THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *29th JANUARY 1993* *No. 1*

Appointments

Mrs. Judith Barnard Crowe, Head Teacher, Falkland Islands Community School, Education Department, 15.1.93.

Mrs. Veronica Fowler, Teacher, Education Department, 15.1.93.

Kevin John Holland, Teacher, Education Department, 19.1.93.

Confirmation of Appointments

Robert John King, Collector of Customs, Customs Department, 1.1.93.

Duane William Stewart, Constable, Royal Falkland Islands Police, 1.1.93.

Mrs. Margaret Claxton, Assistant Design Engineer/ Senior Draughtsman, Public Works Department, 1.1.93.

Completion of Contracts

Robert Hugh Bullock Hall, Agriculture Adviser (wool), 19.12.92.

Miss Sara McPhee, Cadet/Junior Assistant Customs Officer, Customs Department, 31.12.92.

Dr. Robert James McIlroy, Medical Officer, Medical Department, 31.12.92.

Re - appointments

Miss Sara McPhee, Junior Assistant Customs Officer, Customs Department, 1.1.93.

Robert Hugh Bullock Hall, Agriculture Adviser (wool), 5.1.93.

Resignations

Mrs. Katherine Louise Peck, Clerk, Public Service, 19.11.92.

NOTICES

No. 1 27th January 1993.

Cost of Living Committee

The following change of membership to the Cost of Living Committee took place with effect from 15th September 1992 :

Representative of the General Employee's Union :

Mrs. Mary Jennings is replaced by Ms. J. Brock.

No. 2 27th January 1993.

School Terms 1993

Stanley Schools

1st Term	4th February	- 19th May
2nd Term	3rd June	- 25th August
3rd Term	16th September	- 15th December

Recognised Camp Schools

Term dates for recognised Camp Schools may be modified to suit the convenience of the farms, provided that the days worked are not fewer than those in Stanley Schools, and that the Education Office is notified of the alteration in dates.

Holidays 1993

Camp Sports	Monday 1st March - Friday 5th March inclusive
Good Friday	Friday 9th April
Queen's Birthday	Wednesday 21st April
Liberation Day	Monday 14th June
Falklands Day	Monday 16th August
Battle Day	Wednesday 8th December.

Holidays for Travelling Teachers

Tuition shall take place except during Public Holidays and the following periods :

17th December 1992 - 6th January 1993

Three additional days (to be taken by arrangement with the Director of Education)

Term ends 15th December 1993 - Commences 5th January 1994.

No. 3 27th January 1993.

Cost of Living

The index of Retail Prices for the quarter ended 31st December 1992 fell by 0.63%, therefore no adjustment to the hourly wages rate is necessary.

Ref : INT/2/3.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. C. GULLIVER P8174153.

to be a temporary Customs Officer with effect from 27th October, 1992 to 27th February 1993.

B. ECCLES,
For Collector of Customs.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Sgt. DAVID RICKARD, RAF, R8096861.

to be a temporary Customs Officer with effect from 7th January, 1993 to 30th April 1993.

R. J. KING,
Collector of Customs.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. KAREN FRY, WRAF, C8240074.

to be a temporary Customs Officer with effect from 7th January, 1993 to 30th April 1993.

R. J. KING,
Collector of Customs.

REGISTRATION OF UNITED KINGDOM TRADE MARKS ORDINANCE (CAP.59)

The following list of Trade Marks and Service Marks Registered in the Falkland Islands during the period 1st January 1992 to 31st December 1992 is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

B. Greenland
Registrar General

Registration No	Date of Registration	Proprietor	Description of Goods
9429	14.2.92	General Motors Corp.	Motor vehicles and parts therefor; all included in Class 12
9431	19.3.92	Penthouse International Limited	Electrical apparatus and instruments included in Class 9; wireless and television apparatus sound transmitting, sound recording and sound reproducing apparatus; photographic, cinematographic and optical apparatus and instruments; photographic film and photographic slides, all prepared for exhibition; apparatus included in Class 9 for treating photographic films; photographic projection screens; and parts and fittings included in Class 9 for all the aforesaid goods, grooved phonograph records, magnetic and video recordings magnetic and video recording tapes and magnetic and video recording cartridges. PENTHOUSE
9445	23.3.92	Tesco Stores Ltd.	Preparations and substances, all for laundry; cleaning, polishing, scouring and abrasive preparations; and antiperspirants, perfumes, non-medicated toilet preparations, cosmetic preparations dentifrices, depilatory preparations, toilet articles included in Class 3, sachets for use in waving the hair, shampoos, soaps, and essential oils. TESCO
9446	23.3.92	Tesco Stores Ltd.	Paper, paper articles, and cardboard articles, all included in Class 16; cardboard, printed matter, periodical publications, books; photographs, stationery, adhesive materials (stationery); paint brushes, office requisites (other than furniture); and ordinary playing cards. TESCO
9447	23.3.92	Tesco Stores Ltd.	Small domestic utensils and containers(not of precious metal or coated therewith); combs, sponges, brushes included in Class 21; non-electric instruments and material included in Class 21, all for cleaning purposes; steel wool; glassware, porcelain and earthenware, all included in Class 21. TESCO
9448	23.3.92	Tesco Stores Ltd	Articles of clothing. TESCO
9449	23.3.92	Tesco Stores Ltd.	All goods included in Class 29. TESCO
9450	23.3.92	Tesco Stores Ltd	All goods included in Class 30. TESCO

9451	23.3.92	Tesco Stores Ltd	Agricultural, horticultural and forestry products and grains, all included in Class 31; fresh fruits and fresh vegetables; live plants and natural flowers; foodstuffs for animals; and malt. TESCO
9452	23.3.92	Tesco Stores Ltd.	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32; and fruit juices and tomato juice. TESCO
9453	23.3.92	Tesco Stores Ltd.	Wines, spirits (beverages) and Liqueurs. TESCO
9457	23.3.92	Societe Des Produits Nestle S.A.	All goods included in Class 5.
9458	23.3.92	Societe Des Produits Nestle S.A.	All goods included in Class29.
9459	23.3.92	Societe Des Produits Nestle S.A.	All goods included in Class 30.
9460	23.3.92	Societe Des Produits Nestle S.A.	All goods included in Class 32.
9464	23.3.92	Nabisco Inc.	Non-medicated confectionery having breath freshening properties. BREATH SAVERS
9513	5.5.92	United Parcel Service	Transportation of goods by road and by air; arranging the transport of goods by road and by air; all included in Class 39. UPS
9514	5.5.92	United Parcel Service	Transportation and arranging transportation of goods by land and air; all included in Class 39. UNITED PARCEL SERVICE
9515	5.5.92	United Parcel Service	Transportation of goods by road and by air; arranging of the transportation of goods; all included in Class 39.
9547	10.6.92	Mastercard International Incorporated	Paper and paper articles, all included in Class 16; books, and printed matter; all relating to credit and services.
9548	10.6.92	Hilton International Co.	Hotel, motel, bar, restaurant, banqueting, and catering services; hotel reservation services; all included in Class 42.
9549	10.6.92	The Coca Cola Company	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32 and fruit juices for use as beverages. MELLOYELLO
9550	11.6.92	The House of Edgeworth Inc.	Tobacco and cigarettes. HOLIDAY

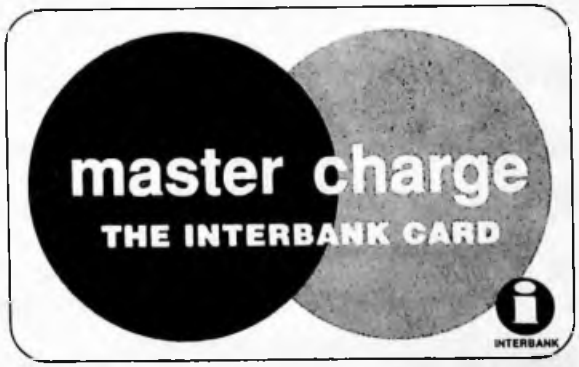
9556	8.7.92	V. Kann Rasmussen Industri	Building materials; ready mountable building parts; windows; doors; glass; window glass; double glazing panels incorporating insulating glass; panels and wall coverings, all made of wood or plastic materials or of material having the appearance of wood; flashing and flashing frames, all for windows; skylights; skylight frames, smoke exits and smoke outlets, all for use in buildings; glass roofs; roof materials and roof elements; double glazing panels and double glazing materials; shutters, all being non-metallic; parts and fittings for all the aforesaid goods; all included in Class 19.
9635	27.10.92	H.J. Heinz Company Limited	Cooked beans, calves feet jelly, tinned brisling, dried herbs for food, lemon curd, mayonnaise, salad cream, mincemeat, olive oil (for food) preserved olives, pickles, dried or preserved horse-radish, horse-radish prepared for making sauce, soups, pastes consisting wholly or mainly of meat, of fish or of vegetables; jellies (for food); ready cooked meals consisting mainly of meat and vegetables; canned vegetables salad and canned vegetable juices for cooking; and pre-packed meals included in Class 29.
9636	27.10.92	H.J. Heinz Company Limited	Infants' invalids' and dietetic foods, all being strained, minced or chopped.
9637	27.10.92	H.J.Heinz Company Limited	Tomato juice and fruit juices.
9638	27.10.92	H.J.Heinz Company Limited	Capers, celery salt, chutney, curry powder, preserved ginger, ketchup, macaroni, mustard, pepper, sauces, spaghetti, coffee, canned puddings and vinegar; and pre-packed meals included in Class 30.
9641	30.10.92	TGI Friday's Inc.	Restaurant services and bar services for the provision of food or drink all included in Class 42.
9642	30.10.92	TGI Friday's Inc.	Restaurant services and bar services for the provision of food or drink all included in Class 42.
9643	30.10.92	TGI Friday's Inc.	Restaurant services and bar services for the provision of food or drink all included in Class 42.
9645	2.11.92	CPC International Inc.	Meat extracts, vegetables extracts, fruit extracts, jellies, jams, milk, cream, cheese, butter, fruit, vegetable and fish preserves, and pickles. MARMITE
9646	2.11.92	Samsung Electronics Co. Ltd.	Electrical and electronic apparatus and instruments; sound recording and reproducing apparatus and instruments; aerials, amplifiers, audiovisual teaching apparatus, calculating machines, car speakers, discs, electric irons, electric cleaners, electric switches, wires, cables, headphones, lasers (not for medical purposes) and loud speakers; apparatus and instruments, all for measuring; microphones; oscillographs; radar apparatus and instruments; radios; receivers; apparatus for measuring and recording distance; remote control apparatus and instruments, storage batteries; switchboards; switchboxes; tape recorders; telegraphic apparatus and instruments; telephone apparatus and instruments; telephone transmitters; television apparatus and instruments; thermostats; ticket dispensers; electric vacuum cleaners; video tapes; audiotapes; magnetic tapes; video recording apparatus and instruments; word processors; all included in Class 9.

9647	2.11.92	Samsung Electronics Co. Ltd.	Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; electric fans; parts and fittings for all the aforesaid goods; all included in Class 11.
9653	9.11.92	Sony Music Entertainment Inc.	Audio and audio-visual recordings including phonograph records and pre-recorded magnetic tapes, discs and cassettes; motion picture films; all included in Class 9.
9654	9.11.92	Sony Music Entertainment Inc.	Audio and audio-visual recordings, phonograph records and pre-recorded magnetic tapes, compact discs and cassettes; motion picture films; all included in Class 9.
9665	24.11.92	The House of Edgeworth Incorporated	Cigarettes for sale in the United Kingdom or for export to Kiribati, Solomon Islands, Tonga, Tuvalu and Vanuatu; all included in Class 34.

Reg. No. 9429

Reg. Nos. 9457 - 9460

Reg. No. 9515



Reg. No. 9547

Reg. No. 9548

VELUX

Reg. No. 9556

Heinz

Reg. Nos. 9635 - 9638

FRIDAY'S

Reg. No. 9641

T.G.I. FRIDAY'S

Reg. No. 9642

T.G.I. FRIDAY'S

Reg. No. 9643

HOLIDAY

Reg. No. 9665

SAMSUNG

Reg. Nos. 9646 - 9647

Reg. No. 9653

LEGACY

Reg. No. 9654

REGISTRATION OF UNITED KINGDOM TRADE MARKS ORDINANCE (Cap.59)

The following list of Trade Mark registrations renewed in the Falkland Islands during the period 1st January 1992 to 31st December 1992 is published for general information. The Trade Marks Register may be inspected at the Office of the Registrar General, Stanley.

B. Greenland
Registrar General

Registration No	Renewal No	Effective date of Renewal	Proprietor	Description of Goods
6472	9430	25.11.91	Philip Morris Inc.	Tobacco and cigarettes. Registered as proprietors in so far as concerns exclusive right to the use of the said mark in relation to goods for sale in the United Kingdom of Great Britain and Northern Ireland and in relation to goods for export except to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam; and in relation to goods for export to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam.
5412	9435	28.6.91	Burberrys Limited	All goods included in Class 25. This trade mark is hereby altered under Section 35 of the Trade Marks Act 1938, representations of the mark as altered were deposited on the 30th May, 1957.
6940	9436	28.6.91	Burberrys Limited	All goods included in Class 25. This trade mark is hereby altered under Section 35 of the Trade Marks Act 1938, representation of the mark as altered were deposited on the 30th May, 1957.
8765	9454	7.2.92	Mars G.B. Limited	Animal foodstuffs and animal litter.
9235	9455	18.2.92	Societe Des Produits Nestle S.A.	All goods included in Class 29.
9232	9456	18.2.92	Societe Des Produits Nestle S.A.	All goods included in Class 30. In so far as they relate to goods for sale in Bahrain. In so far as they relate to goods for sale in Aden. In so far as concerns the right of Nestle S.A. in the United Kingdom. In so far as concerns the rights to the exclusive use thereof in relation to goods for export from the United Kingdom to and sale in Belize, Gibraltar, Grenada, St Vincent, and Falkland Islands.

5103	9461	15.2.92	Twentieth Century Fox Film Corporation	Cinematograph films prepared for exhibition.
6850	9463	11.2.92	Beiersdorf AG	Soaps; non-medicated toilet preparations, cosmetic preparations sun tanning preparations (being cosmetic or non-medicated toilet preparations); perfumes, shaving cream; toilet water and essential oils. In so far as concerns the right to the exclusive use of the mark in relation to goods for export to and sale in Antigua, Bahrain, Belize, British Virgin Islands, Cayman Islands, Dominica, Falkland Islands, Gibraltar, Grenada, Guyana, St. Christopher - Nevis and Anguila, Montserrat, St Helena, St. Vincent, People's Democratic Republic of Yemen and St. Lucia.
4025	9465	22.1.92	Nabisco Inc.	Biscuits (other than biscuits for animals), cakes, pastry, buns, bread; cereal preparations for food for human consumption; cake mixtures, fudge mixtures; sugar-icing mixtures; non-medicated confectionery; flour; coffee, tea, cocoa, sugar rice, tapioca, spices (other than poultry spice); condiments; and honey.
7387	9466	16.1.92	Christian Dior S.A.	All goods included in Class 25.
3401	9467	3.1.92	Yardley & Company Limited	Perfumes, toilet preparations (not medicated), cosmetic preparations, dentifrices, depilatory preparations, toilet articles (not included in other classes), sachets for use in waving the hair, soaps and essential oils.
7142	9468	17.11.91	Consortium Mediterr-neen De Parfumerie	Perfumes, non-medicated toilet preparations, cosmetic preparations, preparations for hair, toilet articles included in Class 3, soap and essential oils.
8276	9497	23.4.92	Reemtsma Cigaretten-fabriken GmbH	Tobacco, raw or manufactured.
4272	9499	26.2.92	Cointreau & Cie S.A.	Liqueurs.
4874	9507	2.11.88	St. Regis Tobacco Corporation Limited	Tobacco whether manufactured or unmanufactured.
4653	9508	27.4.92	St. Regis Tobacco Corporation Limited	Tobacco whether manufactured or unmanufactured+++. In so far as concerns the right to the use of the Mark on goods for export from the United Kingdom to and sale in all countries of the world except the Channel Islands, the Republic of Ireland, Fiji and Malta.

3457	9509	8.4.92	William Grant & Sons Limited	Scotch Whisky.
4069	9517	22.5.91	Del Monte Corporation	All good included in Class 29.
6541	9520	30.4.92	Biro Bic Limited	Smokers gas lighters and parts and fitt[illegible] therefor included in Class 34.
6649	9521	20.4.92	Mars G.B. Limited	Food for animals.
8713	9522	26.4.92	Gold Star Company Ltd.	Elevators, blenders, compressors, presses and belt conveyors, all being machines; escalators; washing machines; pumps, mixers, spraying apparatus, lifting apparatus and incubators, all included in Class 7; machines and apparatus included in Class 7; all for use in agriculture and in earth moving; electric dishwashing machines; motor (not for land vehicles); injection moulding machines; milling machines; drilling machines; machine tools; bulldozers; cranes; combine harvesters; computer- controlled manipulating machines; road grading machines; parts and fittings included in Class 7 for all the aforesaid goods.
8714	9523	26.4.92	Gold Star Company Ltd.	Electronic control apparatus; sound and video recording and reproducing apparatus; electronic data processing apparatus and instruments; electronic apparatus for the input and output of data for computers; television receiving sets; radio receiving sets; video cameras; sound amplifiers; radio signal tuners; loudspeakers; headphones; programmable time measuring apparatus (not in the nature of clocks or watches); computers; visual display units; electronic printers and floppy disc drives, all for use with computers; calculators, cash registers, word processors and microscopes all being electronic; vending machines, video discs; video tapes; discs adapted for the digital recording of sound; magnetic tapes and cassettes therefor; floppy magnetic discs; watt hour meters; heat meters; relays, circuit breakers, cables and vacuum cleaners, all being electric; telecommunications apparatus; electrical condensers; printed circuit boards; integrated circuits; transistors parts and fittings included in Class 9 for all the aforesaid goods.

8715	9524	26.4.92	Gold Star Company Ltd.	Installations and apparatus included in Class 11, all for cooking and heating; electric boilers for domestic use; installations and apparatus all for refrigerating and ventilating; air conditioning apparatus; ice making machines; humidifiers included in Class 11; electric toasters; microwave ovens (not for experimental use); electrically heated apparatus for making coffee; hair dryers (not being machines); air purification apparatus and electric fans, all included in Class 11; air conditioning installations for motor vehicles; parts and fittings included in Class 11 for all the aforesaid goods.
8716	9525	26.4.92	Gold Star Company Ltd.	Elevators, blenders, compressors, presses and belt conveyors, all being machines; escalators; washing machines; pumps, mixers, spraying apparatus, lifting apparatus and incubators, all included in Class 7; machines and apparatus all included in Class 7, all for use in agriculture and in earth moving; electric dishwashing machines; motors (not for land vehicles); injection moulding machines; milling machines; drilling machines; machine tools; bulldozers; cranes; combine harvesters; computer-controlled manipulating machines; road grading machines; parts and fittings included in Class 7 for all the aforesaid goods.
8717	9526	26.4.92	Gold Star Company Ltd.	Electronic control apparatus; sound and video recording and reproducing apparatus; electronic data processing apparatus and instruments; electronic apparatus for the input and output of data for computers; television receiving sets; radio receiving sets; video cameras; sound amplifiers; radio signal tuners; loudspeakers; headphones; programmable time measuring apparatus (not in the nature of clocks or watches); computers; visual display units; electronic printers and floppy disc drives, all for use with computers; calculators, cash registers, word processors and microscopes all being electronic; vending machines, video discs; video tapes; discs adapted for the digital recording of sound; magnetic tapes and cassettes therefor; floppy magnetic discs; watt hour meters; heat meters; relays, circuit breakers, cables and vacuum cleaners, all being electric; telecommunications apparatus; electrical condensers; printed circuit boards; integrated circuits; transistors; parts and fittings included in Class 9 for all the aforesaid goods.

8718	9527	26.4.92	Gold Star Company Ltd	Installations and apparatus included in Class 11, all for cooking and heating; electric boilers for domestic use; installations and apparatus all for refrigerating and ventilating; air conditioning apparatus; ice making machines; humidifiers included in Class 11; electric toasters; microwave ovens (not for experimental use); electrically heated apparatus for making coffee; hair dryers (not being machines); air purification apparatus and electric fans, all included in Class 11; air conditioning installations for motor vehicles; parts and fittings included in Class 11 for all the aforesaid goods.
8395	9543	15.4.92	Religious Technology Centre	Electrical, electronic, radio communications, monitoring, electrical control, checking (supervision) apparatus and instruments; telecommunications installations, apparatus and instruments, all being electrical electronic or electro-mechanical; alarm systems (not for vehicles), and sensors and detectors, all for use with the aforesaid alarm systems; radio receiving sets and radio transmitters; electrical amplifying apparatus; microphones; portable electrical communications apparatus; loudspeakers; public address installations apparatus and instruments; detecting apparatus; parts and fittings for all the aforesaid goods; all included in Class 9; but not including any such goods being measuring or signalling apparatus or instruments or parts or fittings of the aforesaid apparatus or instruments or goods of the same description as any of these excluded goods.
8759	9544	29.4.92	Champagne Moet & Chandon	Alcoholic beverages included in Class 33.
8760	9545	29.4.92	Champagne Moet & Chandon	Alcoholic beverages included in Class 33.
8399	9608	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 5.
8398	9609	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 30.
8397	9610	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 29.
8396	9611	15.8.92	Societe des Produits Nestle S.A.	All goods in Class 32.
8603	9612	15.8.92	Societe des Produits Nestle S.A.	All goods in Class 30.

8602	9613	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 32.
8601	9614	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 5.
8600	9615	15.8.92	Societe des Produits Nestle S.A.	All goods included in Class 29.
3624	9616	2.8.92	VEB Filmfabrik Wolfen	Scientific and electrical apparatus and instruments included in Class 9; measuring, photographic, cinematographic, radio and television apparatus and instruments; and magnetic tapes, magnetic wires and magnetic discs, all for use as sound recording media.
3623	9617	2.8.92	VEB Filmfabrik Wolfen	Chemical products for use in colour photography; sensitised films for use in colour photography and colour cinematography; and papers and plates all being sensitised articles for use in colour photography.
3622	9618	1.8.92	VEB Filmfabrik Wolfen	Scientific and electrical apparatus and instruments included in Class 9; photographic, cinematographic and optical apparatus and instruments; developed photographic films; and magnetic tapes and magnetic wire, all for use as sound recording media.
3621	9619	1.8.92	VEB Filmfabrik Wolfen	Chemical products for use in industry, science and photography; sensitised photographic films, sensitised photographic plates, sensitised photographic papers; and adhesives for use in industry.
6711	9621	17.2.92	Chrysler Corporation	Motor cars, parts thereof not included in other classes.
7167	9622	18.6.92	United Distillers Plc	Scotch Whisky for export.
8221	9628	19.7.92	The Coca-Cola Company	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
8777	9629	19.7.92	The Coca-Cola Company	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
9464	9630	9.7.92	Nabisco Inc.	Non-medicated confectionery having breath freshening properties.
2935	9631	20.7.92	American Home Products Corporation	All goods included in Class 48.

7389	9632	2.9.92	Philip Morris Inc.	Class 34. Cigarettes. Registered as proprietors in so far as concerns the exclusive right to the use of the said mark in relation to goods for sale in the United Kingdom of Great Britain and Northern Ireland and in relation to goods for export except to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam; and in relation to goods for export to Burma, Cambodia, Laos, The People's Republic of China and North and South Vietnam.
5949	9633	26.8.92	Unilever PLC	All goods included in Class 3.
4599	9634	19.9.92	Uniliver PLC	Candles, common soap, detergents, illuminating heating or lubricating oils, matches, and starch, blue and other preparations for laundry purposes.
5547	9640	22.12.91	Pioneer Kabushiki	Radio and television receiving sets; sound amplifiers; sound recording and sound reproducing apparatus; record players; sterophonic sound reproducing apparatus; magnetic tape recorders; magnetic tapes bearing recorded material; telephone answering and message recording instruments and apparatus; loudspeakers and assemblies of loudspeakers; microphones; and parts and fittings included in Class 9 for all the aforesaid goods, but not including gramophones, records, needles or sound boxes and gramophones.
4120	9644	15.8.92	John Sinclair Limited	Manufactured tobacco.
2431	9648	27.7.92	Charles Mackinlay & Co. Limited.	Scotch Whisky.
8926	9649	15.10.92	Societe des Produits Nestles S.A.	Non-alcoholic beverages; syrups, essences and extracts, all for the preparation of non-alcoholic beverages; all included in Class 32; fruit juices for use as beverages.
8925	9650	15.10.92	Societe des Produits Nestle S.A.	Preparations made from cereals, all for food for human consumption; cocoa essences, cocoa extracts, chocolate, coffee extracts and coffee essences; non-medicated chocolate confectionery; chocolate flavourings included in Class 30 for making milk beverages.
1653	9652	11.7.92	The Coca Cola Company	A syrup (not alcoholic and not medicinal) for use in making a beverage.

6271	9658	19.5.92	Toyota Jidosha, Kabushiki Kaisha	Motor land vehicles, and parts and fittings therefor included in Class 12.
4256	9664	1.5.92	Rothmans	All goods included in Class 34.++ Registered as proprietors in so far as concerns the right to the use of the Marks on goods for export from the United Kingdom to and sale in all countries of the world except the Channel Islands, Republic of Ireland, Fiji and Malta.++ The following Memorandum namely "The Trade Mark is limited to the colours white, blue, gold and red as shown in the representation on the form of application".
3805	9667	23.10.92	Tradall S.A.	Vermouth.
7304	9668	12.11.92	Alfred Dunhill Ltd.	Games (other than ordinary playing cards).
7303	9669	12.11.92	Alfred Dunhill Ltd.	Glassware, jugs, service trays, salt cellars, tea strainers, and brushes, all included in Class 21; cradles and stands, all included in Class 21, all for wine bottles and for decanters; cooling pails for wine; drinking vessels, vacuum flasks, china ornaments, impregnated dusting cloths and sponges (not for surgical use), shoe horns, combs and cases therefor, perfume sprays and perfume sprayers, and toilet sets (sold complete).
8026	9670	22.10.92	Mars G.B. Limited	Food for birds.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Four Pounds & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *26th FEBRUARY 1993* *No. 2*

Appointments

Mrs. Alison Blackburn, Teacher, Education Department, 26.1.93.

Miss Elizabeth Alice Marrow, Teacher, Education Department, 1.2.93.

Martin Ronald Cant, Assistant Teacher, Education Department, 1.2.93.

Mrs. Linda May Burnard, Home Economics Teacher, Education Department, 1.2.93.

Acting Appointment

Jennifer Anne Cox, Acting Registrar General, Justice Department, 15.2.93.

Completion of Contracts

Mrs. Joyce Shorrock, Teacher, Education Department, 18.1.93.

Miss Ann-Marie Stock, Teacher, Education Department, 3.2.93.

Miss Alison Jane Marie Alazia, Clerk, Public Service, 5.2.93.

Miss Dorothy Ruth Wilkinson, Auxiliary Nurse, Medical Department, 10.2.93.

Dr. Barry Elsby, Medical Officer, Medical Department, 12.2.93.

Re - appointments

Mrs. Joyce Shorrock, Teacher, Education Department, 19.1.93.

Miss Alison Jane Marie Alazia, Clerk, Public Service, 6.2.93.

Miss Dorothy Ruth Wilkinson, Auxiliary Nurse, Medical Department, 11.2.93.

Dr. Barry Elsby, Medical Officer, Medical Department, 13.2.93.

Resignation

Robin Perry McGill, Houseparent, Education Department, 31.1.93.

No. 4 25th February 1993

Marriage Ordinance (Cap. 43) Section 5

The undermentioned has been registered as a Minister for celebrating marriages with effect from 2nd January 1993 —

The Reverend Kenneth Charles White.

Ref. : INT/39/1.

A. LIVERMORE, C.P.M.
Clerk of Councils.

Double Taxation Relief Arrangement (United Kingdom) (Amendment) Order 1992.

Notice of coming into force of Order

WHEREAS United Kingdom authorities have, pursuant to paragraph 2 of the Supplementary Arrangement (set out in the Schedule to the Double Taxation Relief Arrangement (United Kingdom) (Amendment) Order 1992) notified completion in the United Kingdom of the procedures required by United Kingdom law for the bringing into force of the Supplementary Arrangement.

NOW I THEREFORE, and pursuant to Article 2(1) of the said Order, give Notice that the said Supplementary Arrangement shall be deemed to have come into force on 19th January 1993 and so as to have effect in the Falkland Islands in respect of income tax for any year of assessment beginning on or after 1st January 1987 as provided by paragraph 2 of the said Supplementary Arrangement.

Dated this 11th day of February 1993.

D. F. HOWATT,
Commissioner of Income Tax.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT Arthur Richard Short, deceased of Stanley died at Stanley, on a day at the end of January 1993 intestate.

WHEREAS Joseph Leslie Short, brother of the deceased, 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.

Stanley,
Falkland Islands.
19th February 1993.
Ref. : PRO/1/93.

J. A. COX,
Acting Registrar,
Supreme Court.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *31st MARCH 1993* *No. 3*

Appointments

Mrs. Marilyn Joyce Hall, Social Welfare Officer, Medical Department, 1.3.93.

Miss Deborah Collins, Pharmacy Technician, Medical Department, 2.3.93.

Dr. Timothy Richard Moore, Deputy Chief Medical Officer, Medical Department, 12.3.93.

German Guillermo Lazo, Watchkeeper/Handyman, Public Works Department, 16.3.93.

Confirmation of Appointment

Stephen Leslie Burston, Police Constable, Royal Falkland Islands Police, 1.3.93.

Completion of Contracts

Miss Rowena Elizabeth Kells, Travelling Teacher, Education Department, 27.1.93.

Miss Fatulatetele Tolo, Teacher, Education Department, 1.2.93.

Mrs. Raewyn Margaret Campbell, Travelling Teacher, Education Department, 25.2.93.

Brian Jarvis Hill, Director of Public Works, Public Works Department, 3.3.93.

Gerard Martin Hoppe, Senior Scientist, Department of Agriculture, 3.3.93.

Robert Ernest Gilbert, Assistant Superintendent, Power and Electrical Section, Public Works Department, 5.3.93.

Miss Janette Alison Broad, Pharmacy Technician, Medical Department, 25.3.93.

Re - Appointments

Miss Rowena Elizabeth Kells, Travelling Teacher, Education Department, 28.1.93.

Miss Michelle Debra Hartley, Teacher, Education Department, 28.1.93.

Miss Fatulatetele Tolo, Teacher, Education Department, 2.2.93.

Mrs. Raewyn Margaret Campbell, Travelling Teacher, Education Department, 26.2.93.

Brian Jarvis Hill, Director of Public Works, Public Works Department, 4.3.93.

Robert Ernest Gilbert, Assistant Superintendent, Power and Electrical Section, Public Works Department, 6.3.93.

Acting Appointment

Robert Mark Titterington, Acting Director of Civil Aviation, Civil Aviation Department, 20.10.92 - 16.11.92 and 19.3.93 - 18.5.93.

Resignations

Roger Neil Rogers, Engineman, Public Works Department, 28.2.93.

Kim Brian Peck, Electrician, Public Works Department, 15.3.93.

NOTICES

No. 5 22nd March 1993

The Consular Relations Ordinance 1986 Commencement

IN EXERCISE of my powers under section 1 of the Consular Relations Ordinance 1986 **I, DAVID EVERARD TATHAM** Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands, **DO HEREBY GIVE NOTICE** that the Consular Relations Ordinance 1986 shall come into force on the first day of May 1993.

Dated 22nd day of March 1993.

D.E. TATHAM,
Governor.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT Frederick James Cartmell, deceased of Stanley died at Stanley, on the 8th day of July 1991 intestate.

WHEREAS The Official Administrator, 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.

Stanley,
Falkland Islands.
16th March 1993.
Ref.: PRO/18/91.

B. GREENLAND,
Registrar, Supreme Court.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT Phillip Stanley Short, deceased of Stanley died at Stanley, on the 7th day of February 1993 intestate.

WHEREAS Gavin Phillip Short, son of the deceased, 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.

Stanley,
Falkland Islands.
25th March 1993.
Ref.: PRO/3/93.

B. GREENLAND,
Registrar, Supreme Court.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. G. C. DOW, B8176827.

to be a temporary Customs Officer with effect from 28th February 1993 to 30th June 1993.

R. J. KING,
Collector of Customs.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *30th APRIL 1993* *No. 4*

Appointments

Miss Donna Summers, Clerk, Public Service, 30.11.92.

Roy George Victor Davis, Engineman, Public Works Department, 29.3.93.

Kurt Ian Whitney, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 7.4.93.

Confirmation of Appointment

Jason Whitney, Agricultural Assistant, Department of Agriculture, 25.3.93.

Acting Appointment

Robert Mark Titterington, Acting Supreme Court Judge, 28.4.93 - 1.6.93.

Resignation

Mrs. Mary Eileen Fox, Clerk, Civilian Post Office, Mount Pleasant, Posts & Telecommunications Department, 7.4.93.

Customs Ordinance (Cap. 16)

In exercise of the powers conferred by section 4 of the Customs Ordinance 1943,
I hereby appoint :-

Mr. K. W. HALLIDAY,

to be a Deputy Customs Officer with effect from 3rd April 1993.

R. J. KING,
Collector of Customs.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *31st MAY 1993* *No. 5*

Appointments

Donald Mark Coulter, Police Constable, Royal Falkland Islands Police, 21.5.93.

Mrs. Celia Solidad Short, Clerk, Public Service, 24..5..93.

Confirmation of Appointments

Miss Terri-Ann Jaffray, Clerk, Public Service, 27.3.93.

John Rodney Tuckwood, Senior Plumber, Public Works Department, 9.4.93.

Miss Jennifer Mary Luxton, Research Assistant, Legislature Department, 15.4.93.

Miss Loretta Isobel Thomas, Auxiliary Nurse, Medical Department, 17.4.93.

Completion of Contract

Christopher David Williams, Dental Officer, Medical Department, 26.4.93.

Re-Appointment

Christopher David Williams, Dental Officer, Medical Department, 27.4.93.

Resignations

Mrs. Tracy Kathleen Clifton (nee Jones) Assistant Air Traffic Controller, Civil Aviation Department, 18.5.93.

Darren Clifton, Police Constable, Royal Falkland Islands Police, 20.5.93.

NOTICES

No. 6 3rd May 1993

Stanley Rates Assessment Committee

NOTICE IS HEREBY GIVEN that, in accordance with Section 18 of the Stanley Rates Ordinance 1973, as amended, His Excellency the Governor has appointed Mr. Stuart Booth to be a member of the Stanley Rates Assessment Committee to replace Mr. W E Bowles with effect from 30th April 1993.

The present membership of the Committee is as follows:

Director of Public Works	-	**Chairman**
Deputy Financial Secretary	-	**Member**
Building Adviser	-	**Member**
Mrs. V Malcolm BEM	-	**Member**
The Hon. G P Short	-	**Member**
Mr. N Dodd	-	**Secretary.**

Ref : TRE/2/20.

No. 7 6th May 1993

Cost of Living Committee

The following change of membership to the Cost of Living Committee took place with effect from 1st May 1993 —

Representative of the Association of Businesses in the Falkland Islands —

Mr. Stewart Wallace is replaced by Mrs. Fiona Didlick.

Ref : 31/A.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT Avis Marian Duncan, deceased, of Stanley died at Stanley on the 18th December 1991 Intestate.

WHEREAS Marjorie Adams and Candy Blackley, nieces of the deceased, have 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.

Stanley,
Falkland Islands.
26th May 1993.
Ref: PRO/3/92.

B. GREENLAND,
Registrar, Supreme Court.

BANKRUPTCY ACT 1914

In its application to the Falkland Islands

In the Matter of Vanda Joan Johnson.

NOTICE IS HEREBY GIVEN that a Receiving Order was on the 26th day of May 1993 made in respect of Vanda Joan Johnson of 1 Callaghan Road, Stanley, and pursuant thereto the said Vanda Joan Johnson was on the 27th day of May 1993 adjudicated bankrupt.

NOTICE IS FURTHER GIVEN that the first meeting of the creditors in the above matter will be held at the Court and Council Chamber on Friday the 11th of June 1993 at 10 o'clock in the morning.

All debts due to the estate of the above should be paid to Mr. M. Luxton, The Secretariat, Stanley, acting on behalf of the official receiver, and all persons having claims against the estate should submit proof of debt to him not later than 24 hours prior to the date of the above meeting.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

24378273 WO2 ELLIS, VIVIAN CHARLES, RAF.

to be a Temporary Customs Officer with effect from 5th May 1993 to 4th September 1993.

R. J. KING,
Collector of Customs.

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Q8236853 Cpl. WARD, JULIE, RAF.

to be a Temporary Customs Officer with effect from 5th May 1993 to 4th September 1993.

R. J. KING,
Collector of Customs.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII *4th JUNE 1993* *No. 6*

The following is published in this Gazette —

The Register of Electors - Preliminary List.

15th May 1993

REGISTER OF ELECTORS - PRELIMINARY LIST

The Registration Officer has prepared the preliminary list of all persons who, on the qualifying date (15 May 1993), 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

Deceased Electors - Stanley
Anderson, Hector Christian
Ford, Fanny Davidson
Ford, John
Hirtle Robert Andrew Eric
Jennings, Mary Ann
Larsen, Margaret Anne
McCallum, Jack
McKenzie, James
Newman, Laurence Wilfred August
Poole, John Bernard Charles
Short, Arthur Richard
Short, Phillip Stanley

Electors who have changed Constituency - Camp to Stanley

Alazia, Keith
Anderson, Gloria
Bagley, Jacqueline Elizabeth
Blackley, Maurice
Clarke, Ian
Jaffray, Gerard Alan
MacDonald, Colin George
MacDonald, Irene
McCormick, Pauline Margaret Ruth
McLeod, Dawn

McLeod, Kenneth Benjamin John

Electors who have changed Constituency - Stanley to Camp

Adams, Carol Margaret
Alazia, George Robert
Anderson, Andrew Ronald
Berntsen, Diana Mary
Berntsen, Iain Kenneth
Evans, Michael David
Hobman, David Gonsalo
Jaffray, John Summers
Jaffray, Robin George
McBain, Arthur
McBain, Rhoda Margaret
McGill, Gary
McLaren, Margo Jane
Morrison, Edgar Ewen

Electors who are no longer resident - Camp

Blake, Heidi

Electors who are no longer resident - Stanley

Barnes, Marie
Berntsen, William Alexander
McIlroy, Robert James
McIlroy, Rose Mary
Phillips, Julie Ann

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

Evans, Donna
Giles, Theresa Kathleen
Halliday, Kathy Ann

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

Bagley, Jacqueline Elizabeth
Biggs, Althea Maria
Butler, Doreen Susan
McLeod, Mally
Stevens, Theresa Rose
Wade, June Rose Elizabeth

Electors entitled to vote for the first time - Camp

Anderson, Georgina Carol*
Anderson, Jamie Falkland*
Beattie, Ian Robert Ewen*
Chandler, Lee*
Dickson, Steven Charles*
Halliday, Jeffrey James*
Lee, Christopher*

McRae, Mandy*
Molkenbuhr, Lee Charles*
Phillips, Gillian Carol*

Electors entitled to vote for the first time - Stanley

Betts, Owen*
Clarke, Paul Ian*
Clarke, Eva Lynn*
Clarke, Jonathan Terence*
Clarke, Isabel Joan*
Clifton, Kevin*
Goodwin, Michelle Jane*
Harvey, Sheila*
Hirtle, Michelle*
Hobman, Luis Alfonzo*
Jaffray, Lisa Jane*
McCormick, Richard Paul*
McLaren, Kevin Derek Charles*
McPhee, Sara*
Newell, Paula Michelle*
Newman, Terence*
Robson, William Charles*

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 a 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.

The "qualifying period" is prescribed at Section 4 of the Electoral Ordinance 1988, where the expression is expressed to mean -

(a) in relation to a person who was born in the Falkland Islands, that he was resident in the Falkland Islands for a period of at least 12 months immediately preceding the qualifying date; and

(b) in relation to a person who was not born in the Falkland Islands, that he was resident in the Falkland Islands for a period of at least 5 years immediately preceding the qualifying date.

It should be noted that certain periods of absence from the Islands are permitted when calculating periods of residency. A full definition of the meaning of "resident" is contained at Section 3 of the Electoral Ordinance 1988, which is reproduced for the benefit of electors :

3. (1) For the purpose of qualification to be registered as an elector, a person who is a Commonwealth citizen is resident in the Falkland Islands if -

(a) subject to subsection (9) below he is physically present within the Falkland Islands; or

(b) although not physically present within the Falkland Islands his absence therefrom is an absence which, under subsection (2) to (7) inclusive below, is a permitted absence.

(2) In respect of a person who was born in the Falkland Islands his absence therefrom is a permitted absence for the purposes of this section -

(a) subject to subsection (3) below, to the extent that it is or was occasioned by -

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

(ii) the performance of his duties as a member of the Legislative Council, as a member of the Corporation or in any office prescribed by regulations made under this Ordinance;

(b) subject to subsection (3) below, it is or was occasioned by his undergoing a course of education or training overseas;

(c) subject to subsection (3) below, it was occasioned by an other matter or thing not falling within paragraph (a) or (b) above, but to the extent only that such absence or the aggregate of such absences falling only within this paragraph (c) does not exceed six months in any period of twelve months, and only if he was physically present in the Falkland Islands for at least six months in that period of twelve months;

(d) subject to subsection (4) below, it was occasioned by his service as a member of the Falkland Islands Defence Force or as a member the regular armed forces of Her Majesty.

(3) A period of absence falling within paragraph (a) of subsection (2) above shall be, subject to subsection (9) below, a permitted absence in every case but periods of absence falling with paragraph (b) and (c) of that subsection shall be a permitted absence only if -

(a) the person concerned has been physically present in the Falkland Islands for a period of, or a period aggregating at least twelve months subsequent to his attaining eighteen years of age; or

(b) the person concerned has been physically present in the Falkland Islands for a period of, or periods aggregating, three years.

(4) A period of absence falling within paragraph (d) of subsection (2) above shall only be permitted absence if for a period of, or periods aggregating, at least three years in the five years preceding -

(a) the absence in question, or

(b) the person concerned becoming a member of the Falkland Islands Defence Force or of the regular armed forces of Her Majesty, he was physically present in the Falkland Islands.

(5) In respect of any person who is a Commonwealth citizen, ("the first-named person"), his absence therefrom is a permitted absence for the purposes of this section if -

section if -

(a) at the time in question he was the spouse of or the dependent of another person ("the relevant person");

(b) his absence was occasioned by his accompanying the relevant person while the relevant person was absent from the Falkland Islands;

(c) the absence in question of the relevant person is in relation to the relevant person a permitted absence under such of the other provisions of this section as are relevant to the circumstances of the relevant person; and

(d) the first-named person has been physically present in the Falkland Islands -

(i) for a period of or periods aggregating at least twelve months since he attained eighteen years of age; and

(ii) for a period of, or periods, aggregating at least five years.

(6) In respect of a person who was not born in the Falkland Islands but who is a Commonwealth citizen, his absence therefrom is, subject to subsection (7) below, a permitted absence for the purposes of this section if it falls within subsection (5) above or if -

(a) he has been physically present in the Falkland Islands for a period or periods aggregating at least twelve months since he attained the age of eighteen years; and

(b) he has been physically present in the Falkland Islands for a period of, or for periods aggregating, at least three years; and

(c) the absence in question is a permitted absence under subsection (7) below.

(7) For the purposes of paragraph (c) subsection (6) above the following periods of absence are specified as permitted absences -

(a) absences to the extent that they are occasioned by -

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

(ii) the performance of his duties as a member of the Legislative Council, as a member of the Corporation or in any office prescribed by regulations made under this Ordinance; or

(b) if the person concerned belongs to the Falkland Islands, periods of absence occasioned by his service as a member of the Falkland Islands Defence Force or as a member of the regular armed forces of Her Majesty, and for a period of, or for periods aggregating, at least three years in the five years preceding the absence in question or his becoming a member of the force in question the person concerned was physically present in the Falkland Islands;

(c) periods of absence occasioned by a course of education or training of the person overseas;

(d) any other absence, but to the extent only that such absence or the aggregate of such absences does not exceed six months in any period of twelve months, and only if the person was physically present in the Falkland Islands for at least

six months in that period of twelve months.

(8) A person who does not belong to the Falkland Islands shall not be regarded as being physically present in the Falkland Islands at any time during which he is a member of the regular armed forces of Her Majesty.

(9) Notwithstanding any previous provision of this section, no period of absence of a person shall be a permitted period of absence for the purposes of this section if that person has not been physically present in the Falkland Islands at any time during the five years immediately preceding the qualifying date.

Register of Electors, Stanley Constituency.

1	Adams, John Harvey
2	Adams, Marjorie Rose
3	Alazia, Albert Faulkner *
4	Alazia, Andrew *
5	Alazia, Anita Jayne
6	Alazia, Freda
7	Alazia, Freda Evelyn *
8	Alazia, James Andrew
9	Alazia, Keith *
10	Alazia, Maggie Ann *
11	Alazia, Yvonne
12	Aldridge, Caroline Mary
13	Aldridge, Kenneth John
14	Almonacid, Gladys Mabel *
15	Almonacid, Orlando
16	Anderson, Eddie *
17	Anderson, Edward Bernard *
18	Anderson, Elizabeth Nellie *
19	Anderson, Gertrude Maud *
20	Anderson, Gloria *
21	Anderson, Helen *
22	Anderson, Mildred Nessie *
23	Anderson, Paul James
24	Anderson, Richard Louis
25	Anderson, Sophie Marina
26	Anderson, Stephen Robert
27	Bagley, Jacqueline Elizabeth
28	Barkman, Margaret Mary
29	Barnes, Ernest *
30	Barnes, Molly Stella *
31	Barnes, Sigrid Geraldine Wells *
32	Barnes, Trevor Marshall
33	Barton, Alison Mary
34	Barton, Arthur John
35	Bedford, Kita Muriel
36	Bell, Margaret Maud Elizabeth
37	Bell, Robin William Simpson *
38	Bennett, Harold *
39	Bennett, Lena Grace Gertrude *
40	Berntsen, Benjamin John
41	Berntsen, Cecilia del Rosario
42	Berntsen, Christian Olaf Alexander
43	Berntsen, Ellen Rose
44	Berntsen, Gina Michelle
45	Berntsen, John Alexander
46	Berntsen, Kathleen Gladys *
47	Berntsen, Lavina Maud *
48	Berntsen, Mary Clarissa Elizabeth *
49	Berntsen, Olaf Christian Alexander
50	Berntsen, Patrick
51	Berntsen, Saphena Anya Jane *
52	Berntsen, Valdamar Lars
53	Berntsen, William Blyth *
54	Bertrand, Catherine Gladys *
55	Betts, Arlette
56	Betts, Cyril Severine *
57	Betts, Donald William
58	Betts, Ellen Alma *
59	Betts, George Winston Charles
60	Betts, Lucia Elizabeth
61	Betts, Owen *
62	Betts, Severine *
63	Betts, Shirley Rose

64 Betts, Terence Severine
65 Biggs, Alastair Gordon
66 Biggs, Althea Maria
67 Biggs, Betty Josephine *
68 Biggs, Edith Joan *
69 Biggs, Frances
70 Biggs, Frederick James *
71 Biggs, Irene Mary *
72 Biggs, Leslie Frederick
73 Biggs, Madge Bridget Frances *
74 Biggs, Michael Elfed
75 Biggs, Peter Julian Basil
76 Biggs, Robert William
77 Billett, Leslie William *
78 Binnie, Susan
79 Birmingham, John
80 Birmingham, Susan Jane
81 Blackley, Candy Joy
82 Blackley, Charles David *
83 Blackley, Hilda
84 Blackley, John David
85 Blackley, Maurice
86 Blake, Paul Wickham
87 Blizard, Lawrence Gordon *
88 Blizard, Malvina Mary *
89 Blyth, Agnes Ruth *
90 Blyth, Alfred John *
91 Blyth, John *
92 Bonner, Donald William *
93 Bonner, Hayley Trina
94 Bonner, Joanne
95 Bonner, Linda Jane
96 Bonner, Nicholas
97 Bonner, Paul Roderick
98 Bonner, Timothy
99 Bonner, Vera Ann
100 Bonner, Vera Joan
101 Bonner, Violet *
102 Booth, Jessie *
103 Booth, Joseph Bories *
104 Booth, Myriam Margaret Lucia
105 Booth, Stuart Alfred *
106 Bound, Graham Leslie
107 Bound, Joan *
108 Bowles, Norma Evangeline
109 Bowles, William Edward *
110 Bowles, William George Troyd *
111 Bragger, Edward Laurence
112 Bragger, Olga
113 Browning, Edwina
114 Browning, Gavin
115 Browning, Rex
116 Browning, Richard William
117 Browning, Trevor Osneth
118 Buckett, Ronald Peter
119 Buckland, Charles Ronald
120 Buckland, Darlene Joanna
121 Bundes, Robert John Christian *
122 Burnard, Linda May
123 Burnard, Peter
124 Burns, Mary Anne *
125 Bury, Ian Thomas
126 Butcher, Michael George

127 Butcher, Trudi
128 Butler, Doreen Susan
129 Butler, Elsie Maud *
130 Butler, Ernest Joseph
131 Butler, Frederick Lowther Edward Olai *
132 Butler, George Joseph *
133 Butler, James Donald *
134 Butler, Joan May
135 Butler, Jonathan Jeffers
136 Butler, Lawrence Jonathan *
137 Butler, Margaret Orlanda
138 Butler, Orlanda Betty
139 Cameron, Jane Diana Mary Keith
140 Cant, Carol Rosine
141 Cant, Martin Ronald
142 Card, Denise
143 Carden, David Roger *
144 Carey, Anthony Michael *
145 Carey, Gladys*
146 Carey, Mary Ann Margaret *
147 Carey, Terence James *
148 Castle, David Peter
149 Castle, Isobel
150 Ceballos, Claudette
151 Ceballos, Eulogio Gabriel
152 Chater, Annie
153 Chater, Anthony Richard
154 Cheek, Barbara
155 Cheek, Diane
156 Cheek, Frederick John *
157 Cheek, Gerald Winston
158 Cheek, Janet Linda *
159 Cheek, John Edward
160 Cheek, Marie
161 Cheek, Miranda
162 Cheek, Rosalind Catriona *
163 Clarke, Angeline Gloria *
164 Clarke, Anneliese Rose *
165 Clarke, Camilla Marie
166 Clarke, Christopher
167 Clarke, David James
168 Clarke, Derek Simon *
169 Clarke, Doreen *
170 Clarke, Eva Lynn *
171 Clarke, Fiona Alison
172 Clarke, Gwynne Edwina
173 Clarke, Hector *
174 Clarke, Ian
175 Clarke, Isabel Joan *
176 Clarke, Jane Lucacia *
177 Clarke, James Martin *
178 Clarke, Jonathan Terence *
179 Clarke, Joyce Kathleen *
180 Clarke, Kathleen Gay
181 Clarke, Marvin Thomas
182 Clarke, Paul Ian *
183 Clarke, Ronald John *
184 Clarke, Rudy Thomas
185 Clarke, Terence John
186 Clarke, Trudi Ann
187 Clarke, Violet Rose
188 Clausen, Denzil George Gustavius
189 Clausen, Melanie Florence

190 Claxton, Frank Brian *
191 Claxton, Margaret
192 Clayton, Brian
193 Clayton, Susan
194 Cletheroe, Kenneth Stanley
195 Cletheroe, William Harold *
196 Clifton, Charles *
197 Clifton, Darwin Lewis
198 Clifton, Doreen
199 Clifton, Kevin *
200 Clifton, Marie *
201 Clifton, Neil
202 Clifton, Stephen Peter
203 Clifton, Terence Charles
204 Clifton, Valerie Ann
205 Clingham, Yvonne Helen
206 Cofre, Anya Evelyn
207 Cofre, Elvio Miguel
208 Collins, Peter Anthony
209 Collins, Shiralee
210 Connolly, Kevin Barry
211 Coombe, Peter
212 Coombe, Shirley Anne
213 Coulter, Paula *
214 Coutts, Carolynne Sarah
215 Coutts, Charles
216 Coutts, Charles Lindsay *
217 Coutts, Diana Marion *
218 Coutts, John
219 Coutts, Olga *
220 Coutts, Peter
221 Crowie, Nicola Jane
222 Curtis, Alfred William Hamilton
223 Curtis, Barbara Joan
224 Davies, Anthony Warren
225 Davies, Colin George
226 Davies, Eileen Wynne
227 Davies, Jacqueline Nancy
228 Davies, Stephen Andrew *
229 Davies, William
230 Davis, Lynsey Leander *
231 Davis, Maurice Nigel
232 Davis, Raymond Andrew
233 Davis, Roy George Victor
234 Davis, Sharon Sandra Evelyn
235 Davis, William John *
236 Davis, Yona
237 Davy, Patrick Alex Field
238 Dearling, Leo Alexander *
239 Decroliere, Carrie Madeline Helen
240 Dickson, Caroline Christine Bird *
241 Dickson, Marlaine Rose
242 Dodd, Alison
243 Donnelly, Denise
244 Duncan, Doreen *
245 Duncan, William *
246 Earnshaw, Jacqueline Elizabeth
247 Evans, Gladys Alberta *
248 Eynon, Carol
249 Eynon, David John
250 Eynon, Leeann Watson
251 Fairfield, James Steven
252 Faria, Basil Harry

253 Faria, Mary Ann *
254 Felton, Violet Regina Margaret *
255 Ferguson, Rose
256 Fiddes, Gardner Walker
257 Fiddes, Mary McKinnon Livingstone *
258 Fiddes, Melody Christina
259 Fiddes, Robert *
260 Finlayson, Iris Dwenda Margaret *
261 Finlayson, Peter
262 Finlayson, Phyllis *
263 Fogerty, Richard Edwin John
264 Ford, Arthur Henry *
265 Ford, Caroline
266 Ford, Charles David *
267 Ford, Cherry Rose
268 Ford, Christopher James *
269 Ford, Colin Stewart
270 Ford, Colleen Mary
271 Ford, David
272 Ford, Frederick James
273 Ford, Gerard Allan
274 Ford, Hazel
275 Ford, James Edward *
276 Ford, Leann Caroline
277 Ford, Leonard
278 Ford, Marilyn Christina
279 Ford, Michael
280 Ford, Robert
281 Fullerton, Mary Ellen *
282 Gilbert, Judith Elizabeth
283 Gilbert, Robert Ernest
284 Gilding, Deborah *
285 Gilding, Peter Bernard
286 Gooch, Cecilia Ines Millard Bennett *
287 Gooch, Dudley Frederick *
288 Goodwin, Colin Valentine
289 Goodwin, Derek Samuel *
290 Goodwin, Emily Rose *
291 Goodwin, Hazel Rose *
292 Goodwin, June Elizabeth
293 Goodwin, Kathleen Edith Marguerite *
294 Goodwin, Margaret Ann
295 Goodwin, Michelle Jane *
296 Goodwin, Robin Christopher
297 Goodwin, Simon James *
298 Goodwin, Una
299 Goodwin, William Andrew Nutt *
300 Goodwin, William John Maurice
301 Goss, Amara Theresa
302 Goss, Annagret
303 Goss, Dorothy Ellen
304 Goss, Grace Elizabeth *
305 Goss, Morgan Edmund *
306 Goss, Simon Peter Miller
307 Goss, William Henry (Jnr)
308 Goss, William Henry (Snr) *
309 Gould, Arthur William
310 Grant, Lennard John *
311 Grant, Mildred *
312 Gray, Andrea Patricia
313 Greenland, Bonita Doreen *
314 Greenland, Kenneth David *
315 Hadden, Alexander Burnett *

316 Hadden, Sheila Peggy *
317 Halford, Rodney John
318 Halford, Sharon
319 Hall, David Albert
320 Hall, Marilyn Joyce
321 Halliday, Evelyn Edna *
322 Halliday, Gerald
323 Halliday, John Arthur Leslie *
324 Halliday, Leslie John *
325 Halliday, Margaret Mary *
326 Halliday, Raynor
327 Hansen, Douglas John
328 Hansen, Keva Elizabeth
329 Hardy, Douglas Morgan *
330 Harris, Christopher James
331 Harris, Heather
332 Harris, Jayne Elizabeth
333 Harris, Jill Yolanda Miller
334 Harris, Leslie Sidney
335 Harris, Michael Ronald
336 Harris, Ralph Aaron
337 Harvey, Muriel Elsie Elizabeth *
338 Harvey, Sheila *
339 Harvey, William *
340 Hawksworth, David
341 Hawksworth, Jeanette *
342 Hawksworth, Mary Catherine
343 Hawksworth, Pauline May
344 Hawksworth, Terence
345 Hayward, Marjorie
346 Hayward, Peter Dennis *
347 Hazell, Trudi Eileen Felton
348 Heathman, Malcolm Keith
349 Heathman, Mandy Gail
350 Heathman, Violet *
351 Henry, Patricia Denise
352 Hewitt, Frances Agnes
353 Hewitt, Gary George
354 Hewitt, Kevin John
355 Hewitt, Margaret Ann
356 Hewitt, Rachel Catherine Orissa *
357 Hewitt, Robert John David *
358 Hills, Heather Margaret *
359 Hills, Richard William *
360 Hirtle, Christine
361 Hirtle, Debbie Ann
362 Hirtle, Leonard Lloyd
363 Hirtle, Mary Ann *
364 Hirtle, Michelle *
365 Hirtle, Rose Ann Shirley *
366 Hirtle, Sandra May Winifred
367 Hirtle, Shirley
368 Hirtle, Wallace Carl Linden *
369 Hirtle, Zane Eric
370 Hobman, Anilda Marilu
371 Hobman, Luis Alfonzo *
372 Howatt, Derek Frank *
373 Howe, Alison Delia
374 Howe, Paul Anthony
375 Huanel, Jose Raul
376 Igao, Pauline Lynx
377 Jacobsen, Alistair
378 Jacobsen, Catherine Joan

379 Jaffray, Angus
380 Jaffray, Christopher *
381 Jaffray, Eileen
382 Jaffray, Estell Anita
383 Jaffray, Frank Alexander
384 Jaffray, Gerard Alan *
385 Jaffray, Helen Rose
386 Jaffray, Ian
387 Jaffray, Ingrid Joyce
388 Jaffray, Jacqueline Ann *
389 Jaffray, Janice Vanessa
390 Jaffray, June Elizabeth *
391 Jaffray, Kenneth Ian
392 Jaffray, Lisa Jane *
393 Jaffray, Stephen James
394 Jaffray, Terence Roy
395 Jaffray, Terri-Ann
396 Jaffray, Tony
397 Jaffray, William *
398 Jennings, Neil
399 Jennings, Stephen
400 Johnson, Jacqueline
401 Johnson, Kenneth John
402 Johnson, Michael Neil
403 Johnson, Stanley Howard *
404 Johnson, Vanda Joan
405 Jones, Alan Smith
406 Jones, Jennifer
407 Jones, John Hugh
408 Jones, Kevin Richard
409 Jones, Michael David
410 Jones, Michelle
411 Jones, Sheila Janice
412 Jones, Yvonne Malvina
413 Jordan, Dilys Margaret Ann
414 Keenleyside, Charles Desmond (Snr) *
415 Keenleyside, Charles Desmond (Jnr)
416 Keenleyside, Dorothy Maud *
417 Keenleyside, Manfred Michael Ian
418 Keenleyside, Nanette Barbara
419 Keenleyside, Susan Noreen
420 Kenny, Erling
421 King, Anna Constance Eve
422 King, Desmond George Buckley *
423 King, Gladys Evelyn *
424 King, Glynis
425 King, Peter Thomas *
426 King, Robert John *
427 King, Rosemarie
428 King, Vernon Thomas *
429 Laffi, Atilio Segundo
430 Laffi, Kathleen Mary
431 Lang, David Geoffrey *
432 Lang, James Patrick
433 Lang, William Frank
434 Larsen, Ellen
435 Lee, Alfred Leslie *
436 Lee, Derek William
437 Lee, Gladys
438 Lee, Leslie James
439 Lee, Robin Myles
440 Lee, Trudi Dale
441 Lewis, James *

442 Lewis, Jean *
443 Livermore, Anton *
444 Livermore, Darren
445 Livermore, Marie Ann
446 Lloyd, Melvyn John
447 Lloyd, Valerie Ann
448 Loftus, Anthony
449 Loftus, Colleen
450 Lowe, Adrian Stewart
451 Luxton, Ernest Falkland *
452 Luxton, Jennifer Mary
453 Luxton, Michael
454 Luxton, Nicola
455 Luxton, Sybil Grace *
456 Luxton, Winifred Ellen *
457 Lyse, Ethel Malvina *
458 Lyse, George Walter *
459 Lyse, Linda Margaret
460 Lyse, Reginald Sturdee *
461 Lyse, Sydney Russell *
462 Macaskill, Angus Lindsey
463 Macaskill, Jeanette May
464 Macaskill, John
465 Malcolm, George *
466 Malcolm, Velma *
467 May, Brian Roy
468 May, Bruce Raymond
469 May, Connie
470 May, Heather *
471 May, Jonathan Roy *
472 May, Monica
473 May, William Albert *
474 Metcalf, Rhoda Felton
475 Middleton, Brian
476 Middleton, Caroline Ann
477 Middleton, Dennis Michael
478 Middleton, Ellen *
479 Middleton, Graham Cyril
480 Middleton, Joan Eliza
481 Middleton, Leonard
482 Middleton, Phillip John
483 Middleton, Sharon Elizabeth
484 Middleton, Shirley
485 Middleton, Stephanie Ann
486 Miller, Andrew Nigel
487 Miller, Betty Lois *
488 Miller, Carol
489 Miller, Florence Roberta *
490 Miller, Gail Marie
491 Miller, Simon Roy
492 Miller, Timothy John Durose
493 Minto, Graham Stewart
494 Minto, Patrick Andrew
495 Minto, Timothy Ian
496 Miranda, Augusto *
497 Miranda, Carmen *
498 Miranda, Ramon
499 Miranda, Winifred Dorothy *
500 Mitchell, Leon John
501 Moffat, Angela
502 Moffat, James
503 Morris, Alana Marie
504 Morris, David *

505 Morris, Trevor Alan
506 Morrison, Donald Ewen *
507 Morrison, Doreen
508 Morrison, Eleanor Olive *
509 Morrison, Fayan
510 Morrison, Graham Stewart
511 Morrison, Herman
512 Morrison, Hyacinth Emily *
513 Morrison, Joan Margaret
514 Morrison, Lewis Ronald
515 Morrison, Muriel Eliza Ivy *
516 Morrison, Nanette Rose
517 Morrison, Nigel Peter
518 Morrison, Patrick
519 Morrison, Paul Roderick
520 Morrison, Ronald Terence *
521 Morrison, Stewart
522 Morrison, Trevor
523 Morrison, Valerie Ann
524 Morrison, Violet Sarah
525 Morrison, William Roderick Halliday
526 Murphy, Ann Susan
527 Murphy, Bessie *
528 Murphy, Michael James *
529 MacDonald, Colin George
530 MacDonald, Irene
531 MacDonald, John Alexander Horne
532 McBeth, Phyllis Elizabeth Grace
533 McCallum, Bettina Kay
534 McCallum, Christopher John
535 McCallum, Elaine Michele
536 McCallum, Ellen *
537 McCallum, James *
538 McCallum, Timothy Andrew
539 McCormick, Dale Ronald
540 McCormick, Pauline Margaret Ruth
541 McCormick, Richard Paul *
542 McEachern, Gloria Jane
543 McGill, Coral Elizabeth *
544 McGill, Darrel Ian
545 McGill, Diane Beverley
546 McGill, Doris Mary *
547 McGill, Glenda
548 McGill, Ian Peter
549 McGill, Jane *
550 McGill, Len Stanford *
551 McGill, Lorraine Iris
552 McGill, Roy
553 McKay, Clara Mary *
554 McKay, Heather Valerie
555 McKay, James John *
556 McKay, Jane Elizabeth *
557 McKay, Jeannie Paulina
558 McKay, Josephine Ann
559 McKay, Kenneth Andrew
560 McKay, Michael John
561 McKay, Neil
562 McKay, Paul Anthony
563 McKay, Peter John
564 McKay, Rex
565 McKay, Shelley Jane
566 McKay, Stephen John *
567 McKay, William Robert *

568 McKenzie, Alice Maude
569 McKenzie, Charles Alexander Albert John
570 McLaren, Kevin Derek Charles *
571 McLaren, Tony Eugene Terence
572 McLeod, David
573 McLeod, Dawn
574 McLeod, Donald Henry *
575 McLeod, Ellen May *
576 McLeod, Ian
577 McLeod, Ian James *
578 McLeod, Janet Wensley
579 McLeod, Janice
580 McLeod, John (1)
581 McLeod, John (2)
582 Mcleod, Kenneth Benjamin John *
583 McLeod, Madeline Jean
584 McLeod, Mally
585 McLeod, Margaret Anne *
586 McLeod, Michael William
587 McLeod, Robert
588 McLeod, Robert John
589 McPhee, Grace Darling *
590 McPhee, Iris Blanche *
591 McPhee, Justin Owen *
592 McPhee, Marjorie May *
593 McPhee, Natalie Marianne
594 McPhee, Owen Horace *
595 McPhee, Patrick *
596 McPhee, Sara *
597 McRae, Richard Winston
598 Neal, Richard John
599 Neilson, Barry Marwood
600 Neilson, Margaret
601 Newell, Joseph Orr
602 Newell, Paula Michelle *
603 Newell, Trudi Malvina
604 Newman, Andrew Raymond
605 Newman, Clive Alexander
606 Newman, Dorothy Elizabeth *
607 Newman, Dwenda Rose
608 Newman, Joyce Noreen
609 Newman, Marlene
610 Newman, Raymond Winston
611 Newman, Terence *
612 Nightingale, Susan Jane
613 Nutter, Arthur Albert
614 Nutter, Josephine Lesley
615 Parrin, Norman George *
616 Pauloni, Hilary Maud *
617 Pauloni, Romolo Vittorio *
618 Peake, Arthur
619 Peake, Clair Linda
620 Peart, Robert Ernest
621 Peck, Burned Brian
622 Peck, Carol Margaret *
623 Peck, David Patrick *
624 Peck, Eleanor Margaret
625 Peck, Evelyn Elizabeth
626 Peck, Gordon Pedro James *
627 Peck, James
628 Peck, Kim Brian
629 Peck, Mary *
630 Peck, Maureen Heather

631 Peck, Patrick William *
632 Peck, Shirley
633 Peck, Terence John *
634 PED
635 Perkins, Vivienne Esther Mary
636 Perry, Augustave Walter *
637 Perry, Beatrice Annie Jane *
638 Perry, Hilda Blanche *
639 Perry, Robert Juan Carlos
640 Perry, Thomas George *
641 Perry, Thora Virginia *
642 Pettersson, Derek Richard
643 Pettersson, Eileen Heather
644 Pettersson, Tony
645 Pettersson, Trudi Ann
646 Phillips, Albert James
647 Phillips, David Dawson
648 Phillips, Lynda
649 Phillips, Paul David
650 Platt, Veronica Shirley
651 Plumb, Elaine Margaret
652 Plumb, Jason Alan *
653 Plumb, Norman Phillip *
654 Pole-Evans, Amy Rose
655 Pole-Evans, John
656 Pole-Evans, Michael Anthony
657 Pollard, Elizabeth Eve *
658 Pollard, John
659 Poole, Evelyn May *
660 Poole, Nancy Margaret
661 Poole, Raymond John
662 Poole, William John *
663 Porter, Brian Charles
664 Porter, Charles *
665 Porter, Jean Lavinia
666 Porter, Tracy
667 Pratlett, Geoffrey Philip
668 Pratlett, Patricia Carol Ann
669 Purvis, Alan
670 Purvis, Marian Louise *
671 Reddick, Keith John
672 Reeves, Cheryl Rose
673 Reeves, Michael
674 Reid, Ann
675 Reid, Colleen Rose
676 Reid, Reynold Gus
677 Reive, Ernest *
678 Reive, Roma Endora Mary *
679 Rendell, Michael
680 Rendell, Phyllis Mary *
681 Roberts, Diana Christine
682 Roberts, Laura May *
683 Roberts, Peter James
684 Roberts, William Henry *
685 Robertson, Janet
686 Robertson, Paul Jonathan *
687 Robertson, Sally Jean
688 Robson, Alison Emily *
689 Robson, Gerard Michael *
690 Robson, Gladys Mary *
691 Robson, Louis Michael *
692 Robson, Miranda Gay
693 Robson, Phyllis Ann

694 Robson, Raymond Nigel *
695 Robson, William Charles *
696 Rogers, Ralph
697 Rogers, Roger Neil
698 Ross, Colin *
699 Ross, Glenn Stephen
700 Ross, Janet
701 Ross, Lachlan Neil
702 Ross, Marie
703 Ross, Odette Ellen May
704 Ross, Roy
705 Ross, Sheena Margaret
706 Ross, Susan Vera
707 Ross, William Henry
708 Rowland, Charlene Rose
709 Rowland, John Christopher
710 Rowlands, Catherine Annie *
711 Rowlands, Daisy Malvina *
712 Rowlands, Harold Theodore *
713 Rowlands, John Richard *
714 Rowlands, Neil
715 Rowlands, Robert John
716 Rozee, Betty Ellen
717 Rozee, Bryn Thomas *
718 Rozee, Derek Robert Thomas *
719 Sackett, Albert John
720 Sackett, Michael John Carlos
721 Sackett, Pauline *
722 Sarney, Harry *
723 Sawle, Richard
724 Shedden, James Alexander *
725 Shepherd, Ramsay
726 Shepherd, Sylvia Ann
727 Shorrock, Joyce
728 Shorrock, Nigel Arthur
729 Short, Andrez Peter
730 Short, Celia Soledad
731 Short, Charles William
732 Short, Christina Ethel *
733 Short, Donald Robert Gordon
734 Short, Emily Christina
735 Short, Gavin Phillip *
736 Short, Joseph Leslie *
737 Short, Lisa Helen
738 Short, Montana Tyrone
739 Short, Peter Robert
740 Short, Richard Edward
741 Short, Riley Ethroe
742 Short, Rose Stella
743 Short, Vilma Alicia
744 Simpson, Bertha Veronica
745 Simpson, James Garry
746 Simpson, John Frederick
747 Simpson, Mirabelle Hermione
748 Smith, Alexander Gordon
749 Smith, Ana Bonita
750 Smith, Anthony David
751 Smith, Bruce Dennis
752 Smith, Colin David
753 Smith, Derek
754 Smith, Ellen Mary
755 Smith, Eric
756 Smith, Gerard Alexander

757 Smith, Gwenifer May *
758 Smith, Ileen Rose
759 Smith, Iola Winifred *
760 Smith, James Stanley *
761 Smith, James Terence *
762 Smith, Jean Waddell
763 Smith, Jennifer Ethel *
764 Smith, Joan Lucy Ann
765 Smith, John
766 Smith, Julia Trinidad
767 Smith, Martyn James
768 Smith, Nora Kathleen
769 Smith, Osmund Raymond *
770 Smith, Owen Archibald *
771 Smith, Paulette Rose
772 Smith, Rhona
773 Smith, Russell James
774 Smith, Shula Louise *
775 Smith, Sidney Frederick
776 Smith, Terence George
777 Sollis, Sarah Emma Maude *
778 Spall, Christopher Richard
779 Spink, Roger Kenneth
780 Spinks, Alexander
781 Spinks, Malvina Ellen *
782 Spruce, Helena Joan *
783 Spruce, Terence George *
784 Steen, Allan Graham
785 Steen, Barbara Ingrid
786 Steen, Emma Jane *
787 Steen, Gail
788 Steen, Karen Lucetta *
789 Steen, Vernon Robert
790 Stephenson, James
791 Stephenson, Joan Margaret
792 Stephenson, Katrina
793 Stephenson, Zachary
794 Stevens, Teresa Rose
795 Stewart, Aarron Stephen
796 Stewart, Celia Joyce
797 Stewart, David William *
798 Stewart, Duane William *
799 Stewart, Hulda Fraser
800 Stewart, John*
801 Stewart, Kenneth Barry
802 Stewart, Phyllis Marjorie
803 Stewart, Robert
804 Stewart, Sheila Olga
805 Stewart, Sylvia Rose *
806 Strange, Ian John
807 Strange, Maria Marta
808 Strange, Shona Marguerite
809 Summers, Brian
810 Summers, Dennis David
811 Summers, Edith Catherine *
812 Summers, Irvin Gerard
813 Summers, Judith Orissa *
814 Summers, Melvyn Mark *
815 Summers, Michael Kenneth
816 Summers, Michael Victor
817 Summers, Nigel Clive *
818 Summers, Owen William
819 Summers, Pamela Rosemary Cheek

820 Summers, Rowena Elsie
821 Summers, Roy *
822 Summers, Sandra Marie *
823 Summers, Sheila
824 Summers, Sybella Catherine Ann
825 Summers, Sylvia Jean
826 Summers, Terence
827 Summers, Tony
828 Summers, Veronica
829 Summers, William Edward *
830 Teggart, Carol Wendy
831 Teggart, John Patrick
832 Tellez, Jeanette Valerie
833 Tellez, Jose Hector
834 Thain, John
835 Thain, Julia
836 Thain, Stephanie Ann
837 Thom, David Anderson *
838 Thom, Dorothy Irene
839 Thom, Norma Ann
840 Thompson, George Henry *
841 Thompson, William John *
842 Toase, Cora Agnes *
843 Towersey, Diane Katherine
844 Triggs, Dianne
845 Triggs, Michael David
846 Turner, Alva Ynonne *
847 Turner, Andrea Mary Pitaluga
848 Turner, Arthur Leonard Pitaluga
849 Turner, Melvyn George
850 Vidal, Eileen Nora *
851 Vidal, Leona Lucila *
852 Vincent, Jannette Mary
853 Vincent, Stephen Lawerence
854 Wade, June Rose Elizabeth
855 Wallace, Fraser Barrett
856 Wallace, Maria Lilian
857 Wallace, Michael Ian
858 Wallace, Stuart Barrett *
859 Wallace, Una
860 Watson, Boyd Edward Harold *
861 Watson, Catherine Wilhelmina Jessie *
862 Watson, Hannah Maude *
863 Watson, Lisa Marie
864 Watson, Paul
865 Watts, Lucinda Vikki
866 Watts, Patrick James
867 White, Kathleen Elizabeth *
868 Whitney, Frederick William
869 Whitney, Jason
870 Whitney, Kurt Ian
871 Whitney, Robert Michael
872 Whitney, Susan Joan
873 Whitney, Tyrone
874 Wilkinson, Robert John
875 Williams, Charlotte Agnes *
876 Williams, Gene *
877 Williams, Marlene Rose Elizabeth
878 Wylie, Julian Richard
879 Wylie, Wendy Jennifer
880 Zuvic-Bulic, Kuzma Mario
881 Zuvic-Bulic, Sharon Marie

* NOT LIABLE TO SERVE AS A JUROR

Register of Electors, Camp Constituency.

1001	Adam, Carol Margaret
1002	Alazia, George Robert*
1003	Alazia, Hazel
1004	Alazia, Henry John *
1005	Alazia, Keith *
1006	Alazia, Mandy Gwyneth
1007	Alazia, Michael Robert
1008	Alazia, Stuart John
1009	Alazia, Thora Lilian *
1010	Aldridge, Brian George
1011	Aldridge, Olive Elizabeth *
1012	Aldridge, Terence William
1013	Anderson, Andrew Ronald
1014	Anderson, Georgina Carol *
1015	Anderson, Jamie Falkland *
1016	Anderson, Jenny
1017	Anderson, Margaret Kathleen
1018	Anderson, Marina Rose
1019	Anderson, Reginald Stanford
1020	Anderson, Ronald
1021	Anderson, Tony James
1022	Anderson, William John Stanley
1023	Ashworth, Glennis
1024	Ashworth, Malcolm
1025	Barnes, Deirdre
1026	Barnes, Marshall
1027	Barnes, Paul
1028	Beattie, Ian Robert Ewen *
1029	Berntsen, Arena Janice
1030	Berntsen, Diana Mary
1031	Berntsen, Iain Kenneth
1032	Berntsen, Kenneth Frederick
1033	Berntsen, Leon
1034	Berntsen, Pamela Margaret
1035	Betts, Arthur John *
1036	Betts, Bernard Keith
1037	Betts, Diane Joan
1038	Betts, Irene Marion
1039	Binnie, Horace James *
1040	Binnie, Linda Rose
1041	Binnie, Ronald Eric *
1042	Binnie, Rose Ellen *
1043	Blake, Alexander Charles *
1044	Blake, Anthony Thomas
1045	Blake, Lionel Geoffrey *
1046	Blake, Lyndsay Rae
1047	Blake, Sally Gwynfa
1048	Blake, Thomas Patrick
1049	Bonner, Avril Margaret Rose
1050	Bonner, Keith James
1051	Bonner, Simon
1052	Bonner, Susan Anne
1053	Buckett, Roy Peter
1054	Cartmell, Andrew Nutt
1055	Chandler, Ann Beatrice
1056	Chandler, Edward
1057	Chandler, Lee *

1058 Clapp, Kevin Christopher
1059 Clark, Fredrick Thomas
1060 Clarke, Jeanette
1061 Clarke, Michael Jan
1062 Clarke, Shane Adrian
1063 Clausen, Denzil
1064 Clausen, Henry Edward
1065 Clifton, Leonard
1066 Clifton, Thora Janeene
1067 Cockwell, Adam *
1068 Cockwell, Grizelda Susan
1069 Cockwell, John Richard *
1070 Coutts, Frederick George
1071 Davis, Aase
1072 Davis, Mandy John
1073 Davis, Nicholas
1074 Davis, Reginald John
1075 Davis, William James
1076 Dickson, Charles George *
1077 Dickson, Doreen
1078 Dickson, Gerald William
1079 Dickson, Iris
1080 Dickson, Ronald Edward
1081 Dickson, Steven Charles *
1082 Dobbyns, Timothy John *
1083 Donnelly, Daniel
1084 Donnelly, Joyce Elizabeth
1085 Duncan, Peter Ree Howard *
1086 Dunford, David Philip
1087 Edwards, Emma Jane *
1088 Edwards, Norma*
1089 Edwards, Roger Anthony
1090 Evans, Donna
1091 Evans, Michael David
1092 Evans, Michele Paula
1093 Evans, Olwyn Carol
1094 Evans, Raymond
1095 Evans, Richard Gregory
1096 Evans, Russel *
1097 Fairley, John *
1098 Felton, Anthony Terence *
1099 Felton, Faith Dilys
1100 Felton, Sonia Ellen
1101 Felton, Walter Arthur *
1102 Ferguson, Finlay James
1103 Ferguson, John William
1104 Ferguson, Robert John *
1105 Ferguson, Thelma
1106 Findlay, Andrew John
1107 Findlay, Gerald
1108 Finlayson, Barry Donald *
1109 Finlayson, Iris Heather *
1110 Finlayson, Neil Roderick
1111 Ford, Neil Fraser
1112 Ford, Penelope Rose
1113 Forster, Gwyneth May
1114 Forster, James
1115 Fox, Mary Elizabeth
1116 Giles, Gilbert
1117 Giles, Theresa Kathleen
1118 Gleadell, Ian Keith

1119 Gleadell, Marklin John
1120 Goodwin, Mandy Hazel
1121 Goodwin, Neil Alexander William
1122 Goodwin, Robin
1123 Goss, Eric Miller
1124 Goss, Ian Ernest Earl
1125 Goss, Margaret Rose
1126 Goss, Peter
1127 Goss, Roderick Jacob *
1128 Goss, Shirley Ann
1129 Gray, David Edward
1130 Gray, Patricia May
1131 Halliday, Cathy Ann
1132 Halliday Jeffrey James*
1133 Halliday, Joyce Isabella Patience
1134 Halliday, Kenneth William
1135 Hansen, Ian
1136 Hansen, Lionel Raymond *
1137 Hansen, Rose Idina*
1138 Hansen, Susan Ann
1139 Hardcastle, Brook *
1140 Hardcastle, Eileen Beryl *
1141 Harvey, Jen
1142 Harvey, Valerie Ann
1143 Heathman, Ailsa
1144 Heathman, Ewart Tony
1145 Hewitt, Brian David
1146 Hirtle, Anthony
1147 Hirtle, Doris Linda
1148 Hirtle, Fenton
1149 Hirtle, Gerard Fenton *
1150 Hirtle, Odette Susan
1151 Hirtle, Susan Mary
1152 Hobman, David Gonsalo
1153 Hobman, Juan Jose Eleuterio
1154 Hobman, Petula
1155 Hutton, Elizabeth Isabella *
1156 Hutton, Philip *
1157 Jaffray, Alexander
1158 Jaffray, Brian
1159 Jaffray, Dereck Charles
1160 Jaffray, Elliott Jessie
1161 Jaffray, Janet
1162 Jaffray, John
1163 Jaffray, John Summers
1164 Jaffray, John Willie
1165 Jaffray, Phyllis
1166 Jaffray, Robin George
1167 Johnson, Lily Ann *
1168 Jonson, Carl
1169 Kidd, John Nathan
1170 Kidd, Lillian Rose Orissa
1171 Kiddle, Robert Karl
1172 Kilmartin, Dinah May
1173 Kilmartin, Kevin Seaton*
1174 Knight, Nigel Arthur
1175 Knight, Shirley Louvaine Patricia
1176 Lang, Patrick Andrew *
1177 Lang, Sandra Shirleen
1178 Lang, Velma Emily
1179 Larsen, Josephine Mary

1180 Larsen, Ronald Ivan
1181 Larsen, Yvonne
1182 Lee, Carole
1183 Lee, Christopher*
1184 Lee, Elizabeth
1185 Lee, John Alfred
1186 Lee, Myles *
1187 Lee, Owen Henry
1188 Lee, Rodney William*
1189 Lloyd, John Moelwyn *
1190 Luxton, Patricia Maureen
1191 Luxton, Stephen Charles*
1192 Luxton, William Robert*
1193 Maddocks, Robert Charles
1194 Marsh, Alastair Roy
1195 Marsh, Anna Deirdre
1196 Marsh, Arlette Sharon
1197 Marsh, Frank*
1198 Marsh, Gavin Nicholas
1199 Marsh, June Helen *
1200 Marsh, Leon Peter
1201 Marsh, Marlane Rose
1202 Marsh, Robin Frank
1203 May, Christopher Raymond
1204 May, Linsey Olga
1205 Miller, Betty
1206 Miller, James Albert
1207 Miller, Phillip Charles
1208 Minnell, Adrian James
1209 Minnell, Benjamin James
1210 Minnell, Donna Marie
1211 Minnell, Hazel Eileen
1212 Minnell, Michael Robert
1213 Minto, Alistair Daen
1214 Morrison, Edgar Ewen
1215 Morrison, Eric George
1216 Morrison, Gerald
1217 Morrison, Jacqueline Denise Anita
1218 Morrison, John
1219 Morrison, Kathleen Iris
1220 Morrison, Kenneth
1221 Morrison, Lena
1222 Morrison, Leslie Theodore Norman
1223 Morrison, Michael John
1224 Morrison, Susan Margaret
1225 MacBeth, Raymond John
1226 McBain, Arthur
1227 McBain, Rhoda Margaret
1228 McGhie, James
1229 McGhie, Roy
1230 McGill, Gary
1231 McGill, Robin Perry
1232 McKay, Christine
1233 McKay, Ellen Rose
1234 McKay, Frazer Roderick
1235 McKay, Isabella Alice
1236 McKay, Richard *
1237 McKay, Roderick John *
1238 McLaren, Margo Jane*
1239 McLeod, Albert John
1240 McLeod, Henry Donald Alexander

1241 McLeod, Isabella Diana Frances
1242 McLeod, Sarah Rose
1243 McMullen, June
1244 McMullen, Tony
1245 McPhee, June Iris *
1246 McPhee, Kenneth John *
1247 McPhee, Trudi Lynette
1248 McRae, David Michael
1249 McRae, Gloria Linda
1250 McRae, Mandy*
1251 McRae, Robert George Hector *
1252 Molenkbuhr Lee Charles *
1253 Napier, Lily
1254 Napier, Roderick Bertrand *
1255 Newman, Sheena Melanie
1256 Nightingale, Charlene
1257 Nightingale, Peter Richard
1258 Peck, Christine
1259 Peck, Davina Margaret
1260 Peck, Paul
1261 Phillips, Carol Joan
1262 Phillips, Gillian Carol *
1263 Phillips, Lindsay Marie *
1264 Phillips, Terence
1265 Pitaluga, Jene Ellen *
1266 Pitaluga, Nicholas Alexander Robinson
1267 Pitaluga, Robin Andreas McIntosh *
1268 Pole-Evans, Anthony Reginald *
1269 Pole-Evans, David Llewellyn
1270 Pole-Evans, Lisa *
1271 Pole-Evans, Shirley Helen
1272 Pole-Evans, Suzan
1273 Pole-Evans, William Reginald
1274 Poole, Ella Josephine
1275 Poole, Steven Charles
1276 Porter, George *
1277 Porter, Joan
1278 Porter, William Kenneth
1279 Reeves, Ronald James
1280 Robertson, Ann
1281 Robertson, Peter Charles *
1282 Rozee, Ronald David
1283 Saunders, Felicity Joan Carlie
1284 Short, Derek Patrick
1285 Short, Isobel Rose
1286 Short, Michelle Rose
1287 Short, Patrick Warburton
1288 Short, Robert Charles
1289 Short, Robert George
1290 Sinclair, Serena Samantha *
1291 Sinclair, Simon Keith
1292 Smith, Andrew John
1293 Smith, Francis David *
1294 Smith, George Patterson
1295 Smith, Heather
1296 Smith, Jacqueline
1297 Smith, Jenny Lorraine
1298 Smith, Michael Edmund *
1299 Smith, Robert William
1300 Smith, Robin Charles
1301 Smith, Roy Alan

1302	Stevens, Richard James
1303	Stevens, Toni Donna
1304	Thorsen, David Moller
1305	Thorsen, Gloria Penelope
1306	Turner, Diana Jane *
1307	Turner, Ronald
1308	Velasquez, Arleen
1309	Watson, Glenda Joyce
1310	Watson, Neil
1311	Whitney, Agnes Kathleen *
1312	Whitney, Daneila Grace
1313	Whitney, Dennis
1314	Whitney, Henry Leslie *
1315	Whitney, Keith
1316	Whitney, Lana Rose
1317	Whitney, Leona Ann
1318	Whitney, Patrick George
1319	Wilkinson, David Clive Walter
1320	Wilkinson, Rosemary

*NOT LIABLE TO SERVE AS A JUROR

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Five Pounds & Sixty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *30th JUNE 1993* *No. 7*

Appointments

Miss Lesley Anne Courtney, Travelling Teacher, Education Department, 25.5.93.

Mrs. Sheena Laura Frances Armstrong, Teacher, Education Department, 25.5.93.

Gerard Michael Robson, Assistant Air Traffic Controller, Civil Aviation Department, 7.6.93.

Confirmation of Appointments

Miss Alison Emily Robson, Clerk, Public Service, 4.3.93.

Mrs. Pamela Irene Lewis, Auxiliary Nurse, Medical Department, 1.5.93.

Mrs. Amara Theresa Goss, Legal/Personal Assistant, Attorney General's Chambers, 14.5.93.

Mrs. Maria Lilian Wallace, Clerk, Public Service, 1.6.93.

NOTICE

No. 9 28th June 1993.

The Colony of the Falkland Islands
Certificate of Registration as a Minister for Celebrating Marriage

In accordance with Section 5 of the Marriage Ordinance, 1949

I, DAVID EVERARD TATHAM, Companion of the Most Distinguished Order of St. Michael and St. George, Governor of the Colony of the Falkland Islands **GRANT** to the **Reverend Alfred John Wells** this Certificate of Registration as a Minister for Celebrating Marriages in the Colony.

Given under my hand and the Public Seal at Stanley this 22nd day of June 1993.

D. E. TATHAM,
Governor.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *30th JULY 1993* *No. 8*

Appointments

Miss Deborah Ford, Clerk, Public Service, 1.7.93.

Miss Diana Mary Berntsen, Clerk, Public Service, 1.7.93.

Brian Charles Porter, Fireman, Fire and Rescue Department, 1.7.93.

Roy Summers, Clerk, Public Service, 1.7.93.

John Dick Jackson Saunders, Veterinary Officer, Department of Agriculture, 6.7.93.

Acting Appointment

John Rodney Tuckwood, Acting Water Supervisor, Public Works Department, 5.7.93.

Confirmation of Appointments

Miss Shona Strange, Senior Clerk, Education Department, 13.4.93.

Peter King, Government Secretary, Secretariat, 1.7.93.

Tony Eugene Terence McLaren, Carpenter, Public Works Department, 1.7.93.

Michael Ford, Mechanic, Public Works Department, 1.6.93.

Promotions

Miss Patricia Collette Card, from Clerk, Public Service, to Clerk, Legislature Department, 1.7.93.

Miss Lecann Eynon, from Clerk, Legislature Department to Senior Clerk, Establishments Section, Secretariat.

Graham Cyril Middleton, from Fireman, Fire and Rescue Department, to Leading Fireman, Fire and Rescue Department, 1.7.93.

Peter Coutts, from Carpenter, Public Works Department, to Senior Carpenter, Public Works Department, 1.7.93.

Ramon Miranda, from Gardener, Government House, to Head Gardener, Government House, 1.7.93.

Transfers

Miss Alison Jane Marie Alazia, from Clerk, Fisheries Department, to Auxiliary Nurse, Medical Department, 1.7.93.

Mrs. Linda Jane Bonner, from Senior Clerk, Establishments Section, Secretariat, to Auxiliary Nurse, Medical Department, 1.7.93.

Completion of Contracts

Ian Pickering, Water Supervisor, Public Works Department, 3.7.93.

Michael Philipp Reichel, Veterinary Officer, Department of Agriculture, 16.7.93.

Mervyn Wright, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 17.7.93.

Resignation

Kevin Anthony Earl, Fisheries Protection Officer, Fisheries Department, 3.7.93.

NOTICE

No. 10 29th July 1993.

In accordance with Section 2 of the Public Health Ordinance, the Board of Health has been constituted with the following membership —

Chairman : **The Chief Medical Officer**
Members : **The Government Veterinary Officer**
The Director of Public Works
The Honourable H. T. Rowlands, C.B.E.
Mrs. V. Malcolm, B.E.M.

A. LIVERMORE,
Clerk of Councils.

WAGES AGREEMENT

The following agreement has been reached between the Government and the General Employees' Union. The agreement shall be effective for a period of twelve months from 1st July 1993 and shall apply to the hourly paid Union employees of Government in Stanley.

1. Basis of Wage Rates

During the course of this agreement wages shall be payable in accordance with the hourly rates set out in paragraph two except that any percentage change in the Retail Prices Index for Stanley shall be automatically applied as a Cost of Living Award adjustment to the hourly rates and date from the first day of the month following the quarter to which a review of the Index relates. Adjustments shall be rounded up or down to the nearest 1p on the following basis:

up to .49 of 1p to be rounded down
upwards from .50 of 1p to be rounded up.

Adjustments to the hourly rates as provided for above will be automatically applied during the course of this Agreement up to a maximum of 6%, any adjustments above this to be the subject of negotiations.

(a) Craftsmen - Certificated

All Craftsmen shall be paid at the full basic rate and the following crafts shall be recognised -

Carpenters and Joiners	Masons
Blacksmiths	Plumbers
Painters	Electricians
Motor Mechanics	Plant Mechanics/Fitters

The normal entry to a craft shall be by a full term of apprenticeship or the recognition of a person's qualifications by the Industrial Training Committee.

(b) Craftsmen - Uncertificated

This describes a skilled employee who is engaged to undertake a craft but who has not completed a formal Apprenticeship or gained other qualifications recognised by the Industrial Training Committee.

(c) Handyman

This term includes those employees doing skilled or semi-skilled work in one or more trades, but who have not served an apprenticeship nor have been recognised by the Industrial Training Committee.

(d) Plant Operator

This term applies to any employee whose primary task is to operate mechanical plant.

Operators should have a valid HGV Licence and hold a minimum of one proficiency certificate to be a Second Class Operator and a minimum of two proficiency certificates to be a First Class Operator. In exceptional circumstances, to be approved by the Director of Public Works, Operators who do not hold a valid HGV licence but have a minimum of two proficiency certificates can be graded as Second Class Operators. Such Operators will be given 12 months, or such other period of time (shorter or longer) as the Director of Public Works directs, in which to obtain an HGV Licence.

All operators must be approved by the P.W.D. Mechanical Supervisor to operate plant.

An operator showing proficiency shall be given the chance to gain experience on other types of plant when suitable opportunities arise.

(e) **Labourer**

This term describes an employee undertaking unskilled work, usually of a repetitive nature, ie digging, sweeping or carrying, and without any element of responsibility.

2. **Prevailing Rates**

Class				Hourly Rate
				£
1. Foremen				5.28
2. Assistant Foremen				4.87
3. Certificated Craftsmen	4.67	4.83	4.98	5.13
4. Uncertificated Craftsmen	4.18	4.29	4.39	4.51*
5. Apprentices				
1st year				3.41
2nd year				3.58
3rd year				3.75
4th year				3.94
5th year				4.15

An apprenticeship should not commence before the school leaving age has been attained.

6. Handymen (according to ability)	3.69	3.78	3.89	3.99	4.08*
7. Labourers					
Age					
15 - 16					3.22
16 - 17					3.35
17 - 18					3.45
18 and over					3.60
8. Plant Operators (according to ability)					
Class 2	3.69	3.78	3.89	3.99	4.08*
Class 1	4.12	4.21	4.30	4.39	4.51

(* Denotes Efficiency Bar. In the case of Handymen and Uncertificated Craftsmen this point shall only be passed on the completion of a trade test or equivalent; Plant Operators shall only progress beyond this point on the acquisition of the required number of proficiency certificates as set out in clause 1(d) of this Agreement).

The above hourly rates are minimum and the Government may, if it so wishes, offer higher rates, incentive bonuses, etc. The rates shown above take into account the increase in the Retail Prices Index for the quarter ending 31st March 1993.

Casual Labour There is now no work which justifies a casual labour rate.

3. **Extra Payments**

(a) **"Dirt Money"**

As a general guide, "Dirt" money should only be paid when the work is substantially dirtier than the work which an employee is normally called upon to do. The following jobs automatically qualify for 20p per hour with a maximum of 40 hours per week -

working at the crushing plant; handling filtration plant chemicals, gas oil, tar or bitumen.

In addition, the following jobs qualify for 34p per hour where it is agreed that the job is substantially dirtier than the employee is normally called upon to do:-

handling cement in badly damaged bags; cleaning oil burners and chimney sweeping; cleaning blocked sewers; assembling bitumen-covered culverts; and such other jobs as may be approved by the Director of Public Works.

(b) **Hazardous Work**

Employees working on isolated structures, such as masts, at heights over 20 feet from the ground or where the structure joins the main roof of a building, shall be paid from 8p to 16p per hour according to the risk involved. This does not apply to work on properly erected scaffolding or on roofs where the work can be carried out from a position where the workman's feet are on a secured ladder. This Clause also relates to paint spraying.

(c) **Extra Skill or Responsibility**

(i) Any employee specifically detailed to supervise the work of three or more other employees shall receive 25p per hour extra while taking this responsibility. This clause is intended for use on an occasional basis and does not cover people who continually supervise people or projects, such as Foremen or Assistant Foremen.

(ii) Any labourer employed on semi-skilled work which would normally fall to a Handyman (eg painting, fencing, concrete laying) shall receive pay as a Handyman while engaged on this work. The precise rate shall be fixed by the Government according to the nature of the work and the skill of the particular labourer so employed. This will also apply to tallymen.

(d) **Tool Allowance**

A tool allowance of £20.87 per annum is payable at the commencement of each year to any craftsman or handyman who is required to provide his own tools and who has completed one year's continuous service with the Government. This allowance will not be paid where the necessary tools to carry out the duties are provided by the Government. The tool allowance shall be adjusted annually to take into account cost of living awards made during the course of the last four quarters.

4. Payment of Wages

As agreed between the parties to this Agreement existing employees who prefer to receive their wages in cash may continue to do so. The wages of any future employees will be paid to their accounts with the Standard Chartered Bank.

5. Working Hours

The normal working hours shall be 40 hours per week made up as follows, provided that where an employee is absent during any period of a working week, without a medical certificate, or on local leave, and subject to the request of the Government and acceptance of the employee, may be permitted to work at the ordinary hourly rate on the following Saturday, provided that the hours worked on Saturday do not exceed the completion of a 40 hour week, when any balance would be paid at the overtime rate.

Monday to Friday 07-30am to 4-30pm with dinner break from noon till 1pm. A refreshment break of fifteen minutes to be taken on site shall be allowed between 08-30 and 09-30am, the precise time being laid down by the Government after consultation with employees.

Other hours of work may be laid down by mutual agreement between the Government and employees, provided that the total number of hours does not exceed 40 per week.

6. Overtime

(a) Overtime shall be paid for all hours worked outside normal working hours and overtime rates shall be as follows -

Time and a half

(i) between the end of the normal day and midnight

(ii) from 6am to the start of the normal working day, provided that work did not start before 6am.

Double time

(i) between midnight and 6am

(ii) from 6am to the start of the normal working day, if work commenced before 6am

(iii) on Sundays and recognised Public Holidays

(iv) for meal hours or parts thereof, if work continues through the normal working day without a full meal-hour break.

(v) Double time rates shall also be paid during normal working hours if, exceptionally, an employee starts work before midnight and continues without a break into normal working hours. Double time rates shall then continue to apply until there is an (unpaid) break from work exceeding four hours, after which the normal rates will again apply.

(b) Overtime, except for shift workers, is voluntary and an employee shall not be dismissed if he objects to working outside normal hours. However, certain jobs may require attendance at times outside the normal hours and in these cases employees shall be given the option of a 40 hour week by allowing time off during normal working hours, at a time to be agreed with the Government.

7. Public Holidays

In addition to receiving double time for working a public holiday employees shall be entitled to 8 hours holiday.

8. Holidays

(a) Annual Holidays.

All employees shall be entitled to accumulate holidays at the rate and to the maximum hereinafter set out, namely -

Earning rate per annum - 20 days
Earning rate per month of continuous service - 13.33 hours
Maximum accumulation 400 hours

Paid holidays may be taken at a time to be mutually agreed upon.

b) Public Holidays.

These are days on which Government offices are closed by notification in the Gazette and the following nine days shall be paid holidays for all employees -

New Year's Day, Good Friday, The Queen's Birthday and Commonwealth Day, Liberation Day, Falklands Day, Anniversary of the Battle of the Falkland Islands, Christmas Day, Boxing Day and one other day to coincide with the Annual Stanley Sports Meeting.

c) Any allowance or special rates earned on both the working day preceeding and the working day following the holiday shall be paid for the holiday.

d) When a dated holiday falls on a Saturday or a Sunday the next working day shall be the holiday.

9. Sick Pay

a) Employees who have not completed three months' service with the Government shall not be entitled to sick pay.

b) An employee shall be entitled to the following sick pay commencing on the first day of sickness upon the production of a medical certificate which states the sickness is not brought on by any fault of his own, but the periods listed below being limited to the total number of entitled weeks within a 52 week period from the first day of sickness -

(i) Employees who have completed three months' service with the Government -

Full pay for the first three weeks
Half pay for the fourth and fifth weeks.

(ii) Employees who have completed two years' service with the Government -

Full pay for the first six weeks
Half pay for the following twelve weeks.

(iii) Employees who have completed three years' service with the Government -

Full pay for the first eight weeks
Half pay for the following sixteen weeks.

(c) Full pay should be paid for any Public Holiday which falls during the first six weeks of sickness provided that the employee, when he has recovered, returns to work for the Government.

(d) The Workmen's Compensation Ordinance shall apply in cases of sickness resulting from accidents at work. The Foreman and the Union Delegate should confirm in writing any accident at work.

10. Unpaid Leave

Employees may apply to take a period of unpaid leave in special circumstances, in addition to a period of holiday as provided for in clause 7 of the Wages Agreement, provided that the total period of absence from work does not exceed sixty working days.

Unpaid leave will not normally be granted for periods exceeding two weeks; nor will it be granted to employees who have not completed a minimum of two years' continuous service with the Government save in exceptional circumstance or on compassionate grounds.

Applications for unpaid leave shall be made through the employee's Head of Department to the Establishments Section of the Secretariat. Unpaid leave will be granted at the discretion of the Government.

11. Termination of Employment

The Government may dismiss an employee summarily in any circumstance in which to do so would be fair if the Employment Protection Ordinance 1989 applied. Otherwise the following notice of termination shall be given by the Government -

(a) Employees who have completed one month's service but less than two years' service - one week's notice.

(b) Employees who have completed between two years' and twelve years' continuous service - one week's notice for each year of continuous employment.

(c) Employees who have completed more than twelve years' continuous employment - not less than twelve weeks' notice.

If desired the Government may pay wages in (a), (b) or (c), as appropriate in lieu of giving notice.

12. General

(a) When a party of employees is required to carry meals to their work, one employee shall be allowed reasonable time to heat meals for the rest of the party.

(b) The Government may lay down times when employees shall appear for their wages, provided that the payment is completed within normal working hours.

(c) An official or delegation of a recognised union may, with the Government's consent, attend at a job or shop at any time to interview workmen, but no meeting shall take place in working hours without the express permission of the Government. If a dispute arises, the Government or its nominee shall interview, by appointment, any official representative of its employees.

(d) The Government shall display for the benefit of its employees copies of regulations and rules pertaining to wages and conditions of service of workers.

(e) The Government shall ensure that tractors are fitted with safety cabs.

13. Redundancy

If the Government wishes to declare any job redundant the Government shall notify the employee at least three months before the redundancy becomes effective unless otherwise agreed with the employee. In the event of an employee being declared redundant he shall be entitled to such payment or payments as, after taking any pension, gratuity or commuted pension payment he receives, he would be entitled to under Part VII of the Employment Protection Ordinance 1989 if it applied to employees of the Government.

14. Payment for Public Service Duties

(a) An employee to which this agreement applies shall be entitled to be paid in respect of any period of absence from work occasioned by the need for him to perform public duties. For the purpose of this clause "public duties" means any of the following:

Justices of the Peace
Jurors
Witnesses
Legislative Councillors
Members of any Committee established by the Government or by or under any Ordinance for which no payment is otherwise made, other than under the Legislative Council (Allowances) Ordinance in which case the employee may elect to receive the higher payment.

Any other duties approved by the Governor for the purpose of this clause.

(b) Payments under this clause shall be at the basic hourly rate of the employee concerned whether the employee in question would otherwise have been attending for duty of a kind or at a time which qualified for an enhanced payment or not.

(c) If the employee would ordinarily be working in excess of the normal working hours payments under this clause shall nevertheless be limited to payments due in respect of a basic working day.

(d) The Government shall be entitled before making a payment under this clause to require satisfactory evidence that the absence in question was an absence qualifying for payment under this clause.

.....
Government Secretary,
for Falkland Islands Government.
16th July 1993

.....
Chairman,
for General Employees' Union.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Three Pounds & Twenty - Five Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *31st AUGUST 1993* *No. 9*

Appointments

Geoffrey Eric Benjamin, Medical Laboratory Technician, Medical Department, 10.8.93.

Alan John Geach, Police Constable, Royal Falkland Islands Police, 16.8.93.

John Addinall, Fisheries Protection Officer, Fisheries Department, 17.8.93.

Acting Appointment

Simon Roy Miller, Acting Deputy Director of Fisheries, Fisheries Department, 28.7.93 - 17.8.93.

Barbara Ingrid Steen, Acting Chief Clerk, Public Works Department, 2.8.93. - 17.9.93.

Confirmation of Appointments

Mrs. Kathleen Gay Clarke, Senior Assistant Secretary, Secretariat, 1.8.93.

Mr. Geoffrey Bell Porter, Pilot, Falkland Islands Government Air Service, 7.8.93.

Mrs. Eileen Wynne Davies, Establishments Secretary, Secretariat, 25.8.93.

Retirements

Mrs. Iris Dwenda Margaret Finlayson, Auxiliary Nurse, Medical Department, 30.7.93.

Mrs. Gladys Carey, Auxiliary Nurse, Medical Department, 4.8.93.

Charles Desmond Keenleyside, Senior Painter, Public Works Department, 5.8.93.

Augusto Miranda, Senior Carpenter, Public Works Department, 10.8.93.

Mrs. Betty Josephine Biggs, Clerk, Public Service, 11.8.93.

Eugene Williams, Head Gardener, Government House, 11.8.93.

Donald William Bonner, Steward/Chauffeur, Government House, 11.8.93.

Resignations

Paul Julian Williams, Police Constable, Royal Falkland Islands Police, 30.7.93.

Jason Lewis, Junior Technical Assistant, Design Section, Public Works Department, 10.9.93.

NOTICE

The Fishing Licences (Applications and Fees) Regulations (No. 2) Order 1993

Corrigendum

There is an error in Explanatory Note 3 in the Schedule to these Regulations as printed in the Supplement Number 15 of the gazette published on 25th August 1993. The Explanatory Note does not form part of the law and are for guidance only. Note 3 (as published on 25th August 1993) refers to the first fishing season in 1994 ending on "28th February 1994". It should have said "30th June 1994".

26th August 1993.

D. G. LANG Q.C.,
Attorney General.

NOTICES

No. 11 30th August 1993.

Application for Naturalisation

Notice is hereby given that Mr. Francisco Javier Hernandez Pastene, of Stanley, Falkland Islands, is applying to His Excellency the Governor for naturalisation. Any person who has knowledge why naturalisation should not be granted, should send a written and signed statement of the facts to the Immigration Officer, Customs & Immigration Department, Ross Road, Stanley.

J. A. FISHER-SMITH,
for Immigration Officer.

No. 12 30th August 1993.

THE COLONY OF THE FALKLAND ISLANDS

Certificate of Registration as a Minister for Celebrating Marriage

In accordance with Section 5 of the Marriage Ordinance, 1949

I, RONALD SAMPSON Acting Governor of the Colony of the Falkland Islands GRANT to the **Reverend Kenneth Charles Bromage** this Certificate of Registration as a Minister for celebrating Marriages in the Colony.

Given under my hand and the Public Seal at Stanley this 23rd day of July 1993.

RONALD SAMPSON,
Acting Governor.

No. 13 30th August 1993.

THE COLONY OF THE FALKLAND ISLANDS

Certificate of Registration as a Minister for Celebrating Marriage

In accordance with Section 5 of the Marriage Ordinance, 1949

I, RONALD SAMPSON Acting Governor of the Colony of the Falkland Islands GRANT to the **Reverend Michael James Elliott** this Certificate of Registration as a Minister for celebrating Marriages in the Colony.

Given under my hand and the Public Seal at Stanley this 23rd day of July 1993.

RONALD SAMPSON,
Acting Governor.

Winding up of Wadnor Falklands Ltd.

In the matter of the Companies Act 1948, and in the matter of Wadnor Falklands Ltd. in voluntary Liquidation members winding up.

At an extraordinary general meeting of the above named company duly convened and held at Church Road, Teddington, Middlesex, on the 10th day of August 1993, the following special resolution was duly passed,:

That Wadnor Falklands Limited be wound up voluntarily under Section 278 (1) (b) of the Companies Act, 1948.

Dated this 10th day of August 1993.

No. 15 30th August 1993.

Findings of the Cost of Living

Calculation of the Index of Retail prices for the quarter ended 30th June 1993 shows an increase of 0.14%. This increase is insufficient to effect hourly rates of pay as defined by the FIG/GEU wages agreement and no adjustment to rates is therefore required.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. MARK GOODMAN, E8195325.

to be a temporary Customs Officer with effect from 9th July, 1993 to 31st October 1993.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. DEREK MARTLAND, T8130577.

to be a temporary Customs Officer with effect from 9th July, 1993 to 31st October 1993.

R. J. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Sgt. DAVID BATES, T8130577.

to be a temporary Customs Officer with effect from 9th July, 1993 to 31st October 1993.

B. ECCLES,
Ag. Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. CATHERINE LAKE, J8240107.

to be a temporary Customs Officer with effect from 21st August, 1993 to 21st December, 1993.

B. ECCLES,
Ag. Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

WO2 ELLIS,

to be a temporary Customs Officer with effect from 21st August, 1993 to 21st December, 1993.

B. ECCLES,
Ag. Collector of Customs.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII *13th AUGUST 1993* *No. 9*

The following is published in this Gazette —

The Register of Electors.

NOTICE

No. 11 12th August 1993

THE BANKRUPTCY ACT 1914

FIRST MEETING AND PUBLIC EXAMINATION

Debtor's Name (*surname first*) Address and Description	Johnson, Vanda Joan 1 Callaghan Road, Stanley Shop Assistant
Court	Supreme Court, Falkland Islands
Number of Matter	SC/CIV/9/93
Date of first meeting, Hour and Place	Thursday 26th August 1993 2 p.m. Court and Council Chambers, Town Hall
Date of Public Examination, Hour and Place	Application is made pursuant to S.6(1) Insolvency Act 1976 to dispense with the Public Examination of the Debtor
Date of Order, if any, for Summary Administration	Not applicable

Attorney General
Secretariat, Stanley.

Signed.....
Attorney General

Register of Electors, Stanley Constituency.

1 Adams, John Harvey *
2 Adams, Marjorie Rose
3 Alazia, Albert Faulkner *
4 Alazia, Andrew *
5 Alazia, Anita Jayne
6 Alazia, Freda
7 Alazia, Freda Evelyn *
8 Alazia, James Andrew
9 Alazia, Keith *
10 Alazia, Maggie Ann *
11 Alazia, Yvonne
12 Aldridge, Caroline Mary
13 Aldridge, Kenneth John
14 Allan, John *
15 Almonacid, Gladys Mabel *
16 Almonacid, Orlando
17 Anderson, Eddie *
18 Anderson, Edward Bernard *
19 Anderson, Elizabeth Nellie *
20 Anderson, Gloria *
21 Anderson, Helen *
22 Anderson, Mildred Nessie *
23 Anderson, Paul James
24 Anderson, Richard Louis
25 Anderson, Sophie Marina
26 Anderson, Stephen Robert
27 Bagley, Jacqueline Elizabeth
28 Barkman, Margaret Mary
29 Barnes, Ernest *
30 Barnes, Molly Stella *
31 Barnes, Sigrid Geraldine Wells *
32 Barnes, Trevor Marshall
33 Barton, Alison Mary
34 Barton, Arthur John
35 Bedford, Kita Muriel
36 Bell, Margaret Maud Elizabeth
37 Bell, Robin William Simpson *
38 Bennett, Harold *
39 Bennett, Lena Grace Gertrude *
40 Berntsen, Benjamin John
41 Berntsen, Cecilia del Rosario
42 Berntsen, Christian Olaf Alexander
43 Berntsen, Ellen Rose
44 Berntsen, Gina Michelle
45 Berntsen, John Alexander
46 Berntsen, Kathleen Gladys *
47 Berntsen, Lavina Maud *
48 Berntsen, Mary Clarissa Elizabeth *
49 Berntsen, Olaf Christian Alexander
50 Berntsen, Patrick
51 Berntsen, Saphena Anya Jane *
52 Berntsen, Valdamar Lars
53 Berntsen, William Blyth *
54 Bertrand, Catherine Gladys *
55 Betts, Arlette
56 Betts, Cyril Severine *
57 Betts, Donald William
58 Betts, Ellen Alma *
59 Betts, George Winston Charles
60 Betts, Lucia Elizabeth
61 Betts, Owen *
62 Betts, Severine *
63 Betts, Shirley Rose

64 Betts, Terence Severine
65 Biggs, Alastair Gordon
66 Biggs, Althea Maria
67 Biggs, Betty Josephine *
68 Biggs, Edith Joan *
69 Biggs, Frances
70 Biggs, Frederick James *
71 Biggs, Irene Mary *
72 Biggs, Leslie Frederick
73 Biggs, Madge Bridget Frances *
74 Biggs, Michael Elfed
75 Biggs, Peter Julian Basil
76 Biggs, Robert William
77 Billett, Leslie William *
78 Binnie, Susan
79 Birmingham, John
80 Birmingham, Susan Jane
81 Blackley, Candy Joy
82 Blackley, Charles David *
83 Blackley, Hilda
84 Blackley, John David
85 Blackley, Maurice
86 Blake, Paul Wickham
87 Blizard, Lawrence Gordon *
88 Blizard, Malvina Mary *
89 Blyth, Agnes Ruth *
90 Blyth, Alfred John *
91 Blyth, John *
92 Bonner, Donald William *
93 Bonner, Hayley Trina
94 Bonner, Joanne
95 Bonner, Linda Jane
96 Bonner, Nicholas
97 Bonner, Paul Roderick
98 Bonner, Timothy
99 Bonner, Vera Ann
100 Bonner, Vera Joan
101 Bonner, Violet *
102 Booth, Jessie *
103 Booth, Joseph Bories *
104 Booth, Myriam Margaret Lucia
105 Booth, Stuart Alfred *
106 Bound, Graham Leslie
107 Bound, Joan *
108 Bowles, Norma Evangeline
109 Bowles, William Edward *
110 Bowles, William George Troyd *
111 Bragger, Edward Laurence
112 Bragger, Olga
113 Browning, Edwina
114 Browning, Gavin
115 Browning, Rex
116 Browning, Richard William
117 Browning, Trevor Osneth
118 Buckett, Ronald Peter
119 Buckland, Charles Ronald
120 Buckland, Darlene Joanna
121 Bundes, Robert John Christian *
122 Burnard, Linda May
123 Burnard, Peter
124 Burns, Mary Anne *
125 Bury, Ian Thomas
126 Butcher, Michael George

127 Butcher, Trudi
128 Butler, Doreen Susan
129 Butler, Elsie Maud *
130 Butler, Ernest Joseph
131 Butler, Frederick Lowther Edward Olai *
132 Butler, George Joseph *
133 Butler, James Donald *
134 Butler, Joan May
135 Butler, Jonathan Jeffers
136 Butler, Lawrence Jonathan *
137 Butler, Margaret Orlanda
138 Butler, Orlanda Betty
139 Cameron, Jane Diana Mary Keith
140 Cant, Carol Rosine
141 Cant, Martin Ronald
142 Card, Denise
143 Carden, David Roger *
144 Carey, Anthony Michael *
145 Carey, Gladys*
146 Carey, Mary Ann Margaret *
147 Carey, Terence James *
148 Castle, David Peter
149 Castle, Isobel
150 Ceballos, Claudette
151 Ceballos, Eulogio Gabriel
152 Chapman, Helen
153 Chapman, Paul
154 Chater, Annie
155 Chater, Anthony Richard
156 Cheek, Barbara
157 Cheek, Diane
158 Cheek, Frederick John *
159 Cheek, Gerald Winston
160 Cheek, Janet Linda *
161 Cheek, John Edward
162 Cheek, Marie
163 Cheek, Miranda
164 Cheek, Rosalind Catriona *
165 Clarke, Angeline Gloria *
166 Clarke, Anneliese Rose *
167 Clarke, Camilla Marie
168 Clarke, Christopher
169 Clarke, David James
170 Clarke, Derek Simon *
171 Clarke, Doreen *
172 Clarke, Eva Lynn *
173 Clarke, Fiona Alison
174 Clarke, Gwynne Edwina
175 Clarke, Hector *
176 Clarke, Ian
177 Clarke, Isabel Joan *
178 Clarke, Jane Lucacia *
179 Clarke, James Martin *
180 Clarke, Jonathan Terence *
181 Clarke, Joyce Kathleen *
182 Clarke, Kathleen Gay
183 Clarke, Marvin Thomas
184 Clarke, Paul Ian *
185 Clarke, Ronald John *
186 Clarke, Rudy Thomas
187 Clarke, Terence John
188 Clarke, Trudi Ann
189 Clarke, Violet Rose

190 Clausen, Denzil George Gustavius
191 Clausen, Melanie Florence
192 Claxton, Frank Brian *
193 Claxton, Margaret
194 Clayton, Brian
195 Clayton, Susan
196 Cletheroe, Kenneth Stanley
197 Clifton, Cathy Louise
198 Clifton, Charles *
199 Clifton, Darwin Lewis
200 Clifton, Doreen
201 Clifton, Gavin John *
202 Clifton, Kevin *
203 Clifton, Marie *
204 Clifton, Neil
205 Clifton, Stephen Peter
206 Clifton, Terence Charles
207 Clifton, Teresa Ann
208 Clifton, Valerie Ann
209 Clingham, Yvonne Helen
210 Cofre, Anya Evelyn
211 Cofre, Elvio Miguel
212 Collier, Phyllis Candy
213 Collins, Peter Anthony
214 Collins, Shiralee
215 Coleman, Jeanette
216 Connolly, Janice
217 Connolly, Kevin Barry
218 Coombe, Peter
219 Coombe, Shirley Anne
220 Coulter, Paula *
221 Coutts, Carolynne Sarah
222 Coutts, Charles
223 Coutts, Charles Lindsay *
224 Coutts, Diana Marion *
225 Coutts, John
226 Coutts, Olga *
227 Coutts, Peter
228 Crowie, Nicola Jane
229 Curtis, Alfred William Hamilton
230 Curtis, Barbara Joan
231 Davies, Andrew Liam *
232 Davies, Anthony Warren
233 Davies, Colin George
234 Davies, Eileen Wynne
235 Davies, Jacqueline Nancy
236 Davies, Stephen Andrew *
237 Davies, William
238 Davis, Lynsey Leander *
239 Davis, Maurice Nigel
240 Davis, Raymond Andrew
241 Davis, Roy George Victor
242 Davis, Sharon Sandra Evelyn
243 Davis, William John *
244 Davy, Patrick Alex Field
245 Dearling, Leo Alexander *
246 Decroliere, Carrie Madeline Helen
247 Dickson, Caroline Christine Bird *
248 Dickson, Marlaine Rose
249 Dodd, Alison
250 Doherty, Ian
251 Donnelly, Denise
252 Duncan, Doreen *

253 Duncan, William *
254 Earnshaw, Jacqueline Elizabeth
255 Ellis, Cyril *
256 Ellis, Valerie
257 Evans, Gladys Alberta *
258 Eynon, Carol
259 Eynon, David John
260 Eynon, Leeann Watson
261 Fairfield, James Steven
262 Faria, Basil Harry
263 Faria, Mary Ann *
264 Felton, Violet Regina Margaret *
265 Ferguson, Rose
266 Fiddes, Gardner Walker
267 Fiddes, Mary McKinnon Livingstone *
268 Fiddes, Melody Christina
269 Fiddes, Robert *
270 Finlayson, Iris Dwenda Margaret *
271 Finlayson, Peter
272 Finlayson, Phyllis *
273 Fisher-Smith, Julie Anne *
274 Fogerty, Richard Edwin John
275 Ford, Arthur Henry *
276 Ford, Caroline
277 Ford, Charles David *
278 Ford, Cherry Rose
279 Ford, Christopher James *
280 Ford, Colin Stewart
281 Ford, Colleen Mary
282 Ford, David
283 Ford, Frederick James
284 Ford, Gerard Allan
285 Ford, Hazel
286 Ford, James Edward *
287 Ford, Leann Caroline
288 Ford, Leonard
289 Ford, Marilyn Christina
290 Ford, Michael
291 Ford, Robert
292 Fullerton, Mary Ellen *
293 Gilbert, Judith Elizabeth
294 Gilbert, Robert Ernest
295 Gilding, Deborah *
296 Gilding, Peter Bernard
297 Gooch, Cecilia Ines Millard Bennett *
298 Gooch, Dudley Frederick *
299 Goodwin, Colin Valentine
300 Goodwin, Derek Samuel *
301 Goodwin, Emily Rose *
302 Goodwin, Hazel Rose *
303 Goodwin, June Elizabeth
304 Goodwin, Kathleen Edith Marguerite *
305 Goodwin, Margaret Ann
306 Goodwin, Michelle Jane *
307 Goodwin, Robin Christopher
308 Goodwin, Simon James *
309 Goodwin, Una
310 Goodwin, William Andrew Nutt *
311 Goodwin, William John Maurice
312 Goss, Amara Theresa
313 Goss, Annagret
314 Goss, Dorothy Ellen
315 Goss, Elizabeth Rose

316 Goss, Grace Elizabeth *
317 Goss, Morgan Edmund *
318 Goss, Simon Peter Miller
319 Goss, William Henry (Jnr)
320 Goss, William Henry (Snr) *
321 Gould, Arthur William
322 Grant, Lennard John *
323 Grant, Mildred *
324 Gray, Andrea Patricia
325 Greenland, Bonita Doreen *
326 Greenland, Kenneth David *
327 Grimmer, Keith
328 Grimmer, Marilyn
329 Hadden, Alexander Burnett *
330 Hadden, Sheila Peggy *
331 Halford, Rodney John
332 Halford, Sharon
333 Hall, David Albert
334 Hall, Marilyn Joyce
335 Halliday, Evelyn Edna *
336 Halliday, Gerald
337 Halliday, John Arthur Leslie *
338 Halliday, Leslie John *
339 Halliday, Margaret Mary *
340 Halliday, Raynor
341 Hansen, Douglas John
342 Hansen, Keva Elizabeth
343 Hardy, Douglas Morgan *
344 Harris, Christopher James
345 Harris, Heather
346 Harris, Jayne Elizabeth
347 Harris, Jill Yolanda Miller
348 Harris, Leslie Sidney
349 Harris, Michael Ronald
350 Harris, Ralph Aaron
351 Harvey, Muriel Elsie Elizabeth *
352 Harvey, Sheila *
353 Harvey, William *
354 Hawksworth, David
355 Hawksworth, Jeanette *
356 Hawksworth, Mary Catherine
357 Hawksworth, Pauline May
358 Hawksworth, Terence
359 Hayward, Marjorie
360 Hayward, Peter Dennis *
361 Hazell, Trudi Eileen Felton
362 Heathman, Malcolm Keith
363 Heathman, Mandy Gail
364 Heathman, Violet *
365 Henry, Alan Richard
366 Henry, Patricia Denise
367 Hewitt, Alison Denise
368 Hewitt, Frances Agnes
369 Hewitt, Gary George
370 Hewitt, Kevin John
371 Hewitt, Margaret Ann
372 Hewitt, Rachel Catherine Orissa *
373 Hewitt, Robert John David *
374 Hills, Heather Margaret *
375 Hills, Richard William *
376 Hirtle, Christine
377 Hirtle, Debbie Ann
378 Hirtle, Leonard Lloyd

379 Hirtle, Mary Ann *
380 Hirtle, Michelle *
381 Hirtle, Rose Ann Shirley *
382 Hirtle, Sandra May Winifred
383 Hirtle, Shirley
384 Hirtle, Wallace Carl Linden *
385 Hirtle, Zane Eric
386 Hobman, Anilda Marilu
387 Hobman, Luis Alfonzo *
388 Howatt, Derek Frank *
389 Howe, Alison Delia
390 Howe, Paul Anthony
391 Howells, Anne Stephanie
392 Howells, Roger
393 Huanel, Jose Raul
394 Igao, Pauline Lynx
395 Jacobsen, Alistair
396 Jacobsen, Catherine Joan
397 Jaffray, Angus
398 Jaffray, Christopher *
399 Jaffray, Eileen
400 Jaffray, Estelle Anita
401 Jaffray, Frank Alexander
402 Jaffray, Gerard Alan *
403 Jaffray, Helen Rose
404 Jaffray, Ian
405 Jaffray, Ingrid Joyce
406 Jaffray, Jacqueline Ann *
407 Jaffray, Janice Vanessa
408 Jaffray, June Elizabeth *
409 Jaffray, Kenneth Ian
410 Jaffray, Lisa Jane *
411 Jaffray, Stephen James
412 Jaffray, Terence Roy
413 Jaffray, Terri-Ann
414 Jaffray, Tony
415 Jennings, Neil
416 Jennings, Stephen
417 Johnson, Jacqueline
418 Johnson, Kenneth John
419 Johnson, Michael Neil
420 Johnson, Stanley Howard *
421 Johnson, Vanda Joan
422 Jones, Alan Smith
423 Jones, Jennifer
424 Jones, John Hugh
425 Jones, Kevin Richard
426 Jones, Michael David
427 Jones, Michelle
428 Jones, Sheila Janice
429 Jones, Yvonne Malvina
430 Jordan, Dilys Margaret Ann
431 Keane, Alva Rose Marie
432 Keenleyside, Charles Desmond (Snr) *
433 Keenleyside, Charles Desmond (Jnr)
434 Keenleyside, Dorothy Maud *
435 Keenleyside, Manfred Michael Ian
436 Keenleyside, Nanette Barbara
437 Keenleyside, Susan Noreen
438 Kenny, Erling
439 King, Anna Constance Eve
440 King, Desmond George Buckley *
441 King, Gladys Evelyn *

442 King, Glynis
443 King, Peter Thomas *
444 King, Robert John *
445 King, Rosemarie
446 King, Vernon Thomas *
447 Kluzniak, Beulah *
448 Kluzniak, Bogaslaw Sylvester *
449 Laffi, Atilio Segundo
450 Laffi, Kathleen Mary
451 Lang, David Geoffrey *
452 Lang, James Patrick
453 Lang, Theresa Margaret
454 Lang, William Frank
455 Larsen, Ellen
456 Lee, Alfred Leslie *
457 Lee, Derek William
458 Lee, Gladys
459 Lee, Leslie James
460 Lee, Robin Myles
461 Lee, Trudi Dale
462 Lewis, James *
463 Lewis, Jean *
464 Livermore, Anton *
465 Livermore, Darren
466 Livermore, Marie Anne
467 Lloyd, Melvyn John
468 Lloyd, Valerie Ann
469 Loftus, Anthony
470 Loftus, Colleen
471 Lowe, Adrian Stewart
472 Luxton, Ernest Falkland *
473 Luxton, Jennifer Mary
474 Luxton, Michael
475 Luxton, Nicola
476 Luxton, Sybil Grace *
477 Luxton, Winifred Ellen *
478 Lyse, Ethel Malvina *
479 Lyse, George Walter *
480 Lyse, Linda Margaret
481 Lyse, Reginald Sturdee *
482 Lyse, Sydney Russell *
483 Macaskill, Angus Lindsey
484 Macaskill, Jeanette May
485 Macaskill, John
486 Malcolm, George *
487 Malcolm, Velma *
488 May, Brian Roy
489 May, Bruce Raymond
490 May, Connie
491 May, Heather *
492 May, Jonathan Roy *
493 May, Monica
494 May, William Albert *
495 Metcalf, Rhoda Felton
496 Middleton, Brian
497 Middleton, Caroline Ann
498 Middleton, Dennis Michael
499 Middleton, Ellen *
500 Middleton, Graham Cyril
501 Middleton, Joan Eliza
502 Middleton, Leonard
503 Middleton, Phillip John
504 Middleton, Sharon Elizabeth

505 Middleton, Shirley
506 Middleton, Stephanie Ann
507 Miller, Andrew Nigel
508 Miller, Betty Lois *
509 Miller, Carol
510 Miller, Florence Roberta *
511 Miller, Gail Marie
512 Miller, Simon Roy
513 Miller, Timothy John Durose
514 Minto, Alistair Daen
515 Minto, Dilys Rose
516 Minto, Graham Stewart
517 Minto, Patrick Andrew
518 Minto, Timothy Ian
519 Miranda, Augusto *
520 Miranda, Carmen *
521 Miranda, Ramon
522 Miranda, Winifred Dorothy *
523 Mitchell, Leon John
524 Moffat, Angela
525 Moffat, James
526 Morris, Alana Marie
527 Morris, David *
528 Morris, Trevor Alan
529 Morrison, Donald Ewen *
530 Morrison, Doreen
531 Morrison, Eleanor Olive *
532 Morrison, Fayan
533 Morrison, Graham Stewart
534 Morrison, Herman
535 Morrison, Hyacinth Emily *
536 Morrison, Joan Margaret
537 Morrison, Lewis Ronald
538 Morrison, Muriel Eliza Ivy *
539 Morrison, Nanette Rose
540 Morrison, Nigel Peter
541 Morrison, Patrick
542 Morrison, Paul Roderick
543 Morrison, Ronald Terence *
544 Morrison, Stewart
545 Morrison, Trevor
546 Morrison, Valerie Ann
547 Morrison, Violet Sarah
548 Morrison, William Roderick Halliday
549 Murphy, Ann Susan
550 Murphy, Bessie *
551 Murphy, Michael James *
552 MacDonald, Colin George
553 MacDonald, Irene
554 MacDonald, John Alexander Horne
555 McBeth, Phyllis Elizabeth Grace
556 McCallum, Bettina Kay
557 McCallum, Christopher John
558 McCallum, Elaine Michele
559 McCallum, Ellen *
560 McCallum, James *
561 McCallum, Timothy Andrew
562 McCormick, Dale Ronald
563 McCormick, Pauline Margaret Ruth
564 McCormick, Richard Paul *
565 McEachern, Gloria Jane
566 McGill, Coral Elizabeth *
567 McGill, Darrel Ian

568 McGill, Diane Beverley
569 McGill, Doris Mary *
570 McGill, Glenda
571 McGill, Ian Peter
572 McGill, Jane *
573 McGill, Len Stanford *
574 McGill, Lorraine Iris
575 McGill, Roy
576 McKay, Clara Mary *
577 McKay, Heather Valerie
578 McKay, James John *
579 McKay, Jane Elizabeth *
580 McKay, Jeannie Paulina
581 McKay, Josephine Ann
582 McKay, Kenneth Andrew
583 McKay, Michael John
584 McKay, Neil
585 McKay, Paul Anthony
586 McKay, Peter John
587 McKay, Rex
588 McKay, Shelley Jane
589 McKay, Stephen John *
590 McKay, William Robert *
591 McKenzie, Alice Maude
592 McKenzie, Charles Alexander Albert John
593 McLaren, Kevin Derek Charles *
594 McLaren, Tony Eugene Terence
595 McLeod, David
596 McLeod, Dawn
597 McLeod, Donald Henry *
598 McLeod, Ellen May *
599 McLeod, Ian
600 McLeod, Ian James *
601 McLeod, Janet Wensley
602 McLeod, Janice
603 McLeod, John (1)
604 McLeod, John (2)
605 McLeod, Kenneth Benjamin John *
606 McLeod, Madeline Jean
607 McLeod, Mally
608 McLeod, Margaret Anne *
609 McLeod, Michael William
610 McLeod, Robert
611 McLeod, Robert John
612 McPhee, Grace Darling *
613 McPhee, Iris Blanche *
614 McPhee, Justin Owen *
615 McPhee, Marjorie May *
616 McPhee, Natalie Marianne
617 McPhee, Owen Horace *
618 McPhee, Patrick *
619 McPhee, Sara *
620 McPhee, Sheila Margaret
621 McPhee, Terence Owen
622 McRae, Richard Winston
623 Neal, Richard John
624 Neilson, Barry Marwood
625 Neilson, Margaret
626 Newell, Joseph Orr
627 Newell, Paula Michelle *
628 Newell, Trudi Malvina
629 Newman, Andrew Raymond
630 Newman, Clive Alexander

631 Newman, Dorothy Elizabeth *
632 Newman, Dwenda Rose
633 Newman, Joyce Noreen
634 Newman, Marlene
635 Newman, Raymond Winston
636 Newman, Terence *
637 Nightingale, Susan Jane
638 Nutter, Arthur Albert
639 Nutter, Josephine Lesley
640 Parrin, Norman George *
641 Pauloni, Hilary Maud *
642 Pauloni, Romolo Vittorio *
643 Peake, Arthur
644 Peake, Clair Linda
645 Peart, Robert Ernest
646 Peck, Burned Brian
647 Peck, Carol Margaret *
648 Peck, David Patrick *
649 Peck, Eleanor Margaret
650 Peck, Evelyn Elizabeth
651 Peck, Gordon Pedro James *
652 Peck, James
653 Peck, Kim Brian
654 Peck, Mary *
655 Peck, Maureen Heather
656 Peck, Patrick William *
657 Peck, Shirley
658 Peck, Terence John *
659 PED
660 Perkins, Vivienne Esther Mary
661 Perry, Augustave Walter *
662 Perry, Beatrice Annie Jane *
663 Perry, Hilda Blanche *
664 Perry, Robert Juan Carlos
665 Perry, Thomas George *
666 Perry, Thora Virginia *
667 Pettersson, Derek Richard
668 Pettersson, Eileen Heather
669 Pettersson, Tony
670 Pettersson, Trudi Ann
671 Phillips, Albert James
672 Phillips, David Dawson
673 Phillips, Lynda
674 Phillips, Paul David
675 Platt, Veronica Shirley
676 Plumb, Elaine Margaret
677 Plumb, Jason Alan
678 Plumb, Norman Phillip *
679 Pole-Evans, Amy Rose
680 Pole-Evans, John
681 Pole-Evans, Michael Anthony
682 Pollard, Elizabeth Eve *
683 Pollard, John
684 Poole, Evelyn May *
685 Poole, Nancy Margaret
686 Poole, Raymond John
687 Poole, William John *
688 Porter, Brian Charles
689 Porter, Charles *
690 Porter, Jean Lavinia
691 Porter, Tracy
692 Pratlett, Geoffrey Philip
693 Pratlett, Patricia Carol Ann

694 Purvis, Alan
695 Purvis, Marian Louise *
696 Reddick, Keith John
697 Reeves, Cheryl Rose
698 Reeves, Michael
699 Reid, Ann
700 Reid, Colleen Rose
701 Reid, Reynold Gus
702 Reive, Ernest *
703 Reive, Roma Endora Mary *
704 Rendell, Michael
705 Rendell, Phyllis Mary *
706 Roberts, Diana Christine
707 Roberts, Laura May *
708 Roberts, Peter James
709 Roberts, William Henry *
710 Robertson, Janet
711 Robertson, Paul Jonathan *
712 Robertson, Sally Jean
713 Robson, Alison Emily *
714 Robson, Gerard Michael *
715 Robson, Gladys Mary *
716 Robson, Louis Michael *
717 Robson, Miranda Gay
718 Robson, Phyllis Ann
719 Robson, Raymond Nigel *
720 Robson, William Charles *
721 Rogers, Ralph
722 Rogers, Roger Neil
723 Ross, Colin *
724 Ross, Glenn Stephen
725 Ross, Janet
726 Ross, Lachlan Neil
727 Ross, Marie
728 Ross, Odette Ellen May
729 Ross, Roy
730 Ross, Sheena Margaret
731 Ross, Susan Vera
732 Ross, William Henry
733 Rowland, Charlene Rose
734 Rowland, John Christopher
735 Rowlands, Catherine Annie *
736 Rowlands, Daisy Malvina *
737 Rowlands, Harold Theodore *
738 Rowlands, John Richard *
739 Rowlands, Neil
740 Rowlands, Robert John
741 Rozee, Betty Ellen
742 Rozee, Bryn Thomas *
743 Rozee, Derek Robert Thomas *
744 Sackett, Albert John
745 Sackett, Michael John Carlos
746 Sackett, Pauline *
747 Sarney, Harry *
748 Sawle, Richard
749 Shedden, James Alexander *
750 Shepherd, Ramsay
751 Shepherd, Sylvia Ann
752 Shorrock, Joyce
753 Shorrock, Nigel Arthur
754 Short, Andrez Peter
755 Short, Brenda
756 Short, Celia Soledad

757 Short, Charles William
758 Short, Christina Ethel *
759 Short, Donald Robert Gordon
760 Short, Emily Christina
761 Short, Gavin Phillip *
762 Short, Joseph Leslie *
763 Short, Lisa Helen
764 Short, Montana Tyrone
765 Short, Peter Robert
766 Short, Richard Edward
767 Short, Riley Ethroe
768 Short, Rose Stella
769 Short, Vilma Alicia
770 Simpson, Bertha Veronica
771 Simpson, James Garry
772 Simpson, John Frederick
773 Simpson, Mirabelle Hermione
774 Skene, Greta Winnora Miller
775 Smith, Alexander Gordon
776 Smith, Ana Bonita
777 Smith, Anthony David
778 Smith, Bruce Dennis
779 Smith, Colin David
780 Smith, Derek
781 Smith, Ellen Mary
782 Smith, Eric
783 Smith, Gerard Alexander
784 Smith, Gwenifer May *
785 Smith, Ileen Rose
786 Smith, Iola Winifred *
787 Smith, James Stanley *
788 Smith, James Terence *
789 Smith, Jean Waddell
790 Smith, Jennifer Ethel *
791 Smith, Joan Lucy Ann
792 Smith, John
793 Smith, Julia Trinidad
794 Smith, Martyn James
795 Smith, Nora Kathleen
796 Smith, Osmund Raymond *
797 Smith, Owen Archibald *
798 Smith, Paulette Rose
799 Smith, Rhona
800 Smith, Russell James
801 Smith, Shula Louise *
802 Smith, Sidney Frederick
803 Smith, Terence George
804 Sollis, Sarah Emma Maude *
805 Spall, Christopher Richard
806 Spink, Roger Kenneth
807 Spinks, Alexander
808 Spinks, Malvina Ellen *
809 Spruce, Helena Joan *
810 Spruce, Terence George *
811 Steen, Allan Graham
812 Steen, Barbara Ingrid
813 Steen, Emma Jane *
814 Steen, Gail
815 Steen, Karen Lucetta *
816 Steen, Vernon Robert
817 Stephenson, James
818 Stephenson, Joan Margaret
819 Stephenson, Katrina

820 Stephenson, Zachary
821 Stevens, Teresa Rose
822 Stewart, Aarron Stephen
823 Stewart, Celia Joyce
824 Stewart, David William *
825 Stewart, Duane William *
826 Stewart, Hulda Fraser
827 Stewart, John*
828 Stewart, Kenneth Barry
829 Stewart, Phyllis Marjorie
830 Stewart, Robert
831 Stewart, Sheila Olga
832 Stewart, Sylvia Rose *
833 Strange, Ian John
834 Strange, Maria Marta
835 Strange, Shona Marguerite
836 Summers, Brian
837 Summers, Dennis David
838 Summers, Edith Catherine *
839 Summers, Irvin Gerard
840 Summers, Judith Orissa *
841 Summers, Melvyn Mark *
842 Summers, Michael Kenneth
843 Summers, Michael Victor
844 Summers, Nigel Clive *
845 Summers, Owen William
846 Summers, Pamela Rosemary Cheek
847 Summers, Rowena Elsie
848 Summers, Roy *
849 Summers, Sandra Marie *
850 Summers, Sheila
851 Summers, Sybella Catherine Ann
852 Summers, Sylvia Jean
853 Summers, Terence
854 Summers, Tony
855 Summers, Veronica
856 Summers, William Edward *
857 Summers, Yona
858 Sutherland, Elizabeth Margaret
859 Sutherland, James David
860 Sutherland, John Gall
861 Sutherland, William John Munro
862 Teggart, Carol Wendy
863 Teggart, John Patrick
864 Tellez, Jeanette Valerie
865 Tellez, Jose Hector
866 Thain, John
867 Thain, Julia
868 Thain, Stephanie Ann
869 Thom, David Anderson *
870 Thom, Dorothy Irene
871 Thom, Norma Ann
872 Thomas, Jillian Rose
873 Thompson, George Henry *
874 Thompson, William John *
875 Toase, Cora Agnes *
876 Towersey, Diane Katherine
877 Triggs, Diane
878 Triggs, Michael David
879 Turner, Alva Ynonne *
880 Turner, Andrea Mary Pitaluga
881 Turner, Arthur Leonard Pitaluga
882 Turner, Melvyn George

883 Valler, Danuta Cecelia Krystyna
884 Valler, Robert Hugh
885 Vidal, Eileen Nora *
886 Vidal, Leona Lucila
887 Vincent, Janette Mary
888 Vincent, Stephen Lawrence
889 Wade, June Rose Elizabeth
890 Wallace, Fraser Barrett
891 Wallace, Maria Lilian
892 Wallace, Michael Ian
893 Wallace, Stuart Barrett *
894 Wallace, Una
895 Watson, Boyd Edward Harold *
896 Watson, Hannah Maude *
897 Watson, Lisa Marie
898 Watson, Paul
899 Watts, Lucinda Vikki
900 Watts, Patrick James
901 White, Allan Paul George
902 White, Kathleen Elizabeth *
903 Whitney, Frederick William
904 Whitney, Jason
905 Whitney, Kurt Ian
906 Whitney, Robert Michael
907 Whitney, Susan Joan
908 Whitney, Tyrone
909 Wilkinson, Robert John
910 Williams, Charlotte Agnes *
911 Williams, Gene *
912 Williams, Marlene Rose Elizabeth
913 Wylie, Julian Richard
914 Wylie, Wendy Jennifer
915 Zuvic-Bulic, Kuzma Mario
916 Zuvic-Bulic, Sharon Marie

* NOT LIABLE TO SERVE AS A JUROR

Register of Electors, Camp Constituency.

1001	Adams, Carol Margaret
1002	Alazia, George Robert*
1003	Alazia, Hazel
1004	Alazia, Henry John *
1005	Alazia, Mandy Gwyneth
1006	Alazia, Michael Robert
1007	Alazia, Stuart John
1008	Alazia, Thora Lilian *
1009	Aldridge, Brian George
1010	Aldridge, Olive Elizabeth *
1011	Aldridge, Terence William
1012	Anderson, Andrew Ronald
1013	Anderson, Georgina Carol *
1014	Anderson, Jamie Falkland *
1015	Anderson, Jenny
1016	Anderson, Margaret Kathleen
1017	Anderson, Marina Rose
1018	Anderson, Reginald Stanford
1019	Anderson, Ronald
1020	Anderson, Tony James
1021	Anderson, William John Stanley
1022	Ashworth, Glennis
1023	Ashworth, Malcolm
1024	Barnes, Deirdre
1025	Barnes, Marshall
1026	Barnes, Paul
1027	Beattie, Ian Robert Ewen *
1028	Berntsen, Arena Janice
1029	Berntsen, Diana Mary
1030	Berntsen, Iain Kenneth
1031	Berntsen, Kenneth Frederick
1032	Berntsen, Leon
1033	Berntsen, Pamela Margaret
1034	Betts, Arthur John *
1035	Betts, Bernard Keith
1036	Betts, Diane Joan
1037	Betts, Irene Marion
1038	Binnie, Horace James *
1039	Binnie, Linda Rose
1040	Binnie, Ronald Eric *
1041	Binnie, Rose Ellen *
1042	Bitcheno, Una May
1043	Blake, Alexander Charles *
1044	Blake, Anthony Thomas
1045	Blake, Lionel Geoffrey *
1046	Blake, Lyndsay Rae
1047	Blake, Sally Gwynfa
1048	Blake, Thomas Patrick
1049	Bonner, Avril Margaret Rose
1050	Bonner, Keith James
1051	Bonner, Simon
1052	Bonner, Susan Anne
1053	Buckett, Roy Peter
1054	Cartmell, Andrew Nutt
1055	Chandler, Ann Beatrice
1056	Chandler, Edward
1057	Chandler, Lee *
1058	Clapp, Kevin Christopher
1059	Clark, Fredrick Thomas
1060	Clarke, Jeanette

1061 Clarke, Michael Jan
1062 Clarke, Shane Adrian
1063 Clausen, Denzil
1064 Clausen, Henry Edward
1065 Clifton, Leonard
1066 Clifton, Thora Janeene
1067 Cockwell, Adam *
1068 Cockwell, Grizelda Susan
1069 Cockwell, John Richard *
1070 Coutts, Frederick George
1071 Davis, Aase
1072 Davis, Mandy John
1073 Davis, Nicholas
1074 Davis, Reginald John
1075 Davis, William James
1076 Dickson, Charles George *
1077 Dickson, Doreen
1078 Dickson, Gerald William
1079 Dickson, Iris
1080 Dickson, Ronald Edward
1081 Dickson, Steven Charles *
1082 Dobbyns, Timothy John *
1083 Donnelly, Daniel
1084 Donnelly, Joyce Elizabeth
1085 Duncan, Peter Ree Howard *
1086 Dunford, David Philip
1087 Edwards, Emma Jane *
1088 Edwards, Norma*
1089 Edwards, Roger Anthony
1090 Evans, Donna
1091 Evans, Michael David
1092 Evans, Michele Paula
1093 Evans, Olwyn Carol
1094 Evans, Raymond
1095 Evans, Richard Gregory
1096 Evans, Russel *
1097 Fairley, John *
1098 Felton, Anthony Terence *
1099 Felton, Faith Dilys
1100 Felton, Sonia Ellen
1101 Felton, Walter Arthur *
1102 Ferguson, Finlay James
1103 Ferguson, John William
1104 Ferguson, Robert John *
1105 Ferguson, Thelma
1106 Findlay, Andrew John
1107 Findlay, Gerald
1108 Finlayson, Barry Donald *
1109 Finlayson, Iris Heather *
1110 Finlayson, Neil Roderick
1111 Ford, Neil Fraser
1112 Ford, Penelope Rose
1113 Forster, Gwyneth May
1114 Forster, James
1115 Fox, Mary Elizabeth
1116 Giles, Gilbert
1117 Giles, Theresa Kathleen
1118 Gleadell, Ian Keith
1119 Gleadell, Marklin John
1120 Goodwin, Mandy Hazel
1121 Goodwin, Margo Jane
1122 Goodwin, Neil Alexander William
1123 Goodwin, Robin

1124 Goss, Eric Miller
1125 Goss, Ian Ernest Earl
1126 Goss, Margaret Rose
1127 Goss, Peter
1128 Goss, Roderick Jacob *
1129 Goss, Shirley Ann
1130 Gray, David Edward
1131 Gray, Patricia May
1132 Halliday, Cathy Ann
1133 Halliday Jeffrey James*
1134 Halliday, Joyce Isabella Patience
1135 Halliday, Kenneth William
1136 Hansen, Ian
1137 Hansen, Lionel Raymond *
1138 Hansen, Rose Idina*
1139 Hansen, Susan Ann
1140 Hardcastle, Brook *
1141 Hardcastle, Eileen Beryl *
1142 Harvey, Jen
1143 Harvey, Valerie Ann
1144 Heathman, Ailsa
1145 Heathman, Ewart Tony
1146 Hewitt, Brian David
1147 Hirtle, Anthony
1148 Hirtle, Doris Linda
1149 Hirtle, Fenton
1150 Hirtle, Gerard Fenton *
1151 Hirtle, Odette Susan
1152 Hirtle, Susan Mary
1153 Hobman, David Gonsalo
1154 Hobman, Juan Jose Eleuterio
1155 Hobman, Petula
1156 Hutton, Elizabeth Isabella *
1157 Hutton, Philip *
1158 Jaffray, Alexander
1159 Jaffray, Brian
1160 Jaffray, Dereck Charles
1161 Jaffray, Elliott Jessie
1162 Jaffray, Janet
1163 Jaffray, John
1164 Jaffray, John Summers
1165 Jaffray, John Willie
1166 Jaffray, Phyllis
1167 Jaffray, Robin George
1168 Johnson, Lily Ann *
1169 Jonson, Carl
1170 Kidd, John Nathan
1171 Kidd, Lillian Rose Orissa
1172 Kiddle, Robert Karl
1173 Kilmartin, Dinah May
1174 Kilmartin, Kevin Seaton*
1175 King, Edward Robert
1176 Knight, Nigel Arthur
1177 Knight, Shirley Louvaine Patricia
1178 Lang, Patrick Andrew *
1179 Lang, Sandra Shirleen
1180 Lang, Velma Emily
1181 Larsen, Josephine Mary
1182 Larsen, Ronald Ivan
1183 Larsen, Yvonne
1184 Lee, Carole
1185 Lee, Christopher*
1186 Lee, Elizabeth

1187 Lee, John Alfred
1188 Lee, Myles *
1189 Lee, Owen Henry
1190 Lee, Rodney William*
1191 Lloyd, John Moelwyn *
1192 Luxton, Patricia Maureen
1193 Luxton, Stephen Charles*
1194 Luxton, William Robert*
1195 Maddocks, Robert Charles
1196 Marsh, Alastair Roy
1197 Marsh, Anna Deirdre
1198 Marsh, Arlette Sharon
1199 Marsh, Frank*
1200 Marsh, Gavin Nicholas
1201 Marsh, June Helen *
1202 Marsh, Leon Peter
1203 Marsh, Marlane Rose
1204 Marsh, Robin Frank
1205 May, Christopher Raymond
1206 May, Linsey Olga
1207 Miller, Betty
1208 Miller, James Albert
1209 Miller, Phillip Charles
1210 Minnell, Adrian James
1211 Minnell, Benjamin James
1212 Minnell, Donna Marie
1213 Minnell, Hazel Eileen
1214 Minnell, Michael Robert
1215 Molkenbuhr, Lee Charles *
1216 Morrison, Edgar Ewen
1217 Morrison, Eric George
1218 Morrison, Gerald
1219 Morrison, Jacqueline Denise Anita
1220 Morrison, John
1221 Morrison, Kathleen Iris
1222 Morrison, Kenneth
1223 Morrison, Lena
1224 Morrison, Leslie Theodore Norman
1225 Morrison, Michael John
1226 Morrison, Susan Margaret
1227 Moxham, Ronald Walter *
1228 MacBeth, Raymond John
1229 McBain, Arthur
1230 McBain, Rhoda Margaret
1231 McGhie, James
1232 McGhie, Roy
1233 McGill, Gary
1234 McGill, Robin Perry
1235 McKay, Christine
1236 McKay, Ellen Rose
1237 McKay, Frazer Roderick
1238 McKay, Isabella Alice
1239 McKay, Richard *
1240 McKay, Roderick John *
1241 McLeod, Albert John
1242 McLeod, Henry Donald Alexander
1243 McLeod, Isabella Diana Frances
1244 McLeod, Sarah Rose
1245 McMullen, June
1246 McMullen, Tony
1247 McPhee, June Iris *
1248 McPhee, Kenneth John *
1249 McPhee, Trudi Lynette

1250 McRae, David Michael
1251 McRae, Gloria Linda
1252 McRae, Mandy*
1253 McRae, Robert George Hector *
1254 Napier, Lily
1255 Napier, Roderick Bertrand *
1256 Newman, Sheena Melanie
1257 Nightingale, Charlene
1258 Nightingale, Peter Richard
1259 Oxley, Brian
1260 Peck, Christine
1261 Peck, Davina Margaret
1262 Peck, Paul
1263 Phillips, Carol Joan
1264 Phillips, Gillian Carol *
1265 Phillips, Terence
1266 Pitaluga, Jene Ellen *
1267 Pitaluga, Nicholas Alexander Robinson
1268 Pitaluga, Robin Andreas McIntosh *
1269 Pole-Evans, Anthony Reginald *
1270 Pole-Evans, David Llewellyn
1271 Pole-Evans, Lisa *
1272 Pole-Evans, Shirley Helen
1273 Pole-Evans, Suzan
1274 Pole-Evans, William Reginald
1275 Poncet, Sally Elizabeth
1276 Poole, Ella Josephine
1277 Poole, Steven Charles
1278 Porter, George *
1279 Porter, Joan
1280 Porter, William Kenneth
1281 Reeves, Ronald James
1282 Robertson, Ann
1283 Robertson, Peter Charles *
1284 Rozee, Ronald David
1285 Saunders, Felicity Joan Carlie
1286 Short, Derek Patrick
1287 Short, Isobel Rose
1288 Short, Lindsay Marie
1289 Short, Michelle Rose
1290 Short, Patrick Warburton
1291 Short, Robert Charles
1292 Short, Robert George
1293 Sinclair, Serena Samantha *
1294 Sinclair, Simon Keith
1295 Smith, Andrew John
1296 Smith, Francis David *
1297 Smith, George Patterson
1298 Smith, Heather
1299 Smith, Jacqueline
1300 Smith, Jenny Lorraine
1301 Smith, Michael Edmund *
1302 Smith, Robert William
1303 Smith, Robin Charles
1304 Smith, Roy Alan
1305 Stevens, Richard James
1306 Stevens, Toni Donna
1307 Thorsen, David Moller
1308 Thorsen, Gloria Penelope
1309 Turner, Diana Jane *
1310 Turner, Ronald
1311 Velasquez, Arleen
1312 Watson, Glenda Joyce

1313	Watson, Neil
1314	Whitney, Agnes Kathleen *
1315	Whitney, Daneila Grace
1316	Whitney, Dennis
1317	Whitney, Henry Leslie *
1318	Whitney, Keith
1319	Whitney, Lana Rose
1320	Whitney, Leona Ann
1321	Whitney, Patrick George
1322	Wilkinson, David Clive Walter
1323	Wilkinson, Rosemary
1324	Young, Julie *

*NOT LIABLE TO SERVE AS A JUROR

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THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII *1st SEPTEMBER 1993* *No. 10*

The following are published in this Gazette —

Proclamation No. 3 of 1993;
Appointment of Returning Officer, Stanley and Camp Constituencies;
Writ of Election, Stanley Constituency;
Writ of Election, Camp Constituency;
Notice of Election, Stanley and Camp Constituencies.

PROCLAMATION

FALKLAND ISLANDS CONSTITUTION ORDER 1985

SCHEDULE 1
(sections 28(1) 29(2) and 32(1))

PROCLAMATION DISSOLVING THE LEGISLATIVE COUNCIL, REQUIRING THE HOLDING OF A GENERAL ELECTION AND APPOINTING A TIME IN RESPECT THEREOF AND APPOINTING A PLACE AND TIME FOR THE COMMENCEMENT OF A SESSION OF THE LEGISLATIVE COUNCIL AFTER THE GENERAL ELECTION

(Proclamation No. 3 of 1993)

IN EXERCISE of my powers under sections 28(1), 29(2) and 32(1) of Schedule 1 ("the Constitution") to the Falkland Islands Constitution Order 1985 and of all other powers enabling me in that behalf, **I, DAVID EVERARD TATHAM**, Governor of the Falkland Islands **PROCLAIM** as follows -

I. The Legislative Council of the Falkland Islands is dissolved.

II. A General Election shall be held for the election of members of The Legislative Council on Thursday the Fourteenth day of October 1993.

III. A session of the Legislative Council shall commence following such General Election in the Legislative Council Chamber at the Town Hall Stanley on Tuesday the nineteenth day of October 1993 at the hour of ten in the forenoon at which place and time and on which date all persons declared to be elected as members of The Legislative Council as a result of such General Election should attend **UNLESS** by further Proclamation I appoint any other place day and time for the commencement of a session of The Legislative Council.

Made this First day of September 1993 at Stanley, under my hand and the Public Seal of the Falkland Islands.

D E Tatham
Governor

GOD SAVE THE QUEEN!

ELECTORAL ORDINANCE 1988
(section 47(1))

APPOINTMENT OF RETURNING OFFICER :
STANLEY AND CAMP CONSTITUENCIES

IN EXERCISE of my powers under section 47(1) of the Electoral Ordinance 1988, **I APPOINT BONITA GREENLAND** to be the returning officer in respect of both the Stanley and Camp constituencies

Dated 1st September 1993

D E Tatham
Governor

WRIT OF ELECTION

To: the Returning Officer for the Stanley Constituency

IN THE NAME of HER MAJESTY ELIZABETH THE SECOND By the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen Head of the Commonwealth Defender of the Faith

BY HIS EXCELLENCY DAVID EVERARD TATHAM Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Falkland Islands

To: the Returning Officer for the Stanley Constituency **GREETING**

WHEREAS the Legislative Council of the Falkland Islands has this day been dissolved by me by Proclamation pursuant to section 29(2) of Schedule 1 to the Falkland Islands Constitution Order 1985

AND WHEREAS by the said Proclamation I appointed Thursday the Fourteenth day of October 1993 as the date on which a General Election is to be held within the Falkland Islands

NOW THEREFORE I COMMAND THAT, due notice having first been given, you do cause election to be made according to law of **FOUR** members of the Legislative Council in respect of the Stanley Constituency **AND THAT** you do return this Writ endorsed as provided by law on or before Monday the Eighteenth day of October 1993

GIVEN under my hand and the Public Seal of the Falkland Islands at Government House Stanley this first day of September in the year of Our Lord One Thousand Nine Hundred and Ninety-three

D E Tatham
Governor

WRIT OF ELECTION

To: the Returning Officer for the Camp Constituency

IN THE NAME of HER MAJESTY ELIZABETH THE SECOND By the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen Head of the Commonwealth Defender of the Faith

BY HIS EXCELLENCY DAVID EVERARD TATHAM Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Falkland Islands

To: the Returning Officer for the Camp Constituency **GREETING**

WHEREAS the Legislative Council of the Falkland Islands has this day been dissolved by me by Proclamation pursuant to section 29(2) of Schedule 1 to the Falkland Islands Constitution Order 1985

AND WHEREAS by the said Proclamation I appointed Thursday the Fourteenth day of October 1993 as the date on which a General Election is to be held within the Falkland Islands

NOW THEREFORE I COMMAND THAT, due notice having first been given, you do cause election to be made according to law of **FOUR** members of the Legislative Council in respect of the Camp Constituency **AND THAT** you do return this Writ endorsed as provided by law on or before Monday the Eighteenth day of October 1993

GIVEN under my hand and the Public Seal of the Falkland Islands at Government House Stanley this first day of September in the year of Our Lord One Thousand Nine Hundred and Ninety-three.

D E Tatham
Governor

GENERAL ELECTION

OCTOBER 1993

NOTICE OF ELECTION
(section 51 Electoral Ordinance 1988)

STANLEY AND CAMP CONSTITUENCIES

I, BONITA GREENLAND, returning officer in respect of the Stanley Constituency and in respect of the Camp Constituency **HEREBY GIVE NOTICE** in accordance with section 51 of the Electoral Ordinance 1988 as follows -

(1) The number of persons to be elected as members of the Legislative Council in respect of each of the above constituencies, and as a consequence of the Writ of Election transmitted to me on 1st September 1993 by the Governor, shall be **FOUR** in respect of each of those constituencies, that is to say -

(a) **FOUR** members in respect of the Stanley Constituency; and

(b) **FOUR** members in respect of the Camp Constituency.

(2) Nomination papers for candidates in respect of each of the above constituencies may be obtained from me from and including today, 1st September 1993 and until and including 21st September 1993, but not including Saturdays, Sundays and public holidays falling between those dates.

(3) The hours between which nomination papers may be so obtained from me on the days above-mentioned are -

(a) between 8.30 am and 11.45 am; and

(b) between 1.30 pm and 4.15 pm.

While I am, at the request of any person, prepared to transmit nomination papers by post or other means to any person requesting them, I cannot accept any responsibility for the safe or timely delivery or arrival of them. All persons are therefore most strongly advised that wherever possible they should collect nomination papers from me.

(4) The location of my office, for the purpose of collection of nomination papers is the Court Offices, Ground Floor, Town Hall, Ross Road, Stanley (these offices are immediately to the west of the Legislative Council Chamber/Court Room). My telephone number at these offices is 27272.

(5) The last day for delivery of completed nomination papers to me will be Tuesday 21st September 1993, and completed nomination papers must be handed to me not later than 4.30 pm on that day, at the Court Offices (located as stated in (4) above). While nomination papers may be sent to me by post or otherwise it is the responsibility of those nominating a candidate to ensure that it is actually received by me in due time and I draw attention to the provisions of section 52(1) of the Electoral Ordinance 1988 -

"52(1) Every nomination paper shall be delivered or sent by or on behalf of the candidate so as to be received by the returning officer personally and shall be deemed not to have been received by the returning officer until it is received by him personally except that whenever a nomination paper is left at his office in an envelope addressed to him it shall (unless it is actually received by him at an earlier time) be deemed to have been received by him personally not later than half past four in the afternoon of the second business day following the day on which it was so left.

(2) No election shall be invalidated by the fact that the returning officer is absent from his office on any day provided that he is in personal attendance thereat on the last day for delivery of nomination papers between the hours specified pursuant to paragraph (f) of section 51(2) above".

(6) I shall be personally in attendance at the Court Offices to receive nomination papers between the hours of 8.30 am and 11.45 am and again between the hours of 1.30 pm and 4.30 pm on 21st September 1993.

(7) In the event that more than **FOUR** persons after the close of nominations stand validly nominated as candidates for election in respect of a Constituency a poll will be necessary in respect of that Constituency and will be conducted on Thursday 14th October 1993 ("polling day"). The poll will be conducted between the hours of 10.00 am and 6.00 pm on polling day (in the Stanley Constituency) and 9.00 am and 4.00 pm in the Camp Constituency at polling places to be appointed not later than ten days before polling day by the Governor pursuant to section 59(1) of the Electoral Ordinance 1988 **BUT SUBJECT** -

(a) in respect of the Camp Constituency, to any direction by the Governor under section 60(1) of that Ordinance permitting electors in this Constituency, if they wish, to vote during the visit of a mobile polling team to any place in this Constituency during the five business days ending with polling day;

(b) in respect of both Constituencies, to the provisions of the Voting in Institutions Regulations 1993, which permit inmates at the King Edward VII Memorial Hospital and the Jack Hayward Housing Stanley, and certain members of staff employed in relation thereto to vote on polling day during a visit by an electoral team to those institutions.

Dated 1st September 1993

BONITA GREENLAND
Returning Officer
Stanley Constituency and Camp Constituency

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Three Pounds.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

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Vol. CII *21st SEPTEMBER 1993* *No. 11*

NOTICES

No.16 21st September 1993.

COMPANIES AND PRIVATE PARTNERSHIP ORDINANCE

Special Resolution (pursuant to section 143 of the Companys Act 1948 in its application to the Falkland Islands)

Of Stanley Fisheries Limited

At an Extraordinary General Meeting of the Member of the above company duly convened and held at the Liberation Room Secretariat Stanley on 7 September 1993 the following special resolution was duly passed:

That the company be placed in voluntary liquidation and that Graeme Gill be appointed liquidator.

DEREK FRANK HOWATT - DIRECTOR

No. 17 21st September 1993.

THE COMPANIES ACTS 1948 TO 1980

NOTICE OF APPOINTMENT OF LIQUIDATOR [MEMBERS'] ~~CREDITORS'~~ VOLUNTARY WINDING UP

Pursu ant to section 305 of the Companies Act 1948

For insertion in the Falkland Islands Gazette

Name of company	STANLEY FISHERIES LIMITED
Nature of business	FISHING COMPANY
Address of Registered Office	44 JOHN STREET STANLEY FALKLAND ISLANDS

Liquidator(s) name(s) and address(es)

GRAEME JOHN GILL
44 JOHN STREET
STANLEY
FALKLAND ISLANDS

Date of appointment 7 SEPTEMBER 1993

By whom appointed SPECIAL RESOLUTION OF COMPANY

Signature(s) D A Stewart Dated 8 September 1993

Attested By R.M. Titterington

ROBERT MARK TITTERINGTON
NOTARY PUBLIC
STANLEY, FALKLAND ISLANDS

No. 18 21st September 1993.

GAZETTE NOTICE TO CREDITORS TO SEND IN CLAIMS

name of company

STANLEY FISHERIES Limited
(in voluntary liquidation)

NOTICE is hereby given that the Creditors of the above-named Company are required, on or before the 14th day of October 19 93

to send their names and addresses, with particulars of their debts or claims, and the names and addresses of their Solicitors (if any), to the undersigned,

GRAEME JOHN GILL, 44 JOHN STREET, STANLEY

the Liquidator(s) of the said Company: and, if so required by notice in writing by the said Liquidator(s), are, by their Solicitors or personally, to come in and prove their said debts or claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved. (1) This notice is purely formal and all known Creditors have been, or will be, paid in full.

Dated 17 Sept. 19 93

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII | *22nd SEPTEMBER 1993* | *No. 12*

NOTICES

No. 19 — 22nd September 1993

COMPANIES AND PRIVATE PARTNERSHIP ORDINANCE

Special Resolution (pursuant to section 143 of the Companies Act 1948 in its application to the Falkland Islands)

Of The Housing Corporation

At an Extraordinary General Meeting of the Member of the above company duly convened and held at the Liberation Room Secretariat Stanley on 20 August 1993 the following special resolution was duly passed:

That the company be placed in voluntary liquidation and that Graeme Gill be appointed liquidator.

DEREK FRANK HOWATT - DIRECTOR

No. 20

22nd September 1993

THE COMPANIES ACTS 1948 TO 1980

NOTICE OF APPOINTMENT OF LIQUIDATOR [MEMBERS'] ~~CREDITORS'~~ VOLUNTARY WINDING UP

Pursu ant to section 305 of the Companies Act 1948

For insertion in the Falkland Islands Gazette

Name of company	THE HOUSING CORPORATION LIMITED
Nature of business	PROPERTY COMPANY
Address of Registered Office	44 JOHN STREET STANLEY FALKLAND ISLANDS

Liquidator(s) name(s) and address(es)

GRAEME JOHN GILL
44 JOHN STREET
STANLEY
FALKLAND ISLANDS

Date of appointment 20 AUGUST 1993

By whom appointed SPECIAL RESOLUTION OF COMPANY

Signature(s) D A Stewart Dated 8 September 1993

Attested By R. M. Titterington

ROBERT MARK TITTERINGTON
NOTARY PUBLIC
STANLEY, FALKLAND ISLANDS

No. 21 22nd September 1993

GAZETTE NOTICE TO CREDITORS TO SEND IN CLAIMS

name of company

THE HOUSING CORPORATION Limited
(in voluntary liquidation)

NOTICE is hereby given that the Creditors of the above-named Company are required, on or before the 9th day of October 1993 to send their names and addresses, with particulars of their debts or claims, and the names and addresses of their Solicitors (if any), to the undersigned,

GRAEME JOHN GILL, 44 JOHN STREET, STANLEY

the Liquidator(s) of the said Company: and, if so required by notice in writing by the said Liquidator(s), are, by their Solicitors or personally, to come in and prove their said debts or claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved. (1) This notice is purely formal and all known Creditors have been, or will be, paid in full.

Dated 10 September 1993

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

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The following are published in this gazette —

Legislative Council

Notification of Nominations, etc. for Stanley Constituency;
Notification of Nominations, etc. for Camp Constituency.

No. 22 22nd September 1993

The Electoral Ordinance 1988
Notification of Nominations, etc.
Stanley Constituency

In accordance with Section 69 of the Electoral Ordinance 1988, I give notice that a poll will be taken on Thursday, 14th October 1993, at the Town Hall, Stanley, for the election of four members to the Legislative Council for the Stanley Constituency. A mobile polling team will visit the King Edward VII Memorial Hospital and Jack Hayward Housing, Stanley, on the 14th October 1993 at a time or times to be fixed.

The Candidates standing nominated for election are as follows —

Candidate: Terence Severine **BETTS** of 6 Discovery Close, Stanley

Proposer: Arthur Henry Ford

Seconder: Robert Ford

Supporters: Michael Kenneth Summers
James Martin Clarke
Burned Brian Peck
Colleen Mary Ford

Candidate: John **BIRMINGHAM** of 4 Drury Street, Stanley

Proposer: Harold Bennett

Seconder: Shirley Peck

Supporters: Kita Muriel Bedford
Leonard Middleton
Tracy Porter
Betty Josephine Biggs

Candidate: Laurence Jonathan **BUTLER** of 2 Davis Street East, Stanley

Proposer: Basil Harry Faria

Seconder: Gary George Hewitt

Supporters: Terence George Spruce
Camilla Marie Clarke
Barry Marwood Neilson
Margaret Neilson

Candidate: John Edward **CHEEK** of 25 Ross Road West, Stanley

Proposer: Richard William Hills

Seconder: Charles Desmond Keenleyside (Jnr)

Supporters: Annie Chater
Rosemarie King
Frances Biggs
Michael Kenneth Summers

Candidate:	Frank Brian **CLAXTON** of 28 Ross Road East, Stanley
Proposer:	Sandra May Winifred Hirtle
Seconder:	James Gary Simpson
Supporters:	Norman Phillip Plumb Patrick Andrew Minto Harold Theodore Rowlands Sigrid Geraldine Wells Barnes

Candidate:	David John **EYNON** of 8 Villiers Street, Stanley
Proposer:	Sharon Elizabeth Middleton
Seconder:	Terence Charles Clifton
Supporters:	Burned Brian Peck Michael David Triggs John Pole-Evans Bruce Raymond May

Candidate:	Rodney John **HALFORD** of Tenacres, Stanley
Proposer:	George Joseph Butler
Seconder:	Joan May Butler
Supporters:	Michael Ian Wallace Una Wallace William Henry Goss (Jnr) Candy Joy Blackley

Candidate:	Sharon **HALFORD** of Tenacres, Stanley
Proposer:	Anthony Warren Davies
Seconder:	Michael David Jones
Supporters:	John Alexander Berntsen Dwenda Rose Newman Nanette Rose Morrison Marjorie May McPhee

Candidate:	Jennifer **JONES** of 26 Ross Road West, Stanley
Proposer:	Alan Smith Jones
Seconder:	Shirley Anne Coombe
Supporters:	Alison Delia Howe Peter Coombe Linda May Burnard Robert Hugh Valler

Candidate:	Charles Desmond **KEENLEYSIDE** (Jnr) of 3 John Street, Stanley
Proposer:	Kathleen Gladys Berntsen
Seconder:	Vernon Thomas King
Supporters:	Thomas George Perry Frederick Lowther Edward Olai Butler Len Stanford McGill Alva Ynonne Turner

Candidate:	Terence John **PECK** of 26 Shackleton Drive, Stanley
Proposer:	Harold Bennett
Seconder:	John Blyth
Supporters:	Kita Muriel Bedford Michael George Butcher Jennifer Mary Luxton Michael Victor Summers

Candidate:	John **POLLARD** of 23 Ross Road East, Stanley
Proposer:	Elizabeth Eve Pollard
Seconder:	Helena Joan Spruce
Supporters:	John Harvey Adams Kenneth David Greenland Arthur John Barton Natalie Marianne McPhee

Candidate:	Michael **RENDELL** of 8 Ross Road West, Stanley
Proposer:	Phyllis Mary Rendell
Seconder:	Vernon Robert Steen
Supporters:	Timothy John Durose Miller Stuart Barrett Wallace Jennifer Mary Luxton Robin Myles Lee

Candidate:	Gerard Michael **ROBSON** of 1 Philomel Place, Stanley
Proposer:	Frederick James Ford
Seconder:	Eddie Anderson
Supporters:	Andrew Raymond Newman Robert Ford Alistair Jacobsen Paul Roderick Bonner

Candidate:	Alexander Gordon **SMITH** of 16 Jersey Road, Stanley
Proposer:	Robin Myles Lee
Seconder:	Terence George Spruce
Supporters:	Richard Edward Short Trevor Osneth Browning Robert Ernest Peart Robert Hugh Valler

Candidate:	Carol Wendy **TEGGART** of 9 Callaghan Road, Stanley
Proposer:	Ronald Peter Buckett
Seconder:	Charles Ronald Buckland
Supporters:	Susan Joan Whitney Maurice Blackley Lewis Ronald Morrison Frederick William Whitney

Candidate:	Stephen Lawrence **VINCENT** of 10 Endurance Avenue, Stanley
Proposer:	Janette Mary Vincent
Seconder:	David Hawksworth
Supporters:	Cathy Louise Clifton Leslie Sidney Harris John Harvey Adams Anthony Loftus

Town Hall,
Stanley.

B. D. GREENLAND,
Returning Officer.

No. 23 22nd September 1993

The Electoral Ordinance 1988
Notification of Nominations, etc.
Camp Constituency

In accordance with Section 69 of the Electoral Ordinance 1988, I give notice that a poll will be taken on Thursday, 14th October 1993, at Goose Green and Fox Bay East, for the election of four members to the Legislative Council for the Camp Constituency. Mobile polling teams will visit other areas in the Camp in the five business days ending with Thursday, 14th October 1993, for the same purpose.

The Candidates standing nominated for election are as follows —

Candidate: Ronald Eric **BINNIE** of Fitzroy, East Falkland

Proposer: Brian George Aldridge

Seconder: Richard Gregory Evans

Supporters: Robert George Short
Frederick George Coutts
Dennis Whitney
Michele Paula Evans

Candidate: Anthony Thomas **BLAKE** of Little Chartres, West Falkland

Proposer: Michael Robert Minnell

Seconder: Donna Marie Minnell

Supporters: Nigel Arthur Knight
Lyndsay Rae Blake
Juan Jose Eleuterio Hobman
Petula Hobman

Candidate: Norma **EDWARDS** of Lake Sulivan Farm, West Falkland

Proposer: Michael Robert Alazia

Seconder: Mandy Gwyneth Alazia

Supporters: Arlette Sharon Marsh
Ronald David Rozee
Christine Peck
Jeffrey James Halliday

Candidate: Eric Miller **GOSS** of North Arm, East Falkland

Proposer: Tony McMullen

Seconder: June McMullen

Supporters: Andrew Nutt Cartmell
Donna Evans
Michael David Evans
Philip Hutton

Candidate:	Kevin Seaton **KILMARTIN** of Bluff Cove Farm, East Falkland
Proposer:	Roger Anthony Edwards
Seconder:	Christine Peck
Supporters:	Jeffrey James Halliday Emma Jane Edwards Roy Peter Buckett Marklin John Gleadell

Candidate:	William Robert **LUXTON** of Chartres, West Falkland
Proposer:	Gilbert Giles
Seconder:	Michael Robert Minnell
Supporters:	Donna Marie Minnell Janet Jaffray John Jaffray Marklin John Gleadell

Candidate:	Richard James **STEVENS** of Port Sussex Farm, East Falkland
Proposer:	Ronald Edward Dickson
Seconder:	Patrick Warburton Short
Supporters:	Ewart Tony Heathman Ailsa Heathman Iris Dickson Isobel Rose Short

Candidate:	Neil **WATSON** of Long Island, East Falkland
Proposer:	Lionel Raymond Hansen
Seconder:	Kenneth John McPhee
Supporters:	Roderick John McKay June Iris McPhee Charles George Dickson Trudi Lynette McPhee

Town Hall,
Stanley.

B. D. GREENLAND,
Returning Officer.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Two Pounds & Seventy-Five Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *30th SEPTEMBER 1993* *No. 17*

Appointments

Miss Rhiannon Elinore Didlick, Auxiliary Nurse, Medical Department, 1.9.93.

Simon Goodwin, Electrician, Power & Electrical Section, Public Works Department, 9.9.93.

Conor Paul Nolan, Senior Fisheries Scientist, Fisheries Department, 21.9.93.

Acting Appointments

John Rodney Tuckwood, Acting Water Supervisor, Public Works, Department, 5.7.93 - 31.8.93.

Miss Jacqueline Elizabeth Earnshaw, Acting Chief Nursing Officer, 4.8.93 - 12.9.93.

Confirmation of Appointments

Gavin Short, Records Clerk/Storeman, Falkland Islands Government Air Service, 26.8.93.

Mrs. Lorraine Iris McGill, Head of Hostel, Education Department, 1.9.93.

Mrs. Margaret Mary Barkman, Clerk, Department of Agriculture, 16.9.93.

John Christopher Rowland, Houseparent, Education Department, 18.9.93.

Promotions

Simon Roy Miller, from Harbour Control Officer, Fisheries Department, to Fisheries Protection Officer, Fisheries Department, 1.9.93.

John Rodney Tuckwood, from Senior Plumber, Public Works Department, to Water Supervisor, Public Works Department, 1.9.93.

Completion of Contract

Miss Catherine Ellenor Winthrop, Travelling Teacher, Education Department, 14.7.93.

Resignation

Mrs. Enid Clarke, Senior Nurse, Medical Department, 10.9.93.

NOTICE

Application for a Publican's Retail Licence

In accordance with Section 7(1) of the Licensing Ordinance —

Mr. G. Pratlett

has applied for a Publican's Retail Licence in respect of bar premises known as the "Great Britain Hotel".

2. Any objection to the granting of a licence must be made to the Treasury within 21 days from the appearance of this notice in the Gazette and the Penguin News.

The Treasury,
Stanley.
28th September 1993

D. HOWATT,
Financial Secretary.

No. 24 28th September 1993.

The Electoral Ordinance 1988

General Election 1993

In accordance with section 99 (1) of the Electoral Ordinance 1988, the following persons have been appointed to be election officials as indicated —

Stanley Constituency :

	Mr. T. Pettersson	Presiding Officer
	Miss D. Berntsen	Polling Clerk
	Miss L. Lyse	Polling Clerk
	Miss J. Smith	Polling Clerk
	Mr. R. Titterington	Polling Clerk
	Mrs. V. Bonner	Polling Clerk
	Mr. N. Dodd	Polling Clerk
	Mr. J. Adams	Polling Clerk
Supernumerary	Mr. D. Lang	Presiding Officer
Mobile Team :	Mrs. C. Blackley	Team Leader
	Miss T. Clifton	Polling Clerk

Camp Constituency :

Fox Bay East		Mr. K. Halliday	Presiding Officer
Goose Green		Mr. D. O'Shea	Presiding Officer
Mobile Teams :	(Air)	Mrs. J. Hopkin	Team Leader
		Miss D. Ford	Polling Clerk
	(Air)	Mr. Z. Stephenson	Team Leader
		Miss T. Saunders	Polling Clerk
	(Air)	Mr. J. Adams	Team Leader
		Mrs. T. Lee	Polling Clerk
	(Air)	Mr. R. Huxley	Team Leader
		Mr. B. Eccles	Polling Clerk
	(Air)	Mrs. V. Bonner	Team Leader
		Miss P. Card	Polling Clerk
	(Air)	Miss A. Doughty	Team Leader
	(Landrover)	Mr. T. Pettersson	Team Leader
		Mr. M. Luxton	Polling Clerk
	(Landrover)	Mr. R. Titterington	Team Leader
		Mr. R. Robson	Polling Clerk
Supernumerary		Mr. D. Lang	Presiding Officer.

B. GREENLAND,
Returning Officer.

28th day of September 1993.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII *4th OCTOBER 1993* *No. 18*

The Electoral Ordinance 1988

General Election 1993

No. 25 1st October 1993.

IN EXERCISE of my powers under section 59.(1) of the Electoral Ordinance 1988, I hereby appoint the following places to be Polling Places in accordance with the terms of the above provision:-

Post Office	Fox Bay East	(Camp Constituency- West Falkland)
School	Goose Green	(Camp Constituency - East Falkland)
Court & Council Chamber	Town Hall	(Stanley Constituency)

D.E. Tatham
Governor

1st October 1993

No. 26

1st October 1993.

The Electoral Ordinance 1988

General Election 1993

IN EXERCISE of my powers under section 60.(1) of the Electoral Ordinance 1988, I hereby appoint the following places to be attended by mobile Polling Teams in accordance with the terms of the above provision:-

Place	Proposed Date	Proposed Time
Rincon Grande	8th October 1993	Morning
Horseshoe Bay	8th October 1993	Morning
Port Louis	8th October 1993	Morning
Johnsons Harbour	8th October 1993	Midday
Brookfield Farm	8th October 1993	Afternoon
Green Patch	8th October 1993	Afternoon
Riverview Farm	8th October 1993	Afternoon
Road Gang Camp	8th October 1993	Afternoon
Estancia	8th October 1993	Afternoon
Hawkbit	8th October 1993	Morning
Fitzroy	8th October 1993	Morning
Bluff Cove	8th October 1993	Afternoon
Dunnose Head	11th October 1993	Plane will be departing at 8 am and will proceed to the places named in the order shown.
Shallow Harbour	11th October 1993	
Beaver Island	11th October 1993	
Weddell Island	11th October 1993	
Port Stephens	11th October 1993	
Speedwell Island	11th October 1993	
North Arm	11th October 1993	
Sealion Island	11th October 1993	
Bleaker Island	11th October 1993	
Lively Island	11th October 1993	
Walker Creek	11th October 1993	
Chartres	11th October 1993	Morning
Roy Cove	11th October 1993	Morning
Dunbar	11th October 1993	Morning
West Point Island	11th October 1993	Morning
Hill Cove	11th October 1993	Morning
Saunders Island	11th October 1993	Morning
Pebble Island	11th October 1993	Morning
Teal Inlet	11th October 1993	Afternoon
Salvador	11th October 1993	Afternoon
Douglas Station	11th October 1993	Afternoon
Port San Carlos	11th October 1993	Afternoon
San Carlos	11th October 1993	Afternoon
Port Howard	11th October 1993	Morning

Note:

In the event that it is not possible for the mobile polling team because of any circumstances (particularly bad weather) to visit any of the above locations on the dates specified above the Team Leader of the mobile polling team will re-arrange the visits if at all possible so that a visit is made to those places as announced over FIBS on or before Polling Day, 14th October. If a person is not able to vote during a visit by a mobile polling team then he can vote at a Polling Place (Fox Bay East, Goose Green or Stanley) on Polling Day 14th October during polling hours. The mobile polling team will do its best to visit all of the above places but in the worst combination of circumstances there is no absolute guarantee that it will be able to do so.

1st October 1993

D.E. Tatham
Governor

No. 27

4th October 1993.

The Electoral Ordinance 1988

General Election 1993

In accordance with section 99 (1) of the Electoral Ordinance 1988, the following persons have been appointed to be election officials as indicated -

Stanley Constituency:

Mobile Team:	Mrs. C. Blackley	Presiding Officer

Camp Constituency:

Mobile Team:	Miss A. Doughty	Presiding Officer

B. GREENLAND
Returning Officer

4th October 1993

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *29th OCTOBER 1993* *No. 19*

Appointment

John Andrew Thomas Fowler, Radio Teacher, Education Department, 14.10.93.

Acting Appointment

Bernard Leslie Eccles, Acting Collector of Customs, 14.8.93 - 8.10.93.

Confirmation of Appointments

Kenneth David Greenland, Chief Police Officer, Royal Falkland Islands Police, 19.9.93.

Valerie Anne Morrison, Clerk, Treasury, 23.9.93.

Miss Sheena Margaret Ross, Licensing Officer, Fisheries Department, 30.9.93.

Re-appointment

Miss Catherine Ellenor Winthrop, Travelling Teacher, Education Department, 22.9.93.

Completion of Contract

Sidney John Salter, Plumber, Public Works Department, 27.10.93.

Resignations

Mrs. Maria Faria, Senior Nurse, Medical Department, 30.9.93.

Miss Jacqueline Margaret Robertson, Radio Teacher, Education Department, 15.10.93.

NOTICES

School Terms 1994

STANLEY SCHOOLS

1st Term	3rd February	18th May
2nd Term	2nd June	24th August
3rd Term	15th September	14th December

RECOGNISED CAMP SCHOOLS

Term dates for Recognised Camp Schools may be modified to suit the convenience of the farms, provided that the days worked are not fewer than those in Stanley Schools, and that the Education Office is notified of the alteration in dates.

HOLIDAYS

Camp Sports	28th February - 4th March inclusive
Good Friday	1st April
Queen's Birthday	21st April
Liberation Day	14th June
Falklands Day	15th August*
Battle Day	8th December

*(*Public Holiday transferred from 14th August)*

HOLIDAYS FOR TRAVELLING TEACHERS

Tuition shall take place except during Public Holidays and the following periods —

16th December 1993 - 5th January 1994

Three additional days (to be taken by arrangement with the Director of Education)

Term - Ends 15th December 1994 - Commences 4th January 1995.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT William Cletheroe, deceased of Stanley died at Mullet Creek, on the 4th day of August 1993 intestate.

WHEREAS Cyril Cletheroe, brother of the deceased, 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.

Stanley,
Falkland Islands.
26th October 1993.
Ref.: PRO/11/93.

B. GREENLAND,
Registrar, Supreme Court.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. EDWARD AMIS, F8190432.

to be a temporary Customs Officer with effect from 17th September, 1993 to 21st January 1994.

B. ECCLES,
Ag. Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

Cpl. GEORGE CULL, E8195690.

to be a temporary Customs Officer with effect from 15th October, 1993 to 15th February 1994.

R. KING,
Collector of Customs.

Appointment of Temporary Customs Officer

Customs Ordinance (Cap. 16)

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

I hereby appoint :-

WO2. ALAN SUTHERLAND, 24520318.

to be a temporary Customs Officer with effect from 19th October, 1993 to 19th February 1994.

R. KING,
Collector of Customs.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *30th NOVEMBER 1993* *No. 20*

Confirmation of Appointment

Thomas James Keane, Engineman, Power and Electrical Section, Public Works Department, 16.9.93.

Acting Appointment

Robert Mark Titterington, Acting Attorney General, Justice Department, 30.10.93.

Supreme Court of the Falkland Islands

NOTICE UNDER THE ADMINISTRATION OF ESTATES ORDINANCE (Cap. 1)

TAKE NOTICE THAT Fenton Hirtle, deceased of Golding Island died at Golding Island, on the 20th day of October 1993 intestate.

WHEREAS Doris linda Hirtle, Wife of the deceased, 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.

Stanley,
Falkland Islands.
16th November 1993.
Ref.: PRO/13/93.

B. GREENLAND,
Registrar, Supreme Court.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

Vol. CII *24th NOVEMBER 1993* *No. 21*

Appointment

Michael Anthony Tuson, Pilot, Falkland Islands Government Air Service, 16.9.93.

Confirmation of Appointments

Mrs. Shirley Peck, Clerk, Post and Telecommunications Department, 29.4.82.

Miss Caroline Middleton, Clerk, Philatelic Bureau, 1.3.87.

Tony Pettersson, Head Printer, Justice Department, 1.4.88.

David Morris, Inspector, Royal Falkland Islands Police, 1.1.92.

Graham John Didlick, Sergeant, Royal Falkland Islands Police, 1.3.92.

Robin William Simpson Bell, Constable, Royal Falkland Islands Police, 12.3.92.

Trudi Dale Lee, Senior Clerk, Royal Falkland Islands Police, 1.7.92.

Henry James Elliot, Constable, Royal Falkland Islands Police, 30.9.93.

Andrew Liam Davies, Constable, Royal Falkland Islands Police, 1.12.93.

Andrew Raymond Newman, Trainee Deputy Director of Civil Aviation, Aviation Department, 13.12.93.

Acting Appointment

William Alan Brayshaw, Acting Marine Officer, Fisheries Department, 15.12.93 - 17.1.94.

Transfer

Roy Summers, Data Clerk, Fisheries Department, to Trainee Fisheries Officer, Fisheries Department, 20.12.93.

Resignation

Mrs. Sandra Louise Davies-Hernandez, Fisheries Scientist, Fisheries Department, 3.12.93.

NOTICES

No. 30 29th November 1993.

Public Health Ordinance

Appointment of Hospital Visiting Committee

IN EXERCISE of my powers under section 54 of the Public Health Ordinance (Cap. 54) I, DAVID EVERARD TATHAM, Governor of the Falkland Islands

HEREBY APPOINT —

JANET LINDA CHEEK

ALEXANDER BURNETT HADDEN

and

STEPHEN CHARLES PALMER

to be members of the Hospital Visiting Committee

AND APPOINT —

STEPHEN CHARLES PALMER

to be Chairman of the Committee.

Given under my hand and the Public Seal this 29th day of November 1993.

D. E. TATHAM,
Governor.

No. 31 13th December 1993.

Certificate of Registration as a Minister for Celebrating Marriage

IN ACCORDANCE WITH SECTION 5 OF THE MARRIAGE ORDINANCE, 1949

I, DAVID EVERARD TATHAM, Companion of the Most Distinguished Order of St. Michael and St. George, Governor of the Colony of the Falkland Islands GRANT to the **Reverend Andrew John Turner** this Certificate of Registration as a Minister for celebrating marriages in the Colony.

Given under my hand and the Public Seal at Stanley this 13th day of December 1993.

D. E. TATHAM,
Governor.

No. 32 20th December 1993.

Appointment of Temporary Registrar

In exercise of the powers conferred upon me by Section 4 of the Marriage Ordinance I, D. E. TATHAM, Governor of the Falkland Islands —

HEREBY APPOINT—

HAROLD THEODORE ROWLANDS, C.B.E., a Registrar for the purpose of the marriage at Carcass Island, West Falkland of **Allan Paul George White** and **Jane McGill.**

Given under my hand at Stanley this 20th day of December 1993.

D. E. TATHAM,
Governor.

Application for Naturalisation

Notice is hereby given that Mr. Miguel Angel Hernandez Manterola, of Stanley, Falkland Islands, is applying to His Excellency the Governor for naturalisation. Any person who has knowledge why naturalisation should not be granted should send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Ross Road, Stanley.

J. E. SMITH,
Immigration Officer.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE (Extraordinary)

PUBLISHED BY AUTHORITY

Vol. CII | *3rd DECEMBER 1993* | *No. 21*

No. 28 3rd December 1993.

Notice to members of final meeting

(members' voluntary winding-up)

Name of Company - The Housing Corporation Limited

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 the Secretariat on Tuesday the fourth day of January 1994 at 8.45 in the fore noon precisely, 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 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-mentioned Meeting is entitled to appoint a proxy to attend and vote instead of him, and such proxy need not also be a Member.

Dated 3 December 1993

Graeme Gill

Graeme J Gill
Liquidator

No. 29 3rd December 1993.

Notice to members of final meeting

(members' voluntary winding-up)

Name of Company - Stanley Fisheries Limited

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 the Secretariat on Tuesday the fourth day of January 1994 at 9 o'clock in the fore noon precisely, 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 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-mentioned Meeting is entitled to appoint a proxy to attend and vote instead of him, and such proxy need not also be a Member.

Dated 3 December 1993

Graeme J Gill
Liquidator

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *24th FEBRUARY 1993* *No. 1*

NOTICE

The following is published in this Supplement —

The Fishing Licences (Applications and Fees) Regulations Order 1993 (S.R. & O. No. 1 of 1993).

SUBSIDIARY LEGISLATION

FISHERIES

The Fisheries (Conservation and Management) Ordinance 1986

The Fishing Licences (Applications and Fees) Regulations Order 1993

(S.R. & O. No: 1 of 1993)

Made: 19th February 1993
Published: 24th February 1993
Coming into operation: on publication

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

1. This Order may be cited as the Fishing Licences (Applications and Fees) (Amendment) Regulations 1993. *Citation.*

2. In this Order, "the principal Regulations" means the Fishing Licences (Applications and Fees) Regulations 1992(b). *The principal Regulations.*

3. The principal Regulations are amended in Table 2 (appearing in the Schedule to them by replacing all the text appearing after the cross-heading "FORMULA" with the following text - *Amendment of principal Regulations.*

"Fee payable is the result of £ (0.497 x GRT x (S + 1.5D) + 94953)".

Made this 19th day of February 1993.

D.E. TATHAM,
Governor.

EXPLANATORY NOTE
(not forming part of the above Regulations)

The effect of these amending Regulations is that the licence fee payable in respect of jiggers will not be subject to increase if the crew of the vessel exceeds 19.

(a) No. 11 of 1986.
(b) S.R. & .O No. 14 of 1992.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *26th MARCH 1993* *No. 2*

NOTICE

The following are published in this Supplement —

The Voting in Institutions Regulations 1993 (S.R. & O. No. 2 of 1993);
The Extradition (Hijacking) Order 1992.

SUBSIDIARY LEGISLATION

ELECTIONS

Voting in Institutions Regulations 1993

(S. R. & O. No: 2 of 1993)

Made: 19 March 1993
Published: 26 March 1993
Coming into operation : on publication

IN EXERCISE of my powers under section 59A of the Electoral Ordinance 1988(a) I make the following Regulations -

1. These Regulations may be cited as the Voting in Institutions Regulations 1993 and apply to voting in elections by inmates and members of staff of institutions. *Citation and application.*

2. In these Regulations - *Interpretation.*

"inmate" means a person who is by reason of ill-health, injury or infirmity of body or mind resident in or for the time being resident in an institution to which section 59A of the Ordinance relates;

"member of staff" means a person employed at an institution to which section 59A of the Ordinance relates in or in connection with the provision of medical treatment or care to inmates of an institution to which that section relates; and

"returning officer" means the person who under section 47 of the Ordinance is for the time being the returning officer for the Stanley Constituency.

3.(1) It shall be the duty of the returning officer, whenever a poll is to be taken in either or both of the constituencies, to cause a presiding officer and, if the returning officer sees fit, one or more poll clerks, to visit institutions for the purpose of enabling electors who are inmates or members of staff at institutions to vote during such visit. *Duties of returning officer.*

(2) The visit to which paragraph (1) relates shall be undertaken -

(a) on the date specified in the writ for the election as polling day;

(b) on that day, at some convenient time or times during the polling hours appointed by the notice under section 51(2) of the Ordinance.

(3) The time or times at which the visit to which paragraph (1) relates shall be determined by the returning officer after consultation with the Chief Medical Officer and so far as reasonably possible shall be made known on the day preceding polling day to inmates and members of staff at the institutions.

(a) No: 21 of 1988 as ammended by No: 16 of 1992.

(4) Notwithstanding paragraph (3) the election is not invalidated if, for any reason, the visit takes place at a time or times other than those made known under paragraph (3).

Appointment of presiding officer.

4.(1) The returning officer shall exercise his powers under section 99 of the Ordinance so as to appoint as presiding officer for the purpose of taking votes under these Regulations a person who is not required to undertake the duties of a presiding officer at any other place on polling day.

(2) The returning officer, may if he sees fit, appoint another person or persons to be clerks to assist the person appointed as presiding officer.

Opportunity to vote to be afforded.

5.(1) Subject to these regulations, the presiding officer, and if there be any, the clerks, shall afford to all electors entitled to vote under these regulations an opportunity to do so.

(2) Nothing in paragraph (1) requires that such an opportunity be afforded -

(a) to any inmate who, on the advice of any medical officer or other competent member of staff, should not, for any reason (such as severe illness, lack of consciousness or understanding, risk of infection or prejudice to medical or other treatment) be afforded that opportunity;

(b) to any member of staff not, in the reasonable opinion of the presiding officer, entitled on the day in question to vote

(3) Subject to paragraph (2)(a), the presiding officer shall visit each place in an institution in which an inmate resides and shall attend in a suitable place or places in the institution so that members of staff entitled to vote under these regulations may, if they wish, do so.

Equipment.

6.(1) The returning officer shall provide the presiding officer with those things he is required under section 100 to supply to a presiding officer.

(2) The ballot box provided shall be one which has not previously been used on polling day.

Requirements as to showing ballot box.

7. Immediately before he proceeds to afford to any person an opportunity to vote under these Regulations, the presiding officer shall show the ballot box empty to persons present in the first institution he visits under these Regulations. He shall then lock it up and place his seal on it in such manner as to prevent it being opened without breaking his seal, and keep it so locked and sealed.

Requirements as to privacy of voting.

8.(1) The presiding officer shall, instead of ensuring that section 112(2) of the Ordinance is complied in relation to voting by inmates secure compliance with the following paragraphs of this regulation.

(2) An inmate who is a voter shall -

(a) where appropriate, be asked the questions authorised by section 108;

(b) unless he says that he has received a postal ballot paper, be offered a ballot paper;

(c) if it appears that he cannot conveniently himself mark a ballot paper, be asked if he wishes any person present to mark it for him in accordance with his wishes (and that person shall be permitted to mark the ballot paper in accordance with his wishes);

(d) where the inmate marks the ballot paper himself, not be required, if it appears that he is unable to do so, to fold the ballot paper so as to conceal his vote or to show the official mark thereon to the presiding officer, but instead be permitted it either -

(i) to hand it to the presiding officer or a poll clerk who shall immediately, fold it, ensure that the official mark is thereon and place it in the ballot box; or

(ii) to deliver it to another person present to do the same things on his behalf.

(3) Subject to the foregoing the presiding officer shall secure, so far as it is within his power to do so, that an inmate votes in as much privacy as is conveniently possible.

(4) Where a person assists an inmate to vote the presiding officer shall mark the copy of the register against the voter's name with the name and address of the person who did so.

Voting by Members of staff.

9. A member of staff is entitled to vote under these regulations if -

(a) he is on duty at an institution on polling day;

(b) the presiding officer is satisfied that by reason of the member of staff's hours of duty on that day or other sufficient cause, that person could not conveniently vote instead at a polling place appointed under section 59(1) of the Ordinance; and

(c) he has not previously voted in the election.

Modification of section 118.

10. Section 118 of the Ordinance shall apply to voting under these regulations with the following modifications -

(a) the substitution in subsection (1) of "the conclusion of voting under the Voting In Institutions Regulations 1993 on that day" for "the close of the poll"; and

(b) the omission in paragraph (f) of subsection (1) of all words after "the tendered vote list"; and

(c) the addition to that subsection of the following paragraph -

"(g) a list of inmates whose ballot papers were marked by other persons at their request showing, against the name of every such voter, the name and address of the person who assisted them."

Made this 19th day of March 1993.

D. E. TATHAM,
Governor.

EXPLANATORY NOTE
(not part of above Regulations)

These Regulations provide for the manner of voting other inmates and staff at "institutions" (as defined in regulation 2) who are electors at institutions, and related matters.

STATUTORY INSTRUMENTS

1992 No. 3200

EXTRADITION

The Extradition (Hijacking) Order 1992

Made - - - -	*17th December 1992*
Laid before Parliament	*6th January 1993*
Coming into force -	*27th January 1993*

At the Court at Buckingham Palace, the 17th day of December 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Convention for the Suppression of Unlawful Seizure of Aircraft ("the Convention")(a) signed at The Hague on 16th December 1970, the terms of which are set out in Part I of Schedule I to this Order, entered into force for the United Kingdom on 21st January 1972:

And whereas the States mentioned in Schedule 2 to this Order are foreign States in respect of which the Convention is for the time being in force and in relation to which Orders in Council under section 2 of the Extradition Act 1870(b) are in force:

And whereas the States mentioned in Schedule 3 to this Order are foreign States in respect of which the Convention is for the time being in force and with which extradition arrangements are in force in relation to extradition between those States and one or more of the Territories specified in Schedule 5 to this Order.

And whereas the States mentioned in Part I of Schedule 4 to this Order are foreign States in respect of which the Convention is for the time being in force but with which no general extradition arrangements have been made:

And whereas Section 22(3) of the Extradition Act 1989(c) provides that where general extradition arrangements have not been made with a State which is a party to the Convention, and no Order in Council under Section 2 of the Extradition Act 1870 is in force in relation to that State, an Order in Council applying the 1989 Act may be made under Section 4 of that Act as if the Convention constituted general extradition arrangements between the United Kingdom and the foreign State, or any foreign State, party to the Convention:

Now, therefore Her Majesty in exercise of the powers conferred upon Her by Sections 2, 17 and 21 of the Extradition Act 1870, and Sections 4(1), 22(3), 30(1) and 37(3) of the Extradition Act 1989, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

(a) Cmnd. 4956.
(b) 1870 c.52; the act was repealed by the Extradition Act 1989, with the savings mentioned in section 37 of that Act.
(c) 1989 c.33.

1. This Order may be cited as the Extradition (Hijacking) Order 1992 and shall come into force on 27th January 1993.

2. Schedule 1 to the Extradition Act 1989 ("the 1989 Act") shall apply in the case of a State mentioned in Schedule 2 to this Order under and in accordance with the extradition treaties listed in the second column of that Schedule as supplemented by paragraphs 1 and 4 of Article 8 of the Convention (set out in Schedule 1 to this Order); the Orders in Council which give effect to the said extradition treaties and which are listed in the fourth column of the said Schedule 2 shall be amended accordingly. The Convention entered into force for those States on the dates specified in the third column of the said Schedule 2.

3. Schedule 1 to the 1989 Act shall apply in the case of a State mentioned in Schedule 3 to this Order under and in accordance with the extradition treaties listed in the second column of that Schedule (being treaties which continue to apply in respect of extradition between that State and one or more of the Territories specified in Schedule 5) as supplemented by paragraphs 1 and 4 of Article 8 of the Convention (set out in Schedule 1 to this Order); the Orders in Council which give effect to the said extradition treaties and which are listed in the fourth column of the said Schedule 3 shall be amended accordingly. The Convention entered into force for those States on the dates specified in the third column of the said Schedule 3.

4. The 1989 Act, so far as it relates to extradition procedures under Part III of that Act, shall apply in the case of a State mentioned in Part I of Schedule 4 to this Order (being States in respect of which the Convention entered into force on the dates specified in the second column of Part I of that Schedule) subject to the limitations, restrictions, exceptions and qualifications contained in part II of that Schedule.

5. The following Orders are hereby revoked:–

The Extradition (Hijacking) Order 1971(a)
The Extradition (Hijacking) (Amendment) Order 1982(b)
The Extradition (Hijacking) (Amendment) Order 1985(c)
The Extradition (Hijacking) (Amendment) Order 1986(d)
The Extradition (Hijacking) (Amendment) Order 1987(e)
The Extradition (Hijacking) (Amendment) Order 1988(f)

6. Article 3 of the Aviation Security (Anguilla) Order 1987(g) is hereby revoked.

7. The operation of this Order is limited to the United Kingdom, the Channel Islands, the Isle of Man and the Territories specified in Schedule 5 to this Order.

N. H. Nicholls
Clerk of the Privy Council

(a) S.I. 1971/2102.
(b) S.I. 1982/146.
(c) S.I. 1985/1989.
(d) S.I. 1986/2012.
(e) S.I. 1987/2041.
(f) S.I. 1988/2243.
(g) S.I. 1987/451.

SCHEDULE 1

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

Article 1

Any person who on board an aircraft in flight:

(a) unlawfully, by force on threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(b) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as "the offence").

Article 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

Article 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where the State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

Article 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(a) when the offence is committed on board an aircraft registered in that State;

(b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

Article 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1(c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

Article 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

Article 9

1. When any of the acts mentioned in Article 1(a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

Article 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

(a) the circumstances of the offence;

(b) the action taken pursuant to Article 9;

(c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

Article 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

Article 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their Governments, have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

SCHEDULE 2

Article 2

FOREIGN STATES WHICH ARE PARTIES TO THE CONVENTION AND FOR WHICH ORDERS UNDER THE EXTRADITION ACT 1870 ARE IN FORCE

State	*Date of Extradition Treaty*	*Date of entry into force of Convention*	*Order in Council*
Argentina	22nd May 1889	11th October 1972	1894/76
Belgium	29th October 1901	23rd September 1973	1902/208
Bolivia	22nd February 1892	17th August 1979	1898/1065
Chile	26th January 1897	3rd March 1972	1898/597
Colombia	27th October 1888	2nd August 1973	28th November 1889
Cuba	3rd October 1904	25th December 1982	1905/558
Ecuador	20th September 1880	14th October 1971	26th June 1886
El Salvador	23rd June 1881	16th February 1973	16th December 1882
Guatemala	4th July 1885	15th June 1979	26th November 1886
Haiti	7th December 1874	8th June 1984	5th February 1876
Hungary	3rd December 1873	14th October 1971	17th March 1874
Iraq	2nd May 1932	29th January 1972	1933/357
Liberia	16th December 1892	3rd March 1982	1894/114
Mexico	7th September 1886	18th August 1972	6th April 1889
Monaco	17th December 1891	3rd July 1983	9th May 1892
Nicaragua	19th April 1905	6th December 1973	1906/382
Panama	25th August 1906	9th April 1972	1907/648
Paraguay	12th September 1908	5th March 1972	1911/662
Peru	26th January 1904	28th May 1978	1907/383
Poland	11th January 1932	20th April 1972	1934/209
Romania	21st March 1893	9th August 1972	1894/119
Thailand	4th March 1911	15th June 1978	1911/1151
United States of America	8th June 1972	14th October 1971	1976/2144
Uruguay	26th March 1884	11th February 1977	5th March 1885
Yugoslavia	6th December 1900	1st November 1972	1901/586

SCHEDULE 3

Article 3

FOREIGN STATES WHICH ARE PARTIES TO THE CONVENTION AND WITH WHICH EXTRADITION TREATIES ARE IN FORCE IN RELATION TO EXTRADITION BETWEEN THOSE STATES AND ONE OR MORE OF THE TERRITORIES SPECIFIED IN SCHEDULE 5

State	*Date of Extradition Treaty*	*Date of entry into force of Convention*	*Order in Council*
Austria	9th January 1963	11th March 1974	1970/1111
Czech and Slovak Federal Republic	11th November 1924	6th May 1972	1926/1466
Denmark	31st March 1873	16th November 1972	26th June 1873
Finland	29th October 1975	14th January 1972	1976/1037
France	14th August 1876	18th October 1972	16th May 1878
Germany	14th May 1872 (reapplied and amended by the Agreement of 23rd February 1960)	10th November 1974	1960/1375
Greece	24th September 1910	20th October 1973	1912/193
Iceland	31st March 1873	29th July 1973	26th June 1873
Israel	4th April 1960	14th October 1971	1960/1660
Italy	5th February 1873	21st March 1974	24th March 1873
Luxembourg	24th November 1880	22nd December 1978	21st March 1881
Netherlands	26th September 1898	26th September 1973	1899/83
Norway	26th June 1873	14th October 1971	30th September 1873
Portugal	17th October 1892	27th December 1972	1894/102
Spain	22nd July 1985	29th November 1972	1986/766
Sweden	26th April 1963	14th October 1971	1966/226
Switzerland	26th November 1880	14th October 1971	18th May 1881

SCHEDULE 4

Article 4

PART I

FOREIGN STATES WHICH ARE PARTIES TO THE CONVENTION AND WITH WHICH NO EXTRADITION TREATIES ARE IN FORCE

State	*Date of entry into force of Convention*
Afghanistan	28th September 1979
Bahrain	21st March 1984
Benin	12th April 1972
Bhutan	27th January 1989
Brazil	13th February 1972
Bulgaria	14th October 1971
Burkina Faso	18th November 1987
Byelorussia	29th January 1972
Cameroon	14th May 1988
Cape Verde	19th November 1977
Central African Republic	31st July 1991
Chad	11th August 1972
China	10th October 1980
Comoros	31st August 1991
Congo	24th December 1987
Costa Rica	14th October 1971

Schedule 4—*continued*

State	*Date of entry into force of Convention*
Dominican Republic	22nd July 1978
Egypt	30th March 1975
Equatorial Guinea	2nd February 1991
Ethiopia	25th April 1979
Gabon	14th October 1971
Guinea	1st June 1984
Guinea Bissau	19th September 1976
Honduras	13th May 1987
Indonesia	26th September 1976
Iran	24th February 1972
Ivory Coast	8th February 1973
Japan	14th October 1971
Jordan	16th December 1971
Korea, North	28th May 1983
Korea, Republic of	17th February 1973
Kuwait	24th June 1979
Laos	6th May 1989
Lebanon	9th September 1973
Libya	3rd November 1978
Madagascar	28th December 1986
Mali	14th October 1971
Marshall Islands	30th June 1989
Mauritania	1st December 1978
Mongolia	7th November 1971
Morocco	23rd November 1975
Nepal	9th February 1979
Niger	14th November 1971
Oman	4th March 1977
Philippines	25th April 1973
Qatar	25th September 1981
Rwanda	3rd December 1987
Saudi Arabia	14th July 1974
Senegal	5th March 1978
Slovenia	26th June 1992
South Africa	29th June 1972
Sudan	17th February 1979
Suriname	26th November 1978
Syria	9th August 1980
Togo	11th March 1979
Tunisia	16th December 1981
Ukraine	20th March 1972
Russia	24th October 1971
United Arab Emirates	14th May 1981
Venezuela	6th August 1983
Vietnam	17th October 1979
Yemen	29th October 1986
Zaire	5th August 1977

PART II

APPLICATION OF THE 1989 ACT IN THE CASE OF A STATE MENTIONED IN PART I

1. The 1989 Act shall have effect only in respect of–
   (a) an offence mentioned in section 22(4)(g) of that Act;
   (b) an attempt to commit such an offence;
   (c) counselling, procuring, commanding, aiding or abetting such an offence; and
   (d) being an accessory before or after the fact to such an offence.

2. No proceeding shall be taken on an application for a provisional warrant issued under section 8(1)(b) of the 1989 Act, and no such warrant shall be issued, unless the application is made with the consent of the Secretary of State signified by an Order in the form set out in Part III of this

Schedule or in a form to the like effect; but subject as aforesaid the signification of consent shall not affect the provisions of the said section 8.

3.—(1) Without prejudice to his so deciding on other grounds, the Secretary of State may, in the circumstances mentioned in the following sub-paragraph, decide not to make an order or issue a warrant–

(a) under section 7 of the 1989 Act (an authority to proceed), or

(b) under section 12 of the 1989 Act ordering the person to be returned, or

(c) for the purposes of paragraph 2 above signifying his consent to an application for a provisional warrant.

(2) The circumstances referred to in the preceding sub-paragraph are–

(a) that the Secretary of State is not satisfied that provision is made by the law of the State requesting the return under which a person accused or convicted in the United Kingdom of the like offence as that with which the person whose return is sought is accused or convicted might be surrendered to the United Kingdom if found in that State, or

(b) that the person whose return is sought is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person.

PART III

FORM OF CONSENT OF SECRETARY OF STATE TO APPLICATION FOR A PROVISIONAL WARRANT

Whereas AB, a person recognised by the Secretary of State as a diplomatic or consular representative of , has requested consent to application being made for the issue of a provisional warrant for the arrest of CD, late of, who [is accused] [has been convicted] of the commission of an offence or attempt to commit an offence or counselling, procuring, commanding, aiding or abetting an offence or of being accessory before or after the fact to an offence, within the jurisdiction of the said State, being an offence which if committed in the United Kingdom would be an offence under section 134 of the Criminal Justice Act 1988.

By this Order the Secretary of State signifies to you his consent to the said application being made.

Given under the hand of the undersigned, [one of Her Majesty's Principal Secretaries of State] [Minister of State at] [Under-Secretary of State at] this day of 19 .

SCHEDULE 5

Article 7

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn, Henderson, Ducie & Oeno Islands
St Helena
St Helena Dependencies
South Georgia and the South Sandwich Islands
Sovereign Base Areas of Akrotiri & Dhekelia
Turks and Caicos Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies the Extradition Act 1989 so as to make extraditable offences under section 1 of the Aviation Security Act 1982 (c.36) (hijacking), attempts to commit such offences and participation in the commission of such offences. It applies to certain States Parties to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16th December 1970; it does not apply to those States Parties (Commonwealth countries and Parties to the European Convention on Extradition) in relation to which the definition of extraditable offence already includes offences of the kind mentioned in this Order, except to the extent that extradition arrangements continue in force in respect of extradition between Parties to the said European Convention and one or more of the territories specified in Schedule 5.

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THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *29th MARCH 1993* *No. 3*

NOTICE

The following is published in this Supplement —

The Fishing Licences (Application and Fees) Regulations Order 1993 (S.R. & O. No. 3 of 1993).

SUBSIDIARY LEGISLATION

THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 1986
(No. 11 of 1986)

The Fishing Licences (Application and Fees) Regulations Order 1993

(S.R. & O. No. 3 of 1993)

Made: 29th March 1993
Published: 29th March 1993
Commencing: 29th March 1993

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

Citation and commencement.

1.(1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations Order 1993 and shall come into operation on the date it is first published in the Gazette and cease to have effect on the 31st December 1993.

(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 of Regulations.

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;

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

"the fishing season" means -

(a) in relation to an "X" Licence the period commencing on 1st August 1993 and ending 31st October 1993;

(b) in relation to a "Y" Licence, the period commencing on 1st July 1993 and ending on 31st December 1993;

(c) in relation to a "Z" Licence a period commencing on 1st July 1993 and ending on 31st December 1993;

"the principal regulations" means the Fishing Regulations Order 1987.

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. *Variation of principal Regulations.*

5.(1) For the purpose of these Regulations there shall be the following categories of licence - *Categories of licences.*

(a) an "X" licence;

(b) a "Y" Licence; and

(c) a "Z" Licence.

(2) An "X" Licence issued under these Regulations shall authorise the catching or taking of squid of the species *Loligo gahi* from on or after the 1st August 1993 until and including 31st October 1993.

(3) 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 squid of any kind.

(4) A "Z" Licence issued under these Regulations shall permit the catching or taking of any finfish except Hake (*Merluccius spp.*) that is to say a vertebrate fish having a dorsal fin, a ventral or pectoral fin and not in any case including squid or Hake (*Merluccius spp.*) 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.

6. (1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, P O Box 122, Stanley, Falkland Islands. *Applications for licences.*

(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 Monday, 12th April 1993.

(3) The Director of Fisheries in his discretion may consider an application lodged after the time and date mentioned in paragraph (2) of this regulation but shall not be bound to do so.

7. (1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "X" Licences. *Tables of fees.*

(2) Table 2 of the Schedule to these Regulations applies in respect of the fees payable for type "Y" Licences.

(3) Table 3 of the Schedule to these Regulations applies in respect of the fees payable for type "Z" Licences.

(4) All fees payable under this regulation shall be paid in pounds sterling and in accordance with the principal Regulations.

(5) 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.

(6) The fees for transhipment or transhipment and export licences for the period 1st July 1993 to 31st December 1993 shall be £150 per transhipment operation.

THE SCHEDULE

Provisions as to fishing licences in respect of the fishing season

TABLE 1

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.

3. The season for this type of licence commences on 1st August 1993 and ends on 31st October 1993.

4. Fees calculated by the Formula set out in this Table are for the full season only and are not payable per month)

Effective text (of legislative effect)

A. In the following Formula, "GT" means "Gross Tonnage" as shown in Tonnage Certificates issued in accordance with the International Tonnage Measurement Rules.

B. A Licence is not transferable.

FORMULA

Whichever of the following is applicable -

I. Where the vessel did not hold a comparable licence in respect of any earlier part of the year 1993 and is not the subject of an agreement or arrangement for the issue of licences of a comparable kind over a period of time -

£((31.71 x GT) + 22488)

II. In any case to which Forumla I does not apply -

£((21.14 x GT) + 14992)

TABLE 2

Finfish Only. All Areas - 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 but not squid.

3. The season for this type of licence commences on 1st July 1993 and ends on 31st December 1993 and will be subject to a closed area and mesh restrictions.

Effective text (of legislative effect)

A. In the following Formula, "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with International Tonnage Measurement Rules;

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of:

£((4.61 x GT) + 3133)

TABLE 3

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 except Hake *(Merluccius spp.)*.

3. The season for this type of licence commences on 1st July 1993 and ends on 31st December 1993 and will be subject to a closed area and mesh restrictions).

Effective text (of legislative effect)

A. In the following Formula "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.

B. A licence is not transferable.

FORMULA

Fee payable per licensed month is the result of

£((6.10 x GT) + 1335)

Made this 29th day of March 1993.

D. E. TATHAM,
Governor.

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THE FALKLAND ISLANDS GAZETTE Supplement

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NOTICE

The following are published in this Supplement —

The Control of Drinking by Juveniles Bill 1993;
The Customs (Amendment) Bill 1993.

The Control of Drinking by Juveniles Bill 1993

The Control of Drinking by Juveniles Bill 1993 and an Explanatory Memorandum as to its contents is published in this Supplement. The Bill has been presented to Executive Council for consideration but has not yet been approved by it. The Executive Council will further consider the Bill at its meeting later this month and will then decide whether it should be submitted to Legislative Council. It is being published now, by authority of Executive Council, so that members of the public have the opportunity of seeing the Bill and commenting upon its provisions.

The Customs (Amendment) Bill 1993

The Customs (Amendment) Bill 1993 has been approved by the Executive Council for submission to the next meeting of Legislative Council and is published in this Supplement. The principal purposes of the Bill are set out in its "Aims and Objects" which are printed at the foot of the Bill.

EXPLANATORY MEMORANDUM

THE CONTROL OF DRINKING BY JUVENILES BILL 1993

The purpose of this Bill is to provide law by relation to which the present apparent problem of persons under the age of 18 years consuming alcohol in the street and in other public places may be brought under control. The Bill does not seek to amend the Licensing Ordinance, because it is believed that sale and supply of intoxicating liquor to juveniles upon licensed premises is adequately controlled under the Licensing Ordinance. No provision of the Licensing Ordinance can, however, safely be interpreted as having the effect of preventing the supply to, possession of, and consumption by juveniles of intoxicating liquor anywhere else but on licensed premises. Thus if it is wished to control such supply, possession and consumption, new law would need to be enacted for the purpose.

The scope of the Bill

The Control of Drinking by Juveniles Bill, if enacted, would deal with the supply, possession and consumption of intoxicating liquor in relation to persons under the age of 18 years where any of those things takes place -

(a) other than upon licensed premises; or

(b) a dwelling house or the curtilage of a dwelling house.

"Dwellinghouse" or "curtilage of a dwelling house" means any person's home (not only that of the juvenile) or the grounds of it. The Bill does not seek to deal in any way whatever anything in relation to intoxicating liquor in any person's home or the grounds of it. It would, of course, in theory be possible to cover those situations as well so as to render the supply, possession or consumption of intoxicating liquor by a juvenile - even in his own home - an offence. Were that to be done, however, it would be necessary - if the law were in any way to be enforced - to provide for the enforcement of it in those circumstances. The provisions which would be necessary might well - as is the case with illicit drugs - involve entry by the police into anybody's home without a warrant and the ability of the police - if necessary - to force entry. Simply put, I have not considered, as draftsman (but it will of course be a matter for the Legislative Council, who may wish to amend the Bill in this respect) that it would be justifiable to include such draconian provisions. Moreover it could be said - this is a matter for the family concerned - that a small amount of alcohol given at a family party or other family occasion, under parental or other suitable supervision drunk by a juvenile is not a matter for the law.

Subject to what I have said above, the Bill as drafted by me would apply both to Camp and Stanley. It will of course be a matter for Legislative Councillors to determine whether it should so apply. The reasons that I have drafted it in that way are that otherwise juveniles from Stanley could very easily go over the town boundary "and drink to their hearts content" without having committed an offence. While the problem of drinking by juveniles may not be so great a problem in Camp as in Stanley, in this particular instance I believe that the law should apply both in Camp and in Stanley.

Explanation of clauses of the Bill

Clause 2 of the Bill contains a number of definitions, all of which have been explained above, except the definition of "possession" and "supply". I have provided, in effect, that no offence will be committed under the Bill if enacted where intoxicating liquor is administered to, delivered to, or in the possession of a juvenile either under the prescription of or at the direction of a government medical officer or in the course of Holy Communion according to the rites of any Christian denomination. I believe that some medicines may, for good medical reasons, contain a small amount of alcohol. Equally, of course the Bill should not prevent the administration of Holy Communion to a juvenile.

Clause 3(1) of the Bill provides that subject to clause 3(2) and (3) it would be unlawful for a juvenile to be in possession of any intoxicating liquor in a public place ("public place" having the meaning given in clause 2 of the Bill). In clause 3(2) I seek to cover the sort of situation in which a child goes shopping with its parent and helps carry the shopping, which may include bottles or cans of alcohol, at the parent's request or with the parent's consent. Obviously, it ought not to be an offence for a child to do so. Clause 3(3) appears for similar reasons. A person under the age of 18 might, for example, in the course of his employment - either at a shop or a store or elsewhere - be required to deliver alcohol to an adult. The juvenile should not be committing an offence if he is in possession of intoxicating liquor for such reasons. A similar provision appears in comparable English legislation.

Clause 4(1) says that subject to the provisions of, in effect, clause 4(2) it will be unlawful to supply intoxicating liquor to a juvenile in a public place and clause 4(2) excepts from clause 4(1) the same circumstances as are dealt with in clause 3(2) and (3).

Clause 5(1) says that (in effect subject to clause 5(2)) it is unlawful for a juvenile to consume intoxicating liquor in a public place. It could well be said that in circumstances in which a juvenile consumes intoxicating liquor in a public place he will be in possession of intoxicating liquor in a public place. There could, however, be very unusual circumstances in which it could be argued that a juvenile who has consumed intoxicating liquor is not "in possession" of it - if for example, he drinks from a can or bottle held by another. To guard against that possibility, a separate offence of "consumption" has been provided. Clause 5(2) excepts consumption under a medical prescription or consumption in the course of Holy Communion.

Clause 6 of the Bill would render it unlawful for a juvenile to procure or attempt to procure any person to purchase or obtain by any means any intoxicating liquor for the purpose of delivery of it to the juvenile and for any person to agree to procure intoxicating liquor for a juvenile, subject in both cases to an exception as between a juvenile and his parent or guardian. That exception is, I think, necessary to cover the situation where a parent or guardian, for the purpose of the consumption of intoxicating liquor by a juvenile at home, under his supervision, buys something, at the request of the juvenile - and where that something is not something which the parent or guardian would himself drink.

Clause 7 deals with offences. Anything which is unlawful under the Bill will be an offence punishable by a fine not exceeding £250 and, if the person concerned has on any previous occasion been convicted of such an offence, will also be punishable by imprisonment for a term not exceeding three months. The remaining provisions of clause 7 are, I believe, self-explanatory.

Clause 8(1) would confer powers upon police officers in uniform who reasonably suspect that the person in a public place may be committing an offence under section 3(1) or 5(1) (possession by a juvenile in a public place of intoxicating liquor or consumption by a juvenile of intoxicating liquor in a public place). Those are for such a police officer to stop such a person and require him "to reasonably satisfy him that he is not a juvenile or that, if he is a juvenile, that he has no intoxicating liquor in his possession".

Clause 8(1) does not, however, confer powers on a police officer in uniform to search a person in a public place where he thinks that person has committed an offence to which the subsection relates. If after having stopped him (and not having obtained reasonable satisfaction that the person has not committed such an offence) he may however arrest him. Under the Criminal Justice Ordinance 1989 anybody arrested must be conveyed as soon as possible to the police station and, of course, under that Ordinance he may there be searched.

The remaining provisions of clause 8 deal with the seizure of intoxicating liquor found upon a juvenile in a public place and the way that any intoxicating liquor so seized is to be dealt with.

Clause 9 merely makes it clear that, in respect of premises licensed under the Licensing Ordinance, none of the provisions of that Ordinance are in any way affected by the provisions of the Bill.

The Control of Drinking by Juveniles Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Clause

A Bill

for

An Ordinance

To make better provision as to the consumption of intoxicating liquor by juveniles

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

1. This Ordinance may be cited as the Control of Drinking by Juveniles Ordinance 1993. *Short title.*

2. In this Ordinance - *Interpretation.*

"intoxicating liquor" has the same meaning as it has under section 2 of the Licensing Ordinance;

"juvenile" means any person under the age of eighteen years;

"public place" means any place other than a dwellinghouse, the curtilage of a dwelling house or licensed premises;

"licensed premises" means premises in respect of which a licence granted under the Licensing Ordinance is held;

"possession" and "supply" does not include any situation where under the prescription of or at the direction of a government medical officer or in the course of holy communion according to the rites of any Christian denomination, intoxicating liquor is administered to, delivered to or in the possession of a juvenile.

3.(1) Subject to this section, it is unlawful for a juvenile to be in possession in a public place of intoxicating liquor in any quantity whatsoever. *Possession of intoxicating liquor by juveniles.*

(2) Where a juvenile is accompanied by or acting on the direction or request a parent or guardian of eighteen years of age or above or by another adult at whose direction or request it is reasonable in the circumstances of the case for the juvenile to carry or transport intoxicating liquor, that adult, and not the juvenile shall be deemed to be in possession of that intoxicating liquor, but if a prosecution is brought in respect of a contravention of subsection (1) it is for the defendant to prove that he is entitled to the benefit of this subsection and in determining whether he is so entitled the court shall in particular have regard to the relationship between the juvenile and the adult in question.

(3) Without prejudice to the generality of subsection (1), where a juvenile is, in a public place, in possession of intoxicating liquor in the course of his employment for the purpose of delivery of, or display for sale or supply of, intoxicating liquor to an adult or adults, the employer of the juvenile, and not the juvenile, shall be deemed to be in possession of the intoxicating liquor.

Supply of intoxicating liquor to juveniles.

4.(1) Subject to this section, it is unlawful to supply intoxicating liquor to a juvenile in a public place.

(2) For the purposes of this section, intoxicating liquor shall be deemed not to have been supplied to a juvenile in any circumstances in which under any provision of section 3 some adult, and not the juvenile, would be deemed, as a result of that supply to be in possession of the intoxicating liquor.

Consumption of intoxicating liquor by juveniles.

5.(1) Subject to this section, it is unlawful for a juvenile to consume intoxicating liquor in a public place.

(2) Subsection (1) does not apply so as to render consumption of intoxicating liquor by a juvenile unlawful where it is consumed by the juvenile under the prescription of or at the direction of a government medical officer or in the course of the administration of Holy Communion according to the rites of any Christian denomination.

Procurement of supply of intoxicating liquor.

6.(1) Subject to this section, it is unlawful for a juvenile to procure or attempt to procure any person to purchase or obtain by any means any intoxicating liquor with the intention of the ultimate delivery of that intoxicating liquor by that or any other person to that juvenile.

(2) Subject to this section, it is unlawful for any person to agree to procure or attempt to procure any intoxicating liquor for any juvenile.

(3) A parent or guardian of a juvenile is incapable, in relation to that juvenile, of contravening subsection (2), and where the person procured or attempted to be procured is his parent or guardian, a juvenile does not contravene subsection (1).

Offences.

7.(1) A person who contravenes section 3(1), section 4(1), section 5(1), section 6(1) or section 6(2) commits an offence and is liable on conviction of that offence to a fine not exceeding £250 and he is also, if he has on any previous occasion been convicted of an offence to which this subsection relates, liaBLEto imprisonment for a term not exceeding three months.

(2) Subject to subsection (3), wherever it convicts a person of any offence to which subsection (1) relates, the court shall order that any intoxicating liquor found in the possession in a public place of that person at the time of that offence shall be forfeit to the Crown, to be dealt with in such manner as the Governor may direct.

(3) The court may, for special reasons related to the offence it shall declare in open court, refrain from making an order of the kind referred to in subsection (2), and if it does so, it shall order that the intoxicating liquor in question, if it has been seized under section 8(1), shall be returned to the offender.

(4) If in any proceedings in relation to an offence to which subsection (1) relates a question arises as to whether a person was at the time of the offence a juvenile, that person shall, unless the contrary is proved, be deemed to have been a juvenile at that time.

Power of police officers to require a person to satisfy him that an offence is not being committed.

8.(1) A police officer in uniform, if he reasonably suspects that any person in a public place may be committing an offence to which section 3(1) or 5(1) relates, may stop that person and require him -

(a) reasonably to satisfy him that he is not a juvenile; or

(b) reasonably to satisfy him that, if he is a juvenile, that he has no intoxicating liquor in his possession

and if the police officer is not thereby reasonably satisfied that that person was not at the time he was stopped committing such an offence, he may arrest that person and seize any thing he reasonably believes to be intoxicating liquor he finds to be in that person's possession at the time of such arrest.

(2) Where a police officer seizes any thing pursuant to subsection (1) he shall deliver it to the Chief Police Officer, and it shall be retained by the Chief Police Officer -

(a) to be dealt with by the court pursuant to section 7(2) or (3), in the event of a prosecution; or

(b) if he is satisfied that the thing is not intoxicating liquor, and is not any thing to which the Misuse of Drugs Ordinance 1987 relates, for the purpose of it being returned as soon as possible to the person from whom it was seized; or

(c) to be dealt with as a court may direct under subsection (4); and, in any other case, and subject to paragraph (a),

(d) subject to subsection (3) to be disposed of or dealt with in accordance with such directions as the Governor may give generally or in the circumstances of the particular case.

(3) If -

(a) no prosecution for an offence under subsection 3(1) or 5(1) has been commenced against the person from whom any thing has been seized under subsection (1) of this section;

(b) more than one month has expired since the thing was seized; and

(c) the thing has not been returned pursuant to subsection (2)(b),

the Summary Court or the Magistrate's Court, on the application within three months of such seizure any person appearing to it to have by a sufficient interest in the thing, may order that the thing be delivered to or returned to the person named by the court.

(4) The Chief Police Officer shall be the respondent to any application under subsection (3) and shall comply with any order made by a court under that subsection.

Licensing Ordinance.

9. Nothing in this Ordinance shall have effect so as to modify, in relation to premises licensed under the Licensing Ordinance, any provision of that Ordinance.

AIMS AND OBJECTS

As stated in the Long Title.

The Customs (Amendment) Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Clause

A Bill

for

An Ordinance

To amend the Customs Ordinance

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

Short title and commencement.

1. This Ordinance may be cited as the Customs (Amendment) Ordinance 1993 and comes into force on 1st July 1993 or such earlier date (being not earlier than a Customs Resolution passed by the Legislative Council made by reference to its provisions comes into effect) as is notified by the Governor by notice published in the Gazette.

Interpretation.

2. In this Ordinance -

"Customs Resolution" means a resolution of the Legislative Council under section 5 of the principal Ordinance;

"the principal Ordinance" means the Customs Ordinance.

Amendment of section 2 of the principal Ordinance.

3. Section 2 (definitions) of the principal Ordinance is amended -

(a) by inserting, immediately after the definition of "Aircraft" appearing therein, the following definition -

""alcohol" except in relation to perfume, has the meaning given by section 26(a) of this Ordinance;"

(b) by inserting, immediately after the definition of "Kings warehouse" appearing therein, the following definition -

""liquor" except in relation to perfume, has the meaning given by section 26(b) of this Ordinance;"

(c) by inserting, immediately after the definition of "Over the Colony" appearing therein, the following definition -

""perfume" means any mixture of alcohol and essential oils or alcohol and synthetic materials and intended, in either case, to be applied to a person, animal or thing so as to impart a pleasant fragrance to that person, animal or thing;"

(d) by deleting the definition of "proof spirit" appearing therein; and

(e) by replacing the definition of "Waters of the Colony" appearing therein with the following definition -

""Waters of the Colony" has the same meaning as "territorial sea" has by virtue of the definition of that expression in the Interpretation and General Clauses Ordinance 1977;"

4. Section 26 of the principal Ordinance is replaced by the following new section 26 -

Replacement of section 26 of the principal Ordinance.

"26.(1) For the purposes of this Ordinance, except in relation to perfume, and the application of any duty under this Ordinance to any liquor -

"Provisions as to liquor for duty and other purposes.

(a) "alcohol" means ethyl alcohol;

(b) "liquor" means any liquor containing more than 2% of alcohol by volume and which has not been rendered imporable by denaturing (that is to say, by the addition thereto of methanol or any other nauseous substance);

(c) "worts", in relation to any liquid or liquor, means a liquor or liquid which is unfermented or in the course of fermentation;

(d) "beer" includes ale, spruce, porter, stout and any liquor which is made or sold as a description of beer or as cider or perry and any other description of beer including worts of beer or of any of the foregoing, and which in any of the foregoing cases does not contain more than 12% alcohol by volume;

(e) "wine" means any liquor -

(i) which is not beer (as defined above) and which (disregarding the percentage of alcohol by volume contained therein) would not otherwise be beer by virtue of that definition; and

(ii) which does not contain more than 15% alcohol by volume;

(f) "fortified wine" means any liquor -

(i) which is not beer or wine (each as above defined) nor other strong liquor or spirituous beverage (each as below defined) and

(ii) which contains more than 15% alcohol by volume but does not contain more than 22% alcohol by volume;

(g) "other strong liquor" means any liquor -

(i) which is not beer, or wine or fortified wine (each as above defined) nor spirituous beverage or spirits (each as below defined);

(ii) which -

(aa) if it contained no more than 12% alcohol by volume would be beer by virtue of the above definition of "beer"; and

(bb) contains more than 12% alcohol by volume but does not contain more than 22% alcohol by volume;

(h) "spirituous beverage" means any liquor -

(i) in which the majority of alcohol contained therein is distilled alcohol; and

(ii) which does not contain more than 22% alcohol by volume.

(i) "spirit" means any liquor containing more than 22% alcohol by volume."

AIMS AND OBJECTS

The principal purposes of this Bill are to increase the categories of alcohol for duty purposes from three to five. The reason for doing this is that a number of alcoholic drinks are at present dutiable as spirits (i.e. at the same rates as whisky or gin) although they have a far lower alcohol content. Thus a bottle of a mineral water mixer and spirits under the present law will attract the same duty as the same sized bottle of spirits. Equally, under the present law a low-strength liqueur or cocktail drink containing a mixture of potable ingredients, including some spirits will do so even though it contains no more alcohol than beer may contain.

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THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *14th MAY 1993* *No. 5*

NOTICE

The following is published in this Supplement —

The Registration (Fees Amendment) Regulations 1993 (S.R. & O. No. 4 of 1993).

SUBSIDIARY LEGISLATION

REGISTRATION

The Registration (Fees Amendment) Regulations 1993

(S.R. & O. No: 4 of 1993)

Made: 12th May 1993
Published: 14th May 1993
Coming into force: 1st June 1993

IN EXERCISE of my powers under section 12 of the Registration Ordinance(a) I make the following Regulations -

1. These Regulations may be cited as the Registration (Fees Amendment) Regulations 1993 and shall come into force on 1st June 1993. *Citation and commencement.*

2. The Registration Regulations(b) are amended by replacing the Second Schedule to them with the following new Second Schedule. *Amendment of Registration Regulations.*

"SECOND SCHEDULE

REGISTRAR GENERAL'S AND REGISTRAR'S FEES

1. Searching registers of births, deaths and marriages for each name in each register within 10 years	£10.00
2. Searching registers of births, deaths and marriages for each name in each register every additional year	£1.00
3. For a certified copy of each entry in the said registers	£5.00
4. For registering an instrument	£5.00

CLERGYMAN'S FEES

1. Searching the register of baptisms and burials for each name in each register within 10 years	£10.00
2. For each name in each register every additional year	£1.00
3. For a certified copy of each entry in the said register	£5.00".

(a) Cap. 57 Laws of the Falkland Islands 1950 Edition.

(b) Page 263 Vol II Laws of the Falkland Islands 1950 Edition, as amended by No.2 of 1955, No.4 of 1973, No.6 of 1979 and No.9 of 1984.

Made this 12th day of May 1993.

D.E. TATHAM,
Governor.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *20th MAY 1993* *No. 6*

NOTICE

The following are published in this Supplement —

The Building Control Bill 1993;
Draft Building Regulations.

The Building Control Bill 1993

Subject to further consideration at the May meeting of Executive Council the Building Control Bill 1993 may be introduced in the following meeting of Legislative Council.

The purpose of this would be to enable a Building Code, incorporated in Building Regulations to be made to replace the existing Building By-Laws under the Public Health Ordinance. Executive Council has not yet approved the Draft Building Code but has asked that it be published so that the public has the opportunity of commenting upon it. It is emphasised that it does not follow that Building Code in exactly the form published in this Supplement would be made if the Building Control Bill 1993 were to be enacted. Changes may well be made in the Code as a result of any comments upon the draft of it now published.

The Building Control Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Clause

A Bill

for

An Ordinance

to make improved provision as to the control of the erection and construction drainage and other servicing of buildings and structures and alterations of and additions to buildings and structures and for connected purposes

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

Introductory

1. This Ordinance may be cited as the Building Control Ordinance 1993. *Short title.*

2.(1) In this Ordinance, and unless the context otherwise requires - *Interpretation.*

"building" means any permanent or temporary building and includes any other structure or erection whatsoever (whether permanent or temporary) and includes any part of, addition to or alteration of a building, structure or erection;

"Committee" means the Planning and Building Committee;

"continuing requirements" means requirements to which section 5 relates;

"Planning and Building Committee" means the Committee of that name established by the Planning and Building Ordinance 1991;

"services" includes the provision of drainage, whether foul drainage or surface water drainage, the provision of electricity and the provision of a supply of water.

(2) A reference in this Ordinance to the supply of services, fittings and equipment in or connected with buildings, or to services, fittings and equipment so provided includes a reference to the affixing of things to buildings or, as the case may be, to things so affixed.

3.(1) The Governor may, for any of the purposes of - *Power to make building regulations.*

(a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; and

(b) preventing waste, undue consumption, misuse or contamination of water,

make regulations with respect to the design and construction of buildings and the provision of services, fittings and equipment in or in connection with buildings.

(2) Regulations made under subsection (1) are known as building regulations.

(3) The Schedule to this Ordinance has effect with respect to the matters as to which building regulations may provide.

(4) Building regulations may confer powers and impose duties on the Planning and Building Committee and upon any public officer.

Continuing requirements.

4.(1) Building regulations may impose on owners and occupiers of buildings to which building regulations are applicable such continuing requirements as the Governor considers appropriate for securing, with respect to any provision of building regulations designated in the regulations as a provision to which those requirements relate, that the purposes of that provision are not frustrated; but a continuing requirement imposed by virtue of this subsection does not apply in relation to a building unless a provision of building regulations so designated as one to which the requirement relates applies to that building.

(2) Building regulations may impose on owners and occupiers of buildings of a prescribed class (whenever erected, and whether or not any building or regulations were applicable to them at the time of their erection) continuing requirements with respect to all or any of the following matters -

(a) the conditions subject to which any services, fittings or equipment provided in or in connection with a building may be used;

(b) the inspection and maintenance of any services, fittings or equipment so provided; and

(c) the making of reports to a prescribed authority on the condition of any services, fittings or equipment so provided.

(3) If a person contravenes a continuing requirement imposed by virtue of this section, the Crown, without prejudice to the bringing of criminal proceedings in respect of the contravention, may -

(a) execute any work or take any other action required to remedy the contravention;

(b) recover, if necessary by proceedings brought by the Attorney General in its name, the expenses reasonably incurred in so doing.

(4) Where the Crown has power under subsection (3) to execute any work it may, instead of exercising that power, by notice require the owner or the occupier of the building to which the contravention referred to in that subsection relates to execute that work or take that action.

(5) A notice under subsection (4) shall indicate the nature of the works or take any action to be executed and state the time within which they are to be executed.

(6) Subject to any right of appeal conferred by subsequent provisions of this section, if the person required by such a notice to execute works or take any action fails to execute them within the time limited by the notice -

(a) the Crown may itself execute the works or take any action required by the notice and paragraph (b) of subsection (3) shall apply in respect of the expenses reasonably incurred by it in so doing;

(b) without prejudice to paragraph (a), he commits an offence and is liable on conviction to a fine not exceeding the maximum of level 4 on the standard scale and to a further fine not exceeding £10 for each day on which the default continues after he is convicted.

(7) Where a person is given a notice under subsection (4), he may appeal to the Magistrate's Court on any of the following grounds that are appropriate in the circumstances of the particular case -

(a) that the notice or requirement is not justified by the terms of the provision of building regulations in relation to which the notice has been given;

(b) that there has been some informality, defect or error in, or in connection with the notice;

(c) that the Committee have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;

(e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served; and

(f) where the works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(8) The appellant -

(a) shall, where the grounds upon which the appeal is brought include a ground specified in subsection (7)(e) or (f) above, serve a copy of his notice of appeal on each other person referred to; and

(b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to -

(i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works; or

(ii) the proportions in which any expenses that may become recoverable by the Crown are to be borne by the appellant and such other person.

(9) In exercising its powers under subsection (8), the court shall have regard -

(a) as between an owner and an occupier, to the terms and conditions of the tenancy and to the nature of the works required; and

(b) in any case, to the degree of benefit to be derived by the different person concerned.

Exemptions from building regulations

Defence exemption.

5. Nothing in building regulations shall apply to any building required for the purposes of Her Majesty's Armed Forces in the Falkland Islands or to any building upon land for the time being owned by or in the occupation of the Ministry of Defence of Her Majesty's Government in the United Kingdom.

Exemption of particular classes of buildings or of particular areas.

6.(1) Building regulations may exempt a prescribed class of building, services, fittings or equipment from all or any of the provisions of the building regulations.

(2) Building regulations may exempt from all or any of the provisions of the building regulations-

(a) a particular class of building;

(b) buildings in a prescribed area of the Falkland Islands; or

(c) a particular class of building in a prescribed area of the Falkland Islands,

either unconditionally or subject to compliance with any conditions specified in building regulations.

Breach of building regulations

Penalty for contravening building regulations.

7. A person who contravenes any provision contained in building regulations, other than a provision designated in the regulations as one to which this section does not apply, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 5 on the standard scale and to a further fine not exceeding £50 for each day on which the default continues after he is convicted.

Removal or alteration of offending work.

8.(1) If any work to which building regulations are applicable contravenes any of those regulations, the Committee, without prejudice to any power under section 7 or any other provision of law to bring criminal proceedings, may by notice require the owner -

(a) to pull down or remove the work; or

(b) if he so elects, to effect such alterations in it as may be necessary to make it comply with the regulations.

(2) If, in a case where the Committee are by any provision of building regulations expressly required or authorised to reject plans, any work to which building regulations are applicable is executed -

(a) without plans having been deposited;

(b) notwithstanding the rejection of plans; or

(c) otherwise than in accordance with any requirements subject to which the Committee passed the plans,

the Committee may by notice to the owner -

(i) require him to pull down or remove the work; or

(ii) require him either to pull down or, if he so elects, to comply with any other requirements specified in the notice, being requirements that they might have made under building regulations as a condition of passing plans.

(3) If a person to whom a notice has been given under subsection (1) or (2) fails to comply with the notice before the expiration of 28 days, or such longer period as the Governor may on his application allow, the Crown may -

(a) pull down or remove the work in question; or

(b) effect such alterations in it as the Committee deem necessary,

and the Attorney General in the name of and on behalf of the Crown may recover from him the expenses reasonably incurred in so doing.

(4) A notice under subsection (1) or (2) (a "section 8 notice") shall not be given after the expiration of 12 months from the date of the completion of the work in question.

(5) A section 8 notice shall not be given, in a case where plans were deposited and the work was shown on them, on the ground that the work contravenes any building regulations or, as the case may be, does not comply with the Committee's requirements if -

(a) the plans were passed by the Committee; or

(b) notice of their rejection was not given within two months from their deposit,

and if the work has been executed in accordance with the plans and any requirement made by the Committee as a condition of passing the plans.

(6) This section does not affect the right of the Attorney General (in the name of and on behalf of the Committee or in the name of and on behalf of the Crown) or the right of any other person to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any regulation or provision of this or any other Ordinance; but if -

(a) the work is one in respect of which plans were deposited;

(b) the plans were passed by the Committee, or notice of their rejection was not given within two months from their deposit,

the court on granting the injunction may order the Crown to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall, if the Attorney General is not already a party to the proceedings, cause the Attorney General to be joined as a party to them in the name of and on behalf of the Crown.

9.(1) A person aggrieved by the giving of a section 8 notice may appeal to the Governor by notice in writing. *Appeal against section 8 notice.*

(2) Subject to subsection (3), on an appeal under this section the Governor shall -

(a) if he is advised by the Attorney General that the Committee were entitled to give the notice, confirm the notice; and

(b) in any other case, give the Committee a direction to withdraw the notice.

(3) If, in a case were the appeal is against a notice under section 8(2), the Governor -

(a) is advised by the Attorney General that the Committee were entitled to give the notice; but

(b) is satisfied that in all the circumstances of the case the purpose for which the regulation contravened was made has been substantially achieved,

the Governor may direct the Committee to withdraw the notice.

(4) An appeal under this section shall be brought within 28 days of the giving of the section 8 notice, and the notice of appeal shall -

(a) state whether it is alleged that the Committee had no power to give the section 8 notice and, if so alleged, the grounds on which it is so alleged; and

(b) if it is not alleged that the Committee had no power to give the section 8 notice, and the notice was given under section 8(2), the reasons on the basis of which the appellant asks the Governor to be satisfied that in all the circumstances of the case the purpose of the regulation contravened has been substantially achieved so that he may, if he sees fit, direct the Committee under subsection (3) of this section to withdraw the notice.

(5) Where an appeal is brought under this section -

(a) the section 8 notice is of no effect pending the final determination or withdrawal of the appeal; and

(b) section 8(3) has effect in relation to that notice as if after the words "28 days" there were inserted the words "(beginning, in a case where an appeal is brought under section 9, on the date when the appeal is finally determined or, as the case may be, withdrawn)".

10.(1) Subject to subsection (2), where a person is aggrieved by a decision of the Governor under section 9, he may, within 28 days of the notification of that decision to him, appeal to the Supreme Court. *Further Appeal to Supreme Court.*

(2) The Committee has no right of appeal to the Supreme Court against a direction of the Governor that it shall withdraw a section 8 notice.

(3) The Supreme Court may order that the operation of a section 8 notice which was the subject of the appeal to the Governor under section 9 and is the subject of an appeal to it shall be stayed pending the final determination or, as the case may be, withdrawal of the appeal to it under subsection (1) of this section, but unless it so orders the operation of the section 8 order is not stayed.

(4) Where the Supreme Court makes an order of the kind to which subsection (3) relates, section 9(5) has effect as if -

(a) the reference in it to an appeal under section 9 were a reference to an appeal under this section; and

(b) the reference in paragraph (b) of that subsection (modification of section 8(3)) to section 9 were a reference to this section.

Application to the Crown

Application to the Crown.

11.(1) Except as provided by section 5 and by building regulations, the requirements of building regulations and continuing requirements apply to the Crown in the same way as they apply to other persons -

(a) whether or not the work carried out by or on behalf of the Crown is to or in relation to a building owned or occupied or intended to be owned or occupied by the Crown;

(b) in the case of continuing requirements, if the building is owned or occupied by the Crown.

(2) Where a section 8 notice has been given by the Committee in respect of work carried out by or on behalf of the Crown, the Director of Public Works may within 28 days of the giving of the notice request the Governor to direct the Committee to withdraw the notice, but the Governor shall not give any such direction unless he is satisfied -

(a) that the Committee had no power to give the notice; or

(b) in the case of a notice served under section 8(2), that in all the circumstances of the case the purpose for which the regulation contravened was made has been substantially achieved.

(3) The Crown shall have no right of appeal under section 9 and no appeal shall lie from the decision of the Governor on request under subsection (2) of this section.

(4) Where a request has been made under subsection (2) of this section, section 9(5) shall have effect as if the request were an appeal under section

Further powers to make regulations

Regulations.

12.(1) The Governor may make regulations -

(a) requiring the keeping by or on behalf of the Committee registers as to notices and certificates given to or by or on behalf of the Committee;

(b) the inspection of any such register by members of the public;

(c) prescribing the form of any notice, certificate or other document which it is necessary or convenient to prescribe for the purposes of this Ordinance or of building regulations.

(2) The Governor may by regulations revoke all or any of the by-laws 5 to 44 of the Board of Health By-laws ("the Building By-laws").

Repeal and Transitional Provisions

13. Section 18(1)(ii) of the Public Health Ordinance shall continue to have effect until the date upon which building regulations first made under section 3 of this Ordinance came into operation and on that date the said section 18(1)(ii) is repealed by this section. *Repeal.*

14. Notwithstanding the prospective repeal of section 18(1)(ii) of the Public Health Ordinance by section 13 of this Ordinance - *Transitional.*

(a) any approval of any plans of a building deposited pursuant to Building By-laws given or made within the four years immediately preceding that repeal shall for all purposes have effect as if the same had been approved on the date of commencement of the building regulations first made under this Ordinance, pursuant to those regulations; and

(b) any works which -

(i) would not have required any such approval or consent under the Building By-law; and which are reasonably necessary properly to complete any building substantially commenced prior to such repeal; and

(ii) which are also wholly carried out within a period of two years from that date of commencement, or such greater period as the Governor may allow,

may lawfully be carried out and completed, and no section 8 notice may be given in respect of those works.

SCHEDULE (section 3(3))
Permitted contents of Building Regulations

1. Building regulations may provide for particular requirements of the regulations to be deemed to be complied with where prescribed methods of construction prescribed types of materials or other prescribed types of materials or other prescribed means are used in or in connection with buildings.

2. Building regulations may include provision as to -

(a) the giving of notices,

(b) the deposit of plans of proposed work or work already executed (including provision as to the number of copies to be deposited),

(c) the retention by the Committee of copies of plans deposited with them in accordance with the regulations,

(d) the inspection and testing of work,

(e) the taking of samples.

3. Without prejudice to the generality of section 3(1) of this Ordinance, building regulations may -

(a) for any of the purposes mentioned in section 3(1) of this Ordinance make provision with respect to any of the following matters -

(i) preparation of sites,

(ii) suitability, durability and use of materials and components (including surface finishes),

(iii) structural strength and stability, including -

(a) precautions against overloading, impact and explosion,

(b) measures to safeguard adjacent buildings and services,

(c) underpinning,

(iv) fire precautions, including -

(a) structural measures to resist the outbreak and spread of fire and to mitigate its effects,

(b) services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire-fighting,

(c) means of escape in case of fire and means for securing that such means of escape can be safely and effectively used at all material times,

(v) resistance to moisture and decay,

(vi) measures affecting the transmission of heat,

(vii) measures affecting the transmission of sound,

(viii) measures to prevent infestation,

(ix) measures affecting the emission of smoke, gases, fumes, grit or dust or other noxious or offensive substances,

(x) drainage (including waste disposal units),

(xi) cesspools and other means for the reception, treatment or disposal of foul water,

(xii) storage, treatment and removal of waste,

(xiii) installations utilising solid fuel, oil, gas, electricity or any other fuel or power (including appliances, storage tanks, heat exchangers, ducts, fans, and other equipment),

(xiv) water services (including wells and bore-holes for the supply of water) and fittings and fixed equipment associated therewith,

(xv) telecommunications services (including telephones),

(xvi) lifts, escalators, hoists, conveyors and moving footways,

(xvii) plant providing air under pressure,

(xviii) standards of heating, artificial lighting, mechanical ventilation and air-conditioning and provision of power outlets,

(xix) open space about buildings and the natural lighting and ventilation of buildings,

(xx) accommodation for specific purposes in or in connection with buildings, and the dimensions of rooms and other spaces within buildings,

(xxi) means of access to and egress from buildings and parts of buildings,

(xxii) prevention of danger and obstruction to persons in and about buildings (including passers-by),

(xxiii) matters connected with or ancillary to any of the foregoing matters.

(b) require things to be provided or done in connection with buildings (as well as regulating the provision or doing of things in or in connection with buildings),

(c) prescribe the manner in which work is to be carried out.

4.(1) Building regulations may be made with respect to -

(a) alterations and extensions of buildings and of services, fittings and equipment in or in connection with buildings,

(b) new services, fittings or equipment provided in or in connection with buildings,

(c) buildings and services, fittings and equipment in or in connection with buildings, so far as affected by -

(i) alterations or extensions of buildings, or

(ii) new, altered or extended services, fittings or equipment in or in connection with buildings,

(d) the whole of a building, together with any services, fittings or equipment provided in or in connection with it,

(e) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases were the purposes for which or the manner or circumstances in which a building or part of a building is used change or changes in a way that constitutes a material change of use of the building or part within the meaning of the expression "material change of use" as defined for the purposes of this paragraph by building regulations.

(2) So far as they relate to matters mentioned in sub-paragraph (1) of this paragraph building regulations may be made to apply to or in connection with buildings erected before the date on which the regulations came into force but, except as aforesaid (and subject to section 4(2) of this Ordinance, shall not apply to buildings erected before that date.

5. Building regulations may prescribe the form of any notice or certificate to be given under the provisions of building regulations.

6. Building regulations may provide for any notice or certificate to be given to or by any person or to or by the Committee to be given to or by any public officer named or described therein for and on behalf of the Committee.

7. Building regulations may provide for the composition of the Committee when exercising functions as to the approval or rejection of plans thereunder.

8. Building regulations may revoke amend or replace any building regulations previously made under the provisions of section 3 of this Ordinance and may contain such transitional provisions related to any such revocation, amendment or replacement as the Governor thinks expedient.

9. Building regulations may provide for such incidental or supplementary matters as the Governor thinks expedient.

OBJECTS AND REASONS

To enable the out of date existing Building By-laws to be replaced by more modern and suitable provisions and to provide for enforcement of the new building laws and connected matters.

DRAFT

OF

THE LOCAL BUILDING CODE

FOR

FALKLAND ISLANDS

(REVISED EDITION)

INDEX TO DRAFT LOCAL BUILDING CODE

PART I

APPLICATION AND ADMINISTRATION

RESTRICTION ON BUILDING OPERATIONS AND CHANGE OF USE

1. Except where such buildings and work are exempt as described in Regulation 4 and the Second Schedule to these regulations, no person shall:-

a. carry out building operations for the alteration, erection, extension of or the installation of fittings in connection with a building; or

b. change the use of a building in accordance with the provisions of Regulation 2 to Part XIX (Alterations, Extensions, and Change of Use);

save under and in accordance with a Building Permit granted by the Committee as defined in Section 2(1) of the Building Control Ordnance.

APPLICATION FOR BUILDING PERMIT

2. An application for a Building Permit shall be in writing and shall be submitted to the Committee together with the particulars, information and documents specified in the First Schedule to these regulations, and such other information as the Committee may in any particular case require.

DRAWINGS TO BE IN TRIPLICATE AND TO BE SIGNED

3. Drawings, descriptions and specifications submitted under Regulation 2 of this Part shall be in triplicate and signed on each sheet thereof by the applicant or any person authorised by him in that behalf, and one copy of every such drawing or document shall be retained by the Committee and shall become the property of the Committee.

EXEMPT BUILDINGS AND WORK

4. Except insofar as a written description accompanied by a proportionate sketch to show the size and siting of the building and work is to be submitted to the Building Control Surveyor at least seven working days before commencement thereof, these Regulations do not apply to:-

a. the erection of any building described in Classes I to VI in the Second Schedule hereto;

b. the carrying out of any work to or in connection with such a building, if after the carrying out of that work it is still a building described in one of those Classes;

c. any work described in Class VII in the Second Schedule hereto; or

d. the siting of any manufactured residential unit described in Class VIII in the Second Schedule hereto subject to the provisos therein.

NOTIFICATION OF COMMENCEMENT

5. Whenever any building operations are about to commence, the person who intends to carry out that work shall, not less than forty-eight hours prior to the commencement thereof, notify the Building Control Surveyor in writing, or by such other means as they may agree, of the date and time of such commencement.

NOTIFICATION AT INTERMEDIATE STAGES OF WORK

6. In the case of building operations within 10 km from the spire of Christchurch Cathedral, Stanley, the person carrying out building operations shall also and similarly notify the Building Control Surveyor of:-

a. the covering up of any excavation for a foundation, any foundation, and any damp proof course, at least twenty-four hours beforehand;

b. the haunching or covering up in any way of any drain or private sewer to which these regulations apply, at least twenty-four hours beforehand; and

c. 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, nor more than seven days after it has been carried out, at which time that person shall place a suitable test on the drain or private sewer for the Building Control Surveyor to witness and establish compliance with the provisions of these regulations.

RIGHT TO INSPECT

7. The Building Control Surveyor shall have the right to inspect any building in respect of which a Building Permit has been granted under these regulations at any time and without prior notice during the course of such work being carried out.

NOTIFICATION ON COMPLETION

8. A person carrying out work shall notify the Building Control Surveyor in writing, or by such other means as they may agree, of:-

a. the erection of a building, not more than seven days after completion, or (if a building or part of a building is to be occupied before completion) not less than seven days before occupation as well as not more than seven days after completion, and shall obtain from the Building Control Surveyor before the building is occupied a certificate in writing that the building in his opinion is in every respect fit for occupation, and in the case of a dwellinghouse fit for human habitation;

b. the completion of any other work, not more than seven days after such completion.

PROCEDURE ON FAILURE TO GIVE NOTICE

9. If the person carrying out the work does not inform the Building Control Surveyor in accordance with Regulations 6 and 8 of this Part, he shall comply with any notice in writing from the Building Control Surveyor requiring him within a reasonable time to cut into, lay open, or pull down so much of the work as prevents him from ascertaining whether any of these regulations has been contravened.

PART II

MATERIALS, SAMPLING MAINTENANCE AND DURABILITY OF BUILDING PARTS

MATERIALS

1. Any materials used:-

a. in the erection of a building;

b. in the structural alteration or extension of a building;

c. in the execution of works or the installation of fittings, being works or fittings to which any provision of these Regulations apply; or

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 and conditions in which they are used;

ii. adequately mixed or prepared; and

iii. applied, used or fixed so as adequately to perform the functions for which they are designed.

2. The use of any material or any method of mixing or preparing materials or of applying, using or fixing materials which conforms to 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 this regulation if the use of that material or method is appropriate to the purpose for and conditions in which it is used.

3. Where any reference is made in these Regulations to a material, component, design, construction or method of operation complying with a British Standard or Code of Practice, or Regulations issued by the Institution of Electrical Engineers, as the case may be, 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 Institute and the Institution of Electrical Engineers.

SAMPLING

4. The Building Control Surveyor may take such samples of the material to be used in the carrying out of building work as may be necessary to enable him to ascertain whether such materials comply with the provisions of these regulations.

MAINTENANCE

5. All buildings shall be maintained in a safe and sanitary state. The owner shall be responsible for ensuring that his building is properly maintained.

DURABILITY

6. The several parts of every building and all fittings and installations necessary to render every building fit to comply with the requirements of these Regulations shall be constructed of materials of sufficient durability for the conditions to which they will be subjected and put together and, where necessary, protected in such a way that the durability of the materials is not impaired.

PART III

STRUCTURAL STABILITY

GENERAL

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

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.

IMPOSED AND WIND LOADS

2. In assessing whether a building complies with Regulation 1 of this Part 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 intended.

MOVEMENT OF SUBSOIL

3. Every building shall be so constructed that movements of the subsoil caused by swelling, shrinking or freezing will not impair the stability of any part of the building.

RESISTANCE TO SULPHATES ETC

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 IV

RESISTANCE TO MOISTURE AND SITE PREPARATION

GENERAL

1. With the exception of any building which is intended to be used wholly for the storage of non-perishable goods or goods which would not be affected by rain or snow or for the accommodation of plant and machinery and in which the only persons habitually employed are engaged solely in the general care, supervision, regulation, maintenance, storage or removal of such goods, plant or machinery, in every building:-

(a) the site shall be effectively cleared of turf and other vegetable matter;

(b) the parts of the building as are next to the ground shall have a floor which is so constructed as to:-

i. prevent the passage of moisture from the ground to the upper surface of the floor;

ii. prevent 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 which is used in its construction and is of such a nature as to be liable to be adversely affected by such moisture; or

ii. to the inside of the building;

(d) any external wall, including any parapet, pier or column forming part of an external wall, and any 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 to the inside of the building.

ROOFS

2. In every building the roof 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 AND OFFENSIVE SUBSTANCES

3. Precautions shall be taken to avoid danger to health caused by substances found on or in the ground to be covered by the building.

SUBSOIL DRAINAGE

4. Subsoil drainage shall be provided if it is needed to avoid:-

a. the passage of ground moisture to the interior of the building; or

b. damage to the fabric of the building.

PART V

ACCOMMODATION AND HYGIENE

GENERAL PROVISIONS FOR DWELLINGS

1. Every dwelling, which includes a house, flat or maisonette, shall have at least one closet, which may use chemicals or other means of treatment where there is no suitable water supply or means of disposal of foul water, one washbasin, one fixed bath or shower and one sink.

CLOSETS, HAND BASINS AND HOT WATER SUPPLY IN DWELLINGS

2. In every dwelling:

a. the space containing the closet is to be separated by a door from a space used for the preparation of food, which space includes a kitchen and a place where washing up is done.

b. a washbasin is to be located either in the room in which the closet is installed or in the room adjacent to the closet;

c. there shall be a suitable installation for the provision of hot and cold water to the bath or shower and to the washbasin and sink.

CAPABILITY OF APPLIANCES TO BE EFFECTIVELY CLEANED

3. The design of every closet, and urinal where installed, or washbasin shall be such that the surface is smooth and non-absorbent and capable of cleansing the receptacle effectively with no part of the receptacle connected to any pipe other than a flush pipe or the branch pipe into which it discharges.

DISCHARGE OF CLOSET AND URINAL

4. Every closet and urinal fitted with flushing apparatus shall discharge through a trap and branch pipe into a discharge stack or a drain, except that a urinal shall first discharge through a grating above the trap.

MACERATOR AND PUMP INSTALLATION

5. A closet fitted with a macerator and pump may be installed when it shall be connected to a small bore branch discharge pipe discharging to a discharge stack provided that:-

a. there is also access to a closet discharging directly to a gravity system; and

b. the macerator, pump and small bore system are the subject of a current British Board of Agrément Certificate and the conditions of use are in accordance with the terms of that Certificate.

DISCHARGE OF WASTE APPLIANCES

6. Every bath, shower and washbasin shall discharge through a trap and branch discharge pipe to a discharge stack, except that where the washbasin is located on the ground floor it may discharge into a gully or direct to a drain, provided that a bath or shower may be connected to a macerator or pump small bore drainage system which is the subject of a current British Board of Agrément Certificate and the conditions of use are in accordance with the terms of that Certificate.

PART VI

MEANS OF VENTILATION

GENERAL

1. Every building and its several compartments shall be adequately ventilated for the people within it, having regard to the use for which the building and the individual compartments of the building are intended.

VENTILATION OF DWELLINGS

2. In the case of dwellings, and spaces within any building containing two or more dwellings which are used solely or principally with those dwellings, the following standards shall be complied with:-

a. Every habitable room, being a room used for dwelling purposes and including a kitchen, shall have:-

i. for the provision of rapid ventilation, one or more ventilation openings direct to the external air with a total area of at least 1/30th of the floor area of the room and with some part of that at least 1.75 m above the floor level; and

ii. for the provision of background ventilation, a ventilation opening (or openings) having a total area of not less than 4,000 sq mm such as a trickle ventilator with controllable opening(s) which are both secure and located so as to avoid undue draughts.

b. A habitable room may be ventilated through an adjoining space if:-

i. the adjoining space is a conservatory or similar space having either a wholly translucent roof or a roof with a translucent panel of not less width than the width of the enclosed window to the full depth of the roof; and

ii. there is an opening (which may be closable) between the room and the space with an area not less than 1/30th of the combined floor areas of the room and space; and

iii. there are one or more ventilation openings with a total area of at least 1/30th of the combined floor areas of the room and space and with some part of the ventilation opening at least 1.75 m above the floor level; and

iv. for background ventilation there are ventilation openings to the space and openings between room and space, each having a total area not less than 4,000 sq mm and located so as to avoid undue draughts.

c. Every room or space containing one or more chemical or water closets or urinals and every bathroom, including a shower-room shall have either:-

i. for the provisions 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 m above the floor level; or

ii. mechanical extract ventilation, capable of extracting air at a rate not less than 3 air-changes per hour, which shall be operated intermittently with 15 minutes over-run and discharges directly into the external air.

Where the sanitary accommodation contains one or more cubicles, this counts as a single space if there is free circulation of air throughout the space.

d. Every common space in buildings containing two or more dwellings shall be ventilated by ventilation opening(s) with a total area of at least 1/50th of the floor area of the common space or communicating common spaces. Where the common space is wholly internal, and is used for access only, there shall be provision of mechanical extract ventilation capable of one air-change per hour.

INTERPRETATION OF THIS PART

3. A ventilation opening is defined as including any means of ventilation (whether it is permanent or closable) which opens directly to external air, such as the openable parts of a window, a louvre, airbrick, progressively openable ventilator, or window trickle ventilator. It also includes any door which opens directly to external air. Ventilation openings shall have a smallest dimension of at least 8 mm other than in a screen, facia, baffle or the like so as to minimise resistance to the flow of air.

PART VII

STAIRWAYS, LANDINGS AND BALCONIES IN SINGLE DWELLINGS

STAIRWAYS AND LANDINGS

1. Every stairway in a single dwelling shall comply with the following requirements:-

a. pitch not to exceed 42 degrees;

b. each flight shall have a uniform rise and going and level treads;

c. the dimensions of each step shall be such that the aggregate of the going and twice the rise shall be not less than 550 mm nor more than 700 mm, with the height of rise between 75 and 220 mm and the going not less than 220 mm;

d. where open risers are incorporated the treads shall overlap each other by not less than 16 mm and shall be so constructed that a 100 mm diameter sphere cannot pass through them;

e. a handrail positioned at between 900 mm and one metre measured vertically above the pitch line shall be provided if the width of the flight is less than one metre, but if more than one metre in width then handrails shall be provided on both sides at that height;

f. a clear headroom shall be provided of at least 2 metres measured vertically off the pitch line over the length and width of the stairway;

g. except where the drop is less than 600 mm, 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 minimum height 900 mm above such stairs and landing;

(ii) able to resist a horizontal force of 0.36 kN for each metre of length at the height in (i) above;

(iii) so constructed that a 100 mm diameter sphere cannot pass through any openings therein nor children be readily able to climb up it;

(iv) where constructed with any glazing below the height in (i) above, that glazing to conform to the requirements of Part XVII of these Regulations (Glazing - Materials and Protection);

(h) at the top and bottom of the stairway 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 mm is left clear and unobstructed measured from the nosing of the lowest tread.

INTERPRETATION OF THIS PART

2. In this Part "pitch line" shall mean a notional line drawn from the floor or landing below a stairway which connects the nosings of all the treads in a flight of stairs.

EXISTING STAIRWAY REPOSITIONED

3. Where in the course of carrying out alterations to a single dwelling the existing stairway is repositioned, this Part shall not apply where such work would not cause a new or greater contravention in the building as altered.

BALCONIES ETC

4. Every balcony, platform, roof or other external area to which any person habitually has access from the single dwelling for any purpose other than maintenance or repair and which is above the uppermost level of the ground storey of the single dwelling, shall have a balustrade, parapet or railing which shall be:-

(a) not less than 1.1 metre in height;

(b) capable of resisting a horizontal force of 0.74 kN for each metre of length at the height given in (a) above;

(c) where glazed below the height given in (a) above, that glazing to conform to the requirements of Part XVII of these Regulations (Glazing - Materials and Protection); and

(d) constructed so that a 100 m diameter sphere cannot pass through any openings in it, nor children be readily able to climb up it.

PART VIII

CONSERVATION OF FUEL AND POWER

GENERAL

1. Except where a building of commercial, industrial or storage use requiring only a low or nil level of heating due to the nature of that intended use, there shall be provision for the conservation of fuel and power in buildings by construction which includes the following or is the equivalent thereof:-

a. in the case of exposed walls: a timber frame with internal and external cladding having not less than 100 mm of mineral fibre quilting;

b. in the case of roofs: not less than 150 mm of mineral fibre quilting;

c. in the case of ground floors in dwellings only: not less than 50 mm mineral fibre quilting;

d. in the case of roof lights and windows other than display windows in shops, but which shall include external doors with 1 sq m or more of glazing: single-glazing, or double-glazing with less than 12 mm between glass panes, with such glazed areas not to exceed 15% of the total floor area (as measured between the finished internal faces of of the building).

Provided that where double-glazing is installed with glass panes separated by either:-

i. a 12 mm hollow spacer frame containing desiccant; or

ii. a pre-extruded, butyl-based tape with integral aluminium strip and desiccant dispersed in the tape, such separator giving not less than 12 mm between the panes;

then these glazed areas may be increased but shall not exceed 30% of the total floor area, except where triple-glazing or double-glazing coated with low emissivity coating is used when 45% of the total floor area shall be allowed.

SMALL EXTENSIONS TO DWELLINGS

2. Where a dwelling is to be extended, provided that the floor area of the extension does not exceed 10 sq m then it shall be acceptable for the new construction to be similar to the existing construction.

CONTROLS ON SYSTEMS FOR HEATING

3. Except where heat is provided by a solid fuel-burning appliance, there shall be provided controls for space heating and hot water supply systems which shall conform to the following:-

a. in the case of dwellings, heating controls in the form of either a room thermostat, thermostatic radiator valves, or an equivalent form of sensing device;

b. in the case of buildings other than dwellings:-

i. heating controls in the form of thermostats or thermostatic radiator valves, or an equivalent form of sensing device, for each part of the space heating system designed to be separately controlled;

ii. where the system uses hot water then an external temperature sensing device to regulate the temperature of the water flowing in the heating circuit shall be fitted;

iii. intermittent heating controls to maintain the required temperature only when the building is normally occupied, such as a clock control capable of being manually set to give start and stop times;

iv. boiler controls to achieve efficient operation where two or more oil-fired boilers with a total load more than 100 kW supply the heat demand, such as a sequence control capable of detecting variations in the need for heat in the building and so start, stop or modulate the boilers as needed.

c. in the case of all buildings, there shall be provided for hot water storage vessels:-

i. a thermostat to keep the water at the required temperature; and

ii. a time switch to shut off the supply of heat when there is no hot water demand and the vessel has a capacity, in excess of 150 litres.

INSULATION OF VESSELS, PIPES AND DUCTS

4. Except where the storage and piping systems are for commercial and industrial processes, there shall be provided insulation of hot water storage vessels, pipes and ducts, unless the heat loss from a pipe or duct contributes to the useful heat requirement of a room or space when such insulation may be omitted. The insulation of hot water storage vessels shall be such as to limit in use the heat loss to 90 watts per sq m, and where an insulating jacket is to be used the segments of the jacket shall be taped together so as to provide an unbroken insulation cover for the vessel. The insulation for pipes shall have a thermal conductivity not greater than 0.045 watts per metre Kelvin and thickness equal to the outside diameter of the pipe up to a maximum of 40 mm. The insulation for ducts shall comply with the recommendations of BS5422:1977, a copy of which shall be kept for inspection at the Public Works Department.

PART IX

RESISTANCE TO THE PASSAGE OF SOUND

1. A wall shall have reasonable resistance to airborne sound where it:-

   a. separates a dwelling from another building or from another dwelling; or

   b. separates a habitable room (being a room used for dwelling purposes and including a kitchen or scullery) within a dwelling from another part of the same building which is not used exclusively with the dwelling, except that a wall separating a habitable room within a dwelling from another part of the same building (if that part is used only for the inspection, maintenance or repair of the building, its services or fixed plant or machinery) is not so required to have such reasonable resistance to airborne sound.

2. A floor or a stair which separates a dwelling from another dwelling, or from another part of the same building which is not used exclusively with the dwelling, shall have reasonable resistance to airborne sound, except that a floor which separates a dwelling from another part of the same building (if that part is used only for the inspection, maintenance or repair of the building, its services or fixed plant or machinery) is not so required to have such reasonable resistance to airborne sound.

3. A floor or a stair above a dwelling which separates it from another dwelling, or from another part of the same building which is not used exclusively with the dwelling, shall have reasonable resistance to impact sound, except that a floor which separates a dwelling from another part of the same building (if that part is used only for the inspection, maintenance or repair of the building, its services or fixed plant or machinery) is not required to have such reasonable resistance to impact sound.

PART X

DANGEROUS BUILDINGS

NOTICE OF REMEDIAL WORK ETC

1. (a) Where the Building Control Surveyor is of the opinion that any building is a dangerous building he may cause a notice to be served on the owner, if known, and on the occupier, if any, requiring such owner and occupier, if any, to take such action in relation to the dangerous building as may be specified in the notice.

(b) When the action required in a notice under sub-regulation (a) includes immediate action for the protection of the public and the owner or occupiers fails to take such action immediately, the Building Control Surveyor shall forthwith take all reasonable precautions for the protection of the public by means of fencing or otherwise, and the cost of such work shall be payable by the owner and shall be recoverable at the suit of the Building Control Surveyor as an ordinary civil debt.

(c) Where any owner or occupier on whom a notice is served under this regulation fails within fourteen days of the service of the notice to comply with the terms of the notice, and in any case where the owner or occupier of a dangerous building cannot be found, the Building Control Surveyor may cause such repairs to be carried out in relation to the building as he may consider necessary to render the building safe, and the cost of such work shall be payable by the owner and shall be recoverable at the suit of the Building Control Surveyor as an ordinary civil debt.

NOTICE REQUIRING DEMOLITION

2. Where the Building Control Surveyor is satisfied that, due to a structural defect or other like cause, the condition of any dangerous building is such that it cannot be repaired and will continue to be a danger to the public, the Building Control Surveyor may direct in any notice served under regulation 1 of this Part that the building shall be demolished within such period as may be so specified.

CLOSURE ORDER

3. (a) Where the Building Control Surveyor is of the opinion that any building is or is liable to become dangerous he may apply to the Magistrates' Court for an order (herein referred to as a "closure order") directing that such building be closed.

(b) The Building Control Surveyor shall serve seven days' notice of his intention to apply for a closure order to the owner, if known, and to the occupier, if any, of the building to which the application relates:

Provided that in case of emergency the Building Control Surveyor may give such notice for the purposes of this regulation as may be practicable or possible in the circumstances of the case.

(c) Where the Court is satisfied upon application under this regulation that any building is or is liable to become dangerous and that notice has been served upon the owner or occupier as required by sub-regulation (b), the Court may make a closure order directing:-

(i) that the building specified in the order shall be closed at such time and on such date as may be so specified and shall remain closed for as long as the order continues in force;

(ii) that the closure of the building specified in the order shall be carried out under the supervision of a police officer in such manner as may be so specified;

(iii) that the closure order shall continue in force until the Building Control Surveyor certifies in writing that the building specified in the order has ceased to be dangerous.

OCCUPATION OF BUILDING THE SUBJECT OF CLOSURE ORDER

4. No person shall occupy any building while a closure order is in force in respect thereof.

PART XI

STRUCTURAL FIRE PRECAUTIONS FOR SMALL DWELLINGS

INTERPRETATION OF THIS PART

1. In this Part:-

Small Dwelling means:

A dwelling for single family use of not more than two storeys having a total floor area (as measured by external measurement of the perimeter walls of each, if more than one, storey) not exceeding 1,507 sq ft being the equivalent of 140 sq metres, provided that where the second storey is wholly or partly within the roof of the building then the floor area of that storey shall be measured by external measurement of the walls forming the accommodation at that level.

Relevant Boundary means:

In relation to a side or external wall of a building, that part of the boundary of the premises adjacent to that side or wall and either coincides with, is parallel to, or is at an angle of not more t' 80 degrees with that side or wall. Where the boundary of the land belonging to the building abuts a road or a watercourse, then the relevant boundary shall be taken as the centreline of that road or watercourse.

Unprotected area means:

In relation to an external wall or side of a building;

a. a window, door or other opening;

b. any part of the external wall which has less than 30 minutes fire resistance;

c. any part of the external wall which has combustible material more than 1 mm thick as its external surface, provided that for the purposes of calculating the permitted limits of unprotected area if the wall has 30 minutes fire resistance then the combustible area of that part shall counted as having only half the actual area.

Provided also that in calculating the permitted limits of unprotected area no account shall be taken of an opening not exceeding 0.1 m² which is not less than 1.5 m from any other unprotected area in the same side of the building, or one or more openings having an area (or if more than one, an aggregate area) not exceeding 1.0 m² which is not less than 4.0 m from any other unprotected area in the same side of the building.

FIRE RESISTANCE GENERALLY

2a. Every element of structure, as defined below, shall be so constructed as to have not less than 30 minutes period of fire resistance with the following exceptions:

i. a wall separating a small dwelling from another dwelling to which it is attached shall have a period of fire resistance of not less than 60 minutes;

ii. a wall or floor separating a small dwelling from another part of the same building with a non-domestic use

shall have a period of fire resistance of not less than 60 minutes, except that the use of part of a small dwelling not exceeding 50 square metres total area by the occupant of that dwelling in a professional or business capacity as a surgery, consulting room, offices or other accommodation shall be permitted without such fire resisting separation being provided;

iii. part or parts of an external wall which are non-load-bearing and may be treated as unprotected areas.

b. 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 and independent testing authority.

c. Elements of structure shall be:-

i. any member forming part of the structural frame of a building or any beam or column, but not a member forming part of a roof structure only;

ii. a load-bearing wall or load-bearing part of a wall;

iii. a floor other than the lowest floor of a building, and shall include a compartment floor constructed to separate the small dwelling from another part of the same building with a non-domestic use;

iv. a gallery;

v. an external wall;

vi. a separating wall; and

vii. a compartment wall constructed to separate the small dwelling from another part of the same building with a non-domestic use.

EXTERNAL WALLS NOT LESS THAN ONE METRE FROM BOUNDARY AND UNPROTECTED AREAS

3a. Every external wall or side of a small dwelling sited not less than one metre from any point on the relevant boundary shall be positioned at the following minimum distance from the relevant boundary in relation to the maximum total area of unprotected areas in that side of the building:-

MINIMUM DISTANCE BETWEEN SIDE OF BUILDING AND RELEVANT BOUNDARY	MAXIMUM TOTAL AREA OF UNPROTECTED AREAS IN SQUARE METRES
1m	5.6
2m	12
3m	18
4m	24
5m	30
6m	NO LIMIT

b. Every part of the external wall or side of a small dwelling which is in excess of the maximum unprotected area allowed under a. above shall be fire-resisting for a period of 30 minutes.

EXTERNAL WALLS WITHIN ONE METRE OF BOUNDARY

4. Every external wall or side of a small dwelling which is sited less than one metre from any point on the relevant boundary shall:-

a. be fire-resisting for a period of 30 minutes;

b. not have combustible material more than 1 mm thick as its external surface; and

c. have no unprotected areas other than an opening not exceeding 0.1 m^2 which is not less than 1.5 m from any other unprotected area permitted by this sub-regulation in the same side of the building, or one or more openings having an area (or if more than one, an aggregate area) not exceeding 1.0 m^2 which is not less than 4.0 m from any other unprotected area permitted by this sub-regulation in the same side of the building.

FIRE RESISTANCE OF WALLS AND FLOORS

5. Where any part of an external wall is less than one metre from any point on the relevant boundary the 30 minute minimum period of fire resistance for that element of structure shall be that when the element is tested to BS476: Parts 20 to 23: 1987 each side separately for stability, integrity and insulation, and when any part of an external wall is one metre or more from the relevant boundary then that minimum period of fire resistance shall be that when the element is tested from the inside only with the time for insulation reduced to 15 minutes. Every separating wall, as referred to in Regulation 2 (2) of this Part, shall achieve the required one hour period of fire resistance for stability, integrity and insulation when tested each side separately in accordance with BS476: Parts 20 to 23: 1987. Every floor being an element of structure shall achieve the required period of fire resistance for stability, integrity and insulation when exposed to fire from the underside in accordance with BS476: Parts 20 to 23: 1987.

ROOFS

6. Every roof of a small 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, and a roof shall be deemed to satisfy this requirement 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 rooflights are of unwired glass not less than 4 mm thick or of wired glass, or other material having an AA, AB or AC designation when exposed to test by fire in accordance with BS476: Part 3: 1975.

ATTACHED GARAGE

7. Any garage, other than a carport which is open on two or more of its sides, which is attached to or forms part of a small 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 mm above the level of the garage floor; 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 and the door, shutter or cover hung on hinges made of non combustible material having a melting point not less than 800°C.

SPREAD OF FLAME OVER WALLS AND CEILINGS

8. (a) In this regulation a ceiling is to be construed as that part of a building which encloses and is exposed overhead in a room or circulation space; a circulation space is to be construed as a means of access between a room and an exit from the building, and in relation to the requirement that a surface shall have the minimum classification, Class 1 shall be regarded as the highest class followed in descending order by Class 2, Class 3 and Class 4 with the surfaces complying with the test criteria as to the surface spread of flame prescribed in Clause 7 of BS476: Part 7: 1987.

(b) The internal surfaces of any wall or ceiling (including rooflights) exposed in a room or circulation space of a small dwelling shall have the following minimum classification:

i. circulation spaces, and rooms with floor area more than 4 square metres - walls and ceilings Class 1.

ii. small rooms with floor area not greater than 4 square metres - walls and ceilings Class 3.

SPECIAL PROVISIONS FOR METAL ROOFS

9. In every building where the material covering the roof consists of flat or corrugated or other deformed sheets of metal, the ceiling including any access hatches therein above the only or upper storey to a building shall be lined on the underside with 12.5 mm plasterboard or other material of equal fire resistance, but this shall not be required where the ceiling is below a pitched roof with that covering and the ceiling following the pitch of the roof.

PROVISION OF SMOKE DETECTOR

10. There shall be provided in every small dwelling erected under these regulations not less than one smoke detector of such type and placed in such location which is to the approval of the Chief Fire Officer. If in the opinion of the Chief Fire Officer that due to the room layout or the floor area of the small dwelling there shall be one or more additional smoke detectors, they shall be provided to his satisfaction.

FIRE STOPPING

11. (a) 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 and smoke within a cavity or to seal such cavity against the penetration of flame and smoke.

(b) In any element of structure, any cavity which is continuous through the whole or part of such element shall be fire-stopped:-

i. at any junction with another element of structure or with a ceiling under a roof; and

ii. in such a position that there is no continuous cavity which in any one plane exceeds 8 m in a single dimension or 23 square metres in area.

(c) 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 mm thick.

(d) 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 m by 1 m shall be formed of:-

i. 12.5 mm plasterboard; or

ii. 3 mm steel; or

iii. 38 mm timber; or

iv. cement mortar, plaster or other material of limited combustibility at least 25 mm thick.

PART XII

ELECTRICAL INSTALLATIONS

GENERAL

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, 16th Edition.

PART XIII

DRAINAGE

GENERAL PROVISIONS RELATING TO DRAINAGE

1. 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 size and gradient to ensure that it is self-cleansing, and foul water shall mean any water contaminated by soil water or waste water or both.

DISCHARGE OF SOIL AND WASTE WATER

2. Soil water (meaning water containing excreted matter) and waste water (meaning used water not being soil water) shall discharge to a public sewer, except where access to a public sewer is not reasonably practical when soil water shall discharge to a septic tank with the effluent therefrom conveyed to a soakaway or to a sewerage treatment plant and waste water shall discharge to a soakaway or to a sewerage treatment plant.

PIPES CONVEYING FOUL WATER

3. Every drain for the conveyance of foul water shall be:-

(a) constructed of durable materials:-

(b) not less than 110 mm in internal diameter and in any case not less than that of any pipe or outlet from an appliance conveying foul water to it;

(c) laid in a straight line between points where changes in direction or gradient are necessary;

(d) laid at a gradient sufficient to prevent the accummulation of solid matter in the drain;

(e) 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 of 25 mm in a period of 5 minutes for 100 mm gauge or 12 mm for a 50 mm gauge both before any covering or trench refilling is commenced and again after the refilling is complete;

(f) 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 these points of access shall be a manhole constructed in accordance with Regulation 6 of this Part sited within the curtilage of the property as close to that sewer as reasonably practical.

JUNCTION OF PIPES

4. Where a pipe carrying foul water joins another pipe carrying foul water it shall do so obliquely in the direction of flow in that other pipe.

DRAINS LAID UNDER BUILDING

5. Where any foul water drain is laid under a building it shall be laid in a straight line or, if this is impracticable, in a series of straight lines and be provided with adequate means of access for inspection and rodding of its whole length, with such means of access provided with a securely-fixed air-tight cover if within the building.

MANHOLES

6. Every manhole, being a chamber constructed on a foul water drain so as to provide access thereto for inspection and cleansing, shall be:-

(a) provided on every foul water drain so that no part of such 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 the depth so requires, with step irons or a ladder;

(e) fitted with a non-ventilating cover; and completed with suitable channels and sloping benchings.

VENTILATION OF DRAINS

7. Every foul water drainage disposal system shall be ventilated by a flow of air by the provision of a least one ventilating pipe which is:-

(a) 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 serving a group of appliances;

(b) not less than 75 mm internal diameter;

(c) to terminate in the outside air at least 900 mm above any opening into the building within 3 metres and be finished with a cage or other perforated cover which does not restrict the flow of air;

Provided that any secondary ventilating pipe may be fitted with an approved air admittance valve when it shall be located within the building and its conditions of use shall be in accordance with the terms of the Certificate issued by the British Board of Agrément.

BUILDINGS OVER SEWERS AND TRADE EFFLUENT DISCHARGE

8. No person shall, without the prior written consent of the Director of Public Works given expressly in that behalf:-

(a) erect or cause to be erected a building over a public sewer; or

(b) discharge trade effluent into a foul water drain; or

(c) make any connection to a public sewer and shall in no circumstances interfere in any way with a public drain or sewer.

PIPES CONVEYING FOUL WATER, VENTILATION PIPES

9. Every pipe above ground conveying foul water and every ventilating pipe thereto 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 mm water gauge for at least 3 minutes, during which period of time every trap shall maintain a water seal of at least 25 mm;

(c) not have any joint within the thickness of a wall through which it passes;

(d) have an internal diameter of at least 110 mm and in any case not less than that of any pipe or outlet from an appliance conveying foul water to it, except that such part of the pipe above ground which is provided for ventilation purposes only may have an internal diameter not less than 75 mm;

(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) Vertical	Horizontal	MAXIMUM EXPANSION JOINT DISTANCES 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 mm radius to centre line;

(ii) no off-sets incorporated below the topmost connection other than one which is located not less than 750 mm of a branch connection; and

(iii) the lowest connection located not less than 450 mm above the invert of the tail at the base of the discharge stack;

(h) be so designed so that a branch pipe does not discharge into it causing a crossflow 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

not more than 1.5 metres in which case no ventilation of that branch pipe shall be required.

GROUND FLOOR APPLIANCES

10. 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 this 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 SEALS IN TRAPS

11. 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

12. Every overflow pipe shall so discharge as not to cause dampness in, or damage to, any part of any building.

DISPOSAL OF RAINWATER

13. Every building to which these regulations apply shall be provided with rain-water gutters and rain-water 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 securely 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 rain-water gutters, additionally be:-

(i) so jointed in a manner appropriate to the material or materials of which it is composed as to remain watertight; and

(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 rain-water pipe which is situated within a building. additionally be:-

(i) so constructed as to be capable of withstanding an air test of positive pressure of at least 38 mm water gauge for at least 3 minutes;

(ii) be so placed as to be reasonably accessible for maintenance and repair throughout its length; and

(iii) have such means of access as are necessary to permit internal cleansing.

DISCHARGE OF RAINWATER PIPES

14. No rainwater pipe shall be directly connected to a foul water drainage disposal system but shall discharge either directly to a soakaway located within the boundary of the premises in a position 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 regulation. Every such soakaway shall be of adequate dimensions having regard to the nature of the subsoil and the amount of rainwater which is to be discharged therein.

SEPTIC TANKS

15. Septic tanks and the soakaway arrangements to which they discharge shall:-

(a) be constructed in accordance with drawings prepared or supplied by the Public Works Department or to other designs approved by that Department;

(b) be sited in a position approved in writing prior to its construction by the Chief Medical Officer and in such manner:-

(i) as not to create a risk of pollution in relation to any spring, stream, well, adit, or other source of water which is used, or is likely to be used, for drinking, domestic or kitchen or scullery purposes;

(ii) that there is ready means of access for cleansing it and removing its contents without carrying them through any building in which any person resides or is employed in any manufacture, trade or business or to which the public has access;

(iii) as not to be in such proximity to any building in which any person resides or is employed in any manufacture, trade or business or to which the public has access, as to be liable to become a source of nuisance or a danger to health; and

(iv) with regard to the soakaway, be of adequate dimensions having regard to the nature of the subsoil and the amount of effluent which is to be discharged therein.

PART XIV

WATER SUPPLY

SUPPLY TO DWELLINGS

1. Every dwelling shall be provided with a sufficient supply of water for human consumption and with a sufficient supply for other essential purposes.

STORAGE OF WATER

2. Every dwelling connected to the Government main water supply shall be provided with facilities for the storage of water sufficient to provide 24 hours' supply for the operation of all water closets in the property.

PIPEWORK SYSTEM TO BE TO SATISFACTION OF DIRECTOR OF PUBLIC WORKS

3. The system of pipework installed in every dwelling which provides a supply of water from the Government main shall be assembled and otherwise put together to the satisfaction of the Director of Public Works.

TRENCH FOR COMMON USE OF FOUL WATER PIPE AND WATER SUPPLY PIPE

4. Where a pipe for the conveyance of foul water, meaning water contaminated by soil water or waste water or both, is laid in a trench below ground which is also to accommodate a water supply pipe, that water supply pipe shall be laid so that no part is at a level below the crown of the pipe conveying foul water.

RESTRICTION ON CONNECTIONS TO WATER MAIN

5. No person shall make any connection to a Government water-main nor interfere in any way with such water-main.

PART XV

HEAT PRODUCING APPLIANCES

LIMIT OF APPLICATION

1. The regulations in this Part apply only to fixed heat-producing appliances which are designed to burn solid fuel, oil or gas, or are incinerators.

AIR SUPPLY TO APPLIANCES

2. Every heat-producing appliance shall be so installed that there is provided an adequate supply of air for combustion and for the efficient working of the chimney, and 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

3. Where the building in which any non-room-sealed heat-producing appliance is installed has an air extract fan fitted, then provision shall be made for the entry of air in sufficient quantity to satisfy the requirements of Regulation 2 above of this Part so that the appliance and flue shall operate effectively whether or not that air-extract fan is in operation.

FLUE PIPES AND CHIMNEYS

4. Every heat-producing appliance shall be connected to:-

(a) if the appliance is room-sealed, a balanced or low level flue; or

(b) a flue pipe or chimney;

and in either case shall discharge to the external air.

ACCESS TO FLUES

5. There shall be provided in every flue means for it to be inspected and cleaned, and any opening for such purpose shall have a rigid, non-combustible and gas-tight cover. No other opening may be made into a flue other than 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

6. 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 enclosed or adjacent to the appliance or its accessory.

INSTALLATION TO COMPLY WITH DRAWINGS ISSUED BY PWD

7. The general requirements for heat-producing appliances expressed in Regulations 1 to 6 inclusive of this Part shall be satisfied if the installation is carried out in accordance with the drawings for such matters that are issued from time to time by the Public Works Department.

PART XVI
STANDARDS FOR SANITARY ACCOMMODATION IN PLACES OF WORK AND BUILDINGS TO WHICH THE PUBLIC ARE ADMITTED

SANITARY ACCOMMODATION IN PLACES OF WORK

1. There shall be provided in every building where 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

N° of male Employees	WC's	Urinals	Lavatory Basins	Showers	N° of female employees	WC's	Lavatory Basins
1 - 10	1		1		1 - 10	1	1
11 - 30	1	1	2		11 - 30	2	2
31 - 45	2	1	3	1	31 - 45	3	3
46 - 60	2	2	4	1	46 - 60	4	4
61 - 90	3	2	5	1	61 - 90	5	5
91 - 120	3	3	6	1	91 - 120	6	6
121 - 150	4	3	7	2	121 - 150	7	7
151 - 180	4	4	8	2	151 - 180	8	8
181 - 210	5	4	8	2	181 - 210	9	8
211 - 240	5	5	9	2	211 - 240	10	9
241 - 270	6	5	9	3	241 - 270	11	9
271 - 300	6	6	10	3	271 - 300	12	10

SANITARY ACCOMMODATION IN PUBLIC BUILDINGS

2. (a) 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

	N° of Males	WC's	Urinals	Lavatory Basins	N° of Females	WC's	Lavatory Basins
General Use or Occupancy	1 - 30	1		1	1 - 30	1	1
	31 - 120	1	1	1	31 - 120	2	1
	121 - 240	2	1	1	121 - 240	3	2
	241 - 360	2	2	2	241 - 360	4	2
	361 - 480	2	3	2	361 - 480	5	3
	481 - 600	3	3	3	481 - 600	6	3
Service of Food or Drink	1 - 30	1		1	1 - 30	1	1
	31 - 60	1	1	1	31 - 60	2	1
	61 - 90	1	1	1	61 - 90	3	2
	91 - 120	2	2	2	91 - 120	4	2
	121 - 180	2	3	3	121 - 180	5	3
	181 - 260	3	3	3	181 - 260	6	3
	261 - 300	3	4	3	261 - 300	7	4

	Sq M of Sales Area	Male	Female
Shops, Stores, Markets	465 - 930	1 WC and 1 LB	1 WC and 1 LB
	930 - 1,400	1 WC, 1 U and 1 LB	2 WC's and 1 LB
	1,400 - 1,860	2 WC's, 1 U and 2 LB's	3 WC's and 2 LB's
	Over 1,860	2 WC's, 2 U and 2 LB's	4 WC's and 2 LB's
Petrol Stations	4 or more pumps	1 WC and 1 LB	1 WC and 1 LB

(b) In calculating the number of persons which the building or part of the building, for the purpose of this Regulation, is to be taken as being capable of holding, such occupant capacity shall be determined in accordance with the following table by dividing the area of the building or part of the building as described in Column 1 by the relevant number in Column 2.

Column 1	Column 2
Description of Room or Storey	Notional area per person in sq m
Assembly halls (movable 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, Cafes	1.1
Shops trading in the common type of consumer goods	
(a) basement and ground storeys	1.4*
(b) storeys above ground storey	1.85*
Shops specialising in more expensive or exclusive trades	7.0*
Shops for personal services including hairdressing	4.65
Stadia (without fixed seating)	0.5
Staff rooms	1.1
Studios (radio, film, TV, recording)	1.4
Warehouses	28.0
Writing Rooms	1.85

*These factors are to be applied to the gross sales floor area.

PROVISION OF SEPARATE FACILITIES

3. Where sanitary facilities for the public are required in accordance with Regulation 2 of this Part they shall be additional to and separate from the sanitary facilities required for employees by Regulation 1 of this Part and shall be provided and maintained in clean condition.

ACCESS TO SANITARY ACCOMMODATION

4. No sanitary accommodation containing water closet fittings, urinal or a chemical closet shall open directly into a room in which any person is employed in any manufacture, trade or business except through the open air or an intervening space ventilated direct to the external air and with every door leading to that space fitted with an approved self-closing device.

VENTILATION OF SANITARY ACCOMMODATION

5. (a) Every room or space containing one or more chemical or water closets or urinals shall have either:-

i. for the provisions 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 m above the floor level; or

ii. mechanical extract ventilation, capable of extracting air at a rate not less than 3 air changes per hour, which shall be operated intermittently with 15 minutes overrun and discharges directly into the external air.

(b) 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, and for the purposes of this Regulation a ventilation opening is defined as including any means of ventilation (whether it is permanent or closable) which opens directly to external air, such as the openable parts of a window, a louvre, airbrick, progressively openable ventilator, or window trickle ventilator.

PART XVII

GLAZING - MATERIALS AND PROTECTION

GLAZING IN CRITICAL LOCATIONS

1.1 Glazing in buildings which, in the case of walls and partitions is within 800 mm above floor level and in the case of a door opening is within 1.5 metres above floor level and 300 mm each side thereof, shall:-

a. be of laminated or toughened glass; or

b. resist impact without breaking by either:-

(i) the use of annealed glass within the limits for thickness and area described in Regulation 1.2 to this Part; or

(ii) the use of polycarbonate sheets or glass blocks; or

(iii) the use of small panes of annealed glass not less than 6 mm thickness having a maximum width of 250 mm 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 FOR USE OF ANNEALED GLASS

1.2 The thickness of annealed glass when used in accordance with Regulation 1.1(b)(i) to this Part shall not be less than that specified in the following table:-

MINIMUM THICKNESS	HEIGHT NOT EXCEEDING	WIDTH NOT EXCEEDING
8 mm	1.10 m	1.10 m
10 mm	2.25 m	2.25 m
12 mm	3.00 m	4.50 m
15 mm	No Limit	No Limit

GLAZING OF LARGE UNINTERRUPTED AREAS

1.3 Except in the case of dwellings, transparent glazing in large uninterrupted areas with which the public are likely to collide while in passage in or about the building shall incorporate features which make it apparent, such features to be either of the following:-

a. manifestation in the form of lines or patterns at a height of 1.5 metres above floor level; or

b. in the case of door height clear glazing:-

(i) provision of a rail situated at a height between 600 mm and 1500 mm above floor level; or

(ii) glazing not exceeding 400 mm in width; or

(iii) in the case of glazed doors, either a substantial frame about a single pane glazed door or a large handle or push plate fixed to each single pane of a glazed door or doors having either a narrow frame or no frame abut that leaf or leaves.

PART XVIII

STAIRWAYS, LANDINGS AND BALCONIES ETC FOR BUILDINGS OTHER THAN SINGLE DWELLINGS

STAIRWAYS AND LANDINGS

1. Every stairway, other than a stairway in a single dwelling, shall 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 that 550 mm nor more than 700 mm; 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 mm and the minimum going shall not be less than 280 mm;

(ii) in the case of a stairway serving any other building the maximum rise shall not exceed 190 mm and the minimum going shall not be less than 250 mm;

(c) where open risers are incorporated the treads shall overlap each other by not less than 16 mm and where likely to be used by children under the age of 5 years shall be so constructed that a 100 mm diameter sphere cannot pass through them;

(d) a handrail positioned at between 900 mm and one metre measured vertically above the pitch line shal be proided if the width of the flight is less than one metre, but if more than one metre in width than handrails shall be provided on both sides at that height;

(e) where the width of a stairway in a building to which the public has access exceeds 1.8 metres, that stairway shall be divided into flights which are themselves not wider than 1.8 metres;

(f) where the stairway serves an area used as a shop or for assembly purposes the number of risers in a flight shall not exceed 16;

(g) a clear headroom shall be provided 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 minimum height 1.1 metres above such landing, and 900 mm 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) where likely to be used by children under the age of 5 years, constructed so that a 100 mm diameter sphere cannot pass through any openings therein nor children be readily able to climb up it;

(iv) where constructed with any glazing below the heights in (i) above, that glazing to conform to the requirements of Part XVII of these Regulations (Glazing - Materials and Protection).

(i) at the top and bottom of the stairway 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 mm is left clear and unobstructed measured from the nosing of the lowest tread;

(j) the minimum unobstructed width of a flight of stairs shall be one metre except where a greater width is required to comply with Part XXII of these Regulations (Structural Fire Precautions and Means of Escape In Case of Fire From Buildings Other than Small Dwellings).

GUARDING OF BALCONIES ETC

2. Except where access is only for the purpose of maintenance or repair, guarding shall be provided at a height of not less than 1.1 metres and with the strength at that height in accordance with the table in Regulation 1(h)(ii) of this Part at the edges of the following:-

(a) any part of a floor, balcony, or roof (including rooflights and other openings) to which persons have access; and

(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 5 years that guarding shall be constructed in accordance with Regulation 1(h)(iii) of this Part.

INTERPRETATION OF THIS PART

3. In this Part "pitch line" shall mean a notional line drawn from the floor or landing below a stairway which connects the nosings of all the treads in a flight of stairs.

PART XIX

ALTERATIONS, EXTENSIONS, AND CHANGE OF USE

APPLICATION TO ALTERATIONS AND EXTENSIONS TO BUILDINGS

1. No person shall make an alteration to or an extension of an existing building such that the alteration or extension would cause a new or greater contravention of these regulations in the building as altered or extended.

CHANGE OF USE

2. If the use of a building or part of a building is to be changed in the following circumstances, then that shall be deemed to be a material change of use, and the requirements relating to this as set out in this Regulation shall be complied with. Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that that part complies with the relevant requirement referred to in this Regulation. If after the change of use:-

a. the building is used for the purposes of a dwelling where previously it was not;

b. the building contains a flat, where previously it did not;

c. the building is used as an office, shop or for industrial use where previously it was not;

d. the building is used as a hotel or boarding house, where previously it was not;

e. the building is used as an institution, where previously it was not;

f. the building is used as a public building, where previously it was not;

g. the building is not a building or manufactured residential unit described in Classes I to VIII in the Second Schedule where previously it was;

then the relevant requirements of these regulations as set out hereunder shall apply so that the building complies:-

i. in all cases:-

with Regulations concerned with means of escape in case of fire and structural fire precautions (Part XI and Part XXII of these Regulations);

with Regulations concerned with accommodation and hygiene (Part V of these Regulations);

with Regulations concerned with means of ventilation (Part VI of these Regulations);

with Regulations concerned with heat producing appliances (Part XV of these Regulations);

with Regulations concerned with standards for sanitary accommodation in places of work and buildings to which the public are admitted (Part XVI of these Regulations);

with Regulations concerned with premises used for the preparation, sale, or handling of food where such use is intended (Part XXI of these Regulations);

ii. in the case of a material change of use described in Regulation 2(a) of this Part, with Regulations concerned with resistance to moisture in Part IV of these Regulations;

iii. in the case of a material change of use described in Regulation 2(g) of this Part; with Regulations concerned with structural stability in Part III of these Regulations.

PART XX

CONDENSATION IN ROOFS

PROVISIONS TO LIMIT CONDENSATION IN ROOFS

1. In order that the thermal performance of the insulating materials and the structural performance of the roof construction shall not be substantially and permanently reduced, there shall be adequate provision to prevent excessive condensation in every cold deck roof and in every cold decked roof void above an insulated ceiling. This shall be met by the inclusion of:-

(a) a vapour check of 500 gauge polyethylene positioned below the insulation; and

(b) cross ventilation of roof spaces by ventilating openings protected against the entrance of rain and snow and which are not obstructed by quilt and loose-fill insulation.

VENTILATION GENERALLY

2. Ventilation of roof spaces shall be achieved by the following:-

(a) in the case of multi-sloped roofs with a pitch of 15 degrees or more and where the ceiling below does not follow that pitch, ventilating openings positioned at eaves level on two opposite sides of the roof with such openings being equivalent in area to a continuous gap along each side of 6 mm width;

(b) in the case of roofs with a single slope of 15 degrees or more abuting a wall and where the ceiling below does not follow that pitch, ventilating openings positioned at eaves level being equivalent in area to a continuous gap of 6 mm width and with ventilation at the highest practical level of area equivalent to that at the eaves;

(c) in the case of roofs with a pitch of less than 15 degrees or where the ceiling follows the pitch of the roof, 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 mm width.

VENTILATION OF CERTAIN ROOFS

3. Where roofs are constructed in accordance with Regulation 2(c) above, they shall be so designed that there shall be:-

(a) a free airspace of not less than 50 mm betwen the roof deck and the insulation;

(b) counter battens included where the joists run at right angles to the flow of air; and

(c) where the ceiling follows the pitch of the roof, ventilation at the ridge with that area of ventilation equivalent to a continuous gap of 3 mm.

MEANING OF COLD DECK ROOF AND COLD DECKED ROOF VOID

4. Reference in this Part of the Regulations to "cold deck roof" and "cold decked roof void" shall mean those parts of a building where construction of the roofs allows moisture from the building to permeate the insulation.

ROOFS OVER SMALL PORCHES AND SMALL BAY WINDOWS TO BE EXEMPT

5. Roofs above small porches and small bay windows shall not be required to comply with the provisions of this Part of the Regulations.

PART XXI

PREMISES USED FOR THE PREPARATION, SALE OR HANDLING OF FOOD

GENERAL REQUIREMENTS FOR FOOD PREMISES

1. Where a building or part of a building is to be used for the preparation, sale or handling of food, the requirements of this Part shall be met to facilitate routine cleaning, the elimination of areas where vermin and insects may exist and breed, and to achieve and maintain safe ventilated and temperature controlled working conditions for staff.

CONSTRUCTION OF BUILDING PARTS

2. The several parts of the building shall be constructed as follows:-

a. ceiling areas shall have smooth and easily cleaned surfaces which shall be resistant to dust and vermin and be suitably painted;

b. all walls shall be of solid impervious construction without ducts, be vermin-proof and so finished as to provide smooth and easily cleaned surfaces which shall be tiled with property bedded tiles or suitably painted;

c. kitchen floors shall be of durable and impervious construction with the inclusion of coved skirtings and where possible shall be finished with either quarry tiles, pre-cast terrazzo tiles, terrazzo flooring or similar;

d. the floors of rooms ancillary to kitchens, service areas and store rooms shall be finished with a durable and impervious material which shall where possible include coved skirtings; and

e. all softwood timber shall be finished with gloss paint to facilitate cleansing.

VENTILATION

3. Adequate and suitable ventilation shall be provided which shall include the following:-

a. a hood or canopy installed over cooking equipment for the collection and disposal of fumes from the appliances;

b. a fan or fans of sufficient capacity to provide air change and air movement in and about the area in which cooking equipment is installed, and which fan or fans have variable sped control, are installed with necessary filters and ducting which terminates clear of all openings into adjacent buildings, and provided with adequate access to fans and ducting which allows regular routine maintenance and cleaning.

HEATING

4. Provision shall be made for the heating of areas in which staff are regularly employed so that a minimum air temperature of 15.6 degrees Celsius is achieved.

LIGHTING

5. There shall be provided sufficient means of artificial lighting of all areas in which food is to be cooked, cleaned and prepared.

WASHING FACILITIES

6a. In premises where full meal cooking and preparation is to be carried out the following appliances shall be installed with stainless steel or other non-corrosive metal splashback where recessed into a wall and provided with an adequate and wholesome supply of hot and cold water:-

i. not less than one double compartment sink for the purpose of food preparation and washing up;

ii. not less than one deep metal sink for the purposes of vegetable preparation and pot washing;

iii. a wash-hand basin situated within the kitchen for the use of staff employed in food preparation and this shall be additional to the lavatory basin(s) required under the provision of Part XVI to these Regulations specifying the minimum requirements for employee sanitary facilities;

b. Sinks shall be:-

i. either recessed into the wall or set clear of walls so that there is adequate space for cleaning;

ii. of stainless steel or, where they will not be used for the washing of pots and pans, white glazed earthenware.

EQUIPMENT AND CLEANING

7a. All equipment to be installed shall conform to the appropriate British Standards or to other internationally recognised standards and shall be so sited that the wall areas adjacent thereto and that equipment are readily accessible for cleansing.

b. The installation of gas appliances shall include disconnecting unions and cocks to allow their ready removal for cleaning.

c. Table tops and similar worktop surfaces shall be of impervious material which is free of crevices and with each surface of one piece unless satisfactory sealed at each joint with a proprietary type of seal.

d. Service lift installation shall house operating machinery installed at the head of the lift shaft and conform to the following requirements:-

i. the liftway shall be an enclosed construction of solid, sound material of adequate strength, rendered internally to prevent harbourage of insects, equipped with securable doors, and provided with access for cleaning at its base;

ii. to facilitate cleaning, the liftway floor shall be of impervious material which is raked to the floor of which it forms part;

iii. the car or cage shall be of all metal construction or have all internal surfaces of impervious material with any shelves movable and provided with impervious finishes;

e. All machinery installed shall be equipped with adequate guards to moving parts so as to prevent danger to the operator.

SERVICE COUNTER AREAS

8. Service counter areas shall be constructed in accordance with the following requirements:-

a. work surfaces, including sub-counter shelves, shall be finished with an impervious material and with shelves movable to facilitate cleansing;

b. all soft-wood timber in the area shall be finished with gloss paint to facilitate cleansing;

c. an adequate area of workspace shall be provided between back and front fittings;

d. floor areas enclosed by counters shall be finished with an impervious surface covering and provided with coved skirtings;

e. double-compartment type sinks shall be provided for the washing of crockery, glassware, etc and be fitted against the back of the counter at unobstructed working height with provision of suitable splash-backs;

f. where practicable, drip trays shall be provided with drainage;

g. for the protection of open food on the counter, suitable cabinets having raked or convex tops shall be provided;

h. there shall be installed thermostatically controlled units equipped with a visible thermometer for the keeping of hot and chilled food where such food is to be prepared, sold or handled, and these units shall keep the food at temperatures which are to the satisfaction of the Chief Medical Officer, and for guidance the following temperatures should be observed:-

hot food	- not less than 63 degrees Celsius.
cool food	- not greater than 10 degrees Celsius.
chilled food	- between 0 and 3 degrees Celsius.
cold food	- between minus 5 and 0 degrees Celsius.
deep frozen food	- between minus 20 and minus 10 degrees Celsius.

FACILITIES FOR STORAGE

9. There shall be provided adequate and suitable accommodation for the storage of food including refrigerated storage. Non-refrigerated food stores shall conform to the following requirements:-

a. adequate ventilation to be provided with vent openings protected against the ingress of flies or vermin;

b. racks or shelves of sufficient size and number to be provided to keep unprotected foodstuffs not less than 450 mm above the floor;

c. where fat foods are to be stored, impervious shelving such as terrazzo or slate shall be provided;

d. where hardware, linen and cleaning equipment are to be stored these shall be separate from food storage accommodation.

AMENITIES FOR STAFF

10. a. Near to the staff employee facilities provided in accordance with Part XVI of these Regulations there shall be prominently fixed a clearly legible notice requiring users of the wc(s) or urinal(s) to wash their hands after use of that facility.

b. Lavatory basin(s) provided for employees in accordance with Part XVI of these Regulations shall have a supply of hot and cold water, and there shall also be adequate supplies of soap, nailbrushes and clean towels maintained and kept solely for the personal cleanliness of the staff.

c. Facilities for the changing, storage and drying of outdoor clothing of the staff shall be provided which shall not be in rooms where food is prepared or stored, and any lockers provided for this amenity shall be of sufficient depth to hold a coat hanger.

SPECIAL DRAINAGE REQUIREMENTS

11. a. Where any existing premises are to become used for the preparation, sale or handling of food, all drains, soil and waste pipes are to be

thoroughly examined, cleansed and repaired or renewed where necessary to the satisfaction of the Chief Medical Officer. All disused pipes are to be removed or sealed to his satisfaction.

b. Open yard surfaces on the premises are to be adequately paved with satisfactory falls to a trapped gulley connected to the system of drainage servicing those premises.

c. Where required by the Chief Medical Officer, a grease trap of an approved design shall be provided and sited to his satisfaction with connection to the system of drainage servicing the premises.

REFUSE STORAGE

12. There shall be provided, at a site on the premises to be agreed with the Chief Medical Officer, a well-ventilated and imperviously-finished space, not being in an open food room, which is for the storage of accumulated refuse in covered bins or other acceptable containers.

DISPLAY OF STATUTORY NOTICES

13. In order that staff may be aware of statutory notices, there shall be provided a permanently constructed display panel which is readily accessible to all staff members on the premises.

PART XXII

STRUCTURAL FIRE PRECAUTIONS FOR BUILDINGS OTHER THAN SMALL DWELLINGS, MEANS OF ESCAPE, AND ACCESS AND FACILITI FOR THE FIRE SERVICE

APPLICATION

1. This Part (except Regulation 2 of this Part) shall not apply to buildings other than buildings which:-

(a) do not exceed 20 metres in height; and

(b) do not exceed 2,000 square metres in floor area of any one storey of the building or which, if divided into compartments, include no compartment which exceeds 2,000 square metres in floor area; except that when the building is fitted throughout with an automatic sprinkler system meeting the relevant recommendations of BS5306: Part 2, ie the relevant occupancy rating together with the additional requirements for life safety, the floor area of 2,000 square metres shall in each case be increased to 4,000 square metres; and

(c) are included in Purpose Groups 1 to 7 inclusive as defined in Regulation 3 of this Part.

GENERAL PROVISIONS RELATING TO FIRE PRECAUTIONS

2. For the purpose of reducing the danger of the outbreak and spread of fire, the following provisions shall have effect in relation to buildings, that is to say:-

(a) 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:-

(i) as to reduce sufficiently the risk of the ignition of any part of the building and the spread of fire within the building, into the building and out of the building;

(ii) 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;

(iii) as to inhibit the unseen spread of fire and smoke within concealed spaces in its structure; and

(iv) 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;

(b) every building other than that 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 means of escape capable of being safely and effectively used at all material times to a place of safety outside the building;

(c) 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 the occupants in the event of an outbreak of fire;

(d) every building shall be so designed and constructed so as 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 appliances to gain access to the building;

(e) except where the Chief Fire Officer otherwise permits in writing, every building shall be provided with:-

(i) an effective means of giving early fire warning by an automatic detection and warning system; and

(ii) adequate fire fighting equipment; and

(iii) 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 any other part of the escape route;

which shall be specified 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

3. For the purposes of these Regulations, buildings shall be classified into the following purpose groups, provided that where a building, or compartment of a building if compartmented, has more than one use then the relevant purpose group shall be the main use of the building or compartment but with the following exceptions where they shall be treated as separate purpose groups:-

(a) where the ancillary use is a flat or maisonette;

(b) where the ancillary use is of an area more than one-fifth of the total floor area of the building compartment;

(c) where storage in a building or compartment of purpose group 4 (shop and commercial) exceeds one-third of the total floor area of the building or compartment:

Purpose Group 1: Residential (Dwellings)

(i) Private dwellinghouse which is not a "small dwelling" as defined in Part XI to these Regulations and does not include a flat or a building containing flats.

(ii) Flat, including a maisonette, being a self-contained dwelling but not a private dwellinghouse.

(Note that the use of part of dwelling in (i) and (ii) above not exceeding 50 square metres total area by the occupant of that dwelling in a professional or business capacity as a surgery, consulting room, offices or other accommodation shall be included in this Purpose Group).

Purpose Group 2: Residential (Institutional and Other)

(i) 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 people suffering from illness or mental or physical disability or handicap, place of detention, where such people sleep on the premises.

(ii) Hotel, boarding house, residential college, hall of residence, hostel, and any other residential purpose not described above.

Purpose Group 3: Office

Premises used for the purpose of administration, clerical work (including writing, book-keeping, sorting papers, filing, typing, duplicating, 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 a 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 or periodicals for gain and the business of a barber or hairdresser) and premises to which the public is invited to deliver or collect goods in connection with their hire, repair or other treatment, or (except in the case of repair of motor vehicles) where they themselves may carry out such repairs or other treatments.

Purpose Group 5: Assembly and Recreation

Place, whether public or private, used for the attendance of persons for or in connection with their social, recreational, educational, business or other activities, and not comprised within Purpose Groups 1 to 4 and 6.

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.

PROVISION OF COMPARTMENT WALLS AND COMPARTMENT FLOORS

4. The following walls and floors shall be constructed as compartment walls and compartment floors:-

(i) any wall common to two or more buildings including any wall separating semi-detached houses or houses in terraces;

(ii) any wall or floor separating a flat or maisonette from any other part of the same building;

(iii) any floor in a building of Purpose Group 1(ii) except where that floor is within the same dwelling, and Purpose Group 2(i) and (ii);

(iv) any wall or floor provided to divide a building into separate occupancies;

(v) 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 as defined in Regulation 3 of this Part;

(vi) any floor over a basement storey in a building other than Purpose Group 1(i), that being a storey with a floor which at some point is more than 1.2 metres below the highest level of ground adjacent to the outside walls.

FIRE RESISTANCE

5. (a) 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, having regard to purpose group and dimensions of the building:-

(i) a 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;

(ii) a load-bearing wall or load-bearing part of a wall;

(iii) a floor which is not the lowest floor of a building;

(iv) a gallery;

(v) an external wall;

(vi) a compartment wall including a wall common to two or more buildings; and

(vii) structure enclosing a protected shaft.

(b) Any element of structure shall have a period of fire resistance not less than the minimum period required by this Part for any element which it supports or to which it gives stability.

(c) Except where that part of an external wall is non-load-bearing and which may, by the provisions of Regulation 8 to this Part, 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.

(d) In the case of a single storey building, nothing in Paragraph (a) 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.

(e) 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 a part.

(f) 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 forms part, such element shall be so constructed as to comply with the greater or greatest of the periods so specified.

(g) 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 the said Part 2.

(h) 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 and independent testing authority.

TABLE - PART 1

MINIMUM PERIODS OF FIRE RESISTANCE (MINUTES) FOR ELEMENTS OF STRUCTURE			
PURPOSE GROUP OF BUILDING	BASEMENT STOREY INCLUDING FLOOR OVER	GROUND OR UPPER STOREY	
		HEIGHT (METRES) OF TOP FLOOR ABOVE GROUND, IN BUILDING OR SEPARATING PART OF BUILDING	
		NOT MORE THAN 5	NOT MORE THAN 20
1: Residential- (i) dwelling (ii) flat/maisonette	30* 60	30* 30*	60 60***
2: Residential- (i) institutional and (ii) other	60	30*	60
3: Office- not sprinklered sprinklered**	60 60	30* 30*	60 30*
4: Shop and commercial- not sprinklered sprinklered**	60 60	60$ 30*	60 60
5: Assembly and Recreation- not sprinklered sprinklered**	60 60	60$ 30*	60 60
6: Industrial- not sprinklered sprinklered**	90 60	60$ 30*	60 60
7: Storage and Other Non-Residential- (a) Car park for light vehicles not open sided	60	30*	60
(b) Any other building or part not described elsewhere: not sprinklered sprinklered**	90 60	60$ 30*	90 60

MODIFICATIONS TO ABOVE TABLE

*this period 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 recommendations of BS5306:Part 2, ie the relevant occupancy rating together with the additional requirements for life safety.

***this period reduced to 30 minutes for any floor within a maisonette, but not if the floor contributes to the support of the building.

$this period reduced to 30 minutes where the building is single storey.

TABLE - PART 2

MODIFICATIONS TO MINIMUM PERIODS OF FIRE RESISTANCE FOR ELEMENTS OF STRUCTURE EXPRESSED IN PART 1

Element of structure and part of building		Period of fire resistance to satisfy the requirements for (a) collapse (b) passage of flame and (c) insulation
(1)	(2)	(3)
Structural frames, beams and columns	In an uncompartmented building	The element is capable of satisfying requirements (a) collapse for the period specified when subjected to fire
	In a building split into compartments	
Floors	Compartment floors in all buildings	The element is capable of satisfying each of the three requirements (a), (b) and (c) for the period specified when the underside is exposed to fire
	All other floors above the lowest	
Walls	Internal loadbearing walls in an uncompartmented building	The element is capable of satisfying each of the three requirements (a), (b) and (c) for the period specified when either side is exposed to fire
	Internal loadbearing walls in a building split into compartments and any compartment walls	
	External walls on the boundary of the plot	
	External walls 1 metre or more from the boundary of the plot	The element is capable of satisfying each of the three requirements when only the internal side is exposed to fire: (a) collapse - for the period specified or 30 minutes whichever is the greater, (b) passage of flame for the period specified under (a), (c) insulation for 15 minutes irrespective of the period of fire resistance

COMPARTMENT WALLS AND COMPARTMENT FLOORS

6. (a) Any compartment wall or compartment floor shall be imperforate with the exception of the following:-

(i) an opening fitted with a door which complies with regulation 9 of this Part;

(ii) an opening for a protected shaft;

(iii) an opening for a ventilation duct but only if the space surrounding the duct is fire-stopped and is fitted with an automatic fire shutter where it passes through the compartment wall or compartment floor;

(iv) an opening for a pipe which is not a flue pipe and 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 a compartment wall or compartment floor;

(v) an opening for a chimney, ventilation duct, duct enclosing one or more flue pipes or a refuse chute: 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 an half hour.

(b) Where a compartment wall or compartment floor forms a junction with any element of structure forming part of:-

(i) any other compartment wall or compartment floor;

(ii) an external wall; or

(iii) a protected shaft;

the structure shall be bonded together at the junction or, alternatively, the junction shall be fire-stopped.

(c) 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.

(d) 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

7. (a) A protected shaft shall not be used for any purpose other than:-

(i) as a stairway, lift, escalator, chute, duct or other shaft which enables persons, things or air to pass from one compartment to another;

(ii) for the accommodation of any pipe duct; or

(iii) as sanitary accommodation or washrooms or both.

(b) Subject to the provisions of this regulation, every protected shaft shall be completely enclosed.

(c) 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 6 and 8 of this Part.

(d) There shall be no opening in any protecting structure except the following:-

(i) any opening for a pipe the surround of which is effectively fire-stopped;

(ii) any opening fitted with a fire door which complies with regulation 9 of this Part;

(iii) a lift, but only if the requirements of sub-regulation (e) of this regulation are complied with;

(iv) an inlet to or outlet from a ventilation duct or an opening for that duct.

e. Any protected shaft containing a lift or lifts:-

(i) 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; and

(ii) shall not contain any pipe conveying gas or oil or any ventilating duct; and

(iii) may have an opening in its protecting structure for the passage of cables operating the lift into the room containing the lift motor:

Provided that if the opening is at the bottom of the shaft the opening shall be as small as is practicable.

(f) If a protected shaft serves as or contains a ventilation duct:-

(i) 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

(ii) the duct shall not be constructed of or lined with any material which substantially increases such a risk.

(g) If a protected shaft contains a stairway it shall not contain any pipe containing gas or oil or a ventilating duct.

EXTERNAL WALLS

8. (a) Every side of a building shall comply with the relevant requirements relating to the permitted limits of unprotected areas 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.

(b) No part of the side of a building shall be less than 1 metre from a boundary of the plot:

Provided that nothing in this paragraph shall prohibit a side of a building or part of a side being contiguous with the boundary if, in that side or part, there are no unprotected areas other than such unprotected areas as are permitted in Clause 2 of the Table to this Regulation.

(c) Any reference in this regulation to a building or compartment in relation to an unprotected area means:-

(i) where the building is not compartmented, the side of the building in which the unprotected area is situated;

(ii) where the building is compartmented, the compartment which contains the side in which the unprotected area is situated.

(d) Any reference in this regulation to an unprotected area in a side of a building or compartment shall include a reference to any part of:-

(i) a roof which slopes at any angle of 70° or more to the horizontal;

(ii) any part of an external wall the period of fire resistance of which is less than the period required by Regulation 5 of this Part.

TABLE OF PERMITTED LIMITS OF UNPROTECTED AREAS

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 mm thick attached or applied to its external face, whether for cladding or any other purpose.

Clause 2. For the purposes of this Table, the expression UNPROTECTED AREA has the meaning assigned by Clause 1. above, but in calculating the size of unprotected areas or the permitted limit of unprotected areas, the following shall apply:-

(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 such 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 m² and which is not less than 1.5 m 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 m² and not less than 4 m 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 should not exceed 10 m in height.

Note: for any building or compartment more than 10 m in height 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 provisions for space separation if:-

i. the distance of the side of the building from the relevant boundary, and

ii. the extent of unprotected area, are within the appropriate limits given in the 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 between side of building and relevant boundary (m)		Maximum total percentage of unprotected area %
Purpose groups Residential, Office, Assembly and Recreation	Shops and Commercial Industrial, storage and other Non-residential	
(1)	(2)	(3)
na	1	4
1	2	8
2.5	5	20
5	10	40
7.5	15	60
10	20	80
12.5	25	100

Notes

na = not applicable

a. intermediate values may be obtained by interpolation

b. for buildings which are fitted throughout with an automatic sprinkler system, meeting the relevant recommendations of BS5306: Part 2, the values in columns (1) and (2) may be halved, subject to a minimum distance of 1 m being maintained.

c. 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)

9. (a) 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:

Provided that where two separate doors (each 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.

(b) In this regulation:-

"a fire door Type 1" means a door which complies with the requirements of Paragraph 1 of the Table to this Regulation;

"a fire door Type 2" means a door which complies with the requirements of Paragraph 2 of the Table to this Regulation;

"a fire door Type 3" means a door which complies with the requirements of Paragraph 3 of the Table to this Regulation.

(c) Any door in a wall separating a flat or maisonette from any space in common use giving access to that flat or maisonette shall be a fire door Type 3 not fitted with a self-locking lock.

(d) Any door in an exit required by Regulation to this Part shall be a fire door Type 3.

(e) Any door between a protected shaft and a hall, lobby or corridor which forms part of an exit shall be a fire door Type 2.

(f) Any door in a compartment wall, other than a door referred to in sub-regulation (c), 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.

(g) 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 by:-

(i) a fusible link (but not if the door is fitted in an opening provided as a means of escape); or

(ii) an automatic release mechanism if the door can also be closed manually and it 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.

(h) Every fire door shall be fixed to its frame with suitable hinges.

(i) a hinge shall be deemed to satisfy sub-regulation (h) if no part of that hinge is made of either:-

(i) combustible material;

(ii) a non-combustible material having a melting point less than 800°C.

(j) With the exception of doors within dwelling houses, doors to and within flats and maisonettes, bedroom doors in buildings of Purpose Group 2(ii), and lift entrance doors, all fire-resisting doors shall be marked with the appropriate fire safety sign complying with BS5499:Part 1 according to whether the door is:-

(i) to be kept closed when not in use;

(ii) to be kept locked when not in use; or

(iii) 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, satisfy the requirements of that test as to freedom from collapse and resistance to the passage of flame for the specified period of fire resistance, but with no minimum period as to insulation.

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, satisfy the requirements of that test as to freedom from collapse and as to resistance to the passage of flame for 30 minutes, but with no minimum period as to insulation; and

(b) shall be either a single leaf swinging in one direction only OR a double leaf, each leaf swinging in the opposite direction from the other leaf, and with rebated meeting styles.

3. A fire door Type 3:-

(a) if exposed to an approved test for fire resistance, shall, when fitted in its frame, satisfy the requirements of that test as to freedom from collapse for 30 minutes and as to resistance to the passage of flame for 20 minutes, but with no minimum period as to insulation; 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

10. (a) 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.

(b) Every fire stop shall:-

(i) if provided around a pipe or duct or in a cavity, be made of non-combustible material;

(ii) if provided around a pipe or duct, be so constructed as not to restrict essential thermal movement.

(c) 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.

(d) In any element of structure, any cavity which is continuous through the whole or part of such element shall be fire-stopped:-

(i) at any junction with another element of structure or with a ceiling under a roof; and

(ii) in such a position that there is no continuous cavity which in any one plane exceeds 7.5 metres in a single dimension or 23 square metres in area.

(e) 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 non-combustible material.	Class 0 or Class 1	20 metres
	Class other than Class 0 or 1	10 metres

SPREAD OF FLAME OVER WALLS AND CEILINGS

11. (a) In this regulation and in 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° 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 O shall be regarded as the highest class followed in descending order by Class 1, Class 2, Class 3 and Class 4.

(b) 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:-

(i) a reference to a surface being of Class O 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 subindex (i,) of not more than 6.

(ii) where the surface is required to be of a Class other than Class O it shall comply with the test criteria as to the surface spread of flame prescribed in BS476: Part 7: 1971 or 1987.

(c) 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.

(d) 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	
Other circulation spaces, including the common areas of flats and maisonettes	0

ROOFS

12. 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 the greater; or

(b) the covering is of steel, aluminium, slates or tiles and any rooflights are of unwired glass not less than 4 mm thick or of wired glass, or other material having an AA, AB or AC designation when exposed to test by fire in accordance with BS476:Part 3:1975.

MEANS OF ESCAPE - CERTAIN CLASSES OF BUILDINGS

13. The requirements of Regulation 2(b) to this Part 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(i) and (ii), being residential buildings by compliance with BS5588: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 BS5588: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 BS5588:Part2:1985 Code of practice for shops; and in the case of enclosed shopping complexes by compliance with BS5588:Part 10:1991;

(d) in the case of buildings in purpose group 5, being assembly and recreation buildings, by compliance with BS5588:Part 6:1991 Code of Practice for assembly buildings.

PROVISION OF EXITS

14. (a) In every building to which this Part applies, there shall be provided from each room and from each storey not less than the number of exits required to comply with regulations 16 and 17 of this Part and each such exit shall comply with the requirements of these Regulations:-

Provided that:-

(i) where the occupant capacity is such that more than one exit is required by regulation 16;

(ii) where the occupant capacity to be served by the exits does not exceed 40; and

(iii) where the room is on the ground floor of a building;

one of the required exits may be by means of a suitable window

(b) A window on the ground floor shall be deemed to satisfy the proviso to sub-regulation (a) if:-

(i) 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;

(ii) it contains an unobstructed opening not less in size than 850 millimetres measured vertically and 500 millimetres measured horizontally; and

(iii) 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

15. Any reference in this Part to the occupant capacity of a room or storey shall be constructed as a reference to the number of persons which the room or storey is, for the purpose of this Part, to be taken as being capable of holding, and such occupant capacity shall be determined in accordance with the following provisions, that is to say:-

(i) in the case of any part of a storey comprising a flat, the occupant capacity shall be determined by the Planning and Building Committee whose decision shall be final;

(ii) 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;

(iii) in the case of any other room or storey, by determining the number of persons the room or storey is designed to hold.

TABLE OF FLOORSPACE FACTORS

COLUMN 1	COLUMN 2
TYPE OF ACCOMMODATION	FLOORSPACE FACTOR M^2/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, Crush 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, Staff room, 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 (open-plan exceeding 60 m^2) 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:

1. Where accommodation is not directly covered by the descriptions given, a reasonable value based on a similar use may be selected.
2. Refer to Section 4 of BS 5588:Part 10 for detailed guidance on the calculation of occupancy in common public areas in shopping complexes.
3. Alternatively the occupant capacity may be taken as the number of fixed seats provided, if the occupants will normally be seated.
4. 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.
5. 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).
6. If there is to be mixed use, the most onerous factor(s) should be applied.

NUMBER OF EXITS

16. (a) 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.

(b) Any storey or room not being 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	3

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

17. 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:-

(i) where there is only one exit, that is: a dead-end - 18 metres;

(ii) where there are more exits than one, 45 metres:

Provided that where there are more exits than one the angle between 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

18. (a) Every exit from a room or storey shall lead directly to a place of safety.

(b) 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

19. (a) Every exit from a room or storey shall be of at least the required width throughout its length.

(b) At no part of an exit shall the width be less:-

(i) than that required by the Table to this regulation and to the relevant provisions of this regulation;

(ii) than 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.

(c) If any part of an exit comprises a stairway the width of that stairway shall not be less than the width required by this regulation.

(d) In no case shall the width of an exit from a room be less than 0.75 metres:

Provided that this sub-regulation shall not apply to a window which is accepted as a subsidiary exit under the proviso to sub-regulation (a) of regulation 14;

(e) Where two or more exits join, the width of the combined exit shall not be less than the required width for all the occupants concerned.

TABLE OF WIDTHS OF EXITS	
MAXIMUM NUMBER OF PERSONS	MINIMUM EXIT WIDTH IN MILLIMETRES
50	800
110	900
220	1100
more than 220	5 mm per person

NOTE In measuring width, the following are to be observed:-

1. Door (or doorway) - is the width of the opening door leaf (or the sum of the widths of both 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 m above floor or stair pitch line when defined by walls.

3. Stair - is the clear width between the walls or balustrades but stringers and handrails intruding not more than 30 mm and 100 mm respectively may be ignored.

ENCLOSURE OF STAIRWAYS IN EXITS

20. (a) This regulation shall, save as otherwise provided herein, apply to every stairway forming part of an exit other than:-

(i) a stairway wholly within a maisonette;

(ii) 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 rom 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.

(b) Every stairway forming part of an exit shall be within a stairway enclosure.

(c) Every stairway enclosure shall be enclosed by any combination of the following:-

(i) compartment walls;
(ii) external walls;
(iii) compartment floors;
(iv) the lowest floor of the building;
(v) 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:

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 not exceeding 10 square metres in area ancillary to the use

of that building and intended solely for the control or supervision of persons entering or leaving the building.

(d) Every stairway enclosure shall give access at ground level to an exit to the open air, which exit shall be separate from any other exit to which access is given from any other stairway.

(e) 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.

(f) 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.

(g) Any stairway forming part of an exit sited in the open air and exceeding 6 metres in height shall be enclosed as protection against the weather.

CONSTRUCTION OF RAMPS

21. (a) Any ramp forming part of an exit shall be constructed with an unbroken gradient having a uniform slope not greater than 1 in 12.

(b) Except where the rise of the ramp is 600 mm 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 mm and 1000 mm.

(c) 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:-

(i) in the case of buildings in Purpose Group 2, 2.10 metres;

(ii) in the case of buildings in other Purpose Groups, 1.20 metres.

DOORS IN EXITS

22. (a) Every door across an exit from a room or storey not being an entrance door to a flat or to a room or space of occupant capacity less than 50:-

(i) shall open in the direction of travel to the open air; and

(ii) if constructed to open in either direction, shall have a transparent upper panel; and

(iii) 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 fully opened; and

(iv) if opening outwards to 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.

(b) In the case of revolving doors, these shall not be provided across exits; and in the case of sliding doors, these shall also not be provided across exits unless they are automatic power operated and arranged to fail safely in the open position.

(c) 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 which will open to pressure from the inside.

(d) The construction of fire doors shall comply with regulation 9, and the Table thereto.

(e) No door shall open directly over a step or other change in floor level.

INTERPRETATION OF THIS PART

23. In this Part the following meanings shall apply:-

"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 (such land being deemed to include any abutting part of a street or river but only up to the centre line thereof);

"compartment" - means any part of building which is separated from any other part by one or more compartment walls and compartment floors, or both such walls and floors; and for the purposes of these Regulations, if any part of the top storey of a building is within a compartment, the compartment shall also include any roofspace above such part of the top storey;

"compartment wall" and "compartment floor" mean respectively a wall or a floor which complies with regulation 6 and which is provided as such for the purposes of regulation 4;

"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, whether the door is constructed of one or more leaves;

"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 thereof (but at no stage by means of a lift or escalator) by which a person may reach a place of safety; and means, in relation to:-

(a) any point on a storey of a building, a route from that point;

(b) any room, a route from a doorway of that room;

(c) any storey of a building, a route from a point of egress from the storey;
(d) any flat, a route from an entrance to the flat;

"fire stop" means a barrier or seal which would prevent or sufficiently retard the passage of smoke or flame 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;

"period of fire resistance" means the ability of a component or construction of a building to satisfy for a stated period of time, some or all of the appropriate criteria specified in the relevant part of BS476 and "fire-resisting" shall be construed accordingly;

"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;

"protected doorway" means:-

(a) any doorway containing a self-closing, fire-resisting door:-

(i) from a flat onto an open access balcony; or

(ii) giving access to a protected shaft or stairway enclosure; or

(b) any doorway leading directly to a place of safety in the open air at ground level;

"protecting structure" means any wall, floor or other element of structure which encloses a protected shaft but does not include:-

(a) a wall which also forms part of a compartment wall or an external wall;

(b) a floor which also forms part of a compartment floor or a floor laid directly on the ground; or

(c) a roof;

"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: Provided that where a stairway enclosure passes between compartments of a building it shall comply with the requirements for a protected shaft;

"travel distance", in relation to any point on a storey of a building, means the distance to be covered between that point and the nearest protected doorway, measured:-

(a) where the floor area is divided up by fixed seating or other obstructions, by way of the shortest route along open gangways;

(b) where not so divided, by way of the shortest route;

"trim" means any architrave, cover mould, picture rail, skirting or similar narrow member.

FIRST SCHEDULE
(REGULATION 2 TO PART I)
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 at e. above 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 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 4 TO PART I)

EXEMPT BUILDINGS AND WORK

Class I

Buildings for the defence of the Falkland Islands

1. Any building the construction of which takes place on land leased to the Secretary of State for Defence.

Class II

Buildings 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.

Class III

Greenhouses 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. 1) A building used for agriculture which is:-

a) sited at a distance not less than one and a half times its own height from any habitable building or adjacent boundary;

b) 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.

2) 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).

Class IV

Temporary Buildings

1. A building intended to remain and which remains where it is erected for less than 28 days.

Class V

Ancillary buildings

1. A building on an estate which is intended to be used solely in connection with the disposal of buildings or building plots on that estate.

2. A building used only by people engaged in the construction, alteration, extension or repair of a building during the course of that work.

3. 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.

Class VI

Small detached buildings

1. A detached building having a floor area which does not exceed 8 m sq 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.

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 m sq; 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 m sq 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.

4. A detached building designed as an all-metal container or as a prefabricated building intended to be used for storage in connection with a private dwelling and:-

a. has a floor area which does not exceed 35 m sq;

b. is properly supported; and

c. is restrained in a satisfactory manner to prevent 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. when enclosing any windows to habitable rooms and to kitchens, not less than 50% of the roof is translucent or transparent and having those translucent or transparent areas sited adjacent to those windows which are enclosed;

ii. includes satisfactory provision for means of ventilation so that an adequate supply of air may be provided for people in that building as extended, to the extent of satisfying the requirements of Regulation 2 in Part VI (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

iii. has a floor area not exceeding 20 m^2; or

b. a carport open on at least two sides where the floor area does not exceed 35 m^2.

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 Part XIII Drainage of these regulations; and

c. any installation of non-electrical heat-producing appliances shall comply with Part XV Heat Producing Appliances of these regulations; and

d. the unit or structure is restrained in a satisfactory manner to prevent movement from wind pressure.

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THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *24th MAY 1993* *No. 7*

NOTICE

The following are published in this Supplement —

The Supplementary Appropriation (1991 - 1992) Bill 1993;
The Marriage (Amendment) Bill 1993.

The Supplementary Appropriation (1991-1992) Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

A Bill

for

An Ordinance

To appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £272,530 for the service of the Financial Year which ended on 30 June 1992.

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

1. This Ordinance may be cited as the Supplementary Appropriation (1991 - 1992) Ordinance 1993. *Short title.*

2. There is hereby authorised as if this Ordinance had been in force at the time or times of the issue out of the Consolidated Fund of any sums to which this section relates, the issue by the Financial Secretary and appropriation out of the Consolidated Fund and the application to the service of the year which commenced on 1 July 1991 and ended on 30 June 1992 ("the financial year"), in addition to any sum already granted and appropriated for the service of the financial year, of the sum of Two hundred and seventy two thousand five hundred and thirty pounds, provided that such issue and appropriations for the purposes of the services expressed and particularly mentioned in the schedule hereto and which came in course of payment during the financial year. *Appropriation of £272,530 for the year 1991-92.*

SCHEDULE

Number	Head of Service	£
600	Secretariat, Treasury, Central Store, Broadcasting etc	156,525
650	Pensions and Gratuities	23,660
880	FIDC Funding	15,000
900	Income Tax Refunds	77,345
		272,530

OBJECTS AND REASONS

To provide for supplementary expenditure approved by Standing Finance Committee during the period 24 October 1991 - 20 August 1992.

The Marriage (Amendment) Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance
To amend the Marriage Ordinance.

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

1. This Ordinance may be cited as the Marriage (Amendment) Ordinance 1993 and shall come into force on 1st July 1993. *Short title and commencement.*

2. The Marriage Ordinance is amended by substituting the following for the Third Schedule to that Ordinance. *Amendment of Marriages Ordinance (Cap 43).*

"THIRD SCHEDULE
Table of Fees

PART I

Fees payable to the Registrar

To obtain Governor's special licence	£55.00
To obtain Registrar General's licence	£15.00
Notice of marriage	£10.00
To conduct marriage	£10.00
To travel elsewhere within 6 miles of Stanley to conduct marriage:	
by vehicle, per mile	£1.00
other: *the reasonable cost of travel, together with in each case the cost of any necessary overnight accommodation.*	
For each certificate of marriage after the first	£5.00
To enter a caveat against the grant of a licence	£10.00
Notice or certificate under the Foreign Marriage Act	£10.00

PART II

Fees payable to a Minister of Religion

Publication of banns of marriage	£10.00
To conduct marriage	£10.00
To travel elsewhere other than within 6 miles of Stanley Cathedral to conduct marriage: by vehicle per mile	£1.00
other: *the reasonable cost of travel together with in each case the cost of any necessary overnight accommodation.*	
Certifies copy of an entry in the Register of Marriage	£5.00".

OBJECTS AND REASONS

To increase the statutory fees payable under the Marriage Ordinance.

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Price: One Pound & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *4th JUNE 1993* *No. 9*

The following is published in this Supplement —

Resolution of the Legislative Council (No. 1 of 1993).

LEGISLATIVE COUNCIL OF THE FALKLAND ISLANDS

Customs Ordinance (Cap. 16)
(Section 5)

RESOLUTION OF THE LEGISLATIVE COUNCIL

No. 1 of 1993

BE IT RESOLVED by the Legislative Council, under section 5 of the Customs Ordinance (Cap. 16), on the 4th day of June 1993, as follows -

1. That the Customs Order No. 6 of 1948 be 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	£0.18
2.	Wines per litre	£0.47
3.	Fortified Wines per litre	£0.57
4.	Spirituous beverage per litre	£3.88
5.	Spirit per litre	£7.06
6.	Tobacco per kilo -	
	(a) Cigars	£59.70
	(b) Cigarettes	£43.18
	(c) Tobacco	£39.24"

2. This Resolution may be cited as the Customs (Amendment of Import Duties) Resolution 1993 and shall come into force on the 7th day of June 1993.

A. LIVERMORE,
Clerk of Councils.

Ref: CUS/10/2

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THE FALKLAND ISLANDS GAZETTE Supplement

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Vol. 4 *30th JUNE 1993* *No. 10*

The following is published in this Supplement —

The Income Tax (Amendment) Bill 1993.

THE INCOME TAX (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

Introductory

The purpose of this Bill is to incorporate into law a number of urgent reforms of the Income Tax legislation resulting from the ongoing tax review process. A special Committee, known as the Tax Review Committee, has been in operation for some time for the purpose of examining Falkland Islands tax legislation and making recommendations for the redrafting of the Income Tax Ordinance. Most of the recommendations of the Committee are published separately in a discussion paper, however Executive Council considered some matters to be sufficiently urgent to justify early implementation. Subject to legislative approval, the changes proposed in this Bill will have effect from 1 July 1993.

Detail

The Bill consists of 8 Sections, 1 and 2 of which are self explanatory.

Section 3 would make various amendments to the Income Tax Ordinance with the end result that maintenance payments will be removed from the Falkland Islands tax net. At present maintenance paid under Falkland Islands or UK Court Orders is taxable income in the hands of the recipient, and a deductible expense for the payer. The proposed changes to the Income Tax Ordinance will allow the tax treatment of existing (on 1 July 1993) FI Court Orders to continue unchanged, while existing UK maintenance arrangements made through Court Orders, and all new FI or UK Court Orders will be removed from the FI tax net.

The removal of existing UK Court Orders from the FI tax net is consistent with the United Kingdom tax legislation, under which maintenance payments no longer qualify for relief to the benefit of the payer, and are not taxable in the hands of the recipient.

Section 4 would insert new subsection 12C to the Income Tax Ordinance and make a minor amendment to Section 10(3)(a). The new subsection would provide the Commissioner of Income Tax with powers to prevent tax avoidance by "thin" capitalisation (thin capitalisation meaning the artificial depression of taxable profits by thin capitalisation).

Section 5 would remove the allowance for a "relative in charge of children", and would insert a new Section - 15A - providing a new allowance for single parents of £1,100 per annum. This new allowance will help offset the additional expenditure faced by single parents bringing up a child or children. At present a married man can claim basic deductible allowances of £5,250, whereas a single parent, with somewhat similar levels of basic expenditure as a married man, can only claim £3,200 basic deductible allowances. It should be noted that the new allowance will be the same, regardless of the number of dependent children. It is intended that this allowance will be introduced with effect from the 1994 year of assessment, and will therefore be claimable against 1993 income.

Section 6: this Section would amend Section 16 of the Income Tax Ordinance to change the qualifying age for the old age relief allowance from 60 to 64 years of age. New subsections 16 (3) and (4) are proposed which specify that persons who are in receipt of a FI old age pension from the age of 60, but below 64, would also qualify for an "age allowance" proportional to the amount of FI old age pension actually received, and for persons who are 64 years of age or over who do not receive a FI old age pension to receive an allowance equivalent to the FI OAP that would have been received had they qualified for a FI OAP. In clarification of the above it should be noted that widows may qualify for a FI OAP at the age of 60, and immigrants of advanced age may, in some cases, not qualify for a FI old age pension.

Section 7 provides for the addition of new Sections 26A, 26B and 26C after Section 26. The addition of these new Sections will provide the Commissioner of Income Tax with powers to prevent tax avoidance by special transactions being made between associated persons.

Section 8 is intended to provide certain refinements to the adjustment of tax liability following the disposal of assets upon which depreciation allowances have been claimed. The rules and procedures relating to depreciation allowances are contained in the Sixth and Seventh Schedules of the principal Ordinance. The Sixth Schedule would be amended by the introduction of paragraphs 6A, 6B, 6C and 6D. The Seventh Schedule by the introduction, after paragraph 5, of paragraphs 5A, 5B, 5C and 5D. Certain other small adjustments are made to the Schedules, the most important of which is the insertion of the date (1st July 1993) in paragraphs 5 and 6 and the Sixth Schedule, 4 and 5 in the Seventh Schedule. Inadequate "claw back" provisions presently mean that businesses can obtain what could be considered over generous tax advantages by disposing of assets after claiming depreciation allowances. The proposed changes to the Sixth and Seventh Schedules would mean that if depreciation allowances have been claimed on an asset, and the trade ceases, or the asset ceases to be used in the trade, or the trader relinquishes possession of the asset in circumstances where he is unlikely to regain it, then the Commissioner of Income Tax will have the power to substitute market value if the disposal proceeds are below market value. These refinements will enable the Commissioner to ensure that the generous depreciation allowances presently in force are not used as a means of creating artificial tax advantages.

The Income Tax (Amendment) Bill 1993

(No: of 1993)

Arrangement of Provisions

Section

A Bill

for

An Ordinance
To amend the Income Tax Ordinance.

BE IT ENACTED by the Legislature of the Falkland Islands as follows:-

1.(1) This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1993. *Short title and commencement.*

(2) This Ordinance shall apply in relation to the charge to income tax for years of assessment beginning on or after 1st January 1994.

2. In this Ordinance "the principal Ordinance" means the Income Tax Ordinance. *The principal Ordinance. (Cap. 31)*

3.(1) In Section 5 of the principal Ordinance for paragraph (g) there shall be substituted - *Maintenance payments.*

> "(g) maintenance payments paid in pursuance of an order of a court in the Falkland Islands made before 1st July 1993;"

(2) in section 8 of the principal Ordinance after paragraph (o) there shall be inserted -

> "(p) maintenance payments other than any maintenance payment falling within section 5(g);"

(3) In section 10(3) of the principal Ordinance for paragraph (f) there shall be substituted -

> "(f) maintenance payments paid in pursuance of an order of a court in the Falkland Islands made before 1st July 1993;"

(4) In section 2(1) of the principal Ordinance in the definition of "maintenance payments" at the end there shall be added:

> "and for the purposes of this Ordinance a court order which varies, supplements or replaces an earlier court order shall be taken to be made on the day that earlier court order was made, or if that earlier order itself fell within this provision, on the day that earlier order was taken to have been made".
>
> [Note this provision may be amended so that any increase in the amount payable under an existing court Order (one made before 1 July 1993) does NOT qualify for deduction from income for tax purposes]

4.(1) In section 10(3)(a) immediately before "sums" there shall be inserted "subject to section 12C" and the following section shall be inserted in the principal Ordinance after section 12

Certain payments of interest not deductible.

12C(1) Any payment of interest by a company on or after 1st July 1993 in respect of securities issued by the company -

Certain payments of interest not deductible.

(a) where the securities are held by a non-resident company and either -

(i) that company owns (directly or indirectly) not less than 75 per cent. of the ordinary share capital of the issuing company, or

(ii) another non-resident company owns (directly or indirectly) not less than 75 per cent. of the ordinary share capital of both companies; or

(b) where -

(i) the securities are held by a non-resident company, and

(ii) a resident company directly owns less than 90 per cent. of the share capital of the issuing company and another resident company owns (directly or indirectly) not less than 75 per cent. of the ordinary share capital of both the issuing company and the company holding the securities,

shall not be deductible in ascertaining the chargeable income of the company unless the Commissioner directs the company that the payment may be deducted.

(2) In this section -

"non-resident company" means a company which is not resident in the Falkland Islands;

"resident company" means a company which is resident in the Falkland Islands, and

"securities" includes securities not creating or evidencing a charge on assets, and interest paid by a company on money advanced without the issue of a security for the advance, or other consideration given by a company for the use of money so advanced, shall be treated as if paid or given in respect of a security issued for the advance by the company.

5.(1) Subsection (2) of section 15 shall not have effect in relation to years of assessment after 1993.

Additional allowance in respect of children.

(2) The following sections shall be inserted in the principal Ordinance after section 15 and shall have effect in relation to the year of assessment 1994 and subsequent years -

"15A(1) In ascertaining the chargeable income of-

Additional allowance in respect of children.

(a) any individual who was not throughout the year preceding the year of assessment either married and living with his spouse or wholly maintaining his spouse; and

(b) any man who for the whole or any part of the year preceding the year of assessment is married to and living with a wife who is totally incapacitated by physical or mental infirmity throughout the year,who proves that a qualifying child was resident with him for the whole or part of that preceding year, there shall be deducted an amount equal to £1,100.

(2) An individual is entitled to only one deduction under this section for any year of assessment irrespective of the number of qualifying children resident with him in that year.

(3) An individual shall not be entitled to relief under this section for a year of assessment if during any part of the preceding year he is married and living with his spouse unless the child in respect of whom the relief is claimed is resident with that individual during a part of the preceding year when he is not married and living with his spouse.

(4) Where -

(a) a man and a woman who are not married to each other live together as husband and wife for the whole or any part of the year preceding the year of assessment, and

(b) apart from this subsection each of them would on making a claim be entitled to a deduction under this section,

neither of them shall be entitled to such a deduction except in respect of the youngest of the children concerned (that is to say, the children in respect of whom either would otherwise be entitled to a deduction).

(5) For the purposes of this section a qualifying child means, in relation to an individual and any year, a child who -

(a) is born in, or is under the age of 16 years at the commencement of, the year or, being over that age at the commencement of that year, is receiving full-time instruction at any university, college, school or other educational establishment; and

(b) is a child of the individual or, not being such a child, is born in, or is under the age of 18 years at the commencement of, the year and maintained for the whole or part of that year by the individual at his own expense.

Provisions supplementary to section 15A.

15B(1) In section 15A(5)(a) the reference to a child receiving full-time instruction at an educational establishment includes a reference to a child undergoing training by any person ("the employer") for any trade, profession or vocation in such circumstances that the child is required to devote the whole of his time to the training for a period of not less than two years.

(2) In section 15A(5)(b) the reference to a child of an individual includes a reference to a stepchild of his, an illegitimate child of his if he has married the other parent after the child's birth and an adopted child of his if the child was under the age of 18 years when he was adopted.

(3) For the purposes of section 15A(5) a child whose birthday falls on 1st January shall be taken to be over the age of 16 at the commencement of the year which begins with his 16th birthday and over the age of 18 at the commencement of the year which begins with his 18th birthday.

(4) Where for any year of assessment two or more individuals are entitled to relief under section 15A in connection with the same child-

(a) the amount referred to in subsection (1) of that section shall be apportioned between them; and

(b) the deduction to which each of them is entitled under that section shall, subject to subsection (5) below, be equal to so much of that amount as is apportioned to him.

(5) Where for any year of assessment amounts are apportioned to an individual under this section in respect of two or more children, the deduction to which he is entitled for that year under section 15A shall be equal to the sum of those amounts or the amount referred to in subsection (1) of that section, whichever is the less.

(6) Any amount required to be apportioned under this section shall be apportioned between the individuals concerned in such proportions as may be agreed between them or, in default of agreement, in proportion to the length of the periods for which the child in question is resident with them respectively in the year preceding the year of assessment; and where the proportions are not so agreed, the apportionment shall be made by the Commissioner.

(7) For the purposes of this section an individual shall not be regarded as entitled to relief under section 15A for any year of assessment in connection with the same child as another individual if there is another child in connection with whom he, and he is alone, is entitled to relief under that section for that year."

Age allowance.

6.(1) In section 16 of the principal Ordinance for "60 years" in both places there shall be substituted "64 years".

(2) In section 16 after subsection (2) there shall be added

(3) In ascertaining the chargeable income of an individual who proves that during the year preceding the year of assessment he was 60, 61, 62 or 63 years of age, and in receipt during the whole or part of that year of a state retirement pension, there shall be deducted an amount equal to the annual value of that pension or, if lower, to the annual value of the old age pension.

(4) In subsection (3) above "state retirement pension" means the old age pension or any similar retirement pension paid by or on behalf of the government of the United Kingdom, or of any part of the United Kingdom, or of any other country.

Transactions between associated persons.

7.(1) The following sections shall be inserted in the principal Ordinance after section 26-

Transactions between associated persons.

"26A(1) Subject to the provisions of this section, where any property is sold on or after 1st July 1993 and -

(a) the buyer is a body of persons over whom the seller has control or the seller is a body of persons over whom the buyer has control or both the buyer and the seller are bodies of persons over whom the same person or persons has or have control; and

(b) the property is sold at a price ("the actual price") which is either -

(i) less than the price which it might have been expected to fetch if the parties to the transaction had been independent persons dealing at arm's length ("the arm's length price"), or

(ii) greater than the arm's length price,

then, in computing for tax purposes the income profits or losses of the seller where the actual price was less than the arm's length price, and of the buyer where the actual price was greater than the arm's length price, the like consequences shall ensue as would have ensued if the property had been sold for the arm's length price.

(2) Subjection (1) above shall not apply -

(a) in any case where -

(i) the actual price is less than the arm's length price, and

(ii) the buyer is resident and carrying on a trade, business, profession or vocation in the Falkland Islands, and

(iii) the price of the property falls to be taken into account as a deduction in computing the profits or gains or losses of that trade, business, profession or vocation for tax purposes; or

(b) in any case where -

(i) the actual price is greater than the arm's length price, and

(ii) the seller is resident and carrying on a trade, business, profession or vocation in the Falkland Islands, and

(iii) the price of the property falls to be taken into account as a trading receipt in computing the profits or gains or losses of that trade, business, profession or vocation for tax purposes; or

(c) in relation to any other sale, unless the Commissioner so directs.

(3) Where a direction is given under subsection (2)(c) above all such adjustments shall be made, whether by assessment, repayment of income tax or otherwise, as are necessary to give effect to the direction.

Information for purposes of section 26A, and appeals.

26B(1) The Commissioner may, by notice given to any body corporate, require it to give to Commissioner, within such time (not being less than 30 days) as may be specified in the notice, such particulars (which may include details of relevant documents) as may be so specified of any related transaction which appears to the Commissioner-

(a) to be, or to be connected with, a transaction with respect to which the Commissioner might give a direction under section 26A; or

(b) to be relevant for determining whether such a direction could or should be given in any case; or

(c) to be relevant for determining for the purposes of that section what price any property sold would have fetched had the sale been one between independent persons dealing at arm's length.

(2) For the purposes of a notice under subsection (1) above, a transaction is a related transaction if, but only if, it is one to which the body corporate to which the notice is given, or a body corporate associated with that body, was a party; and for the purposes of this subsection two bodies corporate are associated with one another if one is under the control of the other or both are under the control of the same person or persons.

(3) Where, in the case of a transaction with respect to which it appears to the Commissioner that a direction under section 26A might be given -

(a) one of the parties is a body corporate resident outside the Falkland Islands more than 50 per cent. of the ordinary share capital of which is owned by a body corporate ("the parent body") resident in the Falkland Islands; and

(b) more than 50 per cent. of the ordinary share capital of the other party is owned by the parent body or the parent body is the other party,

the Commissioner may, by notice given to the parent body, require it to make available for inspection any books, accounts or other documents or records whatsoever of the parent body or, subject to subsection (4) below, of any body of persons over which it has control which relate to that transaction, to any other transaction (of whatever nature) in the same assets, or to transactions (of whatever nature) in assets similar to those to which the first-mentioned transaction related.

(4) If, in a case in which under subsection (3) above the parent body is by notice required to make available for inspection any books, accounts, documents or records of a body of persons resident outside the Falkland Islands over which the parent body has control, it appears to the Commissioner, on the application of the parent body, that the circumstances are such that the requirement ought not to have effect, the Commissioner shall direct that the parent body need not comply with the requirement.

(5) If, on an application under subsection (4) above, the Commissioner refuses to give a direction under that subsection, the parent body may, by notice given to the Commissioner within 30 days after the refusal, appeal to the Tribunal who, if satisfied that the requirement in question ought in the circumstances not to have effect, may determine accordingly.

(6) Where it appears to the Commissioner that a body of persons may be a party to a transaction or transactions with respect to which a direction under section 26A might be given, then, for the purpose of assisting the Commissioner to determine whether such a direction should be given, an officer of the Income Tax Office specifically authorised in that behalf by the Commissioner may, at any reasonable time, on production if so required of his authority -

(a) enter any premises used in connection with the trade, business, profession or vocation carried on by that body of persons in the course of which the transactions were effected,

(b) inspect there any books, accounts or other documents or records whatsoever relating to that trade, business, profession or vocation which he considers it necessary for him to inspect for that purpose, and

(c) require any such books, accounts or other documents or records to be produced to him there for inspection.

(7) An officer's authority for entering any premises under subsection (6) above shall state his name and the body of persons carrying on the trade, business, profession or vocation in connection with which the premises are used.

Provisions supplementary to sections 26A and 26B.

26C(1) Nothing in section 26A shall be construed as affecting the operation of the Sixth or Seventh Schedule to this Ordinance.

(2) Section 26A shall be disregarded in determining for the purposes of section 26 what, if any, profits are produced by a business.

(3) For the purposes of sections 26A and 26B a sale shall be deemed to take place at the time of completion or when possession is given, whichever is the earlier.

(4) For the purposes of sections 26A and 26B "control", in relation to a body corporate, means the power of a person to secure -

(a) by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or

(b) by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate,

that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person, and, in relation to a partnership, means the right to a share of more than one-half of the assets, or of more than one-half of the income, of the partnership.

(5) In determining whether any person (alone or with others) has control over a body of persons-

(a) there shall be attributed to him any rights or powers of a nominee for him, that is to say, any rights or powers which another possesses on his behalf or may be required to exercise on his direction or behalf;

(b) there may also be attributed to him any rights or powers of a person with whom he is connected including any rights or powers of a nominee for such a person, that is to say, any rights or powers which another possesses on behalf of such a person or may be required to exercise on his direction or behalf.

(6) Sections 26A, 26B and this section shall, with the necessary adaptations, have effect in relation to-

(a) lettings and hirings of property, grants and transfers of rights, interests or licences, and

(b) providing business facilities whether by way of making loans or guaranteeing debts or other liabilities to third parties or by the provision of any other kind of business facility whatsoever,

as they have effect in relation to sales, and the references in those sections to sales, buyers and prices shall be deemed to be extended accordingly.

(7) For the purposes of this section -

(a) a person is connected with an individual if that person is the individuals's wife or husband, or is a relative, or the wife or husband of a relative, of the individual or of the individual's wife or husband;

(b) a person is connected with any person with whom he is in partnership, and with the wife or husband or relative of any individual with whom he is in partnership,

and any provision that one person is connected with another shall be taken to mean that they are connected with one another.

Balancing charges and allowances.

8.(1) In both paragraph 5 and paragraph 6 of the Sixth Schedule to the principal Ordinance after "destroyed" there shall be inserted "before 1st July 1993" and after paragraph 6 there shall be inserted the following paragraphs-

6A. This paragraph applies where, during the year immediately preceding the year of assessment, any of the following events occurs in relation to a capital asset in respect of which a wear and tear or depreciation deduction has been made to any person carrying on a trade, business, profession or vocation-

(a) the asset ceases to belong to him; or

(b) that person loses possession of the asset in circumstances where it is reasonable to assume that the loss is permanent; or

(c) the asset ceases to exist as such (as a result of destruction, dismantling or otherwise);

(d) the asset begins to be used wholly or partly for purposes which are other than those of the trade, business, profession or vocation; or

(e) the trade, business, profession or vocation is permanently discontinued;

but does not apply in relation to any event which occurred before 1st July 1993.

6B. Where paragraph 6A above applies in relation to any asset -

(a) if there are no sale, insurance, salvage or compensation moneys or those moneys are less than the written-down value of the asset, there shall be allowed a deduction equal to that value or, as the case may be, the excess of that value over those moneys;

(b) if the sale, insurance, salvage or compensation moneys exceed the written-down value of the asset, an amount equal to the excess shall be additional income chargeable to tax for the year of assessment.

6C. Paragraph 6B shall have effect in relation to any sale or other disposition of any asset where the parties are not at arm's length and the consideration for the disposition is less than the market value of the asset as if the asset had been disposed of at market value.

6D. Where (by virtue of paragraph 6C or otherwise) the moneys referred to in paragraph 6B above exceed the expenditure in respect of which the wear and tear or depreciation deduction was given, the amount of the excess shall be disregarded for the purposes of that paragraph.

(2) In paragraph 7 of that Schedule for the words "paragraph 6" in each place where they occur there shall be substituted "paragraph 6 or 6A".

(3) In both paragraph 4 and paragraph 5 of the Seventh Schedule to the principal Ordinance after "destroyed" there shall be inserted "before 1st July 1993" and after paragraph 5 there shall be inserted the following paragraphs-

5A. This paragraph applies where, during the year immediately preceding the year of assessment, any of the following events occurs in relation to a capital asset in respect of which a wear and tear or depreciation deduction has been made to any person carrying on a trade, business, profession or vocation -

(a) the asset ceases to belong to him; or

(b) that person loses possession of the asset in circumstances where it is reasonable to assume that the loss is permanent; or

(c) the asset ceases to exist as such (as a result of destruction, dismantling or otherwise);

(d) the asset begins to be used wholly or partly for purposes which are other than those of the trade, business, profession or vocation; or

(e) the trade, business, profession or vocation is permanently discontinued,

but does not apply in relation to any event which occurred before 1st July 1993.

5B. Where paragraph 5A above applies in relation to any asset -

(a) if there are no sale, insurance, salvage or compensation moneys or those moneys are less than the written-down value of the asset, there shall be allowed a deduction equal to that value or, as the case may be, the excess of that value over those moneys;

(b) if the sale, insurance, salvage or compensation moneys exceed the written-down value of the asset, an amount equal to the excess shall be additional income chargeable to tax for the year of assessment.

5C. Paragraph 5B shall have effect in relation to any sale or other disposition of any asset where the parties are not at arm's length and the consideration for the disposition is less than the market value of the asset as if the asset had been disposed of at market value.

5D. Where (by virtue of paragraph 5C or otherwise) the moneys referred to in paragraph 5B above exceed the expenditure in respect of which the wear and tear or depreciation deduction was given, the amount of the excess shall be disregarded for the purposes of that paragraph.

(4) In paragraph 6 of that Schedule for the words from "but" to the end there shall be substituted for the words 'paragraph 6 or 6A' in each place where they occur the words 'paragraph 5 or 5A'".

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THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *1st JULY 1993* *No. 11*

The following are published in this Supplement —

The Appropriation Ordinance 1993 (No. 1 of 1993);
The Control of Drinking by Juveniles Ordinance 1993 (No. 3 of 1993);
The Customs (Amendment) Ordinance 1993 (No. 4 of 1993);
The Supplementary Appropriation (1991 - 1992) Ordinance 1993) (No. 5 of 1993);
The Supplementary Appropriation (1992 - 1993) Ordinance 1993 (No. 6 of 1993);
The Non - Contributory Old Age Pensions (Amendment) Ordinance 1993 (No. 8 of 1993);
The Old Age Pensions (Amendment) Ordinance 1993 (No. 9 of 1993);
The Marriage (Amendment) Ordinance 1993 (No. 10 of 1993);
The Road Traffic (Amendment) Ordinance 1993 (No. 11 of 1993).

The Appropriation Ordinance 1993

(No: 1 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Appropriation Ordinance 1993

(No: 1 of 1993)

An Ordinance
to provide for the service of the Financial Year commencing on 1 July 1993 and ending on 30 June 1994.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Appropriation Ordinance 1993. *Short title.*

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 1993 and ending on 30 June 1994 ("the financial year"), sums not exceeding in aggregate the sum of TWENTY EIGHT MILLION FIVE HUNDRED AND EIGHTY FOUR THOUSAND NINE HUNDRED POUNDS, 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. *Appropriation of £28,584,900 for the service of the year 1993-1994.*

SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	1,375,570
150	Posts and Telecommunications	361,180
200	Medical and Dental	1,975,920
250	Education and Training	1,847,750
300	Customs and Immigration	128,390
320	Fisheries	4,704,490
350	Public Works	3,845,390
390	Fox Bay Village	40,980
400	Agriculture	551,860
450	Justice	394,000
500	Falkland Islands Defence Force	157,260
550	Police and Fire & Rescue	478,480
600	Secretariat, Treasury, Central Store, Broadcasting etc	1,705,710
650	Pensions and Gratuities	425,400
700	Social Welfare	398,700
750	Governor	126,320
800	Legislature	180,720
850	Falkland Islands Government Office	307,070
TOTAL OPERATING BUDGET		19,005,190
PART II CAPITAL BUDGET		
950	Expenditure	9,579,710
TOTAL EXPENDITURE		28,584,900

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE.
Clerk of Councils.

The Control of Drinking by Juveniles Ordinance 1993

(No: 3 of 1993)

Arrangement of Provisions

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Control of Drinking by Juveniles Ordinance 1993

(No: 3 of 1993)

An Ordinance
To make better provision as to the consumption of intoxicating liquor by juveniles.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Control of Drinking by Juveniles Ordinance 1993. *Short title.*

2. In this Ordinance - *Interpretation.*

"intoxicating liquor" has the same meaning as it has under section 2 of the Licensing Ordinance;

"juvenile" means any person under the age of eighteen years;

"public place" means any place other than a dwellinghouse, the curtilage of a dwellinghouse or licensed premises;

"licensed premises" means premises in respect of which a licence granted under the Licensing Ordinance is held;

"possession" and "supply" does not include any situation where under the prescription of or at the direction of a government medical officer or in the course of holy communion according to the rites of any Christian denomination, intoxicating liquor is administered to, delivered to or in the possession of a juvenile.

3.(1) Subject to this section, it is unlawful for a juvenile to be in possession in a public place of intoxicating liquor in any quantity whatsoever. *Possession of intoxicating liquor by juveniles.*

(2) Where a juvenile is accompanied by or acting on the direction or request of a parent or guardian of eighteen years of age or above or by another adult at whose direction or request it is reasonable in the circumstances of the case for the juvenile to carry or transport intoxicating liquor, that adult, and not the juvenile shall be deemed to be in possession of that intoxicating liquor, but if a prosecution is brought in respect of a contravention of subsection (1) it is for the defendant to prove that he is entitled to the benefit of this subsection and in determining whether he is so entitled the court shall in particular have regard to the relationship between the juvenile and the adult in question.

(3) Without prejudice to the generality of subsection (1), where a juvenile is, in a public place, in possession of intoxicating liquor in the course of his employment for the purpose of delivery of, or display for sale or supply of, intoxicating liquor to an adult or adults, the employer of the juvenile, and not the juvenile, shall be deemed to be in possession of the intoxicating liquor.

Supply of intoxicating liquor to juveniles.

4.(1) Subject to this section, it is unlawful to supply intoxicating liquor to a juvenile in a public place.

(2) For the purposes of this section, intoxicating liquor shall be deemed not to have been supplied to a juvenile in any circumstances in which under any provision of section 3 some adult, and not the juvenile, would be deemed, as a result of that supply to be in possession of the intoxicating liquor.

Consumption of intoxicating liquor by juveniles.

5.(1) Subject to this section, it is unlawful for a juvenile to consume intoxicating liquor in a public place.

(2) Subsection (1) does not apply so as to render consumption of intoxicating liquor by a juvenile unlawful where it is consumed by the juvenile under the prescription of or at the direction of a government medical officer or in the course of the administration of Holy Communion according to the rites of any Christian denomination.

Procurement of supply of intoxicating liquor.

6.(1) Subject to this section, it is unlawful for a juvenile to procure or attempt to procure any person to purchase or obtain by any means any intoxicating liquor with the intention of the ultimate delivery of that intoxicating liquor by that or any other person to that juvenile.

(2) Subject to this section, it is unlawful for any person to agree to procure or attempt to procure any intoxicating liquor for any juvenile.

(3) A parent or guardian of a juvenile is incapable, in relation to that juvenile, of contravening subsection (2), and where the person procured or attempted to be procured is his parent or guardian, a juvenile does not contravene subsection (1).

Offences.

7.(1) A person who contravenes section 3(1), section 4(1), section 5(1), section 6(1) or section 6(2) commits an offence and is liable on conviction of that offence to a fine not exceeding £250 and he is also, if he has on any previous occasion been convicted of an offence to which this subsection relates, liable to imprisonment for a term not exceeding three months.

(2) Subject to subsection (3), wherever it convicts a person of any offence to which subsection (1) relates, the court shall order that any intoxicating liquor found in the possession in a public place of that person at the time of that offence shall be forfeit to the Crown, to be dealt with in such manner as the Governor may direct.

(3) The court may, for special reasons related to the offence it shall declare in open court, refrain from making an order of the kind referred to in subsection (2), and if it does so, it shall order that the intoxicating liquor in question, if it has been seized under section 8(1), shall be returned to the offender.

(4) If in any proceedings in relation to an offence to which subsection (1) relates a question arises as to whether a person was at the time of the offence a juvenile, that person shall, unless the contrary is proved, be deemed to have been a juvenile at that time.

Power of police officers to require a person to satisfy him that an offence is not being committed.

8.(1) A police officer in uniform, if he reasonably suspects that any person in a public place may be committing an offence to which section 3(1) or 5(1) relates, may stop that person and require him -

(a) reasonably to satisfy him that he is not a juvenile; or

(b) reasonably to satisfy him that, if he is a juvenile, that he has no intoxicating liquor in his possession

and if the police officer is not thereby reasonably satisfied that that person was not at the time he was stopped committing such an offence, he may arrest that person and seize any thing he reasonably believes to be intoxicating liquor he finds to be in that person's possession at the time of such arrest.

(2) Where a police officer seizes any thing pursuant to subsection (1) he shall deliver it to the Chief Police Officer, and it shall be retained by the Chief Police Officer -

(a) to be dealt with by the court pursuant to section 7(2) or (3), in the event of a prosecution; or

(b) if he is satisfied that the thing is not intoxicating liquor, and is not any thing to which the Misuse of Drugs Ordinance 1987 relates, for the purpose of it being returned as soon as possible to the person from whom it was seized; or

(c) to be dealt with as a court may direct under subsection (3); or, in any other case, and subject to paragraph (a),

(d) subject to subsection (3) to be disposed of or dealt with in accordance with such directions as the Governor may give generally or in the circumstances of the particular case.

(3) If -

(a) no prosecution for an offence under subsection 3(1) or 5(1) has been commenced against the person from whom any thing has been seized under subsection (1) of this section;

(b) more than one month has expired since the thing was seized; and

(c) the thing has not been returned pursuant to subsection (2)(b),

the Summary Court or the Magistrate's Court, on the application within three months of such seizure any person appearing to it to have by a sufficient interest in the thing, may order that the thing be delivered to or returned to the person named by the court.

(4) The Chief Police Officer shall be the respondent to any application under subsection (3) and shall comply with any order made by a court under that subsection.

9. Nothing in this Ordinance shall have effect so as to modify, in relation to premises licensed under the Licensing Ordinance, any provision of that Ordinance. *Licensing Ordinance.*

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Customs (Amendment) Ordinance 1993

(No: 4 of 1993)

Arrangement of Provisions

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Customs (Amendment) Ordinance 1993

(No: 4 of 1993)

An Ordinance
To amend the Customs Ordinance

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

Short title and commencement.

1. This Ordinance may be cited as the Customs (Amendment) Ordinance 1993 and comes into force on 1st July 1993 or such earlier date (being not earlier than a Customs Resolution passed by the Legislative Council made by reference to its provisions comes into effect) as is notified by the Governor by notice published in the Gazette.

Interpretation.

2. In this Ordinance -

"Customs Resolution" means a resolution of the Legislative Council under section 5 of the principal Ordinance;

"the principal Ordinance" means the Customs Ordinance.

Amendment of section 2 of the principal Ordinance.

3. Section 2 (definitions) of the principal Ordinance is amended -

(a) by inserting, immediately after the definition of "Aircraft" appearing therein, the following definition -

""alcohol" except in relation to perfume, has the meaning given by section 26(a) of this Ordinance;"

(b) by inserting, immediately after the definition of "Kings warehouse" appearing therein, the following definition -

""liquor" except in relation to perfume, has the meaning given by section 26(b) of this Ordinance;"

(c) by inserting, immediately after the definition of "Over the Colony" appearing therein, the following definition -

""perfume" means any mixture of alcohol and essential oils or alcohol and synthetic materials and intended, in either case, to be applied to a person, animal or thing so as to impart a pleasant fragrance to that person, animal or thing;"

(d) by deleting the definition of "proof spirit" appearing therein; and

(e) by replacing the definition of "Waters of the Colony" appearing therein with the following definition -

""Waters of the Colony" has the same meaning as "territorial sea" has by virtue of the definition of that expression in the Interpretation and General Clauses Ordinance 1977;"

4. Section 26 of the principal Ordinance is replaced by the following new section 26 -

Replacement of section 26 of the principal Ordinance.

"26.(1) For the purposes of this Ordinance, except in relation to perfume, and the application of any duty under this Ordinance to any liquor -

Provisions as to liquor for duty and other purposes.

(a) "alcohol" means ethyl alcohol;

(b) "liquor" means any liquor containing more than 2% of alcohol by volume and which has not been rendered imporable by denaturing (that is to say, by the addition thereto of methanol or any other nauseous substance);

(c) "worts", in relation to any liquid or liquor, means a liquor or liquid which is unfermented or in the course of fermentation;

(d) "beer" includes ale, spruce, porter, stout and any liquor which is made or sold as a description of beer or as cider or perry and any other description of beer including worts of beer or of any of the foregoing, and which in any of the foregoing cases does not contain more than 12% alcohol by volume;

(e) "wine" means any liquor -

(i) which is not beer (as defined above) and which (disregarding the percentage of alcohol by volume contained therein) would not otherwise be beer by virtue of that definition; and

(ii) which does not contain more than 15% alcohol by volume;

(f) "fortified wine" means any liquor -

(i) which is not beer or wine (each as above defined) nor other strong liquor or spirituous beverage (each as below defined) and

(ii) which contains more than 15% alcohol by volume but does not contain more than 22% alcohol by volume;

(g) "other strong liquor" means any liquor -

(i) which is not beer, or wine or fortified wine (each as above defined) nor spirituous beverage or spirits (each as below defined);

(ii) which -

(aa) if it contained no more than 12% alcohol by volume would be beer by virtue of the above definition of "beer"; and

(bb) contains more than 12% alcohol by volume but does not contain more than 22% alcohol by volume;

(h) "spirituous beverage" means any liquor -

(i) in which the majority of alcohol contained therein is distilled alcohol; and

(ii) which does not contain more than 22% alcohol by volume.

(i) "spirit" means any liquor containing more than 22% alcohol by volume."

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Supplementary Appropriation (1991-1992) Ordinance 1993

(No: 5 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1991-1992) Ordinance 1993

(No: 5 of 1993)

An Ordinance

To appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £272,530 for the service of the Financial Year which ended on 30 June 1992.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Supplementary Appropriation (1991 - 1992) Ordinance 1993. *Short title.*

2. There is hereby authorised as if this Ordinance had been in force at the time or times of the issue out of the Consolidated Fund of any sums to which this section relates, the issue by the Financial Secretary and appropriation out of the Consolidated Fund and the application to the service of the year which commenced on 1 July 1991 and ended on 30 June 1992 ("the financial year"), in addition to any sum already granted and appropriated for the service of the financial year, of the sum of Two hundred and seventy two thousand five hundred and thirty pounds, provided that such issue and appropriations for the purposes of the services expressed and particularly mentioned in the schedule hereto and which came in course of payment during the financial year. *Appropriation of £272,530 for the year 1991-92.*

SCHEDULE

Number	Head of Service	£
600	Secretariat, Treasury, Central Store, Broadcasting etc	156,525
650	Pensions and Gratuities	23,660
880	FIDC Funding	15,000
900	Income Tax Refunds	77,345
		272,530

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Supplementary Appropriation (1992-1993) Ordinance 1993

(No: 6 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1992-1993) Ordinance 1993

(No: 6 of 1993)

An Ordinance
To authorise the withdrawal from the Consolidated Fund and the payment into the Old Age Pensions Equalisation Fund of the sum of £4,000,000.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Supplementary Appropriation (1992-1993) Ordinance 1993. *Short title.*

2.(1) There may at any time before 1st July 1993 be withdrawn from the Consolidated Fund and paid into the Old Age Pensions Equalisation Fund any sum or sums not exceeding in aggregate the sum of Four million pounds. *Provision of £4,000,000.*

(2) In subsection (1), "the Old Age Pensions Equalisation Fund" means the Pensions Equalisation Fund established by section 22(1) of the Old Age Pensions Ordinance 1952.

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Non-Contributory Old Age Pensions (Amendment) Ordinance 1993

(No: 8 of 1993)

Arrangement of Provisions

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Non-Contributory Old Age Pensions (Amendment) Ordinance 1993

(No: 8 of 1993)

An Ordinance
To amend the Non-Contributory Old Age Pensions Ordinance 1961

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Non-Contributory Old Age Pensions (Amendment) Ordinance 1993 and shall come into force on 1st July 1993. *Short title and commencement.*

2. In this Ordinance, "the principal Ordinance" means the Non-Contributory Old Age Pensions Ordinance 1961. *The principal Ordinance.*

3. The Schedule to the principal Ordinance is replaced by the following Schedule - *Replacement of Schedule.*

"SCHEDULE

Married man £76.00

Unmarried person £54.50

Man or women separate or living apart from his or her wife .. .. £54.50".

	Current 1991/92 £	Proposed 1992/93 £	Increase £	Increase %
Married Rate Pension	72.00	76.00	4.00	5.6
Single Rate Pension	51.50	54.50	3.00	5.8

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Old Age Pensions (Amendment) Ordinance 1993

(No: 9 of 1993)

Arrangement of Provisions

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Old Age Pensions (Amendment) Ordinance 1993

(No: 9 of 1993)

An Ordinance
To amend the Old Age Pensions Ordinance 1952.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Old Age Pensions (Amendment) Ordinance 1993 and shall come into force on 1st July 1993. *Short title and commencement.*

2. In this Ordinance, "the principal Ordinance" means The Old Age Pensions Ordinance 1952. *The principal Ordinance.*

3. Section 6(2) of the principal Ordinance is repealed and replaced by the following new section 6(2) - *Repeal and replacement of section 6(2) of the principal Ordinance.*

"(2) Subject to the provisions of this Ordinance -

(a) Every employed male person and every employed female contributor other than the widow of a contributor shall be liable to pay weekly contributions at the rate of £5.10 per week if between the ages of 17 and 64 years;

(b) every employer of an employed person or a female contributor other than the widow of a contributor shall be liable to pay weekly contributions at the rate of £7.60 per week if the employed male person or female contributor is between the ages of 17 and 64 years;

(c) every self-employed male person and every self-employed female contributor shall be liable to pay weekly contributions at the rate of £12.70 per week if between the ages of 17 and 64 years".

4. The Schedule to the principal Ordinance is replaced by the following Schedule - *Replacement of the Schedule.*

"SCHEDULE

Section 4(2)

RATES OF PENSION

Married man.. .. .. £88.00 per week.

Unmarried man, or widower, or man whose marriage has been dissolved by decree of a competent court, or man separate or living apart from his wife who cannot prove that he is contributing to her support.. .. .. £56.50 per week.

Widow of pensioner during widowhood.. .. .. £56.50 per week.

Unmarried female contributor or a married female contributor not living with or being maintained by her husband.. .. .. £56.50 per week."

	1992/93	1993/94	Increase	
	£	£	£	%
Married Rate Pension	83.50	88.00	4.50	5.4
Single Rate Pension	53.50	56.50	3.00	5.6
Contributions				
Self-employed	12.00	12.70	.70	5.8
Employer	7.20	7.60	.40	5.6
Employee	4.80	5.10	.30	6.3

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Marriage (Amendment) Ordinance 1993

(No: 10 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Marriage (Amendment) Ordinance 1993

(No: 10 of 1993)

An Ordinance
To amend the Marriage Ordinance.

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Marriage (Amendment) Ordinance 1993 and shall come into force on 1st July 1993. *Short title and commencement.*

2. The Marriage Ordinance is amended by substituting the following for the Third Schedule to that Ordinance. *Amendment of Marriage Ordinance (Cap 43).*

"THIRD SCHEDULE
Table of Fees

PART I

Fees payable to the Registrar

To obtain Governor's special licence	£55.00
To obtain Registrar General's licence	£15.00
Notice of marriage	£10.00
To conduct marriage	£10.00
To travel elsewhere within 6 miles of Stanley to conduct marriage:	
by vehicle, per mile	£1.00
other: *the reasonable cost of travel, together with in each case the cost of any necessary overnight accommodation.*	
For each certificate of marriage after the first	£5.00
To enter a caveat against the grant of a licence	£10.00
Notice or certificate under the Foreign Marriage Act	£10.00

PART II

Fees payable to a Minister of Religion

Publication of banns of marriage	£10.00
To conduct marriage	£10.00
To travel elsewhere other than within 6 miles of Stanley Cathedral to conduct marriage: by vehicle per mile	£1.00
other: *the reasonable cost of travel together with in each case the cost of any necessary overnight accommodation.*	
Certifies copy of an entry in the Register of Marriage	£5.00".

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Road Traffic (Amendment) Ordinance 1993

(No: 11 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Road Traffic (Amendment) Ordinance 1993

(No: 11 of 1993)

An Ordinance
To amend the Road Traffic Ordinance

(assented to: 18th June 1993)
(commencement: 1st July 1993)
(published: 1st July 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1993 and shall come into force on 1st July 1993. *Short title and commencement.*

2. In section 4(1) of the principal Ordinance the figures "£4.00", "£15.00", "£36.00" and "£57.00" therein appearing are respectively replaced by the figures "£6.00", "£23.00", "£54.00" and "£86.00". *Amendment of section 4(1) of the principal Ordinance.*

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Five Pounds & Seventy Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *13th JULY 1993* *No. 12*

The following are published in this Supplement —

The Special Funds Ordinance 1993 (No. 2 of 1993);

The Finance and Audit (Amendment) Ordinance 1993 (No. 7 of 1993).

The Special Funds Ordinance 1993

(No: 2 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Special Funds Ordinance 1993

(No: 2 of 1993)

An Ordinance
To establish the Sinking Fund and to make provision in relation to that Fund.

(assented to: 18th June 1993)
(commencement: on publication)
(published: 13th July 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Special Funds Ordinance 1993. *Short title.*

2. There is hereby established the Sinking Fund which shall be a Special Fund for the purposes of sections 29 and 30 of the Finance and Audit Ordinance 1988. *Establishment of the Sinking Fund.*

3.(1) The following provisions of this section shall have effect in addition to and without prejudice to the provisions of section 29 and 30 of the Finance and Audit Ordinance 1988. *Special provisions as to the Fund.*

(2) There may be paid into the Sinking Fund only such monies as are authorised by an Appropriation Ordinance to be withdrawn from the Consolidated Fund for the purposes of being paid into the Sinking Fund, and there may be withdrawn from the Sinking Fund only such monies as are authorised by any Ordinance to be withdrawn from the Sinking Fund for the purpose of meeting expenditure upon the replacement of any asset acquired by expenditure out of the Consolidated Fund or the Sinking Fund which, after consultation with the Executive Council, the Financial Secretary authorises to be effected by expenditure out of the Sinking Fund and there may also be withdrawn from the Sinking Fund the costs of management and investment of the said Fund.

(3) The Financial Secretary may pay into the Sinking Fund such sum as he is satisfied represented on 30 June 1993 the balance at that date unexpended of monies any Appropriation Ordinance relating to any period before that date and which monies were thereby provided for the purposes of replacing any asset the acquisition of which was effected by the outlay of monies withdrawn from the Consolidated Fund by authority of an Appropriation Ordinance.

4. The monies for the time being forming part of the Sinking Fund may be invested in any manner in which monies forming part of the Consolidated Fund may, pursuant to section 24(1) of the Finance and Audit Ordinance 1988, be invested. *Investment.*

5. None of the foregoing provisions of this Ordinance shall have effect until the concurrence of the Secretary of State, pursuant to section 11(1) of the Finance and Audit Ordinance 1988, has been obtained thereto and has been notified in the Gazette. *Saving for concurrence of the Secretary of State.*

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Finance and Audit (Amendment) Ordinance 1993

(No: 7 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Finance and Audit (Amendment) Ordinance 1993

(No: 7 of 1993)

An Ordinance
To amend the Finance and Audit Ordinance 1988

(assented to: 18th June 1993)
(commencement: on publication)
(published: 13th July 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Finance and Audit (Amendment) Ordinance 1993. *Short title.*

2. Section 26(1) of the Finance and Audit Ordinance 1988 is amended by replacing the words "one half per cent" therein appearing with the words "two per cent". *Amendment of section 26(1) of the principal Ordinance.*

Passed by the Legislature of the Falkland Islands this 4th day of June 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Two Pounds.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *21st JULY 1993* *No. 13*

The following is published in this Supplement —

The Registration of Motor Vehicles (Amendment) Regulations Order 1993.

SUBSIDIARY LEGISLATION

REGISTRATION OF MOTOR VEHICLES (AMENDMENT) REGULATIONS ORDER 1993

(S. R. & O. No: 5 of 1993)

Made: 17th July 1993
Published: 21st July 1993
Commencing: 1st October 1993

IN EXERCISE of my powers under section 18 of the Road Traffic Ordinance(a) I make the following Order -

Citation and commencement.

1. This Order may be cited as the Registration of Motor Vehicles (Amendment) Regulations Order 1993 and shall come into force on 1st October 1993.

The principal Order.

2. In this Order, "the principal Order" means the Road Traffic (Provisional) Regulations Order 1986(b).

Amendment of regulation 2 of the principal Order.

3. Regulation 2 of the principal Order is amended by the addition of the following paragraph -

"(5) A fee of £30 shall be paid to the Officer in Charge of Police on any application under subregulation (1) or (3)."

Made this 17th day of July 1993.

R. SAMPSON,
Acting Governor.

(a) Cap. 60 Laws of the Falkland Islands 1950 Edition.
(b) No. 5 of 1986.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *24th AUGUST 1993* *No. 14*

The following is published in this Supplement —

The Post Office (Amendment) Order 1993 (S.R. & O. No. 6 of 1993).

SUBSIDIARY LEGISLATION

POST OFFICE

The Post Office (Amendment) Order 1993

(S.R. & O. No: 6 of 1993)

Made: 9th August 1993
Published: 24th August 1993
Coming into operation 1st October 1993

IN EXERCISE of my powers under section 4 of the Post Office Ordinance(a), I make the following Order -

Citation and commencement.

1. This Order may be cited as the Post Office (Amendment) Order 1993 and comes into operation on 1st October 1993.

"The principal Order."

2. In this Order, "the principal Order" means the Post Office Order 1981(b).

Replacement of Schedules to the principal Order.

3. The Schedule to this Order shall have effect as the First, Second and Third Schedules to the principal Order and paragraph 3(2) of the Schedules to the Post Office (Amendment) Order 1992(c) shall cease to have effect on when this Order comes into force.

FIRST SCHEDULE

AIRMAIL RATES - To all countries

Letters	39p per 1/2 oz or part thereof.
Printed Papers	26p per 1/2 oz or part thereof.
Printed Papers (Reg. Newspapers)	23p per 1/2 oz or part thereof.
Small Packets	26p per 1/2 oz or part thereof.
Postcards	34p.
Aerogrammes (Plain)	36p.
Aerogrammes (Illustrated)	49p.

(a) Cap. 52 Laws of the Falkland Islands 1950 Edition.
(b) No. 1 of 1981.
(c) S.R & O. No. 24 of 1992.

SECOND SCHEDULE

SURFACE MAIL RATES - To all countries

NOT OVER	LETTERS	PRINTED PAPERS	SMALL PACKETS
1 oz	32p	16p	-
4 oz	77p	35p	35p
8oz	151p	66p	66p
1 lb	292p	117p	117p
2 lb	509p	196p	196p
4 lb	827p	274p	274p

Postcards	24p
Literature for the blind	Free

PARCELS A - To the United Kingdom only

Not over 2 lb	£ 7.49
Not over 7 lb	£11.62
Not over 11 lb	£15.00
Not over 22 lb	£21.12
Not over 33 lb	£28.33
Not over 44 lb	£36.07
Not over 55 lb	£44.00
Not over 66 lbs	£52.10

PARCELS B - To other countries

Such rates as are notified by the postal authorities at the Post Office counter.

THIRD SCHEDULE

INLAND RATES

NOT OVER	LETTERS	PRINTED PAPERS / SMALL PACKETS
1 oz	16p	8p
4 oz	35p	18p
8 oz	72p	35p
1 lb	139p	67p

Postcards	10p
Literature for the blind	Free

PARCELS

NOT OVER

2 lb	70p
4 lb	£1.07
7 lb	£1.40
11 lb	£1.91

REGISTRATION - Section 10(1)

(a) Inland 38p Overseas 75p

Section 10(2) The fee for requesting advice of delivery of a registered or insured postal packet at the time of posting is 26p.

Made the 9th day of August 1993.

RONALD SAMPSON
Acting Governor.

EXPLANATORY NOTE
(not part of the above Order)

The effect of this Order is to increase postal rates with effect from 1 October 1993.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *25th AUGUST 1993* *No. 15*

The following is published in this Supplement —

The Fishing Licences (Application and Fees) Regulations (S.R. & O. No. 7 of 1993).

SUBSIDIARY LEGISLATION

FISHERIES

The Fisheries (Conservation and Management) Ordinance 1986

The Fishing Licences (Application and Fees) Regulations (No.2) Order 1993

(S.R.& O. No.7 of 1993)

Made: 25th August 1993
Published: 25th August 1993
Coming into operation: on publication

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

Commencement and citation.

1. (1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations (No.2) Order 1993 and shall come into operation on the date it is first published in the Gazette and cease to have effect on the 30 June 1994.

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

(2) These Regulations do not apply in respect of directed fishing for Shortfin squid (*Illex argentinus*).

3. In these Regulations -

"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;

(a) No.11 of 1986.

"fishing licence" means a licence to catch or take fish within the fishing water;

"jigger" means a fishing boat which is equipped so as to be able to catch or take fish by means of jigging machines;

"southern area" means all those parts of the FICZ which lie to the south of latitude 51°15' South and to the east of 60° of longitude West and south of latitude 52°00' South and to the west of 60° longitude West;

"the fishing season" means -

(a) in relation to an "A" Licence, the period commencing on 1 January 1994 and ending 30 June 1994;

(b) in relation to a "C" Licence, the period commencing on 1 February 1994 and ending on 31 May 1994;

(c) in relation to a "W" Licence, the period commencing on 1 January 1994 and ending on 30 June 1994;

"the principal Regulations" means the Fishing Regulations Order 1987; and

"trawler" means a fishing boat which is equipped so as to be able to catch or take fish by means of a trawl or trawls.

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 "A" licence;

(b) a "C" Licence; and

(c) a "W" Licence.

(2) An "A" Licence issued under these Regulations shall authorise 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 squid of any kind.

(3) A "C" Licence issued under these Regulations shall authorise the catching or taking within the southern area of *Loligo gahi*.

(4) A "W" Licence issued under these Regulations shall authorise the catching or taking of any finfish, with the exception of Hake (*Merluccius spp.*), that is to say vertebrate fish having a dorsal fin, a ventral or pectoral fin and shall not in any case include 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.

6. (1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, P O Box 122, Stanley, Falkland Islands. *Applications for licences.*

(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 30 September 1993.

(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.

7. (1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "A" Licences. *The Schedule and its Tables.*

(2) Table 2 of the Schedule to these Regulations applies in respect of type "C" licences.

(3) Table 3 of the Schedule to these Regulations applies in respect of type "W" licences.

(4) All fees payable under this regulation shall be paid in pounds sterling and in accordance with the principal Regulations.

(5) 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.

8.(1) The Director of Fisheries may, if he thinks fit, grant a licence in respect of one or more vessels in rotation of one another. *Licences in rotation.*

(2) Where a licence is granted under paragraph (1) the Director of Fisheries shall impose such conditions in the licence as are necessary to make clear and 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 fleet 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 published in the Gazette 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.

THE SCHEDULE

Provisions 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 finfish only.

3. The season for this type of licence commences on 1 January 1994 and ends on 30 June 1994 and will be subject to closed areas 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)

In the following Formula, "GT" means "Gross Tonnage" as shown in Tonnage Certificates issued in accordance with the International Tonnage Measurement Rules.

FORMULA

Fee payable per licensed month of fishing is the result of

£((8.20 x GT) - 3813)

TABLE 2

Trawlers - Squid south - Type "C" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.

2. Fees calculated by the Formula set out in this Table apply to trawlers licensed to take squid in the southern area.

3. The season for this type of licence commences on 1 February 1994 and ends on 31 May 1994 and is exempt from The Fishing (Nets and Supplementary Equipment) Regulations Order 1990 in certain parts of the southern area.

4. Fees calculated by the Formula set out in this Table are for the full season only.)

Effective text (of legislative effect)

In the following Formula "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.

FORMULA

Fee payable is the result of

£((15.49 x GT) + 154316)

TABLE 3

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 except Hake (*Merluccius spp.*)

3. The season for this type of licence commences on 1 January 1994 and ends on 28 February 1994 and will be subject to closed areas 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)

In the following Formula, "GT" means "Gross Tonnage" as shown in Tonnage Certificates issued in accordance with the International Tonnage Measurement Rules.

FORMULA

Fee payable per licensed month of fishing is the result of

£((8.20 x GT) - 3813)

However, if the available freezing capacity of the trawler to which the licence relates is in the range 80 to 120 tonnes per day, as determined by The Director of Fisheries, the fee payable is 15% higher than that resulting from the above Formula.

If the available freezing capacity of the trawler to which the licence relates is greater than 120 tonnes per day as determined by the Director of Fisheries, the fee payable is 30% higher than that resulting from the above Formula.

Made this 25th day of August 1993.

RONALD SAMPSON,
Acting Governor.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Two Pounds & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *20th SEPTEMBER 1993* *No. 16*

The following are published in this Supplement —

The Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993;
The Iraq (United Nations) (Sequestration of Assets) (Dependent Territories) Order 1993.

1993 No. 1195

UNITED NATIONS

The Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993

Made - - - -	*12th May 1993*
Laid before Parliament	*13th May 1993*
Coming into force	*14th May 1993*

At the Court at Buckingham Palace, the 12th day of May 1993
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 have, by a resolution adopted on 17th April 1993, 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 Serbia and Montenegro:

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:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1993 and shall come into force on 14th May 1993.

(2) If, after the making of this Order, the Security Council of the United Nations takes a decision which has the effect of cancelling or suspending the operation of the resolution adopted by it on 17th April 1993, this Order shall cease to have effect or its operation shall be suspended, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Governor in a notice in the Gazette.

(3)(a) This Order shall extend, as part of the law thereof, to each of the territories listed in Schedule 4 to this Order.

(b) In the application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

Interpretation

2.—(1) In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say–

"aircraft documents" means any certificate of registration, maintenance or airworthiness of the aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

"commander", in relation to an aircraft, means the member of the flight crew desig-

(a) 1946 c.45.

nated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"cargo" includes load;

"effective control" in relation to a ship, goods vehicle or aircraft, means a legal or beneficial interest by way of ownership which is less than a majority interest but which, having regard to the considerations of fact or law involved, confers the possibility of directly or indirectly exercising a decisive influence on the operation of that ship, goods vehicle or aircraft;

"Gazette" means the official Gazette of the Territory;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

"Governor" means the Governor or other officer administering the Government of the Territory;

"master", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

"operator", in relation to a ship, aircraft or goods vehicle, means the person for the time being having the management of that ship, aircraft or goods vehicle;

"owner", in relation to a goods vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement;

"owner", in relation to a ship, means, except in relation to articles 10, 12 and 17, where the owner of a ship is not the operator, the operator and any person to whom it is chartered;

"person connected with Serbia or Montenegro" means

(i) the Governments of the Federal Republic of Yugoslavia, of Serbia and of Montenegro;

(ii) any other person in, or resident in, Serbia or Montenegro;

(iii) any body incorporated or constituted under the law of Serbia or Montenegro;

(iv) any body, wherever incorporated or constituted, which is controlled by any of the said Governments, any other person in, or resident in, Serbia or Montenegro, or any body incorporated in or constituted under the law of Serbia or Montenegro; and

(v) any person acting on behalf of any of the above mentioned persons;

"ship" has the meaning it bears in section 742 of the Merchant Shipping Act 1894(**a**);

"stores" means goods for use in a ship, goods vehicle or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, and, in relation to a ship or aircraft, includes any goods for use as merchandise for sale by retail to persons carried therein;

"the 1992 Order" means the Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992(**b**);

"violation of the United Nations resolutions" means a contravention committed after the entry into force of this Order of any of those provisions of the law of any country or territory which, to the extent required by the provisions of the resolutions set out in Schedule 1 to this Order, prohibit certain imports and exports of goods, supplies of services, or operation or use of ships, goods vehicles or aircraft in relation to the former Yugoslavia or parts thereof, or, where there is no such law in the relevant country or territory, an import or export of goods, supply of services or operation or use of ships, vehicles or aircraft which is required to be prohibited under any of those resolutions.

Investigation of suspected ships, goods vehicles or aircraft

3.—(1) Where any authorised officer, that is to say, any such officer as is referred to in section 692(1) of the Merchant Shipping Act 1894, has reason to suspect that any ship in the Territory has been or is being operated or used in violation of the United Nations resolutions, he may (either alone or accompanied and assisted by persons under his

(a) 1894 c.60.
(b) S.I. 1992/1303.

authority) board the ship and search her and, for that purpose, may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and an authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being operated or used in violation of the United Nations resolutions, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of any such violation or in order that enquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps:

(a) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;

(b) if the ship is then in a port in the Territory to cause her to remain there until the master is notified by an authorised officer that the ship may depart;

(c) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b) above; and

(d) to take her to any other destination that may be specified by the officer in agreement with the master;

and the master shall comply with any such request or direction.

(2) Without prejudice to the provisions of paragraph (10) of this article, where a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where the Governor either generally or in a particular case has reason to suspect that any goods vehicle in the Territory has been or is being used in violation of the United Nations resolutions, any person authorised by the Governor for that purpose may request the driver of the vehicle to furnish such information relating to the vehicle and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and that authorised person may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and its cargo and, for that purpose, may use or authorise the use of reasonable force; and any such authorised person (either there and then or upon consideration of any information furnished or document or cargo produced in pursance of such a request) may further request the driver to cause the vehicle and its cargo to remain in the Territory unless and until notified that the vehicle and its cargo may depart, and the driver shall comply with any such request.

(4) Without prejudice to the provisions of paragraph (10) of this article, where any person authorised as aforesaid has reason to suspect that any request that a goods vehicle should remain in the United Kingdom that has been made under paragraph (3) of this article may not be complied with, that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose–

(a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;

(b) detain, or authorise the detention of, that vehicle and its cargo; and

(c) use, or authorise the use of, reasonable force.

(5) Where the Governor either generally or in a particular case has reason to suspect that any aircraft in the Territory has been or is being used in violation of the United Nations resolutions, any person authorised by the Governor for that purpose may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and that authorised person may

(either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and its cargo and, for that purpose, may use or authorise the use of reasonable force; and any such authorised person (either there and then or upon considera[illegible] of any information furnished or document or cargo produced in pursuance of such a re[illegible]est) may further request the charterer, operator and the commander or any of them to cause the aircraft and its cargo to remain in the United Kingdom unless and until notified that the aircraft and its cargo may depart, and the charterer, the operator and the commander shall comply with any such request.

(6) Without prejudice to the provisions of paragraph (10) of this article, where any person authorised as aforesaid has reason to suspect that any request that an aircraft should remain in the Territory that has been made under paragraph (5) of this article may not be complied with, that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose–

(a) enter, or authorise entry, upon any land and upon that aircraft;

(b) detain, or authorise the detention of, that aircraft and its cargo; and

(c) use, or authorise the use of, reasonable force.

(7) A person authorised by the Governor to exercise any power for the purposes of paragraph (3), (4), (5) or (6) of this article shall, if requested to do so, produce evidence of his authority before exercising that power.

(8) No information furnished or document produced by any person in pursuance of a request made under this article shall be disclosed except–

(a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

(b) to any person who would have been empowered under this article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends;

(c) on the authority of the Secrtary of State, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Serbia and Montenegro decided upon by the Security Council of the United Nations; or

(d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs.

(9) Any power conferred by this article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(10) Each of the following persons shall be guilty of an offence under this Order, that is to say–

(a) a master of a ship who disobeys any direction given under paragraph (1) of this article with respect to the landing of any cargo;

(b) a master of a ship, an operator of a goods vehicle, or a charterer or an operator or a commander of an aircraft who–

(i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article by any person empowered to make it, or

(ii) wilfully furnishes false information or produces false documents to such a person in response to such a request;

(c) a master or a member of a crew of a ship, an operator of a goods vehicle, or a charterer or an operator or a commander or a member of a crew of an aircraft who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this article.

(11) Nothing in this article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, goods vehicles or aircraft.

Impounding of ships

4.—(1) The Governor shall take all such steps as may be necessary to secure that any ship to which this article applies which is at a harbour in the Territory shall be impounded.

(2) Without prejudice to the generality of paragraph (1) of this article, such steps may include–

(a) requesting the master or operator of the ship to move it, or to secure that it is moved, to another part of the harbour, and

(b) moving the ship to another place.

(3) Any person who, without reasonable excuse–

(a) obstructs the Governor or his servants or agents acting in accordance with the provisions of this article; or

(b) refuses or fails within a reasonable time to comply with a request made by any such persons made in accordance with paragraph (2) of this article;

shall be guilty of an offence under this Order.

(4) Subject to paragraph (2)(b) of this article, if any ship which has been impounded under this article proceeds to sea before it is released by the Governor, the master of the ship and any other person who knowingly sends the ship to sea shall each be guilty of an offence.

(5) Nothing in this article shall preclude the Governor levying–

(a) ship, passenger and goods dues;

(b) other charges which may be made by them in the exercise of their powers and duties.

(6) The Governor may recover impounding expenses from the owner of an impounded ship.

(7) This article applies to any ship–

(a) which the Governor has reason to believe is either majority owned or effectively controlled by a person connected with Serbia or Montenegro, or

(b) in respect of which a request has been made under article 3(1)(a), (b), (c) or (d), and in respect of which the Governor determines that the said ship has been operated or used in violation of the United Nations resolutions.

(8) A certificate given by or on behalf of the Governor stating that it has been determined that a ship has been operated or used in violation of the United Nations resolutions shall be conclusive evidence of that matter.

Impounding of goods vehicles

5.—(1) The Governor shall take all such steps as may be necessary to secure that any goods vehicle to which this article applies which is within the Territory shall be impounded.

(2) Any person who, without reasonable excuse, obstructs the Governor or his servants or agents, acting in accordance with the provisions of this article, shall be guilty of an offence under this Order.

(3) The Governor may recover impounding expenses from the owner of an impounded goods vehicle.

(4) This article applies to any goods vehicle–

(a) which the Governor has reason to believe is either majority owned or effectively controlled by a person connected with Serbia or Montenegro, or

(b) which is detained by virtue of article 3 and in respect of which the Governor determines that the said goods vehicle has been used in violation of the United Nations resolutions.

(5) A certificate given by or on behalf of the Governor stating that it has been determined that a goods vehicle has been used in violation of the United Nations resolutions shall be conclusive evidence of that matter.

Impounding of aircraft

6.—(1) The Governor shall take all such steps as may be necessary to secure that any aircraft to which this article applies which is at an airport in the Territory shall be impounded at that airport.

(2) Without prejudice to the generality of paragraph (1) of this article, such steps may include–

(a) requesting the commander or operator of the aircraft to move it, or to secure that it is moved, to another part of the airport, and

(b) the placing of obstacles in the path of a parked aircraft to prevent it from leaving its parked position.

(3) Any person who, without reasonable excuse–

(a) obstructs the Governor or his servants or agents acting in accordance with the provisions of this article,

(b) refuses or fails within a reasonable time to comply with a request made by any such persons made in accordance with paragraph (2)(a) of this article, or

(c) interferes with any such obstacle as is referred to in paragraph (2)(b) of this article,

shall be guilty of an offence under this Order.

(4) Nothing in this article shall preclude the Governor levying airport charges.

(5) The Governor may recover impounding expenses from the owner of an impounded aircraft.

(6) This article applies to any aircraft–

(a) which the Governor has reason to believe is either majority owned or effectively controlled by a person connected with Serbia or Montenegro, or

(b) which is detained by virtue of article 3 and in respect of which the Governor determines that the said aircraft has been used in violation of the United Nations resolutions.

(7) A certificate given by or on behalf of the Governor stating that it has been determined that an aircraft has been used in violation of the United Nations resolutions shall be conclusive evidence of that matter.

Forfeiture of ships and cargo

7.—(1) In any case where–

(a) a ship is impounded pursuant to article 4 and, in the case of a ship referred to in article 4(5)(a), the Governor determines that the ship has been operated or used in violation of the United Nations resolutions, or

(b) a ship's cargo has been the subject of a direction as to landing, and the Governor determines that the cargo has been carried in violation of the United Nations resolutions,

the Governor may order that the ship or cargo, as the case may be, shall be forfeited to him.

(2) In a case where the Governor orders that a ship or cargo shall be forfeited to him he shall secure that the ship or cargo is sold for the best price that can reasonably be obtained.

(3) Failure to comply with the requirement in paragraph (2) of this article shall not, after the sale has taken place, be a ground for impugning the validity of the sale.

(4) The proceeds of any sale of a ship under this article shall be applied as follows, and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the ship having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the ship and its sale;

(c) in payment of the charges referred to in article 4(5) and of any impounding expenses due in respect of the ship;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the ship have been divested by reason of the forfeiture and sale and in respect of whom it does not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(5) The proceeds of any sale of cargo under this article shall be applied as follows, and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the cargo having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the cargo and its sale;

(c) in payment of cargo storage charges;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the cargo have been divested by reason of the forfeiture and sale and in respect of whom it does not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(6) For the purposes of this article, forfeiture in the case of a ship shall extend to–

(a) the equipment of the ship and any stores for use in connection with its operation (being equipment or stores carried in the ship); and

(b) any ship's documents carried in the ship;

and any such documents may, if the ship is sold by the Governor, be transferred by him to the purchaser.

Forfeiture of goods vehicles and cargo

8.—(1) In any case where–

(a) a goods vehicle is impounded pursuant to article 5, and, in the case of a goods vehicle referred to in article 5(4)(a), the Governor determines that the vehicle has been used in violation of the United Nations resolutions, or

(b) cargo carried on a goods vehicle is detained by virtue of article 3, and the Governor determines that the cargo has been carried in violation of the United Nations resolutions,

the Governor may order that the goods vehicle or cargo, as the case may be, shall be forfeited to him.

(2) In a case where the Governor orders that a goods vehicle or cargo shall be forfeited to him he shall secure that the vehicle or cargo is sold for the best price that can reasonably be obtained.

(3) Failure to comply with the requirement in paragraph (2) of this article shall not, after the sale has taken place, be a ground for impugning the validity of the sale.

(4) The proceeds of any sale of a goods vehicle under this article shall be applied as follows, and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the vehicle having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the vehicle and its sale;

(c) in payment of any impounding expenses due in respect of the vehicle;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the goods vehicle have been divested by reason of the forfeiture and sale, and in respect of whom it does not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(5) The proceeds of any sale of cargo under this article shall be applied as follows, and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the cargo having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the cargo and its sale;

(c) in payment of cargo storage charges;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the cargo have been divested by reason of the forfeiture and sale, and in respect of whom it does not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(6) For the purposes of this article, forfeiture in the case of a goods vehicle shall extend to–

(a) the equipment of the vehicle and any stores for use in connection with its operation (being equipment or stores carried on the vehicle); and

(b) any vehicle documents carried on the vehicle;

and any such documents may, if the vehicle is sold by the Governor, be transferred by him to the purchaser.

Forfeiture of aircraft and cargo

9.—(1) In any case where–

(a) an aircraft is impounded pursuant to article 6 and, in the case of an aircraft referred to in article 6(5)(a), the Governor determines that the aircraft has been used in violation of the United Nations resolutions, or

(b) aircraft cargo is detained by virtue of article 3, and the Governor determines that the cargo has been carried in violation of the United Nations resolutions,

the Governor may order that the aircraft or cargo, as the case may be, shall be forfeited to him.

(2) In a case where the Governor orders that an aircraft or cargo shall be forfeited to him he shall secure that the aircraft or cargo is sold for the best price that can reasonably be obtained.

(3) Failure to comply with the requirement in paragraph (2) of this article shall not, after the sale has taken place, be a ground for impugning the validity of the sale.

(4) The proceeds of any sale of an aircraft under this article shall be applied as follows, and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the aircraft having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the aircraft and its sale;

(c) in payment of any airport charges and impounding expenses due in respect of the aircraft;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the aircraft have been divested by reason of the forfeiture and sale, and in respect of whom it does

not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(5) The proceeds of any sale of cargo under this article shall be applied as follows and in the following order, that is to say–

(a) in payment of any duty or tax which is chargeable in consequence of the cargo having been imported into the Territory;

(b) in payment of the expenses incurred by the Governor in effecting the forfeiture of the cargo and its sale;

(c) in payment of cargo storage charges;

(d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the cargo have been divested by reason of the forfeiture and sale, and in respect of whom it does not appear to the Governor that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund of the Territory.

(6) For the purposes of this article, forfeiture in the case of an aircraft shall extend to–

(a) the equipment of the aircraft and any stores for use in connection with its operation (being equipment or stores carried in the aircraft); and

(b) any aircraft documents carried in the aircraft;

and any such documents may, if the aircraft is sold by the Governor, be transferred by him to the purchaser.

Procedure for giving certificates and making orders of forfeiture

10.—(1) Before making a determination for the purposes of article 4(7), 5(4), or 6(6) the Governor–

(a) by notice in writing served on the owner of the ship or goods vehicle, or the owner or operator of the aircraft, as the case may be, shall state that he believes that the ship, goods vehicle, or aircraft has been used or operated in violation of the United Nations resolutions and shall invite that person to make representations to him in writing concerning the matter within such period of not less than 21 days beginning on the day on which the notice is given as may be specified in the notice and shall state that, if the owner or operator, as the case may be, so requests, he shall be afforded an opportunity of being heard by the Governor; and

(b) shall publish a notice in the Gazette inviting any person who claims to have an interest in the ship, goods vehicle or aircraft to make representations to him concerning the matter referred to in sub-paragraph (a) above, within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor.

(2) Before making an order of forfeiture under article 7(1), 8(1) or 9(1) the Governor–

(a) by notice in writing served on the owner of the ship, goods vehicle or cargo, or the owner or operator of the aircraft, as the case may be, shall state his intention to make such an order and shall invite that person to make representations to him in writing concerning the matter within such period of not less than 21 days beginning on the day on which the notice is given as may be specified in the notice and shall state that, if the owner or operator, as the case may be, so requests, he shall be afforded an opportunity of being heard by the Governor; and

(b) shall publish a notice in the Gazette, inviting any person who claims an interest in the ship, goods vehicle, aircraft or cargo to make representations in writing to him concerning the proposed forfeiture within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor.

(3) Where a person has under paragraph (1) or (2) of this article requested a hearing the procedure shall be as set out in Schedule 3 to this Order.

(4) An order of forfeiture shall come into effect on the later of–

(a) the expiration of 21 days after it is made, or

(b) in a case where proceedings under paragraph (5)(a) of this article have been instituted, if and when those proceedings are dismissed.

(5) (a) Before the expiration of the period of 21 days referred to in paragraph (4) of this article, the owner of the ship, goods vehicle, or cargo and the owner or operator of the aircraft may institute proceedings against the Governor to set aside the order of forfeiture on the grounds that the conditions for forfeiture set out in this Order have not been met.

(b) Such proceedings shall be civil proceedings.

(6) For the purposes of this article proceedings shall be regarded as instituted when the writ or other originating process by which the proceedings are initiated is issued.

Prohibition on the provision of services

11.—(1) Except under the authority of a licence granted by the Governor under this article, no person shall provide any services to any person or body for the purposes of any business carried on in Serbia or Montenegro.

(2) For the purposes of this article "services" shall not include (a) telecommunications services; or (b) postal services.

(3) Any person who contravenes the provisions of this article shall be guilty of an offence under this Order.

(4) In the case of proceedings for an offence in contravention of this article it shall be a defence for the accused person to prove that he did not know and had no reason to believe that the services in question were to be provided for the purposes of any business carried on in Serbia or Montenegro.

Prohibition on entering territorial sea of Montenegro

12.—(1) Except under the authority of a licence granted by the Governor under this article no ship to which this article applies shall enter the territorial sea of Montenegro.

(2) The owner, operator and master of such a ship which enters such waters shall each be guilty of an offence under this Order.

(3) This article applies to any ship which is–

(a) (i) registered in the Territory; or

(ii) not registered in any country but is majority owned by a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person, who is ordinarily resident in the Territory, or a body corporate incorporated in the Territory; and

(b) is being used for commercial purposes.

(4) In the case of proceedings for an offence under this article it shall be a defence for the accused person to prove–

(a) that he did not know and could not reasonably have known that the ship was entering the territorial sea of Montenegro; or

(b) that the ship only entered such waters by reason of stress of weather or other case of force majeure.

Application of Articles 11 and 14

13. The provisions of articles 11 and 14 shall apply to any person within the Territory and to any person elsewhere who:

(a) is a British citizen, a British Dependent Territories citizen, a British Overseas

citizen, a British subject, or a British protected person, and is ordinarily resident in the Territory; or

(b) is a body incorporated or constituted under the law of the Territory.

Offences in connection with applications for licences, conditions attaching to licences, etc.

14.—(1) If for the purposes of obtaining any licence under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence under this Order.

(2) Any person who has done any act under the authority of a licence granted by the Governor under this Order and who fails to comply with any condition attaching to that licence shall be guilty of an offence under this Order:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Governor after the doing of the act authorised by the licence.

Obtaining of evidence and information

15. The provisions of Schedule 2 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor of evidence and information for the purpose of securing compliance with or detecting evasion of this Order or detecting violation of the United Nations resolutions and in order to facilitate the obtaining, by or on behalf of the Governor, of evidence of the commission of an offence under this Order or, with respect to any of the matters regulated by this Order, of an offence relating to customs.

Penalties and Proceedings

16.—(1) Any person guilty of an offence under article 11 or 12 shall be liable:

(a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(2) Any person guilty of an offence under article 3(10)(b)(ii) or paragraph 5(b) or (d) of Schedule 2 to this Order shall be liable–

(a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both;

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(3) Any person guilty of an offence under article 4(3) or (4), 5(2), 6(3), or 14(1) or (2) shall be liable:

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;

(b) on summary conviction to a fine not exceeding £5,000 or its equivalent.

(4) Any person guilty of an offence under article 3(10)(a), (b)(i) or (c) or paragraph 5(a) or (c) of Schedule 2 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Summary proceedings for an offence against this Order, being an offence alleged to have been committed outside the Territory, may be commenced at any time not later

than 12 months from the date on which the person charged first enters the territory after committing the offence.

(7) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(8) No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Notices

17.—(1) This article has effect in relation to any notice required by article 10 to be served on or given to any person.

(2) Any such notice may be served on or given to any person–

(a) by delivering it to him, or

(b) by leaving it at his proper address, or

(c) by sending it by post to him at that address, or

(d) by sending it to him at that address by telex or other similar means which produces a document containing the text of the communication, or

(e) in the case of a notice to be served under article 10(1) or (2) by affixing it to the ship, goods vehicle or aircraft concerned.

(3) Any such notice may, in the case of a body corporate, be served on or given to the secretary, clerk or similar officer of that body.

(4) For the purposes of this article, the proper address of any person on whom or to whom any notice is to be served or given is his usual or last known address or place of business (whether in the Territory or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in the Territory (or, if it has no office in the Territory, of its principal office, wherever it may be).

(5) In the case of a person registered in the Territory or in the United Kingdom as the owner of any ship, or goods vehicle, so registered or as a person entitled as owner to a legal interest in an aircraft so registered or a share therein, the address for the time being recorded in relation to him in the register in which the ship, or goods vehicle or aircraft is registered shall also be treated for the purposes of this article as his proper address.

(6) If the person on whom or to whom any notice mentioned in paragraph (1) of this article is to be served or given has notified the Governor of an address within the Territory, other than an address determined under paragraph (4) or (5) of this article, as the one at which he or someone else on his behalf will accept such notices, that address shall also be treated for the purposes of this article as his proper address.

(7) Any notice mentioned in paragraph (1) of this article shall, where there are two or more owners registered, be treated as duly served on or given to each of those owners–

(a) in the case of a ship in relation to which a managing owner is for the time being registered under section 59(1) of the Merchant Shipping Act 1894, if served on or given to that managing owner, and

(b) in any other case, if served on or given to any one of the registered owners.

(8) For the purpose of affixing a notice under paragraph (2)(e) of this article, the Governor may enter, or authorise entry, upon any land and enter, or authorise entry of or upon the ship, goods vehicle or aircraft concerned.

Exercise of powers of the Governor

18.—(1) The Governor may to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers

under this Order (other than the power to make an order of forfeiture under article 7, 8 or 9 and the power to give authority under Schedule 2 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Governor shall be construed accordingly.

(2) Any licence granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the Governor.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE I

Article 2

PROVISIONS OF THE UNITED NATIONS RESOLUTIONS

Resolution 757 adopted by the Security Council on 30 May 1992

"The Security Council

. . .

3. *Decides* that all States shall adopt the measures set out below, which shall apply until the Security Council decides that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People's Army (JNA), have taken effective measures to fulfil the requirements of resolution 752 (1992);

4. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro); and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and exported therefrom after the date of the present resolution, including in particular any transfer of funds to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels or aircraft of any commodities or products, whether or not originating in their territories, but not including supplies intended strictly for medical purposes and foodstuffs notified to the Committee . . .), to any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any person or body for the purposes of any business carried on in or operated from the Federal Republic of Yugoslavia (Serbia and Montenegro), and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

5. *Decides* that all States shall not make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commerical, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to those authorities or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within the Federal Republic of Yugoslavia (Serbia and Montenegro), except payments exclusively for strictly medical or humanitarian purposes and foodstuffs;

6. *Decides* that the prohibitions in paragraphs 4 and 5 above shall not apply to the trans-shipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products originating outside the Federal Republic of Yugoslavia (Serbia and Montenegro) and temporarily present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) only for the purpose of such trans-shipment, in accordance with guidelines approved by the Committee. . . .

7. *Decides* that all States shall:

(a) Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), unless the particular flight has been approved, for humanitarian or other purposes consistent with the relevant resolutions of the Council, by the Committee . . .

(b) Prohibit, by their nationals or from their territory, the provision of engineering and maintenance servicing of aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or operated by or on behalf of entities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or components for such aircraft, the certification of

airworthiness for such aircraft, and the payment of new claims against existing insurance contracts and the provision of new direct insurance for such aircraft;

8. *Decides* that all States shall:

(a) Reduce the level of the staff at diplomatic missions and consular posts of the Federal Republic of Yugoslavia (Serbia and Montenegro);

(b) Take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) Suspend scientific and technical cooperation and cultural exchanges and visits involving persons or groups officially sponsored by or representing the Federal Republic of Yugoslavia (Serbia and Montenegro);

9. *Decides* that all States, and the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), shall take the necessary measures to ensure that no claim shall lie at the instance of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures imposed by this resolution and related resolutions;

10. *Decides* that the measures imposed by this resolution shall not apply to activities related to UNPROFOR, to the Conference on Yugoslavia or to the European Community Monitor Mission, and that States, parties and others concerned shall cooperate fully with UNPROFOR, the Conference on Yugoslavia and the European Community Monitor Mission and respect fully their freedom of movement and the safety of their personnel;

11. *Calls upon* all States, including States not members of the United Nations, and all international organisations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the present resolution;

12. *Requests* all States to report to the Secretary-General by 22 June 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 4 to 9 above;"

Resolution 760 adopted by the Security Council on 18 June 1992

"*The Security Council*

. . .

Decides that the prohibitions in paragraph 4(c) of resolution 757 (1992) concerning the sale or supply to the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities or products, other than medical supplies and foodstuffs, and the prohibitions against financial transactions related thereto, contained in resolution 757 (1992) shall not apply, with the approval of the Committee . . . under the simplified and accelerated "no objection" procedure, to commodities and products for essential humanitarian need."

Resolution 787 adopted by the Security Council on 16 November 1992

"*The Security Council*

. . .

9. *Decides*, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products trans-shipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of Resolution 757 (1992), to prohibit the trans-shipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types, unless such trans-shipment is specifically authorised on a case-by-case basis by the committee . . . under its no objection procedure;

10. *Further decides*, acting under Chapter VII of the Charter of the United Nations, that any vessel in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be considered, for the purpose of implementation of the relevant resolutions of the Security Council, a vessel

of the Federal Republic of Yugoslavia (Serbia and Montenegro), regardless of the flag under which the vessel sails:"

Resolution 820 adopted by the Security Council on 17 April 1993

"*The Security Council*

. . .

10. *Decides* that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks;

11. *Decides further* that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that the Bosnian Serbs have renewed their military attacks or failed to comply with the peace plan, the provisions set forth in paragraphs 12 to 30 below shall come into force immediately;

12. *Decides* that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distibuted by international humanitarian agencies, shall be permitted only with proper authorisation from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively;

13. *Decides* that all States, in implementing the measures imposed by resolutions 757 (1992), 760 (1992), 787 (1992) and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

. . .

15. *Decides* that trans-shipments of commodities and products through the Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube shall be permitted only if specifically authorised by the Committee . . . and that each vessel so authorised must be subject to effective monitoring while passing along the Danube between Vidin/Calafat and Mohacs;

16. *Confirms* that no vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) or (c) suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution shall be permitted to pass through installations, including river locks or canals within the territory of Member States, and calls upon the riparian States to ensure that adequate monitoring is provided to all cabotage traffic involving points that are situated between Vidin/Calafat and Mohacs;

. . .

18. *Requests* the Committee . . . to make periodic reports to the Security Council on information submitted to the Committee regarding alleged violations of the relevant resolutions, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

19. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and *calls upon* them to bring proceedings against persons and entities violating the measures imposed by resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and to impose appropriate penalties;

20. *Welcomes* the role of the international Sanctions Assistance Missions in support of the implementation of the measures imposed under resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and the appointment of the Sanctions Coordinator by the Conference on Security and Coorporation in Europe and *invites* the Sanctions Coordinator and the Sanctions Assistance Missions to work in close cooperation with the Committee . . .

21. *Decides* that States in which there are funds, including any funds derived from property, (a) of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (b) of commercial, industrial or public utility undertakings in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (c) controlled directly or indirectly by such authorities or undertakings or by entities, wherever located or organized, owned or controlled by such authorities or undertakings, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), and *calls on* all States to report to the Committee . . . on actions taken pursuant to this paragraph;

22. *Decides* to prohibit the transport of all commodities and products across the land borders or to or from the ports of the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being:

(a) The importation of medical supplies and foodstuffs into the Federal Republic of Yugoslavia (Serbia and Montenegro) as provided for in resolution 757 (1992), in which connection the Committee . . . will draw up rules for monitoring to ensure full compliance with this and other relevant resolutions;

(b) The importation of other essential humanitarian supplies into the Federal Republic of Yugoslavia (Serbia and Montenegro) approved on a case-by-case basis under the no-objection procedure by the Committee . . .

(c) Strictly limited transshipments through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee . . . provided that nothing in this paragraph shall effect transshipment on the Danube in accordance with paragraph 15 above;

23. *Decides* that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock into or out of the Federal Republic of Yugoslavia (Serbia and Montenegro), except at a strictly limited number of road and rail border crossing points, the location of which shall be notified by each neighbouring State to the Committee . . . and approved by the Committee;

24. *Decides* that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;

25. *Decides* that all States shall detain pending investigation all vessels, freight vehicles, rolling stock, aircraft and cargoes found in their territories and suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution, and that, upon a determination that they have been in violation, such vessels, freight vehicles, rolling stock and aircraft shall be impounded and, where appropriate, they and their cargoes may be forfeit to the detaining State;

26. *Confirms* that States may charge the expense of impounding vessels, freight vehicles, rolling stock and aircraft to their owners;

27. *Decides* to prohibit the provision of services, both financial and non-financial, to any persons or body for purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro) the only exceptions being telecommunications, postal services, legal services consistent with resolution 757 (1992) and, as approved, on a case-by-case basis by the Committee . . . . services whose supply may be necessary for humanitarian or other exceptional purposes;

28. *Decides* to prohibit all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro) except when authorized on a case-by-case basis by the Committee . . . or in case of *force majeure*;

30. *Confirms* that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to UNPROFOR, the International Conference on the Former Yugoslavia or the European Community Monitor Mission".

SCHEDULE 2

Article 15

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, or to produce to him (or that authorised person) any document in his possession or control, which he (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order or detecting violation of the United Nations resolutions; and any person to whom such a request is made shall comply with it within such time and such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested to do so under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If any justice of the peace is satisfied by information on oath given by any police officer or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case:

(a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any ship, goods vehicle or aircraft so specified; or

(b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such ship, goods vehicle or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the ship, goods vehicle or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or as the case may be, the ship, goods vehicle or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any ship, goods vehicle or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that ship, goods vehicle or aircraft and may seize any document or article found on the premises or in the ship, goods vehicle or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person in pursuance of any warrant issued under this paragraph be searched except by a person of the same sex.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, ship, goods vehicle or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy of or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except–

(a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:
Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or the possession of that document in his own right; or

(b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any Territory to which this Order extends; or

(c) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Serbia and Montenegro decided upon by the Security Council of the United Nations; or

(d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs.

5. Any person who–

(a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or

(b) wilfully furnishes false information or a false explanation to any person exercising his powers under this Schedule; or

(c) otherwise wilfully obstructs any person in this exercise of his powers under this Schedule; or

(d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence under this Order.

SCHEDULE 3

Article 10(3)

DATE AND NOTIFICATION OF HEARINGS

1.—(1) The Governor shall give no less than 28 days' notice to any person who has requested a hearing of the date, time and place fixed for the hearing unless such a person agrees to a lesser period of notice being given.

(2) The Governor may vary the date, time and place fixed for the hearing and shall give such notice of any such variations as appears to him to be reasonable.

Documents and Other Evidence

2.—(1) A person intending to appear at a hearing shall send a copy of any documents to which he proposes to refer at the hearing and any proof of evidence which he proposes to read or have read by a witness at the hearing to the Governor not later than 14 days before the date fixed for the hearing.

(2) The Governor shall send a copy of any document or proof of evidence received from a person intending to appear at a hearing to such other persons intending to appear at a hearing as in his view have an interest in the contents thereof.

3.—(1) A hearing shall be conducted by the Governor who shall, subject as provided in this article, determine the procedure at the hearing.

(2) A hearing shall be conducted in private.

(3) The Governor may hold a single hearing or may hold separate hearings at which specific persons or classes of person concerned with particular matters may appear.

(4) At a hearing a person may appear on his own behalf or be represented by counsel, a solicitor or any other person, and may give or produce oral and written evidence and may cross-examine any other person appearing at the same hearing and any witnesses produced by any such person.

(5) The Governor may take into account any document or any other written evidence received by him from any person intending to appear at a hearing before a hearing is held or during the hearing provided that he disclose it to such other persons intending to appear at or appearing at the hearing as in his view have an interest in the contents thereof.

(6) The Governor may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice shall be required.

(7) Where a hearing has been held the Governor may, if he thinks fit, cause or require a further hearing to be held to afford an opportunity for persons to be heard on such matters relating to the subject matter of the hearing as he may specify and he shall send to the persons who made written representations or appeared at the previous hearing a written statement of those specified matters.

(8) In this Schedule references to a hearing include a further hearing.

SCHEDULE 4

Article 1(3)(a)

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
Bermuda
British Antartic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
South Georgia and South Sandwich Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn
St Helena and its dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, gives effect in the dependent territories of the United Kingdom to certain provisions of a decision of the Security Council of the United Nations in Resolution No. 820 of 17th April 1993. It provides for the impounding of ships, goods vehicles and aircraft which are majority owned or effectively controlled by persons connected with Serbia and Montenegro or which are determined to have been operated or used in violation of relevant Security Council Resolutions, and for the forfeiture of any such ships, vehicles, aircraft or their cargo where they have been determined to be in violation of those Resolutions. The Order restricts the provision of services for the purposes of any business carried on in Serbia or Montenegro. It also prohibits the entry into the territorial sea of Montenegro of commercial ships which are registered in the dependent territories and certain other commercial ships.

STATUTORY INSTRUMENTS

1993 No. 1245
UNITED NATIONS

The Iraq (United Nations) (Sequestration of Assets) (Dependent Territories) Order 1993

Made - - - -	*12th May 1993*
Laid before Parliament	*13th May 1993*
Coming into force	*24th May 1993*

At the Court at Buckingham Palace, the 12th day of May 1993

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 have, by a resolution adopted on 2nd October 1992, 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 Iraq;

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:

Citation, commencement and extent

1.—(1) This Order may be cited as the Iraq (United Nations) (Sequestration of Assets) (Dependent Territories) Order 1993 and shall come into force on 24th May 1993.

(2) (a) This Order shall extend, as part of the law thereof, to each of the territories listed in Schedule 2 to this Order.

(b) In the application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

Interpretation

2.—(1) In this Order the following expressions have, except where otherwise expressly provided, the meanings respectively assigned to them, that is to say—

"competent authority" means any authority responsible for securing compliance with or detecting evasion of the resolution in any country;

"ECUs" means European Currency Units being units of account defined in Council Regulation (EEC) No. 3180/78, as amended(b);

"the escrow account" means the account provided for in the resolutions of the Security Council of the United Nations numbered 706 and 712 and adopted on 15th August 1991 and on 19th September 1991 respectively;

"funds" means any currency and any amount denominated in ECUs and includes any right to receive currency in respect of any credit or balance at a bank;

"Gazette" means the official Gazette of the Territory;

(a) 1946 c.45.

(b) OJ No. L379, 30.12.78, p.1; the relevant amending instrument is Council Regulation (EEC) No. 1971/89 OJ No. L189, 4.7.89, p.1.

"Governor" means the Governor or other officer administering the government of the Territory;

"Iraqi person" means

(a) the Government of Iraq;

(b) any body which is capable of suing and being sued and the functions of which are carried on for the purposes of the Government of Iraq or subject to its direction or approval, but which is distinct from the executive organs of the Government of Iraq;

(c) any body, wherever incorporated or constituted, which is controlled by the Government of Iraq; and

(d) any person or body who is acting on behalf of any of the above-mentioned persons;

"petroleum" means a naturally occurring mixture including hydrocarbons;

"petroleum products" means any products, other than chemicals, which may be obtained by primary distillation or secondary refining from petroleum and includes natural gas, petroleum ether, solvents, benzene, naphtha, motor spirits (including aviation spirit), kerosenes (including jet fuel), heavy oils, fuel oils, lubricating oils, greases, petroleum jelly, paraffin wax and asphaltic bitumen;

"relevant institution" means

(a) the person or body responsible for carrying out in the Territory the functions of a monetary authority;

(b) any person who may lawfully accept deposits in or from within the Territory in the course of carrying on a deposit-taking business, and for this purpose "deposit" has the meaning given to that term in section 5 of the Banking Act of the United Kingdom(a) and "deposit-taking business" has the meaning given to that term in section 6 of that Act;

"relevant transaction" means the sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6th August 1990;

"the resolution" means the resolution of the Security Council of the United Nations numbered 778 and adopted on 2nd October 1992;

"the Secretary General" means the Secretary General of the United Nations;

"vehicle" means a land transport vehicle and includes a barge engaged in inland navigation;

"vessel" includes any ship, surface effect vehicle, any small waterplane area twin-hull vessel and hydrofoil, and the hull or part of the hull of a vessel.

(2) Any reference in this Order to funds being held by any person extends to funds held in any capacity recognised by the law of the Territory and any reference to funds to which an Iraqi person is entitled extends to funds to which such person is entitled under the law of the Territory but shall not extend to funds in relation to which the entitlement of such person is in issue in legal proceedings in the Territory or in any other jurisdiction.

Obtaining of evidence and information

3. The provisions of Schedule 1 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order or of giving effect to a request received from the Secretary General or the Government or competent authority of another country in accordance with paragraph 1(3) of Schedule 1 and in order to facilitate the obtaining, by or on behalf of the Governor, of evidence of the commission of an offence under this Order.

Investigations regarding Iraqi funds

4.—(1) In the exercise of the powers to obtain evidence and information described in Schedule 1 to this Order the Governor may serve a notice in writing on a relevant institution requesting it to furnish to the Governor, within such period as may be specified therein, any information in its possession or control, and to produce to the Governor any document in its possession or control concerning any time on or after 6th August 1990—

(a) 1987 c.22.

(a) relating to any funds held by the relevant institution which it knows, believes or suspects are funds to which an Iraqi person is entitled; or

(b) required to enable the Governor to ascertain whether funds held by it are funds to which an Iraqi person is entitled; or

(c) relating to any funds held by the relevant institution to which an Iraqi person is entitled which it knows, believes or suspects represent amounts derived from or attributable to a relevant transaction; or

(d) required to enable the Governor to ascertain whether any funds held by it to which an Iraqi person is entitled represent amounts derived from or otherwise attributable to a relevant transaction.

(2) Without prejudice to the generality of the foregoing, a notice may request the furnishing of information or the production of documents concerning the balance on an account held with a relevant institution at any time on or after 6th August 1990, any transactions on the account on or after 6th August 1990 and the names of the drawers and holders of cheques in respect of monies credited to and debited from the account together with the names of the paying or collecting institutions, the numbers of the relevant accounts in other institutions to or from which payments have been credited or debited and the names of the persons by whom such accounts are held.

(3) A notice may be given under paragraph (1) to relevant institutions individually or to particular classes of relevant institutions.

Investigations regarding Iraqi petroleum and petroleum products

5. In the exercise of the powers to obtain evidence and information described in the Schedule to this Order the Governor may serve a notice in writing on any person requesting him to furnish to the Governor any information in his possession or control or to produce to the Governor any document in his possession or control within such period as may be specified therein—

(a) concerning any petroleum or petroleum products which that person knows, believes or suspects to be held in the Territory by an Iraqi person, or to which an Iraqi person is entitled; or

(b) required to enable the Governor to ascertain whether any petroleum is or petroleum products are held in the Territory by an Iraqi person, or whether an Iraqi person is entitled to any such petroleum or petroleum products.

Ascertainment of Entitlement to Funds

6. Where the Governor considers that a relevant institution or other person holds funds to which an Iraqi person is entitled representing amounts which may be derived from or otherwise attributable to a relevant transaction he may—

(a) by notice in writing invite that institution or other person and, if different, the Iraqi person, to make representations to the Governor in writing concerning the entitlement to or the source of the funds within such period of not less than 21 days beginning on the day on which the notice is given as may be specified in the notice and to state that if the institution or person so requests, it or he shall be afforded an opportunity of being heard by the Governor; and

(b) to publish a notice in the Gazette inviting any person who disputes the Iraqi person's entitlement to the funds to make representations to the Governor in writing concerning the entitlement of any person to the funds within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded the opportunity of being heard by the Governor.

Ascertainment of Entitlement to Petroleum and Petroleum Products

7. Where the Governor considers that petroleum or petroleum products to which an Iraqi person is entitled is or are held in the Territory he may—

(a) by notice in writing invite the person holding the petroleum or petroleum products, and, if different, the Iraqi person, to make representations to him in writing concerning the entitlement of any person to the petroleum or petroleum

products within such period of not less than 21 days beginning on the day on which the notice is given as may be specified in the notice and shall state that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor; and

(b) publish a notice in the Gazette inviting any person who disputes the Iraqi person's entitlement to the petroleum or petroleum products to make representations in writing to the Governor concerning the entitlement of any person to it or them within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor.

Ascertainment of Third Party Rights to Funds

8.—(1) Where the Governor is satisfied that funds to which an Iraqi person is entitled held by a relevant institution represent amounts which are derived from or otherwise attributable to a relevant transaction he may, for the purpose of ascertaining whether such funds may be subject to or required to satisfy the rights of a third party at the time of the adoption of the resolution, publish a notice in the Gazette inviting any person who considers that the funds or any part thereof are subject to or required to satisfy such rights to make representations in writing to the Governor within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor.

(2) No notice shall be given under paragraph (1) until the Governor has notified his decision under article 15(1) to the relevant institution or to any other person holding funds to which the decision applies and to any other person who made representations under article 6.

Ascertainment of Third Party Rights to Petroleum or Petroleum products

9.—(1) Where the Governor is satisfied that an Iraqi person is entitled to petroleum or petroleum products in the Territory he may, for the purpose of ascertaining whether such petroleum or petroleum products may be subject to or required to satisfy the rights of a third party at the time of the adoption of the resolution, publish a notice in the Gazette inviting any person who considers that the petroleum or petroleum products or any part thereof is or are subject to or required to satisfy his rights to make representations in writing to the Governor within such period of not less than 21 days beginning on the day on which the notice is published as may be specified in the notice and stating that, if the person so requests, he shall be afforded an opportunity of being heard by the Governor.

(2) No notice shall be given under paragraph (1) until the Governor has notified his decision under article 16(1) to any person holding petroleum or petroleum products to which the decision applies and to any other person who has made representations under article 7.

Scope of Third Party Rights

10.—(1) For the purposes of this Order and without prejudice to the existence of third party rights in other circumstances, but subject as provided in paragraph (2)—

(a) a person claiming to be a creditor of a company which is an Iraqi person shall be deemed to have established a right as a third party to funds or to petroleum products to which that Iraqi person is entitled—

(i) by virtue of having proved a debt after the company has passed a resolution for voluntary winding-up; or

(ii) by virtue of having proved a debt after a winding-up order has been made in respect of the company; or

(iii) where a provisional liquidator has been appointed in respect of the company, by virtue of being a person who would have been eligible to prove a debt had the company passed a resolution for voluntary winding-up as described in sub-paragraph (a)(i) or had a winding-up order made against it as described in sub-paragraph (a)(ii) on the date when the provisional liquidator was appointed; or

(b) a person claiming to be a creditor of a partnership which is an Iraqi person and is the subject of a winding-up order against it shall be deemed to have established a right as a third party to funds or to petroleum or petroleum products to which that Iraqi person is entitled by virtue of having proved a debt after the order was made; or

(c) a person claiming to be a creditor of an Iraqi person shall be deemed to have established a right as a third party to funds or to petroleum or petroleum products to which that Iraqi person is entitled by virtue of having proved a debt after a bankruptcy order has been made in respect of that person.

(2) Where the Governor has reason to believe or to suspect that, notwithstanding the application of one of the conditions described in paragraph (1), a person claiming to be the creditor of an Iraqi person does not or may not have rights as a third party to funds or to petroleum or to petroleum products to which that Iraqi person is entitled he shall examine all the relevant facts before reaching a conclusion on the existence of third party rights in the circumstances.

(3) A person shall not be treated as having rights as a third party to funds or to petroleum or petroleum products unless—

(a) his rights are contingent on an Iraqi person's entitlement to the funds, or as the case may be, to the petroleum products; and

(b) he is not an Iraqi person.

Date and Notification of Hearings

11.—(1) The Governor shall give no less than 28 days' notice to any person who has requested a hearing following the giving of notice under article 6, article 7, article 8(1) or article 9(1) of the date, time and place fixed for the hearing unless such a person agrees to a lesser period of notice being given.

(2) The Governor may vary the date, time and place fixed for the hearing and shall give such notice of any such variations as appears to him to be reasonable.

Documents and Other Evidence

12.—(1) A person intending to appear at a hearing following the giving of notice under article 6, article 7, article 8(1) or article 9(1) shall send a copy of any documents to which he proposes to refer at the hearing and any proof of evidence which he proposes to read or have read by a witness at the hearing to the Governor not later than 14 days before the date fixed for the hearing.

(2) The Governor shall send a copy of any document or proof of evidence received from a person intending to appear at a hearing to such other persons intending to appear at a hearing as in his view have an interest in the contents thereof.

Procedure at Hearings

13.—(1) A hearing following the giving of notice under article 6, article 7, article 8(1) or article 9(1) shall be conducted by the Governor who shall, subject as provided in this article, determine the procedure at the hearing.

(2) A hearing shall be conducted in private.

(3) The Governor may hold a single hearing following the giving of notice under article 6 or article 7 or, if relevant, under article 8(1) or article 9(1) in relation to all the issues arising in connection with particular funds or petroleum or petroleum products or may hold separate hearings at which specific persons or classes of person concerned with particular funds or petroleum or petroleum products or may hold separate hearings at which specific persons or classes of person concerned with particular funds or petroleum or petroleum products may appear.

(4) At a hearing a person may appear on his own behalf or be represented by counsel, a solicitor or any other person, and may give or produce oral and written evidence and may cross-examine any other person appearing at the same hearing and any witnesses produced by any such person.

(5) The Governor may take into account any document or any other written evidence received by him from any person intending to appear at a hearing before a hearing is held or during the hearing provided that he discloses it to such other persons intending to appear at or appearing at the hearing as in his view have an interest in the contents thereof.

(6) The Governor may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice shall be required.

Procedure following Hearings

14.—(1) Where a hearing has been held following the giving of notice under article 6, article 7, article 8(1) or article 9(1), the Governor may, if he thinks fit, cause a further hearing to be held to afford an opportunity for persons to be heard on such matters relating to the subject matter of the hearing as he may specify.

(2) Where a further hearing is held under paragraph (1), the Governor shall send to the persons who made written representations or appeared at the previous hearing following the giving of notice as described in paragraph (1) a written statement of the specified matters.

(3) Where a further hearing is held under paragraph (1) articles 11, 12 and 13 shall apply as if the references to a hearing were references to a further hearing.

Decisions and Directions regarding Iraqi funds

15.—(1) The Governor shall notify any relevant institution or other person, and any other person who made representations or gave evidence to him following the giving of notice under article 6, whether he is satisfied that the institution or other person holds funds to which an Iraqi person is entitled representing amounts derived from or otherwise attributable to a relevant transaction and of the reasons for his decision.

(2) Subject to paragraph (3), where the Governor is satisfied that a relevant institution or other person holds funds as described in paragraph (1), he may direct it or him to remit the funds or equivalent amounts to the escrow account within such period and in such manner as may be specified.

(3) A direction by the Governor under paragraph (2) shall not extend to any funds to which an Iraqi person is, or where sub-paragraph (a) below applies was, entitled representing amounts which the Governor is satisfied were derived from or otherwise attributable to a relevant transaction and which he is satisfied—

(a) had been paid to any person as the supplier of products which were the subject of a relevant transaction or to a person otherwise having a right to receive them at the time of adoption of the resolution; or

(b) were subject to or required to satisfy the rights of any third party at the time of adoption of the resolution.

(4) The Governor shall notify any person who made representations or gave evidence to him following the giving of notice under article 8(1) whether he is satisfied that funds to which an Iraqi person is entitled representing amounts derived from or otherwise attributable to a relevant transaction are subject to or required to satisfy any rights of a third party at the time of the adoption of the resolution and of the reasons for his decision.

(5) A direction by the Governor under paragraph (2) may be given at the time of notification of his decision under paragraph (1) or at the time of or following notification of his decision under paragraph (4).

(6) Where the Governor is satisfied that funds in an account held with a relevant institution to which an Iraqi person is entitled include amounts derived from or otherwise attributable to a relevant transaction, and that funds have been withdrawn from the account between the date of the relevant transaction and the date of the decision under paragraph (2) with permission granted by or on behalf of the Governor under an instrument applicable to the Territory listed in Schedule 3 to this Order, he may give a direction in relation to such a proportion of the funds remaining in the account as is equivalent to the proportion which the funds derived from or otherwise attributable to a relevant transaction bore to the total funds in the account immediately before the date of the withdrawal or, if more than one, the first withdrawal.

Decisions and Directions regarding Iraqi petroleum or petroleum products

16.—(1) The Governor shall notify any person holding petroleum or petroleum products and any other person who made representations or gave evidence to him following the giving of notice under article 7 whether he is satisfied that an Iraqi person is entitled to it or them and of the reasons for his decision.

(2) Subject to paragraph (3), where the Governor is satisfied that an Iraqi person is entitled to petroleum or petroleum products in the Territory he may direct the person holding it or them to sell the petroleum or petroleum products and to remit the proceeds of sale to the escrow account within such period and in such manner as the Governor may specify.

(3) A direction by the Governor under paragraph (2) shall not extend to any petroleum or petroleum products in the Territory to which an Iraqi person is entitled which the Governor is satisfied was or were subject to or required to satisfy the rights of any third party at the time of adoption of the resolution.

(4) The Governor shall notify any person who made representations or gave evidence to him following the giving of notice under article 9(1) whether he is satisfied that petroleum or petroleum products in the Territory to which an Iraqi person is entitled are subject to or required to satisfy any third party rights at the time of the adoption of the resolution and of his reasons for the decision.

(5) A direction by the Governor under paragraph (2) may be given at the time of notification of his decision under paragraph (1) or at the time of or following notification of his decision under paragraph (4).

Disclosure of Reasons for Decisions

17.—(1) The Governor shall not be required to give reasons for his decisions under article 15(1) or (4) or article 16(1) or (4) to the extent that to do so would involve the disclosure of information obtained under Schedule I to this Order contrary to the provisions of the Schedule.

(2) The Governor shall not be required to give reasons for his decisions under article 15(1) or article 16(1), to the extent that to do so would in his opinion be likely to cause damage to national security.

Compliance with Directions

18.—(1) A relevant institution or any other person to whom a direction has been given under article 15(2) of article 16(2) shall, within 7 days of the expiry of the period specified for compliance or of the date of compliance, if earlier, notify the Governor in writing of having complied with the direction and shall provide him with such evidence of compliance as he may require within 7 days of being required to provide it.

(2) Where a person has not complied with a direction under article 16(2) within the period specified for compliance, the Governor may direct that person to deliver the petroleum or petroleum products, to which the direction under article 16(2) related, to the Governor at such time and in such manner as he may specify.

(3) On delivery to him of the petroleum or petroleum products pursuant to a direction under paragraph (2) the Governor may sell it or them at such time and in such manner as he thinks fit and may remit the proceeds of sale to the escrow account.

(4) A relevant institution or other person to whom a direction has been given under article 15(2) or article 16(2) may deduct from the amount transferred to the escrow account such sum in respect of its or his costs in complying with the direction as the Governor may before the date of the transfer certify as appropriate.

Maintenance of Accounts and Preservation of Existing Rights

19.—(1) A person who holds an account at a relevant institution, and a relevant institution with which an account is held from which a transfer of an amount has been made pursuant to a direction of the Governor under article 15, shall not close the account pending any retransfer of the amount transferred or any part of it under article 20.

(2) Any costs or expenses which may be incurrred consequent on the continuing operation of the account pursuant to paragraph (1) shall be the liability of the person by whom the account is held unless the relevant institution agrees otherwise with such person.

(3) Notwithstanding the foregoing, a relevant institution may restrict access to an account described in paragraph (1) to any lawful extent.

(4) Nothing in this Order shall affect any rights, liabilities or claims existing with respect to amounts transferred to the escrow account under article 15 or 16 prior to the date of their transfer.

Restitution

20.—(1) If the Secretary General at any time pursuant to the resolution remits an amount representing the amount of any payment into the escrow account under article 15 or 16, together with any interest which may be determined to be applicable, the Governor shall take such measures as may be necessary to arrange for the amount to be transferred forthwith to any relevant institution by which, or to any person by whom, an amount was remitted to the escrow account to replace any such amount.

(2) The Governor may apportion any amount remitted by the Secretary General as described in paragraph (1) which does not represent the total of any payments into the escrow account under article 15 or 16 as he considers appropriate between relevant institutions and other persons by whom amounts have been remitted.

(3) The Governor may pay to any person described in paragraph (4) any amount remitted by the Secretary General as described in paragraph (1) which he considers appropriate to transfer to a relevant institution or other person by which or by whom an amount was remitted to the escrow account, where the relevant institution or other person—

(i) has gone into liquidation; or

(ii) is the subject of an order appointing a provisional liquidator; or

(iii) is the subject of an administration order; or

(iv) is a partnership which has been dissolved by order or has had a winding-up order made against it or is a dissolved partnership; or

(v) is the subject of a bankruptcy order; or

(vi) has otherwise ceased to exist; or

(vii) is incapable, by reason of mental disorder; or

(viii) has died; or

(ix) has ceased to exercise the functions by virtue of which he or it held the funds subject to a direction under articles 15(2) or 16(2); or

(x) cannot be traced.

(4) Where paragraph (3) applies, the Governor may pay any relevant amount to a person who appears to him to be—

(a) the person responsible for administering the assets and liabilities of the relevant institution or person; or

(b) the person to whom probate or letters of administration have been granted by a court in the Territory or in respect of whom they have effect as if so granted; or

(c) a person entitled to take out probate of the will of a deceased person or letters of administration to his estate; or

(d) the successor of the relevant institution or person; or

(e) the person appointed to act on behalf of the person from whom an amount was transferred pursuant to a direction under article 15(2) or article 16(2).

(5) Where the Governor decides that there is no person of a description in paragraph (4) he shall deposit the relevant amount including any interest in an interest-bearing account in the Territory and may release that amount or any part of it together with any interest accruing from the date of deposit to any Iraqi person or any other person who establishes to the satisfaction of the Governor that he is entitled to receive it and the receipt of such a person shall be a valid discharge to the Governor for the amount paid.

(6) Where any amounts are paid to a relevant institution or to any other person by the Secretary General pursuant to the resolution, or are so paid by the Governor under paragraph (1), (4) or (5), they shall be treated for all purposes as subject to any rights, liabilities and claims subsisting at the date of the transfer under article 15 or 16.

(7) An amount transferred under this article to a relevant institution or to any person shall not be subject to interest in respect of any period between the date of the transfer under article 15 or 16 and—

(a) the date of the transfer under paragraph (1) to the relevant institution by which, or to the person by whom, an amount was remitted to the escrow account; or

(b) the date of any payment under paragraph (4); or

(c) the date on which an amount is deposited by the Governor in an interest-bearing account under paragraph (5) following a decision that there is no person of a description in paragraph (4).

Disapplication of Existing Obligations and Restrictions and Exclusion of Liability

21.—(1) Any requirement imposed on a relevant institution or any other person under this Order shall have effect notwithstanding—

(a) any obligation as to secrecy or other restriction, whether imposed by statute or otherwise, upon the disclosure of information subject to or affected by the requirements imposed under this Order except as provided in paragraph 1(2) of Schedule 1 to this Order; and

(b) any obligation, restriction or immunity, whether imposed or conferred by statute or otherwise, in relation to any property subject to or affected by the requirements imposed under this Order.

(2) No relevant institution or other person shall be liable in respect of any action taken pursuant to powers conferred by this Order or in compliance with duties imposed under it.

Offences, Penalties and Proceedings

22.—(1) Any person who fails without reasonable excuse to comply with a direction given to him under article 15(2) or article 16(2) within the period and in the manner specified therein or who fails without reasonable excuse to comply with a direction given to him under article 18(2) at the time and in the manner specified shall be guilty of an offence and shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine or to both; or

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(2) Any person guilty of an offence under paragraph 6(b) or (d) of Schedule 1 to this Order shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both;

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(3) Any person who fails without reasonable excuse to notify the Governor of compliance with a direction under article 15(2) or article 16(2) or to provide the evidence of compliance required by him under article 18(1) shall be guilty of an offence and shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;

(b) on summary conviction to a fine not exceeding £5,000 or its equivalent.

(4) Any person guilty of an offence under paragraph 6(a) or (c) of Schedule 1 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Any person who without reasonable excuse deducts from an amount transferred to the escrow account in compliance with a direction given to him under article 15(2) or article 16(2) any sum which has not been certified by the Governor under article 18(4) as being properly deductible shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(6) Any person who without reasonable excuse closes an account described in article 19(1) pending a transfer under article 20 of the amount remitted or any part of it shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(7) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(8) An indictable offence which is triable summarily under this Order, or a summary offence thereunder, may be so tried if an information is laid at any time within 3 years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his knowledge.

(9) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(10) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of Powers of the Governor

23. The Governor may to such extent, and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 1 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and reference in this Order to the Governor shall be construed accordingly.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 3

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, which he (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order or of giving effect to a request received from the Secretary General or from the Government or competent authority of another country in accordance with sub-paragraph (3); and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) The Governor may, if he receives a request from the Secretary General or from the Government or competent authority of another country for information or documents stated to be required for securing compliance with or detection of evasion of the resolution, exercise the powers conferred on him by sub-paragraph (1) in order to give effect to such a request.

(4) Where a person is convicted of failing to furnish information or produce a document when requested so to do so under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(5) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If any judge, magistrate or justice of the peace is satisfied by information on oath given by any constable or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case—

(a) that there is reasonable ground for suspecting that an offence under this Order has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or

(b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft, he may grant a search warrant authorising any constable together with any other persons named in the warrant and any other constables, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft, and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule, and may take copies of or extracts made from any such documents and may take in relation to any such document or article any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person shall in pursuance of any warrant issued under this paragraph be searched except by a person of the same sex.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy of or extract made from any document produced) by any person in pursuance of a request made under this Schedule and no document seized or from which copies or extracts are taken under paragraph 2(2) of this Schedule, other than the information or documents described in paragraph 5 shall be disclosed except—

(a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person or by unlawful means may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

(b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends; or

(c) to any person in connection with the publication of a notice under this Order; or

(d) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Iraq decided upon by the Security Council of the United Nations; or (e) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order or, with respect to any of the matters regulated by this Order.

5. No information furnished or document provided (including any copy of or extract made from any document provided) by any person in pursuance of a request made under this Schedule, and no document seized or from which copies or extracts are taken under paragraph 2(2) of this Schedule to give effect to a request received from the Secretary General or from the Government or competent authority of another country in accordance with paragraph 1(3), shall be disclosed except—

(a) as provided in paragraph 4(a) or (d); or

(b) where information or documents have been requested by the Secretary General, to the Secretary General;

(c) where information or documents have been requested by a Government or competent authority, to that Government or competent authority.

6. Any person who—

(a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or

(b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule; or

(c) otherwise intentionally obstructs any person in the exercise of his powers under this Schedule; or

(d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence under this Order.

SCHEDULE 2

Article 1(2)(a)

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
South Georgia and South Sandwich Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn
St. Helena and its dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

SCHEDULE 3

Article 15(6)

The Caribbean Territories (Control of Gold, Securities, Payments and Credits: Kuwait and the Republic of Iraq) Order 1990(a)

The Iraq and Kuwait (United Nations Sanctions) (Bermuda) Order 1990(b)

The Exchange Control (General Exemption) (Amendment) Order 1990 of Gibraltar(c)

The Hong Kong (Control of Gold, Securities, Payments and Credits: Kuwait and Republic of Iraq) Order 1990(d)

(a) S.I. 1990/1625.

(b) S.I. 1990/1769.

(c) Legal Notice No. 102 of 1990 published in the Second Supplement to the Gibraltar Gazette No. 2. 565 on 6th August 1990.

(d) Legal Supplement No. 2 to the Hong Kong Government Gazette Extraordinary of 28th August 1990.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the United Nations Act 1946 and gives effect in the dependent territories of the United Kingdom to a decision of the Security Council of the United Nations in Resolution No. 778 of 1992. It requires the transfer of any funds in the territories, to which specified Iraqi persons are entitled and which represent the proceeds of sale of Iraqi petroleum or petroleum products on or after 6th August 1990, to the escrow account established by the United Nations under Security Council Resolutions No. 706 and 712 of 1991, following a procedure for ascertaining entitlement to relevant funds and to petroleum or petroleum products. Funds which had already been paid to a person entitled to them or which were subject to or required to satisfy third party rights at the time of the adoption of Resolution No. 778 of 1992 are exempt from the transfer requirement.

The Order also requires the sale of any petroleum or petroleum products in those territories to which specified Iraqi persons are entitled and the transfer of the proceeds of sale to the escrow account.

It provides for the retransfer of any monies received by the Secretary General of the United Nations representing monies transferred to the escrow account back to the persons entitled to them.

The Order empowers the Governments of the territories to obtain information and documents to secure compliance with it; limits the circumstances in which information and documents obtained may be disclosed; disapplies obligations or restrictions which would conflict with the requirements of the Order; and excludes any liability which might otherwise arise in acting pursuant to or in compliance with the Order.

Similar Orders are being made for the United Kingdom, the Channel Islands, and the Isle of Man.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Six Pounds & Sixty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *27th SEPTEMBER 1993* *No. 17*

The following are published in this Supplement —

The Harbour Regulations (Amendment) Order 1993 (S.R. & O. No. 8 of 1993);
The Banking Regulations (Amendment) Order 1993 (S.R. & O. No. 9 of 1993).

SUBSIDIARY LEGISLATION

PORTS AND HARBOURS

The Harbour Ordinance

The Harbour Regulations (Amendment) Order 1993

(S.R. & O. No.8 of 1993)

Made: 23rd September 1993
Published: 27th September 1993
Coming into operation: 1st January 1994

IN EXERCISE of my powers under section 3 of the Harbour 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 Harbour Regulations (Amendment) Order 1993 and shall come into force on 1st January 1994.

Amendment of the Harbour Regulations.

2. The Harbour Regulations (b) are amended by revoking paragraph 1(1) of Schedule III to those Regulations and by replacing the said paragraph 1(1) with the following -

(a) Cap. 30 Laws of the Falkland Islands 1950 Edition p.251.

(b) Vol II Laws of the Falkland Islands 1950 Edition p.183 and, so far as is relevant to this Order, as at the date of making of this Order as amended by S.R. & O. No.29 of 1989 which is in effect replaced by this Order.

"(1) The following harbour dues shall be payable on all vessels arriving in a harbour in the Colony -

	£
Yachts	40
Vessels under 15 tons	44
Vessels of 15 tons and up to 50 tons	166
Vessels of over 50 tons and up to 800 tons	210
Vessels of over 800 tons and up to 1000 tons	264
Vessels of over 1000 tons and up to 1500 tons	308
Vessels of over 1500 tons and up to 2000 tons	374
Vessels of over 2000 tons and up to 5000 tons	452
Vessels of over 5000 tons and up to 7000 tons	562
Vessels of over 7000 tons and up to 10000 tons	836
Vessels of over 10000 tons and up to 15000 tons	1024
Vessels of over 15000 tons and up to 20000 tons	1200
Vessels of over 20000 tons	1386,

but notwithstanding the foregoing, locally registered vessels normally employed in trading shall be exempt from payment of the foregoing dues".

Made 23rd September 1993.

D.E. TATHAM,
Governor.

EXPLANATORY NOTE
(not forming part of the above Order)

This Order increases harbour dues, with effect from 1st January 1994, by approximately ten per cent above the levels in force since 1 January 1990.

SUBSIDIARY LEGISLATION

BANKING

The Banking Regulations (Amendment) Order 1993

(S.R. & O No.9 of 1993)

Made: 24th September 1993
Published: 27th September 1993
Coming into force: 1st January 1994

IN EXERCISE of my powers under section 27 of the Banking Ordinance 1987 (a) I make the following Order -

Citation and commencement.

1. This Order may be cited as the Banking Regulations (Amendment) Order 1993 and comes into force on 1st January 1994.

Amendment of Banking Regulations Order 1989.

2. The Banking Regulations Order 1989 (b) is amended by replacing paragraph 4 with the following paragraph -

"4. Every financial institution licensed under the Ordinance shall pay a fee of £1,000 to the Financial Secretary on the grant of its licence and on 1st January of every succeeding year".

Made 24th September 1993.

D. E. Tatham,
Governor.

(a) No.13 of 1987.
(b) S.R. & O No.13 of 1989 as amended by S.R. & O No.11 of 1991.

EXPLANATORY NOTE
(not part of the above Order)

This Order increases licence fees payable by licensed financial institutions.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound & Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *29th OCTOBER 1993* *No. 18*

The following are published in this Supplement —

The Nuclear Safeguards Bill 1993;
Elected Councillors' Allowances (Amendment) Bill 1993;
Firearms and Ammunition (Amendment) Bill 1993;
The Medical Services Levy (Amendment) Bill 1993;
The Land (Amendment) Bill 1993;
Crimes (Amendment) Bill 1993;
Administration of Justice (Amendment) Bill 1993;
The Ozone Layer (Protection) Bill 1993;
The Licensing (Amendment) Bill 1993.

The Nuclear Safeguards Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To make provision for giving effect to an International Agreement for the Application of Safeguards in the Falkland Islands in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America.

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

1. This Ordinance may be cited as the Nuclear Safeguards Ordinance 1993 and shall come into force on such date as is appointed by the Governor by Order under this section. *Short title and commencement.*

2.(1) In this Ordinance - *Interpretation.*

"the Agency" means the International Atomic Energy Agency and for the purposes of this definition "The International Atomic Energy Agency" has the same meaning as it has under the Statute of the International Atomic Energy Agency; *((United Kingdom Cmnd. 450.))*

"Agency inspector" means any official of the Agency designated pursuant to article 83 of the Agreement; *(UK Misc. Series No.16 (1993) Cmnd 2245)*

"the Agreement" (of which Protocols 1 and 2 thereto form an integral part) means the Agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and includes any further Protocol to the Agreement entered into in accordance with, and contemplated by, paragraph I of Protocol 2 to the Agreement; *(UK Treaty Series No.54 (1970) Cmnd 4409)*

"facility" has the same meaning as it has under article 96(2)I of the Agreement;

"material balance area" has the same meaning as it has under article 96(2)M of the Agreement;

"the 1961 Convention Articles" means the Articles (being certain articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom. *1964 c. 81*

The powers of the Agency.

3.(1) The powers of the Agency and of any Agency inspector under the subsequent provisions of this section shall be exercisable only in the cases specified in, and subject to the provisions of the Agreement and, in particular -

(a) shall be exercisable only in accordance with Articles 5, 9(c) and 85 of and Protocol 1 to the Agreement; and

(b) where Article 81 of the Agreement applies, shall not be exercisable unless any advance notice required by that Article has been given.

(2) For the purpose of -

(a) making any inspection permitted by Articles 68 to 82 of the Agreement; or

(b) verifying design information, as mentioned in article 46 of the Agreement,

an Agency inspector may enter any facility or material balance area or part thereof and there make any inspection or do any other thing which may reasonably be required for that purpose.

Immunities and privileges of the Agency, its officers and their families and of the Agency's experts.

4. The Schedule to this Ordinance shall have effect so as to confer, to the extent and subject to the terms thereof, immunities and privileges upon the Agency, its officers and their families and upon experts of the Agency.

Offences.

5.(1) A person commits an offence who -

(a) intentionally obstructs an Agency inspector exercising a power conferred by section 3(2) of this Ordinance;

(b) without reasonable excuse refuses or fails to provide any information or to permit any inspection reasonably required by an Agency inspector in the exercise of such a power; or

(c) in giving any information reasonably required by an Agency inspector in the exercise of such a power, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular.

(2) A person who commits an offence under subsection (1) of this section is liable on summary conviction to a fine not exceeding £5,000.

Regulations for giving effect to certain provisions of the Agreement.

6.(1) The Governor may by regulations make such provision as appears to him to be necessary -

(a) for taking any action required in the Falkland Islands under Article 17 of the Agreement or under any further Protocol to the Agreement coming into existence pursuant to paragraph I of Protocol 2 to the Agreement; or

(b) for giving effect to any arrangements made under Article 74(d) of the Agreement,

and any such provision may impose limitations on the scope or exercise of any power conferred by section 3(2) of this Ordinance.

(2) Regulations made under this section may provide that any person contravening or failing to comply with any provision of the regulations shall be liable on summary conviction to a fine not exceeding £2,500.

Offences by bodies corporate.

7.(1) Where an offence under section 5 of this Ordinance or under regulations made under section 6 of this Ordinance which has been committed by a body corporate is proved to have been committed with the consent of or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section 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.

Ordinance to bind the Crown.

8. This Ordinance shall bind the Crown.

SCHEDULE

PART I

IMMUNITIES AND PRIVILEGES OF THE AGENCY

1. The Agency is an organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Agency shall have the legal capacities of a body corporate.

3. Except in so far as in any particular case it has expressly waived its immunity, the Agency shall be deemed to extend to any measure of execution.

4. The Agency shall have the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

5. The Agency shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

6. The Agency shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

7. The Agency shall have exemption from customs duties and taxes on the importation of goods imported by the Agency for its official use in the Falkland Islands and on the importation of publications of the Agency imported by it, such exemption to be subject to compliance with such conditions as the Governor may prescribe for the protection of the revenues of the Falkland Islands.

8. The Agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Agency for its official use and in the case of any publications of the Agency imported or exported by it.

9. The Agency shall have relief, under arrangements made by the Governor by way or refund of customs duty paid on any hydrocarbon oil (which expression has the same meaning as it has under the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) which is brought in the Falkland Islands and used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

10. The Agency shall have relief, under arrangements made by the Governor, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

IMMUNITIES AND PRIVILEGES OF OFFICERS OF THE AGENCY

High Officers

11.(1) Except in so far as in any particular case any privilege or immunity is waived by the Agency, and subject to the provisions of paragraph (2) of this Article, the Director General of the Agency, including any officer acting on his behalf during his absence from duty, and any Deputy Director General or officer of equivalent rank shall enjoy:

(a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of a diplomatic agent;

(b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

(d) relief, under arrangements made by the Government by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of that expression under the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) in the Falkland Islands by him on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(e) exemptions whereby for the purposes of the enactments relating to social security (presently those relating to old age pensions and medical services), no person shall be rendered liable to pay any contribution, premium or levy the requirement (but for these exemptions) to pay which is referable only to employment by the Agency.

(2) This Article shall not apply to any person who is a British citizen, a British Dependent Territories citizen, a British National (overseas), a British Overseas citizen or a permanent resident of the Falkland Islands.

All Officers

12. Except in so far as in any particular case any privilege or immunity is waived by the Agency, officers of the Agency, (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;

(b) exemption from income tax in respect of emoluments received by them as officers of the Agency; and

(c) the like exemption from customs duties and taxes on the importation of articles which -

(i) at or about the time when they first enter the Falkland Islands to take up their posts as officers of the Agency are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and

(ii) are articles which were in their ownership or possession or that of such members of their families or which they or such members of their families were under contract to purchase, immediately before they so entered the Falkland Islands

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART III

IMMUNITIES - AND PRIVILEGES OF EXPERTS OF THE AGENCY

13. Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) serving on committees of the Agency or performing missions for the Agency, including missions as inspectors under Article XII of the Statute of the Agency or as project examiners under Article XI thereof shall enjoy:

(United Kingdom Cmnd. 450).

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in the performance of their official functions:

(b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and

(c) while exercising their functions and during their journeys in connection with service on such committees or missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

PART IV

IMMUNITIES AND PRIVILEGES OF FAMILIES OR OFFICERS

14. Persons who are spouses or minor children of an officer of the Agency who form part of his household in the Falkland Islands shall be entitled to the immunities and privileges set out in Part II of this Schedule to the same extent as the officer is entitled to them.

OBJECTS AND REASONS

The Bill makes provision for giving effect to an international agreement made between the United Kingdom Government (on behalf of itself and certain other territories including the Falkland Islands), the European Atomic Energy Community and the Agency for the application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Elected Councillors' Allowances (Amendment) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To amend the Elected Councillors' Allowances Ordinance 1990

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

1. This Ordinance may be cited as the Elected Councillors' Allowances (Amendment) Ordinance and shall come into force on 1st January 1994. *Short title and commencement.*

2. The Elected Councillors' Allowances Ordinance 1990 is amended as follows - *Amendment of the Elected Councillors' Allowances Ordinance 1990.*

(a) by replacing section 3 with the following section -

"3(1) Allowances paid under this Ordinance in respect of any period prior to the relevant date shall not be chargeable to income tax in the hands of the recipient. *Taxation etc of allowances.*

(2) Any allowance payable under this Ordinance by reference to an annual rate shall not be chargeable to income tax in the hands of the recipient and shall be disregarded for all purposes of the Medical Services Levy Ordinance 1979. *(No. 3 of 1979).*

(3) All daily allowances payable under this Ordinance -

(a) shall be treated as earned income of the recipient for the purposes of the Income Tax Ordinance and the Medical Services Levy Ordinance 1979 and the recipient shall in respect thereof be treated as if he had earned the same as a self-employed person; but *Cap.32.*

(b) shall not be taken into account as earnings or other remuneration for the purposes of the Old Age Pensions Ordinance 1952. *No.3 of 1952*

(3) In this section "the relevant date" means 1st January 1994."

EXPLANATORY MEMORANDUM

THE FIREARMS AND AMMUNITION (AMENDMENT) BILL 1993

Introductory

The Bill seeks to make a number of small amendments to the Firearms and Ammunition Ordinance 1987. All of these would be made by the Schedule to the Bill.

The amendments

(a) The amendments to section 25(1)

These amendments would be made by paragraph (2) of the Schedule to the Bill. Section 25(1) of the 1987 Ordinance contains a general prohibition of the use of a firearm in a public place or on Stanley Common. The provision was, of course intended to protect the public. The general prohibition is subject to three exceptions -

(i) HM Forces, the Police Force and FIDF in the course of their duties;

(ii) approved shooting on an approved range; and

(iii) persons or a class of persons granted exemption.

The amendments proposed seek to do two things -

(A) to allow further areas to be designated as being subject to the general prohibition; and

(B) to allow a person or class of persons to be granted a special exemption but only for specified purposes.

The reasons for those proposed amendments are -

Amendment (A) : It is desired to prohibit shooting in two areas frequently used by the public in the Moody Brook and Mount Tumbledown areas (and in the future, if Councillors should so decide, possibly others).

Amendment (B) : because the present exemption power is "all or nothing" - ie: an exemption applies for all purposes in all areas. Thus if a person needs an exemption for a particular purpose in a limited area, the only exemption which can at present be granted to him is for the use of a firearm in respect of <u>all</u> prohibited areas for <u>all</u> purposes. The amendment would enable an exemption to be granted for a limited area or a limited purpose or a combination of both.

Amendment (C) : The proposed new section 25A. This would be added to the 1987 Ordinance by paragraph (3) of the Schedule to the Bill. Section 25 prohibits the discharge of a firearm *in* a public place and other places mentioned in it. It does not prohibit the discharge of a firearm so that the missile fired by it passes *over* or lands *in* a public place or any other person's land without that person's permission. A recent actual case vividly illustrated the following position which exists under the 1987 Ordinance as it stands (the actual facts have been changed) -

If a person discharges a firearm from his bedroom window in a house in Ross Road so that the bullet crosses Ross Road to land in or on Victory Green, he does not commit an offence under the 1987 Ordinance even though he may have endangered a number of persons in Ross Road or on Victory Green. (If he hits any person, or damages a car, he will of course have committed an offence (but not under the 1987 Ordinance)).

The new section 25A would make it an offence to discharge a firearm so that any missile passes across or landed in -

(i) a public place; or

(ii) any other person's land (including Crown land, and thus, Stanley Common), without the other person's permission (n.b. a person exempted under section 25 in respect of Stanley Common or other land owned by the Crown and to which section 25 applies would, of course, have the necessary permission).

In short, the new section 25A would cure a defect in the present law.

Firearms and Ammunition (Amendment) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

A Bill

for

An Ordinance

To amend the Firearms Ordinance.

BE IT ENACTED by the Legislation of the Falkland Islands as follows -

1. This Ordinance may be cited as the Firearms and Ammunition (Amendment) Ordinance 1993. *Short title.*

2. The Firearms and Ammunition Ordinance 1987 (in this Ordinance called "the principal Ordinance") is amended in the manner specified in the Schedule to this Ordinance. *Amendment of the principal Ordinance.*

The Schedule (section 2)

Amendment of the principal Ordinance

The principal Ordinance is amended -

(1) in section 25(1) by -

(a) replacing the full stop at the end of paragraph (b) with a comma and the work "or"; and

(b) by adding a further subparagraph immediately thereafter, as follows -

"(c) any firearm in any other place specified in any regulations made by the Governor as a place to which this subsection shall apply, and whether by reference to a map or plan or otherwise."; and

(c) by replacing the full stop at the end of paragraph (iii) of the proviso to the subsection with a comma and the word "or"; and

(d) by adding a further paragraph to that proviso as follows -

"(iv) in any place which would otherwise fall within paragraph (b) or (c) of this subsection and which is specified for the purpose of this subparagraph by Order in Council made by the Governor, but an exemption under this subparagraph may be limited so as to apply only in relation to specified persons or in relation to specified purposes or to specified persons discharging a firearm for specified purposes.";

(2) by the addition of the following new section immediately after section 25 -

Discharge of firearm over other land.

"25A(1)A person commits an offence who discharges any firearm in any place whatever -

(a) with the effect that any missile or ammunition discharged traverses or falls in or on any public place; or

(b) with the effect that any missile or ammunition discharged traverses or falls in or on any public place or not being on public land where the owner or occupier of that land has not consented to the discharge of the missile or ammunition over, or so as to fall in or on, his land.

(2) A person convicted of an offence under subsection (1) is liable on the first such conviction to a fine not exceeding £200 and on a second or subsequent conviction to a fine of £500 or to imprisonment for three months or both."; and

(3) in section 32(2) by inserting, immediately before the end of the subsection the words "and may prescribe fees to be paid on application for, grant of and renewal of licences under this Ordinance".

The Medical Services Levy (Amendment) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To amend the Medical Services Levy Ordinance 1979.

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

Short title and commencement.

1. This Ordinance may be cited as the Medical Services Levy (Amendment) Ordinance 1993.

Amendment of section 5(b) of Medical Services Levy Ordinance 1979.

2. Section 5(b) of the Medical Services Levy Ordinance is amended (and so as to increase the percentage of the gross emoluments of an employee which is payable by way of medical services levy) by replacing the words "at the rate of 1%" appearing therein by the words "at the rate of 1 1/2%".

EXPLANATORY MEMORANDUM

LAND (AMENDMENT) BILL 1993

Introductory

This Bill is intended to provide a simplified, shorter and less expensive method for a person to put right gaps in his documentary title to land or to obtain registration of title when he has obtained title to it by continuous and uninterrupted possession of it for the legally required period (in the normal case, subject to technical exceptions which are of no or very little relevance in the Falkland Islands, a period of twelve years).

Explanation

In the Falkland Islands, when a person sells property, he ordinarily shows his right to sell by the deeds and documents registered in the Deeds Register. He shows, in effect, that a Crown Grant was granted, sometimes a hundred years ago and that subsequently the land he owns was "conveyed" (transferred) by valid deeds or documents through a chain of people ending up with him.

The only other way a person can show title to land is by having obtained a Decree Absolute from the Court under section 11 of the Land Ordinance. For ease of reference section 11 is set out here -

> "11.(1) Any person who considers himself lawfully entitled to be registered as the owner in fee simple of any land may petition the Court to be so registered.
>
> (2) Such petition shall be published in such manner as the Court may direct not less than three months before it is heard and copies thereof shall be served on such persons as the Court may direct.
>
> (3) The Court may, on being satisfied as to the claim of a petitioner, make a decree nisi for the issue of a title. Such decree shall not be made absolute until after the expiration of one year from the date thereof.
>
> (4) Any person may show cause why it should not be made absolute at any time before it is made absolute.
>
> (5) On a decree being made absolute the Registrar General shall prepare a deed in the Form 6 in the First Schedule and when the Judge has countersigned such deed and the copy in the Register such title shall be indefeasible."

Where a person can show an unbroken chain of valid deeds or documents ending up with a transfer to him, there is of course no difficulty. If he cannot, and any person is buying the property from him that person or his proposed mortgagee is likely to raise a query and may refuse to proceed with the transaction unless the seller obtains a Decree Absolute from the Court under section 11 of the Land Ordinance.

The same problem can arise if a person has been in possession of land for a very long period of time, without any question whatsoever, but for one reason or another he has no title at all by deeds.

These problems, while not common, arise fairly frequently. Examples of the way they can occur are given below. They are taken from actual cases which have arisen during the last few years.

Example I

A owned a piece of land, which he bought and which was transferred to him by Deed.

On A's death intestate, B (A's widow) inherited the piece of land. No deed was executed transferring the land to her.

B dies intestate. On her death, the property was inherited by her son C and C lived in the house, which he built on the piece of land, until his own death. No deed was executed transferring the land to him.

C dies. By his Will, he left the property to his three children, E, F & G. E, F & G decide to sell the property, so that they can divide the proceeds of sale between them.

Example II

H bought a building from I Company Ltd.

H operated a business in the building for 17 years. He has then sold the building to J Company Ltd.

J Company Ltd after operating the business for some years decide to sell it to K Company Ltd.

K Company Ltd are borrowing the purchase price from L Bank. L Bank on looking at the deeds say that H's title (30 years back) was not legally good because I Company Ltd did not execute (make) the Conveyance (Transfer) under its Common Seal and the signature of one of its directors and the company secretary, or two of its directors, or under a Power of Attorney. L Bank refuse to lend the money until this is put right.

Example III

M and N carry on a farm to which they have valid deeds, in partnership.

M and N then decide to transfer the farming business to a company O Limited which they set up for the purpose. They forget to transfer the title land to the company by a Deed.

M sells his shares in O Limited to N.

M leaves the Falkland Islands to live in England.

N dies and leaves the company to his son, P.

P carries on the company's business for many years after his father's death.

MOD approach P for a lease of part of O Limited's land. P agrees. Treasury Solicitors are instructed by MOD to deal with the lease. Treasury Solicitors point out that the Deeds still show that the land is owned by M and N. Both M and N have been dead for many years. Nobody locally knows where or when M died and it is impossible now for M and N or their heirs to join together to sign a deed to transfer to O Limited the freehold which M and N sold to that company.

In all of the above cases, an application could be made to the Supreme Court for a Decree under

section 11 of the Land Ordinance. The problem is that it would take at least 15 months (and would be more likely to take longer - perhaps 2 years) to obtain it, even though it is as plain as day that the application would be granted by the court. Large legal fees, as well as delay, would arise. There ought to be a simpler way of doing things. The new, proposed section 11A, sets out to provide one.

The new section 11A

The aim of the new section 11A is to enable a person in the kind of "plain as day" situation illustrated by the examples given above to put things right quickly, cheaply and with the minimum of expense and trouble. He would simply have to show that a Crown Grant was made of the land to somebody and that he (and where appropriate, his predecessors) had been in possession of the land for at least the statutory period (usually twelve years) so that nobody else could claim the land and that his possession (and his predecessors', where relevant) had not been as one of a number of joint owners (but all joint owners could make application together) or under a lease which expired less than 12 years before and was not by permission of a stranger. He would merely have to write to the Registrar General enclosing an application for the exercise of the powers under the section and a Statutory Declaration proving the facts on which it was based. No application to the Court would be involved unless he had not proved the facts or somebody objected, for good reason to a Deed being registered showing he legally owned the land.

A previous Crown Grant is required so that where the minerals are reserved to the Crown or the Crown has taken a right to resume part of the land this is given effect.

The reference to section 15 of the Limitation Act 1980 brings in the 12 year required period of possession (or, in very rare instances none of which, so far as is knows, will ever apply in the Falkland Islands, a greater period).

"Aver" in the new section 11A simply means "solemnly declare the truth of".

The present section 11 would not be repealed because it would be the appropriate provision where there has been no previous Crown Grant. That will often be where the land is remote or the person is claiming a piece of land in Stanley at the side of the road or elsewhere was deliberately left unsold by the Crown. The full court procedure will be appropriate in such cases. But in the simple cases with which the new section 11A would deal, there should ordinarily be no need to involve the Supreme Court.

The Land (Amendment) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To amend the Land Ordinance so as to provide a simpler method whereby a person who has acquired title to land other than under registered deeds can demonstrate that title.

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

1. This Ordinance may be cited as the Land (Amendment) Ordinance 1993. *Short title.*

2. The Land Ordinance is amended by the insertion therein, immediately after the present section 11, of the new section 11A set out in the Schedule to this Ordinance. *New section 11A to the Land Ordinance.*

The Schedule

11A.(1) Subject to this section, any person who claims to have been in actual and open possession of any land for such a period of time that, after taking into account, where appropriate, the period of time any other person through whom he claims has prior to him been in possession of the land the right of any person to bring an action for possession of that land, against him has been barred may apply in accordance with this section to the Registrar General to execute in his favour a Vesting Deed of the land.

(2) An application under this section shall be accompanied by a Statutory Declaration made by the applicant which shall -

(a) set out the facts relied on by the applicant to prove that any right of action by any other person for possession of that land has been barred by the operation of section 15 of the Limitation Act 1980 in its application to the Falkland Islands;

(b) show that a Crown Grant in respect of the land in question has at some previous time been made in favour of some person;

(c) without prejudice to paragraph (a), aver that the applicant -

(i) is not a joint owner of the land in question;

(ii) is not a mortgagor under a conveyance of the estate in fee simple in that land by way of mortgage;

(iii) is not in possession of the land by the permission of any other person and is not a lessee of the land under any lease which is unexpired and was not a lessee of the land under a lease of the land which expired less than twelve years before the date of the application; and

(iv) has not at any time during the twelve years immediately preceding the application paid any sum to any person on account of or in respect of the occupation or use of the land;

(d) wherever appropriate, aver the like matters required by paragraph (c) in respect of all persons in possession of the land during the twelve years preceding the application and partly on the basis of whose possession the applicant claims.

(3) The Registrar General on receiving the application shall cause notice of the application -

(a) specifying the applicant and the land to which the application relates;

(b) notifying that the applicant's statutory declaration may be inspected by any person at the Registrar General's office during usual business hours for 30 days following publication of the notice;

(c) notifying the right of objection to the application provided for by subsection (4), and

(d) notifying that, subject to any such objection, title to the land is vested in the applicant,

to be published in the Gazette.

(4) Any person who objects to the vesting of title to the land in the applicant pursuant to subsection (5) may, within 30 days of publication of the notice required by subsection (3), object to such vesting by notice in writing delivered to the Registrar General. Any notice under this subsection shall specify the grounds on which the objection is made.

(5) The Registrar General, after taking into account any objections received under subsection (4) and if satisfied that a Vesting Deed ought to be executed in favour of the applicant shall execute a Vesting Deed of a kind mentioned in subsection (7), but otherwise the Registrar General shall notify the applicant that his application is rejected and the grounds upon which it is rejected.

(6) The Registrar General shall cause notice of his decision under subsection (5) to be published in the Gazette and that notice shall state the effect of subsection (9).

(7) The Vesting Deed referred to in subsection (5) is a deed in substantially the following form -

Dated this day of 199 .

WHEREAS on application made to me (name) Registrar General pursuant to subsection 11A of the Lands Ordinance by (here set out name and addresses of applicant) I am satisfied that [he] [she] should be registered as the owner of the estate 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 [him] [her] SUBJECT only to such matters as are mentioned in Crown Grant Number relating to that land or have effect by virtue of that Crown Grant and to such easements rights privileges and encumbrances as he may have created prior to the date of this Deed

SCHEDULE

(description of land)

Signed

Registrar General"

(8) Subject to the following provisions of this section, a Vesting Deed executed under this section shall have effect as if the person named therein had been the grantee under the Crown Grant referred to therein and as if that Crown Grant had been executed on the same day as the Vesting Deed.

(9) A person aggrieved by a decision of the Registrar General to execute a Vesting Deed under this section may appeal to the Supreme Court within 30 days of the publication in the Gazette of the notice required by subsection (6) and the Supreme Court may, on determination of the appeal, to which the applicant shall be a respondent, annul or confirm the Vesting Deed and make such other or consequential order as it thinks fit.

(10) If the Registrar rejects an application under this section, the applicant may appeal to the Supreme Court within 30 days of receipt of notice under subsection (5) of that rejection, and on determination of such an appeal the Supreme Court, if it allows the appeal, shall order the Registrar General to execute a Vesting Deed of a kind described in subsection (7) and may make such other or consequential order as it sees fit, and whether it allows or dismisses that appeal.

EXPLANATORY MEMORANDUM

CRIMES (AMENDMENT) BILL 1993

Introductory

This Bill, if enacted, would repeal a number of provisions of the criminal law of the Falkland Islands which are no longer necessary. The reasons in relation to which they are no longer necessary are explained in this Memorandum.

Explanation

The repeals would be effected by the Schedule to the Bill.

The Lighting Control Ordinance was an Ordinance enacted immediately before the Second World War, is still in force, and related to "black out" of lighting. It rendered a person who broke the "black out" provisions, when in force, liable to be prosecuted and fined up to £200 (an enormous fine in those days). In the most unlikely event that a "black out" should ever be necessary in times of emergency, this could be provided for by other existing (United Kingdom) legislation which is in force in the Falkland Islands and consequently the Lighting Control Ordinance is redundant.

Section 9P(1) of the Road Traffic Ordinance (which was enacted in 1988) excluded section 12 of the Theft Act 1968 (which relates to the taking without consent of motor vehicles and other "conveyances" without the owner's consent) from application in the Falkland Islands. Section 12 of the 1968 Act was subsequently adopted, however, by the Crimes Ordinance 1989 and section 9P(1) of the Road Traffic Ordinance is therefore in conflict with the later Ordinance. The repeal of section 9P(1) of the Road Traffic Ordinance will not introduce a new criminal offence because the subsequent provisions of section 9P make exactly the same provision as section 12 of the Theft Act 1968 in relation to the taking away of a motor vehicle or other "conveyance" without the owner's consent.

Section 91 of the Interpretation and General Clauses Ordinance 1977 should be repealed if the Administration of Justice (Amendment) Bill 1993 is enacted because it makes partial, and unsatisfactory, provision as to which offences are triable on indictment and which offences are triable summarily and full and satisfactory provision would be made by the Administration of Justice (Amendment) Bill 1993, if enacted, in relation to that subject. Similarly section 3(3) of the Crimes Ordinance 1989 makes provision as to trial on indictment of common law offences and its provisions would be unnecessary in the event that the Administration of Justice (Amendment) Bill 1993 is enacted.

The Schedule to the Crimes Ordinance 1989 adopted certain provisions of the Criminal Justice Act 1988 as law of the Falkland Islands. These provisions included section 160 of that Act. That provision creates the summary offence of a possession of an indecent photograph of a child. The section was adopted in error because section 22 of the Crimes Ordinance 1989 in fact made identical provision.

Crimes (Amendment) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To repeal or amend various Ordinances by repealing provisions which are no longer necessary or are inappropriate.

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

1. This Ordinance may be cited as the Crimes (Amendment) Ordinance 1993. *Short title.*

2. The Ordinances mentioned in the Schedule to this Ordinance are repealed or amended by way of partial repeal to the extent stated in that Schedule. *Repeal or amendment of various Ordinances.*

SCHEDULE

REPEAL OR AMENDMENT BY WAY OF PARTIAL REPEAL OF VARIOUS ORDINANCES.

LIGHTING CONTROL ORDINANCE (CAP.39)

Extent of repeal
The whole Ordinance

ROAD TRAFFIC ORDINANCE (CAP.60)

Extent of repeal
Section 9P(1)

INTERPRETATION AND GENERAL CLAUSES ORDINANCE 1977

Extent of repeal
Section 91

CRIMES ORDINANCE 1989

Extent of repeal
Section 3(3) and in the text in Schedule 1 relating to the Criminal Justice Act 1988 repeal of the figures "160".

EXPLANATORY MEMORANDUM

ADMINISTRATION OF JUSTICE (AMENDMENT) BILL 1993

Introductory

This Bill seeks to make a number of desirable amendments to the Administration of Justice Ordinance, some of which are regarded as being urgent. The effect of the amendments is explained in this Memorandum.

The new section 7B(2)

This new subsection merely states the qualifications for appointment to the post of Senior Magistrate which have in practice been applied since 1983. They are important in the interests of justice being done to persons who come before the Magistrate's Court and they are also important because the Magistrate's Court of the Falkland Islands has jurisdiction under the Falkland Islands Courts (Overseas Jurisdiction) Order 1989 in relation to civil and criminal matters arising in the British Antarctic Territory or in South Georgia and the South Sandwich Islands, and these arrangements rely upon the Senior Magistrate being a lawyer of adequate experience.

The new section 7C

Subsection (1) of this section merely states in a conveniently findable form what is, in fact, the present law. Similarly subsection (2) merely states what, are in fact, the present offences which are under the law of the Falkland Islands are triable only on indictment. Those offences could not be tried by the Magistrate's Court but would be tried by the Supreme Court by the Chief Justice and a jury (that is what "trial on indictment" is). There is one minor variation in relation to offences which are triable on indictment. Under the present law, all offences of arson are triable on indictment. The common law offence of arson was abolished in 1971. There are now, in effect, two statutory offences of arson. The more minor of these is where life is not endangered. That offence could be committed, for example, where a hooligan set fire to a pile of straw, where the value of the straw was very little, and nobody's life was put in danger. A more serious offence, of course, is where a person's life is put in danger by an act of arson. The effect of section 7C(2)(h) would be that an offence of arson would be triable on indictment before the Supreme Court where it was alleged that anybody's life had been put in danger by the act of arson, but would be triable by the Magistrate's Court where that was not alleged by the prosecution.

The effect of the new section 7C(3) is that all offences which are not triable only on indictment must be tried summarily unless either the offender is committed for trial by the Supreme Court in respect of an offence triable only on indictment and the Magistrate's Court, in the interests of justice (because the facts are related, for example) commits the alleged offender for trial on indictment by the Supreme Court at the same time in respect of other offences which could be tried summarily or the prosecution where a person has been committed for trial on indictment in respect of an offence which is only triable on indictment decides to ask the Supreme Court to deal with him at the same time in relation to a more minor offence disclosed by the facts of the offence in relation which he has been committed for trial on indictment. Section 7C(3) does not change the law which is at present to be found in English Acts applied to the Falkland Islands. Here it is stated in a more conveniently accessible form so that it would appear in a Falkland Islands' Ordinance.

The new section 7C(4) would remove the existing limitations on the sentencing powers of the Magistrate's Court in respect of offences which it has jurisdiction to try. The reference in the

subsection to section 44(2) of the Criminal Justice Ordinance 1989 is a reference to the present limitation under that Ordinance an upper limit of £2,000 on the amount of a Compensation Order which the Magistrate's Court can make requiring the offender to compensate the victim for loss suffered by the victim of the offence as a result of the offence.

The new section 7C(5) states what, of course, is the existing situation : the jurisdiction of the Magistrate's Court is ordinarily exercised by the Senior Magistrate sitting alone. However under the new section 7H (replacing the existing section 7H), the Senior Magistrate can ask two or more Justices of the Peace to sit with him as assessors in the exercise of the criminal jurisdiction of the Magistrate's Court in any proceedings and can ask any suitable person to sit with him as an assessor in civil proceedings. An assessor's function is to advise the Judge as to his opinion of the evidence - not of the law - and as to technical matters (for example in a building dispute).

The new section 7D

This section states in a convenient form what is the present law. The difficulty of the present law is that one would need to look through several Orders in Council and English Acts applying to the Falkland Islands to discover what it is. Extradition proceedings in England are dealt with by a Metropolitan Stipendiary Magistrate sitting alone. A Metropolitan Stipendiary Magistrate has, by law, to be a qualified lawyer. The Senior Magistrate has invariably been appointed a Justice of the Peace and the new section 7D(2) makes him ex-officio a Justice of the Peace.
The new section 7D(3) states what, in effect, has been the practice of the Magistrate's Court, but does so in a convenient form. The effect of the subsection is that the Senior Magistrate adopts the same procedure in criminal proceedings as Justices of the Peace do when sitting as a Summary Court - which means that all criminal offences are dealt with by him summarily and not on indictment and where the Senior Magistrate sits in relation to an indictable offence he does so only for the purpose of conducting committal proceedings in relation to the possible trial of the alleged offender on indictment before the Supreme Court. This is exactly what an inner-London Stipendiary Magistrate does in a similar situation, which is why the subsection is worded in the way it is.

The new section 7E

The effect of the new section 7E would be greatly to increase the civil jurisdiction of the Magistrate's Court, (which is at present limited to £5,000) to £50,000. Any proceedings exceeding the present limit at the moment have to be dealt with by the Supreme Court. It has been quite usual for Senior Magistrates as Acting Judges of the Supreme Court to deal with such proceedings but one result of this is that any appeal from any decision of the Senior Magistrate (as Acting Judge of the Supreme Court) would have to be to the Court of Appeal in London which would be greatly inconvenient and expensive to the litigants.

The new section provides that even where the amount in dispute exceeds £50,000 the litigants can, if they wish, agree that the matter may be dealt with by the Magistrate's Court. They may want to do that for example to save delay or, in the event of being dissatisfied with the result, so that they have a right of appeal which would be dealt with in the Falkland Islands rather than having to be dealt with by the Court of Appeal in London.

There are exceptions provided for by the section in relation to divorce proceedings and other matrimonial proceedings of a like kind (the new section 7(2)(c)) - this is because under our present law it is the Supreme Court which has jurisdiction in those proceedings, and for technical reasons the present Bill cannot amend that law. Another exception is proceedings for "judicial review". Those proceedings are ones in which a person alleges that the Government, the Governor or a public officer has acted unlawfully in one way or another and seeks an appropriate Order to put matters right. In

such proceedings contraventions of the Constitution or human rights abuses of one kind or another may be alleged and it is appropriate that that sort of matter should be dealt with by the Supreme Court (an example of such proceedings was the Fu Chun fishery case).

Repeal of existing sections 7I and 7L

These sections would be repealed because they are replaced, and would be inconsistent with, the foregoing new sections.

The new section 12

The present section 12 provides for the Governor to say when the Supreme Court and the Summary Court shall sit. That might have been all very well, in 1949, when the Administration of Justice Ordinance was enacted but it is not suitable having regard to the division by the Constitution between the legislature, the executive, and the courts, and the new section 12 seeks to make more appropriate provision.

The new section 29

Under the present law, any person can be appointed to be the Coroner or a Deputy Coroner. However the complexities of the law relating to functions and duties of the Coroner are such that only a lawyer or a doctor with forensic training (ie: as to the law in relation to the duties of Coroners) can sensibly be appointed. The Chief Justice has advised that the Senior Magistrate should always be the Coroner (subject as expressed in the new section 29) and the section reflects the present practice extending over the last four or five years. The existing section 29 is regarded by the Chief Justice as inappropriate.

Repeal of the existing sections 30 to 31

These would be repealed by the Bill because, having regard to the provisions of the new proposed section 30 they would be unnecessary.

The new section 30

The new section 30 would adopt the Coroners' Act 1988 in relation to the jurisdiction of the Coroner, subject to the modifications and exceptions set out in the new Schedule to the Administration of Justice Ordinance which it would insert. The Coroners' Act 1988 already applies as law of the Falkland Islands, but it is inconsistent in some respects with the existing sections 30 to 41 and, in any case, requires modification so as to be more suitable to the circumstances of the Falkland Islands : those modifications are made by the proposed new Schedule.

The proposed section 42A

This section is one the purpose and effect of which might not be readily understood by the ordinary reader. The principal purpose of the section is to give full effect to "undertakings" given by a legal practitioner. An "undertaking" by a solicitor in England is a solemn promise to do something or to arrange for something to be done which is enforceable against the solicitor personally because, if he breaks it, he commits a professional offence (for which he can be dealt with by his professional body) and, because he is an officer of the Supreme Court in England, he can also be dealt with for contempt by the Court. Undertakings to do something or not to do something in a matter with which the lawyer is dealing are a part of everyday legal practice. A lawyer can accept, in England, an undertaking given by another lawyer (because it is enforceable in the manner described above) without being negligent. An example of an "undertaking" is when a lawyer is acting on the sale of the property for a client

which is subject to a mortgage, and when he receives the purchase money, to pay off the outstanding mortgage. Undertakings are for the benefit of the lawyer's clients and make the transaction of legal business on behalf of clients more convenient quicker and less expensive.

Another effect of lawyers being "officers of the court" is that the court can deal with a lawyer personally if he fails without any real excuse to comply with an Order which the Court makes in the course of any proceedings in which he is acting as a lawyer for a party.

Proposed new section 44

The existing section 44 (which was enacted before the creation of the Magistrate's Court) is totally unsatisfactory in that it says that civil proceedings in the Summary Court must be dealt with in the same way as civil proceedings in the County Court in England. The Summary Court has never, in fact, complied with this provision because it is somewhat nonsensical. The County Court procedure in civil matters requires written documents to be exchanged over long periods of time (for example, statements of claims and defences and lists of documents) and is not appropriate in relation to a court composed of lay justices of the peace. The practice the Summary Court has followed in criminal and civil proceedings, contrary to section 44, is that of a court composed of lay Justices of the Peace in England. That is the sensible practice and the new section 44, in that respect, would bring the law in accord with the practice. Equally the present section 44 does not make any provision in relation to the appellate jurisdiction of the Supreme Court or, indeed, in relation to its procedure on trials on indictment because, although it makes provision for the Supreme Court to follow (except so far as the law of the Falkland Islands provides otherwise) the procedure of the High Court in England, the High Court in England does not generally have any appellate jurisdiction and criminal cases are now heard by the Crown Court (which is part of the High Court, but a separate procedure applies). The new section 44 also deals with those defects.

The new section 47

There is presently no provision of the law of the Falkland Islands which suitably sets out the time within which a prosecution of a person for a criminal offence must be commenced. However, the effect of our present law is that proceedings for a criminal offence which can be tried summarily must be commenced within six months of the date of the commission of that offence. Because of the much greater jurisdiction of the Magistrate's Court, and the Summary Court, to deal with offences by trying them summarily (so that much more serious offences can be dealt with by our Summary Court and our Magistrate's Court than can be dealt with by Justices of the Peace in England) our present law is totally unsatisfactory. Of course, it is a general principle that criminal proceedings should be commenced as soon as possible. Generally speaking, in the Falkland Islands criminal proceedings for an offence are begun much more quickly, and dealt with much more quickly, than they are in England. However, there can of course be circumstances in which the offender is not discovered, or the inquiries are not complete, so that criminal proceedings cannot be commenced within six months. Leaving the law as it is would be an injustice to the community - because it might mean that a serious offender could not be brought before the court. It would, it is considered, be an injustice to the community as a whole if an offender could not be put on trial for a serious offence he has committed or is alleged to have committed and thus escapes scot free.

The new section 47 prescribes, in relation to the severity of the possible maximum punishment of the offences in question, the time within which prosecutions for those offences must be brought. It should be noted however, that the section specifically provides that these time limits apply without prejudice to the powers of the courts to dismiss a prosecution by reason of a delay in bringing it so great that a fair trial of the defender cannot be held or where the prosecution is "an abuse of process of the court". Courts in England have used these powers, which exist at common law, to stop or dismiss the

prosecutions which are unfair because they are "stale" or otherwise totally unfair to the defendant. A similar power exists, at common law, in the Falkland Islands and the new section 47(1)(b) preserves that common law power. A principal object of the new section 47 is to state, in one place, so that it can conveniently be referred to, a "table" of the periods within which various prosecutions must be brought.

Repeal of section 51(1)

The existing section 51(1) provides -

> "any person sentenced to penal servitude shall be deemed to have been sentenced to imprisonment with hard labour".

There is now no power for any court of the Falkland Islands to sentence any person to penal servitude in relation to any offence and, what is more, there is no power of any court to sentence any person to imprisonment with hard labour either. The section 51(1) ought to have been repealed many years ago because it is totally misleading. The opportunity is being taken in this Bill to repeal it now.

The Schedule

The Schedule makes exceptions and modifications to the Coroners' Act 1988 in its application to the Falkland Islands. As stated above, the Coroners' Act 1988 already applies to the Falkland Islands. Some of its provisions are inappropriate and are excluded by the Schedule (for example sections 1 to 7 which deal with the appointments and districts of Coroners in England and their expenditure being charged to County Council Budgets). The Schedule makes appropriate alterations in the application of the Coroners' Act 1988 in the Falkland Islands.

Administration of Justice (Amendment) Ordinance 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance
To amend the Administration of Justice Ordinance.

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

1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1993. *Short title.*

2. The Administration of Justice Ordinance is amended in the manner specified in the Schedule to this Ordinance. *Amendment of the Administration of Justice Ordinance. (Cap. 3)*

SCHEDULE
Amendment of Administration of Justice Ordinance

1. The Administration of Justice Ordinance is hereafter in this Schedule referred to as "the Ordinance".

2. Section 7B of the Ordinance is amended -

(a) by constituting the section as existing immediately before the enactment of this Schedule as subsection (1), of that section;

(b) by adding the following subsections to that section -

"(2) No person shall be appointed to be or to act as the Senior Magistrate unless he is a person who is entitled to practice as an advocate or as a solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland and has been so entitled for at least five years.

(3) For the purposes of this section, a person shall be regarded as entitled to practice as an advocate, or as the case may be, a solicitor, if he has been called, enrolled or admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or, as the case may be, solicitors) notwithstanding that -

(a) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or

(b) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise."

3. Sections 7C, 7D and 7E are replaced by the following -

General criminal jurisdiction.

7C(1) The Magistrate's Court shall have jurisdiction to try and determine any offence under the law of the Falkland Islands except an offence which by any law of the Falkland Islands is one which is only triable on indictment.

(2) For the purposes of subsection (1) it is hereby declared that the following offences are triable only on indictment -

(a) treason;

(b) murder;

(c) manslaughter;

(d) piracy;

(e) genocide (as defined under section 1(1) of the Genocide Act 1969);

(f) rape;

(g) torture; and

(h) any offence under section 1(2) of the Criminal Damage Act 1971; and

(i) any attempt to commit any of the foregoing offences,

and that all other offences are triable summarily and shall not be tried on indictment except where the accused is at the same time indicted with an offence triable only on indictment.

(3) In respect of any offence which is triable only on indictment, the Magistrate's Court has the like jurisdiction as a magistrates court has in England has to commit a person for trial on indictment and where the Magistrate's Court commits a person for trial on indictment in respect of an offence which is only triable on indictment, the Magistrate's Court may commit that person for trial on indictment at the same time in respect of any other offence or offences which, by virtue of subsection (1) it has jurisdiction to try and determine but which, in the interests of justice, the court considers should be tried at the same time as the offence triable only on indictment, but without prejudice to any provision of law whereunder a person committed for trial on indictment in respect of an offence triable only on indictment may also be charged by the prosecutor in the bill of indictment in respect of an offence triable summarily disclosed by the facts of the offence in respect of which he has been committed by a court for trial on indictment.

(4) Where the Magistrate's Court has jurisdiction by virtue of subsection (1) to try and determine an offence it may on convicting a person of that offence sentence him in any manner provided for by law in respect of that offence and may also make any other order which by law may be made in consequence of or otherwise upon the conviction of the offender.

(5) Except as provided by section 7H the jurisdiction of the Magistrate's Court under this section shall be exercised by the Senior Magistrate sitting alone.

(6) It is hereby declared that from the commencement of this section an offence which would have constituted the offence of arson at common law prior to the abolition of the common law offence of arson is only triable summarily unless in the circumstances of the case, it is an offence to which section 1(2) of the Criminal Damage Act 1971 relates, when, in accordance with subsection (2)(h) of this section, it is triable only on indictment, and that all laws of the Falkland Islands inconsistent with this subsection shall cease to have effect.

Supplemental to section 7C.

7D(1) The Senior Magistrate has (subject to any Order of Her Majesty in Council) the like powers and jurisdiction in relation to extradition as is possessed by a person holding appointment as a Metropolitan Stipendiary Magistrate under section 31(1) of the Justices of the Peace Act 1979.

(2) The Senior Magistrate is by virtue of his office a justice of the peace and may exercise all the jurisdiction powers and authority of a justice of the peace except that he shall not be capable of sitting for any purpose as one of the justices of the peace composing the Summary Court.

(3) Subject to this Ordinance and to any other law of the Falkland Islands the practice and procedure of the Magistrate's Court in criminal proceedings shall as nearly as possible be that of a magistrates' court for the inner London area when constituted by a Metropolitan Stipendiary Magistrate sitting alone so as to constitute such a court.

Civil jurisdiction of the Magistrate's Court.

7E(1) Subject to subsection (2) the Magistrate's Court shall have jurisdiction to hear and determine -

(a) any action founded in contract or tort where the amount claimed or in dispute does not exceed the statutory limit;

(b) any action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, unless it is provided by that enactment that that sum is only recoverable in the Supreme Court;

(c) any action for the recovery of land;

(d) any action in which the title to land comes into question;

(e) proceedings for the administration of an estate of a deceased person, where the estate does not exceed in amount or value the statutory limit;

(f) proceedings for the execution of any trust or for a declaration that a trust subsists where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the statutory limit;

(g) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount alleged to be owing in respect of the mortgage charge or lien does not exceed the statutory limit;

(h) proceedings for the specific performance, or for the rectification, delivery up or cancellation of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the statutory limit;

(i) proceedings relating to the maintenance or advancement of a minor where the property of the minor does not exceed in amount or value the statutory limit;

(j) proceedings for dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute) where the whole assets of the partnership do not exceed in amount or value the statutory limit;

(k) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed the statutory limit.

(2) The Magistrate's Court shall not by virtue of subsection (1) have jurisdiction to hear and determine -

(a) any action which would fall within the admiralty jurisdiction of the Supreme Court and notwithstanding that the amount claimed or in dispute does not exceed the statutory limit;

(b) any action in defamation unless the parties have agreed, in accordance with subsection (4), that the court shall have jurisdiction to try and determine the action;

(c) any action or proceedings of a kind or nature which in England, if commenced in the High Court, would be assigned to the Family Division of that Court; or

(d) any proceedings for judicial review.

(3) For the purposes of this section, "the statutory limit" means £50,000 or such greater sum as may from time to time be specified by the Governor by Order under this subsection.

(4) Where -

(a) the Magistrate's Court has, by virtue of subsections (1) and (2), jurisdiction to hear and determine any action or proceedings; and

(b) the amount in dispute or claimed or the value of the property the value of the estate, the purchase money, the damage or the estate or fund involved does not exceed one half of the statutory limit,

the action or proceedings shall not be commenced in the Supreme Court and if, by inadvertence or mistake they are commenced in the Supreme Court that court shall order that the action or proceedings shall be transferred to the Magistrate's Court where they shall continue as if they had been commenced in the Magistrate's Court.

(5) If, as respects any action or proceedings of a kind to which subsection (1) relates, the parties agree, by a memorandum signed by them or by their respective legal practitioners or agents, that the Magistrate's Court shall have jurisdiction in the action or proceedings, that court shall have jurisdiction to try and determine the action or proceedings notwithstanding that the amount in dispute or claimed or the value of the property involved or which may be involved exceeds or may exceed the statutory limit.

(6) In any action or proceedings properly commenced in, or which has or have been transferred from the Supreme Court so as to continue in, the Magistrate's Court, the Magistrate's Court shall have power to make any order which the Supreme Court could make in any action or proceedings of a similar nature properly commenced in the Supreme Court.

(7) Subject to section 7H the jurisdiction of the Magistrate's Court in any civil action or proceedings shall be exercised by the Senior Magistrate sitting alone.

(8) Subject to this Ordinance, any rules under this Ordinance under subsection (10), any other law of the Falkland Islands and to any practice direction under subsection (11), the practice and procedure of the Magistrate's Court in its civil jurisdiction shall as nearly as possible be that of a County Court in England.

(9) Subsections (1) and (2) have effect in addition to and without prejudice to any other law of the Falkland Islands which confers jurisdiction upon the Magistrate's Court to hear and determine any action or proceedings.

(10) Subsection (4) does not apply in respect of any action or proceedings commenced in the Supreme Court prior to the commencement of this section.

(11) The Senior Magistrate may with the approval of the Chief Justice make, and may with such approval from time to time amend or revoke, any practice direction not inconsistent with rules having effect under section 69 of this Ordinance he considers necessary or convenient for the better adaptation of the practice and procedure of county courts in England to the circumstances of the Falkland Islands.".

4. Section 7H of the Ordinance is repealed and replaced by the following section -

"7H.(1) The Senior Magistrate may summon two or more justices of the peace to sit with him as assessors in the exercise of the criminal jurisdiction of the Magistrate's Court in any proceedings. *Assessors.*

(2) The Senior Magistrate may appoint one or more persons whom he considers suitable in relation to the action or proceedings in question to sit with him as an assessor or assessors in the exercise of the civil jurisdiction of the Magistrate's Court in any action or proceedings.

(3) Where, pursuant to subsection (1) or (2) of this section the Senior Magistrate sits with one or more assessors, he may seek the advice or opinion of the assessor or assessors as to any matter or question which, in his opinion, is not a matter of law alone, but the Senior Magistrate shall not be bound to determine the question or matter in accordance with any such advice or opinion he receives and the decision of the Magistrate's Court in relation to any such question or matter shall be deemed always to be that of the Senior Magistrate alone."

5. Sections 7I and 7L of the Ordinance are repealed.

6. Section 12 of the Ordinance is replaced by the following section -

"12(1) The Supreme Court, the Magistrate's Court and the Summary Court may sit in any place in the Falkland Islands, except that no court shall sit in any premises licensed for the sale of intoxicating liquor or in any building ordinarily used for religious purposes. *Sittings of the courts.*

(2) The Supreme Court shall sit as and when directed by the Chief Justice or by an acting judge of that court.

(3) The Chief Justice and, with the approval of the Chief Justice, an acting judge, may sit outside the Falkland Islands for the purpose of dealing in chambers with any matter or question which may be dealt with by the Supreme Court ex parte in chambers.

(4) The Magistrate's Court and Summary Court shall sit as and when directed by the Senior Magistrate".

7. Section 29 of the Ordinance is replaced by the following section -

"29(1) The person for the time being holding the post of Senior Magistrate is the Coroner for the Falkland Islands and any person appointed to act as Senior Magistrate other than for the purpose of a specified case or cases is the Acting Coroner so long as he continues to act as Senior Magistrate and may exercise all the functions power and authority of the Coroner. *Coroner.*

(2) Where a person in his capacity as Acting Coroner has opened an inquest into the death of any person he may, notwithstanding that he has ceased to act as Senior Magistrate, continue to exercise all the functions of the Coroner so far as they touch and concern the death of the person the subject of that inquest.

(3) The Attorney General shall perform all the functions and exercise the powers and authority of the Coroner -

(a) in respect of or touching or concerning the death of any person or persons in relation to whom the Senior Magistrate has advised him that it is in the interests of justice that the Senior Magistrate should not exercise those functions powers and authority; or

(b) whenever there is no person present in the Falkland Islands who holds appointment as Senior Magistrate or Acting Senior Magistrate,

and whenever the Attorney General pursuant to this subsection performs the functions or exercises the powers or authority of the Coroner in respect of or touching or concerning the death of any person he shall in respect of that death be deemed to be the Coroner.

8. Sections 30 to 41 of the Ordinance are repealed.

9. The following section is inserted immediately after section 29 -

"30. The Coroners Act 1988 shall apply as law of the Falkland Islands, subject to the modifications and exceptions specified in the Schedule to this Ordinance." *Law as to Coroners etc.*

10. The following section is inserted immediately after section 42 -

Legal Practitioners to be Officers of the Supreme Court.

"42A.(1) All persons practising law in the Falkland Islands as legal practitioners pursuant to the Legal Practitioners Ordinance 1988 are officers of the Supreme Court.

(2) In relation to the conduct behaviour and duties of legal practitioners -

(a) the Supreme Court has all the powers possessed by the Supreme Court of England and Wales in relation to solicitors of that court;

(b) the Magistrate's Court has all the powers possessed by a county court in England in relation to solicitors of the Supreme Court of England and Wales".

11. Section 44 of the Ordinance is replaced by the following -

Practice and procedure.

"44(1) The following provisions of this section have effect subject to the provisions of this Ordinance (including rules made under section 69 of this Ordinance) and subject to the provisions of any other Ordinance and any rules made thereunder.

(2) So far as is convenient and practicable, the practice and procedure of the Supreme Court in the exercise of its appellate jurisdiction shall be that of the Court of Appeal in England (disregarding or modifying any provisions related to a multiplicity of judges).

(3) So far as is convenient and practicable, the practice and procedure of the Supreme Court on and related to a trial on indictment shall be that of the Crown Court in England.

(4) The practice and procedure of the Magistrate's Court in criminal and civil proceedings shall be as provided by Part IIA of this Ordinance.

(5) The practice and procedure of the Summary Court in criminal and civil proceedings shall be that of a Magistrates' Court in England when composed of justices of the peace and dealing with a similar matter".

12. Section 47 of the Ordinance is replaced by the following section -

Title for commencement of criminal proceedings.

"47(1) This section has effect for the purpose of prescribing the periods within which prosecutions for offences must be commenced and has effect subject to -

(a) any provision of any law of the Falkland Islands which, in relation to any particular offence or offences, prescribes a greater period, and

(b) to any power of any court to dismiss a prosecution by reason of a delay in bringing it so great that a fair trial of the defendant cannot be held, or as an abuse of the process of the court,

but has effect notwithstanding any provision of any English Act adopted by an Ordinance and which prescribes a shorter period in relation to an offence to which that provision relates.

(2) There shall be no limitation on the time within which a prosecution for treason, genocide, murder, manslaughter, torture, hijacking or piracy must be commenced.

(3) A prosecution for rape or an offence under section 1(2) of the Criminal Damage Act 1971 must be commenced within twelve years of the date of the offence.

(4) A prosecution for an offence triable summarily must be commenced as follows -

(a) if the offence is punishable on conviction by imprisonment for seven years or more, within nine years of the date of the offence;

(b) if the offence is punishable on conviction by imprisonment for five years or more (but less than seven years) within six years of the date of the offence;

(c) if the offence is punishable on conviction by imprisonment for three years or more (but less than five years), within four years of the date of the offence;

(d) if the offence is punishable on conviction by imprisonment for twelve months or more (but less than three years) within three years of the date of the offence;

(e) in any other case where an offence is punishable on conviction by imprisonment, within two years of the date of the offence;

(f) where an offence is punishable on conviction by a fine (and not by imprisonment) -

(i) if there is no limit on the amount of the fine which may be imposed, within nine years of the date of the offence;

(ii) if the fine which may be imposed on conviction is a specified sum which exceeds £100,000, within six years of the date of the offence;

(iii) if the fine which may be imposed on conviction exceeds £10,000 but does not exceed £100,000, within three years of the date of the offence;

(iv) if the fine which may be imposed on conviction exceeds £1,000 but does not exceed £10,000 within two years of the date of the offence;

(v) if the fine which may be imposed on conviction exceeds £400, but does not exceed £1,000, within one year of the date of the offence, and

(vi) in any other case, within six months of the date of the offence.

(5) For the purposes of subsection (4) any limitation on the power of any court to impose the maximum sentence provided for by law in relation to an offence shall be ignored.

(6) For the purposes of this section, a prosecution of a person is commenced when the complaint or information in relation to the offence in question is presented to the office of the Magistrate's Court or of the Summary Court".

13. Section 15(1) of the Ordinance is repealed.

14. The following Schedule is added to the Ordinance.

SCHEDULE
Application of Coroners Act 1988

General modifications

1. Every reference to the Attorney General or the Director of Public Prosecutions shall be construed as a reference to the Attorney General for the Falkland Islands and every reference to the High Court or the Crown Court shall be construed as a reference to the Supreme Court.

Provisions which shall not apply

2. Sections 1 to 7, 8(3)(c) and (d), 11(8), 14, 22(6), 24 to 29 and 31 to 34 shall not apply in the Falkland Islands.

Modifications of provisions

3. In section 8(1)(c), the word "Act" shall be replaced by the words "law of or relating to the Falkland Islands".

4. In section 9(1) the words from the word "juror" in the second place it appears in the subsection shall be replaced by the words "under the Administration of Justice Ordinance".

5. In section 11(3)(b) the words appearing after the words "required by" shall be replaced by the words "law to be registered concerning the death".

6. In section 16(1) -

(a) in paragraph (a), the words "Clerk of a magistrates' court" shall be replaced by the words "Clerk of the Magistrate's Court or by the Clerk of the Summary Court" and subparagraph (ii) of that paragraph shall be replaced by -

"(ii) an offence under the Road Traffic Ordinance committed by causing the death of the deceased; and

(b) in paragraph (b) the words "examining justices" shall be replaced by the words "the Magistrate's Court or the Summary Court".

7. In section 16(4) the words appearing after the word "particulars" to the end of the subsection shall be replaced by the words "which by law are required to be registered concerning the death".

8. In section 17(1), paragraph (b) shall be replaced by -

"(b) an offence of causing death by reckless driving or an offence of causing death by dangerous driving; or"

9. In section 17(2), paragraphs (b) and (c) shall be omitted.

10. Section 22(1) and (2) are replaced by the following -

"(1) Subject to subsection (2), where by the direction of or at the request of the Coroner, a post-mortem examination of a body is to be made, the Coroner may, if he is satisfied that that examination could more conveniently be carried out at some place in the United Kingdom, authorise the removal of the body from the Falkland Islands for that purpose.

(2) The Coroner shall not authorise the removal of a body for the purpose of post-mortem examination in the United Kingdom unless he is satisfied that on arrival of the body in the United Kingdom a post-mortem examination will be carried out in relation to that body in accordance with arrangements made, or approved, by him."

EXPLANATORY MEMORANDUM

OZONE LAYER (PROTECTION) BILL 1993

Introductory

There is worldwide concern in relation to the depletion of the Ozone Layer which appears to be caused by the omission of a number of chemicals which have the effect of breaking down the ozone (a combination of oxygen molecules) in the layer, which forms part of the stratosphere high above the Earth's surface. The chemicals in question are chlorofluoro carbons, fully halogenated chlorofluoro carbons, carbon tetrachloride halons and a substance known as 1,1, - trichloroethane.

The concern mentioned arises because the ozone layer operates so as to block off a great deal of the ultraviolet bans of the sun's radiation, so that a reduced amount of ultra-violet radiation strikes the earth's surface. The depletion of the ozone layer means that a greater amount of ultra-violet radiation reaches the earth's surface and that can have harmful effects on human beings, animals and plants - and indeed, all living things.

Recognising this problem, a number of nations in 1985 signed the Vienna Convention for the Protection of the Ozone Layer. This was followed, in 1987, by the Montreal Protocol on Substances that Deplete the Ozone Layer, entered into under the 1985 Convention and which contains international measures for the reduction of the emission of ozone-depleting substances and contemplates the eventual prohibition of their use. The Protocol has subsequently been amended so as to "tighten up" the measures and to include further ozone-depleting substances in its provisions.

Generally speaking, people in the Falkland Islands will be aware of the so-called "ozone holes" observed by the British Antarctic Survey and others undertaking research in Antarctica, and by satellite observations, which have been a feature of recent years. These appear in the early Antarctic Spring and move from Antarctic regions northwards under the influence of atmospheric circulatory influences. Last year part of the Antarctic ozone hole appears to have passed over the Falkland Islands. Other parts appear to have passed over southern Chile.

Unfortunately, ozone-depleting substances do not decay rapidly. It will be many years before the "build up" of them in the atmosphere over many past years is reversed. The reductions, and eventual prohibition, of emissions of ozone-depleting substances by international efforts is intended to prevent the problems caused by them becoming worse and, over the course of time, to cure these problems.

International efforts are required to combat the problems. For that reason, the United Kingdom which along with a number of other countries is taking a leading role in promoting international efforts in 1991 plus the Falkland Islands and other Dependent Territories of the United Kingdom to consent to the provisions of the Montreal Protocol as amended, being applied to them and to enact the legislation which would be necessary in their local law to give effect to the obligations under the Protocol. The Ozone Layer (Protection) Bill is the proposed law which would do so. Because of their small population, and lack of manufacturing industry, the Falkland Islands do not, of course, contribute in any significant way to the problems which have arisen from ozone-depleting substances. The importance of the Bill is that it would enable the Falkland Islands to join in the worldwide efforts. Because of their proximity to Antarctica and the possibility that in forthcoming years part of the Antarctic Spring ozone hole may pass over the Falkland Islands, these international efforts are not without some relevance to them.

The general effect of the Bill

The Bill would prohibit the manufacture of "controlled substances" in the Falkland Islands. "Controlled substances" are defined in clause 2(1) of the Bill and are listed in the First Schedule to it. They are "ozone-depleting substances". The substances listed in the First Schedule to the Bill are those to which the provisions of the Montreal Protocol at present relate. However, this Protocol is, from time to time, amended so as to include further "ozone-depleting substances". For that reason, clause 8 of the Bill would enable the Governor by Order (made with the approval of Executive Councillors) to amend the First Schedule (and the Second Schedule which is connected with it) so as to enable the list of ozone-depleting substances to which the Bill relates to be kept up to date.

In addition to prohibiting the manufacture of "controlled substances", the Bill would control the importation and exportation of controlled substances. In relation to that it is important to appreciate the effect of the definition of "controlled substances" contained in clause 2(1) of the Bill. It makes difficult reading because it is drafted, effectively, as a double negative. It was important in drafting the Bill in this respect to follow closely the way in which the Montreal Protocol is worded. Unscrambling the "double negative" into plain English we arrive at the following result -

> An ozone-depleting substance specified in the Bill is not a "controlled substance" the importation or exportation of which requires any licence under the provisions of the Bill if -
>
> (a) it is in a manufactured product; and
>
> (b) that manufactured product is not simply a container used for transportation or storage of the ozone-depleting substance.

As a result, no licence would be required under the Bill, for example, for the importation or exportation of items for retail sale such as aerosols or the like which contain an ozone-depleting substance mentioned in the Bill. A licence for the importation or exportation of an ozone-depleting substance mentioned in the Bill ("a controlled substance") *would* be required where it is contained, for example, in a container which is used, or intended to be used, for topping up refrigerator cooling equipment or the like. An importation licence could not be granted (see clause 4(3) to import any controlled substance from a non-party) "party" is defined in clause 2(1) of the Bill. The United Kingdom is, of course, a Party. Chile, Japan and Korea also appear to be parties in just the same way as the United Kingdom is. As matters stand, there should be no difficulty in importing from any of the United Kingdom, Chile, Japan or Korea any "controlled substance" for which they have given an export licence. Uruguay is a Party to most of the obligations, but has not yet ratified amendments made to the Protocol in 1990. This means that most, but not all at present, of the controlled substances could, subject to a Uruguayan export licence having been granted, be imported into the Falkland Islands from Uruguay if an importation licence was granted under the Bill.

The obligations under the 1985 Convention and under the Montreal Protocol fall into the "common foreign policy area" of the European Community. As a result of that, it is believed that the position in relation to EC countries is likely to be the same as those in relation to the UK. That is important because of the use of refrigeration equipment in fishing fleets fishing in Falkland Islands' waters. Because of leakage or inadvertent loss of coolant chemicals (which may include ozone-depleting substances) it may be necessary to "top up" or replace these. Fishing fleets may well wish to land such substances, for those reasons, in the Falkland Islands. In principle, there should be no difficulty about this. They should be able to produce an export licence from their country of registry and the Governor could then, if appropriate, grant an import licence. There may, it is thought, possibly be difficulties in relation to Taiwan, if it is not a "Party". It is possible that some eastern European countries are not

Party.

An import licence is not, of course, required unless a "controlled substance" is imported into the Falkland Islands. This, broadly speaking, means landed here. The fishery waters do not form part of the Falkland Islands for the purposes of the Bill. Thus transfer from one ship to another in the fishery waters will not require a licence. Nor will a licence be required if the controlled substance is held as a part of ship's stores and is not landed.

The Bill if enacted would not come into force until it is brought into force by a Notice in the Gazette. This will be a date three months after the United Kingdom has, if the Bill is enacted, ratified the application of the international obligations to the Falkland Islands. It is intended that before that happens up to date guidance will be given to local companies involved in the fishing industry as to which countries are Parties to the Protocol, and to what extent.

The countries which are Parties to the Protocol are obliged to keep, and submit, detailed statistics of their exports and imports of the ozone-depleting substances to which the Protocol, in its application to them, relates. That is a principal reason for the requirement in the Bill of import and export licences. Since imports from and exports to non-Parties are prohibited under the Protocol (and would be under the Bill) at least in theory the imports and exports of all the Parties to the Protocol, taken together should balance. The reason for the statistics is, of course, so as to be able to monitor the reduction in the emission and production of the relevant ozone-depleting substances. If the Bill is enacted, when it is brought into force, the Falkland Islands would be required to keep and submit those statistics.

Clause 3 of the Bill

This clause contains an absolute prohibition on the production of any controlled substance within the Falkland Islands. Since no such substance is produced in the Falkland Islands, this should not create any difficulty whatever.

Clause 4

The circumstances in which an importation licence will be required have been explained above. Clause 4 prohibits the importation of any controlled substance other than, and in accordance with, the conditions of a licence. Clause 4(2) provides for the Governor to be the authority for the grant of licences (and this is because the obligations under the Bill fall within the foreign relations field). As stated above, a licence to import any controlled substance cannot be granted for an importation from a non-Party. This is stated by clause 4(3).

Attention is drawn to clause 4(4) of the Bill. This contains an absolute prohibition on the importation of any article or thing specified in Part I of the Second Schedule to the Bill if that Article or thing contains any substance specified in Part II of that Schedule. That is to say, whether it is contained in a manufactured product or not. This provision reflects international obligations which are aimed at preventing countries which are not taking part in the international efforts from being able to export ozone-depleting substances to those which are. However, there is a limited exception to this provided for by clause 4(5) of the Bill where the thing in question is imported as part of a person's personal or household effects or by way of other non-commercial importation of a like kind.

Clause 4(6) states the considerations which the Governor must or may have in mind when considering applications for a licence.

Clause 5

Under clause 5(1), it would be unlawful to export a controlled substance from the Falkland Islands other than in accordance with the conditions of a licence granted under clause 5(2). Clause 5(3) would prevent the grant of a licence to export any controlled substance to a non-Party, but under clause 5(4) no licence would be required for the exportation of a licence as part of a person's personal or household effects. There will be a counter-part obligation under the Montreal Protocol to obtain an import licence in the country of destination in the situation where an export licence from the Falkland Islands is required.

Clause 6

The effect of this clause is to bar any appeal to a court from any decision of the Governor under his licensing powers. However, it is emphasised that this provision only applies to appeals. It does not, and cannot, bar an application to the court under the procedure known as "judicial review". That procedure is available where a person alleges, for example, that the Governor did not consider the merits of the application at all or has acted totally unreasonably. An application for judicial review would need to be made to the Supreme Court. The Supreme Court on such an application could, if it saw fit, quash the Governor's decision and it could also order the payment of damages by way of compensation and order the Governor to reconsider the application. What the court could not do would be itself to grant the application.

Clause 7

Clause 7 would make provision in relation to applications for licences. It provides for these to be made to the Chief Executive (and not, for example, to the Collector of Customs) largely because unless the application were a routine one, and therefore likely to be granted, the application would need to be referred to the Executive Council for decision.

Clause 8

This clause has been mentioned above, and has the effect that the Governor could by Order (approved by the Executive Council) amend the Schedules to the Bill so as to keep pace with the Falkland Islands' obligations under the Montreal Protocol.

Clause 9

This clause provides for criminal offences by individuals and by corporations (usually companies) and for the jurisdiction of the Magistrate's Court and the Summary Court in relation to offences.

Clause 10

This clause provides the power for a Customs Officer or Police Officer to enter any premises in which he reasonably believes any controlled substance may be contrary to the foregoing provisions of the Bill, without a warrant, and to seize it. Provision for the exercise of such powers without a warrant is only made by a law in relation to offences which are serious. In this case the offences under the Ordinance are serious because they would, in effect, be breaches of important international obligations.

The person from whose premises, vehicle or vessel anything is seized under clause 10(1) may be entirely innocent of any offence under the Ordinance, because he did not import the thing in question, for example and has bought it or acquired it from somebody else. Such a person would not be prosecuted but, to comply with the obligations under the Protocol it is necessary that any "controlled substance" (again, as defined in clause 2(1) which, in effect means only an ozone-depleting substance

"in bulk") is seized for the purpose of it being destroyed or otherwise disposed of in accordance with the Convention.

The effect of clause 10(4) is that where the person from whom the thing was seized has himself committed an offence, the thing will be brought before the court in the course of his prosecution. If the prosecution proved beyond reasonable doubt that he has committed an offence under the Ordinance, the court will be bound to convict him and to order the forfeiture of the thing seized. The person convicted would, of course, have the right of appeal to the Supreme Court (see clause 11) and the thing seized could not be destroyed pending the decision on that appeal.

There are two other circumstances with which it is necessary to deal. The first of these is where a person is prosecuted, but is not himself convicted of any offence (for example because he shows to the court that he did not import the thing in question) but the court is nevertheless satisfied that the thing is a "controlled substance" and that some person brought it into the Falkland Islands in contravention of the provisions of the Bill. The second circumstance is where nobody is prosecuted (for example because the person who imported it is no longer in the Falkland Islands, or has died or was a company which has been dissolved). In those circumstances the court would have power under clause 12 to order the forfeiture of the thing seized but, again, if it did the thing could not be destroyed pending the decision on any appeal to the Supreme Court. In any case where a court was not satisfied that the thing seized was a controlled substance, it would have to order the return of it to the person from whom it was seized.

Clauses 11 and 12

These clauses have, in effect, been explained above.

Clause 13

This clause enables a person from whom the thing is seized under the powers contained in the Bill, and who is not prosecuted for an offence, to be heard by a court so as to prove that the thing seized was not a controlled substance. If he succeeded in doing that, the court would be bound to order that the thing seized be returned to him forthwith. However if the court was satisfied that the thing was a controlled substance, and whether it had been seized, an innocent person or not, it would have to order its forfeiture to the Crown. There would, however, be a right of appeal to the Supreme Court (clause 13(2)).

Clause 14

This clause contains Regulation making powers which will be necessary to give effect to the purposes of the Bill.

The First Schedule

This lists the ozone-depleting substances at present the subject of controls.

The Second Schedule

This Schedule lists various articles or things which except in a person's personal effects were household goods cannot be imported from a non-Party if they contain any substance specified in Parts I and III of the First Schedule. It is in fact extremely unlikely that any "pre-polymer" would contain any such substance. Pre-polymers were precursors to plastic foams and, as such, are never likely to contain controlled substances. The Protocol however included them at the insistence of the one of the

Parties. We are assured by the Foreign and Commonwealth Office that while, to comply with our obligations under the Protocol if it is applied to us, we will need to include "pre-polymers" in the Second Schedule to the Bill, in practical terms we will not need to worry about them. It might be added that Falkland Islands' imports appear over recent years to be only from Chile and the United Kingdom, with a small quantity from Uruguay. Chile and the United Kingdom are full Parties, as has been pointed out above and so, too, are Korea and Japan. Uruguay is a party to most of the obligations. In those circumstances the practical effects of the Second Schedule, in relation to the Falkland Islands, are presently insignificant.

The Ozone Layer (Protection) Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

to enable the Falkland Islands to act in conformity with international efforts to reduce and eventually eliminate the production, consumption and emission of substances that deplete the Ozone Layer, and for purposes connected with those purposes.

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

1. This Ordinance may be cited as the Ozone Layer (Protection) Ordinance 1993 and shall come into force on such date as is notified by the Governor by notice published in the Gazette. *Short title and commencement.*

2.(1) In this Ordinance, and unless the context otherwise requires - *Interpretation.*

"the Convention" means the Vienna Convention for the Protection of the Ozone Layer which was opened for signature on 22nd March 1985;

"controlled substances" means any of the following except when it is in a manufactured product which is not a container used for transportation or storage of that controlled substance -

(a) chlorofluorocarbons;

(b) other fully halogenated chlorofluorocarbons;

(c) carbon tetrachloride, and

(d) halons, and

(e) 1,1,1, - trichloroethane,

and in each case whether existing alone or in a mixture;

"carbon tetrachloride" means the substance otherwise known as CCl_4;

"chlorofluorocarbons" means the substances listed in Part I of the First Schedule to this Ordinance and any isomers of any such substance;

"other fully halogenated chlorofluorocarbons" means the substances listed in Part II of the First Schedule to this Ordinance and any isomers of any such substance;

"halons" means the substances listed in Part III of the First Schedule to this Ordinance and any isomers of any such substance;

"1,1,1 - trichloroethane" means the substance otherwise known as $C_2 H_3 Cl_3$ (but does not include 1,1,2 - trichloroethane);

"Party" with respect to a particular controlled substance, means any party to the Protocol that has agreed to be bound by the control measures in effect for that substance (and "non-Party" has a correlative meaning);

"person" means a natural person or body corporate of any kind;

"the Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer which was opened for signature on 16th September 1987 and includes any amendments and adjustments to that Protocol which are in force in respect of the Falkland Islands.

(2) If any question shall arise before any court as to the purposes and intent of this Ordinance which cannot be resolved by reference only to the provisions of this Ordinance, that court is entitled to have regard, if it sees fit, to the provisions of the Convention and of the Protocol.

(3) If any question shall arise as to whether a state, country or territory is or is not to be regarded for the purposes of this Ordinance as a Party to the Protocol, the certificate of the Governor shall be conclusive as to whether or not, at the date of that certificate, the state, country or territory is to be so regarded.

Prohibition of production of controlled substances.

3. It is unlawful to produce any controlled substance within the Falkland Islands.

Restriction of importation of controlled substances and products containing controlled substances.

4.(1) It is unlawful to import any controlled substance into the Falkland Islands other than -

(a) in compliance with the conditions of a licence granted under subsection (2); or

(b) in circumstances to which subsection (5) applies.

(2) Subject to subsection (3), the Governor may grant to any person a licence to import any controlled substance into the Falkland Islands, subject to such conditions, set out or referred to in the licence, as he thinks fit.

(3) The Governor shall not grant to any person a licence to import any controlled substance from a non-Party.

(4) Subject to subsection (5), is unlawful to import into the Falkland Islands from a non-Party any article or thing specified in Part I of the Second Schedule to this Ordinance if that article or thing contains any substance specified in Part II of that Schedule.

(5) Subsection (4) does not apply to importation of any article or thing as part of a person's personal or household effects or to any other non-commercial importation of a like kind.

(6) In considering whether or not to grant a licence under subsection (2) and the conditions, if any, to which that licence shall be subject, the Governor -

(a) shall have regard to the obligations under the Convention and the Protocol; and

(b) may also have regard to the desirability of controlling the consumption and use of controlled substances in the Falkland Islands in a manner more severe than that provided by the Convention and the Protocol.

Restriction of exportation of controlled substances and products containing controlled substances.

5.(1) It is unlawful to export a controlled substance from the Falkland Islands other than in accordance with the conditions of a licence granted under subsection (2).

(2) Subject to subsection (3), the Governor may grant to any person a licence to export any controlled substance from the Falkland Islands, subject to such conditions, set out or referred to in the licence, as he thinks fit.

(3) The Governor shall not grant to any person a licence to export any controlled substance to a non-Party.

(4) Nothing in subsection (1) applies to the exportation of an article or thing as part of a person's personal or household effects.

Appeals from decisions of the Governor.

6. No appeal lies to any court tribunal or authority from any decision of the Governor -

(a) to refuse to grant a licence under section 4 or section 5; or

(b) as to the conditions subject to which such a licence is granted by him.

Applications for a licence to import or export.

7. An application for a licence under section 4(2) or 5(2) shall be in writing, shall be sent or delivered to the Chief Executive and shall contain the following information -

(a) the name and address of the proposed importer or exporter;

(b) the description of each substance to which it relates stating -

(i) its commercial description;

(ii) the manner in which it is described in the second column of the relevant Part of the First Schedule to this Ordinance;

(iii) the state, country or territory from which it is intended to import, or to which it is intended to export, the substance;

(c) the quantity of each substance the proposed importer wishes to import or export;

(d) the place and date of the proposed importation or exportation, so far as they are known;

(e) in the case of an application for a licence under section 4(2) the purposes for which each substance to which the application relates will be used in the Falkland Islands and, so far as they are known, the persons who will be using them;

(f) in the case of an application for a licence under section 4(2) the stocks of each substance to which the application relates that the proposed importer already holds in the Falkland Islands; and

(g) in respect of each controlled substance to which the application relates, the authorisation for its exportation or importation, if any, by the competent authorities of the place from which it is intended that it will be imported or to which it is intended that it will be exported.

Amendment of Schedules.

8. The Governor may from time to time by Order under this section amend or replace either or both of the Schedules to this Ordinance, but no Order under this section shall have retrospective effect.

Offences.

9.(1) A person who

(a) contravenes section 3, section 4(1) or (4) or section 5; or

(b) contravenes any condition subject to which a licence under this Ordinance has been granted,

commits an offence and is liable on conviction to fine not exceeding £100,000.

(2) Where a body corporate commits an offence under this Ordinance 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, any director, manager, secretary of 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, has also committed that offence and is liable to be proceeded against and punished accordingly.

(3) In subsection (2) "director" in relation -

(a) to a statutory corporation means a member of a board, committee or trust responsible for the management or the supervision of the management of the affairs of that statutory corporation;

(b) to a co-operative society, means a member of the committee or other body responsible for the management or supervision of the management of the affairs of the society; and

(c) to a body corporate the affairs of which are managed by its members, means a member of that body corporate.

(4) The Magistrate's Court and the Summary Court both have jurisdiction -

(a) to try and determine any proceeding for an offence under this Ordinance or under any regulations made under this Ordinance;

(b) on convicting any person of such an offence, to impose any fine provided for by this Ordinance or by such regulations, and

(c) to make any order provided for by section 11 or 12.

Power of search and seizure.

10.(1) Any police officer and any customs officer who has reasonable cause to believe that any substance is a controlled substance and -

(a) has been produced in the Falkland Islands;

(b) has been imported into the Falkland Islands or that any person is in the course attempting to import it into the Falkland Islands; or

(c) that any person is in the course of attempting to export it from the Falkland Islands,

contrary to any provision of this Ordinance, may without warrant enter upon any premises, vehicle or vessel where he reasonably suspects that substance to be, and shall seize and detain that thing and deal with it in accordance with the subsequent provisions of this section.

(2) Where any thing is seized and detained under subsection (1) by a customs officer who is not a police officer, and that thing is or may be required for use in connection with proceedings for an offence under this Ordinance, he shall, as soon as is practicable, deliver it into the custody of the chief police officer who shall retain it until either those proceedings are completed or it is decided that no such proceedings shall be brought, and otherwise that customs officer shall immediately notify the Collector of Customs of its seizure, who shall then deal with it in such manner as he is required by section 189 of the Customs Ordinance to deal with any thing seized and liable to forfeiture under the customs laws and that thing shall be deemed to be a thing so liable. *Cap.16.*

(3) Where any thing is seized under subsection (1) by a police officer he shall immediately report the fact of its seizure to the chief police officer and that thing shall then be detained by the police until either proceedings for an offence under this Ordinance are brought and completed or it is decided that no proceedings shall be brought.

(4) If any thing is delivered into the custody of the chief police officer under subsection (2) or detained by the police under subsection (3) it shall be dealt with in whichever of the following ways is appropriate in the circumstances of the case -

(a) if it is no longer believed that that thing is a controlled substance or if it is no longer believed that an offence under this Ordinance has been committed in relation to it, the chief police officer shall cause it to be delivered forthwith to the person from whose custody it was seized;

(b) if it is decided, for any reason, that no proceedings shall be brought against any person for an offence under this Ordinance, but it is believed by the chief police officer that it is a controlled substance in respect of which an offence under this Ordinance is believed by him to have been committed, the chief police officer shall cause that thing to be produced to the Magistrate's Court or the Summary Court pursuant to section 12;

(c) if it has been decided that proceedings for an offence under this Ordinance shall be brought against any person, that thing shall be produced to the court in which those proceedings are brought and in the course of those proceedings.

Forfeiture where a person is convicted of an offence.

11. Where a quantity of any controlled substance is produced to a court in the course of proceedings for an offence under this Ordinance and the court convicts any person of that offence, the court shall order that the thing so produced shall be forfeited to the Crown and shall be dealt with in such manner as the Governor may direct, but otherwise the court shall make such order as it is required by section 12 to make and if the court pursuant to this section orders the forfeiture of the thing, that thing shall not be destroyed within 21 days and, if an appeal to the Supreme Court is within that time brought against the conviction, it shall not be destroyed pending determination of that appeal.

Orders in respect of thing produced to a court where no person is convicted.

12.(1) This section applies -

(a) where any thing believed by the chief police officer to be a controlled substance is produced to a court under section 10(4)(b);

(b) where any thing alleged to be a controlled substance is produced to the court in the course of proceedings for an offence under this Ordinance, but on the determination of those proceedings the Court has not convicted any person of such an offence.

(2) Where this section applies, the court -

(a) if it is satisfied that -

(i) the thing is not a controlled substance; and

(ii) that the thing has been produced in the Falkland Islands contrary to section 3, or that any person has unlawfully imported it into the Falkland Islands contrary to section 4(1), or that any person has attempted to export it contrary to section 5(1),

shall order that that thing shall be forfeited to the Crown to be dealt with as the Governor may direct (but the thing shall not be destroyed until after the expiration of 21 days of the Order or pending the determination of an appeal under section 13(2)); and

(b) otherwise, shall order that that thing be delivered forthwith to the person from whose custody it was seized.

Third party rights.

13.(1) Where a thing has been produced to a court having been seized under section 10(1) from a person or from the premises or vessel of a person and

(a) that thing is produced to the court pursuant to section 10(4)(b) (that is to say where no person is prosecuted for an offence under this Ordinance in relation to that thing); or

(b) that thing is produced to the Court under section 10(4)(c) in the course of the prosecution of a person other than the person from whom or from the premises or vessel of whom it was seized,

then the court shall give to the person from whom or from the premises vehicle or vessel of whom the thing was seized, notice of the time date and place at which it will

(i) consider the exercise of its powers under section 12, or as the case may be,

(ii) deal with the prosecution of the alleged offender,

and shall, if the person to whom notice is given attends at the time date and place notified to him, afford to him an opportunity to make representations to the court or to call evidence as to whether the thing seized is or is not a controlled substance, whether or not it was produced in the Falkland Islands, whether or not it was unlawfully imported or the subject of attempted unlawful importation.

(2) A person to whom a notice is given under subsection (1) is bound by any order for forfeiture of a thing made by the court under section 11 or 12(2)(a) but if he is aggrieved by that order may appeal in respect of it to the Supreme Court within 21 days of the making of that order.

14.(1) The Governor may by regulations - *Regulations.*

(a) provide for returns to be made to such person or authority as may be specified in those regulations by any person holding or using any controlled substance in the Falkland Islands as to any of the following -

(i) the stocks of any controlled substance he holds;

(ii) the persons or person to whom he has disposed of any controlled substance and, so far as is known to him, the purpose or purposes to which any person to who he has disposed of any controlled substance intends to use it;

(iii) the purpose or purposes for which he has used any controlled substance, the manner in which he has used it and the quantity of any controlled substance he has used;

(iv) the quantity of any controlled substance he has destroyed or re-cycled and the manner in which has done so; and

(b) provide for the circumstances, manner and the places in which any controlled substance shall be destroyed or re-cycled;

(c) prescribe the form of any return, certificate or other document required for the purposes of any regulations made under this subsection; and

(d) make such further or other provision as it appears to him that it is necessary or convenient to make for the purposes of this Ordinance.

(2) Regulations made under subsection (1) may provide that a contravention of any provision of such regulations as is specified for the purpose by such regulations shall constitute an offence punishable by a fine of an amount, not exceeding £10,000, as is so specified in relation to that offence.

FIRST SCHEDULE

PART I

CHLOROFLUOROCARBONS

Formula	Otherwise known as
$CFCl_3$	CFC - 11
CF_2Cl_2	CFC - 12
$C_2F_3Cl_3$	CFC - 113
$C_2F_4Cl_2$	CFC - 114
C_2F_5Cl	CFC - 115

PART II

OTHER FULLY HALOGENATED CHRLOROFLUOROCARBONS

Formula	Otherwise known as
CF_3Cl	CFC - 13
C_2FCl_4	CFC - 111
$C_2F_2Cl_4$	CFC - 112
C_3FCl_7	CFC - 211
$C_3F_2Cl_6$	CFC - 212
$C_3F_3Cl_5$	CFC - 213
$C_3F_4Cl_4$	CFC - 214
$C_3F_5Cl_3$	CFC - 215
$C_3F_6Cl_2$	CFC - 216
C_3F_7Cl	CFC - 217

PART III

HALONS

Formula	Otherwise known as
CF_2BrCl	(halon - 1211)
CF_3Br	(halon - 1301)
$C_2F_4Br_2$	(halon - 2402)

SECOND SCHEDULE

PART I

RESTRICTION ON IMPORTATION OF ARTICLES OR THINGS FROM NON-PARTIES

Articles or Things

The following articles or things shall not (except as provided by section 4(5)) be imported from non-Parties if they contain any substance specified in Part II of this Schedule -

1. Automobile and truck air conditioning units (whether incorporated in vehicles or not).

2. Domestic and commercial refrigeration or air conditioning or heat pump equipment of any kind if it contains any substance mentioned in Part II of this Schedule either as a refrigerant or in its insulating material. Without prejudice to the generality of the foregoing the articles covered by this paragraph include (where a substance mentioned in Part II of this Schedule is contained, as above - mentioned in them) -

   Refrigerators;
   Freezers;
   Water Coolers;
   Dehumidifiers;
   Ice machines; and
   Air conditioning and heat pump units.

3. Aerosol products other than medical aerosols.

4. Portable fire extinguishers.

5. Insulation boards, panels and pipe covers.

6. Pre-polymers.

PART II

SUBSTANCES REFERRED TO IN PART I OF THIS SCHEDULE

Controlled Substances

Any substance mentioned in Part I or Part III of the First Schedule to this Ordinance

OBJECTS AND REASONS

To enable the Falkland Islands fully to co-operate in international efforts to reduce and eventually eliminate world-wide consumption and emission of substances that deplete the Ozone Layer.

The Licensing (Amendment) Bill 1993

(No: of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

To amend the Licensing Ordinance.

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

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1993 and shall come into force on 1st January 1994.

Short title and commencement.

2. The Licensing Ordinance is amended by substituting for fees 1, 2, 3, 6, 7 and 11 set out in the Table appearing as part of section 3(1) to that Ordinance the following fees -

Amendment of section 3(1) of Licensing Ordinance. (Cap.38).

(a) For fee 1 (Wholesale licence), £120 for the present fee of £60;

(b) For fee 2 (Retail licence), £75 for the present fee of £30;

(c) For fee 3 (Club licence), £50 for the present fee of £20;

(d) For fee 6 (Restaurant licence) £30 for the present fee of £10;

(e) For fee 7 (Packet licence) £50 for the present fee of £20; and

(f) For fee 11 (Residential licence) £60 for the present fee of £30.

3. Section 12 of the Licensing Ordinance is amended so as to increase the fees for special licences specified therein as follows -

Amendment to section 12 of the Licensing Ordinance.

(a) in paragraph (a) (hours between midday and midnight as to each hour or part thereof), by replacing "£3.00" with "£7.50"; and

(b) in paragraph (b) (hours after midnight as to each hour or part thereof), by replacing "£5.00" with "£12.50".

Amendment of section 13 of the Licensing Ordinance.

4. Section 13 of the Licensing Ordinance is amended so as to increase the fees for occasional licences specified therein as follows -

(a) as to the first fee mentioned in the section (for a place within three miles of a public house), by replacing "£3.00" with "£10.00"; and

(b) as to the second fee mentioned in the section (for a place not within three miles of a public house), by replacing "£2.00" with "£5.00",

(each of those fees being payable for every day in relation to which the licence is granted).

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Eight Pounds & Ninety Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *2nd NOVEMBER 1993* *No. 19*

The following are published in this Supplement —

The Fisheries (Application and Fees) Regulations Order 1993 (S.R. & O. No. 10 of 1993);
The Supplementary Appropriation (1993-1994) Bill 1993.

SUBSIDIARY LEGISLATION

FISHERIES

The Fisheries (Conservation and Management) Ordinance 1986
(No. 11 of 1986)

The Fishing Licences (Application and Fees) Regulations Order 1993

(S.R.& O. No.10 of 1993)

Made: 2nd November 1993
Published: 2nd November 1993
Coming into operation: on publication

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

Citation and commencement.

1. (1) This Order may be cited as the Fishing Licences (Applications and Fees) Regulations Order 1993 and shall come into operation on the date it is first published in the Gazette and cease to have effect on the 30th June 1994.

(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.

Limitation of application of these Regulations.

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 -

"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;

(a) No.11 of 1986.

"FOCZ" means the outer fishery conservation zone established by the Proclamation by the Acting Governor of 20th December 1990;

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

"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 all that part of the FICZ which lies to the north of latitude 51°15' South, East of longitude 60° West and north of latitude 52° South, West of longitude 60° West;

"the fishing season" means in relation to a "B" licence the period commencing on 15th January 1994 and ending on 30th June 1994;

"the principal regulations" means the Fishing Regulations Order 1987 and

"trawler" means a fishing boat which is equipped so as to be able to catch or take fish by means of a trawl or trawls.

Suspension of certain provisions of the 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 licences.

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

a "B" Licence

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 fishing licences.

6. (1) Applications for licences in respect of the whole or any part of any fishing season shall be made to the Director of Fisheries at the Falkland Islands Fisheries Department, P O Box 122, 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 Friday, 19 November 1993.

(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.

Fees for fishing licences.

7. (1) Table 1 of the Schedule to these Regulations applies in respect of the fees payable for type "B" licences granted to any jigger.

(2) Table 2 of the Schedule to these Regulations applies in respect of type "B" licences granted to any trawler or combination vessel.

(3) All fees payable under this regulation shall be paid in pounds sterling and in accordance with the principal regulations.

(4) 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.

Rotating licences.

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 shall impose such conditions in the licence as are necessary to make clear and 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 published in the Gazette 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.

Short term fishing licences.

9. (1) The Director of Fisheries may, if he thinks fit, grant a "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 approved by the Governor and published in the Gazette, shall be paid.

THE SCHEDULE

Provision as to fishing licences in respect of the fishing season

TABLE 1

Jiggers - Squid North - Type "B" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.

2. Fees calculated by the Formula set out in this Table apply to jiggers licensed to take squid in the northern area and FOCZ and not to trawlers or combination vessels.

3. The season for this type of licence commences on 15th January 1994 and ends on 30th June 1994.

4. Fees calculated by the Formula set out in this Table are for the full season only).

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; "D" means the number of double jigging machines located upon the jigger to which the licence relates and "S" means the number of single jigging machines located upon the jigger to which the licence relates.

B. A licence is not transferable.

FORMULA

Fee payable is the result of

£(.5467 x GT x (S+1.5D) + 104,448)

TABLE 2

Trawlers - Squid North - Type "B" Licences

(Explanatory notes :

1. These notes are not of legislative effect but are for guidance only.

2. Fees calculated by the Formula set out in this Table apply to trawlers and combination vessels licensed to take squid in the northern area and FOCZ and not to jiggers.

3. The season for this type of licence commences on 15th January 1994 and ends on 30th June 1994 and trawlers and combination vessels are exempt from the relevant provisions of the Fishing (Nets and Supplementary Net Equipment) Regulations Order 1990 whilst targeting fish of a type authorised by a fishing licence issued by the Director of Fisheries.

4. Fees calculated by the Formula set out in this Table are for the full season only).

Effective text (of legislative effect)

A. In the following Formula, "GT" means "Gross Tonnage" as shown in a Tonnage Certificate issued in accordance with the International Tonnage Measurement Rules.

B. A licence is not transferable.

FORMULA

Fee payable is the result of

£(8.28 x GT + 64,536)

Made this 2nd day of November 1993.

D E TATHAM
Governor.

The Supplementary Appropriation (1993-1994) Bill 1993

(No. of 1993)

ARRANGEMENT OF PROVISIONS

Section

A Bill

for

An Ordinance

to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £493,000 for the service of the financial year ending on 30 June 1994.

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

1. This Ordinance may be cited as the Supplementary Appropriation (1993-1994) Ordinance 1993. *Short title.*

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 1993 and ending on 30 June 1994 ("the financial year"), sums not exceeding in aggregate the sum of FOUR HUNDRED AND NINETY THREE THOUSAND POUNDS, which sum is granted and shall be appropriated for replenishing the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the Schedule hereto and which will come in course of payment during the Financial Year. *Appropriation of £493,000 for the service of the year 1993-1994.*

SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	4,490
200	Medical and Dental	4,300
320	Fisheries	31,480
350	Public Works	40,200
390	Fox Bay Village	5,310
400	Agriculture	5,000
450	Justice	500
550	Police and Fire & Rescue Service	2,000
600	Secretariat, Treasury, Central Store, Broadcasting etc	7,820
700	Social Welfare	870
TOTAL OPERATING SUPPLEMENTARY EXPENDITURE		101,970
PART II CAPITAL BUDGET		
950	Expenditure	391,030
TOTAL SUPPLEMENTARY EXPENDITURE		493,000

OBJECTS AND REASONS

To provide for supplementary expenditure authorised in the first instance to be advanced out of the Contingencies Fund by the issue of the following 1993/94 Contingencies Warrants pursuant to the provisions of section 26 of the Finance and Audit Ordinance 1988 :

No 1	18,750
No 2	392,190
No 3	76,510
No 4	5,550
Total	493,000

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Two Pounds & Eighty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *25th NOVEMBER 1993* *No. 20*

The following are published in this Supplement —

The Nuclear Safeguards Ordinance 1993 (No. 12 of 1993);
The Elected Councillors' Allowances (Amendment) Ordinance 1993 (No. 13 of 1993);
The Firearms and Ammunition (Amendment) Ordinance 1993 (No. 14 of 1993);
The Medical Services Levy (Amendment) Ordinance 1993 (No. 15 of 1993);
The Land (Amendment) Ordinance 1993 (No. 16 of 1993);
The Crimes (Amendment) Ordinance 1993 (No. 17 of 1993);
Administration of Justice (Amendment) Ordinance 1993 (No. 18 of 1993);
The Licensing (Amendment) Ordinance 1993 (No. 19 of 1993);
The Supplementary Appropriation (1993 - 1994) Ordinance 1993 (No. 20 of 1993);
The Supplementary Appropriation (1993 - 1994) (No. 2) Ordinance 1993 (No. 21 of 1993);
The Income Tax (Amendment) Ordinance 1993 (No. 22 of 1993);
The Old Age Pensions (Amendment) Ordinance 1993 (No. 23 of 1993).

The Nuclear Safeguards Ordinance 1993

(No: 12 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Nuclear Safeguards Ordinance 1993

(No. 12 of 1993)

An Ordinance

To make provision for giving effect to an International Agreement for the Application of Safeguards in the Falkland Islands in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America.

(assented to: 22nd November 1993)
(commencement: date to be fixed)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Nuclear Safeguards Ordinance 1993 and shall come into force on such date as is appointed by the Governor by Order under this section. *Short title and commencement.*

2.(1) In this Ordinance - *Interpretation.*

"the Agency" means the International Atomic Energy Agency and for the purposes of this definition "The International Atomic Energy Agency" has the same meaning as it has under the Statute of the International Atomic Energy Agency; *((United Kingdom Cmnd. 450.))*

"Agency inspector" means any official of the Agency designated pursuant to article 83 of the Agreement; *(UK Misc. Series No.16 (1993) Cmnd 2245)*

"the Agreement" (of which Protocols 1 and 2 thereto form an integral part) means the Agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and includes any further Protocol to the Agreement entered into in accordance with, and contemplated by, paragraph I of Protocol 2 to the Agreement; *(UK Treaty Series No.54 (1970) Cmnd 4409)*

"facility" has the same meaning as it has under article 96(2)I of the Agreement;

"material balance area" has the same meaning as it has under article 96(2)M of the Agreement;

"the 1961 Convention Articles" means the Articles (being certain articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom. *1964 c. 81*

The powers of the Agency.

3.(1) The powers of the Agency and of any Agency inspector under the subsequent provisions of this section shall be exercisable only in the cases specified in, and subject to the provisions of the Agreement and, in particular -

(a) shall be exercisable only in accordance with Articles 5, 9(c) and 85 of and Protocol 1 to the Agreement; and

(b) where Article 81 of the Agreement applies, shall not be exercisable unless any advance notice required by that Article has been given.

(2) For the purpose of -

(a) making any inspection permitted by Articles 68 to 82 of the Agreement; or

(b) verifying design information, as mentioned in article 46 of the Agreement,

an Agency inspector may enter any facility or material balance area or part thereof and there make any inspection or do any other thing which may reasonably be required for that purpose.

Immunities and privileges of the Agency, its officers and their families and of the Agency's experts.

4. The Schedule to this Ordinance shall have effect so as to confer, to the extent and subject to the terms thereof, immunities and privileges upon the Agency, its officers and their families and upon experts of the Agency.

Offences.

5.(1) A person commits an offence who -

(a) intentionally obstructs an Agency inspector exercising a power conferred by section 3(2) of this Ordinance;

(b) without reasonable excuse refuses or fails to provide any information or to permit any inspection reasonably required by an Agency inspector in the exercise of such a power; or

(c) in giving any information reasonably required by an Agency inspector in the exercise of such a power, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular.

(2) A person who commits an offence under subsection (1) of this section is liable on summary conviction to a fine not exceeding £5,000.

Regulations for giving effect to certain provisions of the Agreement.

6.(1) The Governor may by regulations make such provision as appears to him to be necessary -

(a) for taking any action required in the Falkland Islands under Article 17 of the Agreement or under any further Protocol to the Agreement coming into existence pursuant to paragraph I of Protocol 2 to the Agreement; or

(b) for giving effect to any arrangements made under Article 74(d) of the Agreement,

and any such provision may impose limitations on the scope or exercise of any power conferred by section 3(2) of this Ordinance.

(2) Regulations made under this section may provide that any person contravening or failing to comply with any provision of the regulations shall be liable on summary conviction to a fine not exceeding £2,500.

Offences by bodies corporate.

7.(1) Where an offence under section 5 of this Ordinance or under regulations made under section 6 of this Ordinance which has been committed by a body corporate is proved to have been committed with the consent of or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section 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.

Ordinance to bind the Crown.

8. This Ordinance shall bind the Crown.

SCHEDULE

PART I

IMMUNITIES AND PRIVILEGES OF THE AGENCY

1. The Agency is an organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Agency shall have the legal capacities of a body corporate.

3. Except in so far as in any particular case it has expressly waived its immunity, the Agency shall be immune from suit and legal process and such immunity shall be deemed to extend to any measure of execution.

4. The Agency shall have the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

5. The Agency shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

6. The Agency shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

7. The Agency shall have exemption from customs duties and taxes on the importation of goods imported by the Agency for its official use in the Falkland Islands and on the importation of publications of the Agency imported by it, such exemption to be subject to compliance with such conditions as the Governor may prescribe for the protection of the revenues of the Falkland Islands.

8. The Agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Agency for its official use and in the case of any publications of the Agency imported or exported by it.

9. The Agency shall have relief, under arrangements made by the Governor by way or refund of customs duty paid on any hydrocarbon oil (which expression has the same meaning as it has under the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) which is brought in the Falkland Islands and used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

10. The Agency shall have relief, under arrangements made by the Governor, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

IMMUNITIES AND PRIVILEGES OF OFFICERS OF THE AGENCY

High Officers

11.(1) Except in so far as in any particular case any privilege or immunity is waived by the Agency, and subject to the provisions of paragraph (2) of this Article, the Director General of the Agency, including any officer acting on his behalf during his absence from duty, and any Deputy Director General or officer of equivalent rank shall enjoy:

(a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of a diplomatic agent;

(b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

(d) relief, under arrangements made by the Government by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of that expression under the Hydrocarbon Oil Duties Act 1979 of the United Kingdom) in the Falkland Islands by him on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(e) exemptions whereby for the purposes of the enactments relating to social security (presently those relating to old age pensions and medical services), no person shall be rendered liable to pay any contribution, premium or levy the requirement (but for these exemptions) to pay which is referable only to employment by the Agency.

(2) This Article shall not apply to any person who is a British citizen, a British Dependent Territories citizen, a British National (overseas), a British Overseas citizen or a permanent resident of the Falkland Islands.

All Officers

12. Except in so far as in any particular case any privilege or immunity is waived by the Agency, officers of the Agency, (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;

(b) exemption from income tax in respect of emoluments received by them as officers of the Agency; and

(c) the like exemption from customs duties and taxes on the importation of articles which -

(i) at or about the time when they first enter the Falkland Islands to take up their posts as officers of the Agency are imported for their person: ·se or that of members of their families forming part of their households, including articles intended for their establishment, and

(ii) are articles which were in their ownership or possession or that of such members of their families or which they or such members of their families were under contract to purchase, immediately before they so entered the Falkland Islands

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART III

IMMUNITIES - AND PRIVILEGES OF EXPERTS OF THE AGENCY

13. Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) serving on committees of the Agency or performing missions for the Agency, including missions as inspectors under Article XII of the Statute of the Agency or as project examiners under Article XI thereof shall enjoy: *(United Kingdom Cmnd. 450).*

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in the performance of their official functions:

(b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and

(c) while exercising their functions and during their journeys in connection with service on such committees or missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

PART IV

IMMUNITIES AND PRIVILEGES OF FAMILIES OF OFFICERS

14. Persons who are spouses or minor children of an officer of the Agency who form part of his household in the Falkland Islands shall be entitled to the immunities and privileges set out in Part II of this Schedule to the same extent as the officer is entitled to them.

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Elected Councillors' Allowances (Amendment) Ordinance 1993

(No. 13 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Elected Councillors' Allowances (Amendment) Ordinance 1993

(No. 13 of 1993)

An Ordinance
To amend the Elected Councillors' Allowances Ordinance 1990

(assented to: 22nd November 1993)
(commencement: 1st January 1994)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Elected Councillors' Allowances (Amendment) Ordinance and shall come into force on 1st January 1994. *Short title and commencement.*

2. The Elected Councillors' Allowances Ordinance 1990 is amended as follows - *Amendment of the Elected Councillors' Allowances Ordinance 1990.*

(a) by replacing section 3 with the following section -

"3(1) Allowances paid under this Ordinance in respect of any period prior to the relevant date shall not be chargeable to income tax in the hands of the recipient. *Taxation etc of allowances.*

(2) Any allowance payable under this Ordinance by reference to an annual rate shall not be chargeable to income tax in the hands of the recipient and shall be disregarded for all purposes of the Medical Services Levy Ordinance 1979. *(No. 3 of 1979).*

(3) All daily allowances payable under this Ordinance -

(a) shall be treated as earned income of the recipient for the purposes of the Income Tax Ordinance and the Medical Services Levy Ordinance 1979 and the recipient shall in respect thereof be treated as if he had earned the same as a self-employed person; but *Cap.32.*

(b) shall not be taken into account as earnings or other remuneration for the purposes of the Old Age Pensions Ordinance 1952. *No.3 of 1952*

(3) In this section "the relevant date" means 1st January 1994."

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Firearms and Ammunition (Amendment) Ordinance 1993

(No. 14 of 1993)

An Ordinance
To amend the Firearms Ordinance.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislation of the Falkland Islands as follows -

1. This Ordinance may be cited as the Firearms and Ammunition (Amendment) Ordinance 1993. *Short title.*

2. The Firearms and Ammunition Ordinance 1987 (in this Ordinance called "the principal Ordinance") is amended in the manner specified in the Schedule to this Ordinance. *Amendment of the principal Ordinance.*

The Schedule (section 2)

Amendment of the principal Ordinance

The principal Ordinance is amended -

(1) in section 25(1) by -

(a) replacing the full stop at the end of paragraph (b) with a comma and the word "or"; and

(b) by adding a further subparagraph immediately thereafter, as follows -

"(c) any firearm in any other place specified in any regulations made by the Governor as a place to which this subsection shall apply, and whether by reference to a map or plan or otherwise."; and

(c) by replacing the full stop at the end of paragraph (iii) of the proviso to the subsection with a comma and the word "or"; and

(d) by adding a further paragraph to that proviso as follows -

"(iv) any place which would otherwise fall within paragraph (b) or (c) of this subsection and which is specified for the purpose of this subparagraph by Order in Council made by the Governor, but an exemption under this subparagraph may be limited so as to apply only in relation to specified persons or in relation to specified purposes or to specified persons discharging a firearm for specified purposes or to the discharge of any firearm of a specified type make or description.";

(2) by the addition of the following new section immediately after section 25 -

Discharge of firearm over other land.

"25A(1)A person commits an offence who discharges any firearm in any place whatever -

(a) with the effect that any missile or ammunition discharged traverses or falls in or on any public place; or

(b) with the effect that any missile or ammunition discharged traverses or falls in or on any public place or not being on public land where the owner or occupier of that land has not consented to the discharge of the missile or ammunition over, or so as to fall in or on, his land.

(2) A person convicted of an offence under subsection (1) is liable on the first such conviction to a fine not exceeding £200 and on a second or subsequent conviction to a fine of £500 or to imprisonment for three months or both."; and

(3) in section 32(2) by inserting, immediately before the end of the subsection the words "and may prescribe fees to be paid on application for, grant of and renewal of licences under this Ordinance".

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Firearms and Ammunition (Amendment) Ordinance 1993

(No.14 of 1993)

ARRANGEMENT OF PROVISIONS

Section

The Medical Services Levy (Amendment) Ordinance 1993

(No. 15 of 1993)

ARRANGEMENT OF PROVISIONS

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Medical Services Levy (Amendment) Ordinance 1993

(No. 15 of 1993)

An Ordinance
To amend the Medical Services Levy Ordinance 1979.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Medical Services Levy (Amendment) Ordinance 1993. *Short title and commencement.*

2. Section 5(b) of the Medical Services Levy Ordinance is amended (and so as to increase the percentage of the gross emoluments of an employee which is payable by way of medical services levy) by replacing the words "at the rate of 1%" appearing therein by the words "at the rate of 1 1/2%". *Amendment of section 5(b) of Medical Services Levy Ordinance 1979.*

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Land (Amendment) Ordinance 1993

(No. 16 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Land (Amendment) Ordinance 1993

(No. 16 of 1993)

An Ordinance

To amend the Land Ordinance so as to provide a simpler method whereby a person who has acquired title to land other than under registered deeds can demonstrate that title.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Land (Amendment) Ordinance 1993. *Short title.*

2. The Land Ordinance is amended by the insertion therein, immediately after the present section 11, of the new section 11A set out in the Schedule to this Ordinance. *New section 11A to the Land Ordinance.*

The Schedule

11A.(1) Subject to this section, any person who claims to have been in actual and open possession of any land for such a period of time that, after taking into account, where appropriate, the period of time any other person through whom he claims has prior to him been in possession of the land the right of any person to bring an action for possession of that land, against him has been barred may apply in accordance with this section to the Registrar General to execute in his favour a Vesting Deed of the land.

(2) An application under this section shall be accompanied by a Statutory Declaration made by the applicant which shall -

(a) set out the facts relied on by the applicant to prove that any right of action by any other person for possession of that land has been barred by the operation of section 15 of the Limitation Act 1980 in its application to the Falkland Islands;

(b) show that a Crown Grant in respect of the land in question has at some previous time been made in favour of some person;

(c) without prejudice to paragraph (a), aver that the applicant -

(i) is not a joint owner of the land in question;

(ii) is not a mortgagor under a conveyance of the estate in fee simple in that land by way of mortgage;

(iii) is not in possession of the land by the permission of any other person and is not a lessee of the land under any lease which is unexpired and was not a lessee of the land under a lease of the land which expired less than twelve years before the date of the application; and

(iv) has not at any time during the twelve years immediately preceding the application paid any sum to any person on account of or in respect of the occupation or use of the land;

(d) wherever appropriate, aver the like matters required by paragraph (c) in respect of all persons in possession of the land during the twelve years preceding the application and partly on the basis of whose possession the applicant claims.

(3) The Registrar General on receiving the application shall cause notice of the application -

(a) specifying the applicant and the land to which the application relates;

(b) notifying that the applicant's statutory declaration may be inspected by any person at the Registrar General's office during usual business hours for 30 days following publication of the notice;

(c) notifying the right of objection to the application provided for by subsection (4), and

(d) notifying that, subject to any such objection, title to the land is vested in the applicant,

to be published in the Gazette.

(4) Any person who objects to the vesting of title to the land in the applicant pursuant to subsection (5) may, within 30 days of publication of the notice required by subsection (3), object to such vesting by notice in writing delivered to the Registrar General. Any notice under this subsection shall specify the grounds on which the objection is made.

(5) The Registrar General, after taking into account any objections received under subsection (4) and if satisfied that a Vesting Deed ought to be executed in favour of the applicant shall execute a Vesting Deed of a kind mentioned in subsection (7), but otherwise the Registrar General shall notify the applicant that his application is rejected and the grounds upon which it is rejected.

(6) The Registrar General shall cause notice of his decision under subsection (5) to be published in the Gazette and that notice shall state the effect of subsection (9).

(7) The Vesting Deed referred to in subsection (5) is a deed in substantially the following form -

Dated this day of 199 .

WHEREAS on application made to me (name) Registrar General pursuant to subsection 11A of the Lands Ordinance by (here set out name and addresses of applicant) I am satisfied that [he] [she] should be registered as the owner of the estate 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 [him] [her] SUBJECT only to such matters as are mentioned in Crown Grant Number relating to that land or have effect by virtue of that Crown Grant and to such easements rights privileges and encumbrances as he may have created prior to the date of this Deed

SCHEDULE

(description of land)

Signed

Registrar General"

(8) Subject to the following provisions of this section, a Vesting Deed executed under this section shall have effect as if the person named therein had been the grantee under the Crown Grant referred to therein and as if that Crown Grant had been executed on the same day as the Vesting Deed.

(9) A person aggrieved by a decision of the Registrar General to execute a Vesting Deed under this section may appeal to the Supreme Court within 30 days of the publication in the Gazette of the notice required by subsection (6) and the Supreme Court may, on determination of the appeal, to which the applicant shall be a respondent, annul or confirm the Vesting Deed and make such other or consequential order as it thinks fit.

(10) If the Registrar rejects an application under this section, the applicant may appeal to the Supreme Court within 30 days of receipt of notice under subsection (5) of that rejection, and on determination of such an appeal the Supreme Court, if it allows the appeal, shall order the Registrar General to execute a Vesting Deed of a kind described in subsection (7) and may make such other or consequential order as it sees fit, and whether it allows or dismisses that appeal.

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Crimes (Amendment) Ordinance 1993

(No. 17 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Crimes (Amendment) Ordinance 1993

(No. 17 of 1993)

An Ordinance

To repeal or amend various Ordinances by repealing provisions which are no longer necessary or are inappropriate.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Crimes (Amendment) Ordinance 1993. *Short title.*

2. The Ordinances mentioned in the Schedule to this Ordinance are repealed or amended by way of partial repeal to the extent stated in that Schedule. *Repeal or amendment of various Ordinances.*

SCHEDULE

REPEAL OR AMENDMENT BY WAY OF PARTIAL REPEAL OF VARIOUS ORDINANCES.

LIGHTING CONTROL ORDINANCE (CAP.39)

Extent of repeal
The whole Ordinance

INTERPRETATION AND GENERAL CLAUSES ORDINANCE 1977

Extent of repeal
Section 91

CRIMES ORDINANCE 1989

Extent of repeal
Section 3(3) and in the text in Schedule 1 relating to the Criminal Justice Act 1988 repeal of the figures "160".

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Administration of Justice (Amendment) Ordinance 1993

(No. 18 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Administration of Justice (Amendment) Ordinance 1993

(No. 18 of 1993)

An Ordinance
To amend the Administration of Justice Ordinance.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1993. *Short title.*

2. The Administration of Justice Ordinance is amended in the manner specified in the Schedule to this Ordinance. *Amendment of the Administration of Justice Ordinance. (Cap. 3)*

SCHEDULE
Amendment of Administration of Justice Ordinance

1. The Administration of Justice Ordinance is hereafter in this Schedule referred to as "the Ordinance".

2. Section 7B of the Ordinance is amended -

(a) by constituting the section as existing immediately before the enactment of this Schedule as subsection (1), of that section;

(b) by adding the following subsections to that section -

"(2) No person shall be appointed to be or to act as the Senior Magistrate unless he is a person who is entitled to practice as an advocate or as a solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland and has been so entitled for at least five years.

(3) For the purposes of this section, a person shall be regarded as entitled to practice as an advocate, or as the case may be, a solicitor, if he has been called, enrolled or admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or, as the case may be, solicitors) notwithstanding that -

(a) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or

(b) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise."

3. Sections 7C, 7D and 7E are replaced by the following -

General criminal jurisdiction.

7C(1) The Magistrate's Court shall have jurisdiction to try and determine any offence under the law of the Falkland Islands except an offence which by any law of the Falkland Islands is one which is only triable on indictment.

(2) For the purposes of subsection (1) it is hereby declared that the following offences are triable only on indictment -

(a) treason;

(b) murder;

(c) manslaughter;

(d) piracy;

(e) genocide (as defined under section 1(1) of the Genocide Act 1969);

(f) rape;

(g) torture;

(h) any offence under section 1(2) of the Criminal Damage Act 1971;

(i) any offence under any provision of the Geneva Conventions Act 1957; and

(j) any attempt to commit any of the foregoing offences,

and that all other offences are triable summarily and shall not be tried on indictment except where the accused is at the same time indicted with an offence triable only on indictment.

(3) In respect of any offence which is triable only on indictment, the Magistrate's Court has the like jurisdiction as a magistrates court has in England has to commit a person for trial on indictment and where the Magistrate's Court commits a person for trial on indictment in respect of an offence which is only triable on indictment, the Magistrate's Court may commit that person for trial on indictment at the same time in respect of any other offence or offences which, by virtue of subsection (1) it has jurisdiction to try and determine but which, in the interests of justice, the court considers should be tried at the same time as the offence triable only on indictment, but without prejudice to any provision of law whereunder a person committed for trial on indictment in respect of an offence triable only on indictment may also be charged by the prosecutor in the bill of indictment in respect of an offence triable summarily disclosed by the facts of the offence in respect of which he has been committed by a court for trial on indictment.

(4) Where the Magistrate's Court has jurisdiction by virtue of subsection (1) to try and determine an offence it may on convicting a person of that offence sentence him in any manner provided for by law in respect of that offence and may also make any other order which by law may be made in consequence of or otherwise upon the conviction of the offender and where it makes a Compensation Order it shall not be limited as to the amount of that order to the amount prescribed by section 44(2) of the Criminal Justice Ordinance 1989.

(5) Except as provided by section 7H the jurisdiction of the Magistrate's Court under this section shall be exercised by the Senior Magistrate sitting alone.

(6) It is hereby declared that from the commencement of this section an offence which would have constituted the offence of arson at common law prior to the abolition of the common law offence of arson is only triable summarily unless in the circumstances of the case, it is an offence to which section 1(2) of the Criminal Damage Act 1971 relates, when, in accordance with subsection (2)(h) of this section, it is triable only on indictment, and that all laws of the Falkland Islands inconsistent with this subsection shall cease to have effect.

Supplemental to section 7C.

7D(1) The Senior Magistrate has (subject to any Order of Her Majesty in Council) the like powers and jurisdiction in relation to extradition as is possessed by a person holding appointment as a Metropolitan Stipendiary Magistrate under section 31(1) of the Justices of the Peace Act 1979.

(2) The Senior Magistrate is by virtue of his office a justice of the peace and may exercise all the jurisdiction powers and authority of a justice of the peace.

(3) Subject to this Ordinance and to any other law of the Falkland Islands the practice and procedure of the Magistrate's Court in criminal proceedings shall as nearly as possible be that of a magistrates' court for the inner London area when constituted by a Metropolitan Stipendiary Magistrate sitting alone so as to constitute such a court.

Civil jurisdiction of the Magistrate's Court.

7E(1) Subject to subsection (2) the Magistrate's Court shall have jurisdiction to hear and determine -

(a) any action founded in contract or tort where the amount claimed or in dispute does not exceed the statutory limit;

(b) any action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, unless it is provided by that enactment that that sum is only recoverable in the Supreme Court;

(c) any action for the recovery of land;

(d) any action in which the title to land comes into question;

(e) proceedings for the administration of an estate of a deceased person, where the estate does not exceed in amount or value the statutory limit;

(f) proceedings for the execution of any trust or for a declaration that a trust subsists where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the statutory limit;

(g) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount alleged to be owing at the date of commencement of the proceedings in respect of the mortgage charge or lien does not exceed the statutory limit;

(h) proceedings for the specific performance, or for the rectification, delivery up or cancellation of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the statutory limit;

(i) proceedings relating to the maintenance or advancement of a minor where the property of the minor does not exceed in amount or value the statutory limit;

(j) proceedings for dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute) where the whole assets of the partnership do not exceed in amount or value the statutory limit;

(k) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed the statutory limit.

(2) The Magistrate's Court shall not by virtue of subsection (1) have jurisdiction to hear and determine -

(a) any action which would fall within the admiralty jurisdiction of the Supreme Court and notwithstanding that the amount claimed or in dispute does not exceed the statutory limit;

(b) any action in defamation unless the parties have agreed, in accordance with subsection (4), that the court shall have jurisdiction to try and determine the action;

(c) any action or proceedings of a kind or nature which in England are exclusively within the jurisdiction of and, if commenced in the High Court, would be assigned to the Family Division of that Court; or

(d) any proceedings for judicial review.

(3) For the purposes of this section, "the statutory limit" means £50,000 or such greater sum as may from time to time be specified by the Governor by Order under this subsection.

(4) Where -

(a) the Magistrate's Court has, by virtue of subsections (1) and (2), jurisdiction to hear and determine any action or proceedings; and

(b) the amount in dispute or claimed or the value of the property the value of the estate, the purchase money, the damage or the estate or fund involved does not exceed one half of the statutory limit,

the action or proceedings shall not be commenced in the Supreme Court and if, by inadvertence or mistake they are commenced in the Supreme Court that court shall order that the action or proceedings shall be transferred to the Magistrate's Court where they shall continue as if they had been commenced in the Magistrate's Court.

(5) If, as respects any action or proceedings of a kind to which subsection (1) relates, the parties agree, by a memorandum signed by them or by their respective legal practitioners or agents, that the Magistrate's Court shall have jurisdiction in the action or proceedings, that court shall have jurisdiction to try and determine the action or proceedings notwithstanding that the amount in dispute or claimed or the value of the property involved or which may be involved exceeds or may exceed the statutory limit.

(6) In any action or proceedings properly commenced in, or which has or have been transferred from the Supreme Court so as to continue in, the Magistrate's Court, the Magistrate's Court shall have power to make any order which the Supreme Court could make in any action or proceedings of a similar nature properly commenced in the Supreme Court.

(7) Subject to section 7H the jurisdiction of the Magistrate's Court in any civil action or proceedings shall be exercised by the Senior Magistrate sitting alone.

(8) Subject to this Ordinance, any rules under this Ordinance under subsection (10), any other law of the Falkland Islands and to any practice direction under subsection (11), the practice and procedure of the Magistrate's Court in its civil jurisdiction shall as nearly as possible be that of a County Court in England.

(9) Subsections (1) and (2) have effect in addition to and without prejudice to any other law of the Falkland Islands which confers jurisdiction upon the Magistrate's Court to hear and determine any action or proceedings.

(10) Subsection (4) does not apply in respect of any action or proceedings commenced in the Supreme Court prior to the commencement of this section.

(11) The Senior Magistrate may with the approval of the Chief Justice make, and may with such approval from time to time amend or revoke, any practice direction not inconsistent with rules having effect under section 69 of this Ordinance he considers necessary or convenient for the better adaptation of the practice and procedure of county courts in England to the circumstances of the Falkland Islands.".

4. Section 7H of the Ordinance is repealed and replaced by the following section -

"7H.(1) The Senior Magistrate may summon two or more justices of the peace to sit with him as assessors in the exercise of the criminal jurisdiction of the Magistrate's Court in any proceedings. *Assessors.*

(2) The Senior Magistrate may appoint one or more persons whom he considers suitable in relation to the action or proceedings in question to sit with him as an assessor or assessors in the exercise of the civil jurisdiction of the Magistrate's Court in any action or proceedings.

(3) Where, pursuant to subsection (1) or (2) of this section the Senior Magistrate sits with one or more assessors, he may seek the advice or opinion of the assessor or assessors as to any matter or question which, in his opinion, is not a matter of law alone, but the Senior Magistrate shall not be bound to determine the question or matter in accordance with any such advice or opinion he receives and the decision of the Magistrate's Court in relation to any such question or matter shall be deemed always to be that of the Senior Magistrate alone."

5. Sections 7I and 7L of the Ordinance are repealed.

6. Section 12 of the Ordinance is replaced by the following section -

"12(1) The Supreme Court, the Magistrate's Court and the Summary Court may sit in any place in the Falkland Islands, except that no court shall sit in any premises licensed for the sale of intoxicating liquor or in any building ordinarily used for religious purposes. *Sittings of the courts.*

(2) The Supreme Court shall sit as and when directed by the Chief Justice or by an acting judge of that court.

(3) The Chief Justice and, with the approval of the Chief Justice, an acting judge, may sit outside the Falkland Islands for the purpose of dealing in chambers with any matter or question which may be dealt with by the Supreme Court ex parte in chambers.

(4) The Magistrate's Court and Summary Court shall sit as and when directed by the Senior Magistrate".

7. Section 28 of the Ordinance is amended by deleting the words from "shall be" to "imprisonment" appearing after subsection (e) thereof and replacing them with the following:

"commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding one year or both a fine and imprisonment"

8. Section 29 of the Ordinance is replaced by the following section -

"29(1) The person for the time being holding the post of Senior Magistrate is the Coroner for the Falkland Islands and any person appointed to act as Senior Magistrate other than for the purpose of a specified case or cases is the Acting Coroner so long as he continues to act as Senior Magistrate and may exercise all the functions power and authority of the Coroner. *Coroner.*

(2) Where a person in his capacity as Acting Coroner has opened an inquest into the death of any person he may, notwithstanding that he has ceased to act as Senior Magistrate, continue to exercise all the functions of the Coroner so far as they touch and concern the death of the person the subject of that inquest.

(3) The Attorney General shall perform all the functions and exercise the powers and authority of the Coroner -

(a) in respect of or touching or concerning the death of any person or persons in relation to whom the Senior Magistrate has advised him that it is in the interests of justice that the Senior Magistrate should not exercise those functions powers and authority; or

(b) whenever there is no person present in the Falkland Islands who holds appointment as Senior Magistrate or Acting Senior Magistrate,

and whenever the Attorney General pursuant to this subsection performs the functions or exercises the powers or authority of the Coroner in respect of or touching or concerning the death of any person he shall in respect of that death be deemed to be the Coroner.

9. Sections 30 to 41 of the Ordinance are repealed.

10. The following section is inserted immediately after section 29 -

Law as to Coroners etc.

"30. The Coroners Act 1988 shall apply as law of the Falkland Islands, subject to the modifications and exceptions specified in the Schedule to this Ordinance."

11. The following section is inserted immediately after section 42 -

Legal Practitioners to be Officers of the Supreme Court.

"42A.(1) All persons practising law in the Falkland Islands as legal practitioners pursuant to the Legal Practitioners Ordinance 1988 are officers of the Supreme Court.

(2) In relation to the conduct behaviour and duties of legal practitioners -

(a) the Supreme Court has all the powers possessed by the Supreme Court of England and Wales in relation to solicitors of that court;

(b) the Magistrate's Court has all the powers possessed by a county court in England in relation to solicitors of the Supreme Court of England and Wales".

12. Section 44 of the Ordinance is replaced by the following -

Practice and procedure.

"44(1) The following provisions of this section have effect subject to the provisions of this Ordinance (including rules made under section 69 of this Ordinance) and subject to the provisions of any other Ordinance and any rules made thereunder.

(2) So far as is convenient and practicable, the practice and procedure of the Supreme Court in the exercise of its appellate jurisdiction shall be that of the Court of Appeal in England (disregarding or modifying any provisions related to a multiplicity of judges).

(3) So far as is convenient and practicable, the practice and procedure of the Supreme Court on and related to a trial on indictment shall be that of the Crown Court in England.

(4) The practice and procedure of the Magistrate's Court in criminal and civil proceedings shall be as provided by Part IIA of this Ordinance.

(5) The practice and procedure of the Summary Court in criminal and civil proceedings shall be that of a Magistrates' Court in England when composed of justices of the peace and dealing with a similar matter".

13. Section 47 of the Ordinance is replaced by the following section -

Title for commencement of criminal proceedings.

"47(1) This section has effect for the purpose of prescribing the periods within which prosecutions for offences must be commenced and has effect subject to -

(a) any provision of any law of the Falkland Islands which, in relation to any particular offence or offences, prescribes a greater period, and

(b) to any power of any court to dismiss a prosecution by reason of a delay in bringing it so great that a fair trial of the defendant cannot be held, or as an abuse of the process of the court,

but has effect notwithstanding any provision of any English Act adopted by an Ordinance and which prescribes a shorter period in relation to an offence to which that provision relates.

(2) There shall be no limitation on the time within which a prosecution for treason, genocide, murder, manslaughter, torture, hijacking, piracy or any offence under any provision of the Geneva Conventions Act 1957 must be commenced.

(3) A prosecution for rape or an offence under section 1(2) of the Criminal Damage Act 1971 must be commenced within twelve years of the date of the offence.

(4) A prosecution for an offence triable summarily must be commenced as follows -

(a) if the offence is punishable on conviction by imprisonment for seven years or more, within nine years of the date of the offence;

(b) if the offence is punishable on conviction by imprisonment for five years or more (but less than seven years) within six years of the date of the offence;

(c) if the offence is punishable on conviction by imprisonment for three years or more (but less than five years), within four years of the date of the offence;

(d) if the offence is punishable on conviction by imprisonment for twelve months or more (but less than three years) within three years of the date of the offence;

(e) in any other case where an offence is punishable on conviction by imprisonment, within two years of the date of the offence;

(f) where an offence is punishable on conviction by a fine (and not by imprisonment) -

(i) if there is no limit on the amount of the fine which may be imposed, within nine years of the date of the offence;

(ii) if the fine which may be imposed on conviction is a specified sum which exceeds £100,000, within six years of the date of the offence;

(iii) if the fine which may be imposed on conviction exceeds £10,000 but does not exceed £100,000, within three years of the date of the offence;

(iv) if the fine which may be imposed on conviction exceeds £1,000 but does not exceed £10,000 within two years of the date of the offence;

(v) if the fine which may be imposed on conviction exceeds £400, but does not exceed £1,000, within one year of the date of the offence, and

(vi) in any other case, within six months of the date of the offence.

(5) For the purposes of subsection (4) any limitation on the power of any court to impose the maximum sentence provided for by law in relation to an offence shall be ignored.

(6) For the purposes of this section, a prosecution of a person is commenced when the complaint or information in relation to the offence in question is presented to the office of the Magistrate's Court or of the Summary Court".

14. Section 51(1) of the Ordinance is repealed.

15. The following Schedule is added to the Ordinance.

SCHEDULE
Application of Coroners Act 1988

General modifications

1. Every reference to the Attorney General or the Director of Public Prosecutions shall be construed as a reference to the Attorney General for the Falkland Islands and every reference to the High Court or the Crown Court shall be construed as a reference to the Supreme Court.

Provisions which shall not apply

2. Sections 1 to 7, 8(3)(c) and (d), 11(8), 14, 22(6), 24 to 29 and 31 to 34 shall not apply in the Falkland Islands.

Modifications of provisions

3. In section 8(1)(c), the word "Act" shall be replaced by the words "law of or relating to the Falkland Islands".

4. In section 9(1) the words from the word "juror" in the second place it appears in the subsection shall be replaced by the words "under the Administration of Justice Ordinance".

5. In section 11(3)(b) the words appearing after the words "required by" shall be replaced by the words "law to be registered concerning the death".

6. In section 16(1) -

(a) in paragraph (a), the words "Clerk of a magistrates' court" shall be replaced by the words "Clerk of the Magistrate's Court or by the Clerk of the Summary Court" and subparagraph (ii) of that paragraph shall be replaced by -

"(ii) an offence under the Road Traffic Ordinance committed by causing the death of the deceased; and

(b) in paragraph (b) the words "examining justices" shall be replaced by the words "the Magistrate's Court or the Summary Court".

7. In section 16(4) the words appearing after the word "particulars" to the end of the subsection shall be replaced by the words "which by law are required to be registered concerning the death".

8. In section 17(1), paragraph (b) shall be replaced by -

"(b) an offence of causing death by reckless driving or an offence of causing death by dangerous driving; or"

9. In section 17(2), paragraphs (b) and (c) shall be omitted.

10. Section 22(1) and (2) are replaced by the following -

"(1) Subject to subsection (2), where by the direction of or at the request of the Coroner, a post-mortem examination of a body is to be made, the Coroner may, if he is satisfied that that examination could more conveniently be carried out at some place in the United Kingdom, authorise the removal of the body from the Falkland Islands for that purpose.

(2) The Coroner shall not authorise the removal of a body for the purpose of post-mortem examination in the United Kingdom unless he is satisfied that on arrival of the body in the United Kingdom a post-mortem examination will be carried out in relation to that body in accordance with arrangements made, or approved, by him."

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Licensing (Amendment) Ordinance 1993

(No. 19 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Licensing (Amendment) Ordinance 1993

(No. 19 of 1993)

An Ordinance
To amend the Licensing Ordinance.

(assented to: 22nd November 1993)
(commencement: 1st January 1994)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

Short title and commencement.

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1993 and shall come into force on 1st January 1994.

Amendment of section 3(1) of Licensing Ordinance. (Cap.38).

2. The Licensing Ordinance is amended by substituting for fees 1, 2, 3, 6, 7 and 11 set out in the Table appearing as part of section 3(1) to that Ordinance the following fees -

(a) For fee 1 (Wholesale licence), £120 for the present fee of £60;

(b) For fee 2 (Retail licence), £75 for the present fee of £30;

(c) For fee 3 (Club licence), £50 for the present fee of £20;

(d) For fee 6 (Restaurant licence) £30 for the present fee of £10;

(e) For fee 7 (Packet licence) £50 for the present fee of £20; and

(f) For fee 11 (Residential licence) £60 for the present fee of £30.

Amendment to section 12 of the Licensing Ordinance.

3. Section 12 of the Licensing Ordinance is amended so as to increase the fees for special licences specified therein as follows -

(a) in paragraph (a) (hours between midday and midnight as to each hour or part thereof), by replacing "£3.00" with "£7.50"; and

(b) in paragraph (b) (hours after midnight as to each hour or part thereof), by replacing "£5.00" with "£12.50".

4. Section 13 of the Licensing Ordinance is amended so as to increase the fees for occasional licences specified therein as follows - *Amendment of section 13 of the Licensing Ordinance.*

(a) as to the first fee mentioned in the section (for a place within three miles of a public house), by replacing "£3.00" with "£10.00"; and

(b) as to the second fee mentioned in the section (for a place not within three miles of a public house), by replacing "£2.00" with "£5.00",

(each of those fees being payable for every day in relation to which the licence is granted).

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Supplementary Appropriation (1993-1994) Ordinance 1993

(No. 20 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1993-1994) Ordinance 1993

(No. 20 of 1993)

An Ordinance
to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £493,000 for the service of the financial year ending on 30 June 1994.

(assented to: 22nd November 1993)
(commencement:on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows :

1. This Ordinance may be cited as the Supplementary Appropriation (1993-1994) Ordinance 1993. *Short title.*

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 1993 and ending on 30 June 1994 ("the financial year"), sums not exceeding in aggregate the sum of FOUR HUNDRED AND NINETY THREE THOUSAND POUNDS, which sum is granted and shall be appropriated for replenishing the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the Schedule hereto and which will come in course of payment during the Financial Year. *Appropriation of £493,000 for the service of the year 1993-1994.*

SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	4,490
200	Medical and Dental	4,300
320	Fisheries	31,480
350	Public Works	40,200
390	Fox Bay Village	5,310
400	Agriculture	5,000
450	Justice	500
550	Police and Fire & Rescue Service	2,000
600	Secretariat, Treasury, Central Store, Broadcasting etc	7,820
700	Social Welfare	870
TOTAL OPERATING SUPPLEMENTARY EXPENDITURE		101,970
PART II CAPITAL BUDGET		
950	Expenditure	391,030
TOTAL SUPPLEMENTARY EXPENDITURE		493,000

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Supplementary Appropriation (1993-1994) (No.2) Ordinance 1993

(No. 21 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Supplementary Appropriation (1993-1994) (No2) Ordinance 1993

(No. 21 of 1993)

An Ordinance
to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £46,160 for the service of the financial year ending on 30 June 1994.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows:

1. This Ordinance may be cited as the Supplementary Appropriation (1993-1994) No.2 Ordinance 1993. *Short title.*

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 1993 and ending on 30 June 1994 ("the financial year"), sums not exceeding in aggregate the sum of FOUR THOUSAND EIGHT HUNDRED POUNDS, which sum is granted and shall be appropriated for replenishing the Contingencies Fund in respect of advances authorised to be issued therefrom for the purposes of the Heads of Service mentioned in the First Schedule hereto and which will come in course of payment during the Financial Year. *Appropriation of £4,800 for the service of the year 1993-1994.*

3. The Financial Secretary may cause to be issued out of the Consolidated Fund and applied to the service of the financial year sums not exceeding in aggregate the sum of FORTY ONE THOUSAND THREE HUNDRED AND SIXTY POUNDS which sum is granted and shall be appropriated for the purposes of the Heads of Service mentioned in the Second Schedule hereto and which will come in course of payment during the financial year. *Appropriation of £41,360 for the service of the year 1993-1994.*

FIRST SCHEDULE

Number	Head of Service	£
OPERATING BUDGET		
450	Justice	1,800
600	Secretariat, Treasury, Central Store, Broadcasting etc	3,000
TOTAL SUPPLEMENTARY EXPENDITURE		4,800

SECOND SCHEDULE

Number	Head of Service	£
PART I OPERATING BUDGET		
100	Aviation	2,200
150	Posts & Telecommunications	11,000
320	Fisheries	300
350	Public Works	6,450
600	Secretariat, Treasury, Central Store, Broadcasting etc	4,010
TOTAL OPERATING SUPPLEMENTARY EXPENDITURE		23,960
PART II CAPITAL BUDGET		
950	Expenditure	17,400
TOTAL SUPPLEMENTARY EXPENDITURE		41,360

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Income Tax (Amendment) Ordinance 1993

(No. 22 of 1993)

ARRANGEMENT OF PROVISIONS

(a) any individual who was not throughout the year preceding the year of assessment either married and living with his spouse or wholly maintaining his spouse; and

(b) any man who for the whole or any part of the year preceding the year of assessment is married to and living with a wife who is totally incapacitated by physical or mental infirmity throughout the year,

a deduction may be made in accordance with subsection (2) below.

(2) The amount of the deduction to be made under this section for any year of assessment shall be -

(a) if the individual proves that a child was resident with him for the whole of the preceding year, £1,100, and

(b) if the individual proves that a child was resident with him for only part of the preceding year, an amount which bears the same proportion to £1,100 as that part of the year bears to the whole.

(3) An individual is entitled to only one deduction under this section for any year of assessment irrespective of the number of qualifying children resident with him in that year.

(4) An individual shall not be entitled to relief under this section for a year of assessment if during any part of the preceding year he is married and living with his spouse unless the child in respect of whom the relief is claimed is resident with that individual during a part of the preceding year when he is not married and living with his spouse.

(5) Where -

(a) a man and a woman who are not married to each other live together as husband and wife for the whole or any part of the year preceding the year of assessment, and

(b) apart from this subsection each of them would on making a claim be entitled to a deduction under this section,

neither of them shall be entitled to such a deduction except in respect of the youngest of the children concerned (that is to say, the children in respect of whom either would otherwise be entitled to a deduction).

(6) For the purposes of this section a "child" means, in relation to an individual and any year, a child who -

(a) is born in, or is under the age of 16 years at the commencement of, the year or, being over that age at the commencement of that year, is receiving full-time instruction at any university, college, school or other educational establishment; and

(b) is a child of the individual or, not being such a child, is born in, or is under the age of 18 years at the commencement of, the year and maintained for the whole or part of that year by the individual at his own expense.

15B(1) In section 15A(6)(a) the reference to a child receiving full-time instruction at an educational establishment includes a reference to a child undergoing training by any person ("the employer") for any trade, profession or vocation in such circumstances that the child is required to devote the whole of his time to the training for a period of not less than two years.

Provisions supplementary to section 15A.

(2) In section 15A(6)(b) the reference to a child of an individual includes a reference to a stepchild of his, an illegitimate child of his if he has married the other parent after the child's birth and an adopted child of his if the child was under the age of 18 years when he was adopted.

(3) For the purposes of section 15A(6) a child whose birthday falls on 1st January shall be taken to be over the age of 16 at the commencement of the year which begins with his 16th birthday and over the age of 18 at the commencement of the year which begins with his 18th birthday.

(4) Where for any year of assessment two or more individuals are entitled to relief under section 15A in connection with the same child -

(a) the amount of the deduction under that section shall be apportioned between them; and

(b) the deduction to which each of them is entitled under that section shall, subject to subsection (5) below, be equal to so much of that amount as is apportioned to him.

(5) Where for any year of assessment amounts are apportioned to an individual under this section in respect of two or more children, the deduction to which he is entitled for that year under section 15A shall be equal to the sum of those amounts or the amount referred to in subsection (2)(a) of that section, whichever is the less.

(6) Any amount required to be apportioned under this section shall be apportioned between the individuals concerned in such proportions as may be agreed between them or, in default of agreement, in proportion to the length of the periods for which the child in question is resident with them respectively in the year preceding the year of assessment; and where the proportions are not so agreed, the apportionment shall be made by the Commissioner.

(7) For the purposes of this section an individual shall not be regarded as entitled to relief under section 15A for any year of assessment in connection with the same child as another individual if there is another child in connection with whom he, and he alone, is entitled to relief under that section for that year."

6.(1) The following sections shall be inserted in the principal Ordinance after section 26 -

Transactions between associated persons.

"26A(1) Subject to the provisions of this section, where any property is sold on or after 1st July 1993 and -

Transactions between associated persons.

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Income Tax (Amendment) Ordinance 1993

(No. 22 of 1993)

An Ordinance
To amend the Income Tax Ordinance.

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows:-

Short title and commencement.

1.(1) This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1993.

(2) This Ordinance shall apply in relation to the charge to income tax for years of assessment beginning on or after 1st January 1994.

The principal Ordinance. (Cap. 31).

2. In this Ordinance "the principal Ordinance" means the Income Tax Ordinance.

Maintenance payments.

3.(1) In section 5 of the principal Ordinance for paragraph (g) there shall be substituted -

"(g) maintenance payments paid in pursuance of an order of a court in the Falkland Islands made before 1st January 1994 in pursuance of an application made before 1st July 1993;".

(2) In section 8 of the principal Ordinance after paragraph (o) there shall in inserted -

"(p) maintenance payments other than any maintenance payment falling within section 5(g);".

(3) In section 10(3) of the principal Ordinance for paragraph (f) there shall be substituted -

"(f) maintenance payments paid in pursuance of an order of a court in the Falkland Islands made before 1st January 1994 in pursuance of an application made before 1st July 1993;".

(4) In section 2(1) of the principal Ordinance in the definition of "maintenance payments" at the end there shall be added:

"and for the purposes of this Ordinance a court order which varies, supplements or replaces an earlier court order shall be taken to be made on the day that earlier court order was made, or if that earlier order itself fell within this provision, on the day that earlier order was taken to have been made".

4. In section 10(3)(a) immediately before "sums" there shall be inserted "subject to section 12C" and the following section shall be inserted in the principal Ordinance after section 12B -

Certain payments of interest not deductible.

"12C(1) Any payment of interest by a company on or after 1st July 1993 in respect of securities issued by the company -

Certain payments of interest not deductible.

(a) where the securities are held by a non-resident company and either -

(i) that company owns (directly or indirectly) not less than 75 per cent of the ordinary share capital of the issuing company, or

(ii) another non-resident company owns (directly or indirectly) not less than 75 per cent of the ordinary share capital of both companies; or

(b) where -

(i) the securities are held by a non-resident company, and

(ii) a resident company directly owns less than 90 per cent of the share capital of the issuing company and another resident company owns (directly or indirectly) not less than 75 per cent of the ordinary share capital of both the issuing company and the company holding the securities,

shall not be deductible in ascertaining the chargeable income of the company unless the Commissioner directs the company that the payment may be deducted."

(2) In this section -

"non-resident company" means a company which is not resident in the Falkland Islands;

"resident company" means a company which is resident in the Falkland Islands; and

"securities" includes securities not creating or evidencing a charge on assets, and interest paid by a company on money advanced without the issue of a security for the advance, or other consideration given by a company for the use of money so advanced, shall be treated as if paid or given in respect of a security issued for the advance by the company."

5.(1) Subsection (2) of section 15 shall not have effect in relation to years of assessment after 1993.

Additional allowance in respect of children.

(2) The following sections shall be inserted in the principal Ordinance after section 15 and shall have effect in relation to the year of assessment beginning on 1st January 1994 and subsequent years -

"15A(1) In ascertaining the chargeable income of -

Additional allowance in respect of children.

(a) the buyer is a body of persons over whom the seller has control or the seller is a body of persons over whom the buyer has control or both the buyer and the seller are bodies of persons over whom the same person or persons has or have control; and

(b) the property is sold at a price ("the actual price") which is either -

(i) less than the price which it might have been expected to fetch if the parties to the transaction had been independent persons dealing at arm's length ("the arm's length price"), or

(ii) greater than the arm's length price,

then, in computing for tax purposes the income profits or losses of the seller where the actual price was less than the arm's length price, and of the buyer where the actual price was greater than the arm's length price, the like consequences shall ensue as would have ensued if the property had been sold for the arm's length price.

(2) Subsection (1) above shall not apply -

(a) in any case where -

(i) the actual price is less than the arm's length price, and

(ii) the buyer is resident and carrying on a trade, business, profession or vocation in the Falkland Islands, and

(iii) the price of the property falls to be taken into account as a deduction in computing the profits or gains or losses of that trade, business, profession or vocation for tax purposes; or

(b) in any case where -

(i) the actual price is greater than the arm's length price, and

(ii) the seller is resident and carrying on a trade, business, profession or vocation in the Falkland Islands, and

(iii) the price of the property falls to be taken into account as a trading receipt in computing the profits or gains or losses of that trade, business, profession or vocation for tax purposes; or

(c) in relation to any other sale, unless the Commissioner so directs.

(3) Where a direction is given under subsection (2)(c) above all such adjustments shall be made, whether by assessment, repayment of income tax or otherwise, as are necessary to give effect to the direction.

Information for purposes of section 26A, and appeals.

26B(1) The Commissioner may, by notice given to any body corporate, require it to give to the Commissioner, within such time (not being less than 30 days) as may be specified in the notice, such particulars (which may include details of relevant documents) as may be so specified of any related transaction which appears to the Commissioner -

(a) to be, or to be connected with, a transaction with respect to which the Commissioner might give a direction under section 26A; or

(b) to be relevant for determining whether such a direction could or should be given in any case; or

(c) to be relevant for determining for the purposes of that section what price any property sold would have fetched had the sale been one between independent persons dealing at arm's length.

(2) For the purposes of a notice under subsection (1) above, a transaction is a related transaction if, but only if, it is one to which the body corporate to which the notice is given, or a body corporate associated with that body, was a party; and for the purposes of this subsection two bodies corporate are associated with one another if one is under the control of the other or both are under the control of the same person or persons.

(3) Where, in the case of a transaction with respect to which it appears to the Commissioner that a direction under section 26A might be given -

(a) one of the parties is a body corporate resident outside the Falkland Islands more than 50 per cent of the ordinary share capital of which is owned by a body corporate ("the parent body") resident in the Falkland Islands; and

(b) more than 50 per cent of the ordinary share capital of the other party is owned by the parent body or the parent body is the other party,

the Commissioner may, by notice given to the parent body, require it to make available for inspection any books, accounts or other documents or records whatsoever of the parent body or, subject to subsection (4) below, of any body of persons over which it has control which relate to that transaction, to any other transaction (of whatever nature) in the same assets, or to transactions (of whatever nature) in assets similar to those to which the first-mentioned transaction related.

(4) If, in a case in which under subsection (3) above the parent body is by notice required to make available for inspection any books, accounts, documents or records of a body of persons resident outside the Falkland Islands over which the parent body has control, it appears to the Commissioner, on the application of the parent body, that the circumstances are such that the requirement ought not to have effect, the Commissioner shall direct that the parent body need not comply with the requirement.

(5) If, on an application under subsection (4) above, the Commissioner refuses to give a direction under that subsection, the parent body may, by notice given to the Commissioner within 30 days after the refusal, appeal to the Tribunal who, if satisfied that the requirement in question ought in the circumstances not to have effect, may determine accordingly.

(6) Where it appears to the Commissioner that a body of persons may be a party to a transaction or transactions with respect to which a direction under section 26A might be given, then, for the purpose of assisting the Commissioner to determine whether such a direction should be given, a public officer specifically authorised in that behalf by the Commissioner may, at any reasonable time, on production if so required of his authority -

(a) enter any premises used in connection with the trade, business, profession or vocation carried on by that body of persons in the course of which the transactions were effected,

(b) inspect there any books, accounts or other documents or records whatsoever relating to that trade, business, profession or vocation which he considers it necessary for him to inspect for that purpose, and

(c) require any such books, accounts or other documents or records to be produced to him there for inspection.

(7) An officer's authority for entering any premises under subsection (6) above shall state his name and the body of persons carrying on the trade, business, profession or vocation in connection with which premises are used.

Provisions supplementary to sections 26A and 26B.

26C(1) Nothing in section 26A shall be construed as affecting the operation of the Sixth or Seventh Schedule to this Ordinance.

(2) Section 26A shall be disregarded in determining for the purposes of section 26 what, if any, profits are produced by a business.

(3) For the purposes of sections 26A and 26B a sale shall be deemed to take place at the time of completion or when possession is given, whichever is the earlier.

(4) For the purposes of sections 26A and 26B "control", in relation to a body corporate, means the power of a person to secure -

(a) by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or

(b) by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate,

that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person, and, in relation to a partnership, means the right to a share of more than one-half of the assets, or of more than one-half of the income, of the partnership.

(5) In determining whether any person (alone or with others) has control over a body of persons -

(a) there shall be attributed to him any rights or powers of a nominee for him, that is to say, any rights or powers which another possesses on his behalf or may be required to exercise on his direction or behalf;

(b) there may also be attributed to him any rights or powers of a person with whom he is connected including any rights or powers of a nominee for such a person, that is to say, any rights or powers which another possesses on behalf of such a person or may be required to exercise on his direction or behalf.

(6) Sections 26A, 26B and this section shall, with the necessary adaptations, have effect in relation to -

(a) lettings and hirings of property, grants and transfers of rights, interests or licences, and

(b) providing business facilities whether by way of making loans or guaranteeing debts or other liabilities to third parties or by the provision of any other kind of business facility whatsoever,

as they have effect in relation to sales, and the references in those sections to sales, buyers and prices shall be deemed to be extended accordingly.

(7) For the purposes of this section -

(a) a person is connected with an individual if that person is the individual's wife or husband, or is a relative, or the wife or husband of a relative, of the individual or of the individual's wife or husband;

(b) a person is connected with any person with whom he is in partnership, and with the wife or husband or relative of any individual with whom he is in partnership.

and any provision that one person is connected with another shall be taken to mean that they are connected with one another."

Balancing charges and allowances.

7.(1) In both paragraph 5 and paragraph 6 of the Sixth Schedule to the principal Ordinance after "destroyed" there shall be inserted "before 1st July 1993" and after paragraph 6 there shall be inserted the following paragraphs -

"6A. This paragraph applies where, during the year immediately preceding the year of assessment, any of the following events occurs in relation to a capital asset in respect of which a wear and tear or depreciation deduction has been made to any person carrying on a trade, business, profession or vocation -

(a) the asset ceases to belong to him; or

(b) that person loses possession of the asset in circumstances where it is reasonable to assume that the loss is permanent; or

(c) the asset ceases to exist as such (as a result of destruction, dismantling or otherwise); or

(d) the asset begins to be used wholly or partly for purposes which are other than those of the trade, business, profession or vocation; or

(e) the trade, business, profession or vocation is permanently discontinued,

but does not apply in relation to any event which occurred before 1st July 1993.

6B. Where paragraph 6A above applies in relation to any asset -

(a) if there are no sale, insurance, salvage or compensation moneys or those moneys are less than the written-down value of the asset, there shall be allowed a deduction equal to that value or, as the case may be, the excess of that value over moneys;

(b) if the sale, insurance, salvage or compensation moneys exceed the written-down value of the asset, an amount equal to the excess shall be additional income chargeable to tax for the year of assessment.

6C. Paragraph 6B shall have effect in relation to any sale or other disposition of any asset where the parties are not at arm's length and the consideration for the disposition is less than the market value of the asset as if the asset had been disposed of at market value.

6D. Where (by virtue of paragraph 6C or otherwise) the moneys referred to in paragraph 6B above exceed the expenditure in respect of which the wear and tear or depreciation deduction was given, the amount of the excess shall be disregarded for the purposes of that paragraph."

(2) In paragraph 7 of that Schedule for the words "paragraph 6" in each place where they occur there shall be substituted "paragraph 6 or 6A".

(3) In both paragraph 4 and 5 of the Seventh Schedule to the principal Ordinance after "destroyed" there shall be inserted "before 1st July 1993" and after paragraph 5 there shall be inserted the following paragraphs -

"5A. This paragraph applies where, during the year immediately preceding the year of assessment, any of the following events occurs in relation to a capital asset in respect of which a wear and tear or depreciation deduction has been made to any person carrying on a trade, business, profession or vocation -

(a) the asset ceases to belong to him; or

(b) that person loses possession of the asset in circumstances where it is reasonable to assume that the loss is permanent; or

(c) the asset ceases to exist as such (as a result of destruction, dismantling or otherwise);

(d) the asset begins to be used wholly or partly for the purposes which are other than those of the trade, business, profession or vocation; or

(e) the trade, business, profession or vocation is permanently discontinued,

but does not apply in relation to any event which occurred before 1st July 1993.

5B. Where paragraph 5A above applies in relation to any asset -

(a) if there are no sale, insurance, salvage or compensation moneys or those moneys are less than the written-down value of the asset, they shall be allowed a deduction equal to that value or, as the case may be, the excess of that value over those moneys;

(b) if the sale, insurance, salvage or compensation moneys exceed the written-down value of the asset, an amount equal to the excess shall be additional income chargeable to tax for the year of assessment.

5C. Paragraph 5B shall have effect in relation to any sale or other disposition of any asset where the parties are not at arm's length and the consideration for the disposition is less than the market value of the asset as if the asset had been disposed of at market value.

5D. Where (by virtue of paragraph 5C or otherwise) the moneys referred to in paragraph 5B above exceed the expenditure in respect of which the wear and tear or depreciation deduction was given, the amount of the excess shall be disregarded for the purposes of that paragraph.

(4) In paragraph 6 of that Schedule for the words from "but" to the end there shall be substituted for the words "paragraph 6 or 6A" in each place where they occur the words "paragraph 5 of 5A"."

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

The Old Age Pensions (Amendment) Ordinance 1993

(No. 23 of 1993)

ARRANGEMENT OF PROVISIONS

Section

ELIZABETH II

Colony of the Falkland Islands

DAVID EVERARD TATHAM, C.M.G.,
Governor.

The Old Age Pensions (Amendment) Ordinance 1993

(No. 23 of 1993)

An Ordinance
To amend the Old Age Pensions Ordinance

(assented to: 22nd November 1993)
(commencement: on publication)
(published: 25th November 1993)

ENACTED by the Legislature of the Falkland Islands as follows -

1. This Ordinance may be cited as the Old Age Pensions (Amendment) Ordinance 1993. *Short title.*

2. The Old Age Pensions Ordinance 1952 is amended by the insertion of the following section 6G immediately after section 6F - *Amendment of Old Age Pensions Ordinance 1952.*

"6G (1) The Financial Secretary may subject to such conditions as he sees fit by Order in writing exempt -

(a) any employed person and his employer; or

(b) any class of seasonal workers and their employers from any obligation under section 6 to pay any pension contribution if he is satisfied that the employed person or class of seasonal workers is a person or as the case may be a class of persons -

(i) who is or are not ordinarily resident in the Falkland Islands; and

(ii) is or are likely to leave the Falkland Islands within six months of entry into the Falkland Islands; and

(iii) it is in the economic interests of the Falkland Islands for such exemption to be granted,

but so far as such an order exempts employers it only exempts them in respect of contributions in respect of employees also exempted by such an Order.

(2) Subsection (1) has effect in addition to and without prejudice to the provisions of section 2 of the Old Age Pensions (Amendment) Ordinance 1958."

Passed by the Legislature of the Falkland Islands this 16th day of November 1993.

A. LIVERMORE,
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.

A. LIVERMORE,
Clerk of Councils.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: Eight Pounds & Ninety Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *1st DECEMBER 1993* *No. 21*

The following is published in this Supplement —

Elected Councillors' Allowances Ordinance 1990 (Replacement of Schedule) Order 1993 (S.R. & O. No. 11 of 1993).

SUBSIDIARY LEGISLATION

THE ELECTED COUNCILLORS ALLOWANCES

ELECTED COUNCILLORS' ALLOWANCES ORDINANCE 1990 (REPLACEMENT OF SCHEDULE) ORDER 1993

(S. R. & O. No. 11 of 1993)

Made: 26th November 1993
Published: 1st December 1993
Coming into force: 19th October 1993

IN EXERCISE of my powers under section 5 of the Elected Councillors' Allowances Ordinance 1990(a) and after consultation with the elected members of the Legislative Council I make the following Order -

Citation and commencement.

1. This Order may be cited as the Elected Councillors' Allowances Ordinance 1990 (Replacement of Schedule) Order 1993 and shall be deemed to have come into force on 19th October 1993.

Replacement of Schedule to the Elected Councillors' Allowances Ordinance 1990.

2. The Schedule to the Elected Councillors' Allowances Ordinance 1990 is replaced by the following -

SCHEDULE

ALLOWANCES PAYABLE TO ELECTED MEMBERS OF THE LEGISLATIVE COUNCIL

Annual non-taxable allowance

1. Every elected member of the Legislative Council shall be entitled to be paid an allowance at an annual rate of £2,500 (periods of less than a year qualifying for payment of this allowance on a proportionate basis).

Taxable allowances

2.(1) In this paragraph any reference to "meeting" means any meeting of -

(a) the Legislative Council;

(b) the Executive Council;

(c) any Committee of the Legislative Council (including without prejudice to the generality of the foregoing, the Standing Finance Committee); or

(a) No. 2 of 1990.

(d) any Committee, whether established by or under any Ordinance or pursuant to any resolution of the Executive Council, being a Committee of which the elected member of the Legislative Council in question is appointed to be a member.

(2) An elected member of the Legislative Council shall be entitled to be paid or re-imbursed the reasonable and actual costs of travel for the purpose of attendance at, or return from, a meeting.

(3) Where an elected member of the Legislative Council is absent from the Falkland Islands in the circumstances to which subparagraph (7) relates, he shall be entitled to be re-imbursed the reasonable and actual costs of travel, accommodation and subsistence on the same scale as is for the time being applicable to Chief Officers in the Public Service.

(4) Subject to subparagraph (5), every elected member of the Legislative Council shall be entitled to be paid an allowance of £50 in respect of every meeting he attends.

(5) The allowance under subparagraph (4) shall be payable only in respect of any one day, and so that where an elected member of the Legislative Council attends more than one meeting on any one day he shall be paid an allowance under that subparagraph in respect of one only of those meetings.

(6) Every elected member of the Legislative Council representing the Camp Constituency shall be entitled to be paid an allowance of £50 in respect of each day or part thereof spent in travelling to and from every meeting he attends except in respect of the day upon which the meeting occurs.

(7) An elected member of the Legislative Council shall be entitled to be paid an allowance of £50 for each day he is absent from the Falkland Islands in his capacity as an elected member of the Legislative Council where he represents elected members of the Legislative Council by authority of that Council or by authority of the Governor advised by the Executive Council.

Telephone and facsimile rental

3. All Legislative Councillors shall be entitled to be re-imbursed with the annual cost of rental of a telephone and facsimile machine at their home address and one third of the total charges incurred for local calls within the Falkland Islands made from such telephone and such facsimile machine.

Made 26th November 1993.

D. E. TATHAM,
Governor.

EXPLANATORY NOTE
(This Note is not part of the Order)

This Order has the effect of replacing the Schedule to the Elected Councillors' Allowances Ordinance 1990 so as to set new rates of allowances for elected Members of the Legislative Council with effect from 19 October 1993.

Printed by the Government Printer, Printing Office, Stanley, Falkland Islands.
Price: One Pound.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *7th DECEMBER 1993* *No. 22*

The following is published in this Supplement —

Dean Street (Part) One - Way Traffic Regulations Order 1993 (S.R. & O. No. 12 of 1993).

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

DEAN STREET (PART) ONE-WAY TRAFFIC REGULATIONS ORDER 1993

(S.R & O. No. 12 of 1993)

Made: 3rd December 1993
Published: 7th December 1993
Coming into force: 1st January 1994

IN EXERCISE of my powers under section 18(1)(j) of the Road Traffic Ordinance **(a)**, I make the following Order -

1. This Order may be cited as the Dean Street (Part) One-way Traffic Regulations Order 1993 and shall come into force on 1st January 1994. *Citation and commencement.*

2.(1) This Order applies to that part of Dean Street Stanley which lies between the junctions of Dean Street with John Street and Fitzroy Road. *Application of this Order.*

(2) The part of Dean Street to which this Order applies is hereinafter in this Order called "the relevant part of Dean Street"

3.(1) It is unlawful for any traffic to proceed in a northerly direction (that is to say, in the direction of John Street) in the relevant part of Dean Street. *Prohibition of north bound traffic in relevant part.*

(2) In subparagraph (1) above, "traffic" means carts, carriages, horses, bicycles and motor vehicles of every kind (including invalid carriages).

(3) Any person who causes any traffic to proceed in a northerly direction in the relevant part of Dean Street commits an offence and is liable on conviction of that offence to a fine not exceeding £200.

(4) For the sake of avoidance of doubt it is hereby declared that the prohibition imposed by paragraph (1) extends to the pushing or towing of traffic in the carriageway of Dean Street, but does not extend to the pushing of a bicycle or perambulator along a footpath in the relevant part of Dean Street.

Made this 3rd day of December 1993.

D. E. TATHAM,
Governor.

(a) Cap 60 Laws of the Falkland Islands 1950 Edition (as amended).

EXPLANATORY NOTE

(This Note does not form part of the above Order)

The effect of the above Order is that, with effect from 1st January 1994, Dean Street, from its junction with John Street to its junction with Fitzroy Road, becomes a "one-way street" and traffic will only be permitted to proceed along this part of Dean Street in a southerly (that is to say uphill) direction.

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Price: Fifty Pence.

THE FALKLAND ISLANDS GAZETTE Supplement

PUBLISHED BY AUTHORITY

Vol. 4 *24th DECEMBER 1993* *No. 23*

The following is published in this Supplement —

The Firearms and Ammunition (Fees) Regulations Order 1993 (S.R. & O. No. 13 of 1993).

SUBSIDIARY LEGISLATION

THE FIREARMS AND AMMUNITION ORDINANCE 1987
(No. 4 of 1987)

The Firearms and Ammunition (Fees) Regulations Order 1993

(S. R. & O. No. 13 of 1993)

Made: 23rd December 1993
Published: 24th December 1993
Coming into operation: 1st January 1994

IN EXERCISE of my powers under section 32 of the Firearms and Ammunition Ordinance 1987(a) I make the following Order -

Citation and commencement.

1. This Order may be cited as the Firearms and Ammunition (Fees) Regulations Order 1993 and shall come into operation on the 1st January 1994.

Registration Fee.

2. Any application to the Officer in Charge of Police by any person to be registered as

(a) a licensed firearms dealer;

(b) the holder of a firearm;

(c) the holder of a firearms and ammunition import licence; or

(d) the holder of a firearms and ammunition export licence

shall be accompanied by a registration fee of £10.

Licence fees.

3. The fees listed in the Schedule hereto shall be payable in addition to the registration fee payable pursuant to Regulation 2 upon application to the Officer in Charge of Police for a licence of the type specified in the Schedule.

(a) No. 4 of 1987.

SCHEDULE

Type of licence	Relevant section of the Ordinance	Fee
Firearms and ammunition dealer's licence	9	Annual fee of £50
Firearms and ammunition dealer's licence (endorsed "ammunition only")	9	Annual fee of £10
Firearms licence	13	Annual fee of £25

Made this 23rd day of December 1993.

D. E. TATHAM,
Governor.

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Price: One Pound.