



THE FALKLAND ISLANDS GAZETTE

Extraordinary

PUBLISHED BY AUTHORITY

Vol. CXVII

11 January 2008

No. 1

NOTICES

No. 1

3 January 2008

Electoral Ordinance (Title 30.1)
By Election 3rd January 2008

Legislative Council
Election of a Legislative Councillor for the Stanley
Constituency

I the undersigned, MICHAEL DENNIS BLANCH being the Returning Officer at this By Election of one member for the Legislative Council for the Stanley Constituency do hereby give notice of the result of the Election as follows:-

Votes Cast	615
Birmingham	210 votes
(John Birmingham, of 4 Drury Street, Stanley, Male)	
Davies	182 votes
(Richard Andrew Davies, of 4 Fitzroy Road East, Stanley, Medical Practitioner)	
Edwards	133 votes
(Roger Anthony Edwards, of Lake Sullivan Farm, West Falkland, Farmer)	

Peck	85 votes
(James Peck, of Stanley)	

Rejected Ballot Papers	5
(1) want of an official mark:-	0
(2) voting for more candidates than voter is entitled to:-	5
(3) writing or mark by which voter could be identified:-	0
(4) unmarked:-	0
(5) void for uncertainty:-	0

I therefore declare

I. John Birmingham

to be duly elected to the Legislative Council to serve for the Stanley Constituency until the dissolution of Legislative Council for the General Election in 2009.

Dated 3 January 2008

M. D. BLANCH,
Returning Officer.

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Price: One pound.

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THE FALKLAND ISLANDS GAZETTE

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Vol. CXVII

31 January 2008

No. 2

Appointments

Philip Craig Barker, Maintenance Technician, Education Department, 25.12.07.

Philip Craig Barker, Acting Senior Sports Attendant, Education Department, 01.01.08.

Alison Dodd, Part-time Postal Clerk, MPA Post Office, 01.01.08.

Madeline Jean McLeod, Acting Deputy Postmaster, Post Office, 02.01.08.

Timothy Rupert Thorogood, Chief Executive, Secretariat, 03.01.08.

Francesco Rossi, Official Veterinary Officer, Agriculture Department, 07.01.08.

Ian Peter Campbell, Agricultural Advisor, Agriculture Department, 12.01.08.

Meilin He, Part-time Receptionist, Education Department, 14.01.08.

Jennifer Mary Downing, Primary Teacher, Education Department, 21.01.08.

Carole Lee, Cook, Education Department, 21.01.08.

Shiralee Finlay, Sports Attendant, Education Department, 23.01.08.

Stephen William Pointing, Senior Veterinary Officer, Agriculture Department, 26.01.08.

Completion of Contract

Helen Daws, Senior Staff Nurse, Health Services Department, 22.01.08.

Victor Maurice Epstein, Senior Veterinary Surgeon, Agriculture Department, 31.01.08.

Renewal of Contract

Wetjens Dimmlich, Stock Assessment Scientist, Fisheries Department, 09.01.08.

Promotion

Patrick Andrew Minto, from Handyman to Plant Operator/Handyman, Public Works Department, 01.01.08.

Keith Padgett, from Deputy Financial Secretary to Financial Secretary (Designate), Treasury, 01.01.08.

Jane Clement, from Aerodrome Flight Information Service Officer to Deputy Aerodromes Manager, Civil Aviation Department, 23.01.08.

Resignation

Susan Maureen Evans, Telephone Teacher, Education Department, 01.12.07.

John McLeod, Power Station Operator, Camp Education, 06.01.08.

Eddie Grimmer, Plant Operator/Handyman, Public Works Department, 16.01.08.

Trudi McKay, Cook, Education Department, 19.01.08.

Jamie David Robins, Police Constable, Royal Falkland Islands Police, 22.01.08.

Andrea Julie Wright, Environmental Planning Officer, Secretariat, 31.01.08.

Retirement

Paz Blyth, Cleaner, Public Works Department and Agriculture Department, 24.01.08.

Transfer

Richard Edwin John Fogerty, from Camp Education Supervisor to Assistant Director, Education Department, 01.01.08.

NOTICES

No. 2 25 December 2007

**Stanley Cabs Limited
Company Number: 12114**

Notice is hereby given that the above named company was dissolved pursuant to section 652 of the Companies Act 1985 on 25 December 2007.

Dated 25 December 2007

J. C. ROWLAND,
Registrar of Companies.

No. 3 15 January 2008

**Falklands Landholdings Corporation Ordinance 2000
section 4(1)(a) and (b)**

Appointment of Members and Chairperson of Board

In exercise of my powers under section 4(1)(a) and (b) of the Falklands Landholdings Corporation Ordinance 2000 I appoint Councillors Ian Hansen and John Birmingham to be members of the Board of Falklands Landholdings Corporation and Councillor Ian Hansen will be Chairperson of the Board.

Dated 15 January 2008

P. L. MARTINEZ,
Acting Governor.

No. 4 15 January 2008

**Falkland Islands Development Corporation Ordinance
section 7(1)(a)**

Appointment of Members and Chairperson of Board

In exercise of my powers under section 7(1)(a) of the Falkland Islands Development Corporation Ordinance (Title 28.1) I appoint Councillors John Richard Cockwell and Ian Hansen to be members of the Falkland Islands Development Corporation Board and Councillor John Richard Cockwell will be Chairperson of the Board.

Dated 15 January 2008

P. L. MARTINEZ,
Acting Governor.

No. 5

16 January 2008

Index of Retail Prices

The calculation of the Index for the quarter ended 31 December 2007 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
31.03.07	124.26	1.852	(0.072)
30.06.07	124.75	1.291	0.394
30.09.07	126.10	1.432	1.082
31.12.07	129.16	3.868	2.427

Dated 16 January 2008

L. LYSE,
for Financial Secretary.

No. 6 24 January 2008

Death in Service

It is with deep regret that His Excellency the Governor announces the death of Mr Robert Ford, Foreman, Highways Section of the Public Works Department on 6th January 2008.

Dated 24 January 2008

No. 7 25 January 2008

Currency Notes Rules (Title 25.1.1)**Currency Officers**

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Excellency the Governor has approved the following changes to the list of Currency Officers with effect from 23 January 2008:-

Appointment:-

Beverley Christina Lee
Carol Margaret Thorsen

Cancellation of Appointment:-

Marie Cheek
Susana Caroline Bermtsen Faria
Roma Ann Plato
Michele Tonner

The following is a full list of Currency Officers with effect from 23 January 2008:-

Nigel Keith Dodd
Moira Cameron Eccles
Derek Frank Howatt
Peter Thomas King
Beverley Christina Lee
Sara Loftus
Linda Margaret Lyse
Keith Padgett
Carol Margaret Thorsen
Donna Louise Triggs.

Dated 25 January 2008

M. C. ECCLES, D. F. HOWATT and P. T. KING,
Commissioners of Currency.

Application for Falkland Islands Status

Notice is hereby given that **Elizabeth Eleanor NEWTON** has applied through the Principal Immigration Officer to be granted Falkland Islands Status by the Governor. Any person who knows of any reason why Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 February 2008.

Dated 25 January 2008

C. W. REEVES,
Immigration Officer.

No. 9

25 January 2008

Application for Naturalisation

Notice is hereby given that **Richard Lowry MORRISON** is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 February 2008.

Dated 25 January 2008

C. W. REEVES,
Immigration Officer.

No. 10

29 January 2008

Falkland Islands Constitution Order 1985
(section 64)

**Appointment to Advisory Committee
on the Prerogative Mercy**

In accordance with section 64(1)(a) of the Falkland Islands Constitution Order 1985, I, Alan Edden Huckle Governor of the Falkland Islands, after consulting with elected members of the Legislative Council, hereby appoint:-

Councillor Janet Robertson; and
Councillor Michael Rendell

to be members of the Advisory Committee on the Prerogative of Mercy.

Dated 29 January 2008

A. E. HUCKLE,
Governor.

No. 11

31 January 2008

**Registered Medical Practitioners,
Midwives and Dentists**

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

Doctors

Dr Roger Diggle MBBCh (Wales), MFFP, DA
Dr Barry Elsby MBBS, BSc, DRCOG, MRCGP
Dr David Roche MBBCh, MRCP(UK), FRCP(Ed),
FCA(SA), FRCA(UK)
Dr Richard Davies MBBCh, BAO(Bel), MRCGP
Dr Ahmad Cheema MBBS, FRCS
Dr Rebecca Edwards MBBS(Lon), DRCOGP, DFFP
Dr Jacqueline Bennebroek MSC(UVA), MRCGP, DFFP
Dr Kanti Bhardway MBBS, DA(Lond), DA Anae
Dr Bernadette Paver MBBS, MRCGP(Lon)
Dr Hamza Aly MSc FFARSCI
Dr Kim Grayson MBChDip, IMC, Dip PEC, MCEM
Dr Jonathan Hoare MBBS
Mr Quentin Cox MBBS, FRCS
Mr Leo McClymont MBChB, FRCS
Mr Peter Sill MBChB, MRCOG
Dr Alexandra McMillan BSc, MBBS, MRCGP, Dip
Dr Ahmad Abel-Mageed MBBS, FRCS(Ed)
Dr Pedro Luis Lic Med 1999 Coimbra T(GP)
Mr Guy Randle LMSSA, MBBS, MRCS, LRCP
Mr Paul Franks MBChB, FRCOG
Dr Tim McNerny MBBS, BA, MrcPsych
Dr Norman Binnie MBChB, BSc, MD, FRCS

Midwives

Mrs Mandy Heathman SRN, SCM
Ms Jacqueline Earnshaw SRN, SCM
Mrs Pamela Freer RGN, RM

Dentists

Dr Moira Bhola MBD, BDB, Post Grad DIP
Dr Sally Owen BChD
Dr Charmaine Harris BDS(L/pool), BSc
Dr Peter Davies BDS
Dr Mayin Chan BDS(Syd)
Dr Daniel Archer BDS, MBB.BS(Lond), LRCP, MRCS,
FDSRCS(Eng), FRCS

Dated 31 January 2008

R. J. DIGGLE,
Chief Medical Officer.

No. 12

31 January 2008

Register of Members' Interests

The information contained in this Register is provided by every member of the Legislative Council and the Attorney General in accordance with Rule 18 and 18A of the Falkland Islands Legislative Council Standing Rules and Orders. The information is current to 31 January 2008.

Information to be provided

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

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

3. Clients in respect of whom the member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the Legislative Council might have been or might be influenced by the client's interests

4. Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or advantage whether to the Member or any other person with whom the Member is closely connected

5. Gifts, benefits and hospitality

6. Overseas visits relating to or arising out of membership of the Legislative Council where the cost of any such visit has not been borne wholly by the Member or out of the Falkland Islands public funds

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

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

9. The names of companies or other bodies in which the Member has, to his knowledge either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholding of a nominal value greater than one percent of the issued share capital or less than one percent or more than £25000.00

10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a Member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council OR which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit

Notification of Registrable Interests

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

John Birmingham

1. Director of Two Sisters Ltd
2. Self Employed Contractor – Current Contract FIG (PWD). Legislative Councillor's Allowance
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Nil
9. Nil
10. Nil

Dr Andrea Patricia Clausen

1. Nil
2. Legislative Councillor's allowance
3. Nil
4. Nil

5. Dinner hosted by Hydrocarbon and Fishing Companies during Chief Executive and Directors visits to the Islands

6. EU OCT Forum – Cost paid by EU
7. Nil
8. Nil
9. Desire Shares
10. Nil

John Richard Cockwell

1. Nil
2. Sale of Paintings, prints and cards, Teaching Watercolour painting, Legislative Councillor's allowance
3. Nil
4. Nil
5. Leather Brief case from CPA India
6. CPA India, CPA Regional Conference, North Ireland
7. Nil
8. Nil
9. Warrah Design
10. Nil

Ian Hansen

1. Nil
2. Main Point Farm income, Legislative Councillors Allowance
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. Main Point Farm
9. Nil
10. Nil

Michael Rendell

1. Nil
2. Legislative Councillor's allowance
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 8 Ross Road, Stanley, 5 Moody Street Bleaker Island
9. Shareholder Seafish (Falklands) Limited
10. Nil

Janet Robertson

1. Nil
2. Marketing Manager, Consolidated Fisheries Ltd, Legislative Councillors Allowance
3. Nil
4. Nil
5. Nil
6. Falklands Forum – CFL Paid return flight
7. Nil
8. Nil
9. Consolidated Fisheries, Desire Petroleum PLC
10. Nil

Richard James Stevens

1. Nil
2. 50% Farm owner Port Sussex Farm Legislative Councillors Allowance
3. Nil

4. Nil
5. Leather Briefcase CPA India
6. CPA India
CPA Belfast (Regional)
7. Nil
8. Port Sussex Farm
30 Davis Street (starting Feb/March 08)
9. Nil
10. Nil

Michael Victor Summers OBE

1. Quark Fishing Ltd - Remunerated
Pioneer Seafoods Ltd - Remunerated
Concordia Ltd - Unremunerated
Prion Ltd - Unremunerated
Stanley Services Ltd – FIG Nominee – Unremunerated
2. Freiwin Ltd (Representative), Legislative Councillor's allowance
3. Nil
4. Nil
5. Nil
6. Stanley Services Ltd - Management Meetings in the UK; EU OCT – Cost paid by EU
7. Nil
8. 11 Pioneer Row, Stanley - Home
15 Pioneer Row – rented McGrigors LLP
Mount Maria House, Port Howard – Holiday Home
9. Quark Fishing Ltd
Prion Ltd
Pioneer Seafoods Ltd
Freiwin Ltd
Concordia Ltd
10. Trustee FI YMCA
Member Stanley Golf Club
Member Stanley Cricket Club
Member FI Chamber of Commerce
Member Falkland Club
Member FI Vessel Owners Association/FIFCA

Timothy Rupert Thorogood

1. Nil
2. Chief Executive, FIG
3. Nil
4. Nil
5. Hospitality lunches/dinners in the UK from companies:
British Geological Survey; Newton Asset Management;
Tribal Veredus; Odgers: Serco; Public Appointments:
Deloitte.
6. Nil

7. Nil
8. Broad Park, Rhossili, Swansca, SA3 1PL, UK
9. Broad Park Services Ltd
10. Nil

Derek Frank Howatt

1. Nil
2. Financial Secretary, FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. 4 Racecourse Road, Stanley
9. Nil
10. Nil

David Francis William Pickup

1. Nil
2. Attorney General, FIG
3. Nil
4. Nil
5. Nil
6. Nil
7. Nil
8. None in Falkland Islands
2 Properties in UK – London and Hereford
1 Property in Thailand – Hua Hin
9. Nil
10. Nil

Dated 31 January 2008

C. ANDERSON,
Clerk of Councils.

Errata

Gazette No. 15 of Volume CXVI dated 30 November 2007. In "Promotions" details given for Richard Edwin John Fogerty were incorrect, the correct details appear in this Gazette.

Gazette No. 17 of Volume CXVI dated 24 December 2007. In "Appointments" details given for Alison Dodd were incorrect, the correct details appear in this Gazette.

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THE FALKLAND ISLANDS GAZETTE

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Vol. CXVII

29 February 2008

No. 3

Appointments

Jamie David Robins, Agricultural Assistant, Agriculture Department, 01.02.08.

Carol Peck, Exercise Referral Practitioner, Health Services Department, 18.02.08.

Completion of Contract

Ignacio Paya, Senior Stock Assessment Scientist, Fisheries Department, 03.02.08.

Promotion

Robert Charles Maddocks, from Plant Operator/Handyman to Foreman, Highways Section, Public Works Department, 21.01.08.

Karen Lucetta Steen, from Teacher to Deputy Head Teacher, Education Department, 04.02.08.

Resignation

Tracey Clare Clarke, Part-time Clerk, Post Office & Philatelic Bureau, 07.02.08.

Valerie Clifton, Handyperson/Storeperson, Housing Section, Public Works Department, 29.02.08.

NOTICES

No. 13

7 February 2008

Planning Ordinance 1991

(section 10)

Appointment of Planning Officer

In exercise of my powers under section 10 of the Planning Ordinance (Title 55.3) I, Alan Edden Huckle, Governor of the Falkland Islands, appoint Thomas William Eggeling to be the Planning Officer commencing on 31 January 2008.

Dated 7 February 2008

A. E. HUCKLE,
Governor.

No. 14

7 February 2008

Building Regulations 1999

(regulation 4(1))

Appointment of Building Control Surveyor

In exercise of my powers under regulation 4(1) of the Building Regulations 1999 I, Alan Edden Huckle, Governor of the Falkland Islands appoint Nicholas Stephens as Building Control Surveyor for the Falkland Islands with effect from 1 March 2008.

Dated 7 February 2008

A. E. HUCKLE,
Governor.

No. 15

25 February 2008

Application for Naturalisation

Notice is hereby given that **Reuben Joseph HARWOOD** is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 March 2008.

Dated 25 February 2008

C. W. REEVES,
Immigration Officer.

No. 16

28 February 2008

**Import Prohibition
(Foot and Mouth Disease) Proclamation
(article 2)**

1. The provisions of the Import Prohibition (Foot and Mouth Disease) Proclamation 2001 no longer apply to the importation of things from the United Kingdom.
2. This notice has effect from the date below.

Dated 28 February 2008

P. M. RENDELL,
Director of Agriculture.

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THE FALKLAND ISLANDS GAZETTE

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31 March 2008

No. 4

Appointments

Silje Ramsvatn, Fisheries Observer, Fisheries Department, 25.02.08.

Richard Lowry Morrison, Part-time Airport Fire Fighter, Fire and Rescue Service, 01.03.08.

Paul Alan Joshua, Tyre Fitter, Plant and Vehicle Section, Public Works Department, 03.03.08.

Carol Ann Green, Part-time Clerk, Post & Philatelic Bureau, 07.03.08.

Duane William Stewart, Airport Fire Fighter, Fire and Rescue Service, 17.03.08.

Lucinda Marie Lowe, Laboratory Assistant, Agriculture Department, 24.03.08.

Completion of Appointment

Larry Thomas Neal, Materials Manager, Quarry Section, Public Works Department, 28.03.08.

Completion of Contract

Victoria Awoyinfa, Staff Nurse, Health and Social Services Department, 27.02.08.

Promotion

Gina Ruth Smith, from Internal Audit Assistant, Treasury to Policy and Performance Officer, Secretariat, 01.02.08.

Resignation

Meilin He, Part-time Receptionist, Leisure Centre, Education Department, 02.03.08.

Erica Dawn Berntsen, Part-time Clerk, Camp Education, Education Department, 19.03.08.

Marlene Estela Barnes-Avecedo, General Assistant, Health and Social Services Department, 22.03.08.

Transfer

Roberto Miguel Alejandro Ojedo, from Fire Fighter, Fire and Rescue Service to Aircraft Fitter, Falkland Islands Government Air Service, 01.03.08.

Trudi Felton, from Carer, Health and Social Services Department to Police Constable, Royal Falkland Islands Police, 10.03.08.

NOTICES

No. 17

10 March 2008

Falkland Printz Limited Company Number: 8696

Notice is hereby given that the above named company was dissolved pursuant to section 652 of the Companies Act 1985 on the 6th day of February 2008.

Dated 10 March 2008

J. C. ROWLAND,
Registrar of Companies.

Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)

Take notice that **Robert William Smith** of Goose Green, Falkland Islands died on the 17th day of July 2007 intestate.

Whereas Irene MacDonald has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 19 March 2008

C. J. KING,
Registrar of the Supreme Court.

Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)

Take notice that **Kenneth Stanley Cletheroe** of 45 Fitzroy Road, Stanley, Falkland Islands died on the 16th day of March 2007 intestate.

Whereas Paul Cletheroe has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 19 March 2008

C. J. KING,
Registrar of the Supreme Court.



THE FALKLAND ISLANDS GAZETTE

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18 April 2008

No. 5

NOTICES

No. 20

2 April 2008

Highways (Weight Limits) Ordinance 2004 section 6(4)

Prohibition Notice

IN EXERCISE of the powers provided under section 6(4) of the Highways (Weight Limits) Ordinance 2004, I hereby notify that the use of any motor vehicle, trailer or vehicle combination the authorised weight of which exceeds 15 metric tons is prohibited with effect from 1 May 2008 until 30 September 2008 inclusive on the following publicly maintainable highways:-

(1) on East Falkland:-

all roads beyond the Estancia junction as approached on the Port Louis Road from the direction of the Mount Kent turnoff;

the Fitzroy Road from its junction with the Stanley to Darwin Road to its end at Fitzroy settlement;

the San Carlos Road from its junction with the Stanley to Darwin Road to its end at San Carlos settlement;

the link road connecting the San Carlos Road to those beyond the Estancia junction;

all roads beyond Darwin cemetery as approached from the North on the Stanley to Darwin Road; and

all roads beyond the Moody Brook Road as approached from the East on the Moody Brook Road,

(2) on West Falkland:-

all publicly maintainable highways.

Dated 2 April 2008

M. M. I. KEENLEYSIDE,
Director of Public Works.

No. 21

4 April 2008

Banking Ordinance (Title 10.1) Banking (Amendment) Ordinance 1996

Notice is hereby given pursuant to section 19B(1) of the Banking Ordinance (Title 10.1), as amended, that the audited accounts of Standard Chartered Bank for the year ended 31 December 2007 are available for inspection at the

bank branch office, Ross Road, Stanley, or a copy will be supplied on application to the Chief Executive Officer.

Dated 4 April 2008

R. S. DONOSEPOETRO,
Chief Executive Officer, Standard Chartered Bank.

No. 22 8 April 2008

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I hereby appoint the following person to be a temporary Customs Officer:-

Corporal Colin MARSHALL – R8405392 from 3 January 2008 to 4 May 2008;

Sergeant Martin DEMPSTER – G8201159 from 16 January 2008 to 17 May 2008;

Corporal Russell COOK – R8419403 from 4 February 2008 to 5 June 2008; and

Corporal Ian CURTIS – F8409093 from 5 March 2008 to 6 July 2008.

Dated 8 and 14 April 2008

R. J. KING,
Collector of Customs.

No. 23 8 April 2008

Offshore Petroleum (Licensing) Regulations 2000
(regulation 3A(1))

Modification of Suspension Notice

IN EXERCISE of my powers under regulation 3A(1) of the Offshore Petroleum (Licensing) Regulations 2000, I hereby notify that the indefinite suspension of regulations 4 to 7 of the Regulations put in place by the Suspension Notice dated the ninth of September 2005 is modified with effect from 30 April 2008, so that the suspension no longer applies to Blocks 7, 8, 9, 12, 13, 14b, 17 and 18 in Quadrant 25 of controlled waters.

Dated 8 April 2008

A. E. HUCKLE,
Governor.

No. 24

8 April 2008

Offshore Petroleum (Licensing) Regulations 2000

Notice of Invited Applications

With effect from 30 April 2008 the Governor of the Falkland Islands invites applications in accordance with the above named Regulations for petroleum production licences in respect of the blocks and part block specified in the Schedule to this notice and delineated on a map deposited at the Secretariat, Thatcher Drive, Stanley, Falkland Islands, and at the Department of Mineral Resources, Ross Road, Stanley, Falkland Islands.

Notes of Guidance for applicants, which contain information relating to the making of applications, on the materials with which applicants may support their applications, and on the procedure for consideration of applications, may be obtained from the Department of Mineral Resources at the above address.

Dated 8 April 2008

A. E. HUCKLE,
Governor.

Schedule

The blocks and part block in respect of which applications are invited are:-

<u>Quadrant</u>	<u>Blocks/Part Block</u>
25	7, 8, 9, 12, 13, 14b, 17, 18.

Block and part block co-ordinates are available from the Department of Mineral Resources at the above address, or by telephone (+500 27322) fax (+500 27321) or email (prcndell@mineralresources.gov.fk).



THE FALKLAND ISLANDS GAZETTE

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30 April 2008

No. 6

Appointments

Zulema Del Carmen Vasquez, General Assistant, Health and Social Services Department, 31.03.08.

Barbara June Besley-Clark, Stores/Handyperson, Property and Municipal Section, Public Works Department, 01.04.08.

Susan Ann Hanse, Learning Support Assistant, Education Department, 01.04.08.

Completion of Contract

Donna Marie Doyle, Speech and Language Therapist, Health and Social Services Department, 14.04.08.

Simone Peta West, Senior Staff Nurse, Health and Social Services Department, 17.04.08.

Anna Schuhbauer, Fisheries Observer, Fisheries Department, 18.04.08.

Phillip Sean Kelly, Staff Nurse, Health and Social Services Department, 22.04.08.

Renewal of Contract

Phillip Sean Kelly, Staff Nurse, Health and Social Services Department, 23.04.08.

Determination of Appointment

Alan Patrick Francis, Handyman, Property and Municipal Section, Public Works Department, 11.04.08.

Resignation

Helga Lucie Burroughs, Personal Assistant, Treasury, 04.04.08.

Paul Alan Joshua, Tyre Fitter, Plant and Vehicle Section, Public Works Department, 18.04.08.

Thomas Frederick Chater, Pilot, Falkland Islands Government Air Service, 25.04.08.

Georgina Rose McKay, Receptionist, Leisure Centre, 28.04.08.

Retirement

Sandra Leigh Picone, Teacher, Education Department, 31.03.08.

Transfer

Elizabeth Jayne Reid, from Police Constable, Royal Falkland Islands Police to Legal Secretary, Attorney General's Chambers, 25.03.08.

Margaret Orlanda Butler, from Legal Secretary, Attorney General's Chambers, to Personal Assistant, Treasury, 01.04.08.

NOTICES

No. 25 17 April 2008

Index of Retail Prices

The calculation of the Index for the quarter ended 31 March 2008 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
30.06.07	124.75	1.291	0.394
30.09.07	126.10	1.432	1.082
31.12.07	129.16	3.868	2.427
31.03.08	130.23	4.804	0.828

Dated 17 April 2008

L. LYSE,
for Financial Secretary.

No. 26 28 April 2008

Application for Naturalisation

Notice is hereby given that **Ricardo Esteban LEYTON CALDERON, Claudia Alejandra QUIROGA BLANCO and Nigel Ian BISHOP** are applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 May 2008.

Dated 28 April 2008

C. W. REEVES,
Immigration Officer.

No. 27 28 April 2008

Application for Falkland Islands Status

Notice is hereby given that **Nigel Ian BISHOP and Hannah Rachael ARTHUR-ALMOND** have applied through the Principal Immigration Officer to be granted Falkland Islands Status by the Governor. Any person who knows of any reason why Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 May 2008.

Dated 28 April 2008

C. W. REEVES,
Immigration Officer.

No. 28 28 April 2008

Notice of Approved Immigration Applications

It is notified for general information that the following immigration applications were approved by the Governor in Executive Council on 24 April 2008:

Falkland Islands Status
Arlene Elizabeth BOWERS
Elizabeth Eleanor NEWTON

Dated 28 April 2008

P. T. KING,
Principal Immigration Officer.



**THE
FALKLAND ISLANDS GAZETTE
Extraordinary**

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No. 7

The following are published in this Extraordinary Gazette —

**Register of Electors for Camp Constituency; and
Register of Electors for Stanley Constituency.**

Register of Electors for Camp Constituency at 1 May 2008

000001	Aguila Aguilar	Jeanette del Carmen	Goose Green, E.F.I
000002	Alazia	George Robert	Hope Cottage, E.F.I
000003	Alazia	Hazel	San Carlos, E.F.I
000004	Alazia	Keith	Goose Green, E.F.I
000005	Alazia	Mandy Gwyneth	Port Edgar Farm, W.F.I
000006	Alazia	Michael Robert	Port Edgar Farm, W.F.I
000007	Aldridge	Brian George	Goose Green, E.F.I
000008	Aldridge	Diana Mary	Goose Green, E.F.I
000009	Aldridge	Olive Elizabeth	Hill Cove, W.F.I
000010	Anderson	Rupert William	Port Howard, W.F.I
000011	Anderson Smith	Georgina Carol	Smylies Farm, E.F.I
000012	Ashworth	Glennis	Riverside Farm, E.F.I
000013	Ashworth	Iain	Riverside Farm, E.F.I
000014	Ashworth	Malcolm	Riverside Farm, E.F.I
000015	Bagley	Darren Clive	Riverview Farm, E.F.I
000016	Bagley	Jacqueline Elizabeth	Riverview Farm, E.F.I
000017	Barrientos	Jose Sixto Ruiz	North Arm, E.F.I
000018	Beattie	Ian Robert Ewen	North Arm, E.F.I
000019	Bendyshe Pitaluga	Antoinette Margaretha M	Salvador, E.F.I
000020	Berntsen	Arina Janis	Pebble Island, W.F.I
000021	Berntsen	Benjamin John	Elephant Beach, E.F.I
000022	Berntsen	Pamela Margaret	Albemarle Station, W.F.I
000023	Berntsen	Sarah Jane	Albemarle Station, W.F.I
000024	Betts	Bernard Keith	Boundary Farm, W.F.I
000025	Betts	Diane Joan	Boundary Farm, W.F.I
000026	Betts	Irene Marion	Boundary Farm, W.F.I
000027	Binnie	Horace James	Fox Bay Village, W.F.I
000028	Bonner	Katie Jean	Port Howard, W.F.I
000029	Bonner	Simon	Port Howard, W.F.I
000030	Bonner	Susan Anne	Port Howard, W.F.I
000031	Butler	Charmaine Sarah	Fitzroy, E.F.I
000032	Chater	Anthony Richard	New Island, W.F.I
000033	Chater	Kim Andrea	New Island, W.F.I
000034	Clark	Frederick Thomas	Hawkbit, Fitzroy, E.F.I
000035	Clarke	Alan Neil	Port Howard, W.F.I
000036	Clarke	Jan Michael	Lorenzo Farm, E.F.I
000037	Clarke	Jeanette	West Point Island W.F.I
000038	Clarke	Michael Jan	West Point Island W.F.I
000039	Clarke	Shane Adrian	Bleaker Island, E.F.I
000040	Clausen	Denzil	Weddell Island, W.F.I
000041	Clausen	Henry Edward	Port Louis, E.F.I
000042	Clausen	Sophie Marina	1 Fitzroy Farm, E.F.I
000043	Clifton	Leonard	Walker Creek, E.F.I
000044	Clifton	Thora Janeene	Walker Creek, E.F.I
000045	Cockwell	Benjamin William	Fox Bay Village, W.F.I
000046	Cockwell	Clare Marie	Fox Bay Village, W.F.I
000047	Cockwell	Grizelda Susan	Fox Bay Village, W.F.I
000048	Davis	Aase	Evelyn Station, E.F.I
000049	Davis	Doreen Susan	Berkeley Sound Farm E.F.I
000050	Davis	Ian John	Berkeley Sound Farm E.F.I
000051	Davis	Nicholas	Berkeley Sound Farm E.F.I
000052	Davis	Reginald John	Evelyn Station, E.F.I

000053	Decroliere	Carrie Madeline Helen	Fox Bay Village, W.F.I
000054	Decroliere	Eric Ernest Albert	Fox Bay Village, W.F.I
000055	Dickson	Charles George	Brookfield, E.F.I
000056	Dickson	Doreen	Wreck Point E.F.I
000057	Dickson	Gerald William	Wreck Point, E.F.I
000058	Dickson	Steven Charles	North Arm E.F.I
000059	Donnelly	Daniel	Crooked Inlet, W.F.I
000060	Donnelly	Joyce Elizabeth	Crooked Inlet, W.F.I
000061	Dunford	David Philip	Saddle Farm, W.F.I
000062	Eagle	Alan William	Fitzroy Farm, E.F.I
000063	Edwards	Norma	Lake Sulivan, W.F.I
000064	Edwards	Rebecca Elizabeth	Port Howard Farm W F I
000065	Edwards	Roger Anthony	Lake Sulivan, W.F.I
000066	Evans	Donna Newell	South Harbour, W.F.I
000067	Evans	Michael David	South Harbour, W.F.I
000068	Evans	Raymond	Pebble Island, W.F.I
000069	Evans	Richard Gregory	Doyle Farm E.F.I
000070	Evans	Russell	Pebble Island, W.F.I
000071	Evans	Tracy	Pebble Island W.F.I
000072	Fiddes	Julia Bertrand	Goose Green, E.F.I
000073	Finlayson	Neil Roderick	North Arm, E.F.I
000074	Forster	Gwyneth May	Bold Cove, W.F.I
000075	Forster	James	Bold Cove, W,F,I
000076	Gilding	Melanie Carol	Port Louis, E.F.I
000077	Gilding	Peter Bernard	Port Louis, E.F.I
000078	Giles	Gilbert	Chartres
000079	Gleadell	Marklin John	Walker Creek, E.F.I
000080	Goodwin	Margo Jane	North Arm, E.F.I
000081	Goodwin	Neil Alexander William	North Arm, E.F.I
000082	Goss	Margaret Rose	Horseshoe Bay, E.F.I
000083	Goss	Peter	Horseshoe Bay, E.F.I
000084	Greenland	Bonita Doreen	Darwin House, E.F.I
000085	Greenland	Kenneth David	Darwin House, E.F.I
000086	Grierson	Hew McInnes	Blue Beach San Carlos EFI
000087	Grimmer	Keith	The Dunes Fitzroy River
000088	Grimmer	Marilyn	The Dunes Fitzroy River
000089	Halford	Rodney John	Casa Verde San Carlos
000090	Halford	Sara Jayne	Casa Verde San Carlos
000091	Halford	Sharon	Casa Verde San Carlos
000092	Halliday	Joyce Isabella Patience	Fox Bay Village, W.F.I
000093	Halliday	Kenneth William	Fox Bay Village, W.F.I
000094	Hansen	Ian	Main Point, W.F.I
000095	Hansen	Lionel Raymond	Hill Cove, W.F.I
000096	Hansen	Rose Idina	Hill Cove, W.F.I
000097	Hansen	Susan Ann	Main Point, W.F.I
000098	Harvey	Jen	Hill Cove, W.F.I
000099	Harvey	Valerie Ann	Hill Cove, W.F.I
000100	Hawksworth	David	8 Ridge Camp, MPA Road
000101	Heathman	Ailsa	Estancia, E.F.I
000102	Heathman	Ewart Tony	Estancia, E.F.I
000103	Hewitt	Sara Marie	Home Farm Douglas EFI
000104	Hill	Jennifer Eileen	Stoney Ridge, W.F.I
000105	Hirtle	Anthony	Peaks Farm, W.F.I
000106	Hirtle	Doris Linda	Port Howard, W.F.I

000107	Hirtle	Odette Susan	Port Howard, W.F.I
000108	Hirtle	Samantha Lee	Peaks Farm, W.F.I
000109	Hirtle	Susan Mary	Peaks Farm, W.F.I
000110	Hobman	Anola Zoey	Port Howard, W.F.I
000111	Hobman	David Gonsalo	Chartres, W.F.I
000112	Hobman	John Malcolm	Saladero, E.F.I
000113	Hobman	Juan Jose Eleuterio	Chartres W.F.I
000114	Hobman	Vivien	Saladero, E.F.I
000115	Jaffray	Alexander	Lively Island, E.F.I
000116	Jaffray	Eileen	North Arm, E.F.I
000117	Jaffray	Elliott Jessie	Lively Island, E.F.I
000118	Jaffray	Ian	North Arm, E.F.I
000119	Jennings	Jacqueline	Pebble Island, W.F.I
000120	Jones	John Hugh	Race Point Farm, E.F.I
000121	Jones	Michael David	Head Of Bay, E.F.I
000122	Jones	Michelle	Race Point Farm, E.F.I
000123	Jones	Sheila Janice	Head Of Bay, E.F.I
000124	Knight	Justin Robert Campbell	Coast Ridge, W.F.I
000125	Knight	Keith Andrew	Coast Ridge, W.F.I
000126	Knight	Nigel Arthur	Coast Ridge, W.F.I
000127	Knight	Shirley Louvain Patricia	Coast Ridge, W.F.I
000128	Larsen	Ronald Ivan	Speedwell Island, E.F.I
000129	Larsen	Yvonne	Speedwell Island, E.F.I
000130	Lee	Christopher	Port Howard, W.F.I
000131	Lee	Elizabeth	Goose Green, E.F.I
000132	Lee	John Alfred	Goose Green, E.F.I
000133	Lee	Mervyn Richard	North Arm E.F.I
000134	Lee	Myles	Port Howard W.F.I
000135	Leo	Brenda May	NAAFI, MPA, E.F.I
000136	Livermore	Anton	11 Fitzroy Farm, E.F.I
000137	Livermore	Darren	Fitzroy Farm, E.F.I
000138	Livermore	Kirsty Nicole	11 Fitzroy Farm, E.F.I
000139	Lloyd	Melvyn John	Point View Goose Green
000140	Lloyd	Valerie Ann	Point View Goose Green
000141	Lowe	Adrian Stewart	Murrel Farm, E.F.I
000142	Lowe	Lisa Helen	Murrel Farm, E.F.I
000143	Lowe	Susan Elizabeth	Port Howard Lodge WFI
000144	Luxton	Jennifer Mary	Sealion Island, E.F.I
000145	Luxton	William Robert	Chartres, W.F.I
000146	Marsh	Alastair Roy	Shallow Harbour, W.F.I
000147	Marsh	Anna Dierdre	Fox Bay, W.F.I
000148	Marsh	Gavin Nicholas	Fox Bay, W.F.I
000149	Marsh	Helen Rose	Rincon Ridge, W.F.I
000150	Marsh	June Helen	Rincon Ridge, W.F.I
000151	Marsh	Kevin Roy	Shallow Harbour, W.F.I
000152	Marsh	Leon Peter	Rincon Ridge, W.F.I
000153	Marsh	Marlane Rose	Shallow Harbour, WFI
000154	Marsh	Patricia Ann	Lakelands, W.F.I
000155	Marsh	Robin Frank	Lakelands, W.F.I
000156	May	Christopher Raymond	George Island, E.F.I
000157	McCormick	Pauline Margaret Ruth	North Arm, E.F.I
000158	McGhie	James	Stoney Ridge, W.F.I
000159	McGhie	Jodie Kim	Port North, W.F.I
000160	McGhie	Roy	Port North, W.F.I

000161	McGhie	Thomas Forsyth	Saunders Island, W.F.I
000162	McGill	Lorraine Iris	Carcass Island, W.F.I
000163	McGill	Robin Perry	Carcass Island, W.F.I
000164	McKay	Fraser Roderick	Teal River, W.F.I
000165	McKay	Isabella Alice	Hill Cove, W.F.I
000166	McKay	Josephine Ann	Sheffield Farm, W.F.I
000167	McKay	Kenneth Andrew	Sheffield Farm, W.F.I
000168	McKay	Penelope Rose	Chartres W.F.I
000169	McLeod	Albert John	Goose Green, E.F.I
000170	McLeod	Henry Donald Alexander	Goose Green E.F.I
000171	McLeod	Isabella Frances Diana	Fitzroy E.F.I
000172	McLeod	Sarah Rose	Goose Green, E.F.I
000173	McPhee	June Iris	Brookfield, E.F.I
000174	McPhee	Kenneth John	Brookfield, E.F.I
000175	McPhee	Mark	Brookfield, E.F.I
000176	McPhee	Sheila Margaret	Kingsford Valley Farm EF I
000177	McPhee	Terence Owen	Kingsford Valley Farm EFI
000178	McPhee	Trudi Lynette	Brookfield, E.F.I
000179	Miller	Betty Larsen	North Arm E.F.I
000180	Miller	Catherine McLeod	Fox Bay Village, W.F.I
000181	Miller	James Albert	Fox Bay Village, W.F.I
000182	Miller	Philip Charles	Cape Dolphin, E.F.I
000183	Miller	Sheena Melanie	Cape Dolphin, E.F.I
000184	Minnell	Donna Marie	Moss Side, E.F.I
000185	Minnell	Michael Robert	Moss Side, E.F.I
000186	Morrison	Gerald	Goose Green, E.F.I
000187	Morrison	John	Port Howard, W.F.I
000188	Morrison	Kathleen Iris	Goose Green, E.F.I
000189	Morrison	Lena	Port Howard, W.F.I
000190	Morrison	Leslie Theodore Norman	Port Howard, W.F.I
000191	Murphy	Roy David	Port Howard, W.F.I
000192	Napier	Lily	West Point Island W.F.I
000193	Napier	Roderick Bertrand	West Point Island, W.F.I
000194	Newman	Glynnis Karen	Goose Green E.F.I
000195	Nightingale	Charlene	West Lagoons, W.F.I
000196	Nightingale	Peter Richard	West Lagoons, W.F.I
000197	Norman	Heather Thelma	House 2 North Arm E.F.I
000198	Peck	Davina Margaret	Shallow Bay, W.F.I
000199	Peck	Paul	Shallow Bay, W.F.I
000200	Phillips	Carol Joan	Hope Cottage, E.F.I
000201	Phillips	Terence	Hope Cottage, E.F.I
000202	Pitaluga	Jene Ellen	Gibraltar Station, E.F.I
000203	Pitaluga	Nicholas Alexander Robinson	Salvador, E.F.I
000204	Pitaluga	Robin Andreas McIntosh	Gibraltar Station, E.F.I
000205	Pole-Evans	Anthony Reginald	Saunders Island, W.F.I
000206	Pole-Evans	David Llewellyn	Saunders Island, W.F.I
000207	Pole-Evans	Louise Suzan	Lorenzo Farm, E.F.I
000208	Pole-Evans	Shirley Helen	Manybranch, W.F.I
000209	Pole-Evans	Suzan	Saunders Island, W.F.I
000210	Pole-Evans	William Reginald	Manybranch, W.F.I
000211	Poncet	Dion Michael	Beaver Island, W.F.I
000212	Poncet	Jerome Pierre	Beaver Island, W.F.I
000213	Poncet	Leiv Sigismund	Beaver Island, W.F.I
000214	Porter	Joan	Shallow Harbour, WFI

000215	Reeves	Ronald James	Port Howard, W.F.I
000216	Reid	Emily Margaret	North Arm, E.F.I
000217	Robertson	Ann	Port Stephens, W.F.I
000218	Robertson	Paul Jonathan	Port Stephens, W.F.I
000219	Robertson	Peter Charles	Port Stephens, W.F.I
000220	Saunders	Felicity Joan Carlie	Hawkbit, Fitzroy E.F.I
000221	Shepherd	Colin David	Goose Green, E.F.I
000222	Short	Andrez Peter	Swan Inlet, E.F.I
000223	Short	Elaine Elizabeth	Bleaker Island, E.F.I
000224	Short	John Mark	Port Howard, W.F.I
000225	Short	Lindsay Marie	Wineglass Station, E.F.I
000226	Short	Robert Charles	Bleaker Island, E.F.I
000227	Short	Robert George	Wineglass Station E.F.I
000228	Sinclair	Serena Samantha	Doyle Farm E.F.I
000229	Sinclair	Simon Keith	19 Goose Green, E.F.I
000230	Smith	Andrew John	Port San Carlos, E.F.I
000231	Smith	Elenore Olive	Johnsons Harbour, E.F.I
000232	Smith	Osmund Raymond	Johnsons Harbour E F I
000233	Smith	Susan	Blue Beach, E.F.I
000234	Smith	Terence George	North Arm, E.F.I
000235	Steen	Gail	Paragon House Lafonia E.F.I
000236	Steen	Vernon Robert	Paragon House Lafonia E.F.I
000237	Stevens	Caris Kirsten	Port Sussex, E.F.I
000238	Stevens	Liam Bodie	Port Sussex, E.F.I
000239	Stevens	Richard James	Port Sussex, E.F.I
000240	Stevens	Toni Donna	Port Sussex, E.F.I
000241	Street	David Charles	Plot 13A Fitzroy Ridge EFI
000242	Street	Edith Mary	Plot 13A Fitzroy Ridge EFI
000243	Taylor	Christopher John	19 Goose Green, E.F.I
000244	Tellez	Rodolfo	Walker Creek, E.F.I
000245	Thorsen	Gloria Penelope	Teal Inlet, E.F.I
000246	Thorsen	Kristiane Annergret Helena	Teal Inlet E.F.I
000247	Towersey	Diane	Port Stephens, W.F.I
000248	Turner	Arthur Leonard Pitaluga	Rincon Grande, E.F.I
000249	Turner	Elaine Ellen	Rincon Grande, E.F.I
000250	Tuson	Olwyn Carol	Saunders Island, W.F.I
000251	Velasquez	Arleen	North Arm, E.F.I
000252	Velasquez	Evan Oscar	North Arm E.F.I
000253	Velasquez	Oscar Hernan	North Arm, E.F.I
000254	Watson	Glenda Joyce	Long Island, E.F.I
000255	Watson	Neil	Long Island, E.F.I
000256	White	Allan Paul George	Pebble Island, W.F.I
000257	Whitney	Daneila Grace	Mount Kent Farm, E.F.I
000258	Whitney	Dennis	Fitzroy, E.F.I
000259	Whitney	Keith	Home Farm, E.F.I
000260	Whitney	Patrick George	Mount Kent Farm, E.F.I
000261	Whitney	Tyrone	Home Farm, E.F.I
000262	Wilkinson	David Clive Walter	Dunnose Head, W.F.I
000263	Wilkinson	Rosemary	Dunnose Head, W.F.I
000264	Williams	Gillian Carol	Hope Cottage Farm, E.F.I
000265	Williams	John Edward	Hope Cottage Farm, E.F.I

Register of Electors for Stanley Constituency at 1 May 2008

000001	Adams	John Harvey	21 Ross Road East
000002	Adams	Marjorie Rose	21 Ross Road East
000003	Adeoye	Anneliese Rose	25 Shackleton Drive
000004	Alazia	Andrew	36 Callaghan Road
000005	Alazia	Anita Jayne	29 Brandon Road
000006	Alazia	Freda	22 Fitzroy Road
000007	Alazia	Freda Evelyn	17 Jersey Road
000008	Alazia	James Andrew	22 Fitzroy Road
000009	Alazia	Jason Neville	1a Brandon Road
000010	Alazia	Maggie Ann	6 John Street
000011	Alazia	Sandra Marie	36 Callaghan Road
000012	Alazia	Yvonne	Flat4 1A Moody Sreet
000013	Alazia-McLaughlin	Colleen	3 Narrows View
000014	Aldridge	Caroline Mary	2 McKay Close
000015	Aldridge	Kenneth John	2 McKay Close
000016	Aldridge	Nina Ann	13 Hansen Hill
000017	Aldridge	Stephen John	13 Hansen Hill
000018	Allan	John	39 Ross Road
000019	Allan	Joyce Ena	39 Ross Road
000020	Allan	Michael Charles	3 Philomel Place
000021	Allan	Sarah Louise	3 Philomel Place
000022	Almonacid	Orlando	1 Villiers Sreet
000023	Almond	Adrian Arthur James	4 Allardyce Street
000024	Anderson	Carol Anne	22 Endurance Avenue
000025	Anderson	Claudette	1 Goss Road
000026	Anderson	Eddie	22 Endurance Avenue
000027	Anderson	Elizabeth Nellie	42 Davis Street
000028	Anderson	Jamie Falkland	18 Murray Heights
000029	Anderson	Jenny	8 Goss Road
000030	Anderson	Lynda June	6b St Mary's Walk
000031	Anderson	Margaret Kathleen	18 Murray Heights
000032	Anderson	Mildred Nessie	8b St Marys Walk
000033	Anderson	Paul James	9 Fieldhouse Close
000034	Anderson	Reginald Stanford	18 Murray Heights
000035	Anderson	Richard Louis	88 Davis Street
000036	Anderson	Tony James	8 Goss Road
000037	Anderson	Tony James	2 'H' Jones Road
000038	Anderson	William John Stanley	6b St Mary's Walk
000039	Anthony	Enid Elizabeth	6 Dairy Paddock Road
000040	Anthony	Geraldine Sylvia	FIGO
000041	Appleby	Amelia	3 Watson Way
000042	Arkipkin	Alexander Ivanovich	27 Goss Road
000043	Armstrong Ford	Karen Jane	2 Sullivan Street
000044	Arthur-Almond	Daphne Margaret	4 Allardyce Street
000045	Bahamonde Salazar	Luis Alberto	Flat 2 Hebe Street
000046	Baker	Alison Margaret	12 Endurance Avenue
000047	Barker	Jane Elizabeth Diana	5 Pitaluga Place
000048	Barker	Philip Craig	5 Pitaluga Place
000049	Barkman	Kirsty Michelle	16 Fieldhouse Close
000050	Barkman	Teslyn Siobahn	16 Fieldhouse Close
000051	Barlow	Andrea Joanna Ampuero	4 Rowlands Rise
000052	Barlow	Martyn Liam	4 Rowlands Rise

000053	Barnes	Anya Deirdre	2 Watson Way
000054	Barnes	Dierdre	8 Discovery Close
000055	Barnes	Karen Rose	26 Ross Road West
000056	Barnes	Marlene Estela	2a Brisbane Road
000057	Barnes	Marshall	8 Discovery Close
000058	Barnes	Paul	26 Ross Road West
000059	Barton	Alison Mary	6 Villiers Street
000060	Barton	Arthur John	6 Villiers Street
000061	Bates	Barbara	8 Watson Way
000062	Bates	James William	8 Watson Way
000063	Beckett	Vivien Delia	2 Discovery Close
000064	Bedford	Kita Muriel	13 Jersey Road
000065	Benjamin	Anita Helen	11 Biggs Road
000066	Benjamin	Robin Eric	19 Goss Road
000067	Benjamin	Sheena Marie	No 1 Church House Flats
000068	Berntsen	Cecilia Del Rosario	14 St Marys Walk
000069	Berntsen	Christian Olaf Alexander	15a James Street
000070	Berntsen	Falkland	10 Fitzroy Road
000071	Berntsen	Gene Stanley	8 Fieldhouse Close
000072	Berntsen	Iain Kenneth	2 Dean Street
000073	Berntsen	John Alexander	7 Jeremy Moore Avenue Flat
000074	Berntsen	Kenneth Frederick	1 Racecourse Road East
000075	Berntsen	Matthew John	6 Pioneer Row
000076	Berntsen	Olaf Christian Alexander	35 Eliza Crescent
000077	Berntsen	Patrick	10 A James Street
000078	Berntsen	Rachel Ena	15a James Street
000079	Berntsen	Saphena Anya Jane	8 Jersey Road
000080	Berntsen	Trevor John	6 McKay Close
000081	Berntsen	Valdamar Lars	14 St. Marys Walk
000082	Besley-Clark	Barbara June	16 Ross Road West
000083	Besley-Clark	Norman	16 Ross Road West
000084	Betts	Arlette	Lafone House Ross Road East
000085	Betts	Daniel William	7 Jeremy Moore Avenue
000086	Betts	Donald William	7 Jeremy Moore Avenue
000087	Betts	Ellen Alma	K E M H
000088	Betts	George Winston Charles	35 Ross Road West
000089	Betts	Ian	1 Villiers Street
000090	Betts	Lucia Elizabeth	35 Ross Road West
000091	Betts	Michael George	35 Ross Road West
000092	Betts	Owen	14 Fieldhouse Close
000093	Betts	Peter James	50a Davis Street
000094	Betts	Priscilla Violet Morrison	14 Fieldhouse Close
000095	Betts	Severine	19 Scoresby Close
000096	Betts	Shirley Rose	7 Jeremy Moore Avenue
000097	Betts	Stephen	7 Jeremy Moore Avenue
000098	Betts	Tyrone Trevor	7 Short Street
000099	Biggs	Ailie Christine	16 Endurance Avenue
000100	Biggs	Alastair Gordon	Trehayle 50 John Street
000101	Biggs	Althea Maria	3 Dairy Paddock Road
000102	Biggs	Betty Josephine	9 Moody Street
000103	Biggs	Christopher David	40 Ross Road
000104	Biggs	Coleen Margot	9 Moody Street
000105	Biggs	Daniel Craig	16 Endurance Avenue
000106	Biggs	Edith Joan	Trehayle 50 John Street

000107	Biggs	Frances	16 Endurance Avenue
000108	Biggs	Kyle Alexander	16 Endurance Avenue
000109	Biggs	Leslie Frederick	3 Dairy Paddock Road
000110	Biggs	Marian June	30 Ross Road East
000111	Biggs	Michael Elfed	21 Fitzroy Road
000112	Biggs	Patrick	30 Ross Road East
000113	Biggs	Peter Julian Basil	16 Endurance Avenue
000114	Biggs	Richard John	30 Ross Road East
000115	Biles	Kathleen Anne	14 Kent Road
000116	Biles	Keith Robert	14 Kent Road
000117	Binnie	Linda Rose	6 Fieldhouse Close
000118	Binnie	Ronald Eric	6 Fieldhouse Close
000119	Binnie	Susan	3 Brandon Road
000120	Birmingham	Alexandra Sally	4 Drury Street
000121	Birmingham	John	4 Drury Street
000122	Bishop	Corina Rose	7 Eliza Crescent
000123	Bishop	Nigel Ian	7 Eliza Crescent
000124	Blackley	Candy Joy	4 Barrack Street
000125	Blackley	Maurice	The Lodge Market Garden
000126	Blackley	Shane David	4 Barrack Street
000127	Blake	Alexander Charles	38 Eliza Crescent
000128	Blake	Anthony Thomas	14 Watson Way
000129	Blake	Larissa Celly	12 Ross Road West
000130	Blake	Lionel Geoffrey	1 Ross Road
000131	Blake	Sally Gwynfa	1 Ross Road
000132	Blake	Thomas Patrick	12 Ross Road West
000133	Blizard	Malvina Mary	51 Fitzroy Road
000134	Blyth	Paz Neri	4 a Jeremy Moore Avenue
000135	Bolt	Dennis John	4 Watson Way
000136	Bonner	Alan Paul	8 Pioneer Row
000137	Bonner	Avril Margaret Rose	4 Felton Court
000138	Bonner	Donald William	Chaffeurs Cottage
000139	Bonner	Ewan Shane	28 Jersey Road
000140	Bonner	Hayley Trina	41 Ross Road West
000141	Bonner	Keith James	4 Felton Court
000142	Bonner	Linda Jane	4A Ross Road West
000143	Bonner	Lindsay Jane	6 Ian Campbell Drive
000144	Bonner	Nicholas	4A Ross Road West
000145	Bonner	Paul Roderick	5 John Street
000146	Bonner	Richard James	8 Murray Heights
000147	Bonner	Stevie Coppell	Whyteways James Street
000148	Bonner	Timothy	41 Ross Road West
000149	Bonner	Vera Ann	5 John Street
000150	Bonner	Vera Joan	Chaffeurs Cottage
000151	Booth	Jessie	Racecourse Cottage
000152	Booth	Myriam Margaret Lucia	7 Philomel Street
000153	Booth	Stuart Alfred	Racecourse Cottage
000154	Bound	Joan	10 Barrack Street
000155	Bowles	Norma Evangeline	1A Villiers Street
000156	Bowles	Sarah	9 Drury Street
000157	Bowles	William Edward	1A Villiers Street
000158	Bowles	William George Troyd	9 Drury Street
000159	Bragger	Edward Laurence	14 Jeremy Moore Avenue
000160	Bragger	Stacey John	14 Jeremy Moore Avenue

000161	Brickle	Paul	32 Fitzroy Road
000162	Brock	Juanita Lois	20 Drury Street
000163	Brooks	Cheryl Rose	25 Callaghan Road
000164	Brooks	Peter William	25 Callaghan Road
000165	Brown	Dinah May	Colonia Cottage 34 John St
000166	Browning	Edwina	96 Davis Street
000167	Browning	Gavin	Lookout Lodge
000168	Browning	Henry Stanbury	Lookout Lodge
000169	Browning	Joan Lucy Ann	5 Villiers Street
000170	Browning	Nathan David	3 Dairy Paddock Road
000171	Browning	Rex	35 Davis Street
000172	Browning	Richard William	96 Davis Street
000173	Browning	Trevor Osneth	5 Villiers Street
000174	Brownlee	Andrew Samuel	19 Ross Road East
000175	Brownlee	Lynn Frances	19 Ross Road East
000176	Brownlee	Michael Stewart	19 Ross Road East
000177	Brownlee	Samantha Louise	19 Ross Road East
000178	Buckett	Ronald Peter	49 Fitzroy Road
000179	Buckett	Roy Peter	Lookout Lodge
000180	Buckett	Susan Vera	Mullet Creek, E.F.I
000181	Buckland	Carole Lynda Jane	3 Davis Street West
000182	Buckland	Darlene Joanna	5 James Street
000183	Buckley-Whitney	Helena Jane	2 Pioneer Row
000184	Budd	Dennis Raymond	5 Ian Campbell Drive
000185	Budd	Pamela Joan	5 Ian Campbell Drive
000186	Burns	Mary Anne	34 Davis Street
000187	Burston	Catherine	91 Davis Street
000188	Burston	Stephen Leslie	91 Davis Street
000189	Bury	Ian Thomas	63 Davis Street
000190	Butcher	Michael George	3A Dairy Paddock Road
000191	Butcher	Trudi	3A Dairy Paddock Road
000192	Butler	Elsie Maud	10 Thatcher Drive
000193	Butler	George Joseph	1A Moody Street
000194	Butler	Jonathan Jeffers	3 Jeremy Moore Avenue
000195	Butler	Laurence Jonathan	2 Davis Street East
000196	Butler	Margaret Orlanda	5 Short Street
000197	Butler	Orlanda Betty	2 Davis Street East
000198	Buxton	Nicole Gabrielle	9 Ian Campbell Drive
000199	Cameron	Jane Diana Mary Keith	Old Bakery Fitzroy Road
000200	Campos Guala	Jessica Paola	9A Sullivan Street
000201	Cant	Carol Rosina	24 Goss Road
000202	Cant	Christopher David	24 Goss Road
000203	Cant	Martin Ronald	24 Goss Road
000204	Cant	Phillip Martin	24 Goss Road
000205	Cantlie	Derek William	Kent Road
000206	Cantlie	Janet Louise	Kent Road
000207	Carey	Anthony Michael	19 Ross Road West
000208	Carey	Gladys	19 Ross Road West
000209	Carey	Martin Rex	4 Hansen Hill
000210	Carey	Mary Ann Margaret	18 Ross Road West
000211	Carey	Sarah Jane	8 Police Cottages
000212	Carey	Terence James	18 Ross Road West
000213	Cartwright	Stephen	39 Ross Road West
000214	Castle	David Peter	26 John Street

000215	Castle	Isobel	26 John Street
000216	Ceballos	Eulogio Gabriel	28 Endurance Avenue
000217	Ceballos	Isabel	12 Brisbane Road
000218	Ceballos-Anderson	Alastair Jaime	40 Ross Road
000219	Chaloner	Anthony Ross	8 Endurance Avenue
000220	Chaloner	Sheila Catherine	1 Jeremy Moore Avenue
000221	Chapman	Elsie Mary	23 Fitzroy Road
000222	Chapman	Paul	28 Brandon Road
000223	Chapman	Samantha Helen	28 Brandon Road
000224	Chater	Jane	3 Short Street
000225	Chater	Thomas Frederick	3 Short Street
000226	Chater	William John	7 Biggs Road
000227	Cheek	Gerald Winston	9 Biggs Road
000228	Cheek	Janet Lynda	35 Ross Road East
000229	Cheek	Marie	9 Biggs Road
000230	Cheek	Rosalind Catriona	32 Goss Road East
000231	Christie	Darren James	2 Philomel Place
000232	Christie	Phillippa Josephine	2 Philomel Place
000233	Clapp	Kevin Christopher	1 Murray Heights
000234	Clark	Craig Norman Leigh	16 Ross Road West
000235	Clark	Douglas James	112 Davis Street
000236	Clark	Hector	27 Eliza Crescent
000237	Clark	Jonathan Andrew	Flat 10 Jersey Road
000238	Clark	Joyce Kathleen	27 Eliza Crescent
000239	Clarke	Angela Sindy	1B Capricorn Road
000240	Clarke	Angeline Gloria	1 Callaghan Road
000241	Clarke	Anika Doreen	2 Arch Green
000242	Clarke	Camilla Marie	8 Drury Street
000243	Clarke	Christopher	5 Discovery Close
000244	Clarke	David James	17 Ross Road West
000245	Clarke	Derek Simon	23 Jeremy Moore Avenue
000246	Clarke	Doreen	17 Ross Road West
000247	Clarke	Felicity Marie	5 Brandon Road
000248	Clarke	Gwynne Edwina	17 Jeremy Moore Avenue
000249	Clarke	Ian	Lookout Lodge Stanley
000250	Clarke	Isabel Joan	12 Fieldhouse Close
000251	Clarke	James Martin	3 'H' Jones Road
000252	Clarke	Jeremy Ian Thomas	7 Fitzroy Road
000253	Clarke	Joan Patricia Marion	Racecourse Flats
000254	Clarke	Jonathan Terence	3A Fitzroy Road
000255	Clarke	Joseph Gwyn	Lookout Lodge
000256	Clarke	Luke Anthony	22 Jeremy Moore Avenue
000257	Clarke	Margaret Ann	3 H Jones Road
000258	Clarke	Marvin Thomas	7 Fitzroy Road
000259	Clarke	Ronald John	17 Ross Road West
000260	Clarke	Rudy Thomas	8 Drury Street
000261	Clarke	Stephen Boyd	12 Fieldhouse Close
000262	Clarke	Terence John	17 Jeremy Moore Avenue
000263	Clarke	Tracey Clare	23 Jeremy Moore Avenue
000264	Clarke	Trudi Ann	7 Fitzroy Road
000265	Clarke	Violet Rose	8 Ian Campbell Drive
000266	Clasen	Wayne Ian Summers James	17 Davis Street
000267	Clausen	Andrea Patricia	3 St Marys Walk
000268	Clausen	Denzil George Gustavius	3 St Marys Walk

000269	Clausen	Melanie	54 Davis Steet
000270	Claxton	Margaret	28 Ross Road East
000271	Clayton	Brian	Dorada
000272	Clayton	Jade Anne	16 St Mary's Walk
000273	Clement	Gary	9 Snake Street
000274	Clement	Jane	Gift Shop Flat, Villiers St.
000275	Clement	Lee	25 Hansen Hill
000276	Clement	Sara Jane	10 Snake Street
000277	Clement	Wayne	10 Snake Street
000278	Clifford	Cherie Yvonne	30 Davis Street
000279	Clifford	John Owen	30 Davis Street
000280	Clifton	Darwin Lewis	53 Davis Street
000281	Clifton	Marie	10 Police Cottages
000282	Clifton	Melvyn	5 Villiers Street
000283	Clifton	Neil	11 Hansen Hill
000284	Clifton	Stephen Peter	61 Fitzroy Road
000285	Clifton	Terence Charles	3 Ross Road West
000286	Clifton	Teresa Ann	12 Callaghan Road
000287	Clifton	Valerie Ann	61 Fitzroy Road
000288	Cockwell	Jennifer Marie	90 Davis Street
000289	Cockwell	John Richard	14 Ross Road West
000290	Cockwell	Maurice Adam	90 Davis Street
000291	Cockwell	Samuel George	14 Ross Road West
000292	Cofre	Anya Evelyn	37 Eliza Crescent
000293	Cofre	Ashton Laura	28 Ross Road West
000294	Cofre	Elvio Miguel	37 Eliza Crescent
000295	Collins	Brian Richard	41 Davis Street
000296	Collins	Christopher Allan	7 John Street
000297	Collins	Hazel	41 Davis Street
000298	Collins	Steven Paul	7 John Street
000299	Connolly	Kevin Barry	1 King Street
000300	Cotter	Gillian Naomi	9 Jeremy Moore Avenue
000301	Cotter	Jacqueline Ann	13 Murray Heights
000302	Cotter	Mary Jane	9 Jeremy Moore Avenue
000303	Cotter	Timothy Stewart	9 Jeremy Moore Avenue
000304	Courtney	Anthony Clive	30 Goss Road
000305	Courtney	Julie Doris	30 Goss Road
000306	Coutts	Charles Lindsay	33 Ross Road
000307	Coutts	John	36 Ross Road West
000308	Coutts	Marie Anne	36 Ross Road West
000309	Coutts	Olga	33 Ross Road
000310	Crabb	Elizabeth Ann	34A Davis Street
000311	Crowie	Alan John	17 Ian Campbell Drive
000312	Crowie	Ana Bonita	72 Davis Street
000313	Crowie	Chester Robert	35 Callaghan Road
000314	Crowie	Clare Frances	6 Rowlands Rise
000315	Crowie	David Martin	Lookout Lodge
000316	Crowie	David Sean	51 Callaghan Road
000317	Crowie	Michelle	1 Discovery Close
000318	Crowie	Nicola Jane	35 Callaghan Road
000319	Crowie	Peter James	21 Murray Heights
000320	Crowie	Robert John	35 Callaghan Road
000321	Crowie	Roxanne	72 Davis Street
000322	Cruickshank	Alan	6 Fitzroy Road East

000323	Cruickshank	Moira	6 Fitzroy Road East
000324	Curtis	Alfred William Hamilton	6 Brandon Road West
000325	Curtis	Barbara Joan	6 Brandon Road West
000326	Curtis	Bonnie Elizabeth Hamilton	6a Gleadell Close
000327	Curtis	James William Hamilton	6 Ross Road
000328	Davies	Anthony Warren	7 Callaghan Road
000329	Davies	Colin George	15 Ross Road West
000330	Davies	Eileen Wynne	15 Ross Road West
000331	Davies	Jacqueline Nancy	7 Callaghan Road
000332	Davies	Richard Andrew	4 Fitzroy Road East
000333	Davies	Samantha	7 Callaghan Road
000334	Davies	Sarah	4 Fitzroy Road East
000335	Davies	Sian Karen	Felton Stream
000336	Davis	Ellen Rose	6 Biggs Road
000337	Davis	Maurice	39 Davis Street
000338	Davis	Roy George Victor	6 Narrows View
000339	Davis	Stacey Elizabeth	14 Murray Heights
000340	Davis	William James	4 Yates Place
000341	Davis	Yona	40 Ross Road
000342	Davy	Patrick Alex Field	Flat3 3 Jeremy Moore Av
000343	Dent	Janice Vanessa	19 Hansen Hill
000344	Dent	Stephen John	3 Jeremy Moore Avenue
000345	Desborough	Gladys Malvina	14 Allardyce Street
000346	Dickson	Iris	2 Dairy Paddock Road
000347	Dickson	Michael Keith	12 Dairy Paddock Road
000348	Dickson	Ronald Edward	2 Dairy Paddock Road
000349	Diggle	Jean Katherine	12 Jersey Road
000350	Diggle	Roger John	12 Jersey Road
000351	Dobbynys	Kathleen Gay	60 Davis Street
000352	Dodd	Alison	1 Pioneer Row
000353	Dodd	Mark Thomas	1 Pioneer Row
000354	Dodd	Nigel Keith	1 Pioneer Row
000355	Duncan	Doreen	Tenacres
000356	Duvall	Kenneth William	9 Murray Heights
000357	Eagle	Rex Edward	13/14 Eliza Crescent
000358	Earnshaw	Jacqueline Elizabeth	37 Ross Road West
000359	East	Justin Clive Richard	1 Fieldhouse Close
000360	East	Michelle Jane	8 Dairy Paddock Road
000361	Eccles	Bernard Leslie	18 Jeremy Moore Avenue
000362	Eccles	Matthew James	18 Jeremy Moore Avenue
000363	Eccles	Moira Cameron	18 Jeremy Moore Avenue
000364	Edwards	Emma Jane	41 Ross Road East.
000365	Ellick	Joanne Marie	11 McKay Close
000366	Elliot	Elizabeth Rose	15 Callaghan Road
000367	Elliot	Henry James	15 Callaghan Road
000368	Elliot	Samuel Robert	15 Callaghan Road
000369	Ellis	Cyril	24 Ross Road East
000370	Ellis	Lucy	11 James Street
000371	Ellis	Paul	43 John Street
000372	Ellis	Sally Jean	43 John Street
000373	Ellis	Valerie	24 Ross Road East
000374	Elsby	Barry	Moody Brook House
000375	Eriksen	Fiona Alison	5 Racecourse Road
000376	Evans	Michelle Paula	Murray Heights

000377	Evans	Susan Maureen	45 Ross Road East
000378	Ewing	Gordon	4 Jeremy Moore Avenue
000379	Ewing	Irene	4 Jeremy Moore Avenue
000380	Eynon	Carol	8 Villiers Street
000381	Eynon	David John	8 Villiers Street
000382	Faria	Basil Harry	3a Brisbane Road
000383	Faria	Maria Anne	3a Brisbane Road
000384	Faria	Mary Ann	6a St Mary's Walk
000385	Faria	Paul	22 Hansen Hill
000386	Faria	Susana Caroline Berntsen	22 Hansen Hill
000387	Felton	Faith Dilys	41 Callaghan Road
000388	Felton	Sonia Ellen	14 Scoresby Close
000389	Felton	Violet Regina Margaret	German Camp
000390	Felton-Eagle	Trudi Eileen	13/14 Eliza Crescent
000391	Ferguson	Ellen Rose	51 Callaghan Road
000392	Ferguson	Finlay James	51 Callaghan Road
000393	Ferguson	John William	47 Ross Road East
000394	Ferguson	Robert John Andrew	47 Ross Road East
000395	Ferguson	Rose	6 Thatcher Drive
000396	Ferguson	Sian Yvonne	6 Moody Street
000397	Ferguson	Stephanie Janet	47 Ross Road East
000398	Ferguson	Thelma	4a St Mary's Walk
000399	Fiddes	Douglas Graham	29 Davis Street
000400	Fiddes	Gardner Walker	3 Watson Way
000401	Fiddes	Mary McKinnon Livingstone	28 Davis Street
000402	Fiddes	Melody Christine	3 Watson Way
000403	Fiddes	Robert	28 Davis Street
000404	Finlay	Andrew John	7 John Street
000405	Finlay	Shiralee	7 John Street
000406	Finlayson	Iris Heather	3 Capricorn Road
000407	Finlayson	Kimberly Elizabeth	26 Ross Road East
000408	Finlayson	Marc Ian	19 James Street
000409	Finlayson	Marilyn Christine	24 James Street
000410	Finlayson	Peter	24 James Street
000411	Finlayson	Phyllis	6 Brandon Road
000412	Finn	Natalie Anne	12 McKay Close
000413	Fisher-Smith	Julie Anne	8 Fieldhouse Close
000414	Floyd	Amanda Susan	4b Ross Road West
000415	Floyd	Michael	7 Pitaluga Place
000416	Floyd	Michael Anthony	7 Pitaluga Place
000417	Floyd	Steven Paul	26 Hansen Hill
000418	Fogerty	Richard Edwin John	Stone Cottage Airport Road
000419	Ford	Alison Jane Marie	9 Jersey Road
000420	Ford	Arthur Henry	6 Drury Street
000421	Ford	Cara Michelle	5 Philomel Street
000422	Ford	Christopher James	6 Felton Court
000423	Ford	Colin Stewart	15 Kent Road
000424	Ford	Colleen Mary	12 Davis Street
000425	Ford	Daniel Timothy	15 Kent Road
000426	Ford	Darrel Michael	54 Davis Street
000427	Ford	David	3 Beaver Road
000428	Ford	Donna Marie	22 Murray Heights
000429	Ford	Gerard Allan	Flat 1 3 Jeremy Moore Av
000430	Ford	Jonathan	3 Pitaluga Place.

00431	Ford	Julie Ann	3 Pitaluga Place.
000432	Ford	Leann Caroline	15 Kent Road
000433	Ford	Leonard	9 Jersey Road
000434	Ford	Mandy	1 James Street
000435	Ford	Marvyn Neil	26 Shackleton Drive
000436	Ford	Neil Fraser	6 Drury Street
000437	Ford	Paul Edward	2 Sullivan Street
000438	Ford	Simon	1 James Street
000439	Ford	Tanya Louise	24 James Street
000440	Forrest	Jennifer Carol	16 Kent Road
000441	Forrest	Michael John	16 Kent Road
000442	Forster	Amanda	9 Fieldhouse Close
000443	Forster	Lynne	19 Biggs Road
000444	Fowler	Alan Claude	34 Fitzroy Road
000445	Fowler	Daniel Martin	2 Glasgow Road
000446	Fowler	John Andrew Thomas	9 Philomel Street
000447	Fowler	Vanessa Kay	34 Fitzroy Road
000448	Fowler	Veronica Mary	2 Glasgow Road
000449	France	Graham Brian	7 Snake Street
000450	France	Ian Peter	7 Snake Street
000451	France	Jane Aileen Marie	7 Snake Street
000452	Freeman	Carl Francis	10 James Street
000453	Freeman	Dianne May	10 James Street
000454	Freeman	Rachael	Flat 3 6 Jersey Road
000455	Freeman	Tracy	26 Hansen Hill
000456	Freer	Pamela Jane	56 John Street
000457	Freer	Stephen Paul James	56 John Street
000458	French	Breda Marie	33 Eliza Crescent
000459	French	Robert Alan	33 Eliza Crescent
000460	Fullerton	Mary Ellen	1 Yates Place
000461	George	Kevin Charles	26 Ross Road East
000462	Gilbert	Christopher Paul	11 Campbell Drive
000463	Gilbert	Judith Elizabeth	22 Jeremy Moore Avenue
000464	Gilbert	Mark Ian	22 Jeremy Moore Avenue
000465	Gilbert	Neil Robert	22 Jeremy Moore Avenue
000466	Gilbert	Robert Ernest	22 Jeremy Moore Avenue
000467	Gilbert	Sharon	11 Campbell Drive
000468	Giles	Trina Mary Shirlene	Flat 9 6 Jersey Road
000469	Gilson-Clarke	Dustin James	26 Endurance Avenue
000470	Gilson-Clarke	Toni Jane	26 Endurance Avenue
000471	Gisby	Annie	37 Ross Road East
000472	Gleadell	Ian Keith	4 Philomel Place
000473	Goodwin	Bonita Colleen	21 Eliza Crescent
000474	Goodwin	Christopher Sturdee	Lookout Lodge
000475	Goodwin	Colin Valentine	86 Davis Street
000476	Goodwin	Derek Samuel	21 Eliza Crescent
000477	Goodwin	Emily Rose	7 Brisbane Road
000478	Goodwin	Gareth Kevin	15 Hansen Hill
000479	Goodwin	Hazel Rose	7 Thatcher Drive
000480	Goodwin	June Elizabeth	86 Davis Street
000481	Goodwin	Mandy Hazel	31 Ross Road West
000482	Goodwin	Margaret Ann	3 'H' Jones Road
000483	Goodwin	Marie-Bernard Therese	15 Hansen Hill
000484	Goodwin	Rachel Karen	31 Ross Road West

000485	Goodwin	Robin	31 Ross Road West
000486	Goodwin	Robin Christopher	27 Callaghan Road
000487	Goodwin	Simon James	8 Hansen Hill
000488	Goodwin	Una	27 Callaghan Road
000489	Goodwin	William John Maurice	7 Brisbane Road
000490	Gordon	Robert James Alexander	16 Hansen Hill
000491	Goss	Annagret	16 Jeremy Moore Avenue
000492	Goss	Dorothy Ellen	4 Discovery Close
000493	Goss	Eric Miller	2 Fitzroy Road East
000494	Goss	Ian Ernest Earle	98 Davis Street
000495	Goss	Michael Peter	11 Beaver Road
000496	Goss	Morgan Edmund	16 Jeremy Moore Avenue
000497	Goss	Roy Shepherd	8 Police Cottages
000498	Goss	Sandra Kathleen	11 Kent Road
000499	Goss	Shirley Ann	2 Fitzroy Road East
000500	Goss	Simon Peter Miller	11 Kent Road
000501	Goss	Susan Diann	98 Davis Street
000502	Goss	William Henry (jnr)	7 Brandon Road
000503	Gough	Ivan Carl	8 John Street
000504	Gough	Phyllis Candy	8 John Street
000505	Grant	Milly	9 Thatcher Drive
000506	Gray	Patricia May	22 Ross Road West
000507	Green	David William	Lois Cottage John Street
000508	Greenland	James Andrew William	24 Murray Heights
000509	Greenland	Natasha Bonita	Flat 4, 30 Jersey Road
000510	Greenough	Geoffrey	2 Felton Court
000511	Greenough	Wanda Rose	2 Felton Court
000512	Grimmer	Edward	21 Hansen Hill
000513	Hadden	Alexander Burnett	27 Fitzroy Road
000514	Hadden	Sheila Peggy	27 Fitzroy Road
000515	Halliday	Cathy Anne	5 Drury Street
000516	Halliday	Jeffrey James	9a Philomel Place
000517	Halliday	Julie Ann	9a Philomel Street
000518	Halliday	Priscilla Alison	9 Villiers Street
000519	Halliday	Raynor	9 Brisbane Road
000520	Hancox	Emily	5 McKay Close
000521	Hancox	Lynette	Jhelum House, 9 RRW
000522	Hancox	Rachel Mary	5 McKay Close
000523	Hancox	Robert James	Jhelum House 9 RRW
000524	Hansen	Douglas John	6 Fitzroy Road
000525	Hansen	Keva Elizabeth	1 Dairy Paddock Road
000526	Hansen	Terence Joseph	41 Eliza Crescent
000527	Hardcastle	Eileen Beryl	7 Ross Road East
000528	Hardcastle	Simon Brook	7 Ross Road East
000529	Harris	Angela Jane	5a Ross Road East
000530	Harris	Anna Vladimirovna	Lookout Lodge
000531	Harris	Christopher James	5 Ross Road East
000532	Harris	Dennis Sefton	19 Callaghan Road
000533	Harris	Heather	3 Ross Road East
000534	Harris	Jill Yolanda Miller	19 Fitzroy Road
000535	Harris	Karl Henry	5a Ross Road East
000536	Harris	Leeann Watson	10 Dairy Paddock Road
000537	Harris	Leslie Sidney	19 Fitzroy Road
000538	Harris	Michael Ronald	3 Ross Road East

000539	Harris	Ralph Aaron	10 Dairy Paddock Road
000540	Harris	Wendy Ann	19 Callaghan Road
000541	Harvey	Muriel Elizabeth Elsie	2 King Street
000542	Harvey	Sheila	8 Barrack Street
000543	Harvey	William	21 Fitzroy Road
000544	Hawksworth	Christopher	6b Gleadell Close
000545	Hawksworth	Mary Catherine	5A Brisbane Road
000546	Hawksworth	Ryan	7 Discovery Close
000547	Hawksworth	Terence	5A Brisbane Road
000548	Hayward	Marjorie	30 Eliza Cove Road
000549	Hayward	Neville	29 Fitzroy Road
000550	Hayward	Pauline May	29 Fitzroy Road
000551	Hayward	Peter Dennis	30 Eliza Cove Road
000552	Hazell	Lee Felton	7 Rowlands Rise
000553	Heathcock	Andrew James	12 St Mary's Walk
000554	Heathman	Malcolm Keith	15 Eliza Cove Road
000555	Heathman	Mandy Gail	15 Eliza Cove Road
000556	Heathman	Nyree	7 Allardyce Street
000557	Hemming	Graeme John	10 Murray Heights
000558	Henry	Alan Richard	8 Beaver Road
000559	Henry	Patricia Denise	8 Beaver Road
000560	Henry-Roberts	Dominic Patrick Alexander	5 Narrows View
000561	Hernandez Manterola	Miguel Angel	3 Murray Heights
000562	Hernandez Trevello	Maria Elena	3 Murray Heights
000563	Hewitt	Christine Alison Elizabeth	YMCA
000564	Hewitt	Frances Agnes	5 Thatcher Drive
000565	Hewitt	Gary George	3 Hebe Place
000566	Hewitt	Margaret Ann	3 Hebe Place
000567	Hewitt	Robert John David	3 Thatcher Drive
000568	Hewitt	Tara Marie	3 Hebe Place
000569	Hills	Richard William	5 Davis Street
000570	Hirtle	Christine	5 Capricorn Road
000571	Hirtle	Debbie Ann	2b Capricorn Road
000572	Hirtle	Leonard Lloyd	2 Ian Campbell Drive
000573	Hirtle	Michael Barry	2 Ian Campbell Drive
000574	Hirtle	Rose Ann Shirley	4 Villiers Street
000575	Hirtle	Zane Eric	12 Drury Street
000576	Hobman	Anilda Marilu	5 Police Cottages
000577	Hobman	Luis Alfonzo	5 Police Cottages
000578	Howatt	Derek Frank	4 Racecourse Road
000579	Howatt	Suzanna Margaret	4 Racecourse Road
000580	Howe	Adam Marcus Timothy	36 Davis Street
000581	Howe	Alexander Luke Desmond	36 Davis Street
000582	Howe	Alison Delia	36 Davis Street
000583	Howe	Paul Anthony	36 Davis Street
000584	Howe	Thomas Craig Samuel	36 Davis Street
000585	Howells	Anne Stephanie	112a Davis Street
000586	Howells	Roger	112a Davis Street
000587	Hoy	Dawn	2 Dean Street
000588	Humphreys	Bruce Adam	7 Dean Street
000589	Humphreys	Dennis James	7 Dean Street
000590	Humphreys	Hannah Elaine	6a Jeremy Moore Avenue
000591	Humphreys	Margaret Anne	6 Yates Place
000592	Hutton	Elizabeth Isabella	3 John Street

000593	Hutton	Philip	3 John Street
000594	Igao	Alejandro Neri	13 Scoresby Close
000595	Igao	Noel Neri	10 Goss Road
000596	Igao	Pauline Lynx	10 Goss Road
000597	Inglis	Alison Anne MacKenzie	9 Short Street
000598	Irvine	Andrew Grant McKenzie	9 McKay Close
000599	Jackson	Kathleen	23 Fitzroy Road
000600	Jackson	Malcolm	23 Fitzroy Road
000601	Jackson	Mark Malcolm	5 Drury Street
000602	Jacobsen	Alistair	1A Philomel Street
000603	Jacobsen	Catherine Joan	1A Philomel Street
000604	Jacobsen	Cathy	8 Fitzroy Road
000605	Jacobsen	Tanzi	14 Scoresby Close
000606	Jaffray	Arlette Sharon	7 Jersey Road
000607	Jaffray	Ashley Dereck	24 Endurance Avenue
000608	Jaffray	Catriona Mhari	24 Hansen Hill
000609	Jaffray	Derek Charles	2 Arch Green
000610	Jaffray	Elaine Michele	8 Discovery Close
000611	Jaffray	Estelle Anita	11 Snake Street
000612	Jaffray	Eva Lynn	47 Callaghan Road
000613	Jaffray	Frank Alexander	1 Gleadell Close
000614	Jaffray	Gerard Alan	47 Callaghan Road
000615	Jaffray	Helen Rose	84 Davis Street
000616	Jaffray	Jacqueline Ann	17 Watson Way
000617	Jaffray	Janet	3 Fitzroy Road East
000618	Jaffray	John	3 Fitzroy Road East
000619	Jaffray	John Summers	84A Davis Street
000620	Jaffray	John Willie	21 Watson Way
000621	Jaffray	June Elizabeth	17 Ross Road East
000622	Jaffray	Kenneth Ian	7 Jersey Road
000623	Jaffray	Lisa Jane	5 Hebe Street
000624	Jaffray	Phyllis	21 Watson Way
000625	Jaffray	Shaun Melvin	24 Endurance Avenue
000626	Jaffray	Stephen James	5 James Street
000627	Jaffray	Tanya Fiona	5 Hebe Street
000628	Jaffray	Terence Roy	24 Hansen Hill
000629	Jaffray	Terri-Ann	24 Endurance Avenue
000630	Jaffray	Tony	84 Davis Street
000631	Jaffray	Tracy	3 Fitzroy Road East
000632	Jennings	Hamish Warren	9 Davis Street
000633	Jennings	Margaret Ellen	9 Davis Street
000634	Jennings	Nancy Elizabeth	7 Philomel Street
000635	Jennings	Stephen	5 Fitzroy Road
000636	Johnson	Christopher David	11 Rowlands Rise
000637	Johnson	Lily Ann	5 Hebe Street
000638	Johnson	Michael Neil	30 Jersey Road
000639	Jones	David Richard	6 Allardyce Street
000640	Jones	Deena Marie	19 Murray Heights
000641	Jones	Doreen Evelyn Margaret	6 Allardyce Street
000642	Jones	Evan Glynn	16 Jersey Road
000643	Jones	Karen Diana	4 Murray Heights
000644	Jones	Kevin Richard	19 Biggs Road
000645	Jones	Mark Henry	4 Murray Heights
000646	Jones	Yvonne Malvina	Flat 1 6 Racecourse Road

000647	Jonson	Amy Elizabeth	3 Davis Street
000648	Jonson	Nicole Frances	Flat 6 7 Jeremy Moore Ave
000649	Jordan	Cara Jane	12 Goss Road
000650	Jordan	Ian Phillip	12 Goss Road
000651	Joshua	Josephine Mary	7 Gleadell Close
000652	Joshua	Larry Arthur	7 Gleadell Close
000653	Joshua	Roanna Eileen	6 Police Cottages
000654	Keane	Alva Rose Marie	18 Davis Street
000655	Keane	Olaf James	18 Davis Street
000656	Keane	Thomas James	18 Davis Street
000657	Keenleyside	Charles Desmond	3 Pioneer Row
000658	Keenleyside	Manfred Michael Ian	2 Snake Street
000659	Keenleyside	Nanette Barbara	2 Snake Street
000660	Kenny	Erling	20 James Street
000661	Kidd	John Nathan	1 Hebe Street
000662	Kidd	Lillian Rose Orissa	1 Hebe Street
000663	Kiddle	Robert Karl	Flat 2 1 Moody Street
000664	Kilmartin	Claire Elfreda	34 John Street
000665	Kilmartin	Kevin Seaton	3 Davis Street East
000666	Kilmartin	Nicola Ruth	3 Davis Street East
000667	King	Anna Constance Eve	34 Ross Road
000668	King	Cherilyn Julie	15 Jersey Road
000669	King	Desmond George Buckley	38 Davis Street
000670	King	Glynis Margaret	20 Hansen Hill
000671	King	Michelle Beverley	51 Ross Road East
000672	King	Peter Thomas	10 Jeremy Moore Avenue
000673	King	Robert John	22/24 Davis Street
000674	King	Rosemarie	10 Jeremy Moore Avenue
000675	King	Roxanne McCarthy	10 Jeremy Moore Avenue
000676	Kirkham	Campbell Joseph	5 Capricorn Road
000677	Kultschar	John William	4 Davis Street East
000678	Kultschar	Richard Paul	4 Davis Street
000679	Kultschar	Yvonne Rosina	4 Davis Street East
000680	Ladron De Guevara Vilches	Carmen Benilda	22/24 Davis Street
000681	Ladron Guevara	Simon	22/24 Davis Street
000682	Laffi	Atilio Segundo	3 Brisbane Road
000683	Laffi	Kathleen Mary	3 Brisbane Road
000684	Lang	Colin David	2 Brisbane Road
000685	Lang	David Geoffrey	28 Goss Road
000686	Lang	James Patrick	2 Davis Street
000687	Lang	Patrick Andrew	8A Moody Street
000688	Lang	Sandra Shirleen	3 Yates Place
000689	Lang	Theresa Margaret	28 Goss Road
000690	Lang	Velma Emily	8A Moody Street
000691	Lang	Wendy Diane	2 Brisbane Road
000692	Larsen	Ellen	6A Moody Street
000693	Lazo	Javier Waldemar Sanchez	80 Davis Street
000694	Lazo	Joanna Rose	80 Davis Street
000695	Lee	Alfred Leslie	11 Drury Street
000696	Lee	Beverley Christina	10 Allardyce Street
000697	Lee	Carole	15 Ian Campbell Drive
000698	Lee	Gladys	11 Drury Street
000699	Lee	Karen Jane	14 Davis Street
000700	Lee	Leslie James	11 Moody Street

000701	Lee	Mandy John	15 James Street
000702	Lee	Owen Henry	4 Pioneer Row
000703	Lee	Rodney William	15 Ian Campbell Drive
000704	Lee	Tanya	5 Discovery Close
000705	Lee	Trudi Dale	11 Moody Street
000706	Lee	Victoria Jane	Y M C A
000707	Legg	Robert Keith	Lookout Lodge
000708	Lennie	Elane Maria	7 Discovery Close
000709	Lennie	Gordon Carnie	9 Narrows View
000710	Lewis	David James	3 Ian Campbell Drive
000711	Lewis	James	2B St. Marys Walk
000712	Lewis	Jason	9 Short Street
000713	Lewis	Jean	2B St. Marys Walk
000714	Lewis	Pamela Irene	3 Ian Campbell Drive
000715	Leyland	Frank	10 Brandon Road
000716	Leyland	Vera	10 Brandon Road
000717	Liddle	Alison Catherine	7 Fitzroy Road East
000718	Limburn	Monica	1 Moody Street Flat 3
000719	Livermore	Isla Karen	30 Jersey Road
000720	Lloyd	Christopher Sturdee	12 McKay Close
000721	Loftus	Geoffrey	1 Hebe Place
000722	Loftus	Sara	1 Hebe Place
000723	Loveridge	Daniel Nolan	11 Short Street
000724	Loveridge	Marie Pearl	11 Short Street
000725	Lowe	Katrina Louise	5 McKay Close
000726	Luxton	Anna	1A Pioneer Row
000727	Luxton	Michael	1A Pioneer Row
000728	Luxton	Nicola	1A Pioneer Row
000729	Luxton	Robin	1 Jersey Road
000730	Luxton	Stephen Charles	7 Narrows View
000731	Luxton	Sybil Grace	38 John Street
000732	Luxton	Wendy Jennifer	1 Jersey Road
000733	Luxton	Winifred Ellen	15 Fitzroy Road
000734	Luxton	Zoe	2 Hansen Hill
000735	Lyse	Linda Margaret	65 Fitzroy Road
000736	Macaskill	Angus Lindsay	8 Jeremy Moore Avenue
000737	Macaskill	Jeanette May	8 Jeremy Moore Avenue
000738	Macaskill	John	34 Ross Road West
000739	Macaskill	Robert John	1 Brisbane Road
000740	Macaskill	Tracey Jayne	1 Brisbane Road
000741	MacDonald	Andrew James	29 Callaghan Road
000742	MacDonald	Colin George	Flat 2 6 Jersey Road
000743	MacDonald	Derek George	Flat 6 7 Jeremy Moore
000744	MacDonald	Irene	Flat 2 6 Jersey Road
000745	Maddocks	Robert Charles	11 Murray Heights
000746	Marsh	Samantha Ann	7 Jersey Road
000747	May	Angela Jane	11 Jersey Road
000748	May	Brian Roy	21 Jeremy Moore Avenue
000749	May	Bruce Raymond	9 Kent Road
000750	May	Connie	9 Kent Road
000751	May	Donna Monica	17 Davis Street
000752	May	Heather	1 Glasgow Road
000753	May	Jonathan Roy	12 Jeremy Moore Avenue
000754	May	Lindsey Olga	9 Callaghan Road

000755	May	Lucinda Vikki	12 Jeremy Moore Avenue
000756	May	Monica	21 Jeremy Moore Avenue
000757	May	Roger	11 Jersey Road
000758	May	Tiphanie	9 Callaghan Road
000759	May	William Albert	1 Glasgow Road
000760	McBain	Arthur	29 Goss Road
000761	McBain	Rhoda Margaret	29 Goss Road
000762	McCallum	Bettina Kay	14 Drury Street
000763	McCallum	Christopher John	8A Jeremy Moore Avenue
000764	McCallum	Tanya	8A Jeremy Moore Avenue
000765	McCallum	Timothy Andrew	14A Drury Street
000766	McCormick	Dale Ronald	24 Eliza Crescent
000767	McCormick	Richard Paul	29 Callaghan Road
000768	McCormick	Tamara Ann	29 Callaghan Road
000769	McCormick	Wayne Stanley James	12 Endurance Avenue
000770	McGill	Cara Jane	16 Scoresby Close
000771	McGill	Coral Elizabeth	3 Allardyce Street
000772	McGill	Darrel Ian	20 Jeremy Moore Avenue
000773	McGill	David William	17 James Street
000774	McGill	Derek Gary	12 Scoresby Close
000775	McGill	Diane Beverley	2 James Street
000776	McGill	Doris Mary	32 Davis Street
000777	McGill	Gary	15 Brandon Road
000778	McGill	Glenda	1C Capricorn Road
000779	McGill	Heather Margaret	17 James Street
000780	McGill	Ian Peter	1C Capricorn Road
000781	McGill	Len Stanford	2 James Street
000782	McGill	Teresa Rose	26 Ross Road East
000783	McKay	Christine	6 Drury Street
000784	McKay	Clara Mary	20 Ross Road West
000785	McKay	Georgina Rose	2 Rowlands Rise
000786	McKay	Heather Valerie	16 Eliza Crescent
000787	McKay	Jeannie Paullina	64 Davis Street
000788	McKay	Jennifer Coral	24 Eliza Crescent
000789	McKay	John David Toby	51 Callaghan Road
000790	McKay	Leona Ann	30 Jersey Road
000791	McKay	Mandy Rose	51 Callaghan Road
000792	McKay	Melvyn Andrew	55 Davis Street
000793	McKay	Michael John	8 Dairy Paddock Road
000794	McKay	Neil	60 Davis Street
000795	McKay	Paul Anthony	Flat 1 Moody Street
000796	McKay	Peter John	21 Ross Road West
000797	McKay	Rex	16 Eliza Crescent
000798	McKay	Roy Derek	29 Callaghan Road
000799	McKay	Shelley Jane	7 Villiers Street
000800	McKay	Trudi Ann	50a Davis Street
000801	McKay	William Robert	20 Ross Road West
000802	McKee	Miranda	12 Watson Way
000803	McKee	Richard Buick	12 Watson Way
000804	McKenzie	Alice Maude	Moody Brook Homestead
000805	McKenzie	Charles Alexander Albert	Moody Brook Homestead
000806	McLaren	Caroline Mary	12 Allardyce Street
000807	McLaren	Kevin Derek Charles	3D Jersey Road
000808	McLaren	Tony Eugene Terence	12 Allardyce Street

000809	McLeod	David	49 Callaghan Road
000810	McLeod	Glenda Otadoy	49 Callaghan Road
000811	McLeod	Ian	9 Fitzroy Road
000812	McLeod	Ian James	30 Endurance Avenue
000813	McLeod	Janet Wensley	75 Davis Street
000814	McLeod	Janice	2 Ross Road West
000815	McLeod	Joan May	1A Moody Street
000816	McLeod	John (1)	1 Campbell Drive
000817	McLeod	John (2)	15 Scoresby Close
000818	McLeod	Louise	1 Campbell Drive
000819	McLeod	Madeline Jean	1 Campbell Drive
000820	McLeod	Mally	9 Fitzroy Road
000821	McLeod	Margaret Ann	13 Fitzroy Road East
000822	McLeod	Michael William	5 Short Street
000823	McLeod	Pearl Mary Ann	18 Brandon Road
000824	McLeod	Robert	75 Davis Street
000825	McLeod	Robert John	2 Ross Road West
000826	McLeod	Valorie Marcela	30 Endurance Avenue
000827	McMullen	June	8 Brandon Road
000828	McMullen	Lucille Anne	6A John Street
000829	McMullen	Matthew John	5 Fieldhouse Close
000830	McMullen	Tony	8 Brandon Road
000831	McPhee	Denise	4 Brandon Road West
000832	McPhee	Justin Owen	4 Brandon Road West
000833	McPhee	Patrick	31 Ross Road East
000834	McRae	Charlotte Melize	28 Jersey Road
000835	McRae	David Michael	Waterfront 36 Ross Road
000836	McRae	Elvis Richard	Lookout Lodge
000837	McRae	Gloria Linda	2 H Jones Road
000838	McRae	Kerry Jane	10 Watson Way
000839	McRae	Michael	10 Watson Way
000840	McRae	Richard Winston	6 Jersey Road
000841	Middleton	Brian	13 McKay Close
000842	Middleton	Caren	5 Beaver Road
000843	Middleton	Caroline Ann	7 James Street
000844	Middleton	Charlotte Anne	33 Callaghan Road
000845	Middleton	Dennis Michael	Dolphin Cottage
000846	Middleton	Joan Eliza	8 James Street
000847	Middleton	Kerry Ann	Goose Green
000848	Middleton	Leonard	67 Fitzroy Road
000849	Middleton	Megan Shirley Rebecca	7 James Street
000850	Middleton	Nevin Alexander	5 Beaver Road
000851	Middleton	Phillip John	5 St Marys Walk
000852	Middleton	Sharon Elizabeth	Dolphin Cottage
000853	Middleton	Stephanie Anne	13 McKay Close
000854	Middleton	Teraaka Phillip Prindle	5 St. Mary's Walk
000855	Middleton	Yvonne Allison	50 Davis Street
000856	Miller	Andrew Nigel	7 Villiers Street
000857	Miller	Bruce Graham	46 John Street
000858	Miller	Carol	Marine Cottage Moody Brook
000859	Miller	Gail Marie	6A Brisbane Road
000860	Miller	Janet Mary	Market Garden Airport Rd
000861	Miller	Jayne Elizabeth	27 Davis Street
000862	Miller	Jeanette	46 John Street

000863	Miller	Simon Roy	Marine Cottage, Moody Brook
000864	Miller	Steven Geoffrey	Flat 7 1 Jeremy Moore Av
000865	Miller	Timothy John Durose	Market Garden Airport Rd
000866	Mills	Terence Kenneth	43 Callaghan Road
000867	Minnell	Adrian James	Lookout Lodge
000868	Minnell	Hazel Eileen	5 Yates Place
000869	Minnell	Michelle Rose	1 Brandon Road
000870	Minnell Goodwin	Joanne Hazel Rose	9 Murray Heights
000871	Minto	Alistair Daen	Lookout Lodge
000872	Minto	Barbra Pennisi	9 Fitzroy Road
000873	Minto	Dilys Rose	18 Endurance Avenue
000874	Minto	Graham Stewart	15 James Street
000875	Minto	Patrick Andrew	3B Jersey Road
000876	Minto	Timothy Ian	18 Enurance Avenue
000877	Miranda	Augusto	31 Davis Street
000878	Miranda	Carmen	11 Hansen Hill
000879	Miranda	Ramon	3 Drury Street
000880	Miranda	Winifred Dorothy	3 Drury Street
000881	Mitchell	Leon John	10 Police Cottages
000882	Moffatt	Angela	20 Ross Road East
000883	Moffatt	James	20 Ross Road East
000884	Moffatt	Jay	20 Ross Road East
000885	Moffatt	Kelly	20 Ross Road East
000886	Moffatt	Sean	20 Ross Road East
000887	Molkenbuhr	Lee Charles	19 Sullivan Street
000888	Morris	Alana Marie	4 Callaghan Road
000889	Morris	David	4 Callaghan Road
000890	Morris	Jason Paul	59 Fitzroy Road
000891	Morris	Pamela Ruth	7 John Street
000892	Morris	Trevor Alan	17 Brandon Road
000893	Morrison	Doreen	82 Davis Street
000894	Morrison	Edgar Ewen	15 Murray Heights
000895	Morrison	Fayan	54 John Street
000896	Morrison	Graham Stewart	34A Davis Street
000897	Morrison	Jacqueline Denise Anita	13 Ian Campbell Drive
000898	Morrison	Joan Margaret	3 Felton Court
000899	Morrison	Joleen Coleen	3 Felton Court
000900	Morrison	Kenneth	13 Ian Campbell Drive
000901	Morrison	Lewis Ronald	12 Callaghan Road
000902	Morrison	Marcus Lewis	20 Murray Heights
000903	Morrison	Michael John	10 Fitzroy Road East
000904	Morrison	Nanette Rose	46 Davis Street
000905	Morrison	Nichola Jane	Waterfront 36 Ross Road
000906	Morrison	Nigel Peter	3 Felton Court
000907	Morrison	Patrick	1 Brandon Road West
000908	Morrison	Paul Roderick	3 Racecourse Road East
000909	Morrison	Ronald Terence	6b St Mary's Walk
000910	Morrison	Roxanne	13 Ian Campbell Drive
000911	Morrison	Russell John Allan	9 Discovery Close
000912	Morrison	Stewart	46 Davis Street
000913	Morrison	Susan Margaret	10 Fitzroy Road East
000914	Morrison	Tamara	21 Hansen Hill
000915	Morrison	Timothy	Flat 4 Waverly House
000916	Morrison	Violet Sarah	5 Racecourse Road

000917	Morrison	William Roderick Halliday	54 John Street
000918	Morton	Jean Malvina	3 Philomel Place
000919	Morton	Oliver Marvin	3 Philomel Place
000920	Munro	Grant Mackintosh	69 Fitzroy Road
000921	Murphy	Andrew Paul	6 Pioneer Row
000922	Murphy	Ann Susan	2 King Street
000923	Murphy	Bessie	4A St Mary's Walk
000924	Neilson	Barry Marwood	23 Ross Road
000925	Neilson	Edward Sydney	23 Ross Road
000926	Neilson	Harold Ian	74 Davis Street
000927	Neilson	Margaret	23 Ross Road
000928	Newell	Joseph Orr	3 Villiers Street
000929	Newell	Trudi Malvina	3 Villiers Street
000930	Newman	Andrew Raymond	51 Ross Road East
000931	Newman	Marlene	11 Jeremy Moore Avenue
000932	Newman	Raymond Winston	2 Yates Place
000933	Newman	Tansy Fiona	5 Jersey Road
000934	Newman	Terence	24 Endurance Avenue
000935	Nightingale	Karl Richard	6 Moody Street
000936	Nutter	Arthur Albert	9 Brandon Road
000937	Nutter	Josephine Lesley	9 Brandon Road
000938	O'Dean	Barry Charles	Lookout Lodge
000939	Ojeda Gallardo	Roberto Miguel Alejandro	9A Sullivan Street
000940	Olmedo	Alex	6 Anderson Drive
000941	Ormond	Christina Helen	6 Goss Road
000942	Ormond	Kevin Michael Patrick Joseph	6 Goss Road
000943	Ormond	Krysteen Alison	6 Goss Road
000944	Ormond	Terrienne Helen	6 Goss Road
000945	Oyarzo	Henry Hernan Guala	3 Allardyce Street
000946	Paice	Corrinne	3 Racecourse Road
000947	Paice	Craig Arthur	3 Racecourse Road
000948	Parke	James Fred	25 Ross Road West
000949	Parke	Janet Margaret	25 Ross Road West
000950	Patterson-Smith	Ian Colin	F.I.G.O
000951	Pauloni	Hilary Maud	63 Fitzroy Road
000952	Paver	Bernadette Marguerite	Moody Brook House
000953	Payne	Dilys Agnes	2 Racecourse Road East
000954	Payne	Joanne Francis	2 Racecourse Road East
000955	Payne	Samantha Jane	2 Racecourse Road East
000956	Payne	St. John Peter	2 Racecourse Road East
000957	Pearce	Tracy	5 Jeremy Moore Avenue
000958	Peck	Burnerd Brian	11 Thatcher Drive
000959	Peck	Carol Margaret	9 Rowlands Rise
000960	Peck	Christine	21 Jersey Road
000961	Peck	David John	15 Villiers Street
000962	Peck	David Patrick	78 Davis Street
000963	Peck	Eleanor Margaret	10 Davis Street
000964	Peck	Farrah Louise	26 Shackleton Drive
000965	Peck	Gordon Pedro James	34 Eliza Crescent
000966	Peck	Harwood John Charles	26 Eliza Crescent
000967	Peck	James	2 Barrack Street
000968	Peck	Maureen Heather	78 Davis Street
000969	Peck	Patrick William	78 Davis Street
000970	Peck	Shirley	2 Barrack Street

000971	PED		6 Beaver Road
000972	Ped	Mila Boybanting	6 Beaver Road
000973	Pennisi	Gladys Elisabeth	9 Fitzroy Road East
000974	Perkins	Vivienne Esther Mary	33 John Street
000975	Perry	Hilda Blanche	6A St Marys Walk
000976	Perry	Thora Virginia	2 Thatcher Drive
000977	Peters	Patricia Ann	2 Murray Heights
000978	Pettersson	Derek Richard	3 Anderson Drive
000979	Pettersson	Trudi Ann	3 Anderson Drive
000980	Phillips	David Dawson	35 Fitzroy Road
000981	Phillips	Elisa	35 Fitzroy Road
000982	Phillips	Lynda	16 Brandon Road
000983	Phillips	Paul David	19 Sullivan Street
000984	Phillips	Shula Louise	19 Sullivan Street
000985	Pitt	Myra	6A Pioneer Row
000986	Plato	Martin Neil	2 Hebe Place
000987	Plato	Wendy Ann	2 Hebe Place
000988	Platt	Claire	5 Villiers Street
000989	Plunkett	Mark Penson	22 Endurance Avenue
000990	Pole-Evans	Amy Rose	4 McKay Close
000991	Pole-Evans	John	16 Ross Road East
000992	Pole-Evans	Lisa	74 Davis Street
000993	Pole-Evans	Martin	12 Murray Heights
000994	Pole-Evans	Michael Anthony	4 McKay Close
000995	Pole-Evans	Paula	5 Biggs Road
000996	Pollard	Andrew Keith	2 Hansen Hill
000997	Pollard	Elizabeth Eve	23 Ross Road East
000998	Pollard	John	23 Ross Road East
000999	Pollard	Mark John	8 Fitzroy Road
001000	Pompert	Joost Herman Willem	11 Ross Road West
001001	Poncet	Lars Nigel	2 Brandon Road West
001002	Poncet	Sally Elizabeth	2 Brandon Road West
001003	Poole	Andrea Joan	52 John Street
001004	Poole	Christopher William	52 John Street
001005	Poole	Ella Josephine	8 Anderson Drive
001006	Poole	Evelyn May	31 Fitzroy Road
001007	Poole	Jody May	13 Hansen Hill
001008	Poole	Juliet Hazel	Y M C A
001009	Poole	Michael James	52 John Street
001010	Poole	Nancy Margaret	52 John Street
001011	Poole	Raymond John	52 John Street
001012	Poole	Ross William	52 John Street
001013	Poole	Steven Charles	8 Anderson Drive
001014	Poole	Toby Raymond	52 John Street
001015	Poole	William John	31 Fitzroy Road
001016	Porter	Charles	4 Thatcher Drive
001017	Porter	Geoffrey Bell	5 Jeremy Moore Avenue
001018	Porter	Marcus James	5 Jeremy Moore Avenue
001019	Pratlett	Patricia Carol Ann	10 A James Street
001020	Prindle-Middleton	Stella Margaret	5 St Mary's Walk
001021	Pring	Bernadette Jane Spencer	5A Ross Road West
001022	Pring	Geoffrey Alan	5A Ross Road West
001023	Quinto Sallvca	Luis Alberto	56 Davis Street
001024	Reddick	Keith John	By-Pass Road

001025	Reeves	Carolyn Wendy	2 Moody Street
001026	Reeves	Jill Edith	3 Jeremy Moore Avenue
001027	Reeves	Michael	2 Moody Street
001028	Reid	Ann	Lois Cottage John Street
001029	Reid	Beverley Rose	12 James Street
001030	Reid	Colleen Rose	9 Fitzroy Road East
001031	Reid	John Alexander	41 Fitzroy Road
001032	Reid	Reynold Gus	5 Biggs Road
001033	Reid	Simon Gus	9 Fitzroy Road East
001034	Reid De Davino	Pamela Ruth	14 Jersey Road
001035	Reive	Roma Endora Mary	8A St Marys Walk
001036	Rendell	Michael	8 Ross Road West
001037	Rendell	Nicholas Simon Oliver	8 Ross Road West
001038	Rendell	Phyllis Mary	8 Ross Road West
001039	Richards	Shirley	8A James Street
001040	Roberts	Cheryl Ann Spencer	49 Ross Road East
001041	Roberts	David Anthony	1 Mountain View
001042	Roberts	Jill Christine	5 Narrows View
001043	Roberts	Laura May	4 Kent Road
001044	Roberts	Lynn	3 Gleadell Close
001045	Roberts	Peter James	49 Ross Road East
001046	Roberts	Simon Theodore Nathaniel	5 Narrows View
001047	Robertson	Janet	11 Ross Road West
001048	Robson	Alison Emily	15 Villiers Street
001049	Robson	Cherry Rose	5 Philomel Street
001050	Robson	Debbi Louisa	6 Felton Court
001051	Robson	Gerard Michael	1 Philomel Place
001052	Robson	Jodie	1 Philomel Place
001053	Robson	Miranda Gay	6 Brisbane Road
001054	Robson	Patricia Jayne	18 Ross Road East
001055	Robson	Phyllis Ann	1 Philomel Place
001056	Robson	Raymond Nigel	6 Brisbane Road
001057	Robson	William Charles	18 Ross Road East
001058	Rodriguez Reid	Elizabeth Jayne	33 Ross Road West
001059	Ross	Allan John	1 Short Street
001060	Ross	Christine Aislinn	23 Watson Way
001061	Ross	Claudio Javier Ampeuro	10 Murray Heights
001062	Ross	Glenn Stephen	23 Watson's Way
001063	Ross	Janet	23 Watson's Way
001064	Ross	Kerri-Anne	23 Watson Way
001065	Ross	Kevin John	3 Beaver Road
001066	Ross	Lachlan Neil	14 Fieldhouse Close
001067	Ross	Marie	3 Beaver Road
001068	Ross	Rebecca Jane	3 Beaver Road
001069	Ross	Roy	19 Jersey Road
001070	Ross	Sheena Margaret	2 Mountain View
001071	Ross	Shirley Vyona	1 Short Street
001072	Ross	William Henry	Flat 2 Jeremy Moore Avenue
001073	Rowland	Charlene Rose	19 Jeremy Moore Avenue
001074	Rowland	John Christopher	19 Jeremy Moore Avenue
001075	Rowland	Sarah Anne	9 Hansen Hill
001076	Rowlands	Catherine Annie	8 Thatcher Drive
001077	Rowlands	Daisy Malvina	39 John Street
001078	Rowlands	Dorinda Roberta	Camber House

001079	Rowlands	Jane Louise	13 Callaghan Road
001080	Rowlands	Neil	Camber House
001081	Rowlands	Robert John	13 Callaghan Road
001082	Rozee	Betty Ellen	16 Davis Street
001083	Rozee	Derek Robert Thomas	16 Davis Street
001084	Rozee	Karen Michella	16 Davis Steet
001085	Rozee	Shona Mary	5 Pitaluga Place
001086	Sackett	Albert John	25A Ross Road East
001087	Sackett	Jacqueline	11 Rowlands Rise
001088	Sackett	Michael John Carlos	25A Ross Road East
001089	Sackett	Pauline	25 Ross Road East
001090	Sanchez Ladron De	Karen Pamela	Flat 8 6 Jersey Road
001091	Sawle	Judith Margaret	Seaview Cottage Ross Road
001092	Sawle	Richard	Seaview Cottage Ross Road
001093	Senociain Short	Kylie Deborah	Flat 7 6 Jersey Road
001094	Seron	Jose Segundo	M/V Tamar Byron Marine
001095	Shcherbich	Zhanna Nikolaevna	27 Goss Road
001096	Shepherd	Anne Jenine	10 Hansen Hill
001097	Shepherd	Darren Harold	10 Hansen Hill
001098	Shepherd	Ramsey	4 Discovery Close
001099	Shillitoe	Helena De Fatima	The Brook Moody Brook
001100	Shillitoe	Stephen Bruce	13 Ross Road East
001101	Short	Alison	9 Pioneer Row
001102	Short	Brenda	11 Barrack Street
001103	Short	Celia Soledad	7 Pitaluga Place
001104	Short	Christina Ethel	12 Brandon Road
001105	Short	Clint Andrez	8 Jeremy Moore Avenue
001106	Short	Derek Patrick	53 Callaghan Road
001107	Short	Emily Christina	1 Fitzroy Road East
001108	Short	Gavin Phillip	Flat 7 6 Jersey Road
001109	Short	George Godfrey Ivan	7 Yates Place
001110	Short	Isobel Rose	1 Brandon Road
001111	Short	Jason	1 Brandon Road
001112	Short	Marc Peter	1 Racecourse Road
001113	Short	Marion	7 Yates Place
001114	Short	Marlene Cindy	9 Pitaluga Place
001115	Short	Montana Tyrone	4 Dairy Paddock Road
001116	Short	Nabil George	21 Murray Heights
001117	Short	Patrick Warburton	1 Brandon Road
001118	Short	Peter Robert	1 Fitzroy Road East
001119	Short	Richard Edward	9 Pitaluga Place
001120	Short	Riley Ethroe	11 Barrack Street
001121	Short	Sara Jane	Murray Heights
001122	Short	Tamara Colette	6 Murray Heights
001123	Short	Vilma Alicia	4 Dairy Paddock Road
001124	Simmonds	Donald Rodney Falkland	48 Davis Street
001125	Simpson	Bertha Veronica	8 Rowlands Rise
001126	Simpson	James Alexander Bruce	7 Racecourse Road
001127	Simpson	James Garry	7 Racecourse Road
001128	Simpson	John Frederick	8 Rowlands Rise
001129	Simpson	Mirabel Hermione	7 Racecourse Road
001130	Sinclair	Veronica Joyce	21 Ross Road West
001131	Skene	Greta Winnora Miller	22 Ross Road East
001132	Smallwood	Akira Ali	105 Davis Street

001133	Smallwood	Margo Amee	105 Davis Street
001134	Smallwood	Michael Anthony	105 Davis Street
001135	Smith	Anthony David	38 Ross Road
001136	Smith	Caroline	2 Ross Road West
001137	Smith	Colin David	6 James Street
001138	Smith	Crystal Rose	1a Capricorn Road
001139	Smith	Derek	8a Eliza Crescent
001140	Smith	Eric	Flat 2 1 Moody Street
001141	Smith	George Patterson	15 Watson Way
001142	Smith	Gerard Alexander	8 Barrack Street
001143	Smith	Gina Ruth Mary	3 John Biscoe Road
001144	Smith	Heather	19 Watson Way
001145	Smith	Ian Lars	5 Brandon Road
001146	Smith	Ileen Rose	28 Ross Road West
001147	Smith	James Terence	3 Fitzroy Road West
001148	Smith	Jennifer Ethel	6 Watson Way
001149	Smith	Jenny Lorraine	15 Watson Way
001150	Smith	John	28 Ross Road West
001151	Smith	John Derek	1A Capricorn Road
001152	Smith	Julia Trinidad	8a Eliza Crescent
001153	Smith	Martyn James	6A Ross Road West
001154	Smith	Michael Edmund	39 Eliza Crescent
001155	Smith	Natalie Marianne	6 James Street
001156	Smith	Nora Kathleen	5 Fitzroy Road East
001157	Smith	Paul	2 Ross Road West
001158	Smith	Paulette Rose	KEMH
001159	Smith	Robin Charles	19 Watson Way
001160	Smith	Roy Alan	11 Brandon Road
001161	Smith	Tyssen John Richard	3 John Biscoe Road
001162	Socodo	Pheobe Esther	Flat 6 I Jeremy Moore Av
001163	Spicer	Mark Anthony	16 St Mary's Walk
001164	Spicer	Susan	16 St. Marys Walk
001165	Spink	Roger Kenneth	43 Ross Road East
001166	Spinks	Malvina Ellen	8 Yates Place
001167	Spruce	Helena Joan	29 Ross Road West
001168	Spruce	Mark Felton	29 Ross Road West
001169	Spruce	Terence George	29 Ross Road West
001170	Steen	Barbara Ingrid	39 Ross Road West
001171	Steen	Karen Lucetta	32 Fitzroy Road
001172	Steen	Kimberley Joanna	24 Murray Heights
001173	Steen-MacDonald	Stacey Louise	3 Auster Place
001174	Stephenson	Jason	4 Davis Street
001175	Stephenson	Jason	4 Davis Street
001176	Stephenson	Joan Margaret	Moody Valley House
001177	Stephenson	Katrina	4 Davis Street
001178	Stephenson	Zachary	4 Davis Street
001179	Stevens	Adrian John	Lady Hunt House John St
001180	Stevens	Paul Theodore	6 Dairy Paddock Road
001181	Stevens	Ricardo Theodore	9 James Street
001182	Stevens	Valerie Ann	6 Dairy Paddock Road
001183	Stewart	Celia Joyce	14 Allardyce Street
001184	Stewart	Daniel Duane	Y M C A
001185	Stewart	Hulda Fraser	24 Ross Road West
001186	Stewart	Ian Bremner	34 Ross Road East

001187	Stewart	Irene Anne	6 Discovery Close
001188	Stewart	Kenneth Barry	3 Discovery Close
001189	Stewart	Pam Ellen	18 Endurance Avenue
001190	Stewart	Robert William	6 Discovery Close
001191	Stewart	Sheila Olga	34 Ross Road East
001192	Stewart	Sylvia Rose	7 Ross Road West
001193	Stewart-Reid	Carol Ellen Eva	41 Fitzroy Road
001194	Strange	Georgina	The Dolphins, Snake Street
001195	Strange	Ian John	The Dolphins, Snake Street
001196	Strange	Maria Marta	The Dolphins Snake Street
001197	Strange	Matthew	6B Ross Road West
001198	Strange	Shona Marguerite	6B Ross Road West
001199	Stroud	Mark Adrian	10 Sullivan Street
001200	Summers	Brian	1 Ross Road East
001201	Summers	Deborah	14 Pioneer Row
001202	Summers	Dorothy Constance	42 Eliza Crescent
001203	Summers	Edith Catherine	5 Dean Street
001204	Summers	Irvin Gerard	1 Anderson Drive
001205	Summers	Jacqueline	11 Pioneer Row
001206	Summers	Jonathan Derek	5 Allardyce Street
001207	Summers	Judith Orissa	1 Ross Road East
001208	Summers	Lynn Jane	20 Jeremy Moore Avenue
001209	Summers	Michael Kenneth	6A Brisbane Road
001210	Summers	Michael Victor	11 Pioneer Row
001211	Summers	Naomi Christine	4 Anderson Drive
001212	Summers	Owen William	5 Brandon Road
001213	Summers	Rowena Elsie	5 Allardyce Street
001214	Summers	Roy	32 Eliza Crescent
001215	Summers	Sheila	1 Anderson Drive
001216	Summers	Sybella Catherine Ann	1 Ross Road West
001217	Summers	Sylvia Jean	8 Racecourse Road
001218	Summers	Terence	1 Ross Road West
001219	Summers	Tony	8 Racecourse Road
001220	Summers	Veronica	5 Brandon Road
001221	Sutcliffe	Lindsey Claire	17 Brandon Road
001222	Sutcliffe	Michael Ian	Lookout Lodge
001223	Sutherland	John Gall	3 Mountain View
001224	Sytchov	Vladimir	1 Felton Court
001225	Sytchova	Natalia Mikhaylovna	1 Felton Court
001226	Taylor	Anne Louise	4 Drury Street
001227	Taylor	Graham	55 Fitzroy Road
001228	Taylor	Ruth Eleanor	55 Fitzroy Road
001229	Teale	Colin Edwin	8 Brisbane Road
001230	Teale	Jeannette	8 Brisbane Road
001231	Tellez	Arturo	Lookout Lodge
001232	Thain	John	8 Davis Street
001233	Thain	Stephanie Ann	8 Davis Street
001234	Thom	David Anderson	47 Fitzroy Road
001235	Thom	Dorothy Irene	47 Fitzroy Road
001236	Thom	John Currie	25 Ross Road East
001237	Thom	Norma Ann	92 Davis Street
001238	Thomas	Jacqueline Joyce	11 Callaghan Road
001239	Thomas	Justin Paul	11 Callaghan Road
001240	Thorsen	Carol Margaret	17 Scoresby Close

001241	Thorsen	David Moller	17 Scoresby Close
001242	Triggs	David William	3 Fieldhouse Close
001243	Triggs	Diane	3 Fieldhouse Close
001244	Triggs	Donna Louise	14a Brandon Road
001245	Triggs	Michael David	3 Fieldhouse Close
001246	Tuckwood	John Rodney	1 Drury Street
001247	Turner	Betty Ann	2 Drury Street
001248	Turner	Howard Guy	2 Drury Street
001249	Turner	Joanne Elizabeth	61 Fitzroy Road
001250	Turner	Melvyn George	36 John Street
001251	Turner	Ronald	K E M H
001252	Tyrrell	Garry Bernard	1 Beaver Road
001253	Tyrrell	Gina Michelle	1 Beaver Road
001254	Valler	Glyndwr Huw	Flat4 8 Jersey Road
001255	Vidal Roberts	Leona Lucila	1 Mountain View
001256	Vilchez Valverde	Maria Yhovana	56 Davis Street
001257	Villalon	Hector Ricardo	7 McKay Close
001258	Villegas	Caroline	7 Fieldhouse Close
001259	Villegas	Pedro Francisco	7 Fieldhouse Close
001260	Vincent	Janette Mary	10 Endurance Avenue
001261	Vincent	Stephen Lawrence	10 Endurance Avenue
001262	Wade	June Rose Elizabeth	17 Murray Heights
001263	Wallace	Fraser Barrett	10 John Street
001264	Wallace	Helen Jean	4 Goss Road
001265	Wallace	Ian	23 Callaghan Road
001266	Wallace	James Barrett	38 Ross Road West
001267	Wallace	Maria Lilian	38 Ross Road West
001268	Wallace	Michael Ian	23 Callaghan Road
001269	Wallace	Stuart Barrett	38 Ross Road West
001270	Wallace	Una	23 Callaghan Road
001271	Wallace-Nannig	Fiona Alice	7 Rowlands Rise
001272	Ward	Alison Denise	9 Anderson Drive
001273	Ward	Dennis James	9 Anderson Drive
001274	Watson	Andrew James	6 Rowlands Rise
001275	Watson	Ben	7 Moody Street
001276	Watson	Joanne	6 Rowlands Rise
001277	Watson	Paul	20 Endurance Avenue
001278	Watson	Ruth Jane	20 Endurance Avenue
001279	Watt	Stephen Robert	11 Narrows View
001280	Watt	Sylvia Ann	11 Narrows View
001281	Watts	Patrick James	13 Brisbane Road
001282	Webb	Gary Colin	58 Davis Street
001283	Webb	Loretta Isobel	58 Davis Street
001284	White	Judy Marie	Flat 1 3 Jeremy Moore Av
001285	White	Kathleen Elizabeth	9 Thatcher Drive
001286	Whitney	Frederick William	1 Police Cottages 9 Ross Rd
001287	Whitney	Henry Leslie	4 Thatcher Drive
001288	Whitney	Jason	15 Ross Road East
001289	Whitney	Kurt Ian	2 Pioneer Row
001290	Whitney	Lana Rose	22 Eliza Crescent
001291	Whitney	Susan Joan	1 Police Cottages 9 Ross Rd
001292	Wilkinson	Alistair Graham	5 Felton Court
001293	Wilkinson	Johan	5 Felton Court
001294	Wilkinson	Robert John	2A Brisbane Road

001295	Wilks	Bruce Allan	11 Fieldhouse Close
001296	Wilks	Susan Jean	11 Fieldhouse Close
001297	Williams	Christian Leonard Edward	5 McKay Close
001298	Williams	Glen	33 Ross Road East
001299	Williams	Lee Perry Adrian John	17 Ian Campbell Drive
001300	Williams	Margaret Elizabeth	33 Ross Road East
001301	Williams	Marlene Rose	23 Ross Road West
001302	Williams	Ray Allen	2 Murray Heights
001303	Williamson	Kathleen Laura	5 McKay Close
001304	Wilson	Stephen John	1 Davis Street West
001305	Wilson	Tara	1 Davis Street West
001306	Wylie	Julian Richard	1 McKay Close
001307	Zuvic-Bulic	Kuzma Mario	Holdfast House, Holdfast Rd
001308	Zuvic-Bulic	Sharon Marie	Holdfast House, Holdfast Rd
001309	Zuvic-Bulic	Zoran Mario	Holdfast House Holdfast Rd

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THE FALKLAND ISLANDS GAZETTE

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30 May 2008

No. 8

Appointments

Derek George McDonald, Tyre Fitter/Handyman, Plant and Vehicle Section, Public Works Department, 01.05.08.

Maria Abriana-Peck, Part Time Leisure Attendant, Leisure Centre, Education Department, 08.05.08.

Alastair Martin Mitri Baylis, Fisheries Observer, Fisheries Department, 10.05.08.

Patricia Stevenson, Locum Teacher, Education Department, 26.05.08.

Helen Kniveton, Staff Nurse, Health and Social Services Department, 26.05.08.

Emma Louise Sibley, Staff Nurse, Health and Social Services Department, 26.05.08.

Bridget Langford, Team Leader Social Work, Health and Social Services Department, 27.05.08.

Charlotte Ann Emily Davey, Social Worker, Health and Social Services Department, 29.05.08.

Completion of Contract

Peter Roi Johnson, Agricultural Advisor, Agriculture Department, 03.05.08.

Margaret Rosemary Scarlett, Social Worker, Health and Social Services Department, 31.05.08.

Jacqueline Bennebroek, General Practitioner, Health and Social Services Department, 16.05.08.

Determination of Contract

Julia Kraehling-Smith, Crown Counsel, Attorney General's Chambers, 16.05.08.

Resignation

David Moller Thorsen, Mechanic, Plant and Vehicle Section, Public Works Department, 09.05.08.

Retirement

David Dawson Phillips, Handyman, Property and Municipal Section, Public Works Department, 31.05.08.

Promotion

Terence Newman, from Assistant Foreman to Foreman, Highways Section, Public Works Department, 01.05.08.

NOTICES

No. 29

16 May 2008

BK Cab Limited

Company Number: 12511

Take notice that in accordance with the provisions of section 652 of the Companies Act 1985 and the requirements of the said section having been complied with the above named company will be removed from the

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

Dated 16 May 2008

J. C. ROWLAND,
Registrar of Companies.

No. 30

16 May 2008

**Newhouse Estates Limited
Company Number: 12491**

Take notice that in accordance with the provisions of section 652 of the Companies Act 1985 and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 16 May 2008

J. C. ROWLAND,
Registrar of Companies.

No. 31

23 May 2008

Application for Naturalisation

Notice is hereby given that SALLY OWEN is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 June 2008.

Dated 23 May 2008

C. W. REEVES,
Immigration Officer.

No. 32

23 May 2008

**Air Navigation (Overseas Territories) Order 2007
Articles 41 and 152**

This notice is given under articles 41 and 152 of the Air Navigation (Overseas Territories) Order 2007 ("the Order"), as amended, and the Notice made by the Governor dated 24 April 2007 ("the previous notice") made under article 135 of the Air Navigation (Overseas Territories) Order 2001, as amended. Article 41 of the Order provides for the Governor to give instructions in respect of the operation and safety of aircraft and the safety of persons and property carried therein; and in respect of the instruments and equipment to be installed therein or carried thereon. Article 152 of the Order provides for the Governor to publish requirements which he considers relevant to determining his satisfaction in respect of certain matters before granting a certificate, licence or other document issued under the provisions of the Order.

The following documents as published, amended or updated from time to time on the website of Air Safety Support International at www.airsafety.aero shall constitute those instructions and requirements as aforesaid in relation to the matters specified from the date of this notice:-

OTAR Part 61: Pilot Licences and Ratings;
OTAR Part 63: Flight Engineer Licences and Ratings;
OTAR Part 91: General Operating Instructions;
OTAR Part 92: Carriage of Dangerous Goods;
OTAR Part 119: Air Operator Certification;
OTAR Part 121: Commercial Air Transport Operations – Large Aeroplanes;
OTAR Part 125: Complex General Aviation including Corporate Operations;
OTAR Part 135: Commercial Air Transport Operations – Helicopters and Small Aeroplanes.

Those documents listed in Schedule 2 of the previous notice that is to say:

OTAR Part 21: Certification of Products;
OTAR Part 36: Aircraft Environmental Standards;
OTAR Part 39: Continued Airworthiness Requirements;
OTAR Part 43: General Maintenance Requirements;
OTAR Part 66: Aircraft Maintenance Personnel Licensing;
OTAR Part 145: Aircraft Maintenance Organisation Approval,

became the requirements for the relevant matters on 31 March 2008.

Dated 23 May 2008

A. E. HUCKLE,
Governor.

No. 33

23 May 2008

**Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)**

Take Notice that ROBERT FORD of 1 Davis Street, Stanley, Falkland Islands died on the 6th day of January 2008 intestate.

Whereas LEONOR MARIE VASQUES VILLENA (by her Attorney Helen Rose Jaffray), LEONARD FORD and COLIN STEWART FORD have applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 23 May 2008

C. J. KING,
Registrar, Supreme Court.

**Application for Vesting Deed
Land Ordinance Title 45.2
section 11A**

Take notice that Gladys Lee of 11 Drury Street, Stanley, Falkland Islands, Nicola Luxton of 1A Pioneer Row, Stanley, Falkland Islands, Carol Eynon of 8 Villiers Street, Stanley, Falkland Islands and Jacqueline Elizabeth Earnshaw of 37 Ross Road West, Stanley, Falkland Islands as trustees of The Tabernacle United Free Church of the Falkland Islands have made application in accordance with section 11A of the Land Ordinance to have executed in their favour as trustees aforesaid a Vesting Deed of All that parcel of land in the Falkland Islands situate in the Special Suburban Allotments of Stanley containing twenty eight perches being allotment No.3 in Sector 'C' bounded on the North by allotment No. 2 one hundred and thirty five and a half links, bounded on the East by Barrack Street one hundred and thirty links, bounded on the South by former Crown Lands one hundred and thirty seven links, and bounded on the West by Marine Gardens one hundred and thirty links being the whole subjects comprised in Crown Grant 194 and upon which the building known as the Tabernacle Church has been erected.

The said application may be inspected by any person at the Registrar General's Office, Town Hall, Stanley during normal working hours.

Notice is hereby given that unless any objection has been received within 30 days following the publication of this notice the Registrar General under the terms of section 11A of the Land Ordinance will execute in favour of the said Gladys Lee, Nicola Luxton, Carol Eynon and Jacqueline Elizabeth Earnshaw as trustees of The Tabernacle United Free Church of the Falkland Islands a Vesting Deed of the said land.

Dated 26 May 2008

J. C. ROWLAND,
Registrar General.

United Kingdom Statutory Instruments

Notice is hereby given that the following United Kingdom Statutory Instruments have been published in the United Kingdom by The Stationery Office Limited and is available to view at www.opsi.gov.uk :-

2007 No 3468 – The Air Navigation (Overseas Territories) Order 2007.

Dated 27 May 2008

B. I. STEEN,
for Attorney General.

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Price: Two pound.

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THE FALKLAND ISLANDS GAZETTE Extraordinary

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13 June 2008

No. 9

No. 36

30 May 2008

**Legislative Council of the Falkland Islands
Customs Ordinance 2003
(section 113)**

**Customs Resolution of the Legislative Council
No 1 of 2008**

It is resolved by the Legislative Council, under section 113 of the Customs Ordinance 2003 (No 9 of 2003) that:-

(a) the Customs Order (Title 26.1.2) is amended to increase the customs duties payable for alcoholic drinks and tobacco products as follows:-

on beer from 26p to 27p per litre;
on wines from 68p to 70p per litre;
on fortified wines from 80p to 82p per litre;
on spirituous beverages from £5.44 to £5.60 per litre;
on spirits from £9.93 to £10.23 per litre;
on cigars from £197.65 to £213.46 per kilo;
on cigarettes from £183.95 to £215.22 per kilo; and
on tobacco from £129.91 to £140.30 per kilo.

(b) this amendment of the Customs Order comes into force on 31 May 2008.

Dated 30 May 2008

C. ANDERSON,
Clerk of Councils.

No. 37

6 June 2008

**Application for Vesting Deed
Land Ordinance Title 45.2
(section 11A)**

Take notice that Malcolm Ashworth of Riverside Farm, East Falkland Island, John Birmingham of 4 Drury Street, Stanley, Falkland Islands, Robin Goodwin of 31 Ross Road West, Stanley, Falkland Islands and Stephanie Anne Middleton of 13 McKay Close, Stanley, Falkland Islands as the Committee of the Stanley Co-operative Society Limited of the Falkland Islands have made application in accordance with section 11A of the Land Ordinance to have executed in favour of Stanley Co-operative Society Limited a Vesting Deed of All that plot or parcel of land situated in the town of Stanley on East Falkland Island containing in total 1,570 square metres or thereabouts bounded on the north by John Street on the west by Barrack Street on the south by Drury Street and on the east by the residential properties known as 6 and 6A John Street, being the whole subjects comprised in Crown Grants 261 and 300.

The said application may be inspected by any person at the Registrar General's Office, Town Hall, Stanley during normal working hours.

Notice is hereby given that unless any objection has been received within 30 days following the publication of this notice the Registrar General under the terms of section 11A of the Land Ordinance will execute in favour of the Stanley

Co-operative Society Limited a Vesting Deed of the said land.

Dated 6 June 2008

J. C. ROWLAND,
Registrar General.

No. 38

9 June 2008

**Electricity Supply Regulations (Title 31.1.1)
(regulation 10)**

Notice is hereby given in accordance with regulation 10 of the Electricity Supply Regulations that the price of electricity will be increased from 17p to 19p per unit with effect from the first meter reading or pre-payment meter calibration on or after 1 July 2008.

Dated 9 June 2008

D. F. HOWATT,
Financial Secretary.

No. 39

9 June 2008

**Stanley Rates Ordinance (Title 66.1)
(sections 30 and 31)**

Notice is hereby given of increases in charges imposed under the provisions of sections 30 and 31 of the Stanley Rates Ordinance with effect from 1 July 2008 as follows:-

1. Measured water supply:-
 - 1.1 Falkland Islands Government premises including FIPASS from £3.60 to £4.05 per tonne
 - 1.2 Ministry of Defence premises from £4.85 to £5.45 per tonne
 - 1.3 Other non-domestic premises from £1.75 to £2.00 per tonne

2. Minimum annual charge for measured water supply to all premises at paragraph 1 above - from £25.00 to £28.00

3. Service Charge^(a):-

3.1 Domestic premises from £300.00 to £348.00 per annum

3.2 Reduced charge for domestic premises occupied by persons of retirement pension age or over^(b) from £150.00 to £174.00 per annum

4. Refuse charges in respect of non-domestic premises:-

4.1 For each small bin supplied from £93.00 to £112.00 per annum

4.2 For each large bin supplied from £280.00 to £336.00 per annum

Dated 9 June 2008

D. F. HOWATT,
Financial Secretary.

(a) *The Service Charge is payable by 30 September each year but payment can be made by 12 equal monthly instalments of £29.00 with effect from July each year (£14.50 per month for persons of retirement pension age or over).*

The payment by instalment method is applicable to tenants of Government housing by an addition to the monthly rent.

To relieve tenants of Government housing on low income the Service Charge will be treated in the same manner as rent under the Rent Rebate Scheme.

A Service Charge Rebate Scheme is available upon application to relieve other householders on low income.

The full Service Charge is payable on all vacant properties.

(b) *Age 64 or over or age 60 or over if a widow or widower.*



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Vol. CXVII

30 June 2008

No. 10

Appointments

Stuart Haines, Materials Manager, Quarry Section, Public Works Department, 04.06.08.

Anthony William Mills, Agricultural Advisor, Agriculture Department, 07.06.08.

Completion of Contract

Sarah Victoria Hearne, Fisheries Observer, Fisheries Department, 24.06.08.

George William Burroughs, Maintenance Manager, Public Works Department, 30.06.08.

Claire Kilmartin, Graduate Trainee, Education Department, 30.06.08.

Marc Christian Le-Lec, Fisheries Observer, Fisheries Department, 30.06.08.

Promotion

Pamela Freer, from Staff Nurse to Ward Sister, Health and Social Services Department, 01.05.08.

Transfer

Sebastian Amando Socodo, from Plant Operator/Handyman to Skilled Handyman/Mason, Property and Municipal Services, Public Works Department, 17.06.08.

NOTICES

No. 40

11 June 2008

Museum and National Trust Ordinance section 4

Appointment of Trustee

In Exercise of my powers under section 4(1) of the Museum and National Trust Ordinance (Title 34.2) I appoint the following person to be a Trustee of the Museum and National Trust for a period of three years with effect from 1 June 2008 – JANET LYNDA CHEEK.

Dated 11 June 2008

A. E. HUCKLE,
Governor.

No. 41

23 June 2008

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I hereby appoint the following persons to be temporary Customs Officers:-

Corporal Hedd L DAVIES – E8402761 from 30 May 2008 to 30 September 2008;

Corporal Tony R KEATING – G8291068 from 28 April 2008 to 29 August 2008;

SAC Katie L LEWIS – D8500853 from 1 April 2008 to 2 August 2008; and

Sergeant Alan F MORGAN – R8288750 from 12 May
2008 to 12 September 2008.

Dated 23 June 2008

R. J. KING,
Collector of Customs.



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31 July 2008

No. 11

Appointments

Alejandro Neri Igao, Plant Operator/Handyman, Property and Municipal Section, Public Works Department, 01.07.08.

Hugo Patricio Diaz Alvearz, Plant Operator/Handyman, Property and Municipal Section, Public Works Department, 01.07.08.

Stephen Jennings, Plant Operator/Handyman, Highways Section, Public Works Department, 02.07.08.

Junanito Guzman Jose, Head of Policy, Secretariat, 05.07.08.

Anna Jenine Shepherd, Internal Audit Assistant, Treasury, 21.07.08.

Anthony Mark Payne, Environmental Planning Officer, Environmental Planning Department, 28.07.08.

Promotion

Gerard Alan Jaffray, from Fire Fighter to Station Commander (Stanley), Fire and Rescue Service, 01.07.08.

Resignation

Rodney John Halford, Maintenance Estates Officer, Health and Social Services Department, 30.06.08.

NOTICES

No. 42

26 June 2008

Execution of Vesting Deed Land Ordinance Title 45.2

section 11A

Further to an application made by Gladys Lee of 11 Drury Street, Stanley, Falkland Islands, Nicola Luxton of 1A Pioneer Row, Stanley, Falkland Islands, Carol Eynon of 8 Villiers Street, Stanley, Falkland Islands and Jacqueline Elizabeth Earnshaw of 37 Ross Road West, Stanley, Falkland Islands as trustees of The Tabernacle United Free Church of the Falkland Islands pursuant to section 11A of the Land Ordinance (notice of which application was published in the Gazette on 30 May 2008 in Volume CXVII, No 8) I hereby give notice that I have this day executed a Vesting Deed in the form set out hereafter:-

"Whereas on application having been made to me John Christopher Rowland, Registrar General pursuant to section 11A of the Land Ordinance by Gladys Lee of 11 Drury Street, Stanley, Falkland Islands, Nicola Luxton of 1A Pioneer Row, Stanley, Falkland Islands, Carol Eynon of 8 Villiers Street, Stanley, Falkland Islands and Jacqueline Elizabeth Earnshaw of 37 Ross Road West, Stanley, Falkland Islands as trustees of The Tabernacle United Free Church of the Falkland Islands (together as Trustees aforesaid hereinafter called "the Tabernacle"), I am satisfied that the Tabernacle is entitled to be registered as the estate owner 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 the Tabernacle subject only to such matters as are mentioned in Crown Grant 194 and to such easements

rights privileges and encumbrances as may have been created prior to the date of this Deed

Schedule

(Description of land)

All that piece or parcel of land situate in the Special Suburban Allotments of the town of Stanley, Falkland Islands containing twenty eight perches being allotment No. 3 in Sector 'C' bounded on the North by allotment No. 2 one hundred and thirty five and a half links, bounded on the East by Barrack Street one hundred and thirty links, bounded on the South by former Crown Lands one hundred and thirty seven links, and bounded on the West by Marine Gardens one hundred and thirty links being the whole subjects comprised in Crown Grant 194 and upon which the building known as the Tabernacle Church has been erected."

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

Dated 26 June 2008

J. C. ROWLAND,
Registrar General.

No. 43 30 June 2008

Legislative Council of the Falkland Islands

**Children and Young Persons (Tobacco) Ordinance 2007
Resolution of the Legislative Council**

No. 1 of 2008

Resolved by the Legislative Council on 30 May 2008, pursuant to section 2 of the Children and Young Persons (Tobacco) Ordinance 2007 (No 8 of 2007), that sections 8 and 9 of the Children and Young Persons (Tobacco) Ordinance 2007 shall come into force on 1 September 2008.

Dated 30 June 2008

C. ANDERSON-PRIOR MBE,
Clerk of Councils.

No. 44 3 July 2008

Appointment of Financial Secretary

In exercise of my powers under section 76 of the Falkland Islands Constitution Orders 1985 to 1997 (Title 1) and all other powers enabling me in that behalf I, Paul Lawrence Martinez Acting Governor of the Falkland Islands hereby appoint Keith Padgett to be Financial Secretary for the Falkland Islands.

Given under my hand and the Public Seal at Stanley on 3 July 2008

P. L. MARTINEZ,
Acting Governor.

No. 45

3 July 2008

Appointment of Commissioner of Taxation

In exercise of my powers under section 5 of the Taxes Ordinance 1997 (Title 69.1) and all other powers enabling me in that behalf I, Paul Lawrence Martinez Acting Governor of the Falkland Islands hereby appoint Keith Padgett to be Commissioner of Taxation for the Falkland Islands.

Made under my hand on 3 July 2008

P. L. MARTINEZ,
Acting Governor.

No. 46

3 July 2008

Designation of Acting Chief Police Officer

In exercise of my powers under section 4(2) of the Police Ordinance 2000 (No 6 of 2000) and all other powers enabling me in that behalf I, Paul Lawrence Martinez Acting Governor of the Falkland Islands hereby designate Len Stanford McGill to carry out the duties of the Chief Police Officer whenever the substantive holder of the post of Chief Police Officer, Paul Jonathan Elliott is absent from the Falkland Islands, or is by illness or for any other reason incapable of carrying out his duties or unavailable to carry out his duties.

Made under my hand on 3 July 2008

P. L. MARTINEZ,
Acting Governor.

No. 47

6 July 2008

**Execution of Vesting Deed
Land Ordinance Title 45.2
section 11A**

Further to an application made by Malcolm Ashworth of Riverside Farm, East Falkland Island, Falkland Islands, John Birmingham of 4 Drury Street, Stanley, Falkland Islands, Robin Goodwin of 31 Ross Road West, Stanley, Falkland Islands and Stephanie Anne Middleton of 13 McKay Close, Stanley, Falkland Islands, together the Committee of the Stanley Co-operative Society Limited a co-operative society incorporated in the Falkland Islands under the provisions of the Co-operative Societies Ordinance (Title 21.1) pursuant to section 11A of the Land Ordinance (notice of which application was published in the Gazette on 13 June 2008 in Volume CXVII, No 9) I hereby give notice that I have this day executed a Vesting Deed in the form set out hereafter:-

"Whereas on application having been made to me John Christopher Rowland, Registrar General pursuant to section 11A of the Land Ordinance by Malcolm Ashworth of Riverside Farm, East Falkland Island, Falkland Islands, John Birmingham of 4 Drury Street, Stanley, Falkland Islands, Robin Goodwin of 31 Ross Road West, Stanley, Falkland Islands and Stephanie Anne Middleton of 13 McKay Close, Stanley, Falkland Islands together the Committee of the Stanley Co-operative Society Limited a co-operative society incorporated in the Falkland Islands under the provisions of the Co-operative Societies Ordinance (Title 21.1) (the said society being hereinafter

referred to as "Stanley Co-op"), I am satisfied that the Stanley Co-op is entitled to be registered as the estate owner 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 the Stanley co-op subject only to such matters as are mentioned in Crown Grants 261 and 300 and to such easements rights privileges and encumbrances as may have been created prior to the date of this Deed

Schedule
(Description of land)

All that plot or parcel of land situate in the town of Stanley, East Falkland Island containing 1,570 square metres or thereabouts bounded on the North by John Street on the West by Barrack Street on the South by Drury Street on the East by the residential properties known as 6 and 6A John Street being the whole subjects comprised in Crown Grants 261 and 300 and shown for identification purposes only delineated and hatched on drawing number 08/14 attached hereto together with the shop premises and all other buildings and structures erected thereon."

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

Dated 6 July 2008

J. C. ROWLAND,
Registrar General.

No. 48 7 July 2008

Co-operative Societies Ordinance 2007
section 37

Stanley Co-operative Society Limited

As Registrar of Co-operative Societies I hereby direct Peter Copp, assisted by Consultancy Services Falklands Limited, to hold an inquiry under section 37 of the Co-operative Societies Ordinance into the constitution, working, and financial condition of the Stanley Co-operative Society Limited.

Dated 7 July 2008

J. C. ROWLAND,
Registrar of Co-operative Societies.

No. 49 15 July 2008

Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)

Take Notice that ELLEN ALMA BETTS of 21 Fitzroy Road, Stanley, Falkland Islands died on the 1st day of June 2008 intestate.

Whereas MICHAEL ELFED BIGGS, DONALD WILLIAM BETTS and VALERIE ANN HARVEY have

applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 15 July 2008

C. J. KING,
Registrar, Supreme Court.

No. 50 17 July 2008

Index of Retail Prices

The calculation of the Index for the quarter ended 30 June 2008 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
30.09.07	126.10	1.432	1.082
31.12.07	129.16	3.868	2.427
31.03.08	130.23	4.804	0.828
30.06.08	134.34	7.687	3.156

Dated 17 July 2008

L. LYSE,
for Financial Secretary.

No. 51 22 July 2008

Taxes Ordinance 1997
section 57B(2)

Correction to Approved List of Charities

Notice is hereby given that the following charity has been approved by the Governor by way of addition to the approved list of charities for tax deduction purposes:-

Services Sound and Vision Corporation

Dated 22 July 2008

D. F. W. PICKUP,
Attorney General.

Note: Section 57A of the Taxes Ordinance provides for deductions from income for tax purposes of donations of £50 or more made to registered charities in any calendar year provided written evidence from the charity of the total amount of donations made to the charity in the calendar year are provided to the Commissioner of Taxes. Approved charities are bodies which are registered as a charity under the Charities Act 1960 as it applies to the Falkland Islands and any body of persons or trust the name of which appears on the approved list of charities. The bodies "on the approved list" are charities established overseas which are not registered under the Charities Act 1960 in the Falkland Islands. They have been approved for tax deduction purposes.

No. 52

25 July 2008

**Fisheries (Conservation and Management) Ordinance 2005
section 38**

Notice of Total Allowable Catch

Restricted Finfish - Pelagic

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:

Fishery: Restricted Finfish – Pelagic

Species: Southern Blue Whiting
(*Micromesistius australis*) and
Hoki (*Macruronus magellanicus*)

Period: 1 January – 31 December 2008

Total Allowable Catch: 18000 metric tonnes

Dated 25 July 2008

A. J. BARTON,
Director of Fisheries.

No. 53

25 July 2008

Legislative Council of the Falkland Islands

**Children and Young Persons (Tobacco) Ordinance 2007
Children and Young Persons (Tobacco) Ordinance
(Amendment) Order 2008**

Resolution of the Legislative Council

No: 2 of 2008

Resolved by the Legislative Council on 25 July 2008, pursuant to section 9 of the Children and Young Persons (Tobacco) Ordinance 2007 (No 8 of 2007), that the making of the Children and Young Persons (Tobacco) Ordinance (Amendment) Order 2008 is approved.

Dated 25 July 2008

C. ANDERSON-PRIOR MBE,
Clerk of Councils.

No. 54

25 July 2008

Application for Naturalisation

Notice is hereby given that GRANT MACKINTOSH MUNRO and LUCY ELLIS are applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 August 2008.

Dated 25 July 2008

R. J. KING,
for Immigration Officer.



THE FALKLAND ISLANDS GAZETTE

PUBLISHED BY AUTHORITY

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29 August 2008

No. 12

Appointments

Kim Anthony Bone, Police Constable, Royal Falkland Islands Police, 28.07.08.

Maria Fernanda Tapia, Dental Nurse, Health and Social Services Department, 01.08.08.

Sandy Bridget Kelly, General Assistant, Health and Social Services Department, 01.08.08.

Arron Charles Clarke, Plant Operator/Handyman, Public Works Department, 01.08.08.

Lesley Ann Wilson, Staff Nurse, Health and Social Services Department, 04.08.08.

Martyn Gilson-Clarke, Handyman, Public Works Department, 04.08.08.

Rosanne Faye Goode, Speech and Language Therapist, Health and Social Services Department, 23.08.08.

Completion of Contract

Gemma Louise French, Fisheries Observer, Fisheries Department, 09.08.08.

Dr Vladimir Laptikhovsky, Data Analyst, Fisheries Department, 13.08.08.

Alison Mary Thompson, Senior Magistrate, Justice Department, 22.08.08.

Dominic Rowan, Teacher, Education Department, 31.08.08.

Andrew Byekwaso, Teacher, Education Department, 31.08.08.

Michael Christopher Marshall, Teacher, Education Department, 31.08.08.

Jill Maryon Milsome, Teacher, Education Department, 31.08.08.

Bethan Phillips, Special Education Needs Co-ordinator, Education Department, 31.08.08.

Resignation

Farrah Louise Peck, Clerk, Administration Section, Public Works Department, 08.08.08.

Angela Maher, Police Constable, Royal Falkland Islands Police, 09.08.08.

Maria Abriana Peck, Sports Attendant, Leisure Centre, Education Department, 10.08.08.

James Peck, Stores/Handyperson, Power and Electrical Section, Public Works Department, 13.08.08.

Stephen Boyd Clarke, Carpenter, Property and Municipal Section, Public Works Department, 22.08.08.

Trudi Dale Lee, Administrative Officer, Public Works Department, 29.08.08.

Heather Thelma Norman, Teacher, Education Department, 31.08.08.

Retirement

Derek Frank Howatt, Financial Secretary, Treasury, 12.08.08.

NOTICES

No. 55 6 August 2008

Notice of Approved Immigration Applications

It is notified for general information that the following immigration application was approved by the Governor in Executive Council on 24 July 2008:

Falkland Islands Status

Hannah Rachael ARTHUR-ALMOND

Dated 6 August 2008

P.T. KING,
Principal Immigration Officer.

No. 56 12 August 2008

**Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)**

Take Notice that ELAINE ELIZABETH GREEN of The Lodge, Market Garden, Airport Road, Stanley, Falkland Islands died on the 15th day of June 2007 intestate.

Whereas RICHARD JAMES DARWEN MARLOR as Attorney for SARAH OLWEN GREEN conform to Power of Attorney dated 22nd day of July 2008 has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 12 August 2008

C. J. KING,
Registrar, Supreme Court.

No. 57 15 August 2008

Costs of Inquiry under section 37(1) of the Co-operative Societies Ordinance

Stanley Co-operative Society Limited

I, JOHN ROWLAND, Registrar of Co-operative Societies, acting under the power given to me by section 37(4) of the Ordinance, hereby order that 100% of the costs of the inquiry into the Stanley Co-operative Society Limited conducted by Peter Copp, should be paid by the Society.

Dated 15 August 2008

J.C. ROWLAND,
Registrar of Co-operative Societies.

No. 58

15 August 2008

Order under section 38 of the Co-operative Societies Ordinance

Stanley Co-operative Society Limited

I, JOHN ROWLAND, Registrar of Co-operative Societies, having considered the report of Peter Copp dated 12 August 2008 into the constitution, working, and financial condition of the Stanley Co-operative Society Limited, am of the opinion that the Stanley Co-operative Society Limited ought to be dissolved, and accordingly make this order for the cancellation of the registration of the Society.

Dated 15 August 2008

J.C. ROWLAND,
Registrar of Co-operative Societies.

No. 59

15 August 2008

Notice of an order under section 38 of the Co-operative Societies Ordinance

Stanley Co-operative Society Limited

I, JOHN ROWLAND, Registrar of Co-operative Societies, being of the opinion that the Society ought to be dissolved have made an order under section 38 of the Ordinance for the cancellation of the registration of the Society.

Any member of the Society may, within two months of 15 August 2008, appeal from the order to the Governor.

If no such appeal is made, the order takes effect on expiry of that two month period.

If such an appeal is made, the order does not take effect unless it is confirmed by the Governor.

Dated 15 August 2008

J.C. ROWLAND,
Registrar of Co-operative Societies.

No. 60

18 August 2008

**New House Estates Limited
Company Number: 12491**

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 652 of the Companies Act 1985 on the 16th day of August 2008.

Dated 18 August 2008

J.C. ROWLAND,
Registrar of Companies.

C/304

C/305

BK Cabs Limited**Company Number: 12511**

NOTICE IS HEREBY GIVEN that the above named company was dissolved pursuant to section 652 of the Companies Act 1985 on the 16th day of August 2008.

Dated 18 August 2008

J.C. ROWLAND,
Registrar of Companies.

ESC 12

**Tax - Extra Statutory Concession
Purchase of Own Shares (PoS)**

The Companies (Amendment) Ordinance 2006 allows companies to purchase their own shares. A purchase of own shares is a distribution according to the Taxes Ordinance 1997 (TO 1997). Section 49 of TO 1997 allows a tax credit for recipients of qualifying distributions, and taxes the total as income. A sale of shares other than to the company whose shares they are, is a capital transaction and does not suffer income tax except in particular cases (Individual Transferable Quota and Oil Rights).

The intention of this ESC is to allow the vendor in a purchase of own shares situation to be in a no worse position than a vendor to a third party. Equally, the vendor should not be in a better position than a vendor to a third party buyer.

The ESC will apply from 1 January 2007, the date that the Companies (Amendment) Ordinance 2006 came into force to allow a company to purchase its own shares.

In PoS transactions the tax office will treat the receipt as a capital repayment up to the amount of capital originally subscribed for the shares.

In certain circumstances where an unquoted private company purchases its own shares the Tax Office will treat the whole payment as a capital transaction (applying the ITQ and Ring Fence Trade legislation as appropriate first).

The circumstances are as follows:—

- Where the redemption, repayment or purchase is made wholly or mainly for the purpose of benefiting a trade carried on by the company or by any of its 75 per cent. subsidiaries, and does not form part of a scheme or arrangement the main purpose or one of the main purposes of which is—
 - (i) to enable the owner of the shares to participate in the profits of the company without receiving a dividend, or
 - (ii) the avoidance of tax; and
- the conditions specified in this ESC, so far as applicable, are satisfied in relation to the owner of the shares

The conditions applying are:—

- **trade benefit**

The company's sole or main purpose in making the payment is to benefit a trade carried on by it or by its 75% subsidiary.

If there is a disagreement between shareholders over the management of the company and this is having or is expected to have an adverse effect on the company's trade then this condition will be met if the effect is that the dissenting shareholder is removed entirely. Similarly an unwilling shareholder may wish to end his association with the company and the company wants to PoS rather than have them sold to someone who is not acceptable to the other shareholder. The purchase will normally be regarded as benefiting the company's trade. Examples of unwilling shareholders are:—

- an outside shareholder who has provided equity finance and now wishes to withdraw the finance;
- a controlling shareholder who is retiring as a director and wishes to make way for new management;
- personal representative of a deceased shareholder where they wish to realise the value of the shares; and
- a legatee of a deceased shareholder where he does not wish to hold shares in the company.

If the company is not buying all the shares owned by the vendor or the vendor is retaining some other connection, such as a directorship or consultant, it would be unlikely that the transaction could benefit the trade. However, there are exceptions where a company does not have the resources to buy out its retiring controlling shareholder completely but purchases as many of his shares as it can afford with the intention of buying the remainder where possible. It may be possible to show the main purpose is to benefit the trade. There is also no objection if, for sentimental reasons, the retiring director retains a small shareholding (5% or less) of the issued share capital.

- **residence**

The vendor must be resident for tax purposes as defined by S200-S201 TO 1997 (as amended).

- **period of ownership**

The shares must have been owned, either directly, through inheritance under a will or through a company reconstruction, for a minimum period of 5 years.

- **substantial reduction in vendors interest in the company**

The percentage of share capital of the vendor (and his associates) immediately after the purchase must be less than three quarters of the percentage held immediately before it. Also, following the purchase the vendor (and his associates) must not be connected with company. For this purpose connection and control has the same meaning as S208-210 TO 1997, with the addition that he is also connected if he directly or indirectly possesses more than 50% of the loan capital and issued share capital of the company.

It sometimes happens that the company wants to buy out the shareholder completely but cannot afford to do so. In such a case the parties may agree that the PoS should go ahead but that the shareholder will lend part of the consideration back to the company immediately afterwards. There is no reason this should not happen. However, it is to be remembered that after the PoS the shareholder's interests in the company must not exceed 50%; where the shares have a high market value, the issued share capital being relatively small, it is possible that the loan may cause this rule to be breached. It is acceptable for the company to avoid this result by making a bonus issue before the PoS takes place thus increasing its issued share capital.

Example

Norman owns 5,000 out of the 10,000 issued £1 shares of a company.

It is agreed that the company will buy the shares for £75,000 which is their market value, and Norman will lend the company £25,000.

But this would mean Norman held loan capital of £25,000 out of the company's combined share and loan capital of £30,000 (5,000 remaining shares plus loan £25,000), so he would be connected with the company.

If, before the PoS, the company makes a bonus issue of 9 shares for each one held then Norman will hold 50,000 shares. He sells these for £75,000 and loans £25,000. Now the company's combined share and loan capital is £75,000 (50,000 shares and £25,000 loan). Norman's share is £25,000 which is less than 50% of the whole so he is not connected with the company.

Dated 18 August 2008

L. F. HUNTER,
Company Taxation Officer.

No. 63

18 August 2008

ESC 13

**Tax – Extra Statutory Concession
Late Local Currency Elections**

Section 31A Taxes Ordinance 1997 (TO 1997) was introduced by the Taxes (Amendment) Ordinance 2002. The time limit for companies in existence at that time was 9 months from the date the Ordinance came into force. Previously accounts had to be drawn up in sterling. The time limit is now past for those companies.

Some advisors and companies were not aware of this extension to the Ordinance and did not make an election in time. In addition businesses change over time and their local currency may also change. For this reason a relaxation in the time limit will be given in certain circumstances. The election once made however, is irreversible.

A late election should be made to the Tax Officer and should contain the following information:—

- date from which the election will commence;

- reasons an election was not made in time;
- the functional currency and details of how the functional currency has been determined, it is expected this will be the same as the functional currency to be used; and
- details of previous forex losses and gains arising from previous transactions in this currency and sterling. The change to compute the profit or loss in another currency may crystallise an overall forex loss or profit from previous transactions in the currency. The potential crystallised loss or profit will be taken into account when deciding whether to extend the time limit for the election.

A late election will not be accepted if one of its main purposes is tax avoidance.

This relaxation in allowing late elections will be kept under review and may be withdrawn if it appears to be abused to gain a tax advantage.

Dated 18 August 2008

L. F. HUNTER,
Company Taxation Officer.

No. 64

18 August 2008

ESC 14

**Tax – Extra Statutory Concession
Taxation of Share Option Benefits**

The Taxes Ordinance 1997 (as amended) charges to tax any benefits provided by employers to their employees. Benefits may be in cash or otherwise. Some benefits which are not in cash have prescribed values but where they do not then the Open Market Value of the non cash benefit is charged.

A growing practice in companies, particularly those with overseas parent companies, is to reward employees with share options. Save As You Earn schemes (SAYE) allow all eligible employees to save money with the company for a certain period, and at the end of the period to purchase shares in the company at a stated price using the savings and interest accrued. Typically the shares have grown in value from their option price and so the employee receives a benefit, being the difference in the price paid for the shares and their market value. This benefit is a taxable benefit and is taxed when the shares are transferred.

The Falkland Islands Tax Office has not taxed the benefit from SAYE plans which have received Approval from HM Revenue & Customs or Inland Revenue (HMRC) in the UK and this Extra Statutory Concession formalises the current position.

Thus for SAYE schemes which have received HMRC Approval in the UK the FI Tax Office will not seek to charge a benefit where no charge would have been made in the UK.

Where a local employee in a SAYE scheme would have been charged to tax under the UK Approval rules (because they did not qualify for exemption under the Approval

rules) Payment on Account of Tax (POAT) should still be deducted in the Falkland Islands.

The tax office will also attempt to give FI Approval for a SAYE scheme which has all the characteristics of a scheme which would receive approval under HMRC rules, but which has not been operated in the UK. The rules for Approval of SAYE schemes in the UK are at Schedule 3 of Income Tax (Earnings and Pensions) Act 2003.

The position for any other share option scheme remains that the benefit is charged to tax when the option is exercised, usually by share transfer to the employee.

For the avoidance of doubt, where the employee in a SAYE plan opts to receive his savings and interest instead of shares or share sale proceeds, no benefit is chargeable.

Dated 18 August 2008

L.F. HUNTER,
Company Taxation Officer.

No. 65 20 August 2008

Order under section 38(4) of the Co-operative Societies Ordinance

Stanley Co-operative Society Limited

I, JOHN ROWLAND, Registrar of Co-operative Societies, having made an order under Section 38(1) of the Ordinance cancelling the registration of the Stanley Co-operative Society Limited, hereby order under Section 38(4) of the Ordinance that:—

1. the officers of the Society and any other person holding any of the Society's books, accounting records or other documentation shall keep them properly secured and take all necessary precautions to prevent any damage being caused to them;
2. the officers of the Society shall ensure that there is no disposal of any of the Society's land and buildings without the prior written consent of the Registrar;
3. the officers of the Society shall take all necessary action to secure and protect the Society's buildings and contents, including the maintenance of insurance cover and the supply of heat, light and power needed to maintain the condition of the buildings and contents;
4. the officers of the Society shall ensure that no payments are made, either in cash or from the Society's bank

account, without the prior written consent of the Registrar, other than payment necessary to comply with paragraph 3 above; and

5. the officers of the Society shall ensure that the proceeds of sale of any stock or other assets are promptly banked in the Society's bank account.

Dated 20 August 2008

J.C. ROWLAND,
Registrar of Co-operative Societies.

No. 66 22 August 2008

C/304

Equatt Limited

Company Number: 12490

TAKE NOTICE that in accordance with the provisions of section 652 of the Companies Act 1985 and the requirements of the said section having complied with the above named company will be removed from the Registrar of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 22 August 2008

J.C. ROWLAND,
Registrar of Companies.

No. 67 27 August 2008

Application for Falkland Islands Status

Notice is hereby given that **Valerie Janet PADGETT** and **Keith PADGETT** have applied through the Principal Immigration Officer to be granted Falkland Islands Status by the Governor. Any person who knows of any reason why Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley no later than 22 September 2008.

Dated 27 August 2008

C. W. REEVES,
Immigration Officer.



THE FALKLAND ISLANDS GAZETTE

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Vol. CXVII

30 September 2008

No. 13

Appointments

Helen Mary Bell, Deputy Headteacher, Education Department, 01.09.08.

Jackie Lorraine Cooper, Primary Teacher, Education Department, 01.09.08.

Robin David Cooper, Primary Teacher, Education Department, 01.09.08.

Rex Edward Eagle, Special Educational Needs Co-ordinator, Education Department 01.09.08.

Helen Therese Forbes, Home Economics Teacher, Education Department, 01.09.08.

Anna Gillham, Travelling Teacher, Education Department, 01.09.08.

Lisa Ann Humphries, Primary Teacher, Education Department, 01.09.08.

Geoffrey Loftus, Fire Fighter, Fire and Rescue Service, 01.09.08.

Clifford John Mace, Science Teacher, Education Department, 01.09.08.

Katherine Elizabeth Oliver, Mathematics Teacher, Education Department, 01.09.08.

Audrey Mary Paans, Travelling Teacher, Education Department, 01.09.08.

Juliet Hazel Poole, Primary Teacher, Education Department, 01.09.08.

Siobhan Marion Potter, Science Teacher, Education Department, 01.09.08.

Marion Jane Round, Primary Teacher, Education Department, 01.09.08.

Normann Ford, Police Constable, Royal Falkland Islands Police Force, 02.09.08

Jennifer Ann Smith, Staff Nurse, Health and Social Services Department, 02.09.08.

Ambrose Simon Wilkie, Financial Services Manager, Treasury, 05.09.08.

Helen Louise Kirk, Community Psychiatric Nurse, Health and Social Services Department, 15.09.08.

Completion of Contract

Sandra Joyce Campbell, Settlement Teacher, Education Department, 31.08.08.

Raymond John Felstead, Teacher, Education Department, 31.08.08.

Elaine Anne Messer, English Teacher, Education Department, 31.08.08.

Wendy Patricia Reynolds, Travelling Teacher, Education Department, 31.08.08.

Kate Alison Williams, Primary Teacher, Education Department, 31.08.08.

Phillip Michael John Wright, History Teacher, Education Department, 31.08.08.

Renewal of Contract

Sandra Joyce Campbell, Settlement Teacher, Education Department, 01.09.08.

Raymond John Felstead, Teacher, Education Department, 01.09.08.

Elaine Anne Messer, English Teacher, Education Department, 01.09.08.

Wendy Patricia Reynolds, Travelling Teacher, Education Department, 01.09.08.

Kate Alison Williams, Primary Teacher, Education Department, 01.09.08.

Phillip Michael John Wright, History Teacher, Education Department, 01.09.08.

Vladimir Laptikhovsky, Data Analyst, Fisheries Department, 29.09.08.

Promotion

Karen Pamela Sanchez Ladron De Guevara, from Senior Clerk to Administrative Officer, Public Works Department, 01.09.08.

Resignation

Amelia Appleby, Clerk, Secretariat, 05.09.08.

Emily Hancox, Junior Technical Assistant, Public Works Department, 19.09.08.

Michelle Crowie, General Assistant, Health and Social Services Department, 21.09.08.

Carol Thorsen, Clerk (Cashier), Treasury, 23.09.08.

Retirement

Trudi Dale Lee, Administration Officer, Public Works Department, 12.09.08.

Transfer

Karen Armstrong-Ford, from Primary Teacher, Infant and Junior School to Settlement Teacher, Camp Education, Education Department, 01.09.08.

NOTICES

No. 68 1 September 2008

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I hereby appoint the following person to be a temporary Customs Officer:-

Corporal Kevin CARVER – K8412350 from 21 August 2008 to 21 December 2008.

Dated 1 September 2008

R. J. KING,
Collector of Customs.

4 September 2008

No. 69

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take Notice that RAYMOND WINSTON NEWMAN of 2 Yates Place, Stanley, Falkland Islands died on the 16th day of July 2008 intestate.

Whereas MARLENE NEWMAN has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 4 September 2008

J. M. PARKE,
Acting Registrar, Supreme Court.

No. 70

12 September 2008

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take Notice that PATRICK GEORGE WHITNEY of Mount Kent Farm, Greenpatch, Falkland Islands died on the 18th day of June 2008 intestate.

Whereas DANIELA GRACE WHITNEY has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 12 September 2008

C. J. KING,
Registrar, Supreme Court.

No. 71

18 September 2008

Appointment of Planning Officer

In exercise of my powers under section 10 of the Planning Ordinance (Title 55.3) I, ALAN EDDEN HUCKLE, Governor of the Falkland Islands, appoint ANTHONY MARK PAYNE to be the Planning Officer with effect from 25 July 2008.

Dated 18 September 2008

A.E. HUCKLE,
Governor.

Application for Naturalisation

Notice is hereby given that SARAH MASKELL-BOTT, JOHN MALCOLM MASKELL-BOTT and HARRIET HALL are applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 October 2008.

Dated 23 September 2008

C. W. REEVES,
Immigration Officer.

Application for Falkland Islands Status

Notice is hereby given that TERRI-SUE CLIFFORD and ROMA ANN PLATO have applied through the Principal Immigration Officer to be granted Falkland Islands Status by the Governor. Any person who knows of any reason why Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 October 2008.

Dated 23 September 2008

C. W. REEVES,
Immigration Officer.

Appointment of Temporary Customs Officer

In exercise of the powers conferred by section 7(3) of the Customs Ordinance 2003, I hereby appoint the following persons to be temporary Customs Officers:-

Sergeant Jonathon COWELL – T8252059; and

Corporal Paul THOMSON – K8418410

from 5 September 2008 to 6 January 2009.

Dated 25 September 2008

R. J. KING,
Collector of Customs.

Legislative Council of the Falkland Islands**Road Traffic Ordinance (Title 63.1)
Wearing of Seat Belts (Amendment) Regulations 2008****Resolution of the Legislative Council**

No: 3 of 2008

Resolved by the Legislative Council on 26 September 2008, pursuant to section 36 of the Road Traffic Ordinance (Title 63.1), that the making of the Wearing of Seat Belts (Amendment) Regulations 2008 is approved.

Dated 26 September 2008

C. ANDERSON-PRIOR MBE,
Clerk of Councils.

Errata

Gazette No. 6 of Volume CXVII dated 30 April 2008. In Notice No. 28 for further information the effective date (the date on which Falkland Islands Status is conferred on the recipient by the taking of the pledge) for Arlene Elizabeth Bowers is 8 September 2008, and for Elizabeth Eleanor Newton is 20 May 2008.

Gazette No. 12 of Volume CXVII dated 29 August 2008. In Notice No. 55 for further information the effective date (the date on which Falkland Islands Status is conferred on the recipient by the taking of the pledge) for Hannah Rachael Arthur-Almond is 6 August 2008.

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THE FALKLAND ISLANDS GAZETTE

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Vol. CXVII

31 October 2008

No. 14

Appointments

Samantha Jane Payne, Learning Support Assistant, Falkland Islands Community School, Education Department, 01.09.08.

John Coutts, Licensed Aircraft Engineer, Falkland Islands Government Air Service, 01.10.08.

Carol Margaret Thorsen, Senior Clerk (Finance), Education Department, 03.10.08.

Gemma Louise French, Fisheries Observer, Fisheries Department, 10.10.08

Sarah Maskell-Bott, Teacher Learning Responsibilities 2 (vocational), Falkland Islands Community School, Education Department, 27.10.08.

Resignation

Derek Cantlie, Plant Operator/Handyman, Highways Section, Public Works Department, 16.09.08.

Leon John Mitchell, Assistant Foreman, Municipal Section, Public Works Department, 30.09.08.

Anya Evelyn Cofre, Check-in-Clerk, Falkland Islands Government Air Service, 25.10.08.

Marion Elizabeth Bagley, Assistant House Keeper, Government House, 31.10.08.

Peter John Bagley, Mechanic, Plant and Vehicle Section, Public Works Department, 31.10.08.

Retirement

John Malcolm Hobman, Farm Manager, Saladero, Department of Agriculture, 31.10.08.

Transfer

Valorie Marcella McLeod, from Finance Clerk, Education Department to Senior Clerk, Public Works Department, 15.10.08.

Cathy Jacobsen, from Check-in-Clerk, Falkland Islands Government Air Service to Clerk, Public Works Department, 30.10.08.

NOTICES

No. 76

14 October 2008

Supreme Court of the Falkland Islands Notice under the Administration of Estates Ordinance (Title 68.1)

Take Notice that IRENE MARION BETTS of Boundary Farm, Falkland Islands died on the 9th day of June 2008 intestate.

Whereas SUSAN ANN HANSEN has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such

grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 14 October 2008

C. J. KING,
Registrar, Supreme Court.

No. 77

14 October 2008

**Supreme Court of the Falkland Islands
Notice under the Administration of Estates Ordinance
(Title 68.1)**

Take Notice that JOYCE KATHLEEN CLARK of 27 Eliza Crescent, Stanley, Falkland Islands died on the 7th day of October 2008 intestate.

Whereas HECTOR CLARK has applied for Letters of Administration to administer the estate of the said deceased in the Falkland Islands.

Notice is hereby given pursuant to section 4 of the Administration of Estates Ordinance to all persons resident in the Falkland Islands who may have prior claim to such grant that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within 21 days of the publication hereof.

Dated 14 October 2008

C. J. KING,
Registrar, Supreme Court.

No. 78

27 October 2008

Application for Naturalisation

Notice is hereby given that BOONRUAM PHISIL is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 November 2008.

Dated 27 October 2008

C. W. REEVES,
Immigration Officer.

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30 November 2008

No. 15

Appointments

Sharon Jean Osborne, Assistant Housekeeper, Government House, 27.10.08.

Ronald Lawrence Rothwell, Medical Engineering Manager, Health and Social Services Department, 29.10.08.

Brian George Aldridge, Farm Manager Saladero, Department of Agriculture, 01.11.08.

Alastair John Trevaskis, Senior Magistrate, Court, 10.11.08

Elaine Anne Messer, Teaching and Learning Responsibility 2 (academic), Falkland Islands Community School, Education Department, 14.11.08.

Simon John Catton, Highways Technician/Engineer, Public Works Department, 17.11.08.

Cynthia Dawn Oliver, Cashier/Clerk, Mount Pleasant Post Office, Posts and Telecommunications Department, 24.11.08.

Acting Appointments

Barry Elsby, Acting Chief Medical Officer, Health and Social Services Department, 15.11.08-07.12.08.

Carolyn Wendy Reeves, Acting Collector of Customs, Customs and Immigration Department, 25.11.08-11.12.08.

Completion of Contract

Katherine Snell, Fisheries Observer, Fisheries Department, 07.11.08.

Promotion

Dereck George MacDonald, Plant Operator/Handyman, Highways Section, Public Works Department, 01.11.08.

Sebastian Amando Socodo, Assistant Foreman, Highways Section, Public Works Department, 03.11.08.

Resignation

Dilys Rose Minto, Auxiliary Nurse, Health and Social Services Department, 26.11.08.

Jamie David Robins, Agricultural Assistant, Department of Agriculture, 28.11.08.

Joanne Francis Payne, Receptionist, Leisure Centre, Education Department, 28.11.08.

Retirement

Tony Jaffray, Plant Operator/Handyman, Highways Section, Public Works Department, 25.11.08.

Ann Murphy, Deputy Postmaster, Post Office, Posts and Telecommunications Department, 26.11.08.

Transfer

Kirsty Livermore, from Sports Attendant to Receptionist, Leisure Centre, Education Department, 05.11.08.

Alison Dodd, from Cashier/Clerk, Mount Pleasant Post Office, Posts and Telecommunications Department, to Customer Services Officer, Falkland Islands Government Air Service, 17.11.08.

Carole Lee, from Cook, Stanley House, Education Department to Customer Services Officer, Falkland Islands Government Air Service, 27.11.08.

NOTICES

No. 79

4 November 2008

Currency Notes Rules (Title 25.1.1)

In exercise of the powers conferred by rule 3 of the Currency Notes Rules, His Honour the Acting Governor has approved the following changes to the list of Currency Officers with effect from 31 October 2008:-

Appointment

Finlay, Shiralee
Granger, Nicola Jane
Wilkie, Ambrose Simon

Cancellation of Appointment

Howatt, Derek Frank
Thorsen, Carol Margaret

The following is a full list of Currency Officers with effect from 31 October 2008:-

Dodd, Nigel Keith
Eccles, Moira Cameron
Finlay, Shiralee
Granger, Nicola Jane
King, Peter Thomas
Lee, Beverley Christina
Loftus, Sara
Lyse, Linda Margaret
Padgett, Keith
Triggs, Donna Louise
Wilkie, Ambrose Simon

Dated 4 November 2008

M.C. ECCLES, K. PADGETT and P. T. KING,
Commissioners of Currency.

No. 80

14 November 2008

Index of Retail Prices

The calculation of the Index for the quarter ended 30 September 2008 has now been completed. A summary of the Index for the last four quarters is shown below:-

Date	Index	Annual % Increase	Quarter % Increase
31.12.07	129.16	3.868	2.427
31.03.08	130.23	4.804	0.828
30.06.08	134.34	7.687	3.156
30.09.08	140.16	11.15	4.332

Dated 14 November 2008

L. LYSE,
for Financial Secretary.

No. 81

21 November 2008

Notice of Intended Dividend

In the matter of Island Shipping Limited in liquidation

whose Registered Office is situated at 44 John Street,
Stanley, Falkland Islands

and whose business was that of vessel operators, was placed in liquidation by order of the Supreme Court of the Falkland Islands, Case number SC/CIV/9/06.

Notice is hereby given that a final dividend is intended to be declared in the above matter. Any creditors who have not yet proved their debts will be excluded from this dividend if they do not prove their debts by the 17th day of December 2008. Proofs may be lodged at the offices of Consultancy Services Falklands Limited, 44, John Street, Stanley, Falkland Islands.

Dated 21 November 2008

P. COPP,
Liquidator.

No. 82

22 November 2008

Equatt Limited Company Number: 12490

Notice is hereby given that the above named company was dissolved pursuant to section 652 of the Companies Act 1985 on the 22nd day of November 2008.

Dated 22 November 2008

J. C. ROWLAND,
Registrar of Companies.

No. 83

22 November 2008

South Atlantic and Transportation Company Limited Company Number: 10887

Take notice that in accordance with the provisions of section 2(1)(g) of the Companies (Amendment) Ordinance 2006 and the requirements of the said section having been complied with the above named company will be removed from the Register of Companies upon the expiry of three months from the publication of this notice in the Gazette unless good cause do be shown as to why such action should not be taken.

Dated 22 November 2008

J. C. ROWLAND,
Registrar of Companies.

No. 84

25 November 2008

Appointment of Commissioner for Oaths

In accordance with section 2(2) of the Commissioner for Oaths Ordinance 1969 (Title 22.3) I, ALAN EDDEN HUCKLE, Governor of the Falkland Islands appoint Susan Elizabeth Keith Cameron MBE to be a Commissioner for Oaths.

Dated 25 September 2008

A.E. HUCKLE,
Governor.

No. 85

25 November 2008

Application for Naturalisation

Notice is hereby given that POLLYANNA MARIA LENNIE is applying to His Excellency the Governor for naturalisation. Any person who knows of any reason why naturalisation should not be granted is invited to send a written and signed statement of the facts to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 December 2008.

Dated 25 November 2008

C. W. REEVES,
Immigration Officer.

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31 December 2008

No. 16

Appointments

Daniel Michael Murphy, Medical Officer, Health and Social Services Department, 21.11.08.

David Kenneth Johnson, Major Projects and Port Development Manager, Secretariat, 27.11.08

Georgina Anderson-Smith, Stores Person, Public Works Department, 01.12.08.

Harley-Dee Berntsen, Sports Attendant, Leisure Centre, Education Department, 01.12.08.

Robert Legg, Tyre Fitter/Handyman, Plant and Vehicle Section, Public Works Department, 01.12.08.

Stephen Thomas Turnbull McLean, Operations Controller, Falkland Islands Government Air Service, 01.12.08.

Carlin Yon, Mechanic, Plant and Vehicle Section, Public Works Department, 01.12.08

Paul Anthony Howe, Temporary Skilled Handyman, Public Works Department, 10.12.08.

Joanne Watson, Data Clerk/Receptionist, Taxation, 15.12.08.

Resignation

Zachary Stephenson, Temporary Operations Controller, Falkland Islands Government Air Service, 30.11.08.

Tara Cherie Caswell, Data Clerk/Receptionist, Taxation, 05.12.08.

Priscilla Violet Morrison Betts, Operations Controller, Falkland Islands Government Air Service, 17.12.08.

Sarah Jayne Carey, Part-time Sports Attendant, Leisure Centre, Education Department, 18.12.08.

Helen Mary Otley, Environmental Officer, Environmental Planning Office, 24.12.08.

Maribel Andrea Guala Campos, Social Work Assistant, Health and Social Services Department, 31.12.08

Transfer

Zane Eric Hirtle, from Stores Person, Public Works Department to IT Support Technician, Education Department, 01.12.08.

Glynis Margaret King, from Office Manager/Personal Assistant, Agriculture Department to Deputy Post Master, Posts and Telecommunications Department, 04.12.08.

NOTICES

No. 86

26 November 2008

Appointment of Deputy Collector of Customs Customs Ordinance 2003 (section 6(3))

1. Section 6(3) of the Customs Ordinance 2003 provides that the Governor may appoint a Deputy Collector of Customs to exercise any of the powers and duties of the Collector.

2. In exercise of my powers under section 6(3), I appoint **Carolyn Wendy Reeves** to be a Deputy Collector of Customs at any time when the Collector of Customs is unable to carry out the functions of Collector.

3. This appointment has effect from the date below, and continues in effect whilst Carolyn Wendy Reeves holds office as the Immigration Officer, unless terminated sooner.

Dated 26 November 2008

A. E. HUCKLE,
Governor.

No. 87

26 November 2008

**Appointment of Receiver of Wreck
Merchant Shipping Act 1894
(section 566)**

1. Section 566 of the Merchant Shipping Act 1894 (as it applies in the Falkland Islands) provides that the Governor may, with the consent of the Treasury, appoint a receiver of wreck to perform the duties of receiver under Part IX of the Act.

2. The consent of the Treasury was given by the Financial Secretary on 25 November 2008 to the appointment below.

3. In exercise of my powers under section 566 I appoint **Carolyn Wendy Reeves** as a receiver of wreck.

4. This appointment has effect from the date below, and continues in effect whilst Carolyn Wendy Reeves holds office as the Immigration Officer, unless terminated sooner.

Dated 26 November 2008

A. E. HUCKLE,
Governor.

No. 88

26 November 2008

**Designation of Registrar of Ships
Merchant Shipping Ordinance 2001
Merchant Shipping Act 1995
(section 8(3))**

1. Section 8(3) of the Merchant Shipping Act 1995 (as it applies in the Falkland Islands under the Merchant Shipping Ordinance 2001) provides that the Governor may designate a person to discharge, on behalf of the registrar the functions of the registrar.

2. In exercise of my powers under section 8(3) I designate **Carolyn Wendy Reeves** to discharge the functions of the registrar at any time when the registrar is unable to carry out those functions.

3. This designation has effect from the date below, and continues in effect whilst Carolyn Wendy Reeves holds office as the Immigration Officer, unless terminated sooner.

Dated 26 November 2008

A. E. HUCKLE,
Governor.

No. 89

28 November 2008

**Appointment of Member of Police Committee
Police Ordinance 2000
(section 10(2))**

1. Section 10(2) of the Police Ordinance 2000 provides that the Governor may appoint as members of the Police Committee two justices of the peace who have been elected for the appointment by justices of the peace.

2. Keith Robert Biles JP has been elected to be a member of the Police Committee by the justices of the peace.

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

4. This appointment has effect from the date below for a period of 2 years, unless terminated sooner.

Dated 28 November 2008

A. E. HUCKLE,
Governor.

No. 90

2 December 2008

**Registered Ear Marks
Livestock Ordinance (Title 5.3)
(section 8(2))**

Take notice that in accordance with the provisions of section 8(2) of the Livestock Ordinance (Title 5.3) the following ear marks have been approved and registered:-

East Falkland

Farm	Owner	Ear mark
Beckside	FIDC	Back Square
Belonga Us	N & M Goodwin	Fore Bayonet
Berkeley Sound	O Smith	End Clover
Blue Beach	H Grierson & S Smith	End Double Swallow
Bluff Cove	K Kilmartin	Fore Bayonet & Bit
Brookfield	K J McPhee	End Square
Cape Dolphin	P & S Miller	End Square
Corriedale	R & M Goodwin	End Square
Elephant Beach	B Berntsen	End Fork
Estancia	E T Heathman	Fore Split
Evelyn Station	R J Davis	Fore Bayonet
Fitzroy	FLH Corporation	End Double Swallow
Gibraltar Station	R M Pitaluga & Co Ltd	Fore Bayonet
Goose Green	FLH Corporation	End Double Swallow
Greenfield	D Triggs & J Henry	Fore Fork
Green Pond	J Clarke	Fore Halfpenny
Head of the Bay	M & S Jones	End Split
Home Farm	T Whitney	Double Fore Bit
Hope Cottage	T & C Phillips	End Split
Horseshoe Bay	P & M Goss	End Double Swallow
Kingsford Valley	T & S McPhee	Back Bayonet
Long Island	N Watson	Fore Square
Lorenzo	M Clarke	End Square
Moss Side	M & D Minnell	End Split
Mount Kent	D Whitney	Fore Bayonet
Murrell	A & L Lowe	End Fork
Newans Station	J & T Newell	Back Bayonet
North Arm	FLH Corporation	End Double Swallow
Port Louis	P & M Gilding	End Fork
Port Sussex	R & T Stevens	End Fork
Race Point	J & M Jones	End Double Swallow
Rincon Grande	Est. H J Pitaluga	End Split
Riverside	K Dobbys	Fore Halfpenny
Riverview	J Bagley	End Square

Rodeo Farm	M & D Triggs	Fore Square
Saladero	FIG	Double Fore Bit
Smylies	Cantray Ltd	Fore Bayonet
Swan Inlet	Swan Inlet Ltd	Fore Split
Teal Inlet	Est. B Thorsen	Back Square
Wineglass Station	Twigworth Trading	Double Fore Bit
Wreck Point	G & D Dickson	Back Square

West Falkland

Farm	Owner	Ear mark
Albemarle Station	P Bermtsen	Fore Fork
Bold Cove	J & G Forster	Fore Square
Boundary	B Betts	Back Bayonet
Coast Ridge	N A Knight	End Square
Crooked Inlet	D Donnelly	End Halfpenny
Doyle	R Evans & S Sinclair	T Fore Bit
Dunbar	H Delignieres & M P Guillaumot	End Fork
Dunnose Head	C & R Wilkinson	Back Bayonet
Fern Ridge	K Marsh	Fore Halfpenny
Goring Station	W R Luxton	End Double Swallow
Harps	H & R Smith (K & J McKay)	End Square
Lakelands	R & P Marsh	Fore Square
Lake Sulivan	R A & N Edwards	End Fork
Leicester Creek	J R C Knight	End Double Swallow
Little Chartres	J & L Woodward	Back Square
Main Point	I & S Hansen	Fore Halfpenny
Many Branch	W & S Pole-Evans	End Square
Peaks	A & S Hirtle	End Fork
Philomel	G & D Marsh	Double Fore Bit
Pickthorne	S & S Bonner	End Double Swallow
Port Edgar	M & M G Alazia	Back Square
Port Howard	Lee Bros.	End Fork
Port North	R & J McGhie	T Fore Bit
Port Stephens	P & A Robertson	End Double Swallow
Rincon Ridge	L P Marsh & S A Marsh	Fore Halfpenny
Shallow Bay	P & D Peck	Fore Bayonet
Shallow Harbour	A & M Marsh	End Fork
Sheffield	K & J McKay	End Square
South Harbour	M & D Evans	Back Bayonet
Spring Point	R & F Rozee (M & D Evans)	Fore Square
Stoney Ridge	J McGhie & J Hill	Fore Bayonet
Teal River	F R McKay	Fore Square
West Lagoons	P & C Nightingale	End Double Swallow
Westley	T Hobman & P McKay	Fore Fork
White Rock	R & C Lee	Back Square

Islands

Farm	Owner	Ear mark
Beaver Island	S & J Poncet	End Fork
Bleaker Island	M & P Rendell	Plain
Carcass Island	R McGill	Fore Bayonet
George Island Gp	C & L May	Plain
Golding Island	L Hirtle	End Fork
Great Island Gp	R & N Poole	End Double Swallow
Lively Island	A Jaffray	End Double Swallow
Pebble Island	Dean Bros.	Back Bayonet
Saunders Island	A Pole-Evans & Son	End Fork
Sea Lion Island	Strachan Visick	End Fork
Weddell Island	Strachan Visick	End Fork
West Point Island	R B Napier	Back Square

Dated 2 December 2008

P. M. RENDELL,
Director of Agriculture.

No. 91

5 December 2008

Notice of appointment of a liquidator of the Stanley Co-operative Society Limited ('The Society')

Section 41 of the Co-operative Societies Ordinance ('The Ordinance')

The Registration of the Society having been cancelled under section 38 of the Ordinance, I John Christopher Rowland, Registrar of Co-operative Societies, by virtue of the power given to me by section 41 of the Ordinance, hereby appoint **Bryan Alan Jackson** of PKF (UK) LLP to be the liquidator of the Society.

Dated 5 December 2008

J.C. ROWLAND,
Registrar of Co-operative Societies.

No. 92

9 December 2008

Appointment of Trustee of Museum and National Trust Museum and National Trust Ordinance (section 4(1))

1. Section 4(1) of the Museum and National Trust Ordinance (Title 34.2) provides that the Governor may appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) I appoint **Lionel Geoffrey Blake** to be a Trustee of the Museum and National Trust.

3. This appointment has effect from 10 June 2006, and continues in effect for a period of three years from 13 November 2008 expiring on 13 November 2011, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 93

9 December 2008

Appointment of Trustee of Museum and National Trust Museum and National Trust Ordinance (section 4(1))

1. Section 4(1) of the Museum and National Trust Ordinance (Title 34.2) provides that the Governor may appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) I appoint **Denise McPhee** to be a Trustee of the Museum and National Trust.

3. This appointment has effect from 25 January 2008, and continues in effect for a period of three years from 13 November 2008 expiring on 13 November 2011, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 94

9 December 2008

**Appointment of Trustee of Museum and National Trust
Museum and National Trust Ordinance
(section 4(1))**

1. Section 4(1) of the Museum and National Trust Ordinance (Title 34.2) provides that the Governor may appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) I appoint **John Richard Cockwell** to be a Trustee of the Museum and National Trust.

3. This appointment has effect from 11 February 2008, and continues in effect for a period of three years from 13 November 2008 expiring on 13 November 2011, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 95

9 December 2008

**Appointment of Trustee of Museum and National Trust
Museum and National Trust Ordinance
(section 4(1))**

1. Section 4(1) of the Museum and National Trust Ordinance (Title 34.2) provides that the Governor may appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) I appoint **Vernon Robert Steen** to be a Trustee of the Museum and National Trust.

3. This appointment has effect from 28 July 2008, and continues in effect for a period of three years from 13 November 2008 expiring on 13 November 2011, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 96

9 December 2008

**Appointment of Trustee of Museum and National Trust
Museum and National Trust Ordinance
(section 4(1))**

1. Section 4(1) of the Museum and National Trust Ordinance (Title 34.2) provides that the Governor may appoint members to the Museum and National Trust.

2. In exercise of my powers under section 4(1) I appoint **Lucinda Vikki May** to be a Trustee of the Museum and National Trust.

3. This appointment has effect from 1 December 2008, and continues in effect for a period of three years expiring on 1 December 2011, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 97

9 December 2008

**Notice that current members of the Tribunal
shall cease to hold office
Taxes Ordinance 1997
(section 180)**

The Tax Appeal Tribunal has not sat for many years, and it is not known who the current members of the Tribunal are. In these circumstances I have decided that the appropriate way forward is to revoke all current appointments to the Tribunal and seek to recruit new members for the Tribunal.

Accordingly I, Alan Edden Huckle, Governor of the Falkland Islands, in exercise of my powers under section 180 of the Taxes Ordinance 1997, and all other powers enabling me in that behalf, hereby give notice that, with effect from today's date, all current members of the Tax Appeal Tribunal shall cease to hold office as such.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

No. 98

9 December 2008

**Appointment of Member of Board of Visitors
Prison Ordinance 1966
(section 7(2))**

1. Section 7(2) of the Prison Ordinance 1966 provides that the Governor shall appoint members of the Board of Visitors.

2. In exercise of my powers under section 7(2) I appoint **Elisabeth Mary Luxton** to be a member of the Board of Visitors.

3. This appointment has effect from the date below, and continues in effect for three years, unless terminated sooner.

Dated 9 December 2008

A. E. HUCKLE,
Governor.

**Fisheries (Conservation and Management) Ordinance 2005
(section 37)**

Notice of Total Allowable Effort – Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Finfish

Species: All finfish species except Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 January – 31 December 2009

Total Allowable Effort: 68 (Vessel Units)

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

**Fisheries (Conservation and Management) Ordinance 2005
(section 37)**

Notice of Total Allowable Effort – Restricted Finfish Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Restricted Finfish

Species: All finfish species except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 January – 31 December 2009

Total Allowable Effort: 47.5 (Vessel Units)

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

**Fisheries (Conservation and Management) Ordinance 2005
(section 37)**

Notice of Total Allowable Effort – Skate Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Skate

Species: All species of Skate (*Rajidae*)

Period: 1 January – 31 December 2009

Total Allowable Effort: 22 (Vessel Units)

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

**Fisheries (Conservation and Management) Ordinance 2005
(section 37)**

**Notice of Total Allowable Effort –
Squid and Restricted Finfish Fishery**

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid and Restricted Finfish

Species: *Illex argentinus*, *Martialia hyadesi*, all finfish species except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*)

Period: 1 March – 31 May 2009

Total Allowable Effort: 5 (Vessel Units)

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

**Fisheries (Conservation and Management) Ordinance 2005
(section 37)**

Notice of Total Allowable Effort – Squid Fishery

Notice is hereby given of the Total Allowable Effort set in respect of the following fishery:-

Fishery: Squid (*Loligo gahi*)

Species: *Loligo gahi*

Period: 24 February – 14 April 2009

Total Allowable Effort: 26.52 (Vessel Units)

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

**Fisheries (Conservation and Management) Ordinance 2005
(section 38)**

**Notice of Total Allowable Catch
Restricted Finfish – Pelagic**

Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Restricted Finfish – Pelagic

Species: Southern Blue Whiting (*Micromesistius australis*)
Hoki (*Macruronus magellanicus*)

Period: 1 January – 31 December 2009

Total Allowable Catch: 18000 metric tonnes

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

No. 105

16 December 2008

**Fisheries (Conservation and Management) Ordinance 2005
(section 38)**

Notice of Total Allowable Catch – Toothfish Fishery
Notice is hereby given of the Total Allowable Catch set in respect of the following fishery:-

Fishery: Toothfish - Longline
Species: Toothfish (*Dissostichus eleginoides*)
Period: 1 January – 31 December 2009
Total Allowable Catch: 1200 metric tonnes

Dated 16 December 2008

A.J. BARTON,
Director of Fisheries.

No. 106

18 December 2008

**Academic Year 2009 – 2010
Term Dates**

Term One will begin in September
Term Two will begin in January
Term Three will begin in May

Term One

Tuesday 1 September – Friday 18 December 2009

Half Term

Monday 19 October – Friday 23 October 2009 (inclusive)

Term Two

Monday 26 January – Friday 16 April 2010

Half Term

Monday 1 March – Friday 5 March 2010 (inclusive)

Term Three

Monday 3 May – Friday 6 August 2010

Half Term

Monday 14 June – Friday 18 June 2010 (inclusive)

Public Holidays

Monday 5 October 2009	Peat Cutting Monday (School Closed)
Tuesday 8 December 2009	Battle Day (School Closed)
Friday 2 April 2010	Good Friday (School Closed)
Wednesday 21 April 2010	HM Queen's Birthday
Monday 14 June 2010	Liberation Day

**Professional Development Training Days for Teaching
and Non-Teaching Staff**

Monday 31 August 2009

Monday 25 January 2010

Three Professional Development days to be organised at the discretion of the Headteacher/s

Camp Schools

Term dates for Camp Schools may be modified to suit the convenience of farms provided that children receive 190 days schooling and the Education Office is notified in advance.

Dated 18 December 2008

B. BOOTH,
Director of Education.

No. 107

19 December 2008

Application for Falkland Islands Status

Notice is hereby given that **Karen Margaret Drysdale** has applied through the Principal Immigration Officer to be granted Falkland Islands Status by the Governor. Any person who knows of any reason why Status should not be granted, should send a written and signed statement of the facts, giving grounds for their objection, to the Immigration Officer, Customs and Immigration Department, Stanley no later than 21 January 2009.

Dated 19 December 2008

C. W. REEVES,
Immigration Officer.

No. 108

22 December 2008

Notice of Approved Immigration Applications

It is notified for general information that the following immigration applications were approved by the Governor in Executive Council on 13 November 2008:

<u>Falkland Islands Status</u>	<u>Pledge taken (effective date of Status)</u>
Roma Ann Plato	22 December 2008
Terri Sue Clifford	22 December 2008

Dated 22 December 2008

P. T. KING,
Principal Immigration Officer.



**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

Vol. 19

31 January 2008

No. 1

The following are published in this Supplement –

Road Traffic Bill 2008;

Immigration (Suspension of Issue of Permanent Residence Permits) Order 2008 (SR&O No 1 of 2008);

25 Ross Road East Direction 2008 (SR&O No 2 of 2008); and

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2008 (SR&O No 3 of 2008).

Road Traffic Bill 2008

(No: of 2008)

ARRANGEMENT OF PROVISIONS

Clause

PART I INTRODUCTORY

1. Title
2. Commencement
3. Interpretation
4. Application

PART II PRINCIPAL ROAD SAFETY PROVISIONS

Driving offences

5. Causing death by dangerous driving
6. Dangerous driving
7. Meaning of dangerous driving
8. Careless and inconsiderate driving

Motor vehicles: drink and drugs

9. Causing death by careless driving when under the influence of drink or drugs
10. Driving, or being in charge, when under the influence of drink or drugs
11. Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit
12. Breath tests
13. Provision of specimens for analysis
14. Choice of specimens of breath
15. Protection for hospital patients
16. Detention of persons affected by alcohol or a drug
17. Interpretation of sections 9 to 16

Motor racing and motoring events on public highways

18. Motor racing on highways
19. Regulation of motoring events on highways
20. Disapplication of sections 5 to 7 for authorised motoring events

Protective measures: seat belts, helmets, etc

21. Seat belts: adults
22. Restriction on carrying children not wearing seat belts in motor vehicles
23. Safety equipment for children in motor vehicles
24. Requirement to notify bus passengers to wear seat belts
25. Wearing of protective headgear
26. Protective helmets for motor cyclists
27. Authorisation of head-worn appliances for use on motor cycles

Stopping on verges, etc, or in dangerous positions, etc

28. Prohibition of parking of mechanically-propelled vehicles and trailers on verges, footways or grassed areas
29. Cycling on footways and footpaths
30. Leaving vehicles in dangerous positions
31. Causing danger to road users

Other restrictions in interest of safety

32. Restriction of carriage of persons on motor cycles
33. Restriction of carriage of persons on bicycles
34. Tampering with motor vehicles
35. Holding or getting on to vehicle in order to be towed or carried

Cycling offences and cycle racing

36. Dangerous cycling
37. Careless, and inconsiderate, cycling
38. Cycling when under influence of drink or drugs
39. Electrically assisted pedal cycles and scooters

Directions to traffic and to pedestrians and traffic signs

40. Drivers to comply with traffic directions
41. Drivers to comply with traffic signs
42. Directions to pedestrians

Promotion of road safety

43. Road code

PART III

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Using vehicle in dangerous condition

44. Using vehicle in dangerous condition etc

General regulation of construction, use etc

45. Regulation of construction, weight, equipment and use of vehicles and cycles
46. Breach of requirement as to brakes, steering gear or tyres
47. Breach of requirement as to weight: goods and passenger vehicles
48. Breach of other construction and use requirements
49. Temporary exemption from application of regulations under section 45

Vehicle examiners

50. Appointment of examiners

Testing vehicles on roads

51. Testing of condition of vehicles on roads

Inspection of public passenger vehicles and goods vehicles

52. Inspection of public passenger vehicles and goods vehicles

Prohibition of unfit vehicles

- 53. Power to prohibit driving of unfit vehicles
- 54. Prohibitions conditional on inspection
- 55. Unfit vehicles: offences
- 56. Removal of prohibitions

Unroadworthy vehicles not to be sold and defective or unsuitable vehicle parts not to be fitted

- 57. Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy
- 58. Fitting and supply of defective or unsuitable vehicle parts

Pedal cycles

- 59. Regulation of use of cycles, their construction and equipment and as to wearing of protective headgear and clothing

PART IV

LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

- 60. Drivers of motor vehicles to have driving licences
- 61. Tests of competence to drive
- 62. Review of conduct of test

Physical fitness

- 63. Requirements as to physical fitness of drivers
- 64. Revocation of licence because of disability or prospective disability
- 65. Provision of information etc relating to disabilities
- 66. Driving after refusal or revocation of licence
- 67. Notification of refusal of insurance on grounds of health
- 68. Driving with uncorrected defective eyesight

Granting of licences, their form and duration

- 69. Grant of licences
- 70. Form of licence
- 71. Duration of licences

Disqualification (otherwise than on conviction)

- 72. Disqualification of persons under age
- 73. Disqualification to prevent duplication of licences

Effects of disqualification

- 74. Obtaining licence, or driving, while disqualified

Miscellaneous

- 75. Regulations
- 76. Service of notices
- 77. Interpretation

PART V
LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND
PASSENGER-CARRYING VEHICLES

- 78. Licensing of drivers of large goods vehicles and passenger-carrying vehicles
- 79. Grant of licences: fitness as regards conduct
- 80. Conditions of certain licences
- 81. Revocation or suspension of licences
- 82. Revocation or suspension of licences: consideration of conduct
- 83. Disqualification on revocation of licence
- 84. Revoked or suspended licences: surrender, return and endorsement
- 85. Appeal to Magistrate's Court
- 86. Regulations
- 87. Interpretation

PART VI
LICENSING OF TAXIS, PRIVATE HIRE VEHICLES
AND PUBLIC SERVICE VEHICLES

Taxi licences

- 88. Grant of taxi licences
- 89. Further provisions in relation to licensed taxis

Licensing taxi drivers

- 90. Taxis to be driven by licensed drivers
- 91. Fitness of licensed taxis

Private hire vehicles and public service vehicles

- 92. Licensing of private hire vehicles
- 93. Licensing of public service vehicles
- 94. Obligations of owners of vehicles licensed as private hire vehicles or as public service vehicles
- 95. Fitness of licensed vehicles
- 96. Requirement for private hire vehicle driver's licence and passenger carrying vehicle driver's licence

Suspension and revocation of licences

- 97. Suspension and revocation of licences under this Part
- 98. Appeals
- 99. Taxis and private hire vehicles: miscellaneous offences
- 100. Savings for vehicles used for funerals and weddings
- 101. Regulations for the purposes of this Part
- 102. Interpretation

PART VII
THIRD-PARTY LIABILITIES

Compulsory insurance against third-party risks

- 103. Users of motor vehicles to be insured against third-party risks

104. Requirements in respect of policies of insurance
105. Issue and surrender of certificates of insurance
106. Avoidance of certain exceptions to policies
107. Avoidance of certain agreements as to liability towards passengers
108. Duty of insurers to satisfy judgment against persons insured against third-party risks
109. Exceptions to section 108
110. Bankruptcy of insured not to affect claims by third parties
111. Duty to give information as to insurance where claim made
112. Power to require evidence of insurance on application to pay vehicle tax

Payments for treatment of traffic casualties

113. Payment for treatment of traffic casualties
114. Payment for emergency treatment of traffic casualties
115. Supplementary provisions as to payment for treatment

General

116. Regulations
117. Interpretation

**PART VIII
POWERS OF POLICE OFFICERS AND DUTIES OF DRIVERS,
FORGERY, FALSE STATEMENTS ETC**

118. Powers of police officers to stop vehicles
119. Powers of police officers to require production of driving licence
120. Powers of police officers to obtain names and addresses of drivers and others, and to require production of evidence of insurance

Duty to give name and address

121. Failure to give, or giving false, name and address in case of dangerous or careless or inconsiderate driving or cycling
122. Pedestrian contravening police officer's direction to stop to give name and address

Duties in case of accident

123. Duty of driver to stop, report accident and given information or documents

Other duties to give information or documents

124. Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance
125. Duty to give information as to identity of driver etc in certain circumstances

Forgery, false statements, etc

126. Forgery of documents etc
127. False statements and withholding material information
128. Power to seize articles in respect of which offences under sections 126 or 127 may have been committed

**PART IX
TRIAL**

Preliminary

- 129. Requirement of warning etc for prosecutions for certain offences
- 130. Requirement of warning etc: supplementary
- 131. Duty of accused to provide licence
- 132. Duty to include date of birth and sex in written plea of guilty
- 133. Evidence by certificate as to driver, user or owner
- 134. Proof, in summary proceedings, of identity of driver of vehicle
- 135. Admissibility of records as evidence
- 136. Use of specimens in proceedings for an offence under sections 9, 10 or 11 and documentary evidence as to specimens in such proceedings
- 137. Speeding offences etc: admissibility of certain evidence
- 138. Notification of disability

Verdict

- 139. Alternative verdicts: general

After conviction

- 140. Information as to date of birth and sex
- 141. Interim disqualification

**PART X
SENTENCE**

Introductory

- 142. Production of licence
- 143. Penalty points to be attributed to an offence
- 144. Penalty points to be taken into account on conviction
- 145. Penalty points: modification where fixed penalty also in question
- 146. Court may take particulars endorsed on licence into consideration

Fine and imprisonment

- 147. Fine and imprisonment

Disqualification

- 148. Disqualification for certain offences
- 149. Disqualification for repeated offences
- 150. Disqualification until test is passed
- 151. Effect of order of disqualification
- 152. Appeal against disqualification
- 153. Suspension of disqualification pending appeal
- 154. Power of Supreme Court and Court of Appeal to suspend disqualification
- 155. Removal of disqualification
- 156. Rule for determining end of period of disqualification

Endorsements

- 157. Endorsement of licences
- 158. Effect of endorsement

General

- 159. Combination of disqualification and endorsement with probation orders and orders for discharge
- 160. Supplementary provisions as to disqualifications and endorsements
- 161. Exemption from disqualification and endorsement
- 162. Offender escaping consequences of endorsable offence by deception

PART XI FIXED PENALTIES

Introductory

- 163. Fixed penalty offences
- 164. Fixed penalty notices
- 165. Amount of fixed penalty

Giving notices to suspected offenders

- 166. Notices on the spot or at a police station
- 167. Effect of fixed penalty notice given under section 166
- 168. Licence receipts
- 169. Endorsement of licences without hearings
- 170. Effect of endorsement without hearing
- 171. Notification of court and date of trial
- 172. Fixed penalty notice mistakenly given: exclusion of fixed penalty procedures

Notices affixed to vehicles

- 173. Fixing notices to vehicles
- 174. Service of notice to owner if penalty not paid
- 175. Enforcement or proceedings against owner
- 176. Restriction on proceedings against owner and others
- 177. Hired vehicles
- 178. False statements in response to notices to owner
- 179. "Owner", "statutory statement" and "official form"

Fixed penalty procedure

- 180. Payment of penalty
- 181. Registration certificates
- 182. Registration of sums payable in default
- 183. Notices on the spot or at a police station: when registration and enforcement invalid
- 184. Notices affixed to vehicles: when registration invalid
- 185. Provisions supplementary to sections 183 and 184

Conditional offer of fixed penalty

- 186. Issue of conditional offer

- 187. Effect of offer and payment of penalty
- 188. Endorsement where penalty paid

Proceedings in fixed penalty cases

- 189. General restrictions on proceedings
- 190. Statements by police officers
- 191. Certificates about payment
- 192. Documents signed by accused
- 193. Powers of court where Courts Administrator deceived
- 194. Regulations for purposes of this Part
- 195. Service of documents

PART XII

**GENERAL PROVISIONS FOR TRAFFIC REGULATION AND TRAFFIC
REGULATION IN PARTICULAR CASES**

- 196. Traffic regulation orders
- 197. What a traffic regulation order may provide
- 198. Restrictions on traffic regulation orders
- 199. Provisions supplementary to sections 196 and 197
- 200. Contravention of traffic regulation order
- 201. Temporary prohibition or restriction on roads
- 202. Duration of notices under section 201
- 203. Prohibition or restriction on roads in connection with certain events
- 204. Regulation of use of roads by public service vehicles
- 205. Prohibition or restriction of use of vehicles on roads of certain classes

PART XIII

CROSSINGS, TRAFFIC SIGNS AND SPEED LIMITS

Pedestrian crossings

- 206. Pedestrian crossings
- 207. Pedestrian crossing regulations

School crossings

- 208. Arrangements for school crossing patrols
- 209. Stopping of vehicles at school crossings

Traffic signs

- 210. General provisions as to traffic signs
- 211. Powers and duties of Director as to placing of traffic signs
- 212. Emergencies and temporary obstructions

Speed limits

- 213. General speed limits for restricted roads
- 214. Speed limits on roads other than restricted roads
- 215. Speed limits for particular classes of vehicles
- 216. Exemption of fire service, ambulance or police purposes

- 217. Traffic signs for indicating speed restrictions
- 218. Speeding offences generally

Removal of vehicles

- 219. Removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down
- 220. Ultimate disposal of vehicles abandoned and removable under section 219

Provision as to enforcement

- 221. Information as to the identity of driver

**PART XIV
REGISTRATION AND TAXATION OF VEHICLES**

Registration

- 222. Registration of motor vehicles
- 223. Registration regulations

Registration marks

- 224. Registration marks
- 225. Assignment of registration marks by motor dealers
- 226. Retention of registration mark pending transfer

Registration plates

- 227. Registration plates

Vehicle licences

- 228. Vehicle licences
- 229. Annual rates of vehicle tax
- 230. Duration of licences
- 231. Amount of vehicle tax
- 232. Issue of vehicle licences
- 233. Supplement payable on late renewal of vehicle licence
- 234. Late renewal supplements: further provisions
- 235. Transfer and surrender of vehicle licences
- 236. Payment for licences by cheque

Offences

(a) Offence of keeping or using unlicensed vehicle

- 237. Penalty for using or keeping unlicensed vehicle
- 238. Additional penalty for keeper of unlicensed vehicle
- 239. Relevant period for purposes of section 238

(b) Offence of being registered keeper of unlicensed vehicle

- 240. Offence by registered keeper where vehicle unlicensed
- 241. Exceptions to section 240
- 242. Penalties for offences under section 240

(c) Offences under sections 237 and 240: supplementary

243. Supplementary to sections 237 to 242

(d) Other offences related to licences

244. Not exhibiting licence
245. Failure to return licence
246. Dishonoured cheques
247. Dishonoured cheques: additional liability

(e) Offences related to registration marks

248. Not fixing registration marks
249. Obscured registration mark

(f) Other offences

250. Forgery and fraud
251. False or misleading declarations and information
252. Duty to give information
253. Duty to give information: offences under regulations
254. Time limit for recovery of underpayments and overpayments

Evidence

255. Admissions
256. Admissions: offences under regulations
257. Records
258. Burden of proof
259. Guilty plea by absent accused

Supplementary

260. Regulations
261. Regulations: offences

PART XV

MISCELLANEOUS AND GENERAL

Invalid carriages and disabled persons

262. Use of invalid carriages on roads and other highways
263. Badges for display on motor vehicles used by disabled persons

Repeal and consequential provisions

264. Repeal of the Road Traffic Ordinance (Title 63.1) and application of sections 12 and 12A of Theft Act 1968
265. Continuity and construction of references to old and new law
266. Transitional provisions and savings
267. Penalty for breach of regulations

Application to the Crown

268. Application to the Crown of provisions of this Ordinance

SCHEDULE 1
SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR
OFFENCES UNDER SECTIONS 23, 26 AND 27

SCHEDULE 2
FORM OF SEATBELT SYMBOL FOR BUSES

SCHEDULE 3
DEFERRED TESTS OF CONDITION OF VEHICLES

SCHEDULE 4
OFFENCES TO WHICH SECTIONS 129, 133 AND 134(1) APPLY

SCHEDULE 5
PROSECUTION AND PUNISHMENT OF OFFENCES

Part I: Offences under this Ordinance

Part II: Other offences

SCHEDULE 6
FIXED PENALTY OFFENCES
Part I: Offences under other written laws
Part II: Offences under this Ordinance

SCHEDULE 7
STATUTORY STATEMENTS
Part I: Statutory statement of ownership or hiring
Part II: Statutory statement of facts

SCHEDULE 8
SPEED LIMITS FOR VEHICLES OF CERTAIN CLASSES
Part I: Vehicles having pneumatic tyres on all wheels
Part II: Vehicles other than track-laying vehicles not fitted with pneumatic tyres on all vehicles
Part III: Track-laying vehicles
Part IV: Interpretation

SCHEDULE 9
FORM IN WHICH SECTIONS 12 AND 12A THEFT ACT 1968
HAVE EFFECT IN THE FALKLAND ISLANDS

SCHEDULE 10
TRANSITIONAL PROVISIONS AND SAVINGS

ROAD TRAFFIC BILL 2008

(No: of 2008)

(assented to: 2008)
(commencement: in accordance with section 1)
(published: 2008)

A BILL

for

AN ORDINANCE

To repeal the Road Traffic Ordinance (Title 63.1) and to re-enact it with amendments.

BE IT ENACTED by the Legislature of the Falkland Islands —

PART I INTRODUCTORY

1. Title

This Ordinance is the Road Traffic Ordinance 2008.

2. Commencement

(1) This Ordinance comes into force on a date fixed by the Governor by notice published in the Gazette.

(2) The Governor may publish one or more notices to fix different dates in relation to different provisions of this Ordinance and for different purposes.

3. Interpretation

(1) In this Ordinance —

“authorised insurer” means —

(a) a person or body of persons carrying on insurance business within Group 2 in Part II of Schedule 2 to the Insurance Companies Act 1982 and being a member of the Motor Insurers' Bureau (a company incorporated in England limited by guarantee and incorporated under the Companies Act 1929 of England on 14 June 1946); or

(b) a person or body of persons carrying on insurance business approved by the Governor to issue policies of insurance satisfying the requirements of section 102.

“carriage of goods” includes the haulage of goods;

“carriageway” means a way constituting or comprised in a highway (being a way other than a cycle track) over which the public have a right of way for the passage of vehicles;

“chief police officer” means the senior officer for the time being of the Royal Falkland Islands Police and includes any other person for the time being lawfully acting as chief police officer;

“court of summary jurisdiction” means the Summary Court or the Magistrate’s Court;

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle;

“the Director” means the Director of Public Works;

“disqualified” means disqualified for holding or obtaining a licence and “disqualification” is to be construed accordingly;

“driver”, where a separate person acts as a person steering a motor vehicle, includes (except for the purposes of section 5) that person as well as any other engaged in the driving of the vehicle, and

“drive” is to be interpreted accordingly;

“footpath” means a highway over which the public have a right of way on foot only, not being a footway;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“goods” includes goods or burden of any description;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“highway authority” means the Crown, that is to say, Her Majesty the Queen in right and title of Her Government of the Falkland Islands;

“highway maintainable at public expense” means a highway maintainable at the public expense for the purposes of the Highways Act 1980 in its application to the Falkland Islands;

“invalid carriage” means a vehicle, the weight of which does not exceed 254 kilograms, whether mechanically propelled or not, specially designed and constructed and not merely adapted, for the use of a person, being a person suffering from some physical defect or disability and which is used solely by such a person;

“licence” means a licence to drive a motor vehicle granted under Part IV;

“maximum laden weight” means whichever of the following is appropriate in the circumstances of the case —

(a) the maximum laden weight at which a vehicle or trailer may lawfully, subject to any over-riding restrictions, be used on a publicly maintainable highway; and

(b) the maximum aggregate laden weight at which an articulated vehicle consisting of a tractor and any semi-trailer drawn by it may lawfully, subject to any over-riding restrictions, be used on a publicly maintainable highway,

“motor car” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load of passengers and the weight of which unladen —

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and does not exceed 3050 kilograms,

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel,

(c) does not exceed 2450 kilograms in a case not falling within either of paragraphs (a) or (b),

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, which is driven by a person sitting astride the body of the vehicle or has less than four wheels and the weight of which unladen does not exceed 410 kilograms,

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and the weight of which unladen does not exceed 7370 kilograms;

“motor vehicle” means a mechanically propelled vehicle, other than one which is an invalid carriage, intended or adapted for use on roads;

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under the agreement;

“passenger vehicle” means a vehicle constructed solely for the carriage of passengers and their effects;

“private hire vehicle” means a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, and which is not a licensed taxi or public service vehicle;

“provisional licence” means a licence granted under section 69(4);

“public place” includes any place to which the public are for the time being admitted, whether or not on payment of any admission or other charge or subject to conditions,

“repealed Ordinance” means the Road Traffic Ordinance (Title 63.1);

“road” means any road, street, thoroughfare, highway, lane, court, alley, passage, or open place used or frequented by the public, or to which the public have access and to which this Ordinance applies by virtue of section 4(1);

“traffic sign” means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description —

(a) specified by regulations made, or having effect, under this Ordinance; or

(b) authorised by or under any other written law,

and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions;

“trailer” means a vehicle drawn by a motor vehicle.

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

(a) a side-car attached to a motor vehicle is to be regarded as forming part of the vehicle to which it is attached and not as being a trailer;

(b) in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load; and

(c) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.

(3) The Governor may by regulations under this subsection vary any of the maximum or minimum weights specified in subsection (1) and regulations under this subsection may have effect either generally or in the case of vehicles of any class specified in the regulations.

(4) Unless it falls within subsection (5), a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so

divided) be treated for the purposes of this Ordinance as that motor vehicle with the other part attached as a trailer.

(5) A passenger vehicle so constructed that —

(a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and

(b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of this Ordinance as a single motor vehicle.

(6) In subsection (4) and (5) “passenger vehicle” means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

(7) For the purposes of this Ordinance —

(a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose,

(b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Governor for the purposes of this subsection and subsection (8), and

(c) an electrically assisted pedal cycle or scooter of such a class as may be prescribed by regulations so made,

is to be treated as not being a motor vehicle.

(8) In subsection (7) “controlled by a pedestrian” means that the vehicle either —

(a) is constructed or adapted for use only under such control, or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

(9) References in this Ordinance to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever (and accordingly as authorising the use of “category” to indicate a class of vehicles however defined or described).

(10) In relation to driving licences which came into force before the relevant date, any reference in this Ordinance to the counterpart of a licence shall be construed as references to the licence itself.

(11) In subsection (10), “the relevant date” means the date of commencement of regulations under section 70(2) providing for the issue of driving licences consisting of a photocard and a counterpart.

(12) Any reference in this Ordinance to an Act by name is a reference to the Act of the United Kingdom Parliament of that name in its application to the Falkland Islands.

(13) In Part XI of this Ordinance —

(a) “driver”, except in section 171 means, in relation to an alleged fixed penalty offence, the person by whom, assuming the offence to have been committed, it was committed;

(b) “proceedings”, except in relation to proceedings for enforcing payment of a sum registered under section 180, means criminal proceedings;

(c) references to a notice requesting a hearing in respect of an offence are references to a notice indicating that the person giving the notice wishes to contest liability for the offence or seeks a determination by a court with respect to the appropriate punishment for the offence; and

(d) references to an offence include an alleged offence.

(14) For the purposes of this Ordinance, an offence involves obligatory disqualification if it is an offence specified in column 1 of Part I of Schedule 5 or an offence specified in column 1 in Part II of that Schedule and either —

(a) the word “obligatory” (without qualification) appears in column 4 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances related to the offence which are satisfied or obtain.

(15) For the purposes of this Ordinance, an offence involves discretionary disqualification if it is an offence specified in column 1 of Part II of that Schedule and either —

(a) the word “discretionary” (without qualification) appears in column 4 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) the word appears there qualified by conditions or circumstances related to the offence which are satisfied or obtained.

(16) For the purposes of this Ordinance, an offence involves obligatory endorsement if it is an offence specified in column 1 of Part I of Schedule 5 or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word “obligatory” (without qualification) appears in column 5 (in the case of Part I) or column 3 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions relating to the offence which are satisfied.

(17) In Part XI, the expressions listed in the left hand column of the following Table are respectively defined or (as the case may be) fall to be construed in accordance with the provisions listed in the right hand column of that Table in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
Authorised person	section 166(8)
Conditional offer	section 186(2)
Fixed penalty	section 165
Fixed penalty notice	section 164
Fixed penalty offence	section 163
Notice to owner	sections 174(2)
Official form	section 179(4)
Owner	section 179(1)
Period allowed for response to a notice	section 174(5)
Statutory statement of facts	Part II of Schedule 7
Statutory statement of hiring	Part I of Schedule 7
Statutory statement of ownership	Part I of Schedule 7
Suspended enforcement period	section 164(3)(a)
Time of alleged offence	section 174(3)

4. Application

(1) This Ordinance applies to any road, street, thoroughfare, highway, lane, court, alley, passage, or open place used or frequented by the public, or to which the public have access—

(a) within Stanley,

(b) within a distance of four miles from any point on the boundary of Stanley;

(c) to which this Ordinance has been declared to apply by an Order made by the Governor under this paragraph, or

(d) to which this Ordinance applies by virtue of the continuation in force, by section 265 and Schedule 10, of Orders made under section 2 and other provisions of the repealed Ordinance designating them as roads to which that Ordinance applied.

(2) Without prejudice to their application by virtue of subsection (1) —

(a) sections 5 to 17 apply to driving by any person of a mechanically propelled vehicle on any highway which is a carriageway and in those sections "road" includes such a carriageway; and

(b) sections 18 to 20 apply to all highways.

PART II
PRINCIPAL ROAD SAFETY PROVISIONS
Driving offences

5. Causing death by dangerous driving

A person commits an offence who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place.

6. Dangerous driving

A person commits an offence who drives a mechanically propelled vehicle dangerously on a road or other public place.

7. Meaning of dangerous driving

(1) For the purposes of sections 5 and 6, a person is to be regarded as driving dangerously if (and subject to subsection (2), only if) —

(a) the way the person drives falls far below what would be expected of a competent and careful driver, and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 5 and 6 if would be obvious to a competent and careful driver that driving a vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which the person could be expected to be aware but also to any circumstances shown to be within the knowledge of the accused.

(4) In determining for the purposes of subsection (2) the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

8. Careless and inconsiderate driving

(1) A person commits an offence who drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place.

(2) Without prejudice to the generality of subsection (1), but subject to subsection (3), the driver of a mechanically-propelled vehicle commits an offence under subsection (1) who uses a hand-held telephone of any kind whilst the vehicle is in motion.

(3) Subsection (2) does not apply to the driver of any vehicle on an occasion when it is being used for fire service, ambulance or police purposes if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Motor vehicles: drink and drugs

9. Causing death by careless driving when under the influence of drink or drugs

(1) A person commits an offence who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and the person —

(a) is, at the time when the person is driving, unfit to drive through drink or drugs, or

(b) has consumed so much alcohol that the proportion of it in the person's breath, blood or urine at the time exceeds the prescribed limit, or

(c) is, within 18 hours after that time, required to provide a specimen in pursuance of section 13 of this Ordinance, but without reasonable excuse fails to provide it.

(2) For the purposes of this section a person shall be taken to be unfit to drive at any time when the person's ability to drive properly is impaired.

(3) Paragraphs (b) and (c) of subsection (1) do not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.

10. Driving, or being in charge, when under the influence of drink or drugs

(1) A person commits an offence who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place is unfit to drive through drink or drugs.

(2) Without prejudice to subsection (1), a person commits an offence who is unfit to drive through drink or drugs when in charge of a mechanically propelled vehicle which is on a road or other public place.

(3) For the purposes of subsection (2), a person shall be deemed not to have been in charge of a mechanically propelled vehicle if the person proves that at the material time the circumstances were such that there was no likelihood of the person driving it so long as the person remained unfit to drive through drink or drugs.

(4) The court may, in determining whether there was such a likelihood as is mentioned in subsection (3), disregard any injury to the person and any damage to the vehicle.

(5) For the purposes of this section —

(a) “drug” includes any substance used as a medicine,

(b) a person shall be taken to be unfit to drive if the person’s ability to drive properly for the time being is impaired.

(6) A police officer may arrest a person without warrant if the police officer has reasonable cause to suspect that the person is or has been committing an offence under this section.

(7) For the purpose of arresting a person under the power conferred by subsection (6), a police officer may enter (if need be by force) any place where the person is or where the police officer, with reasonable cause, suspects the person to be.

11. Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit

(1) A person commits an offence who —

(a) drives or attempts to drive a motor vehicle on a road or other public place, or

(b) is in charge of a motor vehicle on a road or other public place,

after consuming so much alcohol that the proportion of it in the person’s breath, blood or urine exceeds the prescribed limit.

(2) It is a defence for a person charged with an offence under subsection (1)(b) to prove that at the time the person is alleged to have committed that offence the circumstances were such that there was no likelihood of the person driving the vehicle while the proportion of alcohol in the person’s breath, blood or urine remained likely to exceed the prescribed limit.

(3) The court may in determining whether there was such a likelihood as is mentioned in subsection (2) disregard any injury to the person and any damage to the vehicle.

12. Breath tests

(1) Where a police officer in uniform has reasonable cause to suspect —

(a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in the person’s body or has committed a traffic offence while the vehicle was in motion; or

(b) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in the person’s body and there is still alcohol in the person’s body; or

(c) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion,

the police officer may, subject to section 15 of this Ordinance, require him to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a police officer may, subject to section 15 of this Ordinance, require any person who the police officer has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under subsection (1) or subsection (2) to provide a specimen at or near the place where the requirement is made or, if the requirement is made under subsection (2) and the police officer thinks fit, at a police station specified by the police officer.

(4) A person commits an offence who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section.

(5) A police officer may arrest a person without a warrant if—

(a) as a result of a breath test the police officer has reasonable cause to suspect that the proportion of alcohol in that person's breath exceeds the prescribed limit; or

(b) that person has failed to provide a specimen of breath for a breath test when required to do in pursuance of this section and the police officer has reasonable cause to suspect that the person has alcohol in the person's body,

but a person shall not be arrested by virtue of this subsection when at a hospital as a patient.

(6) A police officer may, for the purpose of requiring a person to provide a specimen of breath under subsection (2) in a case where the police officer has reasonable cause to suspect that the accident involved injury to another person or of arresting the person in such a case under subsection (5), enter (if need be by force) any place where that person is or where the police officer, with reasonable cause suspects the person to be.

(7) In this section "traffic offence" means any provision of this Ordinance except Parts XI and XIV.

13. Provision of specimens for analysis

(1) In the course of an investigation into whether a person has committed an offence under section 9, 10 or 11 of this Ordinance, a police officer may, subject to the following provisions of this section and to section 15 of this Ordinance require the person—

(a) to provide two specimens of breath for analysis by means of a device of a type approved by the Governor, or

(b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under this section to provide specimens of breath can only be made at a police station.

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless —

(a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required,

(b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) is not available at the police station or it is then for any reason not practicable to use such a device there,

(c) a device of the type mentioned in subsection (1)(a) has been used at the police station but the police officer who required the specimens of breath has reasonable cause to believe that the device has not provided a reliable indication of the proportion of alcohol in the breath of the person concerned, or the suspected offence is an offence under section 9 or 10 and the police officer making the requirement has been advised by a medical practitioner that the condition of the person required to produce the specimen might be due to some drug;

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be a specimen of urine.

(5) A specimen of urine shall be provided within one hour of the requirement for its provision having been made and after the provision of a previous specimen of urine.

(6) A person commits an offence who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section.

(7) A police officer must, on requiring any person to provide a specimen in pursuance of this section, warn the person that a failure to provide it may render the person liable to prosecution.

14. Choice of specimens of breath

(1) Subject to subsection (2), of any two specimens of breath provided by any person in pursuance of section 13 that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(2) If the specimen with the lower proportion of alcohol contains no more than 50 micrograms of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under section 13(4) and, if the person then provides such a specimen, neither specimen of breath shall be used.

(3) The Governor may by regulations substitute another proportion of alcohol in the breath for that specified in subsection (2), but any such regulations shall not come into force until they have been approved by a resolution of the Legislative Council.

15. Protection for hospital patients

(1) While a person is at hospital as a patient the person shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of the patient's care has been notified of the proposal to make the requirement, and —

(a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but

(b) if the medical practitioner objects on the ground specified in subsection (2), the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen or, in the case of a specimen of blood or urine, the warning required under section 13(7) of this Ordinance would be prejudicial to the proper care and treatment of the patient.

16. Detention of persons affected by alcohol or drug

(1) Subject to subsections (2) and (3), a person required to provide a specimen of breath, blood or urine may afterwards be detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a mechanically propelled vehicle on a road, the person would not be committing an offence under section 10 or 11.

(2) A person shall not be detained in pursuance of this section if it appears to a police officer that there is no likelihood of the person driving or attempting to drive a mechanically propelled vehicle whilst the person's ability to drive properly is impaired or whilst the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit.

(3) A police officer must consult a medical practitioner on any question arising under this section as to whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

17. Interpretation of sections 9 to 16

(1) The following provisions apply for the interpretation of sections 9 to 16.

(2) "Breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Governor, an indication whether the proportion of alcohol in a person's blood is likely to exceed the prescribed limit;

"drug" includes any intoxicant other than alcohol;

"fail" includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients;

“the prescribed limit” means, as the case may require —

- (a) 35 micrograms of alcohol in 100 millilitres of breath;
- (b) 80 micrograms of alcohol in 100 millilitres of blood; or
- (c) 107 micrograms of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Governor with the approval of the Legislative Council.

(3) A person does not provide a specimen of breath for a breath test or for analysis unless the specimen —

- (a) is sufficient to enable the test or analysis to be carried out, and
- (b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

(4) A person provides a specimen of blood if and only if the person consents to its being taken by a medical practitioner or a nurse and it is so taken.

Motor racing and motoring events on public highways

18. Motor racing on highways

A person commits an offence who promotes or takes part in a race or trial of speed between motor vehicles on a highway.

19. Regulation of motoring events on highways

(1) A person commits an offence who promotes or takes part in a race, competition or trial involving the use of motor vehicles on a highway unless the race, competition or trial —

- (a) is authorised, and
- (b) is conducted in accordance with any conditions imposed,

by or under regulations under this section.

(2) The Governor may by regulations authorise or provide for authorising, the holding of races, competitions or trials involving the use of motor vehicles on highways either —

- (a) generally, or

(b) as regards any locality or area of the Falkland Islands, or as regards any class or description of competition or trial or any particular competition or trial,

subject to such conditions, as may be imposed by or under the regulations.

(3) Regulations under this section may —

(a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and

(b) make different provision for different classes or descriptions of race, competition or trial.

20. Disapplication of sections 5 to 7 for authorised motoring events

(1) A person does not commit an offence under sections 5, 6 and 7 by virtue of driving a vehicle in a public place other than a road if the person shows that the person was driving in accordance with an authorisation for a motoring event given under regulations made by the Governor.

(2) Regulations under this section may in particular —

(a) prescribe the persons by whom, and limit the circumstances in which and places in respect of which, authorisations may be given under the regulations;

(b) specify conditions which must be included among those incorporated in authorisations;

(c) provide for authorisations to cease to have effect in prescribed circumstances;

(d) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid in connection with applications for authorisations;

(e) make different provisions for different cases.

Protective measures: seat belts, helmets, etc

21. Seat belts: adults

(1) The Governor may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seatbelts of such description as may be prescribed.

(2) Regulations under this section —

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances,

(b) shall include exceptions for —

- (i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries,
 - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing,
 - (iii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for the person to wear a seat belt,
- (c) may make any prescribed exceptions subject to such conditions as may be prescribed, and
- (d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.
- (3) A person who drives or rides in a motor vehicle in contravention of regulations under this section commits an offence; but, notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention commits that offence by reason of the contravention.
- (4) If the holder of a certificate as is referred to in subsection (2)(b) is informed by a police officer that the person may be prosecuted for an offence under subsection (3), the person is not in proceedings for that offence entitled to rely on the exception afforded to the person by the certificate unless —
- (a) it is produced to the police officer at the time the person is so informed, or
 - (b) it is produced —
 - (i) within seven days after the date on which the person is so informed, or
 - (ii) as soon as is reasonably practicable,at Stanley Police Station, or
 - (c) where it is not produced at Stanley Police Station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.
- (5) For the purposes of subsection (4), the laying of the information shall be treated as the commencement of the proceedings.
- (6) Regulations under this section requiring the wearing of seat belts for persons riding in motor vehicles shall not apply to children under the age of fourteen years.

22. Restriction on carrying children not wearing seat belts in motor vehicles

(1) Where a child under the age of fourteen years is in the front of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seatbelt in conformity with regulations.

(2) Where—

- (a) a child is in the front of a motor vehicle other than a bus
- (b) the child is in a rear-facing restraining device, and
- (c) the passenger seat where the child is protected by a front air bag,

a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.

(3) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) or (2).

(4) Except as provided by regulations, where—

- (a) a child who is under the age of three years is in the rear of a motor vehicle, or
- (b) a child of or over that age but under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of the vehicle,

a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in accordance with regulations.

(5) Except as provided by regulations, where—

- (a) a child under the age of twelve years and less than 135 centimetres in height is in the rear of a passenger car,
- (b) no seat belt is fitted in the rear of the passenger car, and
- (c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.

(6) It is an offence for a person to drive a motor vehicle in contravention of clause (4) or (5).

(7) Provision may be made by regulations—

(a) excepting from the prohibition in subsection (1), (4) or (5) children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of subsection (1) or (5) or as the rear of the vehicle for the purposes of subsection (4) or (5),

(c) prescribing for the purposes of subsection (1) or (4) the description of seat belt to be worn by children of any prescribed description and the manner in which the seat belt is to be fixed and used.

(8) Without prejudice to the generality of subsection (6), regulations made by virtue of paragraph (c) of that subsection may —

(a) make different provision in relation to different vehicles and different circumstances;

(b) may authorise the wearing of a seat belt approved under the law of any overseas country.

(9) Regulations made for the purposes of subsection (4) or (5) —

(a) shall include an exemption for any child holding a valid certificate signed by a Government Medical Officer to the effect that it is inadvisable on medical grounds for the child to wear a seat belt;

(b) may include an exemption for any child holding a certificate to the like effect in any country and which, under the law of the country in which it was issued, is valid for purposes corresponding to this section,

but such regulations may make either of those exemptions subject to such conditions as may be prescribed.

(10) If the driver of a motor vehicle is informed by a police officer that the driver may be prosecuted for an offence under subsection (6), the driver is not in proceedings for that offence entitled to rely on an exception afforded to a child by a certificate referred to in subsection (9) unless—

(a) it is produced to the police officer at the time the person is so informed, or

(b) it is produced—

(i) at Stanley Police Station within seven days after the person is so informed, or

(ii) as soon as is reasonably practicable at Stanley Police Station, or

(c) where it is not produced at Stanley Police Station, it is not reasonably practicable for it to be produced there before the day on which proceedings are commenced.

(11) For the purposes of subsection (10), the laying of the information shall be treated as the commencement of the proceedings.

(12) In this section—

“bus” means a motor vehicle that—

- (a) has at least four wheels,
- (b) is constructed or adapted for the carriage of passengers,
- (c) has more than eight seats in addition to the driver’s seat, and
- (d) has a maximum design speed exceeding 25 kilometres per hour;

“passenger car” means a motor vehicle which—

- (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (b) has no more than eight seats in addition to the driver’s seat,
- (c) has four or more wheels,
- (d) has a maximum laden weight not exceeding 3.5 tonnes,

“regulations” means regulations made by the Governor under this section,

“seat belt” includes any description of restraining device for a child and any reference to a seat belt shall be construed accordingly.

(13) The reference in subsection (2) of this section to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.

23. Safety equipment for children in motor vehicles

(1) The Governor may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this section applies that are recommended as conducive to the safety in the event of accident or prescribed classes of children in prescribed classes of motor vehicles.

(2) Regulations under this section may make provision for securing that when equipment of the type prescribed by the regulations is sold or offered for sale as equipment which is so conducive—

(a) appropriate information is provided in relation to it in such manner as may be prescribed, and

(b) inappropriate information is not provided in relation to it.

(3) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment which is so conducive and that equipment —

(a) is not of a type so prescribed, or

(b) is sold or offered for sale in contravention of regulations under this section,

subject to subsection (5), the person commits an offence.

(4) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment conducive to the safety in the event of accident —

(a) of children not of a class prescribed in relation to equipment of that type or

(b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,

subject to subsection (5), the person commits an offence.

(5) A person shall not be convicted of an offence under this section if in good faith the person relied upon information supplied by or on behalf of the person from whom the equipment was obtained.

(6) The provisions of Schedule 1 have effect in relation to contraventions of this section.

(7) Regulations under this section may make different provision in relation to different circumstances.

(8) This section applies to equipment of any description for use in the motor vehicle consisting of —

(a) a restraining device for a child or for a carry cot, or

(b) equipment designed for use by a child in conjunction with any description of restraining device.

(9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

24. Requirement to notify bus passengers to wear seat belts

(1) Subject to subsection (6), the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that the passenger is required to wear a seat belt at all times when—

- (a) the passenger is in a seat equipped with a seat belt; and
- (b) the bus is in motion.

(2) For the purposes of subsection (1), a passenger may be notified only by one or more of the following means —

- (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of the passenger doing so;
- (b) a sign prominently displayed at each passenger seat equipped with a seat belt.

In paragraph (a), “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus.

(3) For the purposes of subsection (2)(b), a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2, depicting a white figure on a blue background.

(4) An operator who fails to comply with subsection (1) commits an offence.

(5) Where an offence under subsection (4) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, that person as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) Subsection (1) does not apply in relation to a bus —

- (a) which is being used to provide a local service in Stanley or in some other locality or area of the Falkland Islands prescribed by regulations;
- (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

(7) In this section —

“bus” has the same meaning as in section 22;

“operator”, in relation to a bus, means —

(a) the owner of the bus, or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

“passenger seat”, in relation to a bus, means any seat other than the driver’s seat.

25. Wearing of protective headgear

(1) The Governor may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.

(2) A requirement imposed by regulations under this section shall not apply to any follower of the Sikh religion while the person is wearing a turban.

(3) Regulations under this section may make a different provision in relation to different circumstances.

(4) A person who drives or rides on a motorcycle in contravention of regulations under this section commits an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of sixteen years.

26. Protective helmets for motor cyclists

(1) The Governor may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motorcycles, or motorcycles of different classes, from injury in the event of accident.

(2) If a person sells, or offers for sale, a helmet as a helmet for affording such protection and the helmet is neither —

(a) of a type prescribed under this section, nor

(b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,

subject to subsection (3) the person commits an offence.

(3) Section 23(5) has effect in relation to an offence under this section as it has in relation to offences under section 23.

(4) The provisions of Schedule 1 have effect in relation to contraventions of this section.

(5) In this section and that Schedule “helmet” includes any head-dress and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

27. Authorisation of head-worn appliances for use on motor cycles

(1) The Governor may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this section applies as authorised for use by persons driving or riding (otherwise than in side-cars) on motorcycles of any class specified in the regulations.

(2) Regulations under this section —

(a) may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used, and

(b) may make different provision in relation to different circumstances.

(3) A person commits an offence who, driving or riding on a motorcycle on a road uses an appliance of any description for which a type is prescribed under this section if the appliance —

(a) is not of a type so prescribed, or

(b) is otherwise used in contravention of regulations under this section.

(4) Subject to subsection (5), a person commits an offence who sells, or offers for sale, an appliance of any such description as authorised for use by persons on or in motorcycles, or motorcycles of any class, and that appliance is not of a type prescribed under this section as authorised for such use.

(5) Subsection (5) of section 23 has effect in relation to an offence under this section as it has in relation to offences under section 23.

(6) The provisions of Schedule 1 have effect in relation to contravention of subsection (4).

(7) This section applies to appliances of any description designed or adapted for use —

(a) with any headgear, or

(b) by being attached to or placed upon the head,

(as, for example, eye protectors or ear phones).

(8) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

28. Prohibition of parking of mechanically-propelled vehicles on verges, footways or grassed areas

(1) Subject to subsection (2) and except as provided by regulations under subsection (4), a person who parks any mechanically-propelled vehicle or any trailer wholly or partly —

(a) on the verge of a road;

(b) on a footway, or

(c) a grassed area adjoining a road or footpath provided for the enjoyment of the public and maintained at public expense;

commits an offence.

(2) A person shall not be convicted of an offence under this section in respect of a vehicle or trailer if the person proves to the satisfaction of the court —

(a) that it was parked in accordance with permission given by a police officer in uniform,

(b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or

(c) that it was parked in contravention of this section but the conditions specified in subsection (3) were satisfied.

(3) The conditions mentioned in subsection (2)(c) are —

(a) that the vehicle or trailer was parked on the verge of a road, on a footway or on a grassed area for the purpose of loading or unloading; and

(b) that the loading or unloading of the vehicle or trailer could not have been satisfactorily performed if it had not been parked on the verge, footway or grassed area, and

(c) that the vehicle or trailer was not left unattended at any time when it was so parked.

(4) The Governor may make regulations exempting from the provisions of subsection (1) the footways or one of the footways or any grassed area adjoining any road or street or part of a road or street specified in those regulations.

29. Cycling on footways and footpaths

(1) Subject to subsection (3), it is lawful for a child under the age of 11 years to ride a cycle on a footway.

(2) Subject to subsection (3), it is lawful for a person of any age to ride a cycle on a footpath.

(3) A child riding a cycle on a footway and a person riding a cycle on a footpath must yield priority to pedestrians using the footway or footpath.

(4) For the purposes of this section, the top of any sea-wall in Stanley, without prejudice to any right of the public to walk over and along it, shall be deemed to be a footway .

30. Leaving vehicles in dangerous positions

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to involve a danger of injury to other persons using the road, the person commits an offence.

31. Causing danger to road users

(1) A person commits an offence if the person intentionally and without lawful authority or reasonable excuse —

- (a) causes anything to be on or over a road, or
- (b) interferes with a motor vehicle, trailer or cycle, or
- (c) interferes (directly or indirectly) with traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) In subsection (1) “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purpose of that subsection what would be obvious to a reasonable person in a particular case, regard should be had not only to the circumstances of which the person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3) In subsection (1) “traffic equipment” means —

- (a) anything lawfully placed on or near a road by the Crown as highway authority;
- (b) a traffic sign lawfully placed on or near a road by any other person;
- (c) any fence, barrier or light lawfully placed on or near a road by the Crown as highway authority or by a police officer or a person acting under the instructions (whether general or specific) of the chief police officer.

(4) For the purposes of subsection (3) anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(5) In this section “road” does not include a footpath.

Other restrictions in interest of safety

32. Restriction of carriage of persons on motor cycles

- (1) No more than one person in addition to the driver may be carried on a motor cycle.
- (2) No person in addition to the driver may be carried on a motor cycle otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.
- (3) If a person is carried on a motor cycle in contravention of this section, the driver of the motor cycle commits an offence.

33. Restriction of carriage of persons on bicycles

- (1) Not more than one person may be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.
- (2) In this section —
 - (a) references to a person carried on a bicycle include references to a person riding the bicycle, and
 - (b) "road" includes a footway and a footpath.
- (3) If a person is carried on a bicycle in contravention of subsection (1) of this section, each of the persons carried commits an offence.

34. Tampering with motor vehicles

A person commits an offence who, while a motor vehicle is on a highway (whether or not the highway is a road to which this Ordinance applies) or on a parking place (whether provided by the Crown or not) —

- (a) gets into or onto the vehicle, or
- (b) tampers with the brake or other part of its mechanism,

without lawful authority or reasonable cause.

35. Holding or getting on to vehicle in order to be towed or carried

- (1) If, for the purpose of being carried, a person without lawful authority or reasonable cause takes or retains hold of, or gets onto, a motor vehicle or trailer while in motion on a highway the person commits an offence.
- (2) If, for the purpose of being drawn, a person takes or retains hold of a motor vehicle or trailer while in motion on a highway the person commits an offence.

Cycling offences and cycle racing

36. Dangerous cycling

(1) A person who rides a cycle on a highway dangerously commits an offence.

(2) For the purposes of subsection (1) a person is to be regarded as riding dangerously if (and only if) —

(a) the way the person rides falls far below what would be expected of a competent careful cyclist, and

(b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.

(3) In subsection (2) “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which the person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

37. Careless, and inconsiderate, cycling

If a person rides a cycle on a road or footpath without due care and attention, or without reasonable consideration for other persons using the road or footpath, the person commits an offence.

38. Cycling when under influence of drink or drugs

A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such extent as to be incapable of having proper control of the cycle) commits an offence.

39. Electrically assisted pedal cycles or scooters

(1) An electrically assisted pedal cycle or electrically assisted scooter of a class specified in regulations under this Ordinance as being one which is not to be treated as being a motor vehicle shall not be driven on a road by a person under the age of fourteen.

(2) For the purposes of this section, “scooter” means a vehicle which is propelled by the action of feet of the rider or riders of the scooter upon the ground below the vehicle.

(3) A person who —

(a) drives such a pedal cycle or scooter, or

(b) knowing or suspecting that another person is under the age of fourteen, causes or permits that person to drive such a pedal cycle or scooter,

in contravention of subsection (1) commits an offence.

Directions to traffic and to pedestrians and traffic signs

40. Drivers to comply with traffic directions

(1) Where a police officer is for the time being engaged in the regulation of traffic in a road, a person driving or propelling a vehicle who neglects or refuses —

(a) to stop the vehicle, or

(b) to make it proceed in, or keep to, a particular line of traffic,

when directed to do so by the police officer in the execution of the police officer's duty commits an offence.

(2) Where —

(a) a traffic survey of any description is being carried out on or in the vicinity of a road, and

(b) a police officer gives to a person driving or propelling a vehicle a direction —

(i) to stop the vehicle,

(ii) to make it proceed in, or keep to, a particular line of traffic, or

(iii) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of a traffic survey),

the person commits an offence if the person neglects or refuses to comply with the direction.

(3) The power to give such a direction referred to in subsection (2) for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that the person is unwilling to provide any information for the purposes of the survey.

41. Drivers to comply with traffic signs

(1) Where a traffic sign, being a sign —

(a) of the prescribed size, colour and type, or

(b) of another character authorised by or under the provisions of any written law,

has been lawfully placed on or near a road, a person driving or propelling a vehicle who fails to comply with the indication given by the sign commits an offence.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either —

(a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

(b) it is expressly provided by or under any provision of written law that this section applies to the sign or to signs of a type of which the sign is one;

and, where the indication mentioned in paragraph (a) is of the general nature only of a prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless the person has failed to comply with the prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this section a traffic sign placed on or near a road is deemed —

(a) to be of the prescribed size, colour and type or of another character authorised by written law, and

(b) subject to subsection (2) (to have been lawfully so placed),

unless the contrary is proved.

(4) Where a traffic survey of any description is being carried out on or in the vicinity of a road, this section applies to a traffic sign by which a direction is given —

(a) to stop a vehicle,

(b) to make it proceed in, or keep to, a particular line of traffic, or

(c) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of the survey).

(5) Regulations made by the Governor under this subsection may specify any traffic sign for the purposes of column 4 of the entry in Part I of Schedule 5 relating to offences under this section (offences committed by failing to comply with certain signs involving discretionary disqualification).

42. Directions to pedestrians

Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the police officer in the execution of the police officer's duty, either to persons on foot or to persons on foot and other traffic, commits an offence.

Promotion of road safety

43. Road code

(1) The Road Code continues to have effect, and, where it has from time to time been revised in accordance with subsection (2), as so revised.

(2) The Governor may from time to time cause the Road Code to be revised by revoking, varying, amending or adding to the provisions of that Code in such manner as the Governor thinks fit, but no revision of the Code prepared pursuant to this subsection shall have effect until such time as it has been approved by a resolution of the Legislative Council and has thereafter been published in the Gazette.

(3) A failure on the part of a person to observe a provision of the Road Code shall not of itself render that person liable to criminal proceedings but any such failure may in any proceedings (whether civil or criminal) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

(4) The Road Code may incorporate either directly or by reference any provisions of the Highway Code specified in the Road Code.

(5) In this section "the Highway Code" means the Highway Code having effect in Great Britain under the provisions of section 38 of the Road Traffic Act 1988 or any statutory modification or re-enactment of that provision for the time being in force and "the Road Code" in subsection (1) means the Road Code published under section 13(1) of the repealed Ordinance.

**PART III
CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT**

Using vehicle in dangerous condition

44. Using vehicle in dangerous condition etc

A person commits an offence if the person uses, or causes or permits another to use, a motor vehicle or trailer on a road when —

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment,
- (b) the purpose for which it is used,
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.

45. Regulation of construction, weight, equipment and use of vehicles and cycles

(1) The Governor may make regulations generally as to the use of motor vehicles, trailers and cycles on roads, their construction and equipment and the conditions under which they may be so used. Subsections (2) to (4) do not affect the generality of this subsection.

(2) In particular, the regulations may make provision with respect to any of the following matters —

(a) the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers,

(b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit,

(c) noise,

(d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested,

(e) the towing of or drawing of vehicles by motor vehicles,

(f) the number and nature of brakes, and for securing so that brakes, silencers and steering gear are efficient and kept in proper working order,

(g) lighting equipment and reflectors,

(h) the testing and inspection by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents),

(i) speed limiters,

(j) the appliances to be fitted for —

(i) signalling the approach of a motor vehicle, or

(ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or

(iii) intimating any intended change of speed or direction of a motor vehicle,

and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order,

(k) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any time, or on or in any roads or localities, specified in the regulations.

(3) The Governor may, as respects goods vehicles, make regulations under this section —

(a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles,

(b) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with such regulations.

(4) Regulations under this section with respect to lighting equipment and reflectors —

(a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations, and

(b) may extend, in like manner as to vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.

(5) Regulations under this section with respect to speed limiters may include provision —

(a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them,

(b) imposing or providing for the imposition of conditions to be complied with by authorised persons,

(c) as to the withdrawal of authorisations.

(6) In this Part “construction and use requirements” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this section.

46. Breach of requirement as to brakes, steering gear or tyres

A person who —

(a) contravenes or fails to comply with a construction and use requirement as to brakes steering-gear or tyres, or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

commits an offence.

47. Breach of requirement as to weight: goods and passenger vehicles

(1) A person who —

(a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to —

(i) a goods vehicle, or

(ii) a motor vehicle or trailer adapted to carry more than eight passengers, or

(b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

commits an offence.

(2) In any proceedings for an offence under this section in which there is alleged contravention of or failure to comply with a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either —

(a) that at the time when the vehicle was being used on the road —

(i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or

(ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or

(b) in a case where the limit of that weight was not exceeded by more than five percent —

(i) that that limit was not exceeded at the time when the load of the vehicle was originally completed, and

(ii) that since that time no person has made any addition to the load.

48. Breach of other construction and use requirements

A person who —

(a) contravenes or fails to comply with any construction or use requirement other than one within section 46(a) or 47(1)(a); or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

commits an offence.

49. Temporary exemption from application of regulations under section 45

(1) Subject to subsections (2) to (4) , where any regulations under section 45 contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than five years, as may be specified in the regulations any vehicle of that class registered under Part XIV before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under section 45 of this Ordinance as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of subsection (1) or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under section 45 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Governor is satisfied —

(a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and

(b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,

then, if the regulations state that the Governor is so satisfied, subsection (1) shall not apply to those provisions.

(4) Subsection (1) of this section shall not apply in relation to —

(a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or

(b) regulations made by virtue of section 45(3).

Vehicle examiners

50. Appointment of examiners

(1) The Governor shall appoint such examiners as the Governor considers necessary for the purpose of carrying out the functions conferred on them by this Ordinance.

(2) An examiner appointed under this section shall act under the general directions of the Governor.

(3) In this Part “vehicle examiner” means an examiner appointed under this section.

Testing vehicles on roads

51. Testing of condition of vehicles on roads

- (1) An authorised examiner may test a motor vehicle on a road for the purpose of —
- (a) ascertaining whether the following requirements, namely —
 - (i) the construction and use requirements, and
 - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury on any person,are complied with as respects the vehicle; and
 - (b) bringing to the notice of the driver any failure to comply with those requirements.
- (2) For the purpose of testing of vehicle under this section the examiner —
- (a) may require the driver to comply with the examiner's reasonable instructions; and
 - (b) may drive the vehicle.
- (3) A vehicle shall not be required to stop for a test except by a police officer in uniform.
- (4) The following persons may act as authorised examiners for the purposes of this section —
- (a) a person appointed as an examiner under section 50;
 - (b) a person appointed to act for the purposes of this section by the Governor; and
 - (c) a police officer authorised so to act by or on behalf of the chief police officer.
- (5) On the examiner proceeding to test a vehicle under this section, the driver may, unless the test is required under subsection (6) or (7) to be carried out forthwith, elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 3, and the provisions of that Schedule shall apply accordingly.
- (6) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, the police officer may require it to be so carried out and, if the police officer is not to carry it out, may require that the vehicle shall not be taken away until the test has been carried out.
- (7) Where in the opinion of a police officer the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, the police officer must require the test to be carried out forthwith.

(8) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 3, the person commits an offence.

(9) In this section and in Schedule 3 —

(a) “test” includes “inspect” or “inspection”, as the case may require; and

(b) references to a vehicle include references to a trailer drawn by it.

Inspection of public passenger vehicles and goods vehicles

52. Inspection of public passenger vehicles and goods vehicles

(1) A vehicle examiner —

(a) may at any time, on production if so required of the examiner’s authority, inspect any vehicle to which this section applies and for that purpose detain the vehicle during such time as is required for the inspection, and

(b) may at any time which is reasonable having in regard to the circumstances of the case enter any premises on which the examiner has reason to believe that such a vehicle is kept.

(2) The power conferred by subsection (1) to inspect a vehicle includes power to test it and to drive it for the purpose of testing it.

(3) A person commits an offence who intentionally obstructs an examiner in the exercise of the examiner’s powers under subsection (1).

(4) An examiner or a police officer in uniform may at any time require any person in charge of a vehicle to which this section applies and which is stationary on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than five miles from the place where the requirement is made).

(5) A person commits an offence who being in charge of a vehicle refuses or neglects to comply with a requirement made under subsection (4).

(6) This section applies to —

(a) goods vehicles;

(b) public service vehicles;

(c) taxis;

(d) motor vehicles which are not public service vehicles or taxis but are adapted to carry more than eight passengers.

Prohibition of unfit vehicles

53. Power to prohibit driving of unfit vehicles

(1) If on any inspection of a vehicle under section 51 or section 52 it appears to a vehicle examiner that owing to any defects in the vehicle it is, or is likely to become, unfit for service, the examiner may prohibit the driving of the vehicle on a road —

- (a) absolutely, or
- (b) for one or more specified purposes, or
- (c) except for one or more specified purposes.

(2) If on any inspection of a vehicle under any of the provisions mentioned in subsection (1) it appears to an authorised police officer that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for any except one or more particular purposes) would involve a danger of injury to any person, the police officer may prohibit the driving of the vehicle on a road —

- (a) absolutely, or
- (b) for one or more specified purposes, or
- (c) except for one or more specified purposes.

(3) A prohibition under this section comes into force as soon as a notice under subsection (6) has been given if—

- (a) it is imposed by an authorised police officer, or
- (b) in the opinion of the examiner imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.

(4) Except where subsection (3) applies, a prohibition under this section shall (unless previously removed under section 56) come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner imposing the prohibition, having regard to all the circumstances.

(5) A prohibition under this section shall continue in force until it is removed under section 56.

(6) A person imposing a prohibition under this section shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection —

- (a) specifying the defects which occasioned the prohibition;

(b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and

(c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(7) Where a notice has been given under subsection (6), any examiner or authorised police officer may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.

(8) Where such a notice has been given, any examiner or authorised police officer may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.

(9) In this section “authorised police officer” means the chief police officer and any other police officer authorised to act for the purposes of this section by or on behalf of the chief police officer.

54. Prohibitions conditional on inspection

(1) Where it appears to the person imposing a prohibition under section 53 that the vehicle is adapted to carry more than eight passengers or is a public service vehicle not so adapted, the prohibition shall be imposed with a direction making it irremovable unless and until the vehicle has been inspected.

(2) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with this Part.

55. Unfit vehicles: offences

A person who —

(a) drives a vehicle in contravention of a prohibition under section 53; or

(b) causes or permits a vehicle to be driven in contravention of such a prohibition,

commits an offence.

56. Removal of prohibitions

(1) Subject to the following provisions of this section, a prohibition under section 53 may be removed by any vehicle examiner or authorised police officer if the examiner or police officer is satisfied that the vehicle is fit for service.

(2) If the prohibition has been imposed with a direction under section 54(1), the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.

(3) If the prohibition has been imposed with a direction under section 54(2), the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.

(4) A person aggrieved by the refusal of a vehicle examiner or authorised police officer to remove a prohibition may within fourteen days of the refusal appeal in writing to the Governor.

(5) The Governor may make such order on the appeal as the Governor thinks fit.

(6) Where a vehicle examiner or authorised police officer removes a prohibition, the examiner or officer must forthwith give notice of the removal to the owner of the vehicle.

(7) The Governor may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition and the payment of the fees may be required to be made in advance.

(8) The Governor may make regulations for prescribing anything which may be prescribed under this section and for regulating the procedure and fees payable on appeals to him under subsection (5).

Unroadworthy vehicles not to be sold and defective or unsuitable vehicle parts not to be fitted

57. Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

(1) Subject to the provisions of this section no person shall supply a motor vehicle or trailer in an unroadworthy condition.

(2) In this section references to supply include —

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) For the purposes of subsection (1) a motor vehicle or trailer is in an unroadworthy condition if —

(a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under section 45 as respects —

(i) brakes, steering gear or tyres, or

(ii) the construction, weight or equipment of vehicles, or

(b) it is in such a condition that its use on a road would involve a danger of injury to any person.

(4) Subject to the provisions of this section no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition —

(a) would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under section 45; or

(b) would involve a danger of injury to any person.

(5) A person who supplies or alters a motor vehicle or trailer in contravention of this section, or causes or permits it to be so supplied or altered, commits an offence.

(6) A person shall not be convicted of an offence under this section in respect of the supply or alteration of a motor vehicle or trailer if the person proves —

(a) that it was supplied or altered, as the case may be, for export from the Falkland Islands, or

(b) that the person had reasonable cause to believe that the vehicle or trailer would not be used on a road in the Falkland Islands or would not be so used until it had been put into a condition on which it might lawfully be so used.

(7) Paragraph (b) of subsection (6) does not apply in relation to a person who, in the course of a trade or business —

(a) exposes a vehicle or trailer for sale, unless the person also proves that the person took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in the Falkland Islands would be unlawful, or

(b) offers to sell a vehicle or trailer, unless the person also proves that the person took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.

(8) Nothing in the preceding provisions of this section affects the validity of a contract or any rights arising under a contract.

58. Fitting and supply of defective or unsuitable vehicle parts

(1) A person commits an offence who —

(a) fits a vehicle part to a vehicle, or

(b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, involve a danger of injury to any person or constitute a contravention of or failure to comply with any of the construction and use requirements.

(2) A person shall not be convicted of an offence under subsection (1) if the person proves —

(a) that the vehicle to which the part was fitted was to be exported from the Falkland Islands, or

(b) that the person had reasonable cause to believe that that vehicle —

(i) would not be used on a road in the Falkland Islands, or

(ii) that it would not be so used until it had been put into a condition in which its use on a road would not constitute a contravention of or a failure to comply with any of the construction and use requirements and would not involve a danger of injury to any person.

(3) A person who —

(a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and

(b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle,

is guilty of an offence, if that part could not be fitted to a motor vehicle or, as the case may required, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements or involve a danger of injury to any person.

(4) In this section references to supply include —

(a) sell, and

(b) offer to sell or supply.

(5) A person shall not be convicted of an offence under subsection (3) of this section in respect of the supply of a vehicle part if the person proves —

(a) that the part was supplied for export from the Falkland Islands, or

(b) that the person had reasonable cause to believe that —

(i) it would not be fitted to a vehicle used on a road in the Falkland Islands, or

(ii) it would not be so fitted until it had been put into such a condition that it would be fitted otherwise than in such circumstances that the use of the vehicle on a road would by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements or involve a danger of injury to any person.

(6) An authorised examiner may at any reasonable hour enter premises where, in the course of business, vehicle parts are fitted to vehicles or are supplied and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether —

(a) a vehicle part has been fitted to the vehicle in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle constitute a contravention of or failure to comply with any of the construction and use requirements or involve a danger of injury to any person, or

(b) the vehicle part could not be supplied for fitting to a vehicle used on roads in the Falkland Islands without the commission of an offence under subsection (3).

(7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(8) A person commits an offence who obstructs an authorised examiner acting under subsection (6) or (7).

(9) In subsections (6) to (8) “authorised examiner” means a person who may act as an authorised examiner for the purposes of section 50 of this Ordinance, and any such person, other than a police officer in uniform, shall produce his authority to act for the purpose of subsections (6) and (7) if required to do so.

(10) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.

Pedal cycles

59. Regulation of use of cycles, their construction and equipment and as to wearing of protective headgear and clothing

(1) The Governor may make regulations as to the use on roads of cycles, their construction and equipment and the conditions under which they may be so used.

(2) In particular, but without prejudice to the generality of subsection (1), the regulations may make provision as to —

(a) the number, nature and efficiency of brakes and their maintenance in proper working order,

(b) the appliances to be fitted for signalling approach and their maintenance and proper working order,

(c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this section and of lighting equipment and reflectors, and

(d) the wearing by any person riding a cycle of protective headgear and clothing.

(3) Regulations under this section may be made so as to apply either generally, or in such circumstances only (including, in the case of regulations of the kind mentioned in paragraph (d) of subsection (2), the age of the rider) as may be specified in the regulations.

(4) Regulations under this section as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use of it on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this subsection shall affect the validity of any contract or any rights arising under a contract.

(5) A person commits an offence who sells or supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of subsection (4) unless he proves —

(a) that it was sold, supplied or offered for export from the Falkland Islands, or

(b) that the person had reasonable cause to believe that it would not be used on a road in the Falkland Islands, or would not be so used until it had been put into a condition in which it might lawfully be so used.

PART IV **LICENSING OF DRIVERS OF VEHICLES**

Requirement to hold licence

60. Drivers of motor vehicles to have driving licences

(1) Except as is provided by this Ordinance or regulations under this Ordinance, a person commits an offence if the person drives on a road a motor vehicle of any class otherwise than in accordance with a licence granted under this Part authorising the person to drive a motor vehicle of that class.

(2) Except as provided by this Ordinance or regulations under this Ordinance, a person commits an offence who causes or permits another person to drive on a road a motor vehicle of any class otherwise than in accordance with a licence granted under this Part authorising that other person to drive a motor vehicle of that class.

(3) A person who —

(a) entered the Falkland Islands not more than twelve months previously; and

(b) holds a licence (not being a provisional licence or a licence corresponding to such a licence) which is current and was issued under the law of —

(i) any constituent part of the United Kingdom (including a British Forces driving licence);

(ii) any EU state or EEA state outside the United Kingdom; or

(iii) any other designated country or territory,

provided that the person —

(aa) is not for the time being prohibited under that law from holding or obtaining a licence in that country or territory;

(bb) is not disqualified by order of a court in the Falkland Islands from holding or obtaining a licence under this Part; and

(cc) would not be disqualified by any provision of this Part by reason of the person's age or any other matter from being issued with a licence authorising the person to drive the vehicle in question,

may lawfully drive in the Falkland Islands, and a person may lawfully cause or permit the person to drive in the Falkland Islands, any motor vehicle of any class which the person is authorised by that licence to drive in the place of issue and notwithstanding that the person is not the holder of a licence issued under this Part.

(4) For the purposes of this section “designated country” means a country designated by order under section 108(2) of the Road Traffic Act 1988.

(5) A person owning or employed in a farming business may lawfully, without being the holder of a licence granted under this Part authorising the person to do so, drive a motor vehicle along or across a road so far as may be necessary to enable the person conveniently to travel from one point on land occupied by the person or the person's employer for the purposes of that business to another point on that land and provided that the person —

(a) only drives on the road where it lies within the boundaries of the land occupied by the person or the person's employer or borders that land;

(b) only does so for purposes directly connected with the operation or management of the person or the person's employer's farming business;

(c) does not carry as a passenger in or on that vehicle any person who is not an employee in the same farming business or a member of the person's family who lives with the person.

61. Tests of competence to drive

(1) A licence authorising the driving of motor vehicles of any class specified in that licence shall not be granted to any person unless the person satisfies the chief police officer —

(a) that at some time during the period of two years ending with the date the application for the licence was made the person has passed —

(i) the test of competence to drive prescribed by virtue of subsection (3), or

(ii) a test of competence which under subsection (6) is a sufficient test;

(b) that at some time the person has held a full licence issued under this Part or the corresponding provisions of the repealed Ordinance authorising the driving of vehicles of that class;

(c) that at the time of the application for the licence the person held a licence (not being a provisional licence or a licence corresponding to such a licence) which was current and was issued by an overseas authority competent to issue licences authorising persons to drive motor vehicles in the country, territory or part thereof where the licence was issued and which licence authorised the person to drive in that country territory or part motor vehicles of a corresponding class and —

(i) the person is not for the time being prohibited under the law of that country or territory from holding or obtaining a licence issued under the authority of that law to drive a motor vehicle of that class in that country or territory or part; and

(ii) the person is not disqualified by order of a court in the Falkland Islands from holding or obtaining a licence authorising the person to drive a motor vehicle of that class.

This subsection is subject to the provisions of this Part as to provisional licences and to the provisions of any regulations made under section 75(2)(f).

(2) For the purposes of subsection (1) a licence which has been revoked under section 71(4) or any corresponding provision of any overseas country or territory as a licence granted in error shall be disregarded.

(3) Regulations may make provision with respect to —

(a) the nature of tests of competence to drive for the purposes of this section and section 150;

(b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment,

(c) evidence of the results of such tests,

and generally with respect to such tests.

(4) In particular, regulations may, without prejudice to the generality of subsection (3), provide—

(a) for requiring a person who is to undergo a test to provide a vehicle for the purposes of the test, in the case of prescribed classes of goods vehicle, loaded or unloaded as may be

prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements,

(b) for requiring a fee, of such amount as may be specified in the regulations or, in such cases as may be prescribed, specified by such person as may be prescribed, to be paid by a person who is to undergo a test or applies for an appointment for a test,

and different regulations may be made with respect to tests of competence to drive different classes of vehicle.

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part —

(a) any provision that could be made for tests not consisting of separate parts, and

(b) provisions for the supply by the chief police officer of forms for certificates evidencing the results and for charges to be made for the supply.

(6) For the purposes of subsection (1)(a)(ii), a test of competence shall be sufficient for the granting of a licence authorising the driving of —

(a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class,

(b) vehicles of all classes which are designated by regulations as a group for the purposes of subsection (1)(a), if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, and

(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this paragraph as competent also to drive vehicles of a class included in that other group.

(7) If vehicles of any class are designated by regulations as a group for the purposes of subsection (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of subsection (1)(b) to authorise the driving of —

(a) vehicles of all classes included in the group (except where regulations otherwise provide), and

(b) vehicles of all classes including in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

The reference in this subsection to a licence does not include a licence which has been revoked in pursuance of section 71(4) of this Ordinance.

62. Review of conduct of test

(1) On the application of a person who has undergone a test of competence to drive, the Magistrate's Court may determine whether the test was properly conducted in accordance with regulations.

(2) The court may, if it appears that the test was not so conducted order that —

(a) the applicant shall be eligible to undergo another test, and

(b) any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(3) If regulations make provision for a test of competence to drive to consist of separate parts, this section applies in relation to each part as well as in relation to the whole of the test.

Physical fitness

63. Requirements as to physical fitness of drivers

(1) An application for the grant of a licence or provisional licence must include a declaration by the applicant, in such form as the chief police officer may require, stating whether the applicant is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part —

(a) "disability" includes disease,

(b) "relevant disability" in relation to any person means —

(i) any prescribed disability, and

(ii) any other disability likely to cause the driving of a vehicle by the person in pursuance of a licence to be a source of danger to the public, and

(c) "prospective disability" in relation to any person means any other disability which —

(i) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but

(ii) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in the course of time.

(3) If it appears from the applicant's declaration, or if on inquiry the chief police officer is satisfied from other information, that the applicant is suffering from a relevant disability, the

chief police officer must, subject to the following provisions of this section, refuse to grant the licence.

(4) The chief police officer must not by virtue of subsection (3) refuse to grant a licence —

(a) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant has at any time passed a relevant test and it does not appear to the chief police officer that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the chief police officer at that time,

(b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence or provisional driving licence to a person in whose case the disability is appropriately controlled,

(c) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive or of information obtained the chief police officer is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disability such that there is likely to be a danger to the public if the person drives —

(a) any vehicle,

(b) a vehicle other than a vehicle of a particular class, or

(c) a vehicle except in accordance with particular conditions,

the chief police officer must serve notice in writing to that effect on that person and must include in the notice a description of the disability.

(6) Where a notice is served in pursuance of subsection (5)(a), then —

(a) if the disability is not prescribed under subsection (2), it shall be deemed to be so prescribed in relation to the person on whom the notice is served, and

(b) if the disability is prescribed for the purposes of subsection (4)(c) it shall be deemed not to be so prescribed in relation to the person.

(7) Where a notice is served in pursuance of subsection (5)(b), the chief police officer may —

(a) if the person on whom the notice is served is an applicant for a licence, grant the person a licence limited to vehicles of the particular class specified in the notice, or

(b) if the person held a licence which is revoked by the chief police officer and the person complies with subsection (9) of this section, grant the person a licence limited to vehicles of that class,

(8) Where a notice is served in pursuance of subsection (5)(c) of this section, the chief police officer may —

(a) if the person on whom the notice is served is an applicant for a licence, grant the person a licence authorising the person to drive vehicles subject to the particular conditions specified in the notice, or

(b) if the person held a licence which is revoked by the chief police officer and the person complies with subsection (9), grant the person a licence authorising him to drive vehicles subject to those conditions,

and, if the chief police officer so directs in the notice, any entitlement which the person has to drive vehicles by virtue of section 70(5) shall be subject to conditions as specified in the notice.

(9) A person complies with this subsection if —

(a) the person surrenders the existing licence (including where appropriate its counterpart), and

(b) where the chief police officer requires, the person produces evidence of the person's name, address, sex and date and place of birth and a photograph which is a current likeness of the person.

(10) If the chief police officer considers it appropriate to do so, the chief police officer may, after serving a notice under any of the paragraphs of subsection (5) of this section, serve a further notice under that paragraph or a notice under another of those paragraphs, and on serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.

(11) In subsection (5) of this section the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence to drive conducted pursuant to section 61(3).

(12) A person whose licence is revoked by virtue of subsection (10) of this section must deliver the licence and its counterpart, if any, to the chief police officer forthwith after the revocation and the person commits an offence who, without reasonable excuse fails to do so.

(13) A person who holds a licence authorising the person to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road commits an offence if the declaration included in accordance with subsection (1) in the application on which the licence was granted was one which the person knew to be false.

64. Revocation of licence because of disability or prospective disability

(1) If the chief police officer is at any time satisfied on enquiry —

(a) that a licence holder is suffering from a relevant disability, and

(b) the chief police officer would be required by section 63(3) of this Ordinance to refuse an application for the licence made by the licence holder at that time,

the chief police officer may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the chief police officer is at any time satisfied on enquiry that a licence holder is suffering from a prospective disability, the chief police officer may —

(a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and

(b) on receipt of the licence so revoked and its counterpart, if any, and of application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the chief police officer under section 71(1)(b).

(3) A person whose licence is revoked under subsection (1) or (2) must deliver up the licence and its counterpart, if any, to the chief police officer forthwith after the revocation and a person commits an offence who, without reasonable excuse, fails to do so.

65. Provision of information etc relating to disabilities

(1) If at any time during the period for which a licence remains in force the licence holder becomes aware —

(a) that the licence holder is suffering from a relevant or prospective disability which the licence holder has not previously disclosed to the chief police officer, or

(b) that a relevant or prospective disability from which the licence holder has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the chief police officer in writing of the nature and extent of the disability.

(2) The licence holder is not required to notify the chief police officer under subsection (1) of this section if—

(a) the disability is one from which the licence holder has not previously suffered, and

(b) the licence holder has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which the licence holder first becomes aware that the licence holder suffers from it.

(3) A person who fails without reasonable excuse to notify the chief police officer as required by subsection (1) commits an offence.

(4) A person who holds a licence authorising the person to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road commits an offence if at any earlier time while the licence was in force the person was required by subsection (1) of this section to notify the chief police officer but has failed without reasonable excuse to do so.

(5) If the prescribed circumstances apply in relation to a person who is an applicant for, or the holder of, a licence or if the chief police officer has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability, subsection (6) of this section applies for the purpose of enabling the Chief police officer to be satisfied whether or not that person may be suffering from that or any other relevant or prospective disability.

(6) The chief police officer may by notice in writing served on the applicant or holder —

(a) require the applicant or holder to provide the chief police officer, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (7) of this section, or

(b) require the applicant or licence holder, as soon as practicable, to arrange to submit for examination by a government medical officer for the purpose of determining whether or not the applicant or licence holder suffers or has at any time suffered from a relevant or prospective disability, or

(c) except where the application is for, or the licence held is, a provisional licence, require the applicant or licence holder to submit for such a test of competence to drive as the chief police officer directs in the notice.

(7) The authorisation referred to in subsection (6)(a) —

(a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and

(b) shall authorise any government medical officer who may at any time have given medical advice or attention to the applicant or licence holder to release to the chief police officer any information which he may have, or which the applicant or licence holder may be available to the applicant or licence holder, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.

(8) If the chief police officer considers it appropriate to do so in the case of any applicant or licence holder, the chief police officer —

(a) may include in a single notice under subsection (6) requirements under more than one paragraph of that subsection, and

(b) may at any time after the service of a notice under that subsection serve a further notice or notices under that subsection.

(9) If any person on whom a notice is served under subsection (6) —

(a) fails without reasonable excuse to comply with a requirement contained in the notice, or

(b) fails any test of competence which the person is required to take as mentioned in paragraph (c) of that subsection,

the chief police officer may exercise the powers of the chief police officer under sections 63 and 64 as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of section 63(2) or, if the chief police officer so determines, as if the chief police officer were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

66. Driving after refusal or revocation of licence

(1) A person commits an offence who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising the person to drive a motor vehicle of that class if—

(a) at any earlier time, the chief police officer —

(i) has in accordance with section 63(4) refused to grant such a licence,

(ii) has under section 64(1) or (2) revoked such a licence, and

(b) since that earlier time the person has not been granted a licence under this Part authorising the person to drive a motor vehicle of that or a corresponding class.

(2) Subsection (1) has effect subject to the provisions of any regulations authorising a person who holds an overseas licence to drive a motor vehicle of the class in question or a corresponding class.

67. Notification of refusal of insurance on grounds of health

If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VII on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as possible notify the chief police officer of that refusal and of the full name, address, sex and date of birth of that person as disclosed by the person to the insurer.

68. Driving with uncorrected defective eyesight

(1) A person who drives a motor vehicle on a road while the person's eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that the person cannot comply with any requirement as to eyesight prescribed under this Part for the purposes of tests of competence to drive, commits an offence.

(2) A police officer having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) may require the person to submit to a test for the purpose of ascertaining whether, using no other means of correction than the person used at the time of driving, the person can comply with the requirement concerned.

(3) A person who refuses to submit to a test required pursuant to subsection (2) commits an offence.

Granting of licences, their form and duration

69. Grant of licences

(1) Subject, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, to Part V, the chief police officer must grant a licence to a person who —

(a) makes an application for it in such manner and containing such particulars as the chief police officer may specify and pays the fee (if any) which is prescribed,

(b) provides the chief police officer with such evidence or further evidence in support of the application as the chief police officer may require,

(c) surrenders to the chief police officer any previously licence granted to the person under this Ordinance or the repealed Ordinance or provides the chief police officer with an explanation for not surrendering it which the chief police officer considers adequate,

(d) is not, in accordance with any provision of this Ordinance, subject to a current disqualification which is relevant to the licence he applies for and is not prevented from obtaining it by the provisions of section 60.

(2) Where any licence to be granted to an applicant would be in the form of a photocard or incorporate a likeness of the applicant, the chief police officer may require the applicant to provide a photograph which is a current likeness of the applicant.

(3) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 61 shall apply to such a licence.

(4) A provisional licence —

(a) shall be granted subject to prescribed conditions,

(b) shall, in any cases provided for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed,

(c) may, in the case of a person appearing to the chief police officer to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular class or subject to particular conditions.

70. Form of licence

(1) Every licence or provisional licence shall be in such form as may be specified by regulations.

(2) Regulations made for the purposes of subsection (1) may provide that a licence shall be in two parts —

(a) the first consisting of a photocard of such description, and containing such information, as is prescribed by those regulations; and

(b) the other (“the counterpart”) being in such form and containing such information as is so prescribed.

(3) The licence shall —

(a) state whether, apart from subsection (5), it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes;

(b) specify (in such manner as the chief police officer may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 72 and any conditions on the driving of vehicles of any class in pursuance of the licence to which the holder is subject, and

(c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the chief police officer may determine) the conditions subject to which it is granted.

(4) The chief police officer may specify different descriptions of photocards, and different forms of licences not in the form of a photocard, for different cases and may determine the form of licence to be granted in any case.

(5) Subject to subsections (6), (7) and (8) a person who holds a licence which authorises its holder to drive motor vehicles of certain classes only not being —

(a) a provisional licence, or

(b) any other prescribed description of licence,

may drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(6) Subsection (5) does not authorise a person to drive a vehicle of a class for the driving of which he could not by reason of the provisions of section 72, lawfully hold a licence.

(7) In such cases or as respects such classes of vehicles as the Governor may by regulations prescribe the provisions of subsections (5) and (6) shall not apply or shall apply subject to such limitations as he may prescribe.

(8) Subsection (5) does not authorise a person on whom a notice under section 63(5)(b) has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.

71. Duration of licences

(1) In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it shall, unless previously revoked or surrendered, remain in force, subject to subsection (2) —

(a) except in a case falling within paragraph (b) or (c), for the period ending on the seventieth anniversary of the applicant's date of birth or for a period of three years, whichever is the longer (and the provisions of subsection (5) shall apply in relation to the right of the holder of a licence the validity of which ceases under the provisions of this paragraph to the grant of a new licence for a period of three years),

(b) except in a case falling within paragraph (c), if the chief police officer so determines in the case of a licence to be granted to a person appearing to the chief police officer to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the chief police officer may determine, and

(c) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equivalent to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

(2) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force —

(a) except in a case falling within paragraph (c) or (d) —

(i) for the period ending on the forty-fifth anniversary of the applicant's date of birth or for a period of five years, whichever is the longer, or

(ii) where the applicant's age at the date on which the licence is come into force will exceed forty-five but not sixty-five years, for the period ending on the sixty-sixth anniversary of the applicant's date of birth or for a period of five years, whichever is the shorter,

(b) except in a case falling within paragraph (d), where the applicant's age at that date will exceed sixty-five years, for a period of one year,

(c) except in a case falling within paragraph (b) or (d), if the chief police officer so determines in the case of a licence to be granted to a person appearing to the chief police officer to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the chief police officer may determine, and

(d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

(3) Where, in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force for a period of more than ten years, the holder of the licence must surrender it and its counterpart to the chief police officer not later than the period of ten years beginning with —

(a) the date shown on the licence as the date of its issue, or

(b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.

(c) except in a case falling within paragraph (b) or (d), if the chief police officer so determines in the case of a licence to be granted to a person appearing to the chief police officer to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the chief police officer may determine, and

(d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

(4) Where it appears to the chief police officer—

(a) that a licence granted to any person was granted in error or with an error or omission in the particulars specified in the licence, or

(b) that the counterpart of a licence granted to any person is required to be endorsed in pursuance of any provision of law or was issued with an error or omission in the particulars specified in the counterpart or required to be endorsed upon it, or

(c) that the particulars specified in a licence granted to any person or in its counterpart do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the chief police officer may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence and its counterpart forthwith to the chief police officer and it shall be the duty of the person served with the notice to comply with that requirement.

(5) Where, in accordance with paragraph (a) of subsection (1) a licence expires on the seventieth anniversary of the holder's birth or on the expiration of a period of three years (whichever is the later to occur) the chief police officer shall on —

(a) the application of the holder in such form as may be prescribed by regulations;

(b) the production by the person of a certificate in writing signed by a government medical officer within the preceding month that the applicant is in the government medical officer's opinion medically fit to drive motor vehicles of the classes the holder was authorised to drive by the expired licence (not being within a prescribed class of goods vehicle or within a prescribed class of passenger-carrying vehicle), and

(c) the payment of any fee prescribed for the issue of such a licence,

issue a licence authorising the applicant to drive such motor vehicles for a period of three years from the date of its issue.

(6) A licence may be issued under subsection (5) at any time after three months preceding the expiration of the applicant's current driving licence by virtue of paragraph (a) of subsection (1)

(7) Where the name or address of the licence holder as specified in the licence ceases to be correct, its holder must forthwith surrender the licence and any counterpart of that licence to the chief police officer.

(8) A person commits an offence who without reasonable excuse fails to comply with the duty under subsection (2), (3) or (4).

Disqualification (otherwise than on conviction)

72. Disqualification of persons under age

(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if the person is under the age specified in relation to it in the second column of the Table —

<i>Class of Motor Vehicles</i>	TABLE	<i>Age (in years)</i>
1. Motor Bicycle		16
2. Agriculture or Forestry Tractor		17
3. Small Vehicle		17
4. Medium-sized Goods Vehicle		18
5. Other Motor Vehicle		21

(2) The Governor may by regulations provide that subsection (1) shall have effect as if for the classes of vehicles and the ages specified in the Table in that subsection there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) The regulations may —

(a) apply to persons of a class specified in or under the regulations,

(b) apply in circumstances so specified,

(c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions,

(d) contain such transitional and supplemental provisions (including provisions amending section 77 (interpretation of this Part) and section 75 (regulations under Part IV) as the Governor considers necessary or expedient.

73. Disqualification to prevent duplication of licences

A person is disqualified from obtaining a licence authorising the person to drive a motor vehicle of any class so long as the person is the holder of another licence authorising the person to drive a motor vehicle of that class, whether the licence is suspended or not.

Effects of disqualification

74. Obtaining licence, or driving, while disqualified

(1) A person commits an offence if, while disqualified for holding or obtaining a licence, the person —

(a) obtains a licence, or

(b) drives a motor vehicle on a road.

(2) A licence obtained by a person who is disqualified is of no effect (or where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

(3) A police officer in uniform may arrest without warrant any person driving a motor vehicle on a road whom the police officer has reasonable cause to suspect of being disqualified.

(4) Subsections (1) and (3) do not apply in relation to disqualification by virtue of section 72.

(5) Subsections (1)(b) and (3) do not apply in relation to disqualification by virtue of section 73.

(6) In the application of subsections (1) and (3) to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of section 73 or section 83, the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

Miscellaneous

75. Regulations

(1) The Governor may make regulations for any purpose for which regulations may be made under the provisions of this Part and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.

(2) In particular, but without prejudice to the generality of subsection (1), the regulations may make provision with respect to —

(a) licences under this Part and counterparts of such licences,

(b) preventing a person holding more than one licence,

(c) providing for the issue of licences and counterparts of licences in place of licences or counterparts of licences lost or defaced on payment of such fee, and compliance with such requirements, as may be prescribed,

(d) facilitating identification of holders of licences,

(e) the correspondence of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),

(f) the effect of a change in the classification of motor vehicles on licences then in force or issued or on the right to or the subsequent granting of licences; and

(g) enabling a person —

(i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of paragraph (f), and

(ii) who satisfies such conditions as may be prescribed,

to drive (and be employed in driving) that class of motor vehicle while the person applies for the licence to be granted to the person,

and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicle in different circumstances.

(3) The regulations may —

(a) make different provisions for different circumstances,

(b) provide for exemptions from any provisions of the regulations, and

(c) contain such incidental and supplemental provisions as the Governor considers expedient for the purposes of the regulations,

and nothing in the other provisions of this Part shall be construed as prejudicing the generality of the preceding provisions of this subsection.

76. Service of notices

A notice authorised to be served on any person under this Part or Part V of this Ordinance may be served on the person by delivering it to the person or by leaving it at the person's proper address or by sending it to the person by post and for the purposes of this section the proper address of any person shall be the person's latest address known to the person serving the notice.

77. Interpretation

In this Part —

“counterpart” in relation to a licence under this Part, means a document in such form as the chief police officer may determine, issued with the licence, containing such information as the chief police officer determines and designed for the endorsement of particulars relating to the licence;

“disability” has the meaning given by section 63(2)(a);

“disqualified” means disqualified for holding or obtaining a licence (or in case where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates) and “disqualification” is to be interpreted accordingly;

“full licence” means a licence other than a provisional licence;

“large goods vehicle” means a motor vehicle (not being a medium-sized goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

“licence” (except where the context otherwise requires) means a licence to drive a motor vehicle granted under this Part of this Ordinance;

“medium-sized goods vehicle” means a motor vehicle —

- (a) which is constructed or adapted to carry or to haul goods,
- (b) which is not adapted to carry more than nine persons inclusive of the driver, and
- (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms;

“motor cycle” means a motor vehicle which has two wheels and includes a combination of such a motor vehicle and a side-car:

“passenger-carrying vehicle” means —

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than sixteen passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than eight but not more than sixteen passengers,

and includes a combination of such a motor vehicle and a trailer;

“permissible maximum weight” (of whatever description), means —

- (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,
- (b) in the case of an articulated goods vehicle —
 - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,
 - (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,

(iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,

(iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

“prospective disability” has the meaning given by section 63(2)(c) of this Ordinance;

“provisional licence” means a licence granted by virtue of section 69(2) of this Ordinance;

“relevant disability” has the meaning given by section 63(2)(b) of this Ordinance;

“relevant maximum weight”, in relation to a motor vehicle or trailer, means the authorised weight for that motor vehicle or trailer assigned on application under section 4(1) or, as the case may be, section 4(4) of the Highways (Weight Limits) Ordinance 2004;

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means the authorised weight assigned to that vehicle;

“semi-trailer” means a trailer which is constructed or adapted to be drawn by a tractor unit and includes a vehicle which is not itself a motor vehicle but has some or all of its wheels driven by the drawing vehicle;

“small vehicle” means a motor vehicle (other than an invalid carriage or motor cycle) which —

(a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and

(b) has a maximum gross weight not exceeding 3.5 tonnes,

and includes a combination of such a vehicle and a trailer; and

“test of competence to drive” means such a test conducted under section 61 of this Ordinance.

PART V LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES

78. Licensing of drivers of large goods vehicles and passenger-carrying vehicles

(1) Licences under Part IV to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the chief police officer in accordance with this Part and shall, insofar as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to this Part in addition to Part IV.

(2) In this Part —

“large goods vehicle driver’s licence” means a licence under Part IV insofar as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part IV insofar as it authorises a person to drive passenger-carrying vehicles of any class.

79. Grant of licences: fitness as regards conduct

(1) The chief police officer shall not grant to an applicant a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence unless the chief police officer is satisfied, having regard to the applicant’s conduct, that the applicant is a fit person to hold the licence applied for.

(2) On an application being made to the chief police officer for a licence to which subsection (1) relates, the chief police officer shall determine whether the applicant for the licence is or is not, having regard to the applicant’s conduct, a fit person to hold a licence to drive large goods vehicles or passenger-carrying vehicles, as the case may be.

(3) The chief police officer may require the applicant for the licence to furnish to the chief police officer such information as the chief police officer may require and may, by notice to the applicant, require the applicant to attend before the chief police officer at the time and place specified by the chief police officer to furnish the information and to answer such questions (if any) relating to the application as the chief police officer may put to the applicant.

(4) If the applicant fails, without reasonable excuse, to furnish information to or attend before or answer questions properly put by the chief police officer when required to do so under subsection (3), the chief police officer may decline to proceed further with the application and, if so, shall notify the applicant of the decision not to proceed further with the application and shall refuse to grant the licence.

(5) A person who is aggrieved by a decision of the chief police officer to refuse to grant a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence to the person may, within twenty-eight days of the notification to the person of the chief police officer’s decision to refuse the application, by notice in writing, appeal to the Magistrate’s Court.

80. Conditions of certain licences

(1) The following licences, that is to say —

(a) a large goods vehicle or passenger-carrying vehicle driver’s licence issued as a provisional licence; and

(b) a full large goods vehicle or passenger-carrying vehicle driver’s licence granted to a person under the age of 21,

shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions the person commits an offence.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

81. Revocation or suspension of licences

(1) A large goods vehicle or passenger-carrying vehicle driver's licence —

(a) must be revoked if there comes into existence, in relation to its holder, such circumstances relating to the person's conduct as may be prescribed;

(b) must be revoked or suspended if the person's conduct is such as to make the person unfit to hold such a licence;

and where the licence is suspended under paragraph (b) it shall, during the time of suspension, be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both paragraph (a) and (b) of subsection (1), proceedings shall be taken or continued under paragraph (a) and not under paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Regulations made for the purposes of this section or of section 83(2) —

(a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons, and

(b) shall provide for the determination of the cases in which, under section 83(2) (a) of this Ordinance, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

82. Revocation or suspension of licences: consideration of conduct

(1) Any question arising under section 81(1)(b) as to whether a person is or is not, by reason of the person's conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence shall be determined by the chief police officer.

(2) Where under subsection (1) the chief police officer determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, the chief police officer shall also determine whether the conduct of the holder of the licence is such as to require the revocation of the licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under section 83(2)(a) (and, if so, for what period) or under section 83(2)(b).

(3) The chief police officer may require the holder of the licence to provide such information as the chief police officer may require and may, by notice to the holder, require the person to attend before the chief police officer at the time and place specified by the chief police officer to furnish

the information and to answer such questions (if any) relating to the subject matter of the reference as the chief police officer may put to the person.

(4) If the holder of the licence fails without reasonable excuse to provide information to or attend before or answer questions properly put by the chief police officer and when required to do so under subsection (3), the chief police officer may revoke the licence or suspend it for such period as the chief police officer thinks fit.

(5) Section 79(5) shall have effect so as to grant a right of appeal against a revocation or suspension of licence under this section as it does to confer a right of appeal against the refusal of the chief police officer to grant a licence under section 79(1).

83. Disqualification on revocation of licence

(1) Where in pursuance of section 81(1)(a) the chief police officer revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the chief police officer must, in accordance with the regulations made in pursuance of section 81(3), order the person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of section 81(1)(b) the chief police officer revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the chief police officer may —

(a) order the holder to be disqualified indefinitely or for such period as the chief police officer thinks fit, or

(b) except where the licence is a provisional licence, if it appears to the chief police officer that, owing to the conduct of the holder of the licence, it is expedient to require the person to comply with the prescribed conditions applicable to provisional licences under Part IV until the person passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order the person to be disqualified from holding or obtaining a full licence until the person passes such a test.

(3) Regulations may make provision for the application of subsections (1) and (2) in such circumstances and with such modifications as may be prescribed, where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of section 151.

(4) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (1) the circumstances prescribed for the purposes of section 81(1)(a) cease to exist in the person's case, the chief police officer must, on an application made for the purpose, remove the disqualification.

(5) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (2)(a) the chief police officer may, in such circumstances as may be prescribed, remove the disqualification.

(6) Where the holder of a full licence is disqualified under subsection (2)(b) the chief police officer must not afterwards grant the person a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that the person has, since the disqualification, passed the prescribed test of competence to drive vehicles of that class, and until the person passes that test any full licence obtained by the person shall be of no effect.

(7) So long as the disqualification under subsection (1) or (2)(a) of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to the person and any such licence obtained by the person shall be of no effect.

(8) In this section "disqualified" —

(a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified from holding or obtaining a licence under Part IV to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified from holding or obtaining a licence under Part IV to drive passenger-carrying vehicles of the prescribed classes.

84. Revoked or suspended licences: surrender, return and endorsement

(1) Where, in pursuance of section 81, the chief police officer revokes a licence, the chief police officer must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart, if any, forthwith to him, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Where, in pursuance of section 81, the chief police officer suspends a licence, the chief police officer must serve notice on the holder of the licence requiring the person to deliver the licence and its counterpart to the chief police officer and it shall be the duty of the holder of the licence to comply with the requirement.

(3) Any holder of a licence who fails without reasonable excuse to comply with the duty under subsection (1) or (2) commits an offence.

(4) On the delivery of a licence and its counterpart, if any, by a person to the chief police officer on revocation of a licence in pursuance of subsection (1) the chief police officer must issue to the person, on payment of such fee (if any) as may be prescribed, a licence authorising the driver of the classes of vehicles which are unaffected by the revocation.

85. Appeal to Magistrate's Court

(1) A person who, being the holder of or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence is aggrieved by the chief police officer's —

- (a) refusal or failure to grant such a licence in pursuance of section 79(1) or section 79(4),
- (b) suspension or revocation of such a licence in pursuance of section 81 or section 82(4), or
- (c) ordering of disqualification under section 83(2),

may, after giving to the chief police officer notice of the person's intention to do so, appeal to the Magistrate's Court.

(2) On any appeal under subsection (1) the chief police officer shall be the respondent.

(3) On any appeal under subsection (1) the court may make such order as it thinks fit and the order shall be binding on the chief police officer.

86. Regulations

(1) The Governor may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part and generally for the purpose of carrying out the provisions of this Part.

(2) Regulations may in particular require applicants for tests of competence under Part IV to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements as to training as may be prescribed.

(3) In subsection (2) "normal minimum age for driving", in relation to the driving of vehicles of any class, means the age which is in force under section 70 in relation to that class of vehicle.

(4) Regulations may make different provision in respect of different classes of vehicles or in respect of the same class of vehicles in different circumstances.

(5) Regulations may provide that a person who contravenes or fails to comply with any specified provision of the regulations commits an offence.

(6) The Governor may by regulations provide that this Part shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

87. Interpretation

In this Part —

"conduct" means —

(a) in relation to an applicant for or the holder of a large goods vehicle driver's licence, the person's conduct as a driver of a motor vehicle, and

(b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence, the person's conduct both as a driver of a motor vehicle and in any other respect relevant to holding a passenger-carrying vehicle driver's licence;

"counterpart", in relation to a licence to drive under Part IV, has the same meaning as in that Part;

"full licence" means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

"large goods vehicle" means a motor vehicle (not being a medium-sized goods vehicle within the meaning of Part IV) which is constructed or adapted to carry or haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

"passenger-carrying vehicle" means —

(a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or

(b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers,

and includes a combination of such a motor vehicle and a trailer;

"notice" means notice in writing and "notify" shall be construed accordingly;

"prescribed" means, unless the context otherwise requires, prescribed by regulations under section 84;

"provisional licence" means a licence granted by virtue of section 69(3), and

"permissible maximum weight" has the same meaning as in Part IV.

PART VI
LICENSING OF TAXIS, PRIVATE HIRE VEHICLES
AND PUBLIC SERVICE VEHICLES
Taxi licences

88. Grant of taxi licences

(1) The chief police officer may licence taxis to ply for hire in the Falkland Islands but shall not grant a taxi licence in respect of a vehicle unless satisfied—

(a) that the vehicle is—

- (i) suitable for use as a taxi;
- (ii) in a suitable mechanical condition;
- (iii) safe;

(b) that the bodywork, seating and interior furnishings of the vehicle are in good condition; and

(c) that there is in force in respect of the vehicle a policy of insurance satisfying the requirements of subsection (5).

(2) A taxi shall at all times it plies for hire bear a sign in such form as may be approved by the chief police officer bearing the word "Taxi" in such dimensions of lettering as the chief police officer may require and that sign shall be illuminated at all times the vehicle plies for hire during the hours of darkness.

(3) A person commits an offence who uses a licensed taxi to ply for hire in contravention of a requirement of subsection (2).

(4) Subject to this section, a licence may —

- (a) be granted on such conditions,
- (b) be in such form, and
- (c) be subject to revocation or suspension in such event,

as subject to this and any regulations under this Part, and in the absence of regulations prescribing the same, may be determined by the chief police officer. A licence shall, if not revoked or suspended, be in force for one year

(5) It shall be a condition of every taxi licence that all times it plies for hire there is in force a policy of insurance issued by an approved insurer in such form as the chief police officer may approve, and such amounts as shall be prescribed by regulations which, without prejudice to any other requirement for insurance by virtue of this Ordinance in respect of a motor vehicle used on a road, indemnifies the driver of the taxi and the owner of it (if different) from any claim for death or personal injuries suffered by any passenger in the taxi carried for hire and reward and such other risks as may be prescribed by regulations under this Part.

(6) An application fee of such amount (if any) as is prescribed shall be payable —

- (a) by any applicant for a licence under this section, on making the application for the licence;

(b) by any applicant for the submission of any motor vehicle the subject of the application to any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and

(c) by any person granted a licence under this section, on the grant of a licence.

(7) In paragraph (b) of subsection (6) "matter of fitness" means —

(a) any matter as respects which the chief police officer must be, or requires to be, satisfied before granting a licence; or

(b) any matter such that, if the chief police officer is not satisfied with respect to the matter, the chief police officer may refuse to grant a licence.

(8) Subject to subsection (9), the owner of the taxi and the driver each commit an offence if any condition of a taxi licence is contravened.

(9) The driver of the taxi does not commit an offence under subsection (8) if the driver shows that the contravention did not arise from any act or omission of the driver or that, if it did, that the driver did not know, and ought not reasonably to have been aware, that the condition in question would be thereby contravened.

89. Further provisions in relation to licensed taxis

(1) If any unlicensed taxi plies for hire, the owner of the taxi commits an offence.

(2) Where the owner of a taxi commits an offence under subsection (1) the driver of the taxi, if the driver is not the owner, commits an offence under this subsection unless the driver proves that the driver was unaware that the taxi was an unlicensed taxi.

(3) A person commits an offence who, being the owner or driver of a vehicle, which is not licensed as a taxi under section 88, uses the vehicle at any time while there is displayed on or within the vehicle a sign or notice intimating that the vehicle is a taxi, provided it is a defence for a person who is the driver of, but not the owner, of the vehicle to show that the person did not know, and ought not reasonably to have been aware, that the vehicle was not so licensed.

(4) The owner of a licensed taxi shall present the vehicle for inspection and testing by or on behalf of the chief police officer within such period and at such place as the chief police officer may by notice reasonably require.

(5) The owner shall (without prejudice to section 123) report any accident to a licensed taxi materially affecting—

(a) the safety, performance or appearance of the vehicle, or

(b) the comfort or convenience of persons carried in the vehicle

to the chief police officer or to a police officer at Stanley police station as soon as reasonably practical and in any case within 72 hours of the accident occurring.

(6) If the ownership of a licensed taxi changes, the person who was previously the owner shall within 14 days of the change give notice to the chief police officer of that fact and the name and address of the new owner.

(7) A person who without reasonable excuse contravenes any of the provisions of subsection (4) (5) or (6) commits an offence.

(8) Nothing in this Ordinance shall be construed so as to prevent the driver of a taxi contracting to carry passengers on the basis that the driver shall be free during the course of the journey, subject to the seating available in the taxi, to carry other passengers under a separate contract, provided an unreasonable diversion or delay in the completion of the first-mentioned contract is not thereby occasioned.

Licensing taxi drivers

90. Taxis to be driven by licensed drivers

(1) The chief police officer may licence persons to be drivers of taxis.

(2) No taxi shall ply for hire unless it is under the charge of a driver having a licence granted by the chief police officer under this section.

(3) If any taxi plies for hire in contravention of this section —

(a) the person driving the taxi, and

(b) the owner of the taxi, unless the owner proves that the driver acted without the owner's knowledge or consent,

each commit an offence.

(4) A licence under this section may —

(a) be granted on such conditions,

(b) be in such form, and

(c) be subject to revocation or suspension in such event as may be prescribed and, if not revoked or suspended, shall be in force for three years.

(5) A person shall not be licensed to drive a taxi unless the chief police officer is satisfied that the person holds and has held for at least two years a licence authorising the person to drive a motor car in the Falkland Islands and that the person is a fit and proper person to hold a licence to drive a taxi.

(6) A fee of such amount (if any) as may be prescribed shall be paid —

(a) by any applicant for a licence under this section, on making the application for the licence;

(b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and

(c) by any person granted a licence, on the grant of the licence.

(7) In paragraph (b) of subsection (6) “matter of fitness” means —

(a) any matter as respects which the chief police officer must be satisfied before granting a licence; or

(b) any matter such that, if the chief police officer is not satisfied with respect to the matter, the chief police officer may refuse to grant a licence.

(8) Regulations may provide for different amounts to be payable under subsection (6) for different purposes or different cases.

(9) Where a vehicle falls within the definition of “passenger-carrying vehicle” in section 77 and is a taxi, a licence, as well as a licence under Part V, must be held by the driver of the vehicle.

91. Fitness of licensed taxis

(1) A police officer or other person authorised by the chief police officer may at any reasonable time inspect, and test for the purpose of ascertaining its fitness, any vehicle to which a taxi licence relates.

(2) If a police officer or other person so authorised is not satisfied as to the fitness of such a vehicle the person may by notice to the owner of the vehicle —

(a) require the owner to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified in the notice; and

(b) if the person thinks fit suspend the licence relating to that vehicle until a police officer or other person authorised by the chief police officer is satisfied as to the fitness of the vehicle.

(3) A notice under subsection (2) shall state the grounds on which the licence is being suspended and the suspension shall take effect immediately the notice is served on the owner of the vehicle.

(4) A licence suspended under subsection (2)(b) shall remain suspended until such time as a police officer or other person authorised by the chief police officer by notice to the owner notifies that the licence is again in force.

(5) If a licence remains suspended at the end of a period of two months beginning on the day on which a notice under subsection (2)(b) was served on the owner of the vehicle the chief police officer or a police officer or other person authorised by the chief police officer may by notice served on the owner of the vehicle revoke the licence with effect at the end of the period of 21 days beginning with the day on which the owner is served with the notice.

(6) The owner of the vehicle may appeal against a notice under subsection (2)(b) or (5) to the Magistrate's Court.

Private hire vehicles and public service vehicles

92. Licensing of private hire vehicles

(1) A vehicle shall not be used as a private hire vehicle on a road unless a private hire vehicle licence is in force in respect of that vehicle.

(2) If a vehicle is used in contravention of this section the driver and owner of that vehicle each commit an offence.

(3) The owner of any vehicle constructed or adapted to seat not more than eight passengers may apply to the chief police officer for a private hire vehicle licence.

(4) The chief police officer shall grant a private hire vehicle licence if satisfied —

(a) that the vehicle —

(i) is suitable in type, size and design for use as a private hire vehicle;

(ii) is safe, comfortable and in a suitable mechanical condition for that use; and

(b) that there is in force a policy of insurance issued by an approved insurer in such form as the chief police officer may approve, and such amounts as shall be prescribed by regulations, which in addition to any other insurance required by this Ordinance to be maintained in respect of a motor vehicle used on a road, indemnifies the driver of the private hire vehicle and the owner of it (if different) from any claim for death or personal injuries suffered by any passenger in the private hire vehicle carried for hire and reward and such other risks as may be prescribed by regulations under this Part;

(c) that any further requirements which may be prescribed are met.

(5) A private hire vehicle licence —

(a) must relate to one vehicle only, (but a person may hold more than one private hire vehicle licence);

(b) shall be granted subject to such conditions (if any) as may be prescribed and any other conditions the chief police officer may think fit;

(c) shall be in such form and contain such particulars as the chief police officer may think fit; and

(d) shall be granted for one year or for such shorter period as the chief police officer may consider appropriate in the circumstances of the case.

(6) An applicant for a private hire licence may appeal to the Magistrate's Court against a decision not to grant such a licence or against any condition (other than a prescribed condition) to which the licence is subject.

93. Licensing of public service vehicles

(1) A vehicle shall not be used as a public service vehicle unless a public service vehicle licence is in force in respect of that vehicle.

(2) If a vehicle is used in contravention of this section the driver and owner of that vehicle each commit an offence.

(3) The owner of any vehicle constructed or adapted so as to seat passengers may apply to the chief police officer for a public service vehicle licence.

(4) The chief police officer shall grant a public service vehicle licence if satisfied —

(a) that the vehicle —

(i) is suitable in type, size and design for use as a public service vehicle;

(ii) is safe, comfortable and in a suitable mechanical condition for that use; and

(b) that there is in force a policy of insurance issued by an approved insurer in such form as the chief police officer may approve, and such amounts as shall be prescribed by regulations, which in addition to any other insurance required by this Ordinance to be maintained in respect of a motor vehicle used on a road, indemnifies the driver of the public service vehicle and the owner of it (if different) from any claim for death or personal injuries suffered by any passenger in the public service vehicle carried for hire and reward and such other risks as may be prescribed by regulations under this Part;

(c) that any further requirements which may be prescribed are met.

(5) A public service vehicle licence —

(a) must relate to one vehicle only, (but a person may hold more than one public service vehicle licence);

(b) shall be granted subject to such conditions (if any) as may be prescribed and any other conditions the chief police officer may think fit;

(c) shall be in such form and contain such particulars as the chief police officer may think fit; and

(d) shall be granted for one year or for such shorter period as the chief police officer may consider appropriate in the circumstances of the case.

(6) An applicant for a public service vehicle licence may appeal to the Magistrate's Court against a decision not to grant such a licence or against any condition (other than a prescribed condition) to which the licence is subject.

94. Obligations of owners of vehicles licensed as private hire vehicles or as public service vehicles

(1) This section applies to any vehicle in respect of which a private hire licence or public service vehicle licence is held.

(2) The owner shall present the vehicle for inspection and testing by or on behalf of the chief police officer within such period and at such place as the chief police officer may by notice reasonably require.

(3) The owner shall (without prejudice to section 123) report any accident to the vehicle materially affecting —

(a) the safety, performance or appearance of the vehicle, or

(b) the comfort or convenience of persons carried in the vehicle,

to the chief police officer or to a police officer at Stanley police station as soon as reasonably practical and in any case within 72 hours of the accident occurring.

(4) If the ownership of the vehicle changes, the person who was previously the owner shall, within 14 days of the change, give notice to the chief police officer of that fact and the name and address of the new owner.

(5) A person who, without reasonable excuse, contravenes any of the provisions of this section commits an offence.

95. Fitness of licensed vehicles

(1) A police officer or other person authorised by the chief police officer may at any reasonable time inspect, and test for the purpose of ascertaining its fitness, any vehicle to which a private hire vehicle or public service vehicle licence relates.

(2) If a police officer or other person so authorised is not satisfied as to the fitness of such a vehicle the person may by notice to the owner of the vehicle —

(a) require the owner to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified in the notice; and

(b) if the person thinks fit, suspend the licence relating to that vehicle until a police officer or other person authorised by the chief police officer is satisfied as to the fitness of the vehicle.

(3) A notice under subsection (2) shall state the grounds on which the licence is being suspended and the suspension shall take effect immediately the notice is served on the owner of the vehicle.

(4) A licence suspended under subsection (2)(b) shall remain suspended until such time as a police officer or other person authorised by the chief police officer by notice to the owner notifies that the licence is again in force.

(5) If a licence remains suspended at the end of a period of two months beginning on the day on which a notice under subsection (2)(b) was served on the owner of the vehicle, the chief police officer or a police officer or other person authorised by the chief police officer may by notice served on the owner of the vehicle revoke the licence with effect at the end of the period of 21 days beginning with the day on which the owner is served with the notice.

(6) The owner of the vehicle may appeal against a notice under subsection (2)(b) or (5) to the Magistrate's Court.

96. Requirement for private hire vehicle driver's licence and passenger carrying vehicle driver's licence

(1) A vehicle shall not be used as a private hire vehicle or public service vehicle on a road unless the driver holds a private hire vehicle driver's licence (in the case of a private hire vehicle) or a passenger carrying vehicle driver's licence issued under Part V (in the case of a public service vehicle).

(2) The driver and the owner of a vehicle each commit an offence if it is used in contravention of subsection (1).

(3) The chief police officer may licence persons to be drivers of private hire vehicles.

(4) A licence under this section may —

(a) be granted on such conditions,

(b) be in such form, and

(c) be subject to revocation or suspension in such event as may be prescribed and, if not revoked or suspended, shall be in force for three years.

(5) A person shall not be licensed to drive a private hire vehicle unless the chief police officer is satisfied that the person holds and has held for at least 12 months a licence authorising the person to drive a motor car in the Falkland Islands and that the person is a fit and proper person to hold a licence to drive a private hire vehicle.

- (6) A fee of such amount (if any) as may be prescribed shall be paid —
- (a) by any applicant for a licence, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence, on the grant of the licence.
- (7) In paragraph (b) of subsection (6) “matter of fitness” means —
- (a) any matter as respects which the chief police officer must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if the chief police officer is not satisfied with respect to the matter, the chief police officer may refuse to grant a licence.
- (8) Regulations may provide for different amounts to be payable under subsection (6) for different purposes or different cases.

Suspension and revocation of licences

97. Suspension and revocation of licences under this Part

- (1) Without prejudice to the previous provisions of this Part, the chief police officer may suspend or revoke a licence under this Part for any reasonable cause including (without prejudice to the generality of this subsection) any ground mentioned in any subsequent subsection of this section.
- (2) A taxi licence, private hire vehicle licence or public service vehicle licence may be suspended or revoked by the chief police officer if —
- (a) the chief police officer is no longer satisfied that the licence holder is fit to hold the licence;
 - (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on the person by or under this Part; or
 - (c) the chief police officer is no longer satisfied that the vehicle to which it relates is fit for use as a taxi, private hire vehicle or public service vehicle, as the case may be.
- (3) A taxi driver’s licence or a private hire vehicle driver’s licence may be suspended or revoked by the chief police officer if—
- (a) the licence holder has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence;

(b) if the name of the licence holder appears on the sex offenders register or the chief police officer is for any other reason no longer satisfied that the person is fit to hold such a licence;

(c) the licence holder has failed to comply with any condition of the licence or any other obligation placed on the person by or under this Part.

(4) Where the chief police officer has decided to suspend or revoke a licence under this section—

(a) the chief police officer shall give notice of the decision and the grounds of it to the licence holder; and

(b) the suspension or revocation takes effect at the end of the period of 21 days beginning with the day on which that notice is served.

(5) If the chief police officer is of the view that the interests of public safety require the suspension or revocation of a licence to have immediate effect, and the chief police officer includes a statement of that opinion and the reasons for it in the notice of suspension or revocation, the suspension or revocation takes effect when the notice is served on the licence holder.

(6) A licence holder upon whom a notice under this section has been served may appeal to the Magistrate's Court against a decision under this section to suspend or revoke a licence.

98. Appeals

(1) This section applies to any appeal which lies under this Part to the Magistrate's Court against a decision of the chief police officer, a police officer or a person authorised by the chief police officer in relation to, or an application for, a licence under this Part.

(2) Any such appeal shall be by way of complaint for an order and the Magistrates' Courts Act 1980, with such variations and modifications as are required by local circumstances, shall apply to the proceedings.

(3) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against was served on the person.

(4) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to the Magistrate's Court and the time within which such an appeal may be brought.

(5) An appeal to the Supreme Court against any decision of the Magistrate's Court lies at the instance of any party to the proceedings in the Magistrate's Court. Any such appeal shall be by way of appeal and not by way of re-hearing.

(6) Where on an appeal the court varies or reverses any decision of the chief police officer, a police officer or a person authorised by the chief police officer, the chief police officer shall, subject to any outstanding appeal to the Supreme Court, give effect to the order of the court.

(7) If any decision of the chief police officer against which a right of appeal is conferred by this Part—

(a) involves the execution of work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which the person was lawfully carrying on at the time of the decision,

the decision shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.

(8) Subsection (7) does not apply in relation to a decision to suspend or revoke a licence if the notice of suspension or revocation states that, in the interests of public safety, the decision is to have immediate effect.

99. Taxis and private hire vehicles: miscellaneous offences

(1) Where regulations have been made pursuant to section 101(b)(v), the owner and the driver of a taxi commit an offence if it is used under a contract or purported contract for private hire at a rate of fares or charges greater than that fixed by such regulations.

(2) In subsection (1) “contract” means —

(a) a contract made otherwise than while the relevant taxi is plying for hire or when waiting at a taxi stand; and

(b) a contract made otherwise than with or through the driver of the relevant taxi while it is so plying or waiting.

(3) The driver of a taxi or private hire vehicle commits an offence if without reasonable cause unnecessarily prolongs, in distance or in time, the journey for which the taxi or private hire vehicle was hired.

(4) A person commits an offence who —

(a) wilfully obstructs a police officer or a person authorised by the chief police officer, in either case acting in pursuance of this Part;

(b) without reasonable excuse fails to comply with any requirement properly made to the person by such a police officer or such a person; or

(c) without reasonable cause fails to give such a police officer or such a person any other assistance or information the person may reasonably require for the purpose of the performance of the person’s functions under this Part.

100. Savings for vehicles used for funerals and weddings

Nothing in this Part applies to vehicles the use of which as a private hire vehicle is limited to use in connection with funerals and weddings.

101. Regulations for the purposes of this Part

The Governor may make regulations —

(a) as to any matter which it is convenient or necessary to prescribe for the purposes of or in connection with the exercise of the functions of the chief police officer under the previous provisions of this Part;

(b) without prejudice to the generality of paragraph (a) —

(i) prescribing the manner and form in which any application to the chief police officer under any previous provision of this Part shall be made;

(ii) requiring applicants for taxi drivers' licences and passenger carrying vehicle drivers' licences to submit themselves for medical examination:

(iii) requiring holders of taxi drivers' licences and passenger carrying vehicle drivers' licences to submit themselves for medical examination at such intervals as may be prescribed and otherwise when reasonably required by the chief police officer;

(iv) prescribing fees to be payable by applicants for and persons granted a licence under any previous provision of this Part;

(v) providing that the chief police officer (without prejudice to the previous provisions of this Part) may revoke such a licence if at any time the chief police officer ceases to be satisfied as to the mechanical fitness and safety of the vehicle to which it relates;

(vi) regulating the number of persons to be carried in any taxi, private hire vehicle or public service vehicle and requiring that number to be shown on the vehicle;

(vii) fixing the rates of fares, as well for time as distance, to be paid for taxis, and for securing the due publication of such fares;

(viii) for forming a table of distances in relation to any fare to be charged in relation to a taxi by distance, or by the preparation of a book, map, or plan;

(ix) for securing the safe custody and re-delivery of any property accidentally left in any taxi, private hire vehicle or public service vehicle and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time; and

(x) limiting the number of taxis which may be licensed and providing for the transfer of taxi licences.

102. Interpretation

(1) In this Part —

“owner”, in relation to a vehicle, includes a person to whom a vehicle is hired under a hire purchase agreement or which is the subject of a sale to the person under a conditional sale agreement;

“private hire vehicle” means a vehicle which is licensed under section 92; and

“public service vehicle” means a motor vehicle which—

(a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or

(b) being a vehicle not so adapted is used for carrying passengers, and not being licensed as a taxi or as a private hire vehicle is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers, and

“taxi” means a vehicle, other than a public service vehicle, whatever its form or construction and however it is propelled or drawn which is used in plying for hire or which is held out to be a taxi.

(2) For the purposes of this Part, a vehicle plies for hire whether or not —

(a) it is in motion;

(b) word or gesture is used by the driver or any person on his behalf;

(c) it is in a road or other public place,

if having regard to all the circumstances of the case, it solicits passengers for hire or reward.

PART VII **THIRD-PARTY LIABILITIES** *Compulsory insurance against third-party risks*

103. Users of motor vehicles to be insured against third-party risks

(1) Subject to the provisions of this Part of this Ordinance —

(a) a person must not use a motor vehicle on a road unless there is in force in relation to the use of the vehicle by that person such a policy of insurance as complies with the requirements of this Part; and

(b) a person must not cause or permit any other person to use a motor vehicle on a road unless there is in force in relation to the use of the vehicle by that person such a policy of insurance in respect of third-party risks as complies with the requirements of this Part.

(2) A person commits an offence who contravenes subsection (1).

(3) A person charged with using a motor vehicle in contravention of this section shall not be convicted if the person proves —

(a) that the vehicle did not belong to the person and was not in the person's possession under a contract of hiring or of loan;

(b) that the person was using the vehicle in the course of the person's employment; and

(c) that the person neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance as is mentioned in subsection (1).

(4) This Part does not apply to invalid carriages.

104. Requirements in respect of policies of insurance

(1) In order to comply with the requirements of this Part, a policy of insurance must satisfy the following conditions.

(2) The policy must be issued by an authorised insurer.

(3) Subject to subsection (4), the policy —

(a) must insure such person, persons or classes of persons as may be specified in the policy in relation to any liability which may be incurred by the person or them in respect of the death of or bodily injury to any person or damage to property caused by, or arising out of, the use of the vehicle on a road in the Falkland Islands; and

(b) must also insure the person or them in respect of any liability which may be incurred by the person or them under the provisions of this Part relating to payment for emergency treatment.

(4) The policy shall not, by virtue of subsection (3)(a), be required —

(a) to provide insurance of more than the prescribed amount in respect of all such liabilities as may be incurred in respect of death of or bodily injury to any person caused by, or arising out of, any one accident involving the vehicle;

(b) to provide insurance of more than the prescribed amount in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle;

(c) to cover liability in respect of the death, arising out of and in the course of a person's employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of the person's employment;

- (d) to cover liability in respect of damage to the vehicle;
- (e) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle;
- (f) to cover any liability of a person in respect of damage to property in his custody or under the person's control, or
- (g) to cover any contractual liability.

(5) In the case of a person —

- (a) carried in or upon a vehicle, or
- (b) entering or getting on to, or alighting from, a vehicle,

the provisions of subsection (4)(c) do not apply unless cover in respect of the liability referred to in that paragraph is provided pursuant to a requirement of the Employer's Liability (Compulsory Insurance) Ordinance 1996.

105. Issue and surrender of certificates of insurance

(1) A policy of insurance shall be of no effect for the purposes of this Part unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(2) Different forms and different particulars may be prescribed for the purposes of subsection (1) in relation to different cases or circumstances.

(3) Where a certificate has been delivered under this section and the policy to which it relates is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered must, within seven days from the taking effect of the cancellation —

- (a) surrender the certificate to the person by whom the policy was issued, or
- (b) if the certificate has been lost or destroyed, make a statutory declaration to that effect.

(4) A person who fails to comply with subsection (3) commits an offence.

106. Avoidance of certain exceptions to policies

(1) Where a certificate of insurance has been delivered under section 105 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured by the policy by reference to any of the matters mentioned in subsection (2) shall, as respects such liabilities as are required to be covered by a policy under section 103, be of no effect.

(2) Those matters are —

- (a) the age or physical or mental condition of persons driving the vehicle;
- (b) the condition of the vehicle;
- (c) the number of persons that the vehicle carries;
- (d) the weight or physical characteristics of the goods that the vehicle carries,
- (e) the time at which or the areas within which the vehicle is used,
- (f) the horse power or cylinder capacity or value of the vehicle,
- (g) the carrying on the vehicle of any particular apparatus, or
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under any law of the Falkland Islands.

(3) Nothing in subsection (1) requires an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability.

(4) Any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered by the policy by virtue only of subsection (1) is recoverable by the insurer from that person.

(5) A condition in a policy issued or given for the purposes of this Part providing —

- (a) that no liability shall arise under the policy, or
- (b) that any liability so arising shall cease,

in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under section 104.

(6) Nothing in subsection (5) shall be taken to render void any provision in a policy requiring the person insured to pay to the insurer any sums which the latter may have become liable to pay under the policy and which had been applied to the satisfaction of the claims of third parties.

(7) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section 104 shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

107. Avoidance of certain agreements as to liability towards passengers

(1) This section applies where a person uses a motor vehicle in circumstances such that under section 103 there is required to be in force in relation to the person's use of it such a policy of insurance in respect of third-party risks as complies with the requirements of this Part.

(2) If any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held —

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 104 of this Ordinance to be covered by a policy of insurance, or

(b) to impose any conditions with respect to the enforcement of any such liability of the user.

(3) The fact that a person so carried has willingly accepted as the person's the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(4) For the purposes of this section —

(a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and

(b) the reference to an antecedent agreement is to one made at any time before the liability arose.

108. Duty of insurers to satisfy judgment against persons insured against third-party risks

(1) This section applies where, after a certificate of insurance has been delivered under section 105 to the person by whom a policy has been effected, a judgment to which this subsection applies is obtained.

(2) Subsection (1) applies to judgments relating to a liability with respect to any matter where liability with respect to that matter is required to be covered by a policy of insurance under section 104 and either —

(a) it is a liability covered by the terms of the policy to which the certificate relates, and the judgment is obtained against any person who is insured by the policy, or

(b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons and the judgment is obtained against any person other than one who is insured by the policy.

(3) In deciding for the purposes of subsection (2) whether a liability is or would be covered by the terms of a policy, so much of the policy as purports to restrict the insurance of the persons insured by the policy by reference to the holding by the driver of a licence authorising the person to drive it shall be treated as of no effect.

(4) In subsection (2)(b) "excluded liability" means a liability in respect of the death of, or bodily injury, to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing the person to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who —

(a) did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of the journey, and

(b) could not reasonably have been expected to have alighted from the vehicle.

In this subsection the reference to a person being carried in or upon vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.

(5) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer must, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment —

(a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) as regards liability in respect of damage to property any sum required to be paid under subsection (6), and

(c) any amount payable in respect of costs.

(6) This subsection requires —

(a) where the total of any amount paid, payable or likely to be payable under the policy in respect of damage to property caused by, or arising out of, the accident in question does not exceed the prescribed amount, the payment of any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) where that total exceeds the prescribed sum, the payment of either —

(i) such proportion of any sum payable under the judgment in respect of the liability as the prescribed sum bears to that total, together with the same proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum, or

(ii) the difference between the total of any amounts already paid under the policy in respect of such damage and the prescribed sum, together with such proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

which ever is the less, unless not less than the prescribed sum has already been paid under the policy or security in respect of such damage (in which case nothing is payable).

(7) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is insured by a policy, the insurer is entitled to recover from that person —

(a) that amount, in a case where the insurer became liable to pay it by virtue only of subsection (3), or

(b) in a case where that amount exceeds the amount for which the insurer would, apart from the provisions of this section, be liable under the policy in respect of that liability, the excess.

(8) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is not insured by a policy, the insurer is entitled to recover that amount from the person or from any person who —

(a) is insured by the policy by the terms of which the liability would be covered if the policy insured all persons, and

(b) caused or permitted the use of the vehicle which gave rise to the liability.

(9) In this section “liability covered by the terms of the policy” means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

109. Exceptions to section 108

(1) No sum is payable by an insurer under section 108 —

(a) in respect of any judgment unless, before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the beginning of the proceedings, or

(b) in respect of any judgment so long as execution on the judgment is stayed pending an appeal, or

(c) in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained in it, and also —

(i) before the happening of that event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of that event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was

surrendered to the insurer, or the person to whom it was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(iii) either before or after the happening of that event, but within the period of fourteen days, the insurer has commenced proceedings under this Ordinance in respect of the failure to surrender the certificate.

(2) Subject to subsection (3), no sum is payable by an insurer under section 108 if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, the insurer has obtained a declaration —

(a) that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained —

(i) by the non-disclosure of a material fact, or

(ii) by a representation of fact which was false in some material particular, or

(b) if the insurer has avoided the policy on the ground that the insurer was entitled to do so apart from any provision contained in it,

and, for the purposes of this section, “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether the prudent insurer will take the risk, and if so, at what premium and on what conditions.

(3) An insurer who has obtained such a declaration as is mentioned in subsection (2) in an action does not by reason of that become entitled to the benefit of that subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within seven days after, the commencement of that action the insurer has given notice of it to the person who is the plaintiff in those proceedings specifying the non-disclosure or false representation on which the insurer proposes to rely.

(4) A person to whom notice of such an action is so given is entitled, if the person thinks fit, to be made a party to it.

110. Bankruptcy of insured not to affect claims by third parties

(1) Where, after a certificate of insurance has been delivered under section 105 to the person by whom a policy has been effected, any of the events mentioned in subsection (2) happens, the happening of that event shall not affect any liability of that person as is required to be covered by a policy of insurance under section 104.

(2) In the case of the person by whom the policy was effected or to whom the security was given, the events referred to in subsection (1) are —

(a) that the person becomes bankrupt or makes a composition or arrangement with the person’s creditors;

(b) that the person dies and the person's estate falls to be administered as an insolvent estate;

(c) if that person is a company —

(i) a winding-up order or an administration order is made with respect to the company,

(ii) a resolution for a voluntary winding-up is passed with respect to the company,

(iii) a receiver or manager of the company's business or undertaking is duly appointed, or

(iv) possession is taken by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge.

(3) Subsection (1) has effect notwithstanding anything in the Third Parties (Rights against Insurers) Act 1930 in its application to the Falkland Islands and nothing in subsection (1) affects any rights conferred by that Act on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued.

111. Duty to give information as to insurance where claim made

(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under section 104 must, on demand by or on behalf of the person making the claim —

(a) state whether or not, in respect of that liability —

(i) the person was insured by a policy having effect for the purposes of this Part,

(ii) the person would have been so insured if the insurer had not avoided or cancelled the policy, and

(b) if the person was or would have been so insured —

(i) give such particulars with regard to that policy as was specified in any certificate of insurance delivered in respect of that policy under section 105, or

(ii) where no such certificate was delivered under that section, give the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover.

(2) A person who fails without reasonable excuse to comply with the provisions of subsection (1), or wilfully makes a false statement in reply to any such demand as is referred to in that subsection, commits an offence.

112. Power to require evidence of insurance on application to pay vehicle tax

Provision may be made by regulations under this Part for requiring a person paying vehicle tax under this Ordinance in respect of a motor vehicle to prove that there is in force the necessary policy of insurance in relation to the use of the vehicle by the applicant or by other persons on the person's order or with the person's permission.

Payments for treatment of traffic casualties

113. Payment for treatment of traffic casualties

(1) Subject to subsection (2) where —

(a) a payment, other than a payment under section 114, is made (whether or not without admission of liability) in respect of the death of, or bodily injury, to any person arising out of the use of a motor vehicle on a road, and

(b) the payment is made by an authorised insurer, the payment being made under or in consequence of a policy issued under section 104,

the insurer must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any monies actually received in payment of a specific charge for the treatment, not being monies received under any contributory scheme.

(2) The amount to be paid shall not exceed such amount as may be prescribed and different amounts may be prescribed for persons treated as in-patients and for persons treated as out-patients.

(3) For the purposes of this section "expenses reasonably incurred" means —

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day the person has maintained in that hospital representing the average daily cost, for each in-patient of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

114. Payment for emergency treatment of traffic casualties

(1) Subsection (2) applies where —

(a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and

(b) the treatment or examination so required (in this Part referred to as "emergency treatment") is effected by a government medical officer.

(2) The person who is using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions of section 115, pay to the practitioner (or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected) —

(a) the prescribed fee in respect of each person in whose case the emergency treatment is effected by the practitioner, and

(b) a sum, in respect of any distance in excess of two miles which the practitioner must cover in order —

(i) to proceed from the place from which the practitioner is summoned to the place where the emergency treatment is carried out by the practitioner, and

(ii) to return to the first mentioned place,

equal to the prescribed rate for every complete mile and additional part of a mile of that distance.

(3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2), with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 115, with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

115. Supplementary provisions as to payment for treatment

(1) A claim for payment under section 114 may be made at the time when the emergency treatment is effected, by oral request of the person who was using the vehicle, and if not so made must be made by request in writing served on the person within fourteen days from the day on which the emergency treatment was effected.

(2) Any such request in writing —

(a) must be signed by the claimant, or in the case of a hospital, by an administrative officer of the hospital claiming the payment,

(b) must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital, and

(c) may be served by delivering it to the person who was using the vehicle or by sending it in a pre-paid letter addressed to the person at the person's usual or last known address.

(3) A payment made under section 114 shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.

General

116. Regulations

(1) The Governor may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part and generally for the purpose of carrying this Part into effect.

In this Part “regulations” means regulations under this section and “prescribed” means prescribed by regulations.

(2) In particular, but without prejudice to the generality of subsection (1), the regulations may make provision —

(a) as to forms to be used for the purposes of this Part,

(b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed, and as to the keeping of records of documents and the providing of particulars of them or the giving of information with respect to them to the Governor or to the chief police officer,

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed, and

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents.

117. Interpretation

(1) In this Part—

“hospital” means any institution operated by the Crown which provides medical or surgical treatment for in-patients;

“policy of insurance” includes a covering note, and

“under the owner’s control” means, in relation to a vehicle, that it is being driven by the owner or by a servant of the owner in the course of the person’s employment or is otherwise subject to the control of the owner.

(2) In any provision of this Part relating to the surrender, or the loss or destruction, of a certificate of insurance, references to such a certificate —

(a) shall, in relation to policies under which more than one certificate is issued, be construed as references to all certificates, and

(b) shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

(3) In this Part any reference to an accident includes a reference to two or more causally related accidents.

PART VIII
POWERS OF POLICE OFFICERS AND DUTIES OF DRIVERS,
FORGERY, FALSE STATEMENTS ETC

118. Powers of police officers to stop vehicles

(1) A person driving a mechanically propelled vehicle on a road must stop the vehicle on being required to do so by a police officer in uniform.

(2) A person riding a cycle on a road must stop the cycle on being required to do so by a police officer in uniform.

(3) A person who fails to comply with this section commits an offence.

119. Powers of police officers to require production of driving licence

(1) Any of the following persons —

(a) a person driving a motor vehicle on a road,

(b) a person whom a police officer has reasonable cause to believe to have been the driver of the motor vehicle at a time when an accident occurred owing to its presence on a road,

(c) a person whom a police officer has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or

(d) a person —

(i) who supervises the holder of a provisional licence while the holder is driving a motor vehicle on a road, or

(ii) whom a police officer has reasonable cause to believe was supervising the holder of a provisional licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected or having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road,

must, on being so required by a police officer, produce the person's licence and its counterpart for examination, so as to enable the police officer to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which they were issued.

(2) If—

(a) the chief police officer has—

(i) revoked a licence under section 63, 64 or 71, or

(ii) revoked or suspended a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence under section 81, and

(b) the holder of the licence fails to deliver it and its counterpart to the chief police officer in pursuance of section 63, 64, 71 or 84 (as the case may be),

a police officer may require the person to produce the licence and its counterpart and upon their being produced may seize them and deliver them to the chief police officer.

(3) Where a police officer has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the police officer may require the holder of the licence to produce it and its counterpart to the chief police officer.

(4) Where a person has been required under any provision of written law to produce a licence and its counterpart to a court and fails to do so, a police officer may require the person to produce them and, upon their being produced, may seize them and deliver them to the court.

(5) If a person required under the preceding provisions of this section to produce a licence and its counterpart fails to do so, subject to subsections (6) and (7), the person commits an offence.

(6) Subsection (5) does not apply where a person required on any occasion under the preceding provisions of this section to produce a licence and its counterpart—

(a) produces on that occasion a current receipt for the licence and its counterpart issued under section 168 and, if required to do so, produces the licence and its counterpart immediately on their return at Stanley police station or elsewhere to a police officer in uniform; or

(b) within seven days after that occasion produces such a receipt at Stanley police station or to a police officer in uniform and, if required to do so produces the licence and its counterpart at Stanley police station or to a police officer in uniform immediately on their return.

(7) In proceedings against any person for the offence of failing to produce a licence and its counterpart it shall be a defence for the person to show that—

(a) within seven days after the production of the person's licence and its counterpart was required the person produced them in person at Stanley police station or if at the time in question the person resided more than six miles from the boundary of Stanley the person sent them by post to or caused another person to deliver them at Stanley police station, or

(b) the person produced them in person at Stanley police station as soon as was reasonably practicable, or

(c) that at the time in question the person resided more than six miles from the boundary of Stanley and that it was not reasonably practicable for the person to produce them at Stanley police station or send them by post so as to arrive there or cause them to be delivered there before the day on which the proceedings were commenced,

and for the purposes of this subsection —

(i) "the time in question" means the time when the requirement to produce the licence and its counterpart was made;

(ii) the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(8) In this section "licence" means a licence under Part IV or any other licence authorising the holder to drive a motor vehicle on a road in the Falkland Islands.

120. Powers of police officers to obtain names and addresses of drivers and others, and to require production of evidence of insurance

(1) Any of the following persons —

(a) a person driving a motor vehicle (other than an invalid carriage) on a road, or

(b) a person whom a police officer has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road, or

(c) a person whom a police officer has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

must, on being so required by a police officer, give the person's name and address and the name and address of the owner of the vehicle and produce the relevant certificate of insurance.

(2) Subject to subsection (3), a person who fails to comply with a requirement under subsection (1) commits an offence.

(3) A person shall not be convicted of an offence under subsection (2) by reason only of failure to produce any certificate or other evidence if in proceedings against the person for the offence the person shows that —

(a) within seven days after the date on which the production of the certificate or other evidence was required —

(i) it was produced at Stanley police station, or

(ii) if the person was residing more than six miles from the boundary of Stanley at the time the person was required under subsection (1) to produce the certificate, the certificate was sent to Stanley police station by post;

(b) it was produced at Stanley police station as soon as was reasonably practicable; or

(c) it was not reasonably practicable for it to be produced there before the day on which the proceedings were commenced,

and for the purposes of this paragraph (c) the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(4) A person —

(a) who supervises the holder of a provisional licence granted under Part IV of this Ordinance while the holder is driving on a road a motor vehicle (other than an invalid carriage), or

(b) whom a police officer has reasonable cause to believe was supervising the holder of such a licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road, must, on being so required by a police officer, give the person's name and address and the name and address of the owner of the vehicle.

(5) A person who fails to comply with a requirement under subsection (4) commits an offence.

(6) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

Duty to give name and address

121. Failure to give, or giving false, name and address in case of dangerous or careless or inconsiderate driving or cycling

Any of the following persons —

(a) the driver of a mechanically propelled vehicle who is alleged to have committed an offence under section 5, 8 or 9, or

(b) the rider of a cycle who is alleged to have committed an offence under section 36 or 37,

who refuses, on being so required by any person having a reasonable ground for so requiring, to give their name and address, or gives a false name or address, commits an offence.

122. Pedestrian contravening police officer's direction to stop to give name and address

A police officer may require a person committing an offence under section 42 to give the person's name and address, and if that person fails to do so the person commits an offence.

Duties in case of accident

123. Duty of driver to stop, report accident and give information or documents

(1) This section applies in a case where, owing to the presence of a mechanically propelled vehicle on a road, an accident occurs by which —

(a) personal injury is caused to a person other than the driver of that mechanically propelled vehicle, or

(b) damage is caused —

(i) to a vehicle other than that mechanically propelled vehicle or a trailer drawn by the mechanically propelled vehicle, or

(ii) to an animal other than an animal in or on that mechanically propelled vehicle or a trailer drawn by that mechanically propelled vehicle, or

(iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road or place in question is situated or land adjacent to such land.

(2) The driver of the mechanically propelled vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give the person's name and address and also the name and address of the owner and the identification marks of the vehicle.

(3) If for any reason the driver of the mechanically propelled vehicle does not give the person's name and address under subsection (2), the person must report the accident.

(4) A person who fails to comply with subsection (2) or (3) commits an offence.

(5) If, in a case where this section applies by virtue of subsection (1)(a), the driver of the motor vehicle does not at the time of the accident produce such a relevant certificate of insurance —

(a) to a police officer, or

(b) to some person who, having reasonable grounds for so doing, has required the person to produce it,

the driver must report the accident and produce such a certificate or other evidence.

This subsection does not apply to the driver of an invalid carriage.

(6) To comply with the duty under this section to report an accident or to produce such a relevant certificate of insurance, the driver —

(a) must do so at a police station or to a police officer, and

(b) must do so as soon as is reasonably practicable and, in any case, within 24 hours of the occurrence of the accident.

(7) A person who fails to comply with a duty under subsection (5) commits an offence, but the person shall not be convicted by reason only of a failure to produce a certificate if, within seven days after the occurrence of the accident, the certificate is produced at or sent by post to Stanley police station.

(8) In this section “animal” means horse, cattle, ass, mule, sheep, pig, goat, cat or dog or any other animal prescribed for the purposes of this section.

Other duties to give information or documents

124. Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance

(1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of section 103 of this Ordinance on any occasion when the driver was required under section 120(1) or section 123 of this Ordinance to produce such a relevant certificate of insurance, the owner of the vehicle must give such information as the person may be required, by or on behalf of the chief police officer, to give.

(2) A person who fails to comply with the requirement of subsection (1) commits an offence.

(3) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

125. Duty to give information as to identity of driver etc in certain circumstances

(1) This section applies —

(a) to any offence under the preceding provisions of this Ordinance except an offence under section 18, 25, 51(8), 52(5), 68 or 75,

(b) to any offence under section 140, 141 and 142;

(c) to any offence against any other enactment relating to the use of vehicle on roads or highways which are not roads, except as may otherwise be provided by any enactment; and

(d) the manslaughter by the driver of a motor vehicle.

(2) Where the driver of a vehicle is alleged to have committed an offence to which this section applies —

(a) the person keeping the vehicle shall give such information as to the identity of the driver as the person may be required to give by or on behalf of the chief police officer, and

(b) any other person shall if required as stated above give any information which it is in its power to give may lead to identification of the driver.

(3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) commits an offence.

(4) A person shall not have committed an offence by virtue of paragraph (a) of subsection (2) if the person shows that the person did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.

(5) Where a body corporate commits an offence under this section and the offence is proved to have been committed with the consent or connivance of, or to be attributable to a neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or person who was purporting to act in any such capacity, the person, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(6) Where the alleged offender is a body corporate or the proceedings are brought against the person by virtue of subsection (5) or subsection (11), subsection (4) shall not apply unless, in addition to the matters there mentioned, the alleged offender shows that no record was kept of the persons who drove the vehicle and that the failure to keep a record was reasonable.

(7) A requirement under subsection (2) may be made by written notice served by post; and where it is so made —

(a) it shall have effect as a requirement to give the information within the period of 28 days beginning with the day on which the notice is served, and

(b) the person on whom the notice is served shall not be guilty of an offence under this section if the person shows either that the person gave the information as soon as reasonably practicable after the end of that period or that it has not been reasonably practicable for the person to give it.

(8) Where the person on whom a notice under subsection (7) above is to be served is a body corporate, the notice is duly served if it is served on the secretary or clerk of that body.

Forgery, false statements, etc

126. Forgery of documents etc

(1) A person commits an offence who, with intent to deceive —

(a) forges, alters or uses a document or other thing to which this section applies, or

(b) lends to, or allows to be used by, any other person a document or other thing to which this section applies, or

(c) makes or has in the person's possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive.

(2) This section applies to the following documents and other things —

(a) any licence under any Part or, in the case of a licence to drive, any counterpart of such a licence,

(b) any licence issued in any place outside the Falkland Islands authorising any person to drive a motor vehicle of any class or type upon any road in the country in which that place is or in any part of that country and any counterpart of any such licence;

(c) any test certificate within the meaning of Part III;

(d) any document which, in pursuance of section 61(3), is issued as evidence of the result of a test of competence to drive;

(e) any certificate of insurance under Part VII;

(f) any document produced as evidence of insurance in pursuance of any regulations made under any provision of this Ordinance.

(3) In this section “forges” means makes a false document or other thing in order that it may be used as genuine.

127. False statements and withholding material information

(1) A person commits an offence who knowingly makes a false statement for the purpose of —

(a) obtaining the grant of a licence under any Part to himself or any other person;

(b) preventing the grant of any such licence; or

(c) procuring the imposition of a condition or limitation in relation to any such licence.

(2) A person commits an offence who makes a false statement or withholds any material information for the purpose of obtaining the issue of a certificate of insurance under Part VII.

128. Power to seize articles in respect of which offences under sections 126 or 127 may have been committed

(1) If a police officer has reasonable cause to believe that a document produced to him in pursuance of any of the preceding provisions of this Part is a document in relation to which an offence has been committed under section 126 or 127, the police officer may seize the document.

(2) Where a licence to drive or a counterpart of any such licence may be seized by a police officer under subsection (1), the police officer may also seize the counterpart or the licence to drive (as the case may be) produced with it.

(3) When a document is seized under subsection (1) or (2), the person from whom it was taken shall, unless —

(a) the document has been previously returned to the person, or

(b) the person has been previously charged with an offence under any of the sections mentioned in subsection (1),

be summoned before a court to account for possession of the document.

(4) In this section “licence” includes a licence issued overseas and “counterpart” includes a counterpart of such a licence.

PART IX
TRIAL
Preliminary

129. Requirement of warning etc for prosecutions for certain offences

(1) Subject to section 130, a person shall not be convicted of an offence to which this section applies unless —

(a) the person was warned at the time the offence was committed that the question of prosecuting the person for some one or other of the offences to which this section applies would be taken into consideration, or

(b) within 28 days of the commission of the offence a summons for the offence was served on the person, or

(c) within 14 days of the commission of the offence a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was —

(i) in the case of an offence under section 36 or 37 (cycling offences) served on the person;

(ii) in the case of any other offence, served on the person or on the other person, if any, registered as the keeper of the vehicle at the time of the commission of the offence.

(2) A notice required by this section to be served on any person may be served on that person —

(a) by delivering to the person;

(b) by addressing it to the person and leaving it at the person's last known address; or

(c) sending it by registered post or ordinary post addressed to the person at the person's last known address.

(3) A notice shall be deemed for the purposes of subsection (1)(c) to have been served on a person if it was sent by registered post address to the person at the person's last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the person.

(4) The requirements of subsection (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

(5) Schedule 4 to this Ordinance shows the offences to which this section applies.

130. Requirement of warning etc: supplementary

(1) The requirement of section 129(1) does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.

(2) The requirement of section 129(1) does not apply in relation to an offence in respect of which —

(a) a fixed penalty notice (within the meaning of Part XI) has been given or fixed under any provision of that Part; or

(b) a notice has been given under section 166(4).

(3) Failure to comply with the requirement of section 129(1) is not a bar to the conviction of the accused in a case where the court is satisfied —

(a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the requirement, or

(b) that the accused's own conduct contributed to the failure.

(4) Failure to comply with the requirement of section 129(1) in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of section 139 or section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment) in its application to the Falkland Islands, but a person is not to be convicted of an offence by virtue of either of those provisions if section 129 applies to the offence with which the person was charged and the requirements of section 129(1) were not satisfied in relation to the offence charged.

131. Duty of accused to provide licence

A person who is prosecuted for an offence involving obligatory or discretionary disqualification and who is the holder of a licence must —

- (a) cause it to be delivered to the Courts Administrator not later than the day before the date appointed for the hearing, or
- (b) post it, at such a time that in the ordinary course of the post it would be placed in the court's post box not later than that day, in a letter addressed to the Courts Administrator; or
- (c) have it with the person at the hearing,

and the foregoing obligations placed on the person as respects the licence also apply as respects the counterpart of the licence.

132. Duty to include date of birth and sex in written plea of guilty

A person who gives a notification to the Courts Administrator in pursuance of section 12(4) of the Magistrates Courts Act 1980 (written pleas of guilty) in its application to the Falkland Islands in respect of an offence involving obligatory or discretionary disqualification or such other offence as may be prescribed by regulations under section 75, must include in the notification or intimation a statement of the date of birth and sex of the accused.

133. Evidence by certificate as to driver, user or owner

(1) In any proceedings for an offence to which this section applies, a certificate in the prescribed form, purporting to be signed by a police officer and certifying that a person specified in the certificate stated to the police officer —

- (a) that a particular mechanically propelled was being driven or used by, or belonged to, that person on a particular occasion, or
- (b) that a particular mechanically propelled vehicle on a particular occasion was used by, or belonged to, a firm and that the person was, at the time of the statement, a partner in that firm, or
- (c) that a particular mechanically propelled vehicle on a particular occasion was used by, or belonged to, a corporation and that the person was, at the time of the statement, a director, officer or employee of that corporation,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) makes a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence —

(a) unless a copy of it has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

(4) Where the proceedings mentioned in subsection (1) are proceedings before a court of summary jurisdiction inquiring into an offence as examining justices this section shall have effect with the omission of —

(a) subsection (2), and

(b) in subsection (3), paragraph (b) and the word “or” immediately preceding it.

(5) In this section “prescribed” means prescribed by rules made by the Governor by order.

(6) Schedule 4 shows the offences to which this section applies.

134. Proof, in summary proceedings, of identity of driver of vehicle

(1) Where on the summary trial of an offence to which this section applies —

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by the Criminal Procedures Rules 2005, that a requirement under section 125(2) to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

(2) Schedule 4 shows the offences to which subsection (1) applies.

(3) Where on the summary trial of an alleged offence to which section 221(2) applies —

(a) it is proved to the satisfaction of the court or in a manner prescribed by the Criminal Procedure Rules 2005, that a requirement under section 221(2) to give information as to the driver of a particular vehicle on the particular occasion to which the alleged offence relates has been served on the accused by post, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of the vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

135. Admissibility of records as evidence

(1) This section applies to a statement contained in a document purporting to be —

(a) a part of the records maintained by the chief police officer in connection with any functions exercisable by him under Part IV or a part of any other records maintained by the chief police officer with respect to vehicles, or

(b) a copy of a document forming part of those records, and to be authenticated by the chief police officer or person authorised in that behalf by the chief police officer.

(2) A statement to which this section applies shall be admissible in any proceedings as evidence of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

(3) In the preceding subsections —

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“document” means anything in which information of any description is recorded; and

“statement” means any representation of fact, however made.

(4) In any case where —

(a) a person is convicted by a court of summary jurisdiction of an offence under this Ordinance,

(b) a statement to which this section applies is produced to the court in the proceedings,

(c) the statement specifies an alleged previous conviction of the accused of an offence involving obligatory endorsement or an order made on the conviction, and

(d) the accused is not present in person before the court when the statement is so produced, the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(5) Section 104 of the Magistrates' Courts Act 1980 in its application to the Falkland Islands (under which previous convictions may be adduced in the absence of the accused after giving him seven days' notice of them) does not limit the effect of the subsection (4).

(6) In any case where —

(a) a statement to which this section applies is produced to a court of summary jurisdiction in any proceedings for an offence involving obligatory or discretionary disqualification other than an offence under any of the provisions mentioned in subsection (4)(a),

(b) the statement specifies an alleged previous conviction of an accused person of any such offence or any order made on the conviction,

(c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules under section 144 of the Magistrates' Courts Act 1980 in its application to the Falkland Islands that not less than seven days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction or order and stating that it is proposed to bring it to the notice of the court in the event of or, as the case may be, in view of the person's conviction, and

(d) the accused is not present in person before the court when the statement is so produced, the court may take account of the previous conviction or order as if the accused has appeared and admitted it.

(7) Nothing in the preceding provisions of this section enables evidence to be given in respect of any matter other than a matter of a description prescribed by regulations made by the Governor.

(8) Where the proceedings mentioned in subsection (2) are proceedings before a court of summary jurisdiction inquiring into an offence as examining justices this section shall have effect as if —

(a) in subsection (2) the words "to the same extent as oral evidence of the fact is admissible in those proceedings" were omitted,

(b) in subsection (4) the word "and" were inserted at the end of paragraph (a),

(c) in subsection (4), paragraphs (c) and (d) and the words "as if the accused had appeared and admitted it",

were omitted.

136. Use of specimens in proceedings for an offence under sections 9, 10 or 11 and documentary evidence as to specimens in such proceedings

(1) This section applies in respect of proceedings for an offence under sections 9, 10 or 11; and expressions used in this section have the same meaning as in sections 9 to 16.

(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by the accused shall in all cases, (including cases where the specimen was not provided in connection with the alleged offence) be taken into account and, subject to subsection (3), it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.

(3) That assumption shall not be made if the accused proves —

(a) that the person consumed alcohol before the person provided the specimen and —

(i) in relation to an offence under section 9, after the time of the alleged offence, and

(ii) otherwise, after the person had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

(b) that had the person not done so the proportion of alcohol in the person's breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that the person was unfit to drive through drink, would not have been such as to impair his ability to drive properly.

(4) A sample of blood shall be disregarded unless it was taken from the accused by the person's consent by a medical practitioner or a nurse registered under the Health Practitioners Ordinance.

(5) Where, at the time a specimen of blood or urine was provided by the accused, the person asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless —

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and

(b) the other part was provided to the accused.

(6) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to subsections (5), (8) and (9), be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say —

(a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a police officer (which may, but

need not, be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and

(b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(7) Subject to subsections (8) and (9), evidence that a specimen of blood was taken from the accused with the person's consent by a medical practitioner may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner.

(8) Subject to subsection (7) —

(a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (6)(a) is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on the person not later than seven days before the hearing, and

(b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(9) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(10) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.

(11) Where the proceedings mentioned in subsection (1) are proceedings before a court of summary jurisdiction inquiring into an offence as examining justices this section shall have effect with the omission of subsection (9).

(12) In this section "authorised analyst" means any person who by virtue of section 16(7) of the Road Traffic Offenders Act 1988 or any statutory modification or re-enactment thereof for the time being in force is an authorised analyst for the purposes of section 16 of that Act and authorised by the Governor to make analyses for the purposes of this section.

137. Speeding offences etc: admissibility of certain evidence

(1) Evidence of a fact relevant to proceedings for an offence to which this section applies may be given by the production of —

(a) a record produced by a prescribed device, and

(b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a police officer or by a person authorised by or on behalf of the chief police officer;

but subject to the following provisions of this section.

(2) This section applies to —

(a) any offence consisting in the contravention of a restriction imposed by or under any provision of written law upon the speed of any vehicle or any class, category or type of vehicle,

(b) any offence under any provision of written law consisting in the failure to comply with an indication given by a light signal that a vehicle is not to proceed.

(3) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless —

(a) the device is of a type approved by the Governor, and

(b) any conditions subject to which the approval was given are satisfied.

(4) Any approval given by the Governor for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(5) In proceedings for an offence to which this section applies, evidence —

(a) of a measurement made by a device, or of the circumstances in which it was made, or

(b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,

may be given by the production of a document which is signed as mentioned in subsection (1) and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(6) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) or to be a certificate or other document signed as mentioned in that subsection or in subsection (5), shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(7) Nothing in subsection (1) or (5) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections makes a

document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

(8) Where the proceedings for an offence to which this section applies are proceedings before a court of summary jurisdiction inquiring into an offence as examining justices this section shall have effect as if in subsection (7) the words from “and nothing” to the end of the subsection were omitted.

(9) In this section “prescribed device” means device of a description specified in an order made by the Governor.

138. Notification of disability

If in any proceedings for an offence committed in respect of a motor vehicle it appears to the court that the accused may be suffering from any relevant disability or prospective disability (within the meaning of Part IV) the court must notify the chief police officer.

Verdict

139. Alternative verdicts: general

(1) Where —

(a) a person charged with an offence under this Ordinance specified in the first column of the Table below (where the general nature of the offence is also indicated) is found not guilty of that offence, but

(b) the allegations in the information amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

the person may be convicted of an offence or of one of more of those offences.

Table

<i>Offence charged</i>	<i>Alternative</i>
section 5 (causing death by dangerous driving)	section 6 (dangerous driving) section 8 (careless, and inconsiderate, driving)
section 6 (dangerous driving)	section 8 (careless, and inconsiderate, driving)
section 9 (causing death by careless driving when under the influence of drink or drugs)	section 8 (careless, and inconsiderate, driving) section 10(1) (driving when under the influence of drugs) section 11(1)(a) (driving with excess alcohol in breath, blood or urine) section 13(6) (failing to provide specimen)

section 10(1) (driving when unfit to drive through drink or drugs)	section 10(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
section 11(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	section 11(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
section 36 (dangerous cycling)	section 37 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under section 9, subsection (1) shall not authorise the person's conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under section 10(1) or section 11(1)(a) by driving a vehicle, the person may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this section a person is convicted before the Supreme Court of an offence triable only summarily, the court shall have the same powers and duties as a court of summary jurisdiction would have had on convicting the person of that offence.

(5) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment).

After conviction

140. Information as to date of birth and sex

(1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 75 the court does not know the person's date of birth, the court must order the person to give that date to the court in writing.

(2) If a court convicting a person of such an offence in a case where —

(a) notification has been given to the Courts Administrator in pursuance of section 12(4) of the Magistrates' Courts Act 1980 (written pleas of guilty), and

(b) the notification or intimation did not include a statement of the person's sex,

the court does not know the person's sex, the court must order the person to give that information to the court in writing.

(3) A person commits an offence who knowingly fails to comply with an order under subsection (1) or (2).

(4) Nothing in any provision of written law relating to the transfer of duties and powers to the Magistrate's Court where the Summary Court commits a person to the Magistrate's Court for sentence applies to any duty imposed on the Summary Court by subsection (1) or (2).

141. Interim disqualification

(1) Where the Summary court commits an offender to the Magistrate's Court under such a provision of written law as is referred to in section 140(4) to be dealt with for an offence involving obligatory or discretionary disqualification, it may order the person to be disqualified until the person has been dealt with in relation to that offence.

(2) Where a court —

(a) defers passing sentence on an offender in respect of an offence involving obligatory or discretionary disqualification, or

(b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,

it may order the offender to be disqualified until he has been dealt with in respect of the offence.

(3) Subject to subsection (5), an order under this section shall cease to have effect at the end of the period of six months beginning with the day on which it is made, if it has not ceased to have effect before that time.

(4) Where a court orders a person to be disqualified under this section ("the first order"), no court shall make a further order under this section in respect of the same offence or any offence in respect of which an order could have been made under this section at the time the first order was made.

(5) Where a court makes an order under this section in respect of any person it must —

(a) require the person to produce to the court any licence held by the person and its counterpart, and

(b) retain the licence and counterpart until it deals with the person or cause the Courts Administrator to retain them on behalf of the court which is to deal with the person until that court has dealt with the person.

(6) Subject to subsection (7), the holder of a licence commits an offence if the person has not caused the licence and its counterpart to be delivered to the court and has not complied with the requirements of section 131 in relation to them.

(7) A person does not commit an offence under subsection (6) if the person —

(a) satisfies the court that he has applied for a new licence and has not received it, or

(b) surrenders to the court a current receipt for the person's licence and its counterpart issued under section 168 and produces the licence and the counterpart to the court immediately on their return.

(8) Where a court makes an order under this section in respect of any person, section 157(1) and 160(2) shall not apply in relation to the order, but —

(a) the court must send a notice of the order to the chief police officer, and

(b) if the court which deals with the offender determines not to order the person to be disqualified under section 148 or 149, it must send notice of the determination to the chief police officer.

(9) Where on any occasion a court deals with an offender —

(a) for an offence in respect of which an order was made under this section, or

(b) for two or more offences in respect of any of which such an order was made,

any period of disqualification which is on that occasion imposed under section 148 or 149 of this Ordinance shall be treated as reduced by any period during which the person was disqualified by reason only of an order made under this section in respect of any of those offences.

(10) A reference in this or any other Ordinance (including any Ordinance enacted after this Ordinance) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this section.

PART X
SENTENCE
Introductory

142. Production of licence

(1) Where a person who is the holder of a licence is convicted of an offence involving obligatory or discretionary disqualification, and a court proposes to make an order disqualifying the person or an order under section 157, the court must, unless it has already received them, require the licence and its counterpart to be produced to it.

(2) If the holder of the licence has not caused it and its counterpart to be delivered, or posted it and its counterpart, in accordance with section 131 and does not produce it and its counterpart as required under this section or any other provision of written law under which the person is required to produce it, then, unless the persons satisfied the court that the person has applied for a new licence and has not received it —

(a) the person commits an offence, and

(b) the licence shall be suspended from the time when its production was required until it and its counterpart are produced to the court and shall, while suspended, be of no effect.

(3) Subsection (2) does not apply to where the holder of the licence —

(a) has caused a current receipt for the licence and its counterpart issued under section 168 to be delivered to the Courts Administrator not later than the day before the date appointed for the hearing, or

(b) proves that the person has posted such a receipt, at such time that in the ordinary course of post it would be placed in the court's post box at the post office not later than the preceding day in a letter duly addressed to the Courts Administrator, or

(c) surrenders such a receipt to the court at the hearing,

and produces the licence and its counterpart to the court immediately on their return.

143. Penalty points to be attributed to an offence

(1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is —

(a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 5, or

(b) where a range of numbers is shown, a number within that range.

(2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is ten.

(3) Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(4) In a case where (apart from this subsection) subsection (3) would apply to two or more offences, the court may if it thinks fit determine that that subsection shall not apply to the offences (or, where three or more offences are concerned, to any one or more of them).

(5) Where a court makes such a determination it shall state its reasons in open court and, if it is a court of summary jurisdiction, shall cause them to be entered in the register of its proceedings.

(6) The Governor may by order —

(a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 5 (by substituting one number or range for another, a number for a range, or a range for a number),

(b) where a range of numbers is shown in relation to an offence in the last column of Part I, add or delete a number together with the words “(fixed penalty)”, and

(c) alter the number of penalty points shown in subsection (2);

and an order under this subsection may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.

(7) Where the Governor exercises the power under subsection (6) by substituting or adding a number which appears together with the words “(fixed penalty)”, that number shall not exceed the lowest number in the range shown in the same entry.

(8) No order shall be made under subsection (6) unless a draft of it has been laid before and approved by resolution of the Legislative Council.

144. Penalty points to be taken into account on conviction

(1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to subsection (2)) —

(a) any that are to be attributed to the offence or offences of which the person is convicted, disregarding any offence in respect of which an order under section 147 is made, and

(b) any that were on a previous occasion ordered to be endorsed on the counterpart of any licence held by him, unless the offender has since that occasion and before the conviction been disqualified under section 148.

(2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

(3) In relation to licences which come into force before the date on which counterpart licences were first issued under this Ordinance or if no such licences have been issued under this Ordinance, the reference in subsection (1) to the counterpart of a licence is to be construed as a reference to the licence itself.

145. Penalty points: modification where fixed penalty also in question

(1) Sections 142 and 143 shall have effect subject to this section in any case where —

(a) a person is convicted of an offence involving obligatory endorsement, and

(b) the court is satisfied that the counterpart of the person's licence has been or is liable to be endorsed under section 169 or 188 in respect of an offence (referred to in this section as the "connected offence") committed on the same occasion as the offence of which the person is convicted.

(2) The number of penalty points to be attributed to the offence of which the person is convicted is —

(a) the number of penalty points to be attributed to that offence under section 143 of this Ordinance apart from this section, less

(b) the number of penalty points required to be endorsed on the counterpart of the person's licence under section 169 or 188 in respect of the connected offence (except so far as they have already been deducted by virtue of this paragraph).

146. Court may take particulars endorsed on licence into consideration

Where a person is convicted of an offence involving obligatory or discretionary disqualification and the person licence and its counterpart are produced to the court —

(a) any existing endorsement on the counterpart of the person's licence is prima facie evidence of the matters endorsed, and

(b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.

Fine and imprisonment

147. Fine and imprisonment

(1) Where a person is convicted of an offence against a provision of this Ordinance specified in column 1 of Part I of Schedule 5 or regulations made under any such provision, the maximum punishment by way of fine or imprisonment which may be imposed on the person is that shown in column 3 against the offence.

(2) Any reference in column 3 of that Part to a period of years or months is to be construed as a reference to a term of imprisonment of that duration.

(3) Where having regard to column 3 of Part I of Schedule 5 an offence is punishable by a term of imprisonment and a fine, a person convicted of an offence so punishable may be sentenced to a term of imprisonment not exceeding that shown in that column or a fine not exceeding the maximum of the level of fine so shown or both to such a term and such a fine.

Disqualification

148. Disqualification for certain offences

(1) Where a person is convicted of an offence involving obligatory disqualification, the court must order the person to be disqualified for such period not less than twelve months as the court

thinks fit unless the court for special reasons thinks fit to order the person to be disqualified for a shorter period or not to order the person to be disqualified. A person commits an offence involving obligatory disqualification if it is stated in the fourth column of Part I of Schedule 5 or, as the case may be, the third column of Part II of Schedule 5 that disqualification is obligatory on conviction of the offence described in columns 1 and 2 of Part I of that Schedule or, as the case may be column 1 of Part II of that Schedule.

(2) Where a person is convicted of an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking), the fact that the person did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of subsection (1).

(3) Where a person is convicted of an offence involving discretionary disqualification, and either —

- (a) the penalty points to be taken into account on that occasion number fewer than twelve, or
- (b) the offence is not one involving obligatory endorsement,

the court may order the person to be disqualified for such period as the court thinks fit. A person commits an offence involving discretionary disqualification if it is stated in the fourth column of Schedule 5 or, as the case may be, the third column of Part II of Schedule 5 that disqualification is discretionary on conviction of the offence described in columns 1 and 2 of Part I of that Schedule or as the case may be, column 1 of Part II of that Schedule.

(4) Where a person convicted of an offence under any of the following provisions of this Ordinance, that is —

- (a) section 9 (causing death by careless driving when under the influence of drink or drugs),
- (b) section 10(1) (driving or attempting to drive while unfit),
- (c) section 11(1) (a) (driving or attempting to drive with excess alcohol), and
- (d) section 13(6) (failing to provide a specimen) where that is an offence involving obligatory disqualification,

has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) shall apply in relation to the person as if the reference to twelve months were a reference to three years.

(5) Subject to subsection (4), subsection (1) shall apply as if the reference to twelve months were a reference to two years —

- (a) in relation to a person convicted of —

(i) manslaughter,

(ii) an offence under section 5 (causing death by dangerous driving), or

(iii) an offence under section 9 (causing death by careless driving while under the influence of drink or drugs), and

(b) in relation to a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the three years immediately preceding the commission of the offence.

(6) For the purposes of subsection (5)(b) there shall be disregarded any disqualification imposed under section 141 of this Ordinance, or any provision of the Criminal Justice Ordinance and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968 or an attempt to commit such an offence.

(7) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

(8) This section is subject to section 161.

149. Disqualification for repeated offences

(1) Where —

(a) a person is convicted of an offence to which this subsection applies, and

(b) the penalty points to be taken into account on the occasion number twelve or more,

the court must order the person to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order the person to be disqualified for a shorter period or not to order the person to be disqualified.

(2) Subsection (1) applies to —

(a) an offence involving discretionary disqualification and obligatory endorsement, and

(b) an offence involving obligatory disqualification in respect of which no order is made under section 148.

(3) The minimum period referred to in subsection (1) is —

(a) six months if no previous disqualification imposed on the offender is to be taken into account, and

(b) one year if one, and two years if more than one, such disqualification is to be taken into account;

and a previous disqualification imposed on an offender is to be taken into account if it was for a fixed period of 56 days or more and was imposed within the three years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under section 144.

(4) Where an offender is convicted on the same occasion of more than one offence to which subsection (1) applies —

(a) not more than one disqualification shall be imposed on the person under subsection (1),

(b) in determining the period of the disqualification the court must take into account all the offences, and

(c) for the purposes of any appeal any disqualification imposed under subsection (1) shall be treated as an order made on the conviction of each of the offences.

(5) No account is to be taken under subsection (1) of any of the following circumstances —

(a) any circumstances that are alleged to make the offence or any of the offences not a serious one,

(b) hardship, other than exceptional hardship, or

(c) any circumstances which, within the three years immediately preceding the conviction, have been taken into account under that subsection in ordering the offender to be disqualified for a shorter period or not ordering the person to be disqualified.

(6) References in this section to disqualification do not include a disqualification imposed under section 141 or any provision of written law permitting disqualification on conviction of an offence other than an offence under this Ordinance, or of an offence of stealing a motor vehicle or of driving it away without consent or any attempt to commit such an offence.

(7) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence involving obligatory disqualification as if the offence involved discretionary disqualification.

(8) This section is subject to section 161.

150. Disqualification until test is passed

(1) Where this subsection applies to a person the court must order the person to be disqualified until the person passes the appropriate driving test.

(2) Subsection (1) applies to a person who is disqualified under section 148 on conviction of—

(a) manslaughter by the driver of a motor vehicle, or

(b) an offence under section 5 (causing death by dangerous driving) or section 6 (dangerous driving).

(3) Subsection (1) also applies —

(a) to a person who is disqualified under section 148 or 149 in such circumstances or for such period as the Governor may by order prescribe, or

(b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.

(4) Where a person to whom subsection (1) does not apply is convicted of an offence involving obligatory endorsement, the court may order the person to be disqualified until the person passes the appropriate driving test (whether or not the person has previously passed any test).

(5) In this section —

“appropriate driving test” means —

(a) an extended driving test, where a person is convicted of an offence involving obligatory disqualification or is disqualified under section 149,

(b) a test of competence to drive, other than an extended driving test, in any other case,

“extended driving test” means a test of competence to drive prescribed for the purposes of this section, and

“test of competence to drive” means a test prescribed by virtue of section 61.

(6) In determining whether to make an order under subsection (4) the court shall have regard to the safety of road users.

(7) Where a person is disqualified until the person passes the extended driving test —

(a) any earlier order under this section shall cease to have effect, and

(b) a court shall not make a further order under this section while the person is so disqualified.

(8) Subject to subsection (9), a disqualification by virtue of an order under this section shall be deemed to have expired on production to the chief police officer of evidence, in such form as may be prescribed by regulations under section 75(3) that the person disqualified has passed the test in question since the order was made.

(9) A disqualification shall be deemed to have expired only in relation to vehicles of such classes as may be prescribed in relation to the test passed by regulations under that section.

(10) Where there is issued to a person a licence on the counterpart of which are endorsed particulars of a disqualification under this section, there shall also be endorsed the particulars of any test of competence to drive that the person has passed since the order of disqualification was made.

(11) For the purposes of an order under this section, a person shall be treated as having passed a test of competence to drive if the person passes a corresponding test conducted —

(a) under the law of any constituent part of the United Kingdom, any other EU State, or EEA State or other designated country or territory;

(b) for the purposes of obtaining a British Forces driving licence;

and accordingly subsections (8) to (10) shall apply in relation to such a test as they apply in relation to a test prescribed under section 75(3).

(12) For the purposes of subsection (11) “designated country” means a country designated by order under section 108(2) of the Road Traffic Act 1988 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in section 108(1) of that Act.

(13) This section is subject to section 161.

151. Effect of order of disqualification

(1) Where the holder of a licence is disqualified by an order of a court, the licence shall be treated as being revoked with effect from the beginning of the period of disqualification.

(2) Where —

(a) the disqualification is for a fixed period shorter than 56 days in respect of an offence involving obligatory endorsement, or

(b) the order is made under section 141,

subsection (1) shall not prevent the licence from again having effect at the end of the period of disqualification.

(3) Where the holder of the licence appeals against the order and the disqualification is suspended under section 153, the period of disqualification shall be treated for the purpose of subsection (1) as beginning on the day on which the disqualification ceases to be suspended.

(4) Notwithstanding anything in Part IV a person disqualified by an order of a court under section 150 (unless the person is also disqualified otherwise than by virtue of such an order) is

entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

152. Appeal against disqualification

A person disqualified by an order of a court of summary jurisdiction under section 148 or 149 may appeal to the Supreme Court in the same manner as against a conviction.

153. Suspension of disqualification pending appeal

(1) Any court which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(2) Where a court exercises its power under subsection (1), it must send a notice of the suspension to the chief police officer.

154. Power of Supreme Court and Court of Appeal to suspend disqualification

(1) This section applies where a person has been convicted by or before a court of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section —

(a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified; and

(b) any reference to the person's sentence includes a reference to the order of disqualification and to any other order made on the person's conviction and, accordingly, any reference to an appeal against the person's sentence includes a reference to an appeal against any order forming part of the person's sentence.

(2) Where a person ordered to be disqualified —

(a) appeals to the Supreme Court, or

(b) appeals or applies for leave to appeal to the Court of Appeal,

against the person's conviction or sentence, the Supreme Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the Privy Council the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under section 111 of the Magistrates' Courts Act 1980 (statement of case by Summary Court) the Supreme Court may, if it thinks fit, suspend the disqualification.

(5) Where a person ordered to be disqualified —

(a) applies to the Supreme Court for an order of certiorari to remove into the Supreme Court any proceedings of the Summary Court or of the Magistrate's Court, being proceedings in or in consequence of which the person was convicted or the person's sentence was passed, or

(b) applies to the Supreme Court for leave to make such an application,

the Supreme Court may, if it thinks fit, suspend the disqualification.

(6) Any power of a court under the preceding provisions of this section to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.

(7) Where, by virtue of this section, a court suspends the disqualification of any person, it must send notice of the suspension to the chief police officer.

155. Removal of disqualification

(1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification.

(2) On any such application the court may, as it thinks proper having regard to —

(a) the character of the person disqualified and the person's conduct subsequent to the order,

(b) the nature of the offence, and

(c) any other circumstances of the case,

either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(3) No application shall be made under subsection (1) for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is —

(a) two years, if the disqualification is for less than four years,

(b) one half of the period of disqualification, if it is less than ten years but not less than four years,

(c) five years in any other case;

and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or the person was not disqualified shall be disregarded.

(4) Where an application under subsection (1) is refused, a further application under that subsection shall not be entertained if made within three months after the date of the refusal.

(5) If under this section a court orders a disqualification to be removed, the court —

(a) must cause particulars of the order to be endorsed on the licence or, where appropriate the counterpart of the licence, if any, previously held by the applicant, and

(b) may in any case order the applicant to pay the whole or any part of the costs of the application.

(6) Subsection (5)(a) applies only where the disqualification was imposed in respect of an offence involving obligatory endorsement; and in any other case the court must send notice of the order made under this section to the chief police officer.

(7) The preceding provisions of this section shall not apply where the disqualification was imposed by order under section 150.

156. Rule for determining end of period of disqualification

In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or the person was not disqualified shall be disregarded.

Endorsements

157. Endorsement of licences

(1) Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on the counterpart of any licence held by the person particulars of the conviction and also —

(a) if the court orders the person to be disqualified, particulars of the disqualification, or

(b) if the court does not order the person to be disqualified —

(i) particulars of the offence, including the date when it was committed, and

(ii) the penalty points to be attributed to the offence.

(2) Where the court does not order the person convicted to be disqualified, it need not make an order under subsection (1) if for special reasons it thinks fit not to do so.

(3) This section is subject to section 161.

158. Effect of endorsement

(1) An order that any particulars or penalty points are to be endorsed on the counterpart of any licence held by the person convicted shall, whether the person is at the time the holder of a licence or not, operate as an order that the counterpart of any licence the person may then hold or may subsequently obtain is to be so endorsed until the person becomes entitled under subsection

(4) to have a licence issued to the person with its counterpart free from the particulars or penalty points.

(2) On the issue of a new licence to a person, any particulars or penalty points ordered to be endorsed on the counterpart of any licence held by the person shall be entered on the counterpart of the licence unless the person has become entitled under subsection (4) to have a licence issued to the person with its counterpart free from those particulars or penalty points.

(3) A person the counterpart of whose licence has been ordered to be endorsed is entitled to have issued to the person with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if the person applies for a new licence in pursuance of section 69(1), surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part IV and satisfies the other requirements of section 69(1).

(4) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (5) and (6)) —

(a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and

(b) if no such order is made, until either —

(i) four years have elapsed since the commission of the offence, or

(ii) an order is made for the disqualification of the offender under section 149.

(5) Where the offence was one under section 5 or 6 (causing death by dangerous driving and dangerous driving), the endorsement remains in any case effective until four years have elapsed since the conviction.

(6) Where the offence was one under —

(a) section 9, 10(1) or 11(1)(a) (driving offences connected with drink or drugs), or

(b) section 13(6) (failing to provide specimen) involving obligatory disqualification,

the endorsement remains effective until eleven years have elapsed since the conviction.

General

159. Combination of disqualification and endorsement with probation orders and orders for discharge

(1) Notwithstanding anything in any other written law of the Falkland Islands which requires the conviction of an offender discharged to be disregarded for the purposes of provisions of written

law relating to disqualification, a court which on convicting a person of an offence involving obligatory or discretionary disqualification makes —

(a) a probation order or a community supervision order, or

(b) an order discharging the person absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by sections 148, 149, 150 or 157.

(2) A conviction —

(a) in respect of which a court has ordered a person to be disqualified; or

(b) of which particulars have been endorsed on the counterpart of any licence held by the person,

is to be taken into account, notwithstanding anything in any other written law of the Falkland Islands which requires the conviction of an offender discharged to be disregarded for the purposes of subsequent proceedings), in determining the person's liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

160. Supplementary provisions as to disqualifications and endorsements

(1) In any case where a court exercises its power under section 148, 149 or 157 not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it must state the grounds for doing so in open court and, if it is the Magistrate's Court or the Summary Court, must cause them to be entered in the register of its proceedings.

(2) Where a court orders the endorsement of the counterpart of any licence held by a person it may, and where a court orders the holder of a licence to be disqualified for a period of 56 days or more it must, send the licence and its counterpart, on their being produced to the court, to the chief police officer, and if the court orders the endorsement but does not send the licence and its counterpart to the chief police officer it must send the chief police officer notice of the endorsement.

(3) Where on an appeal against an order for the endorsement of a licence or the disqualification of a person the appeal is allowed, the court by which the appeal is allowed must send notice of that fact to the chief police officer.

161. Exemption from disqualification and endorsement

(1) Where a person is convicted of an offence under section 44 (using vehicle in dangerous condition etc) the court must not —

(a) order the person to be disqualified, or

(b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by the person,

if the person proves that the person did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.

(2) Where a person is convicted of an offence under section 46 (breach of requirement as to brakes, steering-gear or tyres) the court must not —

(a) order the person to be disqualified, or

(b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by the person,

if the person proves that the person did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

162. Offender escaping consequences of endorsable offence by deception

(1) This section applies where in dealing with a person convicted of an offence involving obligatory endorsement a court was deceived regarding any circumstances that were or might have been taken into account in deciding whether or for how long to disqualify the person.

(2) If —

(a) the deception constituted or was due to an offence committed by that person, and

(b) the person is convicted of that offence,

the court by or before which the person is convicted shall have the same powers and duties regarding an order for disqualification as had the court which dealt with the person for the offence involving obligatory endorsement but must, in dealing with the person, take into account any order made on the person's conviction of the offence involving obligatory endorsement.

PART XI **FIXED PENALTIES** *Introductory*

163. Fixed penalty offences

(1) Any offence under a provision of law specified in column 1 of Schedule 6 is a fixed penalty offence for the purposes of this Part, subject to subsection (2) and to any limitation or exception or exception shown against the provision of law in column 2 (where the general nature of the offence is also indicated).

(2) An offence under a provision of law so specified is not a fixed penalty offence for those purposes if it is committed by causing or permitting a vehicle to be used by another person in

contravention of any provision made or restriction or prohibition imposed by or under any enactment.

164. Fixed penalty notices

(1) In that Part “fixed penalty notice” means a notice offering the opportunity of the discharge of any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Part.

(2) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(3) A fixed penalty notice must state —

(a) the period during which, by virtue of section 189, proceedings cannot be brought against any person for the offence to which the notice relates, being the period of twenty-one days following the date of the notice or such longer period (if any) as may be specified in the notice (referred to in this Part as the “suspended enforcement period”),

(b) the amount of the fixed penalty, and

(c) that the penalty may be paid to the Courts Administrator at the Courts Office, Town Hall, Stanley.

165. Amount of fixed penalty

(1) Subject to subsection (3), the fixed penalty for an offence is —

(a) such amount as the Governor may by order prescribe, or

(b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction,

whichever is the less.

(2) Any order made under subsection (1)(a) may make different provision for different cases or classes of case.

(3) Unless an order has been made under subsection (1)(a), the fixed penalty for an offence is that provided for by subsection (1)(b).

Giving notices to suspected offenders

166. Notices on the spot or at a police station

(1) This section applies where on any occasion a police officer in uniform has reason to believe that a person the police officer finds is committing or has on that occasion committed a fixed penalty offence.

(2) Subject to subsection (3), the police officer may give the person a fixed penalty notice in respect of the offence.

(3) Where the offence appears to the police officer to involve obligatory endorsement, the police officer may only give the person a fixed penalty notice under subsection (2) in respect of the offence if—

(a) the person produces the person's licence and its counterpart for inspection by the police officer,

(b) the police officer is satisfied, on inspecting the licence and its counterpart that the person would not be liable to be disqualified under section 149 if the person were convicted of that offence, and

(c) the person surrenders the person's licence and its counterpart to the police officer to be retained and dealt with in accordance with this Part.

(4) Where—

(a) the offence appears to the police officer to involve obligatory endorsement, and

(b) the person concerned does not produce the person's licence and its counterpart for inspection by the police officer,

the police officer may give the person a notice stating that if, within seven days after the notice is given, the person produces the notice together with the person's licence and its counterpart in person to a police officer or authorised person at Stanley police station and the requirements of subsection (5)(a) and (b) are met the person will then be given a fixed penalty notice in respect of the offence.

(5) If a person to whom a notice has been given under subsection (4) produces the notice together with the person's licence and its counterpart in person to a police officer or authorised person at the Stanley police station within seven days after the notice was so given to the person and the following requirements are met, that is—

(a) the police officer or authorised person is satisfied, on inspecting the licence and its counterpart, that the person would not be liable to be disqualified under section 149 if the person were convicted of the offence, and

(b) the person surrenders the person's licence and its counterpart to the police officer or authorised person to be retained and dealt with in accordance with this Part,

the police officer or authorised person must give the person a fixed penalty notice in respect of the offence to which the notice under subsection (4) relates.

(6) A notice under subsection (4) above shall give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(7) A licence and a counterpart of a licence surrendered in accordance with this section must be sent to the Courts Administrator at the Courts Office, Town Hall, Stanley.

(8) In this Part “authorised person”, in relation to a fixed penalty notice given at Stanley Police Station, means a person authorised for the purposes of this section by or on behalf of the chief police officer.

(9) In determining for the purposes of subsections (3)(b) and (5)(a) whether a person convicted of an offence would be liable to disqualification under section 149, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 5 that the number of penalty points to be attributed to the offence would be the lowest in the range.

167. Effect of fixed penalty notice given under section 166

(1) This section applies where a fixed penalty notice relating to an offence has been given to any person under section 166 and references in this section to the recipient are to the person to whom the notice was given.

(2) No proceedings shall be brought against the recipient for the offence to which the fixed penalty notice relates unless before the end of the suspended enforcement period the person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice.

(3) Where —

(a) the recipient has not given notice requesting a hearing in respect of the offence to which the fixed penalty notice relates in the manner specified, and

(b) the fixed penalty has not been paid in accordance with this Part before the end of the suspended enforcement period,

a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under section 181 for enforcement against the recipient as a fine.

168. Licence receipts

(1) A police officer or authorised person to whom a person surrenders the person’s licence and its counterpart on receiving a fixed penalty notice given to the person under section 166 must issue a receipt for the licence and its counterpart under this section.

(2) The Courts Administrator may, on the application of a person who has surrendered the person’s licence and its counterpart in those circumstances, issue a new receipt for them.

(3) A receipt issued under this section ceases to have effect —

(a) if issued by a police officer or authorised person, on the expiration of the period of one month beginning with the date of issue or such longer period as may be prescribed, and

(b) if issued by the Courts Administrator on such date as the Courts Administrator may specify in the receipt,

or, if earlier, on the return of the licence and its counterpart to the licence holder.

169. Endorsement of licences without hearings

(1) Subject to subsection (2), where a person (referred to in this section as “the licence holder”) has surrendered the licence holder’s licence and its counterpart to a police officer or authorised person on the occasion when the licence holder was given a fixed penalty notice under section 166, the counterpart of the licence holder’s licence is to be endorsed in accordance with this section without any order of a court.

(2) The counterpart of a person’s licence may not be endorsed under this section if at the end of the suspended enforcement period —

(a) the licence holder has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and

(b) the fixed penalty has not been paid in accordance with this Ordinance.

(3) On the payment of the fixed penalty before the end of the suspended enforcement period, the Courts Administrator must endorse the relevant particulars on the counterpart of the licence and return it together with the licence to the licence holder.

(4) Where any sum determined by reference to the fixed penalty is registered under section 182 for enforcement against the licence holder as a fine the Courts Administrator must endorse the relevant particulars on the counterpart of the licence and return it together with the licence to the licence holder.

(5) References in this section to the relevant particulars are to —

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.

(6) On endorsing the counterpart of a person’s licence under this section the Courts Administrator must send notice of the endorsement and particulars endorsed to the chief police officer.

170. Effect of endorsement without hearing

(1) Where the counterpart of a person's licence is endorsed under section 169 the person shall be treated for the purposes of sections 135(4), 143, 144 and 158 of this Ordinance and of the Criminal Justice Ordinance as if—

- (a) the person had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on the person's conviction by a court under section 157, and
- (c) the particulars of the offence endorsed by virtue of section 169(5)(a) were particulars of the person's conviction of that offence.

(2) In relation to any endorsement of the counterpart of a person's licence under section 169—

- (a) the reference in section 158(3) to the order for endorsement, and
- (b) the references in section 135(4) to any order made on a person's conviction,

are to be read as references to the endorsement itself.

171. Notification of court and date of trial

(1) On an occasion when a person is given a fixed penalty notice under section 166 in respect of an offence, the person may be given written notification specifying the court of summary jurisdiction by which and the date on which the offence will be tried if the person gives notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice.

(2) Subject to subsections (4) and (5) where—

- (a) a person has been notified in accordance with this section of the court and date of trial of an offence in respect of which the person has been given a fixed penalty notice, and
- (b) the person has given notice requesting a hearing in respect of the offence permitted by the fixed penalty notice,

the provisions of the Magistrates' Courts Act 1980 shall apply as mentioned in subsection (3).

(3) Those provisions are to have effect for the purpose of any proceedings in respect of that offence as if—

- (a) the allegation in the fixed penalty notice with respect to that offence were an information duly laid in accordance with section 1 of that Act, and
- (b) the notification of the court and date of trial were a summons issued on that information by the Senior Magistrate or other justice of the peace requiring the person notified to appear

before a court of summary jurisdiction to answer that information and duly served on the person on the date on which the notification was given.

(4) If, in a case within subsection (2), notice is served by or on behalf of the chief police officer on the person who gave notice requesting a hearing stating that no proceedings are to be brought in respect of the offence concerned, that subsection does not apply and no such proceedings are to be brought against the person who gave notice requesting a hearing.

(5) Section 14 of that Act (proceedings invalid where accused did not know of them) is not applied by subsection (2) in a case where a person has been notified in accordance with this section of the court and date of trial of the offence.

172. Fixed penalty notice mistakenly given: exclusion of fixed penalty procedures

(1) This section applies where, on inspection of a licence and its counterpart sent to the Courts Administrator under section 166, it appears to the Courts Administrator that the person whose licence it is would be liable to be disqualified under section 149 if the person were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The Courts Administrator must not endorse the counterpart of the licence under section 169 but must instead send it together with the licence to the chief police officer.

(3) Nothing in this Part prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of six months beginning with the date on which that notice was given.

(4) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(5) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of any provision of this Part by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision —

(a) the registration under section 182 of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person whose licence it is as a fine, and

(b) any proceedings for enforcing payment of any such sum within the meaning of sections 184 and 185 (defined in section 185(5)).

(6) In determining for the purposes of subsection (1) whether a person convicted of an offence would be liable to disqualification under section 149, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 5 that the number of penalty points to be attributed to the offence would be the lowest in the range.

Notices affixed to vehicles

173. Fixing notices to vehicles

(1) Where on any occasion a police officer has reason to believe in the case of a stationary vehicle that a fixed penalty offence is being or has on that occasion been committed in respect of it, the police officer may fix a fixed penalty notice in respect of the offence to the vehicle unless the offence appears to the police officer to involve obligatory endorsement.

(2) A person is guilty of an offence if the person removes or interferes with any notice fixed to a vehicle under this section, unless the person does so by or under the authority of the driver or person in charge of the vehicle or the person liable for the fixed penalty offence in question.

174. Service of notice to owner if penalty not paid

(1) This section applies where a fixed penalty notice relating to an offence has been fixed to a vehicle under section 173.

(2) Subject to subsection (3), if at the end of the suspended enforcement period the fixed penalty has not been paid in accordance with this Part, a notice under this section may be served by or on behalf of the chief police officer on any person who appears to the chief police officer (or to any person authorised to act on behalf of the chief police officer for the purposes of this section) to be the owner of the vehicle. Such a notice is referred to in this Part as a “notice to owner”.

(3) Subsection (2) does not apply where before the end of the suspended enforcement period —

(a) any person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice, and

(b) the notice so given contains a statement by that person to the effect that the person was the driver of the vehicle at the time when the offence is alleged to have been committed.

That time is referred to in this Part as the “time of alleged offence”.

(4) A notice to owner —

(a) must give particulars of the alleged offence and of the fixed penalty concerned,

(b) must state the period allowed for response to the notice, and

(c) must indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the chief police officer by or on whose behalf the notice was served a statutory statement of ownership (as defined in Part I of Schedule 7).

(5) For the purposes of this Part, the period allowed for response to a notice to owner is the period of twenty-one days from the date on which the notice is served, or such longer period (if any) as may be specified in the notice.

(6) A notice to owner relating to any offence must indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either —

(a) give notice requesting a hearing in respect of the offence in the manner indicated by the notice, or

(b) if —

(i) the person was not the driver of the vehicle at the time of the alleged offence, and

(ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with a statutory statement of ownership provided as requested in that notice, a statutory statement of facts (as defined by Part II of Schedule 7) having the effect referred to in paragraph 3(2) of that Schedule (that is, as a notice requesting a hearing in respect of the offence given by the driver).

(7) In any case where a person on whom a notice to owner relating to any offence has been served provides a statutory statement of facts in pursuance of subsection (6)(b) —

(a) any notice requesting a hearing in respect of the offence that the person purports to give on the person's own account shall be of no effect, and

(b) no sum may be registered for enforcement against the person as a fine in respect of the offence unless, within the period of two months immediately following the period allowed for response to the notice to owner, no summons in respect of the offence in question is served on the person identified in the statement as the driver.

175. Enforcement of proceedings against owner

(1) This section applies where —

(a) a fixed penalty notice relating to an offence has been fixed to a vehicle under section 173,

(b) a notice to owner relating to the offence has been served on any person under section 174(2) before the end of the period of six months beginning with the day on which the fixed penalty notice was fixed to the vehicle, and

(c) the fixed penalty has not been paid in accordance with this Part before the end of the period allowed for response to the notice to owner.

(2) Subject to subsection (4) and to section 174(7)(b), a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under section 182 for enforcement against the person on whom the notice was served as a fine.

(3) Subject to subsection (4) and to section 176, proceedings may be brought in respect of that offence against the person on whom the notice to owner was served.

(4) If the person on whom the notice to owner was served —

(a) was not the owner of the vehicle at the time of the alleged offence, and

(b) provides a statutory statement of ownership to that effect in response to the notice before the end of the period allowed for response to the notice,

the person shall not be liable in respect of the offence by virtue of this section nor shall any sum determined by reference to the fixed penalty for the offence be so registered by virtue of this section for enforcement against the person as a fine.

(5) Subject to subsection (6) —

(a) for the purposes of the institution of proceedings by virtue of subsection (3) against any person on whom a notice to owner has been served, and

(b) in any proceedings brought by virtue of that subsection against any such person,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that the person was the driver of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the driver of the vehicle at that time were the person's acts or omissions.

(6) That presumption does not apply in any proceedings brought against any person by virtue of subsection (3) if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

(7) Where —

(a) by virtue of subsection (3) proceedings may be brought in respect of an offence against a person on whom a notice to owner was served, and

(b) section 185(1) of this Ordinance does not apply,

section 51(6)(f)(vi) of the Administration of Justice Ordinance (Title 22.1) (proceedings to be commenced within six months of the date of the offence unless otherwise provided by preceding provision of section 51(6)) shall have effect as if for the reference to six months there were substituted a reference to one year.

176. Restriction on proceedings against owner and others

(1) In any case where a notice to owner relating to an offence may be served under section 174 no proceedings shall be brought in respect of the offence against any person other than a person on whom such a notice has been served unless the person is identified as the driver of the vehicle

at the time of the alleged offence in a statutory statement of facts provided in pursuance of section 174(6)(b) by a person on whom such a notice has been served.

(2) Proceedings in respect of an offence to which a notice to owner relates shall not be brought against the person on whom the notice was served unless, before the end of the period allowed for response to the notice, the person has given notice, in the manner indicated by the notice to owner, requesting a hearing in respect of the offence.

(3) Proceedings in respect of an offence to which a notice to owner relates may not be brought against any person identified as the driver of the vehicle in a statutory statement of facts provided in response to the notice if the fixed penalty is paid in accordance with this Part before the end of the period allowed for response to the notice.

(4) Once any sum determined by reference to the fixed penalty for an offence has been registered by virtue of section 175 under section 182 for enforcement as a fine against a person on whom a notice to owner relating to that offence has been served, no proceedings shall be brought against any other person in respect of that offence.

177. Hired vehicles

(1) This section applies where —

(a) a notice to owner has been served on a vehicle-hire firm,

(b) at the time of the alleged offence the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies, and

(c) within the period allowed for response to the notice the firm provides the chief police officer by or on whose behalf the notice was served with the documents mentioned in subsection (2).

(2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement to which this section applies, together with —

(a) a copy of that hiring agreement, and

(b) a copy of a statement of liability signed by the hirer under that hiring agreement.

(3) In this section a “statement of liability” means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that the person will be liable, as the owner of the vehicle, in respect of any fixed penalty offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

(4) In any case where this section applies, sections 174, 175 and 176 shall have effect as if —

(a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and

(b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring,

and accordingly references in this Part (with the exceptions mentioned below) to a notice to owner include references to a notice served under section 174 as it applies by virtue of this section.

This subsection does not apply to references to a notice to owner in this section or in section 192(2)(b) or Part I of Schedule 7.

(5) In any case where this section applies, a person authorised in that behalf by the chief police officer to whom the documents mentioned in subsection (2) are provided may, at any reasonable time within six months after service of the notice to owner (and on the production of the chief police officer's authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

(6) If a vehicle-hire firm fails to produce the original of a document when required to do so under subsection (5) this section shall thereupon cease to apply (and section 175 shall apply accordingly in any such case after that time as it applies in a case where the person on whom the notice to owner was served has failed to provide a statutory statement of ownership in response to the notice within the period allowed).

(7) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than six months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(8) In this section —

“hiring agreement” refers only to an agreement which contains such particulars as may be prescribed and does not include an agreement which if it had been made in England, would have been a hire-purchase agreement within the meaning of the Consumer Credit Act 1974, and

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

178. False statements in response to notices to owner

A person who, in response to a notice to owner, provides a statement which is false in a material particular and does so recklessly or knowing it to be false in that particular commits an offence.

179. “Owner”, “statutory statement” and “official form”

(1) For the purposes of this Part the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purposes of determining, in the course of any proceedings brought by virtue of section 175(3) who was the owner of a vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.

(2) Notwithstanding the presumption in subsection (1) it is open to the defence in any proceedings to prove that the person who was the registered keeper of a vehicle at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.

(3) References in this Part to statutory statements of any description are references to the statutory statement of that description defined in Schedule 7; and that Schedule shall also have effect for the purpose of requiring certain information to be provided in official forms for the statutory statements so defined to assist persons in completing those forms and generally in determining what action to take in response to a notice to owner.

(4) In this Part “official form”, in relation to a statutory statement mentioned in Schedule 7 or a statement under section 177(2) means a document supplied by or on behalf of the chief police officer for use in making that statement.

Fixed penalty procedure

180. Payment of penalty

(1) Payment of a fixed penalty must be made to the Courts Administrator.

(2) Payment of the penalty may be made in any manner in which payment of a fine may be made.

181. Registration certificates

(1) This section and section 182 apply where by virtue of section 167(3) or 175(2) a sum determined by reference to a fixed penalty for any offence may be registered under section 182 for enforcement against any person as a fine. In this section and section 182 —

(a) that sum is referred to as a “sum payable in default”, and

(b) the person against whom that sum may be so registered is referred to as the “defaulter”.

(2) The chief police officer may, in respect of any sum payable in default, issue a certificate (referred to in this section and section 182 as a “registration certificate”) stating that the sum is registrable under section 182 for enforcement against the defaulter as a fine.

(3) Where the chief police officer issues a registration certificate under this section, the chief police officer must send it to the Courts Administrator.

(4) A registration certificate issued under this section in respect of any sum must —

- (a) give particulars of the offence to which the fixed penalty notice relates,
- (b) indicate whether registration is authorised under section 167(3) or section 175(2), and
- (c) state the name and last known address of the defaulter and the amount of the sum payable in default.

182. Registration of sums payable in default

(1) Whenever the Courts Administrator receives a registration certificate issued under section 181 in respect of any sum payable in default the Courts Administrator must, if it appears to the Courts Administrator that the defaulter resides in the Falkland Islands, register that sum for enforcement as a fine by registering it in the register of the Magistrate's Court.

(2) On registering any sum under this section for enforcement as a fine, the Courts Administrator must give to the defaulter notice of registration —

(a) specifying the amount of that sum, and

(b) giving the information with respect to the offence and the authority for registration included in the registration certificate by virtue of section 181(5)(a) and (b).

(3) On the registration of any sum in the Magistrate's Court by virtue of this section any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) Accordingly, in the application by virtue of this section of the provisions of the Magistrates Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrate's court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum, adjudged to be paid on a conviction) from applying to a sum registered in a court of summary jurisdiction by virtue of this section.

(5) For the purposes of this section, where the defaulter is a body corporate, the place where that body resides is the registered or principal office of that body.

183. Notices on the spot or at a police station: when registration and endorsement invalid

(1) This section applies where —

(a) a person who has received notice of the registration, by virtue of section 167(3) of a sum under section 181 of this Ordinance for enforcement against the person as a fine makes a statutory declaration to the effect mentioned in subsection (2), and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the Courts Administrator.

(2) The statutory declaration must state —

(a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or

(b) that the person gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within subsection (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) Where in any case within subsection (2)(a) the person to whom the relevant fixed penalty notice was given surrendered a licence and its counterpart held by the person making the declaration, any endorsement of that counterpart made under section 169 in respect of the offence in respect of which that notice was given shall be void.

(5) In any case within subsection (2)(b) —

(a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under section 169 before the declaration was served, shall be void, and

(b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The Courts Administrator must —

(a) cancel an endorsement of the counterpart of a licence under section 167 that is void by virtue of this section on production of the licence and its counterpart to the Courts Administrator for that purpose, and

(b) send notice of the cancellation to the chief police officer.

(7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

184. Notices affixed to vehicles: when registration invalid

(1) This section applies where —

(a) a person who has received notice of the registration, by virtue of section 175(2) of a sum under section 182 for enforcement against the person as a fine makes a statutory declaration to the effect mentioned in subsection (2) of this section, and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the Courts Administrator.

(2) The statutory declaration must state either —

(a) that the person making the declaration did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to that penalty until the person received notice of the registration, or

(b) that the person was not the owner of the vehicle at the time of the alleged offence of which particulars are given in the relevant notice to owner and that the person has a reasonable excuse for failing to comply with that notice, or

(c) that the person gave notice requesting a hearing in respect of that offence as permitted by the relevant notice to owner before the end of the period allowed for response to that notice.

(3) In any case within subsection (2)(a) or (b) —

(a) the relevant notice to owner,

(b) the registration, and

(c) any proceedings taken before the declaration was served for enforcing payment of the sum registered,

shall be void but without prejudice, in a case within subsection (2)(a), to the service of a further notice to owner under section 181 on the person making the declaration.

This subsection applies whether or not the relevant notice to owner was duly served in accordance with that section on the person making the declaration.

(4) In any case within subsection (2)(c) —

(a) no proceedings shall be taken, after the statutory declaration is served until the end of the period of twenty-one days following the date of that declaration, for enforcing payment of the sum registered, and

(b) where before the end of that period a notice is served by or on behalf of the chief police officer on the person making the declaration asking the person to provide a new statutory statement of ownership to the chief police officer before the end of the period of twenty-one days from the date on which the notice is served, no such proceedings shall be taken until the end of the period allowed for response to that notice.

(5) Where in any case within subsection (2)(c) —

(a) no notice is served by or on behalf of the chief police officer in accordance with subsection (4), or

(b) such a notice is so served and the person making the declaration provides a new statutory statement of ownership in accordance with the notice,

then —

(i) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and

(ii) the case shall be treated after the time mentioned in subsection (6) as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The time referred to in subsection (5) is —

(a) in a case within paragraph (a) of that subsection, the end of the period of twenty-one days following the date of the statutory declaration,

(b) in a case within paragraph (b) of that subsection, the time when the statement is provided.

(7) In any case where notice is served by or on behalf of the chief police officer in accordance with subsection (4), the chief police officer must cause the Courts Administrator to be notified of that fact immediately on service of the notice.

(8) References in this section to the relevant notice to owner are to the notice to owner relating to the fixed penalty concerned.

185. Provisions supplementary to sections 183 and 184

(1) In any case within sections 183 or 184 of this Ordinance, section 51(6) of the Administration of Justice Ordinance (Title 22.1) shall have effect as if for the reference to the time when the offence was committed or (as the case may be) the time when the contravention occurred there were substituted a reference to the date of the statutory declaration made for the purposes of section 183(1) or, as the case may be, section 184(1).

(2) Where, on the application of a person who has received notice of the registration of a sum under section 182 for enforcement against the person as a fine, it appears to the relevant court (which for this purpose may be composed of a single justice) that it was not reasonable to expect the person to serve, within twenty-one days of the date on which the person received the notice, a statutory declaration to the effect mentioned in section 183(2) or, as the case may be, 184(2) the court may accept service of such a declaration by that person after that period has expired.

(3) A statutory declaration accepted under subsection (2) shall be taken to have been served as required by section 183(1) or, as the case may be, section 184(1).

(4) For the purposes of section 183(1) and 184(1) a statutory declaration shall be taken to be duly served on the Courts Administrator if it is delivered to the Courts Administrator, left addressed to the Courts Administrator at the Courts Office, or sent in a registered letter addressed to the Courts Administrator at the Courts Office.

(5) For the purposes of sections 183, 184 and this section—

(a) a person shall be taken to receive notice of the registration of a sum under section 182 for enforcement against the person as a fine when the person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered;

(b) references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.

(6) Nothing in the provisions of sections 183 or 184 or this section is to be construed as prejudicing any rights a person may have apart from those provisions by virtue of the invalidity of any action purportedly taken in pursuance of this Part which is not in fact authorised by this Part in the circumstances of the case; and accordingly, references in those provisions to the registration of any sum or to any other action taken under or by virtue of any provision of this Part are not to be construed as implying that the registration or action was validly made or taken in accordance with that provision.

Conditional offer of fixed penalty

186. Issue of conditional offer

(1) Where —

(a) a police officer has reason to believe that a fixed penalty offence has been committed, and

(b) no fixed penalty notice in respect of the offence has been given under section 166 or fixed to a vehicle under section 173,

a notice under this section may be sent to the alleged offender by or on behalf of the chief police officer.

(2) A notice under this section is referred to in this section and sections 187 and 188 as a “conditional offer”.

(3) Where a person issues a conditional offer, the person must notify the Courts Administrator of its issue and terms.

(4) A conditional offer must —

(a) give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence,

(b) state the amount of the fixed penalty for that offence, and

(c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of twenty-eight days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.

(5) A conditional offer must indicate that if the following conditions are fulfilled, that is —

(a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender —

(i) makes payment of the fixed penalty to the Courts Administrator, and

(ii) where the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers the person's licence and its counterpart to the Courts Administrator, and

(b) where the person's licence and its counterpart are so delivered, the Courts Administrator is satisfied on inspecting them that, if the alleged offender were convicted of the offence, the person would not be liable to be disqualified under section 149,

any liability to conviction of the offence shall be discharged.

(6) For the purposes of the condition set out in subsection (5)(b) it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 5, that the number of penalty points to be attributed to the offence would be the lowest in the range.

187. Effect of offer and payment of penalty

(1) This section applies where a conditional offer has been sent to a person under section 186.

(2) No proceedings shall be brought against any person for the offence to which the conditional offer relates until the chief police officer receives notice in accordance with subsection (4) or (5).

(3) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against the person for the offence to which the offer relates.

(4) Where —

(a) the alleged offender tenders payment in accordance with the conditional offer and delivers the person's licence and its counterpart to the Courts Administrator, but

(b) it appears to the Courts Administrator, on inspecting the licence and counterpart, that the alleged offender would be liable to be disqualified under section 148 if he were convicted of the offence to which the conditional offer relates,

then subsection (3) shall not apply and the Courts Administrator must return the licence and its counterpart to the alleged offender together with the payment and give notice that the Courts Administrator has done so to the chief police officer.

(5) Where, on the expiry of the period of twenty-eight days following the date on which the conditional offer was made or such longer period as may be specified in the offer, the conditions specified in the offer in accordance with section 186(5)(a) have not been fulfilled, the Courts Administrator must notify the chief police officer.

188. Endorsement where penalty paid

(1) Where —

(a) in pursuance of a conditional offer a person (referred to in this section as the “licence holder”) makes payment of the fixed penalty to the Courts Administrator and delivers the person’s licence and its counterpart to the Courts Administrator, and

(b) the Courts Administrator is not required by section 187(4) to return the licence and its counterpart to the person and did not before the payment was tendered, notify the chief police officer under section 187(5),

the Courts Administrator must forthwith endorse the relevant particulars on the counterpart of the licence and return it to the licence holder together with the licence.

(2) Subject to subsection (3) where a cheque tendered in payment is subsequently dishonoured—

(a) any endorsement made by the Courts Administrator under subsection (1) remains effective, notwithstanding that the licence holder is liable to prosecution in respect of the alleged offence to which the endorsement relates, and

(b) the Courts Administrator must, upon the expiry of the period specified in the conditional offer or if the period has expired, forthwith notify the chief police officer that no payment has been made.

(3) When proceedings are brought against a licence holder after a notice has been given in pursuance of subsection (2)(b), the court —

(a) must order the removal of the fixed penalty endorsement from the counterpart of the licence, and

(b) may, on finding the licence holder guilty, make any competent order of endorsement or disqualification and pass any competent sentence.

(4) The reference in subsection (1) to the relevant particulars is to —

- (a) particulars of the offence, including the date when it was committed, and
- (b) the number of penalty points to be attributed to the offence.

(5) The Courts Administrator must send notice to the chief police officer —

- (a) of any endorsement under subsection (1) and of the particulars endorsed, and
- (b) of any order under subsection (3)(a).

(6) Where the counterpart of a person's licence is endorsed under this section the person shall be treated for the purposes of sections 135(4), 143, 144 and of the Criminal Justice Ordinance as if—

- (a) the person had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 157, and
- (c) the particulars of the offence endorsed by virtue of subsection (4)(a) above were particulars of his conviction of that offence.

(7) In relation to any endorsement of the counterpart of a person's licence under this section —

- (a) the reference in section 158(3) to the order for endorsement, and
- (b) the references in section 135(6) to any order made on a person's conviction,

are to be read as references to the endorsement itself.

Proceedings in fixed penalty cases

189. General restriction on proceedings

(1) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates until the end of the suspended enforcement period.

(2) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates if the fixed penalty is paid in accordance with this Part before the end of the suspended enforcement period.

190. Statements by police officers

(1) In any proceedings a certificate that a copy of a statement by a police officer with respect to the alleged offence (referred to in this section as a "police officer's witness statement") was included in or given with a fixed penalty notice or a notice under section 166(3) given to the

accused on a date specified in the certificate shall, if the certificate purports to be signed by the police officer or authorised person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.

(2) In any proceedings a certificate that a copy of a police officer's witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any police officer be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

(3) Any address specified in any such certificate as is mentioned in subsection (2) as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.

(4) Where a copy of a police officer's witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part, the statement shall be treated as duly served for the purposes of section 9 of the Criminal Justice Act 1967 (proof by written statement) notwithstanding that the manner of service is not authorised by subsection (8) of that section.

(5) In relation to any proceedings in which service of a police officer's witness statement is proved by certificate under this section —

(a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the prosecutor, and

(b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to seven days from the service of the copy of the statement, of a reference to seven days from the relevant date.

(6) In subsection (5)(b) of this section "relevant date" means —

(a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part, the date on which the person gives that notice, and

(b) where a notice in respect of the offence was given to the accused under section 166(4) but no fixed penalty notice is given in respect of it, the last day for production of the notice under section 166(5) at Stanley police station.

191. Certificates about payment

In any proceedings a certificate —

(a) that payment of a fixed penalty was or was not received, by a date specified in the certificate, by the Courts Administrator, or

(b) that a letter containing an amount sent by post in payment of a fixed penalty was marked as posted on a date so specified,

shall, if the certificate purports to be signed by the Courts Administrator, be evidence of the facts stated.

192. Documents signed by accused

(1) Where —

(a) any person is charged with a fixed penalty offence, and

(b) the prosecutor produces to the court a document to which this subsection applies, purporting to be signed by the accused,

the document shall be presumed, unless the contrary is proved, to have been signed by the accused, and shall be evidence in the proceedings of any fact stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

(2) Subsection (1) applies to any document purporting to be —

(a) a notice requesting a hearing in respect of the offence charged given in accordance with a fixed penalty notice relating to that offence; and

(b) a statutory statement of any description defined in Schedule 7 or a copy of a statement of liability within the meaning of section 177 provided in response to a notice to an owner.

193. Powers of court where Courts Administrator deceived

(1) This section applies where in endorsing the counterpart of any person's licence under section 169, the Courts Administrator is deceived as to whether endorsement under that section is excluded by section 172(2) by virtue of the fact that the licence holder would be liable to be disqualified under section 149 if the person were convicted of the offence.

(2) If —

(a) the deception constituted or was due to an offence committed by the licence holder, and

(b) the licence holder is convicted of that offence,

the court by or before which the person is convicted shall have the same powers and duties as it would have had if the person had also been convicted by or before it of the offence of which particulars were endorsed under section 169 or, as the case may be, section 188.

194. Regulations for purposes of this Part

The Governor may by regulations make provision as to any matter incidental to the operation of this Part.

195. Service of documents

(1) Subject to any requirement of this Part with respect to the manner in which a person may be provided with any such document, the person may be provided with the following documents by post (but without prejudice to any other method of providing the person with them), that is to say—

(a) any of the statutory statements mentioned in Schedule 7, and

(b) any of the documents mentioned in section 177(2).

(2) A notice to owner may be served on any person —

(a) by delivering it to the person or by leaving it at the person's proper address, or

(b) by sending it to the person by post,

and where the person on whom such a notice is to be served is a body corporate it is duly served if it is served on the secretary or clerk of that body.

(4) For the purposes of this Part the proper address of any person in relation to the service on the person of a notice to owner is —

(a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body, and

(b) in any other case, the person's last known address at the time of service.

PART XII GENERAL PROVISIONS FOR TRAFFIC REGULATION AND TRAFFIC REGULATION IN PARTICULAR CASES

196. Traffic regulation orders

The Governor may make an Order (referred to in this Ordinance as a "traffic regulation order") in respect of a road if it appears to the Governor that it is expedient to make it—

(a) for avoiding danger to persons or other traffic using the road or any other road or for the purpose of avoiding the likelihood of any such danger arising;

(b) for preventing damage to the road or to any building on or near the road;

(c) for facilitating the passage on the road or on any other road of any class of traffic (including pedestrians);

(d) for preventing the use of the road by vehicular traffic of a kind which, or the use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property;

(e) (without prejudice to the generality of paragraph (d)) for preserving the character of the road in a case where it is specially suitable for use by persons on foot; or

(f) for preserving or improving the amenities of the area through which the road runs.

197. What a traffic regulation order may provide

(1) A traffic regulation order may make any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order —

(a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it; and

(b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.

(2) The provision that may be made by a traffic regulation order includes any provision —

(a) requiring vehicular traffic, or vehicular traffic of any class specified in the order, to proceed in a specified direction or prohibiting it so proceeding;

(b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction;

(c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles;

(d) prohibiting the use of roads by through traffic; or

(e) prohibiting or restricting overtaking.

(3) The provision that may be made by a traffic regulation order also includes provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by, or by any specified class of, pedestrians —

(a) either generally or subject to exceptions specified in the order, and

(b) either at all times or at times, on days or during periods so specified.

(4) The Governor may include in a traffic regulation order any such provision —

(a) specifying through routes for heavy commercial vehicles, or

(b) prohibiting or restricting the use of heavy commercial vehicles (except in such cases, if any, as may be specified in the order) in such roads as may be so specified.

198. Restrictions on traffic regulation orders

(1) A traffic regulation order shall not be made with respect to any road which would have the effect —

(a) of preventing at any time access for pedestrians, or

(b) of preventing for more than 8 hours in any period of 24 hours access for vehicles of any class,

to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians, or (as the case may be) for vehicles of that class, from, and only from, the road.

(2) Subsection (1) so far as it relates to vehicles, shall not have effect in so far as the Governor is satisfied, and it is stated in the order that they are satisfied, that —

(a) for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or

(b) for preventing the likelihood of any such danger arising, or

(c) for preventing damage to the road or buildings on or near it, or

(d) for facilitating the passage of vehicular traffic on the road, or

(e) for preserving or improving the amenities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles,

it is requisite that subsection (1) should not apply to the order.

(3) Provision for regulating the speed of vehicles on roads shall not be made by a traffic regulation order.

199. Provisions supplementary to sections 196 and 197

(1) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 210) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on and near a road shall be deemed to be lawfully in place unless the contrary is proved.

(2) A traffic regulation order which imposes any restriction on the use by vehicles of a road, or the waiting of vehicles in a road, may include provision with respect to the issue and display of

certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(3) A traffic regulation order may also include provision with respect to the issue, display and operation of devices for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a road in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

200. Contravention of traffic regulation order

A person who contravenes a road traffic regulation order or who uses a vehicle, or causes or permits a vehicle to be used in contravention of a road traffic regulation order commits an offence.

201. Temporary prohibition or restriction on roads

(1) If the Director is satisfied that traffic on the road should be restricted or prohibited —

(a) because works are being or are proposed to be executed on or near the road; or

(b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works;

the Director may by notice restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as the Director may consider necessary.

(2) In subsection (1) “notice” means a notice published on at least three occasions by being broadcast over a public radio broadcasting station or on at least one occasion in a weekly newspaper published in the Falkland Islands.

(3) The Director may at any time by notice published on a radio broadcasting station restrict or prohibit temporarily the use of the road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to the Director that it is —

(a) necessary or expedient for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1); or

(b) necessary for the reason mentioned in paragraph (b) of that subsection,

that the restriction or prohibition should come into force without delay.

(4) When considering the publication of a notice under the foregoing provisions the Director shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the notice.

(5) The provision that may be made by a notice under the foregoing provisions is —

(a) any such provision as is mentioned in section 197(1), (2) or (3) or 199(1); or

(b) any provision restricting the speed of vehicles;

but no such notice shall be published with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

(6) Where any such notice is published by the Director any such provision as is mentioned in subsection (5) may be made by notice by the Director as respects any alternative road.

(7) Section 197(1) and (3) shall apply to the provisions that may be made under subsection (6) as they apply to the provisions of a traffic regulation order.

(8) A notice published under this section may for either of the reasons mentioned in subsection (1) suspend any such provision as is mentioned in subsection (6) without imposing any such restriction or prohibition as is mentioned in subsection (1) or (3).

(9) In this section “alternative road”, in relation to a road as respects which a notice is issued under subsection (1) or (3), means a road which —

(a) provides an alternative route for traffic diverted from the first-mentioned road or from any other alternative road; or

(b) is capable of providing such an alternative route apart from any statutory provision authorised by subsection (8) to be suspended by a notice issued by virtue of subsection (6).

(10) A person commits an offence who contravenes, or who uses or permits the use of a vehicle in contravention of, a prohibition or restriction imposed under this section.

202. Duration of notices under section 201

(1) Subject to subsections (2), (3) and (5) a notice under section 201 shall not continue in force for more than six months from the date on which it comes into force.

(2) The time-limit of six months in subsection (1) shall not apply to a notice made for the reason mentioned in section 201(1)(a) if the Director is satisfied and it is stated in the notice that the Director is satisfied that the execution of the works in question will take longer; but in any such case the Director shall revoke the notice as soon as the works are completed.

(3) Where a notice subject to the time-limit of six months in subsection (1) (in this subsection referred to as “the notice”) has not ceased to be in force the Governor may from time to time direct that the notice shall continue in force for a further period not exceeding six months from the date on which it would otherwise cease to be in force.

203. Prohibition or restriction on roads in connection with certain events

(1) In this section “event” means any sporting event, parade, social event, entertainment, wedding, funeral or other event in relation to which the chief police officer believes that traffic or parking on a road should be prohibited or restricted.

(2) If the chief police officer believes that traffic or parking on a road should be prohibited or restricted for the purpose of—

- (a) facilitating the holding of the event;
- (b) enabling members of the public to watch or attend the event, or
- (c) reducing the disruption likely to be caused by the event,

the chief police officer may by placing temporary traffic signs or barriers restrict or prohibit temporarily the use of that road or any part of it, by vehicles or vehicles of any class or by pedestrians, to such extent and subject to such conditions or exceptions as the chief police officer may consider necessary or expedient.

(3) A restriction or prohibition under subsection (2) shall not without the prior consent of the Governor continue in force for a period of more than three days beginning with the day on which it comes into force.

(4) A person commits an offence who contravenes a prohibition or restriction under subsection (2).

204. Regulation of use of roads by public service vehicles

(1) The Governor may make Orders—

- (a) for determining the roads which may or may not be used by public service vehicles;
- (b) for fixing stands for public service vehicles on such roads;
- (c) as to the places at which public service vehicles may stop for a longer time than is necessary for taking up and setting down passengers; and
- (d) as to the manner of using such stands and places.

(2) Any such order may be made—

- (a) so as to apply only to public service vehicles of a specified class, or
- (b) so as to have effect as respects a limited period only or as respects only limited periods in the year,

and may make different provision for different classes of public service vehicles.

(3) A person commits an offence who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an Order under this section.

205. Prohibition or restriction of use of vehicles on roads of certain classes

(1) The Governor if satisfied that it is desirable to do so, may by order, prohibit or restrict, subject to such exceptions and conditions as to occasional use or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order.

(2) A prohibition or restriction under this section may be imposed either generally or in relation to any class of vehicle; and for the purposes of this section the Governor may classify roads in any manner the Governor thinks fit, having regard to their character and situation or the nature of the traffic to which they are suited, and may determine in what class a particular road shall be included.

(3) A person commits an offence who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an Order under this section.

PART XIII

CROSSINGS, TRAFFIC SIGNS AND SPEED LIMITS

Pedestrian crossings

206. Pedestrian crossings

The Governor may establish on roads such crossings for pedestrians as the Governor considers necessary.

207. Pedestrian crossing regulations

(1) The Governor may make regulations with respect to the precedence of vehicles and pedestrians respectively, and generally with respect to the movement of traffic (including pedestrians), at and in the vicinity of crossings.

(2) Without prejudice to the generality of subsection (1) regulations under that subsection may be made —

(a) prohibiting pedestrian traffic on the carriageway within 100 yards of a crossing, and

(b) with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(3) Different regulations may be made under this section in relation to different traffic conditions, and in particular (but without prejudice to the generality of the foregoing words) different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and in relation to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and traffic which is not controlled.

(4) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.

(5) A person commits an offence who contravenes any regulations made under this section.

(6) In this section "crossing" means a crossing for pedestrians established by the Governor under section 206 and indicated in accordance with the regulations having effect as respects that crossing; and, for the purposes of a prosecution for a contravention of the provisions of a regulation having effect as respects a crossing, the crossing shall be deemed to be so established and indicated unless the contrary is proved.

School crossings

208. Arrangements for school crossing patrols

(1) Arrangements may be made by the Director of Education for the patrolling of places where children cross roads on their way to or from school, or from one part of a school to another, by any person who is a public officer.

(2) The powers under subsection (1) extend to any pedestrian crossing established under section 206 if the crossing is used by children for the purposes mentioned in subsection (1).

209. Stopping of vehicles at school crossings

(1) When a vehicle is approaching a place in a road where a person is crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Governor shall have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required under subsection (1) to stop a vehicle —

(a) the person shall cause the vehicle to stop before reaching the place where the person is crossing or seeking to cross and so as not to stop or impede the person's crossing, and

(b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) A person commits an offence who fails to comply with paragraph (a) of subsection (2) or who causes a vehicle to be put in motion in contravention of paragraph (b) of that subsection, shall be guilty of an offence.

(4) In this section —

(a) "prescribed sign" means a sign of a size, colour and type prescribed by regulations made by the Governor or, if authorisation is given by the Governor for the use of signs of a description not so prescribed, a sign of that description;

(b) “school crossing patrol” means a person authorised to patrol in accordance with arrangements under section 208;

and regulations under paragraph (a) may provide for the attachment of reflectors to signs or for the illumination of signs.

(5) For the purposes of this section —

(a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed, unless the contrary is proved, to be of a size, colour and type prescribed, or of a description authorised, under subsection (4)(b) and, if it was exhibited in circumstances in which it was required by the regulations to be illuminated, to have been illuminated in the prescribed manner; and

(b) where it is proved that a school crossing patrol was wearing a uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Governor.

Traffic signs

210. General provisions as to traffic signs

(1) In this Ordinance “traffic sign” means any object or device (whether fixed or portable) for conveying to traffic on roads or any specified class of traffic; warnings, information, requirements, restrictions or prohibitions of any description if specified by regulations made by the Governor or otherwise authorised by the Governor and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the size, colour and type prescribed by regulations except where the Governor authorises the erection or retention of a sign of another character; and for the purposes of this subsection illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

(4) Except as provided by this Ordinance, no traffic sign shall be placed on or near a road.

(5) Regulations under this section or any authorisation under subsection (2) may provide that section 40 (drivers to comply with traffic directions) shall apply to signs of a type specified in that behalf by the regulations or, as the case may be, to the sign to which the authorisation relates.

(6) References in any written law (including this Ordinance) to the erection or placing of traffic signs shall include references to the display of traffic signs in any manner, whether or not involving fixing or placing.

(7) A police officer or a person acting under the instructions (whether general or specific) of the chief police officer, may place on a road, or on any structure on a road, traffic signs (of any size, colour and type prescribed or authorised under subsection (1)) indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite for preventing obstruction on public occasions.

(8) In subsection (7) “prescribed” means prescribed by regulations under subsection (1).

211. Powers and duties of Director as to placing of traffic signs

(1) The Director may cause or permit traffic signs to be placed on or near a road, subject to and in conformity with such general directions as may be given by the Governor.

(2) The power to give general directions under subsection (1) includes power to require equipment used in connection with traffic signs to be of a type approved in accordance with the directions.

(3) The Governor may give directions to the Director —

(a) for the placing of a traffic sign of any prescribed type or authorised character specified in the directions, or

(b) for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

(4) The power to give general directions under subsection (1) shall be by order or by regulations.

212. Emergencies and temporary obstructions

(1) A police officer or a person acting under the instructions (whether general or specific) of the chief police officer, may place on a road, or on any structure on a road, traffic signs (of any size, colour and type prescribed or authorised under section 210(1)) indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of 7 days or less from the time when it was placed, but no longer.

(2) Section 40 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by subsection (1).

(3) Regulations under section 210(1) prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising (subject to such conditions as may be specified in the regulations) persons not otherwise authorised to do so to place an object or device of that type on or near roads, or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

Speed limits

213. General speed limits for restricted roads

(1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding 25 miles per hour.

(2) For the purposes of this section a restricted road is a road —

(a) within the boundaries of Stanley to which no different speed limit applies by Order under section 214 or having effect as if made under section 214;

(b) outside Stanley to which no different speed limit applies by Order under section 214 or having effect as if made under section 214.

214. Speed limits on roads other than restricted roads

(1) An order made by the Governor under this subsection as respects any road may prohibit —

(a) the driving of motor vehicles on that road at a speed exceeding that specified in the order,

(b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order, or

(c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.

(2) An order made by virtue of subsection (1)(c) may —

(a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given, and

(b) provide for the indications to be given only in such circumstances as may be determined by or under the order.

(3) While an order made by virtue of subsection (1)(a) is in force as respects a road, that road shall not be a restricted road for the purposes of section 213.

215. Speed limits for particular classes of vehicles

(1) It shall not be lawful for a person to drive a motor vehicle of any class on a road at a speed greater than the speed specified in Schedule 8 as the maximum speed in relation to a vehicle of that class.

(2) Subject to subsection (4) the Governor may by order vary, subject to such conditions as may be specified in the order, the provisions of that Schedule.

(3) An order under this section may make different provision as respects the same class of vehicles in different circumstances.

(4) The Governor shall not have power under this section to vary the speed limit imposed by section 213.

(5) The Governor shall not have power under this section to impose a speed limit, as respects driving on roads which are not restricted roads for the purposes of section 213 on a vehicle which —

- (a) is constructed solely for the carriage of passengers and their effects;
- (b) is not adapted to carry more than 8 passengers exclusive of the driver;
- (c) is neither a heavy motor car nor an invalid carriage;
- (d) is not drawing a trailer; and
- (e) is fitted with pneumatic tyres on all its wheels.

216. Exemption of fire service, ambulance or police purposes

No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

217. Traffic signs for indicating speed restrictions

(1) For the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road, it shall be the duty of the Director to erect and maintain traffic signs in such positions as may be requisite for that purpose.

(2) In any proceedings for a contravention of section 213, unless it is proved that an order under section 214 or having effect as if made under that section applies to that road, it shall be presumed that section 213 applies to that road.

218. Speeding offences generally

(1) A person commits an offence who drives a motor vehicle on a road at a speed exceeding a limit imposed by or under any provision of written law.

(2) A person prosecuted for such an offence shall not be liable to be convicted solely on the evidence of one witness to the effect that, in the opinion of the witness, the person prosecuted was driving the vehicle at a speed exceeding a specified limit.

(3) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey, or any stage of part of any journey, is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey (or that stage or part of it) to be completed in the specified time without the commission of such an offence as is mentioned in subsection (1), the

publication or issue of the time-table or schedule, or the giving of the directions may be produced as prima facie evidence that the employer procured or (as the case may be) incited the persons employed by him to drive the vehicles to commit such an offence.

Removal of vehicles

219. Removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down

(1) The Governor may by regulations make provision for the removal of vehicles which have been permitted to remain at rest —

(a) on a road in contravention of any prohibition or restriction contained in any written law, or

(b) on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons, or

(c) on a road, or on any land in the open air, in such a position or in such condition or in such circumstances as to appear, to an authority empowered by the regulations to remove such vehicles, to have been abandoned without lawful authority,

or which have broken down on a road.

(2) Regulations under this section may provide, in the case of a vehicle which may be removed from a road, for the moving of the vehicle from one position on a road to another position on that or another road.

(3) Where it appears to an authority which (apart from this subsection) is empowered to remove a vehicle in pursuance of regulations under this section that the vehicle is on land which is occupied by any person, the authority shall give the person notice in the prescribed manner that the authority proposes to remove the vehicle in pursuance of the regulations, and shall not be entitled to remove it if that person objects to the proposal in the prescribed manner and within the prescribed period.

(4) Where in pursuance of regulations under this section an authority proposes to remove a vehicle which appears to the authority to be abandoned and in the authority's opinion is in such a condition that it ought to be destroyed, then (except where the authority is empowered by the regulations to remove the vehicle from a road in a case falling within paragraph (a) or (b) of subsection (1)) the authority shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority proposes to remove it for destruction when that period expires.

(5) While a vehicle is in the custody of an authority in pursuance of regulations made under or having effect as if made under this section, other than a vehicle which in the opinion of that authority is in such a condition that it ought to be destroyed, it is the duty of that authority to take such steps as are reasonably necessary for the safe custody of the vehicle.

(6) In this section —

(a) “authority” means the chief police officer or the Director or any police officer or other public officer authorised by either of them to exercise the person’s functions under regulations made under, or having effect as if made under, this section; and

(b) “vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle.

220. Ultimate disposal of vehicles abandoned and removable under section 219

(1) Subject to subsection (2) and (3) an authority may, in such manner as they think fit, dispose of a vehicle which appears to them to be abandoned and which has been, or could at any time be, removed in pursuance of regulations under section 219.

(2) The time at which an authority may dispose of a vehicle under subsection (1) is as follows, that is to say —

(a) in the case of a vehicle which in the authority’s opinion is in such a condition that it ought to be destroyed and on which no vehicle licence was displayed at the time of its removal, any time after its removal;

(b) in the case of a vehicle which in their opinion is in such condition that it ought to be destroyed and on which a current vehicle licence was so displayed, any time after the vehicle licence expires;

(c) in any other case, any time after such steps as may be prescribed have been taken by the authority (or partly by one authority and partly by another) to find a person appearing to the authority taking such steps to be the owner of the vehicle and either —

(i) the authority has failed to find such a person; or

(ii) that person has failed to comply with a notice served on the person in the prescribed manner by an authority requiring the person to remove the vehicle from the authority’s custody within the prescribed period,

but, in a case, where it appears to the authority proposing to dispose of the vehicle that a vehicle licence is in force in respect of the vehicle, not a time earlier than the expiry of the vehicle licence.

(3) If, before a vehicle is disposed of by an authority in pursuance of subsection (1) and (2) the vehicle is claimed by a person who satisfies the authority that the person is its owner and pays such sums in respect of its removal and storage as may be prescribed by regulations or, in default of such regulations having been made, such sum not exceeding £50 in respect of the removal of the vehicle and such sum not exceeding £2 a day in respect of its storage, the authority shall

permit the person to remove the vehicle from the authority's custody within 14 days or such greater period as the authority may allow.

(4) If, before the end of the period of one year beginning with the date on which a vehicle is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale the person was the owner of the vehicle, that authority shall pay the person any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as are payable under subsection (3).

(5) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of subsection (3) and (4).

(6) In this section —

“authority” has the same meaning as it has under section 219(6);

“owner” in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“vehicle licence”, in relation to a vehicle means a vehicle licence issued under section 232.

Provision as to enforcement

221. Information as to identity of driver

(1) This section applies in respect of any offence under any provision of this Ordinance relating to the use of vehicles on roads.

(2) Where the driver of a vehicle is alleged to have committed an offence to which this section applies —

(a) the person keeping the vehicle shall give such information as to the identity of the driver as the person may be required to give by or on behalf of the chief police officer, and

(b) any other person shall, if required by or on behalf of the chief police officer, give any information which it is in the person's power to give and which may lead to the identification of the driver.

(3) In subsection (2), references to the driver of a vehicle include references to a person riding a bicycle or tricycle (not being a motor vehicle).

(4) A person who fails to comply with the requirements of subsection (2) commits an offence unless the person shows to the satisfaction of the court that the person did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle or, as the case may be, the rider of the bicycle or tricycle.

PART XIV
REGISTRATION AND TAXATION OF VEHICLES
Registration

222. Registration of motor vehicles

(1) Every motor vehicle in the Falkland Islands shall within twenty-eight days of its first being used in the Falkland Islands be registered except that any vehicle owned by the Crown in right of Her Majesty's Government in the United Kingdom need not be registered.

(2) For the purposes of subsection (1), a motor vehicle is not used merely by reason of its being driven from the point of its arrival in the Falkland Islands to a place where it will be kept until sold or otherwise disposed of or by reason of its being driven for the purpose of demonstration to a person interested in the acquisition of that vehicle.

(3) The obligation to register a motor vehicle is upon the person who, otherwise than under a contract for hire of the vehicle for a period of less than fourteen days, is for the time being in law entitled against all others to the possession and use of that vehicle.

(4) Any person who —

(a) being obliged under subsection (3) to register a motor vehicle, fails to do so; or

(b) except as is permitted by this Ordinance drives a motor vehicle required to be registered while it remains unregistered,

commits an offence unless the person proves that the person was not aware that the motor vehicle was not registered.

223. Registration regulations

(1) The Governor may by regulations —

(a) make provision with respect to the registration of vehicles;

(b) require the chief police officer to make with respect to registered vehicles the returns prescribed by the regulations;

(c) provide for making any particulars contained in the register available for use by the persons prescribed by the regulations on payment, in cases so prescribed of a fee of such amount as is prescribed,

(d) require a person by through or to whom any vehicle is sold or disposed of to furnish the particulars prescribed by the regulations in the manner so prescribed;

(e) require a person by or through whom any vehicle is sold or disposed of to furnish the person to whom it is sold or disposed of with such document relating to the vehicle's

registration as may be prescribed by regulations, and to do so at such time as may be so prescribed;

(f) provide for the issue of registration documents in respect of the registration of a vehicle,

(g) provide for the transfer, surrender and production of registration documents,

(h) provide for the inspection of registration documents by the persons prescribed by the regulations;

(i) provide for the issue of new registration documents in place of registration documents which are or may be lost, stolen, surrendered, destroyed or damaged or which contain any particulars which have become illegible or inaccurate;

(j) provide for a fee of such amount as is prescribed to be paid on the issue of new registration documents in any of the circumstances mentioned in paragraph (i).

(2) Regulations under subsection (1)(f) may, in particular —

(a) provide that registration documents need not be issued in respect of a vehicle until the vehicle has been inspected on behalf of the chief police officer and that registration of that vehicle may be refused if, for a reason to be specified in a notice served upon the applicant, the vehicle could not in its existing state be lawfully used on a road in the Falkland Islands or appears to have been stolen;

(b) provide for appeals to the Magistrate's Court against such a refusal of registration.

(3) The Governor may by regulations require a person —

(a) who surrenders a vehicle licence under section 235(2),

(b) who does not renew a vehicle licence for a vehicle registered under this Ordinance in the person's name,

(c) who does not renew a vehicle licence for a vehicle kept by the person, or

(d) who keeps an unlicensed vehicle at any place in the Falkland Islands,

to furnish such particulars and make such declarations as may be prescribed by the regulations, and to do so at such times and in such manner as may be so prescribed.

(4) For the purposes of subsection (3)(b) a person shall be regarded as not renewing a vehicle licence for a vehicle registered in the person's name if —

(a) a vehicle for which a vehicle licence is in force is registered in the person's name, and

(b) the person does not, at such time as may be prescribed by the regulations or within such period as may be so prescribed, take out a vehicle licence to have effect from the expiry of the vehicle licence mentioned in paragraph (a).

(5) For the purposes of subsection (3)(c) a person shall be regarded as not renewing a vehicle licence for a vehicle kept by the person if—

(a) the person keeps a vehicle for which a vehicle licence is in force, and

(b) the person does not, at such time as may be prescribed by the regulations or within such period as may be so prescribed, take out a vehicle licence to have effect from the expiry of the vehicle licence mentioned in paragraph (a).

(6) For the purposes of subsection (3)(d) a vehicle is unlicensed if no vehicle licence is in force for the vehicle.

(7) Regulations under subsection (3) may make such transitional provision as appears to the Governor to be appropriate.

(8) Regulations made by the Governor may—

(a) extend any of the provisions as to registration (and provisions incidental to any of those provisions) to, and

(b) provide for the identification of,

any vehicles belonging to the Crown or any trailers.

Registration marks

224. Registration marks

(1) Where the chief police officer registers a vehicle under section 222(1) the chief police officer shall assign to the vehicle a mark (a “registration mark”) indicating the registered number of the vehicle.

(2) The chief police officer may, in such circumstances as the chief police officer may determine—

(a) assign a registration mark to a vehicle to which another registration mark has previously been assigned,

(b) assign to a vehicle (whether on its first registration or later) a registration mark previously assigned to another vehicle,

(c) (whether or not in connection with an assignment within paragraph (a) or (b)) withdraw any registration mark for the time being assigned to a vehicle, and

(d) re-assign to a vehicle a registration mark previously assigned to it but subsequently withdrawn.

(3) The Governor may by regulations provide that the registration mark for the time being assigned to a vehicle shall be fixed, in the manner prescribed by the regulations, on the vehicle, on any other vehicle drawn by the vehicle or on both.

(4) The Governor may by regulations prescribe —

(a) the size, shape and character of registration marks to be fixed on any vehicle, and

(b) the manner in which registration marks are to be displayed and rendered easily distinguishable (whether by day or by night).

(5) The Governor may by regulations provide for —

(a) the allocation for a fee prescribed by the regulations to an applicant of a particular registration mark to that person;

(b) the sale by tender or auction of the rights to particular registration marks;

(c) the transfer of the rights to registration marks allocated under (a) or (b).

225. Assignment of registration marks by motor dealers

(1) The Governor may by regulations make such provision as the Governor considers appropriate with respect to the allocation of registration marks for vehicles to motor dealers who

(a) apply for such allocations, and

(b) appear to the chief police officer suitable to receive them,

and with respect to the assigning of the marks to vehicles by motor dealers.

(2) Regulations under this section may, in particular, include provision —

(a) as to mode of application for the allocation of registration marks,

(b) as to the transfer of registration marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and in such other cases as may be prescribed by the regulations, and

(c) as to cancellation of allocations of registration marks.

(3) The provision which may be made by regulations under this section also includes provision for —

(a) restricting the circumstances in which a motor dealer may assign a registration mark to a vehicle,

(b) securing that registration marks allocated to a motor dealer are assigned by the person in such sequence as the chief police officer considers appropriate and that no registration mark is assigned to a vehicle to which a registration mark has already been assigned, and

(c) requiring a motor dealer to furnish to the chief police officer and the person to whom the motor dealer disposes of the vehicle within the period prescribed by the regulations such particulars in respect of each vehicle to which the motor dealer assigns a registration mark as are so prescribed.

(4) Where the chief police officer cancels an allocation of registration marks made to a motor dealer —

(a) the cancellation does not take effect before the end of the period prescribed by regulations made by the Governor, and

(b) where during that period the motor dealer requests the Governor to review the chief police officer's decision, the cancellation does not take effect before the Governor gives notice in writing of the result of the review to the motor dealer.

226. Retention of registration mark pending transfer

(1) The Governor may by regulations provide for a person in whose name a vehicle is registered under this Part to be granted a right to have the registration mark for the time being assigned to the vehicle assigned to some other vehicle which is registered under this Part —

(a) in that person's name, or

(b) in the name of some other person nominated by the person in accordance with the regulations.

(2) Regulations under this section may, in particular, make provision —

(a) for the manner in which an application for the grant of such a right (a "right of retention") is to be made to the chief police officer,

(b) for the payment of a fee prescribed by the regulations on the making of such an application and for the whole or part of the fee to be retained whether or not the application is granted,

(c) for requiring the vehicle to which the registration mark is for the time being assigned to be made available for inspection at a place designated by or under the regulations,

(d) for authorising the chief police officer to refuse such an application on such grounds as the chief police officer thinks fit,

- (e) with respect to the manner in which rights of retention are to be exercisable,
- (f) for rights of retention to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),
- (g) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a right of retention,
- (h) for authorising the chief police officer to revoke a right of retention —
 - (i) if it appears to the chief police officer that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the regulations,
- (i) for allowing a person to be nominated in place of a person when an application for the grant of a right of retention is made or to be nominated at a later time,
- (j) for allowing a different person to be nominated in place of a person already nominated,
- (k) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed, and
- (l) for the payment, in connection with the assignment of a registration mark pursuant to a right of retention, of such charge as is for the time being prescribed.

(3) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (2)(f) or (l).

Registration plates

227. Registration plates

- (1) The Governor may by regulations —
 - (a) prescribe specifications for registration plates (whether relating to their size, shape, material of manufacture or otherwise),
 - (b) provide for registration plates to contain or display such information other than registration marks or (as the case may be) special registration marks as may specified or described in the regulations.
- (2) Regulations under subsection (1)(b) may, in particular, prescribe the form and manner in which any such information is to be contained or displayed.
- (3) In this section “registration plates” means —

(a) plates or other devices for displaying registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 224(3), or

(b) plates or other devices for displaying special registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 223(7),

and includes plates or other devices which are also for containing or displaying information other than registration marks or (as the case may be) special registration marks (whether or not such information is to be contained or displayed by virtue of regulations under this section).

(4) In this section “special registration mark” means a mark indicating the registered number of a vehicle or trailer and assigned to the vehicle or trailer by virtue of regulations under section 223(7).

Vehicle licences

228. Vehicle licences

(1) A vehicle tax shall be charged in respect of every mechanically propelled vehicle that—

(a) is registered under this Part; or

(b) is not so registered but is used, or kept, on a road,

unless the vehicle is owned by the Crown in right of the Falkland Islands or in right of the United Kingdom.

(2) In this part “vehicle” means —

(a) a mechanically propelled vehicle, or

(b) any thing (whether or not it is a vehicle) that has been, but has ceased to be a mechanically propelled vehicle,

but does not include any vehicle, whether or not mechanically propelled, which is controlled by a pedestrian.

(3) Except as may be provided by regulations, vehicle tax shall not be charged in respect of a trailer used or kept on a road.

(4) Vehicle tax charged in respect of a vehicle by subsection (1) or (2) shall be paid on a licence to be taken out by the person keeping the vehicle.

(5) A licence taken out for a vehicle is in this Ordinance referred to as a “vehicle licence”.

(6) The Governor may make regulations for the purposes of subsection (3).

229. Annual rates of vehicle tax

(1) Vehicle tax in respect of any description is chargeable by reference to the annual rate currently applicable to it in accordance with the provisions of the Finance Ordinance currently in force or, if none, regulations under subsection (2).

(2) The Governor may make regulations prescribing the annual rate of vehicle tax and such regulations may prescribe differing annual rates for differing descriptions of vehicles.

230. Duration of licences

(1) A vehicle licence may be taken out for any vehicle for any period of twelve months running from the beginning of the month in which the licence first has effect.

(2) Where the annual rate of vehicle tax in respect of vehicles of any description exceeds £50, a vehicle licence may be taken out for a vehicle of that description for a period of one, two, three, four or six months running from the beginning of the month in which the licence first has effect.

(3) The Governor may by Order amend subsection (2) by substituting a higher or lower sum for that for the time being appearing therein.

231. Amount of vehicle tax

(1) Where a vehicle licence for a vehicle of any description is taken out for any period of twelve months, vehicle tax shall be paid on the licence at the annual rate of tax applicable to vehicles of that description.

(2) Where a vehicle licence for a vehicle of any description is taken out —

(a) for a period of six months, vehicle tax shall be paid on the licence at a rate equal to fifty-five per cent of that annual rate;

(b) for a period of four months, vehicle tax shall be paid on the licence at a rate equal to thirty-seven per cent of that annual rate;

(c) for a period of three months, vehicle tax shall be paid on the licence at a rate equal to twenty-eight per cent of that annual rate,

(d) for a period of two months, vehicle tax shall be paid on the licence at a rate equal to nineteen per cent of the annual rate, and

(e) for a period of one month, vehicle tax shall be paid on the licence at a rate equal to ten per cent of the annual rate.

(3) In determining a rate of duty under subsection (2) any fraction of five pence —

(a) if it exceeds two and a half pence, shall be treated as five pence, and

(b) otherwise, shall be disregarded.

232. Issue of vehicle licences

(1) Every person applying for a vehicle licence shall —

(a) make any such declaration, and

(b) furnish any such particulars and any such documentary or other evidence,

as may be specified by the chief police officer.

(2) The declarations, particulars and evidence which may be so specified include, in relation to a person applying for a licence a declaration as to, particulars of and evidence in relation to any of the matters specified in subsection (3) as to which the chief police officer may require.

(3) The matters referred to in subsection (2) are —

(a) the insurance in place in respect of the use of the vehicles;

(b) the mechanical condition of the vehicle,

(c) the place where the vehicle has been or is normally kept, and

(d) the use to which the vehicle has been or is likely to be put.

(4) A vehicle licence is issued for the vehicle specified in the application for the licence (and for no other).

(5) The chief police officer is not required to issue a vehicle licence for which an application is made unless satisfied —

(a) that the licence applied for is the appropriate licence for the vehicle specified in the application, and

(b) in the case of an application for a licence for a vehicle purporting to be the first application for a licence for the vehicle, that a licence has not previously been issued for the vehicle.

(6) Regulations made by the Governor may provide for —

(a) the return of any vehicle licence which is damaged or contains any particulars which have become illegible or inaccurate,

(b) the issue of a new vehicle licence in the place of a licence which is or may be lost, stolen, destroyed or damaged or which contains any particulars which have become illegible or inaccurate, and

(c) the fee to be paid on the issue of a new vehicle licence in any of those circumstances.

233. Supplement payable on late renewal of vehicle licence

(1) Regulations may make provision for a supplement of a prescribed amount to be payable in prescribed cases where —

(a) a vehicle licence taken out for a vehicle expires, and

(b) no vehicle licence is issued for the vehicle —

(i) before the end of such period beginning with the expiry of the expired licence as may be prescribed, and

(ii) for a period beginning with that expiry.

(2) A supplement under this section —

(a) shall be payable by such person, or jointly and severally by such persons, as may be prescribed;

(b) shall become payable at such time as may be prescribed;

(c) may be of an amount that varies according to the length of the period between —

(i) the expiry of the licence by reason of whose non-renewal the supplement becomes payable, and

(ii) the time at which the supplement is paid or that licence is renewed.

(3) A supplement under this section that has become payable —

(a) is in addition to any vehicle tax charged in respect of the vehicle concerned;

(b) does not cease to be payable by reason of a vehicle licence being taken out for the vehicle after the supplement has become payable;

(c) may, without prejudice to any provision of this Ordinance, be recovered as a debt due to the Crown.

(4) In this section —

(a) references to the expiry of a vehicle licence include a reference to —

(i) its surrender, and

(ii) its being treated as no longer in force for the purposes of subsection (2) of section 240 by subsection (4) of that section;

(b) “prescribed” means prescribed by, or determined in accordance with, regulations;

(c) “regulations” means regulations made by the Governor.

234. Late renewal supplements: further provisions

(1) The Governor may by regulations make provision for notifying the person in whose name a vehicle is registered under this Ordinance about —

(a) any supplement under section 233 that may or has become payable on non-renewal of a vehicle licence for the vehicle;

(b) when failure to renew a vehicle licence may result in the person being guilty of an offence under section 237(1).

(2) The Governor may by regulations make provision —

(a) for assessing an amount of supplement due under section 233 from any person and for notifying that amount to that person or any person acting in a representative capacity in relation to that person;

(b) for an amount assessed and notified under such regulations to be deemed to be an amount of vehicle tax due from the person assessed and recoverable accordingly;

(c) for review of decisions under such regulations and for appeals with respect to such decisions or decisions on such reviews.

235. Transfer and surrender of vehicle licences

(1) Any vehicle licence may be transferred in the manner described by regulations made by the Governor.

(2) The holder of a vehicle licence may at any time surrender the licence to the chief police officer.

(3) Where a licence is surrendered to the chief police officer under subsection (2), the holder is entitled to receive from the chief police officer (by way of rebate of the tax paid on the licence) an amount equal to one-twelfth of the annual rate of tax chargeable on the licence in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender.

236. Payment for licences by cheque

(1) The chief police officer may, if the chief police officer thinks fit, issue a vehicle licence on receipt of a cheque for the amount of the tax payable on it.

(2) In a case where —

(a) a vehicle licence is issued to a person on receipt of a cheque which is subsequently dishonoured, and

(b) the chief police officer sends a notice by post to the person informing the person that the licence is void as from the time when it was granted,
the licence shall be void as from the time when it was granted.

(3) In a case where —

(a) a vehicle licence is issued to a person on receipt of a cheque which is subsequently dishonoured,

(b) the chief police officer sends a notice by post to the person requiring the person to secure that the tax payable on the licence is paid within such reasonable period as is specified in the notice,

(c) the requirement in the notice is not complied with, and

(d) the chief police officer sends a further notice by post to the person informing the person that the licence is void as from the time when it was granted,

the licence shall be void as from the time when it was granted.

Offences

(a) Offence of keeping or using unlicensed vehicle

237. Penalty for using or keeping unlicensed vehicle

(1) If a person uses, or keeps, on a road a vehicle (not being an exempt vehicle) which is unlicensed the person commits an offence.

(2) For the purposes of subsection (1) a vehicle is unlicensed if no vehicle licence is in force for or in respect of the vehicle.

(3) Subject to subsection (4) a person convicted of an offence under subsection (1) is liable on summary conviction to a fine of—

(a) level 3 on the standard scale, or

(b) five times the amount of the vehicle tax chargeable in respect of that vehicle,

whichever is the greater.

(4) In the case of a person who —

(a) has provided the chief police officer with a declaration or statement (in pursuance of regulations under section 223) that the vehicle will not during a period specified in the declaration or statement be used or kept on a road, and

(b) commits an offence under subsection (1) within a period prescribed by regulations,

subsection (3) applies as if the reference in paragraph (a) to level 3 were a reference to level 4.

(5) Where a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.

(6) The amount of the vehicle tax chargeable in respect of a vehicle is to be taken for the purposes of subsection (3)(b) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.

(7) Where in the case of a vehicle kept (but not used) on a public road that annual rate differs from the annual rate by reference to which the vehicle was at that date chargeable under regulations under section 229(2) or any provisions of any Finance Ordinance for the time being in force, the amount of the vehicle tax chargeable in respect of the vehicle is to be taken for those purposes to be an amount equal to the latter rate.

(8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (6) and (7) to have been committed on the date or latest date to which the conviction relates.

238. Additional penalty for keeper of unlicensed vehicle

(1) Where the person convicted of an offence under section 237 is the person by whom the vehicle in respect of which the offence was committed was kept at the time at which it was committed, the court shall (in addition to any penalty which it may impose under that section) order the person to pay the amount specified in subsection (2).

(2) The amount referred to in subsection (1) is an amount equal to one-twelfth of the annual rate of vehicle tax appropriate to the vehicle for each month, or part of a month, in the relevant period (within the meaning of section 239).

(3) In relation to any month or part of a month in the relevant period, the reference in subsection (2) to the annual rate of vehicle tax appropriate to the vehicle is a reference to the annual rate applicable to it at the beginning of that month or part.

(4) A vehicle is to be taken for the purposes of this section to have belonged throughout the relevant period to the description of vehicle to which it belonged for the purposes of vehicle tax at —

(a) the date on which the offence was committed, or

(b) if the prosecution so elect, the date when a vehicle licence for it was last issued,

except so far as it is proved to have fallen within some other description for the whole of any month or part of a month in that period.

(5) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

239. Relevant period for purposes of section 238

(1) For the purposes of section 238 the relevant period is the period —

(a) ending with the date on which the offence was committed, and

(b) beginning as provided by subsections (2) to (4).

(2) Subject to subsection (4), if the person convicted has before the date of the offence notified the chief police officer of the person's acquisition of the vehicle in accordance with regulations made by the Governor, the relevant period begins with —

(a) the date on which the notification was received by the chief police officer, or

(b) the expiry of the vehicle licence last in force for the vehicle,

whichever is the later.

(3) Subject to subsection (4), in any other case the relevant period begins with —

(a) the expiry of the vehicle licence last in force for the vehicle before the date on which the offence was committed, or

(b) if there has not at any time before that date been a vehicle licence in force for the vehicle, the date on which the vehicle was first kept by the person convicted.

(4) Where —

(a) the person convicted has been ordered to pay an amount under section 238 on the occasion of a previous conviction for an offence in respect of the same vehicle, and

(b) that offence was committed after the date specified in subsection (2) or (3) as the date with which the relevant period begins,

the relevant period instead begins with the month immediately following that in which the earlier offence was committed.

(5) Where the person convicted proves —

(a) that throughout any month or part of a month in the relevant period the vehicle was not kept by the person, or

(b) that the person has paid the tax due in respect of the vehicle for any such month or part of a month,

any amount which the person is ordered to pay under section 238 is to be calculated as if that month or part of a month were not in the relevant period.

(6) Where a person has previously been ordered under section 247 to pay an amount for a month or part of a month in the case of a vehicle, any amount which the person is ordered to pay under section 238 in the case of a vehicle is to be calculated as if no part of that month were in the relevant period.

(7) In this section references to the expiry of a vehicle licence include a reference to —

(a) its surrender, and

(b) its being treated as no longer in force for the purposes of subsection (2) of section 237 by subsection (5) of that section.

(8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

(b) Offence of being registered keeper of unlicensed vehicle

240. Offence by registered keeper where vehicle unlicensed

(1) If a vehicle registered under this Part is unlicensed the person in whose name the vehicle is registered commits an offence.

(2) For the purposes of this section a vehicle is unlicensed if no vehicle licence is in force for or in respect of the vehicle.

(3) Subsection (1) does not apply to a vehicle if it is an exempt vehicle.

(4) Where a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.

241. Exceptions to section 240

(1) A person (“the registered keeper”) in whose name an unlicensed vehicle is registered at any particular time (“the relevant time”) does not commit an offence under section 240 at that time if any of the following conditions are satisfied.

(2) The first condition is that the registered keeper—

(a) is not at the relevant time the keeper of the vehicle, and

(b) if previously the person was the keeper of the vehicle, the person has by the relevant time complied with any requirements under section 223(1)(d) —

(i) that are prescribed for the purposes of this condition, and

(ii) that the person is required to have complied with by the relevant or any earlier time.

(3) The second condition is that —

(a) the registered keeper is at the relevant time the person keeping the vehicle,

(b) at the relevant time the vehicle is neither kept nor used on a road, and

(c) the registered keeper has by the relevant time complied with any requirements under section 223(3) —

(i) that are prescribed for the purposes of this condition, and

(ii) that the person is required to have complied with by the relevant or any earlier time.

(4) The third condition is that —

(a) the vehicle has been stolen before the relevant time,

(b) the vehicle has not been recovered by the relevant time, and

(c) any requirements under subsection (6) that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.

(5) The fourth condition is that the relevant time falls within a period (“the grace days”) —

(a) beginning with the expiry of the last vehicle licence to be in force for the vehicle, and

(b) of a prescribed length,

and a vehicle licence for the vehicle is taken out within the grace days for a period beginning with the grace days.

(6) The Governor may by regulations make provision for the purposes of subsection (4)(c) as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.

(7) The Governor may by regulations made provision amending this section for the purpose of providing for further exceptions to section 240(1) (or varying or revoking any such further exceptions).

(8) A person accused of an offence under section 240(1) is not entitled to the benefit of an exception conferred by or under this section unless evidence is adduced that is sufficient to raise an issue with respect to that exception, but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.

(9) In this section references to the expiry of a vehicle licence include a reference to —

(a) its surrender, and

(b) its being treated as no longer in force for the purposes of subsection (2) of section 240 by subsection (4) of that section.

242. Penalties for offences under section 240

(1) A person guilty of an offence under section 240(1) is liable on conviction to —

(a) a fine of —

(i) level 3 on the standard scale, or

(ii) five times the amount of vehicle tax chargeable in respect of the vehicle concerned,

whichever is the greater; and

(b) if subsection (3) applies to the person, a sum by way of fine (in addition to any under paragraph (a)) of an amount that complies with subsection (2).

(2) An amount complies with this subsection if it —

(a) is not less than the greater of —

(i) the maximum of the penalty to which the person is liable under subsection (1)(a), and

(ii) the amount of the supplement (if any) that became payable by the person by reason of non-renewal of the vehicle licence for the vehicle that last expired before the commission of the offence; and

(b) is not more than the greatest of —

(i) the maximum of the penalty to which the person is liable under subsection (1)(a),

(ii) the amount mentioned in paragraph (a)(ii), and

(iii) ten times the amount of vehicle tax chargeable in respect of the vehicle.

(3) This subsection applies to the person if—

(a) the person was, at the time proceedings for the offence were commenced, the person in whose name the vehicle concerned was registered under this Part, and

(b) that vehicle was unlicensed throughout the period beginning with the commission of the offence and ending with the commencement of those proceedings.

(4) The amount of vehicle tax chargeable in respect of a vehicle is to be taken for the purposes of subsections (1) and (2) to be an amount equal to the annual rate of tax applicable to the vehicle at the date on which the offence was committed.

(c) Offences under sections 237 and 240: Supplementary

243. Supplementary to sections 237 to 242

(1) Where in the case of an offence under section 237 or 240 there is made against a person an order discharging the person absolutely or conditionally the person is to be treated for the purposes of sections 237 to 242 as having been convicted.

(2) Section 238 has effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by courts of summary jurisdiction, other than any conferring a discretion as to their amount.

(3) Where a sum is payable by virtue of an order under section 238, the sum is to be treated as a fine and the order as a conviction for the purposes of Part III of the Magistrates' Courts Act 1980 and of any other enactment (including and having effect as if contained in that Part) relating to the recovery or application of sums ordered to be paid by courts of summary jurisdiction.

(d) Other offences relating to licences

244. Not exhibiting licence

(1) A person commits an offence if—

(a) the person uses, or keeps, a vehicle on a road if a vehicle licence is required in respect of that vehicle,

(b) there is not fixed to and exhibited on the vehicle in the manner prescribed by regulations made by the Governor a licence for, or in respect of, the vehicle which is for the time being in force.

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

(3) Subsection (1)—

(a) has effect subject to the provisions of regulations made by the Governor, and

(b) is without prejudice to sections 237 and 240.

(4) The Governor may make regulations prohibiting a person from exhibiting on a vehicle which is kept or used on a road anything —

(a) which is intended to be, or

(b) which could reasonably be,

mistaken for a licence which is for, or in respect of, the vehicle and which is for the time being in force.

245. Failure to return licence

A person commits an offence who knowingly fails to comply with any obligation under this Ordinance to return a vehicle licence and is liable on conviction of that offence to a fine not exceeding level 3 on the standard scale.

246. Dishonoured cheques

(1) In a case where —

(a) a notice sent as mentioned in section 236(3)(b) or a further notice sent as mentioned in section 236(3)(d) contains a relevant requirement, and

(b) the person fails to comply with the requirement contained in the notice,

he is liable on conviction to a penalty of an amount found under subsection (2).

(2) The amount is whichever is the greater of —

(a) level 3 on the standard scale;

(b) an amount equal to five times the annual rate of duty that was payable on the grant of the licence or would have been so payable if it had been taken out for a period of twelve months.

(3) For the purposes of subsection (1)(a), a relevant requirement is —

(a) a requirement to deliver up the licence within such reasonable period as is specified in the notice; or

(b) a requirement to deliver up the licence within such reasonable period as is so specified and, on doing so, to pay the amount specified in subsection (4).

(4) The amount referred to in subsection (3)(b) is an amount equal to one-twelfth of the appropriate annual rate of vehicle tax for each month, or part of a month, in the relevant period.

(5) The reference in subsection (4) to the appropriate annual rate of vehicle tax is a reference to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application.

(6) For the purposes of subsection (4) the relevant period is the period —

(a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and

(b) ending with whichever is the earliest of the times specified in subsection (7).

(7) In a case where the requirement is a requirement to deliver up a vehicle licence, those times are —

(a) the end of the month during which the licence was required to be delivered up,

(b) the end of the month during which the licence was actually delivered up,

(c) the date on which the licence was due to expire, and

(d) the end of the month preceding that in which there first had effect a new vehicle licence for the vehicle in question.

247. Dishonoured cheques: additional liability

(1) Where a person has been convicted of an offence under section 246 in relation to a vehicle licence, the court shall (in addition to any penalty which it may impose under that section) order the person to pay the amount specified in subsection (2).

(2) The amount referred to in subsection (1) is an amount equal to one-twelfth of the appropriate annual rate of the vehicle tax for each month, or part of a month, in the relevant period.

(3) The reference in subsection (2) to the appropriate annual rate of vehicle tax is a reference to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application.

(4) For the purposes of this section the relevant period is the period —

(a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and

(b) ending with whichever is the earliest of the times specified in subsection (5).

(5) Those times are —

(a) the end of the month in which the order is made,

(b) the date on which the licence was due to expire,

(c) the end of the month during which the licence was delivered up, and

(d) the end of the month preceding that in which there first had effect a new licence for the vehicle in question.

(6) Where a person has previously been ordered under section 238 to pay any amount for a month or part of a month in the case of a vehicle, any amount which the person is ordered to pay under this section in the case of a vehicle licence for the vehicle is to be calculated as if no part of that month were in the relevant period.

(7) Where —

(a) a person has been convicted of an offence under section 246 in relation to a vehicle licence, and

(b) a requirement to pay an amount with respect to that licence has been imposed on that person by virtue of section 246(3)(b),

the order to pay an amount under this section shall have effect instead of that requirement and the amount to be paid under the order shall be reduced by any amount actually paid in pursuance of the requirement.

(e) Offences related to registration marks

248. Not fixing registration marks

(1) If a registration mark is not fixed on a vehicle as required by virtue of section 222, the relevant person commits an offence and is liable on conviction to a fine not exceeding level 3 on the standard scale.

(2) In subsection (1) “the relevant person” means the person driving the vehicle or, where it is not being driven, the person keeping it.

249. Obscured registration mark

(1) If a registration mark fixed on a vehicle as required by virtue of section 224 is in any way —

(a) obscured, or

(b) rendered, or allowed to become, not easily distinguishable,

the relevant person commits an offence and is liable on conviction to a fine not exceeding level 3 on the standard scale.

(2) In subsection (1) “the relevant person” means the person driving the vehicle or, where it is not being driven, the person keeping it.

(3) It is a defence for a person charged with an offence under this section to prove that the person took all steps which it was reasonably practicable to take to prevent the mark being obscured or rendered not easily distinguishable.

(f) Other offences

250. Forgery and fraud

(1) A person commits an offence if the person forges, fraudulently alters, fraudulently uses, fraudulently lends or fraudulently allows to be used by another person anything to which subsection (2) applies.

(2) This subsection applies to —

- (a) a vehicle licence,
- (b) a registration mark, and
- (c) a registration document.

(3) A person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or to a fine not exceeding level 5 on the standard scale.

251. False or misleading declarations and information

(1) A person commits an offence who in connection with —

- (a) an application for a vehicle licence, or
- (b) an application for an allocation of registration marks,

makes a declaration which to the person's knowledge is either false or in any material respect misleading.

(2) A person commits an offence who makes a declaration or statement which —

- (a) is required to be made in respect of a vehicle by regulations under section 223; and
- (b) to the person's knowledge is either false or in any material respect misleading.

(3) A person commits an offence who —

- (a) is required by virtue of this Part to furnish particulars relating to, or to the keeper of, a vehicle, and
- (b) furnishes particulars which to the person's knowledge are either false or in any material respect misleading.

(4) A person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or to a fine not exceeding level 5 on the standard scale.

252. Duty to give information

(1) Where it is alleged that a vehicle has been used on a road in contravention of section 237 —

(a) the person keeping the vehicle shall give such information as the person may be required to give in accordance with subsection (7) as to the identity of the driver of the vehicle or any person who used the vehicle, and

(b) any other person shall give such information as it is in the person's power to give and which may lead to the identification of the driver of the vehicle or any person who used the vehicle if the person is required to do so in accordance with subsection (7).

(2) Where it is alleged that a vehicle has been kept on a road in contravention of section 237 —

(a) the person keeping the vehicle shall give such information as the person may be required to give in accordance with subsection (7) as to the identity of the person who kept the vehicle on the road, and

(b) any other person shall give such information as it is in the person's power to give and which may lead to the identification of the person who kept the vehicle on the road if the person is required to do so in accordance with subsection (7).

(3) Where it is alleged that a vehicle has at any time been used on a road in contravention of section 244, the person who is alleged to have so used the vehicle shall give such information as it is in the person's power to give as to the identity of the person who was keeping the vehicle at that time if the person is required to do so in accordance with subsection (7).

(4) A person commits an offence who fails to comply with subsection (1), (2) or (3).

(5) A person convicted of an offence under subsection (4) is liable to a fine not exceeding level 3 on the standard scale.

(6) If a person is charged with an offence under subsection (4) consisting of failing to comply with subsection (1)(a) or (2)(a), it is a defence for the person to show to the satisfaction of the court that the person did not know, and could not with reasonable diligence have ascertained, the identity of the person or persons concerned.

(7) A person is required to give information in accordance with this subsection if the person is required to give the information by or on behalf of the chief police officer or any public officer in the Treasury acting with the authority of the Financial Secretary.

253. Duty to give information: offences under regulations

(1) Subsection (2) applies where it appears to the chief police officer —

(a) that a person is a person by, through or to whom a vehicle has been sold or disposed of and that the person has failed to comply with regulations made by virtue of section 223(1)(d) requiring the person to furnish particulars prescribed by the regulations;

(b) that a person is a person by or through whom a vehicle has been sold or disposed of and that the person has failed to comply with regulations made by virtue of section 223(1)(e) requiring the person to furnish a document prescribed by the regulations; or

(c) that a person is a person who is surrendering a vehicle licence, or who is not renewing a vehicle licence for a vehicle kept by the person or who is keeping an unlicensed vehicle and that the person has failed to comply with regulations made by virtue of section 223(3) requiring the person to furnish particulars or make a declaration prescribed by the regulations.

(2) The chief police officer may serve a notice on the person in question requiring the person to give the chief police officer such information as it is in the person's power to give —

(a) as to the identity of any person who is keeping a specified vehicle or who has kept it at a specified time or during a specified period;

(b) as to the identity of any person by, through or to whom a specified vehicle has been sold or disposed of at a specified time or during a specified period; or

(c) which may lead to the identification of a person falling within paragraph (a) or (b).

(3) A person commits an offence who fails to comply with a notice under subsection (2) and is liable on summary conviction of that offence to a fine not exceeding level 3 on the standard scale.

(4) In this section "specified" means specified in a notice under subsection (2).

254. Time limit for recovery of underpayments and overpayments

No civil proceedings shall be brought —

(a) by or on behalf of the Crown for the recovery of any underpayment of vehicle tax; or

(b) by any person for the recovery of any overpayment of vehicle tax,

after the end of the period of twelve months beginning with the end of the period in respect of which the licence was taken out.

Evidence

255. Admissions

(1) This section applies where in any proceedings for an offence under section 237 —

(a) it is appropriately proved that there has been served on the accused by post a requirement under section 252(1) or (2) to give information as to the identity of —

(i) the driver of, or a person who used, a particular vehicle, or

(ii) the person who kept a particular vehicle on a road,

on the particular occasion on which the offence is alleged to have been committed, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the person was —

(i) the driver of, or a person who used, that vehicle, or

(ii) the person who kept that vehicle on a road,

on that occasion.

(2) Where this section applies, the court may accept the statement as evidence that the accused was —

(a) the driver of, or a person who used, that vehicle, or

(b) the person who kept that vehicle on a road,

on that occasion.

(3) Where this section applies, the court may accept the statement as evidence that the accused was —

(a) the driver of, or a person who used, that vehicle, or

(b) the person who kept that vehicle on a road.

(4) In subsection (1) “appropriately proved” mean proved to be satisfaction of the court —

(a) on oath (including by affidavit) by affirmation (or by statutory declaration), or

(b) by rules made under section 144 of the Magistrates’ Courts Act 1980.

256. Admissions: offences under regulations

(1) Subsection (2) applies in relation to any proceedings against a person for an offence on the grounds that —

(a) a vehicle has been sold or disposed of by, through or to the person and the person has failed to furnish particulars prescribed by regulations made by virtue of section 223(1)(d);

(b) a vehicle has been sold or disposed of by or through the person and the person has failed to furnish a document prescribed by regulations made by virtue of section 223(1)(e); or

(c) the person has surrendered, or not renewed, a vehicle licence or is keeping an unlicensed vehicle and has failed to furnish any particulars or make a declaration prescribed by regulations made by virtue of section 223(3).

(2) If—

(a) it is appropriately proved that there has been served on the accused by post a requirement under section 253 to give information as to the identity of the person keeping the vehicle at a particular time, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the person was keeping the vehicle at that time,

the court may accept the statement as evidence that the accused was keeping the vehicle at that time.

(3) In subsection (2) “appropriately proved” has the same meaning as in section 255.

257. Records

(1) A statement to which this section applies is admissible in any proceedings as evidence of any fact stated in it with respect to matters prescribed by regulations made by the Governor to the same extent as oral evidence of that fact is admissible in the proceedings.

(2) This section applies to a statement contained in any document purporting to be—

(a) a part of the records maintained by the chief police officer in connection with any functions exercisable by him under or by virtue of this Part;

(b) a copy of a document forming part of those records; or

(c) a note of any information contained in those records,

and to be authenticated by the chief police officer or any other police officer of the rank of sergeant or above.

(3) In this section—

“document” means anything in which information of any description is recorded; and

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly.

258. Burden of proof

Where in any proceedings for an offence under section 237, 240 or 251 any question arises as to the character of a vehicle or the purpose for which it has been used, the burden of proof lies on the accused.

259. Guilty plea by absent accused

(1) This section applies where, under section 12(5) of the Magistrates' Courts Act 1980 a person is convicted in the person's absence of an offence under section 237 or 246 and it is appropriately proved that a relevant notice was served on the accused with the summons.

(2) In subsection (1) "appropriately proved" means proved to the satisfaction of the court —

(a) on oath, or

(b) in the manner prescribed by rules of court.

(3) In this section "relevant notice", in relation to an accused, means a notice stating that, in the event of the person being convicted of the offence, it will be alleged that an order requiring the person to pay an amount specified in the notice falls to be made by the court —

(a) in a case relating to an offence under section 237, under section 238, or

(b) in a case relating to an offence under section 246, under section 247.

(4) Where this section applies, the court shall proceed under section 238, or section 247, as if the amount specified in the relevant notice were the amount calculated in accordance with that section.

(5) The court shall not so proceed if it is stated in the notification purporting to be given by or on behalf of the accused under section 12(4) of the Magistrates' Courts Act 1980 that the amount specified in the relevant notice is inappropriate.

Supplementary

260. Regulations

(1) The Governor may make regulations generally for the purpose of carrying into effect the provisions of this Part.

(2) Regulations under this Part —

(a) may make different provision for different cases or circumstances, and

(b) may contain such incidental, consequential and supplemental provisions as the Governor considers expedient for the purposes of the regulations.

(3) Regulations under this Part (other than regulations under section 226) —

(a) may make different provision for different parts of the Falkland Islands, and

(b) may provide for exemptions from any provision of the regulations.

(4) Nothing in any other provision of this Part limits subsections (1) to (3).

(5) Regulations under section 223, 224(4) and (5), 225(1) to (3) may provide that any document for which provision is made by the regulations —

(a) is to be in such form, and

(b) is to contain such particulars,

as may be specified by a person prescribed by the regulations.

261. Regulations: offences

(1) A person who contravenes or fails to comply with any regulations under this Part (other than any regulations under section 225 or 226) commits an offence.

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

(3) Regulations under section 225 may provide that a person who fails to comply with any specified provision of those regulations commits an offence and is liable on conviction of that offence to a fine not exceeding level 1 on the standard scale.

PART XV **MISCELLANEOUS AND GENERAL** *Invalid carriages and disabled persons*

262. Use of invalid carriages on roads and other highways

(1) In the case of a vehicle which is an invalid carriage complying with the requirements of regulations under subsection (2) and which is being used in accordance with the conditions prescribed by those regulations —

(a) no statutory provision (whether or not contained in this Ordinance) prohibiting or restricting the use of footways or footpaths shall apply to the use of that vehicle on a footway or footpath;

(b) if the vehicle is mechanically propelled it shall be treated for the purposes of this Ordinance as not being a motor vehicle and sections 5 to 10, 118 and 123 shall not apply to it.

(2) The Governor may make regulations for the purposes of this section.

263. Badges for display on motor vehicles used by disabled persons

(1) The Governor may make regulations under this subsection authorising the Chief Medical Officer to issue disabled persons badges for display in a vehicle during such time as driven by a person who is disabled or in which one or more persons who are disabled are carried as a passenger.

(2) In this section “disabled” means —

(a) a person who is in receipt of an allowance paid to the person by the Falkland Islands Government because the person is a person whose mobility is restricted;

(b) a person who is a blind person;

(c) a person who has a permanent and substantial disability which causes inability to walk or very substantial difficulty in walking; or

(d) drives motor vehicles regularly, has a severe disability in both upper limbs and is unable to turn by hand the steering wheel of a motor vehicle even if that wheel is fitted with a turning knob.

(3) For the purposes of subsection (2) a person is a blind person if the person is so blind as to be unable to perform any work for which eyesight is essential.

(4) A person who drives a motor vehicle on a road at a time when a badge of a form prescribed under this section is displayed on it commits an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.

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

Repeal and consequential provisions

264. Repeal of the Road Traffic Ordinance (Title 63.1) and application of sections 12 and 12A of Theft Act 1968

(1) The Road Traffic Ordinance (Title 63.1) (“the repealed Ordinance”) is repealed and this Ordinance is substituted for it and section 27 of the Interpretation and General Clauses Ordinance (Title 67.2) has effect accordingly in respect of enactments contained in the repealed Ordinance.

(2) Sections 12 and 12A of the Theft Act 1968 shall apply in the Falkland Islands in the form appearing in Schedule 9.

265. Continuity and construction of references to old and new law

(1) The substitution of this Ordinance for the repealed Ordinance does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of the repealed Ordinance has effect, if it could have been done under or for the purposes of the corresponding provisions of the repealed Ordinance, as if done under or for the purposes of the corresponding provision.

(3) Any reference, whether expressed or implied, in any enactment, instrument or document to a provision of the repealed Ordinance is to be read, in relation to the times, circumstances or purposes in relation to which the corresponding provision of the repealed Ordinance had effect and so far as the nature of the reference permits, as including a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any enactment, instrument or document to a provision of the repealed Ordinance is to be read, in relation to the times, circumstances or purposes in relation to which the corresponding provision of the repealed Ordinance has effect and so far as the nature of the reference permits, as including a reference to that corresponding provision.

(5) The repeal by this Ordinance of the repealed Ordinance does not affect the operation of the repealed Ordinance in relation to offences committed before such repeal took effect or appeals against or suspension of disqualification by virtue of convictions for offences so committed or against orders made in consequence of such convictions.

266. Transitional provisions and savings

(1) Schedule 10 of this Ordinance (which makes certain transitional provisions and contains savings in connection with the repeals made by this Ordinance) shall have effect.

(2) Nothing in that Schedule affects the general operation of section 26 of the Interpretation and General Clauses Ordinance (Title 67.2) (general savings implied on repeal).

267. Penalty for breach of regulations

If a person acts in contravention of or fails to comply with any regulations made by the Governor under any provision of this Ordinance and the contravention or failure is not made an offence under any other provision of this Ordinance, the person commits an offence under this section and is liable on conviction of any such offence to a fine not exceeding the maximum of level 3 on the standard scale.

Application to the Crown

268. Application to the Crown of provisions of this Ordinance

(1) Subject to the provisions of this section and to their terms the foregoing provisions of this Ordinance apply to vehicles and persons in the public service of the Crown.

(2) Subject to regulations made under subsection (2) of section 72, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) does not apply —

(a) in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

(b) in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(3) Where an offence under this Ordinance is alleged to have been committed in connection with a vehicle in the public service of the Crown any person actually responsible for that offence may be prosecuted for, and convicted of that offence and be sentenced in the manner provided by this Ordinance in respect of that offence.

SCHEDULE 1

sections 23, 26 and 27

SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTIONS 23, 26 AND 27

1.—(1) A person against whom proceedings are brought for an offence under section 23, 26 or 27(4) is, upon information duly laid by the person and on giving the prosecution not less than three clear days' notice of the person's intention, entitled to have a person to whose act or default the person alleges that the contravention of this section was due brought before the court in the proceedings.

(2) If, after the contravention has been proved, the original accused proves that the contravention was due to the act or default of that other person —

(a) that other person may be convicted of the offence, and

(b) if the original accused further proves that the person he has used all due diligence to secure that section 23, 26 or, as the case may be, 27(4) was complied with, the person shall be acquitted of the offence.

(3) Where an accused seeks to use the provisions of sub-paragraphs (1) and (2) —

(a) the prosecution, as well as the person whom the accused charges with the offence, has the right to cross-examine the person, if the person gives evidence, and any witness called by the person in support of the person's pleas, and to call rebutting evidence, and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party to the proceedings.

2.—(1) Where —

(a) it appears that an offence under section 23, 26 or 27(4) has been committed in respect of which proceedings might be taken against some person (referred to in this paragraph as “the original offender”), and

(b) a person proposing to take proceedings in respect of the offence is reasonably satisfied —

(i) that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in the Falkland Islands, and

(ii) that the original offender could establish a defence under paragraph 1 of this Schedule,

the proceedings may be taken against that other person without proceedings first being taken against the original offender.

(2) In any such proceedings the accused may be charged with, and on proof that the contravention was due to the person’s act or default be convicted of, the offence with which the original offender might have been charged.

3.—(1) Subject to the provisions of this paragraph, in any proceedings for an offence under section 23 it shall be a defence for the accused to prove —

(a) if the offence is under subsection (3)(a) of that section —

(i) that the person purchased the equipment in question as being of a type which could be lawfully sold or offered for sale as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles and with a written warranty to that effect;

(ii) that the person had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and

(iii) that it was then in the same state as when the person purchased it;

(b) if the offence is under subsection (3)(b) of that section, the person provided information in relation to the equipment and it is alleged that it did not include appropriate information or included or consisted of inappropriate information —

(i) that the information provided by the person was information which had been provided to the person with a written warranty to the effect that it was the information required to be provided by the person under section 23; and

(ii) that the person had no reason to believe at the time of the commission of the alleged offence that the information provided by the person was not the information required to be provided under that section; or

(c) if the offence is under subsection (3)(b) of that section, the person provided information in relation to the equipment and it is alleged that it was not provided in the manner required under that section —

(i) that the information provided by the person had been provided to the person either with a written warranty to the effect that it was provided to the person in the manner in which it was required to be provided by the person under the section or with instructions as to the manner in which the information should be provided by the person and with a written warranty to the effect that provision in that manner would comply with regulations under that section;

(ii) that the person had no reason to believe at the time of the commission of the alleged offence that the person was not providing the information in the manner required under that section; and

(iii) that the information was then in the same state as when it was provided to the person or, as the case may be, that it was provided by the person in accordance with the instructions given to the person.

(2) Subject to the provisions of this paragraph, in any proceedings for an offence under section 26 or 27(4) it shall be a defence for the accused to prove —

(a) that the person purchased the helmet or appliance in question as being of a type which —

(i) in the case of section 26, could be lawfully sold or offered for sale under that section, and

(ii) in the case of section 27(4), could be lawfully sold or offered for sale under section 27 as authorised for use in the manner in question, and with a written warranty to that effect, and

(b) that it was then in the same state as when the person purchased it.

(3) A warranty is only a defence in any such proceedings if —

(a) the accused —

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that the accused intends to rely on it and specifying the name and address of the person from whom the accused received it, and

(ii) has also sent a like notice of his intention to that person, and

(b) in the case of a warranty given by a person outside the Falkland Islands, the accused proves that the accused has taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty.

(4) Where the accused is an employee of the person who purchased the equipment, helmet or appliance in question under a warranty, or to whom the information in question was provided under a warranty, the accused is entitled to rely on the provisions of this paragraph in the same way as the person's employer would have been entitled to do if the employer had been the accused.

(5) The person to whom the warranty is alleged to have been given is entitled to appear at the hearing and to give evidence and the court may, if it thinks fit, adjourn the hearing to enable the person to do so.

4.—(1) An accused who in any proceedings for an offence under sections 23, 26 or 27(4) wilfully applies to equipment, information, a helmet or, as the case may be, an appliance of warranty not given in relation to it commits an offence.

(2) A person who, in respect of equipment, a helmet or an appliance sold by the person, or information provided by the person, being equipment, a helmet, an appliance or information in respect of which a warranty might be pleaded under paragraph 3 of this Schedule, gives to the purchaser a false warranty in writing, commits an offence unless the person proves that when the person gave the warranty the person had reason to believe that the statements or description contained in it were accurate.

5. In this Schedule, "equipment" means equipment to which section 23 applies and "appliance" means an appliance to which section 27 applies.

SCHEDULE 2

section 24

FORM OF SEATBELT SYMBOL FOR BUSES



SCHEDULE 3

section 51

DEFERRED TESTS OF CONDITION OF VEHICLES

1. Where the driver is the owner of the vehicle, the person may at the time of electing that the test shall be deferred —

(a) specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside the Falkland Islands, and

(b) require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out.

2. When the driver is not the owner of the vehicle the person shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period.

3.—(1) Where under the preceding provisions a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.

(2) Where no such period has been specified, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.

(3) Where premises have been specified under the preceding provisions for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it must be carried out there.

(4) Notwithstanding the preceding provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.

4. In this paragraph —

“notified” means notified in the writing to the owner of the vehicle on behalf of the Governor or the Chief police officer, as the case may be; and

“notification” shall be construed accordingly,

and any notification under this paragraph may be given by post.

5. The owner of the vehicle must produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.

6.—(1) References in this Schedule to the owner of a vehicle are references to the owner of the vehicles at the time at which the election is made under section 51(5) that the test shall be deferred.

(2) For the purposes of this Schedule, if at the time at which the election is made the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement, that person shall be deemed to be the owner of the vehicle to the exclusion of any other person.

SCHEDULE 4

section 129 etc

OFFENCES TO WHICH SECTIONS 129, 133 AND 134(1) APPLY

1.—(1) Where section 129, 133 or 134(1) is shown in column 3 of this Schedule against a provision of this Ordinance specified in column 1, the section in question applies to an offence under that provision.

(2) The general nature of the offence is indicated in column 2.

2. Section 133 also applies to —

- (a) any offence which is punishable under section 267;
- (b) any offence under section 221; and
- (c) any offence against any other written law relating to the use of vehicles on roads.

3. Section 134(1) also applies to —

- (a) any offence which is punishable under section 267; and
- (b) any offence against any other enactment relating to the use of vehicles on roads.

(1) Provision creating offence	(2) General nature of offence	(3) Applicable provisions
section 5	Causing death by dangerous driving	section 133
section 6	Dangerous driving	sections 129, 131 and 134(1)
section 8	Careless, and inconsiderate, driving	sections 129, 133 and 134(1)
section 9	Causing death by careless driving when under influence of drink or drugs	section 133
section 10	Driving or being in charge of a motor vehicle when unfit to drive through drink or drugs	sections 133 and 134(1)
section 11	Driving or being in charge of a motor vehicle, with excess alcohol in breath, blood or urine	sections 133 and 134(1)
section 12	Failing to provide a specimen of breath for a breath test	sections 133 and 134(1)
section 13	Failing to provide specimen for analysis or laboratory test	sections 133 and 134(1)

section 18	Motor racing and speed trials	sections 133 and 134(1)
section 21	Driving or riding in a motor vehicle in contravention of regulations requiring the wearing of seat belts	sections 133 and 134(1)
section 22	Driving motor vehicle with child not wearing seat belt	sections 133 and 134(1)
section 74(1)(b)	Driving while disqualified	sections 133 and 134(1)
section 80(1)	Failing to comply with conditions of LGV etc licence	sections 133 and 134(1)
section 80(2)	Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of that person's licence	section 133
section 103	Using motor vehicle, or causing or permitting it to be used, while uninsured against third party risks	sections 133 and 134(1)
section 118	Failing to stop vehicle when required by police officer	sections 133 and 134(1)
section 119(5)	Failing to produce driving licence and counterpart	sections 133 and 134(1)
section 120(3)	Failing to give police officer certain names and addresses or to produce certificate of insurance or certain test and other like certificates	sections 133 and 134(1)
section 120(6)	Supervisor of learner driver failing to give police officer certain names and addresses	section 133
section 121	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving or cycling	sections 133 and 134(1)
section 123	Failure by driver to stop, report accident or give information or documents	sections 133 and 134(1)
section 124	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance or security	sections 133 and 134(1)

SCHEDULE 5

PROSECUTION AND PUNISHMENT OF OFFENCES

Part I: Offences under this Ordinance

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 5	Causing death by dangerous driving	10 years and Level 10 on standard scale	Obligatory	Obligatory	3-11
section 6	Dangerous driving	2 years and Level 7 on standard scale	Obligatory	Obligatory	3-11
section 8	Careless, and inconsiderate, driving	Level 4 on standard scale	Discretionary	Obligatory	3-9
section 9	Causing death by careless driving when under influence of drink or drugs	10 years and Level 6 on standard scale	Obligatory	Obligatory	3-11
section 10(1)	Driving or attempting to drive when unfit to drive through drink or drugs	6 months and Level 5 on standard scale	Obligatory	Obligatory	3-11
section 10(2)	Being in charge of a mechanically propelled vehicle when unfit to drive through drink or drugs	3 months and Level 4 on standard scale	Discretionary	Obligatory	10
section 18	Motor racing and speed trials on highways	Level 4 on standard scale	Obligatory	Obligatory	3-11
section 19	Other unauthorised or irregular competitions or trials on highways	Level 3 on standard scale			
section 21	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts	Level 2 on standard scale			
section 22(2)	Driving motor vehicle with child in front not wearing seat belt or in rear-facing with airbag not deactivated	Level 3 on standard scale			
section 22(6)	Driving motor vehicle with child in rear not wearing seat belt in accordance with regulations or driving small child in rear of passenger car when no seat belt fitted in rear of car and there is a vacant front passenger seat fitted with seat belt	Level 3 on standard scale			
section 23(3) or (4)	Selling etc in certain circumstances equipment as conducive to the safety of children in motor vehicles	Level 3 on standard scale			
section 24(4)	Failing to take reasonable steps to ensure that every passenger on bus fitted with seat belts is notified of requirement to wear seat belt	Level 3 on standard scale			

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 25	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear	Level 2 on standard scale			
section 26	Selling, etc, helmet not of the prescribed type as helmet for affording protection for motor cyclists	Level 3 on standard scale			
section 27(3)	Contravention of regulations with respect to use of head-worn appliances on motor cycles	Level 2 on standard scale			
section 27(4)	Selling, etc, appliance not of prescribed type as approved for use on motor cycles	Level 3 on standard scale			
section 28	Prohibition of parking mechanically-propelled vehicles on verges, footways or grassed areas etc	Level 3 on standard scale			
section 30	Leaving vehicles in dangerous positions	Level 3 on standard scale	Discretionary if committed in respect of a motor vehicle	Obligatory if committed in respect of a motor vehicle	3
section 31	Causing danger to road-users	7 years and Level 6 on standard scale			
section 32	Carrying passenger on motor-cycle contrary to section 32	Level 3 on standard scale	Discretionary	Obligatory	3
section 33	Carrying passenger on bicycle contrary to section 33	Level 1 on standard scale			
section 34	Tampering with motor vehicle	Level 3 on standard scale			
section 35	Holding or getting on to vehicle, etc, in order to be towed or carried	Level 1 on standard scale			
section 36	Dangerous cycling	Level 4 on standard scale			
section 37	Careless and inconsiderate cycling	Level 3 on standard scale			
section 38	Cycling when unfit through drink or drugs	Level 3 on standard scale			
section 39	Contravening prohibition on persons under 14 driving electrically assisted pedal cycles	Level 2 on standard scale			

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 40	Failing to comply with traffic directions by police officer	Level 3 on standard scale	Discretionary, if committed in respect of a motor vehicle by failure to comply with a direction of a police officer	Obligatory if committed as described in column 4	3
section 41	Failing to comply with traffic signs	Level 3 on standard scale	Discretionary, if committed in respect of a motor vehicle by failure to comply with an indication given by a sign specified for the purposes of this paragraph in regulations under section 41(5)	Obligatory if committed as described in column 4	3
section 42	Pedestrian failing to stop when directed by police officer regulating traffic	Level 3 on standard scale			
section 44	Using vehicle in dangerous condition etc	(a) Level 5 on standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers (b) Level 4 on standard scale in any other case	Discretionary	Obligatory	3
section 46	Breach of requirement as to brakes, steering-gear or tyres	(a) Level 5 on standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers (b) Level 4 on standard scale in any other case	Discretionary	Obligatory	3

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 47	Breach of requirement as to weight: goods and passenger vehicles	Level 5 on standard scale			
section 48	Breach of other construction and use requirements	(a) Level 4 on standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers (b) Level 3 on standard scale in any other case			
section 51(8)	Obstructing authorised vehicle examiner who wishes to test vehicle on road	Level 3 on standard scale			
section 52(3)	Obstructing authorised examiner of public passenger or goods vehicle	Level 4 on standard scale			
section 52(5)	Refuses or neglecting to comply with requirement to proceed with public passenger vehicle, goods vehicle or taxi for inspection of vehicle	Level 4 on standard scale		Obligatory	3
section 55	Driving, etc, vehicle in contravention of prohibition on driving it as being unfit for service	Level 5 on standard scale		Discretionary	3
section 57	Selling, etc, unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy	Level 5 on standard scale			
section 58(1)	Fitting or supplying unsuitable vehicle part	Level 5 on standard scale			
section 58(3)	Supplying defective or unsuitable vehicle parts	Level 4 on standard scale			
section 58(8)	Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc	Level 3 on standard scale			
section 59	Selling, etc, pedal cycle in contravention of regulations as to brakes, bells, etc	Level 3 on standard scale			
section 60(1)	Driving otherwise than in accordance with a licence	Level 3 on standard scale	Discretionary in a case where the offender's driving would not have been in accordance with any licence that could have been granted to him	Obligatory in the case mentioned in column 5	3-6
section 60(2)	Causing or permitting a person to drive otherwise than in accordance with a licence	Level 3 on standard scale			

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 63(13)	Driving after making false declaration as to physical fitness	Level 4 on standard scale	Discretionary	Obligatory	3-6
section 64(3)	Failure to deliver revoked licence and counterpart to chief police officer	Level 3 on standard scale			
section 65(3)	Failure to notify chief police officer of onset of, or prospective disability and that subsection as applied by section 62	Level 3 on standard scale			
section 65(4)	Driving after such a failure	Level 3 on standard scale	Discretionary	Obligatory	3-6
section 66(1)	Driving after refusal of licence under section 63(3) or revocation under section 64(1)	6 months and level 5 on standard scale or both	Discretionary	Obligatory	3-6
section 68	Driving with uncorrected defective eyesight, or refusing to submit to test of eyesight	Level 3 on standard scale	Discretionary	Obligatory	3
section 71(8)	Driving licence holder failing to surrender licence and counterpart	Level 3 on standard scale			
section 74(1)(a)	Obtaining driving licence while disqualified	Level 3 on standard scale			
section 74(1)(b)	Driving while disqualified	12 months and level 5 on standard scale or both	Discretionary	Obligatory	6
section 80	Failing to comply with conditions of LGV or PCV licence or causing or permitting person under 21 to drive LGV or PCV in contravention of such conditions	Level 3 on standard scale			
section 84(3)	Failure to surrender revoked or suspended LGV or PCV licence and counterpart	Level 3 on standard scale			
section 86(5)	Contravention of provision of regulation which is declared by regulations to be an offence about LGV or PCV drivers licence	Level 3 on standard scale			
section 88(3)	Plying for hire in vehicle without taxi sign	Level 3 on standard scale			
section 88(8)	Contravention of condition of taxi licence	Level 3 on standard scale			
section 89(1)	Plying for hire in unlicensed taxi	Level 5 on standard scale			
section 89(2)	Being driver of unlicensed taxi	Level 4 on standard scale			
section 89(7)	Failing to produce taxi for inspection and testing, failing to report material accident involving taxi or failing to notify change in ownership of taxi within 14 days	Level 3 on standard scale			
section 90(3)	Being unlicensed driver of taxi or owner of such a taxi	Level 4 on standard scale			
section 92(2)	Using unlicensed vehicle as a private hire vehicle	Level 5 on the standard scale			
section 93(2)	Using unlicensed vehicle as a public service vehicle	Level 5 on the standard scale			

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 94(5)	Failing without reasonable excuse — (a) to present private hire vehicle or public service vehicle for inspection, (b) to report an accident to private hire vehicle or public service vehicle to chief police officer, (c) to notify change of ownership	Level 3 on standard scale			
section 96(2)	Using private hire vehicle or public service vehicle with unlicensed driver	Level 4 on standard scale			
section 99(1)	Using taxi for private hire at rate of fares or charges greater than that fixed by regulations	Level 3 on standard scale			
section 99(3)	Taxi driver or private hire driver unreasonably prolonging journey	Level 3 on standard scale			
section 103(2)	Using motor vehicle while uninsured	Level 5 on standard scale	Discretionary	Obligatory	6-8
section 105(4)	Failing to surrender certificate of insurance or make statutory declaration of loss or destruction	Level 3 on standard scale			
section 111(2)	Failing to give information or wilfully making false statement as to insurance when claim made	Level 3 on standard scale			
section 118(3)	Failing to stop mechanically propelled vehicle or a cycle when required by a police officer				
section 119	Failing to produce driving licence	Level 3 on standard scale			
section 120(3)	Failure to produce certificate of insurance or test certificate or state name and address	Level 3 on standard scale			
section 121	Driver of mechanically propelled vehicle or rider of cycle refusing to give, or giving false, name and address	Level 3 on standard scale			
section 122	Pedestrian failing to give police officer name and address after failing to stop when required to do so by police officer controlling traffic	Level 1 on standard scale			
section 123(4)	Failing to stop after accident and give particulars and report accident	6 months and level 5 on standard scale	Discretionary	Obligatory	5-10
section 123(7)	Failure by driver, in case of accident involving injury to another, to produce evidence of insurance or to report accident	Level 3 on standard scale			
section 124	Failure of owner to give information as to insurance	Level 4 on standard scale			

(1) Provision creating offence	(2) General nature of offence	(3) Punishment	(4) Disqualification	(5) Endorsement	(6) Penalty points
section 125	Failure of person keeping vehicle and others to give information as to driver of vehicle in case of certain offences	Level 3 on standard scale			
section 126	Forgery etc of licences, test certificates, certificates of other documents or things	Two years and level 7 on standard scale			
section 127	Making certain false statements etc and withholding certain material information	Level 4 on standard scale			
section 140(3)	Failure to comply with court order to give information as to date of birth or sex	Level 3 on standard scale			
section 141(6)	Failure to deliver licence and counterpart to court where interim disqualification order made	Level 3 on standard scale			
section 142(2)	Failure to deliver licence and counterpart when court requires on notifying proposal to disqualify	Level 3 on standard scale			
section 173(2)	Removing fixed penalty notice affixed to vehicle	Level 2 on standard scale			
section 178	False statement in response to notice to owner	Level 5 on standard scale			
section 200	Contravention of traffic regulation order	Level 3 on the standard scale			
section 201(10)	Contravention of temporary prohibition or restriction	Level 3 on standard scale			
section 203(4)	Contravention of prohibition or restriction relating to relevant event	Level 3 on standard scale			
section 204(3)	Contravention of order as to use of roads by public service vehicles	Level 3 on standard scale			
section 205(3)	Contravention of prohibition or restriction for roads of certain classes	Level 3 on standard scale			
Section 207(5)	Contravention of pedestrian crossing regulations	Level 3 on standard scale	Discretionary if committed in respect of a motor vehicle	Obligatory if committed in respect of a motor vehicle	3
section 209(3)	Not stopping at school crossing	Level 3 on standard scale	Discretionary if committed in respect of a motor vehicle	Obligatory if committed in respect of a motor vehicle	3
Section 21(1)	Exceeding speed limit	Level 3 on standard scale	Discretionary	Obligatory	3-6, but 3 if fixed penalty

Part II: Other offences

(1) Offence	(2) Disqualification	(3) Endorsement	(4) Penalty Points
Manslaughter by the driver of a motor vehicle	Obligatory	Obligatory	3-11
An offence against section 12A of the Theft Act 1968 (aggravated vehicle-taking)	Obligatory	Obligatory	3-11
Stealing or attempting to steal a motor vehicle	Discretionary		
An offence or attempt to commit an offence in respect of a motor vehicle under section 12 of the Theft Act 1968 (taking conveyance without consent of owner etc, or knowing it has been so taken, driving or allowing oneself to be carried in it.	Discretionary		
An offence under section 25 of the Theft Act 1968 (going equipped for stealing etc) committed with reference to the theft or taking of motor vehicles	Discretionary		

SCHEDULE 6

section 162

FIXED PENALTY OFFENCES

Part I: Offences under other written laws

(1) Provision creating offence	(2) General nature of offence
section 72 of the Highways Act 1835	(a) driving on the footway (b) cycling on the footway
section 137 of the Highways Act 1980	Obstructing a highway, but only where the offence is committed in respect of a vehicle

Part II: Offences under this Ordinance

(1) Provision creating offence	(2) General nature of offence
section 21	Breach of regulations requiring wearing of seat belts
section 22(2)	Breach of restriction on carrying children in front of vehicles.
section 22(3) and (4)	Breach of restriction on carrying children in the rear of vehicles.
section 25	Breach of regulations relating to protective headgear for motor cycle drivers and passengers.
section 28	Parking a heavy commercial vehicle on verge or footway.
section 30	Leaving vehicle in dangerous position.
section 32	Unlawful carrying of passengers on motor cycles.
section 33	Carrying more than one person on a pedal cycle.
section 40	Failure to comply with traffic directions.
section 41	Failure to comply with traffic signs.
section 44	Using vehicle in dangerous condition etc.
section 46	Breach of requirement as to brakes, steering-gear or tyres.
section 47	Breach of requirement as to weight: goods and passenger vehicles.
section 48	Breach of other construction and use requirements.
section 60(1)	Driving vehicle otherwise than in accordance with requisite licence.
section 118	Failure to stop vehicle on being so required by police officer in uniform.
section 200	Using vehicle in contravention of traffic regulation order.
section 201	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works etc.

section 203	Contravening prohibition or restriction on road imposed in relation to event.
section 204	Contravening order relating to use of roads by public service vehicles.
section 205	Contravening order prohibiting or restricting use of vehicles on roads or certain classes.
section 207	Breach of pedestrian crossing regulations except an offence in respect of a moving vehicle.
section 209	Contravening requirement by school crossing patrol to stop a vehicle or not to put it again in motion.
section 218	Speeding offences under the provisions of this Ordinance.
section 244	Using or keeping a vehicle on a road without vehicle licence being displayed in accordance with regulations.
section 248	Failure to fix prescribed registration mark in accordance with relevant regulations.
section 249	Driving or keeping vehicle with registration mark obscured.

SCHEDULE 7

section 179

STATUTORY STATEMENTS

Part I: Statutory statement of ownership or hiring

1.—(1) For the purposes of Part XI, a statutory statement of ownership is a statement on an official form signed by the person providing it and stating whether the person was the owner of the vehicle at the time of the alleged offence and, if the person was not the owner of the vehicle at that time, whether —

(a) the person was never the owner, or

(b) the person ceased to be the owner before, or became the owner after, that time,

and in a case within paragraph (b), stating, if the information is in the person's possession, the name and address of the person to whom, and the date on which, the person disposed of the vehicle or (as the case may be) the name and address of the person from whom, and the date on which, the person acquired it.

(2) An official form for a statutory statement of ownership shall —

(a) indicate that the person providing the statement in response to a notice to owner relating to an offence may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) in any official form for a statutory statement of facts.

2.—(1) For the purposes of Part XI, a statutory statement of hiring is a statement on an official form, signed by the person providing it, being a person by whom a statement of liability was signed, and stating —

(a) whether at the time of the alleged offence the vehicle was let to the person under the hiring agreement to which the statement of liability refers, and

(b) if it was not, the date on which the person returned the vehicle to the possession of the vehicle-hire firm concerned.

(2) An official form for a statutory statement of hiring shall —

(a) indicate that the person providing the statement in pursuance of a notice relating to an offence served under section 174 by virtue of section 177 may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) in any official form for a statutory statement of facts.

(3) In sub-paragraph (1) “statement of liability”, “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 177.

Part II: Statutory statement of facts

3.—(1) For the purposes of Part XI, a statutory statement of facts is a statement on an official form, signed by the person providing it, which —

(a) states that the person providing it was not the driver of the vehicle at the time of the alleged offence, and

(b) states the name and address at the time when the statement is provided of the person who was the driver of the vehicle at the time of the alleged offence.

(2) A statutory statement of facts has effect as a notice given by the driver requesting a hearing in respect of the offence if it is signed by the person identified in the statement as the driver of the vehicle at the time of the alleged offence.

(3) An official form for a statutory statement of facts shall indicate —

(a) that if a person identified in the statement as the driver of the vehicle at the time of the alleged offence signs the statement the person will be regarded as having given notice requesting a hearing in respect of the offence,

(b) that the person on whom the notice to owner relating to the offence is served may not give notice requesting a hearing in respect of the offence on his own account if the person provides a statutory statement of facts signed by a person so identified, and

(c) that if the fixed penalty is not paid before the end of the period stated in the notice to owner as the period for response to the notice, a sum determined by reference to that fixed penalty may be registered without any court hearing for enforcement as a fine against the person on whom the notice to owner is served, unless the person has given notice requesting a hearing in respect of the offence,

but that, in a case within paragraph (c), the sum in question may not be so registered if the person on whom the notice to owner is served provides a statutory statement of facts as mentioned in paragraph (b) until two months have elapsed from the end of the period so stated without service of a summons in respect of the offence on the person identified in that statement as the driver of the vehicle.

SCHEDULE 8

section 215

SPEED LIMITS FOR VEHICLES OF CERTAIN CLASSES

Part I: Vehicles having pneumatic tyres on all wheels

	<i>Maximum speed while vehicle is being driven on road</i>
1. An invalid carriage.	20 mph
2. A motor car passenger vehicle, motor caravan, car-derived van or dual purpose vehicle drawing more than one trailer.	20 mph
3. A motor tractor (other than an industrial tractor).	20 mph
4. A works truck or an industrial tractor.	18 mph

Part II: Vehicles other than track-laying vehicles
not fitted with pneumatic tyres on all wheels

*Maximum speed
while car is being
driven on road*

1. A motor vehicle, or in the case of a motor vehicle drawing one or more trailers, the combination, where —

20 mph

(a) every wheel is fitted with a resilient tyre; or

(b) at least one wheel is fitted with a resilient tyre and every wheel which is not fitted with a resilient tyre is fitted with a pneumatic tyre.

2. A motor vehicle, or in the case of a motor vehicle drawing one or more trailers, the combination, where any wheel is not fitted with either a pneumatic tyre or a resilient tyre.

5 mph

Application

3. This Part does not apply a motor vehicle which is a —

(a) track-laying vehicle; or

(b) a motor vehicle which is not a track-laying vehicle but which is drawing one or more trailers which is a track-laying vehicle.

Part III: Track-laying vehicles

1 <i>Item No</i>	2 <i>Class of vehicle</i>	3 <i>Maximum speed while vehicle is being driven on a road</i>
1.	<p>A motor vehicle being a track-laying vehicle which is fitted with—</p> <p>(a) springs between its frame and its weight-carrying rollers, and</p> <p>(b) resilient material between the rims of its weight-carrying rollers and the surface of the road,</p> <p>and which is not drawing a trailer.</p>	20 mph

2.	A vehicle specified in item 1 drawing one or more trailers each of which is either —	20 mph
	(a) a track-laying vehicle fitted with springs and resilient material as mentioned in that item, or	
	(b) not a track-laying vehicle and each wheel of which is fitted with either a pneumatic tyre or a resilient tyre.	
3.	A vehicle specified in item 1 drawing one or more trailers any one of which is not either —	5 mph
	(a) a track-laying vehicle not fitted with springs and resilient material as mentioned in that item, or	
	(b) not a track-laying vehicle and at least one wheel of which is not fitted with either a pneumatic tyre or a resilient tyre.	
4.	A motor vehicle being a track-laying vehicle which is not fitted with springs and resilient material as mentioned in item 1 whether drawing a trailer or not.	5 mph
5.	A motor vehicle not being a track-laying vehicle, which is drawing one or more trailers any one or more of which is a track-laying vehicle —	20 mph
	(a) if every wheel of the motor vehicle and of any non-track-laying trailer is fitted with a pneumatic tyre or with a resilient tyre, and every trailer which is a track-laying vehicle is fitted with springs and resilient material as mentioned in item 1;	
	(b) in any other case.	5 mph.

Application

This Part applies to —

- (a) a motor vehicle which is a track-laying vehicle, and
- (b) a motor vehicle of any description which is drawing one or more trailers any one or more of which is a track-laying vehicle.

Part IV: Interpretation

1. In this Schedule —

“car-derived van” means a goods vehicle which is constructed or adapted as a derivative of a passenger vehicle and which has a maximum laden weight not exceeding 2 tonnes;

“agricultural motor vehicle” means a motor vehicle which is constructed or adapted for use off roads for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes;

“dual-purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040kg, and which either —

(a) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle; or

(b) satisfies the following conditions as to construction, namely —

(i) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(ii) the area of the vehicle to the rear of the driver’s seat must —

(aa) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or floor of the vehicle; and

(bb) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 770 square centimetres at the rear; and

(iii) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in subparagraph (b)(ii)(aa) (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row) must, when the seats are ready for use be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

“industrial tractor” means a tractor, not being an agricultural motor vehicle, which —

(a) has an unladen weight not exceeding 7370kg, and

(b) is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance (including any such tractor when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load);

“motor caravan” means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“pneumatic tyre” means a tyre which —

(a) is provided with, or together with the wheel upon which it is mounted forms, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load;

(b) is capable of being inflated and deflated without removal from the wheel or vehicle; and

(c) is such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

“resilient tyre” means a tyre, not being a pneumatic tyre, which is soft or elastic;

“straddle carrier” means a motor vehicle constructed to straddle and lift its load for the purpose of transportation;

“track-laying” in relation to a vehicle means a vehicle so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle;

“wheel” means a wheel the tyre or rim of which when the vehicle is in motion on a road is in contact with the ground provided that two wheels are to be regarded as one wheel if the distance between the centres of the areas of contact between such wheels and with the road surface is less than 460 millimetres; and

“works truck” means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

2. A vehicle falling in two or more classes specified in Part I, II or III of this Schedule shall be treated as falling within the class for which the lower or lowest speed limit is specified.

SCHEDULE 9

section 264(2)

FORM IN WHICH SECTIONS 12 AND 12A THEFT ACT 1968 HAVE EFFECT IN THE FALKLAND ISLANDS

Taking motor vehicle or other conveyance without lawful authority

12.—(1) Subject to subsections (5) and (6), a person commits an offence if, without having the consent of the owner or other lawful authority, the person takes any conveyance for the person's or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows the person to be carried in or on it.

(2) A person convicted of an offence under subsection (1) is liable on conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding six months or both.

(3) (omitted).

(4) If on the trial of a person for theft the Summary Court or the Magistrate's Court is not satisfied that the accused committed theft but it is proved that the accused committed an offence under subsection (1) the court may convict that person of an offence under subsection (1).

(4A) (omitted).

(4B) (omitted).

(4C) (omitted).

(5) Subsection (1) shall not apply in relation to pedal cycles but, subject to subsection (6) below, a person who, without having the consent of the owner or other lawful authority, takes a pedal cycle for the person's or another's use, or rides a pedal cycle knowing it to have been taken without such authority commits an offence and is liable on conviction of that offence to a fine not exceeding level 3 on the standard scale.

(6) A person does not commit an offence under this section by anything done in the belief that the person has lawful authority to do it or that the person would have the owner's consent if the owner knew of the person doing it and the circumstances of it.

(7) For the purposes of this section —

(a) "conveyance" means any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except that it does not include such a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and "drive" shall be construed accordingly; and

(b) "owner", in relation to a conveyance which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the conveyance under that agreement.

Aggravated vehicle taking

12A.—(1) Subject to subsection (3) below, a person commits the offence of aggravated taking of a vehicle if —

(a) the person commits an offence under section 12(1) above (in this section referred to as a "basic offence") in relation to a mechanically propelled vehicle; and

(b) it is proved that, at any time after the vehicle was unlawfully taken (whether by the person or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in paragraphs (a) to (d) of subsection (2) below.

(2) The circumstances referred to in subsection (1) (b) above are —

(a) that the vehicle was driven dangerously on a road, highway or other public place;

(b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;

(c) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;

(d) that damage was caused to the vehicle.

(3) A person is not guilty of an offence under this section if the person proves that, as regards any such proven driving, injury or damage as is referred to in subsection (1) (b), either —

(a) the driving, accident or damage referred to in subsection (2) occurred before the person committed the basic offence; or

(b) the person was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.

(4) A person convicted of an offence under this section is liable to imprisonment for a term not exceeding two years or, if it is proved that, in circumstances falling within subsection (2)(b), the accident caused the death of the person concerned, five years.

(5) If a person who is charged with an offence under this section is found not guilty of that offence but it is proved that the person committed a basic offence, the person may be convicted of the basic offence.

(6) (omitted)

(7) For the purposes of this section a vehicle is driven dangerously if—

(a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.

(8) For the purposes of this section a vehicle is recovered when it is restored to its owner or to other lawful possession or custody; and in this subsection “owner” has the same meaning as in section 12.

SCHEDULE 10

section 266

TRANSITIONAL PROVISIONS AND SAVINGS

1. The repeal by this Ordinance of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Ordinance but remains capable of having effect.

2. This Ordinance does not affect the operation of the repealed Ordinance in relation to offences committed before the commencement of this Ordinance or to appeals against or suspension of disqualification by virtue of conviction for offences so committed or against orders made in consequence of such convictions.

SUBSIDIARY LEGISLATION

IMMIGRATION

Immigration (Suspension of Issue of Permanent Residence Permits) Order 2008

S.R & O. No: 1 of 2008

Made: 15 January 2008

Published: 31 January 2008

Coming into force: see article 2

IN EXERCISE of my powers under section 18A(1) of the Immigration Ordinance (Title 52.2),
I make the following order —

1. Title

This order is the Immigration (Suspension of Issue of Permanent Residence Permits) Order 2008.

2. Commencement

This order is deemed to have come into force on 25 January 2008.

3. Suspension of issue of permanent residence permits

The operation of section 18 of the Immigration Ordinance is suspended for 12 months from the date of commencement of this order.

Made 15th January 2008

P L Martinez
Acting Governor

EXPLANATORY NOTE

(not forming part of the above regulations)

This order suspends the operation of section 18 of the Immigration Ordinance, which provides for the issue of permanent residence permits, for a further period of 12 months, with effect from 25 January 2008.

SUBSIDIARY LEGISLATION

**PLANNING AND BUILDING
General Development Order 1991**

25 Ross Road East Direction 2008

S.R. & O. No: 2 of 2008

Given: 18 January 2008

Published: 31 January 2008

Coming into force: on publication

IN EXERCISE of my powers under Article 5 of the General Development Order 1991 (Title 55.3.1) , I give the following Direction —

1. Title

This Direction is the 25 Ross Road East Direction 2008.

2. Commencement

This Direction comes into force on publication.

3. Requirement to obtain planning permission

(1) The planning permission granted by Article 4 of and Classes A, B and D of Part 1 of Schedule 2 to the General Development Order 1991 does not apply to all or any development within the curtilage of 25 Ross Road East, Stanley.

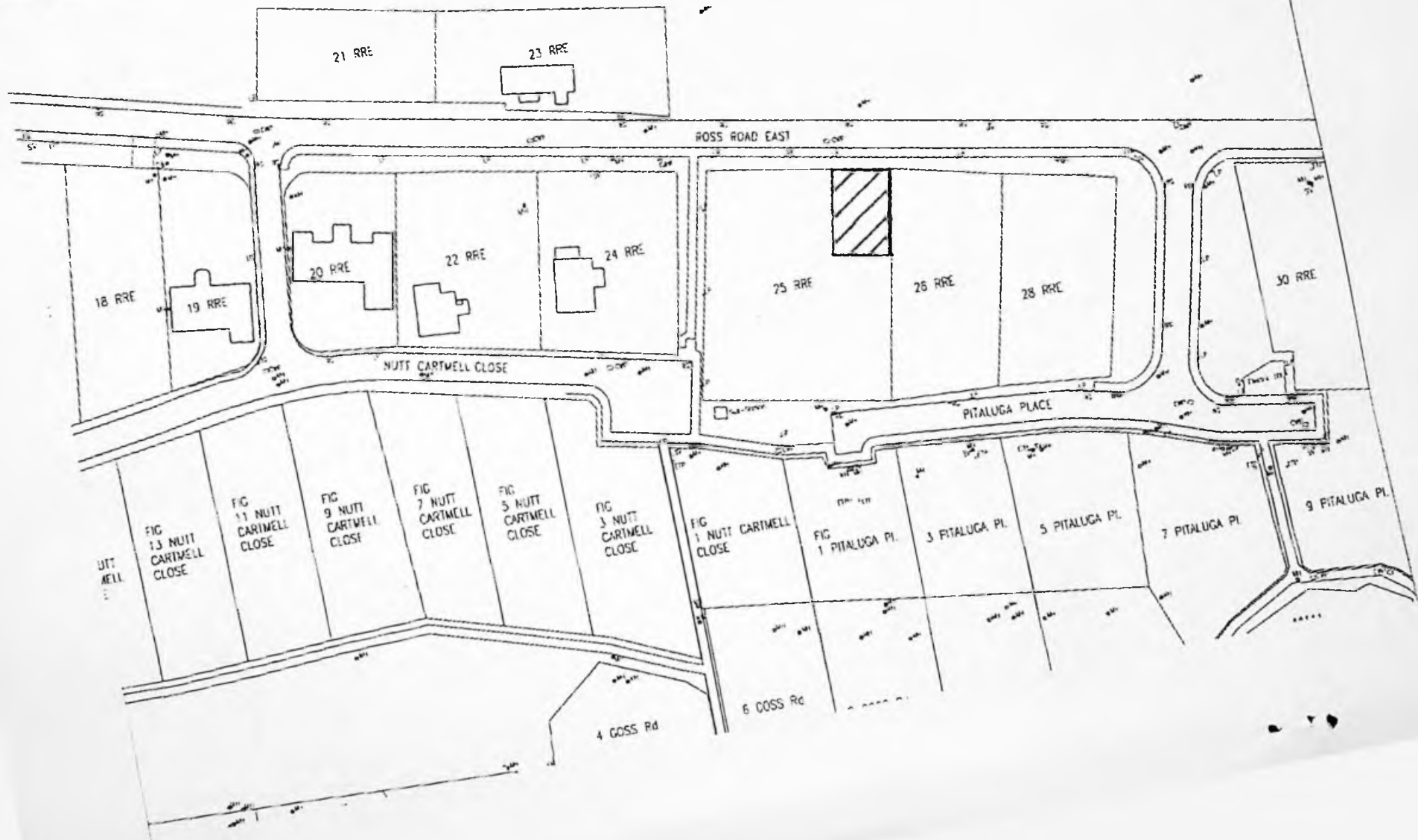
(2) For the purposes of this Direction the curtilage of 25 Ross Road East, Stanley is the piece of land on the south side of Ross Road East, Stanley shown for the purposes of identification delineated and hatched black on the plan appearing as the Schedule to this Direction.

Given on 18th January 2008

P. L. Martinez,
Acting Governor

SCHEDULE

Scale 1:1000



EXPLANATORY NOTE

(not forming part of the above Direction)

The effect of a Direction under Article 5 of the General Development Order 1991 is to require the specific grant of planning permission for a number of categories of development which would otherwise have been granted planning permission under Article 4 of the Order.

The reason for this Direction is that further development of the site at 25 Ross Road East, Stanley might result in over-intensive site coverage.

SUBSIDIARY LEGISLATION

TAXATION

Taxes and Duties (Defence Contractors' Employees Exemption) Order 2008

S. R. & O. No: 3 of 2008

Made: 28 January 2008

Published: 31 January 2008

Coming into force: on publication

IN EXERCISE of my powers under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 (Title 69.2), I make the following Order —

1. Title

This Order is the Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2008.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Application and duration

(1) Subject to paragraph (2), this Order exempts qualifying employees from liability (whether arising before or after this Order comes into force) under any law of the Falkland Islands —

(a) to pay income tax in respect of earnings in relevant employment by a designated employer; and

(b) from liability under any such law to pay retirement pension contributions by reason of relevant employment.

(2) Nothing in this Order confers any exemption from liability to pay income tax in relation to earnings after 31st December 2008 in relevant employment or confers any exemption from liability to pay retirement pension contributions by reason of relevant employment after that date.

4. Interpretation

In this Order —

(a) a person is a qualifying employee in relation to any period of employment in which —

(i) the requirements of section 9A of the Ordinance are satisfied in relation to the person; and

- (ii) the person is in the employment of Serco Limited;
- (b) “relevant employment” has the same meaning as it has under of section 9A of the Ordinance;
- (c) “retirement pension contributions” means contributions which an employee is required to pay under the provisions of the Retirement Pensions Ordinance 1996^a;
- (d) “earnings” has the same meaning as “relevant income” has under section 9A of the Ordinance;
- (e) “the Ordinance” means the Taxes and Duties (Special Exemptions) Ordinance 1987.

Made 28th January 2008

A. E. Huckle,
Governor.

^a No 20 of 1996

Further to FI Gazette Supplement No 1 dated 31 January 2008:

The Road Traffic Bill 2008 was printed in this Supplement, but the explanatory memorandum to the Bill was inadvertently not printed. A copy of the explanatory memorandum is therefore enclosed for information.

EXPLANATORY MEMORANDUM

ROAD TRAFFIC BILL 2008

The Bill is intended to replace the Road Traffic Ordinance. The Bill is divided into 15 Parts, consisting of a total of 268 clauses, and has 10 schedules. This Explanatory Memorandum aims to highlight the provisions of the Bill which, if made, would consist of new law.

The Bill was first published for consultation purposes in the *Gazette* in March 2006 (without Explanatory Memorandum). Amendments have been made following further work by the Road Traffic Working Group in 2006 and 2007 and following policy considerations by Executive Council.

Part I - Introductory

This part contains detailed interpretation provisions. The definition of road is unchanged from the existing Ordinance, but *clause 4(2)* extends some of the principal road safety provisions in Part II so that they have wider application than existing road safety provisions. In particular, dangerous driving, careless and inconsiderate driving, and driving whilst over the prescribed limit will apply to all carriageways (which includes undesignated roads).

Part II – Principal Road Safety Provisions

The Bill replaces the offence of reckless driving with that of dangerous driving (*clause 5*), as occurred in UK through the Road Traffic Act 1991. The test for determining whether driving is dangerous concentrates on the nature of the driving, rather than the defendant's state of mind. The subjective mental element of reckless driving has long caused difficulties in prosecutions. This is replaced by an objective test for dangerous driving.

The offence of careless and inconsiderate driving (*clause 8*) automatically applies to the use of a hand-held phone whilst driving.

A new offence of causing death by careless driving whilst under the influence of drink or drugs is created by *clause 9*.

Clause 11 allows samples of blood and urine to be used to determine whether a person is driving whilst over the prescribed limit. This provides an alternative to the existing system of testing of breath samples only.

Clauses 19 and 20 make new provision in relation to motor racing on highways.

Clauses 21 to 27 make provision in relation to protective measures such as seatbelts. In particular, the law introduces new restrictions concerning the carriage of children not wearing seatbelts in vehicles (*clause 22*). Bus passengers must also be notified of the requirement to wear seatbelts (*clause 23*).

Clause 28 provides for new parking offences.

Clause 29 makes new provision to allow children to cycle on footpaths.

Clause 35 creates a new offence of holding or getting on to a vehicle in order to be towed or carried.

Clauses 36 to 39 deal with cycles generally, but in particular, *clause 39* has the effect of now permitting persons who are 14 years and older to drive certain types of electrically assisted pedal cycle or electrically assisted scooter on a road.

Part III – Construction and Use of Vehicles and Equipment

There is already some provision under the existing Ordinance and the Road Traffic (Provisional) Regulations which controls the construction and use of vehicles, but this part of the Bill provides greater detail in the controls.

In particular, a new offence is created by *clause 44* of using a vehicle in a dangerous condition. New offences are created for breach of construction and use requirements (*clauses 46 to 48*), and new provision is made for exemption to be made from construction and use regulation.

New provision is made for the appointment of vehicle examiners (*clause 50*) and for the testing of vehicles by examiners (*clause 51*) in relation to construction and use requirements and in relation to a vehicle which might be a danger. Vehicle examiners are given power to inspect public passenger and goods vehicles (*clause 52*), to prohibit the driving of unfit vehicles, and new offences are created for breach of a prohibition (*clause 55*).

Clause 57 creates a new offence of selling an unroadworthy vehicle, and *clause 58* makes it an offence to fit or supply defective or unsuitable vehicle parts.

Clause 58 makes new provision for the regulation of the construction and use of pedal cycles.

Part IV – Licensing of Drivers of Vehicles

This part of the Bill replaces the existing driver licence requirements with more detailed provision.

Clause 60 imposes a requirement for a driving licence, and excepts a person who has been in the Falkland Islands for less than 12 months and who holds a valid UK, EU, EEA licence or a licence from a designated country. Farmers are excepted from the requirement to hold a licence in certain circumstances connected with farm work.

New provision is made at *clauses 61 and 62* in relation to tests of competence to drive, and *clause 63* imposes new requirements as to the physical fitness of a driver. *Clauses 64 and 65* make associated provision in relation to disability.

Clause 67 requires an insurer to notify the chief police officer if the insurer refuses insurance to a driver on grounds of health.

Clauses 69 imposes a requirement on the chief police officer to grant a licence in certain circumstances, and *clause 70* provides for regulations to be made for the form of a licence (which may be a photocard and counterpart).

Clause 71 provides for the duration of a driver's licence in various circumstances (a full driving licence is currently of indefinite duration), and *Clause 72* provides new age qualification requirements for certain classes of vehicle.

Part V – Licensing of Drivers of Large Goods Vehicles and Passenger Carrying Vehicles

This part introduces a newly regulated system of licensing of drivers of large goods vehicles (over 7.5 tonnes) and passenger carrying vehicles (more than 8 passengers). In particular, *clause 79* requires the chief police officer to be satisfied that a person is fit to hold a licence, having had regard to the person's conduct. If that fitness is brought into question, a licence may be suspended or revoked (*clause 81*).

Part VI – Licensing of Taxis and Private Hire Vehicles

This part contains entirely new provision in relation to the licensing of taxis and taxi drivers.

Clause 88 requires the chief police officer to be satisfied that a vehicle is suitable for use as a taxi before issuing a taxi licence, and this clause and *clause 89* sets out other provision for the operation of taxis under licence.

Clause 90 requires a taxi to be driven by a licensed driver, and a person may not be licensed to drive a taxi unless the chief police officer is satisfied that the person is a fit and proper person to drive a taxi. *Clause 91* provides for the inspection of taxis.

Clauses 92 to 96 make similar provision for the licensing of private hire and public service vehicles and for the licensing of the drivers of such vehicles as applies in relation to taxis.

Part VII – Third Party Liabilities

This part replaces the existing requirement for the operation of a vehicle to be covered by insurance for third party liabilities.

Clause 105 makes new provision in relation to the issue and surrender of certificates of insurance.

Clause 107 invalidates any agreement between driver and passenger that the passenger is carried "at their own risk"; ie any attempt by the vehicle driver or owner to avoid liability for injury or death of a passenger.

Clauses 113 to 115 make new provision to enable a hospital to recover, from an insurer, the cost of hospital treatment of the casualties of road traffic incidents.

Part VIII – Powers of Police Officers and Duties of Drivers, Forgery, False Statements etc

This part largely repeats existing provisions regarding these matters.

However, *clause 122* imposes a new requirement on a pedestrian to give their name and address to a police officer in certain circumstances.

Clauses 124 and 125 impose new requirements in relation to the provision of information about compulsory insurance and information about the identity of the driver of a vehicle respectively.

Clause 128 supplements existing provisions relating to forgery of documents and false statements.

Part IX – Trial

This part contains entirely new provisions relating to the conduct of prosecutions under the Ordinance.

Clause 129 imposes a requirement to warn a defendant in some circumstances before a prosecution may take place. The offences to which the clause applies are listed in *Schedule 3*.

Clause 131 imposes a duty to provide the court with a driving licence, and *clause 132* imposes a duty to include certain information in a written plea of guilty.

Clauses 133 to 137 deal with various evidential matters. *Clause 138* requires the court to notify the chief police officer if it becomes apparent, during proceedings, that the accused may be suffering from a disability relevant to a driving licence.

Clause 139 enables the court, where there is sufficient evidence, to convict a defendant of an alternate offence or offences where the original charge, being one of those listed under the section, cannot be proved by the prosecution.

Clauses 140 and 141 relate to matters after conviction; provision of information and interim disqualification.

Part X – Sentence

This repeats some existing sentencing options but also introduces new sentencing provisions.

Clauses 142 to 145 introduces a penalty points system, which allows the court to attribute points on a driving licence in relation to relevant convictions. The penalty points system is relevant to the disqualification provisions, which appear later in the part.

Clause 146 provides for a court's consideration of endorsements on a driving licence.

Clause 147, together with *Schedule 5*, provides a revised schedule of maximum penalties (fine and/or imprisonment) in relation to existing offences and new offences created under the Ordinance.

Clause 148 makes provision in relation to disqualification for certain offences, and *clause 149* provides that an offender convicted of certain offences or an offender who has accumulated twelve penalty points or more, must usually be disqualified from driving by the court.

Clause 150 provides that in certain circumstances, an offender must be disqualified until the offender passes a driving test.

Clauses 152 to 154 make new provision for appeal against disqualification and suspension of disqualification pending appeal.

Clause 155 gives revised periods in relation to making application for removal of disqualification, and *clause 156* provides a rule for determining the end of a period of disqualification.

Clause 157 to 162 make more detailed provision in relation to endorsements.

Part XI – Fixed Penalties

This part is entirely new and makes provision for certain offences to be punishable by fixed penalty.

Clause 163 provides that certain offences set out in *Schedule 6* are fixed penalty offences, and *clause 164* describes what a fixed penalty notice is; offering a defendant the opportunity to discharge any liability to conviction by payment of a fixed penalty.

Clause 165 relates to the amount of a fixed penalty. *Clause 166* makes provision for the issue of fixed penalty notices, and *clause 167* sets out the effect of a notice.

Clauses 168 to 171 set out ancillary matters relating to fixed penalty notices, and *clause 172* sets out the procedure relevant to the exclusion of a fixed penalty (where the offence would make the defendant liable to disqualification).

Clause 173 permits a fixed penalty notice to be attached to a vehicle, and *clauses 174 to 179* set out the procedure which follows the fixing of such a notice.

The fixed penalty procedure is set out in *clauses 180 to 185*.

Clauses 186 to 188 provide for a conditional offer to be made to a person who a police officer believes may have committed a fixed penalty offence but to whom no fixed penalty notice has been issued.

Clauses 189 to 195 concern the court proceedings which may follow the issue of a fixed penalty notice.

Part XII – General Provisions for Traffic Regulation and Traffic Regulation in Particular Cases

This is another part which makes entirely new provision; for the making by the Governor of traffic regulation orders, and for other regulatory steps to be taken.

Clause 197 provides what may be included a traffic regulation order, and *clauses 198 to 200* are supplementary to that provision.

Clause 201 empowers the director of public works to impose temporary restrictions on roads.

Clause 203 empowers the chief police officer to prohibit or restrict traffic in connection with certain events.

Clause 204 empowers the Governor to regulate the use of roads by public service vehicles, and *clause 205* empowers the Governor to prohibit or restrict the use of vehicles on roads generally or by class of vehicle.

Part XIII – Crossings, Traffic Signs and Speed limits

Clauses 206 to 209 largely repeat existing provisions in relation to road crossings.

Clauses 210 to 212 replace and supplement existing provisions in relation to road traffic signs.

Clauses 213 and 214 largely repeat existing provision in relation to speed limits.

Clause 215 permits variable speed limits to be set for different classes of vehicles.

Clause 217 imposes a duty on the director of public works to erect speed limit signs.

Clause 218(2) restricts the prosecution of a speeding offence where there is only opinion evidence of the offence from one witness. *Clause 218(3)* stipulates the circumstances in which an employer may be found to have incited an employee to commit a speeding offence.

Clauses 219 and 220 make provision in relation to the removal of vehicles parked or abandoned in certain conditions.

Part XIV – Registration and Taxation of vehicles

This part repeats existing requirements to register a vehicle.

Clauses 224 to 226 make new provision in relation to registration marks, including;

- provision for the Governor to make regulations concerning the sale of particular registration marks;
- the allocation of registration marks to motor dealers; and
- provision for a person to keep a registration mark when selling a vehicle.

Existing provisions regarding vehicle licences and duty are replaced with much more detailed regulation concerning vehicle licences and tax in *clauses 228 to 247*.

Clause 229 provides that the amount of tax payable on a vehicle licence will be set by regulation or Finance Ordinance.

Vehicle licences may be obtained for a greater variety of periods than currently possible, eg a vehicle licence may be obtained for only one month (*clause 230(2)*).

Clause 233 provides that a supplement is payable on late renewal of a vehicle licence.

Clause 235 makes provision for regulations permitting the transfer of a vehicle licence from one vehicle to another.

Clause 245 makes it an offence to fail to return a vehicle licence when required, and *clauses 246 and 247* make additional provision in relation vehicle licences and dishonoured cheques.

Offences relating to registration marks are set out in *clauses 248 and 249*.

Clause 254 limits the time in which civil proceeding for under or over payment of vehicle tax may be brought.

Clauses 255 to 258 deal with evidential matters in connection with vehicle licences.

Part XV – Miscellaneous and General

Clauses 262 and 263 make new provision in relation to invalid carriages, and in relation to badges for display on vehicles used by disabled persons.

Clauses 264 to 266 contain the provisions which would repeal the existing Road Traffic Ordinance, and make continuity and transitional provisions.

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**THE
FALKLAND ISLANDS GAZETTE
Supplement**

PUBLISHED BY AUTHORITY

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29 February 2008

No. 2

The following are published in this Supplement –

Fisheries (Eligibility Renewal Applications) Order 2008 (SR&O No 4 of 2008);

Fishery Products (Hygiene)(Revocation) Order 2008 (SR&O No 5 of 2008);

Supplementary Appropriation (2007-2008) Ordinance 2008 (No 1 of 2008); and

Planning (Amendment) Ordinance 2008 (No 2 of 2008).

SUBSIDIARY LEGISLATION

FISHERIES

Fisheries (Eligibility Renewal Applications) Order 2008

S. R. & O. No: 4 of 2008

Made: 8 February 2008

Published: 29 February 2008

Coming into force: upon publication

IN EXERCISE of my powers under sections 26(1) and 30(1) of the Fisheries (Conservation and Management) Ordinance 2005 (“the Ordinance”) I make the following Order —

1. Title

This Order is the Fisheries (Eligibility Renewal Applications) Order 2008.

2. Commencement

This Order comes into force upon publication in the Gazette.

3. Alternative method of applying for renewal of registration

(1) If—

(a) an application for renewal is to be made in accordance with section 26(2) of the Ordinance (“the first renewal application”); and

(b) the company making the application has other entries in the Register that fall to be renewed within a period of 10 months from the date on which the first renewal application is made;

the company may opt to apply to renew the period of all such registrations in a combined application.

(2) Where a company so opts —

(a) it must specify all entries in the Register in respect of which the combined application for renewal is made;

(b) it must pay the fees that would have been applicable if each of the applications had been made individually;

(c) it must supply a statutory declaration complying with section 26(2)(c):

(d) subsections (3) to (5) of that section apply to the combined application as they would have applied to the first renewal application; and

(e) if granted, all the registrations included in the combined application will be renewed for the 12 month period that applies in respect of the first renewal application.

(3) Paragraphs (1) and (2) apply to an application for renewal which is to be made in accordance with section 30(2) except that "26" is omitted wherever it appears in those paragraphs, and "30" is substituted.

Made 8th February 2008

A. E. Huckle,
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

This Order makes provision for an alternative method by which a company can apply for the renewal of its name in the Individual Transferable Quota Eligibility Register or the Provisional Quota Eligibility Register. Under this alternative method the company can opt to combine a number of separate applications into a combined application.

SUBSIDIARY LEGISLATION

FISHERIES

Fishery Products (Hygiene)(Revocation) Order 2008

S.R & O. No. 5 of 2008

Made: 25 February 2008

Published: 29 February 2008

Coming into force: on publication

IN EXERCISE of my powers under section 3(1) of the Fishery Products (Hygiene) Ordinance 1988 (No 7 of 1988), I make the following order —

1. Title

This order is the Fishery Products (Hygiene)(Revocation) Order 2008.

2. Commencement

This order comes into force on publication.

3. Revocation of Designation Orders

(1) The Fishery Products (Hygiene)(Designated Vessel) Order 2005 (No 6 of 2005) is revoked.

(2) The Fishery Products (Hygiene)(Designated Vessels) Order 1998 (No 55 of 1998) is revoked in so far as it applies to the vessel El Greco.

Made 25th February 2008

A. E. Huckle,
Governor

EXPLANATORY NOTE

(not forming part of the above regulations)

This order has the effect of cancelling the designations made under the Fishery Products (Hygiene) Ordinance in respect of the fishing vessels Protegat and El Greco. Approval of those vessels for the purposes of the Ordinance has been revoked by the food authority.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Supplementary Appropriation (2007-2008) Ordinance 2008

(No: 1 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Withdrawal of additional sum
4. Replenishment of Contingencies Fund

Schedule

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

SUPPLEMENTARY APPROPRIATION (2007-2008) ORDINANCE 2008

(No: 1 of 2008)

(assented to: 25 February 2008)

(commencement: on publication)

(published: 29 February 2008)

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £511,000 for the financial year ending 30 June 2008.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Supplementary Appropriation (2007-2008) Ordinance 2008.

2. Commencement

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

3. Withdrawal of additional sum

(1) The Financial Secretary may withdraw an additional sum of £511,000 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2008 in accordance with section 4 and the Schedule.

4. Replenishment of Contingencies Fund

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrants numbered 3 to 6 of 2007-2008, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.

SCHEDULE

<u>Number</u>	<u>Head of Service</u>	<u>Amount</u> £
OPERATING BUDGET		
0200	Health & Social Services	350,000
0452	Registry	7,000
0453	Courts	12,000
0600	Central Administration	10,000
	Total Operating Budget	<hr/> 379,000
FUND TRANSFERS & TRANSFER PAYMENTS		
0999	Transfer Payments	132,000
	TOTAL SUPPLEMENTARY EXPENDITURE	<hr/> 511,000 <hr/>

Passed by the Legislature of the Falkland Islands on 22 February 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Planning (Amendment) Ordinance 2008

(No: 2 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of the Planning Ordinance

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

PLANNING (AMENDMENT) ORDINANCE 2008

(No: 2 of 2008)

(assented to: 25 February 2008)

(commencement: on publication)

(published: 29 February 2008)

AN ORDINANCE

To amend the Planning Ordinance (Title 55.3)

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Planning (Amendment) Ordinance 2008.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of the Planning Ordinance

Section 112(2) of the Planning Ordinance is repealed.

Passed by the Legislature of the Falkland Islands on 22 February 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

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**THE
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Supplement**

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The following are published in this Supplement –

Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008);

Offshore Installations (Safety Case) Order 2008 (SR&O No 7 of 2008);

**Offshore Minerals (Health and Safety)(Amendment) Order 2008 (SR&O No 8 of 2008);
and**

Provision and Use of Work Equipment Order 2008 (SR&O No 9 of 2008).

SUBSIDIARY LEGISLATION

**OFFSHORE MINERALS
HEALTH AND SAFETY**

**Health and Safety at Work etc. Act 1974
(Application outside the Falkland Islands) Order 2008**

S. R. & O. No: 6 of 2008

Made: 6 March 2008

Published: 12 March 2008

Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 36(4) and (6) of the Offshore Minerals Ordinance 1994 (No 16 of 1994) and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order —

1. Title

This Order is the Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 2008.

2. Commencement

This Order will come into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Interpretation

(1) In this Order, unless the context otherwise requires —

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“activity” includes a diving project;

“designated area” has the meaning given by Proclamation No 1 of 1991 and “within a designated area” includes over and under it;

“diving project” has the same meaning as it has in the Diving at Work Regulations 1997 save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“the Diving at Work Regulations 1997” means the regulations in their application to the law of the Falkland Islands by virtue of the Diving at Work Order 1998 (SR&O No 25 of 1998);

“energy structure” means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

“offshore installation” shall be construed in accordance with article 5(2) and (3) of this Order;

“the prescribed provisions of the 1974 Act” means sections 1 to 59 and 80 to 82 of the 1974 Act;

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“territorial sea” means the territorial sea adjacent to the Falkland Islands and “within the territorial sea” includes on, over and under it;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Order, any structures and devices on top of a well shall be treated as forming part of the well.

4. Application of the 1974 Act outside the Falkland Islands

(1) The prescribed provisions of the 1974 Act shall, to the extent specified in the following articles of this Order, apply to and in relation to the premises and activities outside the Falkland Islands which are so specified as those provisions apply within Great Britain as if those provisions had been extended to the Falkland Islands.

(2) The reference in paragraph (1) of this article to premises and activities includes a reference to any person, article or substance on those premises or engaged in or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

5. Offshore installations

(1) The prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area to and in relation to —

(a) any offshore installation and any activity on it;

(b) any activity in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than —

(i) transporting, towing or navigating the installation; and

(ii) any activity in or from a vessel being used as a stand-by vessel;

(c) a diving project involving —

- (i) the survey and preparation of the sea bed for an offshore installation;
- (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) In this Order “offshore installation” means, subject to paragraph (3) of this article, a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water —

- (i) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (ii) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
- (iii) for the conveyance of things by means of a pipe; or
- (iv) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,

together with any supplementary unit which is ordinarily connected to it, and all the connections.

(3) Any reference in paragraph (2) to a structure or unit does not include —

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a structure which has ceased to be used for any of the purposes specified in paragraph (2)(b) of this article and has since been used for a purpose not so specified;
- (d) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in paragraph (2)(b) of this article; and
- (e) any part of a pipeline.

6. Wells

(1) Subject to paragraph (2) of this article, the prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area to and in relation to —

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in sub-paragraph (a) above.

(2) Paragraph (1) of this article includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

7. Pipelines

(1) The prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area to and in relation to —

- (a) any pipeline;
- (b) any pipeline works;
- (c) the following activities in connection with pipeline works —
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft in a vessel, being in either case a vessel which is engaged in pipeline works.

(2) In this article —

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with —

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding paragraphs;
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the Falkland Islands, within the territorial sea adjacent to the Falkland Islands, or within a designated area;

“pipeline works” means —

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (a) to (c) of this definition, and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in sub-paragraphs (a) to (d) of this definition;
- (f) a diving project in connection with any of the works mentioned in sub-paragraphs (a) to (e) of this definition or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

8. Other activities within the territorial sea

(1) Subject to paragraph (2), the prescribed provisions of the 1974 Act shall apply within the territorial sea to and in relation to —

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in sub-paragraph (a) of this paragraph;
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
- (f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph (3)(d) of article 5 of this Order applies;
- (g) the operation of a cable for transmitting electricity from an energy structure to the Falkland Islands;
- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in sub-paragraph (f) of this paragraph.

(2) This article shall not apply —

(a) to a case where article 5, 6 or 7 of this Order applies; or

(b) to vessels which are registered outside the Falkland Islands and are on passage through the territorial sea.

9. Legal proceedings

Proceedings for any offence under section 33 of the 1974 Act, being an offence to which that section applies by virtue of this Order, may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the Falkland Islands.

10. Miscellaneous provisions

The prescribed provisions of the 1974 Act shall apply in accordance with this Order to individuals whether or not they are British subjects, and to bodies corporate whether or not they are incorporated under the law of the Falkland Islands.

11. Revocation

The Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 1998 (SR&O No 6 of 1998) is hereby revoked.

12. Saving

Nothing in this Order shall be taken to limit or prejudice the operation which any Act or legislative instrument may, apart from this Order, have in the territorial sea or elsewhere.

Made 6th March 2008

P. L. Martinez,
Acting Governor

EXPLANATORY NOTE

(not forming part of the above Order)

1. This Order revokes and re-enacts with amendments the Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 1998 (“the 1998 Order”), which applied certain provisions of the Health and Safety at Work etc. Act 1974 (“the prescribed provisions”) to certain premises and activities in the territorial sea adjacent to the Falkland Islands and to areas designated under Proclamation No 1 of 1991. In addition to minor and drafting amendments, this Order makes the following changes of substance.

2. The application by *article 4(1)* of the prescribed provisions to certain premises or activities within the territorial sea or a designated area now extends to a “diving project” (defined in *article 2(1)*) involving the survey and preparation of the sea bed consequent on the removal of an offshore installation (*article 4(1)(c)*).
3. The definition in *article 4(2)* of “offshore installation” now includes a supplementary unit (defined in *article 2(1)*) connected to it, and all the connections.
4. The application by *article 7* of the prescribed provisions to certain premises and activities within the territorial sea now includes (*article 7(1)(a)*) specified activities in relation to an “energy structure” (defined in *article 2(1)*), and (*article 7(1)(b)*) the transfer of people or goods to or from any structure mentioned in *article 7(1)(a)*.
5. Article 7 does not now apply to a case where articles 4 to 6 apply (*article 7(2)*).

SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY

Offshore Installations (Safety Case) Order 2008

S. R. & O. No: 7 of 2008

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Interpretation
4. Application of the Offshore Installations (Safety Case) Regulations 2005
5. Power to determine fees
6. Revocation of the Offshore Installations (Safety Case) Order 1998

Schedule

Offshore Installations (Safety Case) Regulations as applying under article 4 of this Order

1. Citation and commencement
2. Interpretation
3. Communication and storage of information by electronic means
4. Application
5. Duties of licensee
6. Design and relocation notifications for production installation
7. Safety case for production installation
8. Safety case for non-production installation
9. Design notification and safety case for non-production installation
10. Notification of combined operations
11. Safety case for dismantling fixed installation
12. Management of health and safety control of major accident hazards
13. Review of safety case
14. Revision of safety case
15. Powers of Director and Governor in relation to safety cases and related documents
16. Duty to conform with safety case
17. Notification of well operations
18. Keeping of documents
19. Verification schemes
20. Review and revision of verification schemes

21. Continuing effect of verification schemes
22. Defence
23. Exemptions
24. Appeals
25. Amendments

- Schedule 1 - Particulars to be included in a Design Notification or a Relocation Notification
- Schedule 2 - Particulars to be included in a Safety Case for the operation of a Production installation
- Schedule 3 - Regulation 8 - Particulars to be included in a Safety Case for a Non-production installation
- Schedule 4 - Regulation 10(1) – Particulars to be included in a Notification of Combined Operations
- Schedule 5 - Regulation 11 – Particulars to be included in a current Safety Case in respect of the dismantling of a fixed installation
- Schedule 6 - Regulation 17 – Particulars to be included in a notification of well operations
- Schedule 7 - Regulation 19(2)(b) – Matters to be provided for in a verification scheme
- Schedule 8 - Regulation 24(2) – Appeals
- Schedule 9 - Regulation 25 – Amendments

SUBSIDIARY LEGISLATION

**OFFSHORE MINERALS
HEALTH AND SAFETY**

Offshore Installations (Safety Case) Order 2008

S. R. & O. No: 7 of 2008

Made: 6 March 2008

Published: 12 March 2008

Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 27(1), 36(2)(b), 36(6) and 77 of the Offshore Minerals Ordinance 1994 (No 16 of 1994) and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order —

1. Title

This Order is the Offshore (Safety Case) Order 2008.

2. Commencement

This Order will come into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Interpretation

In this Order —

“the external application Order” means the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008); and

“the prescribed provisions of the 1974 Act” has the same meaning as in the external application Order.

4. Application of the Offshore Installations (Safety Case) Regulations 2005

The Offshore Installations (Safety Case) Regulations 2005 (SI 2005/3117) in the form appearing in the Schedule to this Order applies —

(a) in the Falkland Islands; and

(b) to and in relation to activities outside the Falkland Islands to which the prescribed provisions of the 1974 Act apply by virtue of the external application Order.

5. Power to determine fees

The Director of Mineral Resources may by written notice determine fees which are payable to the Governor by such person, and in such amount, as may be described in the notice, in connection with any function which the Director or the Governor is obliged to, or may, carry out under, or in connection with, this Order.

6. Revocation of the Offshore Installations (Safety Case) Order 1998

The Offshore Installations (Safety Case) Order 1998 (SR&O No 7 of 1998) is revoked.

Made 6th March 2008

P. L. Martinez,
Acting Governor

SCHEDULE

Article 4

Offshore Installations (Safety Case) Regulations 2005 as applying under article 4 of this Order

Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Safety Case) Regulations 2005 in their application under the law of the Falkland Islands and in such application shall come into force on such date as the Offshore (Safety Case) Order 2008 comes into force.

Interpretation

2. In these Regulations —

“the 1974 Act” means the Health and Safety at Work etc Act 1974;

“the 1992 Regulations” means the Offshore Installations (Safety Case) Regulations 1992 (SI 1992/2885) in their application under the law of the Falkland Islands by virtue of article 3 of the Offshore Installations (Safety Case) Order 1998 (SR&O No 7 of 1998) hereinafter called “the 1998 Order”;

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005 in the form they have effect in the United Kingdom;

“current safety case” means a safety case in respect of an installation which has been accepted by the Governor pursuant to these Regulations and includes any revision thereto which —

(a) may take effect without the acceptance of the Governor; or

(b) has been accepted by the Governor;

“Director” means the Director of Minerals Resources;

“dismantling” means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated, and “dismantled” shall be construed accordingly;

“diving bell” means a compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life, being a chamber in which any occupant is or may be subject to a pressure of more than 300 millibars above atmospheric pressure during normal operations;

“duty holder” means —

(a) in relation to a production installation, the operator; and

(b) in relation to a non-production installation, the owner;

“field development programme” means the support document to be submitted to the Governor pursuant to the Guidance Notes on Procedures for Regulating Offshore Oil and Gas Field Developments as issued or re-issued by the Director from time to time;

“fixed installation” means an installation which cannot be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“installation” means an offshore installation within the meaning of regulation 3 of the Management Regulations;

“licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 6 of the Ordinance;

“the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996” means the regulations in their application to the law of the Falkland Islands by virtue of the Offshore Installations and Wells (Design and Construction etc) Order 1998 (SR&O No 13 of 1998);

“major accident” means —

(a) a fire, explosion or the release of a dangerous substance involving death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;

(b) an event involving major damage to the structure of the installation or plant affixed thereto or any loss in the stability of the installation;

(c) the collision of a helicopter with the installation;

(d) the failure of life support systems for diving operations in connection with the installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations; or

(e) any other event arising from a work activity involving death or serious personal injury to five or more persons on the installation or engaged in an activity in connection with it;

“management system” means the organisation and arrangements established by a person for managing his undertaking;

“the Management Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in their application under the law of the Falkland Islands by virtue of article 3 of the Offshore Installations and Pipeline Works (Management and Administration) Order 1998 (SR&O No 8 of 1998);

“non-production installation” means an installation other than a production installation;

“notified” means notified in writing, and related expressions shall be construed accordingly;

“operator”, in relation to a pipeline, means —

(a) the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;

(b) until that person is known (should there be a case where at a material time he is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or

(c) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it;

“operator”, in relation to a production installation, means —

(a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or

(b) the licensee, where —

(i) it is not clear to the Governor that one person has been appointed to perform the functions described in paragraph (a); or

(ii) in the opinion of the Governor, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;

“the Ordinance” means the Offshore Minerals Ordinance 1994 (No 16 of 1994);

“owner” means the person who controls the operation of a non-production installation;

“petroleum” —

(a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and

(b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“the PFEER Regulations” means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 in their application under the law of the Falkland Islands by virtue of article 3 of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Order 1998 (SR&O No 12 of 1998);

“pipeline” shall be construed in accordance with regulation 3 of the Pipelines Safety Regulations 1996 (SI 1996/825);

“production installation” means an installation which —

(a) extracts petroleum from beneath the sea-bed by means of a well;

(b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or

(c) is used for the conveyance of petroleum by means of a pipe,

and —

(a) includes a —

(i) non-production installation converted for use as a production installation for so long as it is so converted;

(ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and

(iii) production installation which has not come into use; and

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;

“relevant statutory provisions” means the relevant statutory provisions (as defined in section 53(1) of the 1974 Act) which apply to or in relation to installations or activities on or in connection with them;

“relevant waters” means —

(a) tidal waters and parts of the sea in or adjacent to the Falkland Islands up to the seaward limits of the territorial sea; and

(b) any waters which are within the definition of “controlled waters” contained in section 2(1) of the Offshore Minerals Ordinance 1994 (No 16 of 1994);

“safety-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part thereof—

(a) the failure of which could cause or contribute substantially to; or

(b) a purpose of which is to prevent, or limit the effect of,

a major accident;

“specified plant” means the plant for an installation which is provided —

(a) in compliance with regulations 11(1)(a), 13, 15 and 16 of the PFEER Regulations;

(b) as means required to be provided by regulation 10 of the PFEER Regulations —

(i) for detecting fire; and

(ii) for detecting and recording accumulations of flammable gases; and

(c) pursuant to the measures required by regulation 12 of the PFEER Regulations to combat fire and explosion,

except for —

(a) plant which is part of the safety-critical elements for that installation; and

(b) aircraft or equipment to which regulation 18 of the PFEER Regulations applies;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed;

“well” means —

(a) a well made by drilling; and

(b) a borehole drilled with a view to the extraction of petroleum through it or another well, and shall be deemed to include any device on it for containing the pressure in it;

“well operation” means —

(a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the sea-bed; and

(b) any operation in relation to a well during which there may be an accidental release of fluids from that well which could give rise to the risk of a major accident; and

“well operator”, in relation to a well or proposed well, means —

(a) the person appointed by the licensee for that well or proposed well to execute the function of organising and supervising the drilling of that well and all operations to be carried out by means of that well; or

(b) where no such person has been appointed, the licensee.

(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case or a notification of combined operations or well operations is a reference to a document containing the particulars specified in the Schedule referred to in the provision pursuant to which it is prepared and, for a safety case, regulation 12.

(3) Any reference in the Regulations to operating an installation is a reference to using the installation for any of the purposes described in sub-paragraphs (a) to (d) of paragraph (1) of regulation 3 of the Management Regulations.

(4) For the purposes of these Regulations, an installation other than a production installation, the operation of which has not been treated as having commenced in accordance with paragraph (2) of regulation 7, shall be treated as engaged in a combined operation with another such installation or other such installation if an activity carried out temporarily for a purpose related to the other installation or installations and could affect the health or safety of persons on the other installations, and the expression “combined operation” shall be construed accordingly.

(5) Any reference in these Regulations to a verification scheme is a reference to a suitable written scheme for ensuring, by means described in paragraph (6), that the safety-critical elements and the specified plant —

(a) are or, where they remain to be provided, will be suitable; and

(b) where they have been provided, remain in good repair and condition.

(6) The means referred to in paragraph (5) are —

- (a) examination, including testing where appropriate, of the safety-critical elements and the specified plant by independent and competent persons;
- (b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by such persons;
- (c) examination by such persons of work in progress;
- (d) the taking of appropriate action following reports by such persons;
- (e) the taking of other such steps as may be properly provided for pursuant to regulation 19 and Schedule 7; and
- (f) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e) of this paragraph.

(7) For the purposes of paragraph (6) and regulations 19 and 20, a person shall be regarded as independent only where —

- (a) his function will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and
- (b) he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect of which he might consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.

(8) Any reference in these Regulations to an activity in connection with an installation is a reference to any activity in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than —

- (a) transporting, towing or navigating the installation; and
- (b) any activity in or from a vessel which is ready to give assistance in the event of an emergency on or near the installation.

(9) Where a duty holder is succeeded by a new duty holder, anything done in compliance with these Regulations by the duty holder in relation to an installation shall, for the purposes of these Regulations, be treated as having been done by his successor.

Communication and storage of information by electronic means

3.—(1) Except as provided in paragraph (5), where these Regulations require or allow a person to communicate information to another, whether in writing or otherwise, that person may communicate such information by electronic means.

(2) Information communicated by electronics means shall not be treated as having been received by the recipient for the purposes of these Regulations unless the recipient —

(a) has agreed to receive that information by electronic means by providing the sender with an address to which that information may be sent;

(b) is able to read and print that information; and

(c) is able to store that information in a form with which the sender cannot interfere.

(3) In the absence of a clear indication to the contrary, information communicated by electronic means in accordance with, and for the purposes of, these Regulations shall be deemed —

(a) to be accurately dated and timed;

(b) to have been sent by the person from whom it purports to originate;

(c) not to have been tampered with or otherwise modified; and

(d) where relevant, to be intended to have legal effect.

(4) Where these Regulations require any person to record, note or store information, it may be recorded, noted or stored on film or by electronic means if it —

(a) can be reproduced (in the case of information recorded, noted or stored on film, at the place at which it is recorded, noted or stored) as a written copy; and

(b) is reasonably secure from loss or unauthorised interference.

(5) This regulation shall not apply to regulation 22(2).

Application

4. These Regulations shall apply —

(a) in the Falkland Islands, and

(b) outside the Falkland Islands as sections 1 to 9 and 80 to 82 of the 1974 Act apply by virtue of articles 4, 5, 6 and 7 of the Health and Safety at Work etc, Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008).

Duties of licensee

5. The licensee shall —

(a) ensure that any operator appointed by him is capable of satisfactorily carrying out his functions and discharging his duties under the relevant statutory provisions; and

(b) take all reasonable steps to ensure that any operator appointed by him carries out his functions and discharges his duties under the relevant statutory provisions.

Design and relocation notifications for production installation

6.—(1) The operator of a production installation which is to be established shall —

(a) prepare a design notification containing the particulars specified in Schedule 1; and

(b) send the design notification to the Director,

at such time before the submission of a field development programme to the Governor as will enable him to take account in the design of any matters relating to health and safety raised by the Director within 3 months (or such shorter period as the Director may specify) of that time.

(2) The operator of a production installation which is to be moved to a new location (whether from outside relevant waters or not) and operated there shall —

(a) prepare a relocation notification containing the particulars specified in Schedule 1 not contained in any current safety case for that installation; and

(b) send the relocation notification to the Director,

at such time before the submission of a field development programme to the Governor as will enable him to take account of any matters relating to health and safety raised by the Director within 3 months (or such shorter period as the Director may specify) of that time.

(3) Paragraph (1) shall only require the particulars in the design notification to describe the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the Director.

(4) Where there is a material change in any particulars notified pursuant to —

(a) paragraph (1) prior to the duty holder sending a safety case to the Director in accordance with regulation 7(1)(b); or

(b) paragraph (2) prior to the duty holder sending —

(i) a safety case to the Director in accordance with regulation 7(1)(b); or

(ii) revisions to the current safety case to the Director in accordance with regulation 14(2),

the duty holder shall notify the Director of that change as soon as practicable.

Safety case for production installation

7.—(1) The operator of a production installation shall ensure that it is not operated unless —

(a) he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 2;

(b) he has sent the safety case to the Director at least 6 months (or such shorter period as the Director may specify) before commencing the operation; and

(c) the Governor has accepted the safety case.

(2) For the purposes of paragraph (4) of regulation 2 and paragraph (1), the operation of an installation shall be treated as commenced —

(a) on the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the sea-bed; or

(b) when petroleum is brought onto the installation for the first time through a pipeline or well,

whichever is earlier.

(3) A safety case prepared pursuant to paragraph (1) and revisions to a current safety case prepared pursuant to regulation 9(5) may be prepared in relation to more than one production installation where the Governor so approves in writing and, where a safety case is or revisions are to be so prepared in relation to installations with different operators, it shall be sufficient compliance with paragraph (1)(a) and (b) and regulation 9(5)(a) and (b) if the operators prepare and agree a safety case or revisions containing the particulars referred to in that paragraph and that regulation and one of them sends it to the Director in accordance with paragraph (1)(b) and regulation 9(5)(b).

Safety case for non-production installation

8. The owner of a non-production installation shall ensure that it is not moved in relevant waters with a view to its being operated there unless —

(a) he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 3;

(b) he has sent the safety case to the Director at least 3 months (or such shorter period as the Director may specify) before the movement of the installation in those waters with a view to its being operated there; and

(c) the Governor has accepted the safety case.

Design notification and safety case for non-production installation to be converted

9.—(1) Where a non-production installation is to be converted to enable it to be operated as a production installation, the owner shall —

(a) prepare a design notification in respect of the proposed conversion containing, subject to paragraph (3), the particulars specified in Schedule 1 not contained in any current safety case for that installation; and

(b) send the design notification to the Director,

at such time before completion of the design of the proposed conversion as will enable him to take account in the design of the proposed conversion as will enable him to take account in the design of any matters relating to health and safety raised by the Director within 3 months (or such shorter period as the Director may specify) of that time.

(2) The particulars specified in Schedule 1 which must be provided in respect of a design notification under paragraph (1) shall be construed as if all references to “operator” were references to the owner of the non-production installation to be converted.

(3) Paragraph (1) shall only require the particulars in the design notification to address the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the Director.

(4) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the duty holder sending —

(a) a safety case to the Director in accordance with regulation 7(1); or

(b) revisions to the current safety case to the Director in accordance with paragraph (5),

the duty holder shall notify the Director of that change as soon as practicable.

(5) Where a non-production installation operated pursuant to a current safety case is converted to a production installation, the operator of that production installation shall ensure that it is not operated as a production installation unless —

(a) he has prepared revisions to the current safety case for that installation containing the particulars specified in regulation 12 and Schedule 2 not contained in that current safety case;

(b) he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Director at least 3 months (or such shorter period as the Director may specify) before commencing the operation in accordance with paragraph (2) of regulation 7; and

(c) the Governor has accepted those revisions to the current safety case.

Notification of combined operations

10.—(1) A duty holder for an installation which is to be involved in a combined operation shall ensure that that installation does not engage in a combined operation unless a notification containing the particulars specified in Schedule 4 (other than those already notified to the

Director pursuant to regulation 17) in respect of that combined operation is sent to the Director at least 21 days (or such shorter period as the Director may specify) before it is due to commence.

(2) The requirements of paragraph (1) will be satisfied if—

(a) the duty holders for every installation involved in the combined operation prepare and agree a notification containing the particulars specified in that paragraph; and

(b) one of them sends it to the Director at least 21 days (or such shorter period as the Director may specify) before it is due to commence.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant combined operation, the duty holder shall notify the Director of that change as soon as is practicable.

(4) Where there is a change in the duty holder or of the installation, the duty holder shall send a notification pursuant to paragraph (1).

Safety case for dismantling fixed installation

11.—(1) The operator of a fixed installation shall ensure that it is not dismantled unless—

(a) he has prepared revisions to the current safety case containing, subject to paragraph (2), the particulars specified in regulation 12 and Schedule 5 not contained in the current safety case for that installation;

(b) he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Director at least 3 months (or such shorter period as the Director may specify) before the commencement of the dismantling; and

(c) the Governor has accepted those revisions to the current safety case.

(2) Paragraph (1) shall only require the particulars in the proposed revisions to the current safety case to describe the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them as the time of sending the proposed revisions to the Director.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the Governor deciding whether to accept the proposed revisions to the current safety case, the operator shall notify the Director of that change as soon as practicable.

(4) In this regulation, “operator”, in relation to a fixed installation, means—

(a) the person appointed by the licensee to manage and control directly or by any other person the execution of dismantling a fixed installation; or

(b) the licensee, where—

(i) it is not clear to the Director that one person has been appointed to perform the functions described in paragraph (a); or

(ii) in the opinion of the Director, any person appointed to perform the functions specified in paragraph (a) is incapable of performing those functions satisfactorily.

Management of health and safety and control of major accident hazards

12.—(1) The duty holder who prepares a safety case pursuant to these Regulations shall, subject to paragraphs (2) and (3), include in the safety case sufficient particulars to demonstrate that —

(a) his management system is adequate to ensure —

(i) that the relevant statutory provisions will, in respect of matters within his control, be complied with; and

(ii) the satisfactory management of arrangements with contractors and sub-contractors;

(b) he has established adequate arrangements for audit and for the making of reports thereof;

(c) all hazards with the potential to cause a major accident have been identified; and

(d) all major accident risks have been evaluated and measures have been, or will be, taken to control those risks to ensure that the relevant statutory provisions will be complied with.

(2) Paragraph (1) shall only require the particulars in the safety case to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the safety case to the Director.

(3) In this regulation, “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by persons who are sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.

Review of safety case

13.—(1) A duty holder shall thoroughly review a current safety case when directed to do so by the Director.

(2) In the absence of a direction under paragraph (1), a duty holder shall thoroughly review a current safety case within 5 years of —

(a) the date on which the Governor accepted that current safety case; and

(b) the date of the previous review.

(3) A duty holder shall send a summary of each such review to the Director —

(a) where the review is conducted at the direction of the Director, within such reasonable time, being a period of not less than 28 days of the direction, as may be specified by the Director, or

(b) in all other cases, within 28 days of its conclusion.

Revision of safety case

14.—(1) In addition to the other occasions on which a duty holder must revise a current safety case pursuant to these Regulations, a duty holder shall revise a current safety case —

(a) when appropriate; and

(b) when directed to do so by the Director pursuant to regulation 15(1).

(2) Revisions made under paragraph (1)(a) which make a material change to the current safety case shall not be effective unless —

(a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Director —

(i) at least 3 months, or such shorter period as the Director may specify; or

(ii) where the revisions relate to a combined operation, at least 6 weeks, or such shorter period as the Director may specify,

before the revisions are to be made; and

(b) the Governor has accepted the revisions.

(3) Without prejudice to the generality of paragraph (2) —

(a) no well operation shall constitute a material change;

(b) the movement of a production installation to a new location to be operated there shall constitute a material change; and

(c) the conversion of a production installation to enable it to be operated as a non-production installation shall constitute a material change,

to the current safety case for the purposes of paragraph (2).

Powers of Director and Governor in relation to safety cases and related documents

15.—(1) The Director may direct a duty holder to prepare revisions to a current safety case in relation to such matters as the Director may notify to him.

(2) When making a direction for the purposes of paragraph (1), the Director shall explain why he believes that each revision is necessary and shall specify a period, not being less than 28 days, within which the duty holder shall submit such revisions to the Director.

(3) Revisions submitted pursuant to paragraph (1) shall not be effective unless —

(a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Director; and

(b) the Governor has accepted the revisions.

(4) After the submission of a design notification required under regulation 6 or 9 and prior to the submission of a safety case in respect of a production installation, the duty holder for that installation shall provide the Director with a copy of any document which, in the opinion of the Director, may be directly or indirectly relevant to the duty holder's preparation of the safety case for that installation within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the Director.

(5) The Governor may suspend any current safety case where the Governor does not accept any proposed revision thereto submitted to it pursuant to regulation 15(3).

(6) When suspending a current safety case in accordance with paragraph (5), the Governor shall explain why the Governor believes that a suspension is necessary.

(7) During any period in which the current safety case for an installation is suspended, the duty holder for that installation shall ensure that it is not operated.

(8) The Governor may lift any suspension in respect of a current safety case when satisfied that the health and safety of persons who are likely to be affected by the lifting of any suspension will not be prejudiced in consequence of it.

Duty to conform with safety case

16.—(1) The duty holder shall ensure that the procedures and arrangements described in the current safety case which may affect health or safety are followed.

(2) In criminal proceedings for a contravention of paragraph (1), it shall be a defence for the accused to prove that —

(a) in the particular circumstances of the case, it was not in the best interests of the health and safety of persons to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 14; or

(b) the commission of the offence was due to a contravention by another person of regulation 8 of the Management Regulations and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

Notification of well operations

17.—(1) Subject to paragraph (2), a well operator shall ensure that no well operation is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Director at least 21 days (or such shorter period as the Director may specify) before commencing that operation.

(2) In the case of a production installation a well operator shall ensure that —

(a) no well operation which involves —

(i) insertion of a hollow pipe in the well; or

(ii) altering the construction of the well,

is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Director at least 10 days (or such shorter period as the Director may specify) before commencing that operation; and

(b) no well operation which involves drilling is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Director at least 21 days (or such shorter period as the Director may specify) before commencing that operation.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant well operation, the well operator shall notify the Director of that change as soon as practicable.

Keeping of documents

18.—(1) A duty holder shall —

(a) ensure that, when he sends —

(i) the design notification, in the case of a production installation; or

(ii) the safety case, in the case of a non-production installation,

to the Director, he is notified of an address in the Falkland Islands for the purposes of subparagraphs (b) and (e) below;

(b) keep copies, at the address referred to in subparagraph (a) and on the installation, of the following documents relating to the installation —

(i) the current safety case;

(ii) any summary of any review of the current safety case prepared pursuant to regulation 13(2); and

- (iii) each audit report;
- (c) keep copies on the installation of the following documents relating to the installation —
- (i) any relocation notification and any material changes thereto;
 - (ii) any notification of combined operations and any material changes thereto; and
 - (iii) any notification of well operations and any material changes thereto;
- (d) ensure that, in respect of each audit report, a written statement is made, recording —
- (i) the main findings of the report;
 - (ii) the recommendations in the report; and
 - (iii) the action proposed to implement those recommendations, including the timescales involved,
- and a copy of that statement kept on the installation; and
- (e) ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record kept at the address referred to in subparagraph (a) and on the installation.
- (2) The copy of the current safety case referred to in paragraph (1) and any other relevant documents shall be kept for so long as they are current, and the copy of the audit report, the written statement and the record referred to in that paragraph shall be kept for a period of 3 years after being made.
- (3) The duty holder for an installation shall ensure that —
- (a) its verification scheme, any modification of that scheme and any note made pursuant to regulation 19(2)(c) or 20(b) is kept at the address notified to the Director pursuant to subparagraph (a) of paragraph (1) until the expiration of 6 months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and
 - (b) records, sufficient to show the matters described in paragraph 5 of Schedule 7, are kept at the address notified to the Director pursuant to subparagraph (a) of paragraph (1) until the expiration of 6 months after the scheme pursuant to which they were compiled has ceased to be current.
- (4) In this regulation, “audit report” means a report made pursuant to the arrangements referred to in regulation 12(1)(b).

Verification schemes

19.—(1) The duty holder for an installation shall ensure that a record of the safety-critical elements and the specified plant is made.

(2) After a record has been made in accordance with paragraph (1), the duty holder shall ensure that, in accordance with paragraph (3) —

- (a) comment on that record by an independent and competent person is invited;
- (b) a verification scheme providing for the matters contained in Schedule 7 is drawn up by or in consultation with such person;
- (c) a note is made of any reservation expressed by such person as to the contents of —
 - (i) that record; or
 - (ii) that scheme; and
- (d) that scheme is put into effect.

(3) The matters set out in paragraph (2) shall be completed —

- (a) in the case of a production installation, before completion of its design; and
- (b) in the case of a non-production installation, before it is moved into relevant waters with a view to its being operated there.

Review and revision of verification schemes

20. The duty holder shall ensure that, as often as may be appropriate —

- (a) the verification scheme for his installation is reviewed and, where necessary, revised or replaced by or in consultation with an independent and competent person; and
- (b) a note is made of any reservation expressed by such person in the course of drawing it up.

Continuing effect of verification schemes

21. The duty holder shall ensure that effect continues to be given to the verification scheme for his installation, or any revision or replacement of it, while that installation remains in being.

Defence

22.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 19 to 21 it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove —

(a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called "the other person"); and

(b) that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.

(2) The person charged shall not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending 10 clear days before the commencement of the hearing he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Exemptions

23.—(1) Subject to paragraph (2), the Governor may, by a certificate in writing, exempt any person, installation or well or class of persons, installations or wells from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Governor shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to —

(a) the conditions, if any, which it proposes to attach to the exemption; and

(b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption and will not be prejudiced in consequence of it, and that the exemption will be compatible with Article 3(2) of Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling.

Appeals

24.—(1) Any person who is aggrieved by a decision of the Governor or the Director, as the case may be —

(a) as to a finding of fact for the purposes of these Regulations which affects him as a duty holder or licensee or any installation for which he is or may be responsible;

(b) not to accept a safety case prepared by him and submitted pursuant to regulation 7(1) or 8;

(c) to direct him to prepare revisions to a current safety case in accordance with regulation 15(1);

(d) not to accept a revision to a current safety case prepared by him and submitted in accordance with regulation 9(5), 11(1), 14(2) or 15(3);

(e) to suspend pursuant to regulation 15(5) a current safety case held by him;

(f) not to lift a suspension pursuant to regulation 15(8) in respect of a current safety case held by him;

(g) to revoke an exemption certificate granted to him pursuant to regulation 23(1); or

(h) to grant to him an exemption certificate subject to a condition or a limit of time pursuant to regulation 23(1),

may appeal to the Supreme Court.

(2) The provisions of Schedule 8 shall apply where an aggrieved person appeals to the Supreme Court.

(3) Any decision which is the subject of an appeal under this regulation shall not be suspended pending final determination of the appeal.

Amendments

25. The instruments referred to in Schedule 9 shall be amended in accordance with that Schedule.

Schedule 1

regulations 6(1) and (2) and 9(1)

PARTICULARS TO BE INCLUDED IN A DESIGN NOTIFICATION OR A RELOCATION NOTIFICATION

1. The name and address of the operator of the installation.
2. A description of the design process from an initial concept to the submitted design and the design philosophy used to guide the process.
3. A description of—
 - (a) the chosen design concept, including suitable diagrams, and a summary of the other design options which were considered;
 - (b) how the chosen design concept is intended to ensure —

(i) compliance with the requirements set out in regulations 5 and 10 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996; and

(ii) that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and

(c) the criteria used to select the chosen design concept and the process by which the selection was made.

4. A description of —

(a) the principal systems on the installation;

(b) the installation layout;

(c) the process technology to be used;

(d) the principal features of any pipeline;

(e) any petroleum-bearing reservoir intended to be exploited using the installation; and

(f) the basis of design for any wells to be connected to the installation.

5. A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of —

(a) the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and

(b) the properties of the sea-bed and subsoil at its location.

6. Particulars of the types of operation, and activities in connection with an operation, which the installation may perform.

7. A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.

8. A summary of the verification scheme prepared pursuant to regulation 19(2)(b).

9. Where a non-production installation is to be converted for use as a production installation, an explanation of why the owner considers the installation suitable for conversion.

10. Where a production installation is to be moved to a new location, an explanation of why the operator considers the installation suitable for the new location.

Schedule 2

regulation 7

PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR THE OPERATION OF A PRODUCTION INSTALLATION

1. The name and address of the operator of the installation.
2. A description of the extent to which the duty holder has taken into account any matters raised by the Director pursuant to regulations 6(1) and (4)(a) and 9(1) and (4).
3. Omitted.
4. A description, with suitable diagrams, of—
 - (a) the main and secondary structure of the installation and its materials;
 - (b) its plant;
 - (c) the layout and configuration of its plant;
 - (d) the connections to any pipeline or installation; and
 - (e) any wells connected or to be connected to the installation.
5. A suitable plan of the location of the installation and of anything connected to it, and particulars of—
 - (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and
 - (b) the properties of the sea-bed and subsoil at its location.
6. Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
7. The maximum number of persons—
 - (a) expected to be on the installation at any time; and
 - (b) for whom accommodation is to be provided.
8. Particulars of the plant and arrangements for the control of well operations, including those—
 - (a) to control pressure in a well;

(b) to prevent the uncontrollable release of hazardous substances; and

(c) to minimise the effects of damage to subsea equipment by drilling equipment.

9. A description of any pipeline with the potential to cause a major accident, including —

(a) the fluid which it conveys;

(b) its dimensions and layout;

(c) its contained volume at declared maximum allowable operating pressure; and

(d) any apparatus and works intended to secure safety,

together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations 1996 (SI 1996/825).

10. A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.

11. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.

12. A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for —

(a) temporary refuge;

(b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;

(c) means of evacuation at those points; and

(d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.

13. A description of the main requirements in the specification for the design of the installation and its plant, which shall include —

(a) any limits for safe operation or use specified therein;

(b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;

(c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements; and

(d) a description of how the duty holder —

(i) where he is also the operator in relation to a pipeline, has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations 1996; or

(ii) where he is not also the operator in relation to a pipeline, has co-operated or will co-operate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations 1996.

14. Particulars of any combined operations which may involve the installation, including —

(a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;

(b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;

(c) the plant likely to be used during any such combined operation; and

(d) the likely impact any such combined operation may have on the installations involved.

Schedule 3

regulation 8

PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR A NON-PRODUCTION INSTALLATION

1. The name and address of the owner of the installation.

2. Omitted.

3. A description, with suitable diagrams, of —

(a) the main and secondary structure of the installation and its materials;

(b) its plant; and

- (c) the layout and configuration of its plant.
4. Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
 5. The maximum number of persons —
 - (a) expected to be on the installation at any time; and
 - (b) for whom accommodation is to be provided.
 6. Particulars of the plant and arrangements for the control of well operations, including those—
 - (a) to control pressure in a well;
 - (b) to prevent the uncontrollable release of hazardous substances; and
 - (c) to minimise the effects of damage to subsea equipment by drilling equipment.
 7. A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.
 8. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.
 9. A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for —
 - (a) temporary refuge;
 - (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
 - (c) means of evacuation at those points; and
 - (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.
 10. A description of the main requirements in the specification for the design of the installation and its plant, which shall include —
 - (a) any limits for safe operation or use specified therein;

(b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;

(c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements.

11. Particulars of —

(a) the limits of the environmental conditions beyond which the installation cannot safely be stationed or operated;

(b) the properties of the sea-bed and subsoil which are necessary for the safe stationing and operation of the installation; and

(c) the locations in which the installation may be stationed and operated safely.

12. A description of the arrangements for —

(a) identifying the routes and locations of pipelines, wells and other subsea equipment; and

(b) assessing the risks that they pose to the installation.

13. Particulars of any combined operations which may involve the installation, including —

(a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;

(b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;

(c) the plant likely to be used during any such combined operation; and

(d) the likely impact any such combined operation may have on the installations involved.

Schedule 4

regulation 10(1)

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF COMBINED OPERATIONS

1. The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.

2. A description of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.
3. Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.
4. A summary of the joint review referred to in paragraph 14(b) of Schedule 2 or paragraph 13(b) of Schedule 3, which shall include—
 - (a) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and
 - (b) a description of any risk control measures introduced as a result of that review.
5. A description of the combined operation and a programme of work, which shall include the dates on which the combined operation is expected to commence and finish.

Schedule 5

regulation 11

PARTICULARS TO BE INCLUDED IN A SAFETY CASE IN RESPECT OF THE DISMANTLING OF A FIXED INSTALLATION

1. The name and address of the operator of the installation.
2. The dates on which dismantling is expected to commence and finish.
3. Omitted.
4. The maximum number of persons expected to be on the installation at any time during its dismantling.
5. A description of how the duty holder will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.
6. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.
7. A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF WELL OPERATIONS

1. The name and address of the well operator.
2. Where the well operation is to be carried out —
 - (a) from an installation, the name of the installation and the name and address of the duty holder for that installation; or
 - (b) by means of a vessel, the name of that vessel.
3. Particulars of the fluids to be used to control the pressure of the well.
4. Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.
5. Particulars of the type of well, its number, and slot number, and the name of any field development of which it may be part.
6. A description of the well operation and a programme of works which includes —
 - (a) the date on which each well operation is expected to commence and finish; and
 - (b) the intended operational state of the well at the end of each well operation.
7. A description of —
 - (a) any activities on or in connection with an installation or a vessel during the well operation described pursuant to paragraph 6 which may involve hazards with the potential to cause a major accident; and
 - (b) such hazards.
8. In the case of a well which is to be drilled —
 - (a) particulars, with suitable diagrams, of —
 - (i) the location of the top of the well;
 - (ii) the directional path of the well-bore;
 - (iii) its terminal depth and location; and

- (iv) its position, and that of nearby wells, relative to each other;
 - (b) particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;
 - (c) the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and
 - (d) a description of the design of the well, including the limits on its safe operation and use.
9. In the case of an existing well —
- (a) a diagram of the well;
 - (b) a summary of earlier operations in relation to it;
 - (c) the purposes for which it has been used;
 - (d) its current operational state;
 - (e) its state of repair;
 - (f) the physical conditions within it; and
 - (g) its production capacity.
10. Where a well operation is to be carried out by means of a non-production installation or a vessel —
- (a) particulars of —
 - (i) the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;
 - (ii) the depth of water; and
 - (iii) the properties of the sea-bed and subsoilat the location at which the well operation will be carried out; and
 - (b) a description of how the well operator and —
 - (i) the owner of the installation; or
 - (ii) the operator and owner of the vessel

involved in the well operation will co-ordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

Schedule 7

regulation 19(2)(b)

MATTERS TO BE PROVIDED FOR IN A VERIFICATION SCHEME

1. The principles to be applied by the duty holder for the installation in selecting persons —
 - (a) to perform functions under the scheme; and
 - (b) to keep the scheme under review.
2. Arrangements for the communication of information necessary for the proper implementation, or revision, of the scheme to the persons referred to in paragraph 1.
3. The nature and frequency of examination and testing.
4. Arrangements for review and revision of the scheme.
5. The arrangements for the making and preservation of records showing —
 - (a) the examination and testing carried out;
 - (b) the findings;
 - (c) remedial action recommended; and
 - (d) remedial action performed.
6. Arrangements for communicating the matters specified in paragraph 5 to an appropriate level in the management system of the duty holder for the installation.

Schedule 8

regulation 24(2)

APPEALS

Part 1

1. In this Schedule —
“appeal” means an appeal under regulation 24;

“appellant” means a person who has brought an appeal;

“appointed person” means a person appointed in accordance with paragraph 2;

“hearing” means a hearing to which Part 2 of this Schedule applies; and

“the parties” means the appellant and the Governor or the Director (according to which of them made the decision appealed against).

2. The Supreme Court shall direct that an appeal shall be determined by a person appointed by him for the purpose and the court shall notify the parties in writing of the name of the appointed person.

3. Before the determination of an appeal, the appointed person shall ask the parties whether they wish to appear and be heard on the appeal and —

(a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard as aforesaid; or

(b) the appointed person shall, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 of this Schedule shall apply.

4. An appointed person may give such directions as he thinks appropriate to give effect to his determination.

5. There may be paid to the appointed person such remuneration and allowances as the Chief Justice, after consultation with the Governor, may agree.

Part 2

6.—(1) Subject to the following subparagraphs of this paragraph, a date, time and place for the holding of the hearing shall be fixed by the appointed person, who shall give not less than 28 days’ notice in writing of such date, time and place to the parties.

(2) With the consent of the parties, the appointed person may give such lesser period of notice as shall be agreed with the parties and in that event he may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.

(3) Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person shall give such notice of the variation as may appear to him to be reasonable in the circumstances.

7.—(1) Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the Director shall serve on the appellant a

written statement of any submission which the Governor (if he is the respondent or the Director) proposes to put forward at the hearing and shall supply a copy of the statement to the appointed person.

(2) Where the respondent intends to refer to or put in evidence documents (including photographs and plans) at the hearing —

(a) the statement of the Director shall be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and

(b) the Director shall afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

(3) If required by the appointed person, the appellant shall —

(a) serve on the Director and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which he proposes to put forward at the hearing accompanied by a list of any documents (including photographs and plans) which he intends to refer to or put in evidence at the hearing; and

(b) afford the Director a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

8.—(1) The parties shall be entitled to appear at the hearing.

(2) Any other person may appear at the discretion of the appointed person provided that he has, not later than 7 days before the date of the hearing, served on the Director a statement of his proposed submissions.

(3) The Director shall send a copy of every statement served on the Director in accordance with subparagraph (2) to the appointed person and to the appellant.

(4) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by a legal practitioner.

(5) A person may appear in person or be represented by a legal practitioner or any other person.

(6) Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.

9.—(1) All hearings shall be held in private.

(2) Except as otherwise provided in this Part of the Schedule, the procedure of the hearing shall be such as the appointed person shall in his discretion determine and the appointed person shall

state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, he proposes to adopt.

(3) Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant shall be heard first and shall have the right of final reply.

(4) The parties shall be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.

(5) Subject to subparagraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded him to take or obtain copies thereof.

(6) The appointed person shall not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.

(7) The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between them, but shall (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing at his discretion.

(9) The appointed person shall be entitled (subject to disclosure thereof at the hearing) to take into account any written representations or statements received by him before the hearing from any person.

(10) The appointed person may from time to time adjourn the hearing, and where he does so, shall give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

10.—(1) Where, after the hearing, the appointed person proposes to take into consideration —

(a) any new evidence, including expert opinion on a matter of fact; or

(b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State,

which was not raised at the hearing and which he considers to be material to his decision, he shall not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations thereon in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If he thinks fit, the appointed person may cause the hearing to be re-opened and shall cause it to be re-opened if asked to do so in accordance with sub paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) shall apply as it applied to the original hearing.

11. The appointed person shall notify the decision on the appeal, and the reasons therefore, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

Schedule 9

regulation 25

AMENDMENTS

1. Omitted.

1A. In this Schedule —

(a) “the Diving at Work Regulations 1997” means the regulations in their application to the law of the Falkland Islands by virtue of the Diving at Work Order 1998 (SR&O No 25 of 1998); and

(b) “the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995” means those Regulations as they apply as part of the law of the Falkland Islands by virtue of article 3 of the Reporting of Injuries Diseases and Dangerous Occurrences) Order 1998 (SR&O No 14 of 1998).

2. In the Management Regulations —

(a) in regulation 2(1) (interpretation) —

(i) omit the definition of “concession owner”;

(ii) for the definition of “duty holder”, substitute —

“ “duty holder” means —

(a) in relation to a production installation, the operator; and

(b) in relation to a non-production installation, the owner;”;

(iii) omit the definition of “fixed installation”;

(iv) after the definition of “installation manager”, insert —

“ “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 6 of the Offshore Minerals Ordinance 1994 (No 16 of 1994)”;

(v) omit the definition of “mobile installation”;

(vi) before the definition of “offshore installation”; insert —

“ “non-production installation” means an installation other than a production installation;”;

(vii) for the definition of “operator”, substitute —

“ “operator” means —

(a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or

(b) the licensee, where —

(i) it is not clear to the Director that one person has been appointed to perform the functions described in paragraph (a); or

(ii) in the opinion of the Director, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;

(viii) for the definition of “owner”, substitute —

“ “owner” means the person who controls the operation of a non-production installation;”;

(ix) before the definition of “pipeline”, insert —

“ “petroleum” —

(a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and

(b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;”

(x) Omitted.

(xi) after the definition of “pipeline works”, insert —

“production installation” means an installation which —

- (a) extracts petroleum from beneath the sea-bed by means of a well;
- (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
- (c) is used for the conveyance of petroleum by means of a pipe,

and —

- (a) includes a —
 - (i) non-production installation converted for use as a production installation for so long as it is so converted;
 - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
 - (iii) production installation which has not come into use; and
- (b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;

(b) Omitted.

3. In the PFEER Regulations —

(a) in regulation 2(1) (interpretation) —

- (i) Omitted;
- (ii) omit the definition of “concession owner”;
- (iii) for the definition of “duty holder”, substitute —

“duty holder” means —

- (a) in relation to a production installation, the operator; and
- (b) in relation to a non-production installation, the owner;”;
- (iv) omit the definition of “fixed installation”;
- (v) after the definition of “installation”, insert —

“ “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 6 of the Offshore Minerals Ordinance 1994;”;

(vi) in the definition of “major accident”, replace the words “1992” with “2005”;

(vii) omit the definition of “mobile installation”;

(viii) after the definition of “muster areas”, insert —

“ “non-production installation” means an installation other than a production installation;”;

(ix) for the definition of “operator”, substitute —

“ “operator” means —

(a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or

(b) the licensee, where —

(i) it is not clear to the Director that one person has been appointed to perform the functions described in paragraph (a); or

(ii) in the opinion of the Director, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;

(x) for the definition of “owner”, substitute —

“ “owner” means the person who controls the operation of a non-production installation;”;

(xi) after the definition of “personal protective equipment”, insert —

“ “petroleum” —

(a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and

(b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation; and

“production installation” means an installation which —

(a) extracts petroleum from beneath the sea-bed by means of a well;

(b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or

(c) is used for the conveyance of petroleum by means of a pipe,

and —

(a) includes a —

(i) non-production installation converted for use as a production installation for so long as it is so converted;

(ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and

(iii) production installation which has not come into use; and

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;

(b) in regulation 3(1)(b) (application) for the words “1995” substitute “2001”;

(c) in regulation 17 (arrangements for recovery and rescue) before the word “include” insert “shall”;

(d) omit paragraphs (2) to (7) of regulation 19 (suitability and condition of plant); and

(e) omit regulation 24 (amendment of the Offshore Installations (Safety Case) Regulations 1991).

4. In regulation 2(1) (interpretation) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, for subparagraph (a)(vi) of the definition of “responsible person”, substitute —

“(vi) a dangerous occurrence at a well, the person appointed by a licensee to execute the function of organising and supervising the drilling of, and all operations to be carried out by means of, that well or, where no such person has been appointed, the licensee (and, for this purpose, “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 6 of the Offshore Minerals Ordinance 1994);”.

5. In the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 —

(a) in regulation 2 (interpretation) —

(i) in paragraph (1) —

(aa) in the definition of “the 1992 Regulations” for the words “1992” substitute “2005”;

(bb) omit the definition of “concession owner”;

(cc) after the definition of “integrity” insert —

“ “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 6 of the Offshore Minerals Ordinance 1994;”

(dd) in the definition of “mobile installation” omit the words “(other than a floating production platform)”;

(ee) in the definition of “safety case” for the words “1992” substitute “2005”;

(ff) in the definition of “well-operator” in each place in which they occur for the words “concession owner” substitute “licensee”; and

(ii) in paragraph (4)(b) for the words “1992” substitute “2005”.

(b) omit regulation 26 and Schedule 2 (modification of the Offshore Installation (Safety Case) Regulations 1992).

6. In the Diving at Work Regulations 1997 omit paragraph 4 of Schedule 2.

7. Omitted.

EXPLANATORY NOTE

(not forming part of the above Order)

1. Article 3 of the Offshore Installations (Safety Case) Order 1998 gave effect in Falkland Islands law to the Offshore Installations (Safety Case) Regulations 1992 in the form set out in the Schedule to the Order.

2. This Order replaces the 1998 Order and gives effect to the Offshore Installations (Safety Case) Regulations 2005 which replace the 1992 Regulations. The 1992 Regulations contained minimum requirements as to the safety and health protection of workers in the offshore petroleum extracting industry through drilling. The 2005 Regulations continue to do so.

3. A safety case is defined in the Regulations as a document containing specified information relating to the management of health and safety and the control of major accident hazards and

containing the particulars specified in the Schedule referred to in the provision of the Regulations under which it is prepared (regulations 2(2) and 12).

4. The Regulations —

- (a) require a licensee to ensure that any operator he appoints is capable of carrying out his functions and discharging his duties satisfactorily (regulation 5);
- (b) require an operator to prepare and send to the Director of Mineral Resources a design notification for a production installation which is to be established (regulation 6(1)) and a relocation notification for a production that is to be moved to a new location (regulation 6(2));
- (c) prohibit the operation of a production installation unless a safety case has been sent to and accepted by the Governor (regulation 7 and Schedule 2);
- (d) prohibit the movement of a non-production installation in relevant waters (as defined in regulation 2(1)) with a view to its being operated there unless a safety case has been sent to the Director and accepted by the Governor (regulation 8 and Schedule 3);
- (e) require a design notification to be sent to the Director in respect of the conversion of a non-production installation to a production installation (regulation 9(1)) and prohibit the operation of a converted installation unless a safety case has been sent to and accepted by the Governor (regulation 9(5));
- (f) prohibit the engagement of an installation in a combined operation with another unless a notification has been sent to the Director (regulation 10 and Schedule 4);
- (g) prohibit the dismantling of a fixed installation unless a revised safety case has been sent to and accepted by the Governor (regulation 11 and Schedule 5);
- (h) require a safety case to be reviewed when directed by the Director and at intervals of 5 years (regulation 13);
- (i) require a safety case to be revised when appropriate and when directed by the Director (regulation 14);
- (j) grant to the Director powers in respect of safety cases and related documents (regulation 15);
- (k) require any procedures or arrangements in safety cases to be followed and provide for specified defences for contravention of the requirement (regulation 16);
- (l) prohibit the commencement of a well operation unless a notification has been sent to the Director (regulation 17);

(m) impose requirements with respect to the making and keeping of documents (regulation 18);

(n) impose requirements with respect to the creation, revision and continuing effect of a verification scheme in respect of an installation and provide a defence for contravention of the requirements (regulations 19 to 22);

(o) provide for the granting of exemptions from the Regulations by the Governor (regulation 23); and

(p) provide for an appeal to the Supreme Court against certain decisions of the Governor and of the Director (regulation 24).

SUBSIDIARY LEGISLATION

**OFFSHORE MINERALS
HEALTH AND SAFETY**

Offshore Minerals (Health and Safety)(Amendment) Order 2008

S. R. & O. No: 8 of 2008

Made: 6 March 2008

Published: 12 March 2008

Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 27(1), 36(1), 36(2)(a) and (b) and 36(6) of the Offshore Minerals Ordinance 1994 (No 16 of 1994) and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order —

1. Title

This Order is the Offshore Minerals (Health and Safety)(Amendment) Order 2008.

2. Commencement

This Order will come into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Amendments

The Schedule to this Order has effect to amend the various Orders in the manner specified.

Made 6th March 2008

P. L. Martinez,
Acting Governor

SCHEDULE

Amendment of Orders

Part 1

Amendment of the Offshore Health and Safety Order 1998 (SR&O No 5 of 1998)

Article 2(2) of the Offshore Health and Safety Order 1998 is amended by inserting after the words "Part 1" the words "and sections 80 to 82".

Part 2

*Amendment of the Offshore Installations and Pipeline Works
(Management and Administration) Order 1998 (SR&O No 8 of 1998)*

1. In this Part of this Schedule the "Management Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in the form they appear in the Schedule to the Offshore Installations and Pipeline Works (Management and Administration) Order 1998.

2. Regulation 2(1) of the Management Regulations is amended by inserting after the definition of "relevant waters" the following definition —

“ "supplementary unit" means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation; and”

3. Regulation 3 of the Management Regulations is amended —

(a) in paragraph (1), by substituting the words "together with any supplementary unit which is ordinarily connected to it or any part of it (including those parts described in paragraph (3) below) and all of the connections" for the words "and which is not an excepted structure";

(b) in paragraph (2), by substituting the words "Any reference in paragraph (1) to a structure or unit does not include" for the words "For the purposes of paragraph (1), the excepted structures are"; and

(c) in sub-paragraph (e) of paragraph (2), by substituting the words "yet being moved with a view to its being" for the words "for the time being intended to be".

EXPLANATORY NOTE

(not forming part of the above Order)

This Order amends the definition of "offshore installation" in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995, as applying as part of Falkland Islands law by virtue of article 3 of the Offshore Installations and Pipeline Works (Management and Administration) Order 1998, by extending that definition to include a supplementary unit (as defined) and by modifying the reference in regulation 3(2) (excepted structures) to a mobile structure which has been taken out of use.

SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY

Provision and Use of Work Equipment Order 2008

S. R. & O. No: 9 of 2008

Made: 6 March 2008

Published: 12 March 2008

Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 27(1), 36(2)(b) and 36(6) of the Offshore Minerals Ordinance 1994 (No 16 of 1994) and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order —

1. Title

This Order is the Provision and Use of Work Equipment Order 2008

2. Commencement

This Order will come into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Interpretation

In this Order —

“the 1998 Regulations” means the Provision and Use of Work Equipment Regulations 1998 (SI 1998/2306); and

“the external application order” means the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 2008 (SR&O No 6 of 2008).

4. Application of Regulations

The 1998 Regulations shall, subject to the exceptions and modifications specified in the Schedule to this Order, apply to and in respect of offshore installations and places of work to which the external application Order applies.

5. Revocation

The Provision and Use of Work Equipment Order 1998 (SR&O No 10 of 1998) is hereby revoked.

Made 6th March 2008

P. L. Martinez,
Acting Governor

SCHEDULE

Exceptions and modifications in relation to the application of the 1998 Regulations under article 4 of this Order

Exceptions

1. Regulations 12(5), 32(5), 36, 37, 38 and 39 and Schedule 4 are omitted.

Modifications

2. Regulation 1 is modified by omitting the words “and shall come into force on 5th December 1998”.
3. Regulation 3 is modified in paragraph (1) by —
 - (a) by omitting paragraph (a), and
 - (b) by replacing paragraph (b) with —

“(b) outside the Falkland Islands as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 2008 (“the 2008 Order”).
4. Regulation 3 is modified in paragraph (10) by replacing the words “Great Britain” with the words “Falkland Islands”.
5. Regulation 10 is modified by inserting the following paragraph after paragraph 2 —

“(2A) Paragraphs (1) and (2) shall have effect as if —

 - (a) any such instrument mentioned in paragraph (1) as does not otherwise form part of the law of the Falkland Islands formed part thereof (but only for the purpose of giving full effect to these Regulations and not further or otherwise);”.

EXPLANATORY NOTE

(not forming part of the above Order)

This Order applies to and in relation to offshore installations and places of work to which the Health and Safety at Work) etc Act 1974 (Application outside the Falkland Islands) Order 20078 applies the provisions of the Provision and Use of Work Equipment Regulations 1998 (SI 1998/2306). It revokes the Provision and Use of Work Equipment Order 1998 (SR&O No 10 of 1998) which applied the provisions of the Provision and Use of Work Equipment Regulations 1992 (SI 1992/2932).

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**THE
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The following are published in this Supplement –

Explanatory Memorandum to the Taxes (Amendment) Bill 2008; and

Taxes (Amendment) Bill 2008.

TAXES (AMENDMENT) BILL

EXPLANATORY MEMORANDUM

Introduction

1. The Taxes (Amendment) Bill amends the law relating to individual transferable quota, referred to in this memorandum as ITQ. This is a valuable right which enables companies to fish lawfully in accordance with Falkland Islands law. The legislation governing ITQ is contained in the Fisheries (Conservation and Management) Ordinance (No 14 of 2005) which provides that ITQ can only be owned by companies the shareholders of which are individuals having Falkland Islands status or Falkland Islands companies. ITQ can be traded between companies and, if such trading takes place, any profits and losses are treated as income gains and losses, not capital gains and losses. This follows from the definition of "income" in section 2 of the Taxes Ordinance (No 14 of 1997).

2. Section 100A of the Taxes Ordinance taxes as income any gains or losses arising on the disposal of shares in companies which own ITQ, referred to in this memorandum as ITQ companies. This prevents shareholders avoiding the charge to tax on the disposal of the ITQ itself by transferring shares in the ITQ company.

3. The Bill changes the definition of a group of companies in this context and introduces certain exemptions from that charge to tax where the shares are transferred as a gift or at less than market value, where they are transferred by a retiring shareholder or where the amounts involved are relatively small.

Clauses 1 to 3

4. Contain the formal parts of the Bill, the title, commencement and primary interpretation. Clause 4 is deemed to have come into force on 1 January 2006 and clause 5 will apply in relation to disposals and acquisitions of shares on and after 1 June 2008.

5. References in the Bill to the Taxes Ordinance are to the Taxes Ordinance 1997.

Clause 4

6. Subsection (1) of this clause amends section 100A(3). The amendment will enable companies to claim relief under section 148 where one disposes of ITQ shares to another and both are in the same group. Under this provision the disposal will be treated as giving rise to neither a gain nor a loss. Subsection (3) provides that a "group" here means a 51 per cent group which has the same meaning as in the group relief provisions in sections 131 to 139 of the Taxes Ordinance.

7. Where relief is granted under section 148 and, within 6 years of the date of the disposal, the acquiring company leaves the group, that company is then deemed to have disposed of the rights and reacquired them at market value and can be assessed to tax on that disposal. Unpaid tax can be recovered from other group members in accordance with section 148(3) to (5).

Clause 5

8. Subsection (1) adds a new subsection to section 100A inserting a new Schedule 1A into the Taxes Ordinance.

9. Subsection (2) sets out the new Schedule 1A.

Schedule 1A

10. The new Schedule introduces three new reliefs for individuals. These are a relief for small disposals, in Part II of the Schedule; retirement relief, set out in Part III of the Schedule; and gift relief, set out in Part IV of the Schedule.

11. Part I contains provisions of general application.

12. Paragraph 1 explains that the Schedule supplements section 100A and provides general definitions. Any reference to relevant shares in the Schedule is a reference to shares within section 100A which are ITQ shares. And there is a general provision that expressions used in the new Schedule and in section 100A have the same meaning.

13. Part II provides relief for exempt transactions.

14. Paragraph 2 provides that relief under this Part can be claimed by a person disposing of shares in a year of assessment if that person together with any person connected with him does not dispose of more than £100,000 of relevant shares in the same company in the same year. Section 208 of the Taxes Ordinance defines "connected" for this purpose. A person in this case also includes a company.

15. Paragraph 3 states that the relief is given by disapplying section 100A from the exempt transaction with the result that any gain or loss remains capital in nature and does not fall to be taxed as income.

16. Paragraph 4 excludes from the new relief cases where a person disposes of relevant shares in a company at any time and, immediately before that time, that person together with any connected person own shares in that company with a market value exceeding £100,000.

17. Part 3 introduces a new retirement relief.

18. Paragraph 5 defines terms used in Part 3.

19. Sub-paragraph (1) defines the majority of terms. Some terms are used to simplify the drafting, for example, "buyer" and "seller". Others are needed to limit the extent of the relief. For example, the definition of "full-time working director or employee" limits the relief to cases where the seller has been a director has worked for most of his time as a director or manager or in a technical capacity or has worked as an employee on a full-time basis. The substantive definitions are referred to below in connection with the provision in which they occur.

20. Sub-paragraph (2) explains what is meant by retirement on grounds of ill-health or disablement. The definition is modelled on section 32A(2) of the Falkland Islands Pensions Scheme Ordinance 1997.

21. Sub-paragraphs (3) and (4) define “qualifying period” as a period of 10 years immediately before the disposal of shares in a company. If the seller was 55 or had retired earlier on grounds of ill-health or disablement, the period may end on the date the company ceases to be a trading company or a trading group. These expressions are defined in paragraph 5(1) as being any company whose business consists wholly or mainly in the carrying on of a trade or trades and any group of companies whose business consists wholly or mainly in the carrying on of a trade or trades.

22. Paragraph 6 establishes the new retirement relief which will be available where the seller retires from working as a director or employee of a company in which the seller owned at least 5 per cent of the shares. The company must be a trading company or a member of a trading group.

23. Sub-paragraph (1) requires a claim to be made for retirement relief under this Part within 2 years of the end of the year in which the disposal took place and also makes it mandatory for the claimant to satisfy other conditions in this Part set out in paragraph 7.

24. Sub-paragraph (1) provides that retirement relief will be granted by excluding the first £500,000 of the consideration for the shares from the scope of section 100A. Where the total consideration does not exceed that amount, the whole transaction will fall outside the charge to tax under section 100A. Where the disposal is not a 3rd party disposal, the market value of the shares is deemed to be the consideration by virtue of section 144 and in that case the amount excluded is the first £500,000 of the deemed consideration.

25. Where the consideration exceeds £500,000 section 100A will only apply to the excess.

26. Sub-paragraph (2) provides that where the seller has previously benefited from the application of sub-paragraph (1), the figure of £500,000 shall be reduced by the amount of consideration previously exempted from section 100A. The amount of £500,000 is a life-time amount: a person who has benefited to the extent of £500,000 will cease to be able to claim further relief under this Part.

27. Sub-paragraph (3) provides that where the shares disposed of derive only part of their value from the ITQ owned by the company, the ITQ value of the shares will be ascertained by an apportionment made under section 142 on the reduced amount found under paragraph 6(2).

28. Sub-paragraph (4) ensures that any loss accruing on the application of paragraph 6 to a disposal is deemed to be zero. Retirement relief will reduce or eliminate the charge to tax on a gain; it is not to enable taxpayers to create allowable losses which could be set against other income to reduce tax.

29. Paragraph 7 establishes the conditions which have to be satisfied before retirement relief can be granted.

30. Sub-paragraph (1) provides that 3 conditions must have been satisfied during the qualifying period. First, the company whose shares are sold must have been the seller's personal company (defined in clause 5(1) as a company as respects which the seller can exercise, unconditionally and not as trustee or nominee, at least 5 per cent of the voting rights). Secondly, the seller must have been a full-time working director or employee of the company, and thirdly the shares disposed of must have carried an unconditional right to vote at a general meeting of the company.

31. Sub-paragraph (2) requires the seller either to be at least 55 when the shares are sold or to be retiring on grounds of ill-health or disablement. It also prevents the relief being granted if more than 5 per cent of the shares in the company are retained by the seller after the sale.

32. Sub-paragraph (3) reduces the relief available where the continuing conditions are not satisfied for the whole of the qualifying period provided they have been satisfied for the whole of the year immediately preceding the sale. If those conditions are not satisfied for that last year no relief is available. The reduction is to be 10 per cent of the consideration eligible for retirement relief for each year during which the conditions are not satisfied. There are special provisions to take account of the case where the seller retires on grounds of ill-health or disablement before being able to dispose of the shares. In such a case the Commissioner will have a discretion to allow the ten year period to run up to the time of retirement instead of disposal. In determining whether it is reasonable to exercise this discretion in any particular case, the Commissioner will take account of all relevant circumstances.

33. Sub-paragraph (4) deals with the interaction of retirement with paragraph 13 of Schedule 2 to the Taxes Ordinance. That paragraph identifies which shares are sold in a case where the seller owns shares acquired at different times. In order to know which shares are being sold so that the costs can be correctly identified it is necessary to have rules. Paragraph 13 prescribes the FIFO rule – first in first out – so shares acquired earlier are taken to have been sold before shares acquired later.

34. Sub-paragraph (5) excludes paragraph 4 of Schedule 2 from applying to shares the consideration for the disposal of which attracts retirement relief. Paragraph 4 deals with disposals between connected persons but is not required as other provisions of the Taxes Ordinance are applied which have similar effect, in particular section 144.

35. Sub-paragraph (6) excludes section 144 from applying to the buyer's acquisition costs so that where the buyer is connected with the seller and retirement relief is granted the buyer will carry forward his real acquisition costs irrespective of any relief granted to the seller under this Part of the Schedule.

36. Paragraph 8 provides that, where shares in a company are transferred from one spouse to another, the period of time that the shares were owned by the transferor spouse shall be treated as a period of ownership by the transferee spouse satisfying the paragraph 7(1) continuing conditions. This relief is subject to its own conditions.

- a. The shares must be transferred either by will or intestacy or by a transfer while the parties are still living.
- b. The transferring spouse must be living with the other spouse at the time of the transfer or death (as the case may be).
- c. The transferring spouse must have been a full-time working director or employee of the company during that period.
- d. The shares must have carried an unconditional right to vote in a general meeting of the company during that period.
- e. The company must have been the transferring spouse's personal company during that period.
- f. The transferring spouse must have retired on grounds of ill-health or disablement (except in the case of death). A certificate from the Chief Medical Officer will be required as evidence of the grounds for retirement.

37. The relief under paragraph 8 is only available on an election which except in the case of a transfer on death must be signed by both spouses.

38. Part 4 of the Schedule introduces relief on transfer of shares by way of gift. This includes not only cases where the recipient, referred to as the beneficiary, gives no consideration for the shares but also cases where some consideration is paid to the person transferring the shares, referred to as the donor, but it is less than the market value. In determining whether there is any consideration or whether it is less than the market value of the shares section 144 of the Taxes Ordinance is disregarded. Section 144 requires market value to be substituted for the actual consideration where the transaction is not at arm's length, which may often be the case with gifts.

39. Paragraph 9(1) provides that where there is no consideration at all, section 100A shall not apply to the transaction and therefore does not apply to any of the consideration, including deemed consideration.

40. Sub-paragraph (2) deals with the case where there is some actual consideration but which is less than the market value of the shares. In this case the amount which would be deemed to be income under section 100A, disregarding this Part of the Schedule, must be identified, as this new relief is granted by reducing that amount. That deemed amount of income will be found after the application of Part 3 in a case where there is disposal of shares by way of a partial gift and the donor can also claim retirement relief on the disposal.

41. Sub-paragraph (3) requires the relief to be calculated in 4 steps.

- a. First, the amount which would be deemed to be income under section 100A, disregarding this Part, must be identified.

- b. The second step is to divide the actual consideration received by the donor of the shares by the market value substituted for the purposes of section 100A by virtue of section 144, expressing the result as a fraction.
 - c. The third step is to take that fraction away from 1.
 - d. The fourth step is to multiply the amount found under the first step by the result found under the third step.
 - e. The amount found under the fourth step is the amount which is taxed under section 100A instead of the amount found under the first step.
42. Sub-paragraph (3) expresses these steps as an equation.
43. Sub-paragraph (4) provides that where shares have been acquired from the donor by way of gift and no consideration was paid, the costs of acquisition of the beneficiary shall be the acquisition costs of the donor. This provision ensures that the gain is rolled over to the beneficiary and that it will fall within section 100A on a later unrelieved transaction.
44. Sub-paragraph (5) applies where sub-paragraph (3) has applied to a transfer of shares, that is to say where some consideration has been paid. In that case part of the donor's costs, reflecting the step 4 amount which was taxable under section 100A, is not passed on to the beneficiary. There are alternative calculations to find the amount of the beneficiary's acquisition costs.
45. First, sub-paragraph (5)(a) provides a three step calculation which applies in all cases except where retirement relief has been claimed and a loss has accrued which by virtue of paragraph 6(4) is reduced to zero.
- a. The first step is to divide the actual consideration paid for the shares by their market value.
 - b. The second step is to take the resulting fraction away from 1 and multiply the result by the original acquisition costs of the donor.
 - c. The third step is to add the sum resulting to the second step away from the actual consideration. The result is the beneficiary's acquisition costs.
46. Sub-paragraph (5)(a) expresses these steps as an equation.
47. Sub-paragraph (5)(b) then deals with those cases, excluded from sub-paragraph (5)(a), where retirement relief has been claimed and a loss has accrued which by virtue of paragraph 6(4) is reduced to zero. In these cases the acquisition costs will be the beneficiary's actual acquisition costs.
48. Paragraph 10 requires an election to be made before relief under paragraph 9 can be granted.

49. Sub-paragraph (1) requires the election to be made jointly by the donor and the beneficiary. This will protect the interests of the beneficiary who may not benefit from the application of this Part to the consideration and acquisition costs of the gifted shares acquired by the beneficiary.

50. Sub-paragraph (2) provides that if the donor is also able to claim retirement relief in relation to the disposal, then retirement relief must be claimed before an election is made under this Part of the Schedule.

51. Sub-paragraph (3) states some technical requirements relating to the election. It must identify the parties to the disposal of the gifted shares, the shares themselves and any consideration. The Commissioner can require other information to be included and it must be made within 2 years of the end of the year in which the disposal occurred. An election once made cannot be revoked.

52. Sub-paragraphs (4) to (7) are provisions to secure the payment of tax due under this Part of this Schedule. Sub-paragraph (4) enables the Commissioner to assess the donor to tax due from the beneficiary and unpaid for at least 6 months if the unpaid tax arises from a subsequent disposal of the gifted shares. Such an assessment must be made within 2 years of the end of the year in which the tax became due from the beneficiary.

53. Sub-paragraph (5) applies interest to any tax assessed under sub-paragraph (4) and also applies the technical provisions of the Ordinance relating to assessment and appeals etc to the assessment under sub-paragraph (4).

54. Sub-paragraph (6) gives the donor who pays tax and interest on such an assessment a right to recover the amount paid from the beneficiary.

55. Sub-paragraph (7) deals with the case where the beneficiary ceases to be ordinarily resident in the Falkland Islands within 6 years of the end of the year in which he acquired the gifted shares and before disposing of any of them. In such a case the beneficiary will be deemed to have disposed of the shares and reacquired them at their market value. The Commissioner would then be able to use his powers under section 162 to recover any tax which would be due on the deemed disposal. Section 200 defines "ordinarily resident" for the purposes of the Taxes Ordinance.

Taxes (Amendment) Bill 2008

(No: of 2008)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Interpretation
4. Amendment of group relief provisions in cases of disposals of unquoted shares in fishing companies
5. Exemptions and relief from section 100A

5. Exemptions and relief from section 100A

(1) In section 100A after sub-paragraph (4) there shall be inserted —

“(5) Schedule 1A which provides for exemption and relief in certain cases from the provisions of this section shall have effect.”

(2) The following Schedule shall be inserted in the Taxes Ordinance immediately after Schedule 1 —

“SCHEDULE 1A

EXEMPTION AND RELIEF FROM CHARGE UNDER SECTION 100A

PART 1 GENERAL PROVISIONS

1. Purpose and interpretation

(1) This Schedule has effect for the purpose of supplementing the provisions of section 100A.

(2) In this Schedule “relevant shares” means shares within section 100A.

(3) Expressions used in this Schedule and in section 100A shall have the same meaning in this Schedule as they have in that section.

PART 2 EXEMPT TRANSACTIONS

2. Small disposals limitation

Paragraph 3 applies where a person (“the seller”) disposes at any time in a year of assessment of any relevant shares in a company to another person (“the buyer”) and the aggregate market value of all relevant shares in that company which are disposed of by the seller and any person connected with the seller during that year, does not exceed £100,000.

3. The exemption

Where this paragraph applies in relation to a disposal, then —

(a) section 100A shall not apply in relation to the disposal, and

(b) as respects any later application of and for all purposes of this Ordinance, the costs incurred by the buyer in the acquisition of the shares shall be deemed to be equal to the acquisition costs of the seller or to the buyer’s actual acquisition costs, whichever is the greater.

4. Small shareholdings limitation

Paragraph 3 does not apply where, immediately before the disposal of relevant shares in a company, the aggregate market value of all relevant shares in that company which are held by the seller and any person connected with the seller exceeded £100,000.

PART 3 RETIREMENT RELIEF

5. Interpretation

(1) In this Part of this Schedule —

“the buyer” in relation to a disposal of shares means the person acquiring the shares;

“company” means a company which is a trading company or a member of a trading group;

“disposal shares” in relation to a disposal of shares in a company means those shares;

“full-time working director or employee”, in relation to one or more companies, means an individual who is either —

(a) director who is required to devote substantially the whole of his time to the service of that company or, as the case may be, those companies taken together, in a managerial or technical capacity; or

(b) an employee whose employment with that company or, as the case may be, those companies taken together, is his full-time occupation;

“personal company”, in relation to an individual, means a company the voting rights in which are, as to not less than 5 per cent., exercisable unconditionally by the individual otherwise than as trustee or nominee;

“qualifying period” has the meaning given by sub-paragraph (3);

“relevant company”, in relation to a disposal of shares in a company, means that company;

“the seller”, in relation to a disposal of shares, means the person making the disposal;

“trading company” means a company whose business consists wholly or mainly of the carrying on of a trade or trades;

“trading group” means a group of companies the business of whose members, taken together, consists wholly or mainly of the carrying on of a trade or trades.

(2) For the purposes of this Part of this Schedule, an individual shall be taken to have retired on grounds of ill-health or disablement if —

(a) the individual becomes so ill or disabled as to be permanently unable to work, and

(b) the Chief Medical Officer has certified that the individual is permanently so ill or disabled;

and in this sub-paragraph "work" includes any kind of paid employment, whether as an employee or as a self-employed person or as an office-holder.

(3) In this Part of this Schedule, "qualifying period", in relation to a disposal of shares in a company, means a period of ten years ending with —

(a) the date of the disposal, or

(b) subject to sub-paragraph (4), the date on which the company ceased to be a trading company without continuing to be or becoming a member of a trading group or ceased to be a member of a trading group without continuing to be or becoming a trading company.

(4) Sub-paragraph (3)(b) does not apply unless —

(a) on or before the day mentioned in that provision the individual disposing of the shares had reached 55 years of age or if younger had retired on the grounds of ill-health or disablement, and

(b) the cessation mentioned in that provision occurred within a period of one year ending with the date of the disposal or such longer period as the Commissioner may, in any particular case, by notice allow.

6. The relief

(1) Where there is a disposal of relevant shares in a company then, on a claim being made in that behalf by the seller in relation to that disposal ("the current disposal") before the end of the period of 2 years immediately following the year in which the seller disposed of the shares and subject to the provisions of this Part of this Schedule —

(a) if the consideration for that disposal does not exceed £500,000, section 100A shall not apply in relation to the disposal;

(b) if the consideration for that disposal exceeds £500,000, then for the purposes of section 100A the consideration for the disposal shall, as respects the seller, be deemed to be equal to the amount of that excess.

(2) Where at any time the seller has disposed of other shares in any company before the current disposal, in circumstances such that sub-paragraph (1) applies to that disposal of other shares, the amounts of £500,000 mentioned in that sub-paragraph shall each be reduced —

(a) by the amount of the consideration for the disposal of the other shares, or

(b) if there is more than one such other disposal, by the aggregate amount of the consideration for all those other disposals.

(3) Any calculation carried out for the purposes of this paragraph shall be carried out before any apportionment is made in pursuance of section 142.

(4) Where in relation to a disposal of shares —

(a) a loss is deemed to accrue to the donor by virtue of section 100A, and

(b) the whole or part of that loss would not have been deemed to accrue if this paragraph had not applied in relation to the disposal,

the amount of so much of that loss as falls within paragraph (b) shall be deemed to be zero.

7. Conditions for relief

(1) Subject to the following provisions of this paragraph, relief under paragraph 6 shall not be available unless the following continuing conditions are satisfied —

(a) that the relevant company has been the seller's personal company throughout the qualifying period;

(b) that the seller has been a full-time working director or employee of the relevant company throughout the qualifying period;

(c) that the disposal shares have carried an unconditional right to vote in a general meeting of the relevant company throughout the qualifying period.

(2) Subject to the following provisions of this paragraph, the following conditions must also be satisfied —

(a) that at the time of the disposal the seller has reached 55 years of age or, if younger, has retired on the grounds of ill-health or disablement;

(b) that, if immediately after the disposal the seller retains shares in the relevant company, those retained shares do not amount in number to more than 5 per cent. of the total shares the seller held immediately before the disposal;

(3) Where —

(a) the continuing conditions are not satisfied for the whole of the qualifying period, but

(b) those conditions are satisfied for —

(i) at least the year immediately preceding the date of the disposal, or

(ii) if the seller had retired on grounds of ill-health or disablement before the disposal and the Commissioner gives notice to the seller that in the opinion of the Commissioner it is reasonable, taking account of all relevant circumstances, to disregard the period from retirement to disposal, at least the year immediately preceding the date of the retirement,

then the consideration which apart from this paragraph would be eligible for relief under paragraph 6(1)(a) or (b) shall be reduced by 10 per cent for each year or part of a year during the qualifying period in which the continuing conditions have not been satisfied.

(4) Where sub-paragraph (3) applies and paragraph 13 of Schedule 2 also applies, paragraph 13 shall be applied after any computation required by sub-paragraph (3) has been carried out.

(5) Paragraph 4 of Schedule 2 shall not apply in relation to the disposal or acquisition of any shares so far as the shares or the consideration for the disposal fall within paragraph 6(1) (after the application of all provisions of this Part).

(6) Section 144 shall not apply for the computation of the acquisition costs of the buyer.

8. Relief for spouses

(1) Sub-paragraph (3) applies where relevant shares had been transferred to the seller and either—

(a) the transfer was under the will or intestacy of a person (“the transferor”) who at the time of death was the spouse of, and living with, the seller, or

(b) at the time of the transfer the person making the transfer (“the transferor”) was the spouse of and living with the transferee, and had retired on grounds of ill-health or disablement.

(2) Sub-paragraph (3) does not apply unless the seller makes an election in accordance with sub-paragraph (5) for relief under this paragraph.

(3) Where this sub-paragraph applies, any continuous period ending at the time of the transfer to the seller during which —

(a) the transferor (otherwise than as trustee or nominee) owned the shares, and

(b) the relevant company had been the transferor’s personal company, and

(c) the shares carried an unconditional right to vote in a general meeting of the company, and

(d) the transferor had been a full-time working director or employee of the company,

shall for all purposes of this Part of this Schedule be deemed to be a period during which the shares were owned by the seller.

(4) Where sub-paragraph (3) applies, any period of time during which the shares were held by the transferor's personal representatives shall be deemed to be a period of ownership by the seller.

(5) An election made for the purposes of this paragraph must —

(a) be signed by both spouses, except in the case of a transfer under a will or intestacy;

(b) clearly identify both spouses and all relevant matters relating to the shares, the company and the transferor;

(c) contain such other information as the Commissioner may require;

(d) be made by notice to the Commissioner not more than 2 years after the end of the year in which the transfer takes place.

(6) An election under this paragraph shall be irrevocable.

(7) All adjustments shall be made, whether by way of repayment of tax or otherwise, as may be necessary to give effect to any such election.

PART 4 GIFT RELIEF

9. Section 100A not to apply in certain cases

(1) Subject to the following provisions of this Part, where —

(a) an individual ("the donor") disposes of any relevant shares in a company ("the relevant company") to another individual ("the beneficiary"), and

(b) disregarding section 144, there is no consideration for the disposal of any relevant shares,

section 100A shall not apply to the disposal.

(2) This sub-paragraph applies where —

(a) an individual ("the donor") disposes of any relevant shares in a company ("the relevant company") to another individual ("the beneficiary"), and

(b) the consideration for the disposal, disregarding section 144 and Part 3 of this Schedule, is less than the market value of the shares, and

(c) in relation to that disposal, an amount is deemed to be income of the donor by virtue of section 100A (disregarding the following provisions of this Schedule but after the application of Part 3 in a case falling within paragraph 10(2)).

(3) Where sub-paragraph (2) applies, then, subject to the following provisions of this Schedule, section 100A shall not apply in relation to so much of the amount mentioned in sub-paragraph (2)(c) as is equal to —

$$\left(1 - \frac{A}{B}\right)E$$

where in relation to the disposal in question,

A is the actual consideration received by the donor,

B is the market value of the shares mentioned in sub-paragraph (2)(b), and

E is the amount mentioned in sub-paragraph (2)(c).

(4) For the purposes of any later application of section 100A or this Schedule to a disposal by the beneficiary of shares acquired in a case falling within sub-paragraph (1), the costs incurred by the beneficiary in the acquisition of those shares shall be deemed to be equal to the donor's actual acquisition costs (if any).

(5) For the purposes of any later application of section 100A or this Schedule to a disposal by the beneficiary of shares acquired in a case falling within sub-paragraph (2), the costs incurred by the beneficiary in the acquisition of those shares shall be deemed to be equal to —

(a) if sub-paragraph (b) does not apply, an amount equal to —

$$C + \left(1 - \frac{C}{B}\right)D$$

where in relation to that acquisition —

C is the actual consideration given by the beneficiary to the donor,

B is the market value of the shares mentioned in sub-paragraph (2)(b), and

D is the original cost of the shares to the donor; or

(b) if the donor also claimed retirement relief before electing for relief under this paragraph and paragraph 6(4) applied in relation to the claim for retirement relief, an amount equal to the actual consideration given by the beneficiary to the donor.

10. Elections for relief

(1) Paragraph 9 does not apply unless the donor and the beneficiary jointly elect that it shall apply to the disposal.

All adjustments shall be made, whether by way of repayment of tax or otherwise, as may be necessary to give effect to any such election.

(2) An election made under this paragraph for relief under paragraph 9(2) relating to a disposal of shares in relation to which relief is also available under Part 3 of this Schedule, or would be so available if a claim under that Part were made in relation to the disposal, shall be of no effect unless the claim in respect of the disposal has been made under that Part before the election is made.

(3) An election under this paragraph —

(a) shall clearly identify the donor and the beneficiary and the shares which are the subject matter of the disposal and the consideration (if any) for the disposal;

(b) shall contain such other information as the Commissioner may require;

(c) shall be made by notice to the Commissioner not more than 2 years after the end of the year in which the disposal is made; and

(d) shall be irrevocable.

(4) If any amount of tax —

(a) due and payable from the beneficiary, and

(b) attributable to a subsequent disposal (including deemed disposal) of the relevant shares,

remains outstanding for more than 6 months, the donor may be assessed for that amount of tax not later than 2 years after the end of the year in which the tax first became due and payable from the beneficiary.

(5) Tax charged by an assessment under sub-paragraph (4) on a donor shall carry interest from the date the tax became due and payable by the beneficiary, and all the provisions of this Ordinance relating to notices of assessment, appeals and other proceedings under this Ordinance shall apply to any assessment under this paragraph and to the tax charged by the assessment.

(6) A person who is assessed to tax under sub-paragraph (2) and pays an amount by way of tax or interest, or both, shall be entitled to recover that amount from the beneficiary.

(7) Where, at any time before the end of 6 years from the end of the year of assessment in which the beneficiary acquired the shares as mentioned in paragraph 9, the beneficiary ceases to be ordinarily resident in the Falkland Islands before disposing of the shares in question (disregarding any deemed disposal under this sub-paragraph), then the beneficiary shall be deemed to have disposed of the shares to a willing purchaser for a consideration equal to the market value of the shares at that time.”

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Education (Amendment) Bill 2008.

Education (Amendment) Bill 2008

(No: of 2008)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of the Education Ordinance

EDUCATION (AMENDMENT) BILL 2008

(No: of 2008)

(assented to: 2008)

(commencement: on publication)

(published: 2008)

A BILL

for

AN ORDINANCE

To amend the Education Ordinance (Title 29.1).

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Education (Amendment) Ordinance 2008.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of the Education Ordinance

The Education Ordinance is amended —

(a) at section 2, by inserting after the definition of “Training Award” —

““transition programme” means a week long programme of education approved by the Director”; and

(b) by omitting section 17(1) and substituting —

“(1) Subsections (1A), (1B) and (1C) apply to determine whether a person is of compulsory education age.

(1A) A person becomes of compulsory education age if the person has attained the age of five or will do so during the current academic year.

(1B) A person is no longer of compulsory education age if the earlier of the following events has occurred —

(a) the end of the third term of the academic year in which the person attains the age of sixteen; or

(b) the end of a transition programme which a person attends in accordance with subsection (1C).

(1C) A person may attend a transition programme if —

(a) the person attains the age of sixteen during the current year academic year; or

(b) the person will attain the age of sixteen during the following academic year and the Director authorises attendance by the person.”

OBJECTS AND REASONS

This Bill amends the Education Ordinance to change the upper limit of compulsory education age.

The Bill provides that a child is required to remain at school until the end of the third term of the academic year in which they become sixteen, but they may leave school sooner if they have attended a transition programme.

A transition programme is a week long programme of education, approved by the Director of Education, designed to assist a child to prepare to enter a new phase of life; whether that be further education or work.

A child will usually attend a transition programme in the academic year in which the child becomes sixteen. However, because of the change to the structure of the academic year introduced in 2002, some children will attend the transition programme in the academic year before they become sixteen.

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Supplement**

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Appropriation Ordinance 2008 (No 3 of 2008);

Finance Ordinance 2008 (No 4 of 2008);

Education (Amendment) Ordinance 2008 (No 5 of 2008); and

Taxes (Amendment) Ordinance 2008 (No 6 of 2008).

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Appropriation Ordinance 2008

(No: 3 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Short title
2. Appropriation of £43,862,530 for the service of the year 2008/09

Schedule

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

APPROPRIATION ORDINANCE 2008

(No: 3 of 2008)

(assented to: 3 June 2008)
(commencement: upon publication)
(published: 13 June 2008)

AN ORDINANCE

To provide for the service of the Financial Year commencing on 1 July 2008 and ending on 30 June 2009.

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Appropriation Ordinance 2008.

Appropriation of £43,862,530 for the service of the year 2008/2009

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 2008 and ending on 30 June 2009 (“the financial year”), sums not exceeding in aggregate the sum of forty three million, eight hundred and sixty two thousand, five hundred and thirty pounds (£43,862,530) which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto and which will come in course of payment during the financial year.

SCHEDULE

NUMBER HEAD OF SERVICE	Total Operating Budget	<u>Less</u> Internal Charges	<u>Less</u> Capital Charges	Net Operating Budget	
	£	£	£	£	
OPERATING BUDGET					
100	Aviation	2,339,160	41,300	222,930	2,074,930
150	Posts and Telecommunications	483,230	15,650	5,500	462,080
200	Health and Social Services	6,758,940	124,560	467,620	6,166,760
250	Education and Training	5,523,230	143,310	491,240	4,888,680
300	Customs and Immigration	329,780	1,350	2,070	326,360
320	Fisheries	4,908,720	406,600	64,500	4,437,620
350	Public Works Department	8,764,260	239,790	1,586,740	6,937,730
390	Fox Bay Village	180,010	400	10,060	169,550
400	Agriculture	968,920	18,150	42,820	907,950
451	AG's Chambers	622,460	1,740	1,620	619,100
452	Registry	69,290	2,400	1,000	65,890
453	Court Services	226,080	-	840	225,240
500	Falkland Islands Defence Force	415,070	9,040	48,810	357,220
551	Police & Prisons	623,180	10,860	11,420	600,900
552	Fire & Rescue Service	408,390	11,370	41,290	355,730
600	Central Administration	4,090,180	22,180	147,870	3,920,130
603	Investment Income & Public Debt	223,150	-	-	223,150
609	Taxation	289,550	3,500	2,800	283,250
620	Department of Mineral Resources	397,280	3,320	2,610	391,350
750	The Governor	200,180	8,110	5,800	186,270
800	Legislature	300,940	4,660	-	296,280
850	Falkland Islands Government Office - London	576,110	-	33,540	542,570
TOTAL OPERATING BUDGET		38,698,110	1,068,290	3,191,080	34,438,740
FUND TRANSFERS					
998	Programmed Expenditure for 2008/09	4,512,000	-	-	4,512,000
TRANSFER PAYMENTS					
999	Programmed Expenditure for 2008/09	4,911,790	-	-	4,911,790
TOTAL EXPENDITURE		48,121,900	1,068,290	3,191,080	43,862,530

Passed by the Legislature of the Falkland Islands on 30 May 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Finance Ordinance 2008

(No: 4 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of Harbours Regulations
4. Amendment of Customs (Fees) Regulations
5. Amendment of Cruise Ships Ordinance
6. Amendment of Road Traffic Ordinance
7. Amendment of Road Traffic (Provisional) Regulations Order
8. Amendment of Vehicle Licence Labels Regulations
9. Amendment of Firearms and Ammunition (Fees) Regulations Order
10. Amendment of Retirement Pensions (Prescribed Rates) Regulations
11. Amendment of Post Office Order

Schedule – New First to Third Schedules substituted in Post Office Order

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

FINANCE ORDINANCE 2008

(No: 4 of 2008)

(assented to: 3 June 2008)
(commencement: in accordance with section 2)
(published: 13 June 2008)

AN ORDINANCE

To increase fees, charges, contributions, benefits and allowances provided for under various laws of the Falkland Islands.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Finance Ordinance 2008.

2. Commencement

- (1) Section 5 comes into force on 1 July 2009.
- (2) Section 10 comes into force on 1 January 2009.
- (3) The remainder of the Ordinance comes into force on 1 July 2008.

3. Amendment of Harbours Regulations

The Harbours Regulations (Title 57.3.1) are amended by omitting paragraph 1 of Schedule III and substituting —

“1. Private pleasure yacht (under 50 tonnes)	£62
Vessel under 15 tonnes	£62
Vessel over 15 tonnes and under 30 tonnes	£113
Vessel over 30 tonnes and under 50 tonnes	£206
Vessel over 50 tonnes and under 800 tonnes	£309
Vessel over 800 tonnes and under 1000 tonnes	£402
Vessel over 1000 tonnes and under 1500 tonnes	£464
Vessel over 1500 tonnes and under 2000 tonnes	£556
Vessel over 2000 tonnes and under 5000 tonnes	£680
Vessel over 5000 tonnes and under 7000 tonnes	£824
Vessel over 7000 tonnes and under 10000 tonnes	£1236
Vessel over 10000 tonnes and under 15000 tonnes	£1545
Vessel over 15000 tonnes and under 20000 tonnes	£1803
Vessel over 20000 tonnes and under 25000 tonnes	£2060
Vessel over 25000 tonnes and under 30000 tonnes	£2369
Vessel over 30000 tonnes and under 35000 tonnes	£2678
Vessel over 35000 tonnes and under 40000 tonnes	£2987
Vessel over 40000 tonnes and under 50000 tonnes	£3502
Vessel over 50000 tonnes and under 60000 tonnes	£4120
Vessel over 60000 tonnes and under 70000 tonnes	£4532
Vessel over 70000 tonnes and under 80000 tonnes	£5047
Vessel over 80000 tonnes	£5562.”

4. Amendment of Customs (Fees) Regulations

The Customs (Fees) Regulations 2006 (SR&O No 10 of 2006) are amended in regulation 4 —

- (a) by omitting “£44.00” and substituting “£46.00” wherever it appears;
- (b) by omitting “£220.00” and substituting “£228.00” wherever it appears;
- (c) in paragraph (3)(a) by omitting “£22.00” and substituting “£23.00”; and
- (d) in paragraph (3)(b) by omitting “£110.00” and substituting “£114.00”.

5. Amendment of Cruise Ships Ordinance

The Cruise Ships Ordinance 1998 (No 23 of 1998) is amended —

- (a) in section 3(1), by omitting “£16.50” and substituting “£18.00”; and
- (b) in section 3(2), by omitting “£5.50” and substituting “£6.00”.

6. Amendment of Road Traffic Ordinance

The Road Traffic Ordinance (Title 63.1) is amended —

(a) by omitting section 4(1) and substituting —

“(1) Subject to subsection (3), there is payable in respect of a motor vehicle used on a road, duty at the following annual rate —

(a) motor vehicle not exceeding 500 kilograms	£45.00
(b) (i) motor vehicle exceeding 500 kilograms but not exceeding 3400 kilograms; and	
(ii) motor vehicle of any weight designed and constructed as an agricultural tractor	£104.00
(c) motor vehicle exceeding 3400 kilograms	£160.00
(d) trailer drawn by motor vehicle described in (c)	£38.00.” ; and

(b) in section 5(3) by omitting “£1” and substituting “£5”.

7. Amendment of Road Traffic (Provisional) Regulations Order

The Road Traffic (Provisional) Regulations Order (Title 63.1.1) is amended —

- (a) in regulation 2(5) by omitting “£35.00” and substituting “£37.00”;
- (b) in regulation 5(4)(a) by omitting “£20.00” and substituting “£25.00”;
- (c) in regulation 5(4)(b) by omitting “£20.00” and substituting “£25.00”;
- (d) in regulation 5(4)(c) by omitting “£10.00” and substituting “£12.00”.

8. Amendment of Vehicle Licence Labels Regulations

The Vehicle Licence Labels Regulations 1998 (SR&O No 33 of 1998) are amended in regulation 5(2) by omitting “£2” and substituting “£5.00”.

9. Amendment of Firearms and Ammunition (Fees) Regulations Order

The Firearms and Ammunition (Fees) Regulations Order (Title 23.2.1) is amended —

- (a) in regulation 2 by omitting “£15.00” and substituting “£16.00”;
- (b) in the Schedule —
 - (i) by omitting “£55.00” and substituting “£58.00 per annum”;

(ii) by omitting “£15.00” and substituting “£16.00 per annum”; and

(iii) by omitting “£30.00” and substituting “£32.00”.

10. Amendment of Retirement Pensions (Prescribed Rates) Regulations

The Retirement Pensions (Prescribed Rates) Regulations (SR&O No 39 of 1996) are amended —

(a) in regulation 3 —

(i) in paragraph (a) by omitting “£114.00” and substituting “£118.00”;

(ii) in paragraph (b) by omitting “£64.00” and substituting “£66.00”;

(b) in regulation 5 —

(i) by omitting “£11.00” and substituting “£11.50” wherever it appears;

(ii) by omitting “£22.00” and substituting “£23.00” wherever it appears;

(iii) in paragraph (3)(b) by omitting “£25.50” and substituting “£26.50”; and

(c) in regulation 6 by omitting “£175.00” and substituting “£180.00”.

11. Amendment of Post Office Order

The Post Office Order 2006 (SR&O No 11 of 2006) is amended —

(a) in article 10(1)(a) by omitting “70p” and substituting “75p”;

(b) in article 10(1)(b) by omitting “£2.50” and substituting “£3.00”;

(c) in article 13(2) by omitting “£3.50” and substituting “£4.00”;

(d) by revoking the First to Third Schedules and substituting the Schedules set out in the Schedule to this Ordinance.

SCHEDULE

New First to Third Schedules substituted in Post Office Order

“FIRST SCHEDULE

Airmail Rates to all Countries

Letter	first 20gm	65p
	each additional 10gm	25p
Small packets & printed paper	first 70gm	£1.10
	each additional 10gm	14p
Postcard		55p
Aerogramme		55p
Illustrated aerogramme		65p
Christmas card		60p

SECOND SCHEDULE

Surface Mail Rates

Letter	first 20gm	45p
	up to 100gm	90p
	each additional 50gm	35p
Small packets & printed paper	first 100gm	80p
	each additional 50 gm	25p
Postcard		35p
Christmas card		40p
Parcel to United Kingdom	first 1 kg	£10
	each additional 1 kg	£4
	maximum weight 30 kg	£126

(Rates to other countries; as notified from time to time).

THIRD SCHEDULE

Inland Rates

Letter	first 20gm	27p
	up to 100gm	42p
	each additional 100gm	15p
Small packets & printed paper	first 70gm	23p
	each additional 50gm	7p
Postcard		20p
Christmas card		22p
Airmail parcel	FIGAS freight rates and conditions will apply with a minimum charge of £1.	

(Literature for the blind does not attract postage.)"

Passed by the Legislature of the Falkland Islands on 30 May 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Education (Amendment) Ordinance 2008

(No: 5 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Amendment of the Education Ordinance

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

EDUCATION (AMENDMENT) ORDINANCE 2008

(No: 5 of 2008)

(assented to: 3 June 2008)
(commencement: on publication)
(published: 13 June 2008)

AN ORDINANCE

To amend the Education Ordinance (Title 29.1).

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Education (Amendment) Ordinance 2008.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of the Education Ordinance

The Education Ordinance is amended —

(a) at section 2, by inserting after the definition of “Training Award” —

““transition programme” means a week long programme of education approved by the Director”; and

(b) by omitting section 17(1) and substituting —

“(1) Subsections (1A), (1B) and (1C) apply to determine whether a person is of compulsory education age.

(1A) A person becomes of compulsory education age if the person has attained the age of five or will do so during the current academic year.

(1B) A person is no longer of compulsory education age if the earlier of the following events has occurred —

(a) the end of the third term of the academic year in which the person attains the age of sixteen; or

(b) the end of a transition programme which a person attends in accordance with subsection (1C).

(1C) A person may attend a transition programme if —

(a) the person attains the age of sixteen during the current year academic year; or

(b) the person will attain the age of sixteen during the following academic year and the Director authorises attendance by the person.”

Passed by the Legislature of the Falkland Islands on 30 May 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Taxes (Amendment) Ordinance 2008

(No: 6 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Interpretation
4. Amendment of group relief provisions in cases of disposals of unquoted shares in fishing companies
5. Exemptions and relief from section 100A

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

TAXES (AMENDMENT) ORDINANCE 2008

(No: 6 of 2008)

(assented to: 3 June 2008)
(commencement: in accordance with section 2)
(published: 13 June 2008)

AN ORDINANCE

To amend the Taxes Ordinance 1997.

ENACTED by the Legislature of the Falkland Islands as follows —

1. Title

This Ordinance is the Taxes (Amendment) Ordinance 2008.

2. Commencement

Section 4 of this Ordinance shall be deemed to have come into force on 1 January 2006 and section 5 shall have effect in relation to any disposal or acquisition of shares on or after 1 June 2008.

3. Interpretation

In this Ordinance “the Taxes Ordinance” means the Taxes Ordinance 1997 (No 14 of 1997).

4. Amendment of group relief provisions in cases of disposals of unquoted shares in fishing companies

(1) In section 100 of the Taxes Ordinance 1997 (taxation of proceeds of share dealing in certain fishing companies) in subsection (3) (application of certain provisions relating to chargeable gains and losses of companies for purposes of computing acquisition costs and consideration for

disposal of shares deriving value from individual transferable quota) for “sections 142(1), 144, 146 and 147(4) and (5)” substitute “sections 142(1), 144, 146, 147(4) and (5) and 148.

(2) After subsection (3) of that section there shall be inserted —

“(3A) For the purposes of the provisions of Chapter II of Part VI applied by subsection (3) any reference to a group is a reference to a 51 per cent. group, and two companies shall be taken to be members of the same group if one is a 51 per cent. subsidiary of the other or both are 51 per cent. subsidiaries of a third company.

Section 139(4) to (7) shall apply for the interpretation of this paragraph as those provisions apply for the interpretation of Chapter 4 of Part 5 of this Ordinance”.

5. Exemptions and relief from section 100A

(1) In section 100A after sub-paragraph (4) there shall be inserted —

“(5) Schedule 1A which provides for exemption and relief in certain cases from the provisions of this section shall have effect.”

(2) The following Schedule shall be inserted in the Taxes Ordinance immediately after Schedule 1 —

“SCHEDULE 1A

EXEMPTION AND RELIEF FROM CHARGE UNDER SECTION 100A

PART 1 GENERAL PROVISIONS

1. Purpose and interpretation

(1) This Schedule has effect for the purpose of supplementing the provisions of section 100A.

(2) In this Schedule “relevant shares” means shares within section 100A.

(3) Expressions used in this Schedule and in section 100A shall have the same meaning in this Schedule as they have in that section.

PART 2 EXEMPT TRANSACTIONS

2. Small disposals limitation

Paragraph 3 applies where a person (“the seller”) disposes at any time in a year of assessment of any relevant shares in a company to another person (“the buyer”) and the aggregate market value of all relevant shares in that company which are disposed of by the seller and any person connected with the seller during that year, does not exceed £100,000.

3. The exemption

Where this paragraph applies in relation to a disposal, then —

(a) section 100A shall not apply in relation to the disposal, and

(b) as respects any later application of and for all purposes of this Ordinance, the costs incurred by the buyer in the acquisition of the shares shall be deemed to be equal to the acquisition costs of the seller or to the buyer's actual acquisition costs, whichever is the greater.

4. Small shareholdings limitation

Paragraph 3 does not apply where, immediately before the disposal of relevant shares in a company, the aggregate market value of all relevant shares in that company which are held by the seller and any person connected with the seller exceeded £100,000.

PART 3 RETIREMENT RELIEF

5. Interpretation

(1) In this Part of this Schedule —

“the buyer” in relation to a disposal of shares means the person acquiring the shares;

“company” means a company which is a trading company or a member of a trading group;

“disposal shares” in relation to a disposal of shares in a company means those shares;

“full-time working director or employee”, in relation to one or more companies, means an individual who is either —

(a) director who is required to devote substantially the whole of his time to the service of that company or, as the case may be, those companies taken together, in a managerial or technical capacity; or

(b) an employee whose employment with that company or, as the case may be, those companies taken together, is his full-time occupation;

“personal company”, in relation to an individual, means a company the voting rights in which are, as to not less than 5 per cent., exercisable unconditionally by the individual otherwise than as trustee or nominee;

“qualifying period” has the meaning given by sub-paragraph (3);

“relevant company”, in relation to a disposal of shares in a company, means that company;

“the seller”, in relation to a disposal of shares, means the person making the disposal;

“trading company” means a company whose business consists wholly or mainly of the carrying on of a trade or trades;

“trading group” means a group of companies the business of whose members, taken together, consists wholly or mainly of the carrying on of a trade or trades.

(2) For the purposes of this Part of this Schedule, an individual shall be taken to have retired on grounds of ill-health or disablement if —

(a) the individual becomes so ill or disabled as to be permanently unable to work, and

(b) the Chief Medical Officer has certified that the individual is permanently so ill or disabled;

and in this sub-paragraph “work” includes any kind of paid employment, whether as an employee or as a self-employed person or as an office-holder.

(3) In this Part of this Schedule, “qualifying period”, in relation to a disposal of shares in a company, means a period of ten years ending with —

(a) the date of the disposal, or

(b) subject to sub-paragraph (4), the date on which the company ceased to be a trading company without continuing to be or becoming a member of a trading group or ceased to be a member of a trading group without continuing to be or becoming a trading company.

(4) Sub-paragraph (3)(b) does not apply unless —

(a) on or before the day mentioned in that provision the individual disposing of the shares had reached 55 years of age or if younger had retired on the grounds of ill-health or disablement, and

(b) the cessation mentioned in that provision occurred within a period of one year ending with the date of the disposal or such longer period as the Commissioner may, in any particular case, by notice allow.

6. The relief

(1) Where there is a disposal of relevant shares in a company then, on a claim being made in that behalf by the seller in relation to that disposal (“the current disposal”) before the end of the period of 2 years immediately following the year in which the seller disposed of the shares and subject to the provisions of this Part of this Schedule —

(a) if the consideration for that disposal does not exceed £500,000, section 100A shall not apply in relation to the disposal;

(b) if the consideration for that disposal exceeds £500,000, then for the purposes of section 100A the consideration for the disposal shall, as respects the seller, be deemed to be equal to the amount of that excess.

(2) Where at any time the seller has disposed of other shares in any company before the current disposal, in circumstances such that sub-paragraph (1) applies to that disposal of other shares, the amounts of £500,000 mentioned in that sub-paragraph shall each be reduced —

(a) by the amount of the consideration for the disposal of the other shares, or

(b) if there is more than one such other disposal, by the aggregate amount of the consideration for all those other disposals.

(3) Any calculation carried out for the purposes of this paragraph shall be carried out before any apportionment is made in pursuance of section 142.

(4) Where in relation to a disposal of shares —

(a) a loss is deemed to accrue to the donor by virtue of section 100A, and

(b) the whole or part of that loss would not have been deemed to accrue if this paragraph had not applied in relation to the disposal,

the amount of so much of that loss as falls within paragraph (b) shall be deemed to be zero.

7. Conditions for relief

(1) Subject to the following provisions of this paragraph, relief under paragraph 6 shall not be available unless the following continuing conditions are satisfied —

(a) that the relevant company has been the seller's personal company throughout the qualifying period;

(b) that the seller has been a full-time working director or employee of the relevant company throughout the qualifying period;

(c) that the disposal shares have carried an unconditional right to vote in a general meeting of the relevant company throughout the qualifying period.

(2) Subject to the following provisions of this paragraph, the following conditions must also be satisfied —

(a) that at the time of the disposal the seller has reached 55 years of age or, if younger, has retired on the grounds of ill-health or disablement;

(b) that, if immediately after the disposal the seller retains shares in the relevant company, those retained shares do not amount in number to more than 5 per cent. of the total shares the seller held immediately before the disposal;

(3) Where —

(a) the continuing conditions are not satisfied for the whole of the qualifying period, but

(b) those conditions are satisfied for —

(i) at least the year immediately preceding the date of the disposal, or

(ii) if the seller had retired on grounds of ill-health or disablement before the disposal and the Commissioner gives notice to the seller that in the opinion of the Commissioner it is reasonable, taking account of all relevant circumstances, to disregard the period from retirement to disposal, at least the year immediately preceding the date of the retirement,

then the consideration which apart from this paragraph would be eligible for relief under paragraph 6(1)(a) or (b) shall be reduced by 10 per cent for each year or part of a year during the qualifying period in which the continuing conditions have not been satisfied.

(4) Where sub-paragraph (3) applies and paragraph 13 of Schedule 2 also applies, paragraph 13 shall be applied after any computation required by sub-paragraph (3) has been carried out.

(5) Paragraph 4 of Schedule 2 shall not apply in relation to the disposal or acquisition of any shares so far as the shares or the consideration for the disposal fall within paragraph 6(1) (after the application of all provisions of this Part).

(6) Section 144 shall not apply for the computation of the acquisition costs of the buyer.

8. Relief for spouses

(1) Sub-paragraph (3) applies where relevant shares had been transferred to the seller and either—

(a) the transfer was under the will or intestacy of a person (“the transferor”) who at the time of death was the spouse of, and living with, the seller, or

(b) at the time of the transfer the person making the transfer (“the transferor”) was the spouse of and living with the transferee, and had retired on grounds of ill-health or disablement.

(2) Sub-paragraph (3) does not apply unless the seller makes an election in accordance with sub-paragraph (5) for relief under this paragraph.

(3) Where this sub-paragraph applies, any continuous period ending at the time of the transfer to the seller during which —

- (a) the transferor (otherwise than as trustee or nominee) owned the shares, and
- (b) the relevant company had been the transferor's personal company, and
- (c) the shares carried an unconditional right to vote in a general meeting of the company, and
- (d) the transferor had been a full-time working director or employee of the company,

shall for all purposes of this Part of this Schedule be deemed to be a period during which the shares were owned by the seller.

(4) Where sub-paragraph (3) applies, any period of time during which the shares were held by the transferor's personal representatives shall be deemed to be a period of ownership by the seller.

(5) An election made for the purposes of this paragraph must —

- (a) be signed by both spouses, except in the case of a transfer under a will or intestacy;
- (b) clearly identify both spouses and all relevant matters relating to the shares, the company and the transferor;
- (c) contain such other information as the Commissioner may require;
- (d) be made by notice to the Commissioner not more than 2 years after the end of the year in which the transfer takes place.

(6) An election under this paragraph shall be irrevocable.

(7) All adjustments shall be made, whether by way of repayment of tax or otherwise, as may be necessary to give effect to any such election.

PART 4 GIFT RELIEF

9. Section 100A not to apply in certain cases

(1) Subject to the following provisions of this Part, where —

(a) an individual ("the donor") disposes of any relevant shares in a company ("the relevant company") to another individual ("the beneficiary"), and

(b) disregarding section 144, there is no consideration for the disposal of any relevant shares,

section 100A shall not apply to the disposal.

(2) This sub-paragraph applies where —

(a) an individual (“the donor”) disposes of any relevant shares in a company (“the relevant company”) to another individual (“the beneficiary”), and

(b) the consideration for the disposal, disregarding section 144 and Part 3 of this Schedule, is less than the market value of the shares, and

(c) in relation to that disposal, an amount is deemed to be income of the donor by virtue of section 100A (disregarding the following provisions of this Schedule but after the application of Part 3 in a case falling within paragraph 10(2)).

(3) Where sub-paragraph (2) applies, then, subject to the following provisions of this Schedule, section 100A shall not apply in relation to so much of the amount mentioned in sub-paragraph (2)(c) as is equal to —

$$\left(1 - \frac{A}{B}\right)E$$

where in relation to the disposal in question,

A is the actual consideration received by the donor,

B is the market value of the shares mentioned in sub-paragraph (2)(b), and

E is the amount mentioned in sub-paragraph (2)(c).

(4) For the purposes of any later application of section 100A or this Schedule to a disposal by the beneficiary of shares acquired in a case falling within sub-paragraph (1), the costs incurred by the beneficiary in the acquisition of those shares shall be deemed to be equal to the donor’s actual acquisition costs (if any).

(5) For the purposes of any later application of section 100A or this Schedule to a disposal by the beneficiary of shares acquired in a case falling within sub-paragraph (2), the costs incurred by the beneficiary in the acquisition of those shares shall be deemed to be equal to —

(a) if sub-paragraph (b) does not apply, an amount equal to —

$$C + \left(1 - \frac{C}{B}\right)D$$

where in relation to that acquisition —

C is the actual consideration given by the beneficiary to the donor,

B is the market value of the shares mentioned in sub-paragraph (2)(b), and

D is the original cost of the shares to the donor; or

(b) if the donor also claimed retirement relief before electing for relief under this paragraph and paragraph 6(4) applied in relation to the claim for retirement relief, an amount equal to the actual consideration given by the beneficiary to the donor.

10. Elections for relief

(1) Paragraph 9 does not apply unless the donor and the beneficiary jointly elect that it shall apply to the disposal.

All adjustments shall be made, whether by way of repayment of tax or otherwise, as may be necessary to give effect to any such election.

(2) An election made under this paragraph for relief under paragraph 9(2) relating to a disposal of shares in relation to which relief is also available under Part 3 of this Schedule, or would be so available if a claim under that Part were made in relation to the disposal, shall be of no effect unless the claim in respect of the disposal has been made under that Part before the election is made.

(3) An election under this paragraph —

(a) shall clearly identify the donor and the beneficiary and the shares which are the subject matter of the disposal and the consideration (if any) for the disposal;

(b) shall contain such other information as the Commissioner may require;

(c) shall be made by notice to the Commissioner not more than 2 years after the end of the year in which the disposal is made; and

(d) shall be irrevocable.

(4) If any amount of tax —

(a) due and payable from the beneficiary, and

(b) attributable to a subsequent disposal (including deemed disposal) of the relevant shares,

remains outstanding for more than 6 months, the donor may be assessed for that amount of tax not later than 2 years after the end of the year in which the tax first became due and payable from the beneficiary.

(5) Tax charged by an assessment under sub-paragraph (4) on a donor shall carry interest from the date the tax became due and payable by the beneficiary, and all the provisions of this Ordinance relating to notices of assessment, appeals and other proceedings under this Ordinance shall apply to any assessment under this paragraph and to the tax charged by the assessment.

(6) A person who is assessed to tax under sub-paragraph (2) and pays an amount by way of tax or interest, or both, shall be entitled to recover that amount from the beneficiary.

(7) Where, at any time before the end of 6 years from the end of the year of assessment in which the beneficiary acquired the shares as mentioned in paragraph 9, the beneficiary ceases to be ordinarily resident in the Falkland Islands before disposing of the shares in question (disregarding any deemed disposal under this sub-paragraph), then the beneficiary shall be deemed to have disposed of the shares to a willing purchaser for a consideration equal to the market value of the shares at that time.”

Passed by the Legislature of the Falkland Islands on 30 May 2008.

C. ANDERSON M.B.E.,
Clerk of Councils.

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

C. ANDERSON M.B.E.,
Clerk of Councils.

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**THE
FALKLAND ISLANDS GAZETTE
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31 July 2008

No. 7

The following are published in this Supplement –

Taxes (Amendment) Ordinance 2008 (Correction) Order 2008 (SR&O No 10 of 2008);

Capital Equalisation Fund Order 2008 (SR&O No 11 of 2008); and

Children and Young Persons (Tobacco) Ordinance (Amendment) Order 2008 (SR&O No 12 of 2008).

SUBSIDIARY LEGISLATION

TAXES

Taxes (Amendment) Ordinance 2008 (Correction) Order 2008

S. R. & O. No: 10 of 2008

Made: 15 July 2008

Published: 31 July 2008

Coming into force: see article 2

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following Order —

1. Title

This Order is the Taxes (Amendment) Ordinance 2008 (Correction) Order 2008.

2. Commencement

This Order shall be deemed to have come into force on the same date as the Taxes (Amendment) Ordinance 2008.

3. Correction of Taxes (Amendment) Ordinance 2008

Section 4(1) of the Taxes (Amendment) Ordinance 2008 (No 6 of 2008) is rectified by deleting “100” and replacing it with “100A”.

Made 15 July 2008

R. C. Cheek,
Acting Attorney General.

SUBSIDIARY LEGISLATION

PUBLIC FUNDS

Capital Equalisation Fund Order 2008

S.R & O. No. 11 of 2008

Made: 23 July 2008

Published: 31 July 2008

Coming into force: on publication

IN EXERCISE of my powers under section 11(2) of the Public Funds Ordinance (Title 42.1), I make the following order —

1. Title

This order is the Capital Equalisation Fund Order 2008.

2. Commencement

This order comes into force on publication.

3. Authorisation of payments out of Capital Equalisation Fund

(1) The Financial Secretary may make payments out of the Capital Equalisation Fund not exceeding, in total, six hundred and ninety thousand and one hundred and eighty pounds (£690,180) as are required to fund the amendments to the capital programme detailed in the Schedule.

(2) The authorisation given in paragraph (1) authorises payments additional to those authorised by previous orders.

SCHEDULE

	£
0951 General	214,000
0953 Plant and Vehicles	114,500
0954 Roads	482,440
0956 Government Land and Buildings	(32, 840)
0957 Municipal Services	(47,920)
0958 Air Transportation	15,000
0960 Departmental Assets	<u>(55,000)</u>
	<u>690,180</u>

Made 23 July 2008

A. E. Huckle,
Governor.

EXPLANATORY NOTE
(not forming part of this order)

This order, which is made with the approval of the Secretary of State, authorises the Financial Secretary to make additional payments out of the Capital Equalisation Fund totalling £690,180.

SUBSIDIARY LEGISLATION

CHILDREN

Children and Young Persons (Tobacco) Ordinance (Amendment) Order 2008

S. R. & O. No: 12 of 2008

Made: 25 July 2008

Published: 31 July 2008

Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 9 of the Children and Young Persons (Tobacco) Ordinance (No 8 of 2007), I make the following Order —

1. Title

This Order is the Children and Young Persons (Tobacco) Ordinance (Amendment) Order 2008.

2. Commencement

(1) Subject to paragraph (2), this Order comes into force one year after publication in the Gazette.

(2) Article 4 comes into force two years after publication in the Gazette.

3. Amendment of the Children and Young Persons (Tobacco) Ordinance

The Children and Young Persons (Tobacco) Ordinance is amended by omitting the figure “16” wherever it appears in the Ordinance, and substituting the figure “17”.

4. Subsequent amendment of the Children and Young Persons (Tobacco) Ordinance

The Children and Young Persons (Tobacco) Ordinance is amended by omitting the figure “17” wherever it appears in the Ordinance, and substituting the figure “18”.

Made 25 July 2008

A. E. Huckle,
Governor

EXPLANATORY NOTE
(not forming part of the above Order)

This Order amends the Children and Young Persons Tobacco Ordinance to gradually increase the age below which it is unlawful for a person to possess, smoke tobacco etc. The law relating to sale and supply of tobacco to young persons is similarly amended.

The relevant age will be increased from 16 to 17, to take effect one year after the Order is published. The age will then be increased from 17 to 18, one year later (ie two years after the Order is published).

The reason for the graduated increase in age is so that the change in the law will not make unlawful the smoking of tobacco by any person who may lawfully smoke tobacco immediately before the Order takes effect.

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**THE
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29 August 2008

No. 8

The following is published in this Supplement –

**Fisheries (Conservation and Management) Ordinance (Replacement of Schedule)
Order 2008 (SR&O No 13 of 2008).**

SUBSIDIARY LEGISLATION

FISHERIES

Fisheries (Conservation and Management) Ordinance (Replacement of Schedule) Order 2008

S.R & O. No. 13 of 2008

Made: 26 August 2008

Published: 29 August 2008

Coming into force: 1 September 2008

IN EXERCISE of my powers under section 16(2) of the Fisheries (Conservation and Management) Ordinance (No 14 of 2005), I make the following Order —

1. Title

This Order is the Fisheries (Conservation and Management) Ordinance (Replacement of Schedule) Order 2008.

2. Commencement

This Order comes into force on 1 September 2008.

3. Replacement of Schedule 2 of the Fisheries (Conservation and Management) Ordinance

The Fisheries (Conservation and Management) Ordinance is amended by revoking Schedule 2 and substituting the Schedule set out in the Schedule to this Order.

**SCHEDULE
NEW SCHEDULE 2**

SCHEDULE 2

(section 16)

FISHERIES

Description of Fishery	Species	Dates within which fishery operates	Whether provisional Quota can be granted
Finfish	All finfish species with the exception of Skate (<i>Rajidae</i>) and Toothfish (<i>Dissostichus eleginoides</i>)	All year	YES

Scallops	<i>Zygochlamys patagonica</i>	All year	YES
Squid – Jig or Trawl	<i>Illex argentinus</i> and <i>Martialia hyadesi</i>	15 February – 15 June	YES
Squid	<i>Loligo gahi</i>	24 February – 14 April	NO
Skate	All species of Skate (<i>Rajidae</i>)	All year	YES
Squid and Restricted Finfish	<i>Illex argentinus</i> , <i>Martialia hyadesi</i> , all Finfish species except Hake (<i>Merluccius spp.</i>), Skate (<i>Rajidae</i>) and Toothfish (<i>Dissostichus eleginoides</i>)	1 March – 31 May	YES
Restricted Finfish – Pelagic	Southern Blue Whiting (<i>Micromesistius australis</i>) Hoki (<i>Macruronus magellanicus</i>)	All year, except closed area (defined below) to have effect from 1 July to 15 October	YES

“closed area” in relation to the Restricted Finfish-Pelagic fishery means an area, within the Interim Fishery Conservation and Management Zone, which is bounded by a line drawn from the position latitude 51° 30' South, longitude 62° 00' West then —

(a) in an Easterly direction to the position latitude 51° 30' South, longitude 58° 00' West; then

(b) in a Southerly direction to the position latitude 53° 30' South, longitude 58° 00' West; then

(c) in a Westerly direction to a position where the parallel of latitude 53° 30' South intersects the rhumb line joining positions latitude 54° 08.68' South, longitude 60° 00' West and latitude 52° 30' South, longitude 63° 19.25' West; then

(d) in a North Westerly direction along the rhumb line to the position where the meridian of longitude 62° 00' West intersects the rhumb line joining the positions latitude 54° 08.68' South, longitude 60° 00' West and latitude 52° 30' South, longitude 63° 19.25' West; then

(e) in a Northerly direction to latitude 52° 30' South, longitude 62° 00' West;

or any substituted area, or amended area, declared by the Director by notice published in the Gazette.

Restricted Finfish	All finfish species except Hake (<i>Merluccius spp.</i>) Skate (<i>Rajidae</i>) and Toothfish (<i>Dissostichus eleginoides</i>)	All year	YES
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Toothfish – Longline	Toothfish <i>(Dissostichus eleginoides)</i>	All year	NO
Squid	<i>Loligo gahi</i>	15 July – 30 September	NO

Made 26 August 2008

A E Huckle
Governor

EXPLANATORY NOTE
(not forming part of the above order)

This order replaces Schedule 2 of the Fisheries (Conservation and Management) Ordinance 2005, to reflect a change in respect of the Restricted Finfish-Pelagic fishery and the dates within which the fishery operates.

The closed area (within which the fishery does not operate between 1 July and 15 October) is defined within the new Schedule, but the area may be replaced or amended by the Director by notice published in the Gazette.

The order is to have effect from 1 September 2008.

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The following is published in this Supplement –

Wearing of Seat Belts (Amendment) Regulations 2008 (SR&O No 14 of 2008)

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Wearing of Seat Belts (Amendment) Regulations 2008

S.R & O. No. 14 of 2008

Made: 25 September 2008

Published: 26 September 2008

Coming into force on the date of Legislative Council approval

Approved by resolution of Legislative Council on: 26 September 2008

IN EXERCISE of my powers under section 36 of the Road Traffic Ordinance (Title 63.1), I make the following regulations —

1. Title

(1) These Regulations are the Wearing of Seat Belts (Amendment) Regulations 2008.

(2) In these Regulations the Wearing of Seat Belts (Prescribed Roads) Regulations 1996 (No 2 of 1996) are called “the principal Regulations”.

2. Commencement

These Regulations come into force on the date that they are approved by resolution of Legislative Council.

3. Title repealed

The Title of the principal Regulations is repealed.

4. Name of principal Regulations changed

(1) After the commencement of these Regulations, the principal Regulations are called the Wearing of Seat Belts Regulations 1996.

(2) Regulation 1 of the principal Regulations is consequentially amended by omitting “(Prescribed Roads)”.

5. Interpretation

Regulation 2(1) of the principal Regulations is amended by revoking the definition of prescribed roads.

6. Application

(1) Regulation 2A of the principal Regulations is amended by inserting “(1)” after “2A”.

(2) Regulation 2A of the principal Regulations is amended by adding —

“(2) Without prejudice to paragraph (1), these Regulations apply to the road between Stanley and the guard post at the main entrance to the Mount Pleasant complex.”

7. Requirement for adults to wear adult belts

Regulation 3(2)(a) of the principal Regulations is revoked.

Made 25 September 2008

A. E. Huckle,
Governor.

EXPLANATORY NOTE
(not forming part of the above Regulations)

1. These Regulations —

(a) change the name of the Wearing of Seat Belts (Prescribed Roads) Regulations 1996 (“the principal Regulations”) to the Wearing of Seatbelt Regulations;

(b) revoke the definition of prescribed roads in the principal Regulations; and

(c) revoke the exception at regulation 3(2)(a) of the principal Regulations which provided that adults need only wear seat belts on prescribed roads,

in order to correct an anomaly that arose from the amendment of the principal Regulations in May 2006, the effect of which was that there was no requirement for adults to wear seat belts.

2. These Regulations also extend the application of the principal Regulations to the road between Stanley and the Mount Pleasant complex. This is in order to correct uncertainty in relation to the applicability of the requirement to wear a seat belt (adult or child) on the road between Stanley and Mount Pleasant complex.

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The following are published in this Supplement –

Customs (Fees)(Amendment) Regulations 2008 (SR&O No 15 of 2008); and

Capital Equalisation Fund (No 2) Order 2008 (SR&O No 16 of 2008).

SUBSIDIARY LEGISLATION

CUSTOMS

Customs (Fees)(Amendment) Regulations 2008

S.R & O. No. 15 of 2008

Made: 16 October 2008

Published: 31 October 2008

Coming into force: 1 November 2008

IN EXERCISE of my powers under section 162 of the Customs Ordinance 2003 (No 9 of 2003), I make the following regulations —

1. Title

These regulations are the Customs (Fees)(Amendment) Regulations 2008.

2. Commencement

These regulations come into force on 1 November 2008.

3. Customs services fees

Regulation 3 of the Customs (Fees) Regulations 2006 (No 10 of 2006) is amended —

- (a) at paragraph (a)(i) by omitting £64.20 and substituting £65.10;
- (b) at paragraph (a)(ii) by omitting £32.10 and substituting £32.90;
- (c) at paragraph (b)(ii) by omitting £96.30 and substituting £98.70;
- (d) at paragraph (c)(i) by omitting £96.30 and substituting £98.70;
- (e) at paragraph (c)(ii) by omitting £48.15 and substituting £49.35;
- (f) at paragraph (d)(i) by omitting £64.20 and substituting £65.80; and
- (g) at paragraph d(ii) by omitting £96.30 and substituting £98.70.

Made 16 October 2008

A. E. Huckle,
Governor.

EXPLANATORY NOTE
(not forming part of the above regulations)

These regulations amend the Customs (Fees) Regulations 2006 to increase the customs service fees, which are based on the hourly rate of officers' pay, to reflect a civil service pay increase. The amendments all implement an increase in the hourly multiplier from £32.10 to £32.90.

SUBSIDIARY LEGISLATION

PUBLIC FUNDS

Capital Equalisation Fund (No 2) Order 2008

S.R & O. No. 16 of 2008

Made: 17 October 2008

Published: 31 October 2008

Coming into force: on publication

IN EXERCISE of my powers under section 11(2) of the Public Funds Ordinance (Title 19.7), I make the following order —

1. Title

This Order is the Capital Equalisation Fund (No 2) Order 2008.

2. Commencement

This Order comes into force on publication.

3. Authorisation of payments out of Capital Equalisation Fund

(1) The Financial Secretary may make payments out of the Capital Equalisation Fund not exceeding, in total, six million, seven hundred and fifty nine thousand and one hundred and fifty pounds (£6,759,150) as are required to fund the amendments to the capital programme detailed in the Schedule.

(2) The authorisation given in paragraph (1) authorises payments additional to those authorised by previous orders.

SCHEDULE

	Financial Year 2007/08	Financial Year 2008/09	Total
	£	£	£
0951 General	967,000	574,400	1,541,400
0952 Loans and Investments		230,000	230,000
0953 Plant and Vehicles	155,410	700,000	855,410
0954 Roads	(21,050)	1,223,000	1,201,950
0955 Housing	(78,290)		(78,290)
0956 Government Land and Buildings	72,170	1,090,000	1,162,170
0957 Municipal Services	31,930	1,470,000	1,501,930
0958 Air Transportation	2,140	110,050	112,190
0960 Departmental Assets	<u>(5,410)</u>	<u>237,800</u>	<u>232,390</u>
	<u>1,123,900</u>	<u>5,635,250</u>	<u>6,759,150</u>

Made 17 October 2008

A. E. Huckle,
Governor.

EXPLANATORY NOTE

(not forming part of the above Order)

This Order, which is made with the approval of the Secretary of State, authorises the Financial Secretary to make additional payments out of the Capital Equalisation Fund totalling £6,759,150.

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THE
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13 November 2008

No.11

The following is published in this Supplement –

The Falkland Islands Constitution Order 2008 (SI 2008/2846).

STATUTORY INSTRUMENTS

2008 No. 2846

SOUTH ATLANTIC TERRITORIES

The Falkland Islands Constitution Order 2008

Made - - - - - *5th November 2008*

Laid before Parliament *12th November 2008*

Coming into force in accordance with section 1(3)

At the Court at Buckingham Palace, the 5th day of November 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by the British Settlements Acts 1887 and 1945(a) and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation, publication and commencement

- 1.—(1) This Order may be cited as the Falkland Islands Constitution Order 2008.
- (2) This Order shall be published in the Gazette.
- (3) This Order shall come into force on the appointed day.

Interpretation

2.—(1) In this Order—

“the appointed day” means such day as may be prescribed by the Governor, acting in his or her discretion, by proclamation published in the Gazette;

“the Constitution” means the Constitution set out in the Schedule;

“the former Constitution” means the Constitution set out in Schedule 1 to the Falkland Islands Constitution Order 1985(b);

(a) 1887 c.54 and 1945 c.7.

(b) S.I. 1985/444, as amended by S.I. 1997/864 and 1997/2974.

“Legislative Assembly” means the Legislative Assembly established by the Constitution;

“Legislative Council” means the Legislative Council established by the former Constitution.

(2) Sections 98 to 100 of the Constitution shall apply for the purposes of interpreting sections 1 to 11 of this Order and otherwise in relation to those sections as they apply for the purpose of interpreting and in relation to the Constitution.

Revocations

3. The Falkland Islands Constitution Order 1985(a), the Falkland Islands Constitution (Amendment) Order 1997(b), and the Falkland Islands Constitution (Amendment) (No. 2) Order 1997(c) are revoked with effect from the appointed day.

Establishment of Constitution

4. The Constitution shall have effect in the Falkland Islands on the appointed day.

Existing laws

5.—(1) The existing laws shall, as from the appointed day, be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section), that prescription or provision shall, as from the appointed day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Constitution) as if it had been made under the Constitution.

(3) The Governor may by order made at any time within twelve months after the appointed day make such alterations to any existing law as may appear to him or her to be necessary or expedient for bringing that law into conformity with the Constitution or otherwise for giving effect or enabling effect to be given to the Constitution.

(4) This section is without prejudice to any powers conferred by the Constitution or by any other law on any person or authority to make provision for any matter, including the alteration of any existing law.

(5) For the purposes of this section “existing law” means any Ordinance, rule, regulation, order or other instrument made in pursuance of or continued in force by or under the former Constitution and having effect as part of the law of the Falkland Islands immediately before the appointed day, but does not include any Act of Parliament of the United Kingdom or Order in Council or other instrument made under any such Act.

Existing offices and officers

6.—(1) Any office established by or under the former Constitution and existing immediately before the appointed day shall on and after that day, so far as consistent with the Constitution, continue as if it had been established by or under the Constitution.

(2) Any person who immediately before the appointed day holds or is acting in an office continued by virtue of subsection (1) shall, on and after that day, continue to hold or act in that office or the corresponding office established by the Constitution as if he or she had been appointed to hold or act in it in accordance with or under the Constitution; but any person who under the law in force immediately before the appointed day would

(a) S.I. 1985/444
(b) S.I. 1997/864.
(c) S.I. 1997/2974.

have been required to vacate his or her office at the expiration of any period shall vacate that office at the expiration of that period.

(3) Any person to whom subsection (2) applies who, before the appointed day, has made any oath required to be made before assuming the functions of his or her office shall be deemed to have made any like oath so required by the Constitution or any other law.

(4) The person who immediately before the appointed day holds or is acting in the office of Financial Secretary shall, on and after that day, hold or act in the office of Director of Finance as if he or she had been appointed to hold or act in that office under the Constitution.

Legislative Assembly

7.—(1) Any person who immediately before the appointed day is a member of the Legislative Council shall on that day become a member of the Legislative Assembly, shall be deemed to have complied with section 42 of the Constitution, and shall hold his or her seat in accordance with the Constitution.

(2) The Governor shall dissolve the Legislative Assembly not later than the expiration of four years from the date when the Legislative Council first met after the last general election before the appointed day.

Standing Orders

8. The Standing Orders of the Legislative Council as in force immediately before the appointed day shall, until it is otherwise provided under section 46 of the Constitution, be the Standing Orders of the Legislative Assembly, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

Pending legal proceedings

9.—(1) Any proceedings pending immediately before the appointed day in the Supreme Court or the Court of Appeal established by the former Constitution may be continued on and after that day in the Supreme Court or, as the case may be, the Court of Appeal established by the Constitution.

(2) Any judgment or order of the Supreme Court or the Court of Appeal established by the former Constitution given or made before the appointed day, in so far as it has not been fully executed or enforced, may be executed or enforced on or after that day as if it were a judgment or order of the Supreme Court or, as the case may be, the Court of Appeal established by the Constitution.

Management Code

10. Until a Management Code has been issued in accordance with section 85(3) of the Constitution, the management code in operation immediately before the appointed day shall continue in operation.

Power reserved to Her Majesty

11. There is reserved to Her Majesty full power to make laws for the peace, order and good government of the Falkland Islands including, without prejudice to the generality of the foregoing, laws amending this Order or the Schedule.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

The Constitution of the Falklands Islands

CONTENTS

CHAPTER I

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

1. Fundamental rights and freedoms of the individual
2. Protection of right to life
3. Protection from inhuman treatment
4. Protection from slavery and forced labour
5. Protection of right to personal liberty
6. Provisions to secure protection of law
7. Protection of rights of prisoners to humane treatment
8. Protection of freedom of movement
9. Protection for private and family life and for privacy of home and other property
10. Protection of right to marry and found a family
11. Protection of freedom of conscience
12. Protection of right to education
13. Protection of freedom of expression
14. Protection of freedom of assembly and association
15. Protection from deprivation of property
16. Protection from discrimination
17. Derogations from fundamental rights and freedoms under emergency powers
18. Protection of persons detained under emergency laws
19. Enforcement of protective provisions
20. Proceedings which might affect freedom of conscience
21. Proceedings which might affect freedom of expression
22. Interpretation

CHAPTER II

THE GOVERNOR

23. The Governor
24. Acting Governor
25. Defence and internal security

CHAPTER III

THE LEGISLATURE

26. Establishment and composition of the Legislative Assembly
27. Constituencies
28. Qualifications for election
29. Disqualifications for election

30. Vacation of seats
31. Vacation of seat on sentence
32. Qualifications of electors
33. General elections and filling vacant seats
34. Dissolution
35. Recalling dissolved Legislative Assembly in case of emergency
36. Determination of questions as to membership

CHAPTER IV POWERS AND PROCEDURES OF THE LEGISLATIVE ASSEMBLY

37. Power to make laws
38. Sittings of the Legislative Assembly
39. Presiding
40. Clerk of the Legislative Assembly
41. Participation by non-members
42. Oaths
43. Quorum
44. Voting
45. Transaction of business notwithstanding vacancies
46. Standing Orders
47. Penalty for sitting or voting when unqualified
48. Privileges of Legislative Assembly and members
49. Freedom of speech in proceedings
50. Rules for the enactment of laws
51. Introduction of Bills, etc
52. Assent to Bills
53. Publication and commencement of laws
54. Disallowance of laws
55. Governor's reserved power

CHAPTER V THE EXECUTIVE

56. Executive authority
57. Executive Council
58. Election of elected members of the Executive Council
59. Tenure of office of elected members of the Executive Council
60. Temporary members of the Executive Council
61. Attendance of non-members at meetings of the Executive Council
62. Summoning of meetings and agenda of the Executive Council
63. Presiding in the Executive Council
64. Oaths
65. Quorum
66. The Governor to consult the Executive Council
67. The Governor may act against advice of the Executive Council

- 68. The Governor may call for public officers, official papers, information or advice
- 69. Minutes
- 70. Advisory Committee on the Prerogative of Mercy
- 71. Power of pardon, etc
- 72. Powers of Attorney General in relation to criminal proceedings
- 73. Grants of land

CHAPTER VI FINANCE

- 74. Consolidated Fund
- 75. Withdrawals
- 76. Authorisation of expenditure
- 77. Expenditure in advance of appropriation
- 78. Contingencies Fund
- 79. Public debt
- 80. Audit
- 81. Public Accounts Committee

CHAPTER VII THE PUBLIC SERVICE

- 82. Power to constitute offices
- 83. Chief Executive
- 84. Power to make appointments
- 85. Discipline and removal of public officers

CHAPTER VIII THE ADMINISTRATION OF JUSTICE

- 86. Supreme Court
- 87. Court of Appeal
- 88. Appointment of judges and Senior Magistrate
- 89. Acting judges
- 90. Tenure of office of judges and Senior Magistrate
- 91. Oaths
- 92. Jurisdiction of the Court of Appeal
- 93. Practice and procedure on appeals to the Court of Appeal
- 94. Appeals to the Court of Appeal

CHAPTER IX COMPLAINTS COMMISSIONER

- 95. Complaints Commissioner
- 96. Functions of Complaints Commissioner

CHAPTER X
MISCELLANEOUS

- 97. The Public Seal
- 98. Reappointments and concurrent appointments
- 99. Resignations
- 100. Interpretation

ANNEX A TO THE CONSTITUTION
RULES FOR THE ENACTMENT OF LAWS

ANNEX B TO THE CONSTITUTION
OATHS AND AFFIRMATIONS

CHAPTER I

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental rights and freedoms of the individual

1. Whereas—

- (a) all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law;
- (b) the realisation of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations;
- (c) every person in the Falkland Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, without distinction of any kind, such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—
 - (i) life, liberty, security of the person, the enjoyment of property and the protection of the law;
 - (ii) freedom of conscience, of expression (including freedom of the press), of movement and of peaceful assembly and association;
 - (iii) protection for his or her family, his or her personal privacy, the privacy of his or her home and other property and from deprivation of property save in the public interest and on payment of fair compensation,

the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid individual rights and freedoms, and to related rights and freedoms, subject to such limitations on that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Protection of right to life

2.—(1) No person shall be deprived intentionally of his or her life.

(2) A person shall not be regarded as having been deprived of his or her life in contravention of this section if he or she dies as a result of the use, to such extent and in such circumstances as are permitted by law, of force which is no more than absolutely necessary—

- (a) for the defence of any person from violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- (c) for the purpose of suppressing a riot, insurrection or mutiny,

or if he or she dies as the result of a lawful act of war.

Protection from inhuman treatment

3. No person shall be subjected to torture or to inhuman or degrading treatment or punishment.

Protection from slavery and forced labour

4.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, “forced labour” does not include—

- (a) any labour required in consequence of the sentence or order of a court;
- (b) any labour required of a member of a disciplined force in pursuance of his or her duties as such or, in the case of a person who has conscientious objections to service in a naval, military or air force, any labour that that person is required by law to perform in place of such service;
- (c) any labour required of any person while he or she is lawfully detained that is reasonably necessary in the interests of hygiene or for the maintenance of the place in which he or she is detained; or
- (d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

Protection of right to personal liberty

5.—(1) Every person has the right to liberty and security of person.

(2) No person shall be deprived of his or her personal liberty save as may be authorised by law in any of the following cases, that is to say—

- (a) in consequence of his or her unfitness to plead to a criminal charge;
- (b) in execution of the sentence or order of a court, whether established for the Falkland Islands or some other country, in respect of a criminal offence of which that person has been convicted;
- (c) in execution of an order of a court punishing that person for contempt of that court or of another court;
- (d) in execution of the order of a court made in order to secure the fulfilment of any obligation imposed on that person by law; but no person shall be deprived of his or her liberty merely on the ground of inability to fulfil a contractual obligation;
- (e) for the purpose of bringing that person before a court in execution of the order of a court;
- (f) on reasonable suspicion of that person having committed or of being about to commit a criminal offence under any law;

- (g) in the case of a minor, under the order of a court or in order to bring that person before a court or with the consent of his or her parent or guardian, for his or her education or welfare;
- (h) for the purpose of preventing the spread of an infectious or contagious disease;
- (i) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his or her care or treatment or the protection of the community;
- (j) for the purpose of preventing the unlawful entry of that person into the Falkland Islands or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from the Falkland Islands or for the purpose of restricting that person while he or she is being conveyed through the Falkland Islands in the course of his or her extradition or removal as a convicted prisoner from one country to another; or
- (k) to such extent as may be necessary in the execution of an order of a court requiring that person to remain within a specified area within the Falkland Islands or prohibiting him or her from being within such an area or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order or relating to such an order after it has been made, or to such an extent as may be reasonably justifiable for restraining that person during any visit that he or she is permitted to make to any part of the Falkland Islands in which, in consequence of any such order, his or her presence would otherwise be unlawful.

(3) Any person who is arrested or detained shall be informed orally and in writing as soon as reasonably practicable, in a language that he or she understands, of the reason for his or her arrest or detention.

(4) Any person who is arrested or detained shall have the right, at any stage and at his or her own expense, to retain and instruct without delay a legal representative of his or her own choice, and to hold private communication with him or her, and in the case of a minor, he or she shall also be afforded a reasonable opportunity for communication with his or her parent or guardian; but when the person arrested or detained is unable to retain a legal representative of his or her own choice or be represented by a legal representative at the public expense, he or she may be represented, and hold private communication with, such person as the court may approve.

(5) Every person who is arrested shall be informed, as soon as reasonably practicable and in a language that he or she understands, of his or her rights under subsection (4); and that person shall also have the right, and shall be informed at the same time that he or she has the right, to remain silent and to have one person informed by the quickest practicable means of his or her arrest and his or her whereabouts.

(6) Any person who is arrested or detained —

- (a) for the purpose of bringing him or her before a court in execution of the order of a court; or
- (b) on reasonable suspicion of his or her having committed or being about to commit a criminal offence under any law,

and who is not released, shall be brought promptly before a court.

(7) If any person arrested or detained as mentioned in subsection (6)(b) is not tried within a reasonable time, then, without prejudice to any further proceedings which may be brought against him or her, he or she shall be released either unconditionally or on reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he or she appears at a later date for trial or for proceedings preliminary to trial.

(8) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation for such unlawful arrest or detention from that other person, from any person or authority on whose behalf that other person was acting or from them both; but a judicial officer or an officer of a court or a police officer acting in pursuance of the order of a judicial officer shall not be personally liable to pay compensation under this subsection in respect of anything done by him or her in good faith in the discharge of the functions of his or her office and any liability to pay any such compensation in respect of that thing shall be a liability of the Crown.

(9) For the purposes of subsection (2)(b), a person charged with a criminal offence in respect of whom a special verdict has been returned that he or she was guilty of the act or omission charged but was insane when he or she did the act or made the omission shall be regarded as a person who has been convicted of a criminal offence, and the detention of that person in consequence of such a verdict shall be regarded as detention in execution of the order of a court.

Provisions to secure protection of law

6.—(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, he or she shall have the right to a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Every person who is charged with a criminal offence—

- (a) shall be presumed to be innocent until he or she is proved to be or has pleaded guilty;
- (b) shall be informed orally and in writing as soon as reasonably practicable, in a language that he or she understands and in detail, of the nature of the offence charged;
- (c) shall be given adequate time and facilities for the preparation of his or her defence;
- (d) shall be permitted to defend himself or herself before the court in person or, at his or her own expense, by a legal representative of his or her own choice or, when the interests of justice so require, by a legal representative at the public expense;
- (e) shall be afforded facilities to examine in person or by his or her legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his or her behalf before the court on the same conditions as those applying to witnesses called by the prosecution;
- (f) shall be permitted to have without payment the assistance of an interpreter at any court hearing at which that person is required to be present if he or she cannot understand or speak English; and
- (g) shall, when charged on information or indictment in the Supreme Court, have the right to trial by jury or before a judge sitting alone, as he or she may choose.

(3) Except with his or her own consent, the trial of a person charged with a criminal offence shall not take place in his or her absence, unless—

- (a) that person so behaves in the court as to render the continuance of the proceedings in his or her presence impracticable and the court has ordered that person to be removed and the trial to proceed in his or her absence; or
- (b) the court, being satisfied that no injustice will result, orders the trial to proceed in that person's absence on account of the abscondment or the involuntary illness or incapacity of that person.

(4) When a person is tried for any criminal offence, that person or any person authorised by him or her in that behalf shall, if he or she (the accused person) so requires and subject to the payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(5) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(6) No person who shows that he or she has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he or she could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal, or save where a court makes an order under an Ordinance permitting a person to be retried for an offence of which he or she has been acquitted where in all the circumstances a retrial is in the interests of justice.

(7) No person shall be tried for a criminal offence if he or she shows that he or she has been pardoned for that offence.

(8) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(9) When a person has, by a final decision of a court, been convicted of a criminal offence and, subsequently, his or her conviction has been quashed, or he or she has been pardoned, on the ground that a newly-disclosed fact shows that there has been a miscarriage of justice, he or she shall be compensated out of public funds for any punishment that he or she has suffered as a result of the conviction unless it is proved that the non-disclosure in time of that fact was wholly or partly his or her fault.

(10) For the determination of the existence of extent or his or her civil rights and obligations, every person shall have the right to a fair hearing within a reasonable time before an independent and impartial court or other authority established by law.

(11) Except with the agreement of all the parties to them, all proceedings for the trial of any criminal charge or for the determination of the existence or extent of any person's civil rights or obligations before any court or other authority, including the announcement of the decision of the court or other authority, shall be held in public.

(12) Nothing in subsection (11) shall prevent the court or other authority from excluding from the proceedings persons other than the parties to them and their legal representatives to such an extent as the court or other authority—

- (a) may by law be empowered to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of the welfare of minors or the protection of the private lives of persons concerned in the proceedings; or
- (b) may by law be empowered or required to do in the interests of defence, internal security, public safety, public order or public morality.

(13) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

- (a) subsection (2)(a), to the extent that the law in question imposes on any person charged with a criminal offence the burden of proving particular facts;
- (b) subsection (2)(e), to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds; or
- (c) subsection (6), to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, but any court so trying such member and convicting him or her shall in sentencing him or her to any punishment take into account any punishment imposed on him or her under that disciplinary law.

Protection of rights of prisoners to humane treatment

7. All persons deprived of their liberty have the right to be treated with humanity and with respect for the inherent dignity of the human person.

Protection of freedom of movement

8.—(1) A person shall not be deprived of his or her freedom of movement, that is to say—

- (a) the right to move freely throughout the Falkland Islands;
- (b) the right to reside in any part of the Falkland Islands; and
- (c) the right of a person who belongs to the Falkland Islands, or to whom a permanent right to remain has been granted, to enter, remain in and leave the Falklands Islands.

(2) Any restriction on a person's freedom of movement that is involved in his or her lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) for the imposition of restrictions on the movement or residence in the Falkland Islands or on the right to leave the Falkland Islands of persons generally or any class of persons that are reasonably required in the interests of defence, internal security, public safety, public order, public morality or public health, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society;
- (b) for the imposition of restrictions, by order of a court, on the movement or residence within the Falkland Islands of any person or on any person's right to leave the Falkland Islands either in consequence of his or her having been found guilty of a criminal offence or for the purpose of ensuring that he or she appears before a court at a later date for trial for a criminal offence or for proceedings relating to his or her extradition or lawful removal from the Falkland Islands;
- (c) for the imposition of restrictions on the freedom of movement of persons who do not belong to the Falkland Islands or who have not been granted a permanent right to remain; but—
 - (i) no restriction may be imposed by virtue only of this paragraph on the right of any such person, so long as he or she is lawfully present in the Falkland Islands, to move freely throughout the Falkland Islands and to reside anywhere within the Falkland Islands;
 - (ii) no restriction may be imposed by virtue only of this paragraph on the right of any such person to leave the Falkland Islands; and
 - (iii) no such person shall be liable, by virtue only of this paragraph, to be expelled from the Falkland Islands unless the requirements specified in subsection (4) are satisfied;
- (d) for the imposition of restrictions on the acquisition or use by any person of land or other property in the Falkland Islands;
- (e) for the imposition of restrictions on the movement or residence within the Falkland Islands or on the right to leave the Falkland Islands of any public officer that are reasonably required for the proper performance of his or her functions;
- (f) for the removal of a person from the Falkland Islands to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence of which he or she has been convicted;
- (g) for the imposition of restrictions on the right of any person to leave the Falkland Islands that are reasonably required in order to secure the fulfilment of any obligations imposed on that person by law and except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society; or
- (h) for the removal of a person suffering from a mental disorder from the Falkland Islands for treatment or detention in the United Kingdom or such other place as may be decided, where the removal is ordered by a court which is satisfied that the disorder cannot be effectively treated in the Falkland Islands and that removal is necessary in the interests of the person or to protect the public.

(4) The requirements to be satisfied for the purposes of subsection (3)(c)(iii) (that is to say, before a person who does not belong to the Falkland Islands or who has not been granted a permanent right to remain may be expelled from the Falkland Islands) are as follows—

- (a) the decision to expel that person is taken by an authority, in a manner and on grounds prescribed by law;
- (b) he or she has the right, save where the interests of defence, internal security, public safety or public order otherwise require, to submit reasons against his or her expulsion to a competent authority prescribed by law;

- (c) he or she has the right, save as aforesaid, to have his or her case reviewed by a competent authority prescribed by law; and
- (d) he or she has the right, save as aforesaid, to be represented for the purposes of paragraphs (b) and (c) before the competent authority or some other person designated in that behalf by the competent authority.

Protection for private and family life and for privacy of home and other property

9.—(1) Every person has the right to respect for his or her private and family life, his or her home and his or her correspondence and, except with his or her own consent, no person shall be subjected to the search of his or her person or property or the entry by others on his or her premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required—
 - (i) in the interests of defence, internal security, public safety, public order, public morality, public health, town and country planning, the development of mineral resources, or the development or utilisation of any other property in such a manner as to promote the public benefit; or
 - (ii) for the purpose of protecting the rights and freedoms of other persons;
- (b) to enable an officer or agent of the Government, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything on them for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the Government or that authority or body corporate, as the case may be;
- (c) to authorise, for the purpose of enforcing the judgment or order of a court in any proceedings, the search of any person or property by order of the court or the entry on any premises by such order; or
- (d) that is reasonably required for the purpose of preventing or detecting breaches of the criminal, customs or immigration law,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

Protection of right to marry and found a family

10.—(1) Every man and woman of marriageable age (as determined by or under any law) has the right to marry and found a family.

(2) No person shall be compelled to marry, that is to say, to do so without his or her free and full consent.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that the law makes provision that is reasonably required—

- (a) in the interests of public order, public morality or public health;
- (b) for regulating, in the public interest, the procedures and modalities of marriage; or
- (c) for protecting the rights and freedoms of others,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

(4) Spouses shall be entitled to equal rights and shall be subject to equal responsibilities as between themselves and as regards their children both during marriage and, if the marriage is dissolved, on and after dissolution, but this equality of rights and responsibilities shall be subject to such arrangements or measures as may be agreed, or as may be ordered by a court, in the interests of their children.

Protection of freedom of conscience

11.—(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change one's religion or belief and freedom, either alone or in community with others, and either in public or in private, to manifest and propagate one's religion or belief in worship, teaching, practice and observance.

(2) Except with his or her own consent (or, if he or she is under the age of sixteen years, the consent of his or her parent or guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his or her own.

(3) No religious community or denomination shall be prevented from or hindered in providing religious instruction for persons of that community or denomination in the course of any education provided by it whether or not it is in receipt of any government subsidy, grant or other form of financial assistance designed to meet, in whole or in part, the cost of such education.

(4) No person shall be compelled to take any oath which is contrary to his or her religion or belief or to take any oath in a manner which is contrary to his or her religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision that is reasonably required—

- (a) in the interests of defence, public safety, public order, public morality or public health; or
- (b) for the purpose of protecting the rights and freedoms of other persons, including the right of any person to observe and practise his or her religion or belief without the unsolicited intervention of adherents of any other religion or belief,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

(6) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

Protection of right to education

12.—(1) This section is without prejudice to section 11.

(2) Every child of the appropriate age, as provided by law, shall be entitled to receive primary education which shall, subject to subsection (3), be free.

(3) Every person who is the parent or legal guardian of a child shall be entitled to have his or her child (of whatever age) educated, at his or her own expense unless the law otherwise provides, in a private school (that is to say a school or teaching facility other than one established by a public authority) and in such school to ensure the religious and moral education of his or her child in accordance with his or her own convictions.

(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (3) to the extent that the law makes provision requiring private schools, as a condition of their being allowed to operate and on terms no more onerous than are applicable to schools established by a public authority, to satisfy—

- (a) such minimum educational standards (including standards relating to the qualifications of teaching staff and other staff) as may be prescribed by or under that or any other law; and
- (b) such minimum standards imposed in the interests of public order, public morality or public health as may be so prescribed,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of expression

13.—(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of expression.

(2) For the purposes of this section, a person's freedom of expression includes his or her freedom to hold opinions without interference, his or her freedom to receive information and ideas without interference, his or her freedom to disseminate information and ideas without interference (whether the dissemination be to the public generally or to any person or class of persons) and his or her freedom from interference with his or her correspondence or other means of communication.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required—
 - (i) in the interests of defence, internal security, public safety, public order, public morality or public health; or
 - (ii) for the purpose of protecting the reputations, rights and freedoms of other persons, or the private lives of persons concerned in legal proceedings and proceedings before statutory tribunals, preventing the disclosure of information received in confidence, maintaining the authority and independence of the Legislative Assembly and the courts, or regulating telecommunications, post, broadcasting or public shows; or
- (b) that imposes restrictions on public officers that are reasonably required for the proper performance of their functions,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of assembly and association

14.—(1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of peaceful assembly and association, that is to say, his or her right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the promotion and protection of his or her interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required—
 - (i) in the interests of defence, internal security, public safety, public order, public morality or public health; or
 - (ii) for the purpose of protecting the rights and freedoms of other persons; or
- (b) that imposes restrictions on public officers that are reasonably required for the proper performance of their functions,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

Protection from deprivation of property

15.—(1) No property of any description shall be compulsorily taken possession of, and no interest in or right to or over property of any description shall be compulsorily acquired, except in accordance with the provisions of a law applicable to that taking of possession or acquisition and where the following conditions are satisfied, that is to say—

- (a) the taking of possession or acquisition is in the public interest; and

- (b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right to or over the property; and
- (c) provision is made by a law applicable to the taking of possession or acquisition—
 - (i) for the prompt payment of adequate compensation; and
 - (ii) securing to any person having an interest in or right to or over the property a right of access to the Supreme Court, whether direct or on appeal from any other authority, for the determination of his or her interest or right, the legality of the taking of possession or acquisition and the amount of any compensation to which he or she is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he or she has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax imposed in respect of its remission) to any country of his or her choice outside the Falkland Islands.

(3) Without prejudice to the generality of the expression “in the public interest” in subsection (1), nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law makes provision for the taking of possession or the acquisition of any property, interest or right—

- (a) for the purpose of controlling its use in accordance with the general interest;
- (b) as a consequence of a breach of the law;
- (c) to secure the payment of taxes or other like impositions; or
- (d) for the administration or enforcement of the law regulating the civil rights and obligations of persons *inter se* in respect of property.

Protection from discrimination

16.—(1) Subject to subsections (4), (5) and (6), no law shall make any provision which is discriminatory either in itself or in its effect.

(2) Subject to subsections (6) and (7), no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression “discriminatory” means affording different treatment to different persons on any grounds such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(4) Subsection (1) shall not apply to any law so far as the law makes provision—

- (a) with respect to the entry into or exclusion from, or the employment, engaging in any business or profession, movement or residence within, the Falkland Islands of persons who do not belong to the Falkland Islands, or for any other purpose with respect to such persons to the extent that the provision is reasonably justifiable in a democratic society; or
- (b) whereby persons of any such description of grounds as is mentioned in subsection (3) may be subjected to any restriction or disadvantage or may be accorded any privilege or advantage that, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to qualifications (not being qualifications specifically relating to any of the grounds of discrimination referred to in subsection (3)) for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established by any law for public purposes.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that it has an objective and reasonable justification and there is a reasonable proportion between the provision of law in question or, as the case may be, the thing done under it and the aim which that provision or the thing done under it seeks to realise.

(7) Nothing in subsection (2) shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by this Constitution or any other law.

Derogations from fundamental rights and freedoms under emergency powers

17. Nothing contained in or done under the authority of a law shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 2, 3, 4, 6(2)(a), 6(5), 6(6), 6(7) and 6(8) to the extent that the law authorises the taking during any period of public emergency of measures that are reasonably justifiable for dealing with the situation that exists in the Falkland Islands during that period.

Protection of persons detained under emergency laws

18.—(1) When a person is detained by virtue of any such law as is referred to in section 17 the following provisions shall apply, that is to say—

- (a) he or she shall, as soon as reasonably possible, and in any case not more than seven days after the commencement of his or her detention, be informed in a language that he or she understands, and in detail, of the grounds on which he or she is detained and furnished with a written statement, in a language that he or she understands, or if this is not reasonably practicable, in English specifying those grounds in detail;
- (b) not more than fourteen days after the commencement of his or her detention a notification shall be published in a public place (and thereafter as soon as possible in the Gazette) stating that he or she has been detained and giving particulars of the provision of law by virtue of which his or her detention is authorised;
- (c) not more than one month after the commencement of his or her detention and thereafter during the detention at intervals of not more than three months, his or her case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice;
- (d) he or she shall be afforded reasonable facilities to consult a legal representative of his or her own choice (or, if he or she is unable to retain a legal representative, such person as the tribunal may approve) who shall be permitted to make representations to the tribunal appointed for the review of his or her case;
- (e) at the hearing of his or her case by the tribunal appointed for its review he or she shall be permitted to appear in person or be represented by a legal representative of his or her own choice or, if he or she is unable to retain a legal representative, by such person as the tribunal may approve.

(2) On any review by a tribunal of the case of a detained person in pursuance of this section, the tribunal may make recommendations concerning the necessity or expediency of continuing his or her detention to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(3) Nothing contained in subsection (1)(d) or subsection (1)(e) shall be construed as entitling a person to legal representation at public expense, except when the interests of justice so require.

Enforcement of protective provisions

19.—(1) If any person alleges that any of the foregoing provisions of this Chapter has been, is being or is likely to be contravened in relation to him or her (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other

action with respect to the same matter that is lawfully available, that person (or that other person) may apply to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction—

- (a) to hear and determine any application made by any person in pursuance of subsection (1); and
- (b) to determine any question arising in the case of any person that is referred to it in pursuance of subsection (4),

and to make such declarations and orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the foregoing provisions of this Chapter to the protection of which the person concerned is entitled; but the Supreme Court may decline to exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) (a) Without prejudice to the generality of subsection (2), where, in exercise of its powers under that subsection, the Supreme Court determines that one of the foregoing provisions of this Chapter has been contravened in relation to any person, it may order or, as the case may be, declare that the court which made the reference to it under subsection (4) (“the referring court”) has the power to order (within such limits as the Supreme Court may declare) the award to that person of such damages as the Supreme Court or, as the case may be, the referring court considers just and appropriate.

(b) An award of damages may not be made in pursuance of this subsection in respect of the enactment of any law by the Legislature or the making, under such a law, of any subordinate legislation, but such an award may be made in respect of anything done by any person acting by virtue of any such law or subordinate legislation or in the performance of the functions of any public office or any public authority.

(c) This subsection is without prejudice to section 5(8).

(4) If in any proceedings in any court (other than the Supreme Court, the Court of Appeal, Her Majesty in Council or a court-martial) any question arises as to the contravention of any of the foregoing provisions of this Chapter, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the Supreme Court unless, in the opinion of the court in which the question arose, the raising of the question is merely frivolous or vexatious.

(5) Where any question is referred to the Supreme Court in pursuance of subsection (4), the Supreme Court shall give its decision on the question and the referring court shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal to the Court of Appeal or to Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, of Her Majesty in Council.

(6) (a) In determining any question which has arisen in connection with the interpretation or application of any of the foregoing provisions of this Chapter, every court shall take into account any—

- (i) judgment, decision, declaration or advisory opinion of the European Court of Human Rights;
- (ii) opinion of the European Commission of Human Rights (“the Commission”) given in a report adopted under Article 31 of the Convention;
- (iii) decision of the Commission in connection with Article 26 or 27(2) of the Convention;
- (iv) decision of the Committee of Ministers of the Council of Europe (“the Committee of Ministers”) taken under Article 46 of the Convention;
- (v) judgment, decision or declaration of a superior court in the United Kingdom on the interpretation or application of the Convention,

whenever made or given, so far as, in the opinion of the court, it is relevant to the proceedings in which that question has arisen.

(b) In this subsection, references to the Convention are references to it as it has effect for the time being, except that—

- (i) the references in subparagraphs (ii) and (iii) of paragraph (a) to Articles 31, 26 and 27(2) are references to those Articles as they respectively had effect immediately before the coming into force of the Eleventh Protocol;
 - (ii) the reference in subparagraph (iv) of paragraph (a) to Article 46 includes a reference to Articles 32 and 54 as they had effect immediately before the coming into force of the Eleventh Protocol; and
 - (iii) the references in paragraph (a) to a report or decision of the Commission or a decision of the Committee of Ministers include references to a report or decision made as provided by paragraphs 3, 4 and 6 of Article 5 of the Eleventh Protocol (transitional provisions).
- (c) In this subsection “the Convention” means the European Convention on Human Rights; “the Eleventh Protocol” means the protocol to the Convention (restructuring the control machinery established by it) agreed at Strasbourg on 11 May 1994; and “a superior court in the United Kingdom” means any of the following—
- (i) the High Court or the Court of Appeal in England;
 - (ii) the High Court of Justiciary or the Court of Session in Scotland;
 - (iii) the High Court or the Court of Appeal in Northern Ireland;
 - (iv) the House of Lords; and
 - (v) the Judicial Committee of the Privy Council.

(7) An appeal shall lie as of right to the Court of Appeal from any final determination of any application or question by the Supreme Court under this section, and an appeal shall lie as of right to Her Majesty in Council from the final determination by the Court of Appeal of the appeal in any such case; but no appeal shall lie from a determination by the Supreme Court under this section dismissing an application on the ground that it is frivolous or vexatious.

(8) The Legislature may by law confer on the Supreme Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that Court more effectively to exercise the jurisdiction conferred on it by this section.

(9) The Legislature may by law make, or provide for the making of, provision with respect to the practice and procedure—

- (a) of the Supreme Court in relation to the jurisdiction and powers conferred on it by or under this section;
- (b) of the Supreme Court or the Court of Appeal in relation to appeals under this section from determinations of the Supreme Court or the Court of Appeal; and
- (c) of other courts in relation to references to the Supreme Court under subsection (4),

including provisions with respect to the time within which any application, reference or appeal shall or may be made or brought.

Proceedings which might affect freedom of conscience

20. If a court’s determination of any question arising under this Chapter might affect the exercise by a religious organisation (itself or its members collectively) of the right to freedom of conscience as defined and protected by section 11, it must have particular regard to the importance of that right.

Proceedings which might affect freedom of expression

21.—(1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the right to freedom of expression as defined and protected by section 13.

(2) If the person against whom the application for the relief is made (“the respondent”) is neither present nor represented, no such relief shall be granted unless the court is satisfied—

- (a) that the applicant has taken all available steps to notify the respondent; or
- (b) that there are compelling reasons why the respondent should not be notified.

(3) No such relief shall be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.

(4) The court shall have particular regard to the importance of the right to freedom of expression and, where the proceedings relate to material which the respondent claims, or which appears to the court, to be journalistic, literary or artistic material (or to conduct connected with such material), to—

- (a) the extent to which—
 - (i) the material has become, or is about to become, available to the public; or
 - (ii) it is, or would be, in the public interest for the material to be published; and
- (b) any relevant privacy code.

Interpretation

22.—(1) In this Chapter, unless the contrary intention appears—

“contravention” in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law or tribunal having jurisdiction in the Falkland Islands, including Her Majesty in Council but excepting a court constituted by or under disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force” means—

- (a) a naval, military or air force;
- (b) any police force of the Falkland Islands;
- (c) the prison service of the Falkland Islands;

“legal representative” means a person entitled to be in or to enter the Falkland Islands and to practise there before a court;

“member” in relation to a disciplined force includes any person who, under the law regulating the discipline of that force, is subject to that discipline; and

“minor” means a person who has not attained the age of eighteen years or such other age as may be prescribed for this purpose by any law.

(2) In relation to any person who is a member of a disciplined force raised under a law enacted, or having effect as if enacted, by the Legislature, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of the provisions of this Chapter other than sections 2, 3 and 4.

(3) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in the Falkland Islands, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

(4) In this Chapter “period of public emergency” means any period during which—

- (a) Her Majesty is at war; or
- (b) the provisions of Part II of the Emergency Powers Order in Council 1939(a), or emergency regulations made under any Ordinance, are in operation in the Falkland Islands.

(a) See S.I. 1952/2031 (1952 I. p.620). The relevant amending instruments are S.I. 1956/731, 1963/88, 1633, 1964/267, 1199, 1965/131, 1968/724, 1973/759.

(5) For the purposes of this Chapter, a person shall be regarded as belonging to the Falkland Islands if he or she has Falkland Islands status and a person has such status if that person is—

- (a) a person who immediately before the commencement of this Constitution had Falkland Islands status—
 - (i) by virtue of section 17(5)(a), (b), (c), (d)(i) or (f) of the former Constitution; or
 - (ii) by virtue of section 17(5)(e) of the former Constitution—
 - (aa) as a spouse, and the person is not living apart from his wife or her husband under a decree of a competent court or a deed of separation; or
 - (bb) as a widow or widower, and the person has not remarried; or
- (b) a person who was born in the Falkland Islands, who was a citizen at birth and whose father or mother was permanently resident in the Falkland Islands at the time of the person's birth; or
- (c) a person who was born outside the Falkland Islands, who was a citizen at birth and whose father or mother was permanently resident in the Falkland Islands at the time of the person's birth; or
- (d) a citizen who was born in or outside the Falkland Islands whose father or mother at the time of the person's birth had Falkland Islands status and was permanently resident in the Falkland Islands; or
- (e) a citizen who was born outside the Falkland Islands whose father or mother was born in the Falkland Islands and had Falkland Islands status at the time of the person's birth; or
- (f) a person who has been granted Falkland Islands status under an Ordinance providing for the grant of that status to persons who have been ordinarily resident in the Falkland Islands for a period of at least seven years, or such period not exceeding seven years as the Ordinance may prescribe, and has not, in accordance with that Ordinance, lost or been deprived of such status.

(6) A person who has Falkland Islands status by virtue of subsection (5)(c) shall be regarded for the purposes of subsection (5)(e) as having been born in the Falkland Islands.

(7) Without prejudice to the right of any person to apply for the grant of Falkland Islands status, the following shall have a right by virtue of this Constitution to apply for such status under an Ordinance referred to in subsection (5)(f)—

- (a) a British overseas territories citizen by virtue of having been so naturalised or registered while resident in the Falkland Islands;
- (b) a spouse, widow or widower of a person who has Falkland Islands status; and
- (c) a person under the age of eighteen years who is the child, stepchild, or child adopted in a manner recognised by law of a person who has Falkland Islands status;

and if an applicant referred to in this subsection is not granted Falkland Islands status, he or she shall, subject to section 9(2), be granted a permanent right to remain in the Falkland Islands.

(8) For the purposes of subsection (5), "citizen" means a person who is a British citizen, a British overseas territories citizen or a British Overseas citizen; or who was, at the material time, a citizen of the United Kingdom and Colonies, a British Dependent Territories citizen or a British subject.

CHAPTER II

THE GOVERNOR

The Governor

23.—(1) There shall be a Governor of the Falkland Islands who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred on him or her by or under this Constitution or any other law and such other powers and duties as Her Majesty may from time to time be pleased to assign to him or her and, subject to this Constitution and any other law, the Governor shall do or execute all things that belong to his or her office according to such instructions, if any, as Her Majesty may, through a Secretary of State, from time to time see fit to give him or her; but the question whether the Governor has in any matter complied with any such instructions shall not be enquired into in any court of law.

(3) A person appointed to the office of Governor shall, before entering upon the functions of that office, make the oath of allegiance and the oath of office.

(4) Where the Governor is directed by this Constitution to exercise any function in accordance with the advice of or after consultation with any person or authority, the question whether he or she has so exercised that function shall not be enquired into in any court of law.

Acting Governor

24.—(1) During any period when the office of Governor is vacant or the holder of it is absent from the Falkland Islands or is for any reason unable to perform the functions of that office those functions shall, during Her Majesty's pleasure, be assumed and performed by such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State.

(2) Before assuming the functions of the office of Governor, the person designated shall make the oaths directed by section 23(3) to be made by the Governor.

(3) The person designated shall not continue to act in the office of Governor after the Governor has notified that person that he or she is about to assume or resume the functions of that office.

Defence and internal security

25. The Governor shall consult with the Commander British Forces before exercising any function which appears to the Governor to relate to defence or internal security (with the exception of the police) and shall act in accordance with the advice which the Commander British Forces then tenders to him or her; and the Governor shall likewise act in accordance with the advice of the Commander British Forces on any matter on which the Commander British Forces considers it necessary in the interests of defence or internal security (with the exception of the police) to give advice to the Governor.

CHAPTER III THE LEGISLATURE

Establishment and composition of the Legislative Assembly

26.—(1) There shall be a Legislative Assembly for the Falkland Islands.

(2) The Legislative Assembly shall consist of eight elected members and two *ex officio* members, namely the Chief Executive and the Director of Finance, and the Speaker.

(3) The *ex officio* members shall not have the right to vote in the Legislative Assembly.

Constituencies

27.—(1) The Falkland Islands shall be divided into two constituencies, Camp and Stanley. Camp shall return three elected members to the Legislative Assembly and Stanley five elected members and the members shall be elected in such a manner as shall be prescribed by Ordinance.

(2) For the purposes of this section the boundaries of the Stanley constituency shall be such as shall be prescribed by the Ordinance which shall make provision for elections to the Legislative Assembly and "Camp" shall be the remainder of the Falkland Islands.

(3) Subsections (1) and (2) may be amended by Ordinance; but no Bill for any such Ordinance shall be enacted unless it has been supported in a referendum by at least two-thirds of those voting who are registered as electors in each constituency.

(4) In any referendum held under subsection (3), any person registered as an elector pursuant to section 32 at the time of the referendum shall be entitled to vote.

Qualifications for election

28. Subject to section 29, any person who has attained the age of eighteen years and who is registered as an elector pursuant to section 32 is qualified to be elected as a member of the Legislative Assembly in respect of either constituency.

Disqualifications for election

29.—(1) No person shall be qualified to be elected as a member of the Legislative Assembly who—

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State;
- (b) is a member of the regular armed forces of Her Majesty;
- (c) holds, or is acting in, a public office except as may be specified (either individually or by reference to a class of office or otherwise) by Ordinance;
- (d) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (e) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;
- (f) at the date of election, is serving or has at any time within the period of five years immediately preceding that date been serving any part of a sentence of imprisonment (by whatever name called) of at least twelve months imposed on him or her by a court in any country or substituted by competent authority for some other sentence imposed on him or her by such a court; or is under such a sentence of imprisonment the execution of which has been suspended;
- (g) is disqualified for membership of the Legislative Assembly by any law relating to offences connected with elections; or
- (h) is disqualified for election by any law by reason of his or her holding, or acting in, any office the functions of which involve—
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any register of electors.

(2) The reference in subsection (1)(b) to a member of the regular armed forces of Her Majesty shall not include a reference to a member of the Falkland Islands Defence Force.

(3) For the purposes of subsection (1)(f)—

- (a) where a person is serving two or more terms of imprisonment that are required to be served consecutively he or she shall be regarded as serving a single term of imprisonment for the aggregate period of those terms; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

(4) If it is so prescribed by Ordinance—

- (a) a person may stand as a candidate for election even though he or she holds or is acting in a public office which has not been specified, in the manner prescribed in subsection (1)(c), if he or she undertakes to relinquish or, as the case may be, to cease to act in that office if he or she is elected as a member of the Legislative Assembly; and
- (b) any office the emoluments of which are paid, directly or indirectly, out of public funds, but which would not otherwise be a public office for the purposes of this section, shall be deemed to be a public office for those purposes.

(5) Any Ordinance made in pursuance of subsection (1)(c) or subsection (4)(a) may contain incidental and consequential provisions, including provision that a member who has given such an undertaking as is referred to in subsection (4)(a) shall be incapable of taking his or her seat in the Legislative Assembly until he or she has fulfilled that undertaking and shall vacate his or her seat if he or she has not fulfilled it within such time as is specified by such Ordinance; and for the avoidance of doubt it is hereby declared that, where provision is made in pursuance of subsection (4)(b) in respect of any office, provision may also be made in pursuance of subsection (1)(c) or subsection (4)(a) in respect of that office.

Vacation of seats

30.—(1) The seat of an elected member of the Legislative Assembly shall become vacant—

- (a) at the next dissolution of the Legislative Assembly after his or her election;
- (b) if he or she resigns it by writing under his or her hand addressed to the Governor;
- (c) if he or she is absent from the meetings of the Legislative Assembly in such circumstances and for such period as may be prescribed by the Standing Orders of the Assembly;
- (d) if he or she ceases to have Falkland Islands status;
- (e) if any circumstances arise that, if he or she were not a member of the Legislative Assembly, would cause him or her to be disqualified for election to the Assembly by virtue of paragraph (a), (b), (c), (d), (e), (g) or (h) of section 29(1); or
- (f) in the circumstances specified in section 31.

(2) In this section, "Falkland Islands status" has the meaning defined in section 22(5).

Vacation of seat on sentence

31.—(1) Subject to the provisions of this section, if a member of the Legislative Assembly is sentenced by a court in any country to imprisonment (by whatever name called) for a term of at least twelve months, he or she shall forthwith cease to perform his or her functions as a member of the Assembly and his or her seat shall become vacant at the expiration of a period of thirty days thereafter; but the Governor may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his or her conviction and sentence.

(2) If at any time before the member vacates his or her seat he or she is granted a free pardon or his or her conviction is set aside or his or her sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, the seat of that member in the Legislative Assembly shall not become vacant under subsection (1), and that member may again perform his or her functions as a member of the Assembly.

(3) For the purposes of this section—

- (a) where a person is sentenced to two or more terms of imprisonment that are required to be served consecutively he or she shall be regarded as serving a single term of imprisonment for the aggregate period of those terms; and
- (b) no account shall be taken of a sentence of imprisonment as an alternative to or in default of the payment of a fine.

Qualifications of electors

32.—(1) Subject to subsection (2), a person shall be qualified to be registered as an elector for the purpose of the election of members of the Legislative Assembly if he or she has attained the age of eighteen years and either—

- (a) he or she is a citizen and has Falkland Islands status; or
- (b) his or her name appeared on the register of electors for a constituency in force on the date of commencement of this Constitution,

and, in either case, he or she was resident in the Falkland Islands on the qualifying date in relation to which his or her entitlement to be registered as an elector falls to be considered and had on that qualifying date been so resident for the qualifying period.

(2) No person shall be qualified to be registered as an elector under this section who on the qualifying date—

- (a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;
- (b) is serving a sentence of imprisonment (by whatever name called) for a term of at least twelve months imposed on him or her by a court in any country or substituted by competent authority for some other sentence imposed on him or her by such a court;
- (c) is disqualified by or under any law from being registered as an elector by reason of having been convicted of an offence relating to elections;
- (d) is a member of the regular armed forces of Her Majesty, unless he or she possesses Falkland Islands status; or
- (e) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

(3) Section 29(3) shall apply for the purposes of subsection (2)(b) as it applies for the purposes of section 29(1)(f).

(4) The reference in subsection (2)(d) to a member of the regular armed forces of Her Majesty shall not include a reference to a member of the Falkland Islands Defence Force.

(5) In this section—

- (a) “citizen” means a British citizen, a British overseas territories citizen or a British Overseas citizen;
- (b) “Falkland Islands status” has the meaning defined in section 22(5);
- (c) “qualifying date” and “qualifying period” means such date or period as may be prescribed by or under any Ordinance as the date or period with reference to which the qualifications of persons for registration as electors for elections of members of the Legislative Assembly are to be ascertained; and a different qualifying period may be prescribed in respect of persons not born in the Falkland Islands;
- (d) “resident” has such meaning as may be prescribed by or under any Ordinance.

General elections and filling vacant seats

33.—(1) A general election shall be held at such time after every dissolution of the Legislative Assembly as the Governor shall appoint by proclamation published in the Gazette; but the date so appointed shall not be more than 70 days after the date of dissolution.

(2) Whenever an elected member of the Legislative Assembly vacates his or her seat for any reason other than a dissolution of the Assembly, an election shall be held to fill the vacancy, on such date as the Governor shall appoint by proclamation published in the Gazette, within 70 days of the occurrence of the vacancy unless the Assembly is sooner dissolved or under section 34(2) will be dissolved within 126 days of the occurrence of the vacancy.

Dissolution

34.—(1) The Governor may dissolve the Legislative Assembly by proclamation published in the Gazette.

(2) The Governor shall dissolve the Legislative Assembly at the expiration of four years from the date when the Assembly first meets after any general election, unless it has been sooner dissolved.

Recalling dissolved Legislative Assembly in case of emergency

35. If, between a dissolution of the Legislative Assembly and the next ensuing general election, an emergency arises of such a nature that, in the opinion of the Governor, it is necessary for the Assembly to be recalled, the Governor may summon the Assembly that has been dissolved, and that Assembly shall thereupon be deemed (except for the purposes of section 33(1)) not to have been dissolved, but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.

Determination of questions as to membership

36.—(1) The Supreme Court shall have jurisdiction to hear and determine any question whether—

- (a) any person has been validly elected as a member of the Legislative Assembly; or
- (b) any member of the Legislative Assembly has vacated his or her seat or is required, under section 31, to cease to perform his or her functions as such.

(2) An application to the Supreme Court for the determination of—

- (a) any question under subsection (1)(a) may be made by any person entitled to vote in the election to which the application relates, or by any person who was a candidate at the election, or by the Attorney General;
- (b) any question under subsection (1)(b) may be made by any person registered as an elector in the constituency for which the member concerned was elected, or by any elected member of the Legislative Assembly, or by the Attorney General,

and if any application under this subsection is made by a person other than the Attorney General, the Attorney General may intervene and may then appear or be represented in the proceedings.

(3) Provision may be made by Ordinance with respect to—

- (a) the circumstances and manner in which, and the imposition of conditions on which, any application may be made to the Supreme Court for the determination of any question under this section; and
- (b) the powers, practice and procedure of the Supreme Court in relation to any such application.

(4) No appeal shall lie from any determination by the Supreme Court in proceedings under this section.

(5) In the exercise of his or her functions under this section the Attorney General shall not be subject to the direction or control of any other person or authority.

CHAPTER IV

POWERS AND PROCEDURES OF THE LEGISLATIVE ASSEMBLY

Power to make laws

37. Subject to this Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Falkland Islands.

Sittings of the Legislative Assembly

38.—(1) Each sitting of the Legislative Assembly shall be held at such place within the Falkland Islands and shall begin at such time as the Governor may appoint by proclamation published in the Gazette; but a period of twelve months shall not elapse between the date when the Assembly last sat and the date appointed for its next sitting.

(2) Each sitting of the Legislative Assembly shall terminate when the Assembly is adjourned or is dissolved without having been adjourned.

Presiding

39.—(1) Subject to subsection (4), there shall preside at each sitting of the Legislative Assembly—

- (a) the Speaker;
- (b) in the absence of the Speaker, the Deputy Speaker; or
- (c) in the absence of the Speaker and the Deputy Speaker, such member of the Assembly as shall be elected to preside at that sitting by the Assembly.

(2) The Legislative Assembly shall elect a Speaker and a Deputy Speaker, who shall be persons, whether or not members of the Assembly, who are qualified and not disqualified to be members of the Assembly.

(3) The Speaker and the Deputy Speaker shall be elected for the life of the Legislative Assembly and shall be removable by a vote of no fewer than six of the elected members voting in favour of the motion.

(4) The Legislative Assembly shall elect a Speaker before proceeding to any other business, and the Attorney General shall preside for the purpose of that election.

Clerk of the Legislative Assembly

40. There shall be a Clerk of the Legislative Assembly whose office shall be a public office.

Participation by non-members

41.—(1) The Commander British Forces shall have the right to take part in the proceedings of the Legislative Assembly, except that he or she may not vote.

(2) The Attorney General shall, with the consent of the person presiding, have the right to take part in the proceedings of the Legislative Assembly, except that he or she may not vote.

(3) The person presiding may, provided the Legislative Assembly considers it desirable, summon any other person to a meeting of the Assembly even though that person is not a member of the Assembly.

Oaths

42.—(1) No *ex officio* or elected member of the Legislative Assembly shall take part in its proceedings (other than proceedings for the purposes of this subsection) unless he or she has made and subscribed before the Speaker, or other person presiding at the sitting, the oath of allegiance and the oath of office.

(2) Neither the Commander British Forces nor the Attorney General shall take part in the proceedings of the Legislative Assembly (other than proceedings for the purposes of this subsection) unless he or she has made and subscribed before the Speaker, or other person presiding at the sitting, the oath of allegiance.

Quorum

43.—(1) If at any sitting of the Legislative Assembly any member of the Assembly who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be

prescribed in the Standing Orders of the Assembly the person presiding at the sitting ascertains that a quorum is still not present, the Assembly shall be adjourned.

(2) For the purpose of subsection (1) a quorum shall consist of six elected members excluding the person presiding at the sitting.

Voting

44.—(1) Save as otherwise provided in this Constitution, any question proposed for decision at a sitting of the Legislative Assembly shall be determined by a majority of the votes of the elected members present and voting.

(2) Subject to subsection (3), the person presiding at a sitting of the Legislative Assembly shall not vote unless on any question the votes are equally divided, in which case he or she shall have and shall exercise a casting vote.

(3) The person presiding shall have a casting vote if he or she is an elected member of the Legislative Assembly; and if on any question before the Assembly the votes of the members are equally divided and the person presiding is not an elected member, the motion shall be declared lost.

Transaction of business notwithstanding vacancies

45. Subject to section 43, the Legislative Assembly shall not be disqualified for the transaction of business by reason of any vacancy in its membership (including any vacancy not filled when the Assembly is first constituted or is reconstituted at any time) and any proceedings in the Assembly shall be valid even though some person who was not entitled to do so took part in them.

Standing Orders

46.—(1) Subject to this Constitution, the Legislative Assembly may make Standing Orders for—

- (a) the regulation and orderly conduct of its own proceedings and the despatch of business at its sittings; and
- (b) for the passing, entitling, numbering and publication of Bills and their presentation to the Governor for assent.

(2) Subject as aforesaid the procedure of the Legislative Assembly at any sitting shall be determined by the person presiding at the sitting.

Penalty for sitting or voting when unqualified

47.—(1) Any person who sits or votes in the Legislative Assembly knowing or having reasonable grounds for knowing that he or she is not entitled to do so shall, if the Attorney General refers the matter to the Assembly and the Assembly so decides, be liable to such fine as may be determined by the Assembly; but no such fine shall exceed the maximum from time to time provided for by the Standing Orders of the Assembly.

(2) Any such penalty shall be recoverable by civil action in the Supreme Court at the suit of the Attorney General.

Privileges of Legislative Assembly and members

48. Provision may be made by Ordinance prescribing the privileges, immunities and powers of the Legislative Assembly and its committees, or the privileges and immunities of the members and officers of the Assembly or of other persons concerned in the business of the Assembly or its committees, for the purpose of ensuring the due discharge of the functions of the Assembly and its members at sittings of the Assembly; but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the members of that House.

Freedom of speech in proceedings

49. Without prejudice to any provision made by Ordinance pursuant to section 48, no civil or criminal proceedings may be instituted against any member of the Legislative Assembly for words spoken before, or written in a report to, the Assembly or any of its committees or by reason of any matter or thing brought by such member therein by petition, Bill, resolution, motion or otherwise.

Rules for the enactment of laws

50.—(1) All laws made under section 37 shall be styled “Ordinances” and the words of enactment shall be “Enacted by the Legislature of the Falkland Islands, as follows”.

(2) The Governor and the Legislative Assembly shall in the making of laws observe the rules set forth in Annex A to this Constitution.

Introduction of Bills, etc

51.—(1) Subject to this Constitution and the Standing Orders of the Legislative Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Assembly, and the same shall be debated and disposed of according to the Standing Orders of the Assembly.

(2) Except on the recommendation of the Governor, the Legislative Assembly shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding—
 - (i) makes provision for imposing or altering any tax, imposing or altering any charge on the revenues or other funds of the Falkland Islands, or for compounding or remitting any debt due to the Government; or
 - (ii) would constitute any public office, or effect any alteration in the salary, allowances or other conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or his or her widow or widower, children, dependants or personal representatives; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which in the opinion of the person presiding is that provision would be made for any of the purposes aforesaid.

Assent to Bills

52.—(1) A Bill passed by the Legislative Assembly shall not become a law until—

- (a) the Governor has assented to it in Her Majesty’s name and on Her Majesty’s behalf and has signed it in token of his or her assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State, and the Governor has signified that assent by proclamation published in the Gazette.

(2) When a Bill is presented to the Governor for his or her assent, the Governor shall, acting in his or her discretion but subject to this Constitution and any instructions given through a Secretary of State, declare that he or she assents or refuses to assent to it, or that he or she reserves the Bill for the signification of Her Majesty’s pleasure; but the Governor shall reserve for the signification of Her Majesty’s pleasure any Bill which in his or her judgement is in any way repugnant to, or inconsistent with, this Constitution.

(3) Before refusing assent to any Bill, the Governor shall explain to the members of the Legislative Assembly the reasons why he or she proposes to do so, if necessary in confidence, and shall allow those members the opportunity to submit their views on the matter in writing to a Secretary of State.

Publication and commencement of laws

53. No law made under section 37 shall come into operation until it has been published in the Gazette, but, where the law in question expressly so provides, the coming into operation of any such law may be postponed and any such law may be given retrospective effect.

Disallowance of laws

54.—(1) Any Ordinance to which the Governor has given his or her assent may be disallowed by Her Majesty through a Secretary of State; but no Ordinance shall be disallowed until the expiration of a period notified by a Secretary of State to the Governor, who shall advise the Speaker of that period, in order to give the Legislative Assembly an opportunity to reconsider the Ordinance in question.

(2) Whenever any Ordinance has been disallowed by Her Majesty the Governor shall, as soon as practicable, cause notice of such disallowance to be published in the Gazette and the Ordinance shall be annulled with effect from the date of the publication of that notice.

(3) Section 16(1) of the Interpretation Act 1978(a) shall apply to the annulment of any Ordinance under this section as it applies to the repeal of an Act of Parliament of the United Kingdom, save that any enactment repealed or amended by or in pursuance of that Ordinance shall have effect as from the date of the annulment as if that Ordinance had not been made.

Governor's reserved power

55.—(1) If the Governor considers that it is necessary that any Bill introduced or any motion proposed at any sitting of the Legislative Assembly held in accordance with this Chapter should have effect, then, if the Assembly fails to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable, the Governor may, at any time that he or she thinks fit, and notwithstanding any provision of this Constitution or of any Standing Order of the Assembly, declare that the Bill or motion shall have effect as if it had been passed or carried by the Assembly either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the Assembly, including any committee of the Assembly; and the Bill or motion shall be deemed thereupon to have been so passed or carried and the provisions of this Constitution, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) Before exercising his or her powers under subsection (1) the Governor shall inform the Executive Council of his or her intention to do so and his or her reasons, and shall allow members of the Council the opportunity to express their views.

(3) The Governor shall not exercise his or her powers under subsection (1) without prior instructions from a Secretary of State.

(4) If any member of the Legislative Assembly objects to any declaration made under this section, he or she may, within fourteen days of its making, submit to the Governor a statement in writing of his or her reasons for so objecting and the Governor shall forthwith forward a copy of such statement to a Secretary of State.

(5) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State and the Governor shall forthwith cause notice of the revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and section 16(1) of the Interpretation Act 1978 shall apply to the revocation as it applies to the repeal of an Act of Parliament.

(6) The powers conferred on the Governor by this section shall be exercised by the Governor in his or her discretion.

(7) The motions to which this section applies are—

(a) 1978 c.30.

- (a) any motion relating to or for the purposes of a Bill;
- (b) any motion proposing or amending a resolution which, if passed by the Legislative Assembly, would have the force of law; and
- (c) any motion proposing or amending a resolution upon which the coming into force or continuance in force of any subordinate legislation depends.

CHAPTER V THE EXECUTIVE

Executive authority

56.—(1) The executive authority of the Falkland Islands is vested in Her Majesty.

(2) Subject to this Constitution, the executive authority of the Falkland Islands shall be exercised on behalf of Her Majesty by the Governor, either directly or through officers subordinate to him or her.

(3) Nothing in this section shall preclude persons or authorities other than the Governor from exercising such functions as are or may be conferred on them by any law.

Executive Council

57.—(1) There shall be an Executive Council which shall consist of three of the elected members of the Legislative Assembly, elected in accordance with section 58, and two *ex officio* members, namely the Chief Executive and the Director of Finance.

(2) The *ex officio* members shall have no right to vote on any matter that is put to the vote at a meeting of the Executive Council.

(3) The Executive Council may delegate any of its functions to a Committee established under its authority, but anything done by such a Committee shall be reconsidered by the Executive Council should any member of the Council or the Governor, in his or her judgement, consider this to be appropriate.

Election of elected members of the Executive Council

58.—(1) At the first meeting of the Legislative Assembly after every general election the elected members shall elect three of their number to be members of the Executive Council for a period of twelve months from the date of their election to the Executive Council.

(2) Thereafter such elections shall be held before the expiry of each period of twelve months (or as soon as practicable thereafter) or when the Legislative Assembly first meets after any dissolution of the Assembly.

(3) A person shall be eligible for election to the Executive Council even though he or she is a member of the Executive Council then in being.

(4) If the seat of an elected member of the Executive Council becomes vacant during any such twelve-month period the elected members of the Legislative Assembly shall as soon as possible meet and elect one of their number to fill the seat for the remainder of the duration of that twelve-month period.

(5) To be effective for the purposes of this section, or section 60(1), any election must result in the Executive Council being composed of at least one elected member representing the Camp constituency and at least one elected member representing the Stanley constituency.

Tenure of office of elected members of the Executive Council

59. The seat of an elected member of the Executive Council shall become vacant—

- (a) if he or she resigns his or her seat in the Executive Council by writing under his or her hand addressed to the Governor;
- (b) when the Legislative Assembly first meets after any dissolution of the Assembly;
- (c) if he or she ceases to be a member of the Legislative Assembly for any reason other than a dissolution of the Assembly;
- (d) if he or she is absent from three consecutive meetings of the Executive Council without the permission of the Governor, acting in his or her discretion;
- (e) if at the expiry of the period for which he or she is elected to sit on the Executive Council he or she has not been re-elected for a further period; or
- (f) if his or her election to the Executive Council is revoked by a resolution of the Legislative Assembly.

Temporary members of the Executive Council

60.—(1) Whenever an elected member of the Executive Council is by reason of his or her illness or absence from the Falkland Islands or for any other reason incapable of performing the functions of his or her office, then the elected members of the Legislative Assembly shall, if they consider it desirable, elect a person from among their number to be temporarily a member of the Executive Council.

(2) A person elected under this section to be temporarily a member of the Executive Council shall vacate his or her seat when he or she is informed by the Governor that the circumstances giving rise to his or her election have ceased to exist.

(3) Subject to subsections (1) and (2), this Constitution shall apply in relation to a person elected to be temporarily a member of the Executive Council as it applies in relation to the member on account of whose incapacity he or she was elected.

Attendance of non-members at meetings of the Executive Council

61.—(1) The Commander British Forces and the Attorney General shall have the right to attend all meetings of the Executive Council and take part in its proceedings, except that if a matter is put to the vote they may not vote.

(2) The person presiding may, when in his or her judgement the business before the Executive Council makes it desirable, summon any person to a meeting of the Council even though that person is not a member of the Council.

Summoning of meetings and agenda of the Executive Council

62.—(1) The Executive Council shall not be summoned except by the Governor, acting in his or her discretion, who may summon a meeting of the Council at any time; but the Governor shall summon a meeting of the Council if requested to do so by at least two members.

(2) The Governor shall include on the agenda of a meeting any item requested by an elected member as well as any item the Governor, acting in his or her discretion, thinks fit; and other business that is not on the agenda may be discussed at the meeting at the request of the person presiding or any elected member.

Presiding in the Executive Council

63. There shall preside at any meeting of the Executive Council—

- (a) the Governor; or
- (b) in the absence of the Governor, such member of the Executive Council as the Governor, acting in his or her discretion, may appoint to preside at that meeting.

Oaths

64. No member of the Executive Council shall take part in its proceedings (other than proceedings for the purposes of this section) unless he or she has made and subscribed the oath of secrecy before the Governor or some other person authorised for that purpose by the Governor, acting in his or her discretion; and no other person shall take part in the proceedings of the Council (other than proceedings as aforesaid) unless he or she has so made and subscribed the oath of secrecy; but the Executive Council may exempt any person who is not a member of it from this requirement.

Quorum

65.—(1) No business (except that of adjournment) shall be transacted at a meeting of the Executive Council if fewer than four members are present, at least two of whom are elected members.

(2) Where it is not possible to elect a temporary member to satisfy subsection (1), the requirements of that subsection shall be deemed to be satisfied if the person presiding and two members of the Executive Council, at least one of whom is an elected member, are present at the meeting, and they and members absent from but participating in the meeting are able to communicate with each other in a manner that all agree is appropriate in the circumstances; but no decision of the Council shall be taken unless the person presiding is satisfied that the manner of communication allows all those taking part to hear and be heard and that all have seen any documents relevant to the proposed decision.

The Governor to consult the Executive Council

66.—(1) Subject to subsection (2), in the formulation of policy and in the exercise of the functions conferred on the Governor by this Constitution or any other law the Governor shall consult with the Executive Council and, subject to section 67, shall accept its advice.

(2) The Governor shall not be obliged to consult with the Executive Council—

- (a) when acting under instructions given to him or her by Her Majesty through a Secretary of State pursuant to section 23;
- (b) when the matter is one on which the Governor is required by section 25 to consult the Commander British Forces or on which the Commander British Forces has, in accordance with that section, given advice to the Governor;
- (c) when exercising any function conferred on the Governor by this Constitution or any other law where it is provided, either expressly or by necessary implication, that the Governor exercise such function in his or her discretion or in his or her judgement or in accordance with the advice of, or after consultation with, any person or authority other than the Executive Council;
- (d) if, in his or her judgement, the service of Her Majesty would sustain material prejudice by such consultation;
- (e) if, in his or her judgement, the matter is too unimportant; or
- (f) if, in his or her judgement, the urgency of the matter requires him or her to act before he or she can consult the Executive Council.

(3) In any case falling within subsection (2) the Governor shall, as soon as practicable, communicate to the Executive Council the measures which he or she has adopted and the reasons for them, unless he or she is instructed not to do so by a Secretary of State.

The Governor may act against advice of the Executive Council

67.—(1) In any case in which the Governor consults the Executive Council, he or she may act against the advice given to him or her by the Council—

- (a) if, in his or her judgement, it would be right to do so in the interests of good governance; or

(b) if, in his or her judgement, such advice would affect any of the matters mentioned in subsection (2).

(2) The matters referred to in subsection (1)(b) are—

- (a) external affairs;
- (b) defence;
- (c) internal security, including the police;
- (d) administration of justice;
- (e) audit; and
- (f) appointments to the public service, the discipline and removal from office of public officers, and the management of the public service.

(3) If the Governor decides to act against the advice given to him or her by the Executive Council pursuant to subsection (1), the Governor shall forthwith—

- (a) report the matter to a Secretary of State; and
- (b) convey to a Secretary of State the views of the Executive Council on the matter.

(4) Whenever the Governor acts against the advice of the Executive Council any member of it may require that there shall be recorded in the minutes any advice or opinion he or she gave on the question at issue and his or her reasons.

The Governor may call for public officers, official papers, information or advice

68. The Governor, acting in his or her discretion, may at any time require the attendance of any public officer or the provision of any official papers or any official information or advice relating to any aspect of the government of the Falkland Islands.

Minutes

69.—(1) Minutes shall be kept of all the proceedings of the Executive Council and, whenever practicable, at every meeting of the Council the minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

(2) A copy of the minutes of the Executive Council for the preceding meeting shall be transmitted to a Secretary of State.

Advisory Committee on the Prerogative of Mercy

70.—(1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of—

- (a) two elected members of the Legislative Assembly appointed by the Governor after consultation with the elected members of the Assembly;
- (b) the Chief Executive;
- (c) the Attorney General; and
- (d) the Chief Medical Officer.

(2) An appointed member of the Advisory Committee shall vacate his or her office—

- (a) if his or her appointment is revoked by the Governor, acting in his or her discretion;
- (b) if he or she ceases to be a member of the Legislative Assembly or is required, under section 31, to cease to perform his or her functions as such; or
- (c) in any other case, at the expiration of four years from the date of his or her appointment.

(3) The Advisory Committee shall adopt its own rules of procedure, but such rules shall require the approval of the Legislative Assembly by resolution.

Power of pardon, etc

71.—(1) The Governor, acting after consultation with the Advisory Committee on the Prerogative of Mercy, may in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in or convicted of an offence a pardon, either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for any offence;
- (c) substitute a less severe form of punishment for that imposed by any sentence for any offence; or
- (d) remit the whole or any part of any punishment imposed on any person for any offence or any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) This section shall not apply in relation to any conviction by a court-martial established under any Act of Parliament of the United Kingdom, any punishment imposed in respect of any such conviction or any penalty or forfeiture due under any such Act.

Powers of Attorney General in relation to criminal proceedings

72.—(1) The Attorney General shall have power in any case in which he or she considers it desirable to do so—

- (a) to institute and undertake criminal proceedings before any court of law (not being a court established by a disciplinary law);
- (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or herself or any other person or authority.

(2) The powers of the Attorney General under subsection (1) may be exercised by the Attorney General in person or through other persons acting in accordance with his or her general or special instructions.

(3) The powers conferred on the Attorney General by subsection (1)(b) and (c) shall be vested in him or her to the exclusion of any other person or authority; but, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) In the exercise of the powers conferred on him or her by this section the Attorney General shall not be subject to the direction or control of any other person or authority.

(5) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court of law, or any case stated or question of law reserved for the purposes of any such proceedings to any other court of law, shall be deemed to be part of those proceedings.

Grants of land

73. Subject to the provisions of any law, the Governor or any person duly authorised by the Governor in writing under his or her hand may, in Her Majesty's name and on Her Majesty's behalf, make and execute under the public seal grants and dispositions of any land or other immovable property in the Falkland Islands that may be lawfully granted or disposed of by Her Majesty.

CHAPTER VI

FINANCE

Consolidated Fund

74. All revenues or other moneys raised or received for the purposes of the Government (not being revenues or other moneys that are payable by or under any law into some other fund established for a specific purpose or that may by or under any law be retained by the authority that received them for the purposes of defraying the expenses of that authority) shall be paid into and form one Consolidated Fund.

Withdrawals

75.—(1) No moneys shall be withdrawn from the Consolidated Fund except—

- (a) to meet expenditure that is charged on the Fund by this Constitution or by any other law; or
- (b) where the issue of those moneys has been authorised by an appropriation Ordinance or in such manner, and subject to such conditions, as may be prescribed in pursuance of section 77.

(2) No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys has been authorised by or under a law.

(3) No moneys shall be withdrawn from the Consolidated Fund except in such manner as may be prescribed by Ordinance.

(4) The deposit of any moneys forming part of the Consolidated Fund with a bank or with the Crown Agents or the investment of any such moneys in such securities as may be prescribed by Ordinance or in which a trustee would be entitled to invest shall not be regarded as a withdrawal of those moneys from the Fund for the purposes of this section.

Authorisation of expenditure

76.—(1) The Director of Finance shall cause to be prepared and laid before the Legislative Assembly, before or not later than thirty days after the commencement of each financial year, estimates of the revenues and expenditure of the Falkland Islands for that year.

(2) The heads of expenditure contained in the estimates for a financial year (other than expenditure charged on the Consolidated Fund by this Constitution or any other law) shall be included in a Bill, to be known as an appropriation Bill, introduced in the Legislative Assembly to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the Bill.

(3) If in any financial year it is found—

- (a) that the amount appropriated by the appropriation Ordinance for the purposes included in any head of expenditure is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the appropriation Ordinance; or
- (b) that any moneys have been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by the appropriation Ordinance or for a purpose for which no amount has been appropriated by the appropriation Ordinance,

the Director of Finance shall cause a supplementary estimate showing the sums required or spent to be prepared and laid before the Legislative Assembly, and the heads of expenditure shall be included in a supplementary appropriation Bill to provide for the appropriation of those sums which shall be introduced in the Legislative Assembly before the end of the financial year or, if that is not possible, within thirty days thereafter.

Expenditure in advance of appropriation

77. If the appropriation Ordinance in respect of any financial year has not come into operation by the beginning of that financial year, the Director of Finance may, to such extent and subject to such conditions as may be prescribed by Ordinance, authorise the withdrawal of moneys from the Consolidated Fund or the Capital Equalisation Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the appropriation Ordinance, whichever is the earlier.

Contingencies Fund

78.—(1) There shall be such provision as may be prescribed by Ordinance for the establishment of a Contingencies Fund and for authorising the Director of Finance, if he or she is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be laid before the Legislative Assembly and an appropriation Bill shall be introduced in the Assembly as soon as possible for the purpose of replacing the amount so advanced.

Public debt

79.—(1) All debt charges for which the Falkland Islands are liable shall be a charge on the Consolidated Fund.

(2) For the purposes of this section debt charges include interest, Capital Equalisation Fund charges, the repayment or amortisation of debt, and all expenditure in connection with the raising of loans on the security of the revenues of the Falklands Islands or the Consolidated Fund and the service and redemption of debt thereby created.

Audit

80.—(1) The Governor, acting in his or her discretion, shall make appropriate arrangements for the audit of the public accounts of the Falkland Islands and of all courts of law and all authorities and offices of the Government and of statutory bodies; and any person or authority conducting such an audit shall have access to all books, records, reports and other documents relating to those accounts.

(2) All reports of audits conducted pursuant to subsection (1) shall be submitted to the Governor who shall cause them to be published and laid before the Legislative Assembly and the Public Accounts Committee.

(3) Any person or authority conducting an audit pursuant to subsection (1) shall not be subject to the direction or control of any other person or authority.

Public Accounts Committee

81.—(1) There shall be a Public Accounts Committee which shall consist of—

- (a) a chairman and two other members appointed by the Governor, acting after consultation with the elected members of the Legislative Assembly, from among persons who are not members of the Assembly; and
- (b) two elected members of the Assembly, who shall be elected by the Assembly by a majority of the elected members of the Assembly;

but the Director of Finance and the Chairman and the Deputy Chairman of the Standing Finance Committee of the Assembly shall be disqualified for membership of the Public Accounts Committee.

(2) A person may be appointed or elected under subsection (1) for any period not exceeding four years.

- (3) A member of the Public Accounts Committee shall vacate his or her seat on the Committee—
- (a) at the expiration of the period for which he or she was appointed or elected;
 - (b) if he or she resigns by writing under his or her hand addressed to the Governor;
 - (c) in the case of an appointed member, if he or she is removed by the Governor, acting after consultation with the elected members of the Legislative Assembly, or if he or she is appointed to the office of Director of Finance; or
 - (d) in the case of an elected member, if he or she ceases to be a member of the Legislative Assembly, is removed by resolution of the Assembly or becomes the Chairman or the Deputy Chairman of the Standing Finance Committee of the Assembly.

(4) The Public Accounts Committee may invite any person to assist it in its work and to participate in its proceedings.

(5) The Public Accounts Committee shall examine and report on all public accounts and audit reports that are required to be laid before the Legislative Assembly, and shall have such other functions, and shall operate under such procedures, as may be prescribed by or under an Ordinance.

(6) The Public Accounts Committee shall have power—

- (a) to summon any person to appear before it; and
- (b) subject to the provisions of any law, to require any person so summoned to answer questions and to provide information to the Committee.

(7) The Public Accounts Committee shall report on its activities to the Legislative Assembly, keeping the Governor closely informed, as often as it may consider necessary but at least annually, and the Committee shall publish all such reports without delay.

(8) If in respect of any item of business before the Public Accounts Committee the Governor, acting after consultation with the chairman of the Committee, considers that a member of the Committee has a conflict of interests, the Governor, acting after consultation with the elected members of the Legislative Assembly, may appoint another person temporarily to replace that member of the Committee for the purpose of dealing with the business in question; and a member so replaced shall not sit on the Committee when the Committee is dealing with that business.

(9) In the exercise of its functions, the Public Accounts Committee shall not be subject to the direction or control of any other person or authority.

CHAPTER VII

THE PUBLIC SERVICE

Power to constitute offices

82. The Governor may, in Her Majesty's name and on Her Majesty's behalf, constitute offices for the Falkland Islands.

Chief Executive

83.—(1) There shall be a Chief Executive whose office shall be a public office and who shall be appointed by the Governor, acting in agreement with the Executive Council.

(2) Under the authority of the Governor, the Chief Executive shall be the head of the public service, and in exercising that responsibility the Chief Executive shall comply with any directions given to him or her by the Governor, acting in his or her discretion.

Power to make appointments

84.—(1) Subject to subsections (2), (3) and (4), power to make appointments to any public office is vested in the Governor; but the Chief Executive shall exercise that power, and may delegate the exercise of that power to other public officers.

(2) The Governor may give directions regarding the exercise of the powers referred to in subsection (1) by the Chief Executive or by other public officers, and the Chief Executive and any other public officer shall comply with any such directions.

(3) Subject to subsection (4), the prior approval of the Governor shall be required for appointments to such public offices of or above the level of Head of Department or equivalent as the Governor may specify by directions.

(4) Power to make appointments to the offices of Attorney General, Chief of Police and Officer Commanding the Falkland Islands Defence Force is vested in, and shall be exercised by, the Governor.

(5) The powers conferred on the Governor by this section shall be exercised by the Governor in his or her discretion.

(6) This section shall not apply to the office of Chief Executive.

Discipline and removal of public officers

85.—(1) Disciplinary control of public officers, and the removal from office of any public officer, shall be in accordance with the Management Code for the time being in operation.

(2) The Governor shall be informed of any disciplinary or other management action that is likely to lead to removal from public office, demotion or significant financial penalty, or that is likely to have any adverse consequence as regards the payment of any gratuity or pension to a public officer; and a final decision resulting from any such action may be appealed to the Governor by a public officer who is the subject of the decision.

(3) In this section “Management Code” means a code for the management of the public service issued by the Governor with the approval of a Secretary of State and with the agreement of the Executive Council; and any amendment of the Management Code that affects the discipline or removal of public officers shall require the prior approval of a Secretary of State.

(4) This section shall not apply to—

(a) any office in the police force except that of Chief of Police; or

(b) any office in the Falkland Islands Defence Force except that of Officer Commanding that Force.

CHAPTER VIII

THE ADMINISTRATION OF JUSTICE

Supreme Court

86.—(1) There shall be a Supreme Court for the Falkland Islands which shall have unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) The Supreme Court shall, subject to section 89, consist of one judge, that is to say, the Chief Justice.

Court of Appeal

87.—(1) There shall be a Court of Appeal for the Falkland Islands.

(2) The Court of Appeal shall, subject to section 89, consist of—

- (a) a President and two Justices of Appeal or such greater number of Justices of Appeal as may be prescribed by Ordinance; and
 - (b) the Chief Justice of the Supreme Court as an *ex officio* member of the Court of Appeal for all purposes except for the purpose of constituting the Court of Appeal for the hearing and determination of an appeal from his or her own decision.
- (3) The office of a Justice of Appeal shall not without his or her consent be abolished during his or her continuance in office.
- (4) For the purposes of any determination of the Court of Appeal—
- (a) an uneven number of judges shall sit, which, in the case of any final determination by the court other than the summary dismissal of an appeal, shall not be less than three; and
 - (b) any determination by the court on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of a majority of the judges who sit to determine that matter.

Appointment of judges and Senior Magistrate

88.—(1) The Chief Justice, the President of the Court of Appeal and the Justices of Appeal shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State.

(2) No person shall be qualified for appointment as Chief Justice, President of the Court of Appeal or Justice of Appeal unless—

- (a) he or she is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in Ireland, or of a court having jurisdiction in appeals from any such court; or
- (b) he or she is entitled to practise as an advocate in such a court and has been entitled for not less than ten years to practise as an advocate or as a solicitor in such a court.

(3) For the purpose of subsection (2), a person shall be regarded as entitled to practise as an advocate or, as the case may be, as a solicitor if he or she has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or, as the case may be, of solicitors) even though—

- (a) he or she holds or acts in any office the holder of which is, by reason of his or her office, precluded from practising in a court; or
- (b) he or she does not hold a practising certificate or has not satisfied any other like condition of his or her being permitted to practise.

(4) The Senior Magistrate shall be appointed by the Governor, acting in his or her discretion.

Acting judges

89.—(1) If—

- (a) the office of Chief Justice is vacant, or if the holder of that office is for any reason unable to perform the functions of that office; or
- (b) it appears to the Governor that the state of business in the Supreme Court so requires,

the Governor, acting in his or her discretion but whenever possible after consulting the Chief Justice, may appoint a person possessing such legal qualifications and experience as he or she may deem appropriate—

- (i) to sit as an acting judge of the Supreme Court; and
- (ii) to discharge such of the functions of the office of Chief Justice and for such period as may be specified in the instrument of appointment.

(2) If the office of the President of the Court of Appeal is vacant, or if the holder of that office is for any reason unable to perform the functions of that office, then, until some other person has been appointed to, and

has assumed the functions of, that office, or until the holder of that office has resumed those functions, as the case may be, such one of the Justices of Appeal as the Governor, acting in his or her discretion, may appoint for the purpose shall discharge those functions.

(3) If the office of a Justice of Appeal is vacant, or if any Justice of Appeal is discharging the functions of the office of President or is for any other reason unable to perform the functions of his or her office, the Governor, acting in his or her discretion, may appoint a person possessing such legal qualifications and experience as the Governor, after consultation with the President, may deem appropriate to sit as an acting judge of the Court of Appeal.

(4) Any person appointed under this section to sit as an acting judge of the Supreme Court or of the Court of Appeal shall, unless he or she is removed from office under section 90, continue to sit for such period as may be specified in the instrument of his or her appointment; but a person whose appointment so to sit has expired may, unless he or she has been removed from office under section 90, continue so to sit for such period as may be necessary to enable him or her to deliver judgment or to do any other thing in relation to any proceedings that were commenced before him or her before the expiration of his or her appointment.

Tenure of office of judges and Senior Magistrate

90.—(1) Subject to subsections (4) and (7), a person holding the office of Chief Justice, President of the Court of Appeal, Justice of Appeal or Senior Magistrate shall vacate his or her office on the expiration of such period as may be specified in the instrument of his or her appointment to that office; but a Chief Justice, a President of the Court of Appeal or a Justice of Appeal may, unless he or she has been removed from office under subsection (4), sit after the date on which he or she vacates his or her office under this subsection as an acting judge of the Supreme Court or, as the case may be, of the Court of Appeal for such period as may be necessary to enable him or her to deliver judgment or to do any other thing in relation to any proceedings commenced before him or her before that date.

(2) In subsections (3), (4), (5) and (7) “judge” means the Chief Justice, the President of the Court of Appeal, a Justice of Appeal, or an acting judge of the Supreme Court or of the Court of Appeal.

(3) A judge or the Senior Magistrate may be removed from office only for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (4).

(4) A judge or the Senior Magistrate shall be removed from office by the Governor if the question of the removal of that judge or, as the case may be, of the Senior Magistrate from office has, at the request of the Governor made in pursuance of subsection (5), been referred by Her Majesty to the Judicial Committee of Her Majesty’s Privy Council under section 4 of the Judicial Committee Act 1833(a) or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge or, as the case may be, the Senior Magistrate ought to be removed from office for inability as aforesaid or misbehaviour.

(5) If the Governor considers that the question of removing a judge or the Senior Magistrate from office for inability as aforesaid or misbehaviour ought to be investigated, then—

- (a) the Governor shall appoint a tribunal, which shall consist of a chairman and not less than two other members selected by the Governor from among persons who hold or have held high judicial office;
- (b) the tribunal shall enquire into the matter and report on the facts of it to the Governor and advise the Governor whether he or she should request that the question of the removal of that judge or, as the case may be, of the Senior Magistrate should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so advises, the Governor shall request that the question should be referred accordingly.

(a) 1833 c.41.

(6) Sections 9, 10, 11, 12, 13 and 14 of the Commissions of Inquiry Ordinance shall apply in relation to a tribunal appointed under subsection (5) as they apply in relation to the Commissions appointed under that Ordinance and for that purpose those provisions shall have effect as if they formed part of this section; but the tribunal may sit outside the Falkland Islands at such place as the Governor may appoint.

(7) If the question of removing a judge or the Senior Magistrate from his or her office has been referred to a tribunal under subsection (5), the Governor may suspend him or her from performing the functions of his or her office, and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

- (a) if the tribunal advises the Governor that he or she should not request that the question of the removal of the judge or, as the case may be, of the Senior Magistrate from office should be referred by Her Majesty to the Judicial Committee; or
- (b) if the Judicial Committee advises Her Majesty that the judge or, as the case may be, the Senior Magistrate ought not to be removed from office.

(8) The powers of the Governor under this section shall be exercised by the Governor in his or her discretion.

Oaths

91. Before entering upon the functions of his or her office, the Chief Justice, any acting judge of the Supreme Court, every judge of the Court of Appeal, and the Senior Magistrate shall make and subscribe before the Governor or some other person authorised for that purpose by the Governor, acting in his or her discretion, the oath of allegiance and the judicial oath set out in Annex B to this Constitution.

Jurisdiction of the Court of Appeal

92.—(1) The Court of Appeal shall have such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) In connection with any appeal from the Supreme Court the Court of Appeal shall, subject to this Constitution and any other law, have all the jurisdiction and powers of the Supreme Court; and decisions of the Court of Appeal on such appeals shall, subject as aforesaid, be enforced in the Falkland Islands in the same way as decisions of the Supreme Court.

(3) The Court of Appeal may, in accordance with such directions as the President may from time to time issue, sit in the Falkland Islands or elsewhere for the purpose of exercising its jurisdiction in respect of the Falkland Islands.

Practice and procedure on appeals to the Court of Appeal

93.—(1) Subject to this Constitution, the President of the Court of Appeal may make rules for regulating the practice and procedure of the court with respect to appeals and, in connection with such appeals, for regulating the practice and procedure of the Supreme Court.

(2) Subject to section 87(4), rules made under this section may fix the number of judges who may sit for any purpose.

Appeals to the Court of Appeal

94.—(1) In the following cases an appeal shall lie from decisions of the Supreme Court to the Court of Appeal as of right, that is to say—

- (a) final decisions, in any civil or criminal proceedings, on questions as to the interpretation of this Constitution;
- (b) final decisions in any civil proceedings where the matter in dispute on the appeal is of the value of £5000 or upwards or where the appeal involves, directly or indirectly, a claim to or a question

respecting property or a right of the value of £5000 or upwards; but the figure of £5000 may be increased from time to time by Ordinance;

- (c) final decisions in proceedings under section 19;
- (d) final decisions in proceedings for dissolution or nullity of marriage; and
- (e) in such other cases as may be prescribed by Ordinance.

(2) In the following cases an appeal shall lie from decisions of the Supreme Court to the Court of Appeal, with the leave of the Supreme Court or the Court of Appeal, that is to say—

- (a) where the decision appealed against is a final decision in civil proceedings and in the opinion of the court giving leave, the question involved in the appeal is one that, by reason of its great or general importance or otherwise, ought to be submitted to the Court of Appeal; and
- (b) in such other cases as may be prescribed by Ordinance.

(3) Subsections (1) and (2) shall be without prejudice to section 36(4).

(4) In this section the references to final decisions of a court do not include any determination of that court that any application made to it is merely frivolous or vexatious.

CHAPTER IX

COMPLAINTS COMMISSIONER

Complaints Commissioner

95.—(1) The Governor, acting in his or her discretion, may from time to time appoint a Complaints Commissioner to investigate, in accordance with any Ordinance enacted pursuant to section 96(1), any complaint of maladministration in the government of the Falkland Islands or such other matters as may be prescribed by Ordinance.

(2) No person shall be qualified for appointment as a Complaints Commissioner if he or she is a member of the Legislative Assembly or a public officer.

(3) A Complaints Commissioner shall vacate office—

- (a) at the expiration of the period specified in the instrument by which he or she was appointed;
- (b) if he or she resigns office by writing under his or her hand addressed to the Governor;
- (c) if he or she becomes a member of the Legislative Assembly or is appointed to hold or to act in any public office; or
- (d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of the office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

Functions of Complaints Commissioner

96.—(1) A Complaints Commissioner shall have such functions, powers and jurisdiction as may be prescribed by Ordinance.

(2) In the investigation of any complaint or other matter, a Complaints Commissioner shall not be subject to the direction or control of any other person or authority.

CHAPTER X MISCELLANEOUS

The Public Seal

97. The Governor shall cause to be kept and used a public seal for the Falkland Islands which shall be used for sealing all things that should pass the seal.

Reappointments and concurrent appointments

98.—(1) Where any person has vacated any office established by this Constitution he or she may, if qualified, again be appointed or elected to that office in accordance with this Constitution.

(2) Where this Constitution vests in any person or authority the power to make any appointment to any office, a person may be appointed to that office, even though some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of that office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred on the holder of that office, the person last appointed shall be deemed to be the sole holder of that office.

Resignations

99.—(1) Any person who is appointed or elected to any office established by or pursuant to this Constitution may resign from that office by writing under his or her hand addressed to the person or authority by whom he or she was appointed.

(2) The resignation of any person from any such office shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or any person authorised by that person or authority to receive it or when the resignation is expressed to take effect, whichever is the later.

Interpretation

100.—(1) In this Constitution, unless the context otherwise requires—

“Commander British Forces” means the Officer for the time being commanding Her Majesty’s Forces in the Falkland Islands;

“financial year” means any period of twelve months beginning on 1 July in any year or such other date as may be prescribed by Ordinance;

“the Gazette” means the Falkland Islands Government Gazette;

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

“the Governor”, in relation to any power conferred on the Governor, means the Governor acting in accordance with the advice of the Executive Council when the Governor has consulted the Council, except where this Constitution specifies that the Governor—

- (a) acts on instructions given by or through a Secretary of State; or
- (b) acts in his or her discretion or judgement; or
- (c) acts after consultation with, or in accordance with the advice of, any person or authority other than the Executive Council; or
- (d) may act against the advice of the Executive Council in accordance with section 67;

“law” means any law in force in the Falkland Islands or any part of them, including any instrument having the force of law and any unwritten rule of law, and “lawful” and “lawfully” shall be construed accordingly;

“the Legislature” means the Governor acting with the advice and consent of the Legislative Assembly and includes the Governor acting in exercise of the powers conferred on him or her by section 55;

“mineral” means any substance, other than water, and whether that substance is in a solid, liquid or gaseous form, which has been formed by or is subject to geological process and any naturally occurring inorganic substance beneath or at the surface of the earth, and whether or not any such substance is under water;

“oath” includes affirmation;

“oath of allegiance” means the oath of allegiance set out in Annex B to this Constitution;

“oath of office” means, in relation to any office, the oath for the due execution of that office set out in Annex B to this Constitution;

“oath of secrecy” means the oath of secrecy set out in Annex B to this Constitution;

“public office” means any office of emolument in the public service;

“public officer” means a person holding or acting in any public office:

“the public service” means, subject to subsections (2) and (3), the service of the Crown in a civil capacity in respect of the government of the Falkland Islands, and includes the Police Force and the Falkland Islands Defence Force;

“sitting” means, in relation to the Legislative Assembly, the period during which the Assembly is sitting continuously without adjournment and includes any period during which it is in committee.

(2) In this Constitution, unless the context otherwise requires, references to an office in the public service shall not be construed as including references to the office of—

- (a) an elected member of the Legislative Assembly;
- (b) a member of the Advisory Committee on the Prerogative of Mercy;
- (c) a judge or acting judge of the Supreme Court or of the Court of Appeal, or Senior Magistrate;
- (d) a member of the Public Accounts Committee;
- (e) a Complaints Commissioner;
- (f) save in so far as may be provided by Ordinance, a member of any council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law.

(3) For the purpose of this Constitution, a person shall not be regarded as holding an office by reason only of the fact that he or she is in receipt of a pension or other like allowance in respect of his or her former tenure of office.

(4) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his or her office shall be construed as including, to the extent of his or her authority, a reference to any person for the time being authorised to exercise the functions of that office.

(5) Except in the case where this Constitution provides for the holder of any office to be such person holding or acting in any other office as may for the time being be designated in that behalf by some other specified person or authority, no person may, without his or her consent, be nominated for election to any such office or be appointed to or to act in any such office or otherwise be selected for it.

(6) References in this Constitution to the power to remove a public officer from his or her office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service.

(7) Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his or her office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified by or under that law.

(8) Where this Constitution vests in any person or authority the power to appoint any person to act in or to exercise the functions of any office if the holder of that office is himself or herself unable to exercise those

functions, no such appointment shall be called in question on the grounds that the holder of the office was able to exercise those functions.

(9) Subject to sections 25, 66 and 67, where the Governor is directed by this Constitution to exercise any power or function after consultation with any person or authority, he or she shall not be obliged to exercise that power or function in accordance with the advice of that person or authority.

(10) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has exercised those functions in accordance with this Constitution or any other law.

(11) Without prejudice to section 14 of the Interpretation Act 1978(a), where any power is conferred by this Constitution to make any order, regulation or rule or give any direction or make any designation, the power shall be construed as including the power, exercisable in like manner and subject to the like conditions, if any, to amend or revoke any such order, regulation, rule, direction, or designation.

ANNEX A TO THE CONSTITUTION

RULES FOR THE ENACTMENT OF LAWS

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

2. All laws shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed a short indication of its contents.

3. All laws shall be numbered consecutively in a separate series for each year commencing in each year with the number one so that—

- (a) a law assented to by the Governor is included in the series for the year in which it is passed or deemed to have been passed by the Legislative Assembly; and its position in such series is determined by reference to the day on which the Governor gave his or her assent to it;
- (b) a law assented to by Her Majesty through a Secretary of State is included in the series for the year in which the Governor signified such assent by proclamation in the Gazette; and its position in such series is determined by reference to the day on which assent was so signified.

4. Copies of all laws shall be printed and each law shall bear the following—

- (a) in the case of a law assented to by the Governor, particulars of the date on which he or she gave such assent;
- (b) in the case of a law assented to by Her Majesty through a Secretary of State, particulars of the day on which the Governor signified such assent to it by proclamation in the Gazette;
- (c) particulars of the day on which the law was published in the Gazette; and
- (d) particulars of the day on which the law came into operation or, if that day shall not have been determined, a reference to the provision in the law or otherwise whereby it may be determined.

5. The Governor shall not, without having previously obtained instructions through a Secretary of State, assent to any Bill within any of the following classes, unless such Bill contains a clause suspending its operation until the signification of Her Majesty's pleasure on the Bill, that is to say—

- (a) any Bill whereby any grant of land or money, or other donation or gratuity may be made to the Governor;

(a) 1978 c.30.

- (b) any Bill affecting the currency of the Falkland Islands or relating to the issue of banknotes;
- (c) any Bill establishing any banking association or altering the constitution, rights or duties of any such association;
- (d) any Bill the provisions of which shall appear to the Governor to be inconsistent with obligations imposed on the United Kingdom by treaty;
- (e) any Bill affecting the discipline or control of Her Majesty's Forces by land, sea or air;
- (f) any Bill of an extraordinary nature and importance whereby Her Majesty's prerogative, or the rights of property of Her subjects not residing in the Falkland Islands, or the trade, transport or communications of any territory under Her Majesty's sovereignty may be prejudiced;
- (g) any Bill whereby persons of any community or religion may be subjected or made liable to disabilities or restrictions to which persons of other communities or religions are not also made liable, or become entitled to any privilege or advantage which is not conferred on persons of other communities or religions;
- (h) any Bill which makes provision for the holder of any public office to stand for election to the Legislative Assembly;
- (i) any Bill vesting in the Crown ownership of any minerals;
- (j) any Bill which determines or regulates the privileges, immunities or powers of the Legislative Assembly or of its members; or
- (k) any Bill containing provisions which have been disallowed;

but the Governor may, without such instructions as aforesaid and although the Bill contains no such clause as aforesaid, assent to any such Bill (except a Bill the provisions of which appear to the Governor to be inconsistent with obligations imposed on the United Kingdom by treaty) if the Governor shall have satisfied himself or herself that an urgent necessity exists requiring that the Bill be brought into immediate operation; but in any such case the Governor shall forthwith transmit a copy of the law to a Secretary of State together with his or her reasons for assenting to it.

6.—(1) Every Bill (not being a Government measure) intended to affect or benefit some particular person, association or corporate body, shall contain a clause saving the rights of Her Majesty, Her Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from or under them.

(2) No such Bill shall be introduced in the Legislative Assembly until due notice has been given by not less than three successive publications of the Bill in the Gazette; and the Governor shall not assent to the Bill in Her Majesty's name unless it has been so published; and a certificate under the hand of the Governor signifying that such publication has been made shall be transmitted to Her Majesty through a Secretary of State with the Bill.

7. When any law has been enacted, the Governor shall at the earliest convenient opportunity transmit through a Secretary of State, for the signification of Her Majesty's pleasure, a transcript in duplicate of the law duly authenticated under the public seal and by his or her own signature, together with an explanation of the reasons and occasion for the enactment of the law.

ANNEX B TO THE CONSTITUTION

OATHS AND AFFIRMATIONS

1. Oath (or affirmation) of allegiance

I,, do swear (or solemnly affirm) that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God. (To be omitted in affirmation)

2. Oath (or affirmation) for due execution of office

I,....., do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and the people of the Falkland Islands, and will uphold the Constitution and other laws in force in the Falkland Islands, in the office of (here insert description of the office). So help me God. (To be omitted in affirmation).

3. Oath (or affirmation) of Secrecy

I,.....,do swear (or solemnly affirm) that I will be a true and faithful Councillor and that I will not, except in the course of my duties as a Councillor or with the authority of the Governor, reveal the business or proceedings of the Executive Council at any meeting of the Council or the nature or contents of any document or any other matter communicated to me in my capacity as a Councillor or for the purposes of any such meeting. So help me God. (To be omitted in affirmation).

4. Judicial Oath (or affirmation)

I,....., do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (here insert description of the office) and will do right to all manner of people according to the Constitution and other laws in force in the Falkland Islands, without fear or favour, affection or ill will. So help me God. (To be omitted in affirmation).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a new Constitution of the Falkland Islands. The new Constitution sets out a modernised Chapter on fundamental rights and freedoms of the individual. It provides for a Governor as Her Majesty's representative in the Islands. It provides for a Legislative Assembly composed of eight elected and two *ex officio* members, and for an Executive Council composed of three of the elected members of the Assembly and two *ex officio* members. It also provides for finance, the public service, the administration of justice, and a Complaints Commissioner.

The Order revokes the Falkland Islands Constitution Order 1985 (as amended), to which the current Constitution is scheduled.

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**THE
FALKLAND ISLANDS GAZETTE**

Supplement

PUBLISHED BY AUTHORITY

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No.12

The following are published in this Supplement –

Coins Order 2008 (SR&O No 17 of 2008);

Immigration (Suspension of issue of Permanent Residence Permits)(No 2) Order 2008 (SR&O No 18 of 2008);

Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2008 (SR&O No 19 of 2008); and

Falklands Landholdings Corporation (Amendment) Ordinance 2008 (No 7 of 2008).

SUBSIDIARY LEGISLATION

CURRENCY

Coins Order 2008

S. R. & O. No: 17 of 2008

Made: 20 November 2008
Published: 30 November 2008
Coming into force: in accordance with article 2

IN EXERCISE of my powers under section 22 of the Currency Ordinance 1987 (Title 25.1), I make the following Order —

1. Title

This Order is the Coins Order 2008.

2. Commencement

This Order is deemed to have come into force in relation to the authorisation of the coins described in —

- (a) Schedule 1 on 1 September 2008; and
- (b) Schedules 2 and 3 on 9 June 2008.

3. New coins

(1) The minting and issue of the coins described and specified in the Schedules 1 to 3 are authorised.

(2) Schedules 1 to 3 specify —

- (a) the denomination, fineness, weight, diameter, quality, shape, edge and number of coins authorised by paragraph (1);
- (b) the tolerance or remedy which may be permitted in respect of variations from the standard weight, diameter and fineness of the coins; and
- (c) the design of the obverse and reverse of the coins.

4. Deemed denomination of Crown coins and their value as legal tender

For the purposes of the Ordinance —

(a) Cupro-nickel Crown coins and Sterling silver Crown coins authorised by this Order are deemed to be of 25 pence denomination;

(b) Gold one fifth Crown coins authorised by this Order are deemed to be of £1 denomination; and

(c) Gold one twenty-fifth Crown coins authorised by this Order are deemed to be of 20 pence denomination,

and those coins are legal tender in the Falkland Islands in the amount of their deemed denomination.

Made 20 November 2008

A. E Huckle,
Governor

SCHEDULE 1

Specifications of coins of the Falkland Islands: Port Louis 1833-2008 design

<i>Type</i>	<i>Cupro-nickel</i>	<i>Silver Proof</i>	<i>Gold Proof</i>	<i>Gold Proof</i>
<i>Denomination</i>	1 Crown	1 Crown	1/5 th Crown	1/25 th Crown
<i>Weight (grams)</i>	28.28	28.28	6.22	1.24
<i>Diameter (millimetres)</i>	38.60	38.60	22.00	13.92
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling silver	999.9 gold	999.9 gold
<i>Quality</i>	Brilliant uncirculated	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled
<i>Edition Limit for each reverse design</i>	Unlimited	10,000	2,000	5,000
<i>Mint</i>	Pobjoy Mint Ltd			
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.			
<i>Obverse design</i>	The uncouped portrait of Her Majesty the Queen by Ian Rank-Broadley surrounded by the inscription "QUEEN ELIZABETH II FALKLAND ISLANDS 2008".			
<i>Reverse design</i>	The design depicts an image of the raising of the British Flag at Port Louis with HMS Clio in the background. The wording '1833-PORT LOUIS-2008' appears in the surround and the denomination at the base.			

SCHEDULE 2

Specifications of coins of the Falkland Islands to commemorate the 70th Anniversary of the Spitfire

<i>Type</i>	<i>Cupro-nickel</i>	<i>Silver Proof</i>	<i>Gold Proof</i>	<i>Gold Proof</i>
<i>Denomination</i>	1 Crown	1 Crown	1/5 th Crown	1/25 th Crown
<i>Weight (grams)</i>	28.28	28.28	6.22	1.24
<i>Diameter(millimetres)</i>	38.60	38.60	22.00	13.92
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling silver	999.9 gold	999.9 gold
<i>Quality</i>	Brilliant uncirculated	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled
<i>Edition Limit for each reverse design</i>	Unlimited	10,000	2,000	5,000
<i>Mint</i>	Pobjoy Mint Ltd			
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.			
<i>Obverse design</i>	The uncouped portrait of Her Majesty the Queen by Ian Rank-Broadley surrounded by the inscription "QUEEN ELIZABETH II FALKLAND ISLANDS 2008".			
<i>Reverse design</i>	The design shows two X4619 Spitfire which were two of the ten Spitfires presented to the RAF by the Falkland Islands Government. At the bottom of the design St Paul's Cathedral emerges from the clouds, and barrage balloons appear in the sky protecting the City of London. The wording 'THE SPITFIRE' appears in the text and the denomination at the base.			

SCHEDULE 3

Specifications of coins of the Falkland Islands to commemorate the 90th Anniversary of the Royal Air Force

<i>Type</i>	<i>Cupro-nickel</i>	<i>Silver Proof</i>	<i>Gold Proof</i>	<i>Gold Proof</i>
<i>Denomination</i>	1 Crown	1 Crown	1/5 th Crown	1/25 th Crown
<i>Weight (grams)</i>	28.28	28.28	6.22	1.24
<i>Diameter (millimetres)</i>	38.60	38.60	22.00	13.92
<i>Fineness</i>	75% Cu 25% Ni	925 Sterling silver	999.9 gold	999.9 gold
<i>Quality</i>	Brilliant uncirculated	Proof	Proof	Proof
<i>Shape</i>	Round	Round	Round	Round
<i>Edge</i>	Milled	Milled	Milled	Milled
<i>Edition Limit for each reverse design</i>	Unlimited	10,000	2,000	5,000
<i>Mint</i>	Pobjoy Mint Ltd			
<i>Remedy</i>	Variations to be allowed of the tolerance permitted by the Pobjoy Mint Ltd.			
<i>Obverse design</i>	The uncouped portrait of Her Majesty the Queen by Ian Rank-Broadley surrounded by the inscription "QUEEN ELIZABETH II FALKLAND ISLANDS 2008".			
<i>Reverse design</i>	The design depicts three RAF aircraft connected with the Falkland Islands; the Supermarine Walrus (which arrived February 1942 in the Falklands), the Vulcan Bomber (which was involved in the Black buck raids and, thanks to public subscription, one has been renovated and will be flying again), and the Eurofighter Typhoon (which is due to replace the Tornados currently operating out of Mount Pleasant Airport). The wording '90 th ANNIVERSARY OF THE RAF' appears in the surround of the coin with the denomination at the base.			

SUBSIDIARY LEGISLATION

IMMIGRATION

Immigration (Suspension of Issue of Permanent Residence Permits)(No 2) Order 2008

S.R & O. No: 18 of 2008

Made: 21 November 2008

Published: 30 November 2008

Coming into force: 25 January 2009

IN EXERCISE of my powers under section 18A(1) of the Immigration Ordinance (Title 52.2), I make the following order —

1. Title

This order is the Immigration (Suspension of Issue of Permanent Residence Permits)(No 2) Order 2008.

2. Commencement

This order comes into force on 25 January 2009.

3. Suspension of issue of permanent residence permits

The operation of section 18 of the Immigration Ordinance is suspended from the date of commencement of this order until 31 March 2009.

Made 21 November 2008

A. E. Huckle,
Governor.

EXPLANATORY NOTE

(not forming part of the above order)

The operation of section 18 of the Immigration Ordinance, which provides for the issue of permanent residence permits, is suspended until 25 January 2009.

This order further suspends the operation of section 18 of the Immigration Ordinance until 31 March 2009.

SUBSIDIARY LEGISLATION

TAXATION

Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2008

S. R. & O. No: 19 of 2008

Made: 21 November 2008
Published: 30 November 2008
Coming into force: 1 January 2009

IN EXERCISE of my powers under section 9A of the Taxes and Duties (Special Exemptions) Ordinance 1987 (Title 69.2), I make the following order —

1. Title commencement

This order is the Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2008.

2. Commencement

This order comes into force on 1 January 2009.

3. Application and duration

(1) Subject to paragraph (2), this order exempts qualifying employees from liability (whether arising before or after this order comes into force) under any law of the Falkland Islands —

(a) to pay income tax in respect of earnings in relevant employment by a designated employer; and

(b) from liability under any such law to pay retirement pension contributions by reason of relevant employment.

(2) Nothing in this order confers any exemption from liability to pay income tax in relation to earnings after 31 December 2009 in relevant employment or confers any exemption from liability to pay retirement pension contributions by reason of relevant employment after that date.

4. Interpretation

In this order —

(a) a person is a qualifying employee in relation to any period of employment in which —

(i) the requirements of section 9A of the Ordinance are satisfied in relation to the person; and

- (ii) the person is in the employment of a designated employer;
- (b) “relevant employment” has the same meaning as it has under of section 9A of the Ordinance;
- (c) a person is employed by a designated employer if the person is employed by an employer specified in the Schedule to this order;
- (d) “retirement pension contributions” means contributions which an employee is required to pay under the provisions of the Retirement Pensions Ordinance 1996 (No 20 of 1996);
- (e) “earnings” has the same meaning as “relevant income” has under section 9A of the Ordinance;
- (f) “the Ordinance” means the Taxes and Duties (Special Exemptions) Ordinance 1987.

SCHEDULE

(Article 4(c))

Designated employers

Interserve Defence Limited
MPI Aviation Limited
Navy Army Airforce Institutes
Satec Limited
Serco Limited
Services Sound and Vision Corporation
Sodexo Defence Services Limited
Veritair Limited
VT Merlin Communications Limited

Made 21 November 2008

A. E. Huckle,
Governor.

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

Falklands Landholdings Corporation (Amendment) Ordinance 2008

(No: 7 of 2008)

ARRANGEMENT OF PROVISIONS

Section

1. Title
2. Commencement
3. Board of the Corporation

ELIZABETH II



FALKLAND ISLANDS

ALAN EDDEN HUCKLE,
Governor.

**FALKLANDS LANDHOLDINGS CORPORATION (AMENDMENT) ORDINANCE
2008**

(No: 7 of 2008)

(assented to: 25 November 2008)
(commencement: on publication)
(published: 30 November 2008)

AN ORDINANCE

To amend the Falklands Landholdings Corporation Ordinance (No 21 of 2000).

ENACTED by the Legislature of the Falkland Islands —

1. Title

(1) This Ordinance is the Falklands Landholdings Corporation (Amendment) Ordinance 2008.

(2) In this Ordinance the Falklands Landholdings Corporation (Amendment) Ordinance is called “the principal Ordinance”.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Board of the Corporation

Section 4(1)(f) of the principal Ordinance is repealed and the following is substituted —

“(f) two members of the public appointed by the Governor.”

Passed by the Legislature of the Falkland Islands on 14 November 2008.

C. ANDERSON-PRIOR M.B.E.,
Clerk of Councils.

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

C. ANDERSON-PRIOR M.B.E.,
Clerk of Councils.

Published by the Attorney General's Chambers, Cable Cottage, Stanley, Falkland Islands
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THE
FALKLAND ISLANDS GAZETTE

Supplement

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No. 13

The following is published in this Supplement –

Proclamation appointing day for the Constitution to have effect (Proclamation No 1 of 2008).

PROCLAMATION

**FALKLAND ISLANDS CONSTITUTION ORDER 2008
section 2(1)**

**PROCLAMATION APPOINTING DAY FOR
THE CONSTITUTION TO HAVE EFFECT**

(Proclamation No. 1 of 2008)

1. Section 2(1) of the Falkland Islands Constitution Order 2008 (SI No 2008/2846) allows the Governor to prescribe the appointed day by proclamation.
2. The appointed day is the day on which the Constitution in the Schedule to the Order will have effect.
3. I proclaim that the first day of January 2009 is the appointed day.

Stanley, Falkland Islands
8 December 2008

A. E. HUCKLE,
Governor

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