he or she takes into any foreign port and sells —

(a) any vessel stranded, derelict or otherwise in distress found on or near the coasts of the Falkland Islands or any tidal water within Falkland Islands waters;

(b) any part of the cargo or equipment of, or anything belonging to, such a vessel; or

(c) any wreck found within those waters.

(2) A person convicted of an offence under this section is liable, on conviction to imprisonment for a term not exceeding five years.

[Merchant Shipping Act 1995 (UK), s. 245]

231. Interfering with wrecked vessel or wreck

(1) Subject to subsection (2), a person commits an offence if, without the permission of the master, the person boards or attempts to board any vessel which is wrecked, stranded or in distress.

(2) No offence is committed under subsection (1) if the person is the receiver or a person lawfully acting as the receiver or if the person acts by command of the receiver or a person so acting.

(3) A person commits an offence if he or she —

(a) impedes or hinders or attempts to impede or hinder the saving of —

(i) any vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water; or

(ii) any part of the cargo or equipment of any such vessel; or

(iii) any wreck;

(b) conceals any wreck;

(c) defaces or obliterates any mark on a vessel; or

(d) wrongfully carries away or removes —

(i) any part of any vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water;

(ii) any part of the cargo or equipment of any such vessel; or

(iii) any wreck.

(4) The master of a vessel may forcibly repel any person committing or attempting to commit an offence under subsection (1).

(5) A person convicted of an offence under this section is liable, on conviction —

(a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the scale set out in Schedule 7;

(b) in the case of an offence under subsection (3), to a fine not exceeding level 4 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 246]

232. Powers of entry, etc.

(1) Where the receiver has reason to believe that —

(a) any wreck is being concealed by or is in the possession of some person who is not the owner of it; or

(b) any wreck is being otherwise improperly dealt with,

the receiver may apply to a justice of the peace for a search warrant.

(2) Where a search warrant is granted under subsection (1) to the receiver, the receiver may, by virtue of the warrant —

(a) enter any house, or other place (wherever situated) or any vessel; and

(b) search for, seize and detain any wreck found there.

(3) If any seizure of wreck is made under this section in consequence of information given by any person to the receiver, the person giving the information is entitled, by way of salvage, to such sum, not exceeding £100, as the receiver may allow.

[Merchant Shipping Act 1995 (UK), s. 247]

Chapter III – Supplemental Administration

233. Functions of the Governor as to wreck

(1) The Governor has the general superintendence throughout the Falkland Islands of all matters relating to wreck.

(2) The Chief Executive may appoint one or more persons to be receiver of wreck for the purposes of this Part and a receiver so appointed must discharge such functions as are assigned to him or her by the Chief Executive.

(3) The appointment of any person to the office of receiver must be published in a notice in the *Gazette*.

[Merchant Shipping Act 1995 (UK), s. 248]

234. Expenses and fees of receivers

(1) There must be paid to the receiver the expenses properly incurred by him or her in the discharge of his or her functions and also, in respect of such matters as may be prescribed by regulations made by the Governor, such fees as may be so prescribed.

(2) The receiver is not entitled to any other remuneration.

(3) The receiver, in addition to all other rights and remedies for the recovery of those expenses and fees, has the same rights and remedies in respect of those expenses and fees as a salvor has in respect of salvage due to him or her.

(4) Whenever any dispute arises as to the amount payable to the receiver in respect of expenses or fees, that dispute must be determined by the Governor, whose decision is final.

[Merchant Shipping Act 1995 (UK), s. 249]

Coastguard services

235. Remuneration for services of coastguard

(1) Subject to subsection (2), where services are rendered by any officers of the coastguard service in watching or protecting shipwrecked property the owner of the property must pay in respect of those services remuneration according to a scale fixed by the Governor.

(2) No liability in respect of those services arises under subsection (1) where —

(a) the services have been declined by the owner of the property or his or her agent at the time they were tendered; or

(b) salvage has been claimed and awarded for the services.

(3) Remuneration under this section is —

(a) recoverable by the same means;

(b) paid to the same persons; and

(c) accounted for and applied in the same manner,

as fees received by the receiver under section 234.

(4) The scale fixed by the Governor must not exceed the scale by which remuneration to officers of the coastguard for extra duties in the ordinary service of the Collector of Customs is for the time being regulated.

[Merchant Shipping Act 1995 (UK), s. 250]

Release from customs and excise control

236. Release of goods from customs and excise control

(1) The Collector of Customs must, subject to taking security for the protection of the revenue in respect of the goods, permit all goods saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination.

(2) The Collector of Customs must, subject to taking such security, permit all goods saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which they were shipped.

(3) In this section “goods” includes wares and merchandise.

[Merchant Shipping Act 1995 (UK), s. 251]

Removal of wrecks

237. Powers of Authority in relation to wrecks

(1) Where any vessel is sunk, stranded or abandoned in, or in or near any approach to, any harbour or tidal water under the control of the Authority in such a manner as, in the opinion of the Authority, to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or approach to the harbour or water, the Authority may exercise any of the following powers.

(2) Those powers are —

(a) to take possession of, and raise, remove or destroy the whole or any part of the vessel and any other property to which the power extends;

(b) to light or buoy the vessel or part of the vessel and any such other property until it is raised, removed or destroyed; and

(c) subject to subsections (5) and (6), to sell, in such manner as the Authority think fit, the vessel or part of the vessel so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b);

(d) to reimburse themselves, out of the proceeds of the sale, for the expenses incurred by them in relation to the sale.

(3) The other property to which the powers conferred by subsection (2) extend is every article or thing or collection of things being or forming part of the equipment, cargo, stores or ballast of the vessel.

(4) Any surplus of the proceeds of a sale under subsection (2)(c) must be held by the Authority on trust for the persons entitled to it.

(5) Except in the case of property which is of a perishable nature or which would deteriorate in value by delay, no sale can be made under subsection (2)(c) until at least seven days' notice of the intended sale has been given by advertisement in a local newspaper in wide circulation in the Falkland Islands.

(6) At any time before any property is sold under subsection (2)(c), the owner of the property is entitled to have it delivered to him or her on payment of its fair market value.

(7) The market value of property for the purposes of subsection (6) is that agreed on between the Authority and the owner or, failing agreement, that determined by a person appointed for the purpose by the Governor.

(8) The sum paid to the Authority in respect of any property under subsection (6) must, for the purposes of this section, be treated as the proceeds of sale of the property.

(9) Any proceeds of sale arising under subsection (2)(c) from the sale of a vessel and any other property recovered from the vessel must be treated as a common fund.

(10) This section is without prejudice to any other powers of the Authority.
[Merchant Shipping Act 1995 (UK) s. 252]

PART 10 – ENFORCEMENT OFFICERS AND POWERS

Enforcement Officers

238. Appointment of inspectors and surveyors

(1) The Governor may, if he or she thinks fit, appoint any person as an inspector to report to the Governor —

(a) upon the nature and causes of any accident or damage which any ship has or is alleged to have sustained or caused;

(b) whether any requirements, restrictions or prohibitions imposed by or under this Ordinance have been complied with or (as the case may be) contravened;

(c) whether the hull and machinery of a ship are sufficient and in good condition; or

(d) what measures have been taken to prevent the escape of oil or mixtures containing oil.

(2) The Governor may, at such ports as he or she thinks fit, appoint persons to be surveyors of ships for the purposes of this Ordinance and may remove any person so appointed.

(3) A surveyor of ships may be appointed either as a ship surveyor or as an engineer surveyor or as both.

(4) Surveyor of ships may be appointed either generally or for any particular case or purpose.

(5) The Governor may also appoint a surveyor general of ships for the Falkland Islands and such other officers in connection with the survey of ships and other matters relating to the survey of ships as the Governor thinks fit.

(6) The Governor may appoint persons to be inspectors for the purposes of sections 243 to 248.

(7) An inspector appointed under subsection (1) must be treated as appointed under subsection (6).

(8) Every surveyor of ships must be treated as a person appointed generally under subsection (1) to report to the Governor in every kind of case falling within paragraphs (b) and (d) of that subsection in relation to Chapter II of Part 7.

(9) In this Ordinance —

“Departmental inspector” means an inspector appointed under subsection (1);

“Departmental officer” means any public officer discharging functions for the purposes of this Ordinance;

“surveyor of ships” means a surveyor appointed under subsection (2),

and the reference to requirements, restrictions or prohibitions under this Ordinance includes any such requirements, restrictions or prohibitions constituting the terms of any approval, licence, consent or exemption given in any document issued under this Ordinance.

[Merchant Shipping Act 1995 (UK), s. 256]

Inspection etc. powers

239. Powers to require production of ships’ documents

(1) The powers conferred by this section are conferred in relation to ships registered in the Falkland Islands and can be discharged by any of the following officers —

- (a) any Departmental officer;
- (b) any marine officer;
- (c) the Registrar General of Shipping or any person discharging his or her functions;
- (d) the Collector of Customs; or
- (e) any superintendent,

whenever the officer has reason to suspect that this Ordinance or any law for the time being in force relating to merchant seafarers or navigation is not complied with.

(2) Those powers are —

- (a) to require the owner, master, or any of the crew to produce any official log-books or other documents relating to the crew or any member of the crew in their possession or control;
- (b) to require the master to produce a list of all persons on board his ship, and take copies of or extracts from the official log-books or other such documents;
- (c) to muster the crew; and
- (d) to require the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

(3) If any person, on being duly required by an officer under this section to produce a log-book or any document, fails without reasonable excuse to produce the log-book or document, the person commits an offence and is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(4) If any person, on being duly required by any officer under this section —

(a) to produce a log-book or document, refuses to allow the log-book or document to be inspected or copied;

(b) to muster the crew, impedes the muster; or

(c) to give any explanation, refuses or neglects to give the explanation or knowingly misleads or deceives the officer,

he or she commits an offence and is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 257]

240. Powers to inspect ships and their equipment, etc.

(1) For the purposes of ensuring that the provisions of this Ordinance other than sections 139 to 152 and sections 153 to 161 and the provisions of regulations and rules made under this Ordinance (other than those sections) are complied with or that the terms of any approval, licence, consent, direction or exemption given by virtue of such regulations are duly complied with, the following persons, namely —

(a) a surveyor of ships;

(b) a superintendent; or

(c) any person appointed by the Governor, either generally or in a particular case, to exercise powers under this section,

may at all reasonable times go on board a ship in the Falkland Islands or in Falkland Islands waters and inspect the ship and its equipment or any part thereof, any articles on board and any document carried in the ship in pursuance of this Ordinance or in pursuance of regulations or rules under this Ordinance.

(2) The powers conferred by subsection (1) are not exercisable in relation to a qualifying foreign ship while the ship is exercising —

(a) the right of innocent passage; or

(b) the right of transit passage through straits used for international navigation.

(3) The powers conferred by subsection (1) are, if the ship is a ship registered in the Falkland Islands, also exercisable outside Falkland Islands waters and may be so exercised by a proper officer as well as the persons mentioned in that subsection.

(4) A person exercising powers under this section must not unnecessarily detain or delay a ship but may, if he or she considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.

(5) Where any such person as is mentioned in subsection (1) has reasonable grounds for believing that there are on any premises provisions or water intended for supply to a ship registered in the Falkland Islands which, if provided on the ship, would not be in accordance with safety regulations containing requirements as to provisions and water to be provided on ships the person may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they would be in accordance with the regulations.

(6) If any person obstructs a person in the exercise of his powers under this section, or fails to comply with a requirement made under subsection (4), the person commits an offence and is liable, on conviction, to a fine not exceeding level 5 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 258]

241. Powers of inspectors in relation to premises and ships

(1) The powers conferred by this section are conferred in relation to —

(a) any premises in the Falkland Islands; or

(b) any ship registered in the Falkland Islands wherever it may be and any other ship which is present in the Falkland Islands or in Falkland Islands waters,

and are available to any Departmental inspector, or any inspector appointed under section 238(6), for the purpose of performing his functions.

(2) Such an inspector may —

(a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) —

(i) enter any premises; or

(ii) board any ship,
if he or she has reason to believe that it is necessary for him or her to do so;

(b) on entering any premises by virtue of paragraph (a) or on boarding a ship by virtue of that paragraph, take with him or her any other person authorised for the purpose by the Governor and any equipment or materials he or she requires;

(c) make such examination and investigation as the inspector considers necessary;

(d) give a direction requiring that the premises or ship or any part of the premises or ship or anything in the premises or ship or such a part must be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c);

(e) take such measurements and photographs and make such recordings as the inspector considers necessary for the purpose of any examination or investigation under paragraph (c);

(f) take samples of any articles or substances found in the premises or ship and of the atmosphere in or in the vicinity of the premises or ship;

(g) in the case of any article or substance which the inspector finds in the premises or ship and which appears to the inspector to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary);

(h) in the case of any such article or substance as is mentioned in paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely —

(i) to examine it and do to it anything which the inspector has power to do under that paragraph;

(ii) to ensure that it is not tampered with before the inspector's examination of it is completed;

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Ordinance or any instrument made under it;

(i) require any person who the inspector has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c) —

(i) to attend at a place and time specified by the inspector; and

(ii) to answer (in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask; and

(iii) to sign a declaration of the truth of his or her answers;

(j) require the production of, and inspect and take copies of or of any entry in —

(i) any books or documents which by virtue of any provision of this Ordinance are required to be kept; and

(ii) any other books or documents which the inspector considers it necessary for him or her to see for the purposes of any examination or investigation under paragraph (c); or

(k) require any person to afford him or her such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable the person to exercise any of the powers conferred on the inspector by this subsection.

(3) The powers conferred by subsection (2) to require the production of any document and copy it include, in relation to oil record books required to be carried under section 153, power to require the master to certify the copy as a true copy.

(4) The powers conferred by subsection (2) to inspect premises are also exercisable, for the purpose of Chapter II of Part 7, in relation to any apparatus used for transferring oil.

(5) The powers conferred by subsection (2)(a), (c) and (j) are also exercisable, in relation to a ship in a harbour in the Falkland Islands, by the harbour master or other persons appointed by the Governor for the purpose, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the ship into the harbour.

(6) Nothing in subsections (1) to (5) authorises a person unnecessarily to prevent a ship from proceeding on a voyage.

(7) The Governor may by regulations make provision as to the procedure to be followed in connection with the taking of samples under subsection (2)(f) and subsection (10) and provision as to the way in which samples that have been so taken are to be dealt with.

(8) Where an inspector proposes to exercise the power conferred by subsection (2)(g) in the case of an article or substance found in any premises or ship, the inspector must, if so requested by a person who at the time is present in and has responsibilities in relation to the premises or ship, cause anything which is to be done by virtue of that power to be done in the presence of that person unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of that person.

(9) Before exercising the power conferred by subsection (2)(g), an inspector must consult such persons as appear to him or her appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which the inspector proposes to do under that power.

(10) Where under the power conferred by subsection (2)(h) an inspector takes possession of any article or substance found in any premises or ship, the inspector must leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that the inspector has taken possession of it under that power; and before taking possession of any such substance under that power an inspector must, if it is practicable for him or her to do so, take a sample of the substance and give to a responsible person at the premises or on board the ship a portion of the sample marked in a manner sufficient to identify it.

(11) No answer given by a person in pursuance of a requirement imposed under subsection (2)(i) is admissible in evidence against that person or the husband or wife of that person in any proceedings except proceedings in pursuance of subsection (1)(c) of section 242 in respect of a statement in or a declaration relating to the answer; and a person nominated as mentioned in the said subsection (2)(i) is entitled, on the occasion on which the questions there mentioned are asked, to make representations to the inspector on behalf of the person who nominated him or her.

[Merchant Shipping Act 1995 (UK), s. 259]

242. Provisions supplementary to section 241

(1) A person who —

(a) intentionally obstructs an inspector in the exercise of any power available to him or her under section 241;

(b) without reasonable excuse, does not comply with a requirement imposed in pursuance of section 241 or prevents another person from complying with such a requirement; or

(c) without prejudice to the generality of paragraph (b), makes a statement or signs a declaration which the person knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement made in pursuance of subsection (2)(i) of section 241,

is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(2) Nothing in section 241 is to be taken to compel the production by any person of a document of which he or she would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the Supreme Court or, as the case may be, on an order for the production of documents in an action in the Supreme Court.

(3) A person who complies with a requirement imposed on him or her in pursuance of paragraph (i) or (k) of subsection (2) of section 241 is entitled to recover from the person who imposed the requirement such sums in respect of the expenses incurred in complying with the requirement as are prescribed by regulations made by the Governor.

(4) Regulations under subsection (3) may make different provision for different circumstances.

[Merchant Shipping Act 1995 (UK), s. 260]

Improvement notices and prohibition notices

243. Improvement notices

(1) If an inspector appointed under section 238(6) is of the opinion that a person —

(a) is contravening one or more of the relevant statutory provisions; or

(b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

the inspector may serve on that person a notice under this section, (referred to in the following sections of this Part as an improvement notice).

(2) An improvement notice must —

(a) state that the inspector is of the said opinion, specify the provision or provisions as to which the inspector is of that opinion, and give particulars of the reasons why he or she is of that opinion; and

(b) require the person on whom the notice is served to remedy the contravention in question or (as the case may be) the matters occasioning it within such period as may be specified in the notice.

(3) The period specified in pursuance of subsection (2)(b) will not expire before the end of the period within which a notice can be given under section 249 requiring questions relating to the improvement notice to be referred to arbitration.

(4) In this and the following sections of this Part “the relevant statutory provisions” means —

(a) sections 46, 47, 49 to 58, 84, 85, and 87 (and Schedule 2), 96, 113, 119, 120, 125 to 135, 139 to 161 and 254; and

(b) the provisions of any instrument of a legislative character having effect under any of those provisions.

[Merchant Shipping Act 1995 (UK), s. 261]

244. Prohibition notices

(1) If, as regards any relevant activities which are being or are likely to be carried on board any ship by or under the control of any person, an inspector appointed under section 238(6) is of the opinion that, as so carried on or as likely to be so carried on, the activities involve or (as the case may be) will involve the risk of —

(a) serious personal injury to any person (whether on board the ship or not); or

(b) serious pollution of any navigable waters,

the inspector may serve on the first-mentioned person a notice under this section (referred to in the following sections of this Part as a “prohibition notice”).

(2) In subsection (1) “relevant activities” means activities to or in relation to which any of the relevant statutory provisions apply or will, if the activities are carried on as mentioned in that subsection, apply.

(3) A prohibition notice must —

(a) state that the inspector is of the said opinion;

(b) specify the matters which in the inspector’s opinion give or (as the case may be) will give rise to the said risk;

(c) where in the inspector's opinion any of those matters involves or (as the case may be) will involve a contravention of any of the relevant statutory provisions, state that the inspector is of that opinion, specify the provision or provisions as to which the inspector is of that opinion, and give particulars of the reasons why the inspector is of that opinion; and

(d) direct —

(i) that the activities to which the notice relates must not be carried on by or under the control of the person on whom the notice is served; or

(ii) that the ship must not go to sea,

(or both of those things) unless the matters specified in the notice in pursuance of paragraph (b), and any associated contraventions of any provision so specified in pursuance of paragraph (c), have been remedied.

(4) A direction contained in a prohibition notice in pursuance of subsection (3)(d) takes effect —

(a) at the end of a period specified in the notice; or

(b) if the direction is given in pursuance of subsection (3)(d)(ii) or the notice so declares, immediately.

[Merchant Shipping Act 1995 (UK), s. 262]

245. Provisions supplementary to sections 243 and 244

(1) An improvement notice or a prohibition notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

(2) An improvement notice or a prohibition notice must not direct any measures to be taken to remedy the contravention of any of the relevant statutory provisions that are more onerous than those necessary to secure compliance with that provision.

(3) Where an improvement notice or a prohibition notice that is not to take immediate effect has been served —

(a) the notice may be withdrawn by an inspector at any time before the end of the period specified in it in pursuance of section 243(2)(b) or (as the case may be) section 244(4); and

(b) the period so specified may be extended or further extended by an inspector at any time when a reference to arbitration in respect of the notice is not pending under section 246.

[Merchant Shipping Act 1995 (UK), s. 263]

246. References of notices to arbitration

(1) Any question —

(a) as to whether any of the reasons or matters specified in an improvement notice or a prohibition notice in pursuance of section 243(2)(a) or 244(3)(b) or (c) in connection with any opinion formed by the inspector constituted a valid basis for that opinion; or

(b) as to whether any directions included in the notice in pursuance of section 245(1) were reasonable,

must, if the person on whom the notice was served so requires by a notice given to the inspector within 21 days from the service of the notice, be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by him or her.

(2) Where a notice is given by a person in accordance with subsection (1), then —

(a) in the case of an improvement notice, the giving of the notice has the effect of suspending the operation of the improvement notice until the decision of the arbitrator is published to the parties or the reference is abandoned by that person;

(b) in the case of a prohibition notice, the giving of the notice has the effect of so suspending the operation of the prohibition notice if, but only if, on the application of that person the arbitrator so directs (and then only from the giving of the direction).

(3) Where on a reference under this section the arbitrator decides as respects any reason, matter or direction to which the reference relates, that in all the circumstances —

(a) the reason or matter did not constitute a valid basis for the inspector's opinion; or

(b) the direction was unreasonable,

the arbitrator must either cancel the notice or affirm it with such modifications as he or she may in the circumstances think fit; and in any other case the arbitrator must affirm the notice in its original form.

(4) Where any reference under this section involves the consideration by the arbitrator of the effects of any particular activities or state of affairs on the health or safety of any persons, the arbitrator must not on that reference make any decision such as is mentioned in subsection (3)(a) or (b) except after —

(a) in the case of an improvement notice, affording an opportunity of making oral representations to the arbitrator with respect to those effects to a member of any such panel of representatives of maritime trade unions as may be appointed by the Governor for the purposes of this subsection; or

(b) in the case of a prohibition notice, affording an opportunity of making such representations to the arbitrator to either —

(i) a representative of a trade union representing persons whose interests it appears to the arbitrator that the notice was designed to safeguard; or

(ii) a member of any such panel as is referred to in paragraph (a),

as the arbitrator thinks appropriate; and

(c) (in either case) considering any representations made to the arbitrator in pursuance of paragraph (a) or (b).

(5) A person is not qualified for appointment as an arbitrator under this section unless the person is —

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1 (issued by the appropriate authority in, and in accordance with the relevant laws of, the United Kingdom), or a person holding a certificate equivalent to any such certificate;

(b) a naval architect;

(c) a person falling within section 93(7); or

(d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(6) In connection with his or her functions under this section an arbitrator has the powers conferred on an inspector by section 241 other than subsections (3), (4) and (6).

[Merchant Shipping Act 1995 (UK), s. 264]

247. Compensation in connection with invalid prohibition notices

(1) If on a reference under section 246 relating to a prohibition notice —

(a) the arbitrator decides that any reason or matter did not constitute a valid basis for the inspector's opinion; and

(b) it appears to the arbitrator that there were no reasonable grounds for the inspector to form that opinion,

the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by the person in consequence of the service of the notice as the arbitrator thinks fit.

(2) If on any such reference the arbitrator decides that any direction included in the notice was unreasonable, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by the person in consequence of the direction as the arbitrator thinks fit.

(3) An arbitrator must not award any compensation under subsection (1) or (2) in the case of any prohibition notice unless —

(a) it appears to the arbitrator that the direction given in pursuance of section 244(3)(d) contained any such requirement as is mentioned in subparagraph (ii) of that provision; or

(b) it appears to the arbitrator that —

(i) the inspector was of the opinion that there would be such a risk of injury or pollution as is referred to in the notice if the ship went to sea; and

(ii) the effect of the direction given in pursuance of section 244(3)(d) was to prohibit the departure of the ship unless the matters, or (as the case may be) the matters and contraventions, referred to in the direction were remedied.

(4) Any compensation awarded under this section is payable out of the Consolidated Fund.

[Merchant Shipping Act 1995 (UK), s. 265]

248. Offences

(1) Any person who contravenes any requirement imposed by an improvement notice commits an offence and is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(2) Any person who contravenes any prohibition imposed by a prohibition notice commits an offence and is liable on conviction, to a fine not exceeding level 7 on the scale set out in Schedule 7.

(3) It is a defence for a person charged with an offence under this section to prove that he or she exercised all due diligence to avoid a contravention of the requirement or prohibition in question.

(4) In this section any reference to an improvement notice or a prohibition notice includes a reference to any such notice as modified under section 246(3).

[Merchant Shipping Act 1995 (UK), s. 266]

PART 11 – ACCIDENT INVESTIGATIONS AND INQUIRIES

Marine accident investigations

249. Investigation of marine accidents

(1) The Governor must, for the purpose of the investigation of any accidents mentioned in subsection (2), appoint such number of persons as the Governor may determine to be inspectors of marine accidents, and the Governor must appoint one of those persons to be Chief Inspector of Marine Accidents.

(2) The accidents referred to in subsection (1) are —

(a) any accident involving a ship or ship's boat where, at the time of the accident —

- (i) the ship is a Falkland Islands registered; or
 - (ii) the ship, or (in the case of an accident involving a ship's boat) that boat, is within Falkland Islands waters; and
- (b) such other accidents involving ships or ships' boats as the Governor may determine.
- (3) The Governor may by regulations make such provision as the Governor considers appropriate with respect to the investigation of any such accidents as are mentioned in subsection (2).
- (4) The regulations referred to under subsection (3) may, in particular, make provision —
- (a) with respect to the definition of “accident” for the purposes of this section and the regulations;
 - (b) imposing requirements as to the reporting of accidents;
 - (c) prohibiting, pending investigation, access to or interference with any ship or ship's boat involved in an accident;
 - (d) authorising any person, so far as may be necessary for the purpose of determining whether an investigation should be carried out, to have access to, examine, remove, test, take measures for the preservation of, or otherwise deal with, any such ship or boat or any other ship or ship's boat;
 - (e) specifying, with respect to the investigation of accidents, the functions of the Chief Inspector of Marine Accidents (which may include the function of determining whether, and if so by whom, particular accidents should be investigated), the functions of other inspectors of marine accidents, and the manner in which any such functions are to be discharged;
 - (f) for the appointment by the Chief Inspector of Marine Accidents, in such circumstances as may be specified in the regulations, of persons to carry out investigations under this section who are not inspectors of marine accidents;
 - (g) for the appointment of persons to review any findings or conclusions of a person carrying out an investigation under this section;
 - (h) for the procedure to be followed in connection with investigations or reviews under this section;
 - (i) for conferring on persons discharging functions under the regulations who are not inspectors of marine accidents all or any of the powers conferred on an inspector by section 241;

(j) for the submission to and the publication by the Governor of reports of investigations or reviews under this section;

(k) for the publication by the Chief Inspector of Marine Accidents of reports and other information relating to accidents.

(5) Regulations under this section may provide for any provisions of the regulations to apply to any specified class or description of incidents or situations which involve, or occur on board, ships or ships' boats but are not accidents for the purposes of the regulations, being a class or description framed by reference to any of the following, namely —

(a) the loss or destruction of or serious damage to any ship or structure;

(b) the death of or serious injury to any person; or

(c) environmental damage,

whether actually occurring or not, and (subject to such modifications as may be specified in the regulations) for those provisions to apply in relation to any such incidents or situations as they apply in relation to accidents.

(6) Regulations under this section may provide that a contravention of the regulations is an offence punishable on conviction by a fine not exceeding level 7 on the scale set out in Schedule 7.

(7) The Chief Inspector of Marine Accidents, or (as the case may be) inspectors of marine accidents generally, must discharge such functions in addition to those conferred by or under this section as the Governor may determine.

(8) Any inspector of marine accidents has, for the purpose of discharging any functions conferred on him or her by or under this section, the powers conferred on an inspector by section 241.

(9) Nothing in this section limits the powers of the Authority under sections 237.

(10) In this section —

(a) references to an accident involving a ship or ship's boat include references to an accident occurring on board a ship or ship's boat (and any reference to a ship or ship's boat involved in an accident must be construed accordingly); and

(b) "ship's boat" includes a life-raft.

[Merchant Shipping Act 1995 (UK), s. 267]

250. Formal investigation into marine accidents

(1) Where any accident has occurred, the Governor may (whether or not an investigation into it has been carried out under section 249) cause a formal investigation into the accident to be held, and in this section “accident” means any accident to which regulations under that section apply or any incident or situation to which any such regulations apply by virtue of subsection (5) of that section.

(2) The person conducting the investigation (*investigator*) must conduct it in accordance with rules under section 252(1); and those rules require the assistance of one or more assessors and, if any question as to the cancellation or suspension of an officer’s certificate is likely, the assistance of not less than two assessors.

(3) Subsections (1), (3) and (4) of section 97 of the Magistrates’ Courts Act 1980 (which apply to the Falkland Islands by virtue of section 29 of the Administration of Justice Ordinance 1949 and provide for the attendance of witnesses and the production of evidence) apply in relation to a formal investigation held by an investigator as if the investigator were a magistrates’ court and the investigation a complaint; and the investigator has power to administer oaths for the purposes of the investigation.

(4) If as a result of the investigation the investigator is satisfied, with respect to any officer, of any of the matters mentioned in paragraphs (a) to (c) of section 64(1) and, if it is a matter mentioned in paragraph (a) or (b) of that section, is further satisfied that it caused or contributed to the accident, he or she may cancel or suspend any certificate issued to the officer under section 50 or censure the officer; and if the inspector cancels or suspends the certificate the officer must deliver it immediately to the inspector or to the Governor.

(5) If a person fails to deliver a certificate as required under subsection (4), the person commits an offence and is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

(6) Where a certificate has been cancelled or suspended under this section, the Governor, if of the opinion that the justice of the case requires it, may re-issue the certificate or, as the case may be, reduce the period of suspension and return the certificate, or may grant a new certificate of the same or a lower grade in place of the cancelled or suspended certificate.

(7) The wreck commissioner may make such awards as he or she thinks just with regard to the costs (or, as the case may be, expenses) of the investigation and of any parties at the investigation, and with regard to the parties by whom those costs or expenses are to be paid; and any such award of the investigator may, on the application of any party named in it, be made an order of the Supreme Court.

(8) Any costs or expenses directed by an award to be paid is taxable in the Supreme Court.

(9) The investigator must make a report on the investigation to the Governor.

(10) In this Part “investigator” means the wreck commissioner or any person appointed to discharge the functions of a wreck commissioner under section 294.

[Merchant Shipping Act 1995 (UK), s. 268]

251. Re-hearing of and appeal from investigations

(1) Where a formal investigation has been held under section 250 the Governor may order the whole or part of the case to be re-heard, and must do so if —

(a) new and important evidence which could not be produced at the investigation has been discovered; or

(b) there appear to the Governor to be other grounds for suspecting that a miscarriage of justice may have occurred.

(2) An order under subsection (1) may provide for the re-hearing to be by an investigator or by the Supreme Court.

(3) Any re-hearing under this section which is not held by the Supreme Court must be conducted in accordance with rules made under section 252(1); and section 252 applies in relation to a re-hearing of an investigation by an investigator as it applies in relation to the holding of an investigation.

(4) Where the investigator holding the investigation has decided to cancel or suspend the certificate of any person or has found any person at fault, then, if no application for an order under subsection (1) has been made or such an application has been refused, that person or any other person who, having an interest in the investigation, has appeared at the hearing and is affected by the decision or finding, may appeal to the Supreme Court.

(5) Section 250(7) applies for the purposes of this section as it applies for the purposes of that section.

[Merchant Shipping Act 1995 (UK), s. 269]

252. Rules as to investigations and appeals

(1) The Governor may make rules for the conduct of formal investigations under section 250 and for the conduct of any re-hearing under section 251 which is not held by the Supreme Court.

(2) Without prejudice to the generality of subsection (1), rules under this section may provide for the appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notices to be given to persons affected.

(3) Rules of court made for the purpose of re-hearings under section 251 which are held by the Supreme Court, or of appeals to the Supreme Court, may require the court, subject to such exceptions, if any, as may be allowed by the rules, to hold such a re-hearing or hear such an appeal with the assistance of one or more assessors.

[Merchant Shipping Act 1995 (UK), s. 270]

Inquiries into and reports on deaths and injuries

253. Inquiries into deaths of crew members and others

(1) Subject to subsection (6), where —

(a) any person dies in a ship registered in the Falkland Islands or in a boat or life-raft from such a ship; or

(b) the master of or a seafarer employed in such a ship dies in a country outside the Falkland Islands,

an inquiry into the cause of the death must be held by a superintendent or proper officer at the next port where the ship calls after the death and where there is a superintendent or proper officer, or at such other place as the Governor may direct.

(2) Subject to subsection (6), where it appears to the Governor that —

(a) in consequence of an injury sustained or a disease contracted by a person when the person was the master of or a seafarer employed in a ship registered in the Falkland Islands, he or she ceased to be employed in the ship and subsequently died; and

(b) the death occurred in a country outside the Falkland Islands during the period of one year beginning with the day on which he or she so ceased,

the Governor may arrange for an inquiry into the cause of the death to be held by a superintendent or proper officer.

(3) Subject to subsection (6), where it appears to the Governor that a person may —

(a) have died in a ship registered in the Falkland Islands or in a boat or life-raft from such a ship; or

(b) have been lost from such a ship, boat or life-raft and have died in consequence of being so lost,

the Governor may arrange for an inquiry to be held by a superintendent or proper officer into whether the person died as mentioned above and, if the superintendent or officer finds that the person did, into the cause of the death.

(4) The superintendent or proper officer holding the inquiry has, for the purpose of the inquiry, the powers conferred on an inspector by section 241.

(5) The person holding the inquiry must make a report of his or her findings to the Governor who must make the report available —

(a) if the person to whom the report relates was employed in the ship and a person was named as his or her next of kin in the crew agreement or list of the crew in which the name of the person to whom the report relates last appeared, to the person so named;

(b) in any case, to any person requesting it who appears to the Governor to be interested.

(6) No inquiry is to be held under this section where a coroner's inquest is to be held.

[Merchant Shipping Act 1995 (UK), s. 271]

254. Reports of and inquiries into injuries

(1) Where the master or a member of the crew of a fishing vessel registered in the Falkland Islands is injured during a voyage, an inquiry into the cause and nature of the injury may be held by a superintendent or proper officer.

(2) The superintendent or proper officer holding an inquiry under this section has, for the purposes of the inquiry, the powers conferred on a Departmental inspector by section 241 and must make a report of his or her findings to the Governor.

[Merchant Shipping Act 1995 (UK), s. 272]

255. Transmission of particulars of certain deaths on ships

Where —

(a) an inquest is held into a death or a post mortem examination is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary; and

(b) it appears to the coroner that the death in question is such as is mentioned in section 112(2) or in that subsection as extended (with or without amendments) by virtue of section 305,

it is the duty of the coroner to send to the Registrar General of Shipping particulars in respect of the deceased of a kind prescribed by regulations made by the Governor.

[Merchant Shipping Act 1995 (UK), s. 273]

PART 12 – ADMIRALTY JURISDCITION

256. Admiralty jurisdiction of Supreme Court

(1) The Admiralty jurisdiction of the Supreme Court is as follows —

(a) jurisdiction to hear and determine any of the questions and claims mentioned in subsection (2);

(b) jurisdiction in relation to any of the proceedings mentioned in subsection (3);

(c) any other Admiralty jurisdiction which it had immediately before the commencement of this Ordinance;

(d) any jurisdiction connected with ships or aircraft which is vested in the Supreme Court apart from this section.

(2) The questions and claims referred to in subsection (1)(a) are —

(a) any claim to the possession or ownership of a ship or to the ownership of any share therein;

(b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;

(c) any claim in respect of a mortgage of or charge on a ship or any share therein;

(d) any claim for damage received by a ship;

(e) any claim for damage done by a ship;

(f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or in consequence of the wrongful act, neglect or default of —

(i) the owners, charterers or persons in possession or control of a ship; or

(ii) the master or crew of a ship, or any other person for whose wrongful acts,

neglect or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship, or in the embarkation, carriage or disembarkation of persons on, in or from the ship;

(g) any claim for loss of or damage to goods carried in a ship;

(h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;

(i) any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section 51 of the Civil Aviation Act 1949 (which Act applies to the Falkland Islands by virtue of the Civil Aviation Act 1949 (Overseas Territories) Order 1969, Statutory Instrument No. 592), of the law relating to salvage to aircraft and their apparel and cargo);

(j) any claim in the nature of towage in respect of a ship or an aircraft;

(k) any claim in the nature of pilotage in respect of a ship or an aircraft;

(l) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;

(m) any claim in respect of the construction, repair or equipment of a ship or in respect of dock charges or dues;

(o) any claim by a master or member of the crew of a ship for wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);

(p) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;

(q) any claims arising out of an act which is or is claimed to be a general average act;

(r) any claim arising out of bottomry;

(s) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty.

(3) The proceedings referred to in subsection (1)(b) are —

(a) any application to the Supreme Court under this Ordinance;

(b) any action to enforce a claim for damage, loss of life or personal injury arising out of —

(i) a collision between ships; or

(ii) the carrying out of or omission to carry out a manoeuvre in the case of one or more of two ships; or

(iii) non-compliance, on the part of one or more of two or more ships, with the collision regulations;

(c) any action by shipowners or other persons under this Ordinance for the limitation of the amount of their liability in connection with a ship or other property.

(4) The jurisdiction of the Supreme Court under subsection (2)(b) includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, be sold, and to make such other order as the court thinks fit.

(5) The reference in subsection (2)(j) to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under this Ordinance or any Order in Council made under section 51 of the Civil Aviation Act 1949, are authorised to be made in connection with a ship or an aircraft.

(6) This section applies —

(a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be;

(b) in relation to all claims, wherever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and

(c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law.

[Supreme Court Act 1981 [UK], s. 20, Admiralty Jurisdiction (Falkland Islands) Order 1966]

257. Mode of exercising Admiralty jurisdiction

(1) Subject to section 258, an action in personam may be brought in the Supreme Court in all cases within the Admiralty jurisdiction of that court.

(2) In the case of any such claim as is mentioned in section 256(2)(a) or (s) or any such question as is mentioned in section 256(2)(b), an action in rem may be brought in the Supreme Court against the ship or property in connection with which the claim or question arises.

(3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, an action in rem may be brought in the Supreme Court against that ship, aircraft or property.

(4) In the case of any such claim as is mentioned in section 256(2)(e) to (r), where —

(a) in a claim arises in connection with a ship; and

(b) the person who would be liable on the claim in an action in personam (“the relevant person”) was, when the cause arose, the owner or charterer of, or in possession or in control of, the ship,

an action in rem may (whether or not the claim gives rise to a maritime lien on that ship) be brought in the Supreme Court against —

(i) that ship, if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise; or

(ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.

(5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action in rem may be brought in the Supreme Court against that aircraft if, at the time when the action is brought, it is beneficially owned by the person who would be liable on the claim in an action in personam.

(6) Where, in the exercise of its Admiralty jurisdiction, the Supreme Court orders any ship, aircraft or other property to be sold, the court has jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

(7) In determining for the purposes of subsections (4) and (5) whether a person would be liable on a claim in an action in personam it will be assumed that the person has his or her habitual residence or place of business in the Falkland Islands.

(8) Where, as regards any such claim as is mentioned in section 256(2) (e) to (r), a ship has been served with a writ or arrested in an action in rem brought to enforce that claim, no other ship may be served with a writ or arrested in that or any other action in rem brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a writ naming more than one ship or of two or more writs each naming a different ship.

[Supreme Court Act 1981 [UK], s. 21]

258. Restriction on entertainment of actions in personam in collision and other similar cases

(1) This section applies to any claims for damages, loss of life or personal injury arising out of—

(a) a collision between ships; or

(b) the carrying out of, or omission to carry out, a manoeuvre in the case of one or more of two or more ships; or

(c) non-compliance, on the part of one or more of two or more ships, with the collision regulations.

(2) The Supreme Court must not entertain any action in personam to enforce a claim to which this section applies unless —

(a) the defendant has his or her habitual residence or a place of business within the Falkland Islands ; or

(b) the cause of action arose within inland waters of the Falkland Islands or within the limits of a port of the Falkland Islands; or

(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

(3) In subsection (2) —

“inland waters” includes any part of the sea adjacent to the coast of the Falkland Islands certified by the Governor to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of person is empowered by or under an enactment to make charges in respect of ships entering it or using the facilities therein, and “limits of a port” means the limits as fixed by or under the enactment in question or, as the case may be, by the relevant charter or custom;

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

(4) The Supreme Court must not entertain any action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside the Falkland Islands against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(5) Subsections (2) and (4) apply to counterclaims (except counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to actions, the references to the plaintiff and the defendant being for this purpose read as references to the plaintiff on the counterclaim and the defendant to the counterclaim respectively.

(6) Subsections (2) and (4) do not apply to any action or counterclaim if the defendant thereto submits or has agreed to the jurisdiction of the court.

(7) Subject to the provisions of subsection (4), the Supreme Court has jurisdiction to entertain an action in personam to enforce a claim to which this section applies whenever any of the conditions specified in subsection (2)(a) to (c) is satisfied, and the rules of court relating to the service of process outside the jurisdiction must make such provision as may appear to the rule-making authority to be appropriate having regard to the provisions of this subsection.

(8) Nothing in this section prevents an action which is brought in accordance with the provisions of this section in the Supreme Court being transferred, in accordance with the enactments in that behalf, to some other court.

(9) This section applies in relation to the jurisdiction of the Supreme Court not being admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction.

[Supreme Court Act 1981 [UK], s. 22]

259. Supreme Court not to have jurisdiction in cases within Rhine Convention

The Supreme Court does not have jurisdiction to determine any claim or question certified by the Governor to be a claim or question which, under the Rhine Convention, falls to be determined in accordance with provisions of that Convention; and any proceedings to enforce such a claim which are commenced in the Supreme Court must be set aside.

[Supreme Court Act 1981 [UK], s. 23]

260. Supplementary provisions as to Admiralty jurisdiction

(1) In sections 256 to 259 and this section, unless the context otherwise requires —

“goods” includes baggage;

“master” includes every person (except the pilot) having command or charge of a ship;

“The Rhine Navigation Convention” means the Convention of 7 October 1868 as revised by any subsequent Convention;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is water-borne.

(2) Nothing in sections 256 to 259 is to —

(a) be construed as limiting the jurisdiction of the Supreme Court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship;

(b) affect any provisions of this Ordinance regarding the power of the receiver of wreck to detain a ship in respect of a salvage claim; or

(c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty’s ships or Her Majesty’s aircraft, or a hovercraft;.

(3) In this section —

“Her Majesty’s aircraft” does not include aircraft belonging to Her Majesty otherwise than in the right of Her Government in the Falkland Islands;

“Her Majesty’s ships” means ships of which the beneficial interest is vested in Her Majesty or which are registered as Government ships for the purposes of the Act, or which are for the time being demised or subdemised to or in the exclusive possession of the Crown, except that the said expression does not include any ship in which Her Majesty is interested otherwise than in right of Her Government in the Falkland Islands unless that ship is for the time being demised or subdemised to Her Majesty in right of Her said Government or in the exclusive possession of Her Majesty in that right;

“Her Majesty’s hovercraft” means hovercraft belonging to the Crown in right of Her Majesty’s Government in the Falkland Islands.

[Supreme Court Act 1981 [UK], s. 24]

PART 13 – LEGAL PROCEEDINGS

Prosecution of offences

261. Offences by officers of bodies corporate

(1) Where a body corporate is convicted of an offence under this Ordinance or any instrument made under it, 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, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such a capacity, he or she as well as the body corporate commits that offence and each is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

[Merchant Shipping Act 1995 (UK), s. 277]

262. Accessories and abettors

Any person who knowingly or wilfully aids, abets, counsels, causes, procures or commands the commission of an offence under this Ordinance is liable to be dealt with, tried and punished as a principal offender.

[Merchant Shipping Act 1995 (UK), s. 277A]

Jurisdiction

263. Jurisdiction in relation to offences

(1) For the purpose of conferring jurisdiction, any offence under this Ordinance is deemed to have been committed in any place in the Falkland Islands where the offender may for the time being be.

(2) For the same purpose, any matter of complaint under this Ordinance is deemed to have arisen in any place in the Falkland Islands where the person complained against may for the time being be.

(3) The jurisdiction under subsections (1) and (2) is in addition to and not in derogation of any jurisdiction or power of a court under any other enactment.

[Merchant Shipping Act 1995 (UK), s. 279]

264. Jurisdiction over ships lying off coasts

(1) Where the area within which a court in the Falkland Islands has jurisdiction is situated on the coast of any sea or abuts on or projects into any bay, channel, lake, river or other navigable water, the court has jurisdiction as respects offences under this Ordinance over any vessel being on, or lying or passing off, that coast or being in or near that bay, channel, lake, river or navigable water and over all persons on board that vessel or for the time being belonging to it.

(2) The jurisdiction under subsection (1) is in addition to and not in derogation of any jurisdiction or power of a court under the Administration of Justice Ordinance 1949 and the Criminal Procedure and Evidence Ordinance 2014.

[Merchant Shipping Act 1995 (UK), s. 280]

265. Jurisdiction in case of offences on board ship

Where any person is charged with having committed any offence under this Ordinance then —

(a) if the person has Falkland Islands status and is charged with having committed the offence —

(i) on board any ship registered in the Falkland Islands whilst that ship was on the high seas;

(ii) in any foreign port or harbour; or

(iii) on board any foreign ship to which the person does not belong; or

(b) if the person does not have Falkland Island status and is charged with having committed it on board any ship registered in the Falkland Islands whilst that ship was on the high seas,

and the person is found within the jurisdiction of any court in the Falkland Islands which would have had jurisdiction in relation to the offence if it had been committed on board a ship registered in the Falkland Islands within the limits of its ordinary jurisdiction to try the offence, that court has jurisdiction to try the offence as if it had been so committed.

[Merchant Shipping Act 1995 (UK), s. 281]

266. Offences committed by Falkland Islands seafarers

(1) Any act in relation to property or a person done in or at any place (ashore or afloat) outside the Falkland Islands by any master or seafarer who at the time is employed in a ship registered in the Falkland Islands, which, if done in the Falkland Islands, would be an offence under the law of the Falkland Islands, is —

(a) an offence under that law; and

(b) to be treated for the purposes of jurisdiction and trial, as if it had been done within the Admiralty jurisdiction of the Supreme Court.

(2) Subsection (1) also applies in relation to a person who had been so employed within the period of three months expiring with the time when the act was done.

(3) Subsections (1) and (2) apply to omissions as they apply to acts.

[Merchant Shipping Act 1995 (UK), s. 282]

Return of offenders

267. Return of offenders

(1) The powers conferred on a proper officer by subsection (2) are exercisable in the event of any complaint being made to him or her that —

(a) any offence against property or persons has been committed at any place (ashore or afloat) outside the Falkland Islands by any master or seafarer who at the time when the offence was committed, or within three months before that time, was employed in a ship registered in the Falkland Islands; or

(b) any offence on the high seas has been committed by any master or seafarer belonging to any ship registered in the Falkland Islands.

(2) Those powers are —

(a) to inquire into the case upon oath; and

(b) if the case so requires, to take any steps in his power for the purpose of placing the offender under the necessary restraint and sending the offender by ship registered in the Falkland Islands as soon as practicable in safe custody to the Falkland Islands for proceedings to be taken against him or her.

(3) The proper officer may, subject to subsections (4) and (5), order the master of any ship registered in the Falkland Islands which is bound for the Falkland Islands to receive and carry the offender and the witnesses to the Falkland Islands; and the officer must endorse upon the agreement of the ship such particulars with respect to them as the Governor requires.

(4) A proper officer must not exercise the power conferred by subsection (3) unless no more convenient means of transport is available or it is available only at disproportionate expense.

(5) No master of a ship may be required under subsection (3) to receive more than one offender for every 100 tons of his or her ship's registered tonnage, or more than one witness for every 50 tons of his ship's registered tonnage.

(6) The master of any ship to whose charge an offender has been committed under subsection (3) must, on his or her ship's arrival in the Falkland Islands, give the offender into the custody of some police officer.

(7) If any master of a ship, when required under subsection (3) to receive and carry any offender or witness in his or her ship —

(a) fails to do so; or

(b) in the case of an offender, fails to deliver him or her as required by subsection (6),

he or she commits an offence and is liable on conviction to a fine not exceeding level 5 on the scale set out in Schedule 7.

(8) The expense of imprisoning any such offender and of carrying the offender and witnesses to the Falkland Islands otherwise than in the ship to which they respectively belong must be paid out of the Consolidated Fund.

(9) References in this section to carrying a person in a ship include affording the person subsistence during the voyage.

[Merchant Shipping Act 1995 (UK), s. 283]

Detention of ship and distress on ship

268. Enforcing detention of ship

(1) Where under this Ordinance a ship is to be or may be detained, any of the following officers may detain the ship —

- (a) a commissioned naval or military officer;
- (b) a customs officer; or
- (c) a proper officer

(2) A notice of detention may —

- (a) include a direction that the ship must —
 - (i) remain in a particular place; or
 - (ii) be moved to a particular anchorage or berth; and

(b) if it includes such a direction, may specify circumstances relating to safety or the prevention of pollution in which the master may move his or her ship from that place, anchorage or berth.

(3) If a ship as respects which notice of detention has been served on the master proceeds to sea, otherwise than in accordance with such a notice, before it is released by a competent authority, the master of the ship commits an offence.

(4) If a ship as respects which notice of detention has been served on the master fails to comply with a direction given under subsection (2)(a), the master of the ship commits an offence.

(5) A person convicted of an offence under subsection (3) or (4) is liable on conviction, to a fine not exceeding level 5 on the scale set out in Schedule 7; or

(6) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under subsection (3) or (4), if party or privy to the offence, also commits an offence under that subsection.

(7) Where a ship proceeding to sea in contravention of subsection (3), or failing to comply with a direction given under subsection (2)(a), carries away without his or her consent any of the following who is on board the ship in the execution of his duty, namely —

- (a) an officer authorised by subsection (1) to detain the ship; or
- (b) a surveyor of ships,

the owner and master of the ship are each —

(i) liable to pay all expenses of and incidental to the officer or surveyor being so carried away; and

(ii) commits an offence.

(8) A person convicted of an offence under subsection (7) is liable on conviction, to a fine not exceeding level 7 on the scale set out Schedule 7;

(9) Where under this Ordinance a ship —

(a) must be detained, a customs officer must; or

(b) may be detained, a customs officer may,

refuse to clear the ship outwards or grant a transire to the ship.

(10) When any provision of this Ordinance provides that a ship may be detained until any document is produced to the customs officer, the officer able to grant a clearance or transire of the ship is (unless the context otherwise requires) that officer.

(11) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea must be construed accordingly.

[Merchant Shipping Act 1995 (UK), s. 284]

269. Sums ordered to be paid leviable by distress on the ship

(1) Where any court has power to make an order directing payment to be made of any seafarer's wages, fines or other sums of money, then, if the person directed to pay is the master or owner of the ship and the money directed to be paid is not paid in accordance with the order, the court who made the order may direct the amount remaining unpaid to be levied by distress, or of the ship and its equipment.

(2) The remedy made available by this section is in addition to any other powers for compelling the payment of money ordered to be paid.

[Merchant Shipping Act 1995 (UK), s. 285]

Special evidential provisions

270. Depositions of persons abroad admissible

(1) If the evidence of any person is required in the course of any legal proceeding before a judge or magistrate in relation to the subject matter of the proceeding and it is proved that that person cannot be found in the Falkland Islands, any deposition that the person may have previously made at a place outside the Falkland Islands in relation to the same subject matter is, subject to subsection (2), admissible in evidence in those proceedings.

(2) For a deposition to be admissible under subsection (1) in any proceedings, the deposition must —

(a) have been taken on oath;

(b) have been taken before a justice or magistrate in any territory or a British consular officer in any other place;

(c) be authenticated by the signature of the justice, magistrate or officer taking it; and

(d) if the proceedings are criminal proceedings, have been taken in the presence of the accused,

and, in a case falling within paragraph (d), the deposition must be certified by the justice, magistrate or officer taking it to have been taken in the presence of the accused.

(3) No proof need be given of the signature or official character of the person appearing to have signed any such deposition and, in any criminal proceedings, a certificate stating that the deposition was taken in the presence of the accused is, unless the contrary is proved, evidence of that fact.

(4) This section also applies to proceedings before any person authorised by law or consent of the parties to receive evidence.

(5) Nothing in this section affects the admissibility in evidence of depositions under any other enactment or the practice of any court.

[Merchant Shipping Act 1995 (UK), s. 286]

271. Admissibility in evidence and inspection of certain documents

(1) The following documents are admissible in evidence and, when in the custody of the Registrar General of Shipping, must be open to public inspection —

(a) documents purporting to be submissions to or decisions by superintendents or proper officers under section 36;

(b) the official log book of any ship kept under section 78 and, without prejudice to section 270(2), any document purporting to be a copy of an entry therein and to be certified as a true copy by the master of the ship;

(c) crew agreements, lists of crews made under section 78 and notices given under Part III of additions to or changes in crew agreements and lists of crews;

(d) returns or reports under section 113;

(e) documents transmitted to the Registrar General of Shipping under section 280.

(2) A certificate issued under section 48 is admissible in evidence.
[Merchant Shipping Act 1995 (UK), s. 287]

272. Admissibility of documents in evidence

(1) Where a document is by this Ordinance declared to be admissible in evidence the document is, on its production from proper custody —

(a) admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence; and

(b) subject to all just exceptions, evidence of the matters stated in the document.

(2) A copy of, or extract from, any document so made admissible in evidence is, subject to subsection (3), also admissible in evidence and evidence of the matters stated in the document.

(3) A copy of, or extract from, a document is not admissible by virtue of subsection (2) unless—

(a) it is proved to be an examined copy or extract; or

(b) it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted,

and that officer must furnish the certified copy or extract to any person who applies for it at a reasonable time and pays such reasonable price as the Governor determines.

(4) A person is, on payment of such reasonable price as the Governor determines, entitled to have a certified copy of any declaration or document a copy of which is made evidence by this Ordinance.

(5) If any officer having duties of certification under subsection (3) in relation to any document intentionally certifies any document as being a true copy or extract knowing that the copy or extract is not a true copy or extract, he or she commits an offence and is liable on conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 7 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 288]

273. Inspection and admissibility in evidence of copies of certain documents

(1) Where under any enactment a document is open to public inspection when in the custody of the Registrar General of Shipping —

(a) there may be supplied for public inspection a copy or other reproduction of the document instead of the original; but

(b) the original must nevertheless be made available for public inspection if the copy or other reproduction is illegible.

(2) Where the Registrar General of Shipping destroys any document which has been sent to him or her under or by virtue of any enactment, and keeps a copy or other reproduction of that document, then —

(a) any enactment providing for that document to be admissible in evidence or open to public inspection; and

(b) in the case of a document falling within subsection (1), that subsection,

applies to the copy or other reproduction as if it were the original.

(3) For the purposes of this section, and of section 270(2) in its application to documents in the custody of the Registrar General of Shipping, a copy is to be taken to be the copy of a document notwithstanding that it is taken from a copy or other reproduction of the original.

[Merchant Shipping Act 1995 (UK), s. 289]

274. Proof, etc. of exemptions

(1) Where any exception, exemption, excuse or qualification applies in relation to an offence under this Ordinance —

(a) it may be proved by the defendant; but

(b) need not be specified or negated in any information or complaint,

and, if so specified or negated, must not require to be proved by the informant or complainant.

(2) This section applies in relation to an offence whether or not the exception, exemption, excuse or qualification is contained in the section creating the offence.

[Merchant Shipping Act 1995 (UK), s. 290]

Service of documents

275. Service of documents

(1) Any document authorised or required to be served on any person may be served on that person by —

(a) delivering it to the person;

(b) leaving it at the person's proper address; or

(c) sending it by post to the person at his or her proper address.

(2) Any such document required to be served on the master of a ship may be served —

(a) where there is a master, by leaving it for him or her on board the ship with the person appearing to be in command or charge of the ship;

(b) where there is no master, on —

(i) the managing owner of the ship; or

(ii) if there is no managing owner, any agent of the owner; or

(iii) where no such agent is known or can be found, by leaving a copy of the document firmly fixed to the mast of the ship.

(3) Any document authorised or required to be served on any person may —

(a) in the case of a body corporate, be served on the secretary or clerk of that body; or

(b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.

(4) Any notice authorised or required by or under Part 3 to be served on the Governor may be served by post.

(5) Any notice authorised by section 243, 244, 245 or 246 to be given to an inspector may be given by delivering it to him or her or by leaving it at, or sending it by post to, his or her office.

(6) Any document authorised or required by or under any enactment to be served on the registered owner of a ship registered in the Falkland Islands will be treated as duly served on him or her if served on such persons, in such circumstances and by such method, as may be specified in registration regulations.

(7) For the purposes of this section and of section 9 of the Interpretation and General Clauses Ordinance 1977 (service of documents by post) in its application to this section, the proper address of any person on whom any document is to be served must be the person's last known address, except that —

(a) in the case of a body corporate or their secretary or clerk it must be the address of the registered or principal office of that body;

(b) in the case of a partnership or a person having the control or management of the partnership business, it must be the principal office of the partnership,

and for the purposes of this subsection the principal office of a company registered outside the Falkland Islands or of a partnership carrying on business outside the Falkland Islands is their principal office in the Falkland Islands.

(8) If the person to be served with any notice has (whether in pursuance of registration regulations or otherwise) specified an address in the Falkland Islands other than the person's proper address within the meaning of subsection (7) as the one at which the person or someone on the person's behalf will accept notices of the same description as that notice, that address

must also be treated for the purposes of this section and section 9 of the Interpretation Ordinance 1977 as the person's proper address.

(9) For the purposes of the said section 9 of the Interpretation and General Clauses Ordinance 1977 a letter containing —

(a) a notice to be served on any person in pursuance of subsection (6); or

(b) a notice authorised or required to be served under registration regulations on a representative person (within the meaning of those regulations),

will be deemed to be properly addressed if it is addressed to that person at the address for the time being recorded in relation to the person in the register; and a letter containing any other notice under registration regulations will be deemed to be properly addressed if it is addressed to the last known address of the person to be served (whether of the person's residence or of a place where the person carries on business).

[Merchant Shipping Act 1995 (UK), s. 291]

PART 14 – DUMPING AND DEPOSITS AT SEA

276. Interpretation

(1) In this Part, unless the context otherwise requires —

“the 1985 Act” means the Food and Environment Protection Act 1985(1985 c.48 s. 24);

“the Convention” means the Convention on the Prevention of Maritime Pollution by the Dumping of Wastes and Other Matter concluded at London in December 1972;

“Convention State” means a state which is a party to the Convention;

“designated area of the continental shelf” has the same meaning as it has under section 2(1) of the Offshore Minerals Ordinance 1994;

“Falkland Islands controlled waters” means any part of the sea within the limits of any designated area of the continental shelf;

“Falkland Islands marine structure” means a marine structure within Falkland Islands waters or Falkland Islands controlled waters;

“Falkland Islands waters” means any part of the sea within the seaward limits of the Falkland Islands territorial sea;

“incineration” means any combustion of substances and materials for the purpose of their thermal destruction;

“licence” means a licence granted by the licensing authority;

“the licensing authority” means the person who, under the provisions of section 280(1), is for the time being the licensing authority;

“marine structure” means a platform or other man-made structure at sea, other than a pipe- line;

“scuttling” in relation to a vessel, means the deliberate sinking of that vessel by one or more members of the crew of that vessel or by or on behalf of any person having an interest in the ownership of that vessel, in a mortgage or charge of that vessel, in a demise of that vessel or in the proceeds of a policy of insurance effected in relation to that vessel;

“sea” includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river; and

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

(2) Any reference in this Ordinance to the Convention is a reference to it as it has effect from time to time.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 2]

Requirement for licences

277. Requirement of licences for deposit of substances and articles in the sea.

Subject to the following provisions of this Part, a licence under this Part is needed for —

(a) the deposit of substances or articles within Falkland Islands waters or Falkland Islands controlled waters, either in the sea or under the sea-bed from —

(i) a vehicle, vessel, aircraft, hovercraft or marine structure;

(ii) a container floating in the sea;

(iii) a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea;

(b) the deposit of substances or articles anywhere in the sea or under the sea-bed from —

(i) a vessel, aircraft or hovercraft registered in the Falkland Islands, or a Falkland Islands marine structure; or

(ii) a container floating in the sea, if the deposit is controlled from a vessel, aircraft or hovercraft registered in the Falkland Islands, or a Falkland Islands marine structure;

(c) the scuttling of vessels —

(i) in Falkland Islands waters or Falkland Islands controlled waters;

(ii) anywhere at sea if the scuttling is controlled from a vessel, aircraft or hovercraft registered in the Falkland Islands, or a Falkland Islands marine structure;

(d) the loading of a vessel, aircraft, hovercraft, marine structure or floating container in the Falkland Islands or Falkland Islands waters with substances or articles for deposit anywhere in the sea or under the sea-bed;

(e) the loading of a vehicle in the Falkland Islands with substances or articles for deposit from that vehicle as mentioned in paragraph (a) or (b); and

(f) the towing or propelling from the Falkland Islands or Falkland Islands waters of a vessel for scuttling anywhere at sea.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 3]

278. Requirement of licences for incineration at sea, etc.

Subject to the following provisions of this Part, a licence is needed —

(a) for the incineration of substances or articles on a vessel or marine structure —

(i) in Falkland Islands waters or Falkland Islands controlled waters; or

(ii) anywhere at sea if the incineration takes place on a vessel registered in the Falkland Islands or a Falkland Islands marine structure; and

(b) for the loading of a vessel or marine structure in the Falkland Islands or Falkland Islands waters with substances or articles for incineration at sea.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 4]

279. Exemptions

(1) The Governor may by order specify operations for which —

(a) a licence is not required; or

(b) a licence is not required if the operations satisfy the conditions specified in the order.

(2) The conditions that an order under this section may be required to specify include conditions enabling the licensing authority to require a person to obtain the authority's approval before the person does anything for which a licence would be needed but for the order.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 5]

280. Licences

(1) The Governor may appoint a public officer to be the licensing authority for the purposes of this Part and may from time to time revoke any such appointment and appoint another public officer to be the licensing authority in his or her place.

(2) If no appointment of a public officer is for the time being in force under this subsection, the Governor will be the licensing authority.

(3) In determining whether to issue a licence, the licensing authority —

(a) must have regard to the need to —

(i) protect to the marine environment, the living resources which it supports, and human health;

(ii) prevent interference with legitimate uses of the sea; and

(b) may have regard to such other matters as the licensing authority considers relevant.

(4) Without prejudice to the generality of subsection (1), where it appears to the licensing authority that an applicant has applied for a licence with a view to the disposal of articles or substances to which it would relate, the authority, in determining whether to issue a licence, must have regard to the practical availability of any alternative methods of dealing with them.

(5) The licensing authority —

(a) must include such provisions in a licence as appear to the licensing authority to be necessary or expedient to —

(i) protect the marine environment, the living resources which it supports, and human health; and

(ii) prevent interference with legitimate uses of the sea; and

(b) may include in a licence such other provisions as the licensing authority considers appropriate.

(6) Without prejudice to the generality of subsection (3), the licensing authority —

(a) may include in a licence provisions requiring —

(i) that no operations authorised by the licence must be carried out until the licensing authority has given such further consent or approval of the operation as the licence may specify; and

(ii) the use of automatic equipment to record such information relating to the operation of any deposit, scuttling or incineration authorised by the licence; and

(b) may include in a licence which only authorises loading operations such as are mentioned in section 277(d) or section 278(b) provisions requiring that any operation of deposit, scuttling or incineration which is mentioned in it must take place at a specified site.

(7) The licensing authority may require an applicant for a licence to supply such information and permit such examinations and tests as in the opinion of the licensing authority may be necessary or expedient to enable the licensing authority to decide whether a licence should be issued to the applicant and the provisions which any licence that is issued to the applicant ought to contain.

(8) Where automatic recording equipment is used in accordance with a provision included in a licence by virtue of subsection (6)(a) of this section, any record produced by means of the equipment is, in any proceedings under this Part, evidence of the matters appearing from the record.

(9) The licensing authority may require an applicant for a licence, on making his or her application, to pay a reasonable fee towards the expense of —

(a) carrying out any examinations and tests which, in the opinion of the licensing authority, are necessary or expedient to enable the licensing authority to decide —

(i) whether to issue a licence to the applicant; and

(ii) the provisions which any licence issued to the applicant ought to include;

(b) checking the manner in which operations for which a licence is needed have been or are being conducted; and

(c) monitoring the effect of such operation.

(10) Fees under this section must be determined by the Governor.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 6]

281. Revocation or variation of licence

(1) The licensing authority may vary or revoke a licence if it appears to the licensing authority that the licence ought to be varied or revoked —

(a) because of a change in circumstances relating to the marine environment, the living resources it supports, or human health; or

(b) because of increased scientific knowledge relating to any of those matters; or

(c) for any other reason that appears to the licensing authority to be relevant.

(2) Schedule 8 has effect in relation to the right to make representations and other matters relating to licences.

Offences relating to the licensing system

282. Offences related to the licensing system

(1) Subject to subsections (3) to (7), a person commits an offence who —

- (a) does anything for which a licence is needed —
 - (i) despite not being the holder of the licence needed; or
 - (ii) in a manner that is not in accordance with the terms of the required licence which the person holds; or
 - (b) causes or permits any other person to do any such thing except in pursuance of a licence and in accordance with its provisions.
- (2) A person commits an offence who, for the purpose of procuring the issue of a licence or in purporting to carry out any duty imposed on the person by the provisions of a licence —
- (a) makes a statement which the person knows to be false in a material particular;
 - (b) recklessly makes a statement which is false in a material particular; or
 - (c) intentionally fails to disclose any material particular.
- (3) Subject to subsection (4), it is a defence for a person charged with an offence under subsection (1) in relation to any operation to prove that —
- (a) the operation was carried out for the purposes of securing the safety of a vessel, aircraft, hovercraft or marine structure, or of saving life; and
 - (b) the person took steps within a reasonable time to inform the licensing authority of —
 - (i) the operation;
 - (ii) the locality and circumstances in which it took place; and
 - (iii) any substances or articles concerned.
- (4) A person does not have the defence provided by subsection (3) if the court is satisfied that —
- (a) the operation —
 - (i) was not necessary for any purpose mentioned in paragraph (a) of that subsection; or
 - (ii) was not a reasonable step in the circumstances; or
 - (b) it was necessary for one of those purposes but the necessity was due to the fault of the defendant.

(5) It is a defence for a person charged with an offence under subsection (1) in relation to any operation —

(a) which falls within section 277(b) or section 278(1)(a)(ii); and

(b) which was not conducted within either Falkland Islands waters or Falkland Islands controlled waters,

to prove that subsections (6) and (7) of this section are satisfied in respect of that operation.

(6) This subsection is satisfied in respect of an operation falling within —

(a) section 277(b) if the vessel, aircraft, hovercraft, marine structure or container (as the case may be) was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles deposited;

(b) section 277(c)(ii), if the vessel scuttled was towed or propelled from a Convention State to the place where the scuttling was carried out; or

(c) section 278(a)(ii), if the vessel or marine structure on which the incineration took place was loaded in a Convention State or the national or territorial waters of a Convention State with the substances or articles incinerated.

(7) This subsection is satisfied in respect of an operation if the operation took place in pursuance of a licence issued by the responsible authority in the Convention State concerned and in accordance with the provisions of that licence.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 7]

283. Power to take remedial action

(1) The Governor may authorise the carrying out of any operation which appears to the Governor may be necessary or expedient for the purpose of —

(a) protecting the marine environment, the living resources which it supports, and human health; or

(b) preventing interference with the legitimate use of the sea,

in any case where anything for which a licence is needed appears to have been done otherwise than in pursuance of a licence and in accordance with its provisions.

(2) If any such operation as is provided for in subsection (1) is carried out, the Crown may recover any expenses reasonably incurred on the Governor's behalf in carrying it out from any person who has been convicted of an offence in consequence of the act or omission which made it appear to the Governor to be necessary or expedient for the operation to be carried out.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 8]

Enforcement

284. Power of officers

(1) The Governor may authorise any person, subject to such limitations as may be specified in the instrument authorising the person, to enforce this Part, and the following provisions of this Part must be construed, in reference to a person so authorised, as subject to any such limitation.

(2) Subject to the following provisions of this Ordinance, a person so authorised may enter —

(a) any land or vehicle in the Falkland Islands;

(b) foreign vessels, foreign aircraft, foreign hovercraft and foreign marine structures in the Falkland Islands or within Falkland Islands waters or Falkland Islands controlled waters; or

(c) any of the following, wherever they may be —

(i) vessels, aircraft or hovercraft registered in the Falkland Islands; or

(ii) Falkland Islands marine structures,

if the person has reasonable grounds for believing that any substances or articles intended to be deposited in the sea or under the sea-bed or incinerated on a vessel or marine structure at sea are or have been present there.

(3) A person so authorised may board —

(a) any vessel within Falkland Islands waters or Falkland Islands controlled waters; and

(b) any vessel registered in the Falkland Islands, wherever it may be,

if it appears to the person that it is intended to be scuttled.

(4) A person so authorised must not enter premises used only as a dwelling for the purpose of enforcing this Ordinance.

(5) Schedule 9 has effect with respect to persons authorised to enforce this Chapter.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 9]

285. Enforcement of Convention

(1) The Governor may by order —

(a) declare that any procedure which has been developed for the effective application of the Convention and is specified in the order is an agreed procedure; and

(b) specify that any of the powers conferred by this Ordinance for the purpose of enforcing this Part as a power that may be exercised, by such persons and in such circumstances and

subject to such conditions or modifications as may be specified, for the purposes of enforcing that procedure.

(2) An order under subsection (1) may apply to the Falkland Islands, Falkland Islands waters and Falkland Islands controlled waters any statutory instrument made under section 12(1) of the 1985 Act and with such modifications and adaptations as the Governor may consider necessary or expedient.

(3) A person who exercises any powers by virtue of an order under this section has the same right and liabilities in relation to their exercise that a person authorised under section 284 would have in relation to the exercise of any powers for the purpose of enforcing of this Part.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 10]

Miscellaneous

286. Power of Governor to test and charge for testing

(1) At the request of any person, the Governor may conduct tests to ascertain the probable effect on the marine environment and the living resources which it supports of using for the purpose of treating oil on the surface of the sea any substance produced for that purpose.

(2) If the Governor causes tests to be conducted under this section, the Governor may recover from any person at whose request they were conducted any expenses reasonably incurred by the Governor in having them conducted.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 11]

287. Offences, penalties, etc.

(1) A person convicted of an offence under section 282(1) is liable to a fine or to imprisonment for a term not exceeding two years.

(2) A person convicted of an offence under section 282(2) is liable to a fine.

(3) A person convicted of an offence under Schedule 9 is liable to a fine not exceeding level 5 on the scale set out in Schedule 7.

(4) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or the connivance of, or attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, that person as well as the body corporate has committed that offence and is liable to be prosecuted accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with his functions of management as if the member were a director of the body corporate.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 12]

288. General defence of due diligence

(1) In any proceedings for an offence under this Part it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Without prejudice to the generality of subsection (1), a person is to be taken to have established the defence provided by that subsection if the person proves —

(a) that the person acted under instructions given to the person by his or her employer; or

(b) that the person acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading,

and, in either case, that the person took all such steps as were reasonably open to him or her to ensure that no offence would be committed.

(3) If in any case the defence provided by subsection (1) involves an allegation that the commission of the offence was due to an act or omission by another person, other than the giving of instructions to the person charged with the offence by that person's employer, or to reliance on information supplied by another person, the person charged is not, without the leave of the court, entitled to rely on that defence unless within a period ending seven clear days before the hearing, the person charged has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in that person's possession.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 13]

PART 15 – GENERAL PROVISIONS

Administration

289. General functions of Governor

(1) The Governor continues to have the general superintendence of all matters relating to merchant shipping and seafarers and is authorised to carry into execution the provisions of this Ordinance and of all enactments relating to merchant shipping and seafarers for the time being in force, except where otherwise provided or so far as relating to revenue.

(2) The Attorney General may take any legal proceedings under this Ordinance.

[Merchant Shipping Act 1995 (UK), s. 292]

290. Functions of Governor in relation to marine pollution

(1) The Governor continues to have the functions of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of, marine pollution.

(2) Without prejudice to the generality of subsection (1), the functions of the Governor under that subsection, or of such person or authority to whom the Governor may delegate any of those functions, include —

(a) the preparation, review and implementation of a national plan setting out arrangements for responding to incidents which cause or may cause marine pollution with a view to preventing such pollution or reducing or minimising its effects;

(b) the acquisition, maintenance, use and disposal of ships, aircraft, equipment and other property;

(c) the provision of services, including research, training and advice; and

(d) the giving of assistance to any other State or international institution under any international agreement relating to the prevention, reduction or control of marine pollution subject to approval by the Secretary of State.

(3) Assistance under subsection (2)(d) may be given only on such terms as will secure reimbursement of the cost of giving the assistance if and to the extent that reimbursement will be practicable in the circumstances.

(4) The Governor may make reasonable charges for the supply of goods or services.

(5) Where under subsection (1) the Governor agrees that another person must take any measures to prevent, reduce or minimise the effects of marine pollution, the Governor may agree to indemnify that other person in respect of liabilities incurred by that person in connection with the taking of the measures.

(6) In this section —

“marine pollution” means pollution caused by ships, offshore installations or submarine pipelines affecting or likely to affect the Falkland Islands or Falkland Islands waters or Falkland Islands controlled waters;

“offshore installation” has the same meaning as in section 35 of the Offshore Minerals Ordinance 1994;

“pipeline” has the same meaning as in section 38 of the Offshore Minerals Ordinance 1994;

“submarine” means in, under or over Falkland Islands waters or Falkland Islands controlled waters;

“Falkland Islands controlled waters” has the same meaning as “controlled waters” has in section 2(1) of the Offshore Minerals Ordinance 1994, but no restriction as to the seas to which functions under this section extend is implied as regards the functions mentioned in subsection (2)(c).

[Merchant Shipping Act 1995 (UK), s. 293]

291. General power to dispense

(1) The Governor may, if he or she thinks fit, and upon such conditions (if any) as he or she thinks fit to impose, exempt any ship from any specified requirement of, or prescribed under, this Ordinance other than Chapter II of Part 7 (Waste reception facilities at harbours), or dispense with the observance of any such requirement in the case of any ship, if he or she is satisfied, as respects that requirement, of the matters specified in subsection (2).

(2) Those matters are that —

(a) the requirement has been substantially complied with in the case of that ship or that compliance with it is unnecessary in the circumstances; and

(b) the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

(3) The Governor must annually lay before the Legislative Assembly a special report stating —

(a) the cases in which the Governor has exercised his or her powers under this section during the preceding year; and

(b) the grounds upon which the Governor has acted in each case.

[Merchant Shipping Act 1995 (UK), s. 294]

292. Registrar General of Shipping

(1) This section establishes the office of Registrar General of Shipping, which is a public office.

(2) The Registrar General of Shipping is responsible for exercising such functions as are conferred on him or her by this Ordinance and for keeping such records and performing such other duties as the Governor may direct.

(3) The Governor may appoint and remove persons to perform on behalf of the Registrar General of Shipping such functions as the Governor or the Registrar General of Shipping may direct.

(4) Subsection (3) does not apply in relation to the functions of the Registrar General of Shipping as registrar under Part 2.

[Merchant Shipping Act 1995 (UK), s. 295]

293. Mercantile marine superintendents

(1) The Governor must appoint such number of public officers as the Governor thinks are appropriate as mercantile marine superintendents.

(2) Mercantile marine superintendents appointed under subsection (1) are responsible for exercising and discharging the functions conferred on marine superintendents by this Ordinance.
[Merchant Shipping Act 1995 (UK), s. 296]

294. Wreck commissioners, etc.

- (1) The Governor may appoint such number of persons as he or she thinks fit to be —
- (a) wreck commissioners to discharge the functions of wreck commissioners under this Ordinance or any other enactment which provides for wrecks;
 - (b) assessors for purposes of this Ordinance.
- (2) There must be paid to any wreck commissioner such remuneration as the Governor may determine.
- (3) There must be paid to any assessor appointed under this Ordinance such remuneration as the Governor may determine.

[Merchant Shipping Act 1995 (UK) s. 297]

295. Transmission of documents to Registrar General

- (1) The following duties are imposed on all superintendents and all customs officers as respects all documents which are delivered or transmitted to or retained by them in pursuance of this Ordinance.
- (2) The officers mentioned under subsection (1) must take charge of the documents and keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose.
- (3) The officers mentioned under subsection (1) must, if required, produce them for any of the purposes referred to under subsection (2), and must then transmit them to the Registrar General of Shipping.
- (4) The Registrar General of Shipping must retain documents transmitted to him or her under subsection (3) for such period as the Governor may direct.

[Merchant Shipping Act 1995 (UK), s. 298]

296. Returns, etc. to Governor

- (1) All superintendents must make and send to the Governor such returns or reports on any matter relating to Falkland Islands merchant shipping or seafarers as the Governor may require.
- (2) All superintendents must, when required by the Governor, produce to the Governor or to the Governor's officers all official log-books and other documents which are delivered to the superintendents under this Ordinance.
- (3) All surveyors of ships must make such returns to the Governor as the Governor may require with respect to —

(a) the build, dimensions, draught, burden, speed and room for fuel of ships surveyed by them; and

(b) the nature and particulars of machinery and equipment of such ships.

(4) The owner, master and engineer of any ship being surveyed must, when required to do so, give to the surveyors all such information and assistance within his or her power as the surveyors require for the purpose of returns under subsection (3).

(5) If the owner, master or engineer, on being required under subsection (4) to give any information or assistance, fails, without reasonable excuse, to give the information or assistance, he or she commits an offence and is liable on conviction to a fine not exceeding level 3 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 299]

297. Advisory committees

(1) The Governor may, if he or she thinks fit, appoint committees for the purpose of advising him or her when considering the making or alteration of any regulations, rules or scales for the purpose of this Ordinance other than Chapter II of Part 7.

(2) A committee appointed under this section must consist of persons representing the interests principally affected or having special knowledge of the subject matter.

(3) The Governor must pay to the members of any committee under this section such travelling and other allowances as the Governor determines after consulting the Financial Secretary.

(4) Committees may be appointed under this section to advise the Governor specially as regards any special regulations, rules or scales or generally as regards any class or classes of regulations, rules or scales which the Governor may assign to them.

[Merchant Shipping Act 1995 (UK), s. 301]

Financial provisions

298. Fees

(1) The Governor may make regulations prescribing fees to be charged in respect of —

(a) the issue or recording in pursuance of this Ordinance of any certificate, licence or other document; or

(b) the doing of anything in pursuance of this Ordinance.

(2) In the case of fees for the measurement of a ship's tonnage, the fees may be prescribed as maximum fees.

[Merchant Shipping Act 1995 (UK), s. 302]

299. Funding of maritime services

The funding of maritime services must be provided for in annual Appropriation Ordinances.
[Merchant Shipping Act 1995 (UK), s. 302A]

300. Expenses of Collector of Customs

(1) All expenses incurred by the Collector of Customs in the conduct of proceedings or otherwise in carrying into effect the provisions of this Ordinance must be treated as expenses relating to the revenue of customs and excise and must be paid accordingly.

(2) The Governor may, however, repay all or any part of such of the expenses paid in accordance with subsection (1) as are chargeable under this Ordinance on the Consolidated Fund.

[Merchant Shipping Act 1995 (UK), s. 303]

301. Expenses charged on money provided by the Crown in virtue of its Government in the Falkland Islands

(1) The following expenses and other amounts are payable by the Crown in virtue of its Government in the Falkland Islands —

(a) the expenses incurred by the Governor under this Ordinance;

(b) the salaries, pensions, gratuities and allowances of surveyors of ships, Departmental inspectors and superintendents;

(c) the sums required for the contribution from the Falkland Islands towards maintaining, in accordance with the Safety Convention, a service in the South Atlantic for the study and observation of ice and for the ice patrol;

(d) the expenses of obtaining depositions, reports and returns respecting wrecks and casualties;

(e) such sums as the Governor may, in his or her discretion, think fit to pay in respect of claims on account of the proceeds of wreck;

(f) the expenses incurred in respect of receivers of wrecks and the performance of their duties;

(g) such expenses as the Governor directs for —

(i) establishing and maintaining on the coasts of the Falkland Islands proper lifeboats with the necessary crews and equipment;

(ii) affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea; or

(iii) rewarding the preservation of life in such cases;

(h) any other amounts which are by virtue of any provision of this Ordinance as are so payable.

(2) In subsection (1)(c) “the Safety Convention” means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974.

[Merchant Shipping Act 1995 (UK), s. 304]

302. Payments to be made into Consolidated Fund

(1) The following sums must be paid into the Consolidated Fund —

(a) all fees, charges and expenses payable in respect of the survey and measurement of ships;

(b) any fees received by receivers of wrecks;

(c) any sums received by the Governor under this Ordinance or which are, by any provision of it, required to be paid into the Consolidated Fund.

(2) All fees mentioned in this section must be paid at such time and in such manner as the Governor directs.

[Merchant Shipping Act 1995 (UK), s. 305]

Application of Ordinance to certain descriptions of ships, etc.

303. Application of Ordinance to ships not registered in the Falkland Islands

(1) The Governor may make regulations specifying any description of ships not registered in the Falkland Islands and also directing that the provisions of this Ordinance and of instruments under this Ordinance as may be specified in the regulations —

(a) extend to ships not registered in the Falkland Islands, those ships description and to masters and seafarers employed in them; or

(b) extend in such circumstances as may be specified, with such modifications (if any) as may be specified.

(2) Regulations under this section may contain such transitional, supplementary and consequential provisions as appear to the Governor to be expedient.

[Merchant Shipping Act 1995 (UK), s. 307]

304. Application of Ordinance to government ships

(1) Subject to any other provision within this Ordinance, this Ordinance does not apply to ships belonging to Her Majesty.

(2) Part 2 of this Ordinance applies to Government ships where an Order in Council has been made under section 308 of the Act specifying the registration of Government ships in the Falkland Islands as British ships under Part 2 subject to any exceptions and modifications which

may be made by the Order in Council, either generally or as respects any special class of Government ships.

(3) In this section “Government ships” means ships not forming part of Her Majesty’s Navy which belong to Her Majesty, or are held by any person on behalf of or for the benefit of the Crown (and for that reason cannot be registered under Part 3).

[Merchant Shipping Act 1995 (UK), s. 308]

305. Application of Ordinance to ships chartered by demise to the Crown

(1) This section applies to a ship if, for the time being —

(a) the ship is —

(i) registered in the Falkland Islands; and

(ii) in the service of the Falkland Islands government by reason of a charter by demise to the Crown; and

(b) there is in force under section 308(2) of the Act an Order in Council providing for the registration of Government ships in the service of the Falkland Islands government.

(2) Where this section applies to any ship, the following statutory provisions, namely —

(a) the provisions of the Order in Council referred to in subsection (1)(b) (excluding those relating to registration under the Order); and

(b) section 304 (as it applies by virtue of section 308(2) of the Act and that Order in Council),

have (subject to subsections (3) and (5)) the same effect in relation to that ship as they have in relation to a Government ship in the service of the Falkland Islands government (whether referred to as such, or a ship registered in pursuance of that Order in Council).

(3) Subject to subsection (5), Part 3 has effect in relation to a ship to which this section applies in like manner as if it were not, for the purposes of this Ordinance, a ship belonging to Her Majesty.

(4) In the application of any provision of this Ordinance (other than a provision of Part 3) in relation to a ship to which this section applies, any reference to the owner of the ship must be construed as a reference to the relevant Falkland Island government department.

(5) Subsections (2) and (3) apply subject to the provisions of an Order in Council made under section 309(4) of the Act.

[Merchant Shipping Act 1995 (UK), s. 309]

306. Application of Ordinance to certain structures, etc.

(1) The Governor may by order provide that a thing designed or adapted for use at sea and described in the order is or is not to be treated as a ship for the purposes of any specified provision of this Ordinance or of an instrument made under this Ordinance.

(2) An order under this section may —

(a) make different provision in relation to different occasions; and

(b) if it provides that a thing is to be treated as a ship for the purposes of a specified provision, provide that the provision has effect in relation to the thing with such modifications as are specified.

(3) In this section “specified” means specified in the order.

[Merchant Shipping Act 1995 (UK), s. 311]

Subordinate legislation

307. Regulations, rules and orders, etc.

(1) Before making the following regulations, rules or orders, namely —

(a) regulations under Part 3 or section 112 or 135;

(b) rules under Chapter II of Part 6;

(c) an order under section 308,

the Governor must consult with organisations in the Falkland Islands appearing to the Governor to be representative of persons who will be affected by the regulations, rules or orders.

(2) Any direction, notice, order or authorisation under this Ordinance given or made by the Governor must be in writing.

(3) Any power to give a direction includes power to vary or revoke the direction by a subsequent direction.

[Merchant Shipping Act 1995 (UK), s.306]

308. Regulations

(1) The Governor may make regulations for giving effect to the provisions of this Ordinance.

(2) The power conferred by this section (1) is in addition to the power to make regulations that is given to the Governor by any provision of this Ordinance.

(3) Without prejudice to subsection (2) or to the generality of subsection (1), the Governor may in particular make regulations —

- (a) prescribing anything required by this Ordinance to be prescribed, including but not limited to any procedure for the doing by any person of anything authorised or permitted by this Ordinance;
- (b) prescribing or changing fees for anything in relation to which, by this Ordinance, a fee is to be or has been prescribed;
- (c) to provide for their operation anywhere outside the Falkland Islands and for their application to persons, whether or not Commonwealth citizens, and to companies, whether or not incorporated under the law of the Falkland Islands;
- (d) to provide that in any proceedings for an offence under the regulations (other than proceedings to which sub-paragraph (c) applied) an averment in any process of the fact that anything was done or situated within Falkland Islands waters is, unless the contrary is proved, sufficient evidence of that fact as stated in the averment;
- (e) to provide that in any proceedings for an offence under the regulations a statement in any complaint or indictment of any such fact as is mentioned in sub-paragraph (b) is, unless the contrary is proved, sufficient evidence of the fact as so stated;
- (f) to provide that proceedings for an offence under the regulations may be taken, and the offence be treated for all incidental purposes as having been committed, in the Falkland Islands;
- (g) to provide for any provisions relating to inquiries and investigations into marine accidents to apply (with such modifications as may be specified) in relation to accidents involving any submersible apparatus (section 87) which is not a ship as they apply to ships;
- (h) to provide that specified provisions of any enactment (other than section 87) does not, in such circumstances as may be prescribed, have effect in relation to such class or description of, or to such particular, submersible or supporting apparatus as may be prescribed;
- (i) to make different provision for different classes or descriptions of submersible or supporting apparatus and for different circumstances;
- (j) contain such supplemental and incidental provisions as appear to the Governor to be expedient.

309. Forms

- (1) The Governor must prescribe the form of any book, instrument or paper required under this Ordinance but may delegate this function to the Authority or the Director of Natural Resources, and where the Governor delegates this function, the Authority or the Director may alter such forms.
- (2) The Governor must cause every form prescribed under subsection (1) to be marked with the distinguishing mark of the Authority or the Department responsible for maritime services and,

before finally issuing any form or making any alteration in a form, must publish a notice about the forms or their alteration in such manner as he or she thinks requisite in order to avoid inconvenience.

(3) The Governor must cause the forms to be supplied at the Authority or the Department responsible for maritime services free of charge or at such reasonable prices as the Governor may fix, or the Governor may licence any persons to print and sell the forms.

(4) Every book, instrument or paper must be made in the form (if any) prescribed under this section, or as near as circumstances permit; and unless so made is not admissible in evidence in any civil proceedings on the part of the owner or master of any ship.

(5) Every book, instrument or paper, if made in a form purporting to be the proper form and to be marked in accordance with subsection (2), is deemed to be in the form required by this Ordinance, unless the contrary is proved.

(6) The foregoing provisions do not apply where special provision is made by this Ordinance.

(7) If any person prints, sells or uses any document purporting to be a form prescribed under this section knowing that the document is not the form approved for the time being or that the document has not been prepared or issued in a manner required under this section, that person commits an offence and is liable, on conviction, to a fine not exceeding level 2 on the scale set out in Schedule 7.

[Merchant Shipping Act 1995 (UK), s. 300]

Final provisions

310. Repeals and savings

(1) The Ordinances and statutory instruments listed in Part “A” of Schedule 10 (in this section referred to as the “repealed Falkland Islands legislation”) are repealed.

(2) With effect from the date of commencement of an Act made to amend the imperial enactments listed in Part “B” of Schedule 10 (in this section referred to as the “UK Acts”) being imperial enactments that apply to the Falkland Islands by their own force or by virtue of Orders in Council made by Her Majesty the Queen in Council so that those enactments no longer have force in the Falkland Islands, those UK Acts will no longer have force in the Falkland Islands.

(3) With effect from the date of commencement of an instrument made to revoke or amend the imperial enactments listed in Part “C” of Schedule 10 (in this Ordinance referred to as the “UK Statutory Instruments”) being imperial enactments that apply to the Falkland Islands by their own force so that those UK Statutory Instruments no longer have force in the Falkland Islands, those UK Statutory Instruments will no longer have force in the Falkland Islands.

(4) Subject to subsections (2) and (3) all items of subsidiary legislation made under any of the repealed Ordinances or UK Acts specified in Parts A and B of Schedule 10 continue in force (in

so far as they are not inconsistent with this Ordinance) as if made under the corresponding provision of this Ordinance until amended or replaced under this Ordinance.

(5) If there is no corresponding provision of this Ordinance under which any item of subsidiary legislation referred to under subsection (4) is or could be made, the item is repealed or disappplied, as the case may be, except that it continues to have effect in relation to proceedings that had commenced before the repeal or disapplication.

SCHEDULE 1
(section 22 and 23(7))

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

General

1.(1) Subject to any rights and powers appearing from the register to be vested in any other person, the registered owner of a ship or of a share in a ship has power to dispose of it provided the disposal is made in accordance with this Schedule and registration regulations.

(2) Sub-paragraph (1) above does not imply that interests arising under contract or other equitable interests cannot subsist in relation to a ship or a share in a ship; and such interests may be enforced by or against owners and mortgagees of ships in respect of their interest in the ship or share in the same manner as in respect of any other personal property.

(3) The registered owner of a ship or of a share in a ship has power to give effectual receipts for any money paid or advanced by way of consideration on any disposal of the ship or share.

Transfers etc. of registered ships

2.(1) Any transfer of a registered ship, or a share in such a ship, must be effected by a bill of sale satisfying the prescribed requirements, unless the transfer will result in the ship ceasing to have a Falkland Islands connection.

(2) Where any such ship or share has been transferred in accordance with sub-paragraph (1) above, the transferee must not be registered as owner of the ship or share unless —

(a) the transferee has made the prescribed application to the registrar; and

(b) the registrar is satisfied that the ship retains a Falkland Islands connection and that he or she would not refuse to register the ship.

(3) If an application under sub-paragraph (2) above is granted by the registrar, the registrar must register the bill of sale in the prescribed manner.

(4) Bills of sale must be registered in the order in which they are produced to the registrar for the purposes of registration.

3.(1) Where a registered ship, or a share in a registered ship, is transmitted to any person by any lawful means other than a transfer under paragraph 2 above and the ship continues to have a Falkland Islands connection, that person must not be registered as owner of the ship or share unless —

(a) the person has made the prescribed application to the registrar; and

(b) the registrar is satisfied that the ship retains a Falkland Islands connection and that he or she would not refuse to register the ship.

(2) If an application under sub-paragraph (1) is granted by the registrar, the registrar must cause the applicant's name to be registered as owner of the ship or share.

4.(1) Where the property in a registered ship or share in a registered ship is transmitted to any person by any lawful means other than a transfer under paragraph 2 above, but as a result the ship no longer has a Falkland Islands connection, the Supreme Court may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of sale, after deducting the expenses of the sale, must be paid to that person or otherwise as the court direct.

(2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) Every such application must be made within the period of 28 days beginning with the date of the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding one year) as the court may allow.

(4) If—

(a) such an application is not made within the time allowed by or under sub-paragraph (3) above; or

(b) the court refuse an order for sale,

the ship or share transmitted shall be liable to forfeiture.

5.(1) Where any court (whether under paragraph 4 above or otherwise) order the sale of any registered ship or share in a registered ship, the order of the court must contain a declaration vesting in some named person the right to transfer the ship or share.

(2) The person so named is entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner of the ship or share.

(3) The registrar must deal with any application relating to the transfer of the ship or share made by the person so named as if that person were the registered owner.

6.(1) The Supreme Court may, if it thinks fit (without prejudice to the exercise of any other power), on the application of any interested person, make an order prohibiting for a specified time any dealing with a registered ship or share in a registered ship.

(2) The court may make the order on any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made (with or without costs or, in Scotland, expenses) and generally may act in the case as the justice of the case requires.

(3) The order, when a copy is served on the registrar, is binding on the registrar whether or not he or she was made a party to the proceedings.

Mortgages of registered ships

7.(1) A registered ship, or share in a registered ship, may be made a security for the repayment of a loan or the discharge of any other obligation.

(2) The instrument creating any such security (referred to in the following provisions of this Schedule as a “mortgage”) must be in the form prescribed by or approved under registration regulations.

(3) Where a mortgage executed in accordance with sub-paragraph (2) above is produced to the registrar, the registrar must register the mortgage in the prescribed manner.

(4) Mortgages must be registered in the order in which they are produced to the registrar for the purposes of registration.

Priority of registered mortgages

8.(1) Where two or more mortgages are registered in respect of the same ship or share, the priority of the mortgagees between themselves must, subject to sub-paragraph (2) below, be determined by the order in which the mortgages were registered (and not by reference to any other matter).

(2) Registration regulations may provide for the giving to the registrar by intending mortgagees of “priority notices” in a form prescribed by or approved under the regulations which, when recorded in the register, determine the priority of the interest to which the notice relates.

Registered mortgagee’s power of sale

9.(1) Subject to sub-paragraph (2) below, every registered mortgagee has power, if the mortgage money or any part of it is due, to sell the ship or share in respect of which he or she is registered, and to give effectual receipts for the purchase money.

(2) Where two or more mortgagees are registered in respect of the same ship or share, a subsequent mortgagee must not, except under an order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

Protection of registered mortgagees

10. Where a ship or share is subject to a registered mortgage then —

(a) except so far as is necessary for making the ship or share available as a security for the mortgage debt, the mortgagee must not by reason of the mortgage be treated as owner of the ship or share; and

(b) the mortgagor must be treated as not having ceased to be owner of the ship or share.

Transfer of registered mortgage

11.(1) A registered mortgage may be transferred by an instrument made in the form prescribed by or approved under registration regulations.

(2) Where any such instrument is produced to the registrar, the registrar must register the transferee in the prescribed manner.

Transmission of registered mortgage by operation of law

12. Where the interest of a mortgagee in a registered mortgage is transmitted to any person by any lawful means other than by a transfer under paragraph 11 above, the registrar must, on production of the prescribed evidence, cause the name of that person to be entered in the register as mortgagee of the ship or share in question.

Discharge of registered mortgage

13. Where a registered mortgage has been discharged, the registrar must, on production of the mortgage deed and such evidence of the discharge of the mortgage as may be prescribed, cause an entry to be made in the register to the effect that the mortgage has been discharged.

Definitions

14. In this Schedule —

“mortgage” must be construed in accordance with paragraph 7(2) above;

“prescribed” means prescribed in registration regulations; and

“registered mortgage” means a mortgage registered under paragraph 7(3).

SCHEDULE 2

(sections 185(1), (5) and 186(4)(a))

(Section 176 of the 1995 Act as applied to the Falkland Islands by S.I. 1997/2584)

(Schedule 5 to the 1995 Act as applied to the Falkland Islands by S.I. 1997/2584)

OVERALL LIMIT ON LIABILITY OF FUND

PART I

PERMANENT PROVISION

Article 4-paragraphs 4 and 5

4. (a) Except as otherwise provided in sub paragraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 203 million units of account.

(b) Except as otherwise provided in sub paragraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 203 million units of account.

(c) The maximum amount of compensation referred to in sub-paragraphs (a) and (b) shall be 300.74 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.

(d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.

(e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.
5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

SCHEDULE 3

(sections , 190(2) and 192(1))

(SCHEDULE 5A to the 1995 Act – sections 182A to 182C)

TEXT OF INTERNATIONAL CONVENTION ON LIABILITY AND COMPENSATION FOR DAMAGE IN CONNECTION WITH THE CARRIAGE OF HAZARDOUS AND NOXIOUS SUBSTANCES BY SEA

The States parties to the present Convention,

Conscious of the dangers posed by the world-wide carriage by sea of hazardous and noxious substances,

Convinced of the need to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by incidents in connection with the carriage by sea of such substances,

Desiring to adopt uniform international rules and procedures for determining questions of liability and compensation in respect of such damage,

Considering that the economic consequences of damage caused by the carriage by sea of hazardous and noxious substances should be shared by the shipping industry and the cargo interests involved,

Have agreed as follows:

Chapter I

GENERAL PROVISIONS

Definitions

Article 1

For the purposes of this Convention:

1. “Ship” means any seagoing vessel and seaborne craft, of any type whatsoever.
2. “Person” means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.
3. “Owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship’s operator, “owner” shall mean such company.

4. “Receiver” means either:

(a) the person who physically receives contributing cargo discharged in the ports and terminals of a State Party; provided that if at the time of receipt the person who physically receives the cargo acts as an agent for another who is subject to the jurisdiction of any State Party, then the principal shall be deemed to be the receiver, if the agent discloses the principal to the HNS Fund; or

(b) the person in the State Party who in accordance with the national law of that State Party is deemed to be the receiver of contributing cargo discharged in the ports and terminals of a State Party, provided that the total contributing cargo received according to such national law is substantially the same as that which would have been received under (a).

5. “Hazardous and noxious substances” (HNS) means:

(a) any substances, materials and articles carried on board a ship as cargo, referred to in (i) to (vii) below:

(i) oils carried in bulk listed in appendix I of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;

(ii) noxious liquid substances carried in bulk referred to in appendix II of Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, and those substances and mixtures provisionally categorized as falling in pollution category A, B, C or D in accordance with regulation 3(4) of the said Annex II;

(iii) dangerous liquid substances carried in bulk listed in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, 1983, as amended, and the dangerous products for which the preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.3 of the Code;

(iv) dangerous, hazardous and harmful substances, materials and articles in packaged form covered by the International Maritime Dangerous Goods Code, as amended;

(v) liquefied gases as listed in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983, as amended, and the products for which preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.6 of the Code;

(vi) liquid substances carried in bulk with a flashpoint not exceeding 60°C (measured by a closed cup test);

(vii) solid bulk materials possessing chemical hazards covered by appendix B of the Code of Safe Practice for Solid Bulk Cargoes, as amended, to the extent that these substances are also subject to the provisions of the International Maritime Dangerous Goods Code when carried in packaged form; and

(b) residues from the previous carriage in bulk of substances referred to in (a)(i) to (iii) and (v) to (vii) above.

6. “Damage” means:

(a) loss of life or personal injury on board or outside the ship carrying the hazardous and noxious substances caused by those substances;

(b) loss of or damage to property outside the ship carrying the hazardous and noxious substances caused by those substances;

(c) loss or damage by contamination of the environment caused by the hazardous and noxious substances, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and

(d) the costs of preventive measures and further loss or damage caused by preventive measures.

Where it is not reasonably possible to separate damage caused by the hazardous and noxious substances from that caused by other factors, all such damage shall be deemed to be caused by the hazardous and noxious substances except if, and to the extent that, the damage caused by other factors is damage of a type referred to in article 4, paragraph 3.

In this paragraph, “caused by those substances” means caused by the hazardous or noxious nature of the substances.

7. “Preventive measures” means any reasonable measures taken by any person after an incident has occurred to prevent or minimize damage.

8. “Incident” means any occurrence or series of occurrences having the same origin, which causes damage or creates a grave and imminent threat of causing damage.

9. “Carriage by sea” means the period from the time when the hazardous and noxious substances enter any part of the ship’s equipment, on loading, to the time they cease to be present in any part of the ship’s equipment, on discharge. If no ship’s equipment is used, the period begins and ends respectively when the hazardous and noxious substances cross the ship’s rail.

10. “Contributing cargo” means any hazardous and noxious substances which are carried by sea as cargo to a port or terminal in the territory of a State Party and discharged in that State. Cargo in transit which is transferred directly, or through a port or terminal, from one ship to another, either wholly or in part, in the course of carriage from the port or terminal of original loading to

the port or terminal of final destination shall be considered as contributing cargo only in respect of receipt at the final destination.

11. The “HNS Fund” means the International Hazardous and Noxious Substances Fund established under article 13.

12. “Unit of account” means the Special Drawing Right as defined by the International Monetary Fund.

13. “State of the ship’s registry” means in relation to a registered ship the State of registration of the ship, and in relation to an unregistered ship the State whose flag the ship is entitled to fly.

14. “Terminal” means any site for the storage of hazardous and noxious substances received from waterborne transportation, including any facility situated off-shore and linked by pipeline or otherwise to such site.

15. “Director” means the Director of the HNS Fund.

16. “Organization” means the International Maritime Organization.

17. “Secretary-General” means the Secretary-General of the Organization.

Annexes

Article 2

The Annexes to this Convention shall constitute an integral part of this Convention.

Scope of application

Article 3

This Convention shall apply exclusively:

(a) to any damage caused in the territory, including the territorial sea, of a State Party;

(b) to damage by contamination of the environment caused in the exclusive economic zone of a State Party, established in accordance with international law, or, if a State Party has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(c) to damage, other than damage by contamination of the environment, caused outside the territory, including the territorial sea, of any State, if this damage has been caused by a substance carried on board a ship registered in a State Party or, in the case of an unregistered ship, on board a ship entitled to fly the flag of a State Party; and

(d) to preventive measures, wherever taken.

Article 4

1. This Convention shall apply to claims, other than claims arising out of any contract for the carriage of goods and passengers, for damage arising from the carriage of hazardous and noxious substances by sea.
2. This Convention shall not apply to the extent that its provisions are incompatible with those of the applicable law relating to workers' compensation or social security schemes.
3. This Convention shall not apply:
 - (a) to pollution damage as defined in the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended, whether or not compensation is payable in respect of it under that Convention; and
 - (b) to damage caused by a radioactive material of class 7 either in the International Maritime Dangerous Goods Code, as amended, or in appendix B of the Code of Safe Practice for Solid Bulk Cargoes, as amended.
4. Except as provided in paragraph 5, the provisions of this Convention shall not apply to warships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.
5. A State Party may decide to apply this Convention to its warships or other vessels described in paragraph 4, in which case it shall notify the Secretary-General thereof specifying the terms and conditions of such application.
6. With respect to ships owned by a State Party and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article 38 and shall waive all defences based on its status as a sovereign State.

Article 5

1. A State may, at the time of ratification, acceptance, approval of, or accession to, this Convention, or any time thereafter, declare that this Convention does not apply to ships:
 - (a) which do not exceed 200 gross tonnage; and
 - (b) which carry hazardous and noxious substances only in packaged form; and

(c) while they are engaged on voyages between ports or facilities of that State.

2. Where two neighbouring States agree that this Convention does not apply also to ships which are covered by paragraph 1(a) and (b) while engaged on voyages between ports or facilities of those States, the States concerned may declare that the exclusion from the application of this Convention declared under paragraph 1 covers also ships referred to in this paragraph.

3. Any State which has made the declaration under paragraph 1 or 2 may withdraw such declaration at any time.

4. A declaration made under paragraph 1 or 2, and the withdrawal of the declaration made under paragraph 3, shall be deposited with the Secretary-General who shall, after the entry into force of this Convention, communicate it to the Director.

5. Where a State has made a declaration under paragraph 1 or 2 and has not withdrawn it, hazardous and noxious substances carried on board ships covered by that paragraph shall not be considered to be contributing cargo for the purpose of application of articles 18, 20, article 21, paragraph 5 and article 43.

6. The HNS Fund is not liable to pay compensation for damage caused by substances carried by a ship to which the Convention does not apply pursuant to a declaration made under paragraph 1 or 2, to the extent that:

(a) the damage as defined in article 1, paragraph 6(a), (b) or (c) was caused in:

(i) the territory, including the territorial sea, of the State which has made the declaration, or in the case of neighbouring States which have made a declaration under paragraph 2, of either of them; or

(ii) the exclusive economic zone, or area mentioned in article 3(b), of the State or States referred to in (i);

(b) the damage includes measures taken to prevent or minimize such damage.

Duties of State Parties

Article 6

Each State Party shall ensure that any obligation arising under this Convention is fulfilled and shall take appropriate measures under its law including the imposing of sanctions as it may deem necessary, with a view to the effective execution of any such obligation.

Chapter II

LIABILITY

Liability of the owner

Article 7

1. Except as provided in paragraphs 2 and 3, the owner at the time of an incident shall be liable for damage caused by any hazardous and noxious substances in connection with their carriage by sea on board the ship, provided that if an incident consists of a series of occurrences having the same origin the liability shall attach to the owner at the time of the first of such occurrences.
 2. No liability shall attach to the owner if the owner proves that:
 - (a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
 - (b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or
 - (c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function; or
 - (d) the failure of the shipper or any other person to furnish information concerning the hazardous and noxious nature of the substances shipped either:
 - (i) has caused the damage, wholly or partly; or
 - (ii) has led the owner not to obtain insurance in accordance with article 12;
- provided that neither the owner nor its servants or agents knew or ought reasonably to have known of the hazardous and noxious nature of the substances shipped.
3. If the owner proves that the damage resulted wholly or partly either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from liability to such person.
 4. No claim for compensation for damage shall be made against the owner otherwise than in accordance with this Convention.
 5. Subject to paragraph 6, no claim for compensation for damage under this Convention or otherwise may be made against:
 - (a) the servants or agents of the owner or the members of the crew;

(b) the pilot or any other person who, without being a member of the crew, performs services for the ship;

(c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;

(e) any person taking preventive measures; and

(f) the servants or agents of persons mentioned in (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

6. Nothing in this Convention shall prejudice any existing right of recourse of the owner against any third party, including, but not limited to, the shipper or the receiver of the substance causing the damage, or the persons indicated in paragraph 5.

Incidents involving two or more ships

Article 8

1. Whenever damage has resulted from an incident involving two or more ships each of which is carrying hazardous and noxious substances, each owner, unless exonerated under article 7, shall be liable for the damage. The owners shall be jointly and severally liable for all such damage which is not reasonably separable.

2. However, owners shall be entitled to the limits of liability applicable to each of them under article 9.

3. Nothing in this article shall prejudice any right of recourse of an owner against any other owner.

Limitation of liability

Article 9

1. The owner of a ship shall be entitled to limit liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:

(a) 10 million units of account for a ship not exceeding 2,000 units of tonnage; and

(b) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (a):

for each unit of tonnage from 2,001 to 50,000 units of tonnage, 1,500 units of account

for each unit of tonnage in excess of 50,000 units of tonnage, 360 units of account

provided, however, that this aggregate amount shall not in any event exceed 100 million units of account.

2. The owner shall not be entitled to limit liability under this Convention if it is proved that the damage resulted from the personal act or omission of the owner, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3. The owner shall, for the purpose of benefitting from the limitation provided for in paragraph 1, constitute a fund for the total sum representing the limit of liability established in accordance with paragraph 1 with the court or other competent authority of any one of the States Parties in which action is brought under article 38 or, if no action is brought, with any court or other competent authority in any one of the States Parties in which an action can be brought under article 38. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the law of the State Party where the fund is constituted, and considered to be adequate by the court or other competent authority.

4. Subject to the provisions of article 11, the fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of the servants or agents of the owner or any person providing to the owner insurance or other financial security has as a result of the incident in question, paid compensation for damage, such person shall, up to the amount that person has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for damage which such person may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where owners or other persons establish that they may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which the right of subrogation would have been enjoyed under paragraphs 5 or 6 had the compensation been paid before the fund was distributed, the court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce the claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize damage shall rank equally with other claims against the fund.

9. (a) The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3.

The value of the national currency, in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

(b) Nevertheless, a State Party which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five-and-a-half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

(c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the State Party as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first two sentences of paragraph 9(a). States Parties shall communicate to the Secretary-General the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

10. For the purpose of this article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limitation of liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article 10

1. Where the owner, after an incident, has constituted a fund in accordance with article 9 and is entitled to limit liability:

(a) no person having a claim for damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim; and

(b) the court or other competent authority of any State Party shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the court administering the fund and the fund is actually available in respect of the claim.

Death and injury

Article 11

Claims in respect of death or personal injury have priority over other claims save to the extent that the aggregate of such claims exceeds two-thirds of the total amount established in accordance with article 9, paragraph 1.

Compulsory insurance of the owner

Article 12

1. The owner of a ship registered in a State Party and actually carrying hazardous and noxious substances shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, in the sums fixed by applying the limits of liability prescribed in article 9, paragraph 1, to cover liability for damage under this Convention.

2. A compulsory insurance certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party such compulsory insurance certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a State Party it may be issued or certified by the appropriate authority of any State Party. This compulsory insurance certificate shall be in the form of the model set out in Annex I and shall contain the following particulars:

(a) name of the ship, distinctive number or letters and port of registry;

(b) name and principal place of business of the owner;

(c) IMO ship identification number;

(d) type and duration of security;

(e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and

(f) period of validity of certificate, which shall not be longer than the period of validity of the insurance or other security.

3. The compulsory insurance certificate shall be in the official language or languages of the issuing State. If the language used is neither English, nor French nor Spanish, the text shall include a translation into one of these languages.

4. The compulsory insurance certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a State Party, with the authority of the State issuing or certifying the certificate.

5. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4, unless the compulsory insurance certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

6. The State of the ship's registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the compulsory insurance certificate.

7. Compulsory insurance certificates issued or certified under the authority of a State Party in accordance with paragraph 2 shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties as having the same force as compulsory insurance certificates issued or certified by them even if issued or certified in respect of a ship not registered in a State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the compulsory insurance certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for damage may be brought directly against the insurer or other person providing financial security for the owner's liability for damage. In such case the defendant may, even if the owner is not entitled to limitation of liability, benefit from the limit of liability prescribed in accordance with paragraph 1. The defendant may further invoke the defences (other than the bankruptcy or winding up of the owner) which the owner would have been entitled to invoke. Furthermore, the defendant may invoke the defence that the damage resulted from the wilful misconduct of the owner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the owner against the defendant. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available exclusively for the satisfaction of claims under this Convention.

10. A State Party shall not permit a ship under its flag to which this article applies to trade unless a certificate has been issued under paragraph 2 or 12.

11. Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance or other security in the sums specified in paragraph 1 is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore facility in its territorial sea.

12. If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a compulsory insurance certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limit prescribed in accordance with paragraph 1. Such a compulsory insurance certificate shall follow as closely as possible the model prescribed by paragraph 2.

Chapter III

COMPENSATION BY THE INTERNATIONAL HAZARDOUS AND NOXIOUS SUBSTANCES FUND (HNS FUND)

Establishment of the HNS Fund

Article 13

1. The International Hazardous and Noxious Substances Fund (HNS Fund) is hereby established with the following aims:

(a) to provide compensation for damage in connection with the carriage of hazardous and noxious substances by sea, to the extent that the protection afforded by chapter II is inadequate or not available; and

(b) to give effect to the related tasks set out in article 15.

2. The HNS Fund shall in each State Party be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each State Party shall recognize the Director as the legal representative of the HNS Fund.

Compensation

Article 14

1. For the purpose of fulfilling its function under article 13, paragraph 1(a), the HNS Fund shall pay compensation to any person suffering damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of chapter II:

(a) because no liability for the damage arises under chapter II;

(b) because the owner liable for the damage under chapter II is financially incapable of meeting the obligations under this Convention in full and any financial security that may be provided under chapter II does not cover or is insufficient to satisfy the claims for compensation for damage; an owner being treated as financially incapable of meeting these obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under chapter II after having taken all reasonable steps to pursue the available legal remedies;

(c) because the damage exceeds the owner's liability under the terms of chapter II.

2. Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize damage shall be treated as damage for the purposes of this article.

3. The HNS Fund shall incur no obligation under the preceding paragraphs if:

(a) it proves that the damage resulted from an act of war, hostilities, civil war or insurrection or was caused by hazardous and noxious substances which had escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government non-commercial service; or

(b) the claimant cannot prove that there is a reasonable probability that the damage resulted from an incident involving one or more ships.

4. If the HNS Fund proves that the damage resulted wholly or partly either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the HNS Fund may be exonerated wholly or partially from its obligation to pay compensation to such person. The HNS Fund shall in any event be exonerated to the extent that the owner may have been exonerated under article 7, paragraph 3. However, there shall be no such exoneration of the HNS Fund with regard to preventive measures.

5. (a) Except as otherwise provided in subparagraph (b), the aggregate amount of compensation payable by the HNS Fund under this article shall in respect of any one incident be limited, so that the total sum of that amount and any amount of compensation actually paid under chapter II for damage within the scope of application of this Convention as defined in article 3 shall not exceed 250 million units of account.

(b) The aggregate amount of compensation payable by the HNS Fund under this article for damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 250 million units of account.

(c) Interest accrued on a fund constituted in accordance with article 9, paragraph 3, if any, shall not be taken into account for the computation of the maximum compensation payable by the HNS Fund under this article.

(d) The amounts mentioned in this article shall be converted into national currency on the basis of the value of that currency with reference to the Special Drawing Right on the date of the decision of the Assembly of the HNS Fund as to the first date of payment of compensation.

6. Where the amount of established claims against the HNS Fund exceeds the aggregate amount of compensation payable under paragraph 5, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

Claims in respect of death or personal injury shall have priority over other claims, however, save to the extent that the aggregate of such claims exceeds two-thirds of the total amount established in accordance with paragraph 5.

7. The Assembly of the HNS Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner has not constituted a fund in accordance with chapter II. In such cases paragraph 5(d) applies accordingly.

Related tasks of the HNS Fund

Article 15

For the purpose of fulfilling its function under article 13, paragraph 1(a), the HNS Fund shall have the following tasks:

- (a) to consider claims made against the HNS Fund;
- (b) to prepare an estimate in the form of a budget for each calendar year of:

Expenditure:

(i) costs and expenses of the administration of the HNS Fund in the relevant year and any deficit from operations in the preceding years; and

(ii) payments to be made by the HNS Fund in the relevant year;

Income:

(iii) surplus funds from operations in preceding years, including any interest;

(iv) initial contributions to be paid in the course of the year;

(v) annual contributions if required to balance the budget; and

(vi) any other income;

(c) to use at the request of a State Party its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate damage arising from an incident in respect of which the HNS Fund may be called upon to pay compensation under this Convention; and

(d) to provide, on conditions laid down in the internal regulations, credit facilities with a view to the taking of preventive measures against damage arising from a particular incident in respect of which the HNS Fund may be called upon to pay compensation under this Convention.

General provisions on contributions

Article 16

1. The HNS Fund shall have a general account, which shall be divided into sectors.
2. The HNS Fund shall, subject to article 19, paragraphs 3 and 4, also have separate accounts in respect of:
 - (a) oil as defined in article 1, paragraph 5(a)(i) (oil account);
 - (b) liquefied natural gases of light hydrocarbons with methane as the main constituent (LNG) (LNG account); and
 - (c) liquefied petroleum gases of light hydrocarbons with propane and butane as the main constituents (LPG) (LPG account).
3. There shall be initial contributions and, as required, annual contributions to the HNS Fund.
4. Contributions to the HNS Fund shall be made into the general account in accordance with article 18, to separate accounts in accordance with article 19 and to either the general account or separate accounts in accordance with article 20 or article 21, paragraph 5. Subject to article 19, paragraph 6, the general account shall be available to compensate damage caused by hazardous and noxious substances covered by that account, and a separate account shall be available to compensate damage caused by a hazardous and noxious substance covered by that account.
5. For the purposes of article 18, article 19, paragraph 1(a)(i), paragraph 1(a)(ii) and paragraph 1(c), article 20 and article 21, paragraph 5, where the quantity of a given type of contributing cargo received in the territory of a State Party by any person in a calendar year when aggregated with the quantities of the same type of cargo received in the same State Party in that year by any associated person or persons exceeds the limit specified in the respective subparagraphs, such a person shall pay contributions in respect of the actual quantity received by that person notwithstanding that that quantity did not exceed the respective limit.

6. “Associated person” means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

General provisions on annual contributions

Article 17

1. Annual contributions to the general account and to each separate account shall be levied only as required to make payments by the account in question.
2. Annual contributions payable pursuant to articles 18, 19 and article 21, paragraph 5 shall be determined by the Assembly and shall be calculated in accordance with those articles on the basis of the units of contributing cargo received or, in respect of cargoes referred to in article 19, paragraph 1(b), discharged during the preceding calendar year or such other year as the Assembly may decide.
3. The Assembly shall decide the total amount of annual contributions to be levied to the general account and to each separate account. Following that decision the Director shall, in respect of each State Party, calculate for each person liable to pay contributions in accordance with article 18, article 19, paragraph 1 and article 21, paragraph 5, the amount of that person’s annual contribution to each account, on the basis of a fixed sum for each unit of contributing cargo reported in respect of the person during the preceding calendar year or such other year as the Assembly may decide. For the general account, the above-mentioned fixed sum per unit of contributing cargo for each sector shall be calculated pursuant to the regulations contained in Annex II to this Convention. For each separate account, the fixed sum per unit of contributing cargo referred to above shall be calculated by dividing the total annual contribution to be levied to that account by the total quantity of cargo contributing to that account.
4. The Assembly may also levy annual contributions for administrative costs and decide on the distribution of such costs between the sectors of the general account and the separate accounts.
5. The Assembly shall also decide on the distribution between the relevant accounts and sectors of amounts paid in compensation for damage caused by two or more substances which fall within different accounts or sectors, on the basis of an estimate of the extent to which each of the substances involved contributed to the damage.

Annual contributions to the general account

Article 18

1. Subject to article 16, paragraph 5, annual contributions to the general account shall be made in respect of each State Party by any person who was the receiver in that State in the preceding calendar year, or such other year as the Assembly may decide, of aggregate quantities exceeding 20,000 tonnes of contributing cargo, other than substances referred to in article 19, paragraph 1, which fall within the following sectors:

- (a) solid bulk materials referred to in article 1, paragraph 5(a)(vii);
- (b) substances referred to in paragraph 2; and
- (c) other substances.

2. Annual contributions shall also be payable to the general account by persons who would have been liable to pay contributions to a separate account in accordance with article 19, paragraph 1 had its operation not been postponed or suspended in accordance with article 19. Each separate account the operation of which has been postponed or suspended under article 19 shall form a separate sector within the general account.

Annual contributions to separate accounts

Article 19

1. Subject to article 16, paragraph 5, annual contributions to separate accounts shall be made in respect of each State Party:

(a) in the case of the oil account,

(i) by any person who has received in that State in the preceding calendar year, or such other year as the Assembly may decide, total quantities exceeding 150,000 tonnes of contributing oil as defined in article 1, paragraph 3 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, as amended, and who is or would be liable to pay contributions to the International Oil Pollution Compensation Fund in accordance with article 10 of that Convention; and

(ii) by any person who was the receiver in that State in the preceding calendar year, or such other year as the Assembly may decide, of total quantities exceeding 20,000 tonnes of other oils carried in bulk listed in appendix I of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;

(b) in the case of the LNG account, by any person who in the preceding calendar year, or such other year as the Assembly may decide, immediately prior to its discharge, held title to an LNG cargo discharged in a port or terminal of that State;

(c) in the case of the LPG account, by any person who in the preceding calendar year, or such other year as the Assembly may decide, was the receiver in that State of total quantities exceeding 20,000 tonnes of LPG.

2. Subject to paragraph 3, the separate accounts referred to in paragraph 1 above shall become effective at the same time as the general account.

3. The initial operation of a separate account referred to in article 16, paragraph 2 shall be postponed until such time as the quantities of contributing cargo in respect of that account during the preceding calendar year, or such other year as the Assembly may decide, exceed the following levels:

- (a) 350 million tonnes of contributing cargo in respect of the oil account;
- (b) 20 million tonnes of contributing cargo in respect of the LNG account; and
- (c) 15 million tonnes of contributing cargo in respect of the LPG account.

4. The Assembly may suspend the operation of a separate account if:

- (a) the quantities of contributing cargo in respect of that account during the preceding calendar year fall below the respective level specified in paragraph 3; or
- (b) when six months have elapsed from the date when the contributions were due, the total unpaid contributions to that account exceed ten per cent of the most recent levy to that account in accordance with paragraph 1.

5. The Assembly may reinstate the operation of a separate account which has been suspended in accordance with paragraph 4.

6. Any person who would be liable to pay contributions to a separate account the operation of which has been postponed in accordance with paragraph 3 or suspended in accordance with paragraph 4, shall pay into the general account the contributions due by that person in respect of that separate account. For the purpose of calculating future contributions, the postponed or suspended separate account shall form a new sector in the general account and shall be subject to the HNS points system defined in Annex II.

Initial contributions

Article 20

1. In respect of each State Party, initial contributions shall be made of an amount which shall for each person liable to pay contributions in accordance with article 16, paragraph 5, articles 18, 19 and article 21, paragraph 5 be calculated on the basis of a fixed sum, equal for the general account and each separate account, for each unit of contributing cargo received or, in the case of LNG, discharged in that State, during the calendar year preceding that in which this Convention enters into force for that State.

2. The fixed sum and the units for the different sectors within the general account as well as for each separate account referred to in paragraph 1 shall be determined by the Assembly.

3. Initial contributions shall be paid within three months following the date on which the HNS Fund issues invoices in respect of each State Party to persons liable to pay contributions in accordance with paragraph 1.

Reports

Article 21

1. Each State Party shall ensure that any person liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article appears on a list to be established and kept up to date by the Director in accordance with the provisions of this article.
2. For the purposes set out in paragraph 1, each State Party shall communicate to the Director, at a time and in the manner to be prescribed in the internal regulations of the HNS Fund, the name and address of any person who in respect of the State is liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article, as well as data on the relevant quantities of contributing cargo for which such a person is liable to contribute in respect of the preceding calendar year.
3. For the purposes of ascertaining who are, at any given time, the persons liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article and of establishing, where applicable, the quantities of cargo to be taken into account for any such person when determining the amount of the contribution, the list shall be prima facie evidence of the facts stated therein.
4. Where a State Party does not fulfil its obligations to communicate to the Director the information referred to in paragraph 2 and this results in a financial loss for the HNS Fund, that State Party shall be liable to compensate the HNS Fund for such loss. The Assembly shall, on the recommendation of the Director, decide whether such compensation shall be payable by a State Party.
5. In respect of contributing cargo carried from one port or terminal of a State Party to another port or terminal located in the same State and discharged there, States Parties shall have the option of submitting to the HNS Fund a report with an annual aggregate quantity for each account covering all receipts of contributing cargo, including any quantities in respect of which contributions are payable pursuant to article 16, paragraph 5. The State Party shall, at the time of reporting, either:
 - (a) notify the HNS Fund that that State will pay the aggregate amount for each account in respect of the relevant year in one lump sum to the HNS Fund; or
 - (b) instruct the HNS Fund to levy the aggregate amount for each account by invoicing individual receivers or, in the case of LNG, the title holder who discharges within the jurisdiction of that State Party, for the amount payable by each of them. These persons shall be identified in accordance with the national law of the State concerned.

Non-payment of contributions

Article 22

1. The amount of any contribution due under articles 18, 19, 20 or article 21, paragraph 5 and which is in arrears shall bear interest at a rate which shall be determined in accordance with the internal regulations of the HNS Fund, provided that different rates may be fixed for different circumstances.
2. Where a person who is liable to pay contributions in accordance with articles 18, 19, 20 or article 21, paragraph 5 does not fulfil the obligations in respect of any such contribution or any part thereof and is in arrears, the Director shall take all appropriate action, including court action, against such a person on behalf of the HNS Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

Optional liability of States Parties for the payment of contributions

Article 23

1. Without prejudice to article 21, paragraph 5, a State Party may at the time when it deposits its instrument of ratification, acceptance, approval or accession or at any time thereafter declare that it assumes responsibility for obligations imposed by this Convention on any person liable to pay contributions in accordance with articles 18, 19, 20 or article 21, paragraph 5 in respect of hazardous and noxious substances received or discharged in the territory of that State. Such a declaration shall be made in writing and shall specify which obligations are assumed.
2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with article 46, it shall be deposited with the Secretary-General who shall after the entry into force of this Convention communicate the declaration to the Director.
3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.
4. A declaration made in accordance with this article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such a notification shall take effect three months after the Director's receipt thereof.
5. Any State which is bound by a declaration made under this article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

Organization and administration

Article 24

The HNS Fund shall have an Assembly and a Secretariat headed by the Director.

Assembly

Article 25

The Assembly shall consist of all States Parties to this Convention.

Article 26

The functions of the Assembly shall be:

- (a) to elect at each regular session its President and two Vice-Presidents who shall hold office until the next regular session;
- (b) to determine its own rules of procedure, subject to the provisions of this Convention;
- (c) to develop, apply and keep under review internal and financial regulations relating to the aim of the HNS Fund as described in article 13, paragraph 1(a), and the related tasks of the HNS Fund listed in article 15;
- (d) to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;
- (e) to adopt the annual budget prepared in accordance with article 15(b);
- (f) to consider and approve as necessary any recommendation of the Director regarding the scope of definition of contributing cargo;
- (g) to appoint auditors and approve the accounts of the HNS Fund;
- (h) to approve settlements of claims against the HNS Fund, to take decisions in respect of the distribution among claimants of the available amount of compensation in accordance with article 14 and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of damage are compensated as promptly as possible;
- (i) to establish a Committee on Claims for Compensation with at least 7 and not more than 15 members and any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to

secure an equitable geographical distribution of members and to ensure that the States Parties are appropriately represented; the Rules of Procedure of the Assembly may be applied, *mutatis mutandis*, for the work of such subsidiary body;

(j) to determine which States not party to this Convention, which Associate Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies;

(k) to give instructions concerning the administration of the HNS Fund to the Director and subsidiary bodies;

(l) to supervise the proper execution of this Convention and of its own decisions;

(m) to review every five years the implementation of this Convention with particular reference to the performance of the system for the calculation of levies and the contribution mechanism for domestic trade; and

(n) to perform such other functions as are allocated to it under this Convention or are otherwise necessary for the proper operation of the HNS Fund.

Article 27

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.
2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of at least one-third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the President of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

Article 28

A majority of the members of the Assembly shall constitute a quorum for its meetings.

Secretariat

Article 29

1. The Secretariat shall comprise the Director and such staff as the administration of the HNS Fund may require.
2. The Director shall be the legal representative of the HNS Fund.

Article 30

1. The Director shall be the chief administrative officer of the HNS Fund. Subject to the instructions given by the Assembly, the Director shall perform those functions which are assigned to the Director by this Convention, the internal regulations of the HNS Fund and the Assembly.
2. The Director shall in particular:
 - (a) appoint the personnel required for the administration of the HNS Fund;
 - (b) take all appropriate measures with a view to the proper administration of the assets of the HNS Fund;
 - (c) collect the contributions due under this Convention while observing in particular the provisions of article 22, paragraph 2;
 - (d) to the extent necessary to deal with claims against the HNS Fund and to carry out the other functions of the HNS Fund, employ the services of legal, financial and other experts;
 - (e) take all appropriate measures for dealing with claims against the HNS Fund, within the limits and on conditions to be laid down in the internal regulations of the HNS Fund, including the final settlement of claims without the prior approval of the Assembly where these regulations so provide;
 - (f) prepare and submit to the Assembly the financial statements and budget estimates for each calendar year;
 - (g) prepare, in consultation with the President of the Assembly, and publish a report on the activities of the HNS Fund during the previous calendar year; and
 - (h) prepare, collect and circulate the documents and information which may be required for the work of the Assembly and subsidiary bodies.

Article 31

In the performance of their duties the Director and the staff and experts appointed by the Director shall not seek or receive instructions from any Government or from any authority external to the HNS Fund. They shall refrain from any action which might adversely reflect on their position as international officials. Each State Party on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by the Director, and not to seek to influence them in the discharge of their duties.

Finances

Article 32

1. Each State Party shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on subsidiary bodies.
2. Any other expenses incurred in the operation of the HNS Fund shall be borne by the HNS Fund.

Voting

Article 33

The following provisions shall apply to voting in the Assembly:

- (a) each member shall have one vote;
- (b) except as otherwise provided in article 34, decisions of the Assembly shall be made by a majority vote of the members present and voting;
- (c) decisions where a two-thirds majority is required shall be a two-thirds majority vote of members present; and
- (d) for the purpose of this article the phrase “members present” means “members present at the meeting at the time of the vote”, and the phrase “members present and voting” means “members present and casting an affirmative or negative vote”. Members who abstain from voting shall be considered as not voting.

Article 34

The following decisions of the Assembly shall require a two-thirds majority:

- (a) a decision under article 19, paragraphs 4 or 5 to suspend or reinstate the operation of a separate account;
- (b) a decision under article 22, paragraph 2, not to take or continue action against a contributor;
- (c) the appointment of the Director under article 26(d);
- (d) the establishment of subsidiary bodies, under article 26(i), and matters relating to such establishment; and
- (e) a decision under article 51, paragraph 1, that this Convention shall continue to be in force.

Tax exemptions and currency regulations

Article 35

1. The HNS Fund, its assets, income, including contributions, and other property necessary for the exercise of its functions as described in article 13, paragraph 1, shall enjoy in all States Parties exemption from all direct taxation.
2. When the HNS Fund makes substantial purchases of movable or immovable property, or of services which are necessary for the exercise of its official activities in order to achieve its aims as set out in article 13, paragraph 1, the cost of which include indirect taxes or sales taxes, the Governments of the States Parties shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes. Goods thus acquired shall not be sold against payment or given away free of charge unless it is done according to conditions approved by the Government of the State having granted or supported the remission or refund.
3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.
4. The HNS Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the Government of that country.
5. Persons contributing to the HNS Fund as well as victims and owners receiving compensation from the HNS Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.
6. Notwithstanding existing or future regulations concerning currency or transfers, States Parties shall authorize the transfer and payment of any contribution to the HNS Fund and of any compensation paid by the HNS Fund without any restriction.

Confidentiality of information

Article 36

Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the HNS Fund except in so far as it may be strictly necessary to enable the HNS Fund to carry out its functions including the bringing and defending of legal proceedings.

Chapter IV

CLAIMS AND ACTIONS

Limitation of actions

Article 37

1. Rights to compensation under chapter II shall be extinguished unless an action is brought thereunder within three years from the date when the person suffering the damage knew or ought reasonably to have known of the damage and of the identity of the owner.
2. Rights to compensation under chapter III shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to article 39, paragraph 7, within three years from the date when the person suffering the damage knew or ought reasonably to have known of the damage.
3. In no case, however, shall an action be brought later than ten years from the date of the incident which caused the damage.
4. Where the incident consists of a series of occurrences, the ten-year period mentioned in paragraph 3 shall run from the date of the last of such occurrences.

Jurisdiction in respect of action against the owner

Article 38

1. Where an incident has caused damage in the territory, including the territorial sea or in an area referred to in article 3(b), of one or more States Parties, or preventive measures have been taken to prevent or minimize damage in such territory including the territorial sea or in such area, actions for compensation may be brought against the owner or other person providing financial security for the owner's liability only in the courts of any such States Parties.
2. Where an incident has caused damage exclusively outside the territory, including the territorial sea, of any State and either the conditions for application of this Convention set out in article 3(c) have been fulfilled or preventive measures to prevent or minimize such damage have been taken, actions for compensation may be brought against the owner or other person providing financial security for the owner's liability only in the courts of:
 - (a) the State Party where the ship is registered or, in the case of an unregistered ship, the State Party whose flag the ship is entitled to fly; or
 - (b) the State Party where the owner has habitual residence or where the principal place of business of the owner is established; or

(c) the State Party where a fund has been constituted in accordance with article 9, paragraph 3.

3. Reasonable notice of any action taken under paragraph 1 or 2 shall be given to the defendant.
4. Each State Party shall ensure that its courts have jurisdiction to entertain actions for compensation under this Convention.
5. After a fund under article 9 has been constituted by the owner or by the insurer or other person providing financial security in accordance with article 12, the courts of the State in which such fund is constituted shall have exclusive jurisdiction to determine all matters relating to the apportionment and distribution of the fund.

Jurisdiction in respect of action against the HNS Fund or taken by the HNS Fund

Article 39

1. Subject to the subsequent provisions of this article, any action against the HNS Fund for compensation under article 14 shall be brought only before a court having jurisdiction under article 38 in respect of actions against the owner who is liable for damage caused by the relevant incident or before a court in a State Party which would have been competent if an owner had been liable.
2. In the event that the ship carrying the hazardous or noxious substances which caused the damage has not been identified, the provisions of article 38, paragraph 1, shall apply mutatis mutandis to actions against the HNS Fund.
3. Each State Party shall ensure that its courts have jurisdiction to entertain such actions against the HNS Fund as are referred to in paragraph 1.
4. Where an action for compensation for damage has been brought before a court against the owner or the owner's guarantor, such court shall have exclusive jurisdiction over any action against the HNS Fund for compensation under the provisions of article 14 in respect of the same damage.
5. Each State Party shall ensure that the HNS Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with this Convention before a competent court of that State against the owner or the owner's guarantor.
6. Except as otherwise provided in paragraph 7, the HNS Fund shall not be bound by any judgement or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.
7. Without prejudice to the provisions of paragraph 5, where an action under this Convention for compensation for damage has been brought against an owner or the owner's guarantor before a competent court in a State Party, each party to the proceedings shall be entitled under the

national law of that State to notify the HNS Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the HNS Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgement rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgement was given, become binding upon the HNS Fund in the sense that the facts and findings in that judgement may not be disputed by the HNS Fund even if the HNS Fund has not actually intervened in the proceedings.

Recognition and enforcement

Article 40

1. Any judgement given by a court with jurisdiction in accordance with article 38, which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any State Party, except:

(a) where the judgement was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair opportunity to present the case.

2. A judgement recognized under paragraph 1 shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

3. Subject to any decision concerning the distribution referred to in article 14, paragraph 6, any judgement given against the HNS Fund by a court having jurisdiction in accordance with article 39, paragraphs 1 and 3 shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each State Party.

Subrogation and recourse

Article 41

1. The HNS Fund shall, in respect of any amount of compensation for damage paid by the HNS Fund in accordance with article 14, paragraph 1, acquire by subrogation the rights that the person so compensated may enjoy against the owner or the owner's guarantor.

2. Nothing in this Convention shall prejudice any rights of recourse or subrogation of the HNS Fund against any person, including persons referred to in article 7, paragraph 2(d), other than those referred to in the previous paragraph, in so far as they can limit their liability. In any event the right of the HNS Fund to subrogation against such persons shall not be less favourable than that of an insurer of the person to whom compensation has been paid.

3. Without prejudice to any other rights of subrogation or recourse against the HNS Fund which may exist, a State Party or agency thereof which has paid compensation for damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

Supersession clause

Article 42

This Convention shall supersede any convention in force or open for signature, ratification or accession at the date on which this Convention is opened for signature, but only to the extent that such convention would be in conflict with it; however, nothing in this article shall affect the obligations of States Parties to States not party to this Convention arising under such convention.

Chapter V

TRANSITIONAL PROVISIONS

Information on contributing cargo

Article 43

When depositing an instrument referred to in article 45, paragraph 3, and annually thereafter until this Convention enters into force for a State, that State shall submit to the Secretary-General data on the relevant quantities of contributing cargo received or, in the case of LNG, discharged in that State during the preceding calendar year in respect of the general account and each separate account.

First session of the Assembly

Article 44

The Secretary-General shall convene the first session of the Assembly. This session shall take place as soon as possible after the entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

Chapter VI

FINAL CLAUSES

Signature, ratification, acceptance, approval and accession

Article 45

1. This Convention shall be open for signature at the Headquarters of the Organization from 1 October 1996 to 30 September 1997 and shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Entry into force

Article 46

1. This Convention shall enter into force eighteen months after the date on which the following conditions are fulfilled:
 - (a) at least twelve States, including four States each with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it, and
 - (b) the Secretary-General has received information in accordance with article 43 that those persons in such States who would be liable to contribute pursuant to article 18, paragraphs 1(a) and (c) have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.
2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force have been met, such consent shall take effect three months after the date of expression of such consent, or on the date on which this Convention enters into force in accordance with paragraph 1, whichever is the later.

Revision and amendment

Article 47

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of six States Parties or one-third of the States Parties, whichever is the higher figure.
3. Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Amendment of limits

Article 48

1. Without prejudice to the provisions of article 47, the special procedure in this article shall apply solely for the purposes of amending the limits set out in article 9, paragraph 1 and article 14, paragraph 5.
2. Upon the request of at least one half, but in no case less than six, of the States Parties, any proposal to amend the limits specified in article 9, paragraph 1, and article 14, paragraph 5, shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
3. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation.
4. All Contracting States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
5. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided in paragraph 4, on condition that at least one half of the Contracting States shall be present at the time of voting.
6. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits established in article 9, paragraph 1, and those in article 14, paragraph 5.
7. (a) No amendment of the limits under this article may be considered less than five years from the date this Convention was opened for signature nor less than five years from the date of entry into force of a previous amendment under this article.

(b) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention increased by six per cent per year calculated on a compound basis from the date on which this Convention was opened for signature.

(c) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention multiplied by three.
8. Any amendment adopted in accordance with paragraph 5 shall be notified by the Organization to all Contracting States.

The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period no less than one-fourth of the States which were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.

9. An amendment deemed to have been accepted in accordance with paragraph 8 shall enter into force eighteen months after its acceptance.

10. All Contracting States shall be bound by the amendment, unless they denounce this Convention in accordance with article 49, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

11. When an amendment has been adopted but the eighteen month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 8. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Convention enters into force for that State, if later.

Article 49

1. This Convention may be denounced by any State Party at any time after the date on which it enters into force for that State Party.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. Denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

4. Notwithstanding a denunciation by a State Party pursuant to this article, any provisions of this Convention relating to obligations to make contributions under articles 18, 19 or article 21, paragraph 5 in respect of such payments of compensation as the Assembly may decide relating to an incident which occurs before the denunciation takes effect shall continue to apply.

Extraordinary sessions of the Assembly

Article 50

1. Any State Party may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions from the remaining States Parties, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not less than sixty days after receipt of the request.

2. The Director may take the initiative to convene an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if the Director considers that such denunciation will result in a significant increase in the level of contributions from the remaining States Parties.

3. If the Assembly, at an extraordinary session, convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions from the remaining States Parties, any such State may, not later than one hundred and twenty days before the date on which the denunciation takes effect, denounce this Convention with effect from the same date.

Cessation

Article 51

1. This Convention shall cease to be in force:

(a) on the date when the number of States Parties falls below 6; or

(b) twelve months after the date on which data concerning a previous calendar year were to be communicated to the Director in accordance with article 21, if the data shows that the total quantity of contributing cargo to the general account in accordance with article 18, paragraphs 1(a) and (c) received in the States Parties in that preceding calendar year was less than 30 million tonnes.

Notwithstanding (b), if the total quantity of contributing cargo to the general account in accordance with article 18, paragraphs 1(a) and (c) received in the States Parties in the preceding calendar year was less than 30 million tonnes but more than 25 million tonnes, the Assembly may, if it considers that this was due to exceptional circumstances and is not likely to be repeated, decide before the expiry of the above-mentioned twelve month period that the Convention shall continue to be in force. The Assembly may not, however, take such a decision in more than two subsequent years.

2. States which are bound by this Convention on the day before the date it ceases to be in force shall enable the HNS Fund to exercise its functions as described under article 52 and shall, for that purpose only, remain bound by this Convention.

Winding up of the HNS Fund

Article 52

1. If this Convention ceases to be in force, the HNS Fund shall nevertheless:

(a) meet its obligations in respect of any incident occurring before this Convention ceased to be in force; and

(b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under (a), including expenses for the administration of the HNS Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the HNS Fund including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the HNS Fund.

3. For the purposes of this article the HNS Fund shall remain a legal person.

Depositary

Article 53

1. This Convention and any amendment adopted under article 48 shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of entry into force of this Convention;

(iii) any proposal to amend the limits on the amounts of compensation which has been made in accordance with article 48, paragraph 2;

(iv) any amendment which has been adopted in accordance with article 48, paragraph 5;

(v) any amendment deemed to have been accepted under article 48, paragraph 8, together with the date on which that amendment shall enter into force in accordance with paragraphs 9 and 10 of that article;

(vi) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect; and

(vii) any communication called for by any article in this Convention; and

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Languages

Article 54

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

SCHEDULE 4
(sections 193(1))

(SCHEDULE 6 of the 1995 Act – mentioned in section 183 of the 1995 Act)

Part I

**TEXT OF THE CONVENTION RELATING TO THE CARRAIGE OF PASSENGERS AND
THEIR LUGGAGE BY SEA, AS AMENDED BY THE 2002 PROTOCOL**

ARTICLE 1

Definitions

In this Convention the following expressions have the meaning hereby assigned to them:

1.
 - (a) “carrier” means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by that person or by a performing carrier;
 - (b) “performing carrier” means a person other than the carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage;
 - (c) “carrier who actually performs the whole or a part of the carriage” means the performing carrier, or, in so far as the carrier actually performs the carriage, the carrier;
2. “contract of carriage” means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and his luggage, as the case may be;
3. “ship” means only a seagoing vessel, excluding an air-cushion vehicle;
4. “passenger” means any person carried in a ship,

- (a) under a contract of carriage, or
 - (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods not governed by this Convention;
5. “luggage” means any article or vehicle carried by the carrier under a contract of carriage, excluding:
- (a) articles and vehicles carried under a charter party, bill of lading or other contract primarily concerned with the carriage of goods, and
 - (b) live animals;
6. “cabin luggage” means luggage which the passenger has in his cabin or is otherwise in this possession, custody or control. Except for the application of paragraph 8 of this Article and Article 8, cabin luggage includes luggage which the passenger has in or on his vehicle;
7. “loss of or damage to luggage” includes pecuniary loss resulting from the luggage not having been re-delivered to the passenger within a reasonable time after the arrival of the ship on which the luggage has been or should have been carried, but does not include delays resulting from labour disputes;
8. “carriage” covers the following periods:
- (a) with regard to the passenger and his cabin luggage, the period during which the passenger and/or his cabin luggage are on-board the ship or in the course of embarkation or disembarkation, and the period during which the passenger and his cabin luggage are transported by water from land to the ship or vice-versa, if the cost of such transport is included in the fare or if the vessel used for this purpose of auxiliary transport has been put at the disposal of the passenger by the carrier. However, with regard to the passenger, carriage does not include the period during which he is in a marine terminal or station or on a quay or in or on any other port installation;
 - (b) with regard to cabin luggage, also the period during which the passenger is in a marine terminal or station or on a quay or in or on any other port installation if that luggage has been taken over by the carrier or his servant or agent and has not been re-delivered to the passenger;
 - (c) with regard to other luggage which is not cabin luggage, the period from the time of its taking over by the carrier or his servant or agent on shore or on board until the time of its re-delivery by the carrier or his servant or agent;
9. “international carriage” means any carriage in which, according to the contract of carriage, the place of departure and the place of destination are situated in two different States, or in a single State if, according to the contract of carriage or the scheduled itinerary, there is an intermediate port of call in another State;

10. "Organization" means the International Maritime Organization.
11. "Secretary-General" means the Secretary-General of the Organization.

ARTICLE 1 bis

Annex

The annex to this Convention shall constitute an integral part of the Convention.

ARTICLE 2

Application

1. This Convention shall apply to any international carriage if:
 - (a) the ship is flying the flag of or is registered in a State Party to this Convention, or
 - (b) the contract of carriage has been made in a State Party to this Convention, or
 - (c) the place of departure or destination, according to the contract of carriage, is in a State Party to this Convention.
2. Notwithstanding paragraph 1 of this Article, this Convention shall not apply where the carriage is subject, under any other international convention concerning the carriage of passengers or luggage by another mode of transport, to a civil liability regime under the provisions of such convention, in so far as those provisions have mandatory application to carriage by sea.

ARTICLE 3

Liability of the carrier

1. For the loss suffered as a result of the death of or personal injury to a passenger caused by a shipping incident, the carrier shall be liable to the extent that such loss in respect of that passenger on each distinct occasion does not exceed 250,000 units of account, unless the carrier proves that the incident:
 - (a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
 - (b) was wholly caused by an act or omission done with the intent to cause the incident by a third party.

If and to the extent that the loss exceeds the above limit, the carrier shall be further liable unless the carrier provides that the incident which caused the loss occurred without the fault or neglect of the carrier.

2. For the loss suffered as a result of the death of or personal injury to a passenger not caused by a shipping incident, the carrier shall be liable if the incident which caused the loss was due to the fault or neglect of the carrier. The burden of proving fault or neglect shall lie the claimant.

3. For the loss suffered as a result of the loss of or damage to cabin luggage, the carrier shall be liable if the incident which caused the loss was due to the fault or neglect of the carrier. The fault or neglect of the carrier shall be presumed for loss caused by a shipping incident.

4. For the loss suffered as a result of the loss of or damage to luggage other than cabin luggage, the carrier shall be liable unless the carrier proves that the incident which caused the loss occurred without the fault or neglect of the carrier.

5. For the purposes of this article:

(a) “shipping incident” means shipwreck, capsizing, collision or stranding of the ship, explosion or fire in the ship, or defect in the ship;

(b) “fault or neglect of the carrier” includes the fault or neglect of the servants of the carrier, acting within the scope of their employment;

(c) “defect in the ship” means any malfunction, failure or non-compliance with applicable safety regulations in respect of any part of the ship or its equipment when used for the escape, evacuation, embarkation and disembarkation of passengers, or when used for the propulsion, steering, safe navigation, mooring, anchoring, arriving at or leaving berth or anchorage, or damage control after flooding; or when used for the launching of the life saving appliances; and

(d) “loss” shall not include punitive or exemplary damages.

6. The liability of the carrier under this Article only relates to loss arising from incidents that occurred in the course of the carriage. The burden of proving that the incident which caused the loss occurred in the course of the carriage, and the extent of the loss, shall lie with the claimant.

7. Nothing in this Convention shall prejudice any right of recourse of the carrier against any third party, or the defence of contributory negligence under Article 6 of this Convention. Nothing in this Article shall prejudice any right of limitation under Articles 7 or 8 of this Convention.

8. Presumptions of fault or neglect of a party or the allocation of the burden of proof to a party shall not prevent evidence in favour of that party from being considered.

ARTICLE 4

Performing carrier

1. If the performance of the carriage or part thereof has been entrusted to a performing carrier, the carrier shall nevertheless remain liable for the entire carriage according to the provisions of this Convention. In addition, the performing carrier shall be subject and entitled to the provisions of this Convention for the part of the carriage performed by him.
2. The carrier shall, in relation to the carriage performed by the performing carrier, be liable for the acts and omissions of the performing carrier and of his servants and agents acting within the scope of their employment.
3. Any special agreement under which the carrier assumes obligations not imposed by this Convention or any waiver of rights conferred by this Convention shall affect the performing carrier only if agreed by him expressly and in writing.
4. Where and to the extent that both the carrier and the performing carrier are liable, their liability shall be joint and several.
5. Nothing in this Article shall prejudice any right of recourse as between the carrier and the performing carrier.

ARTICLE 4bis

Compulsory insurance

1. When passengers are carried on-board a ship registered in a State Party that is licensed to carry more than twelve passengers and this Convention applies, any carrier who actually performs the whole or a part of the carriage shall maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability under this Convention in respect of the death of an personal injury to passengers. The limit of the compulsory insurance or other financial security shall not be less than 250,000 units of account per passenger on each distinct occasion.
2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party, such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry, with respect to a ship not registered in a State Party. This certificate shall be in the form of the model set out in the annex to this Convention and shall contain the following particulars:

- (a) name of ship, distinctive number or letters and port of registry;

(b) name and principal place of business of the carrier who actually performs the whole or part of the carriage;

(c) IMO ship identification number;

(d) type and duration of security;

(e) name and principal place of business of insurer or other person providing financial security and, where appropriate, place of business where the insurance or other financial security is established; and

(f) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other financial security.

3. (a) A State Party may authorize an institution or an organization recognised by it to issue the certificate. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the certificate so issued, and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(b) A State Party shall notify the Secretary-General of:

(i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognised by it;

(ii) the withdrawal of such authority; and

(iii) the date from which such authority or withdrawal of such authority takes effect.

An authority delegated shall not take effect prior to three months from the date from which notification to that effect was given to the Secretary-General.

(c) The institution or organization authorized to issue certificates in accordance with this paragraph shall, as a minimum, be authorized to withdraw these certificates if the conditions under which they have been issued are not complied with. In all cases the institution or organization shall report such withdrawal to the State on whose behalf the certificate was issued.

4. The certificate shall be in the official language or languages of the issuing State. If the language used is not English, French or Spanish, the text shall include a translation into one of those languages, and, where the State so decides, the official language of the State may be omitted.

5. The certificate shall be carried on board the ship, and a copy shall be deposited with the authorities who keep a record of the ship's registry or, if the ship is not registered in a State Party, with the authority of the State issuing or certifying the certificate.

6. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 5, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or other financial security no longer satisfying the requirements of this Article.

7. The State of the ship's registry shall, subject to the provisions of this Article, determine the conditions of issue and validity of the certificate.

8. Nothing in this Convention shall be construed as preventing a State Party from relying on information obtained from other States or the Organization or other international organizations relating to the financial standing of providers of insurance or other financial security for the purposes of this Convention. In such cases, the State Party relying on such information is not relieved of its responsibility as a State issuing the certificate.

9. Certificates issued or certified under the authority of a State Party shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties as having the same force as certificates issued or certified by them, even if issued or certified in respect of a ship not registered in a State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the issuer or guarantor named in the insurance certificate is not financially capable of meeting the obligations imposed by this Convention.

10. Any claim for compensation covered by insurance or other financial security pursuant to this Article may be brought directly against the insurer or other person providing financial security. In such case, the amount set out in paragraph 1 applies as the limit of liability of the insurer or other person providing financial security, even if the carrier or the performing carrier is not entitled to limitation of liability. The defendant may further invoke the defences (other than the bankruptcy or winding up) which the carrier referred to in paragraph 1 would have been entitled to invoke in accordance with this Convention. Furthermore, the defendant may invoke the defence that the damage resulted from the wilful misconduct of the assured, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the assured against the defendant. The defendant shall in any event have the right to require the carrier and the performing carrier to be joined in the proceedings.

11. Any sum provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available exclusively for the satisfaction of claims under this Convention, and any payments made of such sums shall discharge any liability arising under this Convention to the extent of the amounts paid.

12. A State Party shall not permit a ship under its flag to which this Article applies to operate at any time unless a certificate has been issued under paragraphs 2 or 15.

13. Subject to the provisions of this Article, each State Party shall ensure, under its national law, that insurance or other financial security, to the extent specified in paragraph 1, is in force in respect of any ship that is licensed to carry more than twelve passengers, wherever registered, entering or leaving a port in its territory in so far as this Convention applies.

14. Notwithstanding the provisions of paragraph 5, a State Party may notify the Secretary-General that, for the purposes of paragraph 13, ships are not required to carry on board or to produce the certificate required by paragraph 2 when entering or leaving ports in its territory, provided that the State Party which issues the certificate has notified the Secretary-General that it maintains records in an electronic format, accessible to all States Parties, attesting the existence of the certificate and enabling States Parties to discharge their obligations under paragraph 13.

15. If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this Article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry, stating that the ship is owned by that State and that the liability is covered within the amount prescribed in accordance with paragraph 1. Such certificate shall follow as closely as possible the model prescribed by paragraph 2.

ARTICLE 5

Valuables

The carrier shall not be liable for the loss of or damage to monies, negotiable securities, gold, silverware, jewellery, ornaments, works of art, or other valuables, except where such valuables have been deposited with the carrier for the agreed purpose of safe-keeping in which case the carrier shall be liable up to the limit provided for in paragraph 3 of Article 8 unless a higher limit is agreed upon in accordance with paragraph 1 of Article 10.

ARTICLE 6

Contributory fault

If the carrier proves that the death of or personal injury to a passenger or the loss of or damage to his luggage was caused or contributed to by the fault or neglect of the passenger, the Court seized of the case may exonerate the carrier wholly or partly from his liability in accordance with the provisions of the law of that court.

ARTICLE 7

Limit of liability for death and personal injury

1. The liability of the carrier for the death of or personal injury to a passenger under Article 3 shall in no case exceed 400,000 unites of account per passenger on each distinct occasion. Where, in accordance with the law of the court seized of the case, damages are awarded in the

form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.

2. A State Party may regulate by specific provisions of national law the limit of liability prescribed in paragraph 1, provided that the national limit of liability, if any, is not lower than that prescribed in paragraph 1. A State Party which makes use of the option provided for in this paragraph, shall inform the Secretary-General of the limit of liability adopted or of the fact that there is none.

ARTICLE 8

Limit of liability for loss of or damage to luggage and vehicles

1. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 2,250 units of account per passenger, per carriage.
2. The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 12,700 units of account per vehicle, per carriage.
3. The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 shall in no case exceed 3,375 units of account per passenger, per carriage.
4. The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 330 units of account in the case of damage to a vehicle and not exceeding 149 units of account per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

ARTICLE 9

Unit of Account and conversion

1. The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1, and Article 8 shall be converted into the national currency of the State of the court seized of the case on the basis of the value of that currency by reference to the Special Drawing Right on the date of the judgment of the date agreed upon by the parties. The value of the national currency, in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.
2. Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter,

declare that the Unit of Account referred to in paragraph 1 shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrams of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

3. The calculation mentioned in the last sentence of paragraph 1, and the conversion mentioned in paragraph 2 shall be made in such manner as to express in the national currency of the States Parties, as far as possible, the same real value for the amounts in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1, and Article 8 as would result from the application of the first three sentences of paragraph 1. States shall communicate to the Secretary-General the manner of calculation pursuant to paragraph 1, or the result of the conversion in paragraph 2, as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

ARTICLE 10

Supplementary provisions on limits of liability

1. The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than those prescribed in Articles 7 and 8.
2. Interest on damages and legal costs shall not be included in the limits of liability prescribed in Articles 7 and 8.

ARTICLE 11

Defences and limits for carriers' servants

If an action is brought against a servant or agent of the carrier or of the performing carrier arising out of damage covered by this Convention, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the defences and limits of liability which the carrier or the performing carrier is entitled to invoke under this Convention.

ARTICLE 12

Aggravation of claims

1. Where the limits of liability prescribed in Articles 7 and 8 take effect, they shall apply to the aggregate of the amounts recoverable in all claims arising out of the death of or personal injury to any one passenger or the loss of or damage to his luggage.
2. In relation to the carriage performed by a performing carrier, the aggregate of the amounts recoverable from the carrier and the performing carrier and from their servants and agents acting within the scope of their employment shall not exceed the highest amount which could have been awarded against either the carrier or the performing carrier under this Convention, but none of those persons mentioned shall be liable for a sum in excess of the limit applicable to him.

3. In any case where a servant or agent of the carrier or of the performing carrier is entitled under Article 11 of this Convention to avail himself of the limits of liability prescribed in Articles 7 and 8, the aggregate of the amounts recoverable from the carrier, or the performing carrier as the case may be, and from that servant or agent, shall not exceed those limits.

ARTICLE 13

Loss of right to limit liability

1. The carrier shall not be entitled to the benefit of the limits of liability prescribed in Articles 7 and 8 and paragraph 1 of Article 10, if it is proved that the damage resulted from an act or omission of the carrier done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

2. The servant or agent of the carrier or the performing carrier shall not be entitled to the benefit of those limits if it is proved that the damage resulted from an act or omission of the servant or agent done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

ARTICLE 14

Basis for claims

No action for damages for the death of or personal injury to a passenger, or for the loss of or damage to luggage, shall be brought against a carrier or performing carrier otherwise than in accordance with this Convention.

ARTICLE 15

Notice of loss or damage to luggage

1. The passenger shall give written notice to the carrier or his agent:

(a) in the case of apparent damage to luggage:

(i) for cabin luggage, before or at the time of disembarkation of the passenger;

(ii) for all other luggage, before or at the time of its re-delivery;

(b) in the case of damage to luggage which is not apparent, or loss of luggage, within fifteen days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place.

2. If the passenger fails to comply with this Article, he shall be presumed, unless the contrary is proved, to have received the luggage undamaged.

3. The notice in writing need not be given if the condition of the luggage has at the time of its receipt been the subject of joint survey or inspection.

ARTICLE 16

Time-bar for actions

1. Any action for damages arising out of the death of or personal injury to a passenger or for the loss of or damage to luggage shall be time-barred after a period of two years.

2. The limitation period shall be calculated as follows:

(a) in the case of personal injury, from the date of disembarkation of the passenger;

(b) in the case of death occurring during carriage, from the date when the passenger should have disembarked and in the case of personal injury occurring during the carriage and resulting in the death of the passenger after disembarkation, from the date of death, provided that this period shall not exceed three years from the date of disembarkation;

(c) in the case of loss of or damage to luggage, from the date of disembarkation or from the date when disembarkation should have taken place, whichever is later.

3. The law of the Court seized of the case shall govern the grounds for suspension and interruption of limitation periods, but in no case shall an action under this Convention be brought after the expiration of any one of the following periods of time:

(a) a period of five years beginning with the date of disembarkation of the passenger or from the date when disembarkation should have taken place, whichever is later; or, if earlier

(b) a period of three years beginning with the date when the claimant knew or ought reasonably to have known of the injury, loss or damage caused by the incident.

4. Notwithstanding paragraphs 1, 2 and 3 of this Article, the period of limitation may be extended by a declaration of the carrier or by agreement of the parties after the cause of action has arisen. The declaration or agreement shall be in writing.

ARTICLE 17

Competent jurisdiction

1. An action arising under Articles 3 and 4 of this Convention shall, at the option of the claimant, be brought before one of the courts listed below, provided that the court is located in a State Party to this Convention, and subject to the domestic law of each State Party governing proper venue within those States with multiple possible forums:

(a) the Court of the State of permanent residence or principal place of business of the defendant, or

(b) the Court of the State of departure or that of the destination according to the contract of carriage, or

(c) the Court of the State of the domicile or permanent residence of the claimant, if the defendant has a place of business and is subject to jurisdiction in that State, or

(d) the Court of the State where the contract of carriage was made, if the defendant has a place of business and is subject jurisdiction in that State.

2. Actions under article 4bis of this Convention shall, at the option of the claimant, be brought before one of the courts where action could be brought against the carrier or performing carrier according to paragraph 1.

3. After the occurrence of the incident which has caused the damage, the parties may agree that the claim for damages shall be submitted to any jurisdiction or to arbitration.

ARTICLE 17bis

Recognition and enforcement

1. Any judgment given by a court with jurisdiction in accordance with Article 17 which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognised in any State Party, except

(a) where the judgment was obtained by fraud; o r

(b) where the defendant was not given reasonable notice and a fair opportunity to present his or her case.

2. A judgment recognised under paragraph 1 shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

3. A State Party to this Protocol may apply other rules for the recognition and enforcement of judgments, provided that their effect is to ensure that judgments are recognised and enforced at least to the same extent as under paragraphs 1 and 2.

ARTICLE 18

Invalidity of contractual provisions

Any contractual provision concluded before the occurrence of the incident which has caused the death of or personal injury to a passenger or the loss of or damage to the passenger's luggage,

purporting to relieve any person liable under this Convention of liability towards the passenger or to prescribed a lower limit of liability than that fixed in this Convention except as provided in Article 8, paragraph 4, and any such provision purporting to shift the burden of proof which rests on the carrier or performing carrier or having the effect of restricting the options specified in Article 17, paragraphs 1 or 2, shall be null and void, but the nullity of that provision shall not render void the contract of carriage which shall remain subject to the provisions of this Convention.

ARTICLE 19

Other conventions on limitation of liability

This Convention shall not modify the rights or duties of the carrier, the performing carrier, and their servants or agents provided for in international conventions relating to the limitation of liability of owners of seagoing ships.

ARTICLE 20

Nuclear damage

No liability shall arise under this Convention for damage caused by a nuclear incident:

(a) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy as amended by its Additional Protocol of 28 January 1964, or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or any amendment or Protocol thereto which is in force; or

(b) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as either the Paris or Vienna Conventions or any amendment or Protocol thereto which is in force.

ARTICLE 21

Commercial carriage by public authorities

This Convention shall apply to commercial carriage undertaken by States or Public Authorities under contract of carriage within the meaning of Article 1.

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF
LIABILITY FOR THE DEATH AND PERSONAL INJURY TO PASSENGERS

Issued in accordance with the provisions of Article 4bis of the Athens Convention relating to the
Carriage of Passengers and their Luggage by Sea, 2002

Name of Ship	Distinctive number or letters	IMO Ship Identification Number	Port of Registry	Name and full address of the principal place of business of the carrier who actually performs the carriage.

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.

Type of Security

Duration of Security

Name and address of the insurer(s) and/or guarantor(s)

Name

Address

.....

This certificate is valid until

Issued or certified by the Government of

.....

(Full designation of the State)

OR

The following text should be used when a State Party avails itself of Article 4bis, paragraph 3:

The present certificate is issued under the authority of the Government of

(full designation of the State) by(name of institution or organization)

At On
(Place) (Date)

(Signature and Title of issuing or certifying official)

Explanatory Notes:

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the Certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of Security" must stipulation the date on which such security takes effect.
5. The entry "Address" of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.

Part II

Provisions having effect in connection with Convention

Interpretation

1. In this Part of this Schedule any reference to a numbered article is a reference to the article of the Convention which is so numbered and any expression to which a meaning is assigned by article 1 of the Convention has that meaning.

Provisions adapting or supplementing specified articles of the Convention

2. For the purposes of paragraph 2 of article 2, provisions of such an international convention as is mentioned in that paragraph which apart from this paragraph do not have mandatory application to carriage by sea shall be treated as having mandatory application to carriage by sea if it is stated in the contract of carriage for the carriage in question that those provisions are to apply in connection with the carriage.
3. The reference to the law of the court in article 6 shall be construed as a reference to the Law Reform (Contributory Negligence) Act 1945 except that in relation to Northern Ireland it shall be

construed as a reference to section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948.

4. The Secretary of State may by order provided that, in relation to a carrier whose principle place of business is in the United Kingdom, paragraph 1 of article 7 shall have effect with the substitution for the limit for the time being specified in that paragraph of a different limit specified in the order (which shall not be lower than 46,666 units of account).

5.(1) For the purposes of conversion from special drawing rights into sterling the amounts mentions in articles 7 and 8 of the Convention in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for –

(a) the day on which the judgment is given; or

(b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

(2) A certificate given by or on behalf of the Treasury stating -

(a) that a particular sum in sterling has been fixed as mentioned in sub-paragraph (1) above for a particular day; or

(b) that no sum has been so fixed for that day and a particular sum in sterling has been so fixed for that day which is the last day for which a sum has been so fixed before the particular day,

shall be conclusive evidence of those matters for the purposes of articles 7 to 9 of the Convention; and a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

6. It is hereby declared that by virtue of article 12 the limitations on liability there mentioned in respect of a passenger or his luggage apply to the aggregate liabilities of the persons in question in all proceedings for enforcing the liabilities or nay of them which may be brought whether in the United Kingdom or elsewhere.

7. Article 16 applies to arbitral proceedings as it applies to an action.

8. The court before which proceedings are brought in pursuance of article 17 to enforce a liability which is limited by virtue of article 12 may at any stage of the proceedings make such orders as appear to the court to be just and equitable in view of the provisions of article 12 and of any other proceedings which have been or are likely to be begun in the United Kingdom or elsewhere to enforce the liability in whole or in part; and without prejudice to the generality of the preceding provisions of this paragraph such a court shall, where the liability is or may be partly enforceable in other proceeding in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the

proceeding before the court or to make any part of its award conditional on the results of any other proceedings.

Other provisions adaption or supplementing the Convention

9. Any reference in the Convention to a contract of carriage excludes a contract of carriage which is not for reward.

10. If Her Majesty by Order in Council declares that any State specified in the Order is a party to the Convention in respect of a particular country the Order shall, subject to the provisions of any subsequent Order made by virtue of this paragraph, be conclusive evidence that the State is a party to the Convention in respect of that country.

11. The Governor may by order make provision –

(a) for requiring a person who is the carrier in relation to a passenger to give to the passenger, in a manner specified in the order, , notice of such of the provisions of Part I of this Schedule as are so specified;

(b) for a person who fails to comply with a requirement imposed on him by the order to be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale or not exceeding a lesser amount.

Application of ss. 185 and 185 of the Act (sections 194 and 195 of this Ordinance)

12. It is hereby declared that nothing in the Convention affects the operation of section 185 of the Act (section 194) (which limits a shipowner's liability in certain cases of loss of life, injury or damage).

13. Nothing in section 186 of the Act (section 195) (which among other things limits a shipowner's liability for the loss or damage of goods in certain cases) shall relieve a person of any liability imposed on him by the Convention.

SCHEDULE 5
(sections 178, 194(1), 195(3) and 200)

TEXT OF THE LLMC

Convention on Limitation of Liability for Maritime Claims, 1976
London, 19 November 1976

as amended by

Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims of 19
November 1976
London, 2 May 1996

THE STATES PARTIES TO THIS CONVENTION,

HAVING RECOGNIZED the desirability of determining by agreement certain uniform rules relating to the limitation of liability for maritime claims,

HAVE DECIDED to conclude a Convention for this purpose and have thereto agreed as follows:

CHAPTER I: THE RIGHT OF LIMITATION

Article 1

Persons entitled to limit liability

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
2. The term “shipowner” shall mean the owner, charterer, manager and operator of a seagoing ship.
3. Salvor shall mean any person rendering services in direct connexion with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
4. If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible; such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
5. In this Convention the liability of a shipowner shall include liability in an action brought against the vessel itself.

6. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

7. The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2

Claims subject to limitation

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be shall be subject to limitation of liability:

(a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connexion with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;

(b) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connexion with the operation of the ship or salvage operations;

(c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direction connexion with the operation of the ship or salvage operations;

(d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;

(e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;

(f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise; however, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Article 3

Claims excepted from limitation

The rules of this Convention shall not apply to:

(a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;

(b) claims for oil pollution damage within the meeting of the International Convention on Civil Liability for Oil Pollution Damage, dated 29 November 1969 or of any amendment or Protocol thereto which is in force;

(c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;

(d) claims against the shipowner of a nuclear ship for nuclear damage;

(e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

Article 4

Conduct barring limitation

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 5

Counterclaims

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

CHAPTER II: LIMITS OF LIABILITY

Article 6

The general limits

1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

(a) in respect of claims for loss of life or personal injury,

(i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 800 Units of Account;

for each ton from 30,001 to 70,000 tons, 600 Units of Account; and

for each ton in excess of 70,000 tons, 400 Units of Account,

(b) in respect of any other claims,

(i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 400 Units of Account;

for each ton from 30,001 to 70,000 tons, 300 Units of Account; and

for each ton in excess of 70,000 tons, 200 Units of Account.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 2, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under paragraph 1(b) as is provided by that law.

4. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

5. For the purpose of this Convention the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

Article 7

The limit for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000

Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate.

2. For the purpose of this Article "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:

(a) under a contract of passenger carriage, or

(b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Article 8

Unit of Account

1. The Unit of Account referred to in Articles 6 and 7 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment. The value of a national currency in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of a national currency in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.

2. Nevertheless, those States which are not members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows:

(a) in respect of Article 6, paragraph 1(a), at an amount of

(i) 30 million monetary units for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 12,000 monetary units;

for each ton from 30,001 to 70,000 tons, 9,000 monetary units; and

for each ton in excess of 70,000 tons, 6,000 monetary units; and

(b) in respect of Article 6, paragraph 1(b), at an amount of:

- (i) 15 million monetary units for a ship with a tonnage not exceeding 2,000 tons;
- (ii) for a ship with tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 6,000 monetary units;

for each ton from 30,001 to 70,000 tons, 4,500 monetary units; and

for each ton in excess of 70,000 tons, 3,000 monetary units; and

(c) in respect of Article 7, paragraph 1, at an amount of 2,625,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate.

Paragraphs 2 and 3 of Article 6 apply correspondingly to subparagraphs (a) and (b) of this paragraph.

3. The monetary unit referred to in paragraph 2 corresponds to sixty-five and a half milligrams of gold millesimal fineness nine hundred. The conversion of the amounts referred to in paragraph 2 into the national currency shall be made according to the law of the State concerned.

4. The calculation mentioned in the last sentence of paragraph 1 and the conversion mentioned in paragraph 3 shall be made in such manner as to express in the national currency of the State Party as far as possible the same real value for the amounts in Articles 6 and 7 as is expressed there in units of account. States Parties shall communicate to the depositary the manner of calculation pursuant to paragraph 1, or the result of the conversion in paragraph 3, as the case may be, at the time of the signature without reservation as to ratification, acceptance or approval, or when depositing an instrument referred to in Article 16 and whenever there is a change in either.

Article 9

Aggregation of claims

1. The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:

(a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or

(b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or

(c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2. The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

Article 10

Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its Courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of this Convention or is constituted when the right to limit liability is invoked.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply correspondingly.

3. Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

CHAPTER III: THE LIMITATION FUND

Article 11

Constitution of the fund

1. Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.

3. A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.

Article 12

Distribution of the fund

1. Subject to the provisions of paragraphs 1, 2 and 3 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
3. The rights of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 13

Bar to other actions

1. Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.
2. After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:
 - (a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or
 - (b) at the port of disembarkation in respect of claims for loss of life or personal injury; or
 - (c) at the port of discharge in respect of damage to cargo; or
 - (d) in the State where the arrest is made.

3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Article 14
Governing law

Subject to the provisions of this Chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connexion therewith, shall be governed by the law of the State Party in which the fund is constituted.

CHAPTER IV: SCOPE OF APPLICATION

Article 15

1. This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State. Nevertheless, each State Party may exclude wholly or partially from the application of this Convention any person referred to in Article 1 who at the time when the rules of this Convention are invoked before the Courts of that State does not have his habitual residence in a State Party or does not have his principal place of business in a State Party or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of a State Party.

2. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to vessels which are:

(a) according to the law of that State, ships intended for navigation on inland waterways;

(b) ships of less than 300 tons.

A State Party which makes use of the option provided for in this paragraph shall inform the depositary of the limits of liability adopted in its national legislation or of the fact that there are none.

3. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to claims arising in cases in which interests of persons who are nationals of other States Parties are in no way involved.

3bis. Notwithstanding the limit of liability prescribed in paragraph 1 of Article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of Article 7. A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limit of liability adopted or of the fact that there are none.

4. The Courts of a State Party shall not apply this Convention to ships constructed for, or adapted to, and engaged in, drilling:

(a) when that State has established under its national legislation a higher limit of liability than that otherwise provided for in Article 6; or

(b) when that State has become party to an international convention regulating the system of liability in respect of such ships.

In a case to which sub-paragraph (a) applies that State Party shall inform the depositary accordingly.

5. This Convention shall not apply to:

(a) air-cushion vehicles;

(b) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof.

CHAPTER V: FINAL CLAUSES

Article 16

Signature, ratification and accession

1. This Convention shall be open for signature by all States at the Headquarters of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as “the Organization”) from 1 February 1977 until 31 December 1977 and shall thereafter remain open for accession.

2. All States may become parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as “Secretary-General”).

Article 17

Entry into force

1. This Convention shall enter into force on the first day of the month following one year after the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession.
2. For a State which deposits an instrument of ratification, acceptance, approval or accession, or signs without reservation as to ratification, acceptance or approval, in respect of this Convention after the requirements for entry into force have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession or the signature without reservation as to ratification, acceptance or approval, shall take effect on the date of entry into force of the Convention or on the first day of the month following the ninetieth day after the date of the signature or the deposit of the instrument, whichever is the later date.
3. For any State which subsequently becomes a Party to this Convention, the Convention shall enter into force on the first day of the month following the expiration of ninety days after the date when such State deposited its instrument.
4. In respect of the relations between States which ratify, accept, or approve this Convention or accede to it, this Convention shall replace and abrogate the International Convention relating to Limitation of the Liability of Owners of Sea-going Ships, done at Brussels on 10 October 1957, and the International Convention for the Unification of certain Rules relating to the Limitation of Liability of the Owners of Sea-going Vessels, signed at Brussels on 25 August 1924.

Article 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right:
 - (a) to exclude the application of Article 2, paragraphs 1(d) and (e);
 - (b) to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto.

No other reservations shall be admissible to the substantive provisions of this Convention.

2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation

is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

Article 19

Denunciation

1. This Convention may be denounced by a State Party at any time one year from the date on which the Convention entered into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.
3. Denunciation shall take effect on the first day of the month following the expiration of one year after the date of deposit of the instrument, or after such longer period as may be specified in the instrument.

Article 20

Revision and amendment

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the States Parties to this Convention for revising or amending it at the request of not less than one-third of the Parties.
3. After the date of the entry into force of an amendment to this Convention, any instrument of ratification, acceptance, approval or accession deposited shall be deemed to apply to the Convention as amended, unless a contrary intention is expressed in the instrument.

Article 21

Revision of the limitation amounts and Unit of Account or monetary unit

1. Notwithstanding the provisions of Article 20, a Conference only for the purposes of altering the amounts specified in Articles 6 and 7 and in Article 8, paragraph 2, or of substituting either or both of the Units defined in Article 8, paragraphs 1 and 2, by other units shall be convened by the Organization in accordance with paragraphs 2 and 3 of this Article. An alteration of the amounts shall be made only because of a significant change in their real value.
2. The Organization shall convene such a Conference at the request of not less than one fourth of the States Parties.
3. A decision to alter the amounts or to substitute the Units by other units of account shall be taken by a two-thirds majority of the States Parties present and voting in such Conference.
4. Any State depositing its instrument of ratification, acceptance, approval or accession to the Convention, after entry into force of an amendment, shall apply to the Convention as amended.

Article 22
Depositary

1. The Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) transmit certified true copies of this Convention to all States which were invited to attend the Conference on Limitation of Liability for Maritime Claims and to any other States which accede to this Convention;
 - (b) inform all States which have signed or acceded to this Convention of:
 - (i) each new signature and each deposit of an instrument and any reservation thereto together with the date thereof;
 - (ii) the date of entry into force of this Convention or any amendment thereto;
 - (iii) any denunciation of this Convention and the date on which it takes effect;
 - (iv) any amendment adopted in conformity with Articles 20 or 21;
 - (v) any communication called for by any Article of this Convention.
3. Upon entry into force of this Convention, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 23
Languages

This Convention is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed this Convention.

SCHEDULE 6
(section 209(1))

(Merchant Shipping Act 1995, Schedule 11; Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997 Schedule 2)

International Convention on Salvage 1989

Part I

Text of Convention

Chapter I

— General Provisions

Article 1

Definitions

For the purpose of this Convention—

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.
- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organisation means the International Maritime Organisation.
- (g) Secretary-General means the Secretary-General of the Organisation.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 4

State-owned vessels

1. Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognised principles of international law unless that State decides otherwise.
2. Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

Article 6

Salvage contracts

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.

3. Nothing in this article shall affect the application of article 7 nor duties to prevent or minimise damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if—

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Chapter II

— Performance of Salvage Operations

Article 8

Duties of the salvor and of the owner and master

1. The salvor shall owe a duty to the owner of the vessel or other property in danger—

- (a) to carry out the salvage operations with due care;
- (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimise damage to the environment;
- (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
- (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.

2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor—

- (a) to co-operate fully with him during the course of the salvage operations;
- (b) in so doing, to exercise due care to prevent or minimise damage to the environment; and
- (c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

Article 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognised principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

Article 10

Duty to render assistance

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11

Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Chapter III

— Rights of Salvors

Article 12

Conditions for reward

1. Salvage operations which have had a useful result give right to a reward.

2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.

3. This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

1. The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below—

(a) the salvaged value of the vessel and other property;

(b) the skill and efforts of the salvors in preventing or minimising damage to the environment;

(c) the measure of success obtained by the salvor;

(d) the nature and degree of the danger;

(e) the skill and efforts of the salvors in salvaging the vessel, other property and life;

(f) the time used and expenses and losses incurred by the salvors;

(g) the risk of liability and other risks run by the salvors or their equipment;

(h) the promptness of the services rendered;

(i) the availability and use of vessels or other equipment intended for salvage operations;

(j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

3. The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

Article 14

Special compensation

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.
2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimised damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30 per cent. of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent. of the expenses incurred by the salvor.
3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1(h), (i) and (j).
4. The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.
5. If the salvor has been negligent and has thereby failed to prevent or minimise damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.
6. Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15

Apportionment between salvors

1. The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.
2. The apportionment between the owner, master and other persons in the service of each salvaging vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

Article 16

Salvage of persons

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.
2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salvaging the vessel or other property or preventing or minimising damage to the environment.

Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

Chapter IV

— Claims and Actions

Article 20

Maritime lien

1. Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.

2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.

2. Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.

3. The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.

2. In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23

Limitation of actions

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.

2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.

3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognised principles of international law.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Part II

Provisions having effect in connection with Convention

Interpretation

1. In this Part of this Schedule —

(a) “the Convention” means the Convention as set out in Part I of this Schedule and any reference to a numbered article is a reference to the article of the Convention which is so numbered;

(b) “the waters of the Falkland Islands” means the sea or other waters within the seaward limits of the territorial sea of the Falkland Islands.

Claims excluded from Convention

2.(1) The provisions of the Convention do not apply—

(a) to a salvage operation which takes place in inland waters of the Falkland Islands and in which all the vessels involved are of inland navigation; and

(b) to a salvage operation which takes place in inland waters of the Falkland Islands and in which no vessel is involved.

(2) In this paragraph “inland waters” does not include any waters within the ebb and flow of the tide at ordinary spring tides or the waters of any dock which is directly or (by means of one or more other docks) indirectly, connected with such waters.

Assistance to persons in danger at sea

3.(1) The master of a vessel who fails to comply with the duty imposed on him by article 10, paragraph 1 commits an offence and shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(2) Compliance by the master of a vessel with that duty shall not affect his right or the right of any other person to a payment under the Convention or under any contract.

The reward and special compensation: the common understanding

4. In fixing a reward under article 13 and assessing special compensation under article 14 the court or arbitrator is under no duty to fix a reward under article 13 up to the maximum salvaged value of the vessel and other property before assessing the special compensation to be paid under article 14.

Recourse for life salvage payment

5.(1) This paragraph applies where—

(a) services are rendered wholly or in part in Falkland Islands waters in saving life from a vessel of any nationality or elsewhere in saving life from any ship registered in the Falkland Islands; and

(b) either—

(i) the vessel and other property are destroyed, or

(ii) the sum to which the salvor is entitled under article 16, paragraph 2 is less than a reasonable amount for the services rendered in saving life.

(2) Where this paragraph applies, the Governor or the authority acting under the Governor's direction may, if he thinks fit, pay to the salvor such sum or, as the case may be, such additional sum as he thinks fit in respect of the services rendered in saving life.

Meaning of "judicial proceedings"

6. References in the Convention to judicial proceedings are references to proceedings—

(a) in the Supreme Court;

(b) in the Magistrate's Court,

and any reference to the tribunal having jurisdiction (so far as it refers to judicial proceedings) shall be construed accordingly.

Meaning of "State Party"

7.(1) An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention in respect of a specified country shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention in respect of that country.

(2) In this paragraph "country" includes "territory".

SCHEDULE 7 **SCALE OF FINES FOR OFFENCES UNDER THIS ORDINANCE**

Level	Maximum Fine
1	£2,500
2	£5,000
3	£10,000
4	£20,000
5	£40,000
6	£100,000

7	£175,000
8	£250,000
9	£500,000
10	£1,250,000
11	£2,500,000
12	£6,500,000

SCHEDULE 8

(section 281(2))

LICENCES: RIGHT TO MAKE REPRESENTATIONS, ETC.

1. If within twenty-eight days of the issue of a licence the person to whom it is issued requests the licensing authority to give him or her notice in writing of the reasons for the inclusion of any provision in it, the authority must comply with his request within 28 days of receiving it.
2. On issuing a licence to a person the licensing authority must notify him or her of the effect of paragraph 1.
3. If the licensing authority refuses an application for a licence, the licensing authority must give the applicant notice in writing of the reasons for the refusal.
4. If the licensing authority varies or revokes a licence without the holder's consent, the authority must give the holder notice in writing of the reasons for variation or revocation.
5. If within twenty-eight days of receipt of a notice under this Schedule giving the licensing authority's reasons the person to whom it is given makes written representations to the authority concerning the matter to which the notice related, the authority must consider those written representations and must reconsider the matter in the light of those representations.
6. A notice under this Schedule stating the licensing authority's reasons must state the effect of paragraph 5.
7. The licensing authority must notify the person who made the representations as to the result of the authority's reconsideration and the reasons for it.

SCHEDULE 9

(section 284(5) and 287(3))

PERSONS AUTHORISED TO ENFORCE THIS ORDINANCE

1. Introductory

In this Schedule "officer" means a person authorised to enforce Part 14 of this Ordinance.

2. Assistants for officers etc.

(1) An officer may take with him or her, to assist the officer in performing his or her functions

—
(a) any other person; and

(b) any equipment or materials.

(2) A person whom an officer takes with him or her to assist the officer may perform any of the officer's functions, but only under the officer's supervision.

3. Powers in relation to vessels, aircraft etc.

(1) In order to perform the functions under Part 14 of this Ordinance an officer may require any person —

(a) to give details of any substances or articles on board, a vessel, aircraft, hovercraft or marine structure; and

(b) to give information concerning any substances or articles lost from a vessel, aircraft, hovercraft or marine structure.

(2) In order to perform any such functions an officer —

(a) may require any vessel, aircraft, hovercraft or marine structure to stop; and

(b) may require the attendance-

(i) of the master, captain or commander of a vessel, aircraft or hovercraft;

(ii) of the person in charge of a marine structure; and

(iii) of any other person who is on board a vessel, aircraft, hovercraft or marine structure,

and may require any person on board to assist the officer in the performance of his or her functions.

(3) In order to perform functions under Part 14 of this Ordinance an officer —

(a) may require —

(i) the master, captain or commander of a vessel, aircraft or hovercraft; and

(ii) the person in charge of a marine structure,

to take it and its crew to the port which appears to the officer to be the nearest convenient port; or

(b) may take it there personally.

(4) In order to perform any such functions an officer may detain a vessel, aircraft, hovercraft or marine structure.

(5) If an officer detains a vessel, aircraft, hovercraft or marine structure, the officer must serve on the master, captain, commander or person in charge a notice in writing stating that it is to be

detained until the notice is withdrawn by the service on him or her of a further notice in writing signed by the officer.

4. Containers etc.

Without prejudice to his powers under any other provision of this Ordinance, in order to perform his functions an officer —

- (a) may open any container;
- (b) may carry out searches, inspections, measurements and tests;
- (c) may take samples;
- (d) may require the production of documents, books and records; and
- (e) may photograph or copy anything the production of which he or she has power to require under paragraph (d).

5. Evidence of officer's authority

(1) An officer must be furnished with a certificate of his authorisation, and when the officer proposes to perform any functions under this Ordinance, it is the officer's his duty if so requested, to produce that certificate.

(2) It is also the officer's duty, if so requested, to state —

- (a) his or her name;
- (b) the functions that he or she proposes to perform; and
- (c) his or her grounds for proposing to perform it.

6. Time of performance of functions

An officer must perform his functions under this Ordinance at a reasonable hour unless it appears to the officer that there are grounds for suspecting that the purposes of their performance may be frustrated if he seeks to perform them at a reasonable hour.

7. Entry into dwellings

(1) An officer may only enter a dwelling for the purposes of performing his functions under this Ordinance if a justice of the peace has issued a warrant authorising him or her to enter and search that dwelling.

(2) A justice of the peace may only issue such a warrant if on application by the officer he is satisfied —

(a) that the officer has reasonable grounds for believing that there is present in the dwelling anything to which those functions relates; and

(b) that —

(i) it is not practicable to communicate with any person entitled to grant entry to the dwelling; or

(ii) a person entitled to grant entry to the dwelling has unreasonably refused an officer entry; or

(iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or

(iv) the purpose of entry may be frustrated or seriously prejudiced unless an officer arriving at the dwelling can secure immediate entry to it.

(3) In this paragraph “justice of the peace” includes the Senior Magistrate.

8. Power of officer to use reasonable force

An officer may use reasonable force, if necessary, in the performance of his functions.

9. Protection of officers

An officer is not liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Ordinance if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

10. Offences

A person commits an offence who —

(a) intentionally obstructs an officer in the performance of any of his functions under this Ordinance;

(b) fails without reasonable excuse to comply with a requirement made or direction given by an officer in the performance of his functions under this Ordinance; or

(c) in purporting to give information required by an officer for the performance of any of his functions under this Ordinance —

(i) makes a statement which he knows to be false in a material particular;

(ii) recklessly makes a statement which is false in a material particular; or

(iii) intentionally fails to disclose any material particular.

SCHEDULE 10

Part A
(Section 310(1))
Repealed Falkland Islands Legislation

Number	Title
3 of 1960	Oil in Territorial Waters Ordinance 1960
15 of 2001	Merchant Shipping Ordinance 2001
9 of 1995	Marine Environment (Protection) Ordinance 1995
15 of 1995	Merchant Shipping (Registry) (Amendment) Ordinance 1995
24 of 1998	Merchant Shipping (Amendment) Ordinance 1998
S. R. & O. No: 3 of 1995	Commencement in the Falkland Islands of Amendments to the Merchant Shipping Act 1974 Order 1995
S. R. & O. No. 14 of 1996	Merchant Shipping Act 1995 (Adoption) (Limitation of Liability for Maritime Claims) Order 1996
S R & O No. 35 of 1996	Merchant Shipping (Adoption of Legislation) (Amendment) Order 1996
S.R. & O. No. 9 of 1997	Merchant Shipping Act 1979 (Commencement of Certain Provisions in the Falkland Islands) Order 1997
S. R. & O. No. 22 of 2004	Merchant Shipping Ordinance 2001 (Correction) Order 2004

Part B
(Section 310(2))
UK Acts (*which apply to the Falkland Islands*)

Chapter or number	Title
Chapter 60 of 1894	Merchant Shipping Act 1894
Chapter 48 of 1906	Merchant Shipping Act 1906
Chapter 28 of 1921	Merchant Shipping Act 1921
Chapter 47 of 1965	Merchant Shipping Act 1965
Chapter 36 of 1970	Merchant Shipping Act 1970
Chapter 39 of 1979	Merchant Shipping Act 1979
Chapter 10 of 1981	Merchant Shipping Act 1981
Chapter 21 of 1995	Merchant Shipping Act 1995
Chapter 48 of 1985	Food and Environment Protection Act 1985
Chapter 60 of 1971	Prevention of Oil Pollution Act 1971

Part C
(Section 310(3))
UK Statutory Instruments

Number	Title
SI 1963/1631	Merchant Shipping (Registration of Colonial Government Ships) Order 1963
SI 1971/383	Merchant Shipping (Tonnage)(Overseas Territories) Order 1971
SI 1980/1093	Merchant Shipping (Prevention of Pollution) (Intervention) Order 1980
SI 1980/1513	Merchant Shipping Act 1979 (Falkland Islands) Order 1980
SI 1981/424	Merchant Shipping Act 1979 (Falkland Islands) (Amendment) Order 1981
SI 1982/1668	Prevention of Oil Pollution Act 1971 (Overseas Territories) Order 1982
SI 1982/1666	Merchant Shipping (Prevention of Pollution) (Intervention) (Overseas Territories) Order 1982
SI 1988/1084	Environmental Protection (Overseas Territories) Order 1988
SI 1988/1085	Merchant Shipping (Tonnage) (Overseas Territories) Order 1988
SI 1988/1086	Merchant Shipping Act 1970 (Overseas Territories) Order 1988
SI 1989/2400	Merchant Shipping Act 1979 (Overseas Territories) Order 1989
SI 1992/1717	Merchant Shipping (Confirmation of Legislation) (Falkland Islands) Order 1992
SI 1997/1748	Environmental Protection (Overseas Territories) (Amendment) Order 1997
SI 1997/2584	Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997
SI 1997/2586	Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997
SI 2003/1877	Merchant Shipping (Confirmation of Legislation) (Falkland Islands) Order 2003
SI 2003/2559	Merchant Shipping (Oil Pollution Compensation Limits) Order 2003

OBJECTS AND REASONS

This Bill consolidates various imperial enactments that apply to the Falkland Islands, disapplies from the Falkland Islands some imperial enactments and adopts with modifications the provisions of other, more recent imperial enactments. The aim is to update in several respects the legislative framework governing merchant shipping in the Falkland Islands. The Bill is a predominantly over-arching enactment which is not limited to the subjects covered by the Merchant Shipping Act 1995 (UK), but also provides for environmental protection of the sea in relation to regulating the making of deposits and dumping of waste at sea; and Admiralty jurisdiction.

Significantly, this Bill disapplies all provisions of the Merchant Shipping Act 1894 that continue to apply in the Falkland Islands, as authorised (subject to confirmation by Her Majesty) by section 735(1) of the 1894 Act itself. The Bill proposes provisions based on the Merchant

Shipping Act 1995, incorporating both provisions that are presently applicable to the Islands – whether by adoption or direct application by Order in Council – as well as provisions of the 1995 Act that have neither been directly applied nor adopted to date. A request has already been made for the Foreign and Commonwealth Office and the Department for Transport, to revoke certain Orders in Council which applied different sections of the 1995 Act to the Falkland Islands. These will continue to have effect in the Falkland Islands as part of local legislation.

Part 1 provides for preliminary matters as follows —

Clause 1 provides for the title and commencement of the Ordinance which as explained above will require confirmation by Her Majesty in terms of section 735(1) of the 1894 Act;

Clause 2 defines several terms used in the Bill, some of which are identical to the definition of those terms in the 1995 Act. Subsection (2) incorporates key definitions used in the United Nations Convention on the Law of the Sea 1982;

Clause 3 defines “qualifying foreign ship”; and

Clause 4 provides for persons qualified to own British ships.

Part 2 provides for the registration of British ships in the Falkland Islands and what that registration confers on such ships. The part provides as follows —

Clause 5 provides for British ships;

Clause 6 provides for Falkland Islands ships; and

Clauses 7 to 11 sets out that registration of a British ship in the Falkland Islands confers:

- (a) the entitlement of British ships registered in the Falkland Islands to fly the red ensign or Falkland Islands colours;
- (b) the right to hoist the British flag or Falkland Islands colours; and
- (c) the entitlement to declare the National character of that ship as a British ship.

The clauses make it an offence to do any of the benefits conferred on British ships without being registered as a British ship; and

Clause 12 sets out the procedure on forfeiture of a Falkland Islands registered British ship.

Part 3 sets out the registration requirements which are as follows —

Clause 13 provides for the continued existence of a register of British ships at Stanley, and provides for an office of Registrar whose responsibility is to maintain the Register of ships. It prescribes details of how the register is to be constructed and maintained, and requires that

the register be made available for public inspection. The register must have separate parts where different types of ships can be registered;

Clause 14 provides for the basic requirements which must be fulfilled for a ship to be registered; that the ship must be owned by persons qualified own British ships and such other conditions as may be prescribed;

Clause 15 empowers the Governor to make regulations prescribing more detail in respect of registration of ships (registration regulations);

Clause 16 imposes restrictions on what a certificate of registration may be used for;

Clauses 17 to 20 provides for tonnage of ships, the requirement for tonnage to be ascertained, and for the registration of the tonnage once ascertained. *Clause 19* provides for the making of tonnage regulations and clause 20 creates an offence relating to the giving of false information about a ship's British ownership or Falkland Islands connection;

Clause 21 makes supplementary provisions in respect of fishing vessels that is being or has been used to fish for profit in Falkland Islands waters. It creates offences and on conviction the ship will be liable to forfeiture, and gives the Governor power to exempt certain ships from the provision.

Clause 22 sets out private law provisions for registered ships. It protects the interests of mortgagees in respect of undischarged mortgages where the registration of a ship terminates pursuant to any provision of registration regulations. The owner of a ship is liable to pay any penalties imposed in relation to the ship notwithstanding that the ship or any share in it is registered in the name of someone other than the owner. Further provisions relating to this are set out under Schedule 1;

The last clauses of Part 3 relate to ships on bareboat charter;

Clause 21 provides for circumstances in which a ship that is registered elsewhere other than in the Falkland Islands is bareboat chartered to a person qualified to register ships in the Falkland Islands or own a British ship. A bareboat charter is essentially a rental arrangement which allows the person renting the ship complete control over the ship. This means the renter has complete control over the full cargo-carrying capacity of the ship and has complete responsibility for any voyage the ship undertakes. The renter is also fully responsible for providing the crew and all other essentials for the voyage. *Clause 21* allows for a special type of registration in the Falkland Islands of such a ship in circumstances that are described in the clause subject to the requirement set out in the registration regulations. *Additionally, power is conferred on the Governor by order to exempt certain ships from the operation of certain specified enactments, and this power of the Governor is subjected to particular restrictions set out in clause;*

Clause 22 provides that section 16 applies in relation to ships or shares in ships which become liable to forfeiture under Part 3 as it applies in relation to ships or shares in ships which become liable to forfeiture under Part 2; and

Clause 23 allows the disclosure to the Governor, the Registrar or any official authorised by the Governor, of information that would otherwise be subject to a restriction (statutorily or otherwise imposed) on disclosure of information.

Part 4 provides for Masters and Seafarers and sets out the scope of application of Part 4. Part 4 makes provision for employment arrangements in respect of seafarers. Clauses 26 and 27 provide for the application and definition of terms used in the Part.

Clause 28 imposes a requirement for there to be a written contract in respect of the employment of every person employed as a seafarer on a ship registered in the Falkland Islands. The contract must be signed by both the employer and the employee. The agreements made under this clause with the several persons employed in a ship as seafarers must be contained in one document, referred to as a “crew agreement”. The Governor may approve that the relevant terms be contained in more than one document and to the Governor may also approve that a crew agreement relates to more than one ship.

The Governor may make regulations providing exemptions from the requirements of the section in respect of specified things. The ship must carry the crew agreement on every voyage it undertakes, subject to the power of the Governor to exempt a ship from this requirement. Unless the ship has been exempted, failure to carry the crew agreement on a voyage is a criminal offence.

Clause 27 empowers the Governor to make regulations relating to crew agreements.

Clause 28 makes provision for discharge of seafarers from ships registered in the Falkland Islands. It allows the Governor to make regulations prescribing the procedure to be followed in connection with such discharge. The regulations may criminalise failure to comply with their provisions.

Clause 29 permits regulations made under clause 28 to apply, with such modifications as the Governor considers appropriate, to cases where a seafarer employed in a ship registered in the Falkland Islands is left outside the Falkland Islands otherwise than on being discharged from it.

Clause 30 provides for discharge of seafarers when the relevant ship ceases to be registered in the Falkland Islands. Specifically, it provides that any seafarer employed on such a ship must be discharged from the ship unless the seafarer consents in writing to continue his or her employment on the ship. The provisions of clauses 31 to 32, which relate to seafarers’ wages, apply to such a ship as if the ship had remained registered in the Falkland Islands.

Clause 33 provides for the payment of seafarers’ wages. The seafarers enjoy the same protection in respect of their wages as in international maritime law. Provision is made for

payment of seafarers' wages on discharge, and it is stipulated, for instance, that payment is to be made at intervals not exceeding one month. Interest accrues at the rate of 20% per annum if the wages are not paid when due. The clause provides for specific circumstances in which failure to pay will not attract the payment of interest. Payment may be made in cash, by cheque, by postal order, or by deposit with the seafarer's financial institution of choice. Specific provision is made in respect of seafarers who are employed under a crew agreement relating to more than one ship.

Clause 34 requires the master of every ship registered in the Falkland Islands to give each seafarer employed in the ship under a crew agreement an account of wages due to the seafarer under the agreement. The account must specify the deductions subject to which the wages are payable, as well as other specified details. Specific provision is made in respect of seafarers who are employed under a crew agreement relating to more than one ship.

Clause 35 empowers the Governor to make regulations relating to wages and accounts.

Clause 36 empowers a superintendent or proper officer to decide disputes about the wages of seafarers employed under a crew agreement. The superintendent or proper officer has discretion to decline to attend to the dispute. Where he or she does decide the dispute, his or her decision is final.

Clause 37 imposes restrictions on assignment of and charge upon wages. The wages are not subject to attachment, and the assignment of wages before they have accrued does not bind the seafarer. Further, the payment of wages to the seafarer is valid even though there was a previous assignment or charge in respect of the wages. It is made clear that any power of attorney or authority in respect of wages is revocable. Exceptions are also made to the applicability of this clause.

Clause 38 empowers the court to award interest on wages due to seafarers otherwise than under a crew agreement. Interest is payable at a rate not exceeding 20% per annum. However, no interest is payable if the delay in making payment is due to an excuse that is specifically provided for in the clause.

Clause 39 provides for allotment notes. These allow seafarers to allot a portion of their wages to anyone they choose. By means of this the seafarers will be able to provide for their families whilst they are at sea. However, the Governor may by regulations impose restrictions on the right of seafarers to do so. The regulations may make different provisions for different descriptions of seafarers and for different circumstances relating to seafarers.

Clause 40 gives persons named in allotment notes the right to sue in their own names to recover the portion of the seafarer's wages that was allotted to them.

Clause 41 provides for the right, or loss of right, to wages in certain circumstances. Where a ship registered in the Falkland Islands is wrecked or lost, the seafarer is entitled to be paid wages for the next 2 months following the wreck or loss of the ship. The rate at which that payment is to be made is the rate at which, under the agreement, the seafarer was to be paid

as at the date on which the ship was wrecked or lost. Similar provisions apply to when the ship is sold whilst outside the Falkland Islands or ceases to be registered in the Falkland Islands resulting, in either case, in the termination of the seafarer's employment. The payment is not to be made, however, where the seafarer's unemployment is not due to any of the aforementioned circumstances or where the seafarer could have secured employment within the two month period but unreasonably failed or refused to take up such employment. The non-entitlement to pay is on a pro-rata basis.

Clause 42 provides protection for certain rights and remedies. The seafarer's lien, remedies for the recovery of wages and right to wages in the circumstances set out in clause 41 are not capable of being renounced by any agreement. There is an exception made in respect of seafarers employed on a ship to be employed on salvage service, but this exception only applies where such employment is in accordance with the agreement.

Clause 43 provides comprehensively for claims to be made on seafarers' wages for maintenance of the seafarers' dependants.

Clause 44 provides that the master of a ship has the same lien for his or her remuneration, and all disbursements and liabilities properly made or incurred by him on account of the ship, as the seafarer has for the seafarers' wages.

Clause 45 imposes obligations on shipowners as to seaworthiness of their ships. Such obligations must be implied in every contract of employment between the owner of a ship registered in the Falkland Islands and the master of the ship, or any seafarer employed in the ship. The obligation applies from the commencement of the voyage and extends to the entire duration of the voyage. No agreement may diminish or extinguish this obligation. There is an exception in respect of a ship knowingly sent to sea in an unseaworthy state where special circumstances dictate that doing so was reasonable and justifiable.

Clause 46 empowers the Governor to make regulations in respect of crew accommodation. The regulations may prescribe, for example, minimum space per person in respect of sleeping accommodation and the maximum number of persons by whom a specified part of such sleeping accommodation may be used.

Different provisions may be made in respect of different descriptions of ships and certain ships may be exempted from the operation of the regulations, all at the Governor's discretion. Provision may also be made for periodic inspections of ships to ensure compliance with the regulations. Failure to comply with the regulations is designated a criminal offence.

Clause 47 makes provision for seafarers to complain about the quality of the water provided to them on board the ship. The water provided must comply with safety regulations. Complaints are to be made to the master in the first instance, and in the event of dissatisfaction with the master's handling of the situation the complaint may be escalated to a superintendent or proper officer. Complaints must be duly investigated and remedial action must be taken, failing which a criminal offence is committed unless there is a reasonable excuse for the failure.

Clause 48 makes provision for the payment of expenses for medical and other treatment rendered during a voyage. The seafarer's employer must pay the reasonable cost for this treatment, etc. if it cannot be postponed without impairing efficiency. The clause also requires the employer to pay the reasonable expenses for the seafarer's burial or cremation, as the case may be; if the person dies whilst employed on a ship registered in the Falkland Islands and is buried or cremated outside the Falkland Islands.

Clause 49 applies clauses 50 to 56 to every ship registered in the Falkland Islands and, in certain specified circumstances, to ships registered under the law of a country outside of the Falkland Islands.

Clause 50 empowers the Governor to make regulations in respect of manning of ships. The regulations may require ships to carry a specified number of qualified officers of any description, and prescribing standards of competence and other conditions that the qualified officers are subject to.

Clause 51 empowers the Governor to exempt any ship or description of ship from any requirements of regulations made under clause 50.

Clause 52 prohibits ships from going to sea undermanned. This clause applies, in specified appropriate ways, to both sea-going and non-sea-going ships.

Clause 53 imposes a requirement on any person serving or engaged to serve in any ship to which the clause applies to produce on demand any certificate or other document which he holds. The certificate or other document in question is one that is evidence that the person is qualified for the purposes of clause 50. The persons to whom the certificate or other document is to be produced on demand are any superintendent, the surveyor of ships or proper officer, and the master of the ship.

Clause 54 requires crew members of a ship registered in the Falkland Islands to have an appropriate level of English language competence, a failing which suitable arrangements must be in place to enable orders to be transmitted to crew members in a language they understand. The ship may be detained if this requirement is not satisfied. If the ship goes or attempts to go to sea without having satisfied these requirements, the owner or the master of the ship commits an offence.

Clause 55 creates a criminal offence in respect of unqualified persons going to sea and in so doing holding themselves out to be qualified officers or seafarers, as the case may be. The term "qualified" in this context means qualified for the purposes of clause 50.

Clause 56 provides that, where a ship registered in the Falkland Islands does not carry a doctor among the seafarers employed in it, the master must make arrangements for securing that any medical attention on board the ship is given either by the master or under his supervision by a person appointed by the master for the purpose.

Clause 57 provides for the issuing by the Authority of special certificates of competence relating to ships registered in the Falkland Islands or their operation. This can be done despite the fact that the standard is not among those prescribed or specified under clause 50(1)(b). A person who intentionally makes a false or misleading statement with the intention of obtaining such a certificate, the person thereby commits an offence.

Clause 58 provides that, subject to exceptions that it sets out, a person under school-leaving age must not be employed in any ship registered in the Falkland Islands. The Governor is empowered to make regulations in respect of this matter. Among the things that may be done by such regulations is the prescribing circumstances in which and conditions subject to which persons under school-leaving age may be employed on ships, notwithstanding the general prohibition. Breach of this clause or of any stipulations contained in the regulations is made designated a criminal offence. The clause closes by creating a legal fiction, i.e. providing that in specified circumstances a person employed on a ship will be deemed to be over or under school-leaving age, as the case may be.

Clause 59 makes provision for financial assistance to be given for the training of seafarers. Such assistance may be given by way of grant, loan or otherwise, and this assistance is to be given out of the Consolidated Fund at the Governor's discretion, following appropriate consultation and the receipt of appropriate advice.

Clause 60 precludes the wearing of the merchant navy uniform by persons not entitled to wear same. Such unauthorised wearing is designated a criminal offence. Wearing by a person not entitled is permitted, however, for the purposes of a play, circus performance or the like. Lastly, partial wearing of the uniform by a person entitled to wear it is designated an offence if the partial wearing is likely to bring contempt on the uniform, and the wearing of a uniform corresponding to a rank higher than that of the wearer is designated an offence also.

Clause 61 makes provision in respect of conduct endangering ships, structures or individuals. A person employed on a ship registered in the Falkland Islands who does anything to endanger the ship or neglects to do anything he ought to have done and which would have reduced the danger to the ship commits an offence. This stipulation is subject to specified conditions. Specific defences are also provided for.

Clause 62 creates the offence of concerted disobedience and neglect of duty by seafarers.

Clause 63 empowers the Governor to make regulations for the purpose of maintaining discipline on board ships registered in the Falkland Islands. The Governor is empowered to establish or approve a disciplinary body that must preside over a hearing of allegations that seafarers have breached any code of conduct that applies. The Governor may also make regulations in respect of this matter. The regulations do not affect any other recourse that maybe available under any other enactment or at common law.

Clause 64 empowers the Governor to cause an inquiry to be held, by one or more persons appointed by him or her, into the fitness or conduct of an officer employed on a ship. The Governor may in such a case suspend the officer in question pending the outcome of the

enquiry. In such a case any certificate issued to the officer must be handing over to the Governor. The officer may apply to the Supreme Court to have the suspension terminated. At the end of the inquiry any certificate held by the officer may be cancelled or suspended, and an order as to costs that appears to the inquiry to be appropriate may be made. A report must in any case be made to the Governor and it is the Governor who is entitled to recover any costs which have been ordered.

Clause 65 provides for the disqualification of certificate holders other than officers. Where it appears to the Governor that a person who is the holder of a certificate to which this section applies is unfit to be the holder of such a certificate, the Governor may give the person notice in writing that the Governor is considering the suspension or cancellation of the certificate. The notice must state reasons, and the person affected must be afforded an opportunity to be heard. The Governor ultimately decides whether or not the certificate will be suspended or cancelled. The Governor is empowered to make regulations in respect of this matter.

Clause 66 provides that where a person has, before the date mentioned in clause 65(4), required his or her case to be dealt with by an inquiry under this clause the Governor must cause an inquiry to be held by one or more persons appointed by the Governor. Further detail is provided regarding the conduct of the hearing. Governor may fix the person with the costs of the hearing and may recover those costs.

Clause 67 provides for re-hearing of and appeal from inquires. The Governor may order the rehearing of a case in whole or in part where, following a hearing under clause 64 or 66, new and important evidence is discovered which could not have been produced at the inquiry, or there appear to the Governor to be other grounds for suspecting that a miscarriage of justice may have occurred. The re-hearing may be by a wreck commissioner or by the Supreme Court.

Clause 68 empowers the Governor to make rules for the conduct of inquiries under clauses 64 and 66 and for the conduct of any re-hearing under clause 67 which is not held by the Supreme Court. Such rules may provide for the appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notices to be given to persons affected. The clause also makes other stipulations as to what such rules may contain.

Clause 69 provides that if a person fails to deliver a certificate as required under clauses 64, 65 and 66 the person commits a criminal offence.

Clause 70 empowers the Governor to restore a certificate that has been cancelled or suspended under clause 64, 65, 66 or 67, if the Governor believes the justice of the case requires it. The Governor may also reduce the period of suspension and return the certificate. If a new certificate is granted, it may be of the same or a lower grade in place of the cancelled or suspended certificate.

Clause 71 provides for the summoning of witnesses to an inquiry into fitness or conduct of an officer or other seafarer. A warrant may be issued for a summoned witness who fails to

attend the inquiry. Further, if a person attending an inquiry refuses to be sworn or to give evidence and does not have a just excuse for doing so, the person commits an offence.

Clause 72 provides for the imposition on seafarers of civil liability for absence without leave. The seafarer is liable in damages for being absent from the ship a time when the seafarer is required under his or her contract of employment to be on board. However, if the absence was due to an accident or mistake or some other cause beyond the seafarer's control and the seafarer took all reasonable precautions to avoid being absent, then that absence must not be treated as a breach of contract and therefore the seafarer is not liable in damages.

Clause 73 provides that if a seafarer employed in a ship in the Falkland Islands is found in civil proceedings before a court in the Falkland Islands to have committed an act of smuggling, whether within or outside the Falkland Islands, the seafarer is liable to make good any loss or expense that the act has caused to any other person.

Clause 74 provides for civil liability for fines imposed under immigration laws. Where a ship registered in the Falkland Islands is in the national or territorial waters of any country outside the Falkland Islands and a seafarer employed in the ship is absent without leave and present in that country in contravention of the country's laws, any fine that the employer has to pay as a result of this can be recovered from the seafarer as special damages for breach of contract. Up to £100 can be recovered from the seafarer by any other person who incurs a penalty under the laws of the other country as a result of the actions of the seafarer.

Clause 75 provides for relief and return of seafarer left behind and shipwrecked. A seafarer who is shipwrecked or left behind outside the Falkland Islands is entitled to have provision for his return to the Falkland Islands made by his employer. The employer is also responsible for making such further provisions as may be required by regulations made by the Governor. The Governor is empowered to make regulations providing considerable detail as to how this scheme is to work. This includes making provision for the payment of the seafarer's wages in such a situation. Regulations may provide that contravention of their provisions is an offence.

Clause 76 caps the employer's liability under clause 75 to 3 months after the incident in question, unless regulations impose on the employer ongoing responsibility beyond that period.

Clause 77 provides for the Governor or the government of a country outside the Falkland Islands to recover from the distressed seafarer's employer any amounts they expend to provide the seafarer with relief that the employer is duty-bound to provide.

Clause 78 provides for the Governor to give financial assistance to an employer who is required to pay relief costs, etc. for a distressed seafarer. This assistance can be offered both to individuals and bodies corporate incorporated in the Falkland Islands. Conditions may be imposed on eligibility for this assistance.

Clause 79 requires official log books, in a form approved by the Governor, to be kept in every ship registered in the Falkland Islands. The Governor is empowered to make

regulations prescribing the details of what must be recorded in log books as well as to stipulate when and to whom they must be produced or delivered and to exempt certain ships from the requirement to carry them. Regulations under this clause may make failure to comply with them an offence.

Clause 80 requires the master of every ship registered in the Falkland Islands to make and maintain a list of the crew. Such list must contain such particulars as may be prescribed in regulations made by the Governor. Regulations may provide exceptions to this requirement and may prescribe several other matters of detail in respect of this requirement.

Clause 81 requires seafarers to be in possession of Falkland Islands seafarers' cards. It also provides that regulations may be made in respect of this by the Governor.

Clause 82 empowers the Governor to make regulations in respect of discharge books. Discharge books must be issued to persons who are or have been employed in ships registered in the Falkland Islands or to persons who are or have been employed in other ships but are not aliens within the meaning of the British Nationality Act 1981. The clause makes it an offence to hire someone who is disentitled to a discharge book, and it is also an offence if a person who is so disentitled obtains employment on a ship whilst being so disentitled.

Clause 83 provides for handing over of documents by the master of a ship. If a person ceases to be the master of a ship registered in the Falkland Islands during a voyage of the ship the person must deliver to his or her successor the documents relating to the ship or its crew which are in the person's custody. The master's failure to do so is an offence unless he or she has a reasonable excuse.

Part 5 provides for Safety on ships and provides as follows —.

Clause 84 provides for safety and health on ships. It empowers the Governor to make wide-ranging regulations (referred to as "safety regulations") for securing ships, whether registered in the Falkland Islands or not, and the persons on board such ships. Specific exceptions are made to the applicability of such regulations.

Clause 85 prescribes further detail regarding provisions that safety regulations may contain.

Clause 86 prescribes yet further detail regarding provisions that safety regulations may contain, but this further detail is in respect of dangerous goods.

Clause 87 provides for the safety of submersible and supporting apparatus. The Governor is empowered to make regulations for their safety and the prevention of accidents near them. He may also make regulations for the safety health and welfare of persons in or on submersible and supporting apparatus, among other things.

Clause 88 imposes a requirement to report dangers to navigation. It requires every person in charge of a controlled station for wireless telegraphy to refrain from sending messages for a time sufficient to allow other stations to receive the message, if so required by the Governor,

and to transmit the message in such manner as may be required by the Governor. The person must act in these ways on receiving the signal prescribed under safety regulations relating to dangers to navigation. Definitions of terms used in the clause are also provided.

Clause 89 imposes a duty on ships to assist other ships in case of a collision. Each ship's master is required to render assistance to another ship that has been involved in a collision, but that duty is limited to the extent that the master can provide assistance without endangering his own ship. The duty applies also to passengers on the ship and applies equally to foreign ships as well as ships registered in the Falkland Islands. A master who fails to comply with this requirement for which he may be tried either summarily or on indictment.

Clause 90 imposes a duty on the master of a ship to assist an aircraft in distress. Once the master of a ship receives at sea a signal of distress from an aircraft or information from any source that an aircraft is in distress, he or she must proceed quickly to relevant location and assist the persons in distress. If possible, the master is to inform the persons in need of assistance that he is on his way to assist. The master is excused from this requirement if there are special circumstances. These requirements apply equally to ships registered in the Falkland Islands as they apply to foreign ships. The duty in any case is extinguished if the persons who were in need of assistance subsequently advise that the assistance is no longer required. Failure to comply with the requirement is an offence which may be tried summarily. It is specifically provided that compliance with this requirement will not affect anyone's right to salvage.

Clause 91 defines the term "dangerously unsafe ship" for the purposes of clauses 93 to 96. In essence, the term refers to a ship which is unfit to go to sea without serious danger to human life. The ship is to be so considered based on consideration of factors that are set out in the clause. The clause also provides that any reference to "going to sea" in the specified clauses must, in a case where the service for which the ship is intended consists of going on voyages or excursions that do not involve going to sea, be construed as a reference to going on such a voyage or excursion.

Clause 92 authorises the detention of a dangerously unsafe ship if it is at a port in the Falkland Islands or is at sea in Falkland Islands waters. Detention is at the power of a relevant inspector. Subject to specified qualifications, the power to detain is exercisable in relation to foreign ships as well as to ships registered in the Falkland Islands. The terms "competent authority" and "relevant inspector", both of which are used in the clause, are defined.

Clause 93 provides for references of detention notices to arbitration. This is the prescribed avenue for recourse where the master or owner of a ship is aggrieved, being of the opinion that the stated basis for detention is inadequate. Reference is to be to a single arbitrator appointed by agreement between the parties. The arbitrator's decision must include a finding of whether or not there was a valid basis for the detention of the ship as dangerously unsafe.

Stipulations are also made as to the required qualifications for a person to serve as an arbitrator in this context.

Clause 94 makes provision for the payment of compensation in cases of invalid detention of ships. The compensation is to be in such amount as the arbitrator thinks fit and is to be in respect of any loss suffered by the owner of the ship in consequence of the invalid detention. The compensation is to be payable out of the Consolidated Fund.

Clause 95 provides that the owner and master are liable in respect of a dangerously unsafe ship. Both of them commit an offence in respect of the dangerously unsafe ship. Liability may instead attach to a person who has assumed responsibility for the ship pursuant to agreement with the master or owner. An offence under this clause may be prosecuted either summarily or on indictment. The clause sets out defences to the offence provided for, and also defines the terms “management agreement” and “relevant responsibilities”, both of which are used in the clause.

Clause 96 makes it an offence for any person to use in the course of navigation a defective lighter, barge or like vessel. This offence can be prosecuted summarily.

Clause 97 provides that the owner is liable for the unsafe operation of his ship. The owner is required to take all reasonable steps to secure that the ship is operated in a safe manner. Poor weather conditions constitute an extenuating circumstance which excuses the owner from the requirement. Failure to discharge the duty when it applies is an offence which can be tried summarily.

Clause 98 confers on the Governor power to create a temporary exclusion zone by order. This can be done in respect of a ship or other thing that is in Falkland Islands waters or a part of the sea specified in an Order in Council made under section 129(2)(b) of the Merchant Shipping Act 1995 and that is wrecked, damaged or in distress. This will work alongside the designation of prohibited areas under the Protection of Wrecks Ordinance (Title 34.4). The Governor has to be satisfied that unless he identifies the temporary exclusion zone, significant harm will or may occur as a direct or indirect result of the relevant casualty being wrecked damaged or in distress. The temporary exclusion zone restricts access to the relevant area. The clause specifies further detail in accordance with which the Governor may identify the temporary exclusion zone.

Clause 99 creates offences in respect of temporary exclusion zones. If a ship enters the temporary exclusion zone without express clearance from the Governor or not in compliance with any conditions set out in the order by which the temporary exclusion zone was created, the owner and the master of the ship each commit an offence and may be tried summarily.

It is specifically provided that it is a defence to prove that the master or owner did not know of the temporary exclusion zone and would not have known about it as a result of reasonable inquiries.

Clause 100 empowers the Governor to give directions that require ships to be moved from or to a particular locality or place in Falkland Islands waters. This power is exercisable on the Governor’s behalf by a person or persons specifically authorised by the Governor for the purpose. The purposes for the exercise of this power are set out, as are several conditions

subject to which it must be exercised. Chief among the purposes are securing the safety of the ship itself or of other ships, protecting life and property, and preventing or reducing the risk of pollution in the Falkland Islands. Every person to whom directions under this clause are addressed is duty-bound to use his or her best endeavours to avoid any risk to human life when complying with the directions.

Clause 101 creates offences in respect of failure to comply with the provisions of clause 101. A defence is also specifically provided for. It is a defence to prove that one used all due diligence to ensure compliance with the direction, or that he or she had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

Clause 102 provides for service of direction under clause 101. The clause focuses specifically on bodies corporate to which specified provisions of primary legislation apply. In such circumstances service can be done by delivering the direction to the master of the ship. The clause also gives persons authorised by the Governor to do so the right to enter the ship to effect service.

Clause 103 sets out requirements to be met by ships in respect of which transshipment licences are in force. The Governor is empowered to make regulations prescribing the requirements, and the purposes for which those requirements may be prescribed include securing the safety of the ships, protecting the health of persons on such ships and preventing or reducing pollution. Such regulations may apply any requirements contained in safety regulations, any regulations under clause 133, or any international agreement. This is so whether or not any of those requirements would otherwise apply in relation to the ship in question.

Clause 104 empowers the Governor to serve a notice on the master of a ship in respect of which it appears to the Governor that the requirements of regulations under clause 103(2) or regulations under clause 202 are being contravened. The Governor must revoke the notice if he or she is satisfied that the contravention has been remedied. If the master causes or permits any prohibition imposed by notice to be contravened in respect of the ship, the master commits an offence for which he or she may be tried.

Clause 105 creates a number of offences in connection with passenger ships. These offences generally concern behaviour and inebriation, and doing damage to the ship. An offence is created for failing to leave the ship upon arriving at the point for which the passenger's fare has been paid. The master or other officer is empowered to detain without a warrant a person who is found committing certain specified offences, and must as soon as possible thereafter deliver the person to a constable.

Clause 106 empowers the master to exclude drunken or otherwise disorderly passengers from certain passenger ships. Such passengers are not entitled to a refund of any fare they have paid. This clause only applies to ships carrying more than 12 passengers and employed in carrying passengers between places set out in regulations made by the Governor under clause 50.

Clause 107 criminalises stowing away on a ship. It is also an offence to attempt to do so. If a person, without the consent of the master or of any other person authorised to give consent, goes or attempts to go to sea in a ship registered in the Falkland Islands, the person is liable to be tried summarily for the offence. It is expressly provided that nothing in clause 267 precludes a court in the Falkland Islands from trying someone who is not a Falkland Islander for an offence under this clause that was committed outside the Falkland Islands.

Clause 108 makes it an offence for any person to go on board a ship without the consent of the master or of any other person authorised to give consent, or for a person to remain on board after having been asked to leave by someone with the authority to make that request. Offences under this clause are triable summarily.

Clause 109 provides that the master of any ship registered in the Falkland Islands may cause any person on board the ship to be put under restraint for so long as it appears necessary or expedient in the interest of safety or the preservation of good order or discipline aboard the ship.

Clause 110 provides that where a person goes to sea in a ship without the consent of the master or of any other person authorised to give consent, the person commits an offence that is triable summarily.

Clause 111 requires the master of every passenger ship, whether or not the ship is registered in the Falkland Islands, to furnish a return to such person and in such manner as the Governor directs. The return must give the total number of passengers carried, distinguish (if the Governor so directs) the total number of any class of passengers carried, and give (if the Governor so directs) such particulars with respect to passengers as may be for the time being required by the Governor. Passengers are required to furnish the master of the ship with any information required by the master for the purpose of the return. Any failure to comply with a provision of this clause is an offence which is triable summarily.

Clause 112 requires returns to be made in respect of births and deaths that occur on board a ship in circumstances prescribed in the clause. The next of kin of deceased persons must be notified in accordance with the clause. The Governor is authorised to make regulations prescribing considerable detail in respect of this requirement. Such regulations may provide that contravention of any of its provisions is an offence triable summarily.

Part 6 provides for Fishing Vessels and provides as follows —

Clause 113 is the first clause in Part 6, which makes provisions in respect of shipping vessels. This clause is also, the first of the Chapters into which Part 6 is divided. Chapter I provides for skipper and seafarers.

This clause empowers the Governor to make regulations prescribing the procedure to be followed in connection with the making of crew agreements between persons employed in fishing vessels registered in the Falkland Islands and persons employing them and

prescribing the places where such crew agreements are to be made, among other things. Such regulations may provide for offences.

Clause 114 provides that, except as provided by or under Part 4 or any other enactment, the wages due to a seafarer under a crew agreement relating to a fishing vessel registered in the Falkland Islands must be paid to the seafarer in full.

Clause 115 provides that power to make regulations conferred by clause 35 includes power to provide that the amount of a deduction of a description specified in the regulations from wages in respect of employment in a fishing vessel is to be determined by a body established or approved by the Governor in pursuance of regulations made under clause 63.

Clause 116 requires persons employing any seafarer under a crew agreement relating to a fishing vessel registered in the Falkland Islands to deliver to the seafarer an account of the wages due to the seafarer under that crew agreement and of the deductions subject to which the wages are payable. The clause also makes *provision* in respect of different types of remuneration arrangements, all of which require an account to be given to the seafarer as to how his wages are calculated and the deductions that are made from them. The Governor is empowered to make regulations in respect of this matter, and a person who fails without reasonable excuse to comply with the provisions of this clause commits an offence triable summarily.

Clause 117 provides that nothing in clause 37 affects the operation of any written law of the Falkland Islands providing for the attachment of earnings in relation to wages due to a person employed in a fishing vessel.

Clause 118 provides that clause 41 does not apply to so much of the wages of a seafarer employed in a fishing vessel as is in any manner related to the catch.

Clause 119 empowers the Governor to make regulations prescribing maximum periods of duty and minimum periods of rest for seafarers employed in fishing vessels registered in the Falkland Islands, and such regulations may make different provisions for different descriptions of fishing vessels or seafarers employed in them or for fishing vessels and seafarers of the same description in different circumstances. The clause provides that contravention of a provision of regulations made under it is an offence triable summarily.

Clause 120 requires any person serving or engaged to serve in a fishing vessel registered in the Falkland Islands and holding any certificate or other document which is evidence that the person is qualified for the purposes of clause 50 to produce them on demand to a fishery officer. Failure to do so is an offence.

Clause 121 provides that if the skipper of or a seafarer employed or engaged in a fishing vessel registered in the Falkland Islands is, while on board the vessel, under the influence of drink or drug to such an extent that his or her capacity to fulfil his or her responsibility for the vessel or to carry out his or her duties is impaired, he or she commits an offence.

It specifically stated to be a defence to a charge under this clause if the defendant proves that at the time of the act or omission alleged the defendant was under the influence of a drug taken by him or her for medical purposes and either that he or she took it on medical advice and complied with any directions given as part of that advice or that the accused had no reason to believe that the drug might have had the influence it had.

Clause 122 provides that anyone who takes or allows someone else to take any unauthorised liquor on board a ship commits an offence which is triable summarily. In respect of a charge of allowing another person to take unauthorised liquor on board the ship, it is a defence to prove that the defendant thought on reasonable grounds that the liquor was authorised, or that he or she did not know the person was in possession of the liquor.

Clause 123 provides for disciplinary offences and in so doing applies clause 62 with the exception of subclause (2) of that latter clause, for which it set out a substitute provision. The Governor is empowered to make regulations in relation to this issue also.

Clause 124 empowers the Governor to grant exemptions from any requirements of Part 4 or Chapter I of Part 6 or of any regulations made thereunder with respect to any fishing vessel or any person serving in a fishing vessel.

Clause 125 is the first clause of Chapter II of Part 6. It empowers the Governor to make rules prescribing requirements for the hull, equipment and machinery of fishing vessels registered in the Falkland Islands of any description. These are referred to as “fishing vessel construction rules”. The Governor is empowered to exempt any fishing vessel or description of fishing vessel from any requirement of fishing vessel construction rules.

Clause 126 empowers the Governor to make rules referred to as “fishing vessel survey rules” for the surveying and periodical inspection of fishing vessels registered in the Falkland Islands or any description of such fishing vessels, for the purpose of ensuring their compliance with the requirements of the fishing vessel construction and equipment provisions.

Clause 127 provides for fishing vessel certificates. These may be issued by the Governor or anyone authorised by the Governor and are to be given in respect of ships that the Governor or authorised person is satisfied are in compliance with the fishing vessel construction and equipment provisions. The certificate can only be issued in response to an application.

Clause 128 makes provisions supplementary to those in clause 127. Under these provisions the Governor may, among other things, require a fishing vessel certificate which has expired or been cancelled to deliver the certificate up as the Governor directs. Failure to comply with the Governor’s stipulations (given in the prescribed manner) is an offence. The clause also provides that a fishing vessel certificate is admissible in evidence.

Clause 129 imposes a prohibition on ships’ going to sea without the appropriate certificate. Contravention of this requirement is an offence. Also, the clause requires the skipper of any fishing vessel registered in the Falkland Islands to, on demand produce to any customs

officer any certificate required by Chapter II of Part 6, or detain the vessel until such time as the certificate is produced as required.

Clause 130 provides that when a fishing vessel certificate is in force in respect of a fishing vessel, the owner or skipper must as soon as possible give written notice to the Governor of any alterations made. If the certificate was issued by a person other than the Governor, it is to that person that the notice must be given. The clause specifies the circumstances in which such notice is to be given. Failure to give the notice as required is an offence triable summarily.

Part 7 deals with Prevention of pollution and provides as follows —

Clause 131 provides that where section 128 of the 1995 Act is given effect to in that an Order in Council is made extending any of the international conventions mentioned in that section to the Falkland Islands, then the provisions of that Order in Council will and the contents of that convention will be read together with this Part.

Clause 132 provides that where section 129 of the 1995 Act is given effect to in that an Order in Council is made giving effect to the provisions of the UN Convention on the Law of the Sea with the result that an area relating to the Falkland Islands is declared a marine environment to be protected and preserved, then the provisions of that Order in Council declaring that area in the Falkland Islands as a marine environment must be read together with this Part.

Clause 133 empowers the Governor to make regulations in relation to the transfer of cargo, stores, bunker fuel or ballast between ships while they are within Falkland Islands waters. The regulations are to be such as the Governor considers appropriate for preventing pollution, danger to health or to navigation or hazards to the environment or to natural resources. The clause extensively provides for what such regulations may and may not contain, and permits the regulations to provide that contravention of their provisions is a criminal offence triable summarily.

Clause 134 is the first clause in Chapter II, which deals with waste reception facilities. The clause provides for definitions used in that Chapter.

Clause 135 empowers the Governor to make regulations appropriate for the provision of facilities for the reception of waste from ships (referred to as “waste reception facilities”) at harbours in the Falkland Islands. The regulations will also include the use of waste reception facilities that are provided at such harbours. In making such regulations the Governor is required to take into account the need to give effect to provisions of any international obligations of the Falkland Islands which are mentioned in section 128(1) of the Merchant Shipping Act 1995 and which relate to waste reception facilities.

Clause 136 provides that regulations made under clause 134 may make provision requiring the Authority in the Falkland Islands, in such circumstances as may be prescribed, to prepare a plan for the provision and use of waste reception facilities at the harbour. This plan must be

submitted to the Governor for approval. The clause prescribes further detail as to the required and permitted content of such regulations.

Clause 137 provides that the regulations under clause 136 may be used to impose charges for the use of reception facilities and for imposing restrictions on how such facilities may be used. The regulations may provide for the charges imposed to be reduced at the instance of the Governor following the making of an objection by a person of a prescribed description. The clause makes extensive further provision regarding the required and permitted content of the regulations.

Clause 138 contains supplementary provisions in respect of the regulations referred to in clause 134. This clause authorises regulations to provide that contravention of their provisions is a criminal offence triable either summarily or on indictment. It also allows for the regulations to provide for exemptions and to make different provision for different cases, among other things.

Clause 139 defines terms used in Chapter III of Part 7 which lays down the requirements for preventing pollution.

Clause 140 provides for the discharge of oil from ships into certain Falkland Islands waters. In certain specified circumstances, such a discharge is an offence, committed by the owner or master of the ship or the occupier of a place depending on the circumstances. An exception is made for a discharge which is made into the sea and is of a kind or is made in circumstances for the time being prescribed by regulations made by the Governor. Contravention of the provisions of the clause is a criminal offence, triable summarily.

Clause 141 sets out defences that are available to an owner or master charged with an offence under clause 140. It is a defence to prove that the action in question was taken with a view to securing the safety of any ship, preventing damage to any ship or cargo, or saving life, unless the court is satisfied that the discharge of the oil or mixture was not necessary for any of those purposes or was not a reasonable step to take in the circumstances. It is also a defence to prove that the oil or oily mixture escaped in consequence of damage to the ship and that all reasonable steps were taken quickly to stop or reduce it, or that the escape was due to a leakage which went unnoticed not because of carelessness but which was met with a swift and appropriate response as soon as it was discovered.

Clause 142 provides that where a person is charged with an offence under clause 140 as the occupier of a place on land, it is a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

Clause 143 provides that where any oil or mixture containing oil is discharged in consequence of the exercise of any power conferred by clause 237 or for the purposes of preventing obstruction or danger to navigation and the like, and apart from this clause the Authority would have committed an offence under clause 140 in respect of that discharge, the Authority or person must not be convicted unless it is shown that the authority or the

person failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

Clause 144 imposes restrictions on transfer of oil at night. No oil is permitted to be transferred between sunset and sunrise to or from a ship in any harbour in the Falkland Islands unless the requisite notice has been given in accordance with clause 144 or the transfer is for the purposes of a fire brigade. A general notice to the harbour master or a harbour that transfers oil is permitted in certain specified circumstances. Contravention of this section is an offence triable summarily.

Clause 145 provides that if any oil or oily mixture is discharged from a ship into the waters of a harbour in the Falkland Islands or is found to be escaping or to have escaped from a ship into any such waters, the owner or master of the ship must immediately report the occurrence to the Authority. Failure to do so is an offence triable summarily.

Clause 146 provides that the provisions of clauses 140(1) and 145(1) do not apply to any discharge which is made under an authorisation or permit granted under any enactment. The provisions of section 145(1) do not apply to any escape which is authorised under the provisions of any enactment.

Clause 147 empowers the Governor to give directions with respect to a ship's cargo to the owner, master or pilot of the ship. This can be done where an accident has occurred to or in the ship, the Governor believes that as a result an escape of oil is likely and therefore the use of the powers in this clause is urgently needed. The directions may require the person, to whom they are directed to take or refrain from taking action of any kind, including moving the ship from or to a particular location, to neither load nor refrain from loading particular cargo, to discharge particular cargo, or to take specified salvage measures.

Clause 148 provides for the right to recover compensation in respect of unreasonable loss or damage. If any action duly taken by a person in pursuance of a direction given to the person under clause 147 was not reasonably necessary to prevent or reduce oil pollution or the risk of oil pollution, or was such that the good it did or was likely to do was disproportionately less than the expense incurred or damage suffered as a result of the action, the person incurring expense in the course of taking any such action is entitled to recover compensation from the Governor. Hearing and determining such claims falls within the Admiralty jurisdiction of the Supreme Court.

Clause 149 provides that clauses 147 and 148 can be made applicable to pollution by substances other than oil. This is dependent on an order by the Governor prescribing the substances which fall within this clause. The clause therefore provides that references in clauses 147 to 148 to oil are applicable to substances other than oil which are prescribed in an order made by the Governor under this clause.

Clause 150 creates offences in relation to clause 147. These offences are triable summarily.

Clause 151 provides for service of directions under clause 147. Provided the Governor is satisfied that neither section 437 of the Companies Act 1948 or section 5 of the Companies and Private Partnership Ordinance applies in a particular case, the Governor may give a direction under clause 147 by serving the direction on the master of the ship or, where the direction is to be served on the salvor, by serving it on the person in charge of the salvage operations. The person acting on behalf of the Governor for the purpose of serving the direction has the right to go on board the ship.

Clause 152 provides that where an Order in Council is made under section 141 of the Act which deals with foreign ships or other ships in the Falkland Islands, then sections 147 to 151 applies to those ships.

Clause 153 empowers the Governor to make regulations requiring oil record books to be carried in ships registered in the Falkland Islands and requiring the master of any such ship to record specified information in the oil book carried by the ship. The clause sets out considerable detail regarding provisions that is required and permitted to be included in the regulations. The clause provides that failure to comply with the regulations is an offence triable summarily.

Clause 154 provides for prosecution and enforcement of fines in relation to offences under clauses 140, 144, 145 and 153.

Clause 155 empowers the harbour master to detain a ship where the harbour master has reason to believe that the master or owner of a ship has committed an offence under clause 140 by the discharge from the ship of oil, or a mixture containing oil, into the waters of the harbour. The harbour master is required to immediately notify the Governor once he or she has detained the ship. The Governor must then inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State. Additional procedural provisions are contained in the clause.

Clause 156 contains provisions that are to be applied to the interpretation of clause 155.

Clause 157 contains further provisions on enforcement and application of fines.

Clause 158 allows a person or authority designated by an Order in Council made under section 147 of the Act with authority to go on-board Convention ships while those ships are within the Falkland Islands and check for compliance with the Convention in relation to oil record books.

Clause 159 empowers the Governor to exempt from any of the provisions of Chapter III or any regulations made under it, any ship or classes of ships, or any discharge of oil or of a mixture containing oil. Such exemption can be either absolute or subject to such conditions as the Governor thinks fit.

Clause 160 provides that the provisions of this Ordinance do not apply to Government ships and Her Majesty's navy ships while they are in any part of the sea in the Falkland Islands specified by section 129(2)(b).

Clause 161 requires the Director of Natural Resources to submit an annual report to the Governor.

Clause 162 defines terms used in Chapter IV of Part 7. It defines "Liability Convention" and related expressions used in Chapter IV.

Clause 163 provides for liability for oil pollution in case of tankers. Where oil is discharged or escapes from a ship to which this clause applies, the owner of the ship is liable for damage caused outside the ship to the territory of the Falkland Islands by the contamination. The owner is also required to pay for reasonable measures taken after the discharge in order to minimise the damage caused by it, as well as for any damage actually caused. Generally, the owner is liable to make good all loss or damage caused in these circumstances, subject to qualifications set out in the clause.

Clause 164 provides for liability for pollution in the case of ships other than those to which clause 163 applies. The owners of those ships are liable in a similar way to that in which owners of ships to which clause 163 applies are liable.

Clause 165 provides for exceptions from liability under clauses 164 and 165. For instance, if the discharge or escape of the oil or other substance was due to an act of war, hostilities and the like, no liability will be incurred by the owner of the ship.

Clause 166 provides that, except where there is liability under either of clauses 163 and 164, no servant or agent of the ship owner, no employee of the ship, no charterer, no salvor or other specified person shall be liable for the escape or discharge unless the discharge resulted from anything done or omitted to be done by the person either with intent to cause any of the resulting damage or recklessly and in the knowledge that any such damage would probably result.

Clause 167 provides that in certain circumstances, the owner of a ship that incurs liability under clause 163 may limit his or her liability to a certain number of special drawing rights in accordance with paragraph 1 of Article V of the Liability Convention.

Clause 168 provides that where the owner of a ship has or is alleged to have incurred liability under clause 163 the owner may apply to the court for the limitation of that liability to an amount determined in accordance with clause 167. Further detail is provided in accordance with which this may be done.

Clause 169 imposes restrictions on enforcement after a limitation fund has been established. If a court finds that a person who has incurred liability under clause 163 is entitled to limit that liability and he or she has paid into the sum to which he or she is entitled to limit that

liability, the court must order the release of the ship on the payment of security and upon certain other specified criteria being satisfied.

Clause 170 provides for concurrent liabilities of owners and others. Where an owner incurs liability under clause 163 and another person incurs liability otherwise than under that clause, no proceedings can be taken against the other person if both that person and the owner are entitled to limit their liability under relevant provisions and the owner has paid into court the sum to which the owner's liability has been limited. If proceedings had been commenced against the other person before the owner paid the sum into court, no further steps can be taken in the proceedings in relation to costs.

Clause 171 provides for the establishment of a limitation fund outside the Falkland Islands.

Clause 172 provides that no action to enforce a claim in respect of liability incurred under clause 163 or 164 will be entertained in the Falkland Islands unless the action is commenced within a specified timeframe.

Clause 173 requires certain specified ships to take out compulsory insurance against liability for pollution damage before entering Falkland Islands waters.

Clause 174 requires the Governor to issue a certificate to a ship that he is satisfied in under a contract of insurance that meets the requirements of Article VII of the Liability Convention. The clause also empowers the Governor to make regulations providing for the cancellation and delivery up of a certificate so granted by him, in circumstances prescribed in the regulations. A copy of such a certificate issued by the Governor must be sent by the Governor to the Registrar General of Shipping and the Registrar must make a copy available for public inspection.

Clause 175 provides for rights of third parties against insurers. Third parties can make a claim directly to the insurers of the owner of a ship who has incurred liability under clause 163. A specific defence is specified for an insurer in that situation.

Clause 176 provides for the jurisdiction of the Falkland Islands courts and the registration of foreign judgments. If, for instance, there is a spill but no damage or threat thereof to the Falkland Islands and no action is taken in the Falkland Islands to mitigate any potential damage, courts in the Falkland Islands have no jurisdiction over the matter. However, the courts may be required to recognise the judgment of a foreign court that has jurisdiction and that actually tried the matter; this is subject to the relevant legislation on this issue.

Clause 177 exempts government ships from the operation of Chapter IV.

Clause 178 provides that for the purposes of clause 179 any liability incurred under clause 164 will be deemed to be a liability to damages in respect of such damage to property as is mentioned in paragraph 1(a) of Article 2 of the Convention on Limitation of Liability for Maritime Claims 1976 which is set out under Schedule 4.

Clause 179 provides that nothing in Chapter IV prejudices any claim, or the enforcement of any claim, a person incurring any liability under Chapter IV may have against another person in respect of that liability.

Clause 180 defines terms used in Chapter IV.

Clause 181 is the first clause of Chapter V, which provides for the International Oil Pollution Compensation Fund. The clause defines “Liability Convention”, “the Fund Convention” and related expressions.

Clause 182 provides that contributions are payable to the Fund (i.e. the International Fund established by the Fund Convention) in respect of oil carried by sea to ports or terminal installations in the Falkland Islands otherwise than on a voyage only within waters landward of the baselines for measuring the breadth of the territorial sea of the Falkland Islands. The clause sets out additional detail in respect of contributions by importers of oil and others. It also empowers the Governor to make regulations imposing on persons who are or may be likely to pay contributions under this clause, obligations to give security for payment to the Governor, or the Fund. Additional stipulations are made as to provisions that such regulations may contain.

Clause 183 provides that for the purpose of transmitting to the Fund the names and addresses of persons who are liable to make contributions to the Fund for any year, among other purposes, the Governor may by notice require any person engaged in producing, treating, distributing or transporting oil to furnish such information as may be specified in the notice. Further detail is stipulated in respect of the notice. The clause also provides that refusal to comply with a notice or the furnishing of incorrect information in purported compliance with the notice is an offence which may be tried summarily.

Clause 184 provides for liability of the Fund. The Fund is liable for pollution damage in the territory of the Falkland Islands if the person suffering the damage has been unable to obtain full compensation under clause 163 due to certain specified reasons. Additional circumstances in which the Fund is liable are set out, as are circumstances in which the Fund incurs no obligation under this clause and in which it incurs only a partial obligation.

Clause 185 makes provision for limitation of the Fund’s liability under the preceding clause. For instance, the Fund’s liability under that clause is subject to the limits imposed by paragraph 5 of Article 4 of the Fund Convention. No steps can be taken to enforce a judgment in accordance with those provisions of the Fund Convention unless and until the court gives leave to enforce it, and that leave cannot be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under those paragraphs or that it is to be reduced to a specified amount. Also, in the latter case mentioned in the preceding sentence, the judgment is enforceable only for the reduced amount. Steps are required to be taken to ensure that payment is made in sterling. Additional relevant provisions are also made.

Clause 186 makes provision for jurisdiction and effect of judgments. For instance, where in specified circumstances the Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under clause 163, any judgment given in the proceedings will, after it has become final and enforceable, become binding upon the Fund in the sense that the facts and evidence in the judgment may not be disputed by the Fund even if the Fund has not intervened in the proceedings.

Clause 187 provides that no action to enforce a claim against the Fund under Chapter V can be entertained by a court in the Falkland Islands unless, no later than 3 years after the claim against the Fund arose, the action is commenced or a third party notice of an action to enforce a claim against the owner or his guarantor in respect of the same damage is given to the Fund.

Clause 188 provides that, in respect of any sum paid by the Fund as compensation for pollution damage the Fund will acquire by subrogation any rights in respect of damage which the recipient has against any other person or which the recipient would have had but for the fact that payment has already been made. The clause also provides for a public authority in the Falkland Islands to acquire rights by subrogation in respect of any sum paid by that authority as compensation for pollution damage.

Clause 189 makes supplementary provisions as to proceedings involving the Fund. For instance, any proceedings by or against the Fund may either be instituted by or against the Fund in its own name or be instituted by or against the Director of the Fund as the Fund's representative.

Clause 190 is the first clause in Chapter VI, which deals with carriage of hazardous and noxious substances. It makes introductory provisions in respect of the Chapter, including defining "the Convention" and accurately interpreting the Convention's definition of "hazardous and noxious substances".

Clause 191 provides that where an Order in Council is made under section 182B of the Act extends the Convention to the Falkland Islands then the Governor must make an order to give effect to the Convention. The text of the Convention is set out in Schedule 5.

Clause 192 empowers the Governor to make amendments by order to Schedule 5 where an Order in Council made under section 182B(1) of the 1995 Act has applied the Convention to the Falklands. The order will automatically give effect to any amendment of a relevant limit which is adopted in accordance with article 48 of the Convention. This power conferred on the Governor is the equivalent of power given to the Secretary of State in the United Kingdom in respect of that jurisdiction.

Part 8 deals with liability of shipowners and others. It provides as follows —

Clause 193 is the first clause in Part 8. It provides that the Convention relating to the Carriage of Passengers and their Luggage by Sea, which is set out in Part I of Schedule 6, has the force of law in the Falkland Islands. The clause further provides that where an Order in

Council is made under subsections (3) to (7) of section 183 of the Act to address any conflict between the provisions of Parts 1 and II of Schedule 6 and the provisions of any enactment then the Governor must make an order to address that conflict by making modifications to the enactment to give effect to that Order in Council.

Clause 194 provides that the provisions of the Convention on Limitation of Liability for Maritime Claims 1976 (“the LLMC”), as amended by the 1996 Protocol, continues to have force of law in the Falkland Islands as provided for in the Limitation of Liability for Maritime Claims (Parties to Convention) Order 1986. The Convention is set out in Schedule 7. The clause also provides for the Governor to be able to make revisions to Schedule 7 where an Order in Council is made under section 185(2A) or section 185(2B). These revisions include changes to relevant limits under that Schedule.

Clause 195 provides for exclusion of liability. The owner of a ship registered in the Falkland Islands is not liable for any loss of damage in certain specified cases, but this exclusion of liability is subject to specified qualifications. Notably, the clause applies as much to Her Majesty’s ships as it applies to any other ship.

Clause 196 provides for apportionment of liability for damage or loss. For instance, where by the fault of two or more ships damage or loss is caused to one or more of those ships, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss is in proportion to the degree in which each ship was at fault.

Clause 197 makes provision for joint and several liability in cases of loss of life or personal injuries, either of which occurred on board a ship owing to the fault of that ship and of any other ship or ships. It is the owners of the ships involved that are jointly and severally liable.

Clause 198 provides for a right of contribution in cases of loss of life or personal injuries in the circumstances detailed in the preceding clause. If one ship owner overpaid in respect of the injuries or death, that ship owner may recover the amount of that overpayment from the other ship owners involved.

Clause 199 imposes time limits for proceedings against owners or ships. The time limits imposed are irrespective of the extent of fault. No proceedings to enforce any contribution in respect of an overpaid portion of any damages for loss of life or personal injury can be brought after the period of one year from the date of payment. This may be extended for a reasonable period if the court is satisfied that there has not been during any period allowed for bringing proceedings any reasonable opportunity of arresting the defendant ship within the jurisdiction of the court or the relevant territorial sea.

Clause 200 provides for limitation of liability. For instance, it provides that the Authority’s liability for any loss or damage caused to any ship, or to any goods, merchandise or other things on board any ship is limited by reference to the tonnage of the largest ship registered in the Falkland Islands which, at the time of the loss or damage is, or within the preceding 5 years has been, within the area over which the Authority or person discharges any functions.

Clause 201 set out the extent of the application of this Part to the Crown and its ships while they are in the Falkland Islands.

Clause 202 empowers the Governor to make regulations requiring that, in such cases as may be prescribed by the regulations, while a ship is in Falkland Islands waters there must be in force in respect of it a contract of insurance and such other security relating to potential liabilities as satisfies requirements under those regulations. The clause provides further detail as to provisions that are required and permitted to be included in regulations.

Clause 203 requires the establishment and maintenance of such aids to navigation as may be necessary to facilitate safe navigation.

Clause 204 empowers the harbour master to cause the publication and updating of information on aids to navigation and to declare such publications and any other publications to be approved nautical publications. Such publications are in any legal proceedings prima facie evidence of the matters appearing in them. The clause also empowers the Governor to make regulations specifying such charts, directions or information as appear to the Governor to be necessary to enhance the chances of ships being safely operated, and sets out further detail regarding the mandatory content of such regulations. It is a criminal offence for a ship to go or attempt to go to sea without carrying the charts, copies of directions or information which the regulations require it carry.

Clause 205 provides for the prosecution of offences relating to aids to navigation. The offences created by this clause are triable summarily.

Clause 206 provides that the Authority may detain a ship that damages, destroys or fouls an aid. This detention may continue until the cost of repairing or replacing the aid or rendering the aid effective is paid.

Clause 207 prohibits a person from showing a light, including a light from a fire, in such a place or manner as to mislead ships navigating in the coastal areas of the Falkland Islands. Contravention of this provision is an offence triable summarily. The clause also empowers the harbour master to extinguish or cause a fire or light (or to cause this to be done) in respect of which a notice is given under this clause where the person to whom the notice has been given fails to comply within the time specified in the notice. The clause also provides that an officer authorised by the harbour master may enter any place he needs to enter to extinguish the fire or light.

Part 9 provides for wreck and salvage. The part provides as follows —

Clause 208 is the first clause of Part 9 and is also the first clause of Chapter I of Part 9. Chapter I focuses on salvage. This clause provides for definitions under this Part.

Clause 209 provides for the continuation of certain provisions of the International Convention on Salvage 1989 (“the Salvage Convention”) that are set out in Schedule 8 to

have the force of law in the Falkland Islands. This Convention was extended to the Falkland Islands by the Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997.

Clause 210 provides for valuation of property by a receiver. This is necessary in a salvage situation, as it will help to determine how much the salvors are likely to be paid for their efforts. The parties involved are authorised to appoint a receiver to value the property, this on the application of either party. The person applying for the valuation must pay the fee directed by the Governor.

Clause 211 provides for the detention by the receiver of property liable to salvage.

Clause 212 empowers the receiver to sell any detained property if the person liable to pay the salvage in respect of which the property is detained are aware of the detention. This may be done in any of the circumstances specified in the clause. The clause further provides that the proceeds of sale of detained property must, after payment of the expenses of the sale, be applied by the receiver in payment of expenses, fees and salvage and any excess must be paid to the owners of the property or any other persons entitled to it.

Clause 213 makes provision for apportionment of salvage under £5,000. Where the aggregate amount of salvage payable in respect of salvage services in Falkland Islands waters does not exceed that amount and a dispute arises as to the apportionment of the amount among several claimants, the person liable to pay the amount may apply to the receiver for leave to pay it to the receiver. Additional detail is provided in the clause in relation to this.

Clause 214 provides for the apportionment of salvage by the court. This arises in relation to an amount not exceeding £5,000 also. In either of two cases, any delay or dispute that arises as to the apportionment of the amount can result in the court causing the amount of salvage to be apportioned among the persons entitled to it in such manner as the court thinks fit. A decision of the court under this section must be made on the basis of the criteria set out in Article 13 of the Salvage Convention. The court may appoint any person to carry that apportionment into effect and compel any person in whose hands or under whose control the amount may be to distribute it or to pay into court to be dealt with as the court directs and may issue such process as it thinks fit.

Clause 215 provides for salvage claims against the Crown. It also provides for Crown rights of salvage and for the regulations of those rights. Where salvage services are rendered by or on behalf of Her Majesty in right of Her Government in the Falkland Islands, Her Majesty is entitled to claim salvage in respect of those services to the same extent as any other salvor, and has the same rights and remedies of those services as any other salvor. The consent of the Attorney General is needed for the prosecution in the Falkland Islands of any claim by commander or crew.

Clause 216 is the first clause of Chapter II, which deals with vessels in distress. The clause deals with the application of, and discharge of functions under, clauses 217 to 220.

Clause 217 sets out the duty of a receiver where a vessel is in distress. In the appropriate circumstances the receiver must immediately proceed to the place where the vessel is, take command of all persons present, and assign such duties and give such directions to each person as he or she thinks fit for the preservation of the vessel and of the lives of the shipwrecked persons. However, the receiver must not interfere with the master and the crew of the vessel in reference to the management of the vessel unless requested to do so by the master. It is an offence, triable summarily, if any person intentionally disobeys the direction of the receiver.

Clause 218 sets out the powers of the receiver where a vessel is in distress. In appropriate circumstances the receiver may, for the purpose of preserving shipwrecked persons or the vessel, cargo and equipment, require any person to provide the receiver with necessary assistance. The receiver may also require the master or other person having charge of any nearby vessel to provide whatever assistance that master and his crew are able to give, and may also require the use of any available vehicle. Anyone who refuses, without reasonable cause, to provide any requested assistance commits an offence which is triable summarily.

Clause 219 empowers persons to pass over adjoining land as may be necessary in the course of providing assistance to a vessel in distress. However, this power is strictly circumscribed.

Clause 220 provides that where, in the case of a vessel in distress, the vessel or any part of its cargo and equipment is plundered, damaged or destroyed by persons in circumstances in which those persons commit the offence of riot, and compensation must be paid to the owner of the vessel, cargo or equipment. The Governor is empowered to make regulations setting out any provisions to govern the payment of compensation under this clause.

Clause 221 provides that any person who finds or takes possession of any wreck outside of Falkland Islands waters and brings it into Falkland Islands must give notice to the receiver that he has done so. If he is the owner of it, he must indicate to the receiver the means by which he has identified it as his. If he is not the owner, he must either hold it pending further instructions from the receiver or deliver it to the receiver. Any person who fails to comply with these requirements not only commits an offence, but forfeits any claim to salvage and is liable to pay 2 times the value of the wreck either to the owner or the person entitled to the wreck. This amount to be paid is recoverable as a civil debt.

Clause 222 provides that where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Falkland Islands or any tidal water within Falkland Islands waters, any cargo or other articles belonging to or separated from the vessel which are washed on shore or otherwise lost or taken from the vessel must be delivered to the receiver. Failure to do so is an offence triable summarily.

Clause 223 mandates that whenever the receiver takes possession of any wreck he or she must, within 48 hours make a record describing the wreck and any marks by which it may be distinguished. Within that 48 hour period the receiver must also transmit a similar description to the chief executive officer of Lloyd's in London, but only of the receiver is of the opinion

that the value of the wreck exceeds £5,000. The receiver must make this record available for inspection by any person free of charge at reasonable hours.

Clause 224 provides that the owner of any wreck in the possession of the receiver who establishes his or her claim to the wreck to the satisfaction of the receiver within one year from the time when the wreck came into the receiver's possession is entitled to have the wreck delivered or the proceeds of sale paid to him or her. However, this entitlement is subject to the owner's paying the salvage fees and expenses due. In appropriate circumstances where a foreign ship is involved, the appropriate consular officer is to be treated as the agent of the owner for the purposes of the custody and disposal of the wreck and articles.

Clause 225 provides for the immediate sale of the wreck in certain specified cases.

Clause 226 entitles the Crown to all unclaimed wreck found in the Falkland Islands or in Falkland Islands waters.

Clause 227 requires all persons entitled to unclaimed wreck found in the Falkland Islands or in Falkland Islands waters to give his or her contact details to the receiver. The receiver is obliged to notify the person of the receiver's having taken possession of the wreck. The receiver must do so within 48 hours of taking such possession. The notice must include a description of the wreck and of any marks distinguishing it.

Clause 228 provides for disposal of unclaimed wreck. If the wreck is not claimed within a year, the wreck must be sold and the proceeds paid into the Consolidated Fund, less expenses and fees of the receiver.

Clause 229 provides that delivery of wreck or payment of the proceeds of sale of wreck by the receiver discharges the receiver from all liability in respect of the delivery or payment. This does not, however, prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck or concerning the title to the soil of the place at which the wreck was found.

Clause 230 provides that a person commits an offence if the person takes a stranded vessel, any part of the cargo or equipment of such a vessel, or any wreck into a foreign port and sells it. This offence is triable summarily.

Clause 231 provides that a person commits an offence if, without the permission of the master, the person boards or attempts to board any vessel which is wrecked, stranded or in distress. However, this does not apply if the person is the receiver of a person lawfully acting as the receiver or if the person acts by command of the receiver or a person so acting. It is also an offence to impede or hinder the saving of a vessel or equipment, cargo, or wreck, or to conceal, deface or wrongfully remove any of the foregoing. Offences under this clause are triable summarily.

Clause 232 gives the receiver powers of entry, search and seizure once the receiver has obtained a search warrant from a justice of the peace. This may apply to any house, other place, or vessel.

Clause 233 is the first clause of Chapter III, which makes supplemental provisions. It confers on the Governor functions in relation to wreck.

Clause 234 provides for expenses and fees to be paid to receivers.

Clause 235 provides for remuneration to be paid to the coastguard for services rendered by them.

Clause 236 provides for release of goods from customs and excise control. The primary responsibility falls on the Collector of Customs. Release is subject to the taking of security for the protection of the revenue.

Clause 237 sets out the powers of the Authority in relation to wrecks. Those powers are exercisable where the Authority is of the opinion that a stranded, sunk or abandoned vessel is positioned in a place where it is or likely will become an obstruction or danger to navigation. The Authority is given a variety of options for removing the obstruction. These include destroying and selling it. As appropriate, the proceeds of sale, less expenses incurred, are to be either paid over to or held on trust for the person entitled to them.

Part 10 provides for enforcement officers and their powers. It provides as follows —

Clause 238 is the first clause in Part 10, which deals with enforcement officers and powers. The clause itself provides for the appointment of inspectors and surveyors. These officers are to be appointed by the Governor.

Clause 239 confers on a variety of officers powers in relation to ships registered in the Falkland Islands. These powers are to require the production of a ship's documents. Any person who fails to produce documents when duly required to do so in accordance with the clause commits an offence, which is triable summarily.

Clause 240 confers on a variety of officers' power to inspect ships and their equipment. For this purpose they may board the ship provided they reasonably suspect the condition of the ship and its equipment is not at the required standard. Anyone obstructing an officer the course of carrying out these duties, or failing to comply with lawful instructions given by such an officer, commits an offence which is triable summarily.

Clause 241 confers on any Departmental inspector or inspector appointed under clause 241(6) the power of inspection in relation to premises and ships. This power is exercisable at any reasonable time once he or she has reason to believe it is necessary. Considerable detail is prescribed in respect of this power.

Clause 242 creates offences in relation to the preceding clause. They relate to, for example, obstructing an inspector or failing to comply with lawfully given instructions. The offences created are triable summarily.

Clause 243 provides that if an inspector believes that a person is contravening or has contravened one or more of the relevant statutory provisions, and that it is likely that the contravention will continue or be repeated, the inspector may serve on that person a notice referred to as an “improvement notice”. The notice will require the contravention to be remedied.

Clause 244 provides for prohibition notices, which an inspector may serve in respect of any activities that are being or are about to be carried on a ship would involve the risk of serious personal injury to any person (whether on board the ship or not) or serious pollution of any navigable waters. The notice may be served on anyone appearing to have control of the ship.

Clause 245 contains provisions supplementary to clauses 243 and 244, in that it contains provisions relevant to both improvement notices and prohibition notices. Under this clause directions that either notice can give may be even more onerous than they could have been were this clause not in existence. It also provides that a notice which is not to take effect immediately can be either withdrawn or have the period stipulated in it extended. In either case it is the inspector who is empowered to do this.

Clause 246 provides for references of notices to arbitration. The arbitrator must be appointed by agreement between the parties and notice of the intention to refer the question to arbitration must be given to the inspector within 21 days of the service of the notice. The operation to which the notice relates will be suspended pending the outcome of the arbitration. The clause also prescribes the required qualifications for a person to serve as an arbitrator.

Clause 247 provides for the payment of compensation in respect of loss suffered on account of the service of invalid prohibition notices.

Clause 248 creates offences in respect of contravention of requirements imposed by an improvement notice or a prohibition notice. In either case offences are triable summarily. The clause also sets out a defence, i.e. that the person charged with the offence exercised all due diligence to avoid a contravention of the requirement or prohibition in question.

Part 11 deals with accident investigations and inquiries. This Part provides as follows —

Clause 249 is the first clause of Part 11 and deals with investigation of marine accidents, and in so doing requires the Governor to appoint such number of persons as the Governor may determine to be inspectors of maritime accidents and to appoint one such person to be the Chief Inspector of Marine Accidents. The Governor is also empowered to make such regulations as he or she considers appropriate with respect to the investigation of accidents of a specified description. The clause sets out considerable detail with respect to provisions the

regulations are required to and may contain. It also provides that any inspector of marine accidents has for these purposes the powers conferred on an inspector by clause 241.

Clause 250 provides for formal investigations into marine accidents. In the case of such an accident the Governor may cause a formal investigation into the accident to be held. The accidents referred to are those provided for in regulations made under the previous clause. Considerable detail is provided with respect to the conduct of such investigations.

Clause 251 provides for re-hearings of and appeals from investigations. A re-hearing can be either by an investigator or by the Supreme Court.

Clause 252 empowers the Governor to make rules for the conduct of formal investigations under clause 250 and for the conduct of any re-hearing under clause 251 which is not held by the Supreme Court.

Clause 253 provides for inquiries into deaths of crew members and others. The Superintendent or a proper officer is responsible for holding the inquiry. Where it appears appropriate to the Governor, he or she may arrange for an inquiry into the cause of death. These inquiries relate only to persons who die on ships registered in the Falkland Islands or who died in another country but was employed on such a ship. The clause empowers the Governor to make other arrangements in respect of the inquiries if the Governor sees fit to do so.

Clause 254 provides that where the master of a member of the crew of a fishing vessel that is registered in the Falkland Islands is injured during a voyage, a superintendent or proper officer may hold an inquiry into the cause and nature of the injury and for that purpose has all the powers conferred on a Departmental inspector by clause 241. The superintendent or proper officer must make a report of his or her finding to the Governor.

Clause 255 provides for the transmission of particulars of certain deaths on ships. In the case of deaths in specified circumstances, it is the duty of the coroner to send to the Registrar General of Shipping particulars in respect of the deceased of a kind prescribed in regulations made by the Governor.

Part 12 provides for admiralty jurisdiction and provides as follows —

Clause 256 is the first clause of Part 12, which deals with Admiralty jurisdiction. This comes from the application of the Supreme Court Act 1981 and the Colonial Courts of Admiralty Act 1890 which were applied by the Admiralty Jurisdiction (Falkland Islands) Order 1966. The clause makes substantive provision for the Court's Admiralty jurisdiction, including provision for the Court to hear and determine questions related to claims listed later in the clause. Those claims include the 17 maritime liens which are contained in the International Convention Relating to the Arrest of Sea-Going Ships 1952.

Clause 257 sets out the mode of exercising Admiralty jurisdiction.

Clause 258 imposes restrictions on the entertainment of actions *in personam* in collision and other similar cases.

An action *in personam* (or personal action) is against a natural person, e.g. the master of the ship in his personal capacity, or a seafarer. This is to be contrasted with an action *in rem*, which is an action against the ship. For the purposes of an action *in rem*, the ship is treated as if it were a body corporate. To satisfy a judgment against the ship, an order for sale of the ship may be ordered by the court if the judgment debt cannot otherwise be satisfied.

Clause 259 provides that the Supreme Court does not have jurisdiction to determine any claim or question certified by the Governor to be a claim or question which, under the Rhine Convention, falls to be determined in accordance with the provisions of that Convention. If any proceedings to enforce such a claim are commenced in the Supreme Court, they must be set aside.

Clause 260 contains supplementary provisions relating to Admiralty jurisdiction and provides definitions of terms used in clauses 256 to 259.

Part 13 deals with legal proceedings.

Clause 261 is the first clause of Part 13. *Clause 261* provides for offences committed by bodies corporate. Any director, manager, secretary or other similar officer of the body corporate with whose consent or connivance the offence was committed is jointly and severally liable to be prosecuted with the body corporate.

Clause 262 provides that accessories and abettors to the commission of any offence under this Bill are liable to be dealt with, tried and punished as a principal offender.

Clause 263 makes provision regarding jurisdiction in relation to offences. For instance, any offence under this Bill is deemed to have been committed in any place in the Falkland Islands where the offender may be for the time being.

Clause 264 provides that where the area within which a court in the Falkland Islands has jurisdiction is situated on the coast of any sea or abuts on or projects into any bay, channel, lake, river or other navigable water, the court has jurisdiction in respect of offences under this Bill over any vessel being on, or lying or passing off, that coast or being in or near that bay, channel, lake, river or navigable water and over all persons on board that vessel or for the time being belonging to it.

Clause 265 provides for jurisdiction in case of offences on board a ship. Different provisions are made regarding Falkland Islands status holders and non-Falkland Islands status holders.

Clause 266 provides for offences committed by Falkland Islands seafarers outside the Falkland Islands. Any offence committed by any master or seafarer which, if committed in the Falkland Islands, would be an offence, is to be treated as if it had been committed in the

Falkland Islands and is to be treated for the purpose of jurisdiction and trial as if it had been done within the Admiralty jurisdiction of the Supreme Court.

Clause 267 provides for the return of offenders. In certain specified circumstances, a proper officer may exercise power to inquire on oath and to take any necessary steps to place the offender under restraint and to send the officer by ship back to the Falkland Islands for proceedings to be taken against the officer. It is an offence for the master of any ship to refuse to carry an offender on the ship if requested to do so in accordance with this clause. Such an offence is triable summarily. The expense of imprisoning and carrying the offender and witnesses to the Falkland Islands must be paid out of the Consolidated Fund.

Clause 268 specifies the officers who are authorised to detain a ship whenever this Bill provides that a ship may be detained. To commence the process, a notice of detention must be served. Failure to comply with the detention notice is an offence, which may be tried either summarily or on indictment. The clause sets out considerably more detail in respect of the procedure for enforcing detention.

Clause 269 provides that amounts remaining outstanding following a court order may in certain circumstances be levied by distress, or of the ship and its equipment. The remedy made available by this clause is in addition to any other power for compelling the payment of money ordered to be paid.

Clause 270 provides that in any proceedings before a court in the Falkland Islands depositions of persons who are abroad will be admissible. The clause specifies the conditions of such admissibility.

Clause 271 provides for the admissibility in evidence and the inspection of certain specified documents.

Clause 272 provides generally for the admissibility of documents under this Bill.

Clause 273 provides for the inspection and the admissibility in evidence of copies of certain documents.

Clause 274 provides that where any exception, exemption, excuse or qualification applies in relation to an offence under this Bill, it may be proved by the defendant but need not be specified or negated in any information or complaint. If it is so specified or negated, it must not require to be proved by the informant or complainant.

Clause 275 provides generally for service of documents.

Part 14 deals with Dumping and Deposits at Sea. It provides as follows —

Clause 276 is the first clause of Part 14. The clause defines terms used in the Part.

Clause 277 imposes a requirement for licences to be obtained in order for substances and articles to be legally deposited in the sea, i.e. within Falkland Islands waters.

Clause 278 imposes a requirement for licenses to be obtained in order for incineration to be legally carried out at sea.

Clause 279 empowers the Governor to exempt persons from the requirement to obtain a licence, subject to conditions which the clause mandates the Governor to make the exemptions subject to.

Clause 280 provides generally for the grant of licences. It empowers the Governor to appoint a public officer to be the licensing authority, and provides extensively for the functions that the licensing authority is required, or may, perform.

Clause 281 provides for revocation and variation of licences.

Clause 282 creates offences related to the licensing system. For instance, it is an offence for a person who does not have a licence to engage in any activity for which a licence is required, or for a licence holder to do something permitted by the licence but to fail to comply with the manner in which the licence conditions require that thing to be done. The clause also sets out defences to a charge for an offence created by it.

Clause 283 empowers the Governor to authorise the carrying out of any operation which appears to the Governor to be necessary for the purpose of protecting the marine environment or preventing interference with legitimate uses of the sea. If such an operation is carried out and the Governor incurs expenses in this regard, the Crown may recover those expenses from any person convicted of the offence the effects of which the operation was required to remedy.

Clause 284 empowers the Governor to authorise any person to enforce the provisions of this Part, subject to limitations set out in the instrument of authorisation. The authorised person may enter any land or vehicle, or any foreign vessel wherever it may be. However, an authorised person must not enter any premises used solely as a dwelling house.

Clause 285 empowers the Governor to by order declare that any procedure which has been developed for the effective application of the Convention (i.e. the Convention on the Prevention of Maritime Pollution by the Dumping of Wastes and Other Matter, concluded at London in December 1972) and is specified in the order is an agreed procedure. By that order the Governor may also specify that any of the powers conferred by this Bill for the purposes of enforcing this Part is a power that may be exercised for the purposes of enforcing that procedure. This latter specification must state that the exercise of the power must be by such persons and in such circumstances and subject to such conditions or modifications as may be specified. The clause makes further stipulations with respect to such an order.

Clause 286 provides that, at the request of any person, the Governor may conduct tests to ascertain the probable effect on the marine environment and the living resources which it

supports of using a specific substance for the purpose of treating oil on the surface of the sea. The Governor may recover, from any person at whose request the Governor carried out the testings, any expenses reasonably incurred in having them conducted.

Clause 287 sets out the penalties for offences created earlier in the Part, and contains provisions relating to offences committed by bodies corporate. The effect of the latter provisions is that where the offence committed by the body corporate was committed with the consent or connivance of a director, manager, secretary or similar officer of the body corporate, that person as well as the body corporate commits the offence and is liable to be prosecuted accordingly. The same applies where the offence committed is attributable to the neglect of any such officer of the body corporate. Where the body corporate is managed by its members, the members are for the purposes of this clause to be regarded as if they were one of the mentioned officers of the body corporate.

Clause 289 provides that in any proceedings for an offence under this Part it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. Specific provision is made as to the circumstances in which a person is to be taken to have made out that defence. However, the defendant is restricted in relying on such a defence if it involves implicating someone else. In order to do so, the defendant would have had to have served on the prosecution a notice of his intention to raise such a defence. This must have been served 7 clear days in advance of the trial and must include such information as the defendant has that will assist the prosecution in identifying the other person so implicated.

Part 15 provides for general matters. It provides as follows —

Clauses 290 to 298 provide for administrative matters.

Clause 289 itself sets out the general functions of the Governor. The Governor continues to have the general superintendence of all matters relating to merchant shipping and seafarers and is authorised to carry into execution the provisions of this Bill and all other enactments relating to merchant shipping and seafarers that are for the time being in force. The exceptions are where it is specifically provided that some other person is responsible for particular matters, and all matters relating to revenue.

Clause 290 sets out the functions of the Governor in respect of marine pollution. The Governor continues to be responsible for taking or co-ordinating measures to prevent, reduce and minimise the effects of marine pollution. The clause sets out considerably more detail in this respect.

Clause 291 provides that if the Governor thinks fit, he or she may exempt any ship from any specified requirement of, or prescribed under, this Bill. This is with the exception of Chapter II of Part 7. The Governor may also dispense with the observance of any such requirement in the case of any ship if he or she is satisfied of certain specified matters. Exceptions may be made subject to such conditions as the Governor sees fit to impose. The Governor must,

however lay annually before the Legislative Assembly detailing the instances of the exercise of this power and setting out the grounds for such exercise in each case.

Clause 292 establishes the office of Registrar General of Shipping. Appointments to this office must be made by the Governor.

Clause 293 provides for the appointment by the Governor of mercantile marine superintendents.

Clause 294 provides for the appointment by the Governor of wreck commissioner.

Clause 295 imposes a duty on all superintendents and all customs officers to transmit certain documents to the Registrar General.

Clause 296 provides that all superintendents must make and send to the Governor such returns or reports on any matter relating to Falkland Islands merchant shipping or seafarers as the Governor may require. The clause sets out further detail in respect of this.

Clause 297 empowers the Governor to appoint committees for the purpose of advising him or her when considering the making or alteration of any regulation, rules or scales for the purpose of this Bill, with the exception of Chapter II of Part 7. The clause sets out further detail in respect of this power.

Clauses 298 to 302 provide for financial provisions

Clause 298 empowers the Governor to make regulations prescribing fees to be charged in respect of the issuing or recording of any certificate, licence or other document, as well as in respect of the doing of anything under this Bill. In the case of fees for the measurement in respect of a ship's tonnage, the Governor is permitted to prescribe the fees as maximum fees.

Clause 299 provides that the funding of maritime services must be provided for in annual Appropriation Ordinances.

Clause 300 provides that all expenses incurred by the Collector of Customs in the conduct of proceedings or otherwise in carrying into effect the provisions of this Bill must be treated as expenses relating to the revenue of customs and excise and must be paid accordingly. However, the Governor may repay all or a part of such of the expenses paid as are chargeable on the Consolidated Fund.

Clause 301 sets out the expenses charged on money provided by the Crown in virtue of its Government in the Falkland Islands.

Clause 302 sets out payments that are to be made to the Consolidated Fund.

Clauses 303 to 306 provide for the application of the Ordinance to certain descriptions of ships and other matters.

Clause 303 sets out the scope of application of the Bill to ships not registered in the Falkland Islands.

Clause 304 sets out the scope of application of the Bill to government ships.

Clause 305 sets out the scope of application of the Bill to ships chartered by demise to the Crown.

Clause 306 sets out the scope of application of the Bill to certain structures, such as things designed or adapted for use at sea.

Clauses 307 to 309 provide for subordinate legislation.

Clause 307 is a general provision empowering the Governor to make subsidiary legislation of various kinds. This does not detract from the several other, more specific regulations and orders making powers encountered earlier in the Bill.

Clause 308 contains a general regulation-making provision.

Clause 309 empowers the Governor to prepare and approve forms for any book, instrument or paper required under this Bill and also empowers the Governor to alter such forms as the Governor may think fit. The clause sets out further detail in respect of this.

Clause 310 provides for repeals and savings. The repealed Ordinances are listed under Part A of Schedule 10. There are also UK Acts which will have to be amended by the UK government as a result of the enactment of this Ordinance as it will provide for the matters dealt with by those Acts, these are set out under Part B of Schedule 10. Some of the UK Acts were applied to the Falkland Islands directly and therefore the UK authorities responsible for them will have to amend those Acts so that they no longer apply to the Falkland Islands. The same approach will be taken in regard to Orders in Council which applied some matters to the Falkland Islands. These are set out in Part C of Schedule 10.



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The following are published in this Supplement –

Harbours and Ports Bill 2017;

Merchant Shipping (Adoption of Legislation) Bill 2017; and

Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2017 (SR&O No 19 of 2017).

Harbours and Ports Bill 2017

(No: of 2017)

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HARBOURS AND PORTS BILL 2017

(No: of 2017)

(assented to:2017)

(commencement:)

(published:2017)

A BILL

for

AN ORDINANCE

To make provision for the continued appointment of a Harbour Master, the establishment or designation of an Authority to regulate harbours and ports; to provide for maritime services like pilotage within harbours in the Falkland Islands as well as to licence dredging and other works that can be carried out at harbours and ports.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 – PRELIMINARY

1. Title

This Ordinance is the Harbours and Ports Ordinance 2017.

2. Commencement

This Ordinance comes into force on a date appointed by the Governor by notice in the *Gazette*.

3. Interpretation

In this Ordinance unless the context otherwise requires —

“authority” means the body established or the department designated as such under section 4 of this Ordinance;

“harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes a dock or a wharf as declared and defined in accordance with section 14 of this Ordinance and includes a harbour declared as such before the commencement of this Ordinance;

“Harbour Master” means a person appointed under section 4 and includes any deputy Harbour Master;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“master” means the person having command of a vessel for the time being;

“mooring” includes casting anchor and making fast to a shore or a buoy;

“port” means a port declared and defined in accordance with section 7 and includes a port declared as such before the commencement of this Ordinance;

“port state control” means the inspection of foreign vessels by the authority in order to verify that the ship (and its equipment) complies with —

(a) the requirements of international conventions relating to safety; and

(b) the requirements under Part 4 of the Maritime Ordinance 2017 with respect to manning;

“unmooring” includes weighing anchor and casting off from ashore or a buoy;

“vessel” includes —

(a) a ship or boat, or any other description of craft used in navigation;

(b) a rig, raft or floating platform, or any other moveable thing constructed or adapted for floating on, or partial or total submersion in, water; and

(c) a seaplane, a hovercraft, or any other amphibious vehicle.

[Dangerous Vessels Act 1985 (UK), s. 7]

PART 2 — ESTABLISHMENT OF AUTHORITY, HARBOUR MASTER AND OTHER OFFICERS

4. Establishment or designation of Falkland Islands Maritime Authority

(1) The Governor must designate a body as the Falkland Islands Maritime Authority.

(2) The Governor may designate the department responsible for maritime, harbours and ports matters to be the authority (Department of Natural Resources).

(3) The Governor may confer functions or responsibilities to the authority under this Ordinance or under any other law.

5. Appointment of Harbour Master

(1) The Governor may from time to time appoint a public officer to be the Harbour Master.

(2) The Governor may —

(a) confer such responsibilities or functions on the Harbour Master under this Ordinance or under any other law;

(b) give general or specific directions to the Harbour Master in relation to the functions of the Harbour Master under this Ordinance or under any other law.

(3) The Governor may appoint any number of public officers to be deputy Harbour Masters to assist the Harbour Master in carrying out the functions or responsibilities referred to under subsection (2).

(3) A person appointed as a Harbour Master before the commencement of this Ordinance continues to be the Harbour Master as specified in the person's instrument of appointment.

PART 3 – PORTS

6. Declaration of ports

The Governor may by order declare and define the limits of a port.

7. Powers of Harbour Master

The Harbour Master has power to —

- (a) order the master of any vessel to change the place where any vessel is berthed or moored in a port;
- (b) cause, at the expense of the master, the berth or mooring of any vessel to be changed when an order under paragraph (a) has not been complied with and for that purpose to —
 - (i) cast off, loose or unshackle the vessel; and
 - (ii) if necessary, sever any cable, chain or rope of the vessel; and
 - (iii) put on board the vessel sufficient persons to protect the vessel during its change of berth or mooring;
- (c) cause to be boarded and searched any vessel in any port which the Harbour Master reasonably suspects of having on board —
 - (i) any arms, explosives, ammunition or other combustible substances or materials; or
 - (ii) any drugs contrary to the laws of the Falkland Islands;
- (d) remove or see to the removal of any vessel or other object which is sunk, stranded or abandoned in a port or the approach to the port which, in the opinion of the Harbour Master, is causing an obstruction or danger to navigation;
- (e) destroy or see to the destruction of any vessel or object, or part of any vessel or object, referred to in paragraph (d);
- (f) take possession of any vessel or object referred to in paragraph (d), and —
 - (i) if so requested, deliver the vessel or object to its owner on payment of all the costs incurred in the recovery and delivery of the vessel or object; or

(ii) if no such request is received within three months from taking of possession, sell the vessel or object and any property found in it and after deduction of the cost of recovery and sale deposit the balance, if any, of the proceeds of the sale in the Consolidated Fund in trust for the person entitled to such proceeds;

(g) seize and detain any vessel which the Harbour Master has reasonable cause to believe has entered the territorial sea or internal waters of the Falkland Islands in contravention of an order made under section 10.

8. Recovery of payments from owner in certain cases

If, under this Ordinance or any regulations made under it, an owner of a vessel or any person is required to pay any penalty or expenses by reason of an act or omission of the master of the vessel or that person, the amount so paid and costs may be recovered by the owner from the person who committed the offence, did the wrongful act, or omitted to do anything by reason of which the owner was compelled to make payment.

9. Payments may be enforced by distress

Where —

(a) an order has been made under this Part for the payment by the master or owner of a vessel of any fine or other payment; and

(b) such fine has not been paid within —

(i) the time allowed by the court; or

(ii) if no time has been given, such time as may be reasonable,

the Senior Magistrate or not less than two justices of the peace may direct that the amount payable may be levied by the impounding and sale of the vessel, the vessel's equipment or any part of the vessel by the Harbour Master.

10. Restriction of entry of vessels

(1) The Governor may by order published in the *Gazette*, when the Governor considers it necessary in the interests of defence or internal security, prohibit the entry of any vessel or class of vessels into the territorial sea or internal waters of the Falkland Islands or any part or parts of them.

(2) An order made under subsection (1) comes into force on the day specified in it notwithstanding that such day may be prior to the publication of the order in the *Gazette*.

11. Application of Part 4

Part 4 applies to ports in the same manner as it applies to harbours.

12. Offences and penalties

(1) A person who —

- (a) contravenes any provision of this Part;
- (b) fails to comply with the requirements of this Part, including a prohibition under section 10; or
- (c) obstructs the Harbour Master or any person acting on his or her behalf or any other person acting under the provisions of this Part,

commits an offence.

(2) A person who commits an offence under this Part is liable on conviction —

- (a) to a fine not exceeding level 3 on the standard scale; or
- (b) in the case of contravention of an order under section 10, to such fine or forfeiture of the vessel used in contravention of such order, or to both such fine and forfeiture.

13. Regulations in relation to ports

(1) The Governor may make regulations for the better carrying out of the provisions of this Part.

(2) Without derogating from the generality of subsection (1), regulations made under this section may provide for —

- (a) the control of mooring, anchoring and berthing of vessels in a port;
- (b) the restriction of the carrying, loading, discharging or holding of arms, ammunition or other combustible substances or materials on, from or in vessels entering or remaining in a port;
- (c) the regulation of the speed of vessels moving in or into a port;
- (d) the watches to be maintained on vessels in a port;
- (e) such matters as may appear necessary for protection of ships or other property; or
- (f) the imposition of a fine not exceeding level 3 on the standard scale for the contravention of such regulations.

PART 4 – HARBOURS

Designation of harbours

14. Declaration of harbours

The Governor may by order designate and define the limits of a harbour.

Harbour directions: authority

15. Directions

- (1) The authority may give directions (“harbour directions”) in respect of ships —
 - (a) within the harbour; or
 - (b) entering or leaving the harbour.
- (2) A harbour direction may relate to —
 - (a) the movement of ships;
 - (b) mooring or unmooring;
 - (c) equipment (including nature and use); or
 - (d) the manning of ships.
- (3) A harbour direction may require the master of a ship to provide information to a specified person in a specified manner.
- (4) A harbour direction is subject to any direction given by the Harbour Master under section 18.
- (5) The authority may not give a harbour direction which conflicts with an enactment.
- (6) The authority may delegate the issuing of any directions to the Harbour Master subject to such conditions or restrictions as the authority may think fit.
[Harbours Act 1964 (UK), s. 40A]

16. Procedure of issuing harbour directions

- (1) Harbour directions must be in writing.
- (2) Before giving harbour directions the authority must consult such representatives of users of the harbour as the authority thinks appropriate.
- (3) The authority must make such arrangements as it thinks appropriate for publicising a proposed harbour direction for at least 28 days before it is given.
- (4) Without limiting the arrangements the authority may make under subsection (3), the authority must as soon as is reasonably practicable after giving a harbour direction publish a notice in a newspaper in wide circulation within the Falkland Islands —
 - (a) stating that a harbour direction has been given; and
 - (b) giving details of the arrangements for the inspection and supply of copies of the harbour direction.

(5) The authority must —

(a) make harbour directions available for inspection; and

(b) supply a copy to anyone who requests it.

(6) The authority may charge a reasonable fee for the supply of copies.

[Harbours Act 1964 (UK), s. 40B]

17. Content of harbour directions

(1) Harbour directions may make —

(a) provisions that apply generally or only in relation to specified circumstances, areas, periods or descriptions of ship; and

(b) different provisions for different circumstances, areas, periods or descriptions of ship.

(2) Harbour directions may be varied or revoked by subsequent harbour directions.

[Harbours Act 1964 (UK), s. 40C]

Control of movement of ships in harbour: directions by Harbour Master

18. Powers of Harbour Master - general

(1) Subject to subsection (2), the Harbour Master may give directions for all or any of the following purposes —

(a) for regulating the time at which and the manner in which any vessel may enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst at the harbour, dock, or pier;

(b) for regulating the position in which any vessel must take in or discharge its cargo or any part of it, or must take in or land its passengers, or must take in or deliver ballast within or on the harbour, dock, or pier;

(c) for regulating the manner in which any vessel entering the harbour or dock or coming to the pier must be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings;

(d) for removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear; or

(e) for regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier must have during the delivery of her cargo, or after having discharged the same.

(2) Nothing in this Ordinance authorises the Harbour Master to do or cause to be done any act in any way repugnant to or inconsistent with the Customs Ordinance 2003.

[Harbours, Dock and Piers Clauses Act 1847 (UK), s. 52]

19. Penalty on masters not complying with directions of the Harbour Master

(1) The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, must regulate the vessel according to the directions of the Harbour Master.

(2) Any master of a vessel who, after being served with a notice by the Harbour Master, fails to comply with the Harbour Master's direction commits an offence and is liable to a penalty not exceeding level 6 on the standard scale.

[Harbours, Dock and Piers Clauses Act 1847 (UK), s. 53]

20. Directions by Harbour Master concerning dangerous vessels, etc.

(1) Subject to section 18 and without prejudice to any other power already conferred upon the Harbour Master, the Harbour Master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if in the Harbour Master's opinion the condition of that vessel or the nature or condition of anything it contains is such that its presence in the harbour might involve —

(a) grave and imminent danger to the safety of any person or property; or

(b) grave and imminent risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.

(2) The directions referred to in subsection (1) may be given as respects the vessel in question to —

(a) the owner of the vessel, or to any person in possession of the vessel;

(b) the master of the vessel; or

(c) any salvor in possession of the vessel, or to any person who is the servant or agent of any salvor in possession of the vessel, and who is in charge of the salvage operation, and in paragraph (b) of this subsection, "master" means the person having command or charge of the vessel, but does not include a pilot (that is to say, a person not belonging to the vessel who has conduct of it).

(3) In determining whether to give any direction under subsection (1) in any particular case, a Harbour Master must have regard to all the circumstances of that case and, in particular, the Harbour Master must have regard to the safety of any person or vessel (whether that person or vessel is in or outside the harbour and including the vessel in question in that case).

(4) Directions may be given under subsection (1) in any such reasonable manner as the Harbour Master thinks fit.

(5) At the time any directions under subsection (1) are given to any person, the Harbour Master giving the directions must inform that person of the grounds for giving them.

[Dangerous Vessels Act 1985 (UK), s. 1]

21. Loss or damage occurring outside harbour

(1) Any loss or damage which occurs outside a harbour in consequence of directions given by the Harbour Master in purported exercise of the Harbour Master's powers is deemed to have occurred in that harbour.

(2) Subject to the provisions of this Part, the authority is liable for any loss or damage arising in the circumstances referred to under subsection (1).

[Dangerous Vessels Act 1985 (UK), s. 2]

22. Further directions by Governor

(1) Where a Harbour Master has given directions under section 20 as respects any vessel, the Governor may, for the purposes of securing the safety of any person or vessel (including the vessel to which those directions relate), give directions under this section to that Harbour Master requiring him or her —

(a) to permit the vessel to which the directions given under section 20 relate to enter and remain, or (as the case may be) to remain, in the harbour in question; and

(b) to take such action (if any) as may be specified in the directions given under this section, for the purpose of enabling the vessel to do so for any connected purpose,

and the directions under section 20 will cease to have effect.

(2) A Harbour Master to whom any directions are given under this section must give notice of those directions as respect the vessel in question to the person to whom the directions under section 20 were given or failing that, to any of the other persons mentioned in section 20(2), in any such reasonable manner as the Harbour Master thinks fit; and it is the duty of —

(a) the Harbour Master, to take any reasonable action in relation to that vessel specified in those directions; and

(b) the Harbour Master and the authority, to take all such further action as may be reasonably necessary to enable that vessel to enter and remain, or to remain, in the harbour.

[Dangerous Vessels Act 1985 (UK), s. 3]

23. Saving for certain vessels

No directions under section 20 apply in relation to —

(a) any vessel belonging to Her Majesty, or employed in the service of the Crown for any purpose, including any such vessel in the possession of a salvor; or

(b) any vessel which is a pleasure boat of 24 metres or less in length.

[Dangerous Vessels Act 1985 (UK), s. 6]

24. Harbour Master may remove vessels within harbour, docks or pier

(1) If —

(a) the master of any vessel in or at the harbour, dock, or pier, or within prescribed limits, if any, does not moor, unmoor, place or remove the same according to the directions of the Harbour Master; or

(b) there is no person on board of any such vessel to attend to the directions,

the Harbour Master may cause such vessel to be moored, unmoored, placed or removed as he or she thinks fit, within or at the harbour, dock, or pier, or with the prescribed limits.

(2) For the purpose of subsection (1), the Harbour Master may cast off, unloose, or cut the rope or unshackle or break the chain, by which any such vessel is moored or fastened.

(3) All expenses incurred while attending the mooring, unmooring, placing, or removing of the vessel must be paid by the master of the vessel.

(4) Before the Harbour Master unlooses or cuts any rope, or unshackles or breaks any chain, by which any vessel without any person on board to protect it is moored or fastened, he or she must cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 58]

Services to be provided at the harbour: lighthouses, beacons and buoys

25. Power to erect lighthouses and lay down buoys, with consent of authority

(1) The authority must make provision for the erection of lighthouses and the laying down of buoys for the guidance of vessels within the limits of any harbour, dock or pier in the Falkland Islands.

(2) The buoys must be of such character, as the Governor may from time to time direct for preserving and improving any harbour, dock or pier in the Falkland Islands.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 77]

26. Lights, beacons, or sea-marks not to be exhibited or altered without sanction of authority

(1) The authority must not cause to be erected any lighthouse or beacon, or exhibit or allow to be exhibited any light, beacon, or sea-mark, without the sanction in writing of the Governor.

(2) Any light, beacon, or sea-mark exhibited with the sanction of the Governor under subsection (1) must not be altered without the Governor's sanction.

(3) Every light, beacon, and sea-mark must be of such power and description, and may be discontinued or altered, as the Governor directs.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 78]

Harbour Charges

27. Authority to impose charges

(1) Subject to section 26 the authority has, in relation to any ship at a harbour in the Falkland Islands, the power to impose charges and in particular the power to demand, take and recover such ship, passenger and goods charges as the authority thinks fit.

(2) Any ship, passenger or goods charges which were payable and due for payment immediately before this section comes into operation are deemed to have been imposed by virtue of this section.

[Harbours Act 1964 (UK), s. 26]

28. Charges of authority to be reasonable

(1) The charges (other than excepted charges) that may be imposed by the authority at a harbour under section 27 must be reasonable.

(2) For the purposes of subsection (1) the following are excepted charges —

(a) ship, passenger and goods charges;

(b) charges arising from the running of a ferry service in or from a harbour; and

(c) such other charges, dues or duties as the Governor may by order declare to be excepted.

[Harbours Act 1964 (UK), s. 27]

29. Duty of authority to make available for inspection, and to keep for sale, copies of lists of certain charges

(1) The authority must keep a list showing the ship, passenger and goods charges for the time being chargeable by virtue of section 27.

(2) The list under subsection (1) must —

(a) be kept at the authority's office; and

(b) be open for inspection by any person during reasonable hours without charge.

(3) The authority may sell copies of the list at such price as may be prescribed.

(4) The authority may not impose any ship, passenger or goods charge if, at the time at which it is chargeable, the authority has failed to comply with the requirements of subsection (1) and (2) with respect to the keeping of a list at its office or the charge is not shown in that list.

(5) The authority may supply a copy of a list referred to under subsection (1) to the Governor without charge.

[Harbours Act 1964 (UK), s. 30]

30. Right of objection to ship, passenger and goods charges

(1) This section applies to ship, passenger and goods charges.

(2) Subject to subsection (10), the provisions of subsection (3) to (6) have effect where a written objection to a charge to which this section applies imposed by the authority is lodged with the Governor by —

(a) a person appearing to have a substantial interest; or

(b) a body representing persons with a substantial interest,

and the objection is expressed to be made on all or any of the following grounds —

(i) the charge ought not to be imposed at all;

(ii) the charge ought to be imposed at a lower rate;

(iii) according to the circumstances of the case, ships, passengers or goods of a class specified in the objection ought to be excluded from the scope of the charge either generally or in specified circumstances;

(iv) according to the circumstances of the case, the charge ought to be imposed either generally or in circumstances specified in the objection on ships, passengers or goods of a class so specified at a rate lower than that at which it is imposed on others.

(3) The Governor must, immediately after the objection is lodged, send a copy to the authority and must give notice to the objector that, as a condition precedent to the taking by the Governor of further steps in the matter of the objection, the objector must publish in a specified newspaper a notice (in the form specified, if one is specified) stating that —

(a) the objector has lodged with the Governor an objection to the charge (and specifying the ground or grounds on which it is expressed to be made); and

(b) the person or body who desires to make representations to the Governor in the matter, that is to say, a person having a substantial interest and a body representing persons who have such an interest, should do so in writing within the time specified in the notice (which must not be less than 42 days from the publication of the notice).

(4) Where the proper notice concerning the objection has been duly published, then as soon as practicable after the expiration of the time specified in the notice (but subject to the next following subsection), the Governor must —

(a) proceed to consider the charge and any representations made, unless —

(i) the objection has been withdrawn before the expiration of that time; and

(ii) no written representations in the matter have been made to the Governor by any such person or body as is mentioned in subsection (3)(b) before the expiration of that time; and

(b) cause an inquiry to be held, unless the Governor is satisfied that he or she can properly proceed to a decision in the matter without causing an inquiry to be held with respect to it.

(5) Where written representations are made as mentioned in subsection (4), the Governor must send copies of them to the authority and except where the objection has been withdrawn to the objector, and must not proceed to consideration of the charge until such period for consideration of, and comment upon, the representations by the authority and by the objector (if the objection has not been withdrawn) as the Governor thinks reasonable has elapsed.

(6) The Governor must, after effect has been given to subsection (4), either —

(a) approve the charge but set a limit (not being later than the expiration of 12 months from the date on which they approve it) to the period during which the approval is to be of effect, and give to the authority written notice that they have approved it, stating the limit set; or

(b) give to the authority such direction with respect to the charge as would meet the objection to it made on any of the grounds specified in subsection (2) (whether that is or is not the ground, or is or is not included amongst the grounds, on which the objection whose lodging gives rise to the proceedings is expressed to be made).

(7) A direction given under subsection (6) to an authority must be in writing and must specify a date for its coming into operation and the period from that date (which must not exceed twelve months) during which it is to have effect, and the authority must comply with it.

(8) If the authority fails to comply with an obligation to which it is subject by virtue of subsection (7) the authority commits an offence and is liable, on summary conviction, to a fine not exceeding level 7 on the standard scale.

(9) Immediately after complying on any occasion with subsection (6), the Governor must publish the notice of the direction given to the authority in the same newspaper which published the notice lodging the objection which gave rise to proceedings that resulted in the direction being given.

(10) Where, by virtue of this section, a charge imposed at a harbour is approved, subsections (3) to (6) do not have effect by virtue of the lodging of a further objection to the charge during the period which the approval is of effect, and where, by virtue of this section, a direction is given with respect to a charge so imposed, the said subsections do not have effect by virtue of the lodging of a further objection to that charge during the period which, the direction has effect or of the lodging, during that period, of an objection to a charge that has come into existence by virtue of the direction.

(11) Where the Governor is in the course of giving effect to subsections (3) to (5) as a result of an objection to a charge having been lodged, and a further objection to that charge is lodged with

the Governor, subsections (3) to (6) do not have effect by virtue of the lodging of that further objection.

[Harbours Act 1964 (UK), s. 31]

31. Special provisions with respect to certain aviation charges

Section 27(2) so far as regards charges regulated by the provisions of an Order in Council made under section 8(2)(o) of the Civil Aviation Act 1949 (regulation of charges for use of licensed aerodromes and for services provided at an aerodrome) has effect subject to that provision; and sections 28 and 30 do not apply to any charges regulated under that Act.

[Harbours Act 1964 (UK), s. 37]

32. Master to report arrival of vessel

Within 24 hours after the arrival within the limits of the harbour, dock, or pier of any vessel liable to charges, the master of that vessel must report its arrival to the Harbour Master; and if the master of the vessel fails to make the report within the specified time the master is liable to a penalty not exceeding level 4 on the standard scale.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 35]

Goods arriving at harbours

33. Masters of vessels to give accounts of goods intended to be unshipped within the limits

(1) When any goods are intended to be unshipped within the limits of the harbour, dock, or pier, the master of the vessel containing such goods must, within 12 hours after the arrival of the vessel within the limits of the harbour, dock, or pier, —

(a) deliver to the Collector of Customs the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered, and,

(b) if —

(i) the whole cargo is intended to be unshipped, deliver a copy of the bill of lading or manifest of the cargo; or

(ii) only part of the cargo is intended to be unshipped, give the best account in writing of the kinds, weights, and quantities of the several goods intended to be unshipped.

(2) Every master must, if required so to do by the Collector of Customs, give to the Collector of Customs 12 hours' notice of the time at which the cargo of the vessel that he or she has charge of, or any part of the vessel, is intended to be unshipped.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 37]

Protection of the harbour, dock, or pier

34. Owners of vessels responsible for damages to works

(1) The owner of every vessel or float of timber is answerable to the authority for any damage done by such vessel or float of timber, or by any person employed by the owner of the vessel, to the harbour, dock, or pier, or the quays or works connected with the harbour, dock, or pier.

(2) The master or person having charge of the vessel or float of timber through whose wilful act or negligence any damage is done or caused to the harbour, dock, or pier is also liable to make good the damage.

(3) Subject to subsection (4), the authority may detain any vessel or float of timber until sufficient security has been given for the amount of damage done by the vessel.

(4) Nothing in this section extends to impose any liability for any damage upon the owner of any vessel, where such vessel at the time when the damage is caused is in charge of a duly licensed pilot whom such owner or master is bound by law to employ and put in charge of his or her vessel.

[Harbour, Docks and Piers Clauses Act 1847 (UK), s. 74]

35. Control of works and dredging

Only a person licensed to do so under Part 6, or the authority may —

- (a) carry out any works including making any alterations or renewals; or
- (b) dredge,

on, under or over tidal waters or tidal land below the level of high water in any harbour.

Wrecks

36. Harbour Master may remove wrecks

Where a vessel or boat is sunk, stranded or abandoned in any harbour or tidal water, or in or near any approach to the harbour or tidal water, in such a manner as, in the opinion of the Governor in Council, is an obstruction or a danger to navigation, the Harbour Master may —

- (a) take possession of and raise, remove or destroy the whole or any part of the vessel or boat;
- (b) light or buoy any such vessel or boat or part until the raising, removal or destruction of the vessel or boat; and
- (c) deliver to the owner on demand and on payment of all expenses incurred, or in the absence of such demand and payment sell, in such manner as the Harbour Master thinks fit, any vessel or boat or part so raised or removed, and also any other property recovered in the exercise of his or her powers under this section, and out of the proceeds of the sale reimburse the expenses incurred in relation to and deposit in the Treasury the surplus (if any) of the proceeds in trust for the persons entitled to that surplus:

Provided that the Harbour Master is entitled to recover from the owner of any vessel or boat raised, removed or destroyed or sold under this section all expenses incurred by the Harbour Master in relation to the raising, removal or destruction of that vessel or boat in excess of the proceeds of such sale.

[Harbours Ordinance 1902, s. 11]

Offences

37. Failure to comply with directions

(1) A person who without reasonable excuse contravenes or fails to comply with any directions given under section 19 commits an offence and is liable on summary conviction to a fine not exceeding level 9 on the standard scale.

(2) It is a defence for a person charged under this section to show that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

[Dangerous Vessels Act 1985 (UK), s. 5]

38. False declaration

Any person who signs a declaration required by this Ordinance, or by any regulation made under this Ordinance, containing any wilfully false, misleading or inaccurate statement, commits an offence and is liable on conviction to a fine not exceeding level 1 on the standard scale.

39. Restrictions before pratique

(1) It is an offence to receive anything from any vessel arriving from ports beyond the seas, before the person has received pratique and hoisted the international code flag “Q” at the mast head.

(2) It is an offence for any unauthorized person other than the pilot, to board or leave, or make fast to any vessel before the person has received pratique and hoisted the international code flag “Q” at the mast head.

(3) A person who commits an offence under this section is liable on conviction to a fine not exceeding level 1 on the standard scale.

[Harbours Ordinance 1902, s. 6]

40. Obstructing the Harbour Master

A person who obstructs the Harbour Master in the due execution of the Harbour Master’s duty so as to resist or impede him or her in the proper performance of his or her duty commits an offence and is liable on conviction to a fine not exceeding level 1 on the standard scale.

[Harbours Ordinance 1902, s. 7]

41. Damaging moorings, etc.

Any person who wilfully and unlawfully cuts, breaks, destroys, damages or removes, except for the purposes of this Ordinance, the mooring or securing of any vessel, boat or hulk, or any sea mark, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding level 1 on the standard scale or both such imprisonment and fine, and the penalties are not a bar to, or prejudice any action at law which may be brought by any person who has suffered injury or loss.

[Harbours Ordinance 1902, s. 8]

42. Regulations

The Governor may make regulations on all or any of the following —

- (a) the use of harbours, docks or piers;
- (b) the exercise of powers vested in the Harbour Master;
- (c) the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and control of such vessels whilst within the harbour or dock, or at or near the pier;
- (d) the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock or pier, and the premises within the harbour, dock or pier;
- (e) setting out (with the consent of the Collector of Customs) the hours during which the gates or entrances or outlets to the harbour, dock, or pier must be open;
- (f) the duties and conduct of all persons who are employed in the harbour, dock or pier or the premises within the harbour, dock or pier;
- (g) the use of lights and other navigational aids within the harbour, dock, or pier, and the premises within the harbour, dock or pier, and within the prescribed limits (if any);
- (h) preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on premises;
- (i) the use of cranes, weighing machines, weights and measures;
- (j) the exercise of port state control by the authority over foreign vessels; or
- (k) the duties and conduct of the persons employed on the premises within the harbour, dock or pier and fixing the rates to be paid to those persons for carrying any goods, articles, or things from or to the same.

PART 5 – PILOTAGE
Provision of pilotage services

43. General duties as to provision of pilotage services

(1) The authority must keep under consideration —

- (a) whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to a harbour; and
- (b) whether, in the interests of safety, pilotage should be compulsory for ships navigating in any part of harbour or its approaches; and if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.

(2) Without prejudice to the generality of subsection (1), the authority must, in performing its functions under that subsection, have regard in particular to the hazards involved in the carriage of dangerous goods or harmful substances by ships.

(3) The authority must provide such pilotage services as it considers necessary in accordance with subsection (1).

[Pilotage Act 1987 (UK), s. 2]

44. Authorisation of pilots

(1) Subject to subsection (3) and section 43, the authority may authorise a number of persons to act as pilots in or in any part of harbour as it considers are suitably qualified to do so; and the authorisation must specify the area within which it has effect and may specify that it only has effect in relation to ships of a particular description.

(2) The authority may —

(a) determine the qualifications in respect of age, physical fitness, length of service, local knowledge, skill, character and any other requirements that a person must have in order to apply for authorisation as a pilot; and

(b) provide for the examination of persons applying to provide pilotage services.

(3) The authority may suspend or revoke an authorisation granted under this section if it appears to it that —

(a) the authorised person is guilty of any incompetence or misconduct affecting the capability of the person as a pilot;

(b) the authorised person has ceased to have the qualifications required from persons applying for authorisation by it under this section or has failed to provide evidence that he or she continues to have those qualifications; or

(c) it is appropriate to do so by virtue of the termination of any contract or other arrangement under which the services of pilots are provided within the harbour.

(4) Before suspending or revoking an authorisation under subsection (3)(a) or (b), a harbour authority must give written notice of its intention to do so to the authorised person, stating the reasons for which it proposes to act, and must give the person a reasonable opportunity of making representations.

(5) Where the authority suspends or revokes an authorisation of any person by virtue of subsection (5)(c), it must give the person notice in writing —

(a) stating that the suspension or revocation was by virtue of that paragraph; and

(b) specifying the duration of the authorisation in question and any previous authorisations granted to that person by the authority.

(6) If any person who is not an authorised pilot for an area holds themselves out as if he or she is in that area as a pilot or so holds himself or herself out as to indicate or be reasonably understood to indicate that the person is such a pilot, the person commits an offence and is liable on summary conviction to a fine not exceeding level 8 on the standard scale.

(7) In this section —

“recognised assistant pilot” means a person who acts as an assistant to pilots and is recognised as such by the authority.

[Pilotage Act 1987 (UK), s. 3]

45. Employment, etc. of authorised pilots

The authority may make such arrangements as it considers appropriate for the provision of the services of authorised pilots in any harbour within the Falkland Islands (whether under a contract of employment or a contract for services).

[Pilotage Act 1987 (UK), s. 4]

46. Pilot boats

(1) Any ship employed in providing pilotage services provided by or on behalf of the authority (in this Ordinance referred to as “pilot boat”) must —

(a) if operated by the authority, be approved by that authority; and

(b) otherwise, be licensed by it,

and the authority must not approve or licence any ship under this subsection unless it is satisfied that it is suitable for use as a pilot boat.

(2) The Governor may make regulations for the operation of pilot boats.

[Pilotage Act 1987 (UK), s. 6]

Compulsory pilotage

47. Pilotage directions

(1) Subject to the provisions of this section, if the authority considers that in the interests of safety it should do so, it must direct that pilotage is compulsory for ships navigating in any area or part of an area of a harbour; and such a direction is referred to in this Ordinance as a “pilotage direction”.

(2) A pilotage direction —

(a) may, subject to subsection (3), apply to all ships or ships of a description specified in the direction (subject to any exceptions as may be specified);

(b) must specify the area of the harbour and circumstances in which it applies;

(c) may specify the circumstances in which an authorised pilot in charge of a ship to which it applies is to be accompanied by an assistant who is also an authorised pilot; and

(d) may contain such supplementary provisions as the authority considers appropriate.

(3) Before giving a pilotage direction the authority must consult —

(a) the owners of ships which customarily navigate in the area to which the proposed direction would apply; and

(b) any other persons who carry on harbour operations within the harbour,

or, in either case, such persons as it considers to be representative of them.

(4) If the authority considers that pilotage should be compulsory for ships navigating in any area outside the harbour, it must apply for a harbour revision order to be made to extend the limits within which the authority has jurisdiction for the purposes of pilotage to include that area and a pilotage direction given by it does not apply to that area unless the limits have been so extended.

(5) The authority must arrange for any pilotage direction given by it to be published in such manner as to bring it to the notice of those persons likely to be interested.

[Pilotage Act 1987 (UK), s. 7]

48. Pilotage exemption certificates

(1) Subject to subsection (3), the authority which has given a pilotage direction may, on application by any person who is bona fide the master or first mate of any ship, grant a certificate (in this Ordinance referred to as a “pilotage exemption certificate”) to the person if it is satisfied (by examination or by reference to such other requirements as it may reasonably impose) —

(a) that the applicant’s skill, experience and local knowledge are sufficient for the applicant to be capable of piloting the ship of which the applicant is master or first mate (or that and any other ships specified in the certificate) within the harbour or a part of the harbour as may be specified; and

(b) in any case where it appears to the authority to be necessary in the interests of safety, that the applicant’s knowledge of English is sufficient for that purpose.

(2) The requirements imposed under subsection (1) must not be —

(a) unduly onerous having regard to the difficulties and danger of navigation in the harbour in question; and

(b) more onerous than those required to be met by a person (other than a person who immediately before the appointed day was a recognised assistant pilot within the meaning of section 42).

(3) If the Governor is satisfied, on request by the authority, that it is appropriate to do so by reason of the unusual hazards involved in shipping movements within the harbour, the Governor may make an order suspending the granting of pilotage exemption certificates for a period not exceeding three years.

(4) Where an order is made under subsection (3) any pilotage exemption certificate granted by the authority ceases to have effect and the authority must notify the holders of such certificates of that fact.

(5) A pilotage exemption certificate will not remain in force for more than one year from the date on which it is granted, but —

(a) if the holder continues to be the master or first mate of a ship and the requirements under subsection (1) are met, the authority may renew it annually; and

(b) on the application of the holder, may be altered so as to refer to different ships from those to which it previously referred if the authority is satisfied the requirements under subsection (1) as respect to those ships are met.

(6) The authority may suspend or revoke a pilotage exemption certificate if the holder has been found guilty of any incompetence or misconduct which affects the holder's capability to pilot the ship of which he or she is master or first mate or any other ships specified in the certificate.

(7) Before refusing an application by any person under this section for the grant, renewal or alteration of a certificate or suspending or revoking a certificate held by any person, the authority must give the applicant written notice of its intention to do so, stating the reasons for which it proposes to act, and must give the applicant a reasonable opportunity to make representations.

(8) The authority may charge such fees in respect of any examination required to be taken for the purposes of this section or the grant, renewal or alteration of any pilotage exemption certificate as the authority considers reasonable for the purposes of meeting its administrative costs in connection with the granting of pilotage exemption certificates.

[Pilotage Act 1987 (UK), s. 8]

49. Prevention of discrimination in favour of authority's ships

The authority must ensure that any ship owned or operated by it and used by it in the exercise of its functions otherwise than under this Ordinance is subject to the same obligations as respects pilotage whilst navigating within any harbour in the Falkland Islands as required for any other ship.

[Pilotage Act 1987 (UK), s. 9]

50. Compulsory pilotage

(1) A ship which is being navigated in an area and in circumstances in which pilotage is compulsory for it by virtue of a pilotage direction must be under the pilotage of —

(a) an authorised pilot accompanied by such an assistant, if any, as is required by virtue of the direction; or

(b) a master or first mate possessing a pilotage exemption certificate in respect of that area and ship.

(2) If any ship is not under pilotage as required by subsection (1) after an authorised pilot has offered to take charge of the ship, the master of the ship commits an offence and liable on summary conviction to a fine not exceeding level 8 on the standard scale.

(3) If the master of a ship navigates the ship in an area and in circumstances in which pilotage is compulsory as required under a pilotage direction without notifying the authority which gave the direction that he or she proposes to do so, the master commits an offence and is liable on summary conviction to a fine not exceeding level 8 on the standard scale.

[Pilotage Act 1987 (UK), s. 15]

51. Liability for ships under compulsory pilotage

The fact that a ship is being navigated in an area and in circumstances in which pilotage is compulsory for it does not affect any liability of the owner or master of the ship for any loss or damage caused by the ship or by the manner in which it is navigated.

[Pilotage Act 1987 (UK), s. 16]

52. Regulations

The Governor may make regulations to provide for —

- (a) the authorisation and qualifications of pilots under section 44;
- (b) the employment of authorised pilots;
- (c) the making of applications for exemption certificates under section 48;
- (d) the licensing and approval of pilot boats;
- (e) the making of pilotage directions; and
- (f) any other matter which is to be prescribed to give effect to this Part.

PART 6 – DREDGING AND OTHER WORKS

53. Licensing requirements

(1) Subject to section 35 and this Part, a licence is required under this Part for —

- (a) the carrying out of any works within a harbour; or
- (b) dredging.

(2) The Governor may designate the authority or appoint a public officer to be the licensing authority for the purposes of this Part and if no designation of the authority or appointment of a public officer has been done, the Governor will, for the time being, be the licensing authority.

(3) In determining whether to issue a licence, the licensing authority —

(a) must have regard to the need to —

(i) protect the marine environment, the living resources which it supports, and human health;

(ii) prevent interference with legitimate uses of the harbour in particular with regard to public rights; and

(b) may have regard to such other matters as the licensing authority considers relevant.

(4) Without prejudice to the generality of subsection (3), where it appears to the licensing authority that in carrying out any proposed works or dredging, there is a likelihood of interference with or damage to any apparatus belonging to or maintained by the authority or anything that will obstruct or impede the safe navigation of ships within the harbour, the licensing authority must, in determining whether to issue a licence, have regard to the practical availability of any alternative methods.

(5) The licensing authority —

(a) must include such provisions in a licence as appear to the licensing authority to be necessary or expedient to —

(i) protect the marine environment, the living resources which it supports, and human health; and

(ii) prevent interference with legitimate uses of the sea; and

(b) may include in a licence such other conditions as the licensing authority considers appropriate which may include the alternative methods referred to under subsection (4).

(6) Without prejudice to the generality of subsection (5), the licensing authority may include in a licence conditions requiring —

(a) that no operations authorised by the licence must be carried out until the licensing authority has given such further consent or approval of the operation as the licence may specify; and

(b) consultation with users of the harbour or any other persons as may be specified.

54. Offences relating to licensing

(1) A person commits an offence who —

(a) does anything for which a licence is needed —

(i) despite not being the holder of the licence needed; or

(ii) in a manner that is not in accordance with the terms of the required licence which the person holds; or

(b) causes or permits any other person to do any such thing except in pursuance of a licence and in accordance with its provisions.

(2) A person commits an offence who, for the purpose of procuring the issue of a licence or in purporting to carry out any duty imposed on the person by the provisions of a licence makes a statement which the person knows to be false in a material particular.

(3) Any person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 9 on the standard scale.

55. Power to take remedial action

(1) The Governor may authorise the carrying out of any operation which appears to the Governor may be necessary or expedient for the purpose of —

(a) protecting the marine environment, the living resources which it supports, and human health; or

(b) preventing interference with the legitimate use of the sea,

in any case where anything for which a licence is needed appears to have been done otherwise than in pursuance of a licence and in accordance with its provisions.

(2) If any such operation as is provided for in subsection (1) is carried out, the Government may recover any expenses reasonably incurred in carrying it out from any person who has been convicted of an offence in consequence of the act or omission which made it necessary or expedient for the operation to be carried out.

[Marine Environment (Protection) Ordinance (Title 34.6), s. 8]

56. Regulations with regards to licences

The Governor may make regulations —

(a) to provide for the licensing of works under this Part;

(b) to provide for licences to carry out dredging operations;

(c) to set requirements for consultations under section 53(6);

(d) to provide for requirements which must be in place to safeguard the environment

(e) for any other matter necessary to give effect to this Part.

PART 7 – MISCELLANEOUS PROVISIONS

57. Repeals and savings

(1) The Harbours Ordinance 1902 is repealed.

(2) Notwithstanding subsections (1) —

(a) any person appointed as the Harbour Master under the Ordinance repealed under this section continues to hold such appointment as specified in their instrument of appointment;

(b) any regulations or orders made under the Ordinance repealed under this section which are in force before the commencement of this section continue in force in so far as they are not inconsistent with this Ordinance or until they are revoked.

OBJECTS AND REASONS

This Bill provides for the establishment or designation of a Falkland Islands Maritime Authority. It provides for the regulation of harbours and ports, the regulation of activities that can be carried out at harbours or ports. It further goes on to provide for the regulation of pilotage services at harbours and dredging of harbours.

Part 1 provides for preliminary matters including definitions of terms used in the Ordinance as well as its commencement.

Part 2 provides for the establishment of a Falkland Islands Maritime Authority and continues the appointment of a Harbour Master for harbours and ports.

Clause 4 gives the Governor the power to establish a Falkland Islands Maritime Authority or designate the Department of Natural Resources to discharge the functions of an authority.

Clause 5 gives the Governor the power to appoint a number of public officers to discharge the role of Harbour Master or deputy Harbour Masters. It further gives the Governor the power to confer specific functions on the Harbour Master as well as general functions under any other law or under the Ordinance. It provides for the continuation of the appointment of a Harbour Master done before the commencement of the Ordinance.

Part 3 provides for Ports. *Clause 6* provides for the declaration of ports and for the Governor to set the limits of a port by an order.

Clause 7 sets out the powers of the Harbour Master in relation to ports. *Clause 8* provides for the recovery of payments from the person who committed an offence where as a result of that offence the owner or master of a ship has had to pay a penalty under this Ordinance.

Clause 9 provides for payments to be enforced through the impounding and sale of a vessel or furniture forming part of the ship where the owner or master of that ship has failed to pay a fine within the set time limit. This can be done through a direction given by the senior magistrate or not less than 2 justices of the peace.

Clause 10 provides for the Governor to be able to designate areas within the port where ships are prohibited entry where it is necessary in the interests of defence or internal security.

Clause 11 provides for the provisions of Part 4 to be applied to ports. This will mean that directions may be made in relation to ports in the same way that they can be made for harbours.

Clause 12 provides for offences and penalties under Part 3 while *clause 13* provides for regulations to be made to give effect to Part 3.

Part 4 provides for harbours. It sets out the same powers that are currently provided for by the Harbours Ordinance in relation to the Governor's power to designate harbours and set their limits by order.

Clause 15 provides for the Authority to be able to give directions (harbour directions) to ships within the harbour and ships entering or leaving the harbour. It goes on to provide for the content of harbour directions. It provides for the authority to delegate the issuing of harbour directions to the Harbour Master.

Clause 16 lays down the procedure for issuing harbour directions and *clause 17* provides for the content of harbour directions.

Clause 18 provides for the general powers of the Harbour Master in relation to the control of movements of ships in the harbour. This general power is subject to the Customs Ordinance 2003.

Clause 19 sets the penalty for non-compliance with the Harbour Master's directions.

Clause 20 specifically provides for the directions that the Harbour Master may give in relation to dangerous vessels. A vessel is dangerous if in the Harbour Master's opinion its nature or condition is such that its presence in the harbour may present grave and imminent danger to the safety of persons or other ships and property on the harbour as well as grave and imminent risk to the vessel itself in that it may sink or flounder in the harbour and thereby impeding the use of the harbour.

Clause 21 provides for loss or damage occurring outside the harbour as a result of directions given by the Harbour Master. It provides that the authority is liable for such loss or damage.

Clause 22 provides for further directions that the Governor may give for the purposes of securing the safety of persons and vessels in harbours.

Clause 23 provides for an exemption in relation to Her Majesty's ships and pleasure boats of 24 meters or less in length.

Clause 24 gives the Governor the power to remove vessels from the harbour in certain circumstances.

Clauses 25 and 26 provide for services that must be provided at harbours to improve the safety of vessels and persons. They provide for lights, beacons and sea marks to be put up on the sanction or consent of the Governor. It provides for the Governor to give directions as to the character of the lighthouses.

Clauses 27 to 31 provide for charges that can be imposed in relation to any ship at a harbour in the Falkland Islands. *Clause 27* gives the power to impose charges on the authority, *clause 28* provides that the charges must be reasonable, *clause 29* provides for the authority to keep a list of charges and that the list must be open for inspection without charge. It also provides for the authority to sell copies of the list of charges.

Clause 30 provides for any interested person or a body representing interested persons to lodge an objection with the Governor in relation to harbour charges. It further provides for how the Governor must deal with objections.

Clause 31 provides that aviation charges under the Civil Aviation Act 1949 are not affected by section 27(2) of this Ordinance.

Clause 32 provides for the master of any vessel to report within 24 hours of the arrival of the vessel, to the Harbour Master.

Clause 33 provides for regulation of goods arriving at harbours and provides for the master of a vessel to report to the Collector of Customs within 12 hours of that vessel arriving at the harbour any goods which are intended to be unshipped. It provides for the master to give a list of all the goods that are intended to be unchipped.

Clauses 34 and 35 provide for the protection of the harbour, dock or pier. *Clause 34* provides that owners of vessels are responsible for damage to any works at the harbour, dock or pier. *Clause 35* makes it an offence for any other person except the authority to carry out any works or dredge at the harbour unless under a licence.

Clause 36 provides for the Harbour Master's powers in relation to wrecks and provides that the Harbour Master may remove wrecks which are an obstruction or a danger to navigation from the harbour and recover the amount incurred in removing the wreck from the owner. This works alongside the powers under the Maritime Ordinance 2017 and the Protection of Wrecks Ordinance 1977.

Clauses 37 to 41 provides for offences and penalties for contraventions under Part 4 and *clause 42* provides for the making of regulations in relation to the safety of harbours, control of movement of ships at the harbour and other matters. This also provides for the power to make regulations to enable the authority to exercise port state control in relation to foreign ships. Port state authority is defined under clause 3.

The regulations will define this in more detail taking into account the international conventions that the Falkland Islands are already signed to and other matters relating to enforcement of the exercise of the power.

Part 5 provides for pilotage. This currently applies in the Falkland Islands by virtue of Part X of the Merchant Shipping Act 1894. *Clause 43* provides for the general duties of the authority in relation to pilotage services.

Clause 44 provides for the authorisation of pilots by the authority. The pilots must be suitably qualified and the authority must make a determination of this before appointing or authorising persons to discharge the functions of pilots under this Part. *Clause 45* provides for the employment of authorised pilots on arrangements made by the authority.

Clause 46 makes provision for the authorisation or licensing of pilot boats by the authority. It also provides for the Governor to make regulations for the operation of pilot boats.

Clause 47 provides for compulsory pilotage directions and gives the authority the power to give directions to make pilotage compulsory where that is necessary in the interests of safety. It provides for the content of pilotage directions as well as the requirement for consultation to be with owners of ships which normally use that particular harbour and any other persons who provide any service or operation within the harbour.

Clause 48 provides for an exemption from compulsory pilotage to be given to masters where that master applies to be exempted on account of his or her skill, experience and local knowledge or on the basis that it is necessary in the interest of safety. The authority must be satisfied that a particular pilotage direction need not apply to that particular master.

Clause 49 makes provision for the prevention of discrimination by the authority in favour of its own ships (if it does have them) and provides that authority ships will have the same obligations as any other ship.

Clause 50 provides for compulsory pilotage requirements in relation to who should be in charge of that ship and navigating the ship where a compulsory pilotage direction is in place.

Clause 51 provides for the liability of ships under compulsory pilotage and makes it clear that compulsory pilotage does not limit the master or owner's liability for loss or damage resulting from the manner in which a ship is navigated.

Clause 52 provides for regulations which the Governor can make under section 52.

Part 6 provides for dredging and other works which can be carried out at the harbour. *Clause 53* provides for the licensing requirements for dredging or carrying out any works in the harbour. It provides for the licensing authority (the Governor or a public officer appointed by the Governor) to have regard for the marine environment and the living resources it supports as well as regard for human health when determining applications. It gives the licensing authority the power to impose conditions as may be necessary on the dredging or works licence.

Clause 54 provides for offences related to licensing and *clause 55* provides for the Governor to authorise the carrying out of remedial action at the harbour arising from any action done without licence and where the damage must be repaired in order to protect the marine environment and the living resources it supports as well as to protect human health. The Governor may then recover reasonable incurred expenses arising from that remedial action from the person who carried out the damage without a licence (in addition to the conviction for that offence).

Clause 56 provides for the making of regulations under Part 6 in relation to licensing of works and dredging.

Part 7 provides for miscellaneous provisions. *Clause 57* repeals the Harbours Ordinance and saves appointments made under the Harbours Ordinance as well as subsidiary legislation made under it.

Merchant Shipping (Adoption of Legislation)(Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Schedule 1 to the Ordinance

MERCHANT SHIPPING (ADOPTION OF LEGISLATION) (AMENDMENT) BILL 2017

(No: of 2017)

(assented to:2017)
(commencement:)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Merchant Shipping (Adoption of Legislation) Ordinance 1992 to discontinue the application of some United Kingdom Acts adopted under this Ordinance.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Merchant Shipping (Adoption of Legislation) (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

3. Amendment of Schedule 1 to the Ordinance

Part II of Schedule 1 to the Merchant Shipping (Adoption of Legislation) Ordinance is amended by deleting the following entries —

- (a) Merchant Shipping Act 1964 and the provision describing the extent of its application to the Falkland Islands;
- (b) Anchor and Cable Chains Act 1967 and the provision describing the extent of its application to the Falkland Islands;
- (c) Fishing Vessels (Safety Provisions) Act 1970 and the provision describing the extent of its application to the Falkland Islands;
- (d) Merchant Shipping Act 1979 and the provision describing the extent of its application to the Falkland Islands; and
- (e) Merchant Shipping Act 1995 and the provision describing the extent of its application to the Falkland Islands.

OBJECTS AND REASONS

The Merchant Shipping (Adoption of Legislation) Ordinance 1992 adopts with modifications certain United Kingdom Acts of Parliament and statutory instruments made under those Acts.

The Maritime Ordinance 2017 provides for matters that are provided for under some of the UK Acts adopted in the Merchant Shipping (Adoption of Legislation) Ordinance 1992. This Bill deletes some of those Acts so that they will no longer apply to the Falkland Islands.

Clauses 1 and 2 provide for the introductory matters, the title and commencement.

Clause 3 provides for the amendment of Part II of Schedule 1 which contains a list of UK Acts applied to the Falkland Islands by deleting those Acts from that list.

SUBSIDIARY LEGISLATION

CRIMES

Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2017

S. R. & O. No: 19 of 2017

Made: 9 June 2017

Published: 16 June 2017

Coming into force: see article 2

I make this order under section 566 of the Crimes Ordinance 2014 on the advice of Executive Council.

1. Title and commencement

This Order is the Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2017.

2. Commencement and duration

This Order comes into operation on 1 June 2017 and lapses on 31 October 2017.

3. Designation of site

The area within the Argentine Cemetery at Darwin shown on the map set out in the Schedule is designated as a site for purposes of section 566 of the Crimes Ordinance 2014.

4. Signs

The chief police officer may cause such signs and notices to be erected in the vicinity of the designated site as may, in his opinion, be convenient to draw attention to the effect of this Order or any provision thereof.

**SCHEDULE
Map**



Made 9th June 2017

R. A. J. Mitham,
Acting Governor

EXPLANATORY NOTE
(not forming part of the Order)

This order is made under section 566 of the Crimes Ordinance 2014.

The Order provides for the designation of an area within the Argentine Cemetery at Darwin as a site under section 566 of the Crimes Ordinance 2014. The purpose of the designation is to facilitate work which is to be undertaken by the International Committee of the Red Cross in respect of identification of the remains of Argentinian soldiers buried in the cemetery. Entry into the site as a trespasser is an offence. The order ensures controlled access to the designated site.

The area designated as a site is set out on the map which is in the schedule.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

22 June 2017

No. 11

The following are published in this Supplement –

Supplementary Appropriation (2016-2017) Ordinance 2017 (No 7 of 2017);

Appropriation Ordinance 2017 (No 8 of 2017);

Capital Appropriation Ordinance 2017 (No 9 of 2017); and

Finance Ordinance 2017 (No 10 of 2017).

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Supplementary Appropriation (2016-2017) Ordinance 2017

(No: 7 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Withdrawal of additional sum
4. Replenishment of Contingencies Fund

Schedule

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

SUPPLEMENTARY APPROPRIATION (2016-2017) ORDINANCE 2017

(No: 7 of 2017)

(assented to: 22 June 2017)
(commencement: on publication)
(published: 22 June 2017)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £1,425,835 for the financial year ending 30 June 2017.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2016-2017) Ordinance 2017.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Withdrawal of additional sum

(1) The Financial Secretary may withdraw an additional sum of £1,425,835 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2017 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant No 2-12 of 2016/2017, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount £
	Operating Budget	
0110	Central Services	287,030.00
0200	Health & Social Services	770,750.00
0250	Education & Training	15,000.00
0350	Public Works	30,580.00
0450	Law & Regulation	31,645.00
0550	Emergency Services	57,270.00
0600	Executive Management	20,000.00
0700	The Treasury	111,000.00
0999	Island Plan Investments	102,560.00
	Total Operating Budget	1,425,835.00
	Total Schedule	1,425,835.00

Passed by the Legislature of the Falkland Islands on 30 May 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Appropriation Ordinance 2017

(No: 8 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Appropriation

Schedule

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

APPROPRIATION ORDINANCE 2017

(No: 8 of 2017)

(assented to: 22 June 2017)
(commencement: on publication)
(published: 22 June 2017)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of money for the financial year ending 30 June 2018.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Appropriation Ordinance 2017.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

- (1) The Financial Secretary may withdraw the sum of £61,188,812 from the Consolidated Fund.
- (2) Any sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2018 for the purpose of supplying the votes set out in the Schedule.

SCHEDULE

DIRECTORATE	Total Operating Budget	Capital Charges	Departmental Expenditure	Less Internal Charges	Net Operating Budget
<i>OPERATING BUDGET</i>	£	£	£	£	£
110 Central Services	6,308,855	499,140	5,809,715	115,990	5,693,725
120 Human Resources	589,270	0	589,270	1,700	587,570
200 Health & Social Services	12,098,976	903,540	11,195,436	203,060	10,992,376
250 Education	7,447,333	426,490	7,020,843	95,690	6,925,153
350 Public Works	14,134,957	3,968,700	10,166,257	204,860	9,961,397
410 Natural Resources	7,171,489	104,150	7,067,339	272,230	6,795,109
451 Law & Regulation	1,732,120	3,400	1,728,720	18,240	1,710,480
550 Emergency Services	3,007,040	251,330	2,755,710	46,930	2,708,780
600 Executive Management	3,264,965	61,320	3,203,645	25,320	3,178,325
620 Mineral Resources	573,060	3,020	570,040	3,380	566,660
700 The Treasury	2,530,367	5,340	2,525,027	12,250	2,512,777
TOTAL DEPT BUDGET	58,858,432	6,226,430	52,632,002	999,650	51,632,352
999 Islands' Plan Investments	5,853,690	-	5,853,690	-	5,853,690
998 Social Investments	1,468,270	-	1,468,270	-	1,468,270
TOTAL MTFP EXPENDITURE	66,180,392	6,226,430	59,953,962	999,650	58,954,312
997 Oil	2,234,500	-	2,234,500	-	2,234,500
TOTAL LTFP EXPENDITURE	68,414,892	6,226,430	62,188,462	999,650	61,188,812

Passed by the Legislature of the Falkland Islands on 2 June 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Capital Appropriation Ordinance 2017

(No: 9 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Appropriation

Schedule

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

CAPITAL APPROPRIATION ORDINANCE 2017

(No: 9 of 2017)

(assented to: 22 June 2017)
(commencement: on publication)
(published: 22 June 2017)

AN ORDINANCE

To authorise the withdrawal from the Capital Equalisation Fund of money for capital projects.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Capital Appropriation Ordinance 2017.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Appropriation

(1) The Financial Secretary may make payments out of the Capital Equalisation Fund not exceeding, in total, £15,965,995 as are required to fund the amendments to the capital programme detailed in the Schedule.

(2) The authorisation given in subsection (1) authorises payments additional to those authorised by order made under section 11(2) of the Public Funds Ordinance (Title 19.7).

SCHEDULE

section 3

Capital Programme

	Financial Year 2016/17 £	Financial Year 2017/18 £	Total £
Economic Development	86,300	4,708,702	4,795,002
Infrastructure and Maintenance	470,489	8,560,390	9,030,879
Social Investment	(4,760,046)	6,900,160	2,140,114
	<u>(4,203,257)</u>	<u>20,169,252</u>	<u>15,965,995</u>

Passed by the Legislature of the Falkland Islands on 2 June 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Finance Ordinance 2017

(No: 10 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Air Navigation (Fees) Regulations
4. Amendment of Banking Regulations Order
5. Amendment of British Nationality Ordinance
6. Amendment of Companies and Private Partnership Ordinance
7. Amendment of Cruise Ship Ordinance
8. Amendment of Customs (Fees) Regulations
9. Amendment of Embarkation Tax Regulations
10. Amendment of Land Charges Fees Rules
11. Amendment of Medical Services Tax
12. Amendment of Members' Remuneration Ordinance
13. Amendment of Minimum Wage Ordinance
14. Amendment of Retirement Pensions (Prescribed Rates) Regulations

Schedule 1

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

FINANCE ORDINANCE 2017

(No: 10 of 2017)

(assented to: 22 June 2017)
(commencement: in accordance with section 2)
(published: 22 June 2017)

AN ORDINANCE

To increase various allowances, benefits, charges, contributions, fees, and penalties provided for under the laws of the Falkland Islands and to make new provision for certain new charges.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Finance Ordinance 2017.

2. Commencement

This Ordinance comes into force on 1 July 2017, except where it is specifically provided that particular provisions come into force at a later, specified date.

3. Amendment of Air Navigation (Fees) Regulations

The Schedule to the Air Navigation (Fees) Regulations (S.R. & O. No. 9 of 2009) is amended as follows —

(a) in Part IV (Registration of Aircraft) by adding the following new paragraph —

“7. De-registration advice to foreign Regulatory Authority or Removal of an Aircraft from the Register upon export” £75.00

(b) deleting Part V; and

(c) adding the following new Parts after Part IV –

**“Part V
Aircraft Operations**

1. Air Operator’s Certificate (AOC)

(a) Issue of AOC

(i)	Aircraft not exceeding 2 tonnes	£1,990.00
(ii)	Aircraft exceeding 2 tonnes, but not exceeding 15 tonnes	£3,106.00
(iii)	Aircraft exceeding 15 tonnes	£4,448.00

(b) Annual charge for an AOC (for each aircraft type named on the certificate)

(i)	Aircraft not exceeding 2 tonnes	£980.00
(ii)	Aircraft exceeding 2 tonnes but not exceeding 15 tonnes	£2,450.00
(iii)	Aircraft exceeding 15 tonnes	£1,960.00

(c) Inclusion of additional aircraft types in the AOC

(i)	Aircraft not exceeding 2 tonnes	£1,169.00
(ii)	Aircraft exceeding 2 tonnes but not exceeding 15 tonnes	£1,779.00
(iii)	Aircraft exceeding 15 tonnes	£1,998.00

(d) Variation of an AOC

(i)	Variation in the operating region	£491.00
(ii)	Permission to operate a specified route outside of the operating region specified in the certificate.	£340.00
(iii)	Change in the company or trading name where the legal entity is unchanged	£88.00

2. Article 134 Approval (Part 125 Aircraft)

(a) Issue of an Article 134 Approval

(i)	Aircraft not exceeding 2 tonnes	£1,169.00
(ii)	Aircraft exceeding 2 tonnes but not exceeding 15 tonnes	£1,779.00
(iii)	Aircraft exceeding 15 tonnes	£1,998.00
(b)	Annual charge for Article 134 Approval (Part 125 aircraft)	
(i)	Aircraft not exceeding 2 tonnes	£701.00
(ii)	Aircraft exceeding 2 tonnes but not exceeding 15 tonnes	£1,068.00
(iii)	Aircraft exceeding 15 tonnes	£1,198.00
(c)	Inclusion of additional aircraft types for Article 134 Approval	
(i)	Aircraft not exceeding 2 tonnes	£468.00
(ii)	Aircraft exceeding 2 tonnes but not exceeding 15 tonnes	£712.00
(iii)	Aircraft exceeding 15 tonnes	£794.00

3. Operations Manual

(a)	Approval of changes to Minimum Equipment List	£270.00
(b)	Approval of minor change to Minimum Equipment List	£110.00
(c)	Approval of changes to Part D (Training)	£270.00
(d)	Approval of minor changes to Part D (Training)	£110.00
(e)	Approval of changes to Fatigue Management Scheme	£270.00
(f)	Approval of minor changes to Fatigue Management Scheme	£110.00

4. Authorisation of Flight Examiners	£150.00
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PART VI Airworthiness

1. Certificate of Airworthiness

(a)	Aircraft not exceeding 2,730kg	£184.00
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(b)	Aircraft exceeding 2,730kg but not exceeding 5,700kg	£980.00
(c)	Aircraft exceeding 5,700kg but not exceeding 30,000kg	£980.00 plus £71.00 per 500kg (or part thereof) exceeding 5,700kg up to a maximum of £4,104.00
	2. Certification Notes (Modifications Approvals)	£186.00
	3. Approval of a Maintenance Programme	
(a)	Initial Issue	£716.00
(b)	Amendment	£285.00
	4. Maintenance Control Manual Approval	
(a)	Initial Issue	£716.00
(b)	Amendment	£285.00
	5. Part 145 Approval	
(a)	Option 1	
	(i) Initial	£716.00
	(ii) Renewal	£358.00
(b)	Option 2	
	(i) Initial	£1,432.00
	(ii) Renewal	£716.00
	6. Part 39 Approval	
(a)	Option 1	
	(i) Initial	£716.00
	(ii) Renewal	£358.00

(b)	Option 2	
	(i) Initial	£1,432.00
	(ii) Renewal	£716.00
7.	Noise Certificate	£146.00
8.	Permits to Fly:	
	(a) Permit to fly	£250.00
	(b) Permit to fly for test	£275.00
9.	Type Acceptance Certificate	£375.00
10.	OTAR Supplement Approval/Acceptance	
	(a) Initial	£450.00
	(b) Amendment	£184.00
11.	OTAR Maintenance Organisation Exposition Approval/Acceptance	
	(a) Initial	£716.00
	(b) Amendment	£285.00

PART VII
Fees not elsewhere specified

1.	Issue of a copy of any document issued under the Air Navigation (Overseas Territories) Order 2013	£37.50
2.	Charges for services performed outside of the Falkland Islands	Actual costs incurred
3.	A Certificate issued in respect of any part of the Air Navigation (Overseas Territories) Order 2013:	
	(a) Permission	£178.50 or £50.00 per 3-month period

(b)	Permit	£178.50 or £50.00 per 3-month period
(c)	Approval	£178.50 or £50.00 per 3-month period
(d)	Authorisation	£178.50 or £50.00 per 3-month period
(e)	Deviation	£178.50 or £50.00 per 3-month period
(f)	Exemption	£202.50 or £60.00 per 3-month period
(g)	Validation	£88.50 or £25.00 per 3-month period

4. Seasonal Foreign Operator Permit for aircraft registered in a foreign country to take on board or discharge passengers or cargo in the Falkland Islands for valuable consideration:

(a)	In the case of scheduled journeys to be provided over a period not exceeding six months	
(i)	For aircraft with twenty seats or less, or in the case of a cargo aircraft with a certificated maximum take-off weight not exceeding 5,700kg	£325.00
(ii)	For aircraft with more than twenty seats, or in the case of a cargo aircraft with a certificated maximum take-off weight greater than 5,700kg	£810.00

Note: Fees shall not be charged to aircraft operators:

- (a) Conducting flights in aircraft registered in the UK or any other Overseas Territories
- (b) Conducting flights for the purpose of medical evacuation
- (c) Conducting private flights
- (d) Conducting one-off or short-notice flights that do not require the issuance of a Seasonal Permit”.

4. Amendment of Banking Regulations Order

(1) Regulation 4 of the Banking Regulations Order (Title 10.1.1) is amended by omitting “£8,000.00” and replacing it with “£9,000.00”.

(2) The amendment under subsection (1) comes into force on 1 January 2018.

5. Amendment of British Nationality Ordinance

The Schedule to the British Nationality Ordinance (Title 52.1) is amended by replacing the Table of Fees with the following —

“TABLE OF FEES

Matter in which fee may be taken	Annual fee
1. Application under the Act, except an application under section 5, for registration as a British Overseas Territories citizen,	
(a) application relating to one adult	£866.00
(b) application relating to one child	£779.00
2. Application for naturalisation as a British Overseas Territories citizen under section 18(1) or 18(2) of the Act,	£962.00
3. Registration of a declaration of renunciation of British Overseas Territories citizenship under section 24 of the Act,	£321.00
4. Supply a certified copy of a notice, certificate, order, declaration or entry, given, granted or made under the Act or any of the former nationality Acts,	£ 20.00
5. Administering the oath of allegiance for the purposes of the Act.	£5.00”.

6. Amendment of Companies and Private Partnership Ordinance

The Companies and Private Partnership Ordinance (Title 18.1) is amended in Schedule A as follows —

(a) by deleting paragraph 10 and replacing it as follows —

“10. Penalty for late filing of company accounts (in addition to filing fee)

(a) Private company

(i) 3 months or less	£105.00
(ii) 3 months or more but less than 6 months	£264.00
(iii) 6 months or more but less than 12 months	£523.00
(iv) 12 months or more	£1046.00

(b) Public Company

(i) 3 months or less	£508.00
(ii) 3 months or more but less than 6 months	£1046.00
(iii) 6 months or more but less than 12 months	£2090.00
(iv) 12 months or more	£5230.00.”

7. Amendment of the Cruise Ships Ordinance

(1) Section 3 of the Cruise Ships Ordinance (No 23 of 1998) is amended in subsection (1) by omitting “£21.00” and replacing it with “£25.00”.

(2) The amendment under subsection (1) comes into force on 1 July 2018.

8. Amendment of Customs (Fees) Regulations

The Customs (Fees) Regulations (SR&O No 10 of 2006) are amended in regulation 3 —

(a) by omitting “£78.60” in each place it appears and replacing it with “£80.20”;

(b) by omitting “£117.90” in each place it appears and replacing it with “£120.30”;

(c) in paragraph (a)(ii) by omitting “£39.30” and replacing it with “£40.10”; and

(d) in paragraph (c)(ii) by omitting “£58.95” and replacing it with “£60.15”.

9. Amendment of Embarkation Tax Regulations

Regulation 3(1)(a) of the Embarkation Regulations (S.R. & O. No. 34 of 1999) is amended by omitting “£22” and replacing it with “£25”.

10. Amendment of Land Charges Fees Rules

Schedule 1 of the Land Charges Fees Rules (SR&O No 3 of 1997) is revoked and replaced with the schedule set out in Schedule 1.

11. Amendment of Medical Services Tax

(1) The Medical Services Tax Ordinance (Title 69.4) is amended by deleting section 5 and replacing it with the following —

“5. Rates of Medical Services Tax

(1) Medical Services Tax is payable —

(a) by employees, at the rate of 0%;

(b) by employers, at the rate of 0%; and

(c) by self-employed persons, at the rate of 0%.

(2) Where the rate under subsection (1) is 0% the requirements of the following sections do not apply —

(a) section 37 in relation to the requirement for the Commissioner to assess employees and self-employed persons for Medical Services Tax;

(b) section 38 in relation to the requirement for the Commissioner to assess employers for Medical Services Tax; and

(c) section 39(2) in relation to the application of provisions of the Taxes Ordinance that apply for the purpose of assessing Medical Services Tax.”.

(2) The amendments set out under subsection (1) come into force as follows —

(a) in relation to an employee, on 1 January 2018;

(b) in relation to an employer, on 1 January 2018; and

(c) in relation to a self-employed person, for a business with a period of account commencing —

(i) on 1 January 2018; or

(ii) after 1 January 2018.

12. Amendment of Members’ Remuneration Ordinance

(1) The Schedule to the Members’ Remuneration Ordinance 2009 is amended in paragraph 3(1) under Part 2 by deleting “£40, 000.00” and replacing it with “£45, 000.00”.

(2) The amendment set out under subsection (1) comes into force on 9 November 2017.

13. Amendment of Minimum Wage Ordinance

(1) The Minimum Wage Ordinance (No 10 of 2013) is amended under section 11(1) by omitting “£5.81” and replacing it with “£6.58”.

(2) The amendment under subsection (1) comes into force on 1 January 2018.

14. Amendment of Retirement Pensions (Prescribed Rates) Regulations

(1) The Retirement Pensions (Prescribed Rates) Regulations (SR&O No 39 of 1996) are amended —

(a) in regulation 3 as follows —

(i) in paragraph (a) by omitting “£150.00” and replacing it with “£153.00”; and

(ii) in paragraph (b) by omitting “£85.00” and replacing it with “£86.70”;

(b) in regulation 5 as follows —

- (i) in sub-regulation (1)(a) by omitting “£14.50” and replacing it with “£15.75”
- (ii) in sub-regulation (1)(b) by omitting “£29.00” and replacing it with “£31.50”;
- (iii) in sub-regulation (1)(c) by omitting “£14.50” and replacing it with “£15.75”;
- (iv) in sub-regulation (2) by omitting “£14.50” and replacing it with “£15.75”;
- (v) in sub-regulation (2A) by omitting “£14.50” and replacing it with “£15.75”;
- (vi) in sub-regulation (3)(a) by omitting “£29.50” and replacing it with “£31.50”;
- (vii) in sub-regulation (3)(b) by omitting “£50.00” and replacing it with “£58.25”; and
- (viii) in sub-regulation (4) by omitting “£28.00” and replacing it with “31.50”.

(2) The following rates collected by the Treasury from 1 January 2016 in relation to weekly pensions are deemed to be valid as if they had been provided for in the Finance Ordinance 2015 —

- (a) in relation to regulation 5(1)(a) the weekly rate of £14.75;
- (b) in relation to regulation 5(1)(b) the weekly rate of £29.50;
- (c) in relation to regulation 5(1)(c) the weekly rate of £14.75;
- (d) in relation to regulation 5(2) the weekly rate of £14.75;
- (e) in relation to regulation 5(2A) the weekly rate of £14.75; and
- (f) in relation to regulation 5(4) the weekly rate of £29.50.

(3) The amendment under subsection (1) comes into force on 1 January 2018.

SCHEDULE 1
New Schedule 1 to Land Charges Fees Rules

(section 10)

“SCHEDULE 1

(rule 3)

<u>Description</u>	<u>Fee (£)</u>
1. Registration, renewal, rectification or cancellation of entry in register (per name), including issue of certificate	61.00
2. Entry of priority notice (per name)	10.20
3. Inspection of entry (per entry)	10.20
4. Official search of index, including certificate of result	40.00 per name
5. Bankruptcy search, including certificate of result (per name)	10.00”

Passed by the Legislature of the Falkland Islands on 2 June 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS GAZETTE

Supplement

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The following is published in this Supplement –

Law Revision and Publication Ordinance 2017 (No 11 of 2017)

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Law Revision and Publication Ordinance 2017

(No: 11 of 2017)

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ELIZABETH II



FALKLAND ISLANDS

RICHARD JOHN ALEXANDER MITHAM,
Acting Governor.

LAW REVISION AND PUBLICATION ORDINANCE 2017

(No: 11 of 2017)

(assented to: 22 June 2017)
(commencement: in accordance with section 2)
(published: 22 June 2017)

AN ORDINANCE

To make provision in connection with the revision and publication of the law of the Falkland Islands.

ENACTED by the Legislature of the Falkland Islands —

PART 1

INTRODUCTION

1. Title

This Ordinance is the Law Revision and Publication Ordinance 2017.

2. Commencement

- (1) This Ordinance will come into force in accordance with provision made by the Governor by order.
- (2) An order under subsection (1) may include consequential and transitional provision.

3. Repeals and revocations

- (1) The Revised Edition of the Laws Ordinance 1991 is repealed.

- (2) The Law Revision (Paving) Ordinance 2015 is repealed.
- (3) Part X of the Interpretation and General Clauses Ordinance 1977 (Imperial Enactments) is repealed.
- (4) The Ordinances listed in column 1 of Schedule 3 are repealed and the instruments listed in column 2 of Schedule 3 are revoked.

PART 2

STATUTE LAW COMMISSIONER

4. Appointment

- (1) The Governor must appoint a person as the Statute Law Commissioner.
- (2) The Commissioner holds and vacates office in accordance with terms specified by the Governor on making the appointment.
- (3) The Commissioner's appointment must be notified in the Gazette.
- (4) Appointment as Commissioner may be held separately or together with another appointment.
- (5) Except as provided in subsection (6), the terms of appointment may (but need not) require the Commissioner to report to, and comply with directions of or comply with guidance issued by, the Attorney General or another specified official.
- (6) When discharging the functions of this Ordinance, the Commissioner is required to offer independent advice to the Legislative Assembly and is not subject to the direction of any other person in the formulation of that advice.

5. General functions

The Statute Law Commissioner is responsible for the revision and publication of the laws of the Falkland Islands.

6. Statute law database

Part 3 of this Ordinance provides for the Statute Law Commissioner to be responsible for the publication and maintenance of the official statute law database of the Falkland Islands.

7. Revision of the law

- (1) The Statute Law Commissioner must undertake a continual programme of revision of the laws of the Falkland Islands.
- (2) The revision programme must include preparation of the lists of United Kingdom enactments required by Part 3.

(3) The revision programme may include —

(a) preparation of consolidations of Ordinances and instruments;

(b) preparation of Bills for the repeal and revocation of Ordinances and instruments which are no longer of practical utility;

(c) preparation of Bills and instruments to replace, through substantive statutory provision, the selective application of United Kingdom enactments under section 21(1).

8. Annual report

(1) The Statute Law Commissioner must lay before the Legislative Assembly an annual report about the performance of the Commissioner's functions under this Ordinance.

(2) The report must, in particular, address the following matters —

(a) usage statistics for the Statute Law Database (including details of search-activity, download activity, service faults and reliability, and any improvements to the functions supported by the operating software, and details so far as available of use made of facilities for access to hard-copy extracts or archives);

(b) statistics in respect of the Commissioner's revision programme under this Part during the year to which the report relates;

(c) specific proposals for priorities and objectives in respect of the Commissioner's revision programme under this Part for the following year;

(d) a long-term plan for priorities and objectives in respect of the Commissioner's revision programme under this Part for the following 5 years;

(e) submissions made to the Commissioner about the performance of functions under this Ordinance in the year to which the report relates, together with the Commissioner's response to those submissions.

(3) If the Legislative Assembly debates an annual report under this section and makes recommendations, the Commissioner must give effect to those recommendations.

9. Money

The following moneys will be defrayed out of moneys provided by the Legislative Assembly —

(a) remuneration of the Statute Law Commissioner; and

(b) the cost of any resources reasonably required to enable the Commissioner to discharge their duties under this Ordinance.

PART 3

STATUTE LAW DATABASE

10. Requirement to provide the database

- (1) The Statute Law Commissioner is responsible for the publication and maintenance of a Statute Law Database of the Falkland Islands.
- (2) The Commissioner's primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs and preferences of others who may wish to access the database.

11. Content of the database

- (1) The Statute Law Database must contain —
 - (a) the complete and up to date text of all Ordinances of the Falkland Islands in force;
 - (b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force;
 - (c) a list of United Kingdom enactments having force in the Falkland Islands (by automatic extent or application described in section 20(1), and by selective application in accordance with sections 21(1) and 23); and
 - (d) a list of the enactments of other jurisdictions (if any) having force in the Falkland Islands, having been applied in the Falkland Islands by or by virtue of an Ordinance of the Falkland Islands.
- (2) For the purposes of subsection (1) —
 - (a) the Statute Law Commissioner may take as the authoritative text of an Ordinance or of any subsidiary legislation a version produced in accordance with the Revised Edition of the Laws Ordinance 1991 that appears to the Commissioner to be accurate;
 - (b) the consolidated text of an Ordinance or of any subsidiary legislation which incorporates every amendment made to it represents the complete and up to date text of the relevant statute, and the Statute Law Database is not required to also include the separate text of any amending Ordinance or instrument which is reflected in the Statute Law Database as part of a consolidation;
 - (c) an Ordinance or subsidiary legislation in force does not include an Ordinance or instrument, or a provision of an Ordinance or instrument, which has effect only to repeal or revoke another Ordinance or instrument, or to repeal or revoke a provision of another Ordinance or instrument;

(d) a list of enactments contained in the Statute Law Database in accordance with subsection (1)(c) or (1)(d) is not required to include any enactment which has force in the Falkland Islands only by virtue of its amendment of another enactment having force in the Falkland Islands.

(3) The Statute Law Database must also contain any other information specified by the Governor by order.

(4) The Statute Law Database may also contain any other information which the Statute Law Commissioner considers appropriate; and for this purpose the Statute Law Commissioner must—

(a) have regard to any guidance issued by the Attorney General;

(b) comply with any directions given by the Speaker of the Legislative Assembly;

(c) have regard to any guidance given by a member of the judiciary of the Falkland Islands, and

(d) have regard to any requests made by persons appearing to represent business, consumer or other interests in the Falkland Islands.

12. Maintenance of the database

(1) The Statute Law Commissioner must aim to keep the Statute Law Database up to date at all times.

(2) The Commissioner must have regard to the desirability, subject to the availability of resources, of including in the Statute Law Database a facility for accessing historical texts of Ordinances as they had effect at or in relation to particular times.

13. Access to the database

(1) The Statute Law Commissioner must aim to ensure that the Statute Law Database is as accessible to all residents of the Falkland Islands as is reasonably practicable.

(2) In complying with subsection (1) the Commissioner —

(a) must treat the internet as the primary means of access to the database, but

(b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.

14. Authority

(1) The Statute Law Database is, by virtue of this section, the authoritative statement of the legislation applying to or in relation to the Falkland Islands by or by virtue of Ordinance.

(2) The following may be received in evidence by a court or tribunal —

- (a) an electronic extract or download from the database;
 - (b) a document purporting to be a printout of part of the database.
- (3) An electronic document purporting to be an extract or download from the database —
- (a) must be treated as genuine unless the contrary is proved, and
 - (b) must be treated as an accurate statement of the law at the time to which it relates unless the contrary is proved.
- (4) A hard-copy document purporting to be a printout of part of the database —
- (a) must be treated as genuine unless the contrary is proved, and
 - (b) must be treated as an accurate statement of the law at the time to which it relates unless the contrary is proved.
- (5) An electronic or hard-copy certificate of the Statute Law Commissioner that an electronic or hard-copy document is an accurate extract of the database must be treated as conclusive for all purposes (subject only to the possibility of the certificate being challenged by way of judicial review).

15. Rectification of defects

- (1) This section applies where the Attorney General (as a result of a reference from a court or otherwise) thinks that the text of a provision included in the database is inaccurate as a result of an error in —
- (a) anything done by the Commissioner in pursuance of the functions under section 7, or
 - (b) the processes applied in the incorporation of new Ordinances, or the reflection of revised Ordinances, or the listing of applied UK or other enactments, in the compilation or maintenance of the database.
- (2) The Attorney General must lay a report before the Legislative Assembly which —
- (a) identifies the error,
 - (b) sets out a proposal for its rectification, and
 - (c) if the Attorney General thinks it necessary or desirable to rectify the error by legislation, is accompanied by a draft of an order for that purpose.
- (3) A report laid before the Legislative Assembly under subsection (2) must include the views of the Statute Law Commissioner on the matters contained in the report.

(4) If the Legislative Assembly approves a report laid under subsection (2), the Governor may by order make provision in the form of any draft accompanying the report under subsection (2)(c).

(5) An order under subsection (4) may include incidental or transitional provision, including provision for the order or any provision of it to be treated as always having had effect, or as having had effect from a specified time.

16. Costs of maintaining the database

(1) The annual costs of maintaining the Statute Law Database will be defrayed out of moneys provided by the Legislative Assembly.

(2) The annual maintenance costs may include the reasonable costs of making improvements to the Database to ensure continued compliance with this Ordinance.

17. Charges

(1) No charge may be made by or on behalf of the Statute Law Commissioner for access to the electronic version of the Statute Law Database by residents of the Falkland Islands.

(2) Where the Commissioner, in accordance with section 13(2)(b), makes arrangements for the provision of hard-copy extracts of the Statute Law Database, the Governor may, by order, permit the Commissioner to charge, or permit the provider to charge, for provision of the extracts; but—

(a) charges must be set at a level designed to ensure that, taking one year with another, no profit is made;

(b) the Statute Law Commissioner must aim, subject to the allocation of resources, to provide or arrange for the provision of a subsidy to enable the provision of extracts without charge, or at a reduced charge, in cases of hardship;

(c) the Statute Law Commissioner must consider the feasibility of providing free access within the Falkland Islands to a print version of all or part of the Statute Law Database.

(3) In subsection (1) “charge” does not include costs of internet access levied by a service provider other than the Falkland Islands Government.

(4) Subject to subsections (1) to (3), the Statute Law Commissioner may charge, or permit the imposition of a charge, for electronic or hard-copy access to the Statute Law Database (and any receipts, or an amount equivalent to them, must be applied to the costs of maintenance of the Database).

18. Delegation

(1) Arrangements made by the Statute Law Commissioner for the design, creation, publication and maintenance of the Statute Law Database may involve the delegation of the day-to-day operation and management of the Statute Law Database.

(2) But the Statute Law Commissioner may not enter into arrangements as a result of which the Commissioner is unable to monitor the accuracy of the database, for which the Commissioner remains personally responsible and accountable to —

- (a) the Governor,
- (b) the Attorney General (if not also the Commissioner), and
- (c) the Legislative Assembly.

PART 4

APPLICATION OF UNITED KINGDOM LAW

19. Amendment of the Interpretation and General Clauses Ordinance

(1) The Interpretation and General Clauses Ordinance is amended as follows.

(2) In section 4 —

(a) for the definition of “enactment” substitute the following —

““enactment” means —

- (a) an Ordinance;
 - (b) subsidiary legislation made under an Ordinance;
 - (c) an Act of Parliament which extends to or applies in the Falkland Islands;
 - (d) subordinate legislation, made under an Act of Parliament, which extends to or applies in the Falkland Islands; and
 - (e) a provision of anything within paragraphs (a) to (d);”
- (b) omit the definition of “imperial enactment”;

(c) for the definition of “law” substitute the following —

““law” means any law which for the time being has effect in the Falkland Islands (including a law which has effect in the Falkland Islands by virtue of the Law Revision and Publication Ordinance 2017);”

(d) after the definition of “United Kingdom” insert the following —

““UK Act” means an Act of Parliament;

“UK enactment” means a UK Act or instrument;

“UK instrument” means subordinate legislation under an Act of Parliament;”.

(3) Part X (Imperial Enactments) ceases to have effect.

20. Automatic extension or application of UK Legislation

(1) This section applies to any UK enactment (or any provision of a UK enactment) which extends to or applies in the Falkland Islands by virtue of —

(a) express or implied provision of the enactment, or

(b) provision of another UK enactment.

(2) An enactment to which this section applies is to be construed and applied in accordance with any provision that applies to the enactment in its application to England and Wales (including, in particular, the Interpretation Act 1978, but subject to any express modifications or contrary indications).

(3) Subsection (2) is subject to section 22.

21. Selective application of UK legislation

(1) The UK enactments listed in Schedule 1 apply in the Falkland Islands (by virtue of this section).

(2) The list in Schedule 1 may be amended by order under section 25(8) (or by Ordinance).

(3) A UK enactment which is not listed in Schedule 1 does not apply in the Falkland Islands; but this subsection is subject to any automatic extent or application described in section 20.

22. Modification of applicable UK Legislation

(1) This section applies to UK enactments which apply in the Falkland Islands in accordance with sections 21 or 23.

(2) This section also applies to a UK enactment (UK Law 1) which extends to or applies in the Falkland Islands by automatic extent or application (as described in section 20), if the UK enactment by virtue of which UK Law 1 extends to or applies in the Falkland Islands provides for the extent or application of UK Law 1 with any necessary modifications (or words to that effect).

(3) Where this section applies, in the application of the UK enactment to the Falkland Islands the modifications set out in Schedule 2 to this Act have effect.

(4) The Governor may by order amend Schedule 2.

23. UK secondary legislation

A statutory instrument made under a UK enactment which applies in the Falkland Islands in accordance with section 21 also applies in the Falkland Islands, subject to any exclusion specified in Column 3 of Part 1 of Schedule 1 in relation to the UK enactment.

24. Amendments of UK Legislation

(1) A UK enactment that applies in the Falkland Islands in accordance with section 21 or 23 has effect as it applies in relation to England and Wales, including any amendments, repeals or other modifications that have effect at or in relation to the time of its application to the Falkland Islands in accordance with section 21 or 23.

(2) Where a UK enactment (“the amending enactment”) subsequently amends or modifies a UK enactment that applies in the Falkland Islands in accordance with section 21 or 23, the amending enactment also applies in the Falkland Islands (but section 11(1)(c) does not require the amending enactment to be listed on the Statute Law Database).

(3) This section is subject to any exclusions or modifications specified in Column 3 of Part 1 of Schedule 1 in relation to the UK enactment.

(4) In respect of a UK enactment that applies differently in relation to England and in relation to Wales, its application in the Falkland Islands by virtue of subsection (1) or (2) is by reference to the enactment’s application in England only.

25. Monthly review of UK enactments

(1) The Statute Law Commissioner must lay before the Legislative Assembly regular reports about the application of UK enactments, which will ordinarily be laid every calendar month in respect of the previous calendar month.

(2) Reports may cover a maximum period of 90 days, and must be laid as soon as is reasonably practicable after the end of the period to which the report relates.

(3) A report must list —

(a) each UK Act passed since the previous report which provides expressly, or by necessary implication, for the Act’s extension to or application in the Falkland Islands;

(b) each UK Act passed since the previous report which provides for the Act’s extension to or application in, the Falkland Islands by Order in Council;

(c) each UK Act passed since the previous report which amends the extension to or application in the Falkland Islands of an Act described in paragraphs (a) or (b);

(d) any Order in Council made since the previous report providing for a UK enactment to extend to or apply in the Falkland Islands; and

(e) any statutory instrument made since the previous report under a UK Act which amends a provision which extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, where the amendment also extends to or applies in the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication;

(f) any other statutory instrument which has been made since the previous report under a UK Act and which extends to or applies the Falkland Islands by virtue of express provision of the enabling Act or of an Order in Council, or by necessary implication.

(4) A report must also list separately —

(a) every UK Act passed since the previous report not listed under subsection (3);

(b) each UK enactment passed or made since the previous monthly report which amends or modifies a UK enactment which applies in the Falkland Islands by virtue of section 21 or 23;

(c) any UK statutory instrument made since the previous quarterly report under a UK enactment which applies in the Falkland Islands by virtue of section 23;

(d) any UK statutory instrument made since the previous quarterly report in respect of which the Statute Law Commissioner wants to make a recommendation to the Legislative Assembly.

(5) In respect of each UK enactment listed in a report in accordance with subsection (4) the Statute Law Commissioner must —

(a) make a recommendation as to whether an amendment should be made to Schedule 1 in respect of the UK enactment (whether to provide for application to the Falkland Islands, for exclusion from application, for modification, or otherwise); and

(b) provide a draft amendment of Schedule 1 (if relevant).

(6) The Legislative Assembly must consider a report laid under this section as soon as is reasonably practicable and at any rate not later than the end of the period of 30 days beginning with the date of laying.

(7) On consideration of a report laid under this section the Legislative Assembly may —

(a) approve it entirely,

(b) approve it in part, or

(c) reject it entirely.

(8) In respect of any recommendation approved by the Legislative Assembly under subsection (7) —

(a) the Attorney General must submit a draft order to the Governor giving effect to the recommendation, and

(b) the Governor may make an order amending Schedule 1 accordingly.

(9) In respect of any recommendation not approved by the Legislative Assembly, the Statute Law Commissioner must make a new recommendation (which may be in the same terms as the rejected recommendation) in the following report.

(10) An order of the Governor under subsection (8) may include incidental, consequential, transitional or saving provision; and an order may, in particular —

(a) make consequential amendment of an Ordinance or of an instrument made under an Ordinance;

(b) make consequential amendment of Schedule 1;

(c) make provision having retrospective effect.

26. Application of English common law and equity

(1) The common law and the rules and doctrines of equity for the time being applicable in England and Wales apply in the Falkland Islands except insofar as they are inconsistent with —

(a) any UK legislation applying to the Falkland Islands in accordance with this Part;

(b) any UK legislation automatically extended to or applied in the Falkland Islands as described in section 20(1); or

(c) an Ordinance or subsidiary legislation made under an Ordinance.

(2) Where the common law conflicts with the rules and doctrines of equity or either of them, equity prevails.

SCHEDULES

SCHEDULE 1

UK ENACTMENTS WHICH APPLY TO FALKLAND ISLANDS

**PART 1
PRIMARY LEGISLATION**

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Accommodation Agencies Act	1953	Whole Act	The Act is subject to the modifications specified in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Administration of Estates Act	1925	Whole Act	1. The Act is subject to section 5 of the Family Law Reform Ordinance 1994. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Administration of Justice (Miscellaneous Provisions) Act	1933	Sections 7, 9, and 10	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Administration of Justice Act	1925	Sections 22(2) to (6), 23, 29, and 53	1. Section 22 of the Act continues in force as if the Deregulation Act 2015 had never been made. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1970	Sections 11, 28(1), 36, 39, 54, and Schedules 4 and 8	1. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1982	Sections 1, 2, 5, 17 to 25, 27, 28, 73, 76, 78 and Schedule 2	1. Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence. 2. Nothing in the Act applies in respect of criminal proceedings.
Administration of Justice Act	1985	Sections 48, 49, and 50	The Act is subject to the modifications specified in section 7 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996.
Adoption Act	1976	Whole Act except sections 1 to 5, 8 to 11, 14(2)(b), 14(3), 15(2)(b), 15(4), 16(3), 17, 22(4), 26, 27(4), 27(5), 28(8), 28(9), 40, 47(3) to (5), 51A, 52(3), 54, 57(6) to (10), 57A, 58A, 59, 62(4), 65A, 67, 70, 74(2), 74(3), Schedule 1, paragraphs 2 and 4(5), and Schedules 3 and 4	1. The Act continues in force as if the Adoption and Children Act 2002 had never been made. 2. In section 15(1), the words from “subject” to “cases” are omitted.
Anatomy Act	1984	Whole Act	1. The Act continues in force as if the Human Tissue Act 2004 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Animal Health Act	1981	Whole Act except sections 2, 3(1), 3(4), 5, 10(6), 12, 13(2) to (4), 14, 15(6), 21(3), 21(10), 22(7), 33, 34(6), 36A to 36M,	1. The Act is subject to the modifications specified in Schedule 1 to the Animal Health Ordinance 1998. 2. Section 23 of the Law Revision and Publication Ordinance 2017 does not have effect to apply secondary legislation made under the Act.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		38(2), 40 to 59, 60(1), 63(8), 74, 75(2), 76, 79(4), 80 to 82, 85, 86, 90 to 96, 97(2), 97(3), and Schedules 1 and 4 to 6	
Animal Health Act	2002	Whole Act	
Animals (Scientific Procedures) Act	1986	Whole Act except sections 2(6), 2(9), 6 to 8, 10(5), 10(6), 12(5), 18 to 21, 25(2), 26(2) to (5), 27 to 29, 30(3), and Schedules 2A, 3, and 4	The Act is subject to the modifications specified in Part 2 of the Schedule to the Animals (Scientific Procedures) Ordinance 1998.
Apportionment Act	1870	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration Act	1996	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration Act	1950	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Attachment of Earnings Act	1971	Whole Act	
Aviation and Maritime	1990	Sections 18, 19, 21, 38,	The Act is subject to the modifications specified in the Schedule to the Aviation and

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Security Act		and 40 to 46, 50, and Schedule 2	Maritime Security Act 1990 (Application of Provisions) Ordinance 2004.
Bankers' Books Evidence Act	1879	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bankruptcy Act	1914	Whole Act except sections 12, 33(1)(d) and (e), 70,71, 75, 89(1), 89(6), 90, 91, 96(2) to (5), 97, 99, 100, 102, 103, 107(1) to (3), 108(2) and (3), 121, 122, 123(1), 136 (second paragraph), 144, 153(2), 163, 165, and Schedules III and V	1. The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1994. 2. The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bankruptcy and Deeds of Arrangement Act	1913	Section 15	1. The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1994. 2. The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bills of Exchange Act	1882	Whole Act except sections 53(2), 57(2), 72(4), 75A, 74B, 74C, 75A, 82, 96, 98, and 100	The Act is subject to the modifications specified in the Schedule to the Bills of Exchange (Adopted Legislation) Ordinance 1991.
Bills of Sale Act	1878	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bills of Sale Act	1890	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Births and Deaths Registration Act	1953	Whole Act except sections 1, 2, 6, 15 to 21, and 35 to 38	The Act applies subject to section 4 of the Registration Ordinance 1949
Bodies Corporate (Joint Tenancy) Act	1899	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Burial Act	1857	Section 25	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Calendar (New Style) Act	1750	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Calendar Act	1751	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Carriage of Goods By Sea	1992	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Act			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Carriers Act	1830	Whole Act except sections 10 and 11	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cestui Que Vie Act	1666	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cestui Que Vie Act	1707	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charging Orders Act	1979	Whole Act	
Charitable Trustees Incorporation Act	1872	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charities Act	1960	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Charities Act	1985	Whole Act	1. The Act continues in force as if the Charities Act 1993 had never been made.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cheques Act	1957	Whole Act except sections 6(3), and 7	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Civil Evidence Act	1995	Whole Act	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Evidence Act	1972	Whole Act	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Evidence Act	1968	The Whole Act except Part I, sections 11(5), 15, 17, 19, and 20(2) and (3)	The Act is subject to the modifications specified in the Schedule to the Evidence Ordinance 1994.
Civil Liability (Contribution) Act	1978	Whole Act	The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1954.
Common Law Procedure Act	1852	Sections 210, 212, 214, and 218	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Common Law Procedure Act	1854	Sections 87 and 106	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Companies Act	1948	The Whole Act except sections 32, 54, 58, 124 to 129, 147 to 158, 162(1) and (3), 163 (the proviso), 196, 197, and Schedules 2, 6, 7, 8, and 9	<ol style="list-style-type: none"> 1. Subject to any contrary modifications referred to in paragraph 2 below, the Act applies as it stood in England on 24 July 1950. 2. The Act applies subject to the modifications and exclusions specified in: <ol style="list-style-type: none"> (a) the Companies (Auditors) Ordinance 2003; and (b) the Companies (Amendment) Ordinance 2006.
Companies Act	1985	Sections 36, 36A, 143, 144, 145(2 and (3)), 151 to 162, 163 to 167, 168 to 179, 181, 221 to 228, 229 to 242A, 244 to 246, 247, to 249B, 249E to 253, 256 to 262A, 363 to 365, 366A, 379A, 652A to 652F, 699(1) and (2), 699AA, 730 and 731(1), and Schedules 2, 4 to 10A and 21D	<ol style="list-style-type: none"> 1. The Act applies as it was in force in England on 1 September 2006. 2. The Act is subject to the modifications specified in Schedule 2 to the Companies (Amendment) Ordinance 2006. 3. Section 242A(3) applies as amended by the Finance Ordinance 2015.
Companies Act	1989	Section 26	<ol style="list-style-type: none"> 1. The Act applies in the form specified in the Schedule to the Companies (Auditors) Ordinance 2003. 2. The Act continues in force as if the Companies Act 2006 had never been made.
Conveyancing Act	1881	Sections 2 and 43	<p>Nothing in the Act may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Coroners Act	1988	Whole Act except sections 1 to 7, 8(3)(c)	<ol style="list-style-type: none"> 1. The Act continues in force as if the Coroners and Justice Act 2009 had never

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		and (d), 11(8), 14, 22(6), 24 to 29, and 31 to 34	been made. 2. The Act is subject to the modifications specified in Schedule 2 to the Administration of Justice Ordinance 1949.
County Courts Act	1984	1. Sections 63(1), 70 to 72, 83, 84, 85 to 88 (except 86(2)), 92, 99, 101, 104, 107 to 111, 113 to 115, 117 to 119, 121, 125, 129, 133, and 135 to 138. 2. The rest of the Act, subject to the qualification set out in paragraph 4 of column 3.	1. Section 63(1) applies for the purposes of, and is subject to, section 47(5) of the Sex Discrimination Ordinance 1998. 2. Section 113(a) is subject to section 11(5) of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996. 3. The sections of the Act listed in paragraph 1 of column 2 are subject to the modifications set out in Part II of Schedule 3 of the Administration of Justice Ordinance 1949. 4. The remainder of the Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 5. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Crown Proceedings Act	1947	Whole Act except sections 10, 12, 17(1), 19, 23(3)(b) to (f), 24(4), 30, 34, 36, 39, and 41 to 53	The Act applies as modified by section 2 of the Application of Enactments Ordinance 1954.
Courts and Legal Services Act	1990	Whole Act	1. Nothing in sections 56, 57, or 66(4) may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence. 2. The remainder of the Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			3. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Courts Act	2003	Whole Act	1. The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 2. The Act applies as if the Civil Procedure Act 1997 had never been made.
Damages Act	1996	Whole Act except sections 1(5), 3(7), 4, 5, 6, 8(2) and (3)	The Act is subject to the modifications specified in the Schedule to the Damages Ordinance 1997.
Debtors Act	1869	Sections 1, 3 to 6, and 8 to 10	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Debtors Act	1878	Sections 1 and 2	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Deeds of Arrangement Act	1914	Whole Act except sections 4, 6(c), 10, 18, 26(2), 27, 28, 31, and 32(2)	1. The Act applies as if the Deregulation Act 2015 had never been made. 2. The Act is subject to the modifications specified in the Application of Enactments Ordinance 1954.
Defamation Act	1952	Sections 2, 3, 10 to 13, 16(1), 17 and 18(1)	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Defamation Act	2013	Whole Act	
Deserted Tenements Act	1817	Whole Act	1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			<p>never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Distress for Rent Act	1689	Whole Act	<p>1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Distress for Rent Act	1737	Whole Act	<p>1. The Act continues in force as if Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Domestic and Appellate Proceedings (Restriction of Publicity) Act	1968	Whole Act	
Employers' Liability (Compulsory Insurance) Act	1969	Whole Act except sections 3(1)(a) &(b), 3(2), and 7(2) and (3)	<p>1. The Act is subject to the modifications specified in the Schedule to the Employers' Liability (Compulsory Insurance) Ordinance 1996</p> <p>2. The Act is subject to extended application under the Offshore Minerals (Application of Employers' Liability)(Compulsory Insurance Act 1969) Regulations 1998</p>
Enduring Powers of Attorney Act	1985	Whole Act	The Act continues in force as if the Mental Capacity Act 2005 had never been made.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Evidence Act	1845	Whole Act except section 4	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Evidence Act	1851	Whole Act except section 15	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Evidence Amendment Act	1853	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Execution Act	1844	Section 67	1. The Act continues to apply as if the Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Factors Act	1889	Whole Act	The Act is subject to the modifications specified in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Family Law Reform Act	1969	Sections 3, 19, and 28	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Family Law Reform Act	1987	Sections 17 and 34	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fatal Accidents Act	1976	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fines and Recoveries Act	1833	Sections 1, 15, 18 to 23, 25 to 28, 33 to 40, 42 to 45, 47 to 49, 56 to 58, 60 to 65, 67, 69, 71, 72, and 92	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Fires Prevention (Metropolis) Act	1774	Sections 83 and 86	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Foreign Limitation Periods Act	1984	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Forged Transfers Act	1891	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Forged Transfers Act	1892	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Gaming Act	1710	Section 1	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1738	Sections 4 and 11	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1835	Section 1	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gaming Act	1892	Whole Act	1. The Act continues in force as if the Gambling Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1868	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1950	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Gun Barrel Proof Act	1978	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1679	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1803	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1804	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Habeas Corpus Act	1816	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Health and Safety at Work etc. Act	1974	(a) Sections 1 to 54, 80 to 82 for the purposes of the Offshore Health and Safety Order 1988; and (b) Sections 1 to 59 and 80 to 82 for the	1. Section 23 of the Law Revision and Publication Ordinance 2017 has no effect to apply secondary legislation made under the Act. 2. Application of the Act is limited as set out in (a) section 2 of the Offshore Health and Safety Order 1988; and (b) section 4 of the Health and Safety at Work etc. Act 1974 (Application Outside

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
		purposes of the Health and Safety at Work etc. Act 1974 (Application Outside the Falkland Islands) Order 2008; except sections 5, and 29 to 32	the Falkland Islands) Order 2008. 3. Application of relevant sections under the Offshore Health and Safety Order 1988 is subject to the modifications specified in Schedule 2 to that Order.
Highways Act	1980	Whole Act except sections 129A to 129G, 131, 137, 156 to 160, 181 to 183, 186 to 202, 259, 269, 313	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Hotel Proprietors Act	1956	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Inheritance (Provision for Family and Dependants) Act	1975	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Inheritance Act	1833	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Innkeepers Act	1878	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Insolvency Act	1976	Whole Act except sections 3, 5(3), 5(4), 9, 10, 12, 13, 14(5), and 14(6)	The Act continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Insolvency Act	1986	Sections 183, 184, and 346	The Act is subject to the modifications specified in Schedule 3 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996.
International Organisations Act	1968	Whole Act	
International Organisations Act	2005	Whole Act	
Intestates Estates Act	1884	Whole Act	<ol style="list-style-type: none"> 1. The Act only continues in force in respect of deaths occurring before 1.1.1926. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Intestates' Estates Act	1890	Whole Act	<ol style="list-style-type: none"> 1. The Act only continues in force in respect of deaths occurring before 1.1.1926. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Intestates' Estates Act	1952	Whole Act	<p>Nothing in the Act may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Judgments Act	1838	Sections 12, 17, and 18	<ol style="list-style-type: none"> 1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			<p>had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Justices of the Peace Act	1361	Whole Act	
Land Transfer Act	1897	Sections 1 to 5	<p>1. The Act continues in force only in relation to deaths occurring before 1.1.1926.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Landlord and Tenant Act	1851	Section 2	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Landlord and Tenant Act	1709	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Landlord and Tenant Act	1730	Whole Act	<p>1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made.</p> <p>2. Nothing in the Act may have effect to:</p>

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Latent Damage Act	1986	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Distress Amendment Act	1895	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Distress Amendment Act	1888	Whole Act	1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Distress Amendment Act	1908	Whole Act	1. The Act continues in force as if the Tribunals, Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Libel Amendment Act	1888	Sections 1, 5, and 11	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Law of Property (Amendment) Act	1924	Section 9 and Schedule 9	Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Law of Property (Amendment) Act	1929	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Property Act	1922	Section 145, 190, and Schedule 15	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Property Act	1925	Sections 3, 5, 9(1)(a), (b), (d), (e), 9(2), 9(3), 12 to 15, 20 to 22, 24, 27, 31, 33, 34, 36 to 38, 39(2) to 39(6), 42, 44 to 51, 53, 57, 59, 60, 62 to 72, 75, 78 to 83, 95(1) to (3), 95(5), 96, 98 to 104, 106 to 111, 113, 114(1), 114(2), 114(4), 114(5), 121, 122, 125(2), 125(3), 130 to 132, 134 to 136, 138 to 161, 172 to 175, 179 to 182, 184 to 190, 196, 201 to 205, 207 to 209, and Schedule 1	1. The Act continues in force as if the Insolvency Act 1985 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law of Property Act	1969	Section 23	Nothing in the Act may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Law Reform (Contributory Negligence) Act	1945	Whole Act except sections 2, 5, and 6	The Act is subject to the modifications specified in section 2 of the Application of Enactments Ordinance 1954.
Law Reform (Husband and Wife) Act	1962	Sections 1, 3(1), 3(3), and (4)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law Reform (Married Women and Tortfeasors) Act	1935	Sections 1, 2(1), 3, 4, 5(1), 8(1), and 8(3)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law Reform (Miscellaneous Provisions) Act	1934	Sections 1 and 4(1)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Law Reform (Personal Injuries) Act	1948	Sections 1, 3, 4, and 6(1)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Leasehold Property (Repairs) Act	1938	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Legitimacy Act	1976	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Libel Act	1843	Sections 1, 2, and 9	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Libel Act	1845	Section 2	The Act is subject to the modifications specified in Schedule 2 to the Defamation Ordinance 1988.
Life Assurance Act	1774	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Life Assurance Companies (Payment into Court) Act	1896	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limitation (Enemies and War Prisoners) Act	1945	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limitation Act	1980	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limited Partnerships Act	1907	Whole Act except sections 2, 11, 12, 15 and 17	The Act is subject to the modifications specified in the Schedule to the Limited Partnerships Ordinance 1990.
Litigants in Person (Costs and Expenses) Act	1975	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Magistrates' Courts (Appeals from Binding Over Orders) Act	1956	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Magistrates' Courts Act	1980	Whole Act except Part I, sections 52, 59A, 67, 68, 70, 89 to 91, 94A, 97A, 102 to 106, 108 to 121, 125A to 133, 137 to 139, 141, 143, 146 to 149, 151 and Schedules 1, 2, 4, 5, 6, 6A and 8	<ol style="list-style-type: none"> 1. The Act continues in force as if the Crime and Courts Act 2013 had never been made. 2. The Act applies subject to sections 24 and 29 of the Administration of Justice Ordinance 1949, and to the modifications specified in Schedule 1 of that Ordinance. 3. The Act does not apply in relation to criminal proceedings. 4. Any modification of the Act made under Schedule 1 to the Administration of Justice Ordinance 1949 concerning the repealed Children Ordinance 1994 is to be applied as a modification by reference to any equivalent or similar provision in the Children Ordinance 2014. 5. In section 59(2) "the Guardianship of Minors Acts 1971 and 1973" is replaced by "(or having effect as if made under) Schedule 1 to the Children Ordinance 2014".
Magna Carta	1297	Whole Charter	Nothing in the Charter may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Maintenance Orders Act	1958	Part III, except sections 16, 18, 19, 21(5), 21(6), 22, 23(2) and 23(3)	The Act is subject to the modifications specified in the Schedule to the Maintenance Orders Ordinance 1964.
Marine Insurance (Gambling Policies) Act	1909	Whole Act	Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Marine Insurance Act	1906	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Marriage Act	1949	Sections 53 to 67	The Act is subject to section 4 of the Registration Ordinance 1949.
Marriages Validity (Provisional Orders) Act	1924	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women (Restraint upon Anticipation) Act	1949	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1882	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1893	Sections 3 and 5	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1907	Sections 3, 4(1), and 4(4)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Married Women's Property Act	1964	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Matrimonial Causes (Property and Maintenance) Act	1958	Sections 7,8, and 9(1) and (2)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Matrimonial Proceedings and Property Act	1970	Sections 37, 39, 43(1), and (3)	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Mental Health Act	1983	Section 1, 93 to 113, 134, 139, and 143	1. The Act continues in force as if the Mental Capacity Act 2005 had never been made. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Merchant Shipping Act	1995	Sections 1 to 23, 85, 86, 108(7), 118, 121 to 127, 185 to 190, 191, 230(1), (2), (7), & (8), 259 to 266, 271(4), 272, 273, 304(1)(a), 306, 313(1) and Schedule 7	1. Sections 1 to 23, 259, 266 and 313(1) apply in the form set out in the Merchant Shipping Ordinance 2001. 2. The remaining sections of the Act (except sections 191 and 230) are subject to the modifications specified in Parts 1 and 2 of Schedule 1 to the Merchant Shipping (Adoption of Legislation) Ordinance 1992. 3. Section 23 of the Law Revision and Publication Ordinance 2017 does not have effect to apply any secondary legislation made under the Act.
Minors' Contracts Act	1987	Whole Act except sections 1 and 4	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills)	1865	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Act			2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills) Act	1930	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills) Act	1939	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Navy and Marines (Wills) Act	1953	Whole Act	1. The Act remains in force only in respect of wills made before 14.8.1953. 2. Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
New Roads and Street Works Act	1991	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Newspapers, Printers and Reading Rooms Repeal Act	1869	Sections 1 and 2, and Schedule 2	The Act is subject to modifications specified in the Defamation Ordinance 1988.
Oaths Act	1775	Whole Act	The Act applies only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			1949.
Oaths Act	1978	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Offshore Safety Act	1992	Whole Act	The Act is subject to the modifications specified in Schedule 1 to the Offshore Health and Safety Order 1998.
Pedlars Act	1871	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Pedlars Act	1881	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Perpetuities and Accumulations Act	2009	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Places of Worship (Enfranchisement) Act	1920	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Places of Worship Sites Act	1873	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Policies of Assurance Act	1867	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Powers of Attorney Act	1971	Sections 1, 3, 4, 5, and 7	The Act is subject to the modifications set out in the Schedule to the Agency (Adopted Laws) Ordinance 1987.
Prescription Act	1832	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Printer's Imprint Act	1961	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Promissory Oaths Act	1868	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Provisional Order (Marriages) Act	1905	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Notaries Act	1843	Section 7	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Trustee (Fees) Act	1957	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			Public Trustee.
Public Trustee (General Deposit Fund) Act	1939	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Public Trustee Act	1906	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Public Trustee and Administration of Funds Act	1986	Section 3	The Act only applies in respect of the rights, powers, duties, and liabilities of a Public Trustee.
Radioactive Substances Act	1993	Whole Act	1. The Act continues in force as if the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010/675) had never been made. 2. Application of the Act is limited under section 4 of the Civil Jurisdiction (Offshore Activities) Order 1998
Railway and Transport Safety Act	2003	Sections 78 to 91, and 112	The Act is subject to the modifications specified in Parts 1 and 2 of Schedule 1 to the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Rentcharges Act	1977	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Revenue Act	1884	Section 11	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Review of Justices' Decisions Act	1872	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Sale of Farming Stock Act	1816	Whole Act	<ol style="list-style-type: none"> 1. The Act continues in force as if the Tribunals Courts and Enforcement Act 2007 had never been made. 2. Nothing in the Act may have effect to: <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Sale of Goods Act	1979	Whole Act except sections, 11(1), 11(5), 25(2)(b), 40, 48A to 48F, 49(3), 52(4), 53(5), 58, 61(2), and Schedules 2 and 3	<ol style="list-style-type: none"> 1. The Act continues in force as if the Consumer Rights Act 2015 had never been made. 2. The Act is subject to the modifications specified in Schedule 3 to the Law of Contract Ordinance 1988.
Sale of Land by Auction Act	1867	Whole Act	<p>Nothing in the Act may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Senior Courts Act	1981	<ol style="list-style-type: none"> 1. Sections 29 (except 29(3)), 30, 31, 32, 32A, 33 to 35, 35A, 37 to 40 (except 40(6)), 40A, 41, 42, 43A, 49 to 51, 67, and 72. 2. Sections 19, 25, 27, 28A, 29 to 42, 43A, 49 to 51, 53, 54, 56 58, 60, 61 to 72, 132, 135, 137, and 151 to 153. 	<ol style="list-style-type: none"> 1. The sections of the Act listed in paragraph 1 of column 2 are subject to the modifications specified in Schedule 1 to the Administration of Justice (Miscellaneous Provisions) Ordinance 1996. 2. The sections of the Act listed in paragraph 2 of column 2 apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949. 3. The Act does not apply in relation to criminal proceedings. 5. The Act continues in force as if the Civil Procedure Act 1997 had never been made.
Settled Land and Trustee	1943	Whole Act	The Act only applies in respect of the rights, powers, duties, and liabilities of a

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Acts (Court's General Powers) Act			Public Trustee.
Statement of Rates Act	1919	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Distribution	1670	Whole Statute	The Statute continues in force in respect of deaths which occurred before 1 January 1926.
Statute of Marlborough	1267	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Monopolies	1623	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Westminster	1285	Chapter 1	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statute of Westminster the Third (Quia Emptores)	1289-90	Whole Statute	Nothing in the Statute may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Statutes of the Exchequer	1322	Whole Statutes	Nothing in the Statute may have effect to: (a) create or define an offence;

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Stock Transfer Act	1982	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Stock Transfer Act	1963	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Supply of Goods and Services Act	1982	Whole Act except sections 11M to 11S, 12(5), 17, 19, 20(2), 20(3), 20(6), and the Schedule	1. The Act continues in force as if the Consumer Rights Act 2015 had never been made. 2. The Act is subject to the modifications specified in Schedule 4 to the Law of Contract Ordinance 1988.
Tenures Abolition Act	1660	Section 4	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Theatres Act	1968	Sections 1, 4, 7, and 20	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Trade Marks Act	1994	Sections 14 to 19, 21, 28, 31, 92, 95, 97, 99, and 100	The Act is subject to the modifications specified in section 3 of the Trade Marks Ordinance 1996.
Trustee Act	1925	Whole Act	Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Trustee Delegation Act	1999	Whole Act	The Act continues in force as if the Mental Capacity Act 2005 had never been made.
Trusts of Land and Appointment of Trustees Act	1996	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Uniform Laws on International Sales Act	1967	Whole Act	The Act is subject to the modifications specified in Schedule 5 of the Law of Contract Ordinance 1988.
Variation of Trusts Act	1958	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures Act	1985	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills (Soldiers and Sailors) Act	1918	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1837	Whole Act	1. In section 1 “and also to a disposition by will and testament or devise of the custody and tuition of any child” is replaced with “and also to an appointment by will of a guardian of a child”. 2. Nothing in the Act may have effect to:

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1963	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wills Act	1968	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Wireless Telegraphy Act	2006	Whole Act	Application of the Act is limited under section 4 of the Civil Jurisdiction (Offshore Activities) Order 1998.
Witnesses Act	1806	Whole Act	Nothing in the Act may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

PART 2
SECONDARY LEGISLATION

<i>Column 1</i> <i>Instrument</i>		<i>Column 2</i> <i>Provisions Applying to the Falkland Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other qualifications</i>
Abortion Regulations (SI 1991/499)	1991	Whole Regulations	
Adopted Persons (Birth Records) Regulations (SI 1991/1981)	1981	Whole Regulations	The Regulations continue in force as if the Adoption and Children Act 2002 had never been made.
Adoption (Bringing Children into the United Kingdom) Regulations (SI 2003/1173)	2003	Whole Regulations	The Regulations continue in force as if the Adoption and Children Act 2002 had never been made.
Adoption Rules (SI 1984/265)	1984	Whole Rules	The Rules continue in force as if the Adoption and Children Act 2002 had never been made.
Anatomy Regulations (SI 1988/44)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Animals (Scientific Procedures)(Procedure for Representations) Rules (SI 1986/1911)	1986	Whole Rules	
Arbitration (Foreign Awards) Order (SI 1984/1168)	1984	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Arbitration (Foreign Awards)	1989	Whole Order	Nothing in the Order may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Order (SI 1989/1348)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Bankruptcy Fees Order (SI 1984/880)	1984	Whole Order	The Order continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Bankruptcy Rules (SI 1952/2113)	1952	Whole Rules	The Rules continues in force as if the Insolvency Acts 1985 and 1986 had never been made.
Beer Regulations (SI 1993/1228)	1993	Whole Regulations	The Regulations only have effect for the purposes of prescribing the means to be used for ascertaining for the strength, weight or volume of liquor for the purposes of Part X of the Customs Ordinance 2003.
Bills of Sale (Local Registration) Rules (SI 1960/2326)	1960	Whole Rules	Nothing in the Rules may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Builders' Skips (Markings) Regulations (SI 1984/1933)	1984	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Cider and Perry Regulations (SI 1989/1355)	1989	Whole Regulations	The Regulations only have effect for the purposes of prescribing the means to be used for ascertaining the strength, weight or volume of liquor for the purposes of Part X of the Customs Ordinance 2003.
Companies (Winding- up) Rules (SI 1949/330)	1949	Whole Rules	The Rules apply as they stood in England on 24 July 1950.
County Court (Forms) Rules (SI 1982/586)	1982	Whole Rules	The Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
County Court (Interest on Judgment Debts) Order (SI 1991/1184)	1991	Whole Order	The Order apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court (Records of Proceedings) Regulations (SI 1967/1194)	1967	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court Remedies Regulations (SI 2014/982)	2014	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
County Court Rules (SI 1981/1687)	1981	Whole Rules	<ol style="list-style-type: none"> 1. The Rules continue in force as if the Civil Procedure Rules 1998 (SI 1998/3132) had never been made. 2. The Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.
Court of Protection (Enduring Powers of Attorney) Rules (SI 2001/825)	2001	Whole Rules	The Rules continue in force as if the Mental Capacity Act 2005 had never been made.
Court of Protection Rules (SI 2001/824)	2001	Whole Rules	The Rules continue in force as if the Mental Capacity Act 2005 had never been made.
Criminal Procedure Rules (SI 2015/1490)	2015	Whole Rules	The Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Crown Court (Advance Notice of Expert Evidence) Rules (SI 1987/716)	1987	Whole Rules	The Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Crown Court Rules (SI 1982/1109)	1982	Whole Rules	The Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Cubic Measures (Ballast and Agricultural Materials) (Amendment) Regulations (SI 1988/765)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Damages (Personal Injury) Order (SI 2001/2301)	2001	Whole Order	
Damages (Variation of Periodical Payments) Order (SI 2005/841)	2005	Whole Order	
Dedicated Highways (Registers under Section 31A of the Highways Act 1980)(England) Regulations (SI 2007/2334)	2007	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Deeds of Arrangement Fees Order (SI 1984/887)	1984	Whole Order	The Order applies as if the Deregulation Act 2015 had never been made.
Deeds of Arrangement Rules (SR&O No 795 of 1925)	1925	Whole Rules	The Rules apply as if the Deregulation Act 2015 had never been made.
Distress for Rent Rules (SI 1988/2050)	1988	Whole Rules	The Rules apply as if the Tribunals, Courts and Enforcement Act 2007 had never been made.
Diving at Work Regulations (SI 1997/2776)	1997	Whole Regulations except regulations 3(1), 17(2) and (3), and 19,	1. Application of the Regulations is limited by section 3 of the Diving at Work Order 1998. 2. The Regulations are subject to the modifications specified in the Schedule to

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
		and paragraphs 1 to 4, 6, and 7 of Schedule 2	the Diving at Work Order 1998.
Enduring Powers of Attorney (Prescribed Forms) Regulations (SI 1990/1376)	1990	Whole Regulations	The Regulations continue in force as if the Mental Capacity Act 2005 had never been made.
Family Procedure Rules (SI 2010/2955)	2010	Whole Rules	
Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations (SI 1984/1115)	1984	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Fishing Vessels (Life-Saving Appliances Regulations) (SI 1988/38)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992
Fishing Vessels (Safety Provisions) Rules (SI 1975/330)	1975	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Fishing Vessels (Safety Training) Regulations (SI 1989/126)	1989	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Form of Adoption Entry Regulations (SI 1975/1959)	1975	Whole Regulations	The Regulations continue in force as if the Children and Adoption Contact Registers Regulations 2005 (SI 2005/924) had never been made.
Highways (Road Humps) Regulations (SI 1990/703)	1990	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Highways (Traffic Calming) Regulations (SI 1999/1026)	1999	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations (SI 2003/1479)	2003	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Indictments (Procedure) Rules (SI 1971/2084)	1971	Whole Rules	
Intestate Succession (Interest and Capitalisation) Order (SI 1977/1491)	1977	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Limited Partnerships (Forms) Rules (SI 2009/2160)	2009	Whole Rules	
Magistrates' Court Adoption Rules (SI 1984/611)	1984	Whole Rules	The Rules continue in force as if the Adoption and Children Act 2002 had never been made.
Magistrates' Courts (Attachment of Earnings) Rules (SI 1971/809)	1971	Whole Rules	
Magistrates' Courts (Children and Young Persons) Rules (SI 1992/2071)	1992	Whole Rules	1. In relation to civil proceedings, the Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			2. In relation to criminal proceedings, the Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Magistrates' Courts (Costs Against Legal Representatives in Civil Proceedings) Rules (SI 1991/2096)	1991	Whole Rules	
Magistrates' Courts (Domestic Violence Protection Order Proceedings) Rules (SI 2011/1434)	2011	Whole Rules	The Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Magistrates' Courts (Forms) Rules (SI 1981/553)	1981	Whole Rules	In relation to criminal proceedings, the Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Magistrates' Courts (Hearsay Evidence in Civil Proceedings) Rules (SI 1999/681)	1999	Whole Rules	
Magistrates' Courts Rules (SI 1981/552)	1981	Whole Rules	In relation to criminal proceedings, the Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.
Management of Health and Safety at Work Regulations (SI 1992/2051)	1992	Whole Regulations	<p>1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made.</p> <p>2. The Regulations apply in the form set out in the Schedule to the Management of Health and Safety at Work Order 1998.</p>
Measuring Equipment (Capacity Measures and	1995	Whole Regulations	Nothing in the Regulations may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Testing Equipment) Regulations (SI 1995/735)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Cold-water Meters) Regulations (SI 1988/997)	1988	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Liquid Fuel and Lubricants) Regulations (SI 1995/1014)	1995	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Equipment (Measures of Length) Regulations (SI 1986/1682)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Catchweighers) Regulations (SI 2006/1257)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Discontinuous Totalisers) Regulations (SI 2006/1255)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations (SI 2006/1258)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Measuring Instruments (Beltweighers) Regulations (2006/1259)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Capacity Serving Measures) Regulations (SI 2006/1264)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Cold-water Meters) Regulations (SI 2006/1268)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Liquid Fuel and Lubricants) Regulations (SI 2006/1266)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations (SI 2006/1269)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments (Material Measures of Length) Regulations (SI 2006/1267)	2006	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Measuring Instruments Regulations (SI 2016/1153)	2016	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Merchant Shipping (Accident Reporting and Investigation) Regulations (SI 2012/1743)	2012	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Cargo Ship Construction) Regulations (SI 1997/1509)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations (SI 1999/1869)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Accommodation) Regulations (SI 1997/1508)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Accommodation)(Fishing Vessels) Regulations (SI 1975/2220)	1975	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen)(Fishing Vessels) Regulations (SI 1972/919)	1972	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Dangerous Goods and Marine Pollutants)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Regulations (SI 1997/2367)			
Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations (SI 1996/75)	1996	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Diving Safety) Regulations (SI 2002/1587)	2002	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Emergency Information for Passengers) Regulations (SI 1990/660)	1990	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Entry Into Dangerous Spaces) Regulations (SI 1988/1638)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fees) Regulations (SI 2006/2055)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fees) Regulations (SI 2015/315)	2015	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fire Protection) Regulations (SI 2003/2950)	2003	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Fishing Vessels - Tonnage) Regulations (SI 1988/1909)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Merchant Shipping (Formal Investigations) Rules (SI 1985/1001)	1985	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Gas Carriers) Regulations (SI 1994 2464)	1994	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Increased Penalties) Regulations (SI 1979/1519)	1979	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Liability of Shipowners and Others)(Calculation of Tonnage) Order (SI 1986/1040)	1986	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Life-Saving Appliances for Ships of Classes III to VI(A)) Regulations (1999/2723)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Life-Saving Appliances for Ships Other than Ships of Classes III to VI(A)) Regulations (SI 1999/2721)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Load Line) Regulations (SI 1998/2241)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Merchant Shipping (Maritime Labour Convention)(Medical Certification) Regulations (SI 2010/737)	2010	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Musters and Training and Decision Support Systems) Regulations (SI 1999/2722)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Official Log Books) Regulations (SI 1981/569)	1981	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Official Log Books)(Fishing Vessels) Regulations (SI 1981/570)	1981	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Passenger Ship Construction: Ships of classes I, II, II(A)) Regulations (SI 1998/2514)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention and Control of Pollution) Order (SI 1987/470)	1987	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention and Control of Pollution) Order (SI 1990/2595)	1990	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Merchant Shipping (Prevention of Oil Pollution) Order (SI 1983/1106)	1983	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Oil Pollution) Regulations (SI 1996/2154)	1996	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Pollution by Garbage) Regulations (SI 1998/1377)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order (SI 2006/2950)	2006	Whole Order	The Order is subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Provisions and Water) Regulations (SI 1989/102)	1989	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio Installations) Regulations (SI 1998/2070)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio)(Fishing Vessels) Regulations (SI 1999/3210)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Radio)(Fishing Vessels) Rules (SI 1974/ 1919)	1974	Whole Rules	The Rules are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Merchant Shipping (Repatriation) Regulations (SI 1979/97)	1979	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations (SI 1995/2498)	1995	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Safety at Work Regulations)(Non-UK Ships) Regulations (SI 1988/2274)	1988	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Safety of Navigation) Regulations (SI 2002/1473)	2002	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992
Merchant Shipping (Seamen's Wages and Accounts)(Fishing Vessels) Regulations (SI 1972/1701)	1972	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Small Workboats and Pilot Boats) Regulations (SI 1998/1609)	1998	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping (Tonnage) Regulations (SI 1997/1510)	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and	1997	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Fishing Vessels (Health and Safety at Work) Regulations (SI 1997/2962)			Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations (SI 2006/2184)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Personal Protective Equipment Regulations (SI 1999/2205)	1999	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations (SI 2006/2183)	2006	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
Misuse of Drugs (Licence Fees) Regulations (SI 2010/2497)	2010	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.
Misuse of Drugs (Safe Custody) Regulations (SI 1973/798)	1973	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Misuse of Drugs (Supply to Addicts) Regulations (SI 1997/1001)	1997	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations apply except insofar as they are inconsistent with the Misuse of Drugs Ordinance 1987. 2. The Regulations are subject to such alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make them applicable to the circumstances of the Falkland Islands.
Non-automatic Weighing Instruments Regulations (SI 2016/1152)	2016	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations (SI 1995/428)	1995	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1995 (SI 1995/743)	1995	Whole Order	<ol style="list-style-type: none"> 1. The Order has limited application deriving from the Offshore Minerals Ordinance 1994 under which it is made. 2. The Order applies in the form set out in the Schedule to the Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1998.
Offshore Installations (Safety Case) Regulations (SI 2005/3117)	2005	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore Installations (Safety Case) Order 2008.
Offshore Installations and Pipeline Works (Management and Administration)	1995	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Regulations (SI 1995/738)			Installations and Pipeline Works (Management and Administration) Order 1998.
Offshore Installations and Wells (Design and Construction) Regulations (SI 1996/913)	1996	Whole Regulations	<ol style="list-style-type: none"> 1. The Regulations have limited application deriving from the Offshore Minerals Ordinance 1994 under which they are made. 2. The Regulations apply in the form set out in the Schedule to the Offshore Installation (Design and Construction etc) Order 1998.
Personal Protective Equipment at Work Regulations (SI 1992/2966)	1992	Whole Regulations except regulations 3(2)(d), 3(3), 13, 14, and Schedules 2 and 3	<ol style="list-style-type: none"> 1. The Regulations have the limited application set out in regulation 3 of the Personal Protective Equipment at Work Order 1998. 2. The Regulations are subject to the modifications specified in the Schedule to the Offshore Installations (Personal Protective Equipment at Work) Order 1998.
Provision and Use of Work Equipment Regulations (SI 1998/2306)	1998	Whole Regulations except regulations 1(2) and (3), 4(2)(c), 10(3), 12(5), 25 to 27, and Schedule 2	<ol style="list-style-type: none"> 1. The Regulations have the limited application set out in regulation 3 of the Provision and Use of Work Equipment Order 2008. 2. The Regulations are subject to the modifications specified in the Schedule to the Provision and Use of Work Equipment Order 2008.
Public Health (Aircraft) Regulations (SI 1979/1434)	1979	Whole Regulations	
Public Path Orders Regulations (SI 1993/11)	1993	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <ol style="list-style-type: none"> (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Public Trustee Rules (SI 1912/348)	1912	Whole Rules	
Register of Judgments, Orders and Fines Regulations	2005	Whole Regulations	The Regulations apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
(SI 2005/3595)			Justice Ordinance 1949.
Registration of Births and Deaths Regulations (SI 1987/2088)	1987	Whole Regulations	The Regulations are subject to section 4 of the Registration Ordinance 1949.
Registration of Foreign Adoptions Regulations (SI 2003/1255)	2003	Whole Regulations	The Regulations apply as if the Adopted Children and Adoption Contact Registers Regulations 2005 (SI 2005/924) had never been made.
Registration of Marriages Regulations (2015/207)	2015	Whole Regulations	The Regulations are subject to section 4 of the Registration Ordinance 1949.
Reimbursement of Costs (Monetary Limit) Order (SI 1988/1342)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Removal of Obstructions from Highways (Notices etc)(England) Regulations (SI 2004/370)	2004	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Renewable Leaseholds Regulations (SR&O No 857 of 1925)	1925	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Rentcharges Regulations (SI 1978/16)	1978	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Reporting of Injuries, Disease	1995	Whole Regulations	1. The Regulations apply as if Reporting of Injuries Diseases and Dangerous

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
and Dangerous Occurrences Regulations (SI 1995/3163)			<p>Occurrences Regulations (SI 2013/1471) had never been made.</p> <p>2. The Regulations have the limited application set out in regulation 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Order 1998.</p> <p>3. The Regulations apply in the form set out in the Schedule to the Reporting of Injuries, Diseases and Dangerous Occurrences Order 1998.</p>
Rules of the Supreme Court (Revision) (SI 1965/1776)	1965	Whole Rules	<p>1. The Rules continue in force as if the Civil Procedure Rules 1998 (SI 1998/3132) had never been made.</p> <p>2. Order 15, Rule 13A of the Rules applies subject to section 6 of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996.</p> <p>3. The remainder of the Rules apply only to the extent that is necessary in respect of the provisions as to court practice and procedure specified in the Administration of Justice Ordinance 1949.</p>
Spirits Regulations (SI 1991/2564)	1991	Whole Regulations	The Regulations apply only for the purposes set out in section 123(2) of the Customs Ordinance 2003.
Stopping up of Access to Premises (Procedure) Regulations (SI 1971/1707)	1971	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Street Works (Inspection Fees)(England) Regulations (SI 2002/2092)	2002	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>
Street Works (Maintenance) Regulations (SI 1992/1691)	1992	Whole Regulations	<p>Nothing in the Regulations may have effect to:</p> <p>(a) create or define an offence;</p> <p>(b) prescribe the punishment or mode of trial of an offence.</p>

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Street Works (Notices) Order (SI 1992/3053)	1992	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Qualifications of Supervisors and Operatives) Regulations (SI 1992/1687)	1992	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Records)(England) Regulations (SI 2002/3217)	2002	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Recovery of Costs)(England) Regulations (SI 2002/2091)	2002	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Registers, Notices, Directions and Designations)(England) Regulations (SI 2007/1951)	2007	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Reinstatement) Regulations (SI 1992/1689)	1992	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Street Works (Sharing of Costs of Works)(England) Regulations (SI 2000/3314)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Supply of Services (Exclusion of Implied Terms) Order (SI 1982/1771)	1982	Whole Order	
Supply of Services (Exclusion of Implied Terms) Order (SI 1983/902)	1983	Whole Order	
Supply of Services (Exclusion of Implied Terms) Order (SI 1985/1)	1985	Whole Order	
Traffic Signs Regulations and General Directions (SI 1981/859)	1981	Part I of the Regulations and General Directions	1. The Regulations and General Directions continue in force as if the Traffic Signs Regulations and General Directions 1994 (SI 1994/1519) had never been made. 2. The Regulations and General Directions apply in the form set out in the Schedules to the Traffic Signs Regulations 1999.
Unfair Arbitration Agreements (Specified Amount) Order (SI 1999/2167)	1999	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Uniform Laws on International Sales Order (SI 1972/973)	1972	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Walkways Regulations (SI 1973/686)	1973	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence;

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
			(b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Automatic Catchweighing Instruments) Regulations (SI 2003/2761)	2003	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (SI 2000/388)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Beltweighers) Regulations (SI 2001/1208)	2001	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (SI 1986/1320)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weighing Equipment (Non-automatic Weighing Machines) Regulations (SI 2000/932)	2000	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Cosmetic Products) Order (SI 1994/1884)	1994	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Weights and Measures (Intoxicating Liquor) Order (SI 1988/2039)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations (SI 1990/2626)	1990	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Linear Measures) Regulations (SI 1986/1684)		Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Local and Working Standard Weights and Testing Equipment) (Amendment) Regulations (SI 1991/1775)	1991	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Miscellaneous Foods) (Amendment) Order (SI 2005/3057)	2005	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Miscellaneous Foods) Order (SI 1988/2040)	1988	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures	2006	Whole Regulations	Nothing in the Regulations may have effect to:

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
(Packaged Goods) Regulations (SI 2006/659)			(a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations (SI 1987/1538)	1987	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order (SI 2011/2331)	2011	Whole Order	Nothing in the Order may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Weights Regulations (SI 1986/1683)	1986	Whole Regulations	Nothing in the Regulations may have effect to: (a) create or define an offence; (b) prescribe the punishment or mode of trial of an offence.
Zoonoses Order (SI 1988/2264)	1988	Articles 2 and 3	The Order is subject to the modifications specified in the Zoonoses Order 2003.

SCHEDULE 2

MODIFICATIONS OF UK ENACTMENTS

PART 1 - Table of modifications

<i>Concept in UK enactment</i>	<i>Modification in application to Falkland Islands</i>
Attorney General	Attorney General of the Falkland Islands
Byelaws	Regulations
Commissioners of Inland Revenue	Commissioner of Taxation
Constable	Officer of the Royal Falkland Islands Police
County Court	Magistrate's Court
The Crown	The Crown in virtue of its Government in the Falkland Islands
Crown Court	Magistrate's Court
Director of Public Prosecutions	Attorney General of the Falkland Islands
England	Falkland Islands
England and Wales	Falkland Islands
Great Britain	Falkland Islands
Her Majesty's Stationery Office	Government Printer
High Court	Supreme Court
HMRC	Collector of Customs
Isle of Man, Guernsey, Jersey, Northern Ireland, Scotland	All provisions applicable exclusively to these jurisdictions are omitted
Local Authority	The Crown in virtue of its Government in the Falkland Islands
Lord Chancellor	Governor
Magistrates' Court	Magistrate's Court
Minister of the Crown	Governor
OFCOM	Governor
Officer of Revenue and Customs	Customs Officer
Parliament	Legislative Assembly
Any office of the Senior Courts	Registry of the Supreme Court
Qualified Medical Practitioner	Government Medical Officer
Secretary of State	Governor
Solicitor General	Attorney General of the Falkland Islands
Treasury	Financial Secretary
Treasury Solicitor	Attorney General of the Falkland Islands
United Kingdom (but not in relation to nationality or immigration)	Falkland Islands

PART 2 - Other modifications

1. This Part of the Schedule applies to a UK enactment which is applicable to the Falkland Islands by virtue of sections 21 or 23.
2. If a UK enactment conflicts with an Ordinance or with subsidiary legislation made under an Ordinance, the Ordinance, or subsidiary legislation if relevant, prevails.
3. Any reference to a UK enactment which does not extend to or apply in the Falkland Islands is to be read, to the extent possible, as a reference to any equivalent or similar provision found in an Ordinance or in subsidiary legislation made under an Ordinance.

SCHEDULE 3

REPEALS AND REVOCATIONS

The following Ordinances are repealed—	The following statutory instruments are revoked—
1. Animals and Food (Miscellaneous Provisions) Ordinance 2002	1. Cinematograph Exhibitions Regulations 1952
2. Cinematographic Exhibitions Ordinance 1952	2. Defence Force (Hair) Regulations Order 1985
3. Telegraphy Ordinance 1939	
4. Trade Disputes (Arbitration) Ordinance 1942	

Passed by the Legislature of the Falkland Islands on 2 June 2017.

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.

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

CHERIE YVONNE CLIFFORD.,
Deputy Clerk of the Legislative Assembly.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 126

30 June 2017

No. 8

Appointment

Debora Ann Hirtle, Auxiliary Nurse, Health and Social Services Department, 01.06.17.

Karen Joleen Minto, Public Relations and Media Assistant, Policy Department, 01.06.17.

Denise McPhee, Clerk, Health and Social Services Department, 01.06.17.

James Andrew Wilson, Financial Secretary, Treasury, 03.06.17.

Amelia Appleby, Policy Assistant, Policy Department, 05.06.17.

Marcus Pole-Evans, Plant Operator/Handyperson, Highways Section, Public Works Department, 05.06.17.

Angela Mujaji, Auxiliary Nurse, Health and Social Services Department, 06.06.17.

John Graham Fairweather, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 07.06.17.

Lara Mairead McToal, Occupational Therapist, Health and Social Services Department, 13.06.17.

David Henry Burrows, Building Adviser, Environmental Planning Department, 16.06.17.

Stephen Smedley, Laboratory Manager/Senior Biomedical Scientist, Health and Social Services Department, 16.06.17.

Anne Louise Taylor, Assessor, Training Centre, Education Department, 19.06.17.

Mandy Anne Whittingham, Director, Health and Social Services Department, 19.06.17.

Maribel Andrea Campos, Residential Care Worker, Health and Social Services Department, 20.06.17.

Completion of contract

Lydia Eneida Morrison, Head of Finance, Treasury, 30.11.16.

Rebecca Roberts, Probation Officer, Health and Social Services Department, 09.06.17.

Renewal of contract

Teresa Clair Bowers, Business and Research Manager, South Atlantic Environmental Institute, 02.06.17.

Jennifer Mae Reece, Senior Staff Nurse, Health and Social Services Department, 04.06.17.

Resignation

Kenneth Barry Stewart, Plant Operator/Handyperson, Materials Section, Public Works Department, 22.05.17.

Sinead McGill, Labourer, Materials Section, Public Works Department, 29.05.17.

Christine Hewitt, Trainee Accountant, Treasury, 21.06.17.

Anita Jayne Browning, Cook, Government House, Central Services Department, 30.06.17.

Carmen Miranda, Medical Secretary, Health and Social Services Department, 30.06.17.

NOTICES

No. 48 1 June 2017

Electricity Supply Regulations (Title 31.1.1) *regulation 10A(5)*

Variation of electricity price

1. This Notice is given to comply with regulation 10A(5) of the Electricity Supply Regulations.
2. A variation in electricity prices was announced on 2 June 2017 and came into effect on 3 June 2017.
3. The overall price of electricity per unit for all consumers was increased from 18p to 19p.
4. For consumers supplied via pre-payment meters, electricity is being supplied at 19p per unit and cards are now being sold at face value.
5. For all other consumers, electricity is now being supplied at 19p per unit.

Dated 1 June 2017

L. E. MORRISON,
Financial Secretary.

No. 49 2 June 2017

Customs Ordinance 2003 *section 113*

Customs Resolution of the Legislative Assembly

No: 1 of 2017

It is resolved by the Legislative Assembly, under section 113 of the Customs Ordinance 2003 (Title 26.1), that —

(a) the Customs Order (Title 26.1.2) is amended to increase the customs duties payable for alcoholic beverages and tobacco products as follows —

on beer from 34p to 35p per litre;
on wines from 83p to 85p per litre;
on fortified wines from £1.00 to £1.03 per litre;
on spirituous beverages from £6.79 to £6.99 per litre;
on spirits from £12.42 to £12.79 per litre;
on cigars from £345.70 to £362.99 per kilo;
on cigarettes from £372.24 to £390.85 per kilo;
on tobacco from £227.23 to £238.59 per kilo; and

(b) this amendment of the Customs Order comes into force on 2 June 2017.

Dated 2 June 2017

C. Y. CLIFFORD,
Deputy Clerk of the Legislative Assembly.

No. 50

5 June 2017

Graypen Falklands Limited **Company Number: 15232**

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 1 June 2017.

Dated 5 June 2017

E. J. DENT,
Registrar of Companies.

No. 51

6 June 2017

Falkland Islands Constitution Order (Title 1) *section 84*

Taxes Ordinance (Title 69.1) *section 5*

Appointment of Financial Secretary and Commissioner for Taxation

1. Section 84 of the Falkland Islands Constitution Order 2008 confers power on the Governor to make appointment to any public office.

2. In exercise of my powers under section 84 of the Falkland Islands Constitution Order, I appoint **James Andrew Wilson** to be Financial Secretary.

3. Section 5 of the Taxes Ordinance confers power on the Governor to appoint a public officer to be Commissioner of Taxation.

4. In exercise of my powers under section 5 of the Taxes Ordinance, I appoint **James Andrew Wilson** to be Commissioner of Taxation.

5. These appointments are deemed to have effect from 3 June 2017, and continue in effect whilst James Andrew Wilson holds office as Financial Secretary, unless terminated sooner.

Dated 6 June 2017

R. A. J. MITHAM,
Acting Governor.

No. 52

23 June 2017

Currency Notes Rules (Title 25.1.1) *(rule 3)*

Currency Officers

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Honour the Acting Governor has approved the following change to the list of Currency Officers with effect from 30 June 2017:

Appointments:
Francis, Andrew
Ross, Simone

The following is a full list of Currency Officers with effect from 30 June 2017:

Aldridge, Jody May
Butler, Margaret Orlanda
Francis, Andrew
Hancox, Alice
Jaumotte, Helene
Locke, Nancy
Pattison, Elaine
Pollard, Cathy
Ross, Simone

Dated 23 June 2017

J. M. ALDRIDGE,
for Commissioners of Currency.

No. 53 26 June 2017

Falkland Islands Development Corporation Ordinance
section 8(1)

**Appointment of Chair and Member to
Falkland Islands Development Corporation Board**

1. Section 8(1) of the Falkland Islands Development Corporation Ordinance 2013 (No 4 of 2013) ('the Ordinance') provides for the Governor to make appointments to the Falkland Islands Development Corporation Board.

2. In exercise of my powers under section 8(1) of the Ordinance, I appoint to the Falkland Islands Development Corporation Board —

Julian Richard Wylie as Chair; and
Rodney William Lee as member.

3. These appointments have effect from 1 July 2017 and will, unless any appointee resigns by written notice to the Governor, continue in effect until 30 June 2021.

Dated 26 June 2017

R. A. J. MITHAM,
Acting Governor.

No.54 28 June 2017

Application for Permanent Residence

Notice is hereby given that:-

Luis Rolando Chacon Alvarez;
Jason Mark Benjamin;
Mark William Neves;
Carolina Andrea Reyes Jeria;
Katherine Ann Ross; and
Clare Ann Scott-Neves.

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their

objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 28 July 2017.

Dated 28 June 2017

J. E. SMITH,
Immigration Officer.

No. 55

29 June 2017

Registration Ordinance;
Falkland Islands Constitution Order 2008

Appointment of Acting Registrar General

1. In exercise of my powers under the Registration Ordinance and the Falkland Islands Constitution Order 2008 (SI 2008/2846), I Richard Alexander John Mitham, Acting Governor of the Falkland Islands hereby appoint **David Charles Brown** to be Acting Registrar General to discharge the functions and duties of the post of Registrar General whenever the substantive holder of the post of Registrar General Elizabeth Jayne Dent is unavailable to discharge the same through absence from the Falkland Islands or inability to perform the functions and duties of the post.

2. This appointment has effect from the date given below, and continues in effect until the expiry of the contract of employment of David Charles Brown with the Falkland Islands Government, unless terminated sooner.

Dated 29 June 2017

R. A. J. MITHAM,
Acting Governor.

No. 56

29 June 2017

Commissioners for Oaths Ordinance;
Administration of Justice Ordinance;
Marriage Ordinance

Appointments – David Charles Brown

1. I appoint **David Charles Brown** to be —

Commissioner for Oaths under section 2 of the Commissioners for Oaths Ordinance (Title 22.3);

Notary Public under section 47 of the Administration of Justice Ordinance (Title 22.1); and

Registrar for marriages generally under section 25 of the Marriage Ordinance (Title 38(2).7).

2. These appointments have effect from the date of signature below and continue in effect until the expiry of the contract of employment of David Charles Brown with the Falkland Islands Government, unless terminated sooner.

Dated 29 June 2017

R. A. J. MITHAM,
Acting Governor.

Marriage Ordinance
(section 25)

Appointment of Registrar

1. Section 25(1) of the Marriage Ordinance (Title 38(2).7) provides that the Governor may appoint any person to be a Registrar, either generally or for the purposes of a particular marriage or marriages.

2. In exercise of my powers under section 25(1), I appoint **Emily Jane Price** to be a Registrar generally.

3. This appointment has effect from the date of signature below and continues in effect until the expiry of the contract of employment of Emily Jane Price with the Falkland Islands Government, unless terminated sooner.

Dated 29 June 2017

R. A. J. MITHAM,
Acting Governor.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

13 July 2017

No. 13

The following is published in this Supplement –

Fisheries (Conservation and Management)(Amendment) Bill 2017.

Fisheries (Conservation and Management) (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Fisheries (Conservation and Management) Ordinance
4. Section 44 amended – Overseas master fishing licences
5. Section 194 amended – Criminal Liability of owners, operators, charterers and masters
6. Section 208 amended – Administrative penalties
7. Section 209 amended – Right to require that offence be dealt with by court
8. Section 210 amended — Amount of administrative penalty
9. Schedule 3 replaced – Manner in which offences under this Ordinance are punishable

FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) BILL 2017

(No: of 2017)

(assented to: 2017)
(commencement: in accordance with section 2)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance 2005.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance may be cited as the Fisheries (Conservation and Management) (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

3. Amendment of Fisheries (Conservation and Management) Ordinance

This Ordinance amends the Fisheries (Conservation and Management) Ordinance 2005.

4. Section 44 amended — Overseas master fishing licences

Section 44 is amended by deleting subsection (7)(a) and replacing it with the following —

“(a) if the holder of the licence is convicted of an offence under this Ordinance or of an offence under the law of an overseas country or territory corresponding to an offence under this Ordinance;”.

5. Section 194 amended — Criminal liability of owners, operators, charterers and masters

Section 194 is amended by deleting subsection (1) and replacing it with the following —

“(1) Where an offence under this Ordinance is proved to have been committed in relation to a fishing vessel or any fishing operation undertaken by a fishing vessel —

(a) the owner, charterer, operator and the master of that fishing vessel; and

(b) the owner of the fishing right in respect of which the fishing vessel or fishing operation derives its rights;

shall each be deemed to have committed that offence and may be proceeded against in respect of that offence and convicted and sentenced in respect of it accordingly.”.

6. Section 208 amended — Administrative penalties

Section 208 is amended as follows —

(a) by deleting paragraph (a) of subsection (1) and replacing it with the following —

“(a) applies in respect of an alleged offence under this Ordinance which carries a penalty of a fine which is below level 12 on the standard scale;”;

(b) in subsection (3) —

(i) by deleting “and” at the end of subparagraph (ii);

(ii) after subparagraph (ii), by inserting the following subparagraph —

“(iia) the range of the penalty set by the Attorney General under subsection (4); and”;

(iii) in subparagraph (iii), by deleting “Governor” and replacing it with “Director”;

(c) by adding after subsection (3), the following subsection —

“(4) The Attorney General, in giving consent under subsection (1), must also set the range of the penalty that the Director may impose for the offence provided that the maximum amount of the penalty does not exceed one-half of the maximum monetary penalty to which the person would be liable if the person were convicted of the offence by a court.”.

7. Section 209 amended – Right to require that offence be dealt with by court

Section 209 is amended —

(a) by deleting subsection (2) and replacing it with the following —

“(2) No further proceedings may be taken under section 208 by the Director if a person gives notice in accordance with subsection (1).”;

(b) in subsection (4)(b), by deleting “Governor” and replacing it with “Director”;

(c) by the addition after subsection (4) of the following subsection —

“(5) Where a person on whom a notice under section 208 is served does not within 28 days after the notice is served —

(a) require in writing that proceedings in respect of the alleged offence be dealt with by a court; or

(b) admit the offence;

the person shall on the expiration of that period be deemed to have admitted the offence.”.

8. Section 210 amended — Amount of administrative penalty

Section 210 is amended —

(a) by deleting subsection (1) and replacing it with the following —

“(1) If under section 209 the person admits or is deemed to have admitted an offence, the Director may, after taking into account any submissions made by the person under that section, impose on that person a monetary penalty within the range set by the Attorney General under section 208(4).”;

(b) in subsection (2), by deleting “Governor” wherever it appears and replacing it with “Director”;

(c) by deleting subsection (5) and replacing it with the following —

“(5) Where a person admits or is deemed to have admitted an offence under section 209(4), no information or charge may be laid against that person in respect of the offence.”.

9. Schedule 3 replaced — Manner in which offences under this Ordinance are punishable

Schedule 3 is repealed and replaced with the following —

“SCHEDULE 3

MANNER IN WHICH OFFENCES UNDER THIS ORDINANCE ARE PUNISHABLE

Offences under the provisions of this Ordinance mentioned in the first column of the following Table are punishable on conviction in the manner specified in the third column of that Table. A reference to a Level in that column is to be construed as a reference to a fine not exceeding the maximum of that Level on the standard scale.

Table

Provision	Description of offence	Penalty
section 5 (3)	Failing to hand in warrant card	Level 9
section 26(6)	Failing to make application for renewal of registration upon Individual Transferable Quota Eligibility Register without having notified Director under section 31(2) of non-eligibility	Level 9

section 30(6)	The like offence in relation to failure to make application for refusal of registration upon Provisional Quota Eligibility Register	Level 9
section 32(4)	Failing to supply documents in accordance with section 32(1) or section 32(3)	Level 9
section 36(1)	Making false statement or supplying document containing false statement in connection with application under sections 24(1), 26(2) or 28(1)	Level 11 and imprisonment for 2 years
section 44(8)	Using fishing vessel with overseas master who does not have overseas master fishing licence	Level 10
section 45(4)	Contravening prohibition under section 45(2)	Level 9
section 45(5)	Employing as master person prohibited under section 45(2)	Level 11 and imprisonment for 6 months
section 46(1)	Trans-shipping or exporting fish without licence under section 46(3)	Level 10
section 47(8)(a)	Receiving fish without permit	Level 9
section 47(8)(b)	Failing to provide information or to verify it	Level 9
section 50(2)	Master failing to facilitate boarding or co-operate with inspection of fishing vessel	Level 9
section 54(3)	Failing to notify change in characteristics of fishing vessel as required by section 54(2)	Level 11 and imprisonment for 6 months
section 86	Making etc. false entry in Register or producing document falsely purporting to be copy of or extract of document lodged for registration etc.	Level 11 and imprisonment for 2 years
section 92(7)	Contravening any provision of section 91 as to disposal of fish	Level 10
section 93(4)	Contravening any provision of sections 93(1), (2) or (3) as to purchase or acquisition of fish	Level 10
section 95(3)	Unlawful possession by fish farmer of fish for sale	Level 10
section 115(1)	Unreasonably refusing as witness before Commission to take oath or affirmation or failing or refusing to answer question	Level 9
section 115(2)	Unreasonably refusing to produce document to Commission	Level 9

section 117(2)	Publication of any evidence, document etc. in contravention of direction by the Commission	Level 9
section 118	Failure to comply with summons to attend before Commission as witness	Level 9
section 122	Obstructing or hindering Commission	Level 10
section 127(2)	Falkland Islands fishing vessel fishing on high seas without licence	Level 12 and imprisonment for 3 years
section 131(4)	Contravening section 131(3) (duty to notify change of owner, charterer or operator of fishing vessel in respect of which high seas fishing licence held)	Level 10
section 132(2)	Failure without reasonable excuse to provide information etc. as to high seas fishing	Level 10
section 136	Unlawful possession of fish on Falkland Islands fishing vessel on high seas	Level 11 and imprisonment for 30 months
section 137	Falkland Islands fishing vessel unlawfully on high seas when equipped for fishing	Level 11 and imprisonment for 30 months
section 138(1)	Falkland Islands fishing vessel unlawfully fishing in another country's waters	Level 12 and imprisonment for 3 years
section 139(4)	Visit by non-Falkland Islands vessel contrary to section 139(2) or (3)	Level 10
section 161(1)(a)	Contravening condition of fishing concession, fish receiver permit or overseas master fishing licence or of temporary order	Level 10
section 161(1)(b)	Holder of fishing concession or fish receiver permit causing or permitting person acting on his behalf to contravene condition of concession or permit or temporary order	Level 10
section 161(1)(c)	Person acting on behalf of holder of fishing concession, or fish receiver permit contravening condition of concession or permit or temporary order	Level 10
section 161(1)(d)	Making false or misleading record or return in relation to a matter specified in section 90	Level 10
section 162	Breach of condition or requirement of licence, permit etc. where no other penalty provided	Level 9
section 163(1)	Resisting or obstructing a fisheries officer; using threatening language or behaviour to a fisheries officer;	Level 11 and imprisonment

	failing to comply with a lawful requirement of a fisheries officer; providing false or misleading particulars to a fisheries officer; personating or falsely claiming to be a fisheries officer	for 6 months
section 164	Removing fish from traps etc.	Level 9 and imprisonment for 3 months
section 165	Receiving fish other than for private or domestic purposes from a commercial fisher, other than by holder of fish receiver permit	Level 10
section 167	Using fishing vessel in fishing waters without licence: absolute offence	Level 11 and imprisonment for 6 months
section 168	Deliberate unlawful use of fishing vessel in fishing waters	Level 12 and imprisonment for 3 years
section 169	Unlawful possession of nets, traps or other equipment for fishing on fishing vessel within fishing waters	Level 11 and imprisonment for 30 months
section 170	Fishing in internal waters other than with a fishing vessel	Level 10 and imprisonment for 12 months
section 171	Possession of nets etc. in internal waters other than upon a fishing vessel	Level 10 and imprisonment for 12 months
section 172	Using boat outside fishing waters to support illegal fishing in fishing waters	Level 12 and imprisonment for 3 years
section 182(2)	Prohibited person re-offending	Level 12 and imprisonment for 3 years
section 186(2)	Failing to provide reasonable assistance to observer or hindering or obstructing observer	Level 10
section 187(2)	Failing to provide food or accommodation etc. to observer	Level 10
section 188(4)	Failing to provide information to observer or allow observer to carry out inspections	Level 10
section 192(1)	Using false document or making false statement to obtain benefit under the Ordinance	Level 10 and imprisonment for 2 years
section 192(2)	Using or causing another to use, deal or act upon false communication etc.	Level 10 and imprisonment for 2 years

section 220(2)	Breach of secrecy	Level 9 and imprisonment for 6 months”
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OBJECTS AND REASONS

This Bill amends the Fisheries (Conservation and Management) Ordinance 2005 to update the provisions dealing with administrative penalties in preparation for their commencement. The Bill will also extend criminal liability to owners of fishing rights (*clause 5*). Where a fishing vessel or fishing operations are found liable of a criminal offence, the owner from whom they derive their rights is also liable. Section 194 is amended accordingly. Sections 208, 209 and 210 providing for administrative penalties were enacted in 2005, but have not yet been commenced. Best international practice is to allow for administrative penalties as an alternative to going to court. This will have the effect of decriminalising minor fishing offences.

The Bill will review and raise penalties in Schedule 3 of the principal Ordinance. A person who commits an offence and has an administrative penalty imposed, makes a saving by not going through the court system. Section 210 is amended to increase the maximum monetary administrative penalty to not more than half of the penalties set out in Schedule 3. Currently it is pegged at one third. The Attorney General must set a range of the penalty that the Director may impose but the maximum penalty must not exceed half of the penalty that the court would have imposed.

Administrative penalties will be limited to an offence that is below a level 12 fine on the standard scale. Currently section 208 limits the application of administrative penalties to Parts VI and VII and to level 10 fines.

Sections 209 and 210 give the responsibility to impose an administrative penalty to the Governor, and this will be changed to Director. The Director must impose a penalty within the range set by the Attorney General after taking into account representations by the person being charge.

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FALKLAND ISLANDS GAZETTE

Supplement

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No. 14

The following is published in this Supplement –

**Law Revision and Publication Ordinance 2017 (Commencement etc) Order 2017
(SR&O No 20 of 2017).**

SUBSIDIARY LEGISLATION

STATUTES

Law Revision and Publication Ordinance 2017 (Commencement etc) Order 2017

S. R. & O. No: 20 of 2017

Made: 27 July 2017

Published: 28 July 2017

Coming into force: on publication

I make this order under section 2 of the Law Revision and Publication Ordinance 2017 on advice of the Executive Council.

1. Title

This order is the Law Revision and Publication Ordinance (Commencement etc) Order 2017.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Commencement of the Law Revision and Publication Ordinance 2017

The Law Revision and Publication Ordinance 2017 comes into force on 31 July 2017.

4. Consequential amendments

(1) Sub-article (2) applies in respect of a UK enactment or a provision of a UK enactment (“a disapplied UK enactment”) which applied as law of the Falklands Islands by virtue of an Ordinance but which no longer applies as law of the Falkland Islands on the coming into force of the Law Revision and Publication Ordinance 2017.

(2) A reference contained in a law which applies or extends to the Falkland Islands to a disapplied UK enactment must be read, to the extent possible, as a reference to an equivalent or similar provision found in any law which applies or extends to the Falkland Islands.

(3) The consequential amendments contained in Schedule 1 have effect.

5. Transitional arrangements

The transitional arrangements contained in Schedule 2 have effect.

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

1. Amendment of the Administration of Justice (Crown Proceedings) Rules 1994

Rule 13(2) of the Administration of Justice (Crown Proceedings) Rules 1994 is revoked.

2. Amendment of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996

Section 3(2) of the Administration of Justice (Miscellaneous Provisions) Ordinance 1996 is repealed.

3. Amendment of the Administration of Justice Ordinance 1949

(1) This paragraph amends the Administration of Justice Ordinance 1949.

(2) Section 24(2) is omitted and the following subsection substituted —

“(2) The provisions of the Magistrates’ Court Act 1980 applied as law of the Falkland Islands by subsection (1) apply as they stood in England and Wales on 30 June 1992.”

(3) In paragraph 42 of Schedule 1, the new section 144(3)(d) is omitted.

4. Amendment of the Agency (Adopted Laws) Ordinance 1987

Section 3 of the Agency (Adopted Laws) Ordinance 1987 is repealed.

5. Amendment of the Animals (Scientific Procedures) Act 1986

Section 2(2) of the Animals (Scientific Procedures) Ordinance 1998 is repealed.

6. Amendment of the Application of Enactments (Legislation Relating to Children, etc) Ordinance 1992

Sections 2(2) and (3) of the Application of Enactments (Legislation Relating to Children, etc) Ordinance 1992 are repealed.

7. Amendment of the Civil Jurisdiction (Offshore Activities) Order 1998

(1) This paragraph amends the Civil Jurisdiction (Offshore Activities) Order 1998.

(2) In article 4 —

(a) sub-article (a) is revoked;

(b) “Wireless Telegraphy Act 1949” is omitted wherever it appears, and “Wireless Telegraphy Act 2006” is substituted.

8. Amendment of the Committees (Public Access) Ordinance 2012

Section 6(1)(b)(iii) of the Committees (Public Access) Ordinance 2012 is amended by omitting “imperial enactment” and substituting “UK enactment”.

9. Amendment of the Companies (Amendment) Ordinance 2006

(1) This paragraph amends the Companies (Amendment) Ordinance 2006.

(2) Sections 2(4) and (5) are repealed.

(3) In section 9, “imperial enactment” is omitted wherever it appears, and “UK enactment” is substituted.

10. Amendment of the Companies and Private Partnership Ordinance 1922

In section 2(2) of the Companies and Private Partnership Ordinance 1922 the following is omitted —

“and section 78 of the Interpretation and General Clauses Ordinance shall have no application thereto”.

11. Amendment of the Crimes Ordinance 2014

In Schedule 4 of the Crimes Ordinance 2014, the following is omitted —

“by virtue of Part X of the Interpretation and General Clauses Ordinance”.

12. Amendment of the Customs Ordinance 2003

(1) This paragraph amends the Customs Ordinance 2003.

(2) In section 122(3) the following is omitted —

“,subject to such modifications as are required by section 76 of the Interpretation and General Clauses Ordinance,”.

(3) In section 123(2) the following is omitted —

“, subject to any modifications which may be required by section 76 of the Interpretation and General Clauses Ordinance,”.

13. Amendment of the Damages Ordinance 1997

The Schedule to the Damages Ordinance 1997 is amended by omitting the paragraph under the heading “Modifications” and substituting the following —

“Sections 1(1) to (4) apply in relation to and in courts in the Falkland Islands as if they were courts in England and without the modifications which would otherwise have effect under Part 1 of Schedule 2 to the Law Revision and Publication Ordinance 2017”.

14. Amendment of the Defamation Ordinance 1988

(1) This paragraph amends the Defamation Ordinance 1988.

(2) In section 3, in the definition of “statutory provision”, “section 3” is omitted and “section 4” substituted.

(3) In Schedule 1, paragraphs 6 and 8 are omitted.

15. Amendment of the Evidence Ordinance 1994

(1) This paragraph amends the Evidence Ordinance 1994.

(2) Section 5(3) is repealed.

(3) In paragraph 3 of the Schedule, “and (4)” is omitted.

16. Amendment of the Falkland Islands Defence Force Ordinance 1991

Section 39(1) of the Falkland Islands Defence Force Ordinance 1991 is repealed.

17. Amendment of the Family Law Reform Ordinance 1994

Section 18(1) of the Family Law Reform Ordinance 1994 is amended by omitting “, and with such modifications only as are required under section 76 of the Interpretation and General Clauses Ordinance 1977”.

18. Amendment of the Interpretation and General Clauses Ordinance 1977

(1) This paragraph amends the Interpretation and General Clauses Ordinance 1977.

(2) In section 2(3) “imperial enactment” is omitted and “UK enactment” substituted.

(3) In section 4, the definition of “Revised Edition” and “Revised Edition of the Laws” is omitted.

(4) Section 12(1) is repealed, and paragraph (a) of section 12(2) is omitted.

(5) In section 16 —

(a) “imperial enactment” is omitted wherever it appears, and “UK enactment” is substituted;
and

(b) subsection (3) is repealed.

(6) Section 91(1) is omitted and the following subsection substituted —

“(1) A copy of any written law of the Falkland Islands, if published in the Gazette or purporting to be printed by the Government Printer, is deemed to be an authentic copy of that written law as at the date of publication or printing.”

(7) Section 93(1) is omitted and the following subsection substituted —

“(1) The Attorney General may, by order published in the Gazette, correct any grammatical, punctuation, spelling or typographical error in any written law of the Falkland Islands.”

(8) The Schedule is repealed.

19. Amendment of the Law of Contract Ordinance 1988

- (1) This paragraph amends the Law of Contract Ordinance 1988.
- (2) In the long title, “imperial enactment” is omitted and “UK enactment” substituted.
- (3) In section 39 —
 - (a) in subsection (1), “Part XI” is omitted and “Part X” substituted; and
 - (b) subsection (2) is repealed.
- (4) In paragraph 2(b) of Schedule 4, “imperial enactment” is omitted and “UK enactment” substituted.

20. Amendment of the Lotteries Ordinance 1948

Section 13 of the Lotteries Ordinance 1948 is repealed, and the following section substituted —

“13. Common law not to apply

The common law, so far as it is applicable to the Falkland Islands by virtue of section 26 of the Law Revision and Publication Ordinance 2017, does not apply to any lottery licensed under this Ordinance.”

21. Amendment of the Merchant Shipping (Adoption of Legislation) Ordinance 1992

- (1) This paragraph amends the Merchant Shipping (Adoption of Legislation) Ordinance 1992.
- (2) Section 5(2) is repealed.
- (3) Section 11(5) is repealed.

22. Amendment of the Offshore Minerals Ordinance 1994

Section 2(5) of the Offshore Minerals Ordinance 1994 is repealed.

23. Amendment of the Personal Protective Equipment at Work Order 1998

The Schedule to the Personal Protective Equipment at Work Order 1998 is amended by omitting “by virtue of the provisions of section 81A of the Interpretation and General Clauses Ordinance 1977, subject only to such modifications as are required by virtue of sections 76(4) of that Ordinance”.

24. Amendment of the Proceeds of Crime Ordinance 2006

Schedule 2 of the Proceeds of Crime Ordinance 2006 is amended by omitting paragraph 117(c) and substituting —

“(c) by inserting the following after subsection (7) —

“(7A) The code of practice mentioned in subsection (1) has effect in the Falkland Islands with such modifications as would apply to it if it were a UK enactment to which Part 1 of Schedule 2 to the Law Revision and Publication Ordinance 2017 applied.”.

25. Amendment of the Public Health Ordinance 1894

Section 27(2) of the Public Health Ordinance 1894 is repealed.

26. Amendment of the Race Relations Ordinance 1994

Section 3 of the Race Relations Ordinance 1994 is amended by omitting “, and section 78 of the Interpretation and General Clauses Ordinance 1977 shall not have effect in relation to the Act”.

27. Amendment of the Sex Discrimination Ordinance 1998

Section 40 of the Sex Discrimination Ordinance 1998 is amended in subsections (3) and (4) by omitting “imperial enactment” wherever it appears and substituting “UK enactment”.

**SCHEDULE 2
TRANSITIONAL ARRANGEMENTS**

1. General transitional arrangements

A reference contained in a law which applies or extends to the Falkland Islands to the law applying in the Falkland Islands before the commencement of the Law Revision and Publication Ordinance 2017 is to be construed as a reference to the law applying in the Falkland Islands after commencement of the Ordinance so far as is required to ensure continuity of the law.

2. Transitional arrangements concerning the application of United Kingdom law

(1) This paragraph applies in respect of a UK enactment or a provision of a UK enactment (“a disapplied UK enactment”) which applied as law of the Falkland Islands by virtue of an Ordinance but which no longer applies as law of the Falkland Islands on the coming into force of the Law Revision and Publication Ordinance 2017.

(2) In so far as anything done, or having effect as if done, under a disapplied UK enactment could have been done under a corresponding provision of a UK enactment which applies as law of the Falkland Islands under the Law Revision and Publication Ordinance 2017, if the thing done was effective immediately before the coming into force of the Ordinance, it has effect as if it had been done under that corresponding provision.

(3) Any legal proceedings begun under a disapplied UK enactment before the Law Revision and Publication Ordinance 2017 comes into force, and any appeal arising from such proceedings, must be conducted as if the Ordinance had not been made.

(4) The Law Revision and Publication Ordinance 2017 does not affect the validity of anything done in the function of an office which existed under a disapplied UK enactment, but which office ceases to exist after commencement of the Law Revision and Publication Ordinance 2017.

(5) Anything done in the function of an office which existed under a disappplied UK enactment has effect, so far as required for continuing its effect after the coming into force of the Law Revision and Publication Ordinance 2017, as if done in the function of a corresponding office existing under a UK enactment which applies as the law of the Falkland Islands under that Ordinance.

(6) Section 26 of the Interpretation and General Clauses Ordinance 1977 applies in respect of a disappplied UK enactment as if that enactment had been repealed by the Ordinance in addition to applying in respect of Ordinances and subsidiary legislation repealed by the Law Revision and Publication Ordinance 2017.

(7) Section 27(1) of the Interpretation and General Clauses Ordinance 1977 applies in respect of a disappplied UK enactment as if that enactment had been repealed by that Ordinance, in addition to applying in respect of Ordinances and subsidiary legislation repealed by the Law Revision and Publication Ordinance 2017.

(8) Section 27(2) of the Interpretation and General Clauses Ordinance 1977 applies in respect of a disappplied UK enactment only to the extent that it is not inconsistent with this order.

(9) Nothing in this paragraph has effect to apply to the law of the Falkland Islands, from the date of commencement of the Law Revision and Publication Ordinance 2017, a UK enactment if the UK enactment is not listed in Schedule 1 to the Ordinance.

3. Continued effect of existing transitional arrangements

(1) This paragraph applies to transitional arrangements contained in an Ordinance or subsidiary legislation made before the date of publication of the Statute Law Database.

(2) Where transitional arrangements contained in an Ordinance or subsidiary legislation made before publication of the Statute Law Database have effect so that legislation otherwise repealed or revoked continues in force only for transitional purposes, the omission of the repealed or revoked legislation from the text of legislation in force contained in the statute law database does not have effect to nullify the transitional arrangements.

4. Publication of future transitional arrangements in the Statute Law Database

(1) This paragraph applies to transitional arrangements made after commencement of the Law Revision and Publication Ordinance 2017.

(2) Transitional arrangements included in amending Ordinance or subsidiary legislation may be incorporated in the complete and up to date text contained in the Statute Law Database of the relevant Ordinance or subsidiary legislation in force to which the transitional arrangements apply.

(3) The provisions of the transitional arrangements may be re-written for the purposes of article (2), provided that the effect of the transitional arrangements remains unchanged.

Made 27th July 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not forming part of this order)

This order provides that the Law Revision and Publication Ordinance 2017 will come into force on 31 July 2017 (*Article 3*).

The Ordinance provides for the publication of a statute law database, and the appointment of a Statute Law Commissioner who is responsible for the publication and maintenance of the database. The Ordinance also provides for the adoption of United Kingdom legislation, and for regular review of United Kingdom legislation by the Legislative Assembly.

The order also provides for certain consequential amendments and transitional arrangements to be made on commencement of the Ordinance, as summarised below.

Consequential amendments are required under the order to reflect —

- (a) the updated application of United Kingdom laws set out in Schedule 1 to the Law Revision and Publication Ordinance 2017 - see *Article 4*;
- (b) the repeal of Part X of the Interpretation and General Clauses Ordinance 1977 (which is replaced by new provisions as to the application of United Kingdom law in Part 4 of the Law Revision and Publication Ordinance 2017 - see *Schedule 1*;
- (c) the repeal of the Revised Edition of the Laws Ordinance 1991 (which is replaced by new provision made for the publication of Falkland Islands laws in the Law Revision and Publication Ordinance 2017) - see *Schedule 1*;
- (d) a change in terminology under the Interpretation and General Clauses Ordinance from “imperial enactments” to “UK enactments” in reference to United Kingdom laws - see *Schedule 1*.

Transitional arrangements are required under the order to ensure, as far as possible, continuity in the law in connection with the updated application of United Kingdom laws (*Schedule 2*).

Schedule 2 to the order also makes savings provisions in connection with existing transitional provisions which are not included in the Statute Law Database, and makes provision about how new transitional provisions may be published in the Statute Law Database.

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31 July 2017

No. 9

Appointment

Bienvenido Nicolas Jr., Accounts Assistant, Treasury, 28.06.17.

James Kenneth Bryan, Agriculture Adviser – Agronomy, Natural Resources Department, 03.07.17.

Jean-Tristan Huillier, Fisheries Observer, Natural Resources Department, 07.07.17.

Brandi Brooks, Finance Assistant, Treasury, 10.07.17.

Anika Jaffray, Accounting Assistant, Treasury, 12.07.17.

Jesna Mtetwa, Clerk, Administration Section, Public Works Department, 13.07.17.

Carlos Farjardo, Chef, Government House, Central Services Department, 17.07.17.

Owen Lee, Plant Operator/Handyperson, Materials Section, Public Works Department, 24.07.17.

John McLeod, Licensed Aircraft Engineer, Falkland Islands Government Air Service, Central Services Department, 24.07.17.

Completion of contract

Kirsty Anne Bradley, Fisheries Observer, Natural Resources Department, 24.07.17.

Renewal of contract

Helene Claire Jaumotte, Financial Accountant, Treasury, 02.07.17.

Tara Boag, Scientific Fisheries Observer, Natural Resources Department, 04.07.17.

Ruwan Aruna Shantha Peramunugamage, Electro Bio-Medical Engineer, Health and Social Services Department, 04.07.17.

Maeve Ann Daly, Statistics and Performance Officer, Policy Department, 30.07.17.

Resignation

Lee Martin, Cemetery Caretaker/Handyperson, Property and Municipal Section, Public Works Department, 14.07.17.

James Marsh, Assistant Representative, Falkland Islands Government Office, 25.07.17.

Ana Crowie, Senior Accounting Assistant, Treasury, 31.07.17.

Anomi Galaboda Liyanage, Learning Support Assistant, Falkland Islands Community School, Education Department, 31.07.17.

Natalie Anne Lloyd, Human Resources Adviser, Human Resources Department, 31.07.17.

Transfer

Lauren Joyce McKay, from Administration Clerk, Highways Section to Housing Officer, Housing Section, Public Works Department, 01.06.17.

Amelia Appleby, from Policy Assistant, Policy Department to Medical Secretary, Health and Social Services Department, 24.07.17.

NOTICES

No. 58 10 July 2017

Atlantis Limited
Company number: 10434

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 10 July 2017

E. J. DENT,
Registrar of Companies.

No. 59 19 July 2017

Falkland Islands Constitution Order 2008
section 81

**Appointment of Members of the
Public Accounts Committee**

1. In exercise of his powers under section 81 of the Falkland Islands Constitution Order 2008, His Honour the Acting Governor was pleased to appoint as members of the Public Accounts Committee:-

John Richard Cockwell, for two years from 1 July 2017 to 1 July 2019; and

Nadia Knight, for two years from 19 July 2017 to 19 July 2019.

2. These appointments have effect as indicated unless terminated sooner.

Dated 19 July 2017

R. J. MACLENNAN BAIRD,
for Public Accounts Committee.

No. 60 21 July 2017

Falkland Islands Constitution Order 2008
section 84

Appointment of Acting Attorney General

1. Section 84(4) of the Falkland Islands Constitution Order 2008 provides that the power to appoint to the office of Attorney General shall be exercised by the Governor.

2. In exercise of my powers under section 84(4), I appoint **Rosalind Catriona Cheek** to be Acting Attorney General to carry out the duties of the Attorney General whilst the substantive holder of the post is absent from the Falkland Islands.

3. This appointment has effect from 21 July 2017 up to and including 5 August 2017 unless terminated sooner.

Dated 21 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 61 25 July 2017

Police Ordinance
section 4(2)

Designation of Acting Chief Police Officer

1. Section 4(2) of the Police Ordinance 2000 provides that in the absence of the Chief Police Officer the Governor may designate another police officer to carry out the duties of the Chief Police Officer.

2. In exercise of my powers under section 4(2) of the Police Ordinance 2000, I designate **Jeffrey McMahon** to be Acting Chief Police Officer to carry out the duties of the Chief Police Officer in the rank of Detective Chief Inspector.

3. This appointment is effective for the period commencing 25 July to 15 August 2017, unless terminated sooner.

Dated 25 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 62 26 July 2017

Marriage Ordinance
section 25

Appointment of Registrar

1. I Richard Alexander John Mitham Acting Governor of the Falkland Islands in exercise of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling me hereby appoint **James Morgan Brooks** to be a Registrar for the purpose of marriages in the Falkland Islands.

2. This appointment has effect from the date of signature whilst James Morgan Brooks holds position as Head of Court and Tribunals Service, unless terminated sooner.

Dated 26 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 63 26 July 2017

Marriage Ordinance
section 25

Appointment of Registrar

1. I Richard Alexander John Mitham Acting Governor of the Falkland Islands In exercise of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling

me hereby appoint **Sally Hermione Heathman** to be a Registrar for the purpose of marriages in the Falkland Islands.

2. This appointment has effect from the date of signature whilst Sally Hermione Heathman is employed by the Falkland Islands Government, unless terminated sooner.

Dated 26 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 64

27 July 2017

Law Revision and Publication Ordinance
section 4

Appointment of Statute Law Commissioner

1. Section 4(1) of the Law Revision and Publication Ordinance (No 11 of 2017) provides for the Governor to appoint the Statute Law Commissioner.

2. In exercise of my powers under section 4(1) of the Law Revision and Publication Ordinance, I, Richard Alexander John Mitham, Acting Governor of the Falkland Islands, appoint **Rosalind Catriona Cheek** to be the Statute Law Commissioner.

3. This appointment has effect from 31 July 2017, and continues in effect until 15 June 2019, unless terminated sooner.

Dated 27 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 65

27 July 2017

Index of Retail Prices

The Index for the quarter ended 30 June 2017 has now been completed.

The Index has increased during the quarter, to 100.740; this equates to a 0.7% increase for the quarter, and a 1.2% increase for the year as shown below:

<i>Date</i>	<i>Index</i>	<i>Annual Change</i>	<i>Quarterly change</i>
30.06.16*	99.580	-2.1%	-0.6%
30.09.16*	100.130	-1.8%	0.6%
31.12.16	100.565	-1.0%	0.4%
31.03.17	100.022	-0.1%	-0.5%
30.06.17	100.740	1.2%	0.7%

*On 22 February 2017, Standing Finance Committee approved amendments to the Retail Price Index for quarters one to three of 2016, in respect of changes to data allowances in internet packages that had not been accounted for in previously published data.

Dated 27 July 2017

M. TETTENBORN,
for Head of Policy.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

4 August 2017

No. 15

The following are published in this Supplement –

Falkland Islands Status (Amendment) Ordinance 2017 (No 12 of 2017);

Court of Appeal (Amendment) Ordinance 2017 (No 13 of 2017);

Road Traffic (Pencil Lane Parking Control) Order 2017 (SR&O No 21 of 2017);

Road Traffic (Crozier Place, John Street, Reservoir Road and Villiers Street No Waiting) Regulations 2017 (SR&O No 22 of 2017);

Stanley Street Parking (Prohibited Vehicles)(Amendment) Order 2017 (SR&O No 23 of 2017); and

Road Traffic (Barrack Street Clearway) Regulations 2017 (SR&O No 24 of 2017).

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Falkland Islands Status (Amendment) Ordinance 2017

(No: 12 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Falkland Islands Status Ordinance
4. Section 2 amended — Interpretation
5. Section 3 amended — Applications for the grant of Falkland Islands status

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

FALKLAND ISLANDS STATUS (AMENDMENT) ORDINANCE 2017

(No: 12 of 2017)

(assented to: 25 July 2017)
(commencement in accordance with section 2)
(published: 4 August 2017)

AN ORDINANCE

To amend the Falkland Islands Status Ordinance.

ENACTED by the Legislature of the Falkland Islands —

PART 1 — INTRODUCTORY

1. Title

This Ordinance is the Falkland Islands Status (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Amendment of the Falkland Islands Status Ordinance

This Ordinance amends the Falkland Island Status Ordinance.

4. Section 2 amended — Interpretation

Section 2 is amended in the definition for “qualified person” as follows —

(a) by deleting paragraph (a) and replacing it as follows —

“(a) is a British citizen, a British Overseas Territories citizen or a British Overseas citizen; or who was, at the material time, a citizen of the United Kingdom and Colonies, a British Dependent Territories citizen or a British subject; and”

(b) by deleting paragraph (b)(i) and replacing it with the following —

“(i) has been issued with a permanent residence permit and has been ordinarily resident in the Falkland Islands for at least 7 years before the date of application under section 3;

Provided that a person who has been ordinarily resident in the Falkland Islands for at least 7 years prior to the date of commencement of this Ordinance may apply under section 3 even if the person does not have a permanent resident permit; or”

5. Section 3 amended — Applications for the grant of Falkland Islands status

Section 3 is amended as follows —

(a) in subsection (2) by —

(i) deleting “Commonwealth citizen” in paragraph (b)(i) and replacing it with “British citizen, a British Overseas Territories citizen or a British Overseas citizen; or who was, at the material time, a citizen of the United Kingdom and Colonies, a British Dependent Territories citizen or a British subject”;

(ii) deleting paragraph (b)(ii) and replacing it as follows —

“(ii) that the applicant either —

(aa) had not been ordinarily resident in the Falkland Islands for at least 7 years immediately before the date of application;

(bb) had not been issued with a permanent residence permit; or

(cc) does not satisfy each of the criteria in paragraph (b)(ii) of the definition in section 2 of “qualified person”; and

(b) in subsection (3) by deleting paragraph (b) and replacing it as follows —

“(b) he has not been absent from the Falkland Islands for more than ninety days in aggregate in any one of those seven years”.

Passed by the Legislature of the Falkland Islands on 29 June 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Court of Appeal (Amendment) Ordinance 2017

(No: 13 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Court of Appeal Ordinance
4. Part I amended — Constitution and composition of Court of Appeal

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

COURT OF APPEAL (AMENDMENT) ORDINANCE 2017

(No: 13 of 2017)

(assented to: 25 July 2017)
(commencement: on publication)
(published: 4 August 2017)

AN ORDINANCE

To amend the Court of Appeal Ordinance to prescribe the number of Justices of Appeal in terms of section 87(2) of the Schedule to the Falkland Islands Constitution Order (SI 2008/2846).

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Court of Appeal (Amendment) Bill 2017.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Court of Appeal Ordinance

This Ordinance amends the Court of Appeal Ordinance.

4. Part I amended — Constitution of Court of Appeal

Part I of the Court of Appeal Ordinance is amended by inserting the following new sections after section 3 —

“Constitution and composition of Court of Appeal

3A. Constitution of Court of Appeal

(1) In addition to the President of the Court of Appeal and the two Justices of Appeal specified under section 87(2)(a) of the Constitution, the Court of Appeal also consists of not more than five additional Justices of Appeal.

(2) The appointment of the Justices of Appeal referred to under subsection (1) must be made by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State in terms of section 88(1) of the Constitution.

3B. Composition of Court of Appeal for determination of matters

Subject to section 87(4) of the Constitution, the President must select, from among the panel of Justices of Appeal, the required number of Justices of Appeal for purposes of constituting the Court of Appeal to hear and determine an appeal.”

Passed by the Legislature of the Falkland Islands on 29 June 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Pencil Lane Parking Control) Order 2017

S. R. & O. No: 21 of 2017

Made: 26 July 2017

Published: 4 August 2017

Coming into force: 1 September 2017

I make this order under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

This Order is the Road Traffic (Pencil Lane Parking Control) Order 2017 and comes into operation on 1 September 2017.

2. Interpretation

In this order —

“applicable hours” means the hours between 8 a.m. and 4 p. m. on school days;

“pick-up or drop off zone” means the raised area adjacent and parallel to and east of Pencil Lane as indicated in the map set out in the Schedule;

“marked area” means the two most northerly parking bays on the western side of Pencil Lane which are marked in the map set out in the Schedule as “police” and are reserved solely for the use by the police officers;

“parking”, in relation to a motor vehicle, includes stopping, standing or waiting —

(a) for any reason;

(b) for any period of time; and

(c) whether or not anyone is in or with the vehicle;

“Pencil Lane” means the length of road known as Pencil Lane, along its entire length (from the southern side of its junction with Ross Road to the northern side of its junction with John Street);

“school day” means the period between the hours of 8 a.m. and 4 p.m. on every day not being a Saturday, Sunday or public holiday and falling within school terms; and

“school terms” means the terms declared in respect of Government schools in Stanley under the provisions of the Education Ordinance (Title 29.1).

3. Restrictions on parking

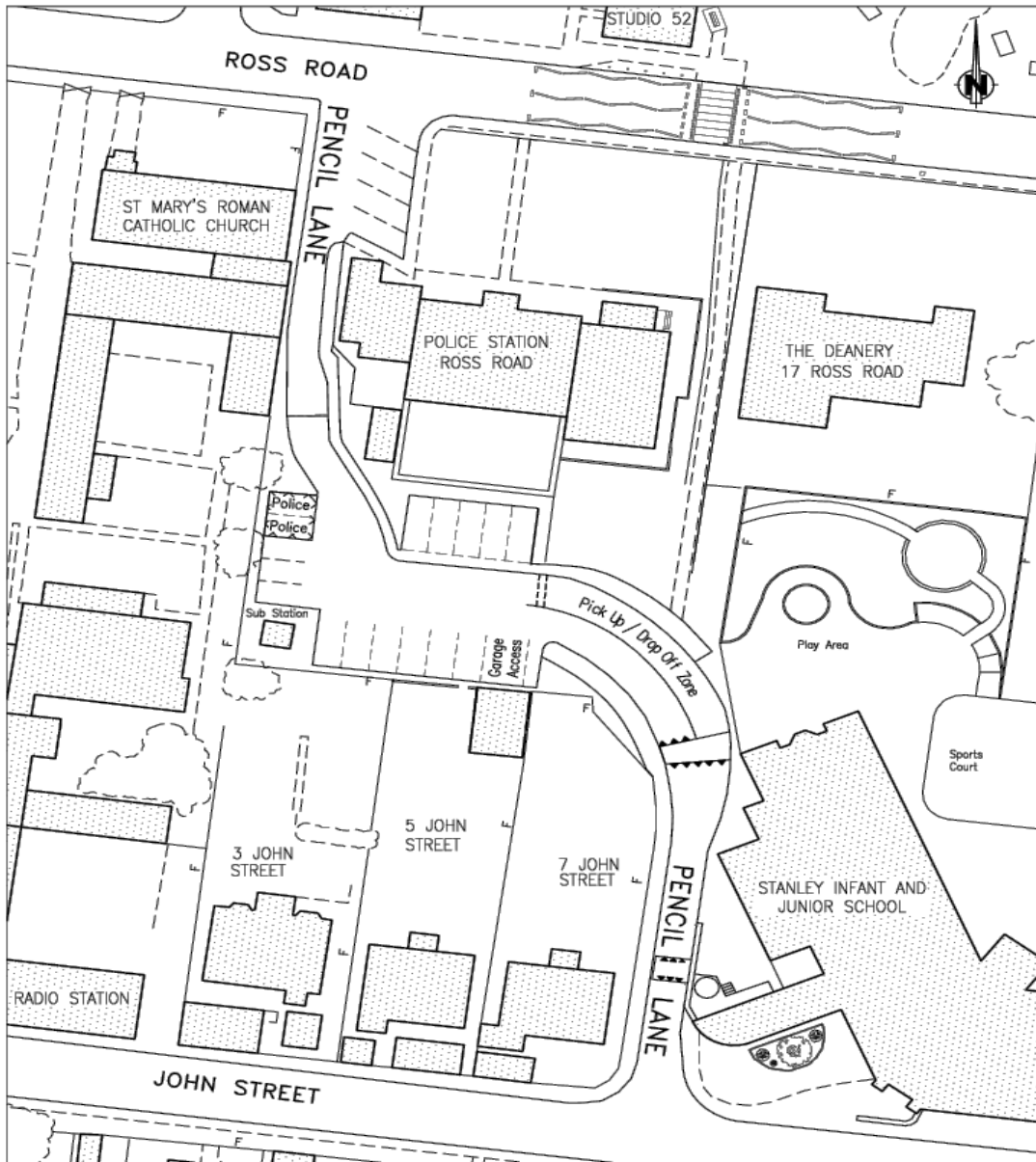
Except as otherwise directed by a police officer in uniform, it is an offence to cause a motor vehicle to park —

- (a) for a period exceeding 15 minutes on the elevated parking bay during the applicable hours; and
- (b) for any period on the marked area.

4. Offences

A person who contravenes any of the provisions of this order commits an offence and is liable on conviction to a fine of up to level 2 on the standard scale.

Schedule



Made 26 July 2017

R. A. J. Mitham,
Acting Governor

EXPLANATORY NOTE
(not forming part of the Order)

This order is made under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1).

The order provides for restricted parking on Pencil Lane to manage the traffic during school hours. The restriction is only applicable during school terms to allow others to park on it outside this period.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Crozier Place, John Street, Reservoir Road and Villiers Street No Waiting) Regulations 2017

S. R. & O. No: 22 of 2017

Made: 26 July 2017

Published: 4 August 2017

Coming into force: 1 September 2017

I make these regulations under section 59(1)(m) and (v) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

These regulations are the Road Traffic (Crozier Place, John Street, Reservoir Road and Villiers Street No Waiting) Regulations 2017 and come into operation on 1 September 2017.

2. Interpretation

(1) In these regulations —

“disabled user” means a pupil or other user of the Infant Junior School with a certified medical condition which limits the mobility of the pupil or user and requires the pupil or user to be transported to or from the school by vehicle, with or without assistance from others;

“relevant lengths of road” means the roads set out in the Schedule and —

(a) in relation to Crozier Place, both sides of the western part of the carriageway at Crozier Place being the length of that carriageway between the junction with Philomel Street and the first side-road on the southern side of the carriageway leading onto property currently owned by the Falkland Islands Company Limited;

(b) in relation to John Street, that part of John Street from its junction with Villiers Street to the western side of Pencil Lane;

(c) “Reservoir Road”; and

(d) in relation to Villiers Street, that part of Villiers Street from its junction with John Street northwards to its junction with Ross Road;

“Reservoir Road” means both sides of Reservoir Road being its whole length from the junction with Ross Road to the junction with Brandon Road and Sapper Hill Road;

“school day” means the period between the hours of 0900 and 1600 on every day not being a Saturday, Sunday or public holiday and falling within a school term;

“school term” means the terms declared in respect of Government schools in Stanley under the Education Ordinance; and

“wait”, in respect of a motor vehicle, means to cause it to stop, stand or park for any reason and for any period of time.

3. Prohibition of waiting

(1) Subject to regulation 4, a person who causes a motor vehicle to wait in a relevant length of road, commits an offence.

(2) A person convicted of an offence under sub-regulation (1) is liable to a fine not exceeding level 2 on the standard scale.

4. Exceptions (no waiting)

(1) It is not an offence under regulation 3(1) to cause a motor vehicle to wait in a relevant length of road where —

- (a) it is necessary so as to permit a passenger or passengers to alight;
- (b) it is permitted or required by a police officer in uniform;
- (c) it is not reasonably avoidable having regard to the exigencies of traffic;
- (d) it is reasonable to remove another vehicle or an obstruction;
- (e) it is necessary for the maintenance or repair of the road or any other public road or public utility;
- (f) it is occasioned by —
 - (i) a mechanical failure of the motor vehicle;
 - (ii) a road traffic accident;
 - (iii) the need to avoid damage to property or injury or death to a person; or
- (g) it is necessary in an area within the relevant length of road specified under regulation 5 as a disabled parking bay.

(2) It is not an offence under regulation 3(1) to cause a motor vehicle to wait for the purpose of loading or unloading any goods on John Street or Villiers Street where the loading or unloading—

(a) is done on any day that is not a school day; or

(b) is done during a school day at any of the following times —

(i) before 0845 hours;

(ii) between 0915 and 1130 hours;

(iii) between 1315 and 1515 hours; or

(iv) after 1600 hours.

(3) It is not an offence under regulation 3(1) to cause a motor vehicle to wait for the purpose of loading or unloading any goods on Crozier Place as long as the waiting is limited to the time required to undertake the loading or unloading of the goods.

5. Designation of disability parking bays

(1) The Chief Police Officer may provide for a disabled parking bay on the north side of the carriageway on John Street between Villiers Street and Pencil Lane and impose such time limits for parking as may be necessary.

(2) The Chief Police Officer must issue parking cards to disabled users for use on the relevant length of road fronting the Infant and Junior School for such period as may be specified in the parking card.

(3) The parking card must be capable of being displayed in a prominent position on the windscreen of the vehicle being used to transport the disabled user.

6. Power to erect signs

The Chief Police Officer may give a direction to cause signs and notices to be erected as, in the Chief Police Officer's opinion, are convenient to draw attention to the effect of these Regulations, but, the absence of or removal of any such sign or notice will not be a defence to an offence under regulation 3(1).

7. Revocation

The following regulations are revoked —

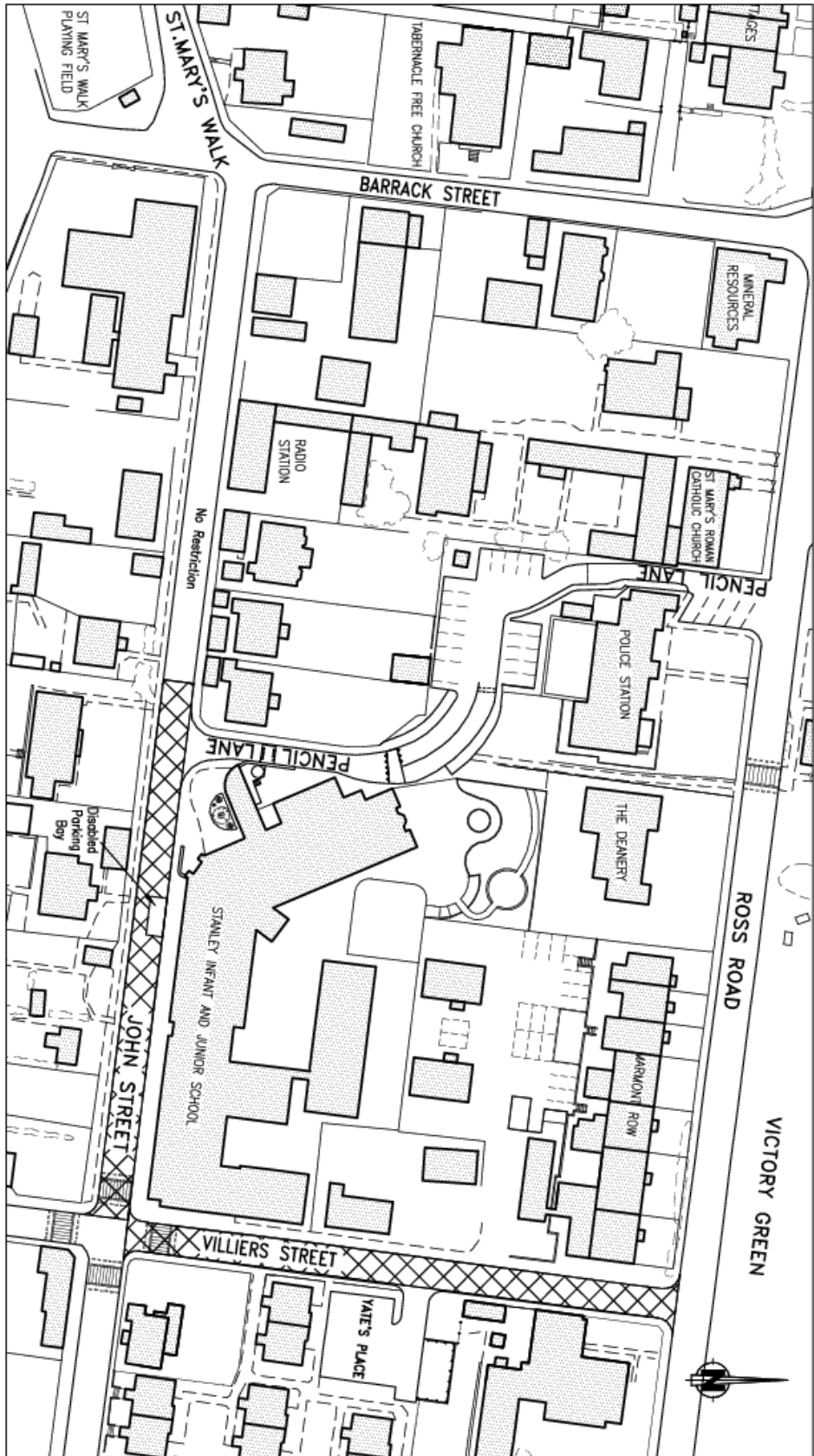
(a) John Street and Villiers Street Waiting Regulations (Title 63.1.9); and

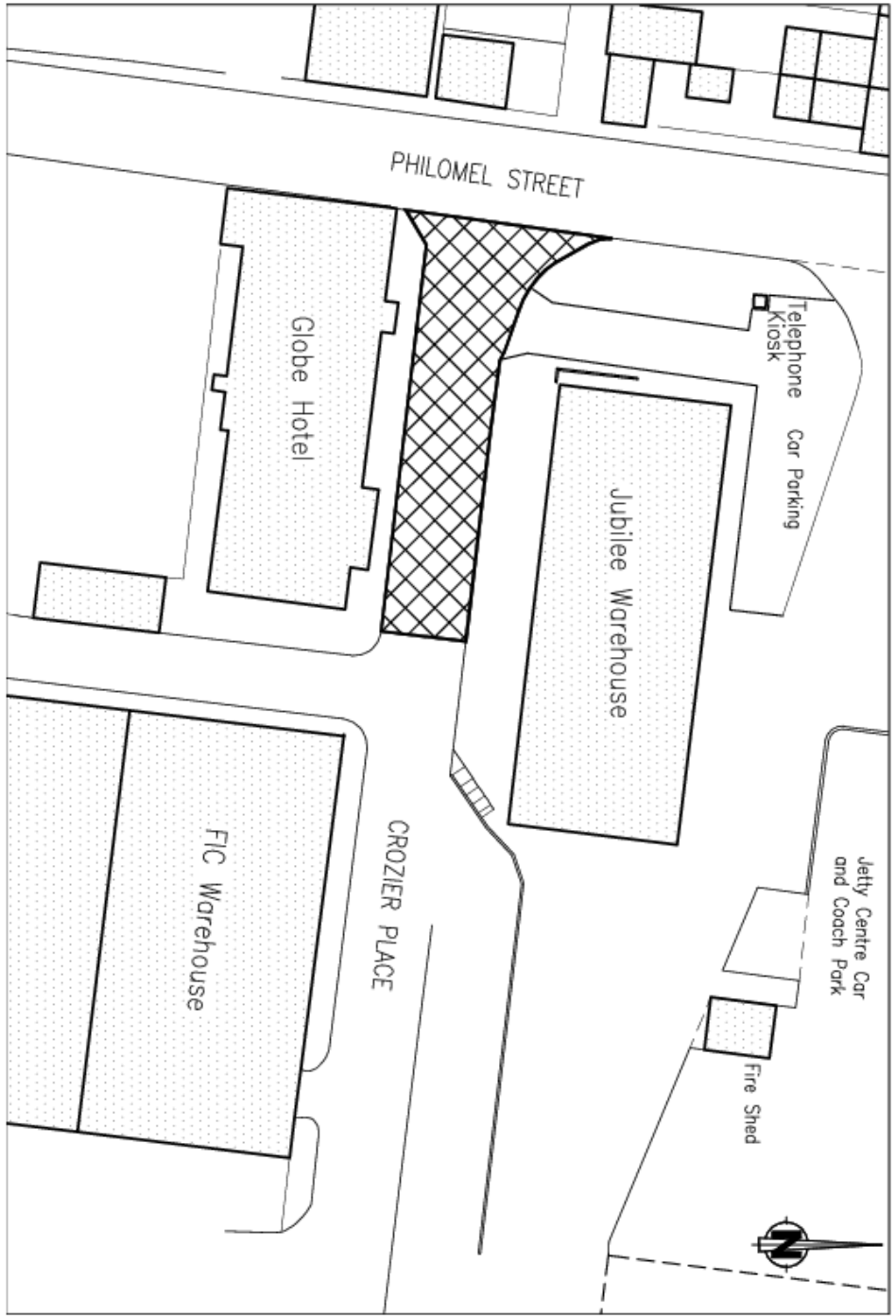
(b) Crozier Place, John Street and Reservoir Road No Waiting Regulations (S.R. &O No. 13 of 2000).

SCHEDULE
(regulation 2(1))

RELEVANT LENGTHS OF ROAD







Made 26 July 2017

R.A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not forming part of the regulations)

These regulations are made under section 59 of the Road Traffic Ordinance (Title 63.1).

These regulations revoke two sets of existing regulations (John Street and Villiers Street Waiting Regulations and the Crozier Place, John Street and Reservoir Road No Waiting Regulations) and replace them with a consolidated version which contains more comprehensive provisions that cater for developments alongside the relevant roads.

Regulation 3 makes it an offence for motor vehicles to wait on the relevant length of road (as defined under regulation 2). Regulation 3 also provides for a penalty.

Regulation 4 provides circumstances (exceptions and defences) where waiting on the relevant length of road is allowed. It also specifies the roads on which loading or unloading can be done as well as the times when parking to load or unload can be done on those roads to take into account school days and allows this to be done outside of the school pick-up and drop-off times when children are in class.

Regulation 5 provides that the Chief Police Officer can designate an area on John Street, between Villiers Street and Pencil Lane as a disabled parking bay. The regulation further empowers the Chief Police Officer to issue parking cards for disabled users for specified periods. The parking card must be capable of being displayed in a prominent position on the windscreen of the vehicle used to transport a disabled user and it must be in such form that it can be moved around in the different vehicles transporting the disabled user.

Regulation 6 gives the Chief Police Officer the power to give directions for the erecting of signs and notices to draw the attention of the public to the 'no waiting' restrictions within the relevant lengths of road as well as to indicate disabled parking bays.

Regulation 7 revokes the John Street and Villiers Street Waiting Regulations and the Crozier Place, John Street and Reservoir Road No Waiting Regulations which currently impose waiting restrictions on these streets.

The Schedule contains maps of the relevant roads.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Stanley Street Parking (Prohibited Vehicles) (Amendment) Order 2017

S. R. & O. No: 23 of 2017

Made: 26 July 2017

Published: 4 August 2017

Coming into force: 1 September 2017

I make this order under section 59(1)(m) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

This order is cited as the Stanley Street Parking (Prohibited Vehicles) (Amendment) Order 2017 and comes into operation on publication in the *Gazette*.

2. Article 2 amended — Interpretation

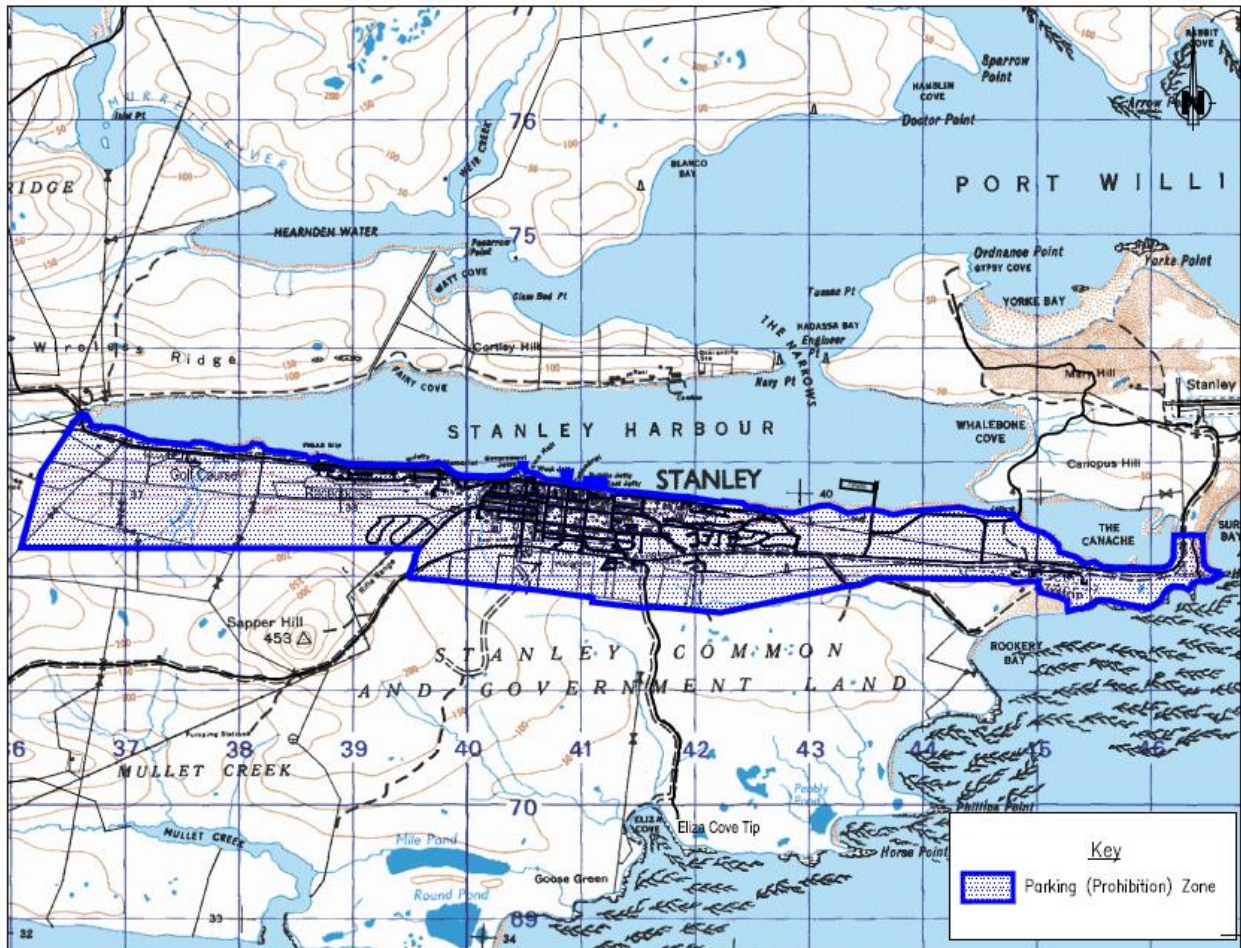
The Stanley Street Parking (Prohibited Vehicles) Regulations Order (S. R. & O. No. 25 of 1996) is amended —

(a) by deleting article 2(2) and replacing it with the following —

“(2) A location, place or road is within Stanley for the purposes of this Ordinance if it is within the boundaries described in the Schedule.”; and

(b) by inserting the following Schedule immediately after article 4 —

“SCHEDULE
ROADS WITHIN STANLEY
(article 2(2))



Stanley Area Vehicle Parking (Prohibition) Zone

”

Made 26 July 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not forming part of the regulations)

This order amends the Stanley Street Parking (Prohibited Vehicles) Regulations Order (S. R. & O. No. 25 of 1996) to remove the reference to the boundary of Stanley defined under the Stanley Rates Ordinance. Due to new developments there are now some roads which have been constructed which are not covered by the definition of Stanley boundary under the Stanley Rates Ordinance. The amendment provides for a new boundary which will cover all these roads which need to be included under this Order.

The proposed amendment adds a new Schedule which describes the boundary to which the current Order applies. Defining the boundary by way of a Schedule provides flexibility as it will be easier to replace it whenever new roads are constructed outside the boundary which needs to be covered.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Barrack Street Clearway) Regulations 2017

S. R. & O. No: 24 of 2017

Made: 26 July 2017

Published: 4 August 2017

Coming into force: 1 September 2017

I make these regulations under section 59(1)(m) and (v) of the Road Traffic Ordinance (Title 63.1) on the advice of Executive Council.

1. Title and commencement

These regulations are the Road Traffic (Barrack Street Clearway) Regulations 2017 and come into operation on 1 September 2017.

2. Interpretation

In these regulations —

“Barrack Street” means both sides of the northern part of the carriageway at Barrack Street being the length of that carriageway between its junction with Ross Road and its junction with John Street as indicated in the map set out in the Schedule;

“Director” means the Director of Public Works; and

“wait” in respect of a motor vehicle, means to cause it to stop, stand or park for any reason and for any period of time.

3. Clearway (no waiting)

(1) Subject to regulation 4, a person who causes or permits a motor vehicle to wait on Barrack Street commits an offence.

(2) A person who is convicted of an offence under this regulation is liable on conviction to a fine not exceeding level 2 on the standard scale.

4. Exceptions

It is not an offence under regulation 3 to cause or permit a motor vehicle to wait on Barrack Street where —

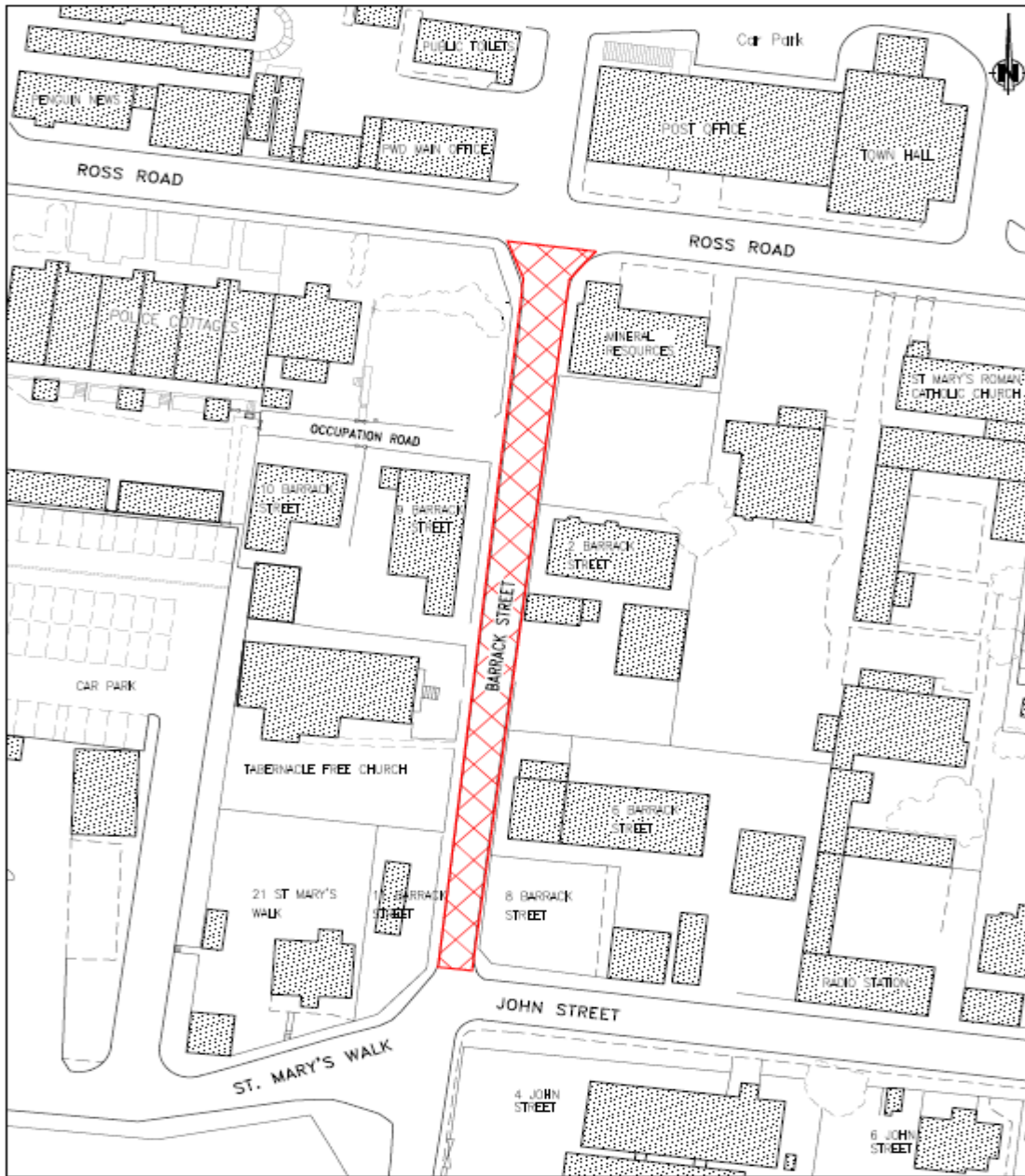
- (a) it is necessary so as to permit a passenger or passengers to alight;

- (b) it is necessary so as to permit goods to be loaded or unloaded;
- (c) it is permitted or required by a police officer in uniform;
- (d) it is not reasonably avoidable having regard to the exigencies of traffic;
- (e) it is reasonable to remove another vehicle or an obstruction;
- (f) it is necessary for the maintenance or repair of the road or any other public road, or of public utilities; or
- (g) it is occasioned by —
 - (i) a mechanical failure of the motor vehicle;
 - (ii) a road traffic accident;
 - (iii) the need to avoid damage to some other property or injury or death to some other person.

5. Power to erect signs

The Chief Police Officer may give a direction to cause signs and notices to be erected which in the Chief Police Officer's opinion are convenient to draw attention to the effect of these Regulations, but the absence of or removal of any such sign or notice will not be a defence to an offence under regulation 3(1).

SCHEDULE
(regulation 2)



Made 26 July 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not forming part of the regulations)

These regulations are made under section 59 of the Road Traffic Ordinance (Title 63.1).

The regulations prohibit motor vehicles waiting on Barrack Street as provided for in regulation 3.

Regulation 3 also provides a penalty for contravention;

Regulation 4 provides circumstances (exceptions and defences) where a person may wait on Barrack Street and these are listed under regulation 4;

Regulation 5 provides that the Chief Police Officer may erect signs and notices to draw attention to the public of the 'no waiting' restrictions on Barrack Street.

The Schedule contains a map indicating the prohibited part of Barrack Street.



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 126

31 August 2017

No. 10

Appointment

Imogen Fiona Didlick, Personal Assistant, Legislature Department, 01.08.17.

Andrew Peter McCartney, Head of Programmes, Central Services Department, 04.08.17.

Diana Mary Aldridge, Senior Accounting Assistant, Treasury, 14.08.17.

Manolito Gonzalvo, Plant Operator/Handyperson, Materials Section, Public Works Department, 14.08.17.

Neville Peter Gericke, Labourer, Highways Section, Public Works Department, 15.08.17.

Completion of appointment

Rebecca Ruth Hill, Teacher, Infant and Junior School, Education Department, 31.08.17.

Completion of contract

Thomas Hill, Director, Education Department, 11.08.17.

David Paul Joseph Bailey, Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Rachel Caroline Sarah Keelin, Teacher, Infant and Junior School, Education Department, 31.08.17.

William Alan McCormack, Teacher, Infant and Junior School, Education Department, 31.08.17.

Katherine Anne Sheppard, Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Renewal of contract

Benjamin Joseph Keningale, Fisheries Observer, Natural Resources Department, 04.08.17.

Adam Leonard Dawes, Senior Agricultural Adviser, Natural Resources Department, 22.08.17.

Determination of appointment

David James Clarke, Standby Power Station Operator, Power and Electrical Section, Public Works Department, 18.08.17.

Resignation

Regitze Petersen, Agricultural Assistant, Natural Resources Department, 04.08.17.

Mari-Ann Clarke, Learning Support Assistant, Infant and Junior School, Education Department, 10.08.17.

Rachael Crowie, Part-time Clerk, Infant and Junior School, Education Department, 10.08.17.

Beverley Christina Lee, Learning Support Assistant, Falkland Islands Community School, Education Department, 10.08.17.

Shula Louise Phillips, Cook, Stanley Hostel, Education Department, 31.08.17.

Alison Short, Teacher, Infant and Junior School, Education Department, 31.08.17.

NOTICES

No. 66 27 July 2017

Customs Ordinance *section 7*

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint **Cpl Amanda Louise Matthews** – 30214568 to be a temporary Customs Officer from 29 May to 29 November 2017.

Dated 27 July 2017

R. J. KING,
Collector of Customs.

No. 67 31 July 2017

Marriage Ordinance *section 26*

Registration as a Minister for the Solemnisation of Marriage

In exercise of my powers under section 26(2) of the Marriage Ordinance 1996 I Richard Alexander John Mitham Acting Governor of the Falkland Islands hereby appoint **Rev'd Deacon Betty Ann Turner** as a minister for the solemnisation of marriages.

Dated 31 July 2017

R. A. J. MITHAM,
Acting Governor.

No. 68 3 August 2017

Twigworth Trading Company Limited **Company number: 11259**

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 3 August 2017

E. J. DENT,
Registrar of Companies.

No. 69

5 August 2017

Law Revision and Publication Ordinance *section 4*

Appointment of Acting Statute Law Commissioner

1. Section 4(1) of the Law Revision and Publication Ordinance (No 11 of 2017) provides for the Governor to appoint the Statute Law Commissioner.

2. In exercise of my powers under section 4(1) of the Law Revision and Publication Ordinance, I, Richard Alexander John Mitham, Acting Governor of the Falkland Islands, appoint **David Charles Brown** to be Acting Statute Law Commissioner to carry out the duties of the Statute Law Commissioner whilst the substantive holder of the post is absent from the Falkland Islands.

3. This appointment has effect from 5 August 2017 and continues in effect whilst David Charles Brown holds office as Attorney General, unless terminated sooner.

Dated 5 August 2017

R. A. J. MITHAM,
Acting Governor.

No. 70 28 August 2017

Police Ordinance *section 52*

Notice of unclaimed property

Take notice that the following items are in the charge of the Royal Falkland Island Police:

Date found	Description of item
27.06.17	Black wallet with £220 in notes inside
20.07.17	Raleigh Banicot pedal bike
25.08.17	Black Raleigh Airlite AT40 mountain bike
27.08.17	1 x black car key with M U key ring

Any person who may have a claim to such property may lodge a claim in writing to the Magistrate's Court within six months of the publication of this list in the Gazette.

Dated 28 August 2017

J. BROOKS,
Clerk, Magistrates Court.

No. 71 28 August 2017

Application for Falkland Islands Status

Notice is hereby given that:

Martha Jenny Molkenbuhr;
Carli Sudder;
Merrill Steve Leo;
Tristan Mark Peters;
Andrea Stanworth;
Andrew James Stanworth;

John Currie Thom;
Janet Mary Miller; and
Liam Shelbourne

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency 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 and Immigration Department, Stanley by 22 September 2017.

Dated 28 August 2017

J. E. SMITH,
Immigration Officer.

No. 72 29 August 2017

Prisons Ordinance 2017

**Appointment of Chairperson
to the Prison Monitoring Board**

I, Richard Alexander John Mitham, in exercise of my powers under paragraph 1(10)(a) of the Schedule to the Prisons Ordinance 2017 and all other powers enabling me hereby appoint **Joost Herman Willem Pompert** to be Chairperson of the Prison Monitoring Board for a term of six months from 29 August 2017, unless terminated sooner.

Dated 29 August 2017

R. A. J. MITHAM,
Acting Governor.

No. 73 29 August 2017

Prisons Ordinance 2017

**Appointment of Secretary
to the Prison Monitoring Board**

I, Richard Alexander John Mitham, in exercise of my powers under paragraph 2(6) of the Schedule to the Prisons Ordinance 2017 and all other powers enabling me hereby appoint **James Brooks** to be Secretary of the Prison Monitoring Board, whilst

James Brooks holds the position of Head of Court and Tribunals Service, unless terminated sooner.

Dated 29 August 2017

R. A. J. MITHAM,
Acting Governor.

No. 74 30 August 2017

Commissioners for Oaths Ordinance
section 2(2)

Appointment of Commissioner for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 provides that the Governor may appoint commissioners for oaths.

2. In exercise of my powers under section 2(2), I appoint **Susan Elizabeth Keith Pullen** to be a Commissioner for Oaths.

3. This appointment has effect from 30 August 2017 and continues in effect while Susan Elizabeth Keith Pullen holds office as Falkland Islands Government Representative of the Falkland Islands Government, unless terminated sooner.

Dated 30 August 2017

R. A. J. MITHAM,
Acting Governor.

No. 75 31 August 2017

United Kingdom Statutory Instruments

Notice is hereby given that the following United Kingdom Statutory Instruments have been published in the United Kingdom by The Stationery Office Limited and are available to view at: <http://www.legislation.gov.uk>

2017 No 777 – The Falkland Islands Courts (Overseas Jurisdiction)(Amendment) Order 2017
<http://www.legislation.gov.uk/ukxi/2017/777/contents/made>

Dated 31 August 2017

B. I. STEEN,
for Attorney General.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

14 September 2017

No. 16

The following are published in this Supplement –

Members' Remuneration (Amendment) Bill 2017;

Children (Amendment) Bill 2017;

Commons Bill 2017; and

Road Traffic (Amendment) Bill 2017.

Members' Remuneration (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Members' Remuneration Ordinance
4. Amendment of section 4A — Resettlement grant
5. Amendment of Schedule — Amounts payable to Members

“(e) tips that are consistent with the tipping levels in a jurisdiction, given by a Member when that Member is dining alone or with another Member or a Falkland Islands government officer (*other than where a service charge is already included in the invoice*);

(b) by replacing paragraph 10(9) as follows —

“(9) A Member may only travel by air in a premium class (such as Premium Economy, Club, Business, Executive or similar) —

(a) the whole journey for which the scheduled flying time exceeds eight hours; or

(b) where it is not possible for the Member to arrive at the destination more than 24 hours before the start of the first business approved by the Governor that the Member is due to undertake after arriving.”; and

(c) by replacing paragraph 14(d) as follows —

“(d) for broadband internet monthly service either —

(i) £75 per month for Stanley;

(ii) £175 per month for Camp; or

(iii) if lower, the amount actually incurred in respect of the monthly fee for such service; and”.

OBJECTS AND REASONS

This Bill amends the Members’ Remuneration Ordinance to provide for new benefits (allowances and claims for expenses, and travel benefits) for Members of the Legislative Assembly.

Clauses 1 and 2 provide for the title and commencement;

Clause 3 amends section 4A of the Ordinance to increase the resettlement allowance to two months’ salary instead of one month’s salary as currently provided for;

Clause 4 amends the Schedule under paragraph 10 as follows:

- to include in the claims that a Member can make, the cost of meals that a Member pays for (which were not pre-booked with the accommodation) including those paid for another person dining with the Member provided that person is not another Member or an FIG officer;

- to allow Members to be refunded for tips given when dining alone, with another Member or with an FIG officer. This must be where a service charge is not included in the bill/invoice and a tip claimed for must be consistent with the tipping level of the particular jurisdiction where it is given;
- to allow Members to travel by air in a premium class (such as Premium Economy, Club, Business, Executive or similar) where the scheduled flying time is more than 8 hours OR where it is not possible for the Member to arrive at the destination more than 24 hours before the start of the first business approved by the Governor; and
- to increase the monthly allowance for broadband internet service from £33 to £75 for Members in Stanley and £175 for Members in Camp (to include intranet charges).

Children (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENTS OF PROVISIONS

Clause

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Children Ordinance

3. Amendment of Children Ordinance
4. Part 2 amended — Insertion of new sections
5. Part 9 amended — Insertion of new section
6. Heading to Part 9 amended

CHILDREN (AMENDMENT) BILL 2017

(assented to: 2017)
(commencement: 2017)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Children Ordinance 2014 to provide for the making of special guardianship orders by the court and to confer power on the Director of Health and Social Services to give general guidance in the exercise of functions arising out of support to be given by the Crown to children and families.

BE IT ENACTED by the Legislature of the Falkland Islands —

Part 1 — Introductory

1. Title

This Ordinance is the Children (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2 — Amendment of Children Ordinance

3. Amendment of Children Ordinance

This Ordinance amends the Children Ordinance.

4. Part 2 amended — Insertion of new sections

Part 2 of the Children Ordinance is amended by inserting the following new sections immediately after section 18 —

“18A. Special guardianship orders: general

(1) A “special guardianship order” is an order appointing one or more individuals to be a child’s “special guardian” (or special guardians).

(2) A special guardian —

(a) must be aged eighteen or over; and

(b) must not be a parent of the child in question,

and subsections (3) to (6) are to be read in that light.

(3) The court may make a special guardianship order with respect to any child on the application of an individual who —

- (a) is entitled to make such an application with respect to the child; or
- (b) has obtained the leave of the court to make the application,

or on the joint application of more than one such individual.

(4) Section 13(3) applies in relation to an application for leave to apply for a special guardianship order as it applies in relation to an application for leave to apply for a section 12 order.

(5) The individuals who are entitled to apply for a special guardianship order with respect to a child are —

- (a) any guardian of the child;
- (b) any individual in whose favour a residence order has been made;
- (c) any individual listed in subsection (5)(b) or (c) of section 14 (as read with subsection (12) of that section);
- (d) a foster carer with whom the child has lived for a period of at least one year immediately preceding the application;
- (e) a relative with whom the child has lived for a period of at least one year immediately preceding the application.

(6) The court may also make a special guardianship order with respect to a child in any family proceedings in which a question arises with respect to the welfare of the child if —

- (a) an application for the order has been made by an individual who falls within subsection (3)(a) or (b) (or more than one such individual jointly); or
- (b) the court considers that a special guardianship order should be made even though no such application has been made.

(7) No individual may make an application under subsection (3) or (6)(a) unless, before the beginning of the period of three months ending with the date of the application, the person has given written notice of his or her intention to make the application if the child in question is being looked after by the Crown, to the Crown.

(8) On receipt of such a notice, the Crown must investigate the matter and prepare a report for the court dealing with —

- (a) the suitability of the applicant to be a special guardian;
- (b) such matters (if any) as may be prescribed by the Governor; and
- (c) any other matter which the Crown consider to be relevant.

(9) The court may itself ask the Crown to conduct such an investigation and prepare such a report, and the Crown must do so.

(10) The Crown may make such arrangements as it sees fit for any person to act on its behalf in connection with conducting an investigation or preparing a report referred to in subsection (8) or (9).

(11) The court may not make a special guardianship order unless —

- (a) it has received a report dealing with the matters referred to in subsection (8); or
- (b) if after exercising its powers under subsection 6(b), it is satisfied that it has sufficient information equivalent to that required under subsection (8).

(12) Subsections (10) and (11) of section 14 apply in relation to special guardianship orders as they apply in relation to section 12 orders.

18B. Special guardianship orders: making

(1) Before making a special guardianship order, the court must consider whether, if the order were made —

- (a) a contact order should also be made with respect to the child;
- (b) any section 12 order in force with respect to the child should be varied or discharged;
- (c) where a provision contained in a residence order or contact order made with respect to the child is not discharged, any enforcement order relating to that provision should be revoked, and
- (d) where an activity direction has been made —
 - (i) in proceedings for the making, variation or discharge of a residence order or contact order with respect to the child, or
 - (ii) in other proceedings that relate to such an order,

that direction should be discharged.

(2) On making a special guardianship order, the court may also —

(a) give leave for the child to be known by a new surname;

(b) grant the leave required by section 18C(3)(b), either generally or for specified purposes.

18C. Special guardianship orders: effect

(1) The effect of a special guardianship order is that while the order remains in force —

(a) a special guardian appointed by the order has parental responsibility for the child in respect of whom it is made; and

(b) subject to any other order in force with respect to the child under this Ordinance, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility for the child (apart from another special guardian).

(2) Subsection (1) does not affect —

(a) the operation of any enactment or rule of law which requires the consent of more than one person with parental responsibility in a matter affecting the child; or

(b) any rights which a parent of the child has in relation to the child's adoption or freeing for adoption.

(3) While a special guardianship order is in force with respect to a child, no person may —

(a) cause the child to be known by a new surname; or

(b) remove the child from the Falkland Islands,

without either the written consent of every person who has parental responsibility for the child or the leave of the court.

(4) Subsection (3)(b) does not prevent the removal of a child, for a period of less than three months, by a special guardian of the child, or the removal of a child for any period whatsoever if it is for a medical purpose advised by a medical practitioner.

(5) If the child with respect to whom a special guardianship order is in force dies, the child's special guardian must take reasonable steps to give notice of that fact to —

(a) each parent of the child with parental responsibility; and

(b) each guardian of the child,

but if the child has more than one special guardian, and one of them has taken such steps in relation to a particular parent or guardian, any other special guardian need not do so as respects that parent or guardian.

18D. Special guardianships orders: variation and discharge

(1) The court may vary or discharge a special guardianship order on the application of —

(a) the special guardian (or any of them, if there are more than one);

(b) any parent or guardian of the child concerned;

(c) any individual who is named in a residence order or a contact order as a person with whom the child is to live;

(d) any individual not falling within any of paragraphs (a) to (c) who has, or immediately before the making of the special guardianship order had, parental responsibility for the child;

(e) the child; or

(f) the Crown where there is a care order with respect to the child.

(2) In any family proceedings in which a question arises with respect to the welfare of a child with respect to whom a special guardianship order is in force, the court may also vary or discharge the special guardianship order if it considers that the order should be varied or discharged, even though no application has been made under subsection (1).

(3) Where it is reasonably required to secure the child's long term placement, the court may make an order that the following must obtain the leave of the court before making an application under subsection (1) —

(a) the child;

(b) any parent or guardian of the child;

(c) any step-parent of the child who has acquired, and has not lost, parental responsibility for the child by virtue of section 8;

(d) any individual falling within subsection (1)(d) who immediately before the making of the special guardianship order had, but no longer has, parental responsibility for the child.

(4) Where the person applying for leave to make an application under subsection (1) is the child, the court may only grant leave if it is satisfied that the child has sufficient understanding to make the proposed application under subsection (1).

(5) The court may not grant leave to a person falling within subsection (3)(b)(c) or (d) unless it is satisfied that there has been a significant change in circumstances since the making of the special guardianship order.

18E. Special guardianship orders: supplementary

(1) In proceedings in which any question of making, varying or discharging a special guardianship order arises, the court must (in the light of any provision in rules of court that is of the kind mentioned in section 15(2)(a) or (b)) —

(a) draw up a timetable with a view to determining the question without delay; and

(b) give such directions as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that the timetable is adhered to.

(2) Subsection (1) applies also in relation to proceedings in which any other question with respect to a special guardianship order arises.

(3) The power to make rules in subsection (2) of section 15 applies for the purposes of this section as it applies for the purposes of that.

(4) A special guardianship order, or an order varying one, may contain provisions which are to have effect for a specified period.

(5) Section 15(7) (apart from paragraph (c)) applies in relation to special guardianship orders and orders varying them as it applies in relation to section 12 orders.

18F. Special guardianship support services

(1) The Crown must consider whether it is feasible and appropriate to provide special guardianship support services to a child in respect of whom a special guardianship order application has been made and any person who has made a special guardian application. Any service that is considered to be feasible and appropriate in the circumstances will be made available only in so far as is reasonably practical within the Falkland Islands. This may include counselling, advice or information in relation to special guardianship.

(2) At the request of any of the following persons—

(a) a child with respect to whom a special guardianship order is in force;

(b) a special guardian;

(c) a parent;

(d) any other person who falls within a prescribed description,

the Crown may carry out an assessment of that person's needs for special guardianship support services if the Crown considers this to be feasible and appropriate. If the Crown

concludes that there are any such available services these will be provided only in so far as this is reasonably practical in the Falkland Islands.

(3) The Crown may, at the request of any other person, carry out an assessment of that person's needs for special guardianship support services.

(4) Where, as a result of an assessment, the Crown decides that a person has needs for special guardianship support services, the Crown must then decide whether to provide any of those services to that person.

(5) If —

(a) the Crown decides to provide any special guardianship support services to a person, and

(b) the circumstances fall within a prescribed description ,

the Crown may prepare a plan in accordance with which special guardianship support services are to be provided to the person, and keep the plan under review.

(6) The Governor may by regulations make provision about ——

(a) assessments;

(b) the preparation and review of plans;

(c) the provision of special guardianship support services in accordance with plans; and

(d) the review of the provision of special guardian support services.

(7) The regulations may in particular make provision —

(a) about the type of assessment which is to be carried out, or the way in which an assessment is to be carried out;

(b) about the way in which a plan is to be prepared;

(c) about the way in which, and the time at which, a plan or the provision of special guardianship support services is to be reviewed;

(d) about the considerations to which the Crown is to have regard in carrying out an assessment or review or preparing a plan;

(e) as to the circumstances in which the Crown may provide special guardianship support services subject to conditions (including conditions as to payment for the support or the repayment of financial support); and

(f) as to the consequences of conditions imposed by virtue of paragraph (e) not being met (including the recovery of any financial support provided).

(8) The Crown may provide special guardianship support services (or any part of them) by securing their provision by an external provider approved by the Director of Health and Social Services where it is reasonably practical to do so.

(9) The Crown may carry out an assessment of the needs of any person for the purposes of this section at the same time as an assessment of the person's needs is made under any other provision of this Ordinance or under any other enactment.”

5. Part 9 amended — Insertion of new section

Part 9 of the Children Ordinance is amended by inserting the following new section immediately after section 100 —

“100A. Director of Health and Social Services to make guidance

(1) The Director of Health and Social Services may prepare any guidance in relation to any matter which is to be prescribed under a provision of this Ordinance if the matter has not been prescribed.

(2) The Crown must, in the exercise of its functions under this Ordinance, including the exercise of any discretion conferred on it by any relevant enactment, act under the general guidance of the Director of Health and Social Services.

(3) The Director of Health and Social Services must make arrangements for any guidance made under subsection (1) to be made available to all relevant parties. (*electronically or in hard copy*).”

6. Heading to Part 9 amended

The heading to Part 9 of the Children Ordinance is deleted and substituted with the following—

**“PART 9
SUBSIDIARY LEGISLATION AND GUIDANCE”.**

OBJECTS AND REASONS

This Ordinance amends the Children Ordinance 2014 to provide for the making of special guardianship orders and gives the Director of Social Services the power to make guidance in relation to functions conferred on the Crown under the Children Ordinance 2014.

Part 1 provides for introductory matters. Clause 2 provides for the amendment to come into effect on a day to be appointed by the Governor in the Gazette.

Clause 3 provides for the amendment of the Children Ordinance.

Clause 4 amends Part 2 of the Ordinance to add provisions (sections 18A to 18F) relating to special guardianship orders in the Children Ordinance 2014. Special guardianship orders are intended to meet the needs of children who cannot live with their birth parents, for whom adoption is not appropriate, but who could still benefit from a legally secure placement. They are intended to operate both as an enhanced residence order and also, where appropriate, as an alternative outcome in care proceedings and therefore more similar in nature to a foster placement or open adoption. It is in these cases that the court may consider ordering a provision for leave to apply.

These new sections provide for who may apply for an order, the circumstances in which orders may be made, the nature and effect of special guardianship orders, and for the Crown to support services for special guardians.

The new section 18A provides for who may apply for a special guardianship order and the application process. The person in whose favour a special guardianship order is made is a 'special guardian'. People may apply jointly to become special guardians. They need not be married. Subsection (2) provides that special guardians must be 18 or over and that the parents of a child may not become the child's special guardian. Subsections (3) to (5) make provision about who may apply for an order.

Under subsection (6) the court may also make special guardianship orders in any family proceedings concerning the welfare of a child if they consider an order should be made, even if no application has been made. Family proceedings are defined in section 12(3) of the 2014 Ordinance and include adoption proceedings under the Adoption Act 1976 (as it applies to). When considering making a special guardianship order the child's welfare is the court's paramount consideration, and the welfare checklist in section 4(3) of the 2014 Ordinance applies. The court would be able to dispense with the requirement of a report in circumstances where an order is made without application. This is to enable the court to expedite proceedings where appropriate.

Subsections (7) onwards set out the application process. Applicants must give 3 months' written notice to the Crown of their intention to apply for the order. On receipt of notice the Crown must then investigate and prepare a report to the court about the suitability of the applicants to be special guardians and any other relevant matters. The Crown may make arrangements for the investigation and report to be done by someone else. Regulations may prescribe matters to be covered in the report. This is to ensure a proper assessment process is followed for special guardians. The court may not make an order unless it has received a report covering the suitability of applicants.

The new section 18B provides that before making a special guardianship order the court must consider whether or not to vary or discharge any other existing order made under section 12 of the 2014 Ordinance (such as a contact order or residence order) and also whether a contact order (for example, to enable continued contact with the child's birth parents) should be made at the same time as the special guardianship order. The court may also on making the special guardianship order give leave for the child to be known by a new surname and give permission for the child to be taken out of the Falkland Islands for any period longer than three months.

The new section 18C sets out the effect of special guardianship orders. Subsection (1)(a) gives the special guardian parental responsibility for the child. Subject to any later order made under the Ordinance, the special guardian may exercise parental responsibility to the exclusion of others with parental responsibility apart from another special guardian (subsection (1)(b)). An exception applies in those circumstances where the law provides that the consent of all parties with parental responsibility may be or is required (subsection (2)(a)). Subsections (3) and (4) provide that while an order is in force the child may only be known by a different surname or be removed from the Falkland Islands for longer than three months with the consent of all those who have parental responsibility, or with the leave of the court.

The intention is that the special guardian has clear responsibility for all the day to day decisions about caring for the child and for taking decisions about the child's upbringing. But the order retains the basic legal link with the birth parents, unlike adoption. They remain legally the child's parents, though their ability to exercise their parental responsibility is limited. They retain the right to consent or not to the child's adoption or placement for adoption (subsection 2(b)). Subsection (5) provides that the special guardian must also take reasonable steps to inform the parents or guardian if the child dies.

The new section 18D provides for special guardianship orders to be varied or discharged on the application of:

- the special guardian;
- the child's parents or guardian;
- any step parent who has parental responsibility by virtue of section 8 of the 2014 Ordinance;
- anyone who had parental responsibility immediately before the special guardianship order was made;
- the child;
- if a care order is made in respect of the child, the Crown can apply to discharge the special guardianship order;
- anyone who has a residence order in respect of the child.

Subsection (2) provides that the court may, during any family proceedings in which a question arises about the welfare of a child who is subject to a special guardianship order, vary or discharge the order in the absence of an application.

The new section 18E makes supplemental provisions, including allowing the court to set timescales for proceedings involving special guardianship applications.

The new section 18F makes provision for Crown support services for special guardians, children subject to special guardianship orders and others. The Crown first must consider whether it is

feasible and appropriate to provide services where they are in support of a special guardianship order being made. If this is considered to be so then as far as is reasonably practical these services shall be provided. This support could include things such as counselling, advice and information, and such other services as may be prescribed in regulations.

Regulations will be made prescribing the circumstances where the Crown must, at the request of special guardians, children subject to special guardianship orders, their parents and other prescribed persons, carry out an assessment of that person's needs for special guardianship support services.

It is intended to use the regulations to ensure that the Crown puts in place a range of support services to be available where appropriate for special guardians and children subject to special guardianship orders, their parents, and where appropriate, to others, which could include members of the birth family. In the interim the Director of Health and Social Services will put in place guidance on the support that the Crown may provide until regulations can be made.

Subsection (3) gives the Crown the discretion to carry out an assessment of need for support services at the request of any other person. Subsections (4) to (5) govern the assessment process and, where support services are to be provided, the arrangements for their provision.

The needs assessment may be carried out at the same time as an assessment of that person's needs for any other purpose (subsection (9)). Again, the intention is to facilitate joined up planning and provision of public services support. There is provision for the Crown to delegate assessments and the provision of special guardianship support services to prescribed persons (subsection (8)) where this is reasonably practical to arrange.

Clause 5 amends Part 9 of the Ordinance by inserting a new section 100A after section 100. The new section confers power on the Director of Health and Social Services to prepare any guidance for any matter which is to be prescribed where that matter has not been prescribed. This will enable the department to develop guidance which can then be used as a basis for regulations in the future. The new section 100A will complement the existing section 100(2) which allows that a thing will be treated as having been done in the prescribed way if it is done in a way that is reasonable in all of the circumstances.

Clause 6 amends the heading to Part 9 to reflect the addition of section 100A.

Commons Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 — INTRODUCTION

1. Title and commencement
2. Interpretation

PART 2 — DESIGNATION OF COMMONS

3. Designation of Commons
4. Restrictions and other matters relating to Commons

PART 3 — STANLEY COMMON

5. Dedication of Stanley Common
6. Restriction on grants of Stanley Common land
7. Restriction on acquisition of title etc. by adverse possession and prescription
8. Amendment of the Category A Stanley Common Land boundary
9. Development and uses — Category A Stanley Common Land
10. Development and uses — Category B Stanley Common Land
11. Lands Committee — by-laws
12. Governor — necessary infrastructure in Category B Stanley Common Land
13. Fees for Common grazing
14. Penalties
15. Stanley Common Regulations

PART 4 — GENERAL

16. Application to the Crown
17. Regulations
18. Repeal of Stanley Common Ordinance
19. Transitional and savings

PART 5 — CONSEQUENTIAL AMENDMENTS

20. Amendment of Trespass Ordinance
21. Amendment of Land Charges Ordinance
22. Amendments to Board of Health By-Laws
23. Revocation of Stanley Common Rules

Schedules

COMMONS BILL 2017

(No: of 2017)

(*assented to:* 2017)
(*commencement: in accordance with section 2*)
(*published:* 2017)

A BILL

for

AN ORDINANCE

To repeal and re-enact the Stanley Common Ordinance 1999 as the Commons Ordinance so that it provides for the designation of Commons in the Falkland Islands, to amend the Trespass Ordinance, Land Charges Ordinance and to revoke various subsidiary legislation and make consequential amendments to some.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 — INTRODUCTION

1. Title

(1) This Ordinance is the Commons Ordinance 2017.

(2) This Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*.

2. Interpretation

In this Ordinance, and unless the context otherwise requires —

“common” means the Stanley Common Land or any piece of land designated as a common by the Governor under section 3;

“development” has the same meaning as it has under section 26 of the Planning Ordinance 1991;

“land” includes land covered by water (including the sea) and the bed of any river or of the sea or other body of water;

“Lands Committee” means the Committee for the time being established by Executive Council under section 57(3) of the Constitution to advise Executive Council on land management and to perform such other functions as may be delegated to it;

“Museum and National Trust” means the trust established by section 3 of the Museum and National Trust Ordinance 1991;

“Planning Officer” means the officer appointed by the Governor under section 10 of the Planning Ordinance; and

“public purpose” in relation to land or the use of land means —

(a) any purpose connected with —

(i) exclusive government use;

(ii) general public use;

(iii) ancillary to the public interest or utility;

(iv) town planning;

(v) the defence of the Falkland Islands;

(vi) ancillary to naval, military or air force requirements;

(vii) the promotion or creation of healthy and sanitary surroundings and the prevention or abatement of what the Governor considers to be a nuisance, dangerous to health or limb;

(b) any purpose intended to result in a benefit or advantage to the community and without prejudice to its generality to include the development, utilization or disposal of property (in whole or in part) for the promotion of the physical, economic, social, or aesthetic well-being of the community;

(c) any other purpose specified as public by any Ordinance or which the Governor may declare to be a public purpose;

“Stanley Common” means the area shown in Schedule 1;

“Category A Stanley Common Land” means the land in the vicinity of Stanley, the boundaries of which are delineated on the map appearing in Schedule 1 to this Ordinance; and

“Category B Stanley Common Land” means the land in the vicinity of Stanley, the boundaries of which are delineated on the map appearing in Schedule 1 to this Ordinance.

PART 2 — DESIGNATION OF COMMONS

3. Designation of Commons

(1) The Governor may by order, designate an area or areas within the Falkland Islands as common land for the benefit of —

(a) all people in the Falkland Islands;

(b) residents of any settlement, village, town, city in the Falkland Islands; or

(c) any specific group of people living within a specific distance of any such settlement, village, town or city.

(2) An order made under subsection (1) must specify the rights, duties, obligations and responsibilities of the people specified in the order in relation to the designated common land and different rights, duties, obligations and responsibilities may be specified for different classes of people.

(3) An order made under subsection (1) must be registered with the office of the Registrar General as a Class II land charge in terms of the Land Charges Ordinance.

4. Restrictions and other matters relating to Commons

(1) The Governor may include in a designation order under section 3 all or any of the following—

(a) general restrictions on the whole or any part of the land designated as a common;

(b) conditions for removing or taking land out of the area designated as a common;

(c) restrictions on the use of the land designated as a common;

(d) restrictions on the development of the land designated as a common.

(2) An order under section 3 may further provide for —

(a) the imposition of fees or any other penalty (by way of fine or imprisonment) for any contravention of the restrictions;

(b) the imposition of charges for different activities within the Common to be used for the maintenance of the land.

PART 3 – STANLEY COMMON

5. Dedication of Stanley Common

(1) Subject to the provisions of this Ordinance Stanley Common continues to be dedicated as an open space for the benefit of all people in the Falkland Islands to which the public has access in perpetuity.

(2) For purposes of this Ordinance the area of land known as Stanley Common is divided into the following —

(a) the area delineated on the map appearing in Schedule 1 to be referred to as “Category A Stanley Common Land”;

(b) the area delineated on the map appearing in Schedule 1 to be referred to as “Category B Stanley Common Land”.

(3) Notwithstanding the generality of subsection (1) and the historic public rights that the public has over Stanley Common the following public rights continue to be available to the public —

(a) the right to graze livestock on the land subject to section 13;

(b) the right to cut or take away peat subject to a licence or authorisation from the Governor;

(c) the right to throw or burn rubbish on the areas within the land which has been designated for that purpose;

(d) the right to use the land for recreational purposes;

(e) the right of passage in and through the land (on foot, horseback, or vehicle or similar);

6. Restriction on grants of Stanley Common land

(1) Subject to subsection (2), any grant of land by the Crown within Category A Stanley Common Land or Category B Stanley Common Land which purports to create —

(a) a freehold interest;

(b) a term of years absolute;

(c) any other interest for a period in excess of three years; or

(d) an interest for a period of three years or less of any kind inconsistent with this Ordinance,

is void and of no effect whatever.

(2) Subsection (1) does not apply to the following —

(a) the Crown Grants set out in Part I of Schedule 2 to this Ordinance;

(b) the Crown Leases and other matters set out in Part II of Schedule 2 to this Ordinance for the periods indicated or for the periods of any renewals or extensions of occupation that may be reached between the Crown and the occupier;

(c) a grant or lease in favour of the Museum and National Trust in accordance with section 13 of the Museum and National Trust Ordinance 1991; and

(d) any land removed from the Category B Stanley Common Land in terms of section 8.

7. Restriction on acquisition of title etc. by adverse possession and prescription

(1) No person may acquire any title or other right or interest to or in land comprised within Category A Stanley Common Land or Category B Stanley Common Land by virtue of any law which has the effect of conferring or creating such title or any other right or interest to or in land by the doctrines known as adverse possession and prescription or by application of the doctrine of lost modern grant and, without limiting the generality of the foregoing, the provisions of section 11A of the Land Ordinance do not apply to Category A Stanley Common Land or Category B Stanley Common Land.

(2) Subsection (1) does not operate to remove any public or customary rights of way which may have arisen or be enjoyed by the public or class of the public prior to the introduction of this Ordinance nor to prevent public or customary rights arising or continuing from Stanley or points within the Category A Stanley Common Land or Category B Stanley Common Land to ways points or tracks beyond the boundaries of Category A Stanley Common Land or Category B Stanley Common Land.

8. Amendment of the Category A Stanley Common Land boundary

(1) Subject to this section, the boundaries of the Category A Stanley Common Land (“Category A Stanley Common Land boundary”) as delineated on the map appearing in Schedule 1 to this Ordinance may be amended.

(2) The Governor may by regulations make amendments to the Category A Stanley Common Land boundary where —

(a) the Governor considers it necessary for public purposes;

(b) there are exceptional circumstances that require the amendment of the Category A Stanley Common Land boundary to facilitate the sustainable development of Stanley;

(c) the amendments made to the Category A Stanley Common Land boundary do not result in the material reduction of the overall area of the Category A Stanley Common Land; and

(d) the overall suitability of the land available for the different appropriate uses is maintained.

(3) Before any amendment is made to the Category A Stanley Common Land boundary, the Planning Officer must publish a draft proposal containing information detailing the proposed amendments and the reasons for the amendments.

(4) The Planning Officer must —

(a) make the draft proposals available for public comment for a period of at least 8 weeks; and

(b) summarise all the written comments received and forward the summary to the Governor.

(5) The Governor must take the summary into account when making the decision to amend the Category A Stanley Common Land boundary.

(6) It is unlawful to remove any land from the Category A Stanley Common Land unless that land is removed in accordance with an amendment authorised under this section.

(7) A person who commits an offence under this section is liable on conviction to a fine not exceeding level six on the standard scale.

9. Development and uses — Category A Stanley Common Land

(1) It is an offence to use Stanley Common in a manner that is prohibited under this Ordinance or Regulations made under it.

(2) It is an offence to carry out any development within the Category A Stanley Common Land.

(3) The following are permitted within the Category A Stanley Common Land —

(a) the cutting and taking away of peat under a licence or permission granted by or on behalf of the Governor;

(b) the use by the Falkland Islands Defence Force and the Royal Falkland Islands Police of firearms for training on approval by the Governor for that purpose;

(c) the use for training on a part of the Category A Stanley Common Land which has been approved by the Governor for that purpose by the Falkland Islands Defence Force, the Fire and Rescue Service or any other organisation approved by the Governor;

(d) the grazing of animals —

(i) where it is in accordance with a grazing permit issued by the Department of Agriculture as provided for under section 13; or

(ii) where the Department of Agriculture has authorised the grazing of animals on that part of the Category A Stanley Common Land for a specified period.

(4) An activity or use which unduly restricts reasonable access to an area of Category A Stanley Common Land or unduly impacts on the amenity or safety of other users is only permissible to be carried out in Category A Stanley Common Land where that activity or use has been approved by the Lands Committee under section 11.

(5) A person who does any of the acts specified under subsection (3) without the necessary approval, authorisation, licence, permit or in the prescribed manner commits an offence.

(6) A person who commits an offence under this section is liable on conviction to a fine not exceeding level six on the standard scale.

10. Development and uses — Category B Stanley Common Land

(1) It is an offence to use Category B Stanley Common Land in a manner that is prohibited under this Ordinance, Regulations or by-laws made under it.

(2) Subject to section 12 developments may be carried out within Category B Stanley Common Land and where it is necessary for public purposes land may be removed from Category B Stanley Common Land.

(3) The following are permitted within the Category B Stanley Common Land —

(a) the cutting and taking away of peat under a licence or permission granted by or on behalf of the Governor;

(b) the use by the Falkland Islands Defence Force and the Royal Falkland Islands Police of firearms for training on approval by the Governor for that purpose;

(c) the use for training by the Falkland Islands Defence Force or the Fire and Rescue Service on a part of the Category B Stanley Common Land which has been approved by the Governor for that purpose;

(d) the grazing of animals —

(i) where it is in accordance with a grazing permit issued by the Department of Agriculture as provided for under section 13; or

(ii) where the Department of Agriculture has authorised the grazing of animals on that part of the Category B Stanley Common Land for a specified period;

(e) the burying of animals on Category B Stanley Common Land, where it is in accordance with an authorisation by the Department of Agriculture;

(f) the throwing, depositing or causing to be thrown or deposited on Category B Stanley Common Land any waste or other noxious matter where it is done in a place and in accordance with such conditions as may be prescribed for that purpose; and

(g) any developments necessary for public purposes.

(4) A development or activity which unduly restricts reasonable access to an area of Category B Stanley Common Land or unduly impacts on the amenity or safety of other users is only permissible to be carried out in Category B Stanley Common Land where that activity, use or development has been approved by the Lands Committee under section 11.

(5) A person who does any of the acts specified under subsection (3) without the necessary approval, authorisation, licence, and permit or in the prescribed manner commits an offence.

(6) A person who commits an offence under this section is liable on conviction to a fine not exceeding level 6 on the standard scale.

11. Lands Committee — by-laws

(1) The Lands Committee in consultation with the Environmental Committee may make by-laws authorising —

(a) the carrying out of different uses and activities within Category A Stanley Common Land;
or

(b) the carrying out of different uses and activities within Category B Stanley Common Land or the development of Category B Stanley Common Land.

(2) Without derogating from the generality of subsection (1), the Lands Committee may make by-laws on the use of Category A Stanley Common Land for the following —

(a) sport and recreation;

(b) use of Category A Stanley Common Land or any part of Category A Stanley Common Land as an amenity area;

(c) nature conservation;

(d) acts of remembrance; and

(e) any other uses as may be prescribed.

(3) Without derogating from the generality of subsection (1), the Lands Committee in consultation with the Environmental Committee may make by-laws on the following—

(a) use of Category B Stanley Common Land or any part of Category B Stanley Common Land as an amenity area;

(b) use of Category B Stanley Common Land for firearms training;

(c) use of Category B Stanley Common Land for training by the Falkland Islands Defence Force or the Fire and Rescue Service; and

(d) development of Category B Stanley Common Land.

(4) In order to be considerate of the different users of Category A Stanley Common Land the by-laws made under this section may contain restrictions or limitations on access and use of the land for specific activities.

(5) In order to be considerate to the different users of Category B Stanley Common Land by-laws made under this section —

(a) must include the process of notifying the public about any proposed developments where the developments result in land being removed from Category B Stanley Common Land;

(b) may contain restrictions or limitations on access and use of the land where specific activities are taking place (*such as firearms training*).

(6) The Lands Committee in consultation with the Environmental Committee may develop and disseminate guidance on the use of Category A Stanley Common Land and Category B Stanley Common Land to facilitate the implementation of this Ordinance and any by-laws made under this section.

(7) The Lands Committee must keep the guidance under review and issue new guidance when necessary.

12. Governor — necessary infrastructure in Category B Stanley Common Land

(1) The Governor may make regulations authorising the construction or installation of necessary infrastructure on the Category B Stanley Common Land where the Governor considers that —

(a) the infrastructure is necessary for public purposes;

(b) the Category B Stanley Common Land would be the most appropriate place for the infrastructure to be located; and

(c) the land on which the infrastructure is to be located cannot be removed from the Category B Stanley Common Land.

(2) For purposes of this section, the following is necessary infrastructure —

(a) areas where refuse, waste water or sewerage may be deposited, treated or carried and within which associated development may be carried out (where that development is necessary or desirable for the better establishment and management of the area);

(b) road (where the primary purpose of the road is to facilitate uses within Category B Stanley Common Land);

(c) facilities necessary for the purpose of supplying and preserving the supply of water to the town of Stanley;

(d) facilities necessary for the purpose of supplying electricity pursuant to the Electricity Supply Ordinance 1939 including the installation of electricity wind turbines and associated equipment;

(e) facilities necessary for the provision of telecommunications services;

(f) facilities for the conduct of scientific research on an area of land not exceeding one tenth of one acre;

(g) facilities for mining; and

(h) facilities for aircraft or maritime navigation.

(3) Regulations made under this section must include the process for consultation where any infrastructure is likely to result in land being removed from Category B Stanley Common Land.

(4) The Governor may by Order amend the list of infrastructure under subsection (2).

13. Fees for Common grazing

(1) In order to be issued with a grazing permit by the Department of Agriculture referred to under sections 9(3)(d)(i) and 10(3)(d)(i), a person must pay the fees set out in Schedule 3.

(2) Any person whose animal is found grazing in the Category A Stanley Common Land or the Category B Stanley Common Land who does not have a grazing permit referred to in subsection (1) or where there is no authorisation from the Department of Agriculture commits an offence and is liable on conviction to a fine not exceeding level 2 on the standard scale.

(3) The Governor may amend Schedule 3 by order.

14. Penalties

Any person who contravenes any of the provision of this Part for which a penalty is not specified commits an offence and is liable on conviction to a fine not exceeding level 6 on the standard scale.

15. Stanley Common Regulations

(1) The Governor may make regulations —

(a) restricting the public's access to the Category A Stanley Common Land or any part of the Category B Stanley Common Land;

(b) prescribing the manner of making proposals to amend the Category A Stanley Common Land boundary under section 8;

(c) prescribing policy principles and procedural requirements to be followed by the Lands Committee in consultation with the Environmental Committee in the making of by-laws under section 11;

(d) prescribing the different uses to which the Category A Stanley Common Land and the Category B Stanley Common Land may be put, in addition to the uses specified under this Ordinance;

(e) designating specific areas of the Category B Stanley Common Land for carrying out developments and necessary infrastructure; and

(f) prescribing anything reasonably necessary for the better carrying out of the provisions of this Ordinance.

(2) The Governor may make by-laws relating to —

(a) the issuing of grazing permits under this Ordinance;

(b) the granting of authorisations for the burial of animals on Category B Stanley Common Land; and

(c) any other matter as may be necessary.

(3) The Director of Natural Resources may develop and publish guidance on the process relating to the grazing of animals on Stanley Common and the burial of animals on Category B Stanley Common Land.

(4) The Director of Natural Resources must keep the guidance under review and issue new guidance when necessary.

(5) The Director of Natural Resources must arrange for a notice to be published in the Gazette specifying —

(a) that guidance has been issued;

(b) whether it is new guidance or a replacement for an existing one; and

(c) the date on which the guidance comes into force.

(6) The Director of Natural Resources must make arrangements for the guidance to be available (either as paper copies or in electronic form).

PART 4 — GENERAL

16. Application to the Crown

This Ordinance binds the Crown.

17. Regulations

Any regulations made under this Ordinance must, in order to have effect, first be approved by a resolution of the Legislative Assembly.

18. Repeal of Stanley Common Ordinance

The Stanley Common Ordinance 1999 is repealed.

19. Transitional and savings

(1) The activities set out under Schedule 4 are to be treated as authorised for purposes of this Ordinance.

(2) Any regulations made under the Ordinance repealed by section 18 which were in force immediately before the commencement of this Ordinance continue in force in so far as they are not inconsistent with this Ordinance, until they are revoked or amended.

PART 5 — CONSEQUENTIAL AMENDMENTS

20. Amendment of Trespass Ordinance

(1) This section amends the Trespass Ordinance 1904.

(2) The Trespass Ordinance is amended as follows —

(a) in section 5 by deleting —

(i) 25p and replacing it with “£36.00”

(ii) 13p and replacing it with “£18.00”;

(b) by repealing sections 8 and 9;

(c) by omitting the words “and commonage fees” from section 11; and

(d) by omitting the Schedule.

21. Amendment of Land Charges Ordinance

(1) This section amends the Land Charges Ordinance 1996.

(2) The Land Charges Ordinance is amended in section 4(3) by inserting immediately after paragraph (c) the following new paragraph —

“(d) a registered common”.

22. Amendments to Board of Health By-Laws

(1) This section amends the Board of Health By-Laws 1937.

(2) The Board of Health By-Laws are amended in by-law 65 by omitting “of the Common or”.

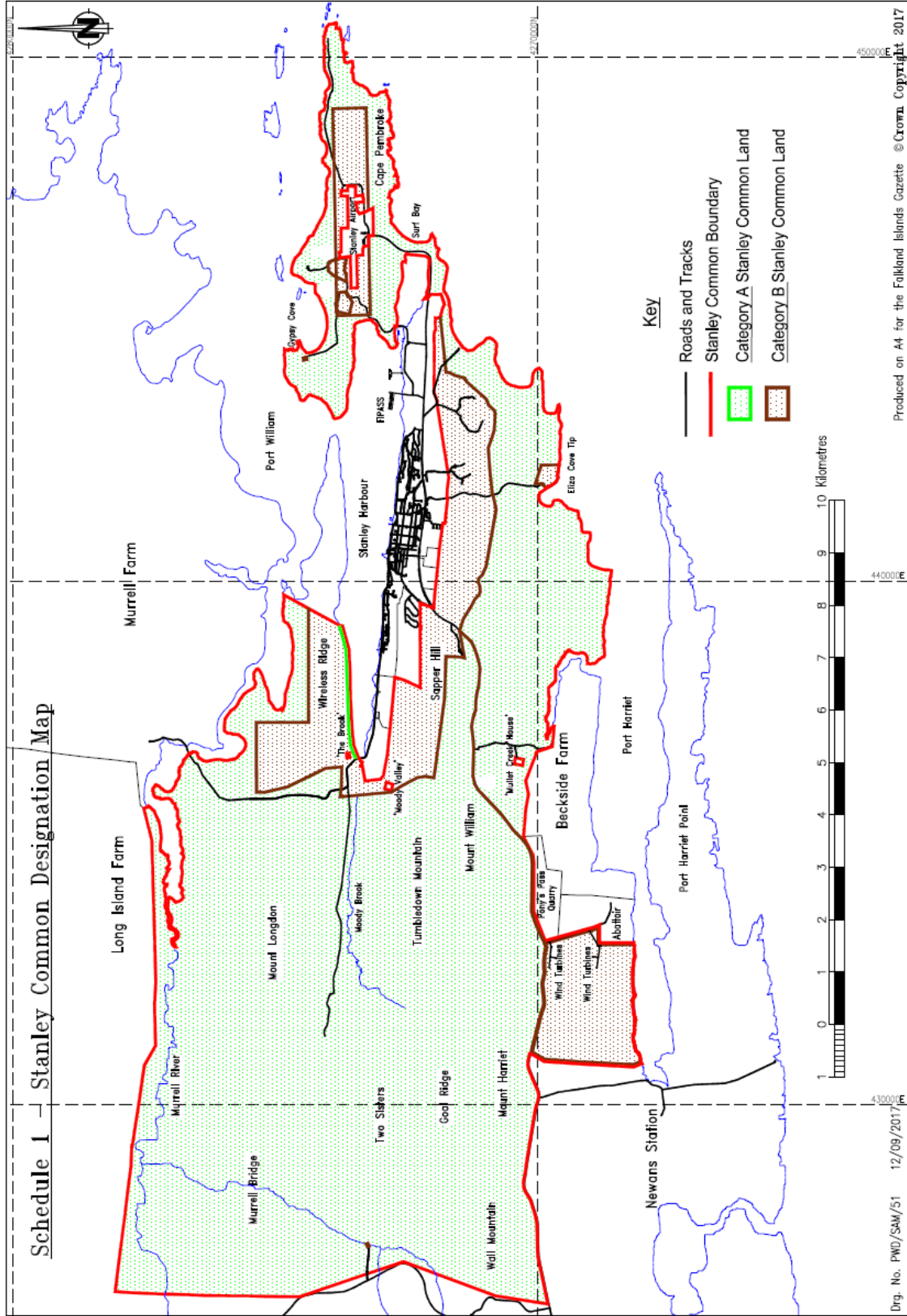
23. Revocation of Stanley Common Rules

(1) This section revokes the Stanley Common Rules 1949.

(2) The Stanley Common Rules are revoked.

SCHEDULE 1

(section 5)



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Dr. No. PWD/SAM/51 12/09/2017

SCHEDULE 2

Part I
List of Crown Grants
(section 6(2)(a))

Crown Grant	Land	Grantee
No 565	3.478 acres at Moody Valley	James Stephenson
No 715	5 acres at Mullet Creek	Hazel Alazia
No 884	1.25 acres known as Old Filtration Plant, Moody Brook	Simon Peter Goss and Sandra Kathleen Goss
No 896	1,215 square metres at Moody Valley	Barry Elsby and Bernadette Paver
No 900	2,050 square metres at Moody Valley	Douglas Graham Fiddes and Julia Bertrand Fiddes
No 1004	18 acres at Moody Valley	Barry Elsby and Bernadette Marguerite Paver
No 1021	2,550 square metres adjacent to The Brook, Moody Brook	Douglas Graham Fiddes

Part II
List of Crown Leases and other matters
(section 6(2)(b))

Nature of Agreement	Land	Occupier	Term
CL 379	3950 acres known as Mount Longdon Camp	Neil Watson	1 January 2006 to 31 December 2015
CL 356: current (in date) Deed of Variation 06.07.2006	4.4 acres at Moody Brook	Douglas Graham Fiddes and Julia Bertrand Fiddes	11 December 2001 to 10 December 2021
CL 357: continuing year to year	4.4 acres at Moody Brook	Douglas Graham Fiddes and Julia Bertrand Fiddes	2 years from 11 December 2001 (continuing in occupation)

Right of Access contained in Crown Lease No 417 (Camber Dockyard)	Track from Moody Brook east to Fairy Cove	Fortuna Ltd	999 years
CL No 418	Abattoir holding Paddocks comprising 1,325 acres	Falkland Islands Meat Company	1 January 2017 to 31 December 2017 (renewed annually)
Disused quarry	24.5 acres at Mary Hill	The Crown	
Refuse Tip	8 acres at Eliza Cove	The Crown	
Ammunition Store	Approximately 320 square metres to the south of the new FIDF HQ	The Crown	

SCHEDULE 3

Fees

(section 13(1))

Winter grazing is limited to the number of animals that can be maintained on the grass available.

Grazing seasons:	Fee per animal
Summer: 1 October to 31 May	£24.00
Winter: 1 June to 30 September	£12.00
Annual Fee: 1 June to 31 May	£36.00

Animals may, by request, be grazed on the Common for a maximum of 10 days or less at the rate of £1.00 per day.

Animals grazing on the Common for more than 10 days will be charged the full rate.

SCHEDULE 4

Authorised activities

(section 19(1))

(a) Rookery Bay Rifle Range, Phillips Point Gun Range and the Kiel Canal Road Archery Range as areas for recreational target practice under the supervision of clubs formed for the purpose;

- (b) The construction of the road to the FIDF ammunitions store by FIG;
- (c) The laying of power cables to the FIDF ammunitions store by FIG;
- (d) Development of Moody Valley and the Murrell River Catchment Area by FIG for the purpose of supplying and preserving the supply of water to the town of Stanley;
- (e) Development of Mount William for telecommunications purposes by communications providers and FIG;
- (f) Laying of power cables to the medium wave transmitter on Mount William by communications providers and FIG;
- (g) Development of Sapper Hill for telecommunications purposes by communications providers and FIG;
- (h) Development of Sapper Hill for the purpose of scientific research by communications providers and FIG;
- (i) Development of Sapper Hill for the purpose of the supply of electricity by FIG;
- (j) Development of Cape Pembroke Point and Engineers Point for the purpose of maritime navigation by FIG;
- (k) Land south-east of the rugby pitch as an area for recreational operation of model aircrafts and other remote-controlled vehicles by the Model Aircraft Club;
- (l) Several Solar System sculptures erected by Mr Rob Yssel as artwork;
- (m) Siting of the septic tank serving Marine Cottage, Moody Brook and the pipes running to it, by Douglas Graham Fiddes;
- (n) Sand extraction (not mechanical extraction by hand only) at Yorke Bay dunes; and
- (o) Water supply facilities in the surrounds of Mullet Creek House.

OBJECTS AND REASONS

This Bill repeals and re-enacts the Stanley Common Ordinance (Title 34.6) and makes consequential amendments to the Trespass Ordinance and the Stanley Common Rules to provide for all matters dealing with Common land to be dealt with and come within the Stanley Common Ordinance.

Part 1 provides for introductory matters and *clauses 1* and *2* provide for the title and definitions;

Part 2 provides for the designation of Commons within the Falkland Islands and provides as follows —

Clause 3 gives the Governor the power to designate by order, commons in any area of the Falkland Islands, the order will also specify the rights and obligations the public have towards that common;

Clause 4 provides for the making of regulations setting out restrictions relating to a designated common

Part 3 deals specifically with Stanley Common and provides as follows —

Clause 5 restates the current position that provides for the dedication of Stanley Common as an open space but goes further to provide for 2 areas within the Common (Category A Stanley Common Land and Category B Stanley Common Land to mark out the land which will be a common in the strict sense i.e. Category A Stanley Common Land from Category B Stanley Common Land. Category B Stanley Common Land will allow for land to be taken out and therefore can have its boundary amended where it is necessary in the public interest to do so.) It goes on further to set out the public rights the public have over the land;

Clause 6 prohibits —

- the making of any freehold interest on land within the Common;
- the giving of any grants or interest on land within the Common in a period in excess of 3 years; and
- any other interest that is inconsistent with the Ordinance or that's given absolutely.

The prohibition is subject to exceptions in relation to title which was already given in relation to some Crown leases, grants and other interests which are described under Schedule 2. This also means that for Category B Stanley Common Land once land is taken out the restrictions described above will not apply.

Clause 6 amends the current Ordinance by consolidating section 4 to bring all exceptions under one provision, that is taking out the current section 8(3) and (4) to be dealt with under one section as it deals with restrictions on Common land;

Clause 7 restates the current section 5 which prohibits acquisition of any title within the Common through prescription or adverse possession. This is to safeguard any use of the Common that takes away from the general purpose stated under section 3 of the current Ordinance to ensure that it remains an open space for all. Again like under clause 6 once land is taken out of any of the 2 categories of Stanley Common Land this prohibition will not apply;

Clause 8 provides for a new section which deals with amendments to the Category A Stanley Common Land boundary which will make it easier for land to be taken out of the Category A

Stanley Common Land where it is necessary to do so for public purposes so that whatever use it is put to is not restricted as it will no longer be part of the common. This is subject to the process outlined where there will be consultation as category A should be protected and land taken out only where it is necessary to do so. Generally Category B will be the first preference for any developments but the provision is to allow for any removal of land from Category A if there is need;

Clause 9 provides for the development and uses which Category A Stanley Common Land can be used for and provides for an additional offence for the use of the Category A Stanley Common Land in a manner that is prohibited under the Ordinance or regulations made under it; alongside the offence of carrying out any developments within the Common that are not provided for by the Ordinance or regulations made under it as is currently provided. So the only permitted uses are limited as specified in the clause and this is to protect the public's right of access;

Clause 10 provides for the development and uses which Category B Stanley Common Land can be used for and provides for an additional offence for the use of the Category B Stanley Common Land in a manner that is prohibited under the Ordinance or regulations made under it; It therefore allows for more to be done on Category B Stanley Common Land and allows for land to be taken out where the developments are major and will impact on public access. The uses specified in the clause provide for more to be done on Category B as compared to Category A (*such as burying animals and throwing rubbish*);

Clause 11 provides for the Lands Committee in consultation with the Environmental Committee to be able to make by-laws on the use of both the Category A Stanley Common Land and the Category B Stanley Common Land. This is to take into account that there will be different users of the land who may want to use the land for competing uses and therefore the Committees will manage this and through the by-laws be able to address that and put limitations or restrictions where necessary.

Clause 12 provides a new provision to allow the Governor to make regulations authorising any necessary infrastructure to be carried out in Category B Stanley Common Land. The section provides for any construction or installation to be carried out on the Common where the requirements of that section are met. This is aimed towards keeping the Category A Stanley Common Land free from any developments and therefore uses this part of the 'original Stanley Common' for such purposes. The works to be carried out under this clause are also limited so that if there is a demand or need for major developments the required land will be taken out instead as provided by clause 10;

Clause 13 provides for fees to be paid for grazing animals within the Common. This provision was originally in the Trespass Ordinance. By-laws will be made under clause 15(2) outlining the process for acquiring a grazing permit. The Trespass Ordinance allows for animals which stray in the Common to be impounded and fees imposed. This will help the Department of Agriculture to deal with animals grazed in the Common without a grazing permit. Clause 13(2) also makes this an offence.

Clause 14 provides for a general provision to provide for penalties for any contravention of the Ordinance;

Clause 15 amends the current section 10 which is the regulation making provision to provide for regulations to be made to give effect to the different issues covered within the Ordinance including the manner of making proposals to amend the Category B Stanley Common Land boundary under section 8, and the procedure to be followed by the Lands Committee when making by-laws. The provision further provides for the making of regulations to provide for general policy principles and objectives in dealing with the land. It further provides for regulations to be made setting out the different uses of the land to ensure it is used for the benefit and enjoyment of all.

As discussed above under clause 13 allows the Governor to make by-laws on grazing permits. The clause also allows for by-laws to be made for the process to get authorisation for burial of animals.

Under clause 15(3) and (4) the Director of Natural Resources is given power to develop and guidance on the grazing of animals on the Common as well as on burying of animals. This will allow the department to be able to regulate these activities.

Part 4 provides for general provisions which apply to all matters dealt with under the Ordinance as follows —

Clause 16 restates the current position under section 12; that the Ordinance binds the Crown.

Clause 17 repeals the Stanley Common Ordinance (Title 34.6). *Clause 18* provides for transitional and a savings provision which saves any regulations made under the repealed Ordinance is provided for under clause 19(2). *Clause 19* provides that some uses (set out in Schedule 4 which were already authorised to be carried out by Executive Council but for which regulations had not been made as was required by the current section 10, to be treated as if they have been authorised to provide legal effect to their having been carried out without the necessary regulations having been made.

The Schedules to the Ordinance have also been amended to provide for a map that shows the new boundaries which takes out land that has already been taken out of the Common for certain developments like the Sapper Hill development and land proposed to be taken out to expand the airport as well as other uses as indicated under the Schedule. Schedule 1 contains a map which shows Category A Stanley Common Land and Category B Stanley Common Land.

Schedule 2 contains an up to date list of all the current Crown grants, leases, grazing licences as well as other things which have already been authorised to be carried out on the Common.

Schedule 3 indicates grazing fees for the Common that are currently imposed by the Department of Agriculture. *Clause 13(3)* provides for the Schedule to be amended by order. This will allow the department to review the fees and update them whenever it is necessary to do so.

Schedule 4 contains a list of activities and uses that are permitted to be carried out on the Common for which no regulations were made as provided by section 19(1). These activities and uses were identified and Executive Council agreed to their being carried out as far back as 2004. The list also includes new activities and uses which the Lands Committee has already approved.

Part 5 provides for consequential amendments to the Trespass Ordinance and the Stanley Common Rules. *Clause 20* amends the Trespass Ordinance to repeal sections 8 and 9. Section 8 has been incorporated within the Stanley Common Ordinance – grazing of animals while section 9 - penalty for leaving the Common gate open is no longer relevant. The Schedule to the Trespass Ordinance is also deleted as it is now provided for within this Common Ordinance (the new Schedule 4 on grazing fees). The clause further amends section 5 of the Trespass Ordinance to increase the fees for impounding animals to align them with grazing fees.

Clause 21 provides for the amendment of section 4 of the Land Charges Ordinance to include the registration of a common as a class II land charge. *Clause 22* amends the Board of Health By-Laws to remove reference to the Common. This allows for burial of animals in the Common to be dealt with in this Ordinance instead of by different laws.

Clause 23 revokes the Stanley Common Rules as the matters required there are already provided for in other legislation as well as in this Ordinance.

Road Traffic (Amendment) Bill 2017

(No: of 2017)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Road Traffic Ordinance
4. Section 5 amended — Public service vehicle licences
5. Section 59 amended — Regulations

ROAD TRAFFIC (AMENDMENT) BILL 2017

(No: of 2017)

(assented to: 2017)
(commencement: in accordance with section 2)
(published: 2017)

A BILL

for

AN ORDINANCE

To amend the Road Traffic Ordinance 1948 to provide for a scheme through which fixed penalty notices may be imposed for certain road traffic offences, to increase the public service vehicle licence fee and to impose new requirements for public service vehicle licence holders.

BE IT ENACTED by the Legislature of the Falklands Islands —

1. Title

This Ordinance is the Road Traffic (Amendment) Ordinance 2017.

2. Commencement

- (1) Section 4(b) comes into operation on publication in *Gazette*.
- (2) The rest of the Ordinance comes into force on 1 January 2018.

3. Amendment of Road Traffic Ordinance

This Ordinance amends the Road Traffic Ordinance 1948.

4. Section 5 amended — Public service vehicle licences

Section 5 is amended as follows —

- (a) by inserting the following new subsections immediately after subsection (2) —

“(2A) In order to determine or assess whether a public service licence holder is a fit person to hold the public service licence as required under subsection (2), the chief police officer —

- (a) may undertake such inquiries as may be necessary in relation to the application for a public service vehicle licence, including checks of the applicant’s criminal record and medical history;
- (b) must issue administrative criteria setting out requirements outlining what determines fit in relation to holders of public service vehicle licences.

(2B) Administrative criteria must be made available to —

(a) prospective applicants for public service vehicle licences; and

(b) holders of public service vehicle licences.

(2C) Whenever changes are made to the administrative criteria, reasonable steps must be taken to bring the changes to the attention of —

(a) prospective applicants for public service vehicle licences; and

(b) holders of public service vehicle licences.

(2D) The chief police officer must arrange for a notice to be published in the Gazette specifying —

(a) that administrative criteria has been issued;

(b) whether it is new administrative criteria or a replacement for an existing one; and

(c) the date on which the administrative criteria comes into force.

(2E) The chief police officer must make arrangements for the administrative criteria to be available (either as paper copies or in electronic form).”: and

(b) in subsection (3) by deleting “£6.25” and replacing it with “£15”.

5. Section 59 amended — Regulations

Section 59 is amended by inserting immediately after subsection (1)(n) the following new paragraph —

“(nA) the imposition of fixed penalties for certain offences under this Ordinance;”.

OBJECTS AND REASONS

This Bill amends the Road Traffic Ordinance 1948.

Clauses 1 and 2 provide for introductory matters; that is the title and commencement of the Bill;

Clause 4 amends section 5 so that the chief police officer can make enquiries and require applicants for public service vehicle licences to go through checks on their medical and criminal history to determine their fitness;

The chief police officer is empowered to make administrative criteria outlining what determines fit in relation to holders of public service vehicle licences. There is a requirement for the chief police officer to update the criteria and publish it; and

The clause also amends subsection (3) to increase the fee for public service vehicle licences from £6.25 to £15.

Clause 5 amends section 59(1) to allow for the imposition of fixed penalties.



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No. 11

NOTICES

No. 76

29 September 2017

PROCLAMATION

FALKLAND ISLANDS CONSTITUTION Sections 33(1), 34(1), and 38(1)

PROCLAMATION TO:

- (1) DISSOLVE THE LEGISLATIVE ASSEMBLY
- (2) APPOINT DATE FOR A GENERAL ELECTION
- (3) PROVIDE FOR A SITTING OF THE LEGISLATIVE ASSEMBLY

(Proclamation No 2 of 2017)

1. Section 34(1) of the Constitution provides that the Governor may dissolve the Legislative Assembly by proclamation published in the Gazette.
2. Section 33(1) of the Constitution provides that the Governor will appoint a date for a general election to be held after dissolution of the Legislative Assembly, by proclamation published in the Gazette. The date for a general election may be not more than 70 days after the date of dissolution.
3. Section 38 of the Constitution provides that the Governor may appoint a date for sitting of the Legislative Assembly by proclamation published in the Gazette.
4. I proclaim that:

(a) the Legislative Assembly is dissolved;

(b) I appoint Thursday 9 November 2017 as the date for a general election to be held; and

(c) I appoint 9am Monday 13 November 2017 at the Court and Council Chamber, Town Hall, Stanley, as the time, date and place of the next sitting of the Legislative Assembly.

29 September 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 77

29 September 2017

WRIT OF ELECTION

IN THE NAME 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

BY HIS EXCELLENCY NIGEL JAMES PHILLIPS CBE, Governor of the Falkland Islands

To: The Returning Officer for Camp and Stanley Constituencies

1. The Legislative Assembly of the Falkland Islands has been dissolved by me today by proclamation, pursuant to section 34(1) of the Constitution.

2. By that Proclamation, 9 November 2017 has been appointed as the date on which a General election is to be held within the Falkland Islands.

3. I require you, having first given due notice, to cause an election to be made according to law of three members of the Legislative Assembly in respect of the Camp Constituency, and five members of the Legislative Assembly in respect of the Stanley Constituency.

4. I require you to certify by writing over your signature the names of the persons elected at the election required by this writ.

GIVEN under my hand and the Public Seal of the Falkland Islands at Government House Stanley on 29 September 2017.

N. J. PHILLIPS C.B.E.,
Governor.

No. 78

29 September 2017

NOTICE OF ELECTION
section 51 Electoral Ordinance 1988

9 November 2017

CAMP AND STANLEY CONSTITUENCIES

1. Section 51 of the Electoral Ordinance requires the Returning Officer to give notice of an election which complies with the provisions of that section to be published in the Gazette.

2. I give notice of a general election as follows:-

Number of elected members

(a) three persons are to be elected as members of the Legislative Assembly in the Camp Constituency;

(b) five persons are to be elected as members of the Legislative Assembly in the Stanley Constituency.

Nomination papers

(a) Nomination papers may be obtained from the office of the Returning Officer on any weekday (except Monday 2 October) from Friday 29 September until Friday 20 October 2017 between the following times:-

(i) 8.15am to noon; and

(ii) 1.15pm to 4.15pm.

(b) The location of the office of the Returning Officer for the purposes of the collection of nomination papers and the return of completed nomination papers is:-

upstairs in the Secretariat building, Thatcher Drive, Stanley, telephone: 28450, e-mail: chiefexecutive@sec.gov.fk or uwallace@sec.gov.fk,

(c) the last day for completed nomination papers to be delivered to the Returning Officer is Friday 20 October 2017.

(d) The office of the Returning Officer will be staffed on that day between 8.15am and 4.15pm for the purpose of receiving completed nomination papers.

Polling day

(a) Polling day is Thursday 9 November 2017.

(b) The poll will be conducted between the following hours:

(i) in the Camp Constituency, 10am to 4pm; and

(ii) in the Stanley Constituency, 10am to 6pm.

29 September 2017

B. A. ROWLAND,
Returning Officer.



FALKLAND ISLANDS GAZETTE

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30 September 2017

No. 12

Appointment

Catherine Burston, Childcare Apprentice, Education Department, 01.09.17.

Nigel Keith Dodd, Administration Clerk, Property and Municipal Section, Public Works Department, 01.09.17.

Chelsea Emma Middleton, Apprentice Veterinary Nurse, Education Department, 01.09.17.

Dana Justine Morrison, Community Support Worker, Health and Social Services Department, 01.09.17.

Ffion Lois Smith, Learning Support Assistant, Falkland Islands Community School, Education Department, 01.09.17.

Andrea Stanworth, Primary Teacher, Infant and Junior School, Education Department, 01.09.17.

Caitlin Whitney, Learning Support Assistant, Infant and Junior School, Education Department, 01.09.17.

John Christian Hooper, Prison Officer, Emergency Services Department, 04.09.17.

Klajdi Cena, Handyperson/Driver, Health and Social Services Department, 05.09.17.

Carole-Ann Goss, Clerk (part-time), Infant and Junior School, Education Department, 05.09.17.

Michael George Betts, Assistant Representative, Falkland Islands Government Office - London, 11.09.17.

Susan Rae Williams, Human Resources Support Officer, Human Resources Department, 11.09.17.

Jane Francis, Learning Support Assistant, Infant and Junior School, Education Department, 12.09.17

Nigel Mark Yon, Standby Power Station Operator, Power and Electrical Section, Public Works Department, 19.09.17.

Nicola Brennan, Primary Teacher, Infant and Junior School, Education Department, 20.09.17.

Shane Ross Browning, Police Constable, Royal Falkland Islands Police, Emergency Services Department, 25.09.17.

Tracy Evans, Agricultural Assistant, Natural Resources Department, 25.09.17.

Stephen Thomas McLean, Agricultural Assistant (Biosecurity/Agriculture), Natural Resources Department, 25.09.17.

Naomi Anita Clint, Speech and Language Therapy Assistant, Health and Social Services Department, 28.09.17.

Completion of contract

Andrea Stanworth, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Resignation

Mark Dalgarno, Gardener, Government House, Central Services Department, 01.09.17.

Nick Davis, Plant Operator/Handyperson, Materials Section, Public Works Department, 07.09.17.

John Clifford, Licensing Clerk, Royal Falkland Islands Police, Emergency Services Department, 27.09.17.

Alan Crowie, Plant Operator/Handyperson, Materials Section, Public Works Department, 29.09.17.

Gemma Mary-Lou Finn, Technical Assistant, Civil Aviation, Law and Regulation Directorate, 29.09.17.

Alice Fiona Hancox, Accounting Assistant, Treasury, 29.09.17.

Mark Andrew Brook, Police Constable, Royal Falkland Islands Police, Emergency Services Department, 30.09.17.

Transfer

Christopher David Francis, from Standby Power Station Operator to Power Station Operator, Power and Electrical Section, Public Works Department, 01.09.17.

Douglas James Clark, from Clerk of Works to Building Maintenance Coordinator, Property and Municipal Section, Public Works Department, 05.09.17.

Stacey Louise Steen, from Station Enquiry Officer to Licensing Clerk, Royal Falkland Islands Police, Emergency Services Department, 25.09.17.

NOTICES

No. 79 4 September 2017

Byron McKay Port Services Limited Company Number: 13179

Notice is hereby given that the above named company was struck-off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 4 September 2017.

Dated 4 September 2017

E. J. DENT,
Registrar of Companies.

No. 80 21 September 2017

Marriage Ordinance 1996 section 25

Appointment of Registrar

1. Section 25(1) of the Marriage Ordinance 1996 provides that the Governor may appoint any person to be a Registrar, either generally or for the purposes of a particular marriage or marriages.

2. In exercise of my powers under section 25(1), I appoint **Zeynab Patel** to be a Registrar generally.

3. This appointment has effect from the date of signature below and continues in effect until the expiry of the contract of employment of Zeynab Patel with the Falkland Islands Government, unless terminated sooner.

Dated 21 September 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 81 25 September 2017

Falkland Islands Constitution Order 2008 section 84

Appointment of Acting Attorney General

1. Section 84(4) of the Falkland Islands Constitution Order 2008 provides that the power to appoint to the office of Attorney General shall be exercised by the Governor.

2. In exercise of my powers under section 84(4), I appoint **Rosalind Catriona Cheek** to be Acting Attorney General to carry out the duties of the Attorney General.

3. This appointment has effect from 22 September 2017 until appointment is made to the substantive post, unless terminated sooner.

Dated 25 September 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 82 25 September 2017

Application for Permanent Residence

Notice is hereby given that:-

Shazelle Monita Sukhnarain;
Elizabeth Anne Milston;
Nelson Ariel Hernandez Casanova;
Miguel Angel Barrientos Mansilla;
Pamela Andrea Quilodran Jelbes;
Clarence Rex Peters;
Joy Noreen Peters;
Juliette Marguerite Hennequin;
Javier Ignacio Sotomayor Morales; and
Andrea Cherim Jacklin Conejeros Anobile

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 22 October 2017.

Dated 25 September 2017

J. E. SMITH,
Immigration Officer.

No. 83 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005 section 37

Notice of Total Allowable Effort – Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Finfish

Species: All finfish species except Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 January – 31 December 2018

Total Allowable Effort: 12.2 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 84 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 37

**Notice of Total Allowable Effort –
Restricted Finfish Fishery**

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Restricted Finfish

Species: All finfish species except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 January – 31 December 2018

Total Allowable Effort: 17.1 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 85 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 37

Notice of Total Allowable Effort – Skate Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Skate

Species: All species of Skate (*Rajidae*)

Period: 1 January – 31 December 2018

Total Allowable Effort: 28.78 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 86 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 37

**Notice of Total Allowable Effort –
Squid and Restricted Finfish Fishery**

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid and Restricted Finfish

Species: *Illex argentinus*, *Martialia hyadesi*, all finfish species except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 March – 31 May 2018

Total Allowable Effort: 15.3 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 87 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 37

**Notice of Total Allowable Effort –
Squid (*Doryteuthis gahi*) Summer Fishery**

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid (*Doryteuthis gahi*)

Species: *Doryteuthis gahi*

Period: 24 February – 28 April 2018

Total Allowable Effort: 27.01 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 88 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 37

**Notice of Total Allowable Effort –
Squid (*Doryteuthis gahi*) Winter Fishery**

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid (*Doryteuthis gahi*)

Species: *Doryteuthis gahi*

Period: 29 July – 30 September 2018

Total Allowable Effort: 27.01 (Vessel Units)

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 89 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 38

**Notice of Total Allowable Catch
Restricted Finfish – Pelagic**

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Restricted Finfish – Pelagic
Species: Southern Blue Whiting (*Micromesistius australis*)
Hoki (*Macruronus magellanicus*)
Period: 1 January – 31 December 2018
Total Allowable Catch: 2000 metric tonnes
Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 90 26 September 2017

Fisheries (Conservation and Management) Ordinance 2005
section 38

Notice of Total Allowable Catch – Toothfish Fishery

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Toothfish - Longline
Species: Toothfish (*Dissostichus eleginoides*)
Period: 1 January – 31 December 2018

Total Allowable Catch: 1040 metric tonnes

Dated 26 September 2017

A. J. BARTON,
Director of Natural Resources.

No. 91 27 September 2017

Electoral Ordinance 1988

Appointment of Deputy Returning Officer

Camp and Stanley Constituencies
General Election 9 November 2017

I appoint **Elizabeth Jayne Dent** to be Deputy Returning Officer in connection with the General Election to be held on 9 November 2017.

Dated 27 September 2017

B. A. ROWLAND,
Returning Officer.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

5 October 2017

No. 17

The following are published in this Supplement –

Fishery Products (Designations)(Amendment) Order 2017 (SR&O No 25 of 2017);

Sea Lion Island National Nature Reserve Order 2017 (SR&O No 26 of 2017);

Sea Lion Island National Nature Reserve Regulations 2017 (SR&O No 27 of 2017); and

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2017 (SR&O No 28 of 2017).

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Designations)(Amendment) Order 2017

S.R. & O. No.: 25 of 2017

Made: 31 August 2017

Published: 5 October 2017

Coming into force: on publication

I make this Order under section 35 of the Fishery Products Ordinance (No. 21 of 2006) without consulting the Executive Council because, in my judgement, the matter is too unimportant.

1. Title

This Order is the Fishery Products (Designations) (Amendment) Order 2017.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Fishery Products (Designations) Order 2014 amended

The Fishery Products (Designations) Order 2014 (No. 10 of 2014) is amended in Schedule 1 by –

(a) adding the following new vessels and their approval numbers, after “Tronio” —

“CFL Hunter	FK1038
Monteferro	FK1039”;

(b) withdrawing the designation of CFL Gambler and deleting —

“CFL Gambler	1032”.
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Made 31 August 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not part of the order)

This Order designates two new fishing vessels under the Fishery Products (Designations) Order 2014. The two vessels are CFL Hunter and Monteferro. The CFL Gambler's designation is withdrawn and thus deleted from Schedule 1.

SUBSIDIARY LEGISLATION

CONSERVATION OF WILDLIFE AND NATURE ORDINANCE

Sea Lion Island National Nature Reserve Order 2017

S. R. & O. No: 26 of 2017

Made: 7 September 2017

Published: 5 October 2017

Coming into force: upon publication

I make the following order under section 13 of the Conservation of Wildlife and Nature Ordinance 1999 on the advice of Executive Council and with the agreement of the owner of Sea Lion Island.

1. Title

This Order is the Sea Lion Island National Nature Reserve Order 2017.

2. Commencement

This Order comes into force upon publication in the Gazette.

3. Interpretation

In this order —

“the owner” means the Falkland Islands Development Corporation;

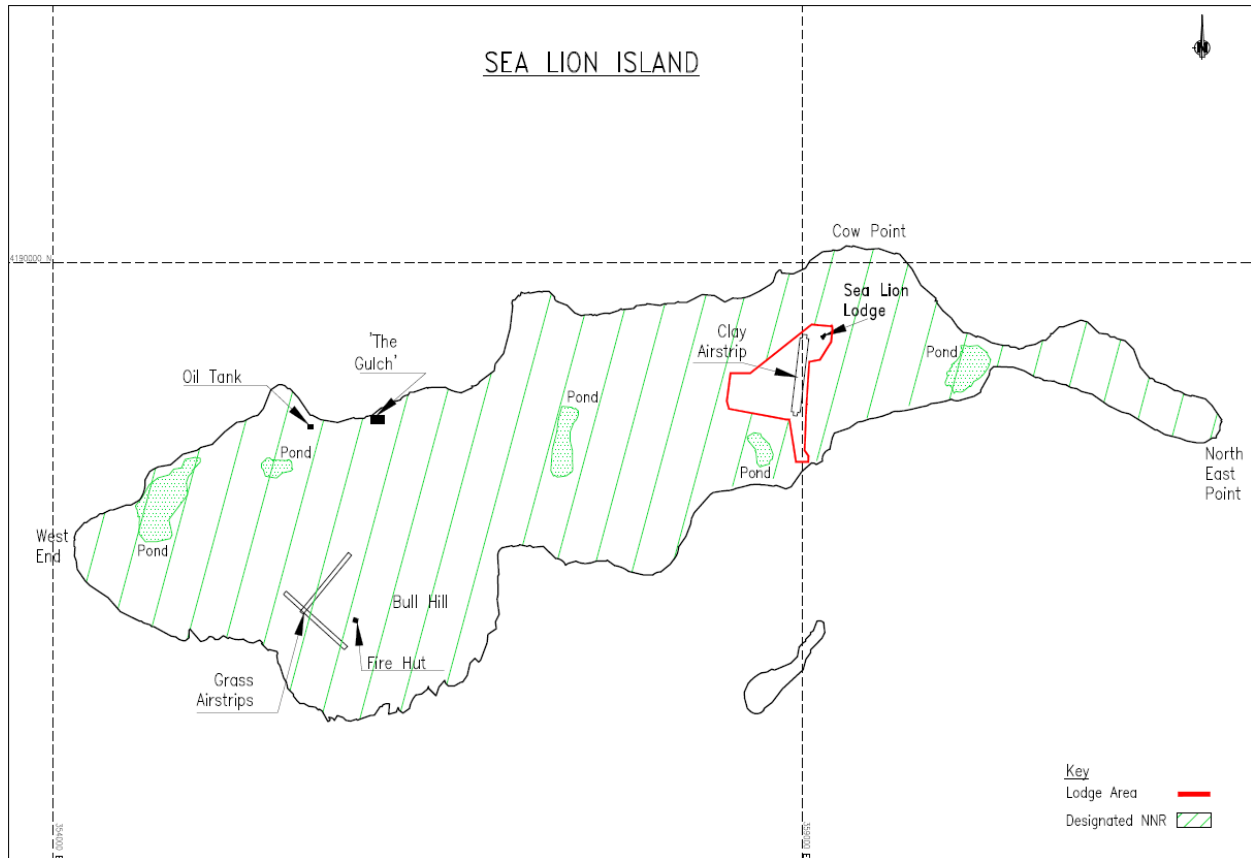
“national nature reserve” means the area of Sea Lion Island the boundaries of which are shown on the map reproduced in the Schedule.

4. Declaration of Sea Lion Island as national nature reserve

The area of land on Sea Lion Island shown on the map reproduced in the Schedule is declared to be a national nature reserve in terms of section 13 of the Conservation of Wildlife and Nature Ordinance 1999.

Made 7 September 2017

R. A. J. Mitham,
Acting Governor.



EXPLANATORY NOTE
(not part of the order)

This Order declares the area of land on Sea Lion Island shown on the map to be a national nature reserve.

SUBSIDIARY LEGISLATION

CONSERVATION OF WILDLIFE AND NATURE ORDINANCE

Sea Lion Island National Nature Reserve Regulations 2017

S. R. & O. No: 27 of 2017

Made: 7 September 2017
Published: 5 October 2017
Coming into force: upon publication

I make the following regulations under section 16 of the Conservation of Wildlife and Nature Ordinance 1999, on the advice of the Executive Council.

1. Title

These Regulations are the Sea Lion Island National Nature Reserve Regulations 2017.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

In these regulations —

“the officer” means the Head of the Environmental Planning Department in the Falkland Islands Government;

“the Reserve” means the national nature reserve declared by the Sea Lion Island National Nature Reserve Order 2017 (SR&O 25 of 2017).

4. Prohibited activities

The following activities are prohibited in the Reserve —

- (a) killing, capturing, destroying, molesting or disturbing a wild animal or wild bird, except for the humane killing of an animal for purposes of animal welfare or where the killing is considered appropriate by the officer;
- (b) taking or destroying the egg of a wild animal or wild bird;
- (c) disturbing, damaging or destroying the breeding site, resting place or nest of a wild animal or wild bird;

- (d) bringing into the Reserve a carnivorous animal, a mammal or an invertebrate except as a biological control agent or the introduction of livestock where considered appropriate by the officer;
- (e) carrying out pasture improvement work in the Reserve including burning, rotavating or reseeded, except in accordance with permission granted by the officer;
- (f) depositing rubbish in the Reserve;
- (g) discharging a noxious or polluting substance other than agricultural herbicides, or pesticides;
- (h) discharging emissions from vehicles, generators or other equipment except as is necessary for purposes of services related to the operations on the area of Sea Lion Island that is not included as part of the Reserve;
- (i) smoking a cigarette, cigar or pipe;
- (j) lighting a fire or doing anything else likely to cause a fire within the Reserve;
- (k) bringing a plant into the Reserve except to translocate or replant native plants in the Reserve;
- (l) bringing a plant except as authorised by the officer for the purpose of cultivating vegetables or fruit for consumption by persons staying in the area of Sea Lion that is not included in the Reserve;
- (m) picking, plucking or uprooting of a plant except to translocate or replant native plants in the Reserve or to remove plant species that do not ordinarily grow in the Falkland Islands in a wild state; and
- (n) removing artefacts, skulls, shells or biological material from the Reserve, other than in terms of a licence issued under section 9 of the Conservation of Wildlife and Nature Ordinance 1999.

5. Offences

- (1) It is an offence to contravene regulation 4.
- (2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding level 5 on the standard scale.

Made 7 September 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not part of the regulations)

These regulations prohibit a number of activities within the Sea Lion Island National Nature Reserve and make it an offence (with a maximum penalty, currently, of £4,000) to breach that prohibition. A few activities are allowed for purposes of servicing the Lodge that is on the area of Sea Lion Island that does not form part of the Reserve.

SUBSIDIARY LEGISLATION

TAXATION

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2017

S. R. & O. No.: 28 of 2017

Made: 21 September 2017

Published: 5 October 2017

Coming into force: on publication

I make this order under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 on the advice of the Standing Finance Committee, as required by section 9A(1) of the Ordinance.

1. Title

This order is the Taxes and Duties (Defence Contractors' Employees Exemption) Order 2016.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“designated employer” means an employer listed in the Schedule;

“qualifying employee” means a person who —

(a) satisfies the requirements of section 9A of the Ordinance; and

(b) is employed by a designated employer;

“relevant employment” means —

(a) employment only for the purpose of providing services in the Falkland Islands to either—

(i) Her Majesty's regular armed forces; or

(ii) the Ministry of Defence of Her Majesty's Government in the United Kingdom; or

(b) employment only for the purposes of providing services to persons who are themselves in relevant employment by virtue of paragraph (a) of this definition or by virtue of this paragraph of this definition;

“relevant income” means income from relevant employment; and

“retirement pension contributions” means contributions that an employee is required to pay under the Retirement Pensions Ordinance 1996.

4. Application

(1) Subject to article 5, a qualifying employee is exempt from liability under any law of the Falkland Islands to pay —

(a) income tax on relevant income from a designated employer; and

(b) retirement pension contributions in respect of that employment.

(2) The exemption applies whether the liability arises before or after this order comes into force.

5. Duration

Nothing in this order confers any exemption to pay either —

(a) income tax in relation to earnings after 31 December 2017; or

(b) retirement pension contributions in respect of employment after that date.

6. Condition: returns

(1) A designated employer must complete a return relating to the relevant income of qualifying employees.

(2) A return under this article must —

(a) include such particulars as the Commissioner may require;

(b) be lodged with the Commissioner of Taxes within 60 days from 31 December 2017.

(3) The particulars referred to under sub-article (2)(a) may include the accounts of the designated employer for the period when the relevant income was earned.

7. Revocation

The Taxes and Duties (Defence Contractors’ Employees Exemption) Order 2016 (No 24 of 2016) is revoked.

**SCHEDULE
DESIGNATED EMPLOYERS**

(article 3)

AAR International Inc.
Agrimarine Limited
Airbus DS Limited
Babcock Aerospace Limited
Babcock Communications Limited
BAE Systems (Military Air) Overseas Limited
British International Helicopter Services Limited
COLAS Limited
David Lomas Limited
Fujitsu Services Limited
Gifford Global Limited
Interserve Defence Limited
Mott MacDonald Limited
MPI Aviation Limited
Navy, Army and Air Force Institutes
Rhicon Piling Limited
Satec Limited
Serco Limited
Services Sound and Vision Corporation
Sodexo Defence Services Limited
Trant Construction Limited
Van Wijngaarden Marine Services b.v.
VolkerStevin Services Limited
VVB Engineering Limited
Westland Helicopters Limited

Made 21 September 2017

N. J. Phillips C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the order)

Section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 gives the Governor power to make orders granting exemptions from income tax and retirement pension contributions to certain individuals engaged in defence-based employment.

This order means that employees who work for one of the designated employers listed in the Schedule are exempt from income tax and retirement pension contributions until the end of 2017,

provided that they are engaged in relevant employment (as defined) and the other requirements set out in section 9A of the Ordinance are met.

The effect of section 21(1)(e) of the Medical Services Tax Ordinance (No 13 of 2010) provides that the earnings and benefits in kind that are exempt from income tax under this order are also exempt from Medical Services Tax.

The effects of this order (which replaces a previous order) is the addition of two further designated employers - Rhicon Piling Limited and VVB Engineering Limited - to the list of designated employers.

Under section 9A, orders have to be made on the advice of the Standing Finance Committee subject to lawful conditions. The Standing Finance Committee has advised that an obligation be imposed for companies to complete an employer's return which is provided for in article 6.



FALKLAND ISLANDS GAZETTE

Extraordinary

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23 October 2017

No. 13

NOTICES

No. 92 20 October 2017

Electoral Ordinance 1988 *section 100*

General Election – 9 November 2017

In accordance with section 100(1) of the Electoral Ordinance, the following persons have been appointed to be election officials for the purpose of the General Election as indicated:

Elizabeth Dent	Deputy Returning Officer
Margaret Butler	Presiding Officer/Table Supervisor Count (Court 10-2pm and Count)
James Brooks	Polling Clerk/Count (Court 10-noon and Count)
Bernice Hewitt	Polling Clerk/Count (Court noon-3pm and Count)
Patricia Robson	Presiding Officer/Count (Court 2-4pm and Count)
Stuart Walker	Presiding Officer (Court 4-6pm)
Roxanne Crowie	Polling Clerk (Court 4-6pm)
Kirsty Cruickshank	(Count)
James Brooks	(Count)
Leeann Harris	(Count)
Carolyn Shelbourne	(Count)
Bernice Hewitt	(Count)
Annie Bailey	(Count)
Andrew Francis	(Count)
Ulia Sytchova	(Count)
Sally Heathman	(Count)

Stephen Dent	Security/Fire Warden (Count)
KEMH Mobile Team	Terriane Ormond Presiding Officer Roxanne Crowie Polling Clerk
Fox Bay	Teena Ormond Presiding Officer Kevin Ormond Polling Clerk
Goose Green	Anton Livermore Presiding Officer Mike Harris Polling Clerk
East Falkland – Mobile Team 1	Bernice Hewitt Presiding Officer Keith Heathman Polling Clerk
East Falkland – Mobile Team 2	Stephen Dent Presiding Officer James Brooks Polling Clerk
East Falkland – Mobile Team 3	Patricia Robson Presiding Officer Stuart Walker Polling Clerk
West Falkland – Mobile Team	Teena Ormond Presiding Officer Kevin Ormond Polling Clerk
Supernumeraries	Rosalind Cheek James Wilson

Dated 20 October 2017

B. A. ROWLAND,
Returning Officer.

No. 93

20 October 2017

Electoral Ordinance 1988
section 100

General Election – 9 November 2017

**Appointment of Presiding Officer
Stanley and Camp Constituencies**

I appoint **Elizabeth Jayne Dent** to be Presiding Officer at the Court and Assembly Chamber, Town Hall, Stanley in connection with the General Election to be held on 9 November 2017, in accordance with section 100 of the Electoral Ordinance.

Dated 20 October 2017

B. A. ROWLAND,
Returning Officer.

No. 94

20 October 2017

Electoral Ordinance 1988
section 59

General Election – 9 November 2017

**Appointment of Polling Places
Stanley and Camp Constituencies**

IN EXERCISE of my powers under section 59(1) of the Electoral Ordinance 1988 I hereby appoint the following as polling places in accordance with the terms of the above provision:

Court and Assembly Chamber, Town Hall, Stanley – Thursday 9 November from 10am to 6pm

Social Club, Fox Bay, West Falkland – Thursday 9 November from 10am to 4pm

School, Goose Green, East Falkland – Thursday 9 November from 10am to 4pm

Dated 20 October 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 95

20 October 2017

Electoral Ordinance 1988
section 61

General Election – 9 November 2017

**Appointment of Mobile Polling Places
Stanley and Camp Constituencies**

In exercise of my powers under section 61(1) of the Electoral Ordinance 1988 I appoint the following places to be visited by a mobile polling team:

Mobile Team – West Falkland – 8 November 2017 – starting at 8am from Port Howard

Port Howard (1hour 30minutes at Social Club), Bold Cove/Manybranch, Harps, Hill Cove (1hour 30minutes at Social Club), Chartres (Settlement Gate)

Mobile Team 1 – East Falkland – 8 November 2017 – starting at 8am from Stanley

Long Island Turn-off, Brookfield Turn-off, Horseshoe Bay (Settlement Gate), Rincon Grande (Settlement Gate), Port Louis (Settlement Gate) and return to Stanley

Mobile Team 2 – East Falkland – 8 November 2017 – starting at 8am from Stanley

Estancia (Settlement Gate), Riverview (Settlement Gate), Evelyn Station and Teal Inlet (Cattle Grid at Settlement), Hope Cottage (Settlement Gate), Elephant Beach (Settlement Gate), New House (Settlement Gate), Moss Side Turn-off, Port San Carlos (Race Point and Smylies) (Cattle Grid at the Garage), San Carlos (Blue Beach, Kingsford Valley, Wreck Point, Head of the Bay, Port Sussex) (outside Blue Beach Lodge) and return to Stanley

Mobile Team 3 – East Falkland – 8 November 2017 – starting at 8am from Stanley

Bluff Cove Turn-off, Fitzroy Turn-off, Fitzroy (Settlement Gate), Mare Harbour Road/Darwin Road Junction, Swan Inlet (Settlement Gate), North Arm Shearing Shed and return to Stanley

Mobile Team 4 – Stanley – 9 November 2017 – starting at 10am

King Edward VII Memorial Hospital, Jack Hayward Housing, St Mary's Walk sheltered accommodation and Yates Place sheltered housing.

Dated 20 October 2017

N. J. PHILLIPS C.B.E.,
Governor.

NOTE:

- (1) Each mobile polling team leader will endeavour to ensure that every place listed is visited by a team on the relevant date.
- (2) If it is necessary to vary the dates or times specified (for example because of bad weather), that will be announced over FIRS, giving as much notice as is reasonably possible.
- (3) If a person is not able to vote during a visit by a mobile polling team then they can vote at an appointed polling place (Fox Bay, Goose Green, or Stanley) on Polling Day, 9 November 2017, during polling hours.

No. 96

20 October 2017

Electoral Ordinance 1988
section 70

General Election – 9 November 2017

**Notification of Nominations
Stanley Constituency**

In accordance with section 70 of the Electoral Ordinance, I give notice that the candidates who have been nominated and are standing for election are as follows:

Candidate: **ASHBRIDGE Corina Rose**
Address: Stanley, Falkland Islands
Description: Mrs

Proposer: Greta Winnora Miller Skene
Seconder: Kristiane Annergret Helena Thorsen
Supporters: Julie Ann Clarke
Janice Vanessa Dent
Alexander Luke Desmond Howe
Justin Clive Richard East

Candidate: **BIRMINGHAM John**
Address: 4 Drury Street, Stanley
Description: Mr
Proposer: Rose Ann Shirley Hirtle
Seconder: Anne Louise Taylor
Supporters: Barbara Bates
Alexandra Sally Birmingham
Margaret Ann Goodwin
Eileen Wynne Davis

Candidate: **BRAGGER Stacy John**
Address: 4B Ross Road West, Stanley
Description: Mr
Proposer: Rodney William Lee
Seconder: Andrew Raymond Newman
Supporters: Karen Jane Lee
Sean Moffatt
Victoria Chater
Craig Arthur Paice

Candidate: **BUCKLAND Carole Lynda Jane**
Address: Stanley, Falkland Islands
Description: Ms
Proposer: Anthony Warren Davies
Seconder: Valdamar Lars Berntsen
Supporters: Odette Ellen May Bonner
Terence Leslie Bonner
Caroline Mary McLaren
Adrian James Minnell

Candidate: **CLARKE Marvin Thomas**
Address: 13 Davis Street, Stanley
Description: Mr
Proposer: Andrew Samuel Brownlee
Seconder: Leslie Sydney Harris
Supporters: Derek Simon Clarke
Anthony Warren Davies
Lena Morrison
Alexander Jaffray

Candidate: **ELLIS Louise**
Address: 8 Sandy Woodward Road, Stanley
Description: Mrs
Proposer: John Richard Cockwell
Seconder: Moira Cameron Eccles
Supporters: Bernard Leslie Eccles
Karen Joleen Minto
Christian Leonard Edward John Williams
Sian Karen Davies

Candidate: **ELSBY Barry**
Address: Moody Brook House, Stanley
Description: Doctor
Proposer: Sarah Bowles
Seconder: Hayley Trina Bonner
Supporters: Brian George Aldridge
Anya Evelyn Cofre
Terence Phillips
Kenneth Morrison

Candidate: **LEWIS Jason**
Address: 9 Short Street, Stanley
Description: Mr
Proposer: Andrew Raymond Newman
Seconder: Margaret Elizabeth Williams
Supporters: Rachael Crowie
Richard Buick McKee
Garry Bernard Tyrrell
Stacey Jane McKay

Candidate: **PECK David Patrick**
Address: 5 Sulivan Street, Stanley
Description: Mr
Proposer: Christian Olaf Alexander Berntsen
Seconder: John Summers Jaffray
Supporters: Jeffrey James Halliday
Samuel George Cockwell
Janice Vanessa Dent
Dereck Charles Jaffray

Candidate: **POLLARD Mark John**
Address: 2 Kent Road, Stanley
Description: Mr
Proposer: Emily Clare Hancox
Seconder: Andrew Raymond Newman
Supporters: Natalia Anne Lloyd
Carol Joan Phillips
Terence Phillips
Robin Luxton

Candidate: **SHORT Gavin Phillip**
Address: 36 Eliza Crescent, Stanley
Description: Mr
Proposer: Montana Tyrone Short
Seconder: Mark Felton Spruce
Supporters: Donald William Betts
Shirley Rose Betts
Paul James Anderson
Susan Joan Whitney

Candidate: **SPINK Roger Kenneth**
Address: The Brook, Moody Brook, Stanley
Description: Mr
Proposer: Sheila Olga Stewart
Seconder: Jeannie Paullina McKay
Supporters: Brenda Short
Christine Hirtle
Leslie Theodore Norman Morrison
Ryan Lawrance Shillitoe

Candidate: **VIDAL ROBERTS Lucila Leona**
Address: 1 Mountain View, Stanley
Description: Mrs
Proposer: Rose Ann Shirley Hirtle
Seconder: Barbara Bates
Supporters: Stuart Barrett Wallace
John Andrew Thomas Fowler
Margaret Ann Goodwin
Paul Brickle

Dated 20 October 2017

B. A. ROWLAND,
Returning Officer.

Electoral Ordinance 1988
section 70

General Election – 9 November 2017

Notification of Nominations
Camp Constituency

In accordance with section 70 of the Electoral Ordinance, I give notice that the candidates who have been nominated and are standing for election are as follows:

Candidate: **BARKMAN Teslyn Siobhan**
Address: 23 Rex Hunt Road, Stanley
Description: Miss
Proposer: Nadia Knight
Seconder: Anna Deirdre Marsh
Supporters: Jennifer Eileen Hill
Toni Donna Stevens
Richard James Stevens
Neil Roderick Finlayson

Candidate: **COCKWELL Benjamin William**
Address: Fox Bay Village
Description: Mr
Proposer: Justin Robert Campbell Knight
Seconder: Nadia Louise Knight
Supporters: Leon Peter Marsh

Helen Rose Marsh
Keith Andrew Knight
Shiralee Collins Finlay

Candidate: **EDWARDS Roger Anthony**
Address: Lake Sullivan Farm, West Falkland
Description: Retired, Male
Proposer: Nigel Arthur Knight
Seconder: Keith Andrew Knight
Supporters: Leon Peter Marsh
Robin Frank Marsh
Susan Mary Hirtle
Anthony Hirtle

Candidate: **HANSEN Ian**
Address: Hill Cove, West Falkland
Description: Self-employed
Proposer: Anthony Hirtle
Seconder: Daniel Donnelly
Supporters: Susan Mary Hirtle
Joyce Elizabeth Donnelly
Roy McGhie
Jodie Kim McGhie

Dated 20 October 2017

B. A. ROWLAND,
Returning Officer.



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The following are published in this Extraordinary Gazette —

Register of Electors for Camp Constituency; and

Register of Electors for Stanley Constituency.

Register of Electors for Camp Constituency at 19 October 2017

1	Alazia	Fayan Pamela Jane	Port Edgar Farm, W.F.I
2	Alazia	Hazel	Teal Inlet, E.F.I
3	Alazia	Keith	Goose Green, E.F.I
4	Alazia	Michael Robert	Port Edgar Farm, W.F.I
5	Anderson	Tony James	Port Howard Farm, W.F.I
6	Ashworth	Glennis	Fitzroy Ridge, E.F.I
7	Ashworth	Malcolm	Fitzroy Ridge, E.F.I
8	Bagley	Darren Clive	Riverview Farm E.F.I
9	Battersby	Jon Alan	Hawkbit, Fitzroy, E.F.I
10	Battersby	Margaret Mary	Hawkbit, Fitzroy, E.F.I
11	Beattie	Ian Robert Ewen	North Arm, E.F.I
12	Bendyshe	Angela Geraldine Mary	Gibraltar Station, E.F.I
13	Bendyshe Pitaluga	Antoinette Margaretha Mary	Gibraltar Station, E.F.I
14	Berntsen	Benjamin John	Elephant Beach, E.F.I
15	Berntsen	Iain Kenneth	Sheffield Farm, W.F.I
16	Betts	Bernard Keith	Boundary Farm, W.F.I
17	Betts	Diane Joan	Fox Bay East, W.F.I
18	Bonner	Katie Jean	Port Howard, W.F.I
19	Bonner	Simon	Port Howard, W.F.I
20	Boyce	Sarah Jane	North Arm Farm, E.F.I
21	Castro Barrientos	Gilberto Enrique	Manager House, Fitzroy Farm, E.F.I
22	Clark	Alan Neil	Port Howard, W.F.I
23	Clarke	Angela Sindy	Elephant Beach Farm, E.F.I
24	Clarke	Jan Michael	Lorenzo Farm, E.F.I
25	Clarke	Jeanette	Kings Ridge Farm, E.F.I
26	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
27	Clarke	Suzanna	Manager House, Fitzroy Farm, E.F.I
28	Clarke	Tanya	Lorenzo Farm, E.F.I
29	Clausen Goodwin	Sophia Marina	Goose Green Farm, E.F.I
30	Clifton	Heidi Monica	Smylies Farm, Port San Carlos, E.F.I
31	Cockwell	Benjamin William	Fox Bay Village, W.F.I
32	Cockwell	Clare Marie	Fox Bay Village, W.F.I
33	Cockwell	Grizelda Susan	Chartres, W.F.I
34	Collins Finlay	Shiralee	18 Fox Bay Village, W.F.I
35	Coulter	Julian Anthony	Port Howard Farm, W.F.I
36	Crowie	Ana Bonita	Peale Cottage, Darwin, E.F.I
37	Davis	Aase	Evelyn Station, E.F.I
38	Davis	Ian John	Evelyn Station, E.F.I
39	Davis	Stacey Elizabeth	Riverview Farm E.F.I
40	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
41	Decroliere	Eric Ernest Albert	Fox Bay Village, W.F.I
42	Dickson	Charles George	Brookfield, E.F.I
43	Dickson	Doreen	Wreck Point, E.F.I
44	Dickson	Gerald William	Wreck Point, E.F.I
45	Dickson	Steven Charles	North Arm, E.F.I
46	Didlick	Fiona Margaret	C. Cottage, Darwin, E.F.I

47	Didlick	Graham John	C. Cottage, Darwin, E.F.I
48	Donnelly	Daniel	Crooked Inlet, W.F.I
49	Donnelly	Joyce Elizabeth	Crooked Inlet, W.F.I
50	Eagle	Alan William	Ponderosa, Frying Pan, MPA Road, E.F.I
51	Edwards	Norma	Lake Sullivan, W.F.I
52	Edwards	Rebecca Elizabeth	Port Howard Farm, W.F.I
53	Edwards	Roger Anthony	Lake Sullivan, W.F.I
54	Evans	Dale Clement	Spring Point Farm, W.F.I
55	Evans	Donna Newell	Spring Point Farm, W.F.I
56	Evans	Duane Richard	Doyle Farm, W.F.I
57	Evans	Michael David	Spring Point Farm, W.F.I
58	Evans	Richard Gregory	Pebble Island Lodge
59	Felton-Short	Scott Daniel	Philomel Farm, Fox Bay, W.F.I
60	Finlay	Andrew John	18 Fox Bay Village, W.F.I
61	Finlayson	Neil Roderick	North Arm, E.F.I
62	Ford	David	Port Louis, E.F.I
63	Ford	Mandy	Saladero Farm E.F.I
64	Ford	Marie	Port Louis, E.F.I
65	Ford	Tanya Louise	Albemarle Station, W.F.I
66	Gilding	Amy Heather	Port Louis, E.F.I
67	Gilding	Peter Bernard	Port Louis, E.F.I
68	Gleadell	Marklin John	Mosside Farm, E.F.I
69	Goodwin	Neil Alexander William	Goose Green Farm, E.F.I
70	Goss	Kimberley Rose	Horseshoe Bay, E.F.I
71	Goss	Margaret Rose	Horseshoe Bay, E.F.I
72	Goss	Michael Peter	Horseshoe Bay, E.F.I
73	Goss	Peter	Horseshoe Bay, E.F.I
74	Goss	Sherilee Christine	2 Goose Green, E.F.I
75	Gould	Alexander Philip	Pebble Island
76	Gould	Dorothy Ruth	Pebble Island
77	Green	Carol Ann	13 Fitzroy, E.F.I
78	Greenland	Bonita Doreen	Valkyrie House, Darwin, E.F.I
79	Greenland	Kenneth David	Valkyrie House, Darwin, E.F.I
80	Grierson	Hew McInnes	Blue Beach, San Carlos, E.F.I
81	Grimmer	Edward	Clear View, Fitzroy River, E.F.I
82	Grimmer	Keith	The Dunes, Fitzroy River, E.F.I
83	Grimmer	Marilyn	The Dunes, Fitzroy River, E.F.I
84	Halford	Rodney John	Casa Verde, San Carlos, E.F.I
85	Halford	Sara Jayne	Casa Verde, San Carlos, E.F.I
86	Halford	Sharon	Casa Verde, San Carlos, E.F.I
87	Hansen	Ian	Hill Cove, W.F.I
88	Hansen	Matthew Alex	Main Point, Hill Cove, W.F.I
89	Hansen	Susan Ann	Main Point Farm, W.F.I
90	Harvey	Jen	Hill Cove, W.F.I
91	Harvey	Valerie Ann	Hill Cove, W.F.I
92	Harwood	Reuben Joseph	Rum Station, Port Stephens, W.F.I
93	Heathman	Ailsa	Estancia, E.F.I
94	Heathman	Ewart Tony	Estancia, E.F.I

95	Hill	Jennifer Eileen	Stoney Ridge Farm, W.F.I
96	Hirtle	Anthony	Peaks Farm, W.F.I
97	Hirtle	Doris Linda	Port Howard, W.F.I
98	Hirtle	Susan Mary	Peaks Farm, W.F.I
99	Hobman	Juan Jose Eleuterio	Westley Farm, W.F.I
100	Hobman	Vivien	Goose Green, E.F.I
101	Hoy	Dawn	Sheffield Farm, W.F.I
102	Innes	Gordon	Hill Cove, W.F.I
103	Innes	Isabella Alice	Hill Cove, W.F.I
104	Jaffray	Tanya Fiona	Clear View, Fitzroy River, E.F.I
105	Jamieson	Brian Neil	South Harbour, W.F.I
106	Jamieson	Kerri Yeoman	South Harbour, W.F.I
107	Jennings	Jacqueline	West Point Island
108	Jones	John Hugh	Race Point Farm, E.F.I
109	Jones	Karen Diana	Bold Cove Farm, W.F.I
110	Jones	Michael David	Head Of Bay, E.F.I
111	Jones	Michelle	Race Point Farm, E.F.I
112	Jones	Sheila Janice	Head Of Bay, E.F.I
113	Kilmartin	Kevin Seaton	Bluff Cove Farm, E.F.I
114	Kilmartin	Nicola Ruth	Bluff Cove Farm, E.F.I
115	Knight	Justin Robert Campbell	Leicester Creek Farm, W.F.I
116	Knight	Keith Andrew	Coast Ridge, W.F.I
117	Knight	Nadia Louise	Leicester Creek Farm, W.F.I
118	Knight	Nigel Arthur	Coast Ridge, W.F.I
119	Larsen-Miller	Betty	North Arm, E.F.I
120	Lee	Christopher	Port Howard, W.F.I
121	Lee	Elizabeth	20 Harbour View, Goose Green, E.F.I
122	Lee	John Alfred	20 Harbour View, Goose Green, E.F.I
123	Lee	Leslie James	Galley Café, Goose Green, E.F.I
124	Lee	Mervyn Richard	North Arm, E.F.I
125	Lee	Myles	Port Howard, W.F.I
126	Lee	Trudi Dale	Galley Café, Goose Green, E.F.I
127	Lehyt	Monica Del Rosario	Teal Inlet Farm, W.F.I
128	Livermore	Darren	Rat Castle, Fitzroy, E.F.I
129	Lloyd	Melvyn John	Point View, Goose Green, E.F.I
130	Lloyd	Valerie Ann	Point View, Goose Green, E.F.I
131	Lowe	Adrian Stewart	Murrell Farm, E.F.I
132	Lowe	Lisa Helen	Murrell Farm, E.F.I
133	Luxton	William Robert	Chartres, W.F.I
134	MacDonald	Alexander Colin	2 Goose Green, E.F.I
135	MacDonald	Derek George	3 Goose Green, E.F.I
136	MacDonald	Isla Karen	3 Goose Green, E.F.I
137	Marsh	Alastair Roy	Shallow Harbour, W.F.I
138	Marsh	Anna Deirdre	Fox Bay Village, W.F.I
139	Marsh	Gavin Nicholas	Fox Bay Village, W.F.I
140	Marsh	Helen Rose	Rincon Ridge, W.F.I
141	Marsh	Kevin Roy	Harps Farm, W.F.I
142	Marsh	Leon Peter	Rincon Ridge, W.F.I

143	Marsh	Marlane Rose	Shallow Harbour, W.F.I
144	Marsh	Patricia Ann	Lakelands Farm, Fox Bay, W.F.I
145	Marsh	Rachel Mandy	Philomel Farm, Fox Bay, W.F.I
146	Marsh	Robin Frank	Lakelands Farm, Fox Bay, W.F.I
147	Marsh	Samantha Ann	Rincon Ridge Farm, Fox Bay, W.F.I
148	Maskell-Bott	John Malcolm	Hill Cove, W.F.I
149	Maskell-Bott	Sarah	Hill Cove, W.F.I
150	May	Christopher Raymond	Speedwell Island
151	May	Lindsey Olga	Speedwell Island
152	May	Shaun Christopher	Albemarle Station, W.F.I
153	McGhie	James	Smylies Farm, Port San Carlos, E.F.I
154	McGhie	Jodie Kim	Port North, W.F.I
155	McGhie	Roy	Port North, W.F.I
156	McGill	Lorraine Iris	Carcass Island
157	McGill	Robin Perry	Carcass Island
158	McKay	Fraser Roderick	Teal River Farm, W.F.I
159	McKay	Josephine Ann	Greenhill Farm, Chartres, W.F.I
160	McKay	Kenneth Andrew	Greenhill Farm, Chartres, W.F.I
161	McKay	Penelope Rose	Westley Farm, W.F.I
162	McKay	Roy Derek	Greenhill Farm, Chartres, W.F.I
163	McLeod	Isabella Frances Diana	Ponderosa, Frying Pan, MPA Road, E.F.I
164	McLeod	John	Dunvegan Cabin, E.F.I
165	McLeod	Madeline Jean	Dunvegan Cabin, E.F.I
166	McMullen	Matthew John	Kingsford Valley Farm, San Carlos, E.F.I
167	McPhee	Mark	Brookfield, E.F.I
168	McPhee	Sheila Margaret	Kingsford Creek, San Carlos, E.F.I
169	McPhee	Terence Owen	Kingsford Creek, San Carlos, E.F.I
170	McPhee	Trudi Lynette	Brookfield, E.F.I
171	McRae	David Michael	Carcass Island
172	Middleton	Kerry Ann	Goose Green, E.F.I
173	Miller	Catherine McLeod	Fox Bay Village, W.F.I
174	Miller	James Albert	Fox Bay Village, W.F.I
175	Minnell	Donna Marie	Moss Side, E.F.I
176	Minnell	Michael Robert	Moss Side, E.F.I
177	Mitchell	Leon John	Mount Kent Farm, E.F.I
178	Molkenbuhr	Lee Charles	Johnson's Harbour Farm, E.F.I
179	Morrison	Lewis Ronald	Goose Green, E.F.I
180	Newman	Glynnis Karen	Goose Green, E.F.I
181	Newman	Lisa Jeraine	Harps Farm, W.F.I
182	Nightingale	Charlene	Hill Cove, W.F.I
183	Nightingale	Karl Richard	West Lagoons, W.F.I
184	Nightingale	Peter	Hill Cove, W.F.I
185	Nightingale	Sian Yvonne	West Lagoons, W.F.I
186	Oliver	Cynthia Dawn	Fitzroy, E.F.I
187	Oliver	Paul	Fitzroy, E.F.I
188	Ovenden	Philip David	13 Fitzroy, E.F.I.
189	Peck	Davina Margaret	Shallow Bay Farm, W.F.I
190	Peck	Paul	Shallow Bay, W.F.I

191	Peck	Rebekah Roxanne	Shallow Bay, W.F.I
192	Phillips	Linda	North Arm, E.F.I
193	Phillips	Paul David	Hope Cottage, E.F.I
194	Phillips	Shula Louise	Hope Cottage, E.F.I
195	Pitaluga	Nicholas Alexander Robinson	Gibraltar Station, E.F.I
196	Pitaluga	Robin Andreas McIntosh	Gibraltar Station, E.F.I
197	Pole-Evans	Carole Suzan	Saunders Island
198	Pole-Evans	David Llewellyn	Saunders Island
199	Pole-Evans	Louise Suzan	Saunders Island
200	Pole-Evans	Shirley Helen	Manybranch, W.F.I
201	Pole-Evans	Suzan	Saunders Island
202	Pole-Evans	William Reginald	Manybranch, W.F.I
203	Poncet	Dion Michael	Beaver Island
204	Poncet	Jerome Pierre	Beaver Island
205	Porter	Joan	Shallow Harbour, W.F.I
206	Reeves	Ronald James	Port Howard, W.F.I
207	Reid	Emily Margaret	North Arm, E.F.I
208	Rendell	Michael	Bleaker Island
209	Rendell	Phyllis Mary	Bleaker Island
210	Robertson	Ann	Port Stephens, W.F.I
211	Robertson	Leigh Francesca	Doyle Farm, W.F.I
212	Robertson	Paul Jonathan	Port Stephens, W.F.I
213	Robertson	Peter Charles	Port Stephens, W.F.I
214	Rowland	Charlene Rose	New Island
215	Rowland	John Christopher	New Island
216	Rowlands	Neil	River House, Fitzroy River, E.F.I
217	Sackett	Pauline	22 Fitzroy Farm, E.F.I
218	Shepherd	Colin David	Goose Green, E.F.I
219	Short	Clint Andrez Robert	Walker Creek, E.F.I
220	Short	Elaine Elizabeth	Bleaker Island
221	Short	Lyndsay Marie	4 Walker Creek, E.F.I
222	Short	Robert Charles	Bleaker Island
223	Short	Robert George	4 Walker Creek, E.F.I
224	Sinclair	Simon Keith	Fitzroy Farm, E.F.I
225	Steen	Gail	Paragon House Lafonia, E.F.I
226	Steen	Vernon Robert	Paragon House Lafonia, E.F.I
227	Stevens	Richard James	Port Sussex, E.F.I
228	Stevens	Toni Donna	Port Sussex, E.F.I
229	Street	David Charles	Plot 13A Fitzroy Ridge, E.F.I
230	Street	Edith Mary	Plot 13A Fitzroy Ridge, E.F.I
231	Summers	Nichola Jane	Carcass Island
232	Taylor	Christopher John	19 Goose Green, E.F.I
233	Tellez	Rodolfo	Goose Green, E.F.I
234	Thom	John Currie	22 Fitzroy Farm, E.F.I
235	Towersey	Diane Katherine	Port Stephens, W.F.I
236	Turner	Elaine Ellen	Rincon Grande, E.F.I
237	Tuson	Michael Anthony	Saunders Island
238	Tuson	Olwen Carol	Saunders Island

239	Vatamanu	Paula May	Port Howard Farm, W.F.I
240	Velasquez	Arleen	North Arm, E.F.I
241	Velasquez	Evan Oscar Christopher	North Arm, E.F.I
242	Velasquez	Oscar Hernan	North Arm, E.F.I
243	Watson	Glenda Joyce	Long Island, E.F.I
244	White	Allan Paul George	West Point Island
245	Whitney	Daniela Grace	Mount Kent Farm, E.F.I
246	Whitney	Dennis	Arkvilla MPA Plot, E.F.I
247	Whitney	Sara Marie	Home Farm, Douglas, E.F.I
248	Whitney	Tyrone	Home Farm, Douglas, E.F.I
249	Wilkinson	Rosemary	Dunnose Head, W.F.I
250	Woodward	James Gregory	Swan Inlet, E.F.I
251	Woodward	Lesley Ann	Swan Inlet, E.F.I

Register of Electors for Stanley Constituency at 19 October 2017

1	Adams	John Harvey	21 Ross Road East
2	Adams	Marjorie Rose	21 Ross Road East
3	Adams-Leach	Shirley	4 Moody Street
4	Addison	Samantha Catherine	9 Brandon Road
5	Adeoye	Anneliese Rose	39 Callaghan Road
6	Aguila Aguilar	Jeannette Del Carmen	94 Davis Street
7	Alazia	Andrew	36 Callaghan Road
8	Alazia	Freda Evelyn	K.E.M.H
9	Alazia	George Robert	9 Thatcher Drive
10	Alazia	Sandra Marie	36 Callaghan Road
11	Alazia	Shannon Christine	36 Callaghan Road
12	Alazia	Yvonne	5 Thatcher Drive
13	Aldridge	Brian George	17 James Street
14	Aldridge	Caroline Mary	2 McKay Close
15	Aldridge	Diana Mary	17 James Street
16	Aldridge	Jody May	13 Hansen Hill
17	Aldridge	Kenneth John	2 McKay Close
18	Aldridge	Nina Ann	2 Mountain View
19	Aldridge	Stephen John	13 Hansen Hill
20	Allan	Joyce Ena	39 Ross Road
21	Allan	Valerie Anne	6A Jeremy Moore Avenue
22	Almond	Adrian Arthur James	4 Allardyce Street
23	Anderson	Carol Anne	22 Endurance Avenue
24	Anderson	Chloe	22 Endurance Avenue
25	Anderson	Eddie	22 Endurance Avenue
26	Anderson	Jenny	8 Goss Road
27	Anderson	Kayleigh May	9 Fieldhouse Close
28	Anderson	Margaret Kathleen	18 Murray Heights
29	Anderson	Paul James	9 Fieldhouse Close
30	Anderson	Reginald Stanford	18 Murray Heights
31	Anderson	Richard Louis	7 Yates Place
32	Anderson	Rupert William	87A Davis Street
33	Anderson	Stephen Robert	25 Callaghan Road
34	Anderson	Tony James	8 Goss Road
35	Anderson-Smith	Georgina Carol	11 Fitzroy Road East
36	Anthony	Enid Elizabeth	6 Dairy Paddock Road
37	Appleby	Amelia	15 Fieldhouse Close
38	Arkhipkin	Alexander Ivanovich	13 Biggs Road
39	Arkhipkina	Sofia Alexandrovna	13 Biggs Road
40	Armstrong-Ford	Karen Jane	2 Sullivan Street
41	Arthur-Almond	Daphne Margaret	4 Allardyce Street
42	Ashbridge	Corina Rose	116 Davis Street
43	Ashworth	Cara Michelle	5A Kent Road
44	Ashworth	Iain	5A Kent Road
45	Bagley	Corey Darren	9 Murray Heights
46	Bahamonde Salazar	Luis Alberto	21 Mink Park
47	Baigorri	Joanne Rose	7 Biggs Road

48	Baker	Alison Margaret	29 Fitzroy Road
49	Barker	Jane Elizabeth Diana	5 Pitaluga Place
50	Barker	Philip Craig	5 Pitaluga Place
51	Barkman	Teslyn Siobhan	23 Rex Hunt Road
52	Barlow	Andrea Joanna	Mullet Creek
53	Barlow	Martyn Liam	Mullet Creek
54	Barnes	Dierdre	8 Discovery Close
55	Barnes	Karen Rose	26 Ross Road West
56	Barnes	Marshall	8 Discovery Close
57	Barnes	Paul	26 Ross Road West
58	Barnes Acevedo	Melisa Beverley	14 Hansen Hill
59	Barton	Alison Mary	6 Villiers Street
60	Barton	Arthur John	6 Villiers Street
61	Barton	David Arthur	6 Villiers Street
62	Barton	John David	41 Fitzroy Road
63	Barton	Michael Richard	6A Jeremy Moore Avenue
64	Bates	Barbara	8 Watson Way
65	Bates	James William	8 Watson Way
66	Bedford	Kita Muriel	13 Jersey Road
67	Benjamin	Sheena Marie	18 Callaghan Road
68	Berntsen	Arina Janis	12 Rex Hunt Road
69	Berntsen	Brenda Diann Joanna	6 McKay Close
70	Berntsen	Christian Olaf Alexander	15A James Street
71	Berntsen	Erica	10 Fitzroy Road
72	Berntsen	Falkland	10 Fitzroy Road
73	Berntsen	Gene Stanley	8 Fieldhouse Close
74	Berntsen	Harley-Dee	46 Sandy Woodward Road
75	Berntsen	John Alexander	Flat 1, 7 Jeremy Moore Avenue
76	Berntsen	Kenneth Frederick	1 Racecourse Road East
77	Berntsen	Lucas Delhi John	2 Rex Hunt Road
78	Berntsen	Matthew John	19 Rex Hunt Road
79	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
80	Berntsen	Rachel Ena	15A James Street
81	Berntsen	Robyn Chanelle	5 Sandy Woodward Road
82	Berntsen	Saphena Anya Jane	20 Teaberry Way
83	Berntsen	Trevor John	6 McKay Close
84	Berntsen	Valdamar Lars	9 Teaberry Way
85	Besley-Clark	Barbara June	16 Ross Road West
86	Besley-Clark	Norman	16 Ross Road West
87	Betts	Arlette	Lafone House, Ross Road
88	Betts	Dion James	4A Ross Road East
89	Betts	Donald William	7 Jeremy Moore Avenue
90	Betts	George Winston Charles	35 Ross Road West
91	Betts	Ian	1 Villiers Street
92	Betts	Lucia Elizabeth	35 Ross Road West
93	Betts	Michael George	16 Rex Hunt Road
94	Betts	Owen	19 Biggs Road
95	Betts	Peter James	50A Davis Street

96	Betts	Priscilla Violet Morrison	Ross Road
97	Betts	Severine	15 Pioneer Row
98	Betts	Shirley Rose	7 Jeremy Moore Avenue
99	Betts	Trudi Ann	50A Davis Street
100	Betts-McKay	Cody Michael	50A Davis Street
101	Biggs	Althea Maria	3 Dairy Paddock Road
102	Biggs	Christopher David	Harbour View Knott
103	Biggs	Coleen Margot	9 Moody Street
104	Biggs	Daniel Craig	16 Endurance Avenue
105	Biggs	Edith Joan	K.E.M.H
106	Biggs	Frances	16 Endurance Avenue
107	Biggs	Kyle Alexander	36 Rex Hunt Road
108	Biggs	Lucas Sebastian	16 Endurance Avenue
109	Biggs	Michael Elfed	21 Fitzroy Road
110	Biggs	Peter Julian Basil	16 Endurance Avenue
111	Biggs	Terri-Sue	Harbour View Knott
112	Biles	Kathleen Anne	14 Kent Road
113	Biles	Keith Robert	14 Kent Road
114	Binnie	Linda Rose	6 Fieldhouse Close
115	Binnie	Ronald Eric	6 Fieldhouse Close
116	Binnie	Susana	3 Brandon Road
117	Birmingham	Alexandra Sally	5A Hansen Hill
118	Birmingham	John	4 Drury Street
119	Bishop	Nigel Ian	5 Jersey Road
120	Bishop	Tansy Fiona	5 Jersey Road
121	Blackley	Candy Joy	4 Barrack Street
122	Blackley	Maurice	10A German Camp, Callaghan Road
123	Blackley	Shane David	4 Barrack Street
124	Blake	Alexander Charles	38 Eliza Crescent
125	Blake	Anthony Thomas	14 Watson Way
126	Blake	Larissa Celly	12 Ross Road West
127	Blake	Lionel Geoffrey	1 Ross Road
128	Blake	Mariela	14 Watson Way
129	Blake	Sally Gwynfa	1 Ross Road
130	Blake	Thomas Patrick	12 Ross Road West
131	Bolt	Dennis John	4 Watson Way
132	Bone	Kim Anthony	15 Fieldhouse Close
133	Bonner	Alan Paul	8 Pioneer Row
134	Bonner	Avril Margaret Rose	4 Felton Court
135	Bonner	Cheryl Anne	10 Racecourse Road
136	Bonner	Declan William	Chauffeurs Cottage
137	Bonner	Elizabeth Eleanor	38 Fitzroy Road
138	Bonner	Ewen Shane	6 Mink Park
139	Bonner	Hayley Trina	10 Watson Way
140	Bonner	Linda Jane	4A Ross Road West
141	Bonner	Lindsay Jane	10 Rex Hunt Road
142	Bonner	Nicholas	4A Ross Road West
143	Bonner	Odetta Ellen May	1A Capricorn Road

144	Bonner	Paul Roderick	5 John Street
145	Bonner	Richard James	4A Felton Court
146	Bonner	Susan Anne	43 Ross Road East
147	Bonner	Tansie Rebecca	9 Murray Heights
148	Bonner	Terence Leslie	1A Capricorn Road
149	Bonner	Timothy	Chauffeurs Cottage
150	Bonner	Vera Ann	5 John Street
151	Bonner	Vera Joan	Chauffeurs Cottage
152	Booth	Myriam Margaret Lucia	7 Philomel Street
153	Bowles	Norma Evangeline	1A Villiers Street
154	Bowles	Sarah	9 Drury Street
155	Bowles	William Edward	1A Villiers Street
156	Bowles	William George Troyd	9 Drury Street
157	Bradford-Smith	Lani Maria	10 Brandon Road
158	Bragger	Edward Laurence	14 Jeremy Moore Avenue
159	Bragger	Stacy John	4B Ross Road West
160	Brickle	Paul	32 Fitzroy Road
161	Briones Sepúlveda	Vivian Delia	4 Rowlands Rise
162	Brock	Juanita Lois	20 Drury Street
163	Brook	Emma Jane	41 Ross Road East
164	Brooks	Cheryl Rose	Flat 6, 7 Jeremy Moore Avenue
165	Browning	Anita Jayne	29 Brandon Road
166	Browning	Gavin	29 Brandon Road
167	Browning	Henry Stanbury	Flat 3, 7 Jeremy Moore Avenue
168	Browning	Joan Lucy Ann	5 Villiers Street
169	Browning	Nathan David	3 Dairy Paddock Road
170	Browning	Rex	1 Yates Place
171	Browning	Richard William	96 Davis Street
172	Browning	Terence Irving	9 Discovery Close
173	Browning	Trevor Osneth	5 Villiers Street
174	Brownlee	Andrew Samuel	19 Ross Road East
175	Brownlee	Lynn Frances	19 Ross Road East
176	Brownlee	Michael Stewart	20 Kent Road
177	Brownlee	Samantha Louise	19 Ross Road East
178	Buckett	Jake Steven	21 Jersey Road
179	Buckett	Ronald Peter	49 Fitzroy Road
180	Buckett	Roy Peter	22 James Street
181	Buckett	Ryan Peter	2 Hansen Hill
182	Buckland	Carole Lynda Jane	8 Moody Street
183	Buckland	Darlene Joanna	5 James Street
184	Buckland	Kristy Lesley Anne	1B Capricorn Road
185	Buckley-Whitney	Helena Jane	2 Pioneer Row
186	Budd	Dennis Raymond	5 Ian Campbell Drive
187	Budd	Grant William	1 Ian Campbell Drive
188	Budd	Pamela Joan	5 Ian Campbell Drive
189	Burston	Catherine	91 Davis Street
190	Burston	Stephen Leslie	91 Davis Street
191	Bury	Ian Thomas	63 Davis Street

192	Butcher	Michael George	3A Dairy Paddock Road
193	Butler	Charmain	5 Mountain Berry Road
194	Butler	George Joseph	1A Moody Street
195	Butler	Margaret Orlanda	5 Short Street
196	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
197	Cant	Daniel James	24 Goss Road
198	Carey	Anthony Michael	19 Ross Road West
199	Carey	Gladys	19 Ross Road West
200	Carey	Martin Rex	4 Hansen Hill
201	Cartwright	Stephen	39 Ross Road West
202	Castle	David Peter	26 John Street
203	Castle	Isobel	26 John Street
204	Castro Aguila	Jeanette Del Pilar	37 Davis Street
205	Ceballos	Eulogio Gabriel	28 Endurance Avenue
206	Ceballos	Isabel del Carmen	23 Ross Road West
207	Chaloner	Anthony Ross	8 Endurance Avenue
208	Chaloner	Karl Iain Roderick	7 Philomel Place
209	Chaloner	Sheila Catherine	7 Philomel Place
210	Chantada	Jose Luis	37 Fitzroy Road
211	Chantada	Pamela Margaret	37 Fitzroy Road
212	Chapman	Paul	25 Fitzroy Road
213	Chapman	Samantha Helen	71 Rex Hunt Road
214	Chater	Jane	3 Short Street
215	Chater	Thomas Frederick	3 Short Street
216	Chater	Victoria	33 Fitzroy Road
217	Chater	William John	33 Fitzroy Road
218	Cheek	Gerald Winston	9 Biggs Road
219	Cheek	Janet Lynda	35 Ross Road East
220	Cheek	Marie	9 Biggs Road
221	Cheek	Rosalind Catriona	32 Goss Road
222	Cheema	Ahmad Masood	17 Callaghan Road
223	Christie	Darren James	8 Jeremy Moore Avenue
224	Christie	Phillippa Josephine	8 Jeremy Moore Avenue
225	Clapp	Kevin Christopher	1 Murray Heights
226	Clark	Douglas James	39 Fitzroy Road
227	Clark	Paul Stanbury	43 Ross Road East
228	Clarke	Aaron Charles	4 Philomel Street
229	Clarke	Camilla Marie	8 Drury Street
230	Clarke	Christopher Nathaniel	9 Villiers Street
231	Clarke	David James	8 Diddle Dee Drive
232	Clarke	Derek Simon	23 Jeremy Moore Avenue
233	Clarke	Doreen	17 Ross Road West
234	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
235	Clarke	Ian	3A Ross Road West
236	Clarke	India Lauren	15 Rex Hunt Road
237	Clarke	Jane Rebecca	Flat 2, 30 Fitzroy Road
238	Clarke	Jeremy Ian Thomas	11 Fitzroy Road
239	Clarke	Jonathan Terence	27 Eliza Crescent

240	Clarke	Joseph Gwyn	15 Davis Street
241	Clarke	Julie Ann	2A Racecourse Road
242	Clarke	Leo	8 Diddle Dee Drive
243	Clarke	Louise Kathleen	Stanley House
244	Clarke	Mari-Ann Lucille	5 Mink Park
245	Clarke	Marvin Thomas	13 Davis Street
246	Clarke	Rudy Thomas	8 Drury Street
247	Clarke	Stephen Boyd	9 Villiers Street
248	Clarke	Terence John	17 Jeremy Moore Avenue
249	Clarke	Tracey Clare	23 Jeremy Moore Avenue
250	Clarke	Trudi Ann	13 Davis Street
251	Clarke	Violet Rose	23 Murray Heights
252	Clasen	Donna Monica	15 Davis Street
253	Clausen	Andrea Patricia	3 St Mary's Walk
254	Clausen	Denzil	24 Murray Heights
255	Clausen	Denzil George Gustavius	3 St Mary's Walk
256	Clement	Gary	9 Snake Street
257	Clement	Jacqueline Ann	84A Davis Street
258	Clement	Jane	Gift Shop Flat, Villiers St
259	Clement	Lee	25 Hansen Hill
260	Clement	Sarah Jane	10 Snake Hill
261	Clement	Wayne	10 Snake Hill
262	Clifford	Cherie Yvonne	3 Eliza Cove Road
263	Clifford	John Owen	3 Eliza Cove Road
264	Clifford	Michaela Sara Monica	12 Callaghan Road
265	Clifford	Rhys John David	3 Eliza Cove Road
266	Clifton	Darwin Lewis	53 Davis Street
267	Clifton	Leonard	2 Murray Heights
268	Clifton	Melvyn	12 Callaghan Road
269	Clifton	Neil	8 Anderson Drive
270	Clifton	Stephen Peter	61 Fitzroy Road
271	Clifton	Teresa Ann	20 Davis Street
272	Clifton	Thora Janeene	2 Murray Heights
273	Clifton	Valerie Ann	10 Pioneer Row
274	Clifton	Zoe Helen	10 Pioneer Row
275	Clingham	Shaun Michael Ashley	19A Mink Park
276	Cockwell	Anna	18 Kent Road
277	Cockwell	Jennifer Marie	90 Davis Street
278	Cockwell	John Richard	14 Ross Road West
279	Cockwell	Maurice Adam	90 Davis Street
280	Cockwell	Samuel George	18 Kent Road
281	Cofre	Anya Evelyn	37 Eliza Crescent
282	Cofre	Elvio Miguel	3 Philomel Place
283	Cofre	Reuben Patrick	37 Eliza Crescent
284	Coleman	Nigel Eric	Stanley Growers
285	Collier	Hannah Jayne	8 Murray Heights
286	Collier	Victoria Louise	7 Mink Park
287	Collins	Brian Richard	41 Davis Street

288	Collins	Hazel	41 Davis Street
289	Collins	Michael William Archibald	Flat 5, 7 Jeremy Moore Avenue
290	Collins	Steven Paul	Flat 4, 7 Jeremy Moore Avenue
291	Connolly	Kevin Barry	1 King Street
292	Cordeiro Garcia	Rodrigo	1 Mink Park, Moody Brook Road
293	Cordero	Crystal Rose	11 Narrows View
294	Cotter	Jacqueline Ann	18 Mink Park
295	Cotter	Mary Jane	9 Jeremy Moore Avenue
296	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
297	Courtney	Anthony Clive	30 Goss Road
298	Courtney	Julie Doris	30 Goss Road
299	Courtney	Tonisha Louise	30 Goss Road
300	Coutts	John	36 Ross Road West
301	Coutts	Marie Anne	36 Ross Road West
302	Crabb	Elizabeth Ann	34A Davis Street
303	Crowie	Alan John	17 Ian Campbell Drive
304	Crowie	Clare Frances	8 Jersey Road
305	Crowie	Dave Mark	10 James Street
306	Crowie	David Martin	39 Callaghan Road
307	Crowie	Ella Josephine	17 Ian Campbell Drive
308	Crowie	Layla Alicia	19 James Street
309	Crowie	Nicola Jane	18 Sandy Woodward
310	Crowie	Rachael	10 James Street
311	Crowie	Robert John	18 Sandy Woodward
312	Crowie	Roxanne	25 Shackleton Drive
313	Cruickshank	Kirsty Nicole	6 Hansen Hill
314	Cruickshank	Stuart Eric	6 Hansen Hill
315	Curtis	Elizabeth Hamilton	22 Mink Park
316	Curtis	Daniella Dawn	48 Sandy Woodward Road
317	Curtis	James William Hamilton	5A Brisbane Road
318	Curtis	Tanya	5A Brisbane Road
319	Daille	Antoine Rene	18 Mink Park
320	Davidson	Deborah	4 James Street
321	Davies	Anthony Warren	7 Callaghan Road
322	Davies	Colin George	15 Ross Road West
323	Davies	Eileen Wynne	15 Ross Road West
324	Davies	Helen Louise	15A Ross Road West
325	Davies	Jacqueline Nancy	7 Callaghan Road
326	Davies	Samantha	14 Rex Hunt Road
327	Davies	Sian Karen	7 Callaghan Road
328	D'Avino	Damaris Priscila	17 Rex Hunt Road
329	D'Avino	Juan Marcelo	17 Rex Hunt Road
330	D'Avino	Pamela Martha	17 Rex Hunt Road
331	Davis	Doreen Susan	11 Callaghan Road
332	Davis	Ellen Rose	55 Davis Street
333	Davis	Macauley John	37 Davis Street
334	Davis	Maurice	8 John Street
335	Davis	Nicholas	Flat 4, 1 Jeremy Moore Avenue

336	Davis	Roy George Victor	6 Narrows View
337	Davis	Samantha Jane	21 Kent Road
338	Davis	Yona	37 Davis Street
339	Davis-Berntsen	Tessa Linda	20 Teaberry Way
340	Dent	Dean Angus	19 Hansen Hill
341	Dent	Elizabeth Jayne	4 Fieldhouse Close
342	Dent	Janice Vanessa	19 Hansen Hill
343	Dent	Stephen John	4 Fieldhouse Close
344	Dickson	Iris	2 Dairy Paddock Road
345	Dickson	Michael Keith	12 Dairy Paddock Road
346	Dickson	Ronald Edward	2 Dairy Paddock Road
347	Didlick	Imogen Fiona	54 Rex Hunt Road
348	Didlick-Smith	Rhiannon Elenore	13 Ross Road East
349	Dobbys	Kathleen Gay	60 Davis Street
350	Dodd	Alison	10 Beaver Road
351	Dodd	Mark Thomas	8 Mink Park
352	Dodd	Nigel Keith	10 Beaver Road
353	Dodd	Samantha Jane	4 Sullivan Street
354	Drysdale	Karen Margaret	1 Watson Way
355	Duncan	Stuart Dave	2 Fieldhouse Close
356	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
357	East	Justin Clive Richard	1 Fieldhouse Close
358	Eccles	Ashton Laura	3 Jeremy Moore Avenue
359	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
360	Eccles	Matthew James	3 Jeremy Moore Avenue
361	Eccles	Mhairi-Anne	18 Jeremy Moore Avenue
362	Eccles	Moira Cameron	18 Jeremy Moore Avenue
363	Elbakidze	Zaza	10 Mink Park
364	Ellick	Joanne Marie	11 McKay Close
365	Elliot	Elizabeth Rose	15 Callaghan Road
366	Elliot	Henry James	15 Callaghan Road
367	Ellis	Cyril	24 Ross Road East
368	Ellis	Louise	8 Sandy Woodward Road
369	Ellis	Lucy	11 James Street
370	Ellis	Paul	43 John Street
371	Ellis	Sally Jean	43 John Street
372	Ellis	Valerie	24 Ross Road East
373	Elsby	Barry	Moody Brook House
374	Elsby	Thomas	15 Rex Hunt Road
375	Erikson	Fiona Alison	Flat 2, 6 Jersey Road
376	Evans	Kyran Binnie	44 Rex Hunt Road
377	Evans	Michele Paula	Murray Heights
378	Evans	Raymond	12 Rex Hunt Road
379	Evans	Tracy	53 Sandy Woodward Road
380	Eynon	Carol	8 Villiers Street
381	Eynon	David John	8 Villiers Street
382	Faria	April Marie	3A Brisbane Road
383	Faria	Basil Harry	3A Brisbane Road

384	Faria	Maria Anne	3A Brisbane Road
385	Faria	Paul	22 Hansen Hill
386	Faria	Sarah Louise	22 Hansen Hill
387	Faria	Susana Caroline Berntsen	22 Hansen Hill
388	Felton	Faith Dilys	Flat 2, 30 Jersey Road
389	Felton	Trudi Eileen	13 Eliza Crescent
390	Ferguson	John William	47 Ross Road East
391	Ferguson	Robert John Andrew	1 Sullivan Street
392	Ferguson	Rose	6 Thatcher Drive
393	Ferguson	Stephanie Janet	47 Ross Road East
394	Ferguson	Thelma	4A St Mary's Walk
395	Ferriby	Debora Susana	56 Davis Street
396	Ferriby	Lee Robert	56 Davis Street
397	Fiddes	Douglas Graham	The Stables, Moody Brook
398	Fiddes	Gardner Walker	3 Watson Way
399	Fiddes	Julia Bertrand	2 Discovery Close
400	Fiddes	Keelan Shaun	The Stables, Moody Brook
401	Fiddes	Kelly Melody	19A Mink Park
402	Fiddes	Melody Christine	3 Watson Way
403	Findlay	Margo Jane	5C Hansen Hill
404	Finlayson	Kimberley Elizabeth	Whyteways, James Street
405	Finlayson	Marc Ian	19 James Street
406	Finlayson	Marilyn Christine	24 James Street
407	Finlayson	Peter	24 James Street
408	Finlayson	Phyllis	6 Brandon Road
409	Fisher-Smith	Julie Anne	8 Fieldhouse Close
410	Floyd	Michael	7 Pitaluga Place
411	Floyd	Stephen Paul	26 Hansen Hill
412	Floyd	Tracy	26 Hansen Hill
413	Fogerty	Richard Edwin John	Stone Cottage, Bypass Road
414	Ford	Alison Jane Marie	9 Jersey Road
415	Ford	Bronwen Rebecca	3 Pitaluga Place
416	Ford	Chloe Elizabeth	Flat 4, Moody Street
417	Ford	Christine	6 Drury Street
418	Ford	Christopher James	6 Felton Court
419	Ford	Colin Stewart	15 Kent Road
420	Ford	Colleen Mary	12 Davis Street
421	Ford	Daniel Timothy	2 Hebe Place
422	Ford	Darrel	29 Rex Hunt Road
423	Ford	Debbi Louisa	6 Felton Court
424	Ford	Donna Marie	19 Kent Road
425	Ford	Gerard Allan	12 Hansen Hill
426	Ford	Ieuan Colin	18 Ross Road West
427	Ford	Jack Christopher	6 Felton Court
428	Ford	Jill Edith	12 Hansen Hill
429	Ford	Jonathan	3 Pitaluga Place
430	Ford	Julie Ann	3 Pitaluga Place
431	Ford	Leann Caroline	15 Kent Road

432	Ford	Leonard	9 Jersey Road
433	Ford	Melanie	29 Rex Hunt Road
434	Ford	Mikaela Jayne	89 Davis Street
435	Ford	Neil Frazer	6 Drury Street
436	Ford	Simon	1 James Street
437	Ford	Wade Leonard	9 Jersey Road
438	Forrest	Jennifer Carol	16 Kent Road
439	Forrest	Michael John	16 Kent Road
440	Forster	Amanda	9 Fieldhouse Close
441	Forster	Gwyneth May	10 Drury Street
442	Forster	James	10 Drury Street
443	Forster	Lynne	15 Rex Hunt Road
444	Fowler	Alan Claude	4 Capricorn Road
445	Fowler	Daniel Martin	2 Glasgow Road
446	Fowler	John Andrew Thomas	The Old Bakery, Fitzroy Road
447	Fowler	Vanessa Kay	4 Capricorn Road
448	Fowler	Zoë	2 Glasgow Road
449	France	Ian Peter	4 Sullivan Street
450	Francis	Carla Marie	2 Fieldhouse Close
451	Franz de Maciello	Susan Ovedia	Flat 3, 30 Jersey Road
452	Freeman	Carl Francis	Moody Brook Road
453	Freeman	Dianne May	Moody Brook Road
454	Freer	Edward Craig	7 Fitzroy Road East
455	Freer	Matthew Paul	7 Fitzroy Road East
456	Freer	Pamela Jane	7 Fitzroy Road East
457	Freer	Stephen Paul James	7 Fitzroy Road East
458	French	Robert Alan	12 Narrows View
459	Fyfe	David MacGregor	6 Capricorn Road
460	George	Kevin Charles	26 Ross Road East
461	Gilbert	Christopher Paul	11 Ian Campbell Drive
462	Gilbert	Mark Ian	13 Beaver Road
463	Gilbert	Neil Robert	17 Sullivan Street
464	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
465	Gilbert	Sharon	11 Ian Campbell Drive
466	Gilding	Leila Melanie	38 Ross Road
467	Gilding	Melanie Carol	38 Ross Road
468	Gilding	Petra Sophie	9 Marmont Row
469	Gisby	Annie	37 Ross Road East
470	Glanville	Adam James	12 James Street
471	Gleadell	Ian Keith	2 Yates Place
472	Gomez	Eduardo Danielo	41 Callaghan Road
473	Gomez	Rebecca Lily	41 Callaghan Road
474	Goodwin	Bonita Colleen	21 Eliza Crescent
475	Goodwin	Catherine Dawn	8 Hansen Hill
476	Goodwin	Colin Valentine	8 Beaver Road
477	Goodwin	Derek Samuel	21 Eliza Crescent
478	Goodwin	Emily Rose	7 Brisbane Road
479	Goodwin	Gareth Kevin	15 Hansen Hill

480	Goodwin	June Elizabeth	8 Beaver Road
481	Goodwin	Kenton John Douglas Benjamin	33 Ross Road West
482	Goodwin	Margaret Ann	3`H' Jones Road
483	Goodwin	Marie-Bernard Therese	15 Hansen Hill
484	Goodwin	Rachel Karen	31 Ross Road West
485	Goodwin	Robin	31 Ross Road West
486	Goodwin	Robin Christopher	27 Callaghan Road
487	Goodwin	Simon James	8 Hansen Hill
488	Goodwin	Tonisha Louisa	21 Eliza Crescent
489	Goodwin	Una	27 Callaghan Road
490	Goodwin	William John Maurice	7 Brisbane Road
491	Gordon	Martine Carole	6A Ross Road East
492	Gordon	Robert James Alexander	6A Ross Road East
493	Goss	Amber Morgyn	16 Jeremy Moore Avenue
494	Goss	Annagret	16 Jeremy Moore Avenue
495	Goss	Ariane Storm	16 Jeremy Moore Avenue
496	Goss	Eric Miller	2 Fitzroy Road East
497	Goss	Errol Barry Gordon	30 Davis Street
498	Goss	Ian Ernest Earle	98 Davis Street
499	Goss	Jane Alexander	27 Eliza Crescent
500	Goss	Morgan Edmund	16 Jeremy Moore Avenue
501	Goss	Sandra Kathleen	11 Kent Road
502	Goss	Shirley Ann	2 Fitzroy Road East
503	Goss	Simon Peter Miller	11 Kent Road
504	Goss	Susan Diann	98 Davis Street
505	Goss	William Henry	7 Brandon Road
506	Gough	Phyllis Candy	8 John Street
507	Gough	Tanzey Jayne	3 Police Cottages
508	Green	David William	4 Discovery Close
509	Greenland	James Andrew William	3 Biggs Road
510	Greenland	Kimberley Joanna	3 Biggs Road
511	Greenland-Elbakidze	Natasha Bonita	10 Mink Park
512	Greenough	Geoffrey	Cemetery Cottage
513	Greenough	Wanda Rose	Cemetery Cottage
514	Halliday	Cathy Anne	5 Drury Street
515	Halliday	Jeffrey James	9A Philomel Street
516	Halliday	Joyce Isabella Patience	5 Fieldhouse Close
517	Halliday	Julie Ann	9A Philomel Street
518	Halliday	Kenneth William	5 Fieldhouse Close
519	Halliday	Raynor	9 Brisbane Road
520	Hancox	Alice Fiona	41 Eliza Crescent
521	Hancox	Emily Clare	7 Racecourse Road
522	Hansen	Douglas John	6 Fitzroy Road
523	Hansen	Keva Elizabeth	1 Dairy Paddock Road
524	Hansen	Rose Idina	10 Thatcher Drive
525	Hansen	Terrance Joseph	58C Sandy Woodward Road
526	Hardcastle	Eileen Beryl	7 Ross Road East
527	Hardcastle	Simon Brook	7 Ross Road East

528	Harris	Angela Jane	10 Haskard Rise
529	Harris	Christopher James	4A Ross Road East
530	Harris	Dennis Sefton	Racecourse Cottage
531	Harris	Heather	3 Ross Road East
532	Harris	Jill Yolanda Miller	19 Fitzroy Road
533	Harris	Karl Henry	10 Haskard Rise
534	Harris	Leeann Watson	11 Dairy Paddock Road
535	Harris	Leslie Sidney	19 Fitzroy Road
536	Harris	Michael Ronald	3 Ross Road East
537	Harris	Ralph Aaron	11 Dairy Paddock Road
538	Harris	Reece Lee	11 Dairy Paddock Road
539	Harris	Wendy Ann	Racecourse Cottage
540	Harte	Emma Louise	9A Philomel Street
541	Harte	Jessica Elise	9A Philomel Street
542	Hartley	Jeannette	21 Callaghan Road
543	Harvey	Sheila	8 Barrack Street
544	Harvey	William	Flat 3, 5 Jeremy Moore Avenue
545	Hawksworth	David	25 Eliza Crescent
546	Hawksworth	Ryan	2 Goss Road
547	Hay	Bryony	20 Davis Street
548	Hay	Graeme	30 Rex Hunt Road
549	Hay	Joanne Hazel Rose	30 Rex Hunt Road
550	Hayward	Marjorie	4B St Mary's Walk
551	Hayward	Matthew Oliver	Mullet Creek
552	Hayward	Neville	21 Hansen Hill
553	Hayward	Pauline May	21 Hansen Hill
554	Heathcock	Andrew James	7 Drury Street
555	Heathman	Abbie Louise	15 Eliza Cove Road
556	Heathman	Malcolm Keith	15 Eliza Cove Road
557	Heathman	Mandy Gail	15 Eliza Cove Road
558	Heathman	Nyree	7 Allardyce Street
559	Heathman	Sally Hermione	15 Eliza Cove Road
560	Hemming	Graeme John	10 Murray Heights
561	Henry	Adam Robert	28 Brandon Road
562	Henry	Alan Richard	13 Mink Park
563	Henry	Derek William	4A Davis Street
564	Henry	Donna Louise	3 Davis Street
565	Henry	John Stuart	15 Villiers Street
566	Henry	Lucianne Rebekah	13 Mink Park
567	Henry	Patricia Denise	86 Davis Street
568	Henry	Tracey Dawn	4A Davis Street
569	Hewitt	Bernice Marilyn Sarah	6 Rowlands Rise
570	Hewitt	Charles David James Munro	16 Sullivan Street
571	Hewitt	Christine Alison Elizabeth	16 Sullivan Street
572	Hewitt	Frances Agnes	K.E.M.H
573	Hewitt	Gary George	3 Hebe Place
574	Hewitt	Margaret Ann	3 Hebe Place
575	Hills	David John	33 Callaghan Road

576	Hirtle	Christine	5 Capricorn Road
577	Hirtle	Debbie Ann	2B Capricorn Road
578	Hirtle	Rose Ann Shirley	4 Villiers Street
579	Hirtle	Samantha Lee	2 Hebe Place
580	Hirtle	Zane Eric	12 Drury Street
581	Hobman	Anilda Marilu	5 Police Cottage
582	Hobman	Anola Zoey	Flat 8,6 Jersey Road
583	Hobman	Kyle John	Flat 2, Moody Street
584	Hobman	Luis Alfonso	5 Police Cottages
585	Howe	Alexander Luke Desmond	36 Davis Street
586	Howe	Alison Delia	36 Davis Street
587	Howe	Paul Anthony	36 Davis Street
588	Hoyles	Benjamin Noel	10 Brandon Road
589	Humphreys	Dennis James	7 Dean Street
590	Hutton	Elizabeth Isabella	3 John Street
591	Hutton	Philip	3 John Street
592	Ibarra Espinosa	Gonzalo Patricio	18 Callaghan Road
593	Igao	Alejandro Neri	Flat 3, 6 Racecourse Road
594	Igao	Georgia Jane	10 Goss Road
595	Igao	Noel Neri	10 Goss Road
596	Igao	Pauline Lynx	10 Goss Road
597	Inglis	Alison Anne MacKenzie	9 Short Street
598	Irvine	Andrew Grant McKenzie	9 McKay Close
599	Jackson	Kathleen	7 Drury Street
600	Jackson	Malcolm	7 Drury Street
601	Jackson	Mark Malcolm	5 Drury Street
602	Jacobsen	Alastair	1A Philomel Street
603	Jacobsen	Catherine Joan	1A Philomel Street
604	Jacobsen	Tanzi	33 Callaghan Road
605	Jacobsen	Toni Rhona	9 Discovery Close
606	Jaffray	Alexander	8A Brisbane Road
607	Jaffray	Anika Doreen	4 Fitzroy Road
608	Jaffray	Arlette Sharon	7 Jersey Road
609	Jaffray	Dereck Charles	2 Arch Green
610	Jaffray	Dominic Summers	5 Racecourse Road East
611	Jaffray	Eileen	5 Hebe Street
612	Jaffray	Elliott Jessie	8A Brisbane Road
613	Jaffray	Estelle Anita	11 Snake Hill
614	Jaffray	Eva Lynn	47 Callaghan Road
615	Jaffray	Gerard Alan	47 Callaghan Road
616	Jaffray	Helen Rose	84 Davis Street
617	Jaffray	Ian	5 Hebe Street
618	Jaffray	Ingrid Joyce	9 Fitzroy Road
619	Jaffray	Janet	3 Ross Road West
620	Jaffray	John	3 Ross Road West
621	Jaffray	John Summers	3 Mountain Berry Road
622	Jaffray	John Willie	21 Watson Way
623	Jaffray	Juliet Hazel	28 Davis Street

624	Jaffray	June Elizabeth	17 Ross Road East
625	Jaffray	Kalon David	47 Callaghan Road
626	Jaffray	Kenneth Ian	7 Jersey Road
627	Jaffray	Lisa Jane	7 Hebe Street
628	Jaffray	Phyllis	21 Watson Way
629	Jaffray	Shaun Melvyn	28 Davis Street
630	Jaffray	Stephen James	5 James Street
631	Jaffray	Terence Roy	5 Hebe Street
632	Jaffray	Tony	84 Davis Street
633	Jaffray	Tracy	3 Ross Road West
634	Jamieson	Malcolm William	1 Rex Hunt Road
635	Jamieson	Patricia Anne	1 Rex Hunt Road
636	Jennings	Hamish Warren	9A Davis Street
637	Jennings	Nancy Elizabeth	7 Philomel Street
638	Jennings	Stephen	5 Fitzroy Road
639	Johnson	Michael Neil	Flat 2, 30 Jersey Road
640	Jones	Deena Marie	6 Allardyce Street
641	Jones	Kevin Richard	3A Brandon Road
642	Jones	Yvonne Malvina	2 Thatcher Drive
643	Jonson	Nicole Frances	30 Endurance Avenue
644	Jordan	Cara Jane	12 Goss Road
645	Joshua	Angeline Gloria	6 Beaver Road
646	Joshua	Josephine Mary	7 Gleadell Close
647	Joshua	Paul Alan	6 Beaver Road
648	Joshua	Rosemond Patricia	3 Felton Stream
649	Keane	Alva Rose Marie	18 Davis Street
650	Keane	Olaf James	18 Davis Street
651	Keane	Thomas James	18 Davis Street
652	Kearney	Philip James	2 Brandon Road
653	Keenleyside	Charles Desmond	3 Pioneer Row
654	Keenleyside	Manfred Michael Ian	2 Snake Hill
655	Keenleyside	Nanette Barbara	2 Snake Hill
656	Kenny	Erling	20 James Street
657	Kidd	John Nathan	7 Ross Road West
658	Kidd	Lillian Rose Orissa	7 Ross Road West
659	King	Anna Constance Eve	34 Ross Road
660	King	Glynis Margaret	Stanley Arms Flat
661	King	Michelle Beverly	4 Biggs Road
662	King	Peter Thomas	10 Jeremy Moore Avenue
663	King	Robert John	22/24 Davis Street
664	King	Rosemarie	10 Jeremy Moore Avenue
665	King-Clark	Roxanne McCarthy	39 Fitzroy Road
666	Kirkham	Campbell Joseph	5 Capricorn Road
667	Knight	Margaret Anne	6 Yates Place
668	Knipe	Chedwin Norman	3 Davis Street West
669	Knipe	Susan Jane Helena	3 Davis Street West
670	Kultschar	John William	33C Davis Street
671	Kultschar	Richard Paul	5 Brisbane Road

672	Kultschar	Yvonne Rosina	33C Davis Street
673	Ladron De Guevara	Simon	6 Police Cottage
674	Ladron De Guevara Barnes	Jeremy Marshall	22/24 Davis Street
675	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
676	Laffi	Atilio Segundo	3 Brisbane Road
677	Laffi	Kathleen Mary	3 Brisbane Road
678	Lang	Colin David	2 Brisbane Road
679	Lang	David Geoffrey	K.E.M.H
680	Lang	James Patrick	2 Davis Street West
681	Lang	Leah Falalimpa	2 Davis Street West
682	Lang	Theresa Margaret	28 Goss Road
683	Lang	Valma Emily	8A Moody Street
684	Lang	Wendy Diane	2 Brisbane Road
685	Larsen	Ellen	6A Moody Street
686	Larsen	Ronald Ivan	2 Anderson Drive
687	Lazo	Javier Waldemar	80 Davis Street
688	Lazo	Matthew Derek	5 Allardyce Street
689	Leach	Nigel Jon	4 Moody Street
690	Lee	Beverley Christina	4 Police Cottages
691	Lee	Gladys	11 Drury Street
692	Lee	Karen Jane	14 Davis Street
693	Lee	Mandy John	15 James Street
694	Lee	Owen Henry	4 Pioneer Row
695	Lee	Rodney William	15 Ian Campbell Drive
696	Lee	Victoria Jane	2 Rex Hunt Road
697	Legg	Robert Keith	21 Kent Road
698	Lennie	Gordon Carnie	9 Narrows View
699	Lewis	David James	3 Ian Campbell Drive
700	Lewis	Jason	9 Short Street
701	Lewis	Pamela Irene	3 Ian Campbell Drive
702	Limburn	Monica	2 Brandon Road
703	Livermore	Anton	82 Davis Street
704	Livermore	Doreen Emily	82 Davis Street
705	Lloyd	Christopher Sturdee	12 McKay Close
706	Lloyd	Natalie Anne	12 McKay Close
707	Lowe	Katrina Louise	33 Ross Road West
708	Luxton	Jennifer Mary	4 Hebe Place
709	Luxton	Michael	1A Pioneer Row
710	Luxton	Nicola	1A Pioneer Row
711	Luxton	Robin	1 Jersey Road
712	Luxton	Stephen Charles	1 Mullet Creek
713	Luxton	Susan Vera	1 Mullet Creek
714	Luxton	Wendy Jennifer	1 Jersey Road
715	Lyse	Linda Margaret	65 Fitzroy Road
716	Macaskill	Angus Lindsay	11 Short Street
717	Macaskill	John	34 Ross Road West
718	Macaskill	Robert John	1A Brisbane Road

719	Macaskill	Tracey Jayne	1A Brisbane Road
720	MacDonald	Christopher Richard	9 Mink Park
721	MacDonald	Irene	Flat 2, Racecourse Road
722	Maciello	Jorge Diego	Flat 3, 30 Jersey Road
723	Maddocks	Robert Charles	11 Murray Heights
724	Martin	Lee Anthony	7 McKay Close
725	Martin	Lisa Maria	7 McKay Close
726	May	Angela Jane	11 Sullivan Street
727	May	Bruce Raymond	9 Kent Road
728	May	Bryan Roy	21 Jeremy Moore Avenue
729	May	Connie	9 Kent Road
730	May	Jonathan Roy	12 Jeremy Moore Avenue
731	May	Lucinda Vikki	12 Jeremy Moore Avenue
732	May	Monica	21 Jeremy Moore Avenue
733	May	Roger	11 Sullivan Street
734	May	Tiphanie	3 Diddle Dee Drive
735	May	William Albert	1 Glasgow Road
736	McBain	Arthur	29 Goss Road
737	McBain	Rhoda Margaret	29 Goss Road
738	McCallum	Bettina Kay	14 Drury Street
739	McCallum	Rampai	14A Drury Street
740	McCormick	Dale Ronald	24 Eliza Crescent
741	McCormick	Pauline Margaret Ruth	29 Callaghan Road
742	McCormick	Richard Paul	29B Callaghan Road
743	McCormick	Samantha Laura	18 Rex Hunt Road
744	McCormick	Tamara Anne	64 Sandy Woodward Road
745	McCormick	Wayne Stanley James	29 Callaghan Road
746	McCrea	Robert Thomas	7 Philomel Place
747	McDade	Priscilla Alison	3 Gleadell Close
748	McGhie	Thomas Forsyth	4 Yates Place
749	McGill	Cara Jane	Flat 7, 6 Jersey Road
750	McGill	Daniel Stanford	2 James Street
751	McGill	Darrel Ian	31 Sandy Woodward Road
752	McGill	David William	Gardeners Cottage South
753	McGill	Diane Beverley	2 James Street
754	McGill	Gary	15 Brandon Road
755	McGill	Heather Margaret	Gardeners Cottage South
756	McGill	Len Stanford	2 James Street
757	McGill	Sinead Zara	31 Sandy Woodward Road
758	McGill	Teresa Rose	26 Ross Road East
759	McGill	Travis Ian	1C Capricorn Road
760	McKay	Bono John	3 Brandon Road West
761	McKay	Clara Mary	20 Ross Road West
762	McKay	Heather Valerie	16 Eliza Crescent
763	McKay	Jeannie Paullina	2 Allardyce Street
764	McKay	Jennifer Coral	24 Eliza Crescent
765	McKay	Lauren Joyce	24 Rex Hunt Road
766	McKay	Michael John	64 Davis Street

767	McKay	Michelle Jane	64 Davis Street
768	McKay	Neil	10 Watson Way
769	McKay	Peter John	21 Ross Road West
770	McKay	Rex	16 Eliza Crescent
771	McKay	Stacey Jane	28 Rex Hunt Road
772	McKee	Miranda	12 Watson Way
773	McKee	Richard Buick	12 Watson Way
774	McKenzie	Alice Maud	2B St Mary's Walk
775	McKenzie	Charles Alexander Albert John	2B St Mary's Walk
776	McLaren	Caroline Mary	Flat 9, 6 Jersey Road
777	McLean	Stephen Thomas Turnbull	2 Mountain View
778	McLeod	David	49 Callaghan Road
779	McLeod	Glenda Otadoy	49 Callaghan Road
780	McLeod	Henry Donald Alexander	16 Fieldhouse Close
781	McLeod	Ian	17 Davis Street
782	McLeod	Ian James	62 Davis Street
783	McLeod	Janet Wensley	75 Davis Street
784	McLeod	Janice	2 Ross Road West
785	McLeod	Joan May	13 Murray Heights
786	McLeod	John	23 Hansen Hill
787	McLeod	Kirsty Jane	5 Pitaluga Place
788	McLeod	Mally	17 Davis Street
789	McLeod	Marie	16 Fieldhouse Close
790	McLeod	Mark Travis	49 Callaghan Road
791	McLeod	Michael William	5 Short Street
792	McLeod	Pearl Mary Ann	18 Brandon Road
793	McLeod	Robert	75 Davis Street
794	McLeod	Robert John	2 Ross Road West
795	McLeod	Tamsin Margaret Butler	5 Short Street
796	McLeod	Valorie Marcela	7 Ian Campbell Drive
797	McMullen	June	8 Brandon Road
798	McMullen	Lucille Anne	6 John Street
799	McMullen	Tony	8 Brandon Road
800	McPhee	Denise	4 Brandon Road West
801	McPhee	Hannah	4 Brandon Road West
802	McPhee	Jessica	4 Brandon Road West
803	McPhee	Justin Owen	4 Brandon Road West
804	McRae	Charlotte Melize	Stanley House, Lady Hunt
805	McRae	Gloria Linda	9 Snake Street
806	McRae	Kerry Jane	15 Sullivan Street
807	McRae	Michael	2A 'H' Jones Road
808	McRae	Tamara	2A 'H' Jones Road
809	Middleton	Callum William	14 Mink Park
810	Middleton	Caren	15 Mink Park
811	Middleton	Caroline Ann	7 James Street
812	Middleton	Charlotte Anne Mary	2 Police Cottages
813	Middleton	Chelsea Emma	13 McKay Close
814	Middleton	Dennis Michael	Dolphin Cottage

815	Middleton	Leonard	8A Yates Place
816	Middleton	Macauley Brian	13 McKay Close
817	Middleton	Megan Shirley Rebecca	79 Davis Street
818	Middleton	Murray Alexander	15 Mink Park
819	Middleton	Nevin Alexander	15 Mink Park
820	Middleton	Phillip John	5 St Marys Walk
821	Middleton	Sharon Elizabeth	Dolphin Cottage
822	Middleton	Stephanie Anne	13 McKay Close
823	Middleton	Yvonne Allison	50 Davis Street
824	Miller	Carol	Marine Cottage
825	Miller	Gail Marie	6A Brisbane Road
826	Miller	Janet Mary	Market Garden, Airport Rd
827	Miller	Jayne Elizabeth	27 Davis Street
828	Miller	Samuel Andrew	27 Davis Street
829	Miller	Simon Roy	Marine Cottage
830	Miller	Steven Geoffrey	4 Beaver Road
831	Miller	Timothy John Durose	Market Garden, Airport Rd
832	Minnell	Adrian James	8 Moody Street
833	Minnell	Hazel Eileen	5 Yates Place
834	Minnell-Goodwin	Mandy Hazel	31 Ross Road West
835	Minto	Adam Daniel	18 Endurance Avenue
836	Minto	Bradley Stewart Andrew	18 Endurance Avenue
837	Minto	Christian Ian	18 Endurance Avenue
838	Minto	Dilys Rose	18 Endurance Avenue
839	Minto	Graham Stewart	12 Brisbane Road
840	Minto	Isabel Joan	12 Brisbane Road
841	Minto	Karen Joleen	23 Ross Road West
842	Minto	Laura Jayne	23 Ross Road West
843	Minto	Sean Daem	5 Sandy Woodward Road
844	Minto	Timothy Ian	18 Endurance Avenue
845	Miranda	Augusto	3 Thatcher Drive
846	Miranda	Carmen Ediht	8 Anderson Drive
847	Mitchell	Hayden Owen	16 Fieldhouse Close
848	Mitchell	Paige	16 Fieldhouse Close
849	Mitchell	Shane Leon	6A John Street
850	Moffatt	Angela	20 Ross Road East
851	Moffatt	James	20 Ross Road East
852	Moffatt	Jay	5 Gleadell Close
853	Moffatt	Sean	20 Ross Road East
854	Molkenbuhr-Smith	Sara Jayne	1 Callaghan Road
855	Montgomerie	Carolyn Anne	1 McKay Close
856	Montgomerie	Kerys Elizabeth Victoria	1 McKay Close
857	Montgomerie	Delen Ann Nicola	1 McKay Close
858	Morris	Alana Marie	4 Callaghan Road
859	Morris	David	4 Callaghan Road
860	Morris	Jason Paul	Flat 4, 30 Jersey Road
861	Morris	Trevor Alan	1 Moody Street
862	Morris	Zoe Alana	1 Moody Street

863	Morrison	Carol Margaret	1A Barrack Street
864	Morrison	Edgar Ewen	5 Racecourse Road
865	Morrison	Fayan	54 John Street
866	Morrison	Gerald	1A Brandon Road
867	Morrison	Graham Stewart	34A Davis Street
868	Morrison	Guy Damian	1A Brandon Road
869	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
870	Morrison	Joan Margaret	8 Brisbane Road
871	Morrison	John	9 Rowlands Rise
872	Morrison	Joleen Coleen	24 Kent Road
873	Morrison	Kathleen Iris	1A Brandon Road
874	Morrison	Keiran Kenneth	7 Mink Park
875	Morrison	Kenneth	13 Ian Campbell Drive
876	Morrison	Lena	108 Davis Street
877	Morrison	Leslie Theodore Norman	108 Davis Street
878	Morrison	Marcus Lewis	5 Mink Park
879	Morrison	Michael John	10 Fitzroy Road East
880	Morrison	Nanette Rose	46 Davis Street
881	Morrison	Nigel Peter	86 Davis Street
882	Morrison	Paul Roderick	3 Racecourse Road East
883	Morrison	Richard Lowry	1 Biggs Road
884	Morrison	Russell John Allan	16 Mink Park
885	Morrison	Susan Margaret	10 Fitzroy Road East
886	Morrison	William Roderick Halliday	54 John Street
887	Morrison-Sanchez	Angely Susanne	16 Mink Park
888	Munro	Grant Mackintosh	69 Fitzroy Road
889	Murphy	Andrew Paul	2 King Street
890	Murphy	Ann Susan	2 King Street
891	Napier	Lily	2 Racecourse Road
892	Napier	Roderick Bertrand	2 Racecourse Road
893	Neilson	Barry Marwood	6 Barrack Street
894	Neilson	Edward Sydney	12 Goss Road
895	Neilson	Harold Ian	74 Davis Street
896	Neilson	Margaret	6 Barrack Street
897	Newell	Joseph Orr	11 Davis Street
898	Newman	Andrew Raymond	51 Ross Road East
899	Newman	Marlene	11 Jeremy Moore Avenue
900	Newman	Terence	24 Endurance Avenue
901	Newman	Terri-Ann	24 Endurance Avenue
902	Newton	Josephine Ellen	22 Shackleton Drive
903	Norman	Heather Thelma	6A Pioneer Row
904	Olmedo	Alex	61 Sandy Woodward Road
905	Ormond	Christina Helen	6 Goss Road
906	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
907	Ormond	Krysteen Alison	6 Goss Road
908	Ormond	Terrianne Helen	2 Gleadell Close
909	Owen	Sally	1 Biggs Road
910	Paice	Corrinne	3 Racecourse Road

911	Paice	Craig Arthur	3 Racecourse Road
912	Parke	James Fred	25 Ross Road West
913	Parke	Janet Margaret	25 Ross Road West
914	Passfield	Kenneth Alexander	2A Brandon Road West
915	Paver	Bernadette Marguerite	Moody Brook House
916	Peck	Christine	21 Jersey Road
917	Peck	David Patrick	5 Sullivan Street
918	Peck	Eleanor Margaret	10 Davis Street
919	Peck	Farrah Louise	24 Kent Road
920	Peck	Gordon Pedro James	34 Eliza Crescent
921	Peck	Harwood John Charles	26 Eliza Crescent
922	Peck	James	Lafone House
923	Peck	Joshua Dolan	36 Rex Hunt Road
924	Peirega	Alexa Rachel	27 Rex Hunt Road
925	Peirega	Naomi Renee	27 Rex Hunt Road
926	Pennisi Minto	Barbara	8A Moody Street
927	Perry	Hilda Blanche	6A St Marys Walk
928	Pettersson	April Samantha	4 Beaver Road
929	Pettersson	Derek Richard	3 Anderson Drive
930	Pettersson	Trudi Ann	3 Anderson Drive
931	Phillips	Anthony Vincent	4C Hebe Street
932	Phillips	Carol Joan	6 Rex Hunt Road
933	Phillips	David Dawson	35 Fitzroy Road
934	Phillips	Elisa	35 Fitzroy Road
935	Phillips	Jordan Liam	32 Davis Street
936	Phillips	Terence	6 Rex Hunt Road
937	Pitt	Myra May	6A Pioneer Row
938	Plato	Darren Richard	2 Jersey Road
939	Platt	Claire	8 Villiers Street
940	Pointing	Stephen William	4 Anderson Drive
941	Pole-Evans	Amy Rose	4 McKay Close
942	Pole-Evans	John	16 Ross Road East
943	Pole-Evans	Lisa	74 Davis Street
944	Pole-Evans	Marcus Samuel	12 Murray Heights
945	Pole-Evans	Martin	19 Kent Road
946	Pole-Evans	Michael Anthony	4 McKay Close
947	Pollard	Andrew Keith	4 Fitzroy Road East
948	Pollard	Cathy	2 Kent Road
949	Pollard	Elizabeth Eve	23 Ross Road East
950	Pollard	John	23 Ross Road East
951	Pollard	Mark John	2 Kent Road
952	Pompert	Joost Herman Willem	11 Ross Road West
953	Pompert Robertson	Sorrel Freya	11 Ross Road West
954	Pompert-Robertson	Sophie Thora	11 Ross Road West
955	Poncet	Jeremy Nigel	28 Rex Hunt Road
956	Poncet	Sally Elizabeth	2A Brandon Road West
957	Poole	Evelyn May	31 Fitzroy Road
958	Poole	Michael James	19 Davis Street

959	Poole	Nancy Margaret	1 Racecourse Road
960	Poole	Raymond John	1 Racecourse Road
961	Poole	Ross William	52 John Street
962	Poole	Steven Charles	11 Hansen Hill
963	Poole	Toby Raymond	19 Davis Street
964	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
965	Pring	Bernadette Jane Spencer	5A Ross Road West
966	Pring	Geoffrey Alan	5A Ross Road West
967	Prior	Claudette	1 Goss Road
968	Prior	Malcolm	1 Goss Road
969	Quinto Salluca	Luis Alberto	88 Davis Street
970	Ramirez Mardones	Vanessa Elisa	61 Sandy Woodward Road
971	Reddick	Keith John	By-Pass Road
972	Reeves	Michael	2 Drury Street
973	Reid	Ann	3A Hansen Hill
974	Reid	Beverley Rose	12 James Street
975	Reid	Colleen Rose	9 Fitzroy Road East
976	Reid	John Alexander	7 Fitzroy Road
977	Reid	Joseph Reynold Benjamin	26 Kent Road
978	Reid	Pamela Ruth	17 Rex Hunt Road
979	Reid	Paula	5 Biggs Road
980	Reid	Reynold Gus	5 Biggs Road
981	Reid	Simon Gus	41 Sandy Woodward Road
982	Rendell	Nicholas Simon Oliver	23 Rex Hunt Road
983	Richards	Shirley	8A James Street
984	Riddell	Jacob David	33 Davis Street
985	Roberts	Aaron Huw	10 Ian Campbell Drive
986	Roberts	Bradley Gerard	2 Hansen Hill
987	Roberts	Cheryl Ann Spencer	49 Ross Road East
988	Roberts	David Anthony	1 Mountain View
989	Roberts	Gethyn Edward	11 Short Street
990	Roberts	Kieran Angus	13 Rowlands Rise
991	Roberts	Laura May	4 Kent Road
992	Roberts	Peter James	49 Ross Road East
993	Roberts	Simon Theodore Nathaniel	5 Narrows View
994	Robertson	Dion Sebastian	5 Jeremy Moore Avenue
995	Robertson	Drew Alexander	14 Murray Heights
996	Robertson	Janet	11 Ross Road West
997	Robson	Alison Emily	15 Villiers Street
998	Robson	Cherry Rose	5 Philomel Street
999	Robson	Damien	18 Ross Road East
1000	Robson	Jodie	1 Philomel Place
1001	Robson	Miranda Gaye	10 Hansen Hill
1002	Robson	Patricia Jayne	18 Ross Road East
1003	Robson	Phyllis Ann	1 Philomel Place
1004	Robson	Raymond Nigel	10 Hansen Hill
1005	Robson	William Charles	18 Ross Road East
1006	Rodriguez-Reid	Axel Reynaldo	4 Fieldhouse Close

1007	Roose	Alison Elizabeth	7 Brandon Road
1008	Ross	Allan John	1 Short Street
1009	Ross	Christine Aislinn	6 Mink Park
1010	Ross	Claudio Javier Ampuero	2 Mullet Creek
1011	Ross	Gabrielle Leigh	25 Rex Hunt Road
1012	Ross	Glenn Stephen	23 Watson Way
1013	Ross	Janet	23 Watson Way
1014	Ross	Kerri-Anne	8 Mink Park
1015	Ross	Kevin John	12 Snake Hill
1016	Ross	Lachlan Neil	14 Fieldhouse Close
1017	Ross	Rebecca Jane	3 Beaver Road
1018	Ross	Roy	19 Jersey Road
1019	Ross	Sheena Margaret	25 Rex Hunt Road
1020	Ross	Shirley Vyona	1 Short Street
1021	Rowland	Sarah Anne	9 Hansen Hill
1022	Rowlands	Daisy Malvina	39 John Street
1023	Rowlands	Dorinda Roberta	3 Hebe Street
1024	Rowlands	Robert John	13 Callaghan Road
1025	Rozee	Betty Ellen	16 Davis Street
1026	Rozee	Derek Robert Thomas	16 Davis Street
1027	Rozee	Karen Michella	6 Discovery Close
1028	Sackett	Albert John	25A Ross Road East
1029	Sackett	Jacqueline	25 Callaghan Road
1030	Sanchez	Jennifer Helen	26 Endurance Avenue
1031	Sanchez Ladron De Guevara	Karin Pamela	5 Brisbane Road
1032	Sawle	Felicity Anne Hermione	7 Rex Hunt Road
1033	Sawle	James Christopher	Seaview Cottage, Ross Road
1034	Sawle	Judith Margaret	Seaview Cottage, Ross Road
1035	Sawle	Richard	Seaview Cottage, Ross Road
1036	Senociain Short	Kylie Deborah	36 Eliza Crescent
1037	Shcherbich	Zhanna Nikolaevna	13 Biggs Road
1038	Shelbourne	Carolyn Wendy	39 Brandon Road
1039	Shepherd	Ramsey	3 Yates Place
1040	Shepherd	Roy	23 Mink Park
1041	Shepherd	Sarah Jayne	23 Mink Park
1042	Shillitoe	Helena De Fatima	The Brook, Moody Brook
1043	Shillitoe	Roger William	The Brook, Moody Brook
1044	Shillitoe	Ryan Lawrance	The Brook, Moody Brook Road
1045	Shillitoe	Stephen Bruce	4 Mink Park
1046	Short	Alison	1 Dairy Paddock Road
1047	Short	Andrez Peter	1 Dairy Paddock Road
1048	Short	Brenda	11 Barrack Street
1049	Short	Celia Soledad	7 Pitaluga Place
1050	Short	Christina Ethel	12 Brandon Road
1051	Short	Emily Christina	1 Fitzroy Road East
1052	Short	Gavin Phillip	36 Eliza Crescent
1053	Short	Isabel Rose	3 Brisbane Road
1054	Short	Jason Francis	3 Brisbane Road

1055	Short	Liam Michael Felton	24 Fitzroy Road
1056	Short	Marc Peter	7 Anderson Drive
1057	Short	Marlene Cindy	9 Pitaluga Place
1058	Short	Montana Tyrone	4 Dairy Paddock Road
1059	Short	Patrick Warburton	3 Brisbane Road
1060	Short	Peter Robert	1 Fitzroy Road East
1061	Short	Richard Edward	9 Pitaluga Place
1062	Short	Vilma Alicia	4 Dairy Paddock Road
1063	Simpson	James Alexander Bruce	7 Racecourse Road
1064	Simpson	John Frederick	8 Rowlands Rise
1065	Sinclair	Serena Samantha	11 Rex Hunt Road
1066	Sinclair	Veronica Joyce	21 Ross Road West
1067	Skene	Greta Winnora Miller	22 Ross Road East
1068	Smallwood	Margo Ameer	105 Davis Street
1069	Smallwood	Michael Anthony	105 Davis Street
1070	Smith	Aidan James	5A Davies Street
1071	Smith	Andrew John	11 Fitzroy Road East
1072	Smith	Antony David	33A Davis Street
1073	Smith	Anya Deirdre	8 Eliza Crescent
1074	Smith	Colin David	6 James Street
1075	Smith	Felicity Marie	5 Brandon Road
1076	Smith	Ffion Lois	22 Kent Road
1077	Smith	George Patterson	15 Watson Way
1078	Smith	Gerard Alexander	8 Barrack Street
1079	Smith	Heather	19 Watson Way
1080	Smith	Ian Lars	5 Brandon Road
1081	Smith	Ileen Rose	28 Ross Road West
1082	Smith	Jennifer Ethel	6 Watson Way
1083	Smith	Jenny Lorraine	15 Watson Way
1084	Smith	John	28 Ross Road West
1085	Smith	John Derek	8 Eliza Crescent
1086	Smith	Kane David	6 James Street
1087	Smith	Martyn James	6A Ross Road West
1088	Smith	Michael Edmund	39 Eliza Crescent
1089	Smith	Natalie Marianne	6 James Street
1090	Smith	Nora Kathleen	5 Fitzroy Road East
1091	Smith	Paul	1 Callaghan Road
1092	Smith	Robin Charles	19 Watson Way
1093	Smith	Roy Alan	11 Brandon Road
1094	Smith	Susan	17 Jersey Road
1095	Socodo	Phoebe Esther	6 Haskard Rise
1096	Spicer	Mark Anthony	16 St Mary's Walk
1097	Spicer	Susan	16 St Marys Walk
1098	Spink	Roger Kenneth	The Brook, Moody Brook
1099	Spruce	Helena Joan	Milestone, 29 Ross Road West
1100	Spruce	Mark Felton	6 Anderson Drive
1101	Spruce	Terence George	Milestone, 29 Ross Road West
1102	Steen	Allan Graham	15 Sullivan Street

1103	Steen	Barbara Ingrid	39 Ross Road West
1104	Steen	Karen Lucetta	32 Fitzroy Road
1105	Steen	Stacey Louise	24 Fitzroy Road
1106	Stenning	Kate Alexandra	5B Ross Road West
1107	Stenning	Timothy Charles	5B Ross Road West
1108	Stephenson	Dylan	Moody Vally
1109	Stephenson	Jason	Moody Valley
1110	Stephenson	Katrina	4 Davis Street
1111	Stephenson	Zachary	4 Davis Street
1112	Stevens	Kelly-Marie	Whyteways, James Street
1113	Stevens	Lucy Mary Rose Ellen Doreen	6 Dairy Paddock Road
1114	Stevens	Paul Theodore	6 Dairy Paddock Road
1115	Stewart	Celia Joyce	14 Allardyce Street
1116	Stewart	Daniel Duane	Stanley House, Lady Hunt
1117	Stewart	Duane William	Flat 3, 6 Jersey Road
1118	Stewart	Hulda Fraser	24 Ross Road West
1119	Stewart	Ian Bremner	34 Ross Road East
1120	Stewart	Kenneth Barry	Flat 5, 6 Jersey Road
1121	Stewart	Ross Ian	34 Ross Road East
1122	Stewart	Ruth Jane	1 Sandy Woodward Road
1123	Stewart	Sheila Olga	34 Ross Road East
1124	Stewart-Reid	Byron Alexander	7 Fitzroy Road
1125	Stewart-Reid	Carol Ellen Eva	7 Fitzroy Road
1126	Stewart-Reid	Clodagh Erin Georgia	7 Fitzroy Road
1127	Strange	Ian John	The Dolphins, Snake Street
1128	Strange	Maria Marta	The Dolphins, Snake Street
1129	Street	Laura Jane	4 Philomel Street
1130	Stroud	Mark Adrian	10 Sullivan Street
1131	Summers	Brian	1 Ross Road East
1132	Summers	Colin Owen	58 Rex Hunt Road
1133	Summers	Dorothy Constance	42 Eliza Crescent
1134	Summers	Edith Catherine	5 Dean Street
1135	Summers	Irvin Gerard	1 Anderson Drive
1136	Summers	Jacqueline	12 Pioneer Row
1137	Summers	Joanne Elizabeth	58 Rex Hunt Road
1138	Summers	Jonathan Derek	33 Davis Street
1139	Summers	Judith Orissa	1 Ross Road East
1140	Summers	Lynn Jane	31 Sandy Woodward Road
1141	Summers	Michael Kenneth	6A Brisbane Road
1142	Summers	Michael Victor	12 Pioneer Row
1143	Summers	Rowena Elsie	5 Allardyce Street
1144	Summers	Roy	32 Eliza Crescent
1145	Summers	Sheila	1 Anderson Drive
1146	Summers	Sybella Catherine Ann	1 Ross Road West
1147	Summers	Sylvia Jean	8 Racecourse Road
1148	Summers	Terence	1 Ross Road West
1149	Summers	Tony	8 Racecourse Road
1150	Sutcliffe	Lynsey Claire	1 Moody Street

1151	Sutcliffe	Michael Ian	1A Pitaluga Place
1152	Sutherland	John Gall	3 Mountain View
1153	Sytchova	Ulia	44 Rex Hunt Road
1154	Taylor	Anne Louise	4 Drury Street
1155	Taylor	Graham	55 Fitzroy Road
1156	Taylor	Ruth Eleanor	55 Fitzroy Road
1157	Taylor	Zoe Leigh	6A John Street
1158	Tellez	Tylor Mathew James	9 Marmont Row
1159	Thain	Craig John	8 Davis Street
1160	Thain	John	8 Davis Street
1161	Thain	Scott Hayden	8 Davis Street
1162	Thain	Stephanie Ann	8 Davis Street
1163	Thom	Norma Ann	92 Davis Street
1164	Thomas	Andrew Neil	11 Jersey Road
1165	Thomas	Gary Stuart	4 Sandy Woodward Road
1166	Thomas	Jacqueline Joyce	3 Moody Street
1167	Thomas	Jane Lilian Louisa	11 Jersey Road
1168	Thomas	Justin Paul	3 Moody Street
1169	Thorsen	Carol Margaret	21 John Street
1170	Thorsen	David Moller	11 Callaghan Road
1171	Thorsen	Gloria Penelope	27A Fitzroy Road
1172	Thorsen	Kristiane Annergret Helena	27A Fitzroy Road
1173	Toolan	George Benjamin	13 Sullivan Street
1174	Toolan	Rose Mary	13 Sullivan Street
1175	Toolan	Samuel Robert	13 Sullivan Street
1176	Toolan	Stephen David John	13 Sullivan Street
1177	Trinidades Burucua	Dahiana	4 Rex Hunt Road
1178	Turner	Betty Ann	8 Fitzroy Road East
1179	Turner	Howard Guy	8 Fitzroy Road East
1180	Turner	Joanne Elizabeth	61 Fitzroy Road
1181	Turner	Ronald	K.E.M.H
1182	Tyrrell	Garry Bernard	1 Beaver Road
1183	Tyrrell	Gina Michelle	1 Beaver Road
1184	Tyrrell	Tasmin Andrea	1 Beaver Road
1185	Ubeda Hernandez	Julio Antonio	21 Jersey Road
1186	Vidal Roberts	Lucila Leona	1 Mountain View
1187	Vilchez Valverde	Maria Yhovana	88 Davis Street
1188	Villegas	Caroline	7 Fieldhouse Close
1189	Villegas	Pedro Francisco	7 Fieldhouse Close
1190	Vincent	Janette Mary	10 Endurance Avenue
1191	Vincent	Stephen Lawrence	10 Endurance Avenue
1192	Wade	Darren Martin	1 Diddle Dee Way
1193	Wade	Donald Harold	4A Jeremy Moore Avenue
1194	Wallace	Fiona Alice	Tigh Na Mara, Moody Brook Road
1195	Wallace	Fraser Barrett	10 John Street
1196	Wallace	Maria Lilian	38 Ross Road West
1197	Wallace	Stuart Barrett	38 Ross Road West
1198	Watson	Andrew James	9 James Street

1199	Watson	Dominic Robert	1 Sandy Woodward Road
1200	Watson	Joanne	2 Auster Place
1201	Watson	Lisa Marie	33 Davis Street
1202	Watson	Paul	20 Endurance Avenue
1203	Watson	Ryan Neil	20 Endurance Avenue
1204	Watt	Stephen Robert	7 Hebe Street
1205	Watt	Sylvia Ann	5 Racecourse Road
1206	Watts	Patrick James	13 Brisbane Road
1207	Webb	Gary Colin	58 Davis Street
1208	Webb	Loretta Isobel	58 Davis Street
1209	White	Chanelle Lawrence	5 Discovery Close
1210	White	Judy Marie	Flat 1, 3 Jeremy Moore Avenue
1211	Whitney	Frederick William	9 Ross Road
1212	Whitney	Jason	15 Ross Road East
1213	Whitney	Kurt Ian	2 Pioneer Row
1214	Whitney	Lana Rose	22 Eliza Crescent
1215	Whitney	Susan Joan	9 Ross Road
1216	Wilkinson	Carol Rosina	24 Goss Road
1217	Wilkinson	David Clive Walter	24 Goss Road
1218	Wilks	Bruce Allan	11 Fieldhouse Close
1219	Wilks	Susan Jean	11 Fieldhouse Close
1220	Williams	Christian Leonard Edward John	7 Eliza Crescent
1221	Williams	Glen	33 Ross Road East
1222	Williams	Kirsty Michelle	16 Jersey Road
1223	Williams	Lee Perry Adrian John	14 Hansen Hill
1224	Williams	Margaret Elizabeth	16 Goss Road
1225	Williamson	Kathleen Laura	5 McKay Close
1226	Williamson	Rachel Mary	5 McKay Close
1227	Wilson	Stephen John	9 Dairy Paddock Road
1228	Wilson	Tara	9 Dairy Paddock Road
1229	Wylie	Julian Richard	1 McKay Close
1230	Yon	Julian Lemarc Patrick	3 Davis Street West
1231	Zuvic-Bulic	Kuzma Mario	Holdfast House, Holdfast Rd
1232	Zuvic-Bulic	Sharon Marie	Holdfast House, Holdfast Rd
1233	Zuvic-Bulic	Zoran Mario	Holdfast House, Holdfast Rd



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

27 October 2017

No. 18

The following are published in this Supplement –

Coins (Commemorative)(No 3) Order 2017 (SR&O No 29 of 2017);

Coins (Circulation)(No 2) Order 2017 (SR&O No 30 of 2017);

Road Traffic (Fixed Penalty Notices) Regulations 2017 (SR&O No 31 of 2017);

Road Traffic (Taxi Drivers' Permits)(Amendment) Order 2017 (SR&O No 32 of 2017);

Immigration (Amendment)(No 2) Ordinance 2017 (No 14 of 2017);

Supplementary Appropriation (2017-2018) Ordinance 2017 (No 15 of 2017);

Members' Remuneration (Amendment) Ordinance 2017 (No 16 of 2017);

Children (Amendment) Ordinance 2017 (No 17 of 2017); and

Road Traffic (Amendment) Ordinance 2017 (No 18 of 2017).

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Commemorative)(No 3) Order 2017

S. R. & O. No: 29 of 2017

Made: 17 October 2017

Published: 27 October 2017

Coming into force: on publication

I make this order under section 22 of the Currency Ordinance 1987 on the advice of Executive Council.

1. Title

This order is the Coins (Commemorative)(No 3) Order 2017.

2. Commencement

This order comes into force upon publication in the *Gazette*.

3. New coins

(1) The minting and issue of the coins described and specified in the schedule to this Order are authorised.

(2) The schedule specifies —

(a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);

(b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and

(c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

(1) For the purposes of the Ordinance —

(a) the cupro-nickel Crown coins, sterling silver Crown and sterling silver gold clad Crown coins authorised by this order are deemed to be of 25 pence denomination;

(b) the silver 5 Crown coins authorised by this order are deemed to be of £1.25 denomination;

- (c) the gold 1 Crown coins authorised by this order are deemed to be of £5.00 denomination;
- (2) The coins specified under paragraph (1) are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 17 October 2017

N. J. Phillips C.B.E.,
Governor.

SCHEDULE

Sapphire Jubilee of the Coronation of Queen Elizabeth II

Type	Cupro- nickel	Silver Proof	Silver Proof Gold Clad	Silver Proof	Gold Proof	Titanium
<i>Denomination</i>	1 Crown	1 Crown	1 Crown	5 Crown	1 Crown	1 Crown
<i>Weight (grams)</i>	28.28	31.103	31.103	155.52	31.103	10.00
<i>Diameter (millimetres)</i>	38.60	38.60	38.60	65.00	32.70	36.10
<i>Fineness</i>	Cu 75% Ni 25%	999 silver	999 Silver	999 Silver	999 Gold	995 Titanium
<i>Quality</i>	Brilliant Uncirculated	Proof	Proof	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled	Milled	Milled
<i>Edition limit for each reverse design</i>	Unlimited	3,000	3,000	1,000	1,000	7,500
<i>Mint</i>	Pobjoy Mint Ltd.					
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.					
<i>Obverse design</i>	Pobjoy Mint Effigy of Her Majesty Queen Elizabeth II.					
<i>Reverse design</i>	The design features an image of the Coat of Arms of Her Majesty Queen Elizabeth II. The pattern in the surround is taken from Her Majesty's Coronation Dress. The wording 'SAPPHIRE CORONATION LXV' appears in the surround with the value at the base of the design.					

SUBSIDIARY LEGISLATION

CURRENCY

Coins (Circulation)(No 2) Order 2017

S. R. & O. No: 30 of 2017

Made: 17 October 2017

Published: 27 October 2017

Coming into force: on publication

I make this order under section 22 of the Currency Ordinance 1987 on the advice of Executive Council.

1. Title

This Order is the Coins (Circulation)(No 2) Order 2017.

2. Commencement

This Order comes into force upon publication in the *Gazette*.

3. New coins

(1) The minting and issue of the circulation coins described and specified in the schedules to this Order are authorised.

(2) The schedule specifies —

(a) the denomination, fineness, weight, diameter, quality, shape, edge and number of the coins authorised by paragraph (1);

(b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and

(c) the design of the obverse and reverse of the coins.

4. Deemed denomination of circulation coins and their value as legal tender

For the purposes of the Ordinance the circulation coins authorised by this Order will be of 50p denomination and will be legal tender in the Falkland Islands.

Made 17 October 2017

N. J. Phillips C.B.E.,
Governor.

SCHEDULE

Legal tender 50p circulation coins of the Falkland Islands – Christmas Themed

Type	Cupro Nickel – Diamond Finish
<i>Denomination</i>	50p
<i>Weight (grams)</i>	8.00
<i>Diameter (millimetres)</i>	27.30
<i>Fineness</i>	75% Cu 25% Ni
<i>Quality</i>	Circulation
<i>Shape</i>	Equilateral Curve Heptagon
<i>Edge</i>	Plain
<i>Edition</i>	7,500
<i>Mint</i>	Pobjoy Mint Ltd.
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.
<i>Obverse design</i>	Pobjoy Mint Effigy of HM Queen Elizabeth II.
<i>Reverse design</i>	The design depicts a King Penguin, a Macaroni Penguin, a Southern Rockhopper Penguin, a Magellanic Penguin and a Gentoo Penguin “carol singing” below a Christmas lantern. The native Falkland Islands Pale Maiden is shown in the surround. The word ‘CHRISTMAS’ appears at the top of the design with the value at the base.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Fixed Penalty Notices) Regulations 2017

S. R. & O. No: 31 of 2017

Made: 24 October 2017

Published: 27 October 2017

Coming into force: 1 January 2018

I make these regulations under section 59 of the Road Traffic Ordinance 1948 on the advice of Executive Council.

PART 1 INTRODUCTION

1. Title

These regulations are the Road Traffic (Fixed Penalty Notices) Regulations 2017.

2. Commencement

These Regulations come into force on 1 January 2018.

3. Interpretation

In these Regulations —

“an offence listed in the Schedule” means any of the offences listed in the Schedule;

“senior police officer” means a police officer who holds the rank of sergeant or above; and

“validity period” means the period specified in regulation 7 within which the person issued with a fixed penalty notice must pay the amount for the fixed penalty or challenge the fixed penalty notice.

PART 2 FIXED PENALTIES - GENERAL

4. Fixed penalty notices

(1) A fixed penalty notice may be issued to any person who commits an offence listed in the Schedule instead of bringing prosecution proceedings against that person.

(2) Subregulation (1) does not prevent prosecution proceedings from being brought against a person where, within a period of three years the person has been issued with three fixed penalty notices for any offence listed in the Schedule that have not been withdrawn, revoked or successfully challenged and is caught committing another offence listed in the Schedule.

5. Fixed penalty notices - content

A fixed penalty notice must contain the following information —

- (a) brief particulars of the offence for which it has been issued;
- (b) the amount of the fixed penalty set for that offence;
- (c) information on where payment can be made;
- (d) the period within which the person issued with the fixed penalty notice must pay the amount for the fixed penalty or challenge the fixed penalty notice (referred to as the “validity period”);
- (e) a statement to the effect that the person may challenge the fixed penalty notice by requesting a hearing in terms of regulation 11;
- (f) information on the procedure for requesting a hearing; and
- (g) any other information as may be necessary.

6. Issue of fixed penalty notices

(1) A fixed penalty notice may be issued by the Chief Police Officer or a police officer of any rank.

(2) Where any offence listed in the Schedule is or has been committed a fixed penalty notice may be —

- (a) issued to the driver of the motor vehicle on the spot;
- (b) in the absence of the driver be affixed to the motor vehicle addressed to the owner of that motor vehicle; or
- (c) issued to the owner of the vehicle as soon as possible afterwards either directly or by post.

(3) The Chief Police Officer may issue guidance and standing orders in relation to the issue of fixed penalty notices.

(4) Whenever a fixed penalty is issued, the Chief Police Officer must send a copy of a fixed penalty notice to the Head of Courts.

7. Time within which a fixed penalty notice must be paid

- (1) A person issued with a fixed penalty notice must pay the amount for the fixed penalty notice within the validity period.
- (2) No proceedings may be brought in relation to an offence listed in the Schedule for which a fixed penalty notice has been issued until after the expiry of the validity period.
- (3) The validity period of a fixed penalty notice is —
 - (a) in the case of a fixed penalty notice issued to a person by a police officer, 28 days from the date on which it is given;
 - (b) in the case of a fixed penalty notice sent to a person by post, 28 days from the date on which it was posted.

8. Fixed penalty notices issued on the spot

- (1) This regulation applies where on any occasion a police officer has reason to believe that a person is committing or has on that occasion committed an offence listed in the Schedule.
- (2) Subject to regulation 4(2) and subregulation (3), the police officer may give the person a fixed penalty notice in respect of the offence.
- (3) Where this regulation applies the police officer must —
 - (a) ask the person to produce his or her driver's licence for inspection;
 - (b) verify the identity of the person; and
 - (c) check whether the person has been issued with three fixed penalty notices for any offence listed in the Schedule that have not been withdrawn, revoked or successfully challenged.
- (4) If the person produces his or her driver's licence and on checking the police officer finds out that the person has no pending fixed penalty notice the police officer must issue the person with a fixed penalty notice.
- (5) Where the person produces his or her driver's licence and on checking the police officer finds out that the person has been issued with three fixed penalty notices for any offence listed in the Schedule that have not been withdrawn, revoked or successfully challenged then regulation 12 applies.
- (6) Where a person to whom a fixed penalty notice is to be given under subregulation (2) fails to produce his or her driver's licence the police officer may require the person to produce the licence at a designated police station within 3 days and issue the person with a fixed penalty notice.

9. Notice to owner - fixed penalty notices affixed to motor vehicles or issued to non-resident persons

(1) This regulation applies where —

(a) a fixed penalty notice is affixed to a motor vehicle under regulation 6(2)(b); or

(b) a fixed penalty notice was issued on the spot to a person who is not ordinarily resident in the Falkland Islands and who leaves the Falkland Islands without making a payment or requesting a hearing as required under regulation 11.

(2) A person on whose motor vehicle a fixed penalty notice is affixed must, before the end of the validity period —

(a) pay the fixed penalty;

(b) request a hearing in terms of regulation 11; or

(c) deliver a statement to the police to the effect that the person was not the driver of the motor vehicle at the time of the alleged offence.

(3) A police officer may serve a notice (referred to as “notice to owner”) on —

(a) a person on whose motor vehicle a fixed penalty notice is affixed who does not do any of the things under subregulation (2); or

(b) the owner of a motor vehicle which was driven by a person who is not ordinarily resident in the Falkland Islands who, after being issued with a fixed penalty notice leaves the Falkland Islands without making a payment or requesting a hearing as required under regulation 11.

(4) A notice to owner must —

(a) in the case of an owner described under subregulation (3)(a) —

(i) give particulars of the alleged offence and of the fixed penalty concerned;

(ii) state the period allowed for response to the notice; and

(iii) indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period a statement indicating who the driver of the motor vehicle at the time of the alleged offence was; and

(b) in the case of an owner described under subregulation (3)(b) —

(i) give particulars of the alleged offence and the fixed penalty notice;

(ii) state the period allowed for response to the notice or for making a payment.

(5) The period allowed for a response to a notice to owner is 28 days from the date on which the notice is served.

(6) A notice to owner must, in the case of an owner described under subregulation (3)(a) indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either —

(a) pay the amount of the fixed penalty notice;

(b) give notice requesting a hearing in respect of the offence in terms of regulation 11; or

(c) if —

(i) the person was not the driver of the motor vehicle at the time of the alleged offence, and

(ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, a statement indicating who the driver was as requested in that notice.

(7) A notice to owner must, in the case of an owner described under subregulation (3)(b) indicate that the person on whom it is served must before the end of the period allowed for response to the notice pay the amount of the fixed penalty notice.

(8) A statement required to be made under this subregulation (6) must be made in such form as may be designated by the Chief Police Officer.

10. Payment of fixed penalty

(1) All payments for fixed penalties must be made to the Head of Courts or to any other place as may be designated by the Governor by Notice in the *Gazette*.

(2) A payment of a fixed penalty made to the Head of Courts must be made in the same manner as the payment of any fine to the courts.

(3) A Notice under subregulation (1) must specify the manner of payment and any other information as may be necessary.

(4) No proceedings may be brought in relation to an offence for which a fixed penalty has been paid unless regulation 4(2) applies.

11. Hearings

(1) A person issued with a fixed penalty notice may, within the validity period, or the period stated in a notice to owner, request a hearing by giving notice to the Head of Courts.

(2) Where a person requests a hearing by giving notice under subregulation (1) —

(a) the Head of Courts must notify the Chief Police Officer and the Attorney General; and

(b) the fixed penalty notice is to be treated as an information for the same offence specified under section 1(1) of the Magistrates' Courts Act 1980 on the date in which the fixed penalty notice was notified to the Head of Courts.

12. When to bring prosecution proceedings

Subject to these regulations, prosecution proceedings will be brought against a person issued with a fixed penalty notice (which has not been withdrawn or revoked) —

(a) who, within the validity period —

(i) fails to pay the fixed penalty notice; and

(ii) does not request a hearing under regulation 11; or

(b) who, within the period stated in a notice to owner under regulation 9(5) —

(i) fails to pay the fixed penalty notice;

(ii) does not request a hearing under regulation 11;

(iii) does not deliver a statement required under regulation 9.

PART 3

FIXED PENALTY NOTICES: WITHDRAWALS AND REVOCATIONS

13. Withdrawal of fixed penalty notices

(1) A fixed penalty notice may be withdrawn by a senior police officer where —

(a) the police officer considers that the fixed penalty notice should not have been issued;

(b) the police officer becomes aware of information that would have affected the decision to issue the fixed penalty notice had it been known at the time;

(c) regulation 4(2) applies and instead prosecution proceedings are commenced;

(d) on production of a driver's licence at a designated police station as required under regulation 8(6) the police officer finds out that the person has been issued with three fixed penalty notices for any offence listed in the Schedule that have not been withdrawn, revoked or successfully challenged.

(2) If subregulation (1) applies, the senior police officer may withdraw the fixed penalty notice and notify —

(a) the person to whom the fixed penalty notice was issued; and

(b) the Head of Courts.

(3) Where a fixed penalty notice is withdrawn under subregulation (1)(a) or (b) —

(a) no proceedings may be brought or continued in relation to the offence for which the fixed penalty notice had been issued; and

(b) where the fixed penalty has been paid, it must be refunded.

14. Revocation of fixed penalty notice

(1) The Attorney General may revoke a fixed penalty notice at any time before payment is made and subject to these regulations bring prosecution proceedings against the person issued with the fixed penalty notice as if it had not been issued.

(2) The Attorney General must notify the person to whom the fixed penalty notice was issued, the Chief Police Officer and the Head of Courts whenever a fixed penalty notice is revoked under subregulation (1).

(3) Prosecution proceedings may be brought under subregulation (1) within three months from the date on which the Attorney General decides to revoke the fixed penalty notice.

PART 4 MISCELLANEOUS PROVISIONS

15. Keeping of records

(1) The Chief Police Officer must maintain a record of all issued fixed penalty notices and report to the Police Committee —

(a) the number of the penalty notices issued;

(b) the outcomes of the matters; and

(c) the types of offences involved.

(2) The Head of Courts must —

(a) keep a register for all fixed penalty notices issued under this Ordinance; and

(b) make the relevant entry into the register for fixed penalty notices whenever a fixed penalty notice is withdrawn or revoked.

16. Offences and penalties

(1) A person who removes or interferes with any fixed penalty notice fixed to a vehicle under these Regulations commits an offence unless the person does so by or under the authority of the driver or the person in charge of the vehicle or the person liable for the fixed penalty offence in question, and is liable to a fine of up to level 3 on the standard scale.

(2) Any person who makes a statement in connection with these regulations or provides any information which is false in a material particular and does so recklessly knowing the statement or information to be false commits an offence and is liable to a fine of up to level 3 on the standard scale.

SCHEDULE
(*regulation 4*)

Part A: Offences under Road Traffic Ordinance 1948

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Fixed Penalty £</i>
section 3	Failure to register a motor vehicle	100
section 4	Failure to acquire a licence to draw a trailer on a motor vehicle	100
section 5	Using a motor vehicle as a public service vehicle without the required public service vehicle (PSV) licence	100
section 18(2)	Driving without consideration for other road users	100
section 29	Driving in excess of the prescribed speed limit	100
section 31	Unlawful driving on footway, pavement or on a public jetty	100
section 33	Carrying of more passengers than allowed on a motor cycle	100
sections 37 and 38	Use of pedal cycles contrary to sections 37 and 38	100
section 39(2)	Riding pedal cycles without consideration for other road users	100
section 45	Failure to stop when requested to do so by a police officer	100
section 50	Failure by drivers to obey traffic signs or police officer directing traffic	100
section 51	Failure by pedestrians to obey directions by police officer	100
section 52	Leaving vehicles in a dangerous position	100
section 53	Failure to give pedestrians precedence at a crossing	100

Part B: Offences under the Road Traffic (Provisional) Regulations 1986

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Fixed penalty £</i>
regulation 2	Failure to register a motor vehicle	100
regulation 3	Driving a motor vehicle without the approved identification marks	100
regulation 4	Use of a trailer with loads that exceed allowed weights	100
regulation 7	Failure to affix the approved distinguishing marks on public service vehicles (PSV)	100
regulation 8	Failure to have warning instruments fitted in a motor vehicle	100

regulation 9	Failure to have the right lighting at the relevant times	100
regulation 10	Failure to have the right mirrors fitted in a motor vehicle	100
regulation 11	Failure to have a safety glass in a motor vehicle	100
regulation 12	Failure to have windscreen wipers in a motor vehicle	100
regulation 13	Failure to have silencers fitted in a motor vehicle	100
regulation 14	Failure to have the permitted tyres fitted in a motor vehicle	100
regulation 17	Parking of a motor vehicle in such a way that it is an obstruction on the road	100
regulation 19	Failure by pedal cyclers to obey road signs or direction from police officer	100

Part C: Offences under other written laws

<i>Law creating offence</i>	<i>General nature of offence</i>	<i>Fixed penalty £</i>
Road Traffic (Protective Headgear) Regulations 1983	Failure to wear protective headgear	100
John Street and Villiers Street Waiting Regulations 1988	Breach of regulations on waiting in no waiting areas	100
Philomel Street Waiting Regulations Order 1994	Breach of regulations on waiting in no waiting areas	100
Construction and Use (Seat Belts) Regulations Order 1996	Failure to fit the prescribed seat belt in a motor vehicle	100
Wearing of Seat Belts Regulations 1996	Failure to wear a seatbelt	100
Stanley Street Parking (Prohibited Vehicles) Regulations Order 1996	Breach of regulations of parking HGV (etc) type vehicles in designated areas	100
Pedestrian Crossings Regulations 1996	Failure to observe the correct rules at pedestrian crossings	100
Vehicle Licence Labels Regulations 1998	Failure to display a valid vehicle label	100
No Waiting (General) Regulations Order 2000	Breach of Regulations on the parking on yellow lines	100
Road Traffic (Crozier Place, John Street, Reservoir Road and Villiers Street No Waiting) Regulations 2017	Breach of regulations on waiting in no waiting areas	100
Car Parks Regulations Order 2003	Failure to observe the waiting times for designated parking spaces	100
Ross Road (Clearway) Regulations Order 2004	Breach of regulations governing parking within designated no stopping areas	100
Stanley (Various Roads) One Way Traffic Order 2010	Driving a motor vehicle in the wrong direction within a one way system	100
St Marys Walk (Parking	Parking a motor vehicle within a 'no	100

Control) Order 2011	parking' area	
Highways (Weight Limits on Bridges) Order 2012	Use of a motor vehicle, trailer or vehicle combination across a bridge with a weight in excess of set limit	100
Smoking (Designation of Vehicles) Order 2017	Smoking in a vehicle while carrying children	100

Made 24 October 2017

N. J. Phillips C. B. E.,
Governor.

EXPLANATORY NOTE
(not part of the order)

These regulations are made under section 59 of the Road Traffic Ordinance 1948, which allows the Governor to make regulations dealing with the imposition of fixed penalties for certain offences.

Part 1 deals with introductory matters covering commencement and definitions.

Part 2 deals with fixed penalty notices generally with regulation 4 providing for the general principle on which the scheme is based, that instead of being prosecuted a person could be issued with a fixed penalty notice.

Regulation 5 provides for information which a fixed penalty notice must contain.

Regulation 6 provides for different ways of issuing a fixed penalty notice - on the spot, affixing to a motor vehicle or being issued to the person immediately after.

Regulation 7 provides for the time within which a fixed penalty notice must be paid.

Regulation 8 provides for further particulars for fixed penalty notices issued on the spot while *regulation 9* provides for further particulars for fixed penalty notices affixed on to motor vehicles as well as to fixed penalties which are issued to non-resident people who leave the jurisdiction without making payments or requesting a hearing. The police are allowed to send a notice to the owner of the motor vehicle and require the owner to pay for that fixed penalty notice.

Regulation 10 provides for payment of fixed penalty notices while *regulation 11* provides for hearings. *Regulation 12* provides for prosecution proceedings.

Part 3 of the Regulations goes on to provide for withdrawals and revocations.

Part 4 provides for miscellaneous provisions like keeping of records and offences and penalties and the Schedule lists offences for which fixed penalty notices are issued.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Taxi Drivers' Permits) (Amendment) Order 2017

S. R. & O. No: 32 of 2017

Made: 24 October 2017

Published: 27 October 2017

Coming into force: on publication

I make these regulations under section 59(1)(q), (w) and (x) and section 59(2) of the Road Traffic Ordinance 1948 on the advice of Executive Council.

1. Title

This Order is the Road Traffic (Taxi Drivers' Permits) (Amendment) Order 2017.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Amendment of Road Traffic (Taxi Drivers' Permits) Order

This Order amends the Road Traffic (Taxi Drivers' Permits) Order 2013.

4. Article 6 amended — Applications for taxi drivers' permits

Article 6(2)(d) is amended by deleting “£15” and replacing it with “£35”.

5. Article 7 amended — Requirements for taxi driver's permit holder

Article 7 is amended by adding the following immediately after sub-article (4) —

“(5) The chief police officer must arrange for a notice to be published in the *Gazette* specifying —

(a) that administrative criteria has been issued;

(b) whether it is new administrative criteria or replacement for an existing one; and

(c) the date on which the administrative criteria comes into force.

(6) The chief police officer must make arrangements for the administrative criteria to be available (either as paper copies or in electronic form).”

6. Article 8 amended — Consideration of applications (and decision-making)

Article 8(1)(a) is deleted and replaced with the following —

“(a) to issue a taxi driver’s permit for a maximum period of 1 year;”.

7. Article 9 amended — Taxi driver’s permit

Article 9(2)(b) is amended by deleting “£1.50” and replacing it with “£5”.

8. Article 10 amended — Taxi drivers’ photocards

Article 10(4)(c) is amended by deleting “£1.50” and replacing it with “£5”.

9. Article 12 amended — Renewal of taxi drivers’ permits

Article 12(2)(d) is amended by deleting “£15” and replacing it with “£25”.

Made 24 October 2017

N. J. Phillips C.B.E.,
Governor.

EXPLANATORY NOTE

(not forming part of the regulations)

This Order amends the Road Traffic (Taxi Drivers’ Permits) Order 2013 to make several changes relating to activities requiring a taxi licence and to increase the fees.

Clauses 4, 7, 8 and 9 amend articles 6, 9, 10 and 12 to revise the fees payable under the Order by increasing them and clause 5 amends article 7 to require the chief police officer to publish the administrative criteria. Clause 6 amends article 8(1) so as to make it clear that a licence may be issued or renewed for a maximum period of 1 year.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Immigration (Amendment)(No 2) Ordinance 2017

(No: 14 of 2017)

ARRANGEMENTS OF PROVISIONS

Section

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Immigration Ordinance

3. Amendment of Immigration Ordinance
4. Section 2 amended — Interpretation
5. Section 5 amended — General provisions for regulation and control
6. Section 7 amended — Procedure for, and further provisions as to, deportation
7. Section 9 amended — Seamen, aircrew, members of Her Majesty's armed forces, members of visiting forces and their families and other special cases
8. Section 11 amended — Visitor permits
9. Section 12 amended — Employment of holder of visitor's permits
10. Section 13 amended — Special provisions in relation to the employment of students and young people
11. Section 16 amended — Residence permits
12. Section 17 amended — Work permits
13. Addition of new sections 17B, 17C and 17D
14. Addition of new sections 18B and 18C
15. Section 19 amended — Revocation of visitors' permits

16. Section 21 amended — Revocation of residence permits
17. Addition of new sections 21A and 21B
18. Section 22 amended — Revocation of work permits
19. Section 24 amended — Supplementary to sections 19 to 22
20. Section 24A amended — Medical examinations for permits
21. Section 25 amended — Appeals in relation to visitors' permits
22. Section 26 amended — Appeals in relation to residence permits
23. Section 27 amended — Appeals in relation to work permits
24. Addition of new sections 27A and 27B
25. Schedule 1 amended — Exemptions from the requirement to possess a visa
26. Schedule 2 amended — Administrative provisions as to control on entry, etc.
27. Transitional provisions

Part 3 – Amendment of Immigration (Permanent Residence Permits) Regulations

28. Amendment of Immigration (Permanent Residence Permits) Regulations
29. Regulation 5 amended — Who may apply for a permanent resident permit as principal applicant
30. Regulation 24 amended — Points threshold
31. Schedule 1 amended — Points System

Part 4 – Amendment of Immigration (Fees) Regulations

32. Amendment of Immigration (Fees) Regulations
33. Regulation 3 amended — Fees

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

IMMIGRATION (AMENDMENT)(NO 2) ORDINANCE 2017

(assented to: 24 October 2017)
(commencement: in accordance with section 2)
(published: 27 October 2017)

AN ORDINANCE

To amend the Immigration Ordinance 1999 to provide for a new system for visitors and the employment of visitors, to provide for a new scheme for work permits under which there are four different categories of work permits, to provide for a new system of permits for dependents of the different categories of immigrants and status holders within the Falkland Islands, to make consequential amendments to the Immigration (Permanent Residence Permits) Regulations and the Immigration (Fees) Regulations and other connected or incidental matters.

ENACTED by the Legislature of the Falkland Islands —

Part 1 - Introductory

1. Title

This Ordinance may be cited as the Immigration (Amendment)(No 2) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2 – Amendment of Immigration Ordinance

3. Amendment of the Immigration Ordinance

This Part amends the Immigration Ordinance.

4. Section 2 amended — Interpretation

Section 2 is amended as follows —

- (a) by deleting the definition of “residence permit”;
- (b) by deleting “temporary work permission”; and
- (c) by inserting the following new definitions in their correct alphabetical order —

““accompanying dependent” means —

- (a) a partner of the work permit holder (whether or not the partner is financially dependent on the other);
- (b) a child including a step-child who —
 - (i) is under the age of 18 years and is in full time education; or
 - (ii) is over 18 years of age and is financially or otherwise dependent on the work permit holder; or
- (c) a dependent adult,

and in this definition “dependent adult” means an adult relative who is financially or otherwise dependent on the work permit holder and forms part of the work permit holder’s household;”

““Registered Employer Sponsor Scheme” means the scheme to be set up by the Principal Immigration Officer under section 17B;”

““Skills Assessment Council” means a council for the time being set up by Executive Council to deal with recruitment of persons from outside the Falkland Islands and which is responsible for keeping and maintaining the Workforce Shortage List;”

““temporary work permit” means a permit issued under section 12;”

““valid medical insurance” means medical insurance at such limit as may be prescribed by the Governor by order;” and

““Workforce Shortage List” means a list of work to be kept and maintained by the Skills Assessment Council.”

5. Section 5 amended — General provisions for regulation and control

Section 5(2) is amended by deleting “visitor’s permit, residence permit, work permit or permanent residence permit or by way of extension of a residence permit, visitor’s permit or

work permit” and replacing it with “leave is to be granted by way of a permit or extension of a permit under this Ordinance”.

6. Section 7 amended — Procedure for, and further provisions as to, deportation

Section 7(3) is amended by deleting “as” which appears on the first line of that subsection.

7. Section 9 amended — Seamen, aircrew, members of Her Majesty’s armed forces, members of visiting forces and their families and other special cases

Section 9(1) is amended by deleting “permanent residence permit or residence permit” and replacing with “permit issued under this Ordinance”.

8. Section 11 amended — Visitor’s permits

Section 11 is repealed and replaced with the following —

“11. Visitor’s permit

(1) A visitor’s permit may, subject to this section, be issued by an immigration officer and grants leave to the holder —

(a) to enter the Falkland Islands;

(b) to remain in the Falkland Islands during the period specified in the permit or such longer period as may be granted by the immigration officer in specified circumstances.

(2) A visitor’s permit may not be granted to a person if the purpose of the person’s visit is to engage in any activity mentioned in subsection (10) and is not permitted by section 12(1).

(3) A visitor’s permit ceases to be valid —

(a) on its being cancelled or revoked;

(b) on the expiry of the period for which the holder is authorised to remain in the Falkland Islands; or

(c) on the holder leaving the Falkland Islands,

whichever first occurs.

(4) Subject to subsection (6), an immigration officer may issue a visitor’s permit so as to authorise the holder to remain in the Falkland Islands for a period not exceeding six months from the date of the person’s entry into the Falkland Islands.

(5) Subject to subsection (6), an immigration officer if so authorised by the Principal Immigration Officer in the particular case may extend or further extend a visitor’s permit so as to authorise the holder to remain in the Falkland Islands for a period expiring not later than nine months from the date of the person’s entry into the Falkland Islands.

(6) An immigration officer must not —

(a) without the consent of the Governor issue a visitor's permit or grant an extension of a visitor's permit —

(i) to a prohibited person;

(ii) to a person to whom a deportation order relates;

(iii) to a person who has had a permit revoked within the past five years;

(b) issue a visitor's permit or grant an extension of a visitor's permit —

(i) if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous visitor's permit granted to the person, for a period exceeding nine months in any consecutive period of twelve months;

(ii) unless the immigration officer is satisfied that the holder —

(aa) has or has available to him or her sufficient financial resources to maintain himself or herself, without taking employment or carrying on business, during his or her proposed stay in the Falkland Islands;

(bb) has or is likely to have accommodation available to him or her for the duration of his or her proposed stay;

(ccc) has made (or has or will have, without taking employment or carrying on business, sufficient funds available to him or her to make) arrangements for his or her onward or return travel to a destination in a country or territory which will permit the person's entry ("his or her ultimate destination") and that the person will be permitted to enter any country or territory in transit to that destination or any necessary intermediate destination at or in which he may need to land en route to the person's ultimate destination; and

(ddd) has valid medical insurance.

(7) Subject to subsections (1) and (6), an immigration officer may grant a visitor's permit —

(a) to a person who is outside the Falkland Islands;

(b) to a person who has disembarked or is about to disembark and is seeking leave to enter the Islands and who is not the holder of any other permit authorising the person to do so;

(c) to a person whose entry into the Falkland Islands was permitted under section 9 and who wishes to remain in the Falkland Islands after his or her presence in the Falkland Islands ceases to be permitted by that section;

(d) to a person who is the holder of a dependent permit, accompanying dependent permit or work permit and who wishes to remain in the Falkland Islands after his or her presence in the Falkland Islands ceases to be permitted by that permit; or

(e) to a person whose entry into the Falkland Islands was lawful by reason of section 14 (entry in emergency) and who wishes to remain in the Falkland Islands longer than he or she is permitted to do so by that section.

(8) A visitor's permit will not ordinarily be granted to a person if it appears likely, that if the application were granted, the person would impose a relevant burden because of the person's health or educational needs and in this subsection "relevant burden" means a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect the Government to bear.

(9) The Governor may authorise an immigration officer to issue, extend or further extend a visitor's permit where by virtue of subsection (6)(b)(i) the immigration officer would otherwise be prohibited from doing so.

(10) Except as permitted by section 12 or 13, the holder of a visitor's permit must not as an employee of any other person or on his or her own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(11) A person who remains in the Falkland Islands after a visitor's permit granted to him or her ceases to be valid is unlawfully present in the Falkland Islands unless his or her continued presence in the Falkland Islands is authorised under some other provision of this Ordinance.

(12) An immigration officer must if so requested by a person to whom any decision of his or hers under any provision of this section relates inform that person in writing of the reason for that decision.

(13) This section applies to applications for family visitor permits which an immigration officer may grant to a person —

(a) who meets the requirements set out above in relation to visitor permits for a period not exceeding twelve months after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous permit granted to the person;

(b) who has complied with other requirements as may be specified under regulations made under subsection (15).

(14) An immigration officer must not without the consent of the Governor, issue a family visitor permit or grant an extension of a family visitor permit if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which the person has remained in the Falkland Islands under the authority of any previous visitor's permit granted to the person, for a period exceeding twelve months in any consecutive period of twenty four months.

(15) The Governor may make regulations to provide for the following —

- (a) the form and manner of making applications in relation to visitor's permits and family visitor permits;
- (b) the requirements under which a visitor or family visitor permit may be granted; and
- (c) the conditions which apply to the employment of a visitor or family visitor permit."

9. Section 12 amended — Employment of holder of visitor's permits

Section 12 is repealed and replaced with the following —

"12. Temporary employment of holder of a visitor's permit

(1) The holder of a visitor permit is deemed not to be in breach of section 11(10) by anything bona fide done —

(a) —

(i) in fulfilment of his or her functions as a member of the board of any company or other corporation and which an employee of that company or corporation who is not a member of the board cannot do;

(ii) for or on behalf of a client in the capacity as a legal, medical, dental or other professional adviser or consultant or as an advocate before any court or tribunal, provided that he does so, in any case to which this paragraph applies, pursuant to a contract for services made before his entry into the Falkland Islands;

(iii) in relation to the repair, maintenance, servicing, installation or removal of any apparatus or equipment pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(iv) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands;

(v) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands;

(vi) as an actor, musician or other entertainer pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(vii) as an artist, provided he establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands;

(viii) by any person engaged in business overseas or by the directors, executives or other authorised representatives of any overseas company or body in business consultations or negotiations in the Falkland Islands concerning the establishment, expansions or winding up of any business enterprise in the Falkland Islands or any matter relating thereto or in consultations or negotiations with the Government or any statutory corporation,

so long as he does not remain in the Falkland Islands for a period or periods aggregating three months or more in any consecutive period of twelve months;

(b) by way of official business in the service of the government of any country or of any intergovernmental or international organisation that is for the time being entitled to any privileges or immunities by virtue of any written law of the Falkland Islands.

(c) by any person who provides services of any kind without remuneration to any charity during the period of validity of the visitor's permit.

(2) Subject to subsection (5), any person who holds a visitor's permit may be granted a temporary work permit where the work applied for is on the Workforce Shortage List.

(3) The Governor may make regulations to provide for the temporary employment of a visitor.

(4) Regulations made under subsection (3) may provide for the following —

(a) the type of employment for which a temporary work permit is appropriate;

(b) the conditions under which that employment is to be carried out; and

(c) conditions which apply to temporary work permits.

(5) The Principal Immigration Officer must not grant temporary work permit —

(a) unless the Principal Immigration Officer is satisfied —

(i) that there is no person resident in the Falkland Islands who is suitable and available to do the work to which the temporary work permit relates;

(ii) that the person to whom the permission is granted is satisfactorily accommodated and will be satisfactorily accommodated throughout the duration of the permission; and

(iii) that the work is on the Workforce Shortage List;

(b) so as to be valid for a period of greater than three months from the date of its issue.

(6) Without prejudice to the generality of regulations made under subsection (4) the Principal Immigration Officer's powers on the grant of a temporary work permit to impose conditions may include —

(a) conditions to be complied with by the employer of the holder of the permit, including conditions as to the minimum remuneration and other terms of employment of the holder of the permit;

(b) the power to cancel, revoke or vary a temporary work permit.

(7) The Principal Immigration Officer must if so requested by a person to whom any decision of his or hers under any provision of this section or regulations made under this section relates, inform that person in writing of the reason for that decision.”

10. Section 13 amended — Special provisions in relation to the employment of students and young people

Section 13(2) is amended as follows —

(a) under paragraph (a) delete “12(3)(a)(i)” and replace with “12(5)(a)(i)”;

(b) under paragraph (b) delete “12(3)(b)” and replace with “12(5)(b)”; and

(c) under paragraph (c) delete “12(4) and (6)” and replace with “12(6)”

11. Section 16 amended — Residence permits

Section 16 is repealed and replaced with the following —

“16. Accompanying Dependent Permit

(1) Any person who accompanies the holder of a work permit as a dependent may apply to the Principal Immigration Officer for an accompanying dependent permit.

(2) An accompanying dependent permit issued by the Principal Immigration Officer under this Ordinance allows the holder of the permit, during the period of validity of the permit to—

(a) enter and depart from the Falkland Islands;

(b) reside in the Falkland Islands; and

(c) subject to subsection (6)(c), take any lawful employment or pursue any lawful business, trade, profession, or vocation in the Falkland Islands.

(3) An accompanying dependent permit will not be granted if it appears likely, that if the application were granted, an applicant would impose a relevant burden because of —

- (a) the person's health;
- (b) the person's educational needs.

(4) In this section "relevant burden" means a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect the Government to bear.

(5) The Principal Immigration Officer must not grant an accompanying dependent permit so as to be valid for a period that exceeds the period of validity of a work permit held by the person on whom the holder of the accompanying dependent permit is dependent.

(6) The Governor may make regulations to provide for accompanying dependent permits and this may include but is not limited to the following —

- (a) the form and manner of making applications;
- (b) the requirements under which an accompanying dependent permit may be granted; and
- (c) the conditions which apply to the employment of a holder of an accompanying dependent permit."

12. Section 17 amended — Work permits

Section 17 is repealed and replaced with the following —

"17. Work permits

(1) It is an offence for a person to take up employment in the Falkland Islands unless authorised to do so under this Ordinance.

(2) A person who wishes to enter and remain in the Falkland Islands to take up any employment must first obtain the relevant permit from the Principal Immigration Officer.

(3) A work permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to —

- (a) grant leave to the holder to enter and depart from the Falkland Islands, to reside within the Falkland Islands during the period of validity of the permit and to take employment during the period of validity of the permit (or, instead of taking employment, if so stated in the permit, on his or her own account to engage in any trade, business, profession, or vocation stated in the permit);
- (b) allow the dependents of the holder named in the permit to apply for an accompanying dependent permit under section 16.

(4) A work permit will not ordinarily be granted if it appears likely, that if the application were granted, an applicant would impose a relevant burden because of —

(a) the person's health;

(b) the person's educational needs.

(5) In this section "relevant burden" means a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect the Government to bear.

(6) The Principal Immigration Officer must not issue or renew a work permit for a period greater than 4 years from the date of its commencement.

(7) The Principal Immigration Officer must not issue or renew a work permit unless —

(a) the Principal Immigration Officer is satisfied that the holder will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit);

(b) it is intended to permit the holder to take employment with another person or to continue in employment with another person unless that other person or another person satisfactory to the Principal Immigration Officer has undertaken in writing in a form satisfactory to the Principal Immigration Officer (an "undertaking") that the person will, if called upon by the Principal Immigration Officer so to do, pay or discharge the costs of repatriating the holder and any dependents of the holder of the work permit to the country specified in the undertaking.

(8) Subsection (7)(b) does not apply in relation to the issue or renewal of a work permit enabling the holder to take employment with the Crown in right of the Government of the Falkland Islands or to a person falling within a category of persons exempted by order made by the Governor under this subsection.

(9) A sum due under an undertaking is recoverable as a civil debt to the Crown.

(10) Unless otherwise directed by the Governor, the Principal Immigration Officer may require —

(a) any employment vacancy to be advertised in the Falkland Islands before considering any application for a work permit enabling a person who does not have a right of residence in the Falkland Islands to be engaged to fill that vacancy;

(b) the proposed employer to satisfy the Principal Immigration Officer that it is necessary to engage such a person rather than engage any person having a right of residence in the Falkland Islands who has applied as a result of that advertisement or otherwise to be engaged to fill that vacancy.

(11) The Principal Immigration Officer may, if so approved by the Governor either in the particular case or generally, require a proposed employer of an applicant for a work permit, or for a renewal of a work permit, to undertake to observe such conditions as to hours of work of the employee, provision to him and his dependents, if any, of accommodation and as to rate of remuneration as are specified in the undertaking.

(12) A work permit remains valid so as to allow the holder's continued residence in the Falkland Islands, notwithstanding the termination of the holder's employment —

(a) for a period of one month or a greater period as the Principal Immigration Officer may, in the particular circumstances allow;

(b) until the issue to the holder of a work permit or a different permit; or

(c) until the cancellation or revocation of the work permit or the date of expiry of the work permit,

whichever is the earliest.

(13) The Governor may make regulations to provide for work permits and this may include but is not limited to the following —

(a) the conditions under which a work permit may be granted;

(b) the type and validity of the work permit depending on skills and other requirements;

(c) different conditions to apply to the different categories of work permits; and

(d) the process of making applications for work permits.”

13. Addition of new sections 17B, 17C and 17D

The following new sections are added immediately after section 17A —

“17B. Registered Employer Sponsor Scheme

(1) The Principal Immigration Officer must put in place a system (to be known as the “Registered Employer Sponsor Scheme”) to register all employers within the Falkland Islands who employ workers who are subject to immigration control.

(2) The Principal Immigration Officer must keep a register of all employers registered on the Scheme.

(3) The Governor may make regulations to provide for the Registered Employer Sponsor Scheme and in particular for —

(a) the details required from employers;

- (b) control of information on the register; and
- (c) any other matters as may be necessary.

17C. Volunteer permits

(1) Any person who wishes to take up employment in the Falkland Islands on a voluntary basis must make an application for a volunteer work permit to the Principal Immigration Officer.

(2) The Principal Immigration Officer must not grant a volunteer work permit —

(a) unless the Principal Immigration Officer is satisfied —

(i) that the sponsoring organisation can satisfactorily provide for the living costs of the holder;

(ii) that the person to whom the permission is to be granted will be satisfactorily accommodated throughout the duration of the permission; and

(iii) that the work to which the permission is applied for is work which no person who has a right of residence in the Falkland Islands is willing to undertake;

(b) so as to be valid for a period greater than 12 months in any 2 year period.

(3) Living costs mentioned under subsection (2)(a)(i) include medical insurance, repatriation costs as well as other incidental expenses.

(4) The Governor may make regulations to provide for volunteer permits and this may include but is not limited to the following matters —

(a) the conditions under which a volunteer permit may be granted;

(b) the validity of the volunteer permit;

(c) the type of employment for which a volunteer permit may be granted; and

(d) any other matters as may be required to give effect to this section.

17D. Switching — work permits

(1) A person may be allowed to switch from a temporary work permit to a work permit if —

(a) the work for which the person is employed on a temporary work permit cannot be completed within the validity of that temporary work permit;

(b) the employer of the holder of a temporary work permit can demonstrate the need for that person to continue in that position; and

(c) the full time position is on the Workforce Shortage List.

(2) The following apply in relation to switching between the different work permit categories —

(a) the work which the person is to switch into must be on the Workforce Shortage List;
or

(b) where the work is not on the Workforce Shortage List, the application for a different work permit category must be accompanied by a statement from the prospective employer showing that —

(i) the position has been advertised and it is necessary to engage the applicant rather than engage any person having a right of residence in the Falkland Islands who has applied as a result of that advertisement or otherwise engaged to fill that vacancy;

(ii) the position requires qualifications and skills which the applicant possesses.

(3) The Governor may make regulations relating to switching between different work permits.”

14. Addition of new sections 18B and 18C

The following sections are added immediately after section 18A —

“18B. Dependent permits

(1) Any person who is a dependent of —

(a) a holder of a permanent residence permit issued under section 18, 18AA or section 18BB; or

(b) any person who has Falkland Islands status under section 22(5) of the Constitution,

may apply to the Principal Immigration Officer for a dependent permit.

(2) A dependent permit issued by the Principal Immigration Officer under this Ordinance —

(a) allows the holder of the permit, during the period of validity of the permit to —

(i) enter and depart from the Falkland Islands;

(ii) reside in the Falkland Islands; and

(iii) take any lawful employment or pursue any lawful business, trade, profession, or vocation in the Falkland Islands; and

(b) permits the dependents of the holder named in the permit to enter into and reside in the Falkland Islands.

(3) The Principal Immigration Officer must not grant a dependent permit so as to be valid for a period greater than 4 years from the date of its commencement.

(4) The Governor may make regulations to provide for dependent permits and this may include but is not limited to the following —

(a) the form and manner of making applications;

(b) the requirements under which a dependent permit may be granted; and

(c) any conditions which apply to dependent permits.

(5) In this section “dependent” means —

(a) a child including a step-child who —

(i) is under the age of 18 years and is in full time education; or

(ii) is over 18 years of age and is financially or otherwise dependent on the person described under subsection (1); or

(b) a partner of the person described under subsection (1) (*including civil partners*);

(c) a dependent adult, that is an adult relative who is financially or otherwise dependent on the person described under subsection (1) and forms part of that person’s household.

18C. Switching to dependent permit

(1) A person who holds a visitor’s permit, an accompanying dependent permit or a work permit who becomes a dependent of —

(a) a person who has Falkland Islands status; or

(b) a holder of a permanent residence permit issued under section 18, 18AA or section 18BB,

may make an application to the Principal Immigration Officer for a dependent permit.

(2) An application under subsection (1) must be dealt with in the same manner as an application under section 18B.

(3) The Governor may make regulations to provide for the requirements to be met by applicants who wish to switch into dependent permits and this may include but is not limited to the following —

(a) information establishing the applicant's relationship with the person who has Falkland Islands status or is the holder of a permanent residence permit issued under section 18, 18AA or section 18BB;

(b) any conditions which apply to switching to dependent permits.”

15. Section 19 amended — Revocation of visitor's permits

Section 19 is repealed and replaced with the following —

“19. Revocation and cancellation of visitor's permits

(1) A visitor's permit —

(a) is revoked by —

(i) the making of a deportation order in respect of the holder; or

(ii) any of the grounds set out under subsection (3);

(b) is cancelled by —

(i) the grant of a work permit or a dependent permit to the holder;

(ii) the departure of the holder from the Falkland Islands; or

(iii) any of the grounds set out under subsection (4).

(2) No notice need be given to the holder of a visitor's permit of the revocation or cancellation of the person's permit by operation of subsection (1)(a)(i) or (b)(i) and (ii).

(3) A visitor's permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(4) A visitor's permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the holder is without adequate funds to maintain himself or herself in the Falkland Islands or the holder is otherwise likely to become a burden on public funds; or

(c) that the permit was, by relation to a reason stated in such notice, granted to the holder in error.

(5) A person whose visitor's permit is revoked under subsection (3) or cancelled under subsection (4) may appeal against such revocation or cancellation in accordance with this Ordinance, but is not entitled to remain in the Falkland Islands pending determination of the appeal.”

16. Section 21 amended — Revocation of residence permits

Section 21 is repealed and replaced with the following —

“21. Revocation and cancellation of accompanying dependent permits

(1) An accompanying dependent permit is —

(a) revoked —

(i) on the making of a deportation order in respect of the holder of the accompanying dependent permit; or

(ii) by any of the grounds set out under subsection (2);

(iii) by the revocation of the work permit of the person on whom the holder is dependent;

(b) cancelled by —

(i) the grant of a dependent permit or a permanent residence permit to the holder, or the acquisition of Falkland Island status by the holder;

(ii) any of the grounds set out under subsection (3).

(iii) the cancellation of the work permit of the person on whom the holder is dependent.

(2) An accompanying dependent permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands or in any other jurisdiction, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) An accompanying dependent permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) the work permit of the person on whom the holder is dependent is cancelled or has expired;

(b) the person is no longer a dependent of the work permit holder (*either in that the person no longer forms part of the work permit's household or is no longer a dependent of the work permit holder*);

(c) the person is granted a permanent residence permit or acquires Falkland Island status.

(4) A person whose accompanying dependent permit is revoked under subsection (2) or cancelled under subsection (3) may appeal against such revocation or cancellation in accordance with section 26.

(5) When a person's accompanying dependent permit is revoked under subsection (2) or cancelled under subsection (3), unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

17. Addition of new sections 21A and 21B

The following sections are added immediately after section 21 —

“21A. Revocation and cancellation of dependent permits

(1) A dependent permit is —

(a) revoked —

(i) on the making of a deportation order in respect of the holder of the dependent permit;

(ii) on any of the grounds set out under subsection (2);

(b) cancelled by —

(i) the grant of an accompanying dependent permit, a further dependent permit or a permanent residence permit to the holder or the acquisition of Falkland Island status by the holder; or

(ii) any of the grounds set out under subsection (3).

(2) A dependent permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder has been convicted in the Falkland Islands or in any other jurisdiction, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(c) that the holder is a prohibited person.

(3) A dependent permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) the permanent residence permit of the person on whom the holder is a dependent is revoked;

(b) the Falkland Islands status of the person by whom the holder is a dependent of is revoked under section 5 of the Falkland Islands Status Ordinance 1998; or

(c) the person is no longer a dependent of the permanent residence permit or Falkland Islands status holder (*either in that the person no longer forms part of the household or is no longer a dependent of the work permit holder*).

(4) A person whose dependent permit is revoked or cancelled under this section may appeal against such revocation or cancellation in accordance with section 27A.

(5) When a person's dependent permit is revoked or cancelled, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.

21B. Revocation and cancellation of volunteer permits

(1) A volunteer permit —

(a) is revoked by —

(i) the making of a deportation order in respect of the holder;

(ii) any of the grounds set out under subsection (2);

(b) is cancelled by —

(i) the grant of a work permit to the holder of the volunteer permit; or

(iii) any of the grounds set out under subsection (3).

(2) A volunteer permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by the volunteer permit or by or under any provision of this Ordinance so to do, took paid employment in the Falkland Islands or on

his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands or in any other jurisdiction, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) A volunteer permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the sponsoring organisation is without adequate funds to maintain or provide the necessary living costs for the volunteer permit holder and that the holder is likely to become or has become a burden on public funds;

(c) that the sponsoring organisation has terminated the contract of engagement of the holder (*but without prejudice to the grant to the holder of a work permit or a different volunteer permit by a different sponsor*);

(d) that the holder, or his or her sponsor, are in breach of a condition or undertaking subject to which the volunteer permit was granted; or

(e) that the volunteer permit was, by relation to a reason stated in such notice, granted to the holder in error.

(4) A person whose volunteer permit is revoked under subsection (2) or cancelled under subsection (3) may appeal against such revocation or cancellation in accordance with section 27B.

(5) When a volunteer permit is revoked or cancelled under this section, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

18. Section 22 amended — Revocation of work permits

Section 22 is repealed and replaced with the following —

“22. Revocation and cancellation of work permits

(1) A work permit —

(a) is revoked by —

(i) the making of a deportation order in respect of the holder;

(ii) any of the grounds set out under subsection (2);

(b) is cancelled by —

(i) the grant to or acquisition of Falkland Islands status by the holder of the work permit;

(ii) the issue of a permanent residence permit to the holder of the work permit; or

(iii) any of the grounds set out under subsection (3).

(2) A work permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his or her behalf with a view to procuring the issue to the holder of the permit, wilfully or recklessly gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by the work permit or by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his or her own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder has been convicted in the Falkland Islands or in any other jurisdiction, during the course of his or her present stay, of an offence punishable on conviction by imprisonment; or

(d) that the holder is a prohibited person.

(3) A work permit may be cancelled by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(b) that the holder is without adequate funds to maintain himself or herself in the Falkland Islands or the holder or any of dependents is otherwise likely to become a burden on public funds;

(c) that the holder is no longer employed by the employer who has made an undertaking under section 17(7)(b) in relation to the holder and either a new employer has not made an undertaking or the person is no longer employed (*but without prejudice to the grant to the holder of another work permit permitting the holder to take or engage in different employment*);

(d) that the holder, or his or her employer, is in breach of a condition or undertaking subject to which the work permit was granted; or

(e) that the permit was, by relation to a reason stated in such notice, granted to the holder in error.

(4) A person whose work permit is revoked under subsection (2) or cancelled under subsection (3) may appeal against such revocation or cancellation in accordance with section 27.

(5) When a person's work permit is revoked under subsection (2) or cancelled under subsection (3), unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands the person's continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he or she may appeal against such revocation or cancellation if the person has not before then appealed against it; or

(b) if the person appeals against such revocation or cancellation within such time, upon the determination of his or her appeal unless on such appeal the revocation or cancellation of his or her permit is quashed.”

19. Section 24 amended — Supplementary to sections 19 to 22

Section 24 is amended as follows —

(a) under subsection (1) —

(i) delete “19(2) (power to revoke a visitor's permit)” and replace with “19(3) and (4) (power to revoke or cancel a visitor's permit)”;

(ii) delete “under section 21(2) (power to revoke a residence permit) and section 22(2) (power to revoke a work permit) and replace with “under this Ordinance to revoke or cancel any other permit”;

(b) under subsection (2) insert “or cancellation” immediately after “revocation” wherever it appears.

20. Section 24A amended — Medical examinations for permits

Section 24A is amended under subsection (1) by deleting “visitor’s permit, a work permit, a residence permit, or a permanent residence permit,” and replacing it with “permit under this Ordinance”.

21. Section 25 amended — Appeals in relation to visitors’ permits

Section 25(1) is amended under paragraph (d) by deleting “permission” and replacing it with “permit”.

22. Section 26 amended — Appeals in relation to residence permits

Section 26 is repealed and replaced with the following —

“26. Appeals in relation to accompanying dependent permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of an immigration officer or the Principal Immigration Officer —

(a) to grant or refuse an accompanying dependent permit;

(b) to grant an accompanying dependent permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of an accompanying dependent permit under section 21 by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of an accompanying dependent permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant an accompanying dependent permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor’s decision, or subsequently, and any accompanying dependent permit so issued is deemed to have been issued pursuant to section 16.”

23. Section 27 amended — Appeals in relation to work permits

Section 27 is repealed and replaced with the following —

“27. Appeals in relation to work permits

(1) Subject to subsections (2) and (3) and section 22, no appeal lies at the instance of any person to any tribunal or authority against any decision of the Principal Immigration Officer—

(a) to grant or refuse a work permit;

(b) to grant a work permit subject to conditions or limitations.

(2) A person may by written representations, within fourteen days after the revocation or cancellation of a work permit, appeal to the Governor against the revocation or cancellation as provided in section 22.

(3) Nothing in subsection (1) excludes an appeal by a person in the Falkland Islands against the refusal of a work permit where the application for such a permit arises out of the change of the person’s employer or employment in the Falkland Islands.

(4) A person who applies for a work permit from outside the Falkland Islands who is aggrieved by a refusal to grant the work permit may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(5) Subject to subsection (1), a person who is aggrieved by —

(a) a refusal to issue a work permit to him;

(b) a refusal to extend a work permit previously issued to him, which has expired or was due to expire within twelve months of his application for its extension; or

(c) a refusal to grant a work permit in circumstances to which subsection (3) or subsection (4) relates,

may appeal by representations in writing to the Governor against that refusal.

(6) The Governor shall as soon as is reasonably possible consider any representations made to him and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(7) If the Governor allows an appeal against the refusal of a work permit or of an extension of a work permit, the Principal Immigration Officer shall grant a work permit to the appellant for such duration and subject to such conditions as the Governor notifies to the Principal Immigration Officer, at the time of the Governor’s decision and any work permit issued is deemed to have been issued pursuant to section 17.”

24. Addition of new sections 27A and 27B

The following sections are added immediately after section 27 —

“27A. Appeals in relation to dependent permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of the Principal Immigration Officer —

(a) to grant or refuse a dependent permit;

(b) to grant a dependent permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of a dependent permit under section 21A by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of a dependent permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant a dependent permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor’s decision, or subsequently, and any dependent permit so issued is deemed to have been issued pursuant to section 18B.

27B. Appeals in relation to volunteer permits

(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of the Principal Immigration Officer —

(a) to grant or refuse a volunteer permit;

(b) to grant a volunteer permit subject to conditions or limitations,

but a person may within fourteen days after the revocation or cancellation of a volunteer permit under section 21B by written representations appeal to the Governor against the revocation or cancellation.

(2) A person who applies from outside the Falkland Islands for the grant of a volunteer permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor must as soon as is reasonably possible consider any representations made to him or her pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his or her decision on the appeal.

(4) If the Governor allows the appeal, the Principal Immigration Officer must grant a volunteer permit to the applicant of such duration and subject only to such conditions (if any) as the Governor notifies to the Principal Immigration Officer, either at the time of the Governor’s decision, or subsequently, and any dependent permit so issued is deemed to have been issued pursuant to section 17C.”

25. Schedule 1 amended — Exemptions from the requirement to possess a visa

Schedule 1 is amended in Part II paragraph 3 by inserting “or crew” immediately after “passengers” wherever it appears.

26. Schedule 2 amended — Administrative provisions as to control on entry, etc.

Schedule 2 is amended in Part I paragraph (5)(1) by deleting “not less than” and replacing it with “not more than”.

27. Transitional provisions

(1) Any person who is an accompanying dependent of a work permit holder and is named on that work permit does not need to apply for an accompanying dependent permit while that work permit remains valid.

(2) Any residence permit issued before the commencement of this Ordinance continues to be valid until its expiry.

**PART 3 – AMENDMENT OF
IMMIGRATION (PERMANENT RESIDENCE PERMITS) REGULATIONS**

28. Amendment of Immigration (Permanent Residence Permits) Regulations

This Part amends the Immigration (Permanent Residence Permits) Regulations.

29. Regulation 5 amended — Who may apply for a permanent residence permit as principal applicant

Regulation 5 is amended as follows —

(a) under sub-regulation (6) by deleting “paragraph (a)”; and

(b) under sub-regulation (7)(a)(iv) by deleting “which is based in the Falkland Islands”.

30. Regulation 24 amended — Points threshold

Regulation 24 is repealed and replaced with the following new regulation —

“24. Points threshold

(1) The following points thresholds apply —

(a) 50 points in relation to an application which does not include a dependent partner;

(b) any new or amended threshold as may be determined by the Governor and notified by publication in the *Gazette*.

(2) The thresholds set out in paragraph (1)(a) or determined under paragraph 1(b) will be reviewed by the Governor at least annually.

(3) A new or amended threshold determined under paragraph (1)(b) will ordinarily take effect on 1 September, but may be determined to take effect at any time.”

31. Schedule 1 amended — Points System

Schedule 1 is repealed and replaced with the following new Schedule.

“SCHEDULE 1

CRITERIA	POTENTIAL (POINTS)
EARNED INCOME	£10k - £25k (10) £25k+ (15)
CRITICAL SKILLS (WORKFORCE SKILLS SHORTAGE LIST)	(10)
EMPLOYMENT	Contract of employment; earning at least £12k (10)
CAMP BASED EMPLOYMENT	(5)
WORK EXPERIENCE RELEVANT TO PRINCIPAL EMPLOYMENT	Up to 5 years (5) 5 years + (10)
ELIGIBLE EDUCATIONAL OR PROFESSIONAL QUALIFICATION (equiv. Level 3 National Qualifications Framework)	(10)
ELIGIBLE EDUCATIONAL OR PROFESSIONAL QUALIFICATION RELEVANT TO PRINCIPAL EMPLOYMENT/IDENTIFIED NEED ON WORKFORCE SHORTAGE LIST	(5)
PROPERTY ASSETS (jointly with dependents where included)	Falkland Islands: NPV: £25k-£50k (10) £50k+ (20) Non-Falkland Islands: NPV: £25k-£50k (5) £50k+ (10)
UNENCUMBERED CASH ASSETS (jointly with dependents where included)	Falkland Islands: £5k - £15k (5) £15k+ (10) Non-Falkland Islands: £5k - £15k (5) £15k+ (10)
AGE	- 18 – 35 (15) - 35 – 45 (10) - 45 – 55 (5)

LENGTH OF TIME RESIDENT IN FALKLAND ISLANDS	<72 months (10) 72+ months (5)
PENSION PLAN	Only for 55yrs+ (5)
COMMUNITY ENGAGEMENT	(5)
CLOSE FAMILY PERMANENTLY RESIDENT	(5)
SOUTH ATLANTIC MEDAL	(5)

PART 4 – AMENDMENT OF IMMIGRATION (FEES) REGULATIONS

32. Amendment of Immigration (Fees) Regulations

This Part amends the Immigration (Fees) Regulations.

33. Regulation 3 amended — Fees

Regulation 3(1) is amended as follows —

“(a) for a dependent permit under section 18B —	
(i) for an initial application	£46.00
(ii) for renewal or extension	£23.00
(b) for a work permit under section 17 —	
(i) for an initial application	£46.00
(ii) for renewal or extension	£23.00
(c) for a permanent residence permit under section 18 —	£218.00
(d) for a visa under section 5 —	£22.50
additional charge for each child included in an application for a visa	£1.00
(e) for an accompanying dependent permit under section 16 —	
(i) for an initial application	£46.00
(ii) for renewal or extension	£23.00
(f) for a volunteer permit under section 17C —	£23.00.”

Passed by the Legislature of the Falkland Islands on 31 August 2017.

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly (Designate).

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

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly (Designate).

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Supplementary Appropriation (2017-2018) Ordinance 2017

(No: 15 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Withdrawal of additional sum
4. Replenishment of Contingencies Fund

Schedule

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

SUPPLEMENTARY APPROPRIATION (2017-2018) ORDINANCE 2017

(No: 15 of 2017)

(assented to:....24 October 2017)

(commencement: on publication)

(published:..... 27 October 2017)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £4,274,723.00 for the financial year ending 30 June 2018.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2017-2018) Ordinance 2017.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Withdrawal of additional sum

(1) The Financial Secretary may withdraw an additional sum of £4,274,723.00 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2018 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant No 1 of 2017/2018, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

Number	Head of Service	Amount £
	Operating Budget	
0110	Central Services	370,720.00
0120	Human Resources	77,850.00
0200	Health & Social Services	762,400.00
0250	Education & Training	55,710.00
0350	Public Works	303,460.00
0410	Natural Resources	261,505.00
0450	Law & Regulation	117,890.00
0550	Emergency Services	110,070.00
0600	Executive Management	907,490.00
0700	The Treasury	479,858.00
0997	Oil Development	631,000.00
0999	Island Plan Investments	196,770.00
	Total Operating Budget	<hr/> 4,274,723.00 <hr/>
	Total Schedule	<hr/> 4,274,723.00 <hr/>

Passed by the Legislature of the Falkland Islands on 28 September 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Members' Remuneration (Amendment) Ordinance 2017

(No: 16 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Members' Remuneration Ordinance
4. Amendment of section 4A — Resettlement grant
5. Amendment of Schedule — Amounts payable to Members

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

MEMBERS' REMUNERATION (AMENDMENT) ORDINANCE 2017

(No: 16 of 2017)

(assented to: 24 October 2017)
(commencement: in accordance with section 2)
(published: 27 October 2017)

AN ORDINANCE

To amend the Members' Remuneration Ordinance 2009 to provide for revised benefits and entitlements for Members of the Legislative Assembly.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Members' Remuneration (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Amendment of Members' Remuneration Ordinance

This Ordinance amends the Members' Remuneration Ordinance 2009.

4. Amendment of section 4A — Resettlement grant

Section 4A of the Members Remuneration Ordinance is amended by replacing "one month's salary" with "two months' salary".

5. Amendment of Schedule — Amounts payable to Members

The Schedule to the Members' Remuneration Ordinance is amended as follows —

(a) under paragraph 10(5) —

(i) by replacing sub-paragraph (a) as follows —

“(a) meals (other than those pre-booked at the accommodation) including the costs arising out of a person's meal where there is a justifiable reason to entertain that person (and that person must not be another Member or a Falklands Islands government officer);”

(ii) by adding a new sub-paragraph immediately after sub-paragraph (5)(d) —

“(e) tips that are consistent with the tipping levels in a jurisdiction, given by a Member when that Member is dining alone or with another Member or a Falkland Islands government officer (*other than where a service charge is already included in the invoice*);

(b) by replacing paragraph 10(9) as follows —

“(9) A Member may only travel by air in a premium class (such as Premium Economy, Club, Business, Executive or similar) —

(a) the whole journey for which the scheduled flying time exceeds eight hours; or

(b) where it is not possible for the Member to arrive at the destination more than 24 hours before the start of the first business approved by the Governor that the Member is due to undertake after arriving.”; and

(c) by replacing paragraph 14(d) as follows —

“(d) for broadband internet monthly service either —

(i) £75 per month for Stanley;

(ii) £175 per month for Camp; or

(iii) if lower, the amount actually incurred in respect of the monthly fee for such service; and”.

Passed by the Legislature of the Falkland Islands on 28 September 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Children (Amendment) Ordinance 2017

(No: 17 of 2017)

ARRANGEMENTS OF PROVISIONS

Section

Part 1 — Introductory

1. Title
2. Commencement

Part 2 — Amendment of Children Ordinance

3. Amendment of Children Ordinance
4. Part 2 amended — Insertion of new sections
5. Part 9 amended — Insertion of new section
6. Heading to Part 9 amended

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

CHILDREN (AMENDMENT) ORDINANCE 2017

(No: 17 of 2017)

(assented to: 24 October 2017)
(commencement: in accordance with section 2)
(published: 27 October 2017)

AN ORDINANCE

To amend the Children Ordinance 2014 to provide for the making of special guardianship orders by the court and to confer power on the Director of Health and Social Services to give general guidance in the exercise of functions arising out of support to be given by the Crown to children and families.

ENACTED by the Legislature of the Falkland Islands —

Part 1 — Introductory

1. Title

This Ordinance is the Children (Amendment) Ordinance 2017.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor by notice in the *Gazette*.

Part 2 — Amendment of Children Ordinance

3. Amendment of Children Ordinance

This Ordinance amends the Children Ordinance.

4. Part 2 amended — Insertion of new sections

Part 2 of the Children Ordinance is amended by inserting the following new sections immediately after section 18 —

“18A. Special guardianship orders: general

(1) A “special guardianship order” is an order appointing one or more individuals to be a child’s “special guardian” (or special guardians).

(2) A special guardian —

(a) must be aged eighteen or over; and

(b) must not be a parent of the child in question,

and subsections (3) to (6) are to be read in that light.

(3) The court may make a special guardianship order with respect to any child on the application of an individual who —

(a) is entitled to make such an application with respect to the child; or

(b) has obtained the leave of the court to make the application,

or on the joint application of more than one such individual.

(4) Section 13(3) applies in relation to an application for leave to apply for a special guardianship order as it applies in relation to an application for leave to apply for a section 12 order.

(5) The individuals who are entitled to apply for a special guardianship order with respect to a child are —

(a) any guardian of the child;

(b) any individual in whose favour a residence order has been made;

(c) any individual listed in subsection (5)(b) or (c) of section 14 (as read with subsection (12) of that section);

(d) a foster carer with whom the child has lived for a period of at least one year immediately preceding the application;

(e) a relative with whom the child has lived for a period of at least one year immediately preceding the application.

(6) The court may also make a special guardianship order with respect to a child in any family proceedings in which a question arises with respect to the welfare of the child if —

(a) an application for the order has been made by an individual who falls within subsection (3)(a) or (b) (or more than one such individual jointly); or

(b) the court considers that a special guardianship order should be made even though no such application has been made.

(7) No individual may make an application under subsection (3) or (6)(a) unless, before the beginning of the period of three months ending with the date of the application, the person has given written notice of his or her intention to make the application if the child in question is being looked after by the Crown, to the Crown.

(8) On receipt of such a notice, the Crown must investigate the matter and prepare a report for the court dealing with —

(a) the suitability of the applicant to be a special guardian;

(b) such matters (if any) as may be prescribed by the Governor; and

(c) any other matter which the Crown consider to be relevant.

(9) The court may itself ask the Crown to conduct such an investigation and prepare such a report, and the Crown must do so.

(10) The Crown may make such arrangements as it sees fit for any person to act on its behalf in connection with conducting an investigation or preparing a report referred to in subsection (8) or (9).

(11) The court may not make a special guardianship order unless —

(a) it has received a report dealing with the matters referred to in subsection (8); or

(b) if after exercising its powers under subsection 6(b), it is satisfied that it has sufficient information equivalent to that required under subsection (8).

(12) Subsections (10) and (11) of section 14 apply in relation to special guardianship orders as they apply in relation to section 12 orders.

18B. Special guardianship orders: making

(1) Before making a special guardianship order, the court must consider whether, if the order were made —

(a) a contact order should also be made with respect to the child;

(b) any section 12 order in force with respect to the child should be varied or discharged;

(c) where a provision contained in a residence order or contact order made with respect to the child is not discharged, any enforcement order relating to that provision should be revoked, and

(d) where an activity direction has been made —

(i) in proceedings for the making, variation or discharge of a residence order or contact order with respect to the child, or

(ii) in other proceedings that relate to such an order,

that direction should be discharged.

(2) On making a special guardianship order, the court may also —

(a) give leave for the child to be known by a new surname;

(b) grant the leave required by section 18C(3)(b), either generally or for specified purposes.

18C. Special guardianship orders: effect

(1) The effect of a special guardianship order is that while the order remains in force —

(a) a special guardian appointed by the order has parental responsibility for the child in respect of whom it is made; and

(b) subject to any other order in force with respect to the child under this Ordinance, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility for the child (apart from another special guardian).

(2) Subsection (1) does not affect —

(a) the operation of any enactment or rule of law which requires the consent of more than one person with parental responsibility in a matter affecting the child; or

(b) any rights which a parent of the child has in relation to the child's adoption or freeing for adoption.

(3) While a special guardianship order is in force with respect to a child, no person may —

(a) cause the child to be known by a new surname; or

(b) remove the child from the Falkland Islands,

without either the written consent of every person who has parental responsibility for the child or the leave of the court.

(4) Subsection (3)(b) does not prevent the removal of a child, for a period of less than three months, by a special guardian of the child, or the removal of a child for any period whatsoever if it is for a medical purpose advised by a medical practitioner.

(5) If the child with respect to whom a special guardianship order is in force dies, the child's special guardian must take reasonable steps to give notice of that fact to —

(a) each parent of the child with parental responsibility; and

(b) each guardian of the child,

but if the child has more than one special guardian, and one of them has taken such steps in relation to a particular parent or guardian, any other special guardian need not do so as respects that parent or guardian.

18D. Special guardianships orders: variation and discharge

(1) The court may vary or discharge a special guardianship order on the application of —

(a) the special guardian (or any of them, if there are more than one);

(b) any parent or guardian of the child concerned;

(c) any individual who is named in a residence order or a contact order as a person with whom the child is to live;

(d) any individual not falling within any of paragraphs (a) to (c) who has, or immediately before the making of the special guardianship order had, parental responsibility for the child;

(e) the child; or

(f) the Crown where there is a care order with respect to the child.

(2) In any family proceedings in which a question arises with respect to the welfare of a child with respect to whom a special guardianship order is in force, the court may also vary or discharge the special guardianship order if it considers that the order should be varied or discharged, even though no application has been made under subsection (1).

(3) Where it is reasonably required to secure the child's long term placement, the court may make an order that the following must obtain the leave of the court before making an application under subsection (1) —

(a) the child;

(b) any parent or guardian of the child;

(c) any step-parent of the child who has acquired, and has not lost, parental responsibility for the child by virtue of section 8;

(d) any individual falling within subsection (1)(d) who immediately before the making of the special guardianship order had, but no longer has, parental responsibility for the child.

(4) Where the person applying for leave to make an application under subsection (1) is the child, the court may only grant leave if it is satisfied that the child has sufficient understanding to make the proposed application under subsection (1).

(5) The court may not grant leave to a person falling within subsection (3)(b)(c) or (d) unless it is satisfied that there has been a significant change in circumstances since the making of the special guardianship order.

18E. Special guardianship orders: supplementary

(1) In proceedings in which any question of making, varying or discharging a special guardianship order arises, the court must (in the light of any provision in rules of court that is of the kind mentioned in section 15(2)(a) or (b)) —

(a) draw up a timetable with a view to determining the question without delay; and

(b) give such directions as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that the timetable is adhered to.

(2) Subsection (1) applies also in relation to proceedings in which any other question with respect to a special guardianship order arises.

(3) The power to make rules in subsection (2) of section 15 applies for the purposes of this section as it applies for the purposes of that.

(4) A special guardianship order, or an order varying one, may contain provisions which are to have effect for a specified period.

(5) Section 15(7) (apart from paragraph (c)) applies in relation to special guardianship orders and orders varying them as it applies in relation to section 12 orders.

18F. Special guardianship support services

(1) The Crown must consider whether it is feasible and appropriate to provide special guardianship support services to a child in respect of whom a special guardianship order application has been made and any person who has made a special guardian application. Any service that is considered to be feasible and appropriate in the circumstances will be made available only in so far as is reasonably practical within the Falkland Islands. This may include counselling, advice or information in relation to special guardianship.

(2) At the request of any of the following persons—

- (a) a child with respect to whom a special guardianship order is in force;
- (b) a special guardian;
- (c) a parent;
- (d) any other person who falls within a prescribed description,

the Crown may carry out an assessment of that person's needs for special guardianship support services if the Crown considers this to be feasible and appropriate. If the Crown concludes that there are any such available services these will be provided only in so far as this is reasonably practical in the Falkland Islands.

(3) The Crown may, at the request of any other person, carry out an assessment of that person's needs for special guardianship support services.

(4) Where, as a result of an assessment, the Crown decides that a person has needs for special guardianship support services, the Crown must then decide whether to provide any of those services to that person.

(5) If —

- (a) the Crown decides to provide any special guardianship support services to a person, and
- (b) the circumstances fall within a prescribed description ,

the Crown may prepare a plan in accordance with which special guardianship support services are to be provided to the person, and keep the plan under review.

(6) The Governor may by regulations make provision about ——

- (a) assessments;
- (b) the preparation and review of plans;
- (c) the provision of special guardianship support services in accordance with plans; and
- (d) the review of the provision of special guardian support services.

(7) The regulations may in particular make provision —

- (a) about the type of assessment which is to be carried out, or the way in which an assessment is to be carried out;

(b) about the way in which a plan is to be prepared;

(c) about the way in which, and the time at which, a plan or the provision of special guardianship support services is to be reviewed;

(d) about the considerations to which the Crown is to have regard in carrying out an assessment or review or preparing a plan;

(e) as to the circumstances in which the Crown may provide special guardianship support services subject to conditions (including conditions as to payment for the support or the repayment of financial support); and

(f) as to the consequences of conditions imposed by virtue of paragraph (e) not being met (including the recovery of any financial support provided).

(8) The Crown may provide special guardianship support services (or any part of them) by securing their provision by an external provider approved by the Director of Health and Social Services where it is reasonably practical to do so.

(9) The Crown may carry out an assessment of the needs of any person for the purposes of this section at the same time as an assessment of the person's needs is made under any other provision of this Ordinance or under any other enactment.”

5. Part 9 amended — Insertion of new section

Part 9 of the Children Ordinance is amended by inserting the following new section immediately after section 100 —

“100A. Director of Health and Social Services to make guidance

(1) The Director of Health and Social Services may prepare any guidance in relation to any matter which is to be prescribed under a provision of this Ordinance if the matter has not been prescribed.

(2) The Crown must, in the exercise of its functions under this Ordinance, including the exercise of any discretion conferred on it by any relevant enactment, act under the general guidance of the Director of Health and Social Services.

(3) The Director of Health and Social Services must make arrangements for any guidance made under subsection (1) to be made available to all relevant parties. (*electronically or in hard copy*).”

6. Heading to Part 9 amended

The heading to Part 9 of the Children Ordinance is deleted and substituted with the following—

“PART 9 SUBSIDIARY LEGISLATION AND GUIDANCE”.

Passed by the Legislature of the Falkland Islands on 28 September 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Road Traffic (Amendment) Ordinance 2017

(No: 18 of 2017)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Road Traffic Ordinance
4. Section 5 amended — Public service vehicle licences
5. Section 59 amended — Regulations

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

ROAD TRAFFIC (AMENDMENT) ORDINANCE 2017

(No: 18 of 2017)

(assented to: 24 October 2017)
(commencement: in accordance with section 2)
(published: 27 October 2017)

AN ORDINANCE

To amend the Road Traffic Ordinance 1948 to provide for a scheme through which fixed penalty notices may be imposed for certain road traffic offences, to increase the public service vehicle licence fee and to impose new requirements for public service vehicle licence holders.

ENACTED by the Legislature of the Falklands Islands —

1. Title

This Ordinance is the Road Traffic (Amendment) Ordinance 2017.

2. Commencement

(1) Section 4(b) comes into operation on publication in *Gazette*.

(2) The rest of the Ordinance comes into force on 1 January 2018.

3. Amendment of Road Traffic Ordinance

This Ordinance amends the Road Traffic Ordinance 1948.

4. Section 5 amended — Public service vehicle licences

Section 5 is amended as follows —

(a) by inserting the following new subsections immediately after subsection (2) —

“(2A) In order to determine or assess whether a public service licence holder is a fit person to hold the public service licence as required under subsection (2), the chief police officer —

(a) may undertake such inquiries as may be necessary in relation to the application for a public service vehicle licence, including checks of the applicant’s criminal record and medical history;

(b) must issue administrative criteria setting out requirements outlining what determines fit in relation to holders of public service vehicle licences.

(2B) Administrative criteria must be made available to —

(a) prospective applicants for public service vehicle licences; and

(b) holders of public service vehicle licences.

(2C) Whenever changes are made to the administrative criteria, reasonable steps must be taken to bring the changes to the attention of —

(a) prospective applicants for public service vehicle licences; and

(b) holders of public service vehicle licences.

(2D) The chief police officer must arrange for a notice to be published in the Gazette specifying —

(a) that administrative criteria has been issued;

(b) whether it is new administrative criteria or a replacement for an existing one; and

(c) the date on which the administrative criteria comes into force.

(2E) The chief police officer must make arrangements for the administrative criteria to be available (either as paper copies or in electronic form).”: and

(b) in subsection (3) by deleting “£6.25” and replacing it with “£15”.

5. Section 59 amended — Regulations

Section 59 is amended by inserting immediately after subsection (1)(n) the following new paragraph —

“(nA) the imposition of fixed penalties for certain offences under this Ordinance;”.

Passed by the Legislature of the Falkland Islands on 28 September 2017.

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

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

CLAUDETTE PRIOR M.B.E.,
Clerk of the Legislative Assembly.

Published at the Attorney General's Chambers, Stanley, Falkland Islands
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FALKLAND ISLANDS GAZETTE

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31 October 2017

No. 15

Appointment

Alstynn Kenneth Pillay, Medical Officer, Health and Social Services Department, 01.08.17.

Andrew Peter McCartney, Head of Programmes, Central Services Department, 04.08.17.

Zeynab Patel, Crown Counsel, Government Legal Services, Law and Regulation Directorate, 18.08.17.

Gethin Wyn Morgan, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 25.08.17.

Liam Michael Olpin, Police Constable, Royal Falkland Islands Police, Emergency Services Department, 25.08.17.

Mieke Whihelmina Geertruida Maria Brakeboer, Midwife, Health and Social Services Department, 28.08.17.

Miriam Amanda Evelyn Carter-Fraser, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Matthew Edward Clint, Science Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Michele Kathleen Farrand, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Tasha Melisa Fletcher, Settlement Teacher, Infant and Junior School, Education Department, 31.08.17.

Layla Jennifer Catherine Hanna, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Daniel John Harrison, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Timothy Joseph Ross, Primary Teacher, Infant and Junior School, Education Department, 31.08.17.

Helena Jane Rebecca Simpson, Travelling Teacher, Infant and Junior School, Education Department, 31.08.17.

Lindsay Jean Smith, English Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Ginalyn Hawksworth, Community Support Worker, Health and Social Services Department, 01.09.17.

Ruth Hannah Ayre, Radiographer/Sonographer, Health and Social Services Department, 15.09.17.

Susannah Ruth Nightingale, Regulator, Law and Regulation Directorate, 19.09.17.

Cristina Gonzalez-Fernandez, Pharmacy Technician, Health and Social Services Department, 25.09.17.

James William Johnson, Assistant Materials Manager, Quarry Section, Public Works Department, 26.09.17.

Frederick David William Ramscar, Director, Emergency Services Department, 29.09.17.

Nina Aldridge, Radiation Protection Officer (Radiographer/Sonographer), Health and Social Services Department, 01.10.17.

Maciej Slawomir Stronczak, Medical Officer, Health and Social Services Department, 02.10.17.

Emma Leigh Jaffray, Administration Clerk, Highways Section, Public Works Department, 09.10.17.

John Summers Jaffray, Plant Operator/Handyperson, Highways Section, Public Works Department, 09.10.17.

Keelan Fiddes, Apprentice Carpenter, Training Centre, Education Department, 12.10.17.

Monica Bravo Rojas, Cook, Stanley House, Education Department, 16.10.17.

Hoi Him Nicholas Fu, Planning Officer, Environmental Planning Department, 17.10.17.

Daniel Betts, Labourer, Highways Section, Public Works Department, 23.10.17.

Timothy Kirby, Design and Technology Teacher, Falkland Islands Community School, Education Department, 30.10.17.

Completion of contract

Patricia Jayne Williamson, Complex Needs Teacher, Infant and Junior School, Education Department, 10.08.17.

Andrew John Almond-Bell, Director, Emergency Services Department, 19.08.17.

Alison Margaret Webb, Advanced Practitioner, Health and Social Services Department, 24.08.17.

David Bailey, Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Linda Margaretha Bakker, Science Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Jennifer Patricia Barclay, Special Educational Needs Teacher, Education Department, 31.08.17.

Mallory Deborah Barnes, Settlement Teacher, Infant and Junior School, Education Department, 31.08.17.

Sarah Jane Beth Edwards, Teacher, Infant and Junior School, Education Department, 31.08.17.

Linda Annette Flinders, Teacher, Infant and Junior School, Education Department, 31.08.17.

Joanne Claire Ford, Teacher, Infant and Junior School, Education Department, 31.08.17.

Tracey Jane Forrester, Teacher, Infant and Junior School, Education Department, 31.08.17.

Juliette Diana Horsford, Geography Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Robert James Howard, Physical Education Teacher, Falkland Islands Community School, Education Department, 31.08.17.

Katherine Sheppard, Teacher, Infant and Junior School, Education Department, 31.08.17.

David Charles Brown, Attorney General, Law and Regulation Directorate, 29.09.17.

Mark Richard Tettenborn, Economist, Policy Unit, Central Services Department, 07.10.17.

Emily Jane Price, Crown Counsel, Government Legal Services, Law and Regulation Directorate, 12.10.17.

Ian Rushworth, Chief Internal Auditor, Treasury, 18.10.17.

Renewal of contract

David Bailey, Teacher, Falkland Islands Community School, Education Department, 01.09.17.

Jennifer Patricia Barclay, Special Educational Needs Teacher, Education Department, 01.09.17.

Mallory Deborah Barnes, Settlement Teacher, Infant and Junior School, Education Department, 01.09.17.

Sarah Jane Beth Edwards, Teacher, Infant and Junior School, Education Department, 01.09.17.

Linda Annette Flinders, Teacher, Infant and Junior School, Education Department, 01.09.17.

Joanne Claire Ford, Teacher, Infant and Junior School, Education Department, 01.09.17.

Tracey Jane Forrester, Teacher, Infant and Junior School, Education Department, 01.09.17.

Juliette Diana Horsford, Geography Teacher, Falkland Islands Community School, Education Department, 01.09.17.

Robert James Howard, Physical Education Teacher, Education Department, 01.09.17.

Katherine Sheppard, Teacher, Infant and Junior School, Education Department, 01.09.17.

Resignation

Kristy Buckland, Administrative Assistant, Legislature Department, 03.10.17.

Mark McLeod, Apprentice Police Constable, Training Centre, Education Department, 03.10.17.

Joost Pompert, Observer Co-ordinator, Natural Resources Department, 13.10.17.

Paul McDade, Police Sergeant, Royal Falkland Islands Police, Emergency Services Department, 18.10.17.

Marshall Barnes, Power Station Operator, Power and Electrical Section, Public Works Department, 27.10.17.

Sean Moffatt, Design and Technology Teacher, Falkland Islands Community School, Education Department, 27.10.17.

Neville Gericke, Plant Operator/Handyperson, Highways Section, Public Works Department, 31.10.17.

Retirement

Claudette Prior, Clerk of the Legislative Assembly and Executive Council, Office of the Legislative Assembly, Legislature Department, 31.10.17.

Transfer

Robert Legg, from Plant Operator to Cemetery Caretaker/Handyperson, Property and Municipal Section, Public Works Department, 01.09.17.

Cathy Pollard, from Senior Finance Assistant to Accounting Assistant, Treasury, 03.10.17.

NOTICES

No. 98

20 October 2017

Administration of Justice Ordinance 1949 section 5(2)

Removal of Justice of Peace from supplemental list

1. Section 5(2) provides that the Chief Justice may direct the name of any justice of the peace to be removed from the supplemental list if that person is no longer required to be entered on the supplemental list by virtue of section 4(2) or (3).

2. In exercise of my powers under section 5(2) I direct that the name of **Phyllis Mary Rendell** shall be removed from the supplemental list.

3. This direction has effect from the date of signature.

Dated 20 October 2017

Sir S. J. BRYAN,
Chief Justice.

No. 99

25 October 2017

United Kingdom Statutory Instruments

Notice is hereby given that the following United Kingdom Statutory Instrument has been published in the United Kingdom by The Stationery Office Limited and are available to view at: <http://www.legislation.gov.uk>

2017 No. 984 – The Policing and Crime Act (Financial Sanctions) (Overseas Territories) Order 2017
http://www.legislation.gov.uk/ukxi/2017/984/pdfs/ukxi_20170984_en.pdf

Dated 25 October 2017

B. I. STEEN,
for Attorney General.

No. 100

25 October 2017

Taxes Ordinance 1997 *section 180*

Appointment of Members of the Tax Appeal Tribunal

1. Section 180 of the Taxes Ordinance 1997 provides that the Governor shall appoint members to the Tax Appeal Tribunal.

2. Having consulted with the Chief Justice, I have exercised my powers under section 180 of the said Ordinance and section 66(2)(c) of the Constitution and duly appoint the following persons to be members of the Tax Appeal Tribunal:

Andrew Samuel Brownlee JP;
Keith Robert Biles JP;
Stephen Paul James Freer JP; and
Josephine Susanna Muncaster.

3. These appointments are deemed to have effect from 15 October 2017 and continue in effect for two years, unless terminated sooner.

Dated 25 October 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 101

26 October 2017

Electoral (Emergency and Replacement Proxies) Regulations 2013 *regulation 4*

Published criteria for the appointment of emergency and replacement proxy

1. Regulation 4 of the Electoral (Emergency and Replacement Proxies) Regulations (SR& O No 17 of 2013)

provides that the Returning Officer must publish criteria about:

- (i) the circumstances in which a person who is eligible to vote at an election or a referendum may appoint an emergency or replacement proxy for the election or referendum; and
- (ii) the evidence necessary to satisfy the registration officer that those circumstances exist

2. The criteria for the circumstances under paragraph (i) are as follows:

- (a) an elector is required to leave the Islands to receive emergency medical treatment;
- (b) an elector is required to leave the Islands as the spouse or family member to accompany someone else to receive medical treatment;
- (c) an elector is required to leave the Islands on urgent business/work;
- (d) an elector is required to attend to a family member overseas who is seriously ill;
- (e) an elector is required to attend a funeral overseas;
- (f) an elector suffers delays in travel arrangements outside the elector's control which means that they cannot be in the Islands at the relevant time;
- (g) any other exceptional reason which means that the elector would not otherwise be able to vote; or
- (h) if an elector has appointed a proxy to vote for them on their behalf and the proxy will be unable to vote on their behalf because any of the criteria above apply to the proxy, then the elector may appoint an emergency replacement proxy.

3. The criteria for the evidence under paragraph (ii) are as follows:

such documentary evidence as the applicant can reasonably provide in support of the application, in particular to demonstrate that there are compelling reasons of urgency and that the application is not made on the basis merely of convenience.

4. An application need not be made in a specific form, but it must contain at least the following information:

- the applicant's name and address;
- an explanation of the circumstances that will prevent the applicant (or applicant's proxy) from voting at the election or referendum;
- an explanation of when those circumstances arose;
- if the circumstances arose before the start of the closed period, an explanation of why the applicant was unable to apply for a postal, proxy or postal proxy vote before the start of the closed period;
- the name and address of the person to be appointed as emergency or replacement proxy; and
- contact details for the applicant and the emergency or replacement proxy.

5. An application must also be signed by the applicant and witnessed by; a bank manager, a commissioner of oaths, an elector, a justice of the peace, a police officer, a teacher (or tutor) to the applicant, or another person approved by the registration officer.

6. Applications can be personally handed into the registration officer, or sent to the registration officer by post, fax or e-mail. The application must be received as an original, or as scanned image of the original, by the registration officer no later than 4pm on the third working day before the date of the election or referendum

7. If the application is granted, the registration officer must take reasonable steps to notify the applicant and emergency/replacement proxy and make arrangements for the emergency/replacement proxy to be allowed to vote on behalf of the applicant.

8. If the application is refused, the registration officer must take reasonable steps to notify the applicant of the reasons why it was refused, and inform the applicant that they have a right to appeal to the Returning Officer no later than 4pm on the second working day before the date of the election or referendum.

Dated 26 October 2017

B. A. ROWLAND,
Returning Officer.

No. 102 27 October 2017

Members' Remuneration (Amendment) Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Members' Remuneration (Amendment) Ordinance 2017 (No 16 of 2017) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into force on 10 November 2017.

Dated 27 October 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 103 27 October 2017

Road Traffic (Taxi Drivers' Permits) Order 2013
article 7

Issue of Administrative Criteria

Take notice that new administrative criteria has been issued under article 7 of the Road Traffic (Taxi Drivers' Permits)

Order 2013. This administrative criteria came into force on 27 October 2017.

Dated 27 October 2017

D. C. STREET,
Chief Police Officer.

No. 104 27 October 2017

Falkland Islands Tourist Board Ordinance 2014
section 8

Appointment of Chairperson

1. Section 8 of the Falkland Islands Tourist Board Ordinance (No 10 of 2014) provides that the Chairperson of the Falkland Islands Tourist Board Governing Body will be appointed by the Governor.

2. In exercise of my powers under section 8, and in accordance with the advice of Executive Council, I appoint **Sally Jean Ellis** to be Chairperson for 24 months of the Falkland Islands Tourist Board Governing Body.

3. This appointment has effect from 25 October 2017 and will continue in effect as indicated above, unless terminated sooner.

Dated 27 October 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 105 28 October 2017

Shepherd Offshore (Falklands) Limited
Company Number: 15732

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 28 October 2017

E. J. DENT,
Registrar of Companies.



FALKLAND ISLANDS GAZETTE

Extraordinary

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10 November 2017

No. 16

NOTICES

No. 106

9 November 2017

Electoral Ordinance 1988 *section 127*

Election of Legislative Assembly Members **Camp Constituency**

I the undersigned, Barry Rowland, being the Returning Officer at this General Election of three members for the Legislative Assembly for the Camp Constituency do hereby give notice of the result of the General Election for the Camp Constituency as follows:-

Votes Cast:- 546	Spoilt:- 6
BARKMAN Teslyn Siobhan	139 Votes
COCKWELL Benjamin William	128 Votes
EDWARDS Roger Anthony	130 Votes
HANSEN Ian	149 Votes
Rejected ballot papers	6
(1) want of an official mark	0
(2) voting for more candidates than voter is entitled to	0
(3) writing or mark by which voter could be identified	0
(4) unmarked	1
(5) void for uncertainty	5

I therefore declare:

1. HANSEN Ian
2. BARKMAN Teslyn Siobhan
3. EDWARDS Roger Anthony

to be duly elected to serve on the Legislative Assembly until the General Election in the year 2021.

Dated 9 November 2017

B. A. ROWLAND,
Returning Officer.

No. 107

9 November 2017

Electoral Ordinance 1988 *section 127*

Election of Legislative Assembly Members **Stanley Constituency**

I the undersigned, Barry Rowland, being the Returning Officer at this General Election of five members for the Legislative Assembly for the Stanley Constituency do hereby give notice of the result of the General Election for the Stanley Constituency as follows:-

Votes Cast:-	4346	Spoilt:-	4
ASHBRIDGE Corina	259	Votes	
BIRMINGHAM John	221	Votes	
BRAGGER Stacy John	476	Votes	
BUCKLAND Carole Lynda Jane	65	Votes	
CLARKE Marvin Thomas	90	Votes	
ELLIS Louise	232	Votes	
ELSBY Barry	404	Votes	
LEWIS Jason	97	Votes	
PECK David Patrick	376	Votes	
POLLARD Mark John	534	Votes	
SHORT Gavin Phillip	382	Votes	
SPINK Roger Kenneth	651	Votes	
VIDAL ROBERTS Lucila Leona	559	Votes	

Rejected ballot papers	4
(1) want of an official mark	0
(2) voting for more candidates than voter is entitled to	3
(3) writing or mark by which voter could be identified	0
(4) unmarked	1
(5) void for uncertainty	0

I therefore declare:

1. SPINK Roger Kenneth
2. VIDAL ROBERTS Lucila Leona
3. POLLARD Mark John
4. BRAGGER Stacy John
5. ELSBY Barry

to be duly elected to serve on the Legislative Assembly until the General Election in the year 2021.

Dated 9 November 2017

B. A. ROWLAND,
Returning Officer.



FALKLAND ISLANDS GAZETTE

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30 November 2017

No. 17

Appointment

Pilar Angelica Chancks Olivares, Learning Support Assistant, Infant and Junior School, Education Department, 30.10.17.

Danielle Greenough, Learning Support Assistant, Infant and Junior School, Education Department, 30.10.17.

Gary Roberts, Inspector (Operations), Royal Falkland Islands Police, Emergency Services Department, 30.10.17.

Matthew John Jackson, Head of Legal Services, Government Legal Services, Law and Regulation Directorate, 31.10.17.

David Robert Bell, Deputy Director, Public Works Department, 03.11.17.

Meghan Alexandra Law, Administrative Assistant, Office of the Legislative Assembly, Legislature Department, 06.11.17.

Nathan Murphy, Social Worker (Adults), Health and Social Services Department, 07.11.17.

Philip John Richard Honeybone, Chief Internal Auditor, Treasury, 14.11.17

Kristy Lesley Anne Buckland, Accounting Assistant, Treasury, 20.11.17

Veronica Joyce Sinclair, Accounting Assistant (Part-time), Treasury, 20.11.17

Rebecca Emily Morgan, Station Enquiry Officer, Royal Falkland Islands Police, Emergency Services Department, 21.11.17.

Garry Stuart Thomas, Gardener, Government House, Central Services Department, 23.11.17.

Claire Rhian Burgess, Head of Communications, Policy Unit, Secretariat, 28.11.17.

Completion of contract

Mary Elizabeth Ashdown, Senior Dental Officer, Health and Social Services Department, 15.11.17.

Stuart James Walker, Crown Counsel, Government Legal Services, Law and Regulation Directorate, 25.11.17.

Renewal of contract

Mary Elizabeth Ashdown, Senior Dental Officer, Health and Social Services Department, 16.11.17.

Stuart James Walker, Crown Counsel, Government Legal Services, Law and Regulation Directorate, 26.11.17.

Promotion

Cherie Yvonne Clifford, from Deputy Clerk/Personal Assistant to Legislative Assembly to Clerk of the Legislative Assembly and Executive Council, Office of the Legislative Assembly, Legislature Department, 01.11.17.

Resignation

Frederick David William Ramscar, Director, Emergency Services Department, 14.09.17.

Gary Roberts, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 29.10.17.

Jayne Patricia Sawden, Learning Support Assistant, Falkland Islands Community School, Education Department, 10.11.17.

Maria Marisol Aguilar Paredes, Cleaner, Stanley Hostel, Education Department, 12.11.17.

Leslie Diane Knight, Examinations and Administrative Officer, Training Centre, Education Department, 20.11.17.

Scott James Peter Betts, Information Communication Technology and Pharmacy Assistant, Health and Social Services Department, 24.11.17.

Matthew Marc Young, General Handyperson, Property and Municipal Section, Public Works Department, 24.11.17.

Jean-Tristan Huillier, Fisheries Observer, Natural Resources Department, 30.11.17.

Retirement

David Thorsen, Mechanic, Plant and Vehicle Section, Public Works Department, 24.11.17.

Transfer

Charlotte Middleton, from Apprentice, Education Department to Senior Finance Assistant, Treasury, 30.10.17.

Glen Robert Smith, from Senior Police Constable to Sergeant, Royal Falkland Islands Police, Emergency Services Department, 30.10.17.

Nicholas Cyril Carter Edwards, from Warden to Social Work Assistant, Health and Social Services Department, 01.11.17.

Rebecca Lee Thomson, from Learning Support Assistant to Higher Learning Support Assistant, Infant and Junior School, Education Department, 01.11.17.

Nigel Yon, from Power Station Operator (Standby) to Power Station Operator, Power and Electrical Section, Public Works Department, 01.11.17.

Lisa Maria Martin, from Assistant Taxation Officer, Taxation, Treasury to Administrative Assistant, Health and Social Services Department, 06.11.17.

NOTICES

No. 108

10 November 2017

Falkland Islands Constitution Order 2008
section 88
Administration of Justice Ordinance 1949
section 26

Appointment of Acting Senior Magistrate

1. I appoint **Nicholas Andrew Aldridge** to be Acting Senior Magistrate under section 88(4) of the Constitution (SI 2008/2846) and section 26 of the Administration of Justice Ordinance.

2. This appointment has effect from the date of signature and remains in force until 21 November 2017, unless terminated sooner.

3. This appointment is without prejudice to the right of the Senior Magistrate, Martine Kushner, to act as Senior Magistrate at any time prior to this appointment taking effect, or after this appointment ceases to have effect.

Dated 10 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 109

10 November 2017

Falkland Islands Constitution Order 2008
section 89

Appointment of Acting Judge of the Supreme Court

1. I make this appointment in accordance with section 89 of the Constitution on the basis that:

(a) it appears to me that the state of business in the Supreme Court requires it; and

(b) I am satisfied that **Nicholas Andrew Aldridge** possesses such legal qualifications and experience as are appropriate for him to be appointed.

2. I, Nigel Phillips C.B.E., Governor, appoint **Nicholas Andrew Aldridge**:

(a) to sit as Acting Judge of the Supreme Court; and

(b) to discharge the functions in the Falkland Islands of the Chief Justice as may be necessary if the office of the Chief Justice is vacant, or if the holder of that office is for any reason unable to perform the functions of that office.

3. The appointment at paragraph 2(a) only has effect when the Chief Justice has not indicated that he wishes to exercise his powers in respect of any relevant matters.

4. Nothing in this appointment operates to prevent the Chief Justice adjudicating in any matters or from exercising any of his functions.

5. This appointment is effective from the date of signature until 21 November 2017, unless terminated sooner.

Dated 10 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 110

17 November 2017

Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance 1949

Take notice that **Orlando Almonacid** of 1 Villiers Street, Stanley died on 11 August 2017.

Whereas **Ian Betts** as lawful attorney for **Omar Almonacid** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands 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.

Dated 17 November 2017

J. BROOKS,
Registrar, Supreme Court

No. 111

20 November 2017

Education Ordinance 1989
section 5(3)

Appointment of Chair and Member to Board Of Education

1. Section 5(3) of the Education Ordinance 1989 provides for the Governor to appoint two members of the Board from among the elected members of the Legislative Assembly one of whom to be chairman of the Board.

2. In exercise of my powers under section 5(3), I appoint the following elected members of the Legislative Assembly to the Board of Education —

- (a) Stacy John Bragger as chairman; and
- (b) Lucila Leona Vidal Roberts as member.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees remain elected members of the Legislative Assembly, unless terminated sooner.

Dated 20 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 112

20 November 2017

Falklands Landholdings Corporation Ordinance 2000
section 4(1)

Appointment of Chairman and Member to Falklands Landholdings Corporation Board

1. Sections 4(1)(a) and (b) of the Falklands Landholdings Corporation Ordinance 2000 provide that the Governor will appoint two persons nominated by Legislative Assembly from among their number to be members of the Falklands Landholdings Corporation Board one of whom shall be appointed as Chairman.

2. In exercise of my powers under section 4(1)(a) and (b) and as nominated by the Legislative Assembly, I appoint the following elected members to the Falklands Landholdings Corporation Board —

- (a) Ian Hansen as chairman; and
- (b) Teslyn Siobhan Barkman as member.

3. These appointments have effect from the date of signature below, and continue in effect until the sooner of —

- (a) the member ceasing to be a member of the Legislative Assembly;
- (b) the member resigning by written notice to the Governor; or

(c) another member of the Legislative Assembly is appointed in place of the member.

Dated 20 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 113

20 November 2017

Public Health Ordinance 1894
section 3

Appointment of Chair and Member to Health and Medical Services Committee

1. Sections 3(2) and (3) of the Public Health Ordinance 1894 provides for the Governor to appoint a chairman and member to the Health and Medical Services Committee as nominated by elected members of the Legislative Assembly from among their number.

2. In exercise of my powers under sections 3(2) and (3), as nominated by members of the Legislative Assembly from among their number, I appoint to the Health and Medical Services Committee —

- (a) Ian Hansen as chairman; and
- (b) Barry Elsby as member.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees remain elected members of the Legislative Assembly, unless terminated sooner.

Dated 20 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 114

20 November 2017

Police Ordinance 2000
section 10(2)

Appointment of Legislative Assembly Members to Police Committee

1. Section 10(2) of the Police Ordinance 2000 provides for the Governor to appoint two members to the Police Committee as nominated by elected members of the Legislative Assembly from among their number.

2. In exercise of my powers under section 10(2) and as nominated by members of the Legislative Assembly from among their number, I appoint the following elected members to the Police Committee —

- (a) Lucila Leona Vidal Roberts; and
- (b) Teslyn Siobhan Barkman.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees remain

elected members of the Legislative Assembly, unless terminated sooner.

Dated 20 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 115 20 November 2017

Falkland Islands Constitution Order 2008
section 70

**Appointment of Legislative Assembly Members to
Advisory Committee on the Prerogative of Mercy**

1. Section 70(1) of the Falkland Islands Constitution Order 2008 provides for the Governor to appoint two elected members of the Legislative Assembly after consultation with the elected members of the Assembly.

2. In exercise of my powers under section 70(1) and after consultation with elected members of the Legislative Assembly, I appoint the following elected members to the Advisory Committee on the Prerogative of Mercy —

(a) Lucila Leona Vidal Roberts; and

(b) Teslyn Siobhan Barkman.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees remain elected members of the Legislative Assembly, unless terminated sooner.

Dated 20 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 116 21 November 2017

Supreme Court of the Falkland Islands

Notice under the Administration of Estates Ordinance 1949

Take notice that **Ian Peter McGill** of 7 Thatcher Drive, Stanley died on 19 September 2017.

Whereas **Teresa Rose McGill** has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands 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.

Dated 21 November 2017

J. BROOKS,
Registrar, Supreme Court

No. 117 21 November 2017

Atlantis Limited
Company Number: 10434

Notice is hereby given that the above named company was struck off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 1 November 2017.

Dated 21 November 2017

E. J. DENT,
Registrar of Companies.

No. 118 22 November 2017

Southern Pole Services (Falkland Islands) Limited
Company Number: 15453

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 22 November 2017

E. J. DENT,
Registrar of Companies.

No. 119 22 November 2017

Commissioners for Oaths Ordinance
section 2(2)

Appointment of Commissioners for Oaths

1. Section 2(2) of the Commissioners for Oaths Ordinance 1969 provides that the Governor may appoint commissioners for oaths.

2. In exercise of my powers under section 2(2), I appoint:-

Matthew John Jackson; and
Zeynab Patel

to be commissioners for oaths.

3. These appointments have effect from the date of signature, and continue in effect whilst the appointees are employed by the Falkland Islands Government, unless terminated sooner.

Dated 22 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

Administration of Justice Ordinance
section 47

Appointment of Notaries Public

1. Section 47 of the Administration of Justice Ordinance 1949 provides that the Governor may appoint any person to be a notary public.

2. In exercise of my powers under section 47, I appoint:-

Matthew John Jackson; and
Zeynab Patel

to be Notaries Public.

3. These appointments have effect from the date of signature, and continue in effect whilst the appointees are employed by the Falkland Islands Government, unless terminated sooner.

Dated 22 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

Falklands Landholdings Corporation Ordinance 2000
section 4

**Appointment of Members to the
Falklands Landholdings Corporation Board**

1. Section 4(1)(e) and (f) of the Falklands Landholdings Corporation Ordinance 2000 provides for the Governor to appoint as members of the Falklands Landholdings Corporation Board one person nominated by the Rural Business Association and two members of the public.

2. In exercise of my powers under section 4(1)(e), and as nominated by the Rural Business Association, I appoint **Keith Andrew Knight** to be a member of the Falklands Landholdings Corporation Board.

3. In exercise of my powers under section 4(1)(f) I appoint **Rodney William Lee** to be a member of the Falklands Landholdings Corporation Board.

4. These appointments have effect from the date of signature below, and continue in effect for two years, unless terminated sooner.

Dated 24 November 2017

N. J. PHILLIPS C.B.E.,
Governor.

Application for Falkland Islands Status

Notice is hereby given that:

Ronald John MacLennan Baird;
Stephen Roger Fowmes;
Paula Jennifer Louise Fowmes;
Hazel Charlotte Maria Fowmes;
Connie Margaret Rose Fowmes;
Ross Munro Alan Peters; and
Martyn Liam Barlow

have applied through the Principal Immigration Officer for Falkland Islands Status to be granted by His Excellency 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 and Immigration Department, Stanley by 22 December 2017.

Dated 27 November 2017

J. E. SMITH,
Immigration Officer.

Application for Naturalisation

Notice is hereby given that **Ma. Rogie Alarde McLaren** is applying to His Excellency the Governor for naturalisation as a British Overseas Territories Citizen.

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 and Immigration Department, Stanley no later than 22 December 2017.

Dated 27 November 2017

J. E. SMITH,
Immigration Officer.

Customs Ordinance
section 7

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint **Cpl James Craig Trott** – 30219047 to be a temporary Customs Officer from 22 November 2017 to 23 May 2018.

Dated 29 November 2017

M. FLOYD,
Deputy Collector of Customs.

Register of Members' Interests

The information contained in this Register is provided by every member of the Legislative Assembly and the Attorney General in accordance with clause 22 of the Falkland Islands Legislative Assembly Standing Rules and Orders.

The information is current to 30 November 2017.

Information to be provided

Every member of the Legislative Assembly and the Attorney General is required to notify the Clerk of the Assembly of the following registrable interests:

1. Remunerated directorships, 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 Assembly 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 Assembly 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 or partner 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, or his spouse or partner has, to his knowledge, either solely, or with or on behalf of his spouse, partner or children under the age of 18 years, a beneficial interest in shareholdings of a nominal value greater than one percent of the issued share capital, or if less than one percent of more than £25,000.
10. Any relevant interest not covered by one of the main categories which falls within the main 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 Assembly or actions taken in his or her capacity as a Member of the Legislative Assembly 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 Assembly and the Attorney General notified the following interests.

Teslyn Siobhan Barkman

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 23 Rex Hunt Road, Stanley (private residence, no income gained). Partner, Nick Rendell, will own and manage and receive income from Bleaker Island Farm from 1 January 2018.
9. Partner, Nick Rendell, owns shares in Seafish Ltd but not over £25,000.
10. Partner, Nick Rendell, will be Environmental Officer until January 2018.

Stacy John Bragger

1. Nil
2. Member of Legislative Assembly
Falkland Islands Chamber of Commerce (pro-rata until notice period is served in February 2018)
Freelance presenter for Falklands Radio
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 4B Ross Road West, Stanley (no income gained)
9. Nil
10. Currently officially the secretary for the Falkland Islands Overseas Games Association. I have resigned and will be stepping down from the role.

Roger Anthony Edwards

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Lake Sullivan Farm, West Falkland
8 Sullivan Street, Stanley
20 Mink Park, Stanley
9. Nil.
10. One share in Falkland Farmers.

Barry Elsby

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Moody Brook House, Stanley (jointly-owned with my wife)
9. My wife, Bernadette Paver, owns a medical company ('Medica South') - I have no involvement with this company
10. My son has his own share in a building company in the Falkland Islands.

Ian Hansen

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 4-bedroomed house at Hill Cove (no income gained)
9. 500 shares in Seafish
10. Nil.

Mark John Pollard

1. Nil
2. Member of the Legislative Assembly
Sure South Atlantic Ltd (resignation notice handed in)
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 2 Kent Road, Stanley (no income gained)
9. Nil
10. Nil

Roger Spink

1. Nil
2. Member of the Legislative Assembly
Self-employed – Moody Enterprises
3. Supply of labour to Trant Engineering Ltd
4. Nil
5. Nil
6. Nil
7. Nil
8. 43 Whyke Marsh, Chichester, West Sussex PO19 8FA
9. Nil
10. 200 shares in Consolidated Fisheries Ltd
Chairman of Falkland Conservation (unremunerated)
YMCA board member (unremunerated)

Lucila Leona Vidal-Roberts

1. Nil
2. Member of the Legislative Assembly
Falklands Radio
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 1 Mountain View, Stanley (no income gained)
9. Nil
10. Nil

Barry Rowland

1. Director of Barry Rowland Consultancy
2. Chief Executive, FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. House in UK jointly-owned with spouse
9. Nil
10. Nil

James Wilson

1. Nil

2. Financial Secretary, FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. House in UK, owned outright and rented.
9. Nil
10. Nil

Rosalind Catriona Cheek

1. Nil
2. Law Commissioner
Acting Attorney General, Falkland Islands Government
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 32 Goss Road (jointly owned with my partner, Ian Ewen – no income gained)
9. 25 x £1 shares (25% of issued share capital) in Falklands Helicopter Services Ltd. My partner, Ian Ewen, separately has an identical shareholding with the company.
10. Nil.

Keith Biles

1. Nil
2. Speaker of the Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Pensioner – Standard Chartered Bank Pension Fund
Pensioner – UK State Pension Scheme
8. Joint Owner – House and land, 14 Kent Road
Joint Owner – House and land, New House Farm, East Falkland
Joint Owner – Apartment at 13 North Bank Street, Edinburgh, Scotland
9. Nil
10. Unremunerated:
Company Secretary – Energise Group Ltd
Director (Trustee) Falklands Conservation (a UK Limited Company and Registered Charity)
Share Holdings:
Minority shareholding: Energise Group Ltd,
Pecuniary Interest:
Décor Services Ltd.

Claudette Prior MBE

1. Nil
2. FIG pension
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 1 Goss Road, Stanley (no income gained)
9. Nil
10. Husband, Malcolm Prior, is the Estates Engineering officer at the King Edward VII Memorial Hospital.

Dated 30 November 2017

C. Y CLIFFORD,
Clerk of the Legislative Assembly.

Erratum

Falkland Islands Gazette - Volume 126

Gazette No 15 published on 31 October 2017, Appointments, listed the appointment of **Frederick David William Ramscar**, Director, Emergency Services Department on 29.09.17 in error, the correct date of appointment was 29.08.17.

Published at the Attorney General's Chambers, Stanley, Falkland Islands.
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FALKLAND ISLANDS GAZETTE

Supplement

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7 December 2017

No. 19

The following are published in this Supplement –

Coins (Circulation)(No 2)(Amendment) Order 2017 (SR&O No 33 of 2017); and

Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2017 (SR&O No 34 of 2017).

SUBSIDIARY LEGISLATION

Coins (Circulation) (No 2) (Amendment) Order 2017

S. R. & O. No: 33 of 2017

Made: 1 December 2017

Published: 7 December 2017

Coming into force: see article 2

I make this order under section 22 of the Currency Ordinance 1987.

1. Title

This order is the Coins (Circulation) (No 2) (Amendment) Order 2017.

2. Commencement

This order is deemed to have come into force on 27 October 2017.

3. Amendment of the Coins (Circulation) (No 2) Order 2017

The Coins (Circulation) (No 2) Order 2017 (SR&O No 30 of 2017) is amended by replacing the Schedule with the following new Schedule —

“SCHEDULE

Legal tender 50p circulation coins of the Falkland Islands – Christmas Themed

Type	Cupro Nickel – Diamond Finish
<i>Denomination</i>	50p
<i>Weight (grams)</i>	8.00
<i>Diameter (millimetres)</i>	27.30
<i>Fineness</i>	75% Cu 25% Ni
<i>Quality</i>	Circulation
<i>Shape</i>	Equilateral Curve Heptagon
<i>Edge</i>	Plain
<i>Edition</i>	8,450

<i>Mint</i>	Pobjoy Mint Ltd.
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.
<i>Obverse design</i>	Pobjoy Mint Effigy of HM Queen Elizabeth II.
<i>Reverse design</i>	The design depicts a King Penguin, a Macaroni Penguin, a Southern Rockhopper Penguin, a Magellanic Penguin and a Gentoo Penguin “carol singing” below a Christmas lantern. The native Falkland Islands Pale Maiden is shown in the surround. The word ‘CHRISTMAS’ appears at the top of the design with the value at the base.”

Made 1 December 2017

R. A. J. Mitham,
Acting Governor.

SUBSIDIARY LEGISLATION

TAXATION

Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2017

S. R. & O. No.: 34 of 2017

Made: 1 December 2017

Published: 7 December 2017

Coming into force: 1 January 2018

I make this order under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 on the advice of the Standing Finance Committee, as required by section 9A(1) of the Ordinance.

1. Title

This order is the Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2017.

2. Commencement

This order comes into force on 1 January 2018.

3. Interpretation

In this order —

“designated employer” means an employer listed in the Schedule;

“qualifying employee” means a person who —

- (a) satisfies the requirements of section 9A of the Ordinance; and
- (b) is employed by a designated employer;

“relevant employment” means —

- (a) employment only for the purpose of providing services in the Falkland Islands to either —
 - (i) Her Majesty's regular armed forces; or
 - (ii) the Ministry of Defence of Her Majesty's Government in the United Kingdom; or

(b) employment only for the purposes of providing services to persons who are themselves in relevant employment by virtue of paragraph (a) of this definition or by virtue of this paragraph of this definition;

“relevant income” means income from relevant employment; and

“retirement pension contributions” means contributions that an employee is required to pay under the Retirement Pensions Ordinance 1996.

4. Application

(1) Subject to article 5, a qualifying employee is exempt from liability under any law of the Falkland Islands to pay —

(a) income tax on relevant income from a designated employer; and

(b) retirement pension contributions in respect of that employment.

(2) The exemption applies whether the liability arises before or after this order comes into force.

5. Duration

Nothing in this order confers any exemption to pay either —

(a) income tax in relation to earnings after 31 December 2018; or

(b) retirement pension contributions in respect of employment after that date.

6. Condition: returns

(1) A designated employer must complete a return relating to the relevant income of qualifying employees.

(2) A return under this article must —

(a) include such particulars as the Commissioner may require;

(b) be lodged with the Commissioner of Taxes within 60 days from 31 December 2018.

(3) The particulars referred to under sub-article (2)(a) may include the accounts of the designated employer for the period when the relevant income was earned.

7. Revocation

The Taxes and Duties (Defence Contractors’ Employees Exemption) Order 2017 is revoked.

**SCHEDULE
DESIGNATED EMPLOYERS**

(article 3)

AAR International Inc.
Agrimarine Limited
Airbus DS Limited
Babcock Aerospace Limited
Babcock Communications Limited
BAE Systems (Military Air) Overseas Limited
British International Helicopter Services Limited
COLAS Limited
David Lomas Limited
Fujitsu Services Limited
Gifford Global Limited
Interserve Defence Limited
Mott MacDonald Limited
MPI Aviation Limited
Navy, Army and Air Force Institutes
Rhicon Piling Ltd
Satec Limited
Serco Limited
Services Sound and Vision Corporation
Sodexo Defence Services Limited
Trant Construction Limited
Van Wijngaarden Marine Services b.v.
VolkerStevin Services Limited
VVB Engineering Ltd
Westland Helicopters Limited

Made 1 December 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not part of the order)

Section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 gives the Governor power to make orders granting exemptions from income tax and retirement pension contributions to certain individuals engaged in defence-based employment.

This order means that employees who work for one of the designated employers listed in the Schedule are exempt from income tax and retirement pension contributions until the end of 2018, provided that they are engaged in relevant employment (as defined) and the other requirements set out in section 9A of the Ordinance are met.

The effect of section 21(1)(e) of the Medical Services Tax Ordinance 2010 provides that the earnings and benefits in kind that are exempt from income tax under this order are also exempt from Medical Services Tax.

The effect of this order is to replace the previous order and extend the life of the exemption (due to expire on 31 December 2017) for a further year ending on 31 December 2018.

Under section 9A, orders have to be made on the advice of the Standing Finance Committee subject to lawful conditions. The Standing Finance Committee advised that an obligation be imposed for companies to complete an employer's return which is provided for in article 6.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 28

15 December 2017

No. 20

The following are published in this Supplement –

Fisheries (Individual Transferable Quota Fees) Regulations 2017 (SR&O No 35 of 2017); and

Illex Fishing Licences (Applications, Fees and Refunds) Regulations 2017 (SR&O No 36 of 2017).

SUBSIDIARY LEGISLATION

Fisheries (Individual Transferable Quota Fees) Regulations 2017

S. R. & O. No. 35 of 2017

Made: 7 December 2017

Published: 15 December 2017

Coming into force: see regulation 2

I make the following regulations under section 35 of the Fisheries (Conservation and Management) Ordinance 2005 on the advice of Executive Council.

1. Title

These regulations are the Fisheries (Individual Transferable Quota Fees) Regulations 2017.

2. Commencement

These regulations come into force on 1 January 2018 and cease to have effect on 31 December 2018.

3. Interpretation

In these regulations —

“Director” means the Director of Fisheries; and

“ITQ” means Individual Transferable Quota.

4. Fees and Payment Schedule

(1) The fees set out under Schedule 1 are the total fees payable in respect of the entire Individual Transferable Quota granted to any company for the specified fisheries.

(2) The fees payable by each company holding ITQ in an established fishery are calculated by reference to the proportion of the total ITQ held by that company.

(3) A company holding ITQ in an established fishery must pay the applicable fees annually in respect of the calendar year for which ITQ has been granted to that company.

(4) The fees must be paid on or before the dates specified under Schedule 2.

**SCHEDULE 1
FISHERY FEES**
(*regulation 4(1)*)

Description of Fishery	Licence Code	Fees (£)
Finfish	A	1,129,012
Squid – Jig or Trawl	B	ITQ not currently granted
Squid (Summer)	C	2,240,100
Skate	F	247,121
Squid and Restricted Finfish	G	761,300
Restricted Finfish - Pelagic	S	60,419
Restricted Finfish	W	1,207,000
Toothfish – Longline	L	920,500
Squid (Winter)	X	4,454,000

**SCHEDULE 2
PAYMENT SCHEDULE**
(*regulation 4(4)*)

Description of Fishery	Licence Code	Payment Schedule
Finfish	A	Quarterly: 31 March, 30 June, 30 September, 17 December
Scallops		
Squid – Jig or Trawl	B	See B licence conditions
Squid (Summer)	C	30 June
Skate	F	Quarterly: 31 March, 30 June, 30 September, 17 December
Squid and Restricted Finfish	G	31 March and 30 June
Restricted Finfish - Pelagic	S	30 September and 17 December
Restricted Finfish	W	Quarterly: 31 March, 30 June, 30 September and 17 December
Toothfish – Longline	L	Monthly (beginning of each month)
Squid (Winter)	X	17 December

Made 7 December 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE

These Regulations are made under section 35 of the Fisheries (Conservation and Management) Ordinance 2005 which requires that sums (payable to the Crown) be prescribed for different companies in relation to the amount of ITQs held by those companies.

The fees for 2018 are set out under Schedule 1 and Schedule 2 (the Payment Schedule) indicates dates when payments are due in respect of all the different fishery licences.

Regulation 2 provides for the period within which these fees remain valid – which is from 1 January to 31 December 2018, as the fees are set annually.

Regulation 4 sets out the fees and how they are calculated as well as the dates or times when those fees are payable. These are specified under Schedules 1 and 2.

SUBSIDIARY LEGISLATION

***Illex* Fishing Licences (Applications, Fees and Refunds) Regulations 2017**

S. R. & O. No. 36 of 2017

Made: 7 December 2017

Published: 15 December 2017

Coming into force: see regulation 2

I make the following regulations under section 41 and section 223(2)(b) and (p) of the Fisheries (Conservation and Management) Ordinance 2005 on the advice of Executive Council.

1. Title

These regulations are the *Illex* Fishing Licences (Applications, Fees and Refunds) Regulations 2017.

2. Commencement

These regulations come into force on 1 January 2018 and cease to have effect on 31 December 2018.

3. Interpretation

In these regulations —

“Director” means the Director of Fisheries;

“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 location in which they or any species of fish or fish of any age, stage of maturity or size may be found;

“FIPASS” means the Falkland Interim Port and Storage System as defined under the Falkland Interim Port and Storage System Ordinance 1989;

“*Illex* fishing season” means the period between 15 February to 15 June in any given year;

“fishing waters” has the same meaning under the Ordinance;

“Licence Allocation Policy” means the policy relating to *Illex* fishing licences set by Executive Council from time to time;

“refund policy” means the policy approved by Executive Council from time to time and for purposes of these regulations is the policy set out under Schedule 2; and

“the Ordinance” means the Fisheries (Conservation and Management) Ordinance.

4. *Illex* fishing licences – applications and fees

(1) All applications for fishing licences must be made to the Director so as to reach the Director before **20 November 2017** or such earlier date as may be set by the Director and the Director is not bound to receive any application received after this date.

(2) The fees payable for an *Illex* fishing licence is determined by the formula set out under Part A of Schedule 1.

(3) The percentage of the fees and the period within which the fees are payable is specified under Part B of Schedule 1.

(4) When issuing fishing licences under these regulations the Director must take into account the Licence Allocation Policy.

5. Refund policy

(1) The Director in consultation with the Financial Secretary may, in any fishing season, implement the refund policy as set from time to time by Executive Council.

(2) In any assessment for a refund the Director may take into account the following —

(a) the average catch in any fishing season;

(b) the average catch value in any fishing season;

(c) the full season catch taken by all licensed vessels;

(d) the full high seas catches taken by all licensed vessels; or

(e) any other factors as may be relevant.

(3) The refund policy for the 2018 fishing season is set out under Schedule 2.

6. Exploratory licences

(1) The Director may issue such number of exploratory licences as may be appropriate to verify the presence of *Illex* in any fishing waters.

(2) The Director must specify the expiry date for each exploratory licence issued.

(3) The Director must set the fees payable for exploratory licences.

7. Transhipment and export fees

(1) No transhipment fees are payable —

- (a) for any fishing vessel with a valid fishing licence;
- (b) for any Falkland Islands fishing vessel; and
- (c) for any vessel transhipping at FIPASS where cargo is crossing the dock.

(2) The following must pay a transhipment fee of £1700 for the period January to December 2018 —

- (a) subject to subsection (1)(b), any fishing vessel that is transhipping outside the period of validity of the fishing licence;
- (b) a reefer vessel; or
- (c) any unlicensed vessel.

SCHEDULE 1 FISHERY FEES *(regulation 4)*

PART A Fee Formula

Jigging Vessels:

$$\text{Fee (£)} = \mathbf{£0.401 * (GT*(S+1.5D)) + 107250}$$

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

Trawling Vessels:

$$\text{Fee (£)} = \mathbf{(4.064*GT) + 116640}$$

GT = Gross Tonnage

PART B
Payment Periods and Proportion of Fee Payable

Payment Period	Proportion of Fee %
15 February – 15 March	5%
16 March – 15 May	80%
16 May – 15 June	15%
Total	100%

Explanatory Notes (for guidance only)

A minimum time period of 80% must be purchased.

****A 10% deposit must be paid before 26 January 2018**

Outstanding payments for each period must be paid (received by FIG's bank) at least 15 days in advance of the relevant fishing period.

Payments will be eligible for the ^early payment discounts set out below, providing the payment is made on time by the relevant date (for example in order to receive a 6% early payment discount on the full fee (100%), the entire fee would have to be received by FIG by 31 January 2018).

Letters of Credit must have an expiry date of **31 August 2018**. No other date will be accepted.

^early payment discounts are as follows:

6% for payment by 31 January 2018

5% for payment by 31 May 2018 *

4% for payment by 30 June 2018 *

*Payments can be held until these dates but must be guaranteed by an Irrevocable Letter of Credit or equivalent.

Vessel History Discount:

A discount of 1% per year is available for any season fished by the vessel in the last 10 years. The maximum discount which may be claimed is 10%.

SCHEDULE 2
PAYMENT SCHEDULE
(regulation 5(3))

2018 REFUND POLICY

(a) Licence Fee Refund Policy

In the event of a poor season the Falkland Islands Government will take account of the average catch in assessing refunds. The refund policy will be based on catch as follows:

Catch (MT)	Column A Percentage Refund based on catch volume only. For use where average catch > 1000 tonnes	Column B Percentage Refund using catch volume and value. For use where average catch < 1000 tonnes
> 1500	No refund	0%
1500 – 1250	No refund	10%
1249 – 1000	No refund	25%
999 – 750	40%	40%
749 – 500	50%	50%
499 – 250	70%	70%
< 250	90%	90%

Explanatory Notes (for guidance only)

Referring to the above table if the average catch is 1000 tonnes or exceeds that level there will not be any refund as set out in column A.

If the average catch is less than 1000 tonnes and taking account of catch value results in an ‘adjusted catch’ less than 1500 tonnes the refund levels set out in column B will apply.

An example of the adjusted catch value is set out in below.

(b) Licence Fee Refund Policy – Catch Value

The refund policy is intended to be linked to catch and catch value. The base price used to calculate the figures in the table at (a) above is \$936 per tonne (whole *Illex*). If the 2018 *Illex* price is higher than the current base rate this will be factored into the refund calculation. In any case where the average *Illex* price is above \$936 the calculation will be:

$$(Average\ Price\ \$ / \$\ 936) * Average\ Catch = Revised\ average\ catch\ for\ refund.$$

For example if the 2018 *Illex* price is \$3000 and the average catch is 400 tonnes the calculation will be:

$$(\$3000 / \$936) = 3.2$$

*Average catch (400 tonnes) * 3.2 = 1280 tonnes (This is the adjusted catch figure used for the refund calculation in column B of the table above).*

The adjustment will only be made if the price is above \$936. Price information will be collected from available sources.

(c) Refund Policy to take account of Full Season equivalent catch

The catch total used in the refund policy will take account of full season catches (15 February – 15 June). If the average catch of vessels fishing for 100% of the season exceeds 1000 tonnes there will be no refund for any vessels; including those which have fished for 80% of the season only and whose catches may be less than 1000 tonnes.

(d) Refund Policy to take account of High Seas Catches

The calculation of catch rates and totals in relation to the refund policy will take account of high seas catches taken by licensed vessels during 15 February – 15 June. Owners/operators of licensed vessels wishing to access the refund policy set out here in section 6 must provide catch reports for any days spent fishing on the high seas during the period of validity of their Falkland Islands fishing licence.

Owner/operators electing not to report high seas catches in accordance with the above may still be eligible for a refund but it is likely to be at a reduced rate compared to the refund policy calculation set out here (to be determined according to the relevant circumstances).

(e) Monitoring of Catch Levels

FIG will be the ultimate arbiter of catch levels and reserves the right to weight the assessment in favour of verified information. In order for this to work vessels may need to undergo additional inspections and give adequate notice of departure from the fishing zone etc.

This will be calculated on the basis of average vessel catch and not on an individual vessel basis.

The refund policy set out in regulation 5 will only apply to vessels which comply with the requirements of catch monitoring. A number of these are covered by mandatory requirements which in any case are covered by the Fisheries Ordinance and regulations, such as:

- Full and reliable catch reporting
- Other fishery monitoring reports (Fishcom/end etc)
- Embarkation of an observer if required
- Sufficient notice of intention to leave fishing zones to allow for inspection

Additionally, the refund policy set out above will only apply to fishing vessels which report high seas catches during the fishing season (15 February – 15 June) and conduct transshipment

operations in Falkland Island ports and harbours. Vessels not satisfying the criteria set out above will not ordinarily be eligible for a refund. If, in exceptional circumstances, it is determined that a vessel which has not complied should still receive a refund, that refund will be at a reduced rate (to be determined according to the relevant circumstances).

Made 7 December 2017

R. A. J. Mitham,
Acting Governor.

EXPLANATORY NOTE
(not part of these regulations)

These regulations are made under sections 41 and 223 of the Fisheries (Conservation and Management) Ordinance 2005.

Section 41(1) provides for applications and fees for a fishing licence. *Regulations 1 and 2* provide for introductory matters while *regulation 3* provides for interpretation of different words and phrases used within the regulations.

Regulation 4 provides for the application process including dates for making applications. It further provides for the fees and the formula; and this is set out under Schedule 1.

Section 223(2)(b) of the Ordinance provides that the Governor may make regulations for the refund of fees, charges or levies payable under any provision of the Ordinance. *Regulation 5* provides for the manner of making refunds and this is set out under Schedule 2 and it is based on a refund policy approved by Executive Council.

Regulation 6 provides for exploratory licences which give effect to section 42 of the Ordinance which deals with licences that may be issued for research purposes.

Regulation 7 provides for transshipment and export fees and under subsection (2) sets the fee at £1700 for any unlicensed fishing vessel, any fishing vessel (not being a Falkland Island vessel) that transships outside the validity of a licence as well as any reefer vessel. A Falkland Islands fishing vessel is exempted from paying any transshipment fees as well as any vessel with a valid fishing licence. Fishing vessels transshipping through FIPASS are also excluded from paying any transshipment fees.



FALKLAND ISLANDS GAZETTE

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31 December 2017

No. 18

Appointment

Samantha Helen Chapman, Primary School Teacher, Infant and Junior School, Education Department, 01.12.17.

Iain Nicoll Robertson, Director of Development and Commercial Services, Central Services Department, 05.12.17.

Simon David Young, Attorney General, Law and Regulation Directorate, 11.12.17.

Completion of contract

Alexander Moreton, Senior Staff Nurse, Health and Social Services Department, 04.12.17.

Matthew Grahame Aston, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 07.12.17.

Judith Carolyn Westerman, School Nurse, Health and Social Services Department, 31.12.17.

Renewal of contract

Alexander Moreton, Senior Staff Nurse, Health and Social Services Department, 05.12.17.

Matthew Grahame Aston, Senior Police Constable, Royal Falkland Islands Police, Emergency Services Department, 08.12.17.

Resignation

Karen Minto, Public Relations and Media Assistant, Policy Department, 04.12.17.

Brenda Berntsen, Prison Officer, Emergency Services Department, 10.12.17.

Caitlin Whitney, Learning Support Assistant, Infant and Junior School, Education Department, 15.12.17.

Matthew Eccles, Deputy Engineering Manager, Health and Social Services Department, 22.12.17.

Anika Jaffray, Accounting Assistant, Treasury, 31.12.17.

Transfer

Georgina Anderson-Smith, from Assistant Taxation Officer, Tax Office to Accounting Assistant, Treasury, 01.12.17.

Cara Jane McGill, from Learning Support Assistant, Infant and Junior School, Education Department to Carer, Health and Social Services Department, 16.12.17.

NOTICES

No. 126

30 November 2017

Immigration Ordinance 1999

section 3

Appointment of Acting Principal Immigration Officer

1. Section 3(1) of the Immigration Ordinance 1999 provides that the Governor shall appoint a public officer to be the Principal Immigration Officer.

2. In exercise of my powers under section 3(1) of the Immigration Ordinance 1999, I appoint **Barry Alan Rowland** to be Acting Principal Immigration Officer for the purpose of carrying out the duties of the Principal Immigration Officer.

3. This appointment is for the period 11 November 2017 to 7 January 2018, unless terminated sooner.

Dated 30 November 2017

R. A. J. MITHAM,
Acting Governor.

No. 127 30 November 2017

Taxes Ordinance 1997
section 57B(2)

Approved list of charities

1. Section 57B(2) of the Taxes Ordinance provides for a list of eligible charities to be approved by the Governor for the purpose of section 57A of the Taxes Ordinance.

2. I give notice that the following list of eligible charities has been approved for tax deduction purposes (any previous approved list and amendment to it is now wholly replaced):

<u>Charity name:</u>	<u>Domicile:</u>	<u>Charity no:</u>
	<u>England and Wales</u>	
Falklands Conservation		1073859
Great Ormond Street Hospital Children's Charity		207318
Haig Housing Trust		1125556
United Kingdom Falkland Islands Trust		282786
British Wireless for the Blind Fund		1078287
Royal British Legion		219279
Corona Worldwide		204802
New Island Conservation Trust		1047676
EveryChild		1089879
Plan International UK		276035
South Atlantic Medal Association (1982) (SAMA 82)		1118842
National Society for the Prevention of Cruelty to Children		216401
Motor Neurone Disease Association		294354
WWF-UK		1081247
Royal Society for the Protection of Birds		207076
National Trust for Places of Historic Interest or Natural Beauty		205846
Cancer Research UK		1081247
Falklands Veterans Foundation		1094950
Services Sound and Vision Corporation		233480
Help for Heroes		1120920
International Agency for the Prevention of Blindness		1100559
United Kingdom Antarctic Heritage Trust		1160847
Royal Navy Association		266982
Disasters Emergency Committee		1062638
Royal National Lifeboat Institution		209603
Gurkha Welfare Trust		1103669
Compassion UK Christian Child Development		1077216
South Atlantic Environmental Research Institute		1173105
	<u>Scotland</u>	
South Georgia Heritage Trust		SC036819
	<u>Austria</u>	
SOS Children's Village International		83115702

Dated 30 November 2017

R. A. J. MITHAM,
Acting Governor.

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. Written evidence from the charity of the total amount of donations made to the charity in the calendar year must be provided to the Commissioner of Taxes.

Approved charities are:- (a) bodies which are registered as a charity under the Charities Act 1960 as it applies to the Falkland Islands; and (b) any body of persons or trust 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. 128

1 December 2017

Twigworth Trading Company Limited
Company Number: 11259

Notice is hereby given that the above named company was struck off the Register of Companies pursuant to section 652A of the Companies Act 1985 on 1 December 2017.

Dated 1 December 2017

E. J. DENT,
Registrar of Companies.

No. 129

12 December 2017

Falkland Islands Constitution Order 2008
section 84(4)

Appointment of Attorney General

1. Section 84(4) of the Falkland Islands Constitution Order 2008 (SI 2008/2846) provides that the power to appoint to the office of Attorney General is vested in and shall be exercised by the Governor.

2. In exercise of my powers under section 84(4), I appoint **Simon David Young** to be Attorney General.

3. This appointment has effect from 11 December 2017 and continues in effect until the completion of the said Simon David Young's contract of employment with the Falkland Islands Government or as earlier determined.

Dated 12 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 130

12 December 2017

Law Revision and Publication Ordinance 2017
section 4

Appointment of Acting Statute Law Commissioner

1. Section 4 of the Law Revision and Publication Ordinance provides for the Governor to appoint a Statute Law Commissioner to discharge the functions of the Ordinance.

2. In exercise of my powers under section 4 of the Law Revision and Publication Ordinance I appoint **Simon David Young** to be Acting Statute Law Commissioner if the substantive holder of the post is unable for any reason fully to discharge the duties or exercise the powers under the Ordinance.

3. This appointment has effect from 11 December 2017, and continues in effect whilst Simon David Young holds office as Attorney General of the Falkland Islands Government, unless terminated sooner.

Dated 12 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 131

12 December 2017

Registration Ordinance 1949
section 4
Falkland Islands Constitution Order 2008
article 6

Appointment of Acting Registrar General

1. In exercise of my powers under section 4 of the Registration Ordinance 1949 and article 6 of the Falkland Islands Constitution Order 2008 (SI 2008/2846), I Nigel James Phillips, Governor of the Falkland Islands hereby appoint **Simon David Young** to be Acting Registrar General to discharge the functions and duties of the post of Registrar General whenever the substantive holder of the post of Registrar General is unavailable to discharge the same through absence from the Falkland Islands or inability to perform the functions and duties of the post.

2. This appointment has effect from 11 December 2017, and continues in effect until the expiry of the contract of employment of Simon David Young with the Falkland Islands Government, unless terminated sooner.

Dated 12 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 132

12 December 2017

Commissioner for Oaths Ordinance 1969
section 2
Administration of Justice Ordinance 1949
section 47
Marriage Ordinance 1996
section 25

Appointments – Simon David Young

1. I appoint **Simon David Young** to be —

Commissioner for Oaths under section 2 of the Commissioners for Oaths Ordinance 1969;

Notary Public under section 47 of the Administration of Justice Ordinance 1949; and

Registrar for marriages generally under section 25 of the Marriage Ordinance 1996.

2. These appointments have effect from 11 December 2017 and continue in effect until the expiry of the contract of

employment of Simon David Young with the Falkland Islands Government, unless terminated sooner.

Dated 12 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 133

14 December 2017

Falkland Islands Sheepowners Association Limited
Company Number: 6465

Take notice that in accordance with the provisions of section 652A of the Companies Act 1985, 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 14 December 2017

E. J. DENT,
Registrar of Companies.

No. 134

15 December 2017

Museum and National Trust Ordinance 1991
section 4(1)

Appointment of Trustee to Museum and National Trust

1. Section 4(1) of the Museum and National Trust Ordinance 1991 provides that the Governor shall appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) of the Museum and National Trust Ordinance, I appoint **Timothy John Durose Miller** to be a Trustee of the Museum and National Trust from 17 December 2017 to 17 December 2020.

3. This appointment has effect as indicated above and continues in effect unless terminated sooner.

Dated 15 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 135

15 December 2017

Falkland Islands Pensions Scheme Ordinance 1997
section 5

Appointment of Member to the Pensions Board

1. Section 5(1) of the Falkland Islands Pensions Scheme Ordinance 1997 provides that the Governor shall appoint members to the Pensions Board.

2. In exercise of my powers under section 5(2)(b), after consultation with the Chamber of Commerce as representatives of employers, I appoint **Stephen Roger Fowmes** to be a

member of the Pensions Board from 1 January 2018 to 31 December 2021.

3. This appointment has effect and continues in effect as detailed in paragraph 2 above and in accordance with the Falkland Islands Pensions Scheme Ordinance, unless terminated sooner.

Dated 15 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 136 19 December 2017

Children (Amendment) Ordinance 2017
section 2

Commencement Notice

1. Section 2 of the Children (Amendment) Ordinance 2017 (No. 17 of 2017) provides that the Ordinance comes into force on a day appointed by the Governor by notice published in the *Gazette*.

2. I give notice that the Ordinance will come into force on 1 January 2018.

Dated 19 December 2017

N. J. PHILLIPS C.B.E.,
Governor.

No. 137 19 December 2017

Application for Permanent Residence

Notice is hereby given that:-

Carlin Paul Yon;
Megan Tierney;
Kevin John Ironside;
Kayshai Shanece Reynolds; and
Marc Colin Phillips

have applied to the Principal Immigration Officer to be granted Permanent Residence Permits.

Any person who knows of any reason why a permit should not be granted to any of the above named should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley by 26 January 2018.

Dated 19 December 2017

J. E. SMITH,
Immigration Officer.

No. 138

20 December 2017

Land Ordinance 1949
section 11A

Notice of Application for Vesting Deed

Notice is given that **Jennifer Carol Forrest** of 16 Kent Road, Stanley, Falkland Islands has made application in accordance with section 11A of the Land Ordinance to have executed in her favour a Vesting Deed of land in Stanley, Falkland Islands measuring approximately 104.12 square metres forming part of Crown Grant 49 bounded on the east by the public road known as Hebe Street for a distance of 7.6 metres and bounded on the south by the property owned by Jennifer Carol Forrest known as 12 Hebe Street for the distance of 13.7 metres.

The applicant's statutory declaration may be inspected by any person at the Registrar General's Office, Town Hall, Stanley during normal working hours for 30 days following the date of publication of this notice.

Notice is given that any person objecting to the vesting of title to the land in the application may, within 30 days following publication of this notice, lodge a notice in writing, specifying the grounds for objection, delivered to the Registrar General.

Notice is hereby given that unless any objection has been received within 30 days following the publication of this notice the Registrar General under the terms of section 11A of the Land Ordinance will execute in favour of Jennifer Carol Forrest a Vesting Deed of the said land.

Dated 20 December 2017

E. J. DENT,
Registrar of Companies.