

SECRETARIAT

(Formerly)

2 1 4 5	2
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	4
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BRITISH ANTARCTIC TERRITORY.

CONNECTED FILES.

NUMBER

2145/A

B.A.T. Renaming South Georgia & South Sandwich.

THE FOLLOWING REFERENCE AND THE
DATE OF THIS LETTER SHOULD BE
QUOTED IN COMMUNICATIONS.

CROWN AGENTS

FOR OVERSEA GOVERNMENTS AND ADMINISTRATIONS

0/British Antarctic Survey 1

TELEGRAMS { INLAND: "CROWN, SOWEST, LONDON."
OVERSEA: "CROWN, LONDON SW1"

TELEPHONE: ABBEY 7730

TELEX No. 24209

4, MILLBANK,

LONDON, S.W.1.

5th January, 1962.

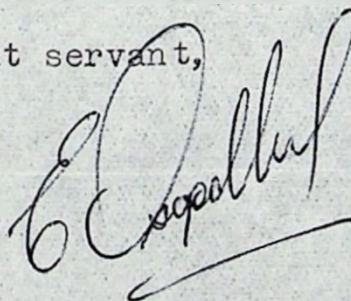
Sir,

I am directed to refer to the change in name of the Falkland Islands Dependencies Survey as from 1st January, 1962, and to confirm that the Crown Agents will use the new title, British Antarctic Survey, in all correspondence etc. relating to the Survey.

The title of the requisition series covering stores required for the Survey has been amended to 'B.A.S.' but the existing numerical sequence will remain unbroken.

As you are aware all charges for the Survey have hitherto been debited to the Falkland Islands Dependencies account which is also used for debits in respect of services to South Georgia. In the circumstances it does not seem appropriate to amend the title of this account and all charges arising from Survey indents and all other receipts and payments connected with the Survey will continue to be entered in this account. I should be grateful to receive your confirmation that this is in accordance with your wishes or to learn what other arrangements are required.

I am, Sir,
Your obedient servant,



The Colonial Secretary,
Port Stanley,
FALKLAND ISLANDS.

Reply 26

2

DECODE.

No. 5.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 22.1.62 Time: 1515 Received: 23.1.62 Time: 1030

CONFIDENTIAL.

Addressed to Government of the Falkland Islands. No. 9.
Renaming British Sector.

The Queen has given Her informal approval to renaming of British Sector and I will despatch for February Darwin printed copies of necessary Legislative instruments. They are

(a) An Order in Council separating Sectors 50 South creating British Antarctic Territory and new office High Commissioner with power to make regulations (these take place of Ordinances).

(b) Falkland Islands letters patent defining boundary Dependencies.

(c) Royal instructions for Antarctic Territory (following usual form of small territory).

(d) New Antarctic Treaty Order in Council (reproducing provisions previous one with suitable amendments). Latter will come into force automatically on the same day as (a).

2. Sir Henry Webb will see drafts.

3. It is hoped take all in Privy Council meeting on date to be fixed in late February. When the prints arrive I would therefore be grateful for comments by telegram.

4. Renaming of rest of Dependencies (if approved by all concerned) will be carried out by separate instruments.

Secretary of State

G.T.C. : TB
TYPED. : LH

g.s.

Smiles

42

24.1.62

Reply at 3

PA

25.1.62

~~20.2.62~~ x

DECODE.

3

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 26.1.62

Time: 1530

Received:

Time:

PRIORITY

NO.9 CONFIDENTIAL

2 Your telegram No.9 - Renaming British Sector.

Grateful if you could send instruments by airmail leaving London Monday February 5 to connect with Protector which is due to leave Montevideo Thursday February 8. Protector returns Stanley February 12 and I leave in her that day for Antarctic returning Stanley March 1.

4

Hon C.T.

please?

may I have yr. comments on 1

26.1.62

GTC : MW

Replies at 7.

6

H. C. S.,

No change at present. The
position will be reviewed when we
know more about the accounting
arrangements for 1962/63.

L.G.

30.1.62

2145.

2nd February,

62.

Gentlemen,

I am directed to refer to your letter O/British Antarctic Survey 1 of the 5th January, 1962, regarding accounting procedure arising from the renaming of the Falkland Islands Dependencies Survey and to inform you that South Georgia charges should continue to be embodied in the general British Antarctic Survey account although it may become necessary to divorce these accounts at a later date. Should such action be required I will advise you if necessary by telegram.

I am,
Gentlemen,
Your obedient servant,

(Sgd.) H.L. Bound

for COLONIAL SECRETARY.

Crown Agents for Oversea Governments and Administrations,
4. Millbank,
LONDON, S.W.1.

HLB/IM.

Rev 1
2/12/62
38

24.11.2.62.

DECODE.

No. 37.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 2.2.62 Time: 1700 Received: 3.2.62 Time: 1015

3

No. 11. Your telegram No. 9.

Renaming of British Sector.

Instruments in bag No. 12 arriving Montevideo February 2nd.

Secretary of State

S.S.

for Libman

5 2/62

C.T.C. : IN

5.2.62

Bu 12.262

8

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE .

Despatched : 12.2.62

Time : 1800

Received :

Time :

CONFIDENTIAL

No.18

Your telegram No.11. Renaming of British sector.

Unfortunately Bag No.12 did not arrive in H.M.S. Protector to-day although Bag No.13 did. I anticipate it will arrive "Darwin" February 18. Documents will be examined on arrival by Colonial Secretary and Registrar. If any doubts they will contact me in H.M.S. Protector but I think it unlikely that there will be any amendments to suggest.

GTC : MW

By 19.2.62 (mic)

Reply at 9.

9
DECODE.

No. 58.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 16.2.62 Time: 1115 Received: 16.2.62 Time: 1500

CONFIDENTIAL. PRIORITY.

8 No. 19. Your telegram No. 18. ^{by} Renaming of British Sector.

If I receive clearance from you ^{by} on February 19th Instrument can be made on Monday 26th laid at 3 p.m. on Friday March 2nd (when public announcement can be made) and come into force on March 3rd provided of course this programme acceptable to you and allows time for announcement and publication Instrument in Falkland Islands Gazette (if necessary).

Secretary of State

G.T.C. : LH

10
1. am HE if programme
submitted
~
We have find out
when we can get it
has often a feel R-SC
to stand by
a
16/2/62.

DECODE.

TELEGRAM.

From Governor's Deputy, Stanley.

To Governor, H.M.S. Protector.

Despatched : 17th February, 19 62. Time : 0900

Received : 19 Time :

C7 Following received from Secretary of State begins.

Renaming of British Sector.

If I receive clearance from you on February 19th Instrument can be made on Monday 26th laid at 3 p.m. on Friday March 2nd (when public announcement can be made) and come into force on March 3rd provided of course this programme acceptable to you and allows time for announcement and publication Instrument in Falkland Islands Gazette (if necessary). Ends.

2. Please advise if programme suitable.

Governor's Deputy

DECODE.

No. 66.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 16.2.62 Time: 1730 Received: 17.2.62 Time: 1015

PRIORITY. CONFIDENTIAL.

8 No. 20. Your telegram No. 18. Renaming of British Sector.

9 Request substitute the following my telegram No. 19 begins.

If I receive clearance from you by February 19th both Orders-in-Council can be made on February 26th laid before Parliament and published in United Kingdom on March 2nd (when press release can be made) to come into operation March 3rd. Please confirm this is acceptable and leave time for you to publish in Gazette.

2. Royal instructions and Letters Patent will be made later but would come into operation same date Orders-in-Council.

Secretary of State

G.T.C. : LH

Reply at 16.

DECODE.

TELEGRAM.

From Governor's Deputy, Stanley.....

To Governor, H.M.S. Protector.....

Despatched : 17th February, 19 62. Time : 1130

Received : 19 Time :

12

Further telegram received begins.

Renaming of British Sector.

9

Request substitute the following my telegram 19 begins.
If I receive clearance from you by February 19th both Orders-in-Council can be made on February 26th laid before Parliament and published in United Kingdom on March 2nd (when press release can be made) to come into operation March 3rd. Please confirm this is acceptable and leave time for you to publish in Gazette.

2. Royal instructions and Letters Patent will be made later but would come into operation same date Orders-in-Council. Secretary of State ends.

Governor's Deputy

G.T.C. : LH

DECODE.

No. 1.

TELEGRAM.

From Governor Falklands, H.M.S. Protector.

To Governor's Deputy, Stanley.

Despatched : 17th February, 19 62. *Time* : 1745

Received : 19 *Time* :

The following message to be passed by telephone immediately on receipt. To meet programme if Darwin arrives in time it will be necessary for you and Registrar to examine instruments on arrival. If no snags clearance could be given February 19th. Remainder of programme depends on paren alfa paren whether publications of instrument in official gazette necessary and if so. Paren bravo paren whether printing can be done by March 3rd. Please consult Registrar on paren alfa paren and printer on paren bravo paren.

2. If you have any doubts after reading instruments please inform Secretary of State you wish to consult me on my return.

P/L : LH

Reply at 17

Received 18.2.62.



47
15

FST 213/365/01

PRIORITY

S A V I N G

From the Secretary of State for the Colonies.

To the Officer Administering the Government of
FALKLAND ISLANDS.

DATE 30th January, 1962.

No. 7 Saving.

2.

My telegram No. 9.

Renaming of Antarctic.

I enclose copies of drafts of the
four instruments referred to in my telegram.

I should be grateful for your
comments by telegram.

SECEP.

Reply at 22.

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 19.2.62

Time: 1030

Received:

Time:

12

No. 23. Your telegram No. 20.

This is acceptable.

Governor's Deputy

P/L : LH

Psy

19.2.62

etat GOVERNOR HMS PROTECTOR ('Phoned W/T Station 0950/19th)

DEPSA/c

Documents arrived stop Dates approved by me

Governor's Deputy

RHDN/LH

I examined the documents with the RSC. They 18
seemed to be in order.

The head printer says that he will not be able to get all the
printing of the two ^{orders in Council} ~~conventions~~ printed by March 2nd or 3rd.

RSC advises that the Gazette should bear the date
March 2nd but that it does not matter if it is
not printed or distributed that day. In many cases
Gazettes have not actually been printed on the day date
which they bear.

RSC says it is really safer not to distribute the
Gazette till we know that the orders have been laid before
Parliament.

Next action.

1. Ask SPS to inform us by telegram as soon as the orders
have been laid before Parliament
2. Resubmit for H. G.'s information as soon as he returns
I suggest that we might make an announcement
on the 2nd giving the gist of the Gazette notice.

5 19/2/62.

19
S/c as 1. above pl. 19.2.62.

20
Acl
Draft to S/c pl. 20.2.62

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 21.2.62

Time :

Received :

Time :

15

No. 26. Your Savingram 7 of 30th January.

Please inform me by telegram as soon as order laid before
Parliament.

Governor's Deputy

DRM/LH

BU. 28 2 62.

92
DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 22.2.62

Time: 1615

Received:

Time:

No. 27.

PRIORITY.

15 Your Savingram No. 7 of 30th January. Grateful you confirm Instrument should read "at the court of Buckingham Palace the 26th day of February 1962". Would also like to learn serial number of Instrument if this is possible.

Governor's Deputy

P/L : HLB/LH

Bul 27.2.62

DECODE.

No. 37.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 22.2.62 Time: 1230 Received: 23.2.62 Time: 1015

CONFIDENTIAL.

No. 23. Renaming of British Sector.

New series telegrams will be started from March 3rd on B.A.T. matters addressed to you as High Commissioner British Antarctic Territory (telegraphic address Highcom Falkland Islands) replaces FIDEP series.

2. Will you wish us to continue FIDEP series for South Georgia matters or should such telegrams be sent in the Colony series in view of South Georgia financial contribution to Colony for Administrative services.

3. Has SECFIDS new telegraphic address?

G.T.C. : LH

Reply at 45.

24
DECODE.

No. 48.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 23.2.62

Time: 1325

Received: 24.2.62 Time:

CONFIDENTIAL

No. 25. Your telegram No. 23 renaming of British Sector - constitutional instruments: following amendments should be included in prints sent in bag No. 12.

the Antarctic Treaty Order in Council: Section 1 (2). After "1962 (c)" add "and shall be published in/Falkland Islands Government Gazette".

British Antarctic Territory Order in Council: third line of text; after "pleased" insert comma. Fourth line of text; after "council" insert comma. Subpara Section 1 (2). After "operation on" add "the third day of March 1962, and shall be published in the Falkland Islands Government Gazette". Subpara Section 7 (1) fifth line. For "instructions" read "instructions with a capital I".

Royal Instructions: in the last line insert "eleventh".

Letters Patent: in the first line of text delete "the" and substitute "our". Subpara in seventh line of text delete "like"; after "Letters Patent" insert "under our great seal".

Article (1) (3) fourth line. After "acts of" insert "the".

Article (1) (4) first line. Between "shall" and "comes into" insert "be deemed to have". Second line. After "1962" add " and shall be published in the Falkland Islands Gazette".

Article 2 line 2. Delete "our" and insert "the aforesaid"

2. Will confirm the 2 Orders have been made on the date and will also Statutory Instrument numbers to be inserted in headings. Any further amendments will be notified at the same time.

3. Will also inform you when Royal Instructions have been signed by Her Majesty and when Letters Patent have been made.

Secretary of State

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 26.2.62

Time: 1500

Received:

Time:

24 No. 29. Your telegram No. 25.

Please confirm that reference in two places will be to Falkland Islands Government Gazette and in 3rd to Falkland Islands Gazette. Please also check and repeat 217th group of text received as KZYHR

Governor's deputy

RHDM/TB

DECODE.

No. 6.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched: 27.2.62 Time: 0920 Received: 27.2.62 Time: 1500

24

No. 26. My telegram No. 25.

Re-naming of British Sector.

12

Both Orders-in-Council made at Buckingham Palace and will be laid and published as in my telegram No. 20.

2. British Antarctic Territory Order numbered 1962 number 400, Antarctic Treaty Order 1962 401.

3. Will telegraph when Royal instructions signed and Letters Patent made.

Secretary of State

G.T.C. : HB

y. &

Papers submitted. The position is as follows.

1. The two Orders in Council have to be gazetted.

We should get a reply to 25.

If no reply received by to-morrow morning

i.e. I think we could publish the words as given to us
"Falkland Islands Government Gazette". The orders in
Council are with the printer now ready to print when
ordered. so that 9A does not apply. This is good work by the printer

2. The Royal Instructions of Letters Patent are to be
made ~~later~~ later. I will check up and see that
they are all ready for printing when the time comes

3. Another matter is dealt with at 23

South Georgia can be dealt with in volume series
if FIDEP discontinued. Costs of 23 can go to
see BAS

2/3/62

DECODE.

28

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 2.3.62

Time: 1500

Received:

Time:

PRIORITY

No. 33

26

Your telegram No. 26 - renaming of British Sector.

Section 4 of your No. 400 (see also Section 6) grateful
to learn position.

GTC : MW

29.

Reply at 30.

for ..
BU handling.
Do not publish
gazette
BU 6/3
BU 5.3 62
BU 7/3/62
BU 2/3/62

GAZETTE NOTICE

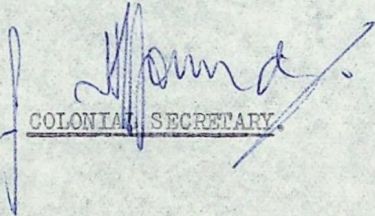
Colonial Secretary's Office,
Stanley, Falkland Islands.

No. 15.

2nd March, 1962.

The following Orders in Council are hereby published for
general information.

By Command,



COLONIAL SECRETARY.

Ref: 2145

HB/LH

DECODE.

No. 35.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched : 7.3.62 Time : 1750 Received : 8.3.62 Time : 1000

CONFIDENTIAL.

28 No. 28. Your telegram No. 33. Appointment High Commissioner British Antarctic Territory. It is proposed to advise Her Majesty to appoint Sir Edwin Arrowsmith as High Commissioner with effect from March 3rd 1962 and a Commission will shortly be submitted to Her Majesty for signature.

Secretary of State

G.T.C. : LH
(Intld.) DM

S. S. 32
for information

8/10/3/62

30
31

H. C. S.

33.

I presume we ^{shall} ~~would~~ be informed as soon as the Queen has signed my Commission, and I should be grateful if you would let me know as soon as we get a telegram about this.

March 14, 1962

TRA

ju

EW 17.3.62

2145
DECODE.

TELEGRAM SENT.

From SECRETARY OF STATE to ~~XXXXXXXXXX~~ HIGH COMMISSIONER

Despatched: 15:3:62 Time: 1720 Received: 16:3:62 Time: 1100

No. 2.

31 My telegram 28 to Governor, Falkland Islands.

Commission appointed Sir Edwin Arrowsmith, High Commissioner for the British Antarctic Territory retrospectively wef 3rd March. signed by Her Majesty 14th March original and copies follow by bag.

PL : SC

35.
DECODE.

TELEGRAM SENT.

HIGH COMMISSIONER

From ~~GOVERNOR~~ to SECRETARY OF STATE

Despatched: 16.3.62

Time: 1700

Received:

Time:

UNNUMBERED

I should be grateful if you would convey to the Queen with my humble duty the loyal and devoted greetings of all those in the service of Her Majesty's new colony of the British Antarctic Territory.

P/L : MW

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 16.3.62

Time: 1700

Received:

Time:

UNNUMBERED

Following from Arrowsmith begins:

I have today been sworn in as High Commissioner of
the British Antarctic Territory. Ends.

Original in; 2145
Copy in: P/756/II

F/L : MW

DECODE.

No. 21.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched : 3.4.62

Time : 0145

Received : 3.4.62

Time : 1530

26

No. 40. My telegram No. 26.

Falkland Islands letters patent made 2nd April.

Secretary of State

R/L : LH

CROWN AGENTS

FOR OVERSEA GOVERNMENTS AND ADMINISTRATIONS

O/British Antarctic Survey 1

TELEGRAMS { INLAND: "CROWN, SOWEST, LONDON."
OVERSEA: "CROWN, LONDON SW 1"

TELEPHONE: ABBEY 7730

TELETYPE No. 24208

4, MILLBANK.

LONDON, S.W.1.

12th March, 1962

Sir,

I am directed to refer to your letter No. 2145 of the 2nd February, 1962 regarding the accounting procedure to be followed as a result of the change in the title of the Falkland Islands Dependencies Survey.

2. Prior to the 1st January, 1962, charges etc. for the Survey were entered in the account entitled 'Falkland Islands Dependencies' (not 'Survey'), together with South Georgia and other Dependency items. The change in the name of the Survey could not automatically alter the title of this account, as it was not purely a 'Survey' account, and as stated in the Crown Agents' letter of the 5th January, the title has remained unchanged at 'Falkland Islands Dependencies'.

3. Transactions which pass through the account include:-

Receipts - All credits in respect of Income Tax from Whaling Companies. Proceeds of sale of Dependencies stamps.

Duty on Whale Oil, lease payments for whaling stations.

All F.I.D.S. (now B.A.S.) receipts and remittances from South Georgia.

Interest received on Falkland Island Dependencies - Reserve fund investments.

Payments - All F.I.D.S. (now B.A.S.) payments (including costs arising out of indents and payments in connection with M.V. "JOHN BISCOE").

Purchases, salaries etc. in connection with South Georgia.

4. The creation on March 3rd of the separate Colony of the British Antarctic Territory would appear to make it inappropriate to include such items as South Georgia charges in a 'British Antarctic Territory' or a 'British Antarctic Survey' account. Further to this the forthcoming transfer to London of the Survey Accounts Organisation raises the possibility that there may be items relating to the Territory which are not suitable for entry in a 'Survey' account administered in London. It will therefore be appreciated if you will advise as soon as possible what accounts are required and specify the items which such accounts are to include. In the meantime, at the request of the Director of the Survey, statements of account from March onwards will be retained in London.

5. The Crown Agents will also be glad to learn the correct designation, address, etc. of officers responsible for matters relating to the British Antarctic Territory together with advice of any other changes arising from the creation of the new Colony.

I am, Sir,
Your obedient servant,

The Colonial Secretary,
Port Stanley,
Falkland Islands.

38A

HC 7

8/17/62

Reply 48

(Presence but draft gazette work of 39
Royal instructions has been carefully checked?
Have we the letters patent?

Has the amendments set by 24 been
included?
I should like to know what the Royal
instructions of the letters patent.

52
3/4/62

40

H.C.S.,
Gazette notice of Royal Instructions was proof read.
Letters Patent collected from Printing Office and now
also at B.C.
Amendments at 24 have been included.
Head Printer would like to know in which
gazette these instruments are to be published
and the date of publication.

10. 4. 62.

(Mail at 38)

A.C.S.
See B.A.S. wanted
further action on
46, I think?

13. 2. 62.

H.M.C.S.

41

23 appears to have been overlooked.
It would be helpful if S Georgia telegrams
could be treated separately but perhaps under
a new prefix of "SG".

B.A.S. now operate under the telegraphic
address of "ANTARCTIC".

14. 4. 62

42

John C. T.

as at 38th pl.

18.4.62

43

- 1 Letter patent have now been made
and the gazette which in respect of them should be
made as soon as possible.
- 2 Patent Instructions We have had NO
information that they have been passed yet & they
must NOT be published in the gazette until we
have made can B.O. Monday week to ask S of S
if we have not heard any more.
3. Would W.C.T. please advise on 38th A.
4. 23 Not necessary to combine FIDEP
series for Simon Gerson.
Please put out re Sec FIDEP telegraph
address
24/4/62.

EST. 213/365/01.



COLONIAL OFFICE,
LONDON, S.W.1.

Your reference.....

2145

FALKLAND ISLANDS

NO.

31

16 April, 1962.



Sir,

37
bc.
I have the honour to refer to my telegram No. 40 of the 2nd April, 1962, and to transmit to you herewith the sealed copy and six plain copies of the Falkland Islands Letters Patent, 1962, and the Antarctic Treaty Order in Council, 1962.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

R. Phillips

GOVERNOR

SIR EDWIN P. ARROWSMITH, K.C.M.G.,

etc.,

etc.,

etc.

DECODE.

TELEGRAM SENT.

From GOVERNOR to SECRETARY FOR TECHNICAL CO-OPERATION

Despatched: 15.5.62. Time: 1030 Received: Time:

23 No. 72. Your telegram No. 23 renaming of British sector.

Please discontinue FIDEP series for South Georgia matters and replace with prefix SG. Secfids telegraphic address now amended to ANTARCTIC.

Governor

P/L : TB

17th May, 62.

Gentlemen,

38

I am directed to refer to your letter O/British Antarctic Survey of the 12th March, 1962, and to advise you of the following changes in accounting for the transactions formerly entered in the account entitled Falkland Islands Dependencies.

2. The creation of the separate Colony of the British Antarctic Territory on 3rd March will not affect the accounting arrangements until 1st July, 1962, when the accounts of the Dependencies will be split into

- (a) South Georgia
- (b) British Antarctic Survey.

3. Accordingly I am to request that you will arrange for the transactions detailed in paragraph 3 of your letter under reference to be accounted for (as from 1st July) as follows:-

For South Georgia account

Receipts. All mentioned in paragraph 3.
Payments. Purchases, salaries, etc. in connection with South Georgia.

4. The disposal of the cash balance of the Dependencies account will be decided later and the Accounting Officer, British Antarctic Survey, has authority to authorise the transfer to either of the new accounts.

5. As from 1st July, 1962, the accounts of South Georgia will be kept in the Colonial Treasury at Stanley and the vouchers and other documents should be forwarded to this office. From that date also the new British Antarctic Survey account will be operated from London and any information required concerning this account may be obtained from the Accounting Officer who is now on his way to take up his duties in London.

I am,
Gentlemen,
Your obedient servant,

(Sgd.) R.L. Round

for COLONIAL SECRETARY.

Crown Agents for Oversea Governments and Administrations,
4, Millbank,
LONDON, S.W.1.

100/TH.

Copies to: Treasury
Audit
Sec. B.A.S.

49

H. C. S.,

- f. 45. 1. Letters Patent have been proof-read and passed to printer. They are to appear in 1st May Gazette.
2. Royal Instructions. Nothing further on these. Perhaps the mail next Thursday will bring something?
3. f. 38A has been replied to - see f. 48
4. see f. 45, pl.

 19. 5. 62.
6

Our Ref: FST.213/
365/01.



50

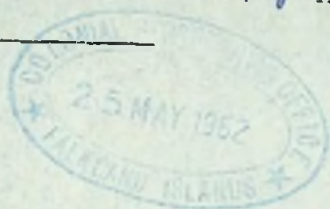
COLONIAL OFFICE,
GREAT SMITH STREET,
LONDON, S.W. 1.

BRITISH ANTARCTIC TERRITORY

NO. 3

18 April, 1962.

Sir,



?
b.c. I have the honour to refer to my telegram
No. 5 of the 2nd April, 1962, and to transmit to
you herewith the sealed copy and six plain copies
of the British Antarctic Territory Royal Instructions
1962, and the British Antarctic Territory Order in
Council, 1962.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

R. Phillips

HIGH COMMISSIONER

BRITISH ANTARCTIC TERRITORY.

51

Now the Regd instructions should
be gazetted and also a copy should
go to Registrar is not

pc
27/7/62

GAZETTE NOTICE

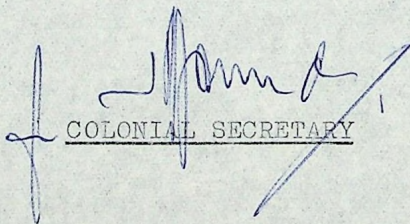
No. 39.

Colonial Secretary's Office,
Stanley, Falkland Islands.

1st August, 1962.

The following Instructions to the High Commissioner
for the British Antarctic Territory passed under the Royal
Sign Manual and Signet are published for information.

By Command,



COLONIAL SECRETARY

Ref: 2145

RB/FH

53.

R.S.C.,

To note pl. (see f.51) and to withdraw a printed copy of each of the four instruments in the envelope at b.c.

§

for C.S.

1. 8. 62.

54

Hon. Col. Sec.,

51 noted thank you and above mentioned copies instruments and instructions withdrawn.

J.P.B.

2. viii. 62.

82

2/3/62.

55.

C.I.C., B.A.S.,

To withdraw a printed copy of each of the four instruments in the envelope at b.c., pl.

§

for C.S.

8.8.62.

Q.A.G

56

Withdrawn sent you

E. Clapham

8.8.62

gm.

PA.

20th August, 1962.

Dear Sir Edwin,

I am sorry to worry you on your leave, but there are one or two matters concerning B.A.S. about which you might be able to help us.

The procedure for keeping B.A.S. Office here fully briefed on programmes and projects does not appear to be working satisfactorily. I am told that a signal was sent by Johnny Green to all bases that they would be kept fully informed of the programme through this office and Ted Clapp tells me that you were very particular that this office should be kept properly informed, but in practice it does not appear to be working that way. Some examples of what I mean are as follows:-

- i. The B.B.C. programme 'Calling Antarctica' referred to the Tottan Mountain project. There is somebody on the bases called Edwards who is being pressed for his decision as to whether he wishes to stay on or not and whose decision depends on what is going to happen about the Tottan Mountain project. On some bases they have heard the broadcast and asked for further information about this project on others they have not heard the broadcast and have asked this office for all the information it can provide. They were informed that no doubt full information would be arriving on August 8th. In point of fact when the mail did arrive there was no information on this or any other subject.
- ii. Information has reached us through devious channels that Ken Blaiklock is to be employed on the East Coast project. But there is no official information here of any details as to what is going to be done about the East Coast project.
- iii. We have also heard from other sources that Jim Nerrar is to be made Base Leader at Deception. He is a person who was thinking of applying for a job in the Education Department here and the fact that he had been appointed Base Leader at Deception would have been interesting to know. However no official information has been received by Ted Clapp on

58

Page 2

this either. We have also heard of the appointment of a Marine Biologist at Signy.

- iv. Perhaps it would be possible to lay down a procedure whereby when any decision of this nature was reached it was automatically conveyed to the office out here by the next mail if not urgent or by telegram if it was urgent.

There is one other matter akin to this question namely that we have asked Head Office for information in connection with the proposal for the Air Service here to import Avgas by a tanker but have received no reply from Head Office in spite of sending telegrams.

The other B.A.S. matter which I might mention is the question of houses for the Met. Staff. I know that it is worrying Pat Canning considerably. Furthermore, while our S.F.C. is very bitterly opposed to anything which looks like Government interfering with the ordinary laws of supply and demand to obtain houses for its staff, the British Government through Met. is prepared to pay and does pay any rent however uneconomical to secure houses for its staff. I had a long talk with Pat on the subject and gather that the position is that the Air Ministry are not interested in whether we employ their Met. people or not but that if we do employ them they insist on them having houses up to the standard which they demand and also that they decide on the quota of married people to single. This seems a bit hard when for our vital needs in the Colony we have to reject married people on the grounds that we have no houses. The suggestion that I would make is that when, as must surely happen soon we start building houses from Colony funds, houses for Met. Officers should also be built from B.A.S. funds.

yours sincerely,
(Sgd.) R.H.D. Manders.

His Excellency
Sir E. Arrowsmith, K.C.M.G.,
c/o Colonial Office,
The Church House,
Great Smith Street,
LONDON, S.W.1.
RHM/IV.

BO 28.9.62

Saving

BUF 59

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDSDate - 3 SEP 1962 August, 1962No. 81 Saving

The Antarctic Treaty Order in Council, 1962

The new Antarctic Treaty Order in Council, 1962 dealt only with the British Antarctic Territory and sections 3 and 6 were therefore more restricted in their application than the 1961 Order, which dealt with the Falkland Islands and the Dependencies. The new section 3 differs from that in the old Order in that foreign observers, etc. will not be immune from the jurisdiction of the courts of the Falkland Islands Colony and the new Dependencies in respect of civil proceedings arising from acts occurring in the relevant parts of Antarctica. They will, of course, be immune from criminal proceedings as the laws of the Colony and Dependencies have no extra territorial effect. There is, however, a remote possibility that personal actions of a transitory nature in contract or tort brought against nationals of the parties to the Treaty other than the United Kingdom might be entertained in the courts of the Colony and Dependencies, if the Defendant happened to be within the Colony or Dependencies when the process was served upon him, just as such actions might be entertained in the courts of the United Kingdom or in some other British Dependency if the defendant was served within the area of their jurisdiction. I am advised that it will be sufficient if legislation in this respect dealt only with the Falkland Islands and Dependencies since it seems that a situation such as is envisaged here would only conceivably occur in the Falkland Islands and Dependencies through which the scientists, etc. would normally need to pass.

/Section

Saving

60

From the Secretary of State for the Colonies.

To the Officer Administering the Government of _____

Date _____

No. _____ Saving

Section 6 differs from its predecessor in that it fails to relieve the scientists, observers, etc. who pass through the Falkland Islands Colony and Dependencies (new style), from administrative difficulties.

While the likelihood of proceedings of the sort covered by the former section is rather remote and there seems no reason to think the law of the Colony and Dependencies imposes any unreasonable hindrances on passage to the scientists and observers concerned, in order to maintain Her Majesty's Government's requirements under the Treaty it is thought desirable to return to the situation prior to the making of the new Order in Council and I am advised that the most convenient way of doing this is by local Ordinance rather than by a further Order in Council. Two draft Ordinances have been prepared by one of my Legal Advisers and these have also been shown to Sir Henry Webb, who agrees with them. One covers the Colony and the other the Dependencies, both are, I am advised, necessary in view of the provisions of section 17 of the Falkland Islands (Legislative Council) Order in Council of 1948 and Article 10 of the Falkland Islands Letters Patent, 1948.

If you are agreeable I would be grateful, therefore, if you would arrange for the enactments of those Ordinances.

SECEP.

CONFIDENTIAL

For consideration at the
next meeting of Council.

SMP 2145
5th October, 1962.

MEMORANDUM NO. 33/62 FOR EXECUTIVE COUNCIL

Antarctic Treaty

Section 3 of the Antarctic Treaty Order in Council of 1st July, 1961, provided in accordance with the Antarctic Treaty that observers, exchanged scientists and members of their staffs who were members of a contracting state to the Treaty should not be liable to the jurisdiction of any Court of the Colony or Dependencies in respect of any act or omission while they were in Antarctica.

Since then, as Honourable Members know, the new British Antarctic Territory has been constituted and therefore a new Order in Council has had to be made and the old one revoked.

The new Order naturally only refers to the Antarctic Territory and so it only provides exemption from the jurisdiction of any Court in the British Antarctic Territory and not of any Court in the Falkland Islands and Dependencies. It is not very likely that a person would anyhow be liable to the jurisdiction of a Court in the Falkland Islands and Dependencies for an act done in Antarctica but it is possible, and so, to comply with the Treaty, we have been asked to pass legislation providing the same immunity as was given by the 1961 Order in Council to such people.

There was also provision in the 1961 Order in Council for the Governor to grant exemption from the provisions of any enactment in force in the Colony and Dependencies to such observers etc. especially in respect of baggage, instruments etc. to enable them to carry out their functions in Antarctica. Again the 1962 Order in Council only gives this power to the High Commissioner in respect of the British Antarctic Territory so legislation is necessary to enable the Governor to grant the exemptions in respect of the Colony and the Dependencies to those passing through in order to comply with the provisions of the Treaty.

65/66

Draft legislation to provide for these two matters is annexed for the consideration of Council.

[Handwritten signature]

COLONIAL SECRETARY

Above Circular issued to all members today.

JH.

9.10.62.

RHDM/FH

CONFIDENTIAL

AN ORDINANCE

To apply an Ordinance of the Colony to the Dependencies.

Enacted by the Governor of the Colony of the Falkland Islands
and the Dependencies thereof as follows:-

Short title. 1. This Ordinance may be cited as the Application of Colony
Laws Ordinance (No.), 1962.

Application of Colony Ordinance to Dependencies. 2. The Ordinance of the Colony specified in the first and
second columns of the Schedule to this Ordinance shall apply,
and shall be deemed to have applied, to the Dependencies of
the Colony, in like manner as it applies to the Colony, with
effect from the date set out opposite its title in the third
column of the Schedule aforesaid, and, accordingly, references
in sections 2 and 3 of the Ordinance to the Colony shall be con-
strued as references to the Dependencies of the Colony.

SCHEDULE

(No.)	Antarctic Treaty (Immunity from Jurisdiction) Ordinance, 1962.	(Date)
--------	---	--------

BU Exco 20/10/62

DECODE.

TELEGRAM SENT.

HIGH COMMISSIONER
From ~~GOVERNOR~~ to SECRETARY OF STATE

Despatched: 6:11:62 Time: 1430 Received: Time:

No. 21.

British Antarctic Territory Order in Council section 9 states

"There shall be a Public seal for the
Territory".

Grateful to learn if any action in hand to provide one.

GTC : SC

Reply at 71

Copy to OIC, BAS

41 8/11/63.

RSC

We spoke about the seal & I
have sent Tel. at 67.

2. Pl. go through instruments to
see if there are any other things
left undone that ought to be done.

69 JH 6.11.62

Y. E.

I cannot think of anything further which
ought to be done at the moment.

No provision is made by legislation or
otherwise for the publication of a B.A.T. Gazette.
Y. E. may wish all appointments, promotions and
other public notices etc. to be recorded in such
a Gazette.

Clause 7 of the Instructions makes the
annual publication of a complete collection
of all the Regulations enacted for the
Territory during the preceding year obligatory.

While section 14 of the O. i. C. provides
for the establishment of courts of justice in
the Territory, this requirement is satisfied
for the time being by the continuing effect
of the Colony laws in the Territory under
section 13 of the O. i. C. The laws include
those establishing courts, controlling courts,
procedure, judgments, decrees etc. applied
to the Dependencies (including Territory now B.A.T.)
prior to 3rd March, 1962.

J.P.B.
8.11.62.

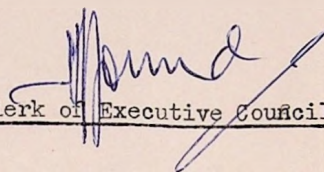
EXTRACT FROM MINUTES OF MEETING NO. 6/62 OF EXECUTIVE COUNCIL

HELD ON THE 30TH & 31ST OCTOBER, 1962

2145

14. ANTARCTIC TREATY (Memo. No. 33/62)

Draft legislation was accepted for presentation to the Legislature conferring certain privileges and immunities on exchange scientists and their staffs in accordance with the terms of the Treaty.


Clerk of Executive Council

2145
DECODE.

71
TELEGRAM SENT.

From SECRETARY OF STATE to ~~GOVERNOR~~ HIGHCOMA

Despatched: 16.11.62

Time: 1445

Received: 17.11.62

Time 1000

67
No. 20 Yourtel 21 Public Seal.

Customary for design of Colonial Public Seal to include Royal Arms and Arms of Territory within a surround consisting of the Royal style and title.

2. Royal Warrant assigning Arms to B.A.T. has not yet issued but is expected shortly.

3. When this is received Mint will proceed with the manufacture of the Seal which may take about three months to complete.

ER

GTC

Copy to oic, BAS

41

8/11/63

SAH

gen.

72
SLP 2145
20th November, 1962.

MEMORANDUM NO. 15 FOR LEGISLATIVE COUNCIL

Antarctic Treaty

Section 3 of the Antarctic Treaty Order in Council of 1st July, 1961, provided in accordance with the Antarctic Treaty that observers, exchanged scientists and members of their staffs who were members of a contracting state to the Treaty should not be liable to the jurisdiction of any Court of the Colony or Dependencies in respect of any act or omission while they were in Antarctica.

2. Since then the new British Antarctic Territory has been constituted and therefore a new Order in Council has had to be made and the old one revoked.

3. The new Order naturally only refers to the Antarctic Territory and so it only provides exemption from the jurisdiction of any Court in the British Antarctic Territory and not of any Court in the Falkland Islands and Dependencies. It is not very likely that a person would anyhow be liable to the jurisdiction of a Court in the Falkland Islands and Dependencies for an act done in Antarctica but it is possible, and so, to comply with the Treaty, we have been asked to pass legislation providing the same immunity as was given by the 1961 Order in Council to such people.

4. There was also provision in the 1961 Order in Council for the Governor to grant exemption from the provisions of any enactment in force in the Colony and Dependencies to such observers etc., especially in respect of baggage, instruments etc., to enable them to carry out their functions in Antarctica. Again the 1962 Order in Council only gives this power to the High Commissioner in respect of the British Antarctic Territory so legislation is necessary to enable the Governor to grant the exemptions in respect of the Colony and the Dependencies to those passing through in order to comply with the provisions of the Treaty.

73
5. A Draft Bill to provide for these two matters is annexed for the consideration of Council.

Alfred...
COLONIAL SECRETARY.

74

Government House,
Stanley, Falkland Islands.

6th December, 1962.

FALKLAND ISLANDS

COLONY - No. 183

Sir,

76
I have the honour to forward herewith for the
signification of Her Majesty's pleasure, two authenticated
and ten printed copies of Ordinance No. 11 of 1962,
entitled "An Ordinance to provide for the immunity of
certain classes of persons from the jurisdiction of the
Courts of the Colony".

75
2. A statement of Objects and Reasons is also
enclosed.

I have the honour to be,
Sir,
Your most obedient, humble servant,

GOVERNOR

The Right Honourable
Duncan Sandys, M.P.,
Secretary of State for the Colonies.

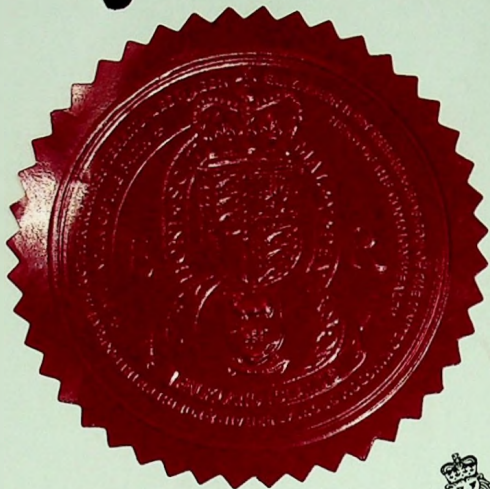
OBJECTS AND REASONS

This Ordinance provides for the immunity of observers or exchange scientists or members of the staff accompanying any observers or exchange scientists and who are nationals of any Contracting Party to the Antarctic Treaty other than the United Kingdom from the jurisdiction of the Courts of the Colony, and empowers the Governor to exempt from inspection, the baggage, instruments or other goods accompanying or intended for the use of such persons.

Assented to in Her Majesty's name this 4th day of
December, 1962.

Edwin Arrowsmith
Governor.

76



No. 11



1962

Colony of the Falkland Islands.

IN THE ELEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.

SIR EDWIN ARROWSMITH, K.C.M.G.,
Governor.

An Ordinance

To provide for the immunity of certain
classes of persons from the jurisdiction of
the Courts of the Colony.

Title.

ENACTED by the Legislature of the Colony of the Falkland
Islands as follows —

Enacting clause.

1. This Ordinance may be cited as the Antarctic Treaty
(Immunity from Jurisdiction) Ordinance, 1962.

Short title.

2. In this Ordinance —

Interpretation.

“Antarctica” has the meaning assigned to it by section 2 (1) of
the Antarctic Treaty Order in Council 1962;

“the Colony” means the Colony of the Falkland Islands;

“exchanged scientist” has the meaning assigned to it by section
2 (1) of the Antarctic Treaty Order in Council 1962;

“the Governor” means the Governor and Commander-in-Chief
of the Colony of the Falkland Islands and the Dependencies
thereof and includes any person who, under and to the extent
of any authority in that behalf, is for the time being
performing the functions of that office;

“observer” has the meaning assigned to it by section 2 (1) of
the Antarctic Treaty Order in Council 1962;

“the Treaty” has the meaning assigned to it by section 2 (1) of
the Antarctic Treaty Order in Council 1962.

77
Jurisdiction not to be
exercised by courts of the
Colony in certain cases.

3. (1) Jurisdiction shall not be exercised by any court of the Colony over any person to whom this section applies in respect of any act done or omitted to be done by him while he is or was in any part of Antarctica for the purpose of exercising his functions.

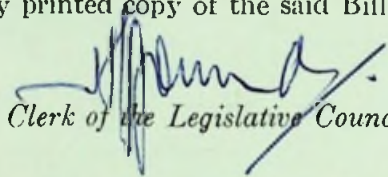
(2) This section applies to any person being a national of any Contracting Party to the Treaty other than the United Kingdom who is or was an observer or an exchanged scientist or a member of the staff accompanying any observer or exchanged scientist.

Power of Governor to
grant exemption from
certain laws.

4. The Governor may, to such extent and for such purposes as are specified in section 6 of the Antarctic Treaty Order in Council 1962, grant to such persons as are mentioned in that section exemption from the provisions of any enactment or instrument made thereunder which is in force in the Colony.

Ref. 2145.

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


Clerk of the Legislative Council.

By 28.12.62 (mainfile)

DECODE.

No. 403.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched : 14.12.62 Time : 1910 Received : 15.12.62 Time : 1015

16?
12
No. 101. Your telegram No. 23. Reports not entered on schedule of mails despatched 10th September and 20th October. Please send copies.

Secretary of State

P/L : LH
(Intld.) DM

Action taken on
BAS 24/135

G3

No.

Your reference :

2145

CH

COLONIAL OFFICE

GREAT SMITH STREET, LONDON, S.W.1



19 FEB 1963

19

Sir,

I have the honour to acknowledge the receipt of your despatch
No. 183 of the 6th December 1962 and to
inform you that the power of disallowance will not be exercised in respect of the
undermentioned Ordinance.

Law.

Act.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering
the Government.

Lassdorne
for Secretary of State
Falkland Islands

No.	Year	Short Title
11.	1962	Antarctic Treaty (Immunity from Jurisdiction) Ordinance 1962

For COLONIAL SECRETARY

(Sgd) H. L. Round.

By Command,

17/63	Income Tax (Amendment) (No. 4) Ordinance, 1962.	0747/III
16/62	Income Tax (Amendment) (No. 3) Ordinance, 1962.	0747/III
15/62	Non-Contributory Old Age Pensions (Amendment) Ordinance, 1962.	0323/V
11/62	Antarctic Treaty (Immunity from Jurisdiction) Ordinance, 1962.	2145
10/62	Road Traffic (Amendment) Ordinance, 1962.	0705/II
9/62	Overseas Service Ordinance, 1962.	2196
8/62	Supplementary Appropriation (1961-62) Ordinance, 1962.	0284/XIV

No. Subject No.

Information has been received from the Right Honourable the Secretary of State for the Colonies to the effect that Her Majesty will not be advised to exercise her power of disallowance in respect of the following Ordinances of the Falkland Islands:-

Colonial Secretary's Office,
Stanley, Falkland Islands.
6th April, 1963.

No. 19

GAZETTE NOTICE

DECODE.

No. 54.

TELEGRAM SENT.

From SECRETARY OF STATE to GOVERNOR

Despatched : 4.4.63 Time : 1737 Received : 5.4.63 Time :

No. 24. My telegram No. 101/62.

Copies of report not received.

1 Periodical Reports

Secretary of State

PS.

File Submitted. 6/3

11/4/63

Action taken
on B. AS 24/135

P/L : LH
(Intld.) DM

Hmcs.
Do you wish to take any
further action i.c.w. 69 pe? 105-63

KIV 69

82.

Copied
to
214-5/B

[I said an another file but we would prefer a
single file when the printers weren't too busy.
We had also into the folder to turn it to end of it
for us we do come.] NFA was concerned 2691

Not arrived
yet.
13.5.63

We should K.I.V. for the real - at 68. Perhaps
it was one - it will miss. If we and if it does not
come to next mail we should write.

5 14/5 1/5/62

83

ACS

Real did not arrive.

17.6.63

BU 3.6.63 to Nov Seal

BU 16.6.63 to
check if Seal came.

84

See 71 The book would take 3 months to make to read after
the book was written approving the Arms. This is the further about
the Arms. I remember seeing something - I think in last mail

5 20/6/63

85

ACS

84 I have spoken to B.A.S. office.
There is nothing new on their file.

D.P.M.

25.6.63

86

Am apparently sent off 27/5. 30 Seal
unlikely to be ready before September. You
might give a month's grace and bring up after
October month.

I don't make whether any indemnifying order
has to be made in respect of order made before
he sent was ready. This could be considered
at the same time

or

3/7/63

BU 30
12.10.63

DECODE.

81

TELEGRAM SENT.

Highcome

From ~~GOVERNOR~~ to SECRETARY OF STATE

Despatched: 2.11.63 Time: 0845 Received: Time:

71 No. 16. Your telegram No. 20 of 16th November 1962.

Public Seal. Grateful learn progress.

High Commissioner

P/L : HLB/LH

Copy to OICBAS

Reply at 88.
4/ 8/11/63.

BU 2.12.63

88

DECODE.

No. 21

TELEGRAM SENT.

From SECRETARY OF STATE to ^{HIGH COMMISSIONER, B.A.T.}
~~GOVERNOR~~

Despatched : 6.11.63

Time : 1620

Received : 7.11.63 Time 0900

81

14 Your telegram 16 Public Seal.

Black and white drawing of Arms which is essential
for Royal Mint to proceed with seal has been received
from College of Arms today and is being forwarded at
once to Royal Mint.

SECEP

P/L : ER

Copy passed to B.A.S.

BU 15864
BU 8464
BU 20.2.64
BU 20.1.64

Decode

TELEGRAM SENT.

FOR SECRETARY OF STATE TO GOVERNOR

Despatched: Time Received: Time

~~bu 12.9.64~~

Pa. 15.8.64

89

2145

15th January

68

To: Officer in Charge

From: Colonial Secretary

British Antarctic Survey

STANLEY

Application of Ordinances to B.A.T.

Has Sir Vivian indicated 'no objection' yet?

Grateful you clear this matter.

(W. H. Thompson)
COLONIAL SECRETARY

Pa
1/a

AR.

of BAS.

90

↳ Subordinate legislation

Application of Ordinances, B.A.

Would you please ask London over the telegraph whether Sir Bivian has any objection or views to offer on the application of the following Ordinances? If he has we will follow up by post

Ordinances	*	11 of 1966.	Ionising Radiation	} International requirements.
		2 of 1967	"	
		4 of 1967.	Administration of Justice (B.A. Court of Appeal concerned)	
Subordinate		3 of 1966	} Pensions (Amendment) Regulation	
		1 of 1967		
		2 of 1967		
		3 of 1967	Income Tax (Double Taxation) Order	
		3 of 1967	Prison Appeal (Revocation) Rules.	

They are all straightforward routine items. *

Whom do

C.S.

6. Dec. 1967

SOUTH ATLANTIC TERRITORIES

The Falkland Islands Letters Patent, 1962

LETTERS PATENT amending the Letters Patent of the 21st July, 1908; the 28th March, 1917; and the 13th December, 1948, defining the boundaries of the Falkland Islands Dependencies.

Dated : 2nd April, 1962.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Whereas by Letters Patent under Our Great Seal dated the twenty-first day of July, 1908(a), it was amongst other things declared that the group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the Territory known as Graham's Land (as therein defined) should become Dependencies of Our Colony of the Falkland Islands:

And Whereas by Letters Patent under Our Great Seal dated the twenty-eighth day of March, 1917(b), it was declared that the Dependencies of Our said Colony should be deemed to include all such islands and territories as were therein defined:

And Whereas We are minded to alter the boundaries of the Dependencies of Our said Colony so as to exclude therefrom certain islands and territories which are hereinafter defined:

And Whereas it is expedient further to amend the Falkland Islands Letters Patent, 1948(c), in the manner hereinafter appearing:

Now KNOW YE that We, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945(d), the Colonial Boundaries Act, 1895(e); and otherwise in Us vested, do declare Our Will and pleasure as follows:

1.—(1) These Our Letters may be cited as the Falkland Islands Letters Patent, 1962, and shall be construed as one with the Falkland Islands Letters Patent, 1948 and 1954(f). Citation, construction and commencement.

(2) The Falkland Islands Letters Patent, 1948 and 1954, and these Our Letters may be cited together as the Falkland Islands Letters Patent, 1948 to 1962.

(3) The Interpretation Act, 1889(g), shall apply, with the necessary adaptations, for the purpose of interpreting these Letters Patent and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of the Parliament of the United Kingdom.

(a) Rev. VII, p. 583. (b) Rev. VII, p. 585. (c) Rev. VII, p. 586.
(d) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (e) 58 & 59 Vict. c. 34.
(f) Rev. VII, p. 586; 1954 II, p. 2991. (g) 52 & 53 Vict. c. 63.

(4) These Our Letters shall be deemed to have come into operation on the same day as the British Antarctic Territory Order in Council, 1962, and shall be published in the Falkland Islands Government Gazette.

Exclusion
of certain
islands and
territories
from the
Falkland
Islands
Dependen-
cies.

2. The boundaries of the Dependencies of Our Colony of the Falkland Islands as defined in the aforesaid Letters Patent of the twenty-first day of July, 1908, and the twenty-eighth day of March, 1917, shall from the date of the coming into operation of these Our Letters be altered so as to exclude from such Dependencies all islands and territories whatsoever between the 20th degree of west longitude and the 80th degree of west longitude which are situated south of the 60th parallel of south latitude.

Amendment
of Article 1
of the
Falkland
Islands
Letters
Patent, 1948.

3. Paragraph (1) of Article 1 of the Falkland Islands Letters Patent, 1948, shall be amended by the deletion therefrom of the definition of "the Dependencies" and the substitution therefor of the following definition:

"the Dependencies" means all islands and territories whatsoever between the 20th degree of west longitude and the 50th degree of west longitude which are situated between the 50th parallel of south latitude and the 60th parallel of south latitude; and all islands and territories whatsoever between the 50th degree of west longitude and the 80th degree of west longitude which are situated between the 58th parallel of south latitude and the 60th parallel of south latitude.

Reservation
of power to
amend or
revoke
Letters
Patent.

4. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to amend, add to or revoke these Our Letters as to Us or Them shall seem fit.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster the second day of April in the eleventh year of Our Reign.

By Warrant under the Queen's Sign Manual.

Coldstream.

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1962

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STATUTORY INSTRUMENTS

1962 No. 400

SOUTH ATLANTIC TERRITORIES

The British Antarctic Territory Order in Council, 1962

Made - - - - - 26th February, 1962

Laid before Parliament 2nd March, 1962

Coming into Operation 3rd March, 1962

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945(a), the Colonial Boundaries Act, 1895(b), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the British Antarctic Territory Order in Council, 1962. Citation and commencement.

(2) This Order shall come into operation on the third day of March, 1962, and shall be published in the Falkland Islands Government Gazette.

2.—(1) In this Order—

“the British Antarctic Territory” means all islands and territories whatsoever between the 20th degree of west longitude and the 80th degree of west longitude which are situated south of the 60th parallel of south latitude;

“the Territory” means the British Antarctic Territory. Interpretation.

(2) The Interpretation Act, 1889(c), shall apply, with the necessary modifications, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

3. On the day of the commencement of this Order all the islands and territories whatsoever which were immediately before such commencement comprised in the Dependencies of the Colony of the Falkland Islands as defined in the Letters Patent dated the 21st day of July, 1908(d), and the 28th day of March, 1917(e), and are situated south of the 60th parallel of south latitude between the 20th degree of west longitude and the 80th degree of west longitude shall form a separate colony which shall be known as the British Antarctic Territory. British Antarctic Territory to be a separate colony.

4. There shall be a High Commissioner for the Territory who shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet and shall hold office during Her Majesty's pleasure. Establishment of office of High Commissioner.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6, c. 7.
(c) 52 & 53 Vict. c. 63.

(d) Rev. VII, p. 583.

(b) 58 & 59 Vict. c. 34.
(e) Rev. VII, p. 585.

Powers and duties of High Commissioner.

5. The High Commissioner shall have such powers and duties as are conferred upon him by or under this Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him.

Oaths to be taken by High Commissioner.

6. A person appointed to hold the office of High Commissioner shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and an oath for the due execution of his office in the form set out in the Schedule to this Order.

Discharge of High Commissioner's functions during vacancy, etc.

7.—(1) Whenever the office of High Commissioner is vacant or the High Commissioner is absent from the Territory or is from any other cause prevented from or incapable of discharging the functions of his office, those functions shall be performed by such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State.

(2) Before any person enters upon the performance of the functions of the office of High Commissioner under this section he shall take and subscribe the oaths directed by section 6 of this Order to be taken by a person appointed to the office of High Commissioner.

(3) For the purposes of this section—

(a) the High Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the duties of his office, during his passage from any part of the Territory to another or to any other British territory south of the 50th parallel of south latitude, or while he is in any part of the last mentioned territory; and

(b) the High Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the functions of his office at any time when an officer is discharging those functions under section 8 of this Order.

Discharge of High Commissioner's functions by deputy.

8.—(1) The High Commissioner may, by Instrument under the Public Seal of the Territory, authorize a fit and proper person to discharge for and on behalf of the High Commissioner on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of High Commissioner as may be specified in that Instrument.

(2) The powers and authority of the High Commissioner shall not be affected by any authority given to such person under this section otherwise than as Her Majesty may at any time think proper to direct, and such person shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of High Commissioner as the High Commissioner may from time to time address to him.

(3) Any authority given under this section may at any time be varied or revoked by Her Majesty by instructions given through a Secretary of State or by the High Commissioner by Instrument under the Public Seal.

9. There shall be a Public Seal for the Territory. The High Commissioner shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal. Public Seal.

10. The High Commissioner, in Her Majesty's name and on Her Majesty's behalf, may constitute offices for the Territory, make appointments to any such office and terminate any such appointment. Constitution of offices.

11.—(1) The High Commissioner may, by Regulations, make laws for the peace, order and good government of the Territory. Power to make Regulations.

(2) Any Regulation made by the High Commissioner may be disallowed by Her Majesty through a Secretary of State.

(3) Whenever any Regulation has been disallowed by Her Majesty, the High Commissioner shall cause notice of such disallowance to be published in such manner and at such place or places in the Territory as he may direct.

(4) Every Regulation disallowed shall cease to have effect as soon as notice of disallowance is published, and thereupon any enactment amended or repealed by, or in pursuance of, the Regulation disallowed shall have effect as if the Regulation had not been made.

(5) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an enactment by an Act of Parliament.

12. The High Commissioner may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions; or

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence; or

(c) substitute a less severe form of punishment for any punishment imposed on that person for any offence; or

(d) remit the whole or any part of any punishment imposed on that person for any offence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.

13.—(1) Subject to the provisions of this section, the existing laws shall continue to have effect in the Territory after the commencement of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order. Existing laws.

(2) The provisions of subsection (1) of this section shall be without prejudice to any powers conferred upon the High Commissioner by section 11 of this Order.

(3) For the purposes of this section "existing laws" means all Ordinances, Laws, rules, regulations, orders and other instruments having the effect of law in the Territory immediately before the commencement of this Order.

14.—(1) The High Commissioner may, by Regulations made under this Order, establish such courts of justice in and for the Territory as he may think fit and may make such provisions as he may think Establish-ment of courts.

fit respecting the jurisdiction and powers of any such court, the proceedings in any such court, the enforcement and execution of the judgments, decrees, orders and sentences of any such court given or made in the exercise of such jurisdiction and powers, and respecting appeals therefrom.

(2) A court established under this section shall sit in such place or places in the Territory as the High Commissioner may appoint:

Provided that it may also sit in such place or places within any other British territory south of the 50th parallel of south latitude as the High Commissioner, acting with the concurrence of the Governor of such territory, may appoint, in which case it may exercise its jurisdiction and powers in like manner as if it were sitting within the Territory.

(3) The High Commissioner may constitute all such judgeships and other offices as he may consider necessary for the purposes of this section and may make appointments to any office so established, and any person so appointed, unless otherwise provided by law, shall hold his office during Her Majesty's pleasure.

Amendment
of section
1 (1) of the
Falkland
Islands
(Legislative
Council)
Order in
Council,
1948.

15. Subsection (1) of section 1 of the Falkland Islands (Legislative Council) Order in Council, 1948(a), shall be amended by the deletion therefrom of the definition of "the Dependencies" and the substitution therefor of the following definition:

"the Dependencies" means all islands and territories whatsoever between the 20th degree of west longitude and the 50th degree of west longitude which are situated between the 50th parallel of south latitude and the 60th parallel of south latitude; and all islands and territories whatsoever between the 50th degree of west longitude and the 80th degree of west longitude which are situated between the 58th parallel of south latitude and the 60th parallel of south latitude."

W. G. Agnew.

Section 6.

SCHEDULE

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE
OF HIGH COMMISSIONER

I, DO SWEAR (or solemnly affirm) that
I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs
and Successors, in the office of High Commissioner of the British Antarctic
Territory.

EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate
its general purport.)*

This Order makes provision for the constitution into a new colony under the name of the British Antarctic Territory of part of the Dependencies of the colony of the Falkland Islands and for the administration of the new colony.

(a) S.I. 1948/2573 (Rev. VII, p. 591: 1948 I, p. 1018).

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STATUTORY INSTRUMENTS

1962 No. 401

SOUTH ATLANTIC TERRITORIES

The Antarctic Treaty Order in Council, 1962

Made 26th February, 1962
Laid before Parliament 2nd March, 1962
Coming into Operation 3rd March, 1962

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), the British Settlements Acts, 1887 and 1945(b), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Antarctic Treaty Order in Council, 1962.

Citation
and com-
mencement.

(2) This Order shall come into operation on the same day as the British Antarctic Territory Order in Council, 1962(c), and shall be published in the Falkland Islands Government Gazette.

2.—(1) In this Order—

Interpre-
tation.

“Antarctica” means the area south of the 60th parallel of south latitude, including all ice shelves, but does not include the high seas within that area;

“the British Antarctic Territory” means all islands and territories between the 20th degree of west longitude and the 80th degree of west longitude which are situated south of the 60th parallel of south latitude;

“Court” means a court established under section 14 of the British Antarctic Territory Order in Council, 1962;

“exchanged scientist” means a scientist exchanged under paragraph 1 (b) of Article III of the Treaty;

“the High Commissioner” means the High Commissioner appointed under section 4 of the British Antarctic Territory Order in Council, 1962, and includes any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office;

“observer” means an observer designated under paragraph 1 of Article VII of the Treaty;

(a) 53 & 54 Vict. c. 37.

(b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(c) S.I. 1962/400.

"the Territory" means the British Antarctic Territory as defined in this Order ;

"the Treaty" means the Antarctic Treaty set out in the Schedule to this Order.

(2) The Interpretation Act, 1889(a), shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

3.—(1) Jurisdiction shall not be exercised by any court of the Territory over any person to whom this section applies in respect of any act done or omitted to be done by him while he is in any part of Antarctica for the purpose of exercising his functions.

(2) This section applies to any person who is an observer or an exchanged scientist or a member of the staff accompanying any observer or exchanged scientist and who is a national of any Contracting Party to the Treaty other than the United Kingdom.

4.—(1) Subject to the provisions of this section, where any person does or omits to do any act to which this section applies and that act or omission would, if it occurred in the Territory, be an offence under the law for the time being in force in the Territory, he shall be liable to be proceeded against and punished in the same manner in all respects as if the act or omission had occurred in the Territory ; and the courts of the Territory shall have jurisdiction accordingly.

(2) Proceedings for the trial and punishment of a person who is charged with an offence by virtue of the foregoing provisions of this section shall not be instituted in any court of the Territory except with the consent of the High Commissioner and on his certificate that the institution of such proceedings is, in his opinion, expedient.

(3) The High Commissioner, with the consent of a Secretary of State, may make such regulations as appear to him to be necessary or expedient in order to provide—

(a) for the arrest in any part of Antarctica to which this section applies of any person suspected of having committed an offence with respect to which the courts of the Territory have jurisdiction by virtue of the provisions of this section ; and

(b) for the conveyance in custody of any person so arrested to a convenient place in the Territory, or, where any court of the Territory having jurisdiction to enquire into a charge in respect of the offence which such person is suspected of having committed may exercise such jurisdiction when sitting in such other British territory as is mentioned in the proviso to subsection (2) of section 14 of the British Antarctic Territory Order in Council, 1962, to a convenient place in such territory for the purpose of being charged with that offence ; and

(c) for the taking of possession of and conveyance to a convenient place as aforesaid of any article that is situate in any part of

(a) 52 & 53 Vict. c. 63.

Antarctica to which this section applies and that may constitute evidence regarding the commission of an offence with respect to which the courts of the Territory have jurisdiction by virtue of the provisions of this section, and for securing the attendance before any such court of any person in any such part of Antarctica who may be able to give evidence regarding the commission of such an offence.

(4) This section applies to any act done or omitted to be done by a citizen of the United Kingdom and Colonies or a British protected person, who is an observer or an exchanged scientist or a member of the staff accompanying any observer or exchanged scientist, while he is in any part of Antarctica to which this section applies for the purpose of exercising his functions : and the parts of Antarctica to which this section applies are parts of Antarctica other than the Territory, the Australian Antarctic Territory and the Ross Dependency of New Zealand.

5.—(1) All parts of the Territory and all stations, installations and equipment therein, and all ships and aircraft at points of discharging or embarking cargoes or personnel in those parts of the Territory shall be open at all times to inspection by any observers : and any person impeding or hindering any such observer in the exercise of his right of inspection shall be guilty of an offence.

(2) Subject to the provisions of section 3 of this Order, proceedings in respect of an offence under this section shall be taken before the competent court of the Territory and any person who is convicted of such an offence shall be liable to a fine not exceeding fifty pounds.

6.—(1) Without prejudice to subsection (1) of the last foregoing section, the High Commissioner may, by order, grant exemption from the provisions of any enactment or instrument made thereunder in force in the Territory to observers and exchanged scientists and members of the staffs accompanying any such persons to such extent as appears to him to be necessary or expedient in order to facilitate access by such persons to any part of Antarctica for the purpose of exercising their functions or the exercise of their functions in any part of the Territory within Antarctica.

(2) The power to grant exemptions conferred by the preceding subsection shall be construed as including power to grant exemptions in respect of baggage, instruments or other goods accompanying or intended for the use of any such persons as are referred to in that subsection.

7. The Antarctic Treaty Order in Council, 1961(a), is hereby revoked without prejudice to anything lawfully done thereunder.

W. G. Agnew.

Revocation of Antarctic Order in Council, 1961.

(a) S.I. 1961/570 (1961 I, p. 1250).

THE SCHEDULE

THE ANTARCTIC TREATY

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord ;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica ;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind ;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations ;

Have agreed as follows :

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agreed that, to the greatest extent feasible and practicable:—

- (a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations ;
- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations ;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

- 1. Nothing contained in the present Treaty shall be interpreted as:—
 - (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica ;
 - (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise ;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory ;
- (b) all stations in Antarctica occupied by its nationals ; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated

under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1 (b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1 (c) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

- (a) use of Antarctica for peaceful purposes only;
- (b) facilitation of scientific research in Antarctica;
- (c) facilitation of international scientific cooperation in Antarctica;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- (e) questions relating to the exercise of jurisdiction in Antarctica;
- (f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTICLE XII

1.—(a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1 (a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2.—(a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian, and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December one thousand nine hundred and fifty-nine.

[Here follow the signatures on behalf of the Governments of:—Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.]

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order, which revokes the Antarctic Treaty Order in Council, 1961, makes provision relating to the new colony known as "the British Antarctic Territory" for the implementation in certain respects of the Antarctic Treaty signed at Washington on 1st December, 1959.

PRINTED BY HER MAJESTY'S STATIONERY OFFICE

1962

(19/35092) (Pink. 113) 25 3/62 St.S.

SOUTH ATLANTIC TERRITORIES

The British Antarctic Territory Royal Instructions, 1962

INSTRUCTIONS to the High Commissioner for the British Antarctic Territory.

ELIZABETH R.

Dated 30th March, 1962.

INSTRUCTIONS to Our High Commissioner for the British Antarctic Territory or other Officer for the time being performing the functions of his office.

We do hereby direct and enjoin and declare Our Will and pleasure as follows :—

1.—(1) These Instructions may be cited as the British Antarctic Territory Royal Instructions, 1962.

Citation,
commence-
ment and
revocation.

(2) These Instructions shall come into operation on the same day as the British Antarctic Territory Order in Council, 1962, and thereupon the Instructions issued to Our Governor and Commander-in-Chief of the Colony of the Falkland Islands and dated the 13th December, 1948, and the Additional Instructions issued to the said Governor and Commander-in-Chief and dated the 27th November, 1951, and the 15th November, 1955, shall, without prejudice to anything lawfully done thereunder, cease to have effect in respect of the British Antarctic Territory as defined in the British Antarctic Territory Order in Council, 1962.

2.—(1) In these Instructions “the High Commissioner” means the High Commissioner for the British Antarctic Territory, and includes the person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of his office.

Inter-
pretation.

(2) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting these Instructions and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

3.—(1) These Instructions, so far as they are applicable to any functions of the office of High Commissioner to be performed by such person as is mentioned in paragraph (1) of the preceding clause, shall be deemed to be addressed to, and shall be observed by, such person.

Instructions
to be
observed by
deputy.

(2) Such person may, if he thinks fit, apply to Us through a Secretary of State for instructions in any matter; but he shall forthwith transmit to the High Commissioner a copy of every despatch or other communication addressed to Us.

4. In the enacting of Regulations the High Commissioner shall observe, so far as is practicable, the following rules :—

Rules for
the enact-
ment of
Regulations.

(1) The words of enactment shall be “Enacted by the High Commissioner in accordance with the provisions of section 11 of the British Antarctic Territory Order in Council, 1962.”

(2) Matters having no proper relation to each other shall not be provided for by the same Regulation; no Regulation shall contain anything foreign to what the title of the Regulation imports; and no provision having indefinite duration shall be included in any Regulation expressed to have limited duration.

(3) All Regulations shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents.

(4) All Regulations shall be numbered consecutively in a separate series for each year commencing in each year with the number one, and the position of each Regulation in the series shall be determined with reference to the day on which the High Commissioner enacted it.

Certain Regulations not to be enacted without instructions.

5. The High Commissioner shall not, without having previously obtained instructions through a Secretary of State, enact any Regulation within any of the following classes, unless such Regulation contains a clause suspending the operation thereof until the signification of Our pleasure thereon, that is to say—

- (1) any Regulation for the divorce of married persons ;
- (2) any Regulation whereby any grant of land or money, or other donation or gratuity may be made to himself ;
- (3) any Regulation affecting the currency of the British Antarctic Territory or relating to the issue of bank notes ;
- (4) any Regulation imposing differential duties ;
- (5) any Regulation the provisions of which shall appear to him to be inconsistent with obligations imposed upon Us by Treaty ;
- (6) any Regulation affecting the discipline or control of Our Forces by land, sea or air ;
- (7) any Regulation of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in the British Antarctic Territory, or the trade, transport or communications of any part of Our dominions or any territory under Our protection or any territory in which We may for the time being have jurisdiction may be prejudiced ;
- (8) any Regulation whereby persons of any community or religion may be subjected or made liable to disabilities or restrictions to which persons of other communities or religions are not also made liable, or become entitled to any privilege or advantage which is not conferred on persons of other communities or religions ;
- (9) any Regulation containing provisions which have been disallowed by Us:

Provided that the High Commissioner may, without such instructions as aforesaid and although the Regulation contains no such clause as aforesaid, enact any such Regulation (except a Regulation the provisions of which appear to him to be inconsistent with obligations imposed upon Us by Treaty) if he shall have satisfied himself that an urgent necessity exists requiring that the Regulation be brought into immediate operation ; but in any such case he shall forthwith transmit a copy of the Regulation to Us together with his reasons for so enacting the same.

Regulations to be sent through Secretary of State.

6. When any Regulation has been enacted, the High Commissioner shall at the earliest convenient opportunity transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the Regulation duly authenticated under the

Public Seal of the British Antarctic Territory and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Regulation.

7. As soon as practicable after the commencement of each year, the High Commissioner shall cause a complete collection to be published, for general information, of all Regulations enacted for the British Antarctic Territory during the preceding year.

Regulations to be published yearly.

8. Every appointment by the High Commissioner of any person to any office of employment shall, unless otherwise provided by law, be expressed to be during pleasure only.

Appointments to be during pleasure.

9.—(1) Before disposing of any lands to Us belonging in the British Antarctic Territory the High Commissioner shall cause such reservations to be made therefrom as he may think necessary for any public purpose.

Disposition of Crown lands.

(2) The High Commissioner shall not, directly or indirectly, purchase for himself any land or building in the British Antarctic Territory to Us belonging without Our special permission given through a Secretary of State.

10. Whenever any offender has been condemned by the sentence of any court having jurisdiction in the matter to suffer death for any offence committed in the British Antarctic Territory, the High Commissioner shall call for a written report of the case from the judge who tried it, and for such other information derived from the record of the case or elsewhere as he may require, and may call upon the judge to attend upon him and to produce his notes ; and if he pardons or respites the offender, he shall, as soon as is practicable, transmit to Us through a Secretary of State a report upon the case, giving the reason for his decision.

Power of pardon in capital cases.

Given at Our Court at St. James's this thirtieth day of March, 1962, in the eleventh year of Our Reign.