



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CVIII

29th January 1999

No. 1

Appointments

Miss Lucy Ellis, Agriculture Assistant, Agriculture Department, 24.3.97.

Valdamar Lars Berntsen, Evening Security Officer, Medical Department, 24.12.98.

Mrs. Susan Maureen Evans, part-time Radio Teacher, Education Department, 1.1.99.

Mrs. Anna Russalka Stenning, part-time Radio Teacher, Education Department, 1.1.99.

Stephen John Dent, Travelling Teacher, Education Department, 2.1.99.

Peter John Bagley, Serviceman/Painter, Public Works Department, 4.1.99.

Nigel Bishop, Mechanic, Public Works Department, 4.1.99.

Miss Andrea Joanna Ross, Police Constable, Royal Falkland Islands Police, 4.1.99.

Mrs. Shirley Adams-Leach, Music Teacher, Education Department, 5.1.99.

Miss Sandra Leigh Picone, Infant/Junior Teacher, Education Department, 5.1.99.

Miss Margaret Anne Firth, Travelling Teacher, Education Department, 8.1.99.

Miss Julia Diane Hayes, Training Officer, Human Resources, 8.1.99.

Francis John Sheppard, Teacher, Education Department, 8.1.99.

Miss Clare Slater, Travelling Teacher, Education Department, 8.1.99.

Miss Nicola Jane Taylor, Travelling Teacher, Education Department, 8.1.99.

Miss Heather Norman, Travelling Teacher, Education Department, 9.1.99.

Ainslie Wilson, Infant/Junior Teacher, Education Department, 9.1.99.

Thomas Mark Whistler, Police Constable, Royal Falkland Islands Police, 16.1.99.

Craig Norman Leigh Besley-Clark, Labourer, Public Works Department, 25.1.99.

Promotion

Peter Humphrey, from Aircraft Fitter, FIGAS, to Licensed Aircraft Engineer, FIGAS, 1.1.99.

Completion of Contracts

Lawrence Gilbertson, Clerk of Works, Public works Department, 21.10.98.

David John Higgins, Head Teacher, Education Department, 23.1.99.

Renewal of Contracts

Lawrence Gilbertson, Clerk of Works, Public Works Department, 22.10.98.

David John Higgins, Head Teacher, Education Department, 24.1.99.

Resignations

Craig Norman Leigh Besley-Clark, Evening Security Officer, Medical Department, 31.12.98.

Miss Sandi Halford, Clerk, Public Service, 31.12.98.

Redundancy

Philip John Middleton, Community Education Officer, Education Department, 31.12.98.

NOTICES

No. 86

14 January 1999

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Michael James Murphy deceased of 3 St Mary's Walk, Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 11th day of December 1998 intestate.

WHEREAS Bessie Murphy has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. Titterington,
Registrar, Supreme Court.

No.87

25th January 1999

APPLICATION FOR NATURALISATION

Notice is hereby given that Mr. Jose Sixto Ruiz Barrientos of Walker Creek, Falkland Islands is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 14 days of the date of this notice.

J.E. Smith,
Immigration Officer.

No.88

25th January 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. Alejandro Neri Igao of Stanley, Falkland Islands is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows for any reason why this permit should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 14 days of the date of this notice.

J.E. Smith,
Immigration Officer.

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

CPL. C. BAMBROUGH C8400964

to be a Temporary Customs Officer from 5th January 1999 until 5th May 1999.

R.J.King,
Collector of Customs.

Appointment of Temporary Customs Officer Customs Ordinance 1943

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

I hereby appoint:

WO2 D. T. WILKINSON 24571437

to be a Temporary Customs Officer from 4th September 1998 until 4th March 1999.

R.J. King,
Collector of Customs.



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26th February 1999

No. 2

Appointments

Anthony James Bishop, Fisheries Observer, Fisheries Department, 16.2.99.

Miss Alison Blackburn, Temporary Fisheries Observer, Falkland Islands Government Air Service, 22.2.99.

Paul Brickle, Temporary Fisheries Observer, Fisheries Department, 22.2.99.

Justin East, Refueller, Falkland Islands Government Air Service, 22.2.99.

Confirmation of Appointment

Mrs. Cherilyn Julie Mitchell, Legal Secretary, Attorney-General's Department, 27.1.99.

Resignations

James Sutherland, Refueller/Handyman, Falkland Islands Government Air Service, 7.2.99.

John Jaffray, Agricultural Assistant, Department of Agriculture, 12.2.99.

NOTICES

No. 4

18 February 1999

INDEX OF RETAIL PRICES

The Index of Retail Prices for the quarter ended 31 December 1998 has now been calculated.

The Index increased by 0.444%, from 141.818 to 142.448. For the twelve months ended 31 December 1998, the increase was 3.52%.

C.S. Davies,
for Government Secretary.

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT John Moelwyn Lloyd deceased of Port Edgar, Falkland Islands died at Mount Pleasant, Falkland Islands, on the 24th day of December 1998 intestate.

WHEREAS Melvyn John Lloyd has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. Titterington,
Registrar, Supreme Court.

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

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

I hereby appoint:

Cpl. M. FRECKELTON E8234298

to be a Temporary Customs Officer from 9th February 1999 until 9th June 1999.

R.J.King,
Collector of Customs.

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

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

I hereby appoint:

Sgt. M. HENSON P8122713

to be a Temporary Customs Officer from 9th February 1999 until 9th June 1999.

R.J.King,
Collector of Customs.

Corrigendum

Please note that Notices in Gazette No. 1 of 29th January 1999, were incorrectly numbered.

Notices numbers 86 (Administration of Estates Ordinance - Mr. M.J. Murphy), 87 (Application of Naturalisation - Mr. Jose Sixto Ruiz Barrientos) and 88 (Application for Permanent Residence - Mr. Alejandro Neri Igao), should, in fact be numbers 1, 2 and 3 of 1999.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CVIII

31st March 1999

No. 3

Appointments

Robert John Wilkinson, Plumber, Public Works Department, 4.1.99.

Miss Andrea Louise Harding, Clerk, Treasury, 24.2.99.

Christopher Clarke, Night Security Officer, Medical Department, 25.2.99.

Martyn Gilson-Clarke, Handyman, Public Works Department, 8.3.99.

Miss Anna Jenine Robson, Sports Attendant, Leisure Centre, 8.3.99.

Timothy Bonner, Agricultural Assistant, Department of Agriculture, 16.3.99.

Promotion

Ian Lars Smith, from Trainee Aircraft Engineer, Falkland Islands Government Air Service, to Licensed Aircraft Engineer, Falkland Islands Government Air Service, 25.1.99.

Completion of Contracts

Robert Reid, Director of Agriculture, Department of Agriculture, 19.11.98.

Nicholas Backhouse, Quantity Surveyor/Measurement Engineer, Public Works Department, 17.2.99.

Dr. David Langridge, Director of Education, Department of Education, 3.3.99.

David McGregor Fyfe, Senior Dental Officer, 23.3.99.

Re-Appointments

Robert Reid, Director of Agriculture, Department of Agriculture, 20.11.98.

Nicholas Backhouse, Quantity Surveyor/Measurement Engineer, Public Works Department, 18.2.99.

Dr. David Langridge, Director of Education, Department of Education, 4.3.99.

David McGregor Fyfe, Senior Dental Officer, 24.3.99.

Resignations

Justin East, Refueller/Handyman, Falkland Islands Government Air Service, 19.4.99.

Mrs. Ellen Rose McKay, Cleaner, Education Department, 2.4.99.

NOTICES

No. 5 24th March 1999

**ELECTRICITY SUPPLY REGULATIONS 1969
(regulation 10)**

Notice is hereby given that the rate charged for the supply of electrical energy by the Government was reviewed by the Governor in Council in accordance with regulation 10 of the Electricity Supply Regulations 1969 and was reduced as follows with effect from the first meter reading/pre-payment meter recalibration on or after 1 July 1998:

non-domestic rate from 12p to 11½p per unit
domestic rate from 12p to 10p per unit

No. 6 25th March 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Dr. Barry Elsby, Dr. Bernadette Marguerite Paver and their children, Rosalind Alice Elsby and Thomas Elsby are applying to the Principal Immigration Officer for permanent residence permits. Any person who knows of any reason why permits should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 7 25th March 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. Vladimir Sytchov, Mrs. Natalia Sytchova and their children Dmitri Sytchov and Ulia Sytchova are applying to the Principal Immigration Officer for permanent residence permits. Any person who knows of any reason why permits should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 8 25th March 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. James Andrew Williams of Stanley, Falkland Islands is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 9

29th March 1999

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

TAKE NOTICE THAT Beulah Kluzniak deceased of Stanley, Falkland Islands died at the KEMH, Stanley, Falkland Islands, on the 9th day of December 1998 intestate.

WHEREAS Boguslaw Sylwester Kluzniak has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. Titterington,
Registrar, Supreme Court.

**LEGISLATIVE COUNCIL OF THE
FALKLAND ISLANDS****Welfare of Animals (Codes of Practice)
Ordinance 1996****RESOLUTION OF THE LEGISLATIVE COUNCIL**

No. 1 of 1999

RESOLVED by the Legislative Council, pursuant to section 1A(2) of the Protection of Animals Act 1911 in its application to the Falkland Islands under the Crimes Ordinance 1989 and the Welfare of Animals (Codes of Practice) Ordinance 1996, on the 24th day of March 1999, as follows -

1. That the Codes of Practice laid on the Table by the Chief Executive namely -

the Code of Practice for the Welfare of Sheep,
the Code of Practice for the Welfare of Dogs,
the Code of Practice for the Welfare of Horses,
the Code of Practice for the Welfare of Pigs,
the Code of Practice for the Welfare of Cattle, and
the Code of Practice for the Transport of Animals

are approved.

2. This Resolution may be cited as the Codes of Practice for the Welfare of Animals Resolution 1999 and comes into effect on the 24th day of March 1999.

C. ANDERSON,
Clerk of Councils.



THE FALKLAND ISLANDS GAZETTE

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30th April 1999

No. 4

Appointments

Robin Ramsey Gallacher, Police Constable, Royal Falkland Islands Police, 13.4.99.

Angela Vanessa Wilson, Infant/Junior Teacher, Education Department, 26.4.99.

Resignations

Robert John Wilkinson, Plumber, Public Works Department, 31.3.99.

Bruce Alan Wilks, Plumber, Public Works Department, 1.4.99.

Termination of Contract

Dr. David John Edmund Farrand, Medical Officer, Medical Department, 21.2.99.

NOTICES

No. 10

12th April 1999

**THE LIBYA (UNITED NATIONS
PROHIBITIONS OF FLIGHTS)
(DEPENDENT TERRITORIES) ORDER 1992
(SI 974/1992)**

**THE LIBYA (UNITED NATIONS SANCTIONS)
(DEPENDENT TERRITORIES) ORDER 1993
(SI 2807/1993)**

Pursuant to the provisions of Article 1(2) of the above-mentioned Orders, the Governor gives notice that, following the issue on 5th April 1999 of a report by the United Nations Secretary-General, in accordance with paragraph 8 of the Security Council resolution 1192(1998), the operation of the measures set forth in resolutions 748(1992) and 883(1993) in relation to Libya was suspended with immediate effect.

In accordance with the provisions of the said Article 1(2), the operation of the above-mentioned Orders is therefore suspended indefinitely, with the exception that Article 13 of the Libya (United Nations Sanctions) (Dependent Territories) Order 1993, and the provisions in that Order relating to the enforcement of Article 13, remain in force.

No. 11 14th April 1999

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Thomas Binnie deceased of Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 22nd day of October 1993 intestate.

WHEREAS Marion Blyth has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. Titterington,
Registrar, Supreme Court.

No. 12 15th April 1999

**NOTICE OF MEMBERS OF FINAL MEETING
(Members' voluntary winding up)**

Name of Company - Port Louis Limited (in voluntary liquidation)

Notice is hereby given pursuant to sections 290 and 341(1)(b) of the Companies Act 1948 that a General Meeting of the Members of the above-named Company will be held at 7 Kent Road Stanley at 4.00pm on Sunday the sixteenth day of May 1999, for the purpose of having an Account laid before them, and to receive the Liquidator(s) report, showing how the winding up of the Company has been conducted and its property disposed of, and of hearing any explanation that may be given by the Liquidator; and also of determining by Extraordinary Resolution the manner in which the books, accounts and papers and documents of the Company and of the Liquidator thereof, shall be disposed of.

Any Member entitled to attend and vote at the above-named Meeting is entitled to appoint a proxy to attend and vote instead of him, and such proxy need not also be a member.

S.A. BOOTH,
Liquidator.

No. 13 22nd April 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Miss Karen Pamela Sanchez of Stanley is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 14 22nd April 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. Kevin Peter Duncan of Stanley is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 15 30th April 1999

**THE BANKING ORDINANCE (Title 10.1)
THE BANKING (AMENDMENT) ORDINANCE
1996.**

NOTICE IS HEREBY GIVEN pursuant to Section 19(1) of the Banking Ordinance (Title 10.1), as amended, that the audited accounts of Standard Chartered Bank for the year ended 31st December 1998 are available for inspection at the bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Manager.

K.R. Biles, BSc. ACIB.,
*Manager, Standard Chartered Bank,
P.O. Box 166,
Stanley, Falkland Islands.*

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

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

I hereby appoint:

WO2 D. L. PEARSON 2482884

to be a Temporary Customs Officer from 26th February 1999 until 26th August 1999.

R.J. King,
Collector of Customs.



RECEIVED



THE FALKLAND ISLANDS GAZETTE

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31th May 1999

No. 5

Appointments

David Graham Clarke, Science Teacher, Falkland Islands Community School, Education Department, 28.4.99.

Caroline Mary Louise Morrell, Special Education Needs Co-ordinator, Falkland Islands Community School, Education Department, 28.4.99.

Trevor Marshall Barnes, Plumber, Public Works Department, 3.5.99.

Jorge Diego Maciello, Refueller/Handyman, Falkland Islands Government Air Service, 3.5.99.

Alison McPherson, Social Worker, Medical Department, 4.5.99.

John Hobman, Farm Manager, Saladero, Agriculture Department, 10.5.99.

Dr. Vladimir Laptikhovsky, Fisheries Observer, Fisheries Department, 18.5.99.

Ruth Yvonne Galwey, Staff Nurse, Medical Department, 21.5.99.

Promotions

John McLeod, from Trainee Aircraft Engineer, Falkland

Islands Government Air Service, to Licensed Aircraft Engineer, Falkland Islands Government Air Service, 19.4.99.

Henry James Elliott, from Leading Constable, Royal Falkland Islands Police, to Sergeant, Royal Falkland Islands Police, 1.5.99.

Len Stanford McGill, from Sergeant, Royal Falkland Islands Police, to Inspector, Royal Falkland Islands Police, 1.5.99.

Gary Colin Webb, from Police Constable, Royal Falkland Islands Police, to Leading Police Constable, Royal Falkland Islands Police, 1.5.99.

Transfer

Wendy Jennifer Wylie, from Personal Assistant, Public Works Department to Dental Assistant, Medical Department, 24.5.99.

Completion of Contracts

Dr. Richard Andrew Davies, Medical Officer, Medical Department, 29.4.99

Leslie Barber, Clerk of Works, Public Works Department, 13.5.99.

Renewal of Contracts

Dr. Richard Andrew Davies, Medical Officer, Medical Department, 30.4.99

Leslie Barber, Clerk of Works, Public Works Department, 14.5.99.

NOTICES

No. 16 4th May 1999

COMMUNITY SCHOOL MANAGERS COMMITTEE

Notice is hereby given that His Excellency the Governor has approved the appointment of the following person to the Community School Managers Committee with effect from 4 May 1999:

Mr. Kevin Kilmartin,
Chamber of Commerce Representative

Dated this 4th day of May 1999.

No. 17 10th May 1999

THE ELECTRICITY SUPPLY REGULATIONS (Regulation 10)

Notice is hereby given in accordance with regulation 10 of the Electricity Supply Regulations 1969 that the price of electricity will be increased as follows with effect from the first meter reading/pre-payment meter calibration on or after 1 July 1999:

non-domestic price from 11½p to 12p per unit;
domestic price from 10p to 11p per unit.

No. 18 14th May 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. Kevin Charles George of Stanley is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why this permit should not be issued is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 19 18th May 1999

The Index of Retail Prices for the quarter ended 31 March 1999 has now been calculated.

The index increased by 0.642% during the quarter, from 142.448 to 143.363.

F.B. WALLACE,
for Government Secretary.

No. 20

25th March 1999

INCREASE IN PASSPORT FEES

It is notified for public information that with effect from 12 April 1999 the following fees will apply for passport services provided in the Falkland Islands.

Type of Service	New Fee
Issuing a passport of not more than 32 pages which includes replacing an expired passport, and issuing a new passport of full validity when an original passport of restricted validity is unavailable:	
a) where the applicant is aged 16 years or over	£43.00
b) where the applicant is under 16 years (for a passport valid for 5 years)	£25.00
Amending or extending an existing passport except where the holder was under 16 years of age at the date of issue of the existing passport and that passport was issued before 26 March 1998	£30.00
Preparing and Issuing an emergency passport	£20.00

J.E. SMITH,
Immigration Officer.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

CPL. A. BROOKE E8234852

to be a Temporary Customs Officer from 26th March 1999 until 26th July 1999.

R.J. King,
Collector of Customs.

CORRIGENDUM

In Gazette notice No. 11 of 14th April 1999, Mr. Thomas Binnie of Stanley, Falkland Islands, died at Stanley on 22 October 1933, not October 1993 as published.

DEATH IN SERVICE

It is with deep regret that His Excellency the Governor announces the death of Mrs. Olga Bragger, Cleaner in the Education, Broadcasting and Mineral Resources Departments, on 2nd May 1999.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

PUBLISHED BY AUTHORITY

Vol. CVIII

15th June 1999

No.6

The following is published in this Gazette:-

The Register of Electors - Preliminary List 1999.

15 May 1999

REGISTER OF ELECTORS - PRELIMINARY LIST

The Registration Officer has prepared the preliminary list of all persons who, on the qualifying date (15 May 1999), appear to be entitled to be registered as electors for the purposes of the Electoral Ordinance 1988. In accordance with Section 12 of the Ordinance, the Registration Officer has caused the preliminary list to be published in this edition of the Gazette.

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

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

Deceased Electors - Camp

Coutts Frederick George
Lloyd John Moelwyn
McRae Robert George Victor

Deceased Electors - Stanley

Bemtsen Lavinia Maud
Bragger Olga
Hirtle Sandra May Winifred
King Gladys Eveline
Kluzniak Beulah
Luxton Ernest Falkland
Middleton Ellen
Murphy Michael James
Peake Claire Linda
Perry Augustave Walter
Short Ellen Mary
Smith Dwenifer May
Watson Hannah Maud

Electors who have changed Constituency - Camp to Stanley

Electors who have changed Constituency - Stanley to Camp

Bermtsen Benjamin John
 Clarke Violet Rose
 Doherty Ian
 Greenland Bonita Doreen
 Greenland Kenneth David

Electors who are no longer resident - Camp

Electors who are no longer resident - Stanley

Burnard Eleanor Jane
 Burnard Jennifer
 Burnard Linda May
 Burnard Peter
 Coombe Robert
 Gooch Dudley Frederick
 Plumb Christopher Philip
 Plumb Elaine Margaret
 Plumb Jason Alan
 Plumb Norman Phillip
 Stedman Dianne Audrey
 Stedman Robin Geoffrey
 Watson Boyd Edward Harold
 Wood Nicholas Paul Thomas

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

McLeod Joan May
 Tellez Charlotte Melize

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

Browning Joan Lucy Ann
 Clarke Margaret Ann
 Bermtsen Rachel Ena
 Cheeseman Stanley John
 Clarke Tracey Clare
 Lazo Joanna Rose
 McGill Teresa Rose
 Reeves Carolyn Wendy

Electors entitled to vote for the first time - Camp

Heathman Nyree
Howatt Eileen Rose
Pole - Evans Martin
Marsh Gemma Lynne
Marsh James Justin
McGhie Thomas Forsyth

Electors entitled to vote for the first time - Stanley

Aldridge Stephen John
Berntsen Falkland
Bonner Lindsay Jane
Burston Catherine
Burston Stephen Leslie
Buxton Nicole Gabrielle
Cheeseman Stanley John
Clarke Angela Sindy
Crowie Clare Francis
Finn Natalie Anne
Floyd Michael
Freeman Tracy
Gilbert Neil Robert
Goss Roger Simon
Greenland James Andrew William
Halford Sandi Jayne
Hardcastle Simon Brook
Harris Nicola Jane
Hirtle Leonard John
Jonson Amy Elizabeth
Manterola Miguel Angel Hernandez
Marsh Michelle Jane
McGill Derek Gary
McKay Mandy Rose
Mitchell Lee Robertson
Molkenbuhr Lee Charles
Paice Jennifer Marie
Peck David John
Poole Andrea Joan
Porter Elizabeth
Reid Emily Margaret
Ross Paula May
Shepherd Roy
Short Matias Ricardo
Smith Paul
Stenning Timothy Charles
Strange Georgina
Summers Dorothy Constance

Summers Marie Pearl
 Thom John Currie
 Trevello Maria Elena Hernandez
 Valler Glyndwr Huw
 Valler Robert Stanley Ernest
 Wallace James Barrett
 Williams Glen
 Yon Rodney Kevin

Electors and potential electors are advised that qualification for registration as an elector is governed by the provisions of section 27 of the Constitution. This section provides that, subject to certain exceptions, no person shall be qualified to be registered as an elector unless, on the qualifying date for registration as such an elector -

- (a) he is a Commonwealth citizen;
- (b) he is eighteen years of age or over; and
- (c) he has been resident in the Falkland Islands during the qualifying period.

“Resident” is defined in section 3 of the Electoral Ordinance 1988 as follows”

“Meaning of “resident” for the purpose of qualification to be registered as an elector

3. (1) Subject to subsection (3), for the purpose of qualification to be registered as an elector, a person is to be treated as being resident in the Falkland Islands-

(a) during such part or parts of the period of twelve months ending on the qualifying date as he was in the Falkland Islands; and

(b) during such part or parts of the period of twelve months ending on the qualifying date as his absence from the Falkland Islands was by reason of subsection (2) a permitted absence for the purposes of this section.

(2) Subject to subsection (3), a person’s absence from the Falkland Islands shall for the purposes of subsection (1) be regarded as a permitted absence to the extent that it was occasioned by one or more of the following-

(a) the performance of duties as a public officer in the employment of the Falkland Islands Government;

(b) the performance of duties as a member of the Legislative Council or as a member or an employee of the Corporation;

(c) service in Her Majesty’s regular armed forces;

(d) service as a member of the Falkland Islands Defence Force;

(e) undergoing a course of education or training overseas;

(f) undergoing a course of medical treatment overseas;

(g) accompanying a spouse absent overseas for a reason mentioned in paragraphs (a) to (e) of this subsection;

(h) any other absence for a period or periods not exceeding six months in the period of twelve months immediately preceding the qualifying date.

(3) A person's absence from the Falkland Islands shall not be regarded as a permitted absence if he has not had a home in the Falkland Islands at any time during the five years preceding the qualifying date.

The "qualifying period" is prescribed by section 4 of the Electoral Ordinance 1988 as follows

"Meaning of "resident for the qualifying period"

4. (1) Subject to the provisions of this subsection, for the purposes of the provisions of this Ordinance as to the qualification of a person to be registered as an elector, a person is to be regarded as being resident in the Falkland Islands for the qualifying period if under the provisions of section 3 he is to be treated as being resident in the Falkland Islands for the period of twelve months immediately preceding the qualifying date. Notwithstanding the foregoing, a person not born in the Falkland Islands shall not, in respect of any electoral register prepared in relation to the qualifying date in 1999 (that is to be say, 15 May 1999), be treated as resident in the Falkland Islands for the qualifying period unless on that date he had been ordinarily resident in the Falkland Islands for a period of not less than five years expiring on that date. For the purposes of this subsection, "ordinarily resident" has the same meaning as it has at common law."

1	Alazia	George Robert	Hope Cottage, East Falkland
2	Alazia	Hazel	Mullet Creek, East Falkland
3	Alazia	Jason Neville	Goose Green, East Falkland
4	Alazia	Mandy Gwyneth	Port Edgar Farm, West Falkland
5	Alazia	Michael Robert	Port Edgar Farm, West Falkland
6	Alazia	Thora Lilian	North Arm, East Falkland
7	Aldridge	Brian George	Goose Green, East Falkland
8	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
9	Aldridge	Terence William	Hill Cove, West Falkland
10	Anderson	Andrew Ronald	Port Howard, West Falkland
11	Anderson	Jenny	Port San Carlos, East Falkland
12	Anderson	Lynda June	Blue Beach Lodge, East Falkland
13	Anderson	Marina Rose	North Arm
14	Anderson	Ronald	North Arm
15	Anderson	Tony James	Port San Carlos, East Falkland
16	Anderson	William John Stanley	Blue Beach Lodge, East Falkland
17	Ashworth	Glennis	Beckside Farm, East Falkland
18	Ashworth	Iain	Beckside Farm, East Falkland
19	Ashworth	Malcolm	Beckside Farm, East Falkland
20	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
21	Barnes	Dierdre	Dunbar Farm, West Falkland
22	Barnes	Marshall	Dunbar Farm, West Falkland
23	Barnes	Paul	Hope Harbour, West Falkland
24	Beattie	Ian Robert Ewen	North Arm, East Falkland
25	Benjamin	Raymond John	Turners, MPA, East Falkland
26	Benjamin	Walter George	Turners, MPA, East Falkland
27	Berntsen	Arina Janis	Pebble Island, West Falkland
28	Berntsen	Benjamin John	Elephant Beach Farm E Falkland
29	Berntsen	Diana Mary	Goose Green, East Falkland
30	Berntsen	John Alexander	Goose Green, East Falkland
31	Berntsen	Leon	Albermarle Stn. West Falkland
32	Berntsen	Pamela Margaret	Albermarle Stn. West Falkland
33	Betts	Bernard Keith	Boundary Farm, West Falkland
34	Betts	Diane Joan	Boundary Farm, West Falkland
35	Betts	Irene Marion	Boundary Farm, West Falkland
36	Binnie	Horace James	Fox Bay Village, West Falkland
37	Binnie	Linda Rose	Fitzroy Farm, East Falkland
38	Binnie	Ronald Eric	Fitzroy Farm, East Falkland
39	Blake	Alexander Charles	The Peaks Farm, West Falkland
40	Blake	Anthony Thomas	Little Chartres, West Falkland
41	Blake	Lionel Geoffrey	The Peaks Farm, West Falkland
42	Blake	Lyndsay Rae	Little Chartres, West Falkland
43	Blake	Sally Gwynfa	The Peaks Farm, West Falkland
44	Bober	John	Turners, MPA, East Falkland
45	Bonner	Avril Margaret Rose	Salvador, East Falkland
46	Bonner	Keith James	Salvador, East Falkland
47	Bonner	Simon	Port Howard, West Falkland
48	Bonner	Susan Anne	Port Howard, West Falkland
49	Browning	Gavin	Fitzroy, East Falkland
50	Buckettt	Roy Peter	Leicester Falls, West Falkland
51	Butler	Doreen Susan	Goose Green East Falkland
52	Butler	James Donald	Goose Green East Falkland
53	Chandler	Ann Beatrice	Port Howard, West Falkland
54	Chandler	Edward	Port Howard, West Falkland
55	Chandler	Lee	Port Howard, West Falkland

56	Clark	Frederick Thomas	Hawkbit, MPA, Rd. East Falkland
57	Clarke	Jeanette	Kings Ridge, East Falkland
58	Clarke	Michael Jan	Kings Ridge, East Falkland
59	Clarke	Violet Rose	Elephant Beach Farm E Falkland
60	Clausen	Denzil	Weddell Is. West Falkland
61	Clausen	Henry Edward	Port Louis, East Falkland
62	Clifton	Leonard	North Arm, East Falkland
63	Clifton	Thora Janeene	North Arm, East Falkland
64	Cockwell	Benjamin William	Fox Bay Village, West Falkland
65	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland
66	Cockwell	John Richard	Fox Bay Village, West Falkland
67	Coleman	Anthony Hugh John	Bristows, MPA, East Falkland
68	Collins	Bernard	Turners, MPA. East Falkland
69	Davis	Aase	Evelyn Station, East Falkland
70	Davis	Ian John	Evelyn Station, East Falkland
71	Davis	Reginald John	Evelyn Station, East Falkland
72	Davis	William James	Goose Green, East Falkland
73	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
74	Dickson	Charles George	Brookfield, East Falkland
75	Dickson	Doreen	Wreck Point, East Falkland
76	Dickson	Gerald William	Wreck Point, East Falkland
77	Dickson	Iris	Goose Green, East Falkland
78	Dickson	Ronald Edward	Goose Green, East Falkland
79	Dickson	Steven Charles	Goose Green, East Falkland
80	Doherty	Ian	Mullet Creek, East Falkland
81	Donnelly	Daniel	Crooked Inlet, West Falkland
82	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
83	Duncan	Peter Ree Howard	Hill Cove, West Falkland
84	Dunford	David Philip	The Saddle, West Falkland
85	Edwards	Emma Jane	Lake Sullivan, West Falkland
86	Edwards	Norma	Lake Sullivan, West Falkland
87	Edwards	Rebecca Elizabeth	Lake Sullivan, West Falkland
88	Edwards	Roger Anthony	Lake Sullivan, West Falkland
89	Evans	Michelle Paula	Fitzroy, East Falkland
90	Evans	Raymond	Pebble Island, West Falkland
91	Evans	Richard Gregory	Fitzroy, East Falkland
92	Evans	Tracy	Saunders Is. West Falkland
93	Fairley	John	Port Stephens, West Falkland
94	Faria	Paul	North Arm East Falkland
95	Faria	Susana Caroline Berntsen	North Arm East Falkland
96	Felton	Anthony Terence	North Arm, East Falkland
97	Felton	Walter Arthur	North Arm, East Falkland
98	Ferguson	Finlay James	Bleaker Island, East Falkland
99	Ferguson	John William	Weddell Island, West Falkland
100	Ferguson	Stephanie Janet	Weddell Island, West Falkland
101	Findlay	Andrew John	Fox Bay Village, West Falkland
102	Findlay	Cathy Ann	Fox Bay Village, West Falkland
103	Finlayson	Barry Donald	North Arm, East Falkland
104	Finlayson	Iris Heather	North Arm, East Falkland
105	Finlayson	Neil Roderick	North Arm, East Falkland
106	Ford	Neil Fraser	Mossvale, West Falkland
107	Ford	Penelope Rose	Mossvale, West Falkland
108	Forster	Gwyneth May	Bold Cove, West Falkland
109	Forster	James	Bold Cove, West Falkland
110	Forsyth	Gordon	M.P.A. East Falkland

111	Gilding	Melanie Carol	Port Louis, East Falkland
112	Gilding	Peter Bernard	Port Louis, East Falkland
113	Giles	Gilbert	Walker Creek, East Falkland
114	Giles	Theresa Kathleen	Walker Creek, East Falkland
115	Gleadell	Ian Keith	East Bay, West Falkland
116	Gleadell	Marklin John	East Bay, West Falkland
117	Goodwin	Christopher Sturdee	Swan Inlet, East Falkland
118	Goodwin	Mandy Hazel	Greenfield, East Falkland
119	Goodwin	Robin	Greenfield, East Falkland
120	Goss	Eric Miller	North Arm, East Falkland
121	Goss	Margaret Rose	Horseshoe Bay, East Falkland
122	Goss	Peter	Horseshoe Bay, East Falkland
123	Goss	Shirley Ann	North Arm, East Falkland
124	Gray	David Edward	Sea Lion Island, East Falkland
125	Gray	Patricia May	Sea Lion Island, East Falkland
126	Greenland	Bonita Doreen	Darwin House Darwin E Falkland
127	Greenland	Kenneth David	Darwin House Darwin E Falkland
128	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
129	Halliday	Kenneth William	Fox Bay Village, West Falkland
130	Hansen	Ian	Main Point, West Falkland
131	Hansen	Lionel Raymond	Hill Cove, West Falkland
132	Hansen	Rose Idina	Hill Cove, West Falkland
133	Hansen	Susan Ann	Main Point, West Falkland
134	Hardcastle	Brook	Darwin, East Falkland
135	Hardcastle	Eileen Beryl	Darwin, East Falkland
136	Harvey	Jen	Hill Cove, West Falkland
137	Harvey	Valerie Ann	Hill Cove, West Falkland
138	Hayles	Robert Jack	M.P.A. East Falkland
139	Heathman	Ailsa	Estancia, East Falkland
140	Heathman	Ewart Tony	Estancia, East Falkland
141	Heathman	Nyree	Estancia, East Falkland
142	Hewitt	Brian David	North Arm, East Falkland
143	Hill	Jennifer Eileen	Pebble Island, West Falkland
144	Hirtle	Anthony	The Peaks Farm, West Falkland
145	Hirtle	Doris Linda	Port Howard, West Falkland
146	Hirtle	Odette Susan	Port Howard, West Falkland
147	Hirtle	Susan Mary	The Peaks Farm, West Falkland
148	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
149	Hobman	Vivien	Chartres, West Falkland
150	Hooper	Peter Bernard	Mount Alice, West Falkland
151	Howatt	Eileen Rose	Port Edgar, West Falkland
152	Jaffray	Alexander	Lively Island, East Falkland
153	Jaffray	Brian	Walker Creek, East Falkland
154	Jaffray	Dereck Charles	Walker Creek, East Falkland
155	Jaffray	Elliott Jessie	Lively Island, East Falkland
156	Jaffray	John Willie	Walker Creek, East Falkland
157	Jaffray	Phyllis	Walker Creek, East Falkland
158	Jones	Michael David	Port Louis, East Falkland
159	Jones	Sheila Janice	Port Louis, East Falkland
160	Jonson	Carl	Bombilla, East Falkland
161	Jonson	Rita Elizabeth	Bombilla, East Falkland
162	Keeley	John Gabriel	Turners, MPA. East Falkland
163	Kidd	John Nathan	Burntside, East Falkland
164	Kidd	Lillian Rose Orissa	Burntside, East Falkland
165	Kilmartin	Dinah May	Bluff Cove, East Falkland

166	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
167	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
168	Knight	Keith Andrew	Port Howard, West Falkland
169	Knight	Nigel Arthur	Coast Ridge, West Falkland
170	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
171	Lakin	Bernard	Turners, MPA. East Falkland
172	Lang	Patrick Andrew	North Arm, East Falkland
173	Lang	Velma Emily	North Arm, East Falkland
174	Larsen	Josephine Mary	Speedwell Island, East Falkland
175	Larsen	Ronald Ivan	Speedwell Island, East Falkland
176	Larsen	Yvonne	Speedwell Island, East Falkland
177	Lee	Carole	Port Howard, West Falkland
178	Lee	Elizabeth	Goose Green, East Falkland
179	Lee	John Alfred	Goose Green, East Falkland
180	Lee	Myles	Port Howard, West Falkland
181	Lee	Robin Myles	Port Howard, West Falkland
182	Lee	Rodney William	Port Howard, West Falkland
183	Leo	Brenda May	NAAFI, MPA. East Falkland
184	Lloyd	Melvyn John	Swan Inlet, East Falkland
185	Lloyd	Valerie Ann	Swan Inlet, East Falkland
186	Lowe	Adrian Stewart	Murrel, East Falkland
187	Lowe	Lisa Helen	Murrel, East Falkland
188	Luxton	Elisabeth Mary	Chartres, West Falkland
189	Luxton	William Robert	Chartres, West Falkland
190	MacBeth	Raymond John	Narrows Farm, West Falkland
191	Maddocks	Robert Charles	Saunders Island, West Falkland
192	Marsh	Alastair Roy	Shallow Harbour, West Falkland
193	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
194	Marsh	Arlette Sharon	Rincon Ridge, West Falkland
195	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland
196	Marsh	James Justin	Philomel Farm, Fox Bay East
197	Marsh	June Helen	Rincon Ridge, West Falkland
198	Marsh	Leon Peter	Rincon Ridge, West Falkland
199	Marsh	Marlane Rose	Shallow Harbour, West Falkland
200	Marsh	Patricia Ann	Lakelands, West Falkland
201	Marsh	Robin Frank	Lakelands, West Falkland
202	May	Christopher Raymond	New House, East Falkland
203	May	Lindsey Olga	New House, East Falkland
204	McBain	Arthur	Saladero, East Falkland
205	McBain	Rhoda Margaret	Saladero, East Falkland
206	McGhie	James	Pebble Island, West Falkland
207	McGhie	Roy	Port North, West Falkland
208	McGhie	Thomas Forsyth	Saunders Island, West Falkland
209	McGill	Gary	Goose Green, East Falkland
210	McGill	Robin Perry	Carcass Island, West Falkland
211	McKay	Christine	Teal River, West Falkland
212	McKay	Frazer Roderick	Teal River, West Falkland
213	McKay	Gerard	Goose Green
214	McKay	Isabella Alice	Westley, West Falkland
215	McKay	Richard	Westley, West Falkland
216	McLeod	Albert John	Goose Green, East Falkland
217	McLeod	Isabella Diana Frances	Weddell Is. West Falkland
218	McLeod	Joan May	North Arm, East Falkland
219	McLeod	Sarah Rose	Goose Green, East Falkland
220	McMullen	June	Goose Green, East Falkland

221	McHullen	Tony	Goose Green, East Falkland
222	McPhee	June Iris	Brookfield, East Falkland
223	McPhee	Kenneth John	Brookfield, East Falkland
224	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
225	McPhee	Terence Owen	Kingsford Valley, East Falkland
226	McPhee	Trudi Lynette	Brookfield, East Falkland
227	McRae	David Michael	South Harbour, West Falkland
228	McRae	Gloria Linda	South Harbour, West Falkland
229	McRae	Mandy	Home Farm, East Falkland
230	Miller	Betty	Walker Creek, East Falkland
231	Miller	James Albert	Fox Bay Village, West Falkland
232	Miller	Phillip Charles	Cape Dolphin, East Falkland
233	Minnell	Adrian James	Blue Beach, East Falkland
234	Minnell	Benjamin James	Moss Side, East Falkland
235	Minnell	Donna Marie	Moss Side, East Falkland
236	Minnell	Hazel Eileen	Moss Side, East Falkland
237	Minnell	Michael Robert	Moss Side, East Falkland
238	Minnell	Michelle Rose	Blue Beach, East Falkland
239	Minto	Patrick Andrew	Goose Green, East Falkland
240	Morrison	Eric George	Goose Green, East Falkland
241	Morrison	Gerald	Goose Green, East Falkland
242	Morrison	Jacqueline Denise Anita	Port Howard, West Falkland
243	Morrison	John	Port Howard, West Falkland
244	Morrison	Kathleen Iris	Goose Green, East Falkland
245	Morrison	Kenneth	Port Howard, West Falkland
246	Morrison	Lena	Port Howard, West Falkland
247	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
248	Morrison	Timothy	West Lagoons, West Falkland
249	Murphy	Roy David	Port Howard, West Falkland
250	Napier	Lily	West Point, West Falkland
251	Napier	Roderick Bertrand	West Point, West Falkland
252	Newman	Sheena Melanie	Cape Dolphin, East Falkland
253	Nightingale	Charlene	West Lagoons, West Falkland
254	Nightingale	Peter Richard	West Lagoons, West Falkland
255	Oxley	Brian	Bristows, MPA. East Falkland
256	Parkinson	Allen	Turners, MPA. East Falkland
257	Peck	Christine	Leicester Falls, West Falkland
258	Peck	Davina Margaret	Shallow Bay, West Falkland
259	Peck	Paul	Shallow Bay, West Falkland
260	Phillips	Carol Joan	Hope Cottage, East Falkland
261	Phillips	Terence	Hope Cottage, East Falkland
262	Pitaluga	Jene Ellen	Salvador, East Falkland
263	Pitaluga	Nicholas Alexander R.	Salvador, East Falkland
264	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
265	Pitt	Myra May	Goose Green, East Falkland
266	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
267	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
268	Pole-Evans	Ian	Manybranch, West Falkland
269	Pole-Evans	Lisa	Port Howard, West Falkland
270	Pole-Evans	Martin	Manbranch, West Falkland
271	Pole-Evans	Shirley Helen	Manybranch, West Falkland
272	Pole-Evans	Suzan	Saunders Island, West Falkland
273	Pole-Evans	William Reginald	Manybranch, West Falkland
274	Poncet	Dion Michael	Beaver Island, West Falkland
275	Poncet	Jerome Pierre	Beaver Island, West Falkland

276	Poncet	Sally Elizabeth	Beaver Island, West Falkland
277	Poole	Ella Josephine	Port San Carlos, East Falkland
278	Poole	Steven Charles	Port San Carlos, East Falkland
279	Porter	Joan	Shallow Harbour, West Falkland
280	Porter	William Kenneth	Fox Bay Village, West Falkland
281	Reeves	Ronald James	Port Howard, West Falkland
282	Robertson	Ann	Port Stephens, West Falkland
283	Robertson	Paul Jonathan	Port Stephens, West Falkland
284	Robertson	Peter Charles	Port Stephens, West Falkland
285	Ross	William Henry	Rincon Grande, East Falkland
286	Rozee	Fiona	Spring Point, West Falkland
287	Rozee	Ronald David	Spring Point, West Falkland
288	Saunders	Felicity Joan Carlie	Hawkbit, East Falkland
289	Short	Lindsay Marie	Goose Green, East Falkland
290	Short	Robert George	Goose Green, East Falkland
291	Sinclair	Simon Keith	Goose Green, East Falkland
292	Smith	Andrew John	Port San Carlos, East Falkland
293	Smith	George Patterson	Johnsons Harbour, East Falkland
294	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
295	Smith	Heather	Harps Farm, West Falkland
296	Smith	Jacqueline	Stoney Ridge, West Falkland
297	Smith	Jenny Lorraine	Johnsons Harbour, East Falkland
298	Smith	Marlaine Rose	North Arm, East Falkland
299	Smith	Michael Edmund	Johnsons Harbour, East Falkland
300	Smith	Robert William	North Arm, East Falkland
301	Smith	Robin Charles	Harps Farm, West Falkland
302	Smith	Roy Alan	Stoney Ridge, West Falkland
303	Smith	Terence George	North Arm, East Falkland
304	Stearn	Michael Thomas	M.P.A. East Falkland
305	Stevens	Richard James	Port Sussex, East Falkland
306	Stevens	Toni Donna	Port Sussex, East Falkland
307	Taylor	Christopher John	Goose Green, East Falkland
308	Tellez	Arturo	North Arm, East Falkland
309	Tellez	Charlotte Melize	North Arm, East Falkland
310	Tellez	Rodolfo	Port San Carlos East Falkland
311	Thorsen	David Moller	Teal Inlet, East Falkland
312	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
313	Towersey	Diane	Port Stephens, West Falkland
314	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
315	Turner	Diana Jane	Rincon Grande, East Falkland
316	Turner	Elaine Ellen	Rincon Grande, East Falkland
317	Turner	Ronald	Rincon Grande, East Falkland
318	Tuson	Olwyn Carol	Saunders Island, West Falkland
319	Velasquez	Arleen	North Arm, East Falkland
320	Velasquez	Oscar Hernan	North Arm, East Falkland
321	Watson	Glenda Joyce	Long Island, East Falkland
322	Watson	Neil	Long Island, East Falkland
323	Whitney	Daneila Grace	Mount Kent, East Falkland
324	Whitney	Dennis	Fitzroy, East Falkland
325	Whitney	Keith	Home Farm, East Falkland
326	Whitney	Leona Ann	Home Farm, East Falkland
327	Whitney	Patrick George	Mount Kent, East Falkland
328	Whitney	Tyrone	Home Farm, East Falkland
329	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
330	Wilkinson	Rosemary	Dunnose Head, West Falkland

331	Yon	Gillian Rose	KIS. MPA. East Falkland
332	Youde	Maxin Arthur	Turners, MPA. East Falkland
333	Young	Julie	Bristows, MPA. East Falkland
334	Young	Nigel Anthony	Turners, MPA. East Falkland

1	Adams	John Harvey	21 Ross Rd. East
2	Adams	Marjorie Rose	21 Ross Rd. East
3	Alazia	Andrew	66 Davis St.
4	Alazia	Anita Jayne	Government House
5	Alazia	Colleen	11 Fitzroy Rd. East
6	Alazia	Freda	2 Fitzroy Rd.
7	Alazia	Freda Evelyn	33 Ross Rd. West
8	Alazia	James Andrew	2 Fitzroy Rd.
9	Alazia	Keith	4 James St.
10	Alazia	Maggie Ann	6 John St.
11	Alazia	Stuart John	31 Fitzroy Rd.
12	Alazia	Yvonne	Flat 2, 1A Moody St.
13	Aldridge	Caroline Mary	2 H Jones Rd.
14	Aldridge	Kenneth John	2 H Jones Rd.
15	Aldridge	Nina Ann	2 H Jones Rd.
16	Aldridge	Stephen John	2 H Jones Rd
17	Allan	John	28 John St.
18	Allan	Joyce Ena	28 John St.
19	Allan	Michael Charles	3 Philomel Place
20	Almonacid	Orlando	1 Villiers St.
21	Anderson	Carol Anne	22 Endurance Ave.
22	Anderson	Claudette	Gardeners Cottage Stanley
23	Anderson	Eddie	22 Endurance Ave.
24	Anderson	Elizabeth Nellie	42 Davis St.
25	Anderson	Gloria	Jersey Est.
26	Anderson	Helen	88 Davis St.
27	Anderson	Jamie Falkland	Stanley
28	Anderson	Margaret Kathleen	21 John St.
29	Anderson	Mildred Nessie	8 St. Marys Walk
30	Anderson	Paul James	39 Eliza Cres.
31	Anderson	Reginald Stanford	21 John St.
32	Anderson	Richard Louis	88 Davis St.
33	Anderson	Rupert William	Stanley
34	Anderson	Stephen Robert	Stanley
35	Anthony	Enid Elizabeth	6 Dairy Paddock Rd
36	Anthony	Geraldine Sylvia	Flat 6, 6 Jersey Rd.
37	Anthony	Malcolm James	17 Brandon Rd.
38	Backhouse	Cheryl Paulette	19 Scoresby Close
39	Backhouse	Nicholas	19 Scoresby Close
40	Ballard	Wanda Rose	1 Fieldhouse Close
41	Barnes	Ernest	70 Davis St.
42	Barnes	Molly Stella	70 Davis St.
43	Barnes	Trevor Marshall	1 Auster Place
44	Barton	Alison Mary	6 Villiers St.
45	Barton	Arthur John	6 Villiers St.
46	Battersby	Jon Alan	16 Fieldhouse Close
47	Battersby	Margaret Mary	16 Fieldhouse Close
48	Bedford	Carole Anne	16 Scoresby Close
49	Bedford	Kita Muriel	2 Drury St.
50	Bennett	Harold	14 Alardyce St.
51	Bennett	Lena Grace Gertrude	14 Allardyce St.
52	Berntsen	Cecilia Del Rosario	14 St Marys Walk
53	Berntsen	Christian Olaf Alexander	32 Eliza Cres.
54	Berntsen	Falkland	10 Fitzroy Rd
55	Berntsen	Iain Kenneth	9 Eliza Cres.

56	Berntsen	Kathleen Gladys	1 St Marys Walk, Stanley
57	Berntsen	Kenneth Frederick	20 Ross Road West, Stanley
58	Berntsen	Matthew John	39 Davis St.
59	Berntsen	Olaf Christian Alexander	Eliza Cres.
60	Berntsen	Patrick	10 James St.
61	Berntsen	Rachel Ena	32 Eliza Cres
62	Berntsen	Saphena Anya Jane	Flat 7, 6 Jersey Rd.
63	Berntsen	Valdamar Lars	14 St. Marys Walk
64	Berntsen	Valorie Marcela	14 St. Marys Walk
65	Bertrand	Catherine Gladys	11 Ross Rd. East
66	Besley-Clark	Barbara June	53 Callaghan Rd.
67	Besley-Clark	Craig Norman Leigh	53 Callaghan Rd.
68	Besley-Clark	Douglas James	53 Callaghan Rd.
69	Besley-Clark	Norman	53 Callaghan Rd.
70	Betts	Arlette	Lafone House, Ross Rd. East
71	Betts	Donald William	7 Jeremy Moore Ave.
72	Betts	Ellen Alma	21 Fitzroy Rd.
73	Betts	George Winston Charles	35 Ross Rd. West
74	Betts	Ian	1 Villiers St.
75	Betts	Lucia Elizabeth	35 Ross Rd. West
76	Betts	Owen	Flat 4, Church House
77	Betts	Severine	2B Jeremy Moore Ave. East
78	Betts	Shirley Rose	7 Jeremy Moore Ave.
79	Betts	Simon Keith	Reflections Flat Stanley
80	Betts	Terence Severine	Lafone House, Ross Rd. East
81	Biggs	Alastair Gordon	Trehayle, 50 John St.
82	Biggs	Althea Maria	3 Dairy Paddock Rd.
83	Biggs	Betty Josephine	9 Woody St.
84	Biggs	Edith Joan	Trehayle, 50 John St.
85	Biggs	Frances	16 Endurance Ave.
86	Biggs	Frederick James	KEMH
87	Biggs	Irene Mary	Harbour View, 4 Ross Rd. East
88	Biggs	Leslie Frederick	3 Dairy Paddock Rd.
89	Biggs	Michael Elfed	21 Fitzroy Rd.
90	Biggs	Peter Julian Basil	16 Endurance Ave.
91	Binnie	Juliet Ann	33 Eliza Cres.
92	Binnie	Susan	3 Brandon Rd.
93	Birmingham	John	4 Drury St.
94	Birmingham	Susan Jane	4 Drury St.
95	Blackley	Candy Joy	4 Barrack St.
96	Blackley	Hilda	11 Thatcher Drive
97	Blackley	John David	4 Barrack St.
98	Blackley	Maurice	The Lodge, Market Garden
99	Blackley	Shane David	4 Barrack St.
100	Blades	Helen Jean	10 John St.
101	Blake	Thomas Patrick	90 Davis St.
102	Blizard	Lawrence Gordon	51 Fitzroy Rd.
103	Blizard	Malvina Mary	51 Fitzroy Rd.
104	Blyth	Agnes Ruth	2 Brandon Rd.
105	Blyth	Alfred John	2 Brandon Rd.
106	Blyth	Paz Neri	5 St Mary's Walk, Stanley
107	Bonner	Alan Paul	5 John Street, Stanley
108	Bonner	Angela Jane	5 John St.
109	Bonner	Cheryl Anne	4a Ross Road West
110	Bonner	Donald William	Chaffeurs Cottage

111	Bonner	Hayley Trina	41 Ross Rd. West
112	Bonner	Linda Jane	4A Ross Rd. West
113	Bonner	Lindsay Jane	21 Shackleton Drive
114	Bonner	Nicholas	4A Ross Rd. West
115	Bonner	Paul Roderick	5 John St.
116	Bonner	Timothy	41 Ross Rd. West
117	Bonner	Vera Ann	5 John St.
118	Bonner	Vera Joan	Chaffeurs Cottage
119	Bonner	Violet	40 Ross Rd.
120	Booth	Jessie	Racecourse Cottage
121	Booth	Joseph Bories	7 Philomel St.
122	Booth	Myriam Margaret Lucia	7 Philomel St.
123	Booth	Stuart Alfred	Racecourse Cottage
124	Bound	Joan	Barrack St.
125	Bowles	Norma Evangeline	1A Villiers St.
126	Bowles	William Edward	1A Villiers St.
127	Bowles	William George Troyd	1A Villiers St.
128	Bragger	Edward Laurence	14 Jeremy Moore Ave.
129	Brock	Juanita Lois	Flat5, 1 Jeremy Moore Ave East
130	Brooks	Cheryl Rose	25 Callaghan Rd.
131	Brooks	Peter William	25 Callaghan Rd.
132	Browning	Amanda Marie	3 Dairy Paddock Rd
133	Browning	Colin George	1 Moody St.
134	Browning	Edwina	Davis St.
135	Browning	Rex	35 Davis St.
136	Browning	Richard William	33 Davis St
137	Browning	Trevor Osneth	Rose Hotel
138	Brownlee	Andrew Samuel	19 Ross Rd East
139	Brownlee	Lynn Frances	19 Ross Rd East
140	Buckett	Ronald Peter	49 Fitzroy Rd.
141	Buckett	Susan Vera	49 Fitzroy Rd.
142	Buckland	Colin Michael	13 Murray Heights
143	Buckland	Darlene Joanna	11 James St.
144	Buckland	Peter John	9 Callaghan Rd.
145	Bundes	Robert John Christian	17 Fitzroy Rd.
146	Burnett	Anthony	59 Fitzroy Rd.
147	Burnett	Elizabeth Ann	59 Fitzroy Rd.
148	Burns	Mary Anne	34 Davis St.
149	Burston	Catherine	91 Davis St
150	Burston	Stephen Leslie	91 Davis St
151	Bury	Ian Thomas	63 Davis St.
152	Butcher	Michael George	3A Dairy Paddock Rd.
153	Butcher	Trudi	3A Dairy Paddock Rd.
154	Butler	Elsie Maud	8 John St.
155	Butler	Frederick Lowther Edward Olai	8 John St.
156	Butler	George Joseph	1A Moody St.
157	Butler	Jonathan Jeffers	3 Jeremy Moore Ave
158	Butler	Laurence Jonathan	2 Davis St East
159	Butler	Margaret Orlanda	15A James St.
160	Butler	Orlanda Betty	2 Davis St. East
161	Buxton	Nicole Gabrielle	19 Jeremy Moore Ave
162	Cameron	Jane Diana Mary Keith	Old Bakery, Fitzroy Rd.
163	Cant	Carol Rosine	Stanley
164	Cant	Martin Ronald	Stanley
165	Cantlie	Derek William	27 Callaghan Rd

166	Card	Patricia Collette	7 Ian Campbell Drive
167	Carey	Anthony Michael	19 Ross Rd. West
168	Carey	Bonita Colleen	19 Ross Rd. West
169	Carey	Gladys	19 Ross Rd. West
170	Carey	Martin Rex	21 Eliza Cove Cres.
171	Carey	Mary Ann Margaret	18 Ross Rd. West
172	Carey	Terence James	18 Ross Rd. West
173	Cartwright	Stephen	39 Ross Road West
174	Castle	David Peter	26 John St.
175	Castle	Isobel	26 John St.
176	Ceballos	Eulogio Gabriel	28 Endurance Ave.
177	Chaloner	Sheila Catherine	2 Racecourse Rd
178	Chapman	Helen	6 Fitzroy Rd. East
179	Chapman	Paul	6 Fitzroy Rd. East
180	Chater	Anthony Richard	33 Fitzroy Rd.
181	Chater	Thomas Frederick	33 Fitzroy Rd.
182	Chater	William John	33 Fitzroy Rd.
183	Cheek	Barbara	10 Ross Rd.
184	Cheek	Gerald Winston	10 Ross Rd.
185	Cheek	Janet Linda	25 Ross Rd. West
186	Cheek	Marie	10 Ross Rd.
187	Cheek	Miranda	25 Ross Rd. West
188	Cheek	Rosalind Catriona	25 Ross Rd. West
189	Cheeseman	Stanley John	Stanley
190	Cheeseman	Stanley John	Stanley
191	Clapp	Kevin Christopher	1 Murray Heights
192	Clark	Hector	27 Eliza Cres.
193	Clark	Jonathan Andrew	Flat 10, Jersey Rd
194	Clark	Joyce Kathleen	27 Eliza Cres.
195	Clarke	Amelia	1 Callaghan Rd.
196	Clarke	Angela Sindy	Stanley
197	Clarke	Camilla Marie	8 Drury St.
198	Clarke	Christopher	Stanley
199	Clarke	David James	17 Ross Rd. West
200	Clarke	Derek Simon	23 Jeremy Moore Ave.
201	Clarke	Doreen	17 Ross Rd. West
202	Clarke	Gwynne Edwina	17 Jeremy Moore Ave.
203	Clarke	Ian	17 Ross Rd. West
204	Clarke	Isabel Joan	12 Fieldhouse Close
205	Clarke	James Martin	4B Ross Rd. West
206	Clarke	Jan Michael	5 Allardyce Street
207	Clarke	Jonathan Terence	17 Jeremy Moore Ave.
208	Clarke	Julie Ann	Globe Tavern
209	Clarke	Marvin Thomas	7 Fitzroy Rd.
210	Clarke	Paul Ian	Stanley
211	Clarke	Petula Jane	Stanley
212	Clarke	Ronald John	17 Ross Rd. West
213	Clarke	Rudy Thomas	8 Drury St.
214	Clarke	Sasha Michelle	Stanley
215	Clarke	Shane Adrian	1 Callaghan Rd.
216	Clarke	Suzanna	YMCA
217	Clarke	Terence John	17 Jeremy Moore Ave.
218	Clarke	Tracey Clare	23 Jeremy Moore Ave.
219	Clarke	Trudi Ann	7 Fitzroy Rd.
220	Clasen	Wayne Ian Summers James	9 Fitzroy Rd.

221	Clausen	Andrea Patricia	3 St. Marys Walk
222	Clausen	Denzil George Gustavius	3 St. Marys Walk
223	Clausen	Melanie	1 Hebe St.
224	Clausen	Sophie Marina	Stanley
225	Claxton	Frank Brian	28 Ross Rd. East
226	Claxton	Margaret	28 Ross Rd. East
227	Clayton	Brian	16 St. Marys Walk
228	Clayton	Susan	16 St. Marys Walk
229	Clement	Gary	9 Snake St.
230	Clement	Jane	9 Snake St.
231	Clement	Lee	9 Snake Hill
232	Clement	Wayne	9 Snake Hill
233	Cletheroe	Kenneth Stanley	45 Fitzroy Rd.
234	Clifton	Charles	3 Ross Rd. West
235	Clifton	Darwin Lewis	53 Davis St.
236	Clifton	Doreen	3 Ross Rd. West
237	Clifton	Kevin	20 Davis St.
238	Clifton	Marie	6 Discovery Close
239	Clifton	Melvyn	Stanley
240	Clifton	Neil	20 Davis St.
241	Clifton	Stephen Peter	61 Fitzroy Rd.
242	Clifton	Terence Charles	3 Ross Rd. West
243	Clifton	Teresa Ann	12 Callaghan Rd.
244	Clifton	Valerie Ann	61 Fitzroy Rd.
245	Clingham	Leslie George	2 Brisbane Rd.
246	Clingham	Yvonne Helen	2 Brisbane Rd.
247	Cockwell	Maurice Adam	90 Davis St.
248	Cofre	Anya Evelyn	1 Brandon Rd West
249	Cofre	Elvio Miguel	1 Brandon Rd West
250	Collier	Mark Walter	Flat 2 Church House
251	Collins	Shiralee	Flat 9, 6 Jersey Rd.
252	Connolly	Kevin Barry	1 King St.
253	Coombe	Peter	12 Ross Rd. West
254	Coombe	Shirley Anne	12 Ross Rd. West
255	Cotter	Mary Jane	9 Jeremy Moore Ave.
256	Cotter	Timothy Stewart	9 Jeremy Moore Ave.
257	Coulter	Donald Mark	9 Fieldhouse Close
258	Coulter	Paula	9 Fieldhouse Close
259	Courtney	Anthony Clive	Lady Hunt House, John St.
260	Courtney	Julie Doris	Lady Hunt House, John St.
261	Coutts	Charles	12 Endurance Ave.
262	Coutts	Charles Lindsay	33 Ross Rd.
263	Coutts	Diana Marion	6B Ross Rd. West
264	Coutts	John	36 Ross Rd. West
265	Coutts	Olga	33 Ross Rd.
266	Coutts	Peter	13 Campbell Drive
267	Crabb	Elizabeth Ann	38 Eliza Cres.
268	Crowie	Alan John	3 Fitzroy Rd. East
269	Crowie	Ana Bonita	3 Fitzroy Rd. East
270	Crowie	Breda Marie	35 Callaghan Rd.
271	Crowie	Clare Frances	35 Callaghan Rd
272	Crowie	David Sean	Stanley
273	Crowie	Nicola Jane	35 Callaghan Rd.
274	Crowie	Robert John	35 Callaghan Rd.
275	Curtis	Alfred William Hamilton	6 Brandon Rd. West

276	Curtis	Barbara Joan	6 Brandon Rd. West
277	Curtis	James William Hamilton	6 Ross Rd.
278	Davies	Andrew Liam	Flat 7, 6 Jersey Rd.
279	Davies	Anthony Warren	7 Callaghan Rd.
280	Davies	Christine Susan	8 Fitzroy Rd. East
281	Davies	Colin George	15 Ross Rd. West
282	Davies	Eileen Wynne	15 Ross Rd. West
283	Davies	Jacqueline Nancy	7 Callaghan Rd.
284	Davies	Stephen Andrew	7 Callaghan Rd.
285	Davies	William	8 Fitzroy Rd. East
286	Davis	Ellen Rose	39 Davis St.
287	Davis	Mandy John	15 James St.
288	Davis	Maurice	39 Davis St.
289	Davis	Nicholas	15 James St.
290	Davis	Roy George Victor	6 Narrows View
291	Davis	Sharon Sandra Evelyn	6 Narrows View
292	Davy	Patrick Alex Field	Flat3, 3 Jeremy Moore Ave East
293	Decroliere	Carrie Madeline Helen	5 Discovery Close
294	Desborough	Gladys Malvina	14 Allardyce Street
295	Dickson	Caroline Christine Bird	108 Davis St.
296	Dickson	Michael Keith	C/o Tamar
297	Didlick	Fiona Margaret	13 Jeremy Moore Ave
298	Didlick	Graham John	13 Jeremy Moore Ave
299	Didlick	Rhiannon Elinore	13 Jeremy Moore Ave
300	Diggle	Katherine Elizabeth	12 Jersey Rd.
301	Diggle	Roger John	12 Jersey Rd.
302	Dobbyns	Kathleen Gay	60 Davis St.
303	Dodd	Alison	1 Pioneer Row
304	Dodd	Nigel Keith	1 Pioneer Row
305	Donnelly	Derek	YMCA, Stanley
306	Drysdale	Karen Margaret	Stanley
307	Duncan	Delsha Vanessa Jane	18 Jeremy Moore Ave.
308	Duncan	Doreen	Tenacres
309	Duncan	William	Tenacres
310	Duvall	Kenneth William	Stanley
311	Earnshaw	Jacqueline Elizabeth	32 Ross Rd. West
312	East	Justin Clive Richard	1 Fieldhouse Close
313	Eccles	Bernard Leslie	18 Jeremy Moore Ave.
314	Eccles	Moirra Cameron	18 Jeremy Moore Ave.
315	Elliott	Elizabeth Rose	15 Callaghan Rd
316	Elliott	Henry James	15 Callaghan Rd.
317	Ellis	Cyril	24 Ross Rd. East
318	Ellis	Lucy	Stanley
319	Ellis	Valerie	24 Ross Rd. East
320	Elsby	Barry	Moody Brook House.
321	Ericksen	Michelle	1B Capricorn Rd.
322	Evans	Donna Newell	By-Pass Rd.
323	Evans	Gladys Alberta	6 Barrack St.
324	Evans	Michael David	By-Pass Rd.
325	Evans	Russel	Fieldhouse Close
326	Ewing	Gordon	4 Jeremy Moore Ave
327	Ewing	Irene	4 Jeremy Moore Ave
328	Eynon	Carol	8 Villiers St.
329	Eynon	Christopher Huntlee	8 Villiers St.
330	Eynon	David John	8 Villiers St.

331	Faria	Basil Harry	3A Brisbane Rd.
332	Faria	Maria Anne	3A Brisbane Rd.
333	Faria	Mary Ann	6A Jeremy Moore Ave
334	Felton	Sonia Ellen	Stanley
335	Felton	Violet Regina Margaret	German Camp, Callaghan Rd.
336	Ferguson	Lynn Ann	9 Eliza Cove Crescent
337	Ferguson	Marie Anne	Stanley
338	Ferguson	Robert John	4 Capricorn Rd.
339	Ferguson	Rose	Flat7, 1 Jeremy Moore Ave East
340	Ferguson	Thelma	4 Capricorn Rd.
341	Fiddes	Douglas Graham	18 Ross Rd. East
342	Fiddes	Gardner Walker	8 Endurance Ave
343	Fiddes	Julia Bertrand	18 Ross Rd. East
344	Fiddes	Mary McKinnon Livingstone	4 Moody St.
345	Fiddes	Melody Christine	8 Endurance Ave
346	Fiddes	Robert	4 Moody St.
347	Fiddes	Shona Mary	Sir Rex Hunt House.
348	Finlayson	Iris Dwenda Margaret	7 John St.
349	Finlayson	Peter	6 Brandon Rd.
350	Finlayson	Phyllis	6 Brandon Rd.
351	Finn	Natalie Anne	9 Eliza Cres
352	Fisher-Smith	Julie Ann	8 Fieldhouse Close
353	Fleming	Richard Ian	7 Ian Campbell Drive
354	Floyd	Amanda Susan	7 Pitaluga Place
355	Floyd	Michael	7 Pitaluga Place
356	Fogerty	Philip John	Stone Cottage
357	Fogerty	Richard Edwin John	Stone Cottage
358	Ford	Alison Jane Marie	5 Jersey Rd.
359	Ford	Arthur Henry	6 Drury St.
360	Ford	Caroline	2 Philomel Place
361	Ford	Cherry Rose	1 James St.
362	Ford	Christopher James	11 Fieldhouse Close
363	Ford	Colin Stewart	15 Kent Rd.
364	Ford	Colleen Mary	Lady Hunt House John St.
365	Ford	Darrel	1 James Stree, Stanley
366	Ford	David	1 Davis St.
367	Ford	Frederick James	Lady Hunt House John St.
368	Ford	Gerard Allan	Flat 1, 3 Jeremy Moore Ave
369	Ford	Jonathan	11 Beaver Rd.
370	Ford	Julie Ann	11 Beaver Rd.
371	Ford	Leann Caroline	15 Kent Rd.
372	Ford	Leonard	5 Jersey Rd.
373	Ford	Marilyn Christina	24 James St.
374	Ford	Michael	1 James St.
375	Ford	Paul Edward	2 Philomel Place
376	Ford	Robert	1 Davis St.
377	Ford	Sara	11 Fieldhouse Close.
378	Ford	Simon	1 James St.
379	Porrest	Jennifer Carol	16 Kent Rd.
380	Porrest	Michael John	16 Kent Road, Stanley
381	Porster	Amanda	39 Eliza Cres.
382	Porster	Lynne	Stanley
383	France	Graham Brian	7 Snake St.
384	France	Ian Peter	7 Snake Hill Stanley
385	France	Jane Aileen Marie	7 Snake St.

386	Freeman	Carl Francis	10 James St.
387	Freeman	Dianne May	10 James St.
388	Freeman	Tracy	10 James St
389	Fullerton	Mary Ellen	Government House
390	Geach	Alan John	Sir Rex Hunt House.
391	George	Magnus John Alexander	14 Ross Rd. West
392	Gilbert	Christopher Paul	22 Jeremy Moore Ave.
393	Gilbert	Judith Elizabeth	22 Jeremy Moore Ave.
394	Gilbert	Neil Robert	22 Jeremy Moore Ave
395	Gilbert	Robert Ernest	22 Jeremy Moore Ave.
396	Gilding	Sara Jane	11 Pioneer Row.
397	Gilson Clarke	Dustin James	1 Discovery Close
398	Gisby	Annie	33 Fitzroy Rd.
399	Goodwin	Angela Jane	27 Callaghan Rd
400	Goodwin	Colin Valentine	86 Davis St.
401	Goodwin	Derek Samuel	3 Police Cottages, 7 Ross Rd.
402	Goodwin	Emily Rose	7 Brisbane Rd.
403	Goodwin	Gareth Kevin	86 Davis St.
404	Goodwin	Hazel Rose	3 Police Cottages, 7 Ross Rd.
405	Goodwin	June Elizabeth	86 Davis St.
406	Goodwin	Kathleen Edith Marquerite	6 Thatcher Drive
407	Goodwin	Margaret Ann	3 H Jones Rd.
408	Goodwin	Margo Jane	31 Ross Rd West
409	Goodwin	Neil Alexander William	31 Ross Rd West
410	Goodwin	Robin Christopher	27 Callaghan Rd.
411	Goodwin	Simon James	Flat 3, 2 Eliza Place
412	Goodwin	Una	27 Callaghan Rd.
413	Goodwin	William John Maurice	7 Brisbane Rd.
414	Goss	Amara Theresa	7 Brandon Rd.
415	Goss	Annagret	16 Jeremy Moore Ave.
416	Goss	Corina Rose	15 Callaghan Rd.
417	Goss	Dorothy Ellen	4 Discovery Close
418	Goss	Errol Barry Gordon	Flat3, 7 Jeremy Moore Ave East
419	Goss	Grace Elizabeth	5 Ross Rd. East
420	Goss	Ian Ernest Earle	Fieldhouse Close
421	Goss	Morgan Edmund	16 Jeremy Ave.
422	Goss	Odetta Ellen May	Flat 1, 30 Jersey Rd.
423	Goss	Roderick Jacob	Fitzroy Rd.
424	Goss	Sandra Kathleen	11 Kent Rd.
425	Goss	Simon Peter Miller	11 Kent Rd.
426	Goss	Susan Diann	Fieldhouse Close
427	Goss	William Henry (jnr)	7 Brandon Rd.
428	Goss	William Henry (snr)	5 Ross Rd. East
429	Gough	Phyllis Candy	11 Callaghan Rd.
430	Gould	Arthur William	Moody St.
431	Grant	Lennard John	3 Moody St.
432	Grant	Milly	3 Moody St.
433	Gray	Johan	22 Ross Rd West
434	Green	David William	5 Police Cottages, Ross Rd.
435	Greenland	James Andrew William	9 Beaver Rd
436	Grimmer	Keith	15 Pioneer Row
437	Grimmer	Marilyn	15 Pioneer Row
438	Hadden	Alexander Burnett	27 Fitzroy Rd.
439	Hadden	Sheila Peggy	27 Fitzroy Rd.
440	Halford	Rodney John	Tenacres

441	Halford	Sharon	Tenacres
442	Hall	David Albert	56 Davis St.
443	Hall	Marilyn Joyce	56 Davis St.
444	Halliday	Evelyn Edna	9 Brisbane Rd.
445	Halliday	Gerald	Flat 1, 6 Racecourse Rd.
446	Halliday	Jeffrey James	Fieldhouse Close
447	Halliday	John Arthur Leslie	108 Davis St.
448	Halliday	Leslie John	5 Villiers St.
449	Halliday	Raynor	9 Brisbane Rd.
450	Hancox	Rachel Mary	9 Ross Rd. West
451	Hancox	Robert James	9 Ross Rd. West
452	Hansen	Douglas John	6 Fitzroy Rd.
453	Hansen	Keva Elizabeth	1 Dairy Paddock Rd.
454	Hansen	Terence Joseph	1 Dairy Paddock Rd.
455	Hardcastle	Simon Brook	75 Davis St
456	Harris	Christopher James	8 Pioneer Row
457	Harris	Heather	3 Ross Rd. East
458	Harris	Jill Yolanda Elizabeth Miller	19 Fitzroy Rd.
459	Harris	Karl Henry	19 Fitzroy Rd.
460	Harris	Leeann Watson	10 Dairy Paddock Rd.
461	Harris	Leslie Sidney	19 Fitzroy Rd.
462	Harris	Michael Ronald	3 Ross Rd. East
463	Harris	Nicola Jane	3 Ross Rd East
464	Harris	Ralph Aaron	10 Dairy Paddock Rd.
465	Harris	Roslyn	19 Fitzroy Rd.
466	Harvey	Muriel Elizabeth Elsie	2 King St.
467	Harvey	Sheila	Flat 3, 5 Jeremy Moore Ave.
468	Harvey	William	21 Fitzroy Rd.
469	Hawksworth	Christopher	29 Fitzroy Rd.
470	Hawksworth	David	29 Fitzroy Rd.
471	Hawksworth	Jeanette	24 Murray Heights
472	Hawksworth	Mary Catherine	5 A Brisbane Rd.
473	Hawksworth	Pauline May	29 Fitzroy Rd.
474	Hawksworth	Terence	5A Brisbane Rd.
475	Hayward	Marjorie	30 Eliza Rd.
476	Hayward	Neville	Flat 2, Church House
477	Hayward	Peter Dennis	30 Eliza Rd.
478	Heathman	Malcolm Keith	15 Eliza Cove Rd.
479	Heathman	Mandy Gail	15 Eliza Cove Rd.
480	Henry	Alan Richard	8 Beaver Rd.
481	Henry	Patricia Denise	8 Beaver Rd.
482	Hernandez Mantero	Miguel Angel	3 Murray Heights
483	Hernandez Trevell	Maria Elena	3 Murray Heights
484	Hewitt	Alison Denise	23 Shackleton Drive
485	Hewitt	Frances Agnes	Stanley
486	Hewitt	Gary George	3 Hebe Place
487	Hewitt	Kevin John	14 Jeremy Moore Ave
488	Hewitt	Margaret Ann	3 Hebe Place
489	Hewitt	Neil George	Stanley
490	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk
491	Hewitt	Robert John David	3 Thatcher Drive
492	Higgins	Dawn	2 Dean Street, Stanley
493	Hill	Brian Jarvis	1 Kent Rd.
494	Hill	Penelope Ann	1 Kent Rd.
495	Hills	Heather Margaret	5 Davis St.

496	Hills	Richard William	5 Davis St.
497	Hirtle	Christine	5 Capricorn Rd.
498	Hirtle	Debbie Ann	Flat 7 Jeremy Moore Ave
499	Hirtle	Leonard John	20 Jeremy Moore Ave
500	Hirtle	Leonard Lloyd	20 Jeremy Moore Ave.
501	Hirtle	Mary Ann	12 Drury St.
502	Hirtle	Michael Barry	20 Jeremy Moore Ave.
503	Hirtle	Rose Ann Shirley	4 Villiers St.
504	Hirtle	Shirley	20 Jeremy Moore Ave.
505	Hirtle	Zane Eric	Eliza Cove Rd.
506	Hobman	Anilda Marilu	34 Ross Rd. West Flat
507	Hobman	Carol Margaret	Stanley
508	Hobman	David Gonsalo	34 Ross Rd. West Flat
509	Hobman	Luis Alfonso	34 Ross Rd. West Flat
510	Hoggarth	Agnes Christina	2 James St.
511	Horne-MacDonald	John Alexander	2 Dairy Paddock Rd.
512	Horne-MacDonald	Myriam Beatriz	2 Dairy Paddock Rd.
513	Howatt	Derek Frank	4 Racecourse Rd.
514	Howatt	Suzanna Margaret	4 Racecourse Rd.
515	Howe	Alison Delia	36 Davis St.
516	Howe	Paul Anthony	36 Davis St.
517	Howells	Anne Stephanie	112 Davis St.
518	Howells	Lorna Marie	112 Davis St.
519	Howells	Martin Edward Derek	112 Davis St
520	Howells	Melissa Louise	112 Davis St.
521	Howells	Roger	112 Davis St.
522	Hoy	Dawn	7 Murray Heights
523	Humphreys	Dennis James	7 Dean St.
524	Humphreys	Margaret Anne	7 Dean St.
525	Hutton	Elizabeth Isabella	3 John St.
526	Hutton	Philip	3 John St.
527	Igao	Noel Neri	15 Scoresby Close
528	Igao	Pauline Lynx	15 Scoresby Close
529	Irwin	Rhoda De Felton	Eliza Cove Rd.
530	Jackson	Mark Malcolm	23 Fitzroy Road
531	Jacobsen	Alistair	1A Philomel St.
532	Jacobsen	Catherine Joan	1A Philomel St.
533	Jaffray	Donald	15 Brandon Rd.
534	Jaffray	Eileen	5 Hebe St.
535	Jaffray	Elaine Michele	8 Discovery Close
536	Jaffray	Estelle Anita	Snake Hill
537	Jaffray	Frank Alexander	8 Discovery Close
538	Jaffray	Gerard Alan	5 Hebe St.
539	Jaffray	Helen Rose	84 Davis St.
540	Jaffray	Ian	5 Hebe St.
541	Jaffray	Ingrid Joyce	5 Hebe St.
542	Jaffray	Jacqueline Ann	Flat 3, Church House
543	Jaffray	Janet	40 Eliza Cres.
544	Jaffray	Janice Vanessa	3C Jersey Est.
545	Jaffray	John	40 Eliza Cres.
546	Jaffray	John Summers	84A Davis St.
547	Jaffray	June Elizabeth	17 Ross Rd. East
548	Jaffray	Kenneth Ian	2 Dean St.
549	Jaffray	Lisa Jane	Flat 3, 1 Jeremy Moore Ave.
550	Jaffray	Marina Morrison	15 Brandon Rd.

551	Jaffray	Nichola Jane	84a Davis St.
552	Jaffray	Robin George	Rose Hotel
553	Jaffray	Stephen James	11 James St.
554	Jaffray	Tanya Fiona	5 Hebe Street, Stanley
555	Jaffray	Terence Roy	Flat 3, 1 Jeremy Moore Ave
556	Jaffray	Terri-Ann	24 Endurance Ave.
557	Jaffray	Tony	84 Davis St.
558	Jaffray	Wayne Neil	5 Hebe St.
559	Jennings	Neil	Flat 4, 30 Jersey Rd.
560	Jennings	Stephen	5 Fitzroy Rd.
561	Johnson	Jacqueline	5 Kent Rd.
562	Johnson	Lily Ann	5 Hebe St
563	Johnson	Michael Neil	5 Kent Rd.
564	Jones	Alan Smith	26 Ross Rd. West
565	Jones	David Richard	6 Allardyce Street
566	Jones	Deena Marie	YMCA, Stanley
567	Jones	Doreen Evelyn Margaret	6 Allardyce Street
568	Jones	Jennifer	26 Ross Rd. West
569	Jones	John Hugh	28 John St
570	Jones	Kevin Richard	Callaghan Rd
571	Jones	Michelle	28 John St
572	Jones	Yvonne Malvina	3 Discovery Close
573	Jonson	Amy Elizabeth	The Rose Hotel Brisbane Rd
574	Keane	Alva Rose Marie	18 Davis St.
575	Keane	Olaf James	18 Davis St.
576	Keane	Thomas James	18 Davis St.
577	Keenleyside	Charles Desmond	3 Pioneer Row
578	Keenleyside	Dorothy Maud	3 Pioneer Row
579	Keenleyside	Manfred Michael Ian	2 Snake Hill
580	Keenleyside	Nanette Barbara	2 Snake Hill
581	Kenny	Erling	20 James St.
582	Kiddle	Robert Karl	Flat 3. 6 Racecourse Rd.
583	King	Anna Constance Eve	38 Davis St.
584	King	Desmond George Buckley	38 Davis St.
585	King	Glynis Margaret	2 B Jeremy Moore Ave. East
586	King	Michelle Beverley	69 Fitzroy Rd.
587	King	Peter Thomas	10 Jeremy Moore Ave.
588	King	Robert John	1D Jersey Est.
589	King	Rosemarie	10 Jeremy Moore Ave
590	King	Vernon Thomas	39 Fitzroy Rd.
591	Kirkham	Campbell Joseph	5 Capricorn Rd.
592	Kluzniak	Boguslaw Sylvester	26 Ross Rd. East
593	Kultschar	John William	4 Davis St. East
594	Kultschar	Richard Paul	4 Davis St. East
595	Kultschar	Yvonne Rosina	4 Davis St. East
596	Laffi	Atilio Segundo	3 Brisbane Rd.
597	Laffi	Kathleen Mary	3 Brisbane Rd.
598	Lang	Alexander Peter	45 Callaghan Rd
599	Lang	David Geoffrey	45 Callaghan Rd.
600	Lang	James Patrick	Flat2, 3 Jeremy Moore Ave East
601	Lang	Marie-Bernard Therese	45 Callaghan Rd.
602	Lang	Sandra Shirleen	2 Allardyce St.
603	Lang	Theresa Margaret	45 Callaghan Rd.
604	Lang	William Frank	3 James St.
605	Larsen	Ellen	74 Davis St.

606	Lazo	Joanna Rose	7 Eliza Cres.
607	Lee	Alfred Leslie	11 Drury St.
608	Lee	Angela Audrey	8 Jersey Rd.
609	Lee	Anthony John	8 Jersey Rd.
610	Lee	Beverley Christina	10 Allardyce St.
611	Lee	Derek William	2 Davis St.
612	Lee	Gladys	11 Drury St.
613	Lee	Leslie James	10 Allardyce St.
614	Lee	Mervyn Richard	10 Allardyce Street, Stanley
615	Lee	Owen Henry	Stanley
616	Lee	Tanya	15 Campbell Drive
617	Lee	Trudi Dale	10 Allardyce St.
618	Lennie	Gordon Carnie	9 Narrows View
619	Lewis	David James	3 Campbell Drive
620	Lewis	James	2 St. Marys Walk
621	Lewis	Jason	3 Campbell Drive
622	Lewis	Jean	2 St. Marys Walk
623	Lewis	Pamela Irene	3 Campbell Drive
624	Lewis	Sharon	11 Campbell Drive
625	Leyland	Frank	10 Brandon Rd.
626	Leyland	Vera	10 Brandon Rd.
627	Livermore	Anton	33 Callaghan Rd.
628	Livermore	Darren	Stanley
629	Lowe	Anthony Trevor	54 Davis St.
630	Lowe	Fiona Alison	54 Davis St.
631	Luxton	Jennifer Mary	4 Hebe Place
632	Luxton	Michael	1A Pioneer Row
633	Luxton	Nicola	1A Pioneer Row
634	Luxton	Robin	1 Jersey Rd
635	Luxton	Stephen Charles	7 Narrows View
636	Luxton	Sybil Grace	38 John St.
637	Luxton	Winifred Ellen	15 Fitzroy Rd.
638	Luxton	Zoe	1A Pioneer Row
639	Lyse	Ethel Malvina	65 Fitzroy Rd.
640	Lyse	George Walter	8 Moody St.
641	Lyse	Linda Margaret	65 Fitzroy Rd.
642	Macaskill	Angus Lindsay	8 Jeremy Moore Ave.
643	Macaskill	Jeanette May	8 Jeremy Moore Ave.
644	Macaskill	John	34 Ross Rd. West
645	MacBeth	Phyllis Elizabeth Grace	17 Brandon Rd.
646	MacDonald	Colin George	26 Endurance Ave.
647	MacDonald	Derek George	26 Endurance Ave.
648	MacDonald	Irene	26 Endurance Ave.
649	Malcolm	Velma	7 Allardyce St.
650	Marsh	Michelle Jane	1 Fieldhouse Close
651	May	Brian Roy	21 Jeremy Moore Ave.
652	May	Bruce Raymond	Wardens House, KEMH
653	May	Connie	Wardens House, KEMH
654	May	Donna Monica	13 Murray Heights
655	May	Heather	1 Glasgow Rd.
656	May	Jonathan Roy	33 Davis St
657	May	Lucinda Vikki	33 Davis St.
658	May	Monica	21 Jeremy Moore Ave.
659	May	Roger	21 Jeremy Moore Avenue
660	May	William Albert	1 Glasgow Rd.

661	McCallum	Bettina Kay	14 Drury St.
662	McCallum	Christopher John	8A Jeremy Moore Ave.
663	McCallum	Timothy Andrew	14A Drury St.
664	McCormick	Dale Ronald	29 Callaghan Rd.
665	McCormick	Pauline Margaret Ruth	29 Callaghan Rd.
666	McCormick	Richard Paul	29 Callaghan Rd.
667	McCormick	Wayne Stanley James	29 Callaghan Rd.
668	McEachern	Gloria Jane	2 H Jones Rd.
669	McEachern	James	2 H Jones Rd.
670	McGill	Coral Elizabeth	6 Ross Rd.
671	McGill	Darrel Ian	2 Campbell Drive
672	McGill	David William	17 James St.
673	McGill	Derek Gary	12 Scoresby Close
674	McGill	Diane Beverley	2 James St.
675	McGill	Doris Mary	32 Davis St.
676	McGill	Glenda	Barrack St.
677	McGill	Ian Peter	Barrack St.
678	McGill	Jane	10 Ross Rd. East
679	McGill	Len Stanford	2 James St.
680	McGill	Lorraine Iris	10 Ross Rd. East
681	McGill	Teresa Rose	9 Drury St.
682	McGinness	Janice	10 Beaver Rd.
683	McKay	Clara Mary	20 Ross Rd. West
684	McKay	Ellen Rose	51 Callaghan Rd.
685	McKay	Heather Valerie	16 Eliza Cres.
686	McKay	James John	7 Villiers St.
687	McKay	Jane Elizabeth	7 Villiers St.
688	McKay	Jeannie Paullina	64 Davis St.
689	McKay	Jennifer Coral	Stanley
690	McKay	Josephine Ann	5 James St.
691	McKay	Kenneth Andrew	5 James St.
692	McKay	Kevin Derek Charles	Stanley
693	McKay	Mandy Rose	Stanley
694	McKay	Michael John	64 Davis St.
695	McKay	Neil	62 Davis St.
696	McKay	Paul Anthony	3 Nutt Cartmel Drive
697	McKay	Peter John	21 Ross Rd. West
698	McKay	Rex	16 Eliza Cres.
699	McKay	Shelley Jane	7 Villiers St.
700	McKay	Stephen John	8 Thatcher Drive
701	McKay	Trudi Ann	3 Nutt Cartmel Drive
702	McKay	Wayne Lawrence Kenneth	Stanley
703	McKay	William Robert	20 Ross Rd. West
704	McKenzie	Alice Maude	Woody Brook Homestead
705	McKenzie	Charles Alexander Albert John	Woody Brook Homestead
706	McKinley	Melissa Jane	Flat 3,2 Eliza Place
707	McLaren	Caroline Mary	12 Allardyce St.
708	McLaren	Tony Eugene Terence	12 Allardyce St.
709	McLeod	David	49 Callaghan Rd.
710	McLeod	Dawn	2 Brandon Rd. West
711	McLeod	Donald Henry	1B Jersey Est.
712	McLeod	Henry Donald Alexander	36 Eliza Cres.
713	McLeod	Ian	9 Fitzroy Rd.
714	McLeod	Ian James	YMCA
715	McLeod	Jane Elizabeth Diana	36 Eliza Cres.

716	McLeod	Janet Wensley	75 Davis St.
717	McLeod	Janice	2 Ross Rd. West
718	McLeod	John (1)	1 Campbell Drive
719	McLeod	John (2)	23 Murray Heights
720	McLeod	Kenneth Benjamin John	2 Brandon Rd. West
721	McLeod	Madeline Jean	1 Campbell Drive
722	McLeod	Mally	9 Fitzroy Rd.
723	McLeod	Margaret Ann	Fitzroy Rd. East
724	McLeod	Michael William	15A James St.
725	McLeod	Pearl Mary Ann	3 Brisbane Rd.
726	McLeod	Robert	75 Davis St.
727	McLeod	Robert John	2 Ross Rd. West
728	McMullen	Lucille Anne	8 Brandon Rd.
729	McNally	Patricia Jayne	18 Ross Rd. East
730	McPhee	Denise	4 Brandon Rd. West
731	McPhee	Iris Blanche	14 Davis St.
732	McPhee	Justin Owen	4 Brandon Rd. West
733	McPhee	Marjorie May	14 John St.
734	McPhee	Owen Horace	14 John St.
735	McPhee	Patrick	14 Davis St.
736	McRae	Michael	C/o MV Tamar
737	McRae	Richard Winston	Flat 2, 6 Racecourse Rd.
738	Middleton	Brian	13 McKay Close
739	Middleton	Caroline Ann	7 James St.
740	Middleton	Dennis Michael	Dolphin Cottage
741	Middleton	Graham Cyril	50 Davis St.
742	Middleton	Joan Eliza	8 James St.
743	Middleton	Leonard	67 Fitzroy Rd.
744	Middleton	Phillip John	5 St. Marys Walk
745	Middleton	Sharon Elizabeth	Dolphin Cottage
746	Middleton	Shirley	Stanley
747	Middleton	Stephanie Anne	13 McKay Close
748	Miller	Andrew Nigel	2 Fieldhouse Close
749	Miller	Betty Lois	6 St. Marys Walk
750	Miller	Bruce Graham	10 Pioneer Row
751	Miller	Carol	Kent Rd.
752	Miller	Florence Roberta	5 Moody St.
753	Miller	Gail Marie	2 Police Cottages, 8 Ross Rd.
754	Miller	Janet Mary	Market Gdn. Stly Airport Rd.
755	Miller	Jayne Elizabeth	2 Fieldhouse Close
756	Miller	Jeanette	10 Pioneer Row
757	Miller	Simon Roy	Kent Rd.
758	Miller	Timothy John Durose	Market Gdn. Stly Airport Rd.
759	Mills	Terence Kenneth	43 Callaghan Rd.
760	Minto	Alistair Daen	Flat 5, 6 Racecourse Rd.
761	Minto	Dilys Rose	18 Endurance Ave
762	Minto	Graham Stewart	12 Brisbane Rd.
763	Minto	May Doreen	Flat 5, 6 Racecourse Rd.
764	Minto	Timothy Ian	18 Enurance Ave
765	Miranda	Augusto	31 Davis St.
766	Miranda	Carmen	Globe Tavern
767	Miranda	Ramon	3 Drury St.
768	Miranda	Winifred Dorothy	3 Drury St.
769	Mitchell	Cherilyn Julie	32 Ross Rd East
770	Mitchell	Lee Robertson	32 Ross Rd East

771	Mitchell	Leon John	6 Discovery Close.
772	Moffatt	Angela	20 Ross Rd East
773	Moffatt	James	20 Ross Rd East
774	Molkenbuhr	Lee Charles	Flat 3 30 Jersey Rd
775	Monti	Elizabeth Ellen	4 Fitzroy Rd.
776	Morris	Alana Marie	4 Callaghan Rd.
777	Morris	David	4 Callaghan Rd.
778	Morris	Jason Paul	4 Callaghan Rd.
779	Morris	Michelle Jane	6 McKay Close
780	Morris	Trevor Alan	6 McKay Close
781	Morrison	Doreen	82 Davis St.
782	Morrison	Edgar Ewen	5 Racecourse Rd.
783	Morrison	Fayan	54 John St.
784	Morrison	Graham Stewart	46 Davis St.
785	Morrison	Joan Margaret	Flat 6, 1 Jeremy Moore Ave.
786	Morrison	Lewis Ronald	82 Davis St.
787	Morrison	Marcus Lewis	82 Davis Street, Stanley
788	Morrison	Michael John	Stanley
789	Morrison	Muriel Eliza Ivy	40 Eliza Cres.
790	Morrison	Nanette Rose	46 Davis St.
791	Morrison	Nigel Peter	7 James St.
792	Morrison	Patrick	1 Brandon Road West
793	Morrison	Paul Roderick	1 Brandon Rd.
794	Morrison	Ronald Terence	5 Racecourse Rd.
795	Morrison	Russell John Allan	6A Jeremy Moore Ave
796	Morrison	Stewart	46 Davis St.
797	Morrison	Susan Margaret	Stanley
798	Morrison	Trevor	6A Jeremy Moore Ave.
799	Morrison	Valerie Anne	6A Jeremy Moore Ave.
800	Morrison	Violet Sarah	5 Racecourse Rd.
801	Morrison	William Roderick Halliday	54 John St.
802	Morrison-Betts	Priscilla Violet	82 Davis St.
803	Murphy	Ann Susan	2 King St.
804	Murphy	Bessie	68 Davis St.
805	Neal	Richard John	1 Dean St.
806	Neilson	Barry Marwood	23 Ross Rd.
807	Neilson	Harold Ian	23 Ross Road
808	Neilson	Margaret	23 Ross Rd.
809	Newell	Cara Jane	3 Villiers St.
810	Newell	Joseph Orr	3 Villiers St.
811	Newell	Paula Michelle	6 Pioneer Row
812	Newell	Trudi Malvina	3 Villiers St.
813	Newman	Andrew Raymond	17 Ross Rd. East
814	Newman	Clive Alexander	5 Brandon Rd.
815	Newman	Dwenda Rose	5 Brandon Rd.
816	Newman	Glynis Karen	4 James St.
817	Newman	Ingrid Helen	5 Brandon Road, Stanley
818	Newman	Joyce Noreen	80 Davis St.
819	Newman	Lisa Jeraine	Flat 5, 6 Jersey Rd.
820	Newman	Marlene	11 Jeremy Moore Ave.
821	Newman	Raymond Winston	11 Jeremy Moore Ave.
822	Newman	Tansy Fiona	Jersey Rd.
823	Newman	Terence	24 Endurance Ave.
824	Nutter	Arthur Albert	9 Brandon Rd.
825	Nutter	Josephine Lesley	9 Brandon Rd.

826	O'Shea	Desmond	9 Campbell Drive
827	Olmedo	Alex	3D Jersey Estate
828	Ormond	Christina Helen	10 Fitzroy Rd. East
829	Paice	Craig Arthur	90 Davis St.
830	Paice	Jennifer Marie	90 Davis St
831	Parrin	Norman George	108 Davis St.
832	Patterson-Smith	Ian Colin	19 Davis St.
833	Pauloni	Hilary Maud	63 Fitzroy Rd.
834	Pauloni	Romolo Vittorio	63 Fitzroy Rd.
835	Paver	Bernadette Marquerite	Moody Brook House.
836	Payne	Dilys Agnes	2 Racecourse Road East
837	Payne	St.John Peter	2 Racecourse Road East
838	Peake	Arthur	19 James St.
839	Peck	Burned Brian	22 James St.
840	Peck	Carol Margaret	2 Discovery Close
841	Peck	David John	15 Villiers St
842	Peck	David Patrick	78 Davis St.
843	Peck	Eleanor Margaret	26 Shackleton Drive
844	Peck	Evelyn Elizabeth	22 James St.
845	Peck	Gordon Pedro James	17 Brandon Rd.
846	Peck	Harwood John Charles	C/o Tamar
847	Peck	James	2 Discovery Close
848	Peck	Maureen Heather	78 Davis St.
849	Peck	Patrick William	78 Davis St.
850	Peck	Shirley	2 Barrack St.
851	Peck	Terence John	26 Shackleton Drive
852	PED		6 Beaver Rd.
853	Perkins	Vivienne Esther Mary	33 John St.
854	Perry	Beatrice Annie Jane	25 Ross Rd. East
855	Perry	Hilda Blanche	10 Campbell Drive
856	Perry	Robert Juan Carlos	5 Brisbane Rd
857	Perry	Thomas George	10 Campbell Drive
858	Perry	Thora Virginia	17 Fitzroy Rd.
859	Pettersson	Derek Richard	21 Eliza Cres.
860	Pettersson	Eileen Heather	30 Davis St.
861	Pettersson	Tony	30 Davis St.
862	Pettersson	Trudi Ann	21 Eliza Cres.
863	Phillips	Albert James	16 Brandon Rd.
864	Phillips	David Dawson	35 Fitzroy Rd.
865	Phillips	Gillian Carol	Stanley
866	Phillips	Linda	16 Brandon Rd.
867	Phillips	Paul David	Drury St.
868	Pole-Evans	Amy Rose	4 Harbour View
869	Pole-Evans	John	4 Harbour View
870	Pole-Evans	Michael Anthony	4 Harbour View
871	Pollard	Andrew Keith	4 Hebe Place
872	Pollard	Elizabeth Eve	23 Ross Rd. East
873	Pollard	John	23 Ross Rd. East
874	Pollard	Mark John	23 Ross Road East
875	Pompert	Joost Herman Willem	11 Ross Rd. West
876	Poole	Andrea Joan	52 John St
877	Poole	Evelyn May	31 Fitzroy Rd.
878	Poole	Nancy Margaret	52 John St.
879	Poole	Raymond John	52 John St.
880	Poole	William John	31 Fitzroy Rd.

881	Porter	Charles	11 Fitzroy Rd.
882	Porter	Elizabeth	5 Thatcher Drive
883	Porter	Geoffrey Bell	5 Jeremy Moore Ave.
884	Porter	Jean Lavinia	11 Fitzroy Rd.
885	Porter	Tracy	5 Jeremy Moore Ave.
886	Pratlett	Patricia Carol Ann	10 James St.
887	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
888	Purvis	Alan	3 Narrows View
889	Purvis	Marion Louise	3 Narrows View
890	Reddick	Keith John	By-Pass Rd.
891	Reeves	Carolyn Wendy	2 Moody St
892	Reeves	Jill Edith	Flat 3, 30 Jersey Rd
893	Reeves	Michael	2 Moody St.
894	Reid	Ann	5 Police Cottages, Ross Rd.
895	Reid	Colleen Rose	9 Fitzroy Rd. East
896	Reid	Emily Margaret	14 Endurance Ave
897	Reid	John Alexander	7 Ross Rd.
898	Reid	Reynold Gus	9 Fitzroy Rd. East
899	Reive	Roma Endora Mary	St Marys Walk
900	Rendell	Michael	8 Ross Rd. West
901	Rendell	Phyllis Mary	8 Ross Rd. West
902	Riddell	Lisa Marie	9 Discovery Close
903	Riddell	Paul Robert	9 Discovery Close
904	Roberts	Cheryl Ann Spencer	57 Fitzroy Rd.
905	Roberts	Diana Christine	7 Kent Rd.
906	Roberts	Jill Christine	98 Davis St.
907	Roberts	Joselynn Lynette Margaret	Flat 3, 6 Jersey Rd
908	Roberts	Laura May	7 Kent Rd.
909	Roberts	Peter James	57 Fitzroy Rd.
910	Roberts	Simon Theodore Nathaniel	98 Davis St.
911	Robertson	Sally Jean	Flat 1, 2 Eliza Rd.
912	Robertson Pompert	Janet	11 Ross Rd. West
913	Robson	Alison Emily	15 Villiers St.
914	Robson	Anna Jenine	6 Brisbane Rd.
915	Robson	Gerard Michael	1 Philomel Place
916	Robson	Gladys Mary	5 Philomel St.
917	Robson	Miranda Gay	6 Brisbane Rd.
918	Robson	Phyllis Ann	1 Philomel Place
919	Robson	Raymond Nigel	6 Brisbane Rd.
920	Robson	William Charles	18 Ross Rd. East
921	Rogers	Ralph	14 Endurance Ave
922	Rogers	Roger Neil	14 Endurance Ave
923	Ross	Andrea Joanna Ampuero	Cemetery Cottage
924	Ross	Colin	40 Eliza Cres.
925	Ross	Glenn Stephen	22 Shackleton Drive
926	Ross	Janet	22 Shackleton Drive
927	Ross	Kevin John	21 John St
928	Ross	Lachlan Neil	7 Discovery Close
929	Ross	Marie	21 John St.
930	Ross	Paula May	Flat 1 Jersey Rd
931	Ross	Roy	21 John St.
932	Ross	Sheena Margaret	12 Jeremy Moore Ave.
933	Rowland	Charlene Rose	5A Ross Rd. West
934	Rowland	John Christopher	5A Ross Rd. West
935	Rowlands	Catherine Annie	3 Hebe St.

936	Rowlands	Daisy Malvina	106 Davis St.
937	Rowlands	Harold Theodore	8 Ross Rd. East
938	Rowlands	John Richard	106 Davis St.
939	Rowlands	Neil	3A Hebe St.
940	Rowlands	Robert John	13 Callaghan Rd.
941	Rozee	Betty Ellen	16 Davis St.
942	Rozee	Derek Robert Thomas	16 Davis St.
943	Rozee	Shona Mary	5 Narrows View
944	Rozee	Tamara Colette	16 Davis Street, Stanley
945	Sackett	Albert John	25 Ross Rd. East
946	Sackett	Michael John Carlos	25 Ross Rd. East
947	Sackett	Pauline	25 Ross Rd East
948	Sarney	Harry	1 Thatcher Drive
949	Sawle	Judith Margaret	Seaview Cottage, Ross Rd.
950	Sawle	Richard	Seaview Cottage, Ross Rd.
951	Seron	Jose Segundo	M/V Tamar, C/o Bryon Marine
952	Shepherd	Colin David	11 Narrows View
953	Shepherd	David Samuel Dick	30 Endurance Ave.
954	Shepherd	Elizabeth	30 Endurance Ave.
955	Shepherd	Ramsey	Discovery Close
956	Shorroch	Joyce	5 McKay Close
957	Shorroch	Nigel Arthur	5 McKay Close
958	Short	Andrez Peter	9 Pioneer Row
959	Short	Brenda	Barrack St.
960	Short	Celia Soledad	1 Racecourse Rd.
961	Short	Christina Ethel	12 Brandon Rd.
962	Short	Derek Patrick	42 Eliza Cres.
963	Short	Dilys Margaret Ann	6A Pioneer Row.
964	Short	Donald Robert Gordon	Eliza Cove Rd.
965	Short	Emily Christina	1 Fitzroy Rd. East
966	Short	Gavin Phillip	14 Pioneer Row
967	Short	Isobel Rose	42 Eliza Cres.
968	Short	Joseph Leslie	12 Brandon Rd.
969	Short	Marc Peter	1 Racecourse Rd.
970	Short	Marlene Cindy	58 Davis St.
971	Short	Matias Ricardo	4 Dairy Paddock Rd
972	Short	Montana Tyrone	4 Dairy Paddock Rd.
973	Short	Patrick Warburton	42 Eliza Cres.
974	Short	Peter Robert	1 Fitzroy Rd. East
975	Short	Richard Edward	58 Davis St.
976	Short	Riley Ethroe	Barrack St.
977	Short	Robert Charles	12A Brandon Rd.
978	Short	Vilma Alicia	4 Dairy Paddock Rd.
979	Simpson	Bertha Veronica	6 Police Cottages, 4 Ross Rd.
980	Simpson	James Alexander Bruce	7 Racecourse Rd.
981	Simpson	James Garry	7 Racecourse Rd.
982	Simpson	John Frederick	6 Police Cottages, 4 Ross Rd.
983	Simpson	Mirabelle Hermoine	7 Racecourse Rd.
984	Sinclair	Serena Samantha	5 Fieldhouse Close
985	Sinclair	Veronica Joyce	21 Ross Rd. West
986	Skene	Greta Winnora Miller	22 Ross Rd. East
987	Smallwood	Margo Anee	105 Davis St.
988	Smallwood	Michael Anthony	105 Davis St.
989	Smith	Adeline Jane	2 Thatcher Drive
990	Smith	Alexander Gordon	16 Jersey Rd.

991	Smith	Anthony David	10 Fieldhouse Close.
992	Smith	Bruce Dennis	Stanley
993	Smith	Colin David	6 James St.
994	Smith	Derek	8 Eliza Cres.
995	Smith	Elenore Olive	3 Brisbane Rd.
996	Smith	Eric	3 Allardyce St.
997	Smith	Gerard Alexander	8 Barrack St.
998	Smith	Gwenifer May	8 Barrack St.
999	Smith	Ian Lars	2 Ross Rd. West
1000	Smith	Ileen Rose	28 Ross Rd. West
1001	Smith	James Terence	3 Fitzroy Rd. West
1002	Smith	Jean Waddell	16 Jersey Rd.
1003	Smith	Jennifer Ethel	Stanley
1004	Smith	Jeremy	7 Fitzroy Rd East
1005	Smith	Joan Lucy Ann	6A Pioneer Row
1006	Smith	John	28 Ross Rd. West
1007	Smith	Julia Trinidad	8 Eliza Cres.
1008	Smith	Martyn James	6A Ross Rd West
1009	Smith	Natalie Marianne	6 James St.
1010	Smith	Nora Kathleen	5 Fitzroy Rd. East
1011	Smith	Osmund Raymond	3 Brisbane Rd.
1012	Smith	Owen Archibald	3 Fitzroy Rd.
1013	Smith	Patricia Anne	6A Moody St.
1014	Smith	Paul	2 Ross Rd West
1015	Smith	Paulette Rose	KEMH
1016	Smith	Rhona	8 Fitzroy Rd.
1017	Smith	Russell James	8 Fieldhouse Close
1018	Smith	Shula Louise	Flat 4, 5 Jeremy Moore Ave.
1019	Smith	Sidney Frederick	Jersey Rd.
1020	Smith	Susan	1 Hebe Place
1021	Smith	Tyssen John Richard	9 Nutt Cartmel Close
1022	Sollis	Sarah Emma Maude	20 Drury St.
1023	Spall	Christopher Richard	German Camp West, Callaghan Rd
1024	Spink	Roger Kenneth	4 Hebe St.
1025	Spinks	Malvina Ellen	Flat6, 7Jeremy Moore Ave East
1026	Spruce	Helena Joan	29 Ross Rd. West
1027	Spruce	Mark Felton	29 Ross Road West
1028	Spruce	Terence George	29 Ross Rd. West
1029	Steen	Allan Graham	11 Brandon Rd.
1030	Steen	Barbara Ingrid	39 Ross Rd. West
1031	Steen	Emma Jane	36 Ross Rd.
1032	Steen	Gail	7 St. Marys Walk
1033	Steen	Karen Lucetta	7 St. Marys Walk
1034	Steen	Vernon Robert	7 St Marys Walk
1035	Steen MacDonald	Vanda Joan	38 Ross Rd.
1036	Stenning	Anna Russalka	5b Ross Rd. West
1037	Stenning	Timothy Charles	5B Ross Road West
1038	Stephenson	James	Woody Valley
1039	Stephenson	Joan Margaret	Woody Valley
1040	Stephenson	Katrina	4 Davis St.
1041	Stephenson	Zachary	4 Davis St.
1042	Stevens	Paul Theodore	9 Drury St.
1043	Stewart	Aarron Stephen	6 Pioneer Row
1044	Stewart	Celia Joyce	12 St. Marys Walk
1045	Stewart	David William	55 Davis St.

1046	Stewart	Hulda Fraser	24 Ross Rd. West
1047	Stewart	Ian Bremner	9 McKay Close
1048	Stewart	Irene Anne	Racecourse Rd.
1049	Stewart	Kenneth Barry	3 Discovery Close
1050	Stewart	Pam Ellen	18 Endurance Ave.
1051	Stewart	Robert	12 St. Marys Walk
1052	Stewart	Robert William	Racecourse Rd.
1053	Stewart	Sheila Olga	9 McKay Close
1054	Stewart	Sylvia Rose	7 Ross Rd. West
1055	Stewart-Reid	Carol Ellen Eva	7 Ross Rd. West
1056	Strange	Georgina	The Dolphins Snake St
1057	Strange	Ian John	The Dolphins, Snake St.
1058	Strange	Maria Marta	The Dolphins, Snake St.
1059	Strange	Shona Marguerite	36 Ross Rd. West
1060	Summers	Alastair Peter	1 Ross Rd. East
1061	Summers	Brian	1 Ross Rd. East
1062	Summers	Colin Owen	5 Brandon Rd.
1063	Summers	Deborah	Murray Heights
1064	Summers	Dennis David	18 Endurance Ave.
1065	Summers	Donna	15 Ross Rd. East
1066	Summers	Dorothy Constance	42 Eliza Cres
1067	Summers	Edith Catherine	5 Dean St.
1068	Summers	Irvin Gerard	Sir Rex Hunt House.
1069	Summers	Jacqueline	11 Pioneer Row
1070	Summers	Jonathan Derek	5 Allardyce St.
1071	Summers	Judith Orissa	1 Ross Rd.
1072	Summers	Lynn Jane	2 Campbell Drive
1073	Summers	Marie Pearl	1 Ross Rd West
1074	Summers	Melvyn Mark	Stanley
1075	Summers	Michael Kenneth	6A Brisbane Rd.
1076	Summers	Michael Victor	11 Pioneer Row
1077	Summers	Naomi Christine	Sir Rex Hunt House
1078	Summers	Nigel Clive	32 Fitzroy Rd.
1079	Summers	Owen William	5 Brandon Rd.
1080	Summers	Pamela Rosemary Cheek	32 Fitzroy Rd.
1081	Summers	Rowena Elsie	5 Allardyce St.
1082	Summers	Roy	9 Murray Heights
1083	Summers	Sandra Marie	66 Davis St.
1084	Summers	Sheila	Sir Rex Hunt House, John St.
1085	Summers	Sybella Catherine Ann	1 Ross Rd. West
1086	Summers	Sylvia Jean	8 Racecourse Rd.
1087	Summers	Terence	1 Ross Rd. West.
1088	Summers	Tony	8 Racecourse Rd.
1089	Summers	Veronica	5 Brandon Rd.
1090	Summers	Yona	37 Davis St.
1091	Sutherland	Elizabeth Margaret	13/14 Eliza Cove Rd.
1092	Sutherland	James David	Reflections Flat, Dean St.
1093	Sutherland	John Gall	3B Jersey Est.
1094	Sutherland	William John Munro	13/14 Eliza Cove Rd.
1095	Teale	Colin Edwin	8 Brisbane Rd.
1096	Teale	Jeannette	8 Brisbane Rd.
1097	Teggart	Carol Wendy	9 Callaghan Rd.
1098	Teggart	John Patrick	9 Callaghan Rd
1099	Tellez	Jose Hector	2 Hodson Villa West
1100	Thain	John	8 Davis St.

1101	Thain	Stephanie Ann	8 Davis St.
1102	Thom	David Anderson	47 Fitzroy Rd.
1103	Thom	Dorothy Irene	47 Fitzroy Rd.
1104	Thom	John Currie	25 Ross Rd East
1105	Thom	Norma Ann	92 Davis St.
1106	Thompson	William John	Flat 2, 1 Moody St.
1107	Titterington	Lesley Ann	55 Fitzroy Rd.
1108	Titterington	Robert Mark	55 Fitzroy Rd.
1109	Toase	Aidan Edward	7 Ross Road East
1110	Toase	Cora Agnes	7 Ross Rd. East
1111	Triggs	Diane	3 Fieldhouse Close
1112	Triggs	Michael David	3 Fieldhouse Close
1113	Tuckwood	John Rodney	1 Drury St.
1114	Tuckwood	Phyllis Majorie	1 Drury St.
1115	Turner	Melvyn George	36 John St.
1116	Tyrrell	Garry Bernard	1 Beaver Rd.
1117	Tyrrell	Gina Michelle	1 Beaver Rd.
1118	Valler	Glyndwr Huw	Flat 4 8 Jersey Rd
1119	Valler	Robert Hugh	9 Philomel St.
1120	Valler	Robert Stanley Ernest	22 Murray Heights
1121	Vidal	Eileen Nora	12 Jeremy Moore Ave.
1122	Vidal Roberts	Leona Lucila	7 Jersey Rd
1123	Vincent	Janette Mary	10 Endurance Ave.
1124	Vincent	Stephen Lawrence	10 Endurance Ave.
1125	Wade	Donald Harold	41 Fitzroy Rd.
1126	Wade	June Rose Elizabeth	41 Fitzroy Rd.
1127	Wagner	Mary Elizabeth	6 Jeremy Moore Ave.
1128	Wagner	Richard Karl	6 Jeremy Moore Ave.
1129	Wallace	Fiona Alice	38 Ross Rd. West
1130	Wallace	Fraser Barrett	10 John St.
1131	Wallace	Maria Lilian	38 Ross Rd. West
1132	Wallace	Michael Ian	23 Callaghan Rd.
1133	Wallace	Stuart Barrett	38 Ross Rd. West
1134	Wallace	Una	23 Callaghan Rd.
1135	Watson	Ben	7 Moody St.
1136	Watson	Paul	20 Endurance Ave.
1137	Watson	Ruth Jane	20 Endurance Ave.
1138	Watt	Stephen Robert	11 Narrows View
1139	Watt	Sylvia Ann	11 Narrows View
1140	Watts	Patrick James	13 Brisbane Rd.
1141	Webb	Loretta Isobel	1C Capricorn Rd.
1142	White	Kathleen Elizabeth	9 Thatcher Drive
1143	Whitney	Frederick William	1 Police Cottages, 9 Ross Rd.
1144	Whitney	Henry Leslie	3 St. Marys Walk
1145	Whitney	Jason	15 Ross Rd. East
1146	Whitney	Kurt Ian	2 Pioneer Row
1147	Whitney	Lana Rose	22 Eliza Cres.
1148	Whitney	Robert Michael	Stanley
1149	Whitney	Susan Joan	1 Police Cottages, 9 Ross Rd.
1150	Wilkinson	Alistair Graham	5 Philomel St.
1151	Wilkinson	Dorothy Ruth	5 Philomel St.
1152	Wilkinson	Robert John	YMCA
1153	Williams	Gene	23 Ross Rd. West
1154	Williams	Glen	33 Ross Rd East
1155	Williams	Margaret Elizabeth	33 Ross Rd East

1156	Williams	Marlene Rose	23 Ross Rd. West
1157	Winter	Teresa Irene	4A Jeremy Moore Ave. East
1158	Wylie	Julian Richard	1 McKay Close
1159	Wylie	Wendy Jennifer	1 Jersey Rd.
1160	Yon	Rodney Kevin	Flat 1 Church House
1161	Zuvic-Bulic	Kuzma Mario	16 Ross Rd. West
1162	Zuvic-Bulic	Sharon Marie	16 Ross Rd. West



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No. 7

Appointments

Eduardo Enrique Munoz Carvajal, Handyman/Driver
Medical Department, 1.6.99.

Petula Jane Clarke, Sports Attendant, Leisure Centre,
15.6.99.

Katherine Ann Law, Staff Nurse, Medical Department,
22.6.99.

Patricia Collette Card, Personal Assistant, Public Works
Department, 24.6.99.

Acting Appointment

Graham Brian France, Planning Officer, Environmental
Planning Office, from 23.6.99. to 20.9.99.

Confirmation of Appointments

Joost Herman Pompert, Scientific Fisheries Observer
Co-ordinator, Fisheries Department, 17.2.99.

Janice McGinness, Assistant Special Needs Teacher,
Education Department, 3.3.99.

Tanya Fiona Jaffray, Receptionist, Leisure Centre, 17.3.99.

Sheila Fenton, Clerk, Mount Pleasant Post Office, 17.4.99.

Miranda Check, Health Visitor, Medical Department, 22.4.99.

Melissa Jane McKinley, Clerk, Legislature, 8.6.99.

Transfer

Jennifer Mary Luxton, from Research Assistant,
Legislature, to Personal Assistant, Department of Mineral
Resources, 1.6.99.

Completion of Contracts

Susan Wilks, Speech and Language Therapist, Medical
Department, 2.4.99.

Sarah Gwendoline Bowe, Fisheries Observer, 24.4.99.

Tessa van Basel, Special Needs Co-ordinator, Education
Department, 25.4.99.

Hugh Alex Wilson, Clerk of Works, Public Works
Department, 30.4.99.

Jeffrey Laurence McInnis, Physiotherapist, Medical
Department, 22.6.99

Renewal of Contracts

Susan Wilks, Speech and Language Therapist, Medical
Department, 2.4.99.

Jeffrey Laurence McInnis, Physiotherapist, Medical
Department, 23.6.99

Resignations

Robert John Wilkinson, Plumber, Public Works Department, 21.3.99.

Clare Frances Crowie, Dental Assistant, 31.3.99.

Ramon Miranda, Gardener, Government House, 2.4.99.

Bonita Doreen Greenland, Personal Assistant, Department of Mineral Resources, 23.4.99.

Larissa Celly Fava, Infant/Junior Teacher, Education Department, 25.4.99.

Kenneth David Greenland, Chief Police Officer, Royal Falkland Islands Police Force, 30.4.99.

Arthur McBain, Stockman, Saladero, Department of Agriculture, 30.4.99.

Lynne Forster, Secretary/Receptionist, Secretariat, 12.5.99.

Orlando Almonacid, Carpenter, Public Works Department, 14.5.99.

Mark David Porter, Plant Operator/Handyman, Public Works Department, 14.5.99.

Sonia Ellen Felton, Gardener, Government House, 21.5.99.

Natalie Finn, Clerk, Public Works Department, 28.5.99.

Larry Paul Williams, Driver/Handyman, Medical Department, 31.5.99.

NOTICES

No. 21

11th June 1999

CAMP EDUCATION/STANLEY HOUSE MANAGERS COMMITTEE

Notice is hereby given that His Excellency the Governor has approved the appointment of the following persons to the Camp Education/Stanley House Managers Committee with effect from 11 June 1999:

Miss Diane Towersey

Mr. Peter Nightingale

Dated this 11th day of June 1999.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

CPL. S.E. LATCHFORD P8247497

to be a Temporary Customs Officer from 28th April 1999 to 28th August 1999.

R.J. King,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

CPL. N. ELLIOT Q8245352

to be a Temporary Customs Officer from 1st May 1999 to 1st September 1999.

R.J. King,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance 1943

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

I hereby appoint:

SGT. C. LLEWELLYN F8106833

to be a Temporary Customs Officer from 1st June 1999 to 1st October 1999.

R.J. King,
Collector of Customs.



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30th July 1999

No.8

Appointments

Darrell Michael Ford, Shotfirer/Driller, Public Works Department, 28.6.99.

Nigel Jon Leach, Materials Technician, Public Works Department, 28.6.99.

James St John Grewcock, Materials Manager, Public Works Department, 1.7.99.

Edgar John Peter Sutton, Assistant Materials Manager, Public Works Department, 1.7.99.

Roy Ross, Gardener, Government House, 7.7.99.

Lillian Rose Kidd, Part-time Gardener, Government House, 7.7.99.

Monica Limburn, Cleaner, Education Department, 15.7.99.

Kevin John Ross, Apprentice Carpenter, Public Works Department, 19.7.99.

Angely Susanne Sanchez, Temporary Stores Clerk, Central Store, 19.7.99.

Transfers

Maria Marta Strange, from Personal Assistant to Chief Executive, to Councillors' Assistant, Councillors' Office, 1.7.99.

Brian John Williams, from Plant Operator/Handyman, Public Works Department, to Police Constable, Royal Falkland Islands Police, 1.7.99.

Completion of Contract

Robin Phillip Thompson, Beef Specialist, Department of Agriculture, 6.7.99.

NOTICES

No. 22

15th July 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mrs. Pamela Jane Anthony of Stanley is applying to the Principal Immigration Officer for a permanent residence permit. Any person who knows of any reason why a permit should not be issued is invited to send a written statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 15 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 23

27th July 1999

**TAX DEDUCTIONS IN RESPECT OF
DONATIONS TO CHARITIES**

It is hereby notified that pursuant to section 57B(2) of the Taxes Ordinance 1997 His Excellency the Governor has approved addition of the charities listed below to the list of eligible charities.

Royal British Legion
Woman's Corona Society

Dated: 27th July 1999.

EXPLANATORY NOTE

"Eligible charities" are bodies of persons or trusts established for charitable purposes only which are not registered under the Charities Act 1960 (as it applies in the Falkland Islands) and which are not required to be so registered. "Eligible Charities" are ones, in addition to charities registered under the Charities Act 1960

donations to which qualify for tax deduction under section 57A of the Taxes Ordinance 1997. "Eligible Charities" and charities so registered together constitute charities which are approved charities for the purpose of allowance of deductions of donations under section 57A of the Taxes Ordinance 1997.

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

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

I hereby appoint:

CPL P.A. JOHNSTON T8285065

to be a Temporary Customs Officer from 8th June 1999 to 8th October 1999.

R.J. King,
Collector of Customs.



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4th August 1999

No. 9

The following is published in this Gazette:-

Dependent Territories (Federal Republic of Yugoslavia) (Freezing of Funds and Prohibition on Investment) Order 1999.

**DEPENDENT TERRITORIES (FEDERAL REPUBLIC OF YUGOSLAVIA)
(FREEZING OF FUNDS AND PROHIBITION ON INVESTMENT)
ORDER 1999**

The Dependent Territories (Federal Republic of Yugoslavia) (Freezing of Funds and Prohibition on Investment) Order 1999 was made on 21 July and came into force on 23 July. The Order extends to most British Dependent Territories including the Falkland Islands.

The Order states that, except under the authority of a written licence granted by the Governor, no person shall:

a) make any funds available, directly or indirectly, to or for the benefit of either or both of the Government of the FRY and the Government of the Republic of Serbia.

b) acquire any new or extend any existing participation in, ownership of or control of real estate, a company, undertaking, institution or entity:

(i) located, registered or incorporated within the Republic of Serbia, or

(ii) wherever else located, registered or incorporated, and owned or controlled by the Government of the FRY or the Government of the Republic of Serbia,

in exchange or not, for the supply or provision of tangible or intangible goods, services or technology (including patents), capital, debt relief or other financial resources;

c) engage in or continue activities facilitating, promoting or otherwise enabling the acquisition or extension of a participation in, ownership of or control over such real estate, companies, undertakings, institutions or entities.

The Order also states that no person shall participate, knowingly and intentionally, in related activities, the object or effect of which is, directly or indirectly, to circumvent the provisions above.

For the purpose of the Order "Government of the FRY" and "Government of Serbia" are broadly defined to include companies, undertakings, institutions and entities owned or controlled by those Governments, and persons acting or purporting to act for or on behalf of those Governments.

The Order applies to the conduct of any person within the Territory and of any person elsewhere who:

(a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, a British protected person, or a British National (Overseas) and is ordinarily resident in the Falkland Islands; or

(b) is a body incorporated or constituted under the law of any part of the Falkland Islands.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

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11th August 1999

No. 10

The following is published in this Gazette:-

The Register of Electors - 1999.

1	Adams	John Harvey	21 Ross Rd. East
2	Adams	Marjorie Rose	21 Ross Rd. East
3	Alazia	Andrew	66 Davis St.
4	Alazia	Anita Jayne	Government House
5	Alazia	Colleen	11 Fitzroy Rd. East
6	Alazia	Freda	2 Fitzroy Rd.
7	Alazia	Freda Evelyn	33 Ross Rd. West
8	Alazia	Hazel	12 McKay Close
9	Alazia	James Andrew	2 Fitzroy Rd.
10	Alazia	Keith	4 James St.
11	Alazia	Maggie Ann	6 John St.
12	Alazia	Stuart John	31 Fitzroy Rd.
13	Alazia	Yvonne	Flat 2, 1A Woody St.
14	Aldridge	Caroline Mary	2 H Jones Rd.
15	Aldridge	Kenneth John	2 H Jones Rd.
16	Aldridge	Nina Ann	2 H Jones Rd.
17	Aldridge	Stephen John	2 H Jones Rd
18	Allan	John	28 John St.
19	Allan	Joyce Ena	28 John St.
20	Allan	Michael Charles	3 Philomel Place
21	Almonacid	Orlando	1 Villiers St.
22	Anderson	Carol Anne	22 Endurance Ave.
23	Anderson	Claudette	Gardeners Cottage
24	Anderson	Eddie	22 Endurance Ave.
25	Anderson	Elizabeth Nellie	42 Davis St.
26	Anderson	Gloria	Jersey Est.
27	Anderson	Helen	88 Davis St.
28	Anderson	Jamie Falkland	Stanley
29	Anderson	Margaret Kathleen	21 John St.
30	Anderson	Mildred Nessie	8 St. Marys Walk
31	Anderson	Paul James	39 Eliza Cres.
32	Anderson	Reginald Stanford	21 John St.
33	Anderson	Richard Louis	88 Davis St.
34	Anderson	Rupert William	Stanley
35	Anderson	Stephen Robert	Stanley
36	Anthony	Enid Elizabeth	6 Dairy Paddock Rd
37	Anthony	Geraldine Sylvia	Flat 6, 6 Jersey Rd.
38	Anthony	Malcolm James	17 Brandon Rd.
39	Backhouse	Cheryl Paulette	19 Scoresby Close
40	Backhouse	Nicholas	19 Scoresby Close
41	Ballard	Wanda Rose	1 Fieldhouse Close
42	Barnes	Ernest	70 Davis St.
43	Barnes	Molly Stella	70 Davis St.
44	Barnes	Trevor Marshall	1 Auster Place
45	Barton	Alison Mary	6 Villiers St.
46	Barton	Arthur John	6 Villiers St.
47	Battersby	Jon Alan	16 Fieldhouse Close
48	Battersby	Margaret Mary	16 Fieldhouse Close
49	Bedford	Carole Anne	16 Scoresby Close
50	Bedford	Kita Muriel	2 Drury St.
51	Bennett	Harold	14 Alardyce St.
52	Bennett	Lena Grace Gertrude	14 Allardyce St.
53	Berntsen	Cecilia Del Rosario	14 St Marys Walk
54	Berntsen	Christian Olaf Alexander	32 Eliza Cres.
55	Berntsen	Falkland	10 Fitzroy Rd

56	Berntsen	Iain Kenneth	9 Eliza Cres.
57	Berntsen	Kathleen Gladys	1 St Marys Walk
58	Berntsen	Kenneth Frederick	20 Ross Road West
59	Berntsen	Matthew John	39 Davis St.
60	Berntsen	Olaf Christian Alexander	Eliza Cres.
61	Berntsen	Patrick	10 James St.
62	Berntsen	Rachel Ena	32 Eliza Cres
63	Berntsen	Saphena Anya Jane	Flat 7, 6 Jersey Rd.
64	Berntsen	Valdamar Lars	14 St. Marys Walk
65	Berntsen	Valorie Marcela	14 St. Marys Walk
66	Bertrand	Catherine Gladys	11 Ross Rd. East
67	Besley-Clark	Barbara June	53 Callaghan Rd.
68	Besley-Clark	Craig Norman Leigh	53 Callaghan Rd.
69	Besley-Clark	Douglas James	53 Callaghan Rd.
70	Besley-Clark	Norman	53 Callaghan Rd.
71	Betts	Arlette	Lafone House, Ross Rd. East
72	Betts	Donald William	7 Jeremy Moore Ave.
73	Betts	Ellen Alma	21 Fitzroy Rd.
74	Betts	George Winston Charles	35 Ross Rd. West
75	Betts	Ian	1 Villiers St.
76	Betts	Lucia Elizabeth	35 Ross Rd. West
77	Betts	Owen	Flat 4, Church House
78	Betts	Severine	2B Jeremy Moore Ave. East
79	Betts	Shirley Rose	7 Jeremy Moore Ave.
80	Betts	Simon Keith	Reflections Flat Stanley
81	Betts	Terence Severine	Lafone House, Ross Rd. East
82	Biggs	Alastair Gordon	Trehayle, 50 John St.
83	Biggs	Althea Maria	3 Dairy Paddock Rd.
84	Biggs	Betty Josephine	9 Moody St.
85	Biggs	Edith Joan	Trehayle, 50 John St.
86	Biggs	Frances	16 Endurance Ave.
87	Biggs	Frederick James	KEMH
88	Biggs	Irene Mary	Harbour View, 4 Ross Rd. East
89	Biggs	Leslie Frederick	3 Dairy Paddock Rd.
90	Biggs	Michael Elfed	21 Fitzroy Rd.
91	Biggs	Peter Julian Basil	16 Endurance Ave.
92	Binnie	Juliet Ann	33 Eliza Cres.
93	Binnie	Susan	3 Brandon Rd.
94	Birmingham	John	4 Drury St.
95	Birmingham	Susan Jane	4 Drury St.
96	Blackley	Candy Joy	4 Barrack St.
97	Blackley	Hilda	11 Thatcher Drive
98	Blackley	John David	4 Barrack St.
99	Blackley	Maurice	The Lodge, Market Garden
100	Blackley	Shane David	4 Barrack St.
101	Blades	Helen Jean	10 John St.
102	Blake	Alexander Charles	1 Ross Rd
103	Blake	Lionel Geoffrey	1 Ross Rd
104	Blake	Sally Gwynfa	1 Ross Rd
105	Blake	Thomas Patrick	90 Davis St.
106	Blizard	Lawrence Gordon	51 Fitzroy Rd.
107	Blizard	Malvina Mary	51 Fitzroy Rd.
108	Blyth	Agnes Ruth	2 Brandon Rd.
109	Blyth	Alfred John	2 Brandon Rd.
110	Blyth	Paz Neri	5 St Marys Walk

111	Bonner	Alan Paul	5 John Street
112	Bonner	Angela Jane	5 John St.
113	Bonner	Cheryl Anne	4a Ross Road West
114	Bonner	Donald William	Chaffeurs Cottage
115	Bonner	Hayley Trina	41 Ross Rd. West
116	Bonner	Linda Jane	4A Ross Rd. West
117	Bonner	Lindsay Jane	21 Shackleton Drive
118	Bonner	Nicholas	4A Ross Rd. West
119	Bonner	Paul Roderick	5 John St.
120	Bonner	Timothy	41 Ross Rd. West
121	Bonner	Vera Ann	5 John St.
122	Bonner	Vera Joan	Chaffeurs Cottage
123	Bonner	Violet	40 Ross Rd.
124	Booth	Jessie	Racecourse Cottage
125	Booth	Joseph Bories	7 Philomel St.
126	Booth	Myriam Margaret Lucia	7 Philomel St.
127	Booth	Stuart Alfred	Racecourse Cottage
128	Bound	Joan	Barrack St.
129	Bowles	Norma Evangeline	1A Villiers St.
130	Bowles	William Edward	1A Villiers St.
131	Bowles	William George Troyd	1A Villiers St.
132	Bragger	Edward Laurence	14 Jeremy Moore Ave.
133	Brock	Juanita Lois	Flat5, 1 Jeremy Moore Ave East
134	Brooks	Cheryl Rose	25 Callaghan Rd.
135	Brooks	Peter William	25 Callaghan Rd.
136	Browning	Amanda Marie	3 Dairy Paddock Rd
137	Browning	Colin George	1 Moody St.
138	Browning	Edwina	Davis St.
139	Browning	Joan Lucy Ann	Rose Hotel Drury St
140	Browning	Rex	35 Davis St.
141	Browning	Richard William	33 Davis St
142	Browning	Trevor Osneith	Rose Hotel Drury St
143	Brownlee	Andrew Samuel	19 Ross Rd East
144	Brownlee	Lynn Frances	19 Ross Rd East
145	Buckett	Ronald Peter	49 Fitzroy Rd.
146	Buckett	Roy Peter	2 Barrack St
147	Buckett	Susan Vera	49 Fitzroy Rd.
148	Buckland	Colin Michael	13 Murray Heights
149	Buckland	Darlene Joanna	11 James St.
150	Buckland	Peter John	9 Callaghan Rd.
151	Bundes	Robert John Christian	17 Fitzroy Rd.
152	Burnett	Anthony	59 Fitzroy Rd.
153	Burnett	Elizabeth Ann	59 Fitzroy Rd.
154	Burns	Mary Anne	34 Davis St.
155	Burston	Catherine	91 Davis St
156	Burston	Stephen Leslie	91 Davis St
157	Bury	Ian Thomas	63 Davis St.
158	Butcher	Michael George	3A Dairy Paddock Rd.
159	Butcher	Trudi	3A Dairy Paddock Rd.
160	Butler	Elsie Maud	8 John St.
161	Butler	Frederick Lowther Edward Olai	8 John St.
162	Butler	George Joseph	1A Moody St.
163	Butler	Jonathan Jeffers	3 Jeremy Moore Ave
164	Butler	Laurence Jonathan	2 Davis St East
165	Butler	Margaret Orlanda	15A James St.

166	Butler	Orlanda Betty	2 Davis St. East
167	Buxton	Nicole Gabrielle	19 Jeremy Moore Ave
168	Cameron	Jane Diana Mary Keith	Old Bakery, Fitzroy Rd.
169	Cant	Carol Rosine	Stanley
170	Cant	Martin Ronald	Stanley
171	Cantlie	Derek William	27 Callaghan Rd
172	Card	Patricia Collette	7 Ian Campbell Drive
173	Carey	Anthony Michael	19 Ross Rd. West
174	Carey	Bonita Colleen	19 Ross Rd. West
175	Carey	Gladys	19 Ross Rd. West
176	Carey	Martin Rex	21 Eliza Cove Cres.
177	Carey	Mary Ann Margaret	18 Ross Rd. West
178	Carey	Terence James	18 Ross Rd. West
179	Cartwright	Stephen	39 Ross Road West
180	Castle	David Peter	26 John St.
181	Castle	Isobel	26 John St.
182	Ceballos	Eulogio Gabriel	28 Endurance Ave.
183	Chaloner	Sheila Catherine	2 Racecourse Rd
184	Chapman	Helen	6 Fitzroy Rd. East
185	Chapman	Paul	6 Fitzroy Rd. East
186	Chater	Anthony Richard	33 Fitzroy Rd.
187	Chater	Thomas Frederick	33 Fitzroy Rd.
188	Chater	William John	33 Fitzroy Rd.
189	Cheek	Barbara	10 Ross Rd.
190	Cheek	Gerald Winston	10 Ross Rd.
191	Cheek	Janet Linda	25 Ross Rd. West
192	Cheek	Marie	10 Ross Rd.
193	Cheek	Miranda	2 Fieldhouse Close
194	Cheek	Rosalind Catriona	25 Ross Rd. West
195	Cheeseman	Stanley John	Stanley
196	Clapp	Kevin Christopher	1 Murray Heights
197	Clark	Hector	27 Eliza Cres.
198	Clark	Jonathan Andrew	Flat 10, Jersey Rd
199	Clark	Joyce Kathleen	27 Eliza Cres.
200	Clarke	Amelia	1 Callaghan Rd.
201	Clarke	Angela Sindy	Stanley
202	Clarke	Camilla Marie	8 Drury St.
203	Clarke	Christopher	Stanley
204	Clarke	David James	17 Ross Rd. West
205	Clarke	Derek Simon	23 Jeremy Moore Ave.
206	Clarke	Doreen	17 Ross Rd. West
207	Clarke	Gwynne Edwina	17 Jeremy Moore Ave.
208	Clarke	Ian	17 Ross Rd. West
209	Clarke	Isabel Joan	12 Fieldhouse Close
210	Clarke	James Martin	4B Ross Rd. West
211	Clarke	Jan Michael	5 Allardyce Street
212	Clarke	Jonathan Terence	17 Jeremy Moore Ave.
213	Clarke	Julie Ann	Globe Tavern
214	Clarke	Marvin Thomas	7 Fitzroy Rd.
215	Clarke	Paul Ian	Stanley
216	Clarke	Petula Jane	Stanley
217	Clarke	Ronald John	17 Ross Rd. West
218	Clarke	Rudy Thomas	8 Drury St.
219	Clarke	Sasha Michelle	Stanley
220	Clarke	Shane Adrian	1 Callaghan Rd.

221	Clarke	Suzanna	YMCA
222	Clarke	Terence John	17 Jeremy Moore Ave.
223	Clarke	Tracey Clare	23 Jeremy Moore Ave.
224	Clarke	Trudi Ann	7 Fitzroy Rd.
225	Clasen	Wayne Ian Summers James	9 Fitzroy Rd.
226	Clausen	Andrea Patricia	3 St. Marys Walk
227	Clausen	Denzil George Gustavius	3 St. Marys Walk
228	Clausen	Melanie	1 Hebe St.
229	Clausen	Sophie Marina	Stanley
230	Claxton	Frank Brian	28 Ross Rd. East
231	Claxton	Margaret	28 Ross Rd. East
232	Clayton	Brian	16 St. Marys Walk
233	Clayton	Susan	16 St. Marys Walk
234	Clement	Gary	9 Snake St.
235	Clement	Jane	9 Snake St.
236	Clement	Lee	9 Snake Hill
237	Clement	Wayne	9 Snake Hill
238	Cletheroe	Kenneth Stanley	45 Fitzroy Rd.
239	Clifton	Charles	3 Ross Rd. West
240	Clifton	Darwin Lewis	53 Davis St.
241	Clifton	Doreen	3 Ross Rd. West
242	Clifton	Kevin	20 Davis St.
243	Clifton	Marie	6 Discovery Close
244	Clifton	Melvyn	Stanley
245	Clifton	Neil	20 Davis St.
246	Clifton	Stephen Peter	61 Fitzroy Rd.
247	Clifton	Terence Charles	3 Ross Rd. West
248	Clifton	Teresa Ann	12 Callaghan Rd.
249	Clifton	Valerie Ann	61 Fitzroy Rd.
250	Clingham	Leslie George	2 Brisbane Rd.
251	Clingham	Yvonne Helen	2 Brisbane Rd.
252	Cockwell	Maurice Adam	90 Davis St.
253	Cofre	Anya Evelyn	1 Brandon Rd West
254	Cofre	Elvio Miguel	1 Brandon Rd West
255	Collier	Mark Walter	47 Ross Rd East
256	Collins	Shiralee	Flat 9, 6 Jersey Rd.
257	Connolly	Kevin Barry	1 King St.
258	Coombe	Peter	12 Ross Rd. West
259	Coombe	Shirley Anne	12 Ross Rd. West
260	Cotter	Mary Jane	9 Jeremy Moore Ave.
261	Cotter	Timothy Stewart	9 Jeremy Moore Ave.
262	Coulter	Donald Mark	9 Fieldhouse Close
263	Coulter	Paula	9 Fieldhouse Close
264	Courtney	Anthony Clive	Lady Hunt House, John St.
265	Courtney	Julie Doris	Lady Hunt House, John St.
266	Coutts	Charles	12 Endurance Ave.
267	Coutts	Charles Lindsay	33 Ross Rd.
268	Coutts	Diana Marion	6B Ross Rd. West
269	Coutts	John	36 Ross Rd. West
270	Coutts	Olga	33 Ross Rd.
271	Coutts	Peter	13 Campbell Drive
272	Crabb	Elizabeth Ann	38 Eliza Cres.
273	Crowie	Alan John	3 Fitzroy Rd. East
274	Crowie	Ana Bonita	3 Fitzroy Rd. East
275	Crowie	Breda Marie	35 Callaghan Rd.

276	Crowie	Clare Frances	35 Callaghan Rd
277	Crowie	David Sean	Stanley
278	Crowie	Nicola Jane	35 Callaghan Rd.
279	Crowie	Robert John	35 Callaghan Rd.
280	Curtis	Alfred William Hamilton	6 Brandon Rd. West
281	Curtis	Barbara Joan	6 Brandon Rd. West
282	Curtis	James William Hamilton	6 Ross Rd.
283	Davies	Andrew Lian	Flat 7, 6 Jersey Rd.
284	Davies	Anthony Warren	7 Callaghan Rd.
285	Davies	Christine Susan	8 Fitzroy Rd. East
286	Davies	Colin George	15 Ross Rd. West
287	Davies	Eileen Wynne	15 Ross Rd. West
288	Davies	Jacqueline Nancy	7 Callaghan Rd.
289	Davies	Stephen Andrew	7 Callaghan Rd.
290	Davies	William	8 Fitzroy Rd. East
291	Davis	Ellen Rose	39 Davis St.
292	Davis	Mandy John	15 James St.
293	Davis	Maurice	39 Davis St.
294	Davis	Nicholas	15 James St.
295	Davis	Roy George Victor	6 Narrows View
296	Davis	Sharon Sandra Evelyn	6 Narrows View
297	Davy	Patrick Alex Field	Flat3, 3 Jeremy Moore Ave East
298	Decroliere	Carrie Madeline Helen	5 Discovery Close
299	Desborough	Gladys Malvina	14 Allardyce Street
300	Dickson	Caroline Christine Bird	108 Davis St.
301	Dickson	Michael Keith	C/o Tamar
302	Didlick	Christopher Graham	13 Jeremy Moore Ave
303	Didlick	Fiona Margaret	13 Jeremy Moore Ave
304	Didlick	Graham John	13 Jeremy Moore Ave
305	Didlick	Rhiannon Elinore	13 Jeremy Moore Ave
306	Diggle	Katherine Elizabeth	12 Jersey Rd.
307	Diggle	Roger John	12 Jersey Rd.
308	Dobbyns	Kathleen Gay	60 Davis St.
309	Dodd	Alison	1 Pioneer Row
310	Dodd	Nigel Keith	1 Pioneer Row
311	Donnelly	Derek	YMCA, Stanley
312	Drysdale	Karen Margaret	Stanley
313	Duncan	Delsha Vanessa Jane	18 Jeremy Moore Ave.
314	Duncan	Doreen	Tenacres
315	Duncan	William	Tenacres
316	Duvall	Kenneth William	Stanley
317	Earnshaw	Jacqueline Elizabeth	32 Ross Rd. West
318	East	Justin Clive Richard	1 Fieldhouse Close
319	Eccles	Bernard Leslie	18 Jeremy Moore Ave.
320	Eccles	Moira Cameron	18 Jeremy Moore Ave.
321	Edwards	Emma Jane	Murray Heights
322	Elliot	Elizabeth Rose	15 Callaghan Rd
323	Elliot	Henry James	15 Callaghan Rd.
324	Ellis	Cyril	24 Ross Rd. East
325	Ellis	Lucy	Stanley
326	Ellis	Valerie	24 Ross Rd. East
327	Elsby	Barry	Moody Brook House.
328	Ericksen	Michelle	1B Capricorn Rd.
329	Evans	Donna Newell	By-Pass Rd.
330	Evans	Gladys Alberta	6 Barrack St.

331	Evans	Michael David	By-Pass Rd.
332	Evans	Russell	Fieldhouse Close
333	Ewing	Gordon	4 Jeremy Moore Ave
334	Ewing	Irene	4 Jeremy Moore Ave
335	Eynon	Carol	8 Villiers St.
336	Eynon	Christopher Huntlee	8 Villiers St.
337	Eynon	David John	8 Villiers St.
338	Faria	Basil Harry	3A Brisbane Rd.
339	Faria	Maria Anne	3A Brisbane Rd.
340	Faria	Mary Ann	6A Jeremy Moore Ave
341	Felton	Sonia Ellen	Stanley
342	Felton	Violet Regina Margaret	German Camp, Callaghan Rd.
343	Ferguson	Lynn Ann	9 Eliza Cove Crescent
344	Ferguson	Marie Anne	Stanley
345	Ferguson	Robert John	4 Capricorn Rd.
346	Ferguson	Rose	Flat7, 1 Jeremy Moore Ave East
347	Ferguson	Thelma	4 Capricorn Rd.
348	Fiddes	Douglas Graham	18 Ross Rd. East
349	Fiddes	Gardner Walker	3 Watson Way
350	Fiddes	Julia Bertrand	18 Ross Rd. East
351	Fiddes	Mary McKinnon Livingstone	4 Moody St.
352	Fiddes	Melody Christine	3 Watson Way
353	Fiddes	Robert	4 Moody St.
354	Fiddes	Shona Mary	Sir Rex Hunt House.
355	Finlayson	Iris Dwenda Margaret	7 John St.
356	Finlayson	Peter	6 Brandon Rd.
357	Finlayson	Phyllis	6 Brandon Rd.
358	Finn	Natalie Anne	9 Eliza Cres
359	Fisher-Smith	Julie Anne	8 Fieldhouse Close
360	Fleming	Richard Ian	7 Ian Campbell Drive
361	Floyd	Amanda Susan	7 Pitaluga Place
362	Floyd	Michael	7 Pitaluga Place
363	Fogerty	Philip John	Stone Cottage
364	Fogerty	Richard Edwin John	Stone Cottage
365	Ford	Alison Jane Marie	5 Jersey Rd.
366	Ford	Arthur Henry	6 Drury St.
367	Ford	Caroline	2 Philomel Place
368	Ford	Cherry Rose	1 James St.
369	Ford	Christopher James	11 Fieldhouse Close
370	Ford	Colin Stewart	15 Kent Rd.
371	Ford	Colleen Mary	Lady Hunt House John St.
372	Ford	Darrel	1 James Street, Stanley
373	Ford	David	1 Davis St.
374	Ford	Frederick James	Lady Hunt House John St.
375	Ford	Gerard Allan	Flat 1, 3 Jeremy Moore Ave
376	Ford	Jonathan	11 Beaver Rd.
377	Ford	Julie Ann	11 Beaver Rd.
378	Ford	Leann Caroline	15 Kent Rd.
379	Ford	Leonard	5 Jersey Rd.
380	Ford	Marilyn Christina	24 James St.
381	Ford	Michael	1 James St.
382	Ford	Paul Edward	2 Philomel Place
383	Ford	Robert	1 Davis St.
384	Ford	Sara	11 Fieldhouse Close.
385	Ford	Simon	1 James St.

386	Forrest	Jennifer Carol	16 Kent Rd.
387	Forrest	Michael John	16 Kent Road
388	Forster	Amanda	39 Eliza Cres.
389	Forster	Lynne	Stanley
390	France	Graham Brian	7 Snake St.
391	France	Ian Peter	7 Snake Hill Stanley
392	France	Jane Aileen Marie	7 Snake St.
393	Freeman	Carl Francis	10 James St.
394	Freeman	Dianne May	10 James St.
395	Freeman	Tracy	10 James St
396	Fullerton	Mary Ellen	Government House
397	Geach	Alan John	Sir Rex Hunt House.
398	George	Magnus John Alexander	14 Ross Rd. West
399	Gilbert	Christopher Paul	22 Jeremy Moore Ave.
400	Gilbert	Judith Elizabeth	22 Jeremy Moore Ave.
401	Gilbert	Neil Robert	22 Jeremy Moore Ave
402	Gilbert	Robert Ernest	22 Jeremy Moore Ave.
403	Gilding	Sara Jane	11 Pioneer Row.
404	Gilson Clarke	Dustin James	1 Discovery Close
405	Gisby	Annie	33 Fitzroy Rd.
406	Goodwin	Angela Jane	27 Callaghan Rd
407	Goodwin	Colin Valentine	86 Davis St.
408	Goodwin	Derek Samuel	3 Police Cottages, 7 Ross Rd.
409	Goodwin	Emily Rose	7 Brisbane Rd.
410	Goodwin	Gareth Kevin	86 Davis St.
411	Goodwin	Hazel Rose	3 Police Cottages, 7 Ross Rd.
412	Goodwin	June Elizabeth	86 Davis St.
413	Goodwin	Kathleen Edith Marguerite	6 Thatcher Drive
414	Goodwin	Margaret Ann	3 H Jones Rd.
415	Goodwin	Marjo Jane	31 Ross Rd West
416	Goodwin	Neil Alexander William	31 Ross Rd West
417	Goodwin	Robin Christopher	27 Callaghan Rd.
418	Goodwin	Simon James	Flat 3, 2 Eliza Place
419	Goodwin	Una	27 Callaghan Rd.
420	Goodwin	William John Maurice	7 Brisbane Rd.
421	Goss	Amara Theresa	7 Brandon Rd.
422	Goss	Annagret	16 Jeremy Moore Ave.
423	Goss	Corina Rose	20 Murray Heights
424	Goss	Dorothy Ellen	4 Discovery Close
425	Goss	Eric Miller	2 Fitzroy Rd East
426	Goss	Errol Barry Gordon	Flat3, 7 Jeremy Moore Ave East
427	Goss	Grace Elizabeth	5 Ross Rd. East
428	Goss	Ian Ernest Earle	Fieldhouse Close
429	Goss	Morgan Edmund	16 Jeremy Ave.
430	Goss	Odetta Ellen May	Flat 1, 30 Jersey Rd.
431	Goss	Roderick Jacob	Fitzroy Rd.
432	Goss	Roger Simon	15 Callaghan Rd
433	Goss	Roy Shepherd	Stanley
434	Goss	Sandra Kathleen	11 Kent Rd.
435	Goss	Shirley Ann	2 Fitzroy Rd East
436	Goss	Simon Peter Miller	11 Kent Rd.
437	Goss	Susan Diann	Fieldhouse Close
438	Goss	William Henry (jnr)	7 Brandon Rd.
439	Goss	William Henry (snr)	5 Ross Rd. East
440	Gough	Phyllis Candy	11 Callaghan Rd.

441	Gould	Arthur William	Moody St.
442	Grant	Lennard John	3 Moody St.
443	Grant	Willy	3 Moody St.
444	Gray	Johan	22 Ross Rd West
445	Green	David William	5 Police Cottages, Ross Rd.
446	Greenland	James Andrew Willian	9 Beaver Rd
447	Grimmer	Keith	15 Pioneer Row
448	Grimmer	Marilyn	15 Pioneer Row
449	Hadden	Alexander Burnett	27 Fitzroy Rd.
450	Hadden	Sheila Peggy	27 Fitzroy Rd.
451	Halford	Rodney John	Tenacres
452	Halford	Sandi Jayne	Stanley
453	Halford	Sharon	Tenacres
454	Hall	David Albert	56 Davis St.
455	Hall	Marilyn Joyce	56 Davis St.
456	Halliday	Gerald	Flat 1, 6 Racecourse Rd.
457	Halliday	Jeffrey James	Fieldhouse Close
458	Halliday	John Arthur Leslie	108 Davis St.
459	Halliday	Leslie John	5 Villiers St.
460	Halliday	Raynor	9 Brisbane Rd.
461	Hancox	Rachel Mary	9 Ross Rd. West
462	Hancox	Robert James	9 Ross Rd. West
463	Hansen	Douglas John	6 Fitzroy Rd.
464	Hansen	Keva Elizabeth	1 Dairy Paddock Rd.
465	Hansen	Terence Joseph	1 Dairy Paddock Rd.
466	Hardcastle	Simon Brook	5 Pioneer Row
467	Harris	Christopher James	8 Pioneer Row
468	Harris	Heather	3 Ross Rd. East
469	Harris	Jill Yolanda Miller	19 Fitzroy Rd.
470	Harris	Karl Henry	19 Fitzroy Rd.
471	Harris	Leeann Watson	10 Dairy Paddock Rd.
472	Harris	Leslie Sidney	19 Fitzroy Rd.
473	Harris	Michael Ronald	3 Ross Rd. East
474	Harris	Nicola Jane	3 Ross Rd East
475	Harris	Ralph Aaron	10 Dairy Paddock Rd.
476	Harris	Roslyn	19 Fitzroy Rd.
477	Harvey	Muriel Elizabeth Elsie	2 King St.
478	Harvey	Sheila	Flat 3, 5 Jeremy Moore Ave.
479	Harvey	William	21 Fitzroy Rd.
480	Hawksworth	Christopher	29 Fitzroy Rd.
481	Hawksworth	David	29 Fitzroy Rd.
482	Hawksworth	Jeanette	24 Murray Heights
483	Hawksworth	Mary Catherine	5 A Brisbane Rd.
484	Hawksworth	Pauline May	29 Fitzroy Rd.
485	Hawksworth	Terence	5A Brisbane Rd.
486	Hayward	Marjorie	30 Eliza Rd.
487	Hayward	Neville	Flat 2, Church House
488	Hayward	Peter Dennis	30 Eliza Rd.
489	Heathman	Malcolm Keith	15 Eliza Cove Rd.
490	Heathman	Mandy Gail	15 Eliza Cove Rd.
491	Henry	Alan Richard	8 Beaver Rd.
492	Henry	Patricia Denise	8 Beaver Rd.
493	Hernandez Mantero	Miguel Angel	3 Murray Heights
494	Hernandez Trevell	Maria Elena	3 Murray Heights
495	Hewitt	Alison Denise	23 Shackleton Drive

496	Hewitt	Frances Agnes	Stanley
497	Hewitt	Gary George	3 Hebe Place
498	Hewitt	Kevin John	14 Jeremy Moore Ave
499	Hewitt	Margaret Ann	3 Hebe Place
500	Hewitt	Neil George	Stanley
501	Hewitt	Rachel Catherine Orissa	4 St. Marys Walk
502	Hewitt	Robert John David	3 Thatcher Drive
503	Higgins	Dawn	2 Dean Street
504	Hill	Brian Jarvis	1 Kent Rd.
505	Hill	Penelope Ann	1 Kent Rd.
506	Hills	Heather Margaret	5 Davis St.
507	Hills	Richard William	5 Davis St.
508	Hirtle	Christine	5 Capricorn Rd.
509	Hirtle	Debbie Ann	Flat 7 Jeremy Moore Ave
510	Hirtle	Leonard John	20 Jeremy Moore Ave
511	Hirtle	Leonard Lloyd	20 Jeremy Moore Ave.
512	Hirtle	Mary Ann	12 Drury St.
513	Hirtle	Michael Barry	20 Jeremy Moore Ave.
514	Hirtle	Rose Ann Shirley	4 Villiers St.
515	Hirtle	Shirley	20 Jeremy Moore Ave.
516	Hirtle	Zane Eric	Eliza Cove Rd.
517	Hobman	Anilda Marilu	34 Ross Rd. West Flat
518	Hobman	Carol Margaret	Stanley
519	Hobman	David Gonsalo	34 Ross Rd. West Flat
520	Hobman	Luis Alfonso	34 Ross Rd. West Flat
521	Hoggarth	Agnes Christina	2 James St.
522	Horne-MacDonald	John Alexander	2 Dairy Paddock Rd.
523	Horne-MacDonald	Myriam Beatriz	2 Dairy Paddock Rd.
524	Howatt	Derek Frank	4 Racecourse Rd.
525	Howatt	Suzanna Margaret	4 Racecourse Rd.
526	Howe	Alison Delia	36 Davis St.
527	Howe	Paul Anthony	36 Davis St.
528	Howells	Anne Stephanie	112 Davis St.
529	Howells	Lorna Marie	112 Davis St.
530	Howells	Martin Edward Derek	112 Davis St
531	Howells	Melissa Louise	112 Davis St.
532	Howells	Roger	112 Davis St.
533	Hoy	Dawn	7 Murray Heights
534	Humphreys	Dennis James	7 Dean St.
535	Humphreys	Margaret Anne	7 Dean St.
536	Hutton	Elizabeth Isabella	3 John St.
537	Hutton	Philip	3 John St.
538	Igao	Noel Neri	15 Scoresby Close
539	Igao	Pauline Lynx	15 Scoresby Close
540	Irwin	Rhoda De Felton	Eliza Cove Rd.
541	Jackson	Mark Malcolm	23 Fitzroy Road
542	Jacobsen	Alistair	1A Philomel St.
543	Jacobsen	Catherine Joan	1A Philomel St.
544	Jaffray	Donald	15 Brandon Rd.
545	Jaffray	Eileen	5 Hebe St.
546	Jaffray	Elaine Michele	8 Discovery Close
547	Jaffray	Estelle Anita	Snake Hill
548	Jaffray	Frank Alexander	8 Discovery Close
549	Jaffray	Gerard Alan	5 Hebe St.
550	Jaffray	Helen Rose	84 Davis St.

551	Jaffray	Ian	5 Hebe St.
552	Jaffray	Ingrid Joyce	5 Hebe St.
553	Jaffray	Jacqueline Ann	17 Watson Way
554	Jaffray	Janet	40 Eliza Cres.
555	Jaffray	Janice Vanessa	3C Jersey Est.
556	Jaffray	John	40 Eliza Cres.
557	Jaffray	John Summers	84A Davis St.
558	Jaffray	June Elizabeth	17 Ross Rd. East
559	Jaffray	Kenneth Ian	2 Dean St.
560	Jaffray	Lisa Jane	Flat 3, 1 Jeremy Moore Ave.
561	Jaffray	Marina Morrison	15 Brandon Rd.
562	Jaffray	Nichola Jane	84a Davis St.
563	Jaffray	Robin George	Rose Hotel
564	Jaffray	Stephen James	11 James St.
565	Jaffray	Tanya Fiona	5 Hebe Street
566	Jaffray	Terence Roy	Flat 3, 1 Jeremy Moore Ave
567	Jaffray	Terri-Ann	24 Endurance Ave.
568	Jaffray	Tony	84 Davis St.
569	Jaffray	Wayne Neil	5 Hebe St.
570	Jennings	Neil	Flat 4, 30 Jersey Rd.
571	Jennings	Stephen	5 Fitzroy Rd.
572	Johnson	Jacqueline	5 Kent Rd.
573	Johnson	Lily Ann	5 Hebe St
574	Johnson	Michael Neil	5 Kent Rd.
575	Jones	Alan Smith	26 Ross Rd. West
576	Jones	David Richard	6 Allardyce Street
577	Jones	Deena Marie	YMCA, Stanley
578	Jones	Doreen Evelyn Margaret	6 Allardyce Street
579	Jones	Jennifer	26 Ross Rd. West
580	Jones	John Hugh	28 John St
581	Jones	Kevin Richard	Callaghan Rd
582	Jones	Michelle	28 John St
583	Jones	Yvonne Malvina	3 Discovery Close
584	Jonson	Amy Elizabeth	The Rose Hotel Brisbane Rd
585	Keane	Alva Rose Marie	18 Davis St.
586	Keane	Olaf James	18 Davis St.
587	Keane	Thomas James	18 Davis St.
588	Keenleyside	Charles Desmond	3 Pioneer Row
589	Keenleyside	Dorothy Maud	3 Pioneer Row
590	Keenleyside	Manfred Michael Ian	2 Snake Hill
591	Keenleyside	Nanette Barbara	2 Snake Hill
592	Kenny	Erling	20 James St.
593	Kiddle	Robert Karl	Flat 3. 6 Racecourse Rd.
594	King	Anna Constance Eve	38 Davis St.
595	King	Desmond George Buckley	38 Davis St.
596	King	Glynis Margaret	2 B Jeremy Moore Ave. East
597	King	Michelle Beverley	4 Biggs Rd
598	King	Peter Thomas	10 Jeremy Moore Ave.
599	King	Robert John	1D Jersey Est.
600	King	Rosemarie	10 Jeremy Moore Ave
601	King	Vernon Thomas	39 Fitzroy Rd.
602	Kirkham	Campbell Joseph	5 Capricorn Rd.
603	Kluzniak	Boguslaw Sylvester	26 Ross Rd. East
604	Kultschar	John William	4 Davis St. East
605	Kultschar	Richard Paul	4 Davis St. East

606	Kultschar	Yvonne Rosina	4 Davis St. East
607	Laffi	Atilio Segundo	3 Brisbane Rd.
608	Laffi	Kathleen Mary	3 Brisbane Rd.
609	Lang	Alexander Peter	45 Callaghan Rd
610	Lang	David Geoffrey	45 Callaghan Rd.
611	Lang	James Patrick	Flat2, 3 Jeremy Moore Ave East
612	Lang	Marie-Bernard Therese	45 Callaghan Rd.
613	Lang	Sandra Shirleen	2 Allardyce St.
614	Lang	Theresa Margaret	45 Callaghan Rd.
615	Lang	William Frank	3 James St.
616	Larsen	Ellen	74 Davis St.
617	Lazo	Joanna Rose	7 Eliza Cres.
618	Lee	Alfred Leslie	11 Drury St.
619	Lee	Angela Audrey	8 Jersey Rd.
620	Lee	Anthony John	8 Jersey Rd.
621	Lee	Beverley Christina	10 Allardyce St.
622	Lee	Derek William	2 Davis St.
623	Lee	Gladys	11 Drury St.
624	Lee	Leslie James	10 Allardyce St.
625	Lee	Mervyn Richard	10 Allardyce Street
626	Lee	Owen Henry	Stanley
627	Lee	Tanya	15 Campbell Drive
628	Lee	Trudi Dale	10 Allardyce St.
629	Lennie	Gordon Carnie	9 Narrows View
630	Lewis	David James	3 Campbell Drive
631	Lewis	James	2 St. Marys Walk
632	Lewis	Jason	3 Campbell Drive
633	Lewis	Jean	2 St. Marys Walk
634	Lewis	Pamela Irene	3 Campbell Drive
635	Lewis	Sharon	11 Campbell Drive
636	Leyland	Frank	10 Brandon Rd.
637	Leyland	Vera	10 Brandon Rd.
638	Livermore	Anton	33 Callaghan Rd.
639	Livermore	Darren	Stanley
640	Lowe	Anthony Trevor	54 Davis St.
641	Lowe	Fiona Alison	54 Davis St.
642	Luxton	Elisabeth Mary	27 Ross Rd West
643	Luxton	Jennifer Mary	4 Hebe Place
644	Luxton	Michael	1A Pioneer Row
645	Luxton	Nicola	1A Pioneer Row
646	Luxton	Robin	1 Jersey Rd
647	Luxton	Stephen Charles	7 Narrows View
648	Luxton	Sybil Grace	38 John St.
649	Luxton	Winifred Ellen	15 Fitzroy Rd.
650	Luxton	Zoe	1A Pioneer Row
651	Lyse	Ethel Malvina	65 Fitzroy Rd.
652	Lyse	George Walter	8 Moody St.
653	Lyse	Linda Margaret	65 Fitzroy Rd.
654	Macaskill	Angus Lindsay	8 Jeremy Moore Ave.
655	Macaskill	Jeanette May	8 Jeremy Moore Ave.
656	Macaskill	John	34 Ross Rd. West
657	MacBeth	Phyllis Elizabeth Grace	17 Brandon Rd.
658	MacDonald	Colin George	26 Endurance Ave.
659	MacDonald	Derek George	26 Endurance Ave.
660	MacDonald	Irene	26 Endurance Ave.

661	Malcolm	Velma	7 Allardyce St.
662	Marsh	Michelle Jane	1 Fieldhouse Close
663	May	Brian Roy	21 Jeremy Moore Ave.
664	May	Bruce Raymond	Wardens House, KEMH
665	May	Connie	Wardens House, KEMH
666	May	Donna Monica	13 Murray Heights
667	May	Heather	1 Glasgow Rd.
668	May	Jonathan Roy	33 Davis St
669	May	Lucinda Vikki	33 Davis St.
670	May	Monica	21 Jeremy Moore Ave.
671	May	Roger	21 Jeremy Moore Avenue
672	May	William Albert	1 Glasgow Rd.
673	McCallum	Bettina Kay	14 Drury St.
674	McCallum	Christopher John	8A Jeremy Moore Ave.
675	McCallum	Timothy Andrew	14A Drury St.
676	McCormick	Dale Ronald	29 Callaghan Rd.
677	McCormick	Pauline Margaret Ruth	29 Callaghan Rd.
678	McCormick	Richard Paul	29 Callaghan Rd.
679	McCormick	Wayne Stanley James	29 Callaghan Rd.
680	McEachern	Gloria Jane	2 H Jones Rd.
681	McEachern	James	2 H Jones Rd.
682	McGill	Coral Elizabeth	6 Ross Rd.
683	McGill	Darrel Ian	2 Campbell Drive
684	McGill	David William	17 James St.
685	McGill	Derek Gary	12 Scoresby Close
686	McGill	Diane Beverley	2 James St.
687	McGill	Doris Mary	32 Davis St.
688	McGill	Glenda	Barrack St.
689	McGill	Ian Peter	Barrack St.
690	McGill	Jane	10 Ross Rd. East
691	McGill	Len Stanford	2 James St.
692	McGill	Lorraine Iris	10 Ross Rd. East
693	McGill	Teresa Rose	9 Drury St.
694	McGinness	Janice	10 Beaver Rd.
695	McKay	Clara Mary	20 Ross Rd. West
696	McKay	Ellen Rose	51 Callaghan Rd.
697	McKay	Heather Valerie	16 Eliza Cres.
698	McKay	James John	7 Villiers St.
699	McKay	Jane Elizabeth	7 Villiers St.
700	McKay	Jeannie Paullina	64 Davis St.
701	McKay	Jennifer Coral	Stanley
702	McKay	Josephine Ann	5 James St.
703	McKay	Kenneth Andrew	5 James St.
704	McKay	Kevin Derek Charles	Stanley
705	McKay	Wandy Rose	Stanley
706	McKay	Michael John	64 Davis St.
707	McKay	Neil	62 Davis St.
708	McKay	Paul Anthony	3 Nutt Cartmel Drive
709	McKay	Peter John	21 Ross Rd. West
710	McKay	Rex	16 Eliza Cres.
711	McKay	Shelley Jane	7 Villiers St.
712	McKay	Stephen John	8 Thatcher Drive
713	McKay	Trudi Ann	3 Nutt Cartmel Drive
714	McKay	Wayne Lawrence Kenneth	Stanley
715	McKay	William Robert	20 Ross Rd. West

716	McKenzie	Alice Maude	Moody Brook Homestead
717	McKenzie	Charles Alexander Albert John	Moody Brook Homestead
718	McKinley	Melissa Jane	Flat 3,2 Eliza Place
719	McLaren	Caroline Mary	12 Allardyce St.
720	McLaren	Tony Eugene Terence	12 Allardyce St.
721	McLeod	David	49 Callaghan Rd.
722	McLeod	Dawn	2 Brandon Rd. West
723	McLeod	Donald Henry	1B Jersey Est.
724	McLeod	Henry Donald Alexander	36 Eliza Cres.
725	McLeod	Ian	9 Fitzroy Rd.
726	McLeod	Ian James	YMCA
727	McLeod	Jane Elizabeth Diana	36 Eliza Cres.
728	McLeod	Janet Wensley	75 Davis St.
729	McLeod	Janice	2 Ross Rd. West
730	McLeod	John (1)	1 Campbell Drive
731	McLeod	John (2)	23 Murray Heights
732	McLeod	Kenneth Benjamin John	2 Brandon Rd. West
733	McLeod	Madeline Jean	1 Campbell Drive
734	McLeod	Mally	9 Fitzroy Rd.
735	McLeod	Margaret Ann	Fitzroy Rd. East
736	McLeod	Michael William	15A James St.
737	McLeod	Pearl Mary Ann	3 Brisbane Rd.
738	McLeod	Robert	75 Davis St.
739	McLeod	Robert John	2 Ross Rd. West
740	McMullen	Lucille Anne	8 Brandon Rd.
741	McNally	Patricia Jayne	18 Ross Rd. East
742	McPhee	Denise	4 Brandon Rd. West
743	McPhee	Iris Blanche	14 Davis St.
744	McPhee	Justin Owen	4 Brandon Rd. West
745	McPhee	Marjorie May	14 John St.
746	McPhee	Owen Horace	14 John St.
747	McPhee	Patrick	14 Davis St.
748	McRae	Michael	C/o MV Tamar
749	McRae	Richard Winston	Flat 2, 6 Racecourse Rd.
750	Middleton	Brian	13 McKay Close
751	Middleton	Caroline Ann	7 James St.
752	Middleton	Dennis Michael	Dolphin Cottage
753	Middleton	Graham Cyril	50 Davis St.
754	Middleton	Joan Eliza	8 James St.
755	Middleton	Leonard	67 Fitzroy Rd.
756	Middleton	Phillip John	5 St. Marys Walk
757	Middleton	Sharon Elizabeth	Dolphin Cottage
758	Middleton	Stephanie Anne	13 McKay Close
759	Miller	Andrew Nigel	2 Fieldhouse Close
760	Miller	Betty Lois	6 St. Marys Walk
761	Miller	Bruce Graham	10 Pioneer Row
762	Miller	Carol	Kent Rd.
763	Miller	Florence Roberta	5 Moody St.
764	Miller	Gail Marie	2 Police Cottages, 8 Ross Rd.
765	Miller	Janet Mary	Market Gdn. Stly Airport Rd.
766	Miller	Jayne Elizabeth	2 Fieldhouse Close
767	Miller	Jeanette	10 Pioneer Row
768	Miller	Simon Roy	Kent Rd.
769	Miller	Timothy John Durose	Market Gdn. Stly Airport Rd.
770	Mills	Terence Kenneth	43 Callaghan Rd.

771	Minnell	Michelle Rose	41 Eliza Crescent
772	Minto	Alistair Daen	Flat 5, 6 Racecourse Rd.
773	Minto	Dilys Rose	18 Endurance Ave
774	Minto	Graham Stewart	12 Brisbane Rd.
775	Minto	May Doreen	Flat 5, 6 Racecourse Rd.
776	Minto	Timothy Ian	18 Enurance Ave
777	Miranda	Augusto	31 Davis St.
778	Miranda	Carmen	Globe Tavern
779	Miranda	Ramon	3 Drury St.
780	Miranda	Winifred Dorothy	3 Drury St.
781	Mitchell	Cherilyn Julie	32 Ross Rd East
782	Mitchell	Lee Robertson	32 Ross Rd East
783	Mitchell	Leon John	6 Discovery Close.
784	Moffatt	Angela	20 Ross Rd East
785	Moffatt	James	20 Ross Rd East
786	Moffatt	Kelly	20 Ross Rd East
787	Holkenbuhr	Lee Charles	Flat 3 30 Jersey Rd
788	Monti	Elizabeth Ellen	4 Fitzroy Rd.
789	Morris	Alana Marie	4 Callaghan Rd.
790	Morris	David	4 Callaghan Rd.
791	Morris	Jason Paul	4 Callaghan Rd.
792	Morris	Michelle Jane	6 McKay Close
793	Morris	Trevor Alan	6 McKay Close
794	Morrison	Doreen	82 Davis St.
795	Morrison	Edgar Ewen	5 Racecourse Rd.
796	Morrison	Fayan	54 John St.
797	Morrison	Graham Stewart	46 Davis St.
798	Morrison	Joan Margaret	Flat 6, 1 Jeremy Moore Ave.
799	Morrison	Lewis Ronald	82 Davis St.
800	Morrison	Marcus Lewis	82 Davis Street, Stanley
801	Morrison	Michael John	Stanley
802	Morrison	Muriel Eliza Ivy	40 Eliza Cres.
803	Morrison	Nanette Rose	46 Davis St.
804	Morrison	Nigel Peter	7 James St.
805	Morrison	Patrick	1 Brandon Road West
806	Morrison	Paul Roderick	1 Brandon Rd.
807	Morrison	Ronald Terence	5 Racecourse Rd.
808	Morrison	Russell John Allan	6A Jeremy Moore Ave
809	Morrison	Stewart	46 Davis St.
810	Morrison	Susan Margaret	Stanley
811	Morrison	Trevor	6A Jeremy Moore Ave.
812	Morrison	Valerie Anne	6A Jeremy Moore Ave.
813	Morrison	Violet Sarah	5 Racecourse Rd.
814	Morrison	William Roderick Halliday	54 John St.
815	Morrison-Betts	Priscilla Violet	82 Davis St.
816	Murphy	Ann Susan	2 King St.
817	Murphy	Bessie	68 Davis St.
818	Neal	Richard John	1 Dean St.
819	Neilson	Barry Marwood	23 Ross Rd.
820	Neilson	Harold Ian	23 Ross Road
821	Neilson	Margaret	23 Ross Rd.
822	Newell	Cara Jane	3 Villiers St.
823	Newell	Joseph Orr	3 Villiers St.
824	Newell	Paula Michelle	6 Pioneer Row
825	Newell	Trudi Malvina	3 Villiers St.

826	Newman	Andrew Raymond	17 Ross Rd. East
827	Newman	Clive Alexander	5 Brandon Rd.
828	Newman	Dwenda Rose	5 Brandon Rd.
829	Newman	Glynis Karen	4 James St.
830	Newman	Ingrid Helen	5 Brandon Road, Stanley
831	Newman	Joyce Noreen	80 Davis St.
832	Newman	Lisa Jeraine	Flat 5, 6 Jersey Rd.
833	Newman	Marlene	11 Jeremy Moore Ave.
834	Newman	Raymond Winston	11 Jeremy Moore Ave.
835	Newman	Tansy Fiona	Jersey Rd.
836	Newman	Terence	24 Endurance Ave.
837	Nutter	Arthur Albert	9 Brandon Rd.
838	Nutter	Josephine Lesley	9 Brandon Rd.
839	O'Shea	Desmond	9 Campbell Drive
840	Olmedo	Alex	3D Jersey Estate
841	Ormond	Christina Helen	10 Fitzroy Rd. East
842	Ormond	Kevin Micheal Patrick Joseph	10 Fitzroy Rd East
843	Paice	Craig Arthur	90 Davis St.
844	Paice	Jennifer Marie	90 Davis St
845	Parrin	Norman George	108 Davis St.
846	Patterson-Smith	Ian Colin	19 Davis St.
847	Pauloni	Hilary Maud	63 Fitzroy Rd.
848	Pauloni	Romolo Vittorio	63 Fitzroy Rd.
849	Paver	Bernadette Marguerite	Moody Brook House.
850	Payne	Dilys Agnes	2 Racecourse Road East
851	Payne	St.John Peter	2 Racecourse Road East
852	Peake	Arthur	19 James St.
853	Peck	Burned Brian	22 James St.
854	Peck	Carol Margaret	2 Discovery Close
855	Peck	Christine	2 Barrack St
856	Peck	David John	15 Villiers St
857	Peck	David Patrick	78 Davis St.
858	Peck	Eleanor Margaret	26 Shackleton Drive
859	Peck	Evelyn Elizabeth	22 James St.
860	Peck	Gordon Pedro James	17 Brandon Rd.
861	Peck	Harwood John Charles	C/o Tamar
862	Peck	James	2 Discovery Close
863	Peck	Maureen Heather	78 Davis St.
864	Peck	Patrick William	78 Davis St.
865	Peck	Shirley	2 Barrack St.
866	Peck	Terence John	26 Shackleton Drive
867	PED		6 Beaver Rd.
868	Perkins	Vivienne Esther Mary	33 John St.
869	Perry	Beatrice Annie Jane	1 Thatcher Drive
870	Perry	Hilda Blanche	10 Campbell Drive
871	Perry	Robert Juan Carlos	5 Brisbane Rd
872	Perry	Thomas George	10 Campbell Drive
873	Perry	Thora Virginia	17 Fitzroy Rd.
874	Pettersson	Derek Richard	21 Eliza Cres.
875	Pettersson	Eileen Heather	30 Davis St.
876	Pettersson	Tony	30 Davis St.
877	Pettersson	Trudi Ann	21 Eliza Cres.
878	Phillips	Albert James	16 Brandon Rd.
879	Phillips	David Dawson	35 Fitzroy Rd.
880	Phillips	Gillian Carol	Stanley

881	Phillips	Linda	16 Brandon Rd.
882	Phillips	Paul David	Drury St.
883	Pole-Evans	Amy Rose	4 Harbour View
884	Pole-Evans	John	4 Harbour View
885	Pole-Evans	Michael Anthony	4 Harbour View
886	Pollard	Andrew Keith	4 Hebe Place
887	Pollard	Elizabeth Eve	23 Ross Rd. East
888	Pollard	John	23 Ross Rd. East
889	Pollard	Mark John	23 Ross Road East
890	Pompert	Joost Herman Willem	11 Ross Rd. West
891	Poole	Andrea Joan	52 John St
892	Poole	Evelyn May	31 Fitzroy Rd.
893	Poole	Nancy Margaret	52 John St.
894	Poole	Raymond John	52 John St.
895	Poole	William John	31 Fitzroy Rd.
896	Porter	Charles	11 Fitzroy Rd.
897	Porter	Elizabeth	5 Thatcher Drive
898	Porter	Geoffrey Bell	5 Jeremy Moore Ave.
899	Porter	Jean Lavinia	11 Fitzroy Rd.
900	Porter	Tracy	5 Jeremy Moore Ave.
901	Pratlett	Patricia Carol Ann	10 James St.
902	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
903	Purvis	Alan	3 Narrows View
904	Purvis	Marion Louise	3 Narrows View
905	Reddick	Keith John	By-Pass Rd.
906	Reeves	Carolyn Wendy	2 Moody St
907	Reeves	Jill Edith	Flat 3, 30 Jersey Rd
908	Reeves	Michael	2 Moody St.
909	Reid	Ann	5 Police Cottages, Ross Rd.
910	Reid	Colleen Rose	9 Fitzroy Rd. East
911	Reid	Emily Margaret	14 Endurance Ave
912	Reid	John Alexander	7 Ross Rd.
913	Reid	Reynold Gus	9 Fitzroy Rd. East
914	Reive	Roma Endora Mary	St Marys Walk
915	Rendell	Michael	8 Ross Rd. West
916	Rendell	Phyllis Mary	8 Ross Rd. West
917	Richards	Shirley	Stanley
918	Riddell	Lisa Marie	9 Discovery Close
919	Riddell	Paul Robert	9 Discovery Close
920	Roberts	Cheryl Ann Spencer	57 Fitzroy Rd.
921	Roberts	David Anthony	7 Jersey Rd
922	Roberts	Diana Christine	7 Kent Rd.
923	Roberts	Jill Christine	98 Davis St.
924	Roberts	Joselynn Lynette Margaret	Flat 3, 6 Jersey Rd
925	Roberts	Laura May	7 Kent Rd.
926	Roberts	Peter James	57 Fitzroy Rd.
927	Roberts	Simon Theodore Nathaniel	98 Davis St.
928	Robertson	Sally Jean	Flat 1, 2 Eliza Rd.
929	Robertson Pompert	Janet	11 Ross Rd. West
930	Robson	Alison Emily	15 Villiers St.
931	Robson	Anna Jenine	6 Brisbane Rd.
932	Robson	Gerard Michael	1 Philomel Place
933	Robson	Gladys Mary	5 Philomel St.
934	Robson	Miranda Gay	6 Brisbane Rd.
935	Robson	Phyllis Ann	1 Philomel Place

936	Robson	Raymond Nigel	6 Brisbane Rd.
937	Robson	William Charles	18 Ross Rd. East
938	Rogers	Ralph	14 Endurance Ave
939	Rogers	Roger Neil	14 Endurance Ave
940	Ross	Andrea Joanna Ampuero	Cemetery Cottage
941	Ross	Colin	40 Eliza Cres.
942	Ross	Glenn Stephen	22 Shackleton Drive
943	Ross	Janet	22 Shackleton Drive
944	Ross	Kevin John	21 John St
945	Ross	Lachlan Neil	7 Discovery Close
946	Ross	Marie	21 John St.
947	Ross	Paula May	3 Racecourse Rd
948	Ross	Roy	21 John St.
949	Ross	Sheena Margaret	12 Jeremy Moore Ave.
950	Rowland	Charlene Rose	5A Ross Rd. West
951	Rowland	John Christopher	5A Ross Rd. West
952	Rowlands	Catherine Annie	3 Hebe St.
953	Rowlands	Daisy Malvina	106 Davis St.
954	Rowlands	Harold Theodore	8 Ross Rd. East
955	Rowlands	John Richard	106 Davis St.
956	Rowlands	Neil	3A Hebe St.
957	Rowlands	Robert John	13 Callaghan Rd.
958	Rozee	Betty Ellen	16 Davis St.
959	Rozee	Derek Robert Thomas	16 Davis St.
960	Rozee	Shona Mary	5 Narrows View
961	Rozee	Tamara Colette	16 Davis Street, Stanley
962	Sackett	Albert John	25 Ross Rd. East
963	Sackett	Michael John Carlos	30 Eliza Rd
964	Sackett	Pauline	25 Ross Rd East
965	Sarney	Harry	1 Thatcher Drive
966	Sawle	Judith Margaret	Seaview Cottage, Ross Rd.
967	Sawle	Richard	Seaview Cottage, Ross Rd.
968	Seron	Jose Segundo	M/V Tamar, C/o Bryon Marine
969	Shepherd	Colin David	11 Narrows View
970	Shepherd	David Samuel Dick	30 Endurance Ave.
971	Shepherd	Elizabeth	30 Endurance Ave.
972	Shepherd	Ramsey	Discovery Close
973	Shorrock	Joyce	5 McKay Close
974	Shorrock	Nigel Arthur	5 McKay Close
975	Short	Andrez Peter	9 Pioneer Row
976	Short	Brenda	Barrack St.
977	Short	Celia Soledad	1 Racecourse Rd.
978	Short	Christina Ethel	12 Brandon Rd.
979	Short	Derek Patrick	42 Eliza Cres.
980	Short	Dilys Margaret Ann	6A Pioneer Row.
981	Short	Donald Robert Gordon	Eliza Cove Rd.
982	Short	Emily Christina	1 Fitzroy Rd. East
983	Short	Gavin Phillip	14 Pioneer Row
984	Short	Isobel Rose	42 Eliza Cres.
985	Short	Joseph Leslie	12 Brandon Rd.
986	Short	Marc Peter	1 Racecourse Rd.
987	Short	Marlene Cindy	58 Davis St.
988	Short	Matias Ricardo	4 Dairy Paddock Rd
989	Short	Montana Tyrone	4 Dairy Paddock Rd.
990	Short	Patrick Warburton	42 Eliza Cres.

991	Short	Peter Robert	1 Fitzroy Rd. East
992	Short	Richard Edward	58 Davis St.
993	Short	Riley Ethroe	Barrack St.
994	Short	Robert Charles	12A Brandon Rd.
995	Short	Vilma Alicia	4 Dairy Paddock Rd.
996	Simpson	Bertha Veronica	6 Police Cottages, 4 Ross Rd.
997	Simpson	James Alexander Bruce	7 Racecourse Rd.
998	Simpson	James Garry	7 Racecourse Rd.
999	Simpson	John Frederick	6 Police Cottages, 4 Ross Rd.
1000	Simpson	Mirabelle Hermoine	7 Racecourse Rd.
1001	Sinclair	Serena Samantha	5 Fieldhouse Close
1002	Sinclair	Veronica Joyce	21 Ross Rd. West
1003	Skene	Greta Winnora Miller	22 Ross Rd. East
1004	Smallwood	Margo Ameer	105 Davis St.
1005	Smallwood	Michael Anthony	105 Davis St.
1006	Smith	Adeline Jane	2 Thatcher Drive
1007	Smith	Alexander Gordon	16 Jersey Rd.
1008	Smith	Anthony David	10 Fieldhouse Close.
1009	Smith	Bruce Dennis	Stanley
1010	Smith	Colin David	6 James St.
1011	Smith	Derek	8 Eliza Cres.
1012	Smith	Elenore Olive	3 Brisbane Rd.
1013	Smith	Eric	3 Allardyce St.
1014	Smith	Gerard Alexander	8 Barrack St.
1015	Smith	Ian Lars	2 Ross Rd. West
1016	Smith	Ileen Rose	28 Ross Rd. West
1017	Smith	James Terence	3 Fitzroy Rd. West
1018	Smith	Jean Waddell	16 Jersey Rd.
1019	Smith	Jennifer Ethel	Stanley
1020	Smith	Jeremy	7 Fitzroy Rd East
1021	Smith	John	28 Ross Rd. West
1022	Smith	Julia Trindad	8 Eliza Cres.
1023	Smith	Martyn James	6A Ross Rd West
1024	Smith	Natalie Marianne	6 James St.
1025	Smith	Nora Kathleen	5 Fitzroy Rd. East
1026	Smith	Osmund Raymond	3 Brisbane Rd.
1027	Smith	Owen Archibald	3 Fitzroy Rd.
1028	Smith	Patricia Anne	6A Moody St.
1029	Smith	Paul	2 Ross Rd West
1030	Smith	Paulette Rose	KEMH
1031	Smith	Rhona	8 Fitzroy Rd.
1032	Smith	Russell James	8 Fieldhouse Close
1033	Smith	Shula Louise	Flat 4, 5 Jeremy Moore Ave.
1034	Smith	Sidney Frederick	Jersey Rd.
1035	Smith	Susan	1 Hebe Place
1036	Smith	Tyssen John Richard	9 Nutt Cartmel Close
1037	Sollis	Sarah Emma Maude	20 Drury St.
1038	Spall	Christopher Richard	German Camp West, Callaghan Rd
1039	Spink	Roger Kenneth	4 Hebe St.
1040	Spinks	Malvina Ellen	Flat6, 7Jeremy Moore Ave East
1041	Spruce	Helena Joan	29 Ross Rd. West
1042	Spruce	Mark Felton	29 Ross Road West
1043	Spruce	Terence George	29 Ross Rd. West
1044	Steen	Allan Graham	11 Brandon Rd.
1045	Steen	Barbara Ingrid	39 Ross Rd. West

1046	Steen	Emma Jane	36 Ross Rd.
1047	Steen	Gail	7 St. Marys Walk
1048	Steen	Karen Lucetta	7 St. Marys Walk
1049	Steen	Vernon Robert	7 St Marys Walk
1050	Steen MacDonald	Vanda Joan	38 Ross Rd.
1051	Stenning	Anna Russalka	5B Ross Rd. West
1052	Stenning	Timothy Charles	5B Ross Road West
1053	Stephenson	James	Moody Valley
1054	Stephenson	Joan Margaret	Moody Valley
1055	Stephenson	Katrina	4 Davis St.
1056	Stephenson	Zachary	4 Davis St.
1057	Stevens	Paul Theodore	9 Drury St.
1058	Stewart	Aarron Stephen	6 Pioneer Row
1059	Stewart	Celia Joyce	12 St. Marys Walk
1060	Stewart	David William	55 Davis St.
1061	Stewart	Hulda Fraser	24 Ross Rd. West
1062	Stewart	Ian Bremner	9 McKay Close
1063	Stewart	Irene Anne	Racecourse Rd.
1064	Stewart	Kenneth Barry	3 Discovery Close
1065	Stewart	Pam Ellen	18 Endurance Ave.
1066	Stewart	Robert	12 St. Marys Walk
1067	Stewart	Robert William	Racecourse Rd.
1068	Stewart	Sheila Olga	9 McKay Close
1069	Stewart	Sylvia Rose	7 Ross Rd. West
1070	Stewart-Reid	Carol Ellen Eva	7 Ross Rd. West
1071	Strange	Georgina	The Dolphins Snake St
1072	Strange	Ian John	The Dolphins, Snake St.
1073	Strange	Maria Marta	The Dolphins, Snake St.
1074	Strange	Shona Marguerite	36 Ross Rd. West
1075	Summers	Alastair Peter	1 Ross Rd. East
1076	Summers	Brian	1 Ross Rd. East
1077	Summers	Colin Owen	5 Brandon Rd.
1078	Summers	Deborah	Murray Heights
1079	Summers	Dennis David	18 Endurance Ave.
1080	Summers	Donna	15 Ross Rd. East
1081	Summers	Dorothy Constance	42 Eliza Cres
1082	Summers	Edith Catherine	5 Dean St.
1083	Summers	Irvin Gerard	Sir Rex Hunt House.
1084	Summers	Jacqueline	11 Pioneer Row
1085	Summers	Jonathan Derek	5 Allardyce St.
1086	Summers	Judith Orissa	1 Ross Rd East
1087	Summers	Lynn Jane	2 Campbell Drive
1088	Summers	Marie Pearl	1 Ross Rd West
1089	Summers	Melvyn Mark	Stanley
1090	Summers	Michael Kenneth	6A Brisbane Rd.
1091	Summers	Michael Victor	11 Pioneer Row
1092	Summers	Naomi Christine	Sir Rex Hunt House
1093	Summers	Nigel Clive	32 Fitzroy Rd.
1094	Summers	Owen William	5 Brandon Rd.
1095	Summers	Panela Rosemary Cheek	32 Fitzroy Rd.
1096	Summers	Rowena Elsie	5 Allardyce St.
1097	Summers	Roy	9 Murray Heights
1098	Summers	Sandra Marie	66 Davis St.
1099	Summers	Sheila	Sir Rex Hunt House, John St.
1100	Summers	Sybella Catherine Ann	1 Ross Rd. West

1101	Summers	Sylvia Jean	8 Racecourse Rd.
1102	Summers	Terence	1 Ross Rd. West.
1103	Summers	Tony	8 Racecourse Rd.
1104	Summers	Veronica	5 Brandon Rd.
1105	Summers	Yona	37 Davis St.
1106	Sutherland	Elizabeth Margaret	13/14 Eliza Cove Rd.
1107	Sutherland	James David	Reflections Flat, Dean St.
1108	Sutherland	John Gall	3B Jersey Est.
1109	Sutherland	William John Munro	13/14 Eliza Cove Rd.
1110	Teale	Colin Edwin	8 Brisbane Rd.
1111	Teale	Jeannette	8 Brisbane Rd.
1112	Teggart	Carol Wendy	9 Callaghan Rd.
1113	Teggart	John Patrick	9 Callaghan Rd
1114	Tellez	Jose Hector	2 Hodson Villa West
1115	Thain	John	8 Davis St.
1116	Thain	Stephanie Ann	8 Davis St.
1117	Thom	David Anderson	47 Fitzroy Rd.
1118	Thom	Dorothy Irene	47 Fitzroy Rd.
1119	Thom	John Currie	25 Ross Rd East
1120	Thom	Norma Ann	92 Davis St.
1121	Thompson	William John	Flat 2, 1 Moody St.
1122	Titterington	Lesley Ann	55 Fitzroy Rd.
1123	Titterington	Robert Mark	55 Fitzroy Rd.
1124	Toase	Aidan Edward	7 Ross Road East
1125	Toase	Cora Agnes	7 Ross Rd. East
1126	Triggs	Diane	3 Fieldhouse Close
1127	Triggs	Michael David	3 Fieldhouse Close
1128	Tuckwood	John Rodney	1 Drury St.
1129	Tuckwood	Phyllis Majorie	1 Drury St.
1130	Turner	Melvyn George	36 John St.
1131	Tyrrell	Garry Bernard	1 Beaver Rd.
1132	Tyrrell	Gina Michelle	1 Beaver Rd.
1133	Valler	Glyndwr Huw	Flat 4 8 Jersey Rd
1134	Valler	Robert Hugh	9 Philomel St.
1135	Valler	Robert Stanley Ernest	22 Murray Heights
1136	Vidal	Eileen Nora	12 Jeremy Moore Ave.
1137	Vidal Roberts	Leona Lucila	7 Jersey Rd
1138	Villalon	Elizabeth Alice	7 McKay Close
1139	Villalon	Hector Ricardo	7 McKay Close
1140	Vincent	Janette Mary	10 Endurance Ave.
1141	Vincent	Stephen Lawrence	10 Endurance Ave.
1142	Wade	Donald Harold	41 Fitzroy Rd.
1143	Wade	June Rose Elizabeth	41 Fitzroy Rd.
1144	Wagner	Mary Elizabeth	6 Jeremy Moore Ave.
1145	Wagner	Richard Karl	6 Jeremy Moore Ave.
1146	Wallace	Fiona Alice	38 Ross Rd. West
1147	Wallace	Fraser Barrett	10 John St.
1148	Wallace	James Barrett	38 Ross Rd West
1149	Wallace	Maria Lilian	38 Ross Rd. West
1150	Wallace	Michael Ian	23 Callaghan Rd.
1151	Wallace	Stuart Barrett	38 Ross Rd. West
1152	Wallace	Una	23 Callaghan Rd.
1153	Watson	Ben	7 Moody St.
1154	Watson	Paul	20 Endurance Ave.
1155	Watson	Ruth Jane	20 Endurance Ave.

1156	Watt	Stephen Robert	11 Narrows View
1157	Watt	Sylvia Ann	11 Narrows View
1158	Watts	Patrick James	13 Brisbane Rd.
1159	Webb	Loretta Isobel	1C Capricorn Rd.
1160	White	Kathleen Elizabeth	9 Thatcher Drive
1161	Whitney	Frederick William	1 Police Cottages, 9 Ross Rd.
1162	Whitney	Henry Leslie	3 St. Marys Walk
1163	Whitney	Jason	15 Ross Rd. East
1164	Whitney	Kurt Ian	2 Pioneer Row
1165	Whitney	Lana Rose	22 Eliza Cres.
1166	Whitney	Robert Michael	Stanley
1167	Whitney	Susan Joan	1 Police Cottages, 9 Ross Rd.
1168	Wilkinson	Alistair Graham	5 Philomel St.
1169	Wilkinson	Dorothy Ruth	5 Philomel St.
1170	Wilkinson	Robert John	YMCA
1171	Williams	Gene	23 Ross Rd. West
1172	Williams	Glen	33 Ross Rd East
1173	Williams	Margaret Elizabeth	33 Ross Rd East
1174	Williams	Marlene Rose	23 Ross Rd. West
1175	Winter	Teresa Irene	4A Jeremy Moore Ave. East
1176	Wylie	Julian Richard	1 McKay Close
1177	Wylie	Wendy Jennifer	1 Jersey Rd.
1178	Yon	Rodney Kevin	Flat 1 Church House
1179	Zuvic-Bulic	Kuzma Mario	16 Ross Rd. West
1180	Zuvic-Bulic	Sharon Marie	16 Ross Rd. West

1	Alazia	George Robert	Hope Cottage, East Falkland
2	Alazia	Jason Neville	Goose Green, East Falkland
3	Alazia	Mandy Gwyneth	Port Edgar Farm, West Falkland
4	Alazia	Michael Robert	Port Edgar Farm, West Falkland
5	Alazia	Thora Lilian	North Arm, East Falkland
6	Aldridge	Brian George	Goose Green, East Falkland
7	Aldridge	Olive Elizabeth	Hill Cove, West Falkland
8	Aldridge	Terence William	Hill Cove, West Falkland
9	Anderson	Andrew Ronald	Port Howard, West Falkland
10	Anderson	Jenny	Port San Carlos, East Falkland
11	Anderson	Lynda June	Blue Beach Lodge, East Falkland
12	Anderson	Marina Rose	North Arm, East Falkland
13	Anderson	Ronald	North Arm, East Falkland
14	Anderson	Tony James	Port San Carlos, East Falkland
15	Anderson	William John Stanley	Blue Beach Lodge, East Falkland
16	Ashworth	Glennis	Beckside Farm, East Falkland
17	Ashworth	Iain	Beckside Farm, East Falkland
18	Ashworth	Malcolm	Beckside Farm, East Falkland
19	Bagley	Jacqueline Elizabeth	Riverview Farm, East Falkland
20	Barnes	Dierdra	Dunbar Farm, West Falkland
21	Barnes	Marshall	Dunbar Farm, West Falkland
22	Barnes	Paul	Hope Harbour, West Falkland
23	Beattie	Ian Robert Ewen	North Arm, East Falkland
24	Benjamin	Raymond John	Turners, MPA, East Falkland
25	Benjamin	Walter George	Turners, MPA, East Falkland
26	Berntsen	Arina Janis	Pebble Island, West Falkland
27	Berntsen	Benjamin John	Elephant Beach Farm E Falkland
28	Berntsen	Diana Mary	Goose Green, East Falkland
29	Berntsen	John Alexander	Goose Green, East Falkland
30	Berntsen	Leon	Albermarle Stn. West Falkland
31	Berntsen	Pamela Margaret	Albermarle Stn. West Falkland
32	Betts	Bernard Keith	Boundary Farm, West Falkland
33	Betts	Diane Joan	Boundary Farm, West Falkland
34	Betts	Irene Marion	Boundary Farm, West Falkland
35	Binnie	Horace James	Fox Bay Village, West Falkland
36	Binnie	Linda Rose	Fitzroy Farm, East Falkland
37	Binnie	Ronald Eric	Fitzroy Farm, East Falkland
38	Blake	Anthony Thomas	Little Chartres, West Falkland
39	Blake	Lyndsay Rae	Little Chartres, West Falkland
40	Bober	John	Turners, MPA, East Falkland
41	Bonner	Avril Margaret Rose	Salvador, East Falkland
42	Bonner	Keith James	Salvador, East Falkland
43	Bonner	Simon	Port Howard, West Falkland
44	Bonner	Susan Anne	Port Howard, West Falkland
45	Browning	Gavin	Fitzroy, East Falkland
46	Butler	Doreen Susan	Goose Green East Falkland
47	Butler	James Donald	Goose Green East Falkland
48	Chandler	Ann Beatrice	Port Howard, West Falkland
49	Chandler	Edward	Port Howard, West Falkland
50	Chandler	Lee	Port Howard, West Falkland
51	Clark	Frederick Thomas	Hawkbit, MPA, Rd. East Falkland
52	Clarke	Jeanette	Kings Ridge, East Falkland
53	Clarke	Michael Jan	Kings Ridge, East Falkland
54	Clarke	Violet Rose	Elephant Beach Farm E Falkland
55	Clausen	Denzil	Johnsons Harbour, East Falkland

56	Clausen	Henry Edward	Port Louis, East Falkland
57	Clifton	Leonard	North Arm, East Falkland
58	Clifton	Thora Janeene	North Arm, East Falkland
59	Cockwell	Benjamin William	Fox Bay Village, West Falkland
60	Cockwell	Grizelda Susan	Fox Bay Village, West Falkland
61	Cockwell	John Richard	Fox Bay Village, West Falkland
62	Coleman	Anthony Hugh John	Bristows, MPA, East Falkland
63	Collins	Bernard	Turners, MPA, East Falkland
64	Davis	Aase	Evelyn Station, East Falkland
65	Davis	Ian John	Evelyn Station, East Falkland
66	Davis	Reginald John	Evelyn Station, East Falkland
67	Davis	William James	Goose Green, East Falkland
68	Decroliere	Eric Ernest Albert	Fox Bay Village, West Falkland
69	Dickson	Charles George	Brookfield, East Falkland
70	Dickson	Doreen	Wreck Point, East Falkland
71	Dickson	Gerald William	Wreck Point, East Falkland
72	Dickson	Iris	Goose Green, East Falkland
73	Dickson	Ronald Edward	Goose Green, East Falkland
74	Dickson	Steven Charles	Goose Green, East Falkland
75	Doherty	Ian	Mullet Creek, East Falkland
76	Donnelly	Daniel	Crooked Inlet, West Falkland
77	Donnelly	Joyce Elizabeth	Crooked Inlet, West Falkland
78	Duncan	Peter Ree Howard	Bill Cove, West Falkland
79	Dunford	David Philip	The Saddle, West Falkland
80	Edwards	Norma	Lake Sullivan, West Falkland
81	Edwards	Rebecca Elizabeth	Lake Sullivan, West Falkland
82	Edwards	Roger Anthony	Lake Sullivan, West Falkland
83	Evans	Michelle Paula	Fitzroy, East Falkland
84	Evans	Raymond	Pebble Island, West Falkland
85	Evans	Richard Gregory	Fitzroy, East Falkland
86	Evans	Tracy	Saunders Is. West Falkland
87	Fairley	John	Port Stephens, West Falkland
88	Faria	Paul	North Arm East Falkland
89	Faria	Susana Caroline Berntsen	North Arm East Falkland
90	Felton	Anthony Terence	North Arm, East Falkland
91	Felton	Walter Arthur	North Arm, East Falkland
92	Ferguson	Finlay James	Bleaker Island, East Falkland
93	Ferguson	John William	Weddell Island, West Falkland
94	Ferguson	Stephanie Janet	Weddell Island, West Falkland
95	Findlay	Andrew John	Fox Bay Village, West Falkland
96	Findlay	Cathy Ann	Fox Bay Village, West Falkland
97	Finlayson	Barry Donald	North Arm, East Falkland
98	Finlayson	Iris Heather	North Arm, East Falkland
99	Finlayson	Neil Roderick	North Arm, East Falkland
100	Ford	Neil Fraser	Mossvale, West Falkland
101	Ford	Penelope Rose	Mossvale, West Falkland
102	Forster	Gwyneth May	Bold Cove, West Falkland
103	Forster	James	Bold Cove, West Falkland
104	Gilding	Melanie Carol	Port Louis, East Falkland
105	Gilding	Peter Bernard	Port Louis, East Falkland
106	Giles	Gilbert	Walker Creek, East Falkland
107	Giles	Theresa Kathleen	Walker Creek, East Falkland
108	Gleadell	Ian Keith	East Bay, West Falkland
109	Gleadell	Marklin John	East Bay, West Falkland
110	Goodwin	Christopher Sturdee	Swan Inlet, East Falkland

111	Goodwin	Mandy Hazel	Greenfield, East Falkland
112	Goodwin	Robin	Greenfield, East Falkland
113	Goss	Margaret Rose	Horseshoe Bay, East Falkland
114	Goss	Peter	Horseshoe Bay, East Falkland
115	Gray	David Edward	Sea Lion Island, East Falkland
116	Gray	Patricia May	Sea Lion Island, East Falkland
117	Greenland	Bonita Doreen	Darwin House Darwin E Falkland
118	Greenland	Kenneth David	Darwin House Darwin E Falkland
119	Halliday	Joyce Isabella Patience	Fox Bay Village, West Falkland
120	Halliday	Kenneth William	Fox Bay Village, West Falkland
121	Hansen	Ian	Main Point, West Falkland
122	Hansen	Lionel Raymond	Hill Cove, West Falkland
123	Hansen	Rose Idina	Hill Cove, West Falkland
124	Hansen	Susan Ann	Main Point, West Falkland
125	Hardcastle	Brook	Darwin, East Falkland
126	Hardcastle	Eileen Beryl	Darwin, East Falkland
127	Harvey	Jen	Hill Cove, West Falkland
128	Harvey	Valerie Ann	Hill Cove, West Falkland
129	Heathman	Ailsa	Estancia, East Falkland
130	Heathman	Ewart Tony	Estancia, East Falkland
131	Heathman	Nyree	Estancia, East Falkland
132	Hewitt	Brian David	Goose Green, East Falkland
133	Hewitt	Joan May	Goose Green, East Falkland
134	Hill	Jennifer Eileen	Pebble Island, West Falkland
135	Hirtle	Anthony	The Peaks Farm, West Falkland
136	Hirtle	Doris Linda	Port Howard, West Falkland
137	Hirtle	Odetta Susan	Port Howard, West Falkland
138	Hirtle	Susan Mary	The Peaks Farm, West Falkland
139	Hobman	John Malcolm	Saladero East Falkland
140	Hobman	Juan Jose Eleuterio	Chartres, West Falkland
141	Hobman	Vivien	Saladero, East Falkland
142	Hooper	Peter Bernard	Mount Alice, West Falkland
143	Howatt	Eileen Rose	Port Edgar, West Falkland
144	Jaffray	Alexander	Lively Island, East Falkland
145	Jaffray	Brian	Walker Creek, East Falkland
146	Jaffray	Dereck Charles	Walker Creek, East Falkland
147	Jaffray	Elliott Jessie	Lively Island, East Falkland
148	Jaffray	John Willie	Walker Creek, East Falkland
149	Jaffray	Phyllis	Walker Creek, East Falkland
150	Jones	Michael David	Port Louis, East Falkland
151	Jones	Sheila Janice	Port Louis, East Falkland
152	Jonson	Carl	Bombilla, East Falkland
153	Jonson	Rita Elizabeth	Bombilla, East Falkland
154	Keeley	John Gabriel	Turners, MPA. East Falkland
155	Kidd	John Nathan	Burntside, East Falkland
156	Kidd	Lillian Rose Orissa	Burntside, East Falkland
157	Kilmartin	Dinah May	Bluff Cove, East Falkland
158	Kilmartin	Kevin Seaton	Bluff Cove, East Falkland
159	Knight	Justin Robert Campbell	Coast Ridge, West Falkland
160	Knight	Keith Andrew	Port Howard, West Falkland
161	Knight	Nigel Arthur	Coast Ridge, West Falkland
162	Knight	Shirley Louvain Patricia	Coast Ridge, West Falkland
163	Lakin	Bernard	Turners, MPA. East Falkland
164	Lang	Patrick Andrew	North Arm, East Falkland
165	Lang	Velma Emily	North Arm, East Falkland

166	Larsen	Josephine Mary	Speedwell Island, East Falkland
167	Larsen	Ronald Ivan	Speedwell Island, East Falkland
168	Larsen	Yvonne	Speedwell Island, East Falkland
169	Lee	Carole	Port Howard, West Falkland
170	Lee	Elizabeth	Goose Green, East Falkland
171	Lee	John Alfred	Goose Green, East Falkland
172	Lee	Myles	Port Howard, West Falkland
173	Lee	Robin Myles	Port Howard, West Falkland
174	Lee	Rodney William	Port Howard, West Falkland
175	Leo	Brenda May	NAAFI, MPA. East Falkland
176	Lloyd	Melvyn John	Swan Inlet, East Falkland
177	Lloyd	Valerie Ann	Swan Inlet, East Falkland
178	Lowe	Adrian Stewart	Murrel, East Falkland
179	Lowe	Lisa Helen	Murrel, East Falkland
180	Luxton	William Robert	Chartres, West Falkland
181	MacBeth	Raymond John	Narrows Farm, West Falkland
182	Maddocks	Robert Charles	Saunders Island, West Falkland
183	Marsh	Alastair Roy	Shallow Harbour, West Falkland
184	Marsh	Anna Dierdre	Fox Bay Village, West Falkland
185	Marsh	Arlette Sharon	Rincon Ridge, West Falkland
186	Marsh	Gavin Nicholas	Fox Bay Village, West Falkland
187	Marsh	Gemma Lynne	Fox Bay West
188	Marsh	James Justin	Philomel Farm, Fox Bay East
189	Marsh	June Helen	Rincon Ridge, West Falkland
190	Marsh	Leon Peter	Rincon Ridge, West Falkland
191	Marsh	Marlane Rose	Shallow Harbour, West Falkland
192	Marsh	Patricia Ann	Lakelands, West Falkland
193	Marsh	Robin Frank	Lakelands, West Falkland
194	May	Christopher Raymond	New House, East Falkland
195	May	Lindsey Olga	New House, East Falkland
196	McBain	Arthur	Douglas Station East Falkland
197	McBain	Rhoda Margaret	Douglas Station East Falkland
198	McGhie	James	Pebble Island, West Falkland
199	McGhie	Roy	Port North, West Falkland
200	McGhie	Thomas Forsyth	Saunders Island, West Falkland
201	McGill	Gary	Goose Green, East Falkland
202	McGill	Robin Perry	Carcass Island, West Falkland
203	McKay	Christine	Teal River, West Falkland
204	McKay	Frazer Roderick	Teal River, West Falkland
205	McKay	Gerard	Goose Green East Falkland
206	McKay	Isabella Alice	Westley, West Falkland
207	McLeod	Albert John	Goose Green, East Falkland
208	McLeod	Isabella Diana Frances	Johnsons Harbour, East Falkland
209	McLeod	Sarah Rose	Goose Green, East Falkland
210	McMullen	June	Goose Green, East Falkland
211	McMullen	Tony	Goose Green, East Falkland
212	McPhee	June Iris	Brookfield, East Falkland
213	McPhee	Kenneth John	Brookfield, East Falkland
214	McPhee	Sheila Margaret	Kingsford Valley, East Falkland
215	McPhee	Terence Owen	Kingsford Valley, East Falkland
216	McPhee	Trudi Lynette	Brookfield, East Falkland
217	McRae	David Michael	South Harbour, West Falkland
218	McRae	Gloria Linda	South Harbour, West Falkland
219	McRae	Handy	Home Farm, East Falkland
220	Miller	Betty	Walker Creek, East Falkland

221	Miller	James Albert	Fox Bay Village, West Falkland
222	Miller	Phillip Charles	Cape Dolphin, East Falkland
223	Minnell	Adrian James	Blue Beach, East Falkland
224	Minnell	Benjamin James	San Carlos East Falkland
225	Minnell	Donna Marie	Moss Side, East Falkland
226	Minnell	Hazel Eileen	San Carlos East Falkland
227	Minnell	Michael Robert	Moss Side, East Falkland
228	Minto	Patrick Andrew	Goose Green, East Falkland
229	Morrison	Eric George	Goose Green, East Falkland
230	Morrison	Gerald	Goose Green, East Falkland
231	Morrison	Jacqueline Denise Anita	Port Howard, West Falkland
232	Morrison	John	Port Howard, West Falkland
233	Morrison	Kathleen Iris	Goose Green, East Falkland
234	Morrison	Kenneth	Port Howard, West Falkland
235	Morrison	Lena	Port Howard, West Falkland
236	Morrison	Leslie Theodore Norman	Port Howard, West Falkland
237	Morrison	Timothy	West Lagoons, West Falkland
238	Murphy	Roy David	Port Howard, West Falkland
239	Napier	Lily	West Point, West Falkland
240	Napier	Roderick Bertrand	West Point, West Falkland
241	Newman	Sheena Melanie	Cape Dolphin, East Falkland
242	Nightingale	Charlene	West Lagoons, West Falkland
243	Nightingale	Peter Richard	West Lagoons, West Falkland
244	Oxley	Brian	Bristows, MPA. East Falkland
245	Parkinson	Allen	Turners, MPA. East Falkland
246	Peck	Davina Margaret	Shallow Bay, West Falkland
247	Peck	Paul	Shallow Bay, West Falkland
248	Phillips	Carol Joan	Hope Cottage, East Falkland
249	Phillips	Terence	Hope Cottage, East Falkland
250	Pitaluga	Jene Ellen	Salvador, East Falkland
251	Pitaluga	Nicholas Alexander R.	Salvador, East Falkland
252	Pitaluga	Robin Andreas McIntosh	Salvador, East Falkland
253	Pitt	Myra May	Goose Green, East Falkland
254	Pole-Evans	Anthony Reginald	Saunders Island, West Falkland
255	Pole-Evans	David Llewellyn	Saunders Island, West Falkland
256	Pole-Evans	Ian	Manybranch, West Falkland
257	Pole-Evans	Lisa	Port Howard, West Falkland
258	Pole-Evans	Martin	Manybranch, West Falkland
259	Pole-Evans	Shirley Helen	Manybranch, West Falkland
260	Pole-Evans	Suzan	Saunders Island, West Falkland
261	Pole-Evans	William Reginald	Manybranch, West Falkland
262	Poncet	Dion Michael	Beaver Island, West Falkland
263	Poncet	Jerome Pierre	Beaver Island, West Falkland
264	Poncet	Leiv	Beaver Island West Falkland
265	Poncet	Sally Elizabeth	Beaver Island, West Falkland
266	Poole	Ella Josephine	Port San Carlos, East Falkland
267	Poole	Steven Charles	Port San Carlos, East Falkland
268	Porter	Joan	Shallow Harbour, West Falkland
269	Porter	William Kenneth	Fox Bay Village, West Falkland
270	Reeves	Ronald James	Port Howard, West Falkland
271	Robertson	Ann	Port Stephens, West Falkland
272	Robertson	Paul Jonathan	Port Stephens, West Falkland
273	Robertson	Peter Charles	Port Stephens, West Falkland
274	Ross	William Henry	Rincon Grande, East Falkland
275	Roze	Piona	Spring Point, West Falkland

276	Rozee	Ronald David	Spring Point, West Falkland
277	Saunders	Felicity Joan Carlie	Hawkbit, East Falkland
278	Short	Lindsay Marie	Goose Green, East Falkland
279	Short	Robert George	Goose Green, East Falkland
280	Sinclair	Simon Keith	Goose Green, East Falkland
281	Smith	Andrew John	Port San Carlos, East Falkland
282	Smith	George Patterson	Johnsons Harbour, East Falkland
283	Smith	Georgina Carol Anderson	Port San Carlos, East Falkland
284	Smith	Heather	Harps Farm, West Falkland
285	Smith	Jacqueline	Stoney Ridge, West Falkland
286	Smith	Jenny Lorraine	Johnsons Harbour, East Falkland
287	Smith	Marlaine Rose	North Arm, East Falkland
288	Smith	Michael Edmund	Johnsons Harbour, East Falkland
289	Smith	Robert William	North Arm, East Falkland
290	Smith	Robin Charles	Harps Farm, West Falkland
291	Smith	Roy Alan	Stoney Ridge, West Falkland
292	Smith	Terence George	North Arm, East Falkland
293	Stevens	Richard James	Port Sussex, East Falkland
294	Stevens	Toni Donna	Port Sussex, East Falkland
295	Taylor	Christopher John	Goose Green, East Falkland
296	Tellez	Arturo	North Arm, East Falkland
297	Tellez	Charlotte Melize	North Arm, East Falkland
298	Tellez	Rodolfo	Port San Carlos East Falkland
299	Thorsen	David Moller	Teal Inlet, East Falkland
300	Thorsen	Gloria Penelope	Teal Inlet, East Falkland
301	Towersey	Diane	Port Stephens, West Falkland
302	Turner	Arthur Leonard Pitaluga	Rincon Grande, East Falkland
303	Turner	Diana Jane	Rincon Grande, East Falkland
304	Turner	Elaine Ellen	Rincon Grande, East Falkland
305	Turner	Ronald	Rincon Grande, East Falkland
306	Tuson	Olwyn Carol	Saunders Island, West Falkland
307	Velasquez	Arleen	North Arm, East Falkland
308	Velasquez	Oscar Hernan	North Arm, East Falkland
309	Watson	Glenda Joyce	Long Island, East Falkland
310	Watson	Neil	Long Island, East Falkland
311	Whitney	Daneila Grace	Mount Kent, East Falkland
312	Whitney	Dennis	Fitzroy, East Falkland
313	Whitney	Keith	Home Farm, East Falkland
314	Whitney	Leona Ann	Home Farm, East Falkland
315	Whitney	Patrick George	Mount Kent, East Falkland
316	Whitney	Tyrone	Home Farm, East Falkland
317	Wilkinson	David Clive Walter	Dunnose Head, West Falkland
318	Wilkinson	Rosemary	Dunnose Head, West Falkland
319	Yon	Gillian Rose	KIS. MPA. East Falkland
320	Youde	Maxin Arthur	Turners, MPA. East Falkland
321	Young	Julie	Bristows, MPA. East Falkland
322	Young	Nigel Anthony	Turners, MPA. East Falkland



THE FALKLAND ISLANDS GAZETTE

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31st August 1999

No.11

Appointments

Miss Eva Lynn Clarke, Constable, Royal Falkland Islands Police, 23.7.99.

Stephen Boyd Clarke, Power Station Operator, Public Works Department, 26.7.99.

Miss Tracy Freeman, Clerk, Public Service, 27.7.99.

Miss Karen Margaret Ann MacLeod, Fisheries Scientific Observer, Fisheries Department, 27.7.99.

Mark Ashley Holmes Potter, Fisheries Scientific Observer, Fisheries Department, 27.7.99.

Mrs. Valerie Ellis, Cleaner, Royal Falkland Islands Police, 1.8.99.

James Andrew Greenland, Clerk, Public Service, 2.8.99.

Miss Joselynn Lynette Margaret Roberts, Sports Attendant, Education Department, 2.8.99.

Anthony Burnett, Senior Producer, Broadcasting Section, Secretariat, 11.8.99.

Derek Patrick Short, Cleaner, Education Department, 11.8.99.

Miss Anne Louise Taylor, Teacher (Science), Education Department, 24.8.99.

Promotion

Jonathan Jeffers Butler, Detective Sergeant, Royal Falkland Islands Police, 1.8.99.

Transfer

Christian Olaf Alexander Berntsen, from Plant Operator to Mains/Service Layer, Public Works Department, 9.8.99.

Completion of Contracts

Daniel Poulding, Fisheries Scientific Observer, Fisheries Department, 13.7.99.

Nicholas Charles Ellick, Plant Operator/Handyman, Public Works Department, 16.7.99.

Ishmael Llewellyn Stevens, Power Station Operator, Public Works Department, 22.7.99.

Adam Hughes, Fisheries Scientific Observer, Fisheries Department, 30.7.99.

Miss Fiona Elizabeth Oakley, Teacher (Science), Education Department, 6.8.99.

Paul Brickle, Fisheries Scientific Observer, Fisheries Department, 27.8.99.

Resignations

Miss Amy Elizabeth Jonson, Clerk, Public Service, 23.6.99.

Neil Alexander William Goodwin, Shot Firer, Public Works Department, 24.6.99.

Ms. Sinead Ann Doherty, Deputy Environmental Planning Officer, Environmental Planning Office, Secretariat, 25.6.99.

Miss Paula Michelle Newell, Clerk, Public Service, 30.6.99.

Derek Donnelly, Plant Operator/Handyman, Public Works Department, 9.7.99.

Callum David McRae, Constable, Royal Falkland Islands Police, 10.7.99.

Michael Ian Wallace, Mains and Services Layer, Public Works Department, 23.7.99.

Mrs. Doreen Evelyn Margaret Jones, Cleaner, Education Department 27.7.99.

German Lazo, Filtration Plant Operator, Public Works Department, 30.7.99.

Mrs. Doreen Morrison, Cleaner, Royal Falkland Islands Police, 31.7.99.

Martyn Ian Gilson-Clarke, Labourer, Public Works Department, 3.8.99.

Marcus Lewis Morrison, Clerk, Public Service, 3.8.99.

Craig Norman Leigh Besley-Clark, Labourer, Public Works Department, 6.8.99.

Mark Pollard, Assistant Harbour Control Officer, Fisheries Department, 6.8.99.

Timothy Charles Stenning, Assistant Teacher CDT, Education Department, 29.8.99.

Miss Bonnie Elizabeth Curtis, Data Entry Clerk, Fisheries Department, 31.8.99.

Retirements

Mrs. Elizabeth Margaret Sutherland, Cleaner, Medical Department, 30.6.99.

Arthur Peake, Computer Co-Ordinator, Computer Section, Secretariat, 31.8.99.

Termination Of Appointments

Miss Angela Cindy Clarke, Stores Assistant/Clerk, Public Works Department, 15.6.99.

Melvyn Clifton, Handyman, Public Works Department, 31.7.99.

NOTICES

No. 24 19th August 1999

ISLAND FISHERIES LIMITED COMPANY NUMBER: 10539

TAKE NOTICE that in accordance with the provisions of section 353 of the Companies Act 1948 in its application

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

Dated this 19th day of August 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 25 19th August 1999

EMBARKATION TAX ORDINANCE 1999

SECTION 1

COMMENCEMENT NOTICE

IN EXERCISE of my powers under section 1 of the Embarkation Tax Ordinance 1999, I hereby notify that the Ordinance shall come into force on 1st January 2000.

Dated this 19th day of August 1999.

D.A. LAMONT,
Governor.

No. 26 26th August 1999

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKENOTICE THAT Lavinia Maud Bernsten deceased of Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 24th day of July 1998.

WHEREAS Ben Berntsen has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

K.M. WATSON,
*Acting Judge,
Supreme Court.*

CORRIGENDUM

In Gazette Notice No. 23 of 1999, dated 27th July 1999 "Woman's Corona Society" should read "Women's Corona Society".

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

**Customs Ordinance (Cap. 16)
(section 5)**

CUSTOMS RESOLUTION OF THE LEGISLATIVE COUNCIL

No. 1 of 1999.

RESOLVED by the Legislative Council, under section 5 of the Customs Ordinance (Cap. 16), on the 20th day of April 1999, as follows -

1. That the Customs Order No. 6 of 1948 is amended by the substitution for paragraph 2 thereof of the following -

"2. The following import duties of customs shall be payable -

Item	Article	Rate of Duty
1.	Beer per litre	£0.21
2.	Wines per litre	£0.55
3.	Fortified Wines per litre	£0.66
4.	Spirituous Beverages per litre	£4.48
5.	Spirits per litre	£8.16
6.	Tobacco per kilo	
	(a) Cigars	£113.48
	(b) Cigarettes	£82.08
	(c) Tobacco	£74.59"

2. This Resolution may be cited as the Customs (Amendment of Import Duties) Resolution 1999 and comes into force on the 21st day of April 1999.

C. ANDERSON,
Clerk of Councils.



THE FALKLAND ISLANDS GAZETTE

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30th September 1999

No. 12

Appointments

Mrs. Trudi Anne McKay, Cleaner, Stanley House, Education Department, 13.9.99.

Jeremy Challacombe, Beef Specialist, Department of Agriculture, 25.9.99.

Acting Appointments

Mrs. Leona Lucilla Vidal Roberts, Acting Head Printer, Printing Office, 5.4.99 - 17.9.99.

Len Stanford McGill, Acting Chief Police Officer, Royal Falkland Islands Police, 18.8.99. - 5.10.99.

Richard Edwin John Fogerty, Acting Director of Education, Education Department, 21.8.99. - 5.10.99.

Anthony Burnett, Acting Station Manager, Broadcasting Section, Secretariat, from 13.9.99.

Promotions

Miss Marie Summers, from Junior Agricultural Assistant, Department of Agriculture, to Agricultural Assistant, Department of Agriculture, 1.8.99.

Mrs. Dilys Agnes Payne, from Computer Technician,

Computer Department, to Computer Co-Ordinator, Computer Section, Secretariat, 1.9.99.

Transfer

Mrs. Una Wallace, from Personal Assistant to the Financial Secretary, Treasury, to Personal Assistant to the Chief Executive, Secretariat, 6.9.99.

Completion of Contracts

Mrs. Patricia Irene Stevenson, Teacher, Education Department, 29.8.99.

Thomas William Eggeling, Environmental Planning Officer, Secretariat, 19.6.99.

Renewal of Contracts

Mrs. Patricia Irene Stevenson, Teacher, Education Department, 30.9.99.

Thomas William Eggeling, Environmental Planning Officer, Secretariat, 24.9.99.

Resignation

Miss Jennifer Mary Luxton, Personal Assistant, Department of Mineral Resources, 24.9.99.

NOTICES

No. 27 20th September 1999

**FALKLAND ISLANDS STATUS
APPLICATION**

Notice is hereby given that Dr. Barry Elsby, Dr. Bernadette Marguerite Paver and their children Rosalind Alice Elsby and Thomas Elsby have applied to the Principal Immigration Officer for Falkland Islands Status. Any person who knows of any reason why this status should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 28 20th September 1999

**FALKLAND ISLANDS STATUS
APPLICATION**

Notice is hereby given that Mr. Grant Mackintosh Munro has applied to the Principal Immigration Officer for Falkland Islands Status. Any person who knows of any reason why this status should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 29 21st September 1999

**APPOINTMENT OF BUILDING CONTROL
SURVEYOR****Building Regulations 1999
(Regulation 4(1))**

IN EXERCISE of my powers under regulation 4(1) of the Building Regulations 1999 and of all other powers enabling me, I **Donald Alexander Lamont** Governor of the Falkland Islands hereby appoint **Graham Brian France** to be Building Control Surveyor for the Falkland Islands.

Given under my hand this 21st day of September 1999.

D.A. LAMONT,
Governor.

No. 30

23rd September 1999

NOTICE OF APPOINTMENT

IDONALDALEXANDER LAMONT Governor of the Falkland Islands in exercise of my powers under Article 99 (1) of The Air Navigation (Overseas Territories) Order 1989 and all other powers enabling me hereby designate the office of Director of Civil Aviation to fulfil the purposes to be fulfilled by the Governor under The Air Navigation (Overseas Territories) Order 1989 other than the purposes of Article 98 thereof.

And I direct that this appointment shall be deemed to have effect from 1 February 1990.

Dated this 23rd day of September 1999.

D.A. LAMONT,
Governor.

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

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

I hereby appoint:

CPL. J.D. SMITH S8195979

to be a Temporary Customs Officer from 23rd July 1999 to 23rd November 1999.

R.J. King,
Collector of Customs.

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

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

I hereby appoint:

CPL C. BOYD T8407270

to be a Temporary Customs Officer from 20th August 1999 to 20th December 1999.

R.J. King,
Collector of Customs.

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

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

I hereby appoint:

WO2 S.J. PEET 24645060

to be a Temporary Customs Officer from 23rd August 1999 to 26th February 2000.

R.J. King,
Collector of Customs.

REGISTER OF MEMBERS' INTERESTS

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

The information is current to 30 June 1999.

INFORMATION TO BE PROVIDED

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

1. Remunerated directorships, and whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group,
 2. Remunerated employment, office or profession.
 3. Clients in respect of whom the member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the Legislative Council might have been or might be influenced by the client's interests.
 4. Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or advantage whether to the Member or any other person with whom the Member is closely connected.
 5. Gifts, benefits and hospitality.
 6. Overseas visits relating to or arising out of membership of the Legislative Council where the cost of any such visit has not been borne wholly by the Member or out of Falkland Islands public funds.
 7. Any gifts or material benefits or advantages received by the Member or the Member's spouse from or on behalf of overseas Governments, organisations or persons.
 8. Land or property of a substantial value or from which a substantial income is gained.
 9. The names of companies or other bodies in which the Member has, to his knowledge, either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholdings of a nominal value greater than one percent of the issued share capital, or less than one percent or more than £25000.00.
 10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a Member receives and
-

which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council, or actions taken in his or her capacity as a Member of the Legislative Council **OR** which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit.

NOTIFICATION OF REGISTRABLE INTERESTS

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

John Birmingham

1. Nil
2. Nil
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil

Janet Linda Cheek

1. Fortuna Limited - Director & Co-owner
 Jason Fishing Co. Ltd. - Director . Wholly owned by Fortuna Ltd.
 Beagle Fishing Co. Ltd. - Part of Fortuna Group - Unremunerated
 Capricorn Ltd - Part of Fortuna Group - Unremunerated
 Petrel Fishing Co. Ltd - Part of Fortuna Group - Unremunerated
 Petrel Trawling Co. Ltd - Part of Fortuna Group - Unremunerated
 Venturer Fishing Co. Ltd - Part of Fortuna Group - Unremunerated
2. Legislative Councillor's Allowance.
3. Nil
4. Nil
5. Nil

5. Nil
6. Nil
7. Nil (No spouse)
8. Nil
9. Desire Petroleum Plc. - Oil Exploration Company
Byron Holdings Ltd - Holding company of following trading subsidiaries:-
Byron Marine Ltd
Dorada Marine Ltd
Nores Marine Ltd
10. Nil in respect of any pecuniary benefit
Falkland Conservation in respect of its annual receipt of FIG funds, and any promulgation of nature/
conservation/wildlife or Environmental Legislative provision.

John Richard Cockwell

1. No Remunerated directorships.
2. Partner in Warrah Design
Part time Manager "Falkland Mill"
3. Nil
4. Nil
5. 1 Table watch from Amerada Hess £50
1 Scarf from Amerada Hess
6. All overseas visits paid either by FIG or Self.
7. Nil
8. Nil
9. Falkland Mill Ltd.
10. Nil

Norma Edwards

1. Nil
2. Nil
3. Nil

4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Meredith Fishing Co - Husband a Director (Roger Edwards)
Daughter - A Director (Rebecca Edwards)
Consolidated Fishing - Husband (Roger Edwards) FI Director
I receive no monetary benefits from either of these companies.

Andrew Murray Gurr

1. Nil
2. Employed as Chief Executive of FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil

Sharon Halford

1. Nil
2. Tenacres Tours (Owner) General Tours relating to Tourism plus Bed & Breakfast
Ian Stewart Construction Ltd. - Clerical work (ceased this work in May 99)
3. Nil

4. Nil
5. Amerada Hess - Silver Clock & Silk Scarf
Rio (Nov) - Piece of Quartz
Guido Di Tella - Brown Leather Handbag - (donated to London charity)
6. Nil
7. Guido Di Tella - Brown Leather Handbag - (donated to London charity)
8. All buildings and land at Tenacres, Bypass Road, Stanley - Jointly owned with husband.
9. Nil
10. Nil

Derek Frank Howatt

1. Nil
2. Financial Secretary FIG
No other
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil

David Geoffrey Lang

1. Nil
2. Attorney General, Falkland Islands (I also hold the unremunerated post of Attorney General, South Georgia and South Sandwich Islands)
3. Nil
4. Nil

5. None exceeding ordinary hospitality and small gifts (such as a small clock)
6. Nil
7. Nil
8. Nil (Tenant from Government of 45 Callaghan Road, Stanley and have a building licence in respect of Plot 28 Goss Road, Stanley and have no other interest in land in the Falkland Islands.)
9. Nil
10. As stated in 2 above, Attorney General for South Georgia and South Sandwich Islands. Company Secretary Falkland Landholdings Limited. Neither paid any salary nor receive any financial benefit from either of these appointments.

William Robert Luxton

1. Chartres Sheep Farming Co Ltd
Chartres River Properties Ltd
2. Farmer
3. Nil
4. Nil
5. Paperknife - From Guido Di Tella (May 99)
Briefcase - Gibraltar CPA
6. Nil
7. Nil
8. House at 27 Ross Road West, Stanley
Land owned by Chartres S. F. Co. in which I hold a substantial share.
9. Chartres Sheep Farming Co. Ltd
Chartres River Properties Ltd (This company is an original shareholder in Consolidated Fisheries Ltd).
10. Member of Farmers Association.
Sheep Owners Association.

Michael Victor Summers

1. Pioneer Seafoods Ltd
Quark Fishing Ltd
Prion Ltd
Falkland Islands Airways Ltd (Not trading)

2. Director/Managing Director of the above companies.
3. Nil
4. Nil
5. Nil
6. Nil
7. My wife Mrs Jacki Summers is part time secretary of the Falklands Fishing Vessel Owners Association.
8. Owner of 11 Pioneer Row, Stanley
9. Nil
10. Director - Port Howard Farm Ltd (unremunerated)
Trustee - FI YMCA
Member of - FI Fishing Vessel Owners Association
Stanley Golf Club
Stanley Sports Association (Chairman)
Falkland Club



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CVIII

29th October 1999

No.13

Appointments

Mrs. Janet Margaret Parke, Clerk, Public Service, 1.3.99.

Mrs. Carol Rosina Cant, Special Needs Assistant, Infant/Junior School, Education Department, 30.9.99.

Lee Anthony Fearnough, Fisheries Observer, Fisheries Department, 1.10.99.

Jeffrey James Halliday, Electrician, Public Works Department, 1.10.99.

Kenneth Benjamin John McLeod, Temporary Customs and Immigration Officer, Customs and Immigration Department, 1.10.99.

Miss Roxana Janett Tapia, Cleaner, Infant/Junior School, Education Department, 1.10.99.

Ms. Amara Theresa Goss, Personal Assistant to Director Mineral Resources, Department of Mineral Resources, 4.10.99.

Confirmation of Appointments

Edgar Ewen Morrison, Plant Operator, Public Works Department, 2.6.99.

Bryan Roy May, Plant Operator, Public Works Department, 17.6.99.

Thomas Frederick Chater, Pilot, Falkland Islands Government Air Service, 28.6.99.

Neville Hayward, Cemetery Caretaker/Handyman, Public Works Department, 1.7.99.

Mrs. Lesley Ann Titterington, Courts Administrator, Justice Department, 17.7.99.

Dennis David Summers, Plant Operator, Public Works Department, 21.7.99.

Miss Patricia Jayne McNally, Junior Technical Assistant, Public Works Department, 25.8.99.

Miss Sarah Jane Gilding, Sports Attendant Supervisor, Leisure Centre, Education Department, 27.9.99.

John David Blackley, Plant Operator/Handyman, Public Works Department, 1.10.99.

Derek Smith, Night Watchman, Education Department, 16.10.99.

Promotions

David Ford, from Sub Fire Officer, Fire & Rescue Department, to Chief Fire Officer, Fire & Rescue Department, 1.2.98.

Gardner Walker Fiddes, from Fireman, Fire & Rescue Department, to Sub Fire Officer, Fire & Rescue Department, 1.3.98.

Completion of Contracts

Peter Humphrey, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 4.9.99.

Gary John White, Fitter, Falkland Islands Government, 6.9.99.

Stuart Duncan, Plant Operator/Handyman, Public Works Department, 24.9.99.

Renewal of Contract

Peter Humphrey, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 28.9.99.

Resignations

Mrs. Monica Limburn, Cleaner, Stanley House, Education Department, 27.8.99.

Miss Carol Ellen Eva Stewart-Reid, Broadcasting Assistant, Broadcasting, 24.9.99.

Mrs. Elizabeth Ann Burnett, Assistant Teacher (Special Needs), Education Department, 30.9.99.

Mrs. Glenda Lasala McLeod, Clerk, Public Service, 30.9.99.

Colin David Paterson, Electrician, Public Works Department, 30.9.99.

NOTICES

No. 32 5th October 1999

WEST TRACK LIMITED Company Number: 10806

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

Dated this 5th day of October 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 33 5th October 1999

ISLAND FISHERIES HOLDINGS LIMITED Company Number: 10886

TAKE NOTICE that in accordance with the provisions of section 353 of the Companies Act 1948 in its application to the Falkland Islands and the requirements of the said section having been complied with the above named company will be removed from the Register

of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated this 5th day of October 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 34 6th October 1999

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

TAKE NOTICE THAT Ernest Barnes deceased of Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 14th day of August 1999 intestate.

WHEREAS Molly Stella Barnes has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. TITTERINGTON,
Registrar, Supreme Court.

Stanley, Falkland Islands
6 October 1999
Ref: PRO/10/1999.

No. 35 6th October 1999

FALKLAND ISLANDS STATUS APPLICATION

Notice is hereby given that Mr. Andrew Grant McKenzie Irvine of Stanley has applied to the Principal Immigration Officer for Falkland Islands Status. Any person who knows of any reason why this status should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 36 6th October 1999

APPLICATION FOR PERMANENT RESIDENCE

Notice is hereby given that Mr. Peter Douglas Thomson has applied to the Principal Immigration Officer for a permanent residence permit. Any person who knows

of any reason why this permit should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Stanley within 21 days of the date of this notice.

J.E. SMITH,
Immigration Officer.

No. 37

12th October 1999

PARAGON LIMITED
Company Number: 9044

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

Dated this 12th day of October 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 38

20th October 1999

SECTION 11A OF THE LAND ORDINANCE
Cap. 36

TAKE NOTICE that Kathleen Gay Dobbys (formerly Clarke) and Jeannie Paullina McKay both of Stanley have applied in accordance with section 11A (1) of the Land Ordinance to have executed in their favour a Vesting Deed of certain land on East Falkland comprising the property or land known as the Speedwell Paddock and shed at Villiers Street in Stanley and described in the applicants' statutory declaration declared on 20 October 1999 as:

"All that piece or parcel of land situate in the town of Stanley, Falkland Islands forming part and portion of Crown Grant 220 comprising 4026 square feet or thereby (*sic*) and bounded as follows: on the North by Speedwell Store, 66 ft; on the East by land belonging to the Falkland Islands Company Limited, 61 ft; on the South by land in the holding of Shirley Hirtle, 66ft; and on the West by Villiers Street, 61ft; as the same is for the purpose of identification only and not limitation shown edged and hatched blue on the plan annexed to the Statutory Declaration together with all buildings and erections thereon."

The applicants' statutory declaration may be inspected by any person at the Registrar General's Office during normal working hours (8.00am to noon and 1.00pm to

4.30pm on weekdays).

NOTICE IS HEREBY given that unless any objection has been received within 30 days following the publication of this notice the Registrar General in accordance with the provisions of section 11A of the Land Ordinance will execute in favour of Kathleen Gay Dobbys (formerly Clarke) and Jeannie Paullina McKay a Vesting Deed of the land described in this notice.

J.C. ROWLAND,
Registrar General.

No. 39

25th October 1999

MARRIAGE ORDINANCE 1996
APPOINTMENT OF REGISTRAR

IDONALDALEXANDER LAMONT Governor of the Falkland Islands **IN EXERCISE** of my powers under section 25(1) of the Marriage Ordinance 1996 and all other powers enabling me **HEREBY APPOINT**

DINAHMAY KILMARTIN

to be a Registrar for the purposes of solemnising marriages generally in the Falkland Islands.

Dated this 25th day of October 1999.

D.A. LAMONT,
Governor.

Appointment of Temporary Customs Officer
Customs Ordinance 1943

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

I hereby appoint:

CPL. C.M. DEAN L8223838

to be a temporary Customs Officer from 5th October 1999 to 5th February 2000.

R.J. King,
Collector of Customs.

Appointment of Temporary Customs Officer
Customs Ordinance 1943

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

I hereby appoint:

SGT M. BIRCH R8120856

to be a temporary Customs Officer from 1st October 1999 to 3rd February 2000.

R.J. King,
Collector of Customs.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CVIII

30th November 1999

No. 14

Appointments

Amara Theresa Watts, Personal Assistant to Director Mineral Resources, Department of Mineral Resources, 4.10.99.

Christopher Graham Didlick, Clerk, Public Service, 1.11.99.

Mrs. Lesley Una Waite, Personal Assistant to Financial Secretary, Treasury, 1.11.99.

Mrs. Elizabeth Rose Elliott, Assistant Producer, Falkland Islands Broadcasting Station, 8.11.99.

Jonathan Terrance Clarke, Plant Operator/Handyman, Public Works Department, 15.11.99.

Miss Coral Elizabeth McGill, Plant Operator/Handyman, Public Works Department, 29.11.99.

Steven Geoffrey Miller, Labourer, Public Works Department, 29.11.99.

Confirmation of Appointments

Michael Floyd, Customs Officer, Customs & Immigration Department, 9.11.99.

Errol Barry Gordon Goss, Licensing Clerk, Royal Falkland Islands Police, 19.11.99.

Promotion

Barry Charles O'Dean, from Handyman, Water Filtration Plant, Public Works Department, to Filtration Plant Operator, Public Works Department, 1.11.99.

NOTICES

No. 40

1st November 1999

APPLICATION FOR PERMANENT RESIDENCE

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

J.E. SMITH,
Immigration Officer.

No. 41

11th November 1999

FREIWINLIMITED
Company Number: 9876

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

Dated this 11th day of November 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 42

19th November 1999

ISLAND FISHERIES LIMITED
Company Number: 10539

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 353 of the Companies Act 1948 in its application to the Falkland Islands on the 19th day of November 1999.

Dated this 19th day of November 1999.

J.C. ROWLAND,
Registrar of Companies.

No. 43

19th November 1999

LAND (NON-RESIDENTS) ORDINANCE 1999
SECTION 1
COMMENCEMENT NOTICE

IN EXERCISE of my powers under section 1 of the

Land (Non-residents) Ordinance 1999, I hereby notify that the Ordinance shall come into force on 1st December 1999.

Dated this 19th day of November 1999.

A.M. GURR,
Acting Governor.

No. 44

24th November 1999

SUPREME COURT OF THE FALKLAND ISLANDS

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

TAKE NOTICE THAT Joyce Noreen Newman deceased of Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 27th day of October 1999 intestate.

WHEREAS Sylvia Jean Summers has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. TITTERINGTON,
Registrar, Supreme Court.

Stanley,
 Falkland Islands
 24 November 1999
 Ref: PRO/13/1999.



THE FALKLAND ISLANDS GAZETTE

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24th December 1999

No. 15

Appointments

Miss Priscilla Alison Halliday, Clerk, Public Service, 30.11.99.

Miss Hannah Elaine Humphreys, Clerk, Public Service, 1.12.99.

Robert John Wilkinson, Plumber, Public Works Department, 6.12.99.

Promotion

Peter Julian Basil Biggs, from Senior Assistant, Taxation Officer, Tax Office, Treasury, to Taxation Officer, Tax Office, Treasury.

Completion of Contracts

Miss Margaret Anne Firth, Teacher, Education Department, 1.12.99.

Miss Rosemary Hickey, Teacher, Education Department, 2.12.99.

Peter Donald Naylor, Teacher, Education Department, 2.12.99.

Mrs. Rosslyn Helen Phillips, Teacher, Education Department, 2.12.99.

Miss Karen Margaret Ann MacLeod, Temporary Fisheries Observer, Fisheries Department, 3.12.99.

Brett Gerald Phillips, Senior Crown Counsel, Attorney General's Chambers, 14.12.99.

Aprim Yousif Michael Yacoub, Pilot, Falkland Islands Government Air Service, 14.12.99.

Miss Elspeth Alice Wyke-Holloway, Staff Nurse, Medical Department, 15.12.99.

Renewal of Contract

Miss Elspeth Alice Wyke-Holloway, Staff Nurse, Medical Department, 16.12.99.

Resignations

Jon Michael Clarke, Plant Operator/Handyman, Public Works Department, 1.12.99.

Mrs. Trudi Ann McKay, Cleaner, Education Department, 13.12.99.

Adrian Stewart Lowe, Night Security Officer, Medical Department, 21.12.99.

Lee Anthony Ferneahough, Temporary Fisheries Observer, Fisheries Department, 24.12.99.

Miss Michelle King, Legal Secretary, Attorney General's Chambers, 24.12.99.

Retirement

Mrs. Jean Waddell Smith, Head Teacher, Infant/Junior School, Education Department, 2.12.99.

Determination of Contract

Robin Ramsey Gallacher, Police Constable, Royal Falkland Islands Police, 6.12.99.

NOTICES

No. 45

30th November 1999

**FALKLAND ISLANDS
ADMINISTRATION OF JUSTICE ORDINANCE
(section 3)
APPOINTMENT OF JUSTICES OF THE PEACE**

IN EXERCISE of my powers under section 3 of the Administration of Justice Ordinance (Cap. 3), **I, DONALD ALEXANDER LAMONT** Governor of the Falkland Islands

APPOINT the following persons to be Justices of the Peace -

**ANDREWSAMUEL BROWNLEE
KUZMA MARIO ZUVIC-BULIC
RICHARDSAWLE
JOHN ANDREW THOMAS FOWLER
MARLENE CINDY SHORT
MADELINE JEAN MCLEOD**

GIVEN under my hand and the Public Seal of the Falkland Islands this thirtieth day of November 1999.

D.A. LAMONT,
Governor.

No. 46

30th November 1999

NOTICE

**VESTING DEED - SPEEDWELL PADDOCK AND
SHED AT VILLIERS STREET STANLEY**

Further to an application made by **Kathleen Gay Dobbys (formerly Clarke)** and **Jeannie Paullina McKay** both of Stanley pursuant to Section 11A of the Land Ordinance (Notice of which application was published in the Gazette of October 1999) I hereby give notice that I have this day executed a Vesting Deed in the form set out hereafter.

J.C. ROWLAND,
Registrar General.

"Dated this 30th day of November 1999

WHEREAS on application made to me **John Christopher Rowland Registrar General** pursuant to section 11A of the Land Ordinance **Kathleen Gay Dobbys (formerly Clarke)** AND **Jeannie Paullina McKay** both of Stanley. I am satisfied that **Kathleen Gay Dobbys (formerly Clarke)** AND **Jeannie Paullina McKay** should be registered as the owners of the property in fee simple absolute in possession of the land described in the Schedule to this Deed **NOW THEREFORE** by this Deed I do declare that the estate

in fee simple absolute in possession of the said land is vested in **Kathleen Gay Dobbys (formerly Clarke)** AND **Jeannie Paullina McKay** SUBJECT only to such matters as are mentioned in Crown Grant 220 relating to land or have effect by virtue of Crown Grant 220 and to such easements rights privileges and incumbrances as it may have created prior to the date of this Deed.

**SCHEDULE
(description of land)**

ALL THAT piece or parcel of land situate in the town of Stanley forming part and portion of Crown Grant 220 comprising 4026 square feet or thereabouts and bounded as follows: on the North by Speedwell Store, 66ft; on the East by land belonging to David Peter Castle and Isobel Castle, 61 ft; on the South by land belonging to Shirley Hirtle, 66ft; and on the West by Villiers Street, 61 ft; as the same is for the purpose of identification only and not limitation shown edged in red on the plan annexed hereto together with all buildings and erections thereon

**John Christopher Rowland,
Registrar General"**

Any person aggrieved by the decision of the Registrar General to execute a Vesting Deed under this Ordinance may appeal to the Supreme Court within 30 days of the publication in the Gazette of this Notice in accordance with the provisions of section 11A of the Land Ordinance.

Dated 30th November 1999.

No. 47

15th December 1999

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

TAKE NOTICE THAT Augustave Walter Perry deceased of Stanley, Falkland Islands died at Stanley, Falkland Islands, on the 6th day of March 1999 intestate.

WHEREAS Marie Cheek has applied for Letters of Administration to administer the estate of the said deceased in the Colony.

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

L.A. TITTERINGTON,
Registrar, Supreme Court.

Stanley,
Falkland Islands
15 December 1999
Ref: PRO/9/1999.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

8th January 1999

No. 1

The following are published in this Supplement -

Guarantee Indemnity Ordinance 1998 (No. 30 of 1998);

Animal Health (Application of Legislation) Order 1998, (S.R. & O. No. 64 of 1998);

Conservation of Wildlife and Nature Bill 1999.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Guarantee Indemnity Ordinance 1998

(No. 30 of 1998)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Authorisation of Indemnity
4. Withdrawals from the Consolidated Fund

Schedule



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

GUARANTEE INDEMNITY ORDINANCE 1998

(No. 30 of 1998)

AN ORDINANCE

(assented to: 23 December 1998)
(commencement: upon publication)
(published: 8 January 1999)

To authorise the Government to enter into an Indemnity in favour of Standard Chartered Bank in respect of a Guarantee given by that bank in relation to a loan to Stanley Services Limited of 1.5 million ecu by the European Investment Bank.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Guarantee Indemnity Ordinance 1998.

Interpretation

2. In this Ordinance “the Indemnity” means Indemnity in the form appearing in the Schedule to this Ordinance, varied only as is permitted by section 3(2).

Authorisation of Indemnity

3.—(1) The Governor is hereby authorised to enter into an Indemnity in favour of Standard Chartered Bank in the form set out in the Schedule to this Ordinance varied only as he may agree under subsection (2).

(2) The Governor may, if he is satisfied that the financial liability of the Government is not thereby increased, agree to amendments to the Indemnity.

Withdrawals from the Consolidated Fund

4. All obligations of the Government to pay any sum of money to Standard Chartered Bank under the terms of the Indemnity are hereby charged upon the Consolidated Fund and payments in pursuance of such obligations may be made out of that Fund as permitted by section 69(1)(a) of the Constitution in respect of expenditure charged upon that Fund.

SCHEDULE

THIS INDEMNITY made the _____ day of _____ 1998
BETWEEN RICHARD PETER RALPH Companion of the Most Distinguished Order of St Michael and St George Commander of the Royal Victorian Order Governor of the Falkland Islands acting in the name and on behalf of Her Majesty Queen Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland Queen Head of the Commonwealth Defender of the Faith in right and title of Her Government of the Falkland Islands ("the Indemnifier") of the one part and **STANDARD CHARTERED BANK**, a company incorporated in England with limited liability by Royal Charter 1853 Reference Number ZC18, acting through its office at Ross Road, Stanley, Falkland Islands ("the Bank" which expression shall include its successors and assigns) of the other part

WITNESSETH as follows:-

1.1 In consideration of the Bank having given or assumed or hereafter giving a guarantee and indemnity (the "Obligation") in favour of the European Investment Bank having its head office (provisionally) at 100 Boulevard Konrad Adenauer, Luxembourg-Kirchberg, Grand Duchy of Luxembourg ("the Beneficiary") on behalf or at the request of Stanley Services Limited, a company incorporated in the Falkland Islands under registered number 8257, with registered office at The Service Station, PO Box 117, Stanley By-Pass, Stanley, Falkland Islands ("the Customer") the Indemnifier hereby unconditionally undertakes at all times hereafter well and sufficiently to indemnify the Bank and keep the Bank indemnified from and against and to reimburse the Bank in respect of all payments made pursuant to the Obligation and all liabilities in respect thereof and all actions suits proceedings claims demands damages costs expenses losses or charges whatsoever and wheresoever which may be taken or made against or be incurred or become payable by the Bank in respect thereof together with:-

1.1.1 interest on all amounts paid by the Bank pursuant to the Obligation payable at the aggregate rate of 2% per annum and the Base Rate of Standard Chartered Bank in the Falkland Islands as published from time to time. Interest will accrue from day to day on the amount outstanding and due under this Indemnity on the basis of a year of 365 days, compounded at monthly intervals. A certificate signed by an officer of the Bank as to the rate or amount of interest payable pursuant to this paragraph shall be conclusive in the absence of manifest error;

1.1.2 all charges made by the Bank in respect of the Obligation

1.2 The Indemnifier shall in addition pay to the Bank all costs and expenses (on a full indemnity basis) arising out of or in connection with the recovery or attempted recovery by the Bank of monies due to it under this Indemnity providing that in the event of any proceedings by the Bank against the Customer in the first instance for recovery or attempted recovery by the Bank of monies due to it under this Indemnity the Bank shall give 5 working days notice to the Indemnifier of the intention to raise such proceedings.

1.3 All payments falling to be made by the Indemnifier hereunder shall be made without any set-off or counterclaim and free from any deduction or withholding for or on account of any taxes or other charges in the nature of taxes imposed by any competent authority but so that if any such deduction or withholding shall be required by law the Indemnifier shall pay to the Bank any additional amount as may be necessary to ensure that the Bank receives the full amount of the relevant payment as if such deduction or withholding had not been made. For the avoidance of doubt all payments falling to be made by the Indemnifier hereunder shall be made in pounds sterling and be payable in Stanley Falkland Islands to the account of the Bank in Stanley.

1.4 For any purpose connected with this Indemnity any demand upon the Bank by or on behalf of the Beneficiary which appears to be Bank or purports to be claimed or made under the Obligation shall be sufficient authority to the Bank for making payment of the amount so demanded without notice to or other consent from the Customer or the Indemnifier and it shall not be incumbent on the Bank to enquire whether such amount is in fact due and any payment made by the Bank in accordance or purporting to be in accordance with the Obligation or demand shall be binding upon the Indemnifier and conclusive evidence that the Bank was liable to make such payment or comply with such demand. In the event of the Beneficiary subsequently adjusting downwards the amount of any demand or refunding any payment to the Bank a consequent adjustment or repayment by the Bank must be made in favour of the Indemnifier as soon as is reasonably possible.

2. The Bank may agree to any amendment or variation to the Obligation if:-

(a) the amendment or variation does not increase the amounts payable by the Indemnifier under this Indemnity or change the conditions under which such amounts are payable or extend by more than three months the time within which any payment must be made; or

(b) the Indemnifier has given his prior written consent to the amendment or variation.

3. In the event of the Customer being compulsory or voluntarily wound up (other than for the purpose of amalgamation or reconstruction) then until the ultimate balance owing or prospectively owing to the Bank in respect of the Obligation and of all other liabilities of whatsoever nature incurred by the Customer to the Bank has been paid or satisfied in full the Indemnifier shall not be entitled to participate in any security held or monies received by the Bank on account of such balance or to stand in the place of the Bank in respect of any such security or monies and the Bank may in the meantime hold any monies received under or by virtue of this Indemnity on a suspense account.

4. The liability of the Indemnifier shall not be affected (whether before or after any demand or determination of the continuing nature of this Indemnity) nor shall this Indemnity be discharged by reason of:-

4.1 the Bank amending the terms of any facility granted or renewing refusing or granting further credit to the Customer compounding with giving time for payment

or granting any other indulgence to the Customer or making any other arrangements with the Customer.

4.2 the Bank modifying exchanging giving up or abstaining from perfecting taking advantage of or enforcing (in each case in whole or in part) any security guarantee or other instrument discharging any party thereto or realising any security in any manner.

4.3 any other circumstance which might impair the liability of the Indemnifier to make payment to the Bank as above provided.

5. This Indemnity shall be in addition to and shall not prejudice or be prejudiced by any other indemnity (including any indemnity signed by the Indemnifier) or any other guarantee security right remedy or lien which the Bank may now or at any time hereafter have or hold in respect of the Obligation and this Indemnity may be enforced without the Bank first making demand on or taking any steps or proceedings against the Customer or having recourse to any such indemnity guarantee security right remedy or lien and the rights and remedies of the Bank hereunder shall be cumulative and not exclusive of any rights or remedies provided by law.

6. The Indemnifier has not taken and will not take any security from the Customer in respect of any liability of the Customer to the Indemnifier in respect of this Indemnity and if notwithstanding this provision the Indemnifier shall have taken or shall hereafter take any such security the same shall be held by the Indemnifier in trust for the Bank as security for the liability of the Indemnifier hereunder.

7. As a separate and independent stipulation the Indemnifier agrees that the liability of the Indemnifier hereunder shall be as if the Indemnifier were sole or principal debtor.

8. This Indemnity is a continuing Indemnity and shall endure until all monies due under this Indemnity have been fully paid or discharged. No payment or discharge which may be avoided under any enactment relating to insolvency, no payment or discharge made or given which is subsequently avoided and no release, cancellation, or any such discharge of this Indemnity given or made on the faith of any such payment or discharge shall constitute discharge of the Indemnifier under this Indemnity or prejudice to effect the Bank's right to recover from the Indemnifier to the full extent of this Indemnity. The original of this Indemnity which is in the possession of the Bank shall remain the property of the Bank after any release, cancellation or discharge of this Indemnity.

9. This Indemnity shall remain enforceable valid and binding for all purposes notwithstanding any change in the name of the Bank or its absorption of or by or its amalgamation or consolidation with any other company or any change in the constitution of the Bank its successors or assigns or the company by which the business of the Bank may from time to time be carried on and shall be available to such successors assigns or company carrying on that business for the time being.

10. No delay or omission by the Bank in exercising any right power or privilege hereunder shall operate to impair such right power or privilege or be construed as a

waiver thereof and any single or partial exercise of any right power or privilege shall not in any circumstances preclude any other or further exercise thereof or the exercise of any other right power or privilege.

11. If any term or provision of this Indemnity or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable the remainder of this Indemnity or the application of such term or provision to parties or circumstances other than those with reference to which it is already invalid or unenforceable shall not be affected thereby and each term and provision of this Indemnity shall be valid and enforceable to the fullest extent permitted by law.

12.1 Any demand or notice hereunder may be made or given by any manager or officer of the Bank by letter addressed to the Indemnifier and served on the Indemnifier at the following address: Financial Secretary, The Secretariat, Thatcher Drive, Stanley or by facsimile transmission to his facsimile number last known to the Bank and a demand or notice shall be deemed to be duly served on the Indemnifier:-

12.1.1 at the time of deliver if delivered by hand during business hours on a business day to such address and otherwise at the commencement of business hours on the next following business day; or

12.1.2 at the expiration of two business days after it has been posted in Stanley Falkland Islands and shall be effective notwithstanding that it may be misdelivered or returned undelivered; or

12.1.3 at the time of transmission if given or made by facsimile during business hours on a business day and otherwise at the commencement of business hours on the next following business day.

12.2 In 12.1:-

“business hours” means the hours 8 a.m. to 4.30 p.m.; and

“business day” means a day other than a Saturday or Sunday and on which Government offices in the Falkland Islands are not closed by reason of a Falkland Islands public or government holiday or by reason of public emergency.

13.1 This Indemnity shall be governed by and interpreted in accordance with English law and the Indemnifier irrevocably submits for the exclusive benefit of the Bank to the jurisdiction of the English courts.

IN WITNESS whereof the Indemnifier has executed these presents as a Deed the day and year first above written.

[INSERT APPROPRIATE ATTESTATION CLAUSE FOR FALKLAND ISLANDS GOVERNMENT]

Passed by the Legislature of the Falkland Islands this 22nd day of December 1998.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

SUBSIDIARY LEGISLATION

ANIMAL HEALTH

Animal Health (Application of Legislation) Order 1998

(S. R. & O. No: 64 of 1998)

Made: 18 December 1998

Published: 8 January 1999

Coming into force: in accordance with section 1

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

Citation and commencement

1. This Order may be cited as the Animal Health (Application of Legislation) Order 1998 and shall come into force on such date, not earlier than the first publication of this Order in the Gazette, as the Governor may notify by notice so published.

Application of the Bovine Spongiform Encephalopathy (No. 2) Order 1996

2. The Bovine Spongiform Encephalopathy (No 2) Order 1996(b) in the form set out in the Schedule to this Order is adopted so as to apply as law of the Falkland Islands.

Made this eighteenth day of December 1998

R P Ralph
Governor

SCHEDULE

Bovine Spongiform Encephalopathy (No. 2) Order 1996

ARRANGEMENT OF ARTICLES

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Preliminary

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2. Extension of definition of "disease"
3. Extension of definitions of "animals" and "poultry"
4. Interpretation

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Affected, suspected and exposed animals

5. Notification of disease in bovine animals
6. Veterinary enquiry as to existence of disease and requirements relating to affected or suspected animals
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9. Cleansing and disinfection
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PART III

Mammalian protein and mammalian meat and bone meal

13. Mammalian protein
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18. Sampling
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PART I

PRELIMINARY

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and shall come into force on 24th January 1997.

2. (omitted)

Extension of definitions of "animals" and "poultry"

3. For the purposes of the Act in its application to this Order-

- (a) the definition of "animals" in section 87(1) of the Act is hereby extended so as to comprise-
- (i) any kind of mammal except man; and
 - (ii) any kind of four-footed beast which is not a mammal; and
- (b) *(omitted)*

Interpretation

4.-(1) In this Order, unless the context otherwise requires-

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

"affected animal" means a bovine animal which is affected with the disease;

"agricultural land" means land used or capable of use for the purposes of a trade or business in connection with agriculture;

"agriculture" includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodlands, and horticulture (except the propagation of plants and the growing of plants within greenhouses and glass or plastic structures);

"bovine animal" means a bull, cow, steer, heifer or calf;

"the disease" means bovine spongiform encephalopathy;

"exposed animal" means a bovine animal which has been exposed to the infection of the disease;

"feeding stuff" has the meaning given by section 66(1) of the Agriculture Act 1970 as if that subsection formed part of the law of the Falkland Islands;

"fertiliser" has the meaning given by section 66(1) of the Agriculture Act 1970 as if that subsection formed part of the law of the Falkland Islands;

"livestock" means any creature, including a fish, kept for production of food, wool, skin or fur, any creature other than a dog kept for use in the farming of land and any equine animal;

"mammalian meat and bone meal" means mammalian protein derived from the whole or part of any dead mammal by rendering, or, in the case of an imported product, by an equivalent process;

"market" means a market, fairground, sale-yard or any other place where bovine animals are commonly exposed for sale;

"MBM product" means any product containing mammalian meat and bone meal;

"premises" means all contiguous land and buildings occupied by a person, together with other land or buildings occupied by that person which use equipment in common with the contiguous land or buildings;

"production" includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

"protein" means any proteinaceous material which is derived from a carcase but does not include-

- (a) milk or any milk product;
- (b) dicalcium bone phosphate;
- (c) dried plasma or any other blood product;
- (d) gelatin; or

(e) amino acids produced from hides and skins by a process which involves exposure of the material to acid of a pH lower than 2 followed by alkali of a pH greater than 11 and heat treatment at a minimum of 140°C for 30 minutes at a pressure of 3 bar;

"rendering" means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures mentioned in Schedule 4 to the Animal By-Products Order 1992 as if that schedule formed part of the law of the Falkland Islands;

"research establishment" means an establishment carrying out research into the disease;

"sell" includes have in possession for sale and offer or expose for sale;

"slaughterhouse" means any building, premises or place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there; and

"suspected animal" means a bovine animal which is suspected of being affected with the disease.

(2) Any reference in this Order-

- (a) to a numbered article is a reference to the article bearing that number in this Order; and
- (b) to a lettered form is a reference to the form bearing that letter in the Schedule to this Order.

(3) For the purposes of this Order, material shall be treated as a feeding stuff whether it is used or intended for use as a feeding stuff by itself or as an ingredient in something which is so used or intended for such use.

PART II
AFFECTED, SUSPECTED AND EXPOSED ANIMALS

Notification of disease in bovine animals

5.-(1) A person who has in his possession or under his charge an affected or a suspected animal, or the carcase of such an animal, and any OVS or other person who, in the course of his duties, examines or inspects any such animal or carcase shall, with all practicable speed, notify the fact to the Director of Agriculture.

(2) A person who has in his possession or under his charge on any premises an affected or a suspected animal, or the carcase of such an animal, shall detain it on the premises until it has been examined by an OVS.

(3) A person who, in the course of a laboratory examination of the carcase of an animal, reasonably suspects the presence of bovine spongiform encephalopathy, shall-

- (a) with all practicable speed, notify the fact to the Director of Agriculture;
- (b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary OVS; and
- (c) if required in writing to do so by an OVS, surrender any samples, in whatever form, to such an OVS.

(4) Paragraph (3) above shall not apply to any bovine spongiform encephalopathy which has been introduced deliberately into an animal, a carcase or a sample in a laboratory.

Veterinary enquiry as to existence of disease and requirements relating to affected or suspected animals

6.-(1) If an OVS has reasonable grounds for supposing that the disease exists, or has within 56 days existed, on any premises, he shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that supposition.

(2) For the purposes of such an enquiry an OVS may-

- (a) examine any bovine animal or carcase on the premises;
- (b) make such tests and take such samples from any bovine animal or carcase on the premises as he may consider necessary for the purpose of diagnosis; and
- (c) mark for identification purposes any bovine animal or carcase on the premises.

(3) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall-

- (a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of the enquiry; and
- (b) if so required by an OVS of the Director of Agriculture, or by an officer of the Director of Agriculture, give such information as he possesses as to-
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

(4) If, on completion of the enquiry, the OVS is of the opinion that there is an affected or a suspected animal, or the carcase of such an animal, on the premises, he shall serve a notice in Form A on the owner or person in charge of that animal or carcase.

(5) Subject to paragraph (6) below, a notice in Form A shall remain in force for a period of 28 days from the date specified in the notice unless-

(a) before or on the day on which the notice in Form A was due to expire, it is renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice in writing served by an OVS on the owner or person in charge of such animal or carcase; or

(b) the animal or carcase to which the notice in Form A relates has been removed from the premises under the authority of a licence issued by an OVS.

(6) Any notice in Form A which has been renewed under paragraph (5)(a) above may be further renewed from time to time by an OVS in a similar manner and for a similar period.

(7) A notice in Form A may at any time be withdrawn by a notice in Form B served by an OVS on the owner or person in charge of the animal or carcase to which the notice in Form A relates.

(8) On the service of a notice in Form A the requirements contained in that notice shall have effect.

Requirements relating to exposed animals

7.-(1) If an OVS is of the opinion that there is an exposed animal, or the carcase of such an animal, on any premises, he may-

(a) in the case of an animal, serve a notice in Form D or Form E on the owner or person in charge of that animal; and

(b) in the case of a carcase, serve a notice in Form D on the owner or person in charge of that carcase.

(2) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall-

(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary to assist the OVS in forming his opinion; and

(b) if so required by an OVS, or by an officer of the Director of Agriculture, give such information as he possesses as to-

(i) any animal or carcase which is or has been on the premises;

(ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and

(iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

(3) A notice in Form D shall cease to have effect if the animal or carcase to which the notice in Form D relates is removed from the premises under the authority of a licence issued by an OVS.

(4) A notice in Form D or Form E may at any time be withdrawn by a notice in Form B served by an OVS on the owner or person in charge of the animal or carcase to which the notice in Form D or Form E relates.

(5) On the service of a notice in Form D or Form E the requirements contained in that notice shall have effect.

(6) Following the service of a notice in Form D or Form E an OVS may insert or administer an implant for the purpose of electronically tagging an exposed animal.

(7) No person except an OVS shall remove or otherwise interfere with an implant inserted or administered under paragraph (6) above.

Restrictions on movement of other bovine animals

8.-(1) If an OVS has reasonable grounds for supposing that the movement from any premises of any bovine animal, other than an affected, suspected or exposed animal, may give rise to the risk of the spread

of the disease, he may, by notice in writing served on the owner or person in charge of the animal, prohibit the movement of the animal from the premises, except under the authority of a licence issued by an officer of the Director of Agriculture and in accordance with any conditions subject to which the licence is issued.

(2) A notice served under paragraph (1) above shall continue in force until withdrawn by a further notice in writing served by an OVS on the owner or person in charge of the animal to which the notice served under paragraph (1) relates.

Cleansing and disinfection

9.-(1) An OVS may serve on the occupier of any premises on which there is, or has within 56 days been, an affected or suspected animal, or the carcass of such an animal, a notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice,-

- (a) all or any part of the premises; or
- (b) any equipment or any other thing used in connection with any such animal or carcass.

(2) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an OVS may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the OVS in doing so shall be recoverable from the person in default by the Director of Agriculture.

Application of section 32 of the Act to the disease and notice of intended slaughter

10.-(1) Section 32 of the Act, which enables the Director of Agriculture to cause animals to be slaughtered on account of disease, shall apply to the disease.

(2) Where the Director of Agriculture proposes to cause an affected or suspected animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease, an OVS shall serve a notice of intended slaughter in Form C on the owner or person in charge of the animal.

(3) Where the Director of Agriculture proposes to cause an exposed animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease-

- (a) an OVS shall serve a notice of intended slaughter in Form F on the owner or person in charge of the animal; and
- (b) after considering any representations received from the owner or person in charge of the animal within the period specified in Form F, the Director of Agriculture shall ensure the service of-
 - (i) a withdrawal of notice in Form B; or
 - (ii) a notice of confirmation of intention to slaughter in Form G.

Seizure of carcasses

11.-(1) For the purpose of preventing the spread of the disease an OVS may seize, destroy or dispose of any carcass.

(2) For the purpose of determining the amount of compensation payable by the Director of Agriculture under section 36(1)(b) of the Act for a carcass seized under paragraph (1) of this article (being, in accordance with section 36(3) of the Act, its value at the time of seizure) the value of such carcass shall be ascertained in a similar manner to that in which the value of an animal or bird slaughtered, or liable to be slaughtered, under the Act is to be ascertained under the Animal Health Ordinance.

(3) Compensation shall be paid by the Director of Agriculture for carcasses affected with the disease being carcasses seized for the purpose of preventing the spread of the disease.

Prohibition of sale, supply and use of milk from affected or suspected animals

12.-(1) Subject to paragraph (2) below, no person shall knowingly-

- (a) sell or supply for human consumption or for feeding to an animal or poultry;
- (b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or
- (c) feed to an animal or poultry, any milk which he knows or has reason to suspect has been produced by an affected or a suspected animal.

(2) The prohibitions in paragraph (1) above shall not apply-

- (a) to the feeding to its own calf of any milk produced by a cow; or
- (b) to the feeding to an animal or poultry of any milk for research purposes in a research establishment under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued, or to the sale or supply to a research establishment for such purposes.

PART III

MAMMALIAN PROTEIN AND MAMMALIAN MEAT AND BONE MEAL

Mammalian protein

13.-(1) Subject to paragraph (2) below, no person shall-

- (a) knowingly sell or supply for feeding to ruminant animals any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated; or
- (b) feed to a ruminant animal any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibitions in paragraph (1) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes.

Mammalian meat and bone meal

14.-(1) Subject to paragraphs (5) and (6) below, no person shall-

- (a) sell or supply for incorporation into any feeding stuff for livestock any mammalian meat and bone meal;
- (b) use any mammalian meat and bone meal in the production of any feeding stuff for livestock;
- (c) sell or supply for feeding to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated; or
- (d) feed to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6) below, no person shall undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feeding stuff for livestock is produced, and no person shall sell any mammalian meat and bone meal or MBM product there, unless (in each case)-

- (a) the ingredients of the feeding stuff for livestock are stored, and the feeding stuff is produced, in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (b) (except as provided by sub-paragraph (d) below) all feeding stuff for livestock is stored in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (c) no equipment or vehicle used in the production of the feeding stuff for livestock comes into contact with any mammalian meat and bone meal, any MBM product or any ingredient or equipment used with mammalian meat and bone meal or an MBM product; and
- (d) where mammalian meat and bone meal or an MBM product is sold, any feeding stuff for livestock stored in the same building as the mammalian meat and bone meal or MBM product is stored there solely for the purpose of being sold in that building and either-

(i) the mammalian meat and bone meal or MBM product is stored in a place which is physically separated from any place where the feeding stuff for livestock is stored; or

(ii) both the feeding stuff for livestock and the mammalian meat and bone meal or MBM product are securely packaged with no spillage or leakage taking place.

(3) Subject to paragraphs (5) to (8) below, no person shall have in his possession any mammalian meat and bone meal or any MBM product on any premises where-

(a) any livestock is kept;

(b) any feeding stuff for livestock is produced, except as permitted under paragraph (2) above; or

(c) any feeding stuff for livestock is stored but not produced and no livestock are kept.

(4) Subject to paragraphs (6) and (8) below, no person shall transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feeding stuff for livestock is being transported.

(5) The prohibitions in paragraphs (1) and (3) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary OVS and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes or to the possession of a feeding stuff at such an establishment for such purposes.

(6) In any proceedings for an offence under paragraphs (1) to (4) above it shall be a defence for any person charged to prove-

(a) that he did not know or have reason to suspect that the material in question was mammalian meat and bone meal or contained mammalian meat and bone meal; and

(b) that he had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.

(7) In any proceedings for an offence under paragraph (3)(a) or (c) above in relation to any MBM product it shall be a defence for any person charged to prove-

(a) in the case of an offence under paragraph (3)(a), that the MBM product was in his possession solely for feeding to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;

(b) in the case of an offence under paragraph (3)(c), that both the MBM product and the feeding stuff for livestock were offered for sale on those premises;

(c) that the MBM product was stored and used in a place which was physically separated from any place where feeding stuff for livestock was stored or to which such animals had access; and

(d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feeding stuff for livestock.

(8) In any proceedings for an offence under paragraph (3)(a) or (c) or (4) above it shall be a defence for any person charged to prove that at all material times both the mammalian meat and bone meal or MBM product (as the case may be) and the feeding stuff for livestock were securely packaged and that no spillage or leakage took place.

Cleansing and disinfection

15.-(1) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertiliser that is not for use on agricultural land.

(2) Subject to paragraphs (3) and (4) below, any person who stores or transports mammalian meat and bone meal or an MBM product, or who makes any arrangement for such storage or transport, shall ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for such storage or

transport as soon as possible after the storage or transport ceases and in any event before they are used for any other purpose.

(3) It shall be a defence for any person charged with an offence under paragraph (2) above to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence under paragraph (2) above by virtue of any arrangement made by him to show that he took all reasonable steps to ensure that the premises equipment or vehicle in question were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An OVS may serve on the occupier of any premises or on the owner or operator of vehicle or equipment on or in which there is, or has within 56 days been-

- (a) any mammalian meat and bone meal; or
- (b) any MBM product,

a notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment or any other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) If any person on whom a notice is served under paragraph (5) above fails to comply with the requirements of the notice, an OVS may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the OVS in doing so shall be recoverable from the person in default by the Director of Agriculture.

Disposal and recall of mammalian meat and bone meal and MBM products

16.-(1) An OVS may serve on any person in whose possession mammalian meat and bone meal or any MBM product is found in contravention of article 14(3) or (4) above a notice requiring that person to dispose of the material, and any other material with which it has come into contact, in such manner and within such period as may be specified in the notice.

(2) An OVS may serve on any person who has sold or supplied any feeding stuff the sale or supply of which is prohibited by article 14(1) a notice requiring that person to collect at his own expense that product from the person to whom he supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold, and to transport it to such place and within such time as may be specified in the notice.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an OVS may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the OVS in doing so shall be recoverable from the person in default by the Director of Agriculture.

Records relating to mammalian meat and bone meal

17.-(1) Any person who consigns mammalian meat and bone meal shall keep for two years from the date of consignment (or, in the case of material produced outside the Falkland Islands, for two years from the date on which it was imported into the Falkland Islands) a record indicating-

- (a) the date of consignment;
- (b) the weight consigned;
- (c) the destination of the consignment;
- (d) the name and address of the consignee;
- (e) the registration number of the vehicle in which the consignment is transported; and
- (f) the name and address of the operator of that vehicle.

(2) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of receipt of the consignment a record indicating-

- (a) the date on which it was received;
- (b) its weight on receipt;
- (c) the place from which it was consigned;
- (d) the name and address of the person by whom it was consigned;
- (e) the registration number of the vehicle in which it was consigned; and
- (f) the name and address of the operator of that vehicle.

(3) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of any use, disposal or further consignment a record indicating-

- (a) in the case of any use, details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;
- (b) in the case of disposal, the weight disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and
- (c) in the case of further consignment, the information required by paragraph (1) above.

(4) Any person who controls a vehicle in which mammalian meat and bone meal is transported shall keep, for two years from the date on which transport of a particular consignment of such material commenced (or, in the case of an import, from the date on which that material entered the Falkland Islands), a record of-

- (a) the person and place from which that consignment was transported;
- (b) the date on which it was collected from that person;
- (c) its weight;
- (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported;
- (e) the person and place to which it was to be or was delivered; and
- (f) the date or intended date of delivery to that person.

(5) The driver of a vehicle in which a consignment of mammalian meat and bone meal is transported shall have a document recording the information required by paragraph (4) above in his possession at all times when he is in charge of that vehicle.

(6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraphs (1)(e), (2)(e) and (4)(d) above shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) No person shall be required to keep any record relating to the consignment or transport of mammalian meat and bone meal otherwise required by any of paragraphs (1) to (5) above where the consignment or transport follows the retail sale of the meal, and no person receiving a consignment for the purpose of selling it by retail shall be required to keep any record otherwise required by paragraph (2) or (3) above, provided that in either case-

- (a) the meal is contained in sealed packages each weighing not more than 26 kilograms;
- (b) the packages containing the meal are presented as containing a fertiliser solely for use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996 in their application to the Falkland Islands; and
- (c) (in the case of a consignment by retail sale) the consignment consists of not more than 104 kilograms of meal.

Name in BLOCK LETTERS
Office Address

Form C Notice of Intended Slaughter of Affected or Suspected Animal (Article 10)

I, the undersigned, being a veterinary surgeon employed by the Government of the Falkland Islands hereby give you notice that the Director of Agriculture proposes to cause the bovine animal specified below, which is affected/suspected of being affected with bovine spongiform encephalopathy, to be slaughtered as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

Signed _____ dated _____

Name in BLOCK LETTERS
Office Address

Form D Notice imposing requirements relating to an exposed animal or carcass (Article 7)

To _____ Location of animal or carcass
of _____

I, the undersigned, being a veterinary surgeon employed by the Government of the Falkland Islands hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal or carcass specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____ Dated _____

Name in BLOCK LETTERS
Office Address

Form E Notice imposing requirements relating to an exposed animal (Article 7)

To _____ Location of animal
of _____

I, the undersigned, being a veterinary surgeon employed by the Government of the Falkland Islands hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____ Dated _____

Name in BLOCK LETTERS
Office Address

Form F Notice of Intended Slaughter of Exposed Animal (Article 10)

I, the undersigned, being a veterinary surgeon employed by the Government of the Falkland Islands, hereby give you notice that the Director of Agriculture proposes to cause the bovine animal specified below, which has in my opinion been exposed to the infection of bovine spongiform encephalopathy, to be slaughtered as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease. The reasons for the service of this notice are set out in the accompanying letter. You have 14 days within which to make representations against this notice.

Representations should be addressed to-

The Director of Agriculture

Stanley

Signed _____ Dated _____

Name in BLOCK LETTERS

Office Address

Form G Notice of Confirmation of Intended Slaughter of Exposed Animal (Article 10)

I, the undersigned, being a veterinary surgeon employed by the Government of the Falkland Islands, hereby give you notice that, having received no representations within the 14 days following service of Form E/after considering the representations you have made, the Director of Agriculture confirms that he proposes to cause the bovine animal specified below to be slaughtered as an exposed animal as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

Signed

Dated

Name in BLOCK LETTERS

Office Address

The bovine animal/carcase to which the above completed and signed notices apply is specified below.

official Ear Mark Description of bovine animal/carcase including age, breed and sex

FORM A

Notice imposing requirements as respects the animal or carcase specified overleaf.

Conditions

- (a) The animal or carcase must be detained at the location specified overleaf except that-
- (i) it may be moved direct to a research establishment under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued; or
 - (ii) in the case of an animal in a slaughterhouse, knacker's yard or market, it may be moved direct to its farm of origin under authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Director of Agriculture, that officer must be informed immediately.
- (c) In the event of the animal dying or being slaughtered on the premises-
- (i) the carcase of the animal must be retained and surrendered to an OVS on request;
 - (ii) the carcase of the animal must be disposed of on the premises if so required by an OVS; and
 - (iii) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued.
- (d) In the event of the animal being pregnant-
- (i) it must be isolated from all other bovine animals on the premises during the period of calving and for 72 hours afterwards in accommodation which has been approved by an OVS for this purpose;
 - (ii) its placenta, discharges and bedding must be buried or burned; and
 - (iii) the accommodation used for its calving must be cleansed and disinfected in accordance with the directions of an OVS.
- (e) Milk from the animal must not be sold or supplied for human consumption, or fed to animals or poultry except to its own calf.
- (f) In the case of a carcase, it shall be retained and surrendered to an OVS on request, whereupon the conditions of paragraph (c) shall apply.

This notice shall remain in force for a period of 28 days from 19 _____ unless renewed by a subsequent notice served by an OVS, or the animal/carcase is removed under licence as specified in paragraphs (a) and (c) above.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction

FORM D

Notice imposing requirements as respects the animal or carcase specified overleaf.

Conditions

- (a) The animal or carcase must be detained at the location specified overleaf except that-
- (i) it may be moved direct to a research establishment under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued; or
 - (ii) in the case of an animal in a slaughterhouse, knacker's yard or market, it may be moved direct to its farm of origin under authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Director of Agriculture that officer must be informed immediately.
- (c) In the event of the animal dying or being slaughtered on the premises-
- (i) the carcase of the animal must be retained and surrendered to an OVS on request;
 - (ii) the carcase of the animal must be disposed of on the premises if so required by an OVS; and
 - (iii) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued.
- (d) In the case of a carcase, it shall be retained and surrendered to an OVS on request, whereupon the conditions of paragraph (c) shall apply.

This notice shall cease to have effect if the animal/carcase is removed under licence as specified in paragraphs (a) and (c) above.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 in its application to the Falkland Islands and render a person liable to penalties on conviction

FORM E

Notice imposing requirements as respects the animal specified overleaf.

Conditions

- (a) If the animal is moved from the location specified overleaf, the owner or person in charge of the animal must give the Director of Agriculture written notice no later than 5 days after the animal is moved of the location to which it is moved and of the name of the person who is then the owner or person in charge of the animal.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered, the Director of Agriculture must be informed immediately.
- (c) In the event of the animal dying or being slaughtered on the premises-
- (i) the carcase of the animal must be retained and surrendered to an OVS on request;
 - (ii) the carcase of the animal must be disposed of on the premises if so required by an OVS; and
 - (iii) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by an OVS and in accordance with any conditions subject to which the licence is issued.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction

EXPLANATORY NOTE
(not forming part of the above Order)

This Order adopts in the Falkland Islands United Kingdom legislation in relation to the notification and powers of veterinary surgeons to control and monitor any cases of Bovine Spongiform Encephalopathy (BSE).

The Order provides for—

- (a) the compulsory notification of BSE in bovine animals;
- (b) the investigation, examination, testing, sampling and marking of bovine animals and their carcasses for this purpose;
- (c) the prohibition of on movement of other bovine animals if BSE is suspected;
- (d) the imposition of requirements in respect of affected or suspected animals or carcasses;
- (e) the cleansing and disinfecting of premises and equipment;
- (f) the seizing of carcasses to prevent spread of disease;
- (g) the prohibition (subject to certain exemptions) of the possession of mammalian meat and bone meal or any product containing mammalian meat and bone meal on any premises where livestock feeding stuffs are produced or stored, or where livestock is kept; and
- (h) the keeping of records by persons consigning, transporting and using mammalian meat and bone meal.

The purpose of the Order is precautionary: there is no reason to suspect that any animal in the Falkland Islands is affected by BSE.

Conservation of Wildlife and Nature Bill 1999

ARRANGEMENT OF PROVISIONS

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CONSERVATION OF WILDLIFE AND NATURE BILL 1999

(No. of 1999)

A BILL

for

AN ORDINANCE

To repeal the Wild Animals and Birds Protection Ordinance 1964, the Nature Reserves Ordinance 1964 and the Fisheries Ordinance; to make new provision in relation to the conservation of nature and the protection of wildlife in the Falkland Islands, to apply as law of the Falkland Islands, with exceptions and modifications, the provisions of the Endangered Species (Import and Export) Act 1976; and for connected purposes.

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

PART I

Introductory

Short title, commencement and interpretation

Short title and commencement

1. This Ordinance may be cited as the Conservation of Wildlife and Nature Ordinance 1999 and shall come into force on the first day of the second month beginning after its publication in the *Gazette*.

Interpretation

2.—(1) In this Ordinance, unless the context otherwise requires—

“aircraft” includes a hovercraft;

“animal” means any kind of animate creature except human beings, birds, microbes and bacteria and includes any egg or spawn of an animal and every stage of development of an animal;

“authorised person” means—

(a) in relation to any action, wherever done, any person authorised in writing—

(i) by a provision of a written law, or

(ii) by some licence or permit granted under a provision of any written law,

to do the thing in question;

(b) in relation to any act not prohibited by or under this Ordinance or any other written law done on any land in private ownership, the owner or occupier of that land and any person authorised by the owner or occupier of that land to do the act in question,

but the authorisation of a person by a licence or permit granted as aforesaid does not itself confer any right of entry upon any land;

“close season”, in relation to a species of wild bird mentioned in the first column of Part II of Schedule 1 to this Ordinance, means the period or periods of the year mentioned in relation to that species in the second column of that Part;

“destroy”—

(a) in relation to an egg, includes doing anything to the egg which is likely to prevent it from hatching, and “destruction”, in relation to an egg, shall be construed accordingly, and

(b) in relation to a plant, includes doing anything to a plant which is calculated to kill it, prevent it from germinating, prevent it from blooming, bearing mature seeds, asexually reproducing or spreading or which is calculated to inhibit its germination or growth, and “destruction”, in relation to a plant shall be construed accordingly;

“fish” includes shellfish and molluscs;

“land” includes land covered by water;

“lichen” means a plant of the division *Lichenes* (that is to say a plant formed by the symbiotic association of a fungus and an alga);

“marine mammal” has the same meaning as it has under section 2 of the Marine Mammals Ordinance 1992;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting the plant;

“plant” means any inanimate living organism, and without prejudice to the generality of the foregoing, includes algae, fungi, lichens, mosses, bushes, shrubs and trees and seeds and spores and every other biological stage of a plant;

“poultry” means, except when it is living wild or (before it was killed or captured) was living wild, any domestic fowl, goose, duck guinea-fowl, pigeon, quail or turkey;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“wild animal” means any animal, except wild cattle and any bird, which is or (before it was killed or captured) was living wild;

“wild bird” means any bird, except poultry, which is resident in or a visitor to the Falkland Islands in a wild state;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in the Falkland Islands in a wild state.

(2) A reference in this Ordinance to “any written law” includes a reference to this Ordinance.

(3) This Ordinance—

(a) extends to the territorial sea of the Falkland Islands; and

(b) binds the Crown.

PART II Wildlife

Protection of wild birds and of wild animals

Protection of wild birds

3.—(1) Subject to the provisions of this Part, it is an offence for any person deliberately—

(a) to kill, injure or capture a wild bird;

(b) to disturb a wild bird;

(c) to take, damage or destroy the nest of a wild bird while that nest is in use or being built; or

(d) to take or destroy an egg of a wild bird.

(2) Subject to this Part, it is an offence for any person to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild bird, or any part of, or anything derived from, such a wild bird.

(3) Subsections (1) and (2) apply to all stages of the life of the wild birds to which they apply.

(4) An authorised person does not commit an offence under subsection (1) or subsection (2) by doing in relation to a bird included in Part I of Schedule 1 or its nest or any of its eggs any of the things which would otherwise constitute an offence by him under one or other of those subsections.

(5) An authorised person does not commit an offence under subsection (1) or (2) by killing or capturing outside the close season a bird included in Part II of Schedule 1 to this Ordinance or by injuring such a bird outside that season in the course of an attempt to kill it.

(6) A person shall not be convicted of an offence under subsection (2) if he shows—

(a) that the bird had not been captured or killed, or had been lawfully captured or killed, or

(b) that the bird or other thing in question had been lawfully sold (whether to him or to another person).

(7) In this section “wild bird” does not include any bird which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) a bird shall be presumed to be a wild bird unless the contrary is shown, and an egg or anything derived from a bird shall be presumed to be an egg of, or as the case may be, derived from a wild bird unless the contrary is shown.

(8) Paragraph (a) of subsection (6) shall apply to eggs with the substitution of the word “taken” for the word “captured” in both places where “captured” appears in that paragraph.

(9) Schedule 1 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild animals

4.—(1) Subject to the provisions of this Part, it is an offence deliberately—

(a) to capture or kill a protected wild animal;

(b) to disturb a protected wild animal;

(c) to take or destroy the eggs of such an animal;

(d) to damage or destroy a breeding site or resting place of a protected wild animal.

(2) Subject to this Part, it is an offence to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead protected wild animal, or any part of, or anything derived from, such an animal.

(3) Subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(4) For the purposes of this section, a wild animal is a protected wild animal if—

(a) it is an animal mentioned in, or falling within a description of animals contained in Schedule 2 to this Ordinance; or

(b) it is a marine mammal.

(5) Subject to subsection (6) a person shall not be convicted of an offence under subsection (2) if he shows—

(a) that the animal had not been captured or killed, or had been lawfully captured or killed,

(b) in respect of an animal mentioned in Part 2 of Schedule 2 to this Ordinance, if he shows that he captured it by rod and line outside the close season, and does not capture more than six on any one day.

(6) Nothing in subsection (5) authorises the sale of any protected wild animal or its eggs.

(7) In this section —

(a) “wild animal” does not include any wild animal which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) an animal shall be presumed to be a wild animal unless the contrary is shown, and an egg or anything derived from an animal shall be presumed to be an egg of, or as the case may be, derived from a wild animal unless the contrary is shown;

(b) “close season” in relation to any animal mentioned in Part II of Schedule 2, means the months of May to August.

(8) Paragraph (a) of subsection (7) shall apply to eggs with the substitution of the word “taken” for the word “captured” in both places where “captured” appears in that paragraph.

(9) Schedule 2 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Further defences in relation to offences under sections 3 and 4

5.—(1) Nothing in section 3(1) or (2) or 4(1) or (2) renders it unlawful or an offence for any person—

(a) to do anything done under, or in pursuance of, an Order made under the Animal Health Ordinance 1998;

(b) to disturb any wild bird or protected wild animal within a dwellinghouse;

(c) to damage or destroying the nest, breeding site or resting place of a wild bird or protected wild animal within a dwellinghouse;

(d) to capture or take any wild bird or wild animal if that person shows that the wild bird or protected wild animal had previously been disabled otherwise than by his unlawful act and that he captured or took it solely for the purpose of tending to it and releasing it when no longer disabled;

(e) a person killing such a wild bird or protected wild animal if that person shows that the wild bird or wild animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(f) any other act rendered unlawful by any of those provisions if the person who did that act shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(2) A person in occupation of any farm and any person in the employment of such a person does not commit an offence under section 3(1)(a) if, upon that farm, he kills, injures or captures a protected wild bird which, at the time he kills, injures or captures it was engaged in attacking or feeding upon any livestock on that farm and he complies with subsection (3).

(3) A person who kills, injures or captures a protected wild bird or a number of such birds shall within three months of doing so notify the Government Secretary in writing of the species of the bird the date on which and location at which and circumstances (including the reason) in which he killed captured or injured the bird and if he fails to do so he remains guilty of the relevant offence under section 3(1)(a).

(4) In this section, "protected wild bird" means a bird of a species other than a species mentioned in either Part of Schedule 1

Prohibition of certain methods of capturing or killing wild birds and protected wild animals

6.—(1) It is an offence to use for the purpose of capturing or killing any wild bird or protected wild animal—

(a) any of the means listed in subsection (2) of this section, or

(b) any form of capturing or killing from the modes of transport mentioned in subsection (3) of this section.

(2) The prohibited means of capturing or killing protected wild birds and protected wild animals are—

- (a) using any bird or animal (whether or not it is a protected wild bird or protected wild animal), as a decoy;
- (b) any form of equipment capable of replaying a recording of sounds or pictures or both;
- (c) electrical and electronic devices capable of killing or stunning;
- (d) artificial light sources;
- (e) mirrors and other dazzling devices;
- (f) devices for illuminating targets;
- (g) sighting devices for night shooting comprising an electronic image intensifier or image converter;
- (h) explosives;
- (i) except in relation to fish under the authority of a licence granted under the Fisheries (Conservation and Management) Ordinance 1986, any net or trap which is non-selective according to its principle or its conditions of use;
- (j) crossbows;
- (k) gassing or smoking out;
- (l) poisons and poisoned or anaesthetic bait;
- (m) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;
- (n) chemical wetting agents; and
- (o) any of the following which is calculated to cause injury, that is to say any gin, snare, noose, any form of bird lime and, except in relation to fish, any trap, net or hook and line

but nothing in this subsection renders unlawful the use of any of the foregoing methods by a person acting in pursuance of any written law to which paragraph (a) of section 5 relates.

(2) The prohibited means of transport are—

- (a) aircraft; and
- (b) moving motor vehicles.

(3) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild plants

Protection of wild plants

7.—(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a protected wild plant or for any person other than an authorised person deliberately to uproot any protected wild plant.

(2) For the purposes of this section, a plant is a protected plant if it is a plant mentioned in, or falls within a description of plants contained in, Schedule 3 to this Ordinance.

(3) It is an offence to keep, transport, sell or exchange or offer for sale or exchange, any live or dead protected wild plant or any part of, or anything derived from, such a plant.

(4) Subsections (1) and (3) apply to all stages of the biological cycle of the plants to which they apply.

(5) A person does not commit an offence under subsection (1) —

(a) if he is the owner or occupier of the land in question or an authorised person and shows that the act which would otherwise have been unlawful by virtue of subsection (1) was an incidental result of a lawful operation carried out by him and could not reasonably have been avoided;

(b) under subsection (3) of this section if he shows that the plant or other thing in question had been sold (whether to him or any other person) without any contravention of any provision of this Part of this Ordinance.

(6) For the purposes of this section—

(a) a plant which is growing, or is shown to have been growing, within the enclosed curtilage of a building is for the purposes of this section not a wild plant even if it is shown that it was not cultivated; but otherwise

(b) a plant which if it is a wild plant would be a protected wild plant, is to be presumed to be a wild plant unless the contrary is shown,

and for the purposes of paragraph (a) of this subsection “enclosed curtilage” means land within a hedge, fence or wall and constituting the garden or other land for the amenity of the building which it surrounds or abuts.

(7) Schedule 3 to this Ordinance may be amended by Order made by the Governor under this subsection.

(8) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

*Miscellaneous***Introduction of new species etc**

8.—(1) Subject to the provisions of this Part, it is an offence for a person to release or allow to escape into the wild any animal or bird which is of a kind not ordinarily resident in or a visitor to the Falkland Islands.

(2) Subject to the provisions of this Part, it is an offence for a person to plant or otherwise cause to grow in the wild any plant of a kind not ordinarily found growing in the wild in the Falkland Islands.

(3) Subject to subsection (4), a person shall not be convicted of an offence under subsection (1) or (2) if he proves that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period of seven clear days before the hearing, he had served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

*Supplemental***Grant of licences for certain purpose**

9.—(1) Sections 3 to 8 do not apply to anything done—

(a) under and in accordance with the terms of a licence granted under any written law; or

(b) for any of the purposes mentioned in subsection (2) under and in accordance with the terms of a licence granted by the Governor.

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

(a) scientific or educational purposes;

(b) ringing or marking, or examining any ring or mark on, and wild animal or wild bird;

(c) conserving wild animal, wild bird or wild plants or introducing them to particular areas;

(d) preserving public health or public safety;

(f) preventing the spread of disease;

(g) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or for any other form of property or to fisheries;

(h) the improvement of agriculture;

(i) authorising a person resident in the Falkland Islands to collect the eggs of any bird specified in the licence for human consumption in the Falkland Islands or for the purposes of a scientific institution outside the Falkland Islands; or

(3) The Governor may by instrument under his hand delegate the exercise of all or any of his powers under this section, except this power of delegation, to such public officer or officers or other person or persons, and subject to such conditions, limitations and to compliance with such directions, which may include a requirement that such fee shall be paid for a licence as is therein mentioned, as are specified in any such instrument.

(4) The grant of a licence under this section shall not be construed as authorising any person to enter upon the land of another without that other's permission or consent.

(5) A licence of a kind to which subsection (2)(i) refers shall —

(a) specify the quantity and species of bird eggs it authorises the licensee to collect;

(b) prohibit the sale to any person of those eggs; and

(c) not authorise the collection for human consumption of the eggs of any species of bird except Gentoo penguin, Magellanic penguin, Albatross, Logger duck, Patagonian crested duck, Yellow-billed teal and Kelp gull (otherwise known as Dominican gull).

Licences: supplementary provisions

10.—(1) A licence under section 9—

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person; and

(c) without prejudice to section 9(5) may be subject to compliance with any specified conditions.

(2) A licence granted under section 9 may be granted subject to conditions, which shall be complied with and such a licence may be revoked at any time by the Governor, but otherwise shall be valid for the period stated in the licence.

(3) A licence under section 9 which authorises any person to kill any wild bird or protected wild animal shall specify the area within which and the methods by which wild birds or protected wild animals may be killed and shall not be granted so as to be valid for a period exceeding two years.

(4) It is a defence for a person charged with an offence under section 8(b) of the Protection of Animals Act 1911 (which restricts the placing on land of poison and poisonous substances) in its application to the Falkland Islands to show that—

(a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence under section 9 of this Ordinance; and

(b) any conditions specified in or by the licence were complied with.

(5) A person who contravenes any condition of a licence granted under section 9 commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding three months.

False statements made for obtaining licence

11.—(1) A person commits an offence who, for the purposes of obtaining whether for himself or another, the grant of a licence under section 9—

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or

(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 4 on the standard scale.

PART III Conservation Areas *Introductory*

Interpretation of Part III

12. In this Part, unless the context otherwise requires—

(a) “national nature reserve” means an area of land or water (or both) to which an Order under section 15(1) relates; and

(b) “marine area” means an area consisting of land covered (continuously or intermittently) by tidal waters or parts of the sea which are landward of the baselines from which the breadth of the territorial sea adjacent to the Falkland Islands is measured or are seaward of those baselines up to a distance of three nautical miles; and

(c) references to the natural beauty of an area shall be construed as including references to its flora, fauna and geological or physiographical features.

National nature reserves

Designation of national nature reserves

13.—(1) The Governor may by Order declare—

- (a) any area of Crown Land or any marine area; or
- (b) with the agreement of every owner, lessee and occupier, any privately owned land,

to be a national nature reserve.

(2) All Sanctuary Orders and Nature Reserve Orders in force immediately prior to the commencement of this Ordinance shall, until they are revoked by an Order under this section, on commencement of this Ordinance continue in force as if—

- (a) they had been made as national nature reserve Orders immediately on such commencement; and
- (b) the provisions of any such Order regulating the control, administration or protection of the area to which the Order relates had been made immediately on commencement of this Ordinance as regulations under section C8 of this Ordinance,

but nothing in this subsection shall affect the application of any such Order in relation to any act or omission of any person occurring before the commencement of this Ordinance and any contravention of any such Order occurring before the commencement of this Ordinance may be prosecuted, and the offender be dealt with, in the same way as if this Ordinance had not been enacted.

(3) In this section, "Sanctuary Order" means an Order made under section 4 of the Wildlife and Birds Protection Ordinance 1964 and "Nature Reserve Order" means an Order made under section 3 of the Nature Reserves Ordinance 1964.

Management agreements

14.—(1) If the Governor considers that it would be in the public interest that any area of private land should be managed as a national nature reserve, he may enter into an agreement with every owner, lessee and occupier of that land that it shall be so managed.

(2) Any such agreement may—

- (a) provide for the management of the land in such manner and the carrying out on it of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;
- (b) provide for any of the things mentioned in paragraph (a) being carried out, or the cost of them defrayed in whole or in part by the owner or any other person or by the Crown;
- (c) contain such other provisions as may be agreed between the Crown and the owner, lessee or occupier; and

(d) be made irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.

(3) Any agreement under this section shall be registered under sections 3 and 4 of the Land Charges Ordinance 1996 against the name of every owner, lessee and occupier who is party to it as a Class II land charge and, subject to such registration before he acquired his interest, every provision of the agreement shall be enforceable against every successor in title of any such owner, lessee or occupier as if he had been a party to the agreement in the first place.

Breach of management agreements

15.—(1) The Governor may, if it appears to him that a breach of an agreement under section 18(1) of this Ordinance has occurred and that that breach adversely affects the satisfactory management as a national nature reserve of land to which the agreement relates by notice to the person or persons in breach of the agreement require that person or those persons to remedy that breach at his or their cost within such time, not being less than 42 days, as shall be specified in that notice;

(2) If a breach of such an agreement is not remedied within the period specified in the notice served under subsection (1) or any greater period the Governor may have allowed for the purpose, the Governor may enter upon the land with or without workmen and others and take such steps as appear to him to be necessary to remedy the breach, and recover as a civil debt the cost of so doing, as certified by the Financial Secretary, from the person or persons in breach, whose liability shall, if more than one, be joint and several.

Regulations in relation to national nature reserves

16.—(1) The Governor may make regulations for the protection of any national nature reserve. Such regulations may be expressed to apply to one or more national nature reserves specified therein or as to all national nature reserves and may make different provision in relation to different parts of the year and different provision in relation to different national nature reserves or different parts of the same national nature reserve.

(2) Without prejudice to the generality of subsection (1) of this section, regulations may—

(a) provide for prohibiting or restricting, either absolutely or subject to any exceptions—

(i) in relation to any marine national nature reserve and any part of any other national nature reserve consisting of land covered by water, the entry into, or movement within, the reserve of persons and vessels;

(ii) in relation to any national nature reserve or part thereof consisting of land not covered by water, the entry into, or movement within, the reserve of persons and vehicles of any kind;

(b) prohibit the killing, taking, destruction, molestation or disturbance of animals, birds or plants of any description in the reserve, the taking or destruction of the egg of any animal or bird, the picking, plucking, uprooting of any plant, the damaging or destroying of the breeding site, resting place or nest of any animal or bird or the doing of anything within the reserve which interferes with the seabed or the bed of any water or disturbs or damages any object within the reserve;

(c) prohibit the depositing of rubbish in the reserve and the discharge of any noxious or polluting substance;

(d) prohibit the bringing into the reserve of any weapon or other device or thing designed or adapted for the purpose of killing any animal or bird;

(e) prohibit the smoking of any cigarette, cigar or pipe within the reserve, the lighting of any fire or the doing of anything likely to cause a fire within the reserve; and

(f) prohibit the bringing into the reserve of any animal, bird or plant.

(3) Nothing in regulations under this section shall—

(a) prohibit or restrict, except with respect to particular parts of the reserve at particular times of year in relation to a pleasure boat, the exercise of any right of passage by a vessel;

(b) render unlawful anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or saving life;

(c) render unlawful anything done more than 30 metres below the sea bed;

(d) render unlawful anything done under authority of a licence granted under any written law or pursuant to an order under any written law of the Falkland Islands in relation to animal health;

(e) interfere with the exercise by any person of—

(i) a right vested in him as owner, lessee or occupier of land in the reserve or otherwise permitted under the terms of an agreement relating to that land; or

(ii) any public right of way over land.

(4) Regulations made under this section may provide that a contravention of any provision of such regulations specified for that purpose constitutes an offence and that a person convicted of that offence shall be liable to a fine of such amount, not exceeding the maximum of level 5 on the standard scale, as is specified by the regulations in relation to contravention of the provision in question.

PART IV
Miscellaneous
Endangered species

Application of Endangered Species (Import and Export) Act 1976 (1976 c 72)

17.—(1) The Endangered Species (Import and Export) Act 1976 shall apply to the Falkland Islands with the exceptions, and subject to the modifications, specified in Schedule 4 to this Ordinance.

(2) The Proclamations specified in Schedule 5 to this Ordinance cease to have effect on the commencement of this Ordinance.

Offences

Offences by corporations

18.—(1) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Repeals

Repeals

19. The Fisheries Ordinance, the Wildlife and Birds Protection Ordinance 1964 and the Nature Reserves Ordinance 1964 are repealed.

Schedules
SCHEDULE 1
Part I

Birds which may be killed or captured by authorised persons at any time

Upland Goose
Domestic Goose of any species which have become feral
Mallard Duck

Part II

Birds which may be killed or captured by authorised persons at any time outside the close season

<i>Species</i>	<i>Close season</i>
Yellow-billed Teal	1st July to 31st March
Crested Duck (otherwise known as Patagonian Crested Duck)	

SCHEDULE 2
Part I
Protected animals

All species of butterflies (Rhopalocera)
Trout (*Salmo trutta*)

Part II
**Protected animals which may be killed or captured by authorised persons at any
time outside the close season (1st May to 31st August)**

Trout (*Salmo trutta*)

SCHEDULE 3
Protected plants

Adders Tongue	<i>Ophioglossum crotalophorides</i>
Dusen's Moonwort	<i>Botrychium duseni</i>
Chilean Maidenhair Fern	<i>Adiantum chilense</i>
Feltons Flower	<i>Calandrinia feltonii</i>
Shrubby Seablite	<i>Suaeda argentinensis</i>
Falklands Rock Cress	<i>Phlebotobium maclovianum</i>
Fuegian Saxifrage	<i>Saxifraga magellanica</i>
Native Yellow Violet	<i>Viola maculata</i>
Yellow Lady's Slipper	<i>Calceolaria dichotoma</i>
Falklands False Plantain	<i>Nastanthus falklandicus</i>
Hairy Daisy	<i>Erigeron Incertus</i>
Falkland Pondweed	<i>Potamogeton linguatus</i>
Yellow Pale Maiden	<i>Sisyrinchium chilense</i>
Pale Yellow Orchid	<i>Gavilea australis</i>

SCHEDULE 4
Application of Endangered Species (Import and Export) Act 1976
Exceptions to application of the Act

Sections 1(3) and (3A), 2, 3, 4(8), 5(2)(f) and (4), 9 and 10, 12(4) and 13(2) to (4) and (7) shall not apply in the Falkland Islands.

General modifications of the Act

Every reference in the Act—

(a) to the Secretary of State shall have effect as if it were a reference to the Governor;

(b) to the Commissioners of Customs and Excise shall have effect as if it were a reference to the Collector of Customs.

Modifications of particular provisions

1. Section 1 shall have effect as if—

(a) all words appearing in subsection (6) after “shall be liable” were replaced by the words “to a fine not exceeding the maximum of level 7 on the standard scale or to imprisonment for a term not exceeding two years”.

(b) the reference in subsection (8) to the Customs and Excise Management Act 1979 were a reference to the Customs Ordinance; and

(c) the words “on summary conviction” appearing in subsection (11) were omitted.

2. Section 4 shall have effect as if—

(a) the words “Wildlife and Countryside Act 1981” in subsection (1A) were replaced by the words “Nature and Wildlife Conservation Ordinance 1998”; and

(b) the words appearing after “shall be liable” in subsection (5) were replaced by the words “a fine not exceeding the maximum of level 7 on the standard scale or to imprisonment for a term not exceeding two years”.

3. Section 6(3) and 7(4) shall have effect as if the words “on summary conviction” were omitted.

SCHEDULE 5

Proclamations ceasing to have effect

Import Prohibition (Animals and Plants) Proclamation (*Proclamation No 3 of 1981*)

African Elephant Ivory Proclamation (*Proclamation No 1 of 1990*)

OBJECTS AND REASONS

As stated in the Long Title.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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The following is published in this Supplement -

Designated Abattoirs (Application of Legislation) Order 1998, (S.R. & O. No. 65 of 1998).

SUBSIDIARY LEGISLATION

ABATTOIRS

Designated Abattoirs (Application of Legislation) Order 1998

(S. R. & O. No: 65 of 1998)

Made: 18 December 1998

Published: 15 January 1999

Coming into force: in accordance with section 1

IN EXERCISE of my powers under section 5(1) of the Abattoirs Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Designated Abattoirs (Application of Legislation) Order 1998 and shall come into force on such date, not earlier than the first publication of this Order in the Gazette, as the Governor may notify by notice so published.

Application of the Fresh Meat (Hygiene and Inspection) Regulations 1995

2. The Fresh Meat (Hygiene and Inspection) Regulations 1995(b) are adopted so as to apply as law in the Falkland Islands in the form set out in Schedule 1 to this Order.

Application of the Fresh Meat (Hygiene and Inspection)(Amendment) Regulations 1995

3. The Fresh Meat (Hygiene and Inspection)(Amendment) Regulations 1995(c) are adopted so as to apply as law in the Falkland Islands in the form set out in Schedule 2 to this Order.

Application of the Fresh Meat (Hygiene and Inspection)(Amendment) Regulations 1996

4. The Fresh Meat (Hygiene and Inspection)(Amendment) Regulations 1996(d) are adopted so as to apply as law in the Falkland Islands in the form set out in Schedule 3 to this Order.

(a) No 7 of 1997

(b) SI 1995/539

(c) SI 1995/3189

(d) SI 1996/1148

Application of the Welfare of Animals (Slaughter or Killing) Regulations 1995

5. The Welfare of Animals (Slaughter or Killing) Regulations 1995(e) are adopted so as to apply in the Falkland Islands in the form set out in Schedule 4 to this Order.

Application of the Welfare of Animals (Transport) Order 1997

6. The Welfare of Animals (Transport) Order 1997(f) is adopted so as to apply in the Falkland Islands in the form set out in Schedule 5 to this Order.

Application of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997

7. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(g) are adopted so as to apply in the Falkland Islands in the form set out in Schedule 6 to this Order.

Made this eighteenth day of December 1998

R P Ralph
Governor

(e) SI 1995/731
(f) SI 1997/1480
(g) SI 1997/1729

SCHEDULE 1

Fresh Meat (Hygiene and Inspection) Regulations 1995

ARRANGEMENT OF REGULATIONS

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PART I
PRELIMINARY

Title and commencement

1.-(1) These Regulations may be cited as the Fresh Meat (Hygiene and Inspection) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

2.-(1) In these Regulations, unless the context otherwise requires-

"the Act " means the Food Safety Act 1990;

"animals " means the following food sources namely-

(a) domestic animals of the following species: bovine animals (including buffalo of the species *Bubalus bubalis* and *Bison bison*), swine, sheep, goats and solipeds; and

(b) *(omitted)*

"carcase " means-

(a) in relation to bovine animals, sheep, goats, solipeds and farmed game, the whole body of a slaughtered animal after bleeding, evisceration, removal of the limbs at the carpus and tarsus, removal of the head, tail and udder and flaying; and

(b) in relation to swine, the whole body of a slaughtered animal after bleeding and evisceration, whether or not the limbs at the carpus and tarsus and the head have been removed;

"cold store " means any premises, not forming part of a slaughterhouse, or a cutting premises, used for the storage under temperature controlled conditions of fresh meat intended for sale for human consumption;

"contravention " , in relation to any provision of these Regulations, includes a failure to comply with that provision, and "contravenes" has a corresponding meaning;

"country of destination " means the relevant EEA State to which fresh meat is sent;

"cutting premises " means premises used for the purpose of cutting up fresh meat intended for sale for human consumption;

"cutting up " means-

(a) cutting fresh meat into smaller than half carcasses cut into three wholesale cuts; or

(b) removing bones from fresh meat;

"disinfect " means to apply hygienically satisfactory chemical or physical agents or processes with the intention of eliminating micro-organisms;

"EEA Agreement " means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993;

"EEA State " means a State which is a Contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the state of Liechtenstein;

"examine in detail " means to examine by making multiple deep incisions into lymph nodes;

"final consumer " means a person who buys fresh meat-

(a) otherwise than for the purpose of resale;

(b) for direct transport to, and consumption on, premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him; or

(c) for cooking on premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him for sale as take-away food for consumption off those premises;

"fresh " , as applied to meat, means all meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

"health mark " means a mark of a kind set out in Schedule 12 and applied in accordance with regulation 11 and that Schedule;

"inspector " means a person appointed in accordance with regulation 8(2);

"lairage " means any part of a slaughterhouse used for the confinement of animals awaiting slaughter there;

"licensed " , in relation to any slaughterhouse, cold store, or cutting premises, means licensed under regulation 4, and

"licence" has a corresponding meaning;

"livestock unit " means 1 bovine animal or soliped, 3 swine or deer or 7 sheep or goats;

"low throughput " -

(a) *(omitted)*

(b) "in relation to a slaughterhouse, " means a throughput of animals whose meat is intended for sale for human consumption of not more than 1,000 livestock units each year at a rate not exceeding 20 each week; and

(c) "in relation to cutting premises, " means a production of not more than 5 tonnes of fresh meat intended for sale for human consumption each week;

"manure pit " means a pit which is used to collect or contain dry sheep manure and which is situated beneath a self-cleaning open mesh or grating-type floor in a sheep lairage;

"meat " means all parts of animals which are suitable for human consumption;

"mechanically recovered meat " means finely comminuted meat obtained by mechanical means from flesh-bearing bones apart from-

(a) "the bones of head; and "

(b) *(omitted)*

"occupier " means a person carrying on the business of a slaughterhouse, cutting premises or a cold store (either together or separately, or the duly authorised representative of such a person);

"offal " means fresh meat other than that of the carcase, whether or not naturally connected to the carcase;

"OVS room " means a room or rooms, suitable, sufficiently large and adequately equipped, capable of being securely locked and under the control of an OVS, for the exclusive use of the OVS and inspector;
 "OVS " facilities" means suitable and sufficient facilities under the control of the OVS and inspector;
 "packaging " , in relation to fresh meat, means placing wrapped fresh meat into a receptacle and "package" shall be construed accordingly;
 "premises " means any slaughterhouse, cutting premises, or cold store;
 "relevant EEA State " means an EEA State other than Iceland;
 "slaughterhall " means that part of a slaughterhouse in which animals are slaughtered or the bodies of slaughtered animals are dressed;
 "slaughterhouse " means any building, premises or place (other than a farmed game handling facility) for slaughtering animals the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there;
 "third country " means a country which is not a relevant EEA State;
 "viscera " means offal from the thoracic, abdominal and pelvic cavities, including the trachea and oesophagus;
 "wrapping " , in relation to the protection of fresh meat, means placing in material which comes into direct contact with such meat, as well as the material itself.

(2) Except in so far as the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) Nothing in these Regulations shall be construed as derogating from the provisions of the Animal Health Act 1981 in its application to the Falkland Islands or of any order under that Act.

Exemptions and saving for existing licences

3.-(1) These Regulations shall not apply-

- (a) to premises where fresh meat-
 - (i) is used exclusively for the production for sale of meat products, meat preparations, minced meat or mechanically recovered meat;
 - (ii) is cut up or stored for sale from those premises to the final consumer; or
 - (iii) is used exclusively for carcass competitions;
- (b) to a cold store which handles only fresh meat which is packaged;
- (c) to fresh meat intended for exhibition, special studies or analysis provided that such meat is not used for human consumption and, except in the case of such meat used for analysis, it is destroyed after such exhibition or special study, as the case may be;
- (d) to fresh meat intended exclusively for sale to international organisations;
- (e) to fresh meat intended for uses other than human consumption; or
- (f) to any person engaged in any activity described in this regulation, or to any vehicle used for the purpose of any such activity.

(2) (omitted)

PART II

LICENSING OF SLAUGHTERHOUSES, CUTTING PREMISES, AND COLD STORES

Issue of licences

4.-(1) No person shall use any premises as a slaughterhouse, cutting premises, or a cold store, unless those premises are licensed by the Governor.

(2) Subject to paragraph (10) below, the Governor on an application made to him under this regulation-

- (a) shall license the premises to which the application relates-

(i) as a slaughterhouse if he is satisfied that the premises comply with the requirements of Schedules 1 and 2 or as a low throughput slaughterhouse if it was in operation on or before 31st December 1991 and he is satisfied that it complies with the requirements of Schedule 5, and (in either case) if he is satisfied that the method of operation in those premises complies with the requirements of Schedules 7 to 10 and that there is no significant risk either that facilities for inspection under Schedule 10 will be denied or that any fresh meat or blood rejected under that Schedule will be used for human consumption;

(ii) as cutting premises if he is satisfied that the premises comply with the requirements of Schedules 1 and 3 or as low throughput cutting premises if he is satisfied that they comply with the requirements of Part I of Schedule 5, and (in either case) if he is satisfied that the method of operation in those premises complies with the requirements of Part I of Schedule 7 and Schedule 11;

(iii) as a cold store if he is satisfied that the premises comply with the requirements of Schedules 1 and 4 and that the method of operation in those premises complies with the requirements of Part I of Schedule 7 and Schedule 14 or as a cold store storing frozen meat if he is satisfied that it complies with Schedule 15;

(iv) *(omitted)*

(v) *(omitted)*

(b) *(omitted)*

(3) Each application for a licence under this regulation shall be made in writing to the Governor by the owner or occupier of, or a person proposing to occupy, the premises to which the application relates.

(4) The Governor shall notify the applicant in writing of his decision on the application.

(5) If he refuses a licence, he shall notify the applicant in writing of his reasons for refusal.

(6) A licence in respect of any premises shall be subject to the condition that, save in accordance with regulation 10 or 15, no significant alteration shall be made -

(a) to the premises or the equipment in the premises otherwise than by way of repairs and maintenance; or

(b) to the method of operation in the premises, without the Governor's prior agreement in writing.

(7) In granting a licence in respect of any premises the Governor may make it subject to conditions as to the species of animal which may be slaughtered or processed there.

(8) In granting a licence in respect of low throughput premises the Governor may make it subject to conditions-

(a) as to the maximum limits to throughput;

(b) as to the persons to whom meat from the premises may be sold or supplied.

(9) In granting a licence in respect of a cold store the Governor may make it subject to the condition that fresh meat shall be stored only in one or more specified storage chambers or that the cold store shall store only fresh meat which is packaged.

(10) *(omitted)*

(11) *(omitted)*

(12) *(omitted)*

Revocation of licences

5.-(1) The Governor may revoke a licence granted by him in respect of any premises and, where appropriate, require the withdrawal of the equipment for application of the health mark if, after an inspection of, or any inquiry into, the operation or structure of the premises and a report by an OVS, he is satisfied that-

- (a) the conditions of hygiene at those premises are inadequate and the occupier has failed to take the necessary measures to make good the shortcomings within such period as the Governor may specify;
- (b) any requirement of these Regulations as to hygiene has not been complied with and inadequate or no action has been taken to ensure that a similar breach does not occur in future;
- (c) any condition attached to the licence in accordance with regulation 4(6), (7), (8) or (9) has not been complied with;
- (d) the premises no longer fall within these Regulations-
 - (i) because the business carried on at the premises has ceased to be or include the slaughter of animals or the handling or storing of fresh meat; or
 - (ii) because they have become exempt under regulation 3; or
- (e) any of the requirements specified by the Governor in a temporary derogation in accordance with Council Directive 91/498/EEC has not been complied with.

(2) The Governor shall give the occupier of the premises notice in writing-

- (a) of his decision to revoke the licence;
- (b) of the date on which the revocation is to take effect;
- (c) of the reasons for revocation;
- (d) of his right to appeal under regulation 6; and
- (e) of the time allowed for appealing.

(3) In paragraph (2) above "occupier" , in relation to a proposed revocation by virtue of paragraph (1)(d)(i) above, where the premises are vacant, means the last person known to the Governor to have carried on at the premises business for which the licence was granted or his successor in respect of that business.

6. *(omitted)*

Animals not intended for sale for human consumption

7.-(1) A person may use any slaughterhouse, or cause any such premises so to be used, for the slaughter of an animal the meat derived from which is not intended for sale for human consumption if-

- (a) one of the emergency slaughter conditions is satisfied; or
- (b) neither of the emergency slaughter conditions is satisfied but the private kill condition is satisfied.

(2) The emergency slaughter conditions are-

- (a) that the animal has incurred an injury whilst in transit necessitating its slaughter;
- (b) *(omitted)*

(3) The private kill condition is that it is not intended that meat derived from the animal shall be sold for human consumption.

(4) No person shall use any slaughterhouse, or cause any such premises so to be used, for the slaughter of any animal whose meat is not intended for sale for human consumption unless the case falls within paragraph (1) above.

(5) An animal whose meat is not intended for sale for human consumption may only be slaughtered in a slaughterhouse if it is slaughtered in a different room or at a different time from any animal whose meat is intended for sale for human consumption.

(6) The operator must take appropriate steps to prevent contamination of fresh meat in a slaughterhouse in consequence of the slaughter there of an animal whose meat is not intended for sale for human consumption.

(7) Without prejudice to the generality of paragraph (6) above, the slaughterhall must be thoroughly cleaned and disinfected after such an animal has been slaughtered in it.

(8) Meat from an animal falling within paragraph (1)(b) above must be stored separately from meat intended for sale for human consumption.

(9) The carcase of an animal falling within paragraph (1)(b) above may only be dressed in a slaughterhouse if the animal was slaughtered there.

(10) Such a carcase must be dressed in a different room or at a different time from carcasses of animals whose meat is intended for sale for human consumption.

(11) The operator must take appropriate steps to prevent contamination of carcasses of animals whose meat is intended for sale for human consumption in consequence of the dressing.

(12) Without prejudice to the generality of paragraph (11) above, the slaughterhall must be thoroughly cleaned and disinfected after the dressing.

PART III SUPERVISION AND CONTROL OF PREMISES

Supervision of premises

8.-(1) Every OVS shall in relation to all premises to which these Regulations relate be authorised to act in relation to the examination and seizure of meat, to provide the health certification of fresh meat and to be responsible for the following functions in relation to those premises-

- (a) the ante-mortem health inspection of animals in accordance with Schedule 8;
- (b) the post-mortem health inspection of slaughtered animals in accordance with Schedule 10;
- (c) where appropriate, the examination of the fresh meat of swine and horses for trichinellosis in accordance with paragraphs 12 and 13 of Part IX of Schedule 10;
- (d) the health marking of fresh meat in accordance with Schedule 12; and
- (e) securing the observance of the requirements of Schedules 1, 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, 15 and 17.

(2) The Governor shall, in relation to any premises, appoint such number of other persons to act as inspectors in relation to the functions specified in paragraph (1) above as are necessary for the proper performance of those functions.

(3) The Governor may not appoint any person to be an inspector unless that person is-

- (a) a registered medical practitioner;
- (b) a veterinary surgeon;
- (c) *(omitted)*
- (d) the holder of a certificate or other qualification in fresh meat inspection obtained in the United Kingdom or another relevant EEA State or elsewhere which the Governor has confirmed in writing as adequate for appointment as an inspector under these Regulations.

(4) An inspector shall act under the supervision and responsibility of an OVS and, in relation to the function specified in paragraph (1)(a) above, shall only make an initial check on animals and assist with purely practical tasks.

9. *(omitted)*

Powers of OVSs

10.-(1) Where it appears to an OVS that in respect of any premises-

- (a) any of the requirements of these Regulations as to hygiene is being breached; or
- (b) adequate health inspection in accordance with these Regulations is being hampered, he may, by notice in writing given to the occupier of the premises-

(i) prohibit the use of any equipment or any part of the premises specified in the notice; or
 (ii) require the rate of operation to be reduced to such an extent as is specified in the notice,
 and the occupier shall comply with the notice.

(2) A notice given under paragraph (1) above shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a) above, it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as an OVS is satisfied that such action has been taken.

(5) So long as such a notice is in effect, the licence in respect of the premises shall be treated as being altered by the addition of the requirements specified in the notice and the other provisions of the licence shall be subject to those requirements.

(6) Subject to paragraph (8) below, an OVS, may subject any animal or any carcass or meat in any premises to such examinations (including the taking and analysis of samples) as he may reasonably consider to be necessary for the protection of public health.

(7) Subject to paragraph (8) below, an OVS or inspector may, by notice in writing given to the occupier of any such premises, state that he requires to examine an animal, carcass or meat specified in the notice on the premises.

(8) The powers conferred by paragraphs (6) and (7) above are not exercisable in relation to any animal, carcass or meat not intended for sale for human consumption.

(9) Once a notice under paragraph (7) is received, the occupier shall detain the animal, carcass or meat until such time as he is informed in writing by the OVS that the result of the examination has been obtained.

(10) (omitted)

(11) A person who is aggrieved by a decision of an OVS pursuant to paragraph (1) above may appeal to a magistrates' court or, in Scotland, to the sheriff.

(12) Section 37(3) to (6) of the Act shall have effect in relation to an appeal under this regulation as they have effect in relation to an appeal under that section but with the omission

- (a) of the references to appeals for which provision is made by regulations under section 37(2); and
- (b) of subsection (5)(b) and the word "or" immediately preceding it.

Inspection and health marking

11.-(1) The Director of Agriculture shall arrange for

- (a) ante-mortem health inspections and post-mortem health inspections to be carried out at every slaughterhouse in accordance with Schedules 8 and 10 respectively; and
- (b) *(omitted)*

(2) Where fresh meat intended for sale for human consumption-

- (a) has been passed fit for human consumption following ante- and post-mortem health inspections:
and
- (b) complies with the requirements of these Regulations, it shall be marked in accordance with the requirements of Schedule 12.

(3) No other meat shall be so marked.

(4) No person shall remove, or cause or permit to be removed, from a slaughterhouse any blood or any carcase or part of a carcase or any offal intended for sale for human consumption or any offal from a slaughtered animal intended for sale for human consumption until it has been inspected in accordance with these Regulations.

(5) The health mark shall be applied by persons acting under the responsibility of an OVS, and no other person shall apply the health mark or possess or use the equipment for applying the health mark.

(6) The equipment for applying the health mark and any labels on which the health mark is printed shall be kept under the responsibility of the OVS.

(7) No person shall use any mark so resembling a health mark, or in such a way, as to be likely to suggest that the product has been produced in accordance with these Regulations.

Notice of operation of licensed premises

12.-(1) Subject to the provisions of these Regulations, no person shall operate any licensed premises to produce fresh meat for sale for human consumption unless he has notified the Director of Agriculture, in accordance with paragraph (2) below, of the day on which and the time and place at which they are to be operated.

(2) The notification referred to in paragraph (1) above shall be given to the Director of Agriculture-

(a) *(omitted)*

(b) if the operation is to be any description of slaughter, not less than 24 hours before that time; and

(c) for any other kind of operation, not less than 24 hours before its commencement,

unless the Director of Agriculture has agreed with the person required to give the notice that he will accept notice of a shorter duration, in which case the notice shall be of the agreed duration.

(3) Where it is the regular practice in any licensed premises to operate at fixed times on fixed days and written notice of this practice has been given to and accepted by the Director of Agriculture, this shall, as respects any operation in accordance with such practice, be regarded as adequate compliance with paragraph (1) above;

(4) *(omitted)*

(5) In that case the person who but for paragraph (4) above would have been required to give a notice under paragraph (1) above must inform the Director of Agriculture of the circumstances.

(6) The information must be given as soon as reasonably possible.

(7) It may be given after the animal has been slaughtered if it is not reasonably possible to give it before.

PART IV
CONDITIONS FOR THE MARKETING OF FRESH MEAT

13. *(omitted)*

Transport documentation

14.-(1) Subject to paragraph (2) below, the occupier of licensed premises shall ensure that fresh meat is accompanied during transportation from the premises-

(a) by an invoice or delivery note containing the following information-

(i) the name and address of the consignor and the consignee;

- (ii) the approval number of the premises from which the meat is to be transported;
 - (iii) the date of issue of the document and a number enabling it to be identified;
 - (iv) a description of the product transported; and
 - (v) the total quantity despatched; and
- (b) in the case of fresh meat intended for consignment to a relevant EEA State which
- (i) is obtained from a slaughterhouse situated in a region or area subject to a prohibition or restriction under the Animal Health Act 1981; or
 - (ii) will be transported through a third country in a sealed vehicle, by the health certificate referred to in Schedule 16.

(2) Paragraph (1) above shall not apply where the fresh meat is being transported from licensed premises direct to the final consumer or to a retailer in Great Britain.

(3) Any person other than those referred to in paragraph (2) above who receives fresh meat direct from any licensed premises shall keep the invoice or delivery note for a period of at least one year from the date of receipt.

PART V

ADMISSION TO AND DETENTION IN SLAUGHTERHOUSES OF ANIMALS AND CARCASSES

Alternative accommodation for certain animals

15.-(1) An OVS or an inspector acting under the supervision of an OVS may require the accommodation or alternative methods of operation and facilities referred to in paragraph 1(d) of Schedule 2 to be used for-

- (a) the slaughtering and dressing of any animal which is brought into a slaughter-house and which is known to be, or suspected of being, diseased or injured;
- (b) the dressing of any slaughtered and bled animal which is brought into a slaughter-house in accordance with regulation 18.

(2) So long as any requirement to use alternative accommodation in such circumstances, or to prohibit the entry of a dirty animal in the circumstances set out in paragraph (3) below, is in effect, the licence in respect of the premises shall be treated as being altered by the addition of that requirement, and the other provisions of the licence shall be subject to that requirement.

(3) An inspector or OVS-

- (a) may require the detention in a lairage, or prohibit the slaughter, of any animal which in his opinion is so dirty as to be likely to prevent hygienic dressing operations if it is taken into the slaughterhall at that slaughterhouse; and
- (b) may require the occupier of the slaughter-house to clean the animal before presenting it to an OVS for an ante-mortem inspection.

(4) In the case of a slaughtered and bled animal which is brought into a slaughterhouse in accordance with regulation 18 an OVS may give notice that in his opinion any such animal is so dirty as to be likely to prevent hygienic dressing operations if it is taken into the slaughterhall at that slaughterhouse and if such notice is given the occupier of the premises shall not take the animal in.

Period of time for keeping an animal in a lairage and removal of an animal from a slaughterhouse

16.-(1) No person shall keep or permit to be kept in any lairage for a period exceeding 72 hours any animal intended for slaughter unless-

- (a) the OVS gives his consent to it being kept in a lairage for a period exceeding 72 hours, which consent shall only be given in exceptional circumstances; and
- (b) it is isolated from animals in respect of which no such consent has been given.

(2) In this regulation "lairage" means any covered part of a slaughterhouse used for the confinement of animals awaiting slaughter there, but does not include any field, pasture or other open lairage forming part of any slaughterhouse or otherwise.

(3) No person shall, unless directed by an OVS, remove from a slaughterhouse an animal intended for slaughter if it is intended that meat from it shall be sold for human consumption.

Conditions on the admission of diseased or injured animals

17.-(1) No person shall send an animal which he knows or suspects to be diseased or injured to a slaughterhouse unless he has given the occupier of the slaughterhouse reasonable notice of his intention to send it.

(2) No person shall bring into, or permit to be brought into, a slaughterhouse any animal which he knows or suspects to be diseased or injured unless

(a) he has already ensured that it is accompanied by a written declaration signed by the owner or person in charge of it containing the information specified in Schedule 18; and

(b) that declaration is handed to an inspector or an OVS as soon as is practical after the animal's arrival at the slaughterhouse.

(3) The occupier of the slaughterhouse shall ensure that on arrival at the slaughterhouse the animal-

(a) is slaughtered without delay following ante-mortem inspection; or

(b) is taken without delay under the direction of an inspector or the OVS to that part of the lairage provided for the isolation of diseased or injured animals.

Conditions on the admission of dead or slaughtered animals

18.-(1) No person shall bring into, or permit to be brought into or to remain in, a slaughterhouse the body of an animal which has died unless-

(a) it died in transit to the slaughterhouse; and

(b) it is removed from the slaughterhouse immediately following the carrying out of any necessary examination performed under the Animal Health Act 1981.

(2) No person shall bring into, or permit to be brought into, a slaughterhouse the slaughtered body of an animal, unless

(a) it has been bled;

(b) the animal has undergone an ante-mortem inspection by an OVS;

(c) the animal has been slaughtered as a result of an accident or because it was suffering from a serious physiological or functional disorder;

(d) the body of the animal has not been dressed;

(e) the body of the animal is accompanied to the slaughterhouse by a certificate in the form set out in Schedule 19; and

(f) the body of the animal is transported to the slaughterhouse in a container or vehicle under hygienic conditions and, if it cannot be delivered to the slaughterhouse within one hour of slaughter, it is transported there in a container or vehicle under hygienic conditions in which the ambient temperature is between 0 degsC and 4 degsC.

(3) *(omitted)*

(4) Paragraphs 3 to 5 of Schedule 8 apply to an ante-mortem inspection under paragraph (2)(b) above.

(5) On arrival at the slaughterhouse the certificate which paragraph (2)(e) above requires to accompany the body of the animal to the slaughterhouse must be given to an inspector or OVS.

PART VI
ADMINISTRATION, PENALTIES AND ENFORCEMENT

Records of Inspections

19.-(1) The Director of Agriculture shall keep in respect of individual licensed premises, where appropriate, a record, for the purpose of compliance with the provisions of Council Directive 91/497/EEC, of the results of-

- (a) ante-mortem health inspections; and
- (b) post-mortem health inspections.

(2) The Director of Agriculture shall retain the record of such an inspection until the end of the period of one year commencing with the date of the inspection to which it relates.

Duties of occupier

20.-(1) The occupier of any licensed premises-

(a) shall keep a record adequate to show the number of animals received into, and the amounts of fresh meat despatched from, the premises during each week;

(b) shall take all practicable steps to secure compliance by any person employed by him or by any person invited on to the premises with the provisions of these Regulations;

(c) shall ensure that an OVS is provided with adequate facilities so as to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to records as he may from time to time require for that purpose;

(d) shall take all necessary measures to ensure that, at all stages of production, the requirements of these Regulations are complied with and carry out checks (including any microbiological checks the Director of Agriculture may require) on the general hygiene of conditions of production in his establishment to ensure that equipment and, if necessary, fresh meat, comply with the requirements of these Regulations;

(e) shall keep in permanent form a record of the results of those checks and make it available to the OVS or inspector upon request;

(f) shall keep in permanent form a record of the results of water testings on the premises and make it available to the OVS for inspection upon request;

(g) shall ensure that the health mark is properly applied as provided for in regulation 11 above, and that any labels on which the health mark is printed are used properly;

(h) shall ensure that the OVS or inspector is notified immediately when any information at the occupier's disposal reveals a serious health risk; and

(i) shall, in the event of a serious risk, ensure that fresh meat is withdrawn if it has been obtained under or stored in conditions similar to those which produced the risk and is itself likely to present the same risk.

(2) The occupier shall retain records required to be kept under this regulation until the end of the period of one year from the date of the check.

(3) The occupier of licensed premises shall arrange or establish in consultation with the OVS a staff training programme to train staff to comply with hygiene requirements appropriate to the operations that they perform on those premises.

Offences and penalties

21.-(1) If any person contravenes-

(a) regulation 10(1); or

(b) regulation 12(1), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person contravenes-

(a) any other provision of these Regulations; or

(b) (omitted)

he shall be guilty of an offence and shall be liable-

- (i) on summary conviction, to a fine not exceeding the statutory maximum; or
- (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

(3) Neither paragraph (1) nor paragraph (2) above applies to anything done or omitted by the Director of Agriculture.

(4) No prosecution for an offence under any of the provisions mentioned in paragraph (1) or (2) above shall be begun after the expiry-

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor, whichever is the earlier.

22. (omitted)

23. (omitted)

PART VII
(omitted)

SCHEDULE 1

CONSTRUCTION, LAYOUT AND EQUIPMENT OF SLAUGHTERHOUSES (EXCEPT LOW THROUGHPUT SLAUGHTERHOUSES), CUTTING PREMISES (EXCEPT LOW THROUGHPUT CUTTING PREMISES) AND COLD STORES-GENERAL REQUIREMENTS

Regulations 4(2)(a), (i), (ii) and (iii) and (10) and 8(1)(e)

1. All slaughterhouses, cutting premises and cold stores shall have-

- (a) a clearly defined boundary;
- (b) at places readily accessible to the work stations and sanitary conveniences, suitable facilities, that is to say-
 - (i) an adequate supply (provided otherwise than by taps operable by hand) of hot and cold running water, or pre-mixed running water at a suitable temperature, and sufficient supplies of soap or other detergent for the cleaning and disinfection of hands by persons handling fresh meat; and
 - (ii) an hygienic means of drying hands;
- (c) in rooms where work on fresh meat is undertaken, suitable and sufficient facilities, situated as close as possible to or readily accessible to the work stations, for the disinfection of knives and other hand tools, such facilities to be adequately supplied with water which shall be maintained at a temperature of not less than +82 degsC;
- (d) adequate space and facilities for the efficient performance at any time of inspections required by these Regulations;
- (e) equipment and fittings-
 - (i) of a durable, impermeable and corrosion-resistant material (which may not be wood except in rooms where only packaged fresh meat is stored) not liable to taint fresh meat and of such construction as to enable them to be kept clean and disinfected;
 - (ii) if to be used for handling, storing or transporting fresh meat, so constructed that fresh meat and the base of any receptacles containing such meat do not come into contact with the floor; and
 - (iii) with such surfaces as are likely to come into contact with unpackaged fresh meat kept smooth and clean;
- (f) facilities for the hygienic handling and protection of fresh meat during loading and unloading;
- (g) suitable and sufficient receptacles with closely fitting covers for collecting and removing all waste and fresh meat not intended for human consumption;

(h) suitable refrigeration equipment to enable the internal temperature of fresh meat to be maintained at not more than +7 degsC for carcasses and cuts, +3 degsC for offal and -12 degsC for frozen fresh meat, such equipment having a drainage system which avoids risk of contamination of fresh meat;

(i) water, that is to say-

(i) a sufficient, clean and wholesome supply of hot and cold water, or water premixed to a suitable temperature, available at an adequate pressure and in each case meeting the requirements of Council Directive 80/778/EEC;

(ii) the separation of any other water so that it may be used only for the purpose of fire fighting or the operation of refrigerators or steam boilers, and so that pipes carrying such water shall be arranged so as not to allow any such water to be used for any other purpose; and that all such pipes shall be clearly distinguished from those used for water which is clean and wholesome and shall present no risk of contamination to fresh meat; and

(iii) if water is stored, fully covered tanks to contain it, which tanks shall be of such construction as to enable them to be emptied and kept clean;

(j) satisfactory drainage fitted with gratings and traps for solids, which shall be maintained in proper working order; save that, in rooms provided for the cooling or storage of fresh meat, gratings and traps shall not be required;

(k) an arrangement of rooms so that-

(i) there are suitable, sufficient and adequately equipped changing rooms for persons working in the premises to change their clothes and wash their hands and sanitary conveniences, separate from any part of the premises which at any time contain fresh meat;

(ii) there are wash basins available with an adequate supply (provided otherwise than by taps operated by hand or arm) of hot and cold running water, or pre-mixed water at a suitable temperature;

(iii) clean protective clothing is stored separately from other clothing;

(iv) the surfaces of the walls and floors of such rooms are smooth, washable and impermeable; and

(v) any room in which a sanitary convenience is situated shall not communicate directly with any room or area in which any fresh meat is being produced, cut up, handled, worked on or stored or any room referred to in paragraph 1(h) of Schedule 2 or paragraph 1(c) of Schedule 3;

(l) sufficient and adequately equipped showers which are for the use of persons working in the premises and are situated near the rooms where such persons may change their clothes; save that such facilities shall not be required in any cold store in which only packaged fresh meat is handled and stored;

(m) satisfactory and hygienic facilities for the disposal of solid and liquid waste;

(n) suitable facilities for the storage of detergents, disinfectants and similar substances; and

(o) adequate protection against the entry of insects, vermin and birds.

2. Every room in any slaughterhouse, cutting premises or cold store in which fresh meat is produced, worked on, handled or stored and any area in such premises through which fresh meat is transported shall have-

(a) floors and floor surfaces of impermeable, rot proof and non-slip material, which shall be so constructed and kept in such good order, repair and condition as to enable them to be thoroughly cleaned and disinfected and, subject to paragraph 3 below, shall be laid in such a way as to facilitate the drainage of waste water by directing the water towards the drains;

(b) interior wall surfaces faced with a smooth, durable, impermeable and washable material (which shall be of a light colour) to the following heights-

(i) in any of the rooms referred to in sub-paragraphs 1 (c), (d), (g), (h), (j), (k) and (l) of Schedule 2, up to a height of not less than 3 metres or the full height of the room whichever is lower;

(ii) in any rooms used for the cooling or storage of packaged fresh meat, up to a height of not less than the usable storage height; and

(iii) in any other room in which unpackaged fresh meat is handled, up to a height of not less than 2 metres save that in cold stores erected before 1st January 1983, the interior walls of rooms where only frozen fresh meat is stored may be made of wood;

(c) rounded angles between floor and wall surfaces; save that in rooms of any cold stores in which only frozen meat is stored it shall not be compulsory for such angles to be rounded;

- (d) doors and door frames of a hard wearing, corrosion-resistant material or, if made of wood, with a smooth, impermeable covering on all surfaces;
- (e) a ceiling, or where there is no ceiling the interior surface of the roof, which is so constructed and finished as to minimise condensation, mould development, flaking and the lodgement of dirt, and which shall be kept in such good order, repair and condition as to enable it to be thoroughly cleaned;
- (f) insulation materials which are rot proof and odourless;
- (g) suitable and sufficient means of ventilation to the external air (except in the case of a humidity-controlled or temperature controlled chamber) including, where necessary, adequate means of steam extraction; (all ventilation systems to be kept at all times in good working order); and
- (h) adequate artificial lighting throughout the slaughterhall and workrooms; which lighting shall not distort colours and shall be of an overall intensity of not less than 220 lux; save that at places where inspection of fresh meat is normally carried out the overall intensity shall be not less than 540 lux.

3. In rooms used for the storage of chilled or frozen fresh meat the directing of water towards drains in accordance with paragraph 2(a) above is not required.

4. In rooms used for chilling or refrigerating fresh meat a device with which water may easily be removed is sufficient.

5. In rooms used for freezing fresh meat, waterproof and rot proof flooring is sufficient.

SCHEDULE 2

CONSTRUCTION, LAYOUT AND EQUIPMENT OF SLAUGHTERHOUSES (EXCEPT LOW THROUGHPUT SLAUGHTERHOUSES)-ADDITIONAL REQUIREMENTS

Regulations 4(2)(a)(i) and (10), 8(1)(e) and 15(1)

1. In addition to the general requirements contained in Schedule 1 each slaughterhouse shall have-

- (a) a means of controlling access to, and exit from, the premises;
- (b) a suitable and sufficient lairage which-
 - (i) shall be adequately lit so as to enable the inspection of animals; and shall be so constructed that its walls and floors are of impermeable, durable and, in the case of floors, non-slip material and shall be so constructed and kept in such good order, repair and condition as to enable them to be thoroughly cleaned and disinfected;
 - (ii) shall include facilities for watering the animals and a lockable pen or pens with separate drainage in which animals which are diseased or injured, or suspected of being diseased or injured, may be isolated from other animals;
- (c) a suitable, sufficient and suitably equipped slaughterhall for the slaughter of animals and dressing of slaughtered animals;
- (d) a suitable, sufficient and separate slaughterhall for the slaughter and dressing of any animal which is diseased or injured or suspected of being diseased or injured, where such animals are received at the slaughterhouse, which shall be capable of being securely locked; save that such a room shall not be required if-
 - (i) the animal is slaughtered after completion of the slaughter of animals which are not diseased or injured or suspected of being diseased or injured and steps are taken to prevent contamination of fresh meat;
 - (ii) the premises are thoroughly cleaned and disinfected under supervision of an inspector or OVS before being used again for the slaughtering of animals which are not diseased or injured or suspected of being diseased or injured; and
 - (iii) suitable and sufficient facilities are provided for the introduction of the body of an animal which is diseased or injured or suspected of being diseased or injured into the slaughterhall in a manner which will not prejudice the hygienic operation of the slaughterhouse;

(e) a suitable system of overhead rails for the hygienic dressing and further handling of carcasses; save that such a system shall not be required for the dressing of carcasses where such a process can be carried out hygienically in a cradle or other equipment suitable for this purpose;

(f) a clear separation between the soiled and clean working areas of the building so as to protect the clean areas from contamination;

(g) suitable and sufficient facilities, capable of being securely locked, for the isolation of fresh meat requiring further examination by an inspector or OVS; such facilities to be refrigerated so as to enable the requirements of paragraph 1(q) of Schedule 9 to be complied with and to be provided with a drainage system which avoids risk of contamination of fresh meat;

(h) a separate room or rooms capable of being securely locked for the retention of fresh meat rejected as being unfit for human consumption, unless-

(i) such meat is removed or destroyed as often as may be necessary and in any case at least once daily and the quantity of such meat is not sufficient to require the provision of a separate room or rooms;

(ii) suitable, sufficient and lockable receptacles with closely fitting covers are provided which are capable of being securely locked and which shall be used only for holding fresh meat rejected as being unfit for human consumption and are clearly marked to that effect;

(iii) any receptacles or chutes used to transport such meat are so constructed, installed and maintained as to avoid risk of contamination of fresh meat intended for human consumption;

(i) a suitable and sufficiently large refrigerated room or rooms for the cooling and storage of fresh meat, which room or rooms shall be equipped with corrosion-resistant fittings which prevent such meat from coming into contact with the floors and walls; and if

used to store fresh meat already cooled, shall also have a recording thermometer or recording telethermometer;

(j) subject to paragraph 3 below, a suitable and sufficient room and facilities for the emptying and cleaning of stomachs and intestines; save that such a room and facilities shall not be required if-

(i) stomachs and intestines are removed unopened from the slaughterhall immediately after the post-mortem inspection and taken to the room or facilities referred to in sub-paragraph (h) above; or

(ii) the closed circuit mechanical equipment referred to in paragraph 3 below is provided;

(k) a suitable and sufficient room for the dressing of guts and tripe if this is carried out in the slaughterhouse; save that where a room is provided in accordance with sub-paragraph (j) above for the emptying and cleaning of stomachs and intestines, that room shall also be regarded as suitable and sufficient for the dressing of guts and tripe provided such dressing can be carried out in a manner avoiding cross-contamination;

(l) a suitable and sufficient room for the preparation and cleaning of offal (other than the emptying and cleaning of stomachs and intestines and the dressing of guts and tripe) and which includes a separate area for handling heads at a sufficient distance from other offal, if these operations are carried out in the slaughterhouse other than on the slaughterline;

(m) a suitable and sufficient room or place for the wrapping and packaging of offal if this is done in the slaughterhouse;

(n) a suitable room for the storage under hygienic conditions of wrapping and packaging material where offal is wrapped or packaged in the slaughterhouse;

(o) a suitable and sufficient room for the storage of hides and skins unless they are to be collected and taken away daily;

(p) a suitable and sufficient room or rooms for the storage of horns, hooves, fat and other waste material unless these are to be collected and taken away daily; save that where a room is provided in accordance with sub-paragraph (o) above for the storage of hides and skins that room shall also be regarded as suitable and sufficient for the storage of horns, hooves, fat and other waste material;

(q) a room suitably equipped for carrying out an examination for trichinellosis where such examination is carried out in the slaughterhouse;

(r) an OVS room;

(s) a manure bay save that, where sheep are slaughtered, a manure pit may be used if manure is stored within the boundary of the slaughterhouse and the receptacles referred to in sub-paragraph 1(g) of Schedule 1 are insufficient for holding such material; (such a bay or pit to have impervious walls and floors and to be drained into suitable outlets);

(t) a suitable and separate place (which may be situated outside the boundary of the slaughterhouse) and adequate equipment, for cleaning and disinfecting vehicles used for the transport of animals;

(u) a suitable and separate place (which may be situated outside the boundary of the slaughterhouse) and adequate equipment, for cleaning and disinfecting vehicles used for the transport of fresh meat.

2. In the case of the slaughterhouse where swine and other animals are slaughtered, and a separate room for the slaughter and dressing of swine does not exist,

(a) the slaughterhouse shall, where this takes place, contain suitable and sufficient accommodation for the scalding, depilation, scraping and singeing of swine;

(b) such operations shall be performed at a different time from the slaughter and dressing of other animals or in a place which is separated from the slaughterline for other species either by an open space of at least 5 metres or by a partition at least 3 metres high;

(c) similar separation shall be required between the sections of any slaughterline for swine in the event of any bends in that line bringing subsequent operations into the vicinity of the section used for scalding, depilation, scraping and singeing.

3. The room and facilities referred to in sub-paragraph 1(j) above shall not be required in any slaughterhouse in which the emptying and cleaning of stomachs and intestines is carried out in the slaughterhouse by means of closed circuit mechanical equipment which has a suitable system of ventilation and which satisfies the following requirements, that is to say-

(i) the equipment is installed and arranged in such a manner that operations for separating intestines from the stomach and for the emptying and cleaning of stomachs can be carried out hygienically and the equipment is located in a special place which is clearly separated from any exposed fresh meat by a partition stretching from the floor to a height of at least three metres and surrounding the area where these operations are carried out;

(ii) the design and operation of the equipment effectively prevents any contamination of fresh meat;

(iii) an air extractor is installed in the equipment which eliminates odours and any risk of aerosol contamination;

(iv) the equipment contains a device for ensuring the closed-circuit evacuation of the residual water and the content of stomachs to the slaughterhouse drainage system;

(v) the routes followed by stomachs to and from the equipment are clearly separated and at a suitable distance from the routes followed by other fresh meat;

(vi) stomachs are removed from such equipment in a hygienic manner immediately they have been emptied and cleaned; and

(vii) staff handling stomachs do not handle, or have access to any other fresh meat.

SCHEDULE 3

CONSTRUCTION, LAYOUT AND EQUIPMENT OF CUTTING PREMISES (EXCEPT LOW THROUGHPUT CUTTING PREMISES) ADDITIONAL REQUIREMENTS

Regulations 4(2)(a)(ii) and (10) and 8(1)(e)

1. In addition to the general requirements contained in Schedule 1 all cutting premises shall have-

(a) suitable and sufficient refrigerated rooms, provided with a recording thermometer or recording telethermometer for each room for-

(i) the storage of fresh meat; and

(ii) the separate storage of packaged fresh meat;

(b) *(omitted)*

(c) a separate room or rooms capable of being securely locked for the retention of fresh meat rejected as being unfit for human consumption, unless such meat is removed as often as may be necessary, and in any case at least once daily, and the quantity of such meat is not sufficient to require the provision of a separate room or rooms; in such circumstances suitable, sufficient and lockable receptacles with closely fitting covers to be provided which shall be used only for holding fresh meat rejected as being unfit for human consumption and to be clearly marked to that effect; any chutes used to transport such meat to be

so constructed and installed as to avoid any risk of contamination of fresh meat which has been declared fit;

(d) *(omitted)*

(e) a suitable room for the storage under hygienic conditions of wrapping and packing material where such operations are carried out in the cutting plant;

(f) an OVS room; and

(g) a suitable place, (which may be situated outside the boundary of the cutting premises) and adequate equipment, for the cleaning and disinfection of vehicles used for the transport of fresh meat.

SCHEDULE 4

CONSTRUCTION, LAYOUT AND EQUIPMENT OF COLD STORES-ADDITIONAL REQUIREMENTS

Regulations 4(2)(a)(iii) and (10) and 8(1)(e)

1. In addition to the general requirements contained in Schedule 1 every cold store shall have-

(a) a suitable system of overhead rails for the handling of carcasses and wholesale cuts, except in any cold store in which only packaged fresh meat is handled and stored;

(b) sufficiently large chilling and refrigeration rooms, which are easy to clean, with adequate means and procedures to enable the internal temperature of fresh meat to be maintained at not more than +7 degsC for carcasses and cuts, +3 degsC for offal and -12 degsC for frozen fresh meat;

(c) a recording thermometer or recording telethermometer in or for each storage area;

(d) OVS facilities; and

(e) except in any cold store in which only packaged fresh meat is handled and stored, a suitable place, (which may be situated outside the boundary of the cold store) and adequate equipment, for the cleaning and disinfection of vehicles used for the transport of fresh meat.

SCHEDULE 5

(omitted)

SCHEDULE 6

(omitted)

SCHEDULE 7

HYGIENE REQUIREMENTS IN RELATION TO STAFF, PREMISES, EQUIPMENT AND IMPLEMENTS

PART I

Regulations 4(2)(a)(i), (ii), (iii) and (v), 8(1)(e) and 13(1)(c)

REQUIREMENTS APPLICABLE IN ALL PREMISES

1. The occupier of any premises shall keep them, or cause them to be kept, in such a state of cleanliness and otherwise so conduct them as to prevent the risk of contamination of any fresh meat in the premises or, in the case of any slaughterhouse, of any blood intended for human consumption, and in particular shall-

(a) ensure that, subject to paragraph 3 of Schedule 9 and sub-paragraph 2(a) of Schedule 11, the premises and any plant, equipment, machinery or implements contained in them are not used for any purpose which is not properly connected with the preparation and storage of fresh meat, and that instruments for cutting up such meat are used solely for that purpose;

(b) ensure that fresh meat and the base of receptacles which contain, or may at any time contain, such meat do not come into contact with any floors, doors, columns, pillars or any other surfaces of any room;

(c) ensure that fresh meat requiring further examination by an inspector or OVS or rejected as unfit for human consumption is handled and transported in a manner avoiding contamination of fresh meat which has been declared fit for human consumption;

(d) ensure that fresh meat or blood intended for human consumption does not come into contact with any fresh meat requiring further examination by an inspector or OVS or rejected as being unfit for human consumption or the inedible by-products of the slaughtering of animals;

(e) ensure that tanks containing water used in the premises are kept fully covered and maintained in a clean state;

(f) where the premises are supplied with water which is only suitable for the purpose of fire fighting or the operation of refrigerators or steam boilers, ensure that any such water is not used for any other purpose;

(g) ensure that all detergents, disinfectants, pesticides and rodenticides used in the premises are of such a kind and are used in such a manner as not to affect the fitness of any fresh meat;

(h) ensure that all equipment and implements which come into contact with fresh meat are kept in a good state of repair and all fixtures, fittings and equipment are kept clean;

(i) ensure that sawdust or any similar substance is not spread on floors;

(j) cause the interior surfaces of any room or other place in which fresh meat or by-products are produced, cut up, handled, stored or packaged, and any room used for the retention of such meat rejected as being unfit for human consumption, to be cleaned and disinfected as often as may be necessary to maintain them at all times in a satisfactory state of cleanliness and in such condition as to prevent the absorption of any blood, refuse, filth or other offensive matter; and ensure that, in any event, the wall and floor surfaces of any room in which fresh meat is produced or cut up shall be thoroughly cleaned and disinfected when such operations are completed for the day;

(k) cause the changing rooms to be kept clean;

(l) ensure that any vehicles referred to in paragraph 1(t) and (u) of Schedule 2, paragraph 1(g) of Schedule 3 for which he is responsible are thoroughly cleaned and disinfected after use in the place provided for such purpose;

(m) cause every sanitary convenience, and the room in which it is situated to be kept clean and every sanitary convenience to be maintained in efficient working order and to be provided with an adequate supply of toilet paper held in a suitable fitting;

(n) ensure that all washing facilities are kept clean and in good working order;

(o) cause a clearly legible notice requesting users to wash their hands after using the convenience to be affixed and maintained in a prominent position near every sanitary convenience;

(p) take all reasonable steps to ensure that no waste, whether solid or liquid, is deposited or allowed to accumulate in premises;

(q) ensure that receptacles (other than manure bays or manure pits) which contain blood, manure, garbage, filth or refuse are kept covered with closely fitting covers; and

(r) ensure that rodents, insects and other vermin are systematically destroyed.

2.- (1) No person shall engage in the handling of fresh meat if he is suffering from or suspected of suffering from, or is the carrier of, any disease or condition which may render a person liable to contaminate fresh meat, or is wearing a bandage on the hands or forearms other than a waterproof dressing protecting a non-infected wound.

(2) As soon as any person engaged in the handling of fresh meat or blood intended for human consumption becomes aware that he is suffering from, or is the carrier of, such disease or condition he shall forthwith give notice of the fact to the occupier or person in charge of the premises.

3. Every person engaged in slaughtering animals or working on or handling fresh meat shall-

(a) wear footwear and light coloured overalls or other suitable clothing, including covering for the hair of the head, and, where necessary, the neck; all of which articles shall, unless disposable, be easily cleanable, reserved exclusively for the use of persons slaughtering animals or working on or handling exposed or wrapped fresh meat, clean at the commencement of every working day and renewed during the day as necessary.

(b) keep as clean as may be reasonably practicable by thorough and frequent washing, in such a manner as to avoid any risk of contamination of fresh meat or blood, of all parts of his person or clothing which are liable to come into contact with any fresh meat or blood, and, in particular, shall wash his hands with hot water and soap or other detergent frequently during the working day and each time work is started and resumed and shall wash his hands and arms in such manner immediately after contact with animals or fresh meat which he knows or suspects to be diseased; and shall not use the same disposable towels more than once to dry hands and arms;

(c) keep any open cuts or abrasions on any exposed part of his person covered with a suitable waterproof dressing;

(d) ensure that all equipment and implements which come into contact with fresh meat are cleansed and subsequently disinfected in water at a temperature of not less than +82 degsC-

(i) prior to commencement of work;

(ii) frequently during the course of each working day.

(iii) immediately after any contact with fresh meat known or suspected to be diseased;

(iv) before re-use after any break in work; and

(v) at the end of each working day;

(e) before being engaged to slaughter animals or work on or handle unpackaged fresh meat, obtain a medical certificate certifying that there is no objection on public health grounds to such activities and produce every such medical certificate on request to an OVS, and any other person liable to come into contact with any fresh meat shall wear the appropriate clothing and footwear described in sub-paragraph (a) above.

4. No person shall-

(a) urinate, defecate or spit except in a sanitary convenience;

(b) bring into or keep in any part of the premises containing fresh meat any article liable to prejudice the maintenance of hygiene or the proper performance of the functions reserved for that part of the premises;

(c) wipe down any carcase or any offal;

(d) use tobacco (including snuff) in any part of the premises which may contain fresh meat or blood intended for human consumption or while he is handling any such meat or blood;

(e) change his clothes in any part of the premises which may contain fresh meat;

(f) take any fresh meat or blood intended for human consumption, or any item of equipment which might come into contact with such meat or blood, into a room or other place which contains a sanitary convenience;

(g) bring into, or permit to be brought into or remain in the premises, any creature (other than one of the species referred to in regulation 2 or a working dog); or bring any working dog or permit any such dog to be brought into or remain in any part of any premises used for the production, cutting up, handling or storage of fresh meat or for the storage of blood intended for human consumption.

5. Every person entering licensed premises shall, before handling any fresh meat or blood intended for human consumption, thoroughly wash all parts of his person that may come into contact with such meat or blood and change into clean clothing and footwear as provided by sub-paragraph 3(a) above.

PART II
(omitted)

SCHEDULE 8

Regulations 4(2)(a)(i) and (iv), 8(1)(a), 11(1)(a),
13(1)(b), 15(3)(b) and 18(2)(b) and (4)

ANTE-MORTEM HEALTH INSPECTION REQUIREMENTS

1. Subject to paragraph 2 below, animals intended for slaughter for sale for human consumption shall undergo ante-mortem health inspection at the slaughterhouse before slaughter and such inspection shall take place-

- (a) not more than 24 hours after arrival; and
- (b) not more than 24 hours before slaughter; and
- (c) at any other time, if required by the OVS.

2. (omitted)

3. The ante-mortem health inspection shall be made under adequate natural or artificial lighting.

4. The ante-mortem health inspection shall determine-

- (a) whether the animals are showing clinical signs of a disease which can be transmitted through the fresh meat to humans or animals or whether there are any indications that such a disease may occur;
- (b) whether they are showing clinical signs of a disease or disorder which would be likely to make fresh meat unfit for human consumption;
- (c) whether they are injured, fatigued or stressed; and
- (d) whether there is visible evidence that substances with pharmacological effects have been administered to them or that they have consumed any other substances which may make fresh meat unfit for human consumption.

5. Animals shall not be slaughtered for the production of fresh meat for human consumption if they-

- (a) show any of the conditions mentioned in sub-paragraphs (4)(a), (b) and (d) of this Schedule;
- (b) have not been rested for an adequate period of time, which, for fatigued or stressed animals, must not be less than 24 hours unless an OVS has determined otherwise; or
- (c) have been found to have any form of clinical tuberculosis.

6.- (1) An animal which shows any of the conditions mentioned in sub-paragraphs 4(a) or (b) of this Schedule shall be taken to and kept in that part of the lairage provided for the isolation of animals which are diseased or injured or suspected of being diseased or injured.

(2) Unless, following a subsequent ante-mortem health inspection, an OVS passes the animal as fit for slaughter for human consumption, he may require that it shall be slaughtered and dressed in the room or alternatively using the method of operation and facilities referred to in sub-paragraph 1(d) of Schedule 2, or in the case of low throughput slaughterhouse, after the completion of slaughter of all other animals for the time being in the lairage.

7. (omitted)

SCHEDULE 9

Regulations 4(2)(a)(i) and (v) and 8(1)(e)

SLAUGHTER AND DRESSING PRACTICES- REQUIREMENTS APPLICABLE IN SLAUGHTERHOUSES

1.- (1) The occupier and persons engaged in the handling of fresh meat shall ensure that-

- (a) animals brought into the slaughterhall of any slaughterhouse are slaughtered without delay;
- (b) in any slaughterhouse where both swine and other animals are slaughtered, swine are slaughtered and dressed in a separate room or alternatively using the method of operation referred to in paragraph 2 of Schedule 2;
- (c) (omitted)
- (d) fresh meat is adequately protected from the risk of contamination at all stages of the slaughtering and dressing process and during storage and despatch, and in particular that-
 - (i) bleeding and dressing processes are not carried out on the floor and no carcase or offal comes into contact with the floor;
 - (ii) during the dressing process adequate precautions are taken to avoid the risk of discharge of materials and fluids from the alimentary tract, urinary bladder and uterus of any animal; and

(iii) offal is removed from the carcase in such a way as to avoid contamination of the offal or the carcase;

(e) bleeding is completed without delay and all blood is immediately swilled down a drain via a suitable trough or collected in a clean receptacle provided for that purpose and, if intended for human consumption, is so kept as to remain readily identifiable with the carcase from which it was collected until the carcase have been inspected in accordance with Schedule 10;

(f) the following are discarded immediately after slaughter-

(i) in the case of sheep and goats, the head, including the tongue and brain, if no part of it is intended for human consumption;

(ii) the penis if it is not intended for human consumption, and an inspector or OVS is satisfied that it shows no pathological symptom or lesion;

(g) without prejudice to paragraph 1(j) of Schedule 2, and sub-paragraph (n) below, and subject to the requirements of regulation 11, the stomachs and intestines of slaughtered animals are removed from the slaughterhall, from the dressing room, unopened, and in such a manner that they do not come into contact with the floor, as soon as possible after they have been separated from the carcase and that they are not opened or cleaned in any part of the premises which contains blood intended for human consumption or any fresh meat other than stomachs or intestines;

(h) slaughtered animals are dressed in the following manner-

(i) in the case of bovine animals, solipeds and farmed deer, by the removal of the hide or skin, (save that the head of any bovine animals under six weeks old and the head of any deer not intended for human consumption need not be flayed provided they are handled in a manner avoiding contamination of fresh meat and that the OVS is satisfied that the heads can be satisfactorily inspected), the tonsils, the horns or antlers (which shall be removed at the time of flaying), the head (save that where retention of the ears on carcasses of bovine animals is necessary for any certification purpose removal of the ears may be delayed until completion of that certification), the viscera (save that the lungs, the heart, the liver, the spleen and the mediastinum may remain attached to the carcase by their natural connections), the genital organs (subject to sub-paragraph (f)(ii) above), the urinary bladder, the feet up to the carpal and tarsal joints and, in the case of lactating animals or animals that have given birth or are in advanced pregnancy, the udder; the kidneys shall be removed from their fatty coverings and their perirenal capsules;

(ii) in the case of swine, by the removal of the tonsils, the hair and bristles (where the bristles are removed by using a debristling agent the carcase must immediately afterwards be rinsed in water which is clean and wholesome) or the skin, the claws, the viscera (save that the lungs, the heart, the liver, the spleen and the mediastinum may remain attached to the carcase by their natural connections), the genital organs (subject to sub-paragraph (f)(ii) above), the urinary bladder, and, in the case of lactating animals or animals that have given birth or are in advanced pregnancy, the udder, the kidneys shall be removed from their fatty coverings and their perirenal capsules;

(iii) in the case of sheep and goats, by the removal of the skin, the head, the viscera (save that the lungs, the heart, the liver, the spleen and the mediastinum may remain attached to the carcase by their natural connections), the genital organs (subject to sub-paragraph (f)(ii) above), the urinary bladder, the feet up to the carpal and tarsal joints and, in the case of lactating animals or animals that have given birth or are in advanced pregnancy, the udder; the kidneys shall be removed from their fatty coverings;

(i) during the flaying of any cow the teats are not excised and are left intact for removal with the udder from the carcase;

(j) no incision is made into the substance of any udder except by or on the direction of an inspector or OVS;

(k) there is no contact between the external surfaces of the skin of any animal and any offal or flayed or partly flayed carcase and there is placing of the unskinned head of any bovine animal under 6 weeks of age, deer, sheep or goat in any room containing fresh meat;

(l) every hide and skin is removed from any part of the slaughterhouse containing any fresh meat or containing any blood intended for human consumption as soon as possible after it has been separated from the carcase, every such hide and skin being removed in such a way that it does not come into contact with the floor;

(m) evisceration is carried out immediately after flaying or depilation as appropriate and completed-

(i) not later than 45 minutes after stunning; or

(ii) in the case of religious slaughter, not later than 30 minutes after bleeding; or
 (iii) in the case of the slaughtered and bled body of an animal brought into a slaughterhouse in accordance with regulation 18(2) no later than 3 hours after slaughter, or

(iv) *(omitted)*

(n) subject to sub-paragraph (g) above, the organs and viscera of any animal are so kept as to remain readily identifiable with the carcase until that carcase has been inspected in accordance with Schedule 10, and any samples required for residue tests under the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulation 1991 have been taken, and the head and feet of any animal are kept available for inspection in the slaughterhouse until an OVS or inspector authorises their removal;

(o) carcase of solipeds, bovine animals over six months old and, subject to paragraph (2) below, swine over four weeks old are split lengthwise through the spinal column before being submitted for inspection in accordance with Schedule 10 and any other carcase or the head of any animal is split lengthwise if an inspector or OVS considers it necessary for the purpose of carrying out the inspection prescribed in Schedule 10;

(p) slaughtered animals are dressed and treated in such a manner as not to prevent or hinder inspection in accordance with Schedule 10 and in particular no carcase is cut up and, subject to sub-paragraph (f) above, no part other than the hide or skin of any slaughtered animal is removed from the slaughterhouse until the inspection prescribed in Schedule 10 has been completed and any samples required for residue tests under the Animals and Animal Products (Examination for Residue and Maximum Residue Limits) Regulations 1997 in their application to the Falkland Islands have been taken, and no action is taken which might alter or destroy any evidence of disease or contamination before inspection;

(q) subject to paragraph 3 of Schedule 11, fresh meat is placed without undue delay in a refrigeration room and is brought progressively to an internal temperature of not more than +7 degsC for carcasses, half carcasses, half carcasses cut into three wholesale cuts and quarter carcasses and +3 degsC for offal, and is subsequently kept constantly at or below that temperature; save that fresh meat shall not be required to be so refrigerated where-

(i) it is removed from any slaughterhouse within 24 hours of slaughter for delivery to cutting premises or butchers' shops;

(ii) such transportation can be completed within one hour; and

(iii) provided it is kept under hygienic conditions before removal from such premises;

(r) meat resulting from trimming of the sticking point, rejected as unfit for human consumption under Schedule 10, Part IX paragraph 8, is removed;

(s) no implement is left in fresh meat; and

(t) where back bleeding ensues upon the slaughter of an animal, the pleura are not completely detached from the carcase until an inspector or OVS authorises their removal.

(2) To take account of technological requirements, or where carcasses are intended for the production of traditional pig products or cuts, the OVS may authorise the submission for inspection of carcasses of swine not split in half.

(3) In sub-paragraph (1)(q) above "refrigeration room " means a room such as is mentioned-

(a) in paragraph 1(i) of Schedule 2;

(b) *(omitted)*

(c) *(omitted)*

(d) *(omitted)*

2. In any slaughterhouse-

(1) where bovine animals, sheep, goats, solipeds or farmed deer are slaughtered and dressed following the slaughter of swine, the occupier shall ensure that thorough cleaning and disinfection of the slaughterhall takes place following the slaughter of swine; and

(2) *(omitted)*

3. (omitted)

SCHEDULE 10

POST-MORTEM HEALTH INSPECTION REQUIREMENTS APPLICABLE IN SLAUGHTERHOUSES

PART I

GENERAL REQUIREMENTS

Regulations 4(2)(a)(i) and (v), 8(1)(b) and (c), 11(1)(a) and (b) and 13(1)(d) and (2)(d)(ii)

1. At every slaughterhouse the carcase and offal and, where appropriate, the blood of each slaughtered animal intended for sale for human consumption shall be inspected without delay by an OVS or inspector acting under his supervision, and any such OVS or inspector shall have regard to-

- (a) the age and sex of the animal;
- (b) the state of nutrition of the animal;
- (c) any evidence of bruising or haemorrhage;
- (d) any local or general oedema;
- (e) the efficiency of bleeding;
- (f) any swelling, deformity or other abnormality of bones, joints, musculature or umbilicus;
- (g) any abnormality in consistency, colour, odour (such as pronounced sexual odours) and, where appropriate, taste;
- (h) the condition of the pleura and peritoneum;
- (i) any other evidence of abnormality.

2. The inspection shall include-

- (a) visual examination of the slaughtered animal and the organs belonging to it;
- (b) palpation of the organs referred to in Parts II to VII of this Schedule and, where considered necessary by an inspector or OVS, the uterus;
- (c) incisions of organs and lymph noted as specified in Parts II to VII of this Schedule; and
- (d) any additional incisions or examinations that an inspector or OVS considers necessary.

PART II

SPECIFIC REQUIREMENTS FOR BOVINE ANIMALS NOT LESS THAN SIX WEEKS OLD

1. In the case of bovine animals not less than six weeks old the inspection shall include-

- (a) visual examination of the head and throat for which purpose of the submaxillary, retro-pharyngeal and parotid lymph nodes shall be examined in detail, examination of the external (masseter) cheek muscles shall be carried out in which at least two deep incisions on each side shall be made and the internal (pterygoid) cheek muscles in which at least one deep incision on each side shall be made; all incisions shall be made parallel to the mandible from its upper muscular insertion, and visual examination and palpation of the tongue, having been freed to permit a detailed visual examination of the mouth and fauces shall be carried out;
- (b) visual examination of the trachea and lungs, for which purpose palpation of the lungs shall be carried out; the bronchial and mediastinal lymph nodes shall be examined in detail and where the lungs are intended for human consumption, the trachea and the main branches of the bronchi shall be opened lengthwise and the lungs shall be incised in their posterior third at right angles to their main axes;
- (c) visual examination of the pericardium and the heart for which purpose the latter shall be incised lengthwise so as to open the ventricles and to cut through the intraventricular septum;
- (d) visual examination of the diaphragm;
- (e) visual examination and palpation of the liver, the hepatic and pancreatic lymph nodes for which purpose the gastric surface of the liver and the base of the caudate lobe shall be incised to examine the bile ducts;

- (f) visual examination of the alimentary tract, the mesentery, the gastric and mesenteric lymph nodes for which purpose the gastric and mesenteric lymph nodes shall be palpated and, where an inspector or OVS considers it necessary, examined in detail;
- (g) visual examination and where an inspector or OVS considers it necessary, palpation of the spleen;
- (h) visual examination of the kidneys and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;
- (i) visual examination of the pleura and peritoneum;
- (j) visual examination of the genital organs except the penis if it has been discarded in accordance with paragraph 1(f)(ii) of Schedule 9;
- (k) visual examination and, where an inspector or OVS considers it necessary, palpation and incision of the udder of a cow and its lymph nodes for which purpose, where the udder is intended for human consumption, each half of it shall be opened by a long deep incision as far as the lactiferous sinuses and its lymph nodes shall be examined in detail and such incisions shall be carried out in such a way that they do not contaminate meat.

PART III
SPECIFIC REQUIREMENTS FOR BOVINE ANIMALS
LESS THAN SIX WEEKS OLD

1. In the case of bovine animals under six weeks old the inspection shall include-
- (a) visual examination of the head and the throat for which purpose the retro-pharyngeal lymph nodes shall be examined in detail; the mouth and fauces shall be examined and the tongue shall be palpated;
 - (b) visual examination of the lungs and trachea, for which purpose palpation of the lungs shall be carried out, the bronchial and mediastinal lymph nodes shall be examined in detail and where the lungs are intended for human consumption the trachea and the main branches of the bronchi shall be opened lengthwise and the lungs shall be incised in their posterior third at right angles to their main axes;
 - (c) visual examination of the pericardium and the heart for which purpose the latter shall be incised lengthwise so as to open the ventricles and cut through the interventricular septum;
 - (d) visual examination of the diaphragm;
 - (e) visual examination and palpation of the liver and the hepatic lymph nodes; visual examination of the pancreatic lymph nodes and, where an inspector or OVS considers it necessary, incision of the liver and examination in detail of the hepatic lymph nodes;
 - (f) visual examination of the alimentary tract, the mesentery, the gastric and mesenteric lymph nodes for which purpose the gastric and mesenteric lymph nodes shall be palpated and, where an inspector or OVS considers it necessary, examined in detail;
 - (g) visual examination and, where an inspector or OVS considers it necessary, palpation of the spleen;
 - (h) visual examination of the kidneys and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;
 - (i) visual examination of the pleura and peritoneum; and
 - (j) visual examination and palpation of the umbilical region and the joints; and, where an inspector or OVS considers it necessary, the umbilical region shall be incised, the joints opened and the synovial fluid examined.

PART IV
SPECIFIC REQUIREMENTS FOR SWINE

1. In the case of swine the inspection shall include-
- (a) visual examination of the head and the throat for which purpose the submaxillary lymph nodes shall be examined in detail; visual examination of the mouth, fauces and tongue;
 - (b) visual examination of the trachea and lungs, for which purpose palpation of the lungs and of the bronchial and mediastinal lymph nodes shall be carried out and where the lungs are intended for human

consumption the trachea and the main branches of the bronchi shall be opened lengthwise and the lungs shall be incised in their posterior third at right angles to their main axes;

(c) visual examination of the pericardium and the heart for which purpose the latter shall be incised lengthwise so as to open the ventricles and to cut through the intraventricular septum;

(d) visual examination of the diaphragm;

(e) visual examination and palpation of the liver and the hepatic lymph nodes; and visual examination of the pancreatic lymph nodes;

(f) visual examination of the alimentary tract, the mesentery and the gastric and mesenteric lymph nodes for which purpose the gastric and mesenteric lymph nodes shall be palpated and, where an inspector or OVS considers it necessary, examined in detail;

(g) visual examination and, where an inspector or OVS considers it necessary, palpation of the spleen;

(h) visual examination of the kidneys and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;

(i) visual examination of the pleura and peritoneum;

(j) visual examination of the genital organs except the penis if it has been discarded in accordance with paragraph 1(f)(ii) of Schedule 9;

(k) visual examination of the udder and supramammary lymph nodes; and, in the case of sows the supramammary lymph nodes shall be examined in detail; and

(l) visual examination and palpation of the umbilical region and joints of young animals; and, where an inspector or OVS considers it necessary, the umbilical region shall be incised and the joints shall be opened.

2. An investigation for "cysticercus cellulosae shall be carried out which shall include examination of the directly visible muscular surfaces, in particular at the level of the thigh muscles, the pillars of the diaphragm, the intercostal muscles, the heart, the tongue and the larynx; and, where an inspector or OVS considers it necessary, the abdominal wall and the psoas muscles shall be freed from fatty tissue.

3. If an abscess is found in the carcase or in any organ of any swine, or if an inspector or OVS has reason to suspect the presence of any such abscess, he shall require the carcase to be split through the spinal column if it has not already been so split and shall examine in detail such of the following lymph nodes as he has not already so examined; superficial inguinal, supramammary, cervical, prepectoral, prescapular, presternal, sublumbar, iliac, precrural and, if he considers it necessary, the popliteal.

PART V

SPECIFIC REQUIREMENTS FOR SHEEP AND GOATS

1. In the case of sheep and goats the inspection shall include-

(a) unless the head, including the tongue and brains, is to be excluded from human consumption, visual inspection of the head after flaying and, where an inspector or OVS considers it necessary, examination of the throat, mouth, tongue, retropharyngeal and parotid lymph nodes;

(b) visual examination of the trachea and lungs, for which purpose palpation of the lungs and of the bronchial and mediastinal lymph nodes shall be carried out and where an inspector or OVS considers it necessary, incision of the lungs and examination in detail of the bronchial and mediastinal lymph nodes;

(c) visual examination of the pericardium and the heart; and, where an inspector or OVS considers it necessary, incision of the heart;

(d) visual examination of the diaphragm;

(e) visual examination and palpation of the liver and the hepatic nodes; and visual examination of the pancreatic lymph nodes; the gastric surface of the liver shall be incised to examine the bile ducts;

(f) visual examination of the alimentary tract, the mesentery and the gastric and mesenteric lymph nodes;

(g) visual examination and where an inspector or OVS considers it necessary, palpation of the spleen;

(h) visual examination of the kidneys and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;

- (i) visual examination of the pleura and peritoneum;
- (j) visual examination of the genital organs except the penis if it has been discarded in accordance with paragraph 1(f)(ii) of Schedule 9;
- (k) visual examination of the udder and its lymph nodes;
- (l) visual examination and palpation of the umbilical region and joints of young animals; where an inspector or OVS considers it necessary, the umbilical region shall be incised and the joints shall be opened.

2. Where an inspector or OVS has reason to suspect that a suppurative condition exists in the carcase of any sheep or lamb he shall-

- (a) examine by palpation as well as by observation such of the lymph nodes as are readily accessible; and
- (b) in the case of a sheep, examine in detail such of the following lymph nodes as he has not already so examined; prescapular, superficial inguinal, precrucial; and, in the case of a lamb, examine in detail such lymph nodes if he has found evidence of disease in the course of visual examination or palpation.

PART VI SPECIFIC REQUIREMENTS FOR SOLIPEDS

1. In the case of solipeds the inspection shall include-

- (a) visual examination of the head and, after freeing the tongue, the throat for which purpose the submaxillary, retro-pharyngeal and parotid lymph nodes shall be palpated and, where considered necessary by an inspector or OVS, incised and visual examination and palpation of the tongue, having been freed to permit a detailed examination of the mouth and the fauces shall be carried out;
- (b) visual examination of the trachea and lungs for which purpose palpation of the lungs, the bronchial and mediastinal lymph nodes shall be carried out and, where an inspector or OVS considers it necessary the lymph nodes shall be examined in detail; and where the lungs are intended for human consumption the trachea and the main branches of the bronchi shall be opened lengthwise and the lungs shall be incised in their posterior third at right angles to their main axes;
- (c) visual examination of the pericardium and the heart; the latter shall be incised lengthwise so as to open the ventricles and to cut through the intraventricular septum;
- (d) visual examination of the diaphragm;
- (e) visual examination and palpation of the liver and the hepatic lymph nodes; visual examination of the pancreatic lymph nodes; and, where an inspector or OVS considers it necessary, incision of the liver and the hepatic and pancreatic lymph nodes;
- (f) visual examination of the alimentary tract, the mesentery, the gastric and mesenteric lymph nodes; and where an inspector or OVS considers it necessary, the gastric and mesenteric lymph nodes shall be examined in detail;
- (g) visual examination and palpation of the spleen;
- (h) visual examination and palpation of the kidneys, and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;
- (i) visual examination of the pleura and peritoneum;
- (j) visual examination of the genital organs of stallions and mares except the penis if it has been discarded in accordance with paragraph 1(f)(ii) of Schedule 9;
- (k) visual examination of the udder and the supramammary lymph nodes; and, where an inspector or OVS considers it necessary, the supramammary lymph nodes shall be examined in detail;
- (l) visual examination and palpation of the umbilical region and joints of young animals; and, where an inspector or OVS considers it necessary, the umbilical region shall be incised and the joints shall be opened; and
- (m) for all grey or white horses, an examination for melanosis and melanomata; the attachment of one shoulder shall be loosened to allow examination of the muscles and the prescapular lymph node, and the kidneys shall be examined after splitting by a longitudinal incision which exposes both cortex and medulla.

2. An investigation for glanders shall be carried out by means of careful examination of mucous membranes of the trachea, larynx, nasal cavities, sinuses and their ramifications, after splitting the head in the median plane and excision of the nasal septum.

PART VII
SPECIFIC REQUIREMENTS FOR FARMED DEER

1. In the case of farmed deer the inspection shall include-

(a) visual examination of the head and throat; the submaxillary, and retro-pharyngeal lymph nodes shall be examined in detail; and where an inspector or OVS considers it necessary, visual examination and palpation of the tongue, having been freed to permit a detailed visual examination of the mouth and fauces;

(b) visual examination of the trachea and lungs for which purpose palpation of the lungs shall be carried out; the bronchial and mediastinal lymph nodes shall be examined in detail; and where the lungs are intended for human consumption the trachea and the main branches of the bronchi shall be opened lengthwise and the lungs shall be incised in their posterior third at right angles to their main axes;

(c) visual examination of the pericardium and the heart; where an inspector or OVS considers it necessary the latter shall be incised lengthwise so as to open the ventricles and to cut through the intraventricular septum;

(d) visual examination of the diaphragm;

(e) visual examination and palpation of the liver, the hepatic and pancreatic lymph nodes; the gastric surface of the liver shall be incised to examine the bile ducts;

(f) visual examination of the alimentary tract, the mesentery, the gastric and mesenteric lymph nodes; and, the gastric and mesenteric lymph nodes shall be palpated and where an inspector or OVS considers it necessary, examined in detail;

(g) visual examination and, where an inspector or OVS considers it necessary, palpation of the spleen;

(h) visual examination of the kidneys and, where an inspector or OVS considers it necessary, incision of the kidneys and examination in detail of the renal lymph nodes;

(i) visual examination of the pleura and peritoneum;

(j) visual examination of the genital organs except the penis if it has been discarded in accordance with paragraph 1(f)(ii) of Schedule 9;

(k) visual examination of the udder and the supramammary lymph nodes;

(l) visual examination and palpation of the umbilical region and joints of young animals; and, where an inspector or OVS considers it necessary, the umbilical region shall be incised and the joints shall be opened; and

(m) the feet, if an inspector or OVS considers it necessary.

2. Where an inspector or OVS has reason to suspect that a suppurative condition exists in the carcase and viscera he shall carry out a visual examination and palpation of such of the lymph nodes as are readily accessible and examine in detail such lymph nodes if he has found evidence of disease in course of visual examination or palpation.

PART VIII
ADDITIONAL REQUIREMENTS WHERE TUBERCULOSIS IS SUSPECTED

Where an inspector or OVS has reason to suspect that any part of the carcase or offal of any animal is infected with tuberculosis, he shall, in addition to carrying out the provisions of the preceding Parts of this Schedule-

(a) in the case of any carcase, require the carcase to be split, examine the vertebrae, ribs, sternum, spinal cord and, if he considers it necessary, the brain, and if a lesion of a kidney is visible or suspected, incise the kidney;

(b) in the case of the carcase of any bovine animal, soliped or farmed deer, examine in detail the following lymph nodes (being lymph nodes not already examined by him in accordance with the provisions of Parts II, III, VI or VII of this Schedule), namely, the superficial inguinal, prepectoral, presternal, suprasternal, xiphoid, subdorsal, intercostal, prescapular, iliac, sublumbar, ischiatic, precrucial and popliteal, those lymph nodes which are least likely to show infection being examined first; and

(c) in the case of the carcase of any swine, examine in detail the following lymph nodes (being lymph nodes not already examined by him in accordance with the provisions of Part IV of this Schedule), namely, the superficial inguinal, cervical, prepectoral, prescapular, sub-dorsal, sublumbar, iliac, precrucial and, if he considers it necessary, the popliteal.

PART IX

INDICATIONS OF UNFITNESS FOR HUMAN CONSUMPTION

1.-(1) If upon inspection of any carcase an inspector or OVS is satisfied that the animal was suffering from any of the following diseases or conditions, he shall regard the whole carcase and all the offal and blood removed or collected from it as being unfit for human consumption-

Actinobacillosis (generalised) or actinomycosis (generalised)

Anaemia (advanced)

Anthrax

Blackleg

Botulism

Bruising (extensive and severe)

Brucellosis (acute)

Cascous lymphadenitis with emaciation

Cascous lymphadenitis (generalised)

Cysticercus bovis (generalised)

Cysticercus cellulosae

Cysticercus ovis (generalised)

Decomposition (generalised)

Emaciation

Enteritis (acute)

Fever

Foot and mouth disease

Glanders

Jaundice

Lymphadenitis (generalised)

Malignant catarrhal fever

Mastitis (acute septic)

Melanosis (generalised)

Metritis (acute septic)

Abnormal odour associated with disease or other conditions prejudicial to health or pronounced sexual odour

Oedema (generalised)

Pericarditis (acute septic)

Peritonitis (acute diffuse septic)

Pleurisy (acute diffuse septic)

Pneumonia (acute septic)

Pyaemia (including joint-ill)

Rabies

Salmonellosis (acute)

Sarcocysts (generalised)

Septicaemia
 Swine erysipelas (acute)
 Swine fever
 Tetanus
 Toxaemia
 Trichinellosis
 Tuberculosis (generalised)
 Tuberculosis with emaciation
 Tumours (malignant with secondary growths or multiple)
 Uraemia
 Viraemia.

(2) An inspector or OVS shall reject as unfit for human consumption any stillborn or unborn carcase and any immature carcase which is oedematous or in poor physical condition, together with any offal or blood removed or collected therefrom. An inspector or OVS shall reject the blood of any animal as unfit for human consumption if he is satisfied-

- (a) that the animal was affected with any infectious condition; or
- (b) that the blood is contaminated by stomach contents or other extraneous matter.

3. An inspector of OVS shall, in determining for the purposes of this Part of this Schedule whether tuberculosis is generalised, take into account the sum of the evidence of disease and the character of the lesions throughout the carcase and, in particular, shall regard evidence of any of the following conditions as satisfactory evidence of generalised tuberculosis-

- (a) military tuberculosis of both lungs with evidence of tuberculosis elsewhere;
- (b) multiple and actively progressive lesions of tuberculosis;
- (c) widespread tuberculosis infection of the lymph nodes of the carcase;
- (d) diffuse acute lesions of tuberculosis of both the pleura and peritoneum associated with an enlarged or tuberculous lymph node of the carcase;
- (e) active or recent lesions present in substance of any two of the following: spleen, kidney, udder, uterus, ovary, testicle, brain and spinal cord or their membranes, in addition to tuberculosis lesions in the respiratory and digestive tracts; and
- (f) in the case of a calf, congenital tuberculosis.

4.- (1) Where an inspector or OVS is satisfied that a carcase or offal is affected with tuberculosis other than generalised tuberculosis with emaciation, he shall reject the following parts of the carcase and offal as unfit for human consumption-

- (a) any part of the carcase infected with localised tuberculosis and any other part contiguous thereto;
- (b) the head including the tongue, when tuberculosis exists in any lymph node associated with the head or tongue; save that where in a particular lymph node or nodes the lesion is small and inactive and the lymph node is not enlarged, he may regard the head or tongue, or both, as fit for human consumption after the removal of the affected lymph node or nodes and the surrounding tissue; and
- (c) any organ or viscera when tuberculosis exists in the substance, or on the surface thereof, or in any lymph node associated therewith.

(2) An inspector or OVS shall reject any part of a carcase and any offal or blood contaminated with tuberculosis material as unfit for human consumption.

5. An inspector of OVS shall regard either of the following conditions as satisfactory evidence of generalised caseous lymphadenitis for the purpose of this Part of this Schedule-

- (a) multiple, acute and actively progressive lesions of caseous lymphadenitis; or
- (b) multiple lesions of caseous lymphadenitis which are inactive but widespread.

6.-(1) Where an inspector or OVS is satisfied-

- (a) that a carcase or offal is affected with caseous lymphadenitis or any other suppurative condition; but

(b) that the condition is not generalised nor associated with emaciation, he shall reject the following parts of the carcass and offal as unfit for human consumption-

(i) any organ and its associated lymph node, when the condition exists on the surface or in the substance of that organ or lymph node; and

(ii) when it does not so exist, the lesion and such of the surrounding parts as he may think proper having regard to the age and degree of activity of the lesion.

(2) For the purposes of sub-paragraph (i) and (ii) above, an old lesion which is firmly encapsulated may be regarded as inactive.

7. Where an inspector or OVS is satisfied that any part of a carcass or any offal is affected with a localised infestation of *Cysticercus bovis*, he shall reject the following parts of the carcass and offal as unfit for human consumption-

(a) the part of the carcass or offal so infested; and

(b) the remainder of the carcass and offal unless he is satisfied that they have been kept in cold storage at a temperature not exceeding -7 degsC for a period of not less than three weeks or at a temperature not exceeding -10 degsC for a period of not less than two weeks.

8. An inspector or OVS shall reject as unfit for human consumption meat resulting from trimming of the sticking point.

9. Where an inspector or OVS is satisfied that the whole or any part of a carcass or any offal is affected by any disease or condition other than one mentioned in paragraphs 1 to 7 above or that it is contaminated, he shall reject as unfit for human consumption the whole carcass and the offal or such lesser part thereof as he may think appropriate to the circumstances of the case.

10. Where an inspector or OVS is satisfied that a part of a carcass or any offal is affected by a slight localised infestation by a parasite not transmissible to man, he may at his discretion reject as unfit for human consumption the part of the carcass or offal so affected together with the tissue immediately surrounding it.

11. Where the blood or offal of several animals is collected in one receptacle an inspector or OVS shall reject as unfit for human consumption the entire contents of that receptacle if fresh meat of any of the animals from which the blood was collected or the offal obtained is declared unfit for human consumption.

12. Fresh meat from horses shall be examined for trichinellosis and shall be rejected as unfit for human consumption if so affected.

13. Where the Director of Agriculture so directs, an OVS or an inspector shall examine fresh meat from swine for trichinellosis and shall reject as unfit for human consumption fresh meat so affected.

14. Without prejudice to paragraph 13 above, where the Director of Agriculture so directs, fresh meat from swine not examined for trichinellosis shall be subjected to cold treatment in accordance with Annex 1 to Directive 77/96/EEC.

SCHEDULE 11
REQUIREMENTS APPLICABLE IN CUTTING PREMISES

Regulations 4(2)(a)(ii) and 8(1)(e)

1. In this Part of the Schedule- "the appropriate receptacles " means the receptacles referred to in paragraph 1(g) of Schedule 1; and "the refrigerated room " means the room referred to in paragraph 1(a)(ii) of Schedule 3.

2. The occupier of the cutting premises shall ensure that-

(a) any of the following at (i) to (vi) below is cut up, prepared or, if unpackaged, stored (as the case may be) in the case of (i), (ii) and (iii) below, in a separate room from, or at other times than, unpackaged fresh meat and in the case of (iv), (v) and (vi) below, separately from unpackaged fresh meat-

(i) *(omitted)*

(ii) *(omitted)*

(iii) *(omitted)*

(iv) minced meat prepared with the addition of spices or similar substances,

(v) meat preparations, and

(vi) meat products, and that any room used for such operations is thoroughly cleaned and disinfected before being used again for the cutting up, preparation or storage of fresh meat;

(b) the products (other than fresh meat) referred to in sub-paragraph (a) above are cut up, prepared or, if unpackaged, stored (as the case may be) separately from each other;

(c) without prejudice to paragraph 3 below, as soon as fresh meat intended for cutting up enters the cutting premises, it is placed in the refrigerated room provided for the reception and storage of such meat awaiting cutting and maintained there at an internal temperature of not more than +7 degsC for carcasses, half carcasses, half carcasses cut into three wholesale cuts and quarter carcasses and +3 degsC for offal;

(d) without prejudice to paragraph 3 below, fresh meat is brought into the cutting room as and when required, that it remains in that room only for the minimum time required to carry out the necessary cutting up operations, and that on completion of cutting up, wrapping and packaging such meat is transferred without undue delay to the refrigerated room and there maintained at an internal temperature of not more than +7 degsC for cut fresh meat and +3 degsC for offal;

(e) fresh meat entering the premises is checked and, if necessary trimmed and the work stations for this task are equipped with suitable facilities and adequate lighting. (f) without prejudice to paragraph 3 below, cutting up does not take place until the fresh meat has reached an internal temperature of not more than +7 degsC for carcasses, half carcasses, half carcasses cut into three wholesale cuts and quarter carcasses and +3 degsC for offal, that during cutting up, wrapping and packaging such meat is kept at an internal temperature of not more than +7 degsC for carcasses and cuts and +3 degsC for offal, and, with the exception of low throughput cutting premises, that while cutting up is taking place the temperature of the room does not exceed +12 degsC;

(g) any splinters of bone and clots of blood are removed from fresh meat during cutting up;

(h) no carcase, offal or cut fresh meat is wiped down;

(i) fresh meat obtained from cutting up and not intended for human consumption is collected in the appropriate receptacles as it is cut up;

(j) no implement is left in fresh meat; and

(k) in the case of fresh meat from bovine animals, obvious nervous and lymphatic tissue is removed and collected in the appropriate receptacles and not used for human consumption.

3. Notwithstanding anything in paragraph 2 above or paragraph 1(1)(q) of Schedule 9- (a) fresh meat may be cut up without first being chilled subject to the following conditions:

(i) the fresh meat is transferred directly and without risk of contamination from a slaughterhouse to cutting premises within the same group of buildings;

(ii) cutting up takes place without delay; and

(iii) as soon as cutting up, wrapping and packaging are completed the fresh meat is placed immediately in the refrigerated room and is brought progressively to an internal temperature of not more than +7 degsC for cut fresh meat and +3 degsC for offal;

(b) fresh meat of bovine animals, sheep and swine may, after having been placed in the refrigerated room, be cut up before reaching an internal temperature of not more than +7 degsC for carcasses and cuts and +3 degsC for offal, provided-

(i) such meat is transferred directly and without risk of contamination from the slaughterhouse to cutting premises within the same group of buildings;

(ii) cutting up takes place, in the case of fresh meat of bovine animals, within 48 hours from the end of slaughtering operations or, in the case of fresh meat of sheep and swine, within 20 hours from the end of slaughtering operations;

(iii) as soon as cutting up, wrapping and packaging are completed the fresh meat is placed immediately in the refrigerated room and is brought progressively to an internal temperature of not more than +7 degsC for carcasses and cuts and +3 degsC for offal; and

(iv) the time between the fresh meat entering the cutting room and being placed in the refrigerated room does not exceed 60 minutes.

SCHEDULE 12

HEALTH MARKINGS

Regulations 2, 8(1) (d), 11(2) and (7) and 13(1)(e) and (2)(a), (c) and (d)(ii)

1. Subject to paragraph 2 below, the health mark shall consist of an oval mark 6.5 cm wide by 4.5 cm high containing in legible form in letters 0.8 cm high and figures 1 cm high the following information-

- (a) on the upper part, the letters " FI " ;
- (b) in the centre, the approval number of the premises;
- (c) *(omitted)*

2. In the case of the fresh meat referred to in Regulation 13(3) the health mark shall consist of a square mark 5.5 cm by 5.5 cm containing in legible form in letters 0.8 cm high and figures 1 cm high the following information;-

- (a) on the upper part, the letters " FI " ;
- (b) in the centre, the approval number of the premises; and
- (c) *(omitted)* .

3.-(1) Carcasses weighing more than 65 kg shall have the health mark applied legibly in ink or hot-branded on each half carcass in at least the following places external surface of the thigh, loins, back, breast and shoulder.

(2) Other carcasses shall have the health mark applied in ink or hot-branded in at least the following places-on the shoulders and on the external surface of the thighs.

4. Livers (including sliced livers) of bovine animals, swine and solipeds shall be hot-branded with the health mark unless they are packaged and all other offal, unless it is wrapped or packaged in accordance with the requirements of Schedule 13, shall have the health mark applied in ink or hot-branded; save that, in the case of bovine animals under three months old, and swine, sheep and goats, health marking of tongues and hearts shall not be compulsory.

5. Cuts from carcasses marked with the health mark and which do not bear a health mark shall have that mark applied in ink or hot-branded unless they are wrapped or packaged in accordance with the requirements of Schedule 13.

6. No colour shall be used for marking fresh meat in accordance with this Schedule if it would be contrary to the Colouring Matter in Food Regulations 1973.

SCHEDULE 13

(omitted)

SCHEDULE 14

STORAGE OF FRESHER MEAT-REQUIREMENTS APPLICABLE IN COLD STORES

Regulations 4(2)(a)(iii), 8(1)(e) and 13(1)(g)

1. The occupier of the cold store shall ensure that fresh meat is-

- (a) kept at a constant internal temperature of not more than +7 degsC for carcasses and cuts, + 3 degsC for offal and -12 degsC for frozen fresh meat;

- (b) handled, loaded, unloaded and stored in an hygienic manner and, in particular, that it is loaded and unloaded under cover;
- (c) adequately protected during storage from the risk of contamination including taint;
- (d) identifiable as to origin while it is being stored; and
- (e) made available for inspection on request by an inspector or OVS.

2. The occupier of the cold store shall ensure that-

- (a) where unwrapped fresh meat or fresh meat wrapped only in stockinette is brought into the cold store for freezing it is not stored on wooden pallets and that during freezing it is suspended from either a rail system or suitable frames of a material resistant to corrosion;
- (b) unfit meat is not stored in the same room as other fresh meat;
- (c) unpackaged fresh meat is stored separate from, or at other times than, packaged fresh meat; and
- (d) unpackaged fresh meat is stored in a separate room, or at other times than, unpackaged poultry meat, farmed rabbit meat, wild game meat, minced meat, meat preparations, meat products or fresh meat originating from premises operating under a temporary derogation granted by the Governor in accordance with Council Directive 91/498/EEC.

SCHEDULE 15

FREEZING OF FRESH MEAT

Regulations 4(2)(a)(iii), 8(1)(e) and 13(1)(i)

1. The occupier of any premises at which fresh meat is to be frozen shall ensure that fresh meat intended for freezing-

- (a) is frozen without delay (which shall not preclude an initial period of stabilisation where appropriate);
- (b) is frozen in a hygienic manner, by a rapid method, using suitable equipment; and, in the case of a slaughterhouse or cutting premises, in rooms in the same premises where it was produced or cut up (as the case may be);
- (c) is frozen so that it reaches an internal temperature of -12 degsC or lower and is not stored at a higher temperature thereafter; and
- (d) is stamped legibly before freezing so as to indicate the month and year in which it is frozen or a label is attached to it after freezing indicating this or, if fresh meat is packaged or wrapped, the packaging or wrapping in which it is placed after freezing is marked clearly and visibly in such a way as to indicate this.

2. The occupier of any cold store shall ensure that fresh meat intended for freezing in a cold store comes directly from a slaughterhouse or cutting premises.

SCHEDULE 16

HEALTH CERTIFICATE

Regulation 14(1)

1. The health certificate which will accompany the fresh meat shall be issued by the OVS at the time when the fresh meat is loaded into the means of transport in which it is to travel.

2. The health certificate shall be provided by the Director of Agriculture and shall correspond in form to, and contain the information specified in, the model in the Annex to this Schedule. It shall be expressed at least in English and, if appropriate, in the language of the country of destination

ANNEX

Health certificate for fresh meat(1)

No. ...

Exporting country ...

Ministry ...

Department ...

Ref.(2) ...

I. Identification of fresh meat:

Fresh meat of ...

(Animal species)

Nature of cuts ...

Nature of packaging ...

Number of cuts or packages ...

Month(s) and year(s) when frozen ...

Net weight ...

II. Origin of fresh meat:

Address(es) and approval number(s) (of the slaughterhouse(s) ...

...

...

Address(es) and approval number(s) of the cutting premises ...

...

...

Address(es) and approval number(s) of the cold store(s) ...

...

...

III. Destination of fresh meat:

The fresh meat will be sent from ...

...

(place of loading)

by the following means of transport(3) to ...

...

(place of destination and if appropriate, country)

...

Name and address of consignor ...

...

Name and address of consignee ...

...

IV. Health attestation:

I, the undersigned, OVS, certify that the fresh meat described above was obtained under the conditions governing production and control laid down in Council Directive 64/433/EEC:

- in a slaughterhouse situated in a restricted region or area(4), or
- is intended for consignment to a relevant EEA State after transit through a third country(4).

Signed at ... on ...

Signature of the official veterinary surgeon

...

(1) Fresh meat, in accordance with the Directive referred to in IV of this certificate, means all edible parts of domestic bovine animals (including buffalo) swine, sheep, goats, solipeds which have not undergone any preserving process and including meat vacuum wrapped in a controlled atmosphere; but chilled and frozen meat shall be considered to be fresh meat.

(2) Optional.

(3) In the case of trucks and lorries, state the registration number, in the case of aircraft the flight number, and in the case of ships, the name, and, where necessary, the number of the container.

(4) delete where not applicable.

SCHEDULE 17TRANSPORT OF FRESH MEAT-REQUIREMENTS APPLICABLE TO OCCUPIERS OR PERSONS RESPONSIBLE FOR THE CONTROL AND MANAGEMENT OF TRANSPORT

Regulations 8(1)(e) and 13(1)(j)

1. Subject to paragraph 1(q) of Schedule 9, fresh meat shall be loaded at a temperature of not more than +7degC for carcasses and cuts, +3degC for offal and -12degC for frozen fresh meat and shall be transported in vehicles so designed and equipped that such meat is maintained at those temperatures throughout the period of transport.

2. The interior surfaces of vehicles used for the transport of fresh meat and any other parts of the vehicles which may come into contact with such meat shall be so finished as to enable them effectively to be kept clean and disinfected and shall be constructed of material resistant to corrosion which does not cause a deterioration in the organoleptic characteristics of the meat or render it harmful to human health.

3.-(1) Vehicles used for the transport of fresh meat shall be provided with efficient devices for protecting the meat against the entry of insects and dust and shall be watertight.

(2) Where such vehicles are used for the transport of carcasses, half carcasses, quarter carcasses and unpackaged cut fresh meat they shall be equipped with fittings of material resistant to corrosion for hanging the meat fixed at such a height that fresh meat cannot come into contact with the floor except that fittings for hanging such meat shall not be required where the meat is transported by aircraft in which suitable facilities resistant to corrosion have been provided for hygienically loading, holding and unloading the meat.

4. Vehicles used for conveying live animals or any substance which may be detrimental to, or contaminate fresh meat, shall not be used for the transport of such meat.

5. Fresh meat shall not be transported in the same vehicle at the same time as any other product likely to affect the hygiene of such meat or to contaminate it unless it is transported in such a manner that it will not contaminate the meat; and packaged meat shall not be transported in the same vehicle and at the same time as unpackaged meat unless an adequate physical separation is provided so as to protect unpackaged meat from packaged meat.

6. Stomachs shall be scalded or cleaned and feet and heads skinned or scalded and depilated before being transported in a vehicle containing other fresh meat.

7. Fresh meat shall not be transported in vehicles which are not properly cleaned and disinfected.

8. Carcasses, half carcasses, wholesale cuts of half carcasses and quarter carcasses, other than frozen fresh meat packaged in a hygienic manner, shall be suspended throughout the period of transport except where such meat is transported by aircraft in which suitable facilities resistant to corrosion have been provided for hygienically loading, holding and unloading fresh meat; other cuts and offal, other than the viscera, shall be hung or placed on supports if not placed in packages of material resistant to corrosion; and the supports shall be clean and corrosion-resistant.

9. The viscera may only be transported in strong, clean and impervious lidded containers or packages which may only be re-used after being cleaned and disinfected.

SCHEDULE 18MODEL DECLARATION TO ACCOMPANY AN ANIMAL FOR SLAUGHTER KNOWN OR SUSPECTED TO BE DISEASED OR INJURED Regulation 17(2)(a)

Name and address of owner/person in charge ...

Telephone No. (if any) ...

Name and Address of owner's veterinary surgeon ...

...

...

Animal: Species. ...

Breed ...

Age ...

Sex ...

Identifying marks (e.g. ear tag number) ...

(n) *(a) The above animal has received no treatment within the last 28 days.

*(b) The withdrawal period for any treatment administered to this animal has been observed.

*delete where not applicable

Describe the signs of disease or injury the animal has exhibited or, if a veterinary surgeon has seen the animal, his diagnosis ...

...

...

Signature ...

Name ...

(Block Capitals)

Status ...

Time and Date...am/pm...199...

Remember

It is an offence to transport a sick or injured animal if this is likely to cause it unnecessary suffering. If in doubt you should consult a veterinary surgeon.

SCHEDULE 19
CERTIFICATE UNDER REGULATION 18(2)
Regulation 18(2)(e)

PART I
TO BE COMPLETED BY THE VETERINARY SURGEON

Name and address of owner

...

...

Telephone No. ...

Animal: Species...Breed...Age...sex &...

Identifying Marks...

Reason for animal being unfit to be transported to a slaughterhouse and reason for slaughter...

...

(1) This animal was bled in an approved manner without delay after shooting/stunning.

Time and date...am/pm...199...

OR

(2) I have issued instructions for the bleeding and stunning of this animal to be conducted in an approved manner.

(delete (1) or (2) as appropriate)

THIS CERTIFICATE IS VALID FOR 6 HOURS, DURING WHICH TIME THE SLAUGHTER OF THE ANIMAL MUST BE CARRIED OUT BY A COMPETENT SLAUGHTERMAN. IF THIS PERIOD IS EXCEEDED, A FURTHER CERTIFICATE WILL BE REQUIRED.

Time and date...am/pm...199...

The animal is to be transported to:

Name of slaughterhouse... ..

After carrying out ante-mortem inspection, making due enquiries, and, where appropriate, carrying out the tests detailed below*, it is my opinion that the animal from which this carcase was produced was not

affected with any disease or condition liable to render the whole carcase unfit for human consumption or that could be transmitted through the meat to humans or animals.

After any necessary inspections and enquiries, there is no evidence that any substances have been administered to the animal that might lead to an illegal residue being present in the meat, nor that the animal consumed any other substance that might render the meat unfit for human consumption.

N.B. If necessary, for reasons of animal welfare, the veterinary surgeon must carry out the slaughter of the animal himself without delay.

*Tests performed and results...

Name of Veterinary Surgeon...

Practice Address...

...

Time and date...am/pm...199...

SIGNED...

PART II
OWNER'S DECLARATION

Owner declaration:

*(a) The above animal has received no treatment within the last 28 days.

*(b) The withdrawal period for any treatment administered to this animal has been observed.

(*delete as applicable)

Name... Status...

Time and date...am/pm...199...

SIGNED...

PART III
TO BE COMPLETED BY THE SLAUGHTERMAN

The bleeding of the animal was conducted in an approved manner, without delay after shooting/stunning.

Name of Slaughterman...

Address...

...

Time and date...am/pm...199...

SIGNED...

N.B. (1) This certificate must be handed on arrival at the slaughterhouse to the OVS or AMI (Part V 18(5) Fresh Meat (Hygiene and Inspection) Regulations 1995).

SCHEDULE 20
(omitted)

SCHEDULE 21
(omitted)

SCHEDULE 22
(omitted)

SCHEDULE 2

Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995

Title and commencement

1. These Regulations may be cited as the Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 and shall come into force on 1st January 1996.

Amendment

2.-(1) The Fresh Meat (Hygiene and Inspection) Regulations 1995 shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)-

(a) the definition of "livestock unit" shall be replaced by the following-

"livestock unit" means 1 soliped, 1 adult bovine animal within the meaning of Council Regulation (EEC) No. 805/68 2 other bovine animals, 5 swine of over 100 kg liveweight, 7 other swine, 10 sheep or goats, or 20 lambs, kids or piglets of under 15 kg liveweight;"

(b) in the definition of "low throughput"-

(i) in paragraph (a)-

(aa) *(omitted)*

(bb) *(omitted)*

(ii) *(omitted)*

(c) after the definition of "relevant EEA State" there shall be inserted the following-

"re-packaging centre" means premises where wrapped meat intended for placing on the market is re-packaged;"

(d) in the definitions of "licensed", and "premises", after "cutting premises," there shall, in each case, be inserted "re-packaging centre,"; and

(e) in the definition of "occupier", after "cutting premises" there shall be inserted ", a re-packaging centre".

(3) In regulation 3(1)(a)(ii), "stored" shall be replaced by "re-packaged exclusively".

(4) Regulation 3(1)(b) shall be replaced by-

"(b) to a cold store which handles only fresh meat which is-

(i) packaged; or

(ii) destined for sale to the final consumer;"

(5) In regulation 4(1)-

(a) after "cutting premises," there shall be inserted "a re-packaging centre,"; and

(b) at the end there shall be added ", except that a person lawfully using any premises as a re-packaging centre prior to 1st January 1996 may continue to use them in that way pending a decision by the Minister on an application for a licence and, where a licence is refused, until the time limit for appealing against such refusal has expired, and, if an appeal is lodged, until the appeal is finally disposed of or abandoned".

(6) In regulation 4(2)(a)(i) and (v), "it was in operation on or before 31st December 1991 and" shall be deleted.

(7) At the end of regulation 4(2)(a), there shall be added-

"(vi) as a re-packaging centre if he is satisfied that the premises comply with Schedule 1 and that the method of operation in those premises complies with Schedules 7 and 14;"

(8) Regulation 4(6) shall be replaced by-

"(6) Any licence granted in respect of any premises under this regulation shall be subject to the condition that any significant alteration to the premises, or the equipment or method of operation in those premises, shall comply with the requirements of these Regulations.

(6A) *(omitted)*

(9) *(omitted)*

(10) *(omitted)*

(11) *(omitted)*

(12) *(omitted)*

(13) At the end of regulation 14(1)(a) there shall be added-

"(vi) in the case of frozen meat, the month and year of freezing, clearly indicated;

(vii) an indication that-

(aa) the meat is intended for processing;

(bb) the meat comes from an establishment which is subject to a recognised programme as referred to in paragraph 15 of Schedule 10; or

(cc) the test referred to in paragraph 15 of Schedule 10 has been carried out;".

(14) After regulation 14(1)(b) there shall be added-

"; and

(c) in the case of meat intended for consignment to a member State which is then intended for export to a third country after processing, when requested by the competent authority in that member State, by an appropriate form of health attestation, the costs of which are to be borne by the operator of the consigning premises".

(15) In regulation 14(3), "for a period of at least one year from the date of receipt" shall be replaced by "so that it can be produced at the request of the enforcement authority".

(16) In regulation 21(4), "(1) or" shall be deleted.

(17) In Schedule I-

(a) in the first line of paragraph 1, after "cutting premises" there shall be inserted ", re-packaging centres"; and

(b) in the first line of paragraph 2, after "cutting premises" there shall be inserted ", re-packaging centre".

(18) *(omitted)*

(19) At the end of paragraph 2(b) of Part II of Schedule 7, after "human consumption", there shall be inserted ", and except that mechanical insufflation may be used for the flaying of lambs and kids of a live weight of less than 15kg, in accordance with hygiene requirements".

(20) In paragraph 1(1) of Schedule 9-

(a) at the end of sub-paragraph (h)(i), there shall be added "the spinal cord shall be removed from bovine animals over six months old;"; and

(b) in sub-paragraph (q)(ii), "one hour" shall be replaced by "two hours".

(21) In paragraph 1(1) of Part IX of Schedule 10, after "generalised" in the entry for Sarcocysts, ", macroscopically visible" shall be inserted.

(22) At the end of Part IX of Schedule 10 there shall be added-

"15. Save where the establishment from which it originates is subject to a programme recognised in accordance with the procedure laid down in Article 16 of Council Directive 64/433/EEC, beef, veal or pigmeat intended for Finland or Sweden shall be subjected to microbiological testing in accordance with one of the two isolation techniques used in the standard method of the International Organisation for Standardisation, ISO 6579:1993, referred to in Section C of the Annex to Council Decision 95/409/EC."

(23) At the end of paragraph 2(k) of Schedule 11, there shall be added-
 "and if the meat is intended for export, or for consignment to an EEA State and it is derived from bovine animals aged over two and a half years at slaughter which have resided on a holding where Bovine Spongiform Encephalopathy has been confirmed within the six years prior to slaughter, the following lymph nodes are removed, collected as above and not used for human consumption: popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal, prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical".

(24) In Schedule 12-

- (a) in paragraph 1, "paragraph 2" shall be replaced by "paragraphs 2 and 7";
- (b) in paragraph 2, at the beginning there shall be inserted "Subject to paragraph 7 below,";
- (c) in paragraph 3 after sub-paragraph (1) there shall be inserted the following new sub-paragraph (1A)-
 "(1A) Lamb, kid and piglet carcasses shall have the health mark applied in at least two places, one on each side of the carcass, on the shoulder or on the external surface of the thigh, and such health mark may be in the form of a label or tag, to be used only once.";
- (d) in paragraph 4-
 - (i) after "solipeds" there shall be inserted "other than wrapped or packaged livers which are not intended for another Member State or an EEA State"; and
 - (ii) "unless they are packaged" shall be deleted;
- (e) paragraph 5 shall be replaced by the following-
 "5. Cuts of fresh meat shall have the health mark applied in ink or hot branded unless-
 (a) they are wrapped or packaged in accordance with the requirements of Schedule 13; or
 (b) they are not wrapped or packaged but come from low throughput premises."; and
- (f) at the end there shall be added-
 "7. In the case of the health marking of fresh meat from lambs, kids or piglets, the dimensions and characters of the health mark may be reduced.".

(25) *(omitted)*

(26) In the first lines of paragraphs 1 and 2 of Schedule 14, after "cold store" there shall be inserted "or re-packaging centre".

(27) In paragraph IV of the model health certificate in the Annex to Schedule 16, a third indent shall be added as follows-
(omitted); and-

- (i) the test referred to in paragraph 15 of Schedule 10 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 has been carried out;
- (ii) the meat is intended for processing; or
- (iii) the meat comes from an establishment which is subject to a programme as referred to in paragraph 15 of Schedule 10 to those Regulations(4)".

(28) Schedule 19 shall be replaced by the schedule set out in the Schedule to these Regulations.

(29) *(omitted)*

SCHEDULE Regulation 2(28)

 SCHEDULE 19 Regulation 18(2)(e)
 CERTIFICATE UNDER REGULATION 18(2)

PART I
 TO BE COMPLETED BY THE VETERINARY SURGEON

Name and address of owner

.....
Telephone No.....

ANIMAL: Species..... Breed..... Age..... Sex.....

Identifying Marks.....

Reason for animal being unfit to be transported to a slaughterhouse and reason for slaughter
.....
.....
.....

(1) This animal was bled in an approved manner without delay after shooting/stunning.

Time and date.....am/pm.....199..

OR

(2) I have issued instructions for the bleeding and stunning of this animal to be conducted in an approved manner.

(delete (1) or (2) as appropriate)

THIS ANIMAL SHALL BE SLAUGHTERED BY A COMPETENT SLAUGHTERMAN WITHIN 24 HOURS OR SUCH SHORTER PERIOD AS MAY BE SPECIFIED BELOW BY THE VETERINARY SURGEON FOR REASONS OF ANIMAL WELFARE. IF THE APPLICABLE PERIOD IS EXCEEDED A FURTHER CERTIFICATE WILL BE REQUIRED.

Time within which slaughter must be carried out (if less than 24 hours)-

.....hours.

Time and date.....am/pm.....199..

The animal is to be transported to:

Name of slaughterhouse
.....
.....
.....

After carrying out ante-mortem inspection, making due enquiries, and, where appropriate, carrying out the tests detailed below*, it is my opinion that the animal from which this carcase was produced was not affected with any disease or condition liable to render the whole carcase unit for human consumption or that could be transmitted through the meat to humans or animals. After any necessary inspections and enquiries, there is no evidence that any substances have been administered to the animal that might lead to an illegal residue being present in the meat, nor that the animal consumed any other substance that might render the meat unfit for human consumption.

N.B. If necessary, for reasons of animal welfare, the veterinary surgeon must carry out the slaughter of the animal himself without delay.

* Tests performed and results
.....

Name of veterinary surgeon
.....

Time and date.....am/pm.....199..

SIGNED

.....

PART II
OWNER'S DECLARATION

Owner declaration:

- *(a) The above animal has received no treatment within the last 28 days.
- *(b) The withdrawal period for any treatment administered to this animal has been observed.

(*delete as applicable)

Name.....Status.....

Time and date.....am/pm.....199..

SIGNED

.....

PART III
TO BE COMPLETED BY THE SLAUGHTERMAN

The bleeding of the animal was conducted in an approved manner, without delay after shooting/stunning.

Name of Slaughterman

.....

Address

.....

.....

Time and date.....am/pm.....199..

SIGNED

.....

N.B. (1) If necessary, for reasons of animal welfare, the veterinary surgeon must carry out the slaughter of the animal himself without delay.

(2) This certificate must be handed on arrival at the slaughterhouse to the OVS.

SCHEDULE 3

Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1996

Title and commencement

1. These Regulations may be cited as the Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1996 and shall come into force on 23rd April 1996.

Amendment

2.- (1) The Fresh Meat (Hygiene and Inspection) Regulations 1995 shall be amended in accordance with paragraph (2) below.

(2) In regulation 7-

(a) at the end of paragraph (1) there shall be added-

"; or

(c) such slaughter takes place pursuant to, and in accordance with, a slaughter scheme introduced by or under Council regulation (EEC) No. 805/68"; and

(b) in paragraphs (8) and (9), after "paragraph (1)(b)" in each case, there shall be inserted "or (c)".

SCHEDULE 4

Welfare of Animals (Slaughter or Killing) Regulations 1995

ARRANGEMENT OF REGULATIONS

PART I

INTRODUCTORY

1. Title, commencement and extent
2. Interpretation
3. Application and exemptions
4. Humane treatment of animals
5. Safeguarding the welfare of animals
6. Animal welfare legislation and codes
7. Codes of practice

PART II

REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS' YARDS

8. Construction, equipment and maintenance of slaughterhouses and knackers' yards
9. The slaughter of animals in slaughterhouses and knackers' yards
10. The killing of animals in slaughterhouses and knackers' yards
11. The killing of pigs by exposure to gas mixtures
12. Additional provisions for the slaughter or killing of horses

PART III

SLAUGHTER AND KILLING ELSEWHERE THAN IN SLAUGHTERHOUSES OR KNACKERS' YARDS

13. Application of Part III
14. The slaughter of animals elsewhere than in a slaughterhouse
15. The killing of animals elsewhere than in a slaughterhouse
16. The slaughter or killing of animals elsewhere than in a slaughterhouse for private consumption
17. The killing or slaughter of animals for the purpose of disease control
18. The killing of fox and mink which are farmed for their fur
19. The killing of surplus chicks and embryos in hatchery waste
20. Awaiting slaughter at place of purchase

PART IV

SLAUGHTER BY A RELIGIOUS METHOD

21. Additional requirements for slaughter by a religious method
22. Exemption for slaughter by a religious method

PART V

EXECUTION, OFFENCES AND PENALTIES

23. Powers of authorised persons
24. Obstruction
25. Offences by bodies corporate
26. Offences and penalties
27. Defence

PART VI

REPEALS, REVOCATIONS AND AMENDMENTS

28. Repeals, revocations and amendments

SCHEDULES

Schedule 1	The licensing of slaughtermen
Schedule 2	The construction, equipment and maintenance of Slaughterhouses and knackers' yards
Schedule 3	Requirements for animals awaiting slaughter or killing
Schedule 4	Restraint of animals before stunning, slaughter or killing
Schedule 5	Stunning or killing of animals other than animals reared for fur
Schedule 6	Bleeding or pithing of animals
Schedule 7	Killing pigs by exposure to gas mixtures
Schedule 8	Additional provisions for the slaughter or killing of horses in slaughterhouses and knackers' yards
Schedule 9	Slaughter or killing methods for the purpose of disease control
Schedule 10	Methods of killing fox and mink
Schedule 11	Killing of surplus chicks and embryos in hatchery waste
Schedule 12	Additional provisions for slaughter by a religious method
Schedule 13	Repeals
Schedule 14	Amendments of enactments and regulations
Schedule 15	Revocations

PART I INTRODUCTORY

Title, commencement and extent

1.-(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) Regulations 1995 and shall come into force on 1st April 1995.

(2) *(omitted)*

(3) *(omitted)*

Interpretation

2.-(1) In these Regulations, unless the context otherwise requires-

"adverse weather condition" means any weather condition, including direct sunlight, which has an adverse affect on the welfare of an animal;

"commercial", in relation to the slaughter or killing of an animal, means slaughter or killing-

(a) in the course or furtherance of a business or for reward;

(b) by, or on behalf of, the purchaser of an animal on premises belonging to, occupied by or under the control of the seller of the animal; or

(c) in a market place;

"container" means any transport crate in which an animal is delivered to a slaughterhouse;

"contravention", in relation to any provision of these Regulations, includes a failure to comply with that provision, and "contravenes" shall be construed accordingly;

"killing", in relation to an animal, means causing the death of the animal by any process other than slaughter;

"lairaging", in relation to an animal, means keeping the animal in a stall, pen, covered area or field used by a slaughterhouse in order to confine it until it is slaughtered or killed or to give it any necessary attention before it is slaughtered or killed;

"movement", in relation to an animal, means unloading it or driving it from an unloading place, stall or pen at a slaughterhouse to the premises or place where

it is to be lairaged, slaughtered or killed;

"pithing", in relation to an animal, means the destruction of its brain tissue after stunning to the extent that irreversible loss of consciousness is ensured;

"restraint", in relation to an animal, means the application of any procedure designed to restrict its movements in order to facilitate effective stunning or killing;

"slaughter", in relation to an animal, means causing the death of the animal by bleeding;

"slaughterhouse" means any premises used for the commercial slaughter or killing of solipeds, ruminants or pigs the flesh of which is intended for human consumption,

including any associated facilities for moving or lairaging such animals and includes abattoir;

"stunning", in relation to an animal, means any process which causes immediate loss of consciousness which lasts until death;

"stunning pen" means a pen or compartment which is suitable for confining adult bovine animals while they are being stunned and which is so constructed that it-

- (a) permits one animal at a time to be confined in it without discomfort;
- (b) prevents any substantial movement forwards, backwards or sideways of an animal confined in it;
- (c) restricts the movement of the head of any animal confined in it without causing the animal any avoidable excitement so as to permit accurate stunning and allows the head of the animal to be released immediately after the animal has been stunned; and
- (d) allows unimpeded access to the forehead of the animal confined in it;

(2) For the purposes of these Regulations, a person permits any act or omission if he knows of, or might reasonably be expected to know of, that act or omission.

(3) Any reference in these Regulations to a numbered regulation or Schedule shall, except where the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(4) Any provision in these Regulations which applies to an animal awaiting slaughter or killing applies until that animal is dead.

Application and exemptions

3.-(1) These Regulations apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, to methods of killing animals for the purpose of disease control.

(2) *(omitted)*

(3) *(omitted)*

(4) *(omitted)*

Humane treatment of animals

4.-(1) No person engaged in the movement, lairaging, restraint, stunning, slaughter or killing of animals shall-

- (a) cause any avoidable excitement, pain or suffering to any animal; or
- (b) permit any animal to sustain any avoidable excitement, pain or suffering.

(2) Without prejudice to paragraph (3) below, no person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of any animal unless he has the knowledge and skill necessary to perform those tasks humanely and efficiently in accordance with these Regulations.

(3) Schedule 1 shall have effect in relation to the licensing of slaughtermen.

(4) Parts II and III below are without prejudice to the generality of paragraphs (1) and (2) above.

Safeguarding the welfare of animals

5. The occupier of a slaughterhouse shall ensure that at all times when there are live animals on the premises a person (whether or not himself) is available who is competent, and who has authority to take whatever action may be necessary to safeguard the welfare of the animals in accordance with these Regulations.

Animal welfare legislation and codes

6.-(1) The occupier of a slaughterhouse shall ensure that any person who is involved in any of the activities governed by these Regulations-

- (a) is acquainted with the provisions of the legislation, and of any welfare codes, relevant to the operations that that person carries out;
- (b) has access to a copy of any such welfare code at the slaughterhouse;
- (c) has received instruction and guidance on the requirements of such legislation and any such welfare code; and
- (d) where, by virtue of paragraph 3 of Schedule 1, any such activity requires a licence, has the appropriate licence.

(2) In this regulation "welfare code " means any current code issued under regulation 7.

Codes of practice

7.-(1) The Governor may from time to time, after consultation with such organisations as appear to him to represent the interests concerned-

- (a) prepare and issue codes of practice for the purpose of providing guidance in respect of these Regulations; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.

(2) *(omitted)*

(3) *(omitted)*

(4) *(omitted)*

(5) The Governor shall cause any code issued or revised under this regulation to be printed and distributed, and may make such arrangements as he thinks fit for its distribution, including causing copies of it to be put on sale to the public at such reasonable price as the Governor may determine.

(6) A failure on the part of any person to follow any guidance contained in a code issued under this regulation shall not of itself render that person liable to proceedings of any kind.

(7) If, in proceedings against any person for an offence consisting of the contravention of any provision of these Regulations, it is shown that, at any material time, he failed to follow any guidance contained in a code issued under this regulation, being guidance which was relevant to the provision concerned, that failure may be relied upon by the prosecution as tending to establish his guilt.

PART II

REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS' YARDSConstruction, equipment and maintenance of slaughterhouses and knackers' yards

8. Schedule 2 shall have effect in relation to the construction, equipment and maintenance of slaughterhouses and knackers' yards.

The slaughter of animals in slaughterhouses and knackers' yards

9. Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse for slaughter, that animal shall be-

- (a) moved and lairaged in accordance with Schedule 3;
- (b) restrained in accordance with Schedule 4;
- (c) subject to regulation 22, stunned before slaughter in accordance with Parts I and II of Schedule 5; and
- (d) bled or pithed in accordance with Schedule 6.

The killing of animals in slaughterhouses and knackery yards

10. Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse for killing, that animal shall be-

- (a) moved and lairaged in accordance with Schedule 3;
- (b) restrained in accordance with Schedule 4; and
- (c) subject to regulation 11, killed in accordance with Parts I and III of Schedule 5.

The killing of pigs by exposure to gas mixtures

11. Schedule 7 shall have effect in relation to the killing of pigs by exposure to gas mixtures.

12. (omitted)

PART III

(omitted)

PART IV

(omitted)

PART V

EXECUTION, OFFENCES AND PENALTIES

Powers of authorised persons

23.-(1) An authorised person, upon producing, if required to do so, some duly authenticated document showing his authority, may at any time enter-

- (a) any slaughterhouse; or
- (b) any land or premises, other than premises used wholly or mainly as a dwelling, where he reasonably suspects that any activity which is governed by these Regulations is, or has been, carried on, for the purpose of ascertaining whether there is or has been any contravention of these Regulations.

(2) An authorised person shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

(3) Without prejudice to the generality of paragraph (2) above, an authorised person may in particular, where he has a reasonable suspicion that there is or has been a contravention of these Regulations-

- (a) take samples (and, if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase;
- (b) take away any carcase or part of a carcase (and, if necessary, send it for laboratory testing);
- (c) require the production of any relevant record or document;
- (d) inspect any relevant record or document;
- (e) take copies of any relevant record or document; and
- (f) take away any relevant record or document.

(4) An authorised person may take with him into the slaughterhouse or onto the premises or land such other persons as he considers necessary, including a representative of the European Commission acting for the purposes of Article 14 of Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing.

Obstruction

24.-(1) No person shall-

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

25.-(1) Where a body corporate is guilty of an offence under these Regulations and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of-

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) *(omitted)*

Offences and penalties

26.-(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence.

(2) Any person guilty of an offence by virtue of regulation 4(2) or (3) or 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence by virtue of regulation 24(1)(c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(5) Paragraph (1) above shall not apply to anything done or omitted by the Governor or an OVS in exercise of functions conferred by these Regulations.

Defence

27. A person who contravenes any provision in these Regulations shall not be guilty of an offence in respect of such contravention if he proves that by reason of accident or other emergency the contravention was necessary for preventing injury or suffering to any person or animal.

PART VI *(omitted)*

SCHEDULE 1 Regulation 4(3) THE LICENSING OF SLAUGHTERMEN

Scope of this Schedule

1. The requirements of this Schedule shall not apply to any person who-
- (a) for emergency reasons relating to the welfare of any animal has to slaughter or kill that animal immediately;
 - (b) slaughters or kills any animal elsewhere than in a slaughterhouse, provided that he is the owner of the animal and the slaughter or killing is for his private consumption;
 - (c) slaughters or kills any animal other than for a commercial purpose;
 - (d) kills by means of a free bullet any animal in the field;

- (e) *(omitted)*
- (f) kills any animal for the purpose of disease control in accordance with Schedule 9;
- (g) *(omitted)*
- (h) *(omitted)*
- (i) operates any automatic equipment used to stun, slaughter or kill any animal without performing any of the operations specified in paragraph 3 below;
- (j) *(omitted)* or
- (k) is a veterinary surgeon acting in the exercise of his profession or a person acting under the direction of a veterinary surgeon so acting.

The licensing of slaughtermen

2. No person shall carry out any of the operations specified in paragraph 3 below except-
- (a) under and in accordance with the terms of a licence granted and registered under paragraph 5 below;
 - (b) *(omitted)*
 - (c) under and in accordance with the terms of a provisional licence granted under paragraph 7 below.

Operations which require a licence

3. The operations mentioned in paragraph 2 above for which a licence is required are any of the following-
- (a) the restraint of any animal for the purpose of stunning, slaughtering or killing that animal;
 - (b) the stunning of any animal;
 - (c) the slaughter of any animal;
 - (d) the killing of any animal;
 - (e) the pithing of any stunned animal;
 - (f) the assessment of effective stunning, pithing or killing of any animal by any person whose duty it is to make such an assessment;
 - (g) the shackling or hoisting of any stunned animal; and
 - (h) the bleeding of any animal which is not dead.

Certificates of competence

4.-(1) In this Schedule "certificate of competence" means-

- (a) a certificate issued under sub-paragraph (2) below by an OVS authorised for the purpose by the Governor ("an authorised OVS");
- (b) *(omitted)*
- (c) *(omitted)*

(2) An authorised OVS shall issue a certificate of competence if-

- (a) having assessed the applicant, the authorised OVS is of the opinion that the applicant-
 - (i) is competent to carry out all the operations mentioned in paragraph 3 above in respect of which he is applying for a certificate without causing avoidable pain, excitement or suffering to any animal; and
 - (ii) has sufficient knowledge of the provisions of all the relevant legislation and of any relevant current code issued under regulation 7 relating to the operations in respect of which he is applying for a certificate;
- (b) the applicant is, in the opinion of the authorised OVS, a fit and proper person to hold a certificate; and
- (c) the applicant is not below the age of 18.

(3) Any person applying for a certificate of competence who has been convicted of any offence mentioned in paragraph 8(b) below shall give to the authorised OVS written details of any such conviction.

(4) Any certificate of competence issued under sub-paragraph (2) above shall specify the matters which it covers, namely-

- (a) the relevant operations mentioned in paragraph 3 above;

- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

The grant and registration of licences

5.-(1) Where the Governor receives a certificate of competence for registration, together with the appropriate fees, he shall grant and register a licence (hereinafter referred to as "a registered licence") if-

- (a) in his opinion the applicant is a fit and proper person to hold a licence; and
- (b) the applicant provides any information required in sub-paragraph (2) below.

(2) Any person applying to the Governor for a registered licence shall give written details if-

- (a) *(omitted)*
- (b) *(omitted)*; or
- (c) he has been convicted of any offence mentioned in paragraph 8(b) below.

(3) Any licence granted and registered under sub-paragraph (1) above shall specify the matters which it covers, namely-

- (a) the relevant operations mentioned in paragraph 3 above;
- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

(4) Any registered licence which is granted under sub-paragraph (1) above shall be valid throughout the Falkland Islands and shall remain in force until any such time as it may be revoked or suspended by the Governor.

Modification of registered licences

6.-(1) Any holder of a registered licence who wishes it to be modified in respect of any of the matters set out in sub-paragraph 5(3) above shall first obtain a provisional licence in respect of those modifications.

(2) A certificate of competence in respect of any modifications shall be obtained in accordance with paragraph 4 above and sent to the Governor in accordance with paragraph 5 above before a registered licence to cover those modifications can be granted.

Grant of provisional licences

7.-(1) An authorised OVS shall grant a provisional licence to any applicant who-

- (a) is, in the opinion of the authorised OVS, a fit and proper person to hold a provisional licence;
- (b) is not below the age of 18; and
- (c) provides any information required by sub-paragraph (2) below.

(2) Any person applying to an authorised OVS for a provisional licence shall give written details if-

- (a) *(omitted)*
- (b) *(omitted)*
- (c) he has had any licence issued under these regulations revoked or suspended by the Governor; or
- (d) he has been convicted of any offence mentioned in paragraph 8(b) below.

(3) Any provisional licence granted in accordance with sub-paragraph (1) above shall specify the matters which it covers, namely-

- (a) the relevant operations mentioned in paragraph 3 above;
- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

(4) A provisional licence shall authorise a person to carry out the matters which it covers only in the presence of, and in accordance with any directions given by, a person who is-

- (a) a veterinary surgeon;

(b) the holder of a registered licence granted in accordance with sub-paragraph 5(1) above and covering the same matters as the provisional licence; or
 (c) *(omitted)*

(5) Any provisional licence granted under sub-paragraph (1) above shall remain in force for such period not exceeding three months as may be specified in the provisional licence and may be renewed at the discretion of an authorised OVS.

(6) Any provisional licence granted under sub-paragraph (1) above shall be valid throughout the Falkland Islands.

Refusal of a provisional licence, a certificate of competence or a registered licence

8. An authorised OVS may refuse to issue a certificate of competence or refuse to grant a provisional licence and the Governor may refuse to grant a registered licence if the applicant-

- (a) has failed to comply with-
 - (i) any condition of any licence previously granted to him under these Regulations; or
 - (ii) *(omitted)*
- (b) has been convicted of an offence under-
 - (i) these Regulations;
 - (ii) *(omitted)*
 - (iii) *(omitted)*
 - (iv) *(omitted)*
 - (v) *(omitted)*
 - (vi) *(omitted)*
 - (vii) *(omitted)*;
 - (viii) *(omitted)*
- (ix) any other provision concerning the welfare of animals.

Suspension and revocation of licences

9.-(1) The Governor may suspend or revoke a registered licence granted under these Regulations, and an authorised OVS may revoke any provisional licence, if-

- (a) he is satisfied that the holder of the licence is no longer a fit and proper person to hold it;
- (b) he is satisfied that the holder of the licence is not, or is no longer, competent to carry out the operations which the licence authorises;
- (c) the holder has failed to comply with-
 - (i) any condition of the licence granted to him under these regulations; or
 - (ii) any condition of a licence previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or
- (d) the holder has been convicted of an offence under any of the provisions set out in paragraph 8(b) above.

(2) An authorised OVS may grant a provisional licence under paragraph 7(1) above to any person whose registered licence has been suspended or revoked.

Fees

10. The Governor may charge an applicant for, or a holder of, a certificate of competence or a licence (as the case may be) such reasonable fees as he may determine in respect of-

- (a) the assessment of the competence of any person who applies for a certificate of competence;
- (b) any assessment of the competence of any person who applies for a modification of his licence; and
- (c) the issue and the registration of the licence.

Appeals system

11.-(1) Where the Governor or the authorised OVS (as the case may be)-

- (a) refuses to issue a certificate of competence;

(i) such equipment and instruments are properly maintained and thoroughly inspected regularly by the occupier or by a competent person acting on his behalf in order to ensure that there is no defect in any of them; and

(ii) any defect found at any time in such equipment or instruments is rectified forthwith.

PART II

ADDITIONAL REQUIREMENTS FOR SLAUGHTERHOUSES OR KNACKERS' YARDS TO WHICH ANIMALS ARE DELIVERED OTHER THAN IN CONTAINERS

Additional requirements for slaughterhouses or knackers' yards to which animals are delivered other than in containers

2. In addition to requirements of paragraph 1 above, the occupier of a slaughterhouse to which animals are delivered other than in containers shall ensure that-

(a) any equipment for unloading such animals is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;

(b) any bridge, ramp and gangway is fitted with sides, railings or some other means of protection to prevent animals falling off them;

(c) any exit and entry ramp has the minimum possible incline;

(d) all passageways are so constructed as to minimise the risk of injury to any animal and so arranged as to take account of the gregarious tendencies of the animals which use them; and

(e) *(omitted)*

Additional requirements relating to lairages other than field lairages

3. The occupier of a slaughterhouse to which animals are delivered other than in containers shall ensure that-

(a) the slaughterhouse is equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather conditions;

(b) any lairage has-

(i) a floor which minimises the risk of slipping and which does not cause injury to any animal which is in contact with it;

(ii) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to any animal, taking into account the extremes of temperature and humidity which may be expected;

(iii) where such ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;

(iv) adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time;

(v) where necessary, suitable equipment for tethering animals; and

(vi) drinking facilities and racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled; and

(c) *(omitted)*

Additional requirements for field lairages

4. The occupier of a slaughterhouse shall ensure that any field lairage-

(a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;

(b) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard;

(c) where necessary, has suitable equipment for tethering animals;

(d) has adequate lighting (whether fixed or portable) available to enable the animals to be thoroughly inspected at any time; and

(e) is provided with drinking facilities and, if necessary, with racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the field lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

PART III
(omitted)

SCHEDULE 3 Regulations 9(a) and 10(a)
REQUIREMENTS FOR ANIMALS AWAITING SLAUGHTER OR KILLING

PART I
INTRODUCTORY

Interpretation

1. In this Schedule "animal" means any soliped, ruminant, pig, rabbit or bird.

PART II
REQUIREMENTS FOR ALL ANIMALS AWAITING SLAUGHTER OR KILLING

General requirements

2. The occupier of a slaughterhouse and any person engaged in the movement of lairaging of animals shall ensure that-

- (a) every animal is unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it is protected from adverse weather conditions and is provided with adequate ventilation;
- (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (c) if any animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (d) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
- (e) pending the slaughter or killing of any sick or disabled animal in the slaughterhouse it is kept apart from any animal which is not sick or disabled; and
- (f) no person drags any animal which has been stunned or killed over any other animal which has not been stunned or killed.

Inspection of animals

3. The occupier of a slaughterhouse shall ensure that the condition and state of health of every animal is inspected at least every morning and evening by him or by a competent person acting on his behalf.

Slaughter or killing of animals which have experienced pain or suffering and unweaned animals

4. The occupier of a slaughterhouse and any person engaged in the movement or lairaging of any animal shall ensure that-

- (a) any animal which has experienced pain or suffering during transport or following its arrival at the slaughterhouse; and
- (b) any animal which is too young to take solid feed, is slaughtered or killed immediately.

Emergency slaughter and killing

5. The occupier of a slaughterhouse and any person engaged in the movement of lairaging of any animal shall ensure that any animal which is unable to walk is not dragged to its place of slaughter or killing but-

- (a) is slaughtered or killed where it lies; or
- (b) if it is possible and to do so would not cause any unnecessary pain or suffering, is transported on a trolley or movable platform to a place of emergency slaughter or killing where it is then immediately slaughtered or killed.

PART III

ADDITIONAL REQUIREMENTS FOR ANIMALS DELIVERED OTHER THAN IN CONTAINERS

Treatment of animals delivered other than in containers

6. In addition to the requirements of Part II above, the occupier of a slaughterhouse and any person engaged in the movement of animals which are delivered other than in a container shall ensure that-

- (a) care is taken not to frighten, excite or mistreat any animal;
- (b) no animal is overturned;
- (c) if any animal is not slaughtered or killed immediately on arrival at the slaughterhouse, it is lairaged; and
- (d) no animal is taken to the place of slaughter or killing unless it can be slaughtered or killed without delay.

The lifting or dragging of animals

7. No person shall lift or drag, or cause or permit to be lifted or dragged, any animal by the head, horns, ears, feet, tail, fleece or any other part of its body in such a way as to cause it unnecessary pain or suffering.

The driving of animals

8. No person shall, in any slaughterhouse or lairage, lead or drive, or cause or permit to be led or driven, any animal over any ground or floor the nature or condition of which is likely to cause the animal to slip or fall.

Moving animals with care

9. The occupier of a slaughterhouse and any person engaged in the movement of any animals shall ensure that every animal is moved with care and, when necessary, that animals are led individually.

Instruments for guiding animals

10. The occupier of a slaughterhouse and any person engaged in the movement of any animal shall ensure that any instrument intended for guiding any animal is used solely for that purpose and only for short periods on individual animals.

Instruments to make animals move

11. No person shall use, or cause or permit to be used, to make any animal move any instrument which administers an electric shock, except that such an instrument which has been designed for the purpose of making an animal move may be used on adult bovine animals and adult pigs which refuse to move, provided that-

- (a) the shocks last no more than two seconds each and are adequately spaced out;
- (b) the animal has room ahead of it in which to move; and
- (c) such shocks are applied only to the muscles of the hindquarters.

Treatment of animals

12.-(1) No person shall strike, or apply pressure to, any particularly sensitive part of the body of any animal.

(2) Without prejudice to the generality of sub-paragraph (1) above, no person shall crush, twist or break the tail of any animal or grasp the eyes of any animal.

(3) No person shall inflict any blow or kick to any animal.

(4) No person shall cause or permit any animal to be treated in contravention of sub-paragraph (1), (2) or (3) above.

Lairaging of animals

13. The occupier of a slaughterhouse and any person engaged in the lairaging of any animal shall ensure that-

- (a) an adequate supply of suitable bedding material is provided for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor;
- (b) any animal which is kept in a lairage has drinking water available to it from appropriate facilities at all times;
- (c) a sufficient quantity of wholesome food is provided for an animal on its arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is slaughtered or killed;
- (d) food is provided in a way which will permit the animals to feed without unnecessary disturbance;
- (e) any animal which is lairaged untethered is able to lie down, stand up and turn round without difficulty; and
- (f) any animal which is lairaged tethered is able to lie down and stand up without difficulty.

PART IV

ADDITIONAL REQUIREMENTS FOR ANIMALS DELIVERED IN CONTAINERS

Handling of animals delivered in containers

14. In addition to the requirements in Part II above, the occupier of a slaughterhouse and any person engaged in the movement of any animal delivered in any container shall ensure that-

- (a) any container in which any such animal is transported is handled with care and is not thrown, dropped or knocked over;
- (b) where possible, the container is loaded and unloaded horizontally and mechanically;
- (c) any animal delivered in a container with a perforated or flexible bottom is unloaded with particular care in order to avoid injury; and
- (d) where appropriate, animals are unloaded from the containers individually.

Slaughter or killing of animals delivered in containers

15. The occupier of a slaughterhouse and any person engaged in the movement or handling of any animal shall ensure that-

- (a) any animal which has been transported in a container is slaughtered or killed as soon as possible; and
- (b) if slaughter or killing is delayed and if it is necessary-
 - (i) the animal has drinking water available to it from appropriate facilities at all times; and
 - (ii) a sufficient quantity of wholesome food is provided for the animal on its arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is slaughtered or killed.

PART V

(omitted)

SCHEDULE 4 Regulations 9(b), 10(b) and 14(a)

RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILLING

1. In this Schedule "animal" means any soliped, ruminant, pig, rabbit or bird.
2. No person shall stun, slaughter or kill, or cause or permit to be stunned, slaughtered or killed, any animal without restraining it in an appropriate manner in such a way as to spare it any avoidable pain, suffering, agitation, injury or contusions.
3. Without prejudice to the generality of paragraph 2 above, no person shall-
 - (a) in any slaughterhouse, stun, or cause or permit to be stunned, any adult bovine animal, unless at the time it is stunned it is confined in a stunning pen or in a restraining pen which (in either case) is in good working order;
 - (b) *(omitted)*
 - (c) *(omitted)*

4. No person shall-
- (a) place, or cause or permit to be placed, any adult bovine animal in a stunning pen; or
 - (b) fasten, or cause or permit to be fastened, the head of any adult bovine animal,
- unless the person who is to stun the animal is ready to do so as soon as the animal is placed in the stunning pen or its head is fastened.
5. No person shall tie, or cause or permit to be tied, the legs of any animal.
- 6.-(1) No person shall suspend, or cause or permit to be suspended, any animal before stunning or killing.
- (2) *(omitted)*
- (3) For the purposes of this paragraph, any animal which is held in a restraint system is not regarded as being suspended.
7. The occupier of a slaughterhouse and any person engaged in the stunning or killing of any animal shall ensure that any animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.
8. No person shall use, or cause or permit to be used, any electrical stunning or killing equipment or any other instrument which applies an electric current to animals-
- (a) as a means of restraining any animal;
 - (b) as a means of immobilising any animal; or
 - (c) except in accordance with paragraph 11 of Schedule 3, as a means of making any animal move.
9. *(omitted)*

SCHEDULE 5 Regulations 9(c), 10(c), 14(b), 15 and 16(b)
STUNNING OR KILLING OF ANIMALS

PART I
INTRODUCTORY

Interpretation

1. In this Schedule "animal" means any soliped, ruminant, pig, rabbit or bird.

General provision

2. The occupier of a slaughterhouse and any person engaged in the stunning or killing of any animal shall ensure that any instrument, restraining equipment and other equipment, and any installation, which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing in accordance with these Regulations.

PART II
STUNNING

Stunning of animals

3. No person shall stun, or cause or permit to be stunned, any animal unless it is possible to-
- (a) bleed or pith it without delay and in accordance with Schedule 6; or
 - (b) kill it without delay and in accordance with Part III of this Schedule.

Permitted methods of stunning animals

4. No person shall stun any animal, or cause or permit any animal to be stunned, except by one of the following methods-

- (a) captive bolt;
- (b) concussion; or
- (c) electronarcosis.

Specific requirements for stunning by use of a captive bolt instrument

5.-(1) No person shall use, or cause or permit to be used, a captive bolt instrument to stun any animal unless-

- (a) subject to sub-paragraph (3) below, the instrument is positioned and applied so as to ensure that the projectile enters the cerebral cortex; and
- (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person shall shoot, or cause or permit to be shot, any bovine animal in the back of the head.

(3) No person shall shoot, or cause or permit to be shot, any sheep or goat in the back of its head, unless the presence of horns prevents use of the top or the front of its head, in which case it may be shot in the back of the head provided that-

- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
- (b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed within 15 seconds of shooting in accordance with Part III of this Schedule.

6. Any person who uses a captive bolt instrument shall check that the bolt is retracted to its full extent after each shot and if it is not so retracted shall ensure that the instrument is not used again until it has been repaired.

Specific requirements for stunning by concussion

7.-(1) Subject to sub-paragraph (2) below, no person shall stun, or cause or permit to be stunned, by concussion any animal except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant, in accordance with the manufacturer's instructions to produce an effective stun without fracture to the skull by administering a non-penetrative blow to the skull.

(2) *(omitted)*

Specific requirements for stunning by electronarcosis-electrodes

8. No person shall use, or cause or permit to be used, electrodes to stun any animal unless-

- (a) the electrodes are so placed that they span the brain, enabling the current to pass through it;
- (b) appropriate measures are taken to ensure that there is good electrical contact; and
- (c) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

9. No person shall use, or cause or permit to be used, electrodes to stun any animal individually unless the apparatus-

- (a) incorporates a device which-
 - (i) measures the impedance of the load; and
 - (ii) prevents operation of the apparatus unless a current can be passed which is sufficient to render an animal of the species being stunned unconscious until it is dead;
- (b) incorporates an audible or visible device indicating the length of time of its application to an animal; and
- (c) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

10. *(omitted)*

11. (omitted)

12. (omitted)

PART III
KILLING

Methods of killing animals

13. No person shall kill, or cause or permit to be killed, any animal except by one of the following methods-

- (a) free bullet;
- (b) electrocution;
- (c) (omitted) or
- (d) exposure of pigs and birds to gas mixtures in accordance with Schedule 7.

Specific requirements for killing by electrocution

14. No person shall kill, or cause or permit to be killed, any animal by electrocution unless-

- (a) the strength and duration of the current used are sufficient to kill immediately an animal of that species; and
- (b) the animal has been stunned in accordance with paragraph 5 or with paragraphs 8 and 9 or with paragraphs 10 and 11 above.

SCHEDULE 6 Regulations 9(d) and 14(c)
BLEEDING OR PITHING OF ANIMALS

1. In this Schedule "animal" means any soliped, ruminant, pig, rabbit or bird.

2.-(1) The occupier of a slaughterhouse shall ensure that any animal that has been stunned before bleeding or pithing is bled or pithed without delay after it has been stunned.

(2) Any person engaged in the bleeding or pithing of any animal which has been stunned shall ensure that the animal is bled or pithed without delay after it has been stunned.

(3) (omitted)

(4) (omitted)

3.-(1) Subject to sub-paragraph (3) below, any person engaged in the bleeding of any animal that has been stunned shall ensure that-

- (a) the bleeding is rapid, profuse and complete;
- (b) the bleeding is completed before the animal regains consciousness; and
- (c) the bleeding is carried out by severing at least one of the carotid arteries or the vessels from which they arise.

(2) Subject to sub-paragraph (3) below, after severance of at least one of the carotid arteries or the vessels from which they arise of any animal that has been stunned before bleeding, no person shall cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of-

- (a) (omitted)
- (b) (omitted)
- (c) in the case of bovine animals, a period of not less than 30 seconds; and
- (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.

(3) Sub-paragraphs (1) and (2) above shall not apply to any animal which has been pithed.

4.-(1) Where one person is responsible for the stunning and pithing, or for the stunning, shackling, hoisting and bleeding, of animals, or for some of those operations, such operations must be carried out by him consecutively in respect of one animal before being so carried out by him in respect of another animal.

(2) (omitted)

5. (omitted).

SCHEDULE 7 Regulation 11
KILLING PIGS BY EXPOSURE TO GAS MIXTURES

PART I
GENERAL

Scope

1. This Schedule shall apply only to pigs.

Interpretation

2. In this Schedule "bird" means any domestic fowl or turkey.

PART II
THE KILLING OF PIGS BY EXPOSURE TO CARBON DIOXIDE

The killing of pigs by exposure to carbon dioxide

3.-(1) Subject to paragraphs 4 to 6 below, pigs may be killed at a slaughterhouse by exposure to carbon dioxide gas mixture in a chamber provided for the purpose (hereinafter referred to as "a chamber").

(2) For the purposes of this Part, a carbon dioxide gas mixture (hereinafter referred to as the "gas mixture") shall mean at least 70% carbon dioxide by volume in atmospheric air.

Construction of the chamber

4. The occupier of a slaughterhouse at which a chamber is used shall ensure that-

(a) the chamber and the equipment used for conveying any pig through the gas mixture are designed, constructed and maintained-

(i) so as to avoid injury to any pig;

(ii) so as to avoid compression of the chest of any pig;

(iii) so as to enable each pig to remain upright until it loses consciousness;

(iv) so as to enable the pigs to see each other as they are conveyed in the chamber; and

(v) so that once a pig enters the chamber, it is conveyed to the point in the chamber of maximum concentration of the gas mixture within a maximum period of 30 seconds;

(b) there is a means of visually monitoring pigs which are in the chamber;

(c) adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings;

(d) the installation has an apparatus which maintains the required concentration by volume of carbon dioxide in the gas mixture in the chamber;

(e) the chamber is fitted with devices which-

(i) measure the concentration by volume of carbon dioxide in the gas mixture at the point of maximum exposure;

(ii) when the chamber is in operation, continuously display the concentration by volume of carbon dioxide as a percentage of the gas mixture at the point of maximum concentration in the chamber; and

(iii) give clearly visible and audible warning signals if the concentration by volume of carbon dioxide falls below 70%;

(f) there is a means of flushing the chamber with atmospheric air with the minimum of delay; and

(g) there is a means of access to any pig with the minimum of delay.

The operation of the chamber

5. The occupier of a slaughterhouse at which a chamber is used shall ensure that-
- (a) each pig is exposed to the gas mixture for long enough to ensure that it is killed;
 - (b) any such chamber is properly maintained; and
 - (c) every person engaged in the killing is properly instructed as to-
 - (i) the method of operation of the chamber;
 - (ii) the procedures for any necessary flushing of the chamber with atmospheric air; and
 - (iii) the procedures for any necessary evacuation of pigs from the chamber.
6. The occupier of a slaughterhouse at which a chamber is used and any person engaged in the killing of pigs by exposure to carbon dioxide shall ensure that-
- (a) no pig enters the chamber if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 70%; and
 - (b) no pig is passed through or allowed to remain in the chamber at any time when the visible and audible warning signals provided for in paragraph 4(e)(iii) above have been activated or when there is any defect in the operation of the chamber.

PART III
(omitted)

SCHEDULE 8
(omitted)

SCHEDULE 9 Regulation 17
SLAUGHTER OR KILLING METHODS FOR THE PURPOSE OF DISEASE CONTROL

Interpretation

1. In this Schedule-

"animal" means any soliped, ruminant or pig; and

"disease control" means the control by the Governor of any disease which is notifiable by or under the provisions of the Animal Health Act 1981 in its application to the Falkland Islands.

Permitted methods of slaughtering or killing animals for the purpose of disease control

2. No person shall slaughter or kill any animal for the purpose of disease control, or cause or permit any animal to be slaughtered or killed for that purpose, except by one of the following methods-

- (a) free bullet;
- (b) electrocution;
- (c) exposure to carbon dioxide or to a lethal concentration of other gases or gas mixtures;
- (d) (omitted)
- (e) captive bolt, provided that-
 - (i) the animal is either pithed or the blood vessels in its neck are severed without delay afterwards and in any event before the animal regains consciousness; and
 - (ii) apart from the requirements in (i) above, nothing more is done to the animal before it has been ascertained that the animal is dead; or
- (f) lethal injection of-
 - (i) a drug with anaesthetic properties which causes rapid loss of consciousness followed by death; or
 - (ii) any other compound if preceded by the induction of anaesthesia.

Specific requirements for killing for the purpose of disease control by electrocution

3. No person shall kill any animal for the purposes of disease control by electrocution, or cause or permit any animal to be so killed, unless-

- (a) the strength and duration of the current used are sufficient to kill immediately an animal of that species; and

(b) the animal has been stunned in accordance with paragraph 5, or with paragraphs 8 and 9, or with paragraphs 10 and 11 of Schedule 5.

Specific requirements for stunning by use of a captive bolt instrument

4.-(1) No person shall use, or cause or permit to be used, a captive bolt instrument to stun any animal prior to its slaughter or killing for the purpose of disease control unless-

(a) subject to sub-paragraph (3) below, the instrument is positioned so as to ensure that the projectile enters the cerebral cortex; and

(b) the instrument is applied in the proper position and the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person shall shoot, or cause or permit to be shot, any bovine animal in the back of the head.

(3) No person shall shoot, or cause or permit to be shot, any sheep or goat in the back of its head, unless the presence of horns prevents use of the top or the front of its head, in which case it may be shot in the back of the head provided that-

(a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and

(b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed within 15 seconds of shooting in accordance with Part III of Schedule 5.

5. Any person who uses a captive bolt instrument shall check that the bolt is retracted to its full extent after each shot and if it is not so retracted shall ensure that the instrument is not used again until it has been repaired.

SCHEDULE 10

(omitted)

SCHEDULE 11

(omitted)

SCHEDULE 12

(omitted)

SCHEDULE 13

(omitted)

SCHEDULE 14

(omitted)

SCHEDULE 15

(omitted)

SCHEDULE 5

Welfare of Animals (Transport) Order 1997

ARRANGEMENT OF ARTICLES

Article

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2. Application
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SCHEDULE 2:

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Revocations and disapplication

Title and commencement

1. This Order may be cited as the Welfare of Animals (Transport) Order 1997 and shall come into force on 1st July 1997.

Application

2.-(1) Subject to paragraphs (2) and (3) below, this Order shall apply to the transport of -

(a) the following domestic animals: cattle, sheep, pigs, goats and horses;

(b) *(omitted)*

(c) *(omitted)*

(d) *(omitted)*

(e) *(omitted)*

and for the purposes of the Animal Health Act 1981 in its application to this Order and in its application to the Falkland Islands the definition of animals in section 87 of that Act shall be extended to cover all the above.

(2) This Order (except as provided for in paragraph (3) below) shall not apply:

(a) to transport which is not of a commercial nature;

(b) to the transport of any individual animal accompanied by a natural person who has responsibility for the animal during transport;

(c) to the transport of pet animals accompanying their owner on a private journey.

(3) *(omitted)*

(4) *(omitted)*

(5) *(omitted)*

(6) *(omitted)*

Interpretation

3.-(1) In this Order, unless the context otherwise requires-

"cattle" means all domestic animals of the bovine species;

"Community" means the European Community;

"goats" means all domestic animals of the caprine species;

"horse" means a horse, pony, ass, hinny or mule;
 "journey" means transport from place of departure to place of destination;
 "means of transport" means those parts (including detachable parts) of road vehicles, rail wagons, vessels and aircraft used for loading and carrying animals;
 "partition" includes the wall of any pen;
 "pen" includes a box or stall;
 "pigs" means all domestic animals of the porcine species;
 "place of departure" means, subject to paragraphs (2) and (3) below, the place at which the animal is first loaded on to a means of transport, or any place where the animals have been unloaded and accommodated for 24 hours or more, watered, fed and, if necessary, cared for, but excluding any transfer point or place where animals are rested in the course of a journey;
 "place of destination" means the place at which an animal is finally unloaded from a means of transport, but excluding any transfer point or place where animals are rested in the course of a journey;
 "ramp" includes the door of a vehicle or rail wagon which is used as a loading ramp and any loading bridge or gangway;
 "receptacle" means any crate, box or other rigid container used for the transport of animals which is not self-propelled and does not form a part (whether detachable or not) of a means of transport;
 "rest period" means a continuous period in the course of a journey during which animals are not being moved by a means of transport;
 "sheep" means any domestic animal of the ovine species;
 "transfer point" means a place where transport is interrupted in order to transfer animals from one means of transport to another;
 "transport" means any movement of animals, effected by a means of transport, and includes loading and unloading the animals;
 "transporter" means any natural or legal person transporting animals-
 (a) on his own account,
 (b) for the account of a third party, or
 (c) by providing a third party with a means of transport of animals, where such transport is of a commercial nature and carried out for the purpose of gain;
 "transport of a commercial nature" means transport in the course of a trade or business;
 "vehicle" means in relation to the transport of animals by road, any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;
 "vessel" includes hovercraft; and
 "veterinary inspector" means an OVS

(2) (omitted)

(3) (omitted)

(4) Unless the context otherwise requires, any reference in this Order to a numbered article or Schedule is a reference to that article or Schedule in this Order.

(5) Any reference in this Order to a Community instrument is a reference to that instrument as amended at the date this Order is made.

(6) Any certificate or approval under this Order shall be in writing and may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

General provisions on the protection of animals in transport

4.-(1) No person shall transport any animal in a way which causes or is likely to cause injury or unnecessary suffering to that animal.

(2) Without prejudice to the generality of paragraph (1) above, a master of a vessel shall not transport any animal by sea, and a commander of an aircraft shall not transport any animal by air, if in his judgement the animal is likely to be caused injury or unnecessary suffering in the course of the transport due to adverse weather, sea or air conditions likely to be encountered during the voyage or flight.

(3) Any person transporting cattle, sheep, pigs, goats or horses shall do so in accordance with Schedules 1 and 2.

(4) *(omitted)*

(5) *(omitted)*

(6) *(omitted)*

(7) *(omitted)*

Space allowance

5.-(1) Without prejudice to the generality of article 4(1), no person shall transport any animal on a journey of over 50 km in a way which is likely to cause injury or unnecessary suffering because of the amount of space available to each animal.

(2) In deciding whether or not the space available is adequate, a transporter shall-

(a) have regard to the limits set out in Chapter VI of Council Directive 91/628/EEC (on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC); and

(b) consider the animal's weight, size and physical condition, the means of transport, the weather conditions and the likely journey time.

Fitness of animals to travel

6.-(1) No person shall transport any animal unless-

(a) it is fit for the intended journey, and

(b) suitable provision has been made for its care during the journey and on arrival at the place of destination.

(2) Without prejudice to the generality of paragraph (1) above, for the purposes of this article an animal shall not be considered fit for its intended journey if it is ill, injured, infirm or fatigued, unless it is only slightly injured, ill, infirm or fatigued and the intended journey is not likely to cause it unnecessary suffering.

(3) For the purposes of this article mammals shall not be considered fit for transport if they-

(a) are likely to give birth during transport;

(b) have given birth during the preceding 48 hours; or

(c) are new-born animals in which the navel has not completely healed.

(4) For the purposes of this article, infant mammals specified in article 2(1)(d) which are not accompanied by their mother shall not be considered fit for their intended journey if they are incapable of feeding themselves.

(5) *(omitted)*

(6) Notwithstanding the provisions of paragraphs (1) and (2) above, any cattle, sheep, pigs, goats and horses may be transported to the nearest available place for veterinary treatment or diagnosis, or to the nearest available place of slaughter if the animal is not likely to be subject to unnecessary suffering by reason of its unfitness. However, an animal transported under the provisions of this paragraph may not be dragged or pushed by any means, or lifted by a mechanical device, unless this is done in the presence of and under the supervision of a veterinary surgeon who is arranging for it to be transported with all practicable speed to a place for veterinary treatment.

(7) *(omitted)*

Treatment of sick animals

7.-(1) Where animals fall ill or are injured during transport, the person in charge of the animals shall ensure that they receive first-aid treatment as soon as possible, that they are given appropriate

veterinary treatment and if necessary are slaughtered in a way which does not involve unnecessary suffering.

(2) Without prejudice to the generality of paragraph (1), where an animal which is being transported by sea or air falls ill or is injured during the journey, the master of the vessel or the commander of the aircraft shall, if he considers it necessary having regard to the availability of appropriate veterinary treatment or of landing the animal without causing it unnecessary suffering, cause it to be slaughtered in a way which does not involve unnecessary suffering.

(3) Subject to the provisions of section 46 of the Animal Health Act 1981 (which provides for the slaughter of injured horses), the requirements of paragraph (2) shall not apply in relation to horses.

Feeding and watering, travelling times and rest periods

8.-(1) No person shall transport animals unless, at an appropriate time before the journey begins, and as appropriate to the species, the animals are accommodated in a place which is not a means of transport, offered liquid and food and if necessary cared for.

(2) In the case of cattle, sheep, pigs and goats, the transporter shall ensure that they are rested, and offered liquid and food during a journey at least in accordance with Schedule 7.

(3) *(omitted)*

(4) *(omitted)*

(5) *(omitted)*

(6) Nothing in this article or Schedule 7 shall require the unloading of any animal which normally lives on its means of transport.

(7) *(omitted)*

Accompaniment of vertebrate animals by competent persons

9.-(1) Any transporter who transports vertebrate animals on a journey of over 50 km shall ensure that the persons to whom he entrusts the animals includes at least one person who has either-

- (a) specific training, or
- (b) equivalent practical experience,

qualifying him to handle and transport vertebrate animals and to administer, if necessary, appropriate care, and who has sufficient knowledge of and abilities in the competencies set out in Schedule 8 to enable him to safeguard the welfare of the animals being transported.

(2) *(omitted)*

(3) *(omitted)*

(4) *(omitted)*

(5) *(omitted)*

(6) *(omitted)*

Duties on transporters

10.-(1) Any person transporting animals shall ensure that the animals are transported without delay to their place of destination.

(2) In the case of animals transported in a receptacle, any person in charge of the animals shall ensure that they are not caused injury or unnecessary suffering while they are in the receptacle either waiting to be loaded on to the means of transport or after they have been unloaded.

IATA and CITES

11.- (1) No person shall transport an animal by air except in compliance with the standards set by the International Air Transport Association.

(2) No person shall transport an animal to which the Convention on International Trade in Endangered Species refers except in compliance with the CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with the standards set by the International Air Transport Association.

Authorisations and registration

12.-(1) No person shall transport vertebrate animals by sea or air, or by any other means of transport involving a journey over 50 km, except under-

(a) in the case of a transporter established in the Falkland Islands, an authorisation granted under this article to the transport undertaking by the Director of Agriculture;

(b) *(omitted)*

(c) in the case of a transporter established in a member State, an equivalent authorisation to transport animals granted by the competent authority of the member State of establishment for the purposes of implementing Council Directive 91/628/EEC; or

(d) in the case of a transporter established in a third country, an authorisation to transport animals granted by the competent authority of a member State of the European Union for the purposes of implementing Council Directive 91/628/EEC.

(2) An authorisation granted by the Director of Agriculture under this article-

(a) shall be in writing;

(b) may be general or, after 1st October 1997, specific; and

(c) may be made subject to conditions

(3) The provisions of Schedule 9 relating to authorisations shall have effect.

(4) In the case of a transporter authorised outside the Falkland Islands, if the Director of Agriculture is satisfied that serious or repeated infringements have taken place against this Order or any other legislation implementing Council Directive 91/628/EEC in the United Kingdom, provided that all the possibilities afforded by mutual recognition referred to in that directive have been exhausted and after contacts between the parties and the Commission, the Director of Agriculture may, by notice in writing served on the transporter, temporarily prohibit the transporter from transporting vertebrate animals in the Falkland Islands.

(5) Any person requiring a specific authorisation under this Order shall register as a transporter with the Director of Agriculture.

13. *(omitted)*

Animal Transport Certificate

14.-(1) A transporter shall ensure that, except where a route plan is required, all animals which he is transporting are accompanied throughout the journey (subject to the provisions of Schedule 7 Part II relating to markets) by documentation stating-

(a) the name and address of the transporter;

(b) the name and address of the owner of the animals;

(c) the place that the animals were loaded, and their final destination;

(d) the date and time the first animal was loaded;

(e) the date and time of departure; and

(f) the time and place the requirements for resting periods laid down in Schedule 7 were met.

(2) *(omitted)*

(3) *(omitted)*

(4) The transporter shall keep a copy of the documentation for a period of 6 months from the completion of the journey, and shall produce it to an OVS on demand and allow copies to be taken.

(5) Where a copy of the documentation required to be kept in accordance with paragraph (4) above is kept in an electronic or magnetic form, references in that paragraph-

(a) to production of the copy shall be, if the OVS so requires, references to its production in a written form; and

(b) to allowing copies to be taken, shall be references to the taking thereof in a written form.

Exceptions

15.-(1) Where cattle, sheep, pigs, goats or horses are transported for a distance of 50 km or less, to, from or within land used for agricultural purposes in a vehicle owned by the owner or occupier of that land and the vehicle has an internal length of not more than 3.7 m available for the carriage of animals, then the following provisions shall not apply-

(i) article 14 (documentation);

(ii) paragraph 4 of Part I of Schedule 2 (overhead protection);

(iii) paragraph 5 of Part I of Schedule 2 (provision of barriers or straps);

(iv) paragraph 11 of Part II of Schedule 2 (internal ramps and lifting gear); and

(v) *(omitted)*

(2) Where cattle, sheep, pigs, goats or horses are transported for a distance of 50 km or less in a vehicle which is used exclusively, in the course of a single day, for the transport of such animals between the same two points, other than between two markets, paragraph 26(1) of Part II of Schedule 1 (Cleaning and disinfection) shall not apply.

16. *(omitted)*

Enforcement

17.-(1) This Order shall be executed and enforced by the local authority.

(2) The appropriate Director of Agriculture may direct, in relation to cases of a particular description or a particular case, that this Order shall be executed and enforced by him and not by the local authority.

Powers of an OVS

18.-(1) Where an OVS considers that animals are being transported, or are about to be transported, in a way which is likely to cause injury or unnecessary suffering, or in any other way in contravention of any provision of this Order, he may serve a notice on the person appearing to him to be in charge of the animals requiring that person to take any action necessary to ensure compliance with this Order, giving reasons for the requirements.

(2) Without prejudice to the generality of paragraph (1) above, an OVS may in particular-

(a) prohibit that transport of the animals, either indefinitely or for a period specified in the notice;

(b) specify conditions under which the animals may be transported;

(c) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;

(d) require the animals to be held in suitable accommodation with appropriate care until the problem is solved; or

(e) require the humane slaughter of the animals.

(3) If it is necessary for identification purposes, an OVS may mark an animal and it shall be an offence against the Animal Health Act 1981 in its application to the Falkland Islands for any person to remove, deface, obliterate or alter such mark.

(4) If any person fails to comply with the requirements of a notice served under this article, the OVS shall have powers to carry out those requirements himself, or cause them to be carried out, and the transporter shall be liable for the cost of such action.

(5) In deciding whether or not to serve a notice under this article, an OVS may take into account any previous failure to comply with any provision of this Order or of any other Order made under section 37, 38 or 39 of the Animal Health Act 1981 in its application to the Falkland Islands and in particular any failure to submit a completed and correct route plan at the end of any previous journey.

Production of plans

19.-(1) The owner or charterer of any vessel to be used for the transport of animals shall-

- (a) produce to an officer of the Director of Agriculture, on demand, plans of the vessel (including details of its ventilation and any fittings for livestock); and
- (b) subject to paragraph (2), provide such information concerning the vessel as the officer considers necessary to enable him to ascertain whether the provisions of this Order will be complied with during the proposed journey.

(2) No person shall be obliged by virtue of paragraph (1) to provide any information which he cannot, with the exercise of reasonable diligence, obtain.

Offences by bodies corporate

20.-(1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of,

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3)(omitted)

Offences

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

- (a) contravenes or fails to comply with any provision of this Order;
- (b) provides false information on any documentation carried pursuant to article 14;
- (c) makes any entry in a record or statement, or gives any information for the purposes of this Order which he knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
- (d) causes or permits any of the above, commits an offence against the Animal Health Act 1981 in its application to the Falkland Islands.

22.(omitted)

SCHEDULE 1 Article 4(3) to (6)

PART I

GENERAL REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF MEANS OF TRANSPORT AND RECEPTACLES FOR ALL ANIMALS

Avoidance of injury and suffering

1. Means of transport, receptacles, and their fittings shall be constructed, maintained and operated so as to avoid injury and unnecessary suffering and to ensure the safety of the animals during transport, loading and unloading.

Substantial construction

2. Every part or fitting of a means of transport or receptacle which may be exposed to the action of the weather shall be constructed, maintained and operated so as to withstand the action of the weather.

Size

3. The accommodation available for the carriage of animals shall be such that the animals are, unless it is unnecessary having regard to the species of animal and the nature of the journey, provided with adequate space to lie down.

Floors

4. Any floor on which animals stand or walk during loading, unloading or transport shall be-

- (a) sufficiently strong to bear their weight;
- (b) constructed, maintained and operated to prevent slipping; and
- (c) free of any protrusions, spaces or perforations which are likely to cause injury to animals.

Weather and sea conditions

5. Means of transport and receptacles shall be constructed, maintained and operated so as to protect animals against inclement weather, adverse sea conditions, marked fluctuations in air pressure, excessive humidity, heat or cold.

Projections and sharp edges

6. Means of transport and receptacles shall be free from any sharp edges and projections likely to cause injury or unnecessary suffering to any animal being carried.

Cleanliness

7. Means of transport and receptacles shall be constructed, maintained and operated so as to allow appropriate cleaning and disinfection.

Escape-proof

8. Means of transport and receptacles shall be escape-proof.

Noise and vibration

9. Means of transport and receptacles shall be constructed, maintained and operated so as to ensure that animals are not likely to be caused injury or unnecessary suffering from undue exposure to noise or vibration.

Lighting

10.-(1) Means of transport and receptacles shall have sufficient natural or artificial lighting to enable the proper care and inspection of any animal being carried.

(2) Passageways, ramps and other loading equipment shall be provided with adequate natural or artificial lighting to enable the animals to be loaded or unloaded safely.

(3) Artificial lighting required by this paragraph may be provided using a portable light.

Use of partitions

11.-(1) Partitions shall be used if they are necessary-

- (a) to provide adequate support for animals; or
- (b) to prevent animals being thrown about during transport.

(2) When partitions are used, they shall be positioned so as to prevent injury or unnecessary suffering to animals as a result of-

- (a) lack of support; or
- (b) being thrown about during transport.

Design of partitions

12. Partitions shall be-

- (a) of rigid construction;
- (b) strong enough to withstand the weight of any animal which may be thrown against them; and
- (c) constructed and positioned so that they do not interfere with ventilation.

13. (omitted)

14. (omitted)

15. (omitted)

Special provisions for transport by water or air

16. Animals being transported by water or air shall-

- (a) be accommodated in suitable pens or receptacles unless they are in a vehicle or rail wagon on board a vessel or aircraft; and
- (b) where necessary, be secured to protect them against injury from the motion of the vessel or aircraft.

Additional provisions for transport by water

17. There shall be adequate passageways on a vessel providing access to all pens, receptacles, vehicles or rail wagons in which animals are accommodated.

18. All parts of a vessel in which animals are accommodated shall be provided with adequate drainage and shall be kept in a sanitary condition.

19.-(1) Enclosed decks of a vessel in which animals are transported (whether in vehicles or otherwise) shall be provided with an adequate means of mechanical ventilation.

(2) Vehicles in which animals are being transported in an enclosed deck shall, where possible, be placed near a fresh air inlet.

(3) Where animals are transported in rail wagons on board vessels, adequate ventilation shall be provided for animals throughout the voyage.

20. Where animals are transported by water, there shall be provisions for isolation of ill or injured animals during the voyage and for first aid treatment to be given, when necessary.

21. Where animals are transported in vehicles on board vessels-

- (a) the animals' compartment shall be properly fixed to the vehicle;
- (b) the vehicle and the animals' compartment shall be equipped with tying facilities enabling them to be adequately secured to the vessel;
- (c) the animals' compartment shall have a sufficient number of vents or other means of ensuring that it is adequately ventilated bearing in mind that the air flow is restricted in the confined space of the vessel's vehicle deck;
- (d) there shall be sufficient room inside the animals' compartment (at each of its levels) to ensure that there is adequate ventilation and sufficient air space to allow the air to circulate properly; and
- (e) direct access shall be provided to each part of the animals' compartment so that the animals can, if necessary, be cared for, fed and watered during the voyage.

PART II

GENERAL PROVISIONS FOR THE TRANSPORT OF ALL ANIMALS

Jolting

22. Animals shall not be transported in such a way that they are severely jolted or shaken.

Loading and unloading

23. Animals shall be loaded and unloaded in such a way as to ensure that they are not caused injury or unnecessary suffering by reason of-

- (a) the excessive use of anything used for driving animals; or
- (b) contact with any part of the means of transport or receptacle or with any other obstruction.

Emergency unloading

24. Unless an animal can be loaded and unloaded in accordance with the provisions of paragraph 10(6) or (7) of Part II of Schedule 2 below, a vehicle shall, at all times, carry the means to enable

animals to be unloaded without causing them injury or unnecessary suffering at a place where there is no other unloading equipment.

Segregation of animals and goods

25.-(1) Goods which are being transported in the same means of transport as animals shall be positioned so that they do not cause injury or unnecessary suffering to the animals and in particular goods which could prejudice the welfare of animals shall not be carried in pens or receptacles in which animals are transported.

(2) A carcase shall not be carried in the same road vehicle, receptacle, rail wagon or pen as an animal, other than the carcase of an animal which dies in the course of a journey.

Cleaning and disinfection

26.-(1) Animals shall be loaded only into means of transport or receptacles which have been thoroughly cleaned and where appropriate, disinfected.

(2) Dead animals, soiled litter and droppings shall be removed from means of transport or receptacles as soon as possible.

Litter

27. Floors on which animals are transported shall be covered with sufficient litter to absorb urine and droppings unless equally effective alternative arrangements are in place or unless urine and droppings are regularly removed.

Labelling of receptacles

28. Receptacles in which animals are transported shall-

- (a) be marked or labelled so as to indicate that they contain live animals and the species of those animals;
- (b) be marked with a sign indicating the receptacle's upright position; and
- (c) be kept in an upright position.

Securing of receptacles

29. Receptacles shall be secured so as to prevent their displacement during transport.

Humane slaughter on vessels and aircraft

30. Vessels and aircraft on which animals are transported shall carry appropriate means for effecting the humane slaughter of the type of animal being carried if necessary.

Attendants

31.-(1) In order to ensure the necessary care of the animals during transport, consignments of animals shall be accompanied by a sufficient number of attendants, taking into account the number of animals transported and the duration of the journey.

(2) At least one attendant shall accompany the animals except in the following cases-

- (a) where animals are transported in receptacles which are secured, adequately ventilated and, where necessary, contain enough food and liquid, in dispensers which cannot be tipped over, for a journey of twice the anticipated time;
- (b) where the transporter performs the function of attendant; or
- (c) where the consignor has appointed an agent to care for the animals at appropriate stopping or transfer points.

SCHEDULE 2

Article 4(3)

PART I

ADDITIONAL REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF
MEANS OF TRANSPORT AND RECEPTACLES FOR CATTLE, SHEEP, PIGS, GOATS AND
HORSES

Size and height

1. The accommodation available for the carriage of animals shall be such that the animals are provided with adequate space to stand in their natural position.

Ventilation

2. Means of transport and receptacles shall be constructed, maintained, operated and positioned so as to provide appropriate ventilation and sufficient air space above the animals to allow air to circulate properly.

Inspection of interior of receptacles

3.-(1) Receptacles shall be constructed, maintained and positioned so that they allow for the inspection and care of the animals, including, if necessary, the feeding and watering of the animals.

(2) Without prejudice to the generality of paragraph (1) above, receptacles carrying animals in an aircraft-

(a) in the lower deck compartment, shall be constructed, maintained and positioned so that all the animals may be inspected and, if necessary, cared for when the aircraft is on the ground; and

(b) in the main deck compartment, shall be constructed, maintained and positioned so as to provide access to every animal throughout the journey.

Special provisions for road vehicles

4. Vehicles shall be equipped with a roof which ensures effective protection against the weather.

5. Vehicles shall be equipped, on each floor on which animals are carried (other than in receptacles), with barriers, or, in the case of a vehicle exclusively used for the transport of horses, with straps, so constructed and maintained as to prevent any animal from falling out of the vehicle when any door used for loading and unloading is not fully closed.

6.-(1) Every ramp which is carried on or forms part of a vehicle shall be constructed, maintained and operated-

(a) to prevent slipping;

(b) so that it is not too steep for the age and species of the animal being transported;

(c) so that any step at the top or bottom of the ramp is not too high for the age and species of the animal being transported; and

(d) so that any gap between the top of the ramp and the vehicle or at the bottom of the ramp is not too wide for the age and species of the animal being transported.

(2) In this paragraph, a ramp shall be considered too steep, a step shall be considered too high and a gap shall be considered too wide, if animals using the ramp are likely to be caused injury or unnecessary suffering by reason of the slope of the ramp, the height of the step or the width of the gap.

7. Vehicles (other than vehicles in which animals are being carried in receptacles) shall be constructed so that all the animals inside can be inspected from the outside, and for this purpose shall be provided with suitably arranged openings and footholds.

8. In the case of animals which are normally required to be tied, suitable provision shall be made so that animals may be tied to the interior of the vehicle.

Approval of receptacles and pens on vessels

9.-(1) In the case of journeys beginning in the Falkland Islands receptacles or pens used on an exposed deck of a vessel shall have been approved by the Director of Agriculture before the animals are loaded.

(2) The Director of Agriculture shall not grant an approval under this paragraph unless he is satisfied that, having regard to the weather and sea conditions likely to be encountered during the voyage, the receptacle or pen provides adequate protection against the sea and weather.

PART II

ADDITIONAL PROVISIONS FOR THE TRANSPORT OF CATTLE, SHEEP,
PIGS AND GOATS

Loading equipment

10.-(1) Animals shall be loaded and unloaded in accordance with this paragraph.

(2) Save as provided in sub-paragraphs (6) and (7) below they shall be loaded and unloaded using suitable ramps, bridges, gangways or mechanical lifting gear, operated so as to prevent injury or unnecessary suffering to any animal.

(3) The flooring of any loading equipment shall be constructed so as to prevent slipping.

(4) Subject to sub-paragraph (6) below, ramps, bridges, gangways and loading platforms shall be provided on each side with protection which is-

(a) of sufficient strength, length and height to prevent any animal using the loading equipment from falling or escaping; and

(b) positioned so that it will not result in injury or unnecessary suffering to any animal.

(5) *(omitted)*

(6) An animal may be loaded or unloaded by means of manual lifting or carrying if the animal is of a size that it can easily be lifted by not more than two persons and the operation is carried out without causing injury or unnecessary suffering to the animal.

(7) An animal may be loaded or unloaded without equipment or by manual lifting or carrying provided that, having regard to the age, height and species of the animal, it is unlikely to be caused injury or unnecessary suffering by being loaded or unloaded in this manner.

Internal ramps and means of lifting

11.-(1) Animals shall be moved from one floor or deck of a vehicle, vessel or receptacle to another in accordance with this paragraph.

(2) Save as provided in sub-paragraph (4) below, suitable ramps or mechanical lifting gear shall be used and operated so as to prevent injury or unnecessary suffering to any animal.

(3) Where a ramp or mechanical lifting gear is used it shall be-

(a) provided on each side with protection which is of sufficient strength, length and height to prevent any animal using it from falling or escaping;

(b) positioned so that it will not result in injury or unnecessary suffering to any animal; and

(c) of a gradient which is suitable to the age and species of the animals concerned.

(4) Manual lifting or carrying may be used if the animal is of a size that can easily be lifted by no more than two persons and the movement is carried out without causing injury or unnecessary suffering to the animal.

Tying

12. When animals are tied, the ropes or other attachments used shall be-

(a) strong enough not to break during normal transport conditions;

(b) designed in such a way as to eliminate any danger of strangulation or injury, and

(c) long enough to allow the animals, if necessary, to lie down and to eat and drink.

13. Animals shall not be tied by the horns, or by nose rings.

Segregation of animals

14.-(1) Save as provided in sub-paragraphs (2) and (4), the following animals shall not be carried in an undivided vehicle, rail wagon, pen or receptacle with other animals-

(a) a cow accompanied by a calf or calves it is suckling;

(b) a sow accompanied by unweaned piglets;

- (c) *(omitted)*;
- (d) a bull over 10 months of age;
- (e) a breeding boar over 6 months of age; or
- (f) *(omitted)*.

(2) Bulls may be carried with other bulls, boars with other boars if they have been raised in compatible groups or are accustomed to one another.

(3) Save as provided in sub-paragraph (4), animals shall be segregated according to species.

(4) Animals of any species may be carried in the same undivided vehicle, pen or receptacle as their companion animals if separation would cause either of the animals distress.

(5) No unsecured animal shall be carried in the same undivided vehicle, pen or receptacle as any animal which is secured other than-

- (a) unweaned young transported with their dam or other animal which they are suckling, or
- (b) *(omitted)*

(6) No animal shall be carried with another animal if, having regard to the differences in age and size between those animals, injury or unnecessary suffering is likely to be caused to one or both of the animals.

(7) Measures shall be taken to avoid injury or unnecessary suffering to any animal as a result of the carriage in the same vehicle, pen or receptacle of animals which are hostile to each other or are fractious.

(8) Measures shall be taken to avoid any animal being caused injury or unnecessary suffering by an animal which becomes fractious during the journey.

(9) Uncastrated male adults shall be segregated from females unless they have been raised in compatible groups or are accustomed to one another.

(10) Horned cattle shall be segregated from unhorned cattle unless they are all secured.

(11) *(omitted)*

(12) *(omitted)*

Restrictions on lifting, dragging and use of force on animals

15.-(1) Without prejudice to the provisions of article 6(6), animals shall not be suspended by mechanical means, nor lifted or dragged by the head, horns, legs, tail or fleece.

(2) No person shall use excessive force to control animals.

(3) Subject to sub-paragraph (4) below, no person shall use-

- (a) any instrument which is capable of inflicting an electric shock to control any animal;
- (b) any stick, goad or other instrument or thing to hit or prod any cattle of six months or under; or
- (c) any stick (other than a flat slap stick or a slap marker), non-electric goad or other instrument or thing to hit or prod any pigs.

(4) The prohibition in sub-paragraph (3)(a) above shall not apply to the use of any instrument of a kind mentioned in that sub-paragraph, on the hindquarters of any cattle over the age of six months or on adult pigs which are refusing to move forward when there is space for them to do so, but the use of any such instrument shall be avoided as far as possible.

(5) Nothing in this provision shall prevent the suspension by mechanical means of a receptacle in which an animal is being carried.

Duties of attendants

16.-(1) The attendant or consignor's agent shall look after the animals, and, if necessary, feed, water and milk them.

(2) Animals in milk shall be milked at appropriate intervals and, in the case of cows in milk, that interval shall be about 12 hours but shall not exceed 15 hours.

17. (omitted)

18. (omitted)

19. (omitted)

20. (omitted)

21. (omitted)

22. (omitted)

Special provisions for transport by water

23. Vessels used for the transport of animals shall, before sailing, be provided with sufficient supplies of liquid for drinking (unless they are equipped with a suitable system allowing its production) and appropriate foodstuffs, having regard to the species and number of animals being transported as well as the duration of the voyage.

SCHEDULE 3

(omitted)

SCHEDULE 4

(omitted)

SCHEDULE 5

(omitted)

SCHEDULE 6

(omitted)

SCHEDULE 7 Articles 8, 13 and 14

PART I

**WATERING AND FEEDING INTERVALS, JOURNEY TIMES AND RESTING PERIODS FOR
CATTLE, SHEEP, PIGS, GOATS**

1. Subject to the provisions of this Schedule, journey times shall not exceed 8 hours.
2. The maximum journey time in paragraph 1 may be extended where the transporting vehicle meets the following additional requirements:
 - (a) there is sufficient bedding on the floor of the vehicle,
 - (b) the transporting vehicle carries appropriate feed for the animal species transported and for the journey time,
 - (c) there is direct access to the animals,
 - (d) there is adequate ventilation which may be adjusted depending on the temperature (inside and outside),
 - (e) there are movable panels for creating separate compartments,
 - (f) vehicles are equipped for connection to a water supply during stops, and
 - (g) in the case of vehicles for transporting pigs, sufficient liquid is carried for drinking during the journey.
3. The watering and feeding intervals, journey times and rest periods which shall apply when a road vehicle meets the requirements in paragraph 2 are as follows-

(a) unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets must, after 9 hours of travel, be given a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed. After this rest period, they may be transported for a further 9 hours;

(b) pigs may be transported for a maximum period of 24 hours. During the journey, they must have continuous access to liquid;

(c) *(omitted)*; and

(d) all other cattle, sheep and goats to which this Schedule applies must, after 14 hours of travel, be given a rest period of at least one hour sufficient for them in particular to be given liquid and, if necessary, fed. After this rest period, they may be transported for a further 14 hours.

4. At the end of the journey time laid down, animals must be unloaded, fed and watered and be rested for at least 24 hours.

5. Animals must not be transported by train if the maximum journey time exceeds 8 hours. However, the journey times laid down in paragraph 3 shall apply where the conditions laid down in paragraphs 2 and 3, except for rest periods, are met.

6.-(1) Animals must not be transported by sea if the maximum journey time exceeds that laid down in paragraph 1, unless the conditions laid down in paragraphs 2 and 3, apart from journey times and rest periods, are met.

(2) *(omitted)*

7. *(omitted)*

PART II
(omitted)

SCHEDULE 8 Article 9
FRAMEWORK OF COMPETENCES

1. Knowledge of which people are responsible for the welfare of animals during transport.

2. Understanding of when to seek veterinary help and knowledge of which body or organisation to contact with general questions, for example, about transport conditions; matters of law or documentation.

3. Knowledge of the powers of enforcement authorities to inspect animals, documentation and vehicles before, during and after the journey.

4. Basic knowledge of the authorisation requirements for transporters and when such authorisation is necessary.

5. Knowledge of how to plan a journey (taking into account such factors as maximum travelling times, required rest periods, and the time taken to load and unload). Ability to anticipate changing conditions and make contingencies for unforeseen circumstances.

6. Understanding of when a route plan or documentation are required and how to complete these documents.

7. Knowledge of vehicle construction and use requirements in current welfare legislation.

8. Ability to load, operate and control a vehicle safely, efficiently and effectively so as to ensure the welfare of the animals.

9. Knowledge of the appropriate methods of handling animals during loading and unloading, including the use of visual fields and flight zones, lighting and the appropriate use of such things as sticks, boards, blindfolds and electric goads. Knowledge of handling methods which are prohibited.
10. Knowledge of the specific requirements of the Order relating to different species for rest, feed and liquid.
11. Knowledge of stocking densities (effects of overcrowding and understocking) and headroom and segregation requirements, taking into account species being transported, method of transport, gender, condition, age, length of journey and ambient conditions.
12. Understanding of the importance for animal welfare of temperature, both inside and outside the vehicle, including the effect on different species and the need for adjustment of ventilation.
13. Ability to clean and disinfect vehicles and knowledge of when it is necessary to do so before and after the journey.
14. Elementary knowledge of the causes of stress in animals; ability to recognise the signs of stress and ill-health, and basic knowledge of how to reduce the symptoms.
15. Ability to care for animals which become unfit or injured during transport, including an understanding of when to seek veterinary advice. Knowledge of the limited circumstances when it is permissible to transport unfit animals for veterinary treatment or slaughter.

SCHEDULE 9 Article 12
PROVISIONS RELATING TO AUTHORISATIONS

Specific and general authorisations

- 1.-(1) An authorisation may be-
 - (a) a specific authorisation, that is, an authorisation issued by the Director of Agriculture to a transporter named in the authorisation on an application made by him, which covers such activities as are described in the authorisation, or
 - (b) a general authorisation, that is, an authorisation issued by the Director of Agriculture which does not name individual transporters and which covers such transporters resident in the Falkland Islands (or, in the case of a body corporate, incorporated in the Falkland Islands) and such activities as are described in the authorisation.
- (2) After 1st October 1997 a specific authorisation shall be required for any transporter who transports cattle, sheep, pigs, goats and horses, except for those transporters concerned only with journeys of less than 8 hours in road vehicles.
- (3) A specific authorisation may be amended or revoked by the Director of Agriculture by notice in writing served on the transporter to whom the authorisation was granted.
- (4) A general authorisation may be amended or revoked by publication in such manner as the Director of Agriculture shall see fit.
- (5) In the case of a general authorisation the Director of Agriculture may, by notice in writing served on a transporter, either exclude that transporter from the operation of a general authorisation, or impose additional conditions on that transporter which differ from the conditions in the general authorisation.
- (6) A specific authorisation shall not be issued to more than one transporter.
- (7) The fact that a transporter is covered by a general authorisation in respect of certain activities does not prevent a specific authorisation being issued to him in respect of those activities.
- (8) If a transporter has been issued with a specific authorisation, he shall cease to be covered by any aspect of the general authorisation in relation to the animals covered by the specific authorisation, and

he shall not be permitted to carry out any transport of those animals except under the authority of a specific authorisation; and if a specific authorisation is revoked, or limited in any way, then the transporter who held the authorisation shall not be entitled to transport the animals covered by that specific authorisation under the authority of the general authorisation.

(9) Notice shall be given of the issue of any general authorisation in such form as the Director of Agriculture shall see fit.

Authorisation holder to be a fit person

2.-(1) A specific authorisation shall be granted on the application of any person if he satisfies the Director of Agriculture that he is a fit person to transport animals.

(2) In determining whether a transporter applying for a specific authorisation is a fit person to transport animals, the Director of Agriculture shall have regard to any circumstances appearing to him to be relevant, and in particular any evidence tending to show that the applicant, or any of the applicant's employees, agents or associates (whether past or present) or, where the applicant is a body corporate, any person appearing to the Director of Agriculture to be a controller of the body corporate or an associate of any such person, has-

- (a) committed any offence involving animal welfare,
- (b) contravened any provision of this Order or any other Order made under section 37, 38 or 39 of the Animal Health Act 1981 in its application to the Falkland Islands; or
- (c) previously been responsible for anything which would cause the Director of Agriculture to revoke or suspend an authorisation under the provisions of the following paragraph.

(3) A person operating under an authorisation, whether specific or general, shall give to an officer of the Director of Agriculture such information as the Director of Agriculture may reasonably require concerning the transport under the authorisation; and failure to provide such information, or providing false information, shall be an offence against the Animal Health Act 1981 in its application to the Falkland Islands.

(4) A holder of a specific authorisation who intends to transport vertebrate animals under a trading name different from that specified in the authorisation shall notify the Director of Agriculture of the name before he transports any animals under that name.

Suspension and revocation

3.-(1) The Director of Agriculture may revoke or suspend a specific authorisation, or remove a transporter from a general authorisation, either temporarily or permanently, in the event of any of the following, involving either the transporter or, if it appears to the Director of Agriculture to be relevant, any associate, employee or agent of the transporter-

- (a) repeated infringements in Falkland Islands of this Order or of any other Order implementing Council Directive 91/628/EEC, or a single such infringement which involves serious suffering to animals, in either case whether or not the infringement leads to a criminal conviction;
- (b) *(omitted)*

(2) The Director of Agriculture shall by notice in writing inform the transporter that he is minded to revoke the authorisation, or suspend it until a specified date or indefinitely.

Written representations

4.-(1) If within 28 days of the issue of a specific authorisation the person to whom it is issued requests the Director of Agriculture to give him notice of the reasons for the inclusion of any provision in it, the Director of Agriculture shall comply with his request within 28 days of receiving it.

(2) On issuing a specific authorisation to a person the Director of Agriculture shall notify him of the effect of subsection (1) above.

(3) If the Director of Agriculture refuses an application for a specific authorisation, the Director of Agriculture shall give the applicant notice in writing of the reasons for the refusal.

(4) If the Director of Agriculture, by notice in writing served on a transporter, amends, suspends or revokes a specific authorisation, the notice shall give the transporter reasons for the amendment, suspension or revocation.

(5) If the Director of Agriculture, by notice in writing served on a transporter, either excludes that transporter from the operation of a general authorisation or imposes additional conditions on that transporter, the notice shall give the transporter reasons for the exclusion or the imposition of additional conditions.

(6) If within 28 days of receipt of a notice under this paragraph giving the Director of Agriculture's reasons the transporter makes written representations to the Director of Agriculture concerning the matter to which the notice is related, the Director of Agriculture shall refer the transporter's representations to an appointed person.

(7) A notice under this paragraph giving the Director of Agriculture's reasons shall notify the transporter of the effect of subsection (6) above.

Appointed persons

5.-(1) The Director of Agriculture shall nominate an appointed person who is specially qualified in the Director of Agriculture's opinion to consider representations under this Schedule.

(2) The appointed person shall serve on the person who made the representations a notice requiring him to state within 14 days of receipt of the notice whether he wishes to make written or oral representations to the appointed person at a hearing.

(3) The notice shall specify the place, date and time of the hearing and the date of the hearing shall not be earlier than 14 days from the date of the notice, unless the person who makes the representations has agreed to an earlier hearing.

(4) The appointed person shall permit the Director of Agriculture or the transporter to make written or oral representations at the hearing either in person or through a representative.

(5) The appointed person may permit any other person to make written or oral representations to him at the hearing.

(6) *(omitted)*

(7) The Director of Agriculture shall notify the transporter of the result of his reconsideration and the reasons for it and shall send him a copy of the appointed person's report.

Interpretation

6. In this Schedule-

"agent" means an individual who acts on behalf of another person;

"associate" shall have the same meaning as in section 184 of the Consumer Credit Act 1974, but in addition to the persons specified in that Act shall include a business associate as if that section formed part of the law of the Falkland Islands; and

"employee" shall have the same meaning as in section 230(1) of the Employment Rights Act 1996 as if that section formed part of the law of the Falkland Islands.

Duty to notify changes

7.-(1) Within 21 working days after-

(a) any change takes place in the officers of a body corporate which is the holder of a specific authorisation, or a body corporate which is a controller of a body corporate which holds such an authorisation, or

(b) a body corporate which holds such an authorisation becomes aware that a person has become or ceased to be a controller of the body corporate,
the holder of the authorisation shall give the Director of Agriculture notice of the change.

(2) Where the Director of Agriculture is given notice under sub-paragraph (1) of any change the Director of Agriculture may by notice require the holder of the authorisation to furnish him with such information, verified in such manner, as the Director of Agriculture may stipulate.

(3) The holder of a specific authorisation shall notify the Director of Agriculture within 21 days of any change of address of the transporter.

SCHEDULE 10 *Article 16*
(omitted)

SCHEDULE 11 *Article 13*
(omitted)

SCHEDULE 12 *Article 22*
(omitted)

SCHEDULE 6

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997

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PART I
INTRODUCTORY

Title and commencement

1. These Regulations may be cited as the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 and shall come into force on 11th August 1997.

Interpretation

2.-(1) In these Regulations, unless the context otherwise requires-

"the Act " means the Food Safety Act 1990 in its application to the Falkland Islands;

"analysis " includes any technique for establishing the composition of an official sample;

"analyst " means the person having the management or control of an approved laboratory;

"animal " includes aquaculture animals;

"animal product " includes meat, meat products, processed products derived from animals, milk, honey and eggs;

"Annex IV substance " means a substance specified in Annex IV to the Council Regulation;

"approved laboratory " means a laboratory approved by the Governor;

"carcase " means the whole body of a slaughtered animal after bleeding and dressing;

"commercial operation ", in relation to an animal or batch of animals, means any of the following, namely-

(a) selling, possessing for sale and offering, exposing or advertising for sale;

(b) consigning or delivering by way of sale;

(c) storing or transporting for the purpose of sale;

(d) slaughtering or deriving food from it for the purpose of sale or for purposes connected with sale; and

(e) importing and exporting;

"Council Directive 96/22 " means Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and replacing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC;

"Council Directive 96/23 " means Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC;

"the Council Regulation" means the Regulation specified in Schedule 1;

"enforcement authority " means the Director of Agriculture;

"examination " includes a physical examination of an animal or animal product or other article or substance and the taking, and any analysis of, an official sample;

"farm of origin ", in relation to an official sample taken from any animal or animal product means-

(a) where the official sample was taken at a farm, that farm;

(b) where the official sample was taken at any other place, the last farm on which the animal from which the sample was taken or derived was kept before being taken to that place;

"hormonal substance " means any substance within either of the following categories-

(a) stilbenes and thyrostatic substances;

(b) substances with oestrogenic, androgenic or gestagenic action;

"maximum residue limit " means, in relation to a concentration of a substance specified in the first column of Annex I or Annex III to the Council Regulation in the tissues or body fluids of an animal or in an animal product, the limit specified in the fourth column opposite the reference to that substance and the applicable animal species specified in the third column, where the substance is contained in the part of the animal specified opposite it in the fifth column or in an animal product derived from that part of the animal;

"offal " means meat other than that of the carcase whether or not naturally connected to the carcase;

"official sample " means a sample taken by an OVS for analysis for the purpose of these Regulations which bears a reference to the type, the amount or quantity concerned and the method of collection and,

in the case of an animal or animal product, the species and, where appropriate, particulars identifying the sex and origin of the animal;

"owner " includes, in relation to any animal, batch of animals or premises, the person in charge of such animal, batch of animals or premises, and in relation to any animal product the person in possession of such product;

"possession " in relation to any farm animal does not include possession under official control;

"primary analysis " means an analysis of an official sample carried out by an approved laboratory;

"primary analysis certificate " means an analyst's certificate specifying the finding of a primary analysis;

"prohibited substance " means any beta-agonist or hormonal substance administered to an animal contrary to the prohibition in regulation 5;

"reference analysis " means an analysis carried out by an approved laboratory to check the finding of a primary analysis;

"reference analysis certificate " means an analyst's certificate specifying the finding of a reference analysis;

"sale" includes possess for sale, and offer, expose or advertise for sale, and "sale " and "sold " shall be construed accordingly;

"unauthorised substance" includes Annex IV substances, prohibited substances and unlicensed substances;

"unlicensed product " means a transmissible product in respect of which there is neither-

(a) any current veterinary medicinal product licence authorising its sale or supply for use in that animal in the Falkland Islands; or

(b) any current animal test certificate authorising its use in that animal in the Falkland Islands;

"unlicensed substance " means a substance, other than a hormonal substance, beta-agonist or Annex IV substance which, if transmitted to an animal product, would be likely to be harmful to human health and which has been administered or is intended for administration in the Falkland Islands to an animal or batch of animals or, which has been administered to an animal in a member State of the European Community other than the Falkland Islands and at the time of administration neither that substance, nor any product containing it, was authorised for use in that animal in that State;

"withdrawal period " , in relation to a veterinary medicinal product administered to an animal or batch of animals, means the period, specified in a current veterinary medicinal product licence or marketing authorisation relating to the product or (in the absence of any such specification) specified in a prescription given by a OVS in respect of the administration of the product, which is required to elapse from the cessation of the medication of the animal or batch of animals with the product to the slaughter of the animal or batch of animals for human consumption or to the taking of animal products derived from the animal or batch of animals for human consumption.

(2) For the purpose of ascertaining whether the maximum residue limit has been exceeded for the purposes of these Regulations, the presence of the drug or drug metabolite (or combination thereof) specified in the second column of Annex I or III to the Council Regulation opposite the reference to each substance specified in the first column of those Annexes shall be taken to indicate the presence of that substance in that part of an animal or batch of animals, or in any animal product derived from that part of an animal or batch of animals, specified in the fifth column of such Annex I or III, opposite the reference to that substance and the maximum residue limit specified in the fourth column of such Annex I or III opposite the reference to that substance shall then apply in respect of the presence in such part of an animal or batch of animals, or in any animal product derived from such part of an animal or batch of animals, of any such drug or drug metabolite (or combination thereof) as if it were that substance.

(3) Other expressions used in these Regulations and in Council Directive 96/22, Council Directive 96/23 or the Council Regulation have, in so far as the context admits, the same meaning as they bear in those Directives or that Regulation, as appropriate.

(4) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule so numbered in these Regulations.

PART II PROHIBITIONS AND EXCEPTIONS

Prohibition of the sale of stilbenes, thyrostatic substances or beta-agonists

3.-(1) No person shall sell, for administration to an animal, any-

- (a) stilbene or thyrostatic substance; or
- (b) product which contains a stilbene or thyrostatic substance.

(2) Subject to paragraph (3) below, no person shall sell any beta-agonist, or any product which contains a beta-agonist, for administration to an animal which is, or any animal product of which is, intended for human consumption.

(3) The prohibition in paragraph (2) above shall not apply to the sale of a product which is, or which contains, a beta-agonist if that product complies with the requirements of sub-paragraphs (a) and (b) of regulation 25(1) and is for administration in accordance with regulation 27.

(4) If sold, any stilbene, thyrostatic substance or beta-agonist or any product which contains a stilbene, thyrostatic substance or beta-agonist, which is capable of being used for administration to animals shall be presumed, until the contrary is proven, to have been sold for administration to an animal and in the case of the sale of a beta-agonist or a product which contains a beta-agonist, that animal or an animal product derived therefrom shall, if that animal or animal product, as appropriate, is commonly used for human consumption, be presumed to be intended for human consumption.

Prohibition of possession of beta-agonists or hormonal substances

4.-(1) No person shall be in possession of any beta-agonist or hormonal substance unless-

- (a) subject to paragraph (3) below, it is, or is contained in, a product which complies with the requirements of regulation 25 and is for the purposes of administration in accordance with regulation 26, 27 or 28; or
- (b) *(omitted)*

(2) *(omitted)*

(3) No person, other than a OVS, shall, on a farm, be in possession of a beta-agonist, or any product containing a beta-agonist which, if administered to an animal, could be for induction purposes in the treatment of tocolysis.

Prohibition of administration to animals of beta-agonists or hormonal substances

5.-(1) Subject to paragraph (2) below, no person shall administer or knowingly cause or permit to be administered to an animal any-

- (a) beta-agonist or hormonal substance; or
- (b) product which contains a beta-agonist or hormonal substance.

(2) *(omitted)*

Prohibition of administration to animals of unlicensed substances or products

6.-(1) *(omitted)*

(2) No person shall administer or knowingly cause or permit to be administered to an animal any unlicensed substance or unlicensed product.

(3) (omitted)

Prohibition of administration to animals of Annex IV substances

7. If any person contravenes the prohibition in Article 5 of the Council Regulation on the administration of Annex IV substances to food-producing animals he shall be guilty of an offence.

Prohibition of possession or slaughter of animals and of processing

8.-(1) No person shall slaughter or otherwise be in possession on a farm of an animal intended for use for human consumption to which there has been administered, which contains, or in which the presence has been established of, any beta-agonist or hormonal substance.

(2) No person shall process the meat of an animal intended for human consumption where that animal contains or the presence in has been established of, or to which there has been administered, any beta-agonist or hormonal substance.

(3) Any animal slaughtered or in the possession of a person on a farm which is commonly slaughtered or possessed for use for human consumption shall be presumed, until the contrary is proven, to have been slaughtered or possessed for such use and an animal commonly used for human consumption from which meat is processed shall be presumed, until the contrary is proven, to be an animal for such use.

Prohibition of the sale of animals

9.-(1) No person shall sell, or supply for slaughter, for human consumption any animal-

- (a) which contains or to which there has been administered an unauthorised substance or product;
- (b) which contains an authorised substance in any of its tissues at a concentration exceeding the relevant maximum residue limit; or
- (c) if the withdrawal period in relation to the product administered to that animal has not expired.

(2) No person shall sell an animal not intended for human consumption which contains, or in which the presence is established of, any beta-agonist or hormonal substance.

(3) (omitted)

Prohibition of the sale of animal products

10.-(1) No person shall sell for human consumption any animal product derived from an animal the sale or supply for slaughter of which is prohibited under regulation 9.

(2) No person shall sell for human consumption any animal product which contains-

- (i) an unauthorised substance; or
- (ii) an authorised substance at a concentration exceeding the relevant maximum residue limit.

Prohibition of disposal of slaughtered animal or batch of animals

11. Where an animal or batch of animals has been slaughtered under regulation 22, no person shall dispose of the carcase or offal of that animal or of any animal of that batch of animals, or any part of such carcase or offal, for human or animal consumption.

Exception to prohibition on slaughter

12.-(1) Notwithstanding the prohibition on slaughter of an animal or batch of animals by notice given in accordance with regulation 22(4), that animal or batch of animals may be slaughtered before the withdrawal of such notice if the owner of that animal or batch of animals complies with the following paragraphs of this regulation.

(2) Notice of the proposed date and place of slaughter shall be given to an OVS before that date.

(3) The animal or batch of animals, marked, or caused to be marked, by an OVS under regulation 21(2)(c), shall be accompanied to the place of slaughter by a certificate issued by an OVS identifying the animal or batch of animals and the farm of origin.

(4) After slaughter any animal product derived from the animal or from an animal of that batch of animals shall be retained in such place and manner as an OVS may specify, while it is subjected to such examination as an OVS may reasonably consider necessary.

(5) Where the examination (the result of which shall be given by an OVS to the owner by notice in writing) confirms that any animal product referred to in paragraph (4) above contains an authorised substance at a concentration exceeding the relevant maximum residue limit, the animal product shall be disposed of for a purpose other than human consumption.

PART III SAMPLING AND ANALYSIS

Procurement of samples

13. An OVS may-

(a) take a sample of any article or substance which is found by him on or in any premises which he is authorised to enter and which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations; and

(b) take a sample from any animal, whether or not intended for human consumption, which is found by him on or in any such premises.

Primary analysis of official samples

14.-(1) An official sample shall be submitted for analysis at an approved laboratory and dealt with in accordance with paragraph (2) or (3) below.

(2) Except where the official sample is of a kind described in paragraph (3) below, part of that sample shall be subjected to a primary analysis, the remainder being retained for any reference analysis.

(3) Where the official sample contains the remains of any solid implant or injection site, the analyst shall prepare an extract of such implant or injection site and subject part of that extract to a primary analysis, the remainder of the extract being retained for any reference analysis.

Results of primary analysis

15.-(1) Where the primary analysis shows that an official sample, or in the case of such a sample containing the remains of a solid implant or injection site, such remains of solid implant or injection site, contains-

(a) an unauthorised substance;

(b) a substance which an analyst reasonably suspects may be an unauthorised substance;

(c) in the case of a sample taken from an animal or batch of animals, its excrement or body fluids or from its tissues, an authorised substance at a concentration which is notified to the analyst by an OVS as one which causes him reasonably to suspect that an animal product derived from that animal or batch of animals may contain an authorised substance at a concentration exceeding the relevant maximum residue limit; or

(d) in the case of a sample taken from any animal product, an authorised substance at a concentration exceeding the relevant maximum residue limit, the analyst shall give a primary analysis certificate to an OVS who shall then give this to the relevant person.

(2) Where the primary analysis does not show anything requiring a primary analysis certificate to be given under paragraph (1) above, the analyst shall notify an OVS of that fact and the OVS shall then notify the relevant person.

(3) For the purposes of this regulation and regulations 16 and 17 "relevant person " means the owner of the animal, batch of animals, animal product or other article or substance from which the sample was taken or the owner of the premises where the sample was taken.

Reference analysis

16.-(1) The finding specified in the primary analysis certificate shall be referred by an OVS to an approved laboratory for a reference analysis together with the remainder of the official sample retained by the analyst in accordance with regulation 14(2) or 14(3), as appropriate, if-

- (a) the finding shows that the official sample, whether or not an extract of any solid implant or injection site, contains a substance which is specified under the heading 'Group A' in Annex 1 to Council Directive 96/23; or
- (b) an OVS in any event so decides.

(2) The analyst shall give a reference analysis certificate to an OVS who shall then give this to the relevant person.

(3) The relevant person may, on the basis of a contradictory analysis and by notice in writing served on an OVS, challenge the finding specified in a primary analysis certificate in relation to an official sample at any time before that sample, or part thereof, is referred for a reference analysis.

(4) Where, in accordance with paragraph (3) above, the relevant person challenges the finding specified in a primary analysis certificate he shall be liable for the costs of any reference analysis which confirms the finding specified in that certificate.

17.-(omitted)

Methods of analysis

18. The analysis of an official sample shall be carried out-

- (a) in relation to a primary analysis, in accordance with methods authorised by Commission Decision 93/256/EEC, and
- (b) in relation to a reference analysis, in accordance with methods authorised by Commission Decision 93/257/EEC.

Certificates of analysis

19.-(1) Any certificate given by an analyst under these Regulations-

- (a) shall be signed by the analyst; and
- (b) shall specify the name of the OVS who submitted the sample for analysis and the name and address of the enforcement authority.

(2) In any proceedings under these Regulations, the production by one of the parties-

- (a) of a document purporting to be a certificate given by an analyst under paragraph (1) above; or
- (b) of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a) above, the other party requires the analyst to be called as a witness.

Inspection of an animal or batch of animals

20. An OVS may, by notice in writing reasonably given to the owner of an animal or batch of animals, require him to detain the animal or batch of animals at the place where it then is, or to remove it to such other place as is specified in the notice and detain it there, to enable the animal or batch of animals to be inspected by an OVS for the purpose of ascertaining whether there is present in it an unauthorised substance or a residue of an authorised substance which an OVS reasonably suspects may result in any animal product derived from that animal or batch of animals containing an authorised substance at a concentration exceeding the relevant maximum residue limit or whether or not any withdrawal period has expired.

Examination of an animal or batch of animals

21.-(1) If it appears to an OVS, as a result of an inspection carried out for the purposes referred to in regulation 20, that any animal or batch of animals may contain an unauthorised substance or a residue of an authorised substance which he reasonably suspects may result in any animal product derived from that animal or batch of animals containing an authorised substance at a concentration exceeding the relevant maximum residue limit or that the withdrawal period in relation to any animal has not expired, an OVS shall have the powers specified in paragraph (2) below in relation to such an animal or batch of animals.

(2) An OVS may-

(a) give notice in writing to the owner of the animal or batch of animals that, until the notice is withdrawn by a further notice in writing-

(i) no commercial operations are to be carried out with respect to the animal or batch of animals;

(ii) the animal or batch of animals is not to be moved from the place where it then is or is not to be so moved except to a place specified in the notice; and

(iii) no animal, other than one within sub-paragraph (ii) above, shall be moved from the farm of origin except as specified in the notice;

(b) subject the animal or batch of animals to such examinations for the presence of substances or residues as the OVS may reasonably consider to be necessary;

(c) paint, stamp, clip, tag or otherwise mark, or cause to be marked, the animal or batch of animals in order to identify it for the purposes of these Regulations.

Notice on completion of examination

22.-(1) On completion of an examination specified in regulation 21(2)(b), an OVS shall give notice in writing to the owner of the animal or batch of animals in accordance with the following paragraphs of this regulation.

(2) Where such an examination shows that an animal or batch of animals does not contain any unauthorised substance or the residue of any authorised substance at a concentration likely to result in any animal product derived from that animal or batch of animals having a concentration of the substance exceeding the relevant maximum residue limit or where an OVS considers that such an examination is unnecessary the notice shall so declare and shall withdraw any notice served on the owner of the animal or batch of animals under regulation 21(2)(a) in so far as it relates to that animal or batch of animals.

(3) Where the examination shows that an animal or batch of animals contains a prohibited substance, an unlicensed substance or an Annex IV substance the notice shall so declare, shall specify the result of the examination and shall require the owner of the animal or batch of animals to slaughter the animal or batch of animals, or to cause it to be slaughtered, within such a period and in accordance with such requirements as may be specified in the notice.

(4) Where the examination shows that an animal or batch of animals contains a concentration of an authorised substance which an authorised officer reasonably suspects may result in any animal product derived from that animal or batch of animals having a concentration of that substance exceeding the relevant maximum residue limit, the notice shall so declare, shall specify the result of the examination and shall, subject to regulation 12, prohibit the slaughter of that animal or batch of animals for human consumption.

(5) A notice given in accordance with paragraph (4) above prohibiting the slaughter of any animal or batch of animals may at any time be withdrawn by a further notice in writing given by an OVS to the owner of the animal or batch of animals and a notice given in accordance with paragraph (4) above shall be so withdrawn as soon as an OVS is satisfied that the animal or batch of animals does not contain a concentration of an authorised substance which may result in any animal product derived from the animal or batch of animals having a concentration of that substance exceeding the relevant maximum residue limit.

(6) If any person on whom a notice has been served under paragraph (3) above fails to comply with the requirements of the notice relating to the slaughter of an animal or batch of animals, an OVS may, without prejudice to any proceedings arising out of such default, slaughter, or cause to be slaughtered, that animal or batch of animals.

(7) The enforcement authority may make a charge of an amount equal to the amount of expenses reasonably incurred by the OVS in the exercise of the powers conferred on him under-

- (a) regulation 21(2), if paragraph (3) or (4) above applies; or
- (b) paragraph (6) above.

(8) The charge referred to in paragraph (7) above shall be payable by the person in default and shall be recoverable by the enforcement authority.

PART IV OFFENCES AND PENALTIES

Offences, penalties and enforcement

23.-(1) A person shall be guilty of an offence if he-

- (a) contravenes regulation 3, 4, 5, 6(2), 8, 9, 10, 11, 32(1), (2), (3), (4) or (5) or any provision of a notice given to him under these Regulations; or
- (b) without the consent in writing of an OVS, defaces, obliterates or removes any marking made under regulation 21(2)(c) or attempts to do so.

(2) A person guilty of an offence under paragraph (1) above or regulation 6(1) or 7 is liable on summary conviction to a fine not exceeding level 5 on the standard scale or on conviction on indictment to a fine.

(3) Each enforcement authority shall enforce these Regulations and shall give such assistance and information to each other enforcement authority as that other enforcement authority reasonably requires for the purpose of its duties under these Regulations.

(4) *(omitted)*

(5) No prosecution for an offence under paragraph (1) above or regulation 6(1) or 7 shall be begun after the expiry of-

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor, whichever is the earlier.

Defences and exceptions

24.-(1) In any proceedings for an offence alleging a contravention of paragraph (1) or (2) of regulation 4 it shall be a defence for the person charged to prove that the beta-agonist or hormonal substance, or product containing the beta-agonist or hormonal substance, the possession of which is alleged is intended for purposes other than administration to an animal.

(2) In any proceedings for an offence alleging a contravention of regulation 8(1) it shall be a defence for the person charged to prove that the beta-agonist or hormonal substance, as appropriate, contained or present in the animal, or which has been administered to the animal was, or was contained in, a product which complies with the requirements of regulation 25 and was administered in accordance with regulation 26, 27 or 28.

25.-(1) A product which is, or which contains, a beta-agonist or hormonal substance complies with the requirements of this regulation if-

- (a) *(omitted)*;

(b) in the case of a product which is, or which contains, a beta-agonist, it has a withdrawal period of less than 28 days after the end of treatment; and

(c) in the case of a product which is, or which contains, a hormonal substance, it is not a product which falls within paragraph (2) below.

(2) A product falls within this paragraph if it-

(a) acts as a deposit;

(b) has a withdrawal period of more than 15 days after the end of treatment; or

(c) was authorised before 1st January 1995, has no known conditions of use and for which no reagents or equipment exists for use in the analytical techniques for detecting the presence of residues in excess of the prescribed limits.

26.-(1) Administration is in accordance with this regulation if-

(a) it is of a veterinary medicinal product containing oestradiol 17, testosterone or progesterone or a derivative of any of these substances which readily yields the parent compound or hydrolysis after absorption at the site of application; and

(b) it is carried out for a therapeutic purpose on a clearly identified farm animal by a OVS, who makes an appropriate record of the treatment, by injection or for the treatment (other than by implant) of ovarian dysfunction in the form of vaginal spirals.

(2) For the purposes of paragraph (1)(b) above and regulation 28(c) "appropriate record" means the entry in a register of the following details-

(a) type of treatment;

(b) the type of products authorised or prescribed;

(c) the date of treatment;

(d) the identity of the animals treated; and

(e) any applicable withdrawal period.

27. Administration is in accordance with this regulation if carried out-

(a) for a therapeutic purpose, on an animal other than a production animal by, or under the direct responsibility of, a veterinary surgeon and is of a veterinary medicinal product containing-

(i) allyl trenbolone which is administered orally and in accordance with manufacturers' instructions; or

(ii) beta-agonists which are administered in accordance with manufacturers' instructions to equidae or to a pet; or

(b) by an OVS of a veterinary medicinal product containing beta-agonists which is administered in the form of an injection for the purpose of inducing tocolysis in a cow when calving.

28. Administration is in accordance with this regulation if-

(a) it is of a veterinary medicinal product having an oestrogenic, androgenic or gestagenic action for the purpose of zootechnical treatment of a clearly identified animal other than a production animal;

(b) it is carried out, in the case of the synchronisation of oestrus or the preparation of donors or recipients for the implantation of embryos by, or under the direct responsibility of a veterinary surgeon, and in any other case, by an OVS;

(c) the OVS who carries out, or who is responsible for, the administration makes an appropriate record of the treatment and makes out a non-renewable prescription specifying the treatment in question and the quantity of the product required; and

(d) *(omitted)*

29. In any proceedings for an offence under regulation 10 it shall be a defence for the person charged to prove-

(a) that the animal product in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the animal product complies with that legislation; and

(b) in the case of intended export to an EEA State, that the legislation complies with the provisions of Council Directive 96/22 and Council Directive 96/23.

PART V
MISCELLANEOUS

Responsibilities of processors

30. The owner of an establishment of initial processing of animal products shall, in respect of each animal or animal product brought into that establishment, ensure that-

- (a) it does not contain-
 - (i) a residue level which exceeds the maximum permitted limit;
 - (ii) any unauthorised substance or product; and
- (b) any appropriate withdrawal period has been observed.

31. (omitted)

Keeping and retention of records

32.-(1) A person engaged by way of business in the rearing, production or treatment of animals intended for human consumption, or in a business in the course of which any commercial operation is carried out with respect to animals intended for human consumption, shall keep a record of particulars relating to the administration of any veterinary medicinal product to such animals or batch of animals which record shall be made as soon as practicable after administration and shall include the following information-

- (a) date of administration;
- (b) identity and quantity of the veterinary medicinal product;
- (c) name and address of the supplier of the veterinary medicinal product;
- (d) identification of the animal or batch of animals to which the veterinary medicinal product was administered.

(2) The owner of an establishment of initial processing of animal products shall keep such records as are sufficient, either alone or in combination with records or information held by some other person, to enable the animals from which those animal products were derived, and the farm of origin or departure of those animals, to be identified.

(3) (omitted)

(4) Any person required to keep a record by paragraph (1), (2) or (3) above shall keep that record in a permanent and legible form and shall retain that record for a period of three years from the end of the calendar year to which such record relates save in the case of a prescription intended to show that withdrawal periods have been observed which shall be retained for a period of five years from the date of the commencement of the withdrawal period to which it relates.

(5) Subject to paragraph (6) below if an OVS directs a person to produce for inspection a record which paragraph (1), (2) or (3) above requires him to keep, he shall comply with the direction.

(6) No direction may be given under paragraph (5) above after the end of the period mentioned in paragraph (4) above.

(7) The requirement in paragraph (4) above to keep records in a legible form is not to be taken to prevent their being kept by means of computer.

(8) Where a record is so kept, the duty under paragraph (5) above to produce it for inspection, is a duty to produce it in a form in which it can be taken away.

33. (omitted)

34. (omitted)

35. (omitted)

36. (omitted)

SCHEDULE 1 Regulation 2(1)
THE COUNCIL REGULATION
Official Journal of the Communities References

Council Regulation (EEC) No 2377/90 OJ No. L244, 18.8.90, p.1.
laying down a Community procedure for the maximum residue limits of veterinary
medicinal products in foodstuffs of animal origin as amended by -

(a)	Commission Regulation (EEC)	No. 2701/94	OJ No. L287, 8.11.94, p.7.
(b)	Commission Regulation (EEC)	No. 2703/94	OJ No. L287, 8.11.94, p.19.
(c)	Commission Regulation (EEC)	No. 3059/94	OJ No. L323, 16.12.94, p.15.
(d)	Commission Regulation (EEC)	No. 1102/95	OJ No. L110, 17.5.95, p.22.
(e)	Commission Regulation (EC)	No. 1441/95	OJ No. L143, 27.6.95, p.22.
(f)	Commission Regulation (EC)	No. 1442/95	OJ No. L143, 27.6.95, p.26.
(g)	Commission Regulation (EC)	No. 2796/95	OJ No. L290, 5.12.95, p.1.
(h)	Commission Regulation (EC)	No. 2804/95	OJ No. L291, 6.12.95, p.8.
(i)	Commission Regulation (EC)	No. 281/96	OJ No. L37, 15.2.96, p.9.
(j)	Commission Regulation (EC)	No. 282/96	OJ No. L37, 15.2.96, p.12.
(k)	Commission Regulation (EC)	No. 1140/96	OJ No. L151, 26.6.96, p.6.
(l)	Commission Regulation (EC)	No. 1147/96	OJ No. L151, 26.6.96, p.26.
(m)	Commission Regulation (EC)	No. 1311/96	OJ No. L170, 9.7.96, p.4.
(n)	Commission Regulation (EC)	No. 1312/96	OJ No. L170, 9.7.96, p.8.
(o)	Commission Regulation (EC)	No. 1433/96	OJ No. L184, 24.7.96, p.21.
(p)	Commission Regulation (EC)	No. 1742/96	OJ No. L226, 7.9.96, p.5.
(q)	Commission Regulation (EC)	No. 1798/96	OJ No. L236, 18.9.96, p.23.
(r)	Commission Regulation (EC)	No. 2010/96	OJ No. L269, 22.10.96, p.5.
(s)	Commission Regulation (EC)	No. 2017/96	OJ No. L270, 23.10.96, p.2.
(t)	Commission Regulation (EC)	No. 2034/96	OJ No. L272, 25.10.96, p.2.
(u)	Commission Regulation (EC)	No. 17/97	OJ No. L5, 9.1.97, p.12.
(v)	Commission Regulation (EC)	No. 211/97	OJ No. L35, 5.2.97, p.1.
(w)	Commission Regulation (EC)	No. 270/97	OJ No. L45, 15.2.97, p.8.
(x)	Council Regulation (EC)	No. 434/97	OJ No. L67, 7.3.97, p.1.
(y)	Commission Regulation (EC)	No. 716/97	OJ No. L106, 24.4.97, p.10.
(z)	Commission Regulation (EC)	No. 748/97	OJ No. L110, 26.4.97, p.21.
(aa)	Commission Regulation (EC)	No. 749/99	OJ No. L110, 26.4.97, p.26.

SCHEDULE 2 Regulation 36
(omitted)

EXPLANATORY NOTE
(not forming part of the above Order)

The adoption of the United Kingdom legislation also gives effect to the requirements of European Community directives relating to the protection of animals at the time of slaughter or killing and to health problems affecting trade in fresh meat. However, the Directives will not, of themselves, apply as law of the Falkland Islands.

Article 3(1) provides for the adoption of relevant sections of the Food Safety Act 1990. Part I of the Schedule provides for adoption of the Act to be limited to an extended definition of "sale", a presumption that food is intended for human consumption, the inspection and seizure of food and other procedural matters. The Statutory Instruments adopted refer to the Act and therefore the relevant provisions of the Act having application to the Statutory Instruments have been adopted.

Article 3(2) provides for the adoption of Statutory Instruments as specified in the Schedule. These are:

the Animals, Meat and Meat Products (Examination for Residues and Maximum Meat Residue Limits) Regulations 1991, and relevant amendments. These Regulations prohibit the use of certain substances in meat products (eg growth hormones);

the Fresh Meat (Hygiene and Inspection) Regulations 1995, which provide extensive direction as to how meat is to be handled by an abattoir. It also provides for hygiene controls, such as cleaning and maintenance of an abattoir and associated holding yards;

the Welfare of Animals (Slaughter or Killing) Regulations 1995, which provide for the killing of animals and the methods of handling animals prior to killing; and

the Welfare of Animals (Transport) Order 1997, which provides for the manner in which animals are to be conveyed to an abattoir for slaughter.

The legislation to be adopted will only relate to animals slaughtered at a designated abattoir or to animals slaughtered at a designated abattoir or to animals intended to be slaughtered at a designated abattoir.

Article 5 provides that where an adopted Statutory Instruments is amended, revoked or replaced, any relevant modifications will apply in the Falkland Islands from the time that such modification comes into force in the United Kingdom;

Article 7 provides that the Governor may amend the Schedule thereby adopting any further United Kingdom legislation that may be required to enable the export of meat from a designated abattoir.



**THE
FALKLAND ISLANDS GAZETTE
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The following are published in this Supplement -

Falkland Islands Pensions Scheme (Scheme Accounts) Regulations 1999;

Falkland Islands Pensions Scheme (General Provisions) Regulations 1999;

The Merchant Shipping (Falkland Islands Colours) Order 1998.

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (Scheme Accounts) Regulations 1999

(No. 1 of 1999)

ARRANGEMENT OF PROVISIONS

1. Citation and commencement
2. Interpretation
3. Requirement to keep schedule of payments and other books and records
4. Content of scheme accounts
5. Financial information to be included in annual accounts
6. Annual report of Board
7. Audit of accounts

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (Scheme Accounts) Regulations 1999

S. R. & O. No. 1 of 1999

Made: 5 February 1999
Published: 24 February 1999
Coming into force: on publication

IN EXERCISE of my powers under sections 13 and 39 of the Falkland Islands Pensions Scheme Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following regulations —

Citation and commencement

1. These Regulations may be cited as the Falkland Islands Pensions Scheme (Scheme Accounts) Regulations 1999, and shall come into force on publication.

Interpretation

2.—(1) In these Regulations —

“annual accounts” in relation to a Scheme year, means the accounts required to be kept by the Board under section 13 for that Scheme year;

“annual report” in relation to a Scheme year, means the report required to be prepared by the Board by regulation 6 for that Scheme year;

“employer-related investment” has the meaning given by section 9;

“the Pensions Ordinance” means the Falkland Islands Pensions Scheme Ordinance 1997;

“Schedule of Payments” means the Schedule required to be maintained in accordance with regulation 3; and

“Scheme year” means a financial year of the Scheme.

(2) Any reference in these regulations to a section is to that section of the Pensions Ordinance.

Requirement to keep schedule of payments and other books and records

3.—(1) The Board shall maintain a Schedule of Payments which shall include a record of —

(a) No 18 of 1997

(a) contributions made to the Scheme by employers, the identities of the employees for whose benefit the contributions are made and the intervals at which they are made;

(b) contributions made by employees not falling within any other provision of this paragraph, and the intervals at which they are made;

(c) contributions made by members within section 17(2)(h) other than additional voluntary contributions;

(d) additional voluntary contributions made by members.

(2) The Board shall keep books and records of the following transactions —

(a) any amount received in respect of any contribution payable in respect of a member of the Scheme;

(b) the date on which a member joins the Scheme;

(c) payments of pensions and benefits;

(d) payments made by or on behalf of the Board to any person including a professional adviser and such records to include the name and address of the person to whom payment was made and the reason for that payment;

(e) any movement or transfer of assets from the Board to any person including a professional adviser and such records to include the name and address of the person to whom the assets were moved or transferred and the reason for that transaction;

(f) the receipt or payment of money or assets in respect of the transfer of any member into or out of the Scheme, together with the name of that member, the terms of the transfer, the name of the Scheme to which or from which the transfer took place, the date of the transfer and date of receipt or payment of money or assets;

(g) in a case where an appropriate policy of insurance is taken out, the name of the insurance company, the name of members in respect of which the appropriate policy of insurance is taken out, the payment of money or assets and the date of such payments;

(h) payments made to a member who leaves the Scheme, other than on a transfer, together with the name of that member, the date of leaving, the member's entitlement at that date, the method used for calculating any entitlement under the Scheme and how that entitlement was discharged;

(i) payments made to the employer; and

(j) other payments to, and withdrawals from, the Scheme, including the name and address of the recipient or payee.

(3) The books and records kept in pursuance of paragraph (2) shall be kept by the Board for at least 60 years from the end of the Scheme year to which they relate.

Content of scheme accounts

4.—(1) The annual accounts of the Scheme for a Scheme year shall show a true and fair view of—

- (a) the financial transactions of the Scheme during the Scheme year;
- (b) the amount and disposition of the assets at the end of the Scheme year;
- (c) the liabilities of the Scheme, other than the liabilities to pay pensions and benefits after the end of the Scheme year.

(2) The annual accounts shall include or have annexed to them financial statements complying with regulation 5.

(3) The accounts must state whether they have been prepared in accordance with the Statement of Recommended Practice, the guidelines ("Financial Reports of Pension Schemes") published by the Pensions Research Accountants Group or another organisation approved for this purpose by the Accounting Standards Board Limited, current at the end of the Scheme year to which the accounts relate and, if not, an indication of where there are any material departures from those guidelines.

Financial information to be included in annual accounts

5.—(1) The statements required by regulation 4 must contain the following information.

(2) A statement of the financial additions to, withdrawals from and changes in value of the fund of the Scheme during the Scheme year to which the accounts relate.

(3) A statement, as at the end of the Scheme year to which the accounts relate of the assets at market value, or the Board's or fund manager's estimate of their value where market value is not readily ascertainable, and of the liabilities of the Scheme, other than liabilities to pay pensions and benefits after the end of that Scheme year —

- (a) giving, in the case of any assets which are stated at an estimate of their market value, the reason why the valuation is an estimate;
- (b) showing the distribution of the investments and other assets of the Schemes between each of the following categories (where none of the investments falls within a particular category, that fact is not required to be stated), namely —
 - (i) insurance policies;
 - (ii) public sector fixed interest investments, showing quoted securities and unquoted securities separately;
 - (iii) other fixed interest investments, showing quoted securities and unquoted securities separately;
 - (iv) index-linked securities, showing quoted securities and unquoted securities separately;

(v) equities (including convertible shares) showing quoted equities and unquoted equities separately;

(vi) property, that is to say, any right or interest in freehold or leasehold land or buildings;

(vii) unit trusts invested in such property;

(viii) other unit trusts;

(ix) managed funds (other than unit trusts) invested in such property;

(x) other managed funds (not being unit trusts);

(xi) loans (whether or not secured by mortgages);

(xii) cash deposits and cash in hand;

(xiii) investments and other assets not included in heads (i) to (xii) above.

(4) The statement under paragraph (3) shall show separately, in the case of investments in each category, investments in the United Kingdom and investments outside the United Kingdom, and, in the case of investments mentioned in heads (vii) to (x) of paragraph (3)(b), investments where the company operating the unit trust or managed funds is, and investments where it is not, a company registered in the United Kingdom.

(5) Where the assets include insurance policies which are specifically allocated to the provision of benefits for, and which provide all the benefits payable under the Scheme to, particular members or other persons in respect of particular members or both, those policies must be included in the statement and there must be a note of the existence of such policies but that entry need not include their market value or an estimate.

(6) Where any assets or liabilities are denominated in currencies other than sterling, a translation of those assets into sterling and an explanation of the basis on which they have been translated must be included in the statement.

(7) The statement must include particulars of any investment in which more than 5 per cent. of the total value of the net assets of the Scheme is invested and if any such investment is an insurance policy, a statement of its main characteristics must also be included.

(8) The statement must include particulars of any employer-related investments, within the meaning of section 9.

(9) In respect of every amount shown in the accounts other than the amounts referred to in paragraph (10), a statement of the corresponding amount for the Scheme year previous to the one to which the accounts relate, except in the case of the first Scheme accounts.

(10) The statement must include the total amount of the purchases and the total amount of the sales of investments during the Scheme year to which the accounts relate.

Annual report of board

6. The Board shall prepare an annual report for each Scheme year which shall —

- (a) identify the members of the Board;
- (b) identify the person who has managed the investments of the Scheme during that year and the extent of any delegation of this function by the Board;
- (c) identify the Scheme auditor and the Scheme actuary;
- (d) include a copy of the statement of the principles governing decisions about investments for the purposes of the Scheme in accordance with section 7;
- (e) include a statement as to the Board's policy on the custody of the Scheme assets;
- (f) include a statement by the Board or the fund manager providing details of any investments made for the Scheme during the year which were not made in accordance with the statement of the principles;
- (g) where investments for the Scheme have been made in the year which do not accord with the statement of the principles (or were made in a previous Scheme year and continued to be held at the end of the year), include a statement by the Board or the fund manager giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position;
- (h) include a review of the investment performance of the Scheme's fund —
 - (i) during the year; and
 - (ii) except where the Scheme has existed for less than 3 Scheme years, during a period of not less than 3 and not more than 5 Scheme years ending with the year, including an assessment of the nature, disposition, marketability, security and valuation of the Scheme's assets;
- (i) include a copy of any statement made on the resignation or removal of the Scheme auditor or actuary;
- (j) include, where the Scheme has employer-related investments —
 - (i) a list of those investments;
 - (ii) a statement as to the proportion of the Scheme's resources represented by those investments;
- (k) include a statement of the number of members of the Scheme as at one day during the year and the number of individuals to whom benefits have been paid during the year.

Audit of accounts

7.—(1) The Scheme auditor shall include in his audit of the annual accounts for any Scheme year an audit of the annual report for that year and of the Schedule of Payments as at the last day of that year.

(2) The Scheme auditor shall certify whether or not in his opinion —

(a) the annual accounts comply with the requirements of section 13 and these regulations,

(b) the annual report complies with the requirements of these regulations,

and if in any case the certification is negative or qualified he shall include a statement of his reasons for that certification.

Made this 5th day of February 1999

R P Ralph
Governor

EXPLANATORY NOTE

(not forming part of the above Regulations)

These Regulations are made under sections 13 and 39 of the Falkland Islands Pensions Scheme Ordinance 1997 (“the 1997 Ordinance”) and make provision with respect to the Scheme accounts and related matters.

Regulation 1 recites the short title of the regulations and provides for them to come into force on publication.

Regulation 2 contains definitions of expressions used in the regulations.

Regulation 3 requires the Board to keep a Schedule of Payments.

Paragraph (1) requires the Schedule of Payments to include records of contributions made by employers and the identity of the employees for whose benefit they are made, other contributions made by employees, contributions made by members who are not employees, the intervals at which contributions are made and any AVCs made by members.

Paragraph (2) requires the Board to keep books and records of various transactions including the amount of contributions made, the date on which a person becomes a member, payments out of pensions and other benefits and of other payments including any made to professional advisers. In addition the Board must keep records of any movement or transfer of assets to a professional adviser, and of the details of the receipt or payment of money or assets in respect of any person transferring into or out of the Scheme, of payments made to members leaving the Scheme, and of payments made to employers.

Paragraph (3) requires the records to be kept for at least 60 years.

Regulation 4 makes provision with regard to the content of the Scheme accounts.

Paragraph (1) requires the Scheme accounts for a Scheme year to show a true and fair view of the financial transactions of the Scheme in that year, the amount and disposition of assets at the end of the year and the liabilities of the Scheme (other than those relating to payment of future benefits).

Paragraph (2) requires the financial statements prepared in compliance with regulation 5 of these regulations to be annexed to or included in the annual accounts.

Paragraph (3) requires there to be a statement in the accounts as to whether or not they have been prepared in compliance with the Statement of Recommended Practice published by the Pensions Research Accountants Group or other body approved by the Accounting Standards Board Limited. If the accounts were not so prepared, there must be an indication of any material departures.

Regulation 5 prescribes the information which must be in the statements required by regulation 4 to be included with the accounts, as follows—

- (1) a statement of the financial additions to withdrawals from and changes in value of the fund during the Scheme year (paragraph (2));
- (2) a statement as at the end of the year of the market value of the assets and of the liabilities of the Scheme (other than liabilities to pay future benefits), and where the value is estimated, the reason why, and a breakdown of the investments of the fund showing the distribution between the classes specified (paragraph (3));
- (3) a statement showing the distribution of investments between those in the United Kingdom and those outside the United Kingdom and where the investments are unit trusts or managed funds, showing where they are managed by a company registered in the United Kingdom and where they are not (paragraph (4));
- (4) a statement relating to any policies of insurance allocated to the provision of benefits to or in respect of specific individuals (paragraph (5));
- (5) where assets are denominated in a currency other than sterling a translation of those assets into sterling with an explanation of the basis of the translation (paragraph (6));
- (6) particulars of any investment which represents more than 5% of the value of the Scheme assets and if such an investment is an insurance policy, particulars of its main characteristics (paragraph (7));
- (7) particulars of any employer-related investment within the meaning of section 9 of the 1997 Ordinance (paragraph 8)).

Paragraph (9) requires the accounts to show for every amount shown for the Scheme year for which the accounts are prepared (except any within paragraph 10) the corresponding amount for the preceding Scheme year.

Paragraph 10 requires a statement to be included of the total purchases and total sales of investments during the Scheme year.

Regulation 6 requires the Board to prepare an annual report for each Scheme year to —

- (1) identify the Board members, the Scheme auditor and the Scheme actuary and the person who has managed the investments of the scheme during that year, and to include a statement of the extent of any delegation of this function by the Board;
- (2) include a copy of the statement of the principles governing decisions about investments for the purposes of the scheme in accordance with section 7;
- (3) include a statement as to the Board's policy on the custody of the scheme assets;
- (4) include a statement by the Board or the fund manager providing details of any investments not made in accordance with the statement of the principles, giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position;
- (5) include a review of the investment performance of the Scheme fund during the year; and except where the scheme has existed for less than 3 scheme years, during a period of not less than 3 and not more than 5 scheme years ending with the year, together with an assessment of the nature, disposition, marketability, security and valuation of the scheme's assets;
- (6) include a copy of any statement made on the resignation or removal of the Scheme auditor or actuary;
- (7) include a list of any employer-related investments and a statement as to the proportion of the scheme's resources represented by those investments;
- (8) include a statement of the number of members of the Scheme as at one day during the year and the number of individuals to whom benefits have been paid during the year.

Regulation 7 makes provision with respect to the duties of the Scheme auditor.

Paragraph (1) requires the Scheme auditor to audit the annual report and the Schedule of Payments as well as the Scheme annual accounts.

Paragraph (2) requires the Scheme auditor to certify whether or not he thinks that the annual accounts comply with the requirements of section 13 of the 1997 Ordinance and of these regulations, and whether or not he thinks that the annual report complies with the requirements of these regulations. If his certificate is negative or qualified to any extent he must include his reasons for so certifying.

SUBSIDIARY LEGISLATION

PENSIONS

Falkland Islands Pensions Scheme (General Provisions) Regulations 1999

(No. 2 of 1999)

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SUBSIDIARY LEGISLATION

PENSIONS**Falkland Islands Pensions Scheme (General Provisions) Regulations 1999**

S. R. & O. No. 2 of 1999

Made: 5 February 1999
Published: 24 February 1999
Coming into force: on publication

IN EXERCISE of my powers under sections 20(7) and (8), 22(3) and 39 of the Falkland Islands Pensions Scheme Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following regulations —

*General***Citation and commencement**

1. These Regulations may be cited as the Falkland Islands Pensions Scheme (General Provisions) Regulations 1999 and shall come into force on publication.

Interpretation

2.—(1) In these Regulations —

“contributing employer”, in relation to an employee, means an employer of that employee who is making contributions to the Scheme in respect of that employee;

“deducting employer”, in relation to an employee, means the employer of that employee who is not a contributing employer but who is required to deduct amounts from the employee’s remuneration in accordance with regulation 12(3);

“normal contribution” means any contribution other than an additional voluntary contribution;

“Pensions Ordinance” means the Falkland Islands Pensions Scheme Ordinance 1997;

“spouse” has the meaning given by section 31(11).

(2) Any reference in these Regulations to the Board which relates to a function delegated to the fund manager appointed under section 11 of the Pensions Ordinance shall be construed as a reference to the fund manager.

(3) Any reference in these regulations to a section is a reference to that section of the Pensions Ordinance.

Notices

3.—(1) For the purposes of these regulations a notice required to be served on or given to any person may be served on or given to him in person or by personal delivery to his last known address or may be served on him by sending it addressed to him at his last known address by registered post, and a notice served by registered post shall be deemed to have been served not later than 21 days after the date on which it was posted.

(2) The Board shall not be in breach of any requirement of these regulations by reason of any failure to give notice to any person if the notice is sent by registered post to the address last notified to the Board by that person in accordance with regulation 8 or 9.

(3) Any notice under these regulations given to or served on any person by the Board shall include the name, address and telephone number of a person who can provide further information if required.

Provision of information to members and employers

Notices of contributions and benefits

4.—(1) The Board shall prepare and give to each member of the Scheme a member's notice of contributions and benefits which shall set out the application of the Scheme to that member.

(2) In particular, the member's notice of contributions and benefits must contain details of the following matters, in so far as they apply to the member in question —

- (a) the amount or rate of any normal contribution payable by the member;
- (b) the amount or rate of any normal contribution payable by the member's employer;
- (c) the member's right to make additional voluntary contributions;
- (d) the intervals at which any contribution within paragraph (a) or (b) is payable;
- (e) what benefits are or may be available to the member and to his spouse, partner or children or any other dependant of his;
- (f) what if any conditions attach to the payment of any such benefit;
- (g) what tax relief is or may be available in respect of any contribution made by the member;
- (h) the circumstances in which refunds of contributions may be made;
- (i) what disputes may be referred for settlement under section 16 and what arrangements have been made for the resolution of such disputes.

(3) The Board shall give an employer's notice of contributions and benefits relating to the employer of a member containing the following detail—

- (a) if the employer is a contributing employer, the details required by sub-paragraph (2) to be included in the member's notice in relation to the member in question, and

(b) if the employer is a deducting employer, the amount or rate of any normal contribution payable by the employee.

(4) A member's notice of contributions and benefits must be given to the member within 30 days of the later of —

(a) the date on which the member first became a member of the Scheme, or

(b) the date on which the first contribution relating to the member is paid into the Scheme; or

(c) the date on which these regulations come into force.

(5) Where the arrangements referred to in paragraph (2)(i) have not been made at the time the notice of contributions and benefits is given to a member, a later notice including particulars of those arrangements shall be given to the member within 30 days of the date on which those arrangements are made.

(6) In any case where any of the information contained in a member's notice of contributions and benefits given to a member has changed, another such notice (giving effect to the change) must be given to the member within 30 days of the later of —

(a) the date on which that change occurred, or

(b) the date on which the Board had notice of that change.

(7) The Board shall, if so requested, give to any person who is eligible to become a member, or is the employer of such a person, sufficient information relating to the Scheme and its application to that person or to the employer and his employees to enable informed decisions relating to membership of the Scheme to be made.

Notices of accrued value of members' accounts

5.—(1) Where a sum representing a transfer value of accrued units or rights of any kind in or under other pension schemes is paid into Scheme in accordance with section 23 in respect of any member, the Board shall notify that member of the value of his account in the Fund immediately after that payment has been made, and a notice under this provision is referred to as a new member's accrued value notice.

(2) A new member's accrued value notice shall—

(a) be given to the member within 30 days of the date on which the payment is made;

(b) identify the member in respect of whom the payment is made and the person who made it;

(c) specify the amount of the payment;

and shall be in addition to the member's notice of contributions and benefits required by regulation 4.

(3) The Board shall notify any member who applies in writing of the value of his account in the Fund as at the date of the application or such other date as the member may specify, and a notice under this provision shall be given within 30 days of the date on which the application is received by the Board.

Particulars of benefits to be provided at time of entitlement

6.—(1) Not more than 12 months and not less than 6 months before a member reaches normal retirement age the Board shall give the member notice of his rights under the Scheme as they are expected (as at the time of the notice) to be at the time he reaches that age, including his right to defer payment of an annuity and lump sum under section 28(4).

(2) A notice under paragraph (1) shall include explanatory material relating to the member's rights and to any action he needs to take in order to exercise or defer any of his rights at his next birthday, and shall also explain what benefits will be payable to his spouse or partner and any dependants of his in the event of his death.

(3) Where a member defers any benefit to which he is entitled, paragraphs (1) and (2) above shall apply in relation to that member in each 12 month period following the date on which he reached normal retirement age with the substitution, for the reference to that age, of a reference to the age he will reach on his next birthday.

(4) In the case of a member who dies, whether before or after any benefit has become payable to him under the Scheme, the Board shall notify his personal representatives and his surviving spouse or partner, if any, of their entitlement to any benefit under the Scheme

Availability of accounts etc

7.—(1) The Board shall send a summary of the audited accounts of the Scheme for a Scheme year, the Board's annual report for that year, and any accompanying statements of the Scheme auditor and Scheme actuary to every member of the Scheme and to every contributing employer within three months of date on which the audited accounts are received by the Board.

(2) The Board shall make a copy of the Scheme accounts and the annual report together with any accompanying statements and other documents available for inspection by any person who asks to see them.

(3) In this regulation "annual report" means the annual report required to be prepared by the Board by regulation 6 of the Falkland Islands Pensions Scheme (Scheme Accounts) Regulations 1998.

(4) The documents required to be made available for inspection under paragraph (2) shall be made available for inspection in Stanley during normal office hours.

Information to be provided by members and employers

Particulars to be provided by members

8.—(1) Each member of the Scheme shall ensure that the Board has the following information —

(a) his full name, date of birth and sex;

(b) the member's postal address and if different the address where he habitually resides;

(c) the full name of his spouse or partner (if any);

(d) the full names and dates of birth of his dependant children;

(e) the full names and dates of birth of any other dependants of his;

(f) the addresses of his spouse or partner, and of his children and other dependants, if different from his own address;

(g) the full name and address of his employer, if he is an employee and whether his employer is either a contributing employer or a deducting employer in relation to that employee;

(h) the age which is his normal retirement age;

(i) the date on which his employment with that employer began, and

(j) where he is an employee of a contributing or deducting employer, the date on which his employment with that employer terminates, if known.

(2) The obligation to inform the Board of any fact is a continuing obligation so that where any change occurs which makes any information previously given to the Board no longer correct, the member shall inform the Board of that change.

Particulars to be provided by employers

9.—(1) An employer shall provide the Board with the following information in relation to any employee of his who is a member —

(a) the employee's full name, date of birth, sex and address;

(b) whether the employer is a contributing employer or a deducting employer (or both);

(c) the method of calculating any normal deduction to be made to the Scheme whether by the employer or by the employee;

(d) the intervals at which the employee's normal contributions are to be made;

(e) the amount of the employee's remuneration expressed by reference to the intervals specified in relation to the employee in accordance with paragraph (d) above;

(f) the employee's normal retirement age;

(g) the date on which the employee's employment with that employer began, and

(h) where the employer is a contributing or deducting employer, the date on which the employee's employment with that employer terminates, if known.

(2) The reference in paragraph (1)(e) above to an employee's remuneration shall be construed, in relation to an employee as respects whom the employer's contributions are made by the Financial Secretary, as a reference to the employee's relevant monthly earnings within the meaning of section 18.

(3) The employer must comply with paragraph (1) in relation to any employee not later than 30 days after the date on which the first normal contribution relating to the employee is payable to the Scheme or before 1st February 1999 if later.

(4) The employer shall also ensure that the Board are informed of the address of his business, and if there is more than one, he shall provide the address of his principal place of business in the Falkland Islands or, if he does not have such an address, the address of his principal place of business elsewhere.

(5) The obligation to inform the Board of any fact is a continuing obligation so that where any change occurs which makes any information previously given to the Board no longer correct, the employer shall inform the Board of that change.

Payment of contributions

Contributions paid by employers

10.—(1) A contribution in respect of an employee may be made to the Scheme by his employer where —

- (a) the employee is employed in government service, or
- (b) notice has been given to the Board in accordance with section 17(2)(c) or (e).

(2) A contribution under this regulation shall be made either —

- (a) by way of bank transfer into such bank account as the Board may specify; or
- (b) with the consent of the Board, by cash or cheque at such places as may be agreed with the Board.

(3) Where in accordance with the arrangements by virtue of which the employee is a member of the Scheme the employee is required to make a contribution in his own behalf in respect of any period, the employer shall deduct an amount equal to the amount of any such contribution from any remuneration payable by the employer to that employee in respect of that period.

If the employer does not deduct the whole or part of that amount from that remuneration, he may instead deduct it from remuneration payable by him to that employee in respect of a later period, but the employer may not otherwise recover that amount.

Contributions paid by members

11.—(1) This regulation applies to any contribution to the Scheme other than a contribution to which regulation 10 applies.

(2) A contribution to which this regulation applies shall be made —

- (a) by any member by way of bank transfer into such bank account as the Board may specify, or with the consent of the Board, by cash or cheque at such places as may be agreed with the Board;
 - (b) where a deduction notice has been given by the member and has not ceased to have effect, by his employer on his behalf in accordance with paragraph (3) below.
- (3) A member may give his employer a notice ("a deduction notice") requesting his employer—
- (a) to make a deduction of such amount as may be specified in the notice;
 - (b) to account to the Board in accordance with regulation 12 for that amount as a contribution made on behalf of the employee to the Scheme; and the employer shall comply with any such notice.
- (4) A deduction notice shall be in such form as the Board may require and the employer shall give the Board a copy of any such notice received by him within 7 days of the date on which he received it.
- (5) A deduction notice shall cease to have effect —
- (a) when the employee ceases to be in the employment of the employer; or
 - (b) if the employee gives notice of termination to the employer that he is terminating the deduction notice as from a day specified in the notice of termination which must be sufficient to enable the employer to cease making the contributions before the notice takes effect;

and a deduction notice shall not have effect in relation to any period for which the earnings of the employee are nil or less than the amount of the deduction.

Employers' returns, and payment of employers' and employees' contributions

12.—(1) An employer who is liable to pay any contribution in respect of or on behalf of an employee under regulation 10 or 11 in respect of any period ("the contribution period") shall —

- (a) make a return to the Board, in such form as the Board may require, for each contribution period, and
 - (b) remit to the Board together with the return an amount equal to the sum of all the contributions which he is required to pay (both on his own behalf and on behalf of any employee) in respect of periods beginning in the contribution period to which the return refers.
- (2) The return required to be made by an employer —
- (a) shall be submitted to the Board before the 14th day of the month ("the return month") immediately following the contribution period to which it refers, and

(b) shall contain particulars of —

(i) contributions made by the employer in the contribution period,

(ii) deductions made in accordance with regulation 10 or 11 from employees' earnings for that period,

(iii) employees who have started or ceased to work for the employer in that contribution period who are members of the Scheme.

(3) An employer who is required to make a return for a contribution period falling in any year shall also make an annual return to the Board before the 1st April in the following year, and the return shall be in such form and contain such information relating to the employees of that employer and their remuneration as the Board may require.

(4) An employer who fails to comply with paragraph (1)(b) above shall be guilty of an offence and liable on conviction to a fine not exceeding level 7 on the standard scale.

(5) The amount of any contribution which an employer is required to account to the Board under paragraph (1)(b) shall, in any case where the employer fails so to account for the contribution, be a debt due to the employee.

(6) In any proceedings by an employee for the recovery of a debt under paragraph (5) from an employer, a certificate by the Board that the contribution was due from the employer but was not accounted for under paragraph (1)(b) shall be conclusive proof of that fact

Records to be kept by the Board

Registers of members and employers

13.—(1) The Board shall keep a register of members which shall, at any time, contain the following information in relation to each member —

(a) the information which the member is required to provide in accordance with regulation 8;

(b) a full history of the member's remuneration so far as relevant to his rights under the Scheme;

(c) a full history of contributions made by the employer on behalf or in respect of the employee, identifying separately any additional voluntary contributions;

(d) a full history of the member's employment so far as relevant to his rights under the Scheme;

(e) an account of the financial additions to, withdrawals from and changes in value of the member's individual account;

(f) whether or not paragraph 5 of Schedule 3 to the Pensions Ordinance applies to the member;

(g) whether or not paragraph 8 of that Schedule applies to the member.

(2) The Board shall keep a register of all employers who are either contributing employers or deducting employers of members of the Scheme which shall, at any time, contain the following information in relation to each employer —

(a) the information which the employer is required to provide in accordance with regulation 9;

(b) a full history of contributions made by the employer identifying separately any additional voluntary contributions;

(c) a full history of the remuneration of employees of the employer who are members of the Scheme, so far as relevant to their rights under the Scheme;

(d) a full history of the employment of such employees so far as relevant to their rights under the Scheme.

(3) The register of employers shall identify each employer and their employees who are members and shall specify in relation to each employee whether the employer is a contributing employer or a deducting employer (or both).

(4) If the Board has reason to believe that it does not possess full information in relation to any person so that the register of members or employers (or both) is incomplete or incorrect, the Board shall by notice require any member or employer to provide such information as may be specified in the notice within such time, not being less than 30 days, as may be so specified.

(5) Any person who fails to comply with a notice under paragraph (4) commits an offence and shall be liable on conviction to a fine not exceeding level 7 on the statutory scale.

(6) The Board must provide a copy of any part of the register of members or employers to any member or employer who is named in that part of the register at the request of that member or employer, and if there is any error in the register the Board must ensure that it is corrected.

(7) The Board must comply with paragraph (6) without undue delay.

Records of Board meetings

14.—(1) The Board shall keep records of their meetings (including meetings of any of their number) in accordance with this regulation.

(2) The record must be in writing and state —

(a) the date, time and place of the meeting;

(b) the names of all the members invited to the meeting;

(c) the names of the members who attended the meeting and those who did not attend;

(d) the names of any professional advisers or any other person who attended the meeting;

(e) any decisions made at the meeting.

(3) The records kept in pursuance of this regulation shall be kept by the Board for at least 60 years from the end of the Scheme year to which they relate.

Made this 5th day of February 1999

R P Ralph
Governor

EXPLANATORY NOTE

(not forming part of the above Regulations)

These Regulations are made under sections 20(7) and (8), 22(3) and 39 of the Falkland Islands Pensions Scheme Ordinance 1997 ("the 1997 Ordinance") and contain provision supplementary to that Ordinance.

Regulation 1 sets out the short title of the regulations and provides for them to come into force when they are published.

Regulation 2(1) contains provisions for the interpretation of various expressions used in the regulations. Paragraph (2) ensures that where functions have been delegated to the fund manager under the 1997 Ordinance any provision of the regulations which applies to the Board shall, to the extent of the delegation, apply also to the fund manager.

Regulation 3 makes provision with respect to the service of notices under the regulations.

Paragraph (1) provides that service of a notice on any person may be effected by giving the notice personally to that person or by leaving it at his last known address, or by sending it by registered post to that address. If the notice is sent by registered post it shall be deemed to have been delivered 14 days after posting.

Paragraph (2) provides that service on a person at an address will be deemed effective even if that is not that person's last known address provided that it is the most recent address for that person notified to the Board under regulation 8 or 9.

Paragraph (3) provides that any notice from the Board must include a name and telephone number of a person whom the recipient can contact for information if necessary.

Regulation 4 makes provision for the Board to give members, employers and potential members information relating to the Scheme.

Paragraph (1) requires the Board to give each member of the Scheme a member's notice of contributions and benefits which sets out the member's own position under the Scheme.

Paragraph (2) requires such a notice to include information about the following matters:

- (1) contributions payable by the member and about those payable by the member's employer (if any),
- (2) the right of the member to make additional voluntary contributions ("AVCs"),
- (3) how often contributions (other than AVCs) are payable,
- (4) the benefits payable to members and their families or dependants, and what if any conditions will apply to the payment of those benefits,
- (5) what tax relief is available in respect of any contributions,
- (6) whether and if so the circumstances in which contributions may be refunded,
- (7) the settlement of disputes in accordance with regulations made under section 16 of the 1997 Ordinance.

Paragraph (3) requires the Board to give employers notices of contributions which if the employer is paying employer's contributions in respect of any of his employees must include in relation to those employees the information required to be included in the employee's notice of contributions and benefits. If the employer is only deducting the employee's own contributions then the notice must specify the amount of those contributions.

Members' notices of contributions and benefits must be given to members within 30 days of the date on which the person becomes a member or of the date on which the first contribution is paid into the Scheme for that member, whichever is the earlier. For those who are members when the regulations first come into force, the 30 day period is counted from the date of publication of the regulations: paragraph (4).

Provision is made by paragraph (5) for notice relating to arrangements for the settlement of disputes to be given, if the arrangements are not in force when the notice of contributions and benefits is given, within 30 days of the date on which the arrangements are made.

The Board is required by paragraph (6) to update the information in any member's notice of contributions and benefits within 30 days of the date on which any relevant change occurs.

Paragraph (7) requires the Board, on request, to give to persons eligible to become members of the Scheme, or to such persons' employers, sufficient information about the Scheme to enable those persons to make informed decisions as to whether or not to become members or to arrange for their employees to become members, as the case may be.

Regulation 5 makes provision relating to notices of accrued value of members' accounts.

Paragraph (1) requires the Board to give any member in respect of whom a sum is paid into the Scheme from another pension scheme, "a transfer value", a notice specifying the value of the member's account in the fund. This notice is called a new member's accrued value notice.

Paragraph (2) requires such a notice to be given within 30 days of the date of the payment, to identify the member in question and the person who made the payment, and to specify the amount of the payment. It is made clear that this notice is in addition to the member's notice of contributions not instead of it.

Paragraph (3) requires the Board within 30 days of being asked by a member what the value of his account is to give him a notice setting out the value of the member's account.

Regulation 6 makes provision for informing members nearing retirement of the benefits they can expect to receive from the Scheme when they do retire.

Paragraph (1) requires the Board to notify a member who is approaching retirement not less than 6 nor more than 12 months before retirement, of his rights under the Scheme on retirement.

Paragraph (2) requires the notice under paragraph (1) to explain what the member's rights are and what if any action he needs to take to exercise or defer any of those rights. The notice must also explain what benefits are or may be available to his spouse or partner and any dependants of his in the event of his death.

If a member defers any benefit, then paragraph (3) ensures that he will get a notice under paragraph (1) each year until the deferred benefits come into payment.

Paragraph (4) requires the Board to tell the personal representatives and spouse or partner of a member who dies (whether before or after benefits become payable to him) of their right to any benefit under the Scheme.

Regulation 7 deals with the circulation of the Scheme accounts to members and employers of members.

Paragraph (1) requires the Board to send a summary of the audited Scheme accounts, the Board's annual report and any statement of the Scheme auditor and actuary to every member and to every contributing employer within 3 months of the date the audited accounts are received by the Board.

Paragraphs (2) and (4) require the Board to make the full accounts and other documents available for inspection at Stanley during normal office hours to any member and employer who asks to see them.

Paragraph (3) identifies the annual report of the Board as the annual report required to be made by regulation 6 of the Falkland Islands pensions Scheme (Scheme Accounts) Regulations 1998.

Regulation 8 requires members to give certain information to the Board.

Paragraph (1) requires each member to give the Board details of his name, address and sex and those of his spouse or partner, the names and ages of his children and other dependants, the name and address of his employer and whether the employer is a contributing employer or a deducting employer, his normal retirement age, the date his current employment began, and if his employer is a contributing or deducting employer, the date his employment is expected to come to an end.

Paragraph (2) ensures that the obligation on the employee is continuing so that where any of the details change, he must inform the Board of the change.

Regulation 9 is concerned with the information to be provided by the employer.

Paragraph (1) requires an employer of a member to give the Board the employee's name, sex and address, to tell the Board whether the employer is a contributing employer or a deducting employer, how any deduction from the employee's pay is calculated, when contributions will be paid into the Scheme, what the employee's pay is, what his normal retirement age is, when he started to work for the employer and, if the employer is a contributing or deducting employer, the date his employment is expected to come to an end.

Where the employee is a civil servant the pay to be identified is his relevant earnings as defined in section 18 of the 1997 Ordinance: paragraph (2).

The requirement on the employer to provide information relating to an employee to the Board under this regulation must be complied with within 30 days of the date the first normal contribution for that employee is made, or by 1st February 1999 if that is later: paragraph (3).

Paragraph (4) requires the employer to tell the Board the address of his business and if more than one, of his principal place of business.

Paragraph (5) ensures that the obligations under this regulation on the employer are continuing so that if any of the details change, he must inform the Board of the change.

Regulation 10 specifies how and when contributions to the Scheme are to be made by employers.

Paragraph (1) states that contributions may be made by the employer if the employee is a civil servant or notice has been given to the Board under section 17(2)(c) or (e) of the 1997 Ordinance. Those paragraphs allow companies registered in the Falkland Islands and other employers with employees who work in the Falkland Islands to give notice to the Board that their employees (or any of them) will be members of the Scheme.

Paragraph (2) requires employers' contributions to be made by bank transfer into such account as the Board may specify, or if the Board agree, by cash or cheque.

Paragraph (3) requires employees' contributions to be deducted from the employees' pay by the employer.

Regulation 11 deals with contributions which are not within regulation 10.

Paragraph (2) requires the contribution to be made by the member by bank transfer into such account as the Board may specify, or if the Board agree, by cash or cheque. Alternatively the member, if an employee, may by means of a deduction notice require his employer to make the deductions from his pay and to account to the Board for that deduction on behalf of the employee: paragraph (3).

Paragraph (4) requires the employer to give a copy of the notice, which must be in such form as the Board may require, to the Board within 7 days of receiving it.

Paragraph (5) provides that the deduction notice shall cease to have effect if the employee ceases to be employed by the employer to whom the notice was given, or if the employee gives notice to the employer that the notice is being terminated. A deduction notice does not have effect during any period when the employee is not receiving any pay or when his pay is less than the amount required to be deducted.

Regulation 12 makes provision for returns to be made by employers and for employers to remit the contributions which they make or deduct.

Paragraph (1) requires an employer who is making contributions or deducting contributions from his employees' pay to make a return, in such form as the Board may require, to the Board for whatever period the contributions are made. For example a monthly contribution will generate the need for monthly returns, whereas contributions made quarterly will generate the need for quarterly returns. The employer is required to remit with the return for any contribution period all contributions for that period which he is required to make or deduct in that period.

Paragraph (2) requires the return to be made within 14 days of the end of the contribution period to which it relates. The return must contain particulars of the contributions made or deducted by the employer during the contribution period and of employees who have started to work for the employer, or who have ceased to work for him, during that period.

Paragraph (3) requires any employer who has made a return for a contribution period to make an annual return to the Board which shall be in such form and contain such information as the Board may require.

Paragraph (4) makes failure to comply with the requirement to remit contributions to the Board a criminal offence, punishable with a fine not exceeding level 7 of the standard scale (£12,5000 at 1.11.98).

Paragraphs (5) and (6) provide that any contribution not remitted to the Board shall be a debt due to the employee and that in any proceedings for the recovery of such a debt a certificate from the Board that the contribution was due from the employer but not accounted for to the Board shall be conclusive proof of that fact.

Regulation 13 makes provision relating to the information to be kept by the Board.

Paragraph (1) requires the Board to keep a register of members which is to include in relation to each member the information provided by the member in accordance with regulation 8, details of the member's past pay so far as relevant to his rights under the Scheme, details of contributions made by his employers, identifying any AVCs, details of

his employment so far as relevant to his rights under the Scheme, details of changes to the member's individual account, by way of additions to or withdrawals from that account, a statement whether the member falls within paragraph 5 of Schedule 3 to the 1997 Ordinance, and a statement whether the member falls within paragraph 8 of that Schedule.

Paragraph (2) requires the Board to keep a register of employers who are making or deducting contributions for any of their employees. This register must contain in relation to each employer the information which the employer is required by regulation 9 to provide to the Board, details of contributions made by the employer identifying separately any AVCs, and so far as relevant to the rights of any employee under the Scheme, details of the employees' pay and of their employment with that employer.

Paragraph (3) requires the register of employers also to identify each employer and their employees who are members of the Scheme and to state which of the employers are contributing employers and which are deducting employers.

Paragraph (4) authorises the Board by notice to require any member or employer to provide information to the Board in cases where the Board believes that its records are incomplete.

Paragraph (5) makes failure to comply with such a notice a criminal offence punishable with a fine not exceeding level 7 on the standard scale (£12,500 at 1.11.98).

Paragraphs (6) and (7) require the Board to give a copy of any part of the register in which any member or employer is named on request of the member or employer, and to correct any errors that are identified without undue delay.

Regulation 14 makes provision with regard to the meetings of the Board.

Paragraph (1) requires the Board to keep records of all their meetings.

Paragraph (2) requires the record to be in writing and to include details of the meeting, where and when it was held, who attended who did not attend, including any professional advisers, and any decisions taken at the meeting.

Paragraph (3) requires the Board to maintain the records for at least 60 years.

 STATUTORY INSTRUMENTS

1998 No. 3147

MERCHANT SHIPPING

 The Merchant Shipping (Falkland Islands Colours)
 Order 1998

<i>Made - - - - -</i>	<i>16th December 1998</i>
<i>Laid before Parliament</i>	<i>4th January 1999</i>
<i>Coming into force - -</i>	<i>25th January 1999</i>

At the Court at Buckingham Palace, the 16th day of December 1998

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(3)(b) of the Merchant Shipping Act 1995(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

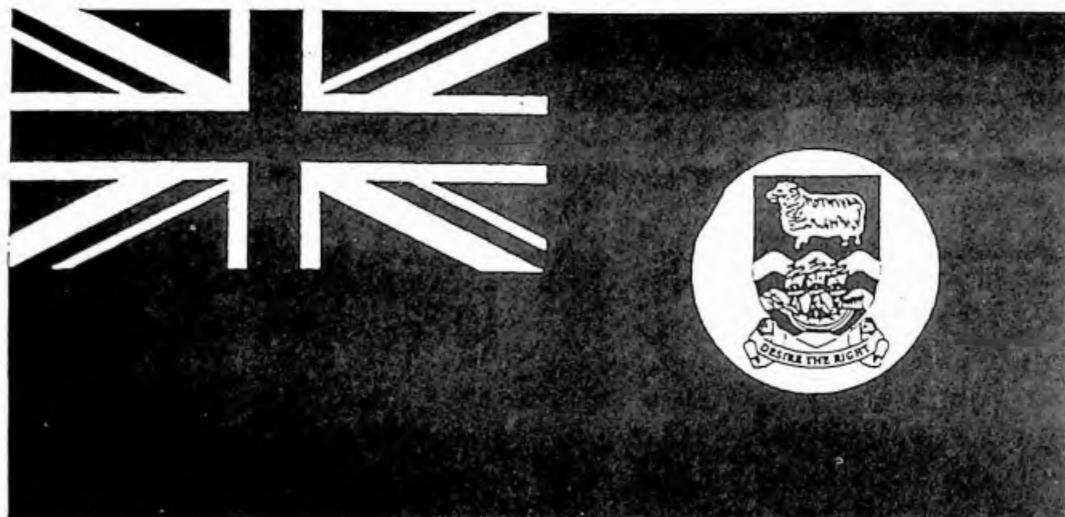
1. This Order may be cited as the Merchant Shipping (Falkland Islands Colours) Order 1998 and shall come into force on 25th January 1999.

2.—(1) The adoption for the purpose of section 2(3)(b) of the Merchant Shipping Act 1995 as proper colours for ships registered in the Falkland Islands of the red ensign defaced with the arms of the Falkland Islands as specified in paragraph (2) below is hereby authorised.

(2) The positioning and proportions of the defacement shall be in accordance with the illustration in the Schedule hereto.

A. K. Galloway
 Clerk of the Privy Council

The Red Ensign Flag of the Falkland Islands



The Union Flag occupies the upper left quartile of the flag. The coat of arms is centred within the right hand half of the flag.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises ships registered in the Falkland Islands to fly as proper colours a flag consisting of the red ensign defaced with the arms of the Falkland Islands.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

12th March 1999

No.4

The following are published in this Supplement -

Fishery Products(Hygiene) (Designated Vessels) Order 1999, (S.R. & O.No. 3 of 1999);

Companies and Private Partnership (Amendment) (Fees) Bill 1999.

SUBSIDIARY LEGISLATION

FISHERIES**Fishery Products (Hygiene)(Designated Vessels) Order 1999**

S. R. & O. No. 3 of 1999

Made: 4 March 1999
Published: 12 March 1999
Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Designated Vessels) Order 1999 and comes into force on publication in the *Gazette*.

Designation of vessels

2. The vessels named in the first column of the Schedule to this Order are designated as vessels to which the provisions of the Fishery Products (Hygiene) Ordinance 1998 and all regulations thereunder apply and are assigned the approval numbers set against their names respectively in the second column of that Schedule.

Made this fourth day of March 1999

R P Ralph
Governor

SCHEDULE

<i>Vessel name</i>	<i>Approval number</i>
Murtosa	1018
Lyn	1019

EXPLANATORY NOTE

(not forming part of the above Order)

The Fishery Products (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessels meet the standards of hygiene prescribed by the European Commission. The vessels specified in the Schedule to the Order are ones which have been inspected and which are now, by this Order, designated as vessels to which the provisions of the legislation apply.

Companies and Private Partnership (Amendment) (Fees) Bill 1999

ARRANGEMENT OF PROVISIONS

Clause

1. **Short title and commencement**
2. **Amendment of Companies and Private Partnership Ordinance**

Schedule

**COMPANIES AND PRIVATE PARTNERSHIP (AMENDMENT)
(FEES) BILL 1999**

(No. of 1999)

A BILL

for

AN ORDINANCE

To revise and introduce new fees payable to the Registrar General in respect of companies.

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

Short title and commencement

1. This Ordinance may be cited as the Companies and Private Partnership (Amendment) (Fees) Ordinance 1999 and shall come into force upon publication in the Gazette.

Amendment of Companies and Private Partnership Ordinance

2. The Companies and Private Partnership Ordinance^(a) (“the principal Ordinance”) is amended in the manner specified in the Schedule to this Ordinance.

^(a) Cap 13 Laws of the Falkland Islands 1950

SCHEDULE
Amendment of principal Ordinance

Amendment of section 5

1. The figures and letter "25p" where they appear in section 5(4) are deleted and replaced with the figures and symbol "£250".

Amendment of Schedule A

2. The text of Schedule A appearing after the heading "TABLE OF FEES" is deleted and replaced with the following —

"For the registration of a company -	£250
For entering a change of name upon the register -	£20
For entering a charge upon the register -	£20
For searching the file held by the Registrar in relation to a company -	£10
For certified copies of any document held upon any company file held by the Registrar -	£5 plus 25p for each page certified excluding the first page
For certificate of registration of a company (other than on first registration) -	£20"



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

26th March 1999

No. 5

The following are published in this Supplement -

Fishery Products (Hygiene) (Amendment) Regulations 1999, (S.R. & O. No. 4 of 1999);

Land Charges (Amendment) Rules 1999, (S.R. & O. No. 5 of 1999);

The Federal Republic of Yugoslavia (United Nations Sanctions) (Dependent Territories) (Amendment) Order 1999.

SUBSIDIARY LEGISLATION

FISHERY PRODUCTS**Fishery Products (Hygiene)(Amendment) Regulations 1999**

S. R. & O. No. 4 of 1999

*Made: 12 March 1999**Published: 26 March 1999**Coming into force: upon publication*

IN EXERCISE of my powers under section 5(2) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Fishery Products (Hygiene)(Amendment) Regulations 1999 and shall come into force upon publication in the Gazette.

Amendment of Fishery Products (Hygiene) Regulations 1998

2. The Fishery Products (Hygiene) Regulations 1998(b) (“the principal Regulations”) are amended in the manner specified in the Schedule to these Regulations.

SCHEDULE*Amendment of principal Regulations*

The principal Regulations are amended by deleting the words “and which has not been approved under the legislation of any other country being legislation which is similar to the provisions of the Ordinance, these regulations or any other regulations made under the Ordinance” where they appear in regulation 3(1)(b).

Made this 12th day of March 1999

R P Ralph
Governor

(a) No 7 of 1998

(b) SR&O No 41 of 1998

SUBSIDIARY LEGISLATION

LAND CHARGES

Land Charges (Amendment) Rules 1999

S. R. & O. No. 5 of 1999

Made: 19 March 1999
Published: 26 March 1999
Coming into force: on publication

IN EXERCISE of my powers under section 17 of the Land Charges Ordinance 1996(a) and of all other powers enabling me in that behalf, I make the following Rules

Citation and commencement

1. These Rules may be cited as the Land Charges (Amendment) Rules 1999 and shall come into operation upon publication in the *Gazette*.

Interpretation

2. In these Rules "the principal Rules" means the Land Charges Rules 1997(b).

Amendment of the principal Rules

3. The principal Rules are amended in the manner specified in the Schedule to these Rules.

Made this 19th day of March 1999

R P Ralph
Governor

(a) No 24 of 1996

(b) SR&O No 4 of 1997

SCHEDULE

1. In rule 5 of the principal Rules —

(a) the word “or” in the second line is deleted and replaced with a comma; and

(b) the words “or LC20” are inserted immediately before the words “whichever is appropriate”.

2. The form number LC20 set out below is added at the end of Schedule 2 to the principal Rules —

“Form LC20

APPLICATION FOR REGISTRATION OF A LAND CHARGE (AGRICULTURAL INCENTIVES AND SUBSIDIES)

PARTICULARS OF CHARGEE	
Name	The Crown
Address	Director of Agriculture Stanley Falkland Islands
PARTICULARS OF CHARGE	
(1) Class	Class III Land Charge
(2) Sub Class	Agricultural Incentive and Subsidy
(3) Date of Payment	
PARTICULARS OF LAND AFFECTED	
Situation of land	
Short description of land	
Crown Grant/Lease Number	
PARTICULARS OF ESTATE OWNER	
Forename(s)	
Surname	
Title and Trade or Profession	
Address	

I certify the foregoing particulars are correct

Signature of Director of Agriculture Date

Department of Agriculture Reference Number

EXPLANATORY NOTE
(not forming part of the above Rules)

These Rules make a number of minor changes to the Land Charges Rules 1996 so that the Government may register land charges to secure the repayment of certain agricultural incentives and subsidies.

1999 No. 281

UNITED NATIONS

 The Federal Republic of Yugoslavia (United Nations
Sanctions) (Dependent Territories) (Amendment) Order 1999

<i>Made</i> - - - -	<i>10th February 1999</i>
<i>Laid before Parliament</i>	<i>11th February 1999</i>
<i>Coming into force</i>	<i>12th February 1999</i>

At the Court at Buckingham Palace, the 10th day of February 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 31st March 1998, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to the Federal Republic of Yugoslavia:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), 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 Federal Republic of Yugoslavia (United Nations Sanctions) (Dependent Territories) (Amendment) Order 1999 and shall come into force on 12th February 1999.

(2) In this Order "the Order" means the Federal Republic of Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1998(b).

2. In article 2 of the Order, the following shall be inserted between the definition of "shipment" and the definition of "vehicle"—

"terrorism" means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear;"

3. The following article shall be inserted in the Order immediately after article 5—

"Training for terrorist activities

5A. No person shall provide to any other person training or training facilities likely to assist the carrying out of acts of terrorism in the Federal Republic of Yugoslavia."

4. Article 6 of the Order shall be replaced by the following article—

"Application of Articles 3 and 5A

6.—(1) The provisions of articles 3 and 5A of this Order shall apply to the conduct of any person within the Territory and of any person elsewhere who:

(a) 1946 c. 45.

(b) S.I. 1998/1064.

(a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, a British protected person, or a British National (Overseas), and is ordinarily resident in the Territory; or

(b) is a body incorporated or constituted under the law of any part of the Territory.

(2) Subject to the provisions of paragraph (4) of this article, any person specified in paragraph (1) of this article who contravenes the provisions of article 3 of this Order shall be guilty of an offence under this Order.

(3) Subject to the provisions of paragraph (5) of this article, any person specified in paragraph (1) of this article who contravenes the provisions of article 5A of this Order shall be guilty of an offence under this Order.

(4) In the case of proceedings for an offence in contravention of article 3 of this Order it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to or to the order of a person connected with the Federal Republic of Yugoslavia.

(5) In the case of proceedings for an offence in contravention of article 5A of this Order it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the persons to whom he was providing training or training facilities were to carry out acts of terrorism in the Federal Republic of Yugoslavia.”

5. The following paragraph shall be inserted in the Order immediately after article 12(1)–

“(1A) Any person guilty of an offence under article 6(3) of this Order shall be liable:

(a) on conviction on indictment to imprisonment for a term not exceeding fourteen years or to a fine or both; or

(b) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.”.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, amends the restrictions imposed by the Federal Republic of Yugoslavia (United Nations Sanctions) (Dependent Territories) Order 1998, pursuant to a decision of the Security Council of the United Nations in Resolution 1160 of 31st March 1998, by prohibiting the provision of training or training facilities likely to assist in the carrying out of acts of terrorism in the Federal Republic of Yugoslavia.

It also amends the defence in article 6(4) (formerly article 6(3)) in order to refer to the supply or delivery of goods to the order of a person connected with the Federal Republic of Yugoslavia.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

8th April 1999

No.6

The following are published in this Supplement -

- Companies and Private Partnership (Amendment) (Fees) Ordinance 1999;**
- Fishing (CCAMLR) Ordinance 1999;**
- Supplementary Appropriation (1998-1999) Ordinance 1999;**
- Law Revision Order No. 3 of 1998, (S.R. & O. No. 6 of 1999);**
- Disapplication of Enactments No. 1 Order 1999, (S.R. & O. No. 7 of 1999);**
- Designated Abattoirs (Application of Legislation) (Amendment) Order 1999,
(S.R. & O. No. 8 of 1999);**
- Stanley Common Bill 1999.**

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Companies and Private Partnership (Amendment) (Fees) Ordinance 1999

(No. 1 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Amendment of Companies and Private Partnership Ordinance

Schedule

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

**COMPANIES AND PRIVATE PARTNERSHIP (AMENDMENT)
(FEES) ORDINANCE 1999**

(No. 1 of 1999)

(assented to: 30 March 1999)
(commencement: upon publication)
(published: 8 April 1999)

AN ORDINANCE

To revise and introduce new fees payable to the Registrar General in respect of companies.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Companies and Private Partnership (Amendment) (Fees) Ordinance 1999 and shall come into force upon publication in the Gazette.

Amendment of Companies and Private Partnership Ordinance

2. The Companies and Private Partnership Ordinance^(a) (“the principal Ordinance”) is amended in the manner specified in the Schedule to this Ordinance.

^(a) Cap 13 Laws of the Falkland Islands 1950

SCHEDULE

Amendment of principal Ordinance

Amendment of section 5

1. The figures and letter "25p" where they appear in section 5(4) are deleted and replaced with the figures and symbol "£250".

Amendment of Schedule A

2. The text of Schedule A appearing after the heading "TABLE OF FEES" is deleted and replaced with the following —

"For the registration of a company -	£250
For entering a change of name upon the register -	£20
For entering a charge upon the register -	£20
For searching the file held by the Registrar in relation to a company -	£10
For certified copies of any document held upon any company file held by the Registrar -	£5 plus 25p for each page certified excluding the first page
For certificate of registration of a company (other than on first registration) -	£20"

Passed by the Legislature of the Falkland Islands this 24th day of March 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Fishing (CCAMLR) Ordinance 1999

(No. 2 of 1999)

ARRANGEMENT OF PROVISIONS

Section

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PRELIMINARY**

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**PART II
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ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

FISHING (CCAMLR) ORDINANCE 1999

(No. 2 of 1999)

(assented to: 30 March 1999)
(commencement: upon commencement)
(published: 8 April 1999)

An Ordinance

To make provision for the implementation of conservation and other measures designed to support the provisions and objectives of the Convention on the Conservation of Antarctic Marine Living Resources

ENACTED by the Legislature of the Falkland Islands as follows —

PART I
PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Fishing (CCAMLR) Ordinance 1999 and shall come into force upon publication in the *Gazette*.

Interpretation

2. In this Ordinance unless the context otherwise requires —

“Antarctic Convergence” means a line joining the following points along parallels of latitude and meridians of longitude:

50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

“authorised officer” means the Director of Fisheries and any of the authorised officers provided for under section 3 or any person authorised by or acting under the orders of an authorised officer;

“CCAMLR” and “Convention” mean the Convention on the Conservation of Antarctic Marine Living Resources drawn up at Canberra on 20 May 1980;

“CCAMLR fishing licence” means a fishing licence granted pursuant to section 7 and the other provisions of this Ordinance;

“CCAMLR waters” means the marine waters located in the area between 60° South of latitude and the Antarctic Convergence;

“conservation measures” means measures to conserve Antarctic marine living resources and the Antarctic marine ecosystem adopted in accordance with Article IX of the Convention;

“Director of Fisheries” means the public officer for the time being holding or acting in the office of Director of Fisheries or any person to whom he may delegate functions under section 3(2);

“Falkland Islands fishing vessel” means a fishing vessel that is registered under the Merchant Shipping Act 1894 in a port of registry in the Falkland Islands;

“Falkland Islands fishing waters” means the internal waters, the territorial sea, the Falkland Islands Interim Conservation and Management Zone, the Falklands Outer Conservation Zone and any other marine waters to which the Fisheries (Conservation and Management) Ordinance 1986 for the time being applies;

“fish” includes any living marine resource;

“fishing” means —

(a) the catching or taking of fish;

(b) any other activity which can reasonably be expected to result in the catching or taking of fish; or

(c) any other activity directly related to fishing including the operation of mother ships;

“fishing vessel” means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

“Governor” means the Governor acting in his discretion;

“licensed fishing vessel” means a fishing vessel in respect of which a licence has been granted pursuant to section 7 and the other provisions of this Ordinance; and

“master” includes, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel.

“overseas fishing vessel” means a fishing vessel other than a Falkland Islands fishing vessels;

**PART II
ADMINISTRATION**

The Director of Fisheries and authorised officers

3.—(1) This Ordinance shall be administered by the Director of Fisheries who shall be responsible for —

- (a) maintaining a record of all licensed fishing vessels, which record shall include all information provided by an applicant under section 6;
 - (b) the collection of statistics concerning fish stocks and fishing in CCAMLR waters;
 - (c) the monitoring, control and surveillance of the operations of Falkland Islands fishing vessels in CCAMLR waters;
 - (d) the issue, variation, suspension and revocation of licences for fishing in CCAMLR waters;
 - (e) the collection of fees in respect of CCAMLR fishing licences;
 - (f) the taking of appropriate measures in cooperation with other states for the implementation of the Convention and conservation measures;
 - (g) the making of such reports to the Governor as the latter may require or the Director of Fisheries shall consider appropriate;
 - (h) the taking of all such other measures as the Governor may direct or the Director of Fisheries may consider appropriate for the implementation of the Convention, conservation measures and this Ordinance.
- (2) The Governor may give or may authorise the Director of Fisheries to give such information and make such reports as may be necessary to assist with the implementation of the objectives of the Convention and conservation measures.
- (3) The Director of Fisheries may, and if directed by the Governor shall, in writing authorise any public officer to exercise any or all of the powers of the Director of Fisheries either concurrently with him or in his absence subject to such conditions, including territorial restrictions, as may be stipulated in the authorisation.
- (4) The Director of Fisheries shall personally exercise the powers provided for under section 20, but may not exercise those powers in any case without the consent of the Attorney General.
- (5) This Ordinance shall be enforced by authorised officers acting subject to the direction of the Director of Fisheries and for that purpose authorised officers shall have the powers set out in section 11.
- (6) The following persons shall be authorised officers —
- (a) fisheries officers appointed pursuant to the Fisheries (Conservation and Management) Ordinance 1986;
 - (b) all members of the Royal Falkland Islands Police Force;

(c) persons in command or in charge of any vessel, aircraft or hovercraft of Her Majesty's Armed Services or of the Government of the Falkland Islands, and

(d) such other public officers as may be prescribed.

PART III

LICENSING OF FISHING IN CCAMLR WATERS

Prohibition of fishing in CCAMLR waters without a licence

4.—(1) No Falkland Islands fishing vessel shall be used for fishing in CCAMLR waters except under the authority of a CCAMLR fishing licence.

(2) Where a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer shall each commit an offence and be liable to a fine not exceeding the maximum of level 12 on the standard scale.

Vessels eligible for high seas fishing licences

5.—(1) Subject to subsection (2) any Falkland Islands fishing vessel shall be eligible for a CCAMLR fishing licence except where the vessel has been authorised to be used for fishing in CCAMLR waters by another state and that state has either —

(a) suspended such authorisation and such suspension has not expired; or

(b) withdrawn such authorisation within the three years preceding the application;

because the fishing vessel has undermined the effectiveness of conservation measures.

(2) The exceptions contained in subsection (1) shall not apply to a vessel where —

(a) ownership of that vessel has changed since such suspension or withdrawal of authorisation and the new owner has provided evidence, to the satisfaction of the Director of Fisheries that the previous owner, charterer or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

(b) the Director of Fisheries has decided, after taking into account all relevant facts, that the grant of a fishing licence in respect of the vessel will not undermine the object and purpose of the Convention and conservation measures.

Applications and fees

6.—(1) An application for the grant of a CCAMLR fishing licence shall be —

(a) made in the prescribed manner;

(b) accompanied by the information required under subsection (2) and such other information and documents as may be prescribed; and

(c) accompanied by the prescribed application fee.

(2) An application for a high seas fishing licence shall relate to a specific vessel and shall be accompanied by the following information in relation to the vessel —

- (a) —
 - (i) name of fishing vessel;
 - (ii) registration number (if any);
 - (iii) previous names (if known);
 - (iv) port of registry;
- (b) previous flag (if any);
- (c) international radio call sign (if any);
- (d) names and addresses of owners and operator (manager) (if any);
- (e) where and when built;
- (f) type of vessel;
- (g) length;
- (h) type of fishing method or methods;
- (i) moulded depth;
- (j) beam;
- (k) gross register tonnage where available;
- (l) power of main engine or engines.

Grant of CCAMLR fishing licences and conditions relating to licences

7.—(1) A CCAMLR fishing licence shall be granted by the Director of Fisheries to the master, owner or charterer in respect of a specified fishing vessel.

(2) Subject to any directions given to him by the Governor, the issue of each CCAMLR fishing licence shall be in the discretion of the Director of Fisheries.

(3) The Director of Fisheries shall not grant a CCAMLR fishing licence in respect of a fishing vessel unless he is satisfied that the Falkland Islands will be able to exercise sufficient control and supervision in respect of that vessel, such that its activities are unlikely to prejudice the objectives of the Convention and conservation measures.

(4) A CCAMLR fishing licence may authorise a vessel to be used for fishing generally or may confer limited authority by reference in particular to —

- (a) the area in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;

- (c) the descriptions, quantities, size and presentation of fish which may be taken, or
- (d) the method of fishing.

(5) A CCAMLR fishing licence shall be subject to the following conditions —

- (a) the licensed fishing vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
- (b) such records of fishing operations shall be kept on board the licensed fishing vessel and such returns shall be submitted to the Director of Fisheries concerning areas of fishing, catches and landings of fish and such other matters as are stipulated in the licence or as shall be notified by the Director of Fisheries to the person to whom the licence is granted;
- (c) the licensed fishing vessel shall not engage in activities which undermine the effectiveness of conservation measures and in particular such activities as may be prescribed.

(6) A CCAMLR fishing licence shall authorise fishing subject to such further conditions as may appear to the Director of Fisheries to be necessary or expedient for the conservation or management of species of Antarctic marine living resources in CCAMLR waters and as may be specified by him in writing.

(7) If a licence condition referred to in subsection (4), (5) or (6) is broken, the master, the owner and the charterer of the fishing vessel concerned in such breach shall each commit an offence and be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(8) A CCAMLR fishing licence may be —

- (a) varied from time to time; or
- (b) revoked or suspended,

if this appears to the Director of Fisheries to be necessary or expedient for the conservation of Antarctic marine living resources in CCAMLR waters.

(9) If a CCAMLR fishing licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate taking into account the circumstances of the case, refund the whole or any part of the fee charged for the licence.

Period of validity of CCAMLR fishing licences

8.—(1) Subject to subsection (2), the period of validity of a CCAMLR fishing licence shall be one year or such other period as may be specified in the licence.

(2) A CCAMLR fishing licence shall cease to be valid if the vessel in respect of which it was issued ceases to be entitled to fly the flag of the Falkland Islands.

PART IV INTERNATIONAL COOPERATION

CCAMLR waters fishing information

9. The Director of Fisheries may require any fisherman or person owning or working on a Falkland Islands fishing vessel that is used for fishing in CCAMLR waters, to provide him with information or make returns in such form and at such periods as he may decide concerning areas of fishing, catches and landings of fish and such other matters relating to fishing operations with which such person is connected as may be stated in any such requirement.

Exchange of information with other States

10.—(1) The Director of Fisheries if so authorised by the Governor may make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with countries that are parties to the Convention or to which the Convention has been applied to enable the Falkland Islands and such other countries better to implement or support the objects of the Convention and conservation measures.

(2) Without derogating from the generality of arrangements made under subsection (1), the Director of Fisheries in particular may where he has reason to believe that a foreign fishing vessel has engaged in activities that undermine conservation measures —

(a) provide to the appropriate authorities of the flag state of the overseas fishing vessel concerned such information, including evidentiary material, relating to those activities, as may be necessary to assist the flag state in identifying the vessel; and

(b) when such overseas fishing vessel is voluntarily in a port of the Falkland Islands promptly notify the appropriate authorities of the flag state of the vessel accordingly.

PART V ENFORCEMENT

General powers at sea of authorised officers

11.—(1) For the purpose of enforcing this Ordinance an authorised officer may exercise the following powers with respect to any Falkland Islands fishing vessel in CCAMLR waters and in the Falkland Islands fishing waters —

(a) he may stop the vessel;

(b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;

(c) he may require the master to facilitate the boarding of the vessel by all appropriate means;

(d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;

(e) he may require the master, the crew or any of them to produce and he may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel;

- (f) he may muster the crew of the vessel;
- (g) he may require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);
- (h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Ordinance has been contravened;
- (i) he may take or require the master to take the vessel to any place, port or harbour in the Falkland Islands for the purpose of the carrying out of any search, examination or enquiry;
- (j) in the case of any person who appears to him to have committed any offence against this Ordinance he may without summons, warrant or other process, take the suspected offender and take or require the master of the vessel to take the vessel in respect of which it appeared to him that there has been an offence together with the crew thereof to a port or harbour in the Falkland Islands and bring him or them before a competent court and detain him and them and the vessel in the Falkland Islands until the alleged offence has been adjudicated upon;
- (k) he may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 12 or 13 or by the court;
- (l) in the case of any offence against section 4 he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;
- (m) he may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;
- (n) he may seize any fish which he believes have been taken or fish products produced in the commission of such offence;
- (o) he may seize or take copies of any documents which he believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) an authorised officer may use such force as may be reasonably necessary.

Security for release of a fishing vessel

12.—(1) Where a fishing vessel is taken, seized or detained under this Ordinance and an information or charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the information or charge apply to the court by which the information or charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing the application the court shall either —

- (a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 19 order the release of the fishing vessel; or
- (b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the court for the purpose of a reasonable bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 19.
- (3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.
- (4) The condition of the bond shall be that if —
- (a) the defendant is found not guilty of the information or charge; or
- (b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the amount of all costs and expenses due by him to the Crown under section 19 then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.
- (5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.
- (6) In this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Ordinance and is detained on board the vessel in the custody of the Crown.

Disposal of seized fish and other perishables

13.—(1) Where any fish or other things of a perishable nature are seized under section 11 the Director of Fisheries may, notwithstanding any other provision of this Ordinance, either —

- (a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Director of Fisheries adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amounts shall be adjudged by the court to be forfeited to the Crown; or
- (b) cause the sale of the fish or other thing at its reasonable market value and if court proceedings are instituted pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or if no proceedings are instituted, release the proceeds to the person from whom the fish or thing was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 11 it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

Disposal of persons arrested, vessels and other things detained or seized

14.—(1) Any person arrested and, subject to section 13, any vessel, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest any vessel, article or thing arrested detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall, subject to section 13(2), be returned to that person.

(3) Where the court holds any vessel, article or thing arrested, detained or seized under section 12 and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge the Director of Fisheries may apply to the court for such vessel, article or thing to be forfeited to the Crown and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Director of Fisheries may appeal to the Supreme Court the decision of which shall be final.

(5) Subject to subsection (6) and section 13 where a vessel, article or thing is arrested, detained or seized under section 12 and no person is arrested the vessel, article or thing, shall be returned to the owner or the person having possession care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, article or thing, arrested, detained or seized under section 12 cannot be traced within thirty days of such seizure it shall be forfeit to the Crown and be disposed of as the Director of Fisheries in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the Consolidated Fund.

(7) Where a vessel article or thing has been arrested, detained or seized under section 12 and the Court does not order the forfeiture of that vessel, article or thing it, or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, article or thing or the person having the possession, care or control of it at the time of its arrest, detention or seizure is convicted of an offence under this Ordinance and a fine is imposed —

(a) the vessel, article or thing may be detained until the fine is paid;

(b) the vessel, article or thing may be sold in satisfaction of the fine; or

(c) any proceeds realised from its disposal under section 14 may be applied in payment of the fine.

(9) The Director of Fisheries may cause any fish, vessel or any fishing gear found or seized and at his disposal to be destroyed if he considers fit.

PART VI PROHIBITIONS AND OFFENCES

Prohibition of activities that undermine the effectiveness of conservation measures

15.—(1) No fishing vessel entitled to fly the flag of the Falkland Islands, whether or not it is required to be licensed under this Ordinance, shall engage in any activity in CCAMLR waters that undermines the effectiveness of conservation measures.

(2) The Governor may, by regulation, prescribe certain activities as being activities that undermine the effectiveness of conservation measures.

(3) Where a vessel contravenes subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on conviction to a fine not exceeding the maximum of level 12 on the standard scale.

Obstruction of authorised officers, false information and alteration of licences

16.—(1) Any person who —

(a) assaults, resists or wilfully obstructs an authorised officer when acting in the exercise of his powers under this Ordinance;

(b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Ordinance;

(c) without reasonable excuse fails to —

(i) answer any question asked by an authorised officer; or

(ii) given any information or produce any thing required to be given or produced in pursuance of this Ordinance;

(d) fails to allow a search or inspection under this Ordinance; or

(e) prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing any thing or allowing a search or inspection;

commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(2) Any person who —

(a) for the purpose of obtaining a licence; or

(b) for purported compliance with an requirement to furnish any information under this Ordinance,

knowingly or recklessly provides information which is false in a material particular commits an offence and shall be liable on conviction to a fine not exceeding the maximum of level 8 on the standard scale.

(3) Any person who without lawful authority alters a licence granted under this Ordinance commits an offence and on conviction shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

Other offences, penalties and proceedings

17.—(1) Any person who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

(2) Any person who commits an offence against this Ordinance for which no penalty is specifically provided shall be liable on conviction to a fine not exceeding the maximum of level 6 on the standard scale.

(3) Where any person is convicted of an offence against this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the proceeds of sale thereof, if already sold, shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries, acting in his discretion, may direct.

(4) For the purposes of any proceedings under this Ordinance any fish found on board a fishing vessel shall be presumed to have been caught —

(a) in CCAMLR waters; and

(b) within the vicinity of the vessel at the time the fish is so found where the licence to fish specifying the vessel restricts fishing to a particular area of the CCAMLR waters;

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master or other person who tranships, receives on board a fishing vessel, transports, sells, offers for sale, processes or in any other manner deals with fish caught in contravention of this Ordinance commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted on a second or further occasion of an offence against this Ordinance he shall be liable to double the normal penalty for that offence.

(9) A certificate purporting to be signed by the Director of Fisheries or any officer authorised by him for that purpose to the effect that on a date specified in the certificate —

(a) a fishing vessel specified in that certificate was not licensed under this Ordinance;

(b) the accused person or any other named person was not the holder of a licence under this Ordinance; or

(c) a person was the holder of a licence or permit under this Ordinance,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

Jurisdiction of the Court

18. All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before the Magistrate's Court or the Summary Court and each of those courts shall have power to impose any time provided for by this Ordinance.

Forfeiture of licence and disqualifications

19. Where a person is convicted of an offence against this Ordinance the court may in addition to any other penalty order that any licence granted under this Ordinance to the convicted person be forfeited and also any fees paid for such licence and that such person be disqualified from the day of conviction from holding a licence for a period not exceeding three years.

Administrative penalty

20.—(1) Where the Director of Fisheries has reasonable cause to believe that —

(a) an offence against this Ordinance has been committed by any person;

(b) the offence is of a minor nature; or

(c) having regard to the previous conduct of the person concerned and of the vessel if a vessel is involved, it would be appropriate to impose a penalty under this section,

he may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify —

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being sufficient summary fully and fairly to inform the person of the allegation against him); and

(c) any other matters (not being previous convictions) that the Director of Fisheries considers relevant to the imposition of a penalty;

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) is served may within thirty days after such service by notice in writing in the prescribed form served on the Director of Fisheries require that

proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply —

(a) no further proceedings shall be taken under this section by the Director of Fisheries; and

(b) nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Ordinance upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Director of Fisheries —

(a) admit the offence; and

(b) make submissions to the Director of Fisheries as to the matters he wishes him to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) is served does not within thirty days after the notice is served on him —

(a) require that proceedings in respect of the alleged offence shall be dealt with by the court; or

(b) admit the offence;

he shall on the expiration of that period be considered to have admitted the offence.

(6) Where under this section a person admits or is considered to have admitted an offence the Director of Fisheries after taking into account any submissions by that person under subsection (4), may impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Director of Fisheries imposes a penalty on a person under this section in respect of an offence the Director of Fisheries shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on him in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(10) Notwithstanding any other provisions of this Ordinance or any other enactment, where an offence has been admitted or is considered to have been admitted under this section no

information or charge may be laid in respect of the offence against any person by whom it has been admitted or considered to have been admitted.

(11) Nothing in this section shall apply —

(a) in respect of any offence or alleged offence under section 4; or

(b) to any offence or alleged offence in respect of which any information or charge has already been laid.

Detention or forfeiture of fishing vessel on failure to pay or secure fine

21.—(1) If any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provisions of this Ordinance the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the court, is not given the court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in the Falkland Islands until the amount due is paid or sufficient security shall be given to the satisfaction of the court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court or such longer period as the court may determine, the court may order that in the case of any offence against section 4 any vessel and its equipment used in the commission of the offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Director of Fisheries acting in his discretion shall direct.

PART VIII REGULATIONS

Regulations

22.—(1) The Governor may make regulations for the better carrying into effect of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for —

(a) anything which is to be or may be prescribed under this Ordinance;

(b) the payment of fees on applications for licences and on the issue of licences;

(c) the conditions and procedures of applications for licences and their forms;

(d) the placing of observers on fishing vessels;

(e) the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under and the terms and conditions of their licences;

(f) reports to be made for the purposes of this Ordinance;

(g) notification of conservation measures recognised by the Falkland Islands;

(h) activities that shall be considered to be activities that undermine the effectiveness of conservation measures.

Passed by the Legislature of the Falkland Islands this 24th day of March 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II

**Colony of the Falkland Islands**

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Supplementary Appropriation (1998-1999) Ordinance 1999

(No. 3 of 1999)

ARRANGEMENT OF PROVISIONS

Section

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

Schedule 1

Schedule 2

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

SUPPLEMENTARY APPROPRIATION (1998-1999) ORDINANCE 1999

(No. 3 of 1999)

(assented to: 30 March 1999)
(commencement: upon publication)
(published: 8 April 1999)

AN ORDINANCE

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £1,466,230 for the service of the financial year ending on 30 June 1999.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Supplementary Appropriation (1998-1999) Ordinance 1999.

Appropriation of further sum

2. The Financial Secretary may for the purposes specified in the Schedules cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 1998 and ending on 30 June 1999 ("the financial year") the further sum of £1,466,230 in addition to sums already appropriated by Ordinance.

Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in Schedule 1, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of the Contingencies Warrants Numbers 3 to 9 of 1998-1999 (the authority of which lapses on the commencement of this Ordinance).

SCHEDULE 1

PART I OPERATING EXPENDITURE

		£
200	Health & Social Services	97,400
350	Public Works Department	27,750
450	Justice	6,340
500	Falkland Islands Defence Force	13,520
600	Central Administration	56,810
800	Legislature	<u>34,500</u>
	TOTAL OPERATING EXPENDITURE	236,320

PART II CAPITAL EXPENDITURE

950	Capital	<u>759,910</u>
	TOTAL SUPPLEMENTARY EXPENDITURE	<u><u>996,230</u></u>

SCHEDULE 2

	<u>CAPITAL EXPENDITURE</u>	
950	Capital	<u><u>470,000</u></u>

Passed by the Legislature of the Falkland Islands this 24th day of March 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

SUBSIDIARY LEGISLATION

REVISED EDITION OF THE LAWS**Law Revision Order No. 3 of 1998**

(S. R. & O. No. 6 of 1999)

*Made: 29 March 1999**Published: 8 April 1999**Coming into force in accordance with article 1*

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1.—(1) This Order may be cited as Law Revision Order No. 3 of 1998 and shall come into force on such date, not earlier than the first publication of this Order in the *Gazette*, as the Governor may, subject to paragraph (2), notify by notice so published.

(2) The Governor shall not notify a date pursuant to paragraph (1) unless he is satisfied that copies of Volume 4 specified in Schedule 2 to this Order are available in the Falkland Islands.

Interpretation

2. In this Order —

“the Ordinance” means the Revised Edition of the Laws Ordinance 1991;

“the Revised Laws of the Falkland Islands” means the work under that title published or intended to be published in seven volumes on the authority of the Government of the Falkland Islands by Law Reports International, Oxford, which is ISBN 1 870584 69 4;

“the relevant revision date” means 1st January 1993;

“Volume 4 of the Revised Laws of the Falkland Islands” and “Volume 4” means the fourth volume of the Revised Laws of the Falkland Islands which, as a separate volume is ISBN 1 870584 73 2.

Approval of Volume 4 of the Revised Laws of the Falkland Islands

3. Volume 4 of the Revised Laws of the Falkland Islands is approved as at the relevant revision date.

Pages included in Volume 4

4. The pages included in Volume 4 are those specified in the Schedule to this Order.

Replacement of pages in Volumes 1 and 2

5. The pages specified in Schedule 2 to this Order, and published in the Falkland Islands on the 1st April 1999 are approved as at the relevant revision date in replacement of the pages of the same number originally published in Volume 1 (which expression is defined in Law Revision Order No 1 of 1997**(b)**) on the 1st August 1998 and in Volume 2 (which expression is defined in Law Revision Order No 1 of 1998**(c)**) on 1st September 1998.

Made this 29th day of March 1999

R P Ralph
Governor

(b) S. R. & O. No 27 of 1998

(c) S. R. & O. No 51 of 1998

SCHEDULE 1*Pages contained in Volume 4*

Preliminary pages: pages i to iv;

Title 38 (Family Law (Part 1)): pages 38(1)/1 to 38(1)/16, pages 38(1) Imp/1 to 38(1) Imp/22 and page 38(1) Disapplied/1;

Title 38 (Family Law (Part 2)): pages 38(2)/1 to 38(2)/118, pages 38(2) Imp/1 to 38(2) Imp/112 and page 38(2) Disapplied/1;

Title 39 (Fisheries): pages 39/1 to 39/96, pages 39 Imp/1 to 39 Imp/9 and page 39 Disapplied/1;

Title 40 (Gambling): pages 40/1 to 40/11 and pages 40 Imp/1 to 40 Imp/3 and page 40 Disapplied/1;

Title 41 (Highways): page 41/1, pages 41 Imp/1 to 41 Imp/7 and page 41 Disapplied/1;

Title 42 (Insurance): pages 42/1 to 42/4, pages 42 Imp/1 to 42 Imp/3, and page 42 Disapplied/1;

Title 43 (Intellectual Property): pages 43/1 to 43/18, pages 43 Imp/1 to 43 Imp/9 and page 43 Disapplied/1;

Title 44 (International Relations): pages 44/1 to 44/53, pages 44 Imp/1 to 44 Imp/10, page 44 Disapplied/1 and page 44 Treaty/1;

Title 45 (Land Law): pages 45/1 to 45/40, pages 45 Imp/1 to 45 Imp/11 and pages 45 Disapplied/1 and 45 Disapplied/2;

Title 46 (Landlord and Tenant): page 46/1, pages 46 Imp/1 to 46 Imp/10 and page 46 Disapplied/1;

Title 47 (Limitation of Actions): page 47/1, pages 47 Imp/1 and 47 Imp/2 and page 47 Disapplied/1;

Title 48 (Liquor and Licensing): page 48/1, page 48 Imp/1 and page 48 Disapplied/1;

Title 49 (Medicine and Pharmacy): page 49/1 to 49/84, pages 49 Imp/1 to 49 Imp/4 and page 49 Disapplied/1.

SCHEDULE 2*Replaced pages in Volume 1*

Title 5 (Animals)	Pages	5/81 and 5/82 5/89 and 5/90
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Title 10 (Banking)	Page	10 Disapplied/1
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Replaced Pages in Volume 2

Title 19 (Constitutional and Administrative Law)	Page	19 Disapplied/1
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Title 22 (Courts and Legal Services)	Page	22 Disapplied/1
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Title 23 (Criminal Law)	Pages	23/1 and 23/2 23 Imp/25 to 23 Imp/30 23 Disapplied/1 and 23 Disapplied/2
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Title 24 (Criminal Procedure)	Pages	24/131 and 24/132
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SUBSIDIARY LEGISLATION

LAW REVISION

Disapplication of Enactments No. 1 Order 1999

(S. R. & O. No. 7 of 1999)

Made: 29 March 1999

Published: 8 April 1999

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 78A(2) of the Interpretation and General Clauses Ordinance 1977(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Disapplication of Enactments No. 1 Order 1999 and shall be deemed to have come into force on 1st January 1993.

Disapplication of Enactments

2. So far as concerns the Falkland Islands the indirectly adopted imperial enactments specified in Schedule 1 to this Order shall be deemed never to have been enacted.

Amendment to Disapplication of Enactments No 2 Order 1998

3. The Schedule to the Disapplication of Enactments No 2 Order 1998(b) is amended by deleting the year “1991” and inserting the year “1911” following the words “Perjury Act” under the heading “CRIMINAL LAW (TITLE 23)”, and

Made this 29th day of March 1999

R P Ralph
Governor

(a) No. 14 of 1977 (it is intended that this will be Title 67.3 in the Revised Edition of the Laws where s.78A will be renumbered as s.79.), as amended

(b) S.R. & O. No. 50 of 1998

SCHEDULE

1. Note: The cross-headings which follow are the Titles in which the disapplication of enactments which are specified under them is mentioned in Volume 1 of the Revised Laws of the Falkland Islands

BANKING (TITLE 10)
 Saving Banks Act 1887
 War Loan (Supplemental Provisions) Act 1915
 Government Annuities Act 1929
 Savings Banks Act 1949
 Finance Act 1962, ss. 33, 34(1) and (3) to (6) (inclusive)
 National Loans Act 1968, ss. 8, 24(1) and (3)
 Post Office Act 1969, ss. 93, 94, 113, 114, 132, 139, 140 and 142
 National Savings Bank Act 1971
 Finance Act 1980, ss. 120, 122(1) and (4), Schedule 19, Schedule 20, Part XV
 Trustee Savings Banks Act 1981
 Trustee Savings Banks Act 1985

2. Note: The cross-headings which follow are the Titles in which the disapplication of enactments which are specified under them is mentioned in Volume 2 of the Revised Laws of the Falkland Islands

CONSTITUTIONAL AND ADMINISTRATIVE LAW (TITLE 19)
 Crown Proceedings Act 1947, ss. 10, 12, 17(1), 19, 23(3)(b) to (f) (inclusive), 24(4),
 34, 39, 41 to 53 (inclusive)
 Crown Proceedings (Armed Forces) Act 1987

COURTS AND LEGAL SERVICES (TITLE 22)
 Revenue Solicitors Act 1828
 Sheriffs Act 1887
 Qualification for Office Act 1961
 Solicitors Act 1974
 Administration of Justice Act 1985, ss. 9, 10, 40 to 43 (inclusive), 68(1), (2)(c) to (e)
 (inclusive), (4), 69(1), (2), (3)(c), (d), (4), (5), Schedule 2, Schedule 9, paras. 1 to 9
 (inclusive), and 17
 Legal Aid Act 1988
 Courts and Legal Services Act 1990, ss. 54(1), 66(1), (2), 89 and Schedule 14

3. Note: The cross-headings which follow are the Titles in which the disapplication of the enactments which are specified under them is mentioned in Volume 4 of the Revised Laws of the Falkland Islands

FAMILY LAW (PART 1) (TITLE 38)
 Children and Young Persons Act 1933, ss 1(4) to (7) (inclusive), 2, 6, 8, 9, 13, 15, 16,
 18, 19, 22, 31 to 33 (inclusive), 35, 38(1), 41, 50 to 54 (inclusive), 56 to 60
 (inclusive), 61(1)(c), (2), 62(2) to (4) (inclusive), 63 to 65 (inclusive), 66(3), 67, 68,
 70(2) to (7) (inclusive), 72(3) to (5) (inclusive), 73, 74, 76 to 98 (inclusive), 101 to

- 106 (inclusive), 108, 109(2) to (4) (inclusive) and Second to Fifth Schedules (inclusive)
- Maintenance Orders Act 1950, ss. 4, 9, 11, 12, 27 and 32
- Criminal Justice Act 1961, ss. 18, 19, 36, 39(3), (4) and 41 to 45 (inclusive)
- Children and Young Persons Act 1963, ss.1, 2, 4 to 16(1) (inclusive), 17(1), 19 to 22 (inclusive), 24, 27 29(2), 30 to 35(1) (inclusive), 35(3), 36, 43 to 62 (inclusive), 63(1A), 64, 65(4) to (6) (inclusive)
- Maintenance Orders Act 1968
- Family Law Reform Act 1969, ss. 1, 8, 9, 12 and Schedules 1 to 3 (inclusive)
- Children and Young Persons Act 1969, ss. 25 to 27 (inclusive), 29 to 32 (inclusive), 33 to 69 (inclusive), 71 to 73(2) (inclusive) and Schedules 1 to 7 (inclusive)
- Children Act 1972
- Employment of Children Act 1973
- Domicile and Matrimonial Proceedings Act 1973, ss. 3, 4 and 17
- Family Law Act 1986, ss. 1 to 3 (inclusive), 5 to 7 (inclusive), 19 to 25 (inclusive), 27 to 43 (inclusive), 56 to 60 (inclusive), 63, 68(1), (2), 3(a), (c), (4), 69 and Schedules 1 and 2
- Family Law Reform Act 1987, ss. 3, 5 to 16 (inclusive), 20, 22, 24 to 27 (inclusive), 29, 32, 33 and 34(2) to (5) (inclusive)
- Child Support Act 1991
- Criminal Justice Act 1991, ss. 60 to 62 (inclusive), 64 to 66 (inclusive), 71, 72, Schedules 7 to 9 (inclusive), and 12
- FAMILY LAW (PART 2) (TITLE 38)**
- Marriage Confirmation Act 1830
- Matrimonial Orders (Facilities for Enforcement) Act 1920
- Marriage Act 1949, ss. 3 to 27A (inclusive), 28 to 52 (inclusive), 68 to 80 (inclusive), and Second to Sixth Schedules (inclusive)
- Maintenance Orders Act 1950, ss. 10, 13, 15 to 28 (inclusive), 31, 32 and Schedule 2
- Maintenance Orders Act 1958, ss. 1 to 16 (inclusive), 19, 21(5), (6), 22, 23(2) and (3)
- Marriage (Enabling) Act 1960
- Matrimonial Causes Act 1965
- Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968, s. 2
- Family Law Reform Act 1969, s. 2
- Law Reform (Miscellaneous Provisions) Act 1970, ss. 1 to 4 (inclusive), 6, 7 and Schedule
- Marriage (Registrar General's Licence) Act 1970
- Matrimonial Causes Act 1973
- Domicile and Matrimonial Proceedings Act 1973, ss. 1, 2 and 5 to 16 (inclusive)
- Domestic Violence and Matrimonial Proceedings Act 1976
- Domestic Proceedings and Magistrates' Courts Act 1978
- Matrimonial Homes Act 1983
- Marriage Act 1983
- Matrimonial and Family Proceedings Act 1984
- Family Law Act 1986, ss. 44 to 52 (inclusive), 54, 55, 58 to 63 (inclusive), 68(3) and 69
- Matrimonial Proceedings (Transfers) Act 1988
- Maintenance Enforcement Act 1991

FISHERIES (TITLE 39)

- White Herring Fisheries Act 1771
- Diseases of Fish Act 1939
- Sea Fish Industry Act 1951, s. 25
- Sea Fish Industry Act 1962
- Sea Fisheries Regulation Act 1966
- Sea Fisheries (Shellfish) Act 1967
- Sea Fish Industry Act 1970
- Conservation of Seals Act 1970
- Salmon and Freshwater Fisheries Act 1975
- Import of Live Fish (England and Wales) Act 1980
- Fisheries Act 1981, ss. 1 to 29 (inclusive), 31 to 46 (inclusive) and Schedules 1 to 5 (inclusive)
- British Fishing Boats Act 1983
- Diseases of Fish Act 1983
- Salmon Act 1986
- Sea Fisheries (Wildlife Conservation) Act 1992
- Sea Fish (Conservation) Act 1992

GAMBLING (TITLE 40)

- Betting and Lotteries Act 1934
- Betting, Gaming and Lotteries Act 1963
- Finance Act 1966, ss. 15, 53, Schedule 3 and Schedule 13, Part I
- Finance Act 1967, ss. 7, 45(1), 3(a), (6) and (7)
- Gaming Act 1968
- Horserace Betting Levy Act 1969
- Betting, Gaming and Lotteries (Amendment) Act 1969
- Horserace Totalisator and Betting Levy Boards Act 1972
- Gaming (Amendment) Act 1973
- Lotteries Act 1975
- Lotteries and Amusements Act 1976
- Gaming (Amendment) Act 1980
- Horserace Betting Levy Act 1981
- Betting and Gaming Duties Act 1981
- Gaming (Amendment) Act 1982
- Lotteries (Amendment) Act 1984
- Betting, Gaming and Lotteries (Amendment) Act 1984
- Finance Act 1984, ss. 7, 128(1), (6) and Schedule 23, Part II
- Betting, Gaming and Lotteries (Amendment) Act 1985
- Gaming (Bingo) Act 1985
- Finance Act 1985, ss. 8, 98(1), (6), Schedule 5 and Schedule 27, Part III
- Gaming (Amendment) Act 1986
- Finance Act 1986, ss. 6, 114(1), (6), Schedule 4 and Schedule 23, Part III
- Gaming (Amendment) Act 1987
- Gaming (Amendment) Act 1990
- Finance Act 1991, ss. 123, 124 and Schedule 19, Part I
- Bingo Act 1992

HIGHWAYS (TITLE 41)

- Highway Act 1835
- Highways and Locomotives (Amendment) Act 1878
- Ferries (Acquisition by Local Authorities) Act 1919
- National Parks and Access to the Countryside Act 1949, ss. 50A, 51 to 55 (inclusive), 57, 99(1), (2), 100, 101(1), (6)(a), (b), (11), 109 to 111 (inclusive), 111A(2), (5), 114(1), (4) and 115
- Public Utilities Street Works Act 1950
- Local Government (Miscellaneous Provisions) Act 1953, ss. 4 to 9 (inclusive)
- Land Powers (Defence) Act 1958, ss. 8 and 9
- Countryside Act 1968, ss. 27, 30, 31, 49(1) to (3) (inclusive), and 50(1), (3), (5)
- Transport Act 1968, ss. 116 to 119 (inclusive), 121, 122, 157 to 159 (inclusive) and 166
- Local Government (Miscellaneous Provisions) Act 1976, ss. 7, 44 and 83
- Wildlife and Countryside Act 1981, ss. 53 to 59 (inclusive), 62, 63, 66, 67(1), 68 to 71 (inclusive), 72(12), 73(2), (3), 74 and Schedules 14 to 16 (inclusive),
- Cycle Tracks Act 1984
- Planning and Compensation Act 1991, ss. 81, 84(1) to (3) (inclusive), (6), (7), (9) and Schedule 19, Part V

INSURANCE (TITLE 42)

- Restriction of Advertisement (War Risks Insurance) Act 1939
- Marine and Aviation (War Risks) Act 1952
- Insurance Companies Act 1958
- Insurance Companies Amendment Act 1973
- Insurance Companies Act 1974
- Policyholders Protection Act 1975
- Insurance Brokers (Registration) Act 1977
- Insurance Companies Act 1980
- Insurance Companies Act 1981
- Insurance Companies Act 1982
- Insurance (Fees) Act 1985
- Financial Services Act 1986, ss. 129 to 134 (inclusive), 138, 199(1)(a), (3) to (9) (inclusive), 201(1), (2), (4), 202 to 205 (inclusive), 205A, 207(1) to (3) (inclusive), (5)(a), (6) to (10) (inclusive), 208(1), 209(1), 210(1), (2), 211(1), 212(1) and Schedule 10

INTELLECTUAL PROPERTY (TITLE 43)

- Patents and Designs Act 1907
- Patents Act 1949
- Registered Designs Act 1949
- Copyright Act 1956, ss. 32, 34, 35, 42, 44 and Schedules 4 and 5
- Patents Act 1957
- Defence Contracts Act 1958
- Health Services and Public Health Act 1968, ss. 59 and 79
- Administration of Justice Act 1970, ss. 10, 54(1), (2) and (4)
- Patents Act 1977
- Copyright Designs and Patents Act 1988, ss. 1 to 281 (inclusive), 286 to 296 (inclusive), 300 to 306 (inclusive), and Schedules 1 to 8 (inclusive),

Broadcasting Act 1990, ss. 176, 201, 202(1), (5), 204(1) to (3) (inclusive), and
Schedule 17

LAND LAW (TITLE 45)

- Commons Act 1285
- Inclosure Act 1773
- Inclosure and Drainage (Rates) Act 1833
- Land Clauses Consolidation Act 1845
 - Inclosure Act 1845
 - Inclosure Act 1846
 - Inclosure Act 1847
 - Inclosure Act 1848
 - Inclosure Act 1849
- Inclosure Commissioners Act 1851
 - Inclosure Act 1852
 - Inclosure Act 1854
 - Inclosure Act 1857
 - Inclosure Act 1859
- Land Clauses Consolidation Acts Amendment Act 1860
 - Land Registry Act 1862
 - Improvement of Land Act 1864
 - Metropolitan Commons Act 1866
 - Inclosure, etc., Expenses Act 1868
- Metropolitan Commons Amendment Act 1869
- Limited Owners Residences Act 1870
- Limited Owners Residences Act (1870) Amendment Act 1871
 - Commons Act 1876
 - Commons (Expenses) Act 1878
 - Metropolitan Commons Act 1878
 - Commons Act 1879
- Commonable Rights Compensation Act 1882
 - Settled Land Act 1882
- Law of Commons Amendment Act 1893
- District Councils (Water Supply Facilities) Act 1897
 - Commons Act 1899
 - Improvement of Land Act 1899
 - Commons Act 1908
- Defence of the Realm (Acquisition of Land) Act 1916
- Defence of the Realm (Acquisition of Land) Act 1920
- Law of Property Act 1925, ss. 1, 2, 4, 6 to 8 (inclusive), 9(1)(c), (2), (3), 10, 11, 16 to 18 (inclusive), 39(1), (7), (8), 40, 41, 52, 54 to 56 (inclusive), 58, 61, 73, 74, 76, 77, 84 to 94 (inclusive), 95(4), 97, 105, 112, 114(3), 115 to 120 (inclusive), 123, 124, 125(1), 126 to 129 (inclusive), 133, 137, 163, 167 to 171 (inclusive), 176 to 178 (inclusive), 183, 191 to 195 (inclusive), 197 to 200 (inclusive), 206 and Schedules 2 to 6 (inclusive)
 - Land Registration Act 1925
- Law of Property (Amendment) Act 1926, ss. 1 to 7 (inclusive),
 - Land Registration Act 1936
- Compensation (Defence) Act 1939

- Agriculture (Miscellaneous War Provisions) Act 1940
 Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940
 Agriculture (Miscellaneous Provisions) Act 1941
 Requisitioned Land and War Works Act 1945
 Acquisition of Land (Authorisation Procedure) Act 1946
 Requisitioned Land and War Works Act 1948
 Lands Tribunal Act 1949
 Town and Country Planning Act 1954
 Administration of Justice Act 1956, s. 53
 Land Powers (Defence) Act 1958, ss. 1, 12 to 18A (inclusive), 21 to 27 (inclusive),
 and Schedules 2 and 4
 Town and Country Planning Act 1959
 Rights of Light Act 1959
 Land Compensation Act 1961
 Perpetuities and Accumulations Act 1964
 Compulsory Purchase Act 1965
 Commons Registration Act 1965
 Land Registration Act 1966
 Law of Property Act 1969, ss. 1 to 11 (inclusive), 13 to 22 (inclusive) 24 to 28
 (inclusive), and Schedules 1 to 3 (inclusive),
 Land Registration and Land Charges Act 1971
 Land Charges Act 1972
 Administration of Justice Act 1973
 Land Compensation Act 1973, ss. 1 to 13 (inclusive), 15 to 19 (inclusive), 26, 27, 29,
 29A, 30, 32 to 38 (inclusive), 44 to 48 (inclusive), 50 to 59 (inclusive), 61, 63, 84 to
 89 (inclusive), and Schedule 3
 Local Land Charges Act 1975
 Local Government (Miscellaneous Provisions) Act 1976, ss. 13 to 15 (inclusive), 29,
 44(1), (1A), (3), (6), 83 and Schedule 1
 Land Drainage Act 1976
 Local Government Planning and Land Act 1980, ss. 112, 113, 115, 121 to 123
 (inclusive), 194, 196, 197 and Schedule 34, Part XII
 Compulsory Purchase (Vesting Declarations) Act 1981
 Acquisition of Land Act 1981
 Land Registration Act 1986
 Reverter of Sites Act 1987
 Land Registration Act 1988
 Common Land (Rectification of Registers) Act 1989
 Law of Property (Miscellaneous Provisions) Act 1989
 Planning and Compensation Act 1991, ss. 66, 70, 80, 82, 84(1) to (3) (inclusive), (6),
 (7), (9) and Schedules 15, 18 and Schedule 19, Part III
 Land Drainage Act 1991
 Access to Neighbouring Land Act 1992
- LANDLORD AND TENANT (TITLE 46)**
 Landlord and Tenant Act 1927
 Landlord and Tenant (War Damage) Act 1939
 Landlord and Tenant (War Damage) (Amendment) Act 1941
 Landlord and Tenant (Requisitioned Land) Act 1942

Landlord and Tenant (Requisitioned Land) Act 1944
 Housing Repairs and Rents Act 1954
 Landlord and Tenant Act 1954
 Cost of Leases Act 1958
 Leasehold Reform Act 1967
 Housing Act 1969
 Law of Property Act 1969, ss. 12 and 29 to 31 (inclusive)
 Housing Act 1974
 Rent Act 1974
 Rent Act 1977
 Protection from Eviction Act 1977
 Leasehold Reform Act 1979
 Housing Act 1980, ss. 1 to 155 (inclusive), Schedules 1 to 7 (inclusive), Schedule 8,
 Parts I and III and Schedules 9 to 26 (inclusive)
 Rent (Amendment) Act 1985
 Landlord and Tenant Act 1985
 Housing and Planning Act 1986, ss. 13, 17, 18, 23, 57(1), (2), 58(1), 59 and Schedule
 4
 Landlord and Tenant Act 1987
 Landlord and Tenant Act 1988
 Housing Act 1988, ss. 1 to 34 (inclusive), 35(1) to (3) (inclusive), (5), (6), 36 to 45
 (inclusive), 117, 119 to 121 (inclusive), 138(1), *c*, *d*, (2), 139, 141 and Schedules 1
 to 4 (inclusive)
 Local Government and Housing Act 1989, ss. 186, 190, 195 and Schedule 10
 Landlord and Tenant (Licensed Premises) Act 1990

LIQUOR AND LICENSING (TITLE 48)

Beerhouse Act 1830
 Refreshment Houses Act 1860
 Licensing Act 1872
 Inebriates Act 1898
 Licensing Act 1902
 Penalties for Drunkenness Act 1962
 Licensing Act 1964
 Licensing (Amendment) Act 1967
 Late Night Refreshment Houses Act 1969
 Alcoholic Liquor Duties Act 1979
 Licensed Premises (Exclusion of Certain Persons) Act 1980
 Licensing (Alcohol Education and Research) Act 1981
 Licensing (Occasional Permissions) Act 1983
 Sporting Events (Control of Alcohol etc) Act 1985, ss. 3 to 5 (inclusive), 5A to 5D
 (inclusive), 7(1), (2), 8*b*, *d*, *e*, 9, 11 and Schedule

MEDICINE AND PHARMACY (TITLE 49)

Apothecaries Act 1815
 Medical Act (1858)
 Medical Act 1860
 Apothecaries Act Amendment Act 1874
 Venereal Disease Act 1917

Cancer Act 1939
Pharmacy Act 1954
Therapeutic Substances Act 1956
Nurses Agencies Act 1957
Professions Supplementary to Medicine Act 1960
Human Tissue Act 1961
Veterinary Surgeons Act 1966
Hearing Aid Council Act 1968
Medicines Act 1968
Misuse of Drugs Act 1971
Medicines Act 1971
Poisons Act 1972
Biological Standards Act 1975
Nurses, Midwives and Health Visitors Act 1979
Medical Act 1983
Dentists Act 1984
Corneal Tissue Act 1986
Access to Medical Reports Act 1988
Health and Medicines Act 1988, ss. 13(6), (7), 14, 22 to 28 (inclusive)
Human Organ Transplants Act 1989
Opticians Act 1989
Human Fertilisation and Embryology Act 1990
Nurses, Midwives and Health Visitors Act 1992
Human Fertilisation and Embryology (Disclosure of Information) Act 1992

EXPLANATORY NOTE

(not forming part of the above Order)

This Order disapplies a number of English enactments.

SUBSIDIARY LEGISLATION

ABATTOIRS**Designated Abattoirs (Application of Legislation)(Amendment) Order 1999**

(S. R. & O. No. 8 of 1999)

Made: 31 March 1999

Published: 8 April 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 101(1) of the Interpretation and General Clauses Ordinance 1977(a), and of all other powers enabling me in that behalf, I make the following Order—

Citation and commencement

1. This Order may be cited as the Designated Abattoirs (Application of Legislation) (Amendment) Order 1999 and shall come into force upon publication in the Gazette.

Rectification of the Designated Abattoirs (Application of Legislation) Order 1998

2. The Designated Abattoirs (Application of Legislation) Order 1998(b) is amended by the insertion after regulation 1 of the following —

“Interpretation

1A. In the regulations and order adopted as law in the Falkland Islands by this Order the phrases “OVS” and “authorised OVS” mean the Senior Veterinary Officer, any Veterinary Officer and any other person appointed to be an OVS or authorised OVS by the Governor.”

Made this 31st day of March 1999

R P Ralph
Governor

(a) No 14 of 1977

(b) SR&O No 65 of 1998

Stanley Common Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title
2. Interpretation
3. Dedication of the Common
4. Restriction on grants of Common land
5. Restriction on acquisition of title etc by adverse possession and prescription
6. Development
7. Disposal of refuse
8. Exceptions and savings
9. Penalties
10. Regulations
11. Repeal of Stanley Common Ordinance 1963
12. Application to the Crown

Schedules

STANLEY COMMON BILL 1999

(No. of 1999)

A BILL

for

AN ORDINANCE

To repeal the Stanley Common Ordinance 1963, to define the boundaries of Stanley Common by reference to a dimensioned plan, to declare the area as open public space in perpetuity, to prevent its disposal and to restrict building and other forms of development on land within Stanley Common except as otherwise provided under the Ordinance.

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

Short title

1. This Ordinance may be cited as the Stanley Common Ordinance 1999.

Interpretation

2. In this Ordinance, and unless the context otherwise requires —

“the Common” means the land in the proximity of Stanley, the boundaries of which are indicated on the plan comprised within the First Schedule to this Ordinance;

“development” has the same meaning as it has under section 26 of the Planning Ordinance 1991;

“land” includes land covered by water (including the sea) and the bed of any river or of the sea or other body of water;

“Museum and National Trust” means the trust established by section 3 of the Museum and National Trust Ordinance 1991.

Dedication of the Common

3. The Common is hereby dedicated as open space to which the public has access in perpetuity subject only to the provisions of this Ordinance and any Regulations made under this Ordinance.

Restriction on grants of Common land

4.—(1) Subject to subsection (2), any grant by the Crown of land within the Common which purports to transfer or create —

- (a) a freehold interest;
- (b) a term of years absolute;
- (c) any other interest for a period in excess of three years; or
- (d) an interest for a period of three years or less of any kind inconsistent with this Ordinance.

is void and of no effect whatever.

(2) Subsection (1) does not apply to a grant in favour of the Museum and National Trust which is expressed to be subject to the public's rights under section 3 of this Ordinance.

Restrictions on acquisition of title etc by adverse possession and prescription

5. After the coming into force of this Ordinance, no person may acquire any title or other right or interest to or in land comprised within the Common by virtue of any law which has the effect of conferring or creating such title or any other right or interest to or in land by the doctrines known as adverse possession and prescription and (without limiting the generality of the foregoing) the provisions of section 11A of the Land Ordinance shall not apply to the Common.

Development

6. Except as otherwise provided by this Ordinance or Regulations made hereunder, any person who carries out or causes there to be carried out any development within the Common commits an offence.

Disposal of refuse

7. Any person who throws or deposits or causes to be thrown or deposited on the Common any dirt, ashes, rubbish, decaying animal or vegetable or other noxious matter save in such place and in accordance with such conditions as may be prescribed for the purpose commits an offence.

Exceptions and savings

8.—(1) Nothing in this Ordinance or in any Regulations made hereunder shall operate so as to inhibit or make unlawful the cutting and taking away of peat pursuant to a licence or permission granted or given by or on behalf of the Governor.

(2) Nothing in this Ordinance or in any Regulations made hereunder shall render it lawful for any person to enter a minefield located upon the Common.

(3) The provisions of this Ordinance shall not apply to those Crown Grants set out in Part I of the Second Schedule to this Ordinance.

(4) The provisions of this Ordinance shall not apply to those Crown Leases and other matters set out in Part II of the Second Schedule to this Ordinance for the periods indicated therein or for the periods of any renewals or extensions of occupation that may be reached between the Crown and the occupier.

Penalties

9. Any person who commits an offence against any provision of this Ordinance shall upon conviction be liable to a fine not exceeding level six on the standard scale.

Regulations

10. The Governor may make Regulations—

(a) restricting the type of access which the public may exercise upon the Common or any part thereof ;

(b) designating specific areas of the Common—

(i) for use in connection with specific recreational activities or as amenity areas for specific purposes; or

(ii) as areas where refuse, waste water or sewerage may be deposited, treated or carried and within which associated development may be carried out (where that development is necessary or desirable for the better establishment and management of any such area);

(c) permitting development of areas of the Common for—

(i) recreational or amenity purposes; or

(ii) the purposes of road construction; or

(iii) the purpose of supplying and preserving the supply of water to the town of Stanley; or

(iv) the purpose of supply electricity pursuant to the Electricity Supply Ordinance (Title 3.31.1) and Regulations made thereunder; or

(v) the purposes of land renewal, land reclamation or land management; or

(vi) telecommunications purposes; or

(vii) the purpose of scientific research on an area of land not exceeding one tenth of one acre; or

(viii) mining; or

(ix) the purposes of aircraft or maritime navigation.

and

(d) prescribing anything for the better carrying out of the provisions of this Ordinance,

provided that no such Regulations shall have effect until they have been approved by a resolution of the Legislative Council.

Repeal of Stanley Common Ordinance 1963

11. The Stanley Common Ordinance 1963 is repealed.

Application to the Crown

12. This Ordinance binds the Crown.

SECOND SCHEDULE

Part I

(section 8(3))

Crown Grant	Land	Grantee
No 565	3.478 acres at Moody Valley	James Stephenson
No 715	5 acres at Mullet Creek	Hazel Alazia
No 884	1.25 acres known as Old Filtration Plant, Moody Brook	Simon Peter Goss and Sandra Kathleen Goss
No 896	1.215 square metres at Moody Valley	Barry Elsby and Bernadette Paver
No 900	.506 acres at Moody Valley	Douglas Graeme Fiddes and Julia Bertrand Fiddes

Part II

(section 8(4))

Nature of Agreement	Land	Occupier	Term
Crown Lease No 222	18 acres at Moody Valley	Barry Elsby and Bernadette Paver	Five (5) years from 1st February 1996, together with a right to purchase at completion of lease period.
Crown Lease No 158	4000 acres at Mt Longdon	Neil Watson	10 years from 1st January 1996
Crown Lease No 161	1725 acres at Mullet Creek	Hazel Alazia	10 years from 1st July 1986 (continued in occupation)
Crown Lease No 162	250 acres at Mullet Creek	Hazel Alazia	25 years from 1st July 1986
Crown Lease No 199	780 acres at Mullet Creek	Hazel Alazia	5 years from 1st July 1991 (continuing in occupation)
Crown Lease No 231	20 acres at Moody Brook	Douglas Graeme Fiddes and Julia Bertrand Fiddes	5 years commencing 10th December 1996
Grazing Licence (non-exclusive occupation)	4500 acres at Moody Valley, West End, Green Pen, Mt William, Mink Paddock and 60 acre Paddock	Christopher Raymond May	2 years, expiring 3rd May 2000
Radio aerial	Summit of Mount William	Kuzma Mario Zuvic-Bulic	Licence (non-exclusive) pending
Disused quarry	24.5 acres at Mary Hill	The Crown	
Refuse tip	8 acres at Eliza Cove	The Crown	
Fire training area	3 acres adjacent to Stanley Airport	The Crown	



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

9th April 1999

No. 7

The following is published in this Supplement -

**Fishing Licences (Applications and Fees) Regulations Order 1999,
(S.R. & O. No. 9 of 1999).**

SUBSIDIARY LEGISLATION

FISHERIES

Fishing Licences (Applications and Fees) Regulations Order 1999

S.R. & O. No: 9 of 1999

Made: 1 April 1999

Published: 9 April 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 20 of the Fisheries (Conservation and Management) Ordinance 1986(a) and of all other powers enabling me in that behalf, I make the following Order —

Commencement and citation

1.—(1) This Order may be cited as the Fishing Licences (Applications and Fees) Order 1999 and shall come into operation on the date it is first published in the Gazette and cease to have effect on 31st December 1999.

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

Application

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

Interpretation

3. In these Regulations —

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

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

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

(a) No 11 of 1986

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

“the fishing season” means —

- (a) in relation to an “L” licence the period commencing on 1st July 1999 and ending on 31st December 1999;
- (b) in relation to an “R” licence the period commencing on 1st July 1999 and ending on 31st December 1999;
- (c) in relation to an “S” licence the period commencing on 1st July 1999 and ending on 31st December 1999;
- (d) in relation to an “X” licence the period commencing on 1st August 1999 and ending on 31st October 1999;
- (e) in relation to a “Y” licence the period commencing on 1st July 1999 and ending on 31st December 1999;
- (f) in relation to a “Z” licence the period commencing on 1st July 1999 and ending on 31st December 1999;

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

Relationship with principal Regulations

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

Types of Licence

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

- (a) an “L” licence;
- (b) an “R” licence;
- (c) an “S” licence;
- (d) an “X” licence;
- (e) a “Y” licence;
- (f) a “Z” licence.

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

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

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

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

(6) A "Y" licence issued under these Regulations shall permit the catching or taking of any finfish, that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case include Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) or squid of any kind.

(7) A "Z" licence issued under these Regulations shall permit the catching or taking of any finfish except Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*), Skate (*Rajidae*) or squid of any kind:

Provided that a "by-catch" which, in the reasonable opinion of the Director of Fisheries could not reasonably be avoided, shall not be deemed to have been caught or taken without the authority of a licence.

Applications for Licences

6.—(1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, Po Box 598, Stanley, Falkland Islands.

(2) Any application to which paragraph (1) of this regulation relates shall be accompanied by an application fee of £200 (which shall not be returnable whether or not the application is granted) and shall be made so as to be received there by Wednesday, 14th April 1999.

(3) The Director of Fisheries in his discretion may consider an application lodged after the date mentioned in paragraph (2) of this regulation but shall not be bound to do so.

The Schedule and its Tables

7.—(1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "L" licences.

(2) Table 2 of the Schedule to these Regulations applies in respect of the fees payable for type "R" licences.

(3) Table 3 of the Schedule to these Regulations applies in respect of the fees payable for type "S" licences.

(4) Table 4 of the Schedule to these Regulations applies in respect of the fees payable for type "X" licences.

(5) Table 5 of the Schedule to these Regulations applies in respect of the fees payable for type "Y" licences.

(6) Table 6 of the Schedule to these Regulations applies in respect of the fees payable for type "Z" licences.

(7) All fees payable under this regulation shall be paid in pounds Sterling and in accordance with the principal Regulations.

(8) The explanatory notes at the commencement of each Table in the Schedule to these Regulations are for guidance only and shall not have legislative effect.

(7) The fees for transshipment and export licences for the period 1st July 1999 to 31st December 1999 shall be £150 per transshipment operation.

Made this 1st day of April 1999

R P Ralph
Governor

THE SCHEDULE

Provision as to fishing licences in respect of the fishing season

TABLE 1

Toothfish - Type "L" Licences

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to longliners licensed to take Toothfish (*Dissostichus eleginoides*) only.
3. The season for this type of licence commences on 1st July 1999 and ends on 31st December 1999.
4. Fees set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

- A. A licence is not transferable.

FEE

Fee payable per licensed month is:

£18,367.00

TABLE 2

Skate - Type "R" Licences

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take Skate (*Rajidae*) only.
3. The season for this type of licence commences on 1st July 1999 and ends on 31st December 1999 and will be subject to a closed area and provisions of the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

- A. In the following Formula, "GT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

- B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

$$£(2.0 * GT) + 16160$$

TABLE 3**Finfish only - Species restricted - Type "S" Licence**

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers equipped with Surimi factories, licensed to take Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).
3. The season for this type of licence commences on 1st July 1999 and ends on 31st December 1999 and will be subject to the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

A. In the following Formula, "GT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

$$£26.51 \times GT$$

TABLE 4**Squid - Type "X" Licences**

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid species *Loligo gahi*.
3. The season for this type of licence commences on 1st August 1999 and ends on 31st October 1999 and is exempt from the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are for the full season.)

Effective text (of legislative effect)

- A. In the following Formula, "GT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.
- B. A licence is not transferable.

FORMULA

Fee payable is the result of:

$$£(30.978 * GT) + 54902$$

TABLE 5**Finfish only - Type "Y" Licences**

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Toothfish (*Dissostichus eleginoides*), Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on 1st July 1999 and ends on 31st December 1999 and will be subject to a closed area and the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

- A. In the following Formula, "GT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.
- B. A licence is not transferable.

FORMULA

Fees payable per licensed month of fishing is calculated by adding £5,000 to the relevant Finfish (Species Restricted) type "Z" licence fee, taking account of the GT of the vessel.

TABLE 6**Finfish Only - Species Restricted - Type "Z" Licences**

(Explanatory notes :

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.

3. The season for this type of licence commences on 1st July 1999 and ends on 31st December 1999 and will be subject to a closed area and the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.

4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

A. In the following Formula, "GT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

$$£(4.766 * GT) + 9221$$



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

13th April 1999

No. 8

The following are published in this Supplement -

Customs (Fees) Regulations 1999, (S.R. & O. No. 10 of 1999);

**Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order 1999,
(S.R. & O. No. 11 of 1999).**

SUBSIDIARY LEGISLATION

CUSTOMS

Customs (Fees) Regulations 1999

S. R. & O. No. 10 of 1999

Made: 6 April 1999

Published: 13 April 1999

Coming into force: in accordance with regulation 1

IN EXERCISE of my powers under section 230 of the Customs Ordinance^(a) and of all other powers enabling me in that behalf, I make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Customs (Fees) Regulations 1999 and shall be deemed to have come into force on 1st January 1999.

Interpretation

2. In these Regulations “normal hours of duty” means between the hours of eight in the morning and half past four in the afternoon on any day which is not a Saturday Sunday or public holiday.

Customs services fees

3. Any person requiring the services of a customs officer for any purpose under the customs laws shall pay fees as follows —

(a) where the whole of those services are provided during normal hours of duty, the greater of —

(i) £50.00; and

(ii) such fee as is generated by multiplying the number of hours engaged in providing those services by £25.00 (and so that for the purposes of this subparagraph, any fraction of an hour above any whole number of hours shall be charged as a whole hour);

(b) where those services are provided partly during normal hours of duty and partly outside normal hours of duty —

^(a) Title 26.1 Revised Laws of the Falkland Islands

(i) at the rate provided for by (a)(ii) in respect of the whole number of hours engaged during normal hours of duty; and

(ii) as to the remainder of the time engaged (including any fraction of an hour above a whole number of hours engaged during normal hours of duty) at the rate provided for by (c)(ii) (but so that the minimum fee payable by virtue of this subparagraph shall be £75.00);

(c) where the whole of those services are provided outside normal hours of duty, the greater of —

(i) £75.00; and

(ii) such fee as is generated by multiplying the number of hours by £37.50 (and so that for the purposes of this subparagraph, any fraction of an hour above any whole number of hours shall be charged as a whole hour).

Single act of entering and clearing

4.—(1) In respect of any vessel of 15 tons or more for the single act of —

(a) entering; or

(b) clearing; or

(c) entering and at the same time clearing

a fee of £30.00 shall be paid except where any such act is undertaken at a place other than a declared port, when a fee of £150.00 plus the costs of travel to and from that place of any customs officer engaged in such act shall be paid.

(2) In respect of any vessel of less than 15 tons for the single act of —

(a) entering; or

(b) clearing; or

(c) entering and at the same time clearing

a fee of £15.00 shall be paid except where any such act is undertaken at a place other than a declared port, in which case a fee of £75.00 plus the costs of travel to and from that place of any customs officer engaged in such act shall be paid.

(3) Any fees and costs payable pursuant to the provisions of this regulation shall be payable in addition to any services fees payable pursuant to the provisions of regulation 3.

Revocation

5. The Customs (Fees) Regulations 1992(b) as amended by the Finance Ordinance 1995(c) are revoked.

Made this 6th day of April 1999

R P Ralph
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

These Regulations replace the Customs (Fees) Regulations 1992 as amended.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order 1999

(S. R. & O. No: 11 of 1999)

Made: 8 April 1999

Published: 13 April 1999

Coming into force: on publication

IN EXERCISE of my powers under section 16K of the Road Traffic Ordinance(a), and of all other powers enabling me in that behalf, I make the following Order—

Citation and commencement

1. This Order may be cited as the Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order 1999 and shall come into force on the date on which it is first published in the *Gazette*.

Interpretation

2. In this Order “the principal Regulations” mean the Pedestrian Crossing Regulations 1996(b).

Exemption from regulation 11 of the principal Regulations

3. A vehicle shall not by reason of regulation 11 of the principal Regulations be treated as having unlawfully been stopped within the limits of the controlled area of the pedestrian crossing in Ross Road Stanley on any side thereof if the vehicle is —

(a) a hearse, for such reasonable time as the vehicle is stopped for the purpose of conveying the body of a deceased person to or from St. Mary’s Roman Catholic Church; or

(b) a wedding vehicle, for such reasonable time as the vehicle is stopped for the purpose of conveying a bride to a wedding which is to be conducted in St. Mary’s Roman Catholic Church, or collecting a bride and groom from a wedding which has been conducted in that Church.

Dated this 8th day of April 1999

R Ralph
Governor

(a) Cap 60 Laws of the Falkland Islands 1950

(b) S. R. & O. No. 34 of 1996

EXPLANATORY NOTE
(not forming part of the above Order)

The effect of this Order is that regulation 11 of the principal Regulations which prohibits vehicles stopping in areas adjacent to crossings will not apply to hearses or wedding vehicles that have stopped on Ross Road for the duration of funerals or weddings taking place at St. Mary's Roman Catholic Church.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

30th April 1999

No. 9

The following are published in this Supplement -

**Libya (Export of Goods and Technology) (Prohibition) Proclamation 1999,
(Proclamation No. 1 of 1999);**

Appropriation Ordinance 1999;

Finance Ordinance 1999;

Embarkation Tax Ordinance 1999;

Pensions (Old Scheme) Fund Ordinance 1999;

Administration of Justice (Practice and Procedure) Ordinance 1999;

Stanley Common Ordinance 1999.

PROCLAMATION

CUSTOMS

Libya (Exports of Goods and Technology)(Prohibition) Proclamation 1999

(Proclamation No: 1 of 1999)

PURSUANT to section 35 of the Customs Ordinance (Title 26.1), I Richard Peter Ralph, Governor of the Falkland Islands, by this Proclamation **PROHIBIT** the exportation to Libya or to any other destination for the purpose of re-exportation to Libya or with knowledge of the likely re-exportation thereof to Libya of any goods technology or thing whatsoever of a description falling within any entry in Part III of Schedule 1 to the Export of Goods (Control) Order 1994(a).

MADE at Stanley this 23rd day of April 1999

R P Ralph
Governor

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

Customs Ordinance (Cap. 16)
(section 5)

CUSTOMS RESOLUTION OF THE LEGISLATIVE COUNCIL

No: 1 of 1999

RESOLVED by the Legislative Council, under section 5 of the Customs Ordinance (Cap. 16), on the 20th day of April 1999, as follows —

1. That the Customs Order No. 6 of 1948 is amended by the substitution for paragraph 2 thereof the following —

“2. The following import duties of customs shall be payable —

Item	Article	Rate of Duty
1.	Beer per litre	£0.21
2.	Wines per litre	£0.55
3.	Fortified Wines per litre	£0.66
4.	Spirituos Beverages per litre	£4.48
5.	Spirits per litre	£8.16
6.	Tobacco per kilo	
	(a) Cigars	£113.48
	(b) Cigarettes	£82.08
	(c) Tobacco	£74.59”

2. This Resolution may be cited as the Customs (Amendment of Import Duties) Resolution 1999 and comes into force on the 21st day of April 1999.

C ANDERSON
Clerk of Councils

Ref: CUS/10/2

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Appropriation Ordinance 1999

(No: 4 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Appropriation of £44,101,790 for the service of the year 1999/2000

Schedule

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

APPROPRIATION ORDINANCE 1999

(No. 4 of 1999)

(assented to: 23 April 1999)
(commencement: upon publication)
(published: 30 April 1999)

AN ORDINANCE

To provide for the service of the financial year commencing on 1 July 1999 and ending on 30 June 2000.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Appropriation Ordinance 1999.

Appropriation of £44,101,790 for the service of the year 1999/2000

2. The Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the year commencing on 1 July 1999 and ending on 30 June 2000 ("the financial year"), sums not exceeding in aggregate the sum of FORTY FOUR MILLION ONE HUNDRED AND ONE THOUSAND SEVEN HUNDRED AND NINETY POUNDS (£44,101,790) which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto and which will come in course of payment during the financial year.

SCHEDULE

NUMBER	HEAD OF SERVICE	£
<i>PART I OPERATING BUDGET</i>		
100	Aviation	1,805,710
150	Posts & Telecommunications	424,910
200	Health & Social Services	3,289,440
250	Education & Training	3,329,500
300	Customs & Immigration	234,310
320	Fisheries	5,761,410
350	Public Works Department	6,438,700
390	Fox Bay Village	95,680
400	Agriculture	942,140
450	Justice	656,660
500	Falkland Islands Defence Force	359,110
551	Police & Prisons	566,320
552	Fire & Rescue Service	208,040
600	Central Administration	3,715,850
620	Department of Mineral Resources	171,930
650	Pensions & Gratuities	449,000
750	The Governor	141,750
800	Legislature	281,280
850	Falkland Islands Government Office - London	350,050
TOTAL OPERATING BUDGET		29,221,790
<i>PART II CAPITAL BUDGET</i>		
950	Expenditure	14,880,000
TOTAL EXPENDITURE		44,101,790

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Finance Ordinance 1999

(No. 5 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Amendment of Family Allowances Ordinance 1960
3. Amendment of Retirement Pensions (Prescribed Rate) Regulations 1996

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

FINANCE ORDINANCE 1999

(No. 5 of 1999)

(assented to: 23 April 1999)
(commencement: upon publication)
(published: 30 April 1999)

AN ORDINANCE

To amend the Family Allowances Ordinance 1960 and the Retirement Pensions (Prescribed Rate) Regulations 1996.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Finance Ordinance 1999.

Amendment of Family Allowances Ordinance 1960

2. Section 3(2) of the Family Allowances Ordinance 1960(a) is amended with effect from 1st January 2000 by replacing “£50.50” with “£52.00”.

Amendment of Retirement Pensions (Prescribed Rate) Regulations 1996

3. The Retirement Pensions (Prescribed Rate) Regulations 1996(b) are amended with effect from 1st January 2000 —

(a) in regulation 3(a), by replacing “£82.50” with “£86.00” (standard weekly rate of pension);

(b) in regulation 3(b), by replacing “£46.50” with “£48.50” (married couple’s weekly supplement);

(a) No 9 of 1960

(b) SR&O No 39 of 1996

(c) in regulation 5(1)(a), by replacing "£5.00" with "£6.00" (weekly contribution by employee);

(d) in regulation 5(1)(b), by replacing "£10.00" with "£12.00" (weekly contribution by self-employed person);

(e) in regulation 5(2), by replacing "£5.00" with "£6.00" (weekly contribution by employer);

(f) in regulation 5(3)(a), by replacing "£10.00" with "£12.00" (weekly voluntary contribution by resident);

(g) in regulation 5(3)(b), by replacing "£17.50" with "£18.30" (weekly voluntary contribution by non-resident);

(h) in regulation 5(4), by replacing "£10.00" with "£12.00" (weekly assisted contribution payable by the Government); and

(i) in regulation 6, by replacing "£50.00" with "£60.00" (weekly earnings limit).

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Embarkation Tax Ordinance 1999

(No. 6 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Embarkation tax
4. Evasion of tax

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

EMBARKATION TAX ORDINANCE 1999

(No. 6 of 1999)

(assented to: 23 April 1999)
(commencement: in accordance with section 1)
(published: 30 April 1999)

AN ORDINANCE

To provide for a tax to be payable by person leaving the Falkland Islands by air.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Embarkation Tax Ordinance 1999 and comes into force on such date as may be notified by the Governor by notice published in the *Gazette*.

Interpretation

2. In this Ordinance—

“exempted person” means a person who is exempted from payment of the tax by the provisions of regulations made under section 3(3);

“the tax” means the tax provided for by section 3(1).

Embarkation tax

3.—(1) There shall be payable by every person leaving the Falkland Islands by air for a destination outside the Falkland Islands, except an exempted person, a tax of such amount as is prescribed by regulations under subsection (3).

(2) The tax shall be an amount expressed in pounds but regulations under subsection (3) may provide for such amount expressed in United States dollars as is prescribed in the regulations to be accepted as payment of that tax.

(3) The Governor may make regulations —

(a) prescribing the amount of the tax;

(b) containing such a provision as is mentioned in subsection (2);

(c) prescribing the manner in which the tax is to be paid and collected;

(d) exempting the classes or categories of persons mentioned in the regulations from payment of the tax, either absolutely or subject to the conditions specified in the regulations;

(e) providing that any contravention of the regulations specified therein shall constitute an offence punishable on conviction by a fine of such amount not exceeding the maximum of level 5 on the standard scale as is specified in the regulations;

(f) containing such other provisions as may appear to the Governor to be necessary or convenient in relation to the collection of and accounting for the tax.

Evasion of tax

4. Any person, not being an exempted person, who wilfully leaves or attempts to leave the Falkland Islands by air for a destination outside the Falkland Islands without having paid the tax commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale or to imprisonment for three months.

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Pensions (Old Scheme) Fund Ordinance 1999

(No. 7 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. The Fund
4. Withdrawals from the Fund
5. Actuarial Review
6. Further payments into the Fund
7. Special pensions: the Consolidated Fund

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

PENSIONS (OLD SCHEME) FUND ORDINANCE 1999

(No. 7 of 1999)

(assented to: 23 April 1999)
(commencement: upon publication)
(published: 30 April 1999)

AN ORDINANCE

To establish the Pensions (Old Scheme) Fund, to provide for the payment of pensions payable under the Pensions Ordinance 1964 and the Pensions (Unestablished Locally Recruited Employees) Ordinance 1979 and ex gratia pensions out of that Fund, to provide for augmentation of that Fund by payments out of the Consolidated Fund, and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Pensions (Old Scheme) Fund Ordinance 1999.

Interpretation

2.—(1) In this Ordinance —

“old statutory pension” means a pension which —

(a) immediately before the commencement of this Ordinance was payable to a person under the provisions of the Pensions Ordinance 1964 or the Pensions (Unestablished Locally Recruited Employees) Ordinance 1979; or

(b) may after the commencement of this Ordinance become payable to any person under the provisions of either of those Ordinances;

“ex gratia pension” means any pension payable by Government to any former officer, his widow or any dependant of his as a matter of grace and by reason of the former officer’s service under the Crown in the Falkland Islands or elsewhere, and whether payment of such pensions commenced before or after the commencement of this Ordinance and includes an amount paid by way of pension in supplementation of or in addition to an old statutory pension;

“special pension” means any old statutory pension and any ex gratia pension.

(2) In this Ordinance “the Fund” means the fund established by section 3(1).

The Fund

3.—(1) There is hereby established a fund to be known as the Pensions (Old Scheme) Fund. The Fund shall be a special fund within the meaning of section 11 of the Finance and Audit Ordinance 1988.

(2) The Financial Secretary shall as soon as possible after commencement of this Ordinance pay into the Fund the sum of £4,181,137.87 (four million one hundred and eighty-one thousand one hundred and thirty-seven pounds and eighty-seven pence) which he shall withdraw from the Consolidated Fund for that purpose.

(3) Money for the time being standing to the credit of the Fund may be invested —

(a) in any manner in which the Consolidated Fund may for the time being be invested, unless otherwise provided by regulations made under subsection (4); or

(b) if such regulations have been made, in any manner authorised by regulations made under that subsection.

(4) The Governor may make regulations as to the investment of the Fund and matters connected with such investment.

Withdrawals from the Fund

4. There may be withdrawn from the Fund —

(a) such sums as may be required to pay special pensions;

(b) such sums as may be required to charge to the Fund the investment manager’s fees, charges and expenses in relation to the management of the Fund (but so that where the Fund is invested under the same arrangements as any part of the Consolidated Fund or any other fund established by Ordinance, only the proper proportion of the investment managers fees or charges and expenses is so charged);

(c) the costs of auditing the Fund and of actuarial reviews of the Fund under section 5; and

(d) any expenses incurred in the administration of this Ordinance.

No other sums may be withdrawn from the Fund.

Actuarial Review

5. The Financial Secretary shall cause the adequacy of the Fund to pay special pensions then or then prospectively payable out of the Fund and other sums payable thereout to be reviewed by the Government Actuary in the United Kingdom during the financial year commencing on 1st July 2002 and during every third financial year thereafter and shall cause the Government Actuary's report of such review to be considered by the Executive Council.

Further payments into the Fund

6. The Financial Secretary shall pay into the Fund any sum appropriated out of the Consolidated Fund by Ordinance for the purpose of being paid into the Fund.

Special pensions no longer ordinarily to be payable out of the Consolidated Fund

7. No amount shall be withdrawn from the Consolidated Fund in relation to any special pension unless the amount standing to be credit of the Fund established by this Ordinance is for the time being insufficient to allow the payment of that pension to be made thereout.

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Administration of Justice (Practice and Procedure) Ordinance 1999

(No. 8 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Exclusion of Civil Procedure Rules 1998

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

**ADMINISTRATION OF JUSTICE (PRACTICE AND PROCEDURE)
ORDINANCE 1999**

(No. 8 of 1999)

(assented to: 23 April 1999)
(commencement: in accordance with section 1)
(published: 30 April 1999)

AN ORDINANCE

To exclude the operation of the Civil Procedure Rules 1998.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Administration of Justice (Practice and Procedure) Ordinance 1999 and comes into force on 26th April 1999.

Exclusion of Civil Procedures Rules 1998

2. —(1) In this Ordinance, “the Civil Procedure Rules 1998” mean the Rules of that title made in England under the provisions of the Civil Procedure Act 1997 and include any amendments, replacements and augmentations (including practice directions) made or given in relation to those Rules.

(2) The Administration of Justice Ordinance (Title 22.1) shall continue to have effect as if the Civil Procedure Rules 1998 had not been made.

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

Stanley Common Ordinance 1999

(No: 9 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Dedication of the Common
4. Restriction on grants of Common land
5. Restriction on acquisition of title etc by adverse possession and prescription
6. Development
7. Disposal of refuse
8. Exceptions and savings
9. Penalties
10. Regulations
11. Repeal of Stanley Common Ordinance 1963
12. Application to the Crown

Schedules

ELIZABETH II



Colony of the Falkland Islands

RICHARD PETER RALPH, C.M.G., C.V.O.,
Governor.

STANLEY COMMON ORDINANCE 1999

(No. 9 of 1999)

(assented to: 23 April 1999)

(commencement: upon publication)

(published: 30 April 1999)

AN ORDINANCE

To repeal the Stanley Common Ordinance 1963, to define the boundaries of Stanley Common by reference to a map and to dedicate it as a public open space in perpetuity, to restrict disposal of land in the Common and building and other forms of development within it and for connected purposes.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Stanley Common Ordinance 1999.

Interpretation

2. In this Ordinance, and unless the context otherwise requires —

“the Common” means the land in the proximity of Stanley, the boundaries of which are indicated on the map appearing in the First Schedule to this Ordinance;

“development” has the same meaning as it has under section 26 of the Planning Ordinance 1991;

“land” includes land covered by water (including the sea) and the bed of any river or of the sea or other body of water;

“Museum and National Trust” means the trust established by section 3 of the Museum and National Trust Ordinance 1991.

Dedication of the Common

3. The Common is hereby dedicated as open space to which the public has access in perpetuity subject only to the provisions of this Ordinance and any Regulations made under this Ordinance.

Restriction on grants of Common land

4.—(1) Subject to subsection (2), any grant by the Crown of land within the Common which purports to transfer or create —

- (a) a freehold interest;
- (b) a term of years absolute;
- (c) any other interest for a period in excess of three years; or
- (d) an interest for a period of three years or less of any kind inconsistent with this Ordinance,

is void and of no effect whatever.

(2) Subsection (1) does not apply to a grant in favour of the Museum and National Trust which is expressed to be subject to the public's rights under section 3 of this Ordinance.

Restrictions on acquisition of title etc by adverse possession and prescription

5. After the coming into force of this Ordinance, no person may acquire any title or other right or interest to or in land comprised within the Common by virtue of any law which has the effect of conferring or creating such title or any other right or interest to or in land by the doctrines known as adverse possession and prescription and (without limiting the generality of the foregoing) the provisions of section 11A of the Land Ordinance shall not apply to the Common.

Development

6. Except as otherwise provided by this Ordinance or Regulations made hereunder, any person who carries out or causes there to be carried out any development within the Common commits an offence.

Disposal of refuse

7. Any person who throws or deposits or causes to be thrown or deposited on the Common any dirt, ashes, rubbish, decaying animal or vegetable or other noxious matter save in such place and in accordance with such conditions as may be prescribed for the purpose commits an offence.

Exceptions and savings

8.—(1) Nothing in this Ordinance or in any Regulations made hereunder shall operate so as to inhibit or make unlawful the cutting and taking away of peat pursuant to a licence or permission granted or given by or on behalf of the Governor.

(2) Nothing in this Ordinance or in any Regulations made hereunder shall render it lawful for any person to enter a minefield located upon the Common.

(3) The provisions of this Ordinance shall not apply to those Crown Grants set out in Part I of the Second Schedule to this Ordinance.

(4) The provisions of this Ordinance shall not apply to those Crown Leases and other matters set out in Part II of the Second Schedule to this Ordinance for the periods indicated therein or for the periods of any renewals or extensions of occupation that may be reached between the Crown and the occupier.

Penalties

9. Any person who commits an offence against any provision of this Ordinance shall upon conviction be liable to a fine not exceeding level six on the standard scale.

Regulations

10. The Governor may make Regulations—

(a) restricting the type of access which the public may exercise upon the Common or any part thereof ;

(b) designating specific areas of the Common—

(i) for use in connection with specific recreational activities or as amenity areas for specific purposes; or

(ii) as areas where refuse, waste water or sewerage may be deposited, treated or carried and within which associated development may be carried out (where that development is necessary or desirable for the better establishment and management of any such area);

(c) permitting development of areas of the Common for—

(i) recreational or amenity purposes; or

(ii) the purposes of road construction; or

(iii) the purpose of supplying and preserving the supply of water to the town of Stanley; or

(iv) the purpose of supply electricity pursuant to the Electricity Supply Ordinance (Title 3.31.1) and Regulations made thereunder; or

(v) the purposes of land renewal, land reclamation or land management; or

(vi) telecommunications purposes; or

(vii) the purpose of scientific research on an area of land not exceeding one tenth of one acre; or

(viii) mining; or

(ix) the purposes of aircraft or maritime navigation.

and

(d) prescribing anything for the better carrying out of the provisions of this Ordinance,

provided that no such Regulations shall have effect until they have been approved by a resolution of the Legislative Council.

Repeal of Stanley Common Ordinance 1963

11. The Stanley Common Ordinance 1963 is repealed.

Application to the Crown

12. This Ordinance binds the Crown.

Passed by the Legislature of the Falkland Islands this 20th day of April 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

SECOND SCHEDULE

Part I

(section 8(3))

Crown Grant	Land	Grantee
No 565	3.478 acres at Moody Valley	James Stephenson
No 715	5 acres at Mullet Creek	Hazel Alazia
No 884	1.25 acres known as Old Filtration Plant, Moody Brook	Simon Peter Goss and Sandra Kathleen Goss
No 896	1,215 square metres at Moody Valley	Barry Elsby and Bernadette Paver
No 900	.506 acres at Moody Valley	Douglas Graeme Fiddes and Julia Bertrand Fiddes

Part II

(section 8(4))

Nature of Agreement	Land	Occupier	Term
Crown Lease No 222	18 acres at Moody Valley	Barry Elsby and Bernadette Paver	Five (5) years from 1st February 1996, together with a right to purchase at completion of lease period.
Crown Lease No 158	4000 acres at Mt Longdon	Neil Watson	10 years from 1st January 1996
Crown Lease No 161	1725 acres at Mullet Creek	Hazel Alazia	10 years from 1st July 1986 (continued in occupation)
Crown Lease No 162	250 acres at Mullet Creek	Hazel Alazia	25 years from 1st July 1986
Crown Lease No 199	780 acres at Mullet Creek	Hazel Alazia	5 years from 1st July 1991 (continuing in occupation)
Crown Lease No 231	20 acres at Moody Brook	Douglas Graeme Fiddes and Julia Bertrand Fiddes	5 years commencing 10th December 1996
Grazing Licence (non-exclusive occupation)	4500 acres at Moody Valley, West End, Green Pen, Mt William, Mink Paddock and 60 acre Paddock	Christopher Raymond May	2 years, expiring 3rd May 2000
Radio aerial	Summit of Mount William	Kuzma Mario Zuvic-Bulic	Licence (non-exclusive) pending
Disused quarry	24.5 acres at Mary Hill	The Crown	
Refuse tip	8 acres at Eliza Cove	The Crown	
Fire training area	3 acres adjacent to Stanley Airport	The Crown	



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

6th May 1999

No.10

The following are published in this Supplement -

- Post Office (Amendment) Order 1999, (S.R. & O. No. 12 of 1999);**
- Fishery Products (Hygiene) (Designated Vessels) (No. 2) Order 1999,**
(S.R. & O. No. 13 of 1999).

SUBSIDIARY LEGISLATION

POST OFFICE

Post Office (Amendment) Order 1999

(S. R. & O. No. 12 of 1999)

Made: 27 April 1999

Published: 6 May 1999

Coming into operation: 1 July 1999

IN EXERCISE of my powers under section 4 of the Post Office Ordinance^(a), and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Post Office (Amendment) Order 1999 and comes into operation on 1st July 1999.

The principal Order

2. In this Order, “the principal Order” means the Post Office Order 1981^(b).

Replacement of paragraph 10 of the principal Order

3.—(1) Paragraph 10 of the principal Order is replaced by the following —

“10.—(1) The fees for registration shall be —

(a) Inland 50p; and

(b) Overseas £1.

(2) The maximum limit of compensation for the loss of a registered postal packet is £20 where the Overseas fee has been paid and £10 otherwise.”

(2) Paragraph 13(2) of the principal Order is replaced by the following —

“(2) The insurance charge shall be £3 with a maximum insured value of £300.”

The Schedule

4. The Schedule to this Order shall have effect as the Second and Third Schedules to the principal Order.

^(a) Cap. 52 Laws of the Falkland Islands 1950 Edition

^(b) No. 1 of 1981 as amended by S. R. & O. No. 12 of 1996

SCHEDULE

SECOND SCHEDULE SURFACE MAIL RATES

- (a) Not over 20 grams - 35 pence
- (b) Over 20 grams but not over 100 grams - 80 pence
- (c) Over 100 grams - 115 pence plus 35 pence for each 50 grams or part thereof that the weight exceeds 150 grams

SMALL PACKET AND PRINTED PAPER RATES

- (a) Not over 20 grams - 25 pence
- (b) Over 20 grams but not over 100 grams - 70 pence
- (c) Over 100 grams - 95 pence plus 25 pence for each 50 grams or part thereof that the weight exceeds 150 grams

For every Postcard 25p Literature for the Blind Free

PARCELS - TO THE UNITED KINGDOM

Not over 1kg £8.00
£4.00 for each additional kilogram - Maximum weight 30kg

Parcels for some other countries need additional postage - please ask at the counter for the rate.

THIRD SCHEDULE INLAND RATES

NOT OVER	LETTERS	PRINTED PAPERS / SMALL PACKETS
20g	17p	9p
100g	37p	19p
250g	76p	38p
500g	146p	73p

Postcard 11p

PARCELS
No Sea Mail Service

PARCELS - Air Mail (internal)

FIGAS freight rates and conditions will be applied to parcels accepted for internal air mail
MINIMUM CHARGE £1.00

Made this 27th day of April 1999

R P Ralph
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

This Order varies overseas parcel postage rates and inland postage rates with effect from 1st July 1999.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Designated Vessels)(No 2) Order 1999

S. R. & O. No. 13 of 1999

Made: 27 April 1999
Published: 6 May 1999
Coming into force: upon publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Fishery Products (Hygiene)(Designated Vessels)(No 2) Order 1999 and comes into force on publication in the *Gazette*.

Designation of vessel

2. The vessel named in the first column of the Schedule to this Order is designated as a vessel to which the provisions of the Fishery Products (Hygiene) Ordinance 1998 and all regulations thereunder apply and is assigned the approval number set against its name in the second column of that Schedule.

Made this 27th day of April 1999

R P Ralph
Governor

SCHEDULE

<i>Vessel name</i>	<i>Approval number</i>
Pardelhas	1017

EXPLANATORY NOTE
(not forming part of the above Order)

The Fishery Products (Hygiene) Ordinance 1998, coupled with the regulations made under it, enables the operators of factory fishing vessels to obtain confirmation that their vessels meet the standards of hygiene prescribed by the European Commission. The vessel specified in the Schedule to the Order is one which has been inspected and which is now, by this Order, designated as a vessel to which the provisions of the legislation apply.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

10th June 1999

No.11

The following are published in this Supplement -

**Petroleum and Petroleum Products (Export to Federal Republic of Yugoslavia)
Proclamation 1999, (Proclamation No. 2 of 1999);**

Prohibited Immigrants (Serbia) Notification;

Buildings (Camp) (Paragon House) Designation Order 1999, (S.R. & O. No. 14 of 1999);

**Falkland Islands Pension Scheme (Amendment) Ordinance 1998 (Correction) Order
1999, (S.R. & O. No. 15 of 1999);**

Government House Designation Order 1999, (S.R. & O. No. 16 of 1999).

PROCLAMATION

CUSTOMS

**Petroleum and Petroleum Products (Export to Federal Republic of Yugoslavia)
Proclamation 1999**

(Proclamation No: 2 of 1999)

IN EXERCISE of my powers under section 35 of the Customs Ordinance (Title 26.1), I **DONALD ALEXANDER LAMONT**, Governor of the Falkland Islands **PROCLAIM** that I **HEREBY PROHIBIT** export of any petroleum or petroleum products to any destination in the Federal Republic of Yugoslavia or any other destination with the intention of them being transhipped for eventual delivery to a destination in the Federal Republic of Yugoslavia.

MADE at Stanley this fifteenth day of May 1999

D A Lamont
Governor

SUBSIDIARY LEGISLATION

IMMIGRATION

Prohibited Immigrants (Serbia) Notification

IN EXERCISE of my powers under section 16(2)(e) of the Immigration Ordinance 1987, I declare the persons whose names appear in the Schedule to this Order to be prohibited immigrants: they shall not be permitted to enter the Falkland Islands nor shall any visa be granted to them.

SCHEDULE

Vlajko Stojkovic (Serbian Minister for the Interior)
 Vlastimir Djordjevic (Head of Public Security Department)
 Dragisa Ristivojevic (Deputy Head of Public Security Department)
 Obrad Stevanovic (Assistant Minister for the Interior)
 Jovica Stanic (Assistant Minister for the Interior: Head of Serbian State Security)
 Radomir Markovic (Assistant Minister for the Interior: Deputy Head of State Security)
 Frenki Simatovic (Chief of Special Forces of State Security)
 David Gajic (Head of Security in Kosovo)
 Lubinko Cvetic (Deputy Head of Security in Kosovo)
 Veljko Odalovic (Deputy Head of the Kosovo Okrug)
 Vojislav Seselj (Serbian Deputy Prime Minister)
 Aleksander Vucic (Serbian Minister for Information)
 Miljkan Karlicic (Assistant to the Serbian Minister for Information)
 Dusanka Djogo-Antonovic (Assistant to the Serbian Minister for Information)
 Miodrag Popovic (Assistant to the Serbian Minister for Information)
 Dragolljub Jankovic (Serbian Minister for Justice)
 Gorica Gajevic (SPS, Secretary-General)
 Zeljko Simic (SPS)
 Zivota Zvetkovic (SPS)
 Ivica Dacic (SPS, Spokesman)
 Slavko Veselinovic (SPS, Head of Council for information and propaganda in the SPS-Board)
 Stevo Dragisic (SRS)
 Tomislav Nikolic (SRS, Serbian Deputy Prime Minister)
 Natasa Jovanovic (SRS Regional Head Surnadija)
 Miloran Bojic (JUL, Serbian Deputy Prime Minister)
 Zivorad Djordjevic (JUL, Editor of daily *Borba*)
 Ivan Markovic (JUL, Spokesman)
 Milorad Radevic (Head of the Patriotic Federation Belgrade, Head of Serbian Archive, plaintiff on 23 October 1998)
 Bratislava Buba-Morina (JUL, Serbian Commissioner for Refugees, Head of Yugoslavian Women's League, plaintiff on 7 November 1998)

Made this fifteenth day of May 1999

D A Lamont
 Governor

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Buildings (Camp) (Paragon House) Designation Order 1999

(S. R. & O. No. 14 of 1999)

Made: 26 May 1999

Published: 10 June 1999

Coming into force: on publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as the Buildings (Camp) (Paragon House) Designation Order 1999.

Designation of buildings

2. The buildings specified in the Schedule to this Order are designated as buildings of special architectural or historic interest.

SCHEDULE

The dwellinghouse known as Paragon House, the building situated adjacent to Paragon House and used as a stable, the kennels attached to the stable and the adjacent wooden corral all located to the east of Paragon Pond, Lafonia, East Falkland.

Made this 26th day of May 1999

D A Lamont
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The effect of this Order is to require permission pursuant to section 66(4), 68(2) or 68(4) of the Planning Ordinance 1991 for any works or operations for the demolition of any of the buildings the subject of this Order and any alterations or extensions which might effect their character as buildings of special architectural or historic interest. Contravention of the provisions mentioned constitutes a criminal offence under section 68(6) of the Planning Ordinance 1991.

SUBSIDIARY LEGISLATION

PENSIONS

**Falkland Islands Pension Scheme (Amendment) Ordinance 1998
(Correction) Order 1999**

S. R. & O. No. 15 of 1999

Made: 1 June 1999

Published: 10 June 1999

Coming into force: on publication

IN EXERCISE of my powers under section 101 of the Interpretation and General Clauses Ordinance 1977(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Falkland Islands Pension Scheme (Amendment) Ordinance 1998 (Correction) Order 1999 and comes into force on publication in the *Gazette*.

Correction

2. Paragraph 16 of the Schedule to the Falkland Islands Pensions Scheme (Amendment) Ordinance 1998(b) is corrected by replacing the formula appearing in the new sub-paragraph (2) of paragraph 3 of Schedule 3 to the Falkland Islands Pension Scheme Ordinance 1997(c) with the following formula —

$$TV = \frac{N}{M} \left[(ERP \times AV) + ERLS \right] \left(\frac{1+p}{1+i} \right)^z$$

Made this 1st day of June 1999

D G Lang QC
Attorney General

EXPLANATORY NOTE

(not forming part of the above Order)

This Order corrects a typographical error in the formula for calculation of transfer values in relation to the pension entitlements of public officers transferring to the new pension scheme.

(a) No 14 of 1977
(b) No 29 of 1998
(c) No 18 of 1997

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Government House Designation Order 1999

S. R. & O. No. 16 of 1999

Made: 3 June 1999

Published: 10 June 1999

Coming into operation: on publication

IN EXERCISE of my powers under section 65(1) of the Planning Ordinance 1991(a) and upon the recommendation of the Planning and Building Committee under section 65(2) of that Ordinance, I make the following Order —

Citation and commencement

1. This Order may be cited as the Government House Designation Order 1999 and shall come into force upon publication in the *Gazette*.

Designation of building

2.—(1) The building known as Government House, Ross Road Stanley is designated as a building of architectural and historic interest.

(2) The designation by paragraph (1) includes the Governor's offices and the former Stable Block (now used as staff quarters).

Made this 3rd day of June 1999

D A Lamont
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The effect of this Order is to prohibit without prior planning permission of a special kind (subject to such exceptions as are provided by the Planning Ordinance 1991) works or demolition or alteration to Government House. The Order extends to the staff accommodation at the rear of the building and the Governor's offices, which while of modern construction have been built to a design similar to that of the old offices which they replaced and so as to be sympathetic with the remainder of the building.

(a) No 7 of 1991



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

21st June 1999

No.12

The following are published in this Supplement -

Draft Policy in relation to the Licensing of Acquisition of Land by Non-residents;

Explanatory Memorandum in relation to the Land (Non-residents) Bill 1999;

The Land (Non-residents) Bill 1999.

NOTE: The following is a DRAFT policy published for consultation purposes. Comments should be forwarded in writing to the Legislative Councillors' Office as soon as possible (and it would be helpful if a copy is sent to the Attorney General).

POLICY ON LICENSING OF ACQUISITION OF LAND BY NON-RESIDENTS

Introductory

The Falkland Islands Government has decided to propose to the Legislative Council the enactment of the Land (Non-residents) Bill 1999. This would replace the provisions of Part II of the Aliens Ordinance and the Land (Sub-division for Non-residents) Ordinance. (Under the Aliens Ordinance, broadly speaking, any individual who is not a citizen of a British Commonwealth country and any company which is not controlled by British Commonwealth citizens needs a licence to acquire land in the Falkland Islands. Under the Land (Sub-division for Non-residents) Ordinance, a licence is required by a person who is not resident in the Falkland Islands to buy any piece of land less than 500 acres in area in Camp). Enactment of the Bill would have the effect that unless a person is ordinarily resident in the Falkland Islands and has the right to reside in the Falkland Islands (for simplicity referred to below as "resident") he would require a licence to be able to acquire land in the Falkland Islands. In respect of companies, a licence would be required acquire land in the Falkland Islands unless 75% of its voting shares are beneficially owned by individuals who are resident in the Falkland Islands or the company is for tax purposes regarded as being resident in the Falkland Islands by reason of its central control and management being in the Falkland Islands. Special provisions would apply in respect of the Falkland Islands Company Limited, Standard Chartered Bank and Cable & Wireless Plc.

The logic of the new legislation

The Falkland Islands Government believes that control of the ownership of land by reference to nationality, however justified it might have been in the past, is no longer justified or adequate to further the interests of the Falkland Islands and that it is more appropriate to require all non-residents to obtain a licence if they wish to acquire land in the Falkland Islands. The enactment of the new legislation would not, however, signal an intention on the part of the Falkland Islands Government to operate a general policy of preventing the ownership of land in the Falkland Islands by non-residents as it hopes will be clear from the following paragraphs.

Agricultural land

It has been the policy of the Falkland Islands Government, consistently pursued since 1979, that the majority of agricultural land in the Falkland Islands shall be owned by local people. It proposes to continue that policy but this will not exclude favourable consideration being given to appropriate applications for licences to acquire agricultural land by non-residents. In general terms an application for such a licence is more likely to be favoured if it demonstrates a commitment to work the land so as to forward the Government's agricultural diversification policies in relation to it, that the applicant possesses appropriate skills and that the applicant has adequate financial resources. The Government is unlikely to favour any application for a licence to acquire agricultural land by any person who does not intend to operate it on a commercial basis.

Extra-statutorily the Falkland Islands Government will, on the application of any present owner of agricultural land in the Falkland Islands, indicate whether, in principle, it is prepared favourably to consider the granting of a licence to a non-resident for the purchase of his farm or part of it and any conditions which would be likely to be attached to the licence. While an application for a licence will still have to be made by the intending purchaser, if the seller has obtained an "in principle" indication that a licence would be granted, he may be assured that a licence would not be likely to be refused to an intending non-resident purchaser without very good reason related to that purchaser or his intentions.

Mortgages of agricultural land

If the Bill is enacted, a licence would be required for any non-resident to take security over land in the Falkland Islands. The purpose of that requirement is to prevent avoidance, by use of the rights of a lender, (eg the right to take possession of land subject to a mortgage where the mortgagor is in default of payment of principal or interest under the mortgage) of the need to obtain a licence to acquire land. It is likely that conditions would be attached to any licence granted to a non-resident lender requiring the lender, where the lender enforces his security, to sell, and not to retain unless otherwise agreed by the Government, the land concerned.

Inward investment

It is the policy of the Government to encourage appropriate inward investment in the Falkland Islands by non-residents. The Government will favourably consider any applications for acquisition of land in the Falkland Islands related to appropriate inward investment. It is not sensible to attempt to provide at this stage an exhaustive definition of what might be considered "appropriate". However factors which might be examined would include the impact that the proposed investment might have in relation to the natural and human environment of the Falkland Islands, any strain it might place upon local infrastructure and, of course, its effect on the size of the population, including any need it might generate to import labour. It is the Government policy to encourage local businesses and any application for a licence to acquire land in relation to a business activity which might imperil an existing business might not be favoured although it is not intended to prevent competition which would be in the public interest. An application for a licence to acquire land which is associated with a proposal for the formation of a joint venture with a business owned by residents will, subject to the considerations already mentioned, be likely to be favoured.

Land ownership and immigration

Where a non-resident is seeking permission to buy land in the Falkland Islands in connection with a desire to immigrate into or have a second home in the Falkland Islands the application should ordinarily be coupled with an application for a permit of some kind under the Immigration Ordinance. Naturally, the Government is not likely to grant a permit to acquire land if he or she is a person who, in the application of the immigration policy for time being in force would not be permitted to settle in the Falkland Islands. In relation to an application by a company for a licence to acquire land, the ownership of the company will be carefully scrutinised. The conditions imposed on the grant of the licence may require permission to be obtained if there is a substantial change in the ownership of the company.

The Government will also actively seek to discourage, both by conditions imposed on licences and otherwise, acquisition of land for speculative purposes or as a "land bank". An example of the sort of conditions which might be imposed would be conditions requiring that agreed development should take place within a specific time-frame.

Purchase of houses and house building plots by non-residents

An application by a non-resident for a licence to acquire an existing house or house building plot where the non-resident does not intend to immigrate into the Falkland Islands and live in the house will be considered but the Government will be anxious to ensure that granting such applications does not result in a scarcity of housing available for residents. Where the non-resident proposes to let the house on the local market during periods when he or she does not require it for his or her own occupation, the application for the licence is likely to be more favourably considered.

Non-resident Falkland Islanders

There is no change in the policy of Government to favour and assist wherever possible the return to reside in the Falkland Islands of Falkland Islanders who at present are resident overseas. An application by any non-resident Falkland Islander who wishes to return to live in the Falkland Islands and for that purpose to buy a house a business or a farm will almost certainly be granted.

Inheritance of land in the Falkland Islands

The Bill provides that where a non-resident inherits land in the Falkland Islands under a will or intestacy, and does not become a resident in the Falkland Islands, he must if he does not dispose of the land within three years of inheriting it apply for a licence to keep it. The purpose of these provisions is to enable the Government to carry out the same policies in relation to land which a person acquires by virtue of inheritance as have been set out above in respect of land which a non-resident wishes to acquire by purchase or lease. The Bill contains provision which has the effect that where a licence is not granted the land will be sold for the best possible price which will be paid to the person who inherited it.

EXPLANATORY MEMORANDUM
Land (Non-residents) Bill 1999

Introductory

Under the existing law of the Falkland Islands "aliens" (all persons who are not citizens of a British Commonwealth country) cannot lawfully acquire (purchase or take on lease) any land in the Falkland Islands without first having obtained a licence. There are exceptions in respect of aliens purchasing land where a Treaty or other international obligation of the Falkland Islands enables an alien to acquire land without a licence (eg, in certain circumstances, citizens of member countries of the European Union) and in respect of certain short term tenancies. No non-resident (ie including British citizens and non-resident Falkland Islanders) can acquire land less than 500 acres in area which is further than six miles from Stanley without a licence under the Land (Sub-division for non-residents) Ordinance 1985. The Land (Non-residents) Bill 1999 represents an amended version of the Land (Non-residents) Bill 1995 which was published in the Gazette some years ago for comment but was not presented to the Legislative Council at that time. If enacted, it would replace both Part 2 of the Aliens Ordinance and the Land (Subdivision for non-residents) Ordinance 1985. Under it, a licence would be required by any non-resident who wished to acquire any land or interest in land in the Falkland Islands.

The provisions of the Bill

The Bill if enacted would come into operation on such date as might be fixed by the Governor by Notice published in the Gazette.

Clause 2

Clause 2 of the Bill contains a number of important definitions in relation to the meaning of "resident". Under clause 2(1) persons having Falkland Islands status would be regarded as "resident" if (but only if) they are ordinarily resident in the Falkland Islands. Under clause 2(3), a person is "ordinarily resident" in the Falkland Islands if he "usually lives" in the Falkland Islands. The effect of that would be that a Falkland Islander who usually lives overseas would need a licence to acquire land in the Falkland Islands in any case not falling within the general exception for non-resident's acquisition of land contained in clause 4(3). Under clause 2(1) a person who has both obtained a permanent residence permit under the Immigration Ordinance and who is ordinarily resident in the Falkland Islands would also be regarded as "resident" (and thus would not require a licence to acquire land). Any other person living in the Falkland Islands would require a licence to acquire land here (subject to the exceptions provided for by clause 4(3)).

Under clause 2(2) a statutory corporation "created or continued under any Ordinance of the Falkland Islands" would be regarded as "resident" in the Falkland Islands. Such statutory corporations include the Falkland Islands Development Corporation and the Museum and National Trust. Companies incorporated in the Falkland Islands having at least 75% of their share capital with voting rights "beneficially owned" (ie owned other than as a nominee or trustee for somebody else) by individual persons who are to be regarded as resident in the Falkland Islands or which are for tax purposes to be regarded as having "central control and management" in the Falkland Islands are to be treated as being resident in the Falkland Islands. Under clause 2(4) the Falkland

Islands Government and the United Kingdom Government are to be regarded as resident in the Falkland Islands.

Clause 3

Clause 3 makes special provision in relation to Cable & Wireless Plc, the Falkland Islands Company Limited and the Standard Chartered Bank. None of these companies are resident in the Falkland Islands under the rules set out in clause 2(2)(b). Special rules in relation to them are made by clause 3 which also provides for the same rules to apply to a company or class of companies specified in an Order made by the Governor under clause 3(1). In addition, under clause 3(2) a bank is to be treated as being resident in the Falkland Islands if it holds a licence granted under section 5(1) of the Banking Ordinance 1987 but only so far as may be necessary to enable it, without a licence granted under the Bill, if enacted, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to its banking business in the Falkland Islands.

On the special grounds set out in clause 3(4) Cable & Wireless Plc, the Falkland Islands Company Limited and the Standard Chartered Bank might lose their special privileges under clause 3(3).

Clause 4

Clause 4(1) states that subject to the Ordinance it will be unlawful for a non-resident to acquire land in the Falkland Islands. Of course it will not be unlawful for a person who is not resident to acquire land in the Falkland Islands if he does so in accordance with a licence obtained under the Ordinance (for which provision is made in clause 5). Clause 4(2) contains a number of important interpretative provisions in relation to the prohibition on acquisition of land by a non-resident. Paragraph (a) states that a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land, whether he does it in his own name alone, jointly with others or through a nominee or trustee of any kind. This provision is designed to prevent a person who does not need a licence to acquire land "fronting" for a person who does. Paragraph (b) states that "land" includes land wholly or partly covered by water and any building or structure forming part of land. In paragraph (c) of clause 4(2) "interest in land" is defined as including a mortgage, charge or debenture affecting land, any right to occupy land and any equitable interest in land. The purpose of this extended definition is to prevent the ownership of land being acquired via enforcement of rights under a mortgage, charge or debenture or any sophisticated form of licence or by means of an interest under a trust.

Clause 4(3) requires a licence to acquire land to be obtained by a company the ownership of which changes so that it is no longer regarded under clause 2(2) as a company incorporated in the Falkland Islands. A change in the ownership of a company (eg by sale of shares) after it has obtained a licence to acquire land could be dealt with by a condition imposed in the licence under clause 5(2), perhaps by requiring a new licence to be obtained in such circumstances.

Clause 4(4) states a number of important exceptions to the requirement to obtain a licence. The first is a tenancy, or similar arrangement, of a house and land used with a house not exceeding two acres in area as a person's residence and provided that none

of the land or any buildings are used for the purpose of any trade, business or profession. The second is a provision enabling a non-resident person without a licence to be a trustee for a named resident under a written trust of land. The third allows a person to enter into a contract or option for sale or lease of land provided that the acquirer is not entitled to enter into possession nor actually enters into possession of the land to which the lease or option relates until obtaining a licence. The fourth exception allows a person to take a tenancy of land not more than five acres in area for use for business purposes so long as the tenancy does not exceed twelve months in length and the aggregate amount of land held under such a tenancy does not exceed five acres in area. Spouses count as one person for the purpose of this provision and any company in which a person or his or her spouse or both of them in combination own more than 25% of the voting share capital are also treated as the same person.

Where a disposition of land is unlawful because a licence has not been obtained authorising it, the effect of the disposition would be to transfer to or vest the land concerned in the Crown. Similarly, where the ownership of a company changes hands so that a licence is required by virtue of clause 3(3), if the licence is not obtained within three months after the change, the land vests in the Crown: (clause 4(5) and (6)). The Governor could, however, on the advice of the Executive Council, disclaim land which has vested in the Crown under clause 4(5) or (6) and could do so in favour of the person who failed to obtain a licence if, by the time of the disclaimer, he had obtained a licence.

Clause 5

Clause 5 would enable the grant of licences to non-residents enabling them to hold land or an interest in land in the Falkland Islands. Under clause 5(1) such a licence might be granted either free of conditions or subject to conditions and under clause 5(2) conditions imposed on the grant of a licence could include a condition requiring works to be carried out in the neighbourhood of the land in so far as those works are "reasonably incidental" to the use that the licensee intends to make of the land he is acquiring. However, a condition on a licence could not (clause 5(3)) require the payment of any sum of money to any person. A licence (clause 5(4)) would cease to have effect if the land affected is not acquired by the licensee within three years of the date on which the licence was granted. Applications for licences would have to contain such information as is prescribed by regulations made under clause 5(6).

Clause 6

Clause 6 deals with inheritance of land under a will or intestacy. Where a non-resident acquires land by inheritance and wishes to retain that land then, unless he becomes resident in the Falkland Islands, he would have to apply for a licence within three years of the date on which the land was vested in or was transferred to him. If a licence is not granted within three months thereafter he would have a further year in which to dispose of the land. This, in effect, would allow a non-resident who inherits land four years and three months from the date on which the land was vested in or was transferred to him, if he did not obtain a licence, to dispose of the land. Even then, the Governor could extend that time (clause 6(4)). Where a person would be required under clause 6 to dispose of the land, and has not done so, the land would vest in the Crown, but the Crown could not keep it and, unless it disclaimed the land, would have to cause it to be sold at the best price reasonably obtainable from a person resident in

the Falkland Islands. The price of the land and any profits made by it prior to sale would have to be paid to the person who inherited the land.

Clause 7

Under clause 7(1) it would be a criminal offence for a person knowingly and wilfully to break or fail to perform any condition of a licence granted and the offence would be punishable by a fine. Clause 7(3) provides for the enforceability of any condition of a licence against the licensee and succeeding owners of the land. The conditions would be enforceable by an order (injunction) obtainable from the Supreme Court.

Clause 8

Clause 8 would enable rules under section 69 of the Administration of Justice Ordinance to include rules of court relating to its practice and procedure in matters arising under the Ordinance.

Clause 9

Clause 9 would repeal Part 2 of the Aliens Ordinance and the Land (Sub-division for non-residents) Ordinance 1985. However any licence that has been granted under either of those Ordinances would continue to have effect as if it had been granted under the Bill (if enacted).

Land (Non-residents) Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS**Clause**

1. Short title and commencement
2. Interpretation
3. Certain companies doing business in the Falkland Islands to be treated as resident
4. Non-residents to obtain licences to hold land
5. Licences to hold land or an interest in land in the Falkland Islands
6. Inheritance of land under will or intestacy
7. Breach of conditions of licence
8. Rules of court
9. Repeals and saving

LAND (NON-RESIDENTS) BILL 1999

A Bill

for

An Ordinance

To replace Part II of the Aliens Ordinance and the Land (Sub-division for Non-residents) Ordinance 1995 with fresh provision as to the acquisition of land in the Falkland Islands by non-residents.

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

Short title and commencement

1. This Ordinance may be cited as the Land (Non-residents) Ordinance 1999 and shall come into operation on such date as may be fixed by the Governor by notice published in the *Gazette*.

Interpretation

2.—(1) For the purposes of this Ordinance, an individual shall be regarded as being resident in the Falkland Islands —

(a) if —

(i) under the provisions of section 17(5) of the Constitution he is to be regarded as belonging to the Falkland Islands; and

(ii) he is ordinarily resident in the Falkland Islands; or

(b) if —

(i) he has under the provisions of the Immigration Ordinance 1987 been granted a permanent residence permit; and

(ii) he is ordinarily resident in the Falkland Islands.

(2) For the purposes of this Ordinance, a body corporate is to be regarded as being resident in the Falkland Islands —

(a) if it is a statutory corporation created or continued under any Ordinance of the Falkland Islands;

(b) if it is a company incorporated in the Falkland Islands and —

(i) at least seventy-five per cent of its share capital carrying voting rights at general meetings of the company are beneficially owned by individuals who, under the provisions of subsection (1) of this section are to be regarded as being resident in the Falkland Islands; or

(ii) it is for the purposes of the Taxes Ordinance 1997 to be regarded as resident in the Falkland Islands by reason of its central control and management being in the Falkland Islands; or

(c) if it is a company, whether incorporated in the Falkland Islands or not, to which section 3 of this Ordinance applies.

(3) For the purposes of subsection (1) of this section, an individual is ordinarily resident in the Falkland Islands if he usually lives in the Falkland Islands.

(4) Her Majesty in right of Her Government of the United Kingdom, as well as in right of Her Government in the Falkland Islands, shall for the purposes of this Ordinance be regarded as being resident in the Falkland Islands and, accordingly, no licence under this Ordinance is required in relation to the acquisition of land in the Falkland Islands by or for any Department, Ministry or other division of Her Majesty's Government in the United Kingdom.

Certain companies doing business in the Falkland Islands to be treated as resident

3.—(1) The Governor may by Order provide that a company or class of companies specified in that Order shall for the purposes of this Ordinance be treated as being resident in the Falkland Islands for so long as it may be specified by or under the provisions of that or any other Order made under this subsection, and may from time to time amend or revoke any such Order.

(2) Any company for the time being holding —

a banking licence granted by the Governor under section 5(1) of the Banking Ordinance 1987

shall for the purpose of this Ordinance be treated as being resident in the Falkland Islands for so long as that licence is in force (but, in the case of a company to which paragraph (a) applies, only in so far as may be necessary to enable it, without a licence granted under this Ordinance, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to its banking business in the Falkland Islands.

(3) Without prejudice to the foregoing provisions of this section, Cable and Wireless Plc, the Falkland Islands Company Limited and the Standard Chartered Bank and each of them shall be treated as being for the purposes of this Ordinance resident in the Falkland Islands unless and until, in relation to the company specified in such a notice, the Governor publishes a notice in the *Gazette* stating his opinion that for a reason stated in that notice the company so specified is no longer carrying on business in the Falkland Islands and is no longer by virtue of this subsection to be treated as being resident in the Falkland Islands.

(4) The Governor may only publish a notice pursuant to subsection (3) if he is satisfied —

(a) that the company so specified has ceased to be registered pursuant to Part X of the Companies Act 1948 as an overseas company having a place of business in the Falkland Islands; or

(b) that the company so specified is in serious default of its obligations under Part X of the Companies Act 1948; or

(c) that the company so specified is no longer for the purposes of the Taxes Ordinance 1997 carrying on business in the Falkland Islands through a branch or agency; or

(d) that by reason of a change of the beneficial ownership of the company so specified occurring after the enactment of this Ordinance, it is not in the public interest to continue to permit the company so specified to hold land in the Falkland Islands (but no notice shall be published on the ground to which this paragraph relates at any time when the majority of the share capital carrying voting rights at general meetings of the company is beneficially owned by Commonwealth citizens).

Non-residents to obtain licences to hold land

4.—(1) Subject to this Ordinance, it is unlawful for a person who is neither resident in the Falkland Islands nor under this Ordinance to be treated as being resident in the Falkland Islands to acquire or purport to acquire for his own benefit any land or interest in land in the Falkland Islands.

(2) For the purposes of this section, but subject to subsection (3) —

(a) a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land whether he does so in his own name alone, jointly with others or through a nominee or trustee of any kind, and whether by or under a trust, settlement, resulting or constructive trust or any other device or arrangement, whether or not of a like or similar nature to any of the foregoing;

(b) “land” includes land wholly or partly covered by water and includes any building or structure forming part of any land;

(c) “interest in land” includes a mortgage, charge or debenture affecting land, any right to occupy land and any equitable interest in land.

(3) Where any land or an interest in land in the Falkland Islands has been acquired by a company and —

(a) at the time of the acquisition the company was by virtue of section 2(2)(b) for the purposes of this Ordinance to be regarded as being resident in the Falkland Islands; but

(b) at a later time while the company still holds that land or interest in land section 2(2)(b) is no longer satisfied in relation to that company,

the company shall be deemed for the purposes of subsection (1) of this section to have acquired that land or interest at that later time (and so that it is unlawful for the company to continue to hold that land or interest in land unless it obtains a licence under section 5 authorising it so to do).

(4) Nothing in subsection (1) applies —

(a) to any lease, agreement, licence or arrangement, other than one involving acquisition of the freehold estate, whereby an individual is entitled for an indefinite period or a fixed period not exceeding three years to the use of land not exceeding two acres in area as his residence, and provided that he does not use any part of that land, or any buildings thereon for the purpose of any trade, business or profession and that he does not part with the possession of

the whole or any part thereof to any other person other than a person who is a dependent or bona fide employee of his;

(b) so as to prevent any person who is not resident in the Falkland Islands holding any land upon trust for any person who is resident, and provided that the trust is effected in writing and the identity of the person for whom the land is held is apparent from the face of the trust instrument;

(c) to any contract or option for sale or lease so long as the purchaser or lessee is neither entitled to enter into possession nor actually enters into possession of the land to which it relates, until a licence under section 5 has been obtained;

(d) to any lease, agreement, licence in writing or other instrument under which a person is entitled to occupy for business purposes for not more than twelve months certain any land not exceeding (in aggregate with all other land which the person is entitled to occupy in relation to which no licence under this Ordinance has been obtained, and to which this paragraph applies) five acres in area (and for the purposes of this paragraph, an individual and his spouse are to be deemed to be one person, and company in which an individual or his spouse or both of them in combination owns more than twenty-five per cent of the share capital carrying voting rights at general meetings of the company is to be deemed to be the same person as that individual, and two or more companies in both or all of which an individual or his spouse or both of them in combination own more than twenty-five per cent of the share capital carrying voting rights at general meetings are to be deemed to be one and the same person).

(5) Any disposition of land which is unlawful by reason of the foregoing provisions of this section shall be ineffective to pass any right title or interest whatsoever in the land concerned to the person who is not resident in the Falkland Islands ("the non-resident person") but shall instead be effective to transfer to or vest the same in Her Majesty in right of Her Government in the Falkland Islands free from all incumbrances or obligations created by the disposition to the non-resident person.

(6) Where by virtue of subsection (3) it becomes unlawful for a company to continue to hold land or an interest in land, that land or interest in land, shall, unless the Governor shall direct otherwise or a licence under section 5 shall have been obtained on the expiration of three months from the date on which the unlawfulness arose vest in Her Majesty in right and title of Her Government of the Falkland Islands subject only to such incumbrances and obligations as existed immediately prior to the unlawfulness arising.

(7) The Governor may by instrument under his hand and registered in the Deeds Registry maintained pursuant to the Lands Ordinance disclaim any land or interest in land which is transferred to or vests in Her Majesty only by virtue of subsection (5) or (6) in favour of the person or persons specified in the disclaimer when the same shall vest in or be transferred to that person or those persons (and the Governor's powers under this subsection includes power to disclaim the land or interest in favour of the non-resident person if that person has, by the time of the disclaimer, obtained a licence under section 5 in respect of the land concerned).

(8) No person shall be entitled to any compensation by reason of the transfer or vesting under subsection (5) or (6) of any land or interest in land in Her Majesty.

(9) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in Her Majesty pursuant to subsection (7), and the Supreme Court may grant such a declaration and make such order incidental thereto as it sees fit.

Licences to hold land or an interest in land in the Falkland Islands

5.—(1) A person who is not resident in the Falkland Islands may apply to the Governor for a licence to hold land or an interest in land in the Falkland Islands, and the Governor may grant such a licence either free of conditions or subject to such conditions to be performed by the licensee as the Governor considers necessary or convenient in the particular circumstances of the case.

(2) Without prejudice to the generality of the Governor's powers under subsection (1) to impose conditions on the grant of a licence, such powers include power to impose conditions requiring the licensee to carry out such works as may be specified in the licence upon the land the subject of the licence or in the neighbourhood of the land, in so far, in the case of conditions requiring works to be carried out in the neighbourhood of the land, as such works are reasonably incidental to the use the licensee intends to make of the land the subject of the licence.

(3) A condition imposed under subsection (1) shall not require the payment of any sum of money to any person.

(4) A licence granted under subsection (1) shall cease to have effect if the land or interest in land to which it relates if not already owned by the licensee is not acquired by the licensee within three years of the date on which the licence was granted.

(5) Every application for the grant of a licence under subsection (1) shall identify the land or interest in land to which it relates and shall contain such other information as may be prescribed by regulations made under subsection (6).

(6) The Governor may make such regulations as he considers necessary or convenient to be made for the better implementation of the purposes of this section, and without prejudice to the generality of the foregoing provisions of this subsection, such regulations may —

(a) require the payment of to the Governor a fee of such amount as may be prescribed by the regulations on the making, or alternatively upon the granting, of an application for a licence under subsection (1);

(b) require the submission of plans and details of the applicant's proposals in relation to the land to which the application relation;

(c) where the application is a company, require the submission of such information in relation to the constitution of and ownership and control of the company as the Governor may require in connection with the application.

Inheritance of land under will or intestacy

6.—(1) Subsections (2) to (5) of this section apply subject to subsection (6).

(2) Notwithstanding the preceding provisions of this Ordinance, and subject to this section, a licence is not required by a non-resident person to hold land in the Falkland Islands which he inherits or which becomes his property under or by virtue of the will or intestacy of his

predecessor in title but he shall, if he has not previously disposed of his whole right title and interest in and to the land ("his ownership of the land"), and he is not then resident in the Falkland Islands, apply for a licence under section 5(1) not later than the third anniversary of the date on which the land vested in or was transferred to him and if such a licence is not granted within three months after such third anniversary or has not previously been granted to him in respect of that land, he shall dispose of his ownership of the land within the twelve months next following the expiry of such three months.

(3) Where a person does not dispose of his ownership of the land which he is required to dispose of by the provisions of subsection (2) within the time thereby limited or such greater period of time as may be allowed by the Governor under subsection (4), his ownership of the land shall on expiry of that time vest in Her Majesty in right of Her Government of the Falkland Islands, and subsection (5) shall apply in relation to the land, the proceeds of sale of the land and the profits of the land pending sale.

(4) The Governor may at any time before the expiry thereof extend the time within which a person would otherwise be required under subsection (2) to dispose of his ownership of the land.

(5) Where land has vested in Her Majesty under subsection (3) —

(a) and the land has vested in Her Majesty for any estate or interest less than the estate in fee simple absolute in possession, or in the opinion of the Governor the ownership of the land would, by reason of onerous obligations imposed by a predecessor in title which may be binding upon Her Majesty, be contrary to Her Majesty's interests, the Governor may at any time by notice in writing disclaim the same, whereupon the estate or interest of Her Majesty in the land shall vest in and merge with the estate or interest in the land immediately superior to that of Her Majesty, or if none, with the estate or interest in the land immediately inferior to that of Her Majesty; but

(b) unless the Governor disclaims the land under paragraph (a) he shall cause the same to be sold as soon as reasonably possible at the best price reasonably obtainable from a person resident in the Falkland Islands (provided that he shall have power, without liability for loss, to postpone the sale for so long as in his opinion is reasonably and prudently necessary so as to realise a proper price from a person resident in the Falkland Islands) and shall pay the price received and the profits (if any) of the land pending sale received by Her Majesty, less the reasonable costs of and incidental to such sale and the reasonable cost of management of the land pending sale (including the cost of repairs, maintenance and insurance), to the person from whom the land was divested under subsection (2).

(6) Nothing in this Ordinance which would require a non-resident to hold a licence to acquire land applies, and nothing in subsections (2) to (5) of this section applies, to an interest in land consisting of a share in partnership which owns land if —

(a) the partnership is one or a continuation of one to which the Companies and Private Partnerships Ordinance applied immediately before the commencement of this Ordinance, and

(b) the share in the partnership is acquired by the non-resident under or by virtue of the terms of a will or intestacy of a prior owner of that share in the partnership.

(7) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in the Her Majesty under subsection (3) of this section and the Supreme Court may grant such a declaration and make such order incidental thereto as it thinks fit.

Breach of conditions of licence

7.—(1) A person commits an offence who knowingly and wilfully breaches or fails without reasonable excuse (the proof of which lies upon him) to perform any condition of a licence granted under this Ordinance.

(2) A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(3) Every condition of every licence granted under this Ordinance is enforceable against the licensee and every person deriving title to the land in question through or under the licensee as if it were a covenant by the licensee in favour of the Crown to which the provisions of the Lands Ordinance in relation to covenants in favour of the Crown apply, and in particular may be enforced against the licensee or any other person in possession of the land by an injunction of the Supreme Court ordering the person to whom it is addressed to perform the condition (and it shall be assumed by the Supreme Court, unless it is otherwise informed by or on behalf of the Crown in the proceedings in question, that damages are not an adequate remedy for breach of the condition). Proceedings may be brought for an injunction under this section whether or not a prosecution has been or is to be brought for an offence under subsection (1) and whether or not a conviction has been obtained in respect thereof, and whether or not any other remedy is sought in the proceedings brought pursuant to this subsection.

(4) Regulations made under this subsection may enable the registration of conditions of licences under the provisions of the Land Charges Ordinance 1996.

Rules of court

8. The power to make rules of the Supreme Court under section 69 of the Administration of Justice Ordinance shall include power to make rules of court relating to the practice and procedure of the Supreme Court in relation to applications for a declaration under section 4(7) or 6(7) of this Ordinance and to proceedings for enforcement of a condition of a licence under section 7(3) of this Ordinance.

Repeals and saving

9.—(1) The Aliens Ordinance, in so far as not previously repealed, and the Land (Sub-division for Non-residents) Ordinance 1985 are repealed.

(2) Notwithstanding the repeals effected by subsection (1), any licence granted under either of the Ordinances thereby repealed, and being a licence to acquire or hold land in the Falkland Islands, which was in force immediately before the commencement of this Ordinance shall continue to have effect as if it had been granted under section 5 of this Ordinance and any conditions of the licence shall be enforceable under section 7(3) as if they had been imposed under the provisions of this Ordinance.



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The following are published in this Supplement -

Explanatory Memorandum - Conservation of Wildlife and Nature Bill 1999;

Conservation of Wildlife and Nature Bill 1999;

Marriage Ordinance 1996;

Registration of Marriages Regulations 1999, (S.R. & O. No. 17 of 1999);

Taxes (Recognised Stock Exchanges) Order 1999, (S.R. & O. No. 18 of 1999).

EXPLANATORY MEMORANDUM

CONSERVATION OF WILDLIFE AND NATURE BILL 1999

Introductory

It has been recognised for a number of years that the existing legislation of the Falkland Islands dealing with the subject of conservation of wildlife and nature (principally the Wild Animals and Birds Protection Ordinance 1964 and the Nature Reserves Ordinance 1964) is inadequate to enable proper protection to be given to wildlife in the Falkland Islands and to meet obligations under relevant international conventions (eg the Bonn Convention in relation to highly migratory species, the Ramsar Convention in relation to wetlands of international importance and the Biodiversity Convention). The Conservation of Wildlife and Nature Bill 1999 has been drafted with the intention of replacing the two 1964 Ordinances and making additional provision.

The scheme of protection under the Bill

Under the Bill wildlife is divided into three classes: birds, animals and plants. "Animal" is defined in clause 2(1) of the Bill as meaning "any kind of animate creature except human beings, birds, microbes and bacteria and includes any egg or spawn of an animal and every stage of development of an animal". "Animal" therefore includes reptiles, insects, all many legged invertebrate creatures, snails and fish of every kind. "Plant" as defined in clause 2(1) in similarly wide terms so as to include any inanimate living organism so that algae, fungi, lichens, mosses, bushes, shrubs and trees and the seeds and spores and every other stage in the growth cycle of a plant is included in the definition.

Under the Bill birds are protected by "reverse-listing": that is to say, all wild birds are protected under clause 3(1) with the exception that under clause 3(4) the birds specified in Part I of Schedule 1 to the Bill may be killed by authorised persons at any time and the birds listed in Part II of Schedule 1 may be killed by authorised persons outside the closed season (which is stated to be 1st July to 31st March). "Authorised person" is defined in clause 2(1) and, importantly, includes in relation to any act not prohibited by or under the Bill (if enacted) or any other written law done on any land in private ownership, the owner or occupier of that land and any person authorised by the owner or occupier of the land to do the act in question. Thus the Bill does not, for example, authorise anybody to hunt on privately owned land without the permission of the owner or occupier of the land in question.

Some farmers have particular concerns in relation to the actions of certain birds of prey, including in particular the Striated Caracara (Johnny Rook). As is the case under the existing law, these birds would be protected so that, as a result, it would be unlawful to shoot them or otherwise kill them. Special provision would however be made by clause 5(2) and (3) of the Bill to the effect that a farmer and any person in his employment would not be committing an offence if upon the farm in question he killed, injured or captured a protected wild bird which, at the time he kills, injures or captures it was engaged in attacking or feeding upon any livestock on that farm *and* the farmer or his employee killing injuring or capturing the bird within three months of doing so notifies the Government Secretary in writing of the species of the bird, the date on which and location at which and circumstances in which he killed captured or injured

the bird. If he failed to make such a report, he would remain guilty of the offence of unlawfully killing, injuring or capturing a protected bird. It should also be noted that under clause 9 of the Bill provision would be made for the grant of licences which would enable the licensee, subject to the conditions of the licence, to do anything which would otherwise be prohibited by the provisions of the Bill. Clause 9 does not, of course, relate only to protected wild birds.

The protection of wild birds under clause 3(1) is not limited to protection from them being killed, injured or captured but extends so as to prohibit the disturbing of a wild bird while it is building a nest or is in or near a nest containing eggs or young, disturbing dependent young of a wild bird, taking damaging or destroying the nest of a wild bird while that nest is in use or being built and taking or destroying the eggs of a wild bird. By reason of the provisions of clause 3(7) "wild bird" would not include any bird which is shown to have been bred in captivity. However in proceedings for an offence under clause 3(1) or (2) a bird is to be presumed to be a wild bird unless the contrary is shown and an egg or anything derived from a bird is to be presumed to be an egg of, or as the case may be, derived from a wild bird unless the contrary is shown.

In contrast to wild birds, which has been explained above are all protected except to the extent that the Bill specifies to the contrary, wild animals are protected only if they are specified under clause 4(4)(a) and Schedule 2 to the Bill or are marine mammals. It will be recalled that marine mammals are protected under the provisions of the Marine Mammals Ordinance. The only "animals" specified in Schedule 2 to the Bill are butterflies, the Brown Trout and the Falkland Islands Trout. Provision is, however, made by clause 4(9) of the Bill for Schedule 2 to be amended by Order and, at a future date, and when more is known about the insect-life of the Falkland Islands, some of which may be unique, there may be additions to that Schedule.

There are no native species of mammals or reptiles and since mice, rats, hares and rabbits, which live in the wild, are not specified in Schedule 2 to the Bill none of the provisions of the Bill restrict their being killed or captured.

Plants, the protection of which clause 7 of the Bill relates, are only protected if they are of a species mentioned in or fall within a description contained in Schedule 3 to the Bill. It should be noted that species of plants are listed in Schedule 3 if they are rare or relatively rare and are endemic to the Falkland Islands and not simply if they are endemic. Under clause 7(1) it would be an offence deliberately to pick, collect, cut, uproot or destroy a protected wild plant, but subject to the subsequent provisions of clause 7 there is a defence for the owner or occupier of the land in question or a person authorised by him who shows that the act which would otherwise have been unlawful under clause 7(1) was an incidental result of a lawful operation carried out by him which could not reasonably have been avoided. Thus a farmer who in the course of farming practice burns off grass will not commit an offence under clause 7(1) if as an incidental effect of the burning off a protected wild plant is destroyed. Equally, under clause 7(6) a plant which would otherwise be a protected wild plant and which is growing or is shown to have been growing "within the enclosed curtilage of a building" (this expression would include a walled or fenced garden or yard) is not a protected wild plant.

Further protective provisions

Clause 6 of the Bill would prohibit certain methods of capturing or killing wild birds and protected wild animals.

The introduction of new species is dealt with by clause 8 to the Bill. Under clause 8, subject "to the provisions of this Part" (ie the licensing provisions of clause 9) it would be an offence for a person to release or allow to escape into the wild any animal or bird which is of a kind not ordinarily resident in or a visitor to the Falkland Islands. Under clause 8(2) it would be an offence for a person to plant or otherwise cause to grow in the wild any plant of a kind not ordinarily found growing in the wilds of the Falkland Islands (note however that the planting of trees for a shelter belt could be allowed by a licence under clause 9(2)(h)).

Licences

Clause 9 of the Bill contains provisions in relation to the grant of licences. A licence could either be granted to a specific person or to all persons. The purposes for which a licence could be granted are stated in clause 9(2). Limitations on the grant of licences are specified in clause 9(5) under which there are special provisions in relation to the collection of bird eggs. It should be noted that under clause 9(5)(c) only eggs of the birds of the species mentioned in that provision can be permitted to be collected for human consumption. The provision does not alter the present law in that respect.

Clause 10 would contain supplementary provision in relation to the grant of licences. Clause 11 deals with false statements made for the purpose of obtaining licences and constitutes an offence of making a false statement for that purpose.

Part III of the Bill

Part III of the Bill (clauses 12 to 16) makes provision in relation to conservation areas. Clause 12 is an interpretation clause.

Under clause 13, the Governor would have power on the advice of the Executive Council to create national nature reserves. Clause 13(2) would provide that all areas in respect of which Sanctuary Orders and Nature Reserve Orders were in force under the present legislation immediately before the Bill, if enacted, comes into force would be national nature reserves. Different provisions might be made in respect of different national nature reserves by regulations under clause 16. Land which is privately owned, and which is not at present a sanctuary or nature reserve could not be declared to be a national nature reserve without the agreement of every owner, lessee and occupier (clause 13(1)(b)). Clause 14 provides for management agreements to be entered into with the owners, lessees and occupiers of land which is or is to be a national nature reserve. Such an agreement may provide for the matters mentioned in clause 14(2) and would be registered in the Land Charges Register under clause 14(3). The purpose of that registration would be so that every proposed purchaser of the land in question would have the provisions of the management agreement brought to his notice. Clause 15 provides for the action which could be taken if a management agreement were broken. Under clause 15(1) the Governor could serve a notice on the person or persons in breach requiring the remedy at his or their cost of the breach and under clause 15(2) if he or they fail to do so, the Governor could have the necessary work done and the cost of it could be recovered from the person or persons in breach of the agreement.

Reference has been made above to clause 16 which makes provision for the making of regulations in respect of national nature reserves and what may be contained in such regulations. A breach of the regulations might be constituted a criminal offence (clause 16(4)).

Part IV of the Bill provides in clause 17 in relation to offences by corporations and in clause 18 for the repeal of the Fisheries Ordinance (that is to say the old Fisheries Ordinance not the Fisheries (Conservation and Management) Ordinance 1986), the Wildlife and Birds Protection Ordinance 1964 and the Nature Reserves Ordinance 1964). The Schedules to the Bill have been dealt with above in relation to the provisions under which they would exist.

Conservation of Wildlife and Nature Bill 1999

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2. Interpretation

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CONSERVATION OF WILDLIFE AND NATURE BILL 1999

(No. of 1999)

A BILL

for

AN ORDINANCE

To repeal the Wild Animals and Birds Protection Ordinance 1964, the Nature Reserves Ordinance 1964 and the Fisheries Ordinance; to make new provision in relation to the conservation of nature and the protection of wildlife in the Falkland Islands.

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

PART I

Introductory

Short title, commencement and interpretation

Short title and commencement

1. This Ordinance may be cited as the Conservation of Wildlife and Nature Ordinance 1999 and shall come into force on the first day of the second month beginning after its publication in the *Gazette*.

Interpretation

2.—(1) In this Ordinance, unless the context otherwise requires —

“aircraft” includes a hovercraft;

“animal” means any kind of animate creature except human beings, birds, microbes and bacteria and includes any egg or spawn of an animal and every stage of development of an animal;

“authorised person” means —

(a) in relation to any action, wherever done, any person authorised in writing —

(i) by a provision of a written law, or

(ii) by some licence or permit granted under a provision of any written law,

to do the thing in question;

(b) in relation to any act not prohibited by or under this Ordinance or any other written law done on any land in private ownership, the owner or occupier of that land and any person authorised by the owner or occupier of that land to do the act in question,

but the authorisation of a person by a licence or permit granted as aforesaid does not itself confer any right of entry upon any land;

“close season”, in relation to a species of wild bird mentioned in the first column of Part II of Schedule 1 to this Ordinance, means the period or periods of the year mentioned in relation to that species in the second column of that Part;

“destroy” —

(a) in relation to an egg, includes doing anything to the egg which is likely to prevent it from hatching, and “destruction”, in relation to an egg, shall be construed accordingly, and

(b) in relation to a plant, includes doing anything to a plant which is calculated to kill it, prevent it from germinating, prevent it from flowering, bearing mature seeds, asexually reproducing or spreading or which is calculated to inhibit its germination or growth, and “destruction”, in relation to a plant shall be construed accordingly;

“fish” includes shellfish and molluscs;

“land” includes land covered by water;

“lichen” means a plant of the division *Lichenes* (that is to say a plant formed by the symbiotic association of a fungus and an alga);

“marine mammal” has the same meaning as it has under section 2 of the Marine Mammals Ordinance 1992;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting the plant;

“plant” means any inanimate living organism, and without prejudice to the generality of the foregoing, includes algae, fungi, lichens, mosses, bushes, shrubs and trees and seeds and spores and every other stage in the growth cycle of a plant;

“poultry” means, except when it is living wild or (before it was killed or captured) was living wild, any domestic fowl, goose, duck guinea-fowl, pigeon, quail or turkey;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“wild animal” means any animal, except wild cattle and any bird, which is or (before it was killed or captured) was living wild;

“wild bird” means any bird, except poultry, which is resident in or a visitor to the Falkland Islands in a wild state;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in the Falkland Islands in a wild state.

(2) A reference in this Ordinance to “any written law” includes a reference to this Ordinance.

(3) This Ordinance —

(a) extends to the territorial sea of the Falkland Islands; and

(b) binds the Crown.

PART II

Wildlife

Protection of wild birds and of wild animals

Protection of wild birds

3.—(1) Subject to the provisions of this Part, it is an offence for any person deliberately —

(a) to kill, injure or capture a wild bird;

(b) to disturb a wild bird while it is building a nest or is in on or near a nest containing eggs or young;

(c) to disturb dependent young of a wild bird;

(d) to take, damage or destroy the nest of a wild bird while that nest is in use or being built; or

(e) to take or destroy an egg of a wild bird.

(2) Subject to this Part, it is an offence for any person knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild bird, or any part of, or anything derived from, such a wild bird.

(3) Subsections (1) and (2) apply to all stages of the life of the wild birds to which they apply.

(4) An authorised person does not commit an offence under subsection (1) or subsection (2) by doing in relation to a bird included in Part I of Schedule 1 or its nest or any of its eggs any of the things which would otherwise constitute an offence by him under one or other of those subsections.

(5) An authorised person does not commit an offence under subsection (1) or (2) by killing or capturing outside the close season a bird included in Part II of Schedule 1 to this Ordinance or by injuring such a bird outside that season in the course of an attempt to kill it.

(6) A person shall not be convicted of an offence under subsection (2) if he shows —

(a) that the bird had not been captured or killed, or had been lawfully captured or killed,

(b) that the bird or other thing in question had been lawfully sold or given (whether to him or to another person), or

(c) that the bird or other thing was lawfully acquired (by him or another person) before the coming into force of this Ordinance.

(7) In this section “wild bird” does not include any bird which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) a bird shall be presumed to be a wild bird unless the contrary is shown, and an egg or anything derived from a bird shall be presumed to be an egg of, or as the case may be, derived from a wild bird unless the contrary is shown.

(8) Paragraph (a) of subsection (6) shall apply to eggs with the substitution of the word "taken" for the word "captured" in both places where "captured" appears in that paragraph.

(9) Schedule 1 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild animals

4.—(1) Subject to the provisions of this Part, it is an offence deliberately —

(a) to capture or kill a protected wild animal;

(b) to take or destroy the eggs or spawn of such an animal;

(c) to damage or destroy a breeding site or resting place of a protected wild animal.

(2) Subject to this Part, it is an offence knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead protected wild animal, or any part of, or anything derived from, such an animal.

(3) Subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(4) For the purposes of this section, a wild animal is a protected wild animal if —

(a) it is an animal mentioned in, or falling within a description of animals contained in Schedule 2 to this Ordinance; or

(b) it is a marine mammal.

(5) Subject to subsection (6) a person shall not be convicted of an offence under subsection (2) if he shows —

(a) that the animal had not been captured or killed, or had been lawfully captured or killed,

(b) in respect of an animal mentioned in Part 2 of Schedule 2 to this Ordinance, if he shows that he captured it by rod and line outside the close season, and does not capture more than six on any one day.

(6) Nothing in subsection (5)(a) authorises the sale of any protected wild animal or its eggs.

(7) In this section —

(a) "wild animal" does not include any wild animal which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) an animal shall be presumed to be a wild animal unless the contrary is shown, and an egg or anything derived from an animal shall be presumed to be an egg of, or as the case may be, derived from a wild animal unless the contrary is shown;

(b) "close season" in relation to any animal mentioned in Part II of Schedule 2, means the months of May to August.

(8) Paragraph (a) of subsection (8) shall apply to eggs with the substitution —

(a) of the word "taken" for the word "captured" in both places where "captured" appears in that paragraph, and

(b) of the word "destroyed" for the word "killed".

(9) Schedule 2 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Further defences in relation to offences under sections 3 and 4

5.—(1) Nothing in section 3(1) or (2) or 4(1) or (2) renders it unlawful or an offence for any person —

(a) to do anything done under, or in pursuance of, an Order made under the Animal Health Ordinance 1998;

(b) to disturb any wild bird or protected wild animal within a dwellinghouse;

(c) to damage or destroying the nest, breeding site or resting place of a wild bird or protected wild animal within a dwellinghouse;

(d) to capture or take any wild bird or wild animal if that person shows that the wild bird or protected wild animal had previously been disabled otherwise than by his unlawful act and that he captured or took it solely for the purpose of tending to it and releasing it when no longer disabled;

(e) a person killing such a wild bird or protected wild animal if that person shows that the wild bird or wild animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(f) any other act rendered unlawful by any of those provisions if the person who did that act shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(2) A person in occupation of any farm and any person in the employment of such a person does not commit an offence under section 3(1)(a) if, upon that farm, he kills, injures or captures a protected wild bird which, at the time he kills, injures or captures it was engaged in attacking or feeding upon any livestock on that farm and he complies with subsection (3).

(3) A person who kills, injures or captures a protected wild bird or a number of such birds shall within three months of doing so notify the Government Secretary in writing of the species of the bird the date on which and location at which and circumstances (including the reason) in which he killed captured or injured the bird and if he fails to do so he remains guilty of the relevant offence under section 3(1)(a).

(4) In this section, "protected wild bird" means a bird of a species other than a species mentioned in either Part of Schedule 1.

Prohibition of certain methods of capturing or killing wild birds and protected wild animals

6.—(1) It is an offence to use for the purpose of capturing or killing any wild bird or protected wild animal —

- (a) any of the means listed in subsection (2) of this section, or
- (b) any form of capturing or killing from the modes of transport mentioned in subsection (3) of this section.

(2) The prohibited means of capturing or killing protected wild birds and protected wild animals are —

- (a) using any bird or animal (whether or not it is a protected wild bird or protected wild animal), as a decoy;
- (b) any form of equipment capable of replaying a recording of sounds or pictures or both;
- (c) electrical and electronic devices capable of killing or stunning;
- (d) artificial light sources;
- (e) mirrors and other dazzling devices;
- (f) devices for illuminating targets;
- (g) sighting devices for night shooting comprising an electronic image intensifier or image converter;
- (h) explosives;
- (i) except in relation to fish under the authority of a licence granted under the Fisheries (Conservation and Management) Ordinance 1986, any net or trap which is non-selective according to its principle or its conditions of use;
- (j) crossbows;
- (k) gassing or smoking out;
- (l) poisons and poisoned or anaesthetic bait;
- (m) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;
- (n) chemical wetting agents; and
- (o) any of the following which is calculated to cause injury, that is to say any gin, snare, noose, any form of bird lime and, except in relation to fish, any trap, net or hook and line,

but nothing in this subsection renders unlawful the use of any of the foregoing methods by a person acting in pursuance of any written law to which paragraph (a) of section 5 relates.

(3) The prohibited means of transport are —

(a) aircraft; and

(b) moving motor vehicles.

(4) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild plants

Protection of wild plants

7.—(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a protected wild plant or for any person other than an authorised person deliberately to uproot any protected wild plant.

(2) For the purposes of this section, a plant is a protected plant if it is a plant mentioned in, or falls within a description of plants contained in, Schedule 3 to this Ordinance.

(3) It is an offence to keep, transport, sell or exchange or offer for sale or exchange, any live or dead protected wild plant or any part of, or anything derived from, such a plant.

(4) Subsections (1) and (3) apply to all stages of the growth cycle of the plants to which they apply.

(5) A person does not commit an offence under subsection (1) —

(a) if he is the owner or occupier of the land in question or an authorised person and shows that the act which would otherwise have been unlawful by virtue of subsection (1) was an incidental result of a lawful operation carried out by him and could not reasonably have been avoided;

(b) under subsection (3) of this section if he shows that the plant or other thing in question had been sold or given (whether to him or any other person) without any contravention of any provision of this Part of this Ordinance.

(6) For the purposes of this section —

(a) a plant which is growing, or is shown to have been growing, within the enclosed curtilage of a building is for the purposes of this section not a wild plant even if it is shown that it was not cultivated; but otherwise

(b) a plant which if it is a wild plant would be a protected wild plant, is to be presumed to be a wild plant unless the contrary is shown,

and for the purposes of paragraph (a) of this subsection “enclosed curtilage” means land within a hedge, fence or wall and constituting the garden or other land for the amenity of the building which it surrounds or abuts.

(7) Schedule 3 to this Ordinance may be amended by Order made by the Governor under this subsection.

(8) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Miscellaneous

Introduction of new species etc

8.—(1) Subject to the provisions of this Part, it is an offence for a person to release or allow to escape into the wild any animal or bird which is of a kind not ordinarily resident in or a visitor to the Falkland Islands.

(2) Subject to the provisions of this Part, it is an offence for a person to plant or otherwise cause to grow in the wild any plant of a kind not ordinarily found growing in the wild in the Falkland Islands.

(3) Subject to subsection (4), a person shall not be convicted of an offence under subsection (1) or (2) if he proves that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period of seven clear days before the hearing, he had served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Supplemental

Grant of licences for certain purpose

9.—(1) Sections 3 to 8 do not apply to anything done —

(a) under and in accordance with the terms and conditions of a licence granted under any written law; or

(b) for any of the purposes mentioned in subsection (2) under and in accordance with the terms and conditions of a licence granted by the Governor.

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

(a) scientific or educational purposes;

(b) ringing or marking, or examining any ring or mark on, and wild animal or wild bird;

(c) conserving wild animals, wild birds or wild plants or introducing them to particular areas;

(d) preserving public health or public safety;

(e) preventing the spread of disease;

(f) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or for any other form of property or to fisheries;

(g) the improvement of agriculture or forestry;

(h) authorising a person resident in the Falkland Islands to collect the eggs of any bird specified in the licence for human consumption in the Falkland Islands or for the purposes of a scientific institution outside the Falkland Islands; or

(3) The Governor may by instrument under his hand delegate the exercise of all or any of his powers under this section, except this power of delegation, to such public officer or officers or other person or persons, and subject to such conditions, limitations and to compliance with such directions, which may include a requirement that such fee shall be paid for a licence as is therein mentioned, as are specified in any such instrument.

(4) The grant of a licence under this section shall not be construed as authorising any person to enter upon the land of another without that other's permission or consent.

(5) A licence of a kind to which subsection (2)(i) refers shall —

(a) specify the quantity and species of bird eggs it authorises the licensee to collect;

(b) prohibit the sale to any person of those eggs; and

(c) not authorise the collection for human consumption of the eggs of any species of bird except Gentoo penguin (*Pygoscelis papua*), Magellanic penguin (*Spheniscus magellanicus*), Black-browed Albatross (*Diomedea melanophris*), Logger duck (*Tachyeres brachydactyla*), Patagonian crested duck (*Anas specularioides*), Yellow-billed teal (*Anas flavirostris*) and Kelp gull (*Larus dominicanus*) (otherwise known as Dominican gull).

Licences: supplementary provisions

10.—(1) A licence under section 9 —

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person; and

(c) without prejudice to section 9(5) may be subject to compliance with any specified conditions.

(2) A licence granted under section 9 may be granted subject to conditions, which shall be complied with and such a licence may be revoked at any time by the Governor, but otherwise shall be valid for the period stated in the licence.

(3) A licence under section 9 which authorises any person to kill any wild bird or protected wild animal shall specify the area within which and the methods by which wild birds or protected wild animals may be killed and shall not be granted so as to be valid for a period exceeding two years.

(4) It is a defence for a person charged with an offence under section 8(b) of the Protection of Animals Act 1911 (which restricts the placing on land of poison and poisonous substances) in its application to the Falkland Islands to show that —

(a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence under section 9 of this Ordinance; and

(b) any conditions specified in or by the licence were complied with.

(5) A person who contravenes any condition of a licence granted under section 9 commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding three months.

False statements made for obtaining licence

11.—(1) A person commits an offence who, for the purposes of obtaining whether for himself or another, the grant of a licence under section 9 —

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or

(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 4 on the standard scale.

PART III Conservation Areas *Introductory*

Interpretation of Part III

12. In this Part, unless the context otherwise requires —

(a) “national nature reserve” means an area of land or water (or both) to which an Order under section 15(1) relates; and

(b) “marine area” means an area consisting of land covered (continuously or intermittently) by tidal waters or parts of the sea which are landward of the baselines from which the breadth of the territorial sea adjacent to the Falkland Islands is measured or are seaward of those baselines up to a distance of three nautical miles; and

(c) references to the natural beauty of an area shall be construed as including references to its flora, fauna and geological or physiographical features.

National nature reserves

Designation of national nature reserves

13.—(1) The Governor may by Order declare —

(a) any area of Crown Land or any marine area; or

(b) with the agreement of every owner, lessee and occupier, any privately owned land,

to be a national nature reserve.

(2) All Sanctuary Orders and Nature Reserve Orders in force immediately prior to the commencement of this Ordinance shall, until they are revoked by an Order under this section, on commencement of this Ordinance continue in force as if —

(a) they had been made as national nature reserve Orders immediately on such commencement; and

(b) the provisions of any such Order regulating the control, administration or protection of the area to which the Order relates had been made immediately on commencement of this Ordinance as regulations under section 16 of this Ordinance,

but nothing in this subsection shall affect the application of any such Order in relation to any act or omission of any person occurring before the commencement of this Ordinance and any contravention of any such Order occurring before the commencement of this Ordinance may be prosecuted, and the offender be dealt with, in the same way as if this Ordinance had not been enacted.

(3) In this section, "Sanctuary Order" means an Order made under section 4 of the Wildlife and Birds Protection Ordinance 1964 and "Nature Reserve Order" means an Order made under section 3 of the Nature Reserves Ordinance 1964.

Management agreements

14.—(1) If the Governor considers that it would be in the public interest that any area of private land should be managed as a national nature reserve, he may enter into an agreement with every owner, lessee and occupier of that land that it shall be so managed.

(2) Any such agreement may —

(a) provide for the management of the land in such manner and the carrying out on it of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;

(b) provide for any of the things mentioned in paragraph (a) being carried out, or the cost of them defrayed in whole or in part by the owner or any other person or by the Crown;

(c) contain such other provisions as may be agreed between the Crown and the owner, lessee or occupier; and

(d) be made irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.

(3) Any agreement under this section shall be registered under sections 3 and 4 of the Land Charges Ordinance 1996 against the name of every owner, lessee and occupier who is party to it as a Class II land charge and, subject to such registration before he acquired his interest, every provision of the agreement shall be enforceable against every successor in title of any such owner, lessee or occupier as if he had been a party to the agreement in the first place.

Breach of management agreements

15.—(1) The Governor may, if it appears to him that a breach of an agreement under section 14(1) of this Ordinance has occurred and that that breach adversely affects the satisfactory management as a national nature reserve of land to which the agreement relates by notice to the person or persons in breach of the agreement require that person or those persons to remedy that breach at his or their cost within such time, not being less than 42 days, as shall be specified in that notice.

(2) If a breach of such an agreement is not remedied within the period specified in the notice served under subsection (1) or any greater period the Governor may have allowed for the purpose, the Governor may enter upon the land with or without workmen and others and take such steps as appear to him to be necessary to remedy the breach, and recover as a civil debt the cost of so doing, as certified by the Financial Secretary, from the person or persons in breach, whose liability shall, if more than one, be joint and several.

Regulations in relation to national nature reserves

16.—(1) The Governor may make regulations for the protection of any national nature reserve. Such regulations may be expressed to apply to one or more national nature reserves specified therein or as to all national nature reserves and may make different provision in relation to different parts of the year and different provision in relation to different national nature reserves or different parts of the same national nature reserve.

(2) Without prejudice to the generality of subsection (1) of this section, regulations may —

(a) provide for prohibiting or restricting, either absolutely or subject to any exceptions —

(i) in relation to any marine national nature reserve and any part of any other national nature reserve consisting of land covered by water, the entry into, or movement within, the reserve of persons and vessels;

(ii) in relation to any national nature reserve or part thereof consisting of land not covered by water, the entry into, or movement within, the reserve of persons and vehicles of any kind;

(b) prohibit the killing, taking, destruction, molestation or disturbance of animals, birds or plants of any description in the reserve, the taking or destruction of the egg of any animal or bird, the picking, plucking, uprooting of any plant, the damaging or destroying of the breeding site, resting place or nest of any animal or bird or the doing of anything within the reserve which interferes with the seabed or the bed of any water or disturbs or damages any object within the reserve;

(c) prohibit the depositing of rubbish in the reserve and the discharge of any noxious or polluting substance;

(d) prohibit the bringing into the reserve of any weapon or other device or thing designed or adapted for the purpose of capturing or killing any animal or bird;

(e) prohibit the smoking of any cigarette, cigar or pipe within the reserve, the lighting of any fire or the doing of anything likely to cause a fire within the reserve; and

(f) prohibit the bringing into the reserve of any animal, bird or plant.

(3) Nothing in regulations under this section shall —

(a) prohibit or restrict, except with respect to particular parts of the reserve at particular times of year in relation to a pleasure boat, the exercise of any right of passage by a vessel;

(b) render unlawful anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or saving life;

(c) render unlawful anything done more than 30 metres below the sea bed;

(d) render unlawful anything done under authority of a licence granted under any written law or pursuant to an order under any written law of the Falkland Islands in relation to animal health;

(e) interfere with the exercise by any person of —

(i) a right vested in him as owner, lessee or occupier of land in the reserve or otherwise permitted under the terms of an agreement relating to that land; or

(ii) any public right of way over land.

(4) Regulations made under this section may provide that a contravention of any provision of such regulations specified for that purpose constitutes an offence and that a person convicted of that offence shall be liable to a fine of such amount, not exceeding the maximum of level 5 on the standard scale, as is specified by the regulations in relation to contravention of the provision in question.

PART IV Miscellaneous *Offences*

Offences by corporations

17.—(1) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Repeals

Repeals

18. The Fisheries Ordinance, the Wildlife and Birds Protection Ordinance 1964 and the Nature Reserves Ordinance 1964 are repealed.

Schedules

SCHEDULE 1

Part I

Birds which may be killed or captured by authorised persons at any time

Upland Goose
 Domestic Goose of any species which have become feral
 Mallard Duck

Part II

Birds which may be killed or captured by authorised persons at any time outside the close season

<i>Species</i>	<i>Close season</i>
Yellow-billed Teal	1st July to 31st March
Crested Duck (otherwise known as Patagonian Crested Duck)	

SCHEDULE 2

Part I

Protected wild animals

All species of butterflies (*Rhopalocera*)
 Trout (*Salmo trutta*)
 Falkland Islands Trout (*Aplochiton zebra*)

Part II

Protected wild animals which may be killed or captured by authorised persons at any time outside the close season (1st May to 31st August)

Trout (*Salmo trutta*)

SCHEDULE 3
Protected plants

Adders Tongue	<i>Ophioglossum crotalophoroides</i>
Dusen's Moonwort	<i>Botrychium dusenii</i>
Chilean Maidenhair Fern	<i>Adiantum chilense</i>
Feltons Flower	<i>Calandrinia feltonii</i>
Shrubby Seablite	<i>Suaeda argentinensis</i>
Falkland Rock Cress	<i>Phlebotobium maclovianum</i>
Fuegian Saxifrage	<i>Saxifraga magellanica</i>
Native Yellow Violet	<i>Viola maculata</i>
Yellow Lady's Slipper	<i>Calceolaria dichotoma</i>
Falklands False Plantain	<i>Nastanthus falklandicus</i>
Hairy Daisy	<i>Erigeron incertus</i>
Falkland Pondweed	<i>Potamogeton linguatus</i>
Yellow Pale Maiden	<i>Sisyrinchium chilense</i>
Pale Yellow Orchid	<i>Gavilea australis</i>
Yellow Orchid	<i>Gavilea littoralis</i>
Gaudichaud's Orchid	<i>Chlorae gaudichaudii</i>
Fir Clubmoss	<i>Huperzia selago</i>
Comb Fern	<i>Schizaea fistulosa</i>
Leathery Shield Fern	<i>Rumohra adiantiformis</i>

OBJECTS AND REASONS

As stated in the Long Title.

MARRIAGE ORDINANCE 1996

SECTION 1

COMMENCEMENT NOTICE

IN EXERCISE of my powers under section 1 of the Marriage Ordinance 1996, I hereby notify that the Ordinance shall come into force on 1st July 1999.

Dated this eighth day of June 1999

Donald Alexander Lamont
Governor

SUBSIDIARY LEGISLATION

REGISTRATION OF MARRIAGES

Registration of Marriages Regulations 1999

(S. R. & O. No. 17 of 1999)

Made: 8 June 1999

Published: 25 June 1999

Coming into force: 1 July 1999

IN EXERCISE of my powers under section 30 of the Marriage Ordinance 1996(a), I make the following Regulations —

PART I

General

Citation and commencement

1. These Regulations may be cited as the Registration of Marriages Regulations 1999 and shall come into force on 1st July 1999.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires —

“entry” means a record of the particulars relating to a marriage completed in the appropriate places in form 8;

“occupation” includes rank or profession;

“the Ordinance” means the Marriage Ordinance 1996;

“registrar” includes the Registrar General; and

“register office” means the office of the Registrar General.

(2) In these Regulations, unless the context otherwise requires —

(a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;

(b) any reference to a numbered form is to the form bearing that number in Schedule 1 to these Regulations and any reference to a numbered column on a form is to the column bearing that number on the form.

PART II

Preliminaries to a marriage

Form of notice of marriage

3.—(1) Notice of an intended marriage shall be given by one of the parties in form 1.

(2) Where it is desired that the marriage shall be authorised by extraordinary licence granted by the Registrar General under section 24(1) of the Ordinance, form 1 shall be amended so as to state that the marriage is desired to be authorised by an extraordinary licence.

Particulars of person by or before whom marriage is to be solemnised

4. Particulars of the person by or before whom the marriage is to be solemnised shall be given in form 2 at the same time as notice of the intended marriage is given.

Declaration for intended marriage of certain persons related by affinity

5.—(1) Where the intended marriage is one which, but for the provisions of section 5(3) or section 5(5) of the Ordinance would be void by reason of the affinity of the parties, the form of declaration to be made pursuant to section 10(2)(b) of the Ordinance shall be form 3.

(2) A declaration mentioned in paragraph (1) shall be signed, in the space provided, by the person making in the presence of the Registrar General or a person deputed for the purpose by the Registrar General who shall then, in the space provided, sign the declaration as witness in the space provided and add his description.

Applications for extraordinary licence

6. Where it is desired that a marriage shall be solemnised pursuant to an extraordinary licence, there shall be lodged with the Registrar General, prior to the grant of such a licence, an application in form 4 and a medical certificate or other evidence satisfactory to the Registrar General that one or both of the parties is in imminent danger of death.

Form of Registrar General's licence

7.—(1) The certificate and form of licence to be issued by the Registrar General under section 15(2) of the Ordinance shall be in form 5.

(2) The certificate and form of licence to be issued by the Registrar General under section 24(1) (extraordinary licence) shall be in form 6.

Form of instructions issued by the Registrar General

8. The form of instructions to be issued under section 15(4) of the Ordinance shall be in form 7.

PART III

Registration of marriage (including duties of Registrar General)

Form of certificate of marriage

9. A form of certificate of marriage shall be in form 8.

Copies of certificate to be prepared for proposed marriage other than by Registrar

10. Where it is intended that a marriage shall be solemnised by any person other than the Registrar General, the Registrar General shall —

(a) where that person is not a registrar, at the same time as he sends to that person the form of instructions in form 7;

(b) where that person is a registrar, at some time before the intended date and time of the solemnisation of the marriage,

also send to that person three forms of certificate of marriage in form 8 each of which shall be sent with the particulars required to be inserted in Part I of form 8 completed as required by regulation 11 and which forms shall as required by regulation 12 also bear the appropriate alternative version of particulars of attestation (but in blank) provided for by Part II of that form.

Manner of completion of Part I of form 8

11.—(1) Where the Registrar General is required —

(a) to send form 8 pursuant to regulation 10; or

(b) to register a marriage performed by him.

he shall, subject to paragraph (4), enter the particulars required in each column of Part I of form 8.

(2) In column 4 the Registrar General shall enter the condition of the parties to the marriage in the following manner —

(a) if a party has not previously been married, he shall enter the word “Bachelor” or, as the case may be, “Spinster”;

(b) if a party’s previous marriage was terminated by death he shall enter the word “Widower” or, as the case may be, “Widow”;

(c) if a party’s previous marriage was annulled on the ground that the marriage was voidable, he shall enter the words “Previous marriage annulled”;

(d) if a party’s previous marriage was terminated by divorce he shall enter the words “Previous marriage dissolved”;

(e) if the marriage is between two parties who have previously been through a form of marriage with each other (not being a marriage which is known to have been null and void) and neither of them has since married a third party, then (and notwithstanding subparagraphs (c) and (d) above) —

(i) if the marriage was terminated by divorce, he shall enter the words “Previously married at on Marriage dissolved on ”, inserting particulars of the place and date of the previous marriage and the date of its dissolution;

(ii) if the previous marriage was annulled, he shall enter the words "Previously married at on Marriage annulled on", inserting particulars of the place and date of the previous marriage and the date of its annulment; or

(iii) if the ceremony was performed for the avoidance of doubt as to the validity of a previous ceremony, he shall enter the words "Previously went through a form of marriage at on", inserting the particulars of the place and date of the previous ceremony;

and no further entry shall be made in column 4.

(3) In column 7 if the father of either party to the marriage is deceased, the Registrar General shall enter the word "deceased" after the surname.

(4) Where it appears to the Registrar General that he cannot enter the particulars required in any column in Part I of form 8 he shall draw a line in ink through that column.

Manner of completion of Part II of form 8

12.—(1) Where the Registrar General is required —

(a) to send form 8 pursuant to regulation 10; or

(b) to register a marriage performed by him,

the Registrar General shall in Part II of form 8 enter in the places respectively provided for the purpose the following particulars —

(i) if the marriage is to be or has been solemnised by a minister of religion according to the rites and ceremonies of any religious body or denomination, the description of the building or address of the place, the title of the body according to the rites and ceremonies of which the marriage is to be or has been solemnised and the name and description of the minister of religion;

(ii) if the marriage has been solemnised by the Registrar General or another registrar or (where sub-paragraph (a) above applies) in the case of a marriage which is to be solemnised by a registrar other than by the Registrar General, in either case in the register office, the words "register office";

(iii) if the marriage has been solemnised by the Registrar General or another registrar or (where sub-paragraph (a) above applies) is to be solemnised other than in the register office, the description of the building or address of the place in which the marriage has been or is to be solemnised;

(iv) if the marriage has been solemnised or is to be solemnised on the authority of a Registrar General's licence by a person other than a registrar or minister of religion, in the presence of a registrar, the description of the building or address of the place in which the marriage was or is to be solemnised, the title of the religious body or denomination if any,

according to which the marriage has been or is to be solemnised and the words “ under Registrar General’s licence by *(name of person)* in the presence of *(Registrar General or registrar)*”;

(v) if the licence has been or is to be solemnised on the authority of a special licence granted by the Governor such of the foregoing particulars as is appropriate having regard (inter alia) to who has solemnised or is to solemnise the marriage and whether or not the Registrar General or a registrar is to be or was present and the words “under a Special Licence granted by the Governor”;

(vi) if the licence has been or is to be solemnised on the authority of an extraordinary licence granted by the Registrar General, the particulars as required by (v) above but with the words “under an Extraordinary Licence granted by the Registrar General” in place of the words “under a Special Licence granted by the Governor”.

Signing the certificate

13.—(1) Immediately after the marriage has been solemnised the person solemnising the marriage (where the marriage is required by the licence to be solemnised in the presence of a registrar, the registrar present) shall call upon the parties to the marriage to verify the particulars inserted pursuant to regulations 11 and 12 in the entry of marriage and, if it appears that any error has been made, in the presence of the parties make the necessary correction in the manner provided in regulation 15.

(2) When the required particulars have been verified in accordance with paragraph (1) the minister of religion or, as the case may be, the registrar, shall call upon the parties to sign the entry of marriage in the spaces provided and after the parties have signed the same the minister of religion or registrar shall call upon the witnesses to sign similarly.

(3) Immediately thereafter —

(a) the minister of religion by whom the marriage was solemnised (where the marriage was solemnised by a minister of religion); or

(b) (in any other case) the registrar by or in the presence of whom the marriage was solemnised,

shall sign the certificate in the space provided and add his official designation or description and deliver or cause the certificate to be delivered to the Registrar General.

(4) The Registrar General on entering the entry of marriage in the register shall then sign the register book in the space provided.

(5) Where a person who is required under paragraph (2) or (3) to sign the entry of marriage makes a mark or signs in characters other than those used in the English language, the minister of religion or, as the case may be, the registrar shall write against the mark or signature the words “The mark (or signature) of, inserting the forenames and surname of the person.

PART IV
Correction of errors

Time when entry is complete

14. An entry of marriage made by the Registrar General in the register shall for the purposes of these Regulations be deemed to have been completed when the Registrar General has signed the entry.

Correction of errors before entry is complete

15.—(1) Where under these regulations the Registrar General is required to correct an error in an entry of marriage before the entry is complete he shall, subject to paragraph (2), make the corrections in the following manner —

(a) if a word is incorrect, he shall strike it out by a line drawn through it, so however that the word remains legible, and write the correct word above it and shall in the margin of the entry write his initials;

(b) if in any group of figures one or more figures is incorrect he shall strike out all the figures in the group by a line drawn through them, so that however they remain legible, and write the correct figures above them and shall in the margin of the entry write his initials;

(c) if a word has been omitted, he shall place a caret where the omission occurs and above the caret he shall write the omitted word, except that if there is sufficient space he shall write that word where the omission occurs and underline it and, in any case, he shall in the margin of the entry write his initials;

(d) if the particulars required to be entered in any two columns have been inadvertently transposed, the Registrar General shall, without any other correction, write in the margin of the entry a note of the error in the following form: "The particulars in column and column inadvertently transposed", inserting the number of the columns and adding his initials;

(e) if the particulars required to be entered in respect of the parties to a marriage, or the fathers of the parties, have been inadvertently transposed, the Registrar General shall, without any other correction, write in the margin of the entry a note to that effect, specifying the particulars to which the note relates, and add his initials.

(2) If it appears that an error has been made in the signature of one of the parties or witnesses to a marriage the signatory and not the Registrar General shall make the correction, and the party and the Registrar General shall in the margin of the entry write their initials.

Correction of errors in completed entry

16.—(1) Where it appears or is represented to the Registrar General that there is a completed entry in the register which contains an error in form or substance, the Registrar General shall inquire into the matter and, if after such inquiry he is satisfied as to the existence of the error he shall correct it in the manner provided by paragraphs (2) and (3).

(2) The error shall be corrected —

(a) by the Registrar General in the presence of the parties to the marriage to which the entry relates; or

(b) in the case of the death or absence of either of those parties, by the Registrar General in the presence of two credible witnesses.

(3) The entry shall be corrected by entry in the margin of the register, without any alteration of the original entry and the marginal entry —

(a) shall be signed by the Registrar General;

(b) shall be attested by the persons in whose presence the entry in the margin of the register is required by paragraph (2) to be made,

and the Registrar General shall add the date on which the entry in the margin of the register is made.

PART V

Miscellaneous provisions

Searches of indexes kept by the Registrar General

17.—(1) The Registrar General shall cause indexes of all entries in the register of marriages to be made and kept at his office.

(2) Any person shall be entitled, on payment of the prescribed fee, to search the said indexes at any time when the Registrar General's office is open for the purpose and to have a certified copy of any entry in the register of marriages on payment of the prescribed fee for that copy.

(3) The Registrar General shall cause all certified copies of entries in the marriage register given in his office to be sealed or stamped with his seal and any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been so given shall be of any force or effect unless it is sealed or stamped as aforesaid.

Fees

18.—(1) The following fees are prescribed for the purposes of the Ordinance and of these regulations —

(a) on giving notice of marriage (section 9(1)), £12.50;

(b) for Registrar General's licence or extraordinary licence, £20.00;

(c) for registrar to conduct marriage, £15.00;

(d) to registrar to travel outside Stanley to conduct a marriage —

(i) where travel is by vehicle, £1.00 per mile;

(ii) where travel is by aeroplane or ship, the actual cost of travel,

(e) for each certificate or certified copy certificate of marriage (except a certificate furnished on the occasion of the marriage), £5.00;

(f) to enter a caveat against the grant of a licence, £15.00;

(g) on application for the grant of a special licence by the Governor, £20.00;

(h) on grant by the Governor of a special licence, £50; and

(i) for search in the index of entries, in respect of each marriage searched for, £5.00.

(2) The fees provided for by paragraph (1) shall be paid to the Registrar General who shall pay the same into the Consolidated Fund. A registrar, if the fee provided for by paragraph (1)(d)(i) has been taken shall, if the journey in respect of which the same has been paid is undertaken by him, be entitled to be paid the amount thereof on application to the Treasurer.

(3) Where, for the purpose of solemnising a marriage outside Stanley, a registrar is necessarily absent from his home address for more than six hours, the parties to the marriage shall be responsible for the provision to him without charge to him of reasonable meals or refreshment and, if the registrar is for the said purpose absent from Stanley overnight, the parties to the marriage shall be responsible for the provision to him without charge to him of suitable overnight accommodation.

(4) If the parties to a marriage shall fail to comply with their obligations under paragraph (3), the Crown may recover from them or either of them, and if necessary by civil proceedings, any sum reasonably expended by the registrar because of their failure.

Made this eighth day of June 1999

Donald Alexander Lamont
Governor

FORM 1

Notice of marriage
(section 9 Marriage Ordinance 1996)

PARTICULARS RELATING TO THE PERSONS TO BE MARRIED

Name and surname (1)	Age (2)	Marital status (3)	Occupation (4)	Place of residence (5)	Period of residence (6)	Date, time and place of intended marriage (7)
	years					
	years					

To the Registrar General

I, the above-namedgive you notice that I and
(name and surname)

the other person named above intend to be married on the authority of [a licence granted by you within three months from the date of entry of this notice] [on the authority of an extraordinary licence granted by you] and I declare as follows—

1. I believe that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

2. I and the other person named above have for the period of seven days immediately before the giving of this notice had our usual places of residence within the Falkland Islands

3. In respect of myself—

Either A* I am eighteen years of age or over
or B If under the age of eighteen years—

(a) I will reach the age of eighteen years on.....
(date)

or (b) I am a widower/widow;

or (c) The consent of..... whose consent
(name(s))
is required by law has been obtained
and/or the necessity of obtaining the consent of.....
(name(s))

has been dispensed with as provided by law;
and/or the.....Court has consented to the marriage
(name of court)

or (d) There is no person whose consent to the marriage is required by law

*Delete whichever does not apply

4. In respect of the said.....

(name and surname)

Either A * He/she is eighteen years of age or over.

or B If under the age of eighteen years

(a) He/she will reach the age of eighteen years on.....
((dated))

or (b) He/she is a widower/widow;

or (c) The consent of..... whose consent is required by law
(names(s))

has been obtained;
and/or the necessity of obtaining the consent of.....has been dispensed with
as provided by law;

and/or the.....Court has consented to the marriage
(name of court)

or (d) There is no person whose consent to the marriage is required by law

5. I further declare that to the best of my knowledge and belief the declarations which I have made above and the particulars relating to the persons to be married are true. I understand that if any of the declarations are false I MAY BE LIABLE TO PROSECUTION UNDER THE PERJURY ACT 1911 in its application to the Falkland Islands.

6. I also understand that if there is in fact an impediment of kindred or alliance or other lawful hindrance to the intended marriage the marriage may be invalid or void and the contracting of the marriage may render one or both of the parties GUILTY OF AN OFFENCE AND LIABLE TO THE PENALTIES OF BIGAMY OR SUCH OTHER OFFENCE AS MAY HAVE BEEN COMMITTED

Signed.....Date.....

In the presence of.....(Signature of registration officer)

Official designation.....

NOTE: This Form is not to be used where the parties wish to apply for a special licence from the Governor. See instead requirements in section 22(2) and (3) Marriage Ordinance 1996

FORM 2

Particulars of minister of religion or other person by whom marriage is to be solemnised

I, the undersigned, give you notice that the proposed marriage referred to in the annexed notice

(a) is intended to be solemnised according to the rites and ceremonies of.....
(religious denomination)

by.....
(name and address of minister of religion intended to be the celebrant)

or*(b) is intended to be solemnised before the Registrar General or a Registrar

or *(c) is intended to be solemnised by.....
(name and address of person)

..... in the presence of the Registrar General or a Registrar

On at at
(intended date of marriage) (time) (place at which marriage to be celebrated)

(Signed)..... Date.....

*Delete whichever does not apply

NOTES

1. Persons intending to be married by a minister of religion are strongly advised to make contact with him before giving notice of marriage to ascertain whether he will be prepared to solemnise the marriage and, if so, upon what conditions, if any, and that he (and if the marriage is desired to take place in a church, the church) will be available on the day and at the time desired. Note that a minister of religion is not required by civil law to solemnise any marriage he is unwilling, for any reason, to solemnise.
2. Equally, where persons who desire their marriage to be solemnised by the Registrar General or another Registrar similarly should check the availability of the Registrar General or a Registrar on the day and at the time desired.
3. Where a marriage is desired to be solemnised by a person other than a minister of religion or the Registrar General or a Registrar it will be necessary for the Registrar General or a Registrar to be present at the solemnisation and it is therefore necessary to ensure the availability of one of them on the day and at the time desired.

FORM 3

Declaration for marriages of certain persons related by affinity
(section 10 Marriage Ordinance 1996)

To the Registrar General

MARRIAGE OF

..... AND
(Name and surname of man) (Name and surname of woman)

Date of birth

Date of birth

Address

Address

.....

.....

I, the above named, declare that I and the other person named above are related in that he/she is the *
(name and surname)

.....

I further declare that the younger of us has not at any time before attaining the age of eighteen years been a child of the family in relation to the other.

Signed

In the presence of

(signature)

Date

Official designation

*Insert whichever of the following applies —

- daughter of my former wife
- former wife of my father
- former wife of my father's father
- former wife of my mother's father
- daughter of the son of my former wife
- daughter of the daughter of my former wife

- son of my former husband
- former husband of my mother
- former husband of my father's mother
- former husband of my mother's mother
- son of the son of my former husband
- son of the daughter of my former husband

FORM 4

APPLICATION FOR AN EXTRAORDINARY LICENCE
(section 24 Marriage Ordinance 1996)

To: The Registrar General

1. I, apply to you for the grant of an extraordinary licence enabling me to marry
..... at

EITHER

2. [I am] [The said is] [Both I and the said are] in imminent danger of death.

[I attach a medical certificate as to [my state of health] [I attach a medical certificate as to the state of health of the said]*

(This version of paragraph 2 should be completed if the state of health of one of the parties is the basis on which one or both of the parties is in imminent danger of death)

OR

2. [I am] [The said is] [Both I and the said are] in imminent danger of death

because
(State above the reasons for one or both of the parties being in imminent danger of death (e.g. because the applicant is about to leave on active service on armed operations during a time of war))

(This version of paragraph 2 should only be used if the state of health of one or both of the parties is not the basis on which one or both of the parties is in imminent danger of death)

NOTES

1. If the licence is granted, it will authorise the marriage to take place within fourteen days of the grant of the licence.
2. Notice of marriage in Form 1 must also be given before an extraordinary licence can be granted.
3. If Notice in Form 1 has already been given, with the intention that the marriage shall be solemnised under an ordinary licence granted by the Registrar General, if one or both of the parties to the intended marriage becomes or become in imminent danger of death application in Form 4 may be made for the grant of an extraordinary licence.

FORM 5

REGISTRAR GENERAL'S LICENCE *(section 15(2) Marriage Ordinance 1996)*

NOTICE pursuant to section 9 of the Marriage Ordinance 1996 having on the day of 19..... been duly given and entered in the Marriage Notice Book of the marriage intended to be solemnised between the parties below named and described and the issue of this Licence not having been forbidden by any person authorised to forbid its issue.

NOW I, Registrar General, grant to the said parties licence to solemnise and contract their intended marriage.

Name and surname (1)	Age (2)	Marital status (3)	Occupation (4)	Place of residence (5)	Period of residence (6)	Church, other building or place in which or where the marriage is to be solemnised (7)	Mode of solemnisation (Minister of religion, Registrar or other person in presence of Registrar) (8)
	years						
	years						

Date of issue.....

Signature.....

Registrar General

NOTE

This Licence will be void if the marriage is not solemnised within three months from the date of entry of the notice given above

The marriage must be solemnised on or before.....

FORM 6

REGISTRAR GENERAL'S EXTRAORDINARY LICENCE
(section 24(1) Marriage Ordinance 1996)

NOTICE pursuant to section 9 of the Marriage Ordinance 1996 having on the day of 19 been duly given and entered in the Marriage Notice Book of the marriage intended to be solemnised between the parties below named and described and the issue of this licence not having been forbidden by any person authorised to forbid its issue and an application for an extraordinary licence having been made to me,

NOW I,, Registrar General, grant to the said parties extraordinary licence to solemnise and contract their intended marriage.

Name and surname (1)	Age (2)	Marital status (3)	Occupation (4)	Place of residence (5)	Period of residence (6)	Church, other building or place in which or where the marriage is to be solemnised (7)	Mode of solemnisation (Minister of religion, Registrar or other person in presence of Registrar) (8)
	years						
	years						

Date..... Signature.....

Registrar General

NOTE

This licence will be void if the marriage is not solemnised within fourteen days of the grant of this licence

The marriage must be solemnised on or before.....

Form of instructions

Instructions for the solemnisation of a marriage to be conducted other than by the Registrar General or a minister of religion

1. This marriage must take place in the building or at the place named in the Marriage Licence, and nowhere else.
2. At least two witnesses must also be present, and the doors of any building in which the marriage is to take place must be open. (The doors need not be actually open provided they are not so closed as to prevent persons from entering that part of the building in which the marriage is solemnised.)
3. Any certificate or licence issued or granted by the Registrar General must be delivered to the person in whose presence the marriage is to be solemnised (referred to in these instructions as the "authorised person"). Unless this document (or those documents) are in his possession the authorised person must on no account allow the marriage to take place.
4. It is absolutely essential to the validity of the marriage that in some part of the ceremony each of the parties shall make the following declaration —

"I solemnly declare that I do not know of any lawful impediment why I, A.B., may not be joined in matrimony to C.D."

and that each of them shall say to the other either —

"I call upon these persons here present to witness that I, A.B., take you, C.D., to be my lawful wedded wife (or husband)"; or

"I A.B., take you, C.D., to be my lawful wedded wife (or husband)".
5. These declaratory and contracting words must be said in the presence of the authorised person and of the witnesses to the marriage.
6. Immediately after the marriage is solemnised the authorised person must ensure that three marriage certificates (Form 8) have been verified and signed by the parties married, by at least two witnesses and by the authorised person.
7. After the certificates have been verified and signed in accordance with instruction 6 the authorised person must deliver or cause to be delivered one certificate to the Registrar General at the Town Hall in Stanley.

Part II
Particulars of Attestation

(i) For marriage solemnised by a minister of religion according to the rites and ceremonies of any religious body or denomination

Married at according to the rites and ceremonies of the by me,

This marriage was	{.....}	in the	{.....}
solemnised	{.....}	presence	{.....}
between us,	{.....}	of us,	{.....}

(ii) For marriage solemnised by the Registrar General or a registrar

Married at by me,

This marriage was	{.....}	in the	{.....}
solemnised	{.....}	presence	{.....}
between us,	{.....}	of us,	{.....}

(iii) For marriage solemnised in the presence of the Registrar General or a registrar

Married at by in

the presence of

This marriage was	{.....}	in the	{.....}
solemnised	{.....}	presence	{.....}
between us,	{.....}	of us,	{.....}

SUBSIDIARY LEGISLATION

TAXES**Taxes (Recognised Stock Exchanges) Order 1999**

S. R. & O. No. 18 of 1999

Made: 10 June 1999
Published: 25 June 1999
Coming into operation: on publication

IN EXERCISE of my powers under section 2(1) of the Taxes Ordinance 1997(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation

1. This Order may be cited as the Taxes (Recognised Stock Exchanges) Order 1999.

Recognition of Stock Exchanges

2. The Stock Exchanges specified in the Schedule to this Order are designated as recognised Stock Exchanges for the purposes of the Taxes Ordinance 1997.

Made this 10th day of June 1999

D F Howatt
Commissioner of Taxation

SCHEDULE

Recognised Stock Exchanges

The Athens Stock Exchange
 The Australian Stock Exchange and any of its stock exchange subsidiaries
 The Colombo Stock Exchange
 The Copenhagen Stock Exchange
 The Helsinki Stock Exchange
 The Johannesburg Stock Exchange
 The Korea Stock Exchange
 The Kuala Lumpur Stock Exchange
 The Mexico Stock Exchange
 The New Zealand Stock Exchange
 The Rio de Janeiro Stock Exchange
 The Sao Paulo Stock Exchange
 The Singapore Stock Exchange
 The Stockholm Stock Exchange
 The Stock Exchange of Thailand
 The Swiss Stock Exchange

Any Stock Exchange in the following countries which is a Stock Exchange within the meaning of the law of the particular country relating to Stock Exchanges (or as specified below)

Austria
 Belgium
 Canada – any Stock Exchange prescribed for the purposes of the Canadian Income Tax Act
 Eire
 France
 Federal Republic of Germany
 Hong Kong – any Stock Exchange which is recognised under section 2A(1) of the Hong Kong Companies Ordinance
 Italy
 Japan
 Luxembourg
 Netherlands
 Norway
 Portugal
 Spain
 United States of America – any Exchange registered with the Securities and Exchange Commission of the United States as a national securities exchange and the NASDAQ stock market as maintained through the facilities of the National Association of Securities Dealers, Inc. and its subsidiaries

EXPLANATORY NOTE

(not forming part of the above Order)

This Order designates the Stock Exchanges which are to be "recognised Stock Exchanges" for the purposes of the Taxes Ordinance 1997. It has been agreed by an exchange of letters between the Commissioner of Taxation and the United Kingdom Inland Revenue that the same Stock Exchanges should be regarded as recognised Stock Exchanges for the purposes of article 21(8) of the United Kingdom/Falkland Islands double taxation arrangement. The list duplicates the exchanges designated as "recognised Stock Exchanges" by order of the Board of the Inland Revenue of the United Kingdom under section 841(1) of the Income and Corporation Taxes Act 1988 with effect from 27 August 1997.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

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The following are published in this Supplement -

**Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order No. 2 of 1999,
(S.R. & O. No. 19 of 1999);**

Explanatory Memorandum - Land Acquisition Bill 1999;

Land Acquisition Bill 1999;

Explanatory Memorandum - Taxes (Amendment) Bill 1999;

Taxes (Amendment) Bill 1999.

SUBSIDIARY LEGISLATION

ROAD TRAFFIC**Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order No 2 1999**

(S.R. & O. No: 19 of 1999)

Made: 22 June 1999

Published: 12 July 1999

Coming into force: on publication

IN EXERCISE of my powers under section 16K of the Road Traffic Ordinance(a), and of all other powers enabling me in that behalf, I make the following Order—

Citation and commencement

1. This Order may be cited as the Pedestrian Crossings Regulations 1996 (Ross Road Exemption) Order 1999 and shall come into force on the date on which it is first published in the *Gazette*.

Interpretation

2. In this Order “the principal Regulations” mean the Pedestrian Crossing Regulations 1996(b).

Exemption from regulation 11 of the principal Regulations

3. A vehicle shall not by reason of regulation 11 of the principal Regulations be treated as having unlawfully been stopped within the limits of the controlled area of the pedestrian crossing in Ross Road Stanley on any side thereof if the vehicle is a bus known as “The Blue Bus” for such reasonable time as the vehicle is stopped for the purpose of conveying elderly and disabled people to or from the Post Office.

Dated this 22nd day of June 1999

D A Lamont
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

The effect of this Order is that regulation 11 of the principal Regulations which prohibits vehicles stopping in areas adjacent to crossings will not apply to the Blue Bus when it has stopped to allow elderly and disabled people to visit the Post Office.

(a) Cap 60 Laws of the Falkland Islands 1950

(b) S.R. & O. No. 34 of 1996

EXPLANATORY MEMORANDUM

Land Acquisition Bill 1999

Introductory

The Land Acquisition Bill 1999 would repeal and replace Part IV of the Land Ordinance (Cap. 36) which was originally enacted in the early years of this century. The Bill seeks to reflect the provisions of section 7 of the Constitution and to provide for powers of compulsory acquisition which are wholly consistent with the Constitution. It seeks to make provision which reflects adequately both the public interest and the interest of a person whose property is the subject of a compulsory purchase order or of a proposed compulsory purchase order. In relation to compulsory purchase there are two fundamental considerations (reflected in section 7 of the Constitution) which the Bill seeks to address —

- (a) the justification for compulsory acquisition; and
- (b) prompt payment of adequate compensation.

Part I of the Bill

Part I of the Bill contains a number of introductory provisions.

Clause 1 provides that the Bill, if enacted, would come into operation upon a date to be notified by the Governor in the Gazette. Clause 2 contains a number of definitions.

A number of important principles would apply by reason of clause 3(1). First of all, land could not be compulsorily acquired under the Ordinance unless the Governor is satisfied as to a number of matters. The first of these is that it is not reasonably possible to acquire the land other than by the exercise of a power of compulsory acquisition conferred by the Bill if enacted. In other words land could not be compulsorily acquired if it could reasonably be obtained by negotiations. Secondly, the compulsory acquisition would have to be "reasonably justifiable in a democratic society". This is intended to make it clear that land could not be compulsorily acquired arbitrarily or capriciously. The third principle is that the Governor would have to be satisfied that it was in the public interest that the land should be acquired by the exercise of the power of compulsory acquisition and the fourth is that arrangements have been or will be made for the prompt payment of fair and adequate compensation in respect of the land compulsorily acquired. Those most important provisions of clause 3(1) would be "fleshed out" by the provisions of clause 3(2). Clause 4 would set out a number of exceptions to the principles reflected in clause 3. Clause 4, in so doing, makes only such exceptions as are in fact also made by section 7 of the Constitution and, if it did not make those exceptions, would be inconsistent with the Constitution.

Clause 5 would give anybody who has power to sell or dispose of land to any person power to sell or dispose of it to the Crown. The object of the provision is so that everybody has power to sell land to the Crown if he has power to sell that land to any person. Otherwise compulsory acquisition might be necessary for that reason only.

Clause 6 would confer a power upon the Governor in the name of the Crown to acquire land compulsorily. It could be acquired for any public purpose and "public purpose" is defined in clause 6(4) in the same terms as it is defined in section 7 of the Constitution. Section 7 of the Constitution also enables land to be compulsorily acquired so that for a public purpose it may be disposed of and developed by somebody else. Clause 7 reflects that and would required

that, in addition, there was an enforceable agreement between the Crown and that other person that the land would be so developed and, if appropriate, so used, or so used for a public purpose.

Part II of the Bill - compulsory purchase order procedure

Part II of the Bill (clauses 8 to 15) would set out the procedure for making a compulsory purchase order. In the first instance, a compulsory purchase order would be made in draft. The draft order would have to set out the public purpose or public purposes for which the land was proposed to be compulsorily acquired. Under clause 9 the draft compulsory purchase order would have to be advertised in the Gazette by a notice containing the particulars required by clause 9(2) and under clause 10 a notice of draft order would have to be served on every owner, lessee and occupier of the land except tenants for a month or less than a month. Those affected would have a right under clause 11 to object to the draft order and, if they did so, the objections would be referred to the Magistrate's Court. The Magistrate's Court, however, under clause 11(4) would not be able to hear any representations as to the value or amount of compensation to be paid. This is because unless a definitive compulsory purchase order is made, the question of compensation does not arise and, under the Constitution, and under the provisions of the Bill, it would be for the Supreme Court to hear any objections as to compensation. Under clause 12 the procedure of the Magistrate's Court in relation to objections heard by it is set out. The Magistrate's Court have heard the objections in accordance with clause 12 would then, under clause 13, have to submit a report in writing to the Governor which would have to contain a summary of the evidence given and of the representations made by each party but the report would not include an recommendation or view as to whether the order should be made. On receiving the report of the Magistrate's Court this would be for the Governor (in Executive Council) to consider. A decision would then have to be taken as to whether a compulsory purchase order should be made. If a compulsory purchase order was made it would have to be published in the Gazette under clause 15(1). Additionally a notice would have to be served under clause 15(2) on the owners and tenants of the land upon whom notice of the draft order was served.

Part III of the Bill - validity and date of operation of compulsory purchase orders

Clause 16(1) would enable a person aggrieved by a compulsory purchase order to make application to the Supreme Court if he desired to question the validity of the order or the validity of any provision on it either on the ground that the order was not authorised by the provisions of the Bill or is contrary to the Constitution. Such an application under clause 16(2) would have to be made to the Supreme Court within six weeks from the date on which the order was first published in the Gazette or such greater period as the Supreme Court might allow. On such an application being made, the Supreme Court could suspend the operation of the compulsory purchase order or of any provision contained in it. The Supreme Court would have power under clause 17(2), if it were satisfied that the compulsory purchase order is not authorised by the Bill or contrary to the Constitution —

- (a) to quash the compulsory purchase order or any provision contained in it either generally or so far as it affected the property of the applicant;
- (b) to modify the compulsory purchase order in any manner in which the Governor might have modified the draft compulsory purchase order; and
- (c) to make such other order as it thought just.

By clause 18(1) the validity of a compulsory purchase order could not be questioned in any legal proceedings whatsoever except proceedings brought under clause 16. By clause 19 the Supreme Court would have power to award costs. Under clause 20, and subject to the powers of the Supreme Court under section 17, a compulsory purchase order would become operative on the date on which it was first published in the Gazette under clause 15(1).

Part IV - Compensation

Clause 21 states the principle that, so far as possible, the compensation payable to anybody affected by a compulsory purchase order should be negotiated and agreed and requires an agreement in writing as to compensation. Clause 22(1) would enable an owner to cancel an agreement as to the payment of compensation by notice in writing served on the Attorney General if three months after the date of the agreement the compensation agreed had not been paid. By clauses 22(3) the Crown could cancel an agreement for payment of compensation in certain limited circumstances. By clause 22(4) the cancellation of an agreement as to compensation would not preclude a fresh agreement being reached under the clause.

Clause 23(1) would enable an owner who had not entered into an agreement as to compensation at any time after the compulsory purchase order to apply to the Supreme Court to assess the amount of compensation payable to him. He could not do so if he had entered into an agreement as to the amount of that compensation and had not cancelled it. Under clause 23(2) the Crown could refer the question of compensation to the Supreme Court after six weeks from the date on which the compulsory purchase order became operative or if an application had been made to the Supreme Court as to the validity of the compulsory purchase order. Clause 24 provides for an agreement as to compensation also covering reasonable legal and other costs and expenses of an owner whose interest is being acquired. Clause 25 would enable the Supreme Court to make an order for compensation and, additionally, to order the Crown to pay the reasonable legal and other costs and expenses connected with the disposal of the land. Under clause 26, the Supreme Court would have power to award the costs of proceedings questioning the validity of a compulsory purchase order or as to compensation payable under a compulsory purchase order. Clause 27 would deal with the enforcement of orders made by the Supreme Court.

It may sometimes happen that the owner of land cannot be found (perhaps because he has left the Falkland Islands and his address cannot be traced). Clearly in such a case, compensation could not be agreed with such an owner and clause 28 would enable the Attorney General to apply to the Supreme Court to assess the compensation in such a case. Under clause 29 provision is made for payment into court of the compensation payable to an untraced owner and for the Attorney General then to execute a deed declaring the circumstances in which the payment into court was made. On such payment, under clause 29(3) the Crown would become the owner of the interest of the untraced owner in the land. Clause 29(4) would enable a person claiming an interest in the money paid into court to make application to the court for payment out of the compensation paid into court.

It may sometimes happen that an owner of land the subject of a compulsory purchase order may refuse to accept the compensation awarded by Supreme Court or neglects or fails to make out title to the land. Clauses 30(1) would enable the Crown to pay the compensation into the Supreme Court. Similar provision is then made by the subsequent provisions of the clause as is made in respect of untraced owners by clause 29.

Special difficulties arise in relation to mortgages. Clauses 31 to 33 make special provision in relation to them. Clause 31 deals with the ordinary case and clause 32 deals with a case in

which the amount outstanding under the mortgage exceeds the value of the land and clause 33 deals with a case where the mortgage sum is to be paid at a future date and the mortgagee is required to accept redemption at an earlier date. Clause 34 deals with the situation in which only part of the land the subject of mortgage is compulsorily acquired and the remaining land is not sufficient security for the amount secured by the mortgage.

Clause 35 deals with rent charges (a periodic payment reserved out of freehold land). These are believed to be no rent charges at present in existence in the Falkland Islands.

Clause 35 provides for the apportionment of rent under leases where only part of the land subject to a lease is acquired. Clause 36 deals with tenants at will.

Part V of the Bill - powers of entry

Under clause 37, if the Crown wished to proceed to purchase any land the subject of an operative compulsory purchase order, the Attorney General would have to give notice to the owners of the land. Notice would have to contain particulars required by clause 37(2) and invite the commencement of negotiations as to compensation. Clause 38 would confer a power of entry on the Crown six weeks after the compulsory purchase order has been published, subject to the conditions set out in clause 38(1). The compensation money payable would carry interest from the date of entry and clause 39 would require notice to be given of entry. Clause 40 would give limited powers to enter on land for the purposes of survey et cetera. The Crown would be obliged by clause 40(3) to pay compensation for any damage done to the land on exercising powers under the clause. Clause 41 would merely provide that except as allowed by clause 38 or 40 the Crown could not enter on the land until compensation payable had been agreed and paid.

Clause 42 would deal with the situation in which by mistake or inadvertence the Crown had omitted to purchase or to pay compensation for any right of ownership in land or affecting land and the action to be taken in such a case.

Part VI of the Bill - supplemental and general

Under clause 43 a compulsory purchase order would lapse three years after it is made except in respect of an owner who could not be found after inquiries had been made. Clause 44 would require the Crown to pay the conveyancing costs of the owner and clause 45 would prescribe a form of conveyance in the Schedule.

Clause 46 would confer a number of powers on the Supreme Court in relation to payments into court, and for the benefit of the persons entitled to the money paid in. Clause 47 would deal with the costs which might be ordered by the Supreme Court in relation to certain matters arising in respect of money paid into court. Clause 48 would enable the Supreme Court to apply, if it wished, and if to do so would not be contrary to the Constitution, certain provisions of the Ordinance which, for constitutional reasons have had to be expressed so as not to bind the Supreme Court. Clause 49 would provide for appeals to the Court of Appeal and the powers of the Court of Appeal on such an appeal. Clause 50 would deal with the service of notices.

Clause 51 would have the effect that, unless stated to the contrary, minerals would be included in a compulsory purchase order of land so as to be acquired. Clause 52 would enable forms to be prescribed by order for the purposes of the Ordinance and clause 53 would repeal Part IV of the Land Ordinance (which deals with compulsory purchase). Clause 54 would preserve the validity of anything done prior to the enactment of the Bill under Part IV of the Land

Ordinance and would enable questions as to compensation to be payable under an order made under Part IV of the Land Ordinance to be referred to the Supreme Court for determination under the provisions of the Bill in the same way as if the compulsory purchase order had been made under the provisions of the Bill.

The Schedule would prescribe a simple form of conveyance for use in the case of land acquired under a compulsory purchase order.

LAND ACQUISITION BILL 1999

(No. of 1999)

ARRANGEMENT OF PROVISIONS

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Preliminary

Clause

1. Short title and commencement
2. Interpretation

General principles

3. Restriction on exercise of powers of compulsory acquisition
4. Exceptions to section 3(1)

General power for person to sell or dispose of land

5. Power to sell or dispose of land

Compulsory acquisition of land

6. Compulsory acquisition of land
7. Agreements for development and use by others

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COMPULSORY PURCHASE ORDER PROCEDURE

Draft purchase order, notices, objections etc

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9. Notice in Gazette etc
10. Notices to owners, lessees and occupiers
11. Making of order in absence of objections to be referred to Magistrate's Court
12. Procedure etc of Magistrate's Court on a referral under section 11(2)
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Making of compulsory purchase order after objections

14. Governor to consider report of Magistrate's Court
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VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS

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17. Powers of the Supreme Court

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18. Restriction on other court proceedings

- 19. Costs of proceedings under this Part
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- 21. Crown to negotiate in good faith
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Untraced owners

- 28. Compensation to untraced owner
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Refusal to convey

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- 31. Mortgages
- 32. Mortgage debt exceeding value of mortgaged land
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- 34. Acquisition of part of land subject to a mortgage
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Procedure to obtain right of entry

- 37. Notice to treat
- 38. Entry on land
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- 40. Entry for purpose of survey etc
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- 42. Interests omitted from purchase

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Time limit

- 43. Time limit

Costs of conveyances and form of conveyances

- 44. Costs of conveyances etc

45. Form of conveyances

Additional powers of Supreme Court

46. Payment into court
47. Costs in respect of money paid into court
48. Supreme Court may apply certain provisions

Appeals from Supreme Court

49. Appeals to Court of Appeal

Notices

50. Service of notices etc

Minerals

51. Minerals included in compulsory purchase order

Regulations

52. Forms may be prescribed by Regulations

Repeals, transitional provisions etc

53. Repeal of Part IV of the Land Ordinance (Cap. 36)
54. Transitional provisions as to compensation

SCHEDULE

Land Acquisition Bill 1999

A Bill

for

An Ordinance

To make new provision in relation to compulsory acquisition of land.

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

PART I INTRODUCTORY *Preliminary*

Short title

1. This Ordinance may be cited as the Land Acquisition Ordinance 1999 and shall come into force on a date notified by the Governor by notice published in the Gazette.

Interpretation

2.—(1) In this Ordinance, except where the context otherwise requires —

“compulsory purchase order” means an order for the compulsory acquisition of land made under section 11(1) or 14(2);

“draft compulsory purchase order” means a draft compulsory purchase order prepared in accordance with section 8(2);

“land” includes buildings, structures and erections of any kind, and includes land covered by water and every estate, right, title or interest whatsoever in or relating to land;

“lease” includes an agreement for a lease;

“notice to treat” has the meaning given by section 37;

“occupier” means a person in occupation;

“operative compulsory purchase order” means a compulsory purchase order which is operative under section 20 and which has not been quashed by the Supreme Court under section 17, but where a compulsory purchase order has been so quashed in relation to some, but not all, of the land comprised therein, means such a compulsory purchase order in relation to the land in respect of which it has not been quashed;

“relevant owner” means an owner of an estate right title or interest in land and an occupier of land except a tenant under a periodic tenancy of a month or less than a month.

(2) Where under this Ordinance any notice is to be given to the owner of any land or where any act is authorised to be done with the consent of any such owner, the word "owner" shall, unless the context otherwise requires, mean any person having power to sell and convey the land to the Crown.

General principles

Restriction on exercise of powers of compulsory acquisition

3.—(1) The Governor shall not exercise the power conferred by this Ordinance to acquire any land compulsorily unless he believes —

- (a) that it is not reasonably possible to acquire that land other than by exercise of the power of compulsory acquisition conferred by this Ordinance;
- (b) that the compulsory acquisition of that land is reasonably justifiable in a democratic society;
- (c) that it is in the public interest that the land should be acquired by the exercise of the power of compulsory acquisition conferred by this Ordinance; and
- (d) that arrangements have been or will be made for the prompt payment of fair and adequate compensation in respect of the land compulsorily acquired,

and in considering those matters the Governor shall have regard to the following provisions of this section.

(2) It shall be regarded as reasonably possible to acquire the land in question other than by the exercise of a power of compulsory acquisition conferred by this Ordinance if —

- (a) every relevant owner of the land in question has indicated his willingness to dispose of the land to the Crown subject to the payment of fair and adequate compensation; and
- (b) every relevant owner of the land has, if the amount of the compensation has not been agreed by him, indicated his willingness to have the question of the amount of the compensation to be paid referred to the Supreme Court for determination by that Court in accordance with the provisions of this Ordinance; and
- (c) no relevant owner has unreasonably refused to or delayed in executing and delivering a conveyance or transfer of the land to the Crown in a form approved on behalf of the Crown;

(3) For the purposes of paragraph (c) of subsection (2), a refusal or failure to execute and deliver a conveyance or transfer on the ground that he has not yet received compensation for the land or that the amount of such compensation has not yet been determined is unreasonable.

(4) Compulsory acquisition of the land shall not be regarded as being reasonably justifiable in a democratic society if there is not reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the land in question;

(5) In considering whether it is in the public interest that the land should be compulsorily acquired by the exercise of any power conferred by this Ordinance, the Governor shall consider

(a) whether there is any other land, in the ownership of the Crown or which might be acquired by the Crown by the exercise of the powers of compulsory acquisition conferred by this Ordinance or otherwise might, having regard to all the circumstances, including the cost, state and condition of, and cost of any works of development and servicing that other land, be suitably used for the purpose for which the exercise of the powers of compulsory acquisition is contemplated; and

(b) the damage, loss or nuisance which may be suffered by the owners of affected land if the power of compulsory acquisition is exercised in relation to the land in question or any other land considered in accordance with subparagraph (a) if the land in question is developed for the purpose in relation to which compulsory acquisition is considered; and

(c) any hardship or inconvenience which may be suffered by the public or any section of the public if the land, the compulsory purchase of which is contemplated, is not acquired for the relevant purposes by the Crown.

(6) In considering whether arrangements have been or will be made for the prompt payment of fair and adequate compensation, the Governor, if satisfied that the Crown will be able to pay promptly any amount of compensation which might reasonably be ordered by the Supreme Court under this Ordinance may disregard (if that is the case) the fact that the amount of compensation, or the amount of compensation payable to any relevant owner, has not yet been agreed.

Exceptions to section 3(1)

4.—(1) Nothing in section 3(1) above applies to the taking of possession or acquisition of any land by the Crown —

(a) in satisfaction of any tax, rate, statutory contribution, levy or due;

(b) by way of penalty for breach of the law or forfeiture in consequence of breach of the law;

(c) as an incident of a lease, tenancy, mortgage, charge, bill of sale or contract;

(d) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations;

(e) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or likely to be injurious to the health of human beings, animals or plants;

(f) in consequence of any law with respect to the limitation of actions or acquisitive prescriptions;

(g) for so long as may be necessary for the purposes or for the purposes of the carrying out thereon of any work of soil conservation or the conservation of other resources or work

relating to agricultural development (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed to carry out);

(2) Nothing in section 3(1) extends to the taking of possession or acquisition of any land —

(a) of an enemy;

(b) of a deceased person, a person of an unsound mind or a person who has not attained the age of eighteen years, for the purpose of its administration for the benefit of the person entitled to a beneficial interest therein;

(c) the property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of a bankrupt or a body corporate and, subject thereto, for the benefit of other persons entitled to a beneficial interest in the property; or

(d) subject to a trust, for the purpose of vesting the land in persons appointed as trustees under the instrument creating the trust or by a court or by order of a court for the purposes of giving effect to the trust.

(3) Nothing in section 3(1) applies in respect of the compulsory acquisition of any land held by a body corporate established by law for public purposes in which no monies have been invested other than monies provided from the public funds of the Falkland Islands.

General power for person to sell or dispose of land

Power to sell or dispose of land

5. A person who has power to sell or dispose of land to any person has, notwithstanding any law deed or instrument to the contrary, power to sell it or dispose of it to the Crown.

Power to compulsorily acquire land

Compulsory acquisition of land

6.—(1) The Governor may, in the name and on behalf of Her Majesty, and subject to the provisions of this Ordinance, compulsorily acquire any land in accordance with the provisions of this Ordinance.

(2) Land may be compulsorily acquired in accordance with the provisions of this Ordinance for any public purpose.

(3) For the purposes of this Ordinance a purpose is public if it is intended to result in a benefit or advantage to the community.

(4) Without prejudice to the generality of subsection (3), land is acquired for a public purpose if it is acquired so that it may be developed used or disposed of for the promotion of the physical, economic, social or aesthetic well-being of the community, and land may be acquired compulsorily so that it may be so developed or used to the benefit or advantage of the community by a person other than the Crown.

Agreements for development and use by others

7. Where land is compulsorily acquired so that it may be developed or used for a public purpose other than by the Crown, the Governor shall, before disposing of that land to that person ensure that there is in force an agreement between the Crown and that person and enforceable against that person that the land will be so developed and, if appropriate, so used, or so developed and thereafter so used, as the case may be.

PART II COMPULSORY PURCHASE ORDER PROCEDURE

Draft purchase order, notices, objections etc

Draft compulsory purchase order

8.—(1) Authorisation of compulsory purchase shall be by order made by the Governor.

(2) An order to which subsection (1) relates shall be prepared in draft and shall describe by reference to a plan or map the land to which it applies, and shall state the public purpose or public purposes for which the land is proposed to be compulsorily acquired.

(3) Except as provided in subsection (2) the form of the order shall be such as the Governor may determine.

Notice in Gazette etc

9.—(1) The Attorney General shall publish a notice ("the notice") of the draft compulsory purchase order in the Gazette and, where practicable, in a newspaper circulating in the Falkland Islands.

(2) The notice shall —

- (a) state that the order has been prepared in draft and may, subject to this Ordinance be made;
- (b) describe the land and state the public purpose or public purposes for which the land is required;
- (c) state where a copy of the draft order and plan or map referred to therein may be inspected; and
- (d) specify the time (not being less than twenty-eight days from the first publication of the notice) within which, the person to whom and the manner in which, objections to the order can be made.

Notices to owners, lessees and occupiers

10.—(1) The Attorney General shall serve on every owner, lessee and occupier (except tenants under a periodic tenancy of a month or less than a month) of any land comprised in the draft order a notice in the prescribed form —

- (a) stating the effect of the draft order,
- (b) stating that it is about to be made, and

(c) specifying the time (not being less than twenty-eight days from service of the notice) within which, the person to whom, and the manner in which, objections to the draft order can be made.

(2) For the purposes of subsection (1) an occupier being a lessee or tenant of a dwelling house, not being a lessee or tenant for a fixed period under a lease or agreement in writing of which period at least two months remains unexpired and a licensee of land, not being a licensee by a fixed period under a licence in writing of which at least two months remains unexpired shall each be deemed to be a tenant for a period of less than one month.

Making of order in absence of objections to be referred to Magistrate's Court

11.—(1) If no objection is duly made to the draft order by any such owner, lessee or occupier as is mentioned in section 10, or if all objections so made are withdrawn, the Governor on being satisfied —

(a) that the provisions of section 3(1) are complied with in relation to the order;

(b) that the proper notices have been published and served,

may make an order for the compulsory acquisition of the land with or without modifications to the draft order.

(2) If any such objection as aforesaid is not withdrawn, then the Governor, if he proposes to proceed to make the order shall, before he makes the order, refer it and any unwithdrawn objection to the Magistrate's Court.

(3) The Magistrate's Court, on a reference to it under subsection (2), shall notify the Attorney General and every person who has made any such representations of a day and time on which that person may appear before the court for the purpose of being heard before the court in the matter.

(4) Representations as to the value or amount of compensation to be paid are not objections to the making of a compulsory purchase order, and accordingly —

(a) shall not be referred to the Magistrate's Court under subsection (2);

(b) the Magistrate's Court shall not hear any person in relation thereto; and

(c) the Governor may proceed under subsection (1) as if they had not been made.

Hearing of objections to draft order by Magistrate's Court

Procedure etc of Magistrate's Court on a referral under section 11(2)

12.—(1) On a hearing of any person pursuant to section 11(3), the Magistrate's Court shall —

(a) first hear the Attorney General or any person appointed by him, and any evidence he may wish to call or present in support of the order;

(b) then hear every person who wishes to be heard in relation to his objection to the order (not being an objection which the court is by section 11(4) prohibited from hearing) or, if that person so chooses a legal practitioner or other person on his behalf, and any evidence called or present of by or on behalf of such an objector; and

(c) if any evidence has been called or presented by or on behalf of any objector, last hear the Attorney General or a person on his behalf in reply.

(2) All evidence at such a hearing shall be unsworn evidence and any evidence tendered in writing may, if the court sees fit, be admitted.

(3) The Attorney General or the person appearing on his behalf shall be permitted to cross-examine any witness giving oral evidence in support of an objection and shall be permitted to call or present evidence in rebuttal of any evidence (including any written evidence admitted under subsection (2)).

(4) A hearing under section 11(3) shall be conducted in public.

(5) The strict rules of evidence shall not apply in respect of any such hearing.

(6) The court has no power to award to any person the whole or any part of the costs of any such hearing.

(7) The court has power to adjourn any such hearing from time to time and as often as may be necessary or convenient.

(8) Except as provided by this section or by Regulations the Magistrate's Court may determine its own procedure in relation to any such hearing.

Report of Magistrate's Court

13.—(1) As soon as possible after a hearing under section 11(3) has been completed, the Magistrate's Court shall submit to the Governor a report in writing of the hearing and shall send a copy of that report to the Attorney General and to every objector who took part in the hearing.

(2) A report under subsection (1) shall include a summary of the evidence given and of the representations made by each person appearing before the court for or against the making of the order but shall not include any recommendation or view as to whether the order should be made.

Making of compulsory purchase order after objections

Governor to consider report of Magistrate's Court

14.—(1) The Governor on receiving a report made under section 13(1) shall consider the same and shall at the same time again consider whether the provisions of section 3(1) are complied with in relation to the making of a compulsory purchase order in relation to the land.

(2) If he is satisfied, after such consideration, that a compulsory purchase order may properly be made under section 6 in respect of the land, he may make such an order.

(3) A compulsory purchase order made after considering objections in the manner provided for in the preceding provisions of this Part may incorporate such modification to the draft order as the Governor thinks fit, but shall not, unless all interested persons consent, incorporate any land not included in the draft order.

Notices after making of order

15.—(1) As soon as possible after a compulsory purchase order has been made, the Attorney General shall cause it to be published in the Gazette.

(2) The Attorney General shall as soon as possible after a compulsory purchase order has been made cause a notice —

(a) describing the land;

(b) stating that the order has been made;

(c) naming a place where a copy of the order and of the map or plan referred to therein may be inspected at all reasonable hours; and

(d) inviting the persons affected thereby to enter into negotiations with the Crown as to the compensation to be paid to them;

to be served on the persons upon whom notice was served under section 10(1), together with a copy of the order.

PART III VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS

Application to Supreme Court

Grounds for application to Supreme Court

16.—(1) If any person aggrieved by a compulsory purchase order desires to question its validity, or the validity of any provision of it, on the ground that the order is not authorised by this Ordinance or is contrary to the Constitution, he may make an application to the Supreme Court.

(2) An application to the Supreme Court under this section shall be made within six weeks from the date on which the order was first published in the Gazette under section 15(1) or such greater time as the Supreme Court may allow.

(3) The Attorney General shall be the respondent to any application under this section.

Powers of the Supreme Court

17.—(1) If an application under section 16(1) is made in relation to a compulsory purchase order, the Supreme Court may by interim order suspend the operation of the compulsory purchase order or any provision contained in it.

(2) If on determining the application the Supreme Court is satisfied that the compulsory order is not authorised by this Ordinance or is contrary to the Constitution, the court may —

- (a) quash the compulsory purchase order or any provision contained in it either generally or so far as it affects the property of the applicant;
- (b) modify the compulsory purchase order in any manner in which the Governor might have modified the draft compulsory purchase order under section 14(3); and
- (c) may make such other order as it thinks just,

and if the court so modifies the compulsory purchase order it shall thereafter have effect as so modified.

Supplementary

Restriction on other court proceedings

18.—(1) Except on application to the Supreme Court under section 16(1), the validity of a compulsory purchase order shall not, either before or after it is made, be questioned in any legal proceedings whatsoever.

(2) Nothing in subsection (1) or in the preceding provisions of this Part applies to proceedings in the Supreme Court under the provisions of Part IV of this Ordinance (compensation).

Costs of proceedings under this Part

19.—(1) The Supreme Court may order the costs of any proceedings under this Part to be paid by such person or persons in such amounts or in such proportions as the Supreme Court thinks fit.

(2) An order for costs under subsection (1) shall be enforceable in the same way as an order for costs in a civil action in the Supreme Court.

Date of operation of compulsory purchase order

20. Subject to section 17, a compulsory purchase order becomes operative on the date on which the order is first published in the Gazette under section 15(1).

PART IV COMPENSATION

Agreement of compensation

Crown to negotiate in good faith

21.—(1) The Crown shall negotiate in good faith to attempt to agree the compensation to be paid to all persons having a relevant interest in land acquired by the Crown for a public purpose, whether the land is acquired by agreement or is the subject of a compulsory purchase order which has become operative under section 20.

(2) Any agreement as to the amount of compensation to be paid by the Crown shall be reduced to writing and signed —

- (a) by the Chief Executive on behalf of the Crown; and
- (b) by or on behalf of the person having a relevant interest in respect of which the compensation is to be paid.

- (3) Any agreement not complying with subsection (1) is not enforceable.
- (4) Any compensation agreed pursuant to this section is not payable until —
- (a) the date on which all persons having a relevant interest in the land have entered into an agreement of the kind required by subsection (2);
 - (b) the date on which any relevant compulsory purchase order became operative under the preceding provisions of this Ordinance;
 - (c) the date specified in an order of the Supreme Court under section 17(2),

whichever, in the circumstances of the particular case, is the latest but shall then be paid within six weeks of that time.

- (5) Compensation which under subsection (4) is to be paid is charged on the Consolidated Fund.

Delay: withdrawal of agreement

22.—(1) If a relevant owner has agreed compensation under section 21(2), he may cancel that agreement in accordance with this section.

(2) A relevant owner may if the compensation agreed remains unpaid after the expiration of three months from the date of the agreement cancel an agreement to which section 21(2) relates by notice in writing served on the Attorney General.

(3) The Crown may by notice in writing served on the relevant owner, cancel an agreement to which subsection (1) relates after the expiration of three months from the date of the agreement, but may not do so —

- (a) if the time for payment of the compensation has arisen; or
- (b) if a compulsory purchase order affecting the relevant owner's interest is operative.

(4) The cancellation of an agreement to which subsection (1) relates shall not preclude a fresh agreement being reached under section 21(2).

Reference of compensation to Supreme Court

23.—(1) At any time after a compulsory purchase order affecting his interest has been published under section 15(1), a relevant owner may apply to the Supreme Court to assess the amount of compensation to be paid to him in respect of that interest, but cannot do so if he has entered into an agreement under section 21(2) and he has not cancelled it under section 22(2).

(2) If an application has been made to the Supreme Court under section 16(1) by any person, or six weeks have expired from the date on which the relevant compulsory purchase order became operative under section 20 the Attorney General may apply to the Supreme Court for it to assess the amount of compensation to be paid by the Crown to any relevant owner but he cannot do so

(a) in relation to the compensation payable to any relevant owner where an agreement with that owner under section 21(2) remains in force;

(b) in relation to any interest of any person not affected by the compulsory purchase order.

(3) Subject to this section, where an application has been made to the Supreme Court under section 16(1) and an application has also been made under subsection (1) or (2) of this section, those applications shall be consolidated and the Supreme Court shall deal with them in the same proceedings.

(4) The Attorney General shall be the respondent to any application made under subsection (1) of this section.

Ancillary expenses

24. An agreement under section 21(2) may include provision for the payment of a relevant owner's reasonable legal and other costs and expenses connected with the disposal of the land.

Power of court to award costs

25.—(1) On disposing of an application under section 23 the Supreme Court, unless under section 17(2)(a) it quashes the compulsory purchase order in so far as it affects the property of the relevant owner concerned, may order the Crown to pay to that applicant such compensation in relation to the compulsory acquisition of his property as is in the opinion of the Supreme Court fair and adequate compensation.

(2) The Supreme Court in addition to ordering the Crown to pay compensation, may order the Crown to pay to the relevant owner concerned the relevant owner's reasonable legal and other costs and expenses connected with the disposal of the land, whether or not the court awards to him any or part of the costs of the application under section 23, and may make such other order as it thinks just.

Costs of proceedings in Supreme Court and order for payment of interest

26.—(1) The Supreme Court has the same power to order a person to pay the costs or a proportion of the costs of proceedings under this Part as it has in civil proceedings to which the Administration of Justice Ordinance applies.

(2) Where the Supreme Court has under any provision of this Part ordered any person to pay any sum to another person it may order the person concerned to pay in addition to that sum interest or that sum or on any part thereof from such date until payment and at such rate of interest as the court thinks fit: but the Supreme Court shall not order payment of interest upon compensation ordered to be paid by the Crown to a relevant owner in respect of any period during which the relevant owner was in possession of the land or the rents and profits of the land.

Enforcement of orders

27.—(1) Every sum under this Part ordered by the Supreme Court to be paid by the Crown is charged upon the Consolidated Fund.

(2) Subject to subsection (1) every order of the Supreme Court under this Part for payment of a sum of money is enforceable against the person ordered to pay it in the same manner as judgment for the payment of a sum of money made in a civil action in the Supreme Court is enforceable against that person.

Untraced owners

Compensation to untraced owners

28.—(1) Where, after diligent inquiry by or on behalf of the Crown, a person appearing to the Crown to be a relevant owner of land the subject of a compulsory purchase order made under section 14(2) cannot be found, the Attorney General may apply to the Supreme Court for an order requiring the Crown to pay such amount of compensation in respect of the interest of that person as the court considers to be adequate compensation.

(2) The court, on an application being made under subsection (1) shall have the same powers as it has an application under section 23(1), and such additional powers as are conferred by section 25.

Supplemental to section 28

29.—(1) The Crown may pay into court the compensation determined on an application under section 28, and that compensation shall be held in the court trust fund for the credit of the relevant owner concerned.

(2) When the Crown has paid any compensation into court under subsection (1), the Attorney General on behalf of the Crown may execute a deed poll containing a description of the land in respect of which the payment was made, and declaring the circumstances under which, and the person to whose credit, the payment into court was made.

(3) On the execution of the deed poll all the estate and interest of the person for whose use and in respect of whom the compensation was paid into court shall vest absolutely in the Crown, and as against that person the Crown shall be entitled to immediate possession of the land.

(4) On the application of any person claiming any part of the money paid into court, the Supreme Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed it is invested or otherwise dealt with by the court in accordance with law, payment likewise of the dividends thereof, and may make such other order as the court thinks fit.

Refusal to convey

Deposit of compensation and execution of deed poll

30.—(1) If a relevant owner of any of the land the subject of an operative compulsory order on tender of the compensation agreed or awarded to be paid in respect of the land or interest refuses to accept it, or neglects or fails to make out a title to the land or interest to the satisfaction of the Crown, or refuses to convey or release the land as directed by the Crown it shall be lawful for the Crown to pay into the Supreme Court the compensation payable in respect of the land or interest of the relevant owner.

(2) The compensation so paid into court shall, subject to the provisions of this Ordinance be placed to the credit of the parties interested in the land in the court trust fund and the Crown shall, so far as it can, give their descriptions.

(3) When the Crown has paid into court the compensation, it shall be lawful for the Attorney General to execute a deed poll containing a description of land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.

(4) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the Crown and as against those persons the Crown shall be entitled to immediate possession of the land.

(5) On the application of any person claiming all or any part of the money paid into court, or claiming all or any part of the land in respect of which it was paid into court, or any interest in it, the Supreme Court may order its distribution in accordance with the respective estates, titles or interests of the claimants and if, before the money is distributed it is invested or otherwise dealt with by the court in accordance with law, payment likewise of the dividends thereof, and may make such other order as the court thinks fit.

Acquisition of special interests

Mortgages

31.—(1) The following provisions in this section have effect only where no application has been made by the mortgagee in question to the Supreme Court under section 23(1).

(2) The Crown may purchase or redeem the interest of the mortgagee of any of the land subject to compulsory purchase in accordance with either subsection (3) or (4) of this section.

(3) The Crown may pay or tender to the mortgagee the principal and interest due on the mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon the mortgagee shall immediately convey or release his interest in the land comprised in the mortgage to the Crown, or as it may direct.

(4) Alternatively, the Crown may give notice in writing to the mortgagee that it will pay all the principal and interest due on the mortgage at the end of six months, computed from the day of giving the notice; and if it has given any such notice, or if the person entitled to the equity of redemption has given six months notice of his intention to redeem, then at the expiration of either of the notices, or at any intermediate period, on payment or tender by the Crown to the mortgagee of the principal money due on the mortgage, and the interest which would become due at the end of six months from the time of giving either of the notices, together with his costs and expenses, if any, the mortgagee shall convey or release his interest in the land comprised in the mortgage to the Crown, or as it may direct.

(5) If, in a case under subsection (2) or (3) of this section, on such payment or tender the mortgagee fails to convey or release his interest in the mortgage as directed by the Crown or fails to make out a good title to that interest to the satisfaction of the Crown, it shall be lawful for the

Crown to pay into court the sums payable under subsection (2) or (3) of this section, as the case may be.

(6) When the Crown has paid those sums into court, it shall be lawful for the Attorney General to execute a deed poll in the manner provided by section 30(3).

(7) On execution of the deed poll, as well as in the case of a conveyance by the mortgagee, all the estate and interest of the mortgagee (and of all persons in trust for him, or for whom he may be a trustee) in the land shall vest in the Crown and, where the mortgagee was entitled to possession of the land, the Crown shall be entitled to possession of the land.

(8) This section shall apply —

(a) whether or not the Crown has previously purchased the equity of redemption;

(b) whether or not the mortgagee is a trustee;

(c) whether or not the mortgagee is in possession of the land, and

(d) whether or not the mortgage includes other land in addition to the land subject to the compulsory purchase order.

Mortgage debt exceeding value of mortgaged land

32.—(1) If the value of any such mortgaged land is less than the principal, interest and costs secured on the land, the value of the land, or the compensation to be paid by the Crown in respect of the land, shall be settled by agreement between the mortgagee and the person entitled to the equity of redemption on the one part and, the Crown on the other part, or by the Supreme Court under section 25.

(2) The amount so agreed or awarded shall be paid by the Crown to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the mortgaged land to the Crown or as it directs, and if he fails to do so, or fails to adduce a good title to that interest to the satisfaction of the Crown, it shall be lawful for the Crown to pay into court the amount agreed or awarded.

(4) When the Crown has so paid into court the amount agreed or awarded, it shall be lawful for the Attorney General to execute a deed poll in the manner provided by section 30(3).

(5) On execution of the deed poll the land, as to the estate and interest which were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the Crown and, where the mortgagee was entitled to possession of the land, the Crown shall be entitled to possession of the land.

(6) The making of payment to the mortgagee or into court of the amount agreed or awarded shall be accepted by the mortgagee in satisfaction, or part satisfaction, of his mortgage debt, and shall be a full discharge of the mortgaged land from all money due thereon.

(7) All rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation, other than the right to the land, shall remain in force in respect of so much of the mortgage debt as has not been satisfied by payment to the mortgagee or into court.

Compensation where mortgage paid off before stipulated time

33.—(1) The following provisions of this section have effect only where an application under section 23 to the Supreme Court has not been made in respect of the mortgagee's interest in land the subject of an operative compulsory purchase order.

(2) If in the mortgage deed a time was limited for the payment of the principal secured and under the preceding provisions of this Part if the mortgagee has been required to accept payment of the principal at a time earlier than the time so limited, the amounts payable under those sections shall include —

(a) all such costs and expenses as may be incurred by the mortgagee in respect of, or as incidental to, the re-investment of the sum paid off, and

(b) if the rate of interest secured by the mortgage is higher than can reasonably be expected to be obtained on re-investment at the time the mortgage is paid off, regard being had to the current rate of interest, compensation in respect of the loss thereby sustained.

(3) The costs under paragraph (a) of subsection (2) shall, in case of difference, be taxed and their payment enforced in the manner provided in section 23 of this Ordinance for costs of conveyances.

Acquisition of part of land subject to a mortgage

34.—(1) The following provisions of this section have effect only where an application under section 23 to the Supreme Court has not been made in respect of the mortgagee's interest in land the subject of an operative compulsory purchase order.

(2) If a part only of any mortgaged land is acquired by the Crown, and —

(a) the part so required is of less value than the principal, interest and costs secured on such land, and

(b) the mortgagee does not consider the remaining part of the land a sufficient security for the money charged thereon, or is not willing to release the part so required.

then the value of that part, and also compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of that land on the one part and the Crown on the other.

(3) The amount so agreed or awarded shall be paid by the Crown to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(4) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the land to be taken to the Crown or as they direct.

(5) A memorandum of what has been so paid shall be registered in the Deeds Register and shall be signed by the mortgagee; and a copy of the memorandum shall at the same time (if required) be furnished by the Crown at its expenses to the person entitled to the equity of redemption of the land comprised in the mortgage.

(6) If, on payment or tender to any such mortgagee of the amount of compensation agreed or awarded, the mortgagee fails to convey or release to the Crown or as it directs his interest in the land in respect of which the compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the Crown, it shall be lawful for the Crown to pay into court the amount of the compensation; and subsections (4) to (6) of section 32 shall apply as if references in those subsections to the land were references to the part of the land comprised in the mortgage which is acquired by the Crown.

(7) Notwithstanding the foregoing provisions of this section the mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue of it (as the case may be), and the interest thereon, as against the remaining land comprised in the mortgage, as he would have had for recovering or compelling payment thereof as against the whole of the land originally comprised in the mortgage.

Apportionment of rent under leases

35.—(1) If part only of the land comprised in a lease for a term of five years unexpired is the subject of an operative compulsory purchase order, the rent payable in respect of the land comprised in the lease shall be apportioned between the land so required and the residue of the land.

(2) The apportionment may be settled by agreement between the lessor and lessee of the land on the one part, and the Crown on the other part.

(3) After the apportionment the lessee shall, as to all future accruing rent, be liable only for so much of the rent as is apportioned in respect of the land not required by the acquiring authority.

(4) As respects the land not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of the apportioned rent as, before the apportionment, he had for the recovery of the whole rent reserved by the lease; and all the covenants, conditions and terms of the lease, except as to the amount of rent to be paid, shall remain in force with regard to the part of the land not so required in the same manner as they would have done if that part only of the land had been included in the lease.

(5) Every such lessee shall be entitled to receive from the Crown compensation for the damage done to him in his tenancy by reason of the severance of the land required by the Crown from that not required, or otherwise by reason of the execution of the works.

(6) Where an apportionment of rent is not agreed, the matter shall be referred by the Attorney General to the Supreme Court and determined by that Court.

Tenants at will etc

36.—(1) If any of the land subject to compulsory purchase is in the possession of a person having no greater interest in the land than as tenant for a year or from year to year, and if that person is required to give up possession of any land so occupied by him before the expiration of his term or interest in the land, he shall be entitled to compensation for the value of his unexpired term or interest in the land, and for any just allowance which ought to be made by an incoming tenant, and for any loss or injury he may sustain.

(2) If a part only of such land is required, he shall also be entitled to compensation for the damage done to him in his tenancy by severing the land held by him or otherwise injuriously affecting it.

(3) If the parties differ as to the amount of compensation payable under the foregoing provisions of this section the dispute shall be referred to the Supreme Court under section 23 and determined by the court.

(4) On payment or tender of the amount of such compensation all such persons shall respectively deliver up to the Crown, or to the person appointed by it to take possession any such land in their possession the subject of an operative compulsory purchase order.

(5) If any person having a greater interest than as tenant at will claims compensation in respect of any unexpired term or interest under any lease or grant of the land subject to compulsory purchase, the Crown may require that person to produce the lease or grant or the best evidence thereof in his power; and if, after demand in writing by the Crown, the lease or grant, or that best evidence, is not produced within twenty-one days, that person shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

PART V POWERS OF ENTRY

Procedure to obtain right of entry

Notice to treat

37.—(1) When the Crown wishes to proceed to purchase any land the subject of an operative compulsory purchase order, the Attorney General shall give notice to all the persons known to the Crown after diligent inquiry as being a relevant owner of that land (such a notice being hereafter in this Ordinance called a "notice to treat").

(2) Every notice to treat —

(a) shall give particulars of the land to which the notice relates,

(b) shall demand particulars of the recipient's estate and interest in the land, and of the claim made by him in respect of the land,

(c) shall state that the Crown is willing to negotiate for the purchase of the land, and as to compensation to the owner for any loss which may be sustained by reason of the execution of works caused by or connected with the purpose for which the land is to be acquired;

(d) shall draw the attention of the recipient to his rights under section 23 to refer the matter of compensation to the Supreme Court for determination if it is not agreed.

(3) Where a relevant owner cannot, after diligent inquiry, be found, the Attorney General shall, in respect of that owner, make an application under section 28(1).

Entry on land

38.—(1) When a compulsory purchase order is operative and —

(a) six weeks have elapsed since it was published in the Gazette under section 15(1);

(b) no application has been made in relation to the land under section 16 which remains undisposed of;

(c) if an application under section 16 which has been disposed of, no appeal in relation to the land (except as to compensation) to the Court of Appeal under section 49 remains undisposed of;

(d) a notice to treat has been served on every relevant owner in respect of whose interest an application under section 23 has not been made,

the Crown may at any time enter on and take possession of the land or on such part as is specified either in the notice to treat or (in respect of a relevant owner who cannot be found) in the application under section 23.

(2) Any compensation remaining unpaid at the time of entry in accordance with subsection (1) shall carry from the date of entry at one or other of the following rates —

(a) ten per cent per annum; or

(b) where an application has been made under section 23 in respect of a relevant owner's interest in the land, at such rate as is ordered by the Supreme Court.

Notice to be given of entry

39. Whenever the Crown, in exercise of its powers under section 38 enters on and takes possession of any land the Attorney General shall not less than three days before such entry give notice of unfounded entry and taking possession to every person on whom notice to treat was served and, where an application under section 23 has been made and remains undisposed of, also to the Supreme Court.

Entry for purpose of survey etc

40.—(1) For the purpose of surveying and taking levels of any of the land the subject of —

- (a) an operative compulsory purchase order; or
- (b) a draft compulsory purchase order in respect of which the definitive compulsory purchase order has not been quashed by the Supreme Court under section 17(2)(a) but only if six months has not elapsed since the draft order was notified under section 9(1),

the Crown after giving not less than three days' notice to the occupier of that land may enter on that land.

- (2) Subsection (1) shall apply also to entry on land for the purpose of probing or boring to ascertain the nature of the soil or of setting out the time of works.
- (3) The Crown shall pay compensation for any damage to the land occasioned to the owners and occupiers of the land and if that compensation is not agreed the question may be referred by any owner or occupier affected, or by the Attorney General, to the Supreme Court.
- (4) Section 25 shall extend, with all necessary modifications, to a reference under subsection (3) of this section, as it applies to a reference under section 23.

Prohibited entry

41. Except as provided by section 38 or 40 the Crown shall not, except with the consent of the owners and occupiers of the land, enter upon the land the subject of a draft compulsory purchase order until the compensation payable for the respective interests in that land has been agreed or awarded, and has been paid to the persons having those interests or has been paid into court in accordance with this Ordinance.

Supplemental

Interests omitted from purchase

42. If after the Crown has entered on any land under section 38(1) it appears that it has by mistake or inadvertence failed or omitted duly to purchase or to pay compensation for any estate, right or interest in or charge affecting that land the Crown shall remain in undisturbed possession of the land provided that within the time limited by this section —

- (a) it purchases or pays compensation for the estate right or interest in or charge affecting the land, and
- (b) also pays to any person who establishes a right to it, full compensation for the mesne profits,

and the compensation shall be agreed or awarded and paid (whether to claimants or into court) in the manner in which, under this Ordinance, it would have been agreed or awarded and paid if the Crown had purchased the estate, right, interest or charge before entering on the land, or as near to that manner as circumstances admit.

- (2) Subsection (1) shall apply whether or not the period specified in section 43 has expired.

(3) The time limited by this section shall, subject to subsection (4), be six months after the Crown has notice of the estate, right, interest or charge or, if it is disputed by the Crown, six months after the right to the estate right or interest is finally established by law in favour of the claimant.

(4) Where an application has been made to the Supreme Court under section 23 (as applied by subsection (1) of this section) within such of the periods limited by subsection (3) as is appropriate that period is in respect of the estate right or interest affected, the time mentioned in subsection (3) shall be extended to a period expiring three months after the determination of the matter by the Supreme Court or three months after the determination by the Court of Appeal of any appeal from the Supreme Court.

(5) In this section the "mesne profits" —

(a) excludes any increase in the value of the relevant estate right or interest attributable to works carried out after the entry and taking possession of the land by the Crown;

(b) subject to paragraph (a) means the mesne profits or interest which would have accrued to the person concerned during the interval between the entry of the Crown and the time when compensation is paid, so far as the mesne profits or interest may be recoverable in proceedings.

PART VI SUPPLEMENTAL AND GENERAL

Time limit

Time limit

43.—(1) The powers of the Crown conferred by the antecedent provisions of this Ordinance and dependent on an operative compulsory purchase order having been made shall not, insofar as is consistent with those provisions, be exercised after the expiration of three years from the date on which the compulsory purchase order was made.

(2) Nothing in subsection (1) extends to the estate right or interest of an owner who is not found after diligent inquiry by the Crown.

Costs of conveyances and form of conveyances

Costs of conveyances etc

44.—(1) The costs of all conveyances to the Crown of land subject to an operative compulsory purchase order shall be borne by the Crown.

(2) The costs shall include all charges and expenses whether incurred on the part of the Crown or on the part of the seller —

(a) of all conveyances and assurances of any of the land, and of any outstanding terms or interests in the land, and

(b) of deducing, evidencing and verifying the title to the land, terms or interests,

and all other reasonable expenses incident to the investigation, deduction and verification of the title.

(3) If the Crown and the person entitled to any such costs do not agree as to the amount of the costs, the question shall be referred to the Supreme Court for determination and the Supreme Court shall determine it. The costs of any such reference shall be in the discretion of the Supreme Court.

Form of conveyances

45.—(1) Conveyances of land subject to an operative compulsory purchase order may be according to the form in the Schedule to this Ordinance, or as near thereto as the circumstances of the case will admit, or by deed in any other form as the Attorney General may approve on behalf of the Crown.

(2) All conveyances made in accordance with subsection (1) shall be effectual to vest the land thereby conveyed in the Crown and shall operate to bar and destroy all estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever of and in the land comprised in the conveyance which have been purchased or compensated for by the consideration mentioned in the conveyance.

Additional powers of Supreme Court

Payment into court

46.—(1) Where any money paid into court under this Ordinance was paid in respect of any lease, or any estate in land less than the whole fee simple, or of any reversion dependent on any such lease or estate, the Supreme Court on the application of any person interested in the money may order that the money shall be laid out, invested, accumulated and paid in such manner as the court may consider will give to the persons interested in the money the same benefit as they might lawfully have had from the lease, estate or reversion as the case may be.

(2) If any question arises respecting the title to land in respect of which money has been paid into court under this Ordinance, the persons respectively in possession of the land, as being the owners, or in receipt of the rents of the land, as being entitled to the rents at the time when the land was purchased, shall be deemed to have been lawfully entitled to the land until the contrary is shown to the satisfaction of the court; and unless the contrary is shown to the satisfaction of the court the persons so in possession, and all persons claiming under them, or consistently with their possession, shall be deemed to be entitled to the money so paid into court, and to the interest and dividends of it or of the securities purchased therewith; and the money, dividends, interest and annual proceeds shall be paid and applied accordingly.

Costs in respect of money paid into court

47.—(1) This section shall apply in relation to any compensation paid into court under this Ordinance except where it was so paid in consequence —

(a) of the wilful refusal of the person entitled to accept it;

(b) of the wilful refusal of that person to convey the land in respect of which the compensation was payable; or

(c) of the wilful neglect of any person to make out a good title to the land.

(2) Where this section applies the Supreme Court may order the Crown to pay —

(a) the costs of, or incurred in consequence of, the purchase of the land, and

(b) the cost of the investment of the compensation paid into court, or of its reinvestment in the purchase of other land.

(3) References in this section to costs include references to all reasonable charges and expenses incidental to the matters mentioned in this section and to —

(a) the costs of obtaining the proper orders for any of the purposes set out above,

(b) the cost of obtaining the orders for the payment of dividends out of the compensation,

(c) the cost of obtaining the orders for the payment out of court of the principal amount of the compensation, or of any securities in which it is invested, and

(d) the cost of all proceedings relating to such orders, except such as are occasioned by litigation between adverse claimants.

(4) The costs of not more than one application for reinvestment in land shall be allowed unless it appears to the Supreme Court that it is for the benefit of the parties interested in the compensation that it should be invested in the purchase of land in different sums and at different times.

Supreme Court may apply certain provisions

48. Where any provision of this Ordinance provides that the provisions mentioned or referred to therein (certain provisions as to compensation) shall not have effect where an application has been made to the Supreme Court under section 23, notwithstanding any provision of the kind first mentioned in this section, the Supreme Court if it sees fit to do so, and in its opinion such would not be contrary to the Constitution, may determine the application under section 23 as if the provisions mentioned in that provision did apply.

Appeals from Supreme Court

Appeals to Court of Appeal

49.—(1) Subject to this section, an appeal lies of right to the Court of Appeal at the instance of any person aggrieved thereby from any decision of the Supreme Court other than an interlocutory decision of the Supreme Court, under any provision of this Ordinance.

(2) An appeal under subsection (1) lies only on a point of law or on a point of mixed law and fact.

(3) Any person appealing under subsection (1) shall give notice of appeal, incorporating his grounds of appeal, within twenty-one days of the date of the decision appealed against.

(4) On any such appeal the Court of Appeal may do anything or make any order which the Supreme Court might have done in the first instance and may vary, discharge or quash any order made by the Supreme Court and may make any other order (including an order as to the costs of the appeal) as it sees fit to make.

Notices

Services of notices etc

50.—(1) Any notice or other document required or authorised to be served under this Ordinance may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the Attorney General is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

Minerals

Minerals included in compulsory purchase orders

51.—(1) Unless it is expressly stated to the contrary in the compulsory purchase order concerned it shall be deemed to extend to all minerals lying in on or under the land the subject of the order, and which is the property of an owner.

(2) In subsection (1), "mineral" includes every metal, rock, ore, liquid or gas and includes peat.

(3) A conveyance to the Crown of land the subject of a compulsory purchase order, shall unless expressly stated to the contrary in such conveyance, be deemed to include minerals (as defined in subsection (2)), so far as they are the property of the conveying party, and the right to win, work, gain and take away those minerals.

Regulations

Forms may be prescribed by regulations

52. The Governor may by Order prescribe forms for the purposes of this Ordinance.

*Repeals, transitional provisions etc***Repeal of Part IV of the Land Ordinance (Cap 36)**

53. Part IV (Acquisition of Land) of the Land Ordinance is repealed.

Transitional provisions as to compensation

54.—(1) This section applies where any land was before the coming into operation of this Ordinance appropriated under section 33 of the Land Ordinance but compensation was not agreed and paid in respect of such appropriation before the coming into operation of this Ordinance.

(2) If compensation is not agreed and paid within six weeks after the coming into operation of this Ordinance, any owner or occupier of the land immediately prior to such appropriation or his personal representative under probate of his will or letters of administration of his estate, the Attorney General on behalf of the Crown may at any time after the expiry of such period of six weeks refer the question of the compensation to be awarded and paid in respect of such appropriation to the Supreme Court.

(3) On a reference being made to the Supreme Court under subsection (2) of this section, sections 25 to 27 of this Ordinance shall apply as if the reference had been made under section 23 of this Ordinance in respect of a compulsory purchase order validly made under section 11(1) or 14(2) of this Ordinance.

SCHEDULE

(section 45(1))

Form of conveyance

I of, in consideration of the sum of (£) paid to me [or, as the case may be to A.B., of and C.D. of two trustees appointed to receive the same] pursuant to the [here name the compulsory purchase order] by or on behalf of Her Majesty the Queen, DO HEREBY CONVEY TO HER MAJESTY ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith, ALL (describing the premises to be conveyed) and all such estate, right title and interest in and to the same or which I am or shall become seised or possessed or am empowered by the said order to convey TO HOLD the premises hereinbefore described to Her Majesty and Her heirs and successors in accordance with law, for ever.

IN WITNESS etc.

EXPLANATORY MEMORANDUM

TAXES (AMENDMENT) BILL 1999

These clauses introduce new provisions into the Taxes Ordinance 1997 dealing with redundancy payments. They are retrospective, having effect from 1st January 1997. In the main the provisions will confirm the exception from tax enjoyed by redundancy payments as there is a threshold of £20,000. Payments which do not exceed that amount will not be taxable.

CLAUSE 1 introduces the new sections, 58A to 58D which are to be inserted in the Taxes Ordinance.

Section 58A confirms the general principle that redundancy payments are subject to tax. Payments within the section are only those which are genuinely made to compensate for loss of employment through redundancy. Payments which are made as a reward for services in the employment or more generally for having acted as or having been an employee are not redundancy payments and will be taxable in the ordinary way as being the gains or profits of any employment and therefore falling within section 8 of the Taxes Ordinance.

Payments made on account of changes in the duties or emoluments of an employment will also be within the new provisions as such payments may be expected to be made by way of compensation for some worsening of the employment.

Redundancy payments will be within the POAT Scheme so that where the payment is taxable the employer will be required to deduct tax before making the payment.

Section 58B requires the employer to provide the Commissioner with information relating to the contract of employment in question and details of the employee and the redundancy payment. Failure to comply will be a criminal offence. Certain civil penalties will be attracted if the POAT rules are not complied with.

Section 58C introduces the £20,000 threshold and certain other exemptions. Genuine redundancy payments which do not exceed the threshold will be tax free. Provision is included to ensure that the threshold cannot be avoided by making a number of smaller payments which in aggregate exceed the threshold.

In addition a redundancy payment made by a company to a person who owns 20% or more of the ordinary share capital of the company will not be eligible for the threshold relief.

Other payments which will be tax free are payments made by reason of the death of the employee, or the injury or disability of the employee and certain payments made under personal pension schemes or retirement benefit schemes.

Section 58D includes transitional provision applicable to payments made before the new provisions are gazetted as an Ordinance. The POAT provisions will not apply and the

information required by section 58B is to be supplied within 30 days of the date the Ordinance appears in the Gazette.

In addition a small amendment is made to the POAT regulations making it clear that the regulations apply to payments made in respect of periods of employment even if made after the employment is ended.

Taxes (Amendment) Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS

Clause

1. **Short title**
2. **Taxation of redundancy payments and other benefits**

TAXES (AMENDMENT) BILL 1999

(No. of 1999)

A BILL

For

AN ORDINANCE

To amend the Taxes Ordinance 1997.

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

Short title

1. This Ordinance may be cited as the Taxes (Amendment) Ordinance 1999.

Taxation of redundancy payments and other benefits

2.—(1) This section shall be deemed to have come into force on 1st January 1997.

(2) The following sections shall be inserted in the Taxes Ordinance after section 58 —

“Taxation of redundancy payments

58A.—(1) A redundancy payment received by any person shall be chargeable to tax under this section, but subject to and in accordance with the provisions of this section and sections 58B to 58D, and an amount chargeable to tax under this section shall be deemed to be income of that person chargeable for the year of assessment in which he receives the payment.

(2) In this section and sections 58B to 58D, “redundancy payment” means any payment not otherwise chargeable to tax which is received in connection with —

(a) the termination of a person’s employment; or

(b) any change in the duties of or emoluments from a person’s employment;

and includes any payment which is a redundancy payment within the meaning of the Employment Protection Ordinance 1989.

(3) For the purposes of subsection (2) a payment made in consideration or in consequence of, or otherwise in connection with, the termination or change in the duties of or emoluments from a person's employment is a redundancy payment whether it —

(a) is made by the employer or former employer or by another person; or

(b) is made in pursuance of a legal obligation or not; or

(c) is received directly or indirectly —

(i) by the employee or former employee; or

(ii) by the spouse or any relative or dependant of the employee or former employee; or

(iii) by the personal representatives of the former employee.

(4) For the purposes of this section and sections 58B to 58D a payment which is made on behalf of, or to the order of, the employee or former employee (whether as mentioned in subsection (3)(c)(ii) or (iii) or otherwise) is treated as received by the employee or former employee.

(5) An amount chargeable to tax under this section shall be deemed to be a payment to which section 83(1) applies, made when the redundancy payment is received by the employee, and where the person paying the payment is not his employer, references in Part IV to the employer shall include references to that person.

(6) Where a redundancy payment within the meaning of the Employment Protection Ordinance 1989 is made in respect of employment wholly in a business carried on by the employer and within the charge to tax, then the payment shall (if not otherwise so deductible) be so deductible and if made after the discontinuance of the business shall, for the purpose of this subsection, be deemed to have been made on the last day on which the business was carried on.

(7) For the purposes of section 98 (restriction on deduction of emoluments before payment) a redundancy payment shall be deemed to be a relevant emolument.

(8) For the purposes of this section and sections 58B to 58D, a redundancy payment is treated as received when it is made, and section 94(1) (time when payment is made for POAT purposes) shall apply for the purposes of this subsection.

(9) In this section and sections 58B to 58D “employment” includes an office and related expressions have a corresponding meaning.

Information to be provided by the employer

58B.—(1) Where any redundancy payment is received by any employee in a year of assessment, the person by whom the payment is made shall give the Commissioner a certified copy of —

(a) all documents constituting the employee’s contract of employment in respect of the termination of which or change in the duties or emoluments of which the redundancy payment is made; and

(b) all documents relating to the redundancy payment.

(2) The employer shall give the Commissioner a notice in writing containing the following information —

- (a) the employee's full name and address;
- (b) the dates on which his employment started and, in the case of a termination, ended;
- (c) in the case of a change in the duties or emoluments of an employment, details of that change;
- (d) the amount of the payment;
- (e) the date on which the payment will be or has been received;
- (f) the employee's pay to date in the tax year;
- (g) the total tax deducted to date in the tax year; and
- (h) in the case of a termination of employment, the amount of any other payment the employee will receive in respect of the termination of his employment and the dates when the employer proposes to make those payments.

(3) Any document or notice required to be given by subsection (1) or (2) shall be given within 30 days of the date on which the redundancy payment in question is received.

(4) A person shall not be required to include in any notice under subsection (2) any information which is included in any document given to the Commissioner under subsection (1) in respect of the same person and the same payment.

(5) In subsection (1) a "certified copy" means a copy certified by the person giving it to the Commissioner as being a true copy of the original.

(6) Any person who fails to comply with any requirement of subsection (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding level 7 on the standard scale.

Payments not exceeding £20,000 and other exemptions

58C.—(1) Subject to subsections (2) and (3), a redundancy payment received by any person shall not be taxable if and to the extent that its amount does not exceed £20,000.

(2) This section does not apply in relation to any payment received by an employee in respect of the termination of an employment or change in duties or emoluments of an employment where —

- (a) the employer in question is a company; and

(b) the employee either alone or together with persons connected with him beneficially owns at least 20 per cent of the ordinary share capital of that company.

(3) Redundancy payments received by the same person —

(a) in respect of the same employment; or

(b) in respect of different employments with the same employer or associated employers;

shall be aggregated and the £20,000 threshold shall apply to the aggregate amount.

(4) For the purposes of subsection (3)(b) employers are associated if on the date which is the relevant date in relation to any of the payments —

(a) one of them is under the control of the other; or

(b) one of them is under the control of a third person who controls or is under the control of the other on that or any other such date.

(5) In subsection (4) —

(a) any references to an employer, or to a person controlling or controlled by an employer, include the successors of the employer or person; and

(b) “the relevant date” means the date of the termination in question of employment, or of the change in question in the duties of or emoluments from employment.

(6) If payments are received in more than one year of assessment and subsection (3) applies, the £20,000 threshold shall be set against the amount of payments received in earlier years before those of later years.

(7) The £20,000 threshold shall be set against any cash payment as it is received.

(8) A redundancy payment received by any person shall not be taxable by virtue of section 58A if it is made —

(a) in connection with the termination of the employment by the death of the employee; or

(b) on account of injury to or disability of the employee; or

(c) in pursuance of any retirement payments scheme or personal pension arrangements which is or are approved for the purposes of Part III if —

(i) the payment is by way of compensation for loss of employment or for loss or diminution of emoluments, and the loss or diminution is due to ill-health; or

(ii) the payment is properly regarded as earned by past service.

Transitional provisions and amendment of the POAT Regulations

58D.—(1) Where a redundancy payment has been received on or after 1st January 1997 but before the day on which this Ordinance is published in the *Gazette*, then —

(a) section 83 (1) shall not apply in relation to that payment; and

(b) not later than 30 days after that day, the person who made the payment shall give the Commissioner the documents and other information required by section 58B as if the redundancy payment had been made on that day, and subsection (6) of that section shall apply accordingly.

(2) In regulation 3(2)(a) of the Payments on Account of Tax (Employee's Deductions) Regulations 1997 for "the period in which" there shall be substituted "the period as respects which".



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

22nd July 1999

No. 15

The following are published in this Supplement -

Immigration (Visa Exemptions) (Amendment) Order 1999, (S.R. & O. No. 20 of 1999);

Commencement and Approval of Volume 3 Order 1999, (S.R. & O. No. 21 of 1999);

Commencement and Approval of Volume 4 Order 1999, (S.R. & O. No. 22 of 1999).

SUBSIDIARY LEGISLATION

IMMIGRATION

Immigration (Visa Exemptions) (Amendment) Order 1999

S. R. & O. No. 20 of 1999

Made: 20 July 1999

Published: 22 July 1999

Coming into force: on signature

IN EXERCISE of my powers under section 8 of the Immigration Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Immigration (Visa Exemptions) (Amendment) Order 1999 and comes into force forthwith.

Amendment of the Immigration (Visa Exemptions) Order

2. The Schedule to the Immigration (Visa Exemptions) Order(b) is amended by replacing the first two lines with the following words —

“All countries which for the time being are members of the European Union or of Mercosur”.

Made this twentieth day of July 1999

D A Lamont
Governor

(a) Title 52.2

(b) Title 52.2.4

EXPLANATORY NOTE
(not forming part of the above Order)

This Order adds all remaining Mercosur countries to the list of countries (which includes Chile and Uruguay) the passport holders of which are exempt from visa requirements, provided they meet the conditions contained in article 2(2) of the principal Order. Effectively, those conditions are —

- (a) production of a passport issued by a Mercosur country describing the bearer as a citizen of that country,
- (b) possession of a ticket or sufficient funds for travel to a destination outside the Falkland Islands,
- (c) in addition possession of sufficient funds to support himself or herself during his stay in the Falkland Islands, and
- (d) completion of an immigration declaration on entry to the Falkland Islands.

SUBSIDIARY LEGISLATION

REVISED EDITION OF THE LAWS

Commencement and Approval of Volume 3 Order 1999

(S. R. & O. No. 21 of 1999)

Made: 16 July 1999

Published: 22 July 1999

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Commencement and Approval of Volume 3 Order 1999 and shall come into force on publication.

Coming into operation of Volume 3

2. Volume 3 of the Revised Edition of the Laws of the Falkland Islands is approved and comes into operation seven days after the publication of this Order in the *Gazette*.

Made this sixteenth day of July 1999

D A Lamont
Governor

SUBSIDIARY LEGISLATION

REVISED EDITION OF THE LAWS

Commencement and Approval of Volume 4 Order 1999

(S. R. & O. No. 22 of 1999)

Made: 16 July 1999

Published: 22 July 1999

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 4(4) of the Revised Edition of the Laws Ordinance 1991(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Commencement and Approval of Volume 4 Order 1999 and shall come into force on publication.

Coming into operation of Volume 4

2. Volume 4 of the Revised Edition of the Laws of the Falkland Islands is approved and comes into operation seven days after the publication of this Order in the *Gazette*.

Made this sixteenth day of July 1999

D A Lamont
Governor



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

12th August 1999

No. 16

The following are published in this Supplement -

Immigration (Visa Exemptions) (Amendment) (No. 2) Order 1999, (S.R. & O. No. 23 of 1999);

Falkland Islands Status (Form of Application) Regulations 1999, (S.R. & O. No. 24 of 1999);

Falkland Islands Status (Application Fees) Regulations 1999, (S.R. & O. No. 25 of 1999).

SUBSIDIARY LEGISLATION

IMMIGRATION

Immigration (Visa Exemptions) (Amendment) (No 2) Order 1999

S. R. & O. No. 23 of 1999

Made: 6 August 1999

Published: 12 August 1999

Coming into force: on signature

IN EXERCISE of my powers under section 8 of the Immigration Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Immigration (Visa Exemptions) (Amendment) (No 2) Order 1999 and comes into force forthwith.

Amendment of the Immigration (Visa Exemptions) Order 1987

2. The Immigration (Visa Exemptions) Order 1987(b) (“the principal Order”) is amended by adding the following article —

“3. Notwithstanding that a person is exempt from the obligation to possess a visa, the Principal Immigration Officer may refuse to permit him to enter the Falkland Islands if he is not satisfied that the person has made arrangements for his accommodation for the duration of his intended stay.”

Made this sixth day of August 1999

D A Lamont
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

The effect of this Order is to enable the Principal Immigration Officer to refuse entry to a person exempted from the need to possess a visa if that person does not have pre-arranged accommodation for the duration of his intended stay.

(a) Title 52.2

(b) Title 52.2.4

SUBSIDIARY LEGISLATION

FALKLAND ISLANDS STATUS

Falkland Islands Status (Form of Application) Regulations 1999

S. R. & O. No. 24 of 1999

Made: 10 August 1999

Published: 12 August 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 7 of the Falkland Islands Status Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. These Regulations may be cited as the Falkland Islands Status (Form of Application) Regulations 1999 and shall come into force upon publication in the Gazette.

Form of application

2.—(1) Part I of the Schedule to these Regulations has effect to prescribe the form of application for the grant of Falkland Islands status.

(2) Part II of the Schedule to these Regulations has effect to prescribe notes of guidance which shall be furnished by the Principal Immigration Officer to every prospective applicant for a grant of Falkland Islands status.

Made this tenth day of August 1999

D A Lamont
Governor

SCHEDULE

PART I

Form of Application for Falkland Islands Status

APPLICATION FOR FALKLAND ISLANDS STATUS

(section 3)

Falkland Islands Status Ordinance 1998

Please read Notes of Guidance carefully before you complete this form, as well as taking note of the information in boxes in this form. Remember to attach a medical certificate.

Details of Applicant and Spouse

1. Your surname: _____ 2. Any former surname(s): _____

3. Your forename(s): _____

4. Your present address: _____

5. Your home telephone no. (*if any*): _____

6. Please state:-

(a) Your nationality: _____ (b) Your date of birth : _____

(c) The country of your birth: _____ (d) Your passport No.: _____

(e) Date of issue of passport: _____ (f) Place of issue of passport: _____

7. Are you presently married?

YES/NO

If you are presently married please state:-

(a) the name of your spouse: _____

(b) your spouse's nationality: _____

(c) the date of your spouse's birth: _____

(d) the country of your spouse's birth: _____

If you have answered "YES", please remember to enclose your marriage certificate.

8. Details of Dependants

Here you should give details of any dependant children or other dependants who are living with you in the Falkland Islands or whom you may wish to come to live with you in the Falkland Islands. Please enclose birth certificates.

Name	Date of birth	Nationality	Country of birth	Relationship to you
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

9. Residence in the Falkland Islands

(a) State the date of your first arrival in the Falkland Islands: _____

(b) Particulars of all places of residence since your first arrival in the Falkland Islands:

Address	Period of Residence	
_____	from _____	to _____
_____	from _____	to _____
_____	from _____	to _____
_____	from _____	to _____
_____	from _____	to _____

(c) Particulars of any employment you have engaged in while you have resided in the Falkland Islands (include any periods of self employment):

Period of employment	Employer	Capacity in which you were employed
from _____ to _____	_____	_____
from _____ to _____	_____	_____
from _____ to _____	_____	_____
from _____ to _____	_____	_____
from _____ to _____	_____	_____

If you were employed in more than one employment at any one time, only details of the main employment need to be provided.

10. Absences from the Falkland Islands

Particulars of all absences from the Falkland Islands during the period of 7 years immediately preceding this application:

Period of Absence	Your address during your absence	The reason for your absence
from _____ to _____	_____	_____
from _____ to _____	_____	_____
from _____ to _____	_____	_____
from _____ to _____	_____	_____

11. Personal Resources

(a) Particulars of any house, farm or land you own in the Falkland Islands:

(b) Particulars of mortgages secured on any of the above:

(c) Particulars of any business investments in the Falkland Islands:

(d) Particulars of any borrowing in relation to the above:

(e) Estimated value of all assets owned (including those at 11(a) above, and all other assets):

(i) in Falkland Islands £ _____ (net of borrowing)

(ii) outside Falkland Islands £ _____ (net of borrowing)

If there is insufficient space in any of the sections of the above questions, please continue on separate sheets(s) of paper and attach it or them to this form.

12. Retirement

(a) If you are at present retired, state here any annuities or pensions you receive and the name and address of the person paying them: _____

(b) If you intend to retire or will attain the age of 65 during the next 10 years, state here particulars of any pension or annuity funds to which contributions are made by you or any other person on your behalf, and the amount you expect to receive annually from each such fund on retirement: _____

13. Refusal of Permits

Have you ever had a residence permit or permanent residence permit for the Falkland Islands refused, revoked or not renewed? If so, please give details here:

14. Current Permits

If you are at present resident in the Falkland Islands:

(a) Do you currently hold a permanent residence permit? YES/NO

(b) If you do not hold a permanent residence permit, when does your present residence permit expire? _____

(c) When does your present contract of employment come to an end? _____

15. Offences

You must here give details of any offences of which you or any of your dependants (including your Spouse) have been convicted in the Falkland Islands or elsewhere, *including* motoring offences (except parking offences) and *including* any offences of which you were convicted as a juvenile and *including* any offences which for other purposes might by law be regarded as spent or rehabilitated.

Name of person convicted	Offence	Date	Sentence	Place
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

DECLARATION

I have carefully read over the information given on this form and certify it to be true and correct to the best of my information knowledge and belief. I understand that if I am found willfully or recklessly to have stated above anything which is not true, I am liable to prosecution and any grant of Falkland Islands status may be revoked.

Signed: _____
(signature of applicant)

Date: _____

Enclosures:

(Please list below all documents you have enclosed with this form. Remember to enclose a cheque in payment of the application fee - currently £150.)

PART II

Notes of Guidance

FALKLAND ISLANDS STATUS: GUIDANCE NOTES

What is Falkland Islands status?

A person who enjoys Falkland Islands status is, under the Constitution of the Falkland Islands, a person regarded as belonging to the Falkland Islands. Falkland Islands status can be granted under section 4 of the Falkland Islands Status Ordinance 1998 by the Governor of the Falkland Islands on the advice of the Executive Council. A person who is granted Falkland Islands status will, provided that he continues to meet the residence qualifications under the Electoral Ordinance 1988, be entitled to have his name placed upon the Electoral Register for the constituency in which he lives and will no longer be subject to immigration control of any kind (**but status may be revoked in certain circumstances**: see below). A spouse, widow or widower of a person granted Falkland Islands status and a child of a person granted Falkland Islands status under the age of eighteen years are also deemed to enjoy Falkland Islands status. A spouse will be deemed to no longer have Falkland Islands status if he or she lives apart from the grantee under a decree of a competent Court or deed of separation. A child will be deemed to no longer have Falkland Islands status on attaining the age of eighteen years. A spouse or child deemed no longer to have Falkland Islands status might be eligible under the Falkland Islands Status Ordinance to apply for Falkland Islands status in his or her own right.

Who may apply for Falkland Islands status?

The Falkland Islands Constitution provides that certain persons are deemed to enjoy Falkland Islands status. Those persons are:

- A citizen born in the Falkland Islands (a citizen means a person who is a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen).
- A citizen born outside the Falkland Islands whose mother or father was born in the Falkland Islands or who is domiciled in the Falkland Islands and whose mother or father became, while resident in the Falkland Islands, a citizen by virtue of having been naturalised or registered as such or as a British subject or as a citizen of the United Kingdom and colonies.
- A citizen by virtue of having been naturalised or registered while resident in the Falkland Islands.
- A Commonwealth citizen who is domiciled in the Falkland Islands who either was ordinarily resident in the Falkland Islands for seven years (7) immediately preceding 1 September 1997, or who has been granted Falkland Islands status.

Anybody who is a Commonwealth citizen and has been ordinarily resident in the Falkland Islands for at least seven years (7) can be granted Falkland Islands status by the Governor following application in the prescribed form to the Principal Immigration Officer.

Applying for Falkland Islands status

Applications for Falkland Islands status must be made on the official application form which you can obtain from the Principal Immigration Officer in Stanley Falkland Islands.

Please answer every question on the form, and do so legibly. Where appropriate, answer a question "not applicable" or "none". Failure to answer a question may well lead to delay in dealing with your application.

Medical Examination

You should attend for medical examination at the King Edward VII Memorial Hospital Stanley, or by arrangement, upon a Government Medical Officer during a Camp doctor's visit. Remember that, in either case, you should make a prior appointment. You must attach a medical certificate to your application form when you submit it.

Birth Certificates and Marriage Certificates

Please remember to enclose any birth certificates and marriage certificates you are asked to produce. These will be returned to you as soon as possible. Photocopies are not acceptable.

Generally

Please read and, where necessary, comply with the notes in the boxes in the application form.

Application Fee

Please remember to enclose with your application the application fee - currently £150.

Revocation of Falkland Islands status

You are asked particularly to note that section 5(3) of the Falkland Islands Status Ordinance 1998 provides that the Governor may revoke the grant of Falkland Islands status:-

- If the grantee or somebody on his behalf made a materially false or misleading statement in or in connection with his application.
- If the grantee or somebody on his behalf provides a document with an application knowing that the document contains a false or misleading statement.
- If the grantee is convicted of an offence for which he has been imprisoned for 12 months or more.
- If the grantee is absent from the Falkland Islands for a period of least two (2) years other than for medical or educational purposes, or as a member of Her Majesty's armed forces.
- If the grantee for any other reason appears no longer to be ordinarily resident in the Falkland Islands.
- If the grantee subsequently acquires the nationality or citizenship of a country outside the Commonwealth.

Submission of application

The application should be posted or delivered to:-

The Principal Immigration Officer
The Secretariat
Stanley
Falkland Islands

Tel: (500) 27240

Fax: (500) 27212

E-mail: govsec.fig@horizon.co.fk

EXPLANATORY NOTE

(not forming part of the above Order)

These Regulations prescribe the form of application for a grant of Falkland Islands status.

SUBSIDIARY LEGISLATION

FALKLAND ISLANDS STATUS**Falkland Islands Status (Application Fee) Regulations 1999**

S. R. & O. No. 25 of 1999

*Made: 10 August 1999**Published: 12 August 1999**Coming into force: upon publication*

IN EXERCISE of my powers under section 7 of the Falkland Islands Status Ordinance 1998(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. These Regulations may be cited as the Falkland Islands Status (Application Fee) Regulations 1999 and shall come into force upon publication in the Gazette.

Application Fee

2. The fee payable in connection with an application for Falkland Islands status is £150.

Made this tenth day of August 1999

D A Lamont
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

These Regulations prescribe the amount of application fee for the purposes of an application for Falkland Islands status.

(a) No 12 of 1998



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

10th September 1999

No. 17

The following are published in this Supplement -

Building Regulations 1999, (S.R. & O. No. 26 of 1999);

Fishing Licences (Applications and Fees) Order 1999.

SUBSIDIARY LEGISLATION

PLANNING AND BUILDING

Building Regulations 1999

S. R. & O. No: 26 of 1999

Made: 20 August 1999

Published: 10 September 1999

Coming into force: 1 February 2000

IN EXERCISE of my powers under section 3(1) of the Building Control Ordinance 1994(a) I make the following Regulations —

PART I INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Building Regulations 1999 and shall come into force on 1st February 2000.

Interpretation

2.—(1) In these Regulations —

“approved test authority” means a testing authority approved in writing by the Governor for the purposes of these regulations or such of them as is signified in the relevant approval;

“boundary of the plot”, in relation to a side or external wall of a building or compartment, means that part of the boundary of the premises, being the boundary of the land belonging to the building (and for the purpose of this definition such land is deemed to include any abutting part of a road, street or river or stream, but only as far as the centre line of that road, street, river or stream);

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to a part of a building;

“Building Control Surveyor” means the public officer appointed pursuant to regulation 4(1) and includes a person appointed under that provision to act as Building Control Surveyor;

“building permit” means a permit granted by the Committee pursuant to regulation 5;

“change of use” means a material change of use;

“closet” means a lavatory;

“compartment” means any part of a building which is separated from any other part by one or more compartment walls or compartment floors or both such walls and such floors, and if any part of the top storey of a building is within a compartment, the compartment in question shall be deemed to extend to include any roof space over that part of the top storey of that building;

“compartment floor” and “compartment wall” mean respectively a floor or a wall which complies with regulation 104 and which is provided as such for the purposes of regulation 102;

“door” includes any shutter, cover or other form of protection to an opening in any wall or floor of a building, or in the structure surrounding a protected shaft, and whether constructed of one or more leaves;

“dwelling” includes every house, flat, maisonette, or other building or part of a building intended or in fact used for human habitation;

“element of structure” means —

(a) any member forming part of the structural frame of a building or any other beam or column (not being a member forming part of a roof structure only);

(b) a load-bearing wall or part of a load-bearing wall;

(c) a floor, other than the lowest floor of a building, and includes a compartment floor constructed to separate a dwelling from any other part of the building which has a non-domestic use;

(d) a gallery;

(e) an external wall;

(f) a separating wall;

(g) a compartment wall constructed to separate the dwelling from any other part of the building which has a non-domestic use; and

(h) a structure enclosing a protected shaft;

“exit” means a route by way of a room or doorway into a passage and thereafter only by way of a passage (including any stairway forming part of a passage but at no stage by means of a lift or escalator) by which a person may reach a place of safety, and in relation to —

(a) any point on a storey of a building, means a route from that point;

(b) any room, means a route from a doorway of that room;

(c) any storey of a building, means a route from a point of egress from the storey; and

(d) any flat, maisonette or apartment means, a route from an entrance to it;

“fire stop” means a barrier or seal which prevents or sufficiently retards the passage of flame and smoke within a cavity or around a pipe or duct where it passes through a wall or floor or at a junction between elements of structure and “fire stopped” shall be construed accordingly;

“foul water” means any water contaminated by soil water or waste water;

“habitable room” means a room in a dwelling which is not a bathroom, shower-room, or room containing a closet or urinal and which is used for dwelling purposes;

“period of fire resistance” means the ability of a component of construction of a building to satisfy for a stated period of time, some or all of the appropriate criteria stated in the relevant part of British Standard 476 and “fire-resisting” shall be construed accordingly;

“pitch line”, in relation to a stairway, means a notional line drawn from the floor or landing below the stairway which connects all the nosings of the treads in a flight of stairs;

“place of safety” means either —

(a) an unenclosed space in the open air at ground level; or

(b) an enclosed space at ground level which has means of access to an unenclosed space with sufficient exits not less than the width or aggregate widths of the exits discharging from the building into the enclosed space;

“private dwelling” means a private dwelling house which is not —

(a) a flat or a building containing flats, or

(b) a maisonette which is a self contained dwelling.

“protected doorway” means —

(a) any doorway containing a self-closing and fire-resisting door —

(i) from a flat, maisonette or apartment onto an open access balcony; or

(ii) giving access to a protected shaft or stairway enclosure;

(b) any doorway leading directly to a place of safety at ground level;

“protecting structure” means any wall, floor or other element of structure which encloses a protected shaft except —

(a) a wall which also forms part of a compartment wall or an external wall;

(b) a floor which also forms part of compartment floor or floor laid directly onto the ground;
or

(c) a roof;

“revoked bylaws” mean the bylaws revoked by regulation 121;

“soil water” means water containing excreted liquid or solids;

“stairway enclosure”, in relation to an exit, means any part of such exit, not being a part within a room, which includes a stairway, landings and approaches thereto and which extends to a place of safety (but where a stairway enclosure passes between compartments of a building it does not satisfy the requirements of these regulations if it does not comply with the requirements in relation to a protected shaft);

“travel distance”, in relation to any point on a storey of a building, means the distances to be covered between that point and the nearest protected doorway, measured —

(a) where the floor is divided up by fixed seating or other obstruction, by way of the shortest route along open gangways;

(b) where not so divided, along the shortest route;

“trim” means any architrave, cover mould, picture rail, skirting or similar narrow member;

“ventilation opening” includes any means of ventilation (whether the opening is permanently open or closable) which opens directly to external air, such as the openable parts of a window, a louvre, holes in an air brick, progressively openable ventilator or window trickle ventilator and includes a door opening directly to external air;

“waste water” means water which has been used and which is not soil water;

“works” mean operations —

(a) for the erection, re-erection, alteration or extension of a building permanent or temporary or any part of any such building;

(b) for the provision of services to a building;

(c) for the installation of fittings (of a kind or type to which these Regulations relate) in a building;

and “building operations” and “building works” have the same meaning.

(2) For the purposes of these Regulations, a change of use is a material change of use if in the application of regulation 86 it is a material change of use.

(3) For the purposes of these Regulations a building or proposed building part thereof shall be regarded as being within 10 kilometres of Stanley if it is, or any part of it will be, within that distance of the spire of Christ Church Cathedral Stanley.

(4) Where any reference is made in these Regulations to a material, component, design, construction or method of operation complying with a British Standard or British Standard Code of Practice or Regulations issued by the Institution of Electrical Engineers, as the case may be,

that reference shall be construed as a reference to the latest edition for the time being of that Standard or Code or Regulations, including any published amendments thereto, as published by the British Standards Institution or the Institution of Electrical Engineers (as the case may be). A copy of any such Standard or Code or Regulations or published amendments shall be kept available for inspection without charge at all reasonable times by any member of the public at the office of the Building Control Surveyor.

Continuing requirements

3.—(1) For the purposes of section 4 of the Ordinance, the requirements of the following regulations are continuing requirements —

17(1), 18, 19(2)(b), (c) and (d), 20, 22 to 34, 38 to 54, 56 to 65, 69 to 73, 75 to 84, 87 and 88, 90 to 96, 97(3), 98, 100, 102 to 110 and 112 to 120.

(2) Any person who contravenes a continuing requirement commits an offence.

PART II

APPLICATION AND ADMINISTRATION

Appointment of Building Control Surveyor

4.—(1) The Governor shall appoint a public officer to be the Building Control Surveyor and if the person so appointed is absent from the Falkland Islands or is for any other reason unable to perform his functions under these Regulations the Governor shall appoint a public officer to act as Building Control Surveyor until another person is appointed so to act or until the Building Control Surveyor is again able to perform his functions under these Regulations, whichever first occurs.

(2) The Building Control Surveyor shall, in all matters which under these Regulations are not the functions of the Committee, be responsible for the administration of these Regulations and shall have such powers and duties as are conferred upon him by these Regulations.

Requirement for permits

5.—(1) Save as provided by regulation 9, no person shall —

- (a) carry out any works; or
- (b) make any material change in the use of a building,

which he is not authorised to by a building permit to carry out or make.

(2) A person who contravenes paragraph (1) of this regulation commits an offence.

Applications for permit

6.—(1) Application for a permit shall be made in accordance with whichever of paragraphs (2) and (3) of this regulation as in the circumstances of the case is appropriate.

(2) Where the building or proposed building or any part thereof is within 10 kilometres of Stanley, an application in writing, together with the information particulars and documents specified in Schedule 1, and any other information which in the circumstances of the case may be required,

shall be submitted to the Committee in triplicate and shall be signed on each sheet thereof by the applicant or his agent.

(3) In any other case —

- (a) details of the size of the building and its approximate location;
- (b) in relation to a new building or the alteration of or extension to an existing building, a brief specification of the materials intended to be used;
- (c) in relation to the change of use of a building or of part of a building, details of the materials of which it is constructed,

shall be submitted in triplicate to the Building Control Surveyor who shall deal with them as provided by regulation 7.

Further provisions in relation to distant sites

7.--(1) This regulation applies where an application is submitted to the Building Control Surveyor pursuant to regulation 6(3).

(2) On receipt of such an application, the Building Control Surveyor shall —

- (a) as soon as is reasonably possible, consider whether regulation 6(3) applies and, unless he is satisfied that it does, shall reject the application, notify the applicant accordingly and require the applicant to submit an application for a building permit to the Committee in accordance with regulation 6(2);
- (b) if he is satisfied that regulation 6(3) applies, as soon as reasonably possible notify the applicant of that fact and thereafter, within four weeks of the date on which he received the application, visit the site and obtain such further information as may be necessary to indicate whether or not the proposed works or change of use can properly be permitted under these Regulations.

(3) Where paragraph (2)(b) applies, the Building Control Surveyor shall prepare a written report to the Committee for consideration at the meeting of the Committee next following the visit to the site. On consideration of that report the Committee shall decide whether or not a building permit shall be granted.

Notification of decision of Committee

8.—(1) The decision of the Committee on an application for a building permit shall be notified to the applicant (or, where the application has been submitted by an agent for the applicant, that agent) in writing and shall be accompanied by one copy of the plans and other documents submitted as part of the application, each of which shall be marked with an indication of the decision of the Committee and the Committee's reference number in relation thereto.

(2) A further copy of the plans and other documents referred to in paragraph (1) of this regulation, marked as there mentioned, shall be retained in the separate records of the Committee and of the Building Control Surveyor and the copy in the custody of the Committee shall be open to inspection by any person appearing to have reasonable cause for wishing to inspect the same.

Exempt buildings and work

9.—(1) Subject to compliance with the condition mentioned in paragraph (2) of this regulation, a building permit is not required —

(a) in respect of the erection of any building which falls within Classes I to VIII in Schedule 2;

(b) in respect of the carrying out of any work to or in connection with such a building, if, after that work is completed, the building will still fall within one of those Classes;

(c) in respect of any work described in Class VII in Schedule 2; or

(d) subject to the provisions of Schedule 2 relating thereto, in respect of the siting of any manufactured residential unit described in Class VIII in that Schedule.

(2) The condition referred to in paragraph (1) of this regulation is that a proportional sketch depicting the size and siting of the building or work is delivered to the Building Control Surveyor at least seven business days before the work or operation in question begins.

(3) A person who contravenes paragraph (2) of this regulation commits an offence.

Notification of commencement

10.—(1) Without prejudice to regulation 9(2), not less than 48 hours before beginning any building operation the person who intends to carry out the work shall notify the Building Control Surveyor of the date on and time at which he intends to begin the work.

(2) A person who contravenes paragraph (1) of this regulation commits an offence.

Notification of intermediate stages of work

11.—(1) This regulation applies in relation to building operations in Stanley or within 10 kilometres of Stanley.

(2) Where this regulation applies, the person carrying out the building work shall notify the Building Control Surveyor —

(a) of the covering up of any excavation for a foundation, any foundation and any damp proof course;

(b) of the haunching or covering up in any way of any drain or private sewer to which these regulations apply; and

(c) of the carrying out of any work of laying such a drain or private sewer, including any necessary work of haunching or surrounding the drain or private sewer with concrete or other material and backfilling the trench.

(3) The notification required in relation to the matters mentioned in subparagraphs (a) and (b) of paragraph (2) is at least 24 hours prior notice to expire within working hours on a business day and the notification required in relation to the matters mentioned in subparagraph (c) of paragraph (2) is notification within seven days after the work has been carried out.

(4) A person who contravenes the requirements of the foregoing paragraphs as to the giving of notification commits an offence.

(5) Where the Building Control Surveyor visits a site following a notification pursuant to subparagraph (c) of paragraph (2) of this regulation, he may require the person who has carried out the work to which the notification relates in the Building Control Surveyor's presence and to his satisfaction at the cost of the person who has carried out the work suitably to test the drain or private sewer so as to establish compliance with these regulations.

Notification on completion

12.—(1) A person erecting a building shall notify the Building Control Surveyor —

(a) if a building or part of a building is to be occupied before completion, not less than seven days before that building or part thereof is first occupied;

(b) whether or not a notification has been given pursuant to sub-paragraph (a), not more than seven days after it is completed.

(2) A person shall not occupy a building to which paragraph (1) of this regulation relates unless —

(a) in the case of a building which is not a dwellinghouse, the Building Control Surveyor has issued a certificate that in his opinion it is in every respect fit for occupation and use and that certificate has also been signed by the Chief Fire Officer; or

(b) in the case of a building which is a dwellinghouse, the Building Control Surveyor has issued a certificate that in his opinion the dwellinghouse is in every respect fit for occupation and use as a human habitation.

(3) Any person who contravenes any provision of paragraphs (1) and (2) of this regulation or, in the case of paragraph (2), induces or permits any other person to do so, commits an offence.

Supplementary provisions in relation to notifications

13.—(1) Every notification to the Building Control Surveyor under any preceding regulation contained in this Part shall be in writing, unless the Building Control Surveyor in the circumstances of the particular case agrees to the contrary with the person giving the notification.

(2) If a person who is bound by any preceding regulation contained in this Part to give a notification to the Building Control Surveyor fails to give that notification either within or at the time specified by such regulation in relation thereto or at all, then without prejudice to any prosecution of that person for an offence under these regulations, he shall comply within seven days or such greater period of time as the Building Control Surveyor may allow with any notice in writing given to him by the Building Control Surveyor requiring him to cut into, lay open, pull down or remove such part of the works as is specified in such notice or, if not so specified, such part thereof as will enable the Building Control Surveyor to carry out such inspection or examination as may be necessary for him to satisfy himself whether or not the remainder of the works have been carried out in accordance with these Regulations.

(3) A person who refuses or fails to comply with a notice given to him by the Building Control Surveyor under paragraph (2) of this regulation commits an offence.

Inspection

14.—(1) The Building Control Surveyor may at any reasonable time inspect any building structure or works in respect of which a building permit has been applied for or granted under these Regulations and the person in control of or in occupation of any such building structure or works shall at all reasonable times permit the Building Control Surveyor to enter upon (and where appropriate into) the building, structure or works for the purpose of inspecting the same.

(2) Paragraph (1) applies notwithstanding that an occupation certificate or habitation certificate may have been granted in respect of the building structure or works, and applies to any building structure or works in respect of which any permit or consent was granted under any provision of the revoked bylaws, provided that in either case the Building Control Surveyor shall provide written notice setting out the reasons for inspecting the building structure or works.

(3) In paragraph (1) “any reasonable time” means at any time during hours of daylight on any day except a Sunday, Good Friday or Christmas Day, after, where an occupation certificate or habitation certificate has been issued in respect of the building, structure or works, forty-eight hours previous notice in writing.

Obstruction of Building Control Surveyor

15. A person commits an offence who, without reasonable cause the proof of which lies on him, obstructs the Building Control Surveyor in the performance of his functions under any of the foregoing provisions of these Regulations.

PART III

MATERIALS, SAMPLING, MAINTENANCE AND DURABILITY OF BUILDING PARTS

Materials

16.—(1) Any materials used —

- (a) in the erection or construction of any building or structure;
- (b) in the alteration or extension of any building or structure;
- (c) in the execution of any works or installation of fittings being works or fittings to which these Regulations apply;
- (d) for the backfilling of any excavation on a site in connection with any building or works or fittings to which any provision of these Regulations apply,

shall be —

- (i) of a suitable nature and quality in relation to the purposes for the conditions in which they are used;
- (ii) adequately mixed and prepared; and
- (iii) applied, used or fixed so as adequately to perform the functions for which they were designed and made.

(2) The use of any material or any method of mixing or preparing materials or of applying, using or fixing materials which complies with a British Standard or a British Standard Code of Practice prescribing the quality of material or standards of workmanship shall be deemed to satisfy the requirements of paragraph (1) of this regulation if the use of that material or method is appropriate to the purpose for, and the conditions in which, it is used.

(3) The Building Control Surveyor may require any person using or intending to use any material in any building work to deliver to him without charge such quantity or sample of the material and certification from an approved testing authority as may be necessary for him to ascertain whether the material complies with the provisions of these Regulations and any person who, having been required to deliver such a quantity or sample, refuses or neglects to do so within such period of time as in all the circumstances of the case is reasonable commits an offence.

Maintenance and durability

17.—(1) It is the duty of the owner of every building to ensure that every building to which these Regulations apply which he owns is maintained in a safe and sanitary state, and for the purpose of these Regulations an owner is not relieved of that duty by the provisions of any agreement between him and any other person, whether an agreement relating to the occupation and use of the building by that person, or otherwise.

(2) The several parts of every building and all of its fittings and installations shall be constructed or made of materials of sufficient durability for the conditions to which they are likely to be subjected and they shall be assembled and put together and, where appropriate, protected in such a way that the durability of the materials is not impaired.

PART IV *STRUCTURAL STABILITY*

General obligation

18.—(1) Every building shall be so constructed that the combined dead load of the building itself, and the imposed loads of goods, persons and the forces of nature are sustained and transmitted to the ground —

(a) safely and without undue deflection; and

(b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.

(2) In the application of paragraph (1) of this regulation to a building, regard shall be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is designed or in fact used.

(3) Every building shall be so constructed that any movement of the subsoil caused by swelling, shrinking or freezing will not impair the stability of any part of the building.

(4) The foundations of every building shall be capable of adequately resisting any attack by sulphates or any other deleterious matter present in the subsoil.

PART V
SITE PREPARATION AND RESISTANCE TO MOISTURE

General

19.—(1) Paragraph (2) of this regulation applies to or in relation to every building except a building in which the only persons usually employed are engaged solely in the general care, supervision, regulation, maintenance, storage or removal of goods, plant or machinery where the building is intended to be used solely —

- (a) for the storage of non-perishable goods or goods which are not likely to be affected by rain or snow; or
- (b) for the accommodation of plant and machinery.

(2) Except as provided by paragraph (1) of this regulation —

- (a) the site of every building shall be effectively cleared of turf and other vegetable matter;
- (b) all parts of a building as are next to the ground shall have a floor which is so constructed that it —
 - (i) prevents the passage of moisture from the ground to the upper surface of the floor; and
 - (ii) prevents any part of the floor being adversely affected by moisture or water vapour from the ground,
- (c) every wall, pier, buttress, column and chimney shall be so constructed as not to transmit moisture from the ground —
 - (i) to any material used in its construction which is of such a nature as to be liable to be adversely affected by moisture; or
 - (ii) to the inside of the building.
- (d) every external wall of a building (including a parapet, pier or column forming part of an external wall) and every chimney shall be so constructed as not to transmit moisture due to rain or snow to any part of the building which would be adversely affected by such moisture or to the inside of the building.

Roofs

20. The roof of every building shall be weatherproof and so constructed as not to transmit moisture due to rain or snow to any part of the structure of the building which would be adversely affected by such moisture.

Dangerous substances

21. If any substance or thing likely to be dangerous to health or safety is found in or on the ground to be covered by a building, it shall be removed or such steps shall be taken as may be appropriate to prevent it causing any danger to the health or safety of any person occupying or using the building.

Subsoil drainage

22. Subsoil drainage shall be provided where it is necessary to prevent the passage of ground moisture to the interior of the building or damage to the fabric of the building.

PART VI**ACCOMMODATION AND HYGIENE****General requirements in relation to dwellings**

23.—(1) There shall be at least one closet, one washbasin, one sink and one fixed bath or shower in every dwelling.

(2) Where no suitable water supply or means of disposal of foul water is available a closet using chemicals or other means approved by the Committee of treatment of foul matter may be used.

(3) In every dwelling —

(a) the space containing any closet must be separated by a door from any space used for the preparation or cooking of food or the washing, cleaning or preparation of crockery, cutlery, dishes or utensils used in connection with food;

(b) there must be a washbasin in the room in which any closet is installed or in a room adjacent to that room provided however that where the adjacent room is used for the storing, preparation or cooking of food or the washing, cleaning, storing or preparation of crockery, cutlery, dishes or utensils used in connection with food then there must be a washbasin in the room with the closet;

(c) there must be a suitable installation for the supply of hot and cold water to every bath, shower, washbasin and sink.

Capability of appliances to be effectively cleaned

24.—(1) Every closet, urinal, washbasin and sink must be so designed and made that its surfaces are smooth and non-absorbent and are capable of being effectively cleansed and disinfected. No part of the receptacle shall be connected to any pipe other than a flush pipe or the branch pipe into which it discharges.

(2) Every closet or urinal fitted with flushing apparatus shall discharge through a trap and branch pipe into a discharge stack or a drain, but a urinal shall first discharge through a grating above the trap.

Macerator and pump installation

25. A closet fitted with a macerator and associated pump may be installed upon the following conditions —

(a) there is available in the building for use by every occupier thereof at least one other closet discharging directly to a gravity system;

(b) the closet is fitted with a macerator and pump is connected to a small bore branch discharge pipe discharging to a discharge stack; and

(c) the macerator, pump and small bore system are in accordance with a British Board of Agreement Certificate applicable thereto current at the time of installation and are used only in accordance with the terms of that Certificate.

Discharge systems of waste appliances

26.—(1) Except as provided by subsequent paragraphs of this regulation, every bath, shower and washbasin shall discharge through a trap and branch discharge pipe to a discharge stack.

(2) A washbasin on the ground floor of a building may discharge into a gully or direct to a drain.

(3) A bath or shower may be connected to a macerator or pump small bore drainage system the subject of a British Board of Agrément Certificate current at the time of installation if used in accordance with the terms of that Certificate.

PART VII *MEANS OF VENTILATION*

General

27. Every building and its several compartments shall be adequately ventilated for the number of people within it, having regard to the use for which the building and the individual compartments are intended.

Ventilation of dwellings

28.—(1) This regulation applies to dwellings and spaces within any building containing two or more dwellings which are used solely or principally in connection with those dwellings.

(2) Every habitable room shall have —

(a) for the purpose of rapid ventilation, one or more ventilation openings which subject to paragraph (3) of this regulation must open direct to the external air and—

(i) part of which must be at least 1.75 metres or more above the floor level of the room; and

(ii) which have an aggregate area of not less than 1/30th of the floor area of the room;

(b) for the purpose of background ventilation, a ventilation opening or openings having a total area of 4,000 square millimetres with controllable openings (such as is the case with a trickle ventilator) which are both secure and located so as to avoid troublesome draughts.

(3) A habitable room may be ventilated through an adjoining space if —

(a) there is an opening (which may be closable) between the room and the space with an area of not less than 1/30th of the combined floor areas of the room and space;

(b) there is one or more ventilation openings, some part of which is at least 1.75 metres above the floor level of the room, with a total area of at least 1/30th of the combined floor areas of the room and space; and

(c) for background ventilation there are ventilation openings to the space, and openings between room and space, so located as to avoid troublesome draughts and each having a total area of not less than 4,000 square millimetres.

(4) Every room or space containing one or more chemical or water closets or urinals and every bathroom and every shower-room shall have —

(a) for the provision of rapid ventilation, one or more ventilation openings with a total area of at least 1/20th of the floor area of the room, and with some part of the ventilation opening at least 1.75 metres above the floor level and for the provision of background ventilation, a ventilation opening or openings having a total area of 4,000 square millimetres with controllable openings which are both secure and located so as to avoid troublesome draughts; or

(b) mechanical extract ventilation, capable of extracting air at a rate not less than three air changes per hour, which shall be operated intermittently with 15 minutes over-run and discharge directly into the external air,

and for the purposes of this paragraph, where the sanitary accommodation contains one or more cubicles, those cubicles and the room in which they are located shall be treated as being a single space if there is free circulation of air throughout the room in which the cubicles are contained.

(5) Every common space in a building containing two or more dwellings shall, except as provided in paragraph (6), be ventilated by one or more ventilation openings having a total area of at least 1/50th of the floor area of the common space or, where one or more common spaces communicate with each other, 1/50th of the aggregate floor area of the communicating common spaces.

(6) Where a common space within a building is wholly internal, and is used for access purposes only, it may, instead of being ventilated as provided in paragraph (5), be ventilated by mechanical extract ventilation capable of one air change per hour.

(7) Every ventilation opening shall have a smallest dimension, other than in a screen, fascia, baffle or the like, of not less than 8 millimetres.

PART VIII

STAIRWAYS, LANDINGS AND BALCONIES IN SINGLE DWELLINGS

Stairways and landings

29.—(1) For the purpose of this regulation a “private stairway” is a stairway in or intended to be used by or in one dwelling.

(2) A private stairway must comply with the following requirements —

(a) its pitch shall not exceed 42 degrees;

(b) it shall in each flight have a uniform rise and going;

(c) the dimensions of each step shall be such that twice the rise plus the going shall amount to between 550 millimetres and 700 millimetres, with the rise of each step being not greater than 220 millimetres and its going being not less than 220 millimetres (this would be achieved by using a rise between 155 millimetres and 200 millimetres with any going between 245 and 260 millimetres or a rise between 165 millimetres and 200 millimetres with any going between 220 millimetres and 305 millimetres);

(d) the steps shall have level treads and if they have open risers —

(i) the treads shall overlap each other by at least 16 millimetres, and

(ii) the open risers must be so constructed that a 100 millimetre sphere cannot pass through them;

(e) a handrail positioned at between 900 millimetres and 1 metre vertically above the pitch line shall be provided if the width of the stairway does not exceed one metre, otherwise such a handrail shall be provided at each side of the stairway;

(f) there must be a clear headroom of at least two metres, measured vertically from the pitch line, over the whole length and width of the stairway;

(g) except where the drop is less than 600 millimetres, the sides of the stairway and the top of the stairway landing and any intermediate landing shall be guarded on both sides with a barrier —

(i) which must be at least 900 millimetres in height above such stairway and landing;

(ii) which must be able to resist at that height a horizontal force of 0.36 kilo Newtons for each metre of its length;

(iii) which must be so constructed that a 100 millimetre diameter sphere cannot pass through any openings in it and so that young children cannot readily climb up it; and

(iv) in which, if any glazing is used, that glazing complies with the provisions of regulation 80(2);

(h) there shall be provided at the top and bottom of every stairway flight a landing which is clear of obstruction and which has a width and depth not less than the width of the stairway, but a door may swing across a landing at the bottom of a flight if a space of at least 400 millimetres measured from the nosing of the lowest tread is left clear and unobstructed.

(3) Where in the course of carrying out alterations to a single dwelling the existing stairway is repositioned, the foregoing provisions of this regulation shall not apply where the work carried out does not cause a new or greater contravention of the requirements of those provisions.

Balconies etc

30. Every balcony, platform, roof or other external area to which any person habitually has access from a building for a purpose other than maintenance or repair, and which is above the uppermost level of the ground story of the building, shall have a balustrade, parapet or railing which must —

(a) be not less than 1.1 metres in height;

(b) be capable of resisting a horizontal force of 0.74 kiloNewtons for each metre of length at a height of 1.1 metres;

(c) where glazed at a height below 1.1 metres, be so glazed in glass blocks, toughened glass or laminated safety glass, wired glass not being acceptable; and

(d) be so constructed that a 100 millimetre diameter sphere cannot pass through it and young children cannot readily climb it.

PART IX

CONSERVATION OF FUEL AND POWER

General

31.—(1) Subject to the special exemption provided by regulation 32, this regulation applies in respect of every building except a commercial, industrial or storage building which due to the nature of its intended use requires minimal heating or no heating at all, and shall not apply to buildings built before these Regulations came into force.

(2) Every building shall provide in its construction for the conservation of fuel and power by incorporating a minimum of the following or the equivalent of the following —

(a) in the case of exposed walls of buildings of Purpose Groups 1 to 5 inclusive classified as such in accordance with the requirements of Part XXII of these Regulations (Structural Fire Precautions for Buildings other than Private Dwellings, Means of Escape and Access and Facilities for the Fire Service), a timber frame with internal cladding having not less than 100 millimetres in thickness of mineral fibre quilting, and in the case of exposed walls of buildings of Purpose Groups 6 and 7 such thickness of mineral fibre quilting may be reduced to not less than 60 millimetres;

(b) in the case of roofs of buildings of Purpose Groups 1 to 5 inclusive and classified as such in accordance with the requirements of Part XXII of the Regulations, not less than 150 millimetres in thickness of mineral fibre quilting, and in the case of buildings of Purpose Groups 6 and 7 such thickness may be reduced to not less than 80 millimetres, provided that in both cases any part of a roof having a pitch of 70 degrees or more to the horizontal may have the same insulation standard as required in regulation 31(2)(a);

(c) in the case of ground floors in dwellings only, not less than 50 millimetres in thickness of mineral fibre quilting;

(d) in the case of roof lights and windows (other than display windows in shops) including external doors with 1 square metre or more of glazing, with single glazing, or double glazing with less than 12 millimetres between glass panes, such glazing shall not exceed in area 15% of the amount of the total floor area of the building concerned, measured between its finished internal faces, except that the permitted area of glazing is increased —

(i) to not more than 30% of the total floor area of the building concerned, so measured, where all the roof lights and windows are double glazed with the panes separated to a distance of 12 millimetres or more either by a hollow spacer frame containing desiccant or by a pre-extruded butyl-based tape with integral aluminium strip and desiccant dispersed in the tape; and

(ii) to not more than 45% of the total floor area, so measured, where the conditions of sub-paragraph (i) are satisfied and additionally the glazing is coated with an approved

low emissivity coating or there is triple glazing separated as mentioned in sub-paragraph (i) used instead of double glazing.

Small extensions to existing dwellings

32.—(1) A person is not obliged to comply with regulation 31 in respect of an extension to an existing dwelling where the floor area of the extension does not exceed 10 square metres.

(2) For the purposes of this regulation an “existing dwelling” is a dwelling to which the construction and erection of which these Regulations did not apply.

Control systems for heating

33.—(1) This regulation applies to fixed space heating and hot water supply systems where the heat is provided other than by an appliance using solid fuel.

(2) Controls shall be provided for fixed space heating and hot water supply systems —

(a) in the case of dwellings, heating controls by way of room thermostats, thermostatic radiator valves or other suitable remote sensing devices which can be adjusted and used so as to control the temperature;

(b) in the case of other buildings —

(i) for each part of the space heating system designed to be separately controlled, controls in the form of thermostats or thermostatic radiator valves or other suitable sensing device;

(ii) if the heating system uses hot water, an external temperature sensing device shall be fitted so as to regulate or to enable the regulation of the temperature of the water flowing in the heating circuit;

(iii) such controls as may be necessary, such as a clock control capable of being manually set, to enable heating of the desired temperature to be maintained only when the building usually is occupied; and

(iv) where two or more oil-fired boilers with a total capacity of more than 100 kilowatts are used to supply heat to the building or part of the building, a control or controls (such as a sequence control) capable of detecting variations in the demand for heating in the building and capable of starting, stopping and modulating the boilers as may be appropriate in relation to the demand;

(c) in relation to all buildings, there shall be provided in relation to every hot water storage vessel —

(i) a thermostat capable of ensuring that the temperature of the water therein does not exceed the desired temperature; and

(ii) where the vessel has a capacity in excess of 150 litres, a time switch so as to enable the supply of heat to be shut off at times when there is unlikely to be a demand for hot water.

Insulation of vessels pipes and ducts

34.—(1) Except as provided by paragraph (2) of this regulation, hot water pipes, vessels and ducts shall be thermally insulated so as to limit the heat loss to not more than 90 watts per square metre. Where an insulating jacket is used to thermally insulate a vessel the segments of the jacket shall be so taped or otherwise fastened as to provide an unbroken insulation cover. Thermal insulation for pipes and ducts shall comply with the requirements of paragraph (3).

(2) The requirements of paragraph (1) and (3) shall not apply where the storage and piping systems are for the purpose of commercial or industrial processes or when the heat loss from a pipe or duct contributes to the useful heat requirement of a room.

(3) Thermal insulation for pipes shall have a thermal conductivity not exceeding 0.045 watts per metre Kelvin and shall be of thickness not less than the lesser of the external diameter of the pipe and 40 millimetres. Insulation for ducts shall comply with the recommendations of British Standard 5422: 1990.

PART X

RESISTANCE TO THE PASSAGE OF SOUND

Walls: sound resistance

35.—(1) A wall which —

(a) separates a dwelling from another dwelling or building; or

(b) except as provided in paragraph (2), separates a habitable room within a dwelling from any place within or part of the same building which is not part of that dwelling,

shall have reasonable resistance to airborne sound.

(2) Sub-paragraph (b) of paragraph (1) does not apply where the part of the same building which is not part of the dwelling is used only for the inspection, maintenance or repair of the building, its services or fixed plant or machinery.

Floors and stairs: sound resistance

36.—(1) A floor or a stairway which —

(a) separates a dwelling from another dwelling;

(b) except as provided by paragraph (2), separates it from another place within or part of the same building which is not part of the dwelling,

shall have reasonable resistance to airborne sound, and where it horizontally separates the dwelling as above provided, shall have reasonable resistance also to impact sound.

(2) Sub-paragraph (b) of paragraph (1) does not apply where the part of the same building which is not part of the dwelling is used only for the inspection, maintenance or repair of the building, its services or fixed plant or machinery.

PART XI

*STRUCTURAL FIRE PRECAUTIONS FOR PRIVATE DWELLINGS***Interpretation of this Part**

37. In this Part —

“fire resistance” means fire resistance for such of stability, integrity or insulation as may be required by the relevant provisions of this Part, when tested in accordance with the Part of British Standard 476 specified in relation to the relevant element of structure by the provisions of this Part;

“relevant boundary”, in relation to a side or external wall of a building, means that part of the boundary of the premises adjacent to that side or wall and which either coincides with, is parallel to or is at an angle of not more than 80 degrees to that side or wall, and where the boundary of the land belonging with the building abuts a road or watercourse, shall mean the centreline of that road or watercourse; and

“unprotected area”, in relation to an external wall or side of a building means —

- (a) a window, door or other opening;
- (b) any part of the external wall which has less than 30 minutes fire resistance; and
- (c) any part of the external wall which has combustible material more than 1 millimetre thick as its external surface, except that for the purpose of calculating the permitted limits of unprotected areas, if the wall has at least 30 minutes fire resistance, then the area of the part covered by such combustible material shall be divided by two;

and provided that no account shall be taken of an opening not exceeding one tenth of a square metre in area if it is not less than one and one half metres from any other unprotected area in the same side of the building and that no account shall be taken of openings having or, if more than one, together having an area not exceeding one square metre and so long as that opening, and each of them if more than one making up the aggregate, is at least four metres from another unprotected area in the same side of the building.

Fire resistance

38.—(1) Subject to the subsequent paragraphs of this regulation, every element of structure shall be so constructed as to have at least a half hour period of fire resistance.

(2) Where a wall separates a private dwelling from another private dwelling to which the first mentioned dwelling is attached, the wall shall have at least a one hour period of fire resistance. Every separating wall to which this regulation applies shall achieve the one hour minimum period of fire resistance when each side is tested separately in accordance with British Standard 476: Parts 20 to 23: 1987.

(3) A wall or floor separating a private dwelling from another part of the same building with a non-domestic use shall have at least a one hour period of fire resistance, except that the use of a part of a private dwelling not exceeding 50 metres in total area and used by the occupant of the dwelling as a surgery, consulting room, offices or other accommodation shall not require fire-resistance separation.

(4) Any parts of an external wall which —

(a) are not load-bearing; and

(b) under the following provisions of this Part, may be treated as unprotected areas,

are not required to have fire resistance.

(5) An element of structure shall be deemed to have a period of fire resistance required by a foregoing provision of this regulation if a similar part made to the same specification and characteristics as that element is shown to have had at least that period of fire resistance when submitted to test by an approved testing authority.

External walls

39.—(1) Every external wall or side of a private dwelling shall have a minimum period of fire resistance of 30 minutes and be at a minimum distance from the relevant boundary calculated in accordance with the following Table for unprotected areas —

TABLE	
Minimum distance between side of building and relevant boundary	Maximum total area of unprotected areas in square metres
1 metre	5.6
2 metres	12.0
3 metres	18.0
4 metres	24.0
5 metres	30.0
6 metres	No limit

(2) No external wall or side of a private dwelling shall be less than one metre from a relevant boundary, provided however that an external wall or side of a private dwelling may be within one metre of a relevant boundary if that external wall or side of a private dwelling contains no unprotected areas.

Fire resistance of walls and floors

40.—(1) Where any part of an external wall is less than one metre from any point on the relevant boundary the minimum period of fire resistance for that element of structure shall be that when each side of the element of structure is separately tested to British Standard 476: Parts 20 to 23: 1987 for load bearing capacity, integrity and insulation.

(2) When any part of an external wall is one metre or more from the relevant boundary then the minimum period of fire resistance shall be that when the element of structure is tested from the inside only with the time for insulation reduced to 15 minutes.

(3) Every floor being an element of structure shall achieve the required period of fire resistance for load bearing capacity, integrity and insulation when exposed to fire from the underside in accordance with BS476: Parts 20 to 23: 1987.

Attached garages

41.—(1) Any garage, other than a carport which is open on two or more of its sides, and which

is attached to and forms part of a private dwelling shall be so constructed that —

(a) any wall between such garage and such dwelling has fire resistance of not less than half an hour; and

(b) any opening in such wall is —

(i) at its lowest point not less than 100 millimetres above the level of the floor of the garage; and

(ii) fitted with a door, shutter or cover which has fire resistance of not less than half an hour and which itself is fitted with an automatic self-closing device.

(2) The hinges of any door, shutter or cover referred to in paragraph (1)(b)(ii) must be made of non-combustible material which has a melting point of at least 800 degrees Celsius.

Roofs of private dwellings

42.—(1) Every roof of a private dwelling shall be so covered or so isolated from other buildings as to afford adequate protection against the spread of fire into the building or to adjoining buildings.

(2) A roof shall be deemed to satisfy paragraph (1) if —

(a) the distance from the roof to any point on the relevant boundary is at least 12 metres or twice the height of the building whichever is the greater; or

(b) the covering is of steel, aluminium, slate or tiles and any roof lights are of unwired glass not less than 4 millimetres thick or of wired glass or of other material having an AA, AB or AC designation when exposed to test by fire in accordance with BS 476: Part 3: 1975.

Surface spread of flame

43.—(1) In this regulation —

“ceiling” means that part of a building which encloses and is exposed overhead in a room or circulation space;

“circulation space” means a means of access between a room and an exit from the building; and

“Class 1” shall be the highest class, with other classes following in descending order, with surfaces complying with the test criteria as to surface spread of flame prescribed in British Standard 476: Part 7: 1987.

(2) The internal surfaces of any wall or ceiling (including roof lights) exposed in a room or circulation space of a private dwelling shall have minimum classification as follows —

(a) circulation spaces and rooms with a floor area of more than 4 square metres —

walls and ceilings, Class 1,

(b) rooms with a floor area not greater than 4 square metres —

walls and ceilings, Class 3,

and in no case shall such internal surfaces have a classification, Class 4.

Special provisions for metal roofs

44.—(1) In every building where the material covering the roof is flat or corrugated or other profiled sheets of metal, the ceiling including any access hatches therein above the only or upper storey of the building shall, subject to paragraph (2) of this regulation, be lined on the inside with plasterboard at least 12.5 millimetres in thickness or with other material at least equal in fire resistance.

(2) The requirements of paragraph (1) shall not apply where the ceiling is immediately below a pitched roof covered as mentioned in that paragraph and follows the pitch of the roof.

Provision of smoke alarms

45. Such number of self contained smoke alarms permanently wired to a separately fused circuit distribution board, of such types as the Chief Fire Officer may require shall be installed, fitted and maintained in every private dwelling constructed under these regulations, and where more than one self contained smoke alarm is installed in that dwelling they shall be interconnected to ensure the operation of all alarms when smoke is detected by one or more of them, provided however that the Chief Fire Officer shall not require that more than two smoke alarms be installed in each dwelling.

Fire stopping

46.—(1) Every fire stop required by the provisions of this regulation shall be so formed and positioned as to prevent or sufficiently retard the passage of flame and smoke within a cavity or to seal such cavity against the penetration of flame and smoke.

(2) In any element of structure, any cavity which is continuous through the whole or part of such element shall be fire-stopped —

(a) at any junction with another element of structure or with a ceiling under a roof; and

(b) in such a position that there is no continuous cavity which in any one plane exceeds 8 metres in a single dimension or 23 square metres in area.

(3) A fire stop in a wall or floor constructed of combustible material shall be deemed to satisfy this regulation if it is constructed of timber not less than 38 millimetres thick.

(4) A fire stop in an element of structure which is not a wall or floor of combustible material and has dimensions of less than 1 metre by 1 metre shall be formed —

(a) of finished thickness plasterboard or plaster and plasterboard not less than 12.5 millimetres in thickness;

(b) of steel not less than 3 millimetres in thickness;

(c) of timber not less than 38 millimetres thick; or

(d) cement, mortar, plaster or other material of limited combustibility not less than 25 millimetres thick.

PART XII
ELECTRICAL INSTALLATIONS

Required standards

47. Every electrical installation as regards standard and quality of installation and material shall conform to the Institution of Electrical Engineers Regulations for the Electrical Equipment of Buildings of such Edition as is in current use at the time of installation.

PART XIII
DRAINAGE

General provisions in relation to drainage

48. Every dwelling and every building in which sanitary appliances are installed for the disposal of foul water shall be provided with a foul water drainage disposal system of such size and gradient as to ensure that it is self-cleansing.

Discharge of soil and waste water

49.—(1) Soil water and waste water shall, except as provided by paragraph (2) of this regulation, discharge to a public sewer.

(2) Where discharge to a public sewer is not reasonably practicable, soil water shall discharge to a septic tank or to a sewage treatment plant and effluent from that tank shall be conveyed to a soakaway, and waste water shall discharge to a soakaway, or to a sewage treatment plant.

Pipes conveying foul water

50. Every drain for the conveyance of foul water shall —

- (a) be constructed of durable materials;
- (b) be not less than 110 millimetres in internal diameter;
- (c) be laid in a straight line between points where any change in direction or gradient are necessary;
- (d) be laid at a gradient sufficient to prevent the accumulation in the drain of solid matter;
- (e) be laid and jointed in such a way that the drain is capable of passing an air test for water tightness to ensure a maximum loss of head on a manometer, in relation to a 100 millimetre gauge pipe, of 25 millimetres in a period of five minutes or, in relation to a 50 millimetre gauge pipe, of 12 millimetres and, in the case of either gauge of pipe, both before any trench covering or refilling is begun and again after the covering or refilling is complete; and
- (f) be provided with sufficient points of access to allow for the ready maintenance of the drainage disposal system and, where discharge is to a public sewer, one of those points of access shall be a manhole constructed in accordance with regulation 53 and sited within the curtilage of the property as close to the sewer as is reasonably practicable.

Junction of pipes

51. Where a pipe carrying foul water joins another pipe carrying foul water it shall do so obliquely to the direction of flow in that other pipe.

Drains laid under building

52. Where any foul water is laid under a building it shall be laid in a straight line or, if that is impracticable, in a series of straight lines, and be provided with adequate means of access for inspection and rodding of its whole length, and such means of access shall be provided with a securely fixed air-tight cover if it is within the building.

Manholes

53.—(1) For the purpose of this regulation a manhole is a chamber constructed on a foul water drain so as to provide access to the drain for inspection and cleansing.

(2) Manholes shall be —

- (a) provided on every foul water drain so that no part of such a drain shall be further from a manhole than 45 metres measured along the pipe;
- (b) of such size and form as to permit ready access to the pipe for inspection and cleansing purposes;
- (c) of sufficient strength and watertight;
- (d) fitted, where their depth so requires, with step irons or a ladder; and
- (e) fitted with a non-ventilating cover and completed with suitable channels and sloping benchings.

Ventilation of drains

54. Every foul water drainage system shall be ventilated by a flow of air by the provision of at least one ventilating pipe which —

- (a) is at or near the head of each main drain and on any branch longer than 6 metres serving a single appliance or 12 metres where the branch drain serves a group of appliances;
- (b) is of not less than 75 millimetres internal diameter;
- (c) must terminate in the outside air at least 900 millimetres above any opening into the building which is within 3 metres and be finished with a cage or other perforated cover which does not restrict the flow of air,

but any secondary ventilating pipe may be fitted with an approved air admittance valve when it shall be located within the building and shall be used in accordance with the terms of the relevant certificate issued by the British Board of Agrément.

Buildings over sewers and trade effluent discharge

55. No person shall, without the express prior written consent of the Director of Public Works —

- (a) erect or cause to be erected a building over a public sewer;
- (b) discharge trade effluent into a foul water drain; or
- (c) make any connection to a public sewer or interfere in any way with a public sewer.

Pipes conveying foul water

56. Every pipe above ground carrying foul water and every ventilating pipe related to such a pipe shall —

- (a) be constructed of durable materials with suitable joints;
- (b) be capable of withstanding an air test of positive pressure of at least 38 millimetres water gauge for at least three minutes, during which time every trap shall maintain a water seal of at least 25 millimetres;
- (c) not have any joint within the thickness of any wall through which it passes;
- (d) have an internal diameter of at least 100 millimetres and, in any case, not less than that of any pipe of outlet from an appliance conveying foul water to it, except that such part of the pipe above ground which is provided for ventilation purposes may have an internal diameter of not less than 75 millimetres;
- (e) be suitably supported and attached to the building so as to permit thermal movement in accordance with the following Table —

NOMINAL SIZE(mm) upvc soil and mv PVC waste	MAXIMUM SUPPORT DISTANCE (Metres)		MAXIMUM EXPANSION JOINT DISTANCES
	Vertical	Horizontal	Vert and Horiz (Metres)
32	1.2	0.5	1.8
40	1.2	0.5	1.8
50	1.2	0.9	1.8
82	1.8	0.9	3.6
110	1.8	0.9	3.6
Polypropylene Waste			
32	1.2	1.0	2.0
40	1.2	1.0	2.0
50	1.2	1.0	2.0

- (f) be so placed as to be reasonably accessible for maintenance and provided with such means of access as are necessary for internal cleansing to take place;
- (g) where serving as a single stack system of plumbing include the following design features —
 - (i) at the base of the discharge stack, a bend of large radius (at least 200 millimetres to centre line of pipe);
 - (ii) no offsets below the topmost connection closer than 750 millimetres to any branch connection;
 - (iii) the lowest connection not less than 450 millimetres above the invert of the tail at the base of the discharge stack;

(h) be so designed and constructed that a branch pipe does not discharge into it in such a way as to cause a cross-flow into any other branch pipe;

(i) if serving a ground-floor closet only, discharge direct to a drain below ground if the drop from crown of closet trap to the drain invert is no more than 1.5 metres (in which case no ventilation of that branch pipe shall be required).

Ground floor appliances

57. In the case of sanitary appliances located on the ground floor of a dwelling, pipes serving them may discharge to a stub stack or discharge stack or directly to a drain, or if the appliance discharges waste water only then it may discharge over a gully connected to the foul water drainage system with the point of termination located between the grating or sealing plate and the top of the water seal.

Preservation of seal in traps

58. Every system of pipes forming a foul water drainage disposal system shall be designed and constructed so as to prevent, under working conditions, the destruction of the water seal in any trap.

Overflow pipes

59. Every overflow pipe shall so discharge as not to cause dampness in, or damage to, any part of a building.

Disposal of rainwater

60. Every building to the erection of which these regulations apply shall be provided with rainwater gutters and rainwater pipes which shall be —

(a) of adequate size for their purpose;

(b) composed of suitable materials of adequate strength and durability;

(c) adequately supported throughout their length without restraining thermal movement, any fitting which gives support being firmly attached to the building;

(d) so arranged as not to cause dampness in or damage to, any part of a building;

(e) in the case of any rainwater gutter —

(i) so jointed in a manner appropriate to the material or materials of which it is composed that it remains watertight;

(ii) fitted with an adequate outlet or outlets so placed as to drain the whole length of the gutter;

(f) in the case of a rainwater pipe which is situated within a building —

(i) so constructed as to be capable of withstanding an air test of positive pressure of at least 38 millimetres water gauge for at least three minutes;

(ii) so placed as to be reasonably accessible for maintenance and repair throughout its length; and

(iii) provided with such means of access as are necessary to permit internal cleansing.

Discharge of rainwater pipes

61.—(1) No rainwater pipe shall be directly connected to a foul water drainage disposal system but shall discharge directly to a surface water sewer, provided that those rainwater pipes that are not able to discharge directly to a surface water sewer, due to the unavailability of such surface water sewer, shall discharge either directly to a soakaway located within the boundary of the premises in question where it will not cause damage to any building either on or off those premises or to another gutter or surface which is drained in accordance with this Part.

(2) Every soakaway shall be of adequate dimensions having regard to the nature of the subsoil and to the amount of rainwater which may be discharged therein.

Septic tanks and soakaways

62.—(1) Septic tanks and soakaway arrangements shall be of such design as the Committee may approve, but the Committee shall not reject on grounds of design one prepared for or supplied to the applicant by the Public Works Department.

(2) Every septic tank and soakaway must —

(a) be so designed, constructed and sited as not to create a risk of pollution of any adit, river, spring, stream, watercourse or well which is used or likely to be used to supply water for drinking, cooking or other domestic purposes;

(b) be provided with a ready means of access for the purpose of being cleansed and for the purpose of its contents being removed without being carried through any building in which any person resides or through any building to which the public has access or in which any person is employed in any profession trade or business;

(c) be so sited that it is not by reason of proximity to any such building as is mentioned in subparagraph (b) a likely source of danger to health or a likely nuisance the written approval of the Chief Medical Officer having been obtained prior to construction;

and every soakaway must, taking into account the nature of the subsoil and the amount of effluent likely to be discharged therein, be of adequate size.

PART XIV

WATER SUPPLY

Supply to dwellings

63. Every dwelling must be provided with a sufficient supply of potable water for human consumption and a sufficient supply of water for all other domestic purposes.

Protection of water supply pipes

64. Every water supply pipe situated below the lowest floor of a building shall either be buried to a depth of not less than 300 millimetres below the finished ground level or properly wrapped in foamed plastics insulation material having a thickness of not less than 27 millimetres and

which shall itself where exposed above ground level be protected from damage by enclosure with wire mesh or similar material.

Plumbing of buildings connected to public water mains

65. All pipe work in any building intended to be supplied from a public water main shall be of such materials and assembled and put together to the satisfaction of the Director of Public Works.

Trench for common use of foul water pipe and water supply pipe

66. Where a water supply pipe is laid in a trench which already contains or is to contain a foul water pipe the water supply pipe shall be so laid that the whole of every cross-section of that pipe along the whole length of that pipe in that trench is or will be higher in the trench than the whole of the nearest adjacent cross-section of the foul water pipe.

Restriction on connections to public water main

67. Except in so far as he may be specifically authorised in writing by the Director of Public Works so to do, no person shall make any connection to any water main or interfere with such a main in any way.

PART XV

HEAT PRODUCING APPLIANCES

Limit of applications

68. This Part applies to fixed heat-producing appliances which are —

- (a) designed to burn solid fuel, oil or gas; or
- (b) are incinerators.

Air supply to appliances

69.—(1) Every heat-producing appliance shall be so installed that it is provided with an adequate supply of air for combustion and for the efficient working of the chimney.

(2) If the appliance is not room-sealed then the room or space in which it is contained shall be provided with a permanent air entry opening or openings of sufficient size directly connected to the external air and not passing through any wall which is required by these Regulations to be fire-resisting.

Air extract fans

70. Where the building in which any non-room-sealed heat-producing appliance is installed has an air extract fan fitted, provision shall be made for the entry of air in sufficient quantity to satisfy the requirements of regulation 69 whether or not that air extract fan is in operation.

Flue pipes and chimneys

71. Every heat-producing appliance shall be connected —

- (a) to a balanced or low level flue, if the appliance is room-sealed; or
- (b) to a flue pipe or chimney;

and in either case, shall discharge to the external air.

Access to flues

72. There shall be provided in every flue means for it to be inspected and cleaned, and every opening for such purpose shall have a rigid, non-combustible and gas tight cover. No other opening shall be made in a flue except that provided for the fitting of an explosion door, draught stabiliser or draught director, and a flue shall not open into more than one room or space except for the purpose of inspection or cleaning but it may serve more than one appliance in the same room.

Construction and installation of heat-producing appliances

73. Every heat-producing appliance together with its necessary accessories shall be so constructed and installed as to prevent the ignition of any combustible material that may be placed against the surface of any wall or other part of the building adjacent to the appliance or its accessory.

Requirements satisfied in certain circumstances

74. The general requirements of the preceding provisions of this Part shall be satisfied in relation to any heat-producing appliance if it is installed in accordance with drawings and specifications from time to time issued for the purpose by the Public Works Department.

Requirements for the siting of oil storage tanks

74A.—(1) Where the oil storage tank has a capacity exceeding 3500 litres suitable precautions shall be taken in relation to —

- (a) the height of the tank above or below the heating appliance burner so that the burner manufacturer's recommendations are complied with;
- (b) the position of the tank for access for delivery of fuel;
- (c) ensuring that a fire originating from a building or other external source is not transmitted to the contents of the tank; and
- (d) preventing the contents of the tank from escaping from the immediate area such as by the provision of a suitable catchpit.

(2) Where the oil storage tank has a capacity not exceeding 3500 litres the following requirements shall be complied with —

- (a) the tank shall be positioned such that the heating appliance burner manufacturer's recommendations as to the maximum and minimum head of oil that may be imposed on the burner are complied with;
- (b) subject to 2(c) and 2(d) to ensure that fire originating from a building or other external source is not transmitted to the contents of the tank, except where it is buried below ground the tank shall be so positioned that it is not less than 1.8 metres from the building containing the appliance and not less than 760 millimetres from the boundary of the premises;
- (c) a tank may be located less than 1.8 metres from a building, if —
 - (i) a radiation barrier of non-combustible material is constructed so as to prevent the passage of direct radiated heat and erected in such a position that it extends beyond the extremity of the tank in height and width to not less than 300 millimetres; or

(ii) the wall of the building containing the appliance is to be constructed so that it is resistant to internal fire for a period of not less than 30 minutes also imperforate, except for small openings provided for ventilation purposes, for a distance extending not less than 1.8 metres from any portion of the tank,

(d) a tank may be located less than 760 millimetres from the boundary of premises if a radiation barrier of non-combustible material is constructed between the tank and the boundary so as to prevent the passage of direct radiated heat and is erected in such a position that it extends beyond the extremity of the tank in height and width to not less than 300 millimetres.

(3) Except where the quantity of oil fuel capable of being stored does not exceed 1250 litres or the bulk of the tank is buried in the ground or the absence of a catchpit does not constitute a hazard, a catchpit of adequate structural strength shall be provided which is reasonably oil-tight, has its bottom surface laid to fall to an impervious sump equipped with a closable valve to a lockable drainage outlet, and has a capacity not less than 10% greater than the total oil capacity stored therein. Additionally, there shall be sufficient space provided between the sides of the tank and the catchpit for access to all valves and fittings for essential maintenance and for readings to be readily taken of the sight glass or other means of determining the current capacity of the tank.

PART XVI

STANDARDS FOR SANITARY ACCOMMODATION IN PLACES OF WORK AND BUILDINGS TO WHICH THE PUBLIC ARE ADMITTED

Sanitary accommodation in places of work

75. There shall be provided in every workplace where for the majority of time the use and occupancy involves the employment of staff, sanitary accommodation and fixtures therein in accordance with the following Table, except that where the total number of employees is less than 10 the minimum provision shall be one water-closet and one lavatory basin serving both sexes.

Minimum requirements for employee sanitary facilities

No of male employees	No of wc's for male use	No of urinals	No of lavatory basins for male use	No of female employees	No of wc's for female use	No of lavatory basins for female use
1 to 10	1*	0	1*	1 to 10	1*	1*
11 to 30	1	1	2	11 to 30	2	2
31 to 45	2	1	3	31 to 45	3	3
46 to 60	2	2	4	46 to 60	4	4
61 to 90	3	2	5	61 to 90	5	5
91 to 120	3	3	6	91 to 120	6	6
121 to 150	4	3	7	121 to 150	7	7
151 to 180	4	4	8	151 to 180	8	8
181 to 210	5	4	8	181 to 210	9	8
211 to 240	5	5	9	211 to 240	10	9
241 to 270	6	5	9	241 to 270	11	9
271 to 300	6	6	10	271 to 300	12	10

*subject to the special provision in this regulation where the total number of employees does not exceed 10

Sanitary accommodation in public buildings

76.—(1) There shall be provided in every building to which the public are admitted sanitary accommodation and fixtures therein in accordance with the following Table —

Minimum requirements for public sanitary facilities

	No of males	No of wc's	No of urinals	No of lavatory basins	No of females	No of wc's	No of lavatory basins
General Use or Occupancy	1 to 30	1	-	1	1 to 30	1	1
	31 to 120	1	1	1	31 to 120	2	1
	121 to 240	2	1	1	121 to 240	3	2
	241 to 360	2	2	2	241 to 360	4	2
	361 to 480	2	3	2	361 to 480	5	3
	481 to 600	3	3	3	481 to 600	6	3

Service of food or drink	1 to 30	1	-	1	1 to 30	1	1
	31 to 60	1	1	1	21 to 60	2	1
	61 to 90	1	1	1	61 to 90	3	2
	91 to 120	2	2	2	91 to 120	4	2
	121 to 180	2	3	3	121 to 180	5	3
	181 to 260	3	3	3	181 to 260	6	3
	261 to 300	3	4	3	261 to 300	7	4

	Square metres of sales area	Male	Female
Petrol stations	4 or more pumps	1 wc & 1 lvtry bsn	1 wc & 1 lvtry bsn

(2) For the purposes of this regulation, a building or part of a building falling within any description specified in column 1 of the following Table is to be taken as being capable of holding such number of people as is the result of dividing its area in square metres by the guide number in column 2 of that Table —

Column 1 <i>Description of room or storey</i>	Column 2 <i>Guide Number</i>
Assembly halls (movable seating or no seating)	0.5
Bars (including public and lounge bars)	0.5
Bedrooms	4.65
Bowling alleys and billiard rooms	9.3
Canteens	1.1
Clubs	0.5
Common rooms	1.1
Concourses	0.75
Crush halls and queuing lobbies	0.75
Dance halls	0.75
Dining rooms	1.1
Dormitories	4.65
Enquiry rooms	3.7

Factory shop floors - workrooms and storage	4.65
General purpose rooms	1.1
Grandstands without fixed seating	0.5
Kitchens	9.3
Libraries, museums, art galleries	4.65
Lounges	1.85
Meeting rooms and meeting houses	0.5
Messrooms	1.1
Offices	5.1
Reading rooms	1.85
Restaurants and cafes	1.1
Stadia without fixed seating	0.5
Staff rooms	1.1
Studios (radio, television, recording)	1.4
Warehouses	28.0
Writing rooms	1.85

Provision of separate facilities

77. Where sanitary facilities for the public are required by regulation 76, they shall be provided in addition to any sanitary facilities for employees required by regulation 75 and shall be provided and maintained in a clean condition.

Access to sanitary accommodation

78. Except where it is entered from the open air no sanitary accommodation containing a water closet fitting, urinal or a chemical closet shall open directly into a room in which any person is employed in any manufacture, trade or business unless there is a washbasin installed in such sanitary accommodation or in a room adjacent to it, except that where the adjacent room is used for the storing, preparation or cooking of food or the washing, cleaning, storing or preparation of crockery, cutlery, dishes or utensils used in connection with food then the washbasin must be installed in the sanitary accommodation.

Ventilation of sanitary accommodation

79.—(1) Every room or space containing one or more chemical or water closets or urinals shall have either —

(a) for the purpose of rapid ventilation, one or more ventilation openings with a total area of at least 1/20th of the floor area of the room or space, and with some part of the ventilation opening at least 1.75 metres above the floor level and for the provision of background ventilation a ventilation opening or openings having a total area of not less than 4,000 square millimetres with controllable opening(s) which are both secure and located so as to avoid troublesome draughts; or

(b) mechanical extract ventilation, capable of extracting air at a rate of not less than three changes per hour, which shall be operated intermittently with 15 minutes over-run and which shall discharge directly into the external air.

(2) Where the sanitary accommodation contains one or more cubicles, this shall count as a single space if there is free circulation of air throughout the space.

PART XVII
GLAZING: MATERIALS AND PROTECTION

Glazing in critical locations

80.—(1) Glazing in buildings which —

- (a) in the case of walls and partitions is within 800 millimetres of floor level; or
- (b) in the case of a door opening is within 1.5 metres of floor level and 300 millimetres of the side of the door,

shall satisfy the requirements of paragraph (2) of this regulation.

(2) The requirements are that the glazing shall —

- (a) be of laminated or toughened glass; or
- (b) resist impact by breaking by —
 - (i) the use of annealed glass within the limits as to thickness and area specified in regulation 81; or
 - (ii) the use of polycarbonate sheets; or
 - (iii) the use of glass blocks; or
 - (iv) the use of small panes of annealed glass not less than 6 millimetres thickness having a maximum width of 250 millimetres and area not exceeding 0.5 square metres; or
- (c) be shielded or protected from impact by a permanently fixed and robust screen.

Minimum requirements in relation to use of annealed glass

81. For the purpose of regulation 80(2)(b)(i), the thickness of annealed glass shall not be less than is specified in the following Table —

Minimum thickness (millimetres)	Height not exceeding (metres)	Width not exceeding (metres)
8	1.10	1.10
10	2.25	2.25
12	3.00	4.50
15	No limit	No limit

Glazing of large uninterrupted areas

82. Except in the case of dwellings, transparent glazing in uninterrupted areas with which members of the public may collide whilst in passage into out of or in or about a building shall be made apparent in one of the following ways —

- (a) a line or patterns not less than 50 millimetres in height and length incorporated in or applied to the glazing, the centre of such line or pattern being at 1.5 metres above floor level (and where the glazing is greater than 3 metres in length and a continuous line is not used the line or pattern shall be repeated at that height at intervals not greater than 1.5 metres);

(b) in the case of door height transparent glazing where the glazing exceeds 400 millimetres in width —

(i) by a rail at a height of between 600 millimetres and 1.5 metres above floor level;

(ii) in the case of transparent glazed doors —

(aa) by a substantial frame about a single pane glazed door; or

(bb) where the door has a narrow frame or no frame about the leaf of the door in question by a large handle or push plate affixed to each single pane.

PART XVIII

STAIRWAYS, LANDINGS AND BALCONIES ETC FOR BUILDINGS OTHER THAN SINGLE DWELLINGS

Stairways and landings

83. Every stairway, other than a stairway in a single dwelling, must comply with the following requirements —

(a) each flight shall have a uniform rise and going and level treads;

(b) the dimensions of each step shall be such that the aggregate of the going and twice the rise shall be not less than 550 millimetres nor more than 700 millimetres, and —

(i) in the case of a stairway serving a building for institutional or assembly purposes the maximum rise of each step shall not exceed 180 millimetres and the minimum going shall be not less than 280 millimetres;

(ii) in the case of a stairway serving any other building the maximum rise shall not exceed 190 millimetres and the minimum going shall not be less than 250 millimetres;

(c) where open risers are incorporated the treads shall overlap each other by not less than 16 millimetres and where they are likely to be used by children under the age of five years shall be so constructed that a 100 millimetre diameter sphere cannot pass through them;

(d) a handrail positioned at between 900 millimetres and 1 metre measured vertically above the pitch line shall be provided if the width of the flight is less than one metre, and where the flight is more than one metre in width then handrails shall be provided on both sides at that height;

(e) where it is a stairway in a building to which the public has access and exceeds in width 1.8 metres, it shall be divided into flights which are themselves not wider than 1.8 metres;

(f) if it serves an area used as a shop or for assembly purposes the number of risers in a flight shall not exceed 16;

(g) have a clear headroom of at least 2 metres measured vertically off the pitch line over the length and width of the stairway;

(h) where there are two or more risers to a flight, the sides of the stairs and the top of the stairway landing and any intermediate landing shall be guarded on both sides with a barrier which shall be —

(i) of a minimum height of 1.1 metres above such landing and 900 millimetres above the stairs measured vertically above the pitch line;

(ii) able to resist a horizontal force for each metre of length at the heights in (i) above in accordance with the following Table —

BUILDING CATEGORY	STRENGTH
Factories and warehouses with light traffic	0.36 kN
Residential, institutional, educational, office and public buildings	0.74 kN
Assembly	3.0 kN
Retail	1.5 kN

(iii) if it is likely to be used by children under the age of five years, constructed so that a 100 millimetre diameter sphere cannot pass through any openings in it and so that children cannot readily climb it;

(iv) if it is constructed with any glazing below the heights in (i) above, such glazing shall conform with the requirements of Part XVII of these Regulations (Glazing: Materials and Protection);

(i) at the top and bottom of each flight an unobstructed clear landing shall be provided of width and depth not less than the width of the stairway, provided that the landing at the bottom of the flight may have a door swing across that space if not less than 400 millimetres is left clear and unobstructed measured from the nosing of the lowest tread;

(j) have an unobstructed width as to each flight of stairs of not less than one metre or such greater width as is required by Part XXII of these Regulations (Structural Fire Precautions and Means of Escape in Case of Fire From Buildings Other than Private Dwellings).

Guarding of balconies etc

84. Except where access is only for the purpose of maintenance and repair, guarding shall be provided at a height of not less than 1.1 metres with a strength at that height in accordance with the Table in regulation 83(h)(ii) at the edges of the following —

(a) any part of a floor, balcony or roof (including roof lights or other openings) to which persons have access;

(b) any light well, basement area or similar sunken area next to a building;

and any glazing used in the guarding below that minimum height shall be provided in accordance with the requirements of Part XVII of these Regulations (Glazing: Materials and Protection),

and where the building is likely to be used by children under the age of five years that guarding shall be constructed in accordance with regulation 83(h)(iii).

PART XIX

ALTERATIONS, EXTENSIONS AND CHANGES OF USE

General prohibition

85. No person shall make any alteration to, addition to or extension of an existing building the effect of which would be to cause any new or any greater non-compliance with or contravention of these Regulations in the building as altered, added to or extended than existed prior to the alteration, addition or extension.

Change of use

86.—(1) For the purposes of these Regulations there is a material change of the use of a building or the relevant part of a building if the building or the relevant part thereof —

(a) is used as a dwelling, when previously it was not;

(b) without prejudice to (a), the building or the relevant part of the building contains a flat, when previously it did not;

(c) the building or the relevant part of the building is used as an office or shop or for industrial purposes, when previously it was not;

(d) the building or the relevant part of the building is used as an hotel or boarding-house, when previously it was not;

(e) the building or the relevant part of the building is used as an institution, when previously it was not;

(f) the building or the relevant part of the building is used as a public building, when previously it was not; or

(g) the building or the relevant part of the building ceases to be a building or manufactured residential unit described in Classes I to VIII in the Second Schedule to these Regulations, when previously it was.

(2) If a material change of use is made to a building or a part of a building then the following provisions of these Regulations must be complied with in relation to the building or part of a building in its changed use —

(a) regulations concerned with means of escape in case of fire and structural fire precautions, except that regulations 39 and 108 need not be complied with;

(b) regulations concerned with accommodation and hygiene (Part VI of these Regulations);

(c) regulations concerned with means of ventilation (Part VII of these Regulations);

(d) regulations concerned with heat producing appliances (Part XV of these Regulations);

(e) regulations concerned with standards for sanitary accommodation in places of work and buildings to which the public are admitted (Part XVI of these Regulations);

(f) regulations concerned with premises used for the preparation, sale or handling of food (Part XXI of these Regulations);

(g) regulations concerned with resistance to moisture in the case of a material change of use described in regulation 86(1)(a) herein (regulations 19(2) and 20 of Part V of these Regulations); and

(h) regulations concerned with structural stability in the case of a material change of use described in regulation 86(2)(g) herein (Part IV of these Regulations).

PART XX

CONDENSATION IN ROOFS

Limitation of condensation in roofs

87.—(1) So that the thermal performance of insulating materials and the structural performance of the roof construction are not substantially and permanently reduced by condensation in cold decked roofs and cold decked roof voids above an insulated ceiling except as provided by paragraph (3) of this regulation, every roof space shall be cross ventilated by ventilating openings which shall adequately protect against the entrance of rain and snow into the roof space but shall not be obstructed by quilt or loose fill insulation and which shall comply with the provisions of this Part.

(2) In paragraph (1), "cold decked roof" and "cold decked roof void" means those parts of a building where the construction of the roof would, but for the provisions of this Part, allow moisture from condensation to permeate the structural members of the roof and the insulation installed in the roof or roof void.

(3) Roofs above small porches and small bay windows are not required to comply with the provisions of this Part and for the purposes of this paragraph —

(a) a small porch is a porch affording entry to a building from the external air and which has a total floor area not exceeding 3.5 square metres;

(b) a small bay window is a bay window protruding beyond the main external wall and having a roof area not exceeding 1.5 square metres.

Ventilating openings in roofs

88.—(1) Roof spaces shall be ventilated —

(a) in the case of multi-sloped roofs with a pitch of 15 degrees or more where the ceiling does not follow that pitch, by ventilating openings positioned at eaves level on two opposite sides of the roof and so that such openings shall be equivalent in area to a continuous gap along each such side of 6 millimetres in width;

(b) in the case of roofs with a single slope of 15 degrees or more abutting a wall where the ceiling does not follow that pitch, by ventilating openings positioned at eaves level and so that such openings are equivalent in area to a continuous gap 6 millimetres in width and with ventilation at the highest practical level of area equivalent to that at the eaves; and

(c) in the case of roofs with a pitch of less than 15 degrees or where the ceiling follows the pitch of the roof, by ventilating openings positioned at eaves level on two opposite sides of the roof with such openings being equivalent in area to a continuous gap of 15 millimetres in width.

(2) In the case of roofs in which sub-paragraph (c) of paragraph 1 of this regulation applies, they shall be so constructed that —

(a) there is a free airspace of not less than 50 millimetres between the roof deck and the insulation;

(b) where the joists run at a right angles to the flow of air, the construction incorporates adequate and sufficient counter battens; and

(c) where the ceiling follows the pitch of the roof, there is ventilation at the ridge equivalent in area to a continuous gap of 3 millimetres in width.

PART XXI

PREMISES USED FOR THE PREPARATION, SALE OR HANDLING OF FOOD

Application of this Part

89. This Part has effect in relation to buildings or parts of buildings used or intended to be used for the preparation, sale or handling of food for consumption by the public or by a section of the public (hereinafter in this Part called “food premises”).

Construction requirements

90. A building or part of a building used or intended to be used for food premises shall comply with the following requirements —

(a) the surface of every ceiling shall be smooth and easily cleaned, resistant to dust and vermin and painted with an impermeable paint, or formed by some other impermeable surface;

(b) all walls shall be of solid impervious construction without ducts, shall be vermin proof and so finished as to provide smooth and either tiled with properly bedded and grouted tiles or suitably painted in either case to be in such a way as to provide easily cleaned surfaces;

(c) kitchen floors shall be of durable and impervious construction with coved skirting and suitably finished (that is to say with quarry tiles, pre-cast terrazzo tiles, terrazzo flooring or other material providing a similar durable and smooth surface);

(d) the floors of all rooms ancillary to kitchens and the floors of service areas and store rooms shall be finished with a durable and impervious material and unless otherwise approved with coved skirtings; and

(e) all softwood timbers shall be finished with gloss paint.

Ventilation requirements

91.—(1) Buildings and parts of buildings used or to be used for food premises shall have adequate and suitable ventilation and, without prejudice to the generality of this requirement —

(a) there shall be a hood or canopy over cooking appliances for the collection and disposal of fumes and vapour from them;

(b) one or more fans of sufficient capacity or aggregate capacity shall be installed and operated so as to provide air change and air movement in and about any area in which any cooking appliances are installed.

(2) Every fan to which paragraph (1) of this regulation relates must be —

(a) equipped with a variable speed control;

(b) installed with all necessary filters and ducting, which must terminate away from any opening into an adjoining building;

(c) together with its ducting, readily accessible for maintenance and cleaning purposes.

Heating

92. All areas, other than food storage areas, in which staff are habitually employed shall be provided with heating so that a minimum air temperature of 15.6 degrees Celsius is attained at all reasonable times.

Lighting

93. All areas in which food is or is to be cooked, cleaned or prepared shall be adequately lit.

Washing facilities

94.—(1) This regulation applies to food premises where full meal cooking and preparation is or is to be carried out.

(2) In premises to which this regulation applies the following must be installed —

(a) at least one double compartment sink for food preparation and washing dishes and utensils;

(b) at least one deep metal sink for vegetable preparation and pot and pan washing;

(c) within the kitchen, at least one wash-hand basin for the use of staff engaged in food preparation (and this wash-hand basin is additional to the requirement for lavatory basins imposed under Part XVI).

(3) Sinks —

(a) must be made of stainless steel, unless they are not used for the washing of pots and pans when they may be made of white glazed earthenware;

(b) must be recessed into the wall and have a stainless steel or other non-corrosive metal splashback or be set sufficient clear of walls that they may readily be cleaned.

(4) All sinks and wash-hand basins to which this regulation relates shall be plumbed to an adequate supply of wholesome hot and cold running water.

Equipment and cleaning

95.—(1) All equipment installed in food premises and intended to be used in connection with the storage, refrigeration, freezing, preparation, cooking or other treatment of food shall conform to an appropriate British Standard or other internationally recognised standard and shall be so sited or positioned that the equipment itself and the wall areas adjacent to it are readily accessible for cleaning.

(2) Gas appliances must be fitted with disconnecting unions and with gas cocks so that they can readily be moved for cleaning.

(3) Table tops and similar work-top surfaces must be of impervious material which is free from crevices and each surface must be of one piece unless it is satisfactorily sealed at each joint.

(4) The operating machinery of any service lift must be installed at the head of the lift shaft and —

(a) the liftway must be an enclosed construction of solid, sound material of adequate strength which is adequately rendered internally so as to prevent insects being harboured and must be equipped with securable doors and provided at its base with access for cleaning;

(b) the liftway floor must be impervious material raked to the floor of which it forms part; and

(c) the car or cage must be of all metal construction or have internal surfaces of impervious material and any shelves in it must be movable and have impervious finishes.

(5) All moving parts of installed machinery must be equipped with guards adequate to prevent injury to the operator.

Service counter areas

96. In relation to service counter areas the following requirements must be complied with —

(a) all work surfaces (including shelves below any counter) shall be finished with an impervious material and all shelves must be readily removable for cleaning purposes;

(b) all soft-wood timber shall be finished with gloss paint;

(c) the area of workspace between back and front fittings must be adequate;

(d) floor areas which are enclosed by counters must be covered by an impervious material and provided with coved skirtings;

(e) at least one double compartment sink must be provided for the washing of crockery and glassware and every such sink must be fitted against the back of the counter, provided with a suitable splashback and be at unobstructed working height;

(f) unless in the circumstances it is impracticable to do so, drip trays must be provided with drainage; and

(g) cabinets on the counter in which open food is stored must have raked or convex tops.

Special drainage requirements

97.—(1) Where existing premises are to become used as food premises, before they are first so used notice in writing of intention to so use them must be given to the Chief Medical Officer at least 21 days before they are first so used.

(2) On receipt of a notice under paragraph (1), the Chief Medical Officer shall cause the drains, soil and waste pipes of the premises to be examined and shall require the same to be cleansed and repaired and any disused pipes to be removed or sealed to his satisfaction. The Chief Medical Officer may additionally require the installation of a grease trap of a design and in a position approved by him and connected to the system of drainage serving the premises.

(3) Open yard surfaces in any food premises shall be adequately paved with satisfactory falls to a trapped gully connected to the system of drainage serving those premises.

Storage of refuse at food premises

98. All refuse at food premises shall, pending its removal, be stored at a vermin-proof, well-ventilated and imperviously finished space approved by the Chief Medical Officer in containers which have also been so approved.

PART XXII

*STRUCTURAL FIRE PRECAUTIONS FOR BUILDINGS OTHER THAN
PRIVATE DWELLINGS, MEANS OF ESCAPE AND ACCESS AND FACILITIES FOR THE
FIRE SERVICE*

Application of this Part

99.—(1) Regulation 100 applies to and in respect of all buildings and the remaining provisions of this Part only apply to the buildings specified in paragraph (2) of this regulation.

(2) The buildings to which all the following provisions of this Part apply are buildings which fall within one or more of the purpose groups set out in regulation 101 and which —

(a) do not exceed 20 metres in height;

(b) except as provided by paragraph (3) of this regulation, do not exceed 2,000 square metres in floor area on any storey, or which if divided into compartments, do not include any compartment which exceeds 2,000 square metres in floor area.

(3) “4,000 square metres” shall replace “2,000 square metres” in paragraph (2)(b) if the building is fitted throughout with an automatic sprinkler system meeting the recommendations of British Standard 5306: Part 2: 1990 (relevant occupancy rating together with additional requirements for life safety).

General provisions relating to fire precautions

100.—(1) This regulation applies in relation to all buildings.

(2) Every building and its several parts shall be so designed and constructed having regard to the risk inherent in the use to which the building or part is intended, the size of the building and its proximity to other buildings —

(a) as to reduce sufficiently the risk of ignition of any part of the building and the spread of fire within the building, into the building and out of the building;

(b) as to withstand the effects of fire for a sufficient period to avoid such collapse of the building as would increase the risk of the spread of fire;

(c) as to inhibit the unseen spread of fire and smoke within concealed spaces in its structure; and

(d) as to inhibit the spread of fire over surfaces within the building by use of materials lining any partition, wall, ceiling or other internal structure which will resist the spread of flame.

(3) Every building other than one for use principally by persons whose liberty is restricted shall be so designed and constructed that in the event of an outbreak of fire in the building every person therein may leave by a means of escape capable of being safely and effectively used at all material times to a place of safety outside the building.

(4) Every building shall be provided with suitable and safe access open to the sky having regard to the purpose for which the building is intended, including access for cleansing and for the escape of occupants in the event of an outbreak of fire.

(5) Every building shall be so designed and constructed so as to provide facilities to assist fire fighters in the protection of life, and in that regard provision shall be made within the site of the building to enable fire fighters to gain access to the building.

(6) Except where the Chief Fire Officer otherwise permits in writing, every building shall be provided with —

(a) an effective means of giving early fire warning by an automatic detection and warning system; and

(b) adequate fire fighting equipment; and

(c) adequate artificial lighting of escape routes and such other building areas which he considers require escape lighting, and in particular the lighting of escape stairs shall be on a separate protected circuit from that supplying another part of the escape route;

approved by the Chief Fire Officer and, after installation, be maintained and regularly tested by the owner or occupier to the satisfaction of the Chief Fire Officer.

Purpose groups

101.—(1) For the purposes of this Part, buildings are divided into the purpose groups set out in paragraph (3) (but so that where a building or a compartment of a building if compartmented, has more than one use, then the building, or, as the case may be, the compartment shall, except as provided in paragraph (2), be deemed to fall only within the purpose group which corresponds to its principal use).

(2) The exceptions referred to in paragraph (1) are —

(a) where the ancillary use is as a flat or maisonette;

(b) where the ancillary use is of one fifth or more of the aggregate floor area of the building or compartment;

(c) where storage in a building or compartment falling within purpose group 4 (shop and commercial) exceeds one third of the total floor area of the building or compartment,

(3) The purpose groups are —

Purpose Group 1: Residential (Dwellings) —

(a) a flat or maisonette which is a self-contained dwelling and is not a single private dwelling as determined by the Planning and Building Committee whose decision shall be final; and

(b) as with (a) where part of a dwelling not exceeding 50 square metres in total area is used by an occupant of the dwelling as a surgery, consulting room, offices or other accommodation.

Purpose Group 2: Residential (Institutional and Other) —

(a) a hospital, nursing home, home for old people or for children, school or other similar establishment used as living accommodation or for the treatment, care or maintenance of persons suffering from illness or mental or physical disability or handicap, or place of detention, where such people sleep on the premises; and

(b) a hotel, boarding house, residential college, hall of residence, hostel and any other residential purpose not described in Purpose Groups 1 or 2(a).

Purpose Group 3: Office —

Premises used for the purpose of administration, clerical work (including writing, book-keeping, sorting papers, data storage, data processing, filing, typing, word processing, photocopying, duplicating, processing by computer, machine calculating, drawing and the editorial preparation of matter for publication), handling money, and communications or radio, television, film, audio, or video recording or performance (which is not open to the public) and their control.

Purpose Group 4: Shop and Commercial —

Shops or premises used for retail trade or business (including the sale to members of the public of food or drink for immediate consumption and retail by auction, self-selection and over-the-counter wholesale trading, the business of lending books, periodicals or video or other recordings and the business of barber or hairdresser) and premises to which the public is invited for the purpose of delivery or collection of goods in connection with their hire, repair, cleaning or other treatment, or (except in the case of repair of motor vehicles) where they may themselves carry out such repairs or other treatment.

Purpose Group 5: Assembly and Recreation —

Any place, whether public or private, not comprised in Purpose Groups 1 to 4 or 6, used for the attendance of persons for in connection with their social, recreational, educational, business or other activities.

Purpose Group 6: Industrial —

Factories and other premises used for manufacturing, altering, repairing, cleaning, washing, breaking up, adapting or processing any article, generating power or slaughtering livestock.

Purpose Group 7: Storage and Other non-residential —

Place for storage, deposit or packing of goods and materials (including vehicles) and any other premises not comprised in Purpose Groups 1 to 6.

Provisions of compartment walls and compartment floors

102. The following walls and floors shall be constructed as compartment walls and compartment floors —

- (a) any wall common to two or more buildings including any wall separating semi-detached houses and houses in terraces;
- (b) any wall or floor separating a flat or maisonette from any other part of the same building;
- (c) any floor in a building of Purpose Group 1 except where that floor is within the same dwelling, and any floor in a building of Purpose Group 2(a) or 2(b);
- (d) any wall or floor provided to divide a building into separate occupancies;
- (e) any wall or floor separating a part of a building from any other part of the same building where by reason of the use or intended use thereof the parts fall into different Purpose Groups;
- (f) any floor over a basement storey in a building, that being a storey with a floor which at some point is more than 1.2 metres below the highest level of the ground adjacent to the outside walls; and
- (g) any wall or floor separating a room in which is contained one or more of the following —
 - (i) a fixed heat producing appliance which is designed to burn solid fuel, oil or gas;
 - (ii) an incinerator employing any means of igniting refuse including electricity and having a refuse combustion chamber exceeding 0.03 cubic metres in capacity;

shall have resistance to fire for the period of not less than 60 minutes except where a longer period is prescribed in Part 1 of the Table to regulation 103.

Fire resistance

103.—(1) Except as otherwise provided in this regulation, the following elements of structure in a building shall be so constructed as to have a period of fire resistance for not less than whichever of the periods specified in Part 1 of the Table to this regulation is appropriate in relation to the Purpose Group and dimensions of the building —

- (a) a member forming part of the structural frame of a building or any other beam or column not being a member forming part of the roof structure only;

- (b) a load-bearing wall or load-bearing part of a wall;
- (c) a floor which is not the lowest floor of a building;
- (d) a gallery;
- (e) an external wall;
- (f) a compartment wall including a wall common to two or more buildings; and
- (g) a structure enclosing a protected shaft.

(2) Any element of structure shall have a period of fire resistance not less than the minimum period required by this Part for any element of structure it supports or to which it gives stability.

(3) Except where an external wall is non-load-bearing and which may, by the provisions of regulation 106, be treated as an unprotected area, every external wall shall have a period of fire resistance of not less than that required in Part 1 of the Table to this regulation.

(4) In the case of a single storey building, nothing in paragraph (1) of this regulation shall apply to any element of structure consisting of a structural frame, beam, pier or column which does not support a wall or a gallery.

(5) In this regulation and Part 1 of the Table hereto, any reference to a building means the building or, if the building is divided into compartments, the compartment of the building of which the element of structure forms part.

(6) If any element of structure forms part of more than one building or compartment and the requirements for the period of fire resistance specified in Part 1 to the Table to this regulation in respect of one building or compartment differ from those specified in respect of the other building or compartment of which the element of structure forms part, such element of structure shall be so constructed as to comply with the greater or greatest of the periods specified.

(7) Notwithstanding the foregoing provisions of this regulation, the requirements of this regulation and of Part 1 of the Table hereto with regard to the minimum periods of fire resistance shall, in the case of the elements of structure and parts of a building specified in Part 2 of that Table, be modified in accordance with that Part.

(8) An element of structure shall be deemed to satisfy this regulation with regard to the requisite period of fire resistance if a similar part made to the same specification as that element is proved to have the requisite period of fire resistance under conditions of test by an approved test authority.

TABLE: PART 1

Minimum periods of fire resistance (in minutes) for elements of structure

PURPOSE GROUP OF BUILDING	BASEMENT STOREY INCLUDING FLOOR OVER	GROUND OR UPPER STOREY: HEIGHT IN METRES OF TOP FLOOR ABOVE GROUND IN BUILDING OR SEPARATING PART OF BUILDING	
		NOT MORE THAN 5	NOT MORE THAN 20
1. Residential-flat/maisonette	60	30*	60***
2. Residential-(a) institutional and (b) other	60	30*	60
	60	30*	60
3. Office-not sprinklered sprinklered**	60	30*	60
	60	30*	30*
4. Shop and commercial-not sprinklered sprinklered**	60	60\$	60
	60	30*	60
5. Assembly and Recreation-not sprinklered sprinklered**	60	60\$	60
	60	30*	60
6. Industrial-not sprinklered sprinklered**	90	60\$	90
	60	30*	60
7. Storage and Other non-residential-(a) Car park for light vehicles not open sided (b) Any other building or part not described elsewhere-not sprinklered sprinklered**	60	30*	60
	90	60\$	90
	60	30*	60

Modifications to above Table

* this period is increased to 60 minutes for compartment walls separating buildings

** "sprinklered" means that the building is fitted throughout with an automatic sprinkler system meeting the relevant requirements of British Standard 5306: Part 2: 1990, i.e. the relevant occupancy rating together with the additional requirements for life safety.

*** this period is reduced to 30 minutes for any floor within a maisonette, but not if the floor contributes to the support of the building.

\$ this period is reduced to 30 minutes where the building is single storey.

Compartment walls and compartment floors

104.—(1) Any compartment wall or compartment floor shall be imperforate with the exception of the following —

- (a) an opening fitted with a door which complies with regulation 107;
 - (b) an opening for a protected shaft;
 - (c) an opening for a ventilation duct but only if the space surrounding the duct is fire-stopped and fitted with an automatic fire shutter where it passes through the compartment wall or compartment floor;
 - (d) an opening for a pipe which is not a flue pipe which does not exceed 100 millimetres in diameter if made of combustible material or 150 millimetres in diameter if not made of combustible material and has the space surrounding the pipe fire-stopped where it passes through the compartment wall or compartment floor; and
 - (e) an opening for a chimney, ventilation duct, duct enclosing one or more of the flue pipes or a refuse chute, where in every case the construction shall be of non-combustible material and have a period of fire resistance not less than that of the compartment wall or compartment floor through which it passes and in no case less than half an hour.
- (2) Where a compartment wall or compartment floor forms a junction with any element of structure forming part of —

- (a) any other compartment wall or compartment floor;
- (b) an external wall; or
- (c) a protected shaft;

the structure shall be bonded together at the junction or, alternatively, the junction shall be fire-stopped.

(3) Where any compartment wall forms a junction with a roof, the junction shall be so formed as to ensure that the effectiveness of the resistance of the wall to the horizontal spread of fire is not impaired.

(4) No combustible material shall be carried through or across an end of any compartment wall or compartment floor in such a manner as to render ineffective the resistance of such wall or floor to the effects of fire and the spread of fire.

Protected shafts

105.—(1) A protected shaft shall not be used for any purpose other than —

- (a) as a stairway, lift, escalator, chute, duct or other shaft which enables persons, things or air to pass from one compartment to another;
- (b) for the accommodation of any pipe duct; or

- (c) as sanitary accommodation or washrooms or both.
- (2) Subject to the provisions of this regulation, every protected shaft shall be completely enclosed.
- (3) Any wall, floor or other element of structure enclosing a protected shaft but not being a protecting structure may contain such openings as shall be in accordance with the provisions of regulations 104 and 106.
- (4) There shall be no opening in any protecting structure except —
- (a) any opening for a pipe the surround of which is effectively fire-stopped;
 - (b) any opening fitted with a fire door which complies with regulation 107;
 - (c) a lift (when the requirements of paragraph (5) of this regulation shall be complied with);
or
 - (d) an inlet to or an outlet from a ventilation duct or an opening for that duct.
- (5) Any protected shaft containing a lift or lifts —
- (a) shall be ventilated to the open air by one or more openings situated at the top of the shaft and having a total unobstructed area of not less than 0.1 square metre for each lift in the shaft;
 - (b) shall not contain any pipe conveying gas or oil or any ventilating duct;
 - (c) may have an opening in its protecting structure for the passage of cables operating the lift into the room containing the lift motor (but if the opening is at the bottom of the shaft, the opening shall be as small as is practicable).
- (6) If a protected shaft serves as or contains a ventilation duct —
- (a) the duct shall be fitted with automatic fire and smoke shutters at such intervals and in such positions as to reduce, so far as practicable, the spread of fire from one compartment to another; and
 - (b) the duct shall not be constructed of or lined with any material which substantially increases such a risk.
- (7) If a protected shaft contains a stairway it shall not contain any pipe containing gas or oil or a ventilating duct.

External walls

106.—(1) Every side of a building must comply with the relevant requirements relating to the permitted limits of unprotected area specified in the Table to this regulation unless the building is so situated that the side may, in accordance with that Table, consist entirely of unprotected areas.

(2) Subject to this paragraph, no part of the side of a building shall be less than one metre from

the boundary of the plot (but a side of a building or part of a side of a building may be contiguous with the boundary if, in that side or part, there are not unprotected areas other than such as are permitted in Clause 2 of the Table to this regulation).

(3) Any reference in this regulation to a building or compartment in relation to an unprotected area means —

- (a) where the building is not compartmented, the side of the building in which the unprotected area is situated;
- (b) where the building is compartmented, the compartment which contains the side in which the unprotected area is situated.

(4) Any reference in this regulation to an unprotected area in a side of a building or compartment shall include any reference to —

- (a) any part of a roof which slopes at an angle of 70 degrees or more to the horizontal;
- (b) any part of an external wall the period of fire resistance of which is less than the period required by regulation 103.

TABLE OF PERMITTED LIMITS OF UNPROTECTED AREAS

The following text forms part of this Table and has effect for the purposes of this Table —

Clause 1: “Unprotected area”, in relation to an external wall or side of a building, means —

- (a) a window, door or other opening;
- (b) any part of the external wall which has fire resistance less than that specified by this Part for that wall; and
- (c) any part of the external wall which has combustible material more than 1 millimetre thick attached to or applied to its external face, whether for cladding or any other purpose.

Clause 2: In calculating the size of unprotected areas or the permitted limit of protected areas —

- (a) where any part of an external wall is an unprotected area only because it has combustible material attached to it as cladding, the area of that unprotected area shall be deemed to be half the area of that cladding; and
- (b) no account shall be taken of any of the following —
 - (i) an opening in any part of an external wall which forms part of a protected shaft; or
 - (ii) an unprotected area which does not exceed 0.1 square metres in area which is not less than 1.5 metres from any other unprotected area in the same side of the building or compartment; or
 - (iii) one or more unprotected areas having an area (or, if more than one, an aggregate

area) not exceeding 1 square metre and not less than 4 metres from any other unprotected area in the same side of the building or compartment (except any such area as is specified in (ii) above).

Clause 3: Except for an open-sided car park in Purpose Group 7 the building or compartment must not exceed 10 metres in height, and if it does the methods set out in the BRE Report *External Fire Spread: Building Separation and Boundary Distances* (BRE 1991) shall be applied.

Clause 4: Each side of the building will meet the requirements for space separation if —

(a) the distance of the side from the relevant boundary, and

(b) the extent of the unprotected area,

are within the appropriate limits given in the following provisions of this Table.

Clause 5: Any parts of the side of the building in excess of the maximum unprotected area shall be fire resisting.

PERMITTED UNPROTECTED AREAS IN SMALL BUILDINGS OR COMPARTMENTS

Minimum distance (in metres) between side of building and the relevant boundary Purpose Groups: Residential, Office, Assembly and Recreation	Minimum distance (in metres) between side of building and the relevant boundary Purpose Groups: Shop and Commercial, Industrial, Storage and Other Non-residential	Maximum total percentage of unprotected area
(1)	(2)	(3)
na	1.0	4%
1.0	2.0	8%
2.5	5.0	20%
5.0	10.0	40%
7.5	15.0	60%
10.0	20.0	80%
12.5	25.0	100%

NOTES:

1. na= not applicable 2. Intermediate values may be obtained by interpolation 3. For buildings which are fitted throughout with an automatic sprinkler system, meeting the requirements of BS5306: Part 2, the values in column (1) and (2) may be halved, subject to a minimum distance of 1 metre being maintained. 4. In the case of open-sided car parks in Purpose Group 7, the distances set out in column (1) may be used instead of those in column 2.

Fire resistance of doors

107.—(1) The provisions of this regulation shall apply to any door which is required to have a period of fire resistance by the provisions of this Part.

(2) Notwithstanding any other provision of this regulation, where two separate doors (each of them being either a single leaf or a double leaf door) are installed in an opening it shall be sufficient if the required period of fire resistance is achieved by the two doors together or by either of them separately.

(3) In this regulation —

(a) a “fire door Type 1” is a door which complies with the requirements of paragraph 1 of the Table to this regulation and has the designation FD*S (where * means the period in minutes of fire resistance for the elements of structure in which the door is fixed) when conforming with tests to BS476:Part 22;

(b) a “fire door Type 2” is a door which complies with the requirements of paragraph 2 of that Table and has the designation FD30S when conforming with tests to BS476:Part 22; and

(c) a “fire door Type 3” is a door which complies with the requirements of paragraph 3 of that Table and has the designation FD20S when conforming with tests to BS476:Part 22.

(4) Any door in a wall separating a flat or maisonette from any space in common use giving access to that flat or maisonette must be a fire door Type 3 not fitted with a self-locking lock.

(5) Any door in an exit required by this Part must be a fire door Type 3.

(6) Any door between a protected shaft and a hall, lobby or corridor which forms part of an exit must be a fire door Type 2.

(7) Any door in a compartment wall, other than a door referred to in paragraph (6), shall be a fire door Type 1 with a period of fire resistance not less than that of the wall in which it is fixed.

(8) Every fire door shall be fitted with an approved automatic self-closing device sufficient to overcome the resistance of the latch, but may be held in the open position —

(a) by a fusible link (but not if the door is fitted in an opening provided as a means of escape);

(b) by an automatic release mechanism if the door can also be closed manually and is not to the only escape stair serving a building or part of a building or to any escape stair serving a building in any residential building in Purpose Groups 1 and 2.

(9) Every fire door shall be fixed to its frame by hinges —

(a) which are not, and no part of which is, made of a combustible material; and

(b) which are not, and no part of which is, made of a material the melting point of which is below 800 degrees Celsius.

(10) With the exception of doors within dwellinghouses, doors to and within flats and maisonettes, bedroom doors in buildings of Purpose Group 2(b) and lift entrance doors, all fire-resisting doors shall be marked with the appropriate fire safety sign complying with BS 5499: Part 1 signifying whether the door is —

- (a) to be kept closed when not in use;
- (b) to be kept locked when not in use; or
- (c) held open by an automatic release mechanism,

and fire-resisting doors to cupboards and to service ducts shall be marked on the outside and all other such doors on both sides.

TABLE OF FIRE-RESISTING DOORS

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

Fire stopping and cavity barriers

108.—(1) Every fire stop required by the provisions of this Part shall be so formed and positioned as to prevent or sufficiently retard the passage of flame.

(2) Every fire stop shall —

- (a) if provided around a pipe or duct in a cavity, be made of non-combustible material;
- (b) if provided around a pipe or duct, be so constructed as not to restrict essential thermal movement.

(3) A fire stop in a wall or floor constructed of combustible material shall be deemed to satisfy this regulation if it is constructed of timber not less than 38 millimetres thick.

(4) In any element of structure, any cavity which is continuous through the whole or part of such element shall be fire-stopped —

- (a) at any junction with another element of structure or with a ceiling under a roof;
- (b) in such a position that there is no continuous cavity which in any one place exceeds 7.5 metres in a single direction or 23 square metres in area.

(5) The following maximum dimensions of cavities shall be limited by barriers having the necessary fire resistance required for the elements of structure of that building —

LOCATION OF CAVITY	CLASS OF SURFACE EXPOSED IN CAVITY (excluding surface of any pipe, cable or conduit, or insulation to any pipe).	MAXIMUM DIMENSION IN ANY DIRECTION
Between a roof and a ceiling	Any	20 metres
Any other cavity not being a cavity between a floor next to the ground and the ground itself, nor a cavity in a wall built entirely of a non-combustible material	Class 0 or Class 1	20 metres
	Class other than Class 0 or Class 1	10 metres

Spread of flame over walls and ceilings

109.—(1) In this regulation and the Table to this regulation —

“ceiling” includes any soffit and any rooflight, skylight or other part of a building which encloses and is exposed overhead within a room, circulation space or protected shaft and any reference to the surface of a ceiling shall be construed as a reference to that surface excluding the surface of the frame of any rooflight or skylight; but any part of a ceiling which slopes at an angle of 70 degrees or more to the horizontal and is not part of a rooflight or skylight shall be deemed to be a wall;

“circulation space” means any space which is solely used as a means of access between a protected shaft and either a room or an exit from the building or compartment;

and in relation to a requirement that a surface shall be of a Class not lower than a specified Class, Class 0 shall be regarded as the highest class followed in descending order by Class 1, Class 2, Class 3 and Class 4.

(2) For the purposes of this regulation and the Table hereto, any reference to a surface being of a specific Class shall be construed as a requirement that any lining fitted to the surface of a wall or ceiling or, where there is no lining, the material of which the wall or ceiling is constructed shall comply with the following provisions, that is to say —

(a) a reference to the surface being of Class 0 shall be construed as a requirement that the material or the surface of a composite product is either composed throughout of materials of limited combustibility, or is a Class 1 material which has a fire propagation index (1) of not more than 12 and a subindex (i), of not more than 6.

(b) where the surface is required to be of a Class other than 0 it shall comply with the test criteria as to surface spread of flame prescribed in British Standard 476: Part 7: 1971 or 1987.

(3) A reference in this regulation to the surface of a wall shall be construed as a reference to that surface excluding any door, door frame, window, window frame, fireplace surround, mantleshelf, fitted furniture or trim.

(4) The surface of any wall, ceiling or soffit of any room, circulation space or protected shaft shall be of a Class not lower than that specified in respect of that surface in the Table hereto:

Provided that nothing in this regulation or in the Table to this regulation shall prohibit any part or parts of the surface of a wall in a room being of a Class not lower than Class 3 if the total area of such parts does not exceed one half of the floor area of the room, subject to a maximum of 20 square metres in a residential building and 60 square metres in a non-residential building.

TABLE FOR CLASSIFICATION OF WALL AND CEILING LININGS	
LOCATION	CLASS
Small rooms of area not more than 4 square metres in a residential building and 35 square metres in a non-residential building	3
Other rooms	1
Circulation spaces within dwellings	1
Other circulation spaces, including the common areas of flats and maisonettes	0

Roofs

110. Every roof shall be so covered or so isolated from other buildings as to afford adequate protection against the spread of fire into the building or to adjoining buildings, and a roof shall be deemed to satisfy this regulation if —

(a) the distance from the roof to any point on the relevant boundary is at least 12 metres or twice the height of the building whichever is greater; or

(b) the covering is of steel, aluminium, slates or tiles and any rooflights are of unwired glass not less than 4 millimetres thick or of wired glass, or other material having an AA, AB or AC designation when exposed to test by fire in accordance with BS 476: Part 3: 1975.

Means of escape from certain classes of building

111. The requirements of regulation 100(3) shall be deemed to be satisfied as to fire precautions in the design, construction and use of buildings —

(a) in the case of buildings in Purpose Group 1, being residential buildings, by compliance with British Standard 5588: Part 1: 1990 Code of Practice for Residential Buildings;

(b) in the case of buildings in Purpose Group 3, being office buildings, by compliance with British Standard 5588: Part 3: 1983 Code of Practice for Office Buildings;

(c) in the case of buildings in Purpose Group 4, being shop and commercial buildings, by compliance with British Standard 5588: Part 2: 1985 Code of Practice for Shops; and in the case of enclosed shopping complexes by compliance with British Standard 5588: Part 10: 1991; and

(d) in the case of buildings in Purpose Group 5, being assembly and recreation buildings, by compliance with British Standard 5588: Part 6: 1991 Code of Practice for Assembly Buildings.

Provision of exits

112.—(1) In every building to which this Part applies, there shall be provided in each room and from each storey not less than the number of exits required to comply with regulations 114 and 115 and each such exit shall comply with the requirements of these regulations:

Provided that —

- (a) where the occupant capacity is such that more than one exit is required by regulation 114;
- (b) where the occupant capacity to be served by the exit does not exceed 40; and
- (c) where the room is on the ground floor of a building,

one of the required exits may be by way of a suitable window.

(2) A window on the ground floor shall be deemed to satisfy the proviso to paragraph (1) if —

- (a) it opens on to a place of safety in the open air or on to a verandah the other side of which is open to a place of safety;
- (b) it contains an unobstructed opening not less in size than 850 millimetres measured vertically and 500 millimetres measured horizontally; and
- (c) the lower level of the opening is not more than 760 millimetres above the level of the floor of the room and not more than one metre above the level of such place of safety or verandah, as the case may be.

Occupant capacity

113. Any reference in this Part to the occupant capacity of a room or storey shall be construed as a reference to the number of persons which the room or storey is, for the purpose of this Part, to be taken as capable of holding, and such occupant capacity shall be determined in accordance with the following provisions, that is to say —

- (a) in the case of a storey comprising a flat, the occupant capacity shall be determined by the Planning and Building Committee whose decision shall be final;
- (b) in the case of a room or storey other than a flat comprising or forming part of a building described in Column 1 of the Table to this Regulation, by dividing the area of the room or storey by the relevant number in Column 2 of that Table; and

(c) in the case of any other room or storey, by determining the number of persons the room or storey, is designed to hold.

COLUMN 1 TYPE OF ACCOMMODATION	COLUMN 2 FLOORSPACE FACTOR (Square metres per person)
1. Standing spectator areas	0.3
2. Amusement arcade, assembly hall (including a general purpose place of assembly), bar (including a lounge bar), bingo hall, dance floor or hall, club, church hall, venue for pop concert and similar events, queuing area	0.5
3. Concourse or shopping mall (see note 2, below)	0.75
4. Committee room, common room, dining room, licensed betting office (public area), lounge (other than a lounge bar), meeting room, reading room, restaurant, staffroom, waiting room (see note 3 below)	1.0
5. Exhibition hall	1.5
6. Shop sales area (see note 4 below), skating rink	2.0
7. Art gallery, dormitory, factory production area, office (with an open plan exceeding 60 square metres), workshop	5.0
8. Kitchen, library, office (other than in 7 above), shop sales area (see note 5 below)	7.0
9. Bedroom or study-bedroom	8.0
10. Bed sitting-room, billiards room	10.0
11. Storage and warehousing	30.0
12. Car park	2 persons per parking space

Notes:

- Where accommodation is not directly covered by the descriptions given, a reasonable value based on a similar use may be selected.
- Refer to Section 4 of BS5588: Part 10 for detailed guidance on the calculation of occupancy in common public areas in shopping complexes.
- Alternatively the occupant capacity may be taken as the number of fixed seats provided, if the occupants will normally be seated.
- Shops excluding those under item 8, but including - supermarkets and department stores (all sales areas), shops for personal services such as hairdressing and shops for the delivery or collection of goods for cleaning, repair or other treatment or for members of the public themselves carrying out such cleaning, repair or other treatment.
- Shops (excluding those in covered shopping complexes, and excluding department stores) trading predominantly in furniture, floor coverings, cycles, prams, large domestic appliances or other bulky goods, or trading on a wholesale self-selection basis (cash and carry).
- If there is to be mixed use, the most onerous factor(s) should be applied.

Number of exits

114.—(1) Where any room or storey is used at different times for different occupancies, the occupant capacity of such room or storey shall be calculated for the occupancy which gives the greatest capacity.

(2) Any storey or room which is not a room in a flat shall have at least the number of exits shown in the following Table —

Occupant capacity of storey or room	Number of exits
1 - 60	1
61 - 600	2
601 - 1000	2

Provided that where the Chief Fire Officer is of the opinion that additional exits are required relating to the use of the premises he shall specify those requirements which shall take precedence over the standards given in the foregoing Table.

Travel distance in relation to exits

115. The exits from a storey shall be of such number and so situated that the travel distance from any point in the storey to a protected doorway does not exceed —

- (a) where there is only one exit, that is to say, a dead-end: 18 metres;
- (b) where there are more exits than one, 45 metres.

Provided that where there are more exits than one the angle between the exits shall not be less than 45 degrees and any travel distance from a dead end shall not exceed 18 metres.

Requirements as to exits

116.—(1) Every exit from a room or storey shall lead directly to a place of safety.

(2) Where any part of an exit comprises a balcony, that balcony shall be guarded on each side by a wall or a secure balustrade or railing extending in either case to a height of not less than 1.2 metres.

Width of exits

117.—(1) Every exit from a room or storey shall be of at least the required width throughout its length.

(2) At no part of an exit shall its width be less than —

- (a) that required by the Table to this regulation and to the relevant provisions of this regulation;
- (b) the width required by this regulation for any other part of the exit which is further from the place of safety to which the exit leads.

(3) If any part of an exit comprises a stairway, the width of that stairway shall not be less than that required by this regulation.

(4) In no case shall the width of an exit from a room be less than 0.75 metres,

Provided that this paragraph shall not apply to a window which is accepted as a subsidiary exit under the proviso to regulation 112(1).

(5) Where two or more exits join, the width of the combined exit shall not be less than the required width by relation to the total number of occupants.

TABLE OF WIDTHS OF EXITS

MAXIMUM NUMBER OF PERSONS	MINIMUM EXIT WIDTH IN MILLIMETRES
50	800
110	900
220	1100
more than 220	5 millimetres per person

NOTE: In measuring width, the following rules must be observed —

1. Door to doorway - is the width of the opening door leaf (or the sum of the widths of both the opening door leaves in the case of double doors). It is not the clear width between door stops.
2. Escape route - is the width at 1.5 metres above floor or stair pitch line when defined by walls.
3. Stair - is the clear width between the walls or balustrades but stringers or handrails intruding not more than 30 millimetres and 100 millimetres respectively may be ignored.

Enclosure of stairways in exits

118.—(1) This regulation shall, subject to its terms, apply to every stairway forming part of an exit except —

- (a) a stairway wholly within a maisonette;
 - (b) a stairway situated not more than 4.5 metres from an exit to a place of safety and serving only a single tier raised free-standing floor used solely for storage purposes within a single storey building, provided that such floor has a space between it and the walls of the room within which it is situated and if more than 10 metres in width or length there is installed an automatic smoke detection and alarm system.
- (2) Every stairway forming part of an exit shall be within a stairway enclosure.
- (3) Every stairway enclosure shall be enclosed by any combination of the following —
- (a) compartment walls;
 - (b) external walls;
 - (c) compartment floors;
 - (d) the lowest floor of the building; and
 - (e) the roof of the building,

Provided that nothing in these Regulations shall prohibit the inclusion in a stairway enclosure of sanitary accommodation or a washroom or both and any floorspace giving access to the stairway if such floorspace is intended for use solely as a means of passage, and provided further that nothing in these Regulations shall prohibit the inclusion in a stairway enclosure in a building (being a building served by two or more stairways forming parts of exits) of a reception desk or enquiry office area at ground or access level which reception desk or enquiry office area

(i) does not exceed 10 square metres in area;

(ii) is ancillary to the use of the building in which it is situate; and

(iii) is intended solely for the control or supervision of persons entering or leaving that building.

(4) Every stairway enclosure shall give access at ground level to an exit to the open air, and that exit shall be separate from any other exit to which access is given by any other stairway.

(5) Where any storey is required by this Part to have more than one exit, the stairway enclosures of any stairway provided from that storey shall be so constructed and situated that access may be obtained from any point on that storey to at least two stairway enclosures without passing through any other stairway enclosure.

(6) Any stairway forming part of an exit sited in the open air and which exceeds 6 metres in height shall be enclosed as protection against the weather.

(7) Nothing in this regulation shall apply to any stairway between a doorway from the building and the adjoining ground where that stairway comprises not more than eight risers.

Construction of ramps

119.—(1) Any ramp forming part of an exit must be constructed with an unbroken gradient having a uniform slope not greater than 1 in 12.

(2) Except where the rise of the ramp is 600 millimetres or less, the ramp and any landing thereto shall be guarded on each side by a wall or securely fixed screen, balustrade or railing extending, in each case, to a height of not less than 1.07 metres above the upper surface of that ramp or landing and to which shall be fixed handrails at a height of between 900 millimetres and 1000 millimetres.

(3) Between any two successive flights as well as at the top and bottom of the ramp there shall be a landing not less in length (in the direction of travel and measured on the centre line of the ramp) than —

(a) in the case of buildings in Purpose Group 2, 2.1 metres;

(b) in the case of buildings in other Purpose Groups, 1.2 metres.

Doors in exits

120.—(1) An exit from a room or storey which is not an entrance door to a flat or to a room or

space of occupant capacity less than 50 —

- (a) shall open in the direction of travel to the open air; and
 - (b) if constructed to open in either direction, shall have a transparent upper panel; and
 - (c) if opening outwards into a passage or towards a corridor or stairway, shall be so arranged as not to obstruct the passage, corridor or stairway when opened; and
 - (d) if opening towards the external air, shall open over a level landing having a length and width equal to the width of the door at a height similar to that of the floor immediately within the building and which is unobstructed other than by the door threshold.
- (2) Revolving doors shall not be installed across exits and sliding doors shall not be provided across exits unless they are automatic power operated and arranged to fail safely in the open position.
- (3) Doors in exits shall be capable of being easily opened from the side from which escape is required and, if it is necessary to secure the door against entry from outside the building, shall be capable of being readily opened from the inside although so secured. In the case of buildings in Purpose Group 5, the means of securing such doors shall be by bolts or other approved devices which will open to pressure from the inside.
- (4) The construction of fire doors shall comply with regulation 107 and the Table thereto.
- (5) No door shall open directly over a step or other change in floor level.

Revocation of Board of Health By-Laws

121. Regulations 4 to 42 all inclusive of the Board of Health By-Laws are hereby revoked.

FIRST SCHEDULE

(Regulation 6(2) to Part II)

APPLICATION FOR APPROVAL TO ALTER, ERECT, EXTEND OR INSTALL FITTINGS, OR FOR APPROVAL TO CHANGE THE USE IN CONNECTION WITH A BUILDING

A. Every application for approval to construct or change the use of a building shall give particulars of the intended use of the building, the purpose for which (if it is an existing building) it is currently used and the source of water supply (note that if this and other mains services will be required, the proposed points of connection must be indicated on the block plan).

B. Such applications shall in all cases be accompanied by drawings executed or reproduced in a clear and intelligible manner on suitable and durable materials which shall include, so far as necessary to show whether the building complies with the relevant requirements of the Building Regulations, the following —

- 1. On all drawings—
 - (a) date prepared;
 - (b) scales used;

(c) names, addresses and telephone numbers of Architects/Engineers/Draughtsmen responsible for preparation of the drawing and of the person for whom those drawings have been prepared; and

(d) orientation (North point).

2. A block plan to a scale of 1 to 500 which shall show —

(a) location and plot reference, with the site edged in red;

(b) roads and adjoining plots with owners' names;

(c) power lines, telephone lines, buried services and watercourses;

(d) dimensions in metric form and boundaries of plot;

(e) indication by contours, spot levels, description or section of topography;

(f) road access - indicating whether existing and if to be altered, or new;

(g) position of main building and ancillary buildings, septic tank or sewage treatment plant, cisterns, surface water and foul water drainage as well as any sewers to which drainage will discharge with details of sizes depths, inclinations and the means of access to be provided for the inspection and cleansing of the drainage system;

(h) paved areas, trees and natural obstructions lying above ground such as boulders, rocks and the like; and

(i) where the building plot will adjoin or abut on any road, the distance of the nearest part of the building to the centre line of that road.

3. A key plan to a scale of not less than 1 to 2,500 showing the position where it is not sufficiently identifiable from the block plan.

4. Building drawings to a scale of either 1:50 or 1:100 with all dimensioning shown in metric form —

(a) plans of the foundations, every floor and the roof;

(b) sections of every storey through the building showing the foundations, each floor, walls, windows, roof, the position of the damp-proof courses and any other barriers to moisture (eg vapour barrier and breather paper linings to studding);

(c) planned use of each room in the building;

(d) fixed equipment including that within sanitary accommodation and the waste appliances, also heat-producing appliances with details of their output rating, flue pipe and chimney, hearth, and provision of air for combustion;

- (e) sizes of ventilators, windows and doors;
 - (f) materials of construction (where composite construction is proposed, such as in the case of timber framed external walls, this may best be demonstrated by a small "typical detail" with all parts carefully notated);
 - (g) dimensions of walls and floors;
 - (h) floor levels and ground levels in relation to one another;
 - (i) roof details including the provisions to be made to prevent excessive condensation in a roof void above an insulated ceiling such as by cross-ventilation;
 - (j) foundation details;
 - (k) all steps, stairways, landings, handrails, ramps and balconies;
 - (l) position of soil, waste, sewer, rain-water and ventilation pipes;
 - (m) elevations to buildings (these may usefully show information required in (e) herein as well as chimneys, flue pipes, soil and rain-water pipes, and external finishes to walls and roof areas where not described elsewhere);
 - (n) internal finishes to walls, ceilings and soffits;
 - (o) details of any septic tank or sewage treatment plant and soakage pits on area and the means of disposal of any trade effluent giving details of its composition;
 - (p) the provision made in the structure for protection against fire spread within and between buildings;
 - (q) the provision made in the building or part for means of exit in case of fire and for securing that such means can be safely and effectively used at all material times; and
 - (r) the provision made in the structure for —
 - (i) insulation against the transmission of airborne and impact sound; and
 - (ii) resistance to the passage of heat.
5. Detail drawings to show —
- (a) plumbing details with arrangements for mains and for cistern supply; and
 - (b) structural details together with calculations to substantiate adequacy of foundations, suspended floors, roofs, walls and other structural items.

SECOND SCHEDULE
(Regulation 9 to Part II)
EXEMPT BUILDINGS AND WORK

Class IBuildings for the defence of the Falkland Islands

Any building the construction of which takes place on land leased to the Secretary of State for Defence.

Class IIBuildings not frequented by people

1. A detached building into which people cannot easily enter and do not normally go.
2. A detached building housing fixed plant or machinery, the only normal visits to which are at accepted intervals to inspect or maintain the plant or machinery.
3. A detached building which is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Class IIIGreenhouses and agricultural buildings

1. A building used as a greenhouse unless the main purpose for which it is used is for retailing, packing or exhibiting.

2.—(a) A building used for agriculture which is —

(i) sited at a distance not less than one and a half times its own height from any habitable building or adjacent boundary;

(ii) provided with two exits which may be used in case of fire, each of which is not more than 30 metres from any point within the building and are located in opposing walls or quadrants;

unless the main purpose for which the building is used is retailing, packing or exhibiting.

(b) In this paragraph, “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, fish farming and the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land).

3. A building used as a greenhouse or for agriculture which is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Class IVTemporary buildings

A building intended to remain and which remains where it is erected for less than 28 days provided that it is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Class VAncillary buildings

1. A building used only by people engaged in the construction, alteration, extension or repair of a building during the course of that work.

2. A building, other than a building containing a dwelling or used as an office or show-room, erected in connection with a mine or quarry, and in either case the building is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Class VI

Small detached buildings

1. A detached building having a floor area which does not exceed 25 square metres which contains no sleeping accommodation and is either —

- (a) situated more than one metre from the boundary of its curtilage; or
- (b) a single storey building constructed wholly of non-combustible material.

and in either case is properly supported and restrained in a satisfactory manner to prevent undue movement from wind pressure.

2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if;

- (a) its floor area does not exceed 30 square metres; and
- (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.

3. A detached building having a floor area which does not exceed 35 square metres and is designed and intended to be used as a garage in connection with a private dwelling and is either —

- (a) situated more than one metre from the boundary of its curtilage; or
- (b) constructed wholly of non-combustible material,

and in either case is properly supported and restrained in a satisfactory manner to prevent undue movement from wind pressure.

4. A detached building designed as an all metal container or as a prefabricated building intended to be used in connection with a private dwelling and —

- (a) having a floor area which does not exceed 35 square metres;
- (b) is properly supported; and
- (c) is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Class VII

Extensions

The extension of a building by the addition at ground level of —

- (a) a greenhouse, conservatory, porch, covered yard or covered way which —

(i) includes satisfactory provision for means of ventilation so that an adequate supply of air may be provided for people in that building to the extent of satisfying the requirements of regulations in Part VII (Means of Ventilation), but does not enclose the only windows or other form of ventilation to a bathroom, shower room or compartment containing a chemical or water closet or a urinal unless there is ducted mechanical extract ventilation provided which satisfies the requirements of that said regulation; and

(ii) has a floor area not exceeding 20 square metres; or

(b) a carport open on at least two sides where the floor area does not exceed 35 square metres.

Class VIII

Mobile homes, caravans and park homes

The siting of a mobile home, caravan, park home and other manufactured residential units, provided that —

(a) where two or more of these structures in this Class are sited on land either in common ownership or on neighbouring land, there shall be no less than 6 metres between each structure in this Class; and

(b) the arrangements for foul water drainage shall comply with the requirements of regulations in Part XIII (Drainage) of these Regulations; and

(c) any installation of non-electrical heat-producing appliances shall comply with the requirements of regulations in Part XV (Heat Producing Appliances) of these Regulations; and

(d) the unit or structure is restrained in a satisfactory manner to prevent undue movement from wind pressure.

Made this twentieth day of August 1999

D A Lamont
Governor

EXPLANATORY MEMORANDUM

BUILDING REGULATIONS 1999

Introductory

1. The Building Regulations 1999 made under Section 3(1) of the Building Control Ordinance 1994. The Regulations replace the Board of Health By-laws made under the Public Health Ordinance. The Regulations will come into force on a date to be fixed.
2. The Regulations only apply to new buildings constructed after the Regulations are brought into force. They do not apply to existing buildings, unless the use of the building is changed.
3. No person shall carry out any works or make any material change in the use of a building unless that person has a building permit, or unless otherwise provided - Regulation 5.
4. Applications for permits vary depending upon whether the proposed building works are to be undertaken in Stanley or in Camp - Regulation 6.
5. An application for a building in camp (10 kilometres from Stanley or more) when made, must be investigated and the site inspected by Building Control Surveyor within 4 weeks of the application - Regulation 7.
6. For certain classes of building, an application is not required, but a proportional sketch of a building or work must be provided to the Building Control Surveyor at least 7 business days before work commencing - Regulation 9.
7. The buildings for which applications for permits need not be made include buildings for the defence of the Falkland Islands, buildings not frequented by people, greenhouses and agricultural buildings, temporary buildings, ancillary buildings, small detached buildings, certain extensions and mobile homes, caravans and park homes - Regulation 9.
8. A person who wishes to carry out the work must notify the Building Control Surveyor not less than 48 hours prior to the work commencing - Regulation 10. When the building is located in or within 10 kilometres of Stanley the Building Control Surveyor must be notified at least 24 hours prior to the covering up of any excavation for a foundation, the haunching or covering up of any drain or private sewer or the laying of any drain or private sewer. The Building Control Surveyor can require tests to be carried out to the drain or private sewer - Regulation 11.
9. The Building Control Surveyor is to be notified if the building or part thereof is to be occupied before completion. A person is not able to occupy the building until the Building Control Surveyor has issued a certificate that the building is fit for occupation - Regulation 12.
10. The Building Control Surveyor may at any reasonable time inspect any buildings. - Regulation 14.
11. It is an offence to obstruct the Building Control Surveyor in the performance of his functions - Regulation 15.
12. Materials are to be of a suitable quality and prepared or mixed. The Building Control Surveyor may require a sample of the material used to be provided to him for testing - Regulation 16.
13. Owners are under a duty to insure that buildings are maintained in a safe and sanitary state - Regulation 17.
14. Buildings are to be structurally stable - Regulation 18.
15. Buildings are to be constructed so as not to be adversely affected by moisture - Regulation 19.
16. Roofs are to be weatherproof - Regulation 20.
17. Sub-soil drainage is to be provided where necessary to prevent moisture entering a building - Regulation 22.
18. There are requirements for the installation of toilets, wash basins and sinks - Part VI.
19. There are provisions relating to providing adequate ventilation of dwellings - Part VII.

20. Stairways and landings for private single dwellings are defined and standard of safe construction are provided - Regulation 29.
21. There are detailed requirements for the construction of balconies - Regulation 30.
22. Buildings are to be constructed with consideration being given to conservation of fuel and power - Regulation 31.
23. Controls are to be provided for fixed space heating and hot water supply systems - Regulation 33.
24. Hot water pipes, vessels and ducts are to be thermally insulated with the materials complying with British Standards - Regulation 34.
25. Walls between dwellings are to have reasonable sound resistance - Regulation 35.
26. Floors and stairs between dwellings are to have reasonable sound resistance - Regulation 36.
27. Elements of structure of buildings (i.e. part of structural frame, load-bearing wall, floor etc) are to be constructed to have at least a half hour fire resistance - Regulation 38.
28. Walls separating private dwellings which are attached shall have at least 1 hour fire resistance - Regulation 38(2).
29. External walls are to have minimum fire resistance of 30 minutes and be minimum distances from boundaries - Regulation 39.
30. Walls between dwellings and attached garages are to have a fire resistance of not less than one half hour - Regulation 41.
31. Roofs of private dwellings are to be adequately protected from spread of fire - Regulation 42.
32. There is classification of internal surfaces to deal with the surface spread of flame - Regulation 43.
33. There is a requirement of a maximum of two smoke alarms in each dwelling - Regulation 45.
34. Electrical installations must meet certain standards - Regulation 47.
35. Every dwelling is to be provided with a foul water drainage disposal system which is self-cleansing-Regulation 48.
36. The discharge of soil water and waste water shall, where possible, be into a public sewer - Regulation 49.
37. There are requirements for the construction and laying of drains conveying foul water - Regulations 50, 51, and 52.
38. Foul water drainage systems shall be ventilated - Regulation 54.
39. Buildings are not to be erected over public sewers - Regulation 55.
40. There are provisions as to the construction of foul water pipes which detail nominal size of pipes etc - Regulation 56 and 57.
41. Buildings are to have rainwater gutters and pipes - Regulation 60.
42. Rainwater pipes are to discharge directly to a surface water sewer where available - Regulation 61.
43. Septic tanks and soakaway arrangements shall be of such design as the Planning and Building Committee shall approve - Regulation 62.
44. All dwellings are to be provided with a sufficient supply of potable water - Regulation 63.
45. Water pipes are to be protected - Regulation 64.

46. Water supply from public mains are to be carried in pipes put together to the satisfaction of the Director of Public Works - Regulation 65.
47. Persons are not to connect water pipes to public mains unless they have approval in writing from the Director of Public Works - Regulation 67.
48. Every heat producing appliance is to have an adequate air supply - Regulation 69.
49. Every heat producing appliance is to be connected to a flue or chimney - Regulation 71.
50. Every flue shall have a means to enable inspection - Regulation 72.
51. Heat producing appliances are to be installed to prevent the ignition of combustible material that may be placed against adjacent walls - Regulation 73.
52. Requirements relating to heat producing appliances will be satisfied if the appliance is installed using Public Works Department specifications - Regulation 74.
53. Suitable precautions are to be taken in relation to the siting of oil storage tanks - Regulation 74A.
54. Minimum sanitary requirements are specified for places of work and buildings to which the public are admitted - Regulations 75 and 76.
55. Sanitary facilities for the public are to be provided in addition to sanitary facilities for employees - Regulation 77. No sanitary accommodation containing a toilet is to open directly into a room where a person is employed, except in certain conditions - Regulation 78.
56. Sanitary accommodation is to contain suitable ventilation - Regulation 79.
57. Glazing located at certain places in buildings is to be safely provided - Regulation 80.
58. There are minimum requirements in relation to the use of annealed glass - Regulation 81.
59. There are transparent glazing requirements in uninterrupted areas - Regulation 82.
60. There are requirements for stairways and landings other than for single dwellings - Regulation 83.
61. Balconies are required to have protected guarding - Regulation 84.
62. No person shall make any alteration, addition or extension to any building so as to contravene or cause a greater contravention of the Regulations - Regulation 85.
63. There is provision for the methods of changing the use of buildings and the Regulations that must be complied with when there is a material change in use - Regulation 86.
64. There is a limitation of condensation in roofs - Regulation 87.
65. There is requirement that roof spaces are to be ventilated - Regulation 88.
66. There are particular construction requirements with respect to a building or part thereof used or intended to be used for food preparation, sale and handling - Regulation 90.
67. There are particular ventilation requirements with respect to food premises - Regulation 91.
68. There are particular heating provisions - Regulation 92, lighting requirements - Regulation 93, washing facility requirements - Regulation 94, equipment and cleaning requirements - Regulation 95, surface counter areas - Regulation 96 with respect to food premises.
69. There are special drainage requirements with respect to food premises which includes an examination of facilities on behalf of the Chief Medical Officer - Regulation 97.

70. Refuse at food premises is to be stored at a vermin proof well ventilated space approved by the Chief Medical Officer - Regulation 98.
71. Buildings are to be designed and constructed to reduce the risk of the ignition and spread of fire, withstand the effects of fire, to inhibit the spread of fire and smoke within concealed spaces and to inhibit the spread of fire over surfaces within the building. Each building shall have a means of escape, have suitable access open to the sky, have effective means of early fire warning, adequate fire fighting equipment and adequate artificial lighting of escape routes - Regulation 100.
72. Buildings are divided into purpose groups according to their use and risk in the event of fire - Regulation 101.
73. Certain walls and floors are to be constructed as compartment walls and compartment floors - Regulation 102.
74. Specified fire resistance is required for different elements of structure of buildings - Regulation 103.
75. Compartment walls and compartment floors, with certain exceptions, shall be imperforate - Regulation 104.
76. There are restrictions placed on the use of protected shafts - Regulation 105.
77. There are limits imposed on dimensions of unprotected areas in external walls according to the size of buildings - Regulation 106.
78. Certain doors are required to have specified fire resistance - Regulation 107.
79. Fire stops are to be formed and positioned so as to prevent or sufficiently retard the passage of flame - Regulation 108.
80. Surfaces of walls and ceilings are given certain classes to deal with the risk from spread of fire - Regulation 109.
81. Roofs are to be covered or isolated from other buildings to protect against the spread of fire - Regulation 110.
82. Means of escape from certain classes of buildings will be satisfied if those means comply with British Standards - Regulation 111.
83. Each room and storey is to have required number of exits - Regulations 112 and 114.
84. Each type of accommodation is to have its occupant capacity determined - Regulation 113.
85. There are specified maximum travel distances in relation to exits - Regulation 115.
86. Exits are to lead directly to a place of safety - Regulation 116.
87. There are provisions for required widths of exits - Regulation 117.
88. Stairways forming part of an exit are to be within stairway enclosures - Regulation 118.
89. Ramps forming part of an exit must be constructed in a particular manner - Regulation 119.
90. Doors in exits are to be placed in a particular manner - Regulation 120.
91. The Regulations provide for the revocation of Regulations 4 - 42 of the Board of Health Bylaws - Regulation 121.
92. The First Schedule details matters that are to be addressed in a building application.
93. The Second Schedule details are classes of exempt buildings and work.

SUBSIDIARY LEGISLATION

FISHERIES

Fishing Licences (Applications and Fees) Order 1999

S. R. & O. No: 27 of 1999

Made:..... 3 September 1999

Published: 10 September 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 20 of the Fisheries (Conservation and Management) Ordinance 1986(a) and of all other powers enabling me in that behalf, I make the following Order —

Commencement and citation

1. This Order may be cited as the Fishing Licences (Applications and Fees) Order 1999 shall come into operation on the date it is first published in the Gazette and cease to have a effect on 30th June 2000.

Application

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

Interpretation

3. In this Order —

“combination vessel” means a fishing boat which is equipped so as to be able to catch or take fish both by jigging machines and by trawl or trawls;

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

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

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

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

“jigger” means a fishing boat which is equipped so as to be able to catch or take fish by means of jigging machines;

“northern area” means those areas of the FICZ which lie to the north of latitude 51°15' south and to the east of longitude 60° west and north of latitude 52° south and to the west of longitude 60° west;

“southern area” means those areas of the FICZ which lie to the south of latitude 51°15' south and to the east of longitude 60° west and south of latitude 52° south and to the west of longitude 60° west;

“the fishing season” means —

(a) in relation to an “A” licence the period commencing on 1st January 2000 and ending on 30th June 2000;

(b) in relation to an “B” licence the period commencing on 15th February 2000 and ending on 15th June 2000;

(c) in relation to an “C” licence the period commencing on 1st February 2000 and ending on 31st May 2000;

(d) in relation to an “F” licence the period commencing on 1st January 2000 and ending on 30th June 2000;

(e) in relation to a “G” licence the period commencing on 1st March 2000 and ending on 31st May 2000;

(f) in relation to a “S” licence the period commencing on 1st January 2000 and ending on 30th June 2000;

(g) in relation to a “W” licence the period commencing on 1st January 2000 and ending on 30th June 2000.

“the principal Regulations” means the Fishing Regulations Order 1987;

“trawler” means a fishing boat which is equipped so as to be able catch or take fish by means of a trawl or trawls.

The principal Regulations

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

Types of Licence

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

(a) an “A” licence;

(b) a “B” licence;

(c) a “C” licence;

- (d) an "F" licence;
 - (e) a "G" licence;
 - (f) an "S" licence;
 - (g) a "W" licence.
- (2) An "A" licence authorises the catching or taking of any Finfish, that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Skate (*Rajidae*) or Toothfish (*Dissostichus eleginoides*) or squid of any kind.
- (3) A "B" licence authorises the catching or taking within the northern area and the FOCZ of *Illex argentinus* and *Martialia hyadesi* only.
- (4) A "C" licence authorises the catching or taking within the southern area of squid of the species *Loligo gahi*.
- (5) An "F" licence authorises the catching or taking of all species of the family Skate (*Rajidae*) and shall not permit the taking of other species of finfish or squid of any kind.
- (6) A "G" licence authorises the catching or taking of *Illex argentinus* and *Martialia hyadesi* and any finfish except Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*).
- (7) An "S" licence authorises the catching or taking of Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).
- (8) A "W" licence authorises the catching or taking of any finfish except Hake (*Merluccius spp.*), and Toothfish (*Dissostichus eleginoides*) Skate (*Rajidae*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*) or squid of any kind.

Applications for Licences

- 6.—(1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, PO Box 598, Stanley, Falkland Islands.
- (2) Any application to which paragraph (1) of this article relates shall be accompanied by an application fee of £200 (which shall not be returnable whether or not the application is granted) and shall be made so as to be received there by Thursday, 30th September 1999.
- (3) The Director of Fisheries in his discretion may consider an application lodged after the date mentioned in paragraph (2) of this article but is not bound to do so.

The Schedule and its Tables

- 7.—(1) Table 1 of the Schedule to this Order applies in respect of the fees payable for type "A" licences.

- (2) Table 2 of the Schedule to this Order applies in respect of the fees payable for type "B" licences granted to any jigger.
- (3) Table 3 of the Schedule to this Order applies in respect of the fees payable for type "B" licences granted to any trawler or combination vessel.
- (4) Table 4 of the Schedule to this Order applies in respect of the fees payable for type "C" licences.
- (5) Table 5 of the Schedule to this Order applies in respect of the fees payable for type "F" licences.
- (6) Table 6 of the Schedule to this Order applies in respect of the fees payable for type "G" licences.
- (7) Table 7 of the Schedule to this Order applies in respect of the fees payable for type "S" licences.
- (8) Table 8 of the Schedule to this Order applies in respect of the fees payable for type "W" licences.
- (8) All fees payable under this article shall be paid in pounds Sterling and in accordance with the principal Regulations.
- (9) The explanatory notes at the commencement of each Table in the Schedule to this Order are for guidance only and shall not have legislative effect.
- (10) This article and the Schedule has effect subject to article 8(3).

Licence in rotation

- 8.—(1) The Director of Fisheries may, if he thinks fit, grant a licence in respect of one or more vessels in rotation for one another.
- (2) Where a licence is granted under paragraph (1) the Director of Fisheries may impose such conditions in the licence as he considers necessary or expedient and, in particular, to ensure —
- (a) that only one vessel is permitted to fish within the fishing waters at any one time;
 - (b) that proper and adequate notice is given to him of the intention to substitute one vessel for another and that any vessel previously permitted to fish in the fishing waters has ceased to do so before another vessel is permitted to commence fishing;
 - (c) that all and any other conditions specially necessary to promote the proper conservation and management of fish within the fishing waters appear therein.
- (3) The Director of Fisheries may require —
- (a) that, where appropriate so as to take into consideration the overall fishing capacity of vessels as they are rotating for one another, a special licence fee calculated by reference to

a formula approved by the Governor and prescribed by a further Order shall be paid in respect of a rotating licence; and

(b) that, an administration fee of such amounts as he may fix in the circumstances of the case shall be paid before one vessel is substituted for another under a rotating licence.

(4) A rotating licence is not transferable except as expressly permitted thereby.

Special provisions in relation to type "B" licences

9.—(1) The Director of Fisheries may, if he thinks fit, grant a type "B" licence for such period within the fishing season as he thinks fit.

(2) Where a licence is granted under paragraph (1) a special fee, calculated by reference to a formula prescribed by a further Order, must be paid.

Transshipment fees

10. The fee for transshipment or transshipment and export licences for the period 1st January 2000 to 30th June 2000 is £1,500 per transshipment operation.

Made this third day of September 1999

D A Lamont
Governor

THE SCHEDULE

Provision as to fishing licences in respect of the fishing season

TABLE 1

Finfish only - Type "A" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish except Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*).
3. The season for this type of licence commences on 1st January 2000 and ends on 30th June 2000 and will be subject to a closed area and provisions of The Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

A. In the following formula, "IGRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International tonnage measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

TABLE 5
Skate Only - Type "F" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take Skate (*Rajidae*) only.
3. The season for this type of licence commences on 1st January 2000 and ends on 30th June 2000 and will be subject to a closed area and the Fishing (Nets and Supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

A. In the following Formula, "IGRT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

Formula

Fees payable per licensed month of fishing is the result of:

$$\pounds(2.00 * \text{IGRT}) + 16160$$

TABLE 6
Squid and Finfish (Species Restricted) - Type "G" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take *Illex argentinus* and *Martialia hyadesi* and any finfish except Hake (*Merluccius spp*), Toothfish (*Dissostichus eleginoides*) or Skate (*Rajidae*).
3. The season for this type of licence commences on 1st March 2000 and ends on 31st May 2000 and will be subject to a closed area and the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990. Applications for this licence type must be in respect of vessels which will engage in fishing using bottom or demersal trawls.
4. Fees calculated by the Formula set out in this Table are payable in respect of the Season.)

Effective text (of legislative effect)

A. In the following Formula, "IGRT" means gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

Formula

Fee payable is the result of:

$$£(35.88 * IGRT) + 24843$$

TABLE 7

Finfish only - Species Restricted - Type "S" Licences

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this table apply to trawlers equipped with Surimi factories, licensed to take Blue Whiting (*Micromesistius australis*) and Hoki (*Macruronus magellanicus*).
3. The season for this type of licence commences on 1st January 2000 and ends on 30th June 2000 and will be subject to the Fishing (Nets and supplementary Equipment) Regulations Order 1990.
4. Fees calculated by the Formula set out in this Table are payable in respect of the number of months for which the licence is valid).

Effective text (of legislative effect)

A. In the following Formula, "IGRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

Formula

Fee payable per licensed month is the result of:

$$£(27.09 * IGRT)$$

TABLE 8

Finfish Only - Species Restricted - Type "W" Licences

(Explanatory notes:

1. These notes are **not** of legislative effect but are for guidance only.
2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take all finfish species with the exception of Hake (*Merluccius spp.*), Toothfish (*Dissostichus eleginoides*) and Skate (*Rajidae*) or squid.
3. The season for this type of licence commences on the 1st January 2000 and ends on the

30th June 2000 and will be subject to closed areas and the provisions of The Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990.

4. Fees calculated by the Formula set out in this table are payable in respect of the number of months for which the licence is valid.)

Effective text (of legislative effect)

A. In the following Formula, "IGRT" means the gross tonnage as shown in a Tonnage Certificate issued in accordance with the International Tonnage measurement Rules in respect of the vessel to be licensed.

B. A licence is not transferable.

Formula

Fees payable per licensed month is the result of :

$$\pounds(5.57 * IGRT) + 9786$$



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

21st September 1999

No. 18

The following are published in this Supplement -

- Conservation of Wildlife and Nature Ordinance 1999;**
- Commissions of Inquiry (Amendment) Ordinance 1999;**
- Supplementary Appropriation (1999-2000) Ordinance 1999;**
- Taxes (Amendment) Ordinance 1999;**
- Conservation of Wildlife and Nature Ordinance (Correction) Order 1999,
(S.R. & O. No. 28 of 1999).**

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Conservation of Wildlife and Nature Ordinance 1999

(No: 10 of 1999)

ARRANGEMENT OF PROVISIONS

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ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

CONSERVATION OF WILDLIFE AND NATURE ORDINANCE 1999

(No. 10 of 1999)

(assented to: 30 August 1999)
(commencement: in accordance with section 1)
(published: 21 September 1999)

AN ORDINANCE

To repeal the Wild Animals and Birds Protection Ordinance 1964, the Nature Reserves Ordinance 1964 and the Fisheries Ordinance; to make new provision in relation to the conservation of nature and the protection of wildlife in the Falkland Islands.

ENACTED by the Legislature of the Falkland Islands as follows —

PART I

Introductory

Short title, commencement and interpretation

Short title and commencement

1. This Ordinance may be cited as the Conservation of Wildlife and Nature Ordinance 1999 and shall come into force on the first day of the second month beginning after its publication in the *Gazette*.

Interpretation

2.—(1) In this Ordinance, unless the context otherwise requires —

“aircraft” includes a hovercraft;

“animal” means any kind of animate creature except human beings, birds, microbes and bacteria

and includes any egg or spawn of an animal and every stage of development of an animal;

“authorised person” means —

(a) in relation to any action, wherever done, any person authorised in writing —

(i) by a provision of a written law, or

(ii) by some licence or permit granted under a provision of any written law,

to do the thing in question;

(b) in relation to any act not prohibited by or under this Ordinance or any other written law done on any land in private ownership, the owner or occupier of that land and any person authorised by the owner or occupier of that land to do the act in question,

but the authorisation of a person by a licence or permit granted as aforesaid does not itself confer any right of entry upon any land;

“close season”, in relation to a species of wild bird mentioned in the first column of Part II of Schedule 1 to this Ordinance, means the period or periods of the year mentioned in relation to that species in the second column of that Part;

“destroy” —

(a) in relation to an egg, includes doing anything to the egg which is likely to prevent it from hatching, and “destruction”, in relation to an egg, shall be construed accordingly, and

(b) in relation to a plant, includes doing anything to a plant which is calculated to kill it, prevent it from germinating, prevent it from flowering, bearing mature seeds, asexually reproducing or spreading or which is calculated to inhibit its germination or growth, and “destruction”, in relation to a plant shall be construed accordingly;

“fish” includes shellfish and molluscs;

“land” includes land covered by water;

“lichen” means a plant of the division *Lichenes* (that is to say a plant formed by the symbiotic association of a fungus and an alga);

“marine mammal” has the same meaning as it has under section 2 of the Marine Mammals Ordinance 1992;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting the plant;

“plant” means any inanimate living organism, and without prejudice to the generality of the foregoing, includes algae, fungi, lichens, mosses, bushes, shrubs and trees and seeds and spores and every other stage in the growth cycle of a plant;

“poultry” means, except when it is living wild or (before it was killed or captured) was living wild, any domestic fowl, goose, duck guinea-fowl, pigeon, quail or turkey;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“wild animal” means any animal, except wild cattle and any bird, which is or (before it was killed or captured) was living wild;

“wild bird” means any bird, except poultry, which is resident in or a visitor to the Falkland Islands in a wild state;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in the Falkland Islands in a wild state.

(2) A reference in this Ordinance to “any written law” includes a reference to this Ordinance.

(3) This Ordinance —

(a) extends to the territorial sea of the Falkland Islands; and

(b) binds the Crown.

PART II

Wildlife

Protection of wild birds and of wild animals

Protection of wild birds

3.—(1) Subject to the provisions of this Part, it is an offence for any person deliberately —

(a) to kill, injure or capture a wild bird;

(b) to disturb a wild bird while it is building a nest or is in on or near a nest containing eggs or young;

(c) to disturb dependent young of a wild bird;

(d) to take, damage or destroy the nest of a wild bird while that nest is in use or being built;
or

(e) to take or destroy an egg of a wild bird.

(2) Subject to this Part, it is an offence for any person knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild bird, or any part of, or anything derived from, such a wild bird.

(3) Subsections (1) and (2) apply to all stages of the life of the wild birds to which they apply.

(4) An authorised person does not commit an offence under subsection (1) or subsection (2) by doing in relation to a bird included in Part I of Schedule 1 or its nest or any of its eggs any of the things which would otherwise constitute an offence by him under one or other of those subsections.

(5) An authorised person does not commit an offence under subsection (1) or (2) by killing or capturing outside the close season a bird included in Part 11 of Schedule 1 to this Ordinance or by injuring such a bird outside that season in the course of an attempt to kill it.

(6) A person shall not be convicted of an offence under subsection (2) if he shows —

- (a) that the bird had not been captured or killed, or had been lawfully captured or killed,
- (b) that the bird or other thing in question had been lawfully sold or given (whether to him or to another person), or
- (c) that the bird or other thing was lawfully acquired (by him or another person) before the coming into force of this Ordinance.

(7) In this section “wild bird” does not include any bird which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) a bird shall be presumed to be a wild bird unless the contrary is shown, and an egg or anything derived from a bird shall be presumed to be an egg of, or as the case may be, derived from a wild bird unless the contrary is shown.

(8) Paragraph (a) of subsection (6) shall apply to eggs with the substitution of the word “taken” for the word “captured” in both places where “captured” appears in that paragraph.

(9) Schedule 1 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild animals

4.—(1) Subject to the provisions of this Part, it is an offence deliberately —

- (a) to capture or kill a protected wild animal;
- (b) to take or destroy the eggs or spawn of such an animal;
- (c) to damage or destroy a breeding site or resting place of a protected wild animal.

(2) Subject to this Part, it is an offence knowingly to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead protected wild animal, or any part of, or anything derived from, such an animal.

(3) Subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(4) For the purposes of this section, a wild animal is a protected wild animal if —

- (a) it is an animal mentioned in, or falling within a description of animals contained in Schedule 2 to this Ordinance; or
- (b) it is a marine mammal.

(5) Subject to subsection (6) a person shall not be convicted of an offence under subsection (2) if he shows —

(a) that the animal had not been captured or killed, or had been lawfully captured or killed,

(b) in respect of an animal mentioned in Part 2 of Schedule 2 to this Ordinance, if he shows that he captured it by rod and line outside the close season, and does not capture more than six on any one day.

(6) Nothing in subsection (5)(a) authorises the sale of any protected wild animal or its eggs.

(7) In this section —

(a) “wild animal” does not include any wild animal which is shown to have been bred in captivity, but in proceedings for an offence under subsection (1) or subsection (2) an animal shall be presumed to be a wild animal unless the contrary is shown, and an egg or anything derived from an animal shall be presumed to be an egg of, or as the case may be, derived from a wild animal unless the contrary is shown;

(b) “close season” in relation to any animal mentioned in Part II of Schedule 2, means the months of May to August.

(8) Paragraph (a) of subsection (8) shall apply to eggs with the substitution —

(a) of the word “taken” for the word “captured” in both places where “captured” appears in that paragraph, and

(b) of the word “destroyed” for the word “killed”.

(9) Schedule 2 to this Ordinance may from time to time be amended by the Governor by Order under this subsection.

(10) A person convicted of an offence under subsection (1) or (2) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Further defences in relation to offences under sections 3 and 4

5.—(1) Nothing in section 3(1) or (2) or 4(1) or (2) renders it unlawful or an offence for any person —

(a) to do anything done under, or in pursuance of, an Order made under the Animal Health Ordinance 1998;

(b) to disturb any wild bird or protected wild animal within a dwellinghouse;

(c) to damage or destroying the nest, breeding site or resting place of a wild bird or protected wild animal within a dwellinghouse;

(d) to capture or take any wild bird or wild animal if that person shows that the wild bird or protected wild animal had previously been disabled otherwise than by his unlawful act and

that he captured or took it solely for the purpose of tending to it and releasing it when no longer disabled;

(e) a person killing such a wild bird or protected wild animal if that person shows that the wild bird or wild animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(f) any other act rendered unlawful by any of those provisions if the person who did that act shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(2) In this section, “protected wild bird” means a bird of a species other than a species mentioned in either Part of Schedule 1.

Prohibition of certain methods of capturing or killing wild birds and protected wild animals

6.—(1) It is an offence to use for the purpose of capturing or killing any wild bird or protected wild animal —

(a) any of the means listed in subsection (2) of this section, or

(b) any form of capturing or killing from the modes of transport mentioned in subsection (3) of this section.

(2) The prohibited means of capturing or killing protected wild birds and protected wild animals are —

(a) using any bird or animal (whether or not it is a protected wild bird or protected wild animal), as a decoy;

(b) any form of equipment capable of replaying a recording of sounds or pictures or both;

(c) electrical and electronic devices capable of killing or stunning;

(d) artificial light sources;

(e) mirrors and other dazzling devices;

(f) devices for illuminating targets;

(g) sighting devices for night shooting comprising an electronic image intensifier or image converter;

(h) explosives;

(i) except in relation to fish under the authority of a licence granted under the Fisheries (Conservation and Management) Ordinance 1986, any net or trap which is non-selective according to its principle or its conditions of use;

(j) crossbows;

(k) gassing or smoking out;

(l) poisons and poisoned or anaesthetic bait;

(m) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;

(n) chemical wetting agents; and

(o) any of the following which is calculated to cause injury, that is to say any gin, snare, noose, any form of bird lime and, except in relation to fish, any trap, net or hook and line, but nothing in this subsection renders unlawful the use of any of the foregoing methods by a person acting in pursuance of any written law to which paragraph (a) of section 5 relates.

(3) The prohibited means of transport are —

(a) aircraft; and

(b) moving motor vehicles.

(4) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Protection of wild plants

Protection of wild plants

7.—(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a protected wild plant or for any person other than an authorised person deliberately to uproot any protected wild plant.

(2) For the purposes of this section, a plant is a protected plant if it is a plant mentioned in, or falls within a description of plants contained in, Schedule 3 to this Ordinance.

(3) It is an offence to keep, transport, sell or exchange or offer for sale or exchange, any live or dead protected wild plant or any part of, or anything derived from, such a plant.

(4) Subsections (1) and (3) apply to all stages of the growth cycle of the plants to which they apply.

(5) A person does not commit an offence under subsection (1) —

(a) if he is the owner or occupier of the land in question or an authorised person and shows that the act which would otherwise have been unlawful by virtue of subsection (1) was an incidental result of a lawful operation carried out by him and could not reasonably have been avoided;

(b) under subsection (3) of this section if he shows that the plant or other thing in question had been sold or given (whether to him or any other person) without any contravention of any provision of this Part of this Ordinance.

(6) For the purposes of this section —

(a) a plant which is growing, or is shown to have been growing, within the enclosed curtilage of a building is for the purposes of this section not a wild plant even if it is shown that it was not cultivated; but otherwise

(b) a plant which if it is a wild plant would be a protected wild plant, is to be presumed to be a wild plant unless the contrary is shown,

and for the purposes of paragraph (a) of this subsection “enclosed curtilage” means land within a hedge, fence or wall and constituting the garden or other land for the amenity of the building which it surrounds or abuts.

(7) Schedule 3 to this Ordinance may be amended by Order made by the Governor under this subsection.

(8) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Miscellaneous

Introduction of new species etc

8.—(1) Subject to the provisions of this Part, it is an offence for a person to release or allow to escape into the wild any animal or bird which is of a kind not ordinarily resident in or a visitor to the Falkland Islands.

(2) Subject to the provisions of this Part, it is an offence for a person to plant or otherwise cause to grow in the wild any plant of a kind not ordinarily found growing in the wild in the Falkland Islands.

(3) Subject to subsection (4), a person shall not be convicted of an offence under subsection (1) or (2) if he proves that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period of seven clear days before the hearing, he had served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 5 on the standard scale.

Supplemental

Grant of licences for certain purpose

9.—(1) Sections 3 to 8 do not apply to anything done —

(a) under and in accordance with the terms and conditions of a licence granted under any written law; or

(b) for any of the purposes mentioned in subsection (2) under and in accordance with the terms and conditions of a licence granted by the Governor.

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

(a) scientific or educational purposes;

(b) ringing or marking, or examining any ring or mark on, and wild animal or wild bird;

(c) conserving wild animals, wild birds or wild plants or introducing them to particular areas;

(d) preserving public health or public safety;

(e) preventing the spread of disease;

(f) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or for any other form of property or to fisheries;

(g) the improvement of agriculture or forestry;

(h) authorising a person resident in the Falkland Islands to collect the eggs of any bird specified in the licence for human consumption in the Falkland Islands or for the purposes of a scientific institution outside the Falkland Islands; or

(3) The Governor may by instrument under his hand delegate the exercise of all or any of his powers under this section, except this power of delegation, to such public officer or officers or other person or persons, and subject to such conditions, limitations and to compliance with such directions, which may include a requirement that such fee shall be paid for a licence as is therein mentioned, as are specified in any such instrument.

(4) The grant of a licence under this section shall not be construed as authorising any person to enter upon the land of another without that other's permission or consent.

(5) A licence of a kind to which subsection (2)(h) refers shall —

(a) specify the quantity and species of bird eggs it authorises the licensee to collect;

(b) prohibit the sale to any person of those eggs; and

(c) not authorise the collection for human consumption of the eggs of any species of bird except Gentoo penguin (*Pygoscelis papua*), Magellanic penguin (*Spheniscus magellanicus*), Black-browed Albatross (*Diomedea melanophris*), Logger duck (*Tachyeres brachydactyla*), Patagonian crested duck (*Anas specularioides*), Yellow-billed teal (*Anas flavirostris*) and Kelp gull (*Larus dominicanus*) (otherwise known as Dominican gull).

Licences: supplementary provisions

10.—(1) A licence under section 9 —

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person; and

(c) without prejudice to section 9(5) may be subject to compliance with any specified conditions.

(2) A licence granted under section 9 may be granted subject to conditions, which shall be complied with and such a licence may be revoked at any time by the Governor, but otherwise shall be valid for the period stated in the licence.

(3) A licence under section 9 which authorises any person to kill any wild bird or protected wild animal shall specify the area within which and the methods by which wild birds or protected wild animals may be killed and shall not be granted so as to be valid for a period exceeding two years.

(4) It is a defence for a person charged with an offence under section 8(b) of the Protection of Animals Act 1911 (which restricts the placing on land of poison and poisonous substances) in its application to the Falkland Islands to show that —

(a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence under section 9 of this Ordinance; and

(b) any conditions specified in or by the licence were complied with.

(5) A person who contravenes any condition of a licence granted under section 9 commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding three months.

False statements made for obtaining licence

11.—(1) A person commits an offence who, for the purposes of obtaining whether for himself or another, the grant of a licence under section 9 —

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or

(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person convicted of an offence under this section is liable to a fine not exceeding the maximum of level 4 on the standard scale.

PART III Conservation Areas *Introductory*

Interpretation of Part III

12. In this Part, unless the context otherwise requires —

(a) “national nature reserve” means an area of land or water (or both) to which an Order under section 15(1) relates; and

(b) “marine area” means an area consisting of land covered (continuously or intermittently)

by tidal waters or parts of the sea which are landward of the baselines from which the breadth of the territorial sea adjacent to the Falkland Islands is measured or are seaward of those baselines up to a distance of three nautical miles; and

(c) references to the natural beauty of an area shall be construed as including references to its flora, fauna and geological or physiographical features.

National nature reserves

Designation of national nature reserves

13.—(1) The Governor may by Order declare —

(a) any area of Crown Land or any marine area; or

(b) with the agreement of every owner, lessee and occupier, any privately owned land,

to be a national nature reserve.

(2) All Sanctuary Orders and Nature Reserve Orders in force immediately prior to the commencement of this Ordinance shall, until they are revoked by an Order under this section, on commencement of this Ordinance continue in force as if —

(a) they had been made as national nature reserve Orders immediately on such commencement; and

(b) the provisions of any such Order regulating the control, administration or protection of the area to which the Order relates had been made immediately on commencement of this Ordinance as regulations under section 16 of this Ordinance,

but nothing in this subsection shall affect the application of any such Order in relation to any act or omission of any person occurring before the commencement of this Ordinance and any contravention of any such Order occurring before the commencement of this Ordinance may be prosecuted, and the offender be dealt with, in the same way as if this Ordinance had not been enacted.

(3) In this section, “Sanctuary Order” means an Order made under section 4 of the Wildlife and Birds Protection Ordinance 1964 and “Nature Reserve Order” means an Order made under section 3 of the Nature Reserves Ordinance 1964.

Management agreements

14.—(1) If the Governor considers that it would be in the public interest that any area of private land should be managed as a national nature reserve, he may enter into an agreement with every owner, lessee and occupier of that land that it shall be so managed.

(2) Any such agreement may —

(a) provide for the management of the land in such manner and the carrying out on it of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;

(b) provide for any of the things mentioned in paragraph (a) being carried out, or the cost of them defrayed in whole or in part by the owner or any other person or by the Crown;

(c) contain such other provisions as may be agreed between the Crown and the owner, lessee or occupier; and

(d) be made irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.

(3) Any agreement under this section shall be registered under sections 3 and 4 of the Land Charges Ordinance 1996 against the name of every owner, lessee and occupier who is party to it as a Class II land charge and, subject to such registration before he acquired his interest, every provision of the agreement shall be enforceable against every successor in title of any such owner, lessee or occupier as if he had been a party to the agreement in the first place.

Breach of management agreements

15.—(1) The Governor may, if it appears to him that a breach of an agreement under section 14(1) of this Ordinance has occurred and that that breach adversely affects the satisfactory management as a national nature reserve of land to which the agreement relates by notice to the person or persons in breach of the agreement require that person or those persons to remedy that breach at his or their cost within such time, not being less than 42 days, as shall be specified in that notice.

(2) If a breach of such an agreement is not remedied within the period specified in the notice served under subsection (1) or any greater period the Governor may have allowed for the purpose, the Governor may enter upon the land with or without workmen and others and take such steps as appear to him to be necessary to remedy the breach, and recover as a civil debt the cost of so doing, as certified by the Financial Secretary, from the person or persons in breach, whose liability shall, if more than one, be joint and several.

Regulations in relation to national nature reserves

16.—(1) The Governor may make regulations for the protection of any national nature reserve. Such regulations may be expressed to apply to one or more national nature reserves specified therein or as to all national nature reserves and may make different provision in relation to different parts of the year and different provision in relation to different national nature reserves or different parts of the same national nature reserve.

(2) Without prejudice to the generality of subsection (1) of this section, regulations may —

(a) provide for prohibiting or restricting, either absolutely or subject to any exceptions —

(i) in relation to any marine national nature reserve and any part of any other national nature reserve consisting of land covered by water, the entry into, or movement within, the reserve of persons and vessels;

(ii) in relation to any national nature reserve or part thereof consisting of land not covered by water, the entry into, or movement within, the reserve of persons and vehicles of any kind;

(b) prohibit the killing, taking, destruction, molestation or disturbance of animals, birds or plants of any description in the reserve, the taking or destruction of the egg of any animal or bird, the picking, plucking, uprooting of any plant, the damaging or destroying of the breeding site, resting place or nest of any animal or bird or the doing of anything within the reserve which interferes with the seabed or the bed of any water or disturbs or damages any object within the reserve;

(c) prohibit the depositing of rubbish in the reserve and the discharge of any noxious or polluting substance;

(d) prohibit the bringing into the reserve of any weapon or other device or thing designed or adapted for the purpose of capturing or killing any animal or bird;

(e) prohibit the smoking of any cigarette, cigar or pipe within the reserve, the lighting of any fire or the doing of anything likely to cause a fire within the reserve; and

(f) prohibit the bringing into the reserve of any animal, bird or plant.

(3) Nothing in regulations under this section shall —

(a) prohibit or restrict, except with respect to particular parts of the reserve at particular times of year in relation to a pleasure boat, the exercise of any right of passage by a vessel;

(b) render unlawful anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or saving life;

(c) render unlawful anything done more than 30 metres below the sea bed;

(d) render unlawful anything done under authority of a licence granted under any written law or pursuant to an order under any written law of the Falkland Islands in relation to animal health;

(e) interfere with the exercise by any person of —

(i) a right vested in him as owner, lessee or occupier of land in the reserve or otherwise permitted under the terms of an agreement relating to that land; or

(ii) any public right of way over land.

(4) Regulations made under this section may provide that a contravention of any provision of such regulations specified for that purpose constitutes an offence and that a person convicted of that offence shall be liable to a fine of such amount, not exceeding the maximum of level 5 on the standard scale, as is specified by the regulations in relation to contravention of the provision in question.

PART IV
Miscellaneous
Offences

Offences by corporations

17.—(1) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Repeals

Repeals

18. The Fisheries Ordinance, the Wildlife and Birds Protection Ordinance 1964 and the Nature Reserves Ordinance 1964 are repealed.

Schedules

SCHEDULE 1

Part I

Birds which may be killed or captured by authorised persons at any time

Upland Goose
Domestic Goose of any species which have become feral
Mallard Duck

Part II

Birds which may be killed or captured by authorised persons at any time outside the close season

Species

Yellow-billed Teal

Crested Duck (otherwise known as Patagonian Crested Duck)

Close season

1st July to 31st March

SCHEDULE 2

Part I
Protected wild animals

All species of butterflies (*Rhopalocera*)
 Trout (*Salmo trutta*)
 Falkland Islands Trout (*Aplochiton zebra*)

Part II

Protected wild animals which may be killed or captured by authorised persons at any time outside the close season (1st May to 31st August)

Trout (*Salmo trutta*)

SCHEDULE 3
Protected plants

Adders Tongue	<i>Ophioglossum crotalophoroides</i>
Dusen's Moonwort	<i>Botrychium dusenii</i>
Chilean Maidenhair Fern	<i>Adiantum chilense</i>
Feltons Flower	<i>Calandrinia feltonii</i>
Shrubby Seablite	<i>Suaeda argentinensis</i>
Falkland Rock Cress	<i>Phlebolobium maclovianum</i>
Fuegian Saxifrage	<i>Saxifraga magellanica</i>
Native Yellow Violet	<i>Viola maculata</i>
Yellow Lady's Slipper	<i>Calceolaria dichotoma</i>
Falklands False Plantain	<i>Nastanthus falklandicus</i>
Hairy Daisy	<i>Erigeron incertus</i>
Falkland Pondweed	<i>Potamogeton linguatus</i>
Yellow Pale Maiden	<i>Sisyrinchium chilense</i>
Pale Yellow Orchid	<i>Gavilea australis</i>
Yellow Orchid	<i>Gavilea littoralis</i>
Gaudichaud's Orchid	<i>Chlorae gaudichaudii</i>
Fir Clubmoss	<i>Huperzia selago</i>
Comb Fern	<i>Schizaea fistulosa</i>
Leathery Shield Fern	<i>Rumohra adiantiformis</i>

Passed by the Legislature of the Falkland Islands this 21st day of August 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Commissions of Inquiry (Amendment) Ordinance 1999

(No: 11 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Repeal and replacement of Commissions of Inquiry Ordinance

ELIZABETH II



Colony of the Falkland Islands

 DONALD ALEXANDER LAMONT,
Governor.

COMMISSIONS OF INQUIRY (AMENDMENT) ORDINANCE 1999

(No: 11 of 1999)

<i>(assented to:</i>	<i>30 August 1999)</i>
<i>(commencement:</i>	<i>upon publication)</i>
<i>(published:</i>	<i>21 September 1999)</i>

AN ORDINANCE

To amend the Commissions of Inquiry Ordinance.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Commissions of Inquiry (Amendment) Ordinance 1999.

Repeal and replacement of section 15 of the Commissions of Inquiry Ordinance

2. Section 15 of the Commissions of Inquiry Ordinance is repealed and is replaced by the following section —

“Remuneration and expenses

15.—(1) Commissioners appointed to conduct any inquiry under the provisions of this Ordinance shall be entitled to such remuneration, if any, and expenses as may be determined by the Governor.

(2) The Governor may direct what remuneration, if any, shall be paid to the secretary and any other person engaged in or about the conduct of an inquiry.

(3) Any sum payable by virtue of subsection (1) or (2) shall be payable out of the Consolidated Fund.”

Passed by the Legislature of the Falkland Islands this 21st day of August 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Supplementary Appropriation (1999-2000) Ordinance 1999

(No. 12 of 1999)

ARRANGEMENT OF PROVISIONS

Section

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

Schedule

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

SUPPLEMENTARY APPROPRIATION (1999-2000) ORDINANCE 1999

(No. 12 of 1999)

(assented to: 30 August 1999)
(commencement: upon publication)
(published: 21 September 1999)

AN ORDINANCE

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £146,000 for the service of the financial year ending on 30 June 2000.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Supplementary Appropriation (1999-2000) Ordinance 1999.

Appropriation of further sum

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 1999 and ending on 30 June 2000 ("the financial year") the further sum of £146,000 in addition to sums already appropriated by Ordinance.

Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of the Contingencies Warrant Number 2 of 1999-2000 (the authority of which lapses on the commencement of this Ordinance).

SCHEDULE

PART I OPERATING EXPENDITURE

		£
200	Health & Social Services	2,000
250	Education & Training	7,000
551	Police & Prisons	23,000
	TOTAL OPERATING EXPENDITURE	32,000

PART II CAPITAL EXPENDITURE

950	Capital	114,000
	TOTAL SUPPLEMENTARY EXPENDITURE	146,000

Passed by the Legislature of the Falkland Islands this 21st day of August 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Taxes (Amendment) Ordinance 1999

(No: 13 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Taxation of redundancy payments and other benefits

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

TAXES (AMENDMENT) ORDINANCE 1999

(No. 13 of 1999)

(assented to: 30 August 1999)
(commencement: upon publication)
(published: 21 September 1999)

AN ORDINANCE

To amend the Taxes Ordinance 1997.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Taxes (Amendment) Ordinance 1999.

Taxation of redundancy payments and other benefits

2.—(1) This section shall be deemed to have come into force on 1st January 1997.

(2) The following sections shall be inserted in the Taxes Ordinance after section 58 —

“Taxation of redundancy payments

58A.—(1) A redundancy payment received by any person shall be chargeable to tax under this section, but subject to and in accordance with the provisions of this section and sections 58B to 58D, and an amount chargeable to tax under this section shall be deemed to be income of that person chargeable for the year of assessment in which he receives the payment.

(2) In this section and sections 58B to 58D, “redundancy payment” means any payment not otherwise chargeable to tax which is received in connection with —

(a) the termination of a person's employment; or

(b) any change in the duties of or emoluments from a person's employment;

and includes any payment which is a redundancy payment within the meaning of the Employment Protection Ordinance 1989.

(3) For the purposes of subsection (2) a payment made in consideration or in consequence of, or otherwise in connection with, the termination or change in the duties of or emoluments from a person's employment is a redundancy payment whether it —

(a) is made by the employer or former employer or by another person; or

(b) is made in pursuance of a legal obligation or not; or

(c) is received directly or indirectly —

(i) by the employee or former employee; or

(ii) by the spouse or any relative or dependant of the employee or former employee; or

(iii) by the personal representatives of the former employee.

(4) For the purposes of this section and sections 58B to 58D a payment which is made on behalf of, or to the order of, the employee or former employee (whether as mentioned in subsection (3)(c)(ii) or (iii) or otherwise) is treated as received by the employee or former employee.

(5) An amount chargeable to tax under this section shall be deemed to be a payment to which section 83(1) applies, made when the redundancy payment is received by the employee, and where the person paying the payment is not his employer, references in Part IV to the employer shall include references to that person.

(6) Where a redundancy payment within the meaning of the Employment Protection Ordinance 1989 is made in respect of employment wholly in a business carried on by the employer and within the charge to tax, then the payment shall (if not otherwise so deductible) be so deductible and if made after the discontinuance of the business shall, for the purpose of this subsection, be deemed to have been made on the last day on which the business was carried on.

(7) For the purposes of section 98 (restriction on deduction of emoluments before payment) a redundancy payment shall be deemed to be a relevant emolument.

(8) For the purposes of this section and sections 58B to 58D, a redundancy payment is treated as received when it is made, and section 94(1) (time when payment is made for POAT purposes) shall apply for the purposes of this subsection.

(9) In this section and sections 58B to 58D "employment" includes an office and related expressions have a corresponding meaning.

Information to be provided by the employer

58B.—(1) Where any redundancy payment is received by any employee in a year of assessment, the person by whom the payment is made shall give the Commissioner a certified copy of—

(a) all documents constituting the employee's contract of employment in respect of the termination of which or change in the duties or emoluments of which the redundancy payment is made; and

(b) all documents relating to the redundancy payment.

(2) The employer shall give the Commissioner a notice in writing containing the following information—

(a) the employee's full name and address;

(b) the dates on which his employment started and, in the case of a termination, ended;

(c) in the case of a change in the duties or emoluments of an employment, details of that change;

(d) the amount of the payment;

(e) the date on which the payment will be or has been received;

(f) the employee's pay to date in the tax year;

(g) the total tax deducted to date in the tax year; and

(h) in the case of a termination of employment, the amount of any other payment the employee will receive in respect of the termination of his employment and the dates when the employer proposes to make those payments.

(3) Any document or notice required to be given by subsection (1) or (2) shall be given within 30 days of the date on which the redundancy payment in question is received.

(4) A person shall not be required to include in any notice under subsection (2) any information which is included in any document given to the Commissioner under subsection (1) in respect of the same person and the same payment.

(5) In subsection (1) a "certified copy" means a copy certified by the person giving it to the Commissioner as being a true copy of the original.

(6) Any person who fails to comply with any requirement of subsection (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding level 7 on the standard scale.

Payments not exceeding £20,000 and other exemptions

58C.—(1) Subject to subsections (2) and (3), a redundancy payment received by any person shall not be taxable if and to the extent that its amount does not exceed £20,000.

(2) This section does not apply in relation to any payment received by an employee in respect of the termination of an employment or change in duties or emoluments of an employment where —

(a) the employer in question is a company; and

(b) the employee either alone or together with persons connected with him beneficially owns at least 20 per cent of the ordinary share capital of that company.

(3) Redundancy payments received by the same person —

(a) in respect of the same employment; or

(b) in respect of different employments with the same employer or associated employers;

shall be aggregated and the £20,000 threshold shall apply to the aggregate amount.

(4) For the purposes of subsection (3)(b) employers are associated if on the date which is the relevant date in relation to any of the payments —

(a) one of them is under the control of the other; or

(b) one of them is under the control of a third person who controls or is under the control of the other on that or any other such date.

(5) In subsection (4) —

(a) any references to an employer, or to a person controlling or controlled by an employer, include the successors of the employer or person; and

(b) “the relevant date” means the date of the termination in question of employment, or of the change in question in the duties of or emoluments from employment.

(6) If payments are received in more than one year of assessment and subsection (3) applies, the £20,000 threshold shall be set against the amount of payments received in earlier years before those of later years.

(7) The £20,000 threshold shall be set against any cash payment as it is received.

(8) A redundancy payment received by any person shall not be taxable by virtue of section 58A if it is made —

(a) in connection with the termination of the employment by the death of the employee; or

(b) on account of injury to or disability of the employee; or

(c) in pursuance of any retirement payments scheme or personal pension arrangements which is or are approved for the purposes of Part III if —

(i) the payment is by way of compensation for loss of employment or for loss or diminution of emoluments, and the loss or diminution is due to ill-health; or

(ii) the payment is properly regarded as earned by past service.

Transitional provisions and amendment of the POAT Regulations

58D.—(1) Where a redundancy payment has been received on or after 1st January 1997 but before the day on which this Ordinance is published in the *Gazette*, then —

(a) section 83 (1) shall not apply in relation to that payment; and

(b) not later than 30 days after that day, the person who made the payment shall give the Commissioner the documents and other information required by section 58B as if the redundancy payment had been made on that day, and subsection (6) of that section shall apply accordingly.

(2) In regulation 3(2)(a) of the Payments on Account of Tax (Employee's Deductions) Regulations 1997 for "the period in which" there shall be substituted "the period as respects which".

Passed by the Legislature of the Falkland Islands this 21st day of August 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

SUBSIDIARY LEGISLATION

WILDLIFE

Conservation of Wildlife and Nature Ordinance (Correction) Order 1999

S. R. & O. No. 28 of 1999

Made: 15 September 1999

Published: 21 September 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 101(1) of the Interpretation and General Clauses Ordinance 1977(a), I make the following Order —

Citation

1. This Order may be cited as the Conservation of Wildlife and Nature (Correction) Order 1999.

Correction of Conservation of Wildlife and Nature Ordinance 1999

2. The Conservation of Wildlife and Nature Ordinance 1999(b) is rectified as follows —

(a) in section 4(8) the words “subsection (8)” are replaced by the words “subsection (5)”;

(b) in section 5(1) —

(i) in paragraph (c) the word “destroying” is replaced by the word “destroy”;

(ii) in paragraph (e) the words “a person killing” are replaced by the words “to kill”; and

(iii) in paragraph (f) the words “to do” are inserted in the first line before the words “any other act”.

Made this fifteenth day of September 1999

D G Lang
Attorney General

(a) No 14 of 1977

(b) No 10 of 1999

EXPLANATORY NOTE
(not forming part of the above Order)

Section 101 of the Interpretation and General Clauses Ordinance 1977 enables the Attorney General by Order published in the Gazette to rectify any clerical or printing error appearing in any Ordinance which has not yet been published in the Revised Edition of the Laws. The above Order corrects a number of minor errors in the Conservation of Wildlife and Nature Bill which are of a clerical nature.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

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The following are published in this Supplement -

Explanatory Memorandum, Land (Non-residents) Bill 1999;

Land (Non-residents) Bill 1999.

EXPLANATORY MEMORANDUM
Land (Non-residents) Bill 1999

Introductory

Under the existing law of the Falkland Islands "aliens" (all persons who are not citizens of a British Commonwealth country) cannot lawfully acquire (purchase or take on lease) any land in the Falkland Islands without first having obtained a licence. There are exceptions in respect of aliens purchasing land where a Treaty or other international obligation of the Falkland Islands enables an alien to acquire land without a licence (eg, in certain circumstances, citizens of member countries of the European Union) and in respect of certain short term tenancies. No non-resident (ie including British citizens and non-resident Falkland Islanders) can acquire land less than 500 acres in area which is further than six miles from Stanley without a licence under the Land (Sub-division for non-residents) Ordinance 1985. The Land (Non-residents) Bill 1999 represents an amended version of the Land (Non-residents) Bill 1995 which was published in the Gazette some years ago for comment but was not presented to the Legislative Council at that time. If enacted, it would replace both Part 2 of the Aliens Ordinance and the Land (Subdivision for non-residents) Ordinance 1985. Under it, a licence would be required by any non-resident who wished to acquire any land or interest in land in the Falkland Islands.

The provisions of the Bill

The Bill if enacted would come into operation on such date as might be fixed by the Governor by Notice published in the Gazette.

Clause 2

Clause 2 of the Bill contains a number of important definitions in relation to the meaning of "resident". Under clause 2(1) persons having Falkland Islands status would be regarded as "resident" if (but only if) they are ordinarily resident in the Falkland Islands. Under clause 2(3), a person is "ordinarily resident" in the Falkland Islands if he "usually lives" in the Falkland Islands. The effect of that would be that a Falkland Islander who usually lives overseas would need a licence to acquire land in the Falkland Islands in any case not falling within the general exception for non-resident's acquisition of land contained in clause 4(3). Under clause 2(1) a person who has both obtained a permanent residence permit under the Immigration Ordinance and who is ordinarily resident in the Falkland Islands would also be regarded as "resident" (and thus would not require a licence to acquire land). Any other person living in the Falkland Islands would require a licence to acquire land here (subject to the exceptions provided for by clause 4(3)).

Under clause 2(2) a statutory corporation "created or continued under any Ordinance of the Falkland Islands" would be regarded as "resident" in the Falkland Islands. Such statutory corporations include the Falkland Islands Development Corporation and the Museum and National Trust. Companies incorporated in the Falkland Islands having at least 75% of their share capital with voting rights "beneficially owned" (ie owned other than as a nominee or trustee for somebody else) by individual persons who are to be regarded as resident in the Falkland Islands or which are for tax purposes to be regarded as having "central control and management" in the Falkland Islands are to be treated as being resident in the Falkland Islands. Under clause 2(4) the Falkland Islands Government and the United Kingdom Government are to be regarded as resident in the Falkland Islands.

Clause 3

Clause 3(1) and (2) makes special provision in relation to companies registered in the Falkland Islands as overseas companies on 1 August 1999 and companies specially exempted by order. In addition, under clause 3(3) a bank is to be treated as being resident in the Falkland Islands if it holds a licence granted under section 5(1) of the Banking Ordinance 1987 but only so far as may be necessary to enable it, without a licence granted under the Bill, if enacted, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to its banking business in the Falkland Islands.

On the special grounds set out in clause 3(4) an overseas company might lose its privileges.

Clause 4

Clause 4(1) states that subject to the Ordinance it will be unlawful for a non-resident to acquire land in the Falkland Islands. Of course it will not be unlawful for a person who is not resident to acquire land in the Falkland Islands if he does so in accordance with a licence obtained under the Ordinance (for which provision is made in clause 5). Clause 4(2) contains a number of important interpretative provisions in relation to the prohibition on acquisition of land by a non-resident. Paragraph (a) states that a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land, whether he does it in his own name alone, jointly with others or through a nominee or trustee of any kind. This provision is designed to prevent a person who does not need a licence to acquire land "fronting" for a person who does. Paragraph (b) states that "land" includes land wholly or partly covered by water and any building or structure forming part of land. In paragraph (c) of clause 4(2) "interest in land" is defined as including a mortgage, charge or debenture affecting land, any right to occupy land and any equitable interest in land. The purpose of this extended definition is to prevent the ownership of land being acquired via enforcement of rights under a mortgage, charge or debenture or any sophisticated form of licence or by means of an interest under a trust.

Clause 4(3) requires a licence to acquire land to be obtained by a company the ownership of which changes so that it is no longer regarded under clause 2(2) as a company incorporated in the Falkland Islands. A change in the ownership of a company (eg by sale of shares) after it has obtained a licence to acquire land could be dealt with by a condition imposed in the licence under clause 5(2), perhaps by requiring a new licence to be obtained in such circumstances.

Clause 4(4) states a number of important exceptions to the requirement to obtain a licence. The first is a tenancy, or similar arrangement, of a house and land used with a house not exceeding two acres in area as a person's residence and provided that none of the land or any buildings are used for the purpose of any trade, business or profession. The second is a provision enabling a non-resident person without a licence to be a trustee for a named resident under a written trust of land. The third allows a person to enter into a contract or option for sale or lease of land provided that the acquirer is not entitled to enter into possession nor actually enters into possession of the land to which the lease or option relates until obtaining a licence. The fourth exception allows a person to take a tenancy of land not more than five acres in area for use for business purposes so long as the tenancy does not exceed twelve months in length and the aggregate amount of land held under such a tenancy does not exceed five acres in area. Spouses count as one person for the purpose of this provision and any company in which a person or his or her spouse or both of them in combination own more than 25% of the voting share capital are also treated as the same person.

Similarly, where the ownership of a company changes hands so that a licence is required by virtue of clause 3(3), if the licence is not obtained within three months after the change, the land vests in the Crown: (clause 4(5) and (6)). Where an individual resident in the Falkland Islands acquires land without a licence, he will not require a licence to continue to own the land if he becomes resident overseas. The Governor could, however, on the advice of the Executive Council, disclaim land which has vested in the Crown under clause 4(5) or (6) and could do so in favour of the person who failed to obtain a licence if, by the time of the disclaimer, he had obtained a licence.

Clause 5

Clause 5 would enable the grant of licences to non-residents enabling them to hold land or an interest in land in the Falkland Islands. Under clause 5(1) such a licence might be granted either free of conditions or subject to conditions and under clause 5(2) conditions imposed on the grant of a licence could include a condition requiring works to be carried out in the neighbourhood of the land in so far as those works are "reasonably incidental" to the use that the licensee intends to make of the land he is acquiring. However, a condition on a licence could not (clause 5(3)) require the payment of any sum of money to any person. A licence (clause 5(4)) would cease to have effect if the land affected is not acquired by the licensee within three years of the date on which the licence was granted. Applications for licences would have to contain such information as is prescribed by regulations made under clause 5(6).

Clause 6

Clause 6 deals with the consequences of breach of a provision of the Ordinance if —

(a) a non-resident who needs a licence to acquire the land in question does so without obtaining one or contravenes a condition of that licence, or

(b) a company ceases to be resident and fails to obtain a licence authorising it to continue to hold the land, the Governor may serve upon the owner a notice under clause 6(3) and may thereafter, after taking any representations into account (clause 6(4)(a)) and considering various factors —

(i) grant a licence;

(ii) order the compulsory sale of the land by the owner; or

(iii) with the consent of the Secretary of State, make an order for forfeiture of the land.

Clause 7

Clause 7 deals with inheritance of land under a will or intestacy. Where a non-resident acquires land by inheritance and wishes to retain that land then, unless he becomes resident in the Falkland Islands, he would have to apply for a licence within three years of the date on which the land was vested in or was transferred to him. If a licence is not granted within three months thereafter he would have a further year in which to dispose of the land. This, in effect, would allow a non-resident who inherits land four years and three months from the date on which the land was vested in or was transferred to him, if he did not obtain a licence, to dispose of the land. Even then, the Governor could extend that time (clause 7(4)). Where a person would be required under clause 7 to dispose of the land, and has not done so, the land would vest in the Crown, but the Crown could not keep it and, unless it disclaimed the land, would have to cause it to be sold at the best price reasonably obtainable from a person resident in the Falkland Islands. The price of the land and any profits made by it prior to sale would have to be paid to the person who inherited the land.

Clause 8

Under clause 8(1) it would be a criminal offence for a person knowingly and wilfully to break or fail to perform any condition of a licence granted and the offence would be punishable by a fine. Clause 8(3) provides for the enforceability of any condition of a licence against the licensee and succeeding owners of the land. The conditions would be enforceable by an order (injunction) obtainable from the Supreme Court.

Clause 9

Clause 9 would enable rules under section 69 of the Administration of Justice Ordinance to include rules of court relating to its practice and procedure in matters arising under the Ordinance.

Clause 10

Clause 10 would repeal Part 2 of the Aliens Ordinance and the Land (Sub-division for non-residents) Ordinance 1985. However any licence that has been granted under either of those Ordinances would continue to have effect as if it had been granted under the Bill (if enacted).

Land (Non-residents) Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Certain companies doing business in the Falkland Islands to be treated as resident
4. Non-residents to obtain licences to hold land
5. Licences to hold land or an interest in land in the Falkland Islands
6. Forfeiture or disposal etc of land unlawfully acquired or held by a non-resident
7. Inheritance of land under will or intestacy
8. Breach of conditions of licence
9. Rules of court
10. Repeals and saving

LAND (NON-RESIDENTS) BILL 1999

A Bill

for

An Ordinance

To replace Part II of the Aliens Ordinance and the Land (Sub-division for Non-residents) Ordinance 1995 with fresh provision as to the acquisition of land in the Falkland Islands by non-residents.

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

Short title and commencement

1. This Ordinance may be cited as the Land (Non-residents) Ordinance 1999 and shall come into operation on such date as may be fixed by the Governor by notice published in the *Gazette*.

Interpretation

2.—(1) For the purposes of this Ordinance, an individual shall be regarded as being resident in the Falkland Islands —

(a) if —

(i) under the provisions of section 17(5) of the Constitution he is to be regarded as belonging to the Falkland Islands; and

(ii) he is ordinarily resident in the Falkland Islands; or

(b) if —

(i) he has under the provisions of the Immigration Ordinance 1987 been granted a permanent residence permit; and

(ii) he is ordinarily resident in the Falkland Islands.

(2) For the purposes of this Ordinance, a body corporate is to be regarded as being resident in the Falkland Islands —

(a) if it is a statutory corporation created or continued under any Ordinance of the Falkland Islands;

(b) if it is a company incorporated in the Falkland Islands and —

(i) at least seventy-five per cent of its share capital carrying voting rights at general meetings of the company are beneficially owned by individuals who, under the provisions of subsection (1) of this section are to be regarded as being resident in the Falkland Islands; or

(ii) it is for the purposes of the Taxes Ordinance 1997 to be regarded as resident in the Falkland Islands by reason of its central control and management being in the Falkland Islands; or

(c) if it is a company, incorporated outside the Falkland Islands to which section 3(1) of this Ordinance for the time being applies.

(3) For the purposes of subsection (1) of this section, an individual is ordinarily resident in the Falkland Islands if he usually lives in the Falkland Islands.

(4) Her Majesty in right of Her Government of the United Kingdom, as well as in right of Her Government in the Falkland Islands, shall for the purposes of this Ordinance be regarded as being resident in the Falkland Islands and, accordingly, no licence under this Ordinance is required in relation to the acquisition of land in the Falkland Islands by or for any Department, Ministry or other division of Her Majesty's Government in the United Kingdom.

(5) For the purposes of this Ordinance, "land" has the meaning given by section 4(2).

Certain companies doing business in the Falkland Islands to be treated as resident

3.—(1) Subject to this section, there shall be treated as being for the purposes of this Ordinance resident in the Falkland Islands —

(a) every oversea company which on 1st August 1999 was registered pursuant to Part X of the Companies Act 1948 in its application to the Falkland Islands (which, inter alia, requires an oversea company, that is to say a company incorporated outside the Falkland Islands which has established a place of business in the Falkland Islands, to deliver certain documents to the Registrar of Companies for registration); and

(b) any company to which an order under subsection (2) for the time being relates.

(2) The Governor may, by order made under this subsection, provide that there shall be treated as being for the purposes of this Ordinance as being resident in the Falkland Islands, so long as the order continues to apply in respect of it, every company specified by name in that order or falling within a class or category specified in the order.

(3) Any company for the time being holding —

(a) a banking licence granted by the Governor under section 5(1) of the Banking Ordinance 1987; or

(b) a licence granted by the Governor under section 3(2) of the Telecommunications Ordinance 1988,

shall for the purpose of this Ordinance be treated as being resident in the Falkland Islands for so long as that licence is in force (but only in so far as may be necessary to enable it, without a licence granted under this Ordinance, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to the carrying out of its operations pursuant to its first-mentioned licence).

(4) The Governor may by notice published in the *Gazette* declare that section 3(1) shall no longer apply to any company to which that notice relates (but so that the publication of such a notice shall not have effect so as to require such a company to obtain a licence under this Ordinance to enable it to continue lawfully to hold any land it acquired prior to the publication of the notice under this subsection).

(5) The Governor may only publish a notice pursuant to subsection (4) if he is satisfied —

(a) that the company so specified has ceased to be registered pursuant to Part X of the Companies Act 1948 as an oversea company having a place of business in the Falkland Islands; or

(b) that the company so specified is in serious default of its obligations under Part X of the Companies Act 1948; or

(c) that the company so specified is no longer for the purposes of the Taxes Ordinance 1997 carrying on business in the Falkland Islands through a branch or agency; or

(d) that by reason of a change in the beneficial ownership of the company so specified occurring after the enactment of this Ordinance and which he considers to be material, it is not in the general interest to continue to permit the company so specified to acquire land in the Falkland Islands without obtaining a licence under this Ordinance permitting it to do so; and

before publishing such a notice the Governor shall

(i) notify any company which would be affected thereby of his intention to publish that notice and, so far as affects that company, the ground or grounds upon which he intends to publish that notice; and

(ii) afford to any such company a reasonable opportunity of making representations in writing to him; and

(iii) take any such representations he may receive from such a company into account,

but if a notice in respect of a company is published under this section, it may be expressed to have effect retrospective to a date (not being earlier than the date of the notification under paragraph (i)) stated in the notice.

Non-residents to obtain licences to hold land

4.—(1) Subject to this Ordinance, it is unlawful for a person who is neither resident in the Falkland Islands nor under this Ordinance to be treated as being resident in the Falkland Islands to acquire or purport to acquire for his own benefit any land or interest in land in the Falkland Islands.

(2) For the purposes of this section, but subject to subsection (3) —

(a) a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land whether he does so in his own name alone, jointly with others or through a nominee or trustee of any kind, and

whether by or under a trust, settlement, resulting or constructive trust or any other device or arrangement, whether or not of a like or similar nature to any of the foregoing;

(b) "land" includes land wholly or partly covered by water and includes any building or structure forming part of any land and any interest in land;

(c) "interest in land" includes a mortgage, charge or debenture affecting land, any right to occupy land and any equitable interest in land.

(3) Where any land or an interest in land in the Falkland Islands has been acquired by a company and —

(a) at the time of the acquisition the company was by virtue of section 2(2)(b) for the purposes of this Ordinance to be regarded as being resident in the Falkland Islands; but

(b) at a later time while the company still holds that land or interest in land section 2(2)(b) is no longer satisfied in relation to that company,

the company shall be deemed for the purposes of subsection (1) of this section to have acquired that land or interest at that later time (and so that it is unlawful for the company to continue to hold that land or interest in land unless it obtains a licence under section 5 authorising it so to do).

(4) Nothing in subsection (1) applies —

(a) to any lease, agreement, licence or arrangement, other than one involving acquisition of the freehold estate, whereby an individual is entitled for an indefinite period or a fixed period not exceeding three years to the use of land not exceeding two acres in area as his residence, and provided that he does not use any part of that land, or any buildings thereon for the purpose of any trade, business or profession and that he does not part with the possession of the whole or any part thereof to any other person other than a person who is a dependent or bona fide employee of his;

(b) so as to prevent any person who is not resident in the Falkland Islands holding any land upon trust for any person who is resident, and provided that the trust is effected in writing and the identity of the person for whom the land is held is apparent from the face of the trust instrument;

(c) to any contract or option for sale or lease so long as the purchaser or lessee is neither entitled to enter into possession nor actually enters into possession of the land to which it relates, until a licence under section 5 has been obtained;

(d) to any lease, agreement, licence in writing or other instrument under which a person is entitled to occupy for business purposes for not more than twelve months certain any land not exceeding (in aggregate with all other land which the person is entitled to occupy in relation to which no licence under this Ordinance has been obtained, and to which this paragraph applies) five acres in area (and for the purposes of this paragraph, an individual and his spouse are to be deemed to be one person, and company in which an individual or his spouse or both of them in combination owns more than twenty-five per cent of the share capital carrying voting rights at general meetings of the company is to be deemed to be the same person as that individual, and two or more companies in both or all of which an individual or his spouse or

both of them in combination own more than twenty-five per cent of the share capital carrying voting rights at general meetings are to be deemed to be one and the same person).

(5) Section 6 applies where a person who is not for the purposes of this Ordinance resident in the Falkland Islands or to be treated as being resident in the Falkland Islands acquires land in breach of subsection (1) of this section.

(6) Where by virtue of subsection (3) it becomes unlawful for a person to continue to hold land, unless the Governor shall direct otherwise or a licence under section 5 shall have been obtained before the expiration of three months from the date on which the unlawfulness arose, section 6 applies in respect of the land in question.

Licences to hold land or an interest in land in the Falkland Islands

5.—(1) A person who is not resident in the Falkland Islands may apply to the Governor for a licence to hold land in the Falkland Islands, and the Governor may grant such a licence either free of conditions or subject to such conditions to be performed by the licensee as the Governor considers necessary or convenient in the particular circumstances of the case. Any such condition is enforceable by civil proceedings in the Supreme Court brought by or on behalf of Her Majesty in right of Her Government in the same manner (including by an order for specific performance or by an award of damages) as if it had been a condition of a contract for valuable consideration entered into by the licensee with Her said Majesty, but unless it is informed to the contrary by or on behalf of Her Majesty, the court shall proceed on the basis that an award of damages is not a sufficient remedy.

(2) Without prejudice to the generality of the Governor's powers under subsection (1) to impose conditions on the grant of a licence, such powers include power to impose conditions requiring the licensee to carry out such works as may be specified in the licence upon the land the subject of the licence or in the neighbourhood of the land, in so far, in the case of conditions requiring works to be carried out in the neighbourhood of the land, as such works are reasonably incidental to the use the licensee intends to make of the land the subject of the licence.

(3) A condition imposed under subsection (1) shall not require the payment of any sum of money to any person.

(4) A licence granted under subsection (1) shall cease to have effect if the land or interest in land to which it relates if not already owned by the licensee is not acquired by the licensee within three years of the date on which the licence was granted.

(5) Every application for the grant of a licence under subsection (1) shall identify the land or interest in land to which it relates and shall contain such other information as may be prescribed by regulations made under subsection (6).

(6) The Governor may make such regulations as he considers necessary or convenient to be made for the better implementation of the purposes of this section, and without prejudice to the generality of the foregoing provisions of this subsection, such regulations may —

(a) require the payment to the Governor of a fee of such amount as may be prescribed by the regulations on the making, or alternatively upon the granting, of an application for a licence under subsection (1);

(b) require the submission of plans and details of the applicant's proposals in relation to the land to which the application relates;

(c) where the application is a company, require the submission of such information in relation to the constitution of and ownership and control of the company as the Governor may require in connection with the application; and

(d) may enable the registration of conditions of licences under the provisions of the Land Charges Ordinance 1996.

Forfeiture or disposal etc of land unlawfully acquired or held by a non-resident

6.—(1) This section applies where section 4(5) or section 4(6) so provides. It also applies where land is owned by a person who is not resident or to be treated as being resident in the Falkland Islands for the purposes of this Ordinance to whom a licence, in respect of that land, has been granted under section 5 and any condition which remains in force of that licence has not been performed or has been contravened.

(2) Where this section applies in respect of any land, the Governor may serve upon the owner of the land a notice complying with the requirements of subsection (3). Where different persons are each an owner of land in respect of a different interest, separate notices must be served on any of them in respect of whom as the Governor has in mind to take any action under any of the subsequent provisions of this section

(3) A notice under subsection (2) must —

(a) sufficiently identify the land to which it relates;

(b) state why the Governor believes that this section applies in respect of that land;

(c) state that the Governor is considering whether to order the forfeiture of the land pursuant to subsection (5) or whether alternatively to order the compulsory sale of the land pursuant to subsection (6);

(d) state that the Governor will, before making any such order, take into account any representations in writing he may receive from the owner within such period (not being less than 28 days) as the Governor must specify in such notice or such longer period as the Governor, at the request of the owner, may allow;

(e) state that the Governor must, before making any such order, consider and decide upon any application received from the owner for a licence under section 5 authorising the continued holding of the land by the owner; and

(f) state the effect of subsection (4).

(4) The Governor —

(a) must not make any order pursuant to subsection (5) or (6) before the expiration of the period of time permitted to the owner of the land for the purpose of making written representations to the Governor or without taking any such representations, if made, into account;

(b) before making an order pursuant to subsection (5) (forfeiture of the land without compensation) must first —

(i) consider whether, even if the owner has not made an application for a licence under section 5 of this Ordinance in response to the notice under subsection (2), such a licence ought to be granted to the owner (but this subparagraph does not apply where the relevant notice under subsection (2) of this section was served in consequence of the non-performance or breach by the owner of a condition imposed upon that owner by a licence granted under section 5);

(ii) where the land has been acquired without a licence having been granted under this Ordinance authorising the acquisition of the land by the owner, take reasonable account of the degree of fault or lack of fault of the owner in acquiring the land without having obtained that licence (including whether it was reasonable in the circumstances for the owner to acquire land or an interest in land in the Falkland Islands without, if that be the case, engaging to advise it a legal practitioner who might reasonably be expected to have a sufficient knowledge of the relevant law of the Falkland Islands, including the provisions of this Ordinance, and to have advised the owner of the effect of this Ordinance); and

(iii) consider whether, balancing the general interest of the Falkland Islands, including the need to deter the acquisition of land in breach of the provisions of this Ordinance, and those of the owner, the forfeiture of the land, without payment of compensation would be justified or whether instead, the Governor should not grant a licence pursuant to section 5 of this Ordinance or make an order under subsection (6) of this section (order for compulsory sale by the owner of the land);

(iv) consider whether, if this section applies only because the owner has failed to perform or has contravened a provision of a licence granted under section 5, any other remedy (such as an order of the Supreme Court requiring the owner to remedy the non-performance or breach, whether or not coupled with an order requiring the owner to pay damages in respect of any loss caused by the non-performance or breach) might be a sufficient remedy;

(c) before making an order under subsection (6) (order for compulsory sale by the owner of the land) must first consider the like matters he is required by paragraph (b) to consider, but omitting anything therein which of its nature relates only to an order under subsection (5) (order for forfeiture of the land without payment of compensation).

(5) Subject to the foregoing provisions of this section, where subsection (1) applies in respect of any land, the Governor with the consent of the Secretary of State may by order under this subsection, published in the *Gazette*, declare that that land is, so far as it belongs to the relevant owner, forfeit to Her Majesty the Queen in right of Her government of the Falkland Islands, without compensation, and on such publication that land so far as it so belongs is vested in Her Majesty accordingly.

(6) Subject to the foregoing provisions of this section, where subsection (1) applies in respect of any land, the Governor may by order, published in the *Gazette*, require that the land, so far as it belongs to the relevant owner, must be sold by that owner, within such time, not being less than six months, as is specified in that order, or such greater period as the Governor may on the

application of that owner allow. Where an order under this subsection is made in consequence of the failure of the owner to perform any condition imposed pursuant to section 5(1) subject to which a licence was granted to that owner, the Governor may in the order require that the sale shall be subject to such conditions (being conditions intended to require the purchaser to perform or observe obligations corresponding with the conditions contained in the licence) as he sees fit and any conditions specified in the order for that purpose shall be binding on a purchaser whether or not the owner imposes them upon the purchaser.

(7) Where an order has been made under subsection (6) and the relevant owner fails without reasonable excuse to comply with that order within the time limited by that order or such greater period as the Governor may allow, the Governor may revoke that order and with the consent of the Secretary of State replace it with an order made by him under subsection (5).

(8) Except where this section applies by reason of the non-performance or breach of a condition imposed in a licence granted under section 5 to the relevant owner, and an order to which subsection (5) or subsection (6) relates is not made, instead of making an order under either of those subsections the Governor may grant a licence to the relevant owner under section 5 and may in relation to the grant of that licence exercise any of the powers he has under that section. The provisions of this Ordinance (including the provisions of this section) shall apply to and in relation to any licence granted pursuant to this subsection as if that licence had been granted pursuant to an application under section 5(1).

(9) The Governor may by instrument under his hand and registered in the Deeds Registry maintained pursuant to the Lands Ordinance disclaim in favour of the person or persons named in the instrument any land or interest in land which vests in Her Majesty only by virtue of an order made under subsection (5). The effect of any such disclaimer is to vest in or transfer the land or interest in land specified in the instrument to that person or those persons. The Governor's power under this subsection includes power to disclaim the land or interest in favour of its former owner if that person has, by the time of the disclaimer, obtained a licence under section 5 in respect of the land or interest in land concerned.

Inheritance of land under will or intestacy

7.—(1) Subsections (2) to (5) of this section apply subject to subsection (6).

(2) Notwithstanding the preceding provisions of this Ordinance, and subject to this section, a licence is not required by a non-resident person to hold land in the Falkland Islands which he inherits or which becomes his property under or by virtue of the will or intestacy of his predecessor in title but he shall, if he has not previously disposed of his whole right title and interest in and to the land ("his ownership of the land"), and he is not then resident in the Falkland Islands, apply for a licence under section 5(1) not later than the third anniversary of the date on which the land vested in or was transferred to him and if such a licence is not granted within three months after such third anniversary or has not previously been granted to him in respect of that land, he shall dispose of his ownership of the land within the twelve months next following the expiry of such three months.

(3) Where a person does not dispose of his ownership of the land which he is required to dispose of by the provisions of subsection (2) within the time thereby limited or such greater period of time as may be allowed by the Governor under subsection (4), his ownership of the land shall on expiry of that time vest in Her Majesty in right of Her Government of the Falkland Islands, and

subsection (5) shall apply in relation to the land, the proceeds of sale of the land and the profits of the land pending sale.

(4) The Governor may at any time before the expiry thereof extend the time within which a person would otherwise be required under subsection (2) to dispose of his ownership of the land.

(5) Where land has vested in Her Majesty under subsection (3) —

(a) and the land has vested in Her Majesty for any estate or interest less than the estate in fee simple absolute in possession, or in the opinion of the Governor the ownership of the land would, by reason of onerous obligations imposed by a predecessor in title which may be binding upon Her Majesty, be contrary to Her Majesty's interests, the Governor may at any time by notice in writing disclaim the same, whereupon the estate or interest of Her Majesty in the land shall vest in and merge with the estate or interest in the land immediately superior to that of Her Majesty, or if none, with the estate or interest in the land immediately inferior to that of Her Majesty; but

(b) unless the Governor disclaims the land under paragraph (a) he shall cause the same to be sold as soon as reasonably possible at the best price reasonably obtainable from a person resident in the Falkland Islands (provided that he shall have power, without liability for loss, to postpone the sale for so long as in his opinion is reasonably and prudently necessary so as to realise a proper price from a person resident in the Falkland Islands) and shall pay the price received and the profits (if any) of the land pending sale received by Her Majesty, less the reasonable costs of and incidental to such sale and the reasonable cost of management of the land pending sale (including the cost of repairs, maintenance and insurance), to the person from whom the land was divested under subsection (2).

(6) Nothing in this Ordinance which would require a non-resident to hold a licence to acquire land applies, and nothing in subsections (2) to (5) of this section applies, to an interest in land consisting of a share in partnership which owns land if —

(a) the partnership is one or a continuation of one to which the Companies and Private Partnerships Ordinance applied immediately before the commencement of this Ordinance, and

(b) the share in the partnership is acquired by the non-resident under or by virtue of the terms of a will or intestacy of a prior owner of that share in the partnership.

(7) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in Her Majesty under subsection (3) of this section and the Supreme Court may grant such a declaration and make such order incidental thereto as it thinks fit.

Breach of conditions of licence

8.—(1) Without prejudice to section 6, a person commits an offence who knowingly and wilfully breaches or fails without reasonable excuse (the proof of which lies upon him) to perform any condition of a licence granted under this Ordinance.

(2) A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(3) A condition of a licence is enforceable at the suit of the Crown by injunction or order for specific performance against the licensee and any successor in title of his to the land.

Rules of court

9. The power to make rules of the Supreme Court under section 69 of the Administration of Justice Ordinance shall include power to make rules of court relating to the practice and procedure of the Supreme Court in relation to proceedings for enforcement of a condition of a licence under section 5(1) of this Ordinance.

Repeals and saving

10.—(1) The Aliens Ordinance, in so far as not previously repealed, and the Land (Sub-division for Non-residents) Ordinance 1985 are repealed.

(2) Notwithstanding the repeals effected by subsection (1), any licence granted under either of the Ordinances thereby repealed, and being a licence to acquire or hold land in the Falkland Islands, which was in force immediately before the commencement of this Ordinance shall continue to have effect as if it had been granted under section 5 of this Ordinance and any conditions of the licence shall be enforceable under section 5(1) as if they had been imposed under the provisions of this Ordinance.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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The following are published in this Supplement -

Immigration Bill 1999;

Rabies (Importation of Animals) Order 1999, (S.R. & O. No. 29 of 1999);

Traffic Signs Regulations 1999, (S.R. & O. No. 30 of 1999);

**Conservation of Wildlife and Nature Ordinance (Correction) (No. 2) Order 1999,
(S.R. & O. No. 31 of 1999).**

Corrigendum

Gazette No. 18 of 8th October 1999 - Explanatory Memorandum, Land (Non-residents) Bill 1999 and Land (Non-residents) Bill 1999 - should be No. 19 of 1999.

Immigration Bill 1999

(No: of 1999)

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Clause

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IMMIGRATION BILL 1999

(No. of 1999)

A BILL

for

AN ORDINANCE

To repeal and replace the Immigration Ordinance (Title 52.2)

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

PART I INTRODUCTORY

Short title and commencement

1. This Ordinance may be cited as the Immigration Ordinance 1999 and shall come into force on 1st January 2000.

Interpretation

2.—(1) For the purposes of this Ordinance, except in so far as the context otherwise requires —

“aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;

“captain” means master (of a ship) or commander (of an aircraft) and includes, where the context so admits, the person appearing for the time being lawfully to be in charge of the operation of the ship or aircraft concerned;

“Certificate of Falkland Islands Status” means a certificate issued under section 38;

“the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

“claim for asylum” means a claim made by a person (whether before or after the coming into force of this Ordinance) that it would be contrary to the United Kingdom’s obligations in relation to the Falkland Islands under the Convention for him to be removed from, or required to leave, the Falkland Islands;

“crew” in relation to a ship or aircraft, means all persons actually employed for reward under a contract of service in the working or service of a ship or aircraft, including the captain, and “crew” is to be construed accordingly;

“dependant”, in relation to an applicant for, or holder of a permit or an applicant for leave to enter the Falkland Islands means a person who is the first-named person’s spouse (whether or not financially reliant on the first-named person), dependent child, or dependent relative;

“dependent child”, in relation to an applicant or holder means a child or legally adopted child of the applicant or holder or the applicant’s or holder’s spouse if the child —

(a) is under the age of eighteen years;

(b) is single; and

(c) totally or substantially reliant on the applicant or holder or the applicant's or holder's spouse for financial support;

"disembark", without prejudice to subsection (2), means disembark from a ship or aircraft, and "embark" means embark in a ship or aircraft;

"entrant" means a person entering or seeking to enter the Falkland Islands, and "illegal entrant" means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes a person who has so entered;

"Falkland Islander" means a person who has Falkland Islands status by virtue of section 17(5) of the Constitution (and therefore includes a person who has obtained such status by the grant to him of such status under an Ordinance enacted for that purpose);

"functions" means powers and duties;

"holder", in relation to a permit issued under this Ordinance, means the person to whom the permit was issued;

"immigration laws" means this Ordinance and any subsidiary legislation made thereunder and any law for purposes similar to this Ordinance which is for the time being or has (before or after the passing of this Ordinance) been in force in the Falkland Islands;

"legally adopted" means adopted in pursuance of an order made by any court in the Falkland Islands, the United Kingdom, the Channel Islands or the Isle of Man or by any order specified as an overseas adoption by order under section 7(2) of the Adoption Act 1976;

"medical inspector" means the Chief Medical Officer, any Government Medical Officer and any other person appointed by the Governor to be a medical inspector for the purposes of this Ordinance;

"permanent residence permit" means a permit issued under section 18;

"prohibited person" means —

(a) a person in respect of whom a deportation order is for the time being in force;

(b) any person who, at the time of his entry or attempted entry into the Falkland Islands, is unable to show that he has the means of supporting himself and his family and dependants or that he has definite employment, in respect of which he has been granted a work permit, or who appears likely to be or become a charge upon public funds;

(c) any person —

(i) who refuses to submit to an examination by a medical inspector;

(ii) who is certified by a medical inspector to be suffering at a relevant time from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render his presence in the Falkland Islands a danger to the community or which is a prescribed disease;

(iii) who is certified by a medical inspector to be suffering at a relevant time from a mental disorder of a kind such that, in the opinion of the medical inspector, his presence in the Falkland Islands would constitute a danger to the community,

and for the purposes of (i) and (ii) "relevant time" means at the time of consideration of any application by the person for a permit or the time of the person's entry or attempted entry into the Falkland Islands; or

(d) who belongs to a category of persons for the time being notified by the Governor to the Principal Immigration Officer as a category members of whom are prohibited persons;

"repealed Ordinance" means the Immigration Ordinance (Title 52.2)

"residence permit" means a permit issued under section 16;

"temporary work permission" has the meaning given by section 12(2);

"ship" includes every description of vessel used in navigation;

"spouse" in relation to an applicant for a permit or a visa means the wife or husband of the applicant or holder or a person of the opposite sex to that of the applicant or holder who habitually forms part of the applicant's or holder's household and lives with him or her in a relationship analogous to that of wife or husband;

"visitor's permit" means a permit issued under section 11;

"work permit" means a permit issued under section 17;

(2) Except in so far as the context otherwise requires, references in this Ordinance to arriving in the Falkland Islands by ship extend to arrival by any floating structure, and "disembark" is to be construed accordingly; but the provisions of this Ordinance specially relating to the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.

(3) For the purposes of this Ordinance, a public officer or other servant of the Crown in right of the Government of the Falkland Islands is to be regarded as being employed by the Crown.

(4) This Ordinance shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of her prerogative.

Appointment of Principal Immigration Officer, immigration officers and medical inspectors

3.—(1) The Governor shall appoint a public officer to be the Principal Immigration Officer and may appoint other persons to be immigration officers, provided that the person who immediately before the commencement of this Ordinance held office as Principal Immigration Officer under the provisions of the repealed Ordinance and all persons who immediately before the commencement of this Ordinance held office as immigration officers shall continue to hold office as such, and may be removed from that office, as if he had been appointed under this subsection.

(2) Every customs officer and every police officer is to be deemed to have been appointed to be an immigration officer and may, subject to any contrary direction given to him by the Principal Immigration Officer, exercise any function conferred upon immigration officers under the immigration laws.

(3) The Principal Immigration Officer, with the assistance of all immigration officers, is responsible to the Governor for the administration of the immigration laws and the performance of all functions thereunder save in so far as they fall to be administered or performed by the Governor.

(4) The Principal Immigration Officer may perform any function conferred by the immigration laws on an immigration officer and —

(a) any immigration officer may, with the authority of the Principal Immigration Officer, perform any function conferred by the immigration laws on the Principal Immigration Officer;

(b) where the context so admits, references in any subsequent provision of this Ordinance to the Principal Immigration Officer include a reference to any immigration officer performing any function conferred by this Ordinance on the Principal Immigration Officer.

(5) The Principal Immigration Officer and every immigration officer in performing any function under this Ordinance must —

(a) avoid bias and be impartial and avoid discrimination on the basis of a person's race, sex, religion or political opinion;

(b) distinguish fact from opinion, rumour, allegation, assumption or report;

(c) consider only those matters which are relevant to the exercise of the function; and

(d) inform the applicant, and where required by this Ordinance, in writing, of the reasons for any decision he makes.

(6) The Governor may appoint any person, whether resident in the Falkland Islands or overseas, who is qualified to be registered as a medical practitioner under the Medical Practitioners Ordinance to be a medical inspector for the purposes of this Ordinance, but without prejudice to the foregoing every medical practitioner holding appointment as a Government Medical Officer, is a medical inspector.

PART II

REGULATION OF ENTRY INTO AND STAY IN THE FALKLAND ISLANDS

General

General principles

4. —(1) A person has a right of abode in the Falkland Islands if —

(a) he is a Falkland Islander; or

(b) he is the holder of a permanent residence permit,

and such a person is, subject to the laws of the Falkland Islands, free to live in, and to come and go into and from the Falkland Islands without let or hindrance except such as may be required under this Ordinance to enable his right to be established or as may be otherwise lawfully imposed on any person.

(2) Any person not having that right may live, work and settle in the Falkland Islands by permission and subject to such regulation and control of his entry into, stay and departure from the Falkland Islands as is imposed by this Ordinance.

General provisions for regulation and control

5.—(1) Except as otherwise provided by or under this Ordinance, where a person does not have the right of abode in the Falkland Islands —

(a) he must not enter the Falkland Islands unless given leave to do so in accordance with this Ordinance;

(b) he may be given leave to enter the Falkland Islands (or, when already there, leave to remain in the Falkland Islands) either for a limited or for an indefinite period.

(2) Except as provided by section 9 (seamen etc), section 15 (refugees etc) paragraph 12 (1) and 21(1) of Schedule 2, leave is to be granted by way of visitor's permit, residence permit, work permit or permanent residence permit or by way of extension of a residence permit, visitor's permit or work permit.

(3) Permission to enter or remain in the Falkland Islands must not, without the Governor's consent, be granted to a prohibited person or, where a person requires a visa to enter the Falkland Islands, to a person who does not hold a visa.

(4) The Governor may by Order exempt any person or class of persons either conditionally or subject to such conditions as may be imposed by or under the Order, from all or any of the provisions of this Ordinance relating to those who are not Falkland Islanders.

(5) An Order under subsection (4) may, as regards any person or class of persons to whom it applies, provide for that person or class in specified circumstances to be regarded (notwithstanding the Order) as not subject to immigration control.

(6) A person who is not a Falkland Islander is liable to deportation from the Falkland Islands —

(a) if his permit to remain in the Falkland Islands, or leave granted pursuant to section 15, is revoked or has expired without its validity having been extended or renewed so as to remain valid at the time in question;

(b) if he does not observe a condition or restriction subject to which his permit or such permission was granted;

(c) if he is a prohibited person;

(d) if in connection with the grant to him, or the extension or renewal, of his permit he has given any information which is false or misleading in any material particular or has withheld any fact which he was required to disclose;

(e) if, after attaining the age of eighteen years, he is convicted of an offence punishable by imprisonment for six months or more and a court empowered to do so recommended that he be deported;

(f) if the Governor considers that his deportation would be conducive to the public good;

(g) if another person to whose family he belongs is or has been ordered to be deported; or

(h) if he is an illegal entrant to the Falkland Islands; or

(i) his presence in the Falkland Islands is unlawful.

(7) When any question arises under this Ordinance as to whether or not a person is a Falkland Islander or is entitled to the benefit of any exemption under this Ordinance, it lies on the person asserting it to prove that he is.

(8) A person seeking to enter the Falkland Islands and claiming to have the right of abode there must prove that he has that right by —

(a) producing a passport or other travel document containing an endorsement to the effect that he has the right of abode in the Falkland Islands;

(b) producing a certificate of Falkland Islands status relating to him;

(c) producing a passport containing an endorsement to the effect that he is the holder of a permanent residence permit; or

(d) otherwise satisfying an immigration officer at his point of entry that he is a Falkland Islander or is the holder of a permanent residence permit which has not been revoked.

(9) An immigration officer must not refuse permission to enter the Falkland Islands to a person who produces a United Kingdom passport describing him as a British citizen and as having been born at some place in the Falkland Islands.

(10) Notwithstanding paragraph (c) of subsection (6), an immigration officer may refuse permission to enter the Falkland Islands to the person concerned if the officer is satisfied that the permanent residence permit has been revoked.

(11) A person who fails to satisfy an immigration officer at the point of entry that he has a right of abode in the Falkland Islands may, subject to this Ordinance, be granted leave to enter the Falkland Islands, but subject to this Ordinance no person is entitled to such leave as of right.

(12) All persons require a visa to enter the Falkland Islands except —

(a) persons having the right of abode in the Falkland Islands;

(b) persons travelling on a passport issued by an international organisation or national authority specified in Part 1 of Schedule 1; and

(c) persons exempted by virtue of some provision of Part 2 of Schedule 1.

Subject to any regulations made under section 40, a visa may be issued by or with the authority of the Principal Immigration Officer and may be issued before a person's arrival in the Falkland Islands or at the time of or subsequent to such arrival. A visa may be issued so as to be valid on a single occasion, a specified number of occasions or generally within the period specified in it but does not itself constitute leave to enter or remain in the Falkland Islands.

(13) The Governor may amend Schedule 1 by Order under this subsection.

(14) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands, shall not, except by authority of the Governor granted in the

circumstances of the particular case or unless he holds a permit, be permitted to enter the Falkland Islands.

Administration of control

6.—(1) The provisions of Schedule 2 to this Ordinance have effect with respect to —

(a) the powers of immigration officers and medical inspectors for the purposes of this Ordinance;

(b) the examination of persons arriving in or leaving the Falkland Islands by ship or aircraft;

(c) the exercise by immigration officers of their powers in relation to entry into the Falkland Islands, and the removal from the Falkland Islands of persons refused leave to enter or entering or remaining unlawfully; and

(d) the detention of persons pending examination or pending removal from the Falkland Islands,

and for other purposes supplementary to the foregoing provisions of this Ordinance.

Deportation

Procedure for, and further provisions as to, deportation

7.—(1) Where a person is under section 5(6) liable to deportation, subject to this Ordinance the Governor may make a deportation order against him, that is to say an order requiring him to leave and prohibit him from entering the Falkland Islands; and a deportation order against a person has the effect of invalidating any permit to enter or remain in the Falkland Islands given to him before the order is made or while it is in force.

(2) A deportation order against a person may be revoked by a further order of the Governor, and ceases to have effect if he acquires Falkland Islands status.

(3) A deportation order must not be made against a person as belonging to the family of another person if more than six months have elapsed since the other person left the Falkland Islands after the making of the deportation order against him; and a deportation order made against a person on that ground ceases to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.

(4) For the purposes of deportation the spouse of the person and any children under the age of eighteen of the person or his spouse are to be regarded as members of the person's family.

(5) For the purposes of subsection (4) an adopted child, whether legally adopted or not, may be treated as the child of the adopter; and, if legally adopted, is to be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as to adoptions) is to be regarded as the child only of its mother and where a person has more than one spouse "spouse" includes each of two or more spouses.

(6) Nothing in this section or in section 5(6) (g) has effect so as to enable a deportation order to be made in respect of a person who is a Falkland Islander.

Recommendations by court for deportation

8.—(1) Where under section 5(6)(e) a person convicted of an offence is liable to deportation on the recommendation of a court, he may be recommended for deportation by any court having

power to sentence him for the offence unless the court commits him to be sentenced or further dealt with for that offence by another court.

(2) A court must not recommend a person for deportation unless he has been given not less than seven days notice in writing stating that he is not liable to deportation if he is a Falkland Islander, describing the persons who are Falkland Islanders and stating (so far as material) the effect of section 5(6); but the court has power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under this subsection or, if a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) For the purpose of section 5(6)(e) —

(a) a person is to be deemed to have attained the age of eighteen at the time of his conviction if, on consideration of any available evidence, he appears to have done so to the court making or considering a recommendation for deportation; and

(b) the question whether an offence for which a person is punishable by imprisonment is to be determined without regard to any enactment restricting the imprisonment of young offenders or persons who have not previously been sentenced to imprisonment);

and for the purposes of deportation a person who on being charged with an offence is found to have committed it, notwithstanding any enactment to the contrary and notwithstanding that the court does not proceed to conviction, is to be regarded as a person convicted of the offence, and references to conviction are to be construed accordingly.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made in respect of an offender who is sentenced to imprisonment for life.

(5) Where a court recommends or purports to recommend a person for deportation, the validity of the recommendation is not to be called into question except on an appeal against the recommendation or against the conviction in respect of which it is made, but the recommendation is to be treated as a sentence for the purpose of any enactment providing an appeal against sentence.

(6) A deportation order must not be made on the recommendation of a court so long as an appeal or further appeal against the recommendation or against the conviction in respect of which it is made; and for this purpose an appeal or further appeal is to be treated as pending (when one is competent but has not been brought) until the expiration of twenty-eight days from the date of the recommendation.

(7) Nothing in this section or in section 5(6) (e) is to be construed as detracting from the Governor's power to make a deportation order against a person where he considers that doing so would be conducive to the public good and, in particular, where he is of that view partly or wholly because of the commission by the person concerned of an offence of which he has been convicted but the court has not made, or had no power to make, a recommendation that the person be deported or such a recommendation has been quashed on appeal or further appeal. However where the Governor reaches the view that a person's deportation would be conducive to the public good partly or wholly because of the commission of an offence of which the person has been convicted, he must not make a deportation order in consequence of that view during such time as, by virtue of subsection (6), an appeal against the conviction is to be treated as pending.

(8) The provisions of Schedule 3 shall have effect with respect to the removal from the Falkland Islands of persons against whom deportation orders are in force and with respect to the detention or control of persons in connection with deportation.

Leave to enter in special cases

Seamen, aircrew, members of Her Majesty's armed forces, members of visiting forces and their families and other special cases

9.—(1) Where a person arrives, not being a person who has Falkland Islands status or holds a permanent residence permit or residence permit, at a place in the Falkland Islands as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless —

(a) there is in force a deportation order made against him;

(b) he is a prohibited person;

(c) he has at any time been refused permission to enter the Falkland Islands and has not since then been given leave to enter or remain in the Falkland Islands; or

(d) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Ordinance and grants a period of leave under paragraph 12(1) of that Schedule;

he may enter the Falkland Islands and remain until the departure of the ship or aircraft on which he is required by his engagement to depart.

(2) Subsection (1) has effect without prejudice to paragraphs 12 to 15 of Schedule 2 to this Ordinance.

(3) Subject to subsection (4), the provisions of this Ordinance relating to those who are not Falkland Islanders shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964 ("the 1964 Act")), a member of a person who is a member of the family and forms part of the household of such a member, or a person entitled to the like immunity from jurisdiction as is conferred by the 1964 Act on a diplomatic agent.

(4) In the case of a member of a mission other than a diplomatic agent (within the meaning of the 1964 Act) subsection (3) shall apply only if he enters or has entered the Falkland Islands —

(a) as a member of that mission; or

(b) in order to take up a post as such a member which was offered to him before his arrival;

and references in that subsection to a member of a mission shall be construed accordingly.

(5) Subject to subsection (6), the provisions of this Ordinance relating to those who do not have Falkland Islands status shall not apply —

(a) to the Governor or any person in the service in a civil capacity of Her Majesty in right of Her Government of the United Kingdom entering or remaining in the Falkland Islands for the purposes of the performance of his duties;

(b) to any member of Her Majesty's armed services;

(c) any dependant of a person to whom paragraph (a) or (b) applies.

(6) Except in relation to employment by or service to Her Majesty in right of Her Government of the United Kingdom, subsection (5) does not have effect so as to exempt any person to whom it applies from any provision of section 17 (requirement to have a work permit) which applies to him.

Construction of references to entry, etc.

Construction of references to entry and other phrases relating to travel

10.—(1) A person arriving in the Falkland Islands by ship or aircraft is for the purposes of this Ordinance to be deemed not to enter the Falkland Islands unless or until he disembarks, and on disembarkation at a port is to be deemed not to enter the Falkland Islands so long as he remains in such area (if any) at the port as may be approved for this purpose by the Principal Immigration Officer; and a person who has not otherwise entered the Falkland Islands is to be deemed not to do so so long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Ordinance.

(2) A person who enters the Falkland Islands lawfully by virtue of section 9(1), and seeks to remain beyond the time limited by section 9(1), shall be treated for the purposes of this Ordinance as seeking to enter the Falkland Islands.

Visitors permits

Visitors permits

11.—(1) A visitor's permit may, subject to this section, be issued by an immigration officer and grants leave to the holder —

(a) to enter the Falkland Islands;

(b) to remain in the Falkland Islands during the period specified in the permit or such longer period as results from any extension granted pursuant to subsection (6).

A visitor's permit may not be granted to a person if the purpose of his visit is to engage in any activity mentioned in subsection (8) of this section and not permitted by section 12(1).

(2) A visitor's permit ceases to be valid —

(a) on its being revoked;

(b) on the expiry of the period for which the holder is authorised thereunder to remain in the Falkland Islands; or

(c) on the holder leaving the Falkland Islands,

whichever first occurs.

(3) Subject to subsection (4), an immigration officer may issue or extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period not exceeding four months from the date of his entry into the Falkland Islands. An immigration officer if so authorised by the Principal Immigration Officer in the particular case may extend or further extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period expiring not later than twelve months from the date of the person's entry into the Falkland Islands.

(4) An immigration officer shall not without the consent of the Governor issue a visitor's permit or grant an extension of a visitor's permit —

(a) to a prohibited person;

(b) to a person to whom a deportation order relates;

(c) to a person whose residence permit or work permit has within the past five years been revoked;

(d) if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which he has remained in the Falkland Islands under the authority of any previous visitor's permit granted to him, for a period exceeding twelve months in any consecutive period of twenty-four months;

(e) unless he is satisfied that the holder —

(i) has or has available to him sufficient financial resources to maintain him, without taking employment or carrying on business, during his proposed stay in the Falkland Islands;

(ii) has or is likely to have accommodation available to him for the duration of his proposed stay;

(iii) has made, (or has or will have, without taking employment or carrying on business, sufficient funds available to him to make), arrangements for his onward or return travel to a destination in a country or territory which will permit him entry ("his ultimate destination") and that he will be permitted to enter any country or territory in transit to that destination or any necessary intermediate destination at or in which he may need to land en route to his ultimate destination;

(5) Subject to subsections (1) and (4), an immigration officer may grant a visitor's permit —

(a) to a person who is outside the Falkland Islands;

(b) to a person who has disembarked or is about to disembark and is seeking leave to enter the Islands and who is not the holder of any other permit authorising him to do so;

(c) to a person whose entry into the Falkland Islands was permitted under section 9 and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that section;

(d) to a person who is the holder of a residence permit or work permit and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that permit or

(e) to a person whose entry into the Falkland Islands was lawful by reason of section 14 (entry in emergency) and who wishes to remain in the Falkland Islands longer than he is permitted to do so by that section.

(6) Subject to subsection (4), an immigration officer may extend the period of validity of a visitor's permit.

(7) The Governor may authorise an immigration officer to issue, extend or further extend a visitor's permit where by virtue of subsection (4)(c) or (d) the immigration officer would otherwise be prohibited from doing so.

(8) Except as permitted by section 12 or 13, the holder of a visitor's permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(9) A person who remains in the Falkland Islands after a visitor's permit granted to him ceases to be valid is unlawfully present in the Falkland Islands unless his continued presence in the Falkland Islands is authorised under some other provision of this Ordinance.

(10) An immigration officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Employment of holder of a visitor's permit

12.—(1) The holder of a visitor's permit shall be deemed not to be in breach of section 11(8) by anything bona fide done —

(a) —

(i) in fulfilment of his functions as a member of the board of any company or other corporation and which an employee of that company or corporation who is not a member of the board cannot do;

(ii) for or on behalf of a client in the capacity as a legal, medical, dental or other professional adviser or consultant or as an advocate before any court or tribunal, provided that he does so, in any case to which this paragraph applies, pursuant to a contract for services made before his entry into the Falkland Islands;

(iii) in relation to the repair, maintenance, servicing, installation or removal of any apparatus or equipment pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(iv) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands;

(v) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands;

(vi) as an actor, musician or other entertainer pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(vii) as an artist, provided he establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands;

(viii) by any person engaged in business overseas or by the directors, executives or other authorised representatives of any overseas company or body in business consultations or negotiations in the Falkland Islands concerning the establishment, expansions or winding up of any business enterprise in the Falkland Islands or any matter relating thereto or in consultations or negotiations with the Government or any statutory corporation,

so long as he does not remain in the Falkland Islands for a period or periods aggregating three months or more in any consecutive period of twelve months;

(b) by way of official business in the service of the government of any country or of any intergovernmental or international organisation that is for the time being entitled to any privileges or immunities by virtue of any written law of the Falkland Islands.

(2) Subject to subsection (3), the Principal Immigration Officer may grant permission to the holder of a visitor's permit to work (that is to say, to do anything that would otherwise be prohibited by section 11(8)). A permission granted under this subsection is hereafter called a "temporary work permission" and may be granted without conditions or subject to such conditions as the Principal Immigration Officer may consider expedient.

(3) A temporary work permission shall not be granted —

(a) unless the Principal Immigration Officer is satisfied —

(i) that there is no person resident in the Falkland Islands who is suitable and available to do the work to which the temporary work permission relates; and

(ii) that the person to whom the permission is granted is satisfactorily accommodated and will be satisfactorily accommodated throughout the duration of the permission;

(b) so as to be valid —

(i) for a period of greater than three months from the date of its issue; or

(ii) for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permission, would or might exceed three months in any consecutive period of twelve months.

(4) Without prejudice to the generality of the Principal Immigration Officer's powers on the grant of a temporary work permission to impose conditions, such conditions may include conditions to be complied with by the employer of the holder of the permission, including conditions as to the minimum remuneration and other terms of employment of the holder of the permission.

(5) The holder and employer of the holder of a temporary work permission shall each comply with such of the conditions of a temporary work permission as fall to be complied with by them respectively.

(6) The Principal Immigration Officer may at any time revoke a temporary work permission or vary it. The power to vary such a permission includes power to vary its period of validity, power to impose new conditions and power to vary or revoke any existing condition of the permission.

(7) For the sake of avoidance of doubt it is hereby declared that the revocation of a visitor's permit or the making of a deportation order in respect of the holder of a visitor's permit has effect to revoke any temporary work permission granted to him under this section.

(8) The Principal Immigration Officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Temporary work permission for students and young people

Special provisions in relation to the employment of students and young people

13.—(1) Subject to the variations specified in subsection (2) of this section, section 12 applies in relation to the grant of temporary work permission to young persons in relation to their employment in the Falkland Islands under any scheme recognised by the Governor.

(2) The variations referred to in subsection (1) of this section are —

(a) section 12(3)(a)(i) does not apply;

(b) section 12(3)(b) does not apply; and

(c) the Principal Immigration Officer's powers under section 12(4) and (6) include powers to impose, vary and revoke conditions in relation to the welfare of the holder of the permission.

(3) In this section "young person" means a person under the age of twenty-five years.

Entry in emergencies and by refugees

Entry in emergency

14.—(1) A person who enters the Falkland Islands by reason of Act of God or force majeure and who is not otherwise permitted to enter the Falkland Islands does not enter the Falkland Islands unlawfully but, subject to subsection (3), unless before the expiry of seven days from the time of his entry leave has been granted to him under this Ordinance authorising him to remain in the Falkland Islands his continued presence in the Falkland Islands then becomes unlawful and he may thereafter be treated as an illegal entrant but he shall not be so treated at any time after he has been granted leave to remain in the Falkland Islands, whether granted before or after the expiration of that seven days.

(2) Subject to subsection (3), a person who enters the Falkland Islands in the circumstances mentioned in subsection (1) must as soon as reasonably possible, and in any event within forty-eight hours of his entry, attend at Stanley police station and report his presence and the place at, and circumstances in, which he entered the Falkland Islands.

(3) In the case of a person who is brought into the Falkland Islands to receive urgent medical attention in respect of injury or illness, the foregoing subsections apply with the following modifications —

(a) in subsection (1) the words "or before his discharge from hospital, whichever is the later" are added immediately after the words "the expiry of seven days from the time of his entry";

(b) in subsection (2) the words " the Chief Medical Officer or some other public officer acting for him must immediately upon the admission of " are inserted immediately before the words "a person", the words from "must" up to and including the words "Stanley police station and" are omitted and the words "to the Principal Immigration Officer " are inserted at the end of the subsection.

Refugees etc.

15.—(1) If a person ("the claimant") —

(a) makes a claim for asylum;

(b) otherwise claims that on humanitarian grounds it would be unconscionable to take action to require him to leave the Falkland Islands.

subject to subsection (2), he may not be removed from or required to leave the Falkland Islands until notice is given to him by or on behalf of the Governor of the decision on his claim.

(2) Nothing in subsection (1) applies so as to prevent —

(a) the extradition of the claimant pursuant to an order made under the Extradition Act 1989;

(b) the claimant being removed from or required to leave the Falkland Islands pursuant to an order under this Ordinance made before, or intention to make which was notified pursuant to this Ordinance before, that person made a claim of a kind mentioned in subsection (1); or

(c) the claimant if he is a person in respect of whom a deportation order has previously been made and implemented being removed from or required to leave the Falkland Islands.

(3) Where a claim to which subsection (1) relates is made the public officer to whom such claim is made or first notified shall inform the Principal Immigration Officer forthwith of that claim with such particulars of the grounds and circumstances of it as are known to him and the Principal Immigration Officer shall —

(a) inform the Governor of it;

(b) grant leave to the claimant and any dependants of his accompanying him to remain in the Falkland Islands until the claimant is notified by or on behalf of the Governor of the Governor's decision in relation to that claim and may grant (and at any time thereafter revoke) permission to the claimant (and, if he sees fit one or more of his dependants) subject to such conditions as the Principal Immigration Officer notifies to take employment in the Falkland Islands.

(4) On receiving information pursuant to subsection (1) the Governor —

(a) shall cause the claim to be investigated in such manner and by such person or persons as he directs and a report to be made to him in writing by that person or persons in respect of such investigation;

(b) in a case to which paragraph (a) of subsection (1) relates may give such directions (which shall be complied with) as appear to him to be necessary to ensure that the obligations under the Convention in relation to the claimant, and any accompanying dependants of his, whether or not related to or connected with immigration matters, are met.

(5) On receiving a report pursuant to subsection (4), the Governor shall determine whether or not the claimant (and, if appropriate, any accompanying dependants of his) shall be permitted to remain in the Falkland Islands or shall be required to leave the Falkland Islands and shall give such directions to the Principal Immigration Officer as may be necessary to implement his determination, (with which directions the Principal Immigration Officer shall comply) and the Principal Immigration Officer shall notify the claimant in writing of the Governor's determination..

(6) If the Governor, pursuant to subsection (5), determines that a claimant (and, if appropriate any accompanying dependants of his) shall not be permitted to remain in the Falkland Islands, he may at the same time make a deportation order in respect of him (or them) and direct that pending removal they be detained at such place as he may nominate.

(7) Nothing in paragraph 4 of Schedule 3 (notice and representations in respect of proposed deportation order) applies in relation to deportation orders to which subsection (6) applies.

(8) Schedule 4 shall have effect so as to make further provision in relation to persons who claim, or have claimed, asylum.

(9) No appeal lies to any person, tribunal or authority from any decision of the Governor to refuse to grant asylum to any person.

Residence permits

Residence permits

16.—(1) A residence permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder and any dependants of the holder named in the permit to enter and depart from the Falkland Islands, and to reside within, the Falkland Islands, subject to subsection (8), during the period of validity of the permit. A residence permit is valid for such period, not exceeding three years, as is specified in the permit or until it is revoked or ceases to have effect in accordance with this Ordinance.

(2) A residence permit must not without the consent of the Governor be granted to a person who is present in the Falkland Islands.

(3) A residence permit may from time to time be renewed in writing for such period not exceeding three years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer must not issue a residence permit or a renewal of a residence permit unless he is satisfied that the holder, and any accompanying dependants of his, will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Except as permitted by or under subsections (6) and (7) or by a work permit issued to him under section 17, the holder of a residence permit and the dependant of the holder of a residence permit who does not himself hold a work permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(6) Section 12(2) and (3) (grant of temporary work permission) also, with the exception of section 12(3)(a) apply, with all necessary modifications, in relation to the residence permits and the holders of residence permits as they do in respect of visitors permits and the holders of visitors permits.

(7) Subsection (5) does not have effect so as to prohibit dependants of a person who is the holder of a residence permit and who is in full-time education undertaking casual employment of a kind customarily undertaken by such persons such as babysitting, work experience undertaken by such persons and organised under the auspices of the Department of Education or temporary

work in holidays or vacations or periods in which they are awaiting proceeding from secondary education in the Falkland Islands to secondary education at an institution overseas.

(8) The Principal Immigration Officer may, before issuing a residence permit, if he thinks fit in any particular case, require the provision to him of an undertaking if called upon by the Principal Immigration Officer so to do to pay or discharge the costs of repatriating the holder and any dependents of the holder to the country specified in that undertaking. The giver of the undertaking shall have no further liability under an undertaking if the holder of the residence permit is not deported, removed from the Falkland Islands or required to leave the Falkland Islands within six months of the date on which the residence permit expired.

(9) A residence permit ceases to have effect in respect —

(a) of a dependent child of the holder named in the permit when that child attains the age of eighteen years or marries under that age;

(b) in respect of a dependent spouse of the holder named in the permit, if that spouse ceases ordinarily to form part of the same household as the holder.

Work permits

Work permits

17.—(1) A work permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder to enter and depart from the Falkland Islands, to reside within the Falkland Islands during the period of validity of the permit and to take employment with the employer named in the work permit during the period of validity of the permit (or, instead of taking employment, if so stated in the permit, on his own account to engage in any business, trade, profession calling, vocation stated in the permit). It also has effect to permit the dependants of the holder named in the permit to enter into and reside in the Falkland Islands during the period of validity of the permit, but subject to subsection (12).

(2) A work permit shall not without the permission of the Governor be granted to a person who is present in the Falkland Islands and who —

(a) does not hold a residence permit;

(b) does not hold, or within the preceding three months did not hold, a work permit; or

(c) is not lawfully resident in the Falkland Islands by virtue of a permit granted to another person.

(3) A work permit may from time to time be renewed in writing for such period not exceeding two years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer shall not issue or renew a work permit unless he is satisfied that the holder will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Subject to this section, the Principal Immigration Officer shall not issue or renew a work permit —

(a) so as to permit the holder to take employment with another person or to continue in employment with another person unless that other person or another person satisfactory to the Principal Immigration Officer has undertaken in writing in a form satisfactory to the Principal Immigration Officer (an "undertaking") that he will if called upon by the Principal Immigration Officer so to do, pay or discharge the costs of repatriating the holder and any dependents of the holder of the work permit to the country specified in the undertaking;

(b) so as to be valid —

(i) subject to sub-paragraph (ii), for a period of greater than two years from the date of its commencement, or

(ii) without the consent of the Governor, for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permit, would or might exceed four years in any consecutive period of five years.

(6) Paragraph (a) of subsection (5) does not apply in relation to the issue or renewal of a work permit enabling the holder to take employment with the Crown in right of the Government of the Falkland Islands.

(7) A sum due under an undertaking is recoverable as a civil debt to the Crown.

(8) The Principal Immigration Officer may, if so approved by the Governor either in the particular case or generally, require a proposed employer of an applicant for a work permit, or for an extension of a work permit, to undertake to observe such conditions as to hours of work of the employee, provision to him and his dependants, if any, of accommodation and as to rate of remuneration as are specified in the undertaking.

(9) If a work permit grants leave to the holder to take employment with another person it ceases to have effect, except as stated in subsection (9), if the holder's employment is terminated by him or his employer, but without prejudice to the issue to him of another work permit under this section.

(10) A work permit permitting the holder's employment remains valid so as to allow his continued residence in the Falkland Islands, notwithstanding the termination of his employment, for a period of one month or such greater period, not exceeding three months as the Principal Immigration Officer in the particular circumstances may allow, or until the issue to the holder of a residence permit or work permit, the revocation of the work permit or the date of expiry of the work permit, whichever is the earliest.

(11) Subsections (5) to (7) of section 16, with the substitution wherever applicable of the words "work permit" for the words "residence permit", apply to dependants of holders of work permits as they do to the dependants of the holders of residence permits.

(12) A work permit ceases to have effect so as to permit —

(a) a dependant child of the holder named in the permit to enter and reside in the Falkland Islands when that child attains the age of eighteen years, ceases to form part of the same household as the holder of the permit or, after the dependant attains the age of sixteen years, ceases to be in full-time education;

(b) a dependant spouse of the holder named in the permit to enter and reside in the Falkland Islands if that spouse ceases ordinarily to form part of the same household as the holder.

Permanent residence permits

Permanent residence permits

18.—(1) A permanent residence permit is a permit issued by the Governor which has effect at all times until it is revoked to permit the holder to enter and depart from the Falkland Islands, to reside in the Falkland Islands and without restriction to take any lawful employment or on his own account to pursue any lawful business, trade, profession, calling or vocation in the Falkland Islands.

(2) An application for a permanent residence permit from a person resident in or physically present in the Falkland Islands shall not be considered unless —

(a) the applicant establishes to the satisfaction of the Principal Immigration Officer that he has been ordinarily resident in the Falkland Islands throughout the period of three years immediately preceding his application; or

(b) the Governor, before the application is made, authorises the making of the application.

For the purposes of this subsection, a person is not to be regarded as ordinarily resident in the Falkland Islands in respect of any period in which his presence in the Falkland Islands was, by virtue of any provision of this Ordinance or of the repealed Ordinance, unlawful.

(3) An application for a permanent residence permit by a person resident in the Falkland Islands shall not be considered until after the expiry of twenty-one days after the publication of notice of the application in the *Gazette* and in a newspaper in general circulation in the Falkland Islands nor without taking into account any representations in writing received in relation to the application.

(4) A permanent residence permit —

(a) shall not ordinarily be granted to a person who appears to be a person of bad character or to a person who appears, or any of whose dependants appears, to be likely, because of his state of health or otherwise to impose a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect them to bear;

(b) shall not be granted to a person unless he shows that he intends permanently to reside in the Falkland Islands;

(c) shall not ordinarily be granted to a person under the age of eighteen years;

(d) shall not ordinarily be granted to a person who is not able to demonstrate that he has sufficient knowledge of English for the ordinary needs of life,

but paragraphs (c) and (d) do not apply to a person who is included in the application of another person ("the principal applicant") of whom he or she is the spouse or dependent provided that the requirements of those paragraphs are met in respect of the principal applicant.

(5) The purpose of the issue of permanent residence permits is to encourage such permanent immigration as it is in the interests of the Falkland Islands to encourage and, accordingly, without prejudice to the foregoing provisions of this section and without excluding consideration of any other factor or circumstance which it might be proper to take into account, the following factors

shall be taken into account on consideration of an application for a permanent residence permit —

(a) whether the applicant possesses any knowledge, ability or skill of which the Falkland Islands have need or for any other reason the applicant is likely to be able to contribute to an increase in the overall level of human capital, enterprise and innovation in the Falkland Islands;

(b) the need to safeguard social cohesion in the Falkland Islands; and

(c) the desirability of fostering international linkages.

Revocation of permits

Revocation of visitors' permits

19.—(1) A visitor's permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a residence permit, work permit or permanent residence permit;

(c) by the making of a deportation order in respect of the holder;

(d) by the departure of the holder from the Falkland Islands.

No notice need be given to the holder of the revocation of his permit by operation of this subsection.

(2) A visitor's permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's visitor's permit is revoked under subsection (2), his continued presence in the Falkland Islands is unlawful unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands.

(4) A person whose visitor's permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance, but is not entitled to remain in the Falkland Islands pending determination of his appeal.

Revocation of permissions granted under section 12

20.—(1) A temporary work permission is revoked —

(a) by the holder's visitor's permit being revoked or ceasing to have effect;

(b) by the grant to the holder of a work permit or permanent residence permit;

(c) upon the acquisition by the holder of Falkland Islands status.

(2) A temporary work permission may be revoked by notice in writing given to the holder.

(3) A notice to which subsection (2) relates shall take effect on the expiration of such period, not being less than seven days, from the date of delivery or service of the notice as is specified in the notice.

Revocation of residence permit

21.—(1) A residence permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a work permit or permanent residence permit; or

(c) by the making of a deportation order in respect of the holder.

(2) A residence permit may be revoked by notice in writing under this subsection delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's residence permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of work permits

22.—(1) A work permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a permanent residence permit; or

(c) by the making of a deportation order in respect of the holder.

(2) A work permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by his work permit or by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is no longer employed by the employer or in the employment to which his work permit relates (but without prejudice to the grant to the holder of another work permit permitting the holder to take or engage in different employment);

(g) that the holder, or his employer, is in breach of a condition or undertaking subject to which the work permit was granted;

(h) that the holder is a prohibited person; or

(i) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) A person whose work permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance.

(4) When a person's work permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of permanent residence permits

23.—(1) A permanent residence permit is revoked by —

(a) the grant to or acquisition by the holder of Falkland Islands status;

(b) the making of a deportation order in respect of the holder.

(2) A permanent residence permit may be revoked on any of the following grounds —

(a) that the holder, or any other person on his behalf, and with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder has settled outside the Falkland Islands;

(c) that the holder has not been present within the Falkland Islands for at least six months in aggregate during the preceding two years.

(3) Before revoking a permanent residence permit pursuant to subsection (2), the Governor shall, unless the address of the holder is unknown and cannot be discovered after reasonable enquiry, cause notice to be served on or delivered to the holder of the permit stating the ground or grounds on which the Governor is considering the revocation of the permit and drawing the holder's attention to his right under subsection (4) to make representations in writing to the Governor against such revocation.

(4) A holder of a permanent residence permit who has received notice given pursuant to subsection (2) may make representations in writing to the Governor against the revocation of his permanent residence permit, and the Governor shall as soon as is reasonably possible consider those representations before deciding whether or not to revoke the permanent residence permit.

(5) The Governor shall, if he decides to revoke a permanent residence permit pursuant to subsection (2), notify the holder (if notice was given to him under sub-section (3) and the Principal Immigration Officer in writing of that decision.

(6) If a person at the time he is notified of the revocation of his permanent residence certificate pursuant to subsection (2) is within the Falkland Islands, his continued presence in the Falkland

Islands is unlawful at the expiration of seven days thereafter unless it is authorised by or under some other provision of this Ordinance.

Supplementary to sections 19 to 22

24.—(1) An immigration officer may exercise the powers conferred by section 19(2) (power to revoke a visitor's permit) but except in the exercise of powers delegated by the Principal Immigration Officer under section 3(4) (delegation of powers of Principal Immigration Officer) an immigration officer may not exercise the Principal Immigration Officer's powers under section 21(2) (power to revoke a residence permit) and section 22(2) (power to revoke a work permit).

(2) On exercising any power of revocation to which subsection (1) relates, the officer shall in writing notify the person affected by the revocation of the reason for it.

PART III APPEALS

Appeals in relation to visitors permits

25.—(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of an immigration officer or the Principal Immigration Officer —

(a) to grant or refuse a visitor's permit;

(b) to grant a visitor's permit subject to conditions or limitations;

(c) to extend or refuse to extend the duration of a visitor's permit; or

(d) to grant or refuse to grant a temporary work permission to the holder of a visitor's permit.

but a person may within fourteen days after the revocation of a visitor's permit under section 19(2) by written representations appeal to the Governor against the revocation of a visitor's permit.

(2) A person who applies from outside the Falkland Islands for the grant to him of a visitor's permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal. If the Governor allows the appeal, the Principal Immigration Officer shall grant a visitor's permit to the applicant of such duration (but not exceeding twelve months) subject only to such conditions (if any) as the Governor notifies to him, either at the time of his decision, or subsequently and any visitor's permit so issued shall be deemed to have been issued pursuant to section 11.

Appeals in relation to residence permits

26.—(1) No appeal lies to any person, tribunal or authority against any decision of the Governor to refuse permission to any person within the Falkland Islands to apply for a residence permit. Nor does any appeal lie to any person, tribunal or authority against the refusal of or failure to consider an application for a residence permit made by a person within the Falkland Islands without such permission.

(2) A person who is aggrieved —

(a) otherwise than as is provided by subsection (1), by a refusal to grant a residence permit to him;

(b) by a refusal to grant an extension of his residence permit to him; or

(c) by the revocation of his residence permit;

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(4) If the Governor allows an appeal against the refusal of a residence permit or of an extension of a residence permit, the Principal Immigration Officer shall grant a residence permit to the appellant, or as the case may be the revoked residence permit shall be deemed never to have been revoked.

Appeals in relation to work permits

27.—(1) No appeal lies to any person, tribunal or authority —

(a) against any refusal of permission pursuant to section 17(2);

(b) the refusal of or failure to consider an application for a work permit made by a person who cannot apply for a work permit without such permission and who has not been granted that permission.

(2) Nothing in subsection (1) excludes an appeal by a person in the Falkland Islands against the refusal of a work permit where the application for such a permit arises out of the change of the person's employer or employment in the Falkland Islands.

(3) Subject to subsection (1), a person who is aggrieved by —

(a) a refusal to issue a work permit to him;

(b) by a refusal to extend a work permit previously issued to him, which has expired or was due to expire within twelve months of his application for its extension; or

(c) by a refusal to grant a work permit in circumstances to which subsection (2) relates, or

(d) by the revocation of a work permit,

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(4) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(5) If the Governor allows an appeal against the refusal of a work permit or of an extension of a work permit, the Principal Immigration Officer shall grant a work permit to the appellant, or as the case may be the revoked work permit shall be deemed never to have been revoked.

(6) Where the Governor allows an appeal against the refusal of a work permit, he may do so subject to the proposed employer of the appellant undertaking in a form acceptable to the Principal Immigration Officer to comply with such conditions as to the housing of the appellant and his dependants (if any), his hours of work and remuneration as the Governor may specify or indicate.

Appeals in relation to permanent residence permits

28. No appeal lies to any person, tribunal or authority against any refusal to grant, or the revocation of, a permanent residence permit.

Appeals in relation to deportation orders

29. Except as provided in Schedule 3, no appeal lies to any person, tribunal or authority against a deportation order.

PART IV CRIMINAL PROCEEDINGS

Illegal entry and similar offences

30.—(1) A person who does not have a right of abode in the Falkland Islands commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding six months if —

(a) contrary to this Ordinance he knowingly enters the Falkland Islands in breach of a deportation order or without leave;

(b) if, having been granted leave limited by reference to a period of time to enter or remain in the Falkland Islands, he knowingly either —

(i) remains beyond the time limited by the leave; or

(ii) fails to observe a condition of the leave;

(c) if, having lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, he remains without leave beyond the time allowed by that provision;

(d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under paragraph 2(3) of Schedule 2 to this Ordinance to submit to further medical examination;

(e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Ordinance as to residence, as to his employment or occupation or as to reporting to police or to an immigration officer;

(f) if he disembarks in the Falkland Islands from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Ordinance with a view to his removal from the Falkland Islands.

(2) A person commits an offence under subsection (1)(b)(i) on the day when he first knows that the time limited has expired and continues to commit it throughout the period during which he is

in the Falkland Islands thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

(3) A police officer or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1)(d).

(4) In proceedings for an offence under subsection (1) —

(a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;

(b) proof that a person had leave to enter or had been granted leave lies upon the defence.

Assisting illegal entry and harbouring

31.—(1) A person commits an offence if he is knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the Falkland Islands of anyone whom he knows or has reasonable cause to believe is an illegal entrant and a person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 10 on the standard scale or to imprisonment for a term not exceeding seven years.

(2) Without prejudice to subsection (1) a person knowingly harbouring anyone he knows or has reasonable cause to believe to be either an illegal entrant or a person who has committed an offence under section 30(1)(b) or (c) commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

(3) A police officer or an immigration officer may arrest without warrant a person who has or whom he, with reasonable cause, suspects to have, committed an offence under subsection (1).

False information

32.—(1) A person commits an offence who —

(a) gives, sends or makes to an immigration officer, in oral or written form any information, representation or statement, which he knows to be false or does not believe to be true, or recklessly as to its truth or falsehood with a view —

(i) to obtaining the issue to him or any other person, or extension of, any permit or permission issued or granted under this Ordinance;

(ii) to obtaining in any other way the grant to him or any other person of leave to enter or remain in the Falkland Islands;

(b) withholds any information he is required by any immigration officer to provide and which is material in relation to any matter mentioned in subparagraph (i) or (ii) of paragraph (a) of this subsection.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

Working or carrying on business without permission

33.—(1) A person not having the right of abode in the Falkland Islands commits an offence if he, except as he is permitted to do by virtue of any provision of this Ordinance engages in any business, trade, profession or vocation or takes any employment.

(2) A person commits an offence if he employs a person who does not have a right of abode in the Falkland Islands and who is not permitted by or under some provision of this Ordinance to take the employment in question with him.

(3) It is a defence for a person prosecuted for an offence under subsection (2) to prove that he took all reasonable steps, and exercised all reasonable diligence, to avoid the commission by him of the offence.

(4) A person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 5 on the standard scale.

General offences in connection with the administration of the Ordinance

34.—(1) A person commits an offence who —

(a) without reasonable excuse refuses or fails to submit to examination under Schedule 2 to this Ordinance;

(b) being a person who entered the Falkland Islands in the circumstances mentioned in section 14(1) (entry in emergency), and not being a person to whom section 14(3) applies (persons entering for purpose of hospital treatment) fails without reasonable excuse to report at Stanley Police Station within forty-eight hours;

(c) without reasonable excuse, refuses or fails to produce any information in his possession, or any documents in his possession or control, which he is on examination under Schedule 2 required to furnish or produce;

(d) without lawful authority alters any permit or other document made or issued for the purposes of this Ordinance, or uses for the purposes of this Ordinance, or has in his possession for such use, any passport, other travel document, permit or other document of any kind which he knows or has reasonable cause to believe to be false;

(e) without reasonable excuse he fails to complete and produce a landing or embarkation card in accordance with any requirement made under this Ordinance;

(f) without reasonable excuse he obstructs an immigration officer lawfully acting in the execution of this Ordinance.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 4 on the standard scale or to imprisonment for three months.

Offences by persons connected with ships or aircraft or with ports

35.—(1) A person commits an offence who —

(a) being the captain of a ship or aircraft —

(i) knowingly permits a person to disembark in the Falkland Islands when required under Schedule 2 or 3 to this Ordinance to prevent it;

(ii) fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or

(iii) he fails, without reasonable excuse, to comply with any direction given to him under Schedule 2 or 3 with respect to the removal of a person from the Falkland Islands;

(b) being the owner or agent of a ship or aircraft —

(i) he arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Ordinance;

(ii) he fails, without reasonable excuse, to comply with any directions given to him under Schedule 2 for the supply to passengers of landing or embarkation cards; or

(c) being the owner or agent of a ship or aircraft or a person concerned in the management of a port, he fails without reasonable excuse to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum on level 5 on the standard scale or to imprisonment for six months.

Proceedings not to prevent exercise of other powers

36. Any powers exercisable under this Ordinance in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part have been taken against him.

PART V SUPPLEMENTARY

Evidential provisions

37.—(1) Any document purporting to be an order, notice or direction made or given by the Governor for the purposes of this Ordinance and to be signed by him or on his behalf, and any document purporting to be a certificate of the Governor so given and to be signed by him, shall be received in evidence and shall, until the contrary is proved, be deemed to be made or issued by him.

(2) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the order, notice, direction or certificate.

Certificate of Falkland Islands status

38.—(1) The Principal Immigration Officer may, on application of any person, issue to that person a Certificate of Falkland Islands status, that is to say a certificate that the person to whom it relates is a person belonging to the Falkland Islands in terms of section 17(5) of the Constitution.

(2) The Principal Immigration Officer shall not grant a Certificate of Falkland Islands Status to a person unless he believes, after making any enquiry and seeking any advice he considers to be appropriate, that the person concerned is a Falkland Islander.

(3) A person who is aggrieved by the refusal or failure of the Principal Immigration Officer to grant to him a Certificate of Falkland Islands status may apply to the Supreme Court for a declaration that he enjoys Falkland Islands status, and the Supreme Court may, if it is satisfied that the applicant enjoys that status, grant such a declaration and direct the Principal Immigration Officer to grant to the person concerned a Certificate of Falkland Islands status.

(4) Subject to subsection (5), if the Principal Immigration Officer believes that a Certificate of Falkland Islands status has been granted under subsection (2) in error to a person, or if he is so directed by the Governor, may notify the person concerned by notice in writing that he proposes to revoke the Certificate. Unless the person concerned, within twenty-eight days of such notification, shows sufficient cause in the opinion of the Principal Immigration Officer to the contrary, the Principal Immigration Officer may revoke the Certificate.

(5) The Principal Immigration Officer may not revoke a Certificate of Falkland Islands status which he has issued pursuant to a direction of the Supreme Court under subsection (3).

(6) Subsection (3), with all necessary modifications, applies so as to enable a person who is aggrieved by the revocation of a Certificate of Falkland Islands status to apply to the Supreme Court for a declaration that he enjoys such status.

Forms and official stamps

39.—(1) Subject to subsection (2), the Principal Immigration Officer may, subject to the approval of the Governor, prescribe for use under this Ordinance such forms and official stamps, not inconsistent with regulations made under section 40, as he considers to be necessary or expedient for the purposes of this Ordinance.

(2) Where the Principal Immigration Officer has prescribed any form or official stamp, he may also issue directions for their use, and immigration officers shall comply with such directions.

Regulations

40.—(1) The Governor may by regulations make provision generally for carrying into effect the purposes of this Ordinance, and in particular provision —

(a) for prescribing anything which under this Ordinance is to be prescribed;

(b) for prescribing the manner in which applications for permits under this Ordinance or any particular kind of permit under this Ordinance may be made and the information which must be supplied in connection with any application to which any such regulations relate;

(c) for the giving of any notice required or authorised to be given to any person under the provisions of this Ordinance;

(d) for the imposition and recovery of fees in connection with any application under this Ordinance;

(e) as to procedure in relation to appeals under any provision of this Ordinance.

(2) Regulations under subsection (1) —

(a) may make different provision for different circumstances; and

(b) may provide that a contravention of a provision specified in the regulations in question shall constitute an offence and shall be punishable on conviction by such fine, not exceeding the maximum of level 5 on the standard scale, or by the imposition of such term of imprisonment, not exceeding three months, as may be specified in such regulations.

Notices

41. Any notice required to be given in writing under any provision of this Ordinance or any regulations made or having effect thereunder may be given —

(a) by handing it to the person to whom it is addressed or to any person living in the same household as that person; or

(b) by publishing it in a newspaper circulating in the Falkland Islands

PART VI TRANSITIONAL AND REPEAL

Transitional

42.—(1) Subject to this section, notwithstanding the repeal of the repealed Ordinance by section 43 of this Ordinance, any visa, permit or leave to enter or remain in the Falkland Islands granted to a person under any provision of the repealed Ordinance and the effect of which had not expired before the commencement of this Ordinance shall be treated as if it had been granted under the corresponding provision of this Ordinance (but on the date on which it was, in fact, granted) and may be revoked, extended or varied accordingly.

(2) If, immediately before the commencement of this Ordinance, a claim for asylum remains undealt with, it, the person claiming such asylum and his or her dependants shall be dealt with at all times after the commencement of this Ordinance as if the claim for asylum had been made at a time when the provisions of this Ordinance were in force.

(3) Any removal order made under section 19 of the repealed Ordinance not revoked pursuant to that Ordinance has for all purposes effect after the commencement of this Ordinance as if it were a deportation order made under section 5(6) of this Ordinance.

(4) Where a residence permit granted to a person under section 11 of the repealed Ordinance, and which remained in effect immediately before the commencement of this Ordinance, specifically permitted him to carry on any trade, profession business or vocation in the Falkland Islands or to take employment in the Falkland Islands, section 17 (work permits) (and not section 16 (residence permits)) shall be treated as the corresponding provision of this Ordinance for the purposes of subsection (1) of this section.

(5) Where, immediately before the commencement of this Ordinance, a person not having the right of abode in the Falkland Islands was serving Her Majesty in right of Her Government of the Falkland Islands as a public officer —

(a) under a letter of appointment for a fixed term, or

(b) without limitation as to the period of his appointment,

then until the earliest to happen of —

(i) the expiry of the fixed term referred to in the letter of appointment;

(ii) the person ceasing to hold the public office in question;

(iii) the expiry of three years from the commencement of this Ordinance,

the person shall not by reason of his holding the public office be in breach of the provisions of this Ordinance as to work permits.

(6) Where by reason of being a dependant of a person to whom subsection (5) applies, a person was not subject to the provisions of the repealed Ordinance as to residence permits immediately before the commencement of this Ordinance, that dependant shall be deemed to have been granted at the commencement of this Ordinance —

(a) if he or she was not immediately before the commencement carrying on any trade, business, profession or vocation or engaged in employment in the Falkland Islands, a residence permit under this Ordinance expiring on the date on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands; or

(b) if he or she was immediately before the commencement of this Ordinance carrying on a trade business or vocation in or engaged in employment in the Falkland Islands, a work permit under this Ordinance limited so as to permit the carrying on of that trade, business, profession or vocation or engagement in that employment and expiring on the date on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands.

(7) Subject to subsection (8), a dependant of another person to whom subsection (4) applies if carrying on any trade, business, profession or vocation or engaged in any employment immediately before the commencement of this Ordinance shall at the commencement of this Ordinance be deemed to have been granted a work permit under section 17 of this Ordinance limited so as to permit the carrying on of that trade, business, profession or engagement in that employment and expiring on the expiry or earlier revocation of the permit to which subsection (4) relates.

(8) A permit deemed under subsection (6) or (7) to be granted shall cease to have effect forthwith on the dependant ceasing to form part of the same household as the person upon whom he or she is or was a dependant.

Repeal

43. The Immigration Ordinance 1987 is repealed.

SCHEDULE I **EXEMPTIONS FROM THE REQUIREMENT TO POSSESS A VISA**

Part I

Persons travelling on a passport or international travel document issued by one of the following authorities:

(a) International organisations —

(i) The International Committee of the Red Cross

(ii) The United Nations

(b) The authorities of the following countries or parts of countries—

The United Kingdom and countries which at the time in question are member states of the European Union or Mercosur

Australia
Andorra
Canada
Chile
Cyprus
Finland
Hong Kong Special Autonomous Region of the People's Republic of China
Iceland
Israel
Japan
Republic of Korea
Liechtenstein
Malta
New Zealand
Norway
San Marino
South Africa
Sweden
Switzerland
United States of America
Uruguay
Vatican City

For the purposes of this Schedule, an Overseas Territory of a country is deemed to be a part of that country.

Part 2

Persons exempt from visa requirements

Seamen entering the Falkland Islands in the circumstances provided for by section 9(1)
Persons entering the Falkland Islands in the circumstances provided for by sections 14 and 15
Persons who the Principal Immigration Officer accepts to be passengers in transit (whether passengers arriving on board a ship and intending to leave by aircraft or vice versa, arriving by ship and leaving by the same or another ship or arriving by aircraft and leaving by another aircraft, but in any case where the principal reason for their landing in the Falkland Islands is such transit).

SCHEDULE 2
ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC

Part I

General provisions

Immigration officers and medical inspectors

1.—(1) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Ordinance.

(2) An immigration officer, for the purpose of satisfying himself whether there are any persons he may wish to examine under paragraph 2, may search any ship or aircraft and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the Falkland Islands.

Examination by immigration officers, and medical examination

2.—(1) An immigration officer may examine any persons who have arrived in the Falkland Islands by ship or aircraft (including transit -passengers, members of the crew and others not seeking to enter the Falkland Islands) for the purpose of determining —

(a) whether any of them is or is not a person who has Falkland Islands status;

(b) whether, if he is not, he may or may not enter the Falkland Islands without leave; and

(c) whether, if he may not, he should be given leave and for what period and on what conditions, if any, or should be refused leave.

(2) Any such person, if he is seeking to enter the Falkland Islands, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

(4) An immigration officer may examine any person who is embarking on or seeking to embark in the Falkland Islands for the purposes of determining his identity, ascertaining whether he is in possession of a passport or other valid travel document and of recording his departure from the Falkland Islands.

Information and documents

3.—(1) It is the duty of any person examined under paragraph 2 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2 by an immigration officer must, if so required by the immigration officer —

(a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity or nationality and citizenship; and

(b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In sub-paragraph (b), "relevant description" means any description appearing to the immigration officer to be relevant for the purposes of the examination.

(3) An immigration officer may detain any passport or other document produced pursuant to sub-paragraph (2)(a) until the person concerned is given leave to enter the Falkland Islands or is about to depart or be removed following refusal of leave.

(4) Where under sub-paragraph (2)(b) a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage belonging to him or under his control may be searched by the immigration officer or a person acting under his direction with a view to ascertaining whether the person is doing so, but a person shall only be searched by a person of the same sex.

(5) An immigration officer may examine any document produced pursuant to sub-paragraph (2)(b) or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of opinion that it may be needed in connection with proceedings on an appeal under this Ordinance or for an offence, he may detain it until he is satisfied that it will not be so needed.

5. The Governor may by regulations make provision for requiring passengers disembarking or embarking in the Falkland Islands, or any class or category of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Principal Immigration Officer may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to passengers. Nothing in any regulations to which this sub-paragraph relates shall require any person to produce a landing or embarkation card who produces to the immigration officer a passport in which is endorsed with a statement of the bearer's right of abode in the Falkland Islands or a statement that he possesses Falkland Islands status or a card issued by authority of the Principal Immigration Officer containing such a statement in relation to the bearer.

Notice of leave to enter or refusal of leave

6.—(1) Subject to sub-paragraph (3), where a person is examined by an immigration officer under paragraph 2 is to be given limited leave to enter the Falkland Islands or is to be refused leave, the notice giving leave or refusing leave shall be given not less than twenty-four hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing a permit granting to him leave is not given before the end of those twenty-four hours, he shall, if not a person who has Falkland Islands status, be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and remain in the Falkland Islands for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as possible give to him written notice of the grant of such a permit.

(2) Where on a person's examination under paragraph 2 he is permitted to enter the Falkland Islands or is granted any kind of permit authorised by this Ordinance ("the earlier decision"), then at any time before the end of seventy-two hours from the conclusion of the examination the earlier decision may be cancelled by notice in writing by an immigration officer cancelling the

earlier decision and refusing him leave to enter which further notice shall have the effect of cancelling any permit granted to him.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the Falkland Islands, that notice may be cancelled by notice in writing given to him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, and the immigration officer does not at the same time grant to him a permit under this Ordinance, he shall be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and there remain for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as may be give to him written notice of the grant of such a permit to him.

(4) Where an entrant is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph is duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

7. If, on a person's examination by an immigration officer under paragraph 2 the immigration officer —

(a) determines that he may be given leave to enter the Falkland Islands or in pursuance of a permit previously granted permits him to enter or to re-enter the Falkland Islands; but

(b) is of opinion, whether on the advice of a medical inspector or for any other reason, that a medical test or examination, or a further medical test or examination may be required in the interests of public health or otherwise in the public interest;

then the immigration officer, on granting to that person a visitor's permit or other permit granting leave to him to enter the Falkland Islands or permitting him in pursuance of a permit previously granted to enter or re-enter the Falkland Islands, may by notice in writing require him to report his arrival to the Chief Medical Officer, the King Edward VII Memorial Hospital Stanley and thereafter to attend at such place and time, and submit to such test or examination (if any) as the Chief Medical Officer or any Government Medical Officer acting on behalf of the Chief Medical Officer may require.

Removal of persons refused leave to enter and illegal entrants

8.—(1) Where a person arriving in the Falkland Islands is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) —

(a) give to the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either —

(i) a country of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands; or

(iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions may be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the Falkland Islands (except that directions may be given under sub-paragraph (1)(b) after the expiration of that period if an immigration officer has within that period given written notice to the owners or agents in question of the intention to give directions to them in respect of that person).

9. Where an illegal entrant is not given leave to enter or remain in the Falkland Islands an immigration officer may give any such directions as in respect of him as in a case within paragraph 8 are authorised by paragraph 8(1).

10.—(1) Where it appears to the Governor either —

(a) that directions might be given in respect of a person under paragraph 8 or 9, but that it is not practicable for them to be given or that, if given, they would be ineffective; or

(b) that directions might have been given in respect of a person under paragraph 8 but that the requirements of paragraph (8)(2) have not been complied with;

then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1) (c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) of this paragraph, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

11. A person in respect of whom directions are given under any of paragraphs 8 to 10 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seamen and aircrews

12.—(1) Without prejudice to the provisions of section 9(1), if, on a person's examination by an immigration officer under paragraph 2 of this Schedule, the immigration officer is satisfied that he has come to the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of the leave he grants that person to enter the Falkland Islands by requiring him to leave the Islands in a ship or aircraft indicated in the notice granting leave.

(2) Where a person (not being a person having Falkland Islands status or the holder of a permanent residence permit or a residence permit) enters the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew and, having entered the Falkland Islands as permitted by section 9(1) or in accordance with leave granted under sub-paragraph (1) of this paragraph, remains beyond the time limited by section 9(1) or by that leave, whichever is appropriate in the circumstances of his case, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may —

(a) give the captain of that ship or aircraft directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft;

(b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

(c) give those agents or owners directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified in the directions to a country or territory so specified, being —

(i) a country or territory of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands;

(iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the Falkland Islands to join; or

(v) a country or territory to which there is reason to believe that he will be admitted.

13.—(1) Where a person being the member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2, the immigration officer may limit the duration of any leave he gives that person to enter the Falkland Islands —

(a) in the manner authorised by paragraph 12(1);

(b) if that person is allowed to enter the Falkland Islands in order to receive hospital treatment, by requiring him, on completion of the treatment, to leave the Falkland Islands in accordance with arrangements to be made for his repatriation; or

(c) by requiring him to leave the Falkland Islands within a specified time in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being a person having a right of abode in the Falkland Islands) arrives in the Islands as a member of the crew of a ship or aircraft, and either —

(A) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), he remains without leave beyond the time allowed by that provision, or is reasonably suspected by an immigration officer of intending to do so; or

(B) having been given leave limited as mentioned in sub-paragraph (1) of this paragraph, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may —

(a) give to the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of the ship or aircraft directions requiring them to make arrangements for his removal from the Falkland Islands, being a ship or aircraft of which they are the owners or agents;

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either —

(i) a country of which he is a national or citizen; or

(ii) a country or territory in which he obtained a passport or other document of identity;

(iii) a country in which he embarked for the Falkland Islands;

(iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the Falkland Islands; or

(v) a country or territory to which there is reason to believe that he will be admitted.

14.—(1) Where it appears to the Governor that directions might be given in respect of a person under paragraph 12 or 13, but that it is not practicable for them to be given or that, if given, they would be ineffective, then he may give to the owners or agents of any ship or aircraft and such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

15. A person in respect of whom directions are given under any of paragraphs 12 to 14 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons subject to examination or removal

16.—(1) Subject to sub-paragraph (2), a person to whom paragraph 11 or 15 applies may on the direction of the Principal Immigration Officer in writing be detained pending his removal from the Falkland Islands at any place approved by the Governor under paragraph 18 for the purpose.

(2) A direction under sub-paragraph (1) shall cease to have effect —

(a) unless it is confirmed by the Governor within forty-eight hours of the commencement of the person's detention;

(b) on its being earlier countermanded by the Governor;

(c) on its being cancelled, after its confirmation, by the Principal Immigration Officer or by the Governor.

(3) The Principal Immigration Officer or the Governor (according to which of them made the decision in question) shall notify the Chief Police Officer forthwith of any decision made pursuant to sub-paragraph (1)(b) or sub-paragraph (2).

(4) A person in respect of whom directions may be given under any of paragraphs 8 to 10 and 12 to 14 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter the Falkland Islands.

(5) A person who may be required to submit to an examination under paragraph 2 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(6) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under sub-paragraph (5) or any subsequent sub-paragraph of this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the Falkland Islands any person who has arrived in the Falkland Islands in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody aboard the ship or aircraft.

(7) The captain of a ship or aircraft shall, if so required by an immigration officer, prevent from disembarking in the Falkland Islands or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15, and the captain may for that purpose detain him aboard the ship or aircraft.

17.—(1) A person liable to be detained under paragraph 16 may be arrested without warrant by an immigration officer or by a police officer.

(2) The Senior Magistrate or a justice of the peace may grant a warrant authorising any police officer to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

18.—(1) Persons detained under paragraph 16 (when not detained in accordance with that paragraph aboard a ship or aircraft) may be detained in such place or places as the Governor may approve for the purpose.

(2) Where a person is detained under paragraph 16, any immigration officer, police officer or prison officer, or any other person authorised by the Governor, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained under paragraph 16 may be taken into the custody of a police officer, or of any other person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the Falkland Islands, or any other place where he is required to be for the purposes of the Ordinance.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) of this paragraph.

19.—(1) Where a person is refused leave to enter the Falkland Islands and directions are given in respect of him under paragraph 8 or 10, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) Sub-paragraph (1) shall not apply to expenses in respect of a person who, when he arrived in the Falkland Islands, held a permit issued under this Ordinance, or having effect as if issued under this Ordinance.

(3) If, before the directions for a person's removal have been carried out, he is given leave to enter the Falkland Islands, or is afterwards given that leave in consequence of the determination of an appeal under this Ordinance (being an appeal against the refusal of a permit under this Ordinance which would permit him to enter the Falkland Islands), or it is determined on an appeal under this Ordinance that he has the right to enter the Falkland Islands without a permit under this Ordinance being issued to him, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(4) Sub-paragraph (1) shall not have effect in relation to directions which, in consequence of an appeal under this Ordinance, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

20.—(1) Subject to the provisions of this paragraph, in either of the following cases —

(a) where directions are given in respect of an illegal entrant under paragraph 9 or 10; and

(b) where a person has lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, but directions are given in respect of him under paragraph 13(2)(A) or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) If, before the directions for a person's removal from the Falkland Islands have been carried out, he is given leave to remain in the Falkland Islands, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any person already demanded and paid shall be refunded.

(3) Sub-paragraph (1) shall not have effect in relation to directions, which in consequence of an appeal under this Ordinance, are for the time being of no effect.

Temporary admission or release of persons liable to detention

21.—(1) A person liable to detention or detained under paragraph 16 may, under the written authority of an immigration officer, be temporarily admitted to the Falkland Islands without being detained or be released from detention; but this shall not prejudice the later exercise of a power to detain him.

(2) So long as a person is at large in the Falkland Islands by virtue of this paragraph, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

22.—(1) A person detained under paragraph 16(1) pending examination may, if seven days have elapsed since the date of his arrival in the Falkland Islands be released on bail by the Senior

Magistrate or a justice of the peace on his entering into a recognisance conditioned for his appearance before an immigration officer at a time and place named in the recognisance or at such other time or place as in the meantime may be notified to him by an immigration officer.

(2) The conditions of a recognisance taken under this paragraph may include conditions appearing to the Senior Magistrate or a justice of the peace to be likely to result in the appearance of the person bailed at the required time and place; and any recognisance shall be with or without sureties as the Senior Magistrate or the justice of the peace may determine.

(3) In any case in which the Senior Magistrate or justice of the peace has power under this paragraph to release a person on bail, the Senior Magistrate or a justice of the peace may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound with a view to its being taken subsequently by any such person as may be specified by the Senior Magistrate or a justice of the peace (as the case may be); and on the recognisance being so taken the person to be bailed shall be released.

23.—(1) Where a recognisance entered into under paragraph 22 appears to the Senior Magistrate or a justice of the peace to be forfeited, he may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the Senior Magistrate or the justice of the peace thinks fit and the recognisance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the Magistrate's Court.

(2) Any sum the payment of which is enforceable by the Magistrate's Court by virtue of subparagraph (1) shall for all purposes of the law of the Falkland Islands as being due under a recognisance forfeited by that court.

24.—(1) An immigration officer or a police officer may arrest without warrant a person who has been released by virtue of paragraph 22 —

(a) if he has reasonable grounds for believing that the person is likely to break the conditions of his recognisance that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any other such condition;

(b) if, a recognisance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligation as a surety;

and paragraph 17(2) shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph —

(a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before the Senior Magistrate or a justice of the peace; and

(b) if required by such a condition to appear within those twenty-four hours before an immigration officer.

(3) The Senior Magistrate or a justice of the peace before whom a person is brought by virtue of subparagraph (2)(a) —

(a) if of the opinion that the person has broken or is likely to break any condition on which he was released, may either —

(i) direct that he be detained under the authority of the person by whom he was arrested; or

(ii) release him, on his original recognisance or on a new recognisance, with or without sureties, on his original bail or new bail: and

(b) if not of that opinion, shall release him on his original recognisance or bail.

25. The power to make rules of procedure conferred by section 69 of the Administration of Justice Ordinance includes power to make rules with respect to applications to the Senior Magistrate or a justice of the peace under paragraphs 22 to 24 of this Schedule and matters arising out of such applications.

Supplementary duties of those connected with ships or aircraft or with ports

26.—(1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Principal Immigration Officer, arrange for the ship or aircraft to call at a port in the Falkland Islands other than a port of entry for the purpose of disembarking passengers or for the purpose of embarking passengers.

(2) The Principal Immigration Officer may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers at any port in the Falkland Islands and specifying the conditions and restrictions (if any) to be observed in any control area; and where any notice given to owners or agents a control area is for the time being designated for the purpose of embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, in the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Principal Immigration Officer may also from time to time give to any persons concerned with the management of a port in the Falkland Islands written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions and restrictions as notified to him are observed.

27.—(1) The captain of a ship or aircraft arriving in the Falkland Islands —

(a) shall take such steps as may be necessary to secure that persons on board do not disembark unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Falkland Islands without leave under section 9(1) of this Ordinance; and

(b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

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

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

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

SCHEDULE 3 SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Removal of persons liable to deportation

1.—(1) Where a deportation order is in force against any person, the Governor may, subject to paragraph 4, give directions for his removal to a country or territory specified in the direction being either —

(a) a country of which he is a national or citizen; or

(b) a country or territory to which there is reason to believe that he will be admitted.

2. The directions under subparagraph (1) may be —

(a) directions given to the captain of a ship or aircraft about to leave the Falkland Islands requiring him to remove the person in question in that ship or aircraft;

(b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or

(c) directions for his removal in accordance with arrangements to be made by the Governor.

(3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Ordinance shall apply, with the substitution of references to the Governor for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.

(4) The Governor, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the Falkland Islands of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Crown.

Detention or control pending deportation

3.—(1) Where a recommendation for deportation made by a court is in force in respect of any person and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power to release on bail by any court having power to release him, he shall, unless the court by which the recommendation is made otherwise directs, or a direction is given under subparagraph (2), be detained pending the making of a deportation order in pursuance of the recommendation, unless the Governor directs him to be released pending further consideration of his case.

(2) Where —

(a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him;

(b) he appeals against his conviction or that recommendation.

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.

(3) Where notice has been given to a person in accordance with paragraph this Ordinance of the Governor's intention to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Governor pending the making of the deportation order.

(4) Where a deportation order is in force against any person, he may be detained under the authority of the Governor pending his removal or departure from the Falkland Islands (and if already detained by virtue of subparagraph (1) or (3) when the order is made, shall continue to be detained unless the Governor directs otherwise).

(5) In relation to detention under subparagraph (3) or (4), paragraphs 17 and 18 of Schedule 2 to this Ordinance apply as they apply in relation to detention under paragraph 16 of that Schedule.

(6) A person to whom this subparagraph applies are subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as may from time to time be notified in writing to him by the Governor.

(7) The persons to whom subparagraph (6) applies are —

(a) a person liable to be detained under subparagraph (1) of this paragraph, while by virtue of a direction of the Governor he is not so detained; and

(b) a person liable to be detained under subparagraph (3) or (4) of this paragraph, while he is not so detained.

Notice of intention to make a deportation order

4.—(1) Subject to subparagraph (8), whenever the Governor intends to make a deportation order in respect of a person, subject to this paragraph, he shall cause notice in writing of that intention to be given to that person.

(2) A notice under subparagraph (1) shall —

(a) specify or indicate the grounds on which the Governor intends to make a deportation order, (but where a court, on convicting that person has under section 5(6)(e) recommended that the person should be deported, it is sufficient to state that fact) and the country or territory to which, in the event of the deportation order being made, the Governor has in mind that the person shall;

(b) specify the country or territory which the Governor intends, in the event that the deportation order is made, to direct that the person be deported;

(c) contain a statement of the person's rights under subparagraph (3) to make written representations to the Governor and the Governor's duty under subparagraph (4).

- (3) A person who is given notice of the Governor's intention to make a deportation order in respect of him may within seven days of the receipt of that notice, or such longer period as the Governor may see fit to allow, make written representations to the Governor —
- (a) against the making of the deportation order;
 - (b) objecting to the country or territory specified in the notice as the country to which the Governor has in mind to direct that he be deported.
- (4) The Governor shall not make a deportation order in respect of a person —
- (a) until the expiration of seven days, or such longer period as the Governor may have allowed for written representations against the making of the order, after the person has been given notice of intention to make the deportation order;
 - (b) without having considered any written representations made to him by that person pursuant to subparagraph (3);
 - (c) on any ground other than one which has been specified or indicated in the notice.
- (5) The Governor shall so soon as practicable after the expiration of the period referred to in subparagraph (4) (a) give notice in writing to the person as to whether he has decided to make a deportation order.
- (6) The Governor may not pursuant to any provision of this Ordinance direct that a person be deported pursuant to a deportation order to a country or territory other than one —
- (a) specified pursuant to subparagraph (2)(b); or
 - (b) nominated by the person concerned in his written representations pursuant to subparagraph (3) or (8); or
 - (c) specified in a notice given to the applicant under subparagraph (7).
- (7) The Governor may at any time after he has given a person notice of his intention to deport him, give that person notice of the Governor's intention to substitute a different country or territory for that specified in the first mentioned notice but shall not direct that the person be deported to that country or territory until after the expiration of seven days from the giving of the second mentioned notice or without having considered any written representations he may receive from the person concerned within that period of seven days. Any notice given under this paragraph shall contain a statement of the effect of this paragraph.
- (8) The foregoing subparagraphs do not apply in respect of deportation pursuant to section 15(6).
- (9) Where it appears to the Governor that a child who is a Falkland Islander is a dependant of a person in respect of whom the Governor is considering the making of a deportation order, the Governor shall not make a deportation order in respect of that person without taking into account the interests of the child, and in particular the effect that the making of the deportation order in respect of the person of whom the child is a dependant is likely to have in relation to the welfare and upbringing of the child.

Revocation of deportation orders

5. The Governor may at any time revoke a deportation order and if he does so shall notify the Principal Immigration Officer and the person affected by the order of its revocation.

6. A deportation order once made, until revoked, remains in effect so as to prohibit the entry into the Falkland Islands to whom it relates.

SCHEDULE 4
FURTHER PROVISIONS IN RELATION TO PERSONS CLAIMING, OR WHO
HAVE CLAIMED, ASYLUM

1. Where —

(a) a person has been granted leave to enter and remain in the Falkland Islands either by the grant to him of a permit under this Ordinance or otherwise under this Ordinance and claims that it would be contrary to the Falkland Islands' obligations under the Convention for him to be required to leave the Falkland Islands after the time limited by the leave; and

(b) the Governor has considered the claim and given to the person notice in writing in respect of it.

the Governor may by notice in writing, given to the person concurrently with the notice under paragraph (b), curtail duration of the leave.

2. No appeal lies against the curtailment of leave under paragraph (1).

3. The power conferred by subsection (1) is without prejudice to section 5(6) and 6.

4. Where —

(a) the duration of a person's leave to enter and remain in the Falkland Islands has been curtailed under paragraph 1 of this Schedule; and

(b) the Governor has decided to make a deportation order against him under section 5(6) of this Ordinance,

the Governor may direct that the person be detained in a place approved by the Governor for the purpose, and while detained pursuant to such a direction, the person shall be deemed to be lawfully detained; and the references to subparagraph (2) of paragraph 2 of Schedule 3 to this Ordinance in subparagraphs (3), (4) and (6) of that paragraph (provisions about detention under subparagraph (2)) shall include references to this subparagraph.

SUBSIDIARY LEGISLATION

ANIMAL HEALTH

Rabies (Importation of Animals) Order 1999

(S. R. & O. No. 29 of 1999)

Made: 23 September 1999

Published: 14 October 1999

Coming into force: in accordance with article 1

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

Citation and commencement

1. This Order may be cited as the Rabies (Importation of Animals) Order 1999 and shall come into force on such date, not earlier than the first publication of this Order in the Gazette, as the Governor may notify by Notice so published.

Interpretation

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

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

“animal” means —

(a) any kind of mammal except man; and

(b) any kind of four-footed beast which is not a mammal;

“OVS” means a veterinary surgeon in the employment of the Government of the Falkland Islands;

(2) For the purposes of this Order, an animal shall be deemed to have been landed in the Falkland Islands immediately it is unloaded or taken out of, or in any other manner leaves or escapes from, a vessel or aircraft and “land” and “landing” shall be construed accordingly, provided that this paragraph shall not apply in respect of an animal which is, under the authority of an OVS, transported by water directly from one vessel to another, without the boat in which the animal is carried touching land, or the animal being put on land.

Prohibition on landing of animals

3.—(1) Subject to the provisions of this Order, the landing in the Falkland Islands of an animal brought from a place outside the Falkland Islands is prohibited.

(2) The prohibition on landing contained in paragraph 3(1) shall not apply when the landing is under the authority, of a licence previously granted by the Director of Agriculture, and in accordance with the terms and conditions subject to which it was granted.

Detention of animals on board vessels in harbour

4.—(1) Paragraph (2) shall apply to an animal which has, within the preceding six months, been in a place outside the Falkland Islands.

(2) Subject to paragraph (3), it is the duty of the person having charge or control of a vessel in harbour in the Falkland Islands to ensure that an animal to which this paragraph applies which is on board that vessel —

(a) is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape;

(b) does not come into contact with any other animal (other than an animal that has been transported to the Falkland Islands); and

(c) is in no circumstances permitted to land.

(3) Paragraph (2)(c) shall not apply to an animal which is landed in accordance with a licence granted under article 3.

(4) If an animal to which paragraph (2) applies is lost from a vessel in harbour in the Falkland Islands, the person having charge or control of that vessel shall forthwith give notice of the loss to an OVS, a police officer or an officer from the Customs and Immigration Department.

(5) If an animal to which paragraph (2) applies is involved in an incident whereby the rabies virus could, if present in that animal, be transmitted to a human being, or to another animal (other than an animal with which it has been transported to the Falkland Islands), the person for the time being in charge of the animal shall forthwith give notice of the incident to an OVS; and on receipt of such notice, the OVS may, if he considers it expedient so to do, require (in the case of an animal which would otherwise not be permitted to land under this article) that the animal shall not leave the Falkland Islands until after it has undergone detention and isolation in quarantine at its owner's expense, at such premises, for such period (not exceeding six months) and subject to such conditions, as the inspector may direct.

(6) Subject to paragraph (7), no person shall cause or permit a native animal to go on board a vessel in harbour in the Falkland Islands on which there is an animal to which paragraph (2) applies; and for the purposes of this paragraph and paragraph (8) "native animal" means an animal to which paragraph (2) does not apply.

(7) Paragraph (6) shall not apply to —

(a) the use on board a vessel in harbour in the Falkland Islands of dogs belonging to the police or Her Majesty's forces, so long as such dogs are kept under constant control of a trained handler while on board; or

(b) the loading on board a vessel in harbour in the Falkland Islands of any animal for exportation from the Falkland Islands on that vessel.

(8) An OVS or a police officer may seize or cause to be seized —

(a) any animal to which paragraph (2) applies in relation to which there has been a contravention of or failure to comply with any provision of that paragraph; and

(b) any native animal in relation to which there has been a contravention of or failure to comply with the provisions of paragraph (6);

and where an animal has been seized in accordance with the foregoing provisions of this paragraph, an OVS or a police officer may —

(i) destroy it or cause it to be destroyed;

(ii) move it or cause it to be moved to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six months, or for such shorter period as an OVS may direct; or

(iii) in the case of an animal to which paragraph (2) applies, export it from the Falkland Islands or cause it to be so exported; and

Provided that, where an animal to which this paragraph applies has been seized by a police officer, it shall only be dealt with in accordance with sub-paragraph (ii) or sub-paragraph (iii) with the agreement of an OVS.

Action in case of illegal landing or breach of quarantine

5.—(1) Without prejudice to article 6, where —

(a) an animal which is required to be detained and isolated in quarantine under any of the provisions of this Order, or under the provisions of a licence granted or a notice served hereunder, is not so detained and isolated, or

(b) there is reason to believe that an animal has been landed in the Falkland Islands in contravention of this Order or of a licence granted hereunder,

an OVS may by written or oral notice served on the person appearing to him to be in charge of the animal, require that person, at the expense of the owner of the animal or of the person on whom the notice is served, immediately to detain and isolate the animal, and, within the time specified in the notice, to ensure that it is moved in such manner, and in compliance with such conditions, as may be so specified —

(i) to a vessel, vehicle, or aircraft for exportation; or

(ii) to authorised quarantine premises for the purpose of detention and isolation in quarantine at its owner's expense for a period of six months from the date of the notice, or for such shorter period as may be specified therein.

(2) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements thereof, an OVS or a police officer may, without prejudice to any proceedings for an offence arising from such default, or arising in connection with any other contravention of this Order or of a licence granted or notice served hereunder, seize or cause to be seized the animal to which the notice relates, and arrange for the notice to be complied with; and the person on whom notice was served, and the owner of the animal and any other person having charge of it, shall render all reasonable assistance to an OVS or a police officer to enable him to exercise the power conferred by the foregoing provisions of this paragraph, and the reasonable expenses incurred in the exercise of that power shall be recoverable on demand by the Crown as a civil debt from the owner of the animal, or from the person on whom the notice was served.

(3) The operation of a notice served under paragraph (1) may be terminated by notice to that effect given by an OVS to the owner or person in charge of the animal on proof to the satisfaction of the OVS that the animal was not landed in the Falkland Islands in contravention of this Order, or of a licence granted hereunder, or that six months have expired since the date of the landing of the animal.

(4) Without prejudice to article 6, where in respect of an animal to which paragraph (1) applies an OVS —

(a) has reasonable grounds for believing that the animal does not have an owner, or

(b) is unable, after reasonable inquiry, to trace the owner of the animal, or any person otherwise having charge of it, or

(c) has reason to believe that the service of a notice under paragraph (1) would result in an unreasonable delay in dealing with the animal.

he may seize the animal, or cause it to be seized, and arrange for its exportation or detention and isolation in quarantine,

Provided that he shall (where the identity of the owner of the animal is known or subsequently becomes known to him), as soon as practicable, inform that person in writing of the action he has taken.

(5) The reasonable expenses incurred in the exercise of the power conferred on an OVS by paragraph (4) shall, without prejudice to any proceedings arising in connection with any contravention of this Order, or of a licence granted hereunder, be recoverable on demand by the Crown as a civil debt from the owner of the animal.

Power to destroy imported animals

6. An OVS or a police officer may seize or cause to be seized, and thereafter destroy or cause to be destroyed any animal landed in the Falkland Islands in contravention of this Order, or of a licence granted hereunder, any animal in respect of which there is, after it has been landed, a contravention of any such licence, and the reasonable expenses incurred in the exercise of the power conferred by the foregoing provisions of this paragraph shall, without prejudice to any proceedings arising in connection with a contravention of this Order, or of a licence granted hereunder, be recoverable on demand by the Crown as a civil debt from the owner of the animal.

Contact Animals

7.—(1) Except as provided for in the foregoing provisions of this Order, where an animal comes into contact with an animal —

(a) which is being or should be detained and isolated in quarantine under the provisions of this Order, or which has escaped from such detention and isolation, or

(b) which is awaiting exportation from a port or airport, or

(c) which is on board a vessel in any harbour in the Falkland Islands in circumstances to which article 4 applies, or

(d) which has been or which is suspected of having been landed in the Falkland Islands in contravention of the provisions of this Order, or of a licence granted hereunder,

an OVS may, by notice in writing served on the owner or other person appearing to him to have the control or custody of the said animal, apply such of the provisions of this Order thereto as he may consider expedient, with such modifications or variations as may be specified in the notice, and it shall be the duty of the person on whom such a notice is served to comply with the requirements thereof.

Offences

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

(a) contravenes or fails to comply with articles 3(1) or 4(2), (4), (5) or (6);

(b) fails to comply with any notice served under article 5(1) or 7;

(c) fails to comply with any condition of a licence issued under article 3(2),

commits an offence against the Act.

Made this twenty-third day of September 1999

D A Lamont
Governor

EXPLANATORY NOTE (not forming part of the above Order)

The Order imposes duties on those people in control of vessels in relation to the escape of animals onto land in any harbour in the Falkland Islands.

The Order prohibits the landing in the Falkland Islands of an animal brought from a place outside the Falkland Islands, except in certain circumstances (article 3(1)). The landing of animals is permitted where the Director of Agriculture has provided authority or issued a licence (article 3(2)).

The Order provides that it is the duty of the person having charge or control of a vessel in harbour in the Falkland Islands to ensure that an animal which is onboard that vessel is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape, does not come into contact with any other animal (other than an animal that has been transported to the Falkland Islands) and is in no circumstances permitted to land (article 4(2)).

The Order provides that if an animal is lost from a vessel in harbour, the person having charge or control of that vessel shall forthwith give notice of the loss to a Veterinary officer, a Police officer or an officer from Customs and Immigration (article 4(4)).

If an animal is involved in an incident whereby the rabies virus could, if present in that animal, be transmitted to a human being or to another animal, the person in charge of the animal shall forthwith give notice to a Veterinary officer, and on receipt of the notice the Veterinary officer may place the animal in detention and isolation in quarantine (article 4(5)).

The Order provides that no person shall permit a native animal (being an animal not brought from outside the Falkland Islands) to go on board a vessel in harbour in the Falkland Islands (article 4(6)).

This does not apply to the use onboard a vessel of dogs belonging to the Police or Her Majesty's forces or the loading onboard a vessel of any animal for exportation (article 4(7)).

The Order provides for a Veterinary officer or Police officer to seize any animal in relation to which there has been a contravention or failure to comply with the Order and arrange to have that animal destroyed, moved or exported (article 4(8)).

Where an animal is not detained and isolated as is required under the Order, or has landed in the Falkland Islands in contravention of the Order, a Veterinary officer may by written or oral notice immediately detain and isolate that animal and give notice to require the animal be moved to a vessel, vehicle or aircraft for exportation or to authorise quarantine premises (article 5(1)). A person who fails to comply with such notice can be held responsible for payment of all costs incurred by the Crown in removing such animal (article 5(2)).

The Order provides that where a Veterinary officer has reasonable grounds for believing that a particular animal does not have an owner, or is unable to trace the owner of the animal, or has reason to believe that service of a notice would result in unreasonable delay he may seize the animal and arrange for its exportation or detention and isolation in quarantine (article 5(4)).

A Veterinary officer or Police officer may seize and thereafter destroy any animal landed in the Falkland Islands in contravention of the Order, or of a licence granted thereunder (article 6).

The provisions of the Order may also be applied to animals on land that come into contact with an animal to which the Order applies (article 7).

The Order provides criminal offences for contravening its provisions (article 8).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Traffic Signs Regulations 1999

(S.R. & O. No. 30 of 1999)

Made: 5 October 1999

Published: 14 October 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 18(1)(v) of the Road Traffic Ordinance(a), I make the following Regulations —

Citation

1. These Regulations may be cited as the Traffic Signs Regulations 1999 and come into force upon publication in the Gazette.

Interpretation

2. In these Regulations —

“the 1981 Regulations” the Traffic Signs Regulations and General Directions 1981(b) as amended but not including the Schedules to those Regulations, except insofar as they are adopted by regulation 3 of these Regulations;

“Direction” means a Direction contained in Part II of the 1981 Regulations; and

“the Traffic Signs Illustrations and Diagrams” means Schedules 1, 2 and 7 to the 1981 Regulations.

Application of Part I of the 1981 Regulations and of the Traffic Signs

3.—(1) Part I of the 1981 Regulations is adopted as law of the Falkland Islands in the form appearing in Schedule 1 to these Regulations.

(2) The Traffic Signs Illustrations and Diagrams as set out in Schedule 1 to 7 of the 1981 Regulations are adopted as law of the Falkland Islands but with the omission of those signs illustrations and diagrams (and the text thereunder) the numbers of which are specified in Schedule 2 to these Regulations.

(3) There shall be omitted in its application to the Falkland Islands from the text appearing under the Traffic Signs Illustrations and Diagrams any reference —

(a) to any sign illustration or diagram which by virtue of paragraph (2) of this regulation is not approved by virtue of these Regulations for use in the Falkland Islands ; or

(b) to any Direction.

(a) Cap 60

(b) S.I. 1981 No. 859

Dated this fifth day of October 1999

D A Lamont
Governor

TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 1981 (No. 859)

Traffic Signs Regulations and General Directions 1981

(S.I. 1981 No. 859)

Dated August 10, 1981, and made by the Secretary of State for Transport, the Secretary of State for Scotland and the Secretary of State for Wales under the Road Traffic Regulation Act 1967 (c.76), ss.25, 54, 55 and the Road Traffic Act 1972 (c.20), Sched. 4, Pt. 1.

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PART I - TRAFFIC SIGNS REGULATIONS
SECTION I
Preliminary

Citation

1. These Regulations may be cited as the Traffic Signs Regulations 1981.
2. Omitted

Savings

3. Omitted

Interpretation

4. —(1) In these Regulations the following expressions have the meaning hereby respectively assigned to them:-
“the Ordinance means the Road Traffic Ordinance (Cap. 60);
“articulated vehicle” means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;
“enactment” includes any instrument made under an Act or Ordinance;
“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

“hours of darkness” means the time between half-an-hour after sunset and half-an-hour before sunrise;

“maximum gross weight” means —

- (a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

and the foregoing references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in the Falkland Islands without contravening any regulations for the time being in force under section 7 of the Ordinance;

“pedal cycle” means a bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is for the purposes of the Act to be treated as not being a motor vehicle;

“stud” means a prefabricated device fixed or embedded as a mark in the carriageway;

“temporary statutory provision” means a provision having effect under section 18 of the Ordinance (temporary prohibition or restriction of traffic on roads)

(2) Nothing in these regulations shall have effect so as to authorise any persons not otherwise authorised to do so to place on or near the road any object or device for warning traffic of a temporary obstruction.

5. —(1) References in these regulations to a number regulation or Schedule shall, unless the reference is to a regulation of, or a schedule to, specified regulations, be construed as references to the regulation or Schedule bearing that number in these regulations.

(2) References in any of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.

(3) Any reference in these regulations to a diagram by a number is a reference to the diagram of that number in any of the Schedules to these regulations.

(4) Any reference in these regulations to any sign shown in a diagram being a diagram in Schedule 1, Schedule 2, Schedule 5 or Schedule 6 shall be construed as including a reference to any such sign varied in accordance with the provisions of these Regulations except where otherwise expressly provided.

(5) Any reference in these regulations to a numbered direction is a reference to the paragraph bearing that number in the Traffic Signs General Directions 1981.

SECTION II

Miscellaneous General Provisions

Authorisations by the Governor

6. Nothing in these regulations shall be taken to limit the powers of the Governor under section 18 of the Ordinance to authorise the erection or retention of traffic signs of a character not prescribed by these regulations.

Application of section 22 of the Road Traffic Act 1972 to signs and disqualification for offences.

7. Omitted

Variations in dimensions

8. —(1) Any variation in a dimension (other than a dimension as to the height of a letter or expressed as being the maximum or, as the case may be, minimum) specified in any of the diagrams in Schedule 1 or Schedules 3 to 6 shall be treated as permitted by these regulations if the variation

(a) in the case of a dimension so specified as 300 millimetres or as over 300 millimetres, does not exceed 5% of that dimension,

(b) in the case of a dimension so specified as 50 millimetres or as over 50 millimetres but as under 300 millimetres, does not exceed 7.5% of that dimension.

(2) Omitted

(3) Without prejudice to the next following paragraph, any variation in a dimension (other than a dimension expressed in diagrams 1003.4, 1013.1, 1027.1, 1040 to 1044 or 1055 as being the maximum, or as the case may be, minimum) specified in any of the diagrams in Schedule 2 shall be treated as permitted by these regulations if the variation —

(a) in the case of a dimension so specified as 3 metres or as over 3 metres, does not exceed 15% of that dimension,

(b) in the case of a dimension so specified as 300 millimetres or as over 300 millimetres but as under 3 metres, does not exceed 20% of that dimension, or

(c) in the case of a dimension so specified as under 300 millimetres, does not exceed 30% of the dimension so specified, and is not less than 20% of the dimension so specified.

(4) Any variation in a dimension as to the angle of hatching specified in any diagrams in Schedule 2 except diagrams 1043 to 1044 shall be treated as permitted by these regulations if the variation does not exceed 5 degrees.

SECTION III

Traffic Signs shown in Schedule 1

Signs to be of the sizes, colour and types shown in diagrams

9. Subject to the provisions of these regulations, a traffic sign for conveying —

(a) to vehicular traffic on roads a warning of the description specified in or under a diagram in Part I of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that warning;

(b) to vehicular traffic on roads a requirement, prohibition or restriction specified in or under a diagram in Part II of Schedule 1 (other than a requirement shown in diagram 601.1, 602, or 610) shall be of the size, colour and type shown in the diagram relating to that requirement, prohibition or restriction;

(c) to traffic on a road information of a directional nature of the description specified in or under a diagram in Part III of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that information;

(d) to traffic on roads information of the description specified in or under a diagram in Part IV of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that information;

Sign shown in diagram 610 and its significance

9A.—(1) Subject to the provisions of these regulations, a traffic sign for conveying to vehicular traffic on roads, the requirement specified in paragraph (2) or (3) shall be of the size, colour and type shown in diagram 610.

(2) Except as provided in paragraph (3) the requirement conveyed by the sign shown in diagram 610 shall be that vehicular traffic passing the sign must keep to the left of the sign where the arrow is pointed downward to the left, or to the right of the sign where the arrow is pointed downward to the right.

(3) On an occasion when a vehicle is being used for fire brigade, ambulance or police purposes and the observance of the requirement specified in paragraph (2) would be likely to hinder the use of that

vehicle for the purpose for which it is being used on that occasion, then, instead of that requirement, the requirement conveyed by the traffic sign in question shall be that the vehicle shall not proceed beyond that sign in such a manner or at such a time—

- (i) as is likely to cause danger to the driver of any other vehicle proceeding on or from another road or on or from another part of the same road; or
- (ii) as is likely to cause danger to non-vehicular traffic proceeding on or from another road or on or from another part of the same road.

10. Omitted

Signs shown in diagrams 601.1, 602, 602.1 and 649.1 and their significance

11.—(1) The requirements conveyed by a sign of the size, colour and type shown in a diagram of a type specified in an item in column 2 of the Table below are specified in that item in column 3 of that Table.

1 Item No.	2 Type of diagram of sign	3 Requirements of sign
1.	601.1	Every vehicle shall stop before crossing the transverse line shown in diagram 1002.1 or, if that line is not clearly visible, before entering the major road in respect of which the sign shown in diagram No. 601.1 has been provided; No vehicle shall proceed past the transverse line shown in diagram 1002.1 or, if that line is not clearly visible, enter the major road in respect of which the sign shown in diagram No. 601.1 has been provided, so as to be likely to cause danger to the driver of any other vehicle on the major road or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.
2.	602	No vehicle shall cross the transverse line shown in diagram 1003 nearest to the major road at the side of which that line is drawn, or if that line is not clearly visible, enter that major road, so as to be likely to cause danger to the driver of any other vehicle or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.

(2) In this regulation —

“major road” means the road at a road junction into which road there emerges vehicular traffic from a minor road;

“minor road” means a road at a road junction on which road there is placed the sign shown in diagram 601.1 or 602;

Permitted variants

12.—(1) Where the circumstances so require, the indications given by the signs shown in the diagrams in Schedule 1 shall or may be varied as hereinafter provided in this paragraph —

- (a) any indication given by such a sign may be varied in the respect (if any) in which it is shown below the diagram relating to that sign that the indication may be varied. Wherever an indication in metric units may be substituted for one in imperial units under this sub-paragraph and the sign in which the substitution is permitted is incorporated as a symbol in another sign, the indication given by the symbol so incorporated may be varied in the same manner as the variation permitted for the sign which it symbolises;

- (b) in the signs shown in diagrams 502, 503, 523.1, 524.1, 530, 532.1, 534.1 to 535.1, 556.4, 626.1, 628.1 to 629.2, 712.1, 719.3A and 729.2 the numerals shall be varied to accord with the circumstances except that no fractions of a number shall be used;
- (c) in the signs shown in diagrams 527, 565.4, 571, 715, 724, 724.2 and 729 the numerals shall be varied to accord with the circumstances, distances being expressed in miles to the nearest mile except that in the case of any of the signs so shown other than a sign shown in diagram 715 or 724.2 the fractions $\frac{3}{4}$, $\frac{1}{2}$ and $\frac{1}{4}$ may be used for distances of less than 3 miles;
- (d) in the sign shown in diagram 572 the numerals shall be varied to accord with the circumstances, distances being expressed in yards to the nearest 50 yards;
- (e) in the signs shown in diagrams 534.2, 547.3, 556.4, 557.2, 557.3, 569.2, 570, 573, 734.8, 735.1, 746.2, 753.1, 759, and 818.2 the numerals indicating distance shall be varied to accord with the circumstances, distances of less than $\frac{1}{2}$ mile being expressed in yards to the nearest 50 yards, distances of $\frac{1}{2}$ mile or more but less than 3 miles being expressed in miles so long as no fractions other than $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{4}$ are used, and distances of 3 miles or more being expressed in miles to the nearest mile;
- (f) omitted
- (g) in the signs shown in diagrams 638 to 641, 646, 660.2, 662, 805 and 806.1 the legend shall be varied, so far as respects any reference to a period of time, time of day or day of the week, and may be supplemented by a reference to days of the month or months of the year, so as to accord with the prohibition or restriction imposed in relation to vehicular traffic;
- (h) in the signs shown in diagrams 515, 534.2, 553, 556.4, 557.3, 557.4, 567.1, 567.2, 569, 573, 580, 606 (through either 90° or 180° above horizontal), 639, 640, 640.2A, 644, 703.1, 705, 714, 720, 723, 724.1, 734.9, 734.10, 741.1, 742.2, 742.4, 742.5, 754, 755, 810 and 844, the direction of any arrow or chevron shown therein shall be varied to accord with the circumstances, so however that no chevron shown in diagrams 515 or 569 and no arrow shown in diagram 553, 557.3, 557.4, 639, 640, 640.2A, 644 or 810 shall point otherwise than horizontally either to the left or to the right, and so that from the signs shown in diagram 557.4, 639, 640 and 742.5 the arrows may be omitted;
- (i) in any of the signs shown in diagrams 637, 641, 651, 662, 758, 805, and 818.2, an arrow pointed in the appropriate direction horizontally left or right may be included;
- (j) in the signs shown in diagrams 713, 714, 724.1, 729.2, 729.3 and 741 to 742.4 an indication of distance may be expressed to the nearest mile, in the signs shown in diagrams 734.6, 736, 736.1, 739, 739.2 and 739.3 such an indication as aforesaid may be expressed to the nearest mile for a distance greater than 3 miles, to the nearest $\frac{1}{4}$ mile for a distance less than 3 miles but greater than $\frac{1}{2}$ mile, and to the nearest 50 yards for a distance of 800 yards or less, and in the signs shown in diagrams 724, 729, 733, 734.8, 742.5 and 759 the distance may be omitted.
- (k) in the signs shown in diagrams 713, 724, 733, 734.5, 734.6, 734.8, 736, 736.1, 739, 739.2, 739.3, 741, 742.1, 742.3, 753.1, 755.1 and 759, the direction in which they point shall be reversed;
- (l) omitted
- (m) in the signs shown in diagrams 701 to 716, 718 to 724.1, 729, 729.2, 729.3, 733, 734.8, 739, 741 to 744.1, 747, 752.1, 753.1, 754 to 755.1, 758, 759, and 818.2, the route numbers, place names, route symbols, junction numbers and distances (other than the mileage in diagrams 702 and 702.1) shall, subject to the preceding provisions of this paragraph, be varied, where appropriate and the words "Other routes" or as the case may be, "Ring road" may be substituted for the place name, having regard to the place where any such sign is erected;
- (n) in the signs shown in diagrams 729, 729.2 and 729.3, there may be substituted for, or added to the place name the words "Tourist information", "Toilets", "Ladies Toilet", "Mens Toilet", "Airport", "Station", "Bus Station", "Coach Station", "Country Park" or "Public Telephone", or any of the following symbols, that is to say, the aircraft shown in diagram 733, the parking symbol shown in diagram 734.8, the telephone handset shown in diagram 734.6, the disabled

person symbol shown in diagram 736.1, the building shown in diagram 747, the picnic site symbol shown in diagram 752.1

(o) omitted

(p) the aircraft symbol as shown in diagram 733 either with or without the name of an airport may be substituted for, or added to, a place name shown on any of the signs shown in diagrams 701 to 714 and 718 to 724.1 to indicate the site of an airport.

(2) Where overall dimensions are shown in Schedule 1 for any such sign as is mentioned in the preceding paragraph and where the legend on that sign may be varied and the sign is varied in accordance with that paragraph, the overall dimensions or the number of lines filled by the legend or both may be varied in so far as is necessary to give effect to that variation.

(2A) Where the sign shown in diagram 812 in Schedule 1 is varied in accordance with the indication given below that diagram the overall dimensions of the signs may be varied so far as is necessary to give effect to the variation.

(3) In the sign shown in diagram 536 the number of bells shall be increased or decreased according to the width of the road over which it is placed, and in each of the signs shown in diagrams 534.1 to 535.1 the safe height shown on the sign shall be varied where necessary so that it is between 1 foot 6 inches and 2 feet less than the height of the lowest part of the overhead wire, of which it gives warning, over the highest part of the surface of the carriageway beneath the said wire.

(4) Omitted

(5) Omitted

(6) Where a sign shown in any diagram in Part III of Schedule 1 other than any of the diagrams 742.1 to 759 indicates a road or a route, and that road or route is temporarily closed, there may be affixed to the sign or to that part of the sign where that road or route is indicated, so as to cancel temporarily the indication, a board coloured red and on which are inscribed in white characters the words "road temporarily closed" or "route temporarily closed".

Dimensions

13.—(1) Where as respects any diagram in Schedule 1 a dimension for the sign shown in the diagram is indicated in one or more sets of brackets against a dimension not indicated in brackets, any dimension indicated in a set of brackets may be treated as an alternative to the dimension not so indicated.

(2) Where a sign shown in any of the diagrams 606, 607, 609, 610 to 614, 616, or 637 to 645 is placed temporarily on a road by a constable or a person acting under the instructions (whether general or specific) of the chief officer of police for the purposes of a temporary statutory provision any dimension specified for the sign in such a diagram may be reduced so long as any dimension shown in the diagram for measurement horizontally is not reduced to less than 200 millimetres.

(3) A sign shown in diagram in Part III of Schedule 1 other than in diagrams 717 and 754 and a sign shown in a diagram in Part V of that Schedule other than in any of the diagrams 912 to 913.3 and 917 shall be of such dimensions having regard to the character of the road and the speed of the vehicular traffic generally using it as are necessary to accommodate any place name, route symbol, route number, arrow, any indication of distance, or any other indication which in accordance with these regulations may be shown therein and it is appropriate to show for the purpose for which the sign is placed on a road.

(4) In any diagram in Schedule 1 and, subject to regulation 20(2), in Schedule 2, any alternative dimension adopted for a sign shall be so selected that that alternative is matched by the selection of the alternative for every other dimension for which an indication is given in the said diagrams and which corresponds in numerical ascending or descending order with that alternative so adopted.

Proportions and form of letters and numerals

14.—(1) Subject to the provisions of paragraphs (2) to (4) of this regulation, and without prejudice to regulation 12(1)(variant requirements to signs there specified), all letters incorporated in the signs shown in the diagrams in Schedule 1 other than in diagrams 742.1 to 742.4, 849 and 850 shall have

the proportions and form shown in either Part I, Part II, Part V or Part VI of Schedule 7, all numerals incorporated in the signs shown in the diagrams in Schedule 1 shall have the proportions and form shown in Part III or Part VII of Schedule 7 and all other characters incorporated in the signs shown in the diagrams in Schedule 1 shall have the proportions and form shown in Part IV or Part VIII of Schedule 7.

(2) Letters and numerals used for the purposes of indicating a route number on any sign shown in a diagram in Part V of Schedule 1 shall have the proportions and form shown in Part IX of Schedule 7.

(3) Omitted

(4) Subject to and within the limits of any dimension specified as maximum or minimum in diagram 744.1, any letters, numerals or other characters incorporated in those diagrams may have proportions and form other than the proportions and form shown in any Part of Schedule 7.

Illumination of signs by steady lighting

15.—(1) In this regulation and in regulations 16 and 17 the references to lighting shall be construed as references to steady lighting.

(2) Subject to the provisions of paragraph (7), this paragraph applies to the signs shown in diagrams 606, 609, 617, 619, 619.1, 621A to 622.2, 622.4 and 625 in construing the following sub-paragraphs—

(a) when the signs shown in diagrams 606 and 612 to 614 are fixed to light signals prescribed by regulation 31, or by regulation 31 as varied by regulation 32, they shall be illuminated by a means of internal lighting at all times except when the light signals to which they are fixed are being maintained or repaired;

(b) when the signs in diagrams 606, 609 to 611, 616 and 625 are mounted in a bollard fitted with a means of lighting them internally, they shall be illuminated throughout the hours of darkness by that means of internal lighting;

(c) without prejudice to the next following sub-paragraph, if a sign specified in sub-paragraph (a) above when not so fixed, or a sign specified in sub-paragraph (b) above when not so mounted, or any other sign to which this paragraph applies is erected on a road within 50 metres of any lamp lit by electricity which forms part of a system of street-lighting furnished by means of at least three such lamps placed not more than 183 metres apart, that sign shall be illuminated by a means of internal or external lighting either for so long as the said system is illuminated, or throughout the hours of darkness, unless it is erected temporarily for any of the following reasons—

(i) for the purposes of a temporary statutory provision,

(ii) by reason of some emergency, or,

(iii) if that road is a road subject to a speed limit or 30 m.p.h. or under, by reason of the execution of works, or of any obstruction on the road;

(d) any sign to which this paragraph applies and is either not so fixed as provided in sub-paragraph (a) or is erected in such a manner that it is not illuminated regularly throughout the hours of darkness by a means of internal or external lighting, shall be illuminated by the use of reflecting material in accordance with the provisions of regulation 18(3) and (4).

(3) Subject to the provisions of paragraph (7), this paragraph applies to any sign shown in diagrams 501, 504.1 to 510, 512, 513, 516, 517, 521 to 524.1, 530 to 532.1, 533, 543, 544 to 544.3, 555, 556, 564, 565.1 to 566, 567.2, 569.2, 601.1, 602, 626.1, 628.1 to 629.2, 632, 642 (if the diameter of that sign is more than 450 millimetres) 652, 701 to 712.1, 714 and 818.1 in construing the following sub-paragraphs—

(a) without prejudice to the next following sub-paragraph, if a sign to which this paragraph applies is erected on a road within 50 metres of any such lamp as is described in sub-paragraph

(c) of paragraph (2) that sign shall be illuminated by a means of internal or external lighting as is there provided unless it is erected temporarily for such a reason as therein specified;

(b) any sign to which this paragraph applies which is erected in such manner that it is not illuminated regularly throughout the hours of darkness by a means of internal or external lighting, shall be illuminated by the use of reflected material as provided by paragraph (2)(d).

(4) Any sign shown in diagrams 515, 545, 548 to 550, 552, 554, 554.1, 557 to 559, 562, 569, 569.1, 569.4, 574, 577, 580, 633 to 635, 642 (if the diameter of the sign is 450 millimetres or less), 646, 647, 713, 715 to 718.1, 719 to 727, 728 to 737.1, 746.2, 754 to 755.1 801, 806 to 806.3, 811, 812, 820 to 822, 823 to 825, 827, 830 to 832.1 917 and 925 may be illuminated by a means of internal or external lighting, but if not so illuminated throughout the hours of darkness, shall be illuminated by the use of reflecting material in accordance with the provisions of regulations 18(3) and (4).

(5) The signs shown in diagrams 557.1, 603 and 604, shall be illuminated throughout the hours of darkness by a means of internal or external lighting.

(6) Omitted

(7) Where a sign to which any of the foregoing paragraphs applies is placed on or near a road for the purpose of conveying a warning or information from time to time to vehicular traffic, or in connection with a statutory prohibition, restriction or requirement which relates to such traffic but does not apply at all times, that sign shall be illuminated in accordance with such of the foregoing provisions of this regulation as apply to it but only during such times as, for the said purpose or in the said connection, it is necessary that the sign shall be visible from a reasonable distance to drivers of approaching motor vehicles, any other provision of this regulation to the contrary notwithstanding.

(8) Subject to the foregoing paragraphs of this regulation and to regulation 19, any sign shown in a diagram in Schedule 1 may be illuminated by a means of internal or external lighting and where, subject as aforesaid, the means of lighting any such sign is external, then that means of lighting shall be either fitted to the sign or to the structure on which it is mounted or otherwise specially provided.

16. Where a sign shown in a diagram in Schedule 1 (not being a sign consisting of a plate) is illuminated by a means of lighting in accordance with the provisions of regulation 15 and a plate shown in a diagram in that Schedule is used in conjunction with that sign, the said plate shall, unless the means of lighting provided for the illumination of the sign adequately illuminates the plate, be illuminated, during such times as the sign is illuminated, by means of lighting and that means of lighting shall accord with that one of the methods of lighting, namely, internal or external adopted for the illumination of the sign.

Illumination of signs shown in diagrams 560 and 561 by reflectors etc.

17.—(1) The signs shown in diagrams 560 and 561 shall not be illuminated by the fitting of a means of internal or external lighting.

(2) (a) If the sign shown in diagram 560 has a diameter of 150 millimetres, that sign shall be illuminated by either of the methods prescribed at (i) and (ii) of sub-paragraph (c) below and not otherwise.

(b) If the said sign has a diameter of 75 millimetres or more but less than 150 millimetres that sign shall be illuminated by either of the methods prescribed at (iii) and (iv) of sub-paragraph (c) below and not otherwise.

(c) The methods referred to in sub-paragraphs (a) and (b) above are —

(i) by the use of 14 circular reflectors of the corner cube type, each reflector having a diameter of 22 millimetres,

(ii) by the use of reflecting material extending over the whole surface of the sign,

(iii) by the use of a single circular reflector of the corner cube type extending over the whole surface of the sign,

(iv) by the use of reflectors consisting of bi-convex lenses extending over the whole surface of the sign.

(d) If the sign shown in diagram 561 has an area of 180 square centimetres, that sign shall be illuminated by the method prescribed at sub-paragraph (c) (ii) above and not otherwise; but if that sign so shown has an area of less than 180 square centimetres and no less than 45 square centimetres, then it shall be illuminated either by the use of a single rectangular reflector of the corner cube type extending over the whole surface of the sign or by the method prescribed at sub-paragraph (c) (iv) above but by no other method.

(3) The colour reflected by the sign shown either in diagram 560 or in 561 shall be red when the sign indicates the edge of the left-hand side of the carriageway or an obstruction near that edge and shall be white when the sign indicates the edge of the right-hand side of the carriageway or an obstruction near that edge, unless the sign indicates the edge of the right-hand side of the carriageway of a dual-carriageway road or an obstruction near that edge when the said colour so reflected shall be amber

Illumination of signs reflecting material

18.—(1) Nothing in this regulation shall apply to the signs shown in diagrams 536, 560 and 561.

(2) Subject to the provisions of regulation 15 and paragraph (1) above, any sign shown in a diagram in Schedule 1 may be illuminated by the use of reflecting material in accordance with the following provisions of this regulation.

(3) Subject to paragraph (4) where reflecting material is used on any sign shown in a diagram in Schedule 1 it shall be of the same colour as that of, and extend throughout, that part of the sign to which it is applied:

Provided that no reflecting material shall be applied to—

(a) any part of a sign coloured black, or

(b) any part of the sign shown in diagram 605.1 which is coloured fluorescent yellow unless the reflecting material is applied to that part in horizontal strips each such strip being 3 millimetres wide, spaced at intervals of 6 millimetres from each other, the centre of the sign being located at a point in one such interval equidistant from the strips so spaced.

In this paragraph the word "part", in relation to a sign, means any part of the surface of that sign uniformly coloured and bounded by parts of a different colour.

(4)(a) Where in accordance with the last paragraph, different colours of reflecting material are used next to one another on the same sign being a traffic sign to which this paragraph applies in accordance with the next following sub-paragraph, a gap of not more than 20 millimetres in width may be left between the different colours of reflecting material.

(b) This paragraph applies only to traffic signs which being circular in shape have a diameter of at least 1.2 metres, being triangular in shape have a height of at least 1.2 metres along the perpendicular from apex to base, or being rectangular in shape have a side which is at least 1.2 metres in length.

19. Where a sign shown in a diagram in Schedule 1 (not being a sign consisting of a plate) is illuminated by the use of reflecting material in accordance with the provisions of regulation 15 and 18 and a plate shown in a diagram in that Schedule, other than a plate shown in diagram 662 is used in conjunction with that sign, the said plate shall be illuminated by the use of reflecting material in accordance with the provisions of regulation 18 (3).

SECTION IV

Traffic Signs shown in Schedule 2

Road markings

20.—(1) Subject to the provisions of these Regulations, a traffic sign consisting of a line or mark on a road (in these Regulations referred to as a "road marking") for conveying to traffic on roads a warning, a requirement or information of the description specified under a diagram (other than diagrams 1002 and 1012.1) in Schedule 2 shall be of the size and type shown in the diagram relating to that warning, requirement or information.

(2) In any diagram in Schedule 2, the dimensions indicated in brackets against dimensions not so indicated may be treated as an alternative to the last mentioned dimensions.

(3) Where the circumstances so require, the indication given by any of the signs shown in the diagrams in Schedule 2 shall or may be varied as hereinafter provided in this paragraph:-

(a) any indication given by such a sign may be varied in the respect (if any) in which it is shown below the diagram relating to that sign that the indication may be varied.

(b) Omitted

Particular road markings

21. A road marking for conveying to vehicular traffic the requirement specified in paragraph (2) of the next succeeding regulation shall be of the size and type shown in diagram 1003.

22.—(1) For the purposes of this regulation—

“minor road” means a road at a road junction on which road there are placed the transverse lines shown in diagram 1003;

“major road” means the road at a road junction into which road there emerges vehicular traffic from a minor road.

(2) Except as provided by the next following paragraph, the requirement conveyed by the said transverse lines, whether or not they are used in conjunction with the sign shown in diagram 602, shall be that no vehicle shall proceed past such one of those lines as is nearest to the major road into that road in such a manner or at such a time as is likely to cause danger to the driver or any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

(3) Omitted.

23.—(1) A road marking for conveying the requirements specified in the next succeeding paragraph and the warning specified in paragraph (5) shall be of the size and type shown in diagram 1013.1.

(2) The requirements conveyed by the road marking mentioned in the last preceding paragraph shall be that—

(a) subject to the provisions of paragraph (3), no vehicle shall stop on any length of road along which the marking has been placed at any point between the two ends of the marking; and

(b) subject to the provisions of paragraph (4), every vehicle proceeding on any length of road along which the marking has been so placed that, as viewed in the direction of travel of the vehicle, a continuous line is on the left of a dotted line or of another continuous line, shall be so driven as to keep the first-mentioned continuous line on the right hand or off side of the vehicle.

(3) Nothing in sub-paragraph (a) of the last preceding paragraph shall apply—

(a) so as to prevent a vehicle stopping on any length of road so long as may be necessary—

(i) to enable a person to board or alight from the vehicle,

(ii) to enable goods to be loaded on to or to be unloaded from the vehicle, or

(iii) to enable the vehicle, if it cannot be used for such purpose without stopping on that length of road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or near to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telegraph Act 1878,

so, however, no vehicle shall be enabled by virtue of this sub-paragraph to stop for any of the purposes at (i), (ii) or (iii) above on a part of that length of road, not being a lay-by or a road-verge, if it is reasonably practicable to stop the vehicle for that purpose on a part of that length of road, being a lay-by or a road verge;

(b) to a vehicle used for fire brigade, ambulance or police purposes;

(c) to a pedal bicycle not having a sidecar attached thereto, whether additional means of propulsion by mechanical power are attached to the bicycle or not;

(d) to a vehicle stopping in any case where the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control; or

(e) to anything done with the permission of a police constable in uniform or in accordance with the direction of a traffic warden.

(4) Nothing in sub-paragraph (b) of paragraph (2) shall apply so as to prevent a vehicle crossing or straddling the continuous line first mentioned in that sub-paragraph for the purpose of obtaining access to any other road joining the length of road along which the line is placed or to land or premises situated on or adjacent to the said length of road or if it is necessary to do so—

(a) in order to pass a stationary vehicle, or owing to circumstances outside the control of the driver or in order to avoid an accident, or

(b) for the purposes of complying with any direction of a police constable in uniform or a traffic warden.

(5) The warning conveyed by the road marking mentioned in paragraph (1) shall be that no vehicle while travelling next to a dotted line placed on the left, as viewed in the direction of travel of the vehicle, of a continuous white line should cross or straddle the first mentioned line unless it is seen by the driver of the vehicle to be safe to do so.

Colour of road markings

24.—(1) Except as otherwise provided by this regulation, the road markings shown in the diagrams in Schedule 2 shall be white.

(2) Road markings shown in diagrams 1016.1 to 1021, 1027.1 1043 and 1044 shall be yellow.

(3) Omitted.

(4) The road markings shown in diagrams 1025 and 1025.2 and when displaying the word "Taxis" in diagram 1028.1 shall be yellow in the following but in no other circumstances, that is to say, where those markings are placed in a part of the carriageway which is subject to restrictions on waiting or on waiting, loading and unloading for at least 8 hours during the period from 7 a.m. to 7 p.m. on at least 4 days, none of them being a Sunday, in any week by all vehicles, other than stage and express carriages in the case of markings shown in diagrams 1025 or 1025.2 and other than hackney carriages in the case of the marking shown in diagram 1028.1.

(5) Road markings shown in diagram 1055 consisting of marks arranged in transverse lines may be either white or silver or light grey in colour.

(6) In this regulation, "hackney carriage" has the same meaning as in the Vehicles (Excise) Act 1971.

Use on road markings of reflecting material and studs with reflectors

25.—(1)(a) The road markings shown in diagrams 1011, 1012, 1013.1 and 1014 shall be illuminated with reflecting material, and

(b) studs incorporating reflectors and spaced so as to form a single line of studs at intervals of not less than 3.6 nor more than 4.4 metres apart shall be fitted between the two lines constituting the marking shown in diagram 1013.1 unless that marking —

(iii) is so placed that the continuous lines shown in diagram 1013.1 are more than 175 millimetres apart and are separated by an area of cross-hatching so shown.

(c) where the marking shown in diagram 1013.1 is placed as described in any of the cases in sub-paragraph (b) (iii) above, then such studs as aforesaid and so spaced as aforesaid shall be fitted either within the width of each of the said two lines or between them.

(2) Subject to the foregoing provisions of this regulation, any road marking may be illuminated with reflecting material and studs incorporating reflectors may be fitted to the markings shown in diagrams 1003.4 to 1005, 1010 to 1012, 1025.2 and 1040 to 1042 in such a manner that any such stud shall not be fitted to any mark coloured white and forming part of the markings so shown as aforesaid but shall be applied to the surface of the carriageway in the gap between any two such marks:

Provided that in the case of the markings shown in diagram 1011 the said studs shall, if fitted, be applied to the surface of the carriageway at the side of and adjacent to the line shown in the diagram.

(2A) The road markings shown in diagrams 1060, 1060.1, 1061 and 1061.1 including the permitted variants shall be illuminated with reflecting material.

(3) Reflectors incorporated in studs shall be white except that in the case of reflectors fitted to the markings shown in diagrams 1009 to 1012, 1025.2, 1041 and 1042 they may be—

(a) red where the near side edge of a carriageway is indicated to drivers of approaching motor vehicles, or when fitted to the markings shown in diagrams 1041 and 1042 to indicate the offside edge of a carriageway.

(b) amber to indicate the offside edge of a carriageway which is contiguous to a central reservation or which carries traffic in one direction only, and

(c) green when fitted to the markings shown in diagrams 1009, 1010 and 1025.2 where the edge of any part of the carriageway available for through traffic at a road junction, a lay-by or a parking place is so indicated as aforesaid.

In this regulation "central reservation" means any provision made in a road (not being the provision of a street refuge) for dividing the road for the safety or guidance of vehicular traffic.

Height of road markings and size of studs

26.—(1) Non-depressive studs incorporating reflectors and fitted as a part of a road marking shall either be in the shape of a circle having a diameter of not more than 20 millimetres in excess of the width of the road marking to which the studs are fitted or of a rectangle having a length of not more than 250 millimetres and a width of not more than 20 millimetres in excess of the width of the road markings to which the studs are fitted.

(2) Subject to paragraph (3), no road marking shall project above the surface of the carriageway in the immediate vicinity more than 6 millimetres at any point unless it is a road marking fitted with non-depressible studs when those studs shall not project above the said surface more than 18 millimetres at the highest point nor more than 6 millimetres at their edges, or unless it is the road marking shown in diagram 1003.4 when that marking shall not project above the said surface more than 125 millimetres at the highest point nor more than 6 millimetres at its edge.

(3) Depressible studs fitted in road markings and incorporating reflectors shall not project above the surface of the carriageway in the immediate vicinity more than 6 millimetres at their edges, nor at their highest points more than 25 millimetres, when not depressed or 20 millimetres when depressed by a force of 300 newtons and "newton" means the unit of force specified in paragraph 1.2.3 of Chapter A of the Annex to Council Directive 71/354 EEC as amended by Council Directive 76/770/EEC.

In this regulation, the expression "depressible studs", in relation to studs fitted in road markings, means studs so fitted that the height by which they project above the surface of the carriageway in the immediate vicinity is apt to be reduced when pressure is applied to those studs from above; and "non-depressible studs" and "depressed" shall be construed accordingly.

SECTION V

Miscellaneous Traffic Signs

Certain temporary signs

27.—(1) Notwithstanding the provisions of regulation 9 and subject to the succeeding paragraphs of this regulation, signs placed temporarily on or near a road—

(a) for conveying to traffic—

(i) information as respects deviation of, or alternative traffic routes,

(ii) information as respects the route which may conveniently be followed on the occasion of a sports meeting, exhibition or other public gathering, in each case attracting a considerable volume of traffic,

(iii) information as to the date from which works are to be executed on or near a road, or

(iv) information or warnings as to the avoidance of any temporary hazards occasioned by works being executed on or near a road, by adverse weather conditions or other natural causes, by the failure of street lighting or by malfunction of or damage to any apparatus, equipment or facility used in connection with the road or any thing situated on or near or under it or by damage to the road itself;

(b) for conveying to vehicular traffic any prohibition, restriction or requirement of a description required for the purposes of a temporary statutory provision; or

(c) pending the erection of any permanent sign prescribed by these regulations, for conveying to traffic the indication which such a permanent sign indicates,

may be of such size, colour and type as is specified in the following provisions of this regulation.

(2) Every such sign placed as aforesaid (hereinafter referred to as a "temporary sign") shall be of a shape which—

(a) is rectangular;

(b) is rectangular, but with the corners rounded; or

(c) is rectangular, but with one end pointed.

(3) Every temporary sign shall be of such size as is necessary to accommodate the wording, numerals, arrows or chevrons and any symbol taken from any diagram shown in Schedule 1 appropriate to the purpose for which the sign is placed as aforesaid and to accommodate any arms, badge, device, words or letters incorporated in the sign in accordance with the provisions of paragraph (6).

(4) Every letter and numeral incorporated in a temporary sign other than any letter incorporated in the sign in accordance with the provisions of paragraph (6) shall be not less than 40 nor more than 250 millimetres in height, and every arrow so incorporated shall be not less than 250 nor more than 500 millimetres in length except that where an arrow is incorporated in the index part of a sign with a pointed end such arrow shall be not less than 100 nor more than 200 millimetres in length.

(5) Every letter, numeral, arrow, chevron or symbol incorporated in a temporary sign shall be—

(a) black on a background of white, or yellow; or

(b) white on a blue background; or

(c) if the sign conveys information or warnings as to the avoidance of any temporary hazards such as are mentioned in paragraph 1(a)(iv) above, white on a red background.

(6) There may be incorporated in, or attached to, a temporary sign the arms, badge or other device of a highway authority, police authority or an organisation representative of road users, or words or letters indicating the highway authority, or that the sign is a police sign.

(7) No sign shall by virtue of this regulation convey to traffic any information, warning, requirement, restriction or prohibition of a description which can be so conveyed either by a sign shown in a diagram in Part I, Part II or Part IV of Schedule 1 or by a sign so shown used in combination with or in conjunction with another sign shown in such a diagram.

Flashing beacons and flags

28.—(1) Beacons showing an intermittent amber light for conveying the warning that drivers of vehicles should take special care may be used in combination with any of the signs specified in the last preceding regulation or with any of the signs shown in diagrams 562 to 564.1, 565.1 to 569.1, 569.4 or 610 subject to the following conditions:—

(i) the light emitted by the lens or lenses of each such beacon shall be of peak intensity of not less than 100 candelas on the principal axis of the relevant lens;

(ii) the part of that beacon through which light is emitted shall be of such a shape and size that the perimeter of the area projected horizontally thereby on to any vertical plane shall be capable of lying wholly inside a square having sides of 200 millimetres in length and wholly outside a square having sides of 100 millimetres in length;

(iii) the height of the centre of the lenses from the surface of the carriageway in the immediate vicinity shall be not less than 800 nor more than 1500 millimetres; and

(iv) the rate of flashing shall be not less than 120 nor more than 150 flashes per minute and the period between flashes shall not exceed $\frac{1}{4}$ of a second.

(2) Beacons showing an intermittent blue light for conveying the warning that drivers of vehicles should take special care may be used by a constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, in combination with any of the signs shown in diagrams 606, 609, 610 and 633 to 635 subject to the same conditions specified in paragraph 1 (iii) and (iv).

(3) Flags of an area of not less than 0.2 square metres and coloured red for conveying the warning that it would be dangerous for drivers to cause their vehicles to proceed may be used in an emergency at or in the vicinity of works being executed, or of an obstruction situated on or near a road.

Cones and cylinders

29.—(1) A device constructed of rubber or flexible plastic material and being of the shape, dimensions, and colours indicated in diagram 577 for conveying the warning that drivers of vehicles should follow a certain route around an obstruction or road works in a road may be placed temporarily on the carriageway thereof, and that part of the device coloured white shall be illuminated with white reflecting material and that part of the device coloured red may be illuminated with red reflecting material.

(2) Omitted.

Refuge indicator lamps

30. A lamp in the form of an illuminated spherical globe for conveying the warning that drivers of vehicles are approaching a street refuge may be used subject to the following conditions:—

(a) the globe shall be white;

(b) the globe shall have a diameter of not less than 290 nor more than 310 millimetres; and

(c) the height of the centre of the globe from the surface of the carriageway in the immediate vicinity shall be not less than 3.8 nor more than 5 metres.

Light signals for control of vehicular traffic

31.—(1) Light signals may be used for the control of vehicular traffic and shall be of the size, colour and type prescribed by paragraph (2), by paragraph (3) or by paragraph (4).

(2) The size, colour and type of light signals prescribed by this paragraph shall be as follows:—

(a) three lights shall be used, one red, one amber and one green;

(b) the lamps showing the coloured lights aforesaid shall be arranged vertically, the lamp showing a red light being the uppermost and that showing a green light the lowermost;

(c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 195 nor more than 220 millimetres unless the lens is a lens of the kind shown in diagram 3001 when instead the said diameter may be not less than 290 nor more than 310 millimetres;

(d) the height of the centre of the amber lens from the surface of the carriageway in the immediate vicinity shall be in the case of signals placed at the side of the carriageway or on a street refuge not less than 2.4 nor more than 4 metres and in the case of signals placed elsewhere and over the carriageway not less than 6.1 nor more than 9 metres;

(e) the centres of adjacent lenses shall not be less than 305 nor more than 360 millimetres apart;

(f) no lettering shall be used upon the lenses or in connection with a light signal;

(g) the sequence of the lights shown for the purpose of controlling vehicular traffic shall be as follows:—

(i) red,

(ii) amber and red together,

(iii) green,

(iv) amber.

- (3) The size, colour and type of light signals prescribed by this paragraph shall be as follows:—
- (a) Four lamps each showing an intermittent red light shall be used.
 - (b) The lamps shall be so fitted as to enclose a rectangular area bounded by the one pair of sides extending horizontally and terminating as to each side in the centres of each pair of lenses (in these Regulations called “the horizontal pairs”) and by the other pair of sides extending vertically in relation to the ground and terminating as to each side in the centres of each pair of lenses (in these Regulations called “the vertical pairs”).
 - (c) When the four lamps are erected beside the carriageway, the distance between the centres of the lenses for each of the horizontal pairs shall be not less than 945 nor more than 955 millimetres and for each of the vertical pairs shall be not less than 695 nor more than 705 millimetres in accordance with the arrangement shown in diagram 6032.
 - (d) When the four lamps are erected over the carriageway, the distance between the said centres for each of the horizontal pairs shall be not less than 1395 nor more than 1405 millimetres and for each of the vertical pairs not less than 545 nor more than 555 millimetres in accordance with the arrangement shown in diagram 6031.
 - (e) Subject to the provisions of the next following sub-paragraph, each lamp shall be separately illuminated and the effective diameter of the lens thereof shall not be less than 120 nor more than 130 millimetres.
 - (f) When the signal is operated, each lamp shall show its intermittent red light at a rate of flashing of not less than 60 nor more than 90 flashes per minute, and in such a manner that the lights of one of the vertical pairs are always shown when the lights of the other vertical pair are not shown.
 - (g) The height of the centres of the lenses comprising the lower of the horizontal pairs from the surface of the carriageway in the immediate vicinity shall be in the case of signals placed at the side of the carriageway not less than 1.8 nor more than 3.2 metres and in the case of signals placed over the carriageway not less than 5.8 nor more than 6.8 metres.
 - (h) No lettering of any kind shall be used upon any of the lenses.
- (4) The size, colour and type of light signals prescribed by this paragraph shall be as follows:—
- (a) two lamps each showing an intermittent red light and one lamp showing a steady amber light shall be used;
 - (b) the lamps showing an intermittent red light shall be arranged horizontally so that there is a distance of not less than 585 nor more than 665 millimetres between the centres of the lenses of the lamps;
 - (c) the lamp showing the amber light shall be placed below the red lenses in such a position that a vertical line passing through the centre of that lamp is horizontally equidistant from the vertical line passing through the centre of each red lens and that the vertical distance between a horizontal line passing through the centres of the red lenses is not less than 235 nor more than 345 millimetres;
 - (d) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 195 nor more than 220 millimetres;
 - (e) when the lamps showing an intermittent red light are operated, each such lamp shall show a red light at a rate of flashing of not less than 60 nor more than 90 flashes per minute, and in such a manner that the light of one lamp is always shown at a time when the light of the other lamp is not shown;
 - (f) the height of the centre of the amber lens from the surface of the carriageway in the immediate vicinity shall be in the case of signals placed at the side of a carriageway or on a street refuge not less than 2.4 nor more than 4 metres and in the case of signals placed elsewhere and over the carriageway not less than 6.1 nor more than 9 metres;
 - (g) the lenses shall be provided with a rectangular backing board having an overall width of not less than 1.3 metres and extending not less than 300 millimetres above the centre of each of the red lenses and not less than 300 millimetres below the centre of the amber lens, which board shall

be coloured black, save for a white border having a width of not less than 80 nor more than 100 millimetres on the side from which the lamps show;

(h) the sequence of the signal lights under this paragraph shown for the purpose of controlling vehicular traffic shall be amber followed by red;

(i) no lettering of any kind shall appear on any of the lenses.

(5) Omitted

32.—(1) Subject to the next following paragraph, a lens or lenses of the size and colour shown in diagram 3001 in Schedule 3, which, when illuminated, shows a green arrow—

(a) may be substituted for the lens showing the green light in the light signals referred to in regulation 31(2) in any of the methods shown in diagrams 3003, 3005, 3006 and 3011 in the said Schedule;

(b) may be affixed to the light signals referred to in regulation 31(2) or to those signals as altered in accordance with the preceding sub-paragraph in any of the methods shown in diagram 3002 and diagrams 3004 to 3011 in the said Schedule.

In this paragraph, the substitution authorised in sub-paragraph (a) thereof in the method shown in the said diagram 3011 shall be treated as having been effected by means of the upper arrow shown in that diagram, the lower arrow shown therein being treated as affixed in accordance with sub-paragraph (b) thereof.

(2) When a lens is, or lenses are, so affixed as provided in paragraph (1)(b) and any one lens so affixed is of the larger of the two sizes specified in diagram 3001 in the said Schedule, the distance between the centre of that lens and the centre of any other lens affixed next in position immediately above, below or to the side of that first mentioned lens shall be not less than 415 nor more than 440 millimetres.

(3) The direction in which the arrow shown in diagram 3003 in the said Schedule points may be varied so as to be —

(a) a direction which lies straight upright, or

(b) a direction which lies at any angle between 90 degrees either to the left or the right of the said upright direction.

(4) The direction in which any arrow shown in any of the diagrams 3002, 3004 to 3006, 3009 and 3010 in the said Schedule points may be varied so as to be —

(a) a direction which lies straight upright, or

(b) a direction which lies between the direction shown in the diagram showing that arrow and the said upright direction.

(5) The direction in which the upper arrow shown in diagram 3007 of the said Schedule points may be varied so as to be a direction which lies at any angle from the upright position shown to an angle of 45 degrees to the left and the direction in which the upper arrow shown in diagram 3008 in that Schedule points may be so varied as aforesaid to an angle of 45 degrees to the right.

(6) The direction in which the lower arrow in each of the said diagrams 3007 and 3008 points may be varied so as to be a direction which lies at any angle from the position shown in each diagram respectively to an angle of 45 degrees towards the upright position as shown for the upper arrow in each such diagram.

(7) When both arrows shown in diagram 3011 of the said Schedule are illuminated and extinguished simultaneously the direction in which the upper arrow shown in that diagram points may be varied so as to be a direction which lies at any angle from the position so shown for that arrow to an angle of 45 degrees to the right passing through an arc of 135 degrees and the direction in which the lower arrow so shown points may be varied so as to be a direction which lies at any angle from the position so shown for that arrow to an angle of 45 degrees towards the upright position or alternatively so as to be a direction lying at any angle from a position in which that arrow faces in the opposite direction from that so shown to an angle 45 degrees towards the upright position.

(8) When both arrows shown in the said diagram 3011 are illuminated and extinguished independently of each other, the direction of each such arrow may be varied so as to be a direction which lies at any angle between 90 degrees either to the left or to the right of the upright position.

Portable light signals for control of vehicular traffic

33.—(1) Portable light signals may be used for the control of vehicular traffic in the circumstances specified at (a) to (c) of this paragraph—

(a) on a length of road having no junction along its length with any other road carrying vehicular traffic to or from it and where the width of the carriageway of that length of road is temporarily restricted so that it will carry only one line of traffic,

(b) at a level crossing where a road is crossed by a railway when work in relation to that crossing is being carried out, or

(c) during progress of temporary schemes of traffic control, if the signals are being operated and maintained by, and under the regular supervision of, the police or have been erected as a site approved in writing by the highway authority.

(2) Such light signals shall comply with—

(a) the provisions of regulation 31(2)(a), (b), (c), (f) and (g), or if appropriate, those provisions as varied by regulation 32(1), and

(b) the provisions of regulation 31(2)(e), or if appropriate, those provisions as varied by regulation 32(2) as if for “305” there appeared “270”.

Significance of light signals

34.—(1) The significance of the light signals prescribed by regulation 31(2) or by regulation 33 shall be as follows—

(a) except as provided in the next following sub-paragraph, the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals, or, if that line is not for the time being visible or there is no stop line, beyond the post or other structure on or in which the primary signals are mounted;

(b) on an occasion when a vehicle is being used for fire brigade, ambulance or police purposes and the observance of the prohibition conveyed by the red signal as provided by the last preceding sub-paragraph would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion, the said sub-paragraph shall not apply to that vehicle; but instead the prohibition conveyed to that vehicle by the red signal shall be that that vehicle shall not proceed beyond the stop line, or as the case may be as provided by the said sub-paragraph, beyond the said post or other structure in such manner or at such a time—

(i) as is likely to cause danger to the driver of any other vehicle proceeding on or from another road or on or from another part of the same road in accordance with the indications of the light signals operating there in association with the said red signal or as to necessitate the driver of any other such vehicle to change its speed or course in order to avoid an accident, or

(ii) in the case of any traffic which is not vehicular, as is likely to cause danger to that traffic proceeding on or from another road or on or from another part of the same road;

(c) the amber-with-red signal shall be taken to denote an impending change in the indication given by the signals from red to green but shall not alter the prohibition conveyed by the red signal;

(d) the green signal shall indicate that vehicular traffic may pass the signals and proceed straight on or to the left or to the right;

(e) the amber signal shall, when shown alone, convey the prohibition that vehicular traffic shall not proceed beyond the stop line or, if that line is not for the time being visible or there is no stop line, beyond the said post or other structure, except in the case of any vehicle which when

the signal first appears is so close to the said line, post or structure that it cannot be safely stopped before passing the line, post or structure.

(2) The significance of the light signals prescribed by regulation 31(2) as varied in accordance with the provisions of regulation 32, shall be as follows —

(a) subject as provided in sub-paragraph (d) of this paragraph, the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or if the stop line is not for the time being visible or there is no stop line, beyond the post or other structure on or in which the primary signals are mounted, except that when a vehicle is being used on such an occasion as is specified in paragraph (1) (b), the foregoing prohibition prescribed by this sub-paragraph shall not then apply to that vehicle but instead the prohibition conveyed to it on that occasion by the red signal shall be the same as that provided by paragraph (1) (b) in relation to the vehicle mentioned in that paragraph;

(b) subject as provided in sub-paragraph (d) of this paragraph, the amber-with-red signal shall denote an impending change in the indication given by the signals from red to green (where a green signal is provided) or from red to a green arrow or arrows but shall not alter the prohibition conveyed by the red signal;

(c) the green signal (where a green signal is provided) shall indicate that vehicular traffic may pass the signals and proceed straight on or to the left or to the right;

(d) any green arrow during such time as it is illuminated shall indicate that vehicular traffic may pass the signals and proceed in the direction indicated by the arrow notwithstanding any other indication given by the signals;

(e) the amber signal shall, when shown alone, convey the prohibition that vehicular traffic shall not proceed beyond the stop line, or if the stop line is not for the time being visible or there is no stop line, beyond the said post or other structure, except in the case of any vehicle which when the signal first appears is so close to the said line, post or structure that it cannot safely be stopped before passing the line, post or structure.

(3) Vehicular traffic passing any light signals in accordance with the foregoing provisions of this regulation shall proceed with due regard to the safety of other users of the road and subject to the direction of any police constable in uniform or other duly authorised person who may be engaged in the regulation of traffic.

(4) The significance of the light signals prescribed by regulation 31(3) shall be that the intermittent red lights when displayed at the side of the carriageway convey the prohibition that vehicular traffic shall not proceed beyond those lights and when displayed over the carriageway so as to operate in relation to vehicular traffic proceeding in the traffic lane (as defined by regulation 36(1)) situated immediately beneath them, the said lights convey the prohibition that such vehicular traffic as aforesaid shall not proceed beyond those lights:

Provided that this paragraph shall not apply to a vehicle when it is being used on such an occasion as is specified in regulation 34 (1) (b); and for that vehicle when it is being so used, the intermittent red lights whether so displayed at the side of or over the carriageway shall have no significance.

(5) The significance of the light signals prescribed by regulation 31 (4) shall be as follows —

(a) the amber signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signal or, if that line is not for the time being visible or there is no stop line, beyond the post or other structure on or in which the primary signals are mounted, except in the case of any vehicle which when the signal first appears is so close to the said post or structure, that it cannot safely be stopped before passing the line post or structure; and

(b) the intermittent red signals shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or, if that line is not for the time being visible or there is no stop line, beyond the said post or structure.

(6) In this regulation,

(a) the expression "Stop line" means the road marking shown in diagram 1001 placed on the carriageway in conjunction with light signals being either primary signals alone, or secondary signals alone or both primary and secondary signals;

(b) any reference to light signals, to the signals or to a signal of a particular colour, is, where secondary signals have been erected as well as primary signals, a reference to the light signals, signals or particular signal displayed by both the primary signals and the secondary signals or by either the primary signals operating without the secondary signals, or by the secondary signals operating without the primary signals;

(c) the expression "primary signals" means light signals erected on or near the carriageway of a road and sited in the vicinity of either one end or both ends of the stop line or, if there is no stop line, sited at either or both edges of the carriageway or part of that carriageway which is in use by the traffic approaching and controlled by the signals; and

(d) the expression "secondary signals" means light signals erected on or near the carriageway facing approaching traffic in the same direction as the primary signals but sited beyond those signals as viewed from the direction of travel of such traffic.

Light signals for pedestrians

35.—(1) Light signals for conveying to pedestrians the information mentioned in paragraph (4) may be used facing across the carriageway in conjunction with the light signals prescribed by regulation 31(2) or those light signals as varied in accordance with the provisions of regulation 32 and, if so used, shall be of the size, colour and type shown in diagram 4001 in Schedule 4:

Provided that the light signals for conveying to pedestrians such information as aforesaid and which are associated as parts of the same electrical circuit shall be all of them of the same size, colour and type, that is to say, as shown in the said diagram 4001.

(2) The height of the lower edge of the container enclosing the light signals from the surface of the carriageway in the immediate vicinity shall be not less than 2.1 nor more than 2.6 metres.

(3) The said signals shall be so designed that —

(a) the red figure shown in the said Schedule (hereinafter referred to as "the red signal") can be internally illuminated by a steady light;

(b) the green figure shown in the said Schedule (hereinafter referred to as "the green signal") can be internally illuminated by a steady light;

(c) when one signal is illuminated the other signal is not illuminated; and

(d) the green signal is and remains illuminated only for so long as there is conveyed to vehicular traffic a requirement, prohibition or restriction against entering that part of the carriageway across which the light signals for pedestrians are facing, being a requirement, prohibition or restriction indicated by the light signals prescribed by regulation 31(2), by that regulation as varied in accordance with regulation 32 as respects the direction of the green arrow, or by the traffic signs shown in diagrams 606, 612, 613 or 616.

(4)(a) The period during which in the interests of safety pedestrians should not cross the carriageway shall be shown by the red signal during such times as it is illuminated; and

(b) the period during which in the interests of safety pedestrians should cross the carriageway shall be shown by the green signal during such time as it is illuminated by the steady light.

(5) A traffic sign of the size, colour and type shown in diagram 4003 may be erected for use in conjunction with either the sign shown in diagram 4001 for the purpose of conveying to pedestrians the indication specified above that diagram.

Light signals for lane control of vehicular traffic

36.—(1) In this regulation the expression "traffic lane" means, in relation to a road, a part of the carriageway having as a boundary which separates it from another such part, a road marking of the type shown either in diagram 1004, 1005, 1007 or 1013.1

- (2) Light signals placed above the carriageway and facing the direction of the on-coming vehicular traffic may be used for the control of that traffic proceeding along the traffic lane over and in relation to which those signals have been so placed and, subject to the provisions of this Regulation, shall be of the size, colour and type shown in diagrams 5001 to 5004.
- (3) The height of the centre of each such signal from the surface of the carriageway in the immediate vicinity shall be not less than 5.5 metres nor more than 9 metres.
- (4) The said signals shall be so designed that —
- (a) the red cross shown in diagrams 5003 and 5004 (hereinafter referred to as "the red cross") can be internally illuminated in such manner as to show a steady red light,
 - (b) the white arrow shown in diagrams 5001 and 5002 (hereinafter referred to as "the white downward arrow") can be internally illuminated by a steady white light, and
 - (c) whenever the red cross is illuminated above a traffic lane, the white downward arrow above that traffic lane is not also then illuminated and whenever the white downward arrow is illuminated above that same lane, the red cross is not also then illuminated.
- (5) The significance of the light signals prescribed by this regulation shall be —
- (a) the red cross conveys to vehicular traffic proceeding in the traffic lane above and in relation to which it is displayed the prohibition that such traffic shall not proceed beneath or beyond the red cross in the said traffic lane in the direction opposite to that in which the red cross faces until that prohibition is cancelled by a display over that traffic lane of the white downward arrow or by the display over that traffic lane or beside the carriageway of the traffic sign shown in diagram 6001 or of a traffic sign bearing the legend "End of lane control"; and
 - (b) the white downward arrow conveys to such traffic proceeding in the traffic lane above and in relation to which it is displayed the information that that traffic may proceed or continue so to do in the said lane beneath or beyond the said arrow and in the direction opposite to that in which that arrow faces.

School crossing patrol signs and warning lights

37.—(1) Except where the Governor authorises the use of traffic signs of another description, every traffic sign which is exhibited by a school crossing patrol for the purpose of stopping any vehicle or vehicles in accordance with section 16L of the Ordinance shall be of the size, colour and type shown in diagram 605.1.

- (2)(a) A traffic sign for conveying the warning specified in the next following sub-paragraph to vehicular traffic which is approaching a place in a road where children on their way to or from school or on their way from one part of a school to another cross or seek to cross that road may be erected on or near a part of that road in advance, in relation to oncoming traffic, of the said place;
- (b) the warning conveyed by the traffic sign mentioned in the preceding sub-paragraph shall be that such a place as aforesaid lies ahead and is either being patrolled by a school crossing patrol or is otherwise in use by children under the supervision of a teacher or other school officer, a traffic warden or a constable in uniform;
 - (c) the said sign shall be of the following size, colour and type, that is to say —
 - (i) 2 lamps mounted vertically one above the other, facing in the same direction and each showing an intermittent amber light shall be used;
 - (ii) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 135 nor more than 155 millimetres;
 - (iii) each lamp shall be so fitted that the centre of the light source which illuminates its lens is located on the axis of that lens; and
 - (iv) each lamp shall show an intermittent amber light at a rate of flashing of not less than 60 nor more than 90 flashes per minute and in such a manner that the light of one lamp is always shown at a time when the light of the other lamp is not shown.

Light signals for motorways

38. Omitted

39. Omitted

Road danger lamps

40.—(1) Subject to the provisions of these regulations, a lamp showing either a steady or an intermittent light may be used to indicate to traffic the limits of a temporary obstruction of a road and shall be of the size, colour and type prescribed by paragraph 2.

(2)(a) The colour of the light shown by the said lamp whether steady or intermittent shall be amber.

(b) Each lens of the lamp shall be —

(i) if the light so shown is emitted from the lamp in only one, two or three horizontal directions, of such a shape and size that the perimeter of its horizontally projected area on to any vertical plane shall be capable of lying wholly inside a circle having a diameter of 150 millimetres and wholly outside a circle having a diameter of 100 millimetres, and

(ii) if the light so shown is emitted from the lamp in every horizontal direction, of such a shape and size that the perimeter of its horizontally projected area on to any vertical plane shall be capable of lying wholly within a square having sides of 125 millimetres in length and wholly outside a square having sides of 40 millimetres in length.

(c) Each such lamp shall be illuminated separately and by a single source of light.

(d) The height of the centre of any such lens from the surface of the road in the immediate vicinity shall not exceed 1.2 metres.

(e) There shall be displayed in association with that lens a device having an area of not less than 50 square centimetres and fitted with amber reflectors or amber reflecting material.

(f) Where a lamp is used which shows a steady light, then the luminous intensity of that light shall not be less than 0.5 candela measured within 5 degrees above and below and 10 degrees left and right of the principal axis if the light so shown is emitted from the lamp in only one, two or three directions, and measured within 5 degrees above and below the horizontal plane around the vertical axis of symmetry if the said light is so emitted in every direction.

(g) Where a lamp which shows an intermittent light is used, then that lamp shall be of such a size and type that the rate of flashing shall not be less than 900 flashes per minute and the peak luminous intensity measured in accordance with the last preceding sub-paragraph not less than 1 candela; except that where such a lamp is erected within 50 metres of a street lamp lit by electricity on a road subject to a speed limit of 40 miles per hour or less, that lamp may, as an alternative to the size and type last mentioned, be of such a size and type that the said rate shall be not less than 120 nor more than 150 flashes per minute and the said intensity so measured shall be not less than 1.5 candela.

SCHEDULE 2

**Signs, Illustrations and Directions not applying to the Falkland Islands
(Regulation 3(2))**

Schedule 1

Part 1 Warning Signs

519.1	537.1	542	546.5
520	537.4	542.1	569.3
528	538	542.2	578
529	539	547.5	
529.1	540	547.6	
537	541	551	

Part II Regulatory Signs

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608	622.5	649.1	655
618	625.3	649.2	656
619.3	629.2	653	656.1
619.4	640.1	654	

Part III Directional Informatory Signs

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703.3	728.1	734.3	750
710.1	728.2	734.4	751
711.1	728.3	734.7	752
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718.2	730	735.2	754
718.3	730.1	737.1	755
719.1	732	739.1	755.1
719.4	732.1	739.4	756
721.1	732.2	739.5	756.1
725	732.4	742.6	757
726	732.5	743.1	760
727	733.1	747	761
727.2	734.1	748	

Part IV Other Informatory Signs

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804.3	812.5	838.1	852
806.3	812.6	838.2	854
807	814	838.3	855
808.3	818	838.4	856
810.1	818.1	841	858
810.2	819.1	841.1	858.1
810.3	819.2	842.1	858.2
812.1	819.3	842.2	861
812.2	828.1	842.3	862
812.3	828.2	842.4	863

Part V Directional And Other Informatory Signs On Motorways

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903.1	907	911	916.1
904.1	908.1	912	917
905	908.2	913.2	918.1
906	909.1	913.3	919.1
906.1	910	915	920

Schedule 2

1003.2	1018	1025.3	1049
1012.1	1019	1035	1056
1016.1	1021	1045	
1017	1025.1	1048	

Schedule 3

3011			
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Schedule 4

4002			
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Schedule 5

5001	5002	5003	5004
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Schedule 6

Part I

6002	6004	6007	
6003	6006	6008	

Part II

6021	6022		
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Part III

6031	6032		
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EXPLANATORY NOTE
(not forming part of the above Regulations)

1. These Regulations make provision for the regulation of road traffic signs in the Falkland Islands. Road Traffic Signs were not in any way regulated prior to the making of these regulations.
2. These regulations are made pursuant to section 18 (1)(v) of the Road Traffic Ordinance (Cap 60). They are made to give effect to those signs, illustrations and diagrams in use throughout the Falkland Islands at the time of making the regulations. They are also made to give clarity and consistency to the road signs, illustrations and diagrams that may be used in the Falkland Islands.
3. Without the making of the Traffic Signs Regulations 1999, there is no power for the police or any other authority to enforce compliance with road signs, illustrations and diagrams, nor is there power to prosecute for failing to observe road signs, illustrations and diagrams (other than for pedestrian crossings). These regulations will enable the police to both enforce compliance with road signs and to prosecute for failing to observe road signs.
4. Regulation 3(1) adopts as law in the Falkland Islands the Traffic Signs Regulations and General Directions 1981 (UK) in the form appearing in Schedule 1.
5. Regulation 3(2) adopts the Traffic Signs, Illustrations and Diagrams as set out in the Traffic Signs Regulations and General Directions 1981 (UK) with the exception of those signs numbered in Schedule 2.
6. Regulation 3(3) provides that any reference to signs not approved is omitted, as is any Direction.
7. Schedule 1 sets out the Traffic Signs Regulations and General Directions 1981 (UK) ("the adopted regulations") as those regulations apply in the Falkland Islands.
8. Regulations 4 and 5 of the adopted regulations provide a number of definitions applicable in the regulations and contain provisions as to general interpretation of the adopted regulations.
9. Regulation 6 of the adopted regulations provides that nothing in the adopted regulations shall limit the powers of the Governor to make regulations under the Road Traffic Ordinance.
10. Regulation 8 of the adopted regulations permits certain limited variations to the dimensions specified in particular diagrams.
11. Regulation 9 of the adopted regulations provides that road signs are to be of the sizes, colour and types shown in the diagrams.
12. Regulation 9A of the adopted regulations directs that certain directional signs are to be of the size, colour and type as shown in diagram 610.
13. Regulation 11 of the adopted regulations sets out the significance of certain specified signs.
14. Regulation 12 of the adopted regulations permits certain variations to signs. For example, metric units and imperial units are permitted variants. In some circumstances the use of fractions is permitted. In other circumstances, distances can be expressed to the nearest mile. In some circumstances periods of time can be varied, as can references to days. The direction of arrows can be varied, as can place names. Signs containing public information can be varied.
15. Regulation 13 of the adopted regulations makes provision for certain other variations in dimension.
16. Regulation 14 of the adopted regulations makes provision that letters and numerals in signs shall have the proportions as set out in Schedule 7.
17. Regulations 15 and 16 of the adopted regulations permit illumination of certain signs by way of steady lighting.

18. Regulation 17 of the adopted regulations permits the illumination of certain signs by way of reflectors.
19. Regulations 18 and 19 of the adopted regulations permit the illumination of certain signs by reflecting material.
20. Regulation 20 of the adopted regulations permits the use of those road markings set out in Schedule 2.
21. Regulations 21 and 22 of the adopted regulations specify that certain road markings are to be of the size and type shown in diagram 1003.
22. Regulation 23 of the adopted regulations specifies that certain road markings are to be of the size and type shown in diagram 1013.1.
23. Regulation 24 of the adopted regulations makes provision for the colour of road markings.
24. Regulation 25 of the adopted regulations makes provisions for the illumination of certain road markings with reflecting material.
25. Regulation 26 of the adopted regulations makes provision for the height of road markings and the size of any studs incorporating reflectors.
26. Regulation 27 of the adopted regulations permits the use of certain temporary signs and specifies the shape and size of signs and any letters or numerals the signs may contain.
27. Regulation 28 of the adopted regulations permits the use of certain flashing beacons and flags and specifies the light to be emitted, the shape of that part of the beacon through which light is emitted, the height of the beacons and the rate of the flashing light. This regulation also specifies the size and colour of any flag.
28. Regulation 29 of the adopted regulations permits the use of cones and cylinders and directs that they be of the shape, dimensions and colour indicated in diagram 577.
29. Regulation 30 of the adopted regulations permits the use of refuge indicator lamps and specifies the colour, globe diameter and height of the lamps.
30. Regulations 31 and 32 of the adopted regulations permit the use of light signals for the control of vehicular traffic and specify the size, colour and type of the light signals.
31. Regulation 33 of the adopted regulations permits the use of portable light signals for the control of vehicular traffic in certain specified circumstances.
32. Regulation 34 of the adopted regulations explains the significance of light signals for vehicular traffic and in particular sets out those circumstances in which red, amber and green lights are to be used by vehicular traffic.
33. Regulation 35 of the adopted regulations makes provision for the use of light signals for pedestrians and specifies that such lights shall be of a certain size, type, colour and height from a carriageway.
34. Regulation 36 of the adopted regulations permits the use of light signals for land traffic and specifies that such lights shall be of a certain size, type, colour and height from a carriageway.
35. Regulation 37 of the adopted regulations specifies that school crossing patrol lights and warning signs approved by the Governor pursuant to section 16L of the Road Traffic Ordinance shall be of the size, colour and type shown in diagram 605.1. It further specifies the location of the signs.
36. Regulation 40 of the adopted regulations makes provision for road danger lamps and specifies the colour of the lamps, the design of the lamps, the source of illumination, the height and the intensity of light to be emitted.

SUBSIDIARY LEGISLATION

WILDLIFE

Conservation of Wildlife and Nature Ordinance (Correction) (No 2) Order 1999

S. R. & O. No. 31 of 1999

Made: 5 October 1999

Published: 14 October 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 101(1) of the Interpretation and General Clauses Ordinance 1977(a), I make the following Order —

Citation

1. This Order may be cited as the Conservation of Wildlife and Nature (Correction) (No 2) Order 1999.

Correction of Conservation of Wildlife and Nature Ordinance 1999

2. The Conservation of Wildlife and Nature Ordinance 1999(b) is rectified in section 18 by the replacement of the word "Wildlife" with the words "Wild Animals".

Made this fifth day of October 1999

D G Lang
Attorney General

EXPLANATORY NOTE
(not forming part of the above Order)

Section 101 of the Interpretation and General Clauses Ordinance 1977 enables the Attorney General by Order published in the Gazette to rectify any clerical or printing error appearing in any Ordinance which has not yet been published in the Revised Edition of the Laws. The above Order corrects an error in the Conservation of Wildlife and Nature Bill which is of a clerical nature.

(a) No 14 of 1977

(b) No 10 of 1999



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

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No.21

The following are published in this Supplement -

Explanatory Memorandum - Immigration Bill 1999;

Immigration Bill 1999;

Co-operative Societies (Audit) Order 1999, (S.R. & O. No. 32 of 1999);

Animal Health (Additional Notifiable Diseases) Order 1999, (S.R. & O. No. 33 of 1999).

EXPLANATORY MEMORANDUM

Immigration Bill 1999

Introductory

The present law of the Falkland Islands as to immigration is to be found in the Immigration Ordinance 1987 and the regulations made under that Ordinance. In 1996, it became apparent that review of that law was required and the Immigration Advisory Committee, which completed its deliberations in late 1997 was entrusted with the task on proposing the policy changes which might be reflected in the law to be made, either by the amendment of the 1987 Ordinance or in its replacement. The Committee's proposals were considered by the Executive Council on a number of occasions in the first half of 1998 and the first draft of the Immigration Bill 1999 was completed in January 1999. The present version of the Bill results from a lengthy process of interdepartmental consultation within the government.

The Long Title of the Bill is "A Bill for an Ordinance to repeal and replace the Immigration Ordinance". While many features of the present law are reflected in the Bill, it has been considered more satisfactory to replace it than to engage in piecemeal amendments.

It is expected that the Bill (if enacted) will come into force on 1st January 2000 (see clause 1). The transitional provisions contained in clause 42 give continuing effect, in some instances for a limited period, to existing permits, and subject to its terms exemptions from requirements to have permits, granted under or by the present law.

Clause 2 is an interpretation clause, defining many terms used in subsequent provisions of the Bill and clause 3 provides for the appointment, functions and duties of the Principal Immigration Officer and immigration officers, and for the appointment of medical inspectors. It should be noted that by virtue of the definition of "medical inspector" in clause 2, all Government Medical Officers are *ex officio* medical inspectors for the purposes of the proposed law.

Regulation of entry into and stay in the Falkland Islands

The persons who have the right of abode in the Falkland Islands would be declared by clause 4(1) to be Falkland Islanders (an expression defined in clause 2) and persons holding permanent residence permits. In effect they would be exempted from the need to have a visitor's permit, residence permit or work permit. Clause 4(2) would state that others might be given permission to live, work or settle in the Falkland Islands.

Except as provided elsewhere in the Bill, persons not having the right of abode in the Falkland Islands would have to obtain leave to enter or remain in the Falkland Islands (clause 5(1)) and such leave would ordinarily be granted by visitor's permit, residence permit, work permit or permanent residence permit (clause 5(2)). Permission to enter or remain in the Falkland Islands could not without the Governor's consent be granted to a "prohibited person" (an expression defined in clause 2(1)) or to a person who requires a visa (clause 5(3)). However, exemptions from some or all of the provisions of the Bill applying to non-Falkland Islanders could be given by Order under clause 5(4) and supplementary provision in relation to such Orders would be made by clause 5(5). The circumstances in which a person would be liable to deportation from the Falkland Islands are stated in clause 5(6). Clause 5(7) would put the onus on any person claiming to be a Falkland Islander or to

be entitled to the benefit of any exemption under the Bill to prove that he is. Similar provisions would be made by clause 5(8) in relation to persons claiming the right of abode in the Falkland Islands.

Provisions supplementary to the antecedent provisions of clause 5 would be made by clause 5(9),(10) and (11). Provisions as to visas and the persons who would require them would be made by clause 5(12),(13) and (14) and Schedule 1.

Clause 6 and Schedule 2 would make provision as to the powers of immigration officers and medical inspectors, the examination of persons entering or leaving the Falkland Islands and detention of persons pending examination or removal from the Falkland Islands.

The procedure for and additional provisions in relation to deportation would be made by clause 7 and recommendations by a court for deportation would be dealt with by clause 8.

Special provision in relation to seamen, aircrew, Her Majesty's armed forces, members of visiting forces and the families of servicemen and other special cases would be made by clause 9.

Clause 10 is a provision dealing with the interpretation of the expressions "enter" and "entry" for the purposes of the Bill.

Clause 11 would make provision in relation to the grant, extension, duration and scope of visitors permits.

Ordinarily, a person not having the right of abode in the Falkland Islands would require a work permit issued under clause 17 to take employment or engage in any trade, business, profession or vocation. Clause 12 however contains a number of exceptions to the general prohibition under clause 11(8) of a person holding a visitor's permit doing these things. Clause 12(1) would enable a person holding a visitor's permit to engage in a number of gainful activities without a work permit, in some cases subject to conditions, clause 12(2) would enable the Principal Immigration Officer to grant "temporary work permissions" and clause 12(3) to (7) contain supplementary provision as to that. Clause 12(8) would require the Principal Immigration Officer, if so requested by the person to whom the decision relates, to give reasons for any decision he has made under any preceding provision of clause 12.

Clause 13 contains special provision in relation to the grant of temporary work permissions to young persons under schemes recognised by the Governor (e.g. "gap students").

Clause 14 contains in provision in relation to persons who enter the Falkland Islands in an emergency without first having obtained immigration permission and clause 15 provides for persons who claim to be refugees and seek asylum in the Falkland Islands.

Residence permits are dealt with by clause 16. Introductory provisions in relation to them are contained in clause 16(1). Special permission from the Governor would be required to grant (not to renew) a residence permit to a person present in the Falkland Islands (clause 16(2)). A residence permit could be renewed for a period not exceeding three years (clause 16(3)) but not before twelve months before the date on which it would be due to expire. A residence permit could not be granted by the Principal Immigration Officer unless he were satisfied that the holder and any accompanying dependants would be satisfactorily accommodated during

the validity of the permit (clause 16(4)). Holders of residence permits would generally be prohibited from engaging in any gainful occupation (clause 16(5)) but the provisions of clause 12(2) and (3)(b) as to temporary work permissions would apply to holders of residence permits (clause 16(6)). Clause 16(5) would not apply so as to prevent dependants of a residence permit holder who are in full-time education undertaking casual employment such as baby-sitting, work experience under the auspices of the Department of Education or temporary work in holidays or vacations or periods in which they are awaiting going from secondary education in the Falkland Islands to secondary education overseas (clause 16(7)). The Principal Immigration Officer could call for an undertaking as to the repatriation costs of the holder and his dependants before issuing a residence permit (clause 16(8)). Children of a permit holder would cease to be covered by his permit when they reached 18 or married under that age and a spouse covered by the permit would cease to be covered if he or she separated from the holder (clause 16(9)).

Clause 17 deals with work permits. Such a permit, would subject to the foregoing provisions authorise a person not having the right of abode in the Falkland Islands to take employment or enter into any trade, business, profession or employment in the Falkland Islands specified in the permit (clause 17(1)) and operate subject to clause 17(12) as permission for the dependants of the holder named in the permit to reside in the Falkland Islands. Clause 17(2) would provide that except in the instances it mentions permission from the Governor would be required for a person resident in the Falkland Islands to be able to apply for a work permit. Under clause 17(2), (3) and (5)(b) there would be restrictions on the periods for which a work permit could be granted or renewed. A work permit could not be granted so as to be valid for a period greater than two years or renewed at any one time for a period of more than two years from its expiry, or without the consent of the Governor be renewed so that the total duration of the permit would exceed four years in any consecutive period of five years. Further, a work permit could not be renewed more than twelve months before its expiry. The Principal Immigration Officer could not grant or renew a work permit unless he were satisfied that that the holder would be satisfactorily accommodated during the period of the validity of the permit. Except as provided by clause 17(6), which provides for exemptions, the Principal Immigration Officer would be required to demand an undertaking as to the repatriation costs of the holder and his dependants (clause 17(5)(a)). Any sum due under such an undertaking would be recoverable by the Crown by civil action in the courts (clause 17(7)). Under clause 17(8) the Principal Immigration Officer could with the approval of the Governor to impose certain conditions of employment in relation to the employment of employees not having the right of abode in the Falkland Islands. A work permit permitting employment would be restricted so as to relate to a named employer (clause 17(9)) but clause 17(10) would allow the holder a limited period, if his employment is terminated, to seek further employment before being required to leave the Falkland Islands. Clause 17(11) and (12) would apply to dependants of work permit holders rules similar to those which would apply to dependants of residence permit holders under clause 16(5) to (7) and (9).

Clause 19 would make provision as to the revocation of visitor's permits, the grounds on which they could be revoked, the effect of revocation of such permits and provide for appeals against non-automatic revocations and state that the appellant would not be entitled to remain in the Falkland Islands pending determination of his appeal.

Clause 20 would make provision in relation to the revocation of temporary work permissions and clause 21 would make provision in relation to the revocation of residence permits, the

circumstances in which they would be automatically revoked, the grounds on which they could be revoked by notice in writing and for appeals against non-automatic revocations.

Clause 22 and clause 23 would make similar provision in relation to the revocation of work permits and permanent residence permits.

Clause 24 contains supplementary provision in relation to clauses 19 to 22.

Appeals

There would generally be no appeal against the refusal of a visitor's permit or the extension of such a permit or against the refusal of a temporary work permission (clause 25(1)). Appeals against revocations of a visitor's permit would have to be made to the Governor by representations in writing within 14 days of the revocation.

A person who applied from overseas for a visitor's permit could appeal to the Governor by representations in writing against its refusal (clause 25(2)).

No appeal would be available against a refusal by the Governor of permission to apply from within the Falkland Islands for the grant of a residence permit (clause 26(1)) or the refusal of a residence permit to a person who needed permission to apply for the permit and had not obtained it. Subject to that a person could appeal under clause 26(2) against the refusal of a residence permit.

Appeals in relation to the refusal of work permits are provided for by clause 27. No appeal would be available against the refusal of permission to apply for such a permit from within the Falkland Islands, or the refusal of such a permit to somebody who needed such permission (clause 27(1)). That would not however prevent an appeal against the refusal of a work permit where the application for the permit arises out of the change of the applicant's employer or employment in the Falkland Islands (clause 27(2)). Clause 27(3), subject to clause 27(1), would confer a right of appeal against the refusal of the grant, extension or revocation of a work permit.

Clause 28 would prevent any appeal being brought against the refusal or revocation of a permanent residence permit and clause 29 would prevent an appeal being brought against the making of a deportation order. However, neither clause 28 or clause 29 would prevent an application being made to the Supreme Court for judicial review of the decision in question.

Criminal offences

Clauses 30 to 36 contain provisions in relation to criminal offences. Clause 30 would provide that the offence of illegal entry into the Falkland Islands would have been committed in the circumstances specified by clause 30(1). The offence would be a continuing offence (clause 30(2)) for which a police officer or immigration officer could arrest a suspected offender without a warrant (clause 30(3)). Evidential provision would be made by clause 30(4).

Clause 31(1) and (2) would make provision in relation to the offences of assisting illegal entry and harbouring an illegal entrant. A person suspected of having committed such an offence could be arrested by a police officer or an immigration officer without a warrant (clause 31(3)).

Under clause 32(1) various offences of providing false information would be created which would be punishable on conviction as mentioned in clause 32(2).

A person not having the right of abode in the Falkland Islands who without permission under the provisions of the Bill (if enacted) engaged in any trade, business, profession or vocation or took any employment would commit an offence under clause 33(1) and a person employing such a person would commit an offence under clause 33(2), but it would be a defence for him to prove (clause 33(3)) that he took all reasonable steps and exercised all reasonable diligence to avoid the commission of the offence. Offences under clause 33(1) and (2) would be punishable on conviction as provided by clause 33(4).

Clause 34 would create various minor offences under the Bill (if enacted) and for the punishment of those offences. Clause 35 would create a number of offences by captains of ships and aircraft and owners of ships and aircraft, and for the punishment of those offences.

Clause 36 would make it clear that proceedings against a person for an offence under the Bill (if enacted) would not prevent the exercise of other powers in respect of him under the Ordinance (e.g. the fact that a person had been prosecuted for illegal entry would not prevent a deportation order being made against him).

Evidential provision in relating to documents issued by the Governor are contained in clause 37.

Clause 38 would enable the Principal Immigration Officer to issue Certificates of Falkland Islands status and to revoke such Certificates if issued by him other than by direction of the Supreme Court and provide for appeals to the Supreme Court against the refusal of or revocation of such Certificates.

Clause 39 would permit the Principal Immigration Officer to prescribe forms and official stamps for the purposes of the Bill (if enacted) and clause 40 contains provisions which would empower the Governor to make regulations for various purposes.

Transitional provisions in relation to permits and exemptions and removal orders under the present law would be made by clause 41 and clause 42 would repeal the present Immigration Ordinance.

Schedule 1 specifies the persons who would be exempt from visa requirements.

Schedule 2 contains a number of detailed provisions as to control on entry etc., Schedule 3 contains supplementary provisions as to deportation and Schedule 4 contains further provisions in relation to persons claiming or who have claimed asylum.

Immigration Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS

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16. Residence permits

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IMMIGRATION BILL 1999

(No. of 1999)

A BILL

for

AN ORDINANCE

To repeal and replace the Immigration Ordinance (Title 52.2)

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

PART I INTRODUCTORY

Short title and commencement

1. This Ordinance may be cited as the Immigration Ordinance 1999 and shall come into force on 1st January 2000.

Interpretation

2.—(1) For the purposes of this Ordinance, except in so far as the context otherwise requires —

“aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;

“captain” means master (of a ship) or commander (of an aircraft) and includes, where the context so admits, the person appearing for the time being lawfully to be in charge of the operation of the ship or aircraft concerned;

“Certificate of Falkland Islands Status” means a certificate issued under section 38;

“the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

“claim for asylum” means a claim made by a person (whether before or after the coming into force of this Ordinance) that it would be contrary to the United Kingdom’s obligations in relation to the Falkland Islands under the Convention for him to be removed from, or required to leave, the Falkland Islands;

“crew” in relation to a ship or aircraft, means all persons actually employed for reward under a contract of service in the working or service of a ship or aircraft, including the captain, and “crew” is to be construed accordingly;

“dependant”, in relation to an applicant for, or holder of a permit or an applicant for leave to enter the Falkland Islands means a person who is the first-named person’s spouse (whether or not financially reliant on the first-named person), dependent child, or dependent relative;

“dependent child”, in relation to an applicant or holder means a child or legally adopted child of the applicant or holder or the applicant’s or holder’s spouse if the child —

(a) is under the age of eighteen years;

(b) is single; and

(c) totally or substantially reliant on the applicant or holder or the applicant's or holder's spouse for financial support;

“disembark”, without prejudice to subsection (2), means disembark from a ship or aircraft, and “embark” means embark in a ship or aircraft;

“entrant” means a person entering or seeking to enter the Falkland Islands, and “illegal entrant” means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes a person who has so entered;

“Falkland Islander” means a person who has Falkland Islands status by virtue of section 17(5) of the Constitution (and therefore includes a person who has obtained such status by the grant to him of such status under an Ordinance enacted for that purpose);

“functions” means powers and duties;

“holder”, in relation to a permit issued under this Ordinance, means the person to whom the permit was issued;

“immigration laws” means this Ordinance and any subsidiary legislation made thereunder and any law for purposes similar to this Ordinance which is for the time being or has (before or after the passing of this Ordinance) been in force in the Falkland Islands;

“legally adopted” means adopted in pursuance of an order made by any court in the Falkland Islands, the United Kingdom, the Channel Islands or the Isle of Man or by any order specified as an overseas adoption by order under section 7(2) of the Adoption Act 1976;

“medical inspector” means the Chief Medical Officer, any Government Medical Officer and any other person appointed by the Governor to be a medical inspector for the purposes of this Ordinance;

“permanent residence permit” means a permit issued under section 18;

“prohibited person” means —

(a) a person in respect of whom a deportation order is for the time being in force;

(b) any person who, at the time of his entry or attempted entry into the Falkland Islands, is unable to show that he has the means of supporting himself and his family and dependants or that he has definite employment, in respect of which he has been granted a work permit, or who appears likely to be or become a charge upon public funds;

(c) any person —

(i) who refuses to submit to an examination by a medical inspector;

(ii) who is certified by a medical inspector to be suffering at a relevant time from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render his presence in the Falkland Islands a danger to the community or which is a prescribed disease;

(iii) who is certified by a medical inspector to be suffering at a relevant time from a mental disorder of a kind such that, in the opinion of the medical inspector, his presence in the Falkland Islands would constitute a danger to the community,

and for the purposes of (i) and (ii) "relevant time" means at the time of consideration of any application by the person for a permit or the time of the person's entry or attempted entry into the Falkland Islands; or

(d) who belongs to a category of persons for the time being notified by the Governor to the Principal Immigration Officer as a category members of whom are prohibited persons;

"repealed Ordinance" means the Immigration Ordinance (Title 52.2)

"residence permit" means a permit issued under section 16;

"temporary work permission" has the meaning given by section 12(2);

"ship" includes every description of vessel used in navigation;

"spouse" in relation to an applicant for a permit or a visa means the wife or husband of the applicant or holder or a person of the opposite sex to that of the applicant or holder who habitually forms part of the applicant's or holder's household and lives with him or her in a relationship analogous to that of wife or husband;

"visitor's permit" means a permit issued under section 11; and

"work permit" means a permit issued under section 17.

(2) Except in so far as the context otherwise requires, references in this Ordinance to arriving in the Falkland Islands by ship extend to arrival by any floating structure, and "disembark" is to be construed accordingly; but the provisions of this Ordinance specially relating to the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.

(3) For the purposes of this Ordinance, a public officer or other servant of the Crown in right of the Government of the Falkland Islands is to be regarded as being employed by the Crown.

(4) This Ordinance shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of her prerogative.

Appointment of Principal Immigration Officer, immigration officers and medical inspectors

3.—(1) The Governor shall appoint a public officer to be the Principal Immigration Officer and may appoint other persons to be immigration officers, provided that the person who immediately before the commencement of this Ordinance held office as Principal Immigration Officer under the provisions of the repealed Ordinance and all persons who immediately before the commencement of this Ordinance held office as immigration officers shall continue to hold office as such, and may be removed from that office, as if he had been appointed under this subsection.

(2) Every customs officer and every police officer is to be deemed to have been appointed to be an immigration officer and may, subject to any contrary direction given to him by the Principal Immigration Officer, exercise any function conferred upon immigration officers under the immigration laws.

(3) The Principal Immigration Officer, with the assistance of all immigration officers, is responsible to the Governor for the administration of the immigration laws and the performance of all functions thereunder save in so far as they fall to be administered or performed by the Governor.

(4) The Principal Immigration Officer may perform any function conferred by the immigration laws on an immigration officer and —

(a) any immigration officer may, with the authority of the Principal Immigration Officer, perform any function conferred by the immigration laws on the Principal Immigration Officer;

(b) where the context so admits, references in any subsequent provision of this Ordinance to the Principal Immigration Officer include a reference to any immigration officer performing any function conferred by this Ordinance on the Principal Immigration Officer.

(5) The Principal Immigration Officer and every immigration officer in performing any function under this Ordinance must —

(a) avoid bias and be impartial and avoid discrimination on the basis of a person's race, sex, religion or political opinion;

(b) distinguish fact from opinion, rumour, allegation, assumption or report;

(c) consider only those matters which are relevant to the exercise of the function; and

(d) inform the applicant, and where required by this Ordinance, in writing, of the reasons for any decision he makes.

(6) The Governor may appoint any person, whether resident in the Falkland Islands or overseas, who is qualified to be registered as a medical practitioner under the Medical Practitioners Ordinance to be a medical inspector for the purposes of this Ordinance.

PART II
REGULATION OF ENTRY INTO AND STAY IN THE FALKLAND ISLANDS
General

General principles

4. —(1) A person has a right of abode in the Falkland Islands if —

(a) he is a Falkland Islander; or

(b) he is the holder of a permanent residence permit,

and such a person is, subject to the laws of the Falkland Islands, free to live in, take employment in or engage in any trade, business profession or vocation in, and to come and go into and from, the Falkland Islands without let or hindrance except such as may be permitted under this Ordinance to enable his right to be established or as may be otherwise lawfully imposed on any person having such a right.

(2) Any person not having that right may live, work and settle in the Falkland Islands by permission and subject to such regulation and control of his entry into, stay and departure from the Falkland Islands as is imposed by this Ordinance.

General provisions for regulation and control

5.—(1) Except as otherwise provided by or under this Ordinance, where a person does not have the right of abode in the Falkland Islands —

(a) he must not enter the Falkland Islands unless given leave to do so in accordance with this Ordinance;

(b) he may be given leave to enter the Falkland Islands (or, when already there, leave to remain in the Falkland Islands) either for a limited or for an indefinite period.

(2) Except as provided by section 9 (seamen etc), section 15 (refugees etc) and paragraphs 12 (1) and 21(1) of Schedule 2, leave is to be granted by way of visitor's permit, residence permit, work permit or permanent residence permit or by way of extension of a residence permit, visitor's permit or work permit.

(3) Permission to enter or remain in the Falkland Islands must not, without the Governor's consent, be granted to a prohibited person or, where a person requires a visa to enter the Falkland Islands, to a person who does not hold a visa.

(4) The Governor may by Order exempt any person or class of persons, either conditionally or subject to such conditions as may be imposed by or under the Order, from all or any of the provisions of this Ordinance relating to those who are not Falkland Islanders.

(5) An Order under subsection (4) may, as regards any person or class of persons to whom it applies, provide for that person or class in specified circumstances to be regarded (notwithstanding the Order) as not subject to immigration control.

(6) A person who is not a Falkland Islander is liable to deportation from the Falkland Islands —

(a) if his permit to remain in the Falkland Islands, or leave granted pursuant to section 15, is revoked or has expired without its validity having been extended or renewed so as to remain valid at the time in question;

(b) if he does not observe a condition or restriction subject to which his permit or such permission was granted;

(c) if he is a prohibited person;

(d) if in connection with the grant to him, or the extension or renewal, of his permit he has given any information which is false or misleading in any material particular or has withheld any fact which he was required to disclose;

(e) if, after attaining the age of eighteen years, he is convicted of an offence punishable by imprisonment for six months or more and a court empowered to do so recommended that he be deported;

(f) if the Governor considers that his deportation would be conducive to the public good;

(g) if another person to whose family he belongs is or has been ordered to be deported; or

(h) if he is an illegal entrant to the Falkland Islands; or

(i) his presence in the Falkland Islands is unlawful.

(7) When any question arises under this Ordinance as to whether or not a person is a Falkland Islander or is entitled to the benefit of any exemption under this Ordinance, it lies on the person asserting it to prove that he is.

(8) A person seeking to enter the Falkland Islands and claiming to have the right of abode there must prove that he has that right by —

(a) producing a passport or other travel document containing an endorsement to the effect that he has the right of abode in the Falkland Islands;

(b) producing a certificate of Falkland Islands status relating to him;

(c) producing a passport containing an endorsement to the effect that he is the holder of a permanent residence permit; or

(d) otherwise satisfying an immigration officer at his point of entry that he is a Falkland Islander or is the holder of a permanent residence permit which has not been revoked.

(9) An immigration officer must not refuse permission to enter the Falkland Islands to a person who produces a United Kingdom passport describing him as a British citizen and as having been born at some place in the Falkland Islands.

(10) Notwithstanding paragraph (c) of subsection (8), an immigration officer may refuse permission to enter the Falkland Islands to the person concerned if the officer is satisfied that the permanent residence permit has been revoked.

(11) A person who fails to satisfy an immigration officer at the point of entry that he has a right of abode in the Falkland Islands may, subject to this Ordinance, be granted leave to enter the Falkland Islands, but subject to this Ordinance no person is entitled to such leave as of right.

(12) All persons require a visa to enter the Falkland Islands except —

(a) persons having the right of abode in the Falkland Islands;

(b) persons travelling on a passport issued by an international organisation or national authority specified in Part 1 of Schedule 1; and

(c) persons exempted by virtue of some provision of Part 2 of Schedule 1.

Subject to any regulations made under section 40, a visa may be issued by or with the authority of the Principal Immigration Officer and may be issued before a person's arrival in the Falkland Islands or at the time of or subsequent to such arrival. A visa may be issued so as to be valid on a single occasion, a specified number of occasions or generally within the period specified in it but does not itself constitute leave to enter or remain in the Falkland Islands.

(13) The Governor may amend Schedule 1 by Order under this subsection.

(14) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands, shall not, except by authority of the Governor granted in the

circumstances of the particular case or unless he holds a permit, be permitted to enter the Falkland Islands.

Administration of control

6.—(1) The provisions of Schedule 2 to this Ordinance have effect with respect to —

- (a) the powers of immigration officers and medical inspectors for the purposes of this Ordinance;
- (b) the examination of persons arriving in or leaving the Falkland Islands by ship or aircraft;
- (c) the exercise by immigration officers of their powers in relation to entry into the Falkland Islands, and the removal from the Falkland Islands of persons refused leave to enter or entering or remaining unlawfully; and
- (d) the detention of persons pending examination or pending removal from the Falkland Islands,

and for other purposes supplementary to the foregoing provisions of this Ordinance.

Deportation

Procedure for, and further provisions as to, deportation

7.—(1) Where a person is under section 5(6) liable to deportation, subject to this Ordinance the Governor may make a deportation order against him, that is to say an order requiring him to leave and prohibit him from entering the Falkland Islands; and a deportation order against a person has the effect of invalidating any permit to enter or remain in the Falkland Islands given to him before the order is made or while it is in force.

(2) A deportation order against a person may be revoked by a further order of the Governor, and ceases to have effect if the person acquires Falkland Islands status.

(3) A deportation order must not be made against a person as belonging to the family of another person if more than six months have elapsed since the other person left the Falkland Islands after the making of the deportation order against him; and a deportation order made against a person on that ground ceases to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.

(4) For the purposes of deportation the spouse of the person and any children under the age of eighteen of the person or his spouse are to be regarded as members of the person's family.

(5) For the purposes of subsection (4) an adopted child, whether legally adopted or not, may be treated as the child of the adopter; and, if legally adopted, is to be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as to adoptions) is to be regarded as the child only of its mother and where a person has more than one spouse "spouse" includes each of two or more spouses.

(6) Nothing in this section or in section 5(6) (g) has effect so as to enable a deportation order to be made in respect of a person who is a Falkland Islander.

Recommendations by court for deportation

8.—(1) Where under section 5(6)(e) a person convicted of an offence is liable to deportation on the recommendation of a court, he may be recommended for deportation by any court having

power to sentence him for the offence unless the court commits him to be sentenced or further dealt with for that offence by another court.

(2) A court must not recommend a person for deportation unless he has been given not less than seven days notice in writing stating that he is not liable to deportation if he is a Falkland Islander, describing the persons who are Falkland Islanders and stating (so far as material) the effect of section 5(6); but the court has power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under this subsection or, if a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) For the purpose of section 5(6)(e) —

(a) a person is to be deemed to have attained the age of eighteen at the time of his conviction if, on consideration of any available evidence, he appears to have done so to the court making or considering a recommendation for deportation; and

(b) the question whether an offence for which a person is punishable by imprisonment is to be determined without regard to any enactment restricting the imprisonment of young offenders or persons who have not previously been sentenced to imprisonment);

and for the purposes of deportation a person who on being charged with an offence is found to have committed it, notwithstanding any enactment to the contrary and notwithstanding that the court does not proceed to conviction, is to be regarded as a person convicted of the offence, and references to conviction are to be construed accordingly.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made in respect of an offender who is sentenced to imprisonment for life.

(5) Where a court recommends or purports to recommend a person for deportation, the validity of the recommendation is not to be called into question except on an appeal against the recommendation or against the conviction in respect of which it is made, but the recommendation is to be treated as a sentence for the purpose of any enactment providing an appeal against sentence.

(6) A deportation order must not be made on the recommendation of a court so long as an appeal or further appeal against the recommendation or against the conviction in respect of which it is made; and for this purpose an appeal or further appeal is to be treated as pending (when one is competent but has not been brought) until the expiration of twenty-eight days from the date of the recommendation.

(7) Nothing in this section or in section 5(6)(e) is to be construed as detracting from the Governor's power to make a deportation order against a person where he considers that doing so would be conducive to the public good and, in particular, where he is of that view partly or wholly because of the commission by the person concerned of an offence of which he has been convicted but the court has not made, or had no power to make, a recommendation that the person be deported or such a recommendation has been quashed on appeal or further appeal. However where the Governor reaches the view that a person's deportation would be conducive to the public good partly or wholly because of the commission of an offence of which the person has been convicted, he must not make a deportation order in consequence of that view during such time as, by virtue of subsection (6), an appeal against the conviction is to be treated as pending.

(8) The provisions of Schedule 3 shall have effect with respect to the removal from the Falkland Islands of persons against whom deportation orders are in force and with respect to the detention or control of persons in connection with deportation.

Leave to enter in special cases

Seamen, aircrew, members of Her Majesty's armed forces, members of visiting forces and their families and other special cases

9.—(1) Where a person arrives, not being a person who has Falkland Islands status or holds a permanent residence permit or residence permit, at a place in the Falkland Islands as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless —

(a) there is in force a deportation order made against him;

(b) he is a prohibited person;

(c) he has at any time been refused permission to enter the Falkland Islands and has not since then been given leave to enter or remain in the Falkland Islands; or

(d) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Ordinance and grants a period of leave under paragraph 12(1) of that Schedule;

he may enter the Falkland Islands and remain until the departure of the ship or aircraft on which he is required by his engagement to depart.

(2) Subsection (1) has effect without prejudice to paragraphs 12 to 15 of Schedule 2 to this Ordinance.

(3) Subject to subsection (4), the provisions of this Ordinance relating to those who are not Falkland Islanders shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964 ("the 1964 Act")), a member of a person who is a member of the family and forms part of the household of such a member, or a person entitled to the like immunity from jurisdiction as is conferred by the 1964 Act on a diplomatic agent.

(4) In the case of a member of a mission other than a diplomatic agent (within the meaning of the 1964 Act) subsection (3) shall apply only if he enters or has entered the Falkland Islands —

(a) as a member of that mission; or

(b) in order to take up a post as such a member which was offered to him before his arrival;

and references in that subsection to a member of a mission shall be construed accordingly.

(5) Subject to subsection (6), the provisions of this Ordinance relating to those who do not have Falkland Islands status shall not apply —

(a) to the Governor or any person in the service in a civil capacity of Her Majesty in right of Her Government of the United Kingdom entering or remaining in the Falkland Islands for the purposes of the performance of his duties;

(b) to any member of Her Majesty's armed services;

(c) any dependant of a person to whom paragraph (a) or (b) applies.

(6) Except in relation to employment by or service to Her Majesty in right of Her Government of the United Kingdom, subsection (5) does not have effect so as to exempt any person to whom it applies from any provision of section 17 (requirement to have a work permit) which applies to him.

Construction of references to entry, etc.

Construction of references to entry and other phrases relating to travel

10.—(1) A person arriving in the Falkland Islands by ship or aircraft is for the purposes of this Ordinance to be deemed not to enter the Falkland Islands unless or until he disembarks, and on disembarkation at a port is to be deemed not to enter the Falkland Islands so long as he remains in such area (if any) at the port as may be approved for this purpose by the Principal Immigration Officer; and a person who has not otherwise entered the Falkland Islands is to be deemed not to do so so long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Ordinance.

(2) A person who enters the Falkland Islands lawfully by virtue of section 9(1), and seeks to remain beyond the time limited by section 9(1), shall be treated for the purposes of this Ordinance as seeking to enter the Falkland Islands.

Visitors permits

Visitors permits

11.—(1) A visitor's permit may, subject to this section, be issued by an immigration officer and grants leave to the holder —

(a) to enter the Falkland Islands;

(b) to remain in the Falkland Islands during the period specified in the permit or such longer period as results from any extension granted pursuant to subsection (6).

A visitor's permit may not be granted to a person if the purpose of his visit is to engage in any activity mentioned in subsection (8) of this section and not permitted by section 12(1).

(2) A visitor's permit ceases to be valid —

(a) on its being revoked;

(b) on the expiry of the period for which the holder is authorised thereunder to remain in the Falkland Islands; or

(c) on the holder leaving the Falkland Islands,

whichever first occurs.

(3) Subject to subsection (4), an immigration officer may issue or extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period not exceeding four months from the date of his entry into the Falkland Islands. An immigration officer if so authorised by the Principal Immigration Officer in the particular case may extend or further extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period expiring not later than twelve months from the date of the person's entry into the Falkland Islands.

(4) An immigration officer shall not without the consent of the Governor issue a visitor's permit or grant an extension of a visitor's permit —

(a) to a prohibited person;

(b) to a person to whom a deportation order relates;

(c) to a person whose residence permit or work permit has within the past five years been revoked;

(d) if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which he has remained in the Falkland Islands under the authority of any previous visitor's permit granted to him, for a period exceeding twelve months in any consecutive period of twenty-four months;

(e) unless he is satisfied that the holder —

(i) has or has available to him sufficient financial resources to maintain him, without taking employment or carrying on business, during his proposed stay in the Falkland Islands;

(ii) has or is likely to have accommodation available to him for the duration of his proposed stay;

(iii) has made, (or has or will have, without taking employment or carrying on business, sufficient funds available to him to make), arrangements for his onward or return travel to a destination in a country or territory which will permit him entry ("his ultimate destination") and that he will be permitted to enter any country or territory in transit to that destination or any necessary intermediate destination at or in which he may need to land en route to his ultimate destination;

(5) Subject to subsections (1) and (4), an immigration officer may grant a visitor's permit —

(a) to a person who is outside the Falkland Islands;

(b) to a person who has disembarked or is about to disembark and is seeking leave to enter the Islands and who is not the holder of any other permit authorising him to do so;

(c) to a person whose entry into the Falkland Islands was permitted under section 9 and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that section;

(d) to a person who is the holder of a residence permit or work permit and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that permit or

(e) to a person whose entry into the Falkland Islands was lawful by reason of section 14 (entry in emergency) and who wishes to remain in the Falkland Islands longer than he is permitted to do so by that section.

(6) Subject to subsection (4), an immigration officer may extend the period of validity of a visitor's permit.

(7) The Governor may authorise an immigration officer to issue, extend or further extend a visitor's permit where by virtue of subsection (4)(c) or (d) the immigration officer would otherwise be prohibited from doing so.

(8) Except as permitted by section 12 or 13, the holder of a visitor's permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(9) A person who remains in the Falkland Islands after a visitor's permit granted to him ceases to be valid is unlawfully present in the Falkland Islands unless his continued presence in the Falkland Islands is authorised under some other provision of this Ordinance.

(10) An immigration officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Employment of holder of a visitor's permit

12.—(1) The holder of a visitor's permit shall be deemed not to be in breach of section 11(8) by anything bona fide done —

(a) —

(i) in fulfilment of his functions as a member of the board of any company or other corporation and which an employee of that company or corporation who is not a member of the board cannot do;

(ii) for or on behalf of a client in the capacity as a legal, medical, dental or other professional adviser or consultant or as an advocate before any court or tribunal, provided that he does so, in any case to which this paragraph applies, pursuant to a contract for services made before his entry into the Falkland Islands;

(iii) in relation to the repair, maintenance, servicing, installation or removal of any apparatus or equipment pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(iv) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands;

(v) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands;

(vi) as an actor, musician or other entertainer pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(vii) as an artist, provided he establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands;

(viii) by any person engaged in business overseas or by the directors, executives or other authorised representatives of any overseas company or body in business consultations or negotiations in the Falkland Islands concerning the establishment, expansions or winding up of any business enterprise in the Falkland Islands or any matter relating thereto or in consultations or negotiations with the Government or any statutory corporation,

so long as he does not remain in the Falkland Islands for a period or periods aggregating three months or more in any consecutive period of twelve months;

(b) by way of official business in the service of the government of any country or of any intergovernmental or international organisation that is for the time being entitled to any privileges or immunities by virtue of any written law of the Falkland Islands.

(2) Subject to subsection (3), the Principal Immigration Officer may grant permission to the holder of a visitor's permit to work (that is to say, to do anything that would otherwise be prohibited by section 11(8)). A permission granted under this subsection is hereafter called a "temporary work permission" and may be granted without conditions or subject to such conditions as the Principal Immigration Officer may consider expedient.

(3) A temporary work permission shall not be granted —

(a) unless the Principal Immigration Officer is satisfied —

(i) that there is no person resident in the Falkland Islands who is suitable and available to do the work to which the temporary work permission relates; and

(ii) that the person to whom the permission is granted is satisfactorily accommodated and will be satisfactorily accommodated throughout the duration of the permission;

(b) so as to be valid —

(i) for a period of greater than three months from the date of its issue; or

(ii) for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permission, would or might exceed three months in any consecutive period of twelve months.

(4) Without prejudice to the generality of the Principal Immigration Officer's powers on the grant of a temporary work permission to impose conditions, such conditions may include conditions to be complied with by the employer of the holder of the permission, including conditions as to the minimum remuneration and other terms of employment of the holder of the permission.

(5) The holder and employer of the holder of a temporary work permission shall each comply with such of the conditions of a temporary work permission as fall to be complied with by them respectively.

(6) The Principal Immigration Officer may at any time revoke a temporary work permission or vary it. The power to vary such a permission includes power to vary its period of validity, power to impose new conditions and power to vary or revoke any existing condition of the permission.

(7) For the sake of avoidance of doubt it is hereby declared that the revocation of a visitor's permit or the making of a deportation order in respect of the holder of a visitor's permit has effect to revoke any temporary work permission granted to him under this section.

(8) The Principal Immigration Officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Temporary work permission for students and young people

Special provisions in relation to the employment of students and young people

13.—(1) Subject to the variations specified in subsection (2) of this section, section 12 applies in relation to the grant of temporary work permission to young persons in relation to their employment in the Falkland Islands under any scheme recognised by the Governor.

(2) The variations referred to in subsection (1) of this section are —

(a) section 12(3)(a)(i) does not apply;

(b) section 12(3)(b) does not apply; and

(c) the Principal Immigration Officer's powers under section 12(4) and (6) include powers to impose, vary and revoke conditions in relation to the welfare of the holder of the permission.

(3) In this section "young person" means a person under the age of twenty-five years.

Entry in emergencies and by refugees

Entry in emergency

14.—(1) A person who enters the Falkland Islands by reason of Act of God or force majeure and who is not otherwise permitted to enter the Falkland Islands does not enter the Falkland Islands unlawfully but, subject to subsection (3), unless before the expiry of seven days from the time of his entry leave has been granted to him under this Ordinance authorising him to remain in the Falkland Islands his continued presence in the Falkland Islands then becomes unlawful and he may thereafter be treated as an illegal entrant but he shall not be so treated at any time after he has been granted leave to remain in the Falkland Islands, whether granted before or after the expiration of that seven days.

(2) Subject to subsection (3), a person who enters the Falkland Islands in the circumstances mentioned in subsection (1) must as soon as reasonably possible, and in any event within forty-eight hours of his entry, attend at Stanley police station and report his presence and the place at, and circumstances in, which he entered the Falkland Islands.

(3) In the case of a person who is brought into the Falkland Islands to receive urgent medical attention in respect of injury or illness, the foregoing subsections apply with the following modifications —

(a) in subsection (1) the words "or before his discharge from hospital, whichever is the later" are added immediately after the words "the expiry of seven days from the time of his entry";

(b) in subsection (2) the words " the Chief Medical Officer or some other public officer acting for him must immediately upon the admission of " are inserted immediately before the words "a person", the words from "must" up to and including the words "Stanley police station and" are omitted and the words "to the Principal Immigration Officer " are inserted at the end of the subsection.

Refugees etc.

15.—(1) If a person ("the claimant") —

(a) makes a claim for asylum;

(b) otherwise claims that on humanitarian grounds it would be unconscionable to take action to require him to leave the Falkland Islands,

subject to subsection (2), he may not be removed from or required to leave the Falkland Islands until notice is given to him by or on behalf of the Governor of the decision on his claim.

(2) Nothing in subsection (1) applies so as to prevent —

(a) the extradition of the claimant pursuant to an order made under the Extradition Act 1989;

(b) the claimant being removed from or required to leave the Falkland Islands pursuant to an order under this Ordinance made before, or intention to make which was notified pursuant to this Ordinance before, that person made a claim of a kind mentioned in subsection (1); or

(c) the claimant if he is a person in respect of whom an unrevoked deportation order has previously been made and implemented being removed from or required to leave the Falkland Islands.

(3) Where a claim to which subsection (1) relates is made the public officer to whom such claim is made or first notified shall inform the Principal Immigration Officer forthwith of that claim with such particulars of the grounds and circumstances of it as are known to him and the Principal Immigration Officer shall —

(a) inform the Governor of it;

(b) grant leave to the claimant and any dependants of his accompanying him to remain in the Falkland Islands until the claimant is notified by or on behalf of the Governor of the Governor's decision in relation to that claim and may grant (and at any time thereafter revoke) permission to the claimant (and, if he sees fit one or more of his dependants) subject to such conditions as the Principal Immigration Officer notifies to take employment in the Falkland Islands.

(4) On receiving information pursuant to subsection (3) the Governor —

(a) shall cause the claim to be investigated in such manner and by such person or persons as he directs and a report to be made to him in writing by that person or persons in respect of such investigation;

(b) in a case to which paragraph (a) of subsection (1) relates may give such directions (which shall be complied with) as appear to him to be necessary to ensure that the obligations under the Convention in relation to the claimant, and any accompanying dependants of his, whether or not related to or connected with immigration matters, are met.

(5) On receiving a report pursuant to subsection (4), the Governor shall determine whether or not the claimant (and, if appropriate, any accompanying dependants of his) shall be permitted to remain in the Falkland Islands or shall be required to leave the Falkland Islands and shall give such directions to the Principal Immigration Officer as may be necessary to implement his determination, (with which directions the Principal Immigration Officer shall comply) and the Principal Immigration Officer shall notify the claimant in writing of the Governor's determination..

(6) If the Governor, pursuant to subsection (5), determines that a claimant (and, if appropriate any accompanying dependants of his) shall not be permitted to remain in the Falkland Islands, he may at the same time make a deportation order in respect of him (or them) and direct that pending removal they be detained at such place as he may nominate.

(7) Nothing in paragraph 4 of Schedule 3 (notice and representations in respect of proposed deportation order) applies in relation to deportation orders to which subsection (6) applies.

(8) Schedule 4 shall have effect so as to make further provision in relation to persons who claim, or have claimed, asylum.

(9) No appeal lies to any person, tribunal or authority from any decision of the Governor to refuse to grant asylum to any person.

Residence permits

Residence permits

16.—(1) A residence permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder and any dependants of the holder named in the permit to enter and depart from the Falkland Islands, and to reside within, the Falkland Islands, subject to subsection (8), during the period of validity of the permit. A residence permit is valid for such period, not exceeding three years, as is specified in the permit or until it is revoked or ceases to have effect in accordance with this Ordinance.

(2) A residence permit must not without the consent of the Governor be granted to a person who is present in the Falkland Islands.

(3) A residence permit may from time to time be renewed in writing for such period not exceeding three years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer must not issue a residence permit or a renewal of a residence permit unless he is satisfied that the holder, and any accompanying dependants of his, will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Except as permitted by or under subsections (6) and (7) or by a work permit issued to him under section 17, the holder of a residence permit and the dependant of the holder of a residence permit who does not himself hold a work permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(6) Section 12(2) and (3) (grant of temporary work permission) also, with the exception of section 12(3)(a) apply, with all necessary modifications, in relation to the residence permits and the holders of residence permits as they do in respect of visitors permits and the holders of visitors permits.

(7) Subsection (5) does not have effect so as to prohibit dependants of a person who is the holder of a residence permit and who is in full-time education undertaking casual employment of a kind customarily undertaken by such persons such as babysitting, work experience undertaken by such persons and organised under the auspices of the Department of Education or temporary

work in holidays or vacations or periods in which they are awaiting proceeding from secondary education in the Falkland Islands to secondary education at an institution overseas.

(8) The Principal Immigration Officer may, before issuing a residence permit, if he thinks fit in any particular case, require the provision to him of an undertaking if called upon by the Principal Immigration Officer so to do to pay or discharge the costs of repatriating the holder and any dependents of the holder to the country specified in that undertaking. The giver of the undertaking shall have no further liability under an undertaking if the holder of the residence permit is not deported, removed from the Falkland Islands or required to leave the Falkland Islands within six months of the date on which the residence permit expired.

(9) A residence permit ceases to have effect in respect —

(a) of a dependent child of the holder named in the permit when that child attains the age of eighteen years or marries under that age;

(b) in respect of a dependent spouse of the holder named in the permit, if that spouse ceases ordinarily to form part of the same household as the holder.

Work permits

Work permits

17.—(1) A work permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder to enter and depart from the Falkland Islands, to reside within the Falkland Islands during the period of validity of the permit and to take employment with the employer named in the work permit during the period of validity of the permit (or, instead of taking employment, if so stated in the permit, on his own account to engage in any trade, business, profession, or vocation stated in the permit). It also has effect to permit the dependants of the holder named in the permit to enter into and reside in the Falkland Islands during the period of validity of the permit, but subject to subsection (12).

(2) A work permit shall not without the permission of the Governor be granted to a person who is present in the Falkland Islands and who —

(a) does not hold a residence permit;

(b) does not hold, or within the preceding three months did not hold, a work permit; or

(c) is not lawfully resident in the Falkland Islands by virtue of a permit granted to another person.

(3) A work permit may from time to time be renewed in writing for such period not exceeding two years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer shall not issue or renew a work permit unless he is satisfied that the holder will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Subject to this section, the Principal Immigration Officer shall not issue or renew a work permit —

(a) so as to permit the holder to take employment with another person or to continue in employment with another person unless that other person or another person satisfactory to the Principal Immigration Officer has undertaken in writing in a form satisfactory to the Principal Immigration Officer (an “undertaking”) that he will if called upon by the Principal Immigration Officer so to do, pay or discharge the costs of repatriating the holder and any dependants of the holder of the work permit to the country specified in the undertaking;

(b) so as to be valid —

(i) subject to sub-paragraph (ii), for a period of greater than two years from the date of its commencement, or

(ii) without the consent of the Governor, for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permit, would or might exceed four years in any consecutive period of five years.

(6) Paragraph (a) of subsection (5) does not apply in relation to the issue or renewal of a work permit enabling the holder to take employment with the Crown in right of the Government of the Falkland Islands or to a person falling within a category of persons exempted by Order made by the Governor under this subsection.

(7) A sum due under an undertaking is recoverable as a civil debt to the Crown.

(8) The Principal Immigration Officer may, if so approved by the Governor either in the particular case or generally, require a proposed employer of an applicant for a work permit, or for an extension of a work permit, to undertake to observe such conditions as to hours of work of the employee, provision to him and his dependants, if any, of accommodation and as to rate of remuneration as are specified in the undertaking.

(9) If a work permit grants leave to the holder to take employment with another person it ceases to have effect, except as stated in subsection (10), if the holder’s employment is terminated by him or his employer, but without prejudice to the issue to him of another work permit under this section.

(10) A work permit permitting the holder’s employment remains valid so as to allow his continued residence in the Falkland Islands, notwithstanding the termination of his employment, for a period of one month or such greater period, not exceeding three months as the Principal Immigration Officer in the particular circumstances may allow, or until the issue to the holder of a residence permit or work permit, the revocation of the work permit or the date of expiry of the work permit, whichever is the earliest.

(11) Subsections (5) to (7) of section 16, with the substitution wherever applicable of the words “work permit” for the words “residence permit”, apply to dependants of holders of work permits as they do to the dependants of the holders of residence permits.

(12) A work permit ceases to have effect so as to permit —

(a) a dependant child of the holder named in the permit to enter and reside in the Falkland Islands when that child attains the age of eighteen years, ceases to form part of the same

household as the holder of the permit or, after the dependant attains the age of sixteen years, ceases to be in full-time education;

(b) a dependant spouse of the holder named in the permit to enter and reside in the Falkland Islands if that spouse ceases ordinarily to form part of the same household as the holder.

Permanent residence permits

Permanent residence permits

18.—(1) A permanent residence permit is a permit issued by the Governor which has effect until it is revoked to permit the holder to enter and depart from the Falkland Islands, to reside in the Falkland Islands and without restriction to take any lawful employment or on his own account to pursue any lawful business, trade, profession, calling or vocation in the Falkland Islands.

(2) An application for a permanent residence permit from a person resident in or physically present in the Falkland Islands shall not be considered unless —

(a) the applicant establishes to the satisfaction of the Principal Immigration Officer that he has been ordinarily resident in the Falkland Islands throughout the period of three years immediately preceding his application; or

(b) the Governor, before the application is made, authorises the making of the application.

For the purposes of this subsection, a person is not to be regarded as ordinarily resident in the Falkland Islands in respect of any period in which his presence in the Falkland Islands was, by virtue of any provision of this Ordinance or of the repealed Ordinance, unlawful.

(3) An application for a permanent residence permit by a person resident in the Falkland Islands shall not be considered until after the expiry of twenty-one days after the publication of notice of the application in the *Gazette* and in a newspaper in general circulation in the Falkland Islands nor without taking into account any representations in writing received in relation to the application.

(4) A permanent residence permit —

(a) shall not ordinarily be granted to a person who appears to be a person of bad character or to a person who appears, or any of whose dependants appears, to be likely, because of his state of health or otherwise to impose a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect them to bear;

(b) shall not be granted to a person unless he shows that he intends permanently to reside in the Falkland Islands;

(c) shall not ordinarily be granted to a person under the age of eighteen years;

(d) shall not ordinarily be granted to a person who is not able to demonstrate that he has sufficient knowledge of English for the ordinary needs of life,

but paragraphs (c) and (d) do not apply to a person who is included in the application of another person (“the principal applicant”) of whom he or she is the spouse or dependent provided that the requirements of those paragraphs are met in respect of the principal applicant.

(5) The purpose of the issue of permanent residence permits is to encourage such permanent immigration as it is in the interests of the Falkland Islands to encourage and, accordingly, without prejudice to the foregoing provisions of this section and without excluding consideration of any

other factor or circumstance which it might be proper to take into account, the following factors shall be taken into account on consideration of an application for a permanent residence permit —

(a) whether the applicant possesses any knowledge, ability or skill of which the Falkland Islands have need or for any other reason the applicant is likely to be able to contribute to an increase in the overall level of human capital, enterprise and innovation in the Falkland Islands;

(b) the need to safeguard social cohesion in the Falkland Islands; and

(c) the desirability of fostering international linkages.

Revocation of permits

Revocation of visitors' permits

19.—(1) A visitor's permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a residence permit, work permit or permanent residence permit;

(c) by the making of a deportation order in respect of the holder;

(d) by the departure of the holder from the Falkland Islands.

No notice need be given to the holder of the revocation of his permit by operation of this subsection.

(2) A visitor's permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's visitor's permit is revoked under subsection (2), his continued presence in the Falkland Islands is unlawful unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands.

(4) A person whose visitor's permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance, but is not entitled to remain in the Falkland Islands pending determination of his appeal.

Revocation of permissions granted under section 12

20.—(1) A temporary work permission is revoked —

- (a) by the holder's visitor's permit being revoked or ceasing to have effect;
- (b) by the grant to the holder of a work permit or permanent residence permit;
- (c) upon the acquisition by the holder of Falkland Islands status.

(2) A temporary work permission may be revoked by notice in writing given to the holder.

(3) A notice to which subsection (2) relates shall take effect on the expiration of such period, not being less than seven days, from the date of delivery or service of the notice as is specified in the notice.

Revocation of residence permit

21.—(1) A residence permit is revoked —

- (a) by the grant to or acquisition by the holder of Falkland Islands status;
- (b) by the issue to the holder of a work permit or permanent residence permit; or
- (c) by the making of a deportation order in respect of the holder.

(2) A residence permit may be revoked by notice in writing under this subsection delivered to the holder on any of the following grounds stated in the notice —

- (a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;
- (b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;
- (c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;
- (d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;
- (e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's residence permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of work permits

22.—(1) A work permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a permanent residence permit; or

(c) by the making of a deportation order in respect of the holder.

(2) A work permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by his work permit or by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is no longer employed by the employer or in the employment to which his work permit relates (but without prejudice to the grant to the holder of another work permit permitting the holder to take or engage in different employment);

(g) that the holder, or his employer, is in breach of a condition or undertaking subject to which the work permit was granted;

(h) that the holder is a prohibited person; or

(i) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) A person whose work permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance.

(4) When a person's work permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of permanent residence permits

23.—(1) A permanent residence permit is revoked by —

(a) the grant to or acquisition by the holder of Falkland Islands status;

(b) the making of a deportation order in respect of the holder.

(2) A permanent residence permit may be revoked on any of the following grounds —

(a) that the holder, or any other person on his behalf, and with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder has settled outside the Falkland Islands;

(c) that the holder has not been present within the Falkland Islands for at least six months in aggregate during the preceding two years.

(3) Before revoking a permanent residence permit pursuant to subsection (2), the Governor shall, unless the address of the holder is unknown and cannot be discovered after reasonable enquiry, cause notice to be served on or delivered to the holder of the permit stating the ground or grounds on which the Governor is considering the revocation of the permit and drawing the holder's attention to his right under subsection (4) to make representations in writing to the Governor against such revocation.

(4) A holder of a permanent residence permit who has received notice given pursuant to subsection (3) may make representations in writing to the Governor against the revocation of his permanent residence permit, and the Governor shall as soon as is reasonably possible consider those representations before deciding whether or not to revoke the permanent residence permit.

(5) The Governor shall, if he decides to revoke a permanent residence permit pursuant to subsection (2), notify the holder (if notice was given to him under sub-section (3)) and the Principal Immigration Officer in writing of that decision.

(6) If a person at the time he is notified of the revocation of his permanent residence certificate pursuant to subsection (2) is within the Falkland Islands, his continued presence in the Falkland

Islands is unlawful at the expiration of seven days thereafter unless it is authorised by or under some other provision of this Ordinance.

Supplementary to sections 19 to 22

24.—(1) An immigration officer may exercise the powers conferred by section 19(2) (power to revoke a visitor's permit) but except in the exercise of powers delegated by the Principal Immigration Officer under section 3(4) (delegation of powers of Principal Immigration Officer) an immigration officer may not exercise the Principal Immigration Officer's powers under section 21(2) (power to revoke a residence permit) and section 22(2) (power to revoke a work permit).

(2) On exercising any power of revocation to which subsection (1) relates, the officer shall in writing notify the person affected by the revocation of the reason for it.

PART III APPEALS

Appeals in relation to visitors permits

25.—(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of an immigration officer or the Principal Immigration Officer —

(a) to grant or refuse a visitor's permit;

(b) to grant a visitor's permit subject to conditions or limitations;

(c) to extend or refuse to extend the duration of a visitor's permit; or

(d) to grant or refuse to grant a temporary work permission to the holder of a visitor's permit,

but a person may within fourteen days after the revocation of a visitor's permit under section 19(2) by written representations appeal to the Governor against the revocation of a visitor's permit.

(2) A person who applies from outside the Falkland Islands for the grant to him of a visitor's permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal. If the Governor allows the appeal, the Principal Immigration Officer shall grant a visitor's permit to the applicant of such duration not exceeding twelve months and subject only to such conditions (if any) as the Governor notifies to him, either at the time of his decision, or subsequently, and any visitor's permit so issued shall be deemed to have been issued pursuant to section 11.

Appeals in relation to residence permits

26.—(1) No appeal lies to any person, tribunal or authority against any decision of the Governor to refuse permission to any person within the Falkland Islands to apply for a residence permit. Nor does any appeal lie to any person, tribunal or authority against the refusal of or failure to consider an application for a residence permit made by a person within the Falkland Islands without such permission.

(2) A person who is aggrieved —

(a) otherwise than as is provided by subsection (1), by a refusal to grant a residence permit to him;

(b) by a refusal to grant an extension of his residence permit to him; or

(c) by the revocation of his residence permit;

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(4) If the Governor allows an appeal against the refusal of a residence permit or of an extension of a residence permit, the Principal Immigration Officer shall grant a residence permit to the appellant, or as the case may be the revoked residence permit shall be deemed never to have been revoked.

Appeals in relation to work permits

27.—(1) No appeal lies to any person, tribunal or authority —

(a) against any refusal of permission pursuant to section 17(2);

(b) against the refusal of or failure to consider an application for a work permit made by a person who cannot apply for a work permit without such permission and who has not been granted that permission.

(2) Nothing in subsection (1) excludes an appeal by a person in the Falkland Islands against the refusal of a work permit where the application for such a permit arises out of the change of the person's employer or employment in the Falkland Islands.

(3) Subject to subsection (1), a person who is aggrieved by —

(a) a refusal to issue a work permit to him;

(b) by a refusal to extend a work permit previously issued to him, which has expired or was due to expire within twelve months of his application for its extension; or

(c) by a refusal to grant a work permit in circumstances to which subsection (2) relates, or

(d) by the revocation of a work permit,

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(4) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(5) If the Governor allows an appeal against the refusal of a work permit or of an extension of a work permit, the Principal Immigration Officer shall grant a work permit to the appellant, or as the case may be the revoked work permit shall be deemed never to have been revoked.

(6) Where the Governor allows an appeal against the refusal of a work permit, he may do so subject to the proposed employer of the appellant undertaking in a form acceptable to the Principal Immigration Officer to comply with such conditions as to the housing of the appellant and his dependants (if any), his hours of work and remuneration as the Governor may specify or indicate.

Appeals in relation to permanent residence permits

28. No appeal lies to any person, tribunal or authority against any refusal to grant, or the revocation of, a permanent residence permit.

Appeals in relation to deportation orders

29. Except as provided in Schedule 3, no appeal lies to any person, tribunal or authority against a deportation order.

PART IV CRIMINAL PROCEEDINGS

Illegal entry and similar offences

30.—(1) A person who does not have a right of abode in the Falkland Islands commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding six months if —

(a) contrary to this Ordinance he knowingly enters the Falkland Islands in breach of a deportation order or without leave;

(b) if, having been granted leave limited by reference to a period of time to enter or remain in the Falkland Islands, he knowingly either —

(i) remains beyond the time limited by the leave; or

(ii) fails to observe a condition of the leave;

(c) if, having lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, he remains without leave beyond the time allowed by that provision;

(d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under paragraph 2(3) of Schedule 2 to this Ordinance to submit to further medical examination;

(e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Ordinance as to residence, as to his employment or occupation or as to reporting to the police or to an immigration officer;

(f) if he disembarks in the Falkland Islands from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Ordinance with a view to his removal from the Falkland Islands.

(2) A person commits an offence under subsection (1)(b)(i) on the day when he first knows that the time limited has expired and continues to commit it throughout the period during which he is

in the Falkland Islands thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

(3) A police officer or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1)(d).

(4) In proceedings for an offence under subsection (1) —

(a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;

(b) proof that a person had leave to enter or had been granted leave lies upon the defence.

Assisting illegal entry and harbouring

31.—(1) A person commits an offence if he is knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the Falkland Islands of anyone whom he knows or has reasonable cause to believe is an illegal entrant and a person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 10 on the standard scale or to imprisonment for a term not exceeding seven years.

(2) Without prejudice to subsection (1), a person commits an offence who knowingly harbours anyone he knows or has reasonable cause to believe to be either an illegal entrant or to be a person who has committed an offence under section 30(1)(b) or (c). A person who commits an offence under this subsection is liable on conviction of that offence to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

(3) A police officer or an immigration officer may arrest without warrant a person who has or whom he, with reasonable cause, suspects to have, committed an offence under subsection (1).

False information

32.—(1) A person commits an offence who —

(a) gives, sends or makes to an immigration officer, in oral or written form any information, representation or statement, which he knows to be false or does not believe to be true, or recklessly as to its truth or falsehood with a view —

(i) to obtaining the issue to him or any other person, or extension of, any permit or permission issued or granted under this Ordinance;

(ii) to obtaining in any other way the grant to him or any other person of leave to enter or remain in the Falkland Islands;

(b) withholds any information he is required by any immigration officer to provide and which is material in relation to any matter mentioned in subparagraph (i) or (ii) of paragraph (a) of this subsection.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

Working or carrying on business without permission

33.—(1) A person not having the right of abode in the Falkland Islands commits an offence if he, except as he is permitted to do by virtue of any provision of this Ordinance, engages in any trade, business, profession or vocation or takes any employment.

(2) A person commits an offence if he employs a person who does not have a right of abode in the Falkland Islands and who is not permitted by or under some provision of this Ordinance to take the employment in question with him.

(3) It is a defence for a person prosecuted for an offence under subsection (2) to prove that he took all reasonable steps, and exercised all reasonable diligence, to avoid the commission by him of the offence.

(4) A person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 5 on the standard scale.

General offences in connection with the administration of the Ordinance

34.—(1) A person commits an offence who —

(a) without reasonable excuse refuses or fails to submit to examination under Schedule 2 to this Ordinance;

(b) being a person who entered the Falkland Islands in the circumstances mentioned in section 14(1) (entry in emergency), and not being a person to whom section 14(3) applies (persons entering for purpose of hospital treatment), fails without reasonable excuse to report at Stanley Police Station within forty-eight hours;

(c) without reasonable excuse, refuses or fails to produce any information in his possession, or any documents in his possession or control, which he is on examination under Schedule 2 required to furnish or produce;

(d) without lawful authority alters any permit or other document made or issued for the purposes of this Ordinance, or uses for the purposes of this Ordinance, or has in his possession for such use, any passport, other travel document, permit or other document of any kind which he knows or has reasonable cause to believe to be false;

(e) without reasonable excuse fails to complete and produce a landing or embarkation card in accordance with any requirement made under this Ordinance; or

(f) without reasonable excuse obstructs an immigration officer lawfully acting in the execution of this Ordinance.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 4 on the standard scale or to imprisonment for three months.

Offences by persons connected with ships or aircraft or with ports

35.—(1) A person commits an offence who —

(a) being the captain of a ship or aircraft —

(i) knowingly permits a person to disembark in the Falkland Islands when required under Schedule 2 or 3 to this Ordinance to prevent it;

(ii) fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or

(iii) fails, without reasonable excuse, to comply with any direction given to him under Schedule 2 or 3 with respect to the removal of a person from the Falkland Islands;

(b) being the owner or agent of a ship or aircraft —

(i) arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Ordinance;

(ii) fails, without reasonable excuse, to comply with any directions given to him under Schedule 2 for the supply to passengers of landing or embarkation cards; or

(c) being the owner or agent of a ship or aircraft or a person concerned in the management of a port, fails without reasonable excuse to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum on level 5 on the standard scale or to imprisonment for six months.

Proceedings not to prevent exercise of other powers

36. Any powers exercisable under this Ordinance in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part have been taken against him.

PART V SUPPLEMENTARY

Evidential provisions

37.—(1) Any document purporting to be an order, notice or direction made or given by the Governor for the purposes of this Ordinance and to be signed by him or on his behalf, and any document purporting to be a certificate of the Governor so given and to be signed by him, shall be received in evidence and shall, until the contrary is proved, be deemed to be made or issued by him.

(2) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the order, notice, direction or certificate.

Certificate of Falkland Islands status

38.—(1) The Principal Immigration Officer may, on application of any person, issue to that person a Certificate of Falkland Islands status, that is to say a certificate that the person to whom it relates is a person belonging to the Falkland Islands in terms of section 17(5) of the Constitution.

(2) The Principal Immigration Officer shall not grant a Certificate of Falkland Islands Status to a person unless he believes, after making any enquiry and seeking any advice he considers to be appropriate, that the person concerned is a Falkland Islander.

(3) A person who is aggrieved by the refusal or failure of the Principal Immigration Officer to grant to him a Certificate of Falkland Islands status may apply to the Supreme Court for a declaration that he enjoys Falkland Islands status, and the Supreme Court may, if it is satisfied that the applicant enjoys that status, grant such a declaration and direct the Principal Immigration Officer to grant to the person concerned a Certificate of Falkland Islands status.

(4) Subject to subsection (5), if the Principal Immigration Officer believes that a Certificate of Falkland Islands status has in error been granted under subsection (2) to a person, or if he is so directed by the Governor, he may notify the person concerned by notice in writing that he proposes to revoke the Certificate. Unless the person concerned, within twenty-eight days of such notification, in the opinion of the Principal Immigration Officer shows sufficient cause to the contrary, the Principal Immigration Officer may revoke the Certificate.

(5) The Principal Immigration Officer may not revoke a Certificate of Falkland Islands status which he has issued pursuant to a direction of the Supreme Court under subsection (3).

(6) Subsection (3), with all necessary modifications, applies so as to enable a person who is aggrieved by the revocation of a Certificate of Falkland Islands status to apply to the Supreme Court for a declaration that he enjoys such status.

Forms and official stamps

39.—(1) Subject to subsection (2), the Principal Immigration Officer may, subject to the approval of the Governor, prescribe for use under this Ordinance such forms and official stamps, not inconsistent with regulations made under section 40, as he considers to be necessary or expedient for the purposes of this Ordinance.

(2) Where the Principal Immigration Officer has prescribed any form or official stamp, he may also issue directions for their use, and immigration officers shall comply with such directions.

Regulations

40.—(1) The Governor may by regulations make provision generally for carrying into effect the purposes of this Ordinance, and in particular provision —

(a) for prescribing anything which under this Ordinance is to be prescribed;

(b) for prescribing the manner in which applications for permits under this Ordinance or any particular kind of permit under this Ordinance may be made and the information which must be supplied in connection with any application to which any such regulations relate;

(c) for the giving of any notice required or authorised to be given to any person under the provisions of this Ordinance;

(d) for the imposition and recovery of fees in connection with any application under this Ordinance;

(e) as to procedure in relation to appeals under any provision of this Ordinance.

(2) Regulations under subsection (1) —

(a) may make different provision for different circumstances; and

(b) may provide that a contravention of a provision specified in the regulations in question shall constitute an offence and shall be punishable on conviction by such fine, not exceeding the maximum of level 5 on the standard scale, or by the imposition of such term of imprisonment, not exceeding three months, as may be specified in such regulations.

Notices

41. Any notice required to be given in writing under any provision of this Ordinance or any regulations made or having effect thereunder may be given —

(a) by handing it to the person to whom it is addressed or to any person living in the same household as that person; or

(b) by publishing it in a newspaper circulating in the Falkland Islands

PART VI TRANSITIONAL AND REPEAL

Transitional

42.—(1) Subject to this section, notwithstanding the repeal of the repealed Ordinance by section 43 of this Ordinance, any visa, permit or leave to enter or remain in the Falkland Islands granted to a person under any provision of the repealed Ordinance and the effect of which had not expired before the commencement of this Ordinance shall be treated as if it had been granted under the corresponding provision of this Ordinance (but on the date on which it was, in fact, granted) and may be revoked, extended or varied accordingly.

(2) If, immediately before the commencement of this Ordinance, a claim for asylum remains undealt with, it and the person claiming such asylum and his or her dependants (if any) shall be dealt with at all times after the commencement of this Ordinance as if the claim for asylum had been made at a time when the provisions of this Ordinance were in force.

(3) Any removal order made under section 19 of the repealed Ordinance not revoked pursuant to that Ordinance has for all purposes effect after the commencement of this Ordinance as if it were a deportation order made under section 5(6) of this Ordinance.

(4) Where a residence permit granted to a person under section 11 of the repealed Ordinance, and which remained in effect immediately before the commencement of this Ordinance, specifically permitted him to carry on any trade, business, profession or vocation in the Falkland Islands or to take employment in the Falkland Islands, section 17 (work permits) (and not section 16 (residence permits)) shall be treated as the corresponding provision of this Ordinance for the purposes of subsection (1) of this section.

(5) Where, immediately before the commencement of this Ordinance, a person not having the right of abode in the Falkland Islands was serving Her Majesty in right of Her Government of the Falkland Islands as a public officer —

(a) under a letter of appointment for a fixed term, or

(b) without limitation as to the period of his appointment,

then until the earliest to happen of —

- (i) the expiry of the fixed term referred to in the letter of appointment;
- (ii) the person ceasing to hold the public office in question;
- (iii) the expiry of three years from the commencement of this Ordinance,

the person shall not by reason of his holding the public office be in breach of the provisions of this Ordinance as to work permits.

(6) Where by reason of being a dependant of a person to whom subsection (5) applies, a person was not subject to the provisions of the repealed Ordinance as to residence permits immediately before the commencement of this Ordinance, that dependant shall be deemed to have been granted at the commencement of this Ordinance —

(a) if he or she was not immediately before the commencement carrying on any trade, business, profession or vocation or engaged in employment in the Falkland Islands, a residence permit under this Ordinance expiring on the date on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands; or

(b) if he or she was immediately before the commencement of this Ordinance carrying on a trade, business, profession or vocation in or engaged in employment in the Falkland Islands, a work permit under this Ordinance limited so as to permit the carrying on of that trade, business, profession or vocation or engagement in that employment and expiring on the date on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands.

(7) Subject to subsection (8), a dependant of another person to whom subsection (4) applies if carrying on any trade, business, profession or vocation or engaged in any employment immediately before the commencement of this Ordinance shall at the commencement of this Ordinance be deemed to have been granted a work permit under section 17 of this Ordinance limited so as to permit the carrying on of that trade, business, profession or engagement in that employment and expiring on the expiry or earlier revocation of the permit to which subsection (4) relates.

(8) A permit deemed under subsection (6) or (7) to be granted shall cease to have effect forthwith on the dependant ceasing to form part of the same household as the person upon whom he or she is or was a dependant.

Repeal

43. The Immigration Ordinance 1987 is repealed.

SCHEDULE 1 EXEMPTIONS FROM THE REQUIREMENT TO POSSESS A VISA

Part 1

Persons travelling on a passport or international travel document issued by one of the following authorities:

- (a) International organisations —

(i) The International Committee of the Red Cross

(ii) The United Nations

(b) The authorities of the following countries or parts of countries —

The United Kingdom and countries which at the time in question are member states of the European Union or Mercosur

Australia
Andorra
Canada
Chile
Cyprus
Finland
Hong Kong Special Autonomous Region of the People's Republic of China
Iceland
Israel
Japan
Republic of Korea
Liechtenstein
Malta
New Zealand
Norway
San Marino
South Africa
Sweden
Switzerland
United States of America
Uruguay
Vatican City

For the purposes of this Schedule, an Overseas Territory of a country is deemed to be a part of that country.

Part 2

Persons exempt from visa requirements

Seamen entering the Falkland Islands in the circumstances provided for by section 9(1)
Persons entering the Falkland Islands in the circumstances provided for by sections 14 and 15
Persons who the Principal Immigration Officer accepts to be passengers in transit (whether passengers arriving on board a ship and intending to leave by aircraft or vice versa, arriving by ship and leaving by the same or another ship or arriving by aircraft and leaving by another aircraft, but in any case where the principal reason for their landing in the Falkland Islands is such transit).

SCHEDULE 2
ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC

Part I

General provisions

Immigration officers and medical inspectors

1.—(1) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Ordinance.

(2) An immigration officer, for the purpose of satisfying himself whether there are any persons he may wish to examine under paragraph 2, may search any ship or aircraft and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the Falkland Islands.

Examination by immigration officers, and medical examination

2.—(1) An immigration officer may examine any persons who have arrived in the Falkland Islands by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the Falkland Islands) for the purpose of determining —

(a) whether any of them is or is not a person who has Falkland Islands status;

(b) whether, if he is not, he may or may not enter the Falkland Islands without leave; and

(c) whether, if he may not, he should be given leave and for what period and on what conditions, if any, or should be refused leave.

(2) Any such person, if he is seeking to enter the Falkland Islands, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

(4) An immigration officer may examine any person who is embarking on or seeking to embark in the Falkland Islands for the purposes of determining his identity, ascertaining whether he is in possession of a passport or other valid travel document and of recording his departure from the Falkland Islands.

Information and documents

3.—(1) It is the duty of any person examined under paragraph 2 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2 by an immigration officer must, if so required by the immigration officer —

(a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity or nationality and citizenship; and

(b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In sub-paragraph (b), "relevant description" means any description appearing to the immigration officer to be relevant for the purposes of the examination.

(3) An immigration officer may detain any passport or other document produced pursuant to sub-paragraph (2)(a) until the person concerned is given leave to enter the Falkland Islands or is about to depart or be removed following refusal of leave.

(4) Where under sub-paragraph (2)(b) a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage belonging to him or under his control may be searched by the immigration officer or a person acting under his direction with a view to ascertaining whether the person is doing so, but a person shall only be searched by a person of the same sex.

(5) An immigration officer may examine any document produced pursuant to sub-paragraph (2)(b) or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of opinion that it may be needed in connection with proceedings on an appeal under this Ordinance or for an offence, he may detain it until he is satisfied that it will not be so needed.

5. The Governor may by regulations make provision for requiring passengers disembarking or embarking in the Falkland Islands, or any class or category of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Principal Immigration Officer may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to passengers. Nothing in any regulations to which this sub-paragraph relates shall require any person to produce a landing or embarkation card who produces to the immigration officer a passport in which is endorsed with a statement of the bearer's right of abode in the Falkland Islands or a statement that he possesses Falkland Islands status or a card issued by authority of the Principal Immigration Officer containing such a statement in relation to the bearer.

Notice of leave to enter or refusal of leave

6.—(1) Subject to sub-paragraph (3), where a person is examined by an immigration officer under paragraph 2 is to be given limited leave to enter the Falkland Islands or is to be refused leave, the notice giving leave or refusing leave shall be given not less than twenty-four hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing a permit granting to him leave is not given before the end of those twenty-four hours, he shall, if not a person who has Falkland Islands status, be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and remain in the Falkland Islands for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as possible give to him written notice of the grant of such a permit.

(2) Where on a person's examination under paragraph 2 he is permitted to enter the Falkland Islands or is granted any kind of permit authorised by this Ordinance ("the earlier decision"), then at any time before the end of seventy-two hours from the conclusion of the examination the earlier decision may be cancelled by notice in writing by an immigration officer cancelling the

earlier decision and refusing him leave to enter which further notice shall have the effect of cancelling any permit granted to him.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the Falkland Islands, that notice may be cancelled by notice in writing given to him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, and the immigration officer does not at the same time grant to him a permit under this Ordinance, he shall be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and there remain for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as may be give to him written notice of the grant of such a permit to him.

(4) Where an entrant is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph is duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

7. If, on a person's examination by an immigration officer under paragraph 2 the immigration officer —

(a) determines that he may be given leave to enter the Falkland Islands or in pursuance of a permit previously granted permits him to enter or to re-enter the Falkland Islands; but

(b) is of opinion, whether on the advice of a medical inspector or for any other reason, that a medical test or examination, or a further medical test or examination may be required in the interests of public health or otherwise in the public interest;

then the immigration officer, on granting to that person a visitor's permit or other permit granting leave to him to enter the Falkland Islands or permitting him in pursuance of a permit previously granted to enter or re-enter the Falkland Islands, may by notice in writing require him to report his arrival to the Chief Medical Officer, the King Edward VII Memorial Hospital Stanley and thereafter to attend at such place and time, and submit to such test or examination (if any) as the Chief Medical Officer or any Government Medical Officer acting on behalf of the Chief Medical Officer may require.

Removal of persons refused leave to enter and illegal entrants

8.—(1) Where a person arriving in the Falkland Islands is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) —

(a) give to the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either —

(i) a country of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands; or

(iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions may be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the Falkland Islands (except that directions may be given under sub-paragraph (1)(b) after the expiration of that period if an immigration officer has within that period given written notice to the owners or agents in question of the intention to give directions to them in respect of that person).

9. Where an illegal entrant is not given leave to enter or remain in the Falkland Islands an immigration officer may give any such directions as in respect of him as in a case within paragraph 8 are authorised by paragraph 8(1).

10.—(1) Where it appears to the Governor either —

(a) that directions might be given in respect of a person under paragraph 8 or 9, but that it is not practicable for them to be given or that, if given, they would be ineffective; or

(b) that directions might have been given in respect of a person under paragraph 8 but that the requirements of paragraph (8)(2) have not been complied with;

then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1) (c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) of this paragraph, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

11. A person in respect of whom directions are given under any of paragraphs 8 to 10 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seamen and aircrews

12.—(1) Without prejudice to the provisions of section 9(1), if, on a person's examination by an immigration officer under paragraph 2 of this Schedule, the immigration officer is satisfied that he has come to the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of the leave he grants that person to enter the Falkland Islands by requiring him to leave the Islands in a ship or aircraft indicated in the notice granting leave.

(2) Where a person (not being a person having Falkland Islands status or the holder of a permanent residence permit or a residence permit) enters the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew and, having entered the Falkland Islands as permitted by section 9(1) or in accordance with leave granted under sub-paragraph (1) of this paragraph, remains beyond the time limited by section 9(1) or by that leave, whichever is appropriate in the circumstances of his case, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may —

(a) give the captain of that ship or aircraft directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft;

(b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

(c) give those agents or owners directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified in the directions to a country or territory so specified, being —

(i) a country or territory of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands;

(iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the Falkland Islands to join; or

(v) a country or territory to which there is reason to believe that he will be admitted.

13.—(1) Where a person being the member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2, the immigration officer may limit the duration of any leave he gives that person to enter the Falkland Islands —

(a) in the manner authorised by paragraph 12(1);

(b) if that person is allowed to enter the Falkland Islands in order to receive hospital treatment, by requiring him, on completion of the treatment, to leave the Falkland Islands in accordance with arrangements to be made for his repatriation; or

(c) by requiring him to leave the Falkland Islands within a specified time in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being a person having a right of abode in the Falkland Islands) arrives in the Islands as a member of the crew of a ship or aircraft, and either —

(A) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), he remains without leave beyond the time allowed by that provision, or is reasonably suspected by an immigration officer of intending to do so; or

(B) having been given leave limited as mentioned in sub-paragraph (1) of this paragraph, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may —

(a) give to the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of the ship or aircraft directions requiring them to make arrangements for his removal from the Falkland Islands, being a ship or aircraft of which they are the owners or agents;

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either —

(i) a country of which he is a national or citizen; or

(ii) a country or territory in which he obtained a passport or other document of identity;

(iii) a country in which he embarked for the Falkland Islands;

(iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the Falkland Islands; or

(v) a country or territory to which there is reason to believe that he will be admitted.

14.—(1) Where it appears to the Governor that directions might be given in respect of a person under paragraph 12 or 13, but that it is not practicable for them to be given or that, if given, they would be ineffective, then he may give to the owners or agents of any ship or aircraft and such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

15. A person in respect of whom directions are given under any of paragraphs 12 to 14 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons subject to examination or removal

16.—(1) Subject to sub-paragraph (2), a person to whom paragraph 11 or 15 applies may on the direction of the Principal Immigration Officer in writing be detained pending his removal from the Falkland Islands at any place approved by the Governor under paragraph 18 for the purpose.

(2) A direction under sub-paragraph (1) shall cease to have effect —

(a) unless it is confirmed by the Governor within forty-eight hours of the commencement of the person's detention;

(b) on its being earlier countermanded by the Governor;

(c) on its being cancelled, after its confirmation, by the Principal Immigration Officer or by the Governor.

(3) The Principal Immigration Officer or the Governor (according to which of them made the decision in question) shall notify the Chief Police Officer forthwith of any decision made pursuant to sub-paragraph (1)(b) or sub-paragraph (2).

(4) A person in respect of whom directions may be given under any of paragraphs 8 to 10 and 12 to 14 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter the Falkland Islands.

(5) A person who may be required to submit to an examination under paragraph 2 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(6) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under sub-paragraph (5) or any subsequent sub-paragraph of this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the Falkland Islands any person who has arrived in the Falkland Islands in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody aboard the ship or aircraft.

(7) The captain of a ship or aircraft shall, if so required by an immigration officer, prevent from disembarking in the Falkland Islands or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15, and the captain may for that purpose detain him aboard the ship or aircraft.

17.—(1) A person liable to be detained under paragraph 16 may be arrested without warrant by an immigration officer or by a police officer.

(2) The Senior Magistrate or a justice of the peace may grant a warrant authorising any police officer to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

18.—(1) Persons detained under paragraph 16 (when not detained in accordance with that paragraph aboard a ship or aircraft) may be detained in such place or places as the Governor may approve for the purpose.

(2) Where a person is detained under paragraph 16, any immigration officer, police officer or prison officer, or any other person authorised by the Governor, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained under paragraph 16 may be taken into the custody of a police officer, or of any other person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the Falkland Islands, or any other place where he is required to be for the purposes of the Ordinance.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) of this paragraph.

19.—(1) Where a person is refused leave to enter the Falkland Islands and directions are given in respect of him under paragraph 8 or 10, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) Sub-paragraph (1) shall not apply to expenses in respect of a person who, when he arrived in the Falkland Islands, held a permit issued under this Ordinance, or having effect as if issued under this Ordinance.

(3) If, before the directions for a person's removal have been carried out, he is given leave to enter the Falkland Islands, or is afterwards given that leave in consequence of the determination of an appeal under this Ordinance (being an appeal against the refusal of a permit under this Ordinance which would permit him to enter the Falkland Islands), or it is determined on an appeal under this Ordinance that he has the right to enter the Falkland Islands without a permit under this Ordinance being issued to him, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(4) Sub-paragraph (1) shall not have effect in relation to directions which, in consequence of an appeal under this Ordinance, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

20.—(1) Subject to the provisions of this paragraph, in either of the following cases —

(a) where directions are given in respect of an illegal entrant under paragraph 9 or 10; and

(b) where a person has lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, but directions are given in respect of him under paragraph 13(2)(A) or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) If, before the directions for a person's removal from the Falkland Islands have been carried out, he is given leave to remain in the Falkland Islands, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any person already demanded and paid shall be refunded.

(3) Sub-paragraph (1) shall not have effect in relation to directions, which in consequence of an appeal under this Ordinance, are for the time being of no effect.

Temporary admission or release of persons liable to detention

21.—(1) A person liable to detention or detained under paragraph 16 may, under the written authority of an immigration officer, be temporarily admitted to the Falkland Islands without being detained or be released from detention; but this shall not prejudice the later exercise of a power to detain him.

(2) So long as a person is at large in the Falkland Islands by virtue of this paragraph, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

22.—(1) A person detained under paragraph 16(1) pending examination may, if seven days have elapsed since the date of his arrival in the Falkland Islands be released on bail by the Senior

Magistrate or a justice of the peace on his entering into a recognisance conditioned for his appearance before an immigration officer at a time and place named in the recognisance or at such other time or place as in the meantime may be notified to him by an immigration officer.

(2) The conditions of a recognisance taken under this paragraph may include conditions appearing to the Senior Magistrate or a justice of the peace to be likely to result in the appearance of the person bailed at the required time and place; and any recognisance shall be with or without sureties as the Senior Magistrate or the justice of the peace may determine.

(3) In any case in which the Senior Magistrate or justice of the peace has power under this paragraph to release a person on bail, the Senior Magistrate or a justice of the peace may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound with a view to its being taken subsequently by any such person as may be specified by the Senior Magistrate or a justice of the peace (as the case may be); and on the recognisance being so taken the person to be bailed shall be released.

23.—(1) Where a recognisance entered into under paragraph 22 appears to the Senior Magistrate or a justice of the peace to be forfeited, he may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the Senior Magistrate or the justice of the peace thinks fit and the recognisance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the Magistrate's Court.

(2) Any sum the payment of which is enforceable by the Magistrate's Court by virtue of subparagraph (1) shall for all purposes of the law of the Falkland Islands as being due under a recognisance forfeited by that court.

24.—(1) An immigration officer or a police officer may arrest without warrant a person who has been released by virtue of paragraph 22 —

(a) if he has reasonable grounds for believing that the person is likely to break the conditions of his recognisance that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any other such condition;

(b) if, a recognisance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligation as a surety;

and paragraph 17(2) shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph —

(a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before the Senior Magistrate or a justice of the peace; and

(b) if required by such a condition to appear within those twenty-four hours before an immigration officer.

(3) The Senior Magistrate or a justice of the peace before whom a person is brought by virtue of subparagraph (2)(a) —

(a) if of the opinion that the person has broken or is likely to break any condition on which he was released, may either —

(i) direct that he be detained under the authority of the person by whom he was arrested; or

(ii) release him, on his original recognisance or on a new recognisance, with or without sureties, on his original bail or new bail: and

(b) if not of that opinion, shall release him on his original recognisance or bail.

25. The power to make rules of procedure conferred by section 69 of the Administration of Justice Ordinance includes power to make rules with respect to applications to the Senior Magistrate or a justice of the peace under paragraphs 22 to 24 of this Schedule and matters arising out of such applications.

Supplementary duties of those connected with ships or aircraft or with ports

26.—(1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Principal Immigration Officer, arrange for the ship or aircraft to call at a port in the Falkland Islands other than a port of entry for the purpose of disembarking passengers or for the purpose of embarking passengers.

(2) The Principal Immigration Officer may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers at any port in the Falkland Islands and specifying the conditions and restrictions (if any) to be observed in any control area; and where any notice given to owners or agents a control area is for the time being designated for the purpose of embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, in the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Principal Immigration Officer may also from time to time give to any persons concerned with the management of a port in the Falkland Islands written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions and restrictions as notified to him are observed.

27.—(1) The captain of a ship or aircraft arriving in the Falkland Islands —

(a) shall take such steps as may be necessary to secure that persons on board do not disembark unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Falkland Islands without leave under section 9(1) of this Ordinance; and

(b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

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

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

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

SCHEDULE 3 SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Removal of persons liable to deportation

1.—(1) Where a deportation order is in force against any person, the Governor may, subject to paragraph 4, give directions for his removal to a country or territory specified in the direction being either —

(a) a country of which he is a national or citizen; or

(b) a country or territory to which there is reason to believe that he will be admitted.

2. The directions under subparagraph (1) may be —

(a) directions given to the captain of a ship or aircraft about to leave the Falkland Islands requiring him to remove the person in question in that ship or aircraft;

(b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or

(c) directions for his removal in accordance with arrangements to be made by the Governor.

(3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Ordinance shall apply, with the substitution of references to the Governor for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.

(4) The Governor, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the Falkland Islands of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Crown.

Detention or control pending deportation

3.—(1) Where a recommendation for deportation made by a court is in force in respect of any person and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power to release on bail by any court having power to release him, he shall, unless the court by which the recommendation is made otherwise directs, or a direction is given under subparagraph (2), be detained pending the making of a deportation order in pursuance of the recommendation, unless the Governor directs him to be released pending further consideration of his case.

(2) Where —

(a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him;

(b) he appeals against his conviction or that recommendation,

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.

(3) Where notice has been given to a person in accordance with paragraph this Ordinance of the Governor's intention to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Governor pending the making of the deportation order.

(4) Where a deportation order is in force against any person, he may be detained under the authority of the Governor pending his removal or departure from the Falkland Islands (and if already detained by virtue of subparagraph (1) or (3) when the order is made, shall continue to be detained unless the Governor directs otherwise).

(5) In relation to detention under subparagraph (3) or (4), paragraphs 17 and 18 of Schedule 2 to this Ordinance apply as they apply in relation to detention under paragraph 16 of that Schedule.

(6) A person to whom this subparagraph applies are subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as may from time to time be notified in writing to him by the Governor.

(7) The persons to whom subparagraph (6) applies are —

(a) a person liable to be detained under subparagraph (1) of this paragraph, while by virtue of a direction of the Governor he is not so detained; and

(b) a person liable to be detained under subparagraph (3) or (4) of this paragraph, while he is not so detained.

Notice of intention to make a deportation order

4.—(1) Subject to subparagraph (8), whenever the Governor intends to make a deportation order in respect of a person, subject to this paragraph, he shall cause notice in writing of that intention to be given to that person.

(2) A notice under subparagraph (1) shall —

(a) specify or indicate the grounds on which the Governor intends to make a deportation order, (but where a court, on convicting that person has under section 5(6)(e) recommended that the person should be deported, it is sufficient to state that fact) and the country or territory to which, in the event of the deportation order being made, the Governor has in mind that the person shall;

(b) specify the country or territory which the Governor intends, in the event that the deportation order is made, to direct that the person be deported;

(c) contain a statement of the person's rights under subparagraph (3) to make written representations to the Governor and the Governor's duty under subparagraph (4).

- (3) A person who is given notice of the Governor's intention to make a deportation order in respect of him may within seven days of the receipt of that notice, or such longer period as the Governor may see fit to allow, make written representations to the Governor —
- (a) against the making of the deportation order;
 - (b) objecting to the country or territory specified in the notice as the country to which the Governor has in mind to direct that he be deported.
- (4) The Governor shall not make a deportation order in respect of a person —
- (a) until the expiration of seven days, or such longer period as the Governor may have allowed for written representations against the making of the order, after the person has been given notice of intention to make the deportation order;
 - (b) without having considered any written representations made to him by that person pursuant to subparagraph (3);
 - (c) on any ground other than one which has been specified or indicated in the notice.
- (5) The Governor shall so soon as practicable after the expiration of the period referred to in subparagraph (4) (a) give notice in writing to the person as to whether he has decided to make a deportation order.
- (6) The Governor may not pursuant to any provision of this Ordinance direct that a person be deported pursuant to a deportation order to a country or territory other than one —
- (a) specified pursuant to subparagraph (2)(b); or
 - (b) nominated by the person concerned in his written representations pursuant to subparagraph (3) or (8); or
 - (c) specified in a notice given to the applicant under subparagraph (7).
- (7) The Governor may at any time after he has given a person notice of his intention to deport him, give that person notice of the Governor's intention to substitute a different country or territory for that specified in the first mentioned notice but shall not direct that the person be deported to that country or territory until after the expiration of seven days from the giving of the second mentioned notice or without having considered any written representations he may receive from the person concerned within that period of seven days. Any notice given under this paragraph shall contain a statement of the effect of this paragraph.
- (8) The foregoing subparagraphs do not apply in respect of deportation pursuant to section 15(6).
- (9) Where it appears to the Governor that a child who is a Falkland Islander is a dependant of a person in respect of whom the Governor is considering the making of a deportation order, the Governor shall not make a deportation order in respect of that person without taking into account the interests of the child, and in particular the effect that the making of the deportation order in respect of the person of whom the child is a dependant is likely to have in relation to the welfare and upbringing of the child.

Revocation of deportation orders

5. The Governor may at any time revoke a deportation order and if he does so shall notify the Principal Immigration Officer and the person affected by the order of its revocation.
6. A deportation order once made, until revoked, remains in effect so as to prohibit the entry into the Falkland Islands to whom it relates.

SCHEDULE 4
FURTHER PROVISIONS IN RELATION TO PERSONS CLAIMING, OR WHO
HAVE CLAIMED, ASYLUM

1. Where —

(a) a person has been granted leave to enter and remain in the Falkland Islands either by the grant to him of a permit under this Ordinance or otherwise under this Ordinance and claims that it would be contrary to the Falkland Islands' obligations under the Convention for him to be required to leave the Falkland Islands after the time limited by the leave; and

(b) the Governor has considered the claim and given to the person notice in writing in respect of it,

the Governor may by notice in writing, given to the person concurrently with the notice under paragraph (b), curtail duration of the leave.

2. No appeal lies against the curtailment of leave under paragraph (1).

3. The power conferred by subsection (1) is without prejudice to section 5(6) and 6.

4. Where —

(a) the duration of a person's leave to enter and remain in the Falkland Islands has been curtailed under paragraph 1 of this Schedule; and

(b) the Governor has decided to make a deportation order against him under section 5(6) of this Ordinance,

the Governor may direct that the person be detained in a place approved by the Governor for the purpose, and while detained pursuant to such a direction, the person shall be deemed to be lawfully detained; and the references to subparagraph (2) of paragraph 2 of Schedule 3 to this Ordinance in subparagraphs (3), (4) and (6) of that paragraph (provisions about detention under subparagraph (2)) shall include references to this subparagraph.

SUBSIDIARY LEGISLATION

CO-OPERATIVE SOCIETIES

Co-operative Societies (Audit) Order 1999

S. R. & O. No. 32 of 1999

Made: 18 October 1999

Published:..... 12 November 1999

Coming into force: in accordance with article 1

IN EXERCISE of my powers under section 54 of the Co-operative Societies Ordinance(a) and of all other powers enabling me in that behalf, I make the following Order —

Citation and commencement

1. This Order may be cited as the Co-operative Societies (Audit) Order 1999 and shall be deemed to have come into effect on 1 January 1986.

Interpretation

2. In this Order —

“the Ordinance” means the Co-operative Societies Ordinance (Title 21.1);

“the Rules Order” means the Co-operative Societies Rules Order 1986(b);

“the Registrar” means the Registrar of Co-operative Societies appointed in accordance with section 3 of the Ordinance;

“professional auditor” means a person who is a member of one or more of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland, the Institute of Chartered Accountants in Ireland or the Association of Chartered Certified Accountants;

“registered society” means a co-operative society registered under the Ordinance.

Revocations

3. Rule 68 of the Rules Order and the Co-operative Societies (Exemptions) Order 1998(c) are revoked and shall be deemed never to have had effect.

(a) No 15 of 1985 (Title 21.1)

(b) SR&O No 7 of 1986

(c) SR&O No 43 of 1998

Exemption From Audit

4.—(1) Every registered society is exempted from the requirements of section 35 of the Ordinance in relation to each financial year of the registered society ending on or before 31 December 1999.

(2) Any registered society which delivers to the Registrar a copy, signed by a professional auditor, of its accounts in respect of any financial year, audited by the professional auditor, not later than six months from the end of that financial year, is exempt in respect of that financial year (but not further or otherwise) from the provisions of section 35 of the Ordinance and from rule 67 of the Rules Order.

Audit authorised by the Registrar of Co-operative Societies

5.—(1) The Registrar may engage a professional auditor or some other person approved by the Governor to audit the accounts of any registered society in respect of any financial year in respect of which that society failed to deliver to the Registrar accounts audited in accordance with article 4(2).

(2) Whenever an auditor is engaged pursuant to paragraph (1), the registered society shall pay, or if the Registrar has already paid the same, repay to the Registrar, any fees due to the auditor in respect of the audit of its accounts.

Made this eighteenth day of October 1999

D A Lamont
Governor

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

This Order exempts registered societies from the requirement to deliver audited accounts to the Registrar of Co-operative Societies for the year ending 31 December 1999. It also authorises the Registrar to have registered societies accounts audited and delivered in any year should any society fail to do so itself, and that the registered society shall meet the costs of the audit so ordered.

SUBSIDIARY LEGISLATION

ANIMAL HEALTH

Animal Health (Additional Notifiable Diseases) Order 1999

S. R. & O. No. 33 of 1999

Made: 25 October 1999

Published: 12 November 1999

Coming into force: upon publication

IN EXERCISE of my powers under section 88(2) of the Animal Health Act 1981(a) in the form it applies to the Falkland Islands(b), I make the following Order —

Citation

1. This Order may be cited as the Animal Health (Additional Notifiable Diseases) Order 1999.

Amendment of Animal Health Act 1981

2. Section 81(1) of the Animal Health Act 1981 (which contains a definition for the purposes of that Act of the meaning of the word “disease”) is amended in relation to its application to the Falkland Islands(c) by inserting the following diseases in their respectively correct alphabetical positions in the list of diseases contained in that provision —

blue tongue, vesicular stomatitis, Rift Valley fever, peste des petits ruminants, lumpy skin disease, goat pox, African horse sickness and Newcastle disease.

Made this twenty-fifth day of October 1999

D A Lamont
Governor

EXPLANATORY NOTE

(not forming part of the above Order)

This Order adds to the list of diseases in respect of which notification must be given in accordance with the Animal Health Act 1991 in its application to the Falkland Islands.

(a) 1981 c. 22;

(b) by virtue of s.2(1) and the Schedule, Animal Health Ordinance 1998 (No. 9 of 1998);

(c) by virtue of s. 2(1) and para. 19 of the Schedule, Animal Health Ordinance 1998.





**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 10

19th November 1999

No. 22

The following are published in this Supplement -

Land (Non-residents) Ordinance 1999;

Taxes (Amendment) (No. 2) Bill 1999.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Land (Non-residents) Ordinance 1999

(No: 14 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Certain companies doing business in the Falkland Islands to be treated as resident
4. Non-residents to obtain licences to hold land
5. Licences to hold land or an interest in land in the Falkland Islands
6. Forfeiture or disposal etc of land unlawfully acquired or held by a non-resident
7. Inheritance of land under will or intestacy
8. Breach of conditions of licence
9. Rules of court
10. Repeals and saving

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

LAND (NON-RESIDENTS) ORDINANCE 1999

An Ordinance

(No. 14 of 1999)

(assented to: 9 November 1999)
(commencement: in accordance with section 1)
(published: 19 November 1999)

To replace Part II of the Aliens Ordinance and the Land (Sub-division for Non-residents) Ordinance 1995 with fresh provision as to the acquisition of land in the Falkland Islands by non-residents.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title and commencement

1. This Ordinance may be cited as the Land (Non-residents) Ordinance 1999 and shall come into operation on such date as may be fixed by the Governor by notice published in the *Gazette*.

Interpretation

2.—(1) For the purposes of this Ordinance, an individual shall be regarded as being resident in the Falkland Islands —

(a) if —

(i) under the provisions of section 17(5) of the Constitution he is to be regarded as belonging to the Falkland Islands; and

(ii) he is ordinarily resident in the Falkland Islands; or

(b) if —

(i) he has under the provisions of the Immigration Ordinance 1987 been granted a permanent residence permit; and

(ii) he is ordinarily resident in the Falkland Islands.

(2) For the purposes of this Ordinance, a body corporate is to be regarded as being resident in the Falkland Islands —

(a) if it is a statutory corporation created or continued under any Ordinance of the Falkland Islands;

(b) if it is a company incorporated in the Falkland Islands and —

(i) at least seventy-five per cent of its share capital carrying voting rights at general meetings of the company are beneficially owned by individuals who, under the provisions of subsection (1) of this section are to be regarded as being resident in the Falkland Islands; or

(ii) it is for the purposes of the Taxes Ordinance 1997 to be regarded as resident in the Falkland Islands by reason of its central control and management being in the Falkland Islands; or

(c) if it is a company, incorporated outside the Falkland Islands to which section 3(1) of this Ordinance for the time being applies.

(3) For the purposes of subsection (1) of this section, an individual is ordinarily resident in the Falkland Islands if he usually lives in the Falkland Islands.

(4) Her Majesty in right of Her Government of the United Kingdom, as well as in right of Her Government in the Falkland Islands, shall for the purposes of this Ordinance be regarded as being resident in the Falkland Islands and, accordingly, no licence under this Ordinance is required in relation to the acquisition of land in the Falkland Islands by or for any Department, Ministry or other division of Her Majesty's Government in the United Kingdom.

(5) For the purposes of this Ordinance, "land" has the meaning given by section 4(2).

Certain companies doing business in the Falkland Islands to be treated as resident

3.—(1) Subject to this section, there shall be treated as being for the purposes of this Ordinance resident in the Falkland Islands —

(a) every oversea company which on 1st August 1999 was registered pursuant to Part X of the Companies Act 1948 in its application to the Falkland Islands (which, inter alia, requires an oversea company, that is to say a company incorporated outside the Falkland Islands which has established a place of business in the Falkland Islands, to deliver certain documents to the Registrar of Companies for registration); and

(b) any company to which an order under subsection (2) for the time being relates.

(2) The Governor may, by order made under this subsection, provide that there shall be treated as being for the purposes of this Ordinance as being resident in the Falkland Islands, so long as the order continues to apply in respect of it, every company specified by name in that order or falling within a class or category specified in the order.

(3) Any company for the time being holding —

(a) a banking licence granted by the Governor under section 5(1) of the Banking Ordinance 1987; or

(b) a licence granted by the Governor under section 3(2) of the Telecommunications Ordinance 1988,

shall for the purpose of this Ordinance be treated as being resident in the Falkland Islands for so long as that licence is in force (but only in so far as may be necessary to enable it, without a licence granted under this Ordinance, to acquire land (including an interest in land acquired by way of security) reasonably incidentally to the carrying out of its operations pursuant to its first-mentioned licence).

(4) The Governor may by notice published in the *Gazette* declare that section 3(1) shall no longer apply to any company to which that notice relates (but so that the publication of such a notice shall not have effect so as to require such a company to obtain a licence under this Ordinance to enable it to continue lawfully to hold any land it acquired prior to the publication of the notice under this subsection).

(5) The Governor may only publish a notice pursuant to subsection (4) if he is satisfied —

(a) that the company so specified has ceased to be registered pursuant to Part X of the Companies Act 1948 as an oversea company having a place of business in the Falkland Islands; or

(b) that the company so specified is in serious default of its obligations under Part X of the Companies Act 1948; or

(c) that the company so specified is no longer for the purposes of the Taxes Ordinance 1997 carrying on business in the Falkland Islands through a branch or agency; or

(d) that by reason of a change in the beneficial ownership of the company so specified occurring after the enactment of this Ordinance and which he considers to be material, it is not in the general interest to continue to permit the company so specified to acquire land in the Falkland Islands without obtaining a licence under this Ordinance permitting it to do so; and

before publishing such a notice the Governor shall

(i) notify any company which would be affected thereby of his intention to publish that notice and, so far as affects that company, the ground or grounds upon which he intends to publish that notice; and

(ii) afford to any such company a reasonable opportunity of making representations in writing to him; and

(iii) take any such representations he may receive from such a company into account,

but if a notice in respect of a company is published under this section, it may be expressed to have effect retrospective to a date (not being earlier than the date of the notification under paragraph (i)) stated in the notice.

Non-residents to obtain licences to hold land

4.—(1) Subject to this Ordinance, it is unlawful for a person who is neither resident in the Falkland Islands nor under this Ordinance to be treated as being resident in the Falkland Islands to acquire or purport to acquire for his own benefit any land or interest in land in the Falkland Islands.

(2) For the purposes of this section, but subject to subsection (3) —

(a) a person acquires land if he knowingly acquires for his own benefit a freehold or leasehold estate in land or contracts to acquire a freehold or leasehold estate in land whether he does so in his own name alone, jointly with others or through a nominee or trustee of any kind, and whether by or under a trust, settlement, resulting or constructive trust or any other device or arrangement, whether or not of a like or similar nature to any of the foregoing;

(b) “land” includes land wholly or partly covered by water and includes any building or structure forming part of any land and any interest in land;

(c) “interest in land” includes a mortgage, charge or debenture affecting land, any right to occupy land and any equitable interest in land.

(3) Where any land or an interest in land in the Falkland Islands has been acquired by a company and —

(a) at the time of the acquisition the company was by virtue of section 2(2)(b) for the purposes of this Ordinance to be regarded as being resident in the Falkland Islands; but

(b) at a later time while the company still holds that land or interest in land section 2(2)(b) is no longer satisfied in relation to that company,

the company shall be deemed for the purposes of subsection (1) of this section to have acquired that land or interest at that later time (and so that it is unlawful for the company to continue to hold that land or interest in land unless it obtains a licence under section 5 authorising it so to do).

(4) Nothing in subsection (1) applies —

(a) to any lease, agreement, licence or arrangement, other than one involving acquisition of the freehold estate, whereby an individual is entitled for an indefinite period or a fixed period not exceeding three years to the use of land not exceeding two acres in area as his residence, and provided that he does not use any part of that land, or any buildings thereon for the purpose of any trade, business or profession and that he does not part with the possession of the whole or any part thereof to any other person other than a person who is a dependent or bona fide employee of his;

(b) so as to prevent any person who is not resident in the Falkland Islands holding any land upon trust for any person who is resident, and provided that the trust is effected in writing and the identity of the person for whom the land is held is apparent from the face of the trust instrument;

(c) to any contract or option for sale or lease so long as the purchaser or lessee is neither entitled to enter into possession nor actually enters into possession of the land to which it relates, until a licence under section 5 has been obtained;

(d) to any lease, agreement, licence in writing or other instrument under which a person is entitled to occupy for business purposes for not more than twelve months certain any land not exceeding (in aggregate with all other land which the person is entitled to occupy in relation to which no licence under this Ordinance has been obtained, and to which this paragraph applies) five acres in area (and for the purposes of this paragraph, an individual and his spouse are to be deemed to be one person, and any company in which an individual or his spouse or both of them in combination owns more than twenty-five per cent of the share capital carrying voting rights at general meetings of the company is to be deemed to be the same person as that individual, and two or more companies in both or all of which an individual or his spouse or both of them in combination own more than twenty-five per cent of the share capital carrying voting rights at general meetings are to be deemed to be one and the same person).

(5) Section 6 applies where a person who is not for the purposes of this Ordinance resident in the Falkland Islands or to be treated as being resident in the Falkland Islands acquires land in breach of subsection (1) of this section.

(6) Where by virtue of subsection (3) it becomes unlawful for a person to continue to hold land, unless the Governor shall direct otherwise or a licence under section 5 shall have been obtained before the expiration of three months from the date on which the unlawfulness arose, section 6 applies in respect of the land in question.

Licences to hold land or an interest in land in the Falkland Islands

5.—(1) A person who is not resident in the Falkland Islands may apply to the Governor for a licence to hold land in the Falkland Islands, and the Governor may grant such a licence either free of conditions or subject to such conditions to be performed by the licensee as the Governor considers necessary or convenient in the particular circumstances of the case. Any such condition is enforceable by civil proceedings in the Supreme Court brought by or on behalf of Her Majesty in right of Her Government in the same manner (including by an order for specific performance or by an award of damages) as if it had been a condition of a contract for valuable consideration entered into by the licensee with Her said Majesty, but unless it is informed to the contrary by or on behalf of Her Majesty, the court shall proceed on the basis that an award of damages is not a sufficient remedy.

(2) Without prejudice to the generality of the Governor's powers under subsection (1) to impose conditions on the grant of a licence, such powers include power to impose conditions requiring the licensee to carry out such works as may be specified in the licence upon the land the subject of the licence or in the neighbourhood of the land, in so far, in the case of conditions requiring works to be carried out in the neighbourhood of the land, as such works are reasonably incidental to the use the licensee intends to make of the land the subject of the licence.

(3) A condition imposed under subsection (1) shall not require the payment of any sum of money to any person.

(4) A licence granted under subsection (1) shall cease to have effect if the land or interest in land to which it relates if not already owned by the licensee is not acquired by the licensee within three years of the date on which the licence was granted.

(5) Every application for the grant of a licence under subsection (1) shall identify the land or interest in land to which it relates and shall contain such other information as may be prescribed by regulations made under subsection (6).

(6) The Governor may make such regulations as he considers necessary or convenient to be made for the better implementation of the purposes of this section, and without prejudice to the generality of the foregoing provisions of this subsection, such regulations may —

(a) require the payment to the Governor of a fee of such amount as may be prescribed by the regulations on the making, or alternatively upon the granting, of an application for a licence under subsection (1);

(b) require the submission of plans and details of the applicant's proposals in relation to the land to which the application relates;

(c) where the application is a company, require the submission of such information in relation to the constitution of and ownership and control of the company as the Governor may require in connection with the application; and

(d) may enable the registration of conditions of licences under the provisions of the Land Charges Ordinance 1996.

Forfeiture or disposal etc of land unlawfully acquired or held by a non-resident

6.—(1) This section applies where section 4(5) or section 4(6) so provides. It also applies where land is owned by a person who is not resident or to be treated as being resident in the Falkland Islands for the purposes of this Ordinance to whom a licence, in respect of that land, has been granted under section 5 and any condition which remains in force of that licence has not been performed or has been contravened.

(2) Where this section applies in respect of any land, the Governor may serve upon the owner of the land a notice complying with the requirements of subsection (3). Where different persons are each an owner of land in respect of a different interest, separate notices must be served on any of them in respect of whom as the Governor has in mind to take any action under any of the subsequent provisions of this section

(3) A notice under subsection (2) must —

(a) sufficiently identify the land to which it relates;

(b) state why the Governor believes that this section applies in respect of that land;

(c) state that the Governor is considering whether to order the forfeiture of the land pursuant to subsection (5) or whether alternatively to order the compulsory sale of the land pursuant to subsection (6);

(d) state that the Governor will, before making any such order, take into account any representations in writing he may receive from the owner within such period (not being less

than 28 days) as the Governor must specify in such notice or such longer period as the Governor, at the request of the owner, may allow;

(e) state that the Governor must, before making any such order, consider and decide upon any application received from the owner for a licence under section 5 authorising the continued holding of the land by the owner; and

(f) state the effect of subsection (4).

(4) The Governor —

(a) must not make any order pursuant to subsection (5) or (6) before the expiration of the period of time permitted to the owner of the land for the purpose of making written representations to the Governor or without taking any such representations, if made, into account;

(b) before making an order pursuant to subsection (5) (forfeiture of the land without compensation) must first —

(i) consider whether, even if the owner has not made an application for a licence under section 5 of this Ordinance in response to the notice under subsection (2), such a licence ought to be granted to the owner (but this subparagraph does not apply where the relevant notice under subsection (2) of this section was served in consequence of the non-performance or breach by the owner of a condition imposed upon that owner by a licence granted under section 5);

(ii) where the land has been acquired without a licence having been granted under this Ordinance authorising the acquisition of the land by the owner, take reasonable account of the degree of fault or lack of fault of the owner in acquiring the land without having obtained that licence (including whether it was reasonable in the circumstances for the owner to acquire land or an interest in land in the Falkland Islands without, if that be the case, engaging to advise it a legal practitioner who might reasonably be expected to have a sufficient knowledge of the relevant law of the Falkland Islands, including the provisions of this Ordinance, and to have advised the owner of the effect of this Ordinance); and

(iii) consider whether, balancing the general interest of the Falkland Islands, including the need to deter the acquisition of land in breach of the provisions of this Ordinance, and those of the owner, the forfeiture of the land, without payment of compensation would be justified or whether instead, the Governor should not grant a licence pursuant to section 5 of this Ordinance or make an order under subsection (6) of this section (order for compulsory sale by the owner of the land);

(iv) consider whether, if this section applies only because the owner has failed to perform or has contravened a provision of a licence granted under section 5, any other remedy (such as an order of the Supreme Court requiring the owner to remedy the non-performance or breach, whether or not coupled with an order requiring the owner to pay damages in respect of any loss caused by the non-performance or breach) might be a sufficient remedy;

(c) before making an order under subsection (6) (order for compulsory sale by the owner of the land) must first consider the like matters he is required by paragraph (b) to consider, but omitting anything therein which of its nature relates only to an order under subsection (5) (order for forfeiture of the land without payment of compensation).

(5) Subject to the foregoing provisions of this section, where subsection (1) applies in respect of any land, the Governor with the consent of the Secretary of State may by order under this subsection, published in the *Gazette*, declare that that land is, so far as it belongs to the relevant owner, forfeit to Her Majesty the Queen in right of Her government of the Falkland Islands, without compensation, and on such publication that land so far as it so belongs is vested in Her Majesty accordingly.

(6) Subject to the foregoing provisions of this section, where subsection (1) applies in respect of any land, the Governor may by order, published in the *Gazette*, require that the land, so far as it belongs to the relevant owner, must be sold by that owner, within such time, not being less than six months, as is specified in that order, or such greater period as the Governor may on the application of that owner allow. Where an order under this subsection is made in consequence of the failure of the owner to perform any condition imposed pursuant to section 5(1) subject to which a licence was granted to that owner, the Governor may in the order require that the sale shall be subject to such conditions (being conditions intended to require the purchaser to perform or observe obligations corresponding with the conditions contained in the licence) as he sees fit and any conditions specified in the order for that purpose shall be binding on a purchaser whether or not the owner imposes them upon the purchaser.

(7) Where an order has been made under subsection (6) and the relevant owner fails without reasonable excuse to comply with that order within the time limited by that order or such greater period as the Governor may allow, the Governor may revoke that order and with the consent of the Secretary of State replace it with an order made by him under subsection (5).

(8) Except where this section applies by reason of the non-performance or breach of a condition imposed in a licence granted under section 5 to the relevant owner, and an order to which subsection (5) or subsection (6) relates is not made, instead of making an order under either of those subsections the Governor may grant a licence to the relevant owner under section 5 and may in relation to the grant of that licence exercise any of the powers he has under that section. The provisions of this Ordinance (including the provisions of this section) shall apply to and in relation to any licence granted pursuant to this subsection as if that licence had been granted pursuant to an application under section 5(1).

(9) The Governor may by instrument under his hand and registered in the Deeds Registry maintained pursuant to the Lands Ordinance disclaim in favour of the person or persons named in the instrument any land or interest in land which vests in Her Majesty only by virtue of an order made under subsection (5). The effect of any such disclaimer is to vest in or transfer the land or interest in land specified in the instrument to that person or those persons. The Governor's power under this subsection includes power to disclaim the land or interest in favour of its former owner if that person has, by the time of the disclaimer, obtained a licence under section 5 in respect of the land or interest in land concerned.

Inheritance of land under will or intestacy

7.—(1) Subsections (2) to (5) of this section apply subject to subsection (6).

(2) Notwithstanding the preceding provisions of this Ordinance, and subject to this section, a licence is not required by a non-resident person to hold land in the Falkland Islands which he inherits or which becomes his property under or by virtue of the will or intestacy of his predecessor in title but he shall, if he has not previously disposed of his whole right title and interest in and to the land ("his ownership of the land"), and he is not then resident in the Falkland Islands, apply for a licence under section 5(1) not later than the third anniversary of the date on which the land vested in or was transferred to him and if such a licence is not granted within three months after such third anniversary or has not previously been granted to him in respect of that land, he shall dispose of his ownership of the land within the twelve months next following the expiry of such three months.

(3) Where a person does not dispose of his ownership of the land which he is required to dispose of by the provisions of subsection (2) within the time thereby limited or such greater period of time as may be allowed by the Governor under subsection (4), his ownership of the land shall on expiry of that time vest in Her Majesty in right of Her Government of the Falkland Islands, and subsection (5) shall apply in relation to the land, the proceeds of sale of the land and the profits of the land pending sale.

(4) The Governor may at any time before the expiry thereof extend the time within which a person would otherwise be required under subsection (2) to dispose of his ownership of the land.

(5) Where land has vested in Her Majesty under subsection (3) —

(a) and the land has vested in Her Majesty for any estate or interest less than the estate in fee simple absolute in possession, or in the opinion of the Governor the ownership of the land would, by reason of onerous obligations imposed by a predecessor in title which may be binding upon Her Majesty, be contrary to Her Majesty's interests, the Governor may at any time by notice in writing disclaim the same, whereupon the estate or interest of Her Majesty in the land shall vest in and merge with the estate or interest in the land immediately superior to that of Her Majesty, or if none, with the estate or interest in the land immediately inferior to that of Her Majesty; but

(b) unless the Governor disclaims the land under paragraph (a) he shall cause the same to be sold as soon as reasonably possible at the best price reasonably obtainable from a person resident in the Falkland Islands (provided that he shall have power, without liability for loss, to postpone the sale for so long as in his opinion is reasonably and prudently necessary so as to realise a proper price from a person resident in the Falkland Islands) and shall pay the price received and the profits (if any) of the land pending sale received by Her Majesty, less the reasonable costs of and incidental to such sale and the reasonable cost of management of the land pending sale (including the cost of repairs, maintenance and insurance), to the person from whom the land was divested under subsection (2).

(6) Nothing in this Ordinance which would require a non-resident to hold a licence to acquire land applies, and nothing in subsections (2) to (5) of this section applies, to an interest in land consisting of a share in partnership which owns land if —

(a) the partnership is one or a continuation of one to which the Companies and Private Partnerships Ordinance applied immediately before the commencement of this Ordinance, and

(b) the share in the partnership is acquired by the non-resident under or by virtue of the terms of a will or intestacy of a prior owner of that share in the partnership.

(7) The Attorney General may apply to the Supreme Court for a declaration that the land described in the application has vested in Her Majesty under subsection (3) of this section and the Supreme Court may grant such a declaration and make such order incidental thereto as it thinks fit.

Breach of conditions of licence

8.—(1) Without prejudice to section 6, a person commits an offence who knowingly and wilfully breaches or fails without reasonable excuse (the proof of which lies upon him) to perform any condition of a licence granted under this Ordinance.

(2) A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding the maximum of level 10 on the standard scale.

(3) A condition of a licence is enforceable at the suit of the Crown by injunction or order for specific performance against the licensee and any successor in title of his to the land.

Rules of court

9. The power to make rules of the Supreme Court under section 69 of the Administration of Justice Ordinance shall include power to make rules of court relating to the practice and procedure of the Supreme Court in relation to proceedings for enforcement of a condition of a licence under section 5(1) of this Ordinance.

Repeals and saving

10.—(1) The Aliens Ordinance, in so far as not previously repealed, and the Land (Sub-division for Non-residents) Ordinance 1985 are repealed.

(2) Notwithstanding the repeals effected by subsection (1), any licence granted under either of the Ordinances thereby repealed, and being a licence to acquire or hold land in the Falkland Islands, which was in force immediately before the commencement of this Ordinance shall continue to have effect as if it had been granted under section 5 of this Ordinance and any conditions of the licence shall be enforceable under section 5(1) as if they had been imposed under the provisions of this Ordinance.

Passed by the Legislature of the Falkland Islands this 30th day of October 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

Taxes (Amendment)(No 2) Bill 1999

(No: of 1999)

ARRANGEMENT OF PROVISIONS

Clause

1. Short title, commencement and interpretation
2. Rates of tax for individuals
3. Reduction in earned income relief

TAXES (AMENDMENT) (NO 2) BILL 1999

A BILL

for

AN ORDINANCE

To amend the Taxes Ordinance 1997

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

Short title, commencement and interpretation

1.—(1) This Ordinance may be cited as the Taxes (Amendment) (No 2) Ordinance 1999.

(2) This Ordinance shall come into force on 1st January 2000.

(3) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997(a).

Rates of tax for individuals

2.—(1) For paragraph (a) of section 10 of the 1997 Ordinance (rates of tax on income of individuals) there shall be substituted —

“(a) in the case of any person other than a company —

(i) on the first £22,000 of his chargeable income, at 20 per cent;

(ii) on the next £13,000, at 25 per cent; and

(iii) on the remainder, at 40 per cent.

(2) Subsection (1) shall apply in relation to income which is chargeable to tax for the year of assessment 2001 and subsequent years.

(a) No 14 of 1997

Reduction in earned income relief

3.—(1) In section 15(1) of the 1997 Ordinance (deduction of 15% of earned income from chargeable income) for “15 per cent” there shall be substituted “10 per cent”.

(2) Subsection (1) shall apply in relation to income which is chargeable to tax for the year of assessment 2001 and subsequent years.



**THE
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Supplement**

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The following are published in this Supplement -

Immigration Ordinance 1999;

Taxes (Amendment) (No. 2) Ordinance 1999;

Supplementary Appropriation (1999-2000) (No. 2) Ordinance 1999;

Embarkation Tax Regulations 1999, (S.R. & O. No. 34 of 1999);

Payments on Account of Tax (Amendment) Regulations 1999, (S.R. & O. No. 35 of 1999).

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Immigration Ordinance 1999

(No: 15 of 1999)

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ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

IMMIGRATION ORDINANCE 1999

(No. 15 of 1999)

(assented to: 14 December 1999)

(commencement: 1st January 2000)

(published: 22 December 1999)

AN ORDINANCE

To repeal and replace the Immigration Ordinance (Title 52.2)

ENACTED by the Legislature of the Falkland Islands as follows —

PART I INTRODUCTORY

Short title and commencement

1. This Ordinance may be cited as the Immigration Ordinance 1999 and shall come into force on 1st January 2000.

Interpretation

2.—(1) For the purposes of this Ordinance, except in so far as the context otherwise requires —

“aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;

“captain” means master (of a ship) or commander (of an aircraft) and includes, where the context so admits, the person appearing for the time being lawfully to be in charge of the operation of the ship or aircraft concerned;

“Certificate of Falkland Islands Status” means a certificate issued under section 38;

“the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

“claim for asylum” means a claim made by a person (whether before or after the coming into force of this Ordinance) that it would be contrary to the United Kingdom’s obligations in relation to the Falkland Islands under the Convention for him to be removed from, or required to leave, the Falkland Islands;

“crew” in relation to a ship or aircraft, means all persons actually employed for reward under a contract of service in the working or service of a ship or aircraft, including the captain, and “crew” is to be construed accordingly;

“dependant”, in relation to an applicant for, or holder of a permit or an applicant for leave to enter the Falkland Islands means a person who is the first-named person’s spouse (whether or not financially reliant on the first-named person), dependent child, or dependent relative;

“dependent child”, in relation to an applicant or holder means a child or legally adopted child of the applicant or holder or the applicant’s or holder’s spouse if the child —

(a) is under the age of eighteen years;

(b) is single; and

(c) totally or substantially reliant on the applicant or holder or the applicant’s or holder’s spouse for financial support;

“disembark”, without prejudice to subsection (2), means disembark from a ship or aircraft, and “embark” means embark in a ship or aircraft;

“entrant” means a person entering or seeking to enter the Falkland Islands, and “illegal entrant” means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes a person who has so entered;

“Falkland Islander” means a person who has Falkland Islands status by virtue of section 17(5) of the Constitution (and therefore includes a person who has obtained such status by the grant to him of such status under an Ordinance enacted for that purpose);

“functions” means powers and duties;

“holder”, in relation to a permit issued under this Ordinance, means the person to whom the permit was issued;

“immigration laws” means this Ordinance and any subsidiary legislation made thereunder and any law for purposes similar to this Ordinance which is for the time being or has (before or after the passing of this Ordinance) been in force in the Falkland Islands;

“legally adopted” means adopted in pursuance of an order made by any court in the Falkland Islands, the United Kingdom, the Channel Islands or the Isle of Man or by any order specified as an overseas adoption by order under section 7(2) of the Adoption Act 1976;

“medical inspector” means the Chief Medical Officer, any Government Medical Officer and any other person appointed by the Governor to be a medical inspector for the purposes of this Ordinance;

“permanent residence permit” means a permit issued under section 18;

“prohibited person” means —

(a) a person in respect of whom a deportation order is for the time being in force;

(b) any person who, at the time of his entry or attempted entry into the Falkland Islands, is unable to show that he has the means of supporting himself and his family and dependants or that he has definite employment, in respect of which he has been granted a work permit, or who appears likely to be or become a charge upon public funds;

(c) any person —

(i) who refuses to submit to an examination by a medical inspector;

(ii) who is certified by a medical inspector to be suffering at a relevant time from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render his presence in the Falkland Islands a danger to the community or which is a prescribed disease;

(iii) who is certified by a medical inspector to be suffering at a relevant time from a mental disorder of a kind such that, in the opinion of the medical inspector, his presence in the Falkland Islands would constitute a danger to the community,

and for the purposes of (i) and (ii) “relevant time” means at the time of consideration of any application by the person for a permit or the time of the person’s entry or attempted entry into the Falkland Islands; or

(d) who belongs to a category of persons for the time being notified by the Governor to the Principal Immigration Officer as a category members of whom are prohibited persons;

“repealed Ordinance” means the Immigration Ordinance (Title 52.2)

“residence permit” means a permit issued under section 16;

“temporary work permission” has the meaning given by section 12(2);

“ship” includes every description of vessel used in navigation;

“spouse” in relation to an applicant for a permit or a visa means the wife or husband of the applicant or holder or a person of the opposite sex to that of the applicant or holder who habitually forms part of the applicant’s or holder’s household and lives with him or her in a relationship analogous to that of wife or husband;

“visitor’s permit” means a permit issued under section 11; and

“work permit” means a permit issued under section 17.

(2) Except in so far as the context otherwise requires, references in this Ordinance to arriving in the Falkland Islands by ship extend to arrival by any floating structure, and “disembark” is to be construed accordingly; but the provisions of this Ordinance specially relating to the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.

(3) For the purposes of this Ordinance, a public officer or other servant of the Crown in right of the Government of the Falkland Islands is to be regarded as being employed by the Crown.

(4) This Ordinance shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of her prerogative.

Appointment of Principal Immigration Officer, immigration officers and medical inspectors

3.—(1) The Governor shall appoint a public officer to be the Principal Immigration Officer and may appoint other persons to be immigration officers, provided that the person who immediately before the commencement of this Ordinance held office as Principal Immigration Officer under the provisions of the repealed Ordinance and all persons who immediately before the commencement of this Ordinance held office as immigration officers shall continue to hold office as such, and may be removed from that office, as if he had been appointed under this subsection.

(2) Every customs officer and every police officer is to be deemed to have been appointed to be an immigration officer and may, subject to any contrary direction given to him by the Principal Immigration Officer, exercise any function conferred upon immigration officers under the immigration laws.

(3) The Principal Immigration Officer, with the assistance of all immigration officers, is responsible to the Governor for the administration of the immigration laws and the performance of all functions thereunder save in so far as they fall to be administered or performed by the Governor.

(4) The Principal Immigration Officer may perform any function conferred by the immigration laws on an immigration officer and —

(a) any immigration officer may, with the authority of the Principal Immigration Officer, perform any function conferred by the immigration laws on the Principal Immigration Officer;

(b) where the context so admits, references in any subsequent provision of this Ordinance to the Principal Immigration Officer include a reference to any immigration officer performing any function conferred by this Ordinance on the Principal Immigration Officer.

(5) The Principal Immigration Officer and every immigration officer in performing any function under this Ordinance must —

(a) avoid bias and be impartial and avoid discrimination on the basis of a person's race, sex, religion or political opinion;

(b) distinguish fact from opinion, rumour, allegation, assumption or report;

(c) consider only those matters which are relevant to the exercise of the function; and

(d) inform the applicant, and where required by this Ordinance, in writing, of the reasons for any decision he makes.

(6) The Governor may appoint any person, whether resident in the Falkland Islands or overseas, who is qualified to be registered as a medical practitioner under the Medical Practitioners Ordinance to be a medical inspector for the purposes of this Ordinance.

PART II
REGULATION OF ENTRY INTO AND STAY IN THE FALKLAND ISLANDS
General

General principles

4. —(1) A person has a right of abode in the Falkland Islands if —

(a) he is a Falkland Islander; or

(b) he is the holder of a permanent residence permit,

and such a person is, subject to the laws of the Falkland Islands, free to live in, take employment in or engage in any trade, business profession or vocation in, and to come and go into and from, the Falkland Islands without let or hindrance except such as may be permitted under this Ordinance to enable his right to be established or as may be otherwise lawfully imposed on any person having such a right.

(2) Any person not having that right may live, work and settle in the Falkland Islands by permission and subject to such regulation and control of his entry into, stay and departure from the Falkland Islands as is imposed by this Ordinance.

General provisions for regulation and control

5.—(1) Except as otherwise provided by or under this Ordinance, where a person does not have the right of abode in the Falkland Islands —

(a) he must not enter the Falkland Islands unless given leave to do so in accordance with this Ordinance;

(b) he may be given leave to enter the Falkland Islands (or, when already there, leave to remain in the Falkland Islands) either for a limited or for an indefinite period.

(2) Except as provided by section 9 (seamen etc), section 15 (refugees etc) and paragraphs 12 (1) and 21(1) of Schedule 2, leave is to be granted by way of visitor's permit, residence permit, work permit or permanent residence permit or by way of extension of a residence permit, visitor's permit or work permit.

(3) Permission to enter or remain in the Falkland Islands must not, without the Governor's consent, be granted to a prohibited person or, where a person requires a visa to enter the Falkland Islands, to a person who does not hold a visa.

(4) The Governor may by Order exempt any person or class of persons, either conditionally or subject to such conditions as may be imposed by or under the Order, from all or any of the provisions of this Ordinance relating to those who are not Falkland Islanders.

(5) An Order under subsection (4) may, as regards any person or class of persons to whom it applies, provide for that person or class in specified circumstances to be regarded (notwithstanding the Order) as not subject to immigration control.

(6) A person who is not a Falkland Islander is liable to deportation from the Falkland Islands —

(a) if his permit to remain in the Falkland Islands, or leave granted pursuant to section 15, is revoked or has expired without its validity having been extended or renewed so as to remain valid at the time in question;

(b) if he does not observe a condition or restriction subject to which his permit or such permission was granted;

(c) if he is a prohibited person;

(d) if in connection with the grant to him, or the extension or renewal, of his permit he has given any information which is false or misleading in any material particular or has withheld any fact which he was required to disclose;

(e) if, after attaining the age of eighteen years, he is convicted of an offence punishable by imprisonment for six months or more and a court empowered to do so recommended that he be deported;

- (f) if the Governor considers that his deportation would be conducive to the public good;
- (g) if another person to whose family he belongs is or has been ordered to be deported; or
- (h) if he is an illegal entrant to the Falkland Islands; or
- (i) his presence in the Falkland Islands is unlawful.

(7) When any question arises under this Ordinance as to whether or not a person is a Falkland Islander or is entitled to the benefit of any exemption under this Ordinance, it lies on the person asserting it to prove that he is.

(8) A person seeking to enter the Falkland Islands and claiming to have the right of abode there must prove that he has that right by —

(a) producing a passport or other travel document containing an endorsement to the effect that he has the right of abode in the Falkland Islands;

(b) producing a certificate of Falkland Islands status relating to him;

(c) producing a passport containing an endorsement to the effect that he is the holder of a permanent residence permit; or

(d) otherwise satisfying an immigration officer at his point of entry that he is a Falkland Islander or is the holder of a permanent residence permit which has not been revoked.

(9) Notwithstanding paragraph (c) of subsection (8), an immigration officer may refuse permission to enter the Falkland Islands to the person concerned if the officer is satisfied that the permanent residence permit has been revoked.

(10) A person who fails to satisfy an immigration officer at the point of entry that he has a right of abode in the Falkland Islands may, subject to this Ordinance, be granted leave to enter the Falkland Islands, but subject to this Ordinance no person is entitled to such leave as of right.

(11) All persons require a visa to enter the Falkland Islands except —

(a) persons having the right of abode in the Falkland Islands;

(b) persons travelling on a passport issued by an international organisation or national authority specified in Part 1 of Schedule 1; and

(c) persons exempted by virtue of some provision of Part 2 of Schedule 1.

Subject to any regulations made under section 40, a visa may be issued by or with the authority of the Principal Immigration Officer and may be issued before a person's arrival in the Falkland

Islands or at the time of or subsequent to such arrival. A visa may be issued so as to be valid on a single occasion, a specified number of occasions or generally within the period specified in it but does not itself constitute leave to enter or remain in the Falkland Islands.

(12) The Governor may amend Schedule 1 by Order under this subsection.

(13) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands, shall not, except by authority of the Governor granted in the circumstances of the particular case or unless he holds a permit, be permitted to enter the Falkland Islands.

Administration of control

6.—(1) The provisions of Schedule 2 to this Ordinance have effect with respect to —

(a) the powers of immigration officers and medical inspectors for the purposes of this Ordinance;

(b) the examination of persons arriving in or leaving the Falkland Islands by ship or aircraft;

(c) the exercise by immigration officers of their powers in relation to entry into the Falkland Islands, and the removal from the Falkland Islands of persons refused leave to enter or entering or remaining unlawfully; and

(d) the detention of persons pending examination or pending removal from the Falkland Islands,

and for other purposes supplementary to the foregoing provisions of this Ordinance.

Deportation

Procedure for, and further provisions as to, deportation

7.—(1) Where a person is under section 5(6) liable to deportation, subject to this Ordinance the Governor may make a deportation order against him, that is to say an order requiring him to leave and prohibit him from entering the Falkland Islands; and a deportation order against a person has the effect of invalidating any permit to enter or remain in the Falkland Islands given to him before the order is made or while it is in force.

(2) A deportation order against a person may be revoked by a further order of the Governor, and ceases to have effect if the person acquires Falkland Islands status.

(3) A deportation order must not be made against a person as belonging to the family of another person if more than six months have elapsed since the other person left the Falkland Islands after the making of the deportation order against him; and a deportation order made against a person on that ground ceases to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.

(4) For the purposes of deportation the spouse of the person and any children under the age of eighteen of the person or his spouse are to be regarded as members of the person's family.

(5) For the purposes of subsection (4) an adopted child, whether legally adopted or not, may be treated as the child of the adopter; and, if legally adopted, is to be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as to adoptions) is to be regarded as the child only of its mother and where a person has more than one spouse "spouse" includes each of two or more spouses.

(6) Nothing in this section or in section 5(6) (g) has effect so as to enable a deportation order to be made in respect of a person who is a Falkland Islander.

Recommendations by court for deportation

8.—(1) Where under section 5(6)(e) a person convicted of an offence is liable to deportation on the recommendation of a court, he may be recommended for deportation by any court having power to sentence him for the offence unless the court commits him to be sentenced or further dealt with for that offence by another court.

(2) A court must not recommend a person for deportation unless he has been given not less than seven days notice in writing stating that he is not liable to deportation if he is a Falkland Islander, describing the persons who are Falkland Islanders and stating (so far as material) the effect of section 5(6); but the court has power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under this subsection or, if a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) For the purpose of section 5(6)(e) —

(a) a person is to be deemed to have attained the age of eighteen at the time of his conviction if, on consideration of any available evidence, he appears to have done so to the court making or considering a recommendation for deportation; and

(b) the question whether an offence for which a person is punishable by imprisonment is to be determined without regard to any enactment restricting the imprisonment of young offenders or persons who have not previously been sentenced to imprisonment);

and for the purposes of deportation a person who on being charged with an offence is found to have committed it, notwithstanding any enactment to the contrary and notwithstanding that the court does not proceed to conviction, is to be regarded as a person convicted of the offence, and references to conviction are to be construed accordingly.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made in respect of an offender who is sentenced to imprisonment for life.

(5) Where a court recommends or purports to recommend a person for deportation, the validity of the recommendation is not to be called into question except on an appeal against the recommendation or against the conviction in respect of which it is made, but the recommendation is to be treated as a sentence for the purpose of any enactment providing an appeal against sentence.

(6) A deportation order must not be made on the recommendation of a court so long as an appeal or further appeal against the recommendation or against the conviction in respect of which it is made; and for this purpose an appeal or further appeal is to be treated as pending (when one is competent but has not been brought) until the expiration of twenty-eight days from the date of the recommendation.

(7) Nothing in this section or in section 5(6) (e) is to be construed as detracting from the Governor's power to make a deportation order against a person where he considers that doing so would be conducive to the public good and, in particular, where he is of that view partly or wholly because of the commission by the person concerned of an offence of which he has been convicted but the court has not made, or had no power to make, a recommendation that the person be deported or such a recommendation has been quashed on appeal or further appeal. However where the Governor reaches the view that a person's deportation would be conducive to the public good partly or wholly because of the commission of an offence of which the person has been convicted, he must not make a deportation order in consequence of that view during such time as, by virtue of subsection (6), an appeal against the conviction is to be treated as pending.

(8) The provisions of Schedule 3 shall have effect with respect to the removal from the Falkland Islands of persons against whom deportation orders are in force and with respect to the detention or control of persons in connection with deportation.

Leave to enter in special cases

Seamen, aircrew, members of Her Majesty's armed forces, members of visiting forces and their families and other special cases

9.—(1) Where a person arrives, not being a person who has Falkland Islands status or holds a permanent residence permit or residence permit, at a place in the Falkland Islands as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless —

(a) there is in force a deportation order made against him;

(b) he is a prohibited person;

(c) he has at any time been refused permission to enter the Falkland Islands and has not since then been given leave to enter or remain in the Falkland Islands; or

(d) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Ordinance and grants a period of leave under paragraph 12(1) of that Schedule;

he may enter the Falkland Islands and remain until the departure of the ship or aircraft on which he is required by his engagement to depart.

(2) Subsection (1) has effect without prejudice to paragraphs 12 to 15 of Schedule 2 to this Ordinance.

(3) Subject to subsection (4), the provisions of this Ordinance relating to those who are not Falkland Islanders shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964 ("the 1964 Act")), a member of a person who is a member of the family and forms part of the household of such a member, or a person entitled to the like immunity from jurisdiction as is conferred by the 1964 Act on a diplomatic agent.

(4) In the case of a member of a mission other than a diplomatic agent (within the meaning of the 1964 Act) subsection (3) shall apply only if he enters or has entered the Falkland Islands —

(a) as a member of that mission; or

(b) in order to take up a post as such a member which was offered to him before his arrival;

and references in that subsection to a member of a mission shall be construed accordingly.

(5) Subject to subsection (6), the provisions of this Ordinance relating to those who do not have Falkland Islands status shall not apply —

(a) to the Governor or any person in the service in a civil capacity of Her Majesty in right of Her Government of the United Kingdom entering or remaining in the Falkland Islands for the purposes of the performance of his duties;

(b) to any member of Her Majesty's armed services;

(c) any dependant of a person to whom paragraph (a) or (b) applies.

(6) Except in relation to employment by or service to Her Majesty in right of Her Government of the United Kingdom, subsection (5) does not have effect so as to exempt any person to whom it applies from any provision of section 17 (requirement to have a work permit) which applies to him.

Construction of references to entry, etc.

Construction of references to entry and other phrases relating to travel

10.—(1) A person arriving in the Falkland Islands by ship or aircraft is for the purposes of this Ordinance to be deemed not to enter the Falkland Islands unless or until he disembarks, and on

disembarkation at a port is to be deemed not to enter the Falkland Islands so long as he remains in such area (if any) at the port as may be approved for this purpose by the Principal Immigration Officer; and a person who has not otherwise entered the Falkland Islands is to be deemed not to do so so long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Ordinance.

(2) A person who enters the Falkland Islands lawfully by virtue of section 9(1), and seeks to remain beyond the time limited by section 9(1), shall be treated for the purposes of this Ordinance as seeking to enter the Falkland Islands.

Visitors permits

Visitors permits

11.—(1) A visitor's permit may, subject to this section, be issued by an immigration officer and grants leave to the holder —

(a) to enter the Falkland Islands;

(b) to remain in the Falkland Islands during the period specified in the permit or such longer period as results from any extension granted pursuant to subsection (6).

A visitor's permit may not be granted to a person if the purpose of his visit is to engage in any activity mentioned in subsection (8) of this section and not permitted by section 12(1).

(2) A visitor's permit ceases to be valid —

(a) on its being revoked;

(b) on the expiry of the period for which the holder is authorised thereunder to remain in the Falkland Islands; or

(c) on the holder leaving the Falkland Islands,

whichever first occurs.

(3) Subject to subsection (4), an immigration officer may issue or extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period not exceeding one month from the date of his entry into the Falkland Islands. An immigration officer if so authorised by the Principal Immigration Officer in the particular case may extend or further extend a visitor's permit so as to authorise the holder to remain in the Falkland Islands for a period expiring not later than twelve months from the date of the person's entry into the Falkland Islands.

(4) An immigration officer shall not without the consent of the Governor issue a visitor's permit or grant an extension of a visitor's permit —

(a) to a prohibited person;

(b) to a person to whom a deportation order relates;

(c) to a person whose residence permit or work permit has within the past five years been revoked;

(d) if the effect of issuing or granting it would be to permit the holder, after taking into account any period in which he has remained in the Falkland Islands under the authority of any previous visitor's permit granted to him, for a period exceeding twelve months in any consecutive period of twenty-four months;

(e) unless he is satisfied that the holder —

(i) has or has available to him sufficient financial resources to maintain him, without taking employment or carrying on business, during his proposed stay in the Falkland Islands;

(ii) has or is likely to have accommodation available to him for the duration of his proposed stay;

(iii) has made, (or has or will have, without taking employment or carrying on business, sufficient funds available to him to make), arrangements for his onward or return travel to a destination in a country or territory which will permit him entry ("his ultimate destination") and that he will be permitted to enter any country or territory in transit to that destination or any necessary intermediate destination at or in which he may need to land en route to his ultimate destination;

(5) Subject to subsections (1) and (4), an immigration officer may grant a visitor's permit —

(a) to a person who is outside the Falkland Islands;

(b) to a person who has disembarked or is about to disembark and is seeking leave to enter the Islands and who is not the holder of any other permit authorising him to do so;

(c) to a person whose entry into the Falkland Islands was permitted under section 9 and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that section;

(d) to a person who is the holder of a residence permit or work permit and who wishes to remain in the Falkland Islands after his presence in the Falkland Islands ceases to be permitted by that permit or

(e) to a person whose entry into the Falkland Islands was lawful by reason of section 14 (entry in emergency) and who wishes to remain in the Falkland Islands longer than he is permitted to do so by that section.

(6) Subject to subsection (4), an immigration officer may extend the period of validity of a visitor's permit.

(7) The Governor may authorise an immigration officer to issue, extend or further extend a visitor's permit where by virtue of subsection (4)(c) or (d) the immigration officer would otherwise be prohibited from doing so.

(8) Except as permitted by section 12 or 13, the holder of a visitor's permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(9) A person who remains in the Falkland Islands after a visitor's permit granted to him ceases to be valid is unlawfully present in the Falkland Islands unless his continued presence in the Falkland Islands is authorised under some other provision of this Ordinance.

(10) An immigration officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Employment of holder of a visitor's permit

12.—(1) The holder of a visitor's permit shall be deemed not to be in breach of section 11(8) by anything bona fide done —

(a) —

(i) in fulfilment of his functions as a member of the board of any company or other corporation and which an employee of that company or corporation who is not a member of the board cannot do;

(ii) for or on behalf of a client in the capacity as a legal, medical, dental or other professional adviser or consultant or as an advocate before any court or tribunal, provided that he does so, in any case to which this paragraph applies, pursuant to a contract for services made before his entry into the Falkland Islands;

(iii) in relation to the repair, maintenance, servicing, installation or removal of any apparatus or equipment pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(iv) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands;

(v) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands;

(vi) as an actor, musician or other entertainer pursuant to a contract made with him or his employer before his entry into the Falkland Islands;

(vii) as an artist, provided he establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands;

(viii) by any person engaged in business overseas or by the directors, executives or other authorised representatives of any overseas company or body in business consultations or negotiations in the Falkland Islands concerning the establishment, expansions or winding up of any business enterprise in the Falkland Islands or any matter relating thereto or in consultations or negotiations with the Government or any statutory corporation,

so long as he does not remain in the Falkland Islands for a period or periods aggregating three months or more in any consecutive period of twelve months;

(b) by way of official business in the service of the government of any country or of any intergovernmental or international organisation that is for the time being entitled to any privileges or immunities by virtue of any written law of the Falkland Islands.

(2) Subject to subsection (3), the Principal Immigration Officer may grant permission to the holder of a visitor's permit to work (that is to say, to do anything that would otherwise be prohibited by section 11(8)). A permission granted under this subsection is hereafter called a "temporary work permission" and may be granted without conditions or subject to such conditions as the Principal Immigration Officer may consider expedient.

(3) A temporary work permission shall not be granted —

(a) unless the Principal Immigration Officer is satisfied —

(i) that there is no person resident in the Falkland Islands who is suitable and available to do the work to which the temporary work permission relates; and

(ii) that the person to whom the permission is granted is satisfactorily accommodated and will be satisfactorily accommodated throughout the duration of the permission;

(b) so as to be valid —

(i) for a period of greater than three months from the date of its issue; or

(ii) for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permission, would or might exceed three months in any consecutive period of twelve months.

(4) Without prejudice to the generality of the Principal Immigration Officer's powers on the grant of a temporary work permission to impose conditions, such conditions may include conditions to be complied with by the employer of the holder of the permission, including

conditions as to the minimum remuneration and other terms of employment of the holder of the permission.

(5) The holder and employer of the holder of a temporary work permission shall each comply with such of the conditions of a temporary work permission as fall to be complied with by them respectively.

(6) The Principal Immigration Officer may at any time revoke a temporary work permission or vary it. The power to vary such a permission includes power to vary its period of validity, power to impose new conditions and power to vary or revoke any existing condition of the permission.

(7) For the sake of avoidance of doubt it is hereby declared that the revocation of a visitor's permit or the making of a deportation order in respect of the holder of a visitor's permit has effect to revoke any temporary work permission granted to him under this section.

(8) The Principal Immigration Officer shall if so requested by a person to whom any decision of his under any provision of this section relates inform that person in writing of the reason for that decision.

Temporary work permission for students and young people

Special provisions in relation to the employment of students and young people

13.—(1) Subject to the variations specified in subsection (2) of this section, section 12 applies in relation to the grant of temporary work permission to young persons in relation to their employment in the Falkland Islands under any scheme recognised by the Governor.

(2) The variations referred to in subsection (1) of this section are —

(a) section 12(3)(a)(i) does not apply;

(b) section 12(3)(b) does not apply; and

(c) the Principal Immigration Officer's powers under section 12(4) and (6) include powers to impose, vary and revoke conditions in relation to the welfare of the holder of the permission.

(3) In this section "young person" means a person under the age of twenty-five years.

Entry in emergencies and by refugees

Entry in emergency

14.—(1) A person who enters the Falkland Islands by reason of Act of God or force majeure and who is not otherwise permitted to enter the Falkland Islands does not enter the Falkland Islands unlawfully but, subject to subsection (3), unless before the expiry of seven days from the time of his entry leave has been granted to him under this Ordinance authorising him to remain in the Falkland Islands his continued presence in the Falkland Islands then becomes unlawful and he may thereafter be treated as an illegal entrant but he shall not be so treated at any time after he

has been granted leave to remain in the Falkland Islands, whether granted before or after the expiration of that seven days.

(2) Subject to subsection (3), a person who enters the Falkland Islands in the circumstances mentioned in subsection (1) must as soon as reasonably possible, and in any event within forty-eight hours of his entry, attend at Stanley police station and report his presence and the place at, and circumstances in, which he entered the Falkland Islands.

(3) In the case of a person who is brought into the Falkland Islands to receive urgent medical attention in respect of injury or illness, the foregoing subsections apply with the following modifications —

(a) in subsection (1) the words “or before his discharge from hospital, whichever is the later” are added immediately after the words “the expiry of seven days from the time of his entry”;

(b) in subsection (2) the words “ the Chief Medical Officer or some other public officer acting for him must immediately upon the admission of ” are inserted immediately before the words “a person”, the words from “must” up to and including the words “Stanley police station and” are omitted and the words “to the Principal Immigration Officer ” are inserted at the end of the subsection.

Refugees etc.

15.—(1) If a person (“the claimant”) —

(a) makes a claim for asylum;

(b) otherwise claims that on humanitarian grounds it would be unconscionable to take action to require him to leave the Falkland Islands,

subject to subsection (2), he may not be removed from or required to leave the Falkland Islands until notice is given to him by or on behalf of the Governor of the decision on his claim.

(2) Nothing in subsection (1) applies so as to prevent —

(a) the extradition of the claimant pursuant to an order made under the Extradition Act 1989;

(b) the claimant being removed from or required to leave the Falkland Islands pursuant to an order under this Ordinance made before, or intention to make which was notified pursuant to this Ordinance before, that person made a claim of a kind mentioned in subsection (1); or

(c) the claimant if he is a person in respect of whom an unrevoked deportation order has previously been made and implemented being removed from or required to leave the Falkland Islands.

(3) Where a claim to which subsection (1) relates is made the public officer to whom such claim is made or first notified shall inform the Principal Immigration Officer forthwith of that claim with such particulars of the grounds and circumstances of it as are known to him and the Principal Immigration Officer shall —

(a) inform the Governor of it;

(b) grant leave to the claimant and any dependants of his accompanying him to remain in the Falkland Islands until the claimant is notified by or on behalf of the Governor of the Governor's decision in relation to that claim and may grant (and at any time thereafter revoke) permission to the claimant (and, if he sees fit one or more of his dependants) subject to such conditions as the Principal Immigration Officer notifies to take employment in the Falkland Islands.

(4) On receiving information pursuant to subsection (3) the Governor —

(a) shall cause the claim to be investigated in such manner and by such person or persons as he directs and a report to be made to him in writing by that person or persons in respect of such investigation;

(b) in a case to which paragraph (a) of subsection (1) relates may give such directions (which shall be complied with) as appear to him to be necessary to ensure that the obligations under the Convention in relation to the claimant, and any accompanying dependants of his, whether or not related to or connected with immigration matters, are met.

(5) On receiving a report pursuant to subsection (4), the Governor shall determine whether or not the claimant (and, if appropriate, any accompanying dependants of his) shall be permitted to remain in the Falkland Islands or shall be required to leave the Falkland Islands and shall give such directions to the Principal Immigration Officer as may be necessary to implement his determination, (with which directions the Principal Immigration Officer shall comply) and the Principal Immigration Officer shall notify the claimant in writing of the Governor's determination.

(6) If the Governor, pursuant to subsection (5), determines that a claimant (and, if appropriate any accompanying dependants of his) shall not be permitted to remain in the Falkland Islands, he may at the same time make a deportation order in respect of him (or them) and direct that pending removal they be detained at such place as he may nominate.

(7) Nothing in paragraph 4 of Schedule 3 (notice and representations in respect of proposed deportation order) applies in relation to deportation orders to which subsection (6) applies.

(8) Schedule 4 shall have effect so as to make further provision in relation to persons who claim, or have claimed, asylum.

(9) No appeal lies to any person, tribunal or authority from any decision of the Governor to refuse to grant asylum to any person.

Residence permits

Residence permits

16.—(1) A residence permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder and any dependants of the holder named in the permit to enter and depart from the Falkland Islands, and to reside within, the Falkland Islands, subject to subsection (8), during the period of validity of the permit. A residence permit is valid for such period, not exceeding three years, as is specified in the permit or until it is revoked or ceases to have effect in accordance with this Ordinance.

(2) A residence permit must not without the consent of the Governor be granted to a person who is present in the Falkland Islands.

(3) A residence permit may from time to time be renewed in writing for such period not exceeding three years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer must not issue a residence permit or a renewal of a residence permit unless he is satisfied that the holder, and any accompanying dependants of his, will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Except as permitted by or under subsections (6) and (7) or by a work permit issued to him under section 17, the holder of a residence permit and the dependant of the holder of a residence permit who does not himself hold a work permit must not as an employee of any other person or on his own account pursue any business, trade, profession, calling, vocation or employment in the Falkland Islands.

(6) Section 12(2) and (3) (grant of temporary work permission) also, with the exception of section 12(3)(a) apply, with all necessary modifications, in relation to the residence permits and the holders of residence permits as they do in respect of visitors permits and the holders of visitors permits.

(7) Subsection (5) does not have effect so as to prohibit dependants of a person who is the holder of a residence permit and who is in full-time education undertaking casual employment of a kind customarily undertaken by such persons such as babysitting, work experience undertaken by such persons and organised under the auspices of the Department of Education or temporary work in holidays or vacations or periods in which they are awaiting proceeding from secondary education in the Falkland Islands to secondary education at an institution overseas.

(8) The Principal Immigration Officer may, before issuing a residence permit, if he thinks fit in any particular case, require the provision to him of an undertaking if called upon by the Principal

Immigration Officer so to do to pay or discharge the costs of repatriating the holder and any dependents of the holder to the country specified in that undertaking. The giver of the undertaking shall have no further liability under an undertaking if the holder of the residence permit is not deported, removed from the Falkland Islands or required to leave the Falkland Islands within six months of the date on which the residence permit expired.

(9) A residence permit ceases to have effect in respect —

(a) of a dependent child of the holder named in the permit when that child attains the age of eighteen years or marries under that age;

(b) in respect of a dependent spouse of the holder named in the permit, if that spouse ceases ordinarily to form part of the same household as the holder.

Work permits

Work permits

17.—(1) A work permit may, subject to this section, be issued by the Principal Immigration Officer to a person and has effect to grant leave to the holder to enter and depart from the Falkland Islands, to reside within the Falkland Islands during the period of validity of the permit and to take employment with the employer named in the work permit during the period of validity of the permit (or, instead of taking employment, if so stated in the permit, on his own account to engage in any trade, business, profession, or vocation stated in the permit). It also has effect to permit the dependants of the holder named in the permit to enter into and reside in the Falkland Islands during the period of validity of the permit, but subject to subsection (12).

(2) A work permit shall not without the permission of the Governor be granted to a person who is present in the Falkland Islands and who —

(a) does not hold a residence permit;

(b) does not hold, or within the preceding three months did not hold, a work permit; or

(c) is not lawfully resident in the Falkland Islands by virtue of a permit granted to another person.

(3) A work permit may from time to time be renewed in writing for such period not exceeding two years as is specified in such renewal but shall not without the consent of the Governor be renewed more than twelve months before the date (taking into account any renewal previously granted) on which it would otherwise expire.

(4) The Principal Immigration Officer shall not issue or renew a work permit unless he is satisfied that the holder will be satisfactorily accommodated during the validity of the permit (or, as the case may be, the renewal of the permit).

(5) Subject to this section, the Principal Immigration Officer shall not issue or renew a work permit —

(a) so as to permit the holder to take employment with another person or to continue in employment with another person unless that other person or another person satisfactory to the Principal Immigration Officer has undertaken in writing in a form satisfactory to the Principal Immigration Officer (an “undertaking”) that he will if called upon by the Principal Immigration Officer so to do, pay or discharge the costs of repatriating the holder and any dependants of the holder of the work permit to the country specified in the undertaking;

(b) so as to be valid —

(i) subject to sub-paragraph (ii), for a period of greater than two years from the date of its commencement, or

(ii) without the consent of the Governor, for any period such that, taking into account any previous such permission granted to the holder, the holder would be permitted to work for a period which, when aggregated with the period he worked under the authority of any previous such permit, would or might exceed four years in any consecutive period of five years.

(6) Paragraph (a) of subsection (5) does not apply in relation to the issue or renewal of a work permit enabling the holder to take employment with the Crown in right of the Government of the Falkland Islands or to a person falling within a category of persons exempted by Order made by the Governor under this subsection.

(7) A sum due under an undertaking is recoverable as a civil debt to the Crown.

(8) The Principal Immigration Officer may, if so approved by the Governor either in the particular case or generally, require a proposed employer of an applicant for a work permit, or for an extension of a work permit, to undertake to observe such conditions as to hours of work of the employee, provision to him and his dependants, if any, of accommodation and as to rate of remuneration as are specified in the undertaking.

(9) If a work permit grants leave to the holder to take employment with another person it ceases to have effect, except as stated in subsection (10), if the holder’s employment is terminated by him or his employer, but without prejudice to the issue to him of another work permit under this section.

(10) A work permit permitting the holder’s employment remains valid so as to allow his continued residence in the Falkland Islands, notwithstanding the termination of his employment, for a period of one month or such greater period, not exceeding three months as the Principal Immigration Officer in the particular circumstances may allow, or until the issue to the holder of a residence permit or work permit, the revocation of the work permit or the date of expiry of the work permit, whichever is the earliest.

(11) Subsections (5) to (7) of section 16, with the substitution wherever applicable of the words “work permit” for the words “residence permit”, apply to dependants of holders of work permits as they do to the dependants of the holders of residence permits.

(12) A work permit ceases to have effect so as to permit —

(a) a dependant child of the holder named in the permit to enter and reside in the Falkland Islands when that child attains the age of eighteen years, ceases to form part of the same household as the holder of the permit or, after the dependant attains the age of sixteen years, ceases to be in full-time education;

(b) a dependant spouse of the holder named in the permit to enter and reside in the Falkland Islands if that spouse ceases ordinarily to form part of the same household as the holder.

Permanent residence permits

Permanent residence permits

18.—(1) A permanent residence permit is a permit issued by the Governor which has effect until it is revoked to permit the holder to enter and depart from the Falkland Islands, to reside in the Falkland Islands and without restriction to take any lawful employment or on his own account to pursue any lawful business, trade, profession, calling or vocation in the Falkland Islands.

(2) An application for a permanent residence permit from a person resident in or physically present in the Falkland Islands shall not be considered unless —

(a) the applicant establishes to the satisfaction of the Principal Immigration Officer that he has been ordinarily resident in the Falkland Islands throughout the period of three years immediately preceding his application; or

(b) the Governor, before the application is made, authorises the making of the application.

For the purposes of this subsection, a person is not to be regarded as ordinarily resident in the Falkland Islands in respect of any period in which his presence in the Falkland Islands was, by virtue of any provision of this Ordinance or of the repealed Ordinance, unlawful.

(3) An application for a permanent residence permit by a person resident in the Falkland Islands shall not be considered until after the expiry of twenty-one days after the publication of notice of the application in the *Gazette* and in a newspaper in general circulation in the Falkland Islands nor without taking into account any representations in writing received in relation to the application.

(4) A permanent residence permit —

(a) shall not ordinarily be granted to a person who appears to be a person of bad character or to a person who appears, or any of whose dependants appears, to be likely, because of his

state of health or otherwise to impose a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect them to bear;

(b) shall not be granted to a person unless he shows that he intends permanently to reside in the Falkland Islands;

(c) shall not ordinarily be granted to a person under the age of eighteen years;

(d) shall not ordinarily be granted to a person who is not able to demonstrate that he has sufficient knowledge of English for the ordinary needs of life,

but paragraphs (c) and (d) do not apply to a person who is included in the application of another person ("the principal applicant") of whom he or she is the spouse or dependent provided that the requirements of those paragraphs are met in respect of the principal applicant.

(5) The purpose of the issue of permanent residence permits is to encourage such permanent immigration as it is in the interests of the Falkland Islands to encourage and, accordingly, without prejudice to the foregoing provisions of this section and without excluding consideration of any other factor or circumstance which it might be proper to take into account, the following factors shall be taken into account on consideration of an application for a permanent residence permit —

(a) whether the applicant possesses any knowledge, ability or skill of which the Falkland Islands have need or for any other reason the applicant is likely to be able to contribute to an increase in the overall level of human capital, enterprise and innovation in the Falkland Islands;

(b) the need to safeguard social cohesion in the Falkland Islands; and

(c) the desirability of fostering international linkages.

Revocation of permits

Revocation of visitors' permits

19.—(1) A visitor's permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a residence permit, work permit or permanent residence permit;

(c) by the making of a deportation order in respect of the holder;

(d) by the departure of the holder from the Falkland Islands.

No notice need be given to the holder of the revocation of his permit by operation of this subsection.

(2) A visitor's permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's visitor's permit is revoked under subsection (2), his continued presence in the Falkland Islands is unlawful unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands.

(4) A person whose visitor's permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance, but is not entitled to remain in the Falkland Islands pending determination of his appeal.

Revocation of permissions granted under section 12

20.—(1) A temporary work permission is revoked —

(a) by the holder's visitor's permit being revoked or ceasing to have effect;

(b) by the grant to the holder of a work permit or permanent residence permit;

(c) upon the acquisition by the holder of Falkland Islands status.

(2) A temporary work permission may be revoked by notice in writing given to the holder.

(3) A notice to which subsection (2) relates shall take effect on the expiration of such period, not being less than seven days, from the date of delivery or service of the notice as is specified in the notice.

Revocation of residence permit

21.—(1) A residence permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a work permit or permanent residence permit; or

(c) by the making of a deportation order in respect of the holder.

(2) A residence permit may be revoked by notice in writing under this subsection delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, while not permitted by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is a prohibited person; or

(g) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) When a person's residence permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of work permits

22.—(1) A work permit is revoked —

(a) by the grant to or acquisition by the holder of Falkland Islands status;

(b) by the issue to the holder of a permanent residence permit; or

(c) by the making of a deportation order in respect of the holder.

(2) A work permit may be revoked by notice in writing under this subsection served upon or delivered to the holder on any of the following grounds stated in the notice —

(a) that the holder, or any other person on his behalf with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder, other than as permitted by his work permit or by or under any provision of this Ordinance so to do, took employment in the Falkland Islands or on his own account pursued any business, trade, profession, calling, vocation or employment in the Falkland Islands;

(c) that the holder is not adequately accommodated and is unlikely to be adequately accommodated in the near future;

(d) that the holder is without adequate funds to maintain himself in the Falkland Islands or he or any of his dependents is otherwise likely to become a burden on public funds;

(e) that the holder has been convicted in the Falkland Islands, during the course of his present stay, of an offence punishable on conviction by imprisonment;

(f) that the holder is no longer employed by the employer or in the employment to which his work permit relates (but without prejudice to the grant to the holder of another work permit permitting the holder to take or engage in different employment);

(g) that the holder, or his employer, is in breach of a condition or undertaking subject to which the work permit was granted;

(h) that the holder is a prohibited person; or

(i) that the permit was, by relation to a reason stated in such notice, granted to him in error.

(3) A person whose work permit is revoked under subsection (2) may appeal against such revocation in accordance with this Ordinance.

(4) When a person's work permit is revoked under subsection (2), unless he is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands his continued presence in the Falkland Islands becomes unlawful —

(a) at the expiration of the time within which under this Ordinance he may appeal against such revocation if he has not before then appealed against it;

(b) if he appeals against such revocation within such time, upon the determination of his appeal unless on such appeal the revocation of his permit is quashed.

Revocation of permanent residence permits

23.—(1) A permanent residence permit is revoked by —

(a) the grant to or acquisition by the holder of Falkland Islands status;

(b) the making of a deportation order in respect of the holder.

(2) A permanent residence permit may be revoked on any of the following grounds —

(a) that the holder, or any other person on his behalf, and with a view to procuring the issue to the holder of the permit, wilfully gave false or misleading information material in relation to the issue of the permit or withheld information which was material in relation to its issue;

(b) that the holder has settled outside the Falkland Islands;

(c) that the holder has not been present within the Falkland Islands for at least six months in aggregate during the preceding two years.

(3) Before revoking a permanent residence permit pursuant to subsection (2), the Governor shall, unless the address of the holder is unknown and cannot be discovered after reasonable enquiry, cause notice to be served on or delivered to the holder of the permit stating the ground or grounds on which the Governor is considering the revocation of the permit and drawing the holder's attention to his right under subsection (4) to make representations in writing to the Governor against such revocation.

(4) A holder of a permanent residence permit who has received notice given pursuant to subsection (3) may make representations in writing to the Governor against the revocation of his permanent residence permit, and the Governor shall as soon as is reasonably possible consider those representations before deciding whether or not to revoke the permanent residence permit.

(5) The Governor shall, if he decides to revoke a permanent residence permit pursuant to subsection (2), notify the holder (if notice was given to him under sub-section (3)) and the Principal Immigration Officer in writing of that decision.

(6) If a person at the time he is notified of the revocation of his permanent residence certificate pursuant to subsection (2) is within the Falkland Islands, his continued presence in the Falkland Islands is unlawful at the expiration of seven days thereafter unless it is authorised by or under some other provision of this Ordinance.

Supplementary to sections 19 to 22

24.—(1) An immigration officer may exercise the powers conferred by section 19(2) (power to revoke a visitor's permit) but except in the exercise of powers delegated by the Principal Immigration Officer under section 3(4) (delegation of powers of Principal Immigration Officer) an immigration officer may not exercise the Principal Immigration Officer's powers under section 21(2) (power to revoke a residence permit) and section 22(2) (power to revoke a work permit).

(2) On exercising any power of revocation to which subsection (1) relates, the officer shall in writing notify the person affected by the revocation of the reason for it.

PART III APPEALS

Appeals in relation to visitors permits

25.—(1) Except as provided by subsection (2), no appeal lies at the instance of any person to any tribunal or authority from any decision of an immigration officer or the Principal Immigration Officer —

(a) to grant or refuse a visitor's permit;

(b) to grant a visitor's permit subject to conditions or limitations;

(c) to extend or refuse to extend the duration of a visitor's permit; or

(d) to grant or refuse to grant a temporary work permission to the holder of a visitor's permit,

but a person may within fourteen days after the revocation of a visitor's permit under section 19(2) by written representations appeal to the Governor against the revocation of a visitor's permit.

(2) A person who applies from outside the Falkland Islands for the grant to him of a visitor's permit, and who is aggrieved by a refusal to grant it may by representations in writing appeal to the Governor from outside the Falkland Islands against that refusal.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (1) or (2) and notify the appellant and the Principal Immigration

Officer of his decision on the appeal. If the Governor allows the appeal, the Principal Immigration Officer shall grant a visitor's permit to the applicant of such duration not exceeding twelve months and subject only to such conditions (if any) as the Governor notifies to him, either at the time of his decision, or subsequently, and any visitor's permit so issued shall be deemed to have been issued pursuant to section 11.

Appeals in relation to residence permits

26.—(1) No appeal lies to any person, tribunal or authority against any decision of the Governor to refuse permission to any person within the Falkland Islands to apply for a residence permit. Nor does any appeal lie to any person, tribunal or authority against the refusal of or failure to consider an application for a residence permit made by a person within the Falkland Islands without such permission.

(2) A person who is aggrieved —

(a) otherwise than as is provided by subsection (1), by a refusal to grant a residence permit to him;

(b) by a refusal to grant an extension of his residence permit to him; or

(c) by the revocation of his residence permit;

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(3) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(4) If the Governor allows an appeal against the refusal of a residence permit or of an extension of a residence permit, the Principal Immigration Officer shall grant a residence permit to the appellant, or as the case may be the revoked residence permit shall be deemed never to have been revoked.

Appeals in relation to work permits

27.—(1) No appeal lies to any person, tribunal or authority —

(a) against any refusal of permission pursuant to section 17(2);

(b) against the refusal of or failure to consider an application for a work permit made by a person who cannot apply for a work permit without such permission and who has not been granted that permission.

(2) Nothing in subsection (1) excludes an appeal by a person in the Falkland Islands against the refusal of a work permit where the application for such a permit arises out of the change of the person's employer or employment in the Falkland Islands.

(3) Subject to subsection (1), a person who is aggrieved by —

(a) a refusal to issue a work permit to him;

(b) by a refusal to extend a work permit previously issued to him, which has expired or was due to expire within twelve months of his application for its extension; or

(c) by a refusal to grant a work permit in circumstances to which subsection (2) relates, or

(d) by the revocation of a work permit,

may appeal by representations in writing to the Governor against that refusal or, as the case may be, revocation.

(4) The Governor shall as soon as is reasonably possible consider any representations made to him pursuant to subsection (2) and notify the appellant and the Principal Immigration Officer of his decision on the appeal.

(5) If the Governor allows an appeal against the refusal of a work permit or of an extension of a work permit, the Principal Immigration Officer shall grant a work permit to the appellant, or as the case may be the revoked work permit shall be deemed never to have been revoked.

(6) Where the Governor allows an appeal against the refusal of a work permit, he may do so subject to the proposed employer of the appellant undertaking in a form acceptable to the Principal Immigration Officer to comply with such conditions as to the housing of the appellant and his dependants (if any), his hours of work and remuneration as the Governor may specify or indicate.

Appeals in relation to permanent residence permits

28. No appeal lies to any person, tribunal or authority against any refusal to grant, or the revocation of, a permanent residence permit.

Appeals in relation to deportation orders

29. Except as provided in Schedule 3, no appeal lies to any person, tribunal or authority against a deportation order.

PART IV
CRIMINAL PROCEEDINGS

Illegal entry and similar offences

30.—(1) A person who does not have a right of abode in the Falkland Islands commits an offence and is liable on conviction of that offence to a fine not exceeding the maximum of level 5 on the standard scale and to imprisonment for a term not exceeding six months if —

(a) contrary to this Ordinance he knowingly enters the Falkland Islands in breach of a deportation order or without leave;

(b) if, having been granted leave limited by reference to a period of time to enter or remain in the Falkland Islands, he knowingly either —

(i) remains beyond the time limited by the leave; or

(ii) fails to observe a condition of the leave;

(c) if, having lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, he remains without leave beyond the time allowed by that provision;

(d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under paragraph 2(3) of Schedule 2 to this Ordinance to submit to further medical examination;

(e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Ordinance as to residence, as to his employment or occupation or as to reporting to the police or to an immigration officer;

(f) if he disembarks in the Falkland Islands from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Ordinance with a view to his removal from the Falkland Islands.

(2) A person commits an offence under subsection (1)(b)(i) on the day when he first knows that the time limited has expired and continues to commit it throughout the period during which he is in the Falkland Islands thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

(3) A police officer or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1)(d).

(4) In proceedings for an offence under subsection (1) —

(a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;

(b) proof that a person had leave to enter or had been granted leave lies upon the defence.

Assisting illegal entry and harbouring

31.—(1) A person commits an offence if he is knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the Falkland Islands of anyone whom he knows or has reasonable cause to believe is an illegal entrant and a person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 10 on the standard scale or to imprisonment for a term not exceeding seven years.

(2) Without prejudice to subsection (1), a person commits an offence who knowingly harbours anyone he knows or has reasonable cause to believe to be either an illegal entrant or to be a person who has committed an offence under section 30(1)(b) or (c). A person who commits an offence under this subsection is liable on conviction of that offence to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

(3) A police officer or an immigration officer may arrest without warrant a person who has or whom he, with reasonable cause, suspects to have, committed an offence under subsection (1).

False information

32.—(1) A person commits an offence who —

(a) gives, sends or makes to an immigration officer, in oral or written form any information, representation or statement, which he knows to be false or does not believe to be true, or recklessly as to its truth or falsehood with a view —

(i) to obtaining the issue to him or any other person, or extension of, any permit or permission issued or granted under this Ordinance;

(ii) to obtaining in any other way the grant to him or any other person of leave to enter or remain in the Falkland Islands;

(b) withholds any information he is required by any immigration officer to provide and which is material in relation to any matter mentioned in subparagraph (i) or (ii) of paragraph (a) of this subsection.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 6 on the standard scale or to imprisonment for a term not exceeding twelve months.

Working or carrying on business without permission

33.—(1) A person not having the right of abode in the Falkland Islands commits an offence if he, except as he is permitted to do by virtue of any provision of this Ordinance, engages in any trade, business, profession or vocation or takes any employment.

(2) A person commits an offence if he employs a person who does not have a right of abode in the Falkland Islands and who is not permitted by or under some provision of this Ordinance to take the employment in question with him.

(3) It is a defence for a person prosecuted for an offence under subsection (2) to prove that he took all reasonable steps, and exercised all reasonable diligence, to avoid the commission by him of the offence.

(4) A person convicted of an offence under this subsection is liable to a fine not exceeding the maximum of level 5 on the standard scale.

General offences in connection with the administration of the Ordinance

34.—(1) A person commits an offence who —

(a) without reasonable excuse refuses or fails to submit to examination under Schedule 2 to this Ordinance;

(b) being a person who entered the Falkland Islands in the circumstances mentioned in section 14(1) (entry in emergency), and not being a person to whom section 14(3) applies (persons entering for purpose of hospital treatment), fails without reasonable excuse to report at Stanley Police Station within forty-eight hours;

(c) without reasonable excuse, refuses or fails to produce any information in his possession, or any documents in his possession or control, which he is on examination under Schedule 2 required to furnish or produce;

(d) without lawful authority alters any permit or other document made or issued for the purposes of this Ordinance, or uses for the purposes of this Ordinance, or has in his possession for such use, any passport, other travel document, permit or other document of any kind which he knows or has reasonable cause to believe to be false;

(e) without reasonable excuse fails to complete and produce a landing or embarkation card in accordance with any requirement made under this Ordinance; or

(f) without reasonable excuse obstructs an immigration officer lawfully acting in the execution of this Ordinance.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum of level 4 on the standard scale or to imprisonment for three months.

Offences by persons connected with ships or aircraft or with ports

35.—(1) A person commits an offence who —

(a) being the captain of a ship or aircraft —

(i) knowingly permits a person to disembark in the Falkland Islands when required under Schedule 2 or 3 to this Ordinance to prevent it;

(ii) fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or

(iii) fails, without reasonable excuse, to comply with any direction given to him under Schedule 2 or 3 with respect to the removal of a person from the Falkland Islands;

(b) being the owner or agent of a ship or aircraft —

(i) arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Ordinance;

(ii) fails, without reasonable excuse, to comply with any directions given to him under Schedule 2 for the supply to passengers of landing or embarkation cards; or

(c) being the owner or agent of a ship or aircraft or a person concerned in the management of a port, fails without reasonable excuse to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding the maximum on level 5 on the standard scale or to imprisonment for six months.

Proceedings not to prevent exercise of other powers

36. Any powers exercisable under this Ordinance in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part have been taken against him.

PART V SUPPLEMENTARY

Evidential provisions

37.—(1) Any document purporting to be an order, notice or direction made or given by the Governor for the purposes of this Ordinance and to be signed by him or on his behalf, and any document purporting to be a certificate of the Governor so given and to be signed by him, shall be received in evidence and shall, until the contrary is proved, be deemed to be made or issued by him.

(2) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the order, notice, direction or certificate.

Certificate of Falkland Islands status

38.—(1) The Principal Immigration Officer may, on application of any person, issue to that person a Certificate of Falkland Islands status, that is to say a certificate that the person to whom it relates is a person belonging to the Falkland Islands in terms of section 17(5) of the Constitution.

(2) The Principal Immigration Officer shall not grant a Certificate of Falkland Islands Status to a person unless he believes, after making any enquiry and seeking any advice he considers to be appropriate, that the person concerned is a Falkland Islander.

(3) A person who is aggrieved by the refusal or failure of the Principal Immigration Officer to grant to him a Certificate of Falkland Islands status may apply to the Supreme Court for a declaration that he enjoys Falkland Islands status, and the Supreme Court may, if it is satisfied that the applicant enjoys that status, grant such a declaration and direct the Principal Immigration Officer to grant to the person concerned a Certificate of Falkland Islands status.

(4) Subject to subsection (5), if the Principal Immigration Officer believes that a Certificate of Falkland Islands status has in error been granted under subsection (2) to a person, or if he is so directed by the Governor, he may notify the person concerned by notice in writing that he proposes to revoke the Certificate. Unless the person concerned, within twenty-eight days of such notification, in the opinion of the Principal Immigration Officer shows sufficient cause to the contrary, the Principal Immigration Officer may revoke the Certificate.

(5) The Principal Immigration Officer may not revoke a Certificate of Falkland Islands status which he has issued pursuant to a direction of the Supreme Court under subsection (3).

(6) Subsection (3), with all necessary modifications, applies so as to enable a person who is aggrieved by the revocation of a Certificate of Falkland Islands status to apply to the Supreme Court for a declaration that he enjoys such status.

Forms and official stamps

39.—(1) Subject to subsection (2), the Principal Immigration Officer may, subject to the approval of the Governor, prescribe for use under this Ordinance such forms and official stamps, not inconsistent with regulations made under section 40, as he considers to be necessary or expedient for the purposes of this Ordinance.

(2) Where the Principal Immigration Officer has prescribed any form or official stamp, he may also issue directions for their use, and immigration officers shall comply with such directions.

Regulations

40.—(1) The Governor may by regulations make provision generally for carrying into effect the purposes of this Ordinance, and in particular provision —

(a) for prescribing anything which under this Ordinance is to be prescribed;

(b) for prescribing the manner in which applications for permits under this Ordinance or any particular kind of permit under this Ordinance may be made and the information which must be supplied in connection with any application to which any such regulations relate;

(c) for the giving of any notice required or authorised to be given to any person under the provisions of this Ordinance;

(d) for the imposition and recovery of fees in connection with any application under this Ordinance;

(e) as to procedure in relation to appeals under any provision of this Ordinance.

(2) Regulations under subsection (1) —

(a) may make different provision for different circumstances; and

(b) may provide that a contravention of a provision specified in the regulations in question shall constitute an offence and shall be punishable on conviction by such fine, not exceeding the maximum of level 5 on the standard scale, or by the imposition of such term of imprisonment, not exceeding three months, as may be specified in such regulations.

Notices

41. Any notice required to be given in writing under any provision of this Ordinance or any regulations made or having effect thereunder may be given —

(a) by handing it to the person to whom it is addressed or to any person living in the same household as that person; or

(b) by publishing it in a newspaper circulating in the Falkland Islands

PART VI TRANSITIONAL AND REPEAL

Transitional

42.—(1) Subject to this section, notwithstanding the repeal of the repealed Ordinance by section 43 of this Ordinance, any visa, permit or leave to enter or remain in the Falkland Islands granted to a person under any provision of the repealed Ordinance and the effect of which had not expired before the commencement of this Ordinance shall be treated as if it had been granted under the corresponding provision of this Ordinance (but on the date on which it was, in fact, granted) and may be revoked, extended or varied accordingly.

(2) If, immediately before the commencement of this Ordinance, a claim for asylum remains undealt with, it and the person claiming such asylum and his or her dependants (if any) shall be dealt with at all times after the commencement of this Ordinance as if the claim for asylum had been made at a time when the provisions of this Ordinance were in force.

(3) Any removal order made under section 19 of the repealed Ordinance not revoked pursuant to that Ordinance has for all purposes effect after the commencement of this Ordinance as if it were a deportation order made under section 5(6) of this Ordinance.

(4) Where a residence permit granted to a person under section 11 of the repealed Ordinance, and which remained in effect immediately before the commencement of this Ordinance, specifically permitted him to carry on any trade, business, profession or vocation in the Falkland Islands or to take employment in the Falkland Islands, section 17 (work permits) (and not section 16 (residence permits)) shall be treated as the corresponding provision of this Ordinance for the purposes of subsection (1) of this section.

(5) Where, immediately before the commencement of this Ordinance, a person not having the right of abode in the Falkland Islands was serving Her Majesty in right of Her Government of the Falkland Islands as a public officer —

(a) under a letter of appointment for a fixed term, or

(b) without limitation as to the period of his appointment,

then until the earliest to happen of —

(i) the expiry of the fixed term referred to in the letter of appointment;

(ii) the person ceasing to hold the public office in question;

(iii) the expiry of three years from the commencement of this Ordinance,

the person shall not by reason of his holding the public office be in breach of the provisions of this Ordinance as to work permits.

(6) Where by reason of being a dependant of a person to whom subsection (5) applies, a person was not subject to the provisions of the repealed Ordinance as to residence permits immediately before the commencement of this Ordinance, that dependant shall be deemed to have been granted at the commencement of this Ordinance —

(a) if he or she was not immediately before the commencement carrying on any trade, business, profession or vocation or engaged in employment in the Falkland Islands, a residence permit under this Ordinance expiring on the date on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands; or

(b) if he or she was immediately before the commencement of this Ordinance carrying on a trade, business, profession or vocation in or engaged in employment in the Falkland Islands, a work permit under this Ordinance limited so as to permit the carrying on of that trade, business, profession or vocation or engagement in that employment and expiring on the date

on which the person of whom he or she is a dependant becomes, by virtue of subsection (5) subject to the provisions of this Ordinance in relation to the grant of leave to enter or remain in the Falkland Islands.

(7) Subject to subsection (8), a dependant of another person to whom subsection (4) applies if carrying on any trade, business, profession or vocation or engaged in any employment immediately before the commencement of this Ordinance shall at the commencement of this Ordinance be deemed to have been granted a work permit under section 17 of this Ordinance limited so as to permit the carrying on of that trade, business, profession or engagement in that employment and expiring on the expiry or earlier revocation of the permit to which subsection (4) relates.

(8) A permit deemed under subsection (6) or (7) to be granted shall cease to have effect forthwith on the dependant ceasing to form part of the same household as the person upon whom he or she is or was a dependant.

Repeal

43. The Immigration Ordinance 1987 is repealed.

SCHEDULE 1 **EXEMPTIONS FROM THE REQUIREMENT TO POSSESS A VISA**

Part 1

Persons travelling on a passport or international travel document issued by one of the following authorities:

(a) International organisations —

(i) The International Committee of the Red Cross

(ii) The United Nations

(b) The authorities of the following countries or parts of countries —

The United Kingdom and countries which at the time in question are member states of the European Union

Australia
Andorra
Argentina
Brazil
Canada
Chile
Cyprus

Finland
Hong Kong Special Autonomous Region of the People's Republic of China
Iceland
Israel
Japan
Republic of Korea
Liechtenstein
Malta
New Zealand
Norway
San Marino
South Africa
Sweden
Switzerland
United States of America
Uruguay
Vatican City

For the purposes of this Schedule, an Overseas Territory of a country is deemed to be a part of that country.

Part 2

Persons exempt from visa requirements

Seamen entering the Falkland Islands in the circumstances provided for by section 9(1)
Persons entering the Falkland Islands in the circumstances provided for by sections 14 and 15
Persons who the Principal Immigration Officer accepts to be passengers in transit (whether passengers arriving on board a ship and intending to leave by aircraft or vice versa, arriving by ship and leaving by the same or another ship or arriving by aircraft and leaving by another aircraft, but in any case where the principal reason for their landing in the Falkland Islands is such transit).

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC

Part I

General provisions

Immigration officers and medical inspectors

1.—(1) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Ordinance.

(2) An immigration officer, for the purpose of satisfying himself whether there are any persons he may wish to examine under paragraph 2, may search any ship or aircraft and anything on

board it, or any vehicle taken off a ship or aircraft in which it has been brought to the Falkland Islands.

Examination by immigration officers, and medical examination

2.—(1) An immigration officer may examine any persons who have arrived in the Falkland Islands by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the Falkland Islands) for the purpose of determining —

(a) whether any of them is or is not a person who has Falkland Islands status;

(b) whether, if he is not, he may or may not enter the Falkland Islands without leave; and

(c) whether, if he may not, he should be given leave and for what period and on what conditions, if any, or should be refused leave.

(2) Any such person, if he is seeking to enter the Falkland Islands, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

(4) An immigration officer may examine any person who is embarking on or seeking to embark in the Falkland Islands for the purposes of determining his identity, ascertaining whether he is in possession of a passport or other valid travel document and of recording his departure from the Falkland Islands.

Information and documents

3.—(1) It is the duty of any person examined under paragraph 2 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2 by an immigration officer must, if so required by the immigration officer —

(a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity or nationality and citizenship; and

(b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In sub-paragraph (b), "relevant description" means any description appearing to the immigration officer to be relevant for the purposes of the examination.

(3) An immigration officer may detain any passport or other document produced pursuant to sub-paragraph (2)(a) until the person concerned is given leave to enter the Falkland Islands or is about to depart or be removed following refusal of leave.

(4) Where under sub-paragraph (2)(b) a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage belonging to him or under his control may be searched by the immigration officer or a person acting under his direction with a view to ascertaining whether the person is doing so, but a person shall only be searched by a person of the same sex.

(5) An immigration officer may examine any document produced pursuant to sub-paragraph (2)(b) or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of opinion that it may be needed in connection with proceedings on an appeal under this Ordinance or for an offence, he may detain it until he is satisfied that it will not be so needed.

5. The Governor may by regulations make provision for requiring passengers disembarking or embarking in the Falkland Islands, or any class or category of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Principal Immigration Officer may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to passengers. Nothing in any regulations to which this sub-paragraph relates shall require any person to produce a landing or embarkation card who produces to the immigration officer a passport in which is endorsed with a statement of the bearer's right of abode in the Falkland Islands or a statement that he possesses Falkland Islands status or a card issued by authority of the Principal Immigration Officer containing such a statement in relation to the bearer.

Notice of leave to enter or refusal of leave

6.—(1) Subject to sub-paragraph (3), where a person is examined by an immigration officer under paragraph 2 is to be given limited leave to enter the Falkland Islands or is to be refused leave, the notice giving leave or refusing leave shall be given not less than twenty-four hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing a permit granting to him leave is not given before the end of those twenty-four hours, he shall, if not a person who has Falkland Islands status, be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and remain in the Falkland Islands for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as possible give to him written notice of the grant of such a permit.

(2) Where on a person's examination under paragraph 2 he is permitted to enter the Falkland Islands or is granted any kind of permit authorised by this Ordinance ("the earlier decision"), then

at any time before the end of seventy-two hours from the conclusion of the examination the earlier decision may be cancelled by notice in writing by an immigration officer cancelling the earlier decision and refusing him leave to enter which further notice shall have the effect of cancelling any permit granted to him.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the Falkland Islands, that notice may be cancelled by notice in writing given to him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, and the immigration officer does not at the same time grant to him a permit under this Ordinance, he shall be deemed to have been granted a visitor's permit granting leave to him to enter the Falkland Islands and there remain for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as may be give to him written notice of the grant of such a permit to him.

(4) Where an entrant is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph is duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

7. If, on a person's examination by an immigration officer under paragraph 2 the immigration officer —

(a) determines that he may be given leave to enter the Falkland Islands or in pursuance of a permit previously granted permits him to enter or to re-enter the Falkland Islands; but

(b) is of opinion, whether on the advice of a medical inspector or for any other reason, that a medical test or examination, or a further medical test or examination may be required in the interests of public health or otherwise in the public interest;

then the immigration officer, on granting to that person a visitor's permit or other permit granting leave to him to enter the Falkland Islands or permitting him in pursuance of a permit previously granted to enter or re-enter the Falkland Islands, may by notice in writing require him to report his arrival to the Chief Medical Officer, the King Edward VII Memorial Hospital Stanley and thereafter to attend at such place and time, and submit to such test or examination (if any) as the Chief Medical Officer or any Government Medical Officer acting on behalf of the Chief Medical Officer may require.

Removal of persons refused leave to enter and illegal entrants

8.—(1) Where a person arriving in the Falkland Islands is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) —

(a) give to the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either —

(i) a country of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands; or

(iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions may be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the Falkland Islands (except that directions may be given under sub-paragraph (1)(b) after the expiration of that period if an immigration officer has within that period given written notice to the owners or agents in question of the intention to give directions to them in respect of that person).

9. Where an illegal entrant is not given leave to enter or remain in the Falkland Islands an immigration officer may give any such directions as in respect of him as in a case within paragraph 8 are authorised by paragraph 8(1).

10.—(1) Where it appears to the Governor either —

(a) that directions might be given in respect of a person under paragraph 8 or 9, but that it is not practicable for them to be given or that, if given, they would be ineffective; or

(b) that directions might have been given in respect of a person under paragraph 8 but that the requirements of paragraph (8)(2) have not been complied with;

then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1) (c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) of this paragraph, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

11. A person in respect of whom directions are given under any of paragraphs 8 to 10 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seamen and aircrews

12.—(1) Without prejudice to the provisions of section 9(1), if, on a person's examination by an immigration officer under paragraph 2 of this Schedule, the immigration officer is satisfied that he has come to the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of the leave he grants that person to enter the Falkland Islands by requiring him to leave the Islands in a ship or aircraft indicated in the notice granting leave.

(2) Where a person (not being a person having Falkland Islands status or the holder of a permanent residence permit or a residence permit) enters the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew and, having entered the Falkland Islands as permitted by section 9(1) or in accordance with leave granted under sub-paragraph (1) of this paragraph, remains beyond the time limited by section 9(1) or by that leave, whichever is appropriate in the circumstances of his case, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may —

(a) give the captain of that ship or aircraft directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft;

(b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

(c) give those agents or owners directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified in the directions to a country or territory so specified, being —

(i) a country or territory of which he is a national or citizen;

(ii) a country or territory in which he has obtained a passport or other document of identity;

(iii) a country or territory in which he embarked for the Falkland Islands;

(iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the Falkland Islands to join; or

(v) a country or territory to which there is reason to believe that he will be admitted.

13.—(1) Where a person being the member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2, the immigration officer may limit the duration of any leave he gives that person to enter the Falkland Islands —

(a) in the manner authorised by paragraph 12(1);

(b) if that person is allowed to enter the Falkland Islands in order to receive hospital treatment, by requiring him, on completion of the treatment, to leave the Falkland Islands in accordance with arrangements to be made for his repatriation; or

(c) by requiring him to leave the Falkland Islands within a specified time in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being a person having a right of abode in the Falkland Islands) arrives in the Islands as a member of the crew of a ship or aircraft, and either —

(A) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), he remains without leave beyond the time allowed by that provision, or is reasonably suspected by an immigration officer of intending to do so; or

(B) having been given leave limited as mentioned in sub-paragraph (1) of this paragraph, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may —

(a) give to the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or

(b) give to the owners or agents of the ship or aircraft directions requiring them to make arrangements for his removal from the Falkland Islands, being a ship or aircraft of which they are the owners or agents;

(c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either —

(i) a country of which he is a national or citizen; or

(ii) a country or territory in which he obtained a passport or other document of identity;

(iii) a country in which he embarked for the Falkland Islands;

(iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the Falkland Islands; or

(v) a country or territory to which there is reason to believe that he will be admitted.

14.—(1) Where it appears to the Governor that directions might be given in respect of a person under paragraph 12 or 13, but that it is not practicable for them to be given or that, if given, they would be ineffective, then he may give to the owners or agents of any ship or aircraft and such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

15. A person in respect of whom directions are given under any of paragraphs 12 to 14 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons subject to examination or removal

16.—(1) Subject to sub-paragraph (2), a person to whom paragraph 11 or 15 applies may on the direction of the Principal Immigration Officer in writing be detained pending his removal from the Falkland Islands at any place approved by the Governor under paragraph 18 for the purpose.

(2) A direction under sub-paragraph (1) shall cease to have effect —

(a) unless it is confirmed by the Governor within forty-eight hours of the commencement of the person's detention;

(b) on its being earlier countermanded by the Governor;

(c) on its being cancelled, after its confirmation, by the Principal Immigration Officer or by the Governor.

(3) The Principal Immigration Officer or the Governor (according to which of them made the decision in question) shall notify the Chief Police Officer forthwith of any decision made pursuant to sub-paragraph (1)(b) or sub-paragraph (2).

(4) A person in respect of whom directions may be given under any of paragraphs 8 to 10 and 12 to 14 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter the Falkland Islands.

(5) A person who may be required to submit to an examination under paragraph 2 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(6) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under sub-paragraph (5) or any subsequent sub-paragraph of this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the Falkland Islands any person who has arrived in the Falkland Islands in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody aboard the ship or aircraft.

(7) The captain of a ship or aircraft shall, if so required by an immigration officer, prevent from disembarking in the Falkland Islands or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15, and the captain may for that purpose detain him aboard the ship or aircraft.

17.—(1) A person liable to be detained under paragraph 16 may be arrested without warrant by an immigration officer or by a police officer.

(2) The Senior Magistrate or a justice of the peace may grant a warrant authorising any police officer to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

18.—(1) Persons detained under paragraph 16 (when not detained in accordance with that paragraph aboard a ship or aircraft) may be detained in such place or places as the Governor may approve for the purpose.

(2) Where a person is detained under paragraph 16, any immigration officer, police officer or prison officer, or any other person authorised by the Governor, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained under paragraph 16 may be taken into the custody of a police officer, or of any other person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the Falkland Islands, or any other place where he is required to be for the purposes of the Ordinance.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) of this paragraph.

19.—(1) Where a person is refused leave to enter the Falkland Islands and directions are given in respect of him under paragraph 8 or 10, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) Sub-paragraph (1) shall not apply to expenses in respect of a person who, when he arrived in the Falkland Islands, held a permit issued under this Ordinance, or having effect as if issued under this Ordinance.

(3) If, before the directions for a person's removal have been carried out, he is given leave to enter the Falkland Islands, or is afterwards given that leave in consequence of the determination of an appeal under this Ordinance (being an appeal against the refusal of a permit under this Ordinance which would permit him to enter the Falkland Islands), or it is determined on an appeal under this Ordinance that he has the right to enter the Falkland Islands without a permit under this Ordinance being issued to him, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(4) Sub-paragraph (1) shall not have effect in relation to directions which, in consequence of an appeal under this Ordinance, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

20.—(1) Subject to the provisions of this paragraph, in either of the following cases —

(a) where directions are given in respect of an illegal entrant under paragraph 9 or 10; and

(b) where a person has lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, but directions are given in respect of him under paragraph 13(2)(A) or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16.

(2) If, before the directions for a person's removal from the Falkland Islands have been carried out, he is given leave to remain in the Falkland Islands, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any person already demanded and paid shall be refunded.

(3) Sub-paragraph (1) shall not have effect in relation to directions, which in consequence of an appeal under this Ordinance, are for the time being of no effect.

Temporary admission or release of persons liable to detention

21.—(1) A person liable to detention or detained under paragraph 16 may, under the written authority of an immigration officer, be temporarily admitted to the Falkland Islands without being detained or be released from detention; but this shall not prejudice the later exercise of a power to detain him.

(2) So long as a person is at large in the Falkland Islands by virtue of this paragraph, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

22.—(1) A person detained under paragraph 16(1) pending examination may, if seven days have elapsed since the date of his arrival in the Falkland Islands be released on bail by the Senior Magistrate or a justice of the peace on his entering into a recognisance conditioned for his appearance before an immigration officer at a time and place named in the recognisance or at such other time or place as in the meantime may be notified to him by an immigration officer.

(2) The conditions of a recognisance taken under this paragraph may include conditions appearing to the Senior Magistrate or a justice of the peace to be likely to result in the appearance of the person bailed at the required time and place; and any recognisance shall be with or without sureties as the Senior Magistrate or the justice of the peace may determine.

(3) In any case in which the Senior Magistrate or justice of the peace has power under this paragraph to release a person on bail, the Senior Magistrate or a justice of the peace may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound with a view to its being taken subsequently by any such person as may be specified by the Senior Magistrate or a justice of the peace (as the case may be); and on the recognisance being so taken the person to be bailed shall be released.

23.—(1) Where a recognisance entered into under paragraph 22 appears to the Senior Magistrate or a justice of the peace to be forfeited, he may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the Senior Magistrate or the justice of the peace thinks fit and the recognisance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the Magistrate's Court.

(2) Any sum the payment of which is enforceable by the Magistrate's Court by virtue of subparagraph (1) shall for all purposes of the law of the Falkland Islands as being due under a recognisance forfeited by that court.

24.—(1) An immigration officer or a police officer may arrest without warrant a person who has been released by virtue of paragraph 22 —

(a) if he has reasonable grounds for believing that the person is likely to break the conditions of his recognisance that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any other such condition;

(b) if, a recognisance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligation as a surety;

and paragraph 17(2) shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph —

(a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before the Senior Magistrate or a justice of the peace; and

(b) if required by such a condition to appear within those twenty-four hours before an immigration officer.

(3) The Senior Magistrate or a justice of the peace before whom a person is brought by virtue of subparagraph (2)(a) —

(a) if of the opinion that the person has broken or is likely to break any condition on which he was released, may either —

(i) direct that he be detained under the authority of the person by whom he was arrested; or

(ii) release him, on his original recognisance or on a new recognisance, with or without sureties, on his original bail or new bail: and

(b) if not of that opinion, shall release him on his original recognisance or bail.

25. The power to make rules of procedure conferred by section 69 of the Administration of Justice Ordinance includes power to make rules with respect to applications to the Senior Magistrate or a justice of the peace under paragraphs 22 to 24 of this Schedule and matters arising out of such applications.

Supplementary duties of those connected with ships or aircraft or with ports

26.—(1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Principal Immigration Officer, arrange for the ship or aircraft to call at a port in the Falkland Islands other than a port of entry for the purpose of disembarking passengers or for the purpose of embarking passengers.

(2) The Principal Immigration Officer may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers at any port in the Falkland Islands and specifying the conditions and restrictions (if any) to be observed in any control area; and where any notice given to owners or agents a control area is for the time being designated for the purpose of embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, in the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Principal Immigration Officer may also from time to time give to any persons concerned with the management of a port in the Falkland Islands written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions and restrictions as notified to him are observed.

27.—(1) The captain of a ship or aircraft arriving in the Falkland Islands —

(a) shall take such steps as may be necessary to secure that persons on board do not disembark unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Falkland Islands without leave under section 9(1) of this Ordinance; and

(b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

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

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

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

SCHEDULE 3

SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Removal of persons liable to deportation

1.—(1) Where a deportation order is in force against any person, the Governor may, subject to paragraph 4, give directions for his removal to a country or territory specified in the direction being either —

(a) a country of which he is a national or citizen; or

(b) a country or territory to which there is reason to believe that he will be admitted.

2. The directions under subparagraph (1) may be —

(a) directions given to the captain of a ship or aircraft about to leave the Falkland Islands requiring him to remove the person in question in that ship or aircraft;

(b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or

(c) directions for his removal in accordance with arrangements to be made by the Governor.

(3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Ordinance shall apply, with the substitution of references to the Governor for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.

(4) The Governor, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the Falkland Islands of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Crown.

Detention or control pending deportation

3.—(1) Where a recommendation for deportation made by a court is in force in respect of any person and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power to release on bail by any court having power to release him, he shall, unless the court by which the recommendation is made otherwise directs, or a direction is given under subparagraph (2), be detained pending the making of a deportation order in pursuance of the recommendation, unless the Governor directs him to be released pending further consideration of his case.

(2) Where —

(a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him;

(b) he appeals against his conviction or that recommendation,

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.

(3) Where notice has been given to a person in accordance with paragraph this Ordinance of the Governor's intention to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Governor pending the making of the deportation order.

(4) Where a deportation order is in force against any person, he may be detained under the authority of the Governor pending his removal or departure from the Falkland Islands (and if already detained by virtue of subparagraph (1) or (3) when the order is made, shall continue to be detained unless the Governor directs otherwise).

(5) In relation to detention under subparagraph (3) or (4), paragraphs 17 and 18 of Schedule 2 to this Ordinance apply as they apply in relation to detention under paragraph 16 of that Schedule.

(6) A person to whom this subparagraph applies are subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as may from time to time be notified in writing to him by the Governor.

(7) The persons to whom subparagraph (6) applies are —

(a) a person liable to be detained under subparagraph (1) of this paragraph, while by virtue of a direction of the Governor he is not so detained; and

(b) a person liable to be detained under subparagraph (3) or (4) of this paragraph, while he is not so detained.

Notice of intention to make a deportation order

4.—(1) Subject to subparagraph (8), whenever the Governor intends to make a deportation order in respect of a person, subject to this paragraph, he shall cause notice in writing of that intention to be given to that person.

(2) A notice under subparagraph (1) shall —

(a) specify or indicate the grounds on which the Governor intends to make a deportation order, (but where a court, on convicting that person has under section 5(6)(e) recommended that the person should be deported, it is sufficient to state that fact) and the country or territory to which, in the event of the deportation order being made, the Governor has in mind that the person shall;

(b) specify the country or territory which the Governor intends, in the event that the deportation order is made, to direct that the person be deported;

(c) contain a statement of the person's rights under subparagraph (3) to make written representations to the Governor and the Governor's duty under subparagraph (4).

(3) A person who is given notice of the Governor's intention to make a deportation order in respect of him may within seven days of the receipt of that notice, or such longer period as the Governor may see fit to allow, make written representations to the Governor —

(a) against the making of the deportation order;

(b) objecting to the country or territory specified in the notice as the country to which the Governor has in mind to direct that he be deported.

(4) The Governor shall not make a deportation order in respect of a person —

(a) until the expiration of seven days, or such longer period as the Governor may have allowed for written representations against the making of the order, after the person has been given notice of intention to make the deportation order;

(b) without having considered any written representations made to him by that person pursuant to subparagraph (3);

(c) on any ground other than one which has been specified or indicated in the notice.

(5) The Governor shall so soon as practicable after the expiration of the period referred to in subparagraph (4) (a) give notice in writing to the person as to whether he has decided to make a deportation order.

(6) The Governor may not pursuant to any provision of this Ordinance direct that a person be deported pursuant to a deportation order to a country or territory other than one —

(a) specified pursuant to subparagraph (2)(b); or

(b) nominated by the person concerned in his written representations pursuant to subparagraph (3) or (8); or

(c) specified in a notice given to the applicant under subparagraph (7).

(7) The Governor may at any time after he has given a person notice of his intention to deport him, give that person notice of the Governor's intention to substitute a different country or territory for that specified in the first mentioned notice but shall not direct that the person be deported to that country or territory until after the expiration of seven days from the giving of the second mentioned notice or without having considered any written representations he may receive from the person concerned within that period of seven days. Any notice given under this paragraph shall contain a statement of the effect of this paragraph.

(8) The foregoing subparagraphs do not apply in respect of deportation pursuant to section 15(6).

(9) Where it appears to the Governor that a child who is a Falkland Islander is a dependant of a person in respect of whom the Governor is considering the making of a deportation order, the Governor shall not make a deportation order in respect of that person without taking into account the interests of the child, and in particular the effect that the making of the deportation order in respect of the person of whom the child is a dependant is likely to have in relation to the welfare and upbringing of the child.

Revocation of deportation orders

5. The Governor may at any time revoke a deportation order and if he does so shall notify the Principal Immigration Officer and the person affected by the order of its revocation.

6. A deportation order once made, until revoked, remains in effect so as to prohibit the entry into the Falkland Islands to whom it relates.

SCHEDULE 4
FURTHER PROVISIONS IN RELATION TO PERSONS CLAIMING, OR WHO
HAVE CLAIMED, ASYLUM

1. Where —

(a) a person has been granted leave to enter and remain in the Falkland Islands either by the grant to him of a permit under this Ordinance or otherwise under this Ordinance and claims that it would be contrary to the Falkland Islands' obligations under the Convention for him to be required to leave the Falkland Islands after the time limited by the leave; and

(b) the Governor has considered the claim and given to the person notice in writing in respect of it,

the Governor may by notice in writing, given to the person concurrently with the notice under paragraph (b), curtail duration of the leave.

2. No appeal lies against the curtailment of leave under paragraph (1).

3. The power conferred by subsection (1) is without prejudice to section 5(6) and 6.

4. Where —

(a) the duration of a person's leave to enter and remain in the Falkland Islands has been curtailed under paragraph 1 of this Schedule; and

(b) the Governor has decided to make a deportation order against him under section 5(6) of this Ordinance,

the Governor may direct that the person be detained in a place approved by the Governor for the purpose, and while detained pursuant to such a direction, the person shall be deemed to be lawfully detained; and the references to subparagraph (2) of paragraph 2 of Schedule 3 to this Ordinance in subparagraphs (3), (4) and (6) of that paragraph (provisions about detention under subparagraph (2)) shall include references to this subparagraph.

Passed by the Legislature of the Falkland Islands this 13th day of December 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Taxes (Amendment)(No 2) Ordinance 1999

(No: 16 of 1999)

ARRANGEMENT OF PROVISIONS

Section

1. Short title, commencement and interpretation
2. Rates of tax for individuals
3. Reduction in earned income relief

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

TAXES (AMENDMENT) (NO 2) ORDINANCE 1999

(No: 16 of 1999)

(assented to: 14 December 1999)
(commencement: in accordance with section 1)
(published: 22 December 1999)

AN ORDINANCE

To amend the Taxes Ordinance 1997

ENACTED by the Legislature of the Falkland Islands as follows —

Short title, commencement and interpretation

- 1.—(1) This Ordinance may be cited as the Taxes (Amendment) (No 2) Ordinance 1999.
- (2) This Ordinance shall come into force on 1st January 2000.
- (3) In this Ordinance “the 1997 Ordinance” means the Taxes Ordinance 1997(a).

Rates of tax for individuals

2.—(1) For paragraph (a) of section 10 of the 1997 Ordinance (rates of tax on income of individuals) there shall be substituted —

“(a) in the case of any person other than a company —

- (i) on the first £22,000 of his chargeable income, at 20 per cent;

(a) No 14 of 1997

(ii) on the next £13,000, at 25 per cent; and

(iii) on the remainder, at 40 per cent.

(2) Subsection (1) shall apply in relation to income which is chargeable to tax for the year of assessment 2001 and subsequent years.

Reduction in earned income relief

3.—(1) In section 15(1) of the 1997 Ordinance (deduction of 15% of earned income from chargeable income) for “15 per cent” there shall be substituted “10 per cent”.

(2) Subsection (1) shall apply in relation to income which is chargeable to tax for the year of assessment 2001 and subsequent years.

Passed by the Legislature of the Falkland Islands this 13th day of December 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

Supplementary Appropriation (1999-2000) (No 2) Ordinance 1999

(No. 17 of 1999)

ARRANGEMENT OF PROVISIONS

Section

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

Schedule

ELIZABETH II



Colony of the Falkland Islands

DONALD ALEXANDER LAMONT,
Governor.

SUPPLEMENTARY APPROPRIATION (1999-2000) (NO 2) ORDINANCE 1999

(No. 17 of 1999)

(assented to: 14 December 1999)

(commencement: upon publication)

(published: 22 December 1999)

AN ORDINANCE

To appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £754,090 for the service of the financial year ending on 30 June 2000.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Supplementary Appropriation (1999-2000) (No 2) Ordinance 1999.

Appropriation of further sum

2. The Financial Secretary may for the purposes specified in the Schedule cause to be withdrawn from the Consolidated Fund and applied to the service of the year commencing on 1 July 1999 and ending on 30 June 2000 (“the financial year”) the further sum of £754,090 in addition to sums already appropriated by Ordinance.

Replenishment of Contingencies Fund

3. The Financial Secretary shall out of the sum appropriated by section 2 replenish the Contingencies Fund to the extent that sums specified in the Schedule, prior to the commencement of this Ordinance, have been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Numbers 3 - 6 of 1999-2000 (the authority of which lapses on the commencement of this Ordinance).

SCHEDULE

PART I OPERATING EXPENDITURE

	£
100 Aviation	25,000
320 Fisheries	20,000
450 Justice	66,000
600 Central Administration	133,000
800 Legislature	17,000
TOTAL OPERATING EXPENDITURE	<u>261,000</u>

PART II CAPITAL EXPENDITURE

950 Capital	493,090
TOTAL SUPPLEMENTARY EXPENDITURE	<u><u>754,090</u></u>

Passed by the Legislature of the Falkland Islands this 13th day of December 1999.

C. ANDERSON,
Clerk of Councils.

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

C. ANDERSON,
Clerk of Councils.

SUBSIDIARY LEGISLATION

EMBARKATION TAX

Embarkation Tax Regulations 1999

S. R. & O. No. 34 of 1999

Made: 10 December 1999

Published: 22 December 1999

Coming into force: 1 January 2000

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

Citation and commencement

1. These Regulations may be cited as the Embarkation Tax Regulations 1999 and come into force on 1 January 2000.

Interpretation

2. In these Regulations —

“air side”, in relation to an airport, means that part of an airport to which members of the public, other than persons about to depart the Falkland Islands on an aircraft, are ordinarily not admitted;

“exempted person” means a person falling within any category appearing in the Schedule;

“passenger” means a person intending to depart from the Falkland Islands to a destination in a country outside the Falkland Islands;

“receipt” means in a receipt in a form authorised by the Treasurer; and

“tax” means the tax imposed by regulation 3.

Imposition of the tax

3. Every passenger leaving the Falkland Islands by air shall pay an embarkation tax of £10 pounds.

Payment of the tax

4.—(1) Subject to this regulation, the tax may be paid —

(a) at the time of payment for the passage on the aircraft concerned;

(a) No 6 of 1999

(b) on checking-in at the airport of departure from the Falkland Islands; or

(c) to an immigration officer after checking-in before entering the air side of the airport of departure.

(2) Any passenger liable to pay the tax other than a passenger on a flight operated by the Royal Air Force must prove payment of the tax by production of an official receipt.

(3) Any person (including a public officer) who sells as agent for, or otherwise on behalf of, the Falkland Islands Government a passage on a flight operated by the Royal Air Force must collect payment of the tax at the time of the collection of payment for the passage and must account for it to the Collector of Customs at such intervals as he may direct.

Official receipts

5.—(1) The Collector of Customs, with the approval of the Treasurer, may agree with any travel agent or ground handling agent for the sale to that agent of books of receipts against payment in full of the aggregate amount of tax to which the receipts relate or, if he sees fit, wholly or partly on credit.

(2) The Collector of Customs may against production to him by a travel agent or ground handling agent of an official receipt arrange for the refund or, as the case may be, credit the amount of tax to which that official receipt relates if the Collector of Customs is satisfied that the official receipt has not been used by a passenger as proof of payment of the tax represented by that receipt.

Immigration officers to enforce payment

6.—(1) An immigration officer shall not permit any person liable to pay the tax, other than the person intending to depart from the Falkland Islands aboard an aircraft operated by the Royal Air Force, to enter the air side of an airport as an intending passenger aboard any flight, unless —

(a) that person delivers to him an official receipt; or

(b) the person pays the tax to him.

(2) On an official receipt being delivered to an immigration officer in accordance with paragraph (1) he shall cancel the receipt so that it cannot be reused.

Exempted persons

7. Persons falling within any of the categories or descriptions specified in the Schedule to these Regulations are exempt from payment of the tax.

SCHEDULE

Persons exempt from payment of the tax

1. Any child under the age of two years at the time of departure.
2. Persons departing the Falkland Islands as a medical patient or patient's carer under arrangements approved by or made by the Chief Medical Officer.
3. Any passenger aboard a flight operated by the Royal Air Force who is —
 - (a) a member of Her Majesty's Armed Forces on a duty passage;
 - (b) a member of Her Majesty's Armed Forces or a spouse or dependent of such a member of such Forces accompany him travelling on an indulgence passage;
 - (c) a member of Her Majesty's United Kingdom Civil Service or Diplomatic Service travelling on duty;
 - (d) a Member of Parliament or of the House of Lords travelling on parliamentary business or on a sponsored visit and any accompanying parliamentary staff or accompanying spouse;
 - (e) an employee of the Navy, Army and Air Forces Institutes, the Meteorological Officer or the British Forces Broadcasting Service travelling on duty and any member of the family of any such person accompanying him or returning from a visit to him;
 - (f) any employee of any contractor to the Ministry of Defence returning after performing duties in the Falkland Islands and any member of the family of any such person accompanying him or returning from a visit to him;
 - (g) Members of the Womens Royal Voluntary Service, the Missions to Military Garrisons or any charitable, voluntary or social service serving the military in the Falkland Islands.
4. Any person who is a member of a diplomatic or consular mission to the Falkland Islands or a member of a mission of an international organisation to the Falkland Islands, or a member of the family of any of the foregoing persons, if and only if in the circumstances under the law of the Falkland Islands the person is entitled to exemption from any tax imposed in the Falkland Islands.
5. Any passenger aboard any aircraft operated by or chartered to the British Antarctic Survey.
6. A person who was a member of the crew of the aircraft upon its arrival in the Falkland Islands or will be a member of the crew of the aircraft on its departure from the Falkland Islands.
7. A passenger aboard a flight operated by the Royal Air Force who would not otherwise be exempt and who purchased the passage in question before 1st January 2000.

Made this tenth day of December 1999

D A Lamont
Governor

EXPLANATORY NOTE
(not forming part of the above Regulations)

These Regulations require payment of embarkation tax by every person leaving the Falkland Islands by air who is not an exempt person and makes provisions in relation to the collection and payment of the tax.

SUBSIDIARY LEGISLATION

TAXES

Payments on Account of Tax (Amendment) Regulations 1999

S. R. & O. No: 35 of 1999

Made: 14 December 1999
Published: 22 December 1999
Coming into operation in accordance with regulation 1

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

Citation and commencement

1. These Regulations may be cited as the Payments on Account of Tax (Amendment) Regulations 1999, and shall apply in relation to POAT deductions required to be made, or deemed to have been made, under Part IV of the Taxes Ordinance 1997 on or after 1st January 2000.

Amendment of regulation 5

2. For paragraph (2) of regulation 5 of the Payments on Account of Tax (Employees' Deductions) Regulations 1997(b) there shall be substituted —

“(2) The formula which may be used instead of the tables is —

(a) if R is equal to or less than W_0 —

$$PD = 0;$$

(b) if R is greater than W_0 but equal to or less than W_1 —

$$PD = (1 - E)(R - W_0)T_{R1}$$

(c) if R is greater than W_1 but equal to or less than W_2 —

$$PD = (1 - E)[(R - W_0)T_{R1} + (R - W_1)(T_{R2} - T_{R1})];$$

(a) No. 14 of 1997

(b) S. R. & O. No. 23 of 1997

(d) if R is greater than W_2 —

$$PD = (1 - E) \left[(R - W_0) T_{R1} + (R - W_1) (T_{R2} - T_{R1}) + (R - W_2) (T_{R3} - T_{R2}) \right]$$

In each case PD is the POAT deduction required to be found, rounded down to the nearest whole number.

(2A) The key to these formulae is as follows—

$$W_0 = \frac{A}{D(1 - E)}$$

$$W_1 = \frac{U_{L1} + A}{D(1 - E)}$$

$$W_2 = \frac{U_{L2} + A}{D(1 - E)}$$

- D is the result of dividing the number of days in the year in which the remuneration is payable by the number of days in the pay period, rounded down to the nearest whole number;
- B is the result, expressed in pound sterling, of dividing 300 by D, rounded down to the nearest whole £5;
- C is the result of dividing the relevant remuneration by B, rounded down to the nearest whole number;
- R is the product of C and B;
- E is the rate of earned income relief under section 15(1), expressed as a decimal;
- T_{R1} is the lowest rate of income tax expressed as a decimal;
- T_{R2} is the intermediate rate of income tax expressed as a decimal;
- T_{R3} is the highest rate of income tax expressed as a decimal;
- U_{L1} is the maximum amount of income which is chargeable to income tax at the lowest rate at the time the remuneration is payable;
- U_{L2} is the aggregate of the maximum amounts of income which at the time the remuneration is payable are chargeable to income tax at the lowest rate and at the intermediate rate;
- A (a) if, at the time the remuneration is payable, the employee concerned is entitled to an allowance under section 17(1), then A is equal to the aggregate of the amounts specified in sections 16(1) and 17(1) at that time;

(b) if paragraph (a) does not apply, A is equal to the amount specified in section 16(1) at the time the remuneration is payable.

(2B) The Commissioner may give a direction to an employer under this paragraph in relation to specified employees of the employer or in respect of specified classes of employees of that employer or of all his employees, but a direction may not be given under this paragraph except with the agreement of the employer.

A direction under this paragraph may be referred to as a "POAT direction".

(2C) A POAT direction shall provide for the calculation of the POAT deductions which are required to be made from the remuneration of employees to whom the direction relates, and where a POAT direction is given to an employer, the employer shall calculate the POAT deduction for each such employee in accordance with the direction, instead of the tax tables or any of the formulae set out above.

(2D) The Commissioner may request information from an employer before giving a POAT direction under subsection (2), and it shall be the duty of the employer to comply with the request within a reasonable time.

(2E) An employer of an employee whose remuneration exceeds the highest figure in the tax tables shall notify the Commissioner that he employs such a person not later than one month after the later of the following —

- (a) the first day of such employment;
- (b) the day on which the employee's remuneration exceeds that figure;
- (c) 1st January 2000.

(2F) A person who fails to comply with paragraph (6) shall be guilty of an offence and liable to a fine at level 7 on the standard scale.

(2G) Nothing in this regulation applies for the calculation of a POAT deduction for any person within regulation 9."

Amendment of regulation 10

3. For paragraphs (3) and (4) of regulation 10 of the Payments on Account of Tax (Employees' Deductions) Regulations 1997 there shall be substituted —

"(3) Subject to regulation 11, in any case where the remuneration is payable wholly net or free of tax, then the amount by reference to which the POAT deduction is to be calculated is to be found as follows —

(a) if R does not exceed Z_0 —

$$G = R ;$$

(b) if R exceeds Z_0 but is equal to or less than Z_1 —

$$G = \left[\frac{R - T_{R1}A}{1 - T_{R1}(1 - E)} \right]$$

(c) if R exceeds Z_1 but is equal to or less than Z_2 —

$$G = \left[\frac{R - T_{R2}(A + U_{L1}) + T_{R1}U_{L1}}{1 - T_{R2}(1 - E)} \right]$$

(d) if R exceeds Z_2 —

$$G = \left[\frac{R - T_{R3}(A + U_{L2}) + T_{R2}(U_{L2} - U_{L1}) + T_{R1}U_{L1}}{1 - T_{R3}(1 - E)} \right]$$

G is then divided by D to determine the grossed up amount of any particular amount of remuneration payable at any time during the year in question.

(4) The key to subsection (3) is as follows —

$$Z_0 = \left[\frac{A}{1 - E} \right]$$

$$Z_1 = \left[\frac{U_{L1} + A}{1 - E} \right] - T_{R1}U_{L1}$$

$$Z_2 = \left[\frac{U_{L2} + A}{1 - E} \right] - T_{R1}U_{L1} - T_{R2}(U_{L2} - U_{L1})$$

- D is the result of dividing the number of days in the year in which the remuneration is payable by the number of days in the pay period, rounded down to the nearest whole number;
- E is the rate of earned income relief under section 15(1), expressed as a decimal;
- R is the net remuneration, but subject to subsection (5) below;
- T_{R1} is the lowest rate of income tax expressed as a decimal;
- T_{R2} is the intermediate rate of income tax expressed as a decimal;
- T_{R3} is the highest rate of income tax expressed as a decimal;
- U_{L1} is the maximum amount of income which is chargeable to income tax at the lowest rate at the time the remuneration is payable;
- U_{L2} is the aggregate of the maximum amounts of income which at the time the remuneration is payable are chargeable to income tax at the lowest rate and at the intermediate rate;

- A (a) if, at the time the remuneration is payable, the employee concerned is entitled to an allowance under section 17(1), then A is equal to the aggregate of the amounts specified in sections 16(1) and 17(1) at that time;
- (b) if paragraph (a) does not apply, A is equal to the amount specified in section 16(1) at the time the remuneration is payable.”

Made this fourteenth day of December 1999

D A Lamont
Governor



