



FALKLAND ISLANDS GAZETTE

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31 January 2021

No. 1

Appointment

Kirsty Erin Bailey, Secondary Teacher – Physical Education, Falkland Islands Community School, Education Department, 30.12.20.

Chris John Barnard, Secondary Teacher – Music, Falkland Islands Community School, Education Department, 30.12.20.

Oluwagbenga Oluwaseyi Joseph, Secondary Teacher – Maths, Falkland Islands Community School, Education Department, 30.12.20.

Daniel Benjamin Clark, Senior Police Constable, Royal Falkland Islands Police, Emergency Services and Island Security Department, 07.01.21.

Fiona Anusha Molligoda Smyth, Secondary Teacher – Physical Education, Falkland Islands Community School, Education Department, 08.01.21.

Charlotte Susannah Wells, Senior Public Policy Adviser, Policy and Economic Development Department, 08.01.21.

Jolien Claes, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 19.01.21.

Emma Jane Fulton, Senior Justices Clerk and Registrar, Head of Courts, Development and Commercial Services Department, 19.01.21.

David Ian Livermore, Management Accountant, Treasury, 19.01.21.

Layla Jane Andrews, Learning Support Assistant, Falkland Islands Community School, Education Department, 22.01.21.

April Samantha Miller, Learning Support Assistant, Falkland Islands Community School, Education Department, 22.01.21.

Helen Louise Davies, SHIELD Co-ordinator, Falkland College, Education Department, 31.01.21.

Completion of contract

Anita Bhatti, Secondary Teacher – ICT/Computing, Falkland Islands Community School, Education Department, 31.12.20.

Callum John Vale, Fisheries Protection Officer, Fisheries, Natural Resources Department, 31.12.20.

Jamie Morris, Secondary Teacher – Design Technology, Falkland Islands Community School, Education Department, 09.01.21.

Jordan Michael Brewin, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 26.01.21.

Vasana Tutjavi, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 27.01.21.

Christina Marie Watson, Principal of Secondary, Falkland Islands Community School, Education Department, 28.01.21.

Renewal of contract

Anita Bhatti, Secondary Teacher – ICT/Computing, Falkland Islands Community School, Education Department, 01.01.21.

Jordan Michael Brewin, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 27.01.21.

Vasana Tutjavi, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 28.01.21.

Resignation

Keelan Shaun Fiddes, Carpenter, Property and Municipal Section, Public Works Department, 01.01.21.

Peter Owen Bond, Plant Operator/Handyperson, Highways Section, Public Works Department, 18.01.21.

Shirley Adams-Leach, Secondary Teacher - Music, Falkland Islands Community School, Education Department, 22.01.21.

Transfer

Meghan Alexandra Law, from Administrative Assistant, Legislature Department, to Executive Assistant, Executive Management Department, 04.01.21.

Alanis Bjork Sanchez, from Apprentice - Business Administration, Falkland College, Education Department, to Administration Assistant, Legislature Department, 04.01.21.

NOTICES

No. 1

5 January 2021

Public Accounts Committee Ordinance 2009 *section 7*

Register of Members' Interests

The information contained in this Register is provided by members of the Public Accounts Committee in accordance with section 7 of the Public Accounts Committee Ordinance.

The information is current to 31 December 2020.

Particulars of Interests:

1. Remunerated directorships and whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

Director Chamber of Commerce (unremunerated)

Alexander John Michel Cleminson:

None

2. Remunerated employment, office or profession

Andrew Raymond Newman:

Argos Limited - Manager

Argos Operations Ltd (Gibraltar) – Manager

FIG FI Fire & Rescue Service – Crew Manager

MLA Barry Elsby:

Full Time MLA

Non practising Doctor

MLA Teslyn Siobhan Barkman:

Full Time MLA

Owen Betts:

OK Haulage – Self Employed

KDF Plant Hire Ltd

Alexander John Michel Cleminson:

Full Time Senior Policy Officer with Royal Society for the Protection of Birds

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 Public Accounts Committee might have been or might be influenced by the client's interests

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

None

Alexander John Michel Cleminson:

None

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

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

In receipt of CDS funding for online degree course

Owen Betts:

None

Alexander John Michel Cleminson:

Sponsorship benefit to compete in Island Games 2019: Direct sponsorship for squash team: Lifestyles, Décor Services and indirect sponsorship via FIODA from FIG, Argos Group, FIC and Caribbean Alliance

5. Gifts, benefits and hospitality

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

None

Alexander John Michel Cleminson:

None

6. Overseas visits relating to or arising out of membership of the Public Accounts Committee where the cost of any such visit has not been borne wholly by the member or out of the Falkland Islands public funds

Andrew Raymond Newman:

None

MLA Barry Elsby:

Visit to PAC conference in Jamaica 2017 funded by Commonwealth Parliamentary Association

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

UK OT Project Oversight of Public Finances London Forum December 2019

Alexander John Michel Cleminson:

None

7. Any gifts or material benefits or advantages received by the member or the member's spouse from or on behalf of overseas Governments, organisations or persons

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

None

Alexander John Michel Cleminson:

None

8. Land or property of a substantial value or from which a substantial income is gained

Andrew Raymond Newman:

None

MLA Barry Elsby:

Own house and land used by us not rented

MLA Teslyn Siobhan Barkman:

Residential property and land at 23 Rex Hunt Road

Owen Betts:

19 Biggs Road, owned not rented

Alexander John Michel Cleminson:

House in Cambridge, UK, currently rented out

9. The names of companies or other bodies in which the member has, to his knowledge either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholding of a nominal value greater than one percent of the issued share capital or less than one percent and more than £25,000.00

Andrew Raymond Newman:

None

MLA Barry Elsby:

None

MLA Teslyn Siobhan Barkman:

None

Owen Betts:

None

Alexander John Michel Cleminson:

None

10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Public Accounts Committee 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)

Andrew Raymond Newman:

None

MLA Barry Elsby:

Spouse runs a company called Medica South for which I have no involvement and receive no remuneration from it

MLA Teslyn Siobhan Barkman:

Son has an interest in the Bleaker Island business

Owen Betts:

None

Alexander John Michel Cleminson:

Spouse works for Falklands Conservation
Volunteer with Shallow Marine Surveys Group

Dated 5 January 2021

N. LOCKE,
Secretary, Public Accounts Committee.

No. 2

13 January 2021

Customs Ordinance 2003
section 7

Appointment of Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I hereby confirm the appointment of **Cpl Samuel Robson-Rodriguez – 30005806** as a temporary Customs Officer with effect from 30 October 2020 to 8 April 2021.

Dated 13 January 2021

R. J. KING,
Collector of Customs

No. 3

19 January 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Barry Thacker** to be a Registrar for the purposes of the marriage of Robert Morgan Lewis and Helen Claire Hemmens scheduled to take place at the Malvina House Hotel on 13 February 2021 at 1pm.

Dated 19 January 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 4

19 January 2021

Planning Ordinance 1991
section 63

**Appointment of Additional Members
of Planning and Building Committee**

1. Section 63(2) of the Planning Ordinance 1991 provides that the Governor may appoint persons appearing to him to have a special knowledge of or interest in buildings of architectural or historic interest to be additional members of the Planning and Building Committee.

2. In exercise of my powers under section 63(2) I appoint:-

Andrea Joanna Barlow;
Sally Gwynfa Blake;
Mark Ian Gilbert; and
Joost Herman Willem Pompert

to be additional members of the Planning and Building Committee for the purposes of its functions under sections 64 to 72 and sections 93, 94, 97(1) and 99 of the Ordinance.

3. These appointments have effect from the date given below, and continue in effect until 30 April 2024, unless terminated sooner.

Dated 19 January 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 5

25 January 2021

Administration of Justice Ordinance 1949
section 45

Appointment of Registrar of the Supreme Court

1. Section 45 of the Administration of Justice Ordinance 1949 provides for a Registrar of the Supreme Court and such other officers as shall from time to time be necessary for the administration of justice to be appointed by the Judge of the Supreme Court with the approval of the Governor.

2. In exercise of my powers under section 45 of the Administration of Justice Ordinance 1949, and with the approval of the Governor, I appoint **Emma Jane Fulton** to be Registrar of the Supreme Court.

3. This appointment has effect from 19 January 2021 until 17 July 2022, unless terminated sooner.

Dated 25 January 2021

J. T. LEWIS Q.C.,
Chief Justice of the Supreme Court.

No. 6

25 January 2021

British Nationality Act 1981
section 18

Application for Naturalisation

Notice is hereby given that:-

Angelito Lastra; and
Shazelle Monita Sukhnarain,

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 to either of the people named above is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

Dated 25 January 2021

J. E. SMITH,
Immigration Officer.

Criminal Procedure Rules 2018*rule 2.2***Appointment of Court Officer**

1. In accordance with the Criminal Procedure Rules 2018, I hereby exercise my power to appoint **Emma Jane Fulton** to be Court Officer for the purposes of rule 3.12(2) of the Criminal Procedure Rules 2018.

2. This appointment has immediate effect.

Dated 26 January 2021

J. T. LEWIS Q.C.,
Chief Justice of the Supreme Court.

Administration of Justice Ordinance 1949*section 32***Appointment of Clerk to the Magistrate's Court**

1. Pursuant to section 32 of the Administration of Justice Ordinance 1949 and with the approval of the Governor, I hereby exercise my power to appoint **Emma Jane Fulton** to be Clerk to the Magistrate's Court.

2. This appointment has immediate effect and remains in effect until 17 July 2022.

Dated 27 January 2021

S. L. WHITBY,
Senior Magistrate.

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Andrew William Dawson** to be a Registrar for the purposes of marriages 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 Andrew William Dawson with the Falkland Islands Government, unless terminated sooner.

Dated 27 January 2021

N. J. PHILLIPS C.B.E.,
Governor.

Medical Practitioners, Midwives and Dentists Ordinance 1914*section 4***Registered Medical Practitioners, Midwives and Dentists**

In accordance with section 4 of the Medical Practitioners, Midwives and Dentists Ordinance 1914 the names and qualifications of registered medical practitioners, midwives and dentists are published:

Doctors

Mr Ahmad Cheema MBBS FRCS
Dr Rebecca Edwards MBBS DRCOG DFRH
Dr Mukhtar Uqaili MBBS MRCGP(Int) MCPS DPH
Dr Arthur Allison BSc MBChB FRCA
Dr Maciej Stronczak MD
Dr Belle Song MD GP
Dr Mandy Fry MBBS Mphil DGH DFFP FRCGP
Dr Oscar Varas MD
Dr David Edwards-Moss MBBS DTM&H
Dr Bernadette M Paver MBBS MRCGP DPD DOccMed
Dr Michael Hof MD PhD
Dr Ryan Jackson MBBS MRCGP
Dr Richard Smith FRCP MBBS
Mr Alasdair Mace MBBS DLO FRCS
Mr Matthew Hayes BM DM FRCS FRCS (Urol)
Dr Richard Davidson MBBS FRCA
Dr Rosasharn Browne MBBS DRCOG MRCGP
Dr Douglas Johnson BMBS MRCS MRCGP
Dr Ryhys Cottle MBBS MRCP
Dr Emma Browne MBBch
Dr James Hickman MBBS DRCOG FRCGP
Mr Sean Woodcock MBBS MS FRCS
Dr Mary Whittle MB Bch BAO MRCPsych Dip Criminology
Dip Forensic Psy
Dr Aoife Ni Mhaoileoin MBBch BAO
Dr Calum Johnston MBChB
Dr Cath Livingstone FRCA
Mr Peter Reemst MD
Prof James Vesty DM FRCP
Dr Chris Richard MBChB
Dr Gerard Bulger MBBS MRCGP
Dr David Ames MBChB MRCGP
Dr Mark Oliver FRCA
Dr Clare Frost MBChB MRCGP DRCOG
Dr Catriona Duncan MBChB FRCA
Dr Neil Williams MBChB FRCA
Dr Jamie Mackinnon (Trainee GP) MD

Dentists

Mr Dan Archer BDS MBBS LRCP MRCS FDSR FRCSR
Dr Graeme Neillands BDS MFCDP DCS
Dr Ina Belova BDS
Dr David Holding BDS

Midwives

Mrs Mandy Heathman SRN SCM
Mrs Claire Louise Young RM
Beauller Manomano RM

Dated 27 January 2021

R. E. EDWARDS,
Chief Medical Officer.

Index of Retail Prices

The Retail Price Index for the quarter ended 31 December 2020 has now been completed.

The Index has decreased by 0.4% to 103.851. The change in the Index over the year to 31 December 2020 has been -2.0%.

<i>Date</i>	<i>Index</i>	<i>Annual change</i>	<i>Quarterly change</i>
31.12.2019	106.013	+1.1%	-0.0%
31.03.2020	106.041	+0.7%	+0.0%
30.06.2020	102.921	-2.8%	-2.9%

30.09.2020	104.301	-1.7%	+1.3%
31.12.2020	103.851	-2.0%	-0.4%

Very low fuel prices keep having a strong deflationary pressure on the Index. When fuel items (as well as electricity, whose price directly depends on fuel prices) are excluded from the basket of goods, the quarterly and annual changes in the Index are, respectively, +0.5% and +1.3%.

Dated 29 January 2021

D. RANGHETTI,
for Director of Policy and Economic Development.



FALKLAND ISLANDS GAZETTE

Extraordinary

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No. 2

NOTICES

No. 12

4 February 2021

Infectious Diseases Control (Coronavirus) (No 2) Regulations 2020

*(S. R. & O. No 9 of 2020)
regulation 4(2)*

Declaration of Emergency Period – Specified Areas

The Infectious Disease Control (Coronavirus) (No 2) Regulations 2020 came into force on 5 May 2020, but do not have effect until a relevant declaration is made under them.

1. I make this declaration under regulation 4(2) of the Infectious Disease Control (Coronavirus) (No 2) Regulations 2020, having consulted with the Chief Medical Officer in accordance with regulation 4(4).

2. I declare that I am of the view that:

(a) the incidence and transmission of coronavirus constitutes a serious and imminent threat to public health in the Falkland Islands; and

(b) the power contained in regulations 11 (restrictions on movement) and 12 (restrictions on movement – specified areas) will be an effective means of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in the Falkland Islands.

3. This declaration has effect to start an emergency period (on publication of this declaration online in accordance with regulation 4(3)*).

4. During the emergency period, this declaration has effect to apply regulations 11 and 12 to the areas of the Falkland Islands listed in the Schedule.

5. The emergency period will end at 11.59pm on 17 February 2021.

6. For the avoidance of doubt, the specified areas described in the Schedule include any public highways or other roads within them, but do not include any roads outside the areas, whether or not the main purpose of those roads is to connect any of the areas

7. In accordance with regulation 5, this declaration will be reviewed on or before 11 February 2021.

SCHEDULE

Specified areas of the Falkland Islands which are subject to restrictions on movement:

The areas known as:

Mount Pleasant Complex;

Head Quarters British Forces South Atlantic Islands, which lies south of the Mount Pleasant Complex;

East Cove Military Port / Mare Harbour Naval Port, including the Petroleum Storage Depot and West Jetty;

RADCON, which lies adjacent to the MPA Road;
Mount Alice Remote Radar Head – West Falkland;
Mount Byron Remote Radar Head – West Falkland;
Mount Kent Remote Radar Head – East Falkland; and

Fox Bay Remote Helicopter Refuelling Site – West
Falkland.

Dated 4 February 2021

N. J. PHILLIPS C.B.E.,
Governor.

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FALKLAND ISLANDS GAZETTE

Supplement

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No. 1

The following are published in this Supplement —

Falkland Islands Environment Trust Bill 2021; and

Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 (SR&O No 1 of 2021).

Falkland Islands Environment Trust Bill 2021

(ORDINANCE No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - PRELIMINARY

1. Title and commencement
2. Interpretation

PART 2 - ESTABLISHMENT, FUNCTIONS AND BOARD

3. The Trust
4. Purpose of Trust
5. Functions of Trust
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Schedule 1 - Additional provisions relating to the Trust and Board

Schedule 2 - Matters to be included in policy

Falkland Islands Environment Trust Bill 2021

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

A BILL

for

AN ORDINANCE

To establish the Falkland Islands Environment Trust, responsible for managing payments received from contributors; to provide for applications for funding by persons engaging in an activity that promotes environmental management, and conservation and enhancement of the environment for the benefit of the Falkland Islands; and to provide for connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - PRELIMINARY

1. Title and commencement

(1) This Ordinance is the Falkland Islands Environment Trust Ordinance 2021.

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

2. Interpretation

In this Ordinance —

“**activity**” means an activity that a person engages in or intends to engage in, that promotes or advances the purpose of the Trust stated in section 4;

“**biodiversity**” means the variety of genes, species and ecosystems in the environment;

“**Board**” means the Board of Trustees appointed under section 7;

“**Chief Executive**” means the Chief Executive referred to in section 83 of the Constitution;

“**contributor**” means a person who makes a payment to the Trust;

“**controlled waters**” has the same meaning as given in the Offshore Minerals Ordinance 1994;

“**environment**” means the natural environment of the Falkland Islands including the controlled waters;

“**financial year**” means the twelve months ending on the thirtieth day of June in any year;

“**MLA**” means an elected Member of the Legislative Assembly;

“**offsetting payment**” means a payment made to the Trust to compensate for negative impacts on the environment which were caused by or resulted from that contributor’s operations;

“**payment**” means an offsetting payment, a gift or any other contribution to the Trust whether monetary or not;

“**Secretary**” means the Secretary of the Trust appointed under section 17;

“**special funds**” means a payment that is made subject to a condition that the money is to be used in a particular manner or for a particular purpose;

“**Trustee**” means a member of the Board; and

“**the Trust**” means the Falkland Islands Environment Trust established under section 3.

PART 2 - ESTABLISHMENT, FUNCTIONS AND BOARD

3. The Trust

- (1) There is established the Falkland Islands Environment Trust.
- (2) The Trust is a body corporate and may sue or be sued in its own name.

4. Purpose of Trust

- (1) The purpose of the Trust is to receive and manage payments to be used for the support of persons engaged in or who intend to engage in the conservation, management and enhancement of the environment for the benefit of present and future generations of the Falkland Islands.
- (2) Without limiting the generality of subsection (1), the Trust may support persons engaged in activities that —
 - (a) offset negative environmental impacts;
 - (b) benefit biodiversity; or
 - (c) are incidental to activities set out in paragraphs (a) or (b).
- (3) The Trust must ensure that special funds are used for the purpose requested by the contributor.
- (4) The Trust must consider Government policies and contributors’ priorities in carrying out the purposes of the Trust.

5. Functions of Trust

- (1) Subject to subsection (2), the Trust has the following functions —

- (a) receive and assess applications for funding under this Ordinance;
- (b) award grants to applicants that qualify for funding under this Ordinance;
- (c) monitor and support a person engaged in an activity for which the Trust has awarded a grant;
- (d) keep records of all the money that is received and paid out as grants;
- (e) accept payments for the purposes of the Trust;
- (f) acquire and dispose of property;
- (g) employ on such terms as it thinks fit, any person to discharge any of the purposes of the Trust;
- (h) engage persons, whether or not for reward, on such terms as the Trust considers necessary, to advise in relation to, or to discharge, any of the functions of the Trust;
- (i) accept the services of any person upon secondment by their employer on such terms as may be agreed between the Trust and that employer;
- (j) invest surplus funds in an interest bearing account in the Falkland Islands or, with the consent of the Governor, in another location;
- (k) open and maintain bank accounts in the Falkland Islands and, with the consent of the Governor, overseas;
- (l) provide advice to the Government and others on the purposes of the Trust; and
- (m) promote interest and knowledge in the purposes of the Trust.

(2) The Trust must not expend or commit the expenditure for any of its purposes beyond funds currently available to it or which will, to the knowledge of the Trust, be available to it before the expenditure in question falls to be met.

(3) The Trust may borrow money for any of the purposes set out in subsection (1) with the consent of, and only on terms and conditions approved by the Governor.

6. Board of Trustees

- (1) The management of the affairs of the Trust will be carried out by the Board of Trustees.
- (2) The Board may authorise a person referred to in section 5(1)(g) and (h) to exercise any of the functions of the Trust.
- (3) Subsection (2) does not prevent the Board from carrying out the function itself.

7. Trustees

- (1) The Board will be composed of not less than seven and not more than nine Trustees appointed by the Governor as follows —

- (a) a Chairperson who has an interest in, and experience and knowledge of, the Falkland Islands environment;
 - (b) one person from a list of persons nominated by contributors;
 - (c) one person to represent the Government, who is either a public officer nominated by the Chief Executive or an MLA nominated by the MLAs collectively; and
 - (d) the rest of the Trustees being people who will promote the purposes of the Trust, who have an interest in the Falkland Islands environment and who have skills that include but are not limited to skills in science, management, finance, administration, law and environmental conservation.
- (2) The Governor may not appoint a person under subsection (1)(a), (b) or (d), who has —
- (a) subject to Part 29 (Rehabilitation of offenders) of the Criminal Procedure and Evidence Ordinance 2014, been —
 - (i) sentenced to a custodial sentence for a period of three months or more; or
 - (ii) convicted of an offence involving dishonesty;
 - (b) been removed as a Trustee by an order of court for reasons of misconduct in connection with that trust; or
 - (c) been adjudged bankrupt.
- (3) A Trustee is eligible for reappointment at the end of their term of office.

8. Additional provisions relating to the Trust and Board

- (1) Additional provisions relating to the Trust and Board are set out in Schedule 1.
- (2) The Governor may amend Schedule 1 by regulations made under section 20.

PART 3 - PAYMENTS AND APPLICATIONS FOR FUNDING

9. Payments by contributors

- (1) Any person may make a payment to the Trust for any of its purposes set out in section 4.
- (2) Payment may be a lump sum or be made periodically in instalments.
- (3) A contributor of special funds may specify how a payment under subsection (1) should be used.
- (4) A contributor may claim a refund of special funds that are not used in accordance with the specification of the contributor.

10. Application for funding

- (1) The Trust may give financial support through grants to an applicant who is engaged or intends to engage in an activity.
- (2) Any person who is engaged or intends to engage in an activity may apply to the Trust for a grant to fund or assist with funding that activity.
- (3) Financial support under this section may be given subject to conditions and the conditions may include repayment of a grant to the Trust in the event of failure by a person to deliver on an activity in a manner that satisfies the Trust.
- (4) The Board must develop a policy on the matters set out in Schedule 2.
- (5) The policy must provide for a fair and transparent process for considering applications for funding activities.
- (6) The Board must make arrangements for the publication of the policy in any way that makes it easily accessible to members of the public.
- (7) The Governor may amend Schedule 2 by regulations made under section 20.

PART 4 - FINANCIAL PROVISIONS OF THE TRUST

11. Funds of the Trust

- (1) The funds of the Trust consist of —
 - (a) payments made to it by any person;
 - (b) income received by it in relation to any investment of any of its funds;
 - (c) money borrowed by the Trust in accordance with section 5(3); and
 - (d) any other income received by the Trust from any source whatsoever.
- (2) There may be granted or lent to the Trust out of the Consolidated Fund such sums as are appropriated in accordance with law for the purpose.

12. Accounts of the Trust

- (1) The Trust must keep books of accounts to record the income, expenditure, source of funds, assets and liabilities of the Trust and must prepare in each financial year, a statement of the accounts.
- (2) The Board may prepare guidelines to assist in the keeping of financial records.
- (3) Where the Trust has received special funds, the Trust must in its books of account keep records necessary to separate the money from —

- (a) funds available for expenditure on the purposes of the Trust generally; and
- (b) other funds of the Trust to be used in another particular manner or for another particular purpose.

(4) The Trust must record expenditure of special funds in such manner as to enable the expenditure attributable to special funds to be readily identified.

13. Audit

(1) The Board must facilitate the audit of the accounts of the Trust in accordance with arrangements made by the Governor under section 80 of the Constitution.

(2) The accounts of the Trust must be audited each financial year, within six months of the end of the financial year.

(3) The auditor arranged under subsection (1) must report in respect of the accounts for each financial year, in addition to any other matter on which the auditor considers it necessary to comment on.

14. Annual report and financial statements

(1) Following the end of each financial year, the Trust must prepare an annual report consisting of—

- (a) a report on its work during the financial year; and
- (b) its financial statements for the financial year, which must be audited in accordance with arrangements made under section 13.

(2) The Secretary must submit copies of the annual report and financial statements to the Governor.

15. Tax exemption

For the avoidance of doubt, the Trust qualifies for exemption under section 57(1)(c) of the Taxes Ordinance 1997 from taxation on income in the Falkland Islands.

PART 5 - MEETINGS AND SECRETARY

16. Meetings of the Board

(1) Subject to subsection (2), the Chairperson of the Board presides at all meetings of the Board.

(2) If the Chairperson is absent from a meeting of the Board, the Trustees present must elect one of their number to chair that meeting, and the person so elected exercises the powers of the Chairperson.

17. Secretary

- (1) The Board must appoint a person who may be one of their number, excluding the Chairperson, to be the Secretary of the Trust.
- (2) The Secretary must carry out corporate functions and duties as directed by the Board in addition to functions given under this Ordinance.
- (3) The Secretary may attend all meetings of the Board, but may not vote upon any matter at any meeting if they are not a Trustee.
- (4) The Secretary has custody of and is responsible for the safekeeping of all records of the Trust and must prepare or cause to be prepared minutes of all meetings of the Trust.

PART 6 - GENERAL

18. Contracts by the Trust

- (1) This section deals with the formalities required for contracts being made by the Trust and making a contract includes varying it or discharging it.
- (2) In the case of contracts being made by deed, the Trust must make them by means of a deed sealed in accordance with paragraph 1 of Schedule 1.
- (3) In the case of contracts being made in writing (but not by deed), the Trust may make them by means of a document signed by a person who has express or implied authority to act on behalf of the Trust.
- (4) In the case of contracts being made in some other way, the Trust may make them through the actions of a person who has express or implied authority to act on behalf of the Trust.
- (5) Any instrument required by law to be under seal is sufficiently executed if it is executed under the common seal of the Trust in accordance with paragraph 1(3) of Schedule 1.
- (6) Subject to subsection (7), all cheques and other bills of exchange drawn by or on behalf of the Trust must be signed by two Trustees or by one Trustee and the Secretary.
- (7) A cheque or other bill of exchange drawn by the Trust for a sum not exceeding £1,000 may be signed by one Trustee or by the Secretary.

19. Notices, etc.

- (1) Any notice, legal process or other document required to be served upon the Trust is validly served if served upon or sent by post to the Secretary at the Secretary's usual address or place of business and, if sent by post, addressed to the Secretary in their capacity as Secretary of the Trust.
- (2) Any notice or other document expressed to be sent by or on behalf of the Trust may be signed by any Trustee or by the Secretary.

(3) The Board must make arrangements for the publication of its address and contact details in a way that make them accessible to the public.

20. Regulations

The Governor after consulting the Board may make regulations for any of the following purposes—

- (a) to prescribe the forms of records and other documents to be kept by the Trust;
- (b) to prescribe expenses payable to Trustees in connection with the business of the Trust;
and
- (c) to amend Schedules 1 or 2 to this Ordinance.

SCHEDULE 1 - Additional provisions relating to the Trust and Board

section 8

1. Seal

- (1) The Trust must have a seal the nature of which is to be determined by the Board.
- (2) The Secretary must keep the seal.
- (3) The Chairperson (or any person authorised in that behalf by a resolution of the Board) must authenticate the affixing of the seal.

2. Staff

- (1) The Board must ensure good corporate governance of the Trust.
- (2) The Board must prepare guidelines or manuals for staff on subjects including human resources, job descriptions, financial provisions and other matters relevant to the efficient operation of the Trust.

3. Tenure of office of Trustees

- (1) A Trustee referred to in section 7(1)(a), (b) and (d) holds office for a period not exceeding four years as specified in the Trustee's instrument of appointment.
- (2) The Governor must ensure that the periods for which Trustees are appointed are staggered and the interests that they represent are varied, in such a way that a quorum can be achieved at all times.

4. Removal and suspension of Trustees

- (1) The Governor may, in writing, remove a Trustee from the Board if the Trustee —
 - (a) referred to in section 7(1)(a), (b) and (d) —
 - (i) engages in conduct that in the opinion of the Governor, brings the Trust into disrepute;
 - (ii) is sentenced to a custodial sentence for a period of three months or more, either immediately or suspended for a period or until the happening of some other event; or
 - (iii) is adjudged bankrupt or
 - (b) referred to in section 7(1)(c) vacates the office by virtue of which they are a Trustee.
- (2) A Trustee may only be removed under subparagraph (1)(a) after a fair process appropriate to the circumstances.
- (3) The Governor may suspend a Trustee from the Board while the process referred to in subparagraph (2) is underway.

5. Resignations

A Trustee may resign from office by giving 30 days' notice in writing to the Governor.

6. Meeting of Board

- (1) Subject to the provisions of this Ordinance, the Board will regulate its own proceedings.
- (2) The Board must meet at least two times annually.
- (3) Three Trustees form a quorum at any meeting of the Board.
- (4) No business may be transacted at any meeting of the Board at which there is no quorum except to adjourn that meeting.
- (5) A decision of the Board on any question must be by the majority of the Trustees voting at the meeting and, in the event of an equality of votes, the Trustee presiding has a casting vote in addition to that person's deliberative vote.
- (6) The validity of anything done by the Board will not be affected even if there are one or more vacancies on it.

7. Registration of interests by Trustees

- (1) Before taking part in the proceedings of the Trust, a Trustee must complete and furnish to the Secretary in writing in the form approved by the Board, the particulars of the Trustee's registrable interests.
- (2) A registrable interest includes information on any benefit which a Trustee receives and which might be considered to influence actions taken in their capacity as a Trustee.
- (3) Further provision relating to registrable interests and declaration of interests may be set out in the Code of Conduct referred to in paragraph 10.

8. Attendance at Board meetings

The Board may invite other persons to attend any of its meetings and such persons may speak at the meeting but they are not entitled to vote.

9. Remuneration of Trustees

Trustees must not receive any remuneration from the Trust but they may be reimbursed for reasonable expenses they incur in the course of their duties.

10. Code of Conduct

- (1) The Board must adopt (and keep under review) a Code of Conduct for the Trustees.
- (2) The Code of Conduct must include provisions dealing with —
 - (a) what constitutes registrable interests by Trustees; and
 - (b) resolving conflict of interest.

SCHEDULE 2 – Matters to be included in policy

section 10

The following matters must be included in the policy of the Trust —

- (a) when the Trust will consider applications for funding;
- (b) how applications for funding are assessed;
- (c) information to be included in support of an application for funding;
- (d) how applicants are notified of the decision of the Board;
- (e) environmental priorities for funding by the Trust; and
- (f) implementation, monitoring and evaluation of activities.

OBJECTS AND REASONS

Background

The Bill establishes a Trust that will receive and manage money paid to it by contributors. It is anticipated that companies that are engaged in operations that result in environmental impacts that cannot be avoided or mitigated will make contributions that will be managed by the Trust. The contributions will be used to give financial support to persons engaged in or intending to engage in activities that benefit the Falkland Islands environment. The Trust will also provide a means for other persons (including Government) to contribute funds for the purpose of the Trust.

Part 1 of the Bill provides for preliminary matters i.e. title, commencement and interpretation.

Part 2 establishes the Trust in *clause 3*. *Clause 4* sets out the purpose of the Trust. The Trust will support through grants persons engaged in, or intending to engage in, the conservation, management and enhancement of the environment for the benefit of present and future generations of the Falkland Islands. Without limiting this general purpose, the Trust may specifically support persons engaged in activities that offset negative environmental impacts, benefit biodiversity or are incidental to those activities. *Clause 5* provides for the functions of the Trust. The Trust will receive and consider applications for funding from persons engaged in activities as provided in *clause 4*. Where funding is approved, the Trust must ensure that the funds are used for the intended purpose through monitoring. The Trust can claim a refund from a person who does not deliver on an activity to the satisfaction of the Trust.

The affairs of the Trust will be managed by a Board of Trustees composed of not less than seven and not more than nine Trustees, *clauses 6* and *7*. Trustees are appointed by the Governor and one is a representative of the Government who is either an MLA nominated by the MLAs collectively or a public officer nominated by the Chief Executive. The chairperson must have an interest in, experience and knowledge of the Falkland Islands environment. The Trustees must have relevant skills and interests that will benefit the purposes of the Trust including but not limited to conservation, science, management, finance, administration and law. A person specified in *clause 7(2)* does not qualify for appointment. Trustees are eligible for reappointment.

Part 3 provides for payments into the Trust and applications for funding. Payments are contributory or can be earmarked for a specific purpose, *clause 9*. Special funds must be used for the purpose requested by the contributor. A contributor may claim a refund from the Trust if their contribution is not used in accordance with their request.

Clause 10 deals with applications for funding by any person who is engaged in or intending to engage in an activity that promotes the purposes of the Bill. The Board must issue a policy on the procedures for submitting applications and the assessment criteria. Some of the matters to be included in the policy are in *Schedule 2*.

Part 4 deals with the finances and accounts of the Trust. The main source of funds is payments made to the Trust by contributors. Money may also be appropriated to the Trust from the Consolidated Fund, *clause 11*.

Clause 12 provides for the accounts of the Trust and the requirement to keep financial records. Under *clause 13*, the financial records and statements must be audited in accordance with section 80 of the Constitution. The auditor must produce an audit report. The Trust must prepare an annual report and financial statements. The Secretary of the Trust must submit copies of the financial statements to the Governor. *Clause 15* affirms that the Trust's income in the Falkland Islands is exempt from tax under section 57(1)(c) of the Taxes Ordinance.

Part 5: Meetings of the Board must be chaired by the Chairperson and in the absence of the Chairperson, by a Trustee elected by Trustees present. The Board must appoint a Secretary who may or may not be a Trustee. The Secretary performs the functions set out in *clause 17*.

Part 6 deals with general matters (contracts by the Trust, notices, and regulations), *clauses 18, 19, and 20*.

Schedule 1 contains additional provisions relating to the Trust and the Board. *Schedule 2* sets out matters that must be included in policy. Both Schedules may be amended by regulations made under *clause 20*.

SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021

(No. 1 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

PART 1 - General

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2. Commencement
3. Purpose
4. Revocation and savings
5. Interpretation

PART 2 - Passenger information

6. Requirement to provide information

PART 3 - Quarantine requirements

7. Transport to place of quarantine
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9. Period of quarantine
10. Children

PART 4 - Exemptions and facilitated accommodation

11. Exemptions from the quarantine requirements
12. Duty of the Falkland Islands Government
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14. Enforcement of quarantine
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17. Review of need for quarantine requirements
18. Expiry of the Regulations

Schedule 1 - Passenger information

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SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021

(Made: 4 February 2021)

(Published: 8 February 2021)

(Coming into force: on publication)

I make these Regulations under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894 on the advice of Executive Council.

PART 1 - General

1. Title

These Regulations are the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Purpose

The purpose of these Regulations is to ensure that persons arriving in the Falkland Islands who have or may have been exposed to coronavirus are kept separate from other persons who have not been so exposed with the objective of preventing or reducing the spread of infection.

4. Revocation and savings

(1) Save to the extent specified in subregulation (2), the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2020 (“the Regulations”) are revoked.

(2) The Regulations continue to have effect in relation to a person who arrives in the Falkland Islands on or before 14 February 2021.

(3) Any direction made under regulation 6(3) of the Regulations continues to have effect as if made under regulation 11(3) of these Regulations.

5. Interpretation

(1) In these Regulations —

“**child**” means a person under the age of 18;

“**coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**Crown servant**” means any member of the naval, military or air forces of the Crown and any person employed in the civil service of the Crown in right of the Government of the United Kingdom;

“**facilitated accommodation**” means accommodation facilitated by the Falkland Islands Government for the use of persons who are required to be in quarantine;

“**immigration officer**” means a person appointed or deemed to have been appointed as an immigration officer under section 3 of the Immigration Ordinance 1999 (and includes the Principal Immigration Officer);

“**military contractor**” means any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands;

“**passenger**” has the meaning in regulation 6(1);

“**passenger information**” means the information provided by a passenger in accordance with regulation 6 and Schedule 1;

“**period of quarantine**” means the period calculated by reference to regulation 9;

“**place of quarantine**” means living accommodation and sanitary and other facilities that —

- (a) are suitable for a person who is in quarantine; and
- (b) during the period of quarantine, are not shared with any person who is not in quarantine for the same period;

and includes any garden, yard, passage, stair, garage, outhouse, or similar place associated with the place whether or not shared by others who occupy separate accommodation in the same building or complex of buildings; and

“**quarantine**” means in relation to a person or a group of persons, a period of isolation or separation from others or other restriction of a person’s or group’s activities for the purposes of preventing or reducing the spread of coronavirus.

(2) Under these Regulations, an individual has responsibility for a child —

- (a) if the individual has custody or charge of the child for the time being (but is not a person on whom powers are conferred by these Regulations); or
- (b) if the individual has parental responsibility for the child within the meaning of the Children Ordinance 2014.

PART 2 - Passenger information

6. Requirement to provide information

(1) A person who arrives or intends to arrive in the Falkland Islands on or after 15 February 2021 (“**passenger**”) must provide the information set out in Schedule 1 on or before their arrival, including the address of the accommodation at which the passenger intends to stay —

- (a) in quarantine;
- (b) if the passenger is an exempt passenger, during the period that ends on the thirteenth day after date of arrival or expected arrival, in the Falkland Islands; or
- (c) in either case, during the period that ends on the date of the passenger’s planned departure from the Falkland Islands, if earlier.

(2) In the case of a passenger who is not an exempt passenger more than one address may be given only where —

- (a) a passenger is under a legal obligation to change accommodation during the period of quarantine; or
- (b) it is necessary for a passenger, before travelling to their place of quarantine, to stay overnight at other accommodation.

(3) If the passenger is a child, a person who has responsibility for the child must ensure that the passenger information is provided in relation to that child on or before their arrival in the Falkland Islands.

(4) A passenger must take all reasonable steps to inform the Chief Medical Officer as soon as reasonably practicable of —

- (a) any change to the passenger information; and
- (b) the address of the place of quarantine, if the passenger (not being an exempt passenger) did not have that information at the time of providing the passenger information or the place of quarantine has changed.

(5) Nothing in this regulation requires a person to provide any information that is not within their possession or control.

(6) In this regulation “**exempt passenger**” means a passenger who is a person described in Part 2 of Schedule 2.

PART 3 – Quarantine requirements

7. Transport to place of quarantine

- (1) A passenger must, on arriving in the Falkland Islands travel as directly as possible to their place of quarantine.
- (2) A passenger and any other person (whether or not a passenger) must not travel in the same private vehicle together unless all persons travelling in that vehicle are required to stay in quarantine for the same period of quarantine either at the same place of quarantine or another place.
- (3) A passenger who arrives by air must travel in —
 - (a) designated transport;
 - (b) an emergency vehicle; or
 - (c) a private vehicle.
- (4) Subregulations (2) and (3) do not apply to a passenger who arrives in the Falkland Islands by air and travels to a place of quarantine in Mount Pleasant Complex.
- (5) The Principal Immigration Officer must publish information about designated transport in the *Gazette*.
- (6) A provider of designated transport may charge passengers a reasonable sum for the transport.
- (7) In this regulation —

“**designated transport**” means transport designated by the Principal Immigration Officer; and

“**private vehicle**” means a vehicle that is not either designated transport or an emergency vehicle.

8. Quarantine

- (1) A passenger must stay in quarantine for the period required under regulation 9 at a place of quarantine, being —
 - (a) the address provided by the passenger in the passenger information;
 - (b) facilitated accommodation; or
 - (c) other suitable accommodation.
- (2) Any person who is staying in accommodation referred to in subregulation (1)(a) or (c) and who is not a passenger must either —
 - (a) before the passenger arrives, move to other accommodation that is not shared with the passenger for the whole period that the passenger is in quarantine; or
 - (b) stay in quarantine for the period required under regulation 9 —

- (i) with the passenger; or
- (ii) in another place of quarantine.

(3) In exceptional circumstances, the Chief Executive, having consulted the Chief Medical Officer, may permit or require any person staying in quarantine to change their place of quarantine and may specify any measures to be complied with by that person when changing their place of quarantine to reduce the risk of spreading coronavirus.

(4) Subject to regulation 11(1), a person who is in quarantine must not leave or be outside the place of quarantine except —

- (a) in order to leave the Falkland Islands, provided that they do so directly;
- (b) to travel between two places of quarantine, as provided for in regulation 6(2) or as permitted or required under subregulation (3) and in either case, the person must comply with regulation 7;
- (c) on the advice of a registered medical practitioner, to seek medical assistance or to comply with a direction or requirement under the Infectious Diseases Control (Coronavirus) Regulations 2020;
- (d) to fulfil a legal obligation, including to attend court or satisfy bail conditions, or to participate in legal proceedings;
- (e) to avoid injury or illness, or to escape a risk of harm; or
- (f) in exceptional circumstances.

(5) A person must not leave, or be outside of, their place of quarantine solely in reliance on any reasonable excuse described in regulation 11(2) of the Infectious Diseases Control (Coronavirus) (No 2) Regulations 2020 (restrictions on movement).

(6) Nothing in this regulation affects the operation of any direction, requirement or restriction imposed on P by virtue of the Infectious Diseases Control (Coronavirus) Regulations 2020.

9. Period of quarantine

(1) A person who is required to stay in quarantine and who is a Crown servant or a military contractor must —

- (a) stay in quarantine until the end of the thirteenth day after the day of arrival; and
- (b) during the fourteenth day after the day of arrival, comply with any other measure specified by the Chief Medical Officer to reduce the risk of spreading coronavirus infection.

(2) In any case not falling within subregulation (1), a person who is required to stay in quarantine must stay in quarantine until —

- (a) if the passenger arrives in the Falkland Islands before 9 am, the end of the thirteenth day after the day of arrival; or

(b) if the passenger arrives after 9 am, the end of the fourteenth day after the day of arrival.

(3) If any person moves into a place of quarantine after the day on which a passenger arrives at that place but before the date on which the period of quarantine would otherwise end in accordance with subregulations (1) or (2), the period of quarantine for the passenger and any other person staying at that place is the end of the fourteenth day after the day on which the last person moves into that place.

(4) Nothing in this regulation prevents a person from leaving the Falkland Islands at any time before the period of quarantine ends.

10. Children

Any person who has responsibility for a child who is in quarantine must ensure, so far as reasonably practicable, that the child complies with the requirements of this Part.

PART 4 – Exemptions and facilitated accommodation

11. Exemptions from the quarantine requirements

(1) Regulation 8(4) does not apply to a passenger who is a person described in Part 1 of Schedule 2 (Partially exempt persons) to the extent necessary for the person to perform their employment or other contractual obligations.

(2) Part 3 of these Regulations does not apply to a passenger who is a person described in Part 2 of Schedule 2 (Exempt persons).

(3) The Governor may, if satisfied that there is a low risk that that person or class of persons might spread coronavirus to other persons and having consulted the Chief Medical Officer, direct that any person or class of persons of a specified description —

(a) is not required to comply with all or part of the requirements in Part 3 of these Regulations for the whole or any part of the period they would otherwise be required to stay in quarantine; and

(b) is required to take other specified measures to reduce the risk of the person or class of persons spreading coronavirus infection.

(4) A direction made under subregulation (3) must be published in the *Gazette*.

12. Duty of the Falkland Islands Government

The Falkland Islands Government must, where reasonably requested to do so, ensure that facilitated accommodation is provided for a passenger or any other person who would otherwise have to quarantine with a passenger.

13. Charges for accommodation

- (1) A person whose place of quarantine is facilitated accommodation is liable to pay any reasonable charges for that accommodation, including the cost of any services provided in addition to accommodation such as internet access, meals and laundry of personal items.
- (2) Any charges under subregulation (1) must not exceed the sum charged for providing that or similar accommodation to a person who is not in quarantine.
- (3) When an offer of facilitated accommodation is made to a person, full details of any charges for such accommodation must be provided.

PART 5 – Enforcement and appeals

14. Enforcement of quarantine

- (1) Where an authorised person has reasonable grounds to believe that a person has left or is outside of their place of quarantine in contravention of regulation 8 an authorised person may —
 - (a) direct that person to return to their place of quarantine;
 - (b) remove that person to their place of quarantine; or
 - (c) where it is not practicable or appropriate in the circumstances to take the action in subregulation (1)(a) or (b), remove that person to facilitated accommodation.
- (2) An authorised person exercising the power in subregulation(1)(b) and (c) may use reasonable force if necessary in the exercise of the power and may give any reasonable direction or instruction they consider to be necessary to a person in quarantine.
- (3) Where the person referred to in subregulation (1) as being outside of their place of quarantine is a child —
 - (a) an authorised person may direct any person who has responsibility for that child to take the child to their place of quarantine; and
 - (b) that individual must, as far as reasonably practicable, ensure the child complies with any reasonable direction or instruction given by an authorised person.
- (4) An authorised person may only exercise a power in subregulation (1) or (3)(a) if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with regulation 8.
- (5) For the purposes of this regulation, “**authorised person**” means —
 - (a) a police officer;
 - (b) an immigration officer; or
 - (c) a person designated by the Governor.

15. Offences and penalties

A person commits an offence if the person —

- (a) fails or refuses without reasonable excuse to comply with regulation 6;
- (b) intentionally or recklessly provides false or misleading information under regulation 6;
- (c) contravenes a requirement in regulations 7 or 8;
- (d) without reasonable excuse fails to comply with a direction or other requirement of an authorised person under regulation 14; or
- (e) without reasonable cause, wilfully obstructs any person carrying out a function under these Regulations.

Penalty: A fine not exceeding level 4 on the standard scale or a term of imprisonment not exceeding 3 months.

16. Appeals

(1) A person who is required to comply with regulation 8 may appeal against that requirement to the Magistrate's Court —

- (a) on compassionate grounds; or
- (b) on the grounds that the requirement is not necessary or proportionate in the circumstances.

(2) On appeal the court may —

- (a) confirm the requirement, with or without modification;
- (b) order other measures to be taken by the person to reduce the risk of the person spreading coronavirus infection; or
- (c) exempt the person from all or part of the requirement.

PART 6 - Review and expiry of Regulations

17. Review of need for quarantine requirements

(1) The Chief Medical Officer must review the need for the requirements imposed by these Regulations on or before 22 March 2021 and thereafter at least once every 42 days.

(2) The Chief Medical Officer must report the outcome of the review to the Governor if requested to do so or if, in the opinion of the Chief Medical Officer, a change is required or the requirements or any part of them are no longer need to achieve the purpose for which the Regulations were made.

18. Expiry of the Regulations

These Regulations expire at the end of the period of 6 months beginning with the day on which they come into force.

SCHEDULE 1 – Passenger information

regulation 6(1)

1. Personal details of the passenger —
 - (a) full name;
 - (b) nationality;
 - (c) date of birth;
 - (d) passport or other international travel document reference number and expiry dates; and
 - (e) email or other correspondence address.
2. Journey details of the passenger —
 - (a) the operator they are travelling with or through which their booking was made;
 - (b) the travel booking reference (if applicable and known);
 - (c) the method of travel and flight number or ticket number (if applicable and known);
 - (d) the country and region they are travelling from;
 - (e) the date, or planned date, as appropriate, of their arrival in the Falkland Islands;
 - (f) the date of intended departure from the Falkland Islands, if known; and
 - (g) whether they are connecting through the Falkland Islands to a destination outside the Falkland Islands and, if so —
 - (i) their final destination; and
 - (ii) the method of travel and flight number or ticket number (if applicable and known) of their onward journey.
3. Passenger required to stay in quarantine —
 - (a) address of the passenger's place of quarantine;
 - (b) confirmation that the passenger is entitled or permitted to stay at that place for the period of quarantine;
 - (c) names and (if known) dates of birth of any other persons with whom the passenger will share accommodation, including sanitary and other facilities, during the period of quarantine;
 - (d) confirmation that persons referred to in subparagraph (c) who are aged 16 years or over consent to be in quarantine with the passenger;

- (e) if the passenger has requested facilitated accommodation, that fact;
 - (f) a telephone number in the Falkland Islands; and
 - (g) the name and telephone number of an emergency contact.
4. Passenger who is not required to quarantine (Part 2 of Schedule 2) —
- (a) address at which the passenger will stay for the period of 13 days after the date on which the passenger arrives; and
 - (b) a telephone number in the Falkland Islands.
5. A person who provides information on behalf of a passenger —
- (a) full name;
 - (b) contact details: and
 - (c) relationship to the passenger.

SCHEDULE 2 - Exemptions

regulation 11(1) and (2)

Part 1 - Partially exempt persons

1.(1) A Crown servant or military contractor, if the Commander British Forces South Atlantic Islands confirms in writing to the Chief Medical Officer before the Crown servant arrives in the Falkland Islands that the work cannot be undertaken whilst the person is in quarantine and —

- (a) in the case of a Crown servant, that person is required to undertake work essential to the United Kingdom Government within 14 days of their arrival; or
- (b) in the case of a military contractor, that person is required to undertake work which is necessary to the delivery of work essential to the United Kingdom Government within 14 days of their arrival.

(2) In this paragraph —

“**work essential to the United Kingdom Government**” means work related to national security and defence activities of the Government of the United Kingdom in the Falkland Islands, including work related to —

- (a) the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;
- (b) the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence; and
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war.

2.(1) A government contractor.

(2) In this paragraph, “**government contractor**” means a person with specialist technical skills—

- (a) whose specialist technical skills are required by the Falkland Islands Government for essential or emergency works or services (including commissioning, maintenance and repairs, response to security threats and safety checks) to any plant, machinery, infrastructure or other essential public services including information technology or electronic telecommunications networks and services;
- (b) who is required to undertake such works or services within 14 days of arrival in the Falkland Islands; and

- (c) who has travelled to the Falkland Islands to fulfil contractual obligations or warranty specifications or otherwise to commence, resume or complete work for, or provide services to, the Falkland Islands Government.

3.(1) A legal practitioner who has travelled to the Falkland Islands for the purpose of presiding at, or representing any party in proceedings before any court in the Falkland Islands and such proceedings are listed for trial within 14 days after the legal practitioner’s arrival in the Falkland Islands.

(2) In this paragraph, “**legal practitioner**” has the same meaning as in section 2 of the Legal Practitioners Ordinance 1988 and “**trial**” includes the hearing of an appeal against a conviction.

4. A person who has travelled to the Falkland Islands to work for the Falkland Islands Government as a health or care professional and is required to undertake work as such within 14 days of their arrival.

Part 2 - Exempt persons

1. A Crown servant, if the Commander British Forces South Atlantic Islands confirms in writing to the Chief Medical Officer before the Crown servant arrives in the Falkland Islands that the Crown servant has been in quarantine in the United Kingdom for a period of at least 14 days ending immediately before their arrival in the Falkland Islands.

2.(1) Air crew, where such crew have travelled to the Falkland Islands in the course of their work.

(2) In this paragraph, “**air crew**” means persons carried in an aircraft who are —

- (a) a member of the flight crew or cabin crew of that aircraft; or
- (b) travelling for the purpose of assisting in the medical evacuation of a patient from the Falkland Islands by air.

Made 4 February 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These Regulations are made under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1994. These Regulations come into force on publication in the *Gazette* (*regulation 2*) and replace the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2020 (*regulation 4*), which are revoked.

The purpose of these Regulations is to prevent or reduce the spread of coronavirus infection by requiring those arriving in the Falkland Islands from abroad to stay in quarantine for a period of 14 days (*regulation 3*).

Under *regulation 6 and Schedule 1*, on or before arriving in the Falkland Islands every “passenger” (defined in *regulations 5 and 6(1)*) must provide information about their journey and their arrangements for quarantine, including full contact details. This information must be kept up to date and the Chief Medical Officer informed of any changes.

On arrival, a passenger must travel as directly as possible to their place of quarantine. *Regulation 7* sets out the requirements for transport. Any persons travelling together in a private vehicle (including anyone who is not a passenger) must be in quarantine for the same period even if quarantining at different places – this allows passengers arriving at the airport to give lifts to others arriving on the same flight and for passengers to be picked up by another person they will be staying in quarantine with. If not using a private vehicle, passengers arriving by air must generally use “designated transport” to travel to Stanley and must pay a reasonable sum charged for such transport.

Regulation 8 sets out the quarantine requirements. A passenger must stay in quarantine for the period of quarantine at their place of quarantine. “Quarantine”, “period of quarantine” and “place of quarantine” are all defined in *regulation 5*. Anyone who is staying at the place of quarantine when the passenger arrives must quarantine with the passenger (or in some other suitable place), unless they move out before the passenger arrives. *Regulation 8(3)* provides for the Chief Executive in exceptional circumstances and on the advice of the Chief Medical Officer to allow a person to move to a different place of quarantine. *Regulation 8(4)* provides for the very limited circumstances in which person may lawfully be outside their place of quarantine.

The period of quarantine must be calculated by reference to the provisions of *regulation 9*. The most usual period of quarantine is 14 days after the date of the arrival of the passenger at the place of quarantine but in some limited circumstances it is 13 days after the date of arrival of the passenger. If anyone moves in with a passenger after the date of arrival of the passenger (including a passenger from a different flight), the period of quarantine is re-started.

A person who has custody or charge of a child for the time being or who has parental responsibility for that child is responsible for ensuring that the child complies with the quarantine and other requirements (*regulations 5(2), 6(4) and 10*).

There are very limited exemptions to the quarantine and other requirements, set out in *regulation 11(1) and (2) and Schedule 2*. “Crown servants” certified by the Commander British Forces South Atlantic Islands as having quarantined for 14 days immediately before travelling to the Falkland Islands and air crew who have flown to the Falkland Islands in the course of their work are completely exempt (*regulation 11(2) and Schedule 2 Part 2*). Military contractors, government contractors, legal and healthcare professionals have a limited exemption from the requirement to stay at their place of quarantine to enable them to perform tasks that are essential to the smooth-running of the Falkland Islands (*regulation 11(1) and Schedule 2 Part 1*).

Regulation 12 imposes a new duty on the Falkland Islands Government to ensure that a place of quarantine is provided for a person who reasonably requests it. Under *regulation 13*, a charge may

be made for that accommodation and any services provided, details of the charges are to be given in advance.

The quarantine requirements may be enforced by an “authorised person”, including a police officer, immigration officer or other person authorised by the Governor (*regulation 14*). The enforcement power includes a power to direct a person who is unlawfully outside their place of quarantine to return to, or to remove a person to, that place or other facilitated accommodation.

Failure to provide the passenger information under *regulation 6*, the provision of false or misleading information under *regulation 6*, breach of the requirements in *Part 3* or failure to comply with the requirements in *regulation 14* are criminal offences. The penalty on conviction of such an offence is a fine not exceeding level 4 on the standard scale (currently £2000 – *Criminal Procedure and Evidence Ordinance 2014 Schedule 8*) or a term of imprisonment not exceeding 3 months (*regulation 15*).

Because of the significant restrictions imposed by the Regulations on the exercise of rights protected under the Falkland Islands Constitution, there is a right of appeal (*regulation 16*) in individual cases on compassionate grounds or on the grounds that the restrictions are not necessary or proportionate to the purpose. The Regulations are also subject to regular, 6-weekly reviews by the Chief Medical Officer (*regulation 17*), to ensure they remain necessary. The Regulations expire 6 months after coming into force (*regulation 18*).



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

11 February 2021

No. 2

The following is published in this Supplement —

Legislative Assembly Standing Orders (Amendment) Order 2021 (SR&O No 2 of 2021).

SUBSIDIARY LEGISLATION

Legislative Assembly Standing Orders (Amendment) Order 2021

(No. 2 OF 2021)

ARRANGEMENT OF PROVISIONS

Paragraph

1. Title
2. Commencement
3. Amendment of Legislative Assembly Standing Rules and Orders 2010
4. Standing Order 1 amended – Interpretation and meetings
5. New Standing Order 1A – Virtual meetings
6. New Schedule 8 – Virtual meetings

SUBSIDIARY LEGISLATION

Legislative Assembly Standing Orders (Amendment) Order 2021

(Made: 28 January 2021)

(Published: 11 February 2021)

(Coming into force: 28 January 2021)

This Order is made under section 46 of the Constitution by way of resolution number 1 of the Legislative Assembly dated 28 January 2021.

1. Title

This Order is the Legislative Assembly Standing Orders (Amendment) Order 2021.

2. Commencement

This Order comes into force on the passing of resolution number 1 of the Legislative Assembly on 28 January 2021.

3. Amendment of Legislative Assembly Standing Rules and Orders 2010

This Order amends the Legislative Assembly Standing Rules and Orders 2010.

4 Standing Order 1 amended – Interpretation and meetings

In Standing Order 1(1) —

- (a) delete “and” where it appears after “is dissolved”; and
- (b) insert after the definition of “sitting” —

“**virtual meeting**” means a meeting of the Legislative Assembly in which some or all members are not physically present together but are in communication with one another by electronic means.”.

5. New Standing Order 1A – Virtual meetings

Insert after Standing Order 1 —

“1A. Virtual meetings

(1) Subject to paragraph (2), if a member of the Legislative Assembly is not physically present at a meeting or sitting of the Legislative Assembly the Legislative Assembly may hold a virtual meeting.

(2) All the members of the Legislative Assembly participating in the virtual meeting, both those physically present and those not physically present, must agree that —

- (a) the means of communication are sufficient, in particular so that —
 - (i) the members are able to hear and be heard;
 - (ii) the members are able access all of the documents to be considered at the virtual meeting; and
- (b) access to the virtual meeting by members of the public and the press who would ordinarily be permitted to attend the relevant meeting or sitting is adequately facilitated.

(3) A committee of the Legislative Assembly may hold a virtual meeting if a member of the committee is not physically present, and the criteria set out in paragraph (2) are met in relation to the virtual meeting.

(4) The Standing Orders must, as far as reasonably possible, be construed to enable the efficient and effective conduct of a virtual meeting.

(5) Schedule 8 applies in relation to a virtual meeting.”.

6. New Schedule 8 – Virtual meetings

Insert after Schedule 7 —

“SCHEDULE 8 – VIRTUAL MEETINGS

1. A Standing Order which provides for a quorum has effect as if the requirement for a quorum applies to all the members of the Legislative Assembly who are —

- (a) physically present; and
- (b) participating, whether or not physically present.

2. Where a secret ballot is required, a member of the Legislative Assembly who is participating in the meeting but is not physically present must cast their vote by e-mail to the Clerk.

3. The Clerk must —

- (a) control access to the electronic links used for the purposes of the meeting; and
- (b) facilitate access to the virtual meeting by members of the public and press who would ordinarily be permitted to attend the relevant meeting or sitting.

4. A member of the Legislative Assembly who is participating but not physically present is not required to stand at any time during the meeting.”.

8 February 2021

CHERIE YVONNE CLIFFORD,
Clerk to the Legislative Assembly

EXPLANATORY NOTE
(not forming part of this Order)

This Order amends the Legislative Assembly Standing Rules and Orders 2010 to make provision in connection with virtual meetings held by the Legislative Assembly in accordance with the Overseas Territories (Constitutional Modifications) Order 2020 (SI 2020/780).

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FALKLAND ISLANDS GAZETTE

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28 February 2021

No. 3

Appointment

Andrew Christopher McKeown, Senior Police Constable, Royal Falkland Islands Police, Emergency Services and Island Security Department, 25.01.21.

David Albert Phillips, Fisheries Protection Officer, Fisheries, Natural Resources Department, 26.01.21.

Zoe Leigh Taylor, Administration Clerk, Highways Section, Public Works Department, 01.02.21.

Zeynab Patel, Crown Counsel, Government Legal Services, Law and Regulation Directorate, 02.02.21.

Daryl Charles Parkyn, Fisheries Scientist, Fisheries, Natural Resources Department, 09.02.21.

Sonny De Borja, Plant Operator/Handyperson, Highways Section, Public Works Department, 22.02.21.

Shiella Zinzi Mashita, Receptionist, Stanley Leisure Centre, Development and Commercial Services Department, 22.02.21.

Callum Ian Ellis, Deputy Harbour Master, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 23.02.21.

Completion of contract

Davide Ranghetti, Chief Economist and Economic Policy Advisor, Policy and Economic Development Department, 05.02.21.

Ivan Porritt, Roads Engineer, Highways Section, Public Works Department, 13.02.21.

Jonathan William Poynter, Assistant Marine Officer/Harbour Master, Marine and Port Services, Natural Resources Department, 18.02.21.

Janice Aldred Brennan, Senior Staff Nurse, Health and Social Services Department, 24.02.21.

Renewal of contract

Davide Ranghetti, Chief Economist and Economic Policy Advisor, Policy and Economic Development Department, 06.02.21.

Ivan Porritt, Roads Engineer, Highways Section, Public Works Department, 14.02.21.

Janice Aldred Brennan, Senior Staff Nurse, Health and Social Services Department, 25.02.21.

Promotion

Meghan Alexandra Law, from Administrative Assistant, Legislature Department, to Executive Assistant, Executive Management Department, 04.01.21.

Aldwin Abridonda, from Assistant Foreman to Foreman, Highways Section, Public Works Department, 08.02.21.

Christopher Cruz, Plant Operator/Handyperson to Assistant Foreman, Highways Section, Public Works Department, 08.02.21.

Resignation

Erica Dawn Berntsen, Agricultural Assistant, Agriculture, Natural Resources Department, 07.12.20.

Helen Louise Davies, SHIELD Co-ordinator, Falkland College, Education Department, 31.01.21.

India Lauren Clarke, Apprentice - Health and Social Care, Falkland College, Education Department, 04.02.21.

Dawn Amanda Proud, Personal Assistant, Health and Social Services Department, 19.02.21.

Shiella Zinzi Mashita, Receptionist, Stanley Leisure Centre, Development and Commercial Services Department, 24.02.21.

Rupert Charles Melbourn Jarvis, Behaviour Intervention Teacher, Falkland Islands Community School, Education Department, 26.02.21.

Debora Susana Ferriby, Head of Finance, Treasury, 28.02.21

Retirement

Terence Phillips, Handyperson, Property and Municipal Section, Public Works Department, 29.01.21.

Transfer

Kerry Ann Middleton, from Residential Support Worker, Young Person's Unit, Health and Social Services Department, to SHIELD Support Worker, Falkland College, Education Department, 01.02.21.

NOTICES

No. 13 27 January 2021

Taxes Ordinance 1997 *section 182*

Appointment of Clerk to the Tribunal

1. In exercise of my powers under section 182 of the Taxes Ordinance 1997, I appoint **Emma Jane Fulton** to be Clerk to the Tribunal.

2. This appointment has effect from 2 February 2021 to 17 July 2022.

Dated 27 January 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 14 1 February 2021

Education Ordinance 1989 *section 57*

Academic Year 2021 – 2022 **Term Dates**

Term One

Thursday 2 September – Thursday 16 December 2021

Half Term

Monday 25 October – Friday 29 October 2021 (inclusive)

Term Two

Tuesday 25 January – Thursday 14 April 2022

Half Term

Monday 7 March – Friday 11 March 2022 (inclusive)

Term Three

Monday 2 May – Wednesday 10 August 2022

Half Term

Monday 13 June – Friday 17 June 2022 (inclusive)

Public Holidays (schools closed)

Monday 4 October 2021 Peat Cutting Monday

Wednesday 8 December 2021 Battle Day

Friday 15 April 2022 Good Friday

Professional Development Days for Teaching and Non-Teaching Staff

Tuesday 31 August 2021

Wednesday 1 September 2021

Monday 24 January 2022

The equivalent of two 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 and Camp Education in advance.

Dated 1 February 2020

M. A. HORTON,
Director of Education.

No. 15 3 February 2021

Administration of Estates Ordinance 1949 *section 4*

Application for Letters of Administration

Take notice that **Patrick Alex Field Davy** of Little Derringstone Farm House, Railway Hill, Barham, Canterbury, Kent, CT4 6LA, died on 15 May 2018.

Whereas **Peter John Field Davy** 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 1949 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 3 February 2021

E. J. FULTON,
Registrar of Supreme Court.

No. 16 5 February 2021

Customs Ordinance 2003 *section 7*

Appointment of Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I appoint **Meredith Lauryn Ellis** as a Customs Officer with effect from 5 February 2021.

This appointment continues in effect for so long as Meredith Lauryn Ellis is employed by the Falkland Islands Government undertaking biosecurity duties, or until earlier revoked.

Dated 5 February 2021

R. J. KING,
Collector of Customs

No. 17

19 February 2021

Public Health Ordinance 1894
section 3

**Appointment of Member
of Health and Medical Services Committee**

1. Section 3(2)(c) of the Public Health Ordinance 1894 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 **Michael David Jones** to be a member of the Health and Medical Services Committee.
3. This appointment has effect from 12 April 2021, and continues in effect for three years in accordance with section 3 of the Public Health Ordinance, unless terminated sooner.

Dated 19 February 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 18

22 February 2021

Falkland Island Oil Services Limited
Company Number: 15041

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 February 2021

E. J. DENT,
Registrar of Companies.

No. 19

22 February 2021

Prisons Ordinance 2017
section 13

Appointment of Members of Prison Monitoring Board

1. In exercise of my powers under section 13(1)(b) of the Prisons Ordinance 2017 I appoint:-

Joost Herman Willem Pompert;
John Alexander Reid;
Phoebe Esther Socodo; and
Carl Alwyn Stroud

to be members of the Prison Monitoring Board.

2. These appointments have effect from 1 March 2021 and continue in effect for two years expiring on 28 February 2023, unless terminated sooner.

Dated 22 February 2021

N. J. PHILLIPS C.B.E.,
Governor.

Errata

Falkland Islands Gazette - Volume 130

Gazette No 1 published on 31 January 2021 listed in Appointment: **Helen Louise Davies**, SHIELD Co-ordinator, Falkland College, Education Department, 31.01.21 in error, the entry should have appeared under **Resignation**; and listed in Transfer: **Meghan Alexandra Law**, from Administrative Assistant, Legislature Department, to Executive Assistant, Executive Management Department, 04.01.21 in error, the entry should have appeared under **Promotion**. Both entries are re-published correctly in this publication of the Falkland Islands Gazette.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

10 March 2021

No. 3

The following are published in this Supplement —

Falkland Islands Environment Trust Ordinance 2021 (No 1 of 2021); and

Building (Amendment) Regulations 2021 (SR&O No 3 of 2021).

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Falkland Islands Environment Trust Ordinance 2021

(ORDINANCE No. 1 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

PART 1 - PRELIMINARY

1. Title and commencement
2. Interpretation

PART 2 - ESTABLISHMENT, FUNCTIONS AND BOARD

3. The Trust
4. Purpose of Trust
5. Functions of Trust
6. Board of Trustees
7. Trustees
8. Additional provisions relating to the Trust and Board

PART 3 - PAYMENTS AND APPLICATIONS FOR FUNDING

9. Payments by contributors
10. Application for funding

PART 4 - FINANCIAL PROVISIONS OF THE TRUST

11. Funds of the Trust
12. Accounts of the Trust
13. Audit
14. Annual report and financial statements
15. Tax exemption

PART 5 - MEETINGS AND SECRETARY

- 16. Meetings of the Board
- 17. Secretary

PART 6 - GENERAL

- 18. Contracts by the Trust
- 19. Notices, etc.
- 20. Regulations

Schedule 1 - Additional provisions relating to the Trust and Board

Schedule 2 - Matters to be included in policy

ELIZABETH II



FALKLAND ISLANDS

RICHARD ALEXANDER JOHN MITHAM,
Acting Governor.

Falkland Islands Environment Trust Ordinance 2021

(assented to: 8 March 2021)
(commencement: in accordance with section 1)
(published: 10 March 2021)

AN ORDINANCE

To establish the Falkland Islands Environment Trust, responsible for managing payments received from contributors; to provide for applications for funding by persons engaging in an activity that promotes environmental management, and conservation and enhancement of the environment for the benefit of the Falkland Islands; and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - PRELIMINARY

1. Title and commencement

- (1) This Ordinance is the Falkland Islands Environment Trust Ordinance 2021.
- (2) This Ordinance comes into operation on a day appointed by the Governor by notice in the *Gazette*.

2. Interpretation

In this Ordinance —

“**activity**” means an activity that a person engages in or intends to engage in, that promotes or advances the purpose of the Trust stated in section 4;

“**biodiversity**” means the variety of genes, species and ecosystems in the environment;

“**Board**” means the Board of Trustees appointed under section 7;

“**Chief Executive**” means the Chief Executive referred to in section 83 of the Constitution;

“**contributor**” means a person who makes a payment to the Trust;

“**controlled waters**” has the same meaning as given in the Offshore Minerals Ordinance 1994;

“**environment**” means the natural environment of the Falkland Islands including the controlled waters;

“**financial year**” means the twelve months ending on the thirtieth day of June in any year;

“**MLA**” means an elected Member of the Legislative Assembly;

“**offsetting payment**” means a payment made to the Trust to compensate for negative impacts on the environment which were caused by or resulted from that contributor’s operations;

“**payment**” means an offsetting payment, a gift or any other contribution to the Trust whether monetary or not;

“**Secretary**” means the Secretary of the Trust appointed under section 17;

“**special funds**” means a payment that is made subject to a condition that the money is to be used in a particular manner or for a particular purpose;

“**Trustee**” means a member of the Board; and

“**the Trust**” means the Falkland Islands Environment Trust established under section 3.

PART 2 - ESTABLISHMENT, FUNCTIONS AND BOARD

3. The Trust

- (1) There is established the Falkland Islands Environment Trust.
- (2) The Trust is a body corporate and may sue or be sued in its own name.

4. Purpose of Trust

- (1) The purpose of the Trust is to receive and manage payments to be used for the support of persons engaged in or who intend to engage in the conservation, management and enhancement of the environment for the benefit of present and future generations of the Falkland Islands.
- (2) Without limiting the generality of subsection (1), the Trust may support persons engaged in activities that —
 - (a) offset negative environmental impacts;

- (b) benefit biodiversity; or
 - (c) are incidental to activities set out in paragraphs (a) or (b).
- (3) The Trust must ensure that special funds are used for the purpose requested by the contributor.
- (4) The Trust must consider Government policies and contributors' priorities in carrying out the purposes of the Trust.

5. Functions of Trust

- (1) Subject to subsection (2), the Trust has the following functions —
- (a) receive and assess applications for funding under this Ordinance;
 - (b) award grants to applicants that qualify for funding under this Ordinance;
 - (c) monitor and support a person engaged in an activity for which the Trust has awarded a grant;
 - (d) keep records of all the money that is received and paid out as grants;
 - (e) accept payments for the purposes of the Trust;
 - (f) acquire and dispose of property;
 - (g) employ on such terms as it thinks fit, any person to discharge any of the purposes of the Trust;
 - (h) engage persons, whether or not for reward, on such terms as the Trust considers necessary, to advise in relation to, or to discharge, any of the functions of the Trust;
 - (i) accept the services of any person upon secondment by their employer on such terms as may be agreed between the Trust and that employer;
 - (j) invest surplus funds in an interest bearing account in the Falkland Islands or, with the consent of the Governor, in another location;
 - (k) open and maintain bank accounts in the Falkland Islands and, with the consent of the Governor, overseas;
 - (l) provide advice to the Government and others on the purposes of the Trust; and
 - (m) promote interest and knowledge in the purposes of the Trust.
- (2) The Trust must not expend or commit the expenditure for any of its purposes beyond funds currently available to it or which will, to the knowledge of the Trust, be available to it before the expenditure in question falls to be met.
- (3) The Trust may borrow money for any of the purposes set out in subsection (1) with the consent of, and only on terms and conditions approved by the Governor.

6. Board of Trustees

- (1) The management of the affairs of the Trust will be carried out by the Board of Trustees.
- (2) The Board may authorise a person referred to in section 5(1)(g) and (h) to exercise any of the functions of the Trust.
- (3) Subsection (2) does not prevent the Board from carrying out the function itself.

7. Trustees

- (1) The Board will be composed of not less than seven and not more than nine Trustees appointed by the Governor as follows —
 - (a) a Chairperson who has an interest in, and experience and knowledge of, the Falkland Islands environment;
 - (b) one person from a list of persons nominated by contributors;
 - (c) one person to represent the Government, who is either a public officer nominated by the Chief Executive or an MLA nominated by the MLAs collectively; and
 - (d) the rest of the Trustees being people who will promote the purposes of the Trust, who have an interest in the Falkland Islands environment and who have skills that include but are not limited to skills in science, management, finance, administration, law and environmental conservation.
- (2) The Governor may not appoint a person under subsection (1)(a), (b) or (d), who has —
 - (a) subject to Part 29 (Rehabilitation of offenders) of the Criminal Procedure and Evidence Ordinance 2014, been —
 - (i) sentenced to a custodial sentence for a period of three months or more; or
 - (ii) convicted of an offence involving dishonesty;
 - (b) been removed as a Trustee by an order of court for reasons of misconduct in connection with that trust; or
 - (c) been adjudged bankrupt.
- (3) A Trustee is eligible for reappointment at the end of their term of office.

8. Additional provisions relating to the Trust and Board

- (1) Additional provisions relating to the Trust and Board are set out in Schedule 1.
- (2) The Governor may amend Schedule 1 by regulations made under section 20.

PART 3 - PAYMENTS AND APPLICATIONS FOR FUNDING

9. Payments by contributors

- (1) Any person may make a payment to the Trust for any of its purposes set out in section 4.
- (2) Payment may be a lump sum or be made periodically in instalments.
- (3) A contributor of special funds may specify how a payment under subsection (1) should be used.
- (4) A contributor may claim a refund of special funds that are not used in accordance with the specification of the contributor.

10. Application for funding

- (1) The Trust may give financial support through grants to an applicant who is engaged or intends to engage in an activity.
- (2) Any person who is engaged or intends to engage in an activity may apply to the Trust for a grant to fund or assist with funding that activity.
- (3) Financial support under this section may be given subject to conditions and the conditions may include repayment of a grant to the Trust in the event of failure by a person to deliver on an activity in a manner that satisfies the Trust.
- (4) The Board must develop a policy on the matters set out in Schedule 2.
- (5) The policy must provide for a fair and transparent process for considering applications for funding activities.
- (6) The Board must make arrangements for the publication of the policy in any way that makes it easily accessible to members of the public.
- (7) The Governor may amend Schedule 2 by regulations made under section 20.

PART 4 - FINANCIAL PROVISIONS OF THE TRUST

11. Funds of the Trust

- (1) The funds of the Trust consist of —
 - (a) payments made to it by any person;
 - (b) income received by it in relation to any investment of any of its funds;
 - (c) money borrowed by the Trust in accordance with section 5(3); and
 - (d) any other income received by the Trust from any source whatsoever.

(2) There may be granted or lent to the Trust out of the Consolidated Fund such sums as are appropriated in accordance with law for the purpose.

12. Accounts of the Trust

(1) The Trust must keep books of accounts to record the income, expenditure, source of funds, assets and liabilities of the Trust and must prepare in each financial year, a statement of the accounts.

(2) The Board may prepare guidelines to assist in the keeping of financial records.

(3) Where the Trust has received special funds, the Trust must in its books of account keep records necessary to separate the money from —

(a) funds available for expenditure on the purposes of the Trust generally; and

(b) other funds of the Trust to be used in another particular manner or for another particular purpose.

(4) The Trust must record expenditure of special funds in such manner as to enable the expenditure attributable to special funds to be readily identified.

13. Audit

(1) The Board must facilitate the audit of the accounts of the Trust in accordance with arrangements made by the Governor under section 80 of the Constitution.

(2) The accounts of the Trust must be audited each financial year, within six months of the end of the financial year.

(3) The auditor arranged under subsection (1) must report in respect of the accounts for each financial year, in addition to any other matter on which the auditor considers it necessary to comment on.

14. Annual report and financial statements

(1) Following the end of each financial year, the Trust must prepare an annual report consisting of —

(a) a report on its work during the financial year; and

(b) its financial statements for the financial year, which must be audited in accordance with arrangements made under section 13.

(2) The Secretary must submit copies of the annual report and financial statements to the Governor.

15. Tax exemption

For the avoidance of doubt, the Trust qualifies for exemption under section 57(1)(c) of the Taxes Ordinance 1997 from taxation on income in the Falkland Islands.

PART 5 - MEETINGS AND SECRETARY

16. Meetings of the Board

- (1) Subject to subsection (2), the Chairperson of the Board presides at all meetings of the Board.
- (2) If the Chairperson is absent from a meeting of the Board, the Trustees present must elect one of their number to chair that meeting, and the person so elected exercises the powers of the Chairperson.

17. Secretary

- (1) The Board must appoint a person who may be one of their number, excluding the Chairperson, to be the Secretary of the Trust.
- (2) The Secretary must carry out corporate functions and duties as directed by the Board in addition to functions given under this Ordinance.
- (3) The Secretary may attend all meetings of the Board, but may not vote upon any matter at any meeting if they are not a Trustee.
- (4) The Secretary has custody of and is responsible for the safekeeping of all records of the Trust and must prepare or cause to be prepared minutes of all meetings of the Trust.

PART 6 - GENERAL

18. Contracts by the Trust

- (1) This section deals with the formalities required for contracts being made by the Trust and making a contract includes varying it or discharging it.
- (2) In the case of contracts being made by deed, the Trust must make them by means of a deed sealed in accordance with paragraph 1 of Schedule 1.
- (3) In the case of contracts being made in writing (but not by deed), the Trust may make them by means of a document signed by a person who has express or implied authority to act on behalf of the Trust.
- (4) In the case of contracts being made in some other way, the Trust may make them through the actions of a person who has express or implied authority to act on behalf of the Trust.
- (5) Any instrument required by law to be under seal is sufficiently executed if it is executed under the common seal of the Trust in accordance with paragraph 1(3) of Schedule 1.
- (6) Subject to subsection (7), all cheques and other bills of exchange drawn by or on behalf of the Trust must be signed by two Trustees or by one Trustee and the Secretary.
- (7) A cheque or other bill of exchange drawn by the Trust for a sum not exceeding £1,000 may be signed by one Trustee or by the Secretary.

19. Notices, etc.

- (1) Any notice, legal process or other document required to be served upon the Trust is validly served if served upon or sent by post to the Secretary at the Secretary's usual address or place of business and, if sent by post, addressed to the Secretary in their capacity as Secretary of the Trust.
- (2) Any notice or other document expressed to be sent by or on behalf of the Trust may be signed by any Trustee or by the Secretary.
- (3) The Board must make arrangements for the publication of its address and contact details in a way that make them accessible to the public.

20. Regulations

The Governor after consulting the Board may make regulations for any of the following purposes—

- (a) to prescribe the forms of records and other documents to be kept by the Trust;
- (b) to prescribe expenses payable to Trustees in connection with the business of the Trust;
and
- (c) to amend Schedules 1 or 2 to this Ordinance.

SCHEDULE 1 - Additional provisions relating to the Trust and Board

section 8

1. Seal

- (1) The Trust must have a seal the nature of which is to be determined by the Board.
- (2) The Secretary must keep the seal.
- (3) The Chairperson (or any person authorised in that behalf by a resolution of the Board) must authenticate the affixing of the seal.

2. Staff

- (1) The Board must ensure good corporate governance of the Trust.
- (2) The Board must prepare guidelines or manuals for staff on subjects including human resources, job descriptions, financial provisions and other matters relevant to the efficient operation of the Trust.

3. Tenure of office of Trustees

- (1) A Trustee referred to in section 7(1)(a), (b) and (d) holds office for a period not exceeding four years as specified in the Trustee's instrument of appointment.
- (2) The Governor must ensure that the periods for which Trustees are appointed are staggered and the interests that they represent are varied, in such a way that a quorum can be achieved at all times.

4. Removal and suspension of Trustees

- (1) The Governor may, in writing, remove a Trustee from the Board if the Trustee —
 - (a) referred to in section 7(1)(a), (b) and (d) —
 - (i) engages in conduct that in the opinion of the Governor, brings the Trust into disrepute;
 - (ii) is sentenced to a custodial sentence for a period of three months or more, either immediately or suspended for a period or until the happening of some other event; or
 - (iii) is adjudged bankrupt or
 - (b) referred to in section 7(1)(c) vacates the office by virtue of which they are a Trustee.
- (2) A Trustee may only be removed under subparagraph (1)(a) after a fair process appropriate to the circumstances.
- (3) The Governor may suspend a Trustee from the Board while the process referred to in subparagraph (2) is underway.

5. Resignations

A Trustee may resign from office by giving 30 days' notice in writing to the Governor.

6. Meeting of Board

- (1) Subject to the provisions of this Ordinance, the Board will regulate its own proceedings.
- (2) The Board must meet at least two times annually.
- (3) Three Trustees form a quorum at any meeting of the Board.
- (4) No business may be transacted at any meeting of the Board at which there is no quorum except to adjourn that meeting.
- (5) A decision of the Board on any question must be by the majority of the Trustees voting at the meeting and, in the event of an equality of votes, the Trustee presiding has a casting vote in addition to that person's deliberative vote.
- (6) The validity of anything done by the Board will not be affected even if there are one or more vacancies on it.

7. Registration of interests by Trustees

- (1) Before taking part in the proceedings of the Trust, a Trustee must complete and furnish to the Secretary in writing in the form approved by the Board, the particulars of the Trustee's registrable interests.
- (2) A registrable interest includes information on any benefit which a Trustee receives and which might be considered to influence actions taken in their capacity as a Trustee.
- (3) Further provision relating to registrable interests and declaration of interests may be set out in the Code of Conduct referred to in paragraph 10.

8. Attendance at Board meetings

The Board may invite other persons to attend any of its meetings and such persons may speak at the meeting but they are not entitled to vote.

9. Remuneration of Trustees

Trustees must not receive any remuneration from the Trust but they may be reimbursed for reasonable expenses they incur in the course of their duties.

10. Code of Conduct

- (1) The Board must adopt (and keep under review) a Code of Conduct for the Trustees.
- (2) The Code of Conduct must include provisions dealing with —
 - (a) what constitutes registrable interests by Trustees; and
 - (b) resolving conflict of interest.

SCHEDULE 2 – Matters to be included in policy

section 10

The following matters must be included in the policy of the Trust —

- (a) when the Trust will consider applications for funding;
- (b) how applications for funding are assessed;
- (c) information to be included in support of an application for funding;
- (d) how applicants are notified of the decision of the Board;
- (e) environmental priorities for funding by the Trust; and
- (f) implementation, monitoring and evaluation of activities.

Passed by the Legislature of the Falkland Islands on 25 February 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

Building (Amendment) Regulations 2021

(No. 3 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Revocation
4. Amendment of Building Regulations 1999
5. Application of the Building Regulations 1999 as amended
6. Regulation 2 (interpretation) amended
7. Heading to regulation 8 (notification of decision of Committee) amended
8. New regulation 8B (term of building permits)
9. New regulation 12A (certificate for occupation and use is evidence)
10. Regulation 18 (general obligation) amended
11. Regulation 31 (general) amended
12. Regulation 32 (small extensions to existing dwellings) revoked
13. Regulation 34 (insulation of vessels pipes and ducts) amended
14. Heading to Part XI (structural fire precautions for private dwellings) replaced
15. Regulation 42 (roofs of private dwellings) amended
16. Regulation 43 (surface spread of flame) amended
17. Regulation 45 (provision of smoke alarms) amended
18. New regulation 46A (means of escape from a dwelling)
19. Regulation 50 (pipes conveying foul water) amended
20. Regulation 56 (pipes conveying foul water) amended
21. Regulation 61 (discharge of rainwater pipes) amended
22. Regulation 65 (plumbing of buildings connected to public water mains) amended
23. Regulation 73 (construction and installation of heat-producing appliances) amended
24. Regulation 74 (requirements satisfied in certain circumstances) revoked
25. Regulation 74A (requirements for the siting of oil storage tanks) amended

26. New regulation 74B (requirements for installing and using liquid petroleum gas cylinders)
27. Regulation 103 (fire resistance) amended
28. Regulation 107 (fire resistance of doors) amended
29. Regulation 111 (means of escape from certain classes of building) amended
30. Regulation 114 (number of exits) amended
31. New Part XXIII (access to and use of buildings (other than dwellings))
32. Further amendment of the Building Regulations 1999

Schedule – Further amendment of the Building Regulations 1999

SUBSIDIARY LEGISLATION

Building (Amendment) Regulations 2021

(made: 8 March 2021)
(commencement: in accordance with regulation 2)
(published: 10 March 2021)

I make these Regulations under section 3 of the Building Control Ordinance 1994 on advice of the Executive Council.

1. Title

These Regulations are the Building (Amendment) Regulations 2021.

2. Commencement

These Regulations come into force —

- (a) for the purposes of regulation 3, on publication in the *Gazette*; and
- (b) for all other purposes on 24 May 2021.

3. Revocation

The Building (Amendment) Regulations 2020 are revoked.

4. Amendment of Building Regulations 1999

These Regulations amend the Building Regulations 1999 (“the Regulations”).

5. Application of the Building Regulations 1999 as amended

The Regulations as amended apply to —

- (a) any application for a permit under regulation 7 of the Regulations made on or after the date on which these Regulations come into force; and
- (b) buildings and work that is exempt from the requirement for a building permit and in respect of which notification of commencement under regulation 10 of the Regulations is given on or after the date on which these Regulations come into force.

6. Regulation 2 (interpretation) amended

In regulation 2(1) of the Regulations replace the definition of “building permit” with —

““**building permit**” means a decision to authorise building work made by the Building Control Surveyor or the Committee under these Regulations;”.

7. Heading to regulation 8 (notification of decision of Committee) amended

In the heading to regulation 8 of the Regulations insert at the end “or of the Building Control Surveyor”.

8. New regulation 8B (term of building permits)

After regulation 8A of the Regulations, insert —

“8B. Term of building permits

- (1) A building permit ceases to have effect 5 years after the date of the permit.
- (2) Subregulation (1) does not apply if the building work authorised by the building permit is started before the end of the 5-year period referred to in that subregulation, even if it is not completed within that period.”.

9. New regulation 12A (certificate for occupation and use is evidence)

After regulation 12 of the Regulations, insert —

“12A. Certificate for occupation and use is evidence

A certificate issued under regulation 12(2) is evidence, but not conclusive evidence, that the building complies with these Regulations.”.

10. Regulation 18 (general obligation) amended

After regulation 18(4) of the Regulations, insert —

“(5) Every building must be constructed so that the sensitivity of the building to disproportionate collapse because of unexpected or unintentional damage is reduced.”.

11. Regulation 31 (general) amended

Amend regulation 31 of the Regulations as follows —

- (a) in subregulation (1), replace “Subject to the special exemption provided by regulation 32, this” with “This”;
- (b) in subregulation (2) —
 - (i) in paragraph (a) after “in the case of exposed walls of” insert “dwellings and”; and replace “100 millimetres” with “140 millimetres”;
 - (ii) in paragraph (b) after “in the case of roofs of...” insert “dwellings and”; and replace “150 millimetres” with “200 millimetres”;
 - (iii) in paragraph (c) replace “only” with “and buildings of Purpose Groups 1 to 5”; and replace “50 millimetres” with “140 millimetres”; and
- (c) after subregulation (2) insert —

“(3) In this regulation “**mineral fibre quilting**” includes any thermal insulating material that either equals or exceeds the thermal performance of the thickness of mineral fibre quilting referred to in the relevant subregulation.”.

12. Regulation 32 (small extensions to existing dwellings) revoked

Revoke regulation 32 of the Regulations.

13. Regulation 34 (insulation of vessels, pipes and ducts) amended

Replace regulation 34(3) of the Regulations with —

“(3) Insulation for pipes and ducts must comply with the recommendations of British Standard 5422:2009 “Method for specifying thermal insulating materials for pipes, tanks, vessels, ductwork and equipment operating within the temperature range -40°C to $+700^{\circ}\text{C}$.”.

14. Heading to Part XI (structural fire precautions for private dwellings) replaced

Replace the heading to Part XI of the Regulations with —

**“PART XI
STRUCTURAL FIRE PRECAUTIONS AND MEANS OF WARNING AND ESCAPE
FOR DWELLINGS”.**

15. Regulation 42 (roofs of private dwellings) amended

In regulation 42(2)(b) of the Regulations, replace “BS 476: Part 3: 1975” with “British Standard 476-3:2004 “Fire tests on building materials and structures. Classification and method of test for external fire exposure to roofs”.”.

16. Regulation 43 (surface spread of flame) amended

In regulation 43(1) of the Regulations, in the definition of “Class 1”, replace “British Standard 476: Part 7: 1987” with “British Standard 476-7:1997 “Fire tests on building materials and structures. Method of test to determine the classification of the surface spread of flame of products”.”.

17. Regulation 45 (provision of smoke alarms) amended

(1) Amend the heading to regulation 45 of the Regulations by inserting “and heat” after “smoke”.

(2) Replace regulation 45 of the Regulations with —

“Mains operated interlinked smoke and heat alarms must be installed, fitted and maintained in dwellings in accordance with British Standard 5839-6:2019 “Fire detection and fire alarm systems for buildings. Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises” and, in particular, in —

- (a) the circulation spaces, within 7.5 metres of the doors to all habitable rooms
- (b) the roof void; and

- (c) the kitchen.”.

18. New regulation 46A (means of escape from a dwelling)

After regulation 46 of the Regulations, insert —

“46A. Means of escape from a dwelling

- (1) The application to dwellings of regulation 100(3) and (4) (means of escape for all buildings) is subject to this regulation.
- (2) In a dwelling, each first-floor habitable room must have either an emergency escape window with the characteristics set out in subregulation (2) or an external door.
- (3) The route through an emergency escape window may be at an angle rather than at 90 degrees to the floor but it must have the following characteristics —
 - (a) it must have a minimum area of 0.33 metres squared; a minimum height of 450 millimetres; and a minimum width of 450 millimetres; and
 - (b) the bottom of the opening must be no more than 1100 millimetres above the floor of the room.”.

19. Regulation 50 (pipes conveying foul water) amended

- (1) In the heading to regulation 50 of the Regulations, replace “Pipes” with “Drains”.

(2) Amend regulation 50 as follows —

- (a) in paragraph (e) replace “complete; and” with “complete;”;
- (b) in paragraph (f) replace “practicable.” with “practicable; and”; and
- (c) after paragraph (f) insert —
 - “(g) be laid with bedding and backfilling that is —
 - (i) not less than 100 millimetres of granular fill around the pipework; and
 - (ii) made up of stones the diameter of which is not more than 40 millimetres.”.

20. Regulation 56 (pipes conveying foul water) amended

Amend regulation 56 of the Regulations as follows —

- (a) in paragraph (i), replace “shall be required).” with “is required); and”;
- (b) after paragraph (i) insert —
 - “(j) if the pipe penetrates masonry walls, be protected from settlement.”.

21. Regulation 61 (discharge of rainwater pipes) amended

Replace regulation 61(2) of the Regulations with —

“(2) Every soakaway must —

- (a) be of adequate dimensions having regard to the nature of the subsoil and to the amount of rainwater which may be discharged in it; and
- (b) be located at least 5 metres from any building, road or area of unstable ground.”.

22. Regulation 65 (plumbing of buildings connected to public water mains) amended

Replace regulation 65 of the Regulations with —

“Services supplying water for domestic use must comply with British Standard 8558:2015 “Guide to the design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages” and British Standard EN 806: 1-5 “Specifications for installations inside buildings conveying water for human consumption.”, as applicable.”.

23. Regulation 73 (construction and installation of heat-producing appliances) amended

Replace regulation 73 of the Regulations with —

“(1) Every heat producing appliance and its necessary accessories must be assembled, installed and commissioned in accordance with the manufacturer’s instructions.

(2) If a heat producing appliance that is a fixed fuel burning appliance is installed, a carbon monoxide alarm must also be installed in the same room, in accordance with the manufacturer’s instructions.”.

24. Regulation 74 (requirements satisfied in certain circumstances) revoked

Revoke regulation 74 of the Regulations.

25. Regulation 74A (requirements for the siting of oil storage tanks) amended

After regulation 74A(3) of the Regulations, insert —

“(4) Fuel supply lines from oil storage tanks must comply with the following requirements —

- (a) pipes must be laid in trenches excavated to a depth of 450 millimetres with compacted sand laid below and above the pipe;
- (b) fuel supply warning marker tape (or equivalent) must be positioned 150 millimetres below finished ground level along the length of the pipework;
- (c) pipes must be buried at least 300 millimetres clear of other underground services such as water and electricity; and
- (d) except where unavoidable, buried pipework must not include joints and any joint that is made must be within an inspection chamber.”.

26. New regulation 74B (requirements for installing and using liquid petroleum gas cylinders)

After regulation 74A of the Regulations insert —

“74B. Requirements for storing and using liquid petroleum gas cylinders

- (1) In this regulation “**cylinders**” means cylinders that contain or have contained liquid petroleum gas.
- (2) Cylinders must not be stored or used unless they are —
 - (a) mounted on a concrete base;
 - (b) secured by straps or chains against a wall; and
 - (c) in an upright position.
- (3) Cylinders must not be stored or used outdoors unless they are —
 - (a) at ground level in a well-ventilated position;
 - (b) at least 3 metres from any source of heat or ignition or any readily ignitable materials;
 - (c) at least 1 metre horizontally from and 300 millimetres below the openable part of any window;
 - (d) at least 1 metre from any point of entry into or exit from buildings, air intake, air brick, tumble-dryer vent or flue terminal;
 - (e) at least 2 metres from any point of entry into or exit from a drainage system; and
 - (f) at least 3 metres from any corrosive material or material that is an oxidant.
- (4) Cylinders must not be stored in a dwelling.
- (5) Cylinders must not be stored in building that is not a dwelling, unless —
 - (a) each cylinder so stored does not exceed 20 kilograms in capacity;
 - (b) the total weight of liquid petroleum gas so stored does not exceed 70 kilograms; and
 - (c) the number of cylinders so stored does not exceed either —
 - (i) 20 cylinders of up to 3 kilograms capacity each; or
 - (ii) 5 cylinders, if any cylinder is of greater capacity than 3 kilograms.
- (6) Subregulation (5) does not apply to a building that is specially designed and constructed for the storage of cylinders.
- (7) When installed in a building (including a dwelling) for use —
 - (a) the gas regulator must be located adjacent to the cylinder; and

- (b) the gas isolator must be accessible and located adjacent to the appliance, above the level of the internal floor.”.

27. Regulation 103 (fire resistance) amended

(1) Amend regulation 103(5) of the Regulations as follows —

- (a) replace “the Table hereto,” with “... the Table to this regulation — (a)”;
- (b) replace “forms part.” with “forms part; and”;
- (c) insert at the end of the subregulation —

“(b) “**sprinklered**” means that the building is fitted throughout with an automatic sprinkler system meeting the relevant requirements of British Standard EN 12845:2015+A1:2019 “Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance”; and “**not sprinklered**” is to be interpreted accordingly.”.

(2) In the Table: Part 2 to regulation 103 of the Regulations replace the phrase “passage of flame” where ever it appears with “integrity”.

28. Regulation 107 (fire resistance of doors) amended

Amend regulation 107 of the Regulations as follows —

- (a) in subregulation (3) replace references to “BS476: Part 22” with “British Standard 476-22:1987 “Fire tests on building materials and structures. Method for determination of the fire resistance of non-loadbearing elements of construction””.
- (b) replace the Table of fire-resisting doors at the end of that provision with —

TABLE OF FIRE-RESISTING DOORS
1. A fire door Type 1, if exposed to an approved test for its period of fire resistance must, when fitted in its frame together with necessary furniture including but not limited to the self-closing device, hinges and latch, satisfy the requirements of that test as to integrity and restricted smoke leakage for the specified period of fire resistance.
2. A fire door Type 2: (a) if exposed to an approved test for its period of fire resistance must, when fitted in its frame together with necessary furniture including but not limited to the self-closing device, hinges and latch, satisfy the requirements of that test as to integrity and restricted smoke leakage for 30 minutes; and (b) must be either a single leaf swinging in one direction only OR a double leaf, each leaf swinging in the opposite direction to the other leaf, and with rebated meeting styles.
3. A fire door Type 3: (a) if exposed to an approved test for its period of fire resistance must, when fitted in its frame together with necessary furniture including but not limited to the self-closing device, hinges and latch, satisfy the requirements of that test as to integrity and restricted smoke leakage for 20 minutes; and (b) may be single or double leaf swinging in one or both directions. In either case the clearance between the leaf or leaves of the door and the frame, and where there are two leaves to the door between the leaves must be as small as is reasonably practicable.

29. Regulation 111 (means of escape from certain classes of building) amended

In regulation 111 of the Regulations, replace paragraphs (a) to (d) with —

- “(a) in the case of buildings in Purpose Group 1 (residential - dwellings), by compliance with British Standard 9991:2015 “Fire safety in the design, management and use of residential buildings. Code of Practice”;
- (b) in the case of buildings in Purpose Group 2 (residential - institutional and other), by compliance with British Standard 9999:2017 “Fire Safety in the design management and use of buildings. Code of practice” or British Standard 9991:2015 “Fire safety in the design, management and use of residential buildings. Code of Practice”, as applicable; and
- (c) in the case of buildings in Purpose Groups 3 (office buildings), 4 (shop and commercial buildings), 5 (assembly and recreation), 6 (industrial) and 7 (storage and other non-residential), by compliance with British Standard 9999:2017 “Fire Safety in the design, management and use of buildings. Code of Practice”.”.

30. Regulation 114 (number of exits) amended

In regulation 114(2) of the Regulations, in the Table in the third line in the column headed “Number of exits”, replace “2” with “3”.

31. New Part XXIII (access to and use of buildings (other than dwellings))

After regulation 120 of the Regulations, insert —

“PART XXIII ACCESS TO AND USE OF BUILDINGS (OTHER THAN DWELLINGS)

120A. Interpretation

In this Part “**building**” does not include a dwelling.

120B. Access into and circulation within buildings

(1) Access to the principal entrance must be by —

- (a) a level pathway; or
- (b) a ramp that complies with regulation 119.

(2) The principal entrance and internal doorways that are on the same level as the principal entrance must have a minimum effective clear width in accordance with the following table —

Direction and width of approach	Minimum effective clear width
Straight-on (without a turn or oblique approach)	800 millimetres
At right angles to an access route at least 1500 millimetres wide	800 millimetres
At right angles to an access route at least 1200 millimetres wide	825 millimetres
External doors to buildings used by the general public	1000 millimetres

(3) In the case of internal doorways, the requirements in subregulation (2) are satisfied if the effective clear width through a single leaf door or one leaf of a double leaf door complies with that subregulation.

(4) In this Regulation —

“**effective clear width**” means the width of the opening in which a door is situated, measured at right angles to the wall from the outside of the doorstep on the door closing side to any obstruction on the hinge side, whether this is projecting door opening furniture, a weather board, the door or a door stop; and

“**principal entrance**” means the entrance into a building which a person not familiar with the building would normally expect to use to approach and enter the building.

120C. Sanitary facilities

In a building where there are closets and other sanitary facilities, the sanitary facilities must —

- (a) be designed for use by persons including persons who are wheelchair users, ambulant disabled persons or are accompanied by babies or young children;
- (b) be located in parts of the building that are easily accessible without recourse to stairs; and
- (c) comply with British Standard 8300-2:2018 “Design of an accessible and inclusive built environment. Buildings. Code of practice”.

32. Further amendment of the Building Regulations 1999

The regulations listed in the first column of the Table appearing in the Schedule to these Regulations are amended to the extent set out in the second column.

Made 8 March 2021

R. A. J. MITHAM,
Acting Governor.

**SCHEDULE
FURTHER AMENDMENT OF THE BUILDING REGULATIONS 1999**

regulation 32

TABLE

Regulation	Extent of amendment
40(3)	Replace “BS476:” with “British Standard 476:”; at the end before the full-stop, add “Fire tests on building materials and structures”.
106 (note 3 to the table “Permitted unprotected areas in small buildings or compartments”)	Replace “BS5306: Part 2” with “British Standard EN 12845:2015+A1:2019 “Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance”.
110(b)	Replace “BS 476: Part 3: 1975” with “British Standard 476-3:2004 “Fire tests on building materials and structures. Classification and method of test for external fire exposure to roofs”.
113 (in note 2 of the Notes to the Table)	Replace “BS5588: Part 10” with “British Standard 9999:2017 “Fire safety in the design, management and use of buildings. Code of practice”.

EXPLANATORY NOTE
(not forming part of the regulations)

These Regulations are made under the Building Control Ordinance 1994, which empowers the Governor to make regulations to secure the health, safety, welfare and convenience of people visiting, working or living in a building; and to prevent waste or contamination of water.

These Regulations amend the Building Regulations 1999 to introduce a new time limit of 5 years on the validity of building permits. The Regulations also update requirements in relation to technology, materials and safety for plumbing and drainage, access to and escape from buildings and the heating of buildings. In particular the Regulations impose new requirements that will ensure that new buildings that are not dwellings must be accessible for all, including appropriate bathroom provision, for anyone with a disability or who is accompanied by babies or young children.

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NOTICES

No. 20

12 March 2021

**Infectious Diseases Control (Coronavirus, Quarantine)
Regulations 2021**
regulation 11

Quarantine Exemptions Direction No. 4

Background

This Direction replaces the Quarantine Exemptions Direction No. 3 dated 27 August 2020.

I make this Direction having consulted the Chief Medical Officer.

South Georgia and the South Sandwich Islands (“the Overseas Territories”) have had no cases of coronavirus infection to date. I am satisfied that there is a low risk that any person who has been for more than 14 consecutive days in (including travelling between) the Overseas Territories immediately before travelling to the Falkland Islands might spread coronavirus to persons in the Falkland Islands.

I am likewise satisfied that persons disembarking from a vessel arriving in the Falkland Islands present a low risk of spreading coronavirus to other persons where they have been at sea on a “clean vessel”. This assessment also applies in the case of passengers or crew who transfer from one vessel to another while at sea provided that all the vessels are “clean” and have not reported any crew member as being symptomatic.

A “clean vessel” includes a vessel that during its voyage

has called at Ascension Island on the way to the Falkland Islands as Ascension Island has had very few reported cases of coronavirus and no cases of local transmission. Likewise, time spent in the territorial waters of the Falkland Islands, including in our harbours, should be taken into account when assessing whether a vessel is “clean”.

Direction

In accordance with regulation 11(3) of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021, I Nigel James Philips C.B.E., make the following direction:

1. This direction replaces the Quarantine Exemptions Directions No. 3 dated 27 August 2020 which no longer has effect.

2. In this direction:

“at sea” includes time spent in the territorial waters of the Falkland Islands;

“a clean vessel” is one that:

- (a) has been at sea for more than 14 consecutive days;
- (b) during the period at sea has not arrived in any place other than Ascension Island;
- (c) has not reported any person as showing symptoms of coronavirus; and
- (d) during the period at sea has only been boarded by persons from, and passengers or members of the crew have only boarded, other vessels that meet the criteria in paragraphs (a)-(c).

“the Overseas Territories” means South Georgia and the South Sandwich Islands and the British Antarctic Territory; and

“the Regulations” means the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021.

3. A person of a description specified in paragraph 4 or 5:

(a) is not required to comply with the requirements in regulation 8 of the Regulations; and

(b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

4.(1) A person arriving from the Overseas Territories who was in the Overseas Territories for more than 14 consecutive days immediately before travelling to the Falkland Islands.

(2) When calculating time spent in the Overseas Territories account may be taken of time spent:

(a) in the Falkland Islands before travelling directly to the Overseas Territories;

(b) travelling directly between the Falkland Islands and the Overseas Territories;

(c) travelling directly between the Overseas Territories.

5. A person (“P”) disembarking from a vessel (“V”) arriving in the Falkland Islands and either:

(a) V is a clean vessel; or

(b) if P departed from the Falkland Islands:

(i) since P’s departure:

(aa) V has only been boarded by persons from a clean vessel;

(bb) passengers or members of the crew of V have only boarded another clean vessel;

(cc) no person on board V has been reported as exhibiting any symptom of coronavirus; and

(ii) P either:

(aa) was in quarantine in accordance with the Regulations immediately before embarking on V; or

(bb) immediately before embarking was not required to stay in quarantine and had not exhibited any symptom of coronavirus for at least 14 days.

Dated 12 March 2021

N. J. PHILLIPS C.B.E.,
Governor.



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No. 5

Appointment

Tracey Ann Prior, Head of Finance, Treasury, 23.02.21.

Steven Winn, Maritime Officer, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 23.02.21.

Bonita Colleen Goodwin, Accounting Assistant, Treasury, 01.03.21.

Margaret Ann Hewitt, Auxiliary Nurse, Health and Social Services Department, 01.03.21.

Adam James Glanville, Aircraft Fitter, Falkland Islands Government Air Service, Development and Commercial Services Department, 08.03.21.

Paula Michelle Newell, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 15.03.21.

Completion of contract

James Alan Horton, Programme Director, Emergency Services and Island Security Department, 28.02.21.

Rebecca Rees, Company Taxation Officer, Treasury, 26.03.21.

Rhian Burgess, Head of Communications, Policy and Economic Development Department, 31.03.21.

Mark Laurence Rutherford, Management Accountant, Treasury, 31.03.21.

Renewal of contract

James Alan Horton, Programme Director, Emergency Services and Island Security Department, 01.03.21.

Rebecca Rees, Company Taxation Officer, Treasury, 27.03.21.

Rhian Burgess, Head of Communications, Policy and Economic Development Department, 01.04.21.

Resignation

Roy Shepherd, Estates Engineering Officer Mechanical, Health and Social Services Department, 14.02.21.

James Olaf Louis Tyrrell, Plant Operator/Handyperson, Highways Section, Public Works Department, 05.03.21.

Dwight Michael Joshua, Finance and Administration Clerk, Falkland College, Education Department, 12.03.21.

Beverly Royle, Assessor, Falkland College, Education Department, 23.03.21.

Victoria Margaret Williams, Patient Information Clerk, Health and Social Services Department, 24.03.21.

Andrew Nigel Miller, Fisheries Protection Officer, Fisheries, Natural Resources Department, 26.03.21.

Daniel Michael Walker, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 26.03.21.

Retirement

Emma Carrasco, Learning Support Assistant, Falkland Islands Community School, Education Department, 31.03.21.

Rex Edward Eagle, Vocational Coordinator, Falkland College, Education Department, 31.03.21.

Transfer

Brooklyn Marie Ford, from Learning Support Assistant, Infant Junior School and Camp Education, Education Department, to Residential Support Worker, Health and Social Services Department, 04.03.21.

Rebecca Browning, from Learning Support Assistant, Infant Junior School and Camp Education, Education Department, to Audiology Coordinator and Speech and Language Therapy Assistant, Health and Social Services Department, 10.03.21.

NOTICES

No. 21

5 March 2021

Falkland Islands Pensions Scheme Ordinance 1997 *section 5*

Appointment of Members of 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 representatives of employers, I appoint **Mhari Ashworth** to be a member of the Pensions Board, with effect from date of signature below for three years, to represent the interests of those employers.

3. In exercise of my powers under section 5(2)(c) after consulting representatives of employees who are members of the Scheme I appoint:

Ana Bonita Crowie from 1 April 2021 to 31 March 2024;
and

Kevin John Ironside from 1 April 2021 to 31 March 2024

to be members of the Pensions Board to represent the interests of those employees.

4. These appointments have effect and continue in effect as detailed in paragraphs 2 and 3 above and in accordance with the Falkland Islands Pensions Scheme Ordinance 1997, unless terminated sooner.

Dated 5 March 2021

R. A. J. MITHAM,
Acting Governor.

No. 22

12 March 2021

Administration of Estates Ordinance 1949 *section 4*

Application for Letters of Administration

Take notice that **Atilio Segundo Laffi** of 3 Brisbane Road, Stanley, Falkland Islands, FIQQ 1ZZ, died on 27 January 2021.

Whereas **Lisa Maria Martin** 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 1949 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 12 March 2021

E. J. FULTON,
Registrar of Supreme Court.

No. 23

18 March 2021

Commissioners for Oaths Ordinance 1969 *section 2*

Administration of Justice Ordinance 1949 *section 47*

Appointment of Commissioner for Oaths and Notary Public

1. I appoint **Zeynab Patel** to be:

Commissioner for Oaths under section 2 of the Commissioners for Oaths Ordinance 1969; and

Notary Public under section 47 of the Administration of Justice Ordinance 1949.

2. These appointments have effect from 2 February 2021 and continue in effect until the expiry of the contract of employment of Zeynab Patel with the Falkland Islands Government, unless terminated sooner.

Dated 18 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 24

18 March 2021

Charities Act 1960 *section 1*

Appointment of Charity Commissioners

1. Section 1 of the Charities Act 1960 ('the Act'), in its application to the Falkland Islands under section 21 of the Law Revision and Publication Ordinance 2017, provides for the Governor to appoint a body of Charity Commissioners in accordance with the provisions of the First Schedule of the Act.

2. In exercise of my powers under the Act, I appoint:

Zeynab Patel, Crown Counsel; and
Maeve Ann Marie Daly-Llamosa, Statistician and Social Policy Adviser,

to be Charity Commissioners.

3. These appointments have effect from the date given below, and continue in effect whilst the appointees hold office in the Falkland Islands Government.

Dated 18 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 25

18 March 2021

Education Ordinance 1989 *section 50*

Appointment to Committee of Managers

1. Section 50(1)(c) of the Education Ordinance 1989 provides for the Governor to appoint four persons to the Committee of Managers in respect of each Government school of whom at

least two shall be a parent of one or more children attending that school.

2. In exercise of my powers under section 50(1)(c), I appoint **Rachael Anne Barratt** to the Committee of Managers for the Infant Junior School and Camp Education.

3. In accordance with section 50(2)(d) this appointment has effect from date of signature for two years.

Dated 18 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 26 25 March 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Emma Jane Fulton** to be a Registrar generally.

3. This appointment has effect from the date of signature, and continues in effect until the expiry of the contract of employment of Emma Jane Fulton with the Falkland Islands Government, unless terminated sooner.

Dated 25 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 27 25 March 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Andrew Alazia** to be a Registrar for the purposes of the marriage of Sylvia Ann Watt and Edgar Ewen Morrison scheduled to take place at Lafone House, Stanley on 24 April 2021 at 2.30pm.

Dated 25 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 28 25 March 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Paul Edwin Brewin** to be a Registrar for the purposes of the marriage of Rodrigo Cordeiro Garcia and Naomi Margaret Baxter scheduled to take place at the Waterfront Restaurant, Stanley on 1 May 2021 at 4.30pm.

Dated 25 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 29 25 March 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Stephen Roger Fowmes** to be a Registrar for the purposes of the marriage of Marisol Diaz Ordonez and Michael Charles Moyce scheduled to take place at the Malvina House Hotel, Stanley on 15 May 2021 at 2pm.

Dated 25 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 30 31 March 2021

Public Health Ordinance 1894
section 44

Notice of Charges

1. Section 44 of the Public Health Ordinance 1894 provides that such charges may be made in respect of medical services as are from time to time approved by the Governor and published in the *Gazette*.

2. The charges listed in the Schedule have been approved by the Governor in Council with effect from 1 July 2019.

Dated 31 March 2021

D. O'NEILL,
Director, Health and Social Services.

SCHEDULE

Medical and Dental Charges

The charges are those which entitled and non-entitled patients must pay for services received for Medical and Dental treatment within the Falkland Islands.

The charges do not apply to Military personnel, Ministry of Defence civilians or contractors, or their dependants (who are covered by a separate Memorandum of Understanding), or any person who is in prison or a young offender institution or any person who has been detained under immigration legislation.

The following are not entitled to treatment and will be expected to meet the costs of their treatment together with associated administrative and travel (medical evacuation) expenses:

- Tourists and visitors to the Falkland Islands unless they are normally resident in a country with which the Falkland Islands Government has a reciprocal agreement (at present only with the United Kingdom for local treatments only (see Note 1)).
- Merchant seamen, fishermen and crews of ships visiting the Falkland Islands or operating in the Falkland Islands Conservation Zone unless they, as individuals, are normally resident in a country with which the Falkland Islands Government has a reciprocal agreement (at present only with the UK for local treatments only (see Note 2)).
- Persons not covered by the United Kingdom/Falkland Islands reciprocal health care agreement and who are employed within the Falkland Islands under a self declaration medical form who are not United Kingdom citizens. Persons in this category are advised to be in possession of a medical insurance policy to a value of at least \$2 million US Dollars which includes provision for emergency medical evacuation to South America, the United Kingdom, or the persons home country, and repatriation costs where necessary.

There are some services which are chargeable for entitled and non-entitled individuals. These include some dental services, optician appointments, cost of spectacles, over the counter medication, travel vaccines and immigration medicals. These treatments require payment in advance of the appointment being made or items being collected. All non-entitled patients must pay for treatment and medication at the point of discharge unless it has been agreed in advance that an invoice is to be raised to the individual or their agent.

Medical and Dental charges

Item	Unit price	Patient Type
Customs service charge for emergency medical evacuations	£80.96	Non-entitled
Invoicing and payment processing	£41.78	Non-entitled
Inpatient services		
Routine (per 24 hours or part of)	£1,117.74	Non-entitled

Intensive Care (per 24 hours or part of)	£2,294.58	Non-entitled
Isolation Nursing (per 24 hours or part of)	£2,294.58	Non-entitled
Surgical services		
Time in Theatre:		
group 1 - < 30 minutes	£1,921.65	Non-entitled
group 2 - 30 mins - < 1 hour	£3,843.29	Non-entitled
group 3 - 1 hour - < 2 hours	£5,764.94	Non-entitled
group 4 - 2 hours - < 4 hours	£7,686.59	Non-entitled
group 5 - > 4 hours	£9,608.24	Non-entitled
Outpatient Services		
Outpatient appointment < 15 mins	£181.98	Non-entitled
Outpatient appointment > 15 mins	£363.97	Non-entitled
ECG	£146.00	Non-entitled
X-rays	£229.63	Non-entitled
Copy of X-rays (per copy)	£25.75	Non-entitled
Ultrasound Scans	£229.63	Non-entitled
Specialist X-rays and Scans in Theatre	£229.63	Non-entitled
Physiotherapy (per 10 minute session)	£128.71	Non-entitled
House Visit surcharge	£92.39	Non-entitled
Prescription drugs	Cost price + 37.5% Minimum £40.69	Non-entitled
Pharmacy Sales - Drugs and other items	Cost price + 37.5%	Entitled/Non-entitled
Emergency services		
A&E attendance	£444.74	Non-entitled
Ambulance in the vicinity of Stanley*	£241.88	Non-entitled
Ambulance Stanley Airport to KEMH*	£357.71	Non-entitled
Ambulance KEMH to MPA*	£478.64	Non-entitled
*Additional charge per hour for accompanying Doctor	£97.34	Non-entitled
Emergency Evacuation administration	£626.73	Non-entitled
Emergency Evacuation international phone calls	actual cost	Non-entitled
Laboratory Charges		
Food, Water and Environmental Tests	£31.00	Entitled/Non-entitled
Medical Laboratory Tests	£51.50	Entitled/Non-entitled
Travel Vaccines		
Charge made up of two elements –		
(1) cost of vaccines	Cost price + 37.5% Minimum £40.69	Entitled/Non-entitled
(2) cost of Out Patient appointment		
Outpatient appointment < 15 mins	£181.98	Non-entitled
Outpatient appointment > 15 mins	£363.97	Non-entitled

Medicals (see Note 3)		
ML5 examination (maritime)	£82.40	Entitled/Non-entitled
ENG1 - pre set charge from UK	£115.00	Entitled/Non-entitled
CAA as per CAA Guidelines	Cost price	Entitled/Non-entitled
Medical for life insurance (excludes report)	£139.05	Entitled/Non-entitled
Medical Report	£69.53	Entitled/Non-entitled
Fitness to drive medical	£69.53	Entitled/Non-entitled
Food Handling course	£34.76	Entitled/Non-entitled
Immigration medical (includes GP and dental appointment and bloods)	£230.00 plus actual cost of scans required	Entitled/Non-entitled
Scan	£229.63	Entitled/Non-entitled
FIG Occupational Health ECG	£47.38	Non-entitled
Miscellaneous services		
Mortuary charge	£746.75 +£51.50 per day	Non-entitled
Certificate of Death	£209.66	Non-entitled
Certificate of Repatriation of Remains	£222.69	Non-entitled
Visits to Ships:		
- FIPASS	£315.91	Non-entitled
- Port William/Stanley Harbour	£436.55	Non-entitled
- Elsewhere in the territory	£196.51	Non-entitled
Walking Stick	£41.20	Non-entitled
Crutches	£41.20	Non-entitled
Veterinary Animal Request	£34.76	Entitled/Non-entitled
Copy of medical records		
Photocopy of Medical Records, less than 50 pages	£33.48	Entitled/Non-entitled
Photocopy of Medical Records, additional pages over 50	31p per page plus additional £20.60 admin	Entitled/Non-entitled
Copy of Electronic Medical Records onto memory stick	£30.90	Entitled/Non-entitled
Additional documents scanned, price each	£1.03	Entitled/Non-entitled
Dental Charges		
Emergency appointment	£134.81	Non-entitled
Acrylic denture	£143.32	Only available to Entitled patients

Chrome denture	£247.82	Only available to Entitled patients
Crown - Gold	£212.44	Only available to Entitled patients
Crown - Porcelain	£164.29	Only available to Entitled patients
Bridge - Maryland	£118.97	Only available to Entitled patients
Bridge - 2 unit	£195.44	Only available to Entitled patients
Bridge - 3 unit	£293.14	Only available to Entitled patients
Dental Fitness treatment	£134.82	Non-entitled
Dental Fitness letter	£134.82	Non-entitled
Residential		
Residents fees (per person per month)	£268.20	Entitled
Opticians		
Routine eye test (free for some patients)	£37.00	Entitled/Non-entitled
Spectacles - lenses	Cost price	Only available to Entitled patients
Spectacles - frames	Cost price	Only available to Entitled patients
Public Health		
Public health inspection under Public Health Ordinance 1894, Part 1, section 13A(1)	£64.00	Entitled/Non-entitled
Ship Sanitation (see Note 4)		
Ship sanitation inspection and certification charge under Public Health (Ships) Regulations 2010, regulations 31 and 32	£569.00	Entitled/Non-entitled/Private business

Please note that an exemption from charging is currently in place in relation to Covid-19 testing, treatment and vaccination for clinical purposes.

Note 1: For clarification, local treatment excludes any costs associated with aeromedical evacuation or medical treatment overseas.

Note 2: For clarification, this excludes British citizens who are not entitled at the time to treatment under the National Health Service of the United Kingdom.

Note 3: For clarification, an additional 25% of the fee will be charged for any medicals undertaken outside of normal working hours (which are 8am-4.30pm Monday to Friday excepting public holidays).

Note 4: These charges are administered by the Department of Natural Resources and agreed with the Senior Veterinary Officer.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

31 March 2021

No. 4

The following are published in this Supplement —

Childcare Subsidy Scheme Bill 2021; and

Mental Health (Approved Practitioners) Order 2021 (SR&O No 4 of 2021).

Childcare Subsidy Scheme Bill 2021

(No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - PRELIMINARY

1. Title and commencement
2. Interpretation

PART 2 - CHILDCARE SUBSIDY SCHEME AND SUBSIDIES

3. Establishment of Scheme
4. Eligibility for subsidy
5. Application for subsidy
6. Grading of childcare provision
7. Assessment and payment of subsidy
8. Stopping payment of subsidy
9. Adjustment of payments

PART 3 - GENERAL

10. False statements
11. Inspections
12. Director to issue guidance
13. Subsidiary legislation

Childcare Subsidy Scheme Bill 2021

(assented to: 2021)
(commencement: on publication)
(published: 2021)

A BILL

for

AN ORDINANCE

To establish a Childcare Subsidy Scheme for the benefit of registered persons and children receiving childcare; to provide for the administration of the Scheme by the Director; to provide for the grading of childcare provision for purposes of assessing the subsidy payable per child; and to provide for connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - PRELIMINARY

1. Title and commencement

- (1) This Ordinance is the Childcare Subsidy Scheme Ordinance 2021.
- (2) This Ordinance comes into force on publication in the *Gazette*.

2. Interpretation

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

“**child**” means a child who is aged three months or over and 11 years and below;

“**childcare**” means child minding or day care provided under the Child Minding and Day Care Ordinance;

“**Director**” means the Director of Education or the Director’s nominated representative;

“**guidance**” means guidance issued or deemed to have been issued, by the Director under section 12;

“**minimum standards**” means minimum standards specified by the Director in guidance;

“**Child Minding and Day Care Ordinance**” means the Child Minding and Day Care Ordinance 2018 and subsidiary legislation made under it;

“**prescribed**” means prescribed in regulations;

“**registered**” means registered under the Child Minding and Day Care Ordinance;

“**Scheme**” means the Childcare Subsidy Scheme established under section 3; and

“**subsidy**” means a childcare subsidy payable to a registered person under the Scheme.

PART 2 - CHILDCARE SUBSIDY SCHEME AND SUBSIDIES

3. Establishment of Scheme

- (1) There is established a Childcare Subsidy Scheme for the payment of subsidies to a registered person to assist with childcare.
- (2) The Scheme is administered by the Director.
- (3) The Scheme is funded by money appropriated for that purpose by an Appropriation Ordinance.

4. Eligibility for subsidy

- (1) Subject to subsection (2), a registered person is eligible for a subsidy under the Scheme in respect of children receiving childcare from that person if the requirements set out in subsection (2) are met.
- (2) A registered person is eligible for a subsidy under the Scheme if—
 - (a) their name is in the register of child minders or the register of providers of day care and their registration has not been suspended, cancelled or removed in terms of Part 4 of the Child Minding and Day Care Ordinance; and
 - (b) the parent or guardian of the child in respect of whom a subsidy is claimed pays a fee to the registered person for their child.
- (3) For the avoidance of doubt, a subsidy is not payable to a registered person in respect of—
 - (a) their own child receiving childcare from them;
 - (b) a child whose parent or guardian does not pay fees to the registered person; or
 - (c) a person in circumstances specified by order under section 4 of the Child Minding and Day Care Ordinance.

5. Application for subsidy

- (1) A registered person who is eligible for a subsidy may apply for a subsidy to the Director in a form approved by the Director.
- (2) The registered person must provide information as prescribed, with the application.

(3) Information referred to under subsection (2) may include information connected with the registered person's activities considered necessary for the purposes of paying a subsidy under this Ordinance.

6. Grading of childcare provision

(1) The Director may grade childcare provided by registered persons for the purpose of calculating the subsidy that a registered person gets in respect of a child.

(2) Regulations must specify the grades for purposes of subsection (1).

(3) The Director must apply the minimum standards when grading childcare provision.

(4) Despite regulation 21(3) of the Child Minding and Day Care Regulations 2018, a registered person must comply with the minimum standards that apply to the grade determined by the Director if they are to continue receiving the subsidy applicable to that grade.

7. Assessment and payment of subsidy

(1) The Director may pay to a registered person a subsidy in respect of a child receiving childcare at a rate per child as prescribed.

(2) A subsidy must be determined on the basis of the level at which childcare provided by a registered person is graded and the Director may take into account the amount of fees charged by the registered person per child.

(3) Different rates per child are payable in respect of different grades of childcare.

(4) Where childcare provided by a registered person is regraded upwards or downwards, the subsidy must be revised to match the new grade, and a revised subsidy applies with effect from the date specified in a notice by the Director notifying the registered person of the new grade.

(5) The process, method of payment and documents to be submitted in support of a claim for a subsidy are to be prescribed.

8. Stopping payment of subsidy

(1) The Director must immediately stop payment of a subsidy if —

(a) a registered person no longer complies with section 4(2); or

(b) the registered person fails to keep records or to provide information as prescribed.

(2) A registered person's subsidy will be reinstated once the cancellation or suspension is lifted.

(3) The procedure for stopping a subsidy under this section will be prescribed.

9. Adjustment of payments

(1) Subject to subsection (2), if a subsidy is paid and it is found that the amount was not properly paid, the Director may require the amount to be refunded —

- (a) if it was paid to a registered person who was not entitled to receive the amount, by that registered person; or
- (b) if it was paid to a person on behalf of a registered person who was not entitled to receive the amount, by that person.

(2) Any sum that is required to be repaid under this section may be set off against future payments due to the registered person under this Ordinance or may be recovered by the Director as a civil debt.

PART 3 - GENERAL

10. False statements

A registered person who, in an application for a subsidy knowingly or recklessly —

- (a) makes a statement or representation which is false in a material particular;
- (b) provides or causes or allows to be provided, a document or information which is false in a material particular; or
- (c) withholds any information which is material,

commits an offence.

Penalty: A fine not exceeding level 5 on the standard scale.

11. Inspections

(1) The Director may arrange for an inspection of records or information kept by a registered person for purposes of this Ordinance.

(2) Part 5 of the Child Minding and Day Care Ordinance (including regulations made under that Part) applies to inspections carried out under this section with the necessary changes.

12. Director to issue guidance

(1) The Director may issue guidance for —

- (a) minimum standards for purposes of grading childcare provision; or
- (b) any matter which is to be prescribed under a provision of this Ordinance.

(2) The minimum standards set out in guidance issued under the Child Minding and Day Care Ordinance are deemed to have been issued under this section and apply until the Director issues other guidance under subsection (1).

(3) The Director must make arrangements for any guidance issued under subsection (1) to be made available to all registered persons and other interested parties, on request, (electronically or in hard copy).

13. Subsidiary legislation

(1) The Governor may make regulations generally for giving effect to this Ordinance, and for any matters that may be prescribed under this Ordinance.

(2) Regulations under subsection (1) may provide for the following matters —

- (a) procedures for application for a subsidy, payment and information to be submitted with the application;
- (b) reimbursement of the Scheme where subsidy is paid wrongly;
- (c) stopping of payment of subsidy;
- (d) grading of childcare provision; and
- (e) appeals.

OBJECTS AND REASONS

This Bill brings the Childcare Subsidy Scheme under the purview of legislation. The Scheme is administered by the Director of Education. Subsidies are paid to registered persons. The subsidy will assist in improving childcare provision in the Falkland Islands. Childcare provision will be graded into categories as prescribed. The Director uses standards issued or deemed to have been issued under the Ordinance. A higher grade means a bigger subsidy.

A subsidy is also used as a way of regulating fees charged by registered persons. The subsidy is pegged against the fees charged to parents or guardians of children. The higher the fees, the lower the subsidy that a registered person receives. Further, a subsidy is not payable in respect of a registered person's own children or children of staff members who receive childcare from the registered person but do not pay fees.

The individual clauses provide as follows:

Part 1, clauses 1 and 2 provide for preliminary matters. Commencement is on publication in the *Gazette*. Various terms used in the Bill are defined in clause 2. The Child Minding and Day Care Ordinance 2018, which provides for registration is defined. The term childcare is used to cover both childminding and provision of day care and it is defined.

Part 2 provides for the establishment of the Scheme and payment of the subsidy.

Clause 3 establishes the Scheme and its funding.

Clause 4 provides for eligibility for a subsidy. A registered person must be in the register of child minders or providers of day care in order to receive a subsidy. Their registration must not be suspended or cancelled.

Clause 5 provides that application for a subsidy is made in a form approved by the Director and the applicant must submit information as prescribed.

Clause 6 provides for the grading of childcare provision using minimum standards specified by the Director. A registered person must comply with the standards applicable to their grade in order to continue receiving the subsidy applicable to that grade.

Clause 7 deals with assessment and payment of subsidies. Different rates are payable per child based on the grade of the childcare provided by the registered person and the fees paid by a parent or guardian. A regrading of childcare provided by a registered person to a higher or lower grade, results in a revision of their subsidy to match the new grade.

Clause 8; the Director may stop payment of a subsidy for reasons set out in the clause.

Clause 9 allows for adjustment of payments where a subsidy was wrongly paid. Any amount due under this clause may be set off against future payments due to the registered person.

Part 3 provides for general matters.

Clause 10 under this clause it is an offence for a registered person to submit information that is false in a material particular whether knowingly or recklessly.

Clause 11 provides for inspections for purposes of the Ordinance. Part 5 of the Child Minding and Day Care Ordinance applies to inspections under this Ordinance.

Clause 12 allows the Director to issue guidance mainly to specify minimum standards. Instead of issuing new minimum standards, the minimum standards specified in guidance issued under section 37 of the Child Minding and Day Care Ordinance 2018 are deemed to have been issued under this Ordinance.

Clause 13 gives power to the Governor to make subsidiary legislation on matters specified in 13(2).

SUBSIDIARY LEGISLATION

Mental Health (Approved Practitioners) Order 2021

(No. 4 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement
3. Approved doctors
4. Approved professionals
5. Revocation

Schedule – Part 1 – Approved Doctors
 Part 2 – Approved Professionals

SUBSIDIARY LEGISLATION

Mental Health (Approved Practitioners) Order 2021

(No. 4 OF 2021)

(made: 24 March 2021)

(published: 31 March 2021)

(coming into force: on publication)

I make this order under section 91 of the Mental Health Ordinance 2010 —

(a) after consulting the Chief Medical Officer on the appropriate qualifications, training and experience required by different classes of professionals for initial inclusion and to keep their name 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.

1. Title

This order is the Mental Health (Approved Practitioners) Order 2021.

2. Commencement

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

3. Approved doctors

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

4. Approved professionals

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

5. Revocation

The Mental Health (Approved Practitioners) Order 2020 is revoked.

SCHEDULE

PART 1 - APPROVED DOCTORS

Dr Rebecca Edwards
Dr Mukhtar Uqaili
Mr Ahmed Cheema
Dr Arthur Allison
Dr Mary Whittle
Dr Maciej Stronczak
Dr Tim McInerny
Dr Fraser Gibb
Dr Doug Johnson
Dr Rosasharn Browne

PART 2 - APPROVED PROFESSIONALS

Janice Dent
Mandy Heathman
Phillip Kelly
Joanne Hooper
Kristina Vincent
Althea Maria Biggs
Lesley Hadden
Mick Norman
Lynn Roberts
Thomas Docherty
Lucy Blackmore
Della Buck
Claire Young
Annette Murphy
Karen Rimicans

Made 24 March 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the order)

Section 91(1) of the Mental Health Ordinance 2010 provides that the Governor may, by Order, approve doctors as medical practitioner for the purposes of the Ordinance. Part 1 of the Schedule to this order contains a list of medical practitioners approved by the Governor as approved doctors.

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. Part 2 of the Schedule to this order contains a list of nurses, social workers and other professionals approved by the Governor as approved professionals.

Under the terms of section 3 of the Ordinance approved doctors and approved professionals are approved practitioners for the purposes of the Ordinance.

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, and to keep their name on the list.

Article 5 revokes the Mental Health (Approved Practitioners) Order 2020 which is replaced by this amended list.

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FALKLAND ISLANDS GAZETTE

Extraordinary

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8 April 2021

No. 6

NOTICES

No. 31

6 April 2021

Immigration (Permanent Residence Permits) Regulations 2009 regulation 19

Application for Permanent Residence Permit

Notice is hereby given that the following persons have applied to the Principal Immigration Officer to be granted Permanent Residence Permits:

**Bienvenido Jr Gapol Nicolas and Tricia Manalo;
Venkatesh Varma Krishna and Shoba Venkataraman;
Jackielyn Baring;
Traighana Stewart Sutherland Smith;
Yvette Sheriff and David John Sheriff;
Prescilla Angeles;
Imelda Valeriano Magdaug and Benjamin James Sproule;
Mechelle Mikka Jhey Magdaug;
Anna Marie Fowler and Leemarc Kurt Augustus;
Allan Regines Santos and Mary Grace Santos;
Walter Chuquimamani Quinto;
Teresa Del Carmen Troncoso Leiva;
Oscar Ernesto Contreras Gutierrez;
Haseeb Sajjad Randhawa and Stéphanie Marie Gisèle Desjardins;
Pilar Angelica Chancks Olivares;
Stirling Harcus and Antonia Elizabeth Harcus;
Steven Paul Brown;
Adam Michael Hurst;
Christopher Meneses Cruz and Joycelyn Silvestre Cruz;
Shaun Leroy Fuller and Tina Rose Stevens;
Hollie-Anne Fuller;
Jose Luis Ortega Godoy;**

Arnold Abram Angeles and Judith Angeles; Mary Grace Trinidad and Brando Briones Balabis.

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 within 21 days of the date of publication of this notice.

Dated 6 April 2021

J. E. SMITH,
Immigration Officer.

No. 32

6 April 2021

British Nationality Act 1981 section 18

Application for Naturalisation

Notice is hereby given that **Marilou Delignieres** 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 within 21 days of the date of publication of this notice.

Dated 6 April 2021

J. E. SMITH,
Immigration Officer.

Published at the Attorney General's Chambers, Stanley, Falkland Islands.
Price: £1.00

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FALKLAND ISLANDS GAZETTE

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30 April 2021

No. 7

Appointment

Kieran Louise Thain, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 18.03.21.

Constanza Carolina Castro, Sports Attendant, Stanley Leisure Centre, Development and Commercial Services Department, 01.04.21.

Andrew John Keeling, Chief Executive, Executive Management Directorate, 01.04.21.

Dominique Yon, Sports Attendant, Stanley Leisure Centre, Development and Commercial Services Department, 01.04.21.

Jessica Paola Campos, Personal Assistant, Health and Social Services Department, 12.04.21.

Emmanuel Gondodza, Carer, Health and Social Services Department, 12.04.21.

Patricia Ann Warburton, Dental Hygienist, Health and Social Services Department, 12.04.21.

Helen Louise Davies, Legal Support Officer, Government Legal Services, Law and Regulation Directorate, 19.04.21.

Kate Alexandra Stenning, Duty Supervisor, Stanley Leisure Centre, Development and Commercial Services Department, 19.04.21.

Kimberley Georgina Paffett, Pharmacy Technician, Health and Social Services Department, 20.04.21.

Completion of contract

Joanne Ford, Childcare Advisory Teacher, Infant Junior School and Camp Education, Education Department, 30.04.21.

Esther Green, Head of Tax, Treasury, 30.04.21.

Renewal of contract

Mark Laurence Rutherford, Management Accountant, Treasury, 01.04.21.

Resignation

Kieran Louise Thain, Residential Support Worker, Health and Social Services Department, 25.02.21.

Michael Keith Dickson, Plant Operator/Stand-in Filtration Plant Operator, Water Section, Public Works Department, 05.04.21.

Matthew David Anthony Jenkins, Accounting Assistant, Treasury, 09.04.21.

Maria Fernanda Tapia Jenkins, Dental Nurse, Health and Social Services Department, 16.04.21.

Steven George Corney, Assistant Roads Engineer, Highways Section, Public Works Department, 30.04.21.

Carolina Segovia, Carer, Health and Social Services Department, 30.04.21.

NOTICES

No. 33

1 April 2021

Falkland Islands Development Corporation Ordinance section 8

Appointment of Vice-Chair and Member to Falkland Islands Development Corporation Board

1. Section 8 of the Falkland Islands Development Corporation Ordinance 2013 ("the Ordinance") provides for the Governor to appoint a Vice-Chair and one member to the Falkland Islands Development Corporation Board.

2. In exercise of my powers under section 8 of the Ordinance, I appoint to the Falkland Islands Development Corporation Board:

(a) **Michael James Poole** as Vice-Chair; and

(b) **Carli Sudder** as member.

3. These appointments have effect and will, unless any appointee resigns by written notice to the Governor, continue in effect during these dates:

(a) Michael James Poole, 1 April 2021 until 30 June 2023; and

(b) Carli Sudder, 1 July 2021 until 30 June 2025.

Dated 1 April 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 34

6 April 2021

Banking Ordinance 1987
section 19B

Audited Accounts of Standard Chartered Bank

Notice is hereby given pursuant to section 19B(1) of the Banking Ordinance 1987, as amended, that the audited accounts for the year ended 31 December 2020 and the list of directors of Standard Chartered Bank are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Finance and Business Manager.

Dated 6 April 2021

G. M. TYRRELL,
Branch Manager, Standard Chartered Bank.

No. 35

13 April 2021

Education Ordinance 1989
section 50

Appointment to Committee of Managers

1. Section 50(1)(c) of the Education Ordinance 1989 provides for the Governor to appoint four persons to the Committee of Managers for each Government school, of whom at least two shall, at the time of appointment, be a parent of one or more children attending that school.

2. In exercise of my powers under section 50(1)(c), I appoint **Phillippa Josephine Christie** to the Committee of Managers for the Infant Junior School and Camp Education.

3. This appointment has effect from the date of signature for two years and in accordance with section 50(2) of the Education Ordinance 1989.

Dated 13 April 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 36

14 April 2021

Harbours and Ports Ordinance 2017
section 5

Appointment of Deputy Harbour Master

1. Section 5(3) of the Harbours and Ports Ordinance 2017 ("the Ordinance") provides that 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 section 5(2) of the Ordinance.

2. In exercise of my powers under section 5(3) of the Ordinance, I appoint **Callum Ian Ellis** to be a deputy Harbour Master to assist the Harbour Master as provided for the purposes of the Ordinance and for all other connected purposes.

3. This appointment has effect from 23 February 2021, and continues in effect whilst the appointee holds public office in the Falkland Islands Maritime Authority unless terminated sooner.

Dated 14 April 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 37

19 April 2021

Police Ordinance 2000
section 52

Unclaimed property

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

Date Found	Item Description
13.08.2020	Chrome black Dewalt Ratchet Tool Serial: N#DWMT17131B
15.08.2020	Black Gelent Jacket 11-12 years
29.09.2020	Black mobile phone – make and model unknown with black flip case
17.10.2020	Samsung earphones with pink ear buds
26.10.2020	FI £20 note A183669
27.10.2020	Black and red Cruiser Blade 125GB USB
29.10.2020	RFIP blue key chain, 1 Dekton padlock and 2 key rings (New York princess and New York)
01.11.2020	Rose gold coloured Lipsy bracelet with charms
08.11.2020	Silver chain
17.11.2020	Green, medium Karrimor jacket with fudge bar in pocket
05.12.2020	Pink toddler Peppa Pig bike
14.12.2020	£40 in cash
12.01.2021	House and post box key on Coca Cola key chain
12.01.2021	House key on Rockhopper key chain
12.01.2021	1 post box key
12.01.2021	House key with metal clip
03.02.2021	Black Mitsubishi car key
16.02.2021	Key fob with big 'A'
27.02.2021	Pink coloured jewellery box 2"x2"x1" with one pair of Dolphin styled earrings and one ring with 5 stones. Box marked with 'Equilibrium for girls'
01.03.2021	Silver child's bike with a bell

01.03.2021 Child's toy - green dragon with a clip
09.03.2021 1 fitbit (grey)
17.03.2021 Silver adult bike with red decals on

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 19 April 2021

E. J. FULTON,
Clerk, Magistrate's Court

No. 38

26 April 2021

Highways (Weight Limits) Ordinance 2004
section 6

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 2021 until 30 September 2021 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 turnoff;

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 26 April 2021

C. O. SUMMERS,
Director of Public Works.

No. 39

28 April 2021

**Infectious Diseases Control (Coronavirus, Quarantine)
Regulations 2021**
regulation 11

Quarantine Exemptions Direction No. 5

Background

This Direction replaces the Quarantine Exemptions Direction No. 4 dated 12 March 2021.

I make this Direction having consulted the Chief Medical Officer.

The British Antarctic Territory, South Georgia and the South Sandwich Islands and Tristan da Cunha have had no cases of coronavirus infection. Ascension Island has had very few reported cases of coronavirus infection and no cases of local transmission.

I am satisfied that there is a low risk that any person who has been for more than 14 consecutive days in or travelling between those Overseas Territories and the Falkland Islands immediately before arriving in the Falkland Islands might spread coronavirus to persons in the Falkland Islands.

I am likewise satisfied that persons disembarking from a vessel arriving in the Falkland Islands present a low risk of spreading coronavirus to other persons where they have been at sea for 14 consecutive days or more on a clean vessel. This assessment also applies in the case of passengers or crew who transfer from one vessel to another while at sea provided that all the vessels are "clean" and have not reported any crew member as being symptomatic.

A "clean vessel" includes a vessel that during its voyage has called at an Overseas Territory on the way to the Falkland Islands. Likewise, time spent in the territorial waters of the Falkland Islands, including in our harbours, should be taken into account when assessing whether a vessel is "clean".

Direction

In accordance with regulation 11(3) of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021, I Nigel James Phillips C.B.E., make the following direction:

1. This direction replaces the Quarantine Exemptions Direction No. 4 dated 12 March 2021, which no longer has effect.

2. In this direction:

"at sea" includes time spent in the territorial waters of the Falkland Islands;

"clean vessel" means a vessel that:

(a) has been at sea for more than 14 consecutive days;

(b) during the period at sea has not arrived in any place other than an Overseas Territory;

(c) has not reported any person as showing symptoms of coronavirus; and

(d) during the period at sea has only been boarded by persons from, and passengers or members of the crew have only

boarded, other vessels that meet the criteria in paragraphs (a)-(c).

“**Overseas Territory**” means South Georgia and the South Sandwich Islands, the British Antarctic Territory, Tristan da Cunha or Ascension Island; and

“**Regulations**” means the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021.

3. A person of a description specified in paragraph 4 or 5:

(a) is not required to comply with the requirements in Part 3 of the Regulations; and

(b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

4.(1) A person arriving from an Overseas Territory who was in that Overseas Territory for more than 14 consecutive days immediately before arriving in the Falkland Islands.

(2) When calculating time spent in an Overseas Territory account may be taken of time spent:

(a) in the Falkland Islands before travelling directly to the Overseas Territory;

(b) travelling directly between the Falkland Islands and the Overseas Territory; and

(c) travelling directly between Overseas Territories.

5. A person (“P”) disembarking from a vessel (“V”) arriving in the Falkland Islands and either:

(a) V is a clean vessel; or

(b) if P departed from the Falkland Islands:

(i) since P’s departure:

(aa) V has only been boarded by persons from a clean vessel;

(bb) passengers or members of the crew of V have only boarded another clean vessel;

(cc) no person on board V has been reported as exhibiting any symptom of coronavirus; and

(ii) P either:

(aa) was in quarantine in accordance with the Regulations immediately before embarking on V; or

(bb) immediately before embarking was not required to stay in quarantine and had not exhibited any symptom of coronavirus for at least 14 days.

Dated 28 April 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 40

29 April 2021

Falkland Islands Status Ordinance 1998
section 3

Application for Falkland Islands Status

Notice is hereby given that:

Mukhtar Ahmad Uqaili;
Syeda Uzma Kazmi;
Elizabeth Anne Milston (Robertson);
Brenda Joyce Bone; and
Andrea Louise Sylvester-Peters

have applied for Falkland Islands Status to be granted by His Excellency the Governor.

Any person who intends to object to the grant of any application may do so in writing to the Principal Immigration Officer at the Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

Dated 29 April 2021

J. E. SMITH
Immigration Officer

No. 41

30 April 2021

Immigration (Permanent Residence Permits) Regulations 2009
regulation 25

Quota for applications

Notice is given that the Governor has determined an annual quota for the purposes of regulation 25 of the Immigration (Permanent Residence Permits) Regulations 2009. The annual quota is 90 for the period 1 September 2020 to 31 August 2021.

Dated 30 April 2021

P. A. TREVILLION,
Principal Immigration Officer.



FALKLAND ISLANDS GAZETTE

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1 May 2021

No. 8

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 2021

0001	Alazia	Fayan Pamela Jane	Port Edgar Farm, W.F.I
0002	Alazia	Keith	1 Goose Green, E.F.I
0003	Alazia	Michael Robert	Port Edgar Farm, W.F.I
0004	Alazia	Rhian Ella	Port Edgar Farm, W.F.I
0005	Anderson	Tony James	Flat 1, Port Howard Farm, W.F.I
0006	Ashworth	Glennis	Fitzroy Ridge, E.F.I
0007	Ashworth	Malcolm	Fitzroy Ridge, E.F.I
0008	Bagley	Darren Clive	Riverview Farm, E.F.I
0009	Bagley	Stacey Elizabeth	Riverview Farm E.F.I
0010	Battersby	Jon Alan	Hawkbit, Fitzroy, E.F.I
0011	Battersby	Margaret Mary	Hawkbit, Fitzroy, E.F.I
0012	Beattie	Ian Robert Ewen	North Arm, E.F.I
0013	Bendyshe	Angela Geraldine Mary	Gibraltar Station, E.F.I
0014	Bendyshe Pitaluga	Antoinette Margaretha Mary	Gibraltar Station, E.F.I
0015	Berntsen	Benjamin John	Elephant Beach, E.F.I
0016	Berntsen	Falkland	Port Stephens
0017	Berntsen	Iain Kenneth	Sheffield Farm, W.F.I
0018	Blackley	Shane David	Saunders Island
0019	Bonner	Carolina Eliana	Port Howard Farm
0020	Bonner	Odetta Ellen May	Flat 2, The Galley, Port Howard
0021	Bonner	Simon	Port Howard, W.F.I
0022	Bonner	Stevie Coppel	Port Howard W.F.I
0023	Bonner	Terence Leslie	Flat 2, The Galley, Port Howard
0024	Butler	James Donald	North Arm, E.F.I
0025	Castro Barrientos	Gilberto Enrique	Manager's House, Fitzroy Farm, E.F.I
0026	Clark	Alan Neil	Port Howard, W.F.I
0027	Clarke	Jan Michael	Lorenzo Farm, E.F.I
0028	Clarke	Jeanette	Kings Ridge Farm, E.F.I
0029	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
0030	Clarke	Suzanna	Manager's House, Fitzroy Farm, E.F.I
0031	Clifton	Heidi Monica	Smylies Farm, Port San Carlos, E.F.I
0032	Cockwell	Benjamin William	Fox Bay Village, W.F.I
0033	Cockwell	Clare Marie	Fox Bay Village, W.F.I
0034	Cockwell	Grizelda Susan	Chartres, W.F.I
0035	Davies	Colin George	The Owls, Coronation Point, Darwin, E.F.I.
0036	Davies	Eileen Wynne	The Owls, Coronation Point, Darwin, E.F.I.
0037	Davis	Aase	Evelyn Station, E.F.I
0038	Davis	Doreen Susan	House 2, Evelyn Station E.F.I.
0039	Davis	Ian John	Evelyn Station, E.F.I
0040	Davis	Maurice	Pot Rincon, Evelyn Station, E.F.I
0041	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
0042	Dickson	Charles George	Brookfield, E.F.I
0043	Dickson	Doreen	Wreck Point, E.F.I
0044	Dickson	Logan Eli	North Arm, E.F.I
0045	Dickson	Steven Charles	North Arm, E.F.I
0046	Didlick	Fiona Margaret	C Cottage, Darwin, E.F.I
0047	Didlick	Graham John	C Cottage, Darwin, E.F.I
0048	Edwards	Rebecca Elizabeth	Port Howard Farm, W.F.I
0049	Evans	Donna Newell	Spring Point Farm, W.F.I

0050	Evans	Duane Richard	Port Stephens, W.F.I
0051	Evans	Leigh Francesca	Port Stephens, W.F.I
0052	Evans	Michael David	Spring Point Farm, W.F.I
0053	Evans	Richard Gregory	Pebble Island Lodge
0054	Evans	Shaun Peter	Spring Point Farm, W.F.I
0055	Felton	Sonia Ellen	Cape Dolphin Farm, E.F.I
0056	Ferguson	Sian Yvonne	Fox Bay East, W.F.I
0057	Finlayson	Neil Roderick	North Arm, E.F.I
0058	Ford	Mandy	Saladero Farm, E.F.I
0059	Ford	Tanya Louise	Albemarle Station, W.F.I
0060	Gartland	Caroline	11 Fitzroy Village, E.F.I
0061	Gilding	Amy Heather	Port Louis, E.F.I
0062	Gilding	Leila Melanie	The Fort, Port Louis, E.F.I.
0063	Gilding	Peter Bernard	Port Louis, E.F.I
0064	Gleadell	Marklin John	Mosside Farm, E.F.I
0065	Goodwin	Katrina Louise	Corridale Farm, E.F.I
0066	Goodwin	Kenton John Douglas Benjamin	Corridale Farm, E.F.I
0067	Goss	Kimberley Rose	Horseshoe Bay, E.F.I
0068	Goss	Margaret Rose	Horseshoe Bay, E.F.I
0069	Goss	Michael Peter	Horseshoe Bay, E.F.I
0070	Goss	Peter	Horseshoe Bay, E.F.I
0071	Goss-MacDonald	Alexander Colin	9 Goose Green, E.F.I
0072	Goss-MacDonald	Sherilee Christine	9 Goose Green, E.F.I
0073	Gough	Phyllis Candy	Pot Rincon, Evelyn Station, E.F.I
0074	Gould	Alexander Philip	Pebble Island
0075	Gould	Dorothy Ruth	Pebble Island
0076	Green	Carol Ann	13 Fitzroy, E.F.I
0077	Greenland	Bonita Doreen	Valkyrie House, Darwin, E.F.I
0078	Greenland	Kenneth David	Valkyrie House, Darwin, E.F.I
0079	Grierson	Hew McInnes	Blue Beach, San Carlos, E.F.I
0080	Grimmer	Edward	Clear View, Fitzroy River, E.F.I
0081	Grimmer	Keith	The Dunes, Fitzroy River, E.F.I
0082	Grimmer	Marilyn	The Dunes, Fitzroy River, E.F.I
0083	Halford	Rodney John	Casa Verde, San Carlos, E.F.I
0084	Halford	Sara Jayne	Casa Verde, San Carlos, E.F.I
0085	Halford	Sharon	Casa Verde, San Carlos, E.F.I
0086	Hansen	Ian	Hill Cove, W.F.I
0087	Hansen	Susan Ann	Main Point, Hill Cove, W.F.I
0088	Harvey	Jen	Hill Cove, W.F.I
0089	Harvey	Valerie Ann	Hill Cove, W.F.I
0090	Harwood	Reuben Joseph	Rum Station, Port Stephens, W.F.I
0091	Heathman	Ailsa	Estancia, E.F.I
0092	Heathman	Ewart Tony	Estancia, E.F.I
0093	Hill	Jennifer Eileen	Stoney Ridge Farm, W.F.I
0094	Hirtle	Anthony	Peaks Farm, W.F.I
0095	Hirtle	Doris Linda	Port Howard, W.F.I
0096	Hirtle	Susan Mary	Peaks Farm, W.F.I
0097	Hobman	Juan Jose Eleuterio	Westley Farm, W.F.I
0098	Hoy	Dawn	Sheffield Farm, W.F.I
0099	Innes	Gordon	Hill Cove, W.F.I

0100	Jaffray	Dereck Charles	Bold Cove Farm, W.F.I
0101	Jaffray	Tanya Fiona	Clear View, Fitzroy River, E.F.I
0102	Jamieson	Brian Neil	South Harbour, W.F.I
0103	Jamieson	Kerri Yeoman	South Harbour, W.F.I
0104	Jones	John Hugh	Race Point Farm, E.F.I
0105	Jones	Karen Diana	Bold Cove Farm, W.F.I
0106	Jones	Michael David	Head Of Bay, E.F.I
0107	Jones	Michelle	Race Point Farm, E.F.I
0108	Jones	Sheila Janice	Head Of Bay, E.F.I
0109	Kilmartin	Kevin Seaton	Bluff Cove Farm, E.F.I
0110	Kilmartin	Nicola Ruth	Bluff Cove Farm, E.F.I
0111	Knight	Justin Robert Campbell	Leicester Creek Farm, W.F.I
0112	Knight	Keith Andrew	Coast Ridge, W.F.I
0113	Knight	Nadia Louise	Leicester Creek Farm, W.F.I
0114	Knight	Nigel Arthur	Coast Ridge, W.F.I
0115	Lee	Beverley Christina	Galley Café, Goose Green, E.F.I
0116	Lee	Christopher	Port Howard, W.F.I
0117	Lee	Leslie James	Galley Café, Goose Green, E.F.I
0118	Lee	Myles	Port Howard, W.F.I
0119	Lee	Trudi Dale	Galley Café, Goose Green, E.F.I
0120	Lehyt	Monica Del Rosario	Teal Inlet Farm, W.F.I
0121	Livermore	Darren	Teachers House, North Arm E.F.I
0122	Lloyd	Christopher Sturdee	Crooked Inlet Farm, Roy Cove, W.F.I
0123	Lloyd	Melvyn John	Clay Pass Farm, E.F.I
0124	Lloyd	Natalie Anne	Crooked Inlet Farm, Roy Cove, W.F.I
0125	Lloyd	Valerie Ann	Clay Pass Farm, E.F.I
0126	Lowe	Adrian Stewart	Murrell Farm, E.F.I
0127	Lowe	Lisa Helen	Murrell Farm, E.F.I
0128	Lowe	Susan Elizabeth	Port Howard Lodge, W.F.I
0129	Luxton	William Robert	Chartres, W.F.I
0130	MacDonald	Derek George	3 Goose Green, E.F.I
0131	MacDonald	Isla Karen	3 Goose Green, E.F.I
0132	Marsh	Alastair Roy	Shallow Harbour, W.F.I
0133	Marsh	Anna Deirdre	Fox Bay East Settlement, W.F.I
0134	Marsh	Gavin Nicholas	Fox Bay East Settlement, W.F.I
0135	Marsh	Helen Rose	Rincon Ridge, Fox Bay West, W.F.I
0136	Marsh	Kevin Roy	Harps Farm, W.F.I
0137	Marsh	Leon Peter	Rincon Ridge, Fox Bay West, W.F.I
0138	Marsh	Marlane Rose	Shallow Harbour, W.F.I
0139	Marsh	Patricia Ann	Lakelands Farm, Fox Bay, W.F.I
0140	Marsh	Robin Frank	Lakelands Farm, Fox Bay, W.F.I
0141	Marsh	Samantha Ann	Rincon Ridge Farm, Fox Bay, W.F.I
0142	Maskell-Bott	John Malcolm	Cart Horse Cottage, Hill Cove, W.F.I
0143	Maskell-Bott	Sarah	Cart Horse Cottage, Hill Cove, W.F.I
0144	May	Christopher Raymond	Speedwell Island
0145	May	Lindsey Olga	Speedwell Island
0146	May	Shaun Christopher	Albemarle Station, W.F.I
0147	McCormick	Wayne Stanley James	House 5, Goose Green, E.F.I
0148	McGhie	Amanda Hill	Stoney Ridge Farm, W.F.I
0149	McGhie	James	Smylies Farm, Port San Carlos, E.F.I

0150	McGhie	Jodie Kim	Port North, W.F.I
0151	McGhie	Roy	Port North, W.F.I
0152	McGill	Derek Gary	Fox Bay East, W.F.I
0153	McGill	Robin Perry	Carcass Island
0154	McKay	Ellen Rose	Pot Rincon, Evelyn Station, E.F.I
0155	McKay	Fraser Roderick	Teal River Farm, W.F.I
0156	McKay	Josephine Ann	Greenhill Farm, Chartres, W.F.I
0157	McKay	Kenneth Andrew	Greenhill Farm, Chartres, W.F.I
0158	McKay	Penelope Rose	Westley Farm, W.F.I
0159	McLeod	Isabella Frances Diana	Ponderosa, Frying Pan, MPA
0160	McLeod	John	Dunvegan Cabin, E.F.I
0161	McLeod	Madeline Jean	Dunvegan Cabin, E.F.I
0162	McMullen	Matthew John	Kingsford Valley Farm, E.F.I
0163	McPhee	Mark	Brookfield, E.F.I
0164	McPhee	Sheila Margaret	Kingsford Creek, San Carlos, E.F.I
0165	McPhee	Terence Owen	Kingsford Creek, San Carlos, E.F.I
0166	McPhee	Trudi Lynette	Brookfield, E.F.I
0167	Minnell	Donna Marie	Moss Side, E.F.I
0168	Minnell	Michael Robert	Moss Side, E.F.I
0169	Mitchell	Leon John	Mount Kent Farm, E.F.I
0170	Molkenbuhr	Lee Charles	Johnsons Harbour Farm, E.F.I
0171	Molkenbuhr	Martha Jenny	Johnsons Harbour Farm, E.F.I
0172	Morrison	Edgar Ewen	17 Goose Green, E.F.I
0173	Morrison	Lewis Ronald	Goose Green, E.F.I
0174	Munzo Garcia	Paula Cristina	Bleaker Island
0175	Newman	Glynnis Karen	1 Goose Green, E.F.I
0176	Newman	Lisa Jeraine	Harps Farm, W.F.I
0177	Nightingale	Charlene	Hill Cove, W.F.I
0178	Nightingale	Karl Richard	West Lagoons, W.F.I
0179	Nightingale	Peter	Hill Cove, W.F.I
0180	Oliver	Cynthia Dawn	Fitzroy, E.F.I
0181	Oliver	Paul	Fitzroy, E.F.I
0182	Ovenden	Philip David	13 Fitzroy, E.F.I.
0183	Peck	Davina Margaret	Shallow Bay Farm, W.F.I
0184	Peck	Paul	Shallow Bay Farm, W.F.I
0185	Peck	Rebekah Roxanne	Shallow Bay Farm, W.F.I
0186	Phillips	Linda	North Arm, E.F.I
0187	Phillips	Paul David	Hope Cottage, E.F.I
0188	Phillips	Shula Louise	Hope Cottage, E.F.I
0189	Pitaluga	Nicholas Alexander Robinson	Gibraltar Station, E.F.I
0190	Pole-Evans	Carole Suzan	Saunders Island
0191	Pole-Evans	David Llewellyn	Saunders Island
0192	Pole-Evans	Julian Anthony	Fitzroy Farm E.F.I
0193	Pole-Evans	Louise Suzan	Saunders Island
0194	Pole-Evans	Shirley Helen	Manybranch, W.F.I
0195	Pole-Evans	Suzan	Saunders Island
0196	Pole-Evans	William Reginald	Manybranch, W.F.I
0197	Poncet	Dion Michael	Beaver Island
0198	Poncet	Jerome Pierre	Beaver Island
0199	Poncet	Leiv Sigismund	Beaver Island

0200	Porter	Joan	Shallow Harbour, W.F.I
0201	Rasey	Mark	11 Fitzroy Village, E.F.I
0202	Reeves	Michael	Sea Lion Lodge
0203	Reeves	Ronald James	Port Howard, W.F.I
0204	Reid	Emily Margaret	North Arm, E.F.I
0205	Rendell	Michael	Bleaker Island
0206	Rendell	Nicholas Simon Oliver	Bleaker Island
0207	Rendell	Phyllis Mary	Bleaker Island
0208	Robertson	Ann	Port Stephens, W.F.I
0209	Robertson	Paul Jonathan	Port Stephens, W.F.I
0210	Robertson	Peter Charles	Port Stephens, W.F.I
0211	Ross	Katherine Ann	Blue Beach Farm, San Carlos
0212	Ross	Sheena Margaret	Diamond Ridge, Mount Pleasant Road
0213	Rowlands	Max	River House, Fitzroy River, E.F.I
0214	Rowlands	Neil	River House, Fitzroy River, E.F.I
0215	Sackett	Pauline	Fitzroy Farm, E.F.I
0216	Short	Clint Andrez Robert	Walker Creek, E.F.I
0217	Short	Lyndsay Marie	Walker Creek Farm, E.F.I
0218	Short	Rachel Mandy	Philomel Farm, Fox Bay, W.F.I
0219	Short	Robert George	Walker Creek Farm, E.F.I
0220	Short	Scott Daniel Felton	Philomel Farm, Fox Bay, W.F.I
0221	Sinclair	Simon Keith	Fitzroy Farm, E.F.I
0222	Stashynsky	Tye Damon	North Arm, E.F.I
0223	Steen	Gail	Paragon House, Lafonia, E.F.I
0224	Steen	Vernon Robert	Paragon House, Lafonia, E.F.I
0225	Stevens	Richard James	Port Sussex, E.F.I
0226	Stevens	Toni Donna	Port Sussex, E.F.I
0227	Street	David Charles	The Ranch, Fitzroy Ridge, E.F.I
0228	Street	Edith Mary	The Ranch, Fitzroy Ridge, E.F.I
0229	Summers	Dennis David	The Cadet House, North Arm, E.F.I
0230	Taylor	Christopher John	6 Goose Green, E.F.I
0231	Tellez	Rodolfo	10 Goose Green, E.F.I
0232	Thom	John Currie	Fitzroy Farm, E.F.I
0233	Thorsen	David Moller	House 2, Evelyn Station E.F.I.
0234	Towersey	Diane Katherine	Port Stephens, W.F.I
0235	Tuson	Michael Anthony	School House, Saunders Island
0236	Tuson	Olwen Carol	School House, Saunders Island
0237	Vatamanu	Paula May	Port Howard Farm, W.F.I
0238	Velasquez	Evan Oscar Christopher	North Arm, E.F.I
0239	Velasquez	Kylie Rebecca	120 Fac. MPC
0240	Watson	Andrew James	House 1, Rincon Grande Farm, E.F.I
0241	Watson	Elaine Ellen	House 1, Rincon Grande, E.F.I
0242	Watson	Glenda Joyce	Long Island, E.F.I
0243	Watt	Sylvia Ann	17 Goose Green, E.F.I
0244	Whitney	Daniela Grace	Mount Kent Farm, E.F.I
0245	Whitney	Dennis	Arkvilla MPA Plot, E.F.I
0246	Whitney	Sara Marie	Home Farm, Douglas, E.F.I
0247	Whitney	Tyrone	Home Farm, Douglas, E.F.I
0248	Woodward	James Gregory	Swan Inlet, E.F.I
0249	Woodward	Lesley Ann	Swan Inlet, E.F.I

Register of Electors for Stanley Constituency at 1 May 2021

0001	Adams	Carol Margaret	21 John Street
0002	Adams	John Harvey	21 Ross Road East
0003	Adams	Marjorie Rose	21 Ross Road East
0004	Adams-Leach	Shirley	4 Moody Street
0005	Addison	Samantha Catherine	9 Brandon Road
0006	Adeoye	Anneliese Rose	57 Sandy Woodward Road
0007	Adeoye	Jamel Bolanle	6 Ross Road East
0008	Aguila Aguilar	Jeannette Del Carmen	94 Davis Street
0009	Alazia	Andrew	36 Callaghan Road
0010	Alazia	George Robert	9 Thatcher Drive
0011	Alazia	Hazel	1 Yates Place
0012	Alazia	Jack Kevin	1 Davis Street West
0013	Alazia	Kimberley Jayne	36 Callaghan Road
0014	Alazia	Sandra Marie	36 Callaghan Road
0015	Alazia	Shannon Christine	22 Fitzroy Road
0016	Alazia Evans	Colleen	3 Narrows View
0017	Aldridge	Brian George	17 James Street
0018	Aldridge	Caroline Mary	2 McKay Close
0019	Aldridge	Diana Mary	17 James Street
0020	Aldridge	Jody May	13 Hansen Hill
0021	Aldridge	Kenneth John	2 McKay Close
0022	Aldridge	Stephen John	13 Hansen Hill
0023	Aldridge-McLean	Nina Ann	73 Rex Hunt Road
0024	Allan	Joyce Ena	39 Ross Road
0025	Allan	Valerie Anne	6A Jeremy Moore Avenue
0026	Almond	Adrian Arthur James	4 Allardyce Street
0027	Ampuero Ross	Claudio Javier	2 Mullet Creek
0028	Anderson	Eddie	22 Endurance Avenue
0029	Anderson	Jenny	1 Gleadell Close
0030	Anderson	Kayleigh May	9 Fieldhouse Close
0031	Anderson	Margaret Kathleen	18 Murray Heights
0032	Anderson	Paul James	9 Fieldhouse Close
0033	Anderson	Reginald Stanford	18 Murray Heights
0034	Anderson	Richard Louis	7 Yates Place
0035	Anderson	Stephen Robert	65 Sandy Woodward Road
0036	Anderson	Tony James	1 Gleadell Close
0037	Anderson-Smith	Georgina Carol	11 Fitzroy Road East
0038	Anderson-Wheatley	Chloe	25 Fitzroy Road
0039	Anthony	Enid Elizabeth	6 Dairy Paddock Road
0040	Arkhipkin	Alexander Ivanovich	13 Biggs Road
0041	Armstrong-Ford	Karen Jane	2 Sullivan Street
0042	Arthur-Almond	Daphne Margaret	4 Allardyce Street
0043	Ashbridge	Corina Rose	116 Davis Street
0044	Ashworth	Cara-Michelle	5 Philomel Street
0045	Ashworth	Iain	3 Rex Hunt Road
0046	Bagley	Corey Darren	4 Felton Court
0047	Bagley	Jaqueline Elizabeth	7 Narrows View
0048	Bagley	Keanu Adrian	7 Narrows View
0049	Bagley	Yorin Martin	8 Fieldhouse Close

0050	Bahamonde Salazar	Luis Alberto	21 Mink Park
0051	Baigorri	Joanne Rose	11 Callaghan Road
0052	Baker	Alison Margaret	29 Fitzroy Road
0053	Barker	Emily	7 Biggs Road
0054	Barker	Jane Elizabeth Diana	5 Pitaluga Place
0055	Barker	Philip Craig	5 Pitaluga Place
0056	Barkman	Teslyn Siobhan	23 Rex Hunt Road
0057	Barlow	Andrea Joanna	Mullet Creek
0058	Barlow	Martyn Liam	Mullet Creek
0059	Barnes	Dierdre	8 Discovery Close
0060	Barnes	Karen Rose	26 Ross Road West
0061	Barnes	Marshall	8 Discovery Close
0062	Barnes	Paul	26 Ross Road West
0063	Barton	Alison Mary	Rowan House, 6 Villiers Street
0064	Barton	Arthur John	Rowan House, 6 Villiers Street
0065	Barton	Michael Richard	6A Jeremy Moore Avenue
0066	Bates	Barbara	8 Watson Way
0067	Bates	James William	8 Watson Way
0068	Beckett	Melisa Jane	3 Thatcher Drive
0069	Beckett	Tracy	3 Fitzroy Road East
0070	Benjamin	David George	10 Fieldhouse Close
0071	Berntsen	Arina Janis	12 Rex Hunt Road
0072	Berntsen	Christian Olaf Alexander	15A James Street
0073	Berntsen	Gene Stanley	22 Kent Road
0074	Berntsen	Harley-Dee	10 Allardyce Street
0075	Berntsen	John Alexander	Flat 1, 7 Jeremy Moore Avenue
0076	Berntsen	Katatrice Alexandra	15A James Street
0077	Berntsen	Lucas Delhi John	2 Rex Hunt Road
0078	Berntsen	Matthew John	19 Rex Hunt Road
0079	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
0080	Berntsen	Rachel Ena	15A James Street
0081	Berntsen	Robyn Chanelle	16 Jersey Road
0082	Berntsen	Saphena Anya Jane	20 Teaberry Way
0083	Berntsen	Trina Mary Shirlene	3 Discovery Close
0084	Berntsen	Valdamar Lars	9 Teaberry Way
0085	Berntsen	Victoria Dawn	Flat 3, 6 Jersey Road
0086	Berntsen	Victoria Jane	2 Rex Hunt Road
0087	Besley-Clark	Barbara June	16 Ross Road West
0088	Besley-Clark	Norman	16 Ross Road West
0089	Betts	Arlette	Lafone House, Ross Road
0090	Betts	Bernard Keith	52 Davis Street
0091	Betts	Boonruam Phisil	20 Rick Jolly Way
0092	Betts	Diane Joan	Flat 1, 6 Racecourse Road
0093	Betts	Dion James	45 Sandy Woodward Road
0094	Betts	Donald William	7 Jeremy Moore Avenue
0095	Betts	George Winston Charles	35 Ross Road West
0096	Betts	Ian	1 Villiers Street
0097	Betts	Jordon Cole	Stanley Cottage, Ross Road
0098	Betts	Lucia Elizabeth	35 Ross Road West
0099	Betts	Owen	19 Biggs Road
0100	Betts	Peter James	50A Davis Street

0101	Betts	Priscilla Violet Morrison	Stanley Cottage, Ross Road
0102	Betts	Severine	15 Pioneer Row
0103	Betts	Shirley Rose	7 Jeremy Moore Avenue
0104	Betts	Trudi Ann	50A Davis Street
0105	Betts	Tyrone Trevor	7 Short Street
0106	Betts-McKay	Cody Michael	18 Ajax Close
0107	Biggs	Althea Maria	3 Dairy Paddock Road
0108	Biggs	Christopher David	Harbour View Knott
0109	Biggs	Coleen Margot	9 Moody Street
0110	Biggs	Daniel Craig	11 Hansen Hill
0111	Biggs	Frances	16 Endurance Avenue
0112	Biggs	Kyle Alexander	16 Endurance Avenue
0113	Biggs	Lucas Sebastian	16 Endurance Avenue
0114	Biggs	Michael Elfed	21 Fitzroy Road
0115	Biggs	Peter Julian Basil	16 Endurance Avenue
0116	Biggs	Terri-Sue	Harbour View Knott
0117	Biles	Kathleen Anne	14 Kent Road
0118	Biles	Keith Robert	14 Kent Road
0119	Binnie	Linda Rose	6 Fieldhouse Close
0120	Binnie	Ronald Eric	6 Fieldhouse Close
0121	Birmingham	Alexandra Sally	5A Hansen Hill
0122	Birmingham	John	4 Drury Street
0123	Bishop	Nigel Ian	5 Jersey Road
0124	Bishop	Tansy Fiona	5 Jersey Road
0125	Blackley	Candy Joy	4 Barrack Street
0126	Blackley	Maurice	German Camp, Callaghan Rd
0127	Blake	Alexander Charles	38 Eliza Crescent
0128	Blake	Larissa Celly	12 Ross Road West
0129	Blake	Lionel Geoffrey	1 Ross Road
0130	Blake	Sally Gwynfa	1 Ross Road
0131	Blake	Thomas Patrick	12 Ross Road West
0132	Bolt	Dennis John	4 Watson Way
0133	Bone	Amelia	15 Fieldhouse Close
0134	Bone	Andrew James	Flat 4, 6 Jersey Road
0135	Bone	Kim Anthony	15 Fieldhouse Close
0136	Bonner	Alan Paul	8 Pioneer Row
0137	Bonner	Avril Margaret Rose	4 Felton Court
0138	Bonner	Cheryl Anne	10 Racecourse Road
0139	Bonner	Declan William	23 Ross Road West
0140	Bonner	Ewen Shane	6 Mink Park
0141	Bonner	Hayley Trina	41 Ross Road West
0142	Bonner	Katie Jean	43 Ross Road East
0143	Bonner	Linda Jane	4A Ross Road West
0144	Bonner	Lindsay Jane	10 Rex Hunt Road
0145	Bonner	Nicholas	4A Ross Road West
0146	Bonner	Paul Roderick	5 John Street
0147	Bonner	Richard James	4A Felton Court
0148	Bonner	Susan Anne	43 Ross Road East
0149	Bonner	Tansie Rebecca	4 Felton Court
0150	Bonner	Timothy	Chauffeurs Cottage
0151	Bonner	Vera Ann	5 John Street

0152	Bonner	Vera Joan	Chauffeurs Cottage
0153	Booth	Myriam Margaret Lucia	7 Philomel Street
0154	Bowers	Arlene Elizabeth	1 Hansen Hill
0155	Bowles	Norma Evangeline	1A Villiers Street
0156	Bowles	Sarah	9 Drury Street
0157	Bowles	William Edward	1A Villiers Street
0158	Bowles	William George Troyd	9 Drury Street
0159	Bragger	Edward Laurence	14 Jeremy Moore Avenue
0160	Bragger	Stacy John	4B Ross Road West
0161	Brickle	Paul	32 Fitzroy Road
0162	Briones Sepúlveda	Vivian Delia	4 Rowlands Rise
0163	Brook	Emma Jane	41 Ross Road East
0164	Brooks	Cheryl Rose	1B Capricorn Road
0165	Browning	Anita Jayne	29 Brandon Road
0166	Browning	Henry Stanbury	8 Ajax Close
0167	Browning	Nathan David	3 Dairy Paddock Road
0168	Browning	Richard William	96 Davis Street
0169	Browning	Shane Ross	60 John Street
0170	Browning	Terrence George	Flat 3, 6 Jersey Road
0171	Brownlee	Andrew Samuel	19 Ross Road East
0172	Brownlee	Ariane Storm	20 Kent Road
0173	Brownlee	Lynn Frances	19 Ross Road East
0174	Brownlee	Michael Stewart	20 Kent Road
0175	Brownlee	Samantha Louise	19 Ross Road East
0176	Brunton-Goss	Errol Barry Gordon	30 Davis Street
0177	Buckett	Jake Steven	5C Hansen Hill
0178	Buckett	Ronald Peter	49 Fitzroy Road
0179	Buckett	Roy Peter	22 James Street
0180	Buckett	Ryan Peter	50 Rex Hunt Road
0181	Buckland	Carole Lynda Jane	8 Moody Street
0182	Buckland	Darlene Joanna	5 James Street
0183	Buckland	Kristy Lesley Anne	26 Rex Hunt Road
0184	Buckley-Whitney	Helena Jane	2 Pioneer Row
0185	Budd	Dennis Raymond	5 Ian Campbell Drive
0186	Budd	Grant William	1 Ian Campbell Drive
0187	Budd	Pamela Joan	5 Ian Campbell Drive
0188	Bull	Anya Evelyn	37 Eliza Crescent
0189	Burston	Catherine	91 Davis Street
0190	Burston	Stephen Leslie	91 Davis Street
0191	Bury	Ian Thomas	63 Davis Street
0192	Butcher	Michael George	3B Dairy Paddock Road
0193	Butler	Margaret Orlanda	5 Short Street
0194	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
0195	Campos Bustos	Juan Mamerto	63 Sandy Woodward Road
0196	Cant	Daniel James	24 Goss Road
0197	Carey	Anthony Michael	19 Ross Road West
0198	Carey	Martin Rex	4 Hansen Hill
0199	Cartwright	Jack	39 Ross Road West
0200	Cartwright	Stephen	39 Ross Road West
0201	Castle	David Peter	1 Fitzroy Road
0202	Castle	Isobel	1 Fitzroy Road

0203	Ceballos	Isabel del Carmen	38 John Street
0204	Cena	Josephine Inday	2 Rowlands Rise
0205	Chaloner	Anthony Ross	8 Endurance Avenue
0206	Chaloner	Karl Iain Roderick	8 Endurance Avenue
0207	Chaloner	Sheila Catherine	Flat 3, 1 Jeremy Moore Avenue
0208	Chapman	Paul	27 Fitzroy Road
0209	Chapman	Samantha Helen	71 Rex Hunt Road
0210	Chater	Jane	3 Short Street
0211	Chater	Thomas Frederick	3 Short Street
0212	Chater	Victoria	10 Philomel Place
0213	Chater	William John	10 Philomel Place
0214	Cheek	Gerald Winston	9 Biggs Road
0215	Cheek	Janet Lynda	35 Ross Road East
0216	Cheek	Marie	9 Biggs Road
0217	Cheek	Rosalind Catriona	32 Goss Road
0218	Cheema	Ahmad Masood	23 Goss Road
0219	Cheema	Nighat Masood	23 Goss Road
0220	Christie	Darren James	8 Jeremy Moore Avenue
0221	Christie	Phillippa Josephine	8 Jeremy Moore Avenue
0222	Clark	Douglas James	39 Fitzroy Road
0223	Clark	Paul Stanbury	43 Ross Road East
0224	Clarke	Aaron Charles	7A Villiers Street
0225	Clarke	Angela Sindy	36 Shackleton Drive
0226	Clarke	Camilla Marie	10 Thatcher Drive
0227	Clarke	Daniel Alan	23 Jeremy Moore Avenue
0228	Clarke	David James	8 Diddle Dee Drive
0229	Clarke	Derek Simon	23 Jeremy Moore Avenue
0230	Clarke	Donna Monica	15 Davis Street
0231	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
0232	Clarke	India Lauren	112A Davis Street
0233	Clarke	Jane Rebecca	9 Rick Jolly Way
0234	Clarke	Jeremy Ian Thomas	8 Drury Street
0235	Clarke	Jonathan Terence	27 Eliza Crescent
0236	Clarke	Joseph Gwyn	15 Davis Street
0237	Clarke	Laura Jane	7A Villiers Street
0238	Clarke	Louise Kathleen	Stanley House
0239	Clarke	Luke Anthony	17 Mink Park
0240	Clarke	Mari-Ann Lucille	5 Mink Park
0241	Clarke	Marvin Thomas	13 Davis Street
0242	Clarke	Sarah May Bo	17 Mink Park
0243	Clarke	Tanya	4H Jones Road
0244	Clarke	Terence John	17 Jeremy Moore Avenue
0245	Clarke	Tracey Clare	23 Jeremy Moore Avenue
0246	Clarke	Trudi Ann	13 Davis Street
0247	Clarke	Violet Rose	5A Hebe Street
0248	Clausen	Andrea Patricia	3 St Marys Walk
0249	Clausen	Denzil	24 Murray Heights
0250	Clausen	Denzil George Gustavius	3 St Marys Walk
0251	Clausen Goodwin	Sophia Marina	27 Rick Jolly Way
0252	Clement	Gary	15 Snake Street
0253	Clement	Gloria Linda	15 Snake Street

0254	Clement	Jacqueline Ann	7 Davis Street
0255	Clement	Jane	Gift Shop Flat, Villiers St
0256	Clement	Sarah Jane	10 Snake Hill
0257	Clement	Wayne	10 Snake Hill
0258	Clements	Xenia Mary	29 Brandon Road
0259	Clifford	Cherie Yvonne	3 Eliza Cove Road
0260	Clifford	John Owen	3 Eliza Cove Road
0261	Clifford	Michaela Sara Monica	10 Rowlands Rise
0262	Clifford	Rhys John David	Room 1, YMCA
0263	Clifton	Darwin Lewis	53 Davis Street
0264	Clifton	Leonard	2 Murray Heights
0265	Clifton	Melvyn	12 Callaghan Road
0266	Clifton	Neil	8 Anderson Drive
0267	Clifton	Stephen Peter	61 Fitzroy Road
0268	Clifton	Teresa Ann	20 Davis Street
0269	Clifton	Thora Janeene	2 Murray Heights
0270	Clifton	Valerie Ann	10 Pioneer Row
0271	Clifton	Zoe Helen	10 Pioneer Row
0272	Clingham	Darren Robert Leslie	c/o YMCA, 21 Shackleton Drive
0273	Clingham	Shaunmichael Ashley	34 Rick Jolly Way
0274	Cockwell	Anna	15 Fitzroy Road
0275	Cockwell	Jennifer Marie	90 Davis Street
0276	Cockwell	John Richard	14 Ross Road West
0277	Cockwell	Maurice Adam	90 Davis Street
0278	Cockwell	Samuel George	15 Fitzroy Road
0279	Cofre	Elvio Miguel	1 Occupation Road
0280	Coleman	Nigel Eric	59 Sandy Woodward Road
0281	Collier	Hannah Jayne	39 Rick Jolly Way
0282	Collier	Victoria Louise	7 Mink Park
0283	Collins	Brian Richard	41 Davis Street
0284	Collins	Hazel	41 Davis Street
0285	Collins	Michael William Archibald	Room 5, 12 Scoresby Close
0286	Collins-Finlay	Shiralee	17 Scorseby Close
0287	Connolly	Kevin Barry	1 King Street
0288	Cordeiro Garcia	Rodrigo	1 Mink Park, Moody Brook Road
0289	Cordero	Crystal Rose	11 Narrows View
0290	Cotter	Jacqueline Ann	18 Mink Park
0291	Cotter	Mary-Jane	9 Jeremy Moore Avenue
0292	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
0293	Courtney	Anthony Clive	30 Goss Road
0294	Courtney	Eva Inma Linda	Room 5, YMCA, Shackleton Drive
0295	Courtney	Julie Doris	30 Goss Road
0296	Courtney	Marc Anthony	75 Rex Hunt Road
0297	Courtney	Tonisha Louise	30 Goss Road
0298	Coutts	John	36 Ross Road West
0299	Coutts	Marie Anne	36 Ross Road West
0300	Crabb	Elizabeth Ann	34A Davis Street
0301	Crowie	Alan John	17 Ian Campbell Drive
0302	Crowie	Bethany Alice	1 Diamond Jubilee Road
0303	Crowie	Chester Robert	30 John Street
0304	Crowie	Clare Frances	8 Jersey Road

0305	Crowie	Colin Arthur	19 Callaghan Road
0306	Crowie	Dave Mark	10 James Street
0307	Crowie	David Martin	57 Sandy Woodward Road
0308	Crowie	Ella Josephine	17 Ian Campbell Drive
0309	Crowie	Lachlan Thomas	71 Rex Hunt Road
0310	Crowie	Layla Alicia	19 James Street
0311	Crowie	Nicola Jane	18 Sandy Woodward Road
0312	Crowie	Rachael	10 James Street
0313	Crowie	Robert John	18 Sandy Woodward Road
0314	Crowie	Roxanne	81 Rex Hunt Road
0315	Cruickshank	Kirsty Nicole	6 Hansen Hill
0316	Cruickshank	Stuart Eric	6 Hansen Hill
0317	Curtis	Bonnie Elizabeth	13 Jersey Road
0318	Curtis	James William Hamilton	5A Brisbane Road
0319	Curtis	Tanya	5A Brisbane Road
0320	Daille Marchant	Antoine Rene	18 Mink Park
0321	Daly-Llamosa	Michael Ian	60 Sandy Woodward Road
0322	Davidson	Deborah	51 Ross Road East
0323	Davies	Anthony Warren	7 Callaghan Road
0324	Davies	Helen Louise	15A Ross Road West
0325	Davies	Jacqueline Nancy	7 Callaghan Road
0326	Davies	Samantha	14 Rex Hunt Road
0327	Davies	Sian Karen	34 Rex Hunt Road
0328	Davies-Berntsen	Tessa Linda	41 Eliza Crescent
0329	D'Avino	Katheryn Phoebe	Mullet Creek
0330	D'Avino	Pamela Martha	2 Fitzroy Road
0331	Davis	Nicholas	2 Auster Place
0332	Davis	Roy George Victor	6 Narrows View
0333	Davis	Samantha Jane	21 Kent Road
0334	Dent	Dean Angus	19 Hansen Hill
0335	Dent	Elizabeth Jayne	4 Fieldhouse Close
0336	Dent	Janice Vanessa	19 Hansen Hill
0337	Dent	Lauren Aire	19 Hansen Hill
0338	Dent	Stephen John	4 Fieldhouse Close
0339	Dickson	Adam John	14 Endurance Avenue
0340	Dickson	Jason Edward	1 Discovery Close
0341	Dickson	Michael Keith	12 Dairy Paddock Road
0342	Dickson	Rayln Ruiz	12 Dairy Paddock Road
0343	Dickson	Ronald Edward	2 Dairy Paddock Road
0344	Didlick	Imogen Fiona	54 Rex Hunt Road
0345	Didlick	John Charles Hilson	46 Sandy Woodward Road
0346	Didlick-Smith	Rhiannon Elinore	51 Sandy Woodward Road
0347	Dobbys	Kathleen Gay	60 Davis Street
0348	Dodd	Alison	10 Beaver Road
0349	Dodd	Mark Thomas	8 Mink Park
0350	Dodd	Nigel Keith	10 Beaver Road
0351	Donnelly	Daniel	38 Ross Road East
0352	Donnelly	Joyce Elizabeth	38 Ross Road East
0353	Drysdale	Karen Margaret	1 Watson Way
0354	Duncan	Charmain Sarah	5 Mountain Berry Road
0355	Duncan	Stuart Dave	2 Fieldhouse Close

0356	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
0357	East	Carly Chelsea	33 John Street
0358	East	Justin Clive Richard	1 Fieldhouse Close
0359	Eccles	Ashton Laura	3 Jeremy Moore Avenue
0360	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
0361	Eccles	Matthew James	3 Jeremy Moore Avenue
0362	Eccles	Mhairi-Anne	1A Racecourse Road
0363	Eccles	Moira Cameron	18 Jeremy Moore Avenue
0364	Edwards	Megan Shirley Rebecca	79 Davis Street
0365	Edwards	Norma	20 Mink Park
0366	Edwards	Roger Anthony	20 Mink Park
0367	Elliot	Elizabeth Rose	15 Callaghan Road
0368	Elliot	Henry James	15 Callaghan Road
0369	Ellis	Lucy	11 James Street
0370	Ellis	Meredith Lauryn	43 John Street
0371	Ellis	Paul	43 John Street
0372	Ellis	Sally Jean	43 John Street
0373	Ellis	Valerie	24 Ross Road East
0374	Elsby	Barry	Moody Brook House
0375	Elsby	Thomas	15 Rex Hunt Road
0376	Erikson	Fiona Alison	Flat 2, 6 Jersey Road
0377	Evans	Dale Clement	3 Villiers Street
0378	Evans	Kyran Binnie	44 Rex Hunt Road
0379	Evans	Michele Paula	1 Bypass Road, Murray Heights
0380	Evans	Niall Joseph	3 Villiers Street
0381	Evans	Raymond	12 Rex Hunt Road
0382	Evans	Tracy	53 Sandy Woodward Road
0383	Eynon	Carol	8 Villiers Street
0384	Eynon	David John	8 Villiers Street
0385	Faria	April Marie	24 Rick Jolly Way
0386	Faria	Basil Harry	3A Brisbane Road
0387	Faria	Maria Anne	3A Brisbane Road
0388	Faria	Paul	22 Hansen Hill
0389	Faria	Sarah Louise	3 Brandon Road
0390	Faria	Susana Caroline Berntsen	22 Hansen Hill
0391	Felton	Andrew James	50 Rex Hunt Road
0392	Felton	Trudi Eileen	13 Eliza Crescent
0393	Ferguson	John William	47 Ross Road East
0394	Ferguson	Robert John Andrew	1 Sullivan Street
0395	Ferguson	Stephanie Janet	47 Ross Road East
0396	Fernandez Acosta	Yesenia	6B Narrows View
0397	Ferriby	Debora Susana	56 Davis Street
0398	Ferriby	Elliana Patricia	56 Davis Street
0399	Ferriby	Lee Robert	56 Davis Street
0400	Fiddes	Douglas Graham	The Stables, Moody Brook
0401	Fiddes	Gardner Walker	3 Watson Way
0402	Fiddes	Julia Bertrand	7 Snake Hill
0403	Fiddes	Kelly Melody	34 Rick Jolly Way
0404	Fiddes	Melody Christine	3 Watson Way
0405	Finlay	Andrew John	17 Scoresby Close
0406	Finlayson	Kimberley Elizabeth	45 Rick Jolly Way

0407	Finlayson	Marc Ian	19 James Street
0408	Finlayson	Marilyn Christine	24 James Street
0409	Finlayson	Peter	24 James Street
0410	Finlayson	Phyllis	6 Brandon Road
0411	Fisher-Smith	Julie Anne	22 Kent Road
0412	Floyd	Amanda Susan	16 Ajax Close
0413	Floyd	Celia Soledad	7 Pitaluga Place
0414	Floyd	Michael	7 Pitaluga Place
0415	Floyd	Michael Anthony	9 Gleadell Close
0416	Floyd	Stephen Paul	26 Hansen Hill
0417	Floyd	Tracy	26 Hansen Hill
0418	Fogerty	Richard Edwin John	Stone Cottage, Bypass Road
0419	Ford	Alison Jane-Marie	9 Jersey Road
0420	Ford	Brendan Kegan	1 James Street
0421	Ford	Bronwen Rebecca	5C Hansen Hill
0422	Ford	Brooklyn Marie	Flat 2, 1 Jeremy Moore Avenue
0423	Ford	Christine	6 Drury Street
0424	Ford	Christopher James	6 Felton Court
0425	Ford	Colin Stewart	15 Kent Road
0426	Ford	Colleen Mary	12 Davis Street
0427	Ford	Daniel Timothy	2 Hebe Place
0428	Ford	Darrel	29 Rex Hunt Road
0429	Ford	David	3 Beaver Road
0430	Ford	Debbi Louisa	6 Felton Court
0431	Ford	Donna Marie	19 Kent Road
0432	Ford	Gerard Allan	12 Hansen Hill
0433	Ford	Ieuan Colin	15 Kent Road
0434	Ford	Jack Christopher	6 Felton Court
0435	Ford	Jill Edith	12 Hansen Hill
0436	Ford	Jonathan	3 Pitaluga Place
0437	Ford	Julie Ann	3 Pitaluga Place
0438	Ford	Leann Caroline	15 Kent Road
0439	Ford	Leonard	9 Jersey Road
0440	Ford	Marie	3 Beaver Road
0441	Ford	Melanie	3 Sandy Woodward Road
0442	Ford	Mikaela Jayne	89 Davis Street
0443	Ford	Neil Frazer	6 Drury Street
0444	Ford	Simon	1 James Street
0445	Ford	Thomas Charles	9 Jersey Road
0446	Ford	Wade Leonard	9A Jersey Road
0447	Forrest	Jennifer Carol	16 Kent Road
0448	Forrest	Michael John	16 Kent Road
0449	Forster	Amanda	9 Fieldhouse Close
0450	Forster	Gwyneth May	15 Ian Campbell Drive
0451	Forster	James	10 Drury Street
0452	Forster	Lynne	112A Davis Street
0453	Fowler	Alan Claude	4 Capricorn Road
0454	Fowler	Daniel Martin	2 Glasgow Road
0455	Fowler	Vanessa Kay	4 Capricorn Road
0456	Fowler	Zoë	2 Glasgow Road
0457	Fowmes	Connie Margaret Rose	15 Jeremy Moore Avenue

0458	Fowmes	Hazel Charlotte Maria	15 Jeremy Moore Avenue
0459	Fowmes	Paula Jennifer Louise	15 Jeremy Moore Avenue
0460	Fowmes	Stephen Roger	15 Jeremy Moore Avenue
0461	France	Ian Peter	4 Sullivan Street
0462	France	Samantha Jane	4 Sullivan Street
0463	Francis	Carla Marie	2 Fieldhouse Close
0464	Francis	Jordan Daniel	3 Mink Park
0465	Francis	Tegan Louise	42 Callaghan Road
0466	Francis	Timothy Daniel	3 Mink Park
0467	Freeman	Carl Francis	Maidenhaven Cottage
0468	Freeman	Dianne May	Maidenhaven Cottage
0469	Freer	Edward Craig	6 Fitzroy Road East
0470	Freer	Matthew Paul	6 Fitzroy Road East
0471	Freer	Pamela Jane	7 Fitzroy Road East
0472	Freer	Stephen Paul James	7 Fitzroy Road East
0473	French	Breda Marie	46 Rex Hunt Road
0474	Fyfe	David MacGregor	6 Capricorn Road
0475	Gilbert	Christopher Paul	11 Ian Campbell Drive
0476	Gilbert	Mark Ian	13 Beaver Road
0477	Gilbert	Neil Robert	17 Sullivan Street
0478	Gilbert	Sharon	11 Ian Campbell Drive
0479	Gilding	Melanie Carol	38 Ross Road
0480	Gilding	Petra Sophie	14 John Street
0481	Gisby	Annie	37 Ross Road East
0482	Glanville	Adam James	12 James Street
0483	Glanville	Beverley Rose	12 James Street
0484	Gomez	Eduardo Daniello	41 Callaghan Road
0485	Gomez	Rebecca Lily	41 Callaghan Road
0486	Gómez-Reid	Dafne Tamara	41 Callaghan Road
0487	Goodwin	Bonita Colleen	21 Eliza Crescent
0488	Goodwin	Catherine Dawn	8 Hansen Hill
0489	Goodwin	Colin Valentine	8 Beaver Road
0490	Goodwin	Derek Samuel	21 Eliza Crescent
0491	Goodwin	Gareth Kevin	15 Hansen Hill
0492	Goodwin	June Elizabeth	8 Beaver Road
0493	Goodwin	Margaret Ann	3`H' Jones Road
0494	Goodwin	Marie-Bernard Therese	15 Hansen Hill
0495	Goodwin	Matthew Gerald	77 Rex Hunt Road
0496	Goodwin	Rachel Karen	31 Ross Road West
0497	Goodwin	Robin	31 Ross Road West
0498	Goodwin	Robin Christopher	27 Callaghan Road
0499	Goodwin	Simon James	8 Hansen Hill
0500	Goodwin	Tatyana Jane	c/o YMCA, 21 Shackleton Drive
0501	Goodwin	Una	27 Callaghan Road
0502	Goodwin	William John Maurice	7 Brisbane Road
0503	Gordon	Daniella Lee	44 Rex Hunt Road
0504	Gordon	Martine Carole	6A Ross Road East
0505	Gordon	Robert James Alexander	6A Ross Road East
0506	Goss	Annagret	16 Jeremy Moore Avenue
0507	Goss	Carole-Ann	8 Ian Campbell Drive
0508	Goss	Emma Holly	16 Jeremy Moore Avenue

0509	Goss	Eric Miller	2 Fitzroy Road East
0510	Goss	Ian Ernest Earle	98 Davis Street
0511	Goss	Jane Alexander	2A Capricorn Road
0512	Goss	Morgan Edmund	16 Jeremy Moore Avenue
0513	Goss	Rebecca Jean Dorothy	98 Davis Street
0514	Goss	Shirley Ann	2 Fitzroy Road East
0515	Goss	Simon Peter Miller	11 Kent Road
0516	Goss	Susan Diann	98 Davis Street
0517	Goss	Tamsin Grace	7 Brandon Road
0518	Goss	William Henry	7 Brandon Road
0519	Green	Chloe Elizabeth	21 Murray Heights
0520	Green	David William	55 Sandy Woodward Road
0521	Greenland	James Andrew William	3 Biggs Road
0522	Greenland-Elbakidze	Natasha Bonita	10 Mink Park
0523	Halliday	Cathy Ann	5 Drury Street
0524	Halliday	Jeffrey James	9A Philomel Street
0525	Halliday	Julie Ann	9A Philomel Street
0526	Hancox	Emily Clare	13 Beaver Road
0527	Hansen	Terrance Joseph	58C Sandy Woodward Road
0528	Hardcastle	Eileen Beryl	75 Davis Street
0529	Harris	Angela Jane	10 Haskard Rise
0530	Harris	Dennis Sefton	Racecourse Cottage
0531	Harris	Heather	3 Ross Road East
0532	Harris	Jill Yolanda Miller	19 Fitzroy Road
0533	Harris	Karl Henry	10 Haskard Rise
0534	Harris	Kelly Ann	11 Dairy Paddock Road
0535	Harris	Leeann Watson	11 Dairy Paddock Road
0536	Harris	Leslie Sydney	19 Fitzroy Road
0537	Harris	Megan	5 Discovery Close
0538	Harris	Michael Ronald	3 Ross Road East
0539	Harris	Ralph Aaron	11 Dairy Paddock Road
0540	Harris	Rebecca Jayne	11 Dairy Paddock Road
0541	Harris	Reece Lee	11 Dairy Paddock Road
0542	Harris	Wendy Ann	Racecourse Cottage
0543	Harte	Emma Louise	9A Philomel Street
0544	Harte	Torin Matthew	9A Philomel Street
0545	Hartley	Jeanette	42 Davis Street
0546	Harvey	Sheila	8 Barrack Street
0547	Hawksworth	Cara Jane	6 Rowlands Rise
0548	Hawksworth	Christopher	6 Rowlands Rise
0549	Hawksworth	David	25 Eliza Crescent
0550	Hawksworth	Ginalyn Jauncho	25 Eliza Crescent
0551	Hawksworth	Ryan	2 Goss Road
0552	Hay	Graeme James	1 Church Flats
0553	Hay	Joanne Hazel Rose	30 Rex Hunt Road
0554	Hayward	Marjorie	4B St Marys Walk
0555	Hayward	Matthew Oliver	Mullet Creek
0556	Hayward	Neville	21 Hansen Hill
0557	Hayward	Pauline May	21 Hansen Hill
0558	Heathcock	Andrew James	7 James Street
0559	Heathman	Malcolm Keith	15 Eliza Cove Road

0560	Heathman	Mandy Gail	15 Eliza Cove Road
0561	Heathman	Nyree	7 Allardyce Street
0562	Heathman	Sally Hermione	15 Eliza Cove Road
0563	Henry	Adam Robert	28 Brandon Road
0564	Henry	Alan Richard	13 Mink Park
0565	Henry	Derek William	2 Moody Street
0566	Henry	John Stuart	15 Villiers Street
0567	Henry	Patricia Denise	86 Davis Street
0568	Henry	Tracey Dawn	2 Moody Street
0569	Henry	Tyrone Scott	25B Ross Road East
0570	Hewitt	Bernice Marilyn Sarah	16 Sullivan Street
0571	Hewitt	Charles David James Murdo	16 Sullivan Street
0572	Hewitt	Christine Alison Elizabeth	9B Sullivan Street
0573	Hewitt	Gary George	3 Hebe Place
0574	Hewitt	Margaret Ann	3 Hebe Place
0575	Hewitt	Tara Marie	14 Scoresby Close
0576	Hills	David John	8 Fitzroy Road
0577	Hirtle	Christine	5 Capricorn Road
0578	Hirtle	Debbie Ann	2B Capricorn Road
0579	Hirtle	Rose Ann Shirley	4 Villiers Street
0580	Hirtle	Samantha Lee	2 Hebe Place
0581	Hirtle	Zane Eric	12 Drury Street
0582	Hobman	Kyle John	1C Capricorn Road
0583	Hobman	Vivien	20 Hansen Hill
0584	Howe	Alison Delia	36 Davis Street
0585	Howe	Paul Anthony	36 Davis Street
0586	Hoy	Gabriella Daisy	1A Racecourse Road
0587	Hoyles	Benjamin Noel	10 Brandon Road
0588	Hoyles	Lani Maria	10 Brandon Road
0589	Hurst	Dahiana Blake	4 Rex Hunt Road
0590	Hutton	Elizabeth Isabella	3 John Street
0591	Hutton	Philip	3 John Street
0592	Ibarra Espinosa	Gonzalo Patricio	18 Callaghan Road
0593	Igao	Georgia Jane	10 Goss Road
0594	Igao	Noel Neri	10 Goss Road
0595	Igao	Pauline Lynx	10 Goss Road
0596	Inglis	Alison Anne MacKenzie	9 Short Street
0597	Innes	Isabella Alice	2 Thatcher Drive
0598	Irvine	Andrew Grant McKenzie	1 Allardyce Street
0599	Jackson	Kathleen	7 Drury Street
0600	Jackson	Malcolm	7 Drury Street
0601	Jackson	Mark Malcolm	5 Drury Street
0602	Jacobsen	Tanzi	8 Fitzroy Road
0603	Jacobsen	Toni Rhona	32 Teaberry Way
0604	Jaffray	Alexander	8A Brisbane Road
0605	Jaffray	Arlette Sharon	7 Jersey Road
0606	Jaffray	Dominic Summers	5 Racecourse Road East
0607	Jaffray	Eileen	5 Hebe Street
0608	Jaffray	Elliot Jessie	8A Brisbane Road
0609	Jaffray	Emma Leigh	5 James Street
0610	Jaffray	Estelle Anita	11 Snake Hill

0611	Jaffray	Eva Lynn	47 Callaghan Road
0612	Jaffray	Gerard Alan	47 Callaghan Road
0613	Jaffray	Helen Rose	84 Davis Street
0614	Jaffray	Ian	5 Hebe Street
0615	Jaffray	Ingrid Joyce	9 Fitzroy Road
0616	Jaffray	Janet	3 Ross Road West
0617	Jaffray	John	3 Ross Road West
0618	Jaffray	John Summers	84A Davis Street
0619	Jaffray	John Willie	21 Watson Way
0620	Jaffray	Juliet Hazel	28 Davis Street
0621	Jaffray	June Elizabeth	17 Ross Road East
0622	Jaffray	Kenneth Ian	55 Davis Street
0623	Jaffray	Lisa Jane	7 Hebe Street
0624	Jaffray	Phyllis	21 Watson Way
0625	Jaffray	Shaun Melvyn	28 Davis Street
0626	Jaffray	Stephen James	5 James Street
0627	Jaffray	Terence Roy	5 Hebe Street
0628	James	Ross Brent	5 Pioneer Row
0629	James	Zoe Dorothy May	5 Pioneer Row
0630	Jamieson	Malcolm William	1 Rex Hunt Road
0631	Jamieson	Patricia Anne	1 Rex Hunt Road
0632	Jennings	Hamish Warren	9A Davis Street
0633	Jennings	Leeanne Kate	5 Murray Heights
0634	Jennings	Nancy Elizabeth	7 Philomel Street
0635	Jennings	Paige Taylor	9 Davis Street
0636	Jennings	Roy	5 Murray Heights
0637	Jennings	Stephen	5 Fitzroy Road
0638	Jones	Deena Marie	31 Rick Jolly Way
0639	Jones	Evan Glynn	61 Sandy Woodward Road
0640	Jones	Kevin Richard	3A Brandon Road
0641	Jones	Yvonne Malvina	6 Yates Place
0642	Jonson	Nicole Frances	30 Endurance Avenue
0643	Jordon	Awen May	12 Goss Road
0644	Joshua	Angeline Gloria	6 Beaver Road
0645	Joshua	Dwight Michael	7 Gleadell Close
0646	Joshua	Josephine Mary	7 Gleadell Close
0647	Joshua	Paul Alan	6 Beaver Road
0648	Joshua	Rosemond Patricia	3 Felton Stream
0649	Kearney	Philip James	2 Brandon Road
0650	Keenleyside	Manfred Michael Ian	2 Snake Hill
0651	Keenleyside	Nanette Barbara	2 Snake Hill
0652	Kennedy	Igan Stephen	9 Fitzroy Road
0653	Kennedy	Keon Thomas	9 Fitzroy Road
0654	Kenny	Erling	20 James Street
0655	Kidd	John Nathan	7 Ross Road West
0656	Kidd	Lillian Rose Orissa	7 Ross Road West
0657	Kilmartin	Clovis Sebastian	57 Fitzroy Road
0658	King	Anna Constance Eve	34 Ross Road
0659	King	Glynis Margaret	Stanley Arms Flat
0660	King	Michelle Beverly	4 Biggs Road
0661	King	Peter Thomas	10 Jeremy Moore Avenue

0662	King	Robert John	22/24 Davis Street
0663	King	Rosemarie	10 Jeremy Moore Avenue
0664	King-Clark	Roxanne McCarthy	39 Fitzroy Road
0665	Kirkham	Campbell Joseph	5 Capricorn Road
0666	Knight	Margaret Anne	1 Thatcher Drive
0667	Knipe	Chedwin Norman	3 Davis Street West
0668	Knipe	Chloe Susanne	3 Davis Street West
0669	Knipe	Susan Jane Helena	3 Davis Street West
0670	Kultschar	Karin Pamela	5 Brisbane Road
0671	Kultschar	Richard Paul	5 Brisbane Road
0672	Kultschar	Yvonne Rosina	33C Davis Street
0673	Ladron De Guevara	Simon	6 Police Cottage
0674	Ladron De Guevara Barnes	Jeremy Marshall	22/24 Davis Street
0675	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
0676	Laffi	Kathleen Mary	3 Brisbane Road
0677	Lang	Colin David	2 Brisbane Road
0678	Lang	James Patrick	2 Davis Street
0679	Lang	Leah Falalimpa	2 Davis Street
0680	Lang	Theresa Margaret	28 Goss Road
0681	Lang	Valma Emily	8A Brandon Road
0682	Lang	Wendy Diane	2 Brisbane Road
0683	Larsen	Ellen	6A Moody Street
0684	Larsen	Ronald Ivan	2 Anderson Drive
0685	Law	Megan Alexandra	Moody Valley
0686	Lazo	Javier Waldemar	80 Davis Street
0687	Lazo	Laura Rose	17 Brandon Road
0688	Lazo	Matthew Derek	17 Brandon Road
0689	Leach	Nigel Jon	4 Moody Street
0690	Lee	John Alfred	7 Thatcher Drive
0691	Lee	Karen Jane	14 Davis Street
0692	Lee	Mandy John	15 James Street
0693	Lee	Owen Henry	4 Pioneer Row
0694	Lee	Rodney William	15 Ian Campbell Drive
0695	Legg	Robert Keith	21 Kent Road
0696	Lennie	Gordon Carnie	9 Narrows View
0697	Lennie	Roberto	9 Narrows View
0698	Leo	Aiden Ross	4 Market Garden
0699	Leo	Merrill Steve	17 Rick Jolly Way
0700	Lewis	Craig James Mackenzie	9 Short Street
0701	Lewis	David James	3 Ian Campbell Drive
0702	Lewis	Jason	9 Short Street
0703	Lewis	Pamela Irene	3 Ian Campbell Drive
0704	Limburn	Monica	2 Brandon Road
0705	Livermore	Anton	82 Davis Street
0706	Livermore	Doreen Emily	82 Davis Street
0707	Locke	Christopher Paul	6 Brisbane Road
0708	Locke	Nancy Joy Munding	6 Brisbane Road
0709	Lowe	Lucinda Marie	2 Strawberry Street
0710	Lowe	Nathan Reginald Eugenio	22 Shackleton Drive
0711	Lowe	Tonisha Louisa	22 Shackleton Drive
0712	Luxton	Jennifer Mary	4 Hebe Place

0713	Luxton	Michael	1A Pioneer Row
0714	Luxton	Nathan Jack	1 Jersey Road
0715	Luxton	Nicola	1A Pioneer Row
0716	Luxton	Robin	1 Jersey Road
0717	Luxton	Stephen Charles	1 Mullet Creek
0718	Luxton	Susan Vera	1 Mullet Creek
0719	Luxton	Wendy Jennifer	1 Jersey Road
0720	Lyse	Linda Margaret	65 Fitzroy Road
0721	Macaskill	Angus Lindsay	11 Short Street
0722	Macaskill	John	34 Ross Road West
0723	Macaskill	Robert John	1A Brisbane Road
0724	Macaskill	Tracey Jayne	1A Brisbane Road
0725	MacDonald	Irene	20 Murray Heights
0726	Maciello	Jorge Diego	9 Strawberry Street
0727	Maciello	Susan Ovedia Franz	9 Strawberry Street
0728	MacLennan Baird	Ronald John	3 Diddle Dee Drive
0729	Maddocks	Robert Charles	11 Murray Heights
0730	Mansilla	Arturo	9 Rex Hunt Road
0731	Mansilla	Caitlin	9 Rex Hunt Road
0732	March	Elizabeth Eleanor	38 Fitzroy Road
0733	Martin	Lee Anthony	7 McKay Close
0734	Martin	Lisa Maria	7 McKay Close
0735	May	Angela Jane	11 Sullivan Street
0736	May	Bruce Raymond	9 Kent Road
0737	May	Bryan Roy	21 Jeremy Moore Avenue
0738	May	Connie	9 Kent Road
0739	May	Jonathan Roy	12 Jeremy Moore Avenue
0740	May	Lucinda Vikki	12 Jeremy Moore Avenue
0741	May	Monica	21 Jeremy Moore Avenue
0742	May	Roger	11 Sullivan Street
0743	May	Tiphanie	35 Davis Street
0744	May	William Albert	1 Glasgow Road
0745	McBain	Arthur	29 Goss Road
0746	McBain	Rhoda Margaret	29 Goss Road
0747	McCallum	Bettina Kay	14 Drury Street
0748	McCallum	Rampai	14A Drury Street
0749	McCormick	Amelia Baguio	29B Callaghan Road
0750	McCormick	Dale Ronald	24 Eliza Crescent
0751	McCormick	Pauline Margaret Ruth	29 Callaghan Road
0752	McCormick	Richard Paul	29B Callaghan Road
0753	McCormick	Samantha Laura	18 Rex Hunt Road
0754	McCrea	Robert Thomas	Flat 3, 1 Jeremy Moore Avenue
0755	McGhie	Thomas Jack	c/o YMCA, 21 Shackleton Drive
0756	McGill	Coral Elizabeth	2 Discovery Close
0757	McGill	Daniel Stanford	2 James Street
0758	McGill	Darrel Ian	Flat 1, 5 Jeremy Moore Avenue
0759	McGill	Diane Beverley	2 James Street
0760	McGill	Gary	15 Brandon Road
0761	McGill	Heather Margaret	4 Discovery Close
0762	McGill	Len Stanford	2 James Street
0763	McGill	Lorraine Iris	10 Ross Road East

0764	McGill	Sinead Zara	22 Murray Heights
0765	McGill	Teresa Rose	26 Ross Road East
0766	McGill	Travis Ian	1C Capricorn Road
0767	McGill	Vaughan	c/o YMCA, 21 Shackleton Drive
0768	McKay	Bono John	3 Brandon Road West
0769	McKay	Clara Mary	20 Ross Road West
0770	McKay	Heather Valerie	16 Eliza Crescent
0771	McKay	Ian Roderick	14 Ajax Close
0772	McKay	Jeannie Paullina	2 Allardyce Street
0773	McKay	Jennifer Coral	24 Eliza Crescent
0774	McKay	John David Toby	51 Callaghan Road
0775	McKay	Kristin Logan	84A Davis Street
0776	McKay	Marika	72 Davis Street
0777	McKay	Melvyn Andrew	72 Davis Street
0778	McKay	Michael John	64 Davis Street
0779	McKay	Michelle Jane	33 John Street
0780	McKay	Neil	10 Watson Way
0781	McKay	Peter John	21 Ross Road West
0782	McKay	Rex	16 Eliza Crescent
0783	McKay	Roy Derek	3 Teaberry Way
0784	McKee	Miranda	12 Watson Way
0785	McKee	Richard Buick	12 Watson Way
0786	McKenzie	Alice Maud	2B St Mary's Walk
0787	McKenzie	Charles Alexander Albert John	2B St Mary's Walk
0788	McLaren	Ashlyn Hope	20 Ajax Close
0789	McLaren	Caroline Mary	34 Teaberry Way
0790	McLaren	Tony Eugene Terence	10 Moody Street
0791	McLean	Stephen Thomas Turnbull	73 Rex Hunt Road
0792	McLeod	David	49 Callaghan Road
0793	McLeod	Gerald Peter	11A Davis Street
0794	McLeod	Glenda Otadoy	6 McKay Close
0795	McLeod	Henry Donald Alexander	16 Fieldhouse Close
0796	McLeod	Ian	17 Davis Street
0797	McLeod	Ian James	26 Rick Jolly Way
0798	McLeod	Janet Wensley	75 Davis Street
0799	McLeod	Janice	2 Ross Road West
0800	McLeod	John	23 Hansen Hill
0801	McLeod	Kirsty Jane	5 Pitaluga Place
0802	McLeod	Mally	17 Davis Street
0803	McLeod	Marie	16 Fieldhouse Close
0804	McLeod	Mark Travis	6 McKay Close
0805	McLeod	Michael William	5 Short Street
0806	McLeod	Pearl Mary Ann	18 Brandon Road
0807	McLeod	Robert	75 Davis Street
0808	McLeod	Robert John	2 Ross Road West
0809	McLeod	Tamsin Margaret Butler	5 Short Street
0810	McLeod	Valorie Marcela	7 Ian Campbell Drive
0811	McMullen	June	8 Brandon Road
0812	McMullen	Lucille Anne	6 John Street
0813	McMullen	Tony	8 Brandon Road
0814	McPhee	Denise	4 Brandon Road West

0815	McPhee	Hannah	4 Brandon Road West
0816	McPhee	Jessica	4 Brandon Road West
0817	McPhee	Justin Owen	4 Brandon Road West
0818	McRae	Charlotte Melizza	6 Rick Jolly Way
0819	McRae	David Michael	24 Callaghan Road
0820	McRae	Kerry Jane	15 Sullivan Street
0821	McRae	Michael	25 Hansen Hill
0822	McRae	Tamara	25 Hansen Hill
0823	Merrey	Adrianna Janine	28 Sandy Woodward Road
0824	Middleton	Callum William	14 Mink Park
0825	Middleton	Caren	15 Mink Park
0826	Middleton	Caroline Ann	7 James Street
0827	Middleton	Charlotte Anne Mary	Cemetery Cottage
0828	Middleton	Chelsea Emma	13 McKay Close
0829	Middleton	Emmaleigh Grace	50 Davis Street
0830	Middleton	Kerry Ann	Dolphin Cottage
0831	Middleton	Leonard	8 Yates Place
0832	Middleton	Nevin Alexander	15 Mink Park
0833	Middleton	Phillip John	5 St Marys Walk
0834	Middleton	Stephanie Anne	13 McKay Close
0835	Middleton	Yvonne Allison	50 Davis Street
0836	Miller	Andrew Nigel	Camber House
0837	Miller	April Samantha	4 Beaver Road
0838	Miller	Betty Larsen	Flat 4, 5 Jeremy Moore Avenue
0839	Miller	Carol	Marine Cottage
0840	Miller	Catherine McLeod	11 Thatcher Drive
0841	Miller	Gail Marie	6A Brisbane Road
0842	Miller	Janet Mary	Market Garden, Airport Rd
0843	Miller	Jayne Elizabeth	27 Davis Street
0844	Miller	Samantha Elaine	Camber House
0845	Miller	Samuel Andrew	27 Davis Street
0846	Miller	Simon Roy	Marine Cottage
0847	Miller	Steven Geoffrey	4 Beaver Road
0848	Miller	Timothy John Durose	Market Garden, Airport Rd
0849	Miller	Zoe Adele	10 James Street
0850	Minnell	Adrian James	8 Moody Street
0851	Minnell	Amy Anne	46 Sandy Woodward Road
0852	Minnell	Hazel Eileen	5 Yates Place
0853	Minnell-Goodwin	Mandy Hazel	31 Ross Road West
0854	Minto	Adam Daniel	58D Sandy Woodward Road
0855	Minto	Bradley Stewart Andrew	33 Callaghan Road
0856	Minto	Christian Ian	18 Endurance Avenue
0857	Minto	Dilys Rose	18 Endurance Avenue
0858	Minto	Graham Stewart	12 Brisbane Road
0859	Minto	Isabel Joan	12 Brisbane Road
0860	Minto	Patrick Andrew	19 Murray Heights
0861	Minto	Sean Daem	16 Jersey Road
0862	Minto	Timothy Ian	18 Endurance Avenue
0863	Miranda	Carmen Ediht	8 Anderson Drive
0864	Miranda	Ramon	3 Drury Street
0865	Mitchell	Paige	'The Loft', 51 Callaghan Road

0866	Mitchell	Shane Leon	2 Ian Campbell Drive
0867	Moffatt	Angela	20 Ross Road East
0868	Moffatt	James	20 Ross Road East
0869	Moffatt	Jay	5 Gleadell Close
0870	Moffatt	Kelly	20 Ross Road East
0871	Moffatt	Sean	2 Sandy Woodward Road
0872	Molkenbuhr	Sara Jayne	11 McKay Close
0873	Morris	Alana Marie	4 Callaghan Road
0874	Morris	David	4 Callaghan Road
0875	Morris	Jason Paul	Flat 4, 30 Jersey Road
0876	Morris	Jessica Rose	9 Discovery Close
0877	Morris	Lynsey Claire	1 Moody Street
0878	Morris	Trevor Alan	1 Moody Street
0879	Morris	Zoe Alana	4 Callaghan Road
0880	Morrison	Carol Margaret	17 Jersey Road
0881	Morrison	Dana Justine	17 Rick Jolly Way
0882	Morrison	Fayan	54 John Street
0883	Morrison	Gerald	1A Brandon Road
0884	Morrison	Glyn Scott	34A Davis Street
0885	Morrison	Graham Stewart	34A Davis Street
0886	Morrison	Guy Damain	13 Rick Jolly Way
0887	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
0888	Morrison	Joan Margaret	3 Felton Court
0889	Morrison	Joleen Coleen	3 Felton Court
0890	Morrison	Kathleen Iris	1A Brandon Road
0891	Morrison	Keiran Kenneth	24 Rick Jolly Way
0892	Morrison	Kenneth	13 Ian Campbell Drive
0893	Morrison	Lena	108 Davis Street
0894	Morrison	Leslie Theodore Norman	108 Davis Street
0895	Morrison	Marcus Lewis	5 Mink Park
0896	Morrison	Michael John	10 Fitzroy Road East
0897	Morrison	Nanette Rose	34 Davis Street
0898	Morrison	Nigel Peter	86 Davis Street
0899	Morrison	Paul Roderick	3 Racecourse Road East
0900	Morrison	Richard Lowry	1 Biggs Road
0901	Morrison	Russell John Allan	16 Mink Park
0902	Morrison	Susan Margaret	10 Fitzroy Road East
0903	Morrison	William Roderick Halliday	54 John Street
0904	Morrison-Sanchez	Angely Susanne	16 Mink Park
0905	Morrison-Sanchez	Ellya Angely	16 Mink Park
0906	Munro	Grant Mackintosh	69 Fitzroy Road
0907	Murphy	Andrew Paul	2 King Street
0908	Murphy	Ann Susan	2 King Street
0909	Neilson	Cara Jane	12 Goss Road
0910	Neilson	Edward Sydney	12 Goss Road
0911	Neilson	Harold Ian	74 Davis Street
0912	Neilson	Margaret	6 Barrack Street
0913	Newman	Andrew Raymond	51 Ross Road East
0914	Newman	Darby Michelle	4 Biggs Road
0915	Newman	Marlene	11 Jeremy Moore Avenue
0916	Newman	Terence	24 Endurance Avenue

0917	Newman	Terri-Ann	24 Endurance Avenue
0918	Norman	Heather Thelma	6A Pioneer Row
0919	Olmedo	Alex	14 Goss Road
0920	Olmedo Apablaza	Marcelo Rodrigo	1 Hansen Hill
0921	Ormond	Christina Helen	6 Goss Road
0922	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
0923	Ormond	Krysteen Alison	2 Gleadell Close
0924	Ormond	Terrienne Helen	2 Gleadell Close
0925	O'Sullivan	Heather Mary-Lynn	10 Moody Street
0926	Owen	Sally	1 Biggs Road
0927	Paice	Corrinne	3 Racecourse Road
0928	Paice	Craig Arthur	3 Racecourse Road
0929	Parke	James Fred	3 Racecourse Road
0930	Parke	Janet Margaret	3 Racecourse Road
0931	Passfield	Kenneth Alexander	2A Brandon Road West
0932	Paver	Bernadette Marguerite	Moody Brook House
0933	Peck	Christine	21 Jersey Road
0934	Peck	Daelyn Robert	15 Villiers Street
0935	Peck	David Patrick	5 Sullivan Street
0936	Peck	Eleanor Margaret	10 Davis Street
0937	Peck	Farrah Louise	12 McKay Close
0938	Peck	Gordon Pedro James	34 Eliza Crescent
0939	Peck	Harwood John Charles	26 Eliza Crescent
0940	Peck	James	10 Fitzroy Road East
0941	Peck	Joshua Dolan	2 Mountain Berry Road
0942	Ped	Remelia Anastasia	14 Jersey Road
0943	Peirega	Alexa Rachel	27 Rex Hunt Road
0944	Peirega	Martin Eduardo	27 Rex Hunt Road
0945	Peirega	Naomi Renee	27 Rex Hunt Road
0946	Perry	Hilda Blanche	6A St Marys Walk
0947	Peters	Lauren Joyce-McKay	24 Rex Hunt Road
0948	Peters	Ross Munro Alan	64 Sandy Woodward Road
0949	Peters	Tamara Anne	64 Sandy Woodward Road
0950	Peters	Tristan Mark	24 Rex Hunt Road
0951	Pettersson	Derek Richard	3 Anderson Drive
0952	Pettersson	Trudi Ann	3 Anderson Drive
0953	Phillips	Anthony Vincent	35 Davis Street
0954	Phillips	Carol Joan	6 Rex Hunt Road
0955	Phillips	David Albert	9 Davis Street
0956	Phillips	David Dawson	35 Fitzroy Road
0957	Phillips	Elisa	35 Fitzroy Road
0958	Phillips	Jordan Liam	4 Gleadell Close
0959	Phillips	Terence	6 Rex Hunt Road
0960	Pitt	Myra May	6A Pioneer Row
0961	Plato	Alex Rhys	6 Pioneer Row
0962	Plato	Darren Richard	2 Jersey Road
0963	Platt	Claire	c/o KEMH
0964	Pointing	Stephen William	4 Anderson Drive
0965	Pole-Evans	Amy Rose	4 McKay Close
0966	Pole-Evans	John	16 Ross Road East
0967	Pole-Evans	Lisa	74 Davis Street

0968	Pole-Evans	Marcus Samuel	41 Eliza Crescent
0969	Pole-Evans	Martin	19 Kent Road
0970	Pole-Evans	Michael Anthony	4 McKay Close
0971	Pollard	Andrew Keith	4 Fitzroy Road East
0972	Pollard	Cathy	2 Kent Road
0973	Pollard	Elizabeth Eve	23 Ross Road East
0974	Pollard	John	23 Ross Road East
0975	Pollard	Mark John	2 Kent Road
0976	Pompert	Joost Herman Willem	11 Ross Road West
0977	Pompert Robertson	Sorrel Freya	11 Ross Road West
0978	Pompert-Robertson	Sophie Thora	11 Ross Road West
0979	Poncet	Jeremy Nigel	28 Rex Hunt Road
0980	Poncet	Sally Elizabeth	2A Brandon Road West
0981	Poncet	Stacey Jane	28 Rex Hunt Road
0982	Poole	Christopher William	7 Sandy Woodward Road
0983	Poole	Danielle Louise	7 Sandy Woodward Road
0984	Poole	Michael James	9B Sullivan Street
0985	Poole	Nancy Margaret	1 Racecourse Road
0986	Poole	Raymond John	1 Racecourse Road
0987	Poole	Ross William	52 John Street
0988	Poole	Ryan James	13 Hansen Hill
0989	Poole	Steven Charles	13 Hansen Hill
0990	Poole	Toby Raymond	19 Davis Street
0991	Porter	Geoffrey Bell	3 Sullivan Street
0992	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
0993	Pring	Bernadette Jane Spencer	5A Ross Road West
0994	Pring	Geoffrey Alan	5A Ross Road West
0995	Prior	Claudette	1 Goss Road
0996	Prior	Malcolm	1 Goss Road
0997	Quinto Salluca	Luis Alberto	88 Davis Street
0998	Ramirez Mardones	Vanessa Elisa	61 Sandy Woodward Road
0999	Reddick	Keith John	By-Pass Road
1000	Rees	Anita Marie Florence	50 Rex Hunt Road
1001	Reid	Ann	17 Scoresby Close
1002	Reid	Colleen Rose	9 Fitzroy Road East
1003	Reid	Damian Alejandro	8 Police Cottages
1004	Reid	John Alexander	7 Fitzroy Road
1005	Reid	Joseph Reynold Benjamin	26 Kent Road
1006	Reid	Paula	5 Biggs Road
1007	Reid	Reynold Gus	5 Biggs Road
1008	Reid	Simon Gus	41 Sandy Woodward Road
1009	Richards	Shirley	8A James Street
1010	Riddell	Jacob David	Flat 3, 6 Racecourse Road
1011	Riquelme Vera	Patricia Maribel	8 Diddle Dee Drive
1012	Roberts	Aaron Huw	10 Ian Campbell Drive
1013	Roberts	Bradley Gerard	57 Fitzroy Road
1014	Roberts	Cheryl Ann Spencer	49 Ross Road East
1015	Roberts	David Anthony	8 Marmont Row, Ross Road
1016	Roberts	Gethyn Edward	11 Short Street
1017	Roberts	Kieran Angus	72A Davis Street
1018	Roberts	Lynn	13 Rowlands Rise

1019	Roberts	Nicholas Daniel	22 Jeremy Moore Avenue
1020	Roberts	Peter James	49 Ross Road East
1021	Roberts	Shaleena-Jade	5 Narrows View
1022	Roberts	Simon Theodore Nathaniel	5 Narrows View
1023	Robertson	Dion Sebastian	40 Rex Hunt Road
1024	Robertson	Drew Alexander	5 Diamond Jubilee Road
1025	Robertson	Janet	11 Ross Road West
1026	Robson	Alison Emily	15 Villiers Street
1027	Robson	Cherry-Rose	5 Philomel Street
1028	Robson	Damien	1 Rick Jolly Way
1029	Robson	Derryn	18 Ross Road East
1030	Robson	Jodie	43 Rick Jolly Way
1031	Robson	Miranda Gaye	10 Hansen Hill
1032	Robson	Patricia Jayne	18 Ross Road East
1033	Robson	Phyllis Ann	1 Philomel Place
1034	Robson	Raymond Nigel	10 Hansen Hill
1035	Robson	William Charles	18 Ross Road East
1036	Rodriguez-Reid	Axel Reynaldo	4 Fieldhouse Close
1037	Rodriguez-Reid	Tiphanie Diane	4 Fieldhouse Close
1038	Roose	Alison Elizabeth	7 Brandon Road
1039	Ross	Allan John	1 Short Street
1040	Ross	Christine Aislinn	6 Mink Park
1041	Ross	Gabrielle Leigh	56 Rex Hunt Road
1042	Ross	Glenn Stephen	23 Watson Way
1043	Ross	Janet	23 Watson Way
1044	Ross	Kerri-Anne	8 Mink Park
1045	Ross	Lachlan Neil	14 Fieldhouse Close
1046	Ross	Rebecca Jane	7 Moody Street
1047	Ross	Roy	19 Jersey Road
1048	Ross	Shirley Vyona	1 Short Street
1049	Rowland	Charlene Rose	19 Jeremy Moore Avenue
1050	Rowland	John Christopher	19 Jeremy Moore Avenue
1051	Rowland	Sarah Anne	9 Hansen Hill
1052	Rowlands	Dorinda Roberta	9 Dean Street
1053	Rowlands	Robert John	13 Callaghan Road
1054	Rozee	Karen Michella	6 Discovery Close
1055	Sackett	Albert John	25A Ross Road East
1056	Sackett	Jacqueline	25 Callaghan Road
1057	Sackett	Sean Michael	27 Davis Street
1058	Sanchez	Alanis Björk	50 Sandy Woodward Road
1059	Sanchez	Jennifer Helen	50 Sandy Woodward Road
1060	Sanchez	Joshua Andrés	50 Sandy Woodward Road
1061	Scott-Pillow	Kayleigh	30 John Street
1062	Senociain Short	Kylie Deborah	36 Eliza Crescent
1063	Shcherbich	Zhanna Nikolaevna	13 Biggs Road
1064	Shelbourne	Carolyn Wendy	39 Brandon Road
1065	Shelbourne	Liam	39 Brandon Road
1066	Shepherd	Colin David	Dolphin Cottage
1067	Shepherd	Ramsey	3 Yates Place
1068	Shepherd	Roy	23 Mink Park
1069	Shillitoe	Helena De Fatima	Moody Brook

1070	Shillitoe	Roger William	4 Mink Park
1071	Shillitoe	Ryan Lawrence	12 McKay Close
1072	Shillitoe	Stephen Bruce	4 Mink Park
1073	Short	Alison	1 Dairy Paddock Road
1074	Short	Andrez Peter	1 Dairy Paddock Road
1075	Short	Brenda	11 Barrack Street
1076	Short	Christina Ethel	12 Brandon Road
1077	Short	Elaine Elizabeth	12 Brandon Road
1078	Short	Emily Christina	1 Fitzroy Road East
1079	Short	Gavin Phillip	36 Eliza Crescent
1080	Short	Isabel Rose	3 Brisbane Road
1081	Short	Jason Francis	3 Brisbane Road
1082	Short	Liam Michael Felton	2 Rick Jolly Way
1083	Short	Marc Peter	7 Anderson Drive
1084	Short	Marlene Cindy	9 Pitaluga Place
1085	Short	Montana Tyrone	4 Dairy Paddock Road
1086	Short	Patrick Warburton	3 Brisbane Road
1087	Short	Richard Edward	9 Pitaluga Place
1088	Short	Robert Charles	12 Brandon Road
1089	Short	Thomas William Frederick	9 Pioneer Row
1090	Short	Vilma Alicia	4 Dairy Paddock Road
1091	Sim	Shanice McCallum	30 Eliza Crescent
1092	Simpson	James Alexander Bruce	7 Racecourse Road
1093	Simpson	John Frederick	8 Rowlands Rise
1094	Sinclair	Veronica Joyce	21 Ross Road West
1095	Skene	Greta Winnora Miller	22 Ross Road East
1096	Smallwood	Margo Ameer	105 Davis Street
1097	Smallwood	Michael Anthony	105 Davis Street
1098	Smith	Aidan James	45 Rick Jolly Way
1099	Smith	Andrew John	11 Fitzroy Road East
1100	Smith	Antony David	33A Davis Street
1101	Smith	Anya Deirdre	8 Eliza Crescent
1102	Smith	Colin David	6 James Street
1103	Smith	Ellis Nia	8 Fieldhouse Close
1104	Smith	Felicity Marie	5 Brandon Road
1105	Smith	Ffion Lois	8 Fieldhouse Close
1106	Smith	George Patterson	15 Watson Way
1107	Smith	Heather	19 Watson Way
1108	Smith	Ian Lars	5 Brandon Road
1109	Smith	Ileen Rose	28 Ross Road West
1110	Smith	Jennifer Ethel	6 Watson Way
1111	Smith	Jenny Lorraine	15 Watson Way
1112	Smith	John	28 Ross Road West
1113	Smith	John Derek	8 Eliza Crescent
1114	Smith	Julia Trinidad	30 Sandy Woodward Road
1115	Smith	Kane David	6 James Street
1116	Smith	Martyn James	6A Ross Road West
1117	Smith	Michael Edmund	39 Eliza Crescent
1118	Smith	Natalie Marianne	6 James Street
1119	Smith	Nora Kathleen	5 Fitzroy Road East
1120	Smith	Paul	1 Callaghan Road

1121	Smith	Robin Charles	19 Watson Way
1122	Smith	Roy Alan	11 Brandon Road
1123	Smith	Susan	11A Davis Street
1124	Socodo	Nicole Denise	6 Haskard Rise
1125	Socodo	Phoebe Esther	6 Haskard Rise
1126	Spicer	Mark Anthony	16 St Marys Walk
1127	Spicer	Susan	16 St Marys Walk
1128	Spink	Roger Kenneth	Moody Brook
1129	Spruce	Helena Joan	Milestone, 29 Ross Road West
1130	Spruce	Mark Felton	6 Anderson Drive
1131	Spruce	Terence George	Milestone, 29 Ross Road West
1132	Stanworth	Andrea	25 Ross Road West
1133	Stanworth	Andrew James	25 Ross Road West
1134	Steen	Allan Graham	15 Sullivan Street
1135	Steen	Barbara Ingrid	39 Ross Road West
1136	Steen	Karen Lucetta	32 Fitzroy Road
1137	Steen	Stacey Louise	2 Rick Jolly Way
1138	Stenning	Christopher James	5B Ross Road West
1139	Stenning	Kate Alexandra	2 Mountain Berry Road
1140	Stenning	Timothy Charles	5B Ross Road West
1141	Stephenson	Dylan	Moody Valley
1142	Stephenson	Jason	Moody Valley
1143	Stephenson	Katrina	4 Davis Street
1144	Stephenson	Zachary	4 Davis Street
1145	Stevens	Kelly-Marie	1 Rick Jolly Way
1146	Stevens	Lucy Mary Rose Ellen Doreen	6 Dairy Paddock Road
1147	Stevens	Paul Theodore	6 Dairy Paddock Road
1148	Stewart	Aarron Stephen	6 Pioneer Row
1149	Stewart	Celia Joyce	Bennett House, 14 Allardyce Street
1150	Stewart	Daniel Duane	6 Rick Jolly Way
1151	Stewart	Duane William	7 Discovery Close
1152	Stewart	Hulda Fraser	24 Ross Road West
1153	Stewart	Ian Bremner	34 Ross Road East
1154	Stewart	Kenneth Barry	Flat 5, 6 Jersey Road
1155	Stewart	Kerena Mary Ann	6 Murray Heights
1156	Stewart	Roma Ann	6 Pioneer Row
1157	Stewart	Ross Ian	34 Ross Road East
1158	Stewart	Ruth Jane	1 Sandy Woodward Road
1159	Stewart	Sheila Olga	34 Ross Road East
1160	Stewart-Reid	Byron Alexander	7 Fitzroy Road
1161	Stewart-Reid	Carol Ellen Eva	7 Fitzroy Road
1162	Strange	Georgina	New Island House, Fitzroy Road East
1163	Strange	Maria Marta	The Dolphins, 5 Snake Street
1164	Street	Mark	32 Ross Road West
1165	Stroud	Mark Adrian	10 Sullivan Street
1166	Sudder	Carli	11 Short Street
1167	Sullivan	Jonathan Francis	4 Mullet Creek
1168	Summers	Brian	1 Ross Road East
1169	Summers	Colin Owen	58 Rex Hunt Road
1170	Summers	Edith Catherine	5 Dean Street
1171	Summers	Irvin Gerard	1 Anderson Drive

1172	Summers	Jacqueline	12 Pioneer Row
1173	Summers	Joanne Elizabeth	58 Rex Hunt Road
1174	Summers	Jonathan Derek	33 Davis Street
1175	Summers	Lynn Jane	31 Sandy Woodward Road
1176	Summers	Michael Kenneth	6A Brisbane Road
1177	Summers	Michael Victor	12 Pioneer Row
1178	Summers	Nichola Jane	24 Callaghan Road
1179	Summers	Rowena Elsie	17 Brandon Road
1180	Summers	Roy	32 Eliza Crescent
1181	Summers	Sheila	1 Anderson Drive
1182	Summers	Sybella Catherine Ann	1 Ross Road West
1183	Summers	Sylvia Jean	8 Racecourse Road
1184	Summers	Terence	1 Ross Road West
1185	Summers	Tony	8 Racecourse Road
1186	Sutherland	John Gall	3 Mountain View
1187	Taylor	Anne Louise	4 Drury Street
1188	Taylor	Graham	55 Fitzroy Road
1189	Taylor	Ruth Eleanor	55 Fitzroy Road
1190	Taylor	Zoe Leigh	33 Callaghan Road
1191	Tellez	Tylor Mathew James	14 John Street
1192	Thain	Craig John	49 Rick Jolly Way
1193	Thain	John	8 Davis Street
1194	Thain	Kieran Louise	49 Rick Jolly Way
1195	Thain	Scott Hayden	8 Davis Street
1196	Thain	Stephanie Ann	8 Davis Street
1197	Thom	Norma Ann	92 Davis Street
1198	Thomas	Andrew Neil	11 McKay Close
1199	Thomas	Jacqueline Joyce	3 Moody Street
1200	Thomas	Jane Lilian Louisa	11 Jersey Road
1201	Thomas	Justin Paul	3 Moody Street
1202	Thomas	Kevin Adrian	Stanley Arms Flat
1203	Thomas-Hayes	Chico Jaye Jaye	3 Moody Street
1204	Thomas-Hayes	Rio Shania	3 Moody Street
1205	Thorsen	Gloria Penelope	26 Fitzroy Road
1206	Thorsen	Kristiane Annergret Helena	26 Fitzroy Road
1207	Toolan	Rose Mary	13 Sullivan Street
1208	Toolan	Samuel Robert	13 Sullivan Street
1209	Toolan	Stephen David	13 Sullivan Street
1210	Triggs	Diane Elizabeth	3 Fieldhouse Close
1211	Triggs	Michael David	3 Fieldhouse Close
1212	Turner	Joanne Elizabeth	61 Fitzroy Road
1213	Tyrrell	Garry Bernard	1 Beaver Road
1214	Tyrrell	Gina Michelle	1 Beaver Road
1215	Tyrrell	James Olaf Louis	1 Beaver Road
1216	Tyrrell	Tasmin Andrea	1 Beaver Road
1217	Ubeda Hernandez	Julio Antonio	21 Jersey Road
1218	Valler	Glyndwr Huw	8 Fitzroy Road East
1219	Velasquez	Arleen	6 Ian Campbell Drive
1220	Velasquez	Oscar Hernan	6 Ian Campbell Drive
1221	Vidal Roberts	Lucila Leona	1 Mountain View
1222	Vilchez Valverde	Maria Yhovana	88 Davis Street

1223	Villegas	Caroline	7 Fieldhouse Close
1224	Villegas	Pedro Francisco	7 Fieldhouse Close
1225	Vincent	Elliott Lawrence	11 Ross Road East
1226	Vincent	Janette Mary	10 Endurance Avenue
1227	Vincent	Matthew Stephen	21 Rex Hunt Road
1228	Vincent	Stephen Lawrence	10 Endurance Avenue
1229	Wade	Donald Harold	6B Jeremy Moore Avenue
1230	Wade	June Rose Elizabeth	17 Murray Heights
1231	Wallace	Fraser Barrett	10 John Street
1232	Wallace	Maria Lilian	38 Ross Road West
1233	Wallace	Stuart Barrett	38 Ross Road West
1234	Watson	Dominic Robert	6 Discovery Close
1235	Watson	Joanne	112 Davis Street
1236	Watson	Lisa Marie	33 Davis Street
1237	Watson	Paul	20 Endurance Avenue
1238	Watson	Ryan Neil	13 Murray Heights
1239	Watson	Thomas James	23 Ross Road West
1240	Watt	Stephen Robert	7 Hebe Street
1241	Watts	Patrick James	13 Brisbane Road
1242	Webb	Gary Colin	58 Davis Street
1243	Webb	Gemma Stacey	58 Davis Street
1244	Webb	Loretta Isobel	58 Davis Street
1245	Whalley King	Jessica Nanette	34 Ross Road
1246	White	Allan Paul George	5 Davis Street
1247	White	Chanelle Lawrence	3 Discovery Close
1248	White	Jacqueline	5 Davis Street
1249	White	Judy Marie	Flat 1, 3 Jeremy Moore Avenue
1250	Whitney	Frederick William	9 Ross Road
1251	Whitney	Jason	15 Ross Road East
1252	Whitney	Kurt Ian	2 Pioneer Row
1253	Whitney	Lana Rose	22 Eliza Crescent
1254	Whitney	Susan Joan	9 Ross Road
1255	Wilkinson	Carol Rosina	24 Goss Road
1256	Wilkinson	David Clive Walter	24 Goss Road
1257	Wilkinson	Rosemary	3 Murray Heights
1258	Wilks	Bruce Allan	11 Fieldhouse Close
1259	Wilks	Nicola Darcie	11 Fieldhouse Close
1260	Wilks	Susan Jean	11 Fieldhouse Close
1261	Williams	Cynthia June	59 Sandy Woodward Road
1262	Williams	Glen	33 Ross Road East
1263	Williams	Kirsty Michelle	62 Sandy Woodward Road
1264	Williams	Lee Perry Adrian John	3 Diamond Jubilee Road
1265	Williams	Margaret Elizabeth	13 Snake Hill
1266	Williams	Melisa Beverley	3 Diamond Jubilee Road
1267	Williams	Sasha Louise	59 Sandy Woodward Road
1268	Williams	Susan Rae	10 Sullivan Street
1269	Williams	Victoria Margaret	13 Snake Hill
1270	Williamson	Kathleen Laura	5 McKay Close
1271	Williamson	Rachel Mary	1 Allardyce Street
1272	Wilson	Stephen John	9 Dairy Paddock Road
1273	Wilson	Tara	9 Dairy Paddock Road

1274	Wylie	Julian Richard	1 McKay Close
1275	Yon	Alan Theodore	7B Sullivan Street
1276	Yon	Donna Marie	7B Sullivan Street
1277	Yon	Julian Lemarc Patrick	38 Rick Jolly Way
1278	Zuvic-Bulic	Kuzma Mario	16A Ross Road West
1279	Zuvic-Bulic	Sharon Marie	16A Ross Road West

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Supplement

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The following are published in this Supplement —

Childcare Subsidy Scheme Ordinance 2021 (No 2 of 2021);

Childcare Subsidy Scheme Regulations 2021 (SR&O No 5 of 2021); and

Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021 (SR&O No 6 of 2021).

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Childcare Subsidy Scheme Ordinance 2021

(ORDINANCE No. 2 OF 2021)

ARRANGEMENT OF PROVISIONS

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2. Interpretation

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ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Childcare Subsidy Scheme Ordinance 2021

(assented to: 3 May 2021)
(commencement: on publication)
(published: 6 May 2021)

AN ORDINANCE

To establish a Childcare Subsidy Scheme for the benefit of registered persons and children receiving childcare; to provide for the administration of the Scheme by the Director; to provide for the grading of childcare provision for purposes of assessing the subsidy payable per child; and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - PRELIMINARY

1. Title and commencement

- (1) This Ordinance is the Childcare Subsidy Scheme Ordinance 2021.
- (2) This Ordinance comes into force on publication in the *Gazette*.

2. Interpretation

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

“**child**” means a child who is aged three months or over and 11 years and below;

“**childcare**” means child minding or day care provided under the Child Minding and Day Care Ordinance;

“**Director**” means the Director of Education or the Director’s nominated representative;

“**guidance**” means guidance issued or deemed to have been issued, by the Director under section 12;

“**minimum standards**” means minimum standards specified by the Director in guidance;

“**Child Minding and Day Care Ordinance**” means the Child Minding and Day Care Ordinance 2018 and subsidiary legislation made under it;

“**prescribed**” means prescribed in regulations;

“**registered**” means registered under the Child Minding and Day Care Ordinance;

“**Scheme**” means the Childcare Subsidy Scheme established under section 3; and

“**subsidy**” means a childcare subsidy payable to a registered person under the Scheme.

PART 2 - CHILDCARE SUBSIDY SCHEME AND SUBSIDIES

3. Establishment of Scheme

- (1) There is established a Childcare Subsidy Scheme for the payment of subsidies to a registered person to assist with childcare.
- (2) The Scheme is administered by the Director.
- (3) The Scheme is funded by money appropriated for that purpose by an Appropriation Ordinance.

4. Eligibility for subsidy

- (1) Subject to subsection (2), a registered person is eligible for a subsidy under the Scheme in respect of children receiving childcare from that person if the requirements set out in subsection (2) are met.
- (2) A registered person is eligible for a subsidy under the Scheme if —
 - (a) their name is in the register of child minders or the register of providers of day care and their registration has not been suspended, cancelled or removed in terms of Part 4 of the Child Minding and Day Care Ordinance; and
 - (b) the parent or guardian of the child in respect of whom a subsidy is claimed pays a fee to the registered person for their child.
- (3) For the avoidance of doubt, a subsidy is not payable to a registered person in respect of—
 - (a) their own child receiving childcare from them;

- (b) a child whose parent or guardian does not pay fees to the registered person; or
- (c) a person in circumstances specified by order under section 4 of the Child Minding and Day Care Ordinance.

5. Application for subsidy

- (1) A registered person who is eligible for a subsidy may apply for a subsidy to the Director in a form approved by the Director.
- (2) The registered person must provide information as prescribed, with the application.
- (3) Information referred to under subsection (2) may include information connected with the registered person's activities considered necessary for the purposes of paying a subsidy under this Ordinance.

6. Grading of childcare provision

- (1) The Director may grade childcare provided by registered persons for the purpose of calculating the subsidy that a registered person gets in respect of a child.
- (2) Regulations must specify the grades for purposes of subsection (1).
- (3) The Director must apply the minimum standards when grading childcare provision.
- (4) Despite regulation 21(3) of the Child Minding and Day Care Regulations 2018, a registered person must comply with the minimum standards that apply to the grade determined by the Director if they are to continue receiving the subsidy applicable to that grade.

7. Assessment and payment of subsidy

- (1) The Director may pay to a registered person a subsidy in respect of a child receiving childcare at a rate per child as prescribed.
- (2) A subsidy must be determined on the basis of the level at which childcare provided by a registered person is graded and the Director may take into account the amount of fees charged by the registered person per child.
- (3) Different rates per child are payable in respect of different grades of childcare.
- (4) Where childcare provided by a registered person is regraded upwards or downwards, the subsidy must be revised to match the new grade, and a revised subsidy applies with effect from the date specified in a notice by the Director notifying the registered person of the new grade.
- (5) The process, method of payment and documents to be submitted in support of a claim for a subsidy are to be prescribed.

8. Stopping payment of subsidy

- (1) The Director must immediately stop payment of a subsidy if —
 - (a) a registered person no longer complies with section 4(2); or

- (b) the registered person fails to keep records or to provide information as prescribed.
- (2) A registered person's subsidy will be reinstated once the cancellation or suspension is lifted.
- (3) The procedure for stopping a subsidy under this section will be prescribed.

9. Adjustment of payments

- (1) Subject to subsection (2), if a subsidy is paid and it is found that the amount was not properly paid, the Director may require the amount to be refunded —
 - (a) if it was paid to a registered person who was not entitled to receive the amount, by that registered person; or
 - (b) if it was paid to a person on behalf of a registered person who was not entitled to receive the amount, by that person.
- (2) Any sum that is required to be repaid under this section may be set off against future payments due to the registered person under this Ordinance or may be recovered by the Director as a civil debt.

PART 3 - GENERAL

10. False statements

A registered person who, in an application for a subsidy knowingly or recklessly —

- (a) makes a statement or representation which is false in a material particular;
- (b) provides or causes or allows to be provided, a document or information which is false in a material particular; or
- (c) withholds any information which is material,

commits an offence.

Penalty: A fine not exceeding level 5 on the standard scale.

11. Inspections

- (1) The Director may arrange for an inspection of records or information kept by a registered person for purposes of this Ordinance.
- (2) Part 5 of the Child Minding and Day Care Ordinance (including regulations made under that Part) applies to inspections carried out under this section with the necessary changes.

12. Director to issue guidance

- (1) The Director may issue guidance for —

- (a) minimum standards for purposes of grading childcare provision; or
 - (b) any matter which is to be prescribed under a provision of this Ordinance.
- (2) The minimum standards set out in guidance issued under the Child Minding and Day Care Ordinance are deemed to have been issued under this section and apply until the Director issues other guidance under subsection (1).
- (3) The Director must make arrangements for any guidance issued under subsection (1) to be made available to all registered persons and other interested parties, on request, (electronically or in hard copy).

13. Subsidiary legislation

- (1) The Governor may make regulations generally for giving effect to this Ordinance, and for any matters that may be prescribed under this Ordinance.
- (2) Regulations under subsection (1) may provide for the following matters —
- (a) procedures for application for a subsidy, payment and information to be submitted with the application;
 - (b) reimbursement of the Scheme where subsidy is paid wrongly;
 - (c) stopping of payment of subsidy;
 - (d) grading of childcare provision; and
 - (e) appeals.

Passed by the Legislature of the Falkland Islands on 29 April 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

Childcare Subsidy Scheme Regulations 2021

(No. 5 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title and commencement
2. Interpretation
3. Application for subsidy
4. Levels of grades
5. Calculation of subsidy
6. Claims for subsidy
7. Records to be kept by registered person
8. Procedure for stopping payment of subsidy
9. Appeals
10. Delivery of notices

SUBSIDIARY LEGISLATION

Childcare Subsidy Scheme Regulations 2021

Made: 3 May 2021

Published: 6 May 2021

Coming into force: on publication

I make the following regulations under section 13 of the Childcare Subsidy Scheme Ordinance 2021 on the advice of the Executive Council.

1. Title and commencement

- (1) These regulations are the Childcare Subsidy Scheme Regulations 2021.
- (2) These regulations come into force on publication in the *Gazette*.

2. Interpretation

In these regulations —

“**Ordinance**” means the Childcare Subsidy Scheme Ordinance 2021; and

“**parent**” includes a person responsible for paying a child’s fees charged by a registered person.

3. Application for subsidy

- (1) An application for a subsidy under the Scheme —
 - (a) must be sent or delivered to the Director; and
 - (b) must include the following documentation and information —
 - (i) the registration particulars of the applicant;
 - (ii) the registered person’s policy for fees charged to parents; and
 - (iii) a statement that the applicant will continue to comply with all minimum standards relating to the level at which they are graded.
- (2) The Director may use information about the applicant in registers of child minders and providers of day care kept under the Child Minding and Day Care Ordinance 2018 and from other records kept by the Department of Education to verify information in an application.

4. Levels of grades

The Director must grade childcare provision into three levels of bronze, being the lowest then silver or gold being the highest by applying the relevant standards as specified in guidance.

5. Calculation of subsidy

(1) This section applies to the calculation of subsidies in accordance with the grade of childcare provided by a registered person.

(2) Subject to subregulation (3), a registered person is eligible for a subsidy per hour per child as follows —

- (a) a facility graded bronze, at the rate up to £1.75;
- (b) a facility graded silver, at the rate up to £2.00; and
- (c) a facility graded gold, at the rate up to £2.25.

(3) If the amount of fees charged to parents by the registered person exceeds £2.75, the rate of the subsidy will be reduced by the excess amount.

6. Claims for subsidy

(1) The Director must determine the dates of the month when registered persons must submit a claim for a subsidy that is payable in a particular month.

(2) A registered person must submit with the claim a summary of the record of the number of children to whom they provided childcare that month and the hours of attendance and the payments received from the parents of those children.

(3) The Director may call for submission of records referred to in regulation 7 and a registered person must submit the requested records accordingly.

(4) The Director must keep a record of all the payments of subsidies that are made to a registered person.

7. Records to be kept by registered person

(1) A registered person must keep the following records —

- (a) the number of children in their care;
- (b) which children were in attendance and at what times;
- (c) payment requested and received from parents; and
- (d) any other record that the Director considers necessary for the purpose of calculating and paying a subsidy.

(2) Records under subregulation (1) must be kept for a period of six years.

8. Procedure for stopping payment of subsidy

(1) The Director must notify a registered person in writing of the Director's decision to stop a subsidy under section 8 of the Ordinance.

(2) A notice under subregulation (1) must give reasons for the decision and inform the registered person of their right of appeal against that decision.

9. Appeals

(1) A registered person who is aggrieved by a decision by the Director regarding the level at which the childcare they provide is graded or to stop the payment of a subsidy, may appeal within 10 working days of the date of the notice of the decision, by making representations in writing to the Governor.

(2) The Governor must promptly consider any representations made under subregulation (1) and notify the appellant and the Director of the decision on appeal.

(3) If the Governor allows an appeal under subregulation (1), the Director must regrade the childcare provided by the registered person or reverse the decision to stop a subsidy and direct that the registered person be paid the subsidy that would otherwise have been paid to them.

10. Delivery of notices

(1) A notice under the Ordinance or these regulations may be given to a registered person —

- (a) by delivering it to the registered person;
- (b) by sending it by post; or
- (c) subject to subregulation (3), by transmitting it electronically.

(2) A notice is deemed to be properly addressed if it is addressed to the last address of the registered person as stated in their application for registration or as subsequently notified to the Director.

(3) If the notice is transmitted electronically —

- (a) the registered person must have consented to receive notices transmitted by electronic means and provided a suitable address for that purpose;
- (b) the notice must be sent to the electronic address provided by the registered person; and
- (c) any notice sent electronically is deemed to have been received by the registered person on the next working day after the day on which it is sent.

Made 3 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These regulations provide for administrative and procedural matters related to the payment of a subsidy under the Childcare Subsidy Ordinance 2021. The Ordinance establishes a Childcare Subsidy Scheme for payment of subsidies to registered persons.

Regulation 3 provides for application for a subsidy and the particulars that must be submitted with the application. The registered person must include a statement that they will continue to comply with all the minimum standards relating to their grade.

Regulation 4 sets out the grades for childcare. These are from the lowest to the highest, bronze, silver and gold.

Regulation 5 provides for the calculation of subsidies. The rate of subsidy is dependent on grade and amount of fees charged by the registered person.

Regulation 6 sets out the procedure for claiming a subsidy and the information that must be submitted with a claim. The Director may call for certain records in order to verify claims and the registered person must comply with the request.

Regulation 7 provides for records that must be kept by a registered person.

Regulation 8 sets out the procedure for stopping payment of a subsidy.

Regulations 9 and 10 provide for appeals and the giving of notices respectively.

SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021

(No. 6 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

PART 1 - INTRODUCTORY

1. Title
2. Commencement
3. Interpretation

PART 2 – CLOSURE AND RESTRICTION OF PREMISES AND BUSINESSES ETC AND RESTRICTIONS ON MOVEMENT AND GATHERINGS

4. Emergency period
5. Power to give effect to requirements and restrictions in this Part
6. Requirement to close premises listed in Schedule 2 (food and drink – consumption on premises)
7. Requirement to stop operating businesses listed in Schedule 3 (non-essential functions)
8. Requirement to close holiday accommodation
9. Restrictions on businesses providing services or offering goods for sale or hire
10. Other closures and restrictions – places of worship and community centres
11. Restrictions on movement
12. Restrictions on movement – specified areas
13. Restrictions on gatherings
14. Enforcement
15. Offences and penalties

PART 3 – EXPIRY OF REGULATIONS

16. Expiry of Regulations

Schedule 1 – Vulnerable persons

Schedule 2 – Food and drink premises subject to closure (consumption on premises)

Schedule 3 – Non-essential functions subject to closure

Schedule 4 – Businesses providing services or offering goods for sale or hire not subject to restriction

Schedule 5 – Areas occupied by the Ministry of Defence of the United Kingdom Government

SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021

(Made: 3 May 2021)

(Published: 6 May 2021)

(Coming into force: on publication)

I make these Regulations under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894 on the advice of Executive Council.

PART 1 - INTRODUCTORY

1. Title

These Regulations are the Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Interpretation

In these Regulations —

“**business**” includes the provision of goods and services at no charge to the customer and other economic activity that is carried on not for profit by a charitable or voluntary organisation;

“**community centre**” includes the Town Hall, a church hall, a camp settlement hall or club, youth club premises, Liberty Lodge and the Seafarer’s Mission;

“**coronavirus**” means the severe acute respiratory syndrome 2 (SARS-CoV-2);

“**declaration**” means a declaration made under regulation 5;

“**emergency period**” has the meaning given in regulation 4;

“**officer**”, in relation to a body corporate, means a director, manager, secretary or similar officer of the body corporate;

“**person responsible for carrying on a business**” includes the owner, proprietor and manager of that business;

“**relevant person**” means —

- (a) a police officer; or
- (b) a person designated by the Governor for the purposes of these Regulations;

“**specified area**” means an area specified in a declaration; and

“**vulnerable person**” includes —

- (a) any person aged 70 or older;
- (b) any person aged under 70 who is a person of a description in Schedule 1; and
- (c) any person who is pregnant.

PART 2 – CLOSURE AND RESTRICTION OF PREMISES AND BUSINESSES ETC AND RESTRICTIONS ON MOVEMENT AND GATHERINGS

4. Emergency period

For the purposes of this Part, an “**emergency period**” is a period which —

- (a) starts when the Governor makes a declaration under regulation 5 in relation to one or more of the requirements or restrictions contained in this Part; and
- (b) ends in relation to the requirement or restriction on the day and at the time specified in the declaration, being not more than 21 days after the declaration is made.

5. Power to give effect to requirements and restrictions in this Part

(1) If at any time the Governor is of the view that —

- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in the Falkland Islands; and
- (b) one or more of the requirements or restrictions in this Part will be an effective means of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in the Falkland Islands;

the Governor may make a declaration to that effect for an emergency period.

(2) A declaration must specify —

- (a) the requirements and restrictions contained in this Part that it gives effect to, by reference to regulations 6 to 13;
- (b) the area it applies to, which may be one or more specific areas or the whole of the Falkland Islands; and
- (c) the date on which the emergency period ends.

(3) A declaration is made by being published online and must be published in the *Gazette* as soon as reasonably practicable after it is made.

(4) Before making a declaration, the Governor must consult the Chief Medical Officer.

(5) The Governor may make a declaration on more than one occasion.

6. Requirement to close premises listed in Schedule 2 (food and drink – consumption on premises)

(1) A person responsible for carrying on a business which is listed in Schedule 2 must, during an emergency period which has effect in relation to this regulation —

- (a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises; and
- (b) stop providing food or drink for consumption on the premises.

(2) For the purposes of subregulation (1) an area adjacent to the premises of the business where seating is made available for customers of the business is to be treated as part of the premises of that business.

(3) If a business listed in Schedule 2 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

(4) This regulation does not apply to —

- (a) food or drink provided by a hotel or other accommodation as part of room service;
- (b) dining facilities at Liberty Lodge or the Seafarer’s Mission;
- (c) dining facilities at a prison; or
- (d) military messing facilities and other canteens provided for —
 - (i) members of the naval, military or air forces of the Crown;
 - (ii) persons employed in the civil service of the Crown in right of the Government of the United Kingdom; and
 - (iii) any other persons who provide, or are employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands.

7. Requirement to stop operating businesses listed in Schedule 3 (non-essential functions)

(1) A person responsible for carrying on a business listed in Schedule 3 must stop operating that business during an emergency period which has effect in relation to this regulation.

(2) If a business listed in Schedule 3 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

8. Requirement to close holiday accommodation

(1) Subject to subregulation (3), a person responsible for carrying on a business consisting of the provision of holiday accommodation must stop carrying on that business during an emergency period which has effect in relation to this regulation.

(2) For the purposes of this regulation “**holiday accommodation**” means accommodation of any kind provided on a temporary basis for persons who are on holiday.

(3) A person referred to in subregulation (1) may continue to carry on their business and keep any premises used in that business open to provide accommodation —

(a) for any person who —

- (i) is unable to return to their main residence;
- (ii) uses that accommodation as their main residence;
- (iii) needs accommodation while moving house;
- (iv) needs accommodation to attend a funeral;
- (v) needs accommodation for the purposes of their work;
- (vi) needs accommodation for the purposes of complying with the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 or to enable another person to comply with those Regulations;

(b) for the homeless; or

(c) for any other purpose requested by the Chief Executive.

(4) If a business (“business A”) referred to in subregulation (1) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

9. Restrictions on businesses providing services or offering goods for sale or hire

(1) Subject to subregulation (3), a person responsible for carrying on a business of offering goods for sale or for hire in a shop or services in premises that are open to the public must, during an emergency period which has effect in relation to this regulation —

(a) stop carrying on that business except in the manner set out in subregulation (2);

(b) close any premises which are not required to carry out the business permitted by subregulation 2; and

(c) stop admitting any person to the business premises who is not required to carry on the business as permitted by subregulation (2).

(2) The business may make deliveries or provide services including, where reasonably necessary, personal attendance by appointment at other premises including private, residential accommodation in response to orders or requests for services (as the case may be) received —

(a) through a website, or otherwise by on-line communication;

(b) by telephone, including by text message; or

(c) by post.

(3) This regulation does not apply to businesses listed in Schedule 4.

(4) If a business (“business A”) referred to in subregulation (1) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

10. Other closures and restrictions – places of worship and community centres

(1) A person who is responsible for a place of worship must ensure that, during an emergency period which has effect in relation to this regulation, the place of worship is closed, except for the uses permitted in subregulation (2).

(2) A place of worship may be used —

(a) for funerals;

(b) to broadcast an act of worship over the internet or as part of a radio or television broadcast (providing the act of worship does not involve a breach of regulation 13 (Restrictions on gatherings)); or

(c) to provide essential voluntary, charitable or other public support services (including support for the homeless or vulnerable people).

(3) A person who is responsible for a community centre must ensure that, during an emergency period which has effect in relation to this regulation, the community centre is closed except where it is used to provide essential voluntary, charitable or other public support services (including support for the homeless or vulnerable people).

11. Restrictions on movement

(1) This regulation does not apply to any person who is homeless.

(2) During an emergency period which has effect in relation to this regulation, a person must not leave or be outside of the place where they are living unless —

(a) the person has a reasonable excuse to do so;

- (b) in a case where the place where the person is living is in an area listed in Schedule 5, being an area occupied by the Ministry of Defence of the United Kingdom Government, they have prior approval of Commander British Forces South Atlantic Islands or a person nominated for the purposes of providing such approval by the Commander British Forces South Atlantic Islands; or
 - (c) the person has the prior approval of a qualified medical practitioner, for the purposes of visiting another person (“A”) who is reasonably believed to be dying, and the person is —
 - (i) a member of A’s household;
 - (ii) a close family member of A; or
 - (iii) a friend of A.
- (3) For the purposes of subregulation (2)(a), a reasonable excuse includes the need —
- (a) for one’s self, another member of one’s household or for a vulnerable person, to obtain basic necessities, including —
 - (i) food and medical supplies (including for pets or other animals);
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household; or
 - (b) for one’s self, another member of one’s household or for a vulnerable person, to obtain money from, or deposit money with, a business listed in Schedule 4;
 - (c) to take exercise, either alone or with other members of their household;
 - (d) to seek medical assistance, on the advice of a qualified medical practitioner or other health professional;
 - (e) to provide care or other support and assistance to a vulnerable person;
 - (f) to provide emergency assistance;
 - (g) to work, or to provide essential voluntary, charitable or other public support services, where it is not reasonably possible for the person to work, or to provide those services, from the place where they are living;
 - (h) to travel for the purposes of work or providing essential voluntary, charitable or other public support services;
 - (i) to attend the funeral of —
 - (i) a member of the person’s household;
 - (ii) a close family member; or
 - (iii) if no-one within subparagraphs (i) or (ii) are attending, a friend;

- (j) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (k) to access necessary services, including —
 - (i) childcare or educational facilities;
 - (ii) social services;
 - (l) in relation to a child who does not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between the child and their parent or parents (and for the purposes of this paragraph, “parent” includes a person who has parental responsibility for, or care of, the child);
 - (m) in the case of a minister of religion or worship leader, to go to their place of worship;
 - (n) to change the place where they are living if it is reasonably necessary to do so;
 - (o) to avoid injury or illness or to escape risk of harm;
 - (p) to donate blood; and
 - (q) to leave the Falkland Islands, provided that they do so directly.
- (4) For the purposes of subregulation (2)(b), prior approval may be given subject to such conditions as may be reasonably necessary to prevent, protect against, delay or otherwise control the transmission of coronavirus including, but not limited to, conditions relating to —
- (a) the provision of information to assist in tracing other persons with whom the person has been in recent contact;
 - (b) the wearing of personal protective equipment; or
 - (c) testing for coronavirus antibodies or other indications of recent exposure to, or recent or current infection with, the disease.
- (5) For the purposes of subregulation (2), the place where a person is living includes premises where the person lives together with any garden, yard, passage, stair, garage, outhouse or similar place associated with the premises.

12. Restrictions on movement - specified areas

- (1) This regulation applies where a declaration gives effect to the restrictions under regulation 11 during an emergency period only in respect of a specified area or areas within the Falkland Islands.
- (2) During an emergency period a person must not enter or leave the area or areas specified in the declaration unless —
- (a) they have reasonable excuse to do so;

- (b) in a case where the area or any part of the area specified includes an area listed in Schedule 5, they have prior approval of the Commander British Forces South Atlantic Islands or a person nominated for the purposes of providing such approval by the Commander British Forces South Atlantic Islands; or
- (c) the person has the prior approval of a qualified medical practitioner, for the purposes of visiting another person (“A”) who is reasonably believed to be dying, and the person is —
 - (i) a member of A’s household;
 - (ii) a close family member of A; or
 - (iii) a friend of A.

(3) For the purposes of subregulation (2)(a) reasonable excuse includes anything that is a reasonable excuse for leaving the place where one is living under regulation 11(3), if that thing cannot reasonably be done without entering or leaving the relevant specified area.

(4) For the purposes of subregulation (2)(b), prior approval may be given subject to such conditions as may be reasonably necessary to prevent, protect against, delay or otherwise control the transmission of coronavirus including, but not limited to, conditions relating to —

- (a) the provision of information to assist in tracing other persons with whom the person has been in recent contact;
- (b) the wearing of personal protective equipment; or
- (c) testing for coronavirus antibodies or other indications of recent exposure to, or recent or current infection with, the disease.

13. Restrictions on gatherings

During an emergency period that has effect in relation to this regulation by way of a declaration, a person must not participate in a gathering of more than two people in a public place except —

- (a) where all persons in the gathering are members of the same household;
- (b) where the gathering is essential for work or the provision of essential voluntary, charitable or other public support services;
- (c) to attend a funeral; or
- (d) where reasonably necessary —
 - (i) to assist another to change the place where they are living if it is reasonably necessary to do so;
 - (ii) to provide care or assistance to a vulnerable person;
 - (iii) to provide emergency assistance;

- (iv) to participate in legal proceedings or fulfil a legal obligation; or
- (v) in relation to a child who does not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between the child and their parents (and for the purposes of this paragraph, “**parent**” includes a person who has parental responsibility for, or care of, the child).

14. Enforcement

(1) A relevant person may take such action as is reasonably necessary to enforce any requirement or restriction imposed by regulations 6 to 10.

(2) Where a relevant person (“A”) considers a person (“B”) is contravening a requirement in regulations 6 to 10, A may give a notice to B (“**a prohibition notice**”) requiring B to stop contravening the requirement.

(3) Where a relevant person considers that a person is outside the place where they are living without a reasonable excuse under regulation 11(2)(a) or prior approval under regulation 11(2)(b) or (c), in contravention of regulation 11 (restrictions on movement), the relevant person may —

- (a) direct the person to return to the place where they are living; or
- (b) remove that person to the place where they are living.

(4) A relevant person exercising the power in subregulation (3)(b) may use reasonable force, if necessary, in the exercise of the power.

(5) Where a child is, without reasonable excuse under regulation 11(2)(a) or prior approval under regulation 11(2)(b) or (c), outside the place where they are living, whilst in the company of a person who has responsibility for the child —

- (a) the relevant person may direct the person to take the child to the place where the child is living; and;
- (b) the person must, so far as is reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to or in respect of the child.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 11(1) the relevant person may direct a person who has responsibility for the child to ensure, so far as reasonably practical, that the child complies with that restriction.

(7) For the purposes of this regulation, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being; or
- (b) has parental responsibility for the child within the meaning of the Children Ordinance 2014.

(8) A relevant person may only exercise the power in subregulation (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 11 (restrictions on movement).

(9) Where a relevant person considers that a person has entered or left a specified area, or is seeking to enter or leave a specified area without reasonable excuse under regulation 12(2)(a) or prior approval under regulation 12(2)(b) or (c), in contravention of regulation 12 (restrictions on movement – specified areas), the relevant person may —

- (a) direct a person to comply with the applicable regulation by remaining in, returning to, leaving or not entering a specified area, as the case may be.
- (b) to secure compliance with the applicable regulation, remove a person from or to a specified area.

(10) A relevant person exercising a power in subregulation (9)(b) to remove a person to or from a specified area respectively may use reasonable force, if necessary, in exercise of the power.

(11) Where a child, without reasonable excuse under regulation 12(2)(a) or prior approval under regulation 12(2)(b) or (c), has entered or left a specified area whilst in the company of a person who has responsibility for the child —

- (a) the relevant person may direct the person to take the child to the place where the child is living; and;
- (b) the person must, so far as is reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to or in respect of the child.

(12) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 12(2) the relevant person may direct a person who has responsibility for the child to ensure, so far as reasonably practical, that the child complies with that restriction.

(13) A relevant person may only exercise the power in subregulation (9), (11) or (12) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 12.

(14) Where a relevant person considers that three or more people are gathered together in contravention of regulation 13 (restrictions on gatherings), the relevant person may —

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living; and
- (c) remove any person in the gathering to the place where they are living.

(15) A relevant person exercising the power in subregulation (14)(c) to remove a person in a gathering to a place where they are living may use reasonable force, if necessary, in exercise of the power.

(16) Where a person who is gathering in contravention of regulation 13 is a child accompanied by an individual who has responsibility for the child —

- (a) the relevant person may direct that individual to take the child to the place where the child is living; and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(17) Where a relevant person has reasonable grounds to believe that the child is repeatedly failing to comply with the restriction in regulation 13, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(18) A relevant person may only exercise the power in subregulation (14), (16), or (17) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 13.

(19) A relevant person exercising a power under subregulation (3), (5), (6), (9), (11), (12), (14), (16) or (17) may give the person concerned any reasonable instruction they consider to be necessary.

15. Offences and penalties

(1) A person who —

- (a) contravenes a requirement or restriction in regulations 6 to 13; or
- (b) fails to comply with a prohibition notice given under regulation 14(2),

commits an offence.

(2) A person who, without reasonable excuse, obstructs a person carrying out a function under regulation 14 commits an offence.

(3) An offence under this regulation is punishable on conviction by a fine not exceeding level 4 on the standard scale, or imprisonment not exceeding 3 months, or both.

(4) If an offence under this regulation committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body; or
- (b) to be attributable to any neglect on the part of such an officer;

the officer (as well as the body corporate) commits the offence and is liable to be prosecuted.

(5) Section 44 of the Criminal Procedure and Evidence Ordinance 2014 applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included —

- (a) to maintain public health; and

(b) to maintain public order.

PART 3 – EXPIRY OF REGULATIONS

16. Expiry of Regulations

(1) These Regulations expire at the end of the period of twelve months beginning with the day on which they come into force.

(2) Subregulation (1) does not affect the validity of anything done pursuant to these Regulations before they expire.

SCHEDULE 1 – VULNERABLE PERSONS

regulation 3

1. Persons with chronic or long-term conditions at high risk of developing serious illness in the event of becoming infected with coronavirus and who been advised by a qualified medical practitioner to self-isolate during an emergency period, including persons with —

- (a) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
- (b) heart disease, such as heart failure;
- (c) kidney disease;
- (d) liver disease, such as hepatitis;
- (e) neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, or cerebral palsy;
- (f) diabetes;
- (g) problems with the spleen, such as sickle cell disease or removal of the spleen;
- (h) a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy; or
- (i) being seriously overweight, with a body mass index of 40 or above.

2. Persons with any other illness (including a temporary illness), physical or mental impairment, learning disability, addiction or mental health condition who require nursing or other personal care, support and assistance to maintain a reasonable standard of health and well-being during an emergency period or any part of such period.

**SCHEDULE 2 – FOOD AND DRINK PREMISES SUBJECT TO CLOSURE
(CONSUMPTION ON PREMISES)**

regulation 6

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
2. Cafes, including workplace canteens.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

SCHEDULE 3 – NON-ESSENTIAL FUNCTIONS SUBJECT TO CLOSURE

regulation 7

1. Cinemas.
2. Nightclubs.
3. Museums and galleries.
4. Nail, beauty, hair salons and barbers.
5. Pet grooming services.
6. Massage and other personal services.
7. Tattooing and piercing services.
8. Indoor fitness studios, gyms, swimming pools, spas, bowling alleys or soft play areas or other indoor leisure centres or facilities.
9. Playgrounds, sports courts and outdoor gyms.
10. Outdoor markets (except for livestock markets and stalls selling food).
11. Car showrooms.

SCHEDULE 4 – BUSINESSES PROVIDING SERVICES OR OFFERING GOODS FOR SALE OR HIRE NOT SUBJECT TO RESTRICTION

regulation 9

1. Food retailers, including food markets, supermarkets, convenience stores, corner shops and any business providing meals or hot or cold food or drink for consumption off the premises.
2. Homeware, building supplies and hardware stores.
3. Fuel stations.
4. Vehicle repair and garage services.
5. Transport providers.
6. Vehicle hire businesses.
7. Banks, credit unions, saving clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by means of cash or cheques which are made payable to customers.
8. The Post Office.
9. Laundrettes and dry cleaners.
10. Medical or health services, including services relating to mental health.
11. Storage and distribution facilities, including delivery drop off or collection points in the premises of a business.
12. The Sure stores at Mount Pleasant Complex and in Stanley.
13. Childcare providers and nurseries.

**SCHEDULE 5 – AREAS OCCUPIED BY THE MINISTRY OF DEFENCE OF THE
UNITED KINGDOM GOVERNMENT**

regulations 11 and 12

1. Mount Pleasant Complex (“MPC”) – East Falkland.
2. Headquarters British Forces South Atlantic Islands – East Falkland.
3. East Cove Port and West Jetty – East Falkland.
4. Petroleum Storage Depot – East Falkland.
5. Gemma’s Gulch waste management site – East Falkland.
6. Joint Service Signals Unit site – East Falkland.
7. Radio Control Site – East Falkland.
8. Mount Alice Remote Radar Head – West Falkland.
9. Mount Byron Remote Radar Head – West Falkland.
10. Fox Bay Remote Helicopter Refuelling Site – West Falkland.
11. Mount Kent Remote Radar Head– East Falkland.
12. Ministry of Defence site at Bush Rincon.
13. Receivers West: Building number: 35.4.2 – approximately 1.5km along Darwin Road on March Ridge, 2km from main gate MPC to site by road.
14. Receivers East: Building number: 35.4.1 – approximately 1km along Darwin Road on March Ridge, 1.5km from main gate MPC to site by road.
16. Transmitters West: Building number: 35.4.3 – approximately 2km along Stanley Road on March Ridge, 2.5km from main gate MPC to site by road.
17. Transmitters East: Building number: 35.4.4 – approximately 2.5km along Stanley Road on March ridge, 3km from main gate MPC to site by road.

Made 3 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of these Regulations)

These Regulations are made under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894.

Part 1 deals with introductory matters including definitions.

Part 2 sets out the powers of the Governor in Council to establish a “lockdown” for the purposes of controlling the incidence or transmission of coronavirus in the Falkland Islands, by declaring the restrictions and requirements in the Regulations or any of them effective during an emergency period (*regulation 5*).

An emergency period may last up to 21 days (*regulation 4*).

The following requirements may be applied to businesses and other organisations operating from or responsible for premises to which the public have access or which involve the provision of non-essential services —

Premises that are listed in *Schedule 2* and provide food and drink consumption on premises (*regulation 6*) may be required to provide food and drink only as a “take-away” service. Exceptions are made for dining facilities provided for persons living in institutional settings.

Non-essential businesses listed in *Schedule 3* may be required to stop operating altogether (*regulation 7*).

Holiday accommodation may be required to close, with exceptions to cater for certain specified circumstances including the provision of accommodation for quarantine purposes and for those who have no other accommodation (*regulation 8*).

Other businesses providing services or offering goods for sale or hire in a shop or other premises that are open to the public may be required to close those premises and to operate as a delivery only services (in the case of goods) or by appointment or over the telephone or internet (in the case of services) (*regulation 9*). A list of businesses providing essential services that are exempt from these restrictions is set out in *Schedule 4*.

Places of worship and community centres may be required to close their doors to the public and may be used only in so far as is necessary for the provision of essential voluntary, charitable or other public support services. Places of worship may be required to stay open only for funerals and for the purpose of broadcasting services (*regulation 10*).

The following restrictions on movement may be applied —

Everyone may be required to stay at home unless they have either a reasonable excuse to leave their home or a prior approval.

Although everyone who is able to do all or some of their work from home will be expected to do so, a “reasonable excuse” to leave home includes work (if it cannot be done from home),

essential shopping (food and medical supplies) or banking for themselves and their household or a vulnerable person; taking exercise; doing essential errands for and otherwise caring and supporting vulnerable members of the community; or leaving the territory (*regulation 11*). A “vulnerable person” includes people who are over 70 years of age and those who are “shielding” because they are at particularly high risk of developing serious illness if infected as well as people with long-term care and support needs, is set out in *Schedule 1*.

Movement into or out of an area or areas specified in a declaration may be restricted. Such restrictions will operate to prevent a person from entering or leaving the area without a reasonable excuse (*regulation 12*).

Anyone who needs to leave their home and enter or leave an area that includes all or part of one or more of the military bases listed in *Schedule 5* has the option of obtaining prior approval before doing so from the Commander BFSAI. This will provide certainty for anyone who is concerned as to whether their journey is justified by a reasonable excuse.

Prior approval may also be obtained from a qualified medical practitioner to visit a dying friend or relation.

Gatherings of more than 2 people in a public place may be restricted under *regulation 13*, with certain exceptions.

The police are authorised to take any action that may be reasonably necessary to enforce (*regulation 14*) any requirement or restriction in a declaration. It is an offence punishable on conviction by a fine not exceeding level 4 on the standard scale (£2000) or a term of imprisonment not exceeding 3 months to breach requirements or restrictions that are specified in a declaration (*regulation 15*).

The Regulations expire 12 months after coming into force (*regulation 16*).



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Supplement

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The following is published in this Supplement —

Immigration (Amendment) Bill 2021.

Immigration (Amendment) Bill 2021

(No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 - INTRODUCTORY

1. Title
2. Commencement
3. Purpose
4. Repeal

PART 2 – AMENDMENT OF THE IMMIGRATION ORDINANCE 1999

5. Section 2 (interpretation) amended
6. Persons refused leave to enter or remain and liable to deportation (new sections 5A to 5D)
7. Visitor permits, volunteer permits, work permits and accompanying dependent permits (new sections 17B to 17H)
8. Dependent permits and carer permits (new sections 18B to 18C)
9. Revocation of permits (new section 22A)
10. Appeals and reviews of decisions made by the Principal Immigration Officer (new sections 25 to 27)
11. Registered Employer Scheme (new section 38A)
12. Section 40 (regulations) amended
13. Minor and consequential amendments to the Immigration Ordinance 1999
14. Amendment of the Criminal Procedure and Evidence Ordinance 2014

PART 3 – TRANSITIONAL PROVISIONS

15. Transitional provisions

Schedule 1 – Minor and consequential amendments to the Immigration Ordinance 1999

Schedule 2 – Transitional provisions

Immigration (Amendment) Bill 2021

(assented to: 2021)
(commencement: on publication)
(published: 2021)

A BILL

for

AN ORDINANCE

To amend the Immigration Ordinance 1999.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - INTRODUCTORY

1. Title

This Ordinance may be cited as the Immigration (Amendment) Ordinance 2021.

2. Commencement

- (1) This Ordinance comes into force on a date appointed by the Governor by notice in the *Gazette*.
- (2) The Governor may appoint different commencement dates for different provisions and for different purposes.

3. Purpose

This Ordinance amends the Immigration Ordinance 1999 (“the Ordinance”).

4. Repeal

The Immigration (Amendment)(No 2) Ordinance 2017 is repealed.

PART 2 – AMENDMENT OF THE IMMIGRATION ORDINANCE 1999

5. Section 2 (interpretation) amended

In section 2 of the Ordinance (interpretation) —

- (a) omit the definitions of “**dependent**”, “**dependent child**”, “**dependent relative**”, “**legally adopted**”, “**prohibited person**”, “**repealed Ordinance**”, “**residence permit**”, “**temporary work permission**”, “**unmarried couple**” and “**visitor’s permit**”;

(b) insert the following new definitions in their correct alphabetical order —

“**accompanying dependent**” and “**accompanying dependent permit**” have the meaning in section 17H;”;

“**carer permit**” has the meaning in section 18C;”;

“**dependent permit**” has the meaning in section 18B;”;

“**deportation order**” has the meaning in section 7(1) and “**deportation**” is interpreted accordingly;”;

“**living expenses**” means regular expenditure on food, clothing, accommodation and transport;”;

“**period of validity**” means, in relation to —

- (a) a permit that is not a permanent residence permit, the limited period for which the permit is issued and during which it remains valid, including any limited period for which the permit is extended;
- (b) a visa, the limited period for which the visa is issued and during which it remains valid unless revoked, and includes any limited period for which the visa is extended;”;

“**permit**” means a permit issued under this Ordinance;”;

“**registered charity**” means —

- (a) a body which is registered as a charity under the Charities Act 1960 c.58 as it applies in the Falkland Islands; or
- (b) a body of persons or trust the name of which appears on the list of charities approved under section 57B of the Taxes Ordinance 1997;”;

“**regulations**” means regulations made under this Ordinance;”;

“**remuneration**” does not include —

- (a) any sum paid to a person in respect of expenses reasonably incurred or to be incurred for or in connection with work done by that person;
- (b) the provision of accommodation or any sum paid to a person in respect of their reasonable accommodation and living expenses; or
- (c) any sum paid in respect of expenses reasonably incurred or to be incurred for or in connection with travelling between a person’s home overseas and the Falkland Islands for or in connection with work;”;

“**sponsor**” means a person for whom an applicant for a work permit wishes to work, or a worker works and includes any person under whose direction or control work is to be done or is done, whether or not the applicant or worker (as the case may be) has a contractual relationship with, or is remunerated by, that person or a third party;”;

“**sponsoring organisation**” means —

- (a) a registered charity; or
- (b) any other person approved by the Principal Immigration Officer for the purposes of section 17E.”;

“**substantial charge on public funds**” means a charge on public funds or any other impact on public resources that it is unreasonable, in all the circumstances, to expect the Government to bear;”;

“**undertaking**” means an undertaking given by a sponsor to the Falkland Islands Government that the sponsor will pay or discharge all or any costs of repatriating a worker and any accompanying dependents to a country specified in the undertaking, if called upon to do so;”;

“**visitor**” and “**visitor permit**” have the meaning given in section 17B;”;

“**volunteer permit**” means a permit issued under section 17E;”;

“**watch list**” has the meaning in section 5A(1);”;

“**work**” means to work for another person, whether as an employee or under any other contractual arrangement, or on one’s own account to pursue any business, trade, profession, calling, vocation or employment, whether or not for remuneration;”;

“**Workforce Shortage List**” means the list kept and maintained by the Skills Assessment Council (a council established by the Governor) of occupations for which there is a shortage of persons with the appropriate skills, qualifications or experience in the Falkland Islands and that are open for the recruitment of migrant workers from overseas.”.

(c) for the definition of —

(i) “**partner**” substitute —

“**partner**” means —

- (a) a married couple or civil partnership; or
- (b) two persons who habitually live together in a relationship with some or all of the characteristics of a marriage or a civil partnership;” and

(ii) “**work permit**” substitute —

“**work permit**” means a permit issued under section 17F and “**worker**” means the holder of a work permit.”.

6. Persons refused leave to enter or remain and liable to deportation (new sections 5A to 5D)

After section 5 of the Ordinance (general provisions for regulation and control) insert the following sections —

“5A. Watch list

(1) The Principal Immigration Officer must keep and maintain a list of persons whose presence in the Falkland Islands is deemed to be undesirable or who would be so deemed if the person were to be permitted to enter the Falkland Islands (“**the watch list**”).

(2) The Governor may by regulations provide for the circumstances in which a person is included in, or removed from, the watch list.

(3) A person's presence in the Falkland Islands is deemed to be undesirable if the person is a person —

- (a) in respect of whom a deportation order has been made;
- (b) who has committed or is reasonably suspected of committing genocide, war crimes or crimes against humanity;
- (c) who has committed or is reasonably suspected of committing one or more criminal offences that would, if prosecuted in the Falkland Islands, be punishable by a sentence of imprisonment of 4 years or more or an indeterminate sentence;
- (d) included in the United Kingdom Sanctions List published by the United Kingdom Government under the Sanctions and Anti-Money Laundering Act 2018 c.13 and any other persons notified by the United Kingdom Government as presenting a risk to national security; or
- (e) who has publicly expressed or endorsed an opinion or otherwise behaved in a manner that is likely to lead to a serious breach of public order.

5B. Mandatory refusal of leave to enter or remain

The Principal Immigration Officer must not without the Governor's consent knowingly permit a person to enter or remain in the Falkland Islands if that person does not have a right of abode and —

- (a) is included in the watch list;
- (b) has been convicted of a criminal offence and received a sentence of imprisonment of —
 - (i) 4 years or more or an indeterminate sentence;
 - (ii) 30 months or more but less than 4 years, unless a period of 7 years or more has elapsed since completion of the sentence including any licence period;
 - (iii) 6 months or more but less than 30 months, unless a period of 4 years or more has elapsed since the end of the sentence, including any licence period; or
 - (iv) 6 months or less, unless a period of 24 months has elapsed since the end of the sentence, including any licence period,
- (c) is in breach of paragraph 3 of Schedule 2 by failing to provide any information or document requested by the Principal Immigration Officer;
- (d) the person, or any other person on their behalf, with a view to procuring permission to enter or remain in the Falkland Islands on behalf of that person, wilfully or

recklessly gave false or misleading information or withheld information which was material in relation to a decision of the Principal Immigration Officer; or

- (e) requires a visa to enter the Falkland Islands and does not have one.

5C. General discretion to refuse leave to enter or remain

(1) The Principal Immigration Officer may refuse permission to enter or remain in the Falkland Islands to any person who does not have a right of abode in the Falkland Islands if, at the time of attempted entry into the Falkland Islands or application for any permission under this Ordinance (including an application for a permit) —

- (a) the person is unable to show that they have the means of supporting themselves and any other persons who are dependent on, and travelling with, them;
- (b) the person —
 - (i) refuses to submit to an examination by a medical inspector; or
 - (ii) is certified by a medical inspector to be suffering from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render that person's presence in the Falkland Islands a danger to the community;
- (c) the person is present in the Falkland Islands unlawfully or was so present at any time within a period of 5 years ending on the date of seeking permission to enter or remain;
- (d) there are reasonable grounds for believing that the person has committed a criminal offence and, if convicted, would receive a sentence of imprisonment;
- (e) the person has failed to pay a debt of £500 or more that is due to the Government of the Falkland Islands under a judgment of a court of the Falkland Islands; or
- (f) in the opinion of the Principal Immigration Officer —
 - (i) there are substantial grounds relating to the person's character or conduct for believing that it would not be in the public interest to grant that person leave to enter or remain; or
 - (ii) it would otherwise be conducive to the public good to refuse that person, or any group or category of persons that includes the person, permission to enter or remain.

(2) The Governor may direct the Principal Immigration Officer to permit a person or group or category of persons in respect of whom leave has been refused under subsection (1) to enter or remain in the Falkland Islands subject to any specified conditions.

5D. Unlawful presence in the Falkland Islands

(1) A person who is unlawfully present in the Falkland Islands is liable to deportation in accordance with section 7.

(2) A person is unlawfully present in the Falkland Islands if that person is not a Falkland Islander and —

- (a) the person required a visa to enter the Falkland Islands and entered the Falkland Islands without one;
- (b) the person requires permission to enter or remain in the Falkland Islands and—
 - (i) entered the Falkland Islands without permission; or
 - (ii) the period of validity of their permit has expired or the permit was revoked or has otherwise ceased to be valid, and a new permit has not been issued to that person;
- (c) the person’s entry was lawful under section 9(1) (seafarers, aircrew etc.) but has become unlawful because –
 - (i) leave to remain under that section has expired and a permit has not been issued to the person; or
 - (ii) the person is in breach of any condition that applied to their leave by or under regulations;
- (d) the person’s entry was lawful under section 14 (entry in emergency) but has become unlawful; or
- (e) leave to remain granted pursuant to section 15 (refugees, etc.) has expired and a permit has not been issued to the person.”.

7. Visitor permits, volunteer permits, work permits and accompanying dependent permits (new sections 17B to 17H)

(1) After section 10 of the Ordinance omit cross-heading “Visitors’ permits” and repeal sections 11 to 13.

(2) After section 15 of the Ordinance omit cross-heading “Residence permits” and repeal sections 16 to 17A.

(3) After section 17A of the Ordinance insert —

“Visitor permits

17B. Visitor permits

(1) The Principal Immigration Officer may permit a person of a description in subsection (2) (“**a visitor**”) to enter or remain in the Falkland Islands for a limited period.

(2) A visitor is a person who does not have a right of abode in the Falkland Islands and—

- (a) is outside the Falkland Islands;

- (b) having disembarked or being about to disembark a ship or aircraft, seeks permission to enter the Falkland Islands and is not the holder of any other permit authorising them to do so;
- (c) having entered the Falkland Islands lawfully under sections 9 (seafarers, aircrew etc.) or 14 (entry in emergency), seeks permission to remain in the Falkland Islands after their presence in the Falkland Islands ceases to be permitted by either section 9 or section 14, as the case may be; or
- (d) being the holder of a permit that is not a permanent residence permit seeks permission to remain in the Falkland Islands after that permit expires or has otherwise ceased to be valid (but has not been revoked).

(3) Before granting permission under subsection (1) (“**a visitor permit**”), the Principal Immigration Officer must be satisfied that —

- (a) for the whole period the person is likely to remain in the Falkland Islands, the person has sufficient financial resources to maintain themselves and secure suitable accommodation without working and is not likely to be or become a charge on public funds; and
- (b) the person —
 - (i) has made, or has sufficient financial resources to make, arrangements for travel to a destination outside the Falkland Islands on or before the period of validity expires; and
 - (ii) will be permitted entry at that destination and to any necessary intermediate destination which the person may need to enter in the course of travelling to the destination.

(4) Subject to subsection (5), the Principal Immigration Officer may, if satisfied that the visitor continues to meet the requirements in subsection (3) extend the period of validity.

(5) The period of validity of a visitor permit must not exceed —

- (a) in the case of a visitor to whom a permit is issued on arrival in the Falkland Islands, one month from the date of issue;
- (b) in the case of a visitor who intends to engage in permitted activity within the meaning of section 17C(1), a period that will not, when aggregated with any other period for which a visitor permit has been issued to the visitor, exceed a total of three months in any consecutive period of 12 months;
- (c) in the case of a person to whom neither paragraphs (a) nor (b) apply and who is a family member, twelve months from the date of issue;
- (d) in any other case, six months from the date of issue.

(6) The Principal Immigration Officer must not issue a visitor permit or extend the period of validity for a person who is a family member if one or more visitor permits have previously

been issued to that person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed twelve months in any twenty-four month period.

(7) In any case not falling within subsection (6), the Principal Immigration Officer must not issue a visitor permit or extend the period of validity if one or more visitor permits have previously been issued to the same person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed nine months in any twelve month period.

(8) The Governor may authorise the Principal Immigration Officer to issue or extend a visitor permit where by virtue of the other provisions of this section the Principal Immigration Officer would otherwise be prohibited from doing so.

(9) Save as permitted by sections 17C (permitted activities) and 17D (short-term work), a visitor must not work in the Falkland Islands but nothing in this section prevents a visitor from voluntarily providing services of any kind without remuneration to a registered charity.

(10) In this section, “**family member**” means the partner or a parent, sibling or child of a person who has either —

- (a) a right of abode in the Falkland Islands; or
- (b) a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.

17C. Permitted activities

(1) Where a visitor is a person engaged primarily in business overseas, the visitor may—

- (a) as a member of the board of a body corporate, perform any function that only a person who is a member of the board can perform;
- (b) engage in business in relation to —
 - (i) any aspect of the establishment, expansion or winding up of any business enterprise in the Falkland Islands; or
 - (ii) any consultation or negotiation with the Falkland Islands Government or any statutory corporation regarding any contract or proposed contract, including any joint venture or partnership arrangement;
- (c) as a legal practitioner, accountant, auditor, ship surveyor or a health or care professional, provide professional advice or services for or on behalf of a client or patient, including in the case of a legal practitioner as an advocate before any court or tribunal, provided that the professional advice or services are provided pursuant to a contract made before entering the Falkland Islands;
- (d) as a visiting minister of religion, conduct or otherwise participate in services or other acts of worship, undertake pastoral duties and other duties of ministry provided the person has been invited to do so by a person who is lawfully resident in the Falkland Islands;

- (e) undertake the inspection, repair, maintenance, servicing, installation or removal of any infrastructure, ship, aircraft, vehicle, apparatus or other equipment pursuant to a contract made before entering the Falkland Islands;
- (f) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands, conduct business with clients or prospective clients;
- (g) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands, engage in that work;
- (h) perform as an actor, musician or other entertainer pursuant to a contract made before entering the Falkland Islands with a person who is lawfully resident in the Falkland Islands; or
- (i) create or undertake activities ancillary to creating artistic works not within the scope of paragraphs (g) or (h) provided the person establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands.

(2) A visitor may undertake 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.

17D. Permission to do short-term work

(1) Subject to subsection (2), the Principal Immigration Officer may grant a visitor permission to do short-term work.

(2) The Principal Immigration Officer must not grant permission to do short-term work unless satisfied that the visitor meets the requirements in section 17B(3).

(3) The Principal Immigration Officer may withdraw permission to do short-term work at any time by giving notice in writing to the visitor.

(4) The period for which permission may be given must not, when aggregated with any other periods for which permission to do short-term work have been granted, exceed a total of three months during the period of validity of a visitor permit.

(5) The Governor may recognise a scheme for short-term work for visitors who are young persons.

(6) Subsections (2) and (4) do not apply to the grant of permission to a young person to participate in a scheme under subsection (5).

(7) In this section —

“**short-term work**” means work that —

- (a) is not an activity permitted under section 17C(1); and
- (b) is included in the Workforce Shortage List; and

“**young person**” means a person aged 25 years or less.

Volunteer permits

17E. Volunteer permits

(1) A person who does not have a right of abode in, and is outside, the Falkland Islands may apply for a permit to work in the Falkland Islands without remuneration for a sponsoring organisation (“**volunteer permit**”) and the Principal Immigration Officer may, subject to this section, issue such a permit for a limited period.

(2) Before issuing a volunteer permit the Principal Immigration Officer must be satisfied that—

- (a) for the whole period of validity adequate provision for the living expenses of the applicant has been made and the person will be suitably accommodated; and
- (b) the applicant has made, or has sufficient financial resources to make, arrangements for travel overseas on or before the period of validity expires to a destination outside the Falkland Islands where the person will be permitted entry.

(3) Subject to subsection (4), the Principal Immigration Officer may, if satisfied that the permit holder continues to meet the requirements in subsection (2), extend the period of validity of a volunteer permit.

(4) The Principal Immigration Officer must not issue or extend a volunteer permit if one or more volunteer permits have previously been issued to the applicant and the cumulative total of the periods of validity of the permits would exceed twelve months in any twenty-four month period.

(5) The holder of a volunteer permit may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart and re-enter the Falkland Islands;
- (c) work for the sponsoring organisation; and
- (d) voluntarily provide services of any kind without remuneration to a registered charity.

Work permits

17F. Work permits

(1) A person may apply for and the Principal Immigration Officer may issue a permit to work in the Falkland Islands for a limited period either for a sponsor or on their own account (“**a work permit**”) if the person does not have a right of abode and is —

- (a) outside the Falkland Islands;
- (b) the holder of a work permit (“**a worker**”), an accompanying dependent, the holder of a dependent permit or a carer permit; or
- (c) a person who was the holder of a work permit, an accompanying dependent permit or dependent permit that expired 28 days or less before the date of the application.

- (2) The period of validity of a work permit may be extended but must not exceed four years in total.
- (3) The Principal Immigration Officer may refuse to issue or extend the period of validity of a work permit if the applicant is or is likely to become a substantial charge on public funds because of their medical or healthcare needs.
- (4) If the applicant intends to work for a sponsor, the sponsor must provide an undertaking in relation to the worker.
- (5) Subsection (4) does not apply if the sponsor is the Crown in right of the Government of the Falkland Islands.
- (6) A worker may during the period of validity —
- (a) enter and remain in the Falkland Islands;
 - (b) depart from and re-enter the Falkland Islands;
 - (c) work either for a sponsor or on their own account, as specified in the permit; and
 - (d) in addition to the work specified in accordance with paragraph (c) —
 - (i) do any work that is included in the Workforce Shortage List for a person who is not their sponsor;
 - (ii) voluntarily provide services of any kind without remuneration.
- (7) The Principal Immigration Officer may permit a worker —
- (a) to do work not included in the Workforce Shortage List; or
 - (b) in the case of a worker who works for a sponsor, to work on their own account in addition.

17G. Undertakings

- (1) A sum due under an undertaking is recoverable as a civil debt to the Crown.
- (2) An undertaking is not affected if the work permit to which it relates expires or otherwise ceases to be valid or is revoked except in the circumstances set out in subsection (3).
- (3) The Principal Immigration Officer must release a sponsor from an undertaking if —
- (a) a new work permit is issued to the worker and either —
 - (i) an undertaking has been accepted from a different sponsor; or
 - (ii) the permit is for the worker to work on their own account;
 - (b) the worker has ceased to work for the sponsor and the worker and any accompanying dependents referred to in the undertaking have left the Falkland Islands of their own accord;
 - (c) a permit of a different type is issued to the worker; or

- (d) the worker becomes a Falkland Islander.
- (4) The Principal Immigration Officer may release a sponsor from an undertaking in exceptional circumstances.
- (5) Regulations may make further provision for undertakings and in particular may —
- (a) prescribe the circumstances in which repatriation costs for a worker and any accompanying dependents referred to in an undertaking are or are not payable by the sponsor;
 - (b) provide for the Principal Immigration Officer to require or accept other security for repatriation costs in lieu of an undertaking; or
 - (c) prescribe the form and content of undertakings.

Accompanying dependent permits

17H. Accompanying dependent permits

- (1) A person who does not have a right of abode may apply for a permit to live with a worker in the Falkland Islands as part of a worker’s household (“**an accompanying dependent permit**”) if the person —
- (a) is outside the Falkland Islands;
 - (b) is a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit; or
 - (c) was the holder of an accompanying dependent permit that expired 28 days or less before the date of the application.
- (2) The Principal Immigration Officer may issue an accompanying dependent permit for a limited period to a person who is of a description in subsection (1) and either —
- (a) the partner of a worker (whether or not financially dependent on the worker); or
 - (b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the worker, forms part of the worker’s household and is —
 - (i) a person aged less than 18 years; or
 - (ii) a person aged 18 years or more who is a child or step-child of the worker or the worker’s partner.
- (3) The Principal Immigration Officer may refuse an application for an accompanying dependent permit if —
- (a) it appears likely that, if a permit were issued, the applicant would be or become a substantial charge on public funds because of the person’s medical or healthcare needs or, if under 18 years, educational needs; or
 - (b) the worker’s sponsor does not provide an undertaking in relation to the applicant.

(4) Subject to subsection (3), the Principal Immigration Officer must issue an accompanying dependent permit to a child born to a worker or an accompanying dependent while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands.

(5) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue an accompanying dependent permit to a person who is not of a description in subsections (1), (2) or (4) but is financially or otherwise dependent for accommodation, maintenance or care on a worker and forms part of the worker's household.

(6) A person who holds an accompanying dependent permit ("**accompanying dependent**") may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) do any work that is included in the Workforce Shortage List for another person; and
- (d) voluntarily provide services of any kind without remuneration.

(7) The Principal Immigration Officer may permit an accompanying dependent to do work not included in the Workforce Shortage List or to work on their own account.

(8) The period of validity of an accompanying dependent permit must not exceed the period of validity of the permit of the worker in whose household the accompanying dependent lives or is to live and may be extended for the same period as any extension to the period of validity of the relevant work permit.”.

8. Dependent permits and carer permits (new sections 18B to 18C)

After section 18A of the Ordinance insert —

“Dependent permits

18B. Dependent permits

(1) A person who does not have a right of abode in the Falkland Islands may apply for a permit to live with a person who has a right of abode in the Falkland Islands as part of that person's household ("**a dependent permit**") if the person is —

- (a) outside the Falkland Islands;
- (b) a worker, an accompanying dependent or the holder of a dependent permit or a carer permit; or
- (c) was the holder of a dependent permit that expired 28 days or less before the date of the application.

(2) The Principal Immigration Officer may issue a dependent permit for a limited period to an applicant who is of a description in subsection (1) and either —

- (a) the partner of the person who has a right of abode (whether or not the partner is financially dependent on the person who has a right of abode); or

(b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the person who has a right of abode, forms part of that person's household and is —

(i) a person aged less than 18 years; or

(ii) a person aged 18 years or more who is a child or step-child of the person who has a right of abode or of that person's partner.

(3) Subject to subsection (5), the Principal Immigration Officer must issue a dependent permit to a child born to the holder of a dependent permit while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands unless the child is otherwise entitled to Falkland Islands status or to a permanent residence permit.

(4) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue a dependent permit to a person who is not of a description in subsections (1) to (3) but is financially or otherwise dependent for accommodation, maintenance or care on a person who has a right of abode and forms part of that person's household.

(5) The Principal Immigration Officer may refuse an application for a dependent permit if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the person's medical or healthcare needs or, if under 18 years, educational needs.

(6) The holder of a dependent permit may during the period of validity —

(a) enter and remain in the Falkland Islands;

(b) depart from and re-enter the Falkland Islands;

(c) work whether for another person or on their own account; and

(d) voluntarily provide services of any kind without remuneration.

(7) The period of validity of a dependent permit must not exceed —

(a) in a case falling within subsection (3), the period of validity of the parent's dependent permit; or

(b) in any other case, four years from the date of issue.

(8) A permit issued for less than the maximum period provided for in subsection (7) may be extended provided the total period of validity does not exceed that maximum.

Carer permits

18C. Carer permits

(1) A person who does not have a right of abode in the Falkland Islands may, in the circumstances described in subsection (2) apply, for a permit (“**a carer permit**”) to live with a person who needs their care.

(2) The circumstances are that —

(a) the applicant is —

- (i) over the age of 18 years;
 - (ii) is not eligible for any other type of permit; and
 - (iii) is a family member of, or other person with a close personal relationship with, the person who needs care;
- (b) the person who needs care has a right of abode in the Falkland Islands and at the date of the application —
- (i) is under the age of 18 years; or
 - (ii) is over the age of 18 years and needs substantial personal care on a regular basis because of a disability or other health condition; and
- (c) the care is provided without remuneration.

(3) The Principal Immigration Officer may with the consent of the Governor issue a carer permit for such limited period, not exceeding four years from the date of issue, and subject to such conditions as the Governor may direct.

(4) An application for a carer permit may be refused if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the applicant's own medical or healthcare needs.

(5) During the period of validity, the permit holder may —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) work, whether for another person or on their own account; and
- (d) voluntarily provide services of any kind without remuneration.

(6) The period of validity may be extended if the Governor so directs, provided the total period of validity does not exceed four years from the date of issue of the permit.”.

9. Revocation of permits (new section 22A)

(1) Repeal sections 19 to 22 and 24 of the Ordinance.

(2) Before section 23 of the Ordinance insert —

“22A. Revocation of visitor permits, volunteer permits, work permits, accompanying dependent permits, dependent permits and carer permits

(1) This section applies to a permit that is not a permanent residence permit.

(2) A permit is revoked with immediate effect if the permit holder is included in the watch list.

(3) The Principal Immigration Officer may revoke a permit on notice, if the permit holder —

- (a) or any other person on the permit holder’s behalf with a view to procuring the issue of the permit, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to its issue;
 - (b) has worked or works in the Falkland Islands other than in accordance with any conditions in the permit or as otherwise permitted under this Ordinance; or
 - (c) during the period of validity is convicted in the Falkland Islands or in any other jurisdiction of an offence punishable on conviction by imprisonment.
- (4) Notice of revocation under subsection (3) must be given in writing to the permit holder.
- (5) A person whose permit is revoked by notice under subsection (3) may request a review of the decision in accordance with section 26.
- (6) A decision to revoke a permit under subsection (3) has effect —
- (a) in the case of a visitor permit, immediately on the giving of notice of revocation;
 - (b) in any other case —
 - (i) on the 28th day after the date on which notice of revocation is given if the permit holder does not request a review under section 26; or
 - (ii) if the person requests a review under section 26, upon determination of the review if the review is unsuccessful.
- (7) The Principal Immigration Officer may withdraw a notice of revocation at any time before it takes effect, with the consent of the Governor.”.

10. Appeals and reviews of decisions made by the Principal Immigration Officer (new sections 25 to 27)

- (1) Repeal sections 25, 26, 27 and 29 of the Ordinance.
- (2) After the heading “**PART III APPEALS**” insert —

“25. Appeals - general

- (1) No appeal lies to any person, tribunal or authority against a deportation order or from any other decision or determination made by the Governor.
- (2) No appeal lies to any person, tribunal or authority from a decision or determination made by the Principal Immigration Officer, except as provided in this Part.

Reviews of decisions of the Principal Immigration Officer

26. Reviews of decisions made by the Principal Immigration Officer

- (1) This section applies to a permit that is not a permanent residence permit.
- (2) Subject to subsection (3), a person may request a review by the Governor of —
 - (a) a decision to —

- (i) refuse to issue visitor permit, a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, except in circumstances to which section 24A(2) applies;
 - (ii) refuse to extend a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, during the period of validity;
 - (iii) revoke a permit on notice under section 22A(3); or
- (b) any other prescribed matter.
- (3) In the circumstances set out in subsection (4) a person may only request a review if the person is outside the Falkland Islands.
- (4) The circumstances referred to in subsection (3) are that the person —
- (a) was outside the Falkland Islands when notified of a decision referred to in subsection (2)(a)(i) or (iii), or
 - (b) does not have leave to enter or remain in the Falkland Islands.

27. Procedure for reviews

- (1) A person must request a review by giving notice in writing to the Governor not more than twenty-eight days after being given notice of the relevant decision.
- (2) A notice requesting a review must include a statement of the reasons for requesting the review and include any documentary evidence relied on.
- (3) The Governor must determine the review as soon as is reasonably practicable and may confirm or rescind the decision reviewed.
- (4) If the Governor rescinds a decision —
- (a) to refuse to issue a permit or grant an extension to the period of validity, the Principal Immigration Officer must issue a permit of a type, or grant the extension (as the case may be), for such period and subject to such conditions as the Governor may direct; or
 - (b) to revoke a permit, the permit is deemed never to have been revoked.
- (5) Written notice of the Governor's determination must be given to the person who requested the review within seven days.
- (6) If the person who requests a review holds a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit and, but for this subsection, the period of validity would otherwise expire before the review is determined—
- (a) the period of validity is extended to the date on which written notice of the outcome of the review is given to the person; and
 - (b) in relation to a review that concerns a work permit, the period of validity of an accompanying dependent permit that depends on the period of validity of the work permit is likewise extended.

11. Registered Employer Scheme (new section 38A)

After section 38 of the Ordinance insert —

“38A. Registered Employer Scheme

(1) The Principal Immigration Officer must keep and maintain a register of employers (“**the Registered Employer Scheme**”).

(2) The Governor may by regulations provide for the Registered Employer Scheme and in particular —

- (a) who may be included in the register;
- (b) the requirements an employer must meet before being registered;
- (c) information to be included in the register;
- (d) the duties of an employer who is registered;
- (e) the circumstances in which an employer may be removed from the register;
- (f) the fee payable in connection with an application for registration; or
- (g) other related matters, as may be necessary or expedient.

(3) In this section “**employer**” means a person who employs or would like to employ a visitor who has permission to do short-term work, a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit, whether as a sponsor, a sponsoring organisation or otherwise.”.

12. Section 40 (regulations) amended

In section 40 of the Ordinance (regulations) —

(a) in subsection (1) —

(i) replace paragraph (b) with —

“(b) for the issue and cancellation of visas and conditions that may be imposed on the issue of a visa;”;

(ii) after paragraph (b) insert —

“(bA) requirements to be met by a person to whom sections 9(1), 14 or 15 apply and conditions that may be imposed by the Principal Immigration Officer in relation to leave to enter or remain of such persons;” and

(iii) in paragraph (e) after “this Ordinance” insert “or reviews under Part III”.

(b) after subsection (1) insert —

“(1A) In relation to permits that are not permanent residence permits the Governor may by regulations provide for —

- (a) the requirements that must be met before a permit may be issued or any other permission granted under this Ordinance;
 - (b) conditions that may be imposed by the Principal Immigration Officer when issuing a permit, extending the period of validity of a permit or granting any other permission under the Ordinance with which a permit holder, a sponsor or a sponsoring organisation must comply;
 - (c) information to be included in a permit; or
 - (d) the circumstances in which a permit ceases to be valid.”; and
- (c) in subsection (2) replace “subsection (1)” with “subsections (1) and (1A)”.

13. Minor and consequential amendments to the Immigration Ordinance 1999

Schedule 1 makes provision for further minor and consequential amendments to the Ordinance.

14. Amendment of the Criminal Procedure and Evidence Ordinance 2014

Amend the Criminal Procedure and Evidence Ordinance 2014 by omitting —

- (a) subsection (8) of section 488;
- (b) section 501; and
- (c) subsection (3)(b) of section 664.

PART 3 – TRANSITIONAL PROVISIONS

15. Transitional provisions

Schedule 2 makes provision for transitional matters.

SCHEDULE 1 - Minor and consequential amendments to the Immigration Ordinance 1999

section 13

Section 3

In section 3(1) of the Ordinance omit —

“, provided that the person who immediately before the commencement of this Ordinance held office as Principal Immigration Officer under the provisions of the repealed Ordinance and all persons who immediately before the commencement of this Ordinance held office as immigration officers shall continue to hold office as such, and may be removed from that office, as if he had been appointed under this subsection”.

Section 5

In section 5 of the Ordinance —

(a) replace subsection (2) with —

“(2) Except as provided by section 9 (seafarers, aircrew etc.), section 14 (entry in emergency), section 15 (refugees, etc) and paragraphs 12(1) and 21(1) of Schedule 2, leave to enter or remain is given by way of a permit issued under this Ordinance”;

(b) omit subsections (3), (6) and (10A); and

(c) replace subsection (13) with —

“(13) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands and has one is not permitted to enter the Falkland Islands unless that person also holds a permit or has the Governor’s consent”.

Section 7

In section 7 of the Ordinance —

(a) replace subsection (1) with —

“(1) Where a person is liable to deportation is under section 5D(1) the Governor may make an order against that person requiring the person to leave, and prohibiting them from entering, the Falkland Islands either for a limited period or permanently (“**deportation order**”).”;

(b) after subsection (2) insert —

“(2A) Schedule 3 makes supplementary provision as to deportation.”; and

(c) omit subsections (3) to (6).

Section 8

Repeal section 8 of the Ordinance.

Section 9

In the heading to section 9 of the Ordinance, replace “Seamen” with “Seafarers”.

In section 9(1) of the Ordinance —

(a) replace “not being a person who has Falkland Islands status or a permanent residence permit or residence permit” with “not having a right of abode in the Falkland Islands or a permit”; and

(b) replace paragraph (b) with —

“(b) the person is a person to whom section 5B applies;”.

Section 24A

In section 24A(1) of the Ordinance replace “visitor’s permit, a work permit, a residence permit, or a permanent residence permit, and any dependents included in the person’s application,” with “permit”.

Section 39

In section 39 of the Ordinance —

(a) replace subsection (1) with —

“(1) Subject to subsection (2) and regulations, the Principal Immigration Officer may specify any application or other form (“**a specified form**”) and any official stamps to be used under this Ordinance as may be necessary or expedient provided that any specified form is first published in the *Gazette*.”;

(b) after subsection (1) insert —

“(1A) The Principal Immigration officer may by notice published in the *Gazette* require a specified form —

(a) to be completed and submitted by electronic means together with electronic copies of any documents or other information that may be required in relation to such a form; and

(b) the originals of any such documents or information to be produced at a later date for the purpose of verification.”; and

(c) in subsection (2) replace “has prescribed any form or official stamp” with “requires a specified form or official stamp to be used”.

Section 41

In section 41 of the Ordinance —

(a) at the end of paragraph (a) omit “or”;

(b) at the end of paragraph (b) replace the full stop with “; or”; and

(c) after paragraph (b) insert —

“(c) by electronic means provided the person to whom the notice is addressed has agreed to that method of service.”.

Title to Part VI

Replace the title to Part VI of the Ordinance with “REPEAL”.

Section 42

Section 42 of the Ordinance is repealed.

Schedule 1

In Schedule 1 Part II to the Ordinance —

- (a) in paragraph 1 replace “Seamen” with “Persons”;
- (b) in paragraph 3 replace “passengers” with “persons” in both places it appears; and
- (c) after paragraph 3 insert —

“4. Persons who hold a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.”.

Schedule 2

In Schedule 2 to the Ordinance —

- (a) omit the title “PART 1 GENERAL PROVISIONS”;
- (b) in paragraph 3(5) after “this Ordinance” insert “, a review under section 26”;
- (c) in paragraph 5 —
 - (i) in sub-paragraph (1), replace “not less than” with “not more than” and “visitor’s permit” with “visitor permit”; and
 - (ii) in sub-paragraph (3), replace “visitor’s permit” with “visitor permit”; and
 - (iii) in sub-paragraph (6), replace “visitor’s permit” with “visitor permit”;
- (d) in the cross-heading before paragraph 11, replace “Seamen” with “Seafarers”;
- (e) in paragraph 26(2) replace “on or at any time before arrival at the port” with “at the relevant time”; and
- (f) after paragraph 26(2) insert —

“(3) In paragraph 26(2) “**relevant time**” means —

- (a) in the case of a ship employed to carry passengers for reward, not less than twenty-four hours before arrival at the port;
- (b) in the case of an aircraft employed to carry passengers for reward not less than twenty-four hours before arrival at the port and, in addition, as soon as reasonably practicable after the aircraft departs from the country where the flight originates; or
- (c) in any other case, at any time before or on arrival at the port.”.

Schedule 3

In Schedule 3 to the Ordinance —

- (a) After the heading “Supplementary provisions as to deportation” insert “*regulation 7*”;
- (b) in paragraph 3 —
 - (i) omit sub-paragraphs (1) and (2); and
 - (ii) in sub-paragraph (6), replace “are” with “is”; and
 - (iii) in sub-paragraph (7) replace “The persons to whom sub-paragraph (6) applies are” with “A person to whom sub-paragraph (6) applies is” and omit sub-paragraph (7)(a).

SCHEDULE 2 - Transitional provisions

section 15

Prohibited persons

1. All persons in respect of whom a notification was given by the Governor to the Principal Immigration Officer under paragraph (d) of the definition of prohibited persons in section 2 of the Ordinance immediately before the coming into force of this Ordinance are persons included in the watch list.

Permits issued before this Ordinance comes into force – general provision

2. Except as otherwise provided in this Schedule, the repeal of sections 11 to 13 and 16 to 17A of the Ordinance does not affect the validity, or the date of expiry, of visitors' permits, residence permits or work permits issued, any extension or renewal of such a permit, or any permission given under section 12, before this Ordinance comes into force.

Visitor permits

3. A visitor's permit issued before this Ordinance comes into force is treated for all purposes as if it is a visitor permit issued under the Ordinance as amended by this Ordinance, except that such a visitor permit must not be extended or renewed.

4. For the purposes of calculating the maximum period of validity of a visitor permit under section 17B(5) of the Ordinance, visitors' permits issued before this Ordinance comes into force are taken into consideration as if they were visitor permits issued after this Ordinance comes into force.

5. Permission given under section 12 of the Ordinance before this Ordinance comes into force may be withdrawn at any time after this Ordinance comes into force by notice in writing.

Residence permits

6. Notwithstanding section 7(2) of this Ordinance, subsections (1) and (8) of section 16 of the Ordinance continue to have effect in relation to the holder of a residence permit ("**resident**"), a dependent of a resident who is named in the residence permit ("**named dependent**") and any person who provided an undertaking under subsection (8).

7. The Principal Immigration Officer must not extend a residence permit and, except as permitted by paragraphs 8 and 9, a resident or named dependent must not work for remuneration.

8. The Principal Immigration Officer may permit a resident or named dependent to work for such period and subject to such conditions as the Principal Immigration Officer considers appropriate in the circumstances.

9. A resident or a named dependent who holds a work permit issued before the coming into force of this Ordinance, is deemed to have permission under paragraph 8 to do the work for which the work permit was issued and for the same period, subject to any conditions in the permit, and the permit otherwise ceases to have effect.

10. Permission given under paragraph 8 or deemed permission under paragraph 9 may be withdrawn at any time on notice.

11. In relation to residents and named dependents, sections 17F, 17H and 18B of the Ordinance are modified as follows —

- (a) section 17F(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”;
- (b) section 17H(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”; and
- (c) section 18B(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”.

12. A residence permit ceases to have effect —

- (a) in relation to a named dependent if the named dependent —
 - (i) is a child, when that person attains the age of eighteen years or marries under that age; or
 - (ii) being the partner of the resident by virtue of whose permit the person is a named dependent, ceases to form part of the same household as the resident.
- (b) in relation both to a resident and any named dependent immediately on the issue of a new permit to a resident.

13. The following provisions of the Ordinance apply to residence permits as to other permits that are not permanent residence permits —

- (a) section 22A (revocation of visitor permits etc.);
- (b) section 25 (appeals – general);
- (c) section 26 (review of decisions etc.) except for subsection (2)(a)(i) and (ii); and
- (d) section 27 (procedure for reviews) except for subsection (4)(a).

14. The resident and any named dependent of the resident are unlawfully present in the Falkland Islands for the purposes of section 5D(1) of the Ordinance if the residence permit is revoked, expires or otherwise ceases to have effect and new permits have not been issued to them.

Work permits

15.(1) This paragraph applies to a person who holds a work permit issued or renewed before this Ordinance comes into force and who does not also hold a residence permit.

(2) A work permit issued to a person to whom this paragraph applies is treated for all purposes as a work permit issued under section 17F of the Ordinance if either —

- (a) the permit was issued or renewed so as to permit the holder to take employment with another person or to continue in employment with another person and that other person gave an undertaking in accordance with section 17(5)(a) of the Ordinance prior to the coming into force of this Ordinance; or
- (b) the permit was issued or renewed to enable the permit holder to work on their own account, provided the holder does not also hold a permit to which paragraph (a) applies.

(3) Any other work permit issued to a person to whom this paragraph applies is treated as permission given under section 17F(7) of the Ordinance, whether or not the work to which such permit relates is in fact included in the Workforce Shortage List, and such permission may be withdrawn at any time on notice.

16.(1) The Principal Immigration Officer must issue an accompanying dependent permit to a dependent named in a work permit (“**dependent of a worker**”) issued before the coming into force of this Ordinance.

(2) The period of validity of an accompanying dependent permit issued to the dependent of a worker ends on the same date as the date of expiry of the work permit to which it relates.

(3) On the issue of an accompanying dependent permit to the dependent of a worker, a work permit issued to that person before the coming into force of this Ordinance ceases to have effect save that in relation to work not included in the Workforce Shortage List it is treated as if it is permission given under section 17H(7) of the Ordinance and may be withdrawn at any time on notice.

17. An undertaking given under section 17(5) of the Ordinance is, after the coming into force of this Ordinance, treated as if it is an undertaking given under section 17F of the Ordinance, except that the Principal Immigration Officer must release the person who provided the undertaking from the obligation within one month after the work permit holder ceases to work for the person who gave the undertaking.

Applications for permits not determined before the coming into force of this Ordinance

18. An application for —

- (a) a work permit;
- (b) a visitor’s permit; or
- (c) extension or renewal of a visitor’s permit or a work permit,

made but not determined before the coming into force of this Ordinance is treated as an application for a new visitor permit under section 17B of the Ordinance or work permit under section 17F of the Ordinance, as the case may be.

19. An application for a work permit to which paragraph 18 applies that includes an application for named dependents to be included in the permit is, in relation to each of the named dependents, treated as an application for an accompanying dependent permit.

20. An application for a residence permit or the extension or renewal of a residence permit made but not determined before the coming into force of this Ordinance must be refused and there is no right of appeal against such a refusal.

Outstanding appeals

21. An appeal made under section 25 of the Ordinance (appeals in relation to visitors' permits) or section 27 of the Ordinance (appeals in relation to work permits) but not determined before the coming into force of this Ordinance is treated as if it is an application under section 26 of the Ordinance (reviews of decisions etc.) after the coming into force of this Ordinance.

22. An appeal made under section 26 of the Ordinance (appeals in relation to residence permits) but not determined before the coming into force of this Ordinance must be refused.

OBJECTS AND REASONS

This Bill amends the Immigration Ordinance 1999 ("the Ordinance"), replacing the Immigration (Amendment)(No 2) Ordinance 2017 that has not been brought into force.

The Bill replaces the concept of "prohibited persons" with a new scheme for determining who is and who is not permitted to enter or remain the Falkland Islands. It introduces a new "watch list" of persons whose presence is deemed undesirable and who will not be permitted to enter the territory. The Principal Immigration Officer's discretion to refuse leave to enter or remain in the Falkland Islands is also clarified, as are the circumstances in which a person's presence in the Falkland Islands is unlawful and renders that person liable to deportation.

The current law provides for three categories of permits for those seeking to visit or to live and work in the Falkland Islands and who do not have a right of abode ("migrants"): visitors' permits, residence permits and work permits. These will be replaced by visitor permits, volunteer permits, work permits, accompanying dependent permits, dependent permits and carer permits. The effect of abolishing residence permits will be that only persons who have close family connection (because they live in the same household) with a person who has a right of abode or a work permit can come to the Islands to live unless they have their own work permit or volunteer permit, or a visitor permit.

Each migrant must have their own permit, replacing the current system where dependents of holders of residence permits or work permits are simply named in those permits. Each migrant will only hold one permit at a time – holders of the new accompanying dependent and dependent permits will be entitled (with some limitations) to work in the Falkland Islands without the need to obtain a separate work permit and work permit holders will be entitled to do other work in addition to the work for which their permit was issued. The new permits are subject to revocation in similar circumstances and persons are entitled to request a review by the Governor in Council of decisions of the Principal Immigration Officer in similar circumstances to the former provisions for appeals. A permit holder who is not a visitor is exempt from the requirement to have a visa.

The provisions relating to permanent residence permits are unchanged.

The provisions of this Ordinance necessarily interfere with freedom of movement, protected under section 8 of the Constitution but it is considered that the interference is necessary and proportionate and does not go further than permitted by subsections (3) or (4) of that section.

The Bill also establishes the Registered Employer Scheme, a register of employers who employ or wish to employ a migrant, either as a volunteer (under a volunteer permit), under a work permit or otherwise. The Governor in Council has power to make further provision for the scheme in regulations.

Clauses 1-4 set out the title, commencement and purpose of this Ordinance, and repeal the Immigration (Amendment)(No 2) Ordinance 2017.

Clause 5 amends section 2 of the Ordinance (interpretation), introducing new definitions for the new categories of permits, amongst other matters.

Clause 6 inserts new *sections 5A-5D* after *section 5*. New *section 5A* provides for the “watch list”, a list to be kept by the Principal Immigration Officer of persons whose presence in the Falkland Islands is deemed to be undesirable for a reason listed in *subsection (3)*. Regulations may make further provision for the watch list.

New *section 5B* provides for the circumstances in which the Principal Immigration Officer must refuse a person who does not have a right of abode in the Falkland Islands leave to enter or remain in the territory. These include a person who is on the watch list. A person has a “right of abode” if the person is a Falkland Islander i.e. is a status holder, or holds a permanent residence permit (*section 4(1) of the Ordinance*).

New *section 5C* sets out the circumstances in which the Principal Immigration Officer has discretion to refuse leave to enter or remain in the Falkland Islands.

New *section 5D* sets out the circumstances in which a person is present in the territory unlawfully and liable to deportation, which includes persons who entered illegally and “overstayers” i.e. persons who entered lawfully but whose leave to enter or permit has expired, been revoked or otherwise ceased to be valid.

Clause 7 inserts new *sections 17B to 17H* after *section 17A*. *Sections 17B to 17D* provide for visitor permits. Visitors are not permitted to work in the Falkland Islands except to undertake certain permitted activities as provided in new *section 17C* or, if expressly permitted by the Principal Immigration Officer, to work for more than 3 months during the period of validity of their permit.

New *section 17E* introduces the new volunteer permit that enables a person to volunteer with a registered charity or other approved body (“sponsoring organisation”).

New *section 17F* provides for work permits and *section 17G* provides for undertakings given by sponsors (that is, the primary employer of a person who has a work permit).

New *section 17H* provides for permits for accompanying dependents of work permit holders, replacing the previous system of simply adding the names of those dependents to the work permit.

Accompanying dependents are entitled to do work that is on the Workforce Shortage List and only have to apply for permission to do work that is not on that List.

Clause 8 inserts new *sections 18B and 18C* after *section 18A*. New *section 18B* provides for permits for persons who are dependent on a person who has a right of abode, who are entitled to do any work without the need for any further permit or permission.

New *section 18C* provides for a new category of carer permits, which may be issued only with the consent of the Governor in Council to an adult who is a family member of a person who needs their care, either because they are a child or because they have a disability or health condition.

Clause 9 and new *section 22A* provide for revocation of the new permits, in substance *sections 19 and 22* of the Ordinance are re-enacted with a wider application.

Clause 10 largely replaces the appeals provisions that applied to visitor permits and work permits with new *sections 25 to 27*, introducing reviews that apply to all the new categories of permit and have a very similar effect.

Clause 11 introduces the new Registered Employer Scheme (new *section 38A*).

Clause 12 extends the powers to make regulations under the Ordinance by amending *section 40*.

Clause 13 introduces *Schedule 1* that makes minor and consequential amendments to the Ordinance.

Clause 14 makes minor amendments to the Criminal Procedure and Evidence Ordinance 2014, consequential on the repeal of *section 8* of the Ordinance.

Clause 15 introduces *Schedule 2* that makes transitional provision for those holding residence permits, work permits or visitor permits on the date the Ordinance comes into force.



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Criminal Procedure Rules 2020 (SR&O No 24 of 2020).

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(No 24 OF 2020)

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Criminal Procedure Rules 2020

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I make these rules under section 785 of the Criminal Procedure and Evidence Ordinance 2014.

General Principles

PART 1 - THE OVERRIDING OBJECTIVE

1.1. The overriding objective

- (1) The overriding objective of this procedural code is that criminal cases be dealt with justly.
- (2) Dealing with a criminal case justly includes —
 - (a) acquitting the innocent and convicting the guilty;
 - (b) dealing with the prosecution and the defence fairly;
 - (c) recognising the constitutional rights of a defendant under the Constitution;
 - (d) respecting the interests of witnesses, victims and jurors and keeping them informed of the progress of the case;
 - (e) dealing with the case efficiently and expeditiously;
 - (f) ensuring that appropriate information is available to the court when bail and sentence are considered; and
 - (g) dealing with the case in ways that take into account —
 - (i) the gravity of the offence alleged;
 - (ii) the complexity of what is in issue;
 - (iii) the severity of the consequences for the defendant and others affected; and
 - (iv) the needs of other cases.

1.2. The duty of the participants in a criminal case

- (1) Each participant, in the conduct of each case, must —
 - (a) prepare and conduct the case in accordance with the overriding objective;
 - (b) comply with these Rules and directions made by the court; and
 - (c) at once inform the court and all parties of any significant failure (whether or not that participant is responsible for that failure) to take any procedural step required by these Rules, any practice direction or any direction of the court. A failure is significant if it might hinder the court in furthering the overriding objective.
- (2) Anyone involved in any way with a criminal case is a participant in its conduct for the purposes of this rule.

1.3. The application by the court of the overriding objective

The court must further the overriding objective in particular when —

- (a) exercising any power given to it by legislation (including these Rules); or
- (b) applying any Practice Direction; or
- (c) interpreting any rule.

PART 2 - UNDERSTANDING AND APPLYING THE RULES

2.1. When the Rules apply

- (1) In general, Criminal Procedure Rules apply in all criminal cases in the Summary Court, the Magistrate’s Court and the Supreme Court.
- (2) If a rule applies only in one or some of those courts, the rule makes that clear.
- (3) These Rules apply on and after their publication in the *Gazette*.
- (4) Unless the court otherwise directs, they do not affect a right or duty existing under any other legislation or practice direction.

2.2. Definitions

- (1) In these Rules, unless the context makes it clear that something different is meant —

“**advocate**” means a person who is entitled to exercise a right of audience in the court;

“**Attorney General**” means the Attorney General of the Falkland Islands or a person authorised to act on the Attorney General’s behalf;

“**business day**” means any day except Saturday, Sunday, Christmas Day, Boxing Day, or a public holiday;

“**court**” means a tribunal with jurisdiction over criminal cases;

“**court officer**” means the appropriate member of the staff of a court as determined by a judge, the Registrar or the Head of Courts or, in the case of r3.12(2), as appointed by the Chief Justice;

“**defendant**” means a defendant in person or, where the context allows, a defendant’s advocate or legal representative;

“**judge**” means the Chief Justice, or any person presiding over a trial if not the Chief Justice;

“**legal representative**” means the person for the time being named as a party’s representative and who is entitled to conduct litigation in the court;

“**live link**” means an arrangement by which a person can see and hear, and be seen and heard by, the court when that person is not in the courtroom;

“**prosecutor**” means a prosecutor or person authorised to act on the prosecutor’s behalf;

“**public interest ruling**” means a ruling about whether it is in the public interest to disclose prosecution material under sections 235 and 236 of the Criminal Procedure and Evidence Ordinance 2014; and

“**Registrar**” means the Registrar of the Supreme Court or a court officer acting with the Registrar’s authority.

(2) Definitions of some other expressions are in the rules in which they apply.

2.3. References to legislation, including these Rules

(1) In these Rules, where a rule refers to an Ordinance or to subordinate legislation by title and year, subsequent references to that Ordinance or to that legislation in the rule are shortened: so, for example, after a reference to the Criminal Procedure Rules reference is then made to ‘the Rules’.

(2) In the courts to which these Rules apply —

(a) a reference to the Criminal Procedure Rules may be abbreviated to ‘CrimPR’; and

(b) a reference to a Part or rule in the Criminal Procedure Rules may be abbreviated to, for example, ‘CrimPR Part 3’ or ‘CrimPR 3.5’.

PART 3 - CASE MANAGEMENT

3.1. When this Part applies

Rules 3.1 to 3.12 apply to the management of each case in the Summary Court, Magistrate’s Court and the Supreme Court.

3.2. The duty of the court

(1) The court must further the overriding objective by actively managing the case.

(2) Active case management includes —

- (a) the early identification of the real issues;
- (b) the early identification of the needs of witnesses;
- (c) achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;
- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case; and
- (h) making use of technology, including the provision of a live link where appropriate.

(3) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

3.3. The duty of the parties

(1) Each party must —

- (a) actively assist the court in fulfilling its duty under rule 3.2, without or if necessary with a direction; and
- (b) apply for a direction if needed to further the overriding objective.

(2) Active assistance for the purposes of this rule includes —

- (a) at the beginning of the case, communication between the prosecutor and the defendant at the first available opportunity and in any event no later than the beginning of the day of the first hearing;
- (b) after that, communication between the parties and with the court officer until the conclusion of the case;
- (c) by such communication establishing, among other things —
 - (i) whether the defendant is likely to plead guilty or not guilty;
 - (ii) what is agreed and what is likely to be disputed;
 - (iii) what information, or other material, is required by one party of another, and why; and
 - (iv) what is to be done, by whom, and when (without or if necessary with a direction);

- (d) reporting on that communication to the court —
 - (i) at the first hearing, and
 - (ii) after that, as directed by the court; and
- (e) consideration of whether technology would be of assistance in the proceedings.

3.4. Case progression officers and their duties

- (1) At the beginning of the case each party must, unless the court otherwise directs —
 - (a) nominate someone responsible for progressing that case; and
 - (b) tell other parties and the court who that is and how to contact that person.
- (2) In fulfilling its duty under rule 3.2, the court must where appropriate —
 - (a) nominate a court officer responsible for progressing the case; and
 - (b) make sure the parties know who that is and how to contact that court officer.
- (3) In this Part a person nominated under this rule is called a case progression officer.
- (4) A case progression officer must —
 - (a) monitor compliance with directions;
 - (b) make sure that the court is kept informed of events that may affect the progress of that case;
 - (c) make sure that he or she can be contacted promptly about the case;
 - (d) act promptly and reasonably in response to communications about the case; and
 - (e) if he or she will be unavailable, appoint a substitute to fulfil his or her duties.

3.5. The court's case management powers

- (1) In fulfilling its duty under rule 3.2 the court may give any direction and take any step actively to manage a case unless that direction or step would be inconsistent with legislation, including these Rules.
- (2) In particular, the court may —
 - (a) nominate a case management officer;
 - (b) give a direction on its own initiative or on application by a party;
 - (c) ask or allow a party to propose a direction;

- (d) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
- (e) give a direction —
 - (i) at a hearing, in public or in private; or
 - (ii) where the parties expressly consent, without a hearing;
- (f) fix, postpone, bring forward, extend, cancel or adjourn a hearing;
- (g) shorten or extend (even after it has expired) a time limit fixed by a direction;
- (h) require that issues in the case should be —
 - (i) identified in writing;
 - (ii) determined separately, and decide in what order they will be determined; and
 - (iii) specify the consequences of failing to comply with a direction.

(3) The Summary Court, Magistrate’s Court and the Supreme Court may give a direction that will apply in another court if the case is to continue there.

(4) Any power to give a direction under this Part includes a power to vary or revoke that direction.

(5) If a party fails to comply with a rule or a direction, the court may —

- (a) fix, postpone, bring forward, extend, cancel or adjourn a hearing;
- (b) exercise its powers to make a costs order; and
- (c) impose such other sanction as may be appropriate.

3.6. Application to vary a direction

(1) A party may apply to vary a direction if —

- (a) the court gave it without a hearing;
- (b) the court gave it at a hearing in that party’s absence; or
- (c) circumstances have changed.

(2) A party who applies to vary a direction must —

- (a) apply as soon as practicable after becoming aware of the grounds for doing so; and
- (b) give as much notice to the other parties as the nature and urgency of the application permits.

3.7. Agreement to vary a time limit fixed by a direction

- (1) The parties may agree to vary a time limit fixed by a direction, but only if —
 - (a) the variation will not —
 - (i) affect the date of any hearing that has been fixed; or
 - (ii) significantly affect the progress of the case in any other way;
 - (b) the court has not prohibited variation by agreement; and
 - (c) the court’s case progression officer is promptly informed.
- (2) The court’s case progression officer must refer the agreement to the court if in doubt that the condition in paragraph (1)(a) is satisfied.

3.8. Court’s power to vary requirements under this Part

- (1) The court may —
 - (a) shorten or extend (even after it has expired) a time limit set by this Part; and
 - (b) allow an application or representations to be made orally.
- (2) A person who wants an extension of time must —
 - (a) apply when serving the application or representations for which it is needed; and
 - (b) explain the delay.

3.9. Case preparation and progression

- (1) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.
- (2) At every hearing the court must, where relevant —
 - (a) if the defendant is absent, decide whether to proceed nonetheless;
 - (b) if the defendant is unrepresented, explain to the defendant his right to be represented and/or to be supported during the course of the proceedings;
 - (c) take the defendant’s plea (unless already done) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
 - (d) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial or (in the Supreme Court) the appeal;
 - (e) in giving directions, ensure continuity in relation to the court and to the parties’ representatives where that is appropriate and practicable; and

- (f) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (3) In order to prepare for the trial, the court must take every reasonable step —
- (a) to encourage and to facilitate the attendance of witnesses when they are needed; and
 - (b) to facilitate the participation of any person, including the defendant.
- (4) Facilitating the participation of the defendant includes finding out whether the defendant needs interpretation because —
- (a) the defendant does not speak or understand English; or
 - (b) the defendant has a hearing or speech impediment.
- (5) Where the defendant needs interpretation —
- (a) the court officer must arrange for interpretation to be provided at every hearing which the defendant is due to attend;
 - (b) interpretation may be by an intermediary where the defendant has a speech impediment, without the need for a defendant's evidence direction;
 - (c) on application or on its own initiative, the court may require a written translation to be provided for the defendant of any document or part of a document, unless —
 - (i) translation of that document, or part, is not needed to explain the case against the defendant; or
 - (ii) the defendant agrees to do without and the court is satisfied that the agreement is clear and voluntary and that the defendant has had legal advice or otherwise understands the consequences;
 - (d) on application by the defendant, the court must give any direction which the court thinks appropriate, including a direction for interpretation by a different interpreter, where —
 - (i) no interpretation is provided;
 - (ii) no translation is ordered or provided in response to a previous application by the defendant; or
 - (iii) the defendant complains about the quality of interpretation or of any translation.
- (6) Facilitating the participation of any person includes giving directions for the appropriate treatment and questioning of a witness or the defendant, especially where the court directs that such questioning is to be conducted through an intermediary.
- (7) Where directions for appropriate treatment and questioning are required, the court must —
- (a) invite representations by the parties and by any intermediary; and

- (b) set ground rules for the conduct of the questioning, which rules may include —
 - (i) a direction relieving a party of any duty to put that party’s case to a witness or a defendant in its entirety;
 - (ii) directions about the manner of questioning;
 - (iii) directions about the duration of questioning;
 - (iv) if necessary, directions about the questions that may or may not be asked;
 - (v) where there is more than one defendant, the allocation among them of the topics about which a witness may be asked; and
 - (vi) directions about the use of models, plans, body maps or similar aids to help communicate a question or an answer.

(8) Every interpreter and intermediary shall be provided with a copy of the Code of Conduct on Interpreters and Intermediaries which shall set out the duties of interpreters and intermediaries to the court and to the parties.

3.10. Readiness for trial or appeal

(1) This rule applies to a party’s preparation for trial or appeal, and in this rule and rule 3.11 “**trial**” includes any hearing at which evidence will be introduced.

(2) In fulfilling the duty under rule 3.3, each party must —

- (a) comply with directions given by the court;
- (b) take every reasonable step to make sure that party’s witnesses will attend when they are needed;
- (c) make appropriate arrangements to present any written or other material; and
- (d) promptly inform the court and the other parties of anything that may —
 - (i) affect the date or duration of the trial or appeal; or
 - (ii) significantly affect the progress of the case in any other way.

(3) The court may require a party to give a certificate of readiness.

3.11. Conduct of a trial or an appeal

In order to manage a trial or an appeal, the court —

- (a) must establish, with the active assistance of the parties, what are the disputed issues;
- (b) must consider setting a timetable that —
 - (i) takes account of those issues and of any timetable proposed by a party; and

- (ii) may limit the duration of any stage of the hearing;
- (c) may require a party to identify —
 - (i) which witnesses that party wants to give evidence in person;
 - (ii) the order in which that party wants those witnesses to give their evidence;
 - (iii) whether that party requires an order compelling the attendance of a witness;
 - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness;
 - (v) what arrangements are desirable to facilitate the participation of any other person, including the defendant;
 - (vi) what written evidence that party intends to introduce;
 - (vii) what other material, if any, that person intends to make available to the court in the presentation of the case; and
 - (viii) whether that party intends to raise any point of law that could affect the conduct of the trial or appeal; and
- (d) may limit —
 - (i) the examination, cross-examination or re-examination of a witness, and
 - (ii) the duration of any stage of the hearing.

3.12. Duty and powers of court officer

- (1) The court officer must —
 - (a) where a person is entitled or required to attend a hearing, give as much notice as reasonably practicable to —
 - (i) that person, and
 - (ii) that person's custodian (if any);
 - (b) where the court gives directions, promptly make a record available to the parties.
- (2) The following things may be done by a court officer —
 - (a) the laying of an information, other than an information substantiated on oath;
 - (b) the issue of any summons, including a witness summons;
 - (c) the marking of an information as withdrawn, following consultation with a member of the judiciary;

- (d) the dismissing of an information, or the discharging of an accused in respect of an information, or the discharging of an accused in respect of an information, where no evidence is offered by the prosecution, following consultation with a member of the judiciary;
- (e) the making of an order for the payment of defence costs where that order is not an order that is based on the fault of another party to the proceedings;
- (f) the extending of bail on the same conditions as those (if any) previously imposed, or, with the consent of the prosecutor and the accused, the imposing or varying of conditions of bail, following consultation with a member of the judiciary;
- (g) the further adjournment of criminal proceedings with the consent of the prosecutor and the accused, and following consultation with the judiciary, if but only if —
 - (i) the accused, not having been remanded on the previous adjournment, is not remanded on the further adjournment; or
 - (ii) the accused, having been remanded on bail on the previous adjournment, is remanded on bail on the like terms and conditions, or, with the consent of the prosecutor and the accused, on other terms and conditions;
- (h) the further adjournment of criminal proceedings, where there has been no objection by the prosecutor, where the accused, having been remanded on bail on the previous adjournment, is remanded on bail on the like terms and conditions in his absence and following consultation with the judiciary;
- (i) the remand of the accused on bail in his absence at the time of further adjourning the proceedings in pursuance of sub-paragraph (j) above, following consultation with the judiciary;
- (j) the appointment of a later time at which a person, who has been granted bail subject to a duty to appear before a court, is to appear, and the enlargement of any sureties for that person at that time, provided there is no objection by the prosecutor, following consultation with the judiciary;
- (k) where a person has been granted police bail to appear at a court, the appointment of an earlier time for his appearance, following consultation with the judiciary;
- (l) the asking of an accused whether he pleads guilty or not guilty to a charge, after having stated to him the substance of the information laid against him;
- (m) the fixing or setting aside of a date, time and place for the trial of an information;
- (n) the making of a direction in accordance with rule 3.9;
- (o) the giving, variation or revocation of directions for the conduct of a criminal trial, including directions as to the following matters, namely —
 - (i) the timetable for proceedings;

- (ii) the attendance of the parties; and
- (iii) the service of documents (including summaries of any legal arguments relied on by the parties);
- (p) with the consent of the parties, the giving, variation or revocation of orders for separate or joint trials in the case of two or more accused or two or more informations;
- (q) where an accused has been convicted of an offence, the making of an order for him to produce his driving licence;
- (r) the issue of a warrant of distress;
- (s) the allowing of further time for payment of a sum enforceable by a court of summary jurisdiction or the varying of the number of instalments payable, the amount of any instalment payable and the date on which any instalment becomes payable where a court of summary jurisdiction has ordered that a sum adjudged to be paid shall be paid by instalments;
- (t) the making of an order before an enquiry into the means of a person that that person shall furnish to the court a statement of his means;
- (u) the fixing of a later day in substitution for a day previously fixed for the appearance of an offender to enable an enquiry into his means to be made or to enable a hearing to be held.

(3) Where the court officer does a thing in pursuance of sub-paragraph (2) above any party to the proceedings may apply, in writing, to the court for a review of the court officer's action.

(4) The court may determine an application for a review of the action of a court officer with, or without, a hearing having invited representations from the parties.

3.13. Directions for commissioning medical reports, other than for sentencing purposes

(1) This rule applies where, because of a defendant's suspected mental ill-health —

- (a) a court requires expert medical opinion about the potential suitability of a hospital order under section 50 of the Mental Health Ordinance 2010;
- (b) a court requires expert medical opinion about the defendant's fitness to participate at trial, under section 762 of the Criminal Procedure and Evidence Ordinance 2014; or
- (c) a court requires expert medical opinion to help the court determine a question of intent or insanity,

other than such opinion introduced by a party.

(2) A court may exercise the power to which this rule applies on its own initiative having regard to —

- (a) an assessment of the defendant's health by a mental health practitioner acting independently of the parties to assist the court;

- (b) representations by a party; or
 - (c) observations by the court.
- (3) A court that requires expert medical opinion to which this rule applies must —
- (a) identify each issue in respect of which the court requires such opinion and any legislation applicable;
 - (b) specify the nature of the expertise likely to be required for giving such opinion;
 - (c) identify each party or participant by whom a commission for such opinion must be prepared, who may be —
 - (i) a party (or party's representative) acting on that party's own behalf;
 - (ii) a party (or party's representative) acting on behalf of the court, or
 - (iii) the court officer acting on behalf of the court;
 - (d) where there are available to the court arrangements with the Department of Health and Social Services under which an assessment of a defendant's mental health may be prepared, give such directions as are needed under those arrangements for obtaining the expert report or reports required;
 - (e) where no such arrangements are available to the court, or they will not be used, give directions for the commissioning of an expert report or expert reports, including —
 - (i) such directions as can be made about supplying the expert or experts with the defendant's medical records;
 - (ii) directions about the other information, about the defendant and about the offence or offences alleged to have been committed by the defendant, which is to be supplied to each expert; and
 - (iii) directions about the arrangements that will apply for the payment of each expert;
 - (f) set a timetable providing for —
 - (i) the date by which a commission is to be delivered to each expert;
 - (ii) the date by which any failure to accept a commission is to be reported to the court;
 - (iii) the date or dates by which progress in the preparation of a report or reports is to be reviewed by the court officer; and
 - (iv) the date by which each report commissioned is to be received by the court; and
 - (g) identify the person (each person, if more than one) to whom a copy of a report is to be supplied, and by whom.

- (4) A commission addressed to an expert must —
- (a) identify each issue in respect of which the court requires expert medical opinion and any legislation applicable;
 - (b) include —
 - (i) the information required by the court to be supplied to the expert;
 - (ii) details of the timetable set by the court; and
 - (iii) details of the arrangements that will apply for the payment of the expert;
 - (c) identify the person (each person, if more than one) to whom a copy of the expert's report is to be supplied; and
 - (d) request confirmation that the expert from whom the opinion is sought —
 - (i) accepts the commission; and
 - (ii) will adhere to the timetable.

PART 4 - SERVICE OF DOCUMENTS

4.1. When this Part applies

- (1) The rules in this Part apply to the service of every document in a case to which these Rules apply; and
- (2) The rules apply subject to any special rules in other legislation (including other Parts of these Rules).

4.2. Methods of service

A document may be served by any of the methods described in these rules.

4.3. Service by handing over a document

- (1) A document may be served on —
 - (a) an individual by handing it to him or her;
 - (b) a corporation by handing it to a person holding a senior position in that corporation;
 - (c) an individual or corporation who is legally represented in the case by handing it to that legal representative;
 - (d) the prosecution by handing it to the prosecutor or to the prosecution representative;
 - (e) the court by handing it to a court officer.

(2) If an individual is under 18, a copy of a document served under paragraph (1)(a) must be handed to his or her parent, or another appropriate adult, unless no such person is readily available.

(3) Unless the court otherwise directs, for the purposes of paragraph (1)(c) or (d) (service by handing a document to a party's representative) "**representative**" includes an advocate appearing for that party at a hearing.

4.4. Service by leaving or posting a document

(1) A document may be served by addressing it to the person to be served and leaving it at the appropriate address for service under this rule, or by sending it to that address by post.

(2) The address for service under this rule on —

- (a) an individual is an address where it is reasonably believed that he or she will receive it;
- (b) a corporation is its principal office in the Falkland Islands, and if there is no readily identifiable principal office in the Falkland Islands then any place where it carries on its activities or business;
- (c) an individual or corporation who is legally represented in the case is that legal representative's office;
- (d) the prosecution is the prosecutor's office; and
- (e) the court is the relevant court office.

4.5. Service by electronic means

(1) This rule applies where —

- (a) the person to be served has given an electronic address and has indicated that he or she is willing to accept service at that address, or
- (b) the person to be served is legally represented in the case and the legal representative has given an electronic address.

(2) A document may be served by sending it by electronic means to the address which the recipient has given; and —

- (a) in every case, making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and
- (b) unless the court otherwise directs, making it possible for the recipient to make and keep an electronic copy of the document,

provided that it is not a document listed in rule 4.6.

(3) Where a document is served under this rule the person serving it need not provide a paper copy as well.

4.6. Documents that cannot be served solely by electronic means

The following documents shall also be served in hard copy notwithstanding that such documents may also have been sent in accordance with rule 4.5 —

- (a) the indictment;
- (b) Early Disclosure of the prosecution case; and
- (c) disclosure made in accordance with the provisions of the Criminal Procedure and Evidence Ordinance.

4.7. Service by person in custody

(1) A person in custody may serve a document by handing it to the custodian addressed to the person to be served.

(2) The custodian must —

- (a) endorse it with the time and date of receipt;
- (b) record its receipt; and
- (c) forward it promptly to the addressee.

4.8. Service by another method

(1) The court may allow service of a document by a method other than those described in these rules.

(2) An order allowing service by another method must specify —

- (a) the method to be used; and
- (b) the date on which the document will be served.

4.9. Documents that may not be served on a legal representative

Unless the court otherwise directs, service on a party's legal representative of any of the following documents is not service of that document on that party —

- (a) a summons or witness summons;
- (b) notice of a court hearing date or notice of when and where an adjourned hearing will resume;
- (c) any notice or document served in accordance with Part 14 (Bail and Custody Time Limits);
- (d) notice of an application to vary or discharge a compensation order;
- (e) notice of the location of the sentencing or enforcing court;

- (f) a notice requiring payment.

4.10. Date of service

- (1) A document served under rule 4.3 or 4.6 is served on the day it is handed over.
- (2) Unless something different is shown, a document served on a person by any other method is served —
 - (a) in the case of a document left at an address, on the next business day after the day on which it was left;
 - (b) in the case of a document sent by post, on the second business day after the day on which it was posted or despatched;
 - (c) in the case of a document served by electronic means —
 - (i) on the day on which it is sent, if that day is a business day and if it is sent by no later than 2.30pm that day,
 - (ii) otherwise, on the next business day after it was sent; and
 - (d) in any case, on the day on which the addressee responds to it, if that is earlier.
- (3) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by first class post, or by the equivalent of first class post, to the addressee on the business day after the day on which it was produced.
- (4) Where a document is served on or by the court officer, “**business day**” does not include a day on which the court office is closed.

4.11. Proof of service

The person who serves a document may prove that by signing a certificate explaining how and when it was served.

4.12. Court’s power to give directions about service

- (1) The court may specify the time as well as the date by which a document must be —
 - (a) served; or
 - (b) sent by electronic means.
- (2) The court may treat a document as served if the addressee responds to it even if it was not served in accordance with the rules in this Part.

PART 5 - FORMS AND COURT RECORDS

5.1. Applications, etc. by forms or electronic means

- (1) This rule applies where a rule, a practice direction or the court requires a person to —
 - (a) make an application or give a notice;
 - (b) supply information for the purposes of case management by the court; or
 - (c) supply information needed for other purposes by the court.
- (2) Unless the court otherwise directs, such a person must use the appropriate form.

5.2. Signature of forms

- (1) This rule applies where a form provides for its signature.
- (2) Unless other legislation otherwise requires, or the court otherwise directs, signature may be by any written or electronic authentication of the form by, or with the authority of, the signatory.

5.3. Duty to make records

- (1) For each case, as appropriate, the court officer must record, by such means as the court may direct —
 - (a) each charge or indictment count against the defendant;
 - (b) the defendant's plea to each charge or count;
 - (c) each acquittal, conviction, sentence, determination, direction or order;
 - (d) each decision about bail;
 - (e) the court's reasons for a decision, where legislation requires those reasons to be recorded;
 - (f) any appeal;
 - (g) each party's presence or absence at each hearing;
 - (h) in the Supreme Court, any request for assistance or other communication about the case received from a juror;
 - (i) the identity of —
 - (i) the prosecutor;
 - (ii) the defendant;
 - (iii) any other applicant to whom these Rules apply;
 - (iv) any interpreter or intermediary;

- (v) the parties' legal representatives, if any; and
- (vi) the judge or justices of the peace who made each recorded decision,
- (j) where a defendant is entitled to attend a hearing, any agreement by the defendant to waive that right; and
- (k) where interpretation is required for a defendant, any agreement by that defendant to do without the written translation of a document.

(2) Such records must include —

- (a) each party's and representative's address, including any electronic address and telephone number available;
- (b) the defendant's date of birth, if available; and
- (c) the date of each event and decision recorded.

5.4. Recording and transcription of proceedings

(1) Where someone may appeal, the court officer must —

- (a) arrange for the recording of the proceedings, unless the court otherwise directs; and
- (b) arrange for the transcription of such a recording if —
 - (i) the court hearing the appeal wants such a transcript; or
 - (ii) anyone else wants such a transcript (but that is subject to the restrictions in paragraph (2)).

(2) Unless the court otherwise directs, a person who transcribes a recording of proceedings under such arrangements —

- (a) may only supply a transcript of a recording of a hearing in private to —
 - (i) the court officer, or
 - (ii) an individual who was present at that hearing;
- (b) if the recording of a hearing in public contains information to which reporting restrictions apply, may only supply a transcript containing that information to —
 - (i) the court officer, or
 - (ii) a recipient to whom that supply will not contravene those reporting restrictions;
- (c) subject to paragraph (2)(a) and (b), must supply any person with any transcript for which that person asks —
 - (i) in accordance with the transcription arrangements made by the court officer; and

- (ii) on payment by that person of any fee prescribed.
- (3) A party who wants to hear a recording of proceedings must —
- (a) apply in writing to the court officer; and
 - (b) explain the reasons for the request; and
 - (c) pay any fee prescribed.
- (4) If the court so directs, the court officer must allow that party to hear a recording of —
- (a) a hearing in public;
 - (b) a hearing in private, if the applicant was present at that hearing.

5.5. Custody of case materials

Unless the court otherwise directs, in respect of each case the court officer may —

- (a) keep any evidence, application, representation or other material served by the parties; or
- (b) arrange for the whole or any part to be kept by some other appropriate person, subject to —
 - (i) any condition imposed by the court, and
 - (ii) the rules about keeping exhibits pending any appeal.

5.6. Supply to a party of information or documents from records or case materials

(1) This rule —

- (a) applies where —
 - (i) a party wants information, or a copy of a document, from records or case materials kept by the court officer (for example, in case of loss, or to establish what is retained); or
 - (ii) a person affected by an order made, or warrant issued, by the court wants such information or such a copy; but
- (b) does not apply to —
 - (i) a recording arranged under rule 5.4 (Recording and transcription of proceedings);
 - (ii) a copy of such a recording; or
 - (ii) a transcript of such a recording.

(2) Such a party or person must —

- (a) apply to the court officer;
 - (b) specify the information or document required; and
 - (c) pay any fee prescribed.
- (3) The application—
- (a) may be made orally, giving no reasons, if paragraph (4) requires the court officer to supply the information or document requested;
 - (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.
- (4) The court officer must supply to the applicant party or person —
- (a) a copy of any document served by, or on, that party or person (but not of any document not so served);
 - (b) by word of mouth, or in writing, as requested —
 - (i) information that was received from that party or person in the first place;
 - (ii) information about the terms of any direction or order directed to that party or person, or made on an application by that party or person, or at a hearing in public;
 - (iii) information about the outcome of the case.
- (5) If the court so directs, the court officer must supply to the applicant party or person, by word of mouth or in writing, as requested, information that paragraph (4) does not require the court officer to supply.
- (6) Where the information requested is about the grounds on which an order was made, or a warrant was issued, in the absence of the party or person applying for that information —
- (a) that party or person must also serve the request on the person who applied for the order or warrant;
 - (b) if the person who applied for the order or warrant objects to the supply of the information requested, that objector must —
 - (i) give notice of the objection not more than 14 days after service of the request (or within any longer period allowed by the court);
 - (ii) serve that notice on the court officer and on the party or person requesting the information; and
 - (iii) if the objector wants a hearing, explain why one is needed;
 - (c) the court may determine the application for information at a hearing (which must be in private unless the court otherwise directs), or without a hearing;

- (d) the court must not permit the information requested to be supplied unless the person who applied for the order or warrant has had at least 14 days (or any longer period allowed by the court) in which to make representations.

(7) A notice of objection under paragraph (6) must explain —

- (a) whether the objection is to the supply of any part of the information requested, or only to the supply of a specified part, or parts, of it;
- (b) whether the objection is to the supply of the information at any time, or only to its supply before a date or event specified by the objector; and
- (c) the grounds of the objection.

(8) Where a notice of objection under paragraph (6) includes material that the objector thinks ought not be revealed to the party or person applying for information, the objector must —

- (a) omit that material from the notice served on that party or person;
- (b) mark the material to show that it is only for the court; and
- (c) with that material include an explanation of why it has been withheld.

(9) Where paragraph (8) applies —

- (a) a hearing of the application may take place, wholly or in part, in the absence of the party or person applying for information;
- (b) at any such hearing, the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the party or person applying for information and then by the objector, in the presence of both, and then
 - (ii) further representations by the objector, in the absence of that party or person but the court may direct other arrangements for the hearing.

5.7. Supply to the public, including reporters, of information about cases

(1) This rule —

- (a) applies where a member of the public, including a reporter, wants information about a case from the court officer;
- (b) requires the court officer to publish information about cases due to be heard;
- (c) does not apply to —
 - (i) a recording arranged under rule 5.4 (Recording and transcription of proceedings);
 - (ii) a copy of such a recording; or

- (iii) a transcript of such a recording.
- (2) A person who wants information about a case from the court officer must —
- (a) apply to the court officer;
 - (b) specify the information requested; and
 - (c) pay any fee prescribed.
- (3) The application —
- (a) may be made orally, giving no reasons, if paragraph (4) requires the court officer to supply the information requested;
 - (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.
- (4) The court officer must supply to the applicant —
- (a) any information listed in paragraph (6), if —
 - (i) the information is available to the court officer;
 - (ii) the supply of the information is not prohibited by a reporting restriction, or other order of the court;
 - (iii) the trial has not yet concluded, or the verdict was not more than 6 months ago; and
 - (b) details of any reporting or access restriction ordered by the court.
- (5) The court officer must supply that information —
- (a) by word of mouth; or
 - (b) by such other arrangements as the court directs.
- (6) The information that paragraph (4) requires the court officer to supply is —
- (a) the date of any hearing in public, unless any party has yet to be notified of that date;
 - (b) each alleged offence and any plea entered;
 - (c) the court's decision at any hearing in public, including any decision about —
 - (i) bail; or
 - (ii) the committal, sending or transfer of the case to another court;
 - (d) whether the case is under appeal;
 - (e) the outcome of any trial and any appeal; and

- (f) the identity of —
 - (i) the prosecutor;
 - (ii) the defendant;
 - (iii) the parties’ representatives, including their addresses;
 - (iv) the judge or justices of the peace, by whom a decision at a hearing in public was made; and
 - (v) the clerk to the Summary Court present at a hearing in public when a decision was made.
- (7) If the court so directs, the court officer must —
 - (a) supply to the applicant, by word of mouth, other information about the case; or
 - (b) allow the applicant to inspect or copy a document, or part of a document, containing information about the case.
- (8) The court may determine an application to which paragraph (7) applies —
 - (a) at a hearing, in public or in private; or
 - (b) without a hearing.
- (9) The court officer must publish the information listed in paragraph (11) if —
 - (a) the information is available to the court officer;
 - (b) the hearing to which the information relates is due to take place in public; and
 - (c) the publication of the information is not prohibited by a reporting restriction.
- (10) The court officer must publish that information —
 - (a) by notice displayed somewhere prominent in the vicinity of the court room in which the hearing is due to take place;
 - (b) by such other arrangements as the court directs, including arrangements for publication by electronic means; and
 - (c) for no longer than 7 business days.
- (11) The information that paragraph (9) requires the court officer to publish is —
 - (a) the date, time and place of the hearing;
 - (b) the identity of the defendant; and
 - (c) such other information as it may be practicable to publish concerning —

- (i) the type of hearing;
- (ii) the identity of the court;
- (iii) the offence or offences alleged; and
- (iv) whether any reporting restriction applies,

save that the offence or offences alleged shall be published only on the notice displayed in the vicinity of the courtroom, and not elsewhere.

5.8. Supply of written certificate or extract from records

(1) This rule applies where legislation —

- (a) allows a certificate of conviction or acquittal, or an extract from records kept by the court officer, to be introduced in evidence in criminal proceedings; or
- (b) requires such a certificate or extract to be supplied by the court officer to a specified person for a specified purpose.

(2) A person who wants such a certificate or extract must —

- (a) apply in writing to the court officer;
- (b) specify the certificate or extract required;
- (c) explain under what legislation and for what purpose it is required; and
- (d) pay any fee prescribed.

(3) If the application satisfies the requirements of that legislation, the court officer must supply the certificate or extract requested —

- (a) to a party;
- (b) unless the court otherwise directs, to any other applicant.

PART 6 - PROCEEDINGS IN PUBLIC

6.1. When this Part applies

(1) This Part applies where the court can —

- (a) impose a restriction on —
 - (i) reporting what takes place at a public hearing; or
 - (ii) public access to what otherwise would be a public hearing;

- (b) vary or remove a reporting or access restriction that is imposed by legislation;
- (c) withhold information from the public during a public hearing;
- (d) allow there to take place during a hearing —
 - (i) sound recording; or
 - (ii) communication by electronic means.

(2) This Part does not apply to arrangements required by legislation, or directed by the court, in connection with —

- (a) sound recording during a hearing, or the transcription of such a recording; or
- (b) measures to assist a witness or defendant to give evidence.

6.2. Exercise of court’s powers to which this Part applies

(1) When exercising a power to which this Part applies, as well as furthering the overriding objective, in accordance with rule 1.3, the court must have regard to the importance of —

- (a) dealing with criminal cases in public; and
- (b) allowing a public hearing to be reported to the public.

(2) The court may determine an application or appeal under this Part —

- (a) at a hearing, in public or in private; or
- (b) without a hearing.

(3) But the court must not exercise a power to which this Part applies unless each party and any other person directly affected —

- (a) is present; or
- (b) has had an opportunity —
 - (i) to attend; or
 - (ii) to make representations.

6.3. Court’s power to vary requirements under this Part

(1) The court may —

- (a) shorten or extend (even after it has expired) a time limit under this Part;
- (b) require an application to be made in writing instead of orally;
- (c) consider an application or representations made orally instead of in writing;

(d) dispense with a requirement to —

(i) give notice; or

(ii) serve a written application.

(2) Someone who wants an extension of time must —

(a) apply when making the application or representations for which it is needed; and

(b) explain the delay.

6.4. Reporting and access restrictions

(1) This rule applies where the court can —

(a) impose a restriction on —

(i) reporting what takes place at a public hearing; or

(ii) public access to what otherwise would be a public hearing;

(b) withhold information from the public during a public hearing.

(2) Unless other legislation otherwise provides, the court may do so —

(a) on application by a party; or

(b) on its own initiative.

(3) A party who wants the court to do so must —

(a) apply as soon as reasonably practicable;

(b) notify —

(i) each other party; and

(ii) such other person (if any) as the court directs;

(c) specify the proposed terms of the order, and for how long it should last;

(d) explain —

(i) what power the court has to make the order; and

(ii) why an order in the terms proposed is necessary;

(e) where the application is for a restriction on reporting of criminal proceedings for lifetime of witnesses and victims under 18, explain —

- (i) how the circumstances of the person whose identity is concerned meet the conditions prescribed by that section, having regard to the factors which that section lists; and
 - (ii) why such a reporting direction would be likely to improve the quality of any evidence given by that person, or the level of co-operation given by that person to any party in connection with the preparation of that party's case, taking into account the factors listed in that section;
- (f) where the application is for a reporting direction to restrict reports about certain adult witnesses in criminal proceedings, explain —
- (i) how the witness is eligible for assistance, having regard to the factors listed in section 460 of the Criminal Procedure and Evidence Ordinance; and
 - (ii) why such a reporting direction would be likely to improve the quality of the witness' evidence, or the level of co-operation given by the witness to the applicant in connection with the preparation of the applicant's case, taking into account the factors which section 460 lists.

6.5. Varying or removing restrictions

- (1) This rule applies where the court can vary or remove a reporting or access restriction.
- (2) Unless other legislation otherwise provides, the court may do so —
- (a) on application by a party or person directly affected; or
 - (b) on its own initiative.
- (3) A party or person who wants the court to do so must —
- (a) apply as soon as reasonably practicable;
 - (b) notify —
 - (i) each other party; and
 - (ii) such other person (if any) as the court directs;
 - (c) specify the restriction;
 - (d) explain, as appropriate, why it should be varied or removed.

PART 7 - COMMENCING A PROSECUTION

7.1. When this Part applies

This Part applies where a prosecutor commences criminal proceedings by information in accordance with section 257 of the Criminal Procedure Evidence Ordinance 2014.

7.2. Commencing proceedings

- (1) A prosecutor who wants the court to issue a summons must —
 - (a) serve on the court officer a written information; or
 - (b) unless other legislation prohibits this, present an information orally to the court, with a written statement of the allegation or allegations made by the prosecutor.
- (2) A prosecutor who wants the court to issue a warrant must —
 - (a) serve on the court officer —
 - (i) a written information; or
 - (ii) a copy of a written charge that has been issued; or
 - (b) present to the court either of those documents.
- (3) An information for the issue of a summons or warrant must —
 - (a) set out the allegation or allegations made by the applicant in terms that comply with rule 7.3 (Allegation of offence in information or charge); and
 - (b) demonstrate —
 - (i) that the information is laid in time, if legislation imposes a time limit; and
 - (ii) that the information has the necessary consent, if legislation requires it.
- (4) As well as complying with paragraph (3), an information for the issue of a warrant must —
 - (a) demonstrate that the offence or offences alleged can be punished with imprisonment; or
 - (b) concisely outline the applicant's grounds for asserting that the defendant's address is not sufficiently established for a summons to be served.
- (5) A single document may contain —
 - (a) more than one information; or

(b) more than one written charge.

(6) Where an offence carries a maximum penalty of six months imprisonment or less or is not an imprisonable offence the proceedings —

(a) a prosecutor must serve an information for the issue of a summons or warrant on the court officer or present it to the court; or

(b) issue a written charge,

not more than 6 months after the date of the commission of the offence alleged.

(7) The court may determine an application to issue or withdraw a summons or warrant —

(a) without a hearing as a general rule; or

(b) at a hearing (which must be in private unless the court otherwise directs), with or without the defendant.

7.3. Allegation of offence in application or charge

An allegation of an offence in an information must —

(a) contain a statement of the offence;

(b) describe the offence in ordinary language;

(c) identify any legislation that creates it.

PART 8 - EARLY DETAILS OF THE PROSECUTION CASE

8.1. Providing early details of the prosecution case

(1) The prosecutor must serve early details of the prosecution case on the court officer —

(a) as soon as practicable; and

(b) in any event, no later than the beginning of the day of the first hearing.

(2) Where a defendant requests those details, the prosecutor must serve them on the defendant—

(a) as soon as practicable; and

(b) in any event, no later than the beginning of the day of the first hearing.

(3) Where a defendant does not request those details, the prosecutor must make them available to the defendant at, or before, the beginning of the day of the first hearing.

8.2. Content of early details

Early details of the prosecution case must include —

- (a) sufficient information of the circumstances of the offence to progress the case in accordance with rule 3;
- (b) the defendant's criminal record, if any;
- (c) any written witness statement or exhibit that the prosecutor then has available and considers material to plea, or to the allocation of the case for trial, or to sentence; and
- (d) any available statement of the effect of the offence on a victim, a victim's family or others.

PART 9 - DISCONTINUING A PROSECUTION

9.1. When this Part applies

- (1) This Part applies where —
 - (a) the Attorney General has the conduct of the proceedings in the Magistrate's Court or the Summary Court and can discontinue proceedings at a preliminary stage;
 - (b) the Attorney General has the conduct of the proceedings in the Supreme Court and an indictment has not been preferred.

9.2. Discontinuing a case

- (1) The Attorney General exercising a power to which this Part applies must serve notice on —
 - (a) the court officer; and
 - (b) the defendant.
- (2) Such a notice must —
 - (a) identify —
 - (i) the defendant and each offence to which the notice relates;
 - (ii) the person serving the notice; and
 - (iii) the power that that person is exercising;
 - (b) explain —
 - (i) in the copy of the notice served on the court officer, the reasons for discontinuing the case;
 - (ii) that the notice brings the case to an end;
 - (iii) if the defendant is in custody for any offence to which the notice relates, that the defendant must be released from that custody; and

(iv) if the notice is under section 174 of the Criminal Procedure and Evidence Ordinance 2014, that the defendant has a right to require the case to continue.

(3) Where the defendant is on bail, the court officer must notify —

(a) any surety; and

(b) any person responsible for monitoring or securing the defendant's compliance with a condition of bail.

9.3. Defendant's notice to continue

(1) This rule applies where the Attorney General serves a notice to discontinue under section 174 of the Criminal Procedure and Evidence Ordinance 2014.

(2) A defendant who wants the case to continue must serve notice not more than 21 days after service of the notice to discontinue —

(a) on the court officer; and

(b) the Attorney General.

(3) If the defendant serves such a notice, the court officer must refer the case to the court.

Jurisdiction and Allocation

PART 10 - CRIMINAL JURISDICTION

10.1. Criminal jurisdiction of the Summary Court

The Summary Court has the powers and jurisdiction as set out in section 178 of the Criminal Procedure and Evidence Ordinance 2014.

10.2. Duty of clerk to the Summary Court

(1) This rule applies only in the Summary Court.

(2) The clerk to the Summary Court must —

(a) assist an unrepresented defendant;

(b) give the court such advice as is required to enable it to exercise its powers; and

(c) if required, attend the members of the court outside the courtroom to give such advice, but inform the parties of any advice so given.

10.3. Criminal jurisdiction of the Magistrate's Court

(1) The Magistrate's Court has the jurisdiction to try and determine any summary offence.

(2) The Senior Magistrate has the powers and jurisdiction as set out in section 177 of the Criminal Procedure and Evidence Ordinance 2014.

10.4. Criminal jurisdiction of the Supreme Court

The Supreme Court has unlimited jurisdiction to hear and determine any criminal proceedings under any law.

PART 11 - ALLOCATION, TRANSFER, SENDING AND COMMITTAL

11.1. Allocation of offences

(1) All criminal proceedings commence in the Summary Court but where for any reason the Summary Court cannot sit the proceedings can commence in the Magistrate's Court.

(2) At the first hearing the court will determine where the proceedings will be heard using the allocation procedure —

(a) if an offence before the court is an indictable offence the court must —

(i) send the defendant to the Supreme Court; and

(ii) send any other defendant charged jointly with them; and

(iii) send any related summary offences with which the defendants are charged.

(b) if an offence before the Summary Court is a summary offence the court must take a plea in accordance with rule 16.5 and where the defendant pleads not guilty the court will hear representations as to allocation from —

(i) the prosecutor; and

(ii) the defendant.

(3) In deciding the question of allocation the court shall consider —

(a) whether the defendant is already awaiting trial on other matters in the Magistrate's Court;

(b) whether a co-accused charged with the same offence is already awaiting trial in the Magistrate's Court;

(c) the value of any damage caused or compensation sought;

(d) whether complex points of evidence or law are likely to arise in the trial;

(e) whether a sentence in excess of that which the Summary Court can impose is likely to be justified if the defendant is convicted;

(f) the extent to which a case concerns matters of public interest; and

- (g) any other consideration required by the interests of justice.

11.2. Transfer between courts

- (1) If at any point prior to the proceedings coming to trial it is in the interests of justice to do so—
 - (a) the Summary Court may transfer the proceedings to the Magistrate’s Court;
 - (b) the Magistrate’s Court may transfer the proceedings to the Summary Court.
- (2) The proceedings may be transferred from one court to the other even if they have been transferred on one or more previous occasions.
- (3) Either the Summary Court or the Magistrate’s Court may make an order for the proceedings to be transferred from one court to the other.
- (4) An order for the proceedings to be transferred from one court to the other may be made —
 - (a) on an application from one or more of the parties to the case; or
 - (b) on the court’s own initiative.
- (5) An order for the proceedings to be transferred from one court to the other shall not be made unless the parties to the proceedings have been given the opportunity to make representations.

11.3. Sending indictable offences to the Supreme Court

- (1) Where the Summary Court or the Magistrate’s Court sends a defendant to the Supreme Court it must issue a sending notice specifying the offence or offences for which the person is being sent to the Supreme Court including any related summary offences.
- (2) The court officer shall, as soon as is reasonably practicable, serve a copy of the sending notice on —
 - (a) the Supreme Court;
 - (b) the defendant being sent to the Supreme Court; and
 - (c) the prosecutor.
- (3) Within 56 days of the order sending the defendant to the Supreme Court the prosecutor must—
 - (a) file an indictment in the registry of the Supreme Court in accordance with rule 11.4; and
 - (b) file a copy of the evidence upon which the prosecution relies and comply with the duty of disclosure under section 216 of the Criminal Procedure and Evidence Ordinance 2014.
- (4) The court that sends the defendant to the Supreme Court may, at the time of the order sending the defendant to the Supreme Court, make any case management direction necessary to manage the case including shortening the time for filing the indictment, the evidence and complying with the duty of disclosure but will not do so without allowing the prosecutor to make representations.

11.4. Form and content of the indictment

- (1) An indictment must be in a form that contains, in a paragraph called a “**count**” —
 - (a) a statement of the offence charged that —
 - (i) describes the offence in ordinary language; and
 - (ii) identifies any legislation that creates it; and
 - (b) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.
- (2) More than one incident of the commission of the offence may be included in a count if those incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission.
- (3) An indictment may contain more than one count if all the offences charged —
 - (a) are founded on the same facts; or
 - (b) form or are a part of a series of offences of the same or a similar character.
- (4) The counts must be numbered consecutively.
- (5) An indictment may contain —
 - (a) any count charging substantially the same offence as one specified in the notice of the offence or offences for which the defendant was sent for trial; and
 - (b) any other count based on the prosecution evidence already served.
- (6) The indictment filed in the registry of the Supreme Court must be in the name of and signed by the Attorney General.

11.5. Committal for sentence

- (1) Where the Summary Court convicts a defendant the court may commit the defendant to be sentenced in the Magistrate’s Court after considering —
 - (a) the maximum penalty that is prescribed by law;
 - (b) the character and antecedents of the defendant;
 - (c) whether a sentence greater than that which the Summary Court can lawfully impose should be imposed;
 - (d) any representations from the prosecutor; and
 - (e) any representations from the defendant.

(2) Where the Summary Court commits the defendant to the Magistrate's Court the court officer must, as soon as practicable, provide the Magistrate's Court with —

- (a) a certificate of conviction;
- (b) record of a decision about bail;
- (c) a note of evidence if evidence was called;
- (d) any statement or other document introduced in evidence;
- (e) any medical or other report; and
- (f) a record of any driving disqualification.

Court Practice

PART 12 - MODES OF ADDRESS AND COURT ATTIRE

12.1. When this Part applies

This Part applies to all hearings before the Summary Court, the Magistrate's Court and the Supreme Court unless the court directs otherwise.

12.2. Modes of address

- (1) A justice of the peace shall be addressed as 'Sir', 'Madam' or 'Your Worship' when sitting in the Summary Court.
- (2) The Senior Magistrate shall be addressed as 'Your Honour' when sitting in the Magistrate's Court.
- (3) The Chief Justice and the Acting Judge of the Supreme Court shall be addressed as 'Your Lordship' or 'Your Ladyship' when sitting in the Supreme Court.

12.3. Court attire

- (1) The Chief Justice shall wear the wig and robes of the Chief Justice of the Falkland Islands.
- (2) The Senior Magistrate shall wear the wig and robes of the Senior Magistrate of the Falkland Islands.
- (3) The Registrar of the Supreme Court shall wear the gown of the Registrar of the Supreme Court of the Falkland Islands.
- (4) The court officer sitting as the clerk to the Magistrate's Court shall wear a court gown.
- (5) When appearing before the Supreme Court and the Magistrate's Court the Attorney General shall wear the wig and robes of the Attorney General of the Falkland Islands.

(6) Advocates appearing before the Supreme Court and the Magistrate’s Court shall wear court robes. The advocate shall —

- (a) wear the wig and court robes they are entitled to wear by virtue of their professional qualification in their country of qualification; and
- (b) in addition any advocate, whether entitled to do so by virtue of their professional qualification or not, shall be entitled to wear the wig of a barrister of England and Wales unless they choose not to do so; or
- (c) in all other cases wear the collar, bands and gown of a solicitor of England and Wales.

(7) A justice of the peace sitting in the Summary Court shall wear business attire.

(8) The court officer sitting as the clerk to the justices in the Summary Court shall wear business attire.

(9) Advocates appearing before the Summary Court shall wear business attire.

Detainment and Bail

PART 13 - WARRANTS FOR ARREST, DETENTION OR IMPRISONMENT

13.1. When this Part applies

- (1) This Part applies where the court can issue a warrant for arrest, detention or imprisonment.
- (2) In this Part, “**defendant**” means anyone against whom such a warrant is issued.

13.2. Terms of a warrant for arrest

- (1) A warrant for arrest must require each person to whom it is directed to arrest the defendant and —
 - (a) bring the defendant to a court —
 - (i) specified in the warrant, or
 - (ii) required or allowed by law; or
 - (b) release the defendant on bail (with conditions or without) to attend court at a date, time and place —
 - (i) specified in the warrant, or
 - (ii) to be notified by the court.

13.3. Terms of a warrant for detention or imprisonment

A warrant for detention or imprisonment must —

- (a) require each person to whom it is directed to detain the defendant and —
 - (i) take the defendant to any place specified in the warrant or required or allowed by law; and
 - (ii) deliver the defendant to the custodian of that place; and
- (b) require that custodian to detain the defendant, as ordered by the court, until in accordance with the law —
 - (i) the defendant is delivered to the appropriate court or place; or
 - (ii) the defendant is released.

13.4. Information to be included in a warrant

- (1) A warrant must identify —
 - (a) each person to whom it is directed;
 - (b) the defendant against whom it was issued;
 - (c) the reason for its issue; and
 - (d) the court that issued it.
- (2) A warrant for detention or imprisonment must contain a record of any decision by the court.
- (3) A warrant that contains an error is not invalid, as long as —
 - (a) it was issued in respect of a lawful decision by the court; and
 - (b) it contains enough information to identify that decision.

13.5. Execution of a warrant

- (1) A warrant may be executed by any person to whom it is directed.
- (2) The person who executes a warrant must —
 - (a) explain, in terms the defendant can understand, what the warrant requires, and why;
 - (b) show the defendant the warrant, if that person has it; and
 - (c) if the defendant asks —
 - (i) arrange for the defendant to see the warrant, if that person does not have it; and
 - (ii) show the defendant any written statement of that person's authority.
- (3) The person who executes a warrant of arrest that requires the defendant to be released on bail must —

- (a) make a record of —
 - (i) the defendant’s name;
 - (ii) the reason for the arrest;
 - (iii) the defendant’s release on bail; and
 - (iv) when and where the warrant requires the defendant to attend court; and
 - (b) serve the record on —
 - (i) the defendant; and
 - (ii) the court officer.
- (4) The person who executes a warrant of detention or imprisonment must —
- (a) take the defendant —
 - (i) to any place specified in the warrant, or
 - (ii) if that is not immediately practicable, to any other place at which the defendant may be lawfully detained (and the warrant then has effect as if it specified that place);
 - (b) obtain a receipt from the custodian; and
 - (c) notify the court officer that the defendant has been taken to that place.

PART 14 - BAIL AND CUSTODY TIME LIMITS

14.1. When this Part applies

- (1) This Part applies where a court can —
 - (a) grant or withhold bail, or impose or vary a condition of bail, and
 - (b) where bail has been withheld, extend a custody time limit.
- (2) In this Part, “**defendant**” includes a person who has been granted bail by a police officer.

14.2. Exercise of court’s powers to which this Part applies

- (1) The court must not make a decision to which this Part applies unless —
 - (a) each party to the decision and any surety directly affected by the decision —
 - (i) is present, in person or by live link; or

- (ii) has had an opportunity to make representations;
- (b) on an application for bail by a defendant who is absent and in custody, the court is satisfied that the defendant —
 - (i) has waived the right to attend; or
 - (ii) was present when a court withheld bail in the case on a previous occasion and has been in custody continuously since then;
- (c) on a prosecutor's appeal against a grant of bail, application to extend a custody time limit or appeal against a refusal to extend such a time limit —
 - (i) the court is satisfied that a defendant who is absent has waived the right to attend; or
 - (ii) the court is satisfied that it would be just to proceed even though the defendant is absent.
- (2) The court may make a decision to which this Part applies at a hearing, in public or in private.
- (3) The court may determine without a hearing an application to vary a condition of bail if —
 - (a) the parties to the application have agreed the terms of the variation proposed; or
 - (b) on an application by a defendant, the court determines the application no sooner than the fifth business day after the application was served.
- (4) The court may adjourn a determination to which this Part applies, if that is necessary to obtain information sufficient to allow the court to make the decision required.
- (5) At any hearing at which the court makes one of the following decisions, the court must announce in terms the defendant can understand (with help, if necessary) its reasons for —
 - (a) withholding bail, or imposing or varying a bail condition; or
 - (b) granting bail, where the prosecutor opposed the grant.
- (6) At any hearing at which the court grants bail, the court must —
 - (a) tell the defendant where and when to surrender to custody; or
 - (b) arrange for the court officer to give the defendant, as soon as practicable, notice of where and when to surrender to custody.

14.3. General duties of the court officer

- (1) The court officer must arrange for a note or other record to be made of —

- (a) the parties' representations about bail; and
 - (b) the court's reasons for a decision —
 - (i) to withhold bail, or to impose or vary a bail condition; or
 - (ii) to grant bail, where the prosecutor opposed the grant.
- (2) The court officer must serve notice of a decision about bail on —
- (a) the defendant;
 - (b) the prosecutor (but only where the court granted bail, the prosecutor opposed the grant, and the prosecutor asks for such a notice);
 - (c) a party to the decision who was absent when it was made;
 - (d) a surety who is directly affected by the decision;
 - (e) the defendant's custodian, where the defendant is in custody and the decision requires the custodian —
 - (i) to release the defendant (or will do so, if a requirement ordered by the court is met);
or
 - (ii) to transfer the defendant to the custody of another custodian;
 - (f) the court officer for any other court at which the defendant is required by that decision to surrender to custody.
- (3) Where the court postpones the date on which a defendant who is on bail must surrender to custody, the court officer must serve notice of the postponed date on —
- (a) the defendant; and
 - (b) any surety.

14.4. Prosecutor's representations about bail

- (1) This rule applies whenever the court can grant or withhold bail.
- (2) The prosecutor must provide the court with all the information in the prosecutor's possession which is material to what the court must decide.
- (3) A prosecutor who opposes the grant of bail must specify —
 - (a) each exception to the general right to bail on which the prosecutor relies; and
 - (b) each consideration that the prosecutor thinks relevant.
- (4) A prosecutor who wants the court to impose a condition on any grant of bail must —

- (a) specify each condition proposed; and
- (b) explain what purpose would be served by such a condition.

14.5. Reconsideration of police bail

- (1) This rule applies where a party wants a court to reconsider a bail decision by a police officer.
- (2) An application under this rule must be made to —
 - (a) the court to whose custody the defendant is under a duty to surrender, if any; or
 - (b) the Summary Court in any other case.
- (3) The applicant party must —
 - (a) apply in writing; and
 - (b) serve the application on —
 - (i) the court officer;
 - (ii) the other party; and
 - (iii) any surety affected or proposed.
- (4) The application must —
 - (a) specify —
 - (i) the decision that the applicant wants the court to make;
 - (ii) each offence charged, or for which the defendant was arrested; and
 - (iii) the police bail decision to be reconsidered and the reasons given for it;
 - (b) explain, as appropriate —
 - (i) why the court should grant bail itself, or withdraw it, or impose or vary a condition; and
 - (ii) if the applicant is the prosecutor, what material information has become available since the police bail decision was made;
 - (c) propose the terms of any suggested condition of bail; and
 - (d) if the applicant wants an earlier hearing than paragraph (7) requires, ask for that, and explain why it is needed.
- (5) A prosecutor who applies under this rule must serve on the defendant, with the application, notice that the court has power to withdraw bail and, if the defendant is absent when the court makes its decision, order the defendant's arrest.

- (6) A party who opposes an application must —
- (a) notify the court officer and the applicant at once; and
 - (b) serve on each notice of the reasons for opposition.
- (7) Unless the court otherwise directs, the court officer must arrange for the court to hear the application as soon as practicable and in any event —
- (a) if it is an application to withdraw bail, no later than the second business day after it was served;
 - (b) in any other case, no later than the fifth business day after it was served.
- (8) The court may —
- (a) vary or waive a time limit under this rule;
 - (b) allow an application to be in a different form to one set out in this Part.

14.6. Notice of application to consider bail

- (1) This rule applies where —
- (a) a party wants the court to grant bail that has been withheld, or to withdraw bail that has been granted, or to impose a new bail condition or to vary a present one; or
 - (b) a defendant wants the court to reconsider such bail before the next hearing in the case.
- (2) Such a party must —
- (a) apply in writing;
 - (b) serve the application on —
 - (i) the court officer;
 - (ii) the other party; and
 - (iii) any surety affected or proposed; and
 - (c) serve the application not less than 2 business days before any hearing in the case at which the applicant wants the court to consider it, if such a hearing is already due.
- (3) The application must —
- (a) specify —
 - (i) the decision that the applicant wants the court to make;
 - (ii) each offence charged; and

- (iii) each relevant previous bail decision and the reasons given for each;
 - (b) if the applicant is a defendant, explain —
 - (i) as appropriate, why the court should not withhold bail, or why it should vary a condition; and
 - (ii) what further information or legal argument, if any, has become available since the most recent previous bail decision was made;
 - (c) if the applicant is the prosecutor, explain —
 - (i) as appropriate, why the court should withdraw bail, or impose or vary a condition; and
 - (ii) what material information has become available since the most recent previous bail decision was made;
 - (d) propose the terms of any suggested condition of bail; and
 - (e) if the applicant wants an earlier hearing than paragraph (6) requires, ask for that, and explain why it is needed.
- (4) A prosecutor who applies under this rule must serve on the defendant, with the application, notice that the court has power to withdraw bail and, if the defendant is absent when the court makes its decision, order the defendant's arrest.
- (5) A party who opposes an application must —
- (a) notify the court officer and the applicant at once; and
 - (b) serve on each notice of the reasons for opposition.
- (6) Unless the court otherwise directs, the court officer must arrange for the court to hear the application as soon as practicable and in any event —
- (a) if it is an application to grant or withdraw bail, no later than the second business day after it was served;
 - (b) if it is an application to impose or vary a condition, no later than the fifth business day after it was served.
- (7) The court may —
- (a) vary or waive a time limit under this rule;
 - (b) allow an application to be in a different form to one set out in the Part, or to be made orally;
 - (c) if this Part allows, determine without a hearing an application to vary a condition.

14.7. Defendant's application or appeal to the Supreme Court

- (1) This rule applies where a defendant wants to —
 - (a) apply to the Supreme Court for bail after bail has been withheld by the Summary Court or the Magistrate's Court; or
 - (b) appeal to the Supreme Court after the Summary Court or the Magistrate's Court has refused to vary a bail condition as the defendant wants.
- (2) The defendant must —
 - (a) apply to the Supreme Court in writing as soon as practicable after the decision; and
 - (b) serve the application on —
 - (i) the Registrar of the Supreme Court;
 - (ii) the Summary Court or Magistrate's Court officer;
 - (iii) the prosecutor; and
 - (iv) any surety affected or proposed.
- (3) The application must —
 - (a) specify —
 - (i) the decision that the applicant wants the Supreme Court to make; and
 - (ii) each offence charged;
 - (b) explain —
 - (i) as appropriate, why the Supreme Court should not withhold bail, or why it should vary the condition under appeal; and
 - (ii) what further information or legal argument, if any, has become available since the original decision;
 - (c) propose the terms of any suggested condition of bail;
 - (d) if the applicant wants an earlier hearing than paragraph (6) requires, ask for that, and explain why it is needed; and
 - (e) on an application for bail, attach a copy of the certificate of full argument.
- (4) The Summary Court or the Magistrate's Court officer must as soon as practicable serve on the Registrar of the Supreme Court —
 - (a) a copy of the note or record made in connection with the court's decision; and

(b) the date of the next hearing, if any.

(5) A prosecutor who opposes the application must —

(a) notify the Registrar of the Supreme Court and the defendant at once; and

(b) serve on each notice of the reasons for opposition.

(6) Unless the Supreme Court otherwise directs, the Registrar of the Supreme Court must arrange for the court to hear the application or appeal as soon as practicable and in any event no later than the business day after it was served.

(7) The Supreme Court may vary a time limit under this rule.

14.8. Prosecutor's appeal against grant of bail

(1) This rule applies where a prosecutor wants to appeal against a grant of bail by the Summary Court in accordance with section 151 of the Criminal Procedure and Evidence Ordinance 2014.

(2) The prosecutor must tell the Summary Court of the decision to appeal —

(a) at the end of the hearing during which the court granted bail; and

(b) before the defendant is released on bail.

(3) The Summary Court which has granted bail must exercise its power to remand the defendant in custody pending determination of the appeal.

(4) The prosecutor must serve an appeal notice —

(a) on the court officer and on the defendant;

(b) not more than 2 hours after telling that court of the decision to appeal.

(5) The appeal notice must specify —

(a) each offence with which the defendant is charged;

(b) the decision under appeal;

(c) the reasons given for the grant of bail; and

(d) the grounds of appeal.

(6) On an appeal to the Magistrate's Court, the Summary Court officer must, as soon as practicable, serve on the Magistrate's Court officer —

(a) the appeal notice;

(b) a copy of the note or record of bail decision; and

(c) notice of the date of the next hearing in the Summary Court which has granted bail.

(7) If the Magistrate's Court so directs, the Magistrate's Court officer must arrange for the defendant to be assisted by a legal representative in a case in which the defendant —

- (a) has no legal representative; and
- (b) asks for such assistance.

(8) On an appeal to the Magistrate's Court, the Magistrate's Court officer must arrange for the court to hear the appeal as soon as practicable and in any event no later than the second business day after the appeal notice was served.

(9) The prosecutor —

- (a) may abandon an appeal to the Magistrate's Court without the court's permission, by serving a notice of abandonment, signed by or on behalf of the prosecutor, on —

- (i) the defendant;
- (ii) the Magistrate's Court officer; and
- (iii) the Summary Court officer

before the hearing of the appeal begins; but

- (b) after the hearing of the appeal begins, may only abandon the appeal with the Magistrate's Court's permission.

(10) The court officer for the court which has granted bail must instruct the defendant's custodian to release the defendant on the bail granted by that court, subject to any condition or conditions of bail imposed, if —

- (a) the prosecutor fails to serve an appeal notice within the time to which paragraph (4) refers;
or
- (b) the prosecutor serves a notice of abandonment under paragraph (9).

14.9. Consideration of bail in a murder or treason case

(1) This rule applies in a case in which —

- (a) the defendant is charged with murder or treason; and
- (b) the Supreme Court has not yet considered bail.

(2) The Summary Court or Magistrate's Court officer must arrange with the Registrar of the Supreme Court for the Supreme Court to consider bail as soon as practicable and in any event no later than the second business day after —

- (a) the Summary Court or the Magistrate's Court sends the defendant to the Supreme Court for trial; or

(b) the first hearing in the Summary Court or the Magistrate’s Court, if the defendant is not at once sent for trial.

(3) Neither the Summary Court nor the Magistrate’s Court may grant bail in a case of murder or treason.

14.10. Condition of residence

(1) The defendant must notify the prosecutor of the address at which the defendant will live and sleep if released on bail with a condition of residence —

(a) as soon as practicable after the institution of proceedings, unless already done; and

(b) as soon as practicable after any change of that address.

(2) The prosecutor must help the court to assess the suitability of an address proposed as a condition of residence.

14.11. Requirement for a surety or payment, etc.

(1) This rule applies where the court imposes as a condition of bail a requirement for —

(a) a surety;

(b) a payment; or

(c) the surrender of a document or thing.

(2) The court may direct how such a condition must be met.

(3) Unless the court otherwise directs, if any such condition or direction requires a surety to enter into a recognisance —

(a) the recognisance must specify —

(i) the amount that the surety will be required to pay if the purpose for which the recognisance is entered is not fulfilled; and

(ii) the date, or the event, upon which the recognisance will expire;

(b) the surety must enter into the recognisance in the presence of —

(i) the court officer;

(ii) the defendant’s custodian, where the defendant is in custody; or

(iii) someone acting with the authority of either; and

(c) the person before whom the surety enters into the recognisance must at once serve a copy on —

(i) the surety; and

(ii) as appropriate, the court officer and the defendant's custodian.

(4) Unless the court otherwise directs, if any such condition or direction requires someone to make a payment, or surrender a document or thing —

(a) that payment, document or thing must be made or surrendered to —

(i) the court officer;

(ii) the defendant's custodian, where the defendant is in custody; or

(iii) someone acting with the authority of either; and

(b) the court officer or the custodian, as appropriate, must serve immediately on the other a statement that the payment, document or thing has been made or surrendered.

(5) The custodian must release the defendant when each requirement ordered by the court has been met.

14.12. Forfeiture of a recognisance given by a surety

(1) This rule applies where the court imposes as a condition of bail a requirement that a surety enter into a recognisance and, after the defendant is released on bail —

(a) the defendant fails to surrender to custody as required; or

(b) it appears to the court that the surety has failed to comply with a condition or direction.

(2) The court officer must serve notice of the hearing at which the court will consider the forfeiture of the recognisance on —

(a) the surety; and

(b) each party to the decision to grant bail.

(3) The court must not forfeit the recognisance less than 5 business days after service of notice under paragraph (2).

14.13. When these rules about custody time limits apply

These rules do not apply in relation to proceedings for an offence instituted before the date of commencement of these Rules, except where the accused is sent on or after that date for trial in the Supreme Court.

14.14. Custody time limits

(1) In the case of a summary offence that is not a serious offence as defined by section 2 of the Criminal Procedure and Evidence Ordinance; the maximum period of custody between a defendant's first appearance and the start of a summary trial is 70 days.

(2) In the case of a serious offence as defined by section 2 of the Criminal Procedure and Evidence Ordinance the maximum period of custody between a defendant's first appearance and the start of a summary trial is 182 days.

(3) In the case of an indictable offence the maximum period of custody between the defendant's first appearance before the Summary Court or the Magistrate's Court and the start of a trial in the Supreme Court is 182 days.

14.15. Application for extension of custody time limit

(1) An application to a court for the extension or further extension of a custody time limit under section 170 of the Criminal Procedure and Evidence Ordinance must be made in writing and be given to —

- (a) the court officer; and
- (b) the defendant or the defendant's representative;

not less than 2 days before making an application.

(2) If the court is satisfied that it is not practicable in all the circumstances for the prosecution to comply with the requirement to give notice in accordance with this rule, the court may direct that the prosecution need not give notice.

14.16. Bail on expiry of the custody time limit

(1) The prosecution must, not less than 5 days before the expiry of the time custody limit, give notice in writing as to whether or not the prosecution intends to apply for conditions to be attached to the grant of bail —

- (a) to the appropriate court officer; and
- (b) to the defendant or the defendant's representative.

(2) The court officer will make arrangements for the defendant to be brought before the court within the period of 2 days preceding the expiry of the time limit.

(3) If the court is satisfied that it is not practicable in all the circumstances for the prosecution to give notice in accordance with this rule, the court may direct that the prosecution need not give notice.

(4) The prosecution need not comply with rule this rule if it has made an application in accordance with rule 14.15.

14.17. Appeal against custody time limit decision

(1) This rule applies where —

- (a) a defendant wants to appeal to the Supreme Court against a decision by the Summary Court or the Magistrate's Court to extend a custody time limit;

- (b) a prosecutor wants to appeal to the Supreme Court against a decision by the Summary Court or the Magistrate's Court not to extend a custody time limit;

(2) The appellant must serve an appeal notice —

(a) on —

- (i) the other party to the decision;
- (ii) the Registrar of the Supreme Court; and
- (iii) the Summary Court or Magistrate's Court officer;

(b) in a defendant's appeal, as soon as practicable after the decision under appeal;

(c) in a prosecutor's appeal —

- (i) as soon as practicable after the decision under appeal; and
- (ii) before the relevant custody time limit expires.

(3) The appeal notice must specify —

(a) each offence with which the defendant is charged;

(b) the decision under appeal;

(c) the date on which the relevant custody time limit will expire;

(d) on a defendant's appeal, the date on which the relevant custody time limit would have expired but for the decision under appeal; and

(e) the grounds of appeal.

(4) The Registrar of the Supreme Court must arrange for the Supreme Court to hear the appeal as soon as practicable and in any event no later than the second business day after the appeal notice was served.

(5) The appellant —

(a) before the hearing of the appeal begins may abandon an appeal without the Supreme Court's permission, by serving a notice of abandonment, signed by or on behalf of the appellant, on —

- (i) the other party;
- (ii) the Registrar of the Supreme Court; and
- (iii) the Summary Court or the Magistrate's Court officer; but

- (b) after the hearing of the appeal begins, may only abandon the appeal with the Supreme Court's permission.

Preparing for Trial

PART 15 - PRELIMINARY APPLICATIONS

15.1. Application to stay case for abuse of process

(1) This rule applies where a defendant wants the court to stay the case on the grounds that the proceedings are an abuse of the court's process, or are otherwise unfair.

(2) Such a defendant must —

(a) apply in writing —

- (i) as soon as practicable after becoming aware of the grounds for doing so;
- (ii) at a pre-trial hearing, unless the grounds for the application do not arise until trial; and
- (iii) in any event, before the defendant pleads guilty or the jury (if there is one) retires to consider its verdict at trial;

(b) serve the application on —

- (i) the court officer; and
- (ii) each other party; and

(c) in the application —

- (i) explain the grounds on which it is made;
- (ii) include, attach or identify all supporting material;
- (iii) specify relevant events, dates and propositions of law; and
- (iv) identify any witness the applicant wants to call to give evidence in person.

(3) A party who wants to make representations in response to the application must serve the representations on —

- (a) the court officer; and
- (b) each other party,

not more than 14 days after service of the application.

15.2. Application for indication of sentence

(1) This rule applies where a defendant wants the Magistrate’s Court or the Supreme Court to give an indication of the maximum sentence that would be passed if a guilty plea were entered when the indication is sought.

(2) Such a defendant must —

(a) apply in writing as soon as practicable; and

(b) serve the application on —

(i) the court officer; and

(ii) the prosecutor.

(3) The application must —

(a) specify —

(i) the offence or offences to which it would be a guilty plea; and

(ii) the facts on the basis of which that plea would be entered; and

(b) include the prosecutor’s agreement to, or representations on, that proposed basis of plea.

(4) The prosecutor must —

(a) provide information relevant to sentence, including —

(i) any previous conviction of the defendant, and the circumstances where relevant;

(ii) any statement of the effect of the offence on the victim, the victim’s family or others; and

(b) identify any other matter relevant to sentence, including —

(i) the legislation applicable;

(ii) any sentencing guidelines, or guideline cases; and

(iii) aggravating and mitigating factors.

(5) The hearing of the application —

(a) may take place in the absence of any other defendant;

(b) must be attended by —

(i) the applicant defendant’s legal representatives (if any); and

(ii) the prosecution advocate.

PART 16 - PLEA AND TRIAL PREPARATION HEARINGS

16.1. Application for joint or separate trials

(1) This rule applies where a party wants the court to order —

- (a) the joint trial of —
 - (i) offences charged separately; or
 - (ii) defendants charged separately;
- (b) separate trials of offences charged in the same proceedings;
- (c) separate trials of defendants charged in the same proceedings; or
- (d) the deletion of a count from an indictment.

(2) Such a party must —

- (a) apply in writing —
 - (i) as soon as practicable after becoming aware of the grounds for doing so, and
 - (ii) before the trial begins, unless the grounds for the application do not arise until trial;
- (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party; and
- (c) in the application —
 - (i) specify the order proposed; and
 - (ii) explain why it should be made.

(3) A party who wants to make representations in response to the application must serve the representations on —

- (a) the court officer; and
- (b) each other party,

not more than 14 days after service of the application.

16.2. Order for joint or separate trials, or amendment of the indictment

(1) This rule applies where the court makes an order —

- (a) for joint or separate trials; or

(b) amending an indictment in any other respect.

(2) Unless the court otherwise directs, the court officer must endorse any paper copy of each affected indictment or charge made for the court with —

(a) a note of the court's order; and

(b) the date of that order.

16.3. Arraigning the defendant on the indictment

(1) In order to take the defendant's plea, the Supreme Court must —

(a) ensure that the defendant is correctly identified by the indictment;

(b) in respect of each count in the indictment —

(i) read the count aloud to the defendant, or arrange for it to be read aloud or placed before the defendant in writing;

(ii) ask whether the defendant pleads guilty or not guilty to the offence charged by that count;

(iii) take the defendant's plea, and

(c) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary) each allegation against him or her.

(2) Where a count is read which is substantially the same as one already read aloud, then only the materially different details need be read aloud.

(3) Where a count is placed before the defendant in writing, the court must summarise its gist aloud.

(4) In respect of each count in the indictment —

(a) if the defendant declines to enter a plea, the court must treat that as a not guilty plea unless the defendant is unfit to plead;

(b) if the defendant pleads not guilty to the offence charged by that count but guilty to another offence of which the court could convict on that count —

(i) if the prosecutor and the court accept that plea, the court must treat the plea as one of guilty of that other offence; but

(ii) otherwise, the court must treat the plea as one of not guilty;

(c) if the defendant pleads a previous acquittal or conviction of the offence charged by that count —

- (i) the defendant must identify that acquittal or conviction in writing, explaining the basis of that plea; and
- (ii) the court must exercise its power to decide whether that plea disposes of that count.

16.4. Manner of trial on indictment

- (1) Upon entering a plea of not guilty the court shall ascertain whether the defendant chooses to be tried by judge alone or by judge and jury.
- (2) The defendant must personally state his or her choice by saying it aloud.
- (3) The defendant must not be asked to make his or her choice until —
 - (a) he or she has pleaded to all of the counts on the indictment on which he or she is to be tried on indictment on that occasion; and
 - (b) the trial judge has, in open court, explained to the defendant in ordinary language —
 - (i) the respective roles of the judge and jury in a trial upon indictment;
 - (ii) the different role of the judge sitting alone to try an indictment;
 - (iii) the defendant's right to choose whether to be tried by a judge and jury or by the judge alone;
 - (iv) if appropriate, that the jury will consist of 12 jurors;
 - (v) if appropriate, that the jury will consist of 7 jurors;
 - (vi) that the choice is irrevocable unless the trial judge otherwise permits and before any juror has been sworn or any person has been called to give evidence; and
 - (vii) the effect of section 336 of the Criminal Procedure and Evidence Ordinance 2014.
- (4) If a defendant is unable or refuses to choose he or she is deemed to have chosen to be tried by judge and jury.

16.5. Taking a plea in summary proceedings

- (1) In order to take the defendant's plea, the Summary Court and the Magistrate's Court must —
 - (a) ensure that the defendant is correctly identified by the information;
 - (b) in respect of each information —
 - (i) read the information aloud to the defendant, or arrange for it to be read aloud or placed before the defendant in writing;
 - (ii) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary) each allegation against him or her;

- (iii) ask whether the defendant pleads guilty or not guilty to the offence charged by that information; and
 - (iv) take the defendant's plea.
- (2) Where an information is read which is substantially the same as one already read aloud, then only the materially different details need be read aloud.
- (3) Where an information is placed before the defendant in writing, the court must summarise its gist aloud.
- (4) In respect of each information —
- (a) if the defendant declines to enter a plea, the court must treat that as a not guilty plea unless the defendant is unfit to plead;
 - (b) if the defendant pleads not guilty to the offence charged by that information but guilty to another offence of which the court could convict on that information —
 - (i) if the prosecutor and the court accept that plea, the court must treat the plea as one of guilty of that other offence; but
 - (ii) otherwise, the court must treat the plea as one of not guilty;
 - (c) if the defendant pleads a previous acquittal or conviction of the offence charged by that information —
 - (i) the defendant must identify that acquittal or conviction in writing, explaining the basis of that plea; and
 - (ii) the court must exercise its power to decide whether that plea disposes of that information.

16.6. Written plea of guilty in absence

- (1) Where the court is satisfied that section 271 of the Criminal Procedure and Evidence Ordinance 2014 applies the procedure shall be —
- (a) the prosecutor shall read out the statement of facts; and
 - (b) the court officer shall read out any submission received in Form 3; and
 - (c) the court shall decide whether to accept the plea of guilty and convict the defendant in the defendant's absence.
- (2) If the court convicts the defendant then the court can pass sentence as if the defendant had appeared and pleaded guilty save that the court must not without adjourning to secure the attendance of the defendant —
- (a) sentence the defendant to any term of imprisonment or to any other form of detention; or

(b) subject the defendant to any disqualification.

(3) If the defendant appears before the court having nonetheless pleaded guilty in writing the court shall not proceed to convict the defendant without first giving the defendant the opportunity to make oral submissions.

16.7. Pre-trial hearings: general rules

(1) The court —

- (a) must conduct a trial preparation hearing in every case where a defendant pleads not guilty;
- (b) may conduct a further pre-trial case management hearing (and if necessary more than one such hearing) only where —
 - (i) the court anticipates a guilty plea;
 - (ii) it is necessary to conduct such a hearing in order to give directions for an effective trial; or
 - (iii) such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.

(2) A pre-trial case management hearing —

- (a) must be in public, as a general rule, but all or part of the hearing may be in private if the court so directs; and
- (b) must be recorded, in accordance with rule 5.4 (Recording and transcription of proceedings in court).

(3) Where the court determines a pre-trial application in private, it must announce its decision in public.

(4) Prior to the hearing the parties must complete the plea and trial preparation hearing form as prescribed by the court.

(5) A pre-trial hearing is a preliminary hearing for the purposes of Part 15 of the Criminal Procedure and Evidence Ordinance 2014.

16.8. Place of trial

(1) Unless the Chief Justice otherwise directs, the court officer must arrange for the trial to take place in a courtroom in the Falkland Islands.

(2) The court officer must arrange for the court and the jury (if there is one) to view any place required by the court.

PART 17 - MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

17.1. Making an application for a direction or order

A party who wants the court to exercise its power to give or make a direction pursuant to Part 22 of the Criminal Procedure and Evidence Ordinance 2014 the party must —

- (a) apply in writing as soon as reasonably practicable, and in any event not more than 14 days after the defendant pleads not guilty; and
- (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party.

17.2. Decisions and reasons

(1) A party who wants to introduce the evidence of a witness who is the subject of an application, direction or order must —

- (a) inform the witness of the court's decision as soon as reasonably practicable; and
- (b) explain to the witness the arrangements that as a result will be made for him or her to give evidence.

(2) The court must announce, at a hearing in public before the witness gives evidence, the reasons for a decision —

- (a) to give, make, vary or discharge a direction or order; or
- (b) to refuse to do so.

17.3. Court's power to vary requirements under this Part

(1) The court may —

- (a) shorten or extend (even after it has expired) a time limit under this Part; and
- (b) allow an application or representations to be made in a different form to one set out in this Part, or to be made orally.

(2) A person who wants an extension of time must —

- (a) apply when serving the application or representations for which it is needed; and
- (b) explain the delay.

17.4. Custody of documents

Unless the court otherwise directs, the court officer may —

- (a) keep a written application or representations; or
- (b) arrange for the whole or any part to be kept by some other appropriate person, subject to any conditions that the court may impose.

17.5. Declaration by intermediary

(1) This rule applies where —

- (a) a video recorded interview with a witness is conducted through an intermediary;
- (b) the court directs the examination of a witness or defendant through an intermediary.

(2) An intermediary must make a declaration —

- (a) before such an interview begins;
- (b) before the examination begins (even if such an interview with the witness was conducted through the same intermediary).

(3) The declaration must be in these terms —

“I solemnly, sincerely and truly declare and affirm [*or* I swear by Almighty God] that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.”.

17.6. Special measures directions – exercise of court’s powers

The court may decide whether to give, vary or discharge a special measures direction —

- (a) at a hearing, in public or in private, or if not contested without a hearing;
- (b) in a party’s absence, if that party —
 - (i) applied for the direction, variation or discharge; or
 - (ii) has had at least 14 days in which to make representations.

17.7. Special measures direction for a young witness

(1) This rule applies where a primary rule requires the court to give a direction for a special measure to assist a child witness or a qualifying witness —

- (a) on an application, if one is made; or
- (b) on the court’s own initiative, in any other case.

(2) A party who wants to introduce the evidence of such a witness must as soon as reasonably practicable —

- (a) notify the court that the witness is eligible for assistance;

- (b) provide the court with any information that the court may need to assess the witness' views, if the witness does not want the primary rule to apply; and
- (c) serve any video recorded evidence on —
 - (i) the court officer; and
 - (ii) each other party.

17.8. Content of application for a special measures direction

An applicant for a special measures direction must —

- (a) explain how the witness is eligible for assistance;
- (b) explain why special measures would be likely to improve the quality of the witness' evidence;
- (c) propose the measure or measures that in the applicant's opinion would be likely to maximise, so far as practicable, the quality of that evidence;
- (d) report any views that the witness has expressed about —
 - (i) his or her eligibility for assistance;
 - (ii) the likelihood that special measures would improve the quality of his or her evidence; and
 - (iii) the measure or measures proposed by the applicant;
- (e) in a case in which a child witness or a qualifying witness does not want the primary rule to apply, provide any information that the court may need to assess the witness' views;
- (f) in a case in which the applicant proposes that the witness should give evidence by live link —
 - (i) identify someone to accompany the witness while the witness gives evidence;
 - (ii) name that person, if possible; and
 - (iii) explain why that person would be an appropriate companion for the witness, including the witness' own views;
- (g) in a case in which the applicant proposes the admission of video recorded evidence, identify —
 - (i) the date and duration of the recording;
 - (ii) which part the applicant wants the court to admit as evidence, if the applicant does not want the court to admit all of it;
- (h) attach any other material on which the applicant relies; and

- (i) if the applicant wants a hearing, ask for one, and explain why it is needed.

17.9. Application to vary or discharge a special measures direction

- (1) A party who wants the court to vary or discharge a special measures direction must —
 - (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
 - (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party.
- (2) The applicant must —
 - (a) explain what material circumstances have changed since the direction was given (or last varied, if applicable);
 - (b) explain why the direction should be varied or discharged; and
 - (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

17.10. Application containing information withheld from another party

- (1) This rule applies where —
 - (a) an applicant serves an application for a special measures direction, or for its variation or discharge; and
 - (b) the application includes information that the applicant thinks ought not be revealed to another party.
- (2) The applicant must —
 - (a) omit that information from the part of the application that is served on that other party;
 - (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
 - (c) in that other part, explain why the applicant has withheld that information from that other party.
- (3) Any hearing of an application to which this rule applies —
 - (a) must be in private, unless the court otherwise directs; and
 - (b) if the court so directs, may be, wholly or in part, in the absence of a party from whom information has been withheld.
- (4) At any hearing of an application to which this rule applies —

- (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the applicant and then by each other party, in all the parties' presence; and then
 - (ii) further representations by the applicant, in the absence of a party from whom information has been withheld; but
- (b) the court may direct other arrangements for the hearing.

17.11. Representations in response

- (1) This rule applies where a party wants to make representations about —
 - (a) an application for a special measures direction;
 - (b) an application for the variation or discharge of such a direction; or
 - (c) a direction, variation or discharge that the court proposes on its own initiative.
- (2) Such a party must —
 - (a) serve the representations on —
 - (i) the court officer; and
 - (ii) each other party;
 - (b) do so not more than 14 days after, as applicable —
 - (i) service of the application; or
 - (ii) notice of the direction, variation or discharge that the court proposes; and
 - (c) ask for a hearing, if that party wants one, and explain why it is needed.
- (3) Where representations include information that the person making them thinks ought not be revealed to another party, that person must —
 - (a) omit that information from the representations served on that other party;
 - (b) mark the information to show that, unless the court otherwise directs, it is only for the court; and
 - (c) with that information include an explanation of why it has been withheld from that other party.
- (4) Representations against a special measures direction must explain, as appropriate —
 - (a) why the witness is not eligible for assistance;
 - (b) if the witness is eligible for assistance, why —

- (i) no special measure would be likely to improve the quality of the witness' evidence;
 - (ii) the proposed measure or measures would not be likely to maximise, so far as practicable, the quality of the witness' evidence; or
 - (iii) the proposed measure or measures might tend to inhibit the effective testing of that evidence;
- (c) in a case in which the admission of video recorded evidence is proposed, why it would not be in the interests of justice for the recording, or part of it, to be admitted as evidence.

(5) Representations against the variation or discharge of a special measures direction must explain why it should not be varied or discharged.

17.12. Defendant's evidence direction

The court may decide whether to give, vary or discharge a defendant's evidence direction —

- (a) at a hearing, in public or in private, or if not contested without a hearing;
- (b) in a party's absence, if that party —
 - (i) applied for the direction, variation or discharge; or
 - (ii) has had at least 14 days in which to make representations.

17.13. Content of application for a defendant's evidence direction

An applicant for a defendant's evidence direction must —

- (a) explain how the proposed direction meets the conditions prescribed by the Criminal Procedure and Evidence Ordinance 2014;
- (b) in a case in which the applicant proposes that the defendant give evidence by live link —
 - (i) identify a person to accompany the defendant while the defendant gives evidence; and
 - (ii) explain why that person is appropriate;
- (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

17.14. Application to vary or discharge a defendant's evidence direction

(1) A party who wants the court to vary or discharge a defendant's evidence direction must —

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on —
 - (i) the court officer; and

(ii) each other party.

(2) The applicant must —

- (a) on an application to discharge a live link direction, explain why it is in the interests of justice to do so;
- (b) on an application to discharge a direction for an intermediary, explain why it is no longer necessary in order to ensure that the defendant receives a fair trial;
- (c) on an application to vary a direction for an intermediary, explain why it is necessary for the direction to be varied in order to ensure that the defendant receives a fair trial; and
- (d) ask for a hearing, if the applicant wants one, and explain why it is needed.

17.15. Representations in response

(1) This rule applies where a party wants to make representations about —

- (a) an application for a defendant's evidence direction;
- (b) an application for the variation or discharge of such a direction; or
- (c) a direction, variation or discharge that the court proposes on its own initiative.

(2) Such a party must —

- (a) serve the representations on —
 - (i) the court officer; and
 - (ii) each other party;
- (b) do so not more than 14 days after, as applicable —
 - (i) service of the application; or
 - (ii) notice of the direction, variation or discharge that the court proposes; and
- (c) ask for a hearing, if that party wants one, and explain why it is needed.

(3) Representations against a direction, variation or discharge must explain why the conditions prescribed by the Criminal Procedure and Evidence Ordinance 2014 are not met.

17.16 Witness Anonymity Orders - exercise of court's powers

(1) The court may decide whether to make, vary or discharge a witness anonymity order —

- (a) at a hearing (which must be in private, unless the court otherwise directs), or without a hearing (unless any party asks for one);
- (b) in the absence of a defendant.

(2) The court must not exercise its power to make, vary or discharge a witness anonymity order, or to refuse to do so —

- (a) before or during the trial, unless each party has had an opportunity to make representations;
- (b) on an appeal by the defendant unless in each party's case —
 - (i) that party has had an opportunity to make representations; or
 - (ii) the appeal court is satisfied that it is not reasonably practicable to communicate with that party;
- (c) after the trial and any such appeal are over, unless in the case of each party and the witness —
 - (i) each has had an opportunity to make representations; or
 - (ii) the court is satisfied that it is not reasonably practicable to communicate with that party or witness.

17.17. Content and conduct of application for a witness anonymity order

(1) An applicant for a witness anonymity order must —

- (a) include in the application nothing that might reveal the witness' identity;
- (b) describe the measures proposed by the applicant;
- (c) explain how the proposed order meets the conditions prescribed by section 471 of the Criminal Procedure and Evidence Ordinance 2014;
- (d) explain why no measures other than those proposed will suffice, such as —
 - (i) an admission of the facts that would be proved by the witness;
 - (ii) an order restricting public access to the trial;
 - (iii) reporting restrictions;
 - (iv) a direction for a special measure;
 - (v) introduction of the witness' written statement as hearsay evidence; or
 - (vi) arrangements for the protection of the witness;
- (e) attach to the application —
 - (i) a witness statement setting out the proposed evidence, edited in such a way as not to reveal the witness' identity;

- (ii) where the prosecutor is the applicant, any further prosecution evidence to be served, and any further prosecution material to be disclosed, similarly edited; and
 - (iii) any defence statement that has been served, or as much information as may be available to the applicant that gives particulars of the defence; and
 - (f) ask for a hearing, if the applicant wants one.
- (2) At any hearing of the application, the applicant must —
- (a) identify the witness to the court, unless at the prosecutor’s request the court otherwise directs; and
 - (b) present to the court, unless it otherwise directs —
 - (i) the unedited witness statement from which the edited version has been prepared;
 - (ii) where the prosecutor is the applicant, the unedited version of any further prosecution evidence or material from which an edited version has been prepared; and
 - (iii) such further material as the applicant relies on to establish that the proposed order meets the conditions prescribed by section 471 of the 2014 Ordinance.
- (3) At any such hearing —
- (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the applicant and then by each other party, in all the parties’ presence; and then
 - (ii) information withheld from a defendant, and further representations by the applicant, in the absence of any (or any other) defendant; but
 - (b) the court may direct other arrangements for the hearing.
- (4) Before the witness gives evidence, the applicant must identify the witness to the court —
- (a) if not already done;
 - (b) without revealing the witness’ identity to any other party or person; and
 - (c) unless at the prosecutor’s request the court otherwise directs.

17.18. Duty of court officer to notify the Attorney General

The court officer must notify the Attorney General of an application, unless the prosecutor is, or acts on behalf of, a public authority.

17.19. Application to vary or discharge a witness anonymity order

(1) A party who wants the court to vary or discharge a witness anonymity order, or a witness who wants the court to do so when the case is over, must —

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party.

(2) The applicant must —

- (a) explain what material circumstances have changed since the order was made (or last varied, if applicable);
- (b) explain why the order should be varied or discharged, taking account of the conditions for making an order; and
- (c) ask for a hearing, if the applicant wants one.

(3) Where an application includes information that the applicant thinks might reveal the witness' identity, the applicant must —

- (a) omit that information from the application that is served on a defendant;
- (b) mark the information to show that it is only for the court and the prosecutor (if the prosecutor is not the applicant); and
- (c) with that information include an explanation of why it has been withheld.

(4) Where a party applies to vary or discharge a witness anonymity order after the trial and any appeal are over, the party who introduced the witness' evidence must serve the application on the witness.

17.20. Representations in response

(1) This rule applies where a party or, where the case is over, a witness, wants to make representations about —

- (a) an application for a witness anonymity order;
- (b) an application for the variation or discharge of such an order; or
- (c) a variation or discharge that the court proposes on its own initiative.

(2) Such a party or witness must —

- (a) serve the representations on —

- (i) the court officer; and
 - (ii) each other party;
 - (b) do so not more than 14 days after, as applicable —
 - (i) service of the application; or
 - (ii) notice of the variation or discharge that the court proposes; and
 - (c) ask for a hearing, if that party or witness wants one.
- (3) Where representations include information that the person making them thinks might reveal the witness' identity, that person must —
- (a) omit that information from the representations served on a defendant;
 - (b) mark the information to show that it is only for the court (and for the prosecutor, if relevant); and
 - (c) with that information include an explanation of why it has been withheld.
- (4) Representations against a witness anonymity order must explain why the conditions for making the order are not met.
- (5) Representations against the variation or discharge of such an order must explain why it would not be appropriate to vary or discharge it, taking account of the conditions for making an order.
- (6) A prosecutor's representations in response to an application by a defendant must include all information available to the prosecutor that is relevant to the conditions and considerations specified by sections 471 and 472 of the Criminal Procedure and Evidence Ordinance 2014.

17.21. Live link directions – exercise of court's powers

The court may decide whether to give or discharge a live link direction —

- (a) at a hearing, in public or in private, or if not contested without a hearing;
- (b) in a party's absence, if that party —
 - (i) applied for the direction or discharge; or
 - (ii) has had at least 14 days in which to make representations in response to an application by another party.

17.22. Content of application for a live link direction

An applicant for a live link direction must —

- (a) unless the court otherwise directs, identify the place from which the witness will give evidence;

- (b) if that place is in the Falkland Islands, explain why it would be in the interests of the efficient or effective administration of justice for the witness to give evidence by live link;
- (c) if the applicant wants the witness to be accompanied by another person while giving evidence —
 - (i) name that person, if possible; and
 - (ii) explain why it is appropriate for the witness to be accompanied;
- (d) ask for a hearing, if the applicant wants one, and explain why it is needed.

17.23. Application to discharge a live link direction

- (1) A party who wants the court to discharge a live link direction must —
 - (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
 - (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party.
- (2) The applicant must —
 - (a) explain what material circumstances have changed since the direction was given;
 - (b) explain why it is in the interests of justice to discharge the direction; and
 - (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

17.24. Representations in response

- (1) This rule applies where a party wants to make representations about an application for a live link direction or for the discharge of such a direction.
- (2) Such a party must —
 - (a) serve the representations on —
 - (i) the court officer; and
 - (ii) each other party;
 - (b) do so not more than 14 days after service of the application; and
 - (c) ask for a hearing, if that party wants one, and explain why it is needed.
- (3) Representations against a direction or discharge must explain, as applicable, why the conditions prescribed by the Criminal Procedure and Evidence Ordinance 2014 are not met.

PART 18 - DISCLOSURE

18.1. When this Part applies

This Part applies where Part 14 of the Criminal Procedure and Evidence Ordinance 2014 applies.

18.2. Prosecution disclosure

- (1) This rule applies where the prosecutor —
 - (a) discloses prosecution material to the defendant; or
 - (b) serves on the defendant a written statement that there is no such material to disclose.
- (2) The prosecutor must at the same time so inform the court officer.

18.3. Prosecutor's application for public interest ruling

- (1) This rule applies where —
 - (a) without a court order, the prosecutor would have to disclose material; and
 - (b) the prosecutor wants the court to decide whether it would be in the public interest to disclose it.
- (2) The prosecutor must —
 - (a) apply in writing for such a decision; and
 - (b) serve the application on —
 - (i) the court officer;
 - (ii) any person who the prosecutor thinks would be directly affected by disclosure of the material; and
 - (iii) the defendant, but only to the extent that serving it on the defendant would not disclose what the prosecutor thinks ought not be disclosed.
- (3) The application must —
 - (a) describe the material, and explain why the prosecutor thinks that —
 - (i) it is material that the prosecutor would have to disclose;
 - (ii) it would not be in the public interest to disclose that material; and
 - (iii) no measure such as the prosecutor's admission of any fact, or disclosure by summary, extract or edited copy, adequately would protect both the public interest and the defendant's right to a fair trial;

- (b) omit from any part of the application that is served on the defendant anything that would disclose what the prosecutor thinks ought not be disclosed (in which case, paragraph (4) of this rule applies); and
 - (c) explain why, if no part of the application is served on the defendant.
- (4) Where the prosecutor serves only part of the application on the defendant, the prosecutor must —
 - (a) mark the other part, to show that it is only for the court; and
 - (b) in that other part, explain why the prosecutor has withheld it from the defendant.
- (5) Unless already done, the court may direct the prosecutor to serve an application on —
 - (a) the defendant;
 - (b) any other person who the court considers would be directly affected by the disclosure of the material.
- (6) The court must determine the application at a hearing which —
 - (a) must be in private, unless the court otherwise directs; and
 - (b) if the court so directs, may take place, wholly or in part, in the defendant's absence.
- (7) At a hearing at which the defendant is present —
 - (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the prosecutor and any other person served with the application, and then by the defendant, in the presence of them all; and then
 - (ii) further representations by the prosecutor and any such other person in the defendant's absence; but
 - (b) the court may direct other arrangements for the hearing.
- (8) The court may only determine the application if satisfied that it has been able to take adequate account of —
 - (a) such rights of confidentiality as apply to the material; and
 - (b) the defendant's right to a fair trial.
- (9) Unless the court otherwise directs, the court officer —
 - (a) must not give notice to anyone other than the prosecutor —
 - (i) of the hearing of an application under this rule, unless the prosecutor served the application on that person; or

- (ii) of the court's decision on the application;
- (b) may —
 - (i) keep a written application or representations; or
 - (ii) arrange for the whole or any part to be kept by some other appropriate person, subject to any conditions that the court may impose.

18.4. Defence disclosure

- (1) This rule applies where —
 - (a) the defendant gives a defence statement;
 - (b) the defendant gives a defence witness notice.
- (2) The defendant must serve such a statement or notice on —
 - (a) the court officer; and
 - (b) the prosecutor.

18.5. Defendant's application for prosecution disclosure

- (1) This rule applies where the defendant —
 - (a) has served a defence statement; and
 - (b) wants the court to require the prosecutor to disclose material.
- (2) The defendant must serve an application on —
 - (a) the court officer; and
 - (b) the prosecutor.
- (3) The application must —
 - (a) describe the material that the defendant wants the prosecutor to disclose;
 - (b) explain why the defendant thinks there is reasonable cause to believe that —
 - (i) the prosecutor has that material; and
 - (ii) it is material that should be disclosed; and
 - (c) ask for a hearing, if the defendant wants one, and explain why it is needed.
- (4) The court may determine an application under this rule —
 - (a) at a hearing, in public or in private; or

- (b) if not contested, without a hearing.
- (5) The court must not require the prosecutor to disclose material unless the prosecutor —
- (a) is present; or
 - (b) has had at least 14 days in which to make representations.

18.6. Review of public interest ruling

(1) This rule applies where the court has ordered that it is not in the public interest to disclose material that the prosecutor otherwise would have to disclose, and —

- (a) the defendant wants the court to review that decision; or
- (b) the court reviews that decision on its own initiative.

(2) Where the defendant wants the court to review that decision, the defendant must —

- (a) serve an application on —
 - (i) the court officer; and
 - (ii) the prosecutor; and
- (b) in the application —
 - (i) describe the material that the defendant wants the prosecutor to disclose; and
 - (ii) explain why the defendant thinks it is no longer in the public interest for the prosecutor not to disclose it.

(3) The prosecutor must serve any such application on any person who the prosecutor thinks would be directly affected if that material were disclosed.

(4) The prosecutor, and any such person, must serve any representations on —

- (a) the court officer; and
- (b) the defendant, unless to do so would in effect reveal something that either thinks ought not be disclosed.

(5) The court may direct —

- (a) the prosecutor to serve any such application on any person who the court considers would be directly affected if that material were disclosed;
- (b) the prosecutor and any such person to serve any representations on the defendant.

(6) The court must review a decision to which this rule applies at a hearing which —

- (a) must be in private, unless the court otherwise directs; and

- (b) if the court so directs, may take place, wholly or in part, in the defendant's absence.
- (7) At a hearing at which the defendant is present —
- (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the defendant, and then by the prosecutor and any other person served with the application, in the presence of them all; and then
 - (ii) further representations by the prosecutor and any such other person in the defendant's absence; but
 - (b) the court may direct other arrangements for the hearing.
- (8) The court may only conclude a review if satisfied that it has been able to take adequate account of —
- (a) such rights of confidentiality as apply to the material; and
 - (b) the defendant's right to a fair trial.

18.7. Defendant's application to use disclosed material

- (1) This rule applies where a defendant wants the court's permission to use disclosed prosecution material —
- (a) otherwise than in connection with the case in which it was disclosed; or
 - (b) beyond the extent to which it was displayed or communicated publicly at a hearing.
- (2) The defendant must serve an application on —
- (a) the court officer; and
 - (b) the prosecutor.
- (3) The application must —
- (a) specify what the defendant wants to use or disclose; and
 - (b) explain why.
- (4) The court may determine an application under this rule —
- (a) at a hearing, in public or in private; or
 - (b) if not contested, without a hearing.
- (5) The court must not permit the use of such material unless —
- (a) the prosecutor has had at least 28 days in which to make representations; and

- (b) the court is satisfied that it has been able to take adequate account of any rights of confidentiality that may apply to the material.

18.8. Court's power to vary requirements under this Part

The court may —

- (a) shorten or extend (even after it has expired) a time limit under this Part;
- (b) allow an application under this Part to be in a different form to one set out in this Part, or to be presented orally; and
- (c) specify the period within which —
 - (i) any application under this Part must be made; or
 - (ii) any material must be disclosed.

Trial Procedure

PART 19 - PROCEDURE AT SUMMARY TRIAL

19.1. Procedure at trial

- (1) On the summary trial of an information the court must, if the defendant appears —
 - (a) state to the defendant the substance of the information; and
 - (b) ask whether the defendant pleads guilty or not guilty.
- (2) Before proceeding to trial the court must —
 - (a) obtain the prosecutor's confirmation, in writing or orally, that each information on which the defendant is about to be tried sets out —
 - (i) a statement of the offence that the prosecutor wants the court to try; and
 - (ii) any such particulars of the conduct constituting the commission of the offence as the prosecutor relies upon to make clear what is alleged;
 - (b) ensure that the defendant is correctly identified by each information;
 - (c) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), each allegation against him or her; and
 - (d) invite any objection to the terms or validity of each information.
- (3) In the following sequence —

- (a) the prosecutor may summarise the prosecution case, concisely identifying the relevant law, outlining the facts and indicating the matters likely to be in dispute;
- (b) the prosecutor must introduce the evidence on which the prosecution case relies;
- (c) at the conclusion of the prosecution case, on the defendant's application or on its own initiative, the court —
 - (i) may acquit on the ground that the prosecution evidence is insufficient for any reasonable court properly to convict; but
 - (ii) must not do so unless the prosecutor has had an opportunity to make representations;
- (d) at the end of the prosecution case, the court must ask whether the defendant intends to give evidence in person and, if the answer is 'no', then the court must satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary) —
 - (i) the right to give evidence in person; and
 - (ii) that if the defendant does not give evidence in person, or refuses to answer a question while giving evidence, the court may draw such inferences as seem proper;
- (e) if the defendant is introducing evidence other than his own evidence then the defendant may concisely summarise the defence case;
- (f) in this order (or in a different order, if the court so directs) the defendant may —
 - (i) give evidence in person;
 - (ii) call another witness, or witnesses, to give evidence in person; and
 - (iii) introduce any other evidence;
- (g) a party may introduce further evidence if it is then admissible (for example, because it is in rebuttal of evidence already introduced);
- (h) the prosecutor may make final representations in support of the prosecution case;
- (i) the defendant may make final representations in support of the defence case;
- (j) if the trial is before justices of the peace then any legal advice that the justices of the peace receive shall be given in open court and the parties shall have the opportunity to make representations;
- (k) if the trial is before the Senior Magistrate then the Senior Magistrate shall announce the directions of law that will apply to the case in open court and the parties shall have the opportunity to make representations;
- (l) the court will announce its verdict.

(4) Where a party wants to introduce evidence or make representations after that party's opportunity to do so under paragraph (2), the court —

- (a) may refuse to receive any such evidence or representations; and
- (b) must not receive any such evidence or representations after it has announced its verdict.

19.2. Unrepresented defendants

The Clerk to the Summary Court or the court must explain, in terms the defendant can understand (with help, if necessary) —

- (a) the procedure at trial;
- (b) the right to give evidence; and
- (c) the potential effect of not doing so at all, or of refusing to answer a question while doing so.

PART 20 - JURIES

20.1. Selecting the jury

(1) The court must select a jury to try the case from the panel, or part of the panel, of jurors summoned by the court to attend at that time and place.

(2) The court must select the jury by drawing at random each juror's name from among those so summoned and —

- (a) announcing each name so drawn; or
- (b) announcing an identifying number assigned by the court officer to that person, where the court is satisfied that that is necessary.

(3) The jury the court selects —

- (a) must comprise no fewer than 12 jurors where the defendant is to be tried on an indictment that alleges murder or treason;
- (b) must comprise no fewer than 7 jurors where the defendant is to be tried on an indictment that alleges any offence other than murder or treason; and
- (c) may comprise of 2 additional jurors to begin with, where the court is satisfied that it is beneficial to have additional jurors to hear the beginning of the trial.

(4) Where the court selects a jury comprising more than 12 jurors in a trial on an indictment alleging murder or treason, or more than 7 jurors in a trial on an indictment alleging an offence other than murder or treason, the court must explain to them that —

- (a) the purpose of selecting more than 12 jurors or 7 jurors to begin with is to fill any vacancy or vacancies caused by the discharge of any of the first 12 or first 7 before the prosecution evidence begins;
 - (b) any such vacancy or vacancies will be filled by the extra jurors in order of their selection from the panel;
 - (c) the court will discharge any extra juror or jurors remaining by no later than the beginning of the prosecution evidence; and
 - (d) any juror who is discharged for that reason then will be available to be selected for service on another jury, during the period for which that juror has been summoned.
- (5) Each of the 12 or more jurors or 7 or more jurors the court selects —
- (a) must take an oath or affirm; and
 - (b) becomes a full jury member until discharged.
- (6) The oath or affirmation must be in these terms, or in any corresponding terms that the juror declares to be binding on him or her —

“I swear by Almighty God [*or* I do solemnly, sincerely and truly declare and affirm] that I will faithfully try the defendant and give a true verdict according to the evidence.”.

20.2. Discharging jurors

- (1) The court may exercise its power to discharge a juror at any time —
- (a) after the juror completes the oath or affirmation; and
 - (b) before the court discharges the jury.
- (2) No later than the beginning of the prosecution evidence, if the jury then comprises of additional jurors, the court must discharge any in excess of 12 jurors in a trial on an indictment alleging murder or treason, or any in excess of 7 jurors in a trial on an indictment alleging an offence other than murder or treason in reverse order of their selection from the panel.
- (3) The court may exercise its power to discharge the jury at any time —
- (a) after each juror has completed the oath or affirmation; and
 - (b) before the jury has delivered its verdict on each offence charged in the indictment.
- (4) The court must exercise its power to discharge the jury when, in respect of each offence charged in the indictment, either —
- (a) the jury has delivered its verdict on that offence; or
 - (b) the court has discharged the jury from reaching a verdict.

20.3. Objecting to jurors

- (1) A party who objects to the panel of jurors must serve notice explaining the objection on the court officer and on the other party before the first juror's name or number is drawn.
- (2) A party who objects to the selection of an individual juror must —
 - (a) tell the court of the objection —
 - (i) after the juror's name or number is announced; and
 - (ii) before the juror completes the oath or affirmation; and
 - (b) explain the objection.
- (3) A prosecutor who exercises the prosecution right to prevent the court selecting an individual juror must announce the exercise of that right before the juror completes the oath or affirmation.
- (4) The court must determine an objection under paragraph (1), (2) or (3) —
 - (a) at a hearing, in public or in private; and
 - (b) in the absence of the jurors, unless the court otherwise directs.

PART 21 - PROCEDURE AT TRIAL ON INDICTMENT

21.1. Procedure at trial

- (1) On a trial on indictment, where there is a jury, the court officer must—
 - (a) inform the jurors of each offence charged in the indictment to which the defendant pleads not guilty by reading out loud the statement of the offence and the particulars of the offence; and
 - (b) inform the jurors that it is their duty, having heard all of the evidence, to decide whether the defendant is guilty or not guilty on each offence.
- (2) Before proceeding to trial the court must —
 - (a) obtain the prosecutor's confirmation, in writing or orally, that the indictment on which the defendant is about to be tried sets out —
 - (i) a statement of each offence that the prosecutor wants the court to try; and
 - (ii) any such particulars of the conduct constituting the commission of each such offence,as the prosecutor relies upon to make clear what is alleged;
 - (b) ensure that the defendant is correctly identified by that indictment;

- (c) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), each allegation in that indictment against him or her; and
- (d) invite any objection to the terms or validity of that indictment.

(3) On a trial on indictment, whether trial by judge and jury or trial by judge alone, in the following sequence —

- (a) the prosecutor may summarise the prosecution case, concisely outlining the facts and the matters likely to be in dispute;
- (b) where there is a jury, to help the jurors to understand the case and resolve any issue in it the court may —
 - (i) invite the defendant concisely to identify what is in issue, if necessary in terms approved by the court; and may
 - (ii) direct that the jurors be given a copy of any defence statement, edited if necessary to exclude any reference to inappropriate matters or to matters evidence of which would not be admissible;
- (c) the prosecutor must introduce the evidence on which the prosecution case relies;
- (d) at the end of the prosecution evidence, on the defendant's application or on its own initiative, the court —
 - (i) may direct the jury (if there is one) to acquit on the ground that the prosecution evidence is insufficient for any reasonable court properly to convict; but
 - (ii) must not do so unless the prosecutor has had an opportunity to make representations;
- (e) at the end of the prosecution evidence, the court must ask whether the defendant intends to give evidence in person and, if the answer is 'no', then the court must satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary) —
 - (i) the right to give evidence in person; and
 - (ii) that if the defendant does not give evidence in person, or refuses to answer a question while giving evidence, the court may draw such inferences as seem proper;
- (f) if the defendant is introducing evidence other than his own evidence then the defendant may concisely summarise the defence case;
- (g) in this order (or in a different order, if the court so directs) the defendant may —
 - (i) give evidence in person;
 - (ii) call another witness, or witnesses, to give evidence in person; and

- (iii) introduce any other evidence;
 - (h) a party may introduce further evidence if it is then admissible (for example, because it is in rebuttal of evidence already introduced);
 - (i) the prosecutor may make final representations in support of the prosecution case;
 - (j) the defendant may make final representations in support of the defence case.
- (4) Unless the jury (if there is one) has retired to consider its verdict, the court may allow a party to introduce evidence, or make representations, after that party's opportunity to do so under paragraph (2).
- (5) Unless the jury has already reached a verdict on a count, the court may exercise its power to—
- (a) discharge the jury from reaching a verdict on that count;
 - (b) direct the jury to acquit the defendant on that count; or
 - (c) invite the jury to convict the defendant, if the defendant pleads guilty to the offence charged by that count.
- (6) Submissions and rulings on matters of law or case management must be made in the absence of jurors.

21.2. Directions to the jury

- (1) The court must give the jury directions about the relevant law at any time at which to do so will assist jurors to evaluate the evidence.
- (2) Before the jury retires to consider a verdict the court must —
- (a) summarise for the jury, to such extent as is necessary, the evidence relevant to the issues they must decide;
 - (b) direct the jury as to matters of law;
 - (c) give the jury such questions, if any, as the court invites jurors to answer in coming to a verdict;
 - (d) direct the jury to elect a foreperson to speak on the jury's behalf;
 - (e) direct the jury to retire to consider its verdict.
- (3) If necessary the court shall —
- (a) recall the jury to answer jurors' questions;
 - (b) give the jury directions, or further directions, about considering and delivering its verdict or verdicts, including, if appropriate, directions about reaching a verdict by a majority.
- (4) The court may give the jury directions, questions or other assistance in writing.

21.3. Taking the verdict of the jury

- (1) In a case in which the jury is required to return a single verdict the court must —
 - (a) recall the jury (unless already recalled) when it informs the court that it has reached its verdict; and
 - (b) direct the delivery of that verdict there and then.
- (2) In a case in which the jury is required to return two or more verdicts the court must —
 - (a) recall the jury (unless already recalled) when it informs the court that it has reached a verdict or verdicts;
 - (b) ask the jury whether its members all agree on every verdict required;
 - (c) if the answer to that question is ‘yes’, direct the delivery of each of those verdicts there and then; and
 - (d) if the answer to that question is ‘no’ —
 - (i) direct the delivery there and then of any unanimous verdict that has been reached; or
 - (ii) postpone the taking of any such verdict while the jury considers each other verdict required.
- (3) When the court recalls the jury to deliver its verdict the court must ask the foreperson chosen by the jury, in respect of each count —
 - (a) whether the jury has reached a verdict on which all the jurors agree;
 - (b) if so, whether that verdict is guilty or not guilty;
 - (c) and whether that verdict is the verdict of all the jurors;
 - (d) if not, where the jury has deliberated for at least 2 hours and if the court decides to invite a majority verdict, then —
 - (i) on an indictment that charges murder or treason whether at least 10 (of 11 or 12 jurors), agreed on a verdict; or
 - (ii) on an indictment that charges any other offence whether at least 6 (of 7) agreed on a verdict;
 - (iii) if so, is that verdict guilty or not guilty; and
 - (iv) if, and only if, such a verdict is guilty, how many jurors agreed to that verdict and how many disagreed.

(4) Where evidence has been given that the defendant was insane, so as not to be responsible for the act or omission charged as the offence, then under paragraph (3)(b) the court must ask whether the jury's verdict is guilty, not guilty, or not guilty by reason of insanity.

21.4. Directions and verdict when trial by judge alone

(1) Where a trial is by judge alone, before the judge announces a verdict, the judge must announce the directions of law that will apply to the case in open court and the parties shall have the opportunity to make representations.

(2) The judge will announce the verdict.

Evidence

PART 22 - FORMS OF EVIDENCE

22.1. Evidence of a witness in person

(1) This rule applies where a party wants to introduce evidence by calling a witness to give that evidence in person.

(2) Unless the court otherwise directs —

(a) a witness waiting to give evidence must not wait inside the courtroom, unless that witness is —

(i) a party, or

(ii) an expert witness; or

(iii) an investigating officer in charge of the case and the parties agree to that witness being present inside the courtroom;

(b) a witness who gives evidence in the courtroom must do so from the place provided for that purpose; and

(c) a witness' address —

(i) must not be given in public unless the address is relevant to an issue in the case;

(ii) may be given in writing to the court, parties and jury.

(3) Unless otherwise directed by the court before giving evidence a witness must take an oath or affirm.

(4) In the following sequence —

(a) the party who calls a witness may ask questions in examination-in-chief;

(b) if the witness gives evidence for the prosecution —

- (i) the defendant, if there is only one, may ask questions in cross-examination; or
 - (ii) subject to the court's directions, each defendant, if there is more than one, may ask such questions, in the order their names appear in the indictment or as directed by the court;
- (c) if the defendant gives evidence or the witness gives evidence for a defendant —
- (i) subject to the court's directions, each other defendant, if there is more than one, may ask questions in cross-examination, in the order their names appear in the indictment or as directed by the court; and
 - (ii) the prosecutor may ask such questions;
- (d) the party who called the witness may ask questions in re-examination arising out of any cross-examination.
- (5) If the court so permits at any time while giving evidence a witness may refer to a record of that witness' recollection of events.
- (6) The court may —
- (a) ask a witness questions; and in particular
 - (b) where the defendant is not represented, ask a witness any question necessary in the defendant's interests.

22.2. Evidence of a witness in writing

- (1) This rule applies where a party wants to introduce in evidence the written statement of a witness.
- (2) If the court admits such evidence each relevant part of the statement must be read or summarised aloud, unless the court otherwise directs.

22.3. Evidence by admission

- (1) This rule applies where —
- (a) a party introduces in evidence a fact admitted by another party; or
 - (b) parties jointly admit a fact.
- (2) Unless the court otherwise directs, a written record must be made of the admission and signed by the parties.
- (3) The admission must be read aloud.

PART 23 - WRITTEN WITNESS STATEMENTS

23.1. Content of written witness statement

- (1) A written witness statement must contain —
 - (a) at the beginning —
 - (i) the witness' name; and
 - (ii) the witness' age, if under 18;
 - (b) a declaration by the witness that —
 - (i) it is true to the best of the witness' knowledge and belief; and
 - (ii) the witness knows that if it is introduced in evidence, then it would be an offence wilfully to have stated in it anything that the witness knew to be false or did not believe to be true;
 - (c) if the witness cannot read the statement, a signed declaration by someone else that that person read it to the witness; and
 - (d) the witness' signature.
- (2) Where the statement refers to a document or object as an exhibit —
 - (a) the statement must contain such a description of that exhibit as to identify it clearly; and
 - (b) the exhibit must be labelled or marked correspondingly, and the label or mark signed by the maker of the statement.

23.2. Written witness statement in evidence

- (1) A party who wants to introduce in evidence a written witness statement must, before the hearing at which that party wants to introduce it, serve a copy of the statement on —
 - (i) the court officer; and
 - (ii) each other party.
- (2) If that party relies on only part of the statement, that party must mark the copy in such a way as to make that clear.
- (3) A prosecutor must serve on a defendant, with the copy of the statement, a notice —
 - (a) of the right to object to the introduction of the statement in evidence instead of the witness giving evidence in person;
 - (b) that if the defendant does not object, the court —
 - (i) can nonetheless require the witness to give evidence in person; but

- (ii) may decide not to do so.
- (4) A party served with a written witness statement who objects to its introduction in evidence must —
- (a) serve notice of the objection on —
 - (i) the party who served it; and
 - (ii) the court officer; and
 - (b) serve the notice of objection not more than 7 days after service of the statement unless the court extends that time limit, before or after the statement was served.
- (5) The court may exercise its power to require the witness to give evidence in person —
- (a) on application by any party; or
 - (b) on its own initiative.
- (6) A party entitled to receive a copy of a statement may waive that entitlement by so informing—
- (a) the party who would have served it; and
 - (b) the court.

PART 24 - EXPERT EVIDENCE

24.1. When this Part applies

- (1) This Part applies where a party wants to introduce expert opinion evidence.
- (2) A reference to an ‘expert’ in this Part is a reference to a person who is required to give or prepare expert evidence for the purpose of criminal proceedings, including evidence required to determine fitness to plead or for the purpose of sentencing.

24.2. Expert’s duty to the court

- (1) An expert must help the court to achieve the overriding objective —
 - (a) by giving opinion which is —
 - (i) objective and unbiased; and
 - (ii) within the expert’s area or areas of expertise; and
 - (b) by actively assisting the court in fulfilling its duty of case management under rule 3, in particular by —
 - (i) complying with directions made by the court; and

- (ii) at once informing the court of any significant failure (by the expert or another) to take any step required by such a direction.
- (2) This duty overrides any obligation to the person from whom the expert receives instructions or by whom the expert is paid.
- (3) This duty includes obligations —
 - (a) to define the expert’s area or areas of expertise —
 - (i) in the expert’s report; and
 - (ii) when giving evidence in person;
 - (b) when giving evidence in person, to draw the court’s attention to any question to which the answer would be outside the expert’s area or areas of expertise; and
 - (c) to inform all parties and the court if the expert’s opinion changes from that contained in a report served as evidence or given in a statement.

24.3. Introduction of expert evidence

- (1) A party who wants to introduce expert evidence otherwise than as admitted fact must —
 - (a) serve a report by the expert which complies with rule 24.4 (Content of expert’s report) on —
 - (i) the court officer; and
 - (ii) each other party;
 - (b) serve the report as soon as practicable, and in any event with any application in support of which that party relies on that evidence;
 - (c) serve with the report notice of anything of which the party serving it is aware which might reasonably be thought capable of detracting substantially from the credibility of that expert;
 - (d) if another party so requires, give that party a copy of, or a reasonable opportunity to inspect —
 - (i) a record of any examination, measurement, test or experiment on which the expert’s findings and opinion are based, or that were carried out in the course of reaching those findings and opinion; and
 - (ii) anything on which any such examination, measurement, test or experiment was carried out.
- (2) Unless the parties otherwise agree or the court directs, a party may not —
 - (a) introduce expert evidence if that party has not complied with paragraph (1);

- (b) introduce in evidence an expert report if the expert does not give evidence in person.

24.4. Content of expert's report

An expert's report must —

- (a) give details of the expert's qualifications, relevant experience and accreditation;
- (b) give details of any literature or other information which the expert has relied on in making the report;
- (c) contain a statement setting out the substance of all facts given to the expert which are material to the opinions expressed in the report, or upon which those opinions are based;
- (d) make clear which of the facts stated in the report are within the expert's own knowledge;
- (e) where the expert has based an opinion or inference on a representation of fact or opinion made by another person for the purposes of criminal proceedings (for example, as to the outcome of an examination, measurement, test or experiment) —
 - (i) identify the person who made that representation to the expert;
 - (ii) give the qualifications, relevant experience and any accreditation of that person; and
 - (iii) certify that that person had personal knowledge of the matters stated in that representation;
- (f) where there is a range of opinion on the matters dealt with in the report —
 - (i) summarise the range of opinion; and
 - (ii) give reasons for the expert's own opinion;
- (g) if the expert is not able to give an opinion without qualification, state the qualification;
- (h) include such information as the court may need to decide whether the expert's opinion is sufficiently reliable to be admissible as evidence;
- (i) contain a summary of the conclusions reached;
- (j) contain a statement that the expert understands an expert's duty to the court, and has complied and will continue to comply with that duty; and
- (k) contain the same declaration of truth as a witness statement.

24.5. Expert to be informed of service of report

A party who serves on another party or on the court a report by an expert must, at once, inform that expert of that fact.

24.6. Pre-hearing discussion of expert evidence

- (1) This rule applies where more than one party wants to introduce expert evidence.
- (2) The court may direct the experts to —
 - (a) discuss the expert issues in the proceedings; and
 - (b) prepare a statement for the court of the matters on which they agree and disagree, giving their reasons.
- (3) Except for that statement, the content of that discussion must not be referred to without the court's permission.
- (4) A party may not introduce expert evidence without the court's permission if the expert has not complied with a direction under this rule.

24.7. Court's power to direct that evidence is to be given by a single joint expert

- (1) Where more than one defendant wants to introduce expert evidence on an issue at trial, the court may direct that the evidence on that issue is to be given by one expert only.
- (2) Where the co-defendants cannot agree who should be the expert, the court may —
 - (a) select the expert from a list prepared or identified by them; or
 - (b) direct that the expert be selected in another way.

24.8. Instructions to a single joint expert

- (1) Where the court gives a direction for a single joint expert to be used, each of the co-defendants may give instructions to the expert.
- (2) A co-defendant who gives instructions to the expert must, at the same time, send a copy of the instructions to each other co-defendant.
- (3) The court may give directions about —
 - (a) the payment of the expert's fees and expenses; and
 - (b) any examination, measurement, test or experiment which the expert wishes to carry out.
- (4) The court may, before an expert is instructed, limit the amount that can be paid by way of fees and expenses to the expert.
- (5) Unless the court otherwise directs, the instructing co-defendants are jointly and severally liable for the payment of the expert's fees and expenses.

24.9. Court's power to vary requirements under this Part

- (1) The court may extend (even after it has expired) a time limit under this Part.
- (2) A party who wants an extension of time must —

- (a) apply in writing, and
- (b) explain the delay.

PART 25 - HEARSAY EVIDENCE

25.1. Notice to introduce hearsay evidence

(1) This rule applies where a party wants to introduce hearsay evidence under Part 20 of the Criminal Procedure and Evidence Ordinance 2014.

(2) That party must —

(a) serve notice on —

- (i) the court officer; and
- (ii) each other party;

(b) in the notice —

- (i) identify the evidence that is hearsay;
- (ii) set out any facts on which that party relies to make the evidence admissible;
- (iii) explain how that party will prove those facts if another party disputes them; and
- (iv) explain why the evidence is admissible; and

(c) attach to the notice any statement or other document containing the evidence that has not already been served.

(3) A prosecutor who wants to introduce such evidence must serve the notice not more than 14 days after the defendant pleads not guilty.

(4) A defendant who wants to introduce such evidence must serve the notice as soon as reasonably practicable.

(5) A party entitled to receive a notice under this rule may waive that entitlement by so informing

-
- (a) the party who would have served it; and
 - (b) the court.

25.2. Opposing the introduction of hearsay evidence

(1) This rule applies where a party objects to the introduction of hearsay evidence.

(2) That party must —

- (a) apply to the court to determine the objection;
- (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party;
- (c) serve the application as soon as reasonably practicable, and in any event not more than 14 days after —
 - (i) service of notice to introduce the evidence;
 - (ii) service of the evidence to which that party objects, if no notice has been served; or
 - (iii) the defendant pleads not guilty,

whichever of those events happens last; and

- (d) in the application, explain —
 - (i) which, if any, facts set out in a notice that party disputes;
 - (ii) why the evidence is not admissible; and
 - (iii) any other objection to the evidence.

(3) The court —

- (a) may determine an application —
 - (i) at a hearing, in public or in private; or
 - (ii) without a hearing but only where the parties expressly consent not to be heard;
- (b) may adjourn the application.

25.3. Reasons for decisions

The court must announce at a hearing in public (but in the absence of the jury, if there is one) the reasons for a decision to admit evidence as evidence of hearsay, or to refuse to do so.

25.4. Court's power to vary requirements under this Part

(1) The court may —

- (a) shorten or extend (even after it has expired) a time limit under this Part;
- (b) allow an application or notice to be in a different form to one set out in this Part, or to be made or given orally; or
- (c) dispense with the requirement for notice to introduce hearsay evidence.

- (2) A party who wants an extension of time must —
 - (a) apply when serving the application or notice for which it is needed; and
 - (b) explain the delay.

PART 26 - EVIDENCE OF BAD CHARACTER

26.1. When this Part applies

This Part applies where a party wants to introduce evidence of bad character, within the meaning of section 372 of the Criminal Procedure and Evidence Ordinance 2014.

26.2. Content of application or notice

- (1) A party who wants to introduce evidence of bad character must —
 - (a) make an application where it is evidence of a non-defendant's bad character;
 - (b) give notice where it is evidence of a defendant's bad character.
- (2) An application or notice must —
 - (a) set out the facts of the misconduct on which that party relies;
 - (b) explain how that party will prove those facts (whether by certificate of conviction, other official record, or other evidence), if another party disputes them; and
 - (c) explain why the evidence is admissible.

26.3. Application to introduce evidence of a non-defendant's bad character

- (1) This rule applies where a party wants to introduce evidence of the bad character of a person other than the defendant.
- (2) That party must serve an application to do so on —
 - (a) the court officer; and
 - (b) each other party.
- (3) The applicant must serve the application —
 - (a) as soon as reasonably practicable; and in any event;
 - (b) not more than 14 days after the prosecutor discloses material on which the application is based (if the prosecutor is not the applicant).
- (4) A party who objects to the introduction of the evidence must —

- (a) serve notice on —
 - (i) the court officer; and
 - (ii) each other party,not more than 14 days after service of the application; and
- (b) in the notice explain, as applicable —
 - (i) which, if any, facts of the misconduct set out in the application that party disputes;
 - (ii) what, if any, facts of the misconduct that party admits instead;
 - (iii) why the evidence is not admissible; and
 - (iv) any other objection to the application.

(5) The court —

- (a) may determine an application —
 - (i) at a hearing, in public or in private; or
 - (ii) without a hearing but only where the parties consent not to be heard;
- (b) may adjourn the application.

26.4. Notice to introduce evidence of a defendant's bad character

(1) This rule applies where a party wants to introduce evidence of a defendant's bad character.

(2) A prosecutor or co-defendant who wants to introduce such evidence must serve notice on —

- (a) the court officer; and
- (b) each other party.

(3) A prosecutor must serve any such notice not more than 14 days after the defendant pleads not guilty.

(4) A co-defendant who wants to introduce such evidence must serve the notice as soon as reasonably practicable.

(5) A party who objects to the introduction of the evidence identified by such a notice must —

- (a) apply to the court to determine the objection;
- (b) serve the application on —
 - (i) the court officer; and

- (ii) each other party,
not more than 14 days after service of the notice; and
- (c) in the application explain, as applicable —
 - (i) which, if any, facts of the misconduct set out in the notice that party disputes;
 - (ii) what, if any, facts of the misconduct that party admits instead;
 - (iii) why the evidence is not admissible;
 - (iv) why it would be unfair to admit the evidence; and
 - (v) any other objection to the notice.
- (6) The court —
 - (a) may determine an application —
 - (i) at a hearing, in public or in private; or
 - (ii) without a hearing but only where the parties consent not to be heard;
 - (b) may adjourn the application.
- (7) A party entitled to receive such a notice may waive that entitlement by so informing —
 - (a) the party who would have served it; and
 - (b) the court.
- (8) A defendant who wants to introduce evidence of his or her own bad character must —
 - (a) give notice, in writing or orally —
 - (i) as soon as reasonably practicable, and in any event;
 - (ii) before the evidence is introduced, either by the defendant or in reply to a question asked by the defendant of another party's witness in order to obtain that evidence;
and
 - (b) on indictment, at the same time give notice (in writing, or orally) of any direction about the defendant's character that the defendant wants the court to give the jury.

26.5. Reasons for decisions

The court must announce at a hearing in public (but in the absence of the jury, if there is one) the reasons for a decision to admit evidence as evidence of bad character, or to refuse to do so.

26.6. Court's power to vary requirements under this Part

- (1) The court may —
 - (a) shorten or extend (even after it has expired) a time limit under this Part;
 - (b) allow an application or notice to be in a different form as set out in this Part, or to be made or given orally;
 - (c) dispense with a requirement for notice to introduce evidence of a defendant's bad character.
- (2) A party who wants an extension of time must —
 - (a) apply when serving the application or notice for which it is needed; and
 - (b) explain the delay.

PART 27 - EVIDENCE OF A COMPLAINANT'S PREVIOUS SEXUAL BEHAVIOUR

27.1. When this Part applies

This Part applies where —

- (a) section 455 of the Criminal Procedure and Evidence Ordinance 2014 prohibits the introduction of evidence or cross-examination about any sexual behaviour of the complainant of a sexual offence; and
- (b) despite that prohibition, a defendant wants to introduce such evidence or to cross-examine a witness about such behaviour.

27.2 Exercise of court's powers

The court —

- (a) must determine an application under rule 27.4 (Application for permission to introduce evidence or cross-examine) —
 - (i) at a hearing in private; and
 - (ii) in the absence of the complainant;
- (b) must not determine the application unless —
 - (i) each party other than the applicant is present, or has had at least 14 days in which to make representations; and
 - (ii) the court is satisfied that guidance on the treatment of complainant's has been adequately followed.
- (c) may adjourn the application; and

- (d) may discharge or vary a determination.

27.3 Decisions and reasons

- (1) A prosecutor who wants to introduce the evidence of a complainant in respect of whom the court allows the introduction of evidence or cross-examination about any sexual behaviour must—
 - (a) inform the complainant of the court’s decision as soon as reasonably practicable; and
 - (b) explain to the complainant any arrangements that as a result will be made for him or her to give evidence.
- (2) The court must —
 - (a) promptly determine an application; and
 - (b) allow the prosecutor sufficient time to comply with the requirements of —
 - (i) paragraph (1); and
 - (ii) any guidance on the treatment of complainant’s.
- (3) The court must announce at a hearing in public —
 - (a) the reasons for a decision to allow or refuse an application under rule 27.4; and
 - (b) if it allows such an application, the extent to which evidence may be introduced or questions asked.

27.4 Application for permission to introduce evidence or cross-examine

- (1) A defendant who wants to introduce evidence or cross-examine a witness about any sexual behaviour of the complainant must —
 - (a) serve an application for permission to do so on —
 - (i) the court officer; and
 - (ii) each other party;
 - (b) serve the application —
 - (i) as soon as reasonably practicable after becoming aware of the grounds for doing so, and in any event;
 - (ii) not more than 14 days after the prosecutor discloses material on which the application is based.
- (2) The application must —
 - (a) identify the issue to which the defendant says the complainant’s sexual behaviour is relevant;

- (b) give particulars of —
 - (i) any evidence that the defendant wants to introduce; and
 - (ii) any questions that the defendant wants to ask;
- (c) identify the exception to the prohibition in section 455 of the Criminal Procedure and Evidence Ordinance 2014 on which the defendant relies; and
- (d) give the name and date of birth of any witness whose evidence about the complainant's sexual behaviour the defendant wants to introduce.

27.5 Application containing information withheld from another party

- (1) This rule applies where —
 - (a) an applicant serves an application under rule 27.4 (Application for permission to introduce evidence or cross-examine); and
 - (b) the application includes information that the applicant thinks ought not be revealed to another party.
- (2) The applicant must —
 - (a) omit that information from the part of the application that is served on that other party;
 - (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
 - (c) in that other part, explain why the applicant has withheld that information from that other party.
- (3) If the court so directs, the hearing of an application to which this rule applies may be, wholly or in part, in the absence of a party from whom information has been withheld.
- (4) At the hearing of an application to which this rule applies —
 - (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the applicant and then by each other party, in all the parties' presence; and then
 - (ii) further representations by the applicant, in the absence of a party from whom information has been withheld; but
 - (b) the court may direct other arrangements for the hearing.

27.6 Representations in response

- (1) This rule applies where a party wants to make representations about —

- (a) an application under rule 27.4 (Application for permission to introduce evidence or cross-examine); or
 - (b) a proposed variation or discharge of a decision allowing such an application.
- (2) Such a party must —
- (a) serve the representations on —
 - (i) the court officer; and
 - (ii) each other party; and
 - (b) do so not more than 14 days after, as applicable —
 - (i) service of the application; or
 - (ii) notice of the proposal to vary or discharge.
- (3) Where representations include information that the person making them thinks ought not be revealed to another party, that person must —
- (a) omit that information from the representations served on that other party;
 - (b) mark the information to show that, unless the court otherwise directs, it is only for the court; and
 - (c) with that information include an explanation of why it has been withheld from that other party.
- (4) Representations against an application under rule 27.4 must explain the grounds of objection.
- (5) Representations against the variation or discharge of a decision must explain why it should not be varied or discharged.

27.7. Special measures, etc. for a witness

- (1) This rule applies where the court allows an application under rule 27.4 (Application for permission to introduce evidence or cross-examine).
- (2) Despite the time limit in rule 17.1 (Making an application for a direction or order) —
 - (a) a party may apply not more than 14 days after the court’s decision for a special measures direction or for the variation of an existing special measures direction; and
 - (b) the court may shorten the time for opposing that application.
- (3) Where the court allows the cross-examination of a witness, the court must give directions for the appropriate treatment and questioning of that witness in accordance with rule 3.9(6) and (7) (setting ground rules for the conduct of questioning).

27.8 Court's power to vary requirements under this Part

The court may shorten or extend (even after it has expired) a time limit under this Part.

PART 28 - RESTRICTION ON CROSS-EXAMINATION BY A DEFENDANT

28.1. When this Part applies

This Part applies where —

- (a) a defendant may not cross-examine in person a witness because of section 449 or section 450 of the Criminal Procedure and Evidence Ordinance 2014;
- (b) the court can prohibit a defendant from cross-examining in person a witness under section 451 of that Ordinance.

28.2. Appointment of advocate to cross-examine witness

(1) This rule applies where a defendant may not cross-examine in person a witness in consequence of —

- (a) the prohibition imposed by section 449 or section 450 of the Criminal Procedure and Evidence Ordinance 2014; or
- (b) a prohibition imposed by the court under section 451 of that Ordinance.

(2) The court must, as soon as practicable, explain in terms the defendant can understand (with help, if necessary) —

- (a) the prohibition and its effect;
- (b) that the defendant is entitled to arrange for a lawyer with a right of audience in the court to cross-examine the witness on his or her behalf;
- (c) that the defendant must notify the court officer of the identity of any such lawyer, with details of how to contact that person, by no later than a date set by the court;
- (d) that if the defendant does not want to make such arrangements, or if the defendant gives no such notice by that date, then —
 - (i) the court must decide whether it is necessary in the interests of justice to appoint such a lawyer to cross-examine the witness in the defendant's interests; and
 - (ii) if the court decides that that is necessary, the court will appoint a lawyer chosen by the court who will not be responsible to the defendant.

(3) Having given those explanations, the court must —

- (a) ask whether the defendant wants to arrange for a lawyer to cross-examine the witness, and set a date by when the defendant must notify the court officer of the identity of that lawyer if the answer to that question is ‘yes’;
 - (b) if the answer to that question is ‘no’, or if by the date set the defendant has given no such notice —
 - (i) decide whether it is necessary in the interests of justice for the witness to be cross-examined by an advocate appointed to represent the defendant’s interests; and
 - (ii) if the court decides that that is necessary, give directions for the appointment of such an advocate.
- (4) The court may give the explanations and ask the questions required by this rule —
- (a) at a hearing, in public or in private; or
 - (b) without a hearing, by written notice to the defendant.
- (5) The court may extend (even after it has expired) the time limit that it sets under paragraph (3)(a) —
- (a) on application by the defendant; or
 - (b) on its own initiative.
- (6) Paragraphs (7), (8), (9) and (10) apply where the court appoints an advocate.
- (7) The directions that the court gives under paragraph (3)(b)(ii) must provide for the supply to the advocate of a copy of —
- (a) early details of the prosecution case;
 - (b) initial disclosure;
 - (c) expert evidence;
 - (d) hearsay evidence;
 - (e) evidence of bad character;
 - (f) evidence of a complainant’s previous sexual behaviour;
 - (g) any disclosable unused material;
 - (h) any defence case statement;
 - (i) any defence witness notice;
 - (j) any defence application for further disclosure;

- (k) any completed case management questionnaire;
 - (l) all case management directions given by the court.
- (8) Where the defendant has given a defence statement —
- (a) the advocate, as well as the defendant, is permitted to apply for an order for prosecution disclosure if the advocate has reasonable cause to believe that there is prosecution material concerning the witness which is required to be disclosed to the defendant and has not been disclosed;
 - (b) Part 18 (Disclosure) applies to an application by the advocate as it does to an application by the defendant.
- (9) Before receiving evidence the court must establish, with the active assistance of the parties and of the advocate, and in the absence of any jury —
- (a) what issues will be the subject of the advocate’s cross-examination; and
 - (b) whether the court’s permission is required for any proposed question, for example where Part 26 (bad character) or Part 22 (previous sexual history) applies.
- (10) The appointment terminates at the conclusion of the cross-examination of the witness.

28.3. Exercise of court’s powers

- (1) The court may decide whether to impose or discharge a prohibition against cross-examination —
- (a) at a hearing, in public or in private;
 - (b) in a party’s absence, if that party —
 - (i) applied for the prohibition or discharge; or
 - (ii) has had at least 14 days in which to make representations.
- (2) The court must announce, at a hearing in public before the witness gives evidence, the reasons for a decision —
- (a) to impose or discharge such a prohibition; or
 - (b) to refuse to do so.

28.4. Application to prohibit cross-examination

- (1) This rule applies where the prosecutor wants the court to prohibit the cross-examination of a witness by a defendant in person.
- (2) The prosecutor must —

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on —
 - (i) the court officer;
 - (ii) the defendant who is the subject of the application; and
 - (iii) any other defendant, unless the court otherwise directs.

(3) The application must —

- (a) report any views that the witness has expressed about whether he or she is content to be cross-examined by the defendant in person;
- (b) identify —
 - (i) the nature of the questions likely to be asked, having regard to the issues in the case;
 - (ii) any relevant behaviour of the defendant at any stage of the case, generally and in relation to the witness;
 - (iii) any relationship, of any nature, between the witness and the defendant;
 - (iv) any other defendant in the case who is subject to such a prohibition in respect of the witness; and
 - (v) any special measures direction made in respect of the witness, or for which an application has been made;
- (c) explain why the quality of evidence given by the witness on cross-examination —
 - (i) is likely to be diminished if no such prohibition is imposed; and
 - (ii) would be likely to be improved if it were imposed; and
- (d) explain why it would not be contrary to the interests of justice to impose the prohibition.

28.5. Application to discharge prohibition imposed by the court

(1) A party who wants the court to discharge a prohibition against cross-examination which the court imposed must —

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party.

- (2) The applicant must —
 - (a) explain what material circumstances have changed since the prohibition was imposed; and
 - (b) ask for a hearing, if the applicant wants one, and explain why it is needed.

28.6. Application containing information withheld from another party

- (1) This rule applies where —
 - (a) an applicant serves an application for the court to impose a prohibition against cross-examination, or for the discharge of such a prohibition; and
 - (b) the application includes information that the applicant thinks ought not be revealed to another party.
- (2) The applicant must —
 - (a) omit that information from the part of the application that is served on that other party;
 - (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
 - (c) in that other part, explain why the applicant has withheld that information from that other party.
- (3) Any hearing of an application to which this rule applies —
 - (a) must be in private, unless the court otherwise directs; and
 - (b) if the court so directs, may be, wholly or in part, in the absence of a party from whom information has been withheld.
- (4) At any hearing of an application to which this rule applies —
 - (a) the general rule is that the court must consider, in the following sequence —
 - (i) representations first by the applicant and then by each other party, in all the parties' presence; and then
 - (ii) further representations by the applicant, in the absence of a party from whom information has been withheld; but
 - (b) the court may direct other arrangements for the hearing.

28.7. Representations in response

- (1) This rule applies where a party wants to make representations about —
 - (a) an application for a prohibition against cross-examination;
 - (b) an application for the discharge of such a prohibition; or

(c) a prohibition or discharge that the court proposes on its own initiative.

(2) Such a party must —

(a) serve the representations on —

(i) the court officer; and

(ii) each other party;

(b) do so not more than 14 days after, as applicable —

(i) service of the application; or

(ii) notice of the prohibition or discharge that the court proposes; and

(c) ask for a hearing, if that party wants one, and explain why it is needed.

(3) Representations against a prohibition must explain in what respect the conditions for imposing it are not met.

(4) Representations against the discharge of a prohibition must explain why it should not be discharged.

(5) Where representations include information that the person making them thinks ought not be revealed to another party, that person must —

(a) omit that information from the representations served on that other party;

(b) mark the information to show that, unless the court otherwise directs, it is only for the court; and

(c) with that information include an explanation of why it has been withheld from that other party.

28.8. Court's power to vary requirements

(1) The court may —

(a) shorten or extend (even after it has expired) a time limit under this Part;

(b) allow an application or representations required by any of those rules to be made in a different form to one set out in this Part.

(2) A person who wants an extension of time must —

(a) apply when serving the application or representations for which it is needed; and

(b) explain the delay.

PART 29 - SENTENCING PROCEDURES

29.1. Reasons for not following usual sentencing requirements

- (1) This rule applies where the court decides —
 - (a) not to follow a relevant sentencing guideline;
 - (b) not to make, where it could —
 - (i) a restitution order;
 - (ii) a compensation order;
 - (iii) a deprivation order;
 - (c) not to order, where it could —
 - (i) that a suspended sentence of imprisonment is to take effect;
 - (ii) the endorsement of the defendant's driving record; or
 - (iii) the defendant's disqualification from driving, for the usual minimum period or at all;
 - (d) to pass a lesser sentence than it otherwise would have passed because the defendant has assisted, or has agreed to assist, an investigator or prosecutor in relation to an offence.
- (2) The court must explain why it has so decided, when it explains the sentence that it has passed.
- (3) Where paragraph (1)(d) applies, the court must arrange for such an explanation to be given to the defendant and to the prosecutor in writing, if the court thinks that it would not be in the public interest to explain in public.

29.2. Notice of requirements of suspended sentence and community, etc. orders

- (1) This rule applies where the court —
 - (a) makes a suspended sentence order; or
 - (b) imposes a requirement under —
 - (i) a community order;
 - (ii) a youth rehabilitation order; or
 - (iii) a suspended sentence order.

- (2) The court officer must notify —
- (a) the defendant of —
 - (i) the length of the sentence suspended by a suspended sentence order; and
 - (ii) the period of the suspension;
 - (b) the defendant and, where the defendant is under 16, an appropriate adult, of —
 - (i) any requirement or requirements imposed; and
 - (ii) the identity of any responsible officer or supervisor, and the means by which that person may be contacted;
 - (c) any responsible officer or supervisor of —
 - (i) the defendant's name, address and telephone number (if available);
 - (ii) the offence or offences of which the defendant was convicted; and
 - (iii) the requirement or requirements imposed; and
 - (d) the person affected, where the court imposes a requirement —
 - (i) for the protection of that person from the defendant; or
 - (ii) requiring the defendant to reside with that person.

29.3. Notification requirements

- (1) This rule applies where, on a conviction, sentence or order, legislation requires the defendant—
- (a) to notify information to the police; or
 - (b) to be included in a list.
- (2) The court must tell the defendant that such requirements apply, and under what legislation.

29.4. Variation of sentence

- (1) This rule applies where a court can vary or rescind a sentence or order by virtue of section 488 or 287.
- (2) The court may exercise its power —
- (a) on application by a party, or on its own initiative; and
 - (b) after hearing representations by the parties;
 - (c) at a hearing in public.

- (3) A party who wants the court to exercise a power to vary sentence must —
- (a) apply in writing as soon as reasonably practicable after —
 - (i) the sentence or order that that party wants the court to vary or rescind; or
 - (ii) where paragraph (1)(b) applies, the other defendant’s acquittal or sentencing;
 - (b) serve the application on —
 - (i) the court officer; and
 - (ii) each other party; and
 - (c) in the application —
 - (i) explain why the sentence should be varied or rescinded;
 - (ii) specify the variation that the applicant proposes; and
 - (iii) if the application is late, explain why.
- (4) The court must not exercise its power in the defendant’s absence unless —
- (a) the court makes a variation —
 - (i) which is proposed by the defendant; or
 - (ii) the effect of which is that the defendant is no more severely dealt with under the sentence as varied than before; or
 - (b) the defendant has had an opportunity to make representations at a hearing (whether or not the defendant in fact attends).
- (5) The court may extend (even after it has expired) the time limit under paragraph (3), unless the court’s power to vary or rescind the sentence cannot be exercised.

29.5. Application to vary or discharge a compensation order

- (1) This rule applies where on application by the defendant a court can vary or discharge a compensation order.
- (2) A defendant who wants the court to exercise that power must —
- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
 - (b) serve the application on the court officer;
 - (c) in the application, specify the order that the defendant wants the court to vary or discharge and explain (as applicable) —

- (i) what civil court finding shows that the injury, loss or damage was less than it had appeared to be when the order was made;
 - (ii) in what circumstances the person for whose benefit the order was made has recovered the property for the loss of which it was made;
 - (iii) in what circumstances the defendant's means have been reduced substantially and unexpectedly, and why they seem unlikely to increase for a considerable period.
- (3) The court officer must serve a copy of the application on the person for whose benefit the order was made.
- (4) The court must not vary or discharge the order unless the defendant, and the person for whose benefit it was made, each has had an opportunity to make representations at a hearing.

29.6. Application to remove, revoke or suspend a disqualification or restriction

- (1) This rule applies where, on application by the defendant, the court can remove, revoke or suspend a disqualification or restriction included in a sentence (except a disqualification from driving).
- (2) A defendant who wants the court to exercise such a power must —
- (a) apply in writing, no earlier than the date on which the court can exercise the power;
 - (b) serve the application on the court officer; and
 - (c) in the application —
 - (i) specify the disqualification or restriction; and
 - (ii) explain why the defendant wants the court to remove, revoke or suspend it.
- (3) The court officer must serve a copy of the application on the Chief Police Officer.

29.7. Requests for medical reports, etc.

- (1) This rule applies where for sentencing purposes the court requires —
- (a) a medical examination of the defendant and a report; or
 - (b) information about the arrangements that could be made for the defendant where the court is considering —
 - (i) a hospital order; or
 - (ii) a guardianship order.
- (2) The court must —
- (a) identify each issue in respect of which the court requires expert medical opinion and the legislation applicable;

- (b) specify the nature of the expertise likely to be required for giving such opinion;
 - (c) identify each party or participant by whom a commission for such opinion must be prepared, who may be —
 - (i) a party (or party's representative) acting on that party's own behalf;
 - (ii) a party (or party's representative) acting on behalf of the court; or
 - (iii) the court officer acting on behalf of the court;
 - (d) where there are available to the court arrangements with the Department of Health and Social Services under which an assessment of a defendant's mental health may be prepared, give such directions as are needed under those arrangements for obtaining the expert report or reports required;
 - (e) where no such arrangements are available to the court, or they will not be used, give directions for the commissioning of an expert report or expert reports, including —
 - (i) such directions as can be made about supplying the expert or experts with the defendant's medical records;
 - (ii) directions about the other information, about the defendant and about the offence or offences alleged to have been committed by the defendant, which is to be supplied to each expert; and
 - (iii) directions about the arrangements that will apply for the payment of each expert;
 - (f) set a timetable providing for —
 - (i) the date by which a commission is to be delivered to each expert;
 - (ii) the date by which any failure to accept a commission is to be reported to the court;
 - (iii) the date or dates by which progress in the preparation of a report or reports is to be reviewed by the court officer; and
 - (iv) the date by which each report commissioned is to be received by the court; and
 - (g) identify the person (each person, if more than one) to whom a copy of a report is to be supplied, and by whom.
- (3) A commission addressed to an expert must —
- (a) identify each issue in respect of which the court requires expert medical opinion and the legislation applicable;
 - (b) include —
 - (i) the information required by the court to be supplied to the expert;

- (ii) details of the timetable set by the court; and
- (iii) details of the arrangements that will apply for the payment of the expert;
- (c) identify the person (each person, if more than one) to whom a copy of the expert's report is to be supplied; and
- (d) request confirmation that the expert from whom the opinion is sought —
 - (i) accepts the commission; and
 - (ii) will adhere to the timetable.

29.8. Information to be supplied on the making of a supervision order

- (1) This rule applies where the court makes a supervision order pursuant to section 768 of the Criminal Procedure and Evidence Ordinance 2014.
- (2) The court officer must, as soon as practicable, serve on (as applicable) the supervised person; the supervising officer and the person in charge of any institution where the defendant will reside—
 - (a) a record of the court's order;
 - (b) such information as the court has received that appears likely to assist in treating or otherwise dealing with the defendant, including information about —
 - (i) the defendant's mental condition;
 - (ii) the defendant's other circumstances; and
 - (iii) the circumstances of the offence.

29.9. Application to review sentence because of assistance given or withheld

- (1) This rule applies where the Court can reduce or increase a sentence on application by a prosecutor in a case in which —
 - (a) since being sentenced, the defendant has assisted, or has agreed to assist, an investigator or prosecutor in relation to an offence; or
 - (b) since receiving a reduced sentence for agreeing to give such assistance, the defendant has failed to do so.
- (2) A prosecutor who wants the court to exercise that power must —
 - (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
 - (b) serve the application on —
 - (i) the court officer; and
 - (ii) the defendant; and

(c) in the application —

- (i) explain why the sentence should be reduced, or increased, as appropriate; and
- (ii) identify any other matter relevant to the court's decision, including any sentencing guideline or guideline case.

(3) The general rule is that the application must be determined by the judge who passed the sentence, unless that judge is unavailable.

(4) The court must not determine the application in the defendant's absence unless the defendant has had an opportunity to make representations at a hearing (whether or not the defendant in fact attends).

Appeals

PART 30 - APPEALS TO THE SUPREME COURT

30.1. When this Part applies

This part applies to all appeals from the Summary Court and Magistrate's Court, other than those by way of case stated pursuant to section 672 of the Criminal Procedure and Evidence Ordinance

(a) by a defendant —

- (i) against conviction; or
- (ii) against sentence; or
- (iii) against conviction and sentence; and

(b) by the Attorney General against a ruling or sentence in the Magistrate's Court.

30.2. Appeals against conviction

When hearing an appeal against conviction the court will determine whether the conviction is safe or unsafe.

30.3. Appeals against sentence

(1) When hearing an appeal by a defendant against sentence the court will determine whether the sentence is manifestly excessive or not.

(2) When hearing an appeal by the Attorney General against a sentence imposed by the Magistrate's Court the court will determine whether the sentence was unduly lenient or not.

30.4. Time limit for an appeal by a defendant

- (1) A defendant who appeals against conviction or sentence, or both to the Supreme Court must do so within 21 days after the day on which the court sentences or otherwise deals with the defendant.
- (2) An appellant who requires an extension of the time limit set out in rule 30.1 must —
 - (a) apply for an extension of the time limit on the prescribed form as set out in rule 30.2; and
 - (b) do so at the same time that the appeal is lodged; and
 - (c) state the reasons why an extension of time is required and provide copies of any documentation in support of the application.
- (3) If any party served with an appeal notice which contains an application for an extension of time objects to an extension of time being granted then they must do so —
 - (a) at the time the respondent's notice is lodge in accordance with rule 30.3; and
 - (b) do so in writing setting out the reasons why the application for an extension of time is opposed.
- (4) The court may determine any application for an extension of the time limit —
 - (a) in public or in private;
 - (b) with or without a hearing.

30.5. Form of the appeal notice

- (1) An appeal under this Part must —
 - (a) be in writing; and
 - (b) be on the form prescribed by the court; and
 - (c) state the grounds of the appeal with sufficient particularity to enable the Supreme Court to identify clearly the matters relied upon.
- (2) On the form prescribed by the court the appellant must —
 - (a) specify —
 - (i) the conviction, verdict or finding; or
 - (ii) the sentence; or
 - (iii) the order against which the appellant wants to appeal; and
 - (b) identify each ground of appeal on which the appellant relies, numbering them consecutively (if more than one) and concisely outlining each argument in support; and

- (c) identify any transcript(s) that the appellant considers the court will need, if the appellant wants to appeal against conviction;
 - (d) identify any directions that the appellant seeks relating to the production of documents, exhibits or evidence;
 - (e) in appeals against sentence —
 - (i) attach the social inquiry report used by the lower court at the time of sentence; and
 - (ii) state whether the appellant seeks the updating of the report; or
 - (iii) if a report has not previously been prepared, state whether the appellant seeks the preparation of a social inquiry report;
 - (f) summarise the relevant facts;
 - (g) identify the relevant authorities.
- (3) Include or attach any application for the following, with reasons —
- (a) any application for an extension of time;
 - (b) bail pending appeal;
 - (c) a direction to attend in person, if the appellant is in custody;
 - (d) an order requiring a witness to attend court;
 - (e) a direction for special measures for a witness;
 - (f) an application for leave to call a witness in support of an appeal against conviction.
- (5) Specify a time estimate for the hearing of the case.
- (6) Identify any other document or thing that the appellant thinks the court will need to decide the appeal.
- (7) Provide any issues of availability for listing for hearing of the appeal.
- (8) Any document mentioned in the Form should be identified clearly, by exhibit number or otherwise.

30.6. Respondent's notice

- (1) Upon receipt of the appeal notice the Registrar of the Supreme Court will, as soon as reasonably practicable, serve the appeal notice on any party directly affected by the appeal.
- (2) Within 14 days a party served with the appeal notice —
 - (a) may respond to the appeal notice if the party wishes to do so; and

- (b) must respond to the appeal notice if the court has directed the party to do so.
- (3) Upon receipt of a respondent's notice the Registrar of the Supreme Court will, as soon as reasonably practicable, serve the respondent's notice on —
- (a) the appellant; and
 - (b) any party who was served with the appeal notice in accordance with this Part.
- (4) A respondent's notice must be on the form prescribed by the court and state —
- (a) the date on which the respondent was served with the appeal notice;
 - (b) each ground of opposition on which the respondent relies, numbering them consecutively (if there is more than one), concisely outlining each argument in support and identify the ground of appeal to which each relates;
 - (c) include a summary of any relevant facts not already summarised in the appeal notice;
 - (d) include or attach any application for the following, with reasons —
 - (i) an extension of time within which to serve the respondent's notice;
 - (ii) an order requiring a witness to attend court;
 - (iii) a direction for special measures for a witness;
 - (e) any document or thing that the respondent considers the court will need to decide the appeal; and
 - (f) any issues of availability for listing for the hearing of the appeal.
- (5) Where a defendant appeals against a conviction, the prosecutor is required to submit a respondent's notice in accordance with this Part.
- (6) Where a defendant appeals against a sentence the prosecutor shall not be permitted to submit a respondent's notice unless directed by the court.

30.7. Directions

The court may, at any time, make directions in relation to the appeal or any aspect of the appeal.

30.8. Bail pending appeal

- (1) Bail pending appeal may be granted by the lower court or by the Supreme Court.
- (2) In all cases an application for bail pending appeal shall first be made to the lower court from which the appeal is being made.
- (3) An application for bail pending appeal shall not be made to the Supreme Court unless —
 - (a) the lower court refuses to grant bail pending appeal; or

(b) grants bail pending appeal but imposes conditions of bail.

(4) Unless the court otherwise directs an application for bail pending appeal shall be made in writing and served on the prosecutor no less than 24 hours before the hearing of the application.

(5) An application for bail pending appeal shall not be made to the Supreme Court before a notice of appeal has been filed.

(6) Unless the Supreme Court otherwise directs all applications for bail pending appeal shall be heard in private.

30.9. Calling evidence on appeal

(1) No party shall be entitled to call evidence on appeal without the leave of the Supreme Court.

(2) Evidence on appeal can only be heard on an appeal against conviction.

(3) An application for leave to call evidence on appeal shall be made in writing, on a form prescribed by the court, and shall set out —

(a) why the evidence appears credible; and

(b) why the evidence would have been admissible in the original proceedings; and

(c) why the evidence is relevant to the appeal against conviction; and

(d) why the evidence was not adduced at the original hearing; and

(e) explain the failure to adduce the evidence at the original hearing.

(4) A copy of the application shall be served on the prosecutor by the Registrar of the Supreme Court whereupon the prosecutor shall have 14 days from the date the application was served to respond in writing.

(5) A response by the prosecutor must be filed at court and served by the prosecutor on the appellant.

(6) An application for leave to call evidence can be decided with or without a hearing, in public or in private save that where the application is to be decided without a hearing the parties shall be given an opportunity to explain why a hearing is necessary.

30.10. Loss of time order

(1) In accordance with section 564 of the Criminal Procedure and Evidence Ordinance 2014 the court may order that any part of a custodial sentence served pending appeal will not be reckoned as part of the term of any sentence to which the appellant is for the time being subject.

(2) The court will not make a loss of time order unless the appellant has been given an opportunity to make representations at a hearing.

30.11. Abandonment

- (1) An appeal may be abandoned at any time before the appeal hearing if the appellant gives notice in writing on a form prescribed by the court.
- (2) Upon receiving such a notice the Registrar shall notify any other party to the appeal and the appeal will be treated as if it had been heard and dismissed.
- (3) If, as a result of abandonment, a party seeks an order for costs they must make an application to the court in writing no later than 14 days after the date of the notice of abandonment sent by the Registrar and shall serve any other party to the appeal with a copy of the application.

30.12. Procedure at appeal hearing

- (1) The appeal will be heard in public save unless exceptional circumstances apply.
- (2) The appeal will be heard in the following sequence —
 - (a) the appellant will be entitled to make representations and call any evidence for which leave has been granted; and
 - (b) the respondent will be entitled to make representations in reply and call any evidence for which leave has been granted; and
 - (c) the appellant will have a right to reply to any new matter raised by the respondent.
- (3) Without the leave of the court the parties will not be allowed to address the court on any matter not set out in the appeal notice or the respondent's notice.

Made 19 October 2020

J. T. LEWIS Q.C.,
Chief Justice.



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Appointment

Kristin Logan McKay, Labourer, Highways Section, Public Works Department, 19.04.21.

Timothy John Costelloe, Operations Manager, Fisheries, Natural Resources Department, 03.05.21.

Lydia Clare Hutchinson, Maritime Officer, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 03.05.21.

Jordan Joanna Ovens, Senior Staff Nurse, Health and Social Services Department, 04.05.21.

Francis Penders, Sergeant (Operations), Royal Falkland Islands Police, Emergency Services and Island Security Department, 18.05.21.

Batsirai Mavatu, Planning (Technical) Assistant, Planning and Building, Development and Commercial Services Department, 24.05.21.

Completion of contract

Christopher Michael Chilton, Senior Project Manager - Port, Development and Commercial Services Department, 30.04.21.

Tsitsi Chitsiku, Legislative Drafter, Government Legal Services, Law and Regulation Directorate, 04.05.21.

Neda Matosevic, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 04.05.21.

Mark Laurence Rutherford, Management Accountant, Treasury, 28.05.21.

Barry Alan Rowland, Chief Executive, Executive Management, 31.05.21.

Renewal of contract

Joanne Ford, Childcare Advisory Teacher, Infant Junior School and Camp Education, Education Department, 01.05.21.

Tsitsi Chitsiku, Legislative Drafter, Government Legal Services, Law and Regulation Directorate, 05.05.21.

Neda Matosevic, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 05.05.21.

Resignation

Charlotte Elsie Emma Simpson, Residential Support Worker, Young Persons Unit, Health and Social Services Department, 11.05.21.

Mandy Ford, Farm Manager, Agriculture, Natural Resources Department, 24.05.21.

Transfer

Gene Stanley Berntsen, from Watch Manager A, Fire and Rescue Service, Emergency Services and Island Security Department, to Workshop Manager, Falkland College, Education Department, 12.04.21.

Morgen Mapepa, from Plant Operator/Handyperson, Highways Section, to Plant Operator/Handyperson, Materials Section, Public Works Department, 10.05.21.

Camila Walton-Alfaro, from Shield Support Worker, Falkland College, Education Department, to Trainee Dental Nurse, Health and Social Services Department, 25.05.21.

Tessa Linda Davies-Berntsen, from Clerk, Administration Section, Public Works Department, to Accounting Assistant, Treasury, 27.05.21.

Death in Service

Tracy Evans, Agriculture Assistant, Agriculture, Natural Resources Department, 14.05.21.

NOTICES

No. 42 29 January 2021

Planning Ordinance 1991 section 63

Appointment of Additional Member of Planning and Building Committee

1. Section 63(2) of the Planning Ordinance 1991 provides that the Governor may appoint persons appearing to him to have a special knowledge of or interest in buildings of architectural or historic interest to be additional members of the Planning and Building Committee for the purposes of its functions under sections 64 to 72 and sections 93, 94, 97(1) and 99 of the Ordinance.

2. In exercise of my powers under section 63(2) I appoint **Emma Holly Goss** to be an additional member of the Planning and Building Committee for the purposes of its functions under sections 64 to 72 and sections 93, 94, 97(1) and 99 of the Ordinance.

3. This appointment has effect from 29 January 2021 to 30 April 2024, unless terminated sooner.

Dated 29 January 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 43 6 May 2021

Index of Retail Prices

The Retail Price Index for the quarter ended 31 March 2021 has now been completed.

The Index has increased by 1.3% to 105.248. The change in the Index over the year to 31 March 2021 has been -0.7%.

Date	Index	Annual change	Quarterly change
31.03.2020	106.041	+0.7%	+0.0%
30.06.2020	102.921	-2.8%	-2.9%
30.09.2020	104.301	-1.7%	+1.3%
31.12.2020	103.851	-2.0%	-0.4%
31.03.2021	105.248	-0.7%	+1.3%

Fuel and power prices are still very low compared to one year ago. Therefore, this category keeps having a strong deflationary pressure on the annual change in the Index (when fuel and power items are excluded from the basket of goods, the annual change in the Index goes from -0.7% to +1.8%). However, in the first quarter of 2021, fuel and power prices started to recover from the low recorded in the fourth quarter of 2020. This puts a significant upward pressure on the quarterly change in the Index (when fuel and power items are excluded from the basket of goods, the quarterly change in the Index goes from

+1.3% to +0.6%). Food and non-alcoholic beverages prices have a strong inflationary pressure on the annual change in the Index (+0.7 percentage points), although price growth in this category appears to have moderated in the last quarter.

Dated 6 May 2021

D. RANGHETTI,
for Director of Policy and Economic Development.

No. 44 7 May 2021

Planning Ordinance 1991 section 63

Appointment of Additional Member of Planning and Building Committee

1. Section 63(2) of the Planning Ordinance 1991 provides that the Governor may appoint persons appearing to him to have a special knowledge of or interest in buildings of architectural or historic interest to be additional members of the Planning and Building Committee for the purposes of its functions under sections 64 to 72 and sections 93, 94, 97(1) and 99 of the Ordinance.

2. In exercise of my powers under section 63(2) I appoint **Christopher Paul Locke** to be an additional member of the Planning and Building Committee for the purposes of its functions under sections 64 to 72 and sections 93, 94, 97(1) and 99 of the Ordinance.

3. This appointment has effect from 7 May 2021 for three years to 6 May 2024, unless terminated sooner.

Dated 7 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 45 14 May 2021

Assessment and Safeguarding of Adults Ordinance 2020 section 12 and Schedule

Additional member of Safeguarding Adults Board

1. Section 12 and the Schedule to the Assessment and Safeguarding of Adults Ordinance 2021 provide for the establishment and membership of the Safeguarding Adults Board. Paragraph 1(2) of the Schedule provides that the membership of the Safeguarding Adults Board may also include such other persons as the Governor, having consulted members, considers appropriate.

2. Notice is given that in accordance with paragraph 1(2) of the Schedule the public office of **Social Services Team Manager** is included in the membership of the Safeguarding Adults Board with effect from 14 May 2021.

Dated 14 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 46

19 May 2021

Police Ordinance 2000
section 4

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, acting in his discretion, 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 **Barry Thacker** to be Acting Chief Police Officer to carry out the duties of the Chief Police Officer in the rank of Chief Inspector.

3. This appointment is effective for the period commencing 11 June to 12 July 2021 inclusive, unless terminated sooner.

Dated 19 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 47

25 May 2021

Falkland Islands Status Ordinance 1998
section 3

Application for Falkland Islands Status

Notice is hereby given that:

Jo-Ellen Kimberley Bone;
Raquel Emily Irene Francis; and
Scott David John Henry-Roberts,

have applied for Falkland Islands Status to be granted by His Excellency the Governor.

Any person who intends to object to the grant of any application may do so in writing to the Principal Immigration Officer at the Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

Dated 25 May 2021

J. E. SMITH
Immigration Officer

No. 48

25 May 2021

British Nationality Act 1981
section 18

Application for Naturalisation

Notice is hereby given that:-

Sherwin Deloso;
Elysian Taperla;
Kamal Gaudel; and
Monica Isabel Ovalle Pita,

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 within 21 days of the date of publication of this notice.

Dated 25 May 2021

J. E. SMITH,
Immigration Officer.

No. 49

27 May 2021

Infectious Diseases Control (Coronavirus, Quarantine)
Regulations 2021
regulation 11

Quarantine Exemptions Direction No. 6

Background

In accordance with regulation 17 of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021, the Chief Medical Officer has reviewed the requirements of those Regulations. She has reported the outcome of her review and in her opinion change is required.

I am satisfied that the risk of persons arriving by air from the United Kingdom spreading coronavirus has significantly reduced because the incidence of the disease in the United Kingdom has significantly reduced in recent weeks. The roll-out of the vaccination programme across the United Kingdom is also a consideration. Vaccination, among other benefits, reduces the infectiousness of a vaccinated individual who becomes ill with the virus.

Further, all south-bound air passengers and air crew must possess a valid notification of a negative test result for coronavirus, taken within 5 days before the date of actual departure as a condition of carriage by Air Tanker Services Limited. A person exhibiting symptoms of the disease or who has tested positive is not permitted to board the flight. The airline has implemented social distancing policies and the requirement for passengers to wear face coverings. These measures reduce the likelihood of infected or infectious persons arriving in the Falkland Islands by air. There are no other air passenger carriers operating routes to the Falkland Islands at this time.

The risk to persons living and working in the Falkland Islands of serious illness or death resulting from the transmission of coronavirus infection is also significantly reduced as over 95% of the resident adult population of the Falkland Islands and over 1,000 members of the current population at Mount Pleasant Complex have completed the full course of vaccination against coronavirus. The effect of high vaccination coverage is a significant reduction both in the risk of community transmission and in the risk that a vaccinated individual who becomes infected will need hospital care. The potential impact of a community outbreak on our health service is very significantly reduced.

Finally, our health service has developed a robust and effective test and trace policy for persons in quarantine that has been

effective in identifying potentially infected travellers and their immediate contacts. The health and emergency services departments of the Falkland Islands Government have worked well with British Forces South Atlantic Islands to respond efficiently and effectively to minor local outbreaks of disease.

In the circumstances, I am satisfied that the period of quarantine can be safely reduced for those arriving by air from the United Kingdom who test negative for coronavirus on day 2 and day 8 of quarantine and for children under the age of 6 who are in quarantine with them.

Direction

In accordance with regulation 11(3) of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 (“the Regulations”) I, Nigel James Philips C.B.E., direct that:

1. Persons who arrive by air from the United Kingdom on or after 3 June 2021 and are of a description specified in paragraph 2 are not required to comply with the requirements in Part 3 of the Regulations for the remainder of the period of quarantine that would otherwise apply to them under regulation 9.

2. Paragraph 1 applies to:

(a) a person aged 6 years or over who:

(i) on or before the end of the second day after the day of arrival in the Falkland Islands has a negative result for a test for coronavirus administered by the King Edward Memorial Hospital and all other persons on the same flight had a negative result for a test for coronavirus within the same period; and

(ii) on the eighth day after the day of arrival in the Falkland Islands, has a negative result for a test for coronavirus administered by the King Edward Memorial Hospital and all other persons staying in the same place of quarantine as the person also had a negative result for a test for coronavirus on the same occasion; or

(b) a person who is a child aged less than 6 years, if a person who has responsibility for the child and with whom the child is in quarantine meets the requirements in subparagraph (a).

Dated 27 May 2021

N. J. PHILLIPS C.B.E.,
Governor.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

2 June 2021

No. 8

The following is published in this Supplement —

Customs Resolution 2021 (SR&O No 10 of 2021).

SUBSIDIARY LEGISLATION

Customs Resolution 2021

(No. 10 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement
3. Amendment of Customs Order 1948

SUBSIDIARY LEGISLATION

Customs Resolution 2021

(made: 1 June 2021)

(published: 2 June 2021)

(coming into force: 2 June 2021)

This Resolution is made by the Legislative Assembly by Resolution number 1 of 2021, under section 113(1) of the Customs Ordinance 2003.

1. Title

This Resolution is the Customs Resolution 2021.

2. Commencement

This Resolution comes into effect on 2 June 2021.

3. Amendment of Customs Order 1948

It is resolved by the Legislative Assembly that article 2 of the Customs Order 1948 is repealed and replaced with —

“2. Import duties

The following import duties of customs are payable —

- (a) on beer, 38 pence per litre;
- (b) on cider, perry etc, 38 pence per litre;
- (c) on still and sparkling wines, 94 pence per litre;
- (d) on fortified wines, £1.12 per litre;
- (e) on spirituous beverages, £7.64 per litre;
- (f) on spirits, £14.24 per litre;
- (g) on cigars, £420.05 per kilogram;
- (h) on cigarettes, £452.46 per kilogram; and
- (i) on tobacco, £289.35 per kilogram.”.

Made 1 June 2021

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly.

EXPLANATORY NOTE
(not part of the Resolution)

This Resolution is made under section 113(1) of the Customs Ordinance 2003 and amends the Customs Order 1948, with effect from 2 June 2021, to increase the duties of customs payable —

on beer, cider, perry etc from 37p to 38p per litre;
on wines from 91p to 94p per litre;
on fortified wines from £1.09 to £1.12 per litre;
on spirituous beverages from £7.42 to £7.64 per litre;
on spirits from £13.83 to £14.24 per litre;
on cigars from £400.05 to £420.05 per kilo;
on cigarettes from £430.91 to £452.46 per kilo; and
on tobacco from £275.57 to £289.35 per kilo.

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FALKLAND ISLANDS GAZETTE

Supplement

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Vol. 32

11 June 2021

No. 9

The following are published in this Supplement —

Appropriation Ordinance 2021 (No 3 of 2021);

Capital Appropriation Ordinance 2021 (No 4 of 2021);

Finance Ordinance 2021 (No 5 of 2021);

Immigration (Amendment) Ordinance 2021 (No 6 of 2021);

Immigration (General) Regulations 2021 (SR&O No 7 of 2021);

Immigration (Fees) Regulations 2021 (SR&O No 8 of 2021); and

Immigration (Permanent Residence Permits)(Amendment) Regulations 2021 (SR&O No 9 of 2021).

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Appropriation Ordinance 2021

(ORDINANCE No. 3 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Appropriation

Schedule

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Appropriation Ordinance 2021

(assented to: 7 June 2021)
(commencement: on publication)
(published: 11 June 2021)

AN ORDINANCE

To authorise the appropriation from the Consolidated Fund of £102,938,356 for the financial year ending 30 June 2022.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Appropriation Ordinance 2021.

2. Commencement

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

3. Appropriation

(1) The amount of £102,938,356 is appropriated from the Consolidated Fund for the financial year ending 30 June 2022.

(2) The issue of the amount from the Consolidated Fund in the amounts necessary to supply the votes set out in the Schedule is authorised.

SCHEDULE

section 3

Number	Head of Service of Government	Amount
	Estimate 21/22	£
0110	Development & Commercial Services	8,220,299
0120	Human Resources	923,392
0200	Health & Social Services	13,523,041
0250	Education	9,101,645
0350	Public Works	14,609,537
0410	Natural Resources	6,711,453
0451	Law & Regulation	1,756,068
0550	Emergency Services	4,268,965
0600	Executive Management	4,483,881
0615	Policy	1,149,460
0620	Mineral Resources	676,630
0700	Treasury	2,969,449
0997	Oil	300,000
0999	Islands Plan	6,069,780
	Total Operating estimate	74,763,600
0998	Fund Transfer and Transfer Payments	2,284,683
	TOTAL EXPENDITURE	77,048,283
0999	Transfer to the Capital Equalisation Fund	25,890,073
	Total Transfer	28,174,756
	Total Schedule	102,938,356

Passed by the Legislature of the Falkland Islands on 1 June 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Capital Appropriation Ordinance 2021

(ORDINANCE No. 4 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Appropriation

Schedule - Capital Programme

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Capital Appropriation Ordinance 2021

(assented to: 7 June 2021)
(commencement: on publication)
(published: 11 June 2021)

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 2021.

2. Commencement

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

3. Appropriation

(1) The Financial Secretary is authorised to withdraw from the Capital Equalisation Fund an amount not exceeding £35,421,203 for the purposes of funding expenditure of a capital nature under the capital programme as detailed in the Schedule.

(2) The authorisation given in subsection (1) —

- (a) is in addition to previous authorisations by Order or Ordinance in accordance with section 11 of the Public Funds Ordinance 1990; and

- (b) applies whether or not sums previously authorised have been paid out of the Capital Equalisation Fund.

SCHEDULE - Capital Programme

section 3

Category of capital expenditure under the capital programme	Financial Year	Financial Year	Total
	2020/21	2021/22	
	£	£	£
Economic Development	£0	£6,598,341	£6,598,341
Infrastructure and Maintenance	£2,500,000	£13,862,985	£16,362,985
Social Investment	£0	£12,459,877	£12,459,877
	<u>£2,500,000</u>	<u>£32,921,203</u>	<u>£35,421,203</u>

Passed by the Legislature of the Falkland Islands on 1 June 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Finance Ordinance 2021

(ORDINANCE No. 5 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Banking Regulations Order 1989
4. Amendment of Court Fees (Family Proceedings) Rules 1992
5. Amendment of Minimum Wage Ordinance 2013
6. Validation of charges under Public Health Ordinance 1894 and Public Health (Ships) Regulations 2010
7. Amendment of Retirement Pensions (Prescribed Rates) Regulations 1996

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Finance Ordinance 2021

(assented to: 7 June 2021)
(commencement: in accordance with section 2)
(published: 11 June 2021)

AN ORDINANCE

To amend fees and rates provided for under the laws of the Falkland Islands; to provide for the validation of charges collected contrary to legislative provisions; and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Finance Ordinance 2021.

2. Commencement

This Ordinance comes into force on 1 July 2021, except where it is provided that particular provisions come into force at a later specified date.

3. Amendment of Banking Regulations Order 1989

(1) Regulation 4 of the Banking Regulations Order 1989 is amended by omitting “£12,000.00” and replacing it with “£13,000.00”.

(2) This section comes into force on 1 January 2022.

4. Amendment of Court Fees (Family Proceedings) Rules 1992

Part 2 of the Schedule to the Court Fees (Family Proceedings) Rules 1992 is amended —

- (a) in paragraph 3(b) by omitting “£155.00” and replacing it with “£52.00”;
- (b) in paragraph 4(b) by omitting “£155.00” and replacing it with “£52.00”;
- (c) in paragraph 5 by omitting “£155.00” and replacing it with “£52.00”; and
- (d) in paragraph 8 by omitting “£155.00” and replacing it with “£52.00”.

5. Amendment of Minimum Wage Ordinance 2013

(1) Section 11(1) of the Minimum Wage Ordinance 2013 is amended by omitting “£7.13” and replacing it with “£7.26”.

(2) This section comes into force on 1 January 2022.

6. Validation of charges under Public Health Ordinance 1894 and Public Health (Ships) Regulations 2010

(1) In this section, “**charges**” means charges for services, inspections or testing which have been demanded or collected by or on behalf of the Crown purportedly in accordance with but without complying with the requirements of one of the following —

- (a) section 13A of the Public Health Ordinance 1894;
- (b) section 44 of the Public Health Ordinance 1894;
- (c) Part 5 of the Public Health (Ships) Regulations 2010.

(2) Charges demanded or collected during the period from 1 July 2019 to 30 June 2021 are validated as if the charges were demanded or collected in compliance with the requirements of the relevant law.

7. Amendment of Retirement Pensions (Prescribed Rates) Regulations 1996

(1) The Retirement Pensions (Prescribed Rate) Regulations 1996 are amended —

- (a) in regulation 5 —
 - (i) in subregulation (1)(a) by omitting “£18.75” and replacing it with “£19.75”;
 - (ii) in subregulation (1)(b) by omitting “£37.50” and replacing it with “£39.50”;
 - (iii) in subregulation (1)(c) by omitting “£18.75” and replacing it with “£19.75”;
 - (iv) in subregulation (2) by omitting “£18.75” and replacing it with “£19.75”;
 - (v) in subregulation (2A) by omitting “£18.75” and replacing it with “£19.75”;
 - (vi) in subregulation (3)(a) by omitting “£37.50” and replacing it with “£39.50”;

- (vii) in subregulation (4) by omitting “£37.50” and replacing it with “£39.50”; and
 - (b) in regulation 6 by omitting “£285.20” and replacing it with “£290.40”.
- (2) This section comes into force on 1 January 2022.

Passed by the Legislature of the Falkland Islands on 1 June 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Immigration (Amendment) Ordinance 2021

(ORDINANCE No. 6 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

PART 1 - INTRODUCTORY

1. Title
2. Commencement
3. Purpose
4. Repeal

PART 2 – AMENDMENT OF THE IMMIGRATION ORDINANCE 1999

5. Section 2 (interpretation) amended
6. Persons refused leave to enter or remain and liable to deportation (new sections 5A to 5D)
7. Visitor permits, volunteer permits, work permits and accompanying dependent permits (new sections 17B to 17H)
8. Dependent permits and carer permits (new sections 18B to 18C)
9. Revocation of permits (new section 22A)
10. Appeals and reviews of decisions made by the Principal Immigration Officer (new sections 25 to 27)
11. Registered Employer Scheme (new section 38A)
12. Section 40 (regulations) amended
13. Minor and consequential amendments to the Immigration Ordinance 1999
14. Amendment of the Criminal Procedure and Evidence Ordinance 2014

PART 3 – TRANSITIONAL PROVISIONS

15. Transitional provisions

Schedule 1 – Minor and consequential amendments to the Immigration Ordinance 1999

Schedule 2 – Transitional provisions

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Immigration (Amendment) Ordinance 2021

(assented to: 7 June 2021)
(commencement: in accordance with section 2)
(published: 11 June 2021)

AN ORDINANCE

To amend the Immigration Ordinance 1999.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - INTRODUCTORY

1. Title

This Ordinance may be cited as the Immigration (Amendment) Ordinance 2021.

2. Commencement

- (1) This Ordinance comes into force on a date appointed by the Governor by notice in the *Gazette*.
- (2) The Governor may appoint different commencement dates for different provisions and for different purposes.

3. Purpose

This Ordinance amends the Immigration Ordinance 1999 (“**the Ordinance**”).

4. Repeal

The Immigration (Amendment)(No 2) Ordinance 2017 is repealed.

PART 2 – AMENDMENT OF THE IMMIGRATION ORDINANCE 1999

5. Section 2 (interpretation) amended

In section 2 of the Ordinance (interpretation) —

(a) omit the definitions of “**dependent**”, “**dependent child**”, “**dependent relative**”, “**legally adopted**”, “**prohibited person**”, “**repealed Ordinance**”, “**residence permit**”, “**temporary work permission**”, “**unmarried couple**” and “**visitor’s permit**”;

(b) insert the following new definitions in their correct alphabetical order —

“**accompanying dependent**” and “**accompanying dependent permit**” have the meaning in section 17H;”;

“**carer permit**” has the meaning in section 18C;”;

“**dependent permit**” has the meaning in section 18B;”;

“**deportation order**” has the meaning in section 7(1) and “**deportation**” is interpreted accordingly;”;

“**living expenses**” means regular expenditure on food, clothing, accommodation and transport;”;

“**period of validity**” means, in relation to —

(a) a permit that is not a permanent residence permit, the limited period for which the permit is issued and during which it remains valid, including any limited period for which the permit is extended;

(b) a visa, the limited period for which the visa is issued and during which it remains valid unless revoked, and includes any limited period for which the visa is extended;”;

“**permit**” means a permit issued under this Ordinance;”;

“**registered charity**” means —

(a) a body which is registered as a charity under the Charities Act 1960 c.58 as it applies in the Falkland Islands; or

(b) a body of persons or trust the name of which appears on the list of charities approved under section 57B of the Taxes Ordinance 1997;”;

“**regulations**” means regulations made under this Ordinance;”;

“**remuneration**” does not include —

(a) any sum paid to a person in respect of expenses reasonably incurred or to be incurred for or in connection with work done by that person;

- (b) the provision of accommodation or any sum paid to a person in respect of their reasonable accommodation and living expenses; or
- (c) any sum paid in respect of expenses reasonably incurred or to be incurred for or in connection with travelling between a person's home overseas and the Falkland Islands for or in connection with work;"

“**sponsor**” means a person for whom an applicant for a work permit wishes to work, or a worker works and includes any person under whose direction or control work is to be done or is done, whether or not the applicant or worker (as the case may be) has a contractual relationship with, or is remunerated by, that person or a third party;"

“**sponsoring organisation**” means —

- (a) a registered charity; or
- (b) any other person approved by the Principal Immigration Officer for the purposes of section 17E.;"

“**substantial charge on public funds**” means a charge on public funds or any other impact on public resources that it is unreasonable, in all the circumstances, to expect the Government to bear;"

“**undertaking**” means an undertaking given by a sponsor to the Falkland Islands Government that the sponsor will pay or discharge all or any costs of repatriating a worker and any accompanying dependents to a country specified in the undertaking, if called upon to do so;"

“**visitor**” and “**visitor permit**” have the meaning given in section 17B.;"

“**volunteer permit**” means a permit issued under section 17E.;"

“**watch list**” has the meaning in section 5A(1).;"

“**work**” means to work for another person, whether as an employee or under any other contractual arrangement, or on one's own account to pursue any business, trade, profession, calling, vocation or employment, whether or not for remuneration;" and

“**Workforce Shortage List**” means the list kept and maintained by the Skills Assessment Council (a council established by the Governor) of occupations for which there is a shortage of persons with the appropriate skills, qualifications or experience in the Falkland Islands and that are open for the recruitment of migrant workers from overseas.”.

(c) for the definition of —

(i) “**partner**” substitute —

“**partner**” means —

- (a) a married couple or civil partnership; or
- (b) two persons who habitually live together in a relationship with some or all of the characteristics of a marriage or a civil partnership;" and

(ii) “**work permit**” substitute —

““**work permit**” means a permit issued under section 17F and “**worker**” means the holder of a work permit.”.

6. Persons refused leave to enter or remain and liable to deportation (new sections 5A to 5D)

After section 5 of the Ordinance (general provisions for regulation and control) insert the following sections —

“5A. Watch list

(1) The Principal Immigration Officer must keep and maintain a list of persons whose presence in the Falkland Islands is deemed to be undesirable or who would be so deemed if the person were to be permitted to enter the Falkland Islands (“**the watch list**”).

(2) The Governor may by regulations provide for the circumstances in which a person is included in, or removed from, the watch list.

(3) A person’s presence in the Falkland Islands is deemed to be undesirable if the person is a person —

- (a) in respect of whom a deportation order has been made;
- (b) who has committed or is reasonably suspected of committing genocide, war crimes or crimes against humanity;
- (c) who has committed or is reasonably suspected of committing one or more criminal offences that would, if prosecuted in the Falkland Islands, be punishable by a sentence of imprisonment of 4 years or more or an indeterminate sentence;
- (d) included in the United Kingdom Sanctions List published by the United Kingdom Government under the Sanctions and Anti-Money Laundering Act 2018 c.13 and any other persons notified by the United Kingdom Government as presenting a risk to national security; or
- (e) who has publicly expressed or endorsed an opinion or otherwise behaved in a manner that is likely to lead to a serious breach of public order.

5B. Mandatory refusal of leave to enter or remain

The Principal Immigration Officer must not without the Governor’s consent knowingly permit a person to enter or remain in the Falkland Islands if that person does not have a right of abode and —

- (a) is included in the watch list;
- (b) has been convicted of a criminal offence and received a sentence of imprisonment of —
 - (i) 4 years or more or an indeterminate sentence;
 - (ii) 30 months or more but less than 4 years, unless a period of 7 years or more has elapsed since completion of the sentence including any licence period;

- (iii) 6 months or more but less than 30 months, unless a period of 4 years or more has elapsed since the end of the sentence, including any licence period; or
- (iv) 6 months or less, unless a period of 24 months has elapsed since the end of the sentence, including any licence period,
- (c) is in breach of paragraph 3 of Schedule 2 by failing to provide any information or document requested by the Principal Immigration Officer;
- (d) the person, or any other person on their behalf, with a view to procuring permission to enter or remain in the Falkland Islands on behalf of that person, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to a decision of the Principal Immigration Officer; or
- (e) requires a visa to enter the Falkland Islands and does not have one.

5C. General discretion to refuse leave to enter or remain

(1) The Principal Immigration Officer may refuse permission to enter or remain in the Falkland Islands to any person who does not have a right of abode in the Falkland Islands if, at the time of attempted entry into the Falkland Islands or application for any permission under this Ordinance (including an application for a permit) —

- (a) the person is unable to show that they have the means of supporting themselves and any other persons who are dependent on, and travelling with, them;
- (b) the person —
 - (i) refuses to submit to an examination by a medical inspector; or
 - (ii) is certified by a medical inspector to be suffering from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render that person's presence in the Falkland Islands a danger to the community;
- (c) the person is present in the Falkland Islands unlawfully or was so present at any time within a period of 5 years ending on the date of seeking permission to enter or remain;
- (d) there are reasonable grounds for believing that the person has committed a criminal offence and, if convicted, would receive a sentence of imprisonment;
- (e) the person has failed to pay a debt of £500 or more that is due to the Government of the Falkland Islands under a judgment of a court of the Falkland Islands; or
- (f) in the opinion of the Principal Immigration Officer —
 - (i) there are substantial grounds relating to the person's character or conduct for believing that it would not be in the public interest to grant that person leave to enter or remain; or

- (ii) it would otherwise be conducive to the public good to refuse that person, or any group or category of persons that includes the person, permission to enter or remain.

(2) The Governor may direct the Principal Immigration Officer to permit a person or group or category of persons in respect of whom leave has been refused under subsection (1) to enter or remain in the Falkland Islands subject to any specified conditions.

5D. Unlawful presence in the Falkland Islands

(1) A person who is unlawfully present in the Falkland Islands is liable to deportation in accordance with section 7.

(2) A person is unlawfully present in the Falkland Islands if that person is not a Falkland Islander and —

- (a) the person required a visa to enter the Falkland Islands and entered the Falkland Islands without one;
- (b) the person requires permission to enter or remain in the Falkland Islands and—
 - (i) entered the Falkland Islands without permission; or
 - (ii) the period of validity of their permit has expired or the permit was revoked or has otherwise ceased to be valid, and a new permit has not been issued to that person;
- (c) the person’s entry was lawful under section 9(1) (seafarers, aircrew etc.) but has become unlawful because —
 - (i) leave to remain under that section has expired and a permit has not been issued to the person; or
 - (ii) the person is in breach of any condition that applied to their leave by or under regulations;
- (d) the person’s entry was lawful under section 14 (entry in emergency) but has become unlawful; or
- (e) leave to remain granted pursuant to section 15 (refugees, etc.) has expired and a permit has not been issued to the person.”.

7. Visitor permits, volunteer permits, work permits and accompanying dependent permits (new sections 17B to 17H)

(1) After section 10 of the Ordinance omit cross-heading “Visitors’ permits” and repeal sections 11 to 13.

(2) After section 15 of the Ordinance omit cross-heading “Residence permits” and repeal sections 16 to 17A.

(3) After section 17A of the Ordinance insert —

“Visitor permits

17B. Visitor permits

- (1) The Principal Immigration Officer may permit a person of a description in subsection (2) (“**a visitor**”) to enter or remain in the Falkland Islands for a limited period.
- (2) A visitor is a person who does not have a right of abode in the Falkland Islands and—
 - (a) is outside the Falkland Islands;
 - (b) having disembarked or being about to disembark a ship or aircraft, seeks permission to enter the Falkland Islands and is not the holder of any other permit authorising them to do so;
 - (c) having entered the Falkland Islands lawfully under sections 9 (seafarers, aircrew etc.) or 14 (entry in emergency), seeks permission to remain in the Falkland Islands after their presence in the Falkland Islands ceases to be permitted by either section 9 or section 14, as the case may be; or
 - (d) being the holder of a permit that is not a permanent residence permit seeks permission to remain in the Falkland Islands after that permit expires or has otherwise ceased to be valid (but has not been revoked).
- (3) Before granting permission under subsection (1) (“**a visitor permit**”), the Principal Immigration Officer must be satisfied that —
 - (a) for the whole period the person is likely to remain in the Falkland Islands, the person has sufficient financial resources to maintain themselves and secure suitable accommodation without working and is not likely to be or become a charge on public funds; and
 - (b) the person —
 - (i) has made, or has sufficient financial resources to make, arrangements for travel to a destination outside the Falkland Islands on or before the period of validity expires; and
 - (ii) will be permitted entry at that destination and to any necessary intermediate destination which the person may need to enter in the course of travelling to the destination.
- (4) Subject to subsection (5), the Principal Immigration Officer may, if satisfied that the visitor continues to meet the requirements in subsection (3) extend the period of validity.
- (5) The period of validity of a visitor permit must not exceed —
 - (a) in the case of a visitor to whom a permit is issued on arrival in the Falkland Islands, one month from the date of issue;
 - (b) in the case of a visitor who intends to engage in permitted activity within the meaning of section 17C(1), a period that will not, when aggregated with any other period for which a visitor permit has been issued to the visitor, exceed a total of three months in any consecutive period of 12 months;

- (c) in the case of a person to whom neither paragraphs (a) nor (b) apply and who is a family member, twelve months from the date of issue;
- (d) in any other case, six months from the date of issue.

(6) The Principal Immigration Officer must not issue a visitor permit or extend the period of validity for a person who is a family member if one or more visitor permits have previously been issued to that person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed twelve months in any twenty-four month period.

(7) In any case not falling within subsection (6), the Principal Immigration Officer must not issue a visitor permit or extend the period of validity if one or more visitor permits have previously been issued to the same person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed nine months in any twelve month period.

(8) The Governor may authorise the Principal Immigration Officer to issue or extend a visitor permit where by virtue of the other provisions of this section the Principal Immigration Officer would otherwise be prohibited from doing so.

(9) Save as permitted by sections 17C (permitted activities) and 17D (short-term work), a visitor must not work in the Falkland Islands but nothing in this section prevents a visitor from voluntarily providing services of any kind without remuneration to a registered charity.

(10) In this section, “**family member**” means the partner or a parent, sibling or child of a person who has either —

- (a) a right of abode in the Falkland Islands; or
- (b) a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.

17C. Permitted activities

(1) Where a visitor is a person engaged primarily in business overseas, the visitor may—

- (a) as a member of the board of a body corporate, perform any function that only a person who is a member of the board can perform;
- (b) engage in business in relation to —
 - (i) any aspect of the establishment, expansion or winding up of any business enterprise in the Falkland Islands; or
 - (ii) any consultation or negotiation with the Falkland Islands Government or any statutory corporation regarding any contract or proposed contract, including any joint venture or partnership arrangement;
- (c) as a legal practitioner, accountant, auditor, ship surveyor or a health or care professional, provide professional advice or services for or on behalf of a client or patient, including in the case of a legal practitioner as an advocate before any court or tribunal, provided that the professional advice or services are provided pursuant to a contract made before entering the Falkland Islands;

- (d) as a visiting minister of religion, conduct or otherwise participate in services or other acts of worship, undertake pastoral duties and other duties of ministry provided the person has been invited to do so by a person who is lawfully resident in the Falkland Islands;
- (e) undertake the inspection, repair, maintenance, servicing, installation or removal of any infrastructure, ship, aircraft, vehicle, apparatus or other equipment pursuant to a contract made before entering the Falkland Islands;
- (f) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands, conduct business with clients or prospective clients;
- (g) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands, engage in that work;
- (h) perform as an actor, musician or other entertainer pursuant to a contract made before entering the Falkland Islands with a person who is lawfully resident in the Falkland Islands; or
- (i) create or undertake activities ancillary to creating artistic works not within the scope of paragraphs (g) or (h) provided the person establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands.

(2) A visitor may undertake 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.

17D. Permission to do short-term work

(1) Subject to subsection (2), the Principal Immigration Officer may grant a visitor permission to do short-term work.

(2) The Principal Immigration Officer must not grant permission to do short-term work unless satisfied that the visitor meets the requirements in section 17B(3).

(3) The Principal Immigration Officer may withdraw permission to do short-term work at any time by giving notice in writing to the visitor.

(4) The period for which permission may be given must not, when aggregated with any other periods for which permission to do short-term work have been granted, exceed a total of three months during the period of validity of a visitor permit.

(5) The Governor may recognise a scheme for short-term work for visitors who are young persons.

(6) Subsections (2) and (4) do not apply to the grant of permission to a young person to participate in a scheme under subsection (5).

(7) In this section —

“**short-term work**” means work that —

- (a) is not an activity permitted under section 17C(1); and

- (b) is included in the Workforce Shortage List; and

“**young person**” means a person aged 25 years or less.

Volunteer permits

17E. Volunteer permits

(1) A person who does not have a right of abode in, and is outside, the Falkland Islands may apply for a permit to work in the Falkland Islands without remuneration for a sponsoring organisation (“**volunteer permit**”) and the Principal Immigration Officer may, subject to this section, issue such a permit for a limited period.

(2) Before issuing a volunteer permit the Principal Immigration Officer must be satisfied that—

- (a) for the whole period of validity adequate provision for the living expenses of the applicant has been made and the person will be suitably accommodated; and
- (b) the applicant has made, or has sufficient financial resources to make, arrangements for travel overseas on or before the period of validity expires to a destination outside the Falkland Islands where the person will be permitted entry.

(3) Subject to subsection (4), the Principal Immigration Officer may, if satisfied that the permit holder continues to meet the requirements in subsection (2), extend the period of validity of a volunteer permit.

(4) The Principal Immigration Officer must not issue or extend a volunteer permit if one or more volunteer permits have previously been issued to the applicant and the cumulative total of the periods of validity of the permits would exceed twelve months in any twenty-four month period.

(5) The holder of a volunteer permit may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart and re-enter the Falkland Islands;
- (c) work for the sponsoring organisation; and
- (d) voluntarily provide services of any kind without remuneration to a registered charity.

Work permits

17F. Work permits

(1) A person may apply for and the Principal Immigration Officer may issue a permit to work in the Falkland Islands for a limited period either for a sponsor or on their own account (“**a work permit**”) if the person does not have a right of abode and is —

- (a) outside the Falkland Islands;

- (b) the holder of a work permit (“**a worker**”), an accompanying dependent, the holder of a dependent permit or a carer permit; or
 - (c) a person who was the holder of a work permit, an accompanying dependent permit or dependent permit that expired 28 days or less before the date of the application.
- (2) The period of validity of a work permit may be extended but must not exceed four years in total.
- (3) The Principal Immigration Officer may refuse to issue or extend the period of validity of a work permit if the applicant is or is likely to become a substantial charge on public funds because of their medical or healthcare needs.
- (4) If the applicant intends to work for a sponsor, the sponsor must provide an undertaking in relation to the worker.
- (5) Subsection (4) does not apply if the sponsor is the Crown in right of the Government of the Falkland Islands.
- (6) A worker may during the period of validity —
- (a) enter and remain in the Falkland Islands;
 - (b) depart from and re-enter the Falkland Islands;
 - (c) work either for a sponsor or on their own account, as specified in the permit; and
 - (d) in addition to the work specified in accordance with paragraph (c) —
 - (i) do any work that is included in the Workforce Shortage List for a person who is not their sponsor;
 - (ii) voluntarily provide services of any kind without remuneration.
- (7) The Principal Immigration Officer may permit a worker —
- (a) to do work not included in the Workforce Shortage List; or
 - (b) in the case of a worker who works for a sponsor, to work on their own account in addition.

17G. Undertakings

- (1) A sum due under an undertaking is recoverable as a civil debt to the Crown.
- (2) An undertaking is not affected if the work permit to which it relates expires or otherwise ceases to be valid or is revoked except in the circumstances set out in subsection (3).
- (3) The Principal Immigration Officer must release a sponsor from an undertaking if —
- (a) a new work permit is issued to the worker and either —
 - (i) an undertaking has been accepted from a different sponsor; or
 - (ii) the permit is for the worker to work on their own account;

- (b) the worker has ceased to work for the sponsor and the worker and any accompanying dependents referred to in the undertaking have left the Falkland Islands of their own accord;
 - (c) a permit of a different type is issued to the worker; or
 - (d) the worker becomes a Falkland Islander.
- (4) The Principal Immigration Officer may release a sponsor from an undertaking in exceptional circumstances.
- (5) Regulations may make further provision for undertakings and in particular may —
- (a) prescribe the circumstances in which repatriation costs for a worker and any accompanying dependents referred to in an undertaking are or are not payable by the sponsor;
 - (b) provide for the Principal Immigration Officer to require or accept other security for repatriation costs in lieu of an undertaking; or
 - (c) prescribe the form and content of undertakings.

Accompanying dependent permits

17H. Accompanying dependent permits

- (1) A person who does not have a right of abode may apply for a permit to live with a worker in the Falkland Islands as part of a worker’s household (“**an accompanying dependent permit**”) if the person —
- (a) is outside the Falkland Islands;
 - (b) is a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit; or
 - (c) was the holder of an accompanying dependent permit that expired 28 days or less before the date of the application.
- (2) The Principal Immigration Officer may issue an accompanying dependent permit for a limited period to a person who is of a description in subsection (1) and either —
- (a) the partner of a worker (whether or not financially dependent on the worker); or
 - (b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the worker, forms part of the worker’s household and is—
 - (i) a person aged less than 18 years; or
 - (ii) a person aged 18 years or more who is a child or step-child of the worker or the worker’s partner.
- (3) The Principal Immigration Officer may refuse an application for an accompanying dependent permit if —

- (a) it appears likely that, if a permit were issued, the applicant would be or become a substantial charge on public funds because of the person’s medical or healthcare needs or, if under 18 years, educational needs; or
- (b) the worker’s sponsor does not provide an undertaking in relation to the applicant.

(4) Subject to subsection (3), the Principal Immigration Officer must issue an accompanying dependent permit to a child born to a worker or an accompanying dependent while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands.

(5) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue an accompanying dependent permit to a person who is not of a description in subsections (1), (2) or (4) but is financially or otherwise dependent for accommodation, maintenance or care on a worker and forms part of the worker’s household.

(6) A person who holds an accompanying dependent permit (“**accompanying dependent**”) may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) do any work that is included in the Workforce Shortage List for another person; and
- (d) voluntarily provide services of any kind without remuneration.

(7) The Principal Immigration Officer may permit an accompanying dependent to do work not included in the Workforce Shortage List or to work on their own account.

(8) The period of validity of an accompanying dependent permit must not exceed the period of validity of the permit of the worker in whose household the accompanying dependent lives or is to live and may be extended for the same period as any extension to the period of validity of the relevant work permit.”.

8. Dependent permits and carer permits (new sections 18B to 18C)

After section 18A of the Ordinance insert —

“Dependent permits

18B. Dependent permits

(1) A person who does not have a right of abode in the Falkland Islands may apply for a permit to live with a person who has a right of abode in the Falkland Islands as part of that person’s household (“**a dependent permit**”) if the person is —

- (a) outside the Falkland Islands;
- (b) a worker, an accompanying dependent or the holder of a dependent permit or a carer permit; or
- (c) was the holder of a dependent permit that expired 28 days or less before the date of the application.

(2) The Principal Immigration Officer may issue a dependent permit for a limited period to an applicant who is of a description in subsection (1) and either —

- (a) the partner of the person who has a right of abode (whether or not the partner is financially dependent on the person who has a right of abode); or
- (b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the person who has a right of abode, forms part of that person's household and is —
 - (i) a person aged less than 18 years; or
 - (ii) a person aged 18 years or more who is a child or step-child of the person who has a right of abode or of that person's partner.

(3) Subject to subsection (5), the Principal Immigration Officer must issue a dependent permit to a child born to the holder of a dependent permit while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands unless the child is otherwise entitled to Falkland Islands status or to a permanent residence permit.

(4) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue a dependent permit to a person who is not of a description in subsections (1) to (3) but is financially or otherwise dependent for accommodation, maintenance or care on a person who has a right of abode and forms part of that person's household.

(5) The Principal Immigration Officer may refuse an application for a dependent permit if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the person's medical or healthcare needs or, if under 18 years, educational needs.

(6) The holder of a dependent permit may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) work whether for another person or on their own account; and
- (d) voluntarily provide services of any kind without remuneration.

(7) The period of validity of a dependent permit must not exceed —

- (a) in a case falling within subsection (3), the period of validity of the parent's dependent permit; or
- (b) in any other case, four years from the date of issue.

(8) A permit issued for less than the maximum period provided for in subsection (7) may be extended provided the total period of validity does not exceed that maximum.

Carer permits

18C. Carer permits

(1) A person who does not have a right of abode in the Falkland Islands may, in the circumstances described in subsection (2) apply, for a permit (“**a carer permit**”) to live with a person who needs their care.

(2) The circumstances are that —

(a) the applicant is —

- (i) over the age of 18 years;
- (ii) is not eligible for any other type of permit; and
- (iii) is a family member of, or other person with a close personal relationship with, the person who needs care;

(b) the person who needs care has a right of abode in the Falkland Islands and at the date of the application —

- (i) is under the age of 18 years; or
- (ii) is over the age of 18 years and needs substantial personal care on a regular basis because of a disability or other health condition; and

(c) the care is provided without remuneration.

(3) The Principal Immigration Officer may with the consent of the Governor issue a carer permit for such limited period, not exceeding four years from the date of issue, and subject to such conditions as the Governor may direct.

(4) An application for a carer permit may be refused if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the applicant’s own medical or healthcare needs.

(5) During the period of validity, the permit holder may —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) work, whether for another person or on their own account; and
- (d) voluntarily provide services of any kind without remuneration.

(6) The period of validity may be extended if the Governor so directs, provided the total period of validity does not exceed four years from the date of issue of the permit.”.

9. Revocation of permits (new section 22A)

(1) Repeal sections 19 to 22 and 24 of the Ordinance.

(2) Before section 23 of the Ordinance insert —

“22A. Revocation of visitor permits, volunteer permits, work permits, accompanying dependent permits, dependent permits and carer permits

- (1) This section applies to a permit that is not a permanent residence permit.
- (2) A permit is revoked with immediate effect if the permit holder is included in the watch list.
- (3) The Principal Immigration Officer may revoke a permit on notice, if the permit holder —
 - (a) or any other person on the permit holder’s behalf with a view to procuring the issue of the permit, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to its issue;
 - (b) has worked or works in the Falkland Islands other than in accordance with any conditions in the permit or as otherwise permitted under this Ordinance; or
 - (c) during the period of validity is convicted in the Falkland Islands or in any other jurisdiction of an offence punishable on conviction by imprisonment.
- (4) Notice of revocation under subsection (3) must be given in writing to the permit holder.
- (5) A person whose permit is revoked by notice under subsection (3) may request a review of the decision in accordance with section 26.
- (6) A decision to revoke a permit under subsection (3) has effect —
 - (a) in the case of a visitor permit, immediately on the giving of notice of revocation;
 - (b) in any other case —
 - (i) on the 28th day after the date on which notice of revocation is given if the permit holder does not request a review under section 26; or
 - (ii) if the person requests a review under section 26, upon determination of the review if the review is unsuccessful.
- (7) The Principal Immigration Officer may withdraw a notice of revocation at any time before it takes effect, with the consent of the Governor.”.

10. Appeals and reviews of decisions made by the Principal Immigration Officer (new sections 25 to 27)

- (1) Repeal sections 25, 26, 27 and 29 of the Ordinance.
- (2) After the heading “**PART III APPEALS**” insert —

“25. Appeals - general

- (1) No appeal lies to any person, tribunal or authority against a deportation order or from any other decision or determination made by the Governor.
- (2) No appeal lies to any person, tribunal or authority from a decision or determination made by the Principal Immigration Officer, except as provided in this Part.

Reviews of decisions of the Principal Immigration Officer

26. Reviews of decisions made by the Principal Immigration Officer

- (1) This section applies to a permit that is not a permanent residence permit.
- (2) Subject to subsection (3), a person may request a review by the Governor of —
 - (a) a decision to —
 - (i) refuse to issue visitor permit, a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, except in circumstances to which section 24A(2) applies;
 - (ii) refuse to extend a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, during the period of validity;
 - (iii) revoke a permit on notice under section 22A(3); or
 - (b) any other prescribed matter.
- (3) In the circumstances set out in subsection (4) a person may only request a review if the person is outside the Falkland Islands.
- (4) The circumstances referred to in subsection (3) are that the person —
 - (a) was outside the Falkland Islands when notified of a decision referred to in subsection (2)(a)(i) or (iii), or
 - (b) does not have leave to enter or remain in the Falkland Islands.

27. Procedure for reviews

- (1) A person must request a review by giving notice in writing to the Governor not more than twenty-eight days after being given notice of the relevant decision.
- (2) A notice requesting a review must include a statement of the reasons for requesting the review and include any documentary evidence relied on.
- (3) The Governor must determine the review as soon as is reasonably practicable and may confirm or rescind the decision reviewed.
- (4) If the Governor rescinds a decision —
 - (a) to refuse to issue a permit or grant an extension to the period of validity, the Principal Immigration Officer must issue a permit of a type, or grant the extension (as the case may be), for such period and subject to such conditions as the Governor may direct; or
 - (b) to revoke a permit, the permit is deemed never to have been revoked.
- (5) Written notice of the Governor's determination must be given to the person who requested the review within seven days.
- (6) If the person who requests a review holds a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit and, but for this subsection, the period of validity would otherwise expire before the review is determined—

- (a) the period of validity is extended to the date on which written notice of the outcome of the review is given to the person; and
- (b) in relation to a review that concerns a work permit, the period of validity of an accompanying dependent permit that depends on the period of validity of the work permit is likewise extended.

Appeals relating to permanent residence permits”.

11. Registered Employer Scheme (new section 38A)

After section 38 of the Ordinance insert —

“38A. Registered Employer Scheme

(1) The Principal Immigration Officer must keep and maintain a register of employers (“**the Registered Employer Scheme**”).

(2) The Governor may by regulations provide for the Registered Employer Scheme and in particular —

- (a) who may be included in the register;
- (b) the requirements an employer must meet before being registered;
- (c) information to be included in the register;
- (d) the duties of an employer who is registered;
- (e) the circumstances in which an employer may be removed from the register;
- (f) the fee payable in connection with an application for registration; or
- (g) other related matters, as may be necessary or expedient.

(3) In this section “**employer**” means a person who employs or would like to employ a visitor who has permission to do short-term work, a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit, whether as a sponsor, a sponsoring organisation or otherwise.”.

12. Section 40 (regulations) amended

In section 40 of the Ordinance (regulations) —

- (a) in subsection (1) —
 - (i) replace paragraph (b) with —
 - “(b) for the issue and cancellation of visas and conditions that may be imposed on the issue of a visa;”;
 - (ii) after paragraph (b) insert —

“(bA) requirements to be met by a person to whom sections 9(1), 14 or 15 apply and conditions that may be imposed by the Principal Immigration Officer in relation to leave to enter or remain of such persons;”; and

(iii) in paragraph (e) after “this Ordinance” insert “or reviews under Part III”.

(b) after subsection (1) insert —

“(1A) In relation to permits that are not permanent residence permits the Governor may by regulations provide for —

- (a) the requirements that must be met before a permit may be issued or any other permission granted under this Ordinance;
- (b) conditions that may be imposed by the Principal Immigration Officer when issuing a permit, extending the period of validity of a permit or granting any other permission under the Ordinance with which a permit holder, a sponsor or a sponsoring organisation must comply;
- (c) information to be included in a permit; or
- (d) the circumstances in which a permit ceases to be valid.”; and

(c) in subsection (2) replace “subsection (1)” with “subsections (1) and (1A)”.

13. Minor and consequential amendments to the Immigration Ordinance 1999

Schedule 1 makes provision for further minor and consequential amendments to the Ordinance.

14. Amendment of the Criminal Procedure and Evidence Ordinance 2014

Amend the Criminal Procedure and Evidence Ordinance 2014 by omitting —

- (a) subsection (8) of section 488;
- (b) section 501; and
- (c) subsection (3)(b) of section 664.

PART 3 – TRANSITIONAL PROVISIONS

15. Transitional provisions

Schedule 2 makes provision for transitional matters.

SCHEDULE 1 - Minor and consequential amendments to the Immigration Ordinance 1999

section 13

Section 3

In section 3(1) of the Ordinance omit —

“, provided that the person who immediately before the commencement of this Ordinance held office as Principal Immigration Officer under the provisions of the repealed Ordinance and all persons who immediately before the commencement of this Ordinance held office as immigration officers shall continue to hold office as such, and may be removed from that office, as if he had been appointed under this subsection”.

Section 5

In section 5 of the Ordinance —

(a) replace subsection (2) with —

“(2) Except as provided by section 9 (seafarers, aircrew etc.), section 14 (entry in emergency), section 15 (refugees, etc) and paragraphs 12(1) and 21(1) of Schedule 2, leave to enter or remain is given by way of a permit issued under this Ordinance”;

(b) omit subsections (3), (6) and (10A); and

(c) replace subsection (13) with —

“(13) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands and has one is not permitted to enter the Falkland Islands unless that person also holds a permit or has the Governor’s consent”.

Section 7

In section 7 of the Ordinance —

(a) replace subsection (1) with —

“(1) Where a person is liable to deportation is under section 5D(1) the Governor may make an order against that person requiring the person to leave, and prohibiting them from entering, the Falkland Islands either for a limited period or permanently (“**deportation order**”).”;

(b) after subsection (2) insert —

“(2A) Schedule 3 makes supplementary provision as to deportation.”; and

(c) omit subsections (3) to (6).

Section 8

Repeal section 8 of the Ordinance.

Section 9

In the heading to section 9 of the Ordinance, replace “Seamen” with “Seafarers”.

In section 9(1) of the Ordinance —

(a) replace “not being a person who has Falkland Islands status or a permanent residence permit or residence permit” with “not having a right of abode in the Falkland Islands or a permit”; and

(b) replace paragraph (b) with —

“(b) the person is a person to whom section 5B applies;”.

Section 24A

In section 24A(1) of the Ordinance replace “visitor’s permit, a work permit, a residence permit, or a permanent residence permit, and any dependents included in the person’s application,” with “permit”.

Section 39

In section 39 of the Ordinance —

(a) replace subsection (1) with —

“(1) Subject to subsection (2) and regulations, the Principal Immigration Officer may specify any application or other form (“**a specified form**”) and any official stamps to be used under this Ordinance as may be necessary or expedient provided that any specified form is first published in the *Gazette*.”;

(b) after subsection (1) insert —

“(1A) The Principal Immigration officer may by notice published in the *Gazette* require a specified form —

(a) to be completed and submitted by electronic means together with electronic copies of any documents or other information that may be required in relation to such a form; and

(b) the originals of any such documents or information to be produced at a later date for the purpose of verification.”; and

(c) in subsection (2) replace “has prescribed any form or official stamp” with “requires a specified form or official stamp to be used”.

Section 41

In section 41 of the Ordinance —

(a) at the end of paragraph (a) omit “or”;

(b) at the end of paragraph (b) replace the full stop with “; or”; and

(c) after paragraph (b) insert —

“(c) by electronic means provided the person to whom the notice is addressed has agreed to that method of service.”.

Title to Part VI

Replace the title to Part VI of the Ordinance with “REPEAL”.

Section 42

Section 42 of the Ordinance is repealed.

Schedule 1

In Schedule 1 Part II to the Ordinance —

- (a) in paragraph 1 replace “Seamen” with “Persons”;
- (b) in paragraph 3 replace “passengers” with “persons” in both places it appears; and
- (c) after paragraph 3 insert —

“4. Persons who hold a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.”.

Schedule 2

In Schedule 2 to the Ordinance —

- (a) omit the title “PART 1 GENERAL PROVISIONS”;
- (b) in paragraph 3(5) after “this Ordinance” insert “, a review under section 26”;
- (c) in paragraph 5 —
 - (i) in sub-paragraph (1), replace “not less than” with “not more than” and “visitor’s permit” with “visitor permit”; and
 - (ii) in sub-paragraph (3), replace “visitor’s permit” with “visitor permit”; and
 - (iii) in sub-paragraph (6), replace “visitor’s permit” with “visitor permit”;
- (d) in the cross-heading before paragraph 11, replace “Seamen” with “Seafarers”;
- (e) in paragraph 26(2) replace “on or at any time before arrival at the port” with “at the relevant time”; and
- (f) after paragraph 26(2) insert —

“(3) In paragraph 26(2) “**relevant time**” means —

- (a) in the case of a ship employed to carry passengers for reward, not less than twenty-four hours before arrival at the port;
- (b) in the case of an aircraft employed to carry passengers for reward not less than twenty-four hours before arrival at the port and, in addition, as soon as reasonably practicable after the aircraft departs from the country where the flight originates; or
- (c) in any other case, at any time before or on arrival at the port.”.

Schedule 3

In Schedule 3 to the Ordinance —

- (a) After the heading “Supplementary provisions as to deportation” insert “*regulation 7*”;
- (b) in paragraph 3 —
 - (i) omit sub-paragraphs (1) and (2); and
 - (ii) in sub-paragraph (6), replace “are” with “is”; and
 - (iii) in sub-paragraph (7) replace “The persons to whom sub-paragraph (6) applies are” with “A person to whom sub-paragraph (6) applies is” and omit sub-paragraph (7)(a).

SCHEDULE 2 - Transitional provisions

section 15

Prohibited persons

1. All persons in respect of whom a notification was given by the Governor to the Principal Immigration Officer under paragraph (d) of the definition of prohibited persons in section 2 of the Ordinance immediately before the coming into force of this Ordinance are persons included in the watch list.

Permits issued before this Ordinance comes into force – general provision

2. Except as otherwise provided in this Schedule, the repeal of sections 11 to 13 and 16 to 17A of the Ordinance does not affect the validity, or the date of expiry, of visitors’ permits, residence permits or work permits issued, any extension or renewal of such a permit, or any permission given under section 12, before this Ordinance comes into force.

Visitor permits

3. A visitor’s permit issued before this Ordinance comes into force is treated for all purposes as if it is a visitor permit issued under the Ordinance as amended by this Ordinance, except that such a visitor permit must not be extended or renewed.

4. For the purposes of calculating the maximum period of validity of a visitor permit under section 17B(5) of the Ordinance, visitors’ permits issued before this Ordinance comes into force are taken into consideration as if they were visitor permits issued after this Ordinance comes into force.

5. Permission given under section 12 of the Ordinance before this Ordinance comes into force may be withdrawn at any time after this Ordinance comes into force by notice in writing.

Residence permits

6. Notwithstanding section 7(2) of this Ordinance, subsections (1) and (8) of section 16 of the Ordinance continue to have effect in relation to the holder of a residence permit (“**resident**”), a

dependent of a resident who is named in the residence permit (“**named dependent**”) and any person who provided an undertaking under subsection (8).

7. The Principal Immigration Officer must not extend a residence permit and, except as permitted by paragraphs 8 and 9, a resident or named dependent must not work for remuneration.

8. The Principal Immigration Officer may permit a resident or named dependent to work for such period and subject to such conditions as the Principal Immigration Officer considers appropriate in the circumstances.

9. A resident or a named dependent who holds a work permit issued before the coming into force of this Ordinance, is deemed to have permission under paragraph 8 to do the work for which the work permit was issued and for the same period, subject to any conditions in the permit, and the permit otherwise ceases to have effect.

10. Permission given under paragraph 8 or deemed permission under paragraph 9 may be withdrawn at any time on notice.

11. In relation to residents and named dependents, sections 17F, 17H and 18B of the Ordinance are modified as follows —

- (a) section 17F(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”;
- (b) section 17H(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”; and
- (c) section 18B(1)(b) is read as if after “a carer permit” is inserted “or a resident or a named dependent”.

12. A residence permit ceases to have effect —

- (a) in relation to a named dependent if the named dependent —
 - (i) is a child, when that person attains the age of eighteen years or marries under that age; or
 - (ii) being the partner of the resident by virtue of whose permit the person is a named dependent, ceases to form part of the same household as the resident.
- (b) in relation both to a resident and any named dependent immediately on the issue of a new permit to a resident.

13. The following provisions of the Ordinance apply to residence permits as to other permits that are not permanent residence permits —

- (a) section 22A (revocation of visitor permits etc.);
- (b) section 25 (appeals – general);
- (c) section 26 (review of decisions etc.) except for subsection (2)(a)(i) and (ii); and

(d) section 27 (procedure for reviews) except for subsection (4)(a).

14. The resident and any named dependent of the resident are unlawfully present in the Falkland Islands for the purposes of section 5D(1) of the Ordinance if the residence permit is revoked, expires or otherwise ceases to have effect and new permits have not been issued to them.

Work permits

15.(1) This paragraph applies to a person who holds a work permit issued or renewed before this Ordinance comes into force and who does not also hold a residence permit.

(2) A work permit issued to a person to whom this paragraph applies is treated for all purposes as a work permit issued under section 17F of the Ordinance if either —

- (a) the permit was issued or renewed so as to permit the holder to take employment with another person or to continue in employment with another person and that other person gave an undertaking in accordance with section 17(5)(a) of the Ordinance prior to the coming into force of this Ordinance; or
- (b) the permit was issued or renewed to enable the permit holder to work on their own account, provided the holder does not also hold a permit to which paragraph (a) applies.

(3) Any other work permit issued to a person to whom this paragraph applies is treated as permission given under section 17F(7) of the Ordinance, whether or not the work to which such permit relates is in fact included in the Workforce Shortage List, and such permission may be withdrawn at any time on notice.

16.(1) The Principal Immigration Officer must issue an accompanying dependent permit to a dependent named in a work permit (“**dependent of a worker**”) issued before the coming into force of this Ordinance.

(2) The period of validity of an accompanying dependent permit issued to the dependent of a worker ends on the same date as the date of expiry of the work permit to which it relates.

(3) On the issue of an accompanying dependent permit to the dependent of a worker, a work permit issued to that person before the coming into force of this Ordinance ceases to have effect save that in relation to work not included in the Workforce Shortage List it is treated as if it is permission given under section 17H(7) of the Ordinance and may be withdrawn at any time on notice.

17. An undertaking given under section 17(5) of the Ordinance is, after the coming into force of this Ordinance, treated as if it is an undertaking given under section 17F of the Ordinance, except that the Principal Immigration Officer must release the person who provided the undertaking from the obligation within one month after the work permit holder ceases to work for the person who gave the undertaking.

Applications for permits not determined before the coming into force of this Ordinance

18. An application for —

- (a) a work permit;
- (b) a visitor's permit; or
- (c) extension or renewal of a visitor's permit or a work permit,

made but not determined before the coming into force of this Ordinance is treated as an application for a new visitor permit under section 17B of the Ordinance or work permit under section 17F of the Ordinance, as the case may be.

19. An application for a work permit to which paragraph 18 applies that includes an application for named dependents to be included in the permit is, in relation to each of the named dependents, treated as an application for an accompanying dependent permit.

20. An application for a residence permit or the extension or renewal of a residence permit made but not determined before the coming into force of this Ordinance must be refused and there is no right of appeal against such a refusal.

Outstanding appeals

21. An appeal made under section 25 of the Ordinance (appeals in relation to visitors' permits) or section 27 of the Ordinance (appeals in relation to work permits) but not determined before the coming into force of this Ordinance is treated as if it is an application under section 26 of the Ordinance (reviews of decisions etc.) after the coming into force of this Ordinance.

22. An appeal made under section 26 of the Ordinance (appeals in relation to residence permits) but not determined before the coming into force of this Ordinance must be refused.

Passed by the Legislature of the Falkland Islands on 1 June 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

Immigration (General) Regulations 2021

(No. 7 OF 2021)

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SUBSIDIARY LEGISLATION

Immigration (General) Regulations 2021

(No. 7 OF 2021)

(Made: 7 June 2021)

(Published: 11 June 2021)

(Coming into force: in accordance with regulation 2)

I make these Regulations under sections 5A(2), 26(2)(b), 38A, 40 and Schedule 2(4) of the Immigration Ordinance 1999 on the advice of Executive Council.

PART 1 - INTRODUCTORY

1. Title

These Regulations are the Immigration (General) Regulations 2021.

2. Commencement

(1) Regulation 22(2)-(4) and Schedule 1 come into force on 1 July 2021 for the purpose of establishing the Registered Employer Scheme.

(2) These Regulations come into force for all other purposes on 1 September 2021.

3. Interpretation

In these Regulations —

“**education assessment**” means an assessment by the Director of Education of whether an applicant for a permit is likely to be or become a substantial charge on public funds because of the applicant’s educational needs if a permit is issued;

“**health assessment**” means an assessment by a medical inspector of whether an applicant for a permit is likely to be or become a substantial charge on public funds because of the applicant’s medical, dental or other healthcare needs if a permit is issued;

“**health declaration**” means a declaration in the specified form made by an applicant for a permit at the time of making the application and endorsed by a medical inspector;

“**health insurance**” means medical insurance cover for the holder of a permit —

- (a) of such sum as may be determined by the Governor and published in the *Gazette*; and
- (b) that includes all the costs of —

- (i) emergency medical evacuation, including the costs of transportation and medical care in transit, for treatment of a medical condition or situation that cannot be treated adequately in the Falkland Islands, to the nearest country where adequate and appropriate medical treatment can be provided for the holder of a permit;
- (ii) travel by air from the country in which emergency medical treatment is provided to the country of ordinary residence of the holder of a permit; and
- (iii) in the event of the death of the holder of the permit, air transportation of the deceased's mortal remains from the place of death to the country in which the deceased was ordinarily resident or, if death occurs in the Falkland Islands, local burial;

“**landing card**” has the meaning in regulation 9(4);

“**migrant worker**” means a person who does not have a right of abode, and works or would like to work, in the Falkland Islands;

“**Ordinance**” means the Immigration Ordinance 1999;

“**parent**” includes any person who has parental responsibility for a child within the meaning of section 6 of the Children Ordinance 2014;

“**prescribed fee**” means the fee payable in accordance with regulations made under sections 38A(2) or 40(1)(d) of the Ordinance;

“**registered employer**” means a sponsor, sponsoring organisation or any other person who is registered under the Registered Employer Scheme and includes any servant or agent of the person who is named in the register of the Scheme;

“**review**” means a review of a decision of the Principal Immigration Officer under section 26 of the Ordinance;

“**seafarer**” means a person who is a member of the crew of a ship; and

“**specified form**” means a form specified by the Principal Immigration Officer from time to time.

4. Application

These Regulations apply to persons who do not have a right of abode in the Falkland Islands.

PART 2 – WATCH LIST

5. Watch List

(1) The Principal Immigration Officer must include in the watch list any person whom the Governor directs to be so included.

(2) Before directing that a person be included in the watch list, the Governor must be satisfied on the balance of probabilities that the person is of a description in section 5A(3) of the Ordinance.

(3) If the person's whereabouts are known or as soon as reasonably practicable after the person's whereabouts are ascertained, the Principal Immigration Officer must notify the person in writing of —

- (a) the direction and the reasons for it; and
- (b) the person's right to ask for reconsideration of the direction under subregulation (7).

(4) The watch list must include —

- (a) the person's name and, where known, date of birth, details of passport or other travel document and contact details including residential or business address, email address and telephone number;
- (b) the reason for inclusion in the list by reference to section 5A(3) of the Ordinance; and
- (c) any available biometric data about the person.

(5) The watch list must be reviewed annually by the Governor for the purpose of considering whether any person included in the list should be removed.

(6) The Governor must direct the Principal Immigration Officer to remove a person from the list if —

- (a) the person has died;
- (b) the person was included in the list in error;
- (c) the person has ceased to be a person of a description in section 5A(3) of the Ordinance;
- (d) the person is a person in respect of whom a deportation order was made and that order has expired or been revoked; or
- (e) the Governor has reconsidered the case in accordance with subregulation (8) and rescinded the direction.

(7) A person who is included in the watch list and is outside the Falkland Islands (“**a complainant**”) may ask the Governor to reconsider the direction made under subregulation (2) by notice in writing including a statement of the reasons for asking for reconsideration and any documentary evidence in support.

(8) On receipt of notice under subregulation (7), the Governor must reconsider the direction including all the facts and matters relied on in the statement of reasons and any evidence provided by the complainant; and may confirm or rescind the direction.

(9) The Governor must notify the complainant of the outcome of the reconsideration and give reasons for the decision.

PART 3 - ENTRY REQUIREMENTS

Visas

6. Application for and issue of visas

(1) A person who requires a visa to enter the Falkland Islands may apply to a place mentioned in subregulation (3) in the specified form for a visa and must pay the prescribed fee.

(2) An authorised person may require an applicant to answer any questions, orally or in writing, or to provide any additional information reasonably connected with the application.

(3) A visa may be issued by the Principal Immigration Officer or any person expressly authorised by the Principal Immigration Officer to issue visas —

- (a) in the Falkland Islands, at the Customs and Immigration office or the place of arrival of the applicant;
- (b) at an office that is approved by the Governor for the purposes of this regulation and is—
 - (i) an overseas office of the Government of the Falkland Islands; or
 - (ii) an office of the Government of the United Kingdom that is outside the United Kingdom.

(4) A visa must include —

- (a) the place of issue, which in the case of a visa issued at a place mentioned in subregulation (3)(a) is Stanley and in the case of a visa issued at a place mentioned in subregulation (3)(b) is the town or city in which the relevant office is located;
- (b) the date of issue and the period of validity of the visa;
- (c) any conditions that the Principal Immigration Officer reasonably considers to be necessary; and
- (d) information identifying the person who issued it.

(5) If an application for a visa is refused, the Principal Immigration Officer must inform the applicant of the reasons for the refusal.

(6) No appeal lies to any person in relation to a refusal to issue a visa.

7. Cancellation of a visa

(1) A visa is cancelled if the person to whom the visa was issued —

- (a) had a visitor permit and the visitor permit has been cancelled in accordance with these Regulations or revoked or has expired;
- (b) is subject to a deportation order under section 7 of the Ordinance; or

(c) is in breach of any condition included in the visa.

(2) No appeal lies to any person in relation to the cancellation of a visa.

8. Register of visas

(1) The Principal Immigration Officer must keep a register of all visas issued under the Ordinance.

(2) The register must include —

- (a) the full name and nationality of the person to whom the visa was issued, as stated in the person's passport or other travel document;
- (b) the number of the passport or other travel document, the country or other authority that issued the passport or other travel document and the place where it was issued, if known;
- (c) the information included in the visa (if one has been issued) under regulation 6(4) and particulars of cancellation under regulation 7 (if any) including, if cancelled because a new visa was issued to the same person, the date on which the new visa was issued; and
- (d) if a deportation order has been made in respect of a person to whom the visa was issued, particulars of the order and the date of departure of the person from the Falkland Islands.

Landing cards

9. Landing cards

(1) A person who does not have a right of abode in the Falkland Islands and seeks to enter the Falkland Islands must complete a landing card to the satisfaction of the Principal Immigration Officer.

(2) The Principal Immigration Officer may waive the requirement to complete a landing card if—

- (a) the information required to determine whether the person may be permitted to enter the Falkland Islands is provided by other means or by another person to the satisfaction of the Principal Immigration Officer; or
- (b) satisfied that the person is a person in transit whose principal reason for requesting leave to enter the Falkland Islands is for the sole purpose of leaving on a vessel or aircraft different to the one on which they arrived.

(3) For the purpose of this regulation, a person completes a landing card if —

- (a) the person or some other person on his or her behalf completes the landing card and the person signs it; or
- (b) the person is a child under the age of 12 years and the child's parent or other adult travelling with the child completes the landing card and signs it on behalf of the child.

(4) In this regulation “**landing card**” means the form specified by the Principal Immigration Officer as such under section 39 of the Ordinance.

Entry without a permit

10. Seafarers

- (1) A seafarer has leave to enter under section 9(1) of the Ordinance if the requirements in subregulation (2) are met.
- (2) The requirements are that —
 - (a) the ship arrives, and the seafarer disembarks, at an approved place; and
 - (b) before the seafarer or any other person disembarks, the master of the ship provides the Principal Immigration Officer with a list of the ship's crew including such particulars of the seafarer as may reasonably be required by the Principal Immigration Officer.
- (3) The seafarer must comply with any conditions imposed by the Principal Immigration Officer relating to —
 - (a) the times when the seafarer is permitted to go ashore; and
 - (b) the places in the Falkland Islands where the seafarer is permitted to go.
- (4) The presence of a seafarer in the Falkland Islands in breach of a condition in subregulation (3) is unlawful for the purposes of section 5D(2)(c)(ii) of the Ordinance.
- (5) In subregulation (2) “**approved place**” means —
 - (a) East Cove at Mare Harbour;
 - (b) the southside of Stanley Harbour at any facility that exists for the purpose of docking vessels; or
 - (c) any other place within the Falkland Islands at which the Collector of Customs may permit a ship to embark or disembark a person.

11. Entry in an emergency

A person to whom section 14 of the Ordinance applies must, as soon as reasonably practicable, attend at a Customs and Immigration Office or police station for the purpose of completing a landing card, provided that if the person is detained in hospital this regulation does not apply until the person is discharged from hospital.

Offences

12. Offences in relation to persons arriving by sea or air

- (1) It is an offence for the owner and any charterer or lessee of any vessel or aircraft to permit any person who requires a visa or a permit to disembark in the Falkland Islands without a valid visa or permit, as the case may be.

Penalty: A fine not exceeding the maximum of level 5 on the standard scale.

(2) It is a defence to any prosecution under this regulation for the owner of a vessel or aircraft to prove that at the relevant time none of the crew of the vessel or aircraft, as the case may be was a person who was in his or her employment.

PART 4 – PERMITS

13. General

(1) This Part makes provision for the form and manner in which an application for a visitor permit, volunteer permit, work permit, accompanying dependent permit, dependent permit or carer permit, an extension of a permit or any other permission may be made and the information to be provided in connection with any such application.

(2) The Principal Immigration Officer may require an applicant to provide additional information before making a decision in relation to any application, whether for a permit or otherwise.

(3) Where the applicant for a permit or any related permission is a child under the age of 16 years, the application must be made and signed by the child's parent on behalf of the child.

(4) The Principal Immigration Officer must not issue any permit, extend a period of validity or grant any permission unless satisfied that the applicant —

- (a) meets the requirements of the Ordinance and these Regulations; and
- (b) is or will be suitably accommodated.

(5) The Principal Immigration Officer may refuse to issue a permit if an education or health assessment included in an application is that the applicant is likely to be or become a substantial charge on public funds because of the applicant's educational needs or their medical, dental or healthcare needs, as the case may be, if a permit is issued.

(6) The Principal Immigration Officer may impose conditions in relation to the issue of a permit or grant of any permission under the Ordinance that the Principal Immigration Officer considers are reasonably necessary or expedient including conditions to ensure —

- (a) the welfare of the holder of a permit;
- (b) that the holder of a permit is not, and is not likely to become, a substantial charge on public funds because of the applicant's educational needs or their medical, dental or healthcare needs; or
- (c) that the permit holder is suitably accommodated.

(7) The Principal Immigration Officer must inform a person by notice in writing of a decision to refuse —

- (a) to issue a permit;
- (b) to extend the period of validity of a permit; or

- (c) permission to a visitor to do short-term work, or to a worker or accompanying dependent permission to do work not on the Workforce Shortage List.

(8) Any notice given by the Principal Immigration Officer in relation to any decision made under the Ordinance must include —

- (a) the reasons for the decision;
- (b) if applicable, information regarding the right to request a review of the decision including any form specified for the purpose; and
- (c) in the case of a notice of cancellation under regulation 20 or a notice of revocation under section 22A of the Ordinance, the date on which the notice is effective.

(9) A permit holder must, as soon as reasonably practicable, inform the Principal Immigration Officer —

- (a) of breach of any condition subject to which the permit was issued or any related permission was given;
- (b) of any change in the permit holder's personal circumstances that is relevant to the permit, and in particular of any change of address or, in the case of a worker, an accompanying dependent or the holder of a dependent permit, in the composition of the household in which the permit holder is living; and
- (c) in the case of the holder of a carer permit, if the person in respect of whose need for care the permit was issued no longer needs the permit holder's care.

14. Visitor permits

(1) Subject to subregulation (2), a person applying for a visitor permit, to extend the period of validity of a visitor permit or for permission to do short-term work must apply in the specified form, pay the prescribed fee and provide such information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

- (a) the reason for the visit and intended length of stay;
- (b) if the applicant is a family member within the meaning of section 17B(10) of the Ordinance, the names of the persons whom the applicant proposes to visit and the nature of their relationship with the applicant;
- (c) if the applicant intends to engage in activity listed in section 17C of the Ordinance (permitted activities), details of those activities;
- (d) if the applicant requests permission under section 17D of the Ordinance (short-term work), details of —
 - (i) the work proposed;
 - (ii) the relevant skills or experience of the applicant; and

- (iii) the registered employer;
 - (e) if the applicant proposes to travel within the Falkland Islands, the proposed itinerary; and
 - (f) the arrangements for the applicant's accommodation in the Falkland Islands.
- (2) The Principal Immigration Officer may waive the requirement to complete the specified form in relation to a person whose intended stay in the Falkland Islands is transient, whether that person arrives —
- (a) by ship and intends to leave by aircraft or vice versa;
 - (b) by ship and intends to leave by the same or another ship; or
 - (c) by aircraft and intends to leave by the same or another aircraft.
- (3) A person applying for a visitor permit may be required to provide evidence of health insurance for the whole of their intended stay in the Falkland Islands.
- (4) A visitor permit must specify —
- (a) the period of validity;
 - (b) the permitted activities (if any);
 - (c) in relation to permission to do short-term work, the nature of the work and the name and contact details of the registered employer; and
 - (d) any conditions that apply.

15. Volunteer permits

- (1) A person applying for a volunteer permit or to extend the period of validity of a volunteer permit must apply in the specified form, pay the prescribed fee and provide such information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —
- (a) a health declaration;
 - (b) evidence of health insurance for the whole of the intended stay in the Falkland Islands;
 - (c) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a permit is submitted;
 - (d) a statement by the sponsoring organisation that —
 - (i) the post has been advertised in accordance with any requirements under regulation 23;

- (ii) no suitable person who has a right of abode in the Falkland Islands is available and willing to do the work to which the application relates without remuneration; and
 - (iii) the sponsoring organisation is a registered employer; and
 - (e) details of the arrangements for the accommodation and ordinary living expenses of the applicant in the Falkland Islands.
- (2) A volunteer permit must specify —
- (a) the period of validity;
 - (b) the name and contact details of the sponsoring organisation;
 - (c) the nature of the work to be done by the permit holder; and
 - (d) any conditions and whether the permit holder or the sponsoring organisation is, or both are, required to comply.

16. Work permits

- (1) A person applying for a work permit, an extension to the period of validity of a work permit or for permission under section 17F(7) of the Ordinance must apply in the specified form, pay the prescribed fee and provide such other information as the Principal Immigration Officer may reasonably require for the purposes of considering the application.
- (2) A worker must not apply for a new work permit earlier than 6 months before the period of validity is due to expire.
- (3) A worker may apply at any time for the period of validity of a permit to be extended.
- (4) Subject to subregulation (5), an application for a permit to work for a sponsor must include —
- (a) a copy of the applicant's offer or contract of employment in the Falkland Islands and the job description;
 - (b) an undertaking by the sponsor in the specified form;
 - (c) a statement by the sponsor that —
 - (i) the sponsor is registered with the Registered Employer Scheme;
 - (ii) the post has been advertised in accordance with any requirements under regulation 23; and
 - (iii) no suitable person who has a right of abode in the Falkland Islands applied for and is willing to be employed in the role to which the application relates;
 - (d) a health assessment;

- (e) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a work permit is submitted;
- (f) evidence of the applicant's skills or training that are relevant to the post;
- (g) details of any persons with whom the applicant intends to live in the Falkland Islands as part of the same household, whether such persons have a right of abode and if not, details of the permits they hold or for which they have applied or intend to apply;
- (h) details of the arrangements for the accommodation in the Falkland Islands of the applicant and their household.

(5) In relation to an application for a permit to work for a sponsor for a period of not more than 9 months in a 12 month period, the Principal Immigration Officer may accept a health declaration and evidence of health insurance for the relevant period instead of a health assessment.

(6) If the Principal Immigration Officer issues a work permit in relation to an application accepted under subregulation (5) —

- (a) the period of validity must not exceed 9 months in a 12 month period;
- (b) an accompanying dependent permit must not be issued to enable any person to live with the worker as part of the worker's household; and
- (c) the worker must not be permitted to do any work not included in the Workforce Shortage List.

(7) An application for a permit to work on one's own account must include —

- (a) a business plan;
- (b) a health assessment;
- (c) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a work permit is submitted;
- (d) evidence of skills or training that are relevant to the work;
- (e) details of any persons with whom the applicant intends to live in the Falkland Islands as part of the same household, whether such persons have a right of abode and if not, details of the permits they hold or for which they have applied or intend to apply;
- (f) details of the arrangements for the accommodation in the Falkland Islands of the applicant and their household;
- (g) evidence of sufficient financial resources to support the applicant and the applicant's household during the period of validity and to cover all the costs of repatriation at the

expiration of the period of validity or in the event of earlier cancellation or revocation of the permit.

(8) A work permit may include conditions —

- (a) that relate either to the worker or any accompanying dependents; or
- (b) to be complied with by a sponsor, if relating to minimum remuneration hours of work or other terms of employment of the worker.

(9) Except in a case to which section 17F(4) of the Ordinance applies, the Principal Immigration Officer may require a worker to lodge with the Principal Immigration Officer a sum of money or provide other security sufficient to cover the costs of repatriating the worker and any accompanying dependents.

(10) A work permit must specify —

- (a) the work to which it relates and whether the work is to be done for a sponsor or on the applicant's own account;
- (b) the name and contact details of the sponsor (if any);
- (c) the period of validity;
- (d) in the case of a permit issued in relation to an application made under subregulation (5), that —
 - (i) the period of validity will not exceed 9 months in a 12 month period;
 - (ii) the worker must have health insurance for the period of validity; and
 - (iii) the worker is only permitted to do work included in the Workforce Shortage List;
- (e) any conditions that apply, whether the permit holder or the sponsor is, or both are, required to comply and including any conditions relating to the hours of work of, or remuneration paid to the worker; and
- (f) any security required under subregulation (9).

17. Accompanying dependent permits

(1) A person applying for an accompanying dependent permit, to extend the period of validity or for permission to do work not included in the Workforce Shortage List or on their own account must apply in the specified form, pay the prescribed fee and provide such other information or documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application.

(2) An application for an accompanying dependent permit must include —

- (a) information establishing the relationship of the applicant with a worker;

- (b) a health assessment;
- (c) if the permit is to last 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions, issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for an accompanying permit is submitted;
- (d) if the applicant is aged 3 years or over or under 16 years, an education assessment; and
- (e) subject to subregulation (3), if the undertaking given by the worker's sponsor does not include the applicant, an undertaking from the worker's sponsor in the specified form.

(3) If the applicant is not able to provide an undertaking, the Principal Immigration Officer may require the worker to lodge a sum of money or provide other security sufficient to cover the costs of repatriating the accompanying dependent with the Principal Immigration Officer.

(4) The Principal Immigration Officer must not issue an accompanying dependent permit to a person to live with a worker to whom regulation 16(5) applies.

(5) An accompanying dependent permit must specify the period of validity, the name of the worker, details of the worker's sponsor (if any), any conditions that apply and any security required under subregulation (3).

(6) In this regulation “**worker**” includes a person who has applied for a work permit with whom an applicant for an accompanying dependent permit proposes to live in the Falkland Islands as part of the person's household.

18. Dependent permits

(1) A person applying for a dependent permit or to extend such a permit must apply in the specified form, pay the prescribed fee and provide such other information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

- (a) information establishing the relationship of the applicant with a resident;
- (b) a health assessment;
- (c) if requesting a period of validity of 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a dependent permit is submitted; and
- (d) if the applicant is aged on or over 3 years or under 16 years, an education assessment; and
- (e) evidence that the resident has a right of abode in the Falkland Islands.

(2) The Principal Immigration Officer may require the resident to lodge a sum of money or provide other security sufficient to cover the costs of repatriating the dependent with the Principal Immigration Officer.

(3) A dependent permit must specify the name of the resident, the period of validity, any security required under subregulation (2) and any conditions that apply.

(4) In this regulation “**resident**” means a person having right of abode in the Falkland Islands and with whom the applicant lives or intends to live as part of the resident’s household.

19. Carer permits

(1) A person applying for a carer permit must apply in the specified form, pay the prescribed fee and provide such other information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

- (a) information establishing the relationship of the applicant with the person who needs the applicant’s care;
- (b) a health assessment;
- (c) if requesting a period of validity of 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for an accompanying permit is submitted;
- (d) if the person who needs the applicant’s care is under 18 years, the person’s birth certificate;
- (e) if the person who needs the applicant’s care is over 18 years and has a disability or health condition, an assessment by a medical inspector of the person’s need for personal care; and
- (f) evidence that the person who needs care has a right of abode in the Falkland Islands.

(2) A carer permit must specify the name of the person who needs the permit holder’s care, the period of validity and any conditions that apply.

20. Cancellation of permits on notice

(1) A permit ceases to have effect during the period of validity if cancelled by the Principal Immigration Officer.

(2) The Principal Immigration Officer may cancel a permit on notice if —

- (a) the permit holder —
 - (i) is in breach of the Ordinance or any condition imposed by or under the Ordinance;
 - (ii) is or is likely to become a charge upon public funds;
 - (iii) is not suitably accommodated; or
- (b) the permit was issued in error;

- (c) in the case of a visitor permit, the visitor no longer meets the requirements in section 17B(3) of the Ordinance;
- (d) in the case of a volunteer permit —
 - (i) the permit holder has ceased to work for the sponsoring organisation;
 - (ii) the requirements in section 17E(2) of the Ordinance are no longer met;
 - (iii) the sponsoring organisation is in breach of any condition specified in the permit that applies to that organisation; or
 - (iv) the sponsoring organisation is removed from the Registered Employer Scheme;
- (e) in the case of a work permit —
 - (i) the worker has ceased to work for the sponsor, or to work on his or her own account, as specified in the permit;
 - (ii) the sponsor (if any) is in breach of an undertaking or any condition with which the sponsor is required to comply; or
 - (iii) the sponsor is removed from the Registered Employer Scheme;
- (f) in the case of an accompanying dependent permit —
 - (i) the accompanying dependent has ceased to live with a worker as part of the worker's household; or
 - (ii) the sponsor is in breach of the undertaking;
 - (iii) the permit of the worker in whose household the accompanying dependent lives is cancelled or revoked.
- (g) in the case of a dependent permit —
 - (i) the dependent has ceased to live with a person who has right of abode in the Falkland Islands as part of that person's household;
 - (ii) the status of Falkland Islander of the person with whom the permit holder lives is revoked under section 5 of the Falkland Islands Status Ordinance 1998; or
 - (iii) the permanent residence permit of the person with whom the permit holder lives is revoked;
- (h) in the case of a carer permit —
 - (i) the permit holder has ceased to live with the person who needs their care or to provide the personal care that person needs;

- (ii) the person who needed or needs personal care has ceased to need the care of the permit holder; or
 - (iii) issued to enable the permit holder to care for person who was under the age of 18 years, that person is now aged 18 years or more.
- (3) Notice of cancellation must be given in writing to the permit holder.
- (4) On receipt of notice of cancellation, a permit holder who is not a visitor may request a review of the decision under section 26 of the Ordinance.
- (5) If the Governor rescinds a decision to cancel a permit, the permit is deemed never to have been cancelled.
- (6) Notice of cancellation has effect to cancel a permit —
- (a) in the case of a visitor permit, immediately;
 - (b) in any other case, whichever is the earlier of expiry of the period of validity and either —
 - (i) if the holder of the permit does not request a review, the 28th day after the date on which the notice is given; or
 - (ii) if the person requests a review and the review is unsuccessful, the date of determination of the review.

21. Cancellation of permits without notice

- (1) A permit is cancelled with immediate effect if —
- (a) in the case of a visitor permit, the visitor leaves the Falkland Islands;
 - (b) the Principal Immigration Officer issues a new permit of the same type or a permit of a different type to the holder of a permit; or
 - (c) the permit holder becomes a Falkland Islander.
- (2) There is no right to seek a review of the cancellation of a permit under this regulation.

PART 5 – EMPLOYMENT OF MIGRANT WORKERS

22. Registered Employer Scheme

- (1) Before employing or otherwise engaging a migrant worker, a person must be registered under the Registered Employer Scheme (“**the register**”).
- (2) A person who wishes to be included in the register must pay the prescribed fee and provide the information listed in Schedule 1 to the Principal Immigration Officer and such other information concerning the person’s business as the Principal Immigration Officer may reasonably require for the purposes of determining whether the person should be registered or not.

(3) The Principal Immigration Officer must not include a person in the register unless satisfied that the person is capable of performing the duties of a registered employer set out in regulation 24.

(4) The register must include the information listed in paragraphs 1-5 of Schedule 1 about each registered employer and be open for inspection during normal business hours at the Customs and Immigration Office.

(5) Subregulation (1) does not apply in relation to migrant workers employed or engaged before that subregulation comes into force.

23. Advertisement of employment opportunities and related matters

(1) The Principal Immigration Officer may by notice published in the *Gazette* require a registered employer or a specified category of registered employers to advertise employment vacancies in the Falkland Islands for a specified period before employing migrant workers to fill those vacancies.

(2) The Principal Immigration Officer must not issue a work permit to a person in respect of a post that person has filled for 3 years 6 months or more unless the registered employer has advertised the post in the Falkland Islands.

(3) Subregulation (2) does not apply in relation to an application for a work permit made by a worker —

(a) before this regulation comes into force; or

(b) whose existing work permit is due to expire within 6 months after this regulation comes into force, provided the application is made before the existing work permit expires.

24. Duties of registered employers

(1) A registered employer must advertise employment vacancies in accordance with any requirements published under regulation 23(1).

(2) A registered employer must not employ a migrant worker to fill an employment vacancy if a suitable person who has a right of abode in the Falkland Islands and who has applied as a result of an advertisement or otherwise to fill the vacancy is available and willing to do the work.

(3) A registered employer must not employ a migrant worker unless —

(a) the migrant worker holds a permit or other permission from the Principal Immigration Officer that permits the migrant worker to do the work in question; and

(b) the migrant worker is appropriately qualified or skilled and experienced to do the work in question.

(4) A registered employer must maintain an up-to-date record of the information listed in Schedule 2 to these Regulations for each migrant worker employed by them.

(5) The record referred to in subregulation (4) must be kept for not less than 3 years after the date on which the migrant worker ceased to work for the registered employer.

(6) A registered employer must permit the Principal Immigration Officer to inspect records kept under subregulation (4) without notice during normal business hours and must provide the Principal Immigration Officer with copies of the records or any part of them, if requested to do so.

(7) A registered employer who is the sponsor or sponsoring organisation for a migrant worker must —

- (a) notify the Principal Immigration Officer within two working days if the migrant worker, without sufficient excuse, does not start work on the date expected; and
- (b) ensure that the migrant worker is suitably accommodated during the whole of the period of validity of the work permit.

(8) A registered employer who is not the sponsor or sponsoring organisation for a migrant worker must notify the Principal Immigration Officer within five working days of a migrant worker starting work for them.

(9) A registered employer must notify the Principal Immigration Officer —

(a) within five working days —

- (i) of becoming aware of any significant changes in a migrant worker's personal circumstances that are relevant to the permit and in particular of any change of address or contact details or, in the case of a worker, an accompanying dependent or a dependent, in the composition of the household in which that person is living;
- (ii) if the registered employer makes any significant change to the migrant worker's job description;
- (iii) of any breach of condition of the migrant worker's permit or permission to work, whether by the registered employer or by the migrant worker; or
- (iv) of the migrant worker ceasing to work for the registered employer.

(b) within twenty-eight days of —

- (i) any change to the information provided under regulation 22(2);
- (ii) any sale of all or part of the business; or
- (iii) any acquisition or takeover of, or any merger with, any other person in the Falkland Islands;
- (iv) the business ceasing to trade; or
- (v) the registered employer being declared bankrupt or, in the case of a corporate body, insolvent or having a winding up order made in respect of it.

25. Removal from the register

(1) The Principal Immigration Officer may remove a registered employer from the register if the registered employer so requests in writing and does not employ any migrant workers; and in those circumstances removal is immediately effective.

(2) The Principal Immigration Officer may remove a registered employer on one or more grounds set out in subregulation (3).

(3) The grounds for removal from the Registered Employer Scheme are that the registered employer —

- (a) so requests in writing and subregulation (1) does not apply;
- (b) in the case of a registered employer that is a body corporate, is declared insolvent or has a winding up order made in respect of it;
- (c) in the case of a registered employer that is an individual, is declared bankrupt;
- (d) in the case of a registered employer that is an unincorporated body of persons, is dissolved or declared bankrupt;
- (e) is in breach of an undertaking;
- (f) is in breach of a duty in regulation 24;
- (g) is in breach of a condition in the migrant worker's permit with which the employer is required to comply;
- (h) fails to comply with any other requirement relating to the conduct of the business under Falkland Islands law; or
- (i) in connection with an application for registration or with a view to procuring the issue of a permit or the grant of permission to any person, wilfully or recklessly gave false or misleading information or withheld information that was material in relation to its issue.

(4) Before removing a registered employer from the Registered Employer Scheme under subregulation (2) —

- (a) the Principal Immigration Officer must give not less than twenty-eight days written notice (“**notice of removal**”) to the registered employer of the proposed grounds for removal from the register and any facts or matters relied on in support of those grounds;
- (b) the registered employer may, within fourteen days of receipt of a notice of removal make written representations to the Principal Immigration Officer of the reasons why the registered employer should not be removed from the register and the Principal Immigration Officer must consider those representations;
- (c) the Principal Immigration Officer must confirm or withdraw the notice of removal in writing to the registered employer before the end of the period referred to in paragraph (a); and

- (d) if the removal notice is confirmed, the registered employer may within five working days request a review under regulation 26.
- (5) If the registered employer does not request a review, removal from the register under subregulation (2) has effect on whichever is the later of —
 - (a) the fifth day after the date on which confirmation of a removal notice is given; or
 - (b) the expiration of the twenty-eight day period referred to in subregulation (4)(a).
- (6) If the registered employer requests a review and the review is unsuccessful, removal from the register under subregulation (2) has effect upon determination of the review.
- (7) The Principal Immigration Officer must, as soon as reasonably practicable after removal from the register has effect, give written notice to any migrant worker known to the Principal Immigration Officer to be working for the former registered employer that —
 - (a) the person has been removed from the register;
 - (b) the migrant worker is no longer permitted to work for the person; and
 - (c) if the person is the migrant worker's sponsor or sponsoring organisation, the migrant worker's permit is cancelled in accordance with regulation 20.
- (8) In the case of a person who is a sponsor, removal from the register does not affect any undertakings given by that person.

26. Review of decisions of the Principal Immigration Officer

- (1) This regulation does not apply in a case to which regulation 25(1) applies.
- (2) Subject to 25(4)(d), a person may request a review by the Governor of a decision of the Principal Immigration Officer to refuse to include them in, or to remove them from, the register.
- (3) The procedure set out in section 27(1) to (3) and (5) of the Ordinance applies to a review under this Part as it does to the review of a decision that relates to a permit.
- (4) If a decision is rescinded, the Governor may require the Principal Immigration Officer to register the person or to restore the person to the register, as the case may be, and give any directions necessary for giving effect to the determination, including rescinding cancellation of a work permit or volunteer permit under regulation 20.

27. Offences

- (1) A person commits an offence if that person employs or otherwise engages a migrant worker and is not registered under the Registered Employer Scheme.
- (2) It is an offence for any person knowingly to give false or misleading information or to withhold information in relation to registration under the Registered Employer Scheme or removal from the register.

(3) A registered employer or their servant or agent named in the register who knowingly causes or permits a breach of regulation 24 commits an offence.

Penalty: A fine not exceeding the maximum of level 5 on the standard scale or a term of imprisonment not exceeding 3 months.

PART 6 – INFORMATION SHARING

28. Information sharing

(1) The Commissioner of Taxation or any other public officer acting under the Commissioner’s direction may provide information relating to an applicant for, or the holder of, a visa or permit or a registered employer or applicant for registration under the Registered Employer Scheme to the Principal Immigration Officer for the purpose of assisting the Principal Immigration Officer in performing their functions under this Ordinance.

(2) A person who provides information in accordance with subregulation (1) is not guilty of an offence under section 202 of the Taxes Ordinance 1997.

(3) In subregulation (1), “**information**” includes any documents, information or returns relating to the income or items of income of a person.

SCHEDULE 1 - Information to be provided with application for registration under the Registered Employer Scheme

regulation 22(2)

1. Full name and any trading name under which the person operates or proposes to operate in the Falkland Islands.
2. An address for service of documents in the Falkland Islands.
3. An address for service electronically.
4. Any other address from which the person operates or proposes to operate in the Falkland Islands.
5. If the person is not resident in the Falkland Islands, the full name and contact details of a servant or agent who is resident in the Falkland Islands and authorised to engage migrant workers, perform the person’s duties as sponsor and provide undertakings on behalf of the person.
6. The most recent accounts of the business.

SCHEDULE 2 - Records to be kept by a registered employer for each migrant worker

regulation 24(4)

1. The full name and date of birth of the migrant worker.
2. The migrant worker's accommodation address and other contact details.
3. Details of any advertisement of the vacancy for which a migrant worker has been recruited or post to which a migrant worker has been appointed.
4. Details of any applications for the vacancy or post received from a person with right of abode in the Falkland Islands and the reasons why the migrant worker rather than that person was appointed.
5. The migrant worker's application for the vacancy or post including evidence of relevant qualifications and references provided by previous employers.
6. A copy of the offer letter and contract or other statement of the terms of employment.
7. A copy of the migrant worker's permit and (if appropriate) grant of permission to do the work in question.
8. If the migrant worker holds —
 - (a) a work permit, the names of any accompanying dependents who live in the worker's household;
 - (b) an accompanying dependent permit, the name of the worker with whom the migrant worker lives;
 - (c) a dependent permit, the name of the person with right of abode with whom the migrant worker lives; or
 - (d) a carer permit, the name of the person who needs the permit holder's care.
9. If the registered employer is the migrant worker's sponsor or sponsoring organisation, the name and contact details of any other registered employer for whom the migrant worker works; and in any other case, the name and contact details of the sponsor or sponsoring organisation.

Made 7 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under the Immigration Ordinance 1999 (“the Ordinance”) and apply to all persons not having a “right of abode” in the Falkland Islands, that is persons who do not have a permanent residence permit or Falkland Islands status and are subject to immigration control.

Part 1 deals with introductory matters, including definitions.

Part 2 makes provision for persons who are refused entry or leave to remain and in particular for the circumstances in which a person is included in or removed from the watch list and may request a review of a determination by the Governor that they are a person whose presence in the Falkland Islands is undesirable.

Regulations 6-8 of Part 3 provide for requirements that apply to the issue, cancellation and registration of visas.

Regulation 9 provides for landing cards. *Regulation 10* provides for the requirement to complete a landing card to be waived for seafarers whose right of entry derives from section 9(1) of the Ordinance, on compliance with certain other requirements and subject to conditions. *Regulation 11* provides an exception to the requirement for those who enter the Falkland Islands in an emergency. Under *regulation 12*, it is an offence for the owner or charterer of a vessel or aircraft to permit any person who needs a visa or a permit to disembark in the Falkland Islands.

Part 4 makes provision for the form and manner of applying for permits that are not permanent residence permits, including the requirements to be met before a permit is issued and conditions that may be imposed in relation to the issue of permits or the grant of permissions under the Ordinance.

Part 5 sets out requirements that apply to any person who wants to employ a migrant worker (i.e. a person who is subject to immigration control), including sponsoring organisations that take on volunteers from overseas.

Regulation 22 provides for the Registered Employer Scheme. Before employing migrant workers, employers must register with the Registered Employer Scheme established by the Principal Immigration Officer under section 38A of the Ordinance and provide the information specified in *Schedule 1*. They must not employ a migrant worker who does not have the appropriate permit or permission to do the work.

Registered employers may be required to advertise vacancies in the Falkland Islands and must advertise a post before extending the contract of a migrant worker who has been employed in the same role for more than 3 years 6 months (*regulation 23*).

Regulation 24 sets out the duties of registered employers, which include requirements to comply with the advertising requirements, not to employ a migrant worker if there is a suitable local candidate and to keep the information set out in *Schedule 2* about each migrant worker that must be available for inspection by the Principal Immigration Officer.

An employer may be removed from the Registered Employer Scheme for breach of the Regulations, including breach of their duties as registered employers, or if they are bankrupt or insolvent (*regulation 25*). *Regulation 26* provides for review of decisions of the Principal Immigration Officer relating to the Registered Employer Scheme.

It is an offence (punishable on conviction by a fine of up to £4,000 or 3 months imprisonment) for an employer who is not registered with the Registered Employers Scheme to employ a migrant worker; for any person to give false or misleading information in connection with an application for registration; or for a registered employer or their servant or agent named in the register to knowingly cause or permit a breach of a registered employer's duties (*regulation 27*).

Part 6 provides for the circumstances in which the Commissioner for Taxation may share information provided by applicants for, or holders of, permits or by employers to the Principal Immigration Officer.

SUBSIDIARY LEGISLATION

Immigration (Fees) Regulations 2021

(No. 8 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Revocation
4. Fees

SUBSIDIARY LEGISLATION

Immigration (Fees) Regulations 2021

(No. 8 OF 2021)

(Made: 7 June 2021)
(Published: 11 June 2021)
(Coming into force: 1 September 2021)

I make these Regulations under section 40(1)(d) and (2)(a) of the Immigration Ordinance 1999 on the advice of Executive Council.

1. Title

These Regulations are the Immigration (Fees) Regulations 2021.

2. Commencement

These Regulations come into force on 1 September 2021.

3. Revocation

The Immigration (Fees) Regulations 2009 are revoked.

4. Fees

(1) The fee payable in connection with an application made under Part II (regulation of entry into and stay in the Falkland Islands) of the Immigration Ordinance 1999 is as follows —

(a) for a visa —

for each application	£23
for each person who is under 18 years and included in the visa application of another person	£1

(b) for a visitor permit —

for each application	£0
for an extension	£0
for permission to do short-term work	£23
for permission to do short-term work under a scheme recognised by the Governor	£23

(c) for a volunteer permit —

for each application	£23
for an extension	£0

(d) for a work permit —	
for each application	£23
for an extension	£0
for permission to do work not on the Workforce Shortage List	£0
(e) for an accompanying dependent permit —	
for an application by a person who is over 16 years	£23
for an application by a person who is under 16 years	£13
for each application for an extension	£0
for permission to do work not on the Workforce Shortage List	£0
(f) for a permanent residence permit	£100
(g) for a dependent permit —	
for an application by a person who is over 16 years	£23
for an application by a person who is under 16 years	£13
for an extension	£0
(h) for a carer permit	£23

(2) A person recruited by the Government of the Falkland Islands from overseas is exempt from the requirement to pay a fee for a visa or permit under subregulation (1)(a), (d) and (e) for the first application.

Made 7 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the Regulations)

These Regulations are made under section 40(1)(d) and (2)(a) of the Immigration Ordinance 1999 and provide for the fees payable for visas and permits to enter and remain in the Falkland Islands for persons who do not have a right of abode under section 4 of the Ordinance.

SUBSIDIARY LEGISLATION

Immigration (Permanent Residence Permits)(Amendment) Regulations 2021

(No. 9 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

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19. Regulation 25 (quota for applications) amended
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21. Schedule 1 (points system) replaced
22. Schedule 2 (application forms) revoked
23. Transitional provision

SUBSIDIARY LEGISLATION

Immigration (Permanent Residence Permits)(Amendment) Regulations 2021

(No. 9 OF 2021)

(Made: 7 June 2021)

(Published: 11 June 2021)

(Coming into force: 1 September 2021)

I make these Regulations under sections 18(3) and 40 of the Immigration Ordinance 1999 on the advice of Executive Council.

1. Title

These Regulations are the Immigration (Permanent Residence Permits) (Amendment) Regulations 2021.

2. Commencement

These Regulations come into force on 1 September 2021.

3. Purpose

These Regulations amend the Immigration (Permanent Residence Permits) Regulations 2009 (“**the Regulations**”).

4. Regulation 3 (interpretation) amended

In regulation 3 of the Regulations, —

- (a) replace the definition of “**dependent child**” with —

“**dependent child**” means a child of an applicant or an applicant’s partner who is —

- (a) under the age of 18 years;
- (b) financially or otherwise wholly or mainly dependent on the applicant or the applicant’s partner for accommodation, maintenance or care; and
- (c) forms part of the applicant’s household;”
- (b) insert the following definitions in their correct alphabetical order —
- “**education assessment**” has the meaning given in regulation 15A”;
- “**health assessment**” has the meaning given in regulation 15”; and

“**substantial charge on public funds**” means a charge on public funds or any other impact on public resources that it is unreasonable, in all the circumstances, to expect the Government to bear;”.

5. Regulation 5 (who may apply for a permanent residence permit as principal applicant) amended

In regulation 5 of the Regulations —

- (a) subregulation (6), omit paragraph (a);
- (b) subregulation (7)(a), replace “paragraph (6)(a) and (6)(b)” with “paragraph (6)(b)”;
- (c) subregulation (7)(a)(iv), replace “outside of the Falkland Islands in connection with employment or business which is based in the Falkland Islands” with “for which the person has a work permit”; and
- (d) omit subregulation (7)(b).

6. Regulation 6 (who may be included in an application for a permanent residence permit) amended

(1) In regulation 6(1) of the Regulations replace “principal applicant” with “principal applicant and —

- (a) the person is ordinarily resident in the Falkland Islands on the date of application; and
- (b) the person was ordinarily resident in the Falkland Islands for three years immediately before the date of the application or, if a dependent child under 3 years of age, was born during a period when the principal applicant had leave to enter and remain in the Falkland Islands.”.

(2) After regulation 6(1) of the Regulations insert —

“(1A) A person cannot satisfy the requirement under subregulation (1)(b) of having been ordinarily resident in the Falkland Islands for three years immediately before the date of the application if the person was absent from the Falkland Islands for more than 100 days in total in a year during the three-year period.

(1B) A person’s absence from the Falkland Islands is not taken into account for the purposes of subregulation (1A) if the principal reason for the person’s absence is —

- (a) to receive medical treatment;
- (b) to undertake a course of education or training;
- (c) to support a dependent or relative who is absent from the Falkland Islands and whose principal reason for being absent from the Falkland Islands is for one of the purposes described in paragraphs (a) or (b); or
- (d) to accompany the principal applicant who is absent from the Falkland Islands for the reason in regulation 5(7)(a)(iv).

(1C) Subregulation (1A) supplements the ordinary meaning of the phrase “ordinarily resident.”.

7. Regulation 8 (method of application) amended

In regulation 8 of the Regulations —

- (a) in subregulations (1) and (2), replace “Applications” with “Subject to subregulation (4), applications”;
- (b) after subregulation (3) insert —

“(4) The Principal Immigration Officer may, by notice published in the *Gazette*, require an application form to be completed and submitted, or provide the option of completing and submitting it, by electronic means together with electronic copies of any documents that may be required in support of the application and for originals of such documents to be produced at a later date for the purpose of verifying such documents or any information contained in such documents.”.

8. Regulation 9 (items to accompany application) amended

In regulation 9(1) of the Regulations —

- (a) paragraph (e), replace “a satisfactory medical certificate” with “a health assessment”; and
- (b) after paragraph (e) insert —

“(eA) an education assessment for each applicant who is under the age of 16 years in accordance with regulation 15A.”.

9. Regulation 10 (signing application) amended

Regulation 10 of the Regulations is re-numbered as regulation 10(1) and after subregulation (1)(c) insert —

“(2) In the case of an application in electronic form made in accordance with regulation 8(4), the applicants’ signatures may be dispensed with.”.

10. Regulation 14 (application fee) amended

In regulation 14(1) of the Regulations replace “or 15(8)” with “15(4) or 15A(4)”.

11. Regulation 15 (health certificate) replaced

Replace regulation 15 of the Regulations with —

“15. Assessment of healthcare needs

(1) An assessment of healthcare needs (“**health assessment**”) for each applicant, carried out by a medical inspector, must be submitted with an application.

(2) A health assessment must include an assessment of whether the applicant is or is likely to become a substantial charge on public funds because of the applicant's healthcare needs if the application is approved.

(3) If the applicant is not in the Falkland Islands, the medical inspector may make a health assessment on the basis of a report of a medical examination carried out by another medical practitioner.

(4) If a medical inspector advises the Principal Immigration Officer that a health assessment must be withdrawn, the application to which the assessment relates is no longer eligible for consideration and must be returned to the principal applicant.”.

12. New regulation 15A (assessment of educational needs) inserted

After regulation 15 of the Regulations insert —

“15A. Assessment of educational needs

(1) An assessment of educational needs (“**education assessment**”) for each applicant who is under 16 years, carried out by the Director of Education, must be submitted with an application.

(2) An education assessment must include an assessment of whether the applicant is or is likely to become a substantial charge on public funds because of the applicant's educational needs if the application is approved.

(3) If the applicant is not in the Falkland Islands, the Director of Education may make an education assessment on the basis of a report on the applicant's educational needs provided by an appropriately qualified person.

(4) If the Director of Education advises the Principal Immigration Officer that an education assessment must be withdrawn, the application to which the assessment relates is no longer eligible for consideration and must be returned to the principal applicant.”.

13. Regulation 16 (police certificate) amended

In regulation 16 of the Regulations —

(a) subregulation (1)(c), replace “10 years” with “5 years”;

(b) subregulation (3), after “relevant country” insert “or not more than three months before ceasing to live in the country”; and

(c) subregulation (4), replace “Paragraph (1)(b)” with “Subregulation (1)(b) and (c)”.

14. Regulation 19 (notification of applications) revoked

Regulation 19 of the Regulations is revoked.

15. Regulation 21 (consideration of applications) amended

In regulation 21(1) of the Regulations replace “a quarterly basis, during February, May, August and November” with “a monthly basis”.

16. Regulation 22 (determination of application) amended

(1) In regulation 22(1) of the Regulations —

(a) replace “will” with “must”;

(b) replace paragraph (a) with —

“(a) the health assessment includes an assessment that the applicant is not and is not likely to become a substantial charge on public funds because of the applicant’s healthcare needs;” and

(c) after paragraph (a) insert —

“(aA) the education assessment submitted for an applicant who is under 16 years includes an assessment that the applicant is not and is not likely to become a substantial charge on public funds because of the applicant’s educational needs;”.

(2) After regulation 22(1) of the Regulations insert —

“(1A) The Principal Immigration Officer may, with the consent of the Governor issue a permanent residence permit to an applicant who does not meet the criteria in paragraphs (a) or (aA) of subregulation (1).”.

(3) In subregulation 22(2)(a) of the Regulations, replace “Criminal Justice Ordinance (Title 24.1)” with “Criminal Procedure and Evidence Ordinance 2014”.

17. Regulation 23 (points system) amended

In regulation 23 of the Regulations, omit subregulations (4) to (6).

18. Regulation 24 (points threshold) amended

Replace regulation 24 of the Regulations with —

“The points threshold for an application, whether or not it includes a dependent partner or children is —

(a) 50 points; or

(b) the points threshold determined by the Governor and notified by publication in the *Gazette*.”.

19. Regulation 25 (quota for applications) amended

In regulation 25 of the Regulations —

(a) in subregulation (3), omit “, except in the circumstances described under paragraph (7)”;

(b) in subregulation (6), replace “quarter” with “twelfth”;

(c) in subregulation (7), replace “quarter” with “month” in both places where it appears; and

(d) in subregulation (8), replace “quarter” with “month” in both places where it appears.

20. Regulation 26 (lapse of application) revoked

Regulation 26 of the Regulations is revoked.

21. Schedule 1 (points system) replaced

Replace Schedule 1 to the Regulations with —

“SCHEDULE 1 POINTS SYSTEM

(regulation 23)

1 Educational and professional qualifications

Criteria	Points
Principal applicant	5

Notes:

(1) Educational or professional qualifications which are eligible for points under this criterion means a qualification which is, or is equivalent to, at least level three in the National Qualifications Framework of the United Kingdom.

(2) An educational or professional qualification obtained outside the Falkland Islands or United Kingdom must be recognised as equivalent to level three in the National Qualifications Framework by the National Academic Assessment Recognition Centre of the United Kingdom.

(3) Points will only be awarded for a qualification that is relevant to the individual's primary employment.

2 Earned income

Criteria	Points
Principal applicant	
£12,000 per annum (gross) or more but less than £25,000 per annum (gross)	10
£25,000 per annum (gross) or more	15

Notes:

Earned income means earned income averaged over the two most recent full calendar years before the date of the application.

3 Employment

Criteria	Points
Principal applicant	10

Notes:

(1) Employment means —

- (a) a contract of employment that satisfies paragraphs (2) and (3); or
- (b) self-employment that satisfies paragraph (4).

(2) A contract of employment or, if a person has more than one contract of employment, the sum of the contracts, must relate to employment that produces an income of at least £12,000 a year, including both the basic annual salary and any other payments guaranteed under the contract or offer on completion of the contractual term.

(3) A contract of employment must be of at least 6 months duration from the date of the application or, if a person has more than one contract of employment, the contracts must provide a continuous period of employment of at least 6 months from the date of the application.

(4) Self-employment is only relevant if it generates a net income (before tax) of at least £12,000 per year, evidenced by business accounts for the most recent full financial year that ends before the date of the application.

(5) Employment in Camp means employment in —

- (a) any place that is more than 10km from the spire of Christ Church Cathedral, excluding the Mount Pleasant Complex or any other military installation; or
- (b) any agricultural enterprise located within the 10km radius from the Christ Church Cathedral where livestock farming is the primary activity.

4 Work experience relevant to employment

Criteria	Points
Principal applicant	
Up to 5 years	5
More than 5 years	10

Notes:

(1) If a person has more than one type of employment, points may only be claimed in relation to work experience relevant to the person's principal employment.

(2) Points may only be claimed for work experience in the ten years immediately before the date of the application.

5 Property assets

Criteria	Points
Principal applicant	
Property in the Falkland Islands valued at more than £25,000 but less than £50,000	10
Property in the Falkland Islands valued at more than £50,000	20
Property overseas valued at more than £25,000 but less than £50,000	5
Property overseas valued at more than £50,000	10

Notes:

- (1) The maximum number of points which may be claimed for this criterion is 20.
- (2) Property means land and buildings, and does not include moveable assets such as furnishings.
- (3) The value of the property is calculated by deducting the value of any outstanding mortgage or charge on the property.
- (4) A property which is jointly owned by the principal applicant and another person may be included to its full net value if the joint owner is the partner of the principal applicant and is included as the dependent partner in the application.
- (5) A property which is jointly owned by the principal applicant and another person who is not included as a dependent partner in the application may only be included to the net value of the principal applicant's share of the property.

6 Unencumbered cash assets

Criteria	Points
Principal applicant:	
£5,000 or more but less than £15,000 held in the Falkland Islands	5
£15,000 or more whether held in the Falkland Islands or elsewhere	10

Notes:

- (1) The maximum number of points which may be claimed for this criterion is 10.
- (2) Unencumbered cash assets include bank deposits and company shares, but must not include any borrowings.
- (3) Cash assets which are jointly owned by the principal applicant and another person may be included if the joint owner is the partner of the principal applicant and is included as the dependent partner in the application.

(4) Cash assets which are jointly owned by the principal applicant and another person who is not included as a dependent partner in the application may only be included to the value of the principal applicant's share of the cash.

7 Age

Criteria	Points
Principal applicant	
18 to 34 years	15
35 to 44 years	10
45 to 54 years	5
55 years or over	0
Dependent partner under age 45 years	5
Dependent child or children ordinarily resident in the Falkland Islands for 3 years or more or, if under age 3, ordinarily resident and born during a period when the principal applicant had leave to enter and remain in the Falkland Islands.	5

Notes:

Age means age on the date of application.

8 Length of time resident in the Falkland Islands

Criteria	Points
Principal applicant	
36 months or more, but less than 72 months	10
72 months or more	5

Notes:

The person must have been resident in the Falkland Islands for a continuous period, excepting temporary absences.

9 Pension plan

Criteria	Points
Principal applicant if aged 55 years or more at the date of application	5

Notes:

(1) The person must have been a member of a pension plan for at least two years immediately before the date of application.

(2) Payments under the statutory retirement pension scheme do not count as membership of a pension plan for the purposes of this criterion.

10 Employment included in the Workforce Skills Shortage List

Criteria	Points
Principal applicant	5
Dependent partner	5

11 Community engagement

Criteria	Points
Principal applicant	5
Dependent partner	5

Notes:

In this paragraph “**community engagement**” means a substantial and sustained contribution to the local community for example actively participating as a member of the Falkland Islands Defence Force or the retained fire service; representing the Falkland Islands overseas in sporting competitions; being a member of a committee of the Legislative Assembly or trustee of a charity registered in the Falkland Islands; organising cultural events.

12 Close family permanently resident

Criteria	Points
Principal applicant	5

Notes:

(1) Close family means a person who is the adult sibling, adult child or parent of the principal applicant or of the principal applicant’s partner.

(2) Permanently resident means that the family member has Falkland Islands status or a permanent residence permit and is ordinarily resident in the Falkland Islands on the date of the application.

13 South Atlantic Medal

Criteria	Points
Principal applicant	5
Dependent partner	5”.

22. Schedule 2 (application forms) revoked

Schedule 2 to the Regulations is revoked.

23. Transitional provision

An application that is not an incomplete application within the meaning of regulation 13 of the Regulations and is received but not determined on or before 31 August 2021 must be determined in accordance with the Regulations in force on that date.

Made 7 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE

(not forming part of these Regulations)

These Regulations are made under section 18(3) and 40 the Immigration Ordinance 1999. The Regulations amend the Immigration (Permanent Residence Permit) Regulations 2009 (“the Regulations”). The amendments come into force on 1 September 2021, at the start of the new quota year (*regulation 2*).

Under *regulation 5 of the Regulations*, a principal applicant for a Permanent Residence Permit (“PRP”) must have been ordinarily resident in the Falkland Islands for three years immediately before making an application. The regulation is amended by removing the additional requirement that the person must have been present in the Falkland Islands for the first six months of the three year period.

Regulation 6 of the Regulations is amended to ensure that, broadly, the same residence requirements apply to the dependents of the principal applicant included in an application for permanent residence as apply to the principal applicant.

Regulations 8 and 10 of the Regulations are amended to provide for the option of submitting applications online.

Regulation 15 of the Regulations is replaced. The new requirement is that an application for a PRP must include an assessment by a medical inspector (defined in the Immigration Ordinance 1999 as the Chief Medical Officer or other person appointed by the Governor) of the applicant’s healthcare needs that includes an assessment of whether an applicant is or is likely to become a substantial charge on public funds because of their healthcare needs. “**Substantial charge on public funds**” is defined in *regulation 3 of the Regulations* (as amended) as “a charge on public funds or any other impact on public resources that it is unreasonable, in all the circumstances, to expect the Government to bear”. The strict requirement that a health assessment should be no more than three months old is removed but it can be withdrawn at any point by a medical inspector if, for example it needs to be updated. The offences relating to the provision of false or misleading

information have not been replicated, as these duplicate offences under section 32 of the Immigration Ordinance 1999.

New *regulation 15A of the Regulations* introduces a new requirement for applicants who are under 16 years old to provide an assessment of educational needs, which mirrors the effect of the health assessment and ensures that a permit is not automatically issued for a child or young person who is or is likely to become a substantial charge on public funds because of additional educational needs.

Regulation 16 of the Regulations is amended to reduce the period for which a police certificate must be produced from ten years to five years before the date of the application for PRP. Other amendments have the effect that police certificates issued by another country before the applicant ceased to live there can be accepted by immigration officers, as well as certificates obtained since. The regulation is also amended to extend the discretion of the immigration officer to accept other evidence of good character for any country in which the applicant has lived since age 16.

Regulation 19 of the Regulations is revoked, removing the requirement to advertise an application for PRP in the *Gazette* before considering it.

Regulation 21 of the Regulations is amended to require consideration of applications for PRP monthly and there are consequential amendments to regulation 25.

Regulation 22 of the Regulations is amended consequent on the new health and education assessments to introduce new power for the Principal Immigration Officer, with the consent of the Governor, to issue PRP to a person whose healthcare assessment or education assessment indicates that they are or are likely to become a substantial charge on public funds.

Regulation 23 of the Regulations is amended to remove the power of the Governor to award additional points for employment in a critical skills area.

Regulation 24 of the Regulations is amended to increase the points threshold for qualifying for PRP to 50 points, regardless of whether the application includes dependents.

Regulation 25 of the Regulations is amended so that from the start of the new quota year on 1 September 2021, one twelfth of the annual quota for successful applications for PRP will be allocated each month (currently the quota is 90).

Schedule 1 of the Regulations is replaced. The new Schedule updates the points system by increasing the emphasis placed on previous employment experience and skill levels rather than on formal education and assets.

Additional points are awarded for employment in Camp and to the principal applicant and to a dependent applicant for work that is included in the Workforce Shortage List (which replaces points for “employment in critical skills area”). The Workforce Shortage List is published from time to time by the Skills Assessment Council (for further information on the Skills Assessment Council see Executive Council paper 198-14 and Falkland Islands Government website [Labour Force Development \(fig.gov.fk\)](http://labourforcedevelopment.fig.gov.fk)).

Applications from young families are encouraged by the introduction of a new points allocation for dependent partners who are under 45 years and an allocation of 5 points for dependent children of the principal applicant who are ordinarily resident in the Falkland Islands. Points allocated for being a member of a pension plan are limited to those over 55 years of age. The revised system also recognises community engagement by awarding points both to the principal applicant and to a dependent applicant for voluntary work.

Schedule 2 of the Regulations, a form of application for PRP which is out of date, is revoked.

Transitional provision is made in *regulation 23* to ensure that a complete application received before these amendments come into force on 1 September 2021 must be determined in accordance with the law in force before that date.

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FALKLAND ISLANDS GAZETTE

Extraordinary

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21 June 2021

No. 10

NOTICES

No. 50

7 June 2021

Immigration (Amendment) Ordinance 2021 *section 2*

Commencement Notice

In accordance with section 2 of the Immigration (Amendment) Ordinance 2021 I, Nigel James Phillips C.B.E., appoint the following days for the coming into force of the provisions of the Ordinance —

1. Section 11 (Registered Employer Scheme (new section 38A)) comes into force on 1 July 2021.
2. The remainder of the provisions of the Immigration (Amendment) Ordinance 2021 and the Schedules come into force on 1 September 2021.

Dated 7 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 51

7 June 2021

Public Accounts Committee (Form of Summons and Warrant) Order 2010 *article 2*

Commencement Notice

1. Article 2 of the Public Accounts Committee (Form of Summons and Warrant) Order 2010 (SR&O No 20 of 2010) provides that the Order comes into force on a date to be fixed by the Governor by notice published in the *Gazette*.

2. I give notice that the Order will come into force on the date of publication of this notice in the *Gazette*.

Dated 7 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 52

9 June 2021

Companies Act 1948 *section 279*

Nova Seafish Limited - company number 11902 - Special Resolution and Ordinary Resolution pursuant to sections 141 and 278 of the Companies Act 1948 passed on 9 June 2021

Notice is given in accordance with section 279 of the Companies Act 1948 that at a General Meeting of the members of the above named company, duly convened and held by video conference on 9 June 2021, the following Special Resolution was duly passed:-

“That the Company be wound up voluntarily”.

And the following Ordinary Resolution was duly passed:-

“That Donald Iain McNaught of Johnston Carmichael LLP, 227 West George Street, Glasgow, G2 2ND be and is hereby appointed liquidator of the company”.

Dated 9 June 2021

D. CLARKE,
Chair, Nova Seafish Ltd.

No. 53

9 June 2021

Companies Act 1948
section 305

**Nova Seafish Limited - company number 11902 -
Appointment of Liquidator**

Notice is given in accordance with section 305 of the Companies Act 1948 that the members of the above named company appointed Donald Iain McNaught of Johnston Carmichael LLP, 227 West George Street, Glasgow, G2 2ND liquidator pursuant to the members voluntary wind up of the company.

Dated 9 June 2021

D. I. McNAUGHT,
Liquidator.

No. 54

9 June 2021

Companies Act 1948
section 279

**Polar Limited - company number 8570 - Special
Resolution and Ordinary Resolution pursuant to
sections 141 and 278 of the Companies Act 1948 passed
on 9 June 2021**

Notice is given in accordance with section 279 of the Companies Act 1948 that at a General Meeting of the members of the above named company, duly convened and held by video conference on 9 June 2021, the following Special Resolution was duly passed:-

“That the Company be wound up voluntarily”.

And the following Ordinary Resolution was duly passed:-

“That Donald Iain McNaught of Johnston Carmichael LLP, 227 West George Street, Glasgow, G2 2ND be and is hereby appointed liquidator of the company”.

Dated 9 June 2021

I. P. BUGALLO,
Chair, Polar Ltd.

No. 55

9 June 2021

Companies Act 1948
section 305

**Polar Limited - company number 8570 - Appointment
of Liquidator**

Notice is given in accordance with section 305 of the Companies Act 1948 that the members of the above named company appointed Donald Iain McNaught of Johnston Carmichael LLP, 227 West George Street, Glasgow, G2 2ND liquidator pursuant to the members voluntary wind up of the company.

Dated 9 June 2021

D. I. McNAUGHT,
Liquidator.

No. 56

15 June 2021

Administration of Estates Ordinance 1949
section 4

Application for Letters of Administration

Take notice that **Fraser Barrett Wallace** of 10 John Street, Stanley, died on 27 May 2021.

Whereas **Roxanne Crowie** 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 1949 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 15 June 2021

E. J. FULTON,
Registrar, Supreme Court.



FALKLAND ISLANDS GAZETTE

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No. 11

Appointment

Daniel Lawrence Wood, Maritime Programme Director, Emergency Services and Island Security Department, 02.01.20.

Ina Belova, Dental Officer, Health and Social Services Department, 12.05.21.

Manolito Gonzalvo, Plant Operator/Handyperson, Materials Section, Public Works Department, 02.06.21.

Joanna Louise Cox, Harbour Master, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 14.06.21.

Completion of contract

Graeme Thomas McIntosh, Senior Agricultural Advisor, Agriculture, Natural Resources Department, 01.06.21.

Steven Proud, Contracts Engineer, Administration Section, Public Works Department, 09.06.21.

Lucy Elizabeth Blackmore, Senior Staff Nurse, Health and Social Services Department, 15.06.21.

Anita Bhatti, Secondary Teacher (ICT/Computing), Falkland Islands Community School, Education Department, 20.06.21.

Renewal of contract

Lucy Elizabeth Blackmore, Senior Staff Nurse, Health and Social Services Department, 16.06.21.

Resignation

Philippa Teen Dixon, Staff Nurse, Health and Social Services Department, 04.06.21.

James Patrick Lang, Assistant Water Supervisor, Water Section, Public Works Department, 07.06.21.

Lee Anthony Martin, Examinations Officer, Falkland College, Education Department, 19.06.21.

Bobby Sumagaysay, Plant Operator/Handyperson, Materials Section, Public Works Department, 24.06.21.

Bradley Rhys Crowie, Storeperson, Plant and Vehicle Section, Public Works Department, 30.06.21.

Charmain Sarah Duncan, Plant Operator/Handyperson, Property and Municipal Section, Public Works Department, 30.06.21.

Bradley Minto, Mechanic, Plant and Vehicle Section, Public Works Department, 30.06.21.

NOTICES

No. 57

27 May 2021

Administration of Justice Ordinance 1949

Schedule 3, Part I, paragraph 3

Appointment of Bailiff

1. Paragraph 3(1) of Part I of Schedule 3 to the Administration of Justice Ordinance 1949 provides for bailiffs to be appointed by the Governor following consultation with the Chief Justice or such 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 Part I of Schedule 3 to the Administration of Justice Ordinance 1949, I appoint **Lee Anthony Martin** to be a bailiff of the courts of the Falkland Islands.

3. This appointment has effect from the date given below, and continues in effect until further order or revocation.

Dated 27 May 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 58

2 June 2021

Companies Act 1985
section 652A

Falkland Island Oil Services Limited
Company Number: 15041

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 2021.

Dated 2 June 2021

E. J. DENT,
Registrar of Companies.

No. 59

2 June 2021

Education Ordinance 1989
section 58

Declaration of occasional holiday

1. In accordance with section 58 of the Education Ordinance 1989, I declare, on the recommendation of the Director of Education, that **6 August 2021** is to be an occasional holiday in respect of all Government schools.

2. No pupil shall be obliged to attend school on the above date.

Dated 2 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 60

4 June 2021

Museum and National Trust Ordinance 1991
sections 4 and 16

**Appointment of member and designation of chair
of Museum and National Trust**

1. Section 4(1) of the Museum and National Trust Ordinance 1991 provides that the Governor may appoint members to the Museum and National Trust on the advice of Executive Council.

2. In exercise of my powers under section 4(1), and having taken advice from Executive Council, I appoint **John Richard Cockwell** to be a member of the Museum and National Trust.

3. Section 16(1) of the Museum and National Trust Ordinance provides that the Governor may designate one of the members of the Trust as the Chair of the Trust.

4. In exercise of my powers under section 16(1) I designate **John Richard Cockwell** to be Chair of the Museum and National Trust.

5. This instrument has effect from the date of signature and continues in effect for three years, and in accordance with the Museum and National Trust Ordinance, unless terminated sooner.

Dated 4 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 61

7 June 2021

Taxes Ordinance 1997
section 57B

Approved list of charities

1. Section 57B(2) of the Taxes Ordinance 1997 provides for a list of eligible charities to be approved by the Governor for the purpose of section 57A of the Taxes Ordinance 1997.

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		235825
Haig Fund		207318
United Kingdom Falkland Islands Trust		282786
Wireless for the Blind		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
Worldwide Fund for Nature		1081247
Royal Society for the Protection of Birds National Trust		207076
205846		
Cancer Research UK		1089464
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 Naval Association		266982
Disasters Emergency Committee		1062638
Royal National Lifeboat Institution		209603
Gurkha Welfare Trust		1103669
Compassion UK		1077216
South Atlantic Environmental Research Institute		1173105
Antarctic Heritage Trust		CC24071

Falkland Islands Memorial Chapel Trust 1037942
Scotland
 South Georgia Heritage Trust SC036819
Austria
 SOS Children's Village International 83115702

Dated 7 June 2021

N. J. PHILLIPS C.B.E.,
 Governor.

Notes: 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. 62 16 June 2021

Interpretation and General Clauses Ordinance 1977
section 43

Authority to delegate certain powers and duties

I give notice that, with effect from the date of the publication of this notice in the *Gazette*, the office of the Chief Police Officer shall become a specified public office for the purposes of section 43 of the Interpretation and General Clauses Ordinance 1977 and that the Chief Police Officer as a specified public officer is authorised to delegate the exercise of those powers and duties pertaining to that office as are set out in the particular written laws identified in column 1 in the table, limited to the routine exercise of the specific powers and duties listed in column 2 in the table.

<i>Column 1</i> the particular laws containing the relevant powers and duties capable of being delegated:	<i>Column 2</i> routine exercise of those powers and duties derived from the particular written laws that the Chief Police Officer may delegate:
Road Traffic Ordinance 1948; Vehicle Licence Labels Regulations 1998; Road Traffic (Provisional) Regulations Order 1986	Registration of motor vehicles; Vehicle licences and labels; and Driver licensing
Firearms and Ammunition Ordinance 1987; Firearms and Ammunition (Fees) Regulations Order 1993	Firearms licensing
Police Ordinance 2000	Criminal record vetting

Dated 16 June 2021

N. J. PHILLIPS C.B.E.,
 Governor.

Notes: Following the publication of this notice, pursuant to the powers granted in the Interpretation and General Clauses Ordinance 1977 Part V the Chief Police Officer intends to delegate to Falklands Post Services Limited conditional, limited, qualified and incidental aspects of his duties and powers concerning the routine issuance and the administration of certain aspects of: driver and vehicle licensing and registration; firearms and ammunition licensing; and criminal record vetting. Nothing in this intended delegation affects the ability of the Chief Police Officer to exercise or perform any of the powers or duties intended to be delegated, nor does the delegation of any of these matters affect the Chief Police Officer's ultimate responsibility for those matters.

No. 63 23 June 2021

Stanley Rates Ordinance 1973
section 30

Charges for water, refuse collection and other services

1. This notice is given in accordance with section 30 of the Stanley Rates Ordinance 1973.
2. The charges for water, refuse collection and other services supplied to domestic premises ("service charge")^(a) are:
 - 2.1 under section 30(1), £463.60 per annum; and
 - 2.2 under section 30(3)(a), a reduced charge for domestic premises occupied by persons of retirement pension age or over^(b) of £231.80 per annum.
3. The charges take effect from 1 July 2021.

Dated 23 June 2021

T. P. WAGGOTT,
 Financial Secretary.

(a) The service charge is payable by 30 September each year but payment can be made by 12 equal monthly instalments of £38.64 with effect from July each year (£19.32 per month for persons of retirement pension age or over). The payment by instalment method may be paid by tenants of Government housing by an addition to the monthly rent.

(b) Age 65 or over, or age 60 or over if a widow or widower (Retirement Pensions Ordinance 1996 section 4).

No. 64 28 June 2021

Immigration (Permanent Residence Permits) Regulations 2009
regulation 19

Application for Permanent Residence Permit

Notice is hereby given that the following persons have applied to the Principal Immigration Officer to be granted Permanent Residence Permits:

Kirsty Johnston;
Jorge Jonathan Cisternas Adofacci;
John-Ross Talmarkes;
Zara Elizabeth Stevens;
Ma Lourine Gabradilla;
Irina Petrova Chemshirova;
Hannah Louise Newton;

Cecelia Aliesseth Cares Pressing;
Pedro Andre De Wet; and
Lecrechia Treasure De Wet (nee Geland).

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 within 21 days of the date of publication of this notice.

Dated 28 June 2021

J. E. SMITH,
Immigration Officer.

No. 65

28 June 2021

British Nationality Act 1981
section 18

Application for Naturalisation

Notice is hereby given that:-

Francis Kent Uy; and
Juliette Marguerite Hennequin,

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 within 21 days of the date of publication of this notice.

Dated 28 June 2021

J. E. SMITH,
Immigration Officer.

No. 66

30 June 2021

Electricity Supply Regulations 1969
regulation 10A

Variation of electricity price

1. This notice is given in accordance with regulation 10A(5) of the Electricity Supply Regulations 1969.
2. A variation in electricity prices was announced on 30 June 2021 and comes into effect on 1 July 2021.
3. The overall price of electricity per unit for all consumers is increased from 20p to 23p.
4. For consumers supplied via pre-payment meters, electricity is supplied at 23p per unit and cards are now being sold at above face value.
5. For all other consumers, electricity is supplied at 23p per unit.

Dated 30 June 2021

T. P. WAGGOTT,
Financial Secretary.



FALKLAND ISLANDS GAZETTE

Extraordinary

PUBLISHED BY AUTHORITY

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16 July 2021

No. 12

NOTICES

No. 67

15 July 2021

**Infectious Diseases Control (Coronavirus, Quarantine)
Regulations 2021
regulation 11**

Quarantine Exemptions Direction No. 7

Background

In accordance with regulation 17 of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021, the Chief Medical Officer has reviewed the requirements of those Regulations and the Directions in force under regulation 11 of those Regulations. She has in particular reviewed the impact of Quarantine Exemptions Direction No.6 in the Falkland Islands in light of the changing picture of the incidence of coronavirus infection in the United Kingdom and across the world. She has reported the outcome of her review and in her opinion further change is required to reflect the very significant reduction in the risk of a person in the Falkland Islands being infected with coronavirus and, if infected, of becoming seriously ill or requiring hospital care. The risk of an uncontrolled community outbreak of the disease is likewise very significantly reduced.

In the circumstances, I am satisfied that the period of quarantine can be further reduced to 5 days for those arriving by air from the United Kingdom who have completed the full course of vaccination with the Oxford-AstraZeneca, Pfizer, Moderna or Janssen vaccines (or any other vaccine approved by the Medicines and Healthcare products Regulatory Agency of the United Kingdom Government) and test negative for coronavirus on day 2 and day 5 of quarantine, provided those they are in quarantine with test negative on day 5.

Those who have not been vaccinated, or who have not completed the full course of vaccination at least 14 days before arrival still have the option of a test to release on day 2 and day 8 (originally introduced by Quarantine Exemption Direction No.6).

Similar arrangements will apply to persons who are convalescent cases, that is persons infected with the virus not more than 90 days before arriving in the Falkland Islands provided there has been a certain period between the person's infection and (where relevant) cessation of symptoms, and their arrival in the Falkland Islands, and provided they have been certified by a doctor as posing no or very little risk of transmitting the disease.

I am also satisfied that the exemption available under the Regulations for certain Crown servants who quarantine in the United Kingdom before arriving in the Falkland Islands can be extended to apply to Crown servants and military contractors, who quarantine in the United Kingdom for shorter periods (8 days, or 5 days in the case of vaccinated persons), on the basis that they meet appropriate testing requirements whilst in quarantine in the United Kingdom.

Direction

In accordance with regulation 11(3)(a) of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 I, Nigel James Phillips C.B.E., direct that:

1. (1) This Direction applies to air passengers arriving in the Falkland Islands on or after 19 July 2021.

(2) Save to the extent set out in paragraph 10, the Quarantine Exemption Direction No.6 dated 27 May 2021 is revoked.

Part 1 – Test and release (partial quarantine exemption)

2. Air passengers are not required to comply with the requirements for the remainder of the period of quarantine that would otherwise apply to them from the date the air passengers are informed by or on behalf of the Chief Medical Officer that they are of a description in either paragraph 4 or 5 of this Direction and all other persons who are in quarantine with such air passengers by virtue of regulation 8(2)(b) of the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 are likewise exempt from the requirements for the remainder of the period of quarantine.

3. (1) A child is not required to undergo a test for coronavirus for the purposes of this Direction.

(2) A child is treated as if they have tested negative for the purposes of paragraphs 4 and 5 of this Direction.

(3) Paragraph (2) does not apply if the child has tested positive whilst in quarantine.

(4) In this paragraph “**child**” means a person who is under 6 years of age.

4. (1) This paragraph applies to an air passenger who:

- (a) has been vaccinated;
- (b) is not in quarantine with an air passenger who has not been vaccinated; and
- (c) meets the criteria in subparagraph (2).

(2) The criteria are:

- (a) on or before the second day after the day of arrival in the Falkland Islands the air passenger tests negative for coronavirus or is a convalescent case; and
- (b) on the fifth day after the day of arrival in the Falkland Islands the air passenger tests negative for coronavirus or is convalescent positive and all other persons who are in quarantine with the air passenger test negative for coronavirus on the same occasion or are a convalescent case.

5. (1) This paragraph applies to an air passenger who:

- (a) has not been vaccinated, or who has been vaccinated but is in quarantine with an air passenger who has not been vaccinated; and
- (b) meets the criteria in subparagraph (2).

(2) The criteria are:

- (a) on or before the second day after the day of arrival in the Falkland Islands the air passenger tests negative for coronavirus or is a convalescent case; and
- (b) on the eighth day after the day of arrival in the Falkland Islands, the air passenger tests negative for coronavirus or is convalescent positive and all other persons who are in quarantine with the air passenger test negative for coronavirus on the same occasion or are a convalescent case.

Part 2 – Pre-arrival quarantine (full quarantine exemption)

6. An air passenger who is a person of a description specified in paragraph 7 or 8:

- (a) is not required to comply with the requirements; and
- (b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

7. This paragraph applies to a Crown servant or military contractor who:

- (a) has been vaccinated;
- (b) has been in quarantine in the United Kingdom for a period of at least 5 days ending immediately before their arrival in the Falkland Islands;
- (c) has not been in quarantine with a person who has not been vaccinated; and
- (d) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of quarantine in the United Kingdom.

8. This paragraph applies to a Crown servant or military contractor who:

- (a) has been in quarantine in the United Kingdom for a period of at least 8 days ending immediately before their arrival in the Falkland Islands; and
- (b) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of quarantine in the United Kingdom.

Part 3 – Interpretation

9. (1) In this Direction:

“**air passenger**” means a person who arrives in the Falkland Islands by air from the United Kingdom on or after 19 July 2021;

“**convalescent case**” means a person who:

- (a) is able to provide evidence that they were infected by coronavirus not more than 90 days before the day on which the person arrives in the Falkland Islands;
- (b) meets one of the following criteria:
 - (i) the person has had no symptoms of coronavirus and is able to provide evidence that they were infected by coronavirus at least 14 days before the day on which the person arrives in the Falkland Islands;
 - (ii) the person has had no symptoms of coronavirus for a period of 4 days ending on the day on which the person arrives in the Falkland Islands, and is able to provide evidence that they were infected by coronavirus at least 10 days before the day on which the person arrives in the Falkland Islands; and

(d) has been assessed by a qualified medical professional in the Falkland Islands and that professional is satisfied the person poses no or a very small risk of infecting others with coronavirus;

“**Crown servant**” means any member of the naval, military or air forces of the Crown and any person employed in the civil service of the Crown in right of the Government of the United Kingdom;

“**military contractor**” means any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands;

“**Regulations**” means the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021; and

“**the requirements**” means the requirements in Part 3 of the Regulations.

(2) In this Direction, a reference to a person:

(a) being vaccinated is a reference to a person having completed the full course of a vaccine approved for coronavirus by the Medicines and Healthcare products Regulatory Agency of the United Kingdom Government not less than 14 days before the date on which the period of quarantine commences and a reference to a person who has not been vaccinated is interpreted accordingly; and

(b) testing negative or positive (as the case may be) is a reference to a person being tested for coronavirus by a test administered under the direction or supervision of a qualified medical professional in the Falkland Islands and the outcome of the test is negative, indicating that the person is not infected with coronavirus or is positive, indicating that the person is infected with coronavirus.

(3) For the avoidance of doubt, a person seeking to assert that they are a vaccinated person for the purposes of Part 1 must provide the Chief Medical Officer with any information that the Chief Medical Officer reasonably requires in order to establish the person’s vaccination status under this Direction.

Part 4 – Saving provision

10. Quarantine Exemption Direction No.6 continues to have effect in relation to a person who arrived in the Falkland Islands by air from the United Kingdom before 19 July 2021 with the omission of the words “and all other persons on the same flight had a negative test result for coronavirus within the same period” from paragraph 2(a)(i).

Dated 15 July 2021

N. J. PHILLIPS C.B.E.,
Governor.



FALKLAND ISLANDS GAZETTE

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31 July 2021

No. 13

Appointment

Nestor Santana Hernandez, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 21.06.21.

Jason Stephenson, Plant Operator/Stand-in Filtration Plant Operator, Water Section, Public Works Department, 28.06.21.

Samantha Lightfoot, CT Radiographer, Health and Social Services Department, 29.06.21.

Thomas Edward Harper, Biomedical Scientist - Food, Water and Environment, Health and Social Services Department, 01.07.21.

Anton Livermore, Administrative Officer, Administration Section, Public Works Department, 01.07.21.

Jesna Mtetwa, Clerk, Administration Section, Public Works Department, 01.07.21.

Meredith Lauryn Ellis, Agriculture Assistant, Agriculture, Natural Resources Department, 05.07.21.

Tracy Beckett, Examinations and Receptionist Clerk, Falkland College, Education Department, 09.07.21.

Richard Chivinda, Agriculture Assistant, Agriculture, Natural Resources Department, 13.07.21.

Charmain Sarah Duncan, Shield Support Worker, Falkland College, Education Department, 15.07.21.

Wendy Jansen Van Rensburg, Police Constable, Royal Falkland Islands Police, Emergency Services and Island Security Department, 19.07.21.

Completion of contract

Della Marie Buck, Community Support Manager, Health and Social Services Department, 13.07.21.

Violet Sithole, Senior Staff Nurse, Health and Social Services Department, 19.07.21.

Julie Boorman, Building Adviser, Planning and Building, Development and Commercial Services Department, 22.07.21.

Jordan Brewin, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 26.07.21.

Theofelus Kairua, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 28.07.21.

William Anthony Jansen Van Rensburg, Head of Programmes, Development and Commercial Services Department, 29.07.21.

Renewal of contract

Della Marie Buck, Community Support Manager, Health and Social Services Department, 14.07.21.

Violet Sithole, Senior Staff Nurse, Health and Social Services Department, 20.07.21.

Theofelus Kairua, Scientific Fisheries Observer, Fisheries, Natural Resources Department, 29.07.21.

William Anthony Jansen Van Rensburg, Head of Programmes, Development and Commercial Services Department, 30.07.21.

Resignation

Cary Davis, Sports Attendant, Stanley Leisure Centre, Development and Commercial Services Department, 15.07.21

Deborah Davidson, Offshore Licensing Adviser, Mineral Resources Department, 23.07.21.

Retirement

James Patrick Lang, Assistant Water Supervisor, Water Section, Public Works Department, 07.06.21.

Michael Floyd, Customs Officer, Customs and Immigration, Emergency Services and Island Security Department, 13.07.21.

Determination of appointment

Clayton Craig Crowie, Senior Police Constable, Royal Falkland Islands Police, Emergency Services and Island Security Department, 30.06.21.

NOTICES

No. 68 16 June 2021

Falklands Landholdings Corporation Ordinance 2000 *section 4*

Appointment of member of the Falklands Landholdings Corporation Board

1. Section 4(1)(f) of the Falklands Landholdings Corporation Ordinance 2000 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 16 June 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 69 9 July 2021

Naval Ports Ordinance 1987 *section 4*

Appointment of Queen's Harbour Master

1. Section 4 of the Naval Ports Ordinance 1987 provides that the Governor may, on the advice of the Commander British Forces, appoint a Queen's Harbour Master for a naval port.

2. Mare Harbour is a naval port declared by the Mare Harbour (Declaration and Definition) Order 1989.

3. In exercise of my powers under section 4 of the Naval Ports Ordinance 1987, and on the advice of the Commander British Forces, I appoint **Commander John Richard Childs RN** to be Queen's Harbour Master for Mare Harbour naval port.

4. This appointment has effect from 2 October 2020, and continues in effect until further appointment or earlier termination.

Dated 9 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 70

9 July 2021

Police Ordinance 2000 *section 52*

Unclaimed property

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

Serial	Date found	Description
962	11.04.2021	1 navy blue child's hoodie with the words Falklands Conservation Watch Group on it. Size 9/11
963	02.05.2021	5 little jars filled with salt and photographs in each one
965	17.05.2021	purple Heat Holders gloves
966	17.05.2021	1 x blue hooded jacket
73	07.06.2021	A pair of grey woollen gloves
976	31.03.2021	1 silver coloured bracelet
977	11.06.2021	£30 cash in 2x £5 and 1x £20
978	21.06.2021	1 yellow high viz hoodie
981	26.06.2021	Vehicle wing mirror

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 9 July 2021

E. J. FULTON,
Clerk, Magistrate's Court

No. 71 27 July 2021

British Nationality Act 1981 *section 18*

Application for Naturalisation

Notice is hereby given that:-

Arlene Cairel Ochea; and
Manolito Gonzalvo

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 within 21 days of the date of publication of this notice.

Dated 27 July 2021

J. E. SMITH,
Immigration Officer.

Legislative Assembly Standing Rules and Orders 2010
standing order 21

Notification of change to Members' registerable interests

Standing order 21(5) of the Legislative Assembly Standing Rules and Orders 2010 requires the Clerk to amend the Register and publish particulars of any change in registerable interests notified to the Clerk by a Member of the Legislative Assembly.

Notification of change to registrable interests

Member of the Legislative Assembly Barry Elsby has notified the Clerk of a change to his registerable interests in category 10:-

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).

Barry Elsby

My son works as a self-employed carpenter and within the tourism industry.
At the very end of July 2021 I formed a FI Limited Company, BE Services Ltd, with the stated purpose of building accommodation, developing procurement services and involvement in the local tourist industry.

The information is current to 29 July 2021.

Dated 29 July 2021

C. Y CLIFFORD,
Clerk of the Legislative Assembly.

Erratum

Falkland Islands Gazette - Volume 130

Gazette No 11 published on 30 June 2021, listed under Resignation:- **James Patrick Lang**, Assistant Water Supervisor, Water Section, Public Works Department, 07.06.21 incorrectly, the entry is re-published correctly under Retirement in this publication of the Falkland Islands Gazette.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

3 August 2021

No. 10

The following are published in this Supplement —

Fishery Products (Designations) (Amendment) Order 2021 (SR&O No 11 of 2021);

Maritime (Port State Control) Regulations 2021 (SR&O No 12 of 2021);

Livestock and Meat Products (Miscellaneous Amendments) Regulations 2021 (SR&O No 13 of 2021);

Fishery Products (Hygiene) (Amendment) Regulations 2021 (SR&O No 14 of 2021); and

Fishery Products Ordinance (Amendment of Schedule) Order 2021 (SR&O No 15 of 2021).

SUBSIDIARY LEGISLATION

Fishery Products (Designations) (Amendment) Order 2021

(No. 11 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Fishery Products (Designations) Order 2014 amended

SUBSIDIARY LEGISLATION

Maritime (Port State Control) Regulations 2021

(No. 12 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Interpretation
4. Application and general provisions
5. Inspection of ships below 500 gross tonnage
6. Records of inspections
7. Initial inspection
8. More detailed inspection
9. Reports of inspection and deficiencies to master
10. Inspectors
11. Rectification and detention
12. Power to permit prohibited ships to enter port
13. Reference to arbitration
14. Arbitration
15. Compensation for unjustified detention
16. Prohibition on detained ships requiring repair, from entering port
17. Power to permit detained ship to proceed to repair yard
18. Complaints
19. Costs
20. Offences
21. Familiarity of crew with operational procedures

Schedule 1 – Form of Report of Inspection

Schedule 2 – Form of Report of Deficiencies

Schedule 3 – Form of Prohibition Notice

Schedule 4 – Form of Notice of detention of a ship for failure to comply with international convention

Schedule 5 – Guidelines for the detention of ships

Schedule 6 – Form of Notice of reference of a detention or prohibition notice to an arbitrator

SUBSIDIARY LEGISLATION

Maritime (Port State Control) Regulations 2021

(made: 30 July 2021)
(published: 3 August 2021)
(coming into force: in accordance with regulation 2)

IN EXERCISE of my powers under section 42(j) of the Harbours and Ports Ordinance 2017 and sections 84 and 85 of the Maritime Ordinance 2017 and on the advice of Executive Council I make the following regulations —

1. Title

These regulations are the Maritime (Port State Control) Regulations 2021.

2. Commencement

These Regulations come into force on a day appointed by the Governor by notice published in the *Gazette*.

3. Interpretation

(1) In these regulations unless the context otherwise requires —

“**Authority**” means the Falkland Islands Maritime Authority referred to in section 4 of the Harbours and Ports Ordinance 2017;

“**certificate**” means a document that is required to be carried on a ship to confirm compliance with the certification requirements of the Conventions;

“**clear grounds**” means grounds referred to in regulation 8(3);

“**competent authority**” means —

- (a) in relation to the Falkland Islands, the Authority; and
- (b) in relation to any other State, anybody designated as such by the State in relation to the relevant function or if none, the State in question;

“**Conventions**” means —

- (a) the International Convention on Load Lines, 1966 (LL 66);
- (b) the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
- (c) the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocols of 1978 and 1997 relating thereto (MARPOL 73/78);

- (d) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72); and
- (e) the International Convention on Tonnage Measurement of Ships, 1969 (ITC 69);

“**Convention enactments**” means —

- (a) the Ordinance;
- (b) regulations made under the Ordinance which implement the Conventions; and
- (c) United Kingdom statutory instruments which implement the Conventions and which apply to the Falkland Islands by virtue of the Law Revision and Publication Ordinance 2017;

“**complaint**” means any information or report submitted by any person or organisation with a legitimate interest in the safety of the ship, including an interest in safety or health hazards to its crew, on-board living and working conditions and the prevention of pollution;

“**deficiency**” means a condition which does not comply with the requirements of the relevant convention;

“**Falkland Islands waters**” has the same meaning as given in section 2 of the Ordinance;

“**fishing vessel**” has the same meaning as given in section 2 of the Ordinance;

“**flag administration**” in relation to a ship means the administration of the State whose flag the ship is entitled to fly;

“**IMO**” means the International Maritime Organisation;

“**initial inspection**” means an inspection to conduct checks referred to in regulation 7;

“**inspector**” means a person appointed or authorised under the Ordinance to undertake inspections required by these Regulations;

“**inspection**” means a visit on board a ship by an inspector to conduct an initial or a more detailed inspection in order to check compliance with the relevant Conventions;

“**more detailed inspection**” means an inspection referred to in regulation 8;

“**Ordinance**” means the Maritime Ordinance 2017;

“**owner**” includes, in relation to a ship, any operator, manager, charterer or agent of the ship;

“**passenger**” means any person carried on a ship except —

- (a) a person employed or engaged in any capacity on board the ship on the business of that ship; and
- (b) a child under one year of age;

“**pleasure vessel**” means —

- (a) any vessel which at the time it is being used is —
 - (i) in the case of a vessel wholly owned by —
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “**immediate family**” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “**relative**” means brother, sister, ancestor or lineal descendant;

“**recognised organisation**” means a classification company or other private body carrying out statutory tasks on behalf of the flag administration concerned;

“**repair yard**” means the repair yard in or closest to the port of detention or the port where the ship was authorised to proceed for rectification of deficiencies;

“**ship**” means a sea-going vessel to which one or more of the Conventions applies and includes a hovercraft, a mobile offshore drilling unit, a passenger submersible craft and a high-speed craft;

“**ship/port interface**” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship;

“**statutory certificate**” means a certificate issued by or on behalf of a flag administration in accordance with the Conventions;

“**stoppage of an operation**” means a formal prohibition against a ship from continuing an operation due to an identified deficiency or deficiencies which, singly or together, render the continuation of such operation hazardous;

“**substandard ship**” means a ship whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformance with the safe manning document.

(2) References in these Regulations to the Falkland Islands include Falkland Islands waters.

4. Application and general provisions

(1) Subject to subregulation (2), these Regulations apply to a ship and its crew calling at a port or anchorage in the Falkland Islands to engage in a ship/port interface.

(2) These regulations do not apply to —

- (a) a Falkland Islands ship except as provided in regulation 21;
- (b) a British ship;
- (c) a fishing vessel;
- (d) a warship;
- (e) a naval auxiliary;
- (f) a wooden ship of primitive build;
- (g) a government ship used for non-commercial purposes;
- (h) a pleasure vessel;
- (i) a ship not propelled by mechanical means.

(3) An inspection in the Falkland Islands of a ship, while not in a port, is considered an inspection for the purposes of these Regulations.

(4) These Regulations do not prejudice the additional requirements of the Conventions concerning notification and reporting procedures related to port state control.

(5) The functions of an inspector under these Regulations are without prejudice to the powers to inspect a ship which is not a Falkland Islands ship under —

- (a) the Maritime Labour (Survey and Certification under the Maritime Labour Convention) Regulations 2019; and
- (b) the Maritime Labour (General Requirements under the Maritime Labour Convention) Regulations 2019.

5. Inspection of ships below 500 gross tonnage

An inspector must, when exercising functions in respect of a ship below 500 gross tonnage —

- (a) to the extent that a Convention applies to the ship, apply the requirements of that Convention;

- (b) to the extent that a Convention does not apply to the ship take such action as may be necessary to ensure that the ship is not clearly hazardous to safety, health or the environment.

6. Records of inspections

The Authority must maintain a record of inspections conducted in the Falkland Islands.

7. Initial inspection

(1) An initial inspection is the minimum inspection that an inspector must carry out on a ship that is inspected.

(2) An initial inspection involves checking —

- (a) the validity of every relevant certificate and document which are required to be carried on board the ship in accordance with Conventions;
- (b) the overall condition of the ship, including the engine room; and
- (c) that the master and crew are familiar with the essential procedures and operations relating to the safety of the ship.

(3) If —

- (a) after an initial inspection has been carried out in any IMO member state, deficiencies to be rectified in the ship's next port of call have been recorded in a port state inspection database; and
- (b) that next port of call is in the Falkland Islands,

the inspector must, if carrying out an inspection of that ship, also verify that outstanding deficiencies have been rectified.

8. More detailed inspection

(1) A more detailed inspection must be carried out when there are clear grounds for believing, after an initial inspection, that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention.

(2) A more detailed inspection involves an in-depth examination of the ship, its equipment and crew as a whole or parts thereof covering the ship's construction, equipment, manning, living and working conditions and compliance with on-board operational procedures.

(3) Clear grounds to conduct a more detailed inspection include but are not limited to —

- (a) the absence of principal equipment or arrangements required by the relevant Conventions;
- (b) evidence from a review of the ship's certificates that a certificate or certificates are clearly invalid;

- (c) evidence that documentation required by the relevant Conventions is not on board, is incomplete, is not maintained or is falsely maintained;
- (d) evidence from the inspector's general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship;
- (e) evidence from the inspector's general impressions or observations that serious deficiencies exist in the safety, pollution prevention systems or weathertight integrity of the ship;
- (f) information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out;
- (g) indications that key crew members may not be able to communicate with each other or with other persons on board;
- (h) the emission of false distress alerts not followed by proper cancellation procedures; or
- (i) receipt of a report or complaint containing information that a ship appears to be substandard.

9. Reports of inspection and deficiencies to master

- (1) On completion of an inspection, the inspector must prepare a report in the form set out in Schedule 1 and a copy must be provided to the ship's master.
- (2) Any deficiencies confirmed or revealed by an inspection must be recorded on a form as set out in Schedule 2 and a copy must be provided to the ship's master.

10. Inspectors

- (1) An inspector must carry out inspections under these Regulations.
- (2) An inspector and any person assisting an inspector must not —
 - (a) have any commercial interest either in the port or anchorage where the inspection takes place or in the ships inspected; or
 - (b) be employed by, or undertake work on behalf of a recognised organisation.

11. Rectification and detention

- (1) A ship's owner must satisfy the Authority that any deficiencies which are confirmed or revealed by an inspection, are or will be rectified in accordance with the Conventions.
- (2) Where such deficiencies are clearly hazardous to safety, health or the environment, the inspector may —
 - (a) detain the ship after issuing a notice of detention in the form set out in Schedule 4 using powers of detention in Convention enactments as appropriate; or

- (b) require the stoppage of the operation in the course of which the deficiencies have been revealed, by issuing a prohibition notice under section 244 of the Ordinance in the form set out in Schedule 3.
- (3) A detention notice issued in the circumstances described in subregulation (2) may —
- (a) include a direction that the ship must remain in a particular place, or must move to a particular anchorage or berth; and
 - (b) specify circumstances when the master of the ship may move that ship from a specified place for reasons of safety or prevention of pollution.
- (4) Measures imposed by an inspector in the circumstances described in subregulation (2) must not be lifted until the Authority has established that the ship can, subject to any necessary conditions, proceed to sea or the operation be resumed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.
- (5) Where —
- (a) a ship is detained under a Convention enactment; or
 - (b) the master of a ship is served with a notice of detention under a Convention enactment;
- section 268 of the Ordinance (enforcing detention of ship) has effect in relation to that ship as if any reference to proceeding to sea were a reference to proceeding contrary to the detention notice and references to sending or taking to sea were construed accordingly.
- (6) Without prejudice to any other requirement in the Convention enactments, when exercising professional judgement as to whether or not a ship should be detained, the inspector must apply the guidelines set out in Schedule 5.
- (7) In exceptional circumstances, where the overall condition of a ship is obviously substandard, the inspector may, in addition to detaining the ship, suspend the inspection of that ship until the responsible parties have taken the steps necessary to ensure that it complies with the relevant requirements of the Conventions.
- (8) If a ship is detained following an inspection, the Governor must immediately inform, in writing—
- (a) the ship's flag administration;
 - (b) the Consul of the State of the flag administration; or
 - (c) the nearest diplomatic representative of the State of the flag administration.
- (9) The written information referred to in subregulation (8) must set out all the circumstances relating to the decision to detain the ship and must include the report of inspection.
- (10) Where subregulation (8) applies, the Authority must notify all relevant —

- (a) surveyors of ships appointed under section 238 of the Ordinance; or
- (b) recognised organisations;

responsible for the issue of classification certificates or statutory certificates which are required under the relevant Conventions.

(11) When carrying out an inspection under these Regulations, the inspector must make all possible efforts to avoid a ship being unduly detained or delayed.

(12) The risk of port congestion must not be a consideration in a decision to detain a ship or to release a ship from detention.

12. Power to permit prohibited ships to enter port

(1) Notwithstanding regulation 16, the Authority may allow a ship access to a specific port or anchorage in the Falkland Islands in the following circumstances —

- (a) force majeure;
- (b) overriding safety considerations;
- (c) the need to reduce or minimise the risk of pollution; or
- (d) the need to have deficiencies rectified.

(2) Before allowing a ship access to a port or anchorage in the Falkland Islands, the Authority must be satisfied that adequate measures to ensure safe entry have been implemented by the owner or master of the ship.

13. Reference to arbitration

(1) This regulation applies where —

- (a) a detention notice is issued under regulation 11(2)(a); or
- (b) a prohibition notice is issued under regulation 11(2)(b).

(2) The owner or master of a ship in respect of which the notice is issued may within 21 days from the service of the notice request the reference to a single arbitrator, appointed by agreement of the parties, of any question as to whether a matter falling within subregulation (3) constituted a valid basis for the notice.

(3) The matters are that —

- (a) any matter did not constitute a valid basis for the inspector's opinion that led to the issue of the notice; and
- (b) there were no clear grounds for the inspector to form that opinion.

(4) A request for a reference of a notice to arbitration must be in the form set out in Schedule 6.

(5) A person is not qualified for appointment as an arbitrator under this regulation unless they meet the requirements of sections 93(6) and 93(7) of the Ordinance.

(6) In connection with a reference under this regulation, an arbitrator has the powers conferred on an inspector by section 241 of the Ordinance.

(7) The reference of a notice to arbitration under this regulation does not operate to suspend the operation of the notice unless, on the application of the owner or the master, the arbitrator determines that the notice should be suspended pending the determination of the arbitration.

14. Arbitration

(1) Where on a reference of a notice under regulation 13, the arbitrator decides that in all the circumstances a matter falling within regulation 13(3) did not constitute a valid basis for the notice, the arbitrator must —

(a) cancel the notice; or

(b) affirm it with such modifications as the arbitrator may in the circumstances think fit.

(2) In any case other than one described in subregulation (1), the arbitrator must affirm the notice in its original form.

(3) In determining a reference on a detention notice, the arbitrator may have regard to any matter not specified in the notice which appears to the arbitrator to be relevant as to whether the ship was or was not liable to be detained.

(4) The arbitrator must include in their decision in relation to a reference on a detention notice a finding whether there was or was not a valid basis for the detention of the ship.

15. Compensation for unjustified detention

(1) If on a reference under regulation 13 relating to a detention notice, the arbitrator decides that the owner or master has proved —

(a) that the matter complained of did not constitute a valid basis for the inspector's opinion; and

(b) that there were no clear grounds for the issue of the detention notice,

the arbitrator may award the owner of the ship such compensation in respect of any loss suffered in consequence of, or as the case may be, the detention of the ship, as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation is payable out of the Consolidated Fund.

16. Prohibition on detained ships requiring repair, from entering port

(1) A ship which falls within subregulation (2) and proceeds to sea from any port or anchorage in any IMO Member State —

(a) without complying with the conditions determined by the competent authority of the IMO Member State in the port of inspection; or

- (b) without calling into the indicated repair yard,

must not enter any port or anchorage within the Falkland Islands, until the owner has provided evidence to the satisfaction of the competent authority referred to in subregulation (1)(a), that the ship fully complies with all applicable requirements of the Conventions.

(2) A ship falls within this regulation if it —

- (a) was detained in a port in a IMO Member State after an inspection revealed deficiencies clearly hazardous to safety, health or the environment; or
- (b) was so detained and was allowed by the competent authority of the IMO Member State to proceed to the appropriate repair yard nearest to the port of detention.

17. Power to permit detained ship to proceed to repair yard

(1) Where deficiencies referred to in regulation 11(2) cannot be rectified in the port of inspection, an inspector may allow the ship to proceed without delay to the appropriate repair yard nearest to the port of detention, as chosen by the master and authorities concerned, where follow-up action can be taken, provided the conditions determined by the competent authority of the flag administration and agreed to by the inspector, are complied with.

(2) Such conditions must ensure that the ship can proceed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.

18. Complaints

(1) If a complaint relating to a ship is submitted to the Authority, the Authority must determine whether it is justified as quickly as possible.

(2) If the complaint is determined to be justified, the Authority must —

- (a) inform the complainant of that conclusion and of any follow-up action taken with regard to the complaint;
- (b) ensure that anyone directly concerned about that complaint can make their views known;
- (c) take such action as the Authority considers necessary; and
- (d) inform the flag administration of the complaint and action taken.

(3) If the complaint is determined not to be justified, the Authority must inform the complainant, of the reasons for this conclusion.

(4) The identity of the complainant must not be revealed to the master or owner of the ship concerned, by the Authority or by an inspector.

(5) An inspector interviewing any members of the crew of the ship, concerning the complaint must —

- (a) ensure confidentiality during such interviews; and
- (b) report on such interviews to the Authority.

19. Costs

(1) If a ship is detained pursuant to a Convention enactment for deficiencies in relation to the requirements of a Convention warranting the detention of the ship —

- (a) all costs of inspections which confirm or reveal deficiencies in relation to the requirements of a Convention warranting the detention of the ship; and
- (b) all costs relating to the detention in port or anchorage;

are recoverable from the owner or their representative in the Falkland Islands.

(2) Any detention made pursuant to these Regulations or a Convention enactment, for deficiencies referred to in subregulation (1) must not be lifted until any fees payable under the Merchant Shipping (Fees) Regulations 2018 (SI 2018/1104), in respect of an inspection leading to it or arising from it and any other costs payable under subregulation (1) have been paid, or the person to whom they are due has been provided with sufficient security for them.

20. Offences

(1) Subject to regulation 17, the owner or the master of a ship who contravenes a notice of detention or prohibition notice issued under regulation 11(2), each commits an offence and is liable on conviction to imprisonment not exceeding two years, or, a fine, or both.

(2) Where a ship —

- (a) enters a port or anchorage in breach of regulation 16; or
- (b) is permitted to leave a port pursuant to regulation 17(1) but fails to proceed to the repair yard specified;

the owner and master each commit an offence and are liable on conviction to imprisonment not exceeding two years or a fine, or both.

(3) A person who obstructs an inspector or any person assisting the inspector in the performance of the inspector's duties, commits an offence and is liable on conviction, to a fine not exceeding level 4 on the scale of fines under Schedule 7 to the Ordinance.

(4) It is a defence for a person charged under this regulation, to prove that they took all reasonable steps to avoid committing the offence.

21. Familiarity of crew with operational procedures

(1) Ships, when in a port in the Falkland Islands, and in the case of Falkland Islands ships, when elsewhere, are subject to inspection for the purpose of checking that the master and crew are familiar with essential procedures and operations relating to the safety of the ship.

(2) Section 240 of the Ordinance (powers to inspect ships and their equipment, etc.) applies in relation to a ship in a port in the Falkland Islands as if, in subsection (1), after “articles on board”, there were inserted “the familiarity of the crew with essential procedures and operations relating to the safety of the ship”.

SCHEDULE 1 – Form of Report of Inspection

regulation 9(1)

REPORT OF INSPECTION *issued under the Maritime (Port State Control) Regulations 2021*

Falkland Islands Maritime Authority, Directorate of Emergency Services, Ross Road, Stanley, FIQQ 1ZZ, +500 27230

<u>SHIP PARTICULARS</u>		Name	Flag	Type
Call Sign		MMSI Number		IMO Number
Gross tonnage		Deadweight		Year of build
Classification Society		ISM Company		Date of release from detention ^a

<u>INSPECTION PARTICULARS</u>	Date	Place	Type	Initial Inspection <input type="checkbox"/> More Detailed Inspection <input type="checkbox"/>

<u>RELEVANT CERTIFICATES</u>						
Certificate Title	Issuing Authority	Date of Issue	Date of Expiry	Date of Survey	Surveying Authority	Country
Safety Construction						
Safety Equipment						
Safety Radio						
IOPP						
Load Line						
ISM Document of Compliance						
ISM Safety Management						
International Ship Security						
Tonnage						
International Ballast Water Management						

DEFICIENCIES	<input type="checkbox"/> No <input type="checkbox"/> Yes (see attached Form B)	SHIP DETAINED	<input type="checkbox"/> No <input type="checkbox"/> Yes ^b	SUPPORTING DOCUMENTATION	<input type="checkbox"/> No <input type="checkbox"/> Yes
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Owner Details		Name of Master		Signature ^c	
Issuing Office		Telephone		Email	
				Name (Authorised PSCO)	
				Signature	

a To be completed in the event of a detention

b Masters and companies are advised that detailed information on a detention may be subject to future publication

c This report must be retained on board for a period of two years and must be available for consultation by Port State Control officers at all times

SCHEDULE 2 – Form of Report of Deficiencies

regulation 9(2)

REPORT OF DEFICIENCIES *issued under the Maritime (Port State Control) Regulations 2021*

Falkland Islands Maritime Authority, Directorate of Emergency Services, Ross Road, Stanley, FIQQ 1ZZ, +500 27230

Name of Ship		IMO Number		Date of Report		Place of Inspection	
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DEFICIENCIES FOUND AND FOLLOW UP ACTIONS				
#	Description of Deficiency ^a	Convention ^b	Action Code ^c	ISM-related
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Name(s) of duly authorised PSCO(s) of reporting authority	Signature	Visit date

a This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made

b To be completed in the event of a detention

c **00** – Recommendation only; **10** – Deficiency rectified; **15** – Rectify deficiency at next port; **16** – Rectify deficiency within 14 days; **17** – Rectify deficiency before departure; **18** – Rectify deficiency within 3 months; **30** – Detainable deficiency; **99** – as specified

SCHEDULE 3 – Form of Prohibition Notice

regulation 11(2)(b)

PROHIBITION NOTICE

issued under the Maritime (Port State Control) Regulations 2021 and section 244 of the Maritime Ordinance 2017

Name and address of person on whom this Notice is served (the person in control of the ship)

To

Trading as(*)

Inspector's full name

Inspector's official address

of

Official telephone

Activities subject to prohibition

1. I hereby give you notice that I am of the opinion that the following activities, namely:

which are (*) being carried out / likely to be carried out (*) by you / under your control aboard:

Name of Ship

Official Number

involve, or will involve, a risk, of (*) serious personal injury / serious pollution of navigable waters.

Statutory provisions contravened

2. (*) I am further of the opinion that the said matters involve contraventions of the following statutory provisions:

The reasons for my opinion are:

Reasons for opinion that statutory provisions have been contravened

and I hereby direct that the said activities must not be carried on by you or under your control (*) immediately / after:

Date and Time

(*) and / or the ship must not go to sea

(*) unless the said matters specified in paragraph 1, and the contraventions specified in paragraph 2 (if any), have been remedied

(* I also direct that the matters and / or contraventions must be remedied in the manner stated in the schedule which forms part of the Notice.

(* Delete as necessary

(Signature)

(Date of Issue)

Being an Inspector referred to under section 240 of the Maritime Ordinance 2017 and entitled to issue this Notice.

NOTES

1. If this Notice does not have immediate effect, you can ask the Inspector who issued the Notice either:

- (a) to withdraw it; or
- (b) to change the date or time after which the activities mentioned in the Notice must stop.

You must ask him to do so before the time and date specified on the face of this document. Such a request will not constitute a request for arbitration - see Note 4 below. (section 245(3) (a) and (b) of the Maritime Ordinance 2017)

2. If you do not stop the activities which the Notice tells you to stop, you may be liable to prosecution. (section 248 of the Maritime Ordinance 2017)

3. This Notice does not remove liability for failing to comply with any legal requirement, including any failure which caused the Inspector to give you this Notice.

4. You can ask for this Notice to be taken to arbitration. The arbitrator can decide:

- (a) whether the matters mentioned in this Notice by the Inspector were a valid basis for the Inspector's opinion; and
- (b) whether what the Inspector directed you to do in the Schedule to the Notice is reasonable.

To refer this Notice to an arbitrator, you, as the person mentioned at the head of this Notice, should write to the Inspector giving:

- (a) your official address;
- (b) the date of the Notice and the name and official number of the ship concerned;
- (c) a statement of what you disagree with, and of why you disagree.

This written request will constitute a Notice of Reference. (section 246(1) of the Maritime Ordinance 2017)

5. Time Limit - a Notice of Reference must be sent to the Inspector within 21 days of the date of service of the Prohibition Notice. It is advisable to get a receipt for the Notice of Reference, or to send it in the post by recorded delivery. (Section 246(1) of the Maritime Ordinance 2017)

6. You have to do what this Prohibition Notice tells you to do until, and unless, the arbitrator decides otherwise. If this Notice does not tell you to do something immediately you can ask the Inspector to cancel or change the Prohibition Notice at the same time that you ask for the Notice to be referred to an arbitrator. If the arbitrator says that the Inspector's opinion was invalid or not based on reasonable grounds, or that any directions included in the Prohibition Notice were unreasonable, the arbitrator may cancel or modify the Notice. In such a case, and where the Notice specifically required the ship should not depart, the arbitrator may additionally award compensation in respect of any loss suffered as a consequence of the service of the Notice or the directions if contained. The conduct of arbitration will be governed by the relevant rules of law on arbitration in the Falkland Islands, as appropriate. The arbitrator's decision is binding on all parties.

Ship Name:
Official Number:

Schedule to Prohibition Notice – Directions as to the measures to be taken to remedy matters or contraventions in this Notice

SCHEDULE 4 – Form of Notice of detention of a ship for failure to comply with international convention

regulation 11(2)(a)

NOTICE OF THE DETENTION OF A SHIP FOR FAILURE TO COMPLY WITH
INTERNATIONAL CONVENTION
issued under the Maritime (Port State Control) Regulations 2021

Ship's Details

Name of Ship

Port and Country of Registry

IMO / Official Number / Letters *

Where Lying

I _____, the detaining officer, in exercise of power contained in the legislation listed below, detain this ship because of deficiencies in connection with an International Convention which have been identified by an inspection of a ship and which are clearly hazardous to safety, health or the environment.

The ship is prohibited from going to sea or on a voyage until released by an officer of the Falkland Islands Maritime Authority.

If applicable, the customs officer will withhold clearance until the customs officer receives advice from me that the ship has been released (section 268(9) of the Maritime Ordinance 2017).

The power to detain the vessel is contained in:
(eg section 92 of the Maritime Ordinance 2017)

The deficiencies concern the matters listed below:

*Delete as necessary

Statutory Requirement and/or Convention Requirement	Ship does not comply because

Direction to ship. (Under section 268 of the Maritime Ordinance 2017, if applicable, the detention notice may include a direction that the ship shall remain in a particular place or move to a particular anchorage or berth. It may also specify circumstances when the master may move the ship from a specified place for reasons of safety or prevention of pollution.)

Signature	<div style="border: 1px solid black; height: 50px; display: flex; align-items: center; justify-content: center;">(Detaining Officer)</div>	Name	<div style="border: 1px solid black; height: 50px;"></div>	Official Stamp
Marine Office	<div style="border: 1px solid black; height: 50px;"></div>	Date	<div style="border: 1px solid black; height: 50px;"></div>	
Telephone	<div style="border: 1px solid black; height: 50px;"></div>	Fax	<div style="border: 1px solid black; height: 50px;"></div>	

THERE IS A RIGHT OF APPEAL AGAINST THIS DETENTION NOTICE. Advice on the appeals procedure is contained in a leaflet entitled “Arbitration on Detention of Merchant Ships and Fishing Vessels” (FIMA F1704) which is available from the Detaining Officer.

ANNEX TO THE NOTICE OF THE DETENTION OF A SHIP FOR FAILURE TO COMPLY WITH INTERNATIONAL CONVENTIONS

Name of ship:	Flag of ship:
Type of ship:	Call sign:
IMO number:	Class Society:
Place of inspection:	Date of inspection:

- Vessel detained.** The flag administration or a recognised organisation acting on its behalf shall be invited by the Master to carry out verification of correction of the noted deficiencies. This verification shall be complemented by one or more of the under mentioned surveys.

- Inspection Suspended.** The inspection has been suspended. The inspection has not been completed and shall be resumed when the vessel is re-visited after rectification of the deficiencies initially identified.

- Master to invite flag administration or recognised organisation to confirm rectification of identified deficiencies.
- Repairs / Tests to be carried out under supervision of, and with approval of the flag administration or recognised organisation. Report to be made available to the Inspecting Officer before re-inspection.
- The flag administration or the recognised organisation acting on its behalf shall be invited by the master to carry out a full Safety Equipment survey. Their final survey report shall be forwarded to the Inspecting Officer before a re-inspection will be carried out.
- The flag administration or the recognised organisation acting on its behalf shall be invited by the master to carry out a full Safety Construction survey. Their final survey report shall be forwarded to the Inspecting Officer before a re-inspection will be carried out.
- The flag administration or the recognised organisation acting on its behalf shall be invited by the master to carry out a full Load Line survey. Their final survey report shall be forwarded to the Inspecting Officer before a re-inspection will be carried out.
- The flag administration or the recognised organisation acting on its behalf shall be invited by the master to carry out a full IOPP survey. Their final survey report shall be forwarded to the Inspecting Officer before a re-inspection will be carried out.
- An approved radio surveyor shall carry out an inspection of the radio installation to verify compliance with the relevant SOLAS and ITU regulations. Any deficiencies found shall be rectified before a re-inspection will be carried out.
- Due to the nature, number and extent of the noted deficiencies, the flag administration or a recognised organisation acting on its behalf shall be invited by the master to carry out an additional verification ISM audit before a re-inspection will be carried out.
- Other (Please give details)

Name of Master:

Signature:

Name of Inspecting Officer:

Signature:

SCHEDULE 5 – Guidelines for the detention of ships

regulation 11(6)

GUIDELINES FOR THE DETENTION OF SHIPS *issued under the Maritime (Port State Control) Regulations 2021*

1. Introduction

(1) When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention, the inspector should assess whether —

- (a) the ship has relevant, valid documentation; and
- (b) the ship has the crew required in the minimum safe manning document.

(2) During inspection, the inspector should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to —

- (a) navigate safely;
- (b) safely handle, carry and monitor the condition of the cargo;
- (c) operate the engine-room safely;
- (d) maintain proper propulsion and steering;
- (e) fight fires effectively in any part of the ship if necessary;
- (f) abandon ship speedily and safely and effect rescue if necessary;
- (g) prevent pollution of the environment;
- (h) maintain adequate stability;
- (i) maintain adequate watertight integrity;
- (j) communicate in distress situations if necessary; and
- (k) provide safe and healthy conditions on board.

(3) If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship. Ships which are unsafe to proceed to sea should be detained upon the first inspection, irrespective of the time the ship will stay in port.

2. General

The lack of valid certificates as required by the relevant conventions may warrant the detention of ships. However, ships flying the flag of States not a Party to a convention or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by

the convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute a reason to detain these ships; however, in applying the “no more favourable treatment” clause in the convention, substantial compliance with the provisions and criteria specified in this Guidance must be required before the ship sails.

3. Detainable deficiencies

To assist the inspector in the use of these Guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or codes, which are considered to be of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive but is intended to give examples of relevant items.

Areas under the SOLAS Convention

- 1 Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
- 2 Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
- 3 Failure of the proper operation of emergency generator, lighting, batteries and switches.
- 4 Failure of proper operation of the main and auxiliary steering gear.
- 5 Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements (see also MSC.1/Circ.1490/Rev.1).
- 6 Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices.
- 7 Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.
- 8 Absence, non-compliance or serious deterioration of lights, shapes or sound signals.
- 9 Absence or failure of the proper operation of the radio equipment for distress and safety communication.
- 10 Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS regulation V/16.2 into account.
- 11 Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
- 12 Absence of non-sparking exhaust ventilation for cargo pump-rooms.
- 13 Serious deficiency in any operational requirements.

- 14 Number, composition or certification of crew not corresponding with safe manning document.
- 15 Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS regulation XI-1/2 and the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), as amended.
- 16 Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

Areas under the IBC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing or damaged high-pressure safety devices.
- 3 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 4 Sources of ignition in hazardous locations.
- 5 Contravention of special requirements.
- 6 Exceeding of maximum allowable cargo quantity per tank.
- 7 Insufficient heat protection for sensitive products.
- 8 Pressure alarms for cargo tanks not operable.
- 9 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the IGC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing closing devices for accommodations or service spaces.
- 3 Bulkhead not gastight.
- 4 Defective air locks.
- 5 Missing or defective quick-closing valves.
- 6 Missing or defective safety valves.
- 7 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 8 Ventilators in cargo area not operable.
- 9 Pressure alarms for cargo tanks not operable.

- 10 Gas detection plant and/or toxic gas detection plant defective.
- 11 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the Load Lines Convention

- 1 Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless properly authorised temporary repairs for a voyage to a port for permanent repairs have been carried out.
- 2 A recognised case of insufficient stability.
- 3 The absence of sufficient and reliable information, in an approved form, which by rapid and simple means enables the master to arrange for the loading and ballasting of the ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure is avoided.
- 4 Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
- 5 Overloading.
- 6 Absence of, or impossibility to read, draught marks and/or Load Line marks.

Areas under the MARPOL Convention, Annex I

- 1 Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
- 2 Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
- 3 Oil Record Book not available.
- 4 Unauthorised discharge bypass fitted.
- 5 Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.

Areas under the MARPOL Convention, Annex II

- 1 Absence of P and A Manual.
- 2 Cargo is not categorised.
- 3 No Cargo Record Book available.
- 4 Unauthorised discharge bypass fitted.

Areas under the MARPOL Convention, Annex IV

- 1 Absence of valid International Sewage Pollution Prevention Certificate.
- 2 Sewage treatment plant not approved and certified by the flag administration.
- 3 Ship's personnel not familiar with disposal/discharge requirements of sewage.

Areas under the MARPOL Convention, Annex V

- 1 Absence of the garbage management plan.
- 2 No garbage record book available.
- 3 Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

Areas under the MARPOL Convention, Annex VI

- 1 Absence of valid IAPP Certificate and where relevant EIAPP Certificates and Technical Files.
- 2 A marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NOX Technical Code 2008.
- 3 The sulphur content of any fuel oil used on board ships exceeds the following limits:
 - (a) 3.5% m/m on and after 1 January 2012; and
 - (b) 0.5% m/m on and after 1 January 2020.
- 4 The sulphur content of any fuel used on board exceeds 0.1% m/m on and after 1 January 2015 while operating within a SOX emission control area, and respectively, as per the provisions of regulation 14.
- 5 An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organisation (resolution MEPC.244(66)).
- 6 Ship's personnel are not familiar with essential procedures regarding the operation of air pollution prevention equipment.
- 7 Absence of valid IEEC (International Energy Efficiency Certificate).
- 8 Absence of Ship Energy Efficiency Management Plan (SEEMP) specific for the ship (this may form part of the ship's Safety Management System (SMS)).
9. Areas which may not warrant a detention, but where, for example, cargo operations have to be suspended.

10. Failure of the proper operation (or maintenance) of inert gas systems, cargo related gear or machinery should be considered sufficient grounds to stop cargo operation.

SCHEDULE 6 – Form of Notice of reference of a detention or prohibition notice to an arbitrator

regulation 13(4)

NOTICE OF REFERENCE OF A DETENTION OR PROHIBITION NOTICE TO AN ARBITRATOR
issued under the Maritime (Port State Control) Regulations 2021 and sections 93 and 244 of the Maritime Ordinance 2017

1. YOUR DETAILS

Full Name (or Title of Company or Organisation)

Full Address (or if a Company or Organisation, Registered Office)

Telephone

Email/Fax

Full Address / Registered Office in the Falkland Islands, or representative's address, for the service of letters and documents, if different from 1 above.

Telephone:

Email/Fax:

Please note: that if an address is entered here all communications will be sent to this address only.

2. THE DETAILS OF THE NOTICE YOU ARE APPEALING AGAINST

Is it a Detention notice?

Yes

Is it a Prohibition notice?

Yes

(Tick one box only)

Date of Notice:

Day

Month

Year

Name(s) / I.M.O. number and / or official number(s) of the vessel(s) concerned.

3. PLEASE WRITE HERE THE MATTERS IN THE NOTICE WHICH YOU WISH TO APPEAL AGAINST TO AN ARBITRATOR

4. PLEASE GIVE DETAILED REASONS FOR YOUR APPEAL TO AN ARBITRATOR

Signature

Name

Company
title / status

Date

Made 30 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

Port State Control involves spot checks on visiting foreign vessels or the inspection of foreign ships in a national port. The aim is to prevent a ship proceeding to sea if it is unsafe or presents an unreasonable threat or harm to the marine environment and to eliminate sub-standard shipping. Port State Control potentially enforces compliance with international obligations in international conventions. In carrying out inspections for Port State Control, inspectors verify that the condition of the ship and its equipment complies with the requirements of international conventions and that the ship is manned and operated in compliance with the Conventions. The substantive law for enforcement of the Conventions is in the convention enactments i.e. Maritime Ordinance, Maritime Labour Ordinance and United Kingdom statutory instruments which implement the Conventions and apply to the Falkland Islands by virtue of the Law Revision and Publication Ordinance 2017. The substantive law has largely been enacted or adopted and these regulations provide for procedures related to inspections. The power for example to detain a ship is in the convention enactments, not in these regulations. These regulations set out the processes to be followed by inspectors when checking that a ship is safe to proceed with its voyage. To facilitate inspections, detailed forms have been designed and included in these Regulations.

Regulations for enforcing port state control under the Maritime Labour Ordinance have already been enacted. These regulations complement the Maritime Labour Convention (Maritime Labour (Survey and Certification under the Maritime Labour Convention) Regulations 2019) by giving effect to the other Conventions defined in regulation 3. The Conventions have been or will soon be extended to the Falkland Islands by the Government of the United Kingdom.

Regulations 1 to 3 provide for preliminary matters being the title, commencement and interpretation of terms used in the regulations.

The regulations apply to a ship and its crew calling at a port or anchorage in the Falkland Islands. A number of ships are excluded from the application of the regulations under 4(2). Falkland Islands ships are excluded (except as provided in *regulation 21*), as well as fishing vessels, warships, pleasure vessels, government ships etc. *Regulation 4(5)* provides that the functions of an inspector under these regulations are without prejudice to the power to inspect ships under the Maritime Labour (Survey and Certification under the Maritime Labour Convention) Regulations 2019.

Regulation 5 provides for the inspections of ships that are below 500 gross tonnage.

The regulations empower inspectors to inspect foreign ships for compliance with the Conventions as defined. The minimum inspection that must be carried out on any ship is the initial inspection provided for in *regulation 7*. The inspector checks the validity of documents carried by the ship, the overall condition of the ship and that the crew is familiar with essential procedures and operations relating to the safety of the ship. The inspector must also verify that any outstanding deficiencies have been rectified.

Regulation 8 provides for a more detailed inspection if the inspector after an initial inspection believes there are clear grounds that the condition of the ship or its equipment or crew does not substantially meet the relevant requirements of a Convention. Clear grounds which necessitate a

more detailed inspection are listed in *regulation 8(3)*. The term “clear grounds” rather than “reasonable grounds” is used because that is the term used in the convention and in similar regulations in the UK.

An inspector must prepare a report after an inspection in a form set out in Schedule 1 and deficiencies confirmed or revealed must be recorded in a form set out in Schedule 2. Copies of the report and deficiencies must be given to the master of the ship, (*regulation 9*).

Inspections are carried out by inspectors appointed by the Governor under section 238 of the Maritime Ordinance. An inspector and any person assisting the inspector in the performance of their work must not have a commercial interest in the port or anchorage where the inspection takes place nor in the ships inspected. Further an inspector must not be employed or undertake work on behalf of a recognised organisation *Regulation 10*.

Regulation 11 provides for rectification of deficiencies and that non-compliant ships are liable for detention in accordance with the relevant convention enactment. If inspectors detect deficiencies that are clearly hazardous to safety, health or the environment, they may issue a prohibition notice set out in Schedule 3. A detention notice may be issued under the provisions of Convention enactments. A detention order may include a direction that a ship must remain in a particular place and specify circumstances when the master of the ship may move their ship from a specified place (*regulation 11(3)*) Section 268 (enforcing detention of ship) of the Ordinance applies for purposes of enforcing the detention of a ship. Where a ship is detained, the Governor must inform, in writing, the ship’s flag administration, the Consul of the State of the flag administration or the nearest diplomatic representative of the State of the flag administration.

Regulation 12 allows the Authority to permit ships prohibited under *regulation 17* to enter port in extraordinary circumstances. These include force majeure, overriding safety considerations, the need to reduce or minimise the risk of pollution or the need to have deficiencies rectified.

Regulation 13 provides for reference of matters to arbitration. The owner or master of a ship in respect of which a detention notice or prohibition notice is issued may refer the matter for arbitration. A single arbitrator will be appointed by agreement.

Regulations 14 and 15 provide for arbitration and compensation for unjustified detention under the Regulations.

Regulation 16 provides that a ship that was detained in a port in an IMO member State must not enter any port or anchorage in the Falkland Islands if it was found to have deficiencies that are clearly hazardous to safety, health or the environment.

Under *regulation 17* a ship may be permitted to proceed to a repair yard provided the conditions agreed to by the inspector and the flag administration are complied with.

Complaints may be submitted and dealt with by the Authority under *regulation 18*. The identity of a complainant must not be revealed to the master or owner of the ship concerned.

Costs relating to the detention of a ship are recoverable from the owner of the ship or their representative, (*regulation 19*).

Regulation 20 stipulates offences for breach of a direction made under *regulation 11(3)*. Breach of *regulation 16* also constitutes an offence.

Regulation 21 provides that ships, including Falkland Islands ships, when in port or elsewhere, are subject to inspection for the purpose of checking that the master and crew are familiar with essential procedures and operations relating to the safety of the ship.

SUBSIDIARY LEGISLATION

Livestock and Meat Products (Miscellaneous Amendments) Regulations 2021

(No. 13 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement
3. Livestock and Meat Products (Hygiene) Regulations 2015 amended
4. Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 amended
5. Livestock and Meat Products (Animal By-Products) Regulations 2015 amended

SUBSIDIARY LEGISLATION

Livestock and Meat Products (Miscellaneous Amendments) Regulations 2021

(made: 30 July 2021)
(published: 3 August 2021)
(coming into force: on publication)

I make these regulations under section 4 of the Livestock and Meat Products Ordinance 2010 on the advice of the Executive Council.

1. Title

These Regulations are the Livestock and Meat Products (Miscellaneous Amendments) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Livestock and Meat Products (Hygiene) Regulations 2015 amended

(1) This regulation amends the Livestock and Meat Products (Hygiene) Regulations 2015.

(2) In regulation 3, in the definition of “potable water” omit “98/83/EC of 3 November 1998” and replace with “2020/2184/EC of 16 December 2020”.

(3) Revoke regulation 26 and replace with —

“26. Frequency of controls

(1) Subject to subregulations (2) and (3), the competent authority must ensure that both an Official Veterinarian and a Meat Hygiene Inspector are present in the abattoir and in the slaughterhouse, throughout both ante-mortem inspections and post-mortem inspections.

(2) An Official Veterinarian may perform the functions of a Meat Hygiene Inspector in addition to their own functions and in that case, a Meat Hygiene Inspector is not required to be present.

(3) A Meat Hygiene Inspector who has been assessed and declared competent by an Official Veterinarian may be present without an Official Veterinarian in the following circumstances—

(a) at the time of ante-mortem inspection in the slaughterhouse if —

(i) an Official Veterinarian carried out ante-mortem inspection at the farm, checked the food chain information and communicated the results of the check to the Meat Hygiene Inspector at the slaughterhouse;

- (ii) the Meat Hygiene Inspector at the slaughterhouse is satisfied that the food chain information does not point to any possible problem for food safety and that the animal's general state of health and welfare is satisfactory; and
 - (iii) the Official Veterinarian is satisfied that the Meat Hygiene Inspector is carrying out checks properly; and
- (b) at all times during post-mortem inspection if —
- (i) a Meat Hygiene Inspector carries out post-mortem inspection and puts aside meat with abnormalities and all other meat from the same animal;
 - (ii) the Official Veterinarian subsequently inspects all such meat; and
 - (iii) the Meat Hygiene Inspector documents all the procedures and findings in a manner that allows the Official Veterinarian to be satisfied that standards are being met.
- (4) Subregulation (3) does not apply —
- (a) to animals that have undergone emergency slaughter;
 - (b) to animals suspected of having a disease or a condition that may adversely affect human health;
 - (c) to bovine animals from herds that have not been declared officially free of tuberculosis;
 - (d) to bovine, ovine and caprine animals from herds that have not been declared officially free of brucellosis; or
 - (e) in the case of an outbreak of any animal disease for which animal health rules are laid down in the relevant EU legislation.
- (5) The competent authority must ensure that an Official Veterinarian or a Meat Hygiene Inspector is present in a cutting plant when meat is being worked on with a frequency appropriate to achieving the objectives of this regulation.”.

4. Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 amended

- (1) This regulation amends the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015.
- (2) In Schedule 6 —
- (a) omit first and second items and replace with —
 - “Decision 2011/163 on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC”; and
 - (b) after the last item add —

“Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products”.

5. Livestock and Meat Products (Animal By-Products) Regulations 2015 amended

(1) This regulation amends the Livestock and Meat Products (Animal By-Products) Regulations 2015.

(2) In Regulation 3 in the definition of “relevant EU legislation” —

(a) in paragraph (a), omit “76/768/EEC” and replace with “EU Regulation EU 1223/2009”;
and

(b) omit paragraph (g) and replace with —

“(g) Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products;”.

Made 30 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE *(not part of the order)*

These regulations make changes to various regulations made under the Livestock and Meat Products Ordinance 2010 as follows:

Livestock and Meat Products (Hygiene) Regulations 2015 are amended by replacing regulation 26 (Frequency of controls). Currently the wording in regulation 26 suggests that a Senior Veterinary Officer needs to be at the abattoir together with an Official Veterinarian and a meat inspector. The EU regulations allow a meat inspector to be present on their own as long as certain conditions are satisfied. The new regulation 26 provides that an Official Veterinarian and a Meat Health Inspector must be present together in certain circumstances; or an Official Veterinarian may be present alone and double up as a Meat Health Inspector; and a Meat Health Inspector may be present on their own in low risk situations specified in subregulation (3)(a) and (3)(b).

Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 are amended by updating Schedule 6. The first and second items in the Schedule are replaced so as to make a correction and reflect the new EU law that is now applicable. Regarding the first item, the main decision on the approval of plans is Decision 2011/163/EU, not Decision 2011/690/EU. Decision 2011/690/EU amends Decision 2011/163/EU in a way that does not apply to the Falkland Islands. The first item will now only refer to the main decision and not the amendment.

Regarding the second item, Directive 96/23/EC was repealed by Regulation (EU) 2017/625. A transitional provision in Regulation (EU) 2017/625 requires that Directive 96/23/EC be followed until 14 December 2022.

Livestock and Meat Products (Animal By-Products) Regulations 2015 are amended also to update references to EU legislation in paragraphs (a) and (g) of the definition of “relevant EU legislation”.

SUBSIDIARY LEGISLATION

Fishery Products (Hygiene) (Amendment) Regulations 2021

(No. 14 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement
3. Fishery Products (Hygiene) Regulations 2012 amended

SUBSIDIARY LEGISLATION

Fishery Products (Hygiene) (Amendment) Regulations 2021

(made: 30 July 2021)
(published: 3 August 2021)
(coming into force: on publication)

I make these regulations under section 36 of the Fishery Products Ordinance 2006 on the advice of the Executive Council.

1. Title

These regulations are the Fishery Products (Hygiene) (Amendment) Regulations 2021.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Fishery Products (Hygiene) Regulations 2012 amended

(1) This regulation amends the Fishery Products (Hygiene) Regulations 2012.

(2) In regulation 3 in the definition of “potable water” omit “98/83/EC of 3 November 1998” and replace with “2020/2184/EC of 16 December 2020”.

Made 30 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE *(not part of the order)*

The Fishery Products (Hygiene) Regulations 2012 are amended to update a reference to EU legislation in the definition of “potable water”.

SUBSIDIARY LEGISLATION

Fishery Products Ordinance (Amendment of Schedule) Order 2021

(No. 15 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement
3. Schedule to Fishery Products Ordinance 2006 amended

SUBSIDIARY LEGISLATION

Fishery Products Ordinance (Amendment of Schedule) Order 2021

(made: 30 July 2021)
(published: 3 August 2021)
(coming into force: on publication)

I make this order under paragraph 2 of the Schedule to the Fishery Products Ordinance 2006 on the advice of the Executive Council.

1. Title

This order is the Fishery Products Ordinance (Amendment of Schedule) Order 2021.

2. Commencement

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

3. Schedule to Fishery Products Ordinance 2006 amended

(1) This article amends the Schedule to the Fishery Products Ordinance 2006.

(2) In the Schedule —

(a) omit paragraph 1(a)(v) and replace with —

“(v) Regulation (EC) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;”;

(b) omit paragraph 1(a)(vi); and

(c) in paragraph 1(b)(i) —

(i) in subparagraph (aa), omit “Council Directive 98/83/EC of 3 November 1998” and replace with “Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020”; and

(ii) omit subparagraph (bb) and replace with —

“(bb) Directive (EU) 2000/60 of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;”.

Made 30 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the order)

This order amends paragraph 1 of the Schedule to the Fishery Products Ordinance 2006 to update and correct the definition of “relevant EU legislation”.

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The following are published in this Supplement —

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 (SR&O No 16 of 2021);

Crimes (Designation of Site, Teal Inlet) Order 2021 (SR&O No 17 of 2021); and

Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2021 (SR&O No 18 of 2021).

SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021

(No. 16 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

PART 1 - General

1. Title
2. Commencement
3. Purpose
4. Application, transitional provisions and savings
5. Interpretation

PART 2 – Information and test notification requirements

6. Requirement to provide information
7. Requirement for arrivals by air to possess notification of negative test result

PART 3 - Quarantine requirements

8. Transport to place of quarantine
9. Quarantine
10. Period of quarantine
11. Children

PART 4 – Quarantine exemptions and facilitated accommodation

12. Exemptions from the quarantine requirements
13. Duty of the Falkland Islands Government
14. Charges for accommodation

PART 5 – Requirements on operators

15. Passenger information requirement
16. Required information and manner
17. Records and information
18. Requirement to ensure passengers provide passenger information
19. Operator to ensure passengers possess notification of negative test result

PART 6 – Enforcement, self-incrimination and appeals

- 20. Enforcement of quarantine
- 21. Offences and penalties
- 22. Self-incrimination
- 23. Appeals

PART 7 - Review and expiry of Regulations

- 24. Review of need for quarantine requirements
- 25. Expiry of the Regulations

Schedule 1 - Passenger information

Schedule 2 - Testing before arrival in the Falkland Islands

Part 1 – Compliant tests

Part 2 – Form of notification of negative result

Schedule 3 - Exemptions

Part 1 – Partially exempt persons

Part 2 – Exempt persons

Schedule 4 - Information for passengers

Part 1 – Specified information

Part 2 – Onboard announcement

SUBSIDIARY LEGISLATION

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021

(made: 5 August 2021)

(commencement: 8 August 2021)

(published: 6 August 2021)

I make these Regulations under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894 on the advice of Executive Council.

PART 1 - General

1. Title

These Regulations are the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021.

2. Commencement

These Regulations come into force on 8 August 2021.

3. Purpose

The purpose of these Regulations is to prevent or reduce the spread of infection —

- (a) by requiring persons arriving in the Falkland Islands by air to possess notification of a negative coronavirus test result; and
- (b) by ensuring that persons arriving in the Falkland Islands who have or may have been exposed to coronavirus are kept separate from other persons who have not been so exposed.

4. Application, transitional provisions and savings

(1) Nothing in these Regulations applies in relation to a person who arrived in the Falkland Islands before 8 August 2021.

(2) The Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 (“the Regulations”) continue to have effect in relation to a person who arrives in the Falkland Islands before 8 August 2021, notwithstanding that regulation 18 of the Regulations provides for their expiry.

(3) Nothing in regulation 6(2), 6(3) or 18(1)(a) applies in respect of a person who arrives in the Falkland Islands before 11 August 2021.

(4) Quarantine Exemptions Direction Number 7, made under regulation 11(3) of the Regulations continues to have effect as if made under regulation 12(3) of these Regulations in relation to persons who arrived in the Falkland Islands before 8 August 2021.

5. Interpretation

(1) In these Regulations —

“**at sea**” includes time spent in the territorial waters of the Falkland Islands;

“**child**” means a person under the age of 18;

“**clean vessel**” means a vessel that —

- (a) has been at sea for more than 10 consecutive days;
- (b) during the period at sea has not arrived in any place other than an Overseas Territory;
- (c) during the period at sea has not reported any person as showing symptoms of coronavirus; and
- (d) during the period at sea has only been boarded by persons from, and passengers or members of the crew have only boarded, other vessels that meet the criteria in paragraphs (a)-(c);

“**coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**Crown servant**” means any member of the naval, military or air forces of the Crown and any person employed in the civil service of the Crown in right of the Government of the United Kingdom;

“**facilitated accommodation**” means accommodation facilitated by the Falkland Islands Government for the use of persons who are required to be in quarantine;

“**immigration officer**” means a person appointed or deemed to have been appointed as an immigration officer under section 3 of the Immigration Ordinance 1999 (and includes the Principal Immigration Officer);

“**military contractor**” means any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands;

“**Overseas Territory**” means Ascension Island, British Antarctic Territory, South Georgia and the South Sandwich Islands, St Helena or Tristan da Cunha;

“**operator**” except where the context otherwise requires, means an operator of a relevant service;

“**passenger information**” means the information provided by a person in accordance with regulation 6 and Schedule 1;

“**period of quarantine**” means the period calculated by reference to regulation 10;

“**place of quarantine**” means living accommodation and sanitary and other facilities that —

- (a) are suitable for a person who is in quarantine; and
- (b) during the period of quarantine, are not shared with any person who is not in quarantine for the same period;

and includes any garden, yard, passage, stair, garage, outhouse, or similar place associated with the place whether or not shared by others who occupy separate accommodation in the same building or complex of buildings; and

“**port**” except where the context otherwise requires means an airport or seaport;

“**qualifying test**” means a test that is a qualifying test for the purposes of regulation 7;

“**quarantine**” means in relation to a person or a group of persons, a period of isolation or separation from others or other restriction of a person’s or group’s activities for the purposes of preventing or reducing the spread of coronavirus;

“**relevant service**” means a commercial transport service on which persons travel to the Falkland Islands on a vessel or aircraft but does not include a commercial transport service provided to the United Kingdom’s Ministry of Defence to transport passengers by air to the Falkland Islands.

(2) Under these Regulations, an individual has responsibility for a child —

- (a) if the individual has custody or charge of the child for the time being (but is not a person on whom powers are conferred by these Regulations); or
- (b) if the individual has parental responsibility for the child within the meaning of the Children Ordinance 2014.

PART 2 – Information and test notification requirements

6. Requirement to provide information

(1) A person who arrives or intends to arrive in the Falkland Islands (“**P**”) must, in accordance with this regulation, provide the information set out in Schedule 1, including the address of the accommodation at which P intends to stay —

- (a) in quarantine;
- (b) if P is an exempt person, during the period that ends on the ninth day after the day of P’s arrival or expected arrival, in the Falkland Islands; or
- (c) in either case, during the period that ends on the day of P’s planned departure from the Falkland Islands, if earlier.

(2) If P intends to travel on a relevant service, P must —

- (a) provide the passenger information to the operator of the relevant service not less than 72 hours before arrival in the Falkland Islands, or earlier if required to do so by the operator;
or
 - (b) if booking the service less than 72 hours before arrival provide the passenger information to the operator of the relevant service as soon as is reasonably practicable.
- (3) If P intends to travel to the Falkland Islands but subregulation (2) does not apply, P must—
- (a) provide the passenger information to the Chief Medical Officer not less than 72 hours before arrival in the Falkland Islands; or
 - (b) if booking their travel to the Falkland Islands less than 72 hours before arrival provide the passenger information to the Chief Medical Officer as soon as reasonably practicable.
- (4) Subregulations (2) and (3) do not apply to —
- (a) Crown servants;
 - (b) a person who is, by virtue of a direction under regulation 12(3), exempt from the requirement to spend any time in quarantine in the Falkland Islands;
 - (c) a person arriving from sea —
 - (i) to obtain medical assistance ashore; or
 - (ii) who arrives on a clean vessel.
- (5) If subregulations (2) and (3) do not apply P must provide the passenger information on arrival in the Falkland Islands.
- (6) Except in a case falling within subregulation (5), P must, on arrival, provide evidence that they have complied with subregulation (2) or (3) if requested by an immigration officer or a police officer.
- (7) More than one address may only be given by P as the address of the accommodation at which P intends to stay in quarantine where —
- (a) P is under a legal obligation to change accommodation during the period of quarantine;
 - (b) it is necessary for P, before travelling to their place of quarantine, to stay overnight at other accommodation; or
 - (c) the first address is the ship on which P arrives in the Falkland Islands and on which P will initially stay in quarantine, and P intends to move to an address on land to complete the period of quarantine.
- (8) If P is a child, a person who has responsibility for the child must ensure that the passenger information is provided in accordance with this regulation in relation to that child.

(9) P must take all reasonable steps to inform the Chief Medical Officer as soon as reasonably practicable of —

- (a) any change to the passenger information; and
- (b) the address of the place of quarantine, if P (not being an exempt person) did not have that information at the time of providing the passenger information or the place of quarantine has changed.

(10) Nothing in this regulation requires a person to provide any information that is not within their possession or control.

(11) In subregulation (1)(b) and in paragraph 4 of Schedule 1, “**exempt person**” means a person—

- (a) who is a person described in Part 2 of Schedule 3;
- (b) who is, by virtue of a direction under regulation 12(3), exempt from the requirement to spend any time in quarantine in the Falkland Islands.

7. Requirement for arrivals by air to possess notification of negative test result

(1) A person who arrives in the Falkland Islands by air (“**P**”) must possess on arrival valid notification of a negative result from a qualifying test taken by that person.

(2) If P is travelling with a child aged 6 or over and for whom they have responsibility, P must on arrival by air in the Falkland Islands possess valid notification of a negative test result from a qualifying test taken by that child.

(3) A person who arrives in the Falkland Islands by air who possesses valid notification of a negative test result from a qualifying test must produce that notification physically or digitally, if requested to do so by an immigration officer or a police officer.

(4) The following persons are not required to comply with this regulation —

- (a) a child who is under the age of 6;
- (b) a person described in paragraph 2 of Part 2 of Schedule 3.
- (c) a person who is exempt by virtue of a direction under subregulation (6).

(5) For the purposes of this regulation —

- (a) a test is a qualifying test if it complies with Part 1 of Schedule 2;
- (b) notification of a test result is valid if it includes the information specified in Part 2 of Schedule 2; and
- (c) a child is to be treated as possessing valid notification of a negative result from a qualifying test even if that notification is possessed by a person who is travelling with, and has responsibility for, that child.

(6) The Governor may, if satisfied that there is a low risk that that person or class of persons might spread coronavirus to other persons, having consulted the Chief Medical Officer, direct that any person or class of persons of a specified description —

- (a) is not required to comply with subregulation (1); and
- (b) is required to take other specified measures to reduce the risk of the person or class of persons spreading coronavirus infection.

(7) A direction made under subregulation (6) must be published in the *Gazette*.

PART 3 – Quarantine requirements

8. Transport to place of quarantine

(1) A person arriving in the Falkland Islands (“**P**”) must travel as directly as possible to their place of quarantine.

(2) **P** must, when travelling to **P**’s place of quarantine, and when moving from one place of quarantine to another, travel in —

- (a) designated transport;
- (b) an emergency vehicle; or
- (c) a private vehicle.

(3) **P** must not travel together with any other person in the same private vehicle unless all persons travelling in that vehicle are required to stay in quarantine for the same period of quarantine either at the same place of quarantine or another place.

(4) Subregulations (2) and (3) do not apply to a person who —

- (a) arrives in the Falkland Islands by air at Mount Pleasant Airport and travels to a place of quarantine in Mount Pleasant Complex or Mare Harbour; or
- (b) arrives in the Falkland Islands by sea at Mare Harbour and travels to a place of quarantine in Mount Pleasant Complex.

(5) The Principal Immigration Officer must publish information about designated transport in the *Gazette*.

(6) A provider of designated transport may charge passengers a reasonable sum for the transport.

(7) In this regulation —

“**designated transport**” means any transport designated by the Principal Immigration Officer for use by persons arriving in the Falkland Islands by air or sea, and may include a vessel transporting persons from ship to shore; and

“**private vehicle**” means a vehicle that is not either designated transport or an emergency vehicle.

9. Quarantine

(1) A person who arrives in the Falkland Islands (“**P**”) must stay in quarantine for the period required under regulation 10 at a place of quarantine, being —

- (a) the address provided by the P in the passenger information;
- (b) facilitated accommodation; or
- (c) other suitable accommodation.

(2) Any person who is staying in accommodation referred to in subregulation (1)(a) or (c), and who is not a person who travelled to the Falkland Islands on the same aircraft or vessel as P, must either —

- (a) before P arrives, move to other accommodation that is not shared with P for the whole period that P is in quarantine; or
- (b) stay in quarantine for the period required under regulation 10 —
 - (i) with P; or
 - (ii) in another place of quarantine.

(3) In the case of a person staying in quarantine on a ship, no other person may board the ship during the period in which any person on the ship is in quarantine.

(4) Subregulation (3) does not apply to any of the following persons who is required to board a ship in the course of their duties, if the conditions in subregulation (5) are met —

- (a) the Coroner or a Coroner’s officer;
- (b) a customs officer;
- (c) an immigration officer;
- (d) a fire fighter;
- (e) a maritime pilot or maritime accident investigator;
- (f) a medical officer;
- (g) a police officer.

(5) The condition is that the person boarding the ship and all persons on board the ship follow any measures specified by the Chief Medical Officer to reduce the risk of the spread of coronavirus.

(6) In exceptional circumstances, the Chief Executive, having consulted the Chief Medical Officer, may permit or require any person staying in quarantine to change their place of quarantine

and may specify any measures to be complied with by that person when changing their place of quarantine to reduce the risk of spreading coronavirus.

(7) Subject to regulation 12(1), a person who is in quarantine must not leave or be outside the place of quarantine except —

- (a) in order to leave the Falkland Islands, provided that they do so directly;
- (b) to travel between two places of quarantine, as provided for in regulation 6(7) or as permitted or required under subregulation (6) and in either case, the person must comply with regulation 8;
- (c) on the advice of a registered medical practitioner, to seek medical assistance or to comply with a direction or requirement under the Infectious Diseases Control (Coronavirus) Regulations 2020;
- (d) to fulfil a legal obligation, including to attend court or satisfy bail conditions, or to participate in legal proceedings;
- (e) to avoid injury or illness, or to escape a risk of harm; or
- (f) in exceptional circumstances.

(8) A person must not leave, or be outside of, their place of quarantine solely in reliance on any reasonable excuse described in regulation 11(2) of the Infectious Diseases Control (Coronavirus, Restrictions and Requirements during Emergency Period Regulations 2021 (restrictions on movement).

(9) Nothing in this regulation affects the operation of any direction, requirement or restriction imposed on a person by virtue of the Infectious Diseases Control (Coronavirus) Regulations 2020.

(10) For the purposes of this regulation —

“**customs officer**” means a person appointed or deemed to have been appointed as a customs officer under section 7 of the Customs Ordinance 2003 (and includes the Collector of customs);

“**fire fighter**” means a member of the Stanley Fire Brigade;

“**medical officer**” means a medical practitioner or other healthcare professional who is;

- (a) employed by the Falkland Islands Government; or
- (b) engaged in the provision of emergency services.

10. Period of quarantine

(1) A person who is required to stay in quarantine must stay in quarantine until —

- (a) if the passenger arrives in the Falkland Islands before 9 am, the end of the ninth day after the day of arrival; or

(b) if the passenger arrives after 9 am, the end of the tenth day after the day of arrival.

(2) If any person moves into a place of quarantine after the day on which a passenger arrives at that place but before the date on which the period of quarantine would otherwise end in accordance with subregulation (1), the period of quarantine for the passenger and any other person staying at that place is the end of the tenth day after the day on which the last person moves into that place.

(3) Nothing in this regulation prevents a person from leaving the Falkland Islands at any time before the period of quarantine ends.

11. Children

Any person who has responsibility for a child who is in quarantine must ensure, so far as reasonably practicable, that the child complies with the requirements of this Part.

PART 4 – Quarantine exemptions and facilitated accommodation

12. Exemptions from the quarantine requirements

(1) Regulation 9(7) does not apply to a person who is described in Part 1 of Schedule 3 (Partially exempt persons) to the extent necessary for the person to perform their employment or other contractual obligations.

(2) Part 3 of these Regulations does not apply to a person who is described in Part 2 of Schedule 3 (Exempt persons).

(3) The Governor may, if satisfied that there is a low risk that that person or class of persons might spread coronavirus to other persons and having consulted the Chief Medical Officer, direct that any person or class of persons of a specified description —

(a) is not required to comply with all or part of the requirements in Part 3 of these Regulations for the whole or any part of the period they would otherwise be required to stay in quarantine; and

(b) is required to take other specified measures to reduce the risk of the person or class of persons spreading coronavirus infection.

(4) A direction made under subregulation (3) must be published in the *Gazette*.

13. Duty of the Falkland Islands Government

(1) The Falkland Islands Government must, where reasonably requested to do so, ensure that facilitated accommodation is provided for a person who arrives in the Falkland Islands or any other person who would otherwise have to quarantine with such a person.

(2) Different types of accommodation may be facilitated for different persons or different classes of persons.

14. Charges for accommodation

- (1) A person whose place of quarantine is facilitated accommodation is liable to pay any reasonable charges for that accommodation, including the cost of any services provided in addition to accommodation such as internet access, meals and laundry of personal items.
- (2) Any charges under subregulation (1) must not exceed the sum charged for providing that or similar accommodation to a person who is not in quarantine.
- (3) Any charges made by the Falkland Islands Government under subregulation (1) may be made at different rates to different persons or different classes of persons.
- (4) When an offer of facilitated accommodation is made to a person, full details of any charges for such accommodation must be provided.

PART 5 – Requirements on operators

15. Passenger information requirement

- (1) An operator must ensure that a person who arrives at a port in the Falkland Islands on a relevant service is provided with the information required by regulation 16 (“**the passenger information requirement**”) and in the manner required by that regulation at each of the times specified in subregulation (2).
- (2) The times are —
 - (a) where prior to departure a booking was made for the passenger to travel on the relevant service, before the booking was made (“**the pre-booking information requirement**”);
 - (b) where, at least 48 hours prior to the scheduled departure time of the relevant service, a booking was made for the passenger to travel on it, between 24 and 48 hours prior to the scheduled departure time of that service (“**the pre-departure information requirement**”);
 - (c) where prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in (“**the check-in information requirement**”); and
 - (d) while the passenger was on board the vessel or aircraft (“**the on-board information requirement**”).

16. Required information and manner

- (1) For the purposes of regulation 15(2)(a) (pre-booking information requirement), the required information —
 - (a) in the case of online bookings —
 - (i) must be displayed prominently on an operator’s website or mobile application;

- (ii) is the information specified in Part 1 of Schedule 4 (information for passengers) and a hyperlink to the relevant website;
 - (b) in the case of telephone bookings —
 - (i) must be provided orally;
 - (ii) is the information specified in Part 1 of Schedule 4;
 - (c) in the case of in-person bookings —
 - (i) must be provided orally or in writing; and
 - (ii) is the information specified in Part 1 of Schedule 4.
- (2) For the purposes of regulation 15(2)(b) (pre-departure information requirement), the required information —
- (a) must be provided by text message, push notification, e-mail or orally;
 - (b) where provided by text message or push notification, is text which —
 - (i) informs passengers of the requirements to provide information in regulation 6 and that penalties apply for failure to comply with those requirements; and
 - (ii) informs passengers of the requirement to possess notification of a negative test result in regulation 7.
 - (c) where provided orally, is the information specified in Part 1 of Schedule 4;
 - (d) where provided by e-mail is the information specified in Part 1 of Schedule 4 and a hyperlink to the relevant website.
- (3) For the purposes of regulation 15(2)(c) (check-in information) —
- (a) in relation to digital check-in, the required information —
 - (i) must be displayed prominently on the operator’s website or mobile application;
 - (ii) must be provided before a boarding card is issued;
 - (iii) is the information specified in Part 1 of Schedule 4 and a hyperlink to the relevant website;
 - (b) in relation to in-person check-in, the required information —
 - (i) must be provided orally or in writing;
 - (ii) where provided orally, is the information specified in Part 1 of Schedule 4;

- (iii) where provided in writing is a written notice which informs passengers of the requirements to provide information and to possess notification of a negative test result.

(4) For the purposes of regulation 15(2)(d) (on-board information requirement), the required information —

- (a) must be provided orally before passengers disembark in the Falkland Islands;
- (b) must be provided in English and an officially recognised language of the country of departure if English is not such a language; and
- (c) is the information specified in Part 2 of Schedule 4.

(5) In this regulation “**relevant website**” means <https://www.fig.gov.fk/covid-19/>.

17. Records and information

(1) An operator must keep records of the steps taken to comply with the requirements under regulation 15(1).

(2) An authorised person may request copies of the records and such other information from an operator as is necessary for the authorised person to determine whether the requirements under regulation 15(1) have been complied with.

(3) A request under subregulation (2) must specify the period within which the operator must provide the information to the authorised person.

(4) In this regulation “**authorised person**” means —

- (a) in relation to passengers arriving by sea, the authority designated as Maritime Authority under section 4 of the Harbours and Ports Ordinance 2017;
- (b) in relation to passengers arriving by air, the Director of Civil Aviation.

18. Requirement to ensure passengers provide passenger information

(1) An operator must ensure that a person who has a booking with the operator to travel to the Falkland Islands provides the passenger information to the operator in accordance with regulation 6(2).

(2) An operator who receives passenger information under subregulation (1) must provide that information to the Chief Medical Officer as soon as reasonably practicable.

(3) Subregulation (1) does not apply in relation to a person —

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes has a reasonable excuse for failing to comply with those requirements;
- (b) who is being lawfully compelled to travel to the Falkland Islands in the course of an extradition, prisoner repatriation or deportation; or

(c) who is a child travelling without an individual who has responsibility for them.

19. Operator to ensure passengers possess notification of negative test result

(1) An operator must ensure that a passenger who arrives at an airport in Falkland Islands on a relevant service is in possession of a valid notification in accordance with regulation 7.

(2) Subregulation (1) does not apply in relation to a passenger —

(a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to possess notification of a negative test result under regulation 7(1) or has a reasonable excuse for failing to comply with that requirement;

(b) who is being lawfully compelled to travel to the Falkland Islands in the course of an extradition, prisoner repatriation or deportation; or

(c) who is a child, travelling without an individual who has responsibility for them.

(3) In this regulation “**passenger**” means a person travelling on a relevant service who is not a member of the crew of that service.

PART 6 – Enforcement, self-incrimination and appeals

20. Enforcement of quarantine

(1) Where an authorised person has reasonable grounds to believe that a person has left or is outside of their place of quarantine in contravention of regulation 9 an authorised person may—

(a) direct that person to return to their place of quarantine;

(b) remove that person to their place of quarantine; or

(c) where it is not practicable or appropriate in the circumstances to take the action in subregulation (1)(a) or (b), remove that person to facilitated accommodation.

(2) An authorised person exercising the power in subregulation (1)(b) and (c) may use reasonable force if necessary in the exercise of the power and may give any reasonable direction or instruction they consider to be necessary to a person in quarantine.

(3) Where the person referred to in subregulation (1) as being outside of their place of quarantine is a child —

(a) an authorised person may direct any person who has responsibility for that child to take the child to their place of quarantine; and

(b) that individual must, as far as reasonably practicable, ensure the child complies with any reasonable direction or instruction given by an authorised person.

(4) An authorised person may only exercise a power in subregulation (1) or (3)(a) if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with regulation 9.

(5) For the purposes of this regulation, “**authorised person**” means —

- (a) a police officer;
- (b) an immigration officer; or
- (c) a person designated by the Governor.

21. Offences and penalties

(1) A person (“**P**”) commits an offence if P —

- (a) fails or refuses without reasonable excuse to comply with regulation 6 (requirement to provide information);
- (b) intentionally or recklessly provides false or misleading information under regulation 6 (requirement to provide information);
- (c) without reasonable excuse, contravenes a requirement in regulation 7 (requirement for arrivals by air to provide notification of negative test result);
- (d) contravenes a requirement in regulation 8 (transport to place of quarantine) or 9 (quarantine);
- (e) without reasonable excuse fails to comply with a direction or other requirement of an authorised person under regulation 20 (enforcement of quarantine); or
- (f) without reasonable cause, wilfully obstructs any person carrying out a function under these Regulations.

Penalty: A term of imprisonment not exceeding 3 months or a fine not exceeding level 4 on the standard scale.

(2) But P does not commit an offence where P contravenes a requirement in subregulation (1), (2) or (3) of regulation 7 if P reasonably believed at the time of the contravention that the notification of a negative result was valid and from a qualifying test.

(3) For the purposes of subregulation (1)(c), reasonable excuses include, in particular, where—

- (a) P was medically unfit to provide a sample for a qualifying test and possessed a document in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect;
- (b) it was not reasonably practicable for P to obtain a qualifying test due to a disability;

- (c) P began the journey to the Falkland Islands in a country or territory in which a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for P to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for P to obtain a qualifying test in P's last point of departure if this was different to where P began the journey;
- (d) the time it has taken P to travel from the country or territory where P began the journey to the country or territory of their last point of departure prior to arriving in the Falkland Islands meant that it was not reasonably practicable for P to meet the requirement in paragraph (c) of Part 1 of Schedule 2, and it was not reasonably practicable for P to obtain a qualifying test in P's last point of departure.

(4) An operator commits an offence where it fails to comply with a requirement in —

- (a) regulation 15(1);
- (b) regulation 18(1)
- (c) regulation 18(2); or
- (d) regulation 19(1).

Penalty: A fine not exceeding level 5 on the standard scale.

(5) In relation to the offence in subregulation (4)(a) and the requirement to provide information at the times set out in regulation 15(2)(a), (b) or (c) it is a defence if the operator can demonstrate that —

- (a) the booking or check-in process was not managed directly by the operator; and
- (b) the operator took reasonable steps to ensure that the person managing the process would provide the required information at that time and in the required manner.

(6) In relation to subregulation (4)(d), it is a defence for an operator to show that the relevant passenger presented a document purporting to be a required notification which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not a required notification.

(7) If, following the coming into force of any provision which amends the information required to be provided by regulation 16, an operator provides information to a passenger that would have complied with the requirements in regulation 15(1) but for the coming into force of that amending provision, it is a defence for the operator to show that it was not reasonably practicable for that amended information to be provided.

(8) An operator who, without reasonable excuse, fails to comply with —

- (a) the requirement to keep records in regulation 17(1); or
- (b) with a request under regulation 17(2) to provide records or information within the period specified for the purposes of regulation 15(3),

commits an offence.

Penalty: A fine not exceeding level 5 on the standard scale.

(9) Section 44 of the Criminal Procedure and Evidence Ordinance 2014 applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included —

- (a) to maintain public health;
- (b) to maintain public order.

(10) In subregulation (6) “**relevant passenger**” means a passenger who fails, without reasonable excuse —

- (a) to provide evidence of having provided passenger information when requested to do so by an immigration officer under regulation 6(4); or
- (b) to produce a valid notification of a negative result from a qualifying test when requested to do so by an immigration officer under regulation 7(3).

22. Self-incrimination

(1) Information provided by a person in accordance with, or as described in, regulation 6 may be used in evidence against a person, subject to subregulations (2) to (4).

(2) In criminal proceedings against the person —

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution; and
- (b) no question relating to the information may be asked by or on behalf of the prosecution.

(3) Subregulation (2) does not apply if the proceedings are for —

- (a) an offence under these Regulations;
- (b) an offence under section 482 of the Crimes Ordinance 2014 (false statutory declarations and other false statements)
- (c) an offence under section 368 of the Crimes Ordinance 2014 (offence of fraud).

(4) Subregulation (2) does not apply if, in the proceedings —

- (a) evidence relating to the information is adduced by or on behalf of the person who provided it; or
- (b) a question relating to the information is asked by that person.

23. Appeals

(1) A person who is required to comply with regulation 10 may appeal against that requirement to the Magistrate’s Court —

- (a) on compassionate grounds; or
 - (b) on the grounds that the requirement is not necessary or proportionate in the circumstances.
- (2) On appeal the court may —
- (a) confirm the requirement, with or without modification;
 - (b) order other measures to be taken by the person to reduce the risk of the person spreading coronavirus infection; or
 - (c) exempt the person from all or part of the requirement.

PART 7 - Review and expiry of Regulations

24. Review of need for quarantine requirements

- (1) The Chief Medical Officer must review the need for the requirements imposed by these Regulations on or before 3 October 2021 and thereafter at least once every two months.
- (2) The Chief Medical Officer must report the outcome of the review to the Governor if requested to do so or if, in the opinion of the Chief Medical Officer, a change is required or the requirements or any part of them are no longer need to achieve the purpose for which the Regulations were made.

25. Expiry of the Regulations

These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

SCHEDULE 1 – Passenger information

regulation 6(1)

1. Personal details of the passenger —
 - (a) full name;
 - (b) nationality;
 - (c) date of birth;
 - (d) passport or other international travel document reference number and expiry dates; and
 - (e) email or other correspondence address.
2. Journey details of the passenger —
 - (a) the operator they are travelling with or through which their booking was made;
 - (b) the travel booking reference (if applicable and known);
 - (c) the method of travel and flight number or ticket number (if applicable and known);
 - (d) the country and region they are travelling from;
 - (e) the country or countries they have been in during the period of 14 days immediately before the passenger's arrival in the Falkland Islands;
 - (f) the date, or planned date, as appropriate, of their arrival in the Falkland Islands;
 - (g) the date of intended departure from the Falkland Islands, if known; and
 - (h) whether they are connecting through the Falkland Islands to a destination outside the Falkland Islands and, if so —
 - (i) their final destination; and
 - (ii) the method of travel and flight number or ticket number (if applicable and known) of their onward journey.
3. Passenger required to stay in quarantine —
 - (a) address of the passenger's place of quarantine;
 - (b) confirmation that the passenger is entitled or permitted to stay at that place for the period of quarantine;
 - (c) names and (if known) dates of birth of any other persons with whom the passenger will share accommodation, including sanitary and other facilities, during the period of quarantine;

- (d) confirmation that persons referred to in subparagraph (c) who are aged 16 years or over consent to be in quarantine with the passenger;
 - (e) if the passenger has requested facilitated accommodation, that fact;
 - (f) a telephone number in the Falkland Islands; and
 - (g) the name and telephone number of an emergency contact.
4. Passenger who is not required to quarantine (“exempt person”) —
- (a) address at which the passenger will stay for the period of 9 days after the date on which the passenger arrives; and
 - (b) a telephone number in the Falkland Islands.
5. A person who provides information on behalf of a passenger —
- (a) full name;
 - (b) contact details: and
 - (c) relationship to the passenger.

SCHEDULE 2 - Testing before arrival in the Falkland Islands

regulation 7

Part 1 – Compliant tests

1. A test complies with this paragraph if the test performed was a viral detection test for current infection approved or authorised by the relevant national authority for the detection of SARS-CoV-2 and paragraph (a) or (b) is satisfied —
 - (a) in the case of a person travelling on a flight which departs from the United Kingdom the test sample is taken from the person no more than five days before the person’s arrival in the Falkland Islands; or
 - (b) in the case of a person travelling on a flight departing from any other country the test sample is taken no more than three days before the person’s arrival in the Falkland Islands.
2. For the purposes of paragraph 1, “**a viral detection test for current infection**” means —
 - (a) a nucleic acid amplification test; or
 - (b) a viral antigen test.

Part 2 – Form of notification of negative result

Notification of a negative test result must include in English or Spanish, the following information—

- (a) the name of the person from whom the sample was taken;
- (b) that person’s date of birth or age;
- (c) the negative result of the test;
- (d) the date the test sample was collected or received by the test provider;
- (e) the name of the test provider sufficient to contact that provider;
- (f) a statement —
 - (i) that the test was a polymerase chain reaction test; or
 - (ii) of the name of the device that was used for the test.

SCHEDULE 3 - Exemptions

regulation 12(1) and (2)

Part 1 - Partially exempt persons

1.(1) A Crown servant or military contractor, if in accordance with arrangements agreed with the Chief Medical Officer, the Commander British Forces South Atlantic Islands has informed the Crown servant or military contractor in writing that the work cannot be undertaken whilst the person is in quarantine and —

- (a) in the case of a Crown servant, that person is required to undertake work essential to the United Kingdom Government within 10 days of their arrival; or
- (b) in the case of a military contractor, that person is required to undertake work which is necessary to the delivery of work essential to the United Kingdom Government within 10 days of their arrival.

(2) In this paragraph —

“**work essential to the United Kingdom Government**” means work related to national security and defence activities of the Government of the United Kingdom in the Falkland Islands, including work related to —

- (a) the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;
- (b) the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence; and
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war.

2.(1) A government contractor.

(2) In this paragraph, “**government contractor**” means a person with specialist technical skills—

- (a) whose specialist technical skills are required by the Falkland Islands Government for essential or emergency works or services (including commissioning, maintenance and repairs, response to security threats and safety checks) to any plant, machinery, infrastructure or other essential public services including information technology or electronic telecommunications networks and services;
- (b) who is required to undertake such works or services within 10 days of arrival in the Falkland Islands; and

- (c) who has travelled to the Falkland Islands to fulfil contractual obligations or warranty specifications or otherwise to commence, resume or complete work for, or provide services to, the Falkland Islands Government.

3.(1) A legal practitioner who has travelled to the Falkland Islands for the purpose of presiding at, or representing any party in proceedings before any court in the Falkland Islands and such proceedings are listed for trial within 10 days after the legal practitioner's arrival in the Falkland Islands.

(2) In this paragraph, "**legal practitioner**" has the same meaning as in section 2 of the Legal Practitioners Ordinance 1988 and "**trial**" includes the hearing of an appeal against a conviction.

4. A person who has travelled to the Falkland Islands to work for the Falkland Islands Government as a health or care professional and is required to undertake work as such within 10 days of their arrival.

Part 2 - Exempt persons

1. A Crown servant or military contractor, if the Crown servant or military contractor has been in quarantine in the United Kingdom at Ministry of Defence facilities for a period of at least 10 days ending immediately before their arrival in the Falkland Islands.

2.(1) Air crew, where such crew have travelled to the Falkland Islands in the course of their work.

(2) In this paragraph, "**air crew**" means persons carried in an aircraft who are —

- (a) a member of the flight crew or cabin crew of that aircraft; or
- (b) travelling for the purpose of assisting in the medical evacuation of a patient from the Falkland Islands by air.

SCHEDULE 4 – Information for passengers

regulation 16

Part 1 – Specified information

The specified information is —

ESSENTIAL INFORMATION TO ENTER THE FALKLAND ISLANDS FROM OVERSEAS

Everyone entering the Falkland Islands by air from overseas (including Falkland Islands status holders, residents, and United Kingdom Ministry of Defence personnel) must provide proof of a negative COVID-19 test taken —

- (a) no more than five days before departure if you are travelling from the United Kingdom;
or
- (b) no more than three days before departure if you are travelling from another country.

You must also complete form IDC5 before arrival.

Part 2 – Onboard announcement

The onboard announcement is —

“The following is a public health message on behalf of the Falkland Islands Government Chief Medical Officer.

All persons arriving in the Falkland Islands must quarantine immediately upon arrival, unless you are an exempt person.

The period of quarantine is 10 days, unless you qualify for early release under a test and release scheme.

You must travel as directly as possible to your place of quarantine.

If you are travelling beyond Mount Pleasant Complex to get to your place of quarantine, you must comply with quarantine transport regulations, and it is recommended that you use designated transport.

The symptoms of coronavirus are a new continuous cough, a high temperature, sore throat, or a loss of, or change in, normal senses of taste or smell. Other viral symptoms may occur, for example diarrhoea and vomiting. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew. If you experience any of these symptoms whilst in quarantine, you should contact your healthcare provider.

Please follow public health guidance for the area you are living or travelling in.

Visit fig.gov.fk/covid-19 for more advice”.

Made 5 August 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not part of the regulations)

These Regulations are made under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894. They come into force on 8 August 2021, to replace the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 (which are due to expire).

The purpose of these Regulations is to —

- (a) require persons arriving in the Falkland Islands by air to possess notification of a negative coronavirus test result; and
- (b) to prevent or reduce the spread of coronavirus infection by requiring those arriving in the Falkland Islands from abroad to stay in quarantine for a period of 10 days (*regulation 3*).

Regulation 6 provides that the otherwise expired regulations continue to have effect in relation to persons who arrive in the Falklands Islands before 8 August, and that directions made under those regulations will continue to have effect under these Regulations.

Under *regulation 6 and Schedule 1*, persons arriving or intending to arrive in the Falkland Islands every must provide information about their journey and their arrangements for quarantine, including full contact details. This information must be provided 72 hours before arrival (or, in the case of a booking made less than 72 hours before arrival, as soon as reasonably practicable) in the case of a person travelling on a relevant service, to the operator, and, in any other case, to the Chief Medical Officer. “Crown Servants” are not required to provide the information in advance, but must do so on arrival. This information must be kept up to date and the Chief Medical Officer informed of any changes. Ordinarily a person may give only one address for their time in quarantine, although persons may begin their quarantine on a ship, and then move to an address ashore to complete their quarantine (*Regulation 6(7)*).

Regulation 7(1) requires persons arriving in the Falkland Islands by air to possess valid notification of a negative coronavirus test result. A person who has valid notification must produce it for inspection by an immigration officer or police officer if requested (*Regulation 7(3)*). The test and the notification of it must meet the requirements of *Schedule 2*.

The requirement in connection with a negative test result does not apply to children under the age of 6, to air crew (as defined in *Part 2 of Schedule 3*), nor to persons who the Governor may, having consulted the Chief Medical Officer, direct are exempt (*Regulation 7(4) and (6)*). The Governor may only grant an exemption if satisfied that there is a low risk that the person or groups of persons present a low risk of spreading coronavirus. Measures may be imposed on those benefiting from an exemption, in order to reduce the risk of spread of infection.

On arrival, a passenger must travel as directly as possible to their place of quarantine. *Regulation 8* sets out the requirements for transport. Any persons travelling together in a private vehicle (including anyone who is not a passenger) must be in quarantine for the same period even if quarantining at different places – this allows passengers arriving at the airport to give lifts to others arriving on the same flight and for passengers to be picked up by another person they will be staying in quarantine with. If not using a private vehicle, persons arriving in the Falkland Islands must generally use “designated transport” to travel to their place of quarantine and must pay a reasonable sum charged for such transport (persons travelling to a place of quarantine in Mount Pleasant Complex after arriving at Mount Pleasant Airport or at Mare Harbour are exempt from these requirements).

Regulation 9 sets out the quarantine requirements. A passenger must stay in quarantine for the period of quarantine at their place of quarantine. “Quarantine”, “period of quarantine” and “place of quarantine” are all defined in *regulation 5*. Anyone who is staying at the place of quarantine when a person arrives in the Falkland Islands must quarantine with them (or in some other suitable place), unless they move out before the person arrives.

Regulation 9(3) to (5) imposes restrictions on persons boarding a vessel which is a place of quarantine.

Regulation 9(6) provides for the Chief Executive in exceptional circumstances and on the advice of the Chief Medical Officer to allow a person to change their place of quarantine. *Regulation 8(7)* provides for the very limited circumstances in which person may lawfully be outside their place of quarantine.

The period of quarantine must be calculated by reference to the provisions of *regulation 10*. The most usual period of quarantine is 10 days after the date of the arrival of the passenger at the place of quarantine but is 9 days if the passenger arrives in the Falkland Islands before 9am on the day of arrival. If anyone moves in with a passenger after the date of arrival of the passenger (including a passenger from a different flight), the period of quarantine is re-started.

A person who has custody or charge of a child for the time being or who has parental responsibility for that child is responsible for ensuring that the child complies with the quarantine and other requirements (*regulations 5(2), 6(8), 7(2) and 11*).

There are limited exemptions to the quarantine requirements, set out in *regulation 12(1) and (2) and Schedule 3*. “Crown servants” and “military contractors” who have quarantined for 10 days immediately before travelling to the Falkland Islands and air crew who have flown to the Falkland Islands in the course of their work are completely exempt (*regulation 12(2) and Schedule 3 Part 2*). Military contractors, government contractors, legal and healthcare professionals have a limited exemption from the requirement to stay at their place of quarantine to enable them to perform tasks

that are essential to the smooth-running of the Falkland Islands (*regulation 12(1) and Schedule 3 Part 1*).

Under *Regulation 12(3)*, the Governor may, having consulted the Chief Medical Officer, direct that a person or class of persons is exempt from the requirement to quarantine. The Governor may only grant an exemption if satisfied that there is a low risk that the person or groups of persons present a low risk of spreading coronavirus. Measures may be imposed on those benefiting from an exemption, in order to reduce the risk of spread of infection.

Regulation 13 imposes a duty on the Falkland Islands Government to ensure that a place of quarantine is facilitated for a person who reasonably requests it. Under *regulation 14*, a charge may be made for that accommodation and any services provided, and details of the charges are to be given in advance. The Government may facilitate different types of accommodation and may raise different charges for accommodation in respect of different persons and different classes of persons (*Regulations 13(2) and 14(3)*).

Regulations 15 and 16 and Schedule 4 impose requirements on operators of commercial transport services to the Falkland Islands to provide certain information about the requirements of these Regulations to persons using their services at certain times (at booking, before departure, at check-in, and onboard). *Regulation 17* requires such operators to keep records of the steps taken to provide the information, which may be inspected by the Maritime Authority in respect of vessels or Director of Civil Aviation in relation to aircraft.

Regulation 18(1) imposes a requirement on operators to ensure that persons meet the requirements of *Regulation 6(2)* to provide passenger information in advance of their flight and on arrival. The operator must pass the advance information received to the Chief Medical Officer (*Regulation 18(2)*). *Regulation 18(3)* sets out exceptional circumstances in which the requirement on the operator does not apply.

Regulation 19(1) imposes a requirement on operators to ensure that passengers who arrive in the Falkland Islands possess notification of the negative test result in accordance with *Regulation 7*. *Regulation 19(2)* sets out exceptional circumstances in which the requirement on the operator does not apply.

The quarantine requirements may be enforced by an “authorised person”, including a police officer, immigration officer or other person authorised by the Governor (*regulation 20*). The enforcement power includes a power to direct a person who is unlawfully outside their place of quarantine to return to, or to remove a person to, that place or other facilitated accommodation.

Failure to provide the passenger information under *regulation 6*, the provision of false or misleading information under *regulation 6*, breach of the requirements in *regulation 7* or *Part 3*, or failure to comply with the requirements in *regulation 20* are criminal offences under *Regulation 21*. The penalty on conviction of such an offence is a fine not exceeding level 4 on the standard scale (currently £2000 – *Criminal Procedure and Evidence Ordinance 2014 Schedule 8*) or a term of imprisonment not exceeding 3 months (*regulation 15*). *Regulation 21(2) and (3)* make provision in relation to reasonable belief and reasonable excuse in connection with offences under *Regulation 7*.

Failure by a commercial transport operator to comply with requirements in *Regulations 15(1), 18(1) and 19(1)* are also criminal offences under *Regulation 21*. A number of defences are made available to an operator under *Regulations 21(5), (6) and (7)*.

Regulation 21(10) has effect to create a power of arrest in some circumstances in relation to offences under the Regulations.

Regulation 22 creates certain protections against self-incrimination in relation to the provision of information under *Regulation 6*.

Because of the significant restrictions imposed by the Regulations on the exercise of rights protected under the Falkland Islands Constitution, there is a right of appeal (*regulation 23*) in individual cases on compassionate grounds or on the grounds that the restrictions are not necessary or proportionate to the purpose. The Regulations are also subject to regular, 2 monthly reviews by the Chief Medical Officer (*regulation 24*) to ensure they remain necessary. The Regulations expire 6 months after coming into force (*regulation 25*).

SUBSIDIARY LEGISLATION

Crimes (Designation of Site, Teal Inlet) Order 2021

(No. 17 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement and duration
3. Designation of site

Schedule

SUBSIDIARY LEGISLATION

Crimes (Designation of Site, Teal Inlet) Order 2021

(made: 5 August 2021)

(commencement: see article 2)

(published: 6 August 2021)

I make this Order under section 566(3)(b) of the Crimes Ordinance 2014 on the advice of Executive Council.

1. Title

This Order is the Crimes (Designation of Site, Teal Inlet) Order 2021.

2. Commencement and duration

This Order comes into force on 5 August 2021 and expires on 5 September 2021.

3. Designation of site

The two areas of land at Teal Inlet identified as marked in red on the photograph contained in the Schedule are designated as sites for purposes of section 566 of the Crimes Ordinance 2014.

SCHEDULE



Made 5 August 2021

N. J. PHILLIPS C.B.E,
Governor.

EXPLANATORY NOTE
(not forming part of the Order)

This Order is made under section 566 of the Crimes Ordinance 2014.

A site may be designated if it is comprised of Crown land or it appears to the Governor that it is appropriate to designate the site in the interests of the security of the Falkland Islands.

The Order provides for the designation of two areas at Teal Inlet as sites 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 an investigation to determine if remains of unidentified Argentinian soldiers are present at the site.

Entry into a designated site as a trespasser is an offence, so the Order enables access to the two designated sites to be controlled.

The areas designated as a site are set out on the map which is in the Schedule.

SUBSIDIARY LEGISLATION

Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2021

(No. 18 OF 2021)

ARRANGEMENT OF PROVISIONS

1. Title
2. Commencement and duration
3. Designation of site

Schedule

SUBSIDIARY LEGISLATION

Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2021

(made: 6 August 2021)

(commencement: see article 2)

(published: 6 August 2021)

I make this Order under section 566(3)(b) of the Crimes Ordinance 2014 on the advice of Executive Council.

1. Title

This Order is the Crimes (Designation of Site, Argentine Cemetery at Darwin) Order 2021.

2. Commencement and duration

This Order comes into force on 17 August 2021 and expires on 30 September 2021.

3. Designation of site

The area of land at the Argentine Cemetery at Darwin identified as marked in red on the photograph contained in the Schedule is designated as a site for purposes of section 566 of the Crimes Ordinance 2014.

SCHEDULE



Made 6 August 2021

D. P. MORGAN,
Acting Governor.

EXPLANATORY NOTE
(not forming part of the Order)

This Order is made under section 566 of the Crimes Ordinance 2014.

A site may be designated if it is comprised of Crown land or it appears to the Governor that it is appropriate to designate the site in the interests of the security of the Falkland Islands.

The Order provides for the designation of 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 a designated site as a trespasser is an offence, so the Order enables access to the designated site to be controlled.

The area designated as a site is set out on the photograph in the Schedule.



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No. 14

NOTICES

No. 73 30 July 2021

Maritime (Port State Control) Regulations 2021 *regulation 2*

Commencement Notice

1. Regulation 2 of the Maritime (Port State Control) Regulations 2021 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 come into force on 1 September 2021.

Dated 30 July 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 74 2 August 2021

Administration of Estates Ordinance 1949 *section 4*

Application for Letters of Administration

Take notice that **Terence Leslie Bonner** of The Galley, Flat 2, Port Howard, West Falkland, died on 8 June 2021.

Whereas **Odette Ellen May Bonner** 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 1949 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 2 August 2021

E. J. FULTON,
Registrar, Supreme Court.

No. 75 5 August 2021

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021

regulations 6 and 12

Exemptions (Quarantine and Test Notification) **Direction No. 1**

Background

The Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 have replaced the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021.

The Chief Medical Officer has reviewed the requirements of the replaced Regulations and the Directions made under them. She has in particular reviewed the impact of Quarantine Exemptions Directions No's. 5 and 7 in the Falkland Islands in light of the changing picture of the incidence of coronavirus infection in the United Kingdom and across the world.

The Chief Medical Officer has reported the outcome of her review, and in her opinion further change is required to the exemption regime to reflect the very significant reduction in —

(a) the risk of a person in the Falkland Islands being

infected with coronavirus and, if infected, of becoming seriously ill or requiring hospital care; and

(b) the risk of an uncontrolled community outbreak of the disease.

In the circumstances, I am satisfied that I should make a new exemption direction as follows —

(a) an exemption providing for early release from quarantine on day 5 or 8 after arrival should continue in effect and should be extended to all arrivals in the Falkland Islands, whether by air or by sea, including for persons who are convalescent cases;

(b) in relation to arrivals from sea, time spent at sea before arrival may be treated as equivalent to time spent in quarantine and testing may take place before arrival for the purposes of early release;

(c) an exemption from quarantine for arrivals from the United Kingdom who have undertaken a period of quarantine in the United Kingdom should continue in effect in respect of Crown servants and military contractors;

(d) an exemption from quarantine for persons arriving from sea on vessels which are classed as “clean” vessels should continue in effect; and

(e) persons who are classed as convalescent cases should be granted exemption from the new requirement for air arrivals to possess notification of a negative coronavirus test result.

Direction

In accordance with regulations 7(6)(a) and 12(3)(a) of the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 I, Nigel James Phillips C.B.E., direct that —

1. This direction applies to persons arriving in the Falkland Islands on or after 8 August 2021.

Part 1 – Air and sea passengers – Quarantine and tests after arrival for early release (partial quarantine exemption)

2. This Part applies to passengers arriving in the Falkland Islands on any aircraft or arriving on a vessel which is not of a type described in paragraph 10.

3. A passenger is not required to comply with the quarantine requirements for the remainder of the period of quarantine that would otherwise apply to them from the date the passenger is informed by the Chief Medical Officer that they are of a description in either paragraph 5 or 6.

4. All other persons who are in quarantine with the passenger by virtue of regulation 9(2)(b) of the Regulations are likewise exempt from the quarantine requirements for the remainder of the period of quarantine.

5. (1) This paragraph applies to a passenger who —

(a) has been vaccinated;

(b) is not in quarantine with, or has not been in quarantine with, a passenger who has not been vaccinated; and

(c) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of arrival in the Falkland Islands the passenger tests negative for

coronavirus or is a convalescent case; and

(b) on the fifth day after the day of arrival in the Falkland Islands —

(i) the passenger tests negative for coronavirus or is a convalescent case; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the passenger test negative for coronavirus on the same occasion or are a convalescent case.

6. (1) This paragraph applies to a passenger who —

(a) has not been vaccinated, or who has been vaccinated but is in quarantine with, or has been in quarantine with, a passenger who has not been vaccinated; and

(b) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of arrival in the Falkland Islands the passenger tests negative for coronavirus or is convalescent positive; and

(b) on the eighth day after the day of arrival in the Falkland Islands —

(i) the passenger tests negative for coronavirus or is convalescent positive; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the passenger test negative for coronavirus on the same occasion or are convalescent positive.

Part 2 – Sea passengers – Quarantine and testing after departure from last seaport for early release

7. A sea passenger who arrives in the Falkland Islands on a vessel which is of the description in paragraph 10 is not required to comply with the quarantine requirements for the remainder of the period of quarantine that would otherwise apply to them from the date the sea passenger is informed by the Chief Medical Officer that they are of a description in either paragraph 11 or 12.

8. All other persons who are in quarantine with the sea passenger by virtue of regulation 9(2)(b) of the Regulations are likewise exempt from the quarantine requirements for the remainder of the period of quarantine.

9. Time spent by a sea passenger at sea on a vessel which is of the description in paragraph 10 is treated as part of the period of quarantine for the purposes of the Regulations.

10. This paragraph applies to a vessel which, since departure —

(a) has not arrived at any place other than an Overseas Territory;

(b) has not reported any person as showing symptoms of coronavirus; and

(c) has only been boarded by persons from and passengers or other members of the crew have only boarded other vessels which meet the criteria in paragraphs (a) and (b).

11. (1) This paragraph applies to a sea passenger who —

- (a) has been vaccinated;
- (b) is not in quarantine with, or has not been in quarantine with, a passenger who has not been vaccinated; and
- (c) meets the criteria in subparagraph (2).

(2) The criteria are —

- (a) on or before the second day after the day of departure the sea passenger tests negative for coronavirus or is a convalescent case; and
- (b) on the fifth day after the day of departure —
 - (i) the sea passenger tests negative for coronavirus or is a convalescent case; and
 - (ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the sea passenger test negative for coronavirus on the same occasion or are a convalescent case.

12. (1) This paragraph applies to a sea passenger who —

- (a) has not been vaccinated, or who has been vaccinated but is in quarantine with an air or sea passenger who has not been vaccinated; and
- (b) meets the criteria in subparagraph (2).

(2) The criteria are —

- (a) on or before the second day after the day of departure the sea passenger tests negative for coronavirus or is a convalescent case; and
- (b) on the eighth day after departure —
 - (i) the sea passenger tests negative for coronavirus or is a convalescent case; and
 - (ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed and who are in quarantine with, or have been in quarantine with, the sea passenger test negative for coronavirus on the same occasion or are a convalescent case.

Part 3 – Crown Servants and military contractors - Quarantine before arrival (full quarantine exemption)

13. A person of a description specified in either paragraph 14 or 15 —

- (a) is not required to comply with the quarantine requirements; and
- (b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

14. This paragraph applies to a Crown servant or military contractor who —

- (a) has been vaccinated;
- (b) has been in quarantine in the United Kingdom in United Kingdom Ministry of Defence facilities for a period of at least 5 days ending immediately before their arrival in the Falkland Islands;
- (c) has not been in quarantine with a person who has not been vaccinated; and
- (d) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of

quarantine in the United Kingdom.

15. This paragraph applies to a Crown servant or military contractor who —

- (a) has been in quarantine in the United Kingdom in United Kingdom Ministry of Defence facilities for a period of at least 8 days ending immediately before their arrival in the Falkland Islands; and
- (b) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of quarantine in the United Kingdom.

Part 4 – Person arriving from Overseas Territories or on a clean vessel – Quarantine before arrival (full quarantine exemption)

16. A person of a description specified in either paragraph 17 or 18 —

- (a) is not required to comply with the quarantine requirements; and
- (b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

17.(1) A person arriving from an Overseas Territory who was in that Overseas Territory for more than 10 consecutive days immediately before arriving in the Falkland Islands.

(2) When calculating time spent in an Overseas Territory account may be taken of time spent—

- (a) in the Falkland Islands before travelling directly to the Overseas Territory;
- (b) travelling directly between the Falkland Islands and the Overseas Territory; and
- (c) travelling directly between Overseas Territories.

18. A person (“P”) disembarking from a vessel (“V”) arriving in the Falkland Islands and either —

- (a) V is a clean vessel; or
- (b) if P departed from the Falkland Islands —
 - (i) since P’s departure —

(aa) V has only been boarded by persons from a clean vessel;

(bb) passengers or members of the crew of V have only boarded another clean vessel;

(cc) no person on board V has been reported as exhibiting any symptom of coronavirus; and

(ii) P either —

(aa) was in quarantine in accordance with the Regulations immediately before embarking on V; or

(bb) immediately before embarking was not required to stay in quarantine and had not exhibited any symptom of coronavirus for at least 10 days.

Part 5 – Air passengers – Convalescent cases – exemption from test notification requirements

19. person who is a convalescent case is not required to comply with the requirements under regulation 7.

Part 6 - Information

20.(1) A person seeking to assert that they are a vaccinated person for the purposes of Part 1 or 2 must provide the Chief Medical Officer with any information that the Chief

Medical Officer reasonably requires in order to establish the person's vaccination status under this Direction.

(2) The Master of a vessel on which a person, for the purposes of the Regulations, is in quarantine or has been in quarantine must provide the Chief Medical Officer with any information that the Chief Medical Officer reasonably requires in order to establish whether persons who are or have been on board the vessel qualify for exemption from quarantine under this direction.

Part 7 – Interpretation

21. (1) In this Direction —

“**air passenger**” means a person who arrives in the Falkland Islands by air from outside the Falkland Islands;

“**convalescent case**” means a person who has arrived or intends to arrive in the Falkland Islands, and —

(a) who is able to provide evidence that they were infected by coronavirus not more than 90 days before the day of departure;

(b) who meets one of the following criteria —

(i) the person has had no symptoms of coronavirus and is able to provide evidence that they were infected by coronavirus at least 14 days before the day of departure;

(ii) the person has had no symptoms of coronavirus for a period of 4 days ending on the day of departure, and is able to provide evidence that they were infected by coronavirus at least 10 days before the day of departure; and

(c) who the Chief Medical Officer is satisfied, on the basis of a medical assessment in relation to the person, poses no, or a very small, risk of infecting others with coronavirus;

“**departure**” means the most recent departure of a person or a conveyance from an airport or seaport on a journey to the Falkland Islands;

“**passengers**” means air passengers and sea passengers;

“**Regulations**” means the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021;

“**sea passenger**” means a person who arrives in the Falkland Islands by sea from outside the Falkland Islands;

“**the quarantine requirements**” means the requirements in Part 3 of the Regulations; and

(2) In this Direction, a reference to a person being vaccinated is a reference to a person having completed the full course of a vaccine approved for coronavirus by the Medicines and Healthcare products Regulatory Agency of the United Kingdom Government not less than 14 days before the date on which the period of quarantine commences or, before the date of departure, and a reference to a person who has not been vaccinated is interpreted accordingly.

(3) In this Direction, a reference to a person testing negative or positive (as the case may be) is a reference —

(a) in respect of a sea passenger who is in quarantine on a vessel, to the person being tested for coronavirus by an approved test administered by the ship's doctor or by a person designated by the ship's master and who is trained in the administration of the tests;

(b) in respect of any other person, to a person being tested for coronavirus by a test administered under the direction or supervision of a qualified medical professional in the Falkland Islands and the outcome of the test is negative, indicating that the person is not infected with coronavirus or is positive, indicating that the person is infected with coronavirus.

(4) For the purposes of paragraph 3(a), quarantine includes the period spent on a ship after departure in accordance with Part 2.

(5) In paragraph (3)(a), reference to an approved test is a reference to a SARS-CoV-2 antigen rapid qualitative test, also known as an LFD or lateral flow test, of a type recognised by Public Health England.

Dated 5 August 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 76

6 August 2021

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability, and Quarantine) Regulations 2021 *regulation 8*

Designated transport providers

In accordance with regulation 8(5) of the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability, and Quarantine) Regulations 2021 notice is hereby given that with effect from 8 August 2021:-

Falkland Islands Company Limited (company number 000743000); and

Sullivan Shipping Services Limited (company number 8749),

are providers of transport (including vessels transporting persons from ship to shore) designated by the Principal Immigration Officer in accordance with regulation 8 of the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability, and Quarantine) Regulations 2021.

Dated 6 August 2021

P. A. TREVILLION,
Principal Immigration Officer.

No. 77

6 August 2021

Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 *regulation 12*

Quarantine Exemptions Direction No. 8

Background

I make this Direction having consulted the Chief Medical Officer.

I am satisfied that the persons listed in the Schedule to this Direction who will arrive in the Falkland Islands on or

around 9 August 2021 and depart from the Falkland Islands on or around 13 August 2021 present a low risk of spreading coronavirus to persons in the Falkland Islands.

Direction

In accordance with regulation 12(3) of the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021, I David Paul Morgan, make the following direction —

That the persons listed in the Schedule —

(a) are not required to comply with the requirements in Part 3 of the Regulations for the whole of the period they would otherwise be required to stay in quarantine, but only to the extent necessary for the person to perform

their employment or other contractual obligations whilst in the Falkland Islands; and

(b) are required to take any measures specified by the Chief Medical Officer to reduce the risk of them spreading coronavirus infection.

Schedule

**Donald Dunlop; and
Jon Duval.**

Made 6 August 2021

D. P. MORGAN,
Acting Governor.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

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No. 12

The following are published in this Supplement —

Taxes (Miscellaneous Amendments) Bill 2021;

Fisheries (Conservation and Management) (Amendment) Bill 2021;

Media Trust (Amendment) Bill 2021;

Statistics (Census) Order 2021 (SR&O No 19 of 2021); and

Immigration (Amendment) (No. 2) Ordinance 2021 (No 7 of 2021).

Taxes (Miscellaneous Amendments) Bill 2021

(ORDINANCE No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

PART 1 – Introductory

1. Title
2. Commencement

PART 2 – Amendment to Taxes Ordinance 1997

3. Amendment of the Taxes Ordinance 1997
4. Section 49 replaced – Tax credits for certain recipients of qualifying distributions
5. Section 181 amended – Appeals to the Tribunal
6. Section 185 replaced – Recovery of tax in respect of profits or gains on offshore petroleum activities, etc
7. Section 186 amended – Repayment of income tax
8. Section 187 amended – Refund of overpayments of corporation tax
9. New section 187A inserted – Set off
10. Section 213 replaced – Service of notices
11. Section 214 amended – Signature of notices
12. Further amendments
13. Schedule 6 amended – Territorial Extension of Charge to Tax: Supplementary Provisions

PART 3 – Amendment to Medical Services Tax Ordinance 2010

14. Amendment of the Medical Services Tax Ordinance 2010

PART 4 – Amendment of subsidiary legislation made under Taxes Ordinance 1997

15. Amendment of Payments On Account of Tax (Employees' Deductions) Regulations 1997
16. Amendment of Income Tax (Apportionment of Deductions) Rules 1997
17. Amendment of Taxes (Benefits in Kind) Rules 2003

Schedule – Further amendments to Taxes Ordinance 1997

Taxes (Miscellaneous Amendments) Bill 2021

(assented to: 2021)
(commencement: in accordance with section 2)
(published: 2021)

A BILL

for

AN ORDINANCE

To amend the Taxes Ordinance 1997; the Medical Services Tax Ordinance 2010; the Payments On Account of Tax (Employees' Deductions) Regulations 1997; the Income Tax (Apportionment of Deductions) Rules 1997; and the Taxes (Benefit in Kind) Rules 2003.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - Introductory

1. Title

This Ordinance is the Taxes (Miscellaneous Amendments) Ordinance 2021.

2. Commencement

- (1) Section 4 comes into force on 1 January 2022 and has effect for the computation of chargeable income for years of assessment beginning on or after 1 January 2022.
- (2) Sections 6, 13 and 15 come into force on 1 January 2022.
- (3) Section 17 comes into force on 1 January 2022 and has effect for the computation of chargeable income for years of assessment beginning on or after 1 January 2023.
- (4) The amendment to section 125 contained in the Schedule comes into effect for the period of account starting on or after 1 January 2022.
- (5) The rest of the provisions of this Ordinance come into force on publication in the *Gazette*.

PART 2 - Amendment of Taxes Ordinance 1997

3. Amendment of the Taxes Ordinance 1997

This Part amends the Taxes Ordinance 1997.

4. Section 49 replaced – Tax credits for certain recipients of qualifying distributions

Replace section 49 of the Taxes Ordinance 1997 with —

“49. Tax credits for certain recipients of qualifying distributions

(1) Where a company resident in the Falkland Islands makes a distribution and the person receiving the distribution is a person resident in the Falkland Islands, not being a company, the recipient of the distribution is entitled to a tax credit.

(2) Where a person is entitled to a tax credit under subsection (1), income tax must be charged on the gross amount of the distribution in accordance with the provisions of this Ordinance.

(3) The gross amount of the distribution must be calculated using the formula —

$$GA = \frac{D}{(1-LR)}$$

Where —

GA is the gross amount of the distribution;

D is the amount of the distribution actually received; and

LR is the lower rate of income tax, expressed as a decimal, for the year of assessment in which the distribution is made.

(4) A tax credit under subsection (1) is the difference between GA and D.

(5) A person entitled to a tax credit under subsection (1) must have their tax credit set off against the tax chargeable on that person’s income for the year of assessment in which the distribution is made.

(6) If the tax credit exceeds the tax chargeable on that person’s income for the year of assessment, the tax credit may not be —

- (a) claimed by that person as a cash payment;
- (b) set off against that person’s future year of assessment; or
- (c) carried back against the person’s prior year of assessment.

(7) Where a distribution mentioned in subsection (1) is, or falls to be treated as, or under any provision of this Ordinance is deemed to be, the income of a person other than the recipient, that person is treated for the purposes of this section as receiving the distribution (and accordingly the question whether they are entitled to a tax credit in respect of it must be determined by reference to where the person, and not the actual recipient, is resident).”.

5. Section 181 amended – Appeals to the Tribunal

Section 181 of the Taxes Ordinance 1997 is amended in subsection (2) by replacing the full stop at the end of subparagraph (f) with a semi-colon and adding the following subparagraph —

“(g) a decision to serve a notice under paragraphs (3)(1) or (6)(1) of Schedule 6.”.

6. Section 185 replaced – Recovery of tax in respect of profits or gains on offshore petroleum activities, etc

Replace section 185 with —

“185. Recovery of tax in respect of petroleum activities, etc

Schedule 6, which makes provision with respect to information to be obtained from licensees, deductions of withholding tax and the recovery of unpaid tax in connection with exploration or exploitation activities or rights, has effect.”.

7. Section 186 amended – Repayment of income tax

In section 186 replace subsection (1A) with —

“(1A) If a person, entitled to a refund under subsection (1) has an amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it, and that amount has become due, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

8. Section 187 amended – Refund of overpayments of corporation tax

Delete section 187(2A).

9. New section 187A inserted - Set off

After section 187, insert —

“187A. Set off

If a company is entitled to a refund or repayment in respect of an overpayment of corporation tax and has an amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it and that amount has become due, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

10. Section 213 replaced - Service of notices

Replace section 213 with —

“213. Service of notices

(1) Any notice given under this Ordinance by the Commissioner may be served on a person—

- (a) by delivering it to the person in question;
- (b) by sending it by post to the person’s last known business or private address; or
- (c) subject to subsection (3), by transmitting it electronically to an address provided by the person.

(2) A notice is deemed to be properly served if —

- (a) it is addressed to the last known address of the person; or

(b) it is sent to the electronic address provided by the person.

(3) A person who does not wish or no longer wishes to receive notices electronically must notify the Commissioner accordingly, but any notice served prior to the Commissioner receiving the notification will be deemed to have been properly served.”

11. Section 214 amended - Signature of notices

In section 214 —

- (a) in subsection (1) insert “or authorised” after “appointed”;
- (b) delete subsection (2); and
- (c) replace subsection (3) with —

“(3) Any notice given by the Commissioner under this Ordinance is valid if the signature of the Commissioner or of a person appointed or authorised under subsection (1) appears on it either printed, in manuscript or as an electronic signature.”

12. Further amendments

The provisions of the Taxes Ordinance 1997 in the first column of the Schedule are amended to the extent set out in the second column.

13. Schedule 6 amended – Territorial Extension of Charge to Tax: Supplementary Provisions

This section amends Schedule 6 as follows —

- (a) replace the heading with —

“SUPPLEMENTARY PROVISIONS IN RESPECT OF LICENSEE”;

- (b) replace paragraph 2 with —

“2 Withholding tax and power of Commissioner to obtain information from licensees

(1) Subject to paragraph 2B, a licensee, when making payment of an amount of £5,000 or more to a company for transactions in connection with activities authorised by a licence as a result of which the company is or might be liable to tax, must —

- (a) deduct 3 per cent of the total value of the invoice (“**withholding tax**”) regardless of the method of payment; and
- (b) make a record of the deductions of withholding tax.

(2) A licensee must make a record of all transactions in connection with activities authorised by a licence as a result of which a person is or might be liable to tax and of the particulars of the person in respect of whom the transaction was made.

(3) A licensee must keep the records under subparagraphs (1) and (2) until the expiry of a period ending at least six years after the end of the calendar year in which the transaction or deduction was made.

(4) A licensee must submit to the Commissioner, a return in such form as the Commissioner may prescribe, for the periods 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December on or before 30 days from the end of each period.

(5) The return under subparagraph (4) must —

- (a) specify particulars of the transactions under subparagraphs (1) and (2);
- (b) specify particulars of emoluments or other payments paid or payable in respect of duties or services performed in an area in which those activities may be carried on under the licence and the persons to whom they were paid or are payable;
- (c) specify the total amount of withholding tax deducted during that period; and
- (d) be submitted even if there are no transactions or particulars to report for that period.

(6) A licensee must take all reasonable steps to obtain the information necessary to enable them to comply with subparagraphs (5)(a) and (5)(b).

(7) Withholding tax under subparagraph (1)(a) —

- (a) is not corporation tax, but is on account of the liability to corporation tax whether determined or yet to be determined, of the company in respect of which the deduction is made; and
- (b) may be applied at any time by the Commissioner in payment or reduction of that company's liability to tax in respect of the accounting period in which the deduction was made or the immediately following period or any earlier period.

(8) A licensee must remit to the Commissioner the amount deducted during the period for which a return is submitted at the same time that the return is submitted under subparagraph (4).

(9) Interest is due on any withholding tax that remains unremitted after the date on which it is payable under subparagraph (8) at the rate of 3 per cent per annum over base lending rate.

(10) The Commissioner may require —

- (a) a return under subparagraph (4) to be submitted by transmitting it electronically to an address provided by the Commissioner for the purpose; and
- (b) a licensee to submit to the Commissioner the name of a person authorised to send returns electronically.”;

(c) insert new paragraphs 2A, 2B and 2C after paragraph 2 —

“2A Penalties

(1) A licensee who, without reasonable excuse fails to comply with the requirements of subparagraphs 2(2), 2(3) or 2(4), commits an offence and is liable on conviction to a fine not exceeding the maximum of level 7 on the standard scale.

- (2) If a licensee fails to submit a return under subparagraph 2(4) with information required under subparagraph 2(5) within the time specified, that licensee is liable to pay —
- (a) a penalty of £1,000; and
 - (b) an additional penalty of £1,000 in respect of each successive period of 15 days that elapse before the information is submitted.
- (3) Where a licensee fails to submit a return under subparagraph 2(4) with information required under paragraph 2(5) within the time specified —
- (a) for a second time, the penalties under subparagraphs (2)(a) and (2)(b) increase to £2,000; and
 - (b) for a third and any subsequent times after that, the penalties under subparagraphs (2)(a) and (2)(b) increase to £3,000.
- (4) A penalty under subparagraphs (2) and (3) —
- (a) is incurred whether or not the licensee is charged with an offence under subparagraph (1); and
 - (b) attracts the provisions of Schedule 4 and any other provision of this Ordinance about penalties.

2B Exemption from withholding tax

- (1) A company may apply to the Commissioner, in such form as the Commissioner may prescribe for an exemption from a deduction of withholding tax under subparagraph 2(1)(a).
- (2) To qualify for an exemption under subparagraph (1), the company must have two consecutive accounting periods of good compliance with the requirements under this Ordinance and subsidiary legislation made under it and under the Medical Services Tax Ordinance 2010 and subsidiary legislation made under it.
- (3) The Commissioner assesses good compliance by considering the company's record of filing returns, accuracy of those returns and payment of tax by due date.
- (4) The Commissioner must maintain an up to date list of the companies that have been granted an exemption under this paragraph showing the effective date of the exemption and the list must be available from the Falkland Islands Government Taxation Office or their website.
- (5) An exemption becomes effective on the date that the Commissioner adds a company to the list under subparagraph (4) and an exemption is lost with effect from the date on which a company is removed under subparagraph (6), from the list.
- (6) A company loses an exemption under this paragraph on the first instance that it fails without reasonable excuse to comply with a requirement under this Ordinance and subsidiary legislation made under it and under the Medical Services Tax Ordinance 2010 and subsidiary legislation made under it, and it must be removed from the list maintained under subparagraph (4).

(7) Withholding tax may not be deducted from a company for payment for goods or services that are wholly provided or wholly performed outside the Falkland Islands and any designated area.

(8) Where the goods or services were partially provided or partially performed in the Falkland Islands or in any designated area, the licensee must deduct withholding tax on a proportionate amount of the payment by making a fair and reasonable apportionment.

2C Withholding tax certificate, refund, currency, etc

(1) A licensee must issue a withholding tax certificate in such form as the Commissioner may prescribe, to the company from which withholding tax is deducted under paragraph 2(1)(a) with the following information —

(a) amount and date withheld; and

(b) exchange rate used if the invoice is not denominated in sterling.

(2) If an invoice is denominated in currency other than sterling, the licensee must translate the invoice on the due date into sterling by using the Bank of England daily spot rate.

(3) If the withholding tax deducted under paragraph 2(1)(a) exceeds the company's tax liability or if it is deducted from a company which is not liable for tax in the Falkland Islands, that company may claim a refund on such form as the Commissioner may prescribe.

(4) No interest accrues to the amount to be refunded under subparagraph (3).

(5) If a company entitled to a refund under subparagraph (3) has any amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it and that amount has become due, the Commissioner may set off the refund against that unpaid amount that has become due.”;

(d) in paragraph 3 —

(i) in subparagraph (1) replace the words “an amount of tax which has been assessed on a person not resident in the Falkland Islands” with “an amount of tax which has been assessed on a person”; and

(ii) replace subparagraph (2) with —

“(2) An amount of unpaid tax may not be included in a notice under this paragraph if the tax was assessed in respect of the emoluments of any employment.”;

(e) in paragraph 4 omit the words “not resident in the Falkland Islands”; and

(f) in paragraph 6, subparagraph (7) omit the words “or paragraph 7”.

PART 3 - Amendment of Medical Services Tax Ordinance 2010

14. Amendment of the Medical Services Tax Ordinance 2010

- (1) This Part amends the Medical Services Tax Ordinance 2010.
- (2) In section 3(1), in the definition of “the Falkland Islands” replace paragraph (a) with —
 - “(a) areas covered by inland and internal waters within the baselines established by article 3 of the Falkland Islands (Territorial Sea) Order 1989 (SI 1989/1993);”.
- (3) Replace section 40 with —

“40. Set off

If a person is entitled to a refund or repayment in respect of an overpayment of Medical Services Tax or excess deductions or payments made on account of Medical Services Tax and the person has an amount remaining unpaid which has become due under either this Ordinance or subsidiary legislation made under it or the Taxes Ordinance 1997 or subsidiary legislation made under it, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

PART 4 - Amendment of subsidiary legislation made under Taxes Ordinance 1997

15. Amendment of Payments On Account of Tax (Employees’ Deductions) Regulations 1997

- (1) This section amends the Payments On Account of Tax (Employees’ Deductions) Regulations 1997.
- (2) Replace regulation 13(2) with —

“(2) For the purpose of paragraph (1), the notice must be given to the Commissioner —

- (a) on or before the 14th day of the calendar month following the month in which the employee commenced employment with that person; or
- (b) if the employee began or begins to work as an employee of an employer in the Falkland Islands or a designated area after their employment with that employer has begun, on or before the 14th day of the month following the month in which the employee began or begins to work in the Falkland Islands or a designated area.”.

16. Amendment of Income Tax (Apportionment of Deductions) Rules 1997

- (1) This section amends the Income Tax (Apportionment of Deductions) Rules 1997.
- (2) Rule 5 of the Income Tax (Apportionment of Deductions) Rules 1997 is revoked.

17. Amendment of Taxes (Benefits in Kind) Rules 2003

- (1) This section amends the Taxes (Benefits in Kind) Rules 2003.

(2) In rule 4 —

- (a) in subrule (2) replace “£40” and “£3,000” with “£60” and “£4,500” respectively;
- (b) in subrule (7), replace Table A with —

**“TABLE A
DWELLING HOUSES**

Recipient	Description of Dwelling House	Annual Value per Room
Any employee	A dwelling house which is substantially furnished	£1,500
Any employee	A dwelling house which is not substantially furnished	£1,150”;

(c) in subrule (8), replace Table B with —

**“TABLE B
BOARD AND ACCOMMODATION**

Benefit	Annual value
Board and accommodation, including heating or electricity (or both)	£18.50 subject to a maximum of £6,100
Board and accommodation, excluding heating or electricity (or both)	£14 subject to a maximum of £4,600
Accommodation only	£7 subject to a maximum of £2,300
Board only	£7 subject to a maximum of £2,300
Heating or electricity (or both)	£4.50 subject to a maximum of £1,500”;

(d) in subrule (8B), replace “£500” with “£750”.

SCHEDULE - Further amendments to Taxes Ordinance 1997

section 12

Section	Amendment
2(1)	(a) in definition of “registered co-operative society” replace “1987” with “1985”; and (b) add in correct alphabetical order the following definition — ““ standard scale ” means the standard scale of fines for offences as set out in Schedule 8 to the Criminal Procedure and Evidence Ordinance 2014;”;
16	(a) delete subsection (4); and (b) in section heading, omit “and dependent relative allowances”;
27	replace “subject to section 32, corporation tax” with “Corporation tax”;
30(1)	replace “Subject to section 32, a company” with “A company”;
32	repeal section;
33(2) and (3)	insert “or the return referred to in section 30(1)(a)” after “accounts” in each place it occurs;
57A	(a) delete subsection (3); and (b) in subsection (4) replace “Subject to subsection (3), any donation” with “Any donation”;
58A	(a) replace “58B to 58D” in each place it occurs with “58B to 58C”; and (b) replace subsection (8) with “(8) For the purposes of this section and sections 58B and 58C, a redundancy payment is treated as received when it is made.”;
58D	repeal section;
65	(a) in subsection (2) — (i) omit “a policy of life assurance or”; and (ii) in paragraph (b), omit “or the individual’s wife”; and (b) in subsection (3A)(b) omit “or his wife”;
67	in subsection (8) omit “, or such higher amount as the Commissioner may allow”;

68	<p>(a) in subsection (2), omit “, or such greater sum as the Commissioner may agree in writing with the individual for that year”;</p> <p>(b) in subsection (5), omit “or such greater amount as the Commissioner may have agreed”; and</p> <p>(c) delete subsection (6);</p>
80	delete subsection (4);
81	in subsection (2)(a) omit “, or such greater sum as the Commissioner may agree in writing with the employee for that year”;
90	in subsection (2) replace “subsection (2)” with “subsection (1)”;
93	<p>(a) delete subsections (3) and (4); and</p> <p>(b) in subsection (5) —</p> <p style="padding-left: 40px;">(i) replace “(1) to (4)” with “(1) and (2)”;</p> <p style="padding-left: 40px;">(ii) replace “is less that” with “is less than”;</p>
117(1) and 117(1)A	insert a comma after “acquisition” in each place it occurs;
125	<p>after subsection (2), add —</p> <p>“(3) A claim for a loss under sections 126, 127 and 128 must be made on the return under section 12 or 30(1) for the period when the loss was sustained and must show on the return where and how the loss is being utilised.”;</p>
128	in subsection (6) omit “or within such further period as the Commissioner may allow”;
136	<p>(a) in subsection (3) replace “subsections (4) and (5) below” with “subsection (5)”;</p> <p>(b) delete subsection (4);</p>
181	in subsection (4), delete second paragraph;
197	in subsection (3)(b), insert “a director,” after “appointed,”;
Schedule 2	in paragraph 20(7) omit “or such longer time as the Commissioner may allow”.

OBJECTS AND REASONS

This Bill amends various pieces of tax legislation. It amends the Taxes Ordinance 1997, the Medical Services Tax Ordinance 2010, Payment on Account of Tax (Employees' Deductions) Regulations 1997, Income Tax (Apportionment of Deductions) Rules 1997 and the Taxes (Benefit in Kind) Rules 2003.

One major change made by this Bill is to Schedule 6 of the Taxes Ordinance. Schedule 6 deals with recovery of tax that is due for activities related to a petroleum licence. The amendment is intended to ease the administration for the recovery of tax from a licensee. Currently the Commissioner issues a notice requiring a licensee to supply to the tax office details of persons whom the licensee has paid, amount paid and the activities in respect of which payment was made. It is then up to the Commissioner to follow up with the companies that have been paid to settle their corporate tax obligations. The proposed change is for the licensee carrying on an activity under the licence to withhold 3% (withholding tax) when making payment of £5,000 or more to a company for transactions in connection with activities authorised by the licence as a result of which the company is or might be liable for tax. The licensee must then submit quarterly returns with information required under paragraph 2 of Schedule 6. The 3% deduction is not corporation tax but an amount on account of corporation tax. The Commissioner may exempt a company that meets criteria set out in paragraph 2B of Schedule 6 from a deduction of withholding tax.

In more detail the individual clauses of the Bill provide as follows:

Clauses 1 and 2 provide for preliminary matters of title and commencement. Different commencement dates apply to different provisions as provided in *clause 2*. *Clause 4* comes into force on 1 January 2022 and has effect for income for years of assessment beginning 1 January 2022. *Clauses 6, 13 and 15* come into force on 1 January 2022. *Clause 17* (benefits in kind) comes into force on 1 January 2022 in respect of the computation of chargeable income for years of assessment beginning 1 January 2023. The amendment to section 125 contained in the Schedule comes into force for the period of account starting on 1 January 2022. The rest of the provisions come into force on publication in the *Gazette*.

Clauses 3 to 13 and the Schedule amend the Taxes Ordinance 1997.

Clause 4 amends section 49 of the Taxes Ordinance so as to reflect the original policy intention in respect of calculating income tax on Falkland Islands distributions received by a Falkland Islands resident person who is not a company. This amendment ensures that the legislation aligns with current tax office practice.

Clause 5 amends section 181 by adding a paragraph (g) to subsection (2) which provides that a decision by the Commissioner to serve a notice under paragraphs (3)(1) or (6)(1) of Schedule 6 is not appealable to the Tribunal. The paragraphs provide for recovery of unpaid tax and recovery of unpaid deductions from a licensee.

Clause 6 replaces section 185. The effect of the amendment is that Schedule 6 will apply to residents as well. This provision has been updated to reflect that Schedule 6 also applies to recovery of unpaid deductions.

Clause 7 amends section 186 by replacing subsection (1A). The new (1A) allows the Commissioner to set off a refund against an amount which is due for payment under the Taxes Ordinance or under the Medical Services Tax Ordinance. The amount must be due for payment at the time of set off.

Clause 8 deletes section 187(2A).

Clause 9 inserts a new section 187A which allows the Commissioner to set off against a refund or repayment of an overpayment of corporation tax.

Clause 10 replaces section 213 (service of notices). The new section allows for electronic service of notices by the Commissioner. A person may provide an electronic address for use by the Commissioner. A person may opt out of receiving notices electronically.

Clause 11 amends section 214 to allow and recognise electronic signatures by the Commissioner or by a person appointed or authorised under section 214(1).

Clause 12 makes further amendments to the Taxes Ordinance which are set out in the Schedule. The amendments correct errors, clarify and update language, correct cross references, repeal redundant provisions etc.

Clause 13 provides for several amendments to Schedule 6 as follows:

(a) Paragraph 2 is replaced.

The new paragraph 2 provides that a licensee must deduct 3 per cent when making payment of £5,000 or more to a company for any transactions in connection with activities authorised by a licence as a result of which the company being paid is or might be liable to tax in the Falkland Islands. A record of the transactions and particulars of the transaction or deduction must be kept and retained for at least six years.

A licensee must submit a quarterly return to the Commissioner for the periods 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December. A return must specify information required under subparagraph 5. The total amount of withholding tax deducted during that period must be paid to the Commissioner at the same time that a return is submitted. A nil return must be submitted where there was no activity that quarter. Interest is payable on any withholding tax that is not paid to the Commissioner within the time specified in paragraph 2(4).

A deduction under paragraph 2 is not corporate tax but it is on account of the liability to corporation tax. The amount may be applied at any time by the Commissioner in payment or reduction of the company's liability to tax.

(b) New paragraphs 2A, 2B and 2C are inserted in Schedule 6.

The new paragraph 2A provides for increases in penalties currently in 2(4), (5) and (6). Failure to comply with paragraph 2(2), 2(3) or 2(4) attracts a penalty not exceeding the maximum of level 7 on the standard scale. Further a licensee who fails to submit a return within the prescribed time is liable to pay £1,000 (up from the current £250) and for each period of 15 days that the return

remains outstanding, another £1,000. The penalties increase to £2,000 and £3,000 respectively for a second, third and further transgressions.

The new paragraph 2B provides for exemption from withholding tax deductions. The Commissioner may exempt certain companies from the 3 per cent deduction. A deduction under paragraph 2(1) will not be made from a company that has been granted an exemption. An exemption may be granted to a company that has good tax compliance evidenced by submission of returns and payment of tax promptly. A company loses an exemption on the first instance that it fails to comply with the Ordinance or the Medical Services Tax Ordinance 2010.

The proposed paragraph 2C provides for a withholding tax certificate to be issued by the licensee, refunds and conversion of currencies. Where withholding tax deducted exceeds the company's tax liability, a refund is payable. No interest accrues on the excess amount. The Commissioner is allowed to settle from the refund other tax liabilities that a company may have under the Taxes or Medical Services Tax Ordinances that are due and remain unpaid.

(c) Paragraphs 3, 4 and 6 are amended.

The amendment to paragraphs 3 and 4 removes reference to "person not resident in the Falkland Islands" hence extending the recovery of unpaid tax to persons resident in the Falkland Islands. Amendment to paragraph 6 is a belated consequential amendment to remove "or paragraph 7" in subparagraph 7. Paragraph 7 was revoked by an amendment in 2015.

Clause 14 amends the Medical Services Tax Ordinance firstly to correct a reference to an Order in the definition of Falkland Islands and secondly to replace section 40. Section 40 provides for set off and the amendment aligns the provision to similar provisions in the Taxes Ordinance. The change makes it clear that set off is only in respect of an amount that has become due.

Clause 15 amends regulation 13(2) of the Payment on Account of Tax (Employees' Deductions) Regulations 1997. The amendment changes the time when a new employee is required to be notified to the Tax Office.

Clause 16 revokes rule 5 of the Income Tax (Apportionment of Deductions) Rules 1997.

Clause 17 amends the Taxes (Benefits in Kind) Rules 2003 to increase values to closer reflect the actual cost of providing specific benefits in kind. No substantial review of the benefits has taken place since the rules were enacted in 2004. With the increase in salaries and cost of living changes in the past 16 years, the benefit in kind values no longer represent the value of the benefit.

Fisheries (Conservation and Management) (Amendment) Bill 2021

(No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
 2. Commencement
 3. Amendment of Fisheries (Conservation and Management) Ordinance 2005
 4. Section 2 amended - Interpretation
 5. Section 17 amended - Individual Transferable Quotas
 6. New subpart and new sections inserted in Chapter 2 after section 17
 7. Section 19 replaced – Notice of Intention to grant Individual Transferable Quotas or Provisional Quotas and criteria in relation to their grant
 8. Section 21 replaced - Grant of Individual Transferable Quota
 9. Section 22 amended - Grant of Provisional Quota
 10. Section 23 replaced - Individual Transferable Quota Eligibility Registers
 11. Section 24 amended - Application for name of company to be placed upon Individual Transferable Quota Eligibility Register
 12. Section 25 replaced - Determination of applications for name of company to be placed upon Individual Transferable Quota Eligibility Register
 13. Section 26 replaced - Period for which name of company shall appear upon Individual Transferable Quota Eligibility Register
 14. Section 31 amended - Duty to notify change of circumstances: removal of company's name from Eligibility Register
 15. Section 36 amended - Offences in relation to certain applications
 16. Section 37 amended - Total Allowable Effort and Catch Entitlements
 17. Section 38 amended - Total Allowance Catch and Catch Entitlements
 18. Section 39 amended - Supplementary to sections 37 and 38
 19. Section 41 amended - Fishing licences
 20. Section 52 amended - Individual Transferable Quota Ownership Register
 21. Section 53 amended - Provisional Quota Ownership Register
 22. Section 55 amended - Catch Entitlement Register
 23. Section 57 amended - Transfer of Individual Transferable Quota
 24. Section 58 amended - Domination of fishing sector
 25. Section 107 replaced - The functions of the Commission
 26. Section 191 amended - Falkland Islands Fishing Companies Association
 27. Section 223 amended - Regulations
 28. New section 223A inserted
 29. Transitional provisions
 30. Minor and consequential amendments
- Schedule - Minor and consequential amendments

Fisheries (Conservation and Management) (Amendment) Bill 2021

(assented to: 2021)
(commencement: in accordance with section 2)
(published: 2021)

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 is the Fisheries (Conservation and Management) (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of the Fisheries (Conservation and Management) Ordinance 2005

This Ordinance amends the Fisheries (Conservation and Management) Ordinance 2005.

4. Section 2 amended – Interpretation

(1) This section amends section 2 of the Fisheries (Conservation and Management) Ordinance 2005.

(2) In section 2 —

(a) replace the definition of “Falkland Islands ship” with —

“**Falkland Islands ship**” means a Falkland Islands ship referred to in section 6 of the Maritime Ordinance 2017;”

(b) replace the definition of “Individual Transferable Quota” with —

“**Individual Transferable Quota**” has the meaning given in section 17(1) and unless specifically stated to the contrary or the context indicates otherwise, includes both Individual Transferable Quota A and Individual Transferable Quota B;”

(c) replace the definition of “Individual Transferable Quota Eligibility Register” with —

“**Individual Transferable Quota Eligibility Register**” means Part A or Part B, as the context requires, of the Individual Transferable Quota Eligibility Register in relation to the fishery concerned provided for by section 23(1);”

(d) replace the definition of “Individual Transferable Quota Ownership Register” with—

“**Individual Transferable Quota Ownership Register**” means Part A or Part B, as the context requires, of the register in relation to the fishery concerned provided for by section 52(1);”

(e) insert the following definitions in correct alphabetical order —

“**approved action plan**” means an action plan referred to in section 17E;”

“**capacity to fish**” has the meaning given by section 17C(11);”

“**Individual Transferable Quota A**” means the Individual Transferable Quota granted before the commencement of the Fisheries (Conservation and Management) (Amendment) Ordinance 2021 or granted under section 21;”

“**Individual Transferable Quota B**” means the Individual Transferable Quota granted under section 17B;”

“**intermediate Individual Transferable Quota company**” means a company which—

- (a) is wholly owned by one or more Individual Transferable Quota B eligible companies; and
- (b) owns at least 51% of a qualifying company to be used by the Individual Transferable Quota B eligible company for fishing;” and

(f) in the definition of “eligible company” replace “17(3)” with “17(6)”.

5. Section 17 amended – Individual Transferable Quotas

(1) In section 17 replace subsections (2) to (6) with —

“(2) Subject to section 58 the Director may, in writing —

- (a) at any time after the commencement of the Fisheries (Conservation and Management) (Amendment) Ordinance 2021, grant an Individual Transferable Quota B to an eligible company in accordance with section 17B; or
- (b) grant Individual Transferable Quota A in accordance with section 21.

(3) The Crown is the owner of the Individual Transferable Quotas in any fishery established under section 16(1) or section 16(2) in the aggregate from time to time of —

- (a) the extent that grants of Individual Transferable Quota made under this section and Provisional Quota made under section 22 in that fishery from time to time do not extend to the whole of the Total Allowable Effort or Total Allowable Catch in that fishery;
- (b) Individual Transferable Quota granted under this section and Provisional Quota granted under section 22 which has been surrendered to the Crown or forfeited to the Crown under the provisions of this Ordinance.

(4) The Crown may deal with the Individual Transferable Quota it owns —

- (a) by granting it, (and where it has previously been granted, as if it had never previously been granted) to a company the name of which appears on Part B of an Individual Transferable Quota Eligibility Register in accordance with the provisions of section 17A or on Part A or Part B of an Individual Transferable Quota Eligibility Register in accordance with this Ordinance; or
 - (b) in the case of Individual Transferable Quota which has previously been granted, by transferring it to a company the name of which appears on the relevant Part of an Individual Transferable Quota Eligibility Register.
- (5) The owner of Individual Transferable Quota may at any time surrender it to the Crown.
- (6) A company is an eligible company —
- (a) in relation to the grant or transfer to it of the whole or part of an Individual Transferable Quota B in respect of a fishery if its name appears in Part B of an Individual Transferable Quota Eligibility Register for the fishery in question; or
 - (b) in relation to the grant or transfer to it of an Individual Transferable Quota A in respect of a fishery if its name appears in Part A or Part B of an Individual Transferable Quota Eligibility Register for the fishery in question.
- (7) An eligible company on Part A of the Individual Transferable Quota Eligibility Register may, subject to section 58, take a transfer of the whole or part of an Individual Transferable Quota A from an eligible company that is on either Part A or Part B of that Register.
- (8) An eligible company on Part B of the Individual Transferable Quota Eligibility Register may, subject to section 58, take a transfer of the whole or part of an Individual Transferable Quota A or B from an eligible company that is on either Part A or Part B of that Register.
- (9) The grant of an Individual Transferable Quota does not take effect, and the transfer of the whole or part of an Individual Transferable Quota does not take effect, until the particulars of the grant or transfer required by section 52 to be registered in the relevant part of the Individual Transferable Quota Ownership Register have been registered.
- (10) An Individual Transferable Quota is a fishing right but does not of itself authorise the taking of fish, which is only authorised by a fishing licence or scientific permit.
- (11) The Director may withhold approval of an application for grant of Individual Transferable Quota or for eligibility for registration on an Individual Transferable Quota Eligibility Register if there are investigations or proceedings against the applicant or a qualifying company specified in the application that could potentially lead to contraventions of section 182 and incurring the prohibitions thereunder until the investigations or proceedings are finalised.”.

6. New subpart and new sections inserted in Chapter 2 after section 17

Insert the following new subpart in Chapter 2 and new sections after section 17 —

“Individual Transferable Quota B

17A. Notice of intention to grant Individual Transferable Quota B or Provisional Quotas and criteria in relation to their grant

(1) The Director must, before granting any Individual Transferable Quota B under section 17B or any Provisional Quota under section 18, publish a notice, notifying that the Director intends to grant those fishing rights specified in the notice in relation to fishing in a specified fishery.

(2) For a newly established fishery, a notice under subsection (1) must be published at least 3 months before the opening of Part B of an Individual Transferable Quota Eligibility Register in respect of that fishery and in relation to Provisional Quota after the opening of a Provisional Quota Eligibility Register in relation to that fishery.

(3) A notice to which subsection (1) relates must specify —

- (a) the criteria in relation to which the Director will assess applications for the grant of Individual Transferable Quota B, or, as the case may be, Provisional Quota and that only applications by companies the names of which appear on Part B of the relevant Individual Transferable Quota Eligibility Register will be considered;
- (b) the procedures that will be followed by the Director when selecting the companies to which the grant will be made;
- (c) the period for which the grant of Individual Transferable Quota B or Provisional Quota will be in force unless it is sooner cancelled or otherwise ceases to apply or to have effect;
- (d) the right of a person aggrieved by a decision to make application for review available under section 108 to persons in relation to the grant of, or the refusal to grant, Individual Transferable Quota B or Provisional Quota; and
- (e) any other matter in respect of the grant that, in the opinion of the Director, should be notified to prospective applicants.

(4) The reference in subsection (1) to a notice is a reference to a notice published —

- (a) in the *Gazette*;
- (b) in a newspaper circulating throughout the Falkland Islands; and
- (c) in such other newspaper or publication (if any) that appears to the Director to be appropriate in the circumstances.

17B. Grant of Individual Transferable Quota B

(1) A grant by the Director of an Individual Transferable Quota B —

- (a) can only be made in respect of a fishery established under section 16(1) or section 16(2);
- (b) must be in writing signed by the Director and must state —

- (i) the fraction it grants of the Total Allowable Effort or Total Allowable Catch in the fishery to which it relates;
- (ii) that the Individual Transferable Quota B may only be transferred to an eligible company whose name appears on Part B of the relevant Individual Transferable Quota Eligibility Register;
- (iii) that Catch Entitlement generated in relation to the Individual Transferable Quota B may only be taken by fishing vessels to which a fishing licence or scientific permit has been granted; and
- (iv) the period, not exceeding 25 years, in respect of which it is made.

(2) On granting any Individual Transferable Quota B the Director must cause sufficient particulars of it and the grantee to be registered in Part B of an Individual Transferable Quota Ownership Register.

17C. Application for name of company to be placed upon Part B of Individual Transferable Quota Eligibility Register

(1) A company may on payment of the prescribed fee, if any, apply to the Director in the approved form for its name to be placed upon Part B of an Individual Transferable Quota Eligibility Register.

(2) An application under subsection (1) must be accompanied by —

- (a) a statutory declaration by a person who is a director of the company to which are exhibited the documents mentioned in subsection (3); and
- (b) information as to such of the things mentioned in subsection (6) as are relevant in relation to the applicant company.

(3) The documents referred to in subsection (2)(a) are —

- (a) a copy of the register of members of the company certified by the secretary of the company to be a true copy of the register as made up to a date not preceding by more than 7 days the date on which the declaration was made;
- (b) a list of the directors and secretary of the company and of their addresses as at the date of the declaration;
- (c) a certified copy of the certificate of incorporation of the company;
- (d) a certified copy of the Articles of Association of the company;
- (e) a copy of the register of members of any company appearing in the register of members to which paragraph (a) refers, certified by the secretary of that company to be a true copy of that register as made up to a date not preceding by more than 7 days the date on which the declaration was made;
- (f) evidence in draft or in final form that the company —

- (i) owns at least 51% of a qualifying company or subject to subsection (8) wholly or partly owns an intermediate Individual Transferable Quota company that owns at least 51% of a qualifying company; or
 - (ii) has capacity to fish in its own right;
 - (g) a copy of the company's approved action plan certified by the secretary of the company as a true copy of the approved action plan for the company;
 - (h) a copy of the last available audited annual accounts of the company, and, in addition where available any later unaudited annual accounts of the company; and
 - (i) any other document prescribed by regulations as being required to be exhibited to the statutory declaration or which the Director may have notified the applicant is required to accompany the application.
- (4) In an application under this section, the Director may accept draft documents under subsection (3)(f) pending the Director's decision under section 17D.
- (5) The statutory declaration referred to in subsection (2)(a) must contain statements on the part of the person making it as to the following matters —
- (a) that they believe all the natural persons appearing in the copy of the register of members referred to in subsection (3)(a) to be persons having Falkland Islands status and who are ordinarily resident in the Falkland Islands;
 - (b) that they believe that none of the persons whose name appears in that register is a nominee or trustee for any other person;
 - (c) if a copy of a register of a company which is a member of the applicant company accompanies the declaration pursuant to subsection (3)(e), that they believe all natural persons whose names appear in that register to be persons having Falkland Islands status, who are ordinarily resident in the Falkland Islands and that they believe that none of those persons is a nominee or trustee for any other person;
 - (d) that they have perused the information provided under subsection (2)(b) and believe that information to be true and that, as far as they are aware it contains all available relevant information to which subsection (6) refers; and
 - (e) any other matter prescribed by regulations as being a matter with which the statutory declaration must deal or which the Director has notified them is required to accompany the application.
- (6) The information referred to in subsection 2(b) is information as to —
- (a) details of any existing business arrangements with any company, body, organisation or person involved in the taking, processing, purchasing or marketing of fish, or the provision of vessels, equipment, or crews;
 - (b) details of any proposed business arrangements with any company, body, organisation or person involved in the taking, processing, purchasing or marketing of fish, or the provision of vessels, equipment, or crews;

- (c) any existing borrowing or financing arrangements with any company, body, organisation or person;
- (d) any proposed borrowing or financing arrangements with any company, body, organisation or person;
- (e) any other information available to the company which demonstrate that —
 - (i) the shareholders of the company who have Falkland Islands status and are ordinarily resident in the Falkland Islands are, or as the case may be, if Individual Transferable Quota B is granted to the company, will be, in effective control of how its Individual Transferable Quota B rights are used;
 - (ii) the company is or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota B is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota B rights are, or as the case may be if Individual Transferable Quota B is granted, will be, commensurate with the level of its business activity;
 - (iii) the company’s income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota B is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.

(7) The Governor may make regulations after consulting the Association and the Committee on the details of the requirements set out in subsection 6(e).

(8) The Director may approve or refuse to approve an arrangement by eligible companies to use an intermediate Individual Transferable Quota company for the ownership of 51% of a qualifying company.

(9) A company aggrieved by a decision of the Director to refuse to approve the use of an intermediate Individual Transferable Quota company under subsection (8), may apply under section 108 for the Commission to review that decision.

(10) An application under subsection (1) may be made in respect of Part B of an Individual Transferable Quota Eligibility Register of any number of established fisheries.

(11) For purposes of subsection (3)(f)(ii) “capacity to fish” means the ability to have active involvement in the taking of fish in —

- (a) a fishery for which a company applies to be on Part B of an Individual Transferable Quota Eligibility Register under this section; or
- (b) a fishery for which a company is already registered for on Part B of the Individual Transferable Quota Eligibility Register.

17D. Determination of applications for name of company to be placed upon Part B of Individual Transferable Quota Eligibility Register

(1) The Director must, provided the prescribed fee, if any, has been paid upon the application, but not otherwise, consider any application under section 17C which the Director receives and determine it in accordance with this section.

(2) The Director must not grant an application for a company's name to be placed upon Part B of an Individual Transferable Quota Eligibility Register by —

(a) any person other than a company which the Director is satisfied is a company incorporated in and having its principal place of business in the Falkland Islands which satisfies the following requirements —

(i) its Articles of Association do not permit —

(aa) the issue of bearer shares, convertible loan stock or convertible debentures;

(bb) the issue of shares to, and the registration of shares in the name of, any person other than persons who have Falkland Islands status and who are ordinarily resident in the Falkland Islands;

(ii) the whole of its issued share capital is owned by, and all of its directors are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands or is owned by companies the whole of the issued share capital of which is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands;

(iii) the company —

(aa) holds a minimum of 51% of all the shares in a qualifying company or wholly or partly owns an intermediate Individual Transferable Quota company that owns 51% of a qualifying company in an arrangement approved by the Director under section 17C(8); or

(bb) has submitted evidence that the company has capacity to fish in its own right;

(b) any company which the Financial Secretary has notified the Director appears on the Financial Secretary's list of persons to whom credit is not to be granted;

(c) any company that does not have an approved action plan;

(d) any company if its directors, or the directors of its associated qualifying company have bound themselves to act or have acted in a way that circumvents their independent judgment; or

(e) any company which has been convicted of an offence specified for the purposes of this paragraph by an Order made by the Governor.

(3) The Director must refuse any application for registration of a company's name upon Part B of an Individual Transferable Quota Eligibility Register unless the Director is satisfied —

- (a) that the shareholders of the company who have Falkland Islands status and are ordinarily resident in the Falkland Islands, or as the case may be, if Individual Transferable Quota B is granted to the company, will be, in effective control of how its Individual Transferable Quota B rights are used;
 - (b) that the company or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota B is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota B rights are, or as the case may be if Individual Transferable Quota B is granted, will be, commensurate with the level of its business activity;
 - (c) that the company's income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota B is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.
- (4) The Governor may upon such conditions, if any, as the Governor sees fit, whether on application of the company concerned or otherwise, authorise the Director, if the Director is satisfied that they can properly do so having regard to the requirements of subsection (3), to enter the name of the company upon Part B of an Individual Transferable Quota Eligibility Register notwithstanding that the Director would otherwise be bound to refuse the application by reason of subsection (2)(a) (ii) or (b).
- (5) Where the documents referred to in section 17C(3)(f) are submitted in draft form, the Director may provisionally approve the application and notify the applicant and at the same time request the applicant to submit final copies that are in the same form as the drafts, and the final copies must be submitted within 21 days of the company being notified of the provisional approval.
- (6) The Director must, as soon as practicable, after final copies are submitted under subsection (5), notify the applicant in writing of the decision to grant or refuse its application for entry of its name upon Part B of an Individual Transferable Quota Eligibility Register.
- (7) If the Director refuses to grant an application, the Director must give the reasons why they have refused the application and if they refused because of failure to meet any of the requirements of subsection (2)(a)(iii)(bb), (2)(d) or subsection (3), the notification must draw the applicant's attention to the right of the applicant under subsection (8) to seek review of the Director's decision.
- (8) A company aggrieved by a decision of the Director to refuse its application for entry of its name upon Part B of an Individual Transferable Quota Eligibility Register because of any of the requirements of subsection (2)(a)(iii)(bb), (2)(d) or subsection (3) may apply under section 108 for the Commission to review that decision.
- (9) There is no right to apply for such review where the refusal is based or partly based on the ground that the provisions of subsection (2), other than (2)(a)(iii)(bb) or (2)(d), are not complied with by the company.

(10) The Governor may by Order under this subsection specify offences for the purposes of subsection (2)(e) and such offences may include offences under the laws relating to fishing or fisheries conservation and management of overseas countries.

17E. Action Plans

(1) The Director must draft an action plan for each company that wishes to apply to be registered on Part B of an Individual Transferable Quota Eligibility Register for purposes of achieving goals set in regulations made under subsection (2).

(2) The Governor may after consulting the Committee and the Association make regulations about action plans.

(3) An action plan must not depart from the goals set in regulations made under subsection (2) and may provide for the following matters —

- (a) milestones or targets for measuring progress against the goals;
- (b) a requirement for transshipment of an amount of catch to be determined by the Director, through the Falkland Islands through a domestic containerisation service;
- (c) targets intended to favour and give preference to businesses or individuals who are based in the Falkland Islands; and
- (d) the period of validity of the action plan.

(4) The Director must submit the draft action plan for consideration by the company for which it is drafted and, allow time for the company to make submissions.

(5) Where a company and the Director agree on an action plan that plan is the approved plan for that company for purposes of submission with an application under section 17C(1) or 26.

(6) If the Director and a company fail to agree an action plan by a date determined by the Director, the action plan as drafted or as amended by the Director after taking into account submissions by the company, becomes the company's approved action plan for purposes of submission with an application under section 17C(1) or 26.

(7) Before finalising an action plan for a company, the Director must consider submissions made to the Director by the company.

(8) Where a company is dissatisfied with the Director's approved action plan to be submitted with the first application by a company for registration on Part B of an Individual Transferable Quota Eligibility Register under section 17C, the company may appeal to the Governor and the Governor may amend the plan or refer the plan back to the Director with directions.

(9) A company aggrieved by the decision of the Director regarding an approved action plan for that company, other than for an application referred to in subsection (8), may apply under section 108 for the Commission to review that decision.

17F. Penalties for breach of action plan

(1) The Director may impose penalties for breach of provisions of an approved action plan.

(2) Penalties that may be applied are —

- (a) a financial penalty;

- (b) loss of Catch Entitlement when next generated and this may be partial or full forfeiture, and may apply to specified fisheries or to all fisheries; or
 - (c) suspension or restriction of the right to buy or hold Catch Entitlement for the next period for which it is generated and this may apply to specified fisheries or all fisheries.
- (3) The Director may apply one or a combination of penalties but the penalty must be reasonable and proportionate to the scale of the breach or breaches.
- (4) The maximum financial penalties that may be applied are —
- (a) for a breach related to transshipment, an amount arrived at by multiplying the shortfall on the target by the relevant freight rate;
 - (b) for any other breach, the total gross value of the eligible company's catch for that year.
- (5) In imposing a penalty, the Director must take into account any mitigating or aggravating circumstances.
- (6) The Director must issue guidance on details of how penalties will be determined.
- (7) A company may appeal to the Disputes Commission if it believes that a penalty is unreasonable or disproportionate.”.

7. Section 19 replaced – Notice of intention to grant Individual Transferable Quotas or Provisional Quotas and criteria in relation to their grant

Replace section 19 with —

“19. Notice of Intention to grant Individual Transferable Quota A and criteria in relation to its grant

- (1) The Director must, before granting any Individual Transferable Quota A under section 21, publish a notice, notifying that the Director intends to grant that fishing right as specified in the notice in relation to fishing in a specified fishery.
- (2) A notice under subsection (1) must be published at least 3 months before the opening of Part A of the Individual Transferable Quota Eligibility Register in respect of that fishery.
- (3) A notice to which subsection (1) relates must specify —
 - (a) the criteria in relation to which the Director will assess applications for the grant of Individual Transferable Quota A, and that only applications by companies whose names appear on the relevant Individual Transferable Quota Eligibility Register will be considered;
 - (b) the procedures that will be followed by the Director when selecting the companies to which the grant will be made;
 - (c) the period for which the grant of Individual Transferable Quota A will be in force unless it is sooner cancelled or otherwise ceases to apply or to have effect;

- (d) the right of a person aggrieved by a decision to make application for review available under section 108 to persons in relation to the grant of, or the refusal to grant, Individual Transferable Quota A; and
 - (e) any other matter in respect of the grant that, in the opinion of the Director, should be notified to prospective applicants.
- (4) The reference in subsection (1) to a notice is a reference to a notice published —
- (a) in the *Gazette*;
 - (b) in a newspaper circulating throughout the Falkland Islands; and
 - (c) in such other newspaper or publication (if any) that appears to the Director to be appropriate in the circumstances.”.

8. Section 21 replaced – Grant of Individual Transferable Quota

Replace section 21 with —

“21. Individual Transferable Quota A

- (1) A grant of Individual Transferable Quota A must be entered in Part A of an Individual Transferable Quota Ownership Register.
- (2) A grant by the Director of an Individual Transferable Quota A —
- (a) can only be made on the establishment of a new fishery under section 16(2)(a) as a result of a variation or revocation of a fishery under section 16(2) (b) or (c);
 - (b) must be in writing signed by the Director and must state —
 - (i) the fraction it grants of the Total Allowable Effort or Total Allowable Catch in the fishery to which it relates;
 - (ii) that the Individual Transferable Quota A may only be transferred to an eligible company whose name appears on Part A or Part B of the relevant Individual Transferable Quota Eligibility Register;
 - (iii) that Catch Entitlement generated in relation to the Individual Transferable Quota A may only be taken by fishing vessels to which a fishing licence or scientific permit has been granted; and
 - (iv) the period up to 2031 in respect for which it is made.
- (3) An eligible company that —
- (a) owns Individual Transferable Quota A; and
 - (b) is granted Individual Transferable Quota B in the same fishery;

may be required by the Director to surrender some or all of its Individual Transferable Quota A in exchange for the Individual Transferable Quota B granted.

(4) The holder of Individual Transferable Quota A must continue to comply with all relevant provisions of this Ordinance in order to remain on Part A of the Individual Transferable Quota Ownership Register.

(5) An eligible company which owns Individual Transferable Quota A whose application for Individual Transferable Quota B is unsuccessful continues to hold the Individual Transferable Quota A as granted and to be listed on Part A of an Individual Transferable Quota Eligibility Register and Part A of an Individual Transferable Quota Ownership Register as long as it continues to meet the relevant criteria.

(6) Any Individual Transferable Quota A that is the subject of an application for Individual Transferable Quota B may not be sold, transferred or otherwise disposed of between the date of application and the date of the outcome of the application.

(7) On granting any Individual Transferable Quota A the Director must cause sufficient particulars of it and the grantee to be registered in Part A of an Individual Transferable Quota Ownership Register.”.

9. Section 22 amended – Grant of Provisional Quota

Section 22 is amended —

(a) in subsection (1) —

(i) after subparagraph (b)(iv) insert —

“(ivA) that it is only convertible to Individual Transferable Quota B”;

(ii) in subparagraph (b)(v), after “Individual Transferable Quota” insert “B”;

(b) in subsection (2), after “upon” insert “Part B of”.

10. Section 23 replaced – Individual Transferable Quota Eligibility Registers

Replace section 23 with —

“23. Individual Transferable Quota Eligibility Registers

(1) There is an Individual Transferable Quota Eligibility Register in relation to every fishery upon which the Director places the name and principal place of business of every company which satisfies the Director on application under sections 17C(1) or 24(1A) that it is eligible to have its name placed upon that Register or the name of which the Governor has authorised the Director under sections 17D(4) or 25(5) to place upon that Register.

(2) The register maintained in accordance with subsection (1) must be divided into the following Parts —

(a) Part A, entries for Individual Transferrable Quota A; and

(b) Part B, entries for Individual Transferrable Quota B.

(3) Subject to subsection (4), the Director must strike out in any part of an Individual Transferable Quota Eligibility Register any entry relating to a company which appears to the Director to be no longer eligible to have its name appear on that part of the Register.

- (4) Before striking out a company's name under subsection (3) the Director must —
- (a) give at least 14 days notice in writing to the company stating the Director's intention to do so; and
 - (b) notify the company that it may at any time within a period not less than 14 days, as stated in the notice, make written representations to the Director against the entry in relation to it in an Individual Transferable Quota Eligibility Register being struck out.
- (5) The Director must take into account representations made under subsection (4)(b) before deciding to strike out the name of the company.
- (6) If the Director strikes out an entry under subsection (3), the Director must forthwith give notice to the company in writing of the effect of such striking out.
- (7) A company that has been struck out may within 90 days of the service of a notice under subsection (6), or such longer period as the Governor may, on the application of the company, in writing agree, do one of the following —
- (a) on application to the Commission under section 108 satisfy the Commission that the decision of the Director was made in error;
 - (b) on application under section 17C(1) or 24(1A), satisfy the Director that it has again become eligible to have its name appear on an Individual Transferable Quota Eligibility Register for the fishery; or
 - (c) dispose, in accordance with this Ordinance, of the Individual Transferable Quota it owns in the fishery to a company or companies the name or names of which appear on an Individual Transferable Quota Eligibility Register.
- (8) Subject to subsection (9), where a company fails to act in accordance with subsection (7) and that company owns Individual Transferable Quota, any grant of that Individual Transferable Quota to the company may be revoked under section 33(2)(d).
- (9) A company may apply under section 108 for the Commission to review a decision of the Director under subsection (3) to strike its name from an Individual Transferable Quota Eligibility Register.”.

11. Section 24 amended – Application for name of company to be placed upon Individual Transferable Quota Eligibility Register

- (1) Replace the heading with —

“Application for name of company to be placed upon Part A of Individual Transferable Quota Eligibility Register”.

- (2) In section 24 —

- (a) replace subsection (1) with —

“(1) This section applies to applications for a company to be placed on Part A of an Individual Transferable Quota Eligibility Register.”;

(b) after subsection (1), insert —

“(1A) A company may on payment of the prescribed fee, if any, apply to the Director in the approved form for its name to be placed upon Part A of an Individual Transferable Quota Eligibility Register.”; and

(c) in subsection (6), after “in respect of” insert “Part A of”.

12. Section 25 replaced – Determination of applications for name of company to be placed upon Individual Transferable Quota Eligibility Register

Replace section 25 with —

“25. Determination of applications for name of company to be placed upon Part A of Individual Transferable Quota Eligibility Register

(1) This section applies to determination of applications for a company to be placed on Part A of an Individual Transferable Quota Eligibility Register.

(2) The Director must, provided the prescribed fee, if any, has been paid upon the application, but not otherwise, consider any application under section 24 which the Director receives and determine it in accordance with the provisions of this section.

(3) The Director must not grant an application for a company's name to be placed upon Part A of an Individual Transferable Quota Eligibility Register by —

(a) any person other than a company which the Director is satisfied is a company incorporated in and having its principal place of business in the Falkland Islands which satisfies the following requirements —

(i) its Articles of Association do not permit —

(aa) the issue of bearer shares, convertible loan stock or convertible debentures;

(bb) the issue of shares to, and the registration of shares in the name of, any person other than persons who have Falkland Islands status and who are ordinarily resident in the Falkland Islands;

(ii) the whole of its issued share capital is owned by, and all of its directors are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands or is owned by companies the whole of the issued share capital of which is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands;

(b) any company which the Financial Secretary has notified the Director appears on the Financial Director's list of persons to whom credit is not to be granted; or

(c) any company which has been convicted of an offence specified for the purposes of this paragraph by an Order made by the Governor.

(4) The Director must refuse any application for registration of a company's name upon Part A of an Individual Transferable Quota Eligibility Register unless the Director is satisfied —

- (a) that the shareholders of the company who have Falkland Islands status are, or as the case may be, if Individual Transferable Quota is granted to the company, will be, in effective control of how its Individual Transferable Quota rights are used;
- (b) the company or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota rights are, or as the case may be if Individual Transferable Quota is thereafter granted, will be, commensurate with the level of its business activity;
- (c) the company's income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.

(5) The Governor may upon such conditions, if any, as the Governor sees fit, whether on application of the company concerned or otherwise, authorise the Director, if the Director is satisfied that the Director can properly do so having regard to the requirements of subsection (4), to enter the name of the company upon Part A of the Individual Transferable Quota Eligibility Register notwithstanding that the Director would otherwise be bound to refuse the application by reason of subsection (3)(a) (ii) or (b).

(6) The Director must, as soon as practicable, notify the applicant in writing of the Director's decision to grant or refuse its application for entry of its name upon Part A of an Individual Transferable Quota Eligibility Register and, if the Director refuses such an application, of the reasons why and, if the Director has refused the application because of any of the requirements of subsection (4) the notification must draw the applicant's attention to the right of the applicant under subsection (7) to seek review of the Director's decision.

(7) A company aggrieved by a decision of the Director to refuse its application for entry of its name upon Part A of an Individual Transferable Quota Eligibility Register because of any of the requirements of subsection (4) may apply under section 108 for the Commission to review that decision, but there is no right to apply for such review where the refusal is based or partly based on the ground that the provisions of subsection (3) are not complied with by the company.

(8) The Governor may by Order under this subsection specify offences for the purposes of subsection (3)(c) and such offences may include offences under the laws relating to fishing or fisheries conservation and management of overseas countries.”.

13. Section 26 replaced – Period for which name of company shall appear upon Individual Transferable Quota Eligibility Register

Replace section 26 with —

“26. Period for which name of company appears upon Individual Transferable Quota Eligibility Register

(1) Unless otherwise provided by Order made by the Governor under this subsection, the name of a company on an Individual Transferable Quota Eligibility Register remains valid and may be renewed under subsection (2) for a period of 12 months from the date of first registration or, as the case may be, the last preceding renewal of registration.

(2) Unless otherwise provided by an Order made under subsection (1), an application for the renewal of the period for which the name of a company appears upon an Individual Transferable Quota Eligibility Register must be made annually not more than 56 days and not less than 28 days before the expiration of the initial period or last preceding renewal granted under this subsection and must be —

- (a) made in the approved form;
- (b) accompanied by the prescribed fee (if any);
- (c) accompanied by a statutory declaration made by a director of the company containing the following statements —

(i) either —

- (aa) that there have been no changes since the date of the application under sections 17C(1) or 24(1A) or, if the period has previously been renewed on application under this subsection, since the last preceding application for renewal under this subsection, in any of the documents copies of which were required to be furnished by sections 17C(3)(a) to (g) and (i) or 24(3) (a) to (e) and (g) upon the application under section 17C(1) or 24(1A); or
- (bb) that there have been such changes, identifying them, if necessary by reference to copy documents exhibited to the statutory declaration, and that there have been no other such changes;

(ii) unless the name of the company was placed upon the Register pursuant to an authorisation given under section 17D(4) or 25(5), that they believe that —

- (aa) all the natural persons appearing in the copy of register of members of the company on the date the statutory declaration is made to be persons having Falkland Islands status, and who, for applications for Part B of the Individual Transferable Quota Eligibility Register, are ordinarily resident in the Falkland Islands;
- (bb) none of the persons whose name appears in the register is a nominee or trustee for any other person;
- (cc) all the natural persons whose names appear in the register of members of any company which is a shareholder of the company to which the registration relates to be persons having Falkland Islands status, and who, for applications for Part B of the Individual Transferable Quota Eligibility

Register, are ordinarily resident in the Falkland Islands and that they believe that none of those persons is a nominee or trustee for any other person;

- (iii) if the name of the company was first registered pursuant to an authorisation given under section 17D(4) or 25(5) either —
 - (aa) that there has been no change in the ownership of the shares of the company since the date of the original application leading to the first registration or, if the registration has been renewed under this subsection, since the date of the last preceding application for renewal of the application; or
 - (bb) that there have been such changes, identifying them, if necessary by reference to copy documents exhibited to the statutory declaration, and that there have been no other such changes;
- (iv) either —
 - (aa) that there have been no changes since the date of the application under section 17C(1) or 24(1A) or if the period of appearance of the company's name upon the register has been previously renewed under this subsection, since the date of the last preceding application under this subsection, in any of the matters to which section 17C(6) or 24(5) relates; or
 - (bb) state that there have been such changes, identifying them and exhibiting any documents not previously exhibited to a statutory declaration under this section which section 17C(6) or 24(5) would have required to be exhibited were the application for under this subsection an application under section 17C(1) or 24(1A);
- (v) statements as to such other matters as may be prescribed to be contained in the statutory declaration;
- (vi) a statement that a company listed on Part B of an Individual Transferable Quota Eligibility Register has not ceased to be a member of the Association under section 191(5)(a)(iii); and
- (vii) such other matters as required by the Director in respect of a company registered in Part B of the Individual Transferable Quota Eligibility Register regarding the company's performance in respect of the targets and milestones in its approved action plan.

(3) The Director may grant an application for renewal under subsection (2) if the Director is satisfied on considering the application that the company continues to meet the requirements for appearance of its name upon the relevant Part of the Individual Transferable Quota Eligibility Register.

(4) The Director may refuse any application under subsection (2) on any ground upon which under section 17D or 25 the Director may refuse an application under section 17C(1) or 24(1A), but if they refuse any such application the Director must notify the applicant in writing within 7 days of the reason or reasons for the refusal.

(5) The Director may, in exceptional circumstances, allow a company to remain on Part B of the Individual Transferable Quota Eligibility Register without demonstrating —

- (a) ability to undertake fishing in its own right or through a qualifying company; or
- (b) membership of the Association.

(6) If the Director refuses an application made under subsection (2) of this section, section 17D(8) or 25(7) applies to the same extent as it would had the application been an application under section 17C(1) or 24(1A) which the Director had refused on a corresponding ground.

(7) If a company fails to make application under subsection (2) in accordance with that subsection and has not notified the Director under section 31(3) that it is no longer eligible to hold Individual Transferable Quota, it commits an offence and the Director must, whether or not the company is prosecuted for that offence, as soon as its registration upon that part of the Register expires, serve notice upon the company under section 33(2) of revocation of the Individual Transferable Quota held by the company, on the ground specified in section 33(2)(h).”.

14. Section 31 amended – Duty to notify change of circumstances: removal of company’s name from Eligibility Register

In section 31(2)(a) —

- (a) in the introductory words, replace “section 24(1)” with “section 17C(1) or 24(1A)”;
- (b) in subparagraph (i), replace “section 25(2)” with “section 17D(2) or 25(3)”;
- (c) in subparagraph (ii), replace “section 25(4)” with “section 17D(4) or 25(5)”.

15. Section 36 amended – Offences in relation to certain applications

In section 36(1)(a), replace “section 24(1)” with “section 17C(1) or 24(1A)”.

16. Section 37 amended – Total Allowable Effort and Catch Entitlements

In section 37 —

- (a) replace subsection (7) with —

“(7) Any Catch Entitlement generated under subsection (5) must be registered by the Director in the relevant Part in the Catch Entitlement Register maintained under section 55.”;

- (b) after subsection (7) insert —

“(7A) Catch Entitlement —

- (a) generated under Individual Transferable Quota A, may be transferred to a transferee on Part A or Part B of the Individual Transferable Quota Eligibility Register;

- (b) generated under Individual Transferable Quota B must only be transferred to a transferee who is on Part B of the Individual Transferable Quota Eligibility Register.”.

17. Section 38 amended – Total Allowable Catch and Catch Entitlements

In section 38 —

- (a) in subsection (5) in the definition of “b”, after “Individual Transferable Quota” insert “or Provisional Quota”;
- (b) in subsection (6) after “3 months” insert “, or such shorter period as may be specified by regulations,”;
- (c) replace subsection (7) with —

“(7) Any Catch Entitlement generated under subsection (5) must be registered by the Director in the relevant Part in the Catch Entitlement Register maintained under section 55.”;

- (d) after subsection (7) insert —

“(7A) Catch Entitlement —

- (a) generated under Individual Transferable Quota A, may be transferred to a transferee who is on Part A or Part B of the Individual Transferable Quota Eligibility Register;
- (b) generated under Individual Transferable Quota B must only be transferred to a transferee who is on Part B of the Individual Transferable Quota Eligibility Register.”.

18. Section 39 amended – Supplementary to sections 37 and 38

In section 39, delete subsection (3).

19. Section 41 amended – Fishing licences

In section 41 —

- (a) replace subsection (8) with —

“(8) The Director must not grant —

- (a) to any person other than a qualifying company a fishing licence authorising the taking of any part of any Catch Entitlement generated by any Individual Transferable Quota; or
- (b) a fishing licence under paragraph (a) for Catch Entitlement derived from Individual Transferable Quota B where a vessel is being used through a charter party agreement if the charter party agreement has not been approved by the Director.”;

(b) after subsection (8) insert —

“(8A) The Director may approve or refuse to approve a charter party agreement for purposes of this section and in coming to a decision the Director must be guided by the requirements in sections 17C(6)(e) and 17D(3).

(8B) A company aggrieved by a decision of the Director to refuse to approve a charter party agreement under subsection (8A), may apply under section 108 for the Commission to review that decision.”;

(c) replace subsection (14) with —

“(14) For the purposes of subsection (8), a qualifying company is —

(a) in respect of Individual Transferable Quota A, a company —

- (i) which is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands; and
- (ii) in which at least 25.1% or such other percentage as may be specified by regulations of each class of the shares in the company carrying voting rights at general meetings of the company are owned by persons having Falkland Islands status and who are ordinarily resident in the Falkland Islands or by a company or companies incorporated in the Falkland Islands and wholly so owned;

(b) in respect of Individual Transferable Quota B, a company —

- (i) which is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands;
- (ii) the majority of whose Directors are persons with Falkland Islands status and who are ordinarily resident in the Falkland Islands or are companies which satisfy the following requirements —
 - (aa) it is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands;
 - (bb) its Articles of Association do not permit the issue of bearer shares, convertible loan stock or convertible debentures nor the issue of shares to, or the registration of shares in the name of, any person other than persons who have Falkland Islands status and are ordinarily resident in the Falkland Islands;
 - (cc) the whole of its issued share capital is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands; and
- (iii) in which at least 51% or such other percentage as may be specified by regulations of all classes of shares in the company (whether or not they carry voting rights) are owned by the eligible company that owns the Catch Entitlement that is to be fished under the licence or are owned by

an intermediate Individual Transferable Quota company as approved by the Director under section 17C(8), that is wholly or partly owned by that eligible company; or

- (iv) which is an Individual Transferable Quota B eligible company.”.

20. Section 52 amended – Individual Transferable Quota Ownership Register

In section 52 —

- (a) after subsection (1) insert —

“(1A) The Individual Transferable Quota Ownership Register under subsection (1) must be divided into the following parts —

- (a) Part A, for entries in respect of Individual Transferable Quota A;
(b) Part B, for entries in respect of Individual Transferable Quota B.”;

- (b) in subsection (2) replace the introductory words with —

“The Director must register in the relevant part of an Individual Transferable Quota Ownership Register —”; and

- (c) in subsection (2)(c), replace “section 21(4)” with “section 17B(2) or 21(7)”.

21. Section 53 amended – Provisional Quota Ownership Register

In section 53(2) replace paragraph (d) with —

“(d) particulars of every conversion of Provisional Quota in that fishery to Individual Transferable Quota B in that fishery;”.

22. Section 55 amended – Catch Entitlement Register

In section 55 —

- (a) after subsection (1), insert —

“(1A) The Catch Entitlement Register maintained under subsection (1) must be divided into the following Parts —

- (a) Part A, for entries of Catch Entitlement in respect of fisheries in respect of which Individual Transferable Quota A has been granted;
(b) Part B, for entries of Catch Entitlement in respect of fisheries in respect of which Individual Transferable Quota B has been granted.”;

- (b) in subsection (2) replace the introductory words with —

“The Director must register in the relevant Part of a Catch Entitlement Register —”; and

- (c) replace subsections (4) and (5) with —

“(4) The Director must not register any transfer of any Catch Entitlement generated under section 37 or section 38 —

- (a) in respect of any Individual Transferable Quota A unless the company is registered on Part A or Part B of the Individual Transferable Quota Eligibility Register in respect of the fishery concerned;
- (b) in respect of Individual Transferable Quota B, unless the company is registered on Part B of the Individual Transferable Quota Eligibility Register in respect of the fishery concerned; or
- (c) in relation to any Provisional Quota, unless the company is registered under section 53(2)(e) in the Provisional Quota Ownership Register relating to the fishery concerned.

(5) Any transfer of Catch Entitlement that contravenes subsection (4) is void.”.

(d) delete subsection (6).

23. Section 57 amended – Transfer of Individual Transferable Quota

In section 57(1) —

(a) replace paragraph (c) with —

“(c) the name of the transferee —

- (i) in respect of Individual Transferable Quota A, does not appear on Part A or Part B of the Individual Transferable Quota Eligibility Register;
- (ii) in respect of Individual Transferable Quota B, does not appear on Part B of the Individual Transferable Quota Eligibility Register;”;

(b) replace subsection (4) with —

“(4) A transfer of Individual Transferable Quota to any person is void if it is to any person other than a company the name of which —

- (a) in respect of Individual Transferable Quota A, is registered upon Part A or Part B of an Individual Transferable Quota Eligibility Register; or
- (b) in respect of Individual Transferable Quota B, is registered upon Part B of an Individual Transferable Quota Eligibility Register.”.

24. Section 58 amended – Domination of fishing sector

In Section 58 —

(a) in subsection (3) —

- (i) replace the semi-colon at the end of paragraph (b) with a full stop; and
- (ii) omit the concluding words;

(b) after subsection (3), insert —

“(3A) Where a divestment notice is served under subsection (3), the Director must enter a caveat against the transfer of so much of the Individual Transferable Quota of the relevant owner as the divestment notice relates to —

- (a) Individual Transferable Quota A, in Part A or Part B of the Individual transferable Quota Ownership Register; or
- (b) Individual Transferable Quota B, in Part B of the Individual Transferable Ownership Register.”; and

(c) in subsection (4)(b), replace “register in the Individual Transferable Quota Register” with “register in the relevant Part of the Individual Transferable Quota Ownership Register”.

25. Section 107 replaced – The functions of the Commission

Replace section 107 with —

“107. The functions of the Commission

The functions of the Commission are to review decisions made by the Director —

- (a) under section 17C(8), to refuse to approve an arrangement by eligible companies for an intermediate Individual Transferable Quota company;
- (b) under section 17D(8) to refuse an application for entry of a company’s name upon Part B of an Individual Transferable Quota Eligibility Register;
- (c) under section 17E(9) relating to approval of an action plan for an eligible company;
- (d) under section 17F(8), relating to a penalty imposed by the Director;
- (e) under section 20 as to the person or persons to whom the grant of Individual Transferable Quota or Provisional Quota is made;
- (f) under section 23(3) to strike out an entry in an Individual Transferable Quota Eligibility Register;
- (g) under section 25(4) to refuse an application for entry of a company's name upon Part A of an Individual Transferable Quota Eligibility Register;
- (h) under section 26(3) to renew the registration of a company’s name upon an Individual Transferable Quota Eligibility Register;
- (i) under section 26(4) to refuse to renew the registration of a company's name upon an Individual Transferable Quota Eligibility Register;
- (j) under section 27(2) to strike out an entry in a Provisional Quota Eligibility Register;
- (k) under section 29(3) to refuse an application for registration of a company's name upon a Provisional Quota Eligibility Register;

- (l) under section 30(4) to refuse to renew the registration of a company's name upon Provisional Quota Eligibility Register;
- (m) to serve a notice upon a company under section 31(4); and
- (n) under section 33(2)(c) or (f), to revoke a grant of Individual Transferable Quota or Provisional Quota; and
- (o) under section 41(8A) to refuse to approve a charter party agreement.”.

26. Section 191 amended – Falkland Islands Fishing Companies Association

In section 191, replace subsections (4) to (7) with —

“(4) Any company —

- (a) which is listed in Part B of an Individual Transferable Quota Eligibility Register must become a member of the Association whether or not they own Individual Transferable Quota or Catch Entitlement; or
- (b) which is listed on Part A of an Individual Transferable Quota Eligibility Register or on the Provisional Quota Eligibility Register is entitled, but is not compelled to be, a member of the Association.

(5) A company —

- (a) referred to in subsection (4)(a) —
 - (i) automatically becomes a member of the Association upon the granting of an application under section 17D;
 - (ii) must notify the Association in writing of the grant of the application and the Association must add the company to its list of members; and
 - (iii) the company remains a member of the Association until it ceases to be listed on Part B of the Individual Transferable Quota Eligibility Register or ceases to be a member in accordance with the rules of the Association;
- (b) referred to in subsection (4)(b) becomes a member of the Association upon notifying the Association in writing that it wishes to be a member of the Association and remains a member of the Association until the earlier of —
 - (i) its ceasing to be listed on Part A of the Individual Transferable Quota Eligibility Register or on the Provisional Quota Eligibility Register;
 - (ii) its resigning membership of the Association by notice in writing addressed to the Secretary of the Association; or
 - (iii) its ceasing to be a member in accordance with the rules of the Association.

(6) The Association must appoint —

- (a) a Chair and Vice-chair from among the directors of companies which are members of the Association or from senior managers employed by those companies; and
- (b) a Secretary.

(7) The Association must have such rules not inconsistent with the foregoing subsections as are determined by its members but such rules must prescribe —

- (a) the functions of the Chair and Vice-chair of the Association and the manner in which and intervals at which they are elected;
- (b) the functions of the Secretary of the Association;
- (c) the procedure at meetings of the Association;
- (d) that books of account must be kept in respect of the Association's income and expenditure and that they are audited;
- (e) that an annual general meeting is held of members of the Association and that the audited accounts of the Association are laid before and approved at such annual general meeting.”.

27. Section 223 amended – Regulations

In section 223(2), after paragraph (c) insert —

- “(cA) providing for action plans in accordance with section 17E;
- (cB) providing for requirements under section 17C(6)(e);”.

28. New section 223A inserted

After section 223, insert —

“223A. Director to issue Guidance

- (1) The Director may issue guidance on any matters for purposes of this Ordinance.
- (2) Guidance issued under subsection (1) must be made available to all eligible companies, qualifying companies and other interested parties, on request (electronically or in hard copy).”.

29. Transitional provisions

(1) In this section —

“**Amendment Ordinance**” means the Fisheries (Conservation and Management) (Amendment) Ordinance 2021;

“**Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005;

“**Registers**” means Catch Entitlement Register, Individual Transferable Quota Eligibility Register and Individual Transferable Quota Ownership Register; and

(2) The Individual Transferable Quota that was granted to a company before the commencement of the Amendment Ordinance becomes Individual Transferable Quota A with effect from the date of commencement.

(3) A grant of Individual Transferable Quota before the commencement of the Amendment Ordinance, and the Catch Entitlement deriving from that Quota, will continue to exist in the same form that it was granted until it is surrendered, cancelled, forfeited or it expires in accordance with the provisions of the Ordinance.

(4) The Director must divide the existing Registers on commencement of the Amendment Ordinance into Part A and Part B.

(5) All the companies that are listed in the Individual Transferable Quota Eligibility Register or in the Individual Transferable Quota Ownership Register as on the date of commencement of the Amendment Ordinance must be moved to Part A of the relevant Register.

(6) The Director must move all existing entries in the Catch Entitlement Register and the Individual Transferable Quota Ownership Register relating to the Individual Transferable Quota granted before commencement of the Amendment Ordinance into Part A of the relevant Register.

30. Minor and consequential amendments

The provisions in the first column of the Schedule are amended to the extent shown in the second column.

SCHEDULE - Minor and consequential amendments

section 30

Section	Amendment
22(1)(b)(vi)	After “licence” insert “or a scientific permit”;
31(4)	(i) replace “subsection (2)” the first time it occurs with “subsection (3)(a)”; (ii) replace “in paragraphs (a), (b) and (c) of subsection (2)” with “subparagraphs (i), (ii) and (iii) of subsection (3)(b)”;
31(5)	(i) replace “subsection (2)” with “subsection (3)(a)”; (ii) replace “subsection (3) with “subsection (4)”;
31(6)	replace “subsection (3)” with “subsection (4)”;
31(7)	(i) replace “subsection (3)” the first time it occurs with “subsection (3)(a)”; (ii) replace “subsection (3)” the second time it occurs with “subsection (4)”; (iii) replace “subsection (4)” with “subsection (5)”; (iv) in the concluding words, replace “subsection (3)” with “subsection (4)”;
31(8)	replace “subsection (2)” with “subsection (3)(a)”;
31(9)	replace “subsection (6)” with “subsection (7)”;
33(2)	(i) in paragraph (e), replace “section 31(6)(c)” with “section 31(7)(c)”; (ii) in paragraph (h), after “Quota” the first time it occurs, insert “Eligibility”;
34(5)	after “forfeited or ceases to” insert “have effect”;
38(5)	replace the full stop after “subsection (1)” the second time it occurs, with a semi-colon and insert the following concluding words — “but the catch entitlement does not authorise the taking of fish, which is only authorised by a fishing licence or scientific permit.”
39(1)(b)	replace “, or” with a full stop;

47(8)(b)	replace “subsection (8)” with “subsection (7)”;
130	(i) in subsection (7), replace “subsection (4) or (5)” with “subsection (5) or (6)”; (ii) in subsection 8(b), replace subparagraph (ii) with — “(ii) the fishing vessel is no longer registered in the Falkland Islands under Part 2 of the Maritime Ordinance 2017;”;
174(3)	delete “or otherwise sold”;
195(1)(b)	before “the” insert “to have been committed by”;
212(2)(c)	after “sections” insert “17C,”;
215	(i) in subsection (8), after “grounds” replace “o” with “on”; (ii) in subsection (9) replace “subsection (1)” with “subsection (8);
217(1)	replace “215(1)(a) or (b)” with “216(1)(a) or (b)”;
221(1)(d)	after “last” insert “known”;
Schedule 1	replace “Sections 1 to 7, 10 to 12, 18 and Schedule 1” with “Sections 1 to 7, 9 to 11, 17 and Schedule 1”.

OBJECTS AND REASONS

The Fisheries (Conservation and Management) Ordinance 2005 (the Ordinance) established the Individual Transferable Quota (ITQ) regime as well as measures to manage the Falkland Islands fisheries. ITQ has been granted in 8 fisheries. The rights were granted for 25 years and are due to expire in 2031. It is intended that the ITQ system will continue to operate beyond 2031 so the grant of new ITQ rights is required.

This Bill amends the Ordinance in order to introduce a new ITQ to be known as ITQ B. The ITQ that has been granted under the Ordinance will be renamed Individual Transferable Quota A (ITQ A). Under the Ordinance ITQ is granted to an eligible company. Currently, a company becomes eligible if it meets criteria set out in section 24 which enables the company to be listed on the Individual Transferable Quota Eligibility Register (Eligibility Register). A company that is listed on the Eligibility Register can apply for ITQ. Details of an eligible company that has been granted ITQ are entered into the Individual Transferable Quota Ownership Register (Ownership Register). Successful listing on the Eligibility Register enables the company to hold Catch Entitlement and successful listing on the Ownership Register generates Catch Entitlement under sections 37 and 38 of the Ordinance. However actual fishing may only be done by a qualifying company that has been issued with a fishing licence under section 41. As the law stands, 25.1% of the voting shares of a qualifying company must be owned by persons with Falkland Islands status who are ordinarily

resident in the Falkland Islands or by companies incorporated in the Falkland Islands and wholly so owned.

The new ITQ B system will work in a similar way except that there will be enhanced eligibility criteria around Falkland Islands ownership and control. ITQ B rights will be issued for a period of 25 years. The conversion of ITQ A to ITQ B is not compulsory and must happen without affecting the existing operation of ITQ A rights for companies that choose to remain with their existing rights. The new system extends the fishing rights beyond 2031 for those who choose to take up ITQ B, be it with strengthened requirements. The new requirements are intended to promote effective control, active involvement and economic efficiency.

The proposed new requirements for ITQ B eligibility are as follows:

1. An eligible company that owns the Catch Entitlement to be fished must own at least 51% of the qualifying company that will undertake the fishing or provide evidence that the eligible company has capacity to fish in its own right. Capacity to fish is defined in section 17C(11).
2. An intermediate ITQ company (defined) may be used for the ownership of the 51% in a qualifying company provided the intermediate ITQ company is wholly owned by one or more eligible companies and is approved by the Director.
3. An eligible company whether or not it owns any ITQ B must become a member of the Falkland Islands Fishing Companies Association. Currently membership of the Association is optional and restricted to companies that own ITQ.
4. Each company that wishes to be listed on the Eligibility Register must have an action plan in place. The action plan will provide for targets and milestones for the specific company for the achievement of goals set out in regulations.
5. Catch Entitlement generated by ITQ B can only be held by an ITQ B eligible company.
6. An eligible company's directors must each exercise independent judgment on matters before the company.
7. The majority of directors of a qualifying company must have Falkland Islands status and must be ordinarily resident in the Falkland Islands. The directors must also exercise independent judgement. Certain companies will be permitted to act as a director of a qualifying company.
8. A charter party agreement when exploiting Catch Entitlement generated by ITQ B must be approved by the Director.

The structure of the Bill

The administration of the ITQ system will continue as it is currently structured with adjustments to cater for specific requirements for ITQ B. Some provisions will apply to both ITQ A and ITQ B. "Individual Transferable Quota" in the Ordinance without qualification, includes both ITQ A and ITQ B unless the context otherwise requires. Section 17 is amended and contains provisions that apply generally to both ITQ A and ITQ B. Section 17 allows for the grant of ITQ A (only up to 2031) and ITQ B (for up to 25 years). The registers i.e. Individual Transferable Quota Eligibility

Register, Individual Transferable Quota Ownership Register and Catch Entitlement Register will be split into two parts; Part A for ITQ A entries and Part B for ITQ B entries.

A new subpart is inserted in Chapter 2 containing new sections that only deal with ITQ B (17A to 17F). Sections 17A to 17D mirror current sections 19 to 25. Sections 19, 21, 24 and 25 will, going forward, apply to ITQ A only.

The new sections largely repeat the existing sections with adjustments to include the new requirements set out in 1 to 8 above. Section 17A provides for notification by the Director of intention to grant ITQ B (mirrors section 19). Section 17B provides for the grant of ITQ B (mirrors section 21). Section 17C (mirrors section 24) deals with application for a company to be placed on Part B of the Individual Transferable Quota Eligibility Register. The enhanced requirements are included in this new section. Section 17D (mirrors section 25) provides for the determination of applications for a company to be placed on Part B of the Individual Transferable Quota Eligibility Register. The Director has to be satisfied that all the requirements, including the new ones, are met in coming to a determination. Section 17E deals with a new requirement that each ITQ B company must have an action plan specific to that company. Section 17F provides for penalties for breach of an approved action plan.

Section 26 provides for the period for which a company appears and remains on the Eligibility Register. This section applies to both ITQ A and ITQ B and necessary adjustments have been made to accommodate ITQ B. A company stays on the register for 12 months at a time subject to renewal. For renewal a company must continue to meet the requirements that enabled its placing on the register.

The amendments to other sections are intended to give effect to the separation of ITQ A and ITQ B, for example registers are split into Part A and Part B. The specific clauses of the Bill provide as follows:

Clauses 1 to 3 are introductory. The Bill comes into force on a date appointed by the Governor by notice in the *Gazette*.

Clause 4 gives meaning to certain words that are used in the Bill.

“Individual Transferable Quota” has the meaning given in section 17(1) and it covers both ITQ A and ITQ B, unless stated to the contrary or the context indicates otherwise.

“Individual Transferable Quota Eligibility Register” and “Individual Transferable Quota Ownership Register” are redefined to reflect the split into two parts, for ITQ A entries and ITQ B entries.

New terms are defined which are “approved action plan”, “capacity to fish”, “Individual Transferable Quota A”, “Individual Transferable Quota B” and “intermediate ITQ company”.

Clause 5 amendment of section 17.

Section 17(1) defines an Individual Transferable Quota and that is not changing. Subsection (2) enables the Director, from commencement of the amendments in this Bill, to grant ITQ B in accordance with section 17B and ITQ A in accordance with section 21. All existing ITQ becomes

ITQ A from commencement and will continue in the same form as granted until it is surrendered, cancelled, forfeited or it expires (*clause 29*). The Crown is the owner of ITQ as provided under subsection (4) and an owner of ITQ may at any time surrender it to the Crown. Subsection (6) gives the meaning of an eligible company and of note is the fact that an ITQ B eligible company can be granted or take transfer of either ITQ A or ITQ B. An ITQ A company can only be granted or take transfer of ITQ A. A company may apply for registration on Part B of the Eligibility Register (subsections (7) and (8)).

The grant or transfer of ITQ only takes effect on registration of the particulars in the Ownership Register (subsection (9)). Subsection (10) states that an ITQ does not in itself authorise the taking of fish, without a fishing licence or a scientific permit. Under subsection (11) the Director may withhold approval of an application for grant or eligibility if there are investigations or proceedings against the company which could lead to contravention of section 182.

Clause 6 inserts a new subpart in Chapter 2 to provide for ITQ B. New sections 17A, 17B, 17C 17D, 17E and 17F are inserted after section 17. The new sections provide as follows:

(a) **Section 17A** (Notice of intention to grant Individual Transferable Quota B or Provisional Quotas and criteria in relation to their grant) (mirrors section 19)

This section requires the Director to notify by public notice that they intend to grant ITQ B or Provisional Quota. The notice must specify the criteria that the Director will use in assessing the applications; the procedures to be followed when selecting companies; the period for which the grant of ITQ B or Provisional Quota will be in force; and the right to apply for review of the Director's decisions to grant or refuse ITQ B or Provisional Quota under section 108. A notice must be published in the *Gazette*, newspaper circulating in the Falkland Islands and any other newspaper that the Director considers to be appropriate.

(b) **Section 17B** (Grant of Individual Transferable Quota B) (mirrors section 21)

This section provides for the grant of ITQ B which can only be made in respect of fisheries established under section 16(1) or 16(2). The grant must be in writing, signed by the Director with the following information:

- (i) the fraction it grants of the Total Allowable Effort or Total Allowable Catch;
- (ii) that the ITQ B can only be transferred to an eligible company registered under Part B of the Eligibility Register;
- (iii) that Catch Entitlement can only be taken by fishing vessels to which a fishing licence or scientific permit has been issued; and
- (iv) the period in respect of which it is made, not exceeding 25 years.

Particulars of a grant and of the grantee must be registered in Part B of the Individual Transferable Quota Ownership Register maintained under section 52.

(c) **Section 17C** (Application for name of company to be placed upon Part B of the Individual Transferable Quota Eligibility Register) (mirrors section 24)

This section introduces new requirements in respect of applications for eligibility to be placed on Part B of the Eligibility Register. In addition to the current requirements in section 24, new information that must be submitted with an application is:

(i) evidence that the company owns at least 51% of a qualifying company or that it wholly or partly owns an intermediate Individual Transferable Quota company that owns at least 51% of a qualifying company. A qualifying company is the company that is used for fishing. Alternatively, the applicant company must submit evidence that it has capacity to fish in its own right. Capacity to fish is defined in 17C(11) as the ability to have active involvement in the taking of fish in respect of a fishery applied for under that section or a fishery for which the relevant company is already included on the ITQ B Eligibility Register. An intermediate Individual Transferable Quota company must be wholly owned by ITQ B eligible companies; and

(ii) a copy of the company's approved action plan;

The documents relating to (i) may be submitted in draft form pending submission of final documents on confirmation of the Director's intention to grant eligibility.

(d) **Section 17D** (Determination of applications for name of company to be placed upon Part B of Individual Transferable Quota Eligibility Register) (mirrors section 25)

This section provides that the Director must be satisfied about the matters set out in that section before granting an application. The policy behind enhancing the requirements is to improve on effective control, active involvement and economic efficiency as currently set out in section 25(3) and repeated in section 17D(3). The Director has to be satisfied that a company applying for eligibility meets the following:

(i) it is registered in the Falkland Islands and that its principal place of business is in the Falkland Islands (same as current);

(ii) it is 100% owned by persons with Falkland Islands status and this must be reflected in the company's articles of association (same as current);

(iii) shareholders must not act as nominees or trustees (same as current);

(iv) Directors of the company must be ordinarily resident in the Falkland Islands (new);

(v) the company holds at least 51% of all shares in a qualifying company or wholly or partly owns an intermediate Individual Transferable Quota company which owns at least 51% of a qualifying company or that the applicant company has capacity to fish in its own right (enhanced percentage and extension to all shares, currently only voting shares covered) (enhanced requirements);

(vi) the company becomes a member of the Falkland Islands Fishing Companies Association (currently membership is optional and depends on ownership of ITQ);

(vii) The directors have not bound themselves to act in a way that circumvent their independent judgment (new);

(viii) has an approved action plan (new).

Subsection (3) provides that the Director must further be satisfied that:

(i) if ITQ B is granted to the company, the shareholders will be in effective control of how its ITQ B rights are used (same as current);

(ii) the company will be actively involved in one or more of the taking, processing or selling fish and that the company's holdings of ITQ B rights are or may be if ITQ B is granted, will be commensurate with its level of its business activity (same as current); and

(iii) the company's income and economic returns from taking, processing and sale of fish represent a sufficient return and will not over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights (same as current).

The other change is that a company is allowed to submit certain documents in draft form in support of an application and the Director may make a provisional decision pending submission of finalised documents. The final documents must be in the same form as the drafts that the Director based their decision on.

The rest of the provisions in that section are a replica of the existing section 25.

(e) **Section 17E** (Approved action plans) (new)

Section 17E will provide for approved action plans which is a new requirement for registration on Part B of the Eligibility Register. Each company must have its own approved action plan. The Director prepares the first draft of an action plan based on goals set out in regulations. Regulations are made after consultation with the Committee and the Association. The Director must submit a draft of an action plan for consideration by the company and allow time for the company to make submissions. The Director must consider the submissions and if the Director and the company agree on an action plan, that action plan becomes the company's approved action plan for submission with an application under section 17C or 26.

If the company and the Director fail to agree, the action plan as drafted or revised by the Director becomes the company's approved action plan for submission with an application under section 17C or 26.

An action plan must not depart from the goals set in the regulations. The Director may include in an action plan, milestones and targets, requirement for transshipment of an amount of catch through the Falkland Islands through a domestic containerisation service, targets intended to favour businesses or persons in the Falkland Islands and the period of validity.

A company that is dissatisfied with the Director's approved action plan, for a first application for ITQ B under section 17C, may appeal to the Governor. For subsequent applications, a company may take the Director's decision on review to the Disputes Commission under section 108.

(f) **Section 17F** (Penalties for breach of action plans)

Section 17F will provide for penalties that the Director may apply for breach of provisions of an action plan by an eligible company. The possible penalties that may be applied by the Director are a financial penalty, loss of Catch Entitlement or suspension or restriction of the right to buy Catch Entitlement. The Director must take into account mitigating or aggravating circumstances when applying the penalties. Guidance will be issued to give more detail on the penalties. A company that considers a penalty to be unreasonable or disproportionate may appeal to the Disputes Commission.

Clause 7 (Section 19 replaced)

This clause replaces section 19 and section 19 only applies to ITQ A. Section 19 requires the Director to issue a notice of intention to grant ITQ A and the criteria in relation to the grant. The section used to include grant of Provisional Quotas, but that is now covered by the new section 17A.

Clause 8 (section 21 replaced)

Section 21 provides for grant of ITQ A after the commencement of the Amendment Ordinance. ITQ A will only be granted where a new fishery is established under section 16. Current ITQ grants become ITQ A and holders of ITQ A may apply for ITQ B eligibility just like any other company. On grant of ITQ B a company may be required to surrender some or all of their ITQ A in exchange for the ITQ B granted. ITQ A may not be sold or transferred or otherwise disposed of between the date of application for ITQ B and the date of the outcome of the application.

An eligible company that holds ITQ A whose application for ITQ B is unsuccessful, continues to hold their ITQ A and to be listed on Part A of the Eligibility Register and Ownership Register.

Particulars of any grant of ITQ A and the grantee must be registered in Part A of the Ownership Register maintained under section 52.

Clause 9 (section 22 amended)

Section 22 is amended to provide that Provisional Quota is only convertible to ITQ B.

Clause 10 (section 23 replaced)

Section 23 provides for Individual Transferable Quota Eligibility Registers in relation to every fishery. The registers are to be split into two parts Part A for ITQ A entries and Part B for ITQ B entries. This section applies to both ITQ A and ITQ B. Eligibility for registration is determined under section 24 for ITQ A and section 17C for ITQ B. A company gets listed on the relevant part of the Eligibility Register on approval of an application by the Director. The Director has power to strike out a company that no longer meets its eligibility criteria.

Clause 11 (Section 24 amended)

Section 24 only applies to ITQ A and provides for application for a company to be placed on Part A of the Eligibility Register. The requirements for eligibility for ITQ A are not changing at all. Companies can continue to apply to be named on Part A of the ITQ Eligibility Register which will

enable them to buy and trade ITQ A and Catch Entitlement derived from ITQ A. The amendment to the section makes it clear that the section will only apply to ITQ A.

Clause 12 (Section 25 replaced)

Section 25 applies to ITQ A and provides for determination of applications for a company to be placed on Part A of Individual Transferability Quota Register. The matters on which the Director must be satisfied in order to approve an application are not changing for ITQ A. The amendment makes it clear that the section will apply only to ITQ A.

Clause 13 (Section 26 replaced)

Section 26 is amended to extend its application to ITQ B. It applies to both ITQ A and ITQ B. It provides that registration on the Eligibility Register is valid for a period of 12 months and must be renewed every 12 months. A company must continue to meet the eligibility criteria in respect of the ITQ that it holds in order for its registration to be renewed.

Regarding ITQ A nothing is changing; the company must continue to comply with the requirements under section 24 particularly subsection (3).

For ITQ B, the company must continue to meet the requirements of section 17C and the same evidence must be submitted. The Director may in exceptional circumstances allow an ITQ B company to remain on the register even if the company fails to demonstrate ability to undertake fishing in its own right or to demonstrate current membership of the Association.

Clause 14 (Section 31 amended)

Section 31 applies to both ITQs. A company has a duty to notify the Director of any change in its circumstances and the Director may remove a company from the register if it no longer meets the relevant criteria. The amendment is intended to include ITQ B under the purview of the provision.

Clause 15 (Section 36 amended)

Section 36 will apply to both ITQs. It provides for offences in relation to certain applications. The amendment extends the application of the section to ITQ B.

Clause 16 (Section 37 amended)

Section 37 provides for Total Allowable Effort and Catch Entitlements. The Catch Entitlement Register will be split into Part A for ITQ A entries and Part B for ITQ B entries. The amendment adjusts section 37 accordingly. Further, it provides that Catch Entitlement generated under ITQ A may be transferred to either ITQ A or ITQ B companies, but Catch Entitlement generated under ITQ B cannot be transferred to ITQ A companies.

Clause 17 (Section 38 amended)

Section 38 provides for Total Allowable Catch and Catch Entitlements. A similar amendment to the one made to section 37 is made to section 38. An ITQ A company may not receive transfer of ITQ B catch entitlement.

Clause 18 (Section 39 amended)

Section 39 sets out additional considerations relating to the setting of Catch Entitlement and prohibits sale or disposal of Catch Entitlement until it has been formally set. Section 39(3) is deleted so that there is no longer a prohibition on sale or disposal of Catch Entitlement before it has been formally set. This is to clarify that long term Catch Entitlement agreements can be entered into, supporting greater stability and allowing for longer term planning by ITQ eligible companies.

Clause 19 (section 41 amended)

Section 41 provides for fishing licences and that they may only be granted to a qualifying company, as defined and with details in subsection (14). The amendment will distinguish the requirements for ITQ A companies and ITQ B companies.

For ITQ B companies which use a vessel through a charter party agreement, the charter party agreement must be approved by the Director. New subsection (8A) provides that the Director's decision must be guided by the principles set out in section 17D(3) (effective control, active participation and economic efficiency). Subsection (8B) allows a company aggrieved by the decision of the Director to take it on review to the Disputes Commission under section 108.

A new subsection (14) defining a qualifying company is inserted. For ITQ A nothing is changing. An ITQ A qualifying company must be incorporated in the Falkland Islands and have its principal place of business in the Falkland Islands. At least 25.1% of voting shares in the qualifying company must be owned by Falkland Islands status holders who are ordinarily resident in the Falkland Islands or companies so wholly owned.

For ITQ B the enhanced requirements are that:

- (a) 51% of all the shares of a qualifying company, not just voting shares must be owned by an eligible company. The 51% may be owned by an intermediate Individual Transferable Quota company which is wholly or partly owned by the ITQ B eligible company that owns the Catch Entitlement that is to be fished under the licence; or
- (b) the ITQ B eligible company can be granted the fishing licence directly.

Where an intermediate Individual Transferable Quota company is used, that company must be wholly owned by ITQ B eligible companies. The intermediate Individual Transferable Quota company must in turn then own at least 51% of the qualifying company being used by the eligible company or companies.

Clause 20 (Section 52 amended)

Section 52 provides for the Individual Transferable Quota Ownership Register. The register will be split into two parts; Part A for ITQ A and Part B for ITQ B. Further, all ITQ registered on the day of commencement of the amendment Ordinance must be moved to Part A of the register.

Clause 21 (section 53 amended)

Section 53 provides for Provisional Quota Register and the effect of the amendment is that Provisional Quota may only be converted to ITQ B in the same fishery.

Clause 22 (Section 55 amended)

Section 55 provides for Catch Entitlement Register. The amendment will split that register into two parts; Part A for ITQ A and Part B for ITQ B.

Clause 23 (Section 57 amended)

Section 57 provides for transfer of Individual Transferable Quota. The amendment provides that for an eligible company to receive a transfer of ITQ A or B, it must be registered on Part B of the Eligibility Register. An eligible company on Part A of the Eligibility Register only receives a transfer of ITQ A. A non-compliant transfer of ITQ is void.

Clause 24 (Section 58 amended)

Section 58 provides for domination of fishing sector. The amendments are consequential on a situation where section 58 is invoked to prevent domination. Where the Director disinvests an owner in order to prevent domination, then the disinvestment must be registered in accordance with whether it is ITQ A or ITQ B.

Clause 25 (section 107 replaced)

Section 107 provides for the functions of the Disputes Commission. New matters for review by the Disputes Commission are included in section 107. The matters are decisions by the Director under sections 17C(8), 17D(8), 17E(9), 17F(8) and 41(8A). All these are consequential on introduction of ITQ B.

Clause 26 (section 191 amended)

Section 191 provides for the Falkland Islands Fishing Companies Association (the Association). It is going to be compulsory for an ITQ B eligible company to be a member of the Association. On a company's application for registration on Part B of the Eligibility Register being granted, a company automatically becomes a member of the Association. For ITQ A eligible companies, membership remains optional.

Membership no longer depends on ownership of ITQ, mere registration as an eligible company suffices. Further, a chair or vice-chair of the Association may be chosen from senior managers employed by eligible companies as well as from the directors of eligible companies.

Clause 27 (Section 223 amended)

Section 223 enables the making of regulations. The amendment adds approved action plans as well as requirements under section 17C(6)(e) to matters for which regulations may be made.

Clause 28 (New section 223A inserted)

The new section enables the Director to issue guidance.

Clause 29 Transitional provisions

This clause provides for transitional provisions.

Clause 30 (Minor amendments)

This clause provides for minor amendments as contained in the Schedule. The amendments correct errors in the Ordinance.

Media Trust (Amendment) Bill 2021

(ORDINANCE No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Media Trust Ordinance
4. Section 4 amended — Appointment of trustees
5. New sections inserted after section 4
6. Schedule 2 amended

Media Trust (Amendment) Bill 2021

(assented to: 2021)
(commencement: on publication)
(published: 2021)

A BILL

for

AN ORDINANCE

To amend the Media Trust Ordinance 1989.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Media Trust (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of Media Trust Ordinance

This Ordinance amends the Media Trust Ordinance 1989.

4. Section 4 amended – Appointment of trustees

In section 4 —

(a) replace subsection (2) with —

“(2) To be appointed as a trustee under subsection (1), a person must —

- (a) have been ordinarily resident in the Falkland Islands for a period of 12 months immediately preceding the date of appointment;
- (b) not be a member of the Legislative Assembly;
- (c) subject to Part 29 (Rehabilitation of offenders) of the Criminal Procedure and Evidence Ordinance 2014, not have been —
 - (i) sentenced to a custodial sentence for a period of three months or more; or
 - (ii) convicted of an offence involving dishonesty;
- (d) not have been removed as a trustee for reasons of misconduct; and

(e) not have been adjudged bankrupt.”; and

(b) delete subsection (4).

5. New sections inserted after section 4

Insert the following new sections after section 4 —

“4A. Removal and suspension of trustees

(1) The Governor may, on notifying a trustee in writing, remove a trustee if the trustee —

(a) engages in conduct that in the opinion of the Governor, brings the Trust into disrepute; or

(b) would no longer be eligible for appointment under section 4.

(2) The Governor may only remove a trustee under subsection (1) after —

(a) providing the trustee with the opportunity to make representations; and

(b) taking those representations into account.

(3) The Governor may suspend a trustee from the Trust while the process referred to in subsection (2) is underway.

4B. Resignations

A trustee may resign from office by giving 30 days’ notice in writing to the Governor.”.

6. Schedule 2 amended

In Schedule 2 —

(a) in paragraph 3, after the word “personally” insert the words “or virtually”;

(b) after paragraph 3, insert —

“3A. For the purposes of paragraph 3, a trustee is considered to be virtually present if both those trustees personally present and those not personally present, agree that the means of communication are sufficient, in particular so that —

(a) the trustees participating in the meeting are able to hear and be heard; and

(b) the trustees have access to all of the documents to be considered at the meeting.”; and

(c) After paragraph 8, insert —

“8A. At the discretion of the Chairman and after notifying all trustees, the Trust may transact business and take decisions outside of a meeting convened under paragraph 1 by means of email or other electronic means accessible to all trustees. Any such business or decisions must involve the active participation of at least three trustees. Any such business

or decisions must be confirmed and recorded in the minutes of the next meeting of the Trust.”.

OBJECTS AND REASONS

This Bill amends the Media Trust Ordinance 1989.

The Bill replaces the qualifying criteria for trustees. The current law restricts appointments to persons eligible to be named on the electoral register. The new criteria require a minimum of 12 months’ ordinary residence to encompass a broader section of the community while ensuring that trustees can be expected to be settled members of the community. This combined with proportionate restrictions relating to criminal offending and financial responsibility supports the development of a more representative Trust. Members of the Legislative Assembly are not permitted to be appointed as trustees to minimise the risk of actual or perceived political interference with the media.

The Bill also permits the Trust to hold virtual meetings and to transact business in between meetings by email. This reflects modern ways of working and will allow the Trust to operate more efficiently.

SUBSIDIARY LEGISLATION

Statistics (Census) Order 2021

(No. 19 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Interpretation
4. Month fixed for 2021 Census
5. Method by which 2021 Census to be undertaken
6. Questions to be asked in 2021 Census
Schedule - 2021 Census Questions

SUBSIDIARY LEGISLATION

Statistics (Census) Order 2021

(made: 26 August 2021)

(published: 27 August 2021)

(coming into force: on publication)

I make this order under section 13 of the Statistics Ordinance 2010 on the advice of the Executive Council.

1. Title

This order is the Statistics (Census) Order 2021.

2. Commencement

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

3. Interpretation

In this order —

“**2021 Census**” means the census to be carried out in accordance with article 4; and

“**eCensus**” means a system by which information is submitted electronically via a secure website.

4. Month fixed for 2021 Census

The census is to be carried out in October 2021.

5. Method by which 2021 Census to be undertaken

(1) The primary method by which the 2021 Census is to be undertaken is by an eCensus.

(2) The Statistician must ensure that effective arrangements are made to provide information and guidance for, and assist those who are required to respond to, the 2021 Census.

(3) The arrangements made under paragraph (2) —

(a) must include the provision of other methods of responding to the questions for those who are not able or prefer not to use the eCensus; and

(b) may include the provision of information and guidance on the 2021 Census in languages other than English.

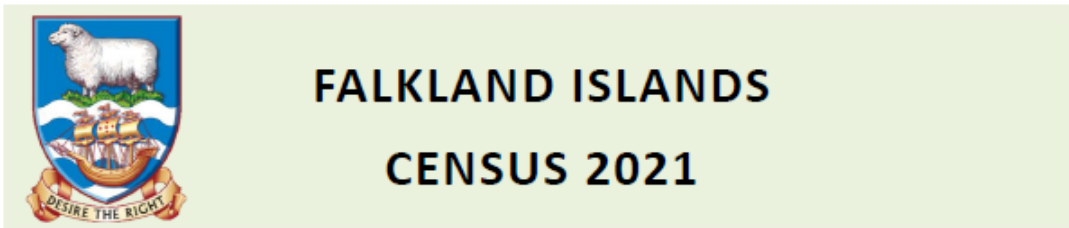
6. Questions to be asked in 2021 Census

(1) The questions to be asked in the 2021 Census are those set out in the Schedule.

(2) The questions may be expressed with minor variations appropriate to the method by which the information is collected.

SCHEDULE - 2021 CENSUS QUESTIONS

article 6(1)



Census Night is Sunday 10th October 2021

A person who is required to complete a census form and refuses or neglects to do so, or provides false or misleading information in answer to any question on the form may be guilty of a criminal offence under sections 27 and 28 of the Statistics Ordinance 2010. A person who commits such an offence is liable to a civil penalty of up to £250 or, if convicted, to a fine of £4,000.

IMPORTANT INFORMATION:

Census information is used to help plan and fund services for the Islands, such as education, health, housing and infrastructure.

- Your answers should relate to the date of the Census i.e. Sunday 10th October 2021
- All of the information you supply in this form will be treated confidentially. The address of the household and your names will not be published in any Census report.
- Only official Census staff will have access to completed Census forms. After analysis, Census returns will be sealed and retained in the Government Archives for at least 100 years, after which time they may be made available for public inspection.

Members of the UK Armed Forces currently serving in the Falkland Islands and their dependants are not required to participate in the census. They should not complete a form and information about them should not be included in a form completed by anyone else.

Need Help?



www.census2021.gov.fk

For guidance on answering questions and further information on who should be included in the Census.



Phone the Policy Unit on 28421 or 28422

Call between 0800 and 1200 or 1300 and 1700, Monday to Friday, for any further information or if you need assistance completing your form.



Visit the Census Help Centre at the West Store Café

Drop in between 1500 and 1900 from Monday 11th to Wednesday 13th October, for any further information or if you need assistance completing your form.

Before you begin:

Who should complete this questionnaire?

The householder is responsible for ensuring that this questionnaire is completed fully and returned to the Policy Unit, Secretariat, Stanley by the close of Friday 15 October 2021.

The householder is any person (aged 16 or over) who lives at this address who owns or occupies the accommodation and is responsible for paying the bills, either by themselves or with other people.

The householder must complete the form on behalf of everyone living or staying in the accommodation on Census night including any visitors who are staying overnight on Census night.

A household can be one person living by themselves, or a family or other group of people living together at an address, who share living and cooking facilities.

What parts of the questionnaire should I fill in?

The questionnaire is divided into 3 parts, and all householders must fill in PARTS 1 and 2.

If you have visitors staying in your household on the night of Sunday 10th October, then you will also need to complete PART 3.

PART 1: Household Questions

The questions in this section ask about different aspects of your accommodation, and the people that live there.

Why are these questions asked?

The answers to these questions provide an indication of the size of homes, the cost of housing and the extent of overcrowding. This information will help Government to assess housing need and plan for the future. The kind of place a person calls home, the number of vehicles a person owns, and the number of household appliances they have are very closely related to that person's standard of living.

PART 2: Individual Questions

These questions relate to every person that usually lives in the household. This includes people that would normally be present, but are temporarily away on Census night (absent for less than 12 months). For example, you would include persons that are away on holiday, Falkland Islanders serving in the Armed Forces, students at college or university overseas, or Camp children living at Stanley House.

Why are these questions asked?

- Name, Address, Date of Birth and Relationship - these details are required so that Census staff can check that all relevant persons have been included in the Census. The Census report will not publish a person's name. Knowing how many men, women and children of different ages are located in different parts of the Falkland Islands helps in working out the need for education and health services.
- Country of birth, citizenship and national identity - an understanding of the origins of all the people who call the Falklands home is essential in developing policies and services which reflect the needs of society.
- Language spoken at home - knowing which other languages are spoken at home and how well English is spoken helps in planning for education resources.
- Jobs and work - information on how many people are working or looking for work tells us a lot about what is happening in society and the economy. Information on unpaid work helps to measure the contribution of such activities.
- Income – information on income provides an indication of living standards and, along with information on the cost of housing, helps to determine the affordability of housing in the Islands.

PART 3: Visitor Questions

It is also important to include any visitors staying in your household on Census night. This includes people that usually live elsewhere in the Islands, as well as people visiting from abroad who will be in the Islands for less than 3 months.

Will you need extra forms?

If there are more than 5 people in your household, or if you have more than 5 visitors staying overnight, contact the Policy Unit on 28421 or 28422 to request additional questionnaires.

Alternatively, you can complete the entire Census online: www.census2021.gov.fk

PART 1 – HOUSEHOLD QUESTIONS

This part of the form must be completed by the householder i.e. the head, joint head or acting head of a household in the Falkland Islands on Census night. If an accommodation is unoccupied, the householder/owner must still complete this first section.

Please write answers in **BLOCK CAPITALS** using **BLUE** or **BLACK** pen.

Please mark boxes with a cross like this:

If you make a mistake when filling out the form, please draw a single horizontal line through the incorrect answer, and rewrite or select the correct response – see the example beneath:

8 Where was this person born?

United Kingdom

(The UK consists of England, Wales, Scotland and Northern Ireland but does not include the Channel Islands, the Isle of Man or the Republic of Ireland).

St. Helena

Chile

Other country

If other, please state the country of birth:

England

1 What is your household address?

2 Counting everyone, including yourself, how many people USUALLY live here?

For this question, include people that would usually be at this address but are temporarily away e.g. people working night-shifts, Falkland Islanders serving in the Armed Forces, students away at school or college, people that are staying elsewhere in the Islands or are away from the Islands for less than 12 months.

Number of people usually resident in the household

3 Including yourself, how many people USUALLY LIVE at this address AND ARE PRESENT in the household on Census night?

Number of usually resident people in the household on 10th October 2021

4 How many visitors are staying in your household on Census night?

Number of visitors in the household

→ A visitor is anyone that usually lives elsewhere in the Islands, as well as people visiting from abroad. If there are visitors present, remember to fill in Part 3: Visitor Questions.

5 Household members: Please list all the members of your household that you counted in **Question 2**, starting with yourself. (If you have more than 5 household members, please request an additional form from Policy Unit or complete the Census online instead).

	First name	Last name	Date of Birth (dd/mm/yy)
Person 1 (yourself)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Person 2	<input type="text"/>	<input type="text"/>	<input type="text"/>
Person 3	<input type="text"/>	<input type="text"/>	<input type="text"/>
Person 4	<input type="text"/>	<input type="text"/>	<input type="text"/>
Person 5	<input type="text"/>	<input type="text"/>	<input type="text"/>

6 How are these people related to each other?
Please mark an X in the relevant box for each person, using the list of people in Question 5.

Name of Person 2		Name of Person 3		
<input type="text"/>		<input type="text"/>		
<input type="text"/>		<input type="text"/>		
How is Person 2 related to you, Person:	1	How is Person 3 related to Person:	1	2
Husband or wife	<input type="checkbox"/>	Husband or wife	<input type="checkbox"/>	<input type="checkbox"/>
Legally registered or civil partner (Unmarried) partner	<input type="checkbox"/>	Legally registered or civil partner (Unmarried) partner	<input type="checkbox"/>	<input type="checkbox"/>
Son or daughter	<input type="checkbox"/>	Son or daughter	<input type="checkbox"/>	<input type="checkbox"/>
Partner's son or daughter	<input type="checkbox"/>	Partner's son or daughter	<input type="checkbox"/>	<input type="checkbox"/>
Step-child	<input type="checkbox"/>	Step-child	<input type="checkbox"/>	<input type="checkbox"/>
Brother or sister	<input type="checkbox"/>	Brother or sister	<input type="checkbox"/>	<input type="checkbox"/>
Step-brother or step-sister	<input type="checkbox"/>	Step-brother or step-sister	<input type="checkbox"/>	<input type="checkbox"/>
Mother or father	<input type="checkbox"/>	Mother or father	<input type="checkbox"/>	<input type="checkbox"/>
Step-mother or step-father	<input type="checkbox"/>	Step-mother or step-father	<input type="checkbox"/>	<input type="checkbox"/>
Grandchild	<input type="checkbox"/>	Grandchild	<input type="checkbox"/>	<input type="checkbox"/>
Grandparent	<input type="checkbox"/>	Grandparent	<input type="checkbox"/>	<input type="checkbox"/>
Other relation	<input type="checkbox"/>	Other relation	<input type="checkbox"/>	<input type="checkbox"/>
Unrelated (including foster child)	<input type="checkbox"/>	Unrelated (including foster child)	<input type="checkbox"/>	<input type="checkbox"/>

Continued on the next page →

Name of Person 4				Name of Person 5				
First name				First name				
Last name				Last name				
How is Person 4 related to Person:	1	2	3	How is Person 5 related to Person:	1	2	3	4
Husband or wife	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Husband or wife	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legally registered or civil partner (Unmarried) partner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legally registered or civil partner (Unmarried) partner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Son or daughter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Son or daughter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partner's son or daughter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Partner's son or daughter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step-child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Step-child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brother or sister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Brother or sister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step-brother or step-sister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Step-brother or step-sister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mother or father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mother or father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step-mother or step-father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Step-mother or step-father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grandchild	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grandchild	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grandparent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grandparent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other relation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other relation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unrelated (including foster child)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unrelated (including foster child)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7 Mark the box that best describes the type of accommodation your household occupies:

→ A HOUSE that is:

Detached Semi-detached Terraced

→ A FLAT, MAISONETTE, APARTMENT or ROOMS within:

- a purpose built block of flats
 a converted or shared dwelling (including communal accommodation and bedsits)
 a converted outbuilding
 a commercial building (for example in an office building, or hotel, or over a shop)

→ In a MOBILE or TEMPORARY STRUCTURE that is:

- A mobile home or portacabin adapted for permanent use
 A caravan
 In any other mobile or temporary structure
 Other, such as yacht etc. (please state)

8 Is your main accommodation at the Mount Pleasant Complex (MPC) or other military sites in the Falklands, or are you and all members of your household normally resident overseas and only temporarily residing in the Islands (for less than 3 months)?

- No → Go to Question 9 and continue
 Yes → If yes, you do not need to complete the remaining Part 1 - Household Questions.
Please now go to Part 2 – Individual Questions on page 10 and read the instructions before continuing.

9 How many bedrooms are there in your accommodation? *That is, if you were to put your accommodation up for sale, how many bedrooms would you say there were?*

Number of rooms

10 How old is your accommodation? *If you do not know the exact age of your accommodation then you should estimate the age and put an X in the appropriate box. The Brewster Houses were built in 1983-84; the Jersey Estate Houses in 1989; and the East Stanley Development began in 1998.*

0-5 years 6-10 years 11-30 years Greater than 30 years

11 Do you or someone in your household own or rent your accommodation?

- Own outright (free and clear of any mortgage or loan) → Go to Question 17 and continue
 Own with a mortgage → Go to Question 12 and continue
 Rent (with or without Rent Rebate) → Go to Question 13 and continue
 Live here rent free → Go to Question 14 and continue

12 If paying a mortgage in respect of the property your household occupies, how much is paid MONTHLY on mortgage repayments?

<input type="checkbox"/> £100 or less	<input type="checkbox"/> £551 - £700	<input type="checkbox"/> £1,151 - £1,300
<input type="checkbox"/> £101 - £250	<input type="checkbox"/> £701 - £850	<input type="checkbox"/> £1,301 - £1,450
<input type="checkbox"/> £251 - £400	<input type="checkbox"/> £851 - £1,000	<input type="checkbox"/> £1,451 - £1,600
<input type="checkbox"/> £401 - £550	<input type="checkbox"/> £1,001 - £1,150	<input type="checkbox"/> More than £1,600

If paying a mortgage, please now → go to Question 17 and continue

13 If paying rent, how much does the household pay in total to the owner (or to their agent) for this dwelling MONTHLY? *Please do not include any Service Charge amount you may pay.*

<input type="checkbox"/> £100 or less	<input type="checkbox"/> £551 - £700	<input type="checkbox"/> £1,151 - £1,300
<input type="checkbox"/> £101 - £250	<input type="checkbox"/> £701 - £850	<input type="checkbox"/> £1,301 - £1,450
<input type="checkbox"/> £251 - £400	<input type="checkbox"/> £851 - £1,000	<input type="checkbox"/> £1,451 - £1,600
<input type="checkbox"/> £401 - £550	<input type="checkbox"/> £1,001 - £1,150	<input type="checkbox"/> More than £1,600

14 If you live in accommodation you don't own (whether you pay rent or not), who provides it?:

- Falkland Islands Government (FIG) Private landlord
 Your employer A relative or friend of yours
 Employer of a household member Relative or friend of a household member
 Other, please specify:

15 If you live in accommodation you don't own, are any meals, heating or electricity provided by the accommodation provider?

Yes No

16 If you live in accommodation you don't own, do you pay the Service Charge for the property?

Yes No Unsure

17 What is the MAIN fuel used for heating in your accommodation? (Cross ONE box)

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Kerosene | <input type="checkbox"/> Diesel Oil |
| <input type="checkbox"/> Electricity | <input type="checkbox"/> Gas |
| <input type="checkbox"/> Peat | <input type="checkbox"/> Other (please state) <input type="text"/> |

18 What is the MAIN fuel used for cooking in your accommodation? (Cross ONE box)

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Kerosene | <input type="checkbox"/> Diesel Oil |
| <input type="checkbox"/> Electricity | <input type="checkbox"/> Gas |
| <input type="checkbox"/> Peat | <input type="checkbox"/> Other (please state) <input type="text"/> |

19 What is the MAIN source of ELECTRICAL POWER for your accommodation? (Cross ONE box)

- | | |
|---|---|
| <input type="checkbox"/> Stanley Power Station (Power Station Diesel Generators and Sand Bay Wind Farm) | |
| <input type="checkbox"/> MPC Power Station | <input type="checkbox"/> Solar/PV Cells |
| <input type="checkbox"/> Fox Bay Power Station | <input type="checkbox"/> Solar Thermal |
| <input type="checkbox"/> Diesel Oil (i.e. Private generator) | <input type="checkbox"/> Wind Turbine |
| <input type="checkbox"/> Settlement generator | |
| <input type="checkbox"/> Other (please state) <input type="text"/> | |

What is the TYPICAL MONTHLY cost of electricity and fuel (for heating and cooking) for your household's accommodation?

20 TYPICAL MONTHLY cost of electricity

- | | | |
|--------------------------------------|--|--|
| <input type="checkbox"/> Zero | <input type="checkbox"/> Cost included in rent | <input type="checkbox"/> Don't use electricity |
| <input type="checkbox"/> £20 or less | <input type="checkbox"/> £81 - £100 | <input type="checkbox"/> £161-£180 |
| <input type="checkbox"/> £21 - £40 | <input type="checkbox"/> £101 - £120 | <input type="checkbox"/> £181-£200 |
| <input type="checkbox"/> £41 - £60 | <input type="checkbox"/> £121 - £140 | <input type="checkbox"/> More than £200 |

21 TYPICAL MONTHLY cost of Kerosene, Oil, Peat, Coal, Wood etc.

- | | | |
|--|--|---|
| <input type="checkbox"/> Zero | <input type="checkbox"/> Cost included in rent | <input type="checkbox"/> Don't use kerosene |
| <input type="checkbox"/> Less than £40 | <input type="checkbox"/> £121 - £160 | <input type="checkbox"/> £241 - £280 |
| <input type="checkbox"/> £41 - £80 | <input type="checkbox"/> £161 - £200 | <input type="checkbox"/> £281 - £320 |
| <input type="checkbox"/> £81 - £120 | <input type="checkbox"/> £201 - £240 | <input type="checkbox"/> More than £320 |

22 TYPICAL MONTHLY cost of Gas

- | | | |
|--|--|---|
| <input type="checkbox"/> Zero | <input type="checkbox"/> Cost included in rent | <input type="checkbox"/> Don't use gas |
| <input type="checkbox"/> Less than £10 | <input type="checkbox"/> £41 - 60 | <input type="checkbox"/> £101 - £120 |
| <input type="checkbox"/> £10 - £25 | <input type="checkbox"/> £61 - £80 | <input type="checkbox"/> £121 - £140 |
| <input type="checkbox"/> £26 - £40 | <input type="checkbox"/> £81 - £100 | <input type="checkbox"/> More than £140 |

23 Is your accommodation wholly or partially provided with central heating?
Central heating is defined as a system for heating a room or rooms by radiators or air vents connected by pipes or ducts to a central source of heat, such as a boiler. It includes: gas, oil or solid fuel central heating, night storage heaters, warm air heating and underfloor heating.
If you have central heating available, cross the relevant box WHETHER OR NOT you use it.

- NONE of the accommodation has central heating
 SOME of the accommodation (i.e. some living areas) has central heating
 ALL of the accommodation (i.e. all living areas) have central heating

24 In your opinion is the standard of your accommodation:
 Good Fairly Good Not Good

25 In your opinion is the accommodation suitable for the basic needs of the household?
 Yes No

26 Do you or another person in your household (excluding temporary visitors) own or rent/lease a second home in the Falkland Islands? Please mark all the boxes that apply to this second home. If more than one second home is owned or rented, please place a number in the box to represent how many homes are owned or rented in each category.

- No, or only property outside of the Falkland Islands → go to Question 27 and continue
 Yes and it is/they are:

<i>Please indicate the number of properties in each location:</i>	In Stanley	In Camp
Owned, for personal use (e.g. second home/holiday home)	<input type="checkbox"/>	<input type="checkbox"/>
Owned and rented out, or provided for the accommodation of another household	<input type="checkbox"/>	<input type="checkbox"/>
Rented/leased by you or another person in the household as a tenant	<input type="checkbox"/>	<input type="checkbox"/>

27 How many motor vehicles are owned or available for use by members of your household? Do not count any vehicle that is not currently in working order, vehicles that belong to visitors, vehicles that this household borrows occasionally from another household, vehicles that can be used ONLY for work. Company cars that are available for personal use should be counted.

- None → Go to Question 29 and continue
 One or more → Please answer Question 28 and continue

28 Place a NUMBER in the box to represent how many vehicles are available for use in each category:

- Car or van or other 2 wheel drive vehicle
 Four wheel drive vehicle
 Motorcycle or quad bike
 Other (Please state number and type of vehicle(s) below)

29 Please indicate **HOW MANY** of each of the appliances and services listed below are available in your household's accommodation. Do not include anything that is disconnected or broken. Place a number in the box to represent how many of each of the appliances below are available for use in your house.

- | | | | |
|--------------------------|---------------------------|--------------------------|--|
| <input type="checkbox"/> | Landline telephone | <input type="checkbox"/> | Fire extinguisher |
| <input type="checkbox"/> | Mobile telephone | <input type="checkbox"/> | Fire blanket |
| <input type="checkbox"/> | 2 metre radio | <input type="checkbox"/> | Television |
| <input type="checkbox"/> | Radio | <input type="checkbox"/> | DVD player/ Blu-Ray Player |
| <input type="checkbox"/> | Fridge or Fridge-Freezer | <input type="checkbox"/> | Digital Television Recorder |
| <input type="checkbox"/> | Deep Freeze | <input type="checkbox"/> | Cable/satellite television (Paid subscription) |
| <input type="checkbox"/> | Washing machine | <input type="checkbox"/> | Subscription to a streaming service e.g. Netflix |
| <input type="checkbox"/> | Tumble Dryer/Washer-Dryer | <input type="checkbox"/> | Computer/laptop |
| <input type="checkbox"/> | Dishwasher | <input type="checkbox"/> | Tablet Computer (e.g. i-Pad) |
| <input type="checkbox"/> | Microwave | <input type="checkbox"/> | MP3 Player (e.g. i-Pod) |
| <input type="checkbox"/> | Smoke alarm | <input type="checkbox"/> | Games Console (e.g. Xbox, Playstation, Switch) |
| <input type="checkbox"/> | Carbon monoxide detector | | |

30 Does the household have an internet service at this address?
(Can be a mobile internet service and/or a broadband internet service)

- Yes No

Please continue to PART 2 – Individual Questions on the next page

PART 2 – INDIVIDUAL QUESTIONS

BEFORE YOU BEGIN:

Answers in PART 2 are required for every person who normally forms part of the household.

The householder or joint-householder should complete the personal questions headed Person 1. They should then complete the details for Person 2, Person 3 etc. until details have been completed for all members of the household (unless any person aged 16 years or over in the household completes PART 2 of the form in respect of themselves).

If there aren't enough sections in PART 2 – Individual Questions to include details for all persons in the household, please contact the Policy Unit by telephoning 28422 or 28421 or by emailing census2021@sec.gov.fk to obtain Additional Person forms.

INCLUDE in PART 2:

- People who normally form part of the household including any children and those who are temporarily absent (for example Camp children staying at Stanley House, people staying elsewhere in the Islands, people absent from the Islands on holiday or attending school or training, or Falkland Islanders serving overseas in the Armed Forces).
- Any newly born baby, even if still in hospital (in the Falkland Islands or overseas).

DO NOT include in PART 2:

- Members of the UK Armed Forces currently serving in the Falkland Islands, or their dependants.
- Temporary visitors: people who are staying overnight in the household on Census night who usually live elsewhere in the Falkland Islands or who are visiting from abroad and will be in the Islands for less than three months (e.g. people visiting the Islands on holiday, for work or for other reasons). These people should be included in PART 3 - Visitors.

Please write answers in **BLOCK CAPITALS** using **BLUE** or **BLACK** pen.

Please mark boxes with a cross like this:

If you make a mistake when filling out the form, please draw a single horizontal line through the incorrect answer, and rewrite or select the correct response – see the example beneath:

8 Where was this person born?

United Kingdom

(The UK consists of England, Wales, Scotland and Northern Ireland but does not include the Channel Islands, the Isle of Man or the Republic of Ireland).

St. Helena

Chile

Other country

If other, please state the country of birth:

England

10

PART 2: Individual Questions - Person 1 (you the householder/joint-householder)

1 What is your sex?

This is your sex as recorded on legal/official documents.

- Male
 Female

2 Your present marital or civil partnership status.

For the avoidance of doubt, even if you are living apart from your spouse you are married/in a civil partnership unless there has been a formal end to the marriage by Decree Absolute or Annulment.

- Never married/never in a civil partnership
 Married
 In a civil partnership
 Married but permanently separated
 In a civil partnership but permanently separated
 Divorced
 Formerly in a civil partnership which is now legally dissolved
 Widowed
 Surviving partner from a registered civil partnership
 Other (please state)

3 What is your usual address?

- At the address this form was sent to
 Elsewhere – please write full address below (do not use a PO Box number)

4 Where were you on Census night?

- At the address this form was sent to
 Elsewhere in the Falkland Islands
 Outside the Falkland Islands

5 Where were you normally resident TEN YEARS AGO?

- Stanley → now go to Question 7
 Camp → now go to Question 7
 Overseas → now go to Question 6

6 Have you returned to the Falkland Islands after an absence of more than 10 years? Do not count any times during your absence in which you may have returned temporarily for holidays etc.

- No → now go to Question 7
 Yes

if yes, please state how long you were away in years:

 Years

7 Were you born in the Falkland Islands?

- Yes → now go to Question 11
 No → now answer Question 8 and Question 9

8 Where were you born?

- United Kingdom
(The UK consists of England, Wales, Scotland and Northern Ireland but does not include the Channel Islands, the Isle of Man or the Republic of Ireland).
 Chile
 Philippines
 St. Helena
 Zimbabwe
 Other country or territory

If other, please state the country or territory of birth:

9 Did you arrive in the Falkland Islands within 6 months of birth?

- Yes → now go to Question 10
 No → now go to Question 11

10 Were you born outside the Falkland Islands for medical reasons?

- Yes
 No

Person 1 - continued

11 How long have you been resident in the Falkland Islands? *Only periods of temporary absence (such as overseas trips for medical treatment, holidays or business) should be ignored when calculating the duration of your residence.*

- 2 years or less
- 3 to 5 years
- 6 to 10 years
- More than 10 years

12 Which of the following immigration categories applies to you? *If you are unsure which immigration category below applies to you, further assistance can be obtained by telephoning the Customs and Immigration Department on 27340 or by emailing admin@customs.gov.fk*

- Falkland Islander/Falkland Islands Status holder
- Permanent Residence Permit (PRP) holder
- Residence Permit holder
- Accompanying Dependent Permit (ADP) holder
- Carer Permit holder
- Visitor Permit holder
- Work Permit holder
- Dependent Permit (DP) holder
- Volunteer Permit holder
- UK Government civil servants (or a dependant of such a person) who is exempt from immigration control

13 What is your citizenship? *If you hold more than one citizenship, please tick all that apply*

- British citizen
- British Overseas Territories citizen
- Chilean citizen
- Filipino citizen
- Zimbabwean citizen
- Citizen of another country or territory - please state below:

14 How would you describe your National Identity? *National Identity is not necessarily related to the place a person was born or their citizenship, but is more the cultural group they most closely identify with. For example, a person may have been born in the UK but consider themselves a Falkland Islander. You can select more than one response if you consider yourself to have more than one national identity.*

- Falkland Islander
- British
- Chilean
- Filipino
- St. Helenian
- Zimbabwean

Other - please state below:

15 Is English your first language?

- No → go to Question 16
- Yes → go to Question 17

16 How well do you speak English?

- Very well
- Well
- Not well
- Not at all

17 Do you speak a language other than English at home?

- No → go to Question 18
- Yes

if yes, please state which language below:

18 What is your employment status?

If you are studying but also working part-time, tick the studying box

- Employed → go to Question 19
- Unemployed → go to Question 30
- Studying → go to Question 30
- Retired and not working → go to Question 32
- Semi-retired and working occasionally → go to Question 19
- Not working for other reasons → go to Question 30

Person 1 - continued

19 Do you work as an employee or are you self-employed? Please answer the following question about your MAIN job (your MAIN job is the job in which you usually work the most hours).

- Employee
- Self-employed with employees
- Self-employed without employees

20 In this job, what is your MAIN occupation? For example, administrative manager, clerk, book-keeper, restaurant/hotel manager or worker, cleaner, farm manager, farmer, agriculture worker, fisherman, computer operator, cook, waitress, barperson, shop assistant, tour guide, plumber, carpenter, builder, journalist etc.

If in doubt please state your job title or main role and type of work undertaken. In respect of FIG employees just state the job title.

Please state your MAIN occupation:

21 In terms of YOUR MAIN job, which economic activity are you working in?

If your job is involved in multiple sectors, please select the main economic activity you are employed in.

Public Service (e.g. FIG, UK Government, Government of SGSSI)

If employed by FIG, please state the Directorate in the box below:

- Accommodation and food service activities
- Agriculture; crop and animal production
- Arts, entertainment and recreation
- Business services, administrative and support service activities
- Community, social and personal services
- Construction
- Electricity, Water and Gas
- Financial Services
- Fishing and fisheries

Continued in the next column →

- Information and communication
- Insurance
- Manufacturing of food and beverages
- Manufacturing of textiles, clothing, leather
- Manufacturing of consumer goods excluding food and textile products
- Real Estate
- Tourism

If your main job is in tourism, please indicate the main activity below e.g. tourist driving, walking tours etc.:

- Transportation and storage
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Other - please state below:

22 Do you have a secondary or part-time occupation in addition to your main occupation?

- No → go to Question 29
- Yes

if yes, please answer the following questions:

23 In this secondary or part-time job, do you work as an employee or are you self-employed?

- Employee
- Self-employed with employees
- Self-employed without employees

24 In your SECONDARY job, what is your occupation? For example, administrative manager, clerk, book-keeper, restaurant/hotel manager or worker, cleaner, farm manager, farmer, agriculture worker, fisherman, computer operator, cook, waitress, barperson, shop assistant, tour guide, plumber, carpenter, builder, journalist etc.

If in doubt please state your job title or main role and type of work undertaken. In respect of FIG employees just state the job title.

Please state your secondary occupation:

Person 1 - continued

25 In terms of your SECONDARY job, which economic activity are you working in?
If your job is involved in multiple sectors, please select the main economic activity you are employed in.

Public Service (e.g. FIG, UK Government, Government of SGSSI)

If employed by FIG, please state the Directorate in the box below:

Accommodation and food service activities

Agriculture; crop and animal production

Arts, entertainment and recreation

Business services, administrative and support service activities

Community, social and personal services

Construction

Electricity, Water and Gas

Financial Services

Fishing and fisheries

Information and communication

Insurance

Manufacturing of food and beverages

Manufacturing of textiles, clothing, leather

Manufacturing of consumer goods excluding food and textile products

Real Estate

Tourism

If your main job is in tourism, please indicate the main activity below e.g. tourist driving, walking tours etc.:

Transportation and storage

Wholesale and retail trade; repair of motor vehicles and motorcycles

Other - please state below:

26 Do you undertake any regular paid employment in addition to the two jobs mentioned above?
Only include employment undertaken on a regular basis. This includes seasonal employment. Do not include one-off or ad hoc employment.

No → go to Question 27

Yes

If yes, please list the additional job or jobs below and then answer Question 27

27 Please state the total number of paid hours you typically work per week in your secondary and any other ADDITIONAL jobs. Complete if employed or self-employed.

Total number of hours worked

28 Please state your AVERAGE total MONTHLY income from your ADDITIONAL jobs.

Complete if employed or self-employed.

THIS INFORMATION WILL REMAIN CONFIDENTIAL INFORMATION IN THE CENSUS REPORT RELATING TO INCOME WILL REFER TO THE NUMBER OF PEOPLE IN EACH INCOME BRACKET AND THE AVERAGE INCOME.

- | | |
|--|---|
| <input type="checkbox"/> No income | <input type="checkbox"/> £4,201 - £4,600 |
| <input type="checkbox"/> £1 - £700 | <input type="checkbox"/> £4,601 - £5,000 |
| <input type="checkbox"/> £701 - £1,000 | <input type="checkbox"/> £5,001 - £5,400 |
| <input type="checkbox"/> £1,001 - £1,400 | <input type="checkbox"/> £5,401 - £5,800 |
| <input type="checkbox"/> £1,401 - £1,800 | <input type="checkbox"/> £5,801 - £6,200 |
| <input type="checkbox"/> £1,801 - £2,200 | <input type="checkbox"/> £6,201 - £6,600 |
| <input type="checkbox"/> £2,201 - £2,600 | <input type="checkbox"/> £6,601 - £7,000 |
| <input type="checkbox"/> £2,601 - £3,000 | <input type="checkbox"/> £7,001 - £7,400 |
| <input type="checkbox"/> £3,001 - £3,400 | <input type="checkbox"/> £7,401 - £7,800 |
| <input type="checkbox"/> £3,401 - £3,800 | <input type="checkbox"/> £7,801 - £8,200 |
| <input type="checkbox"/> £3,801 - £4,200 | <input type="checkbox"/> More than £8,200 |

29 Please state the total number of paid hours you typically work per week in your MAIN job. Complete if employed or self-employed.

Total number of hours worked

Person 1 - continued

If you are unemployed, answer the following 3 questions, then continue on to Question 33 →

30 Are you actively seeking any kind of paid work?
For example by looking at job advertisements, writing, phoning or applying in person to an employer, in contact with the FIG Training Unit to look for a job or advice in finding a job, contacting friends or relatives for help in finding a job, placing an advertisement about a job, taking steps to set up own business.

No → go to Question 32
 Yes
 if yes, please answer Questions 31 and 32

31 If a job were available, would you be able to start straight away?

Yes
 No

32 Are you doing any of the following? Please cross ALL the boxes that apply to you.

- Household work, cooking, repairs, gardening etc. for your own household
- Looking after a child who is a member of your household
- Looking after a member of your household who is ill or has a disability
- Looking after a child (who does NOT live in your household) on an unpaid basis
- Helping someone who is ill or has a disability (who does NOT live in your household) on an unpaid basis
- Other helping or voluntary (unpaid) work for or through any organisation or group
- Attending or studying for 20 hours or more per week at school or any other place
- Attending or studying for less than 20 hours per week at school or any other place
- None of these

33 What is your AVERAGE total MONTHLY income from ALL SOURCES?

Include all income that you got before tax and before anything was taken out of it. Include wages, salaries, commissions, bonuses etc, paid from all jobs, income from self-employment, interest, dividends, rent, pensions, student grant payments, social welfare payments, child allowance, child support payments, and any other sources of income.

THIS INFORMATION WILL REMAIN CONFIDENTIAL. INFORMATION IN THE CENSUS REPORT RELATING TO INCOME WILL REFER TO THE NUMBER OF PEOPLE IN EACH INCOME BRACKET AND THE AVERAGE INCOME.

- | | |
|--|---|
| <input type="checkbox"/> No income | <input type="checkbox"/> £4,201 - £4,600 |
| <input type="checkbox"/> £1 - £700 | <input type="checkbox"/> £4,601 - £5,000 |
| <input type="checkbox"/> £701 - £1,000 | <input type="checkbox"/> £5,001 - £5,400 |
| <input type="checkbox"/> £1,001 - £1,400 | <input type="checkbox"/> £5,401 - £5,800 |
| <input type="checkbox"/> £1,401 - £1,800 | <input type="checkbox"/> £5,801 - £6,200 |
| <input type="checkbox"/> £1,801 - £2,200 | <input type="checkbox"/> £6,201 - £6,600 |
| <input type="checkbox"/> £2,201 - £2,600 | <input type="checkbox"/> £6,601 - £7,000 |
| <input type="checkbox"/> £2,601 - £3,000 | <input type="checkbox"/> £7,001 - £7,400 |
| <input type="checkbox"/> £3,001 - £3,400 | <input type="checkbox"/> £7,401 - £7,800 |
| <input type="checkbox"/> £3,401 - £3,800 | <input type="checkbox"/> £7,801 - £8,200 |
| <input type="checkbox"/> £3,801 - £4,200 | <input type="checkbox"/> More than £8,200 |

The next set of questions is about your qualifications. Please record any qualifications you have ever achieved anywhere in the world, even if you are not using them now.

34 Have you achieved qualifications at secondary school /high school level? Please tick all that apply

Qualifications taken at the end of lower secondary education e.g. GCSEs, O levels or equivalent
 Yes No

Qualifications taken at the end of upper secondary education e.g. AS, A levels, Baccalaureate, High School Diploma or equivalent
 Yes No

NVQ or equivalent vocational qualifications
 Yes No

35 Have you completed an apprenticeship?
 Yes No

36 Have you achieved a qualification at degree level?
For example: BSc., BA, foundation degree, HND, HNC, NVQ level 4 and above, teaching, nursing
 Yes No

Person 1 - continued

37 Have you achieved a higher degree qualification?
For example MBA, MSc., MA, PhD

Yes No

38 Or, please cross if you have:

No qualifications
 Any other qualifications, equivalent unknown

39 How do you rate your health in general?

Very good
Good
Fair
Bad
Very bad

40 Overall, how satisfied are you with your life nowadays?

Please answer on a scale of 0 to 10, where 0 is "not at all" and 10 is "completely".

Not at all Completely
0 1 2 3 4 5 6 7 8 9 10

41 Not counting anything done as part of paid employment, do you look after or give help or any support to family members, friends, neighbours, or others because of long-term physical or mental ill-health or disability, or problems related to old age?

No → now go to Question 42
Yes

If 'Yes', please indicate the total time spent on this activity in a typical week in the space below:

Total number of hours per week

42 Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age.

No → now go to Question 43
Yes, limited a lot
Yes, limited a little

43 Do you smoke cigarettes?

No → now go to Question 44
Yes

If 'Yes', please indicate the total number smoked per day:

Number of cigarettes smoked per day

44 Do you drink alcohol?

Yes No

If 'Yes', please indicate how many units per week:

Please answer based on a typical week where alcohol is consumed. See the examples beside each option for a guide on the number of units per typical drinks.

Units	Examples
5 or less	<input type="checkbox"/> 2 cans or bottles of beer/cider is 3 units 2 small glasses of wine is 3 units 1 pub measure of spirits is 1 unit
6-10	<input type="checkbox"/> 6 beers is 9 units 1 bottle of wine is about 10 units A quarter bottle of spirits is 9 units
11-15	<input type="checkbox"/> 10 beers/ciders is 15 units 1 litre carton of wine is 15 units 15 pub measures of spirits is 15 units
15-20	<input type="checkbox"/> 12 beers/ciders is 18 units 2 bottles of wine is 20 units
21-30	<input type="checkbox"/> ¼ case of beer is 27 units 3 bottles of wine is 30 units Half a bottle of spirits is 18 units
31 or more	<input type="checkbox"/> 1 case of beer is 36 units 1 bottle of spirits is 38 units

This space left intentionally blank

Form continues on the next page

Person 1 - continued

The next three questions are voluntary, it is not an offence if you don't answer these.

45 What is your religion?

- No religion
- Christian
- Jehovah's Witness
- Buddhist
- Bahá'í
- Muslim
- Other, please state below:

If you are aged 15 or under, do not answer Question 46.

46 Which of the following best describes your sexual orientation?

- Straight/heterosexual
- Gay or lesbian
- Bisexual

Other, please write in the box below:

If you are aged 15 or under, do not answer Question 47.

47 Is the gender you identify with the same as your sex registered at birth?

- Yes
- No, please write your gender

identity in the box below:

There are no more questions for Person 1
→ Go to questions for Person 2 on the next page

OR, if there are no more people in this household:
→ Go to the Visitor Questions at the back of the form

OR, if there are no visitors staying here overnight:
→ Go to the Declaration on the last page

PART 3 – VISITOR QUESTIONS

This part of the form should also be completed by the householder i.e. the head, joint head or acting head of a household in the Falkland Islands on Census night.

Answers in PART 3 are required of every person who is staying in the household on Census night, who:

1. Usually lives elsewhere in the Islands and is staying at your address temporarily, or
2. Usually lives outside the Falkland Islands and is only visiting the Islands temporarily on holiday or for other reasons, for a period of less than 3 months.

Please mark boxes with a cross like this:

V1 Are there any temporary visitors as described above staying overnight in the household on Census night?

- Yes If Yes, please complete the details for all temporary visitors in questions V2 to V5 below.
- No if No, then please check that you have entered all details correctly and that all the required information has been completed in PART 1 – Household Questions, and for all those people who are present in the household on Census night in PART 2 – Individual Questions (except any members of the UK Armed Forces currently serving in the Falkland Islands and their dependants).

Thank you for completing your Census form.

Please return it to the FIG Policy Unit in the supplied prepaid envelope by the 15th October 2021.

V2 How many visitors are staying in your household on Census night?

	Number of visitors in the household
--	-------------------------------------

If you have more than 5 visitors, you will need to contact the FIG Policy Unit to obtain additional visitor forms. The contact details for the Policy Unit are available on the last page.

V3 Please fill in the full name and date of birth for each visitor staying in your household:

	First name	Last name	Date of Birth (dd/mm/yy)
Visitor 1	<input type="text"/>	<input type="text"/>	<input type="text"/>
Visitor 2	<input type="text"/>	<input type="text"/>	<input type="text"/>
Visitor 3	<input type="text"/>	<input type="text"/>	<input type="text"/>
Visitor 4	<input type="text"/>	<input type="text"/>	<input type="text"/>
Visitor 5	<input type="text"/>	<input type="text"/>	<input type="text"/>

V4 What is the person's sex?

	Visitor 1	Visitor 2	Visitor 3	Visitor 4	Visitor 5
Male	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Female	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V5 What is the person's usual country of residence?

Visitor 1	<input type="text"/>
Visitor 2	<input type="text"/>
Visitor 3	<input type="text"/>
Visitor 4	<input type="text"/>
Visitor 5	<input type="text"/>

Declaration

This questionnaire has been completed to the best of my knowledge and belief.

Signature

Date

Phone number

We may be in touch with you if we need to collect any missing information.

Questions? You can:

- Phone the Policy Unit on 28421 or 28422
- email us at census2021@sec.gov.fk
- Drop in to the Census Help Centre at the West Store from
Monday 11th to Wednesday 13th October, between 3pm and 7pm

**Thank you for taking part in the 2021 Falkland Islands Census.
The information you have provided will help us to plan for and provide infrastructure
and services in the Islands.**

Results from the Census will be made available over the coming months,
and you will hear more through media announcements and press releases.

You can also check the FIG website for updates on Census outputs:

www.fig.gov.fk/policy/census

Made 26 August 2021

D. P. MORGAN,
Acting Governor.

EXPLANATORY NOTE
(not part of the order)

This Order is made under the section 13 of the Statistics Ordinance 2010 to provide for the 2021 Census. Conducting a census is one of the functions of the Statistics Service that is carried out every 5 years.

This Order provides that the 2021 Census will be carried out in October 2021 (*article 4*). The census will be undertaken mainly by electronic means although alternative arrangements will be made for those who are unable to complete the form online or who prefer to use a paper form. Guidance on completing the form will be available in languages other than English (*article 5*). The questions to be asked are set out in the Schedule (*article 6*).

ELIZABETH II



FALKLAND ISLANDS

DAVID PAUL MORGAN,
Acting Governor.

Immigration (Amendment) (No. 2) Ordinance 2021

(ORDINANCE No. 7 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Immigration Ordinance

ELIZABETH II



FALKLAND ISLANDS

DAVID PAUL MORGAN,
Acting Governor.

Immigration (Amendment) (No. 2) Ordinance 2021

(assented to: 26 August 2021)
(commencement: on publication)
(published: 27 August 2021)

AN ORDINANCE

To amend the Immigration Ordinance 1999.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Immigration (Amendment) (No. 2) Ordinance 2021.

2. Commencement

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

3. Amendment of Immigration Ordinance

(1) The Immigration Ordinance 1999 is amended in accordance with subsection (2).

(2) In subsection (5) of section 27 (procedure for reviews), after “seven days” insert “of the date of the determination”.

Passed by the Legislature of the Falkland Islands on 26 August 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

Published at the Attorney General's Chambers, Stanley, Falkland Islands
Price: £11.60

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To access **Falkland Islands Laws** online visit: www.legislation.gov.fk



FALKLAND ISLANDS GAZETTE

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No. 15

NOTICES

No. 78

30 August 2021

Immigration Ordinance 1999 *section 39*

Specified forms

In accordance with section 39(1) of the Immigration Ordinance 1999 the Principal Immigration Officer has specified the forms and official stamps to be used under the Ordinance with effect from 1 September 2021. The specified forms are published as required at the end of this Gazette.

The specified forms are available from the Customs and Immigration offices during normal working hours and from the Customs and Immigration website:-

<https://www.fig.gov.fk/customs/immigration-forms>

Dated 30 August 2021

P. A. TREVILLION,
Principal Immigration Officer.

No. 79

30 August 2021

Immigration (Permanent Residence Permits) Regulations 2009 *regulation 25*

Quota for applications

Notice is given that the Governor has determined the annual quota for the purposes of regulation 25 of the

Immigration (Permanent Residence Permits) Regulations 2009. The annual quota is 90 and operates from 1 September in any year to 31 August in the following calendar year.

Dated 30 August 2021

P. A. TREVILLION,
Principal Immigration Officer.

No. 80

30 August 2021

Immigration (General) Regulations 2021 *regulation 23*

Employment advertisement requirement

In accordance with regulation 23 of the Immigration (General) Regulations 2021 the Principal Immigration Officer gives notice that with effect from 1 September 2021 registered employers are required to advertise employment vacancies for seven calendar days before employing migrant workers.

Dated 30 August 2021

P. A. TREVILLION,
Principal Immigration Officer.

Specified forms – Notice 78

Form 1 Application for Visa to enter the Falkland Islands

Version 1.1 September 2021



OFFICIAL USE ONLY: REFERENCE NUMBER

FALKLAND ISLANDS

IMMIGRATION ORDINANCE 1999, section 5 (3), (11), (13), 5B(e), 5D (2)(a)
IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 6 (1-2)

APPLICATION FOR VISA TO ENTER THE FALKLANDS ISLANDS

For use by visa national visitors only (see Falkland Islands visa nationals list)

**Please take care when completing this form and only provide
information that is complete and accurate**

1) PERSONAL DETAILS

Surname(s)	<input type="text"/>
Previous name(s)	<input type="text"/>
Forename(s)	<input type="text"/>

Gender Male Female

Marital Status	<input type="text"/>	
Date of Birth	<input type="text"/>	
Place of Birth	<input type="text"/>	
Current Address	<input type="text"/>	
Email	Telephone	<input type="text"/>
Nationality	<input type="text"/>	
Other Nationalities held	<input type="text"/>	
Occupation	<input type="text"/>	
Details of previous travel - Countries visited	<input type="text"/>	

2) PASSPORT DETAILS

Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>

3) VISA DETAILS

Intended date of arrival

Intended date of departure

Reason for visit

If you are a visitor you must also apply for a visitor permit. If you intend to stay for more than one month or you are travelling in the course of your work, you should apply for a visitor permit before you travel. Otherwise you can apply to the Immigration Officer for a visitor permit on your arrival in the Falkland Islands. To obtain a visitor permit you must have a valid visa, sufficient funds for your stay, confirmed accommodation, and a return ticket or confirmed means of return.

You do not require a visa to enter the Falkland Islands if you already hold – a Work Permit, Accompanying Dependent Permit, or Dependent Permit

Arrival/departure
Details (airline/
cruise-ship)

Have you visited the Falkland Islands before?

Yes

No

If yes, please give details

What accommodation arrangements have been made for you? Please detail the address, how long is it available for, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

Travel insurance policy - minimum required medical cover
\$USD200,000

Yes

No

4) ACCOMPANYING CHILD DETAILS

Do you have any accompanying children who will be under the age of 18 years on the date of arrival in the Falkland Islands? Yes No

If 'yes' give details below in order of age. If 'no' proceed to step 5. Any accompanying adults (18 years +) will be required to complete their own visa application

(a) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>
Relationship to you	<input type="text"/>		

(b) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>
Relationship to you	<input type="text"/>		

(c) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>
Relationship to you	<input type="text"/>		

(d) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>
Relationship to you	<input type="text"/>		

(e) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>
Relationship to you	<input type="text"/>		

Note: the above named persons must enter and depart the Falklands at the same time as you

5) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices.
- A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without permission to do so
- An application fee of £23.00 will be charged for each applicant. A further charge of £1.00 will be made for every dependent applicant named on this form (child dependents)
- All applications should be submitted via email to permits@customs.gov.fk
- **Issuance of a visa does not guarantee entry to the Falkland Islands**

6) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any visa granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of *any* criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s) <input type="text"/>
Conviction(s) <input type="text"/>
Penalties <input type="text"/>

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/>
Caution(s)/Fixed penalty notice(s) <input type="text"/>
Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to *any* country?

Yes No

If 'yes' please provide details below

Have you ever suffered from any dangerous contagious disease?

Yes No

If 'yes' please provide details below

Now finish the application by adding your name and the date below -

I have read and understood the above declaration and it is correct.

Name in full

Date

CHECK LIST

Tick if appropriate

Copies of all passports

Medical insurance

Copies of birth certificate(s) of children (if relevant)



Permanent Residence Permit Points System (1st September 2021)

Form 1A

ADULT PRINCIPAL APPLICANT and ADULT DEPENDENT PARTNER

► READ THIS FIRST

Complete this form if you are either:

- (a) an adult principal applicant applying for a permanent residence permit, or
- (b) a partner included in the application of a principal applicant.

A **principal applicant** must also complete the Form 1B Self-Assessment unless they are the partner of a person who has Falkland Islands status or of a person holding a permanent residence permit.

Only complete this form after you have carefully read the General Guidance and the Form 1A Guidance that is provided to assist you. We strongly recommended that you also refer to the Form 1A Guidance while you are completing this form.

The Customs & Immigration Service is not obliged to seek any further information or documents and may make a decision on your application on the information provided. It is your responsibility to ensure you submit all information and supporting documents you wish to be taken into account.

If you are unable to provide a relevant document, please explain why. If it is discovered that you knowingly included false information or false documents in your application or failed to provide information that should have been included, it will be refused and you may also be committing an offence under the Immigration Ordinance 1999.

Please read Part 12 of the General Guidance carefully (the definition of 'date of application') before completing any of the forms, as it is relevant to some of the information you are asked to provide.

If there is insufficient space in which to answer any of the questions contained in the form or if there is further information you wish to provide in support of your application, use the additional information sheet provided at Part 11.

Part 1 Your Personal Information

1.1 Enter your Falkland Islands immigration personal identity number here

1.2 Put a cross (x) in the relevant box to indicate whether you are applying as
 a principal applicant a partner

1.3 Put a cross (x) in the relevant box to indicate your preferred title
 Mr Miss Mrs Ms Other (specify)

1.4 Surname/s

1.5 First Name/s

1.6 Other Name/s

1.7 Date of Birth 1.8 Gender Female Male

1.9 Place of birth 1.10 Country of birth

1.11 Country of citizenship

1.12 Put a cross (x) in the relevant box to indicate if you are also a citizen of any other countries
 Yes No

1.13 If 'Yes', provide details below

--

1.14 Put a cross (x) in the relevant box to indicate your current partnership status

Single Married Civil partner Unmarried partner

Part 2 Your Passport Information

2.1 Your current passport no.

N	N	N	N	N	N	N	N	N	N
---	---	---	---	---	---	---	---	---	---

 2.2 Issuing authority

2.3 Issue date

D	D
---	---

M	M
---	---

Y	Y	Y	Y
---	---	---	---

 2.4 Expiry date

D	D
---	---

M	M
---	---

Y	Y	Y	Y
---	---	---	---

2.5 Put a cross (x) in the relevant box to indicate if this is your first passport Yes No

2.6 If 'No', provide details of your previous passports covering the last 10 years including where those passports are now

Part 3 Residency Information

3.1 Put a cross (x) in the relevant box to indicate if you are ordinarily resident in the Falkland Islands

Yes No

3.2 If 'Yes', provide the date of when you became ordinarily resident

D	D
---	---

M	M
---	---

Y	Y	Y	Y
---	---	---	---

Note: You must have been ordinarily resident in the Falkland Islands for at least the 3 years immediately before the date of your application

3.3 Provide details in the table below of all your absences from the Falkland Islands in respect of the 3 years immediately before the date of your application, beginning with the most recent

Principal country visited	Principal reason for absence	Date of departure	Date of arrival	Total number of days absent
Total number of days absent				

Part 4 Your Residential Address and Contact Details

4.1 Your address in the Falkland Islands

4.2 Home (land line) telephone number

--

4.3 Mobile telephone number

--

E-mail address

--

4.5 Your current address if different from above

4.6 Home (land line) telephone number

--

4.7 Mobile telephone number

--

E-mail address

--

Part 5 Your Family

Note 1: If you have ticked the 'Single' box at 1.14 Partnership status above or you are completing this form as the partner of a principal applicant, go to Part 5b

Note 2: If you are a principal applicant and your partner is included in your application or they are a person with Falkland Islands status or have a permanent residence permit and are ordinarily resident in the Falkland Islands on the date of application, you must complete this part and then go to Part 5b

Part 5A Your Partner

5.1 Put a cross (x) in the relevant box to indicate your partner's preferred title

Mr Miss Mrs Ms Other (specify)

--

5.2 Surname/s

--

5.3 First Name/s

--

5.4 Other Name/s

--

5.5 Date of Birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 5.6 Gender Female Male

5.7 Place of birth

--

 5.8 Country of birth

--

5.9 Country of citizenship

--

5.10 Put a cross (x) in the relevant box to indicate if your partner is also a citizen of any other countries

Yes No

5.11 If 'Yes', provide details below

5.12 Their current passport no.

N	N	N	N	N	N	N	N	N	N
---	---	---	---	---	---	---	---	---	---

 5.13 Issuing authority

--

5.14 Issue date

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 5.15 Expiry date

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

5.16 Put a cross (x) in the relevant box to indicate if this is your partner's first passport

Yes No

5.17 If you answered "No", provide details of your partner's previous passports covering the last 10 years including where those passports are now

5.18 Put a cross (x) in the relevant box to indicate your partner's current immigration status in the Falkland Islands

Temporarily resident Permanent Residence Permit holder
 Has Falkland Islands status

5.19 If married, give the date of your marriage ceremony

5.20 If in a civil union, give the date of your civil union ceremony

5.21 If you are not married or in a civil union, state the number of years and months you have been together in a relationship
 Years Months

5.22 Put a cross (x) in the relevant boxes to provide your answers to the following questions in connection with 5.19 to 5.21 above by answering 'Yes' or 'No'.

- a. Have you included your partner in your application for a permanent residence permit? Yes No
- b. Are you living together in a genuine partnership? Yes No
- c. Does your partnership meet the regulated definition as set out in the General Guidance? Yes No

Note 1: If you have answered 'Yes' to Questions a. to c. above, your partner must also complete a separate Form 1A. If you have answered 'No' to any of the questions, your partner will not be included in your application

Note 2: It is for the principal applicant to provide evidence to show they have been together with their partner in a genuine partnership which meets the regulated definition as outlined in the Guidance.

Part 5b Dependent Children

Note 1: If you are completing this form as a principal applicant you should only complete this part if you wish to include dependent children in your application, otherwise go to Part 6.

Note 2: If you are completing this form as a partner included in the application of a principal applicant, dependent children, if any, will be included in the principal applicant's application and therefore you are not required to complete this part, go to Part 6.

Note 3: Any children that are included in the application who are 16 years or older must each complete a Form 2.

5.23 Provide below, details of all dependent children that you are including in your application

Child 1

Surname/s First name/s

Gender Female Male Country of citizenship

Date of birth Age now

Place of birth Country of birth

Passport number Issuing authority

Issue date Expiry date

Child 2

Surname/s	<input type="text"/>	First name/s	<input type="text"/>
Gender	Female <input type="checkbox"/> Male <input type="checkbox"/>	Country of citizenship	<input type="text"/>
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Age now	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Place of birth	<input type="text"/>	Country of birth	<input type="text"/>
Passport number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Issuing authority	<input type="text"/>
Issue date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Expiry date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Child 3

Surname/s	<input type="text"/>	First name/s	<input type="text"/>
Gender	Female <input type="checkbox"/> Male <input type="checkbox"/>	Country of citizenship	<input type="text"/>
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Age now	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Place of birth	<input type="text"/>	Country of birth	<input type="text"/>
Passport number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Issuing authority	<input type="text"/>
Issue date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Expiry date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Child 4

Surname/s	<input type="text"/>	First name/s	<input type="text"/>
Gender	Female <input type="checkbox"/> Male <input type="checkbox"/>	Country of citizenship	<input type="text"/>
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Age now	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Place of birth	<input type="text"/>	Country of birth	<input type="text"/>
Passport number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Issuing authority	<input type="text"/>
Issue date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Expiry date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Note: If you need to provide information in respect of more dependent children, please use the Additional Information page at Part 11.

5.24 State the total number of dependent children you have included in your application

Part 6 Health Assessment

Note: You must only complete this part if you are a principal applicant, otherwise go to Part 8.

6.1 Put a cross (x) in the box to confirm that you have provided a health assessment in respect of yourself and if applicable, your partner and any dependent children included in your application

Note: If you have not included a health assessment for all persons included in your application it will be rejected.

Part 7 Educational Assessment

Note: You must only complete this part if you are a principal applicant with a dependent child or children included in the application, otherwise go to Part 8.

7.1 Put a cross (x) in the box to confirm that you have provided an educational assessment in respect of any dependent children under 16 included in your application

Note: If you have not included an educational assessment for all relevant persons included in your application it will be rejected.

Part 8 Your Home in the Falkland Islands

Note 1: You must only complete this part if you are a principal applicant, otherwise go to Part 9.

Note 2: The information you are asked to provide relates to where you ordinarily reside in the Falklands Islands, the address of which you have already provided at 4.1 above.

8.1 Put a cross (x) in the box that best describes your current accommodation

House Flat Mobile home Bedsit
 Bedsit Other – provide a description

8.2 State the total number of occupants or intended occupants

8.3 State the total number of rooms (exceeding 4.6 square metres)

8.4 The size and occupancy of each room

Room 1

Floor area in square metres		Sq m			
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 2

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 3

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 4

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

8.5 Do all occupants have access to a kitchen, toilet and washing facilities and (except where it is a bedsit) a separate living area?

Yes No

8.6 If 'No', provide further information regarding the arrangements you have for these facilities

8.7 Will the accommodation you have outlined above be available to everyone for at least 6 months from the date of your application?

Yes No

Note 1: If you have answered 'No' to 8.7, you must provide on the Additional Information page at Part 11, the address of your intended future accommodation, the period it will be at your disposal and also provide the information as is relevant to questions 8.1 to 8.6 above.

Note 2: If you are unable to adequately show that you have satisfactory accommodation in place for at least 6 months from the date of your application it is probable that your application will be refused.

Part 9 Your Command of English Language

Note: A principal applicant and a partner who is included in an application must have a sufficient command of English to meet the ordinary needs of life.

9.1 Put a cross (x) in the relevant box to indicate how you are claiming that you satisfy the English language Requirement and where applicable, provide the information also requested.

- a. You are a citizen of one of the accepted English speaking countries listed in the General Guidance Country
- b. You have one of the accepted qualifications outlined in the General Guidance Qualification
- c. You have passed the approved English Language test administered by the Falkland Islands Education Department

Note: You must satisfy the English language requirement and provide documentary evidence to show that you meet this requirement otherwise your application will be refused.

Part 10 Your Personal Background

10.1 Detail in the table below the countries

- (a) where you have resided since the age of 16 for 12 months or more in the 5 years before the date of your application, and;
- (b) of which you are a citizen and in which you have resided since you were 16

Include countries where your residence has been broken by short periods of absence.

Country	Date of taking up residence in the Country DD/MM/YYYY	Date of final departure from the country, if applicable DD/MM/YYYY

10.2 Have you ever been convicted of any criminal offences in any country? Yes No

If you have answered 'Yes', provide details below, if you answered 'No' go to Question 10.3

Number	Country	Offence	Date sentenced	Sentence imposed
1				
2				
3				
4				
5				
6				
7				
8				

Note: If you have to provide details of more convictions, continue on the Additional Information sheet at Part 11

10.3 Even if you have answered 'No' to Question 10.2 above, you must answer the following questions by putting

a cross (x) in the relevant box in order to answer 'Yes' or 'No'

- | | | | |
|-------|---|------------------------------|-----------------------------|
| 10.4 | Have you ever been refused entry to any country? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.5 | Have you ever been deported, removed or otherwise required to leave any country? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.6 | Are you an undischarged bankrupt? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.7 | Have you ever been charged or indicted in any country with a criminal offence for which you have not yet been tried in court? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.8 | In time of either peace or war, have you ever been involved, or suspected of involvement in war crimes, crimes against humanity or genocide? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.9 | Have you ever been involved in, supported or encouraged terrorist activities in any country? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.10 | Have you ever, by any means or medium, expressed views that justify or glorify terrorist violence or that may encourage others to commit terrorist acts or other serious criminal acts? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.11 | Have you ever been a member of, or given support or adhered to any group of persons or their organisations which held objectives which were based on hostility against persons or groups of persons on the basis of colour, race, ethnic or national origin, or were based on a representation that persons of a particular race or colour are inherently inferior or superior to other races or colours? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10.12 | If you have answered 'Yes' to any of the questions numbered 10.4 to 10.11 above, provide details below. If there is insufficient space, continue on the Additional Information page at Part 11 | | |

Part 12 Supporting Documents Check List

a. Documents you must provide in support of your application (as applicable)

i. Your documents

Document	Quantity
Birth certificate	
Current and previous passports	
Falkland Islands Immigration movement record	
Marriage certificate	
Civil union certificate	
If you are not single, not married nor in a civil union, evidence of your partnership	
Health assessment	
Evidence of English language capability e.g. qualification taken in English, examination certificate	
Title evidence or tenancy agreement or other documents provided as evidence of your accommodation	
Police certificates or other similar documents	
Other documents you have chosen to provide (list below)	

ii. Your partner's documents (if applicable)

Document	Quantity
Birth certificate	
Current and previous passports	
Falkland Islands Immigration movement record	
Health assessment	
Evidence of English language capability e.g. qualification taken in English, examination certificate	
Police certificates or other similar documents	
Other documents you have chosen to provide (list below)	

iii. Your dependent children's documents (if applicable)

Document	Quantity
Birth certificate	
Adoption or custody documents, if relevant	
Current and previous passports	
Falkland Islands Immigration movement record	
Health assessment(s)	
Educational assessment(s) (if there are children under 16)	
Police certificates or other similar documents (if there are children who are 16 or older)	
Other documents you have chosen to provide (list below)	

Part 13 Declaration

This is my application for a Permanent Residence Permit in respect of the Falkland Islands.

I have read the notes in this form (and if applicable, Form 1B Self-Assessment) and the Guidance that has been provided to me. I confirm that the information that I have given about myself and, if applicable to me, my partner and dependent children in this application, is true and complete to the best of my knowledge.

I declare that the documents that I have supplied with this application are genuine and the statements I have made with this application are truthful. I understand that the Principal Immigration Officer or an immigration officer handling my application (or a trusted third party) may make reasonable checks to confirm the accuracy and authenticity of the evidence and supporting documents I have submitted with this application.

I confirm that if before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I will inform the Principal Immigration Officer in writing as soon as reasonably possible

I understand that if the Customs & Immigration Service has reasonable cause to believe that any documents I have submitted with this application are forged, fraudulent or not genuine and the Customs & Immigration Service has sought to verify the documents but has not been able to verify them, if the points system applies to me, no points will be awarded for these documents even if the Customs & Immigration Service cannot prove they are not genuine.

I understand that:

- (a) it is an offence under the Immigration Ordinance to make a statement which I know to be or believe not to be true in order to obtain an immigration permit in respect of the Falkland Islands, and;
- (b) my application will be refused if I make such a statement, and;
- (c) if I use a false document, lie, or withhold relevant information my details may be passed to the Royal Falkland Islands Police or other law enforcement agencies and I may be liable to prosecution.

Customs & Immigration Service advice

I accept that any advice given to me by the Falkland Islands Customs & Immigration Service before lodging this application was intended to assist me and acting on that advice does not mean that my application for permanent residence will be approved.

Disclosure of information

I understand that the information I provide will be treated in confidence but it may be disclosed to other government services, foreign governments and other bodies to enable the Customs & Immigration Service or those bodies to perform their functions. I also understand that the information provided by me may, suitably anonymised, also be used for staff training purposes.

I also understand that the information provided by me or other information made available to the Customs & Immigration Service may be shared with any person included in my application (for example my partner) but only for the purpose of considering my application. I am aware that if there is any information I do not want you to disclose to them I will tell you by providing a letter with my supporting documentation. If such requests prevent you from making legitimate enquiries my application may be refused.

Applicant's signature _____

Applicant's full name

Date of signing



ADULT PRINCIPAL APPLICANT and ADULT DEPENDENT PARTNER

► **READ THIS FIRST**

A principal applicant must complete this Self-Assessment Form 1B unless they are the qualifying partner of a person with Falkland Islands status or of a person holding a permanent residence permit.

Only complete this form after you have carefully read the General guidance and the Form 1B Guidance that is provided to assist you. In order to ensure that you complete this form correctly it is strongly recommended that you also refer to the Guidance while you are completing it.

The Customs & Immigration Service is not obliged to seek any further information or documents and may make a decision on your application on the information provided. Please therefore ensure you submit all information and supporting documents you wish to be taken into account.

If you are unable to provide a relevant document, please explain why. It is better to explain why you do not have a document than to submit a false document. If it is discovered that you knowingly included false information or false documents in your application, it will be refused and you may also be committing an offence under the Immigration Ordinance.

If there is insufficient space in which to answer any of the questions contained in the form or there is further information you wish to provide in support of your application, use the additional information sheet provided at Part 18.

Part 1 Your Personal Information

1.1 Surname/s

1.2 First name/s

1.3 Date of birth

Part 2 Earned Income

2.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for your averaged earned income

Yes Go to Question 2.2 No Go to Part 3

2.2 State the two most recent full calendar years of your earned income for which you are claiming points

Year A Year B

2.3 Provide in the table below, details of your total earned income in respect of calendar Year A

Reference number*	Source of income	Evidence of income claimed*	Income claimed £
A1			
A2			
A3			
A4			
A5			
Total income Year A			

* Mark the relevant reference number on each document you are providing as evidence in respect of each source of income

2.4 Provide in the table below, details of your total earned income in respect of calendar Year B

Reference number*	Source of income	Evidence of income claimed*	Income claimed £
B1			
B2			
B3			
B4			
B5			
Total income Year B			

* Mark the relevant reference number on each document you are providing as evidence in respect of each source of income

2.5 State your total averaged earned income (Year A + Year B ÷ 2)

2.6 Put a cross (x) in the relevant box to confirm the points you are claiming for your averaged earned income

£12,000 or more, but less than £25,000 (10 points)

£25,000 or more (15 points)

2.7 State the total number of documents you are providing as evidence of your averaged earned income for which you are claiming points (Mark each document with its 'A' or 'B' reference number as applicable)

Year A Number Year B Number

Part 3A Employment in the Falkland Islands

3.1 Put a cross (x) in the relevant box to confirm if you wish to claim 10 points for your employment in the Falkland Islands

Yes Go to Question 3.2 No Go to Part 4

3.2 Provide in the tables below, details of your contract or contracts of employment and of any self-employed activity that will from the date of your application provide you with:

- i. continuous employment for at least 6 months, and;
- ii. a gross income of at least £12,000 per year

Table A – Contracted employment

Reference number*	Employer & job title	Period of employment		Gross annual earned Income £
		Date from DD/MM/YYYY	Date to DD/MM/YYYY or indefinite	
C1				
C2				
C3				
C4				
Total earnings Table A, contracted employment				

* Mark the relevant reference number on each document you are providing as evidence in respect of each of your contracted employments

Table B Self-employed activity

Business financial year		Y	Y	Y	Y
Reference number*	Description of self-employed activity	Date from DD/MM/YYYY	Date to DD/MM/YYYY	Gross annual earned income £	
D1					
D2					
D3					
D4					
Total earnings Table B, self-employed activity					

* Mark the relevant reference number on each document you are providing as evidence in respect of each of your self-employed activities

3.3 State your total annual employment earned income (Table A + Table B) £

3.4 Put a cross (x) in the relevant box to confirm if you wish to claim an additional 5 points for your employment in the Falkland Islands which is in Camp
 Yes Go to Question 3.5 No Go to Part 3B

3.5 Where is your Camp employment located? Give the full address below and the above 'C' or 'D' reference numbers as applicable

3.6 State the total number of documents you are providing as evidence of your employment and income for which you are claiming points (Mark each document with its 'C' or 'D' reference number as applicable)

Table A Number

Table B Number

Part 3B Employment in Workforce Shortage List

3.7 Put a cross (x) in the relevant box to confirm if you wish to claim points for being employed in a role included in the workforce shortage list. 5 points are available for a role included on the workforce shortage list.

Yes Go to Question 3.8 No Go to Part 3C

3.8 State the relevant reference number from Table A or Table B at 3.2 which identifies your current principal employment (the one that provides you with the most income)

Reference number

3.9 Refer to the current workforce shortage list and give the occupation title and accompanying Standard Occupational Classification Code (SOCC), if relevant

Occupation

Standard Occupational Classification Code (SOCC)

3.10 Briefly explain your current principal employment duties and how they come under the occupation you have selected above

3.11 State the total number of documents you are providing as evidence of you being employed in a role included in the workforce shortage list for which you are claiming points (Mark each document with a reference number prefixed 'E')

Number

Part 3C Work Experience Relevant to Principal Employment

3.12 Put a cross (x) in the relevant box to confirm if you wish to claim points for work experience that is relevant to your current principal employment

Yes Go to Question 3.13 No Go to **Part 4**

3.13 State the Table A or Table B reference number at 3.2 which identifies your current principal employment for which you are claiming points (the one which provides you with the most income)

Reference number

3.14 Your current employer

3.15 Your current job title

3.16 Briefly outline the main requirements and responsibilities of your current principal employment

3.17 Date on which you commenced your current principal employment

3.18 Total number of full months in your current employment immediately before the date of your application

3.19 Provide below, details of your periods of previous principal employment, commencing from up to 10 years before the date of your application for which you are claiming points for work experience that is relevant to your current principal employment

3.19 i. First period of previous relevant employment

Reference number

Name of employer

Job title

Briefly explain how this previous principal employment counts as relevant work experience for which you are claiming points

Date from

Date to

Total number of full months in this employment

3.19 ii. Next period of previous relevant employment

Reference number

Name of employer

Job title

Briefly explain how this previous principal employment counts as relevant work experience for which you are claiming points

Date from

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Date to

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Total number of full months in this employment

3.19 iii. **Next period of previous relevant employment**

Reference number

Name of employer

Job title

Briefly explain how this previous principal employment counts as relevant work experience for which you are claiming points

Date from

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Date to

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Total number of full months in this employment

3.19 iv. **Next period of previous relevant employment**

Reference number

Name of employer

Job title

Briefly explain how this previous principal employment counts as relevant work experience for which you are claiming points

Date from

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Date to

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Total number of full months in this employment

3.19 v. **Next period of previous relevant employment**

Reference number

Name of employer

Job title

Briefly explain how this previous principal employment counts as relevant work experience for which you are claiming points

Date from

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Date to

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Total number of full months in this employment

3.20 Put a cross (x) in the box if you have included additional information at Part 18

3.21 Total number of months (3.18 + 3.19 (i. to v.) plus any additional periods you have detailed at Part 18)

3.22 Total number of years (Total months at 3.21 above ÷ 12)

3.23 Put a cross in the relevant box to confirm the points you are claiming for your work experience which is relevant to your current principal employment

Up to 5 years (5 point)

More than 5 years (10 points)

3.24 State the total number of documents you are providing as evidence of your work experience relevant to your principal employment for which you are claiming points (Mark each document with the its 'F' prefixed reference number as applicable)

Number

Part 4 Eligible Educational or Professional Qualification

4.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for you having an eligible educational or professional qualification that is relevant to your primary employment

Yes Go to Question 4.2 No Go to Part 5

4.2 Provide below, details of your eligible educational or professional qualification for which you are claiming points and how it is relevant to your primary employment, as the relevance may not be clear unless it is explained. Is the qualification a UK awarded qualification?

4.3 Country of award 4.4 State/province (if applicable)

4.5 Institution 4.6 Year of award

Y	Y	Y	Y
---	---	---	---

4.7 Duration of study Date from

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Date to

4.8 Qualification 4.9 Grade (if graded)

4.10 Put a cross (x) in the relevant box to indicate the eligibility of or the verification of eligibility of your qualification

(a) Your United Kingdom qualification is equivalent to at least level 3 in the National Qualifications Framework of the United Kingdom or is a higher qualification

(b) Your qualification is not a United Kingdom qualification but

i. it is one that has been assessed by the European Network of Information Centres (ENIC) as being, or equivalent to at least level 3 in the National Qualifications Framework of the United Kingdom or as a higher qualification, **and**

ii. you have included a ENIC letter or certificate of comparability with your application

4.11 Put a cross (x) in the relevant box/es to confirm the documents you are submitting as evidence of the qualification for which you are claiming points (Mark each document with a reference number prefixed 'G')

Original certificate Reference from awarding body Academic transcript

Part 5 Community Engagement

5.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for your Community Engagement.

Yes Go to Question 5.2 No Go to Part 6

5.2 Explain the Community Engagement for which you are claiming points

5.3 State the total number of documents you are providing as evidence of your community engagement for which you are claiming 5 points (Mark each document with its 'CE' prefixed reference number as applicable)

Number

Part 6 Property Assets

6.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for your property assets

Yes Go to Question 6.2

No Go to Part 7

6.2 Provide in the table below, details of your property assets for which you are claiming points

Reference number*	Description of property asset	Address/location	Date property acquired DD/MM/YYYY	Net value £
I1				
I2				
I3				
I4				
Total net value of property assets				

* Mark the relevant reference number on each document you are providing in respect of each of your property assets

6.3 Put a cross in the relevant box to confirm the points you are claiming for the total net value of your property assets

Property in the Falkland Islands valued at more than £25,000 but less than £50,000 (10 points)

Property in the Falkland Islands valued at more than £50,000 (20 points)

Property overseas valued at more than £25,000 but less than £50,000 (5 points)

Property overseas valued at more than £50,000 (10 points)

6.4 State the total number of documents you are providing as evidence of your property assets for which you are claiming points (Mark each document with its 'I' prefixed reference number as applicable)

Number

Part 7 Unencumbered Cash Assets

7.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for your unencumbered cash assets

Yes Go to Question 7.2

No Go to Part 8

7.2 Provide in the table below, details of your unencumbered cash assets for which you are claiming points

Reference number*	Name of investment organisation	Evidence of cash assets provided*	Cash assets claimed £
J1			
J2			
J3			
J4			
J5			
J6			
J7			
J8			
Total unencumbered cash assets			

* Mark the relevant reference number on each document you are providing as evidence in respect of each unencumbered cash asset

7.3 Put a cross in the relevant box to confirm the points you are claiming for the total value of your cash assets

£5,000 or more, but less than £15,000 held in the Falkland Islands (5 points)

£15,000 or more, whether held in the Falkland Islands or elsewhere (10 points)

7.4 State the total number of documents you are providing as evidence of your cash assets for which you are claiming points (Mark each document with its 'J' prefixed reference number as applicable)

Number

Part 8 Age

8.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for your age on the date of application

Yes Go to Question 8.2 No Go to **Part 9**

8.2 State your age in years on the date of your application Years

8.3 Put a cross (x) in the relevant box to confirm the points you are claiming on account of your age

18 to 34 years (15 points) 35 to 44 years (10 points) 45 to 54 years (5 points)

55 or over (0 points)

8.4 Put a cross (x) in the box to confirm you have provided your birth certificate (in support of Form1A)

Part 9 Length of Time Resident in the Falkland Islands

9.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for the time you have been ordinarily resident in the Falkland Islands

Yes Go to Question 9.2 No Go to **Part 10**

9.2 State the date from when you have been ordinarily resident in the Falkland Islands

D D

9.3 Provide in the table below, details of your absences from the Falkland Islands for those periods which exceed 60 days, going back from the date of your application for up to 10 years or up to the date you have given at 9.2 above, whichever is the lesser

Principal country visited	Primary reason for travelling	Date of return (DD/MM/YYYY)	Date of departure (DD/MM/YYYY)	Total days absent

9.4 Put a cross in the relevant box to confirm the points you are claiming for the time you have been ordinarily resident in the Falkland Islands

36 months or more, but less than 72 months (10 points)

72 months or more (5 points)

9.5 Put a cross (x) in the box to confirm you have provided a copy of your immigration movement record



Part 10 Pension Plan

10.1 Put a cross (x) in the relevant box to confirm that you are aged 55 years or more and wish to claim 5 points for having a personal pension plan in place for a period of at least 2 years before the date of your application

Yes Go to Question 10.2

No Go to Part 11

10.2 Name of your pension plan provider

10.3 Give the date your pension plan commenced

10.4 State the total number of documents you are providing as evidence of your pension plan for which you are claiming points (Mark each document with a reference number prefixed 'K')

Number

Part 11 Close Family Permanently Resident

11.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points because you, or your partner included in your application, have a close family member who is permanently resident in the Falkland Islands

Yes Go to Question 11.2

No Go to Part 12

Close family member's personal details

11.2 Surname/s

11.3 First name/s

11.4 Date of birth 11.5 Gender Female Male

11.6 Place of birth 11.7 Country of birth

11.8 Nationality

11.9 Put a cross (x) in the relevant box to indicate the close family member's Falkland Islands' immigration status

Falkland Islands status

Permanent Residence Permit holder

11.10 Put a cross (x) in the relevant box to indicate their relationship to you and/or your partner (if applicable and they are included in your application)

Sibling (brother/ sister)

Parent

Child

11.11 Put a cross (x) in the relevant box to identify with who the close family member is related

You, the applicant

Your partner

Both of you

11.12 State the total number of documents you are providing as evidence of you or your partner having a close family member who is permanently resident in the Falkland Islands for which you are claiming points (Mark each document with a reference number prefixed 'L')

Number

Part 12 South Atlantic Medal

12.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for you being the holder of a South Atlantic Medal

Yes Go to Question 12.2 No Go to **Part 13**

12.2 Are you a member of the South Atlantic Medal Association? Yes No

12.3 State the total number of documents you are providing as evidence of your South Atlantic Medal for which you are claiming points **Mark each document with a reference number prefixed 'M'**

Number

Part 13 Your Dependent Partner's Personal Details

13.1 Put a cross (x) in the relevant box to confirm if you wish to claim points for a dependent partner included in your application

Yes Go to Question 13.2 No Go to Question 16.5

13.2 Surname/s

13.3 First name/s

13.4 Date of birth

Part 14 Employment in Workforce Shortage List

14.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for your partner being employed in a role included in the workforce shortage list.

Yes Go to Question 14.2 No Go to **Part 15**

14.2 For your partner's role - refer to the current Workforce Shortage List and give the occupation title and accompanying Standard Occupational Classification Code (SOCC), if relevant

Occupation

Standard Occupational Classification Code (SOCC)

14.3 Briefly explain your partner's principal employment duties and how they come under the occupation you have selected above

14.4 State the total number of documents you are providing as evidence of your partner being employed in a role included in the workforce shortage list for which you are claiming points **(Mark each document with a reference number prefixed 'E')**

Number

Part 15 Community Engagement

15.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for your partner's Community Engagement.

Yes Go to Question 15.2 No Go to **Part 16**

15.2 For your partner - explain the Community Engagement for which you are claiming points

15.3 State the total number of documents you are providing as evidence of your community engagement for which you are claiming 5 points (Mark each document with its 'CE' prefixed reference number as applicable)

Number

Part 16 Age

16.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for your dependent partner's age on the date of application.

Dependent partner under 45 years of age.

Yes , Go to Question 16.2 No | Go to Question 16.5

16.2 State your partner's age in years on the date of your application Years

16.3 Put a cross (x) in the relevant box to confirm the points you are claiming on account of your dependent partner's age

Under 45 years (5 points)

16.4 Put a cross (x) in the box to confirm you have provided your partner's birth certificate (in support of Form1A)

16.5 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for a dependent child's age on the date of application.

Dependent child aged 16 years and under.

Yes | Go to Question 16.6 No | Go to Part 17

16.6 State your child's in years on the date of your application Years

16.7 Put a cross (x) in the relevant box to confirm the points you are claiming on account of your dependent child's age

16 years and under (5 points)

16.8 Put a cross (x) in the box to confirm you have provided your child's birth certificate (in support of Form1A)

Part 17 South Atlantic Medal

17.1 Put a cross (x) in the relevant box to confirm if you wish to claim 5 points for your partner being the holder of a South Atlantic Medal

Yes

Go to Question 17.2

No

Go to Part 19

17.2 Is your partner a member of the South Atlantic Medal Association?

Yes

No

17.3 State the total number of documents you are providing as evidence of your partner's South Atlantic Medal for which you are claiming points (Mark each document with a reference number prefixed 'S')

Number

Part 18 Additional Information

Use this additional information sheet if there is insufficient space in which to answer any of the questions contained in this form, or if there is any further information you wish to provide in support of your application.

	Additional Information Page ____ of ____

Part 19 Applicant's Permanent Residence Permit Points Summary

Complete the summary below, listing all of the points you have claimed on the form.

You must provide documentary evidence in support of each criteria for which you are claiming points. All documents so provided must be originals or certified copies and **must** be listed on the **Supporting Documents Check List at Part 20**. Failure to submit sufficient evidence will lead to refusal of your application.

Points Scoring Area	Points Claimed
<u>Principal Applicant</u>	
Part 2 Earned Income	
Part 3A Employment in the Falkland Islands	
Part 3B Employment in Workforce Shortage List	
Part 3C Work Experience Relevant to Principal Employment	
Part 4 Eligible Educational or Professional Qualification	
Part 5 Community Engagement	
Part 6 Property Assets	
Part 7 Unencumbered Cash Assets	
Part 8 Age	
Part 9 Length of Time Resident in the Falkland Islands	
Part 10 Pension Plan	
Part 11 Close Family Permanently Resident	
Part 12 South Atlantic Medal	

Sub Total A Principal Applicant

Dependent Partner (if included in the application of a principal applicant)

Part 14 Employment in Workforce Shortage List	
Part 15 Community Engagement	
Part 16 Age	
Part 17 South Atlantic Medal	

Sub Total B Dependent Partner

Total Principal Applicant and Dependent Partner (Sub Total A + Sub Total B)

The points threshold as of 01 September 2021 is: 50 points

Note: If you are unable to claim 50 points or more your application will be rejected

Part 20 Supporting Documents Check List

Ensure that you list in ascending order, all of the documents you are providing in support of the parts for which you are claiming points. You must also ensure that all of the documents are correctly referenced to the part that they relate to and where applicable, they are correctly labelled with the correct reference number.

Part number	Reference Number/s	Description/s of document/s	Quantity

Part number	Reference Number/s	Description/s of document/s	Quantity

Part 21 Declaration

I confirm that in addition to this Form 1B, I have also completed Form 1A and accept the statements included in the declaration contained therein which I have also signed and dated

Applicant's signature _____

Applicant's full name

Date of signing /



Permanent Residence Permit Points System (1st September 2021)

Form 2

CHILD PRINCIPAL APPLICANT and DEPENDENT CHILD

► READ THIS FIRST

You must complete this form if you are a child who is either:

- (a) a principal applicant applying for a permanent residence permit as the child of a person with Falkland Islands status or of a person who holds a permanent residence permit;
- (b) 16 or older and included in the application of a principal applicant; or
- (c) making an application as a principal applicant with the approval of the Principal Immigration Officer under regulation 5 (4) of the Immigration (Permanent Residence Permits) Regulations 2009.

Only complete this form after you have carefully read the General Guidance and the Form 2 Guidance that is provided to assist you. In order to ensure that you complete this form correctly it is strongly recommended that you also continuously refer to the Form 2 Guidance while you are completing it.

The Immigration Service is not obliged to seek any further information or documents and may make a decision on your application on the information provided. Please therefore ensure you submit all information and supporting documents you wish to be taken into account.

If you are unable to provide a relevant document, please explain why. It is better to explain why you do not have a document than to submit a false document. If it is discovered that you knowingly included false information or false documents in your application, it will be refused and you may also be committing an offence under the Immigration Ordinance.

It is strongly recommended for applicants to read very carefully Part 12 of the General Guidance regarding the definition of 'date of application' before completing any of the forms, as in certain areas it is of particular relevance to the information you are asked to provide.

If there is insufficient space in which to answer any of the questions contained in the form or there is further information you wish to provide in support of your application, please use the additional information sheet provided at Part 10.

Part 1 Your Personal Information

1.1 Enter your Falkland Islands immigration personal identity number here N N N N N N N

1.2 Put a cross (x) in the relevant box to indicate whether you are applying as

- (a) a principal applicant who is the child of a person with Falkland Islands status or of a person who holds a permanent residence permit
- (b) a child who is 16 or older and included in the application of a principal applicant
- (c) a child principal applicant with the exceptional approval of the Principal Immigration Officer

1.3 Put a cross (x) in the relevant box to indicate your preferred title

Mr Master Miss Other (specify)

1.4 Surname/s

1.5 First name/s

1.6 Other names

1.7 Date of birth D D M M Y Y Y Y 1.8 Gender Female Male

1.9 Place of birth 1.10 Country of birth

- 1.11 Country of citizenship
- 1.12 Put a cross (x) in the relevant box to indicate if you are also a citizen of any other countries
- Yes No
- 1.13 If 'Yes', provide details below

Part 2 Your Passport Information

- 2.1 Your current passport no. 2.2 Issuing authority
- 2.3 Issue date 2.4 Expiry date
- 2.5 Put a cross (x) in the relevant box to indicate if this is your first passport Yes No
- 2.6 If "No", provide details of your previous passports covering the last 10 years including where those passports are now

Part 3 Residency Information

- 3.1 Put a cross (x) in the relevant box to indicate if you are ordinarily resident in the Falkland Islands
- Yes No
- 3.2 If 'Yes', provide the date of when you became ordinarily resident
- 3.3 If 'No', provide the date on which you will become ordinarily resident

Note If you are a principal applicant applying for a permanent residence permit as the child of a person with Falkland Islands status or of a person who holds a permanent residence permit, you must have been ordinarily resident in the Falkland Islands for at least the 3 years immediately before the date of your application

- 3.4 If you are applying as a principal applicant who is the child of a person with Falkland Islands status or of a person who holds a permit residence permit, provide details in the table below of all your absences from the Falkland Islands in respect of the 3 years immediately before the date of your application, beginning with the most recent, otherwise go to Part 4

Principal country visited	Principal reason for absence	Date of departure	Date of arrival	Total number of days absent
Total number of days absent				

Part 4 Your Family Background Information

(i) Your mother

4.1 Your mother's surname/s

4.2 Your mother's first name/s

4.3 Date of birth

4.4 Place of birth 4.5 Country of birth

4.6 Country of citizenship

4.7 Put a cross (x) in the relevant box to indicate your mother's current immigration status in the Falkland Islands:

Temporary resident Has Falkland Islands status

Permanent residence permit holder Not resident

Deceased Immigration status when alive

(i) Your father

4.8 Your father's surname/s

4.9 Your father's first name/s

4.10 Date of birth

4.11 Place of birth 4.5 Country of birth

4.12 Country of citizenship

4.13 Put a cross (x) in the relevant box to indicate your father's current immigration status in the Falkland Islands:

Temporary resident Has Falkland Islands status

Permanent residence permit holder Not resident

Deceased Immigration status when alive

Note 1 If your parent or parents are your legal custodians, go to Part 6.

Note 2 If your parent or parents are not your legal custodians and a person who is permanently resident in the Falkland Islands has been permanently appointed as your legal guardian, go to Part 5.

Part 5 Your Legal Guardian

5.1 Your guardian's surname/s

5.2 Your guardian's first name/s

5.3 Your guardian's address in the Falkland Islands

5.4 Home (land line) telephone number

5.5 Mobile telephone number

E-mail address
5.6

Part 6 Your Residential Address and Contact Details

<p>6.1 Your address in the Falkland Islands</p> <table border="1" style="width: 100%; height: 60px;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>							<p>6.2 Home (land line) telephone number</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table> <p>6.3 Mobile telephone number</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table> <p>E-mail address</p> <p>6.4</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table>			
<p>6.5 Your current address if different from above</p> <table border="1" style="width: 100%; height: 60px;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>							<p>6.6 Home (land line) telephone number</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table> <p>6.7 Mobile telephone number</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table> <p>E-mail address</p> <p>6.8</p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table>			

Part 7 Health Assessment

Note You must only complete this part if you are a principal applicant. A dependent child included in the application of a principal applicant should continue to Part 9.

7.1 Put a cross (x) in the box to confirm that you or a responsible adult on your behalf, has provided a health assessment

Note If you or a responsible adult on your behalf, have not included a health assessment your application will be rejected.

Part 8 Educational Assessment

Note You must only complete this part if you are a principal applicant who is under 16. A dependent child included in the application of a principal applicant should continue to Part 9.

8.1 Put a cross (x) in the box to confirm that you or a responsible adult on your behalf, has provided an educational assessment

Note If you or a responsible adult on your behalf, have not included an educational assessment your application will be rejected.

Part 9 Your Home in The Falkland Islands

Note 1 You must only complete this part if you are a principal applicant. A dependent child included in the application of a principal applicant should continue to Part 10.

Note 2 The information you are asked to provide relates to where you ordinarily reside in the Falklands Islands, the address of which you have already provided at 6.1 above.

9.1 Put a cross (x) in the box that best describes your current accommodation

House Flat Mobile home Bedsit

Bedsit Other – provide a description

--

9.2 State the total number of occupants or intended occupants

N

N

9.3 State the total number of rooms (each exceeding 4.6 sq. metres)

N

N

9.4 The size and occupancy of each room

Room 1

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 2

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 3

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

Room 4

Floor area in square metres			Sq m		
	Number of Persons	Number by sex		Relationship between persons of 10 years or older	Relationship between persons of 10 years or older and any children over 1 year but under 10 years, if applicable
		Female	Male		
Persons of 10 years or older					
Children over 1 year and under 10 years					
TOTAL					

9.5 Do all occupants have access to a kitchen, toilet and washing facilities and (except where it is a bedsit) separate living area? Yes No

9.6 If 'No', provide further information regarding the arrangements you have for these facilities

9.7 Will the accommodation you have outlined above be available to everyone for at least 6 months from the date of your application? Yes No

Note 1 If you have answered 'No' to 9.7, you must provide on the additional information page at Part 11, the address of your intended future accommodation, the period it will be at your disposal and also provide the information as is relevant to questions 9.1 to 9.6 above.

Note 2 If you are unable to adequately show that there you have satisfactory accommodation in place for at least 6 months from the date of your application it is probable that your application will be refused.

Part 10 Your Personal Background

Note If you are under 16 you do not have to complete this part, go to Part 12

10.1 Detail in the table below the countries

- (a) where you have resided since the age of 16 for 12 months or more before the date of your application, and;
- (b) of which you are a citizen and in which you have resided since you were 16

Note Include countries where your residence has been broken by short periods of absence.

Country	Date of taking up residence in the Country DD/MM/YYYY	Date of final departure from the country, if applicable DD/MM/YYYY

10.2 Have you been convicted of any criminal offences in any country? Yes No

If you answered 'Yes', provide details below, if you answered 'No' go to Question 10.3

Number	Country	Offence	Date sentenced	Sentence imposed
1				
2				
3				
4				
5				
6				
7				
8				

Note If you have to provide details of more convictions, continue on the additional information sheet at Part 11

10.3 Even if you have answered 'No' to Question 10.2 above, you must answer the following questions by putting a cross (x) in the relevant box in order to answer 'Yes' or 'No'

10.4 Have you ever been refused entry to any country? Yes No

10.5 Have you ever been deported, removed or otherwise required to leave any country? Yes No

10.6 Are you an undischarged bankrupt? Yes No

10.7 Have you ever been charged or indicted in any country with a criminal offence for which you have not yet been tried in court? Yes No

10.8 In time of either peace or war, have you ever been involved, or suspected of involvement in war crimes, crimes against humanity or genocide? Yes No

10.9 Have you ever been involved in, supported or encouraged terrorist activities in any country? Yes No

10.10 Have you ever, by any means or medium, expressed views that justify or glorify terrorist violence or that may encourage others to commit terrorist acts or other serious criminal acts? Yes No

10.11 Have you ever been a member of, or given support or adhered to any group of persons or their organisations which held objectives which were based on hostility against persons or groups of persons on the basis of colour, race, ethnic or national origin, or were based on a representation that persons of a particular race or colour are inherently inferior or superior to other races or colours? Yes No

10.12 If you have answered 'Yes' to any of the questions numbered 10.4 to 10.11 above, provide details below. If there is insufficient space, continue on the additional information page at Part 11

Part 11 Additional Information

	Use this information page if there is insufficient space in which to answer any of the questions contained in this form, or if there is any further information you wish to provide in support of your application.
Part number	Additional Information page ____ of ____

Part 12 Supporting Documents Check List

Note You are only required to complete this supporting documents check list if you are a principal applicant, otherwise go to Part 13

Documents you must provide in support in support of your application (but only as a principal applicant)	
Document	Quantity
Birth certificate	
Adoption or custody documents, if relevant	
Current and previous passports	
Falkland Islands Immigration movement record	
Health assessment	
Educational assessment, if relevant	
Title evidence or tenancy agreement or other documents provided as evidence of your accommodation	
Police certificates or other similar documents (if 16 or older)	
Other documents you have chosen to provide (list below)	

Part 13 Declaration

This is my application for a permanent residence permit in respect of the Falkland Islands as a principal applicant (or as a dependent child of a principal applicant).

I understand the notes in this form and the Guidance that has been provided to me. I confirm that the information that I have given about myself and my family is true and complete to the best of my knowledge.

I declare that any documents that I have supplied with this application are genuine and the statements I have made with this application are truthful. I understand that the Principal Immigration Officer or an immigration officer handling my application (or a trusted third party) may make reasonable checks to confirm the accuracy and authenticity of the evidence and supporting documents I have submitted with this application.

I confirm that if before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I (or a trusted third party) will inform the Principal Immigration Officer in writing as soon as reasonably possible

I understand that if the Immigration Service has reasonable cause to believe that any documents I have submitted with this application are forged, fraudulent or not genuine and the Immigration Service has sought to verify the documents but has not been able to verify them, if the points system applies to me, no points will be awarded for these documents even if the Immigration Service cannot prove they are not genuine.

I understand that:

- (a) it is an offence under the Immigration Ordinance to make a statement which I know to be or believe not to be true in order to obtain an immigration permit in respect of the Falkland Islands, and;
- (b) my application will be refused if I make such a statement, and;
- (c) if I use a false document, lie, or withhold relevant information my details may be passed to law enforcement agencies and I may be liable to prosecution.

Immigration Service advice

I accept that any advice given to me by the Falkland Islands Immigration Service before lodging this application was intended to assist me and acting on that advice does not mean that my application for permanent residence will be approved.

Disclosure of information

I understand that the information I provide will be treated in confidence but it may be disclosed to other government services, foreign governments and other bodies to enable the Immigration Service or those bodies to perform their functions. I also understand that the information provided by me may also be used for staff training purposes.

I also understand that the information provided by me or other information made available to the Immigration Service may be shared with any person included in my application (for example my parent/s) but only for the purpose of considering my application. I am aware that if there is any information I do not want you to disclose to them I will tell you by providing a letter with my supporting documentation. If such requests prevent you from making legitimate enquiries my application may be refused.

Applicant's signature _____

Applicant's full name

Date of signing



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17B
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 14

FALKLAND ISLANDS

APPLICATION FOR VISITOR PERMIT (including extensions)

Please take care when completing this form and only provide information that is complete and accurate

1) PERSONAL DETAILS

Surname(s)	<input type="text"/>	
Forename(s)	<input type="text"/>	
Previous name(s)	<input type="text"/>	
Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Date of birth	<input type="text"/>	
Nationality	<input type="text"/>	
Country of residence	<input type="text"/>	
Passport number	Place of Issue	<input type="text"/>
Date of issue	Date of Expiry	<input type="text"/>
Email	<input type="text"/>	
Address in Falkland Islands	<input type="text"/>	

2) PERMIT DETAILS

Reason for visiting

- Visiting friends / relatives
 Business / professional
 Holiday / tourism
 Other: please state -

How long do you wish to stay

[Redacted]

Give details of exactly what you intend to do in the Falkland Islands

[Redacted]

For Permit Extensions only

Current permit no	[Redacted]	Your ID no	[Redacted]
Permit valid from	[Redacted]	Valid to	[Redacted]

Why do you wish to extend your visitor permit, give details to include accommodation arrangements and funds to support yourself below

[Redacted]

3) DECLARATION

- Do you have sufficient funds to support yourself? Yes
- Do you Have a fully paid return ticket, or the means to purchase one? Yes
- Do you have medical insurance which includes aero-medical evacuation to the value of at least US\$200,000 in place? Yes
- I am aware that I must not undertake unauthorised employment whilst in the Falkland Islands Yes

I declare that all the questions answered and information given above are accurate to the best of my knowledge and ability

Name in full	[Redacted]
Date	[Redacted]



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17F
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 16

APPLICATION FOR WORK PERMIT (including extensions)

Please take care when completing this form and only provide information that is complete and accurate

1) PERSONAL DETAILS

Surname(s)

Previous name(s)

Forename(s)

Gender

Male

Female

Marital Status

Date of Birth

Place of Birth

Current Address

How long in current address

Previous address (if less than 12 months)

Email

Telephone

Nationality

Other Nationalities held

Countries lived in for 12 months or more in the last 5 years:

2) PASSPORT DETAILS

Passport Number

Place of Issue

Date of Issue

Date of Expiry

3) PERMIT DETAILS

Intended date of arrival
(if not already in the Falkland Islands)

Name of Employer	<input type="text"/>			
Address of Employer	<input type="text"/>			
Job Title	<input type="text"/>			
Employment dates	Start Date:	<input type="text"/>	End Date:	<input type="text"/>

For Permit Extensions

Current permit no	<input type="text"/>	Your ID no	<input type="text"/>
Permit valid from	<input type="text"/>	Valid to	<input type="text"/>

Has there been any changes in the main terms & conditions of your job? Yes No

If 'yes' give details below –

Note: If your job role has changed a new Work Permit application will be required

Medical and dental assessment or medical self-declaration completed (see guidance notes below)

Yes No

What accommodation arrangements have been made for you? Please detail the address, how long is it available for, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

4) ACCOMPANYING DEPENDENT(S) DETAILS

Do you have dependents accompanying you Yes No

If 'yes' give details below. If 'no' proceed to step 5
 Spouse/Partner first followed by any other family members in order of age (oldest first)
No dependents are allowed to accompany you if you are medically self-declared

For every accompanying dependent a separate application for an accompanying dependent permit must be completed

(a) Full Name			
Date of Birth		Place of Birth	
Nationality			
Relationship to you			
(b) Full Name			
Date of Birth		Place of Birth	
Nationality			
Relationship to you			
(c) Full Name			
Date of Birth		Place of Birth	
Nationality			
Relationship to you			
(d) Full Name			
Date of Birth		Place of Birth	
Nationality			
Relationship to you			
(e) Full Name			
Date of Birth		Place of Birth	
Nationality			
Relationship to you			

(f) Full Name	<input type="text"/>		
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Nationality	<input type="text"/>		
Relationship to you	<input type="text"/>		

I confirm that I will support financially the above named dependents

Tick box if dependents included

Note: box must be ticked if dependents are named above

5) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices. A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without having permission to do so
- A work permit may be issued for (or extended up to) a maximum period of four years. You cannot apply for a work permit if you are living in the Falkland Islands unless you have a valid work permit, accompanying dependent permit, dependent permit, or carer permit or you had a work permit, accompanying dependent permit, or dependent permit that expired less than 28 days before you submit the application
- An application fee of £23.00 is payable. No fee will be charged for an extension of an existing permit. All applications should be submitted via email to permits@customs.gov.fk
- Original documents must be available for inspection on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

- You must have undergone a medical and dental assessment in the last three months and submitted it to the Chief Medical Officer
- Clearance can be valid for up to 5 years, but in some cases may be less, it is the permit holder's responsibility to ensure they have adequate medical clearance to cover any permit extension and if not they must apply to King Edward Memorial Hospital for a new assessment. **Please note we will only be able to issue a Work Permit extension for the duration of the medical clearance**

For work permits up to 9 months, you may submit medical self-declaration in the specified form for approval by the Chief Medical Officer. The approval of the Chief Medical Officer is required before a work permit can be issued. If you choose this option rather than undergoing a full assessment, you must also hold appropriate medical insurance valid for the duration of the work permit and provide a copy of the insurance certificate. Medical insurance must cover aero-medical evacuation to a minimum value of US\$ 200,000. **If your insurance cover is not valid or maintained or the insurer subsequently refuses to accept liability for any reason, the Falkland Islands Government is not liable for any medical treatment or related medical services you may incur**

Criminal Record Checks

- Applicants for permits of 150 days (five months) or more must provide (dated not more than three months before the date of application):
 - an approved Police Vetting Certificate from your country of residence; if the duration of your work permit is 2 years or more (or any subsequent extension takes the duration past 2 years)a Police Vetting Certificate for each country you have lived in for 12 months or more in the 5 years prior to your arrival (unless already submitted)

You must provide evidence to satisfy medical and criminal record checks requirements when submitting your application

6) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- If, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of any criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s) <input type="text"/> Conviction(s) <input type="text"/> Penalties <input type="text"/>
--

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/> Caution(s)/Fixed penalty notice(s) <input type="text"/> Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to any country? Yes No

If 'yes' please provide details below

<input type="text"/>

Have you ever suffered from any dangerous contagious disease? Yes No

If 'yes' please provide details below

Do you have any medical condition or disability for which you need on-going specialist medical treatment?

Yes No

If 'yes' please provide details below

Now finish the application by adding your name and the date below -

I have read and understood the above declaration and it is correct

Name in full

Date

CHECK LIST

Tick if appropriate

- Copies of all passports**
- Criminal record checks (if relevant)**
- Medical assessment, or medical declaration and insurance**
- Copies of birth certificate(s) of children (if relevant)**
- Educational assessment of children (if relevant)**

OFFICIAL USE ONLY: REFERENCE NUMBER



IMMIGRATION ORDINANCE 1999, section 38(A) (1-2)
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 22 (1-2)

FALKLAND ISLANDS GOVERNMENT
REGISTERED EMPLOYER SCHEME
EMPLOYER REGISTRATION FORM

Business details

1.	Full Falkland Islands business name <i>and</i> any trading name	<input type="text"/>
2.	Falkland Islands business address for service of documents	<input type="text"/>
3.	Any other Falkland Islands address (or proposed address) from which the business operates	<input type="text"/>
4.	If the business is not based in the Falkland Islands – full name and contact details of Falkland Islands agent authorised to act on behalf of the business	<input type="text"/>
5.	Nature of the business	<input type="text"/>

Authorised person(s)* details (more than one person can be specified)

*person(s) authorised to give undertakings in respect of sponsored employees

6. The below person(s) are authorised to confirm sponsorships and sign undertakings for this business.

Name(s) in full

(1)

(2)

(3)

7. Position(s) in business

(1)

(2)

(3)

8. Contact telephone no(s) *and* email address(es)

(1)

(2)

(3)

Key contact details (if different from authorised person(s))

9. Name in full	<input type="text"/>
10. Position in business	<input type="text"/>
11. Contact email address	<input type="text"/>

12. I (authorised person) declare that the information contained in this form is correct

Name in full	<input type="text"/>
Position in business	<input type="text"/>

Date [Click here to enter a date.](#)

PLEASE INCLUDE THE MOST RECENT COMPANY ACCOUNTS OF YOUR BUSINESS WITH THIS REGISTRATION FORM

This is to ensure that you are capable of carrying out any sponsor duties and in particular that you have the resources to meet any of the financial obligations of sponsorship.



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 38(A) (1-2)
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulations 22 (1), 23 (1), 24 (1-2) (7)(b)

**FALKLAND ISLANDS GOVERNMENT
 REGISTERED EMPLOYER SCHEME**

**SPONSORSHIP FOR WORK PERMIT APPLICATION
 For completion by prospective Employer**

1. I (full name)	<input type="text"/>
2. of (business name)	<input type="text"/>
3. of (business address)	<input type="text"/>

4. confirm intention (subject to a work permit being granted) to employ:

full name of applicant	<input type="text"/>
full address of applicant	<input type="text"/>
full address in Falkland Islands (if different/known)	<input type="text"/>
in the capacity of (job title)	<input type="text"/>
at (location in Falkland Islands)	<input type="text"/>

Proposed start date [Click here to enter a date.](#)

Finish date [Click here to enter a date.](#)

Note: maximum period of 4 years

5. I confirm that the business is registered with the Registered Employer Scheme

Tick to confirm

6. I certify that having checked the current Workforce Shortage List – the above job title is within a category included on this list.

Yes No

Standard Occupational Classification Code (if known)

7. I have been unable to recruit a suitably qualified person already settled in the Falkland Islands (holding Permanent Residence Permit / Falkland Islands status) to take the job. The following efforts have been made in this regard -

State the efforts that have been made below and also attach a copy of the job advert

Dates of advert (dd/mm/yyyy)

Where advertised?

Were any applicants permanently settled refused? If so why?

Any other details

8. Tick one option only

I shall be responsible for housing the applicant during their employment with us until the release of our undertaking

Tick to confirm

I shall be responsible for housing the applicant, plus any accompanying family agreed by us at the point of application, during their employment with us until the release of our undertaking

Tick to confirm

The applicant will be responsible for housing themselves (and any accompanying family)

Tick to confirm

However, I understand that, in the event that it is required, I will be responsible for providing suitable accommodation in the Falkland Islands for the applicant (and any accompanying family members agreed by us at the point of application) – as detailed in Regulation 24 (7)(b) of the Immigration (General) Regulations 2021

NOTE: Employer undertaking Form 4c must be submitted with this sponsorship form

NOTE: The undertaking comes into effect when the relevant work permit is granted

9. I declare I am an authorised person for this business and that the business is capable of meeting the financial responsibilities of sponsoring this work permit application and the required undertaking

Name in full

Date:

[Click here to enter a date.](#)



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17G (1-5)

FALKLAND ISLANDS GOVERNMENT REGISTERED EMPLOYER SCHEME

EMPLOYER'S UNDERTAKING – REPATRIATION EXPENSES FOR SPONSORED WORK PERMIT HOLDER

I (full name of authorised person)

as (position)

of (Employer name)

of (address)

having been duly authorised to sign this Undertaking for and in consideration of the grant to

[] (the "Work Permit Holder")

of a work permit do hereby undertake that

[] (the "Employer")

will reimburse the Falkland Islands Government all expenses ("the Repatriation Expenses") reasonably and properly incurred in repatriating

the Work Permit Holder

and dependents (if relevant) in the Falkland Islands on expiry, cancellation or revocation of their permits whether a deportation order is made under the Immigration Ordinance 1999 or not

This Undertaking extends to Repatriation Expenses on a full indemnity basis including —

- Full costs incurred in transporting the Work Permit Holder and any dependents (if relevant) to a convenient port or airport in the Falkland Islands.
- The cost of passage of the Work Permit Holder and dependents (if relevant) by sea or air to such other country as the Principal Immigration Officer shall determine and if by sea, the cost of food and accommodation on board ship.
- If it is necessary or convenient for the Work Permit Holder and dependents (if relevant) to transit in any place outside of the Falkland Islands, all costs (including transit transportation, board and lodging in transit and any other

incidental expenses) related to such transit, as the Principal Immigration Officer shall reasonably incur.

Release of Undertaking

The Employer shall be fully released from this Undertaking when the Principal Immigration Officer:

- Receives notice in writing that the sponsorship of the Work Permit Holder has been passed to another employer or individual and notifies you of acceptance of this confirmation. In the case of an employer, the employer must sign an Employer's Undertaking and the Principal Immigration Officer has to accept the Employer's Undertaking;

or

- when the Work Permit Holder and any dependents have departed the Falkland Islands and the work permit has expired, been revoked or cancelled;

or

- when the Work Permit Holder has been granted a Permanent Residence Permit or Falkland Islands status;

and

- If applicable, on full reimbursement of the Repatriation Expenses to the Falkland Islands Government.

NOTE: Work Permit Sponsorship Form 4b must be submitted with this Undertaking form

This Form 4c and any dispute or claim arising out of or in connection with it shall be governed by and construed in accordance with the law of the Falkland Islands.

I declare I am an authorised person for this Employer and undertake that the Employer is capable of meeting the financial responsibilities of work permit sponsorship in connection with this Undertaking which is hereby entered into

I (full name of authorised person)

Date

Click here to enter a date.



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 38(A) (1-2)
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 24 (8)

**FALKLAND ISLANDS GOVERNMENT
 REGISTERED EMPLOYER SCHEME**

**EMPLOYER'S NOTIFICATION – INTENTION TO EMPLOY
 PERMIT HOLDER**

For completion by Employer

1. I (full name of authorised person)	<input type="text"/>
2. as (position)	<input type="text"/>
3. of (business name)	<input type="text"/>
4. of (business address)	<input type="text"/>
5. confirm that I intend to employ:	
full name of permit holder	<input type="text"/>
full address of permit holder in Falkland Islands	<input type="text"/>
in the capacity of (job title)	<input type="text"/>
at (location in Falkland Islands)	<input type="text"/>

Proposed start date Finish date

Note: End date to be no later than date of expiry of existing permit

6. Applicant's current permit is a (tick and complete as applicable) –

<input type="checkbox"/>	Work Permit	Issued on	<input type="text" value="Click here to enter a date."/>	Expiring on	<input type="text" value="Click here to enter a date."/>
<input type="checkbox"/>	Accompanying Dependent Permit	Issued on	<input type="text" value="Click here to enter a date."/>	Expiring on	<input type="text" value="Click here to enter a date."/>
<input type="checkbox"/>	Dependent Permit	Issued on	<input type="text" value="Click here to enter a date."/>	Expiring on	<input type="text" value="Click here to enter a date."/>
<input type="checkbox"/>	Carer Permit	Issued on	<input type="text" value="Click here to enter a date."/>	Expiring on	<input type="text" value="Click here to enter a date."/>

7. I certify that having checked the current Workforce Shortage List – the above job title is within a category included on the list

Yes No

Standard Occupational Classification Code
(if known) see Workforce Shortage List

IMPORTANT

If not on the Workforce Shortage List the Holder of a Work Permit or an Accompanying Dependent Permit must first apply to the Principal Immigration Officer for permission to do the work using -

FORM 5b - RES5 Employment Permission Request

Only once permission is received and you have seen this permission may you employ the permit holder and return this notification form

8. I have been unable to recruit a suitably qualified person who has Permanent Residence Permit / Falkland Islands status to take the job. The following efforts have been made in this regard –

State the efforts that have been made below and also attach a copy of the job advert

Dates of advert (dd/mm/yyyy)	<input type="text"/>
Where advertised?	<input type="text"/>
Were any applicants permanently settled refused? If so why?	<input type="text"/>
Any other details	<input type="text"/>

IT IS A LEGAL RESPONSIBILITY OF THE EMPLOYER UNDER THE IMMIGRATION ORDINANCE 1999 TO NOTIFY THE CUSTOMS & IMMIGRATION SERVICE AS SOON AS POSSIBLE OF ANY CHANGE OF CIRCUMSTANCES RELATING TO THE EMPLOYMENT OR PERMIT OF THE ABOVE INDIVIDUAL

FAILURE TO NOTIFY CUSTOMS & IMMIGRATION CAN LEAD TO REMOVAL OF THE EMPLOYER FROM THE REGISTERED EMPLOYER SCHEME AND YOU MAY BE COMMITTING AN OFFENCE

Full name of authorised person

Date

[Click here to enter a date.](#)

OFFICIAL USE ONLY

RECEIPT OF EMPLOYER'S NOTIFICATION

From the Falkland Islands Customs & Immigration Service

To –

Business name

It is acknowledged that on this date

You notified us that you will be employing (full name)

in the capacity of (job title)



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 38(A) (1-2), 17F (7), 17H (7)
 IMMIGRATION (GENERAL) REGULATIONS 2021, section 24 (3)(a)

**FALKLAND ISLANDS GOVERNMENT
 REGISTERED EMPLOYER SCHEME**

EMPLOYMENT PERMISSION REQUEST

To be completed by Permit Holder

This form is for prospective employees who currently hold Work Permits or Accompanying Dependent Permits to complete if wishing to take up employment that is NOT on the Workforce Shortage List

1. I (full name)

2. of (full address)

3. request permission to undertake employment for -

name of employer

address of employer in Falkland Islands

in the capacity of (job title)

at (location in Falkland Islands)

Proposed start date Finish date

Note: cannot exceed your existing permit validity dates

4. My current permit is a –

Work Permit

Accompanying Dependent Permit

Valid until

5. I have checked the current Workforce Shortage List and the above job is NOT included
 Tick to confirm

Note: I understand I cannot commence work in the above role without first receiving the relevant permission from Customs & Immigration

Date

OFFICIAL USE ONLY

RESPONSE TO EMPLOYMENT PERMISSION REQUEST

From the Falkland Islands Customs & Immigration Service

To –

Name

It is acknowledged that on this date

[Click here to enter a date.](#)

You requested permission to undertake employment in a role not included on the Workforce Shortage List –

With -

Employer name

in the capacity of (job title)

In this case -

Permission has been granted

Permission has not been granted

Notification from the above named employer is now required to be sent to Customs & Immigration using - **FORM 5a RES4 Employer Notification**



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17E
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 15

APPLICATION FOR VOLUNTEER PERMIT (including extensions)

Please take care when completing this form and only provide information that is complete and accurate

1) PERSONAL DETAILS

Surname(s)

Previous name(s)

Forename(s)

Gender

Male

Female

Marital Status

Date of Birth

Place of Birth

Current Address

How long in current address

Previous address (if less than 12 months)

Email

Telephone

Nationality

Other Nationalities held

Countries lived in for 12 months or more in the last 5 years:

2) PASSPORT DETAILS

Passport Number

Place of Issue

Date of Issue

Date of Expiry

3) PERMIT DETAILS

Intended date of arrival
(if not extension)

Name of Sponsor

Address of Sponsor

Job Title / duties

Volunteering dates
(maximum 12 months)

Start Date:

End Date:

For Permit Extensions

Current permit no

Your ID no

Permit valid from

Valid to

Has there been any changes to your volunteering role?

Yes

No

If 'yes' give details below –

Note: If your volunteering role has changed significantly a new Volunteering Permit application may be required

Medical self-declaration completed and medical insurance held (see guidance notes below)

Yes

No

What accommodation arrangements have been made for you? Please detail the address, how long is it available for, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

4) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices.
- A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without the correct permit or without having permission to do so
- A Volunteer Permit can only be issued or extended to a maximum of 12 months in a 24 month period
- An application fee of £23.00 will be charged for each applicant. No fee will be charged for an extension of an existing permit. All applications should be submitted via email to permits@customs.gov.fk
- Original documents must be ready on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

- You must be in possession of a Medical Declaration certified by the King Edward Memorial Hospital. If extending your volunteer permit your medical declaration must continue to be valid

You must also hold a medical insurance certificate valid for the duration of the volunteering and provide this certificate on application. Medical insurance must cover aero-medical evacuation to a minimum value of US\$ 200,000. **If your insurance cover is not valid or maintained or the insurer subsequently refuses to accept liability for any reason, the Falkland Islands Government is not liable for any medical treatment or related medical services you may incur**

Criminal Record Checks

- It is important to ensure that you hold the correct valid Police checks. If your Volunteer permit is valid for less than a duration of 150 days (5 months) you do not have to submit checks. However, if you wish your permit to be for 5 months or longer you will require:
 - an approved Police Vetting Certificate from your country of residence

You must evidence both medical and criminal record checks requirements at the point of application.

5) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of *any* criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s) <input type="text"/>
Conviction(s) <input type="text"/>
Penalties <input type="text"/>

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/>
Caution(s)/Fixed penalty notice(s) <input type="text"/>
Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to *any* country?

Yes No

If 'yes' please provide details below

Have you ever suffered from any dangerous contagious disease?

Yes No

If 'yes' please provide details below

Now finish the application by adding your name and the date below -

I have read and understood the above declaration and it is correct

Name in full

Date

CHECK LIST

Tick if appropriate

Copy of passport

Criminal record checks (if relevant)

Medical declaration and insurance

OFFICIAL USE ONLY: REFERENCE NUMBER



IMMIGRATION ORDINANCE 1999, section 17D
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 14 1(d)

APPLICATION FOR SHORT TERM WORK PERMISSION

Visitors

Please take care when completing this form and only provide information that is complete and accurate

1) PERSONAL DETAILS

Surname(s)	<input type="text"/>		
Previous name(s)	<input type="text"/>		
Forename(s)	<input type="text"/>		
Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
Marital Status	<input type="text"/>		
Date of Birth	<input type="text"/>		
Place of Birth	<input type="text"/>		
Falkland Islands Address	<input type="text"/>		
Email	<input type="text"/>	Telephone	<input type="text"/>
Nationality	<input type="text"/>		
Other Nationalities held	<input type="text"/>		
Visitor permit details:	Start Date	<input type="text"/>	End Date <input type="text"/>

2) PASSPORT DETAILS

Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>

3) SHORT TERM WORK DETAILS

Name of employer

Is employer included on Registered Employer Scheme? Yes No

Address of Employer

Type of work proposed

What are your relevant skills or experience for this role?

Employment dates (maximum 3 months) Start date Finish date

What are your accommodation arrangements? Please detail the address, is it part of the terms of employment, how long is it available, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

4) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices. A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without having permission to do so

- The period for which short term work permission may be given must not, when aggregated with any other periods for which permission to do short term work have been granted, exceed a total of three months during the period of validity of a visitor permit
- An application fee of £23.00 will be charged for each applicant. All applications should be submitted via email to permits@customs.gov.fk
- Original documents must be available for inspection on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

An insurance certificate valid for the duration of your stay must be held. Medical insurance must cover aero-medical evacuation to a minimum value of US\$ 200,000. **If your insurance cover is not valid or maintained or the insurer subsequently refuses to accept liability for any reason, the Falkland Islands Government is not liable for the costs of any medical treatment or related medical services you may incur**

5) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of any criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction. *You must give details for all convictions, even if the conviction is now considered to be spent or rehabilitated*

Dates(s)	<input type="text"/>
Conviction(s)	<input type="text"/>
Penalties	<input type="text"/>

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

<p>Dates(s) <input type="text"/></p> <p>Caution(s)/Fixed penalty notice(s) <input type="text"/></p> <p>Result(s) <input type="text"/></p>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to any country? Yes No

If 'yes' please provide details below

<input type="text"/>

Do you hold health insurance for the whole of your proposed stay? (must include medical repatriation) Yes No

If 'yes' please provide details below

<input type="text"/>

Now finish the application by adding your name and the date below –

I have read and understood the above declaration and it is correct

Name in full	<input type="text"/>
--------------	----------------------

Date	<input type="text"/>
------	----------------------

CHECK LIST

Tick if appropriate

Copy of passport

Medical insurance

OFFICIAL USE ONLY

RESPONSE TO SHORT TERM WORK PERMISSION APPLICATION

Visitors

From the Falkland Islands Customs & Immigration Service

To –

Name

It is acknowledged that on

this date

You requested permission to undertake short term work –

In the following job -

For -

Employer name

In this case –

Short term work permission has been granted

Short term work permission has not been granted

SHORT TERM WORK CANNOT LAST LONGER THAN 3 MONTHS

OFFICIAL USE ONLY: REFERENCE NUMBER

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IMMIGRATION ORDINANCE 1999, section 17H
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 17

**APPLICATION FOR
 ACCOMPANYING DEPENDENT PERMIT** (including extensions)
Dependents of Work Permit applicants / holders

Please take care when completing this form and only provide information that is complete and accurate. A suitable adult will be required to complete this form if applicant is a minor

1) PERSONAL DETAILS

Surname(s)	█
Forename(s)	█
Previous name(s)	█

Gender Male Female

Marital Status	█		
Date of Birth	█		
Place of Birth	█		
Current Address	█		
How long in current address	█		
Previous address (if less than 12 months)	█		
Email	█	Telephone	█
Nationality	█		
Other Nationalities held	█		
Countries lived in for 12 months or more in the last 5 years:	█		

2) PASSPORT DETAILS

Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>

3) PERMIT DETAILS

Intended date of arrival
(if not already in the Falkland Islands)

Name of Work Permit applicant / holder	<input type="text"/>			
Name of Work Permit Employer	<input type="text"/>			
Work Permit Job Title	<input type="text"/>			
Employment dates	Start Date:	<input type="text"/>	End Date:	<input type="text"/>

For Permit Extensions

Current permit no	<input type="text"/>	Your ID no	<input type="text"/>
Permit valid from	<input type="text"/>	Valid to	<input type="text"/>

Has there been any changes in the main terms & conditions of the Work Permit Holder's job? Yes No

If 'yes' give details below –

Note: If the job role has changed a new Work Permit application and new Accompanying Dependent Permit will be required

Medical and dental assessment completed (see guidance notes) Yes No

What arrangements are in place for your financial support while living in the Falkland Islands?
Give full details

What accommodation arrangements have been made for you? Please detail the address, who has arranged it, how long is it available for, who will be paying for it, whether it is shared or single accommodation .etc.

4) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices. A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without having permission to do so
- An application fee of £23.00 (£13.00 if under 16 years old) will be charged for each applicant. An Accompanying Dependent Permit will be issued to match the validity of the attending work permit, this may not exceed four years. No fee will be charged for an extension of an existing permit
- All applications should be submitted via email to permits@customs.gov.fk
- Original documents must be available for inspection on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

- You must have undergone a medical and dental assessment in the last three months and submitted it to the Chief Medical Officer, this is required before an Accompanying Dependent Permit can be issued
- Clearance can be valid for up to 5 years, but in some cases may be less, it is the permit holder's responsibility to ensure they have adequate medical clearance to cover any permit extension and if not they must apply to King Edward Memorial Hospital for a new assessment. **Please note we will only be able to issue an Accompanying Dependent Permit extension for the duration of the medical clearance**

Educational

- All children aged 3 – 16 must have undergone an educational assessment and submitted it to the Education Department, this is required before an Accompanying Dependent Permit can be issued

Criminal Record Checks

- If the applicant is aged 16 years or more you must provide (dated not more than three months before the date of application):
 - an approved Police Vetting Certificate from your country of residence;
 - if the duration of your Accompanying Dependent Permit is 2 years or more a Police Vetting Certificate for each country you have lived in for 12 months or more in the 5 years prior to your arrival (unless already submitted)

You must provide evidence to satisfy medical and criminal record checks requirements when submitting your application**5) DECLARATION****If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison**

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of *any* criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s)

Conviction(s)

Penalties

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/>
Caution(s)/Fixed penalty notice(s) <input type="text"/>
Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to any country? Yes No

If 'yes' please provide details below

<input type="text"/>

Have you ever suffered from any dangerous contagious disease? Yes No

If 'yes' please provide details below

<input type="text"/>

Do you have any medical condition or disability for which you need on-going specialist medical treatment? Yes No

If 'yes' please provide details below

<input type="text"/>

The Falkland Islands education system is based on the curriculum taught in English schools in the United Kingdom. If you are a child under the age of 16 years, will you need additional help and support at school e.g. because you have a disability, or learning difficulty, or because you are not fluent in English?

Yes No

If 'yes' please provide details below of your additional educational needs

Now finish the application by adding your name and the date -

I have read and understood the above declaration and it is correct.

Name in full

Date

CHECK LIST

Tick if appropriate

- Copies of all passports
- Criminal record checks (if relevant)
- Medical assessment
- Copies of birth certificate(s) of children (if relevant)
- Educational assessment of children (if relevant)

OFFICIAL USE ONLY: REFERENCE NUMBER



IMMIGRATION ORDINANCE 1999, section 18B
IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 18

APPLICATION FOR DEPENDENT PERMIT (including extensions)

Dependents of those with Falkland Islands status or Permanent Residence Permits

Please take care when completing this form and only provide information that is complete and accurate. A suitable adult will be required to complete this form if applicant is a minor

1) PERSONAL DETAILS

Surname(s)	<input type="text"/>
Previous name(s)	<input type="text"/>
Forename(s)	<input type="text"/>

Gender Male Female

Marital Status	<input type="text"/>	
Date of Birth	<input type="text"/>	
Place of Birth	<input type="text"/>	
Current Address	<input type="text"/>	
How long in current address	<input type="text"/>	
Previous address (if less than 12 months)	<input type="text"/>	
Email	Telephone	<input type="text"/>
Nationality	<input type="text"/>	
Other Nationalities held	<input type="text"/>	
Countries lived in for 12 months or more in the last 5 years:	<input type="text"/>	

2) PASSPORT DETAILS

Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>

3) PERMIT DETAILS

Intended date of arrival
(if not already in the Falkland Islands)

Full name of permanent resident
in the Falkland Islands

Date of birth of the above person

Does this person hold a Permanent Residence Permit or Falkland Island status?

Permanent Residence Permit Falkland Islands status

For Permit Extensions

Current permit no	<input type="text"/>	Your ID no	<input type="text"/>
Permit valid from	<input type="text"/>	Valid to	<input type="text"/>

Has there been any changes in your personal circumstances that
will affect your qualification to hold a Dependent Permit? Yes No

If 'yes' give details below –

Note: If you are no longer a dependent of someone who holds either Falkland Islands status or a Permanent Residence Permit you will no longer be entitled to apply for a Dependent Permit

Medical and dental assessment completed (see guidance notes below)

Yes No

What arrangements are in place for your financial support while living in the Falkland Islands?
Give full details

What accommodation arrangements have been made for you? Please detail the address, who has arranged it, how long is it available for, who will be paying for it, whether shared or single accommodation .etc.

4) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices. A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands
- It is an offence to take employment or engage in any trade, business, profession or vocation without having permission to do so
- All applications should be submitted via email to permits@customs.gov.fk
- An application fee of £23.00 (£13.00 if under 16 years old) will be charged for each applicant. A Dependent Permit may not be issued for a period exceeding four years
- Original documents must be available for inspection on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

- You must have undergone a medical and dental assessment in the last three months and submitted it to the Chief Medical Officer, this is required before a Dependent Permit can be issued
- Clearance can be valid for up to 5 years, but in some cases may be less, it is the permit holder's responsibility to ensure they have adequate medical clearance to cover any permit extension and if not they must apply to King Edward Memorial Hospital for a new assessment. **Please note we will only be able to issue a Dependent Permit extension for the duration of the medical clearance**

Educational

- All children aged 3 – 16 must have undergone an educational assessment and submitted it to the Education Department, this is required before a Dependent Permit can be issued

Criminal Record Checks

- If the applicant is aged 16 years or more you must provide (dated not more than three months before the date of application):

- an approved Police Vetting Certificate from your country of residence;
- if the duration of your Dependent Permit is 2 years or more a Police Vetting Certificate for each country you have lived in for 12 months or more in the 5 years prior to your arrival (unless already submitted)

You must provide evidence to satisfy medical and criminal record checks requirements when submitting your application

5) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of *any* criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s) <input type="text"/>
Conviction(s) <input type="text"/>
Penalties <input type="text"/>

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/>
Caution(s)/Fixed penalty notice(s) <input type="text"/>
Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to *any* country? Yes No

If 'yes' please provide details below

<input type="text"/>

Have you ever suffered from any dangerous contagious disease? Yes No

If 'yes' please provide details below

<input type="text"/>

Do you have any medical condition or disability for which you need on-going specialist medical treatment? Yes No

If 'yes' please provide details below

<input type="text"/>

The Falkland Islands education system is based on the curriculum taught in English schools in the United Kingdom. If you are a child under the age of 16 years, will you need additional help and support at school e.g. because you have a disability, or learning difficulty, or because you are not fluent in English? Yes No

If 'yes' please provide details below of your additional educational needs

Now finish the application by adding your name and the date -

I have read and understood the above declaration and it is correct.

Name in full	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Date	<div style="border: 1px solid black; height: 20px; width: 150px;"></div>

CHECK LIST

Tick if appropriate

- Copies of all passports**
- Criminal record checks (if relevant)**
- Medical assessment, or medical insurance**
- Copies of birth certificate(s) of children (if relevant)**
- Educational assessment of children (if relevant)**



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17E
IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 15

GUARANTOR / SPONSOR OF PERMIT HOLDER(S) FORM

This is for individuals to sponsor individual permit holder(s)

NOT for Employers to sponsor Work Permit holders (Form 4b/4c is required)

Please take care when completing this form and only provide information that is complete and accurate

1) GUARANTOR / SPONSOR DETAILS

Full name(s) of Guarantor/Sponsor(s)
Current Address

<input type="text"/>
<input type="text"/>

Nationality

<input type="text"/>

Your immigration status in the Falkland Islands

<input type="text"/>

Will you be responsible for housing the applicant(s)

Yes No

Will you be responsible for the daily living expenses for the applicant(s)

Yes No

Please give details of the above

<input type="text"/>

How do you know the applicant(s)

<input type="text"/>

2) PERMIT APPLICANT(S) DETAILS

Full name(s) of Permit Applicant(s)

<input type="text"/>

Nationality

<input type="text"/>

Current Address

<input type="text"/>

Type of permit held / applied for

Visitor Permit
 Accompanying Dependent Permit
 Dependent Permit
 Volunteer Permit

Date of arrival

Intended length of stay

What accommodation arrangements have been made? Please detail the address, how long is it available for, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

3) GUARANTOR / SPONSOR DECLARATION

If the permit application(s) is/are granted I am prepared to provide accommodation and any financial support necessary

Yes No

If the permit application(s) is/are granted I am prepared to guarantor repatriation costs (a financial bond to cover these costs may be required)

Yes No

Please add any other relevant details here

COST OF REPATRIATION INCLUDES

- Full costs incurred in transporting the subject(s) to a convenient port or airport in the Falkland Islands.
- The cost of passage of the subject(s) by sea or air to such other country as the Principal Immigration Officer shall determine and if by sea, the cost of food and accommodation on board ship.

- If it is necessary or convenient for the subject(s) to transit in any place outside of the Falkland Islands, all costs (including transit transportation, board and lodging in transit and any other incidental expenses) related to such transit, as the Principal Immigration Officer shall reasonably incur.

THIS SECTION IN CONNECTION WITH VOLUNTEER PERMITS ONLY

I confirm that the company is registered with the Registered Employer Scheme Tick to confirm

I have been unable to recruit a suitably qualified person already settled in the Falkland Islands (holding Permanent Residence Permit / Falkland Islands status) to volunteer for this role. I have made the following efforts in this regard

State the efforts that have been made below and also attach a copy of the job advert

Dates of advert (dd/mm/yyyy) <input style="width: 100px;" type="text"/>
Where advertised? <input style="width: 100px;" type="text"/>
Were any applicants permanently settled refused? If so why? <input style="width: 100px;" type="text"/>
Any other details <input style="width: 100px;" type="text"/>

Declaration

Subject to the above I confirm that I intend (subject to the issuance of a permit(s)) to guarantor / sponsor the named applicant(s) during their stay in the Falkland Islands

Name(s) in full of Guarantor / Sponsor(s)	<input style="width: 95%;" type="text"/>
Date	<input style="width: 100%;" type="text"/>



OFFICIAL USE ONLY: REFERENCE NUMBER

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IMMIGRATION ORDINANCE 1999, section 18C
 IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 19

APPLICATION FOR CARER PERMIT (including extensions)

In specific circumstances as defined in the Immigration Ordinance 1999, section 18C to care for those with Falkland Islands status or Permanent Residence Permits

Please take care when completing this form and only provide information that is complete and accurate

1) PERSONAL DETAILS

Surname(s)		
Previous name(s)		
Forename(s)		
Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Marital Status		
Date of Birth		
Place of Birth		
Current Address		
How long in current address		
Previous address (if less than 12 months)		
Email		Telephone
Nationality		
Other Nationalities held		
Countries lived in for 12 months or more in the last 5 years:		

2) PASSPORT DETAILS

Passport Number	<input type="text"/>	Place of Issue	<input type="text"/>
Date of Issue	<input type="text"/>	Date of Expiry	<input type="text"/>

3) PERMIT DETAILS

Intended date of arrival, or if already in the Falkland Islands, date permit to start	<input type="text"/>
Full name of the permanent resident in the Falkland Islands to be cared for	<input type="text"/>
Date of birth of the above person	<input type="text"/>
Relationship, how you know them	<input type="text"/>

Does this person hold a Permanent Residence Permit or Falkland Island status?

Permanent Residence Permit

Falkland Islands Status

Have you applied for any other type of permit and been refused Yes No

What Permit(s) were you refused and why – give details below

Why do you need to apply for a Carer Permit – give details below

For Carer Permit Extension

Current permit no

Your ID no

Permit valid from

Valid to

Has there been any changes in your personal circumstances that will affect your qualification to hold a Carer Permit?

Yes

No

If 'yes' give details below –

Note: If you are no longer caring for someone who holds either Falkland Islands status or a Permanent Residence Permit you will no longer be entitled to apply for a Carer Permit

Medical and dental assessment completed (see guidance notes)

Yes

No

What arrangements are in place for your financial support while living in the Falkland Islands?

Give full details.

What accommodation arrangements have been made for you? Please detail the address, how long is it available for, who has arranged it, who will be paying for it, whether it is shared or single accommodation .etc.

4) GUIDANCE NOTES

- For the purposes of Falkland Islands immigration procedures you must declare **ALL** criminal convictions, whether or not they are considered to be spent by the laws of the country in which you were convicted, cautions and fixed penalty notices. A declaration of criminal convictions, cautions and fixed penalty notices will not necessarily mean that your application will be refused, but it is a requirement that they be taken into consideration
- Any material misrepresentation in this form may render you liable to prosecution in the Falkland Islands. It could also mean that any permit issued will be revoked and that you will need to leave the Falkland Islands

- It is an offence to take employment or engage in any trade, business, profession or vocation without having permission to do so
- All applications should be submitted via email to permits@customs.gov.fk
- An application fee of £23.00 will be charged for each applicant. A Carer Permit may not be issued for a period exceeding four years
- Original documents must be available for inspection on request. All queries can be sent to the above email address. We aim to process complete applications within eight working days. Incomplete or non-straightforward applications are likely to result in slower determinations

Medical

- You must have undergone a medical and dental assessment in the last three months and submitted it to the Chief Medical Officer, this is required before a Carer Permit can be issued
- Clearance can be valid for up to 5 years, but in some cases may be less, it is the permit holder's responsibility to ensure they have adequate medical clearance to cover any permit extension and if not they must apply to King Edward Memorial Hospital for a new assessment.

Criminal Record Checks

- You must provide (dated not more than three months before the date of application):
 - an approved Police Vetting Certificate from your country of residence;
 - if the duration of your Carer Permit is 2 years or more a Police Vetting Certificate for each country you have lived in for 12 months or more in the 5 years prior to your arrival (unless already submitted)

You must provide evidence to satisfy medical and criminal record checks requirements when submitting your application

5) DECLARATION

If you fail to provide complete and accurate information or if you provide information that is false then you may commit a criminal offence for which you can be fined or sent to prison

- I understand the questions on this form and confirm that the information provided is true and correct
- I undertake that if, between the time that I make this application and the time it is decided, any relevant matter relating to the application changes, I will inform Falkland Islands Customs and Immigration
- I understand that the Falkland Islands works to maintain a drugs-free environment and that if I am convicted of a drugs-related offence whilst in the Islands it may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands
- I understand that I am required to declare **ALL** criminal offences whether spent or not, cautions and fixed penalty notices, and that failure to do so may lead to the revocation of any permit granted on this application and my deportation from the Falkland Islands

APPLICANT DECLARATION:

Have you ever been convicted of any criminal offence? Yes No

You must answer 'yes' even if the conviction is considered to be spent or rehabilitated

If 'yes' please provide details below of your criminal convictions, including the nature and the date of the conviction.

Dates(s) <input type="text"/> Conviction(s) <input type="text"/> Penalties <input type="text"/>
--

Have you ever received a caution or a fixed penalty notice? Yes No

You must answer 'yes' regardless of the date of the caution or fixed penalty notice, and whether or not the fixed penalty notice was paid

If 'yes' please provide details below of your cautions or fixed penalty notices, including the offence for which the caution or fixed penalty notice was issued and the date issued.

Dates(s) <input type="text"/> Caution(s)/Fixed penalty notice(s) <input type="text"/> Result(s) <input type="text"/>

Have you ever been deported, removed, required to leave, had a permit revoked, or refused entry to any country? Yes No

If 'yes' please provide details below

<input type="text"/>

Have you ever suffered from any dangerous contagious disease? Yes No

If 'yes' please provide details below

<input type="text"/>

Do you have any medical condition or disability for which you need on-going specialist medical treatment?

Yes

No

If 'yes' please provide details below

Now finish the application by adding your name and the date below -

I have read and understood the above declaration and it is correct

Name in full

Date

CHECK LIST

Tick if appropriate

- Copies of all passports**
- Criminal record checks (if relevant)**
- Medical assessment**
- Copies of birth certificate(s) of children (if relevant)**



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999, section 17F
IMMIGRATION (GENERAL) REGULATIONS 2021, regulation 16 (7)(a)(d)(g)

ANNEX SE

REQUIRED INFORMATION FOR SELF-EMPLOYED APPLICANTS

This is for individuals wishing to undertake self-employment

To be completed in conjunction with Form 3 Work permit application OR if already present in the Falkland Islands with Form 5b Employment permission request

Please take care when completing this form and only provide information that is complete and accurate

PERSONAL DETAILS

Surname(s)	<input type="text"/>
Forename(s)	<input type="text"/>
Date of birth	<input type="text"/>

Business plan - give full details

Relevant skills and training - give full details

Financial resources - give full details of how you intend to support yourself and any dependents. If you are without an existing sponsor in the Falkland Islands you must evidence sufficient financial resources to cover all the costs of repatriation for you and any dependents (if this has not already been evidenced)

Please add any other relevant details here

COST OF REPATRIATION INCLUDES

- Full costs incurred in transporting yourself (and any dependents) to a convenient port or airport in the Falkland Islands
- The cost of passage of yourself (and any dependents) by sea or air to such other country as the Principal Immigration Officer shall determine and if by sea, the cost of food and accommodation on board ship
- If it is necessary or convenient for yourself (and any dependents) to transit in any place outside of the Falkland Islands, all costs (including transit transportation, board and lodging in transit and any other incidental expenses) related to such transit, as the Principal Immigration Officer shall reasonably incur

Declaration

I declare that all the information given above is accurate to the best of my knowledge and ability

Name

Date



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999 – section 26 & 27

REVIEW FORM 2

REQUEST FOR REVIEW

AGAINST PRINCIPAL IMMIGRATION OFFICER'S DECISION - PERMITS

Please read the Notes carefully before you complete this form.

YOUR PERSONAL DETAILS

Put a cross (x) in the relevant box to indicate your preferred title

Mr Mrs Miss Other (please specify)

Surname:	<input type="text"/>				
Forenames:	<input type="text"/>				
Any former names:	<input type="text"/>				
Date of birth:	<input type="text"/>	Place of birth:	<input type="text"/>	Country of Birth:	<input type="text"/>
Nationality:	<input type="text"/>				
Passport number:	<input type="text"/>	Date of expiry:	<input type="text"/>		
Current address: (including phone / email address)	<input type="text"/>				
Permanent address (if different):	<input type="text"/>				

DETAILS OF YOUR REQUEST

Please provide details of the Principal Immigration Officer's decision in the space below including the date the decision was made.

Please state below the grounds on which you wish to request a review. You should set out the reason (s) why you think the Principal Immigration Officer's decision is wrong. Please attach any documents you consider to be relevant.

Name

Date

Please forward this completed form along with all supporting documents either by hand, post, or email to:

HE The Governor
The Governor's Office
Government House
Stanley
Falkland Islands
Email: GHouse@sec.gov.fk



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999 – section 27
IMMIGRATION (GENERAL) REGULATIONS 2021 – Part 5 section 26 (3)

REVIEW FORM 3

REQUEST FOR REVIEW

AGAINST PRINCIPAL IMMIGRATION OFFICER’S DECISION – REGISTERED EMPLOYER SCHEME

Please read the Notes carefully before you complete this form.

BUSINESS DETAILS

Business name¹

Address for service of documents²

Any other Falkland Islands address – if relevant

Name and contact details of Falkland Islands agent or other authorised person³

DETAILS OF YOUR REQUEST

Please provide details of the Principal Immigration Officer’s decision that you wish to be reviewed in the space below including the date the decision was made.

¹ Include the full name of the proprietor of the business (including registered name and number if a company) and any trading name. These should be the same as the name of the business when included in the Registered Employer Scheme in the case of a review that relates to removal from the register

² The address for service and the address from which the business operates in the Falkland Islands should be the same as the addresses included in the Registered Employer Scheme in the case of a review that relates to removal from the register

³ If business is not based in the Falkland Islands this should be a person who is authorised to act on your behalf

Please state below the grounds on which you wish to request a review. You should set out the reason (s) why you think the Principal Immigration Officer’s decision is wrong. Please attach any documents you consider to be relevant.

Name

Date

Please forward this completed form along with all supporting documents either by hand, post, or email to:

HE The Governor
The Governor’s Office
Government House
Stanley
Falkland Islands
Email: GHouse@sec.gov.fk



OFFICIAL USE ONLY: REFERENCE NUMBER

IMMIGRATION ORDINANCE 1999 – section 28

APPEAL FORM 2

REQUEST FOR APPEAL

AGAINST PRINCIPAL IMMIGRATION OFFICER'S DECISION

Please read the Notes carefully before you complete this form.

YOUR PERSONAL DETAILS

Put a cross (x) in the relevant box to indicate your preferred title

Mr Mrs Miss Other (please specify)

Surname:	<input type="text"/>		
Forenames:	<input type="text"/>		
Any former names:	<input type="text"/>		
Date of birth:	<input type="text"/>	Place of birth:	<input type="text"/>
		Country of Birth:	<input type="text"/>
Nationality:	<input type="text"/>		
Passport number:	<input type="text"/>	Date of expiry:	<input type="text"/>
Current address: (including phone / email address)	<input type="text"/>		
Permanent address (if different):	<input type="text"/>		

DETAILS OF YOUR REQUEST

Please provide details of the Principal Immigration Officer's decision in the space below including the date the decision was made.

Please state below the grounds on which you wish to request an appeal. You should set out the reason(s) why you think the Principal Immigration Officer's decision is wrong. Please attach any documents you consider to be relevant.

Name

Date

Please forward this completed form along with all supporting documents either by hand, post, or email to:

HE The Governor
The Governor's Office
Government House
Stanley
Falkland Islands
Email: GHouse@sec.gov.fk



OFFICIAL USE ONLY: REFERENCE NUMBER

[Redacted reference number box]

IMMIGRATION ORDINANCE 1999 – section 29

WRITTEN REPRESENTATIONS FORM 2

AGAINST NOTICE OF INTENTION TO MAKE A DEPORTATION ORDER

Please read the Notes carefully before you complete this form.

YOUR PERSONAL DETAILS

Put a cross (x) in the relevant box to indicate your preferred title

Mr Mrs Miss Other (please specify)

Surname:	[Redacted]				
Forenames:	[Redacted]				
Any former names:	[Redacted]				
Date of birth:	[Redacted]	Place of birth:	[Redacted]	Country of Birth:	[Redacted]
Nationality:	[Redacted]				
Passport number:	[Redacted]	Date of expiry:	[Redacted]		
Current address: (including phone / email address)	[Redacted]				
Permanent address (if different):	[Redacted]				

DETAILS OF YOUR REQUEST

Please provide details of the Principal Immigration Officer’s decision in the space below including the date the decision was made.

[Large redacted box for details of request]

Please state below the grounds on which you wish to make written representations. You should set out the reason(s) why you think the Principal Immigration Officer's decision is wrong. Please attach any documents you consider to be relevant.

Name

Date

Please forward this completed form along with all supporting documents either by hand, post, or email to:

H E The Governor
The Governor's Office
Government House
Stanley
Falkland Islands
Email: GHouse@sec.gov.fk



OFFICIAL USE ONLY: REFERENCE NUMBER

PRINCIPAL IMMIGRATION OFFICER RESPONSE FORM

For use with –

REQUESTS FOR REVIEW - in relation to refusals or revocations of permits, except permanent residence permits
APPEALS - in relation to refusal or revocation of permanent residence permits
WRITTEN REPRESENTATIONS - in relation to notice of intention to make a deportation order

To: The Governor's Office,
Government House,
Stanley,
Falkland Islands

Email: GHouse@sec.gov.fk

Part A – Background

Provide details of -

- The individual concerned
- The nature of the decision concerned
- Any documents considered
- Any other relevant information obtained and the source of the information
- The provisions of the Ordinance and Regulations that are relevant to the issues
- The original decision and the date and reasons for that decision

Part B – Consideration

Comments on submissions made by the individual. Consideration of the case, including any new facts or matters that have arisen since the original application or not previously known, and information that was not included in the original application or not previously known.

Part C – Recommendation

Principal Immigration Officer recommendation to Governor in Executive Council, whether to confirm the decision or take it again and, if so, what the outcome should be and why – giving full reasons.

Name of Principal Immigration Officer

Date



FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. 130

31 August 2021

No. 16

Appointment

Jayne Elizabeth Miller, Finance Assistant, Treasury, 12.07.21.

Ellya Angely Morrison-Sanchez, Clerk, Customs and Immigration, Emergency Services and Island Security Department, 02.08.21.

Jennifer Louise Lee Abergel, Primary Travelling Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Scott Loye Descombe, Computing and ICT Teacher, Falkland Islands Community School, Education Department, 10.08.21.

James Robert French, DT Teacher, Falkland Islands Community School, Education Department, 10.08.21.

Michael Hayward, Primary Travelling Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Natalie Louise Kaye, Primary Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Sheila Louise Leat, Primary Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Colette Jayne Rowley, Primary SEN Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Kate Louise Alice Silvanus, Primary Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Tamara Rose Simmons, English Teacher, Falkland Islands Community School, Education Department, 10.08.21.

Paul Watkins, Behaviour Intervention Teacher, Falkland Islands Community School, Education Department, 10.08.21.

Elaine Way, English Teacher, Falkland Islands Community School, Education Department, 10.08.21.

Stephanie Clare Wolstenholme, Primary Teacher, Infant Junior School and Camp Education, Education Department, 10.08.21.

Roslie Alvarico Daza, Carer, Health and Social Services Department, 16.08.21.

Psyche Lastra, Home Help, Health and Social Services Department, 16.08.21.

Toni Rhona Jacobsen, Sports Attendant, Stanley Leisure Centre, Development and Commercial Services Department, 23.08.21

Olha Dzyuba, Health and Social Care Teacher, Falkland Islands Community School, Education Department, 31.08.21.

Completion of contract

Mark Peter Dixon, Senior Police Constable, Royal Falkland Islands Police, Emergency Services and Island Security Department, 13.08.21.

Matthew Eden McNee, Agricultural Advisor, Agriculture, Natural Resources Department, 18.08.21.

Joanne Hooper, Advanced Practitioner (Childcare), Health and Social Services Department, 27.08.21.

Sarah Abdel-Mageed, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Laura Barnes, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Patrick Monaghan Cambridge, SEN Teacher, Falkland Islands Community School, Education Department, 31.08.21.

Lynsey Easton, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Sarah-Jane Edwards, Primary Settlement Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Charlotte Fenwick, Secondary Teacher - Art, Falkland Islands Community School, Education Department, 31.08.21.

Joanne Ford, Childcare Advisory Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Simon Gilbert, Secondary Teacher - Maths, Falkland Islands Community School, Education Department, 31.08.21.

Lucy Gutteridge, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Sophie Hewitt, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Deborah James, Secondary Teacher - Catering and Textiles, Falkland Islands Community School, Education Department, 31.08.21.

Lesley King, Secondary Teacher - Maths, Falkland Islands Community School, Education Department, 31.08.21.

Linda La-Touche, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Leah Lewis, Secondary Teacher - English, Falkland Islands Community School, Education Department, 31.08.21.

Anita Marie McCullough, Primary Travelling Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Anne Margaret Milston, School Principal, Infant Junior School and Camp Education, Education Department, 31.08.21.

Alan Moore, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Jacqueline Sarah Mordue, Travelling Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Charlotte Helen Mountford, SEN Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Gregory Roy Oldfield, Maths Teacher, Falkland Islands Community School, Education Department, 31.08.21.

Nicholas Liam Howard Southgate, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Emma Walker, Secondary Teacher - History, Falkland Islands Community School, Education Department, 31.08.21.

Rachel Claire Whitfield, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Hanna Louise Willows, Primary Travelling Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Renewal of contract

Joanne Hooper, Advanced Practitioner (Childcare), Health and Social Services Department, 28.08.21.

Sarah Abdel-Mageed, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Laura Barnes, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Patrick Monaghan Cambridge, SEN Teacher, Falkland Islands Community School, Education Department, 01.09.21.

Sarah-Jane Edwards, Primary Settlement Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Charlotte Fenwick, Secondary Teacher - Art, Falkland Islands Community School, Education Department, 01.09.21.

Joanne Ford, Childcare Advisory Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Simon Gilbert, Secondary Teacher - Maths, Falkland Islands Community School, Education Department, 01.09.21.

Lucy Gutteridge, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Sophie Hewitt, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Deborah James, Secondary Teacher - Catering and Textiles, Falkland Islands Community School, Education Department, 01.09.21.

Lesley King, Secondary Teacher - Maths, Falkland Islands Community School, Education Department, 01.09.21.

Linda La-Touche, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Alan Moore, Primary Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Jacqueline Sarah Mordue, Settlement Teacher, Infant Junior School and Camp Education, Education Department, 01.09.21.

Emma Walker, Secondary Teacher - History, Falkland Islands Community School, Education Department, 01.09.21.

Promotion

Shupikayi Chipunza, from Airport Firefighter to Airport Watch Manager, Falkland Islands Government Air Service, Development and Commercial Services Department, 26.08.21.

Resignation

Elizabeth Kate Cochrane, Emergency Planning and Business Continuity Manager, Emergency Services and Island Security Department, 12.08.21.

Marvin Thomas Clarke, Foreman, Highways Section, Public Works Department, 19.08.21.

Callum Ian Ellis, Deputy Harbour Master, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 20.08.21.

Eugene McLaren, Labourer, Highways Section, Public Works Department, 20.08.21.

Michael Brownlee, Watch Manager, Falkland Islands Government Air Service, Development and Commercial Services Department, 26.08.21.

Andrew Charles Forrer, Geography Teacher, Falkland Islands Community School, Education Department, 30.08.21.

Jeremy Clarke, Security Driver, Health and Social Services Department, 31.08.21.

Johan Falk, Electrician - Supervisor, Property and Municipal Section, Public Works Department, 31.08.21.

Megan Harris, Business Administration Apprentice, Falkland College, Education Department, 31.08.21.

Lynn Roberts, Social Worker, Health and Social Services Department, 31.08.21.

NOTICES

No. 81

5 August 2021

Retail Prices Index

The Retail Prices Index for the quarter ended 30 June 2021 has now been completed.

The Index has increased by 1.0% to 106.317. The change in the Index over the year to 30 June 2021 has been +3.3%.

Date	Index	Quarterly % Increase/ (Decrease)	Annual % Increase/ (Decrease)
31.03.2020	106.041	0.0%	0.7%
30.06.2020	102.921	(2.9%)	(2.8%)
30.09.2020	104.301	1.3%	(1.7%)
31.12.2020	103.851	(0.4%)	(2.0%)
31.03.2021	105.248	1.3%	(0.7%)
30.06.2021	106.317	1.0%	3.3%

A high rate of annual inflation (+3.3%) is recorded mostly because the Index was unusually low one year ago (Q2 2020). The Index has now returned to a level similar to that prevailing before the Covid-19 shock (i.e. the Index is 0.3% higher in Q2 2021 than in Q1 2020).

The categories "Housing" and "Communication" contribute together +1.9% percentage points to annual inflation; an increase in prices in these categories is mainly due to base effects - i.e. effects that occur when the base, or initial month, of a growth rate is unusually low or high - reflecting, respectively, the temporary waiver of utility service charges decided by the Government in April 2020 as part of a comprehensive Covid-19 support package; and the decision taken by Sure South Atlantic Ltd again in April 2020, to implement a number of temporary measures in response to the Covid-19 crisis (which included a temporary 50% reduction in local landline to landline calling charges).

A steady recovery in fuel and power prices started in Q1 2021 from the low recorded in the Q4 2020. This is having a strong impact on the quarterly change in the Index (fuel and power items contribute +0.9 percentage points to overall quarterly inflation). However, fuel and power prices are still lower than one year ago; therefore, fuel and power items still exert a mildly deflationary pressure on annual inflation.

Dated 5 August 2021

D. RANGHETTI,
for Director, Policy and Economic Development.

No. 82

9 August 2021

Planning Ordinance 1991 *section 5(2)*

Appointment of Members to the Planning and Building Committee

1. Section 5(2) of the Planning Ordinance 1991 provides that the Governor shall appoint members to the Planning and Building Committee.

2. In exercise of my powers under section 5(2) I appoint:-

Christopher Paul Locke; and
Joanne Elizabeth Turner

to be members of the Planning and Building Committee.

3. These appointments have effect on the date given below, and continue in effect for three years from that date, unless terminated sooner.

Dated 9 August 2021

D. P. MORGAN,
Acting Governor.

No. 83

9 August 2021

Museum and National Trust Ordinance 1991 *section 4*

Appointment of Member 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 on the advice of Executive Council.

2. In exercise of my powers under section 4(1) and having taken advice from Executive Council I appoint **Geoffrey Alan Pring** to be a member of the Museum and National Trust with effect from the date of signature below for a term of three years.

3. This appointment has effect and continues in effect as detailed in paragraph 2 above and in accordance with the Museum and National Trust Ordinance, unless terminated sooner.

Dated 9 August 2021

D. P. MORGAN,
Acting Governor.

No. 84

19 August 2021

Livestock Ordinance 1901 *section 3*

Appointment of Inspectors

1. Section 3 of the Livestock Ordinance 1901 provides that the Governor may appoint duly qualified persons to act as inspectors for the purpose of carrying out the provisions of the Ordinance.

2. In exercise of my powers under section 3, I appoint the following duly qualified officers of the Department of Natural Resources to be inspectors:-

Stephen William Pointing - Senior Veterinary Officer;
Zöe Fowler - Veterinary Officer;
Phillip De Saint Jean Van Der Riet - Veterinary Officer;
Andrew Searle Bendall - Agricultural Advisor; and
Lucy Ellis - Assistant Agricultural Advisor.

3. These appointments have effect from 1 October 2021 until 30 September 2022 (inclusive), unless terminated sooner.

Dated 19 August 2021

D. P. MORGAN,
Acting Governor.

No. 85 30 August 2021

Maritime Ordinance 2017
section 238

Appointment of Inspectors of Ships

1. Section 238(1) of the Maritime Ordinance 2017 (“the Ordinance”) provides that the Governor may appoint any person as an inspector of ships.

2. In exercise of my powers under sections 238(1) of the Ordinance, I appoint:-

Steven Winn; and
Lydia Clare Hutchinson,

to be inspectors of ships for the purposes of the Ordinance.

3. As inspectors the appointees must:-

(a) discharge the duties and functions specified by the Falkland Islands Maritime Authority; and

(b) discharge those duties and functions in accordance with the provisions of the Ordinance and any other relevant enactment in force in the Falkland Islands.

4. These appointments take effect from the date of signature, and continue whilst the appointees are Departmental officers of the Falkland Islands Maritime Authority, unless terminated sooner.

Dated 30 August 2021

D. P. MORGAN,
Acting Governor.

No. 86 30 August 2021

Maritime Ordinance 2017
section 249

Appointment of Inspectors of Marine Accidents

1. Section 249(1) of the Maritime Ordinance 2017 (“the Ordinance”) provides that the Governor may appoint inspectors of marine accidents.

2. In exercise of my powers under sections 249(1) of the Ordinance, I appoint:-

Steven Winn; and
Lydia Clare Hutchinson,

to be inspectors of marine accidents for the purposes of the Ordinance.

4

3. These appointments take effect from the date of signature, and continue whilst the appointees are Departmental officers of the Falkland Islands Maritime Authority, unless terminated sooner.

Dated 30 August 2021

D. P. MORGAN,
Acting Governor.

No. 87 30 August 2021

Maritime Ordinance 2017
section 238

Appointment of Inspector and Surveyor of Ships

1. Section 238(1) and (2) of the Maritime Ordinance 2017 (“the Ordinance”) provide that the Governor may appoint persons to be inspectors and surveyors of ships respectively; for the purposes set out in the Ordinance.

2. In exercise of my powers under section 238, I appoint **Joanna Louise Cox**:-

(a) an inspector of ships; and

(b) a surveyor of ships generally, in the capacity of ship surveyor.

3. This appointment is for the purposes of both the Ordinance and the Maritime Labour Ordinance 2019.

4. As an inspector and ship surveyor, **Joanna Louise Cox** must:-

(a) discharge the duties and functions specified by the Falkland Islands Maritime Authority; and

(b) discharge those duties and functions in accordance with the provisions of the Ordinance and any other relevant enactment in force in the Falkland Islands.

4. This appointment takes effect from the date of signature, and continues whilst **Joanna Louise Cox** is the Harbour Master of the Falkland Islands Maritime Authority, unless terminated sooner.

Dated 30 August 2021

D. P. MORGAN,
Acting Governor.

No. 88 30 August 2021

Falkland Islands Status Ordinance 1998
section 3

Application for Falkland Islands Status

Notice is hereby given that:-

Ian Thomas Ewen;
Nicola Jan Francis;
Veronica Del Carmen Contreras Gutierrez; and

Pamela Andrea Quilodran Jelbes,

have applied for Falkland Islands Status to be granted by His Excellency the Governor.

Any person who intends to object to the grant of any application may do so in writing to the Principal Immigration Officer at the Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

Dated 30 August 2021

J. E. SMITH
Immigration Officer

No. 89

30 August 2021

**Immigration (Permanent Residence Permits) Regulations
2009**
regulation 19

Application for Permanent Residence Permit

Notice is hereby given that the following persons have applied to the Principal Immigration Officer to be granted Permanent Residence Permits:-

Karen Jane Reoja;
Lester Querijero;
Ismael Felipe Cruz Aravena;
Adriana Rafaela Buttenberg;
Denver Dubadob;
James Andrian Saludo Bicaldo; and
Batsirai Mavatu.

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 within 21 days of the date of publication of this notice.

Dated 30 August 2021

J. E. SMITH,
Immigration Officer.

No. 90

30 August 2021

British Nationality Act 1981
section 18

Application for Naturalisation

Notice is hereby given that:-

Henna Karen Lazcano Riquelme; and
Ana Risa Regalado

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 within 21 days of the date of publication of this notice.

Dated 30 August 2021

J. E. SMITH,
Immigration Officer.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

3 September 2021

No. 13

The following are published in this Supplement —

Road Traffic (Amendment) Bill 2021; and

Immigration (Permanent Residence Permit Appeals) Regulations 2021 (SR&O No 20 of 2021).

Road Traffic (Amendment) Bill 2021

(ORDINANCE No. OF 2021)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Road Traffic Ordinance 1948
4. Section 2 (interpretation) amended
5. Repeals
6. New sections 18A to 18N
7. New section 19A (meaning of “unfit to drive”)
8. New section 20A (disqualification from driving and licence endorsement)
9. New sections 39A to 39K
10. New sections 56A (extension of disqualification where custodial sentence also imposed) and 56B (alternative verdicts)
11. Minor and consequential amendments
12. New Schedules

Road Traffic (Amendment) Bill 2021

(assented to: 2021)
(commencement: on publication)
(published: 2021)

A BILL

for

AN ORDINANCE

To amend the Road Traffic Ordinance 1948.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Road Traffic (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of Road Traffic Ordinance 1948

This Ordinance amends the Road Traffic Ordinance 1948.

4. Section 2 (interpretation) amended

In section 2(1) —

(a) replace the definition of “**serious injury**” with —

““**serious injury**” means physical harm which amounts to grievous bodily harm for the purposes of section 64 of the Crimes Ordinance 2014;” and

(b) after the definition of “**serious injury**” insert —

““**special reasons**” means special reasons related to the commission of the offence and does not, except in so far as they may be related to the commission of the offence, extend to circumstances related to the offender;”.

5. Repeals

Repeal sections 14 to 18, 20, 39 and 57.

6. New sections 18A to 18N

After section 18 insert —

“18A. Causing death by dangerous driving

(1) A person who causes the death of another person by driving a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 1 Road Traffic Act 1988 c.52

18B. Causing serious injury by dangerous driving

A person who causes serious injury to another person by driving a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

Section 1A Road Traffic Act 1988 c.52

18C. Dangerous driving

A person who drives a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

Section 2 Road Traffic Act 1988 c.52

18D. Meaning of dangerous driving

(1) For the purposes of sections 18A to 18C a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if) —

- (a) the way that person drives falls far below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) “**dangerous**” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard must be had not only to the circumstances of which that person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

Section 2A Road Traffic Act 1988 c.52

18E. Causing death by driving without due care and attention

(1) A person who causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 2B Road Traffic Act 1988 c.52

18F. Causing serious injury by driving without due care and attention

A person who causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

18G. Driving without due care and attention

A person who drives a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: A fine at level 4 on the standard scale.

Section 3 Road Traffic Act 1988 c.52

18H. Meaning of driving without due care and attention

(1) This section has effect for the purposes of sections 18E, 18F, 18G, 18M and 18N.

(2) A person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful driver.

(3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver in a particular case, regard must be had not only to the circumstances of which the driver could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

Section 3ZA Road Traffic Act 1988 c.52

18I. Causing death by driving: unlicensed or uninsured drivers

(1) A person commits an offence under this section if that person causes the death of another person by driving a motor vehicle on a road and, at the time when the person is driving, the circumstances are such that the person is committing an offence under —

(a) section 6(1) (driving otherwise than in accordance with a licence); or

(b) section 9(1) (using motor vehicle while uninsured against third party risks).

Penalty: Imprisonment for 2 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3ZB Road Traffic Act 1988 c.52

18J. Causing serious injury by driving: unlicensed or uninsured drivers

A person commits an offence under this section if that person causes serious injury to another person by driving a motor vehicle on a road and, at the time when the person is driving, the circumstances are such that the person is committing an offence under —

- (a) section 6(1) (driving otherwise than in accordance with a licence); or
- (b) section 9(1) (using motor vehicle while uninsured against third party risks).

Penalty: Imprisonment for 12 months or a fine, or both.

18K. Causing death by driving: disqualified drivers

(1) A person commits an offence under this section if that person —

- (a) causes the death of another person by driving a motor vehicle on a road; and
- (b) at that time, is committing an offence under section 6(13) (driving while disqualified).

Penalty: Imprisonment for 10 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3ZC Road Traffic Act 1988 c.52

18L. Causing serious injury by driving: disqualified drivers

A person commits an offence under this section if that person —

- (a) causes serious injury to another person by driving a motor vehicle on a road; and
- (b) at that time, is committing an offence under section 6(13) (driving while disqualified).

Penalty: Imprisonment for 4 years or a fine, or both.

Section 3ZD Road Traffic Act 1988 c.52

18M. Causing death by driving without due care and attention when under influence of drink or drugs

(1) A person commits an offence if the person causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place, and the person —

- (a) is, at the time of driving, unfit to drive through drink or drugs;
- (b) has consumed so much alcohol that the proportion of it in his breath at that time exceeds the prescribed limit; or
- (c) is, within 18 hours after that time, required to provide a specimen in pursuance of section 24, but without reasonable excuse fails to provide it.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3A Road Traffic Act 1988 c.52

18N. Causing serious injury by driving without due care and attention when under influence of drink or drugs

A person commits an offence if the person causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place, and the person —

- (a) is, at the time when he is driving, unfit to drive through drink or drugs;
- (b) has consumed so much alcohol that the proportion of it in his breath at that time exceeds the prescribed limit; or
- (c) is, within 18 hours after that time, required to provide a specimen in pursuance of section 24, but without reasonable excuse fails to provide it.

Penalty: Imprisonment for 5 years or a fine, or both.”.

7. New section 19A (meaning of “unfit to drive”)

After section 19 insert —

“19A. Meaning of “unfit to drive

- (1) This section has effect for the purposes of sections 18M, 18N and 19.
- (2) A person is unfit to drive if their ability to drive properly is for the time being impaired.”.

8. New section 20A (disqualification from driving and licence endorsement)

After section 20 insert —

“20A. Disqualification from driving and licence endorsement

- (1) Subsection (2) applies to a person who has, on any previous occasion within the ten years preceding the date, been convicted of a driving offence.
- (2) The court must disqualify a person to whom this subsection applies from holding or obtaining a driver’s licence for a period of not less than seven years from the date unless, for special reasons to be recorded in writing, it orders otherwise.
- (3) The court must disqualify a person to whom subsection (2) does not apply and who is convicted of a driving offence from holding or obtaining a driver’s licence for a period of not less than two years from the date unless, for special reasons to be recorded in writing, it orders otherwise.
- (4) In this section, “**driving offence**” means an offence under —
 - (a) section 18A, 18B, 18C, 18E, 18F, 18I, 18J, 18K, 18L, 18M or 18N; or
 - (b) sections 14, 15, 16 or 18 of the Ordinance committed before the coming into force of the Road Traffic (Amendment) Ordinance 2021; and

“**the date**” means the date of conviction for a driving offence.”.

9. New sections 39A to 39K

After section 39 insert —

“39A. Causing death by dangerous cycling

(1) A person who causes the death of another person by riding a cycle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39B. Causing serious injury by dangerous cycling

A person who causes serious injury to another person by riding a cycle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

39C. Dangerous cycling

A person who rides a cycle dangerously on a road or other public place commits an offence.

Penalty: A fine at level 4 on the standard scale, or both.

Section 28 Road Traffic Act 1988 c.52

39D. Meaning of riding a cycle dangerously

(1) A person is to be regarded as riding a cycle dangerously for the purposes of sections 39A to 39C if (and only if) —

- (a) the way the person rides falls far below what would be expected of a competent and careful cyclist; and
- (b) it would be obvious to a competent and careful cyclist that cycling in that way would be dangerous.

(2) In subsection (1) “**dangerous**” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard must be had not only to the circumstances of which that cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

Section 28 Road Traffic Act 1988 c.52

39E. Causing death by cycling without due care and attention

(1) A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39F. Causing serious injury by cycling without due care and attention

A person who causes serious injury to another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

39G. Cycling without due care and attention

A person who rides a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: A fine at level 3 on the standard scale.

Section 29 Road Traffic Act 1988 c.52

39H. Causing death by cycling without due care and attention while under influence of drink or drugs

(1) A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and the person is at the time of riding the cycle unfit to do so through drink or drugs, the person commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39I. Causing serious injury by cycling without due care and attention while under influence of drink or drugs

A person who causes serious injury to another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and the person is at the time of riding the cycle unfit to cycle through drink or drugs, the person commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

39J. Cycling when under influence of drink or drugs

A person who, when cycling on a road or other public place, is unfit to ride a cycle through drink or drugs commits an offence.

Penalty: A fine at level 4 on the standard scale, or both.

Section 30 Road Traffic Act 1988 c.52

39K. Meaning of cycling without due care and attention and unfit to cycle

(1) This section has effect for the purposes of sections 39E, 39F, 39G, 39H, 39I and 39J.

(2) A person is to be regarded as cycling without due care and attention if (and only if) the way that person cycles falls below what would be expected of a competent and careful cyclist.

(3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent cyclist in a particular case, regard must be had not only to the circumstances of which the cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as cycling without reasonable consideration for other persons only if those persons are inconvenienced by the person's cycling.

(5) A person is unfit to ride a cycle for the purposes of sections 39H, 39I and 39J if the person is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle.”.

10. New sections 56A (extension of disqualification where custodial sentence also imposed) and 56B (alternative verdicts)

After section 56 insert —

“56A. Extension of disqualification where custodial sentence also imposed

(1) This section applies where a person is convicted of an offence for which the court —

- (a) imposes a custodial sentence that is not a suspended sentence; and
- (b) orders the person to be disqualified from driving.

(2) The court must provide for the person to be disqualified for the appropriate extension period, in addition to the disqualification period.

(3) If the appropriate extension period includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

(4) In this section —

“the disqualification period” means the period for which, in the absence of this section, the court would have disqualified the person; and

“the appropriate extension period” means a period equal to two-thirds of the total custodial term imposed.

Section 35A Road Traffic Offenders Act 1988 c.53

56B. Alternative verdicts

(1) Where —

- (a) a person charged with manslaughter in connection with the driving of a motor vehicle or the riding of a cycle by him is found not guilty of that offence, but
- (b) the allegations in the indictment amount to or include an allegation of a relevant offence,

the person may be convicted of that offence.

(2) For the purposes of subsection (1) the relevant offences are offences under the provisions listed in Schedule 2.

(3) Where —

- (a) a person charged with an offence under the Ordinance specified in the first column of the Table in Schedule 3 (where the general nature of the offences is also indicated) is found not guilty of that offence, but

- (b) the allegations in the indictment or information amount to or include an allegation of an offence under one or more of the provisions of the Ordinance specified in the corresponding entry in the second column,

the person may be convicted of that offence or of one or more of those offences.

(4) Where by virtue of this section a person is convicted before the Supreme Court of an offence triable summarily, the court has the same powers and duties as the Summary Court or Magistrate's Court would have had on convicting the person of that offence.

Section 24 Road Traffic Offenders Act 1988 c.53".

11. Minor and consequential amendments

- (1) In section 19, omit subsection (4).
 - (2) In section 23 —
 - (a) in subsection (1)(a) and (c) replace "a traffic offence" with "an offence under this Ordinance"; and
 - (b) omit subsection (7).
 - (3) In section 24(1), replace "section 19 or 21" with "section 18M, 18N, 19, 21, 39H, 39I or 39J".
 - (4) In section 26, omit subsection (5).
 - (5) In section 31, omit subsection (4).
 - (6) In section 46, replace subsection (1) with —
 - "(1) Subsection (1A) applies to a person who —
 - (a) is the driver of a motor vehicle or a cyclist; and
 - (b) is alleged to have committed an offence under this Ordinance.
- (1A) A person who refuses to give their name and address or gives a false name and address to another person who has reasonable grounds for requiring such information commits an offence."

12. New Schedules

- (1) Replace the heading to the Schedule with —

**"SCHEDULE 1 – SUPPLEMENTARY PROVISIONS IN CONNECTION WITH
PROCEEDINGS FOR OFFENCES RELATING TO HELMETS AND HEAD GEAR**

section 35(6)".
- (2) After Schedule 1, insert —

“SCHEDULE 2 – RELEVANT OFFENCES WHERE A PERSON IS CHARGED BUT NOT CONVICTED OF MANSLAUGHTER IN CONNECTION WITH DRIVING A MOTOR VEHICLE OR RIDING A CYCLE

section 56B(2)

Section 18A (causing death by dangerous driving)

Section 18B (causing serious injury by dangerous driving)

Section 18C (dangerous driving)

Section 18E (causing death by driving without due care and attention)

Section 18F (causing serious injury by driving without due care and attention)

Section 18G (driving without due care and attention)

Section 18I (causing death by driving: unlicensed or uninsured drivers)

Section 18J (causing serious injury by driving: unlicensed or uninsured drivers)

Section 18K (causing death by driving: disqualified drivers)

Section 18L (causing serious injury by driving: disqualified drivers)

Section 18M (causing death by driving without due care and attention when under influence of drink or drugs)

Section 18N (causing serious injury by driving without due care and attention when under influence of drink or drugs)

Section 39A (causing death by dangerous cycling)

Section 39B (causing serious injury by dangerous cycling)

Section 39C (dangerous cycling)

Section 39E (causing death by cycling without due care and attention)

Section 39F (causing serious injury by cycling without due care and attention)

Section 39G (cycling without due care and attention)

Section 39H (causing death by cycling without due care and attention while under influence of drink or drugs)

Section 39I (causing serious injury by cycling without due care and attention while under influence of drink or drugs)

Section 39J (cycling when under influence of drink or drugs).

SCHEDULE 3 - TABLE OF ALTERNATIVE VERDICTS

section 56B(3)

Offence charged	Alternative verdicts
Section 18A (causing death by dangerous driving)	Section 18C (dangerous driving) Section 18E (causing death by driving without due care and attention) Section 18G (driving without due care and attention)
Section 18B (causing serious injury by dangerous driving)	Section 18C (dangerous driving) Section 18F (causing serious injury by driving without due care and attention) Section 18G (driving without due care and attention)
Section 18C (dangerous driving)	Section 18G (driving without due care and attention)
Section 18E (causing death by driving without due care and attention)	Section 18G (driving without due care and attention)
Section 18F (causing serious injury by driving without due care and attention)	Section 18G (driving without due care and attention)
Section 18I (causing death by driving: unlicensed or uninsured drivers)	Section 6(1) (drivers' licences) Section 9(1) (third party insurance)
Section 18J (causing serious injury by driving: unlicensed or uninsured drivers)	Section 6(1) (drivers' licences) Section 9(1) (third party insurance)
Section 18K (causing death by driving: disqualified drivers)	Section 6(13) (driving while disqualified)
Section 18L (causing serious injury by driving: disqualified drivers)	Section 6(13) (driving while disqualified)
Section 18M (causing death by driving without due care and attention when under influence of drink or drugs)	Section 18E (causing death by driving without due care and attention) Section 18F (causing serious injury by driving without due care and attention) Section 18G (driving without due care and attention) Section 19 (driving or being in charge, while under the influence of drink or drugs)

	<p>Section 21 (driving or being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 18N (causing serious injury by driving without due care and attention when under influence of drink or drugs)</p>	<p>Section 18F (causing serious injury by driving without due care and attention)</p> <p>Section 18G (driving without due care and attention)</p> <p>Section 19 (driving or being in charge, while under the influence of drink or drugs)</p> <p>Section 21 (driving or being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 19(1) (driving or attempting to drive a motor vehicle while unfit to drive through drink or drugs)</p>	<p>Section 19(2) (being in charge of a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 21(1)(a) or (b) (driving or being in charge of a motor vehicle with alcohol concentration above the prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 21(1)(a) (driving of motor vehicle with alcohol concentration above prescribed limit)</p>	<p>Section 19(1) (driving or attempting to drive a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 19(2) (being in charge of a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 21(1)(b) (being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 39A (causing death by dangerous cycling)</p>	<p>Section 39C (dangerous cycling)</p> <p>Section 39E (causing death by cycling without due care and attention)</p> <p>Section 39G (cycling without due care and attention)</p>
<p>Section 39B (causing serious injury by dangerous cycling)</p>	<p>Section 39C (dangerous cycling)</p> <p>Section 39F (causing serious injury by cycling without due care and attention)</p> <p>Section 39G (cycling without due care and attention)</p>
<p>Section 39C (dangerous cycling)</p>	<p>Section 39G (cycling without due care and attention)</p>

Section 39E (causing death by cycling without due care and attention)	Section 39G (cycling without due care and attention)
Section 39F (causing serious injury by cycling without due care and attention)	Section 39G (cycling without due care and attention)
Section 39J (cycling when under influence of drink or drugs)	Section 39G (cycling without due care and attention)
Section 39H (causing death by cycling without due care and attention while under the influence of drink or drugs)	Section 39A (causing death by dangerous cycling) Section 39C (dangerous cycling) Section 39E (causing death by cycling without due care and attention) Section 39G (cycling without due care and attention)".

OBJECTS AND REASONS

This Bill amends the Road Traffic Ordinance 1948 (“the Ordinance”) to reflect the significant development of the law in England and Wales in relation to serious incidents arising out of the improper use of motor vehicles. The England and Wales driving offences are set out in the Road Traffic Act 1998 and the Road Traffic Offenders Act 1988, as amended by more recent legislation. The amendments also reflect developments in the criminal law of the Falkland Islands to ensure that the Ordinance can be read and applied consistently with the Crimes Ordinance and the Criminal Procedure and Evidence Ordinance.

The amendments will plug a substantial gap in the criminal law of the Falkland Islands in respect of serious driving offences to ensure that should a serious incident occur, it will be possible to prosecute effectively in relation to any serious offences committed. A key change is the replacement of the concept of “reckless driving” with “dangerous driving”, with a modern evidential test that creates a clear, objective standard of competent and careful driving by which the driving of an accused person will be judged.

Further, the penalties are updated to reflect the seriousness of the new offences. A parallel regime is created for cycling to ensure that similar standards are expected of all road users. The offences apply to driving in Stanley and on designated roads.

Part 1 of the Bill deals with introductory matters (title, commencement and purpose of the Bill).

Part 2 of the Bill provides for amendment of the Road Traffic Ordinance 1948.

The interpretation provision in section 2 of the Ordinance is amended so that the definition of “**serious injury**” is consistent with the Crimes Ordinance 2014 and the definition of “**special reasons**”, currently in section 26(5), applies throughout the Ordinance (*clause 4*).

Sections 14 to 18, 20, 39 and 57 of the Ordinance are repealed (*clause 5*). Section 15 is not replaced as the offence of manslaughter is now dealt with under section 50 of the Crimes Ordinance 2014. Similarly, section 20 is not replaced as powers of arrest are now provided for in section 44 of the

Criminal Procedure and Evidence Ordinance 2014, which also deals with restrictions on prosecution, removing the need for section 57.

Sections 14 (causing death by reckless driving), and 16 (reckless driving) of the Ordinance are replaced by *clause 6* which introduces new section 18A (causing death by dangerous driving) and 18C (dangerous driving). A new offence of causing serious injury by dangerous driving (new section 18B) is created as well as a new definition of dangerous driving (new section 18D) that replaces the “obvious and serious risk” test in section 17.

Clause 6 also introduces a new offence of driving without due care and attention in new section 18G, with corresponding offences of causing death or serious injury by driving without due care and attention in new sections 18E and 18F. The definition of driving without due care and attention is set out in new section 18H. These provisions replace section 18 (driving without due care and attention).

Other new offences are introduced in new sections 18I (causing death by driving: unlicensed or uninsured drivers), 18J (causing serious injury by driving: unlicensed or uninsured drivers), 18K (causing death by driving: disqualified drivers), 18L (causing serious injury by driving: disqualified drivers), 18M (causing death by driving without due care and attention when under influence of drink or drugs) and 18N (causing serious injury when under the influence of drink or drugs).

New section 20A (*clause 8*) requires the court, on convicting an offender under the preceding provisions to order disqualification from driving unless there are special reasons (that relate to the offence) for not doing so. The minimum period of disqualification is 2 years. Repeat offenders are disqualified for 7 years.

Clause 9 introduces new sections 39A to 39K which provide for new serious offences for cycling without due care and attention, largely mirroring the provisions for driving offences and using similar tests of behaviour that departs for the standard of the careful and competent cyclist.

Clause 10 introduces 2 new provisions. New section 56A provides for extension of the period of disqualification where a custodial sentence is also imposed, to prevent disqualifications expiring before the offender is released from prison. New section 56B and Schedules 2 and 3 (set out in *clause 12*) enable the court to convict an offender of a lesser, related offence if the prosecution case for a more serious offence is not proven.

Clause 11 makes provision for minor and consequential amendments.

SUBSIDIARY LEGISLATION

Immigration (Permanent Residence Permit Appeals) Regulations 2021

(No. 20 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Purpose
4. Procedure for appeals in relation to Permanent Residence permits
5. Revocation

SUBSIDIARY LEGISLATION

Immigration (Permanent Residence Permit Appeals) Regulations 2021

(made: 3 September 2021)

(commencement: on publication)

(published: ... 3 September 2021)

I make these Regulations under section 40 of the Immigration Ordinance 1999 on the advice of Executive Council.

1. Title

These Regulations are the Immigration (Permanent Residence Permit Appeals) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Purpose

These Regulations provide for appeals made under section 28 of the Immigration Ordinance 1999.

4. Procedure for appeals in relation to Permanent Residence permits

(1) A person making written representations to the Governor in relation to the refusal of an application for, or revocation of, a permanent residence permit must do so not more than twenty-eight days after being given notice of the decision being appealed.

(2) The representations must include a statement of the reasons for making the appeal and any documentary evidence relied on.

(3) Written notice of the Governor's decision on the appeal must be given to the appellant within seven days of the date of the decision.

(4) Subregulation (5) relates to an appeal against refusal of a permanent residence permit.

(5) If the appellant has a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit that would but for this subregulation expire before the appeal is decided, the period of validity of the permit is extended to the date on which written notice of the appeal decision is given to the appellant.

5. Revocation

To the extent that the Immigration (General) Regulations Order 1987 was not revoked by the Immigration Ordinance 1999 and the coming into force of the Immigration (General) Regulations 2021, that Order is revoked.

Made 3 September 2021

D. P. MORGAN,
Acting Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under section 40 of the Immigration Ordinance 1999 and come into force on publication in the *Gazette*.

Regulation 4 provides for the procedure to be followed in relation to appeals against refusal of an application for, or revocation of, a permanent residence permit that is consistent with the procedure for reviews of decisions relating to other types of permit, provided for in section 27 of the Immigration Ordinance 1999 (as amended by the Immigration (Amendment) Ordinance 2021).

Regulation 5 revokes the Immigration (General) Regulations Order 1987 to the extent that Order is not already revoked by the Immigration Ordinance 1999, as amended (most recently by the Immigration (Amendment) Ordinance 2021) and the Immigration (General) Regulations 2021.

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FALKLAND ISLANDS GAZETTE

Extraordinary

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24 September 2021

No. 17

NOTICES

No. 91

24 September 2021

Falkland Islands Constitution
sections 33, 34, and 38

Proclamation to:

- (1) Dissolve the Legislative Assembly;
- (2) Appoint date for a General Election; and
- (3) Provide for a sitting of the Legislative Assembly

(Proclamation No: 1 of 2021)

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 shall not be 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 4 November 2021 as the date for a general election to be held; and
 - (c) I appoint 9am Monday 8 November 2021 at the Court and Assembly Chamber, Town Hall, Stanley, as the time,

date, and place of the next sitting of the Legislative Assembly.

Dated 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 92

24 September 2021

Electoral Ordinance 1988
section 48

Writ of Election

To: The Returning Officer for the Camp Constituency

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 C.B.E.**, Governor of the Overseas Territory of the Falkland Islands Greeting.

Whereas the Legislative Assembly has been dissolved in accordance with section 34 of the Schedule to the Falkland Islands Constitution Order 2008

And whereas by way of Proclamation, 4 November 2021 has been appointed as the date on which a general election is to be held within the Falkland Islands

Now therefore I, **Nigel James Phillips C.B.E.**, do command that due notice being first given you do cause election to be made according to law of such numbers of the Legislative Assembly as is requisite for the Camp Constituency

And that you return this writ endorsed as provided by law on or before 5 November 2021.

Given under my hand and the Public Seal of the Falkland Islands at Government House, Stanley.

Dated 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 93

24 September 2021

Electoral Ordinance 1988
section 48

Writ of Election

To: The Returning Officer for the Stanley Constituency

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 C.B.E.**, Governor of the Overseas Territory of the Falkland Islands Greeting.

Whereas the Legislative Assembly has been dissolved in accordance with section 34 of the Schedule to the Falkland Islands Constitution Order 2008

And whereas by way of Proclamation, 4 November 2021 has been appointed as the date on which a general election is to be held within the Falkland Islands

Now therefore I, **Nigel James Phillips C.B.E.**, do command that due notice being first given you do cause election to be made according to law of such numbers of the Legislative Assembly as is requisite for the Stanley Constituency

And that you return this writ endorsed as provided by law on or before 5 November 2021.

Given under my hand and the Public Seal of the Falkland Islands at Government House, Stanley.

Dated 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 94

24 September 2021

Electoral Ordinance 1988
section 51

Notice of Election
4 November 2021

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 persons to be elected as members of the Legislative Assembly

(a) three persons are to be elected as members of the Legislative Assembly in the Camp Constituency; and

(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 4 October) from Friday 24 September until Friday 15 October 2021 between the following times:-

(i) 8.15am and noon; and

(ii) 1.15pm and 4.00pm.

(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 mLaw@sec.gov.fk.

(c) the last day for completed nomination papers to be delivered to the returning officer is Friday 15 October 2021 by 4.00pm.

(d) The office of the returning officer will be staffed on Friday 15 October 2021 between 8.15am and 4.00pm for the purpose of receiving completed nomination papers.

Polling day

(a) Polling day is Thursday 4 November 2021.

(b) The poll will be conducted between the following hours:-

(i) in the Camp Constituency, 10am to 4pm;

(ii) in the Stanley Constituency, 10am to 6pm.

Dated 24 September 2021

A. J. KEELING,
Returning Officer,
Camp and Stanley Constituencies.



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No. 18

Appointment

Caitlin Fowler, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 31.08.21.

Chiara Gomez-Reid, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 31.08.21.

Kierah Henry, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 31.08.21.

Kirsty Johnston, Primary Teacher, Infant Junior School and Camp Education, Education Department, 31.08.21.

Fernanda Bahamondez, Prison Officer, HM Prison Service, Emergency Services and Island Security Department, 01.09.21.

Jeremy Ian Thomas Clarke, Firefighter/Watch Manager A, Fire and Rescue Service, Emergency Services and Island Security Department, 01.09.21.

Michael Ford, Shield Co-ordinator, Falkland College, Education Department, 01.09.21.

Pablo Parra Lopez, Spanish Teacher, Falkland Islands Community School, Education Department, 01.09.21.

Anne Margaret Milston, Interim School Principal, Infant Junior School and Camp Education, Education Department, 01.09.21.

John Anthony William Walker, Principal, Falkland Islands Community School, Education Department, 01.09.21.

Joanna Webster, Quality and Performance Co-ordinator, Education Department, 01.09.21.

Sian Yvonne Ferguson, Personal Assistant, Mineral Resources Department, 06.09.21.

Brando Valdez, Prison Officer, HM Prison Service, Emergency Services and Island Security Department, 06.09.21.

Victoria Margaret Williams, Learning Support Assistant, Falkland Islands Community School, Education Department, 22.09.21.

Benjamin William Cockwell, Government Agent, Fox Bay Village, Public Works Department, 27.09.21.

Sara Darts, Duty Supervisor, Stanley Leisure Centre, Development and Commercial Services Department, 27.09.21.

Completion of contract

Christian John Hooper, Prison Officer, HM Prison Service, Emergency Services and Island Security Department, 27.08.21.

Richard James Bullivant, Company Taxation Officer, Taxation, Treasury, 12.09.21.

Rebecca Dee Rees, Company Taxation Officer, Taxation, Treasury, 26.09.21.

Joanne Marie Priston, Staff Nurse, Health and Social Services Department, 30.09.21.

Daniel Lawrence Wood, Maritime Programme Director, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 30.09.21.

Renewal of contract

Richard James Bullivant, Company Taxation Officer, Taxation, Treasury, 13.09.21.

Rebecca Dee Rees, Company Taxation Officer, Taxation, Treasury, 27.09.21.

Resignation

Glyn Scott Morrison, Apprentice - Civil Engineering, Falkland College, Education Department, 03.09.21.

Jason Priston, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 15.09.21.

Sharon Henry, Residence and Events Manager, Government House, 24.09.21.

Derek Gary McGill, Government Agent, Fox Bay Village, Public Works Department, 24.09.21.

Meredith Lauryn Ellis, Agriculture Assistant, Agriculture, Natural Resources Department, 28.09.21.

Ann Margaret Hunt, Hospital Manager, Health and Social Services Department, 30.09.21.

Robert Thomas McCrea, Cemetery Caretaker/Handyperson, Property and Municipal Section, Public Works Department, 30.09.21.

David John O'Neill, Director, Health and Social Services Department, 30.09.21.

Determination of Appointment

Jamie Crossley, Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 17.09.21.

NOTICES

No. 95

7 September 2021

Police Ordinance 2000 *section 52*

Unclaimed property

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

Serial	Description
952	Navy blue "Fred Perry" hooded jacket with wooden toggles
984	£10 note serial number B060083
986	Small child's red jacket hooded
987	Child's jacket blue and grey hooded
988	Child's soft shell jacket blue hooded
989	3 keys on 2 rings and headphones
991	Blue sunglasses - no distinguishing marks
992	Blue and black backpack with 1 pair of shoes, disposable plastic glasses, bottle and can of coke, cream and 2 packs of chewing gum
993	Grey and purple wool hat with handmade label attached
994	2 boxes of metal sockets and small bag of fittings
997	Glasses with black striped frame in purple floral magnivision case
998	£100 cash in £20 notes serial numbers - B034629; B003916; B015152; B033706; B018092
999	1 gold 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 7 September 2021

E. J. FULTON,
Clerk, Magistrate's Court

No. 96

7 September 2021

Assessment and Safeguarding of Adults Ordinance 2020 *section 12 and Schedule*

Additional member of Safeguarding Adults Board

1. Section 12 and the Schedule to the Assessment and Safeguarding of Adults Ordinance 2021 provide for the establishment and membership of the Safeguarding Adults Board. Paragraph 1(2) of the Schedule provides that the membership of the Safeguarding Adults Board may also include such other persons as the Governor, having consulted members, considers appropriate.

2. Notice is given that in accordance with paragraph 1(2) of the Schedule **Yomi Bennett** Senior Social Worker as a representative of Polaris Children's Services Limited (an organisation with a role relating to the welfare of families of those serving in the Falkland Islands in the United Kingdom armed forces) is included in the membership of the Safeguarding Adults Board.

Dated 7 September 2021

D. P. MORGAN,
Acting Governor.

No. 97

8 September 2021

Administration of Estates Ordinance 1949 *section 4*

Application for Letters of Administration

Take notice that **Ellen Rose McKay** of Evelyn Station, Teal Inlet, East Falkland, died on 14 August 2021.

Whereas **Phyllis Candy Gough** and **Tony Eugene Terence McLaren** have 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 1949 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 8 September 2021

E. J. FULTON,
Registrar, Supreme Court.

No. 98

10 September 2021

Assessment and Safeguarding of Adults Ordinance 2020 *Schedule - Part 2*

Safeguarding Adults Board - period of year

1. Paragraph 3 of Part 2 to the Schedule to the Assessment and Safeguarding of Adults Ordinance 2020 provides that "year" in

relation to the Safeguarding Adults Board means 1 July to 30 June or such other period as may be approved by the Governor.

2. Notice is given that, in accordance with paragraph 3 of the Schedule, I approve the period of a year in relation to the Safeguarding Adults Board to be the calendar year.

Dated 10 September 2021

D. P. MORGAN,
Acting Governor.

No. 99 17 September 2021

Falkland Islands Pensions Scheme Ordinance 1997
section 5

Appointment of members of Pensions Board

1. Section 5(1) of the Falkland Islands Pensions Scheme Ordinance 1997 provides for the Governor to appoint members to the Pensions Board.

2. In exercise of my powers under section 5(2)(a) and after consultation with Executive Council, I appoint **Andrew Grant McKenzie Irvine** to be a member of the Board with effect from 30 November 2021 for three years; and in accordance with Schedule 1, Part 1, paragraph 2(3) **Andrew Grant McKenzie Irvine** is chair of the Board.

3. In exercise of my powers under section 5(2)(b) and after consultation with employers, I appoint **Lee Daniel Summers** to be a member of the Pensions Board with effect from the date of signature for three years, to represent the interests of employers.

4. In exercise of my powers under section 5(2)(c) and after consulting representatives of employees who are members of the Scheme, I appoint **Tansie Rebecca Bonner** to be a member of the Board with effect from 30 November 2021 for three years, to represent the interests of employees.

5. These appointments have effect and continue in effect as detailed above and in accordance with the Falkland Islands Pensions Scheme Ordinance, unless terminated sooner.

Dated 17 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 100 22 September 2021

Planning Ordinance 1991
section 5(2)

Appointment of member of Planning and Building Committee

1. Section 5(2) of the Planning Ordinance 1991 provides that the Governor shall appoint members to the Planning and Building Committee.

2. In exercise of my powers under section 5(2) I appoint **Baron Brunton-Goss** to be a member of the Planning and Building Committee.

3. This appointment has effect on 27 September 2021, and continues in effect for three years from that date, unless terminated sooner.

Dated 22 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 101 24 September 2021

Fisheries (Conservation and Management) (Amendment) Ordinance 2021
section 2

Commencement Notice

In accordance with section 2 of the Fisheries (Conservation and Management) (Amendment) Ordinance 2021 ("the Ordinance") I appoint 1 October 2021 as the day on which the Ordinance comes into force.

Dated 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 102 27 September 2021

Companies Act 1985
section 652A

Falkland Bittersweet Company Limited
Company Number: 14844

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 27 September 2021

E. J. DENT,
Registrar of Companies.

No. 103 28 September 2021

Children (Safeguarding Children Board) Regulations 2015
regulation 5

Protocol for the Management of an Unexpected Child Death in the Falkland Islands

1. Regulation 5 of the Children (Safeguarding Children Board) Regulations 2015 provides for the Safeguarding Board to issue guidelines and procedures as may be necessary to assist in the

welfare and safeguarding of children, and that notification of such issuance must be published in the *Gazette*.

2. Notice is hereby given that the Safeguarding Children Board issued the procedure “Protocol for the Management of an Unexpected Child Death in the Falkland Islands” in December 2014 which came into force on 5 March 2015. The procedure was replaced in December 2017 and reviewed in December 2019 and May 2020. The procedure remains in force until replaced or amended.

3. A copy of the procedure can be obtained by contacting the Personal Assistant to the Chief Medical Officer.

Dated 28 September 2021

R. E. EDWARDS,
*Acting Director of Health and Social Services,
for the Safeguarding Children Board.*

Published at the Attorney General’s Chambers, Stanley, Falkland Islands.
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FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

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No. 14

The following are published in this Supplement —

Taxes (Miscellaneous Amendments) Ordinance 2021 (No 8 of 2021);

Fisheries (Conservation and Management) (Amendment) Ordinance 2021 (No 9 of 2021);

Media Trust (Amendment) Ordinance 2021 (No 10 of 2021);

Road Traffic (Amendment) Ordinance 2021 (No 11 of 2021);

Law Revision and Publication Ordinance 2017 (Amendment) Order 2021 (SR&O No 21 of 2021);

Fisheries (Action Plans) Regulations 2021 (SR&O No 22 of 2021);

Fishing, Trans-shipment and Export (Licence Fees etc) Regulations 2021 (SR&O No 23 of 2021);

Fisheries (Conservation and Management) (Schedule 2 Amendment) Order 2021 (SR&O No 24 of 2021); and

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2021 (SR&O No 25 of 2021).

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Taxes (Miscellaneous Amendments) Ordinance 2021

(ORDINANCE No. 8 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

PART 1 – Introductory

1. Title
2. Commencement

PART 2 – Amendment to Taxes Ordinance 1997

3. Amendment of the Taxes Ordinance 1997
4. Section 49 replaced – Tax credits for certain recipients of qualifying distributions
5. Section 181 amended – Appeals to the Tribunal
6. Section 185 replaced – Recovery of tax in respect of profits or gains on offshore petroleum activities, etc
7. Section 186 amended – Repayment of income tax
8. Section 187 amended – Refund of overpayments of corporation tax
9. New section 187A inserted – Set off
10. Section 213 replaced – Service of notices
11. Section 214 amended – Signature of notices
12. Further amendments
13. Schedule 6 amended – Territorial Extension of Charge to Tax: Supplementary Provisions

PART 3 – Amendment to Medical Services Tax Ordinance 2010

14. Amendment of the Medical Services Tax Ordinance 2010

PART 4 – Amendment of subsidiary legislation made under Taxes Ordinance 1997

15. Amendment of Payments On Account of Tax (Employees' Deductions) Regulations 1997
16. Amendment of Income Tax (Apportionment of Deductions) Rules 1997
17. Amendment of Taxes (Benefits in Kind) Rules 2003

Schedule – Further amendments to Taxes Ordinance 1997

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Taxes (Miscellaneous Amendments) Ordinance 2021

(assented to: 21 September 2021)
(commencement: in accordance with section 2)
(published: 30 September 2021)

AN ORDINANCE

To amend the Taxes Ordinance 1997; the Medical Services Tax Ordinance 2010; the Payments On Account of Tax (Employees' Deductions) Regulations 1997; the Income Tax (Apportionment of Deductions) Rules 1997; and the Taxes (Benefit in Kind) Rules 2003.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - Introductory

1. Title

This Ordinance is the Taxes (Miscellaneous Amendments) Ordinance 2021.

2. Commencement

(1) Section 4 comes into force on 1 January 2022 and has effect for the computation of chargeable income for years of assessment beginning on or after 1 January 2022.

(2) Sections 6, 13 and 15 come into force on 1 January 2022.

(3) Section 17 comes into force on 1 January 2022 and has effect for the computation of chargeable income for years of assessment beginning on or after 1 January 2023.

(4) The amendment to section 125 contained in the Schedule comes into effect for the period of account starting on or after 1 January 2022.

(5) The rest of the provisions of this Ordinance come into force on publication in the *Gazette*.

PART 2 - Amendment of Taxes Ordinance 1997

3. Amendment of the Taxes Ordinance 1997

This Part amends the Taxes Ordinance 1997.

4. Section 49 replaced – Tax credits for certain recipients of qualifying distributions

Replace section 49 of the Taxes Ordinance 1997 with —

“49. Tax credits for certain recipients of qualifying distributions

(1) Where a company resident in the Falkland Islands makes a distribution and the person receiving the distribution is a person resident in the Falkland Islands, not being a company, the recipient of the distribution is entitled to a tax credit.

(2) Where a person is entitled to a tax credit under subsection (1), income tax must be charged on the gross amount of the distribution in accordance with the provisions of this Ordinance.

(3) The gross amount of the distribution must be calculated using the formula —

$$GA = \frac{D}{(1-LR)}$$

Where —

GA is the gross amount of the distribution;

D is the amount of the distribution actually received; and

LR is the lower rate of income tax, expressed as a decimal, for the year of assessment in which the distribution is made.

(4) A tax credit under subsection (1) is the difference between GA and D.

(5) A person entitled to a tax credit under subsection (1) must have their tax credit set off against the tax chargeable on that person’s income for the year of assessment in which the distribution is made.

(6) If the tax credit exceeds the tax chargeable on that person’s income for the year of assessment, the tax credit may not be —

(a) claimed by that person as a cash payment;

(b) set off against that person’s future year of assessment; or

(c) carried back against the person’s prior year of assessment.

(7) Where a distribution mentioned in subsection (1) is, or falls to be treated as, or under any provision of this Ordinance is deemed to be, the income of a person other than the recipient, that person is treated for the purposes of this section as receiving the distribution (and accordingly the question whether they are entitled to a tax credit in respect of it must be determined by reference to where the person, and not the actual recipient, is resident).”.

5. Section 181 amended – Appeals to the Tribunal

Section 181 of the Taxes Ordinance 1997 is amended in subsection (2) by replacing the full stop at the end of subparagraph (f) with a semi-colon and adding the following subparagraph —

“(g) a decision to serve a notice under paragraphs (3)(1) or (6)(1) of Schedule 6.”.

6. Section 185 replaced – Recovery of tax in respect of profits or gains on offshore petroleum activities, etc

Replace section 185 with —

“185. Recovery of tax in respect of petroleum activities, etc

Schedule 6, which makes provision with respect to information to be obtained from licensees, deductions of withholding tax and the recovery of unpaid tax in connection with exploration or exploitation activities or rights, has effect.”.

7. Section 186 amended – Repayment of income tax

In section 186 replace subsection (1A) with —

“(1A) If a person, entitled to a refund under subsection (1) has an amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it, and that amount has become due, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

8. Section 187 amended – Refund of overpayments of corporation tax

Delete section 187(2A).

9. New section 187A inserted - Set off

After section 187, insert —

“187A. Set off

If a company is entitled to a refund or repayment in respect of an overpayment of corporation tax and has an amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it and that amount has become due, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

10. Section 213 replaced - Service of notices

Replace section 213 with —

“213. Service of notices

- (1) Any notice given under this Ordinance by the Commissioner may be served on a person—
- (a) by delivering it to the person in question;
 - (b) by sending it by post to the person’s last known business or private address; or
 - (c) subject to subsection (3), by transmitting it electronically to an address provided by the person.
- (2) A notice is deemed to be properly served if —
- (a) it is addressed to the last known address of the person; or
 - (b) it is sent to the electronic address provided by the person.
- (3) A person who does not wish or no longer wishes to receive notices electronically must notify the Commissioner accordingly, but any notice served prior to the Commissioner receiving the notification will be deemed to have been properly served.”.

11. Section 214 amended - Signature of notices

In section 214 —

- (a) in subsection (1) insert “or authorised” after “appointed”;
- (b) delete subsection (2); and
- (c) replace subsection (3) with —

“(3) Any notice given by the Commissioner under this Ordinance is valid if the signature of the Commissioner or of a person appointed or authorised under subsection (1) appears on it either printed, in manuscript or as an electronic signature.”.

12. Further amendments

The provisions of the Taxes Ordinance 1997 in the first column of the Schedule are amended to the extent set out in the second column.

13. Schedule 6 amended – Territorial Extension of Charge to Tax: Supplementary Provisions

This section amends Schedule 6 as follows —

- (a) replace the heading with —

“SUPPLEMENTARY PROVISIONS IN RESPECT OF LICENSEE”;

- (b) replace paragraph 2 with —

“2 Withholding tax and power of Commissioner to obtain information from licensees

(1) Subject to paragraph 2B, a licensee, when making payment of an amount of £5,000 or more to a company for transactions in connection with activities authorised by a licence as a result of which the company is or might be liable to tax, must —

- (a) deduct 3 per cent of the total value of the invoice (“**withholding tax**”) regardless of the method of payment; and
- (b) make a record of the deductions of withholding tax.

(2) A licensee must make a record of all transactions in connection with activities authorised by a licence as a result of which a person is or might be liable to tax and of the particulars of the person in respect of whom the transaction was made.

(3) A licensee must keep the records under subparagraphs (1) and (2) until the expiry of a period ending at least six years after the end of the calendar year in which the transaction or deduction was made.

(4) A licensee must submit to the Commissioner, a return in such form as the Commissioner may prescribe, for the periods 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December on or before 30 days from the end of each period.

(5) The return under subparagraph (4) must —

- (a) specify particulars of the transactions under subparagraphs (1) and (2);
- (b) specify particulars of emoluments or other payments paid or payable in respect of duties or services performed in an area in which those activities may be carried on under the licence and the persons to whom they were paid or are payable;
- (c) specify the total amount of withholding tax deducted during that period; and
- (d) be submitted even if there are no transactions or particulars to report for that period.

(6) A licensee must take all reasonable steps to obtain the information necessary to enable them to comply with subparagraphs (5)(a) and (5)(b).

(7) Withholding tax under subparagraph (1)(a) —

- (a) is not corporation tax, but is on account of the liability to corporation tax whether determined or yet to be determined, of the company in respect of which the deduction is made; and
- (b) may be applied at any time by the Commissioner in payment or reduction of that company’s liability to tax in respect of the accounting period in which the deduction was made or the immediately following period or any earlier period.

(8) A licensee must remit to the Commissioner the amount deducted during the period for which a return is submitted at the same time that the return is submitted under subparagraph (4).

(9) Interest is due on any withholding tax that remains unremitted after the date on which it is payable under subparagraph (8) at the rate of 3 per cent per annum over base lending rate.

(10) The Commissioner may require —

- (a) a return under subparagraph (4) to be submitted by transmitting it electronically to an address provided by the Commissioner for the purpose; and
- (b) a licensee to submit to the Commissioner the name of a person authorised to send returns electronically.”;

(c) insert new paragraphs 2A, 2B and 2C after paragraph 2 —

“2A Penalties

(1) A licensee who, without reasonable excuse fails to comply with the requirements of subparagraphs 2(2), 2(3) or 2(4), commits an offence and is liable on conviction to a fine not exceeding the maximum of level 7 on the standard scale.

(2) If a licensee fails to submit a return under subparagraph 2(4) with information required under subparagraph 2(5) within the time specified, that licensee is liable to pay —

- (a) a penalty of £1,000; and
- (b) an additional penalty of £1,000 in respect of each successive period of 15 days that elapse before the information is submitted.

(3) Where a licensee fails to submit a return under subparagraph 2(4) with information required under paragraph 2(5) within the time specified —

- (a) for a second time, the penalties under subparagraphs (2)(a) and (2)(b) increase to £2,000; and
- (b) for a third and any subsequent times after that, the penalties under subparagraphs (2)(a) and (2)(b) increase to £3,000.

(4) A penalty under subparagraphs (2) and (3) —

- (a) is incurred whether or not the licensee is charged with an offence under subparagraph (1); and
- (b) attracts the provisions of Schedule 4 and any other provision of this Ordinance about penalties.

2B Exemption from withholding tax

(1) A company may apply to the Commissioner, in such form as the Commissioner may prescribe for an exemption from a deduction of withholding tax under subparagraph 2(1)(a).

(2) To qualify for an exemption under subparagraph (1), the company must have two consecutive accounting periods of good compliance with the requirements under this Ordinance and subsidiary legislation made under it and under the Medical Services Tax Ordinance 2010 and subsidiary legislation made under it.

(3) The Commissioner assesses good compliance by considering the company's record of filing returns, accuracy of those returns and payment of tax by due date.

(4) The Commissioner must maintain an up to date list of the companies that have been granted an exemption under this paragraph showing the effective date of the exemption and the list must be available from the Falkland Islands Government Taxation Office or their website.

(5) An exemption becomes effective on the date that the Commissioner adds a company to the list under subparagraph (4) and an exemption is lost with effect from the date on which a company is removed under subparagraph (6), from the list.

(6) A company loses an exemption under this paragraph on the first instance that it fails without reasonable excuse to comply with a requirement under this Ordinance and subsidiary legislation made under it and under the Medical Services Tax Ordinance 2010 and subsidiary legislation made under it, and it must be removed from the list maintained under subparagraph (4).

(7) Withholding tax may not be deducted from a company for payment for goods or services that are wholly provided or wholly performed outside the Falkland Islands and any designated area.

(8) Where the goods or services were partially provided or partially performed in the Falkland Islands or in any designated area, the licensee must deduct withholding tax on a proportionate amount of the payment by making a fair and reasonable apportionment.

2C Withholding tax certificate, refund, currency, etc

(1) A licensee must issue a withholding tax certificate in such form as the Commissioner may prescribe, to the company from which withholding tax is deducted under paragraph 2(1)(a) with the following information —

(a) amount and date withheld; and

(b) exchange rate used if the invoice is not denominated in sterling.

(2) If an invoice is denominated in currency other than sterling, the licensee must translate the invoice on the due date into sterling by using the Bank of England daily spot rate.

(3) If the withholding tax deducted under paragraph 2(1)(a) exceeds the company's tax liability or if it is deducted from a company which is not liable for tax in the Falkland Islands, that company may claim a refund on such form as the Commissioner may prescribe.

(4) No interest accrues to the amount to be refunded under subparagraph (3).

(5) If a company entitled to a refund under subparagraph (3) has any amount remaining unpaid under this Ordinance or subsidiary legislation made under it or under the Medical Services Tax Ordinance 2010 or subsidiary legislation made under it and that amount has become due, the Commissioner may set off the refund against that unpaid amount that has become due.”;

(d) in paragraph 3 —

- (i) in subparagraph (1) replace the words “an amount of tax which has been assessed on a person not resident in the Falkland Islands” with “an amount of tax which has been assessed on a person”; and
- (ii) replace subparagraph (2) with —
 - “(2) An amount of unpaid tax may not be included in a notice under this paragraph if the tax was assessed in respect of the emoluments of any employment.”;
- (e) in paragraph 4 omit the words “not resident in the Falkland Islands”; and
- (f) in paragraph 6, subparagraph (7) omit the words “or paragraph 7”.

PART 3 - Amendment of Medical Services Tax Ordinance 2010

14. Amendment of the Medical Services Tax Ordinance 2010

- (1) This Part amends the Medical Services Tax Ordinance 2010.
- (2) In section 3(1), in the definition of “the Falkland Islands” replace paragraph (a) with —
 - “(a) areas covered by inland and internal waters within the baselines established by article 3 of the Falkland Islands (Territorial Sea) Order 1989 (SI 1989/1993);”.
- (3) Replace section 40 with —

“40. Set off

If a person is entitled to a refund or repayment in respect of an overpayment of Medical Services Tax or excess deductions or payments made on account of Medical Services Tax and the person has an amount remaining unpaid which has become due under either this Ordinance or subsidiary legislation made under it or the Taxes Ordinance 1997 or subsidiary legislation made under it, the Commissioner may set off the refund or repayment against the unpaid amount that has become due.”.

PART 4 - Amendment of subsidiary legislation made under Taxes Ordinance 1997

15. Amendment of Payments On Account of Tax (Employees’ Deductions) Regulations 1997

- (1) This section amends the Payments On Account of Tax (Employees’ Deductions) Regulations 1997.
- (2) Replace regulation 13(2) with —
 - “(2) For the purpose of paragraph (1), the notice must be given to the Commissioner —
 - (a) on or before the 14th day of the calendar month following the month in which the employee commenced employment with that person; or

- (b) if the employee began or begins to work as an employee of an employer in the Falkland Islands or a designated area after their employment with that employer has begun, on or before the 14th day of the month following the month in which the employee began or begins to work in the Falkland Islands or a designated area.”.

16. Amendment of Income Tax (Apportionment of Deductions) Rules 1997

- (1) This section amends the Income Tax (Apportionment of Deductions) Rules 1997.
- (2) Rule 5 of the Income Tax (Apportionment of Deductions) Rules 1997 is revoked.

17. Amendment of Taxes (Benefits in Kind) Rules 2003

- (1) This section amends the Taxes (Benefits in Kind) Rules 2003.
- (2) In rule 4 —
- (a) in subrule (2) replace “£40” and “£3,000” with “£60” and “£4,500” respectively;
- (b) in subrule (7), replace Table A with —

**“TABLE A
DWELLING HOUSES**

Recipient	Description of Dwelling House	Annual Value per Room
Any employee	A dwelling house which is substantially furnished	£1,500
Any employee	A dwelling house which is not substantially furnished	£1,150”;

- (c) in subrule (8), replace Table B with —

**“TABLE B
BOARD AND ACCOMMODATION**

Benefit	Annual value
Board and accommodation, including heating or electricity (or both)	£18.50 subject to a maximum of £6,100
Board and accommodation, excluding heating or electricity (or both)	£14 subject to a maximum of £4,600
Accommodation only	£7 subject to a maximum of £2,300
Board only	£7 subject to a maximum of £2,300
Heating or electricity (or both)	£4.50 subject to a maximum of £1,500”;

- (d) in subrule (8B), replace “£500” with “£750”.

SCHEDULE - Further amendments to Taxes Ordinance 1997

section 12

Section	Amendment
2(1)	(a) in definition of “registered co-operative society” replace “1987” with “1985”; and (b) add in correct alphabetical order the following definition — ““ standard scale ” means the standard scale of fines for offences as set out in Schedule 8 to the Criminal Procedure and Evidence Ordinance 2014;”
16	(a) delete subsection (4); and (b) in section heading, omit “and dependent relative allowances”;
27	replace “subject to section 32, corporation tax” with “Corporation tax”;
30(1)	replace “Subject to section 32, a company” with “A company”;
32	repeal section;
33(2) and (3)	insert “or the return referred to in section 30(1)(a)” after “accounts” in each place it occurs;
57A	(a) delete subsection (3); and (b) in subsection (4) replace “Subject to subsection (3), any donation” with “Any donation”;
58A	(a) replace “58B to 58D” in each place it occurs with “58B to 58C”; and (b) replace subsection (8) with “(8) For the purposes of this section and sections 58B and 58C, a redundancy payment is treated as received when it is made.”;
58D	repeal section;
65	(a) in subsection (2) — (i) omit “a policy of life assurance or”; and (ii) in paragraph (b), omit “or the individual’s wife”; and (b) in subsection (3A)(b) omit “or his wife”;

67	in subsection (8) omit “, or such higher amount as the Commissioner may allow”;
68	(a) in subsection (2), omit “, or such greater sum as the Commissioner may agree in writing with the individual for that year”; (b) in subsection (5), omit “or such greater amount as the Commissioner may have agreed”; and (c) delete subsection (6);
80	delete subsection (4);
81	in subsection (2)(a) omit “, or such greater sum as the Commissioner may agree in writing with the employee for that year”;
90	in subsection (2) replace “subsection (2)” with “subsection (1)”;
93	(a) delete subsections (3) and (4); and (b) in subsection (5) — (i) replace “(1) to (4)” with “(1) and (2)”;
117(1) and 117(1)A	insert a comma after “acquisition” in each place it occurs;
125	after subsection (2), add — “(3) A claim for a loss under sections 126, 127 and 128 must be made on the return under section 12 or 30(1) for the period when the loss was sustained and must show on the return where and how the loss is being utilised.”;
128	in subsection (6) omit “or within such further period as the Commissioner may allow”;
136	(a) in subsection (3) replace “subsections (4) and (5) below” with “subsection (5)”;
181	in subsection (4), delete second paragraph;
197	in subsection (3)(b), insert “a director,” after “appointed,”;
Schedule 2	in paragraph 20(7) omit “or such longer time as the Commissioner may allow”.

Passed by the Legislature of the Falkland Islands on 16 September 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Fisheries (Conservation and Management) (Amendment) Ordinance 2021

(ORDINANCE No. 9 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Fisheries (Conservation and Management) Ordinance 2005
4. Section 2 amended - Interpretation
5. Section 17 amended - Individual Transferable Quotas
6. New subpart and new sections inserted in Chapter 2 after section 17
7. Section 19 replaced – Notice of Intention to grant Individual Transferable Quotas or Provisional Quotas and criteria in relation to their grant
8. Section 21 replaced - Grant of Individual Transferable Quota
9. Section 22 amended - Grant of Provisional Quota
10. Section 23 replaced - Individual Transferable Quota Eligibility Registers
11. Section 24 amended - Application for name of company to be placed upon Individual Transferable Quota Eligibility Register
12. Section 25 replaced - Determination of applications for name of company to be placed upon Individual Transferable Quota Eligibility Register
13. Section 26 replaced - Period for which name of company shall appear upon Individual Transferable Quota Eligibility Register

14. Section 31 amended - Duty to notify change of circumstances: removal of company's name from Eligibility Register
 15. Section 36 amended - Offences in relation to certain applications
 16. Section 37 amended - Total Allowable Effort and Catch Entitlements
 17. Section 38 amended - Total Allowance Catch and Catch Entitlements
 18. Section 39 amended - Supplementary to sections 37 and 38
 19. Section 41 amended - Fishing licences
 20. Section 52 amended - Individual Transferable Quota Ownership Register
 21. Section 53 amended - Provisional Quota Ownership Register
 22. Section 55 amended - Catch Entitlement Register
 23. Section 57 amended - Transfer of Individual Transferable Quota
 24. Section 58 amended - Domination of fishing sector
 25. Section 107 replaced - The functions of the Commission
 26. Section 191 amended - Falkland Islands Fishing Companies Association
 27. Section 223 amended - Regulations
 28. New section 223A inserted
 29. Transitional provisions
 30. Minor and consequential amendments
- Schedule - Minor and consequential amendments

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Fisheries (Conservation and Management) (Amendment) Ordinance 2021

(assented to: 21 September 2021)
(commencement: in accordance with section 2)
(published: 30 September 2021)

AN ORDINANCE

To amend the Fisheries (Conservation and Management) Ordinance 2005.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Fisheries (Conservation and Management) (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of the Fisheries (Conservation and Management) Ordinance 2005

This Ordinance amends the Fisheries (Conservation and Management) Ordinance 2005.

4. Section 2 amended – Interpretation

(1) This section amends section 2 of the Fisheries (Conservation and Management) Ordinance 2005.

(2) In section 2 —

(a) replace the definition of “Falkland Islands ship” with —

“**Falkland Islands ship**” means a Falkland Islands ship referred to in section 6 of the Maritime Ordinance 2017;”

- (b) replace the definition of “Individual Transferable Quota” with —

“**Individual Transferable Quota**” has the meaning given in section 17(1) and unless specifically stated to the contrary or the context indicates otherwise, includes both Individual Transferable Quota A and Individual Transferable Quota B;”

- (c) replace the definition of “Individual Transferable Quota Eligibility Register” with —

“**Individual Transferable Quota Eligibility Register**” means Part A or Part B, as the context requires, of the Individual Transferable Quota Eligibility Register in relation to the fishery concerned provided for by section 23(1);”

- (d) replace the definition of “Individual Transferable Quota Ownership Register” with—

“**Individual Transferable Quota Ownership Register**” means Part A or Part B, as the context requires, of the register in relation to the fishery concerned provided for by section 52(1);”

- (e) insert the following definitions in correct alphabetical order —

“**approved action plan**” means an action plan referred to in section 17E;”

“**capacity to fish**” has the meaning given by section 17C(11);”

“**Individual Transferable Quota A**” means the Individual Transferable Quota granted before the commencement of the Fisheries (Conservation and Management) (Amendment) Ordinance 2021 or granted under section 21;”

“**Individual Transferable Quota B**” means the Individual Transferable Quota granted under section 17B;”

“**intermediate Individual Transferable Quota company**” means a company which—

- (a) is wholly owned by one or more Individual Transferable Quota B eligible companies; and
- (b) owns at least 51% of a qualifying company to be used by the Individual Transferable Quota B eligible company for fishing;” and

- (f) in the definition of “eligible company” replace “17(3)” with “17(6)”.

5. Section 17 amended – Individual Transferable Quotas

- (1) In section 17 replace subsections (2) to (6) with —

“(2) Subject to section 58 the Director may, in writing —

- (a) at any time after the commencement of the Fisheries (Conservation and Management) (Amendment) Ordinance 2021, grant an Individual Transferable Quota B to an eligible company in accordance with section 17B; or
- (b) grant Individual Transferable Quota A in accordance with section 21.

- (3) The Crown is the owner of the Individual Transferable Quotas in any fishery established under section 16(1) or section 16(2) in the aggregate from time to time of —
- (a) the extent that grants of Individual Transferable Quota made under this section and Provisional Quota made under section 22 in that fishery from time to time do not extend to the whole of the Total Allowable Effort or Total Allowable Catch in that fishery;
 - (b) Individual Transferable Quota granted under this section and Provisional Quota granted under section 22 which has been surrendered to the Crown or forfeited to the Crown under the provisions of this Ordinance.
- (4) The Crown may deal with the Individual Transferable Quota it owns —
- (a) by granting it, (and where it has previously been granted, as if it had never previously been granted) to a company the name of which appears on Part B of an Individual Transferable Quota Eligibility Register in accordance with the provisions of section 17A or on Part A or Part B of an Individual Transferable Quota Eligibility Register in accordance with this Ordinance; or
 - (b) in the case of Individual Transferable Quota which has previously been granted, by transferring it to a company the name of which appears on the relevant Part of an Individual Transferable Quota Eligibility Register.
- (5) The owner of Individual Transferable Quota may at any time surrender it to the Crown.
- (6) A company is an eligible company —
- (a) in relation to the grant or transfer to it of the whole or part of an Individual Transferable Quota B in respect of a fishery if its name appears in Part B of an Individual Transferable Quota Eligibility Register for the fishery in question; or
 - (b) in relation to the grant or transfer to it of an Individual Transferable Quota A in respect of a fishery if its name appears in Part A or Part B of an Individual Transferable Quota Eligibility Register for the fishery in question.
- (7) An eligible company on Part A of the Individual Transferable Quota Eligibility Register may, subject to section 58, take a transfer of the whole or part of an Individual Transferable Quota A from an eligible company that is on either Part A or Part B of that Register.
- (8) An eligible company on Part B of the Individual Transferable Quota Eligibility Register may, subject to section 58, take a transfer of the whole or part of an Individual Transferable Quota A or B from an eligible company that is on either Part A or Part B of that Register.
- (9) The grant of an Individual Transferable Quota does not take effect, and the transfer of the whole or part of an Individual Transferable Quota does not take effect, until the particulars of the grant or transfer required by section 52 to be registered in the relevant part of the Individual Transferable Quota Ownership Register have been registered.
- (10) An Individual Transferable Quota is a fishing right but does not of itself authorise the taking of fish, which is only authorised by a fishing licence or scientific permit.
- (11) The Director may withhold approval of an application for grant of Individual Transferable Quota or for eligibility for registration on an Individual Transferable Quota Eligibility Register

if there are investigations or proceedings against the applicant or a qualifying company specified in the application that could potentially lead to contraventions of section 182 and incurring the prohibitions thereunder until the investigations or proceedings are finalised.”.

6. New subpart and new sections inserted in Chapter 2 after section 17

Insert the following new subpart in Chapter 2 and new sections after section 17 —

“Individual Transferable Quota B

17A. Notice of intention to grant Individual Transferable Quota B or Provisional Quotas and criteria in relation to their grant

(1) The Director must, before granting any Individual Transferable Quota B under section 17B or any Provisional Quota under section 18, publish a notice, notifying that the Director intends to grant those fishing rights specified in the notice in relation to fishing in a specified fishery.

(2) For a newly established fishery, a notice under subsection (1) must be published at least 3 months before the opening of Part B of an Individual Transferable Quota Eligibility Register in respect of that fishery and in relation to Provisional Quota after the opening of a Provisional Quota Eligibility Register in relation to that fishery.

(3) A notice to which subsection (1) relates must specify —

- (a) the criteria in relation to which the Director will assess applications for the grant of Individual Transferable Quota B, or, as the case may be, Provisional Quota and that only applications by companies the names of which appear on Part B of the relevant Individual Transferable Quota Eligibility Register will be considered;
- (b) the procedures that will be followed by the Director when selecting the companies to which the grant will be made;
- (c) the period for which the grant of Individual Transferable Quota B or Provisional Quota will be in force unless it is sooner cancelled or otherwise ceases to apply or to have effect;
- (d) the right of a person aggrieved by a decision to make application for review available under section 108 to persons in relation to the grant of, or the refusal to grant, Individual Transferable Quota B or Provisional Quota; and
- (e) any other matter in respect of the grant that, in the opinion of the Director, should be notified to prospective applicants.

(4) The reference in subsection (1) to a notice is a reference to a notice published —

- (a) in the *Gazette*;
- (b) in a newspaper circulating throughout the Falkland Islands; and
- (c) in such other newspaper or publication (if any) that appears to the Director to be appropriate in the circumstances.

17B. Grant of Individual Transferable Quota B

- (1) A grant by the Director of an Individual Transferable Quota B —
 - (a) can only be made in respect of a fishery established under section 16(1) or section 16(2);
 - (b) must be in writing signed by the Director and must state —
 - (i) the fraction it grants of the Total Allowable Effort or Total Allowable Catch in the fishery to which it relates;
 - (ii) that the Individual Transferable Quota B may only be transferred to an eligible company whose name appears on Part B of the relevant Individual Transferable Quota Eligibility Register;
 - (iii) that Catch Entitlement generated in relation to the Individual Transferable Quota B may only be taken by fishing vessels to which a fishing licence or scientific permit has been granted; and
 - (iv) the period, not exceeding 25 years, in respect of which it is made.
- (2) On granting any Individual Transferable Quota B the Director must cause sufficient particulars of it and the grantee to be registered in Part B of an Individual Transferable Quota Ownership Register.

17C. Application for name of company to be placed upon Part B of Individual Transferable Quota Eligibility Register

- (1) A company may on payment of the prescribed fee, if any, apply to the Director in the approved form for its name to be placed upon Part B of an Individual Transferable Quota Eligibility Register.
- (2) An application under subsection (1) must be accompanied by —
 - (a) a statutory declaration by a person who is a director of the company to which are exhibited the documents mentioned in subsection (3); and
 - (b) information as to such of the things mentioned in subsection (6) as are relevant in relation to the applicant company.
- (3) The documents referred to in subsection (2)(a) are —
 - (a) a copy of the register of members of the company certified by the secretary of the company to be a true copy of the register as made up to a date not preceding by more than 7 days the date on which the declaration was made;
 - (b) a list of the directors and secretary of the company and of their addresses as at the date of the declaration;
 - (c) a certified copy of the certificate of incorporation of the company;
 - (d) a certified copy of the Articles of Association of the company;

- (e) a copy of the register of members of any company appearing in the register of members to which paragraph (a) refers, certified by the secretary of that company to be a true copy of that register as made up to a date not preceding by more than 7 days the date on which the declaration was made;
 - (f) evidence in draft or in final form that the company —
 - (i) owns at least 51% of a qualifying company or subject to subsection (8) wholly or partly owns an intermediate Individual Transferable Quota company that owns at least 51% of a qualifying company; or
 - (ii) has capacity to fish in its own right;
 - (g) a copy of the company's approved action plan certified by the secretary of the company as a true copy of the approved action plan for the company;
 - (h) a copy of the last available audited annual accounts of the company, and, in addition where available any later unaudited annual accounts of the company; and
 - (i) any other document prescribed by regulations as being required to be exhibited to the statutory declaration or which the Director may have notified the applicant is required to accompany the application.
- (4) In an application under this section, the Director may accept draft documents under subsection (3)(f) pending the Director's decision under section 17D.
- (5) The statutory declaration referred to in subsection (2)(a) must contain statements on the part of the person making it as to the following matters —
- (a) that they believe all the natural persons appearing in the copy of the register of members referred to in subsection (3)(a) to be persons having Falkland Islands status and who are ordinarily resident in the Falkland Islands;
 - (b) that they believe that none of the persons whose name appears in that register is a nominee or trustee for any other person;
 - (c) if a copy of a register of a company which is a member of the applicant company accompanies the declaration pursuant to subsection (3)(e), that they believe all natural persons whose names appear in that register to be persons having Falkland Islands status, who are ordinarily resident in the Falkland Islands and that they believe that none of those persons is a nominee or trustee for any other person;
 - (d) that they have perused the information provided under subsection (2)(b) and believe that information to be true and that, as far as they are aware it contains all available relevant information to which subsection (6) refers; and
 - (e) any other matter prescribed by regulations as being a matter with which the statutory declaration must deal or which the Director has notified them is required to accompany the application.
- (6) The information referred to in subsection 2(b) is information as to —

- (a) details of any existing business arrangements with any company, body, organisation or person involved in the taking, processing, purchasing or marketing of fish, or the provision of vessels, equipment, or crews;
- (b) details of any proposed business arrangements with any company, body, organisation or person involved in the taking, processing, purchasing or marketing of fish, or the provision of vessels, equipment, or crews;
- (c) any existing borrowing or financing arrangements with any company, body, organisation or person;
- (d) any proposed borrowing or financing arrangements with any company, body, organisation or person;
- (e) any other information available to the company which demonstrate that —
 - (i) the shareholders of the company who have Falkland Islands status and are ordinarily resident in the Falkland Islands are, or as the case may be, if Individual Transferable Quota B is granted to the company, will be, in effective control of how its Individual Transferable Quota B rights are used;
 - (ii) the company is or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota B is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota B rights are, or as the case may be if Individual Transferable Quota B is granted, will be, commensurate with the level of its business activity;
 - (iii) the company's income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota B is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.

(7) The Governor may make regulations after consulting the Association and the Committee on the details of the requirements set out in subsection 6(e).

(8) The Director may approve or refuse to approve an arrangement by eligible companies to use an intermediate Individual Transferable Quota company for the ownership of 51% of a qualifying company.

(9) A company aggrieved by a decision of the Director to refuse to approve the use of an intermediate Individual Transferable Quota company under subsection (8), may apply under section 108 for the Commission to review that decision.

(10) An application under subsection (1) may be made in respect of Part B of an Individual Transferable Quota Eligibility Register of any number of established fisheries.

(11) For purposes of subsection (3)(f)(ii) “**capacity to fish**” means the ability to have active involvement in the taking of fish in —

- (a) a fishery for which a company applies to be on Part B of an Individual Transferable Quota Eligibility Register under this section; or
- (b) a fishery for which a company is already registered for on Part B of the Individual Transferable Quota Eligibility Register.

17D. Determination of applications for name of company to be placed upon Part B of Individual Transferable Quota Eligibility Register

(1) The Director must, provided the prescribed fee, if any, has been paid upon the application, but not otherwise, consider any application under section 17C which the Director receives and determine it in accordance with this section.

(2) The Director must not grant an application for a company's name to be placed upon Part B of an Individual Transferable Quota Eligibility Register by —

- (a) any person other than a company which the Director is satisfied is a company incorporated in and having its principal place of business in the Falkland Islands which satisfies the following requirements —
 - (i) its Articles of Association do not permit —
 - (aa) the issue of bearer shares, convertible loan stock or convertible debentures;
 - (bb) the issue of shares to, and the registration of shares in the name of, any person other than persons who have Falkland Islands status and who are ordinarily resident in the Falkland Islands;
 - (ii) the whole of its issued share capital is owned by, and all of its directors are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands or is owned by companies the whole of the issued share capital of which is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands;
 - (iii) the company —
 - (aa) holds a minimum of 51% of all the shares in a qualifying company or wholly or partly owns an intermediate Individual Transferable Quota company that owns 51% of a qualifying company in an arrangement approved by the Director under section 17C(8); or
 - (bb) has submitted evidence that the company has capacity to fish in its own right;
- (b) any company which the Financial Secretary has notified the Director appears on the Financial Secretary's list of persons to whom credit is not to be granted;
- (c) any company that does not have an approved action plan;
- (d) any company if its directors, or the directors of its associated qualifying company have bound themselves to act or have acted in a way that circumvents their independent judgment; or

- (e) any company which has been convicted of an offence specified for the purposes of this paragraph by an Order made by the Governor.
- (3) The Director must refuse any application for registration of a company's name upon Part B of an Individual Transferable Quota Eligibility Register unless the Director is satisfied —
- (a) that the shareholders of the company who have Falkland Islands status and are ordinarily resident in the Falkland Islands, or as the case may be, if Individual Transferable Quota B is granted to the company, will be, in effective control of how its Individual Transferable Quota B rights are used;
 - (b) that the company or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota B is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota B rights are, or as the case may be if Individual Transferable Quota B is granted, will be, commensurate with the level of its business activity;
 - (c) that the company's income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota B is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.
- (4) The Governor may upon such conditions, if any, as the Governor sees fit, whether on application of the company concerned or otherwise, authorise the Director, if the Director is satisfied that they can properly do so having regard to the requirements of subsection (3), to enter the name of the company upon Part B of an Individual Transferable Quota Eligibility Register notwithstanding that the Director would otherwise be bound to refuse the application by reason of subsection (2)(a) (ii) or (b).
- (5) Where the documents referred to in section 17C(3)(f) are submitted in draft form, the Director may provisionally approve the application and notify the applicant and at the same time request the applicant to submit final copies that are in the same form as the drafts, and the final copies must be submitted within 21 days of the company being notified of the provisional approval.
- (6) The Director must, as soon as practicable, after final copies are submitted under subsection (5), notify the applicant in writing of the decision to grant or refuse its application for entry of its name upon Part B of an Individual Transferable Quota Eligibility Register.
- (7) If the Director refuses to grant an application, the Director must give the reasons why they have refused the application and if they refused because of failure to meet any of the requirements of subsection (2)(a)(iii)(bb), (2)(d) or subsection (3), the notification must draw the applicant's attention to the right of the applicant under subsection (8) to seek review of the Director's decision.
- (8) A company aggrieved by a decision of the Director to refuse its application for entry of its name upon Part B of an Individual Transferable Quota Eligibility Register because of any of the requirements of subsection (2)(a)(iii)(bb), (2)(d) or subsection (3) may apply under section 108 for the Commission to review that decision.

(9) There is no right to apply for such review where the refusal is based or partly based on the ground that the provisions of subsection (2), other than (2)(a)(iii)(bb) or (2)(d), are not complied with by the company.

(10) The Governor may by Order under this subsection specify offences for the purposes of subsection (2)(e) and such offences may include offences under the laws relating to fishing or fisheries conservation and management of overseas countries.

17E. Action Plans

(1) The Director must draft an action plan for each company that wishes to apply to be registered on Part B of an Individual Transferable Quota Eligibility Register for purposes of achieving goals set in regulations made under subsection (2).

(2) The Governor may after consulting the Committee and the Association make regulations about action plans.

(3) An action plan must not depart from the goals set in regulations made under subsection (2) and may provide for the following matters —

- (a) milestones or targets for measuring progress against the goals;
- (b) a requirement for transshipment of an amount of catch to be determined by the Director, through the Falkland Islands through a domestic containerisation service;
- (c) targets intended to favour and give preference to businesses or individuals who are based in the Falkland Islands; and
- (d) the period of validity of the action plan.

(4) The Director must submit the draft action plan for consideration by the company for which it is drafted and, allow time for the company to make submissions.

(5) Where a company and the Director agree on an action plan that plan is the approved plan for that company for purposes of submission with an application under section 17C(1) or 26.

(6) If the Director and a company fail to agree an action plan by a date determined by the Director, the action plan as drafted or as amended by the Director after taking into account submissions by the company, becomes the company's approved action plan for purposes of submission with an application under section 17C(1) or 26.

(7) Before finalising an action plan for a company, the Director must consider submissions made to the Director by the company.

(8) Where a company is dissatisfied with the Director's approved action plan to be submitted with the first application by a company for registration on Part B of an Individual Transferable Quota Eligibility Register under section 17C, the company may appeal to the Governor and the Governor may amend the plan or refer the plan back to the Director with directions.

(9) A company aggrieved by the decision of the Director regarding an approved action plan for that company, other than for an application referred to in subsection (8), may apply under section 108 for the Commission to review that decision.

17F. Penalties for breach of action plan

(1) The Director may impose penalties for breach of provisions of an approved action plan.

(2) Penalties that may be applied are —

- (a) a financial penalty;
- (b) loss of Catch Entitlement when next generated and this may be partial or full forfeiture, and may apply to specified fisheries or to all fisheries; or
- (c) suspension or restriction of the right to buy or hold Catch Entitlement for the next period for which it is generated and this may apply to specified fisheries or all fisheries.

(3) The Director may apply one or a combination of penalties but the penalty must be reasonable and proportionate to the scale of the breach or breaches.

(4) The maximum financial penalties that may be applied are —

- (a) for a breach related to transshipment, an amount arrived at by multiplying the shortfall on the target by the relevant freight rate;
- (b) for any other breach, the total gross value of the eligible company's catch for that year.

(5) In imposing a penalty, the Director must take into account any mitigating or aggravating circumstances.

(6) The Director must issue guidance on details of how penalties will be determined.

(7) A company may appeal to the Disputes Commission if it believes that a penalty is unreasonable or disproportionate.”.

7. Section 19 replaced – Notice of intention to grant Individual Transferable Quotas or Provisional Quotas and criteria in relation to their grant

Replace section 19 with —

“19. Notice of Intention to grant Individual Transferable Quota A and criteria in relation to its grant

(1) The Director must, before granting any Individual Transferable Quota A under section 21, publish a notice, notifying that the Director intends to grant that fishing right as specified in the notice in relation to fishing in a specified fishery.

(2) A notice under subsection (1) must be published at least 3 months before the opening of Part A of the Individual Transferable Quota Eligibility Register in respect of that fishery.

(3) A notice to which subsection (1) relates must specify —

- (a) the criteria in relation to which the Director will assess applications for the grant of Individual Transferable Quota A, and that only applications by companies whose names appear on the relevant Individual Transferable Quota Eligibility Register will be considered;
- (b) the procedures that will be followed by the Director when selecting the companies to which the grant will be made;

- (c) the period for which the grant of Individual Transferable Quota A will be in force unless it is sooner cancelled or otherwise ceases to apply or to have effect;
 - (d) the right of a person aggrieved by a decision to make application for review available under section 108 to persons in relation to the grant of, or the refusal to grant, Individual Transferable Quota A; and
 - (e) any other matter in respect of the grant that, in the opinion of the Director, should be notified to prospective applicants.
- (4) The reference in subsection (1) to a notice is a reference to a notice published —
- (a) in the *Gazette*;
 - (b) in a newspaper circulating throughout the Falkland Islands; and
 - (c) in such other newspaper or publication (if any) that appears to the Director to be appropriate in the circumstances.”.

8. Section 21 replaced – Grant of Individual Transferable Quota

Replace section 21 with —

“21. Individual Transferable Quota A

- (1) A grant of Individual Transferable Quota A must be entered in Part A of an Individual Transferable Quota Ownership Register.
- (2) A grant by the Director of an Individual Transferable Quota A —
 - (a) can only be made on the establishment of a new fishery under section 16(2)(a) as a result of a variation or revocation of a fishery under section 16(2) (b) or (c);
 - (b) must be in writing signed by the Director and must state —
 - (i) the fraction it grants of the Total Allowable Effort or Total Allowable Catch in the fishery to which it relates;
 - (ii) that the Individual Transferable Quota A may only be transferred to an eligible company whose name appears on Part A or Part B of the relevant Individual Transferable Quota Eligibility Register;
 - (iii) that Catch Entitlement generated in relation to the Individual Transferable Quota A may only be taken by fishing vessels to which a fishing licence or scientific permit has been granted; and
 - (iv) the period up to 2031 in respect for which it is made.
- (3) An eligible company that —
 - (a) owns Individual Transferable Quota A; and
 - (b) is granted Individual Transferable Quota B in the same fishery;

may be required by the Director to surrender some or all of its Individual Transferable Quota A in exchange for the Individual Transferable Quota B granted.

(4) The holder of Individual Transferable Quota A must continue to comply with all relevant provisions of this Ordinance in order to remain on Part A of the Individual Transferable Quota Ownership Register.

(5) An eligible company which owns Individual Transferable Quota A whose application for Individual Transferable Quota B is unsuccessful continues to hold the Individual Transferable Quota A as granted and to be listed on Part A of an Individual Transferable Quota Eligibility Register and Part A of an Individual Transferable Quota Ownership Register as long as it continues to meet the relevant criteria.

(6) Any Individual Transferable Quota A that is the subject of an application for Individual Transferable Quota B may not be sold, transferred or otherwise disposed of between the date of application and the date of the outcome of the application.

(7) On granting any Individual Transferable Quota A the Director must cause sufficient particulars of it and the grantee to be registered in Part A of an Individual Transferable Quota Ownership Register.”.

9. Section 22 amended – Grant of Provisional Quota

Section 22 is amended —

(a) in subsection (1) —

(i) after subparagraph (b)(iv) insert —

“(ivA) that it is only convertible to Individual Transferable Quota B”;

(ii) in subparagraph (b)(v), after “Individual Transferable Quota” insert “B”;

(b) in subsection (2), after “upon” insert “Part B of”.

10. Section 23 replaced – Individual Transferable Quota Eligibility Registers

Replace section 23 with —

“23. Individual Transferable Quota Eligibility Registers

(1) There is an Individual Transferable Quota Eligibility Register in relation to every fishery upon which the Director places the name and principal place of business of every company which satisfies the Director on application under sections 17C(1) or 24(1A) that it is eligible to have its name placed upon that Register or the name of which the Governor has authorised the Director under sections 17D(4) or 25(5) to place upon that Register.

(2) The register maintained in accordance with subsection (1) must be divided into the following Parts —

(a) Part A, entries for Individual Transferrable Quota A; and

(b) Part B, entries for Individual Transferrable Quota B.

(3) Subject to subsection (4), the Director must strike out in any part of an Individual Transferable Quota Eligibility Register any entry relating to a company which appears to the Director to be no longer eligible to have its name appear on that part of the Register.

(4) Before striking out a company's name under subsection (3) the Director must —

- (a) give at least 14 days notice in writing to the company stating the Director's intention to do so; and
- (b) notify the company that it may at any time within a period not less than 14 days, as stated in the notice, make written representations to the Director against the entry in relation to it in an Individual Transferable Quota Eligibility Register being struck out.

(5) The Director must take into account representations made under subsection (4)(b) before deciding to strike out the name of the company.

(6) If the Director strikes out an entry under subsection (3), the Director must forthwith give notice to the company in writing of the effect of such striking out.

(7) A company that has been struck out may within 90 days of the service of a notice under subsection (6), or such longer period as the Governor may, on the application of the company, in writing agree, do one of the following —

- (a) on application to the Commission under section 108 satisfy the Commission that the decision of the Director was made in error;
- (b) on application under section 17C(1) or 24(1A), satisfy the Director that it has again become eligible to have its name appear on an Individual Transferable Quota Eligibility Register for the fishery; or
- (c) dispose, in accordance with this Ordinance, of the Individual Transferable Quota it owns in the fishery to a company or companies the name or names of which appear on an Individual Transferable Quota Eligibility Register.

(8) Subject to subsection (9), where a company fails to act in accordance with subsection (7) and that company owns Individual Transferable Quota, any grant of that Individual Transferable Quota to the company may be revoked under section 33(2)(d).

(9) A company may apply under section 108 for the Commission to review a decision of the Director under subsection (3) to strike its name from an Individual Transferable Quota Eligibility Register.”.

11. Section 24 amended – Application for name of company to be placed upon Individual Transferable Quota Eligibility Register

(1) Replace the heading with —

“Application for name of company to be placed upon Part A of Individual Transferable Quota Eligibility Register”.

(2) In section 24 —

- (a) replace subsection (1) with —

“(1) This section applies to applications for a company to be placed on Part A of an Individual Transferable Quota Eligibility Register.”;

(b) after subsection (1), insert —

“(1A) A company may on payment of the prescribed fee, if any, apply to the Director in the approved form for its name to be placed upon Part A of an Individual Transferable Quota Eligibility Register.”; and

(c) in subsection (6), after “in respect of” insert “Part A of”.

12. Section 25 replaced – Determination of applications for name of company to be placed upon Individual Transferable Quota Eligibility Register

Replace section 25 with —

“25. Determination of applications for name of company to be placed upon Part A of Individual Transferable Quota Eligibility Register

(1) This section applies to determination of applications for a company to be placed on Part A of an Individual Transferable Quota Eligibility Register.

(2) The Director must, provided the prescribed fee, if any, has been paid upon the application, but not otherwise, consider any application under section 24 which the Director receives and determine it in accordance with the provisions of this section.

(3) The Director must not grant an application for a company's name to be placed upon Part A of an Individual Transferable Quota Eligibility Register by —

(a) any person other than a company which the Director is satisfied is a company incorporated in and having its principal place of business in the Falkland Islands which satisfies the following requirements —

(i) its Articles of Association do not permit —

(aa) the issue of bearer shares, convertible loan stock or convertible debentures;

(bb) the issue of shares to, and the registration of shares in the name of, any person other than persons who have Falkland Islands status and who are ordinarily resident in the Falkland Islands;

(ii) the whole of its issued share capital is owned by, and all of its directors are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands or is owned by companies the whole of the issued share capital of which is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands;

(b) any company which the Financial Secretary has notified the Director appears on the Financial Director's list of persons to whom credit is not to be granted; or

(c) any company which has been convicted of an offence specified for the purposes of this paragraph by an Order made by the Governor.

(4) The Director must refuse any application for registration of a company's name upon Part A of an Individual Transferable Quota Eligibility Register unless the Director is satisfied —

- (a) that the shareholders of the company who have Falkland Islands status are, or as the case may be, if Individual Transferable Quota is granted to the company, will be, in effective control of how its Individual Transferable Quota rights are used;
- (b) the company or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota is granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota rights are, or as the case may be if Individual Transferable Quota is thereafter granted, will be, commensurate with the level of its business activity;
- (c) the company's income and economic returns from taking, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota is granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights.

(5) The Governor may upon such conditions, if any, as the Governor sees fit, whether on application of the company concerned or otherwise, authorise the Director, if the Director is satisfied that the Director can properly do so having regard to the requirements of subsection (4), to enter the name of the company upon Part A of the Individual Transferable Quota Eligibility Register notwithstanding that the Director would otherwise be bound to refuse the application by reason of subsection (3)(a) (ii) or (b).

(6) The Director must, as soon as practicable, notify the applicant in writing of the Director's decision to grant or refuse its application for entry of its name upon Part A of an Individual Transferable Quota Eligibility Register and, if the Director refuses such an application, of the reasons why and, if the Director has refused the application because of any of the requirements of subsection (4) the notification must draw the applicant's attention to the right of the applicant under subsection (7) to seek review of the Director's decision.

(7) A company aggrieved by a decision of the Director to refuse its application for entry of its name upon Part A of an Individual Transferable Quota Eligibility Register because of any of the requirements of subsection (4) may apply under section 108 for the Commission to review that decision, but there is no right to apply for such review where the refusal is based or partly based on the ground that the provisions of subsection (3) are not complied with by the company.

(8) The Governor may by Order under this subsection specify offences for the purposes of subsection (3)(c) and such offences may include offences under the laws relating to fishing or fisheries conservation and management of overseas countries.”.

13. Section 26 replaced – Period for which name of company shall appear upon Individual Transferable Quota Eligibility Register

Replace section 26 with —

“26. Period for which name of company appears upon Individual Transferable Quota Eligibility Register

(1) Unless otherwise provided by Order made by the Governor under this subsection, the name of a company on an Individual Transferable Quota Eligibility Register remains valid and may be renewed under subsection (2) for a period of 12 months from the date of first registration or, as the case may be, the last preceding renewal of registration.

(2) Unless otherwise provided by an Order made under subsection (1), an application for the renewal of the period for which the name of a company appears upon an Individual Transferable Quota Eligibility Register must be made annually not more than 56 days and not less than 28 days before the expiration of the initial period or last preceding renewal granted under this subsection and must be —

- (a) made in the approved form;
- (b) accompanied by the prescribed fee (if any);
- (c) accompanied by a statutory declaration made by a director of the company containing the following statements —

(i) either —

- (aa) that there have been no changes since the date of the application under sections 17C(1) or 24(1A) or, if the period has previously been renewed on application under this subsection, since the last preceding application for renewal under this subsection, in any of the documents copies of which were required to be furnished by sections 17C(3)(a) to (g) and (i) or 24(3) (a) to (e) and (g) upon the application under section 17C(1) or 24(1A); or
- (bb) that there have been such changes, identifying them, if necessary by reference to copy documents exhibited to the statutory declaration, and that there have been no other such changes;

(ii) unless the name of the company was placed upon the Register pursuant to an authorisation given under section 17D(4) or 25(5), that they believe that —

- (aa) all the natural persons appearing in the copy of register of members of the company on the date the statutory declaration is made to be persons having Falkland Islands status, and who, for applications for Part B of the Individual Transferable Quota Eligibility Register, are ordinarily resident in the Falkland Islands;
- (bb) none of the persons whose name appears in the register is a nominee or trustee for any other person;
- (cc) all the natural persons whose names appear in the register of members of any company which is a shareholder of the company to which the registration relates to be persons having Falkland Islands status, and who, for applications for Part B of the Individual Transferable Quota Eligibility

Register, are ordinarily resident in the Falkland Islands and that they believe that none of those persons is a nominee or trustee for any other person;

- (iii) if the name of the company was first registered pursuant to an authorisation given under section 17D(4) or 25(5) either —
 - (aa) that there has been no change in the ownership of the shares of the company since the date of the original application leading to the first registration or, if the registration has been renewed under this subsection, since the date of the last preceding application for renewal of the application; or
 - (bb) that there have been such changes, identifying them, if necessary by reference to copy documents exhibited to the statutory declaration, and that there have been no other such changes;
- (iv) either —
 - (aa) that there have been no changes since the date of the application under section 17C(1) or 24(1A) or if the period of appearance of the company's name upon the register has been previously renewed under this subsection, since the date of the last preceding application under this subsection, in any of the matters to which section 17C(6) or 24(5) relates; or
 - (bb) state that there have been such changes, identifying them and exhibiting any documents not previously exhibited to a statutory declaration under this section which section 17C(6) or 24(5) would have required to be exhibited were the application for under this subsection an application under section 17C(1) or 24(1A);
- (v) statements as to such other matters as may be prescribed to be contained in the statutory declaration;
- (vi) a statement that a company listed on Part B of an Individual Transferable Quota Eligibility Register has not ceased to be a member of the Association under section 191(5)(a)(iii); and
- (vii) such other matters as required by the Director in respect of a company registered in Part B of the Individual Transferable Quota Eligibility Register regarding the company's performance in respect of the targets and milestones in its approved action plan.

(3) The Director may grant an application for renewal under subsection (2) if the Director is satisfied on considering the application that the company continues to meet the requirements for appearance of its name upon the relevant Part of the Individual Transferable Quota Eligibility Register.

(4) The Director may refuse any application under subsection (2) on any ground upon which under section 17D or 25 the Director may refuse an application under section 17C(1) or 24(1A), but if they refuse any such application the Director must notify the applicant in writing within 7 days of the reason or reasons for the refusal.

(5) The Director may, in exceptional circumstances, allow a company to remain on Part B of the Individual Transferable Quota Eligibility Register without demonstrating —

- (a) ability to undertake fishing in its own right or through a qualifying company; or
- (b) membership of the Association.

(6) If the Director refuses an application made under subsection (2) of this section, section 17D(8) or 25(7) applies to the same extent as it would had the application been an application under section 17C(1) or 24(1A) which the Director had refused on a corresponding ground.

(7) If a company fails to make application under subsection (2) in accordance with that subsection and has not notified the Director under section 31(3) that it is no longer eligible to hold Individual Transferable Quota, it commits an offence and the Director must, whether or not the company is prosecuted for that offence, as soon as its registration upon that part of the Register expires, serve notice upon the company under section 33(2) of revocation of the Individual Transferable Quota held by the company, on the ground specified in section 33(2)(h).”.

14. Section 31 amended – Duty to notify change of circumstances: removal of company’s name from Eligibility Register

In section 31(2)(a) —

- (a) in the introductory words, replace “section 24(1)” with “section 17C(1) or 24(1A)”;
- (b) in subparagraph (i), replace “section 25(2)” with “section 17D(2) or 25(3)”;
- (c) in subparagraph (ii), replace “section 25(4)” with “section 17D(4) or 25(5)”.

15. Section 36 amended – Offences in relation to certain applications

In section 36(1)(a), replace “section 24(1)” with “section 17C(1) or 24(1A)”.

16. Section 37 amended – Total Allowable Effort and Catch Entitlements

In section 37 —

- (a) replace subsection (7) with —

“(7) Any Catch Entitlement generated under subsection (5) must be registered by the Director in the relevant Part in the Catch Entitlement Register maintained under section 55.”;

- (b) after subsection (7) insert —

“(7A) Catch Entitlement —

- (a) generated under Individual Transferable Quota A, may be transferred to a transferee on Part A or Part B of the Individual Transferable Quota Eligibility Register;

- (b) generated under Individual Transferable Quota B must only be transferred to a transferee who is on Part B of the Individual Transferable Quota Eligibility Register.”.

17. Section 38 amended – Total Allowable Catch and Catch Entitlements

In section 38 —

- (a) in subsection (5) in the definition of “b”, after “Individual Transferable Quota” insert “or Provisional Quota”;
- (b) in subsection (6) after “3 months” insert “, or such shorter period as may be specified by regulations,”;
- (c) replace subsection (7) with —

“(7) Any Catch Entitlement generated under subsection (5) must be registered by the Director in the relevant Part in the Catch Entitlement Register maintained under section 55.”;

- (d) after subsection (7) insert —

“(7A) Catch Entitlement —

- (a) generated under Individual Transferable Quota A, may be transferred to a transferee who is on Part A or Part B of the Individual Transferable Quota Eligibility Register;
- (b) generated under Individual Transferable Quota B must only be transferred to a transferee who is on Part B of the Individual Transferable Quota Eligibility Register.”.

18. Section 39 amended – Supplementary to sections 37 and 38

In section 39, delete subsection (3).

19. Section 41 amended – Fishing licences

In section 41 —

- (a) replace subsection (8) with —

“(8) The Director must not grant —

- (a) to any person other than a qualifying company a fishing licence authorising the taking of any part of any Catch Entitlement generated by any Individual Transferable Quota; or
- (b) a fishing licence under paragraph (a) for Catch Entitlement derived from Individual Transferable Quota B where a vessel is being used through a charter party agreement if the charter party agreement has not been approved by the Director.”;

(b) after subsection (8) insert —

“(8A) The Director may approve or refuse to approve a charter party agreement for purposes of this section and in coming to a decision the Director must be guided by the requirements in sections 17C(6)(e) and 17D(3).

(8B) A company aggrieved by a decision of the Director to refuse to approve a charter party agreement under subsection (8A), may apply under section 108 for the Commission to review that decision.”;

(c) replace subsection (14) with —

“(14) For the purposes of subsection (8), a qualifying company is —

(a) in respect of Individual Transferable Quota A, a company —

- (i) which is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands; and
- (ii) in which at least 25.1% or such other percentage as may be specified by regulations of each class of the shares in the company carrying voting rights at general meetings of the company are owned by persons having Falkland Islands status and who are ordinarily resident in the Falkland Islands or by a company or companies incorporated in the Falkland Islands and wholly so owned;

(b) in respect of Individual Transferable Quota B, a company —

- (i) which is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands;
- (ii) the majority of whose Directors are persons with Falkland Islands status and who are ordinarily resident in the Falkland Islands or are companies which satisfy the following requirements —
 - (aa) it is incorporated in the Falkland Islands and has its principal place of business in the Falkland Islands;
 - (bb) its Articles of Association do not permit the issue of bearer shares, convertible loan stock or convertible debentures nor the issue of shares to, or the registration of shares in the name of, any person other than persons who have Falkland Islands status and are ordinarily resident in the Falkland Islands;
 - (cc) the whole of its issued share capital is owned by, and all the directors of which are, persons having Falkland Islands status who are ordinarily resident in the Falkland Islands; and
- (iii) in which at least 51% or such other percentage as may be specified by regulations of all classes of shares in the company (whether or not they carry voting rights) are owned by the eligible company that owns the Catch Entitlement that is to be fished under the licence or are owned by

an intermediate Individual Transferable Quota company as approved by the Director under section 17C(8), that is wholly or partly owned by that eligible company; or

- (iv) which is an Individual Transferable Quota B eligible company.”.

20. Section 52 amended – Individual Transferable Quota Ownership Register

In section 52 —

- (a) after subsection (1) insert —

“(1A) The Individual Transferable Quota Ownership Register under subsection (1) must be divided into the following parts —

- (a) Part A, for entries in respect of Individual Transferable Quota A;
(b) Part B, for entries in respect of Individual Transferable Quota B.”;

- (b) in subsection (2) replace the introductory words with —

“The Director must register in the relevant part of an Individual Transferable Quota Ownership Register —”; and

- (c) in subsection (2)(c), replace “section 21(4)” with “section 17B(2) or 21(7)”.

21. Section 53 amended – Provisional Quota Ownership Register

In section 53(2) replace paragraph (d) with —

“(d) particulars of every conversion of Provisional Quota in that fishery to Individual Transferable Quota B in that fishery;”.

22. Section 55 amended – Catch Entitlement Register

In section 55 —

- (a) after subsection (1), insert —

“(1A) The Catch Entitlement Register maintained under subsection (1) must be divided into the following Parts —

- (a) Part A, for entries of Catch Entitlement in respect of fisheries in respect of which Individual Transferable Quota A has been granted;
(b) Part B, for entries of Catch Entitlement in respect of fisheries in respect of which Individual Transferable Quota B has been granted.”;

- (b) in subsection (2) replace the introductory words with —

“The Director must register in the relevant Part of a Catch Entitlement Register —”; and

- (c) replace subsections (4) and (5) with —

“(4) The Director must not register any transfer of any Catch Entitlement generated under section 37 or section 38 —

- (a) in respect of any Individual Transferable Quota A unless the company is registered on Part A or Part B of the Individual Transferable Quota Eligibility Register in respect of the fishery concerned;
- (b) in respect of Individual Transferable Quota B, unless the company is registered on Part B of the Individual Transferable Quota Eligibility Register in respect of the fishery concerned; or
- (c) in relation to any Provisional Quota, unless the company is registered under section 53(2)(e) in the Provisional Quota Ownership Register relating to the fishery concerned.

(5) Any transfer of Catch Entitlement that contravenes subsection (4) is void.”.

(d) delete subsection (6).

23. Section 57 amended – Transfer of Individual Transferable Quota

In section 57(1) —

(a) replace paragraph (c) with —

“(c) the name of the transferee —

- (i) in respect of Individual Transferable Quota A, does not appear on Part A or Part B of the Individual Transferable Quota Eligibility Register;
- (ii) in respect of Individual Transferable Quota B, does not appear on Part B of the Individual Transferable Quota Eligibility Register;”;

(b) replace subsection (4) with —

“(4) A transfer of Individual Transferable Quota to any person is void if it is to any person other than a company the name of which —

- (a) in respect of Individual Transferable Quota A, is registered upon Part A or Part B of an Individual Transferable Quota Eligibility Register; or
- (b) in respect of Individual Transferable Quota B, is registered upon Part B of an Individual Transferable Quota Eligibility Register.”.

24. Section 58 amended – Domination of fishing sector

In Section 58 —

(a) in subsection (3) —

- (i) replace the semi-colon at the end of paragraph (b) with a full stop; and
- (ii) omit the concluding words;

(b) after subsection (3), insert —

“(3A) Where a divestment notice is served under subsection (3), the Director must enter a caveat against the transfer of so much of the Individual Transferable Quota of the relevant owner as the divestment notice relates to —

- (a) Individual Transferable Quota A, in Part A or Part B of the Individual Transferable Quota Ownership Register; or
- (b) Individual Transferable Quota B, in Part B of the Individual Transferable Ownership Register.”; and

(c) in subsection (4)(b), replace “register in the Individual Transferable Quota Register” with “register in the relevant Part of the Individual Transferable Quota Ownership Register”.

25. Section 107 replaced – The functions of the Commission

Replace section 107 with —

“107. The functions of the Commission

The functions of the Commission are to review decisions made by the Director —

- (a) under section 17C(8), to refuse to approve an arrangement by eligible companies for an intermediate Individual Transferable Quota company;
- (b) under section 17D(8) to refuse an application for entry of a company’s name upon Part B of an Individual Transferable Quota Eligibility Register;
- (c) under section 17E(9) relating to approval of an action plan for an eligible company;
- (d) under section 17F(8), relating to a penalty imposed by the Director;
- (e) under section 20 as to the person or persons to whom the grant of Individual Transferable Quota or Provisional Quota is made;
- (f) under section 23(3) to strike out an entry in an Individual Transferable Quota Eligibility Register;
- (g) under section 25(4) to refuse an application for entry of a company's name upon Part A of an Individual Transferable Quota Eligibility Register;
- (h) under section 26(3) to renew the registration of a company’s name upon an Individual Transferable Quota Eligibility Register;
- (i) under section 26(4) to refuse to renew the registration of a company's name upon an Individual Transferable Quota Eligibility Register;
- (j) under section 27(2) to strike out an entry in a Provisional Quota Eligibility Register;
- (k) under section 29(3) to refuse an application for registration of a company's name upon a Provisional Quota Eligibility Register;

- (l) under section 30(4) to refuse to renew the registration of a company's name upon Provisional Quota Eligibility Register;
- (m) to serve a notice upon a company under section 31(4); and
- (n) under section 33(2)(c) or (f), to revoke a grant of Individual Transferable Quota or Provisional Quota; and
- (o) under section 41(8A) to refuse to approve a charter party agreement.”.

26. Section 191 amended – Falkland Islands Fishing Companies Association

In section 191, replace subsections (4) to (7) with —

“(4) Any company —

- (a) which is listed in Part B of an Individual Transferable Quota Eligibility Register must become a member of the Association whether or not they own Individual Transferable Quota or Catch Entitlement; or
- (b) which is listed on Part A of an Individual Transferable Quota Eligibility Register or on the Provisional Quota Eligibility Register is entitled, but is not compelled to be, a member of the Association.

(5) A company —

- (a) referred to in subsection (4)(a) —
 - (i) automatically becomes a member of the Association upon the granting of an application under section 17D;
 - (ii) must notify the Association in writing of the grant of the application and the Association must add the company to its list of members; and
 - (iii) the company remains a member of the Association until it ceases to be listed on Part B of the Individual Transferable Quota Eligibility Register or ceases to be a member in accordance with the rules of the Association;
- (b) referred to in subsection (4)(b) becomes a member of the Association upon notifying the Association in writing that it wishes to be a member of the Association and remains a member of the Association until the earlier of —
 - (i) its ceasing to be listed on Part A of the Individual Transferable Quota Eligibility Register or on the Provisional Quota Eligibility Register;
 - (ii) its resigning membership of the Association by notice in writing addressed to the Secretary of the Association; or
 - (iii) its ceasing to be a member in accordance with the rules of the Association.

(6) The Association must appoint —

- (a) a Chair and Vice-chair from among the directors of companies which are members of the Association or from senior managers employed by those companies; and
- (b) a Secretary.

(7) The Association must have such rules not inconsistent with the foregoing subsections as are determined by its members but such rules must prescribe —

- (a) the functions of the Chair and Vice-chair of the Association and the manner in which and intervals at which they are elected;
- (b) the functions of the Secretary of the Association;
- (c) the procedure at meetings of the Association;
- (d) that books of account must be kept in respect of the Association's income and expenditure and that they are audited;
- (e) that an annual general meeting is held of members of the Association and that the audited accounts of the Association are laid before and approved at such annual general meeting.”.

27. Section 223 amended – Regulations

In section 223(2), after paragraph (c) insert —

- “(cA) providing for action plans in accordance with section 17E;
- (cB) providing for requirements under section 17C(6)(e);”.

28. New section 223A inserted

After section 223, insert —

“223A. Director to issue Guidance

- (1) The Director may issue guidance on any matters for purposes of this Ordinance.
- (2) Guidance issued under subsection (1) must be made available to all eligible companies, qualifying companies and other interested parties, on request (electronically or in hard copy).”.

29. Transitional provisions

(1) In this section —

“**Amendment Ordinance**” means the Fisheries (Conservation and Management) (Amendment) Ordinance 2021;

“**Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005;

“**Registers**” means Catch Entitlement Register, Individual Transferable Quota Eligibility Register and Individual Transferable Quota Ownership Register; and

(2) The Individual Transferable Quota that was granted to a company before the commencement of the Amendment Ordinance becomes Individual Transferable Quota A with effect from the date of commencement.

(3) A grant of Individual Transferable Quota before the commencement of the Amendment Ordinance, and the Catch Entitlement deriving from that Quota, will continue to exist in the same form that it was granted until it is surrendered, cancelled, forfeited or it expires in accordance with the provisions of the Ordinance.

(4) The Director must divide the existing Registers on commencement of the Amendment Ordinance into Part A and Part B.

(5) All the companies that are listed in the Individual Transferable Quota Eligibility Register or in the Individual Transferable Quota Ownership Register as on the date of commencement of the Amendment Ordinance must be moved to Part A of the relevant Register.

(6) The Director must move all existing entries in the Catch Entitlement Register and the Individual Transferable Quota Ownership Register relating to the Individual Transferable Quota granted before commencement of the Amendment Ordinance into Part A of the relevant Register.

30. Minor and consequential amendments

The provisions in the first column of the Schedule are amended to the extent shown in the second column.

SCHEDULE - Minor and consequential amendments

section 30

Section	Amendment
22(1)(b)(vi)	After “licence” insert “or a scientific permit”;
31(4)	(i) replace “subsection (2)” the first time it occurs with “subsection (3)(a)”; (ii) replace “in paragraphs (a), (b) and (c) of subsection (2)” with “subparagraphs (i), (ii) and (iii) of subsection (3)(b)”;
31(5)	(i) replace “subsection (2)” with “subsection (3)(a)”; (ii) replace “subsection (3) with “subsection (4)”;
31(6)	replace “subsection (3)” with “subsection (4)”;
31(7)	(i) replace “subsection (3)” the first time it occurs with “subsection (3)(a)”; (ii) replace “subsection (3)” the second time it occurs with “subsection (4)”; (iii) replace “subsection (4)” with “subsection (5)”; (iv) in the concluding words, replace “subsection (3)” with “subsection (4)”;
31(8)	replace “subsection (2)” with “subsection (3)(a)”;
31(9)	replace “subsection (6)” with “subsection (7)”;
33(2)	(i) in paragraph (e), replace “section 31(6)(c)” with “section 31(7)(c)”; (ii) in paragraph (h), after “Quota” the first time it occurs, insert “Eligibility”;
34(5)	after “forfeited or ceases to” insert “have effect”;
38(5)	replace the full stop after “subsection (1)” the second time it occurs, with a semi-colon and insert the following concluding words — “but the catch entitlement does not authorise the taking of fish, which is only authorised by a fishing licence or scientific permit.”

39(1)(b)	replace “, or” with a full stop;
47(8)(b)	replace “subsection (8)” with “subsection (7)”;
130	(i) in subsection (7), replace “subsection (4) or (5)” with “subsection (5) or (6)”; (ii) in subsection 8(b), replace subparagraph (ii) with — “(ii) the fishing vessel is no longer registered in the Falkland Islands under Part 2 of the Maritime Ordinance 2017.”;
174(3)	delete “or otherwise sold”;
195(1)(b)	before “the” insert “to have been committed by”;
212(2)(c)	after “sections” insert “17C.”;
215	(i) in subsection (8), after “grounds” replace “o” with “on”; (ii) in subsection (9) replace “subsection (1)” with “subsection (8)”;
217(1)	replace “215(1)(a) or (b)” with “216(1)(a) or (b)”;
221(1)(d)	after “last” insert “known”;
Schedule 1	replace “Sections 1 to 7, 10 to 12, 18 and Schedule 1” with “Sections 1 to 7, 9 to 11, 17 and Schedule 1”.

Passed by the Legislature of the Falkland Islands on 16 September 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Media Trust (Amendment) Ordinance 2021

(ORDINANCE No. 10 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Media Trust Ordinance
4. Section 4 amended — Appointment of trustees
5. New sections inserted after section 4
6. Schedule 2 amended

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Media Trust (Amendment) Ordinance 2021

(assented to: 21 September 2021)
(commencement: on publication)
(published: 30 September 2021)

AN ORDINANCE

To amend the Media Trust Ordinance 1989.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Media Trust (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of Media Trust Ordinance

This Ordinance amends the Media Trust Ordinance 1989.

4. Section 4 amended – Appointment of trustees

In section 4 —

(a) replace subsection (2) with —

“(2) To be appointed as a trustee under subsection (1), a person must —

- (a) have been ordinarily resident in the Falkland Islands for a period of 12 months immediately preceding the date of appointment;
- (b) not be a member of the Legislative Assembly;
- (c) subject to Part 29 (Rehabilitation of offenders) of the Criminal Procedure and Evidence Ordinance 2014, not have been —
 - (i) sentenced to a custodial sentence for a period of three months or more; or
 - (ii) convicted of an offence involving dishonesty;
- (d) not have been removed as a trustee for reasons of misconduct; and
- (e) not have been adjudged bankrupt.”; and

(b) delete subsection (4).

5. New sections inserted after section 4

Insert the following new sections after section 4 —

“4A. Removal and suspension of trustees

(1) The Governor may, on notifying a trustee in writing, remove a trustee if the trustee —

- (a) engages in conduct that in the opinion of the Governor, brings the Trust into disrepute; or
- (b) would no longer be eligible for appointment under section 4.

(2) The Governor may only remove a trustee under subsection (1) after —

- (a) providing the trustee with the opportunity to make representations; and
- (b) taking those representations into account.

(3) The Governor may suspend a trustee from the Trust while the process referred to in subsection (2) is underway.

4B. Resignations

A trustee may resign from office by giving 30 days’ notice in writing to the Governor.”.

6. Schedule 2 amended

In Schedule 2 —

- (a) in paragraph 3, after the word “personally” insert the words “or virtually”;
- (b) after paragraph 3, insert —

“3A. For the purposes of paragraph 3, a trustee is considered to be virtually present if both those trustees personally present and those not personally present, agree that the means of communication are sufficient, in particular so that —

- (a) the trustees participating in the meeting are able to hear and be heard; and
- (b) the trustees have access to all of the documents to be considered at the meeting.”; and

(c) After paragraph 8, insert —

“8A. At the discretion of the Chairman and after notifying all trustees, the Trust may transact business and take decisions outside of a meeting convened under paragraph 1 by means of email or other electronic means accessible to all trustees. Any such business or decisions must involve the active participation of at least three trustees. Any such business or decisions must be confirmed and recorded in the minutes of the next meeting of the Trust.”.

Passed by the Legislature of the Falkland Islands on 16 September 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Road Traffic (Amendment) Ordinance 2021

(ORDINANCE No. 11 OF 2021)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Road Traffic Ordinance 1948
4. Section 2 (interpretation) amended
5. Repeals
6. New sections 18A to 18N
7. New section 19A (meaning of “unfit to drive”)
8. New section 20A (disqualification from driving and licence endorsement)
9. New sections 39A to 39K
10. New sections 56A (extension of disqualification where custodial sentence also imposed) and 56B (alternative verdicts)
11. Minor and consequential amendments
12. New Schedules

ELIZABETH II



FALKLAND ISLANDS

NIGEL JAMES PHILLIPS C.B.E.,
Governor.

Road Traffic (Amendment) Ordinance 2021

(assented to: 21 September 2021)
(commencement: on publication)
(published: 30 September 2021)

AN ORDINANCE

To amend the Road Traffic Ordinance 1948.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Road Traffic (Amendment) Ordinance 2021.

2. Commencement

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

3. Amendment of Road Traffic Ordinance 1948

This Ordinance amends the Road Traffic Ordinance 1948.

4. Section 2 (interpretation) amended

In section 2(1) —

- (a) replace the definition of “**serious injury**” with —

““**serious injury**” means physical harm which amounts to grievous bodily harm for the purposes of section 64 of the Crimes Ordinance 2014;” and

(b) after the definition of “**serious injury**” insert —

““**special reasons**” means special reasons related to the commission of the offence and does not, except in so far as they may be related to the commission of the offence, extend to circumstances related to the offender;”.

5. Repeals

Repeal sections 14 to 18, 20, 39 and 57.

6. New sections 18A to 18N

After section 18 insert —

18A. Causing death by dangerous driving

(1) A person who causes the death of another person by driving a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 1 Road Traffic Act 1988 c.52

18B. Causing serious injury by dangerous driving

A person who causes serious injury to another person by driving a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

Section 1A Road Traffic Act 1988 c.52

18C. Dangerous driving

A person who drives a motor vehicle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

Section 2 Road Traffic Act 1988 c.52

18D. Meaning of dangerous driving

(1) For the purposes of sections 18A to 18C a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if) —

- (a) the way that person drives falls far below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) “**dangerous**” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what

would be expected of, or obvious to, a competent and careful driver in a particular case, regard must be had not only to the circumstances of which that person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

Section 2A Road Traffic Act 1988 c.52

18E. Causing death by driving without due care and attention

(1) A person who causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 2B Road Traffic Act 1988 c.52

18F. Causing serious injury by driving without due care and attention

A person who causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

18G. Driving without due care and attention

A person who drives a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place commits an offence.

Penalty: A fine at level 4 on the standard scale.

Section 3 Road Traffic Act 1988 c.52

18H. Meaning of driving without due care and attention

(1) This section has effect for the purposes of sections 18E, 18F, 18G, 18M and 18N.

(2) A person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful driver.

(3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver in a particular case, regard must be had not only to the circumstances of which the driver could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

Section 3ZA Road Traffic Act 1988 c.52

18I. Causing death by driving: unlicensed or uninsured drivers

(1) A person commits an offence under this section if that person causes the death of another person by driving a motor vehicle on a road and, at the time when the person is driving, the circumstances are such that the person is committing an offence under —

- (a) section 6(1) (driving otherwise than in accordance with a licence); or
- (b) section 9(1) (using motor vehicle while uninsured against third party risks).

Penalty: Imprisonment for 2 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3ZB Road Traffic Act 1988 c.52

18J. Causing serious injury by driving: unlicensed or uninsured drivers

A person commits an offence under this section if that person causes serious injury to another person by driving a motor vehicle on a road and, at the time when the person is driving, the circumstances are such that the person is committing an offence under —

- (a) section 6(1) (driving otherwise than in accordance with a licence); or
- (b) section 9(1) (using motor vehicle while uninsured against third party risks).

Penalty: Imprisonment for 12 months or a fine, or both.

18K. Causing death by driving: disqualified drivers

(1) A person commits an offence under this section if that person —

- (a) causes the death of another person by driving a motor vehicle on a road; and
- (b) at that time, is committing an offence under section 6(13) (driving while disqualified).

Penalty: Imprisonment for 10 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3ZC Road Traffic Act 1988 c.52

18L. Causing serious injury by driving: disqualified drivers

A person commits an offence under this section if that person —

- (a) causes serious injury to another person by driving a motor vehicle on a road; and
- (b) at that time, is committing an offence under section 6(13) (driving while disqualified).

Penalty: Imprisonment for 4 years or a fine, or both.

Section 3ZD Road Traffic Act 1988 c.52

18M. Causing death by driving without due care and attention when under influence of drink or drugs

(1) A person commits an offence if the person causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place, and the person —

- (a) is, at the time of driving, unfit to drive through drink or drugs;
- (b) has consumed so much alcohol that the proportion of it in his breath at that time exceeds the prescribed limit; or
- (c) is, within 18 hours after that time, required to provide a specimen in pursuance of section 24, but without reasonable excuse fails to provide it.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

Section 3A Road Traffic Act 1988 c.52

18N. Causing serious injury by driving without due care and attention when under influence of drink or drugs

A person commits an offence if the person causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place, and the person —

- (a) is, at the time when he is driving, unfit to drive through drink or drugs;
- (b) has consumed so much alcohol that the proportion of it in his breath at that time exceeds the prescribed limit; or
- (c) is, within 18 hours after that time, required to provide a specimen in pursuance of section 24, but without reasonable excuse fails to provide it.

Penalty: Imprisonment for 5 years or a fine, or both.”.

7. New section 19A (meaning of “unfit to drive”)

After section 19 insert —

“19A. Meaning of “unfit to drive

- (1) This section has effect for the purposes of sections 18M, 18N and 19.
- (2) A person is unfit to drive if their ability to drive properly is for the time being impaired.”.

8. New section 20A (disqualification from driving and licence endorsement)

After section 20 insert —

“20A. Disqualification from driving and licence endorsement

- (1) Subsection (2) applies to a person who has, on any previous occasion within the ten years preceding the date, been convicted of a driving offence.

(2) The court must disqualify a person to whom this subsection applies from holding or obtaining a driver’s licence for a period of not less than seven years from the date unless, for special reasons to be recorded in writing, it orders otherwise.

(3) The court must disqualify a person to whom subsection (2) does not apply and who is convicted of a driving offence from holding or obtaining a driver’s licence for a period of not less than two years from the date unless, for special reasons to be recorded in writing, it orders otherwise.

(4) In this section, “**driving offence**” means an offence under —

- (a) section 18A, 18B, 18C, 18E, 18F, 18I, 18J, 18K, 18L, 18M or 18N; or
- (b) sections 14, 15, 16 or 18 of the Ordinance committed before the coming into force of the Road Traffic (Amendment) Ordinance 2021; and

“**the date**” means the date of conviction for a driving offence.”.

9. New sections 39A to 39K

After section 39 insert —

“39A. Causing death by dangerous cycling

(1) A person who causes the death of another person by riding a cycle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39B. Causing serious injury by dangerous cycling

A person who causes serious injury to another person by riding a cycle dangerously on a road or other public place commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

39C. Dangerous cycling

A person who rides a cycle dangerously on a road or other public place commits an offence.

Penalty: A fine at level 4 on the standard scale, or both.

Section 28 Road Traffic Act 1988 c.52

39D. Meaning of riding a cycle dangerously

(1) A person is to be regarded as riding a cycle dangerously for the purposes of sections 39A to 39C if (and only if) —

- (a) the way the person rides falls far below what would be expected of a competent and careful cyclist; and
- (b) it would be obvious to a competent and careful cyclist that cycling in that way would be dangerous.

(2) In subsection (1) “**dangerous**” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be

obvious to a competent and careful cyclist in a particular case, regard must be had not only to the circumstances of which that cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

Section 28 Road Traffic Act 1988 c.52

39E. Causing death by cycling without due care and attention

(1) A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39F. Causing serious injury by cycling without due care and attention

A person who causes serious injury to another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: Imprisonment for 2 years or a fine, or both.

39G. Cycling without due care and attention

A person who rides a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: A fine at level 3 on the standard scale.

Section 29 Road Traffic Act 1988 c.52

39H. Causing death by cycling without due care and attention while under influence of drink or drugs

(1) A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and the person is at the time of riding the cycle unfit to do so through drink or drugs, the person commits an offence.

Penalty: Imprisonment for 14 years or a fine, or both.

(2) An offence under subsection (1) is triable on indictment only.

39I. Causing serious injury by cycling without due care and attention while under influence of drink or drugs

A person who causes serious injury to another person by riding a cycle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and the person is at the time of riding the cycle unfit to cycle through drink or drugs, the person commits an offence.

Penalty: Imprisonment for 5 years or a fine, or both.

39J. Cycling when under influence of drink or drugs

A person who, when cycling on a road or other public place, is unfit to ride a cycle through drink or drugs commits an offence.

Penalty: A fine at level 4 on the standard scale, or both.

Section 30 Road Traffic Act 1988 c.52

39K. Meaning of cycling without due care and attention and unfit to cycle

- (1) This section has effect for the purposes of sections 39E, 39F, 39G, 39H, 39I and 39J.
- (2) A person is to be regarded as cycling without due care and attention if (and only if) the way that person cycles falls below what would be expected of a competent and careful cyclist.
- (3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent cyclist in a particular case, regard must be had not only to the circumstances of which the cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) A person is to be regarded as cycling without reasonable consideration for other persons only if those persons are inconvenienced by the person's cycling.
- (5) A person is unfit to ride a cycle for the purposes of sections 39H, 39I and 39J if the person is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle.”.

10. New sections 56A (extension of disqualification where custodial sentence also imposed) and 56B (alternative verdicts)

After section 56 insert —

“56A. Extension of disqualification where custodial sentence also imposed

- (1) This section applies where a person is convicted of an offence for which the court —
 - (a) imposes a custodial sentence that is not a suspended sentence; and
 - (b) orders the person to be disqualified from driving.
- (2) The court must provide for the person to be disqualified for the appropriate extension period, in addition to the disqualification period.
- (3) If the appropriate extension period includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (4) In this section —

“the disqualification period” means the period for which, in the absence of this section, the court would have disqualified the person; and

“the appropriate extension period” means a period equal to two-thirds of the total custodial term imposed.

Section 35A Road Traffic Offenders Act 1988 c.53

56B. Alternative verdicts

- (1) Where —
 - (a) a person charged with manslaughter in connection with the driving of a motor vehicle or the riding of a cycle by him is found not guilty of that offence, but
 - (b) the allegations in the indictment amount to or include an allegation of a relevant offence,

the person may be convicted of that offence.

(2) For the purposes of subsection (1) the relevant offences are offences under the provisions listed in Schedule 2.

(3) Where —

- (a) a person charged with an offence under the Ordinance specified in the first column of the Table in Schedule 3 (where the general nature of the offences is also indicated) is found not guilty of that offence, but
- (b) the allegations in the indictment or information amount to or include an allegation of an offence under one or more of the provisions of the Ordinance specified in the corresponding entry in the second column,

the person may be convicted of that offence or of one or more of those offences.

(4) Where by virtue of this section a person is convicted before the Supreme Court of an offence triable summarily, the court has the same powers and duties as the Summary Court or Magistrate's Court would have had on convicting the person of that offence.

Section 24 Road Traffic Offenders Act 1988 c.53".

11. Minor and consequential amendments

(1) In section 19, omit subsection (4).

(2) In section 23 —

- (a) in subsection (1)(a) and (c) replace "a traffic offence" with "an offence under this Ordinance"; and
- (b) omit subsection (7).

(3) In section 24(1), replace "section 19 or 21" with "section 18M, 18N, 19, 21, 39H, 39I or 39J".

(4) In section 26, omit subsection (5).

(5) In section 31, omit subsection (4).

(6) In section 46, replace subsection (1) with —

"(1) Subsection (1A) applies to a person who —

- (a) is the driver of a motor vehicle or a cyclist; and
- (b) is alleged to have committed an offence under this Ordinance.

(1A) A person who refuses to give their name and address or gives a false name and address to another person who has reasonable grounds for requiring such information commits an offence."

12. New Schedules

(1) Replace the heading to the Schedule with —

“SCHEDULE 1 – SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES RELATING TO HELMETS AND HEAD GEAR

section 35(6)”.

(2) After Schedule 1, insert —

“SCHEDULE 2 – RELEVANT OFFENCES WHERE A PERSON IS CHARGED BUT NOT CONVICTED OF MANSLAUGHTER IN CONNECTION WITH DRIVING A MOTOR VEHICLE OR RIDING A CYCLE

section 56B(2)

Section 18A (causing death by dangerous driving)

Section 18B (causing serious injury by dangerous driving)

Section 18C (dangerous driving)

Section 18E (causing death by driving without due care and attention)

Section 18F (causing serious injury by driving without due care and attention)

Section 18G (driving without due care and attention)

Section 18I (causing death by driving: unlicensed or uninsured drivers)

Section 18J (causing serious injury by driving: unlicensed or uninsured drivers)

Section 18K (causing death by driving: disqualified drivers)

Section 18L (causing serious injury by driving: disqualified drivers)

Section 18M (causing death by driving without due care and attention when under influence of drink or drugs)

Section 18N (causing serious injury by driving without due care and attention when under influence of drink or drugs)

Section 39A (causing death by dangerous cycling)

Section 39B (causing serious injury by dangerous cycling)

Section 39C (dangerous cycling)

Section 39E (causing death by cycling without due care and attention)

Section 39F (causing serious injury by cycling without due care and attention)

Section 39G (cycling without due care and attention)

Section 39H (causing death by cycling without due care and attention while under influence of drink or drugs)

Section 39I (causing serious injury by cycling without due care and attention while under influence of drink or drugs)

Section 39J (cycling when under influence of drink or drugs).

SCHEDULE 3 - TABLE OF ALTERNATIVE VERDICTS

section 56B(3)

Offence charged	Alternative verdicts
Section 18A (causing death by dangerous driving)	Section 18C (dangerous driving) Section 18E (causing death by driving without due care and attention) Section 18G (driving without due care and attention)
Section 18B (causing serious injury by dangerous driving)	Section 18C (dangerous driving) Section 18F (causing serious injury by driving without due care and attention) Section 18G (driving without due care and attention)
Section 18C (dangerous driving)	Section 18G (driving without due care and attention)
Section 18E (causing death by driving without due care and attention)	Section 18G (driving without due care and attention)
Section 18F (causing serious injury by driving without due care and attention)	Section 18G (driving without due care and attention)
Section 18I (causing death by driving: unlicensed or uninsured drivers)	Section 6(1) (drivers' licences) Section 9(1) (third party insurance)
Section 18J (causing serious injury by driving: unlicensed or uninsured drivers)	Section 6(1) (drivers' licences) Section 9(1) (third party insurance)
Section 18K (causing death by driving: disqualified drivers)	Section 6(13) (driving while disqualified)
Section 18L (causing serious injury by driving: disqualified drivers)	Section 6(13) (driving while disqualified)
Section 18M (causing death by driving without due care and attention when under influence of drink or drugs)	Section 18E (causing death by driving without due care and attention) Section 18F (causing serious injury by driving without due care and attention) Section 18G (driving without due care and attention) Section 19 (driving or being in charge, while under the influence of drink or drugs)

	<p>Section 21 (driving or being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 18N (causing serious injury by driving without due care and attention when under influence of drink or drugs)</p>	<p>Section 18F (causing serious injury by driving without due care and attention)</p> <p>Section 18G (driving without due care and attention)</p> <p>Section 19 (driving or being in charge, while under the influence of drink or drugs)</p> <p>Section 21 (driving or being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 19(1) (driving or attempting to drive a motor vehicle while unfit to drive through drink or drugs)</p>	<p>Section 19(2) (being in charge of a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 21(1)(a) or (b) (driving or being in charge of a motor vehicle with alcohol concentration above the prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 21(1)(a) (driving of motor vehicle with alcohol concentration above prescribed limit)</p>	<p>Section 19(1) (driving or attempting to drive a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 19(2) (being in charge of a motor vehicle while unfit to drive through drink or drugs)</p> <p>Section 21(1)(b) (being in charge of motor vehicle with alcohol concentration above prescribed limit)</p> <p>Section 23 (breath tests)</p> <p>Section 24 (provision of specimens for analysis)</p>
<p>Section 39A (causing death by dangerous cycling)</p>	<p>Section 39C (dangerous cycling)</p> <p>Section 39E (causing death by cycling without due care and attention)</p> <p>Section 39G (cycling without due care and attention)</p>
<p>Section 39B (causing serious injury by dangerous cycling)</p>	<p>Section 39C (dangerous cycling)</p> <p>Section 39F (causing serious injury by cycling without due care and attention)</p> <p>Section 39G (cycling without due care and attention)</p>
<p>Section 39C (dangerous cycling)</p>	<p>Section 39G (cycling without due care and attention)</p>

Section 39E (causing death by cycling without due care and attention)	Section 39G (cycling without due care and attention)
Section 39F (causing serious injury by cycling without due care and attention)	Section 39G (cycling without due care and attention)
Section 39J (cycling when under influence of drink or drugs)	Section 39G (cycling without due care and attention)
Section 39H (causing death by cycling without due care and attention while under the influence of drink or drugs)	Section 39A (causing death by dangerous cycling) Section 39C (dangerous cycling) Section 39E (causing death by cycling without due care and attention) Section 39G (cycling without due care and attention)".

Passed by the Legislature of the Falkland Islands on 16 September 2021.

CHERIE YVONNE CLIFFORD,
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,
Clerk of the Legislative Assembly.

SUBSIDIARY LEGISLATION

Law Revision and Publication Ordinance 2017 (Amendment) Order 2021

(No. 21 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Amendment of Schedule 1 to the Law Revision and Publication Ordinance

Schedule

SUBSIDIARY LEGISLATION

Law Revision and Publication Ordinance 2017 (Amendment) Order 2021

(made: 17 September 2021)

(commencement: on publication)

(published: 30 September 2021)

I make this Order under section 25(8)(b) of the Law Revision and Publication Ordinance 2017 to give effect to a recommendation of the Statute Law Commissioner approved by the Legislative Assembly.

1. Title

This Order is the Law Revision and Publication Ordinance 2017 (Amendment) Order 2021.

2. Commencement

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

3. Amendment of Schedule 1 to the Law Revision and Publication Ordinance

Schedule 1 to the Law Revision and Publication Ordinance 2017 (UK enactments which apply to Falkland Islands) is amended in accordance with the Schedule to this Order.

SCHEDULE

(article 3)

Amendment of Part 1 of Schedule 1 – Primary Legislation

1. In Part 1 of Schedule 1 replace the entries for the Acts listed column 1 of the table below as follows —

<i>Column 1</i> <i>Act</i>		<i>Column 2</i> <i>Provisions</i> <i>Applying to</i> <i>the Falkland</i> <i>Islands</i>	<i>Column 3</i> <i>Exclusions, modifications and other</i> <i>qualifications</i>
Foreign Limitation Periods Act	1984	Whole Act	<p>1. The Act continues in force as if the Overseas Operations (Service Personnel and Veterans) Act 2021 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>
Limitation Act	1980	Whole Act	<p>1. The Act continues in force as if the following Acts had never been made:</p> <p>(a) the Automated and Electronic Vehicles Act 2018; and</p> <p>(b) the Overseas Operations (Service Personnel and Veterans) Act 2021.</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>
Marriage Act	1949	Sections 53 to 67	<p>1. The Act continues in force as if the Registration of Marriages Regulations</p>

			<p>2021 (SI 2021/411) had never been made.</p> <p>2. The Act is subject to section 4 of the Registration Ordinance 1949.</p>
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Amendment of Part 2 of Schedule 1 – Secondary Legislation

2. In Part 2 of Schedule 1 omit the entries in respect of the following instruments —
- (a) the Merchant Shipping (Life Saving Appliances for Ships Other than Ships of Classes III To VI(A)) Regulations 1999 (SI 1999/2721);
 - (b) the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from ships) Regulations 2008 (2008/3257);
 - (c) the Merchant Shipping (Safety of Navigation) Regulations 2002 (SI 2002/1473);
3. In Part 2 of Schedule 1, replace the entry for the instrument listed column 1 of the table below as follows —

<i>Column 1 Instrument</i>		<i>Column 2 Provisions Applying to the Falkland Islands</i>	<i>Column 3 Exclusions, modifications and other qualifications</i>
Registration of Marriages Regulations (SI 2015/207)	2015	Whole Regulations	<p>1. The Regulations continue in force as if the following instruments had never been made:</p> <ul style="list-style-type: none"> (a) the Registration of Marriages Regulations 2021 (SI 2021/411); and (b) the Registration of Marriages (Amendment) Regulations 2021 (SI 2021/412) <p>2. The Regulations are subject to section 4 of the Registration Ordinance 1949.</p>

4. In Part 2 of Schedule 1, insert the following entries in alphabetical 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>
Authorised Court Staff (Legal Advice Functions) Qualifications Regulations (SI 2020/98)	2020	Whole Regulations	<p>1. In relation to civil proceedings, 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.</p> <p>2. In relation to criminal proceedings, the Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.</p>
Justices of the Peace and Authorised Court and Tribunal Staff (Costs) Regulations (SI 2020/398)	2020	Whole Regulations	<p>1. In relation to civil proceedings, 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.</p> <p>2. In relation to criminal proceedings, the Rules apply to the extent permitted under the Criminal Procedure and Evidence Ordinance 2014.</p>
Magistrates' Courts (Functions of Authorised Persons – Civil Proceedings) Rules (SI 2020/284)	2020	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.

Damages (Personal Injury) Order (SI 2019/1126)	2019	Whole Regulations	
Merchant Shipping (Life-saving Appliances and Arrangements) Regulations (SI 2020/501)	2020	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 from Ships) Regulations (SI 2020/620)	2020	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 from Ships) Regulations (SI 2020/621)	2020	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 2020/673)	2020	Whole Regulations	The Regulations are subject to the modifications specified in Schedule 2 of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

Made 17 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not forming part of this Order)

This Order amends Schedule 1 of the Law Revision and Publication Ordinance 2017 to reflect the recommendations of the Statute Law Commissioner made to the Legislative Assembly in the report considered by the Assembly in September 2021.

SUBSIDIARY LEGISLATION

Fisheries (Action Plans) Regulations 2021

(No. 22 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Interpretation
4. Goals for action plans
5. Goals for building sustainable successful seafood sector
6. Goals for ensuring healthy oceans
7. Goals for caring for the environment
8. Goals for safe working conditions
9. Goals for caring for the community
10. Contents of action plans
11. Term of action plans
12. Trans-shipment of available product
13. Review of performance on action plan
14. Contribution to Association's community programme
15. Variation of action plan

SUBSIDIARY LEGISLATION

Fisheries (Action Plans) Regulations 2021

(made: 24 September 2021)

(commencement: on publication)

(published: 30 September 2021)

IN EXERCISE of my powers under section 17E of the Fisheries (Conservation and Management) Ordinance 2005, after consulting the Committee and the Association and on the advice of Executive Council I make the following regulations —

1. Title

These Regulations are the Fisheries (Action Plans) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Interpretation

In these Regulations unless the context otherwise requires —

“**action plan**” means an action plan for purposes of section 17E of the Ordinance;

“**hold**” means the volume of product in metric tonnes that is carried on a fishing vessel in terms of regulation 12(2);

“**Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005;

“**product**” means catch that has been processed for trans-shipment; and

“**the goals**” means the goals agreed between the Government and the Association set out in regulations 5 to 9.

4. Goals for action plans

(1) An action plan must be based on goals set out in regulations 5 to 9.

(2) An action plan must be reasonable and proportionate to the scale of the company’s involvement in the Individual Transferable Quota fisheries.

(3) The Director may not include in an action plan, targets that are not in pursuit of goals that are provided for in these Regulations.

5. Goals for building sustainable successful seafood sector

The goals related to building a sustainably managed and successful seafood sector are —

- (a) to improve sector profitability and demonstrate leadership by creating a more innovative and sustainable sector;
- (b) to enhance global competitiveness and create value through innovation and strategic investment in infrastructure, science and technology by collaboration, where appropriate, between the Director, investors and research partners; and
- (c) to increase Falkland Islands status holder ownership and control of Falkland Islands seafood sector while recognising the on-going dependence of the seafood sector on the importation of foreign fishing services.

6. Goals for ensuring healthy oceans

The goals related to ensuring healthy oceans are —

- (a) to increase collaboration between the Government and the Association in the development of fisheries science, by contributing to research in a way that improves sustainable oceans, and leads to better practices and sustainable outcomes; and
- (b) to ensure protection of marine species, including seabirds, cetaceans and marine mammals through delivering best practice fishing operations, implementing protection measures and participating in ongoing research.

7. Goals for caring for the environment

The goals related to caring for the environment are —

- (a) to minimise impact on the environment when carrying out business operations, minimise and mitigate pollution or contamination of land, air and water through sound management;
- (b) to do more with less by maximising efficiency, including optimising the utilisation of harvested seafood, ensuring the minimisation of waste products and encouraging re-use and recycling of waste; and
- (c) to demonstrate a commitment to climate change responses as appropriate and practicable.

8. Goals for safe working conditions

The goals related to protecting the people working in the seafood sector are —

- (a) to identify, effectively manage and mitigate the most critical risks arising from work activities in the Falkland Islands seafood sector;
- (b) to ensure that working conditions in the Falkland Islands seafood sector meet conditions set out in Falkland Islands laws and international conventions which apply to the Falkland Islands and minimise the risk of exploitation of workers in the seafood sector;

- (c) to ensure that safety standards in the fishing vessels are modern and updated regularly; and
- (d) to ensure that all fishers employed in the Falkland Islands seafood sector are trained to minimum vessel flag state standards.

9. Goals for caring for the community

The goals related to caring for the community are —

- (a) to provide meaningful opportunities for residents of the Falkland Islands, for continuous learning and development;
- (b) to earn and retain the respect and support of Falkland Islands communities and where possible to create business, employment and skills development opportunities for residents of the Falkland Islands; and
- (c) to be seen as a sector that takes an ethical approach across all areas of corporate responsibility, proactively engaging with the Falkland Islands community clearly and transparently.

10. Contents of action plans

- (1) The Director may develop a standard template with standard targets for inclusion in action plans.
- (2) The Director may base the targets in an action plan on the amount of Individual Transferable Quota or Catch Entitlement that a company holds.
- (3) The Director may include milestones specific to a company and those milestones may be used to measure progress by that company on the targets included in its action plan.
- (4) Targets may include —
 - (a) levels of trans-shipment under regulation 12; and
 - (b) contribution to the Falkland Islands economy including through the use of local goods and services.

11. Term of action plans

- (1) The Director must specify the period for which an action plan is valid and such period must not be more than six years from the date it comes into force.
- (2) An action plan comes into force on a date fixed by the Director for that action plan.

12. Trans-shipment of available product

- (1) The Director may, in an action plan, set milestones for trans-shipment of the available product as a percentage for trans-shipment through a domestic containerisation service through a port in Stanley or other port in the Falkland Islands determined by the Director.

(2) One hold per vessel per fishing season of a company's product is exempt from the requirement for trans-shipment through a domestic containerisation service.

(3) A company may carry over up to 10% of a shortfall on its trans-shipment obligation of its available product in a year and the carry over must be expressed in metric tonnes.

(4) A shortfall that is carried over in a year must be discharged the following year unless the Director approves otherwise.

(5) A company may trade any amount of its trans-shipment obligations to another company that is registered on Part B of an Individual Transferable Quota Eligibility Register, and the obligation traded must be expressed in metric tonnes.

(6) Companies involved in a trade under subregulation (5) must both notify the Director of the details of the trade.

(7) For purposes of this regulation “**available product**” is a company's total annual product less the product that is exempted under subregulation (2).

13. Review of performance on action plan

(1) Achievement on an action plan may be measured by performance against targets and milestones set in that action plan.

(2) The Director may request evidence from a company regarding performance against the targets in its action plan as part of the annual confirmation of eligibility for continued registration under Part B of an Individual Transferable Quota Eligibility Register under section 26 of the Ordinance.

14. Contribution to Association's community programme

(1) A company which has not made its own arrangements for programmes that benefit the community must contribute annually towards a programme for the benefit of the community managed by the Association.

(2) The amount of contribution to be made by each company either through the Association's programme or the company's own programme will be set in the company's action plan.

(3) A company that has its own programme for the benefit of the community must submit details of the programme to the Director at the same time that the company submits information required for eligibility for continued registration under Part B of the Individual Transferability Quota Register under section 26 of the Ordinance.

15. Variation of action plan

(1) The Director and a company may agree to revise targets and milestones in an action plan.

(2) Where targets or milestones are revised as a result of an agreement under subregulation (1), the revised targets or milestones form part of the company's action plan.

(3) The Director or the company must not unilaterally vary targets and milestones during the term of an action plan.

EXPLANATORY NOTE
(not part of the regulations)

These Regulations are made under section 17E of the Fisheries (Conservation and Management) Ordinance 2005. The Regulations only apply to an ITQ B eligible company or a company applying to be named on Part B of an Individual Transferable Quota Eligibility Register. Section 17E(2) of the Ordinance empowers the Governor to make regulations about action plans after consulting the Fisheries Committee (the Committee) and the Falkland Islands Fishing Companies Association (FIFCA). The consultations were done.

An action plan is one of the requirements for eligibility for listing on Part B of the Individual Transferability Quota Eligibility Register. An action plan is a set of targets and milestones to be achieved by an ITQ B eligible company that contribute to the goals set by these Regulations. The goals are derived from an Accord between the Government and FIFCA which sets out overarching goals and objectives for the whole industry. All ITQ B eligible companies are members of FIFCA, except in extraordinary circumstances approved by the Director. Each individual ITQ B eligible company must have an action plan with targets and milestones specific to that company.

An action plan must not depart from the goals set in these Regulations (section 17E(3) of the Ordinance). The goals are set in *regulations 5 to 9*. An action plan must be reasonable and proportionate to the scale of the company's involvement in the ITQ fisheries. Targets in an action plan must be in pursuit of goals stated in the regulations (*regulation 4*).

The goals that inform action plans are goals for building a sustainable successful seafood sector (*regulation 5*), goals for ensuring healthy oceans (*regulation 6*), goals for caring for the environment (*regulation 7*), goals for safe working conditions (*regulation 8*) and goals for caring for the community (*regulation 9*).

Regulation 10 provides for the contents of action plans. The Director may draft a template with matters that are to be included in all action plans. Some provisions in an action plan will be bespoke like targets and milestones for measuring progress towards those targets. Targets may include levels of trans-shipment through a domestic containerisation service and contribution to the economy through use of local goods and services.

Regulation 11 provides for the term of an action plan. An action plan remains valid for a period not more than six years. At the expiry of an action plan, a company will need a new approved action plan in order to remain on an ITQ B Eligibility Register.

Regulation 12 deals with trans-shipment of available product and the obligation to trans-ship a percentage through a domestic containerisation service. Product is defined in *regulation 2* as catch that has been processed for trans-shipment. An exemption from the trans-shipment obligation is given to each company of one hold per vessel per fishing season and the company must notify the

Director of the destination port of the exempted product. Available product is the difference between total annual product and annual product that is exempted (defined in *regulation 12(7)*). The Director may impose an obligation on a company to trans-ship a certain percentage of its available product through a domestic containerisation service through a port in Stanley or other port determined by the Director. A company may carry over up to 10% of its trans-shipment obligation but the carry over must be discharged the following year unless the Director authorises otherwise. Further a company may trade its trans-shipment obligation with another ITQ B eligible company and the obligation traded must be expressed in metric tonnes. Any trade of a trans-shipment obligation between companies must be notified to the Director.

Performance of the obligations under an action plan may be reviewed (*regulation 13*). The Director may request evidence regarding execution of targets or milestones in an action plan as part of the annual confirmation of eligibility under section 26 of the Ordinance.

Regulation 14 provides that a company must contribute to community programmes, either through a programme delivered by FIFCA or a programme arranged by the company itself. The amount of the contribution for each company is set in the company's action plan.

Under *regulation 15*, a company and the Director may agree to revise targets and milestones in a company's action plan. Where targets and milestones are revised, the revised targets and milestones form part of the company's action plan. The Director or a company may not unilaterally vary targets and milestones during the term of an action plan.

SUBSIDIARY LEGISLATION

Fishing, Trans-shipment and Export (Licence Fees etc) Regulations 2021

(No. 23 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

PART 1 - INTRODUCTORY

1. Title
2. Commencement
3. Interpretation

PART 2 - *ILLEX* FISHING LICENCES

4. Applications and application fees
5. Licences and licence fees
6. Payment of licence fees
7. Prompt payment discount
8. Loyalty discount
9. Refund of licence fees
10. Scientific permits

PART 3 - TRANS-SHIPMENT AND EXPORT

11. Trans-shipment and export licences
12. Trans-shipment and export licence fees

SCHEDULE 1 - *ILLEX* FISHING LICENCE FEES

SCHEDULE 2 - 2022 *ILLEX* FISHING LICENCE FEES REFUND POLICY

SUBSIDIARY LEGISLATION

Fishing, Trans-shipment and Export (Licence Fees etc) Regulations 2021

(made: 24 September 2021)

(commencement: 1 January 2022)

(published: 30 September 2021)

I make the following Regulations under sections 41(1), 42(1), 46, 223(1), (2)(b), and (p) of the Fisheries (Conservation and Management) Ordinance 2005 on the advice of Executive Council.

PART 1 – INTRODUCTORY

1. Title

These Regulations are the Fishing, Trans-shipment and Export (Licence Fees etc) Regulations 2021.

2. Commencement

These Regulations come into force on 1 January 2022 and cease to have effect on 31 December 2022.

3. Interpretation

In these regulations —

“**adjusted catch**” has the meaning given in paragraph 2 of Schedule 2;

“**application fee**” means a fee for applying for an *illex* fishing licence;

“**FIPASS**” means the Falkland Interim Port and Storage System as defined under the Falkland Interim Port and Storage System Ordinance 1989;

“***illex* fishing licence**” has the meaning given in regulation 4(1);

“***illex* fishing season**” means the period between 1 February and 15 June (inclusive);

“**Licence Allocation Policy**” means the policy relating to *illex* fishing licences set by Executive Council;

“**licence fee**” means a fee for an *illex* fishing licence;

“**refund policy**” means the policy referred to in regulation 9 and set out in Schedule 2;

“**the Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005; and

“**trans-ship**” means to trans-ship fish in a port or harbour in the Falkland Islands specified in a trans-shipment licence.

PART 2 - ILLEX FISHING LICENCES

4. Applications and application fees

(1) Applications for fishing licences in respect of the *illex* fishery (“***illex* fishing licences**”) must be made to the Director and must reach the Director before 22 October 2021 or such other date as may be set by the Director by notice.

(2) A company may apply for an *illex* fishing licence for the same vessel through one or more Falkland Islands companies provided not more than two applications per vessel are submitted.

(3) A company applying for a fishing licence under subregulation (1) must pay a non-refundable application fee of £1,000 for each application submitted.

(4) The Director is not bound to consider an application received without an application fee or received after the date specified in subregulation (1).

5. Licences and licence fees

(1) The Director may only grant an *illex* fishing licence for the whole period of the *illex* fishing season.

(2) The fee for an *illex* fishing licence is determined by using the formula set out in Schedule 1.

(3) Subject to regulation 6(1), the fee for an *illex* fishing licence must be paid no later than 14 January 2022.

(4) The Director must determine an application for an *illex* fishing licence in accordance with the Licence Allocation Policy.

(6) In assessing each application, the Director must take account of information provided by the applicant and any other information that is available to the Director about the applicant, the vessel, the master, the crew and the Falkland Islands company through which the application is made.

(7) The Director must give reasons for the decision to an applicant.

6. Payment of licence fees

(1) The Director may, in exceptional circumstances, accept payment of 10% of the *illex* licence fees by 14 January 2022, provided the balance of 90% of the licence fees is guaranteed by a letter of credit (or other equivalent security for payment is provided, as approved by the Director).

(2) A letter of credit under subregulation (2) must have an expiry date of 31 August 2022.

7. Prompt payment discount

A discount of 6% of the fishing licence fee must be given where the licence fee is paid on or before 14 January 2022 in accordance with regulation 5(3).

8. Loyalty discount

(1) A company may claim a discount of 1% of the licence fee (before deduction of any discount under regulation 7) in respect of a fishing vessel for any season fished by that vessel in the last 10 years up to a maximum discount of 10% (“**the loyalty discount**”).

(2) Where a company replaces a fishing vessel in the fishery (“**the old vessel**”) with a new one (“**the new vessel**”), and the new vessel is the only one owned by that company, then any loyalty discount that applied to the old vessel is transferred to the new vessel.

(3) Where a company adds a new vessel and the company owns more than one vessel (old vessels) in the fishery, the loyalty discount attaching to each fishing vessel is the combined loyalty discount for all the old vessels divided by the total number of old vessels in the fleet (for example, a company owns 3 vessels which each have a loyalty discount of 3%, 5%, and 4% = 12% total, divided by 3 = 4%. So the 3 vessels including the new vessel would each have a discount of 4%).

9. Refund of licence fees

(1) The Director, in consultation with the Financial Secretary, may pay a refund in respect of *illex* fishing licence fees in accordance with Schedule 2.

(2) A refund is payable as provided in column B of the table set out in Schedule 2 if the average catch is less than 1000 tonnes, and after taking into account the catch value, the adjusted catch is less than 1500 tonnes.

10. Scientific permits

(1) The Director may issue such number of scientific permits within the meaning of section 42 of the Ordinance as may be appropriate to verify the presence of *illex* in the fishing waters or any part of them.

(2) The Director must specify in each scientific permit the expiry date for the permit.

(3) The fee payable for a scientific permit is such fee as the Director may determine in each case.

PART 3 - TRANS-SHIPMENT AND EXPORT

11. Trans-shipment and export licences

(1) A licence for trans-shipment or export issued under section 46 of the Ordinance is valid for such period or periods as are stated in it, and the period or periods of validity may be extended by the Director.

(2) A licence is valid only in respect of trans-shipment in such ports or harbours in the Falkland Islands as are stated in the licence.

(3) A licence may be stated to be valid only for so long as the vessel to which it relates remains continuously in the port or harbour stated in the licence.

12. Trans-shipment and export licence fees

(1) No fee is payable in respect of a trans-shipment or export licence if the licence is issued only in respect of any of the following matters —

- (a) trans-shipment or export by a fishing vessel holding a fishing licence which permits the vessel to fish in the fishing waters at the time of the trans-shipment;
- (b) trans-shipment or export by a Falkland Islands fishing vessel; or
- (c) trans-shipment by a vessel at FIPASS, provided that the trans-shipment involves cargo crossing the dock.

(2) The owner, charterer or operator of a vessel not exempted under subregulation (1) must pay a fee of £1,925 in respect of a licence issued under section 46 of the Ordinance.

SCHEDULE 1 - *ILLEX* FISHING LICENCE FEES

(regulation 4)

Fee Formula

Jigging Vessels:

$$\text{Fee (£)} = \mathbf{£0.486 * (GT * (S + 1.5D)) + 130064}$$

GT = Gross Tonnage

S = Number of Single Jigging Machines

D = Number of Double Jigging Machines

Trawling Vessels:

$$\text{Fee (£)} = \mathbf{(4.928 * GT) + 141454}$$

GT = Gross Tonnage

SCHEDULE 2 - 2022 *ILLEX* FISHING LICENCE FEES REFUND POLICY

(regulation 9)

1. General principles

A refund —

- (a) is paid in the event of a poor season (a poor season is a season where the actual catch is less than 1000 tonnes or where the adjusted catch is less than 1500 tonnes);
- (b) is assessed by taking into account the average catch (arrived at by calculating the whole catch of *illex* in a season, divided by the total number of vessels fishing in that season);
- (c) will be based on actual catch using volume and value; and
- (d) is paid in accordance with the following table.

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%
749 – 500		50%
499 – 250		70%
< 250		90%

2. Catch Value

A refund is to be calculated by reference to the average catch and catch value. The base price used to calculate the figures in the table in paragraph 1 is \$936 per tonne (whole *illex*). If the 2022 *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 as follows:

$$(Average\ Price\ \$ / \$\ 936) * Average\ Catch = Revised\ average\ catch\ for\ refund.$$

For example if the 2022 *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.

3. Full Season equivalent catch

The catch total used for a refund will take account of the full season catch (1 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 vessel.

4. High Seas Catches

The calculation of catch rates and totals in relation to a refund will take account of high seas catches taken by licensed vessels during 1 February – 15 June. Owners/operators of licensed vessels wishing to access a refund must provide catch reports for any days spent fishing on the high seas during the period of validity of their Falkland Islands fishing licence.

5. Monitoring of Catch Levels

The Director will be the ultimate arbiter of catch levels and reserves the right to weight the assessment in favour of verified information. To give effect to this paragraph, vessels may need to undergo additional inspections.

Any refund will be calculated on the basis of average vessel catch and not on an individual vessel basis.

Subject to paragraph 6, a refund will only apply to vessels which comply with the requirements of catch monitoring which are covered by mandatory requirements in the Ordinance such as —

- (a) full and reliable catch reporting;
- (b) other fishery monitoring reports (Fishcom/end Trans-shipment logs);
- (c) embarkation of an observer if required; and
- (d) sufficient notice of intention to leave fishing zones to allow for inspection.

6. Eligibility to claim a refund

Subject to this paragraph, a refund may only be paid in respect of fishing vessels which report high seas catches during the fishing season (1 February – 15 June) and conduct trans-shipment operations in Falkland Islands ports and harbours.

Vessels which do not satisfy the criteria set out in this paragraph will not ordinarily be eligible for a refund.

In exceptional circumstances, if it is determined that a vessel which has not complied should receive a refund, that refund will be at a reduced rate, to be determined by the Director according to the circumstances.

Made 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not forming part of these regulations)

The Regulations are made annually and are valid for one year. The major changes in these Regulations are —

- (a) the fees for *illex* licences, trans-shipment and export licences are increased by 10%;
- (b) the fishing season will be changed to run from 1 February to 15 June;
- (c) an application fee of £1,000 per application submitted is payable;
- (d) applications for the same fishing vessel through one or more Falkland Islands companies will be allowed provided only up to two applications per vessel are submitted;
- (e) the Director must give reasons for the decision on an application (*regulation 5*)

Licence fees must be paid in full by 14 January 2022. If the full licence fee is paid by 14 January, the licensee is eligible for a 6% discount.

In exceptional circumstances, the Director may allow a company to pay a deposit of 10% and provide a letter of credit with an expiry date of 31 August for the balance.

A company may claim a loyalty discount at the rate of 1% for each fishing season per fishing vessel up to a maximum of 10% (*regulation 8*). Where a fishing vessel is replaced, the replacement vessel inherits the old vessel's loyalty discount provided it is the only vessel owned by the company. Where a new fishing vessel is added to a fleet, the new loyalty discount for the new vessel is the average of the combined loyalty discount of all the old vessels owned by that company in the fishery. An example is given in *regulation 8(3)*.

SUBSIDIARY LEGISLATION

Fisheries (Conservation and Management) (Schedule 2 Amendment) Order 2021

(No. 24 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Change of dates within which fishery operates

SUBSIDIARY LEGISLATION

Fisheries (Conservation and Management) (Schedule 2 Amendment) Order 2021

(made: 24 September 2021)

(commencement: on publication)

(published: 30 September 2021)

I make the following order under section 16 of the Fisheries (Conservation and Management) Ordinance 2005 on consideration of a recommendation by the Director after the Director consulted the Committee and on the advice of Executive Council.

1. Title

This Order is the Fisheries (Conservation and Management) (Schedule 2 Amendment) Order 2021.

2. Commencement

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

3. Change of dates within which fishery operates

Schedule 2 to the Fisheries (Conservation and Management) Ordinance is amended by omitting—

Squid – JIG or Trawl	<i>Illex argentinus</i> and <i>Martialia hyadesi</i>	1 February – 31 May	YES	B
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and replacing it with —

Squid – JIG or Trawl	<i>Illex argentinus</i> and <i>Martialia hyadesi</i>	1 February – 15 June	YES	B
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Made 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE

(not part of the order)

Section 16 of the Ordinance allows the Governor to amend Schedule 2 of the Ordinance on consideration of the recommendation made by the Director. This Order changes the dates within which Squid Jig or Trawl fishery, *Illex argentinus* and *Martialia hyadesi* species operate. The

fishing season will run from 1 February to 15 June 2022. The amendment is made on the recommendation of the Director after consulting the Committee.

SUBSIDIARY LEGISLATION

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2021

(No. 25 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Interpretation
4. Application
5. Duration
6. Condition: returns
7. Revocation

Schedule – Designated Employers

SUBSIDIARY LEGISLATION

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2021

(made: 24 September 2021)

(commencement: 1 January 2022)

(published: 30 September 2021)

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 2021.

2. Commencement

This Order comes into force on 1 January 2022.

3. Interpretation

In this Order —

“**designated employer**” means an employer listed in Part 1 or 2 of 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;

“**retirement pension contributions**” means contributions payable by an employee under the Retirement Pensions Ordinance 1996; and

“**the Ordinance**” means the Taxes and Duties (Special Exemptions) Ordinance 1987.

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; and
- (b) retirement pension contributions in respect of relevant employment.

(2) A qualifying employee of an employer listed in Part 1 of the Schedule is exempted in respect of liabilities arising on or after 1 January 2022.

(3) A qualifying employee of an employer listed in Part 2 of the Schedule is exempted in respect of liabilities arising on or after 1 January 2021.

5. Duration

Nothing in this Order confers an exemption after 31 December 2022 to pay —

- (a) income tax on relevant income; or
- (b) retirement pension contributions in respect of relevant employment.

6. Condition: returns

(1) A designated employer must complete a return relating to the relevant income of qualifying employees in respect of each calendar year.

(2) A return under this article must —

- (a) include such particulars as the Commissioner may require; and
- (b) be lodged with the Commissioner of Taxes within 60 days of the end of the calendar year to which it relates.

(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 2020 (No 23 of 2020) is revoked.

SCHEDULE - DESIGNATED EMPLOYERS

article 3

PART 1

AAR International Inc.
Agrimarine Limited
Airbus DS Limited
Aquila Air Traffic Management Services Limited
Babcock Aerospace Limited
Babcock Communications Limited
BAE Systems (Military Air) Overseas Limited
British International Helicopter Services Limited
Cape Engineering Services Limited
COLAS Limited
David Lomas Limited
Ecolog International FZE
Fujitsu Services Limited
G3 Systems Limited
Gifford Global Limited
Interserve Defence Limited
Mott MacDonald Limited
MPI Aviation Limited
Navy, Army and Air Force Institutes
Ramboll UK Limited
Rhicon Piling Limited
Satec Limited

Serco Limited
Services Sound and Vision Corporation
Sodexo Defence Services Limited
Thales UK Limited
Trant Construction Limited
Van Wijngaarden Marine Services b.v.
VolkerStevin Services Limited
VVB Engineering Limited
Welbro Project Management Limited
Westland Helicopters Limited

PART 2

VolkerFitzpatrick Overseas Limited

Made 24 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE *(not part of the order)*

This order exempts certain employees working in defence related companies from Falkland Islands income tax. The current Taxes and Duties (Defence Contractors' Employees Exemption) Order 2020 expires on 31 December 2021. This Order extends the exemption to 31 December 2022. A new company is added to the list under Part 2 of the Schedule and their employees are exempted from liabilities arising on or after 1 January 2021.

The companies listed under Part 1 of the Schedule are currently exempt from 2021 liabilities under the 2020 Order (23 of 2020) which is revoked by article 7 of this order.

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No. 19

NOTICES

No. 104

11 October 2021

Electoral Ordinance 1988 *section 59*

General Election – 4 November 2021

Appointment of Polling Places Camp and Stanley Constituencies

In exercise of my powers under section 59 of the Electoral Ordinance 1988 the following are appointed polling places:

Town Hall, Stanley – Thursday 4 November from 10am to 6pm

Social Club, Fox Bay, West Falkland – Thursday 4 November from 10am to 4pm

Social Club, Goose Green, East Falkland – Thursday 4 November from 10am to 4pm

Dated 11 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 105

11 October 2021

Electoral Ordinance 1988 *section 61*

General Election – 4 November 2021

Mobile Polling Direction Camp Constituency

In exercise of my powers under section 61 of the Electoral Ordinance 1988 I direct the following places to be visited by a mobile polling team:

Mobile Team – West Falkland – Wednesday 3 November 2021 – starting at 8am from Port Howard

Port Howard (1 hour 30 minutes), T-junction to Roy Cove/Dunbar and Port North, Hill Cove Social Club (1 hour 30 minutes), Chartres Settlement Gate

Mobile Team 1 – East Falkland – Wednesday 3 November 2021 – 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 – Wednesday 3 November 2021 – starting at 8am from Stanley

Estancia Settlement Gate, Riverview Settlement Gate, Evelyn Station and Teal Inlet Cattle Grid at Settlement, Hope Cottage (Kings Ridge, Gibraltar Station Settlement Gate), Elephant Beach Settlement Gate, Mossie 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 – Wednesday 3 November 2021 – starting at 8am from Stanley

Bluff Cove (Stanley Road turn-off to the Settlement), Fitzroy turn-off, Fitzroy Settlement Gate, Mare Harbour/Darwin Road Junction, Swan Inlet Settlement Gate, North Arm Shearing Shed and return to Stanley

Dated 11 October 2021

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, 4 November 2021, during polling hours.

No. 106

11 October 2021

General Election – 4 November 2021

**Appointment of Deputy Returning Officer
Camp and Stanley Constituencies**

I appoint **Elizabeth Jayne Dent** to be Deputy Returning Officer with full powers in connection with the General Election to be held on 4 November 2021.

Dated 11 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 107

12 October 2021

**Electoral Ordinance 1988
section 100**

General Election – 4 November 2021

**Appointments for conduct of election
Camp and Stanley Constituencies**

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:

Geoff Baxter	Presiding Officer
Margaret Butler	Presiding Officer
Rosalind Cheek	Presiding Officer
Trudi Clarke	Presiding Officer
Roxanne Crowie	Presiding Officer
Andrew Dawson	Presiding Officer
Elizabeth Dent	Presiding Officer
Megan Edwards	Presiding Officer
Emma Fulton	Presiding Officer
Anton Livermore	Presiding Officer
Marina Sinclair-Chin	Presiding Officer

Katrina Stephenson	Presiding Officer
Stuart Walker	Presiding Officer

Diana Aldridge	Clerk
Margaret Butler	Clerk
Megan Edwards	Clerk
Emma Fulton	Clerk
Leeann Harris	Clerk
David Jeffrey	Clerk
Helen Jeffrey	Clerk
Anton Livermore	Clerk
Tiphonie Rodriguez-Reid	Clerk
Katrina Stephenson	Clerk
Stuart Walker	Clerk

Andrew Dawson	Security/Fire Warden (Count)
John Whitby	Security/Fire Warden (Count)

Institutions Polling

Helen Jeffrey	Presiding Officer
John Whitby	Polling Clerk

Fox Bay

Terriane Ormond	Presiding Officer
Teena Ormond	Polling Clerk

Goose Green

Michelle King	Presiding Officer
Ross Chaloner	Polling Clerk

East Falkland – Mobile Team 1

Michelle King	Team Leader
Keith Heathman	Polling Clerk

East Falkland – Mobile Team 2

John Whitby	Team Leader
Jeremy Clarke	Polling Clerk

East Falkland – Mobile Team 3

Stuart Walker	Team Leader
Emma Fulton	Polling Clerk

West Falkland – Mobile Team

Terriane Ormond	Team Leader
Teena Ormond	Polling Clerk

Supernumeraries

Laura Clarke
Carly East
Simon Young

Dated 12 October 2021

A. J. KEELING
Returning Officer.

No. 108

12 October 2021

Voting in Institutions Regulations 1993

General Election – 4 November 2021

**Polling in Institutions
Stanley Constituency**

In accordance with the Voting in Institutions Regulations 1993 the following institutions will be visited by a mobile polling team:

Thursday 4 November 2021 – starting at 10am
HMP Stanley, King Edward VII Memorial Hospital, Jack Hayward Housing, St Mary’s Walk sheltered accommodation, Yates Place sheltered housing and Hillside House.

Dated 12 October 2021

A. J. KEELING
Returning Officer.

NOTE:

- (1) Each mobile polling team leader will endeavour to ensure that every institution 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, 4 November 2021, during polling hours.

No. 109 15 October 2021

Electoral Ordinance 1988
section 70

General Election – 4 November 2021

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: Louise Suzan Pole-Evans
Seconder: Vernon Robert Steen
Supporters: Gail Steen
Charlene Nightingale
Michael David Evans
Suzanna Clarke

Candidate: **BIRMINGHAM John**
Address: 4 Drury Street, Stanley
Description: Mr
Proposer: Colin George Davies
Seconder: Trudi Dale Lee
Supporters: Eileen Wynne Davies
Rodolfo Tellez
Toni Donna Stevens
Edgar Ewen Morrison

Candidate: **CROWIE Ana Bonita**
Address: 13 Diamond Jubilee Road, Stanley
Description: Ms
Proposer: Bonita Doreen Greenland
Seconder: Ailsa Heathman
Supporters: Peter Nightingale
Penelope Rose McKay
Juan Jose Eleuterio Hobman
Madeline Jean McLeod

Candidate: **HANSEN Ian**
Address: Hill Cove, West Falkland
Description: Mr
Proposer: William Robert Luxton

Seconder: Roy McGhie
Supporters: Grizelda Susan Cockwell
Paul Peck
Anthony Hirtle
Juan Jose Eleuterio Hobman

Dated 15 October 2021

A. J. KEELING,
Returning Officer.

No. 110 15 October 2021

Electoral Ordinance 1988
section 70

General Election – 4 November 2021

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: **BESLEY-CLARK Barbara June**
Address: 16 Ross Road West, Stanley
Description: Mrs
Proposer: Norma Edwards
Seconder: Timothy John Durose Miller
Supporters: Lillian Rose Orissa Kidd
John Christopher Rowland
William John Chater
Marvin Thomas Clarke

Candidate: **BIGGS Peter Julian Basil**
Address: 16 Endurance Avenue, Stanley
Description: Mr
Proposer: Robin Luxton
Seconder: Leslie Sydney Harris
Supporters: Jill Yolanda Miller Harris
Margaret Ann Goodwin
Rose Ann Shirley Hirtle
David Patrick Peck

Candidate: **BRAGGER Stacy John**
Address: 4B Ross Road West, Stanley
Description: Mr
Proposer: Michael James Poole
Seconder: Jay Moffatt
Supporters: Karen Jane Lee
Arlette Sharon Jaffray
Victoria Chater
Craig Arthur Paice

Candidate: **BROOK Emma Jane**
Address: 41 Ross Road East, Stanley
Description: Mrs
Proposer: Caroline Villegas
Seconder: Tracy Beckett
Supporters: Georgina Carol Anderson-Smith
Kerry Ann Middleton
Ashlyn Hope McLaren
Glenn Stephen Ross

Candidate: **HIRTLE Zane Eric**
Address: 12 Drury Street, Stanley
Description: Mr

Proposer: Liam Michael Felton Short
Seconder: Rose Ann Shirley Hirtle
Supporters: Richard Paul McCormick
Susan Spicer
Stacey Louise Steen
Paul Faria

Candidate: **LOCKE Christopher Paul**
Address: 6 Brisbane Road, Stanley
Description: Mr
Proposer: Kathleen Anne Biles
Seconder: Anthony Warren Davies
Supporters: Mark Ian Gilbert
David James Lewis
Rosemarie King
Elliot Lawrence Vincent

Candidate: **POLLARD Mark John**
Address: 2 Kent Road, Stanley
Description: Mr
Proposer: Andrew Keith Pollard
Seconder: Gareth Kevin Goodwin
Supporters: Kelly Moffatt
Alan Paul Bonner
Jeanette Hartley
Richard James Bonner

Candidate: **SHORT Gavin Phillip**
Address: 36 Eliza Crescent, Stanley
Description: Mr
Proposer: Susan Joan Whitney
Seconder: Christine Peck
Supporters: Frederick William Whitney
Shirley Rose Betts
Donald William Betts
Owen Betts

Candidate: **SPINK Roger Kenneth**
Address: Moody Brook, Stanley
Description: Mr
Proposer: Jeannie Paullina McKay
Seconder: Kathleen Gay Dobbys
Supporters: Stephanie Ann Middleton
Christine Hirtle
Karen Jane Lee
Carol Joan Phillips

Candidate: **VIDAL ROBERTS Lucila Leona**
Address: 1 Mountain View, Stanley
Description: Mrs
Proposer: Kim Anthony Bone
Seconder: Alex Olmedo
Supporters: Victoria Louise Collier
Arlette Sharon Jaffray
Corrinne Paice
John Richard Cockwell

Candidate: **WEBB Gary Colin**
Address: 58 Davis Street, Stanley
Description: Mr
Proposer: Loretta Isobel Webb
Seconder: Samantha Davies
Supporters: John Nathan Kidd
Lillian Rose Orissa Kidd
Gary Clement
Gloria Linda Clement

Dated 15 October 2021

A. J. KEELING,
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 14 October 2021

1	Alazia	Fayan Pamela Jane	Port Edgar Farm, W.F.I
2	Alazia	Keith	1 Goose Green, E.F.I
3	Alazia	Michael Robert	Port Edgar Farm, W.F.I
4	Alazia	Rhian Ella	Port Edgar Farm, W.F.I
5	Anderson	Andrew Ronald	Pebble Island
6	Anderson	Tony James	Flat 1, Port Howard Farm, W.F.I
7	Ashworth	Glennis	Fitzroy Ridge, E.F.I
8	Ashworth	Malcolm	Fitzroy Ridge, E.F.I
9	Ashworth	Mhari	Fitzroy Ridge
10	Bagley	Darren Clive	Riverview Farm, E.F.I
11	Bagley	Stacey Elizabeth	Riverview Farm E.F.I
12	Battersby	Jon Alan	Hawkbit, Fitzroy, E.F.I
13	Battersby	Margaret Mary	Hawkbit, Fitzroy, E.F.I
14	Beattie	Ian Robert Ewen	North Arm, E.F.I
15	Bendyshe	Angela Geraldine Mary	Gibraltar Station, E.F.I
16	Bendyshe Pitaluga	Antoinette Margaretha Mary	Gibraltar Station, E.F.I
17	Berntsen	Benjamin John	Elephant Beach, E.F.I
18	Berntsen	Falkland	Port Stephens
19	Berntsen	Iain Kenneth	Sheffield Farm, W.F.I
20	Blackley	Shane David	Saunders Island
21	Bonner	Carolina Eliana	Port Howard Farm
22	Bonner	Odette Ellen May	Flat 2, The Galley, Port Howard
23	Bonner	Simon	Port Howard, W.F.I
24	Bonner	Stevie Coppell	Port Howard W.F.I
25	Bonner	Terence Leslie	Flat 2, The Galley, Port Howard
26	Boyce	Sarah Jane	North Arm Farm, E.F.I
27	Butler	James Donald	North Arm, E.F.I
28	Castro Barrientos	Gilberto Enrique	Manager's House, Fitzroy Farm, E.F.I
29	Clark	Alan Neil	Port Howard, W.F.I
30	Clarke	Jan Michael	Lorenzo Farm, E.F.I
31	Clarke	Jeanette	Kings Ridge Farm, E.F.I
32	Clarke	Michael Jan	Kings Ridge Farm, E.F.I
33	Clarke	Shane Adrian	Goose Green, E.F.I
34	Clarke	Suzanna	Manager's House, Fitzroy Farm, E.F.I
35	Clifton	Heidi Monica	Smylies Farm, Port San Carlos, E.F.I
36	Cockwell	Benjamin William	Fox Bay Village, W.F.I
37	Cockwell	Clare Marie	Fox Bay Village, W.F.I
38	Cockwell	Grizelda Susan	Chartres, W.F.I
39	Davies	Colin George	The Owls, Coronation Point, Darwin, E.F.I
40	Davies	Eileen Wynne	The Owls, Coronation Point, Darwin, E.F.I
41	Davis	Aase	Evelyn Station, E.F.I
42	Davis	Doreen Susan	House 2, Evelyn Station E.F.I.
43	Davis	Ian John	Evelyn Station, E.F.I
44	Davis	Maurice	Pot Rincon, Evelyn Station, E.F.I
45	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
46	Dickson	Charles George	Brookfield, E.F.I
47	Dickson	Doreen	Wreck Point, E.F.I
48	Dickson	Logan Eli	North Arm, E.F.I
49	Dickson	Steven Charles	North Arm, E.F.I

50	Didlick	Fiona Margaret	C Cottage, Darwin, E.F.I
51	Didlick	Graham John	C Cottage, Darwin, E.F.I
52	Edwards	Rebecca Elizabeth	Port Howard Farm, W.F.I
53	Evans	Donna Newell	Spring Point Farm, W.F.I
54	Evans	Duane Richard	Port Stephens, W.F.I
55	Evans	Leigh Francesca	Port Stephens, W.F.I
56	Evans	Michael David	Spring Point Farm, W.F.I
57	Evans	Richard Gregory	Pebble Island Lodge
58	Evans	Shaun Peter	Spring Point Farm, W.F.I
59	Felton	Sonia Ellen	Cape Dolphin Farm, E.F.I
60	Finlayson	Neil Roderick	North Arm, E.F.I
61	Ford	Mandy	Saladero Farm, E.F.I
62	Ford	Tanya Louise	Albemarle Station, W.F.I
63	Gartland	Caroline	11 Fitzroy Village, E.F.I
64	Gilding	Amy Heather	Port Louis, E.F.I
65	Gilding	Leila Melanie	The Fort, Port Louis, E.F.I
66	Gilding	Peter Bernard	Port Louis, E.F.I
67	Gleadell	Marklin John	Mosside Farm, E.F.I
68	Goodwin	Katrina Louise	Corridale Farm, E.F.I
69	Goodwin	Kenton John Douglas Benjamin	Corridale 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-MacDonald	Alexander Colin	9 Goose Green, E.F.I
75	Goss-MacDonald	Sherilee Christine	9 Goose Green, E.F.I
76	Gough	Phyllis Candy	Pot Rincon, Evelyn Station, E.F.I
77	Gould	Alexander Philip	Pebble Island
78	Gould	Dorothy Ruth	Pebble Island
79	Green	Carol Ann	13 Fitzroy, E.F.I
80	Greenland	Bonita Doreen	Valkyrie House, Darwin, E.F.I
81	Greenland	Kenneth David	Valkyrie House, Darwin, E.F.I
82	Grierson	Hew McInnes	Blue Beach, San Carlos, E.F.I
83	Grimmer	Edward	Clear View, Fitzroy River, E.F.I
84	Grimmer	Keith	The Dunes, Fitzroy River, E.F.I
85	Grimmer	Marilyn	The Dunes, Fitzroy River, E.F.I
86	Halford	Rodney John	Casa Verde, San Carlos, E.F.I
87	Halford	Sara Jayne	Casa Verde, San Carlos, E.F.I
88	Halford	Sharon	Casa Verde, San Carlos, E.F.I
89	Hansen	Ian	Hill Cove, W.F.I
90	Hansen	Matthew Alex	Main Point, Hill Cove, W.F.I
91	Hansen	Susan Ann	Main Point, Hill Cove, W.F.I
92	Harvey	Jen	Hill Cove, W.F.I
93	Harvey	Valerie Ann	Hill Cove, W.F.I
94	Harwood	Reuben Joseph	Rum Station, Port Stephens, W.F.I
95	Heathman	Ailsa	Estancia, E.F.I
96	Heathman	Ewart Tony	Estancia, E.F.I
97	Hill	Jennifer Eileen	Stoney Ridge Farm, W.F.I
98	Hirtle	Anthony	Peaks Farm, W.F.I
99	Hirtle	Doris Linda	Port Howard, W.F.I

100	Hirtle	Susan Mary	Peaks Farm, W.F.I
101	Hobman	Juan Jose Eleuterio	Westley Farm, W.F.I
102	Hobman	Tyler Richard	Westley Farm
103	Hoy	Dawn	Sheffield Farm, W.F.I
104	Innes	Gordon	Hill Cove, W.F.I
105	Jaffray	Dereck Charles	Bold Cove Farm, W.F.I
106	Jaffray	Tanya Fiona	Clear View, Fitzroy River, E.F.I
107	Jamieson	Brian Neil	South Harbour, W.F.I
108	Jamieson	Kerri Yeoman	South Harbour, W.F.I
109	Jones	John Hugh	Race Point Farm, E.F.I
110	Jones	Karen Diana	Bold Cove Farm, W.F.I
111	Jones	Michael David	Head Of Bay, E.F.I
112	Jones	Michelle	Race Point Farm, E.F.I
113	Jones	Sheila Janice	Head Of Bay, E.F.I
114	Kilmartin	Kevin Seaton	Bluff Cove Farm, E.F.I
115	Kilmartin	Nicola Ruth	Bluff Cove Farm, E.F.I
116	Knight	Justin Robert Campbell	Leicester Creek Farm, W.F.I
117	Knight	Keith Andrew	Coast Ridge, W.F.I
118	Knight	Nadia Louise	Leicester Creek Farm, W.F.I
119	Knight	Nigel Arthur	Coast Ridge, W.F.I
120	Knight	Nuala Elizabeth	Coast Ridge Farm, W.F.I
121	Lee	Beverley Christina	Galley Café, Goose Green, E.F.I
122	Lee	Christopher	Port Howard, W.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 River Farm, W.F.I
128	Livermore	Darren	Teachers House, North Arm E.F.I
129	Lloyd	Christopher Sturdee	Crooked Inlet Farm, Roy Cove, W.F.I
130	Lloyd	Melvyn John	Clay Pass Farm, E.F.I
131	Lloyd	Natalie Anne	Crooked Inlet Farm, Roy Cove, W.F.I
132	Lloyd	Valerie Ann	Clay Pass Farm, E.F.I
133	Lowe	Adrian Stewart	Murrell Farm, E.F.I
134	Lowe	Lisa Helen	Murrell Farm, E.F.I
135	Lowe	Susan Elizabeth	Port Howard Lodge, W.F.I
136	Luxton	William Robert	Chartres, W.F.I
137	MacDonald	Derek George	3 Goose Green, E.F.I
138	MacDonald	Isla Karen	3 Goose Green, E.F.I
139	Marsh	Alastair Roy	Shallow Harbour, W.F.I
140	Marsh	Anna Deirdre	Fox Bay East Settlement, W.F.I
141	Marsh	Gavin Nicholas	Fox Bay East Settlement, W.F.I
142	Marsh	Helen Rose	Rincon Ridge, Fox Bay West, W.F.I
143	Marsh	Kevin Roy	Harps Farm, W.F.I
144	Marsh	Leon Peter	Rincon Ridge, Fox Bay West, W.F.I
145	Marsh	Marlane Rose	Shallow Harbour, W.F.I
146	Marsh	Patricia Ann	Lakelands Farm, Fox Bay, W.F.I
147	Marsh	Robin Frank	Lakelands Farm, Fox Bay, W.F.I
148	Marsh	Samantha Ann	Rincon Ridge Farm, Fox Bay, W.F.I
149	Maskell-Bott	John Malcolm	Cart Horse Cottage, Hill Cove, W.F.I

150	Maskell-Bott	Sarah	Cart Horse Cottage, Hill Cove, W.F.I
151	May	Christopher Raymond	Speedwell Island
152	May	Lindsey Olga	Speedwell Island
153	May	Shaun Christopher	Albemarle Station, W.F.I
154	McCormick	Wayne Stanley James	House 5, Goose Green, E.F.I
155	McGhie	Amanda Hill	Stoney Ridge Farm, W.F.I
156	McGhie	James	Smylies Farm, Port San Carlos, E.F.I
157	McGhie	Jodie Kim	Port North, W.F.I
158	McGhie	Roy	Port North, W.F.I
159	McGill	Robin Perry	Carcass Island
160	McKay	Fraser Roderick	Teal River Farm, W.F.I
161	McKay	Josephine Ann	Greenhill Farm, Chartres, W.F.I
162	McKay	Kenneth Andrew	Greenhill Farm, Chartres, W.F.I
163	McKay	Penelope Rose	Westley Farm, W.F.I
164	McLeod	Isabella Frances Diana	Ponderosa, Frying Pan, MPA
165	McLeod	John	Dunvegan Cabin, E.F.I
166	McLeod	Madeline Jean	Dunvegan Cabin, E.F.I
167	McMullen	Matthew John	Kingsford Valley Farm, E.F.I
168	McPhee	Mark	Brookfield, E.F.I
169	McPhee	Sheila Margaret	Kingsford Creek, San Carlos, E.F.I
170	McPhee	Terence Owen	Kingsford Creek, San Carlos, E.F.I
171	McPhee	Trudi Lynette	Brookfield, E.F.I
172	Minnell	Donna Marie	Moss Side, E.F.I
173	Minnell	Michael Robert	Moss Side, E.F.I
174	Mitchell	Leon John	Mount Kent Farm, E.F.I
175	Molkenbuhr	Lee Charles	Johnson's Harbour Farm, E.F.I
176	Molkenbuhr	Martha Jenny	Johnsons Harbour Farm, E.F.I
177	Morrison	Edgar Ewen	17 Goose Green, E.F.I
178	Morrison	Lewis Ronald	Goose Green, E.F.I
179	Munoz Garcia	Paula Cristina	Bleaker Island
180	Newman	Glynnis Karen	1 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	Oliver	Cynthia Dawn	Fitzroy, E.F.I
186	Oliver	Paul	Fitzroy, E.F.I
187	Ovenden	Philip David	13 Fitzroy, E.F.I.
188	Peck	Davina Margaret	Shallow Bay Farm, W.F.I
189	Peck	Paul	Shallow Bay Farm, W.F.I
190	Peck	Rebekah Roxanne	Shallow Bay Farm, W.F.I
191	Phillips	Paul David	Hope Cottage, E.F.I
192	Phillips	Shula Louise	Hope Cottage, E.F.I
193	Pitaluga	Nicholas Alexander Robinson	Gibraltar Station, E.F.I
194	Pole-Evans	Carole Suzan	Saunders Island
195	Pole-Evans	David Llewellyn	Saunders Island
196	Pole-Evans	Julian Anthony	Fitzroy Farm E.F.I
197	Pole-Evans	Louise Suzan	Saunders Island
198	Pole-Evans	Shirley Helen	Manybranch, W.F.I
199	Pole-Evans	Suzan	Saunders Island

200	Pole-Evans	William Reginald	Manybranch, W.F.I
201	Poncet	Dion Michael	Beaver Island
202	Poncet	Jeremy Nigel	New House, E.F.I
203	Poncet	Jerome Pierre	Beaver Island
204	Poncet	Leiv Sigismund	Beaver Island
205	Poncet	Stacey Jane	New House, E.F.I
206	Porter	Joan	Shallow Harbour, W.F.I
207	Rasey	Mark	11 Fitzroy Village, E.F.I
208	Reeves	Michael	Sea Lion Lodge
209	Reeves	Ronald James	Port Howard, W.F.I
210	Reid	Emily Margaret	North Arm, E.F.I
211	Rendell	Michael	Bleaker Island
212	Rendell	Nicholas Simon Oliver	Bleaker Island
213	Rendell	Phyllis Mary	Bleaker Island
214	Robertson	Ann	Port Stephens, W.F.I
215	Robertson	Paul Jonathan	Port Stephens, W.F.I
216	Robertson	Peter Charles	Port Stephens, W.F.I
217	Ross	Katherine Ann	Blue Beach Farm, San Carlos
218	Ross	Sheena Margaret	Diamond Ridge, Mount Pleasant Road
219	Rowlands	Max	River House, Fitzroy River, E.F.I
220	Rowlands	Neil	River House, Fitzroy River, E.F.I
221	Sackett	Pauline	Fitzroy Farm, E.F.I
222	Short	Clint Andrez Robert	Walker Creek, E.F.I
223	Short	Lyndsay Marie	Walker Creek Farm, E.F.I
224	Short	Rachel Mandy	Philomel Farm, Fox Bay, W.F.I
225	Short	Robert George	Walker Creek Farm, E.F.I
226	Short	Scott Daniel Felton	Philomel Farm, Fox Bay, W.F.I
227	Sinclair	Simon Keith	Fitzroy Farm, E.F.I
228	Stashynsky	Tye Damon	North Arm, E.F.I
229	Steen	Gail	Paragon House Lafonia, E.F.I
230	Steen	Vernon Robert	Paragon House Lafonia, E.F.I
231	Stevens	Richard James	Port Sussex, E.F.I
232	Stevens	Toni Donna	Port Sussex, E.F.I
233	Street	David Charles	The Ranch, Fitzroy Ridge, E.F.I
234	Street	Edith Mary	The Ranch, Fitzroy Ridge, E.F.I
235	Summers	Dennis David	The Cadet House, North Arm, E.F.I
236	Taylor	Christopher John	6 Goose Green, E.F.I
237	Tellez	Rodolfo	10 Goose Green, E.F.I
238	Thom	John Currie	Fitzroy Farm, E.F.I
239	Thorsen	David Moller	House 2, Evelyn Station E.F.I.
240	Towersey	Diane Katherine	Port Stephens, W.F.I
241	Tuson	Michael Anthony	School House, Saunders Island
242	Tuson	Olwen Carol	School House, Saunders Island
243	Vatamanu	Paula May	Port Howard Farm, W.F.I
244	Velasquez	Kylie Rebecca	120 Fac. MPC
245	Watson	Andrew James	House 1, Rincon Grande Farm, E.F.I
246	Watson	Elaine Ellen	House 1, Rincon Grande, E.F.I
247	Watson	Glenda Joyce	Long Island, E.F.I
248	Watt	Sylvia Ann	17 Goose Green, E.F.I
249	Whitney	Daniela Grace	Mount Kent Farm, E.F.I

250	Whitney	Dennis	Arkvilla MPA Plot, E.F.I
251	Whitney	Sara Marie	Home Farm, Douglas, E.F.I
252	Whitney	Tyrone	Home Farm, Douglas, E.F.I
253	Woodward	James Gregory	Swan Inlet, E.F.I
254	Woodward	Lesley Ann	Swan Inlet, E.F.I

Register of Electors for Stanley Constituency at 14 October 2021

1	Adams	Carol Margaret	21 John Street
2	Adams	John Harvey	21 Ross Road East
3	Adams	Marjorie Rose	21 Ross Road East
4	Adams-Leach	Shirley	4 Moody Street
5	Addison	Samantha Catherine	9 Brandon Road
6	Adeoye	Anneliese Rose	57 Sandy Woodward Road
7	Adeoye	Jamel Bolanle	6 Ross Road East
8	Aguila Aguilar	Jeannette Del Carmen	94 Davis Street
9	Alazia	Andrew	36 Callaghan Road
10	Alazia	George Robert	9 Thatcher Drive
11	Alazia	Hazel	1 Yates Place
12	Alazia	Jack Kevin	1 Davis Street West
13	Alazia	Kimberley Jayne	36 Callaghan Road
14	Alazia	Sandra Marie	36 Callaghan Road
15	Alazia	Shannon Christine	22 Fitzroy Road
16	Alazia Evans	Colleen	3 Narrows View
17	Aldridge	Brian George	17 James Street
18	Aldridge	Caroline Mary	2 McKay Close
19	Aldridge	Diana Mary	17 James Street
20	Aldridge	Jody May	13 Hansen Hill
21	Aldridge	Kenneth John	2 McKay Close
22	Aldridge	Stephen John	13 Hansen Hill
23	Aldridge-McLean	Nina Ann	73 Rex Hunt Road
24	Allan	Joyce Ena	39 Ross Road
25	Allan	Valerie Anne	6A Jeremy Moore Avenue
26	Almond	Adrian Arthur James	4 Allardyce Street
27	Ampuero Ross	Claudio Javier	2 Mullet Creek
28	Anderson	Eddie	22 Endurance Avenue
29	Anderson	Jenny	1 Gleadell Close
30	Anderson	Kayleigh May	9 Fieldhouse Close
31	Anderson	Margaret Kathleen	18 Murray Heights
32	Anderson	Paul James	9 Fieldhouse Close
33	Anderson	Reginald Stanford	18 Murray Heights
34	Anderson	Richard Louis	7 Yates Place
35	Anderson	Rupert William	87 Davis Street
36	Anderson	Stephen Robert	65 Sandy Woodward Road
37	Anderson	Tony James	1 Gleadell Close
38	Anderson-Smith	Georgina Carol	11 Fitzroy Road East
39	Anderson-Wheatley	Chloe	25 Fitzroy Road
40	Anthony	Enid Elizabeth	6 Dairy Paddock Road
41	Arkhipkin	Alexander Ivanovich	13 Biggs Road
42	Armstrong-Ford	Karen Jane	2 Sullivan Street
43	Arthur-Almond	Daphne Margaret	4 Allardyce Street
44	Ashbridge	Corina Rose	116 Davis Street
45	Ashbridge	David James	116 Davis Street
46	Ashworth	Cara-Michelle	5 Philomel Street

47	Ashworth	Iain	3 Rex Hunt Road
48	Bagley	Corey Darren	4 Felton Court
49	Bagley	Jaqueline Elizabeth	7 Narrows View
50	Bagley	Keanu Adrian	7 Narrows View
51	Bagley	Yorin Martin	8 Fieldhouse Close
52	Bahamonde Salazar	Luis Alberto	21 Mink Park
53	Baigorri	Joanne Rose	11 Callaghan Road
54	Baker	Alison Margaret	29 Fitzroy Road
55	Barker	Emily	7 Biggs Road
56	Barker	Jane Elizabeth Diana	5 Pitaluga Place
57	Barker	Philip Craig	5 Pitaluga Place
58	Barkman	Teslyn Siobhan	23 Rex Hunt Road
59	Barlow	Andrea Joanna	Mullet Creek
60	Barlow	Martyn Liam	Mullet Creek
61	Barnes	Dierdre	8 Discovery Close
62	Barnes	Karen Rose	26 Ross Road West
63	Barnes	Marshall	8 Discovery Close
64	Barnes	Paul	26 Ross Road West
65	Barton	Alison Mary	Rowan House, 6 Villiers Street
66	Barton	Arthur John	Rowan House, 6 Villiers Street
67	Barton	Michael Richard	6A Jeremy Moore Avenue
68	Bates	Barbara	8 Watson Way
69	Bates	James William	8 Watson Way
70	Beckett	Melisa Jane	3 Thatcher Drive
71	Beckett	Tracy	3 Fitzroy Road East
72	Benjamin	David George	10 Fieldhouse Close
73	Berntsen	Arina Janis	12 Rex Hunt Road
74	Berntsen	Christian Olaf Alexander	15A James Street
75	Berntsen	Gene Stanley	22 Kent Road
76	Berntsen	Harley-Dee	10 Allardyce Street
77	Berntsen	John Alexander	Flat 1, 7 Jeremy Moore Avenue
78	Berntsen	Katatrice Alexandra	15A James Street
79	Berntsen	Lucas Delhi John	2 Rex Hunt Road
80	Berntsen	Matthew John	19 Rex Hunt Road
81	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
82	Berntsen	Rachel Ena	15A James Street
83	Berntsen	Robyn Chanelle	16 Jersey Road
84	Berntsen	Saphena Anya Jane	20 Teaberry Way
85	Berntsen	Trina Mary Shirlene	3 Discovery Close
86	Berntsen	Valdamar Lars	9 Teaberry Way
87	Berntsen	Victoria Dawn	Flat 3, 6 Jersey Road
88	Berntsen	Victoria Jane	2 Rex Hunt Road
89	Besley-Clark	Barbara June	16 Ross Road West
90	Besley-Clark	Norman	16 Ross Road West
91	Betts	Arlette	Lafone House, Ross Road
92	Betts	Bernard Keith	52 Davis Street
93	Betts	Boonruam Phisil	20 Rick Jolly Way
94	Betts	Diane Joan	Flat 1, 6 Racecourse Road

95	Betts	Dion James	45 Sandy Woodward Road
96	Betts	Donald William	7 Jeremy Moore Avenue
97	Betts	George Winston Charles	35 Ross Road West
98	Betts	Ian	1 Villiers Street
99	Betts	Jordon Cole	Stanley Cottage, Ross Road
100	Betts	Lucia Elizabeth	35 Ross Road West
101	Betts	Owen	19 Biggs Road
102	Betts	Peter James	87 Davis Street
103	Betts	Priscilla Violet Morrison	Stanley Cottage, Ross Road
104	Betts	Severine	15 Pioneer Row
105	Betts	Shirley Rose	7 Jeremy Moore Avenue
106	Betts	Trudi Ann	50A Davis Street
107	Betts	Tyrone Trevor	7 Short Street
108	Betts-McKay	Cody Michael	18 Ajax Close
109	Biggs	Althea Maria	3 Dairy Paddock Road
110	Biggs	Christopher David	Harbour View Knott
111	Biggs	Coleen Margot	9 Moody Street
112	Biggs	Daniel Craig	11 Hansen Hill
113	Biggs	Frances	16 Endurance Avenue
114	Biggs	Kyle Alexander	16 Endurance Avenue
115	Biggs	Lucas Sebastian	16 Endurance Avenue
116	Biggs	Michael Elfed	21 Fitzroy Road
117	Biggs	Peter Julian Basil	16 Endurance Avenue
118	Biggs	Terri-Sue	Harbour View Knott
119	Biles	Kathleen Anne	14 Kent Road
120	Biles	Keith Robert	14 Kent Road
121	Binnie	Linda Rose	6 Fieldhouse Close
122	Binnie	Ronald Eric	6 Fieldhouse Close
123	Birmingham	Alexandra Sally	5A Hansen Hill
124	Birmingham	John	4 Drury Street
125	Bishop	Nigel Ian	5 Jersey Road
126	Bishop	Tansy Fiona	5 Jersey Road
127	Bishop-Newman	Kyle Codey	2 Arch Green
128	Blackley	Candy Joy	4 Barrack Street
129	Blackley	Maurice	German Camp, Callaghan Rd
130	Blake	Alexander Charles	38 Eliza Crescent
131	Blake	Larissa Celly	12 Ross Road West
132	Blake	Lionel Geoffrey	1 Ross Road
133	Blake	Sally Gwynfa	1 Ross Road
134	Blake	Thomas Patrick	12 Ross Road West
135	Bolt	Dennis John	4 Watson Way
136	Bone	Amelia	15 Fieldhouse Close
137	Bone	Andrew James	Flat 4, 6 Jersey Road
138	Bone	Kim Anthony	15 Fieldhouse Close
139	Bonner	Alan Paul	8 Pioneer Row
140	Bonner	Avril Margaret Rose	4 Felton Court
141	Bonner	Cheryl Anne	10 Racecourse Road
142	Bonner	Chloe Linda	10 Rex Hunt Road

143	Bonner	Declan William	23 Ross Road West
144	Bonner	Ewen Shane	6 Mink Park
145	Bonner	Hayley Trina	41 Ross Road West
146	Bonner	Katie Jean	43 Ross Road East
147	Bonner	Linda Jane	4A Ross Road West
148	Bonner	Lindsay Jane	10 Rex Hunt Road
149	Bonner	Nicholas	4A Ross Road West
150	Bonner	Paul Roderick	5 John Street
151	Bonner	Richard James	4A Felton Court
152	Bonner	Susan Anne	43 Ross Road East
153	Bonner	Tansie Rebecca	4 Felton Court
154	Bonner	Timothy	Chauffeurs Cottage
155	Bonner	Vera Ann	5 John Street
156	Bonner	Vera Joan	Chauffeurs Cottage
157	Booth	Myriam Margaret Lucia	7 Philomel Street
158	Bowers	Arlene Elizabeth	1 Hansen Hill
159	Bowles	Norma Evangeline	1A Villiers Street
160	Bowles	Sarah	9 Drury Street
161	Bowles	William Edward	1A Villiers Street
162	Bowles	William George Troyd	9 Drury Street
163	Boyce	Callum John	8 Murray Heights
164	Bragger	Edward Laurence	14 Jeremy Moore Avenue
165	Bragger	Stacy John	4B Ross Road West
166	Bravo Rojas	Monica Jocelyn	12 Rick Jolly Way
167	Brickle	Paul	32 Fitzroy Road
168	Briones Sepúlveda	Vivian Delia	4 Rowlands Rise
169	Brock	Juanita Lois	20 Drury Street
170	Brook	Emma Jane	41 Ross Road East
171	Brook	Mark Andrew	41 Ross Road East
172	Brooks	Cheryl Rose	1B Capricorn Road
173	Browning	Anita Jayne	29 Brandon Road
174	Browning	Henry Stanbury	8 Ajax Close
175	Browning	Nathan David	3 Dairy Paddock Road
176	Browning	Richard William	96 Davis Street
177	Browning	Shane Ross	60 John Street
178	Browning	Terrence George	Flat 3, 6 Jersey Road
179	Brownlee	Andrew Samuel	19 Ross Road East
180	Brownlee	Ariane Storm	20 Kent Road
181	Brownlee	Lynn Frances	19 Ross Road East
182	Brownlee	Michael Stewart	20 Kent Road
183	Brownlee	Samantha Louise	19 Ross Road East
184	Brunton-Goss	Errol Barry Gordon	30 Davis Street
185	Buckett	Jake Steven	5C Hansen Hill
186	Buckett	Ronald Peter	49 Fitzroy Road
187	Buckett	Roy Peter	22 James Street
188	Buckett	Ryan Peter	50 Rex Hunt Road
189	Buckland	Carole Lynda Jane	8 Moody Street
190	Buckland	Darlene Joanna	5 James Street

191	Buckland	Kristy Lesley Anne	26 Rex Hunt Road
192	Buckley-Whitney	Helena Jane	2 Pioneer Row
193	Budd	Dennis Raymond	5 Ian Campbell Drive
194	Budd	Grant William	1 Ian Campbell Drive
195	Budd	Pamela Joan	5 Ian Campbell Drive
196	Bull	Anya Evelyn	37 Eliza Crescent
197	Burston	Catherine	91 Davis Street
198	Burston	Stephen Leslie	91 Davis Street
199	Bury	Ian Thomas	63 Davis Street
200	Butcher	Michael George	3B Dairy Paddock Road
201	Butler	Margaret Orlanda	5 Short Street
202	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
203	Camblor Andrade	Jamie Eduardo	Stanley Growers, Airport Road
204	Camblor Rodriguez	Sabrina Alejandra	5 Stanley Growers
205	Campos Bustos	Juan Mamerto	63 Sandy Woodward Road
206	Campos Guala	Maribel Andrea	63 Sandy Woodward Road
207	Cant	Daniel James	24 Goss Road
208	Carey	Anthony Michael	19 Ross Road West
209	Carey	Martin Rex	4 Hansen Hill
210	Carreno Santis	Ricardo Alexis	12 Rick Jolly Way
211	Cartwright	Jack	39 Ross Road West
212	Cartwright	Stephen	39 Ross Road West
213	Castle	David Peter	1 Fitzroy Road
214	Castle	Isobel	1 Fitzroy Road
215	Castro Estefo	Violeta Ester	3 Teaberry Way
216	Ceballos	Isabel del Carmen	38 John Street
217	Cena	Josephine Inday	2 Rowlands Rise
218	Chaloner	Anthony Ross	8 Endurance Avenue
219	Chaloner	Karl Iain Roderick	8 Endurance Avenue
220	Chaloner	Sheila Catherine	Flat 3, 1 Jeremy Moore Avenue
221	Chapman	Paul	27 Fitzroy Road
222	Chapman	Samantha Helen	71 Rex Hunt Road
223	Chater	Jane	3 Short Street
224	Chater	Thomas Frederick	3 Short Street
225	Chater	Victoria	10 Philomel Place
226	Chater	William John	10 Philomel Place
227	Cheek	Gerald Winston	9 Biggs Road
228	Cheek	Janet Lynda	35 Ross Road East
229	Cheek	Marie	9 Biggs Road
230	Cheek	Rosalind Catriona	32 Goss Road
231	Cheema	Ahmad Masood	23 Goss Road
232	Cheema	Nighat Masood	23 Goss Road
233	Christie	Darren James	8 Jeremy Moore Avenue
234	Christie	Phillippa Josephine	8 Jeremy Moore Avenue
235	Clapp	Kevin Christopher	1 Murray Heights
236	Clark	Douglas James	39 Fitzroy Road
237	Clark	Paul Stanbury	43 Ross Road East
238	Clarke	Aaron Charles	7A Villiers Street

239	Clarke	Angela Sindy	36 Shackleton Drive
240	Clarke	Camilla Marie	10 Thatcher Drive
241	Clarke	Christopher	7 Villiers Street
242	Clarke	Daniel Alan	23 Jeremy Moore Avenue
243	Clarke	David James	8 Diddle Dee Drive
244	Clarke	Derek Simon	23 Jeremy Moore Avenue
245	Clarke	Donna Monica	15 Davis Street
246	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
247	Clarke	India Lauren	112A Davis Street
248	Clarke	Jackie Jean	12 Brisbane Road
249	Clarke	Jane Rebecca	9 Rick Jolly Way
250	Clarke	Jeremy Ian Thomas	11A Fitzroy Road
251	Clarke	Jonathan Terence	27 Eliza Crescent
252	Clarke	Joseph Gwyn	15 Davis Street
253	Clarke	Laura Jane	7A Villiers Street
254	Clarke	Louise Kathleen	Stanley House
255	Clarke	Luke Anthony	17 Mink Park
256	Clarke	Mari-Ann Lucille	5 Mink Park
257	Clarke	Marvin Thomas	13 Davis Street
258	Clarke	Sarah May Bo	17 Mink Park
259	Clarke	Tanya	4H Jones Road
260	Clarke	Terence John	17 Jeremy Moore Avenue
261	Clarke	Tracey Clare	23 Jeremy Moore Avenue
262	Clarke	Trudi Ann	13 Davis Street
263	Clarke	Violet Rose	5A Hebe Street
264	Clausen	Andrea Patricia	3 St Mary's Walk
265	Clausen	Denzil	24 Murray Heights
266	Clausen	Denzil George Gustavius	3 St Mary's Walk
267	Clausen Goodwin	Sophia Marina	27 Rick Jolly Way
268	Clement	Gary	15 Snake Street
269	Clement	Gloria Linda	15 Snake Street
270	Clement	Jacqueline Ann	7 Davis Street
271	Clement	Jane	Gift Shop Flat, Villiers St
272	Clement	Sarah Jane	10 Snake Hill
273	Clement	Wayne	10 Snake Hill
274	Clements	Xenia Mary	29 Brandon Road
275	Clifford	Cherie Yvonne	3 Eliza Cove Road
276	Clifford	John Owen	3 Eliza Cove Road
277	Clifford	Michaela Sara Monica	10 Rowlands Rise
278	Clifford	Rhys John David	Room 1, YMCA
279	Clifton	Darwin Lewis	53 Davis Street
280	Clifton	Leonard	2 Murray Heights
281	Clifton	Melvyn	12 Callaghan Road
282	Clifton	Neil	8 Anderson Drive
283	Clifton	Stephen Peter	61 Fitzroy Road
284	Clifton	Teresa Ann	20 Davis Street
285	Clifton	Thora Janeene	2 Murray Heights
286	Clifton	Valerie Ann	10 Pioneer Row

287	Clifton	Zoe Helen	10 Pioneer Row
288	Clingham	Darren Robert Leslie	c/o YMCA,21 Shackleton Drive
289	Clingham	Shaunmichael Ashley	34 Rick Jolly Way
290	Cockwell	Anna	15 Fitzroy Road
291	Cockwell	Jennifer Marie	90 Davis Street
292	Cockwell	John Richard	14 Ross Road West
293	Cockwell	Maurice Adam	90 Davis Street
294	Cockwell	Samuel George	15 Fitzroy Road
295	Cofre	Elvio Miguel	1 Occupation Road
296	Coleman	Nigel Eric	59 Sandy Woodward Road
297	Collier	Hannah Jayne	39 Rick Jolly Way
298	Collier	Victoria Louise	7 Mink Park
299	Collins	Brian Richard	41 Davis Street
300	Collins	Hazel	41 Davis Street
301	Collins	Michael William Archibald	Room 5, 12 Scoresby Close
302	Collins	Steven Paul	Flat 4, 7 Jeremy Moore Avenue
303	Collins-Finlay	Shiralee	17 Scoresey Close
304	Connolly	Kevin Barry	1 King Street
305	Cordeiro Garcia	Rodrigo	1 Mink Park, Moody Brook Road
306	Cordero	Crystal Rose	11 Narrows View
307	Cotter	Jacqueline Ann	18 Mink Park
308	Cotter	Mary-Jane	9 Jeremy Moore Avenue
309	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
310	Courtney	Anthony Clive	30 Goss Road
311	Courtney	Eva Inma Linda	Room 5, YMCA, Shackleton Drive
312	Courtney	Julie Doris	30 Goss Road
313	Courtney	Marc Anthony	75 Rex Hunt Road
314	Courtney	Tonisha Louise	30 Goss Road
315	Coutts	John	36 Ross Road West
316	Coutts	Marie Anne	36 Ross Road West
317	Crabb	Elizabeth Ann	34A Davis Street
318	Crowie	Alan John	17 Ian Campbell Drive
319	Crowie	Ana Bonita	13 Diamond Jubilee Road
320	Crowie	Bethany Alice	1 Diamond Jubilee Road
321	Crowie	Chester Robert	30 John Street
322	Crowie	Clare Frances	8 Jersey Road
323	Crowie	Colin Arthur	19 Callaghan Road
324	Crowie	Dave Mark	10 James Street
325	Crowie	David Martin	57 Sandy Woodward Road
326	Crowie	Ella Josephine	17 Ian Campbell Drive
327	Crowie	Lachlan Thomas	71 Rex Hunt Road
328	Crowie	Layla Alicia	19 James Street
329	Crowie	Nicola Jane	18 Sandy Woodward Road
330	Crowie	Peter James	47 Sandy Woodward Road
331	Crowie	Rachael	10 James Street
332	Crowie	Robert John	18 Sandy Woodward Road
333	Crowie	Roxanne	81 Rex Hunt Road
334	Cruikshank	Kirsty Nicole	6 Hansen Hill

335	Cruickshank	Stuart Eric	6 Hansen Hill
336	Curtis	Bonnie Elizabeth	13 Jersey Road
337	Curtis	James William Hamilton	5A Brisbane Road
338	Curtis	Tanya	5A Brisbane Road
339	Curtis	Tiegan Jane	Flat 2, 30 Fitzroy Road
340	Daille Marchant	Antoine Rene	18 Mink Park
341	Daly-Llamosa	Michael Ian	60 Sandy Woodward Road
342	Davidson	Deborah	51 Ross Road East
343	Davies	Anthony Warren	7 Callaghan Road
344	Davies	Helen Louise	15A Ross Road West
345	Davies	Jacqueline Nancy	7 Callaghan Road
346	Davies	Samantha	14 Rex Hunt Road
347	Davies	Sian Karen	34 Rex Hunt Road
348	Davies-Berntsen	Tessa Linda	41 Eliza Crescent
349	D'Avino	Katheryn Phoebe	Mullet Creek
350	D'Avino	Pamela Martha	2 Fitzroy Road
351	Davis	Nicholas	2 Auster Place
352	Davis	Roy George Victor	6 Narrows View
353	Davis	Samantha Jane	21 Kent Road
354	Davis	Yona	37 Davis Street
355	Dent	Dean Angus	19 Hansen Hill
356	Dent	Elizabeth Jayne	4 Fieldhouse Close
357	Dent	Janice Vanessa	19 Hansen Hill
358	Dent	Lauren Aire	19 Hansen Hill
359	Dent	Stephen John	4 Fieldhouse Close
360	Dickson	Adam John	14 Endurance Avenue
361	Dickson	Jason Edward	1 Discovery Close
362	Dickson	Michael Keith	12 Dairy Paddock Road
363	Dickson	Rayln Ruiz	12 Dairy Paddock Road
364	Dickson	Ronald Edward	2 Dairy Paddock Road
365	Didlick	Imogen Fiona	54 Rex Hunt Road
366	Didlick	John Charles Hilson	46 Sandy Woodward Road
367	Didlick-Smith	Rhiannon Elinore	51 Sandy Woodward Road
368	Dobbys	Kathleen Gay	60 Davis Street
369	Dodd	Alison	10 Beaver Road
370	Dodd	Mark Thomas	8 Mink Park
371	Dodd	Nigel Keith	10 Beaver Road
372	Donnelly	Daniel	38 Ross Road East
373	Donnelly	Joyce Elizabeth	38 Ross Road East
374	Drysdale	Karen Margaret	1 Watson Way
375	Duncan	Charmain Sarah	5 Mountain Berry Road
376	Duncan	Stuart Dave	2 Fieldhouse Close
377	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
378	East	Carly Chelsea	33 John Street
379	East	Justin Clive Richard	1 Fieldhouse Close
380	East	Shaun Jason	33 John Street
381	Eccles	Ashton Laura	3 Jeremy Moore Avenue
382	Eccles	Bernard Leslie	18 Jeremy Moore Avenue

383	Eccles	Matthew James	3 Jeremy Moore Avenue
384	Eccles	Mhairi-Anne	1A Racecourse Road
385	Eccles	Moira Cameron	18 Jeremy Moore Avenue
386	Edwards	Megan Shirley Rebecca	79 Davis Street
387	Edwards	Norma	20 Mink Park
388	Edwards	Roger Anthony	20 Mink Park
389	Elliot	Elizabeth Rose	15 Callaghan Road
390	Elliot	Henry James	15 Callaghan Road
391	Ellis	Lucy	11 James Street
392	Ellis	Meredith Lauryn	43 John Street
393	Ellis	Paul	43 John Street
394	Ellis	Sally Jean	43 John Street
395	Ellis	Valerie	24 Ross Road East
396	Elsby	Barry	Moody Brook House
397	Elsby	Thomas	15 Rex Hunt Road
398	Erikson	Fiona Alison	Flat 2, 6 Jersey Road
399	Evans	Dale Clement	3 Villiers Street
400	Evans	Kyran Binnie	44 Rex Hunt Road
401	Evans	Michele Paula	1 Bypass Road, Murray Heights
402	Evans	Niall Joseph	3 Villiers Street
403	Evans	Raymond	12 Rex Hunt Road
404	Eynon	Carol	8 Villiers Street
405	Eynon	David John	8 Villiers Street
406	Faria	April Marie	24 Rick Jolly Way
407	Faria	Basil Harry	3A Brisbane Road
408	Faria	Maria Anne	3A Brisbane Road
409	Faria	Paul	22 Hansen Hill
410	Faria	Sarah Louise	3 Brandon Road
411	Faria	Susana Caroline Berntsen	22 Hansen Hill
412	Felton	Andrew James	50 Rex Hunt Road
413	Felton	Trudi Eileen	13 Eliza Crescent
414	Ferguson	John William	47 Ross Road East
415	Ferguson	Robert John Andrew	1 Sullivan Street
416	Ferguson	Sian Yvonne	38 Rex Hunt Road
417	Ferguson	Stephanie Janet	47 Ross Road East
418	Fernandez Acosta	Yesenia	6B Narrows View
419	Ferriby	Debora Susana	56 Davis Street
420	Ferriby	Elliana Patricia	56 Davis Street
421	Ferriby	Lee Robert	56 Davis Street
422	Ferriby	Lucas Diego	Flat 4, Church House
423	Fiddes	Douglas Graham	The Stables, Moody Brook
424	Fiddes	Gardner Walker	3 Watson Way
425	Fiddes	Julia Bertrand	7 Snake Hill
426	Fiddes	Keelan Shaun	Flat 7, 6 Jersey Road
427	Fiddes	Kelly Melody	34 Rick Jolly Way
428	Fiddes	Melody Christine	3 Watson Way
429	Findlay	Margo Jane	Flat 3, 5 Jeremy Moore Avenue
430	Finlay	Andrew John	17 Scoresby Close

431	Finlayson	Kimberley Elizabeth	45 Rick Jolly Way
432	Finlayson	Marc Ian	19 James Street
433	Finlayson	Marilyn Christine	24 James Street
434	Finlayson	Peter	24 James Street
435	Finlayson	Phyllis	6 Brandon Road
436	Fisher-Smith	Julie Anne	22 Kent Road
437	Floyd	Amanda Susan	16 Ajax Close
438	Floyd	Celia Soledad	7 Pitaluga Place
439	Floyd	Michael	7 Pitaluga Place
440	Floyd	Michael Anthony	9 Gleadell Close
441	Floyd	Stephen Paul	26 Hansen Hill
442	Floyd	Tracy	26 Hansen Hill
443	Fogerty	Richard Edwin John	Stone Cottage, Bypass Road
444	Ford	Alison Jane-Marie	9 Jersey Road
445	Ford	Brendan Kegan	1 James Street
446	Ford	Bronwen Rebecca	5C Hansen Hill
447	Ford	Brooklyn Marie	Flat 2, 1 Jeremy Moore Avenue
448	Ford	Christine	6 Drury Street
449	Ford	Christopher James	6 Felton Court
450	Ford	Colin Stewart	15 Kent Road
451	Ford	Colleen Mary	12 Davis Street
452	Ford	Daniel Timothy	2 Hebe Place
453	Ford	Darrel	29 Rex Hunt Road
454	Ford	David	3 Beaver Road
455	Ford	Debbi Louisa	6 Felton Court
456	Ford	Donna Marie	19 Kent Road
457	Ford	Gerard Allan	12 Hansen Hill
458	Ford	Ieuan Colin	15 Kent Road
459	Ford	Jack Christopher	6 Felton Court
460	Ford	Jill Edith	12 Hansen Hill
461	Ford	Jonathan	3 Pitaluga Place
462	Ford	Julie Ann	3 Pitaluga Place
463	Ford	Leann Caroline	15 Kent Road
464	Ford	Leonard	9 Jersey Road
465	Ford	Marie	3 Beaver Road
466	Ford	Melanie	3 Sandy Woodward Road
467	Ford	Mikaela Jayne	89 Davis Street
468	Ford	Neil Frazer	6 Drury Street
469	Ford	Simon	1 James Street
470	Ford	Thomas Charles	9 Jersey Road
471	Ford	Wade Leonard	9A Jersey Road
472	Forrest	Jennifer Carol	16 Kent Road
473	Forrest	Michael John	16 Kent Road
474	Forster	Amanda	9 Fieldhouse Close
475	Forster	Gwyneth May	15 Ian Campbell Drive
476	Forster	James	10 Drury Street
477	Forster	Lynne	112A Davis Street
478	Fowler	Alan Claude	4 Capricorn Road

479	Fowler	Ann Elizabeth Mary	Stanley Growers, Airport Road
480	Fowler	Caitlin Louise	4 Capricorn Road
481	Fowler	Daniel Martin	2 Glasgow Road
482	Fowler	Melvin Richard	Stanley Growers, Airport Road
483	Fowler	Vanessa Kay	4 Capricorn Road
484	Fowler	Zoë	2 Glasgow Road
485	Fowmes	Connie Margaret Rose	15 Jeremy Moore Avenue
486	Fowmes	Hazel Charlotte Maria	15 Jeremy Moore Avenue
487	Fowmes	Paula Jennifer Louise	15 Jeremy Moore Avenue
488	Fowmes	Stephen Roger	15 Jeremy Moore Avenue
489	France	Ian Peter	4 Sullivan Street
490	France	Samantha Jane	4 Sullivan Street
491	Frances	Racquel Emily Irene	15 Narrows View
492	Francis	Carla Marie	2 Fieldhouse Close
493	Francis	Jordan Daniel	3 Mink Park
494	Francis	Tegan Louise	42 Callaghan Road
495	Francis	Timothy Daniel	3 Mink Park
496	Freeman	Carl Francis	Maidenhaven Cottage
497	Freeman	Dianne May	Maidenhaven Cottage
498	Freer	Edward Craig	6 Fitzroy Road East
499	Freer	Matthew Paul	6 Fitzroy Road East
500	Freer	Pamela Jane	7 Fitzroy Road East
501	Freer	Stephen Paul James	7 Fitzroy Road East
502	French	Breda Marie	46 Rex Hunt Road
503	Fyfe	David MacGregor	6 Capricorn Road
504	Gilbert	Christopher Paul	11 Ian Campbell Drive
505	Gilbert	Mark Ian	13 Beaver Road
506	Gilbert	Neil Robert	17 Sullivan Street
507	Gilbert	Sharon	11 Ian Campbell Drive
508	Gilding	Melanie Carol	38 Ross Road
509	Gilding	Petra Sophie	14 John Street
510	Gisby	Annie	37 Ross Road East
511	Glanville	Adam James	12 James Street
512	Glanville	Beverley Rose	12 James Street
513	Gleadell	Ian Keith	2 Yates Place
514	Gomez	Eduardo Daniello	41 Callaghan Road
515	Gomez	Rebecca Lily	41 Callaghan Road
516	Gómez-Reid	Dafne Tamara	41 Callaghan Road
517	Goodwin	Bonita Colleen	21 Eliza Crescent
518	Goodwin	Catherine Dawn	8 Hansen Hill
519	Goodwin	Colin Valentine	8 Beaver Road
520	Goodwin	Derek Samuel	21 Eliza Crescent
521	Goodwin	Gareth Kevin	15 Hansen Hill
522	Goodwin	June Elizabeth	8 Beaver Road
523	Goodwin	Margaret Ann	3`H` Jones Road
524	Goodwin	Marie-Bernard Therese	15 Hansen Hill
525	Goodwin	Matthew Gerald	77 Rex Hunt Road
526	Goodwin	Rachel Karen	31 Ross Road West

527	Goodwin	Robin	31 Ross Road West
528	Goodwin	Robin Christopher	27 Callaghan Road
529	Goodwin	Simon James	8 Hansen Hill
530	Goodwin	Tatyana Jane	c/o YMCA, 21 Shackleton Drive
531	Goodwin	Una	27 Callaghan Road
532	Goodwin	William John Maurice	7 Brisbane Road
533	Gordon	Daniella Lee	44 Rex Hunt Road
534	Gordon	Martine Carole	6A Ross Road East
535	Gordon	Robert James Alexander	6A Ross Road East
536	Goss	Annagret	16 Jeremy Moore Avenue
537	Goss	Carole-Ann	8 Ian Campbell Drive
538	Goss	Emma Holly	16 Jeremy Moore Avenue
539	Goss	Eric Miller	2 Fitzroy Road East
540	Goss	Ian Ernest Earle	98 Davis Street
541	Goss	Jane Alexander	2A Capricorn Road
542	Goss	Morgan Edmund	16 Jeremy Moore Avenue
543	Goss	Rebecca Jean Dorothy	98 Davis Street
544	Goss	Shirley Ann	2 Fitzroy Road East
545	Goss	Simon Peter Miller	11 Kent Road
546	Goss	Susan Diann	98 Davis Street
547	Goss	Tamsin Grace	7 Brandon Road
548	Goss	William Henry	7 Brandon Road
549	Green	Chloe Elizabeth	21 Murray Heights
550	Green	David William	55 Sandy Woodward Road
551	Greenland	James Andrew William	3 Biggs Road
552	Greenland	Kimberley Joanna	21 St Mary's Walk
553	Greenland-Elbakidze	Natasha Bonita	10 Mink Park
554	Greentree	Faron Harvey	16 Scoresby Close
555	Guala Oyarzo	Henry Hernan	Market Garden Accommodation Site
556	Guala Romero	Henry Mario	20 Rex Hunt Road
557	Guala Segovia	Sebastian	20 Rex Hunt Road
558	Guest	Amy Charlotte	5 Gleadell Close
559	Halliday	Cathy Ann	5 Drury Street
560	Halliday	Jeffrey James	9A Philomel Street
561	Halliday	Julie Ann	9A Philomel Street
562	Hancox	Emily Clare	13 Beaver Road
563	Hansen	Terrance Joseph	58C Sandy Woodward Road
564	Hardcastle	Eileen Beryl	75 Davis Street
565	Hardcastle	Joseph Brook	7 Ross Road East
566	Hardcastle	Simon Brook	7 Ross Road East
567	Harris	Angela Jane	10 Haskard Rise
568	Harris	Dennis Sefton	Racecourse Cottage
569	Harris	Heather	3 Ross Road East
570	Harris	Jill Yolanda Miller	19 Fitzroy Road
571	Harris	Karl Henry	10 Haskard Rise
572	Harris	Kelly Ann	11 Dairy Paddock Road
573	Harris	Leeann Watson	11 Dairy Paddock Road
574	Harris	Leslie Sydney	19 Fitzroy Road

575	Harris	Megan	5 Discovery Close
576	Harris	Michael Ronald	3 Ross Road East
577	Harris	Ralph Aaron	11 Dairy Paddock Road
578	Harris	Rebecca Jayne	11 Dairy Paddock Road
579	Harris	Reece Lee	11 Dairy Paddock Road
580	Harris	Wendy Ann	Racecourse Cottage
581	Harte	Emma Louise	9A Philomel Street
582	Harte	Torin Matthew	9A Philomel Street
583	Hartley	Jeanette	42 Davis Street
584	Harvey	Sheila	8 Barrack Street
585	Hawksworth	Cara Jane	6 Rowlands Rise
586	Hawksworth	Christopher	6 Rowlands Rise
587	Hawksworth	David	25 Eliza Crescent
588	Hawksworth	Ginalyn Jauncho	25 Eliza Crescent
589	Hawksworth	Ryan	2 Goss Road
590	Hay	Graeme James	1 Church Flats
591	Hay	Joanne Hazel Rose	30 Rex Hunt Road
592	Hayward	Marjorie	4B St Mary's Walk
593	Hayward	Matthew Oliver	Mullet Creek
594	Hayward	Neville	21 Hansen Hill
595	Hayward	Pauline May	21 Hansen Hill
596	Heathcock	Andrew James	7 James Street
597	Heathman	Malcolm Keith	15 Eliza Cove Road
598	Heathman	Mandy Gail	15 Eliza Cove Road
599	Heathman	Nyree	7 Allardyce Street
600	Heathman	Sally Hermione	15 Eliza Cove Road
601	Henry	Adam Robert	28 Brandon Road
602	Henry	Alan Richard	13 Mink Park
603	Henry	Derek William	2 Moody Street
604	Henry	Donna Louise	3 Davis Street
605	Henry	John Stuart	15 Villiers Street
606	Henry	Kierah Louise	112A Davis Street, Stanley
607	Henry	Lucianne Rebekah	13 Mink Park
608	Henry	Patricia Denise	86 Davis Street
609	Henry	Tracey Dawn	2 Moody Street
610	Henry	Tyrone Scott	25B Ross Road East
611	Henry-Roberts	Scott David John	14 Murray Heights
612	Hewitt	Bernice Marilyn Sarah	16 Sullivan Street
613	Hewitt	Charles David James Murdo	16 Sullivan Street
614	Hewitt	Christine Alison Elizabeth	9B Sullivan Street
615	Hewitt	Gary George	3 Hebe Place
616	Hewitt	Margaret Ann	3 Hebe Place
617	Hewitt	Tara Marie	14 Scoresby Close
618	Hills	David John	8 Fitzroy Road
619	Hirtle	Christine	5 Capricorn Road
620	Hirtle	Debbie Ann	2B Capricorn Road
621	Hirtle	Rose Ann Shirley	4 Villiers Street
622	Hirtle	Samantha Lee	2 Hebe Place

623	Hirtle	Zane Eric	12 Drury Street
624	Hobman	Anilda Marilu	5 Police Cottages
625	Hobman	Kyle John	1C Capricorn Road
626	Hobman	Luis Alfonzo	5 Police Cottages
627	Hobman	Vivien	20 Hansen Hill
628	Howatt	George Frank	4 Racecourse Road
629	Howe	Alison Delia	36 Davis Street
630	Howe	Paul Anthony	36 Davis Street
631	Hoy	Gabriella Daisy	1A Racecourse Road
632	Hoyles	Benjamin Noel	10 Brandon Road
633	Hoyles	Lani Maria	10 Brandon Road
634	Hurst	Dahiana Blake	4 Rex Hunt Road
635	Hutton	Elizabeth Isabella	3 John Street
636	Hutton	Philip	3 John Street
637	Ibarra Espinosa	Gonzalo Patricio	18 Callaghan Road
638	Igao	Georgia Jane	10 Goss Road
639	Igao	Noel Neri	10 Goss Road
640	Igao	Pauline Lynx	10 Goss Road
641	Inglis	Alison Anne MacKenzie	9 Short Street
642	Innes	Isabella Alice	2 Thatcher Drive
643	Irvine	Andrew Grant McKenzie	1 Allardyce Street
644	Jackson	Kathleen	7 Drury Street
645	Jackson	Malcolm	7 Drury Street
646	Jackson	Mark Malcolm	5 Drury Street
647	Jacobsen	Alastair	Victory Bar
648	Jacobsen	Catherine Joan	Victory Bar
649	Jacobsen	Tanzi	8 Fitzroy Road
650	Jacobsen	Toni Rhona	32 Teaberry Way
651	Jaffray	Alexander	8A Brisbane Road
652	Jaffray	Arlette Sharon	7 Jersey Road
653	Jaffray	Dominic Summers	5 Racecourse Road East
654	Jaffray	Eileen	5 Hebe Street
655	Jaffray	Elle Ann	5 James Street
656	Jaffray	Elliot Jessie	8A Brisbane Road
657	Jaffray	Emma Leigh	5 James Street
658	Jaffray	Estelle Anita	11 Snake Hill
659	Jaffray	Eva Lynn	47 Callaghan Road
660	Jaffray	Gerard Alan	47 Callaghan Road
661	Jaffray	Helen Rose	84 Davis Street
662	Jaffray	Ian	5 Hebe Street
663	Jaffray	Ingrid Joyce	9 Fitzroy Road
664	Jaffray	Janet	3 Ross Road West
665	Jaffray	John	3 Ross Road West
666	Jaffray	John Summers	84A Davis Street
667	Jaffray	John Willie	21 Watson Way
668	Jaffray	Juliet Hazel	28 Davis Street
669	Jaffray	June Elizabeth	17 Ross Road East
670	Jaffray	Kenneth Ian	55 Davis Street

671	Jaffray	Lisa Jane	7 Hebe Street
672	Jaffray	Molly	2 Arch Green
673	Jaffray	Phyllis	21 Watson Way
674	Jaffray	Shaun Melvyn	28 Davis Street
675	Jaffray	Stephen James	5 James Street
676	Jaffray	Terence Roy	5 Hebe Street
677	Jaffray	Tony	84 Davis Street
678	James	Ross Brent	5 Pioneer Row
679	James	Zoe Dorothy May	5 Pioneer Row
680	Jamieson	Malcolm William	1 Rex Hunt Road
681	Jamieson	Patricia Anne	1 Rex Hunt Road
682	Jennings	Hamish Warren	9A Davis Street
683	Jennings	Leeanne Kate	5 Murray Heights
684	Jennings	Nancy Elizabeth	7 Philomel Street
685	Jennings	Paige Taylor	9 Davis Street
686	Jennings	Roy	5 Murray Heights
687	Jennings	Stephen	5 Fitzroy Road
688	Jones	Deena Marie	31 Rick Jolly Way
689	Jones	Evan Glynn	61 Sandy Woodward Road
690	Jones	Kevin Richard	3A Brandon Road
691	Jonson	Nicole Frances	30 Endurance Avenue
692	Jordon	Awen May	12 Goss Road
693	Joshua	Angeline Gloria	6 Beaver Road
694	Joshua	Dwight Michael	7 Gleadell Close
695	Joshua	Josephine Mary	7 Gleadell Close
696	Joshua	Paul Alan	6 Beaver Road
697	Joshua	Rosemond Patricia	3 Felton Stream
698	Kazmi	Syeda Uzma	23 Fitzroy Road
699	Kearney	Philip James	2 Brandon Road
700	Keenleyside	Manfred Michael Ian	2 Snake Hill
701	Keenleyside	Nanette Barbara	2 Snake Hill
702	Kelly	Phillip Sean	35 Callaghan Road
703	Kelly	Sandy Bridget	35 Callaghan Road
704	Kennedy	Igan Stephen	9 Fitzroy Road
705	Kennedy	Keon Thomas	9 Fitzroy Road
706	Kenny	Erling	20 James Street
707	Kidd	John Nathan	7 Ross Road West
708	Kidd	Lillian Rose Orissa	7 Ross Road West
709	Kilmartin	Clovis Sebastian	57 Fitzroy Road
710	King	Anna Constance Eve	34 Ross Road
711	King	Glynis Margaret	Stanley Arms Flat
712	King	Michelle Beverly	4 Biggs Road
713	King	Peter Thomas	10 Jeremy Moore Avenue
714	King	Robert John	22/24 Davis Street
715	King	Rosemarie	10 Jeremy Moore Avenue
716	King-Clark	Roxanne McCarthy	39 Fitzroy Road
717	Kirkham	Campbell Joseph	5 Capricorn Road
718	Kirkham	Holly	5 Capricorn Road

719	Knight	Margaret Anne	1 Thatcher Drive
720	Knipe	Chedwin Norman	3 Davis Street West
721	Knipe	Chloe Susanne	3 Davis Street West
722	Knipe	Susan Jane Helena	3 Davis Street West
723	Kultschar	Karin Pamela	5 Brisbane Road
724	Kultschar	Richard Paul	5 Brisbane Road
725	Kultschar	Yvonne Rosina	33C Davis Street
726	Ladron De Guevara	Simon	6 Police Cottage
727	Ladron De Guevara Barnes	Jeremy Marshall	22/24 Davis Street
728	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
729	Laffi	Kathleen Mary	3 Brisbane Road
730	Lang	Colin David	2 Brisbane Road
731	Lang	David Geoffrey	28 Goss Road
732	Lang	James Patrick	2 Davis Street
733	Lang	Leah Falalimpa	2 Davis Street
734	Lang	Theresa Margaret	28 Goss Road
735	Lang	Valma Emily	8A Brandon Road
736	Lang	Wendy Diane	2 Brisbane Road
737	Larsen	Ellen	6A Moody Street
738	Law	Meghan Alexandra	Moody Valley
739	Lazo	Javier Waldemar	80 Davis Street
740	Lazo	Laura Rose	17 Brandon Road
741	Lazo	Matthew Derek	17 Brandon Road
742	Leach	Nigel Jon	4 Moody Street
743	Lee	John Alfred	7 Thatcher Drive
744	Lee	Karen Jane	14 Davis Street
745	Lee	Mandy John	15 James Street
746	Lee	Owen Henry	4 Pioneer Row
747	Lee	Rodney William	15 Ian Campbell Drive
748	Legg	Robert Keith	21 Kent Road
749	Lennie	Gordon Carnie	9 Narrows View
750	Lennie	Roberto	9 Narrows View
751	Leo	Aiden Ross	4 Market Garden
752	Leo	Merrill Steve	17 Rick Jolly Way
753	Lewis	Craig James Mackenzie	9 Short Street
754	Lewis	David James	3 Ian Campbell Drive
755	Lewis	Jason	9 Short Street
756	Lewis	Kirsty Jean Mackenzie	9 Short Street
757	Lewis	Pamela Irene	3 Ian Campbell Drive
758	Leyton Calderon	Ricardo Esteban	108A Davis Street
759	Limburn	Monica	2 Brandon Road
760	Livermore	Anton	82 Davis Street
761	Livermore	Doreen Emily	82 Davis Street
762	Locke	Christopher Paul	6 Brisbane Road
763	Locke	Nancy Joy Mundin	6 Brisbane Road
764	Lowe	Lucinda Marie	2 Strawberry Street
765	Lowe	Nathan Reginald Eugenio	22 Shackleton Drive
766	Lowe	Tonisha Louisa	22 Shackleton Drive

767	Luxton	Jennifer Mary	4 Hebe Place
768	Luxton	Michael	1A Pioneer Row
769	Luxton	Nathan Jack	1 Jersey Road
770	Luxton	Nicola	1A Pioneer Row
771	Luxton	Robin	1 Jersey Road
772	Luxton	Stephen Charles	1 Mullet Creek
773	Luxton	Susan Vera	1 Mullet Creek
774	Luxton	Wendy Jennifer	1 Jersey Road
775	Lyse	Linda Margaret	65 Fitzroy Road
776	Macaskill	Angus Lindsay	11 Short Street
777	Macaskill	John	34 Ross Road West
778	Macaskill	Robert John	1A Brisbane Road
779	Macaskill	Tracey Jayne	1A Brisbane Road
780	MacDonald	Irene	20 Murray Heights
781	Maciello	Jorge Diego	9 Strawberry Street
782	Maciello	Susan Ovedia Franz	9 Strawberry Street
783	MacLennan Baird	Ronald John	3 Diddle Dee Drive
784	Maddocks	Robert Charles	11 Murray Heights
785	Mansilla	Arturo	9 Rex Hunt Road
786	Mansilla	Caitlin	9 Rex Hunt Road
787	March	Elizabeth Eleanor	38 Fitzroy Road
788	Martin	Lee Anthony	7 McKay Close
789	Martin	Lisa Maria	7 McKay Close
790	May	Angela Jane	11 Sullivan Street
791	May	Bruce Raymond	9 Kent Road
792	May	Bryan Roy	21 Jeremy Moore Avenue
793	May	Connie	9 Kent Road
794	May	Jonathan Roy	12 Jeremy Moore Avenue
795	May	Lucinda Vikki	12 Jeremy Moore Avenue
796	May	Monica	21 Jeremy Moore Avenue
797	May	Roger	11 Sullivan Street
798	May	Tiphanie	35 Davis Street
799	May	William Albert	1 Glasgow Road
800	McBain	Arthur	29 Goss Road
801	McBain	Rhoda Margaret	29 Goss Road
802	McCallum	Bettina Kay	14 Drury Street
803	McCallum	Rampai	14A Drury Street
804	McCormick	Amelia Baguio	29B Callaghan Road
805	McCormick	Dale Ronald	24 Eliza Crescent
806	McCormick	Pauline Margaret Ruth	29 Callaghan Road
807	McCormick	Richard Paul	29B Callaghan Road
808	McCormick	Samantha Laura	18 Rex Hunt Road
809	McCrea	Robert Thomas	Flat 3, 1 Jeremy Moore Avenue
810	McGhie	Thomas Jack	c/o YMCA, 21 Shackleton Drive
811	McGill	Coral Elizabeth	2 Discovery Close
812	McGill	Daniel Stanford	2 James Street
813	McGill	Darrel Ian	Flat 1, 5 Jeremy Moore Avenue
814	McGill	Derek Gary	38 Rex Hunt Road

815	McGill	Diane Beverley	2 James Street
816	McGill	Gary	15 Brandon Road
817	McGill	Heather Margaret	4 Discovery Close
818	McGill	Len Stanford	2 James Street
819	McGill	Lorraine Iris	10 Ross Road East
820	McGill	Sinead Zara	22 Murray Heights
821	McGill	Teresa Rose	26 Ross Road East
822	McGill	Travis Ian	1C Capricorn Road
823	McGill	Vaughan	c/o YMCA, 21 Shackleton Drive
824	McKay	Bono John	3 Brandon Road West
825	McKay	Clara Mary	20 Ross Road West
826	McKay	Glyn Ronald	4 Philomel Street
827	McKay	Heather Valerie	16 Eliza Crescent
828	McKay	Ian Roderick	14 Ajax Close
829	McKay	Jeannie Paullina	2 Allardyce Street
830	McKay	Jennifer Coral	24 Eliza Crescent
831	McKay	John David Toby	51 Callaghan Road
832	McKay	Kristin Logan	84A Davis Street
833	McKay	Marika	72 Davis Street
834	McKay	Melvyn Andrew	72 Davis Street
835	McKay	Michael John	64 Davis Street
836	McKay	Michelle Jane	33 John Street
837	McKay	Neil	10 Watson Way
838	McKay	Peter John	21 Ross Road West
839	McKay	Rex	16 Eliza Crescent
840	McKay	Roy Derek	3 Teaberry Way
841	McKee	Miranda	12 Watson Way
842	McKee	Richard Buick	12 Watson Way
843	McKenzie	Alice Maud	2B St Mary's Walk
844	McKenzie	Charles Alexander Albert John	2B St Mary's Walk
845	McLaren	Ashlyn Hope	20 Ajax Close
846	McLaren	Caroline Mary	34 Teaberry Way
847	McLaren	Tony Eugene Terence	10 Moody Street
848	McLean	Stephen Thomas Turnbull	73 Rex Hunt Road
849	McLeod	Connor William Butler	5 Short Street
850	McLeod	David	49 Callaghan Road
851	McLeod	Gerald Peter	11A Davis Street
852	McLeod	Glenda Otadoy	6 McKay Close
853	McLeod	Henry Donald Alexander	16 Fieldhouse Close
854	McLeod	Ian	17 Davis Street
855	McLeod	Ian James	26 Rick Jolly Way
856	McLeod	Janet Wensley	75 Davis Street
857	McLeod	Janice	2 Ross Road West
858	McLeod	John	23 Hansen Hill
859	McLeod	Kirsty Jane	5 Pitaluga Place
860	McLeod	Mally	17 Davis Street
861	McLeod	Marie	16 Fieldhouse Close
862	McLeod	Mark Travis	6 McKay Close

863	McLeod	Michael William	5 Short Street
864	McLeod	Pearl Mary Ann	18 Brandon Road
865	McLeod	Robert	75 Davis Street
866	McLeod	Robert John	2 Ross Road West
867	McLeod	Tamsin Margaret Butler	5 Short Street
868	McLeod	Valorie Marcela	7 Ian Campbell Drive
869	McMullen	June	8 Brandon Road
870	McMullen	Lucille Anne	6 John Street
871	McMullen	Tony	8 Brandon Road
872	McPhee	Denise	4 Brandon Road West
873	McPhee	Hannah	4 Brandon Road West
874	McPhee	Jessica	4 Brandon Road West
875	McPhee	Justin Owen	4 Brandon Road West
876	McRae	Charlotte Melizza	6 Rick Jolly Way
877	McRae	David Michael	24 Callaghan Road
878	McRae	Kerry Jane	15 Sullivan Street
879	McRae	Michael	25 Hansen Hill
880	McRae	Tamara	25 Hansen Hill
881	Merrey	Adrianna Janine	28 Sandy Woodward Road
882	Middleton	Callum William	14 Mink Park
883	Middleton	Caren	15 Mink Park
884	Middleton	Caroline Ann	7 James Street
885	Middleton	Charlotte Anne Mary	Cemetery Cottage
886	Middleton	Chelsea Emma	13 McKay Close
887	Middleton	Emmaleigh Grace	50 Davis Street
888	Middleton	Kerry Ann	Dolphin Cottage
889	Middleton	Leonard	8 Yates Place
890	Middleton	Nevin Alexander	15 Mink Park
891	Middleton	Phillip John	5 St Marys Walk
892	Middleton	Stephanie Anne	13 McKay Close
893	Middleton	Yvonne Allison	50 Davis Street
894	Miller	Andrew Nigel	Camber House
895	Miller	April Samantha	4 Beaver Road
896	Miller	Betty Larsen	Flat 4, 5 Jeremy Moore Avenue
897	Miller	Carol	Marine Cottage
898	Miller	Catherine McLeod	11 Thatcher Drive
899	Miller	Gail Marie	6A Brisbane Road
900	Miller	Janet Mary	Market Garden, Airport Rd
901	Miller	Jayne Elizabeth	27 Davis Street
902	Miller	Samantha Elaine	Camber House
903	Miller	Samuel Andrew	27 Davis Street
904	Miller	Simon Roy	Marine Cottage
905	Miller	Steven Geoffrey	4 Beaver Road
906	Miller	Timothy John Durose	Market Garden, Airport Rd
907	Miller	Zoe Adele	10 James Street
908	Minnell	Adrian James	8 Moody Street
909	Minnell	Amy Anne	46 Sandy Woodward Road
910	Minnell	Hazel Eileen	5 Yates Place

911	Minnell-Goodwin	Mandy Hazel	31 Ross Road West
912	Minto	Adam Daniel	58D Sandy Woodward Road
913	Minto	Bradley Stewart Andrew	33 Callaghan Road
914	Minto	Christian Ian	18 Endurance Avenue
915	Minto	Dilys Rose	18 Endurance Avenue
916	Minto	Graham Stewart	12 Brisbane Road
917	Minto	Isabel Joan	12 Brisbane Road
918	Minto	Patrick Andrew	19 Murray Heights
919	Minto	Sean Daem	16 Jersey Road
920	Minto	Timothy Ian	18 Endurance Avenue
921	Minto	Ximena	7 Teaberry Way
922	Miranda	Carmen Ediht	8 Anderson Drive
923	Miranda	Ramon	3 Drury Street
924	Mitchell	Paige	"The Loft", 51 Callaghan Road
925	Mitchell	Shane Leon	2 Ian Campbell Drive
926	Moffatt	Angela	20 Ross Road East
927	Moffatt	James	20 Ross Road East
928	Moffatt	Jay	5 Gleadell Close
929	Moffatt	Kelly	20 Ross Road East
930	Moffatt	Sean	2 Sandy Woodward Road
931	Molkenbuhr	Sara Jayne	11 McKay Close
932	Morris	Alana Marie	4 Callaghan Road
933	Morris	David	4 Callaghan Road
934	Morris	Jason Paul	Flat 4, 30 Jersey Road
935	Morris	Jessica Rose	9 Discovery Close
936	Morris	Lynsey Claire	1 Moody Street
937	Morris	Trevor Alan	1 Moody Street
938	Morris	Zoe Alana	4 Callaghan Road
939	Morrison	Carol Margaret	17 Jersey Road
940	Morrison	Dana Justine	17 Rick Jolly Way
941	Morrison	Fayan	54 John Street
942	Morrison	Gerald	1A Brandon Road
943	Morrison	Glyn Scott	34A Davis Street
944	Morrison	Graham Stewart	34A Davis Street
945	Morrison	Guy Damain	13 Rick Jolly Way
946	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
947	Morrison	Joan Margaret	3 Felton Court
948	Morrison	John	9 Rowlands Rise
949	Morrison	Joleen Coleen	3 Felton Court
950	Morrison	Kathleen Iris	1A Brandon Road
951	Morrison	Keiran Kenneth	24 Rick Jolly Way
952	Morrison	Kenneth	13 Ian Campbell Drive
953	Morrison	Lena	108 Davis Street
954	Morrison	Leslie Theodore Norman	108 Davis Street
955	Morrison	Marcus Lewis	5 Mink Park
956	Morrison	Michael John	10 Fitzroy Road East
957	Morrison	Nanette Rose	34 Davis Street
958	Morrison	Nigel Peter	86 Davis Street

959	Morrison	Paul Roderick	3 Racecourse Road East
960	Morrison	Richard Lowry	1 Biggs Road
961	Morrison	Russell John Allan	16 Mink Park
962	Morrison	Susan Margaret	10 Fitzroy Road East
963	Morrison	William Roderick Halliday	54 John Street
964	Morrison-Sanchez	Angely Susanne	16 Mink Park
965	Morrison-Sanchez	Ellya Angely	16 Mink Park
966	Munro	Grant Mackintosh	69 Fitzroy Road
967	Murphy	Andrew Paul	2 King Street
968	Murphy	Ann Susan	2 King Street
969	Napier	Lily	2 Racecourse Road
970	Napier	Roderick Bertrand	2 Racecourse Road
971	Neilson	Cara Jane	12 Goss Road
972	Neilson	Edward Sydney	12 Goss Road
973	Neilson	Harold Ian	74 Davis Street
974	Neilson	Margaret	6 Barrack Street
975	Newman	Andrew Raymond	51 Ross Road East
976	Newman	Darby Michelle	4 Biggs Road
977	Newman	Marlene	11 Jeremy Moore Avenue
978	Newman	Terence	24 Endurance Avenue
979	Newman	Terri-Ann	24 Endurance Avenue
980	Norman	Heather Thelma	6A Pioneer Row
981	Olmedo	Alex	14 Goss Road
982	Olmedo Apablaza	Marcelo Rodrigo	1 Hansen Hill
983	Ormond	Christina Helen	6 Goss Road
984	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
985	Ormond	Krysteen Alison	2 Gleadell Close
986	Ormond	Terriane Helen	2 Gleadell Close
987	O'Sullivan	Heather Mary-Lynn	10 Moody Street
988	Owen	Sally	1 Biggs Road
989	Paice	Corrinne	3 Racecourse Road
990	Paice	Craig Arthur	3 Racecourse Road
991	Parke	James Fred	3 Racecourse Road
992	Parke	Janet Margaret	3 Racecourse Road
993	Passfield	Kenneth Alexander	2A Brandon Road West
994	Paver	Bernadette Marguerite	Moody Brook House
995	Peck	Christine	21 Jersey Road
996	Peck	Daelyn Robert	15 Villiers Street
997	Peck	David Patrick	5 Sullivan Street
998	Peck	Eleanor Margaret	10 Davis Street
999	Peck	Farrah Louise	12 McKay Close
1000	Peck	Gordon Pedro James	34 Eliza Crescent
1001	Peck	Harwood John Charles	26 Eliza Crescent
1002	Peck	James	10 Fitzroy Road East
1003	Peck	Joshua Dolan	2 Mountain Berry Road
1004	Ped	Remelia Anastasia	14 Jersey Road
1005	Peirega	Alexa Rachel	27 Rex Hunt Road
1006	Peirega	Martin Eduardo	27 Rex Hunt Road

1007	Peirega	Naomi Renee	27 Rex Hunt Road
1008	Perry	Hilda Blanche	6A St Marys Walk
1009	Peters	Lauren Joyce-McKay	24 Rex Hunt Road
1010	Peters	Ross Munro Alan	64 Sandy Woodward Road
1011	Peters	Tamara Anne	64 Sandy Woodward Road
1012	Peters	Tristan Mark	24 Rex Hunt Road
1013	Pettersson	Derek Richard	3 Anderson Drive
1014	Pettersson	Trudi Ann	3 Anderson Drive
1015	Phillips	Anthony Vincent	35 Davis Street
1016	Phillips	Carol Joan	6 Rex Hunt Road
1017	Phillips	David Albert	9 Davis Street
1018	Phillips	David Dawson	35 Fitzroy Road
1019	Phillips	Elisa	35 Fitzroy Road
1020	Phillips	Jordan Liam	4 Gleadell Close
1021	Phillips	Linda	26 Rex Hunt Road
1022	Phillips	Terence	6 Rex Hunt Road
1023	Pitt	Myra May	6A Pioneer Row
1024	Plato	Alex Rhys	6 Pioneer Row
1025	Plato	Darren Richard	2 Jersey Road
1026	Platt	Claire	c/o KEMH
1027	Pointing	Stephen William	4 Anderson Drive
1028	Pole-Evans	Amy Rose	4 McKay Close
1029	Pole-Evans	John	16 Ross Road East
1030	Pole-Evans	Lisa	74 Davis Street
1031	Pole-Evans	Marcus Samuel	41 Eliza Crescent
1032	Pole-Evans	Martin	19 Kent Road
1033	Pole-Evans	Michael Anthony	4 McKay Close
1034	Pollard	Andrew Keith	4 Fitzroy Road East
1035	Pollard	Cathy	2 Kent Road
1036	Pollard	Elizabeth Eve	23 Ross Road East
1037	Pollard	John	23 Ross Road East
1038	Pollard	Mark John	2 Kent Road
1039	Pompert	Joost Herman Willem	11 Ross Road West
1040	Pompert Robertson	Sorrel Freya	11 Ross Road West
1041	Pompert-Robertson	Sophie Thora	11 Ross Road West
1042	Poncet	Sally Elizabeth	2A Brandon Road West
1043	Poole	Christopher William	7 Sandy Woodward Road
1044	Poole	Danielle Louise	7 Sandy Woodward Road
1045	Poole	Michael James	9B Sullivan Street
1046	Poole	Nancy Margaret	1 Racecourse Road
1047	Poole	Raymond John	1 Racecourse Road
1048	Poole	Ross William	52 John Street
1049	Poole	Ryan James	13 Hansen Hill
1050	Poole	Steven Charles	13 Hansen Hill
1051	Poole	Toby Raymond	19 Davis Street
1052	Porter	Geoffrey Bell	3 Sullivan Street
1053	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
1054	Pring	Bernadette Jane Spencer	5A Ross Road West

1055	Pring	Geoffrey Alan	5A Ross Road West
1056	Prior	Claudette	1 Goss Road
1057	Prior	Malcolm	1 Goss Road
1058	Quinto Salluca	Luis Alberto	88 Davis Street
1059	Quiroga Blanco	Claudia Alejandra	108A Davis Street
1060	Ramirez Mardones	Vanessa Elisa	61 Sandy Woodward Road
1061	Reddick	Keith John	By-Pass Road
1062	Rees	Anita Marie Florence	50 Rex Hunt Road
1063	Regalado	Rochell Anthony B.	Flat 3, Camber View
1064	Reid	Ann	17 Scoresby Close
1065	Reid	Colleen Rose	9 Fitzroy Road East
1066	Reid	Damian Alejandro	8 Police Cottages
1067	Reid	John Alexander	7 Fitzroy Road
1068	Reid	Joseph Reynold Benjamin	26 Kent Road
1069	Reid	Paula	5 Biggs Road
1070	Reid	Reynold Gus	5 Biggs Road
1071	Reid	Simon Gus	41 Sandy Woodward Road
1072	Richards	Shirley	8A James Street
1073	Riddell	Jacob David	Flat 3, 6 Racecourse Road
1074	Riquelme Vera	Patricia Maribel	8 Diddle Dee Drive
1075	Roberts	Aaron Huw	10 Ian Campbell Drive
1076	Roberts	Bradley Gerard	57 Fitzroy Road
1077	Roberts	Cheryl Ann Spencer	49 Ross Road East
1078	Roberts	David Anthony	8 Marmont Row, Ross Road
1079	Roberts	Gethyn Edward	11 Short Street
1080	Roberts	Kieran Angus	72A Davis Street
1081	Roberts	Lynn	13 Rowlands Rise
1082	Roberts	Nicholas Daniel	22 Jeremy Moore Avenue
1083	Roberts	Peter James	49 Ross Road East
1084	Roberts	Shaleena-Jade	5 Narrows View
1085	Roberts	Simon Theodore Nathaniel	5 Narrows View
1086	Robertson	Dion Sebastian	40 Rex Hunt Road
1087	Robertson	Drew Alexander	5 Diamond Jubilee Road
1088	Robertson	Elizabeth Anne	40 Rex Hunt Road
1089	Robertson	Janet	11 Ross Road West
1090	Robson	Alison Emily	15 Villiers Street
1091	Robson	Cherry-Rose	5 Philomel Street
1092	Robson	Damien	1 Rick Jolly Way
1093	Robson	Derryn	18 Ross Road East
1094	Robson	Jodie	43 Rick Jolly Way
1095	Robson	Miranda Gaye	10 Hansen Hill
1096	Robson	Patricia Jayne	18 Ross Road East
1097	Robson	Phyllis Ann	1 Philomel Place
1098	Robson	Raymond Nigel	10 Hansen Hill
1099	Robson	William Charles	18 Ross Road East
1100	Rodriguez-Reid	Axel Reynaldo	4 Fieldhouse Close
1101	Rodriguez-Reid	Tiphanie Diane	4 Fieldhouse Close
1102	Roose	Alison Elizabeth	7 Brandon Road

1103	Ross	Allan John	1 Short Street
1104	Ross	Christine Aislinn	6 Mink Park
1105	Ross	Gabrielle Leigh	56 Rex Hunt Road
1106	Ross	Glenn Stephen	23 Watson Way
1107	Ross	Janet	23 Watson Way
1108	Ross	Kerri-Anne	8 Mink Park
1109	Ross	Lachlan Neil	14 Fieldhouse Close
1110	Ross	Rebecca Jane	7 Moody Street
1111	Ross	Roy	19 Jersey Road
1112	Ross	Shirley Vyona	1 Short Street
1113	Rowland	Charlene Rose	19 Jeremy Moore Avenue
1114	Rowland	John Christopher	19 Jeremy Moore Avenue
1115	Rowland	Sarah Anne	9 Hansen Hill
1116	Rowlands	Dorinda Roberta	9 Dean Street
1117	Rowlands	Robert John	13 Callaghan Road
1118	Rozee	Karen Michella	6 Discovery Close
1119	Sackett	Albert John	25A Ross Road East
1120	Sackett	Jacqueline	25 Callaghan Road
1121	Sackett	Sean Michael	27 Davis Street
1122	Sanchez	Alanis Björk	50 Sandy Woodward Road
1123	Sanchez	Jennifer Helen	50 Sandy Woodward Road
1124	Sanchez	Joshua Andrés	50 Sandy Woodward Road
1125	Scott-Pillow	Kayleigh	30 John Street
1126	Segovia Uribe	Carolina Andrea	20 Rex Hunt Road
1127	Senociain Short	Kylie Deborah	36 Eliza Crescent
1128	Shcherbich	Zhanna Nikolaevna	13 Biggs Road
1129	Shelbourne	Carolyn Wendy	39 Brandon Road
1130	Shelbourne	Liam	39 Brandon Road
1131	Shepherd	Colin David	Dolphin Cottage
1132	Shepherd	Ramsey	3 Yates Place
1133	Shepherd	Roy	23 Mink Park
1134	Shepherd	Sarah Jayne	3 Anderson Drive
1135	Shillitoe	Helena De Fatima	Moody Brook
1136	Shillitoe	Roger William	4 Mink Park
1137	Shillitoe	Ryan Lawrence	12 McKay Close
1138	Shillitoe	Stephen Bruce	4 Mink Park
1139	Short	Alison	1 Dairy Paddock Road
1140	Short	Andrez Peter	1 Dairy Paddock Road
1141	Short	Brenda	11 Barrack Street
1142	Short	Christina Ethel	12 Brandon Road
1143	Short	Elaine Elizabeth	12 Brandon Road
1144	Short	Emily Christina	1 Fitzroy Road East
1145	Short	Gavin Phillip	36 Eliza Crescent
1146	Short	Isabel Rose	3 Brisbane Road
1147	Short	Jason Francis	3 Brisbane Road
1148	Short	Liam Michael Felton	2 Rick Jolly Way
1149	Short	Marc Peter	7 Anderson Drive
1150	Short	Marlene Cindy	9 Pitaluga Place

1151	Short	Montana Tyrone	4 Dairy Paddock Road
1152	Short	Patrick Warburton	3 Brisbane Road
1153	Short	Richard Edward	9 Pitaluga Place
1154	Short	Robert Charles	12 Brandon Road
1155	Short	Thomas William Frederick	9 Pioneer Row
1156	Short	Vilma Alicia	4 Dairy Paddock Road
1157	Sim	Shanice McCallum	30 Eliza Crescent
1158	Simpson	James Alexander Bruce	7 Racecourse Road
1159	Simpson	John Frederick	8 Rowlands Rise
1160	Sinclair	Veronica Joyce	21 Ross Road West
1161	Skene	Greta Winnora Miller	22 Ross Road East
1162	Smallwood	Margo Ameer	105 Davis Street
1163	Smallwood	Michael Anthony	105 Davis Street
1164	Smith	Aidan James	45 Rick Jolly Way
1165	Smith	Andrew John	11 Fitzroy Road East
1166	Smith	Antony David	33A Davis Street
1167	Smith	Anya Deirdre	8 Eliza Crescent
1168	Smith	Colin David	6 James Street
1169	Smith	Ellis Nia	8 Fieldhouse Close
1170	Smith	Felicity Marie	5 Brandon Road
1171	Smith	Ffion Lois	8 Fieldhouse Close
1172	Smith	George Patterson	15 Watson Way
1173	Smith	Heather	19 Watson Way
1174	Smith	Ian Lars	5 Brandon Road
1175	Smith	Ileen Rose	28 Ross Road West
1176	Smith	Jennifer Ethel	6 Watson Way
1177	Smith	Jenny Lorraine	15 Watson Way
1178	Smith	John	28 Ross Road West
1179	Smith	John Derek	8 Eliza Crescent
1180	Smith	Julia Trinidad	30 Sandy Woodward Road
1181	Smith	Kane David	6 James Street
1182	Smith	Martyn James	6A Ross Road West
1183	Smith	Michael Edmund	39 Eliza Crescent
1184	Smith	Natalie Marianne	6 James Street
1185	Smith	Nora Kathleen	5 Fitzroy Road East
1186	Smith	Paul	1 Callaghan Road
1187	Smith	Robin Charles	19 Watson Way
1188	Smith	Roy Alan	11 Brandon Road
1189	Smith	Susan	11A Davis Street
1190	Socodo	Nicole Denise	6 Haskard Rise
1191	Socodo	Phoebe Esther	6 Haskard Rise
1192	Spicer	Mark Anthony	16 St Mary's Walk
1193	Spicer	Susan	16 St Marys Walk
1194	Spink	Roger Kenneth	Moody Brook
1195	Spruce	Helena Joan	Milestone, 29 Ross Road West
1196	Spruce	Mark Felton	6 Anderson Drive
1197	Spruce	Terence George	Milestone, 29 Ross Road West
1198	Stanworth	Andrea	25 Ross Road West

1199	Stanworth	Andrew James	25 Ross Road West
1200	Steen	Allan Graham	15 Sullivan Street
1201	Steen	Barbara Ingrid	39 Ross Road West
1202	Steen	Karen Lucetta	32 Fitzroy Road
1203	Steen	Stacey Louise	2 Rick Jolly Way
1204	Stenning	Christopher James	5B Ross Road West
1205	Stenning	Kate Alexandra	2 Mountain Berry Road
1206	Stenning	Timothy Charles	5B Ross Road West
1207	Stephenson	Dylan	Moody Valley
1208	Stephenson	Jason	Moody Valley
1209	Stephenson	Katrina	4 Davis Street
1210	Stephenson	Zachary	4 Davis Street
1211	Stevens	Kelly-Marie	1 Rick Jolly Way
1212	Stevens	Lucy Mary Rose Ellen Doreen	6 Dairy Paddock Road
1213	Stevens	Paul Theodore	6 Dairy Paddock Road
1214	Stewart	Aarron Stephen	6 Pioneer Row
1215	Stewart	Celia Joyce	Bennett House, 14 Allardyce Street
1216	Stewart	Daniel Duane	6 Rick Jolly Way
1217	Stewart	Duane William	7 Discovery Close
1218	Stewart	Hulda Fraser	24 Ross Road West
1219	Stewart	Ian Bremner	34 Ross Road East
1220	Stewart	Kenneth Barry	Flat 5, 6 Jersey Road
1221	Stewart	Kerena Mary Ann	6 Murray Heights
1222	Stewart	Roma Ann	6 Pioneer Row
1223	Stewart	Ross Ian	34 Ross Road East
1224	Stewart	Ruth Jane	1 Sandy Woodward Road
1225	Stewart	Sheila Olga	34 Ross Road East
1226	Stewart-Reid	Byron Alexander	7 Fitzroy Road
1227	Stewart-Reid	Carol Ellen Eva	7 Fitzroy Road
1228	Stewart-Reid	Clodagh Erin Georgia	9 Murray Heights
1229	Strange	Georgina	New Island House, Fitzroy Road East
1230	Strange	Maria Marta	The Dolphins, 5 Snake Street
1231	Street	Mark	32 Ross Road West
1232	Stroud	Mark Adrian	10 Sullivan Street
1233	Sudder	Carli	11 Short Street
1234	Sullivan	Jonathan Francis	4 Mullet Creek
1235	Summers	Brian	1 Ross Road East
1236	Summers	Colin Owen	58 Rex Hunt Road
1237	Summers	Edith Catherine	5 Dean Street
1238	Summers	Irvin Gerard	1 Anderson Drive
1239	Summers	Jacqueline	12 Pioneer Row
1240	Summers	Joanne Elizabeth	58 Rex Hunt Road
1241	Summers	Jonathan Derek	33 Davis Street
1242	Summers	Lynn Jane	31 Sandy Woodward Road
1243	Summers	Michael Kenneth	6A Brisbane Road
1244	Summers	Michael Victor	12 Pioneer Row
1245	Summers	Nichola Jane	24 Callaghan Road
1246	Summers	Rowena Elsie	17 Brandon Road

1247	Summers	Roy	32 Eliza Crescent
1248	Summers	Sheila	1 Anderson Drive
1249	Summers	Sybella Catherine Ann	1 Ross Road West
1250	Summers	Sylvia Jean	8 Racecourse Road
1251	Summers	Terence	1 Ross Road West
1252	Summers	Tony	8 Racecourse Road
1253	Sutherland	John Gall	3 Mountain View
1254	Taylor	Anne Louise	4 Drury Street
1255	Taylor	Graham	55 Fitzroy Road
1256	Taylor	Ruth Eleanor	55 Fitzroy Road
1257	Taylor	Zoe Leigh	33 Callaghan Road
1258	Tellez	Tylor Mathew James	14 John Street
1259	Thain	Craig John	49 Rick Jolly Way
1260	Thain	John	8 Davis Street
1261	Thain	Kieran Louise	49 Rick Jolly Way
1262	Thain	Scott Hayden	8 Davis Street
1263	Thain	Stephanie Ann	8 Davis Street
1264	Thom	Norma Ann	92 Davis Street
1265	Thomas	Andrew Neil	11 McKay Close
1266	Thomas	Garry Stuart	4 Sandy Woodward Road
1267	Thomas	Jacqueline Joyce	3 Moody Street
1268	Thomas	Jane Lilian Louisa	11 Jersey Road
1269	Thomas	Justin Paul	3 Moody Street
1270	Thomas	Kevin Adrian	Stanley Arms Flat
1271	Thomas	Raycrestle	4 Sandy Woodward Road
1272	Thomas-Hayes	Chico Jaye Jaye	3 Moody Street
1273	Thomas-Hayes	Rio Shania	3 Moody Street
1274	Thorsen	Gloria Penelope	26 Fitzroy Road
1275	Thorsen	Kristiane Annergret Helena	26 Fitzroy Road
1276	Toolan	Rose Mary	13 Sullivan Street
1277	Toolan	Samuel Robert	13 Sullivan Street
1278	Toolan	Stephen David	13 Sullivan Street
1279	Triggs	Diane Elizabeth	3 Fieldhouse Close
1280	Triggs	Michael David	3 Fieldhouse Close
1281	Turner	Joanne Elizabeth	61 Fitzroy Road
1282	Turner	Stefen Michael	22 Rex Hunt Road
1283	Tyrrell	Garry Bernard	1 Beaver Road
1284	Tyrrell	Gina Michelle	1 Beaver Road
1285	Tyrrell	James Olaf Louis	1 Beaver Road
1286	Tyrrell	Tasmin Andrea	1 Beaver Road
1287	Ubeda Hernandez	Julio Antonio	21 Jersey Road
1288	Uqaili	Mukhtar Ahmad	23 Fitzroy Road
1289	Valler	Glyndwr Huw	8 Fitzroy Road East
1290	Velasquez	Arleen	6 Ian Campbell Drive
1291	Velasquez	Evan Oscar Christopher	26 Rex Hunt Road
1292	Velasquez	Oscar Hernan	6 Ian Campbell Drive
1293	Vidal Roberts	Lucila Leona	1 Mountain View
1294	Vilchez Valverde	Maria Yhovana	88 Davis Street

1295	Villegas	Caroline	7 Fieldhouse Close
1296	Villegas	Pedro Francisco	7 Fieldhouse Close
1297	Vincent	Elliot Lawrence	11 Ross Road East
1298	Vincent	Janette Mary	10 Endurance Avenue
1299	Vincent	Matthew Stephen	21 Rex Hunt Road
1300	Vincent	Stephen Lawrence	10 Endurance Avenue
1301	Wade	Darren Martin	1 Diddle Dee Way
1302	Wade	Donald Harold	6B Jeremy Moore Avenue
1303	Wade	June Rose Elizabeth	17 Murray Heights
1304	Wallace	James Barrett	Flat 4, Waverley House
1305	Wallace	Maria Lilian	38 Ross Road West
1306	Wallace	Stuart Barrett	38 Ross Road West
1307	Watson	Dominic Robert	6 Discovery Close
1308	Watson	Joanne	112 Davis Street
1309	Watson	Lisa Marie	33 Davis Street
1310	Watson	Paul	20 Endurance Avenue
1311	Watson	Ryan Neil	13 Murray Heights
1312	Watson	Thomas James	23 Ross Road West
1313	Watt	Stephen Robert	7 Hebe Street
1314	Watts	Patrick James	13 Brisbane Road
1315	Webb	Gary Colin	58 Davis Street
1316	Webb	Gemma Stacey	58 Davis Street
1317	Webb	Loretta Isobel	58 Davis Street
1318	Whalley King	Jessica Nanette	34 Ross Road
1319	White	Allan Paul George	5 Davis Street
1320	White	Chanelle Lawrence	3 Discovery Close
1321	White	Jacqueline	5 Davis Street
1322	White	Judy Marie	Flat 1, 3 Jeremy Moore Avenue
1323	Whitney	Frederick William	9 Ross Road
1324	Whitney	Jason	15 Ross Road East
1325	Whitney	Kurt Ian	2 Pioneer Row
1326	Whitney	Lana Rose	22 Eliza Crescent
1327	Whitney	Susan Joan	9 Ross Road
1328	Wilkinson	Carol Rosina	24 Goss Road
1329	Wilkinson	David Clive Walter	24 Goss Road
1330	Wilkinson	Rosemary	3 Murray Heights
1331	Wilks	Bruce Allan	11 Fieldhouse Close
1332	Wilks	Nicola Darcie	11 Fieldhouse Close
1333	Wilks	Susan Jean	11 Fieldhouse Close
1334	Williams	Christian Leonard Edward John	2 Watson Way
1335	Williams	Cynthia June	59 Sandy Woodward Road
1336	Williams	Glen	33 Ross Road East
1337	Williams	Kirsty Michelle	62 Sandy Woodward Road
1338	Williams	Lee Perry Adrian John	3 Diamond Jubilee Road
1339	Williams	Margaret Elizabeth	13 Snake Hill
1340	Williams	Melisa Beverley	3 Diamond Jubilee Road
1341	Williams	Sasha Louise	59 Sandy Woodward Road
1342	Williams	Susan Rae	10 Sullivan Street

1343	Williams	Victoria Margaret	13 Snake Hill
1344	Williamson	Kathleen Laura	5 McKay Close
1345	Williamson	Rachel Mary	1 Allardyce Street
1346	Wilson	Stephen John	9 Dairy Paddock Road
1347	Wilson	Tara	9 Dairy Paddock Road
1348	Winter	Andreas Gustav	37 Fitzroy Road
1349	Wylie	Ashley Craig Robert	22 Mink Park
1350	Wylie	Julian Richard	1 McKay Close
1351	Yon	Alan Theodore	7B Sullivan Street
1352	Yon	Donna Marie	7B Sullivan Street
1353	Yon	Julian Lemarc Patrick	38 Rick Jolly Way
1354	Zuvic-Bulic	Kuzma Mario	16A Ross Road West
1355	Zuvic-Bulic	Sharon Marie	16A Ross Road West
1356	Zuvic-Bulic	Zoran Mario	Holdfast House, Holdfast Rd

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NOTICES

No. 116

4 November 2021

Electoral Ordinance 1988 *section 127*

Election of Legislative Assembly Members **Camp Constituency**

I, Andrew John Keeling, 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: 536

BARKMAN Teslyn Siobhan	184 Votes
BIRMINGHAM John	122 Votes
CROWIE Ana Bonita	102 Votes
HANSEN Ian	126 Votes

Rejected ballot papers	2
(a) want of official mark	
(b) voting for more candidates than voter is entitled to	1
(c) writing or mark by which voter could be identified	
(d) unmarked or wholly void for uncertainty	1

I therefore declare:

1. **BARKMAN Teslyn Siobhan**
2. **HANSEN Ian**
3. **BIRMINGHAM John**

to be duly elected as Members of the Legislative Assembly for the Camp Constituency.

Dated 4 November 2021

A. J. KEELING,
Returning Officer.

No. 117

4 November 2021

Electoral Ordinance 1988 *section 127*

Election of Legislative Assembly Members **Stanley Constituency**

I, Andrew John Keeling, 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: 4743

BESLEY-CLARK Barbara June	120 Votes
BIGGS Peter Julian Basil	570 Votes
BRAGGER Stacy John	484 Votes
BROOK Emma Jane	351 Votes
HIRTLE Zane Eric	94 Votes
LOCKE Christopher Paul	192 Votes
POLLARD Mark John	550 Votes
SHORT Gavin Phillip	486 Votes
SPINK Roger Kenneth	691 Votes
VIDAL ROBERTS Lucila Leona	839 Votes
WEBB Gary Colin	362 Votes

- Rejected ballot papers** 4
(a) want of official mark 3
(b) voting for more candidates than voter is entitled to 3
(c) writing or mark by which voter could be identified 1
(d) unmarked or wholly void for uncertainty 1

I therefore declare:

1. **VIDAL ROBERTS Lucila Leona**
2. **SPINK Roger Kenneth**
3. **BIGGS Peter Julian Basil**
4. **POLLARD Mark John**
5. **SHORT Gavin Phillip**

to be duly elected as Members of the Legislative Assembly for the Stanley Constituency.

Dated 4 November 2021

A. J. KEELING
Returning Officer.

No. 118 5 November 2021

Companies Act 1948
section 290

Nova Seafish Limited – company number 11902 – Notice of final meeting in Members’ Voluntary Winding Up pursuant to section 290 of the Companies Act 1948

Registered office: 45 John Street, Stanley, Falkland Islands, FIQQ 1ZZ

Notice is hereby given, pursuant to section 290 of the Companies Act 1948, that a general meeting of the members of the above named entity will be held by videoconference on 7 December 2021 at 8 am Falkland Islands time for the purpose of receiving an account showing the manner in which the winding up has been conducted and the property of the entity disposed of, and of hearing any explanation that may be given by the Liquidator.

A member entitled to vote at the above meeting may appoint a proxy to attend and vote instead of him. A proxy need not be a member. Proxies to be used at the meeting must be lodged with the Liquidator at Johnston Carmichael, 227 West George Street, Glasgow, G2 2ND no later than 12.00 noon on the previous business day.

The members of the above named entity resolved to commence a members’ voluntary winding up of the above named entity on 9 June 2021.

Contact details: Johnston Carmichael, 227 West George Street, Glasgow, G2 2ND. donald.mcnaught@jcca.co.uk. +44 (0)141 222 5800.

Dated 5 November 2021

D. I. McNAUGHT,
Liquidator.

No. 119 5 November 2021

Companies Act 1948
section 290

Polar Limited – company number 8570 – Notice of final meeting in Members’ Voluntary Winding Up pursuant to section 290 of the Companies Act 1948

Registered office: 7 Fitzroy Road, Stanley, Falkland Islands, FIQQ 1ZZ

Notice is hereby given, pursuant to section 290 of the Companies Act 1948, that a general meeting of the members of the above named entity will be held by videoconference on 7 December 2021 at 8.15 am Falkland Islands time for the purpose of receiving an account showing the manner in which the winding up has been conducted and the property of the entity disposed of, and of hearing any explanation that may be given by the Liquidator.

A member entitled to vote at the above meeting may appoint a proxy to attend and vote instead of him. A proxy need not be a member. Proxies to be used at the meeting must be lodged with the Liquidator at Johnston Carmichael, 227 West George Street, Glasgow, G2 2ND no later than 12.00 noon on the previous business day.

The members of the above named entity resolved to commence a members’ voluntary winding up of the above named entity on 9 June 2021.

Contact details: Johnston Carmichael, 227 West George Street, Glasgow, G2 2ND. donald.mcnaught@jcca.co.uk. +44 (0)141 222 5800.

Dated 5 November 2021

D. I. McNAUGHT,
Liquidator.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

1 October 2021

No. 15

The following are published in this Supplement —

Fisheries (Action Plans) Regulations 2021 (SR&O No 22 of 2021).

Note: this corrects the publication of the Fisheries (Action Plans) Regulations 2021 (SR&O No 22 of 2021), which appeared in Gazette Supplement number 14 of Volume 32 dated 30 September 2021. The Regulations commence on publication (1 October 2021).

The Regulations were published in error before 1 October 2021 - being the date on which the Fisheries (Conservation and Management) (Amendment) Ordinance 2021 (No 9 of 2021) comes into force.

SUBSIDIARY LEGISLATION

Fisheries (Action Plans) Regulations 2021

(No. 22 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Interpretation
4. Goals for action plans
5. Goals for building sustainable successful seafood sector
6. Goals for ensuring healthy oceans
7. Goals for caring for the environment
8. Goals for safe working conditions
9. Goals for caring for the community
10. Contents of action plans
11. Term of action plans
12. Trans-shipment of available product
13. Review of performance on action plan
14. Contribution to Association's community programme
15. Variation of action plan

SUBSIDIARY LEGISLATION

Fisheries (Action Plans) Regulations 2021

(made: 24 September 2021)

(commencement: on publication)

(published: 1 October 2021)

IN EXERCISE of my powers under section 17E of the Fisheries (Conservation and Management) Ordinance 2005, after consulting the Committee and the Association and on the advice of Executive Council I make the following regulations —

1. Title

These Regulations are the Fisheries (Action Plans) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Interpretation

In these Regulations unless the context otherwise requires —

“**action plan**” means an action plan for purposes of section 17E of the Ordinance;

“**hold**” means the volume of product in metric tonnes that is carried on a fishing vessel in terms of regulation 12(2);

“**Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005;

“**product**” means catch that has been processed for trans-shipment; and

“**the goals**” means the goals agreed between the Government and the Association set out in regulations 5 to 9.

4. Goals for action plans

(1) An action plan must be based on goals set out in regulations 5 to 9.

(2) An action plan must be reasonable and proportionate to the scale of the company’s involvement in the Individual Transferable Quota fisheries.

(3) The Director may not include in an action plan, targets that are not in pursuit of goals that are provided for in these Regulations.

5. Goals for building sustainable successful seafood sector

The goals related to building a sustainably managed and successful seafood sector are —

- (a) to improve sector profitability and demonstrate leadership by creating a more innovative and sustainable sector;
- (b) to enhance global competitiveness and create value through innovation and strategic investment in infrastructure, science and technology by collaboration, where appropriate, between the Director, investors and research partners; and
- (c) to increase Falkland Islands status holder ownership and control of Falkland Islands seafood sector while recognising the on-going dependence of the seafood sector on the importation of foreign fishing services.

6. Goals for ensuring healthy oceans

The goals related to ensuring healthy oceans are —

- (a) to increase collaboration between the Government and the Association in the development of fisheries science, by contributing to research in a way that improves sustainable oceans, and leads to better practices and sustainable outcomes; and
- (b) to ensure protection of marine species, including seabirds, cetaceans and marine mammals through delivering best practice fishing operations, implementing protection measures and participating in ongoing research.

7. Goals for caring for the environment

The goals related to caring for the environment are —

- (a) to minimise impact on the environment when carrying out business operations, minimise and mitigate pollution or contamination of land, air and water through sound management;
- (b) to do more with less by maximising efficiency, including optimising the utilisation of harvested seafood, ensuring the minimisation of waste products and encouraging re-use and recycling of waste; and
- (c) to demonstrate a commitment to climate change responses as appropriate and practicable.

8. Goals for safe working conditions

The goals related to protecting the people working in the seafood sector are —

- (a) to identify, effectively manage and mitigate the most critical risks arising from work activities in the Falkland Islands seafood sector;
- (b) to ensure that working conditions in the Falkland Islands seafood sector meet conditions set out in Falkland Islands laws and international conventions which apply to the Falkland Islands and minimise the risk of exploitation of workers in the seafood sector;

- (c) to ensure that safety standards in the fishing vessels are modern and updated regularly; and
- (d) to ensure that all fishers employed in the Falkland Islands seafood sector are trained to minimum vessel flag state standards.

9. Goals for caring for the community

The goals related to caring for the community are —

- (a) to provide meaningful opportunities for residents of the Falkland Islands, for continuous learning and development;
- (b) to earn and retain the respect and support of Falkland Islands communities and where possible to create business, employment and skills development opportunities for residents of the Falkland Islands; and
- (c) to be seen as a sector that takes an ethical approach across all areas of corporate responsibility, proactively engaging with the Falkland Islands community clearly and transparently.

10. Contents of action plans

- (1) The Director may develop a standard template with standard targets for inclusion in action plans.
- (2) The Director may base the targets in an action plan on the amount of Individual Transferable Quota or Catch Entitlement that a company holds.
- (3) The Director may include milestones specific to a company and those milestones may be used to measure progress by that company on the targets included in its action plan.
- (4) Targets may include —
 - (a) levels of trans-shipment under regulation 12; and
 - (b) contribution to the Falkland Islands economy including through the use of local goods and services.

11. Term of action plans

- (1) The Director must specify the period for which an action plan is valid and such period must not be more than six years from the date it comes into force.
- (2) An action plan comes into force on a date fixed by the Director for that action plan.

12. Trans-shipment of available product

- (1) The Director may, in an action plan, set milestones for trans-shipment of the available product as a percentage for trans-shipment through a domestic containerisation service through a port in Stanley or other port in the Falkland Islands determined by the Director.

(2) One hold per vessel per fishing season of a company's product is exempt from the requirement for trans-shipment through a domestic containerisation service.

(3) A company may carry over up to 10% of a shortfall on its trans-shipment obligation of its available product in a year and the carry over must be expressed in metric tonnes.

(4) A shortfall that is carried over in a year must be discharged the following year unless the Director approves otherwise.

(5) A company may trade any amount of its trans-shipment obligations to another company that is registered on Part B of an Individual Transferable Quota Eligibility Register, and the obligation traded must be expressed in metric tonnes.

(6) Companies involved in a trade under subregulation (5) must both notify the Director of the details of the trade.

(7) For purposes of this regulation "available product" is a company's total annual product less the product that is exempted under subregulation (2).

13. Review of performance on action plan

(1) Achievement on an action plan may be measured by performance against targets and milestones set in that action plan.

(2) The Director may request evidence from a company regarding performance against the targets in its action plan as part of the annual confirmation of eligibility for continued registration under Part B of an Individual Transferable Quota Eligibility Register under section 26 of the Ordinance.

14. Contribution to Association's community programme

(1) A company which has not made its own arrangements for programmes that benefit the community must contribute annually towards a programme for the benefit of the community managed by the Association.

(2) The amount of contribution to be made by each company either through the Association's programme or the company's own programme will be set in the company's action plan.

(3) A company that has its own programme for the benefit of the community must submit details of the programme to the Director at the same time that the company submits information required for eligibility for continued registration under Part B of the Individual Transferability Quota Register under section 26 of the Ordinance.

15. Variation of action plan

(1) The Director and a company may agree to revise targets and milestones in an action plan.

(2) Where targets or milestones are revised as a result of an agreement under subregulation (1), the revised targets or milestones form part of the company's action plan.

(3) The Director or the company must not unilaterally vary targets and milestones during the term of an action plan.

EXPLANATORY NOTE
(not part of the regulations)

These Regulations are made under section 17E of the Fisheries (Conservation and Management) Ordinance 2005. The Regulations only apply to an ITQ B eligible company or a company applying to be named on Part B of an Individual Transferable Quota Eligibility Register. Section 17E(2) of the Ordinance empowers the Governor to make regulations about action plans after consulting the Fisheries Committee (the Committee) and the Falkland Islands Fishing Companies Association (FIFCA). The consultations were done.

An action plan is one of the requirements for eligibility for listing on Part B of the Individual Transferability Quota Eligibility Register. An action plan is a set of targets and milestones to be achieved by an ITQ B eligible company that contribute to the goals set by these Regulations. The goals are derived from an Accord between the Government and FIFCA which sets out overarching goals and objectives for the whole industry. All ITQ B eligible companies are members of FIFCA, except in extraordinary circumstances approved by the Director. Each individual ITQ B eligible company must have an action plan with targets and milestones specific to that company.

An action plan must not depart from the goals set in these Regulations (section 17E(3) of the Ordinance). The goals are set in *regulations 5 to 9*. An action plan must be reasonable and proportionate to the scale of the company's involvement in the ITQ fisheries. Targets in an action plan must be in pursuit of goals stated in the regulations (*regulation 4*).

The goals that inform action plans are goals for building a sustainable successful seafood sector (*regulation 5*), goals for ensuring healthy oceans (*regulation 6*), goals for caring for the environment (*regulation 7*), goals for safe working conditions (*regulation 8*) and goals for caring for the community (*regulation 9*).

Regulation 10 provides for the contents of action plans. The Director may draft a template with matters that are to be included in all action plans. Some provisions in an action plan will be bespoke like targets and milestones for measuring progress towards those targets. Targets may include levels of trans-shipment through a domestic containerisation service and contribution to the economy through use of local goods and services.

Regulation 11 provides for the term of an action plan. An action plan remains valid for a period not more than six years. At the expiry of an action plan, a company will need a new approved action plan in order to remain on an ITQ B Eligibility Register.

Regulation 12 deals with trans-shipment of available product and the obligation to trans-ship a percentage through a domestic containerisation service. Product is defined in *regulation 2* as catch that has been processed for trans-shipment. An exemption from the trans-shipment obligation is given to each company of one hold per vessel per fishing season and the company must notify the

Director of the destination port of the exempted product. Available product is the difference between total annual product and annual product that is exempted (defined in *regulation 12(7)*). The Director may impose an obligation on a company to trans-ship a certain percentage of its available product through a domestic containerisation service through a port in Stanley or other port determined by the Director. A company may carry over up to 10% of its trans-shipment obligation but the carry over must be discharged the following year unless the Director authorises otherwise. Further a company may trade its trans-shipment obligation with another ITQ B eligible company and the obligation traded must be expressed in metric tonnes. Any trade of a trans-shipment obligation between companies must be notified to the Director.

Performance of the obligations under an action plan may be reviewed (*regulation 13*). The Director may request evidence regarding execution of targets or milestones in an action plan as part of the annual confirmation of eligibility under section 26 of the Ordinance.

Regulation 14 provides that a company must contribute to community programmes, either through a programme delivered by FIFCA or a programme arranged by the company itself. The amount of the contribution for each company is set in the company's action plan.

Under *regulation 15*, a company and the Director may agree to revise targets and milestones in a company's action plan. Where targets and milestones are revised, the revised targets and milestones form part of the company's action plan. The Director or a company may not unilaterally vary targets and milestones during the term of an action plan.

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FALKLAND ISLANDS GAZETTE

Supplement

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18 October 2021

No. 16

The following is published in this Supplement —

Hillside House (Declaration) Order 2021 (SR&O No 26 of 2021).

SUBSIDIARY LEGISLATION

Hillside House (Declaration) Order 2021

(No. 26 OF 2021)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Declaration of building

SUBSIDIARY LEGISLATION

Hillside House (Declaration) Order 2021

(made: 6 October 2021)

(commencement: on publication)

(published: 18 October 2021)

I make the following order under section 60(2) of the Electoral Ordinance 1988 in accordance with section 66(2)(e) of the Falkland Islands Constitution Order 2008 because in my judgement the matter is too unimportant.

1. Title

This Order is the Hillside House (Declaration) Order 2021.

2. Commencement

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

3. Declaration of building

For the purposes of section 60 of the Electoral Ordinance 1988 the building known as Hillside House situated at Hillside Camp, Stanley is declared to be an institution.

Made 6 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE

(not part of the order)

Section 60(2) of the Electoral Ordinance provides for the Governor to declare a building by Order to be an institution to enable voting at that institution by inmates and staff. This Order declares Hillside House at Hillside Camp, Stanley to be an institution for the purposes of section 60.

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FALKLAND ISLANDS GAZETTE

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31 October 2021

No. 21

Appointment

Jack Cartwright, Apprentice - Laboratory Assistant, Falkland College, Education Department, 27.09.21.

Elle Ann Jaffray, Apprentice - Business and Administration, Falkland College, Education Department, 27.09.21.

Max Rowlands, Apprentice - Electrician, Falkland College, Education Department, 27.09.21.

Nick Rowlands, Apprentice - Helicopter Engineer, Falkland College, Education Department, 27.09.21.

Georgina Carol Anderson-Smith, Finance Clerk, Falkland College, Education Department, 01.10.21.

Gemma Lastra, Carer, Health and Social Services Department, 01.10.21.

Ashley Rowley, Learning Support Assistant, Infant Junior School and Camp Education, Education Department, 06.10.21.

Paul Silvanus, Learning Support Assistant, Falkland Islands Community School, Education Department, 07.10.21.

Oscar Alexis Zamora Pimental, Driver, Health and Social Services Department, 11.10.21.

Leticia Tudisco Teodoro, Carer, Health and Social Services Department, 11.10.21.

Christian Kevin Clark, Licensed Aircraft Engineer, Falkland Islands Government Air Service, Development and Commercial Services Department, 13.10.21.

Theodore Hartman, Cook, Health and Social Services Department, 25.10.21.

Completion of contract

Douglas Scott Smith, Senior Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 01.10.21.

Hazel Dagodog, Learning Support Assistant, Falkland Islands Community School, Education Department, 05.10.21.

Helen Taylor, Safeguarding Police Officer, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 07.10.21.

Philip John Richard Honeybone, Chief Internal Auditor, Treasury, 31.10.21.

Renewal of contract

Douglas Scott Smith, Senior Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 02.10.21.

Helen Taylor, Safeguarding Police Officer, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 08.10.21.

Resignation

Lee Edward Kenebel, Head of Planning and Building Services, Development and Commercial Services Department, 06.10.21.

Naseeba Ismail-Galey, Administrative Assistant, Executive Management Department, 08.10.21.

Viola Hochi, General Assistant, Health and Social Services Department, 15.10.21.

Margaret Ann Hewitt, Auxiliary Nurse, Health and Social Services Department, 20.10.21.

Lisa Maria Martin, Data Systems Administrator, Health and Social Services Department, 29.10.21.

Alanis Björk Sanchez, Administrative Assistant, Legislature Department, 29.10.21.

Retirement

Linda Jane Bonner, Auxiliary Nurse, Health and Social Services Department, 31.10.21.

NOTICES

No. 111

30 September 2021

Taxes Ordinance 1997 *section 5*

Appointment of Deputy Commissioner of Taxation

1. Section 5(4) of the Taxes Ordinance 1997 provides for the Governor to appoint a Deputy Commissioner of Taxation.
2. In exercise of my powers under section 5(4) of the Taxes Ordinance 1997, I appoint the substantive holder of the post of **Head of Finance** to be Deputy Commissioner of Taxation.
3. This appointment has effect from 4 October 2021 and continues in effect until replaced, unless terminated sooner.

Dated 30 September 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 112

6 October 2021

Falkland Islands Constitution Order 2008 *section 84*

Taxes Ordinance 1997 *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 **Timothy Paul Waggott** to be Director of Finance (also known as Financial Secretary).
3. Section 5 of the Taxes Ordinance provides for 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 **Timothy Paul Waggott** to be Commissioner of Taxation.
5. These appointments are deemed to have effect from 17 April 2020, and continue in effect whilst Timothy Paul Waggott holds a contract of employment as Financial Secretary, unless terminated sooner.

Dated 6 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 113

6 October 2021

Interpretation and General Clauses Ordinance 1977 *section 72*

Appointment of additional public holidays

1. Section 72(3) of the Interpretation and General Clauses Ordinance 1977 provides that the Governor may by notice in the *Gazette* appoint any other day to be a public holiday.
2. In accordance with my powers under section 72(3) of the Interpretation and General Clauses Ordinance 1977, to mark Her Majesty the Queen's Platinum Jubilee, I appoint Thursday 2 June 2022 and Friday 3 June 2022 to be public holidays.

Dated 6 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 114

6 October 2021

Maritime Ordinance 2017 *section 238*

Appointment of Inspector and Surveyor of Ships

1. Section 238(1) and (2) of the Maritime Ordinance 2017 ("the Ordinance") provide that the Governor may appoint persons to be inspectors and surveyors of ships respectively; for the purposes of the Ordinance.
2. In exercise of my powers under section 238, I appoint **Derrick Alan Thorrrington**:
 - (a) an inspector of ships; and
 - (b) a surveyor of ships generally, in the capacity of both ship surveyor and engineer surveyor.
3. This appointment is for the purposes of both the Ordinance and the Maritime Labour Ordinance 2019.
4. As an inspector, ship surveyor and engineer surveyor Derrick Alan Thorrrington must:
 - (a) discharge the duties and functions specified by the Falkland Islands Maritime Authority; and
 - (b) discharge those duties and functions in accordance with the provisions of the Ordinance and any other relevant enactment in force in the Falkland Islands.
5. This appointment has effect during the period 11 October 2021 until 22 September 2022, unless extended or terminated sooner.
6. This appointment replaces the earlier appointment of Derrick Alan Thorrrington under the Maritime Ordinance dated 11 October 2020.

Dated 6 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 115

22 October 2021

Retirement Pensions Ordinance 1996
section 3

Appointment of Member to Board of Management

1. Section 3(2) of the Retirement Pensions Ordinance 1996 provides that the Governor shall appoint three persons to be members of the Board of Management.

2. In exercise of my powers under section 3(2) I appoint **Nigel Keith Dodd** to be a member of the Board of Management.

3. This appointment takes effect on signature, and continues in effect for three years, unless terminated sooner.

Dated 22 October 2021

D. P. MORGAN,
Acting Governor.

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FALKLAND ISLANDS GAZETTE

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30 November 2021

No. 23

Appointment

Alvin Caran, Labourer, Highways Section, Public Works Department, 25.11.19.

Christopher Leat, Station Enquiry Officer, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 25.10.21.

Louise Marguerite Botha, Assistant Environmental Officer, Policy and Economic Development Department, 01.11.21.

Alan William Horberry, Emergency Planning and Continuity Manager, Emergency Services and Island Security Department, 02.11.21.

June Emily Walsh, Advanced Practitioner (Children and Families), Health and Social Services Department, 02.11.21.

Gavin John Clifton, Inspector, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 09.11.21.

Gaynor Anne Kilmister, Principal, Infant Junior School and Camp Education, Education Department, 16.11.21

Lauren Joyce-McKay Peters, Income Support Worker, Health and Social Services Department, 18.11.21.

Molly Jade Jaffray, Medical Stores Assistant, Health and Social Services Department, 22.11.21.

Completion of contract

Andrew Paul Gaule, Director, Policy and Economic Development Department, 03.11.21.

Kapil Jiwa, Financial Accountant, Treasury, 07.11.21.

Elaine Ann Herne, General Assistant, Health and Social Services Department, 19.11.21.

Lara Mairead McToal, Occupational Therapist, Health and Social Services Department, 25.11.21.

Amalyn Francisco Teodoro, Senior Staff Nurse, Health and Social Services Department, 26.11.21.

Claire Rhian Burgess, Head of Communications, Policy and Economic Development Department, 30.11.21

Renewal of contract

Philip John Richard Honeybone, Chief Internal Auditor, Treasury, 01.11.21.

Kapil Jiwa, Financial Accountant, Treasury, 08.11.21.

Lara Mairead McToal, Occupational Therapist, Health and Social Services Department, 26.11.21.

Amalyn Francisco Teodoro, Senior Staff Nurse, Health and Social Services Department, 27.11.21.

Promotion

Alvin Caran, from Labourer to Plant Operator/Handyperson, Highways Section, Public Works Department, 28.10.21.

Resignation

Richard Galey, Health and Safety Advisor, Administration Section, Public Works Department, 01.11.21.

Barry Thacker, Inspector, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 01.11.21.

Victoria Spark, Adult Social Worker, Health and Social Services Department, 11.11.21.

Glen Robert Smith, Sergeant, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 12.11.21.

Dominique Yon, Sports Attendant, Stanley Leisure Centre, Development and Commercial Services Department, 15.11.21.

Joanne Kenebel, Accounting Assistant, Treasury, 23.11.21.

Jeffrey McMahon, Chief of Police, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 23.11.21.

Sarah Johnston, Social Work Assistant, Health and Social Services Department, 26.11.21.

Kirsty Williams, Apprenticeship Coordinator, Falklands College, Education Department, 26.11.21.

Retirement

Henry Hernan Guala, Cook, Health and Social Services Department, 10.11.21.

NOTICES

No. 120 22 October 2021

Retirement Pensions Ordinance 1996 *section 3*

Appointment of member to Board of Management

1. Section 3(2) of the Retirement Pensions Ordinance 1996 provides that the Governor shall appoint three persons to be members of the Board of Management.

2. In exercise of my powers under section 3(2) I appoint **Nigel Keith Dodd** to be a member of the Board of Management.

3. This appointment takes effect on signature, and continues in effect for three years, unless terminated sooner.

Dated 22 October 2021

D. P. MORGAN,
Acting Governor.

No. 121 31 October 2021

Administration of Justice Ordinance 1949 *Schedule 3, Part I, paragraph 3*

Removal from office as bailiff

1. Paragraph 3(1) of Part I of Schedule 3 to the Administration of Justice Ordinance 1949 provides for the Governor to remove any person from office as bailiff.

2. Joselyn Andre Segovia Ojeda was appointed bailiff on 23 March 2020.

3. In exercise of my powers under paragraph 3(1) I now remove **Joselyn Andre Segovia Ojeda** from office as bailiff with effect from the date given below.

Dated 31 October 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 122

9 November 2021

Falkland Islands Constitution Order 2008 *section 70*

Appointment of elected members of Legislative Assembly to Advisory Committee on the Prerogative of Mercy

1. Section 70(1) of the Constitution provides that the Governor shall appoint two elected members of the Legislative Assembly to the Advisory Committee on the Prerogative of Mercy 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) **Ian Hansen**; and
- (b) **John Birmingham**.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees are elected members of the Legislative Assembly, unless terminated sooner.

Dated 9 November 2021

D. P. MORGAN,
Acting Governor.

No. 123

9 November 2021

Education Ordinance 1989 *section 5*

Appointment of elected members of Legislative Assembly to Board of Education

1. Section 5(3) of the Education Ordinance 1989 provides that two members of the Board shall be appointed by the Governor from among the elected members of the Legislative Assembly and one of those two persons shall be appointed 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) **Lucila Leona Vidal Roberts** as chair; and
- (b) **Peter Julian Basil Biggs**.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees are elected members of the Legislative Assembly, unless terminated sooner.

Dated 9 November 2021

D. P. MORGAN,
Acting Governor.

Falklands Landholdings Corporation Ordinance 2000
section 4

**Appointment of elected members of Legislative Assembly
to Falklands Landholdings Corporation Board**

1. Section 4(1)(b) of the Falklands Landholdings Corporation Ordinance 2000 provides that the Governor shall appoint two persons nominated by the elected members of the Legislative Assembly from among their number to be members of the Falklands Landholdings Corporation Board.

2. Section 4(1)(a) of the Falklands Landholdings Corporation Ordinance 2000 provides that the Governor shall appoint the Chairman of the Corporation who shall be nominated by the elected members of the Legislative Assembly from the two persons appointed as members of the Board under section 4(1)(b).

3. 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 of the Legislative Assembly to the Falklands Landholdings Corporation Board:-

(a) **Teslyn Siobhan Barkman** as chair; and

(b) **John Birmingham**.

4. 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 delivered to the Governor; or

(c) another member of the Legislative Assembly being appointed in place of the member.

Dated 9 November 2021

D. P. MORGAN,
Acting Governor.

No. 125

9 November 2021

Public Health Ordinance 1894
section 3

**Appointment of elected members of Legislative Assembly
to Health and Medical Services Committee**

1. Section 3(2)(a) of the Public Health Ordinance 1894 provides that the Governor shall appoint two elected members of the Legislative Assembly as nominated by the elected members of that Assembly to be members of the Health and Medical Services Committee.

2. Section 3(3) of the Public Health Ordinance 1894 provides that the Governor shall appoint one of the elected members of the Legislative Assembly who are members of the Health and Medical Services Committee under section 3(2)(a) to be chairman.

3. In exercise of my powers under section 3(2)(a) and 3(3), and as nominated by the Legislative Assembly, I appoint the following elected members of the Legislative Assembly to the Health and Medical Services Committee:-

(a) **John Birmingham** as chair; and

(b) **Gavin Phillip Short**.

4. These appointments have effect from the date of signature below, and continue in effect as subject to the requirements of section 3(5) and 3(6) of the Public Health Ordinance 1894.

Dated 9 November 2021

D. P. MORGAN,
Acting Governor.

No. 126

9 November 2021

Police Ordinance 2000
section 10

**Appointment of elected members of Legislative Assembly
to Police Committee**

1. Section 10(2) of the Police Ordinance 2000 provides that the Governor shall appoint to the Police Committee two elected members of the Legislative Assembly, nominated by members of the Legislative Assembly from among their number.

2. In exercise of my powers under section 10(2) I appoint the following elected members to the Police Committee as nominated by elected members of the Legislative Assembly from among their number:-

(a) **Ian Hansen**; and

(b) **Roger Kenneth Spink**.

3. These appointments have effect from the date of signature below, and continue in effect whilst the appointees are elected members of the Legislative Assembly, unless terminated sooner.

Dated 9 November 2021

D. P. MORGAN,
Acting Governor.

No. 127

12 November 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Phillippa Josephine**

Christie to be a Registrar for the purposes of the marriage of Mark Ian Gilbert and Emily Clare Hancox scheduled to take place at Fox Bay West, West Falkland on 31 December 2021 at 3pm.

Dated 12 November 2021

D. P. MORGAN,
Acting Governor.

No. 128 12 November 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Carmen Edihit Miranda** to be a Registrar for the purposes of the marriage of Simeon Marc Coleman and Michaela Sara Monica Clifford scheduled to take place at Lafone House, Stanley, Falkland Islands on 11 December 2021 at 4pm.

Dated 12 November 2021

D. P. MORGAN,
Acting Governor.

No. 129 15 November 2021

Falklands Landholdings Corporation Ordinance 2000
section 4

**Appointment of members to
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 29 November 2021, and continue in effect for two years, unless terminated sooner.

Dated 15 November 2021

D. P. MORGAN,
Acting Governor.

No. 130

23 November 2021

Falkland Islands Constitution Order 2008
section 84

Police Ordinance 2000
section 4

Appointment of Chief Police Officer

1. Section 84(4) and (5) 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(1) of the Police Ordinance provides that the Governor, acting in his discretion, shall appoint a person to be chief police officer.

3. In exercise of my powers under the Constitution and the Police Ordinance, I appoint **Pamela Anne Trevillion** to be Chief Police Officer.

4. In accordance with my powers under section 4(3) of the Police Ordinance I direct that during the period of her appointment as Chief Police Officer, Pamela Anne Trevillion will hold the rank of Superintendent.

5. This appointment has effect from 23 November 2021 and will continue in effect until further appointment to the substantive post of Chief Police Officer is made, unless terminated sooner.

Dated 23 November 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 131 23 November 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Angeline Gloria Joshua** to be a Registrar for the purposes of the marriage of Maurice Davis and Phyllis Candy Gough scheduled to take place at Mile Pond, East Falkland on 18 December 2021 at 3pm.

Dated 23 November 2021

N. J. PHILLIPS C.B.E.,
Governor.

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Roselene Anne Pollard** to be a Registrar for the purposes of the marriage of Matthew John Newton and Tanzey Jayne Gough scheduled to take place at the Sand Dunes, between Yorke Bay and Cape Pembroke, East Falkland on 29 December 2021 at 2pm.

Dated 23 November 2021

N. J. PHILLIPS C.B.E.,
Governor.

Marriage Ordinance 1996
section 26

Registration as a minister for solemnisation of marriages

1. Section 26(2) of the Marriage Ordinance 1996 provides that the Governor, acting in his discretion, by writing under the Public Seal may grant a certificate of registration as a minister for the solemnisation of marriages.

2. In exercise of my powers under section 26(2) of the Marriage Ordinance 1996, I grant **Reverend (Squadron Leader) John Mbayo** of St Cuthbert's Church, a certificate of registration as a minister for the solemnisation of marriages.

Dated 23 November 2021

N. J. PHILLIPS C.B.E.,
Governor.

Prisons Ordinance 2017
Schedule, paragraph 2

Appointment of Secretary to Prison Monitoring Board

1. Paragraph 2(6) of the Schedule to the Prisons Ordinance 2017 provides for the Governor to appoint a public officer to be secretary to the Prison Monitoring Board.

2. In exercise of my powers under paragraph 2(6) of the Schedule to the Prisons Ordinance 2017, I appoint **Siân Yvonne Ferguson** to be secretary to the Prison Monitoring Board.

3. This appointment has effect from 29 November 2021 and continues whilst Siân Yvonne Ferguson is a public officer, unless terminated sooner.

Dated 29 November 2021

N. J. PHILLIPS C.B.E.,
Governor.

Legislative Assembly Standing Rules and Orders 2010
standing order 22

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 standing order 22 of the Falkland Islands Legislative Assembly Standing Rules and Orders 2010.

The information is current to 30 November 2021.

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 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
Commissioned to undertake a project for FIG until December 2021
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 23 Rex Hunt Road, Stanley (no income gained)
9. Oscar Rendell (son) interest in Bleaker Island business
10. Nil.

Peter Julian Basil Biggs

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 16 Endurance Avenue, Stanley (no income gained)
7 Marmont Row - family rental business
9. Nil
10. Shareholder in Biggs Limited (which owns Falklands Outdoors).

John Birmingham

1. Nil
2. Member of Legislative Assembly
Retired
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 4 Drury Street (no income gained)
Goose Green cabin (no income gained)
9. Nil
10. Nil.

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 Ltd
10. Nil.

Mark John Pollard

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 2 Kent Road, Stanley (no income gained)
9. Nil
10. Nil.

Gavin Phillip Short

1. Nil
2. Member of Legislative Assembly
Security officer for Falkland Islands Security Services
Part-time presenter for Falklands Radio
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Vice Chair of General Employees Union.

Roger Kenneth Spink

1. Nil
2. Member of Legislative Assembly
Owner and sole trader of Moody Enterprises
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 25 Rex Hunt Road, Stanley
Whyke March, Chichester, West Sussex, UK
9. Nil
10. Chair for Falklands Conservation (unremunerated)
Board member of Falklands YMCA (unremunerated).

Lucila Leona Vidal-Roberts

1. Nil
2. Member of Legislative Assembly
3. Nil
4. Nil
5. Nil
6. CPA conferences - Northern Ireland (August/September 2021)
7. Nil
8. 1 Mountain View, Stanley (no income gained)
9. Nil
10. Nil.

Andrew John Keeling, Chief Executive

1. Nil
2. Chief Executive, Falkland Islands Government
3. Nil
4. Nil
5. Two nights stay at the R&R facility on Saunders Island as a guest of the Pole-Evans family. This was a combination of work and leisure
6. Nil
7. Nil
8. Family home in Leicestershire, UK. This is currently being rented out which contributes to the monthly mortgage payment

9. Nil
10. Non-pecuniary board member of SAAS Ltd.

Timothy Paul Waggott, Financial Secretary

1. Director 2G2T Solutions Limited (UK company number:11566123)
2. Financial Secretary, Falkland Islands Government
3. Nil
4. Nil
5. Nil – although various lunches and functions in an official capacity
6. Nil
7. Nil
8. House (family home) in UK – no income gained
9. 2G2T Solutions Limited (UK company number: 11566123)
10. Nil.

Simon David Young, Attorney General

1. Nil
2. Attorney General for the Falkland Islands and South Georgia and South Sandwich Islands
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil.

Keith Robert Biles, Speaker

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, Stanley
Joint Owner - House and land, New House Farm, East Falkland
Joint Owner - Apartment at 13 North Bank Street, Edinburgh, Scotland
9. Nil
10. Non-remunerated:
Company Secretary - Energise Group Ltd
Director (Trustee) - Falklands Conservation (a UK Limited Company and Registered Charity)
Share Holdings:
Minority shareholding: Energise Group Ltd.

Claudette Prior MBE, Deputy Speaker

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 2021

C. Y CLIFFORD,
Clerk of the Legislative Assembly.

No. 136

30 November 2021

Falkland Islands Status Ordinance 1998
section 3

Application for Falkland Islands Status

Notice is hereby given that:-

Adela Candelaria Guala Oyarzo;
Lani Salumbides;
Mariela Blake;
Claudia Andrea Rosas Acevedo; and
Kevin John Ironside,

have applied for Falkland Islands Status to be granted by His Excellency the Governor.

Any person who intends to object to the grant of any application may do so in writing to the Principal Immigration Officer at the Customs and Immigration Department, Stanley within 21 days of the date of publication of this notice.

Dated 30 November 2021

J. E. SMITH
Immigration Officer.



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 32

17 December 2021

No. 17

The following are published in this Supplement —

Fisheries (Conservation and Management) (Amendment) Bill 2022;

Administration of Estates (Amendment) Bill 2022;

**Fisheries (Individual Transferable Quota Fees) Regulations 2021 (SR&O No 27 of 2021);
and**

Stanley Common (Permitted Development) Regulations 2021 (SR&O No 28 of 2021).

Fisheries (Conservation and Management) (Amendment) Bill 2022

(No. OF 2022)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Fisheries (Conservation and Management) Ordinance 2005
4. Section 58 amended – Domination of fishing sector
5. Validation of aggregation limits

Fisheries (Conservation and Management) (Amendment) Bill 2022

(assented to: 2022)
(commencement: on publication)
(published: 2022)

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 is the Fisheries (Conservation and Management) (Amendment) Ordinance 2022.

2. Commencement

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

3. Amendment of Fisheries (Conservation and Management) Ordinance 2005

This Ordinance amends the Fisheries (Conservation and Management) Ordinance 2005.

4. Section 58 amended – Domination of fishing sector

(1) This section amends section 58.

(2) In —

(a) subsection (1) —

(i) in paragraph (b) (definition of “divest”), after “Individual Transferable Quota” in each place it appears, insert “or Catch Entitlement”;

(ii) replace paragraph (c) (definition of “the prescribed percentage”) with —

“(c) “**prescribed percentage**” means such percentage as is for the time being prescribed by regulations for the purpose of this section of —

(i) the total Individual Transferable Quota of a quota management stock;

(ii) the total Individual Transferable Quota of a fishery;

- (iii) Catch Entitlement generated in relation to the Individual Transferable Quota of a quota management stock; or
 - (iv) the total Catch Entitlement generated in relation to the Individual Transferable Quota of a fishery; and”;
- (b) subsection (2) —
 - (i) after “in relation to a stock” insert “or a fishery”;
 - (ii) after “Individual Transferable Quota” in the first and second place it appears insert “or Catch Entitlement”;
- (c) subsection (3), after “Individual Transferable Quota” in each place it appears, insert “or Catch Entitlement”;
- (d) subsection (3A) —
 - (i) in the introductory words, after “Individual Transferable Quota” insert “or Catch Entitlement”;
 - (ii) in paragraph (a), after “Ownership Register” insert “or of the Catch Entitlement Register”;
 - (iii) in paragraph (b), after “Ownership Register” insert “or of the Catch Entitlement Register”;
- (e) subsection (4) replace paragraphs (a) and (b) with —
 - “(a) serve upon that person or those persons a further notice —
 - (i) notifying that so much of the Individual Transferable Quota or Catch Entitlement under its or their ownership or control as exceeds the prescribed percentage (“the excess”) is forfeit to the Crown pursuant to subsection (5);
 - (ii) stating the amount of Individual Transferable Quota or Catch Entitlement concerned;
 - (b) register in the relevant Part of the Individual Transferable Quota Ownership Register or the Catch Entitlement Register the transfer in respect of so much of the Individual Transferable Quota or Catch Entitlement as is not forfeit to the Crown pursuant to subsection (5) or, as the case may be, amend those Registers so as to show ownership by the owner in question of only so much Individual Transferable Quota or Catch Entitlement as is not forfeit under subsection (5).”.

5. Validation of aggregation limits

Any aggregation limits that were applied before the commencement of the Fisheries (Conservation and Management) (Amendment Ordinance 2022 in respect of fisheries or Catch Entitlement are deemed to be valid as if they had been permitted under section 58.

OBJECTS AND REASONS

Section 58 of the Fisheries (Conservation and Management) Ordinance 2005 (“the Ordinance”) deals with domination of fishing sector which could result from a grant or disposal of Individual Transferable Quota. The section provides for aggregation limits to be applied to a quota management stock. The purpose of aggregation limits is to control the proportion of quota which a company can hold in a quota management stock. Section 58 currently does not allow aggregate limits to be applied in respect of a fishery or Catch Entitlement.

In 2009 a proposal was put forward under Exco paper 05/09 to extend aggregation limits to fisheries. The policy was approved but the relevant legislation was never enacted. The amendments in this Ordinance implement the decisions under Exco paper 05/09 to amend section 58. *Clause 4* makes the necessary amendments to section 58.

Clause 5 validates the aggregation limits applied to fisheries and Catch Entitlement contrary to section 58 as currently drafted.

Administration of Estates (Amendment) Bill 2022

(ORDINANCE No. OF 2022)

ARRANGEMENT OF PROVISIONS

PART 1 - Introductory

1. Title
2. Commencement

PART 2 - Amendment of Administration of Estates Ordinance 1949

3. Amendment of Administration of Estates Ordinance 1949
4. Section 2 amended (interpretation)
5. New section 2A inserted
6. Section 5 amended (bonds)
7. Section 6 replaced (caveats)
8. Section 7 amended (proof of will in solemn form)
9. Section 8 amended (absentee personal representative)
10. Section 10 amended (service of citations, etc)
11. Section 11 amended (records)
12. New section 11A inserted
13. Section 12 amended (witnesses)
14. New section 12A inserted
15. Section 23 amended (rules of court)
16. Schedules 1 and 2 inserted

PART 3 - Miscellaneous amendments

Consequential amendments to Law Revision and Publication Ordinance 2017

17. Amendment of Law Revision and Publication Ordinance 2017
18. Part 1 of Schedule 1 of Law Revision and Publication Ordinance amended (primary legislation)
19. Part 2 of Schedule 1 of Law Revision and Publication Ordinance amended (secondary legislation)

Amendments to Regulations

20. Administration of Estates Rules 1949 amended
21. Registration Regulations 1949 amended

Schedule - Amendment of Schedule 1 to the Administration of Estates Ordinance 1949

Administration of Estates (Amendment) Bill 2022

(assented to: 2022)
(commencement: upon publication)
(published: 2022)

A BILL

for

AN ORDINANCE

To provide for a depository for wills of living persons and for non-contentious probate and administration of estates by the Supreme Court and connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART 1 - Introductory

1. Title

This Ordinance is the Administration of Estates (Amendment) Ordinance 2022.

2. Commencement

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

PART 2 - Amendment of Administration of Estates Ordinance 1949

3. Amendment of Administration of Estates Ordinance 1949

This Part amends the Administration of Estates Ordinance 1949.

4. Section 2 amended (interpretation)

In section 2, after the definition of “**court**” insert —

““**grant**” means a grant of probate or letters of administration;

“**interested person**” means a person who has an interest in the estate of the deceased;”.

5. New section 2A inserted

After section 2 insert —

“2A. Wills depository

(1) The Central Registry is a depository for the safe custody of the wills of living persons and any person may deposit a will in the Central Registry on payment of the prescribed fee. [*Section 126 1981 c.54*]

(2) The Wills (Deposit for Safe Custody) Regulations 1978 (SI 1978 No. 1724), with the exception of regulations 3(1) and 6, apply in the Falkland Islands subject to the modifications set out in Schedule 1.

(3) In this section “**Central Registry**” has the meaning in section 5 of the Registration Ordinance 1949.”.

6. Section 5 amended (bonds)

In section 5(2), replace “persons interested” with “interested persons”.

7. Section 6 replaced (caveats)

Replace section 6 with —

“6. Caveats and citations

(1) This section applies where —

- (a) a caveat is entered before a grant is made; or
- (b) a citation is issued before or after a grant is made.

(2) All interested persons must be summoned to appear before court to show cause why, in the case of a caveat, the grant should not issue or, in the case of a citation, the action specified in the citation should be taken.

(3) The court may make such order as is fair and reasonable in all the circumstances of the case.

(4) When any interested person fails to appear, the court may, after proof of service, proceed as if the proceedings were *ex parte* or adjourn on such terms as it may direct.

(5) An interested person aggrieved by an order under this section may appeal to the Supreme Court within 21 days.”.

8. Section 7 amended (proof of will in solemn form)

In section 7, replace “person interested in a will” with “interested person”.

9. Section 8 amended (absentee personal representative)

In section 8 —

- (a) in subsection (1), replace “Any person interested in the estate of a deceased person” with “Any interested person”; and
- (b) in subsection (2) replace “section 6(1)” with “section 6(2)”.

10. Section 10 amended (service of citations, etc)

In section 10, after “Citations,” insert “caveats,”.

11. Section 11 amended (records)

In section 11 replace “Registrar” with “Registrar of the Supreme Court”.

12. New section 11A inserted

After section 11 insert —

“11A. Inspection of records

(1) All wills and other documents relating to the estate of a deceased person are under the control of the court from the date on which the first application is made to the court relating to that estate, whether to enter a caveat, issue a citation or for a grant of probate or letters of administration.

(2) The Registrar General must deliver up any documents deposited under section 2A to which subsection (1) applies immediately on receiving a request from the Registrar of the Supreme Court.

(3) Subject to subsection (1) and any rules made under, or applying by virtue of, section 23, any person may inspect such documents relating to the estate of a deceased person at the court by appointment during normal business hours on payment of such fee as may be prescribed.

(4) Subject to the approval of the court, the Registrar of the Supreme Court may provide a certified copy of any will or part of will or of a grant to any person on payment of the prescribed fee.”.

13. Section 12 amended (witnesses)

In section 12(1) after “any person whom it thinks fit to examine,” insert “whether or not any legal proceedings are pending,”.

14. New section 12A inserted

After section 12 insert —

“12A. Orders for inventory and account

(1) The court may on its own motion or on application by an interested person, order the executor or administrator of an estate (“**the grantee**”) to provide an inventory of the assets that were part of, or have been brought into, the estate and to account for payments or transfers out of the estate of any monies or other property.

(2) The court may, if not satisfied that a grantee is administering an estate efficiently or expeditiously, by order make a grant in respect of the estate to another interested person or the Official Administrator either in addition to, or instead of, the grantee and in the latter case must revoke the original grant.

(3) A grantee may appeal to the Supreme Court against an order under this section within 21 days of the date of the order in question.”.

15. Section 23 amended (rules of court)

In section 23 insert the following subsections, the existing provision becoming subsection (1) —

“(2) Rules of court may make further or other provision for the safe custody of the wills of living persons.

(3) The Non-Contentious Probate Rules 1987 (SI No. 1987/2024) apply in the Falkland Islands with the exceptions in paragraph 1 and subject to the modifications in paragraph 2, of Schedule 2.”.

16. Schedules 1 and 2 inserted

After section 23 insert —

“SCHEDULE 1 - MODIFICATION OF THE WILLS (DEPOSIT FOR SAFE CUSTODY) REGULATIONS 1978

section 2A

1. In subregulation (2) of regulation 2 (interpretation) —

- (a) replace the definition of “**prescribed**” with ““**prescribed**” means prescribed by rules made under section 23 of the Administration of Estates Ordinance 1949;”;
- (b) omit the definition of “**the principal registry**”;
- (c) replace the definition of “**registrar**” with ““**registrar**” means the Registrar General appointed for the purposes of section 4 of the Registration Ordinance 1949;”;
- (d) replace the definition of “**registry**” with ““**registry**” means the Central Registry within the meaning of the Registration Ordinance 1949;” and
- (e) omit the definition of “**the Senior Registrar**”.

2. In the Regulations, wherever a term listed in the left-hand column of the table appears, replace it with the corresponding term in the right-hand column —

Term	Substitute term
principal registry	registry
section 172 of the Act	section 2A of the Administration of Estates Ordinance 1949
Senior Registrar	registrar
a registrar of the principal registry	the registrar

**SCHEDULE 2 - MODIFICATION OF THE NON-CONTENTIOUS PROBATE
RULES 1987**

section 23

1. Rule 2(2), rules 3 and 4, rule 5(7), (9) and (10), rules 5ZA, 5A, 7, 8 and 23, rule 39(2), (6) and (7), rules 40 to 43, rule 47(4) to (7), rule 48(2), rules 49, 50, 57, 60, 62 to 64, 66, and 67 and Schedule 1, are excepted from application to the Falkland Islands.
2. The Rules listed in the left-hand column of the table are subject to the modifications specified in the right-hand column —

Rule	Modification
2 (interpretation)	<p>(1) In the definition of “authorised officer” replace “the President” with “the judge”.</p> <p>(2) Replace the definition of — “the Crown” with ““the Crown” means the Crown in right of the Falkland Islands;” and “registry” with ““registry” means registry of the Supreme Court;”.</p> <p>(3) Omit the definitions of “district judge”, “judge”, “online portal”, “probate practitioner”, “registrar”, “the senior district judge” and “the Treasury Solicitor”.</p> <p>(4) In the definition of “personal applicant” omit “or probate practitioner”.</p> <p>(5) Insert after paragraph (1) — “(1A) In these Rules, references to — “district judge”, “judge” “registrar” or “the senior district judge” are to be interpreted as references to a judge of the Supreme Court appointed under section 88 of the Constitution or an acting judge appointed under section 89 of the Constitution.”; and “the Treasury Solicitor” are to be interpreted as references to the Attorney General.</p>
5(3)(b) (personal applications)	Omit “or probate practitioner”.
30 (grants where the deceased died domiciled outside England and Wales)	<p>(1) In the heading to the rule and in paragraph (1) replace “England and Wales” with “the Falkland Islands”.</p> <p>(2) In paragraph (3) —</p>

	<p>(a) in sub-paragraph (a)(i) omit “if the will is in the English or Welsh language”; and</p> <p>(b) in sub-paragraph (b) replace “England and Wales” with “the Falkland Islands” in both cases where it appears.</p>
31 (grants to attorneys)	In paragraph (3), replace “the Mental Capacity Act 2005” with “the Assessment and Safeguarding of Adults Ordinance 2020.”.
32 (grants on behalf of minors)	<p>Replace paragraph (1) with —</p> <p>“(1) Subject to paragraph (1A), where a person to whom a grant would otherwise be made is a minor, administration for the minor’s use and benefit until the minor attains 18 years of age must, unless otherwise directed by the court, be granted to a person who has or is deemed to have parental responsibility for the minor.</p> <p>(1A) Where the minor is sole executor and has no interest in the residuary estate of the deceased, administration for the use and benefit of the minor must be granted to the person entitled to the residuary estate, unless otherwise directed by the court.”.</p>
35 (grants in case of lack of mental capacity)	<p>(1) In paragraph (1), omit “within the meaning of the Mental Capacity Act 2005 referred to in paragraph (2) below”.</p> <p>(2) Omit “within the meaning of the Mental Capacity Act 2005” in —</p> <p>(a) the introductory words and in sub-paragraph (b) of paragraph (2); and</p> <p>(b) paragraph (4).</p> <p>(3) After paragraph (5) insert —</p> <p>“(6) In this rule, the expression “person who lacks capacity” has the meaning in section 4 of the Assessment and Safeguarding of Adults Ordinance 2020.”.</p>
39 (resealing under Colonial Probates Acts 1892 and 1927)	<p>(1) Replace the heading with “Resealing under the Administration of Estates Ordinance 1949”.</p> <p>(2) In paragraph 1, replace “the Colonial Probates Acts 1892 and 1927” with “the Administration of Estates Ordinance 1949” and “those Acts” with “that Ordinance”.</p>

	<p>(3) In paragraph 5, replace “subsection (1) of section 2 of the Colonial Probates Acts 1892” with “section 22(1) of the Administration of Estates Ordinance 1949”.</p>
44 (caveats)	<p>(1) In paragraph (1) omit “; provided that ... caveat is entered”.</p> <p>(2) Replace paragraph (2) with —</p> <p>“(2) Any person wishing to enter a caveat (“the caveator”) may do so by giving notice in writing to the court.”.</p> <p>(3) Omit paragraphs (3) to (10), (12), (13) and (15).</p> <p>(4) Replace paragraph (11) with —</p> <p>“(11) A caveator may withdraw the caveat at any time by giving notice to the court and any interested person.”.</p> <p>(5) In paragraph (14), replace “under paragraphs (7) or (12) of this rule or under rule 45(4) or rule 46(3)” with “either by order of the judge or on withdrawal”.</p>
45 (probate actions)	<p>In paragraph (1), omit “being advised by the court concerned of the”.</p>
46 (citations)	<p>Replace rule 46 with —</p> <p>“46 (1) Any person who has an interest in the estate of the deceased (“the citor”) may apply to the court to issue a citation against one or more executors of the estate (“the citee”).</p> <p>(2) An application to issue a citation must include —</p> <p>(a) a statement of the facts and matters relied on in support of the application;</p> <p>(b) the names and contact details of the citees and any other interested persons known to the citor; and</p> <p>(c) the action that the citor considers should be taken to ensure the effective administration of the deceased’s estate,</p> <p>and be supported by a statement of truth.</p> <p>(3) The citor must serve the citation on the citees unless the court otherwise directs and all other interested persons must be notified of the citation.</p>

	(4) A citation may be withdrawn with the permission of the court.”.
65 (appeals from district judges or registrars)	(1) In paragraph (1) replace “or registrar shall be made ... to a judge” with “lies to the Court of Appeal”. (2) Omit paragraphs (2) and (3).
68 (application to pending proceedings)	Replace “come into force” with “are applied in the Falkland Islands”.

PART 3 – Miscellaneous amendments

Consequential amendments to Law Revision and Publication Ordinance 2017

17. Amendment of Law Revision and Publication Ordinance 2017

Sections 18 and 19 amend Schedule 1 of the Law Revision and Publication Ordinance 2017.

18. Part 1 of Schedule 1 of Law Revision and Publication Ordinance amended (primary legislation)

In Part 1 of Schedule 1 —

- (a) in the reference to the Administration of Justice Act 1982, in column 2 replace “17 to 25” with “17 to 22”;
- (b) in the reference to the Senior Courts Act 1981 —
 - (i) after paragraph 2 in column 2 insert —

“3. Sections 106, 107, 110, 112 to 119 (**except** sections 115(4) and 119(1)), 121 and 128.” and
 - (ii) after paragraph 2 in column 3 insert —

“2A. The following provisions of the Act are modified by —

 - (a) in section 106, replacing “a district probate registrar” with “the judge”;
 - (b) in section 107 omitting “out of the Principal Registry or any district probate registry” and replacing “registrar” with “judge”;
 - (c) in the heading to section 110, replacing “Commissioners of the Inland Revenue” with “Commissioner of Taxation”;
 - (d) in section 110, replacing —

- (i) “the President of the Family Division” and “President” with “judge”;
 - (ii) “the Commissioners” in each place where it appears with “Commissioner of Taxation”; and
 - (iii) “the Principal Registry and every district probate registry shall” with “the court must”; and
- (e) in section 121(3), replacing “the Colonial Probates Acts 1892 and 1927” with “the Administration of Estates Ordinance 1949”.

19. Part 2 of Schedule 1 of Law Revision and Publication Ordinance amended (secondary legislation)

In Part 2 of Schedule 1, insert the following rows in the appropriate alphabetic sequence —

“Non-Contentious Probate Rules (SI 1987/2024)	1987	Whole Rules except rule 2(2), rules 3 and 4, rule 5(7), (9) and (10), rules 5ZA, 5A, 7, 8 and 23, rule 39(2), (6) and (7), rules 40 to 43, rule 47(4) to (7), rule 48(2), rules 49, 50, 57, 60, 62 to 64, 66, and 67 and Schedule 1	The Rules are subject to the modifications specified in paragraph 2 of the Schedule to the Administration of Estates Ordinance 1949.
Wills (Deposit for Safe Custody) Regulations (SI 1978/1724)	1978	Whole Regulations except regulations 3(1) and 6	The Regulations are subject to the modifications specified in paragraph 1 of the Schedule to the Administration of Estates Ordinance 1949.”.

Amendments to Regulations

20. Administration of Estates Rules 1949 amended

In the Administration of Estates Rules 1949 —

(a) revoke rule 2 and Schedule 1; and

(b) in Schedule 2 —

(i) replace items 2 and 3 with —

“2. For the entry of a caveat or issue of a citation under section 6 of the Administration of Estates Ordinance 1949 £21

3. For inspection of records under section 11A of the Administration of Estates Ordinance 1949 £10”;

(ii) replace item 6 with —

“6. For depositing a will in the Central Registry under section 2A of the Administration of Estates Ordinance 1949 £10.50”.

21. Registration Regulations 1949 amended

In Schedule 2 to the Registration Regulations 1949, omit item 6.

OBJECTS AND REASONS

This Bill makes provision for the Central Registry to be the depository for wills for living persons and other changes to the legal framework for dealing with non-contentious probate, mainly by applying in the Falkland Islands the UK Non-Contentious Probate Rules 1987 with some modifications.

Clauses 1 and 2 are introductory.

Part 2 of the Bill amends the Administration of Estates Ordinance 1949 by —

- Inserting new section 2A that provides for the Central Registry for which the Registrar General (appointed under the Registration Ordinance 1949) to be the depository for the wills of living persons. The new section applies the Wills (Deposit for Safe Custody) Regulations 1978 with some exceptions, and modifications set out in a new Schedule 1 to the Ordinance (*clause 5*);
- Replacing section 6 (caveats) with new section 6 that deals with citations too, formalising current court practice and enabling the court to deal with issues relating to grants where court proceedings have not been started. There is a new right to appeal to the Supreme Court (*clause 7*);
- Inserting new section 11A to provide a right for any person to inspect wills, grants of probate and letters of administration (“grants”) and other documents of deceased persons on payment of a fee and, subject to approval by the court, to obtain a copy of a will or a grant (*clause 12*);
- Inserting a new *section 12A*, enabling the court to order an executor or administrator to provide an inventory of assets or an account of payments or transfers out of the estate. If the court is not satisfied that person is dealing with the estate properly, it may appoint another person who has an interest in the estate (or the Official Administrator) as an executor or administrator either in addition to or instead of the person originally appointed. These powers are needed to ensure that the court can exercise appropriate supervision of estates and intervene if administration is not proceeding as it should. There is a right of appeal to the Supreme Court (*clause 14*); and
- Amending section 23 (rules of court) to apply the Non-Contentious Probate Rules 1987 (“**the Rules**”), as amended from time to time, in the Falkland Islands (*clause 15*). The Rules, which were made under section 127 of the Senior Courts Act 1981 and the Colonial Probates Act 1892, have been amended a number of times by Statutory Instrument (SI Nos. 1991/1876, 1998/1903, 2003/185, 2004/2985, 2997/1898, 2009/3348, 2014/852, 2016/972, 2018/1137, 2019/1057 and 2020/1059). Modifications of the Rules are set out in new Schedule 2 to the Administration of Estates Ordinance 1949 (*clauses 15 and 16*).

Clauses 17-19 make consequential amendments to the Law Revision and Publication Ordinance 2017 to —

- Apply further sections of the Senior Courts Act 1981 that relate to non-contentious probate matters in the Falkland Islands;
- Reflect the application of the Wills (Deposit for Safe Custody) Regulations 1978 and the Non-Contentious Probate Rules 1987 in the Falkland Islands by this Bill; and
- Remove the application of sections 23 and 25 of the Administration of Justice Act 1982. Domestic provision is made for section 23 and 25 by *clause 5* of this Bill. Section 24 concerns the Convention on the establishment of a Scheme of Registration of Will 1972 and has never been commenced in the UK.

Clause 20 updates Schedules 1 and Schedule 2 to the Administration of Estates Rules 1949 by revoking the statutory forms (which will be replaced by up to date non-statutory forms) and adding new fees for the deposit of wills in the Central Registry by living persons, issuing citations and inspecting documents held by the court in relation to the estates of deceased persons. *Clause 21* makes a consequential amendment to the Registration Regulations 1949.

SUBSIDIARY LEGISLATION

Fisheries (Individual Transferable Quota Fees) Regulations 2021

(No. 27 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement and term
3. Interpretation
4. Fees and Payment Schedule

Schedule 1 - Fishery fees

Schedule 2 - Payment schedule

SUBSIDIARY LEGISLATION

Fisheries (Individual Transferable Quota Fees) Regulations 2021

(made: 16 December 2021)

(commencement: 1 January 2022)

(published: 17 December 2021)

I make the following regulations under sections 35 and 223 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 2021.

2. Commencement and term

These regulations come into force on 1 January 2022 and cease to have effect on 31 December 2022.

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 in Schedule 1 are the total fees payable in the 2022 calendar year in respect of the entire ITQ granted for the specified fisheries.

(2) The fees payable by each company holding ITQ in a fishery are calculated by reference to the proportion of the total ITQ held by that company.

(3) A company holding ITQ in a fishery must pay the applicable fees in respect of the 2022 calendar year for the ITQ that has been granted to that company.

(4) The fees must be paid on or before the dates specified in the third column of Schedule 2 in the proportions set out in the fourth column of that Schedule.

SCHEDULE 1 - FISHERY FEES

(regulation 4(1))

Description of Fishery	Licence Code	Fees (£)
Finfish	A	2,073,124
Squid (Summer)	C	3,528,158
Skate	F	142,342
Squid and Restricted Finfish	G	440,149
Restricted Finfish – Pelagic	S	60,419
Restricted Finfish	W	307,605
Toothfish – Longline	L	1,449,788
Squid (Winter)	X	7,015,050

SCHEDULE 2 - PAYMENT SCHEDULE

(regulation 4(4))

Description of Fishery	Licence Code	Payment Schedule	Proportion of fee payable on or before each date
Finfish	A	31 March, 30 June, 30 September, 17 December	A quarter
Squid (Summer)	C	30 June	Full amount
Skate	F	31 March, 30 June, 30 September, 17 December	A quarter
Squid and Restricted Finfish	G	31 March and 30 June	Half
Restricted Finfish - Pelagic	S	30 September and 17 December	Half
Restricted Finfish	W	30 June and 17 December	Half
Toothfish - Longline	L	Monthly (beginning of each month)	One twelfth
Squid (Winter)	X	17 December	Full amount

Made 16 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE

(not forming part of these regulations)

The Regulations are made annually under sections 35 and 223 of the Fisheries (Conservation and Management) Ordinance 2005.

The regulations provide for fees that are payable in respect of fishing licences for fisheries under the Individual Transferable Quota regime. The fisheries are operated on the basis of a calendar year. Schedule 2 sets out the payment schedule applicable to the licence codes relating to the individual fisheries.

SUBSIDIARY LEGISLATION

Stanley Common (Permitted Development) Regulations 2021

(No. 28 OF 2021)

ARRANGEMENT OF PROVISIONS

Regulation

1. Title
2. Commencement
3. Firing range at Rookery Bay
4. Existing developments
5. Proposed developments
6. Other permitted developments
7. Register

Schedule 1 – Map of firing range

Schedule 2 – Existing developments

Schedule 3 – Proposed developments

SUBSIDIARY LEGISLATION

Stanley Common (Permitted Development) Regulations 2021

(made: 16 December 2021)

(commencement: in accordance with regulation 2)

(published: 17 December 2021)

I make these Regulations under section 10 of the Stanley Common Ordinance 1999 on the advice of Executive Council.

1. Title

These Regulations are the Stanley Common (Permitted Development) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette* of the notification of the Legislative Assembly approval of them.

3. Firing range at Rookery Bay

(1) This regulation applies to the area at Rookery Bay outlined and hatched red on the map in Schedule 1 (“**the firing range**”), which has been approved as a range for firearms training by the Falkland Islands Defence Force and the Royal Falkland Islands Police in accordance with section 8(5) of the Stanley Common Ordinance 1999.

(2) Subject to subregulation (3), the Falkland Islands Defence Force is permitted to undertake any works that are reasonably necessary for the use of the range as a firing range, including (but without limitation) the construction and operation of target systems, weapon firing points, target backstops and a grenade range bunker.

(3) The works referred to in subregulation (2) do not include the construction of any permanent buildings or other infrastructure.

4. Existing developments

The developments described in the first column of Schedule 2 are existing developments that are permitted for the purpose specified in the second column.

5. Proposed developments

The developments described in the first column of Schedule 3 are proposed developments that are permitted, subject to the restrictions in the second column, for the purposes of —

- (a) recreation or amenity of the public; or
- (b) land management.

6. Other permitted developments

(1) Subject to subregulation (2), the Director of Policy and Economic Development may permit development of the Common that is not listed in Schedule 3.

(2) A development not listed in Schedule 3 may only be permitted if it —

- (a) is for a purpose in section 10(c)(i) (recreation or amenity) or (v) (land management etc.) of the Ordinance;
- (b) is no larger than 2 cubic metres in volume;
- (c) does not prevent or unduly restrict public access to the Common or any part of it;
- (d) does not disturb, damage or destroy the nest or nesting place of any wild bird, its eggs or dependent young or otherwise interfere with or inhibit the access of a wild bird to its usual nesting place;
- (e) does not disturb, damage or destroy the breeding place or resting site of any wild animal or otherwise interfere with or inhibit the access of a wild animal to its breeding place or resting site;
- (f) does not disturb, damage, uproot or otherwise destroy a protected wild plant; and
- (g) is consistent with the Stanley Common Management Plan.

(3) Permission given under subregulation (1) must be in writing and include the reasons for the decision.

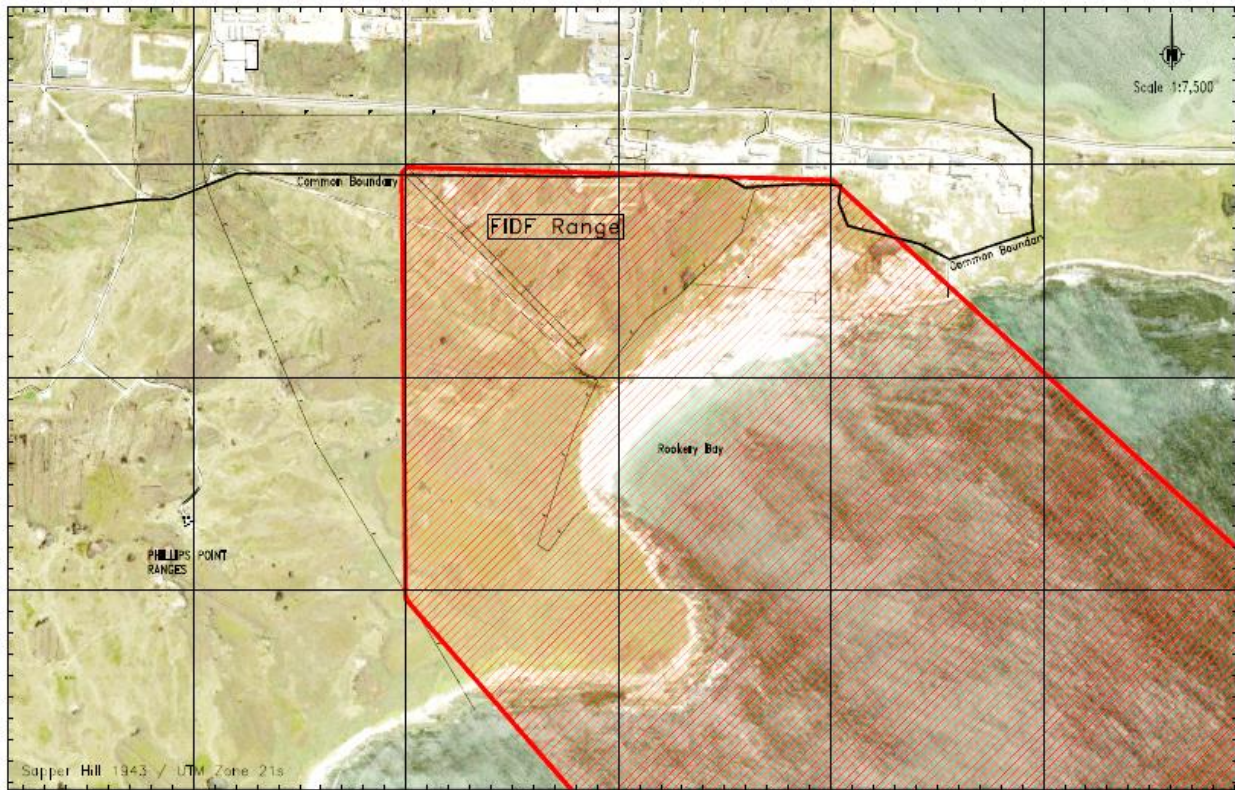
(4) In this regulation, “**uproot**”, “**wild animal**”, “**wild bird**” and “**wild plant**” have the same meaning as in the Conservation of Wildlife and Nature Ordinance 1999.

7. Register

The Director of Policy and Economic Development must keep and maintain a register of permissions given under regulation 6 and approvals or other decisions made by the Director under Schedule 3 that is open for inspection by members of the public at The Secretariat, Thatcher Drive, Stanley, FIQQ 1ZZ by appointment during office hours.

SCHEDULE 1 – MAP OF FIRING RANGE

(regulation 3)



SCHEDULE 2 – EXISTING DEVELOPMENTS

(regulation 4)

DESCRIPTION OF DEVELOPMENT	PURPOSE OF DEVELOPMENT
<p>1. Windfarm at Sand Bay comprising —</p> <p>(a) six Enercon wind turbines;</p> <p>(b) associated building for housing electricity sub-station, switch gear, transformers, and flywheels;</p> <p>(c) the unsurfaced road linking the building with the Stanley to Darwin Road;</p> <p>(d) earth mats; and</p> <p>(e) septic tank.</p>	<p>Supply of electricity (section 10(c)(iv))</p>
<p>2. Infrastructure associated with the ammunition store (excepted from the Ordinance under Part II of the Second Schedule to the Ordinance) and the firing range referred to in regulation 3 including—</p> <p>(a) fencing or other demarcation of the firing range danger area;</p> <p>(b) signage; and</p> <p>(c) flag poles.</p>	<p>Facilitate the use of the site for a firing range (sections 8(5) and 10(d))</p> <p>Recreation or amenity (section 10(c)(i))</p>
<p>3. Navigational aids for mariners at Cape Pembroke and Engineer Point.</p>	<p>Maritime navigation (section 10(c)(ix))</p>
<p>4. Water storage tanks near Sapper Hill, associated pipes and other essential infrastructure.</p>	<p>Water supply (section 10(c)(iii))</p>
<p>5. Toilet block at Gypsy Cove, including underground septic tank and sheltered seating.</p>	<p>Recreation or amenity (section 10(c)(i))</p>
<p>6. Signs at Gypsy Cove, Whale Bone Cove, Hadassah Bay, Cape Pembroke, Surf Bay, Rookery Bay and Yorke Bay.</p>	<p>Recreation or amenity (section 10(c)(i))</p>
<p>7. Benches at Gypsy Cove and Cape Pembroke.</p>	<p>Recreation or amenity (section 10(c)(i))</p>

8. Car parks for public use at Gypsy Cove, Cape Pembroke, and Mount Harriet.	Recreation or amenity (section 10(c)(i))
9. Footpath, handrail and three viewing platforms at Gypsy Cove.	Recreation or amenity (section 10(c)(i))
10. Stock fences, stiles and gates at various locations on the Common.	Land management (section 10(c)(v))
11. Refuse bins at Gypsy Cove, Surf Bay, Yorke Bay and Cape Pembroke.	Recreation or amenity (section 10(c)(i))

SCHEDULE 3 – PROPOSED DEVELOPMENTS

(regulation 5)

DESCRIPTION	RESTRICTIONS
<p>1. Construction of fences, gates and stiles at various locations across the Common.</p>	<p>(1) Subject to paragraph (2), fencing must be —</p> <ul style="list-style-type: none"> (a) Falklands Islands wire fencing in style; (b) not exceed the height of 1 metre; and (c) include gates and stiles of an appropriate design to facilitate access for members of the public. <p>(2) The Governor’s approval must be obtained before installing any fencing that does not comply with paragraph (1) or that prevents or unduly restricts public access to any part of Stanley Common.</p> <p>(3) The Governor’s approval for fencing to which paragraph (2) applies may only be given to the extent and for such period as is reasonably necessary for the purpose of—</p> <ul style="list-style-type: none"> (a) protecting environmentally sensitive areas; or (b) preventing a substantial risk of death or serious injury to members of the public.
<p>2. Erection of signage including information boards and public safety or warning notices at various locations across the Common, including Moody Brook and Sapper Hill, in addition to signage permitted under Schedule 2.</p>	<p>(1) Signage may be erected to —</p> <ul style="list-style-type: none"> (a) provide information about local wildlife and the environment; (b) support the protection of environmentally sensitive areas; (c) provide information about historic sites or monuments and other places of interest; (d) provide information about local amenities or public safety; or (e) provide way markers for walking routes. <p>(2) The design and location of signage must be approved by the Director of Policy and Economic Development.</p>

<p>3. Construction of seating areas including installation of benches and picnic tables at various locations across the Common.</p>	<p>The location of any seating area, and the design of benches or tables to be installed in such an area, must be approved by the Director of Policy and Economic Development.</p>
<p>4. Installation of bins or other receptacles for waste at various locations across the Common, in addition to the installation of bins permitted under Schedule 2.</p>	<p>(1) All waste receptacles must be adequately secured to prevent the contents being dispersed in high winds.</p> <p>(2) The Director of Policy and Economic Development must ensure that the receptacles are checked and emptied regularly.</p>
<p>5. Construction of car parking for public use —</p> <p>(a) at or near the Yorke Bay sand extraction area;</p> <p>(b) at the western end of Yorke Bay; and</p> <p>(c) at Rookery Bay, near the butts of the firing range.</p>	<p>(1) The car parks must be surfaced with gravel.</p> <p>(2) The area of each car park must not exceed 400 square metres.</p>
<p>6. Burial of disused minefield fences at Mount Longdon.</p>	<p>Disused minefield fences may only be buried at Mount Longdon if the Director of Policy and Economic Development, having consulted the Director of Public Works, determines that removal of the fencing to another place for burial or destruction is —</p> <p>(a) not reasonably practicable; or</p> <p>(b) more environmentally damaging than burial in situ.</p>
<p>7. Construction of footpaths, including the installation of walkways and bridges suitable for pedestrian use and for users of mobility aids including wheelchairs, at various locations across the Common in addition to the footpath permitted under Schedule 2.</p>	<p>The location and design of footpaths must be approved by the Director of Policy and Economic Development.</p>

N. J. PHILLIPS C.B.E.,
Governor.

EXPLANATORY NOTE
(not forming part of these Regulations)

These Regulations are made under sections 8(5) and 10 of the Stanley Common Ordinance 1999 (“the Ordinance”) and come into force on publication in the *Gazette*.

Regulation 3 permits the Falkland Islands Defence Force to undertake any works that are reasonably necessary for the use of the firing range at Rookery Bay. The range is delineated on the map in *Schedule 1*.

Regulation 4 and Schedule 2 provide retrospective permission for existing developments by the Government on Stanley Common that are not covered by existing approvals under the Ordinance.

Regulation 5 and Schedule 3 provide permission for a number of specified small-scale developments on the Common, subject to restrictions which include in some cases the need to obtain the approval of the Governor (in relation to any fencing that prevents public access to any part of the Common) or the Director of Policy and Economic Development and the Director of Public Works.

Regulation 6 provides a limited power for the Director of Policy and Economic Development to approve small-scale infrastructure that meets the criteria in *subregulation (2)*, in addition to the specific projects permitted under *Schedule 3*. The Stanley Common Management Plan, referred to in *paragraph (g) of subregulation (2)* can be found at:

<https://www.fig.gov.fk/policy/environment/stanley-common>

Regulation 7 provides for a register to be kept of approvals given under *regulation 6* and *Schedule 3*.



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No. 24

Appointment

John Woollacott, Hospital Manager, Health and Social Services Department, 16.11.21.

Kim Yon, Customs and Immigration Officer, Customs and Immigration, Emergency Services and Island Security Department, 02.12.21.

Gemma Stacey Webb, Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 06.12.21.

Paul Samuel Cottnam Burry, Senior Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 07.12.21.

Completion of contract

Simon David Young, Attorney General, Law and Regulation Directorate, 10.12.21.

Joanne Hooper, Advanced Practitioner (Childcare), Health and Social Services Department, 27.12.21.

Anne Margaret Milston, Interim School Principal, Infant Junior School and Camp Education, Education Department, 31.12.21

Renewal of contract

Claire Rhian Burgess, Head of Communications, Policy and Economic Development Department, 01.12.21

Simon David Young, Attorney General, Law and Regulation Directorate, 11.12.21.

Promotion

Joanne Marie Harris, from Storeperson/Handyperson to Senior Storeperson, Property and Municipal Section, Public Works Department, 01.07.21.

Diane Elizabeth Triggs, from Carer to Community Support Worker, Health and Social Services Department, 01.12.21.

Resignation

Adam John Baker, Medical Stores Assistant, Health and Social Services Department, 16.12.21.

Marie Abigail Cornetes, Finance Clerk, Health and Social Services Department, 17.12.21.

Derryn Robson, Plant Operator/Handyperson, Highways Section, Public Works Department, 17.12.21.

Lydia Clare Hutchinson, Maritime Officer, Falkland Islands Maritime Authority, Emergency Services and Island Security Department, 24.12.21.

Christopher John Barnard, Music Teacher, Falkland Islands Community School, Education Department, 31.12.21.

Simon David Gilbert, Maths Teacher, Falkland Islands Community School, Education Department, 31.12.21.

Transfer

Gabrielle Leigh Ross, from Station Enquiry Officer, Royal Falkland Islands Police, Emergency Services and Island Security Department to Administration Assistant, Legislature Department, 29.11.21.

Nicholas Edwards, from Social Work Assistant, Vulnerable Persons Unit to Social Work Assistant, Social Services, Health and Social Services Department, 06.12.21.

Kayleigh Scott-Pillow, from Dental Nurse, Health and Social Services Department to Police Constable, Royal Falkland Islands Police Force, Emergency Services and Island Security Department, 06.12.21.

NOTICES

No. 137 3 December 2021

Falkland Islands Development Corporation Ordinance 2013 *section 8*

Appointment of Chair to Falkland Islands Development Corporation Board

1. Section 8 of the Falkland Islands Development Corporation Ordinance 2013 (“the Ordinance”) provides for the Governor to appoint the Chair to the Falkland Islands Development Corporation Board.

2. In exercise of my powers under section 8 of the Ordinance, I appoint **Michael James Poole** to be Chair of the Falkland Islands Development Corporation Board.

3. This appointment has effect in accordance with the terms of the Ordinance and subsidiary legislation; and will, unless the appointee resigns by written notice to the Governor, continue in effect from the date of signature until 30 June 2025.

Dated 3 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 138 10 December 2021

Police Ordinance 2000 *section 4*

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, acting in his discretion, 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 **Gavin John Clifton** to be Acting Chief Police Officer to carry out the duties of the Chief Police Officer in the rank of Chief Inspector.

3. This appointment has effect from 10 December 2021 and will continue in effect until further appointment to the substantive post of Chief Police Officer is made, unless terminated sooner.

Dated 10 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 139 16 December 2021

Media Trust Ordinance 1989 *section 4*

Appointment of Trustees

1. Section 4 of the Media Trust Ordinance 1989 provides that the Governor acting in his discretion shall appoint not less than

five and not more than nine persons to be members (“trustees”) of the Media Trust.

2. In exercise of my powers under section 4, I appoint **Deborah Elizabeth James** and **Matthew James Eccles** to be trustees.

3. These appointments take effect from the date of signature and continue in effect for four years, unless terminated sooner.

Dated 16 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 140 17 December 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Keith Andrew Knight** to be a Registrar for the purposes of the marriage of Matthew Thomas Jack and Marina Rae Sau San Sinclair-Chin scheduled to take place at Fox Bay East, West Falkland on 1 February 2022 at noon.

Dated 17 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

No. 141 17 December 2021

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 and every such appointment shall be notified in the *Gazette*.

2. In exercise of my powers under section 25(1) of the Marriage Ordinance 1996, I appoint **Robin Perry McGill** to be a Registrar for the purposes of the marriage of Terri-Sue Biggs and Christopher David Biggs scheduled to take place at Carcass Island on 16 February 2022 at 2pm.

Dated 17 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

Retirement Pensions Ordinance 1996
section 3

Appointment of member to Board of Management

1. Section 3(2) of the Retirement Pensions Ordinance 1996 provides that the Governor shall appoint three persons to be members of the Board of Management.
2. In exercise of my powers under section 3(2) I appoint **Grizelda Susan Cockwell** to be a member of the Board of Management.

3. This appointment takes effect on signature, and continues in effect for three years, unless terminated sooner.

Dated 17 December 2021

N. J. PHILLIPS C.B.E.,
Governor.

Erratum

Falkland Islands Gazette - Volume 130
Gazette No 23 published on 30 November 2021, listed under Resignation:- **Kirsty Williams**, Apprenticeship Coordinator, Falkland College, Education Department, 26.11.21 in error.